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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

## SENATE—Thursday, May 19, 2011

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Robert K. Schomp, transitional pastor of Bethany Christian Church in Tulsa, OK.

The guest Chaplain offered the following prayer:

Let us pray.

God of many names and faiths, we praise You for the freedom of religious expression which allows us to worship You in the temples, mosques, synagogues, and churches of our Nation. To You belong all realms, all power, and all glory. Yet in this Nation of immigrants, the United States of America, You have given us the freedom to establish our own government in order to defend and oversee the rights and welfare of our citizens.

Today, we pray for this august body, the U.S. Senate, whom we the people have chosen to share in the leadership of our country. We pray for Your assistance for these privileged women and men. Bless them with the stamina, the toughness, and the integrity to fight for what is right and honorable in Your sight. Instill in them the desire for unity within diversity, the will to overcome racism and bigotry, the courage to break down dividing walls of hostility, the ability to hear and respect the voices of those who disagree with them, and the determination to work with each other for justice, freedom, and peace. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 19, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### WELCOMING THE GUEST CHAPLAIN

Mr. REID. Mr. President, I see our esteemed Chaplain in the Chamber. We appreciate very much, every day, his prayer and the prayer this morning by our guest Chaplain, which was a very nice prayer, very thoughtful, and outlines what our country is all about. I appreciate that very much.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business until 11 a.m., with the majority controlling the first half and the Republicans controlling the final half. At 11 a.m., the Senate will be in executive session to consider the nomination of Goodwin Liu to be a U.S. circuit judge for the Ninth Circuit, with the time until 2 p.m. equally divided and controlled. At about 2 p.m., there will be a rollcall vote on the motion to invoke cloture on the Liu nomination.

### MEASURE PLACED ON THE CALENDAR—S. 1022

Mr. REID. Mr. President, S. 1022 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1022) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until December 31, 2014, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, will the Chair announce morning business, please.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator HATCH and I be able to speak in a colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### THE BUDGET

Mr. SESSIONS. Mr. President, the Congressional Budget Act requires that Congress pass a budget by April 15. The Republican House has passed its budget. They stated their financial vision for the future in America. The Democratic Senate, however, has not passed a budget in 750 days. It has been 750 days since we have had a budget that passed the Senate. This year they haven't even brought a budget forward to committee to begin to mark up a budget as specifically required by the same statute. They have not even put forward a plan.

The Democrats control the Senate. They campaigned for the majority and, as my wife says to me when I complain: You asked for the job. So we have the largest economy on Earth, and we are in the middle of a fiscal crisis. For the majority party to skip work on the Nation's budget is not something to be taken lightly.

I ask my good friend, the Senator from Utah, the ranking Republican on the Finance Committee, my former chairman in the Judiciary Committee, if the American people were polled, how many does the Senator think would say the Senate should not pass a budget?

Mr. HATCH. That is a good question. The distinguished ranking member of the Budget Committee has asked a fundamental question. The answer, to me, and I think everybody else, is as clear as a bell: The American people overwhelmingly expect the Senate to do the people's business. First, we have to get our fiscal house in order. The House has taken the first step. The folks in Utah have dealt with their family budgets, business budgets, and government budgets, and they rightly ask that the Senate do exactly the same.

Mr. SESSIONS. One reason it is so important to have an honest, open budget process is that budgets are so easy to manipulate and spend. The President, in proposing a budget sometime ago, said his budget called on America to live within its means and "not add more to the debt." That was the President's own statement. In fact, his budget doubles the debt in 10 years, producing annual deficits each year, the lowest of which never once fell below \$748 billion. In fact, that would average almost \$1 trillion a year and nowhere close to balancing.

The CBO found numerous gimmicks when they analyzed the President's plan. They found that it contained an-

other \$2.3 trillion in deficits. It increased the deficit. The President delivered a speech promising \$4 trillion in savings over 12 years. After his budget was ill-received by objective commentators all over the country, editorial boards, and in Congress, he made a speech and he promised \$4 trillion in savings over 12 years. But the committee analysts on our staff revealed that this so-called framework actually worsens the budget in relation to the CBO baseline.

Does the Senator from Utah believe the White House and the Democratic leaders in the Senate should produce an honest, concrete, fact-based budget on which we can rely?

Mr. HATCH. I sure do. They actually worsen the deficit by \$2.2 trillion in relation to the CBO baseline.

Until one sees the numbers in black and white, the budget is just talk. Democrats and Republicans have an obligation to produce fiscal blueprints in an intellectually honest, complete, and transparent fashion. The majority, the Democrats, have the responsibility to take the first step, and the Republicans have a responsibility to convey our fiscal blueprint through debate and amendments. That is the way this tradition has always been done. As the distinguished ranking member indicated, our side is ready to engage in this important debate and process, but it is hard to do it when they would not even put up a budget. They have not done that in the last couple of years. Without a budget, we don't have anything to debate and analyze.

Mr. SESSIONS. I ask Senator HATCH, for the people who may not understand, it is the chairman's responsibility to call a hearing and to begin a markup, and the minority is not able to call the committee into effect. So we do have to look to the chairman, and probably the chairman would operate in relation to the majority leader to call the committee into session; is that right?

Mr. HATCH. There is no question about it. The chairman has the responsibility for holding hearings that lead up to a budget resolution, the structure of the budget resolution, in accordance with his party's belief, it seems to me, and then bringing it up in committee where both sides can argue about it and both sides have the right to amend and improve it. Then they can bring it to the Senate floor. But they don't do that. Then they wonder why we are in such fiscal difficulties.

I know the distinguished Senator from Alabama understands this fully as the ranking member on the Budget Committee. Having also been chairman of the Judiciary Committee, frankly, I am concerned about it—and I think everybody is concerned—because they don't want to come up with a budget, and there may be invalid reasons for that.

Mr. SESSIONS. The budget is fundamentally a plan, a vision for the financial future of America. It is astounding that the party in the majority is not even prepared to say to the American people—

Mr. HATCH. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. HATCH. There is nothing more important in our lives now than coming up with a budget that would put us on a downward trend for spending. We are spending around 69 percent of the GDP. Our national debt of \$14.3 trillion is 90 percent of the GDP. We are headed toward 90 percent of GDP of spending. If we get there, this country will have difficulties that will be difficult to overcome. That is where we are headed, especially if we don't have a budget to debate on the floor of the Senate.

Mr. SESSIONS. I couldn't agree more. When the President submitted his budget, Mr. Erskine Bowles, whom the President asked to chair the fiscal commission that was supposed to come up with a plan to help us get out of this fix, said the President's budget is nowhere close to what is necessary to avoid our fiscal nightmare. That is what the co-chair of the President's commission said.

So now we are looking to Congress. That is the President's proposal, but the Senate has to move forward a proposal. We cannot even go to conference and begin to work out a budget that both Houses can agree on until the Senate moves a budget forward.

Mr. HATCH. That is right. I think the distinguished chairman of the Budget Committee, Senator CONRAD, wants to do it. But in their caucus they cannot get together because they all want to spend and tax more. They want to keep spending and taxing the way they have in the past. It is clear we cannot keep doing that.

Mr. SESSIONS. I agree. As a matter of fact, we have heard reports that the Democratic caucus is debating a budget in closed door caucus meetings, and they have done that at least twice. This is now 6 weeks after the committee deadline to bring forward a budget has passed.

These reports indicate that in order to oblige the Senate's leading progressive, the Senator from Vermont, Senator CONRAD has moved his budget further to the left, I think, than he probably desires. So we are told this budget now has more taxes than savings—raising taxes \$2 trillion and possibly even \$2.7 trillion, while cutting just \$1.5 trillion in spending over 10 years. We will have to see it to know for sure. All we are hearing is news reports at this point.

Even the President, in his speech, called for \$3 in spending cuts for every \$1 in tax increases. Our analysis of his speech shows he did not do that. But that is what he said is the right approach.

As a ranking Republican on the Finance Committee, what are the Senator's thoughts about how steep tax hikes would affect the economy? Would it be better to cut wasteful Washington spending or to raise taxes and continue the spending spree we have been on?

Mr. HATCH. That is a good question. I tell my friend from Alabama that it amazes me how much our friends on the other side are hard wired to increase taxes.

As the ranking member knows, if current tax policy is left in place, including today's low rates, family tax relief and the alternative minimum tax patch, the Congressional Budget Office tells us revenues will trend to the historic average of 18 percent of GDP. The President moves revenues up to record highs as a percentage of GDP. Last year it was about 25.3 percent. The last time we had that was in 1945, at the end of the Second World War, at the height of it.

Now, the tax increases contemplated by the President's budget will mean half of the small business flow-through income will be hit with a marginal tax rate of 17 to 24 percent on top of the regular tax rate. Democrats and Republicans agree the small business sector is the key to job creation. Seventy percent of the jobs are created by small businesses. The top marginal rate on capital gains income will rise to 59 percent in a little over 18 months under the President's budget. That will drive down aftertax rates of return on investments.

Is that policy a path to recovery? I don't think so. I don't think anybody else who looks at it with any degree of intelligence thinks so. That is another reason we need to engage in the budget process in the committee, and I have to say that I am appreciative of my friend's leadership on that committee. He will have to lead our side, but it is hard to lead when you don't have anything to lead on.

Mr. SESSIONS. Well, we cannot even have a discussion if a budget isn't brought up.

I just had occasion to meet with the Finance Minister from Canada, and he told me they are bringing their corporate tax rate down to 15 percent or below. We are at 35 percent. We have the second highest corporate tax rate in the world. Wouldn't it be nice if we can tax more and get some more money? But as the Senator knows from his experience, if we have too high of tax rates, it drives investment out of America, drives jobs out of America, and companies are liable to want to move to Canada where they pay less taxes, creating jobs for them and not us.

So there is a danger, is there not, economically?

Mr. HATCH. Of course.

Mr. SESSIONS. There is a danger economically, is there not, and a dan-

ger to growth, which we need desperately, if we keep raising taxes.

Mr. HATCH. Our corporate rate is 35 percent. That is the highest in the world, other than Japan's. It is causing a lot of corporations to leave our country. In the 1970s, 39 of the top 50 multinational corporations in the world were based in the United States. Today there are only 16—that was the last figure I heard—which is low. The reason is we are taxing them to death, and we have a lot of other screwy tax aspects that don't work. We can solve all these problems if we just get a decent budget and work to bring spending under control and get on a downward trend with regard to spending.

I have to say, we cannot do it without budget debates and balance. Our friends on the other side don't seem to be able to get their caucus together and allow the chairman to come up with a budget on time, in a way that will help us debate this matter and, hopefully, resolve it on the Senate floor.

Mr. SESSIONS. I think the Senator is right. This Senate is filled with remarkable people, but I think our colleagues on the other side are paralyzed, frankly, by the challenge of putting a plan on paper that can actually be examined, the numbers calculated, and ideas confronted. I think their problem is they are not able to produce a budget their caucus will support, that the American people will support, and that would actually get the job done. That is a difficult challenge. But if you want to be a leader, you have to meet that challenge.

Mr. HATCH. My friend from Alabama, as he always does, has arrived precisely at the critical point. We need a fiscal policy that is balanced. Its remedies must respond to the causes of our current fiscal calamity. In the most recent fiscal year, spending hit, as I said, over 25 percent of GDP. That figure is easily more than 20 percent above the historical average.

It is unbelievable we are spending that much. Spending is fueling the deficits we are facing. The President's budget reaches into the American people's pocketbooks with taxes trending at or near historic highs in an anemic effort to close the gap. The other side of the ledger, spending, is not dented. It remains far above any reasonable historic average. Nobody can refute that fact. These are facts. I am concerned about it. I will tell my colleague that.

Mr. SESSIONS. Democratic leaders and the President talk a lot about a balanced approach to reducing our deficit. We believe in that approach. The Senator from Utah has indicated that. But I ask the Senator, what is the more balanced approach? Is the plan that hikes taxes and grows the government or a plan that controls Washington spending and shifts the balance back to everyday Americans?

Mr. HATCH. The ranking member, my friend from Alabama, summed up the fiscal predicament perfectly. It comes down to a lack of balance. Our friends on the other side simply cannot agree among themselves at this time, and the reason they cannot agree is, most of them are looking to the revenue side of the ledger to resolve what is a spending problem.

The Finance Committee has jurisdiction over 50 percent of Federal spending, and that will trend to 60 percent shortly. It has jurisdiction over nearly all revenues. As a member of the Finance Committee and ranking member, I fail to see how a tax-increase-driven budget can be advanced in the Finance Committee on a bipartisan basis. I am keenly interested in how the Budget Committee will come down on the biggest policy question of our time.

I am pleased to have the advice and counsel of my friend from Alabama as that process moves forward. I would like to have the advice and counsel of the distinguished Budget Committee chairman, but he cannot get his side to do what is reasonable; that is, bring down spending. That is what we have to do. We are taxing enough. We are spending us into oblivion, and that is the problem.

Mr. SESSIONS. This is true. It is dangerous to our country. We have gone 750 days without passing a budget in the Senate. I do believe if we took a poll of the American people, what percentage would one get if they were asked: Should the Congress of the United States, particularly at a time of great financial danger, have a budget? We will not have a budget unless the Senate acts.

It is a question both of philosophy and economics. Philosophically, the American people do not want Washington to hike taxes on millions of Americans in order to fund its wasteful spending spree. Economically, the evidence shows cutting spending—not raising taxes—and we have done a number of studies on this—is the approach that consistently produces the best results time and time again.

We need a budget based on facts. We need a budget to grow the economy, not the government. We need a budget that imposes real spending discipline on Washington. We need a budget without gimmicks or empty promises. We need a budget that is produced publicly and openly, allowing the American people full opportunity to see what is in it and to consider it. We need a budget that the American people deserve, an honest budget that spares our children from both the growing burden of debt and the growing burden of big government. We need a budget that ensures America will compete, creating jobs, lead, and thrive in the 21st century.

Mr. HATCH. I thank my colleague. He sums it up pretty well, is all I can say. For our children, grandchildren,

and great-grandchildren, we need to get this done. Frankly, it ought to be done in the Budget Committee and not by rule XIV on the floor. The reason it should be done in the Budget Committee is because I know the minority will weigh in and at least have their viewpoints expressed. There will be amendments, and people can vote up or down on whatever it is. Then they can bring it to the floor, and we should have a complete consideration of it here as well. That is the way it ought to be done.

As a former member of the Budget Committee, I have to admit it is a difficult process, but it is not difficult if we all work together to get spending under control and quit taxing the American people to death. We can do this if we work together.

I hate to say it, but I think our friends on the other side are not working together in their own caucus. The distinguished Senator from Alabama has pointed that out—I think courteously—today. I hope they will get together, even though I am pretty sure they are going to come up with a budget that continues to spend and tax such as we have had in the past. I hope they do not. If they do not, I think the American people will breathe a sigh of relief and say they did a good job. If they do, I think it will be more of the same.

Mr. SESSIONS. I thank Senator HATCH. I have enjoyed sharing these thoughts. I will note again that we are looking at a period in history in which our systemic debt problem is greater, I believe, than any time in our history. World War II was serious, but we could see our way out of it as soon as that war was over, and we bounced back rapidly.

Every expert tells us it is not going to be easy to bounce back out of the systemic problems we have. We need to have leadership. To have gone this long, 750 days without a budget in the Senate. Last year we did not pass a budget, and there were 59 Democrats in the Senate.

One may say: Don't be so partisan, Senator SESSIONS. We are calling their names this morning. We like our colleagues, but the truth is, when you have the majority, you have a responsibility. The responsibility at this point in history could not be greater than to produce a blueprint, a plan for the future, such as the House has done, that the American people can see: Does that solve our problems? Does it put us on the right path? I think the House bill does.

We have yet to see anything out of the Senate that does. It is our responsibility in this body to pass legislation, because if we do not, we cannot conference with the House, and we can never get a budget passed.

I thank Senator HATCH. I look forward to working with our colleagues.

Maybe we can somehow break this logjam. The American people have a right to watch us and not be happy when we are not doing the kind of work necessary to put this country on a sound financial path.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Is it time to move to the Liu nomination?

The ACTING PRESIDENT pro tempore. Not until 11 o'clock. There are a few minutes remaining.

Mr. HATCH. Mr. President, I ask unanimous consent to move to the nomination, if the leader has no objection, so I may give my opening remarks.

I withdraw my unanimous consent request and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum, and I ask that the time be divided equally.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF GOODWIN LIU TO BE A U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume the following nomination, which the clerk will report.

The bill clerk read the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 2

p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from California.

Mrs. BOXER. Mr. President, I am very honored to speak in favor of the Goodwin Liu nomination and to urge my colleagues on both sides of the aisle to cast a proud vote for an extraordinary person, a remarkable young man who, for want of a better word, is just a star in everything he has ever done.

This is a picture of Goodwin. To say Goodwin personifies the dream of America is an understatement. To say this is a good nomination understates the way I feel about it. I thank the President for moving forward with Goodwin on two occasions, two nominations—or three times. I thank the Judiciary Committee for reporting him out on more than one occasion. Of course, I thank Senators LEAHY and REID and FEINSTEIN for their hard work in getting us to this point.

It is rather stunning for me to hear conservative Republicans come to the floor and blast this nominee because Goodwin Liu, Professor Liu has support from some of the most conservative legal minds in the country. Ken Starr, who, as we all know, was the special counsel on the White Water matter and who was considered at that time quite partisan and was one of the conservative, I think—I want to say stars of their thought, said:

In our view—

And he writes this with Professor Amar, and this was published.

In our view, the traits that should weigh most heavily in the evaluation of an extraordinarily qualified nominee such as Goodwin are professional integrity and the ability to discharge faithfully an abiding duty to follow the law. Because Goodwin possesses those qualities to the highest degree, we are confident that he will serve on the Court of Appeals not only fairly and competently, but with great distinction. We support and urge his speedy confirmation.

This is Kenneth Starr.

So I say to my Republican conservative friends, before you come here and start attacking Goodwin Liu for things he has never done, read what some of your conservative leaders in the legal profession are saying.

Just today in Politico there is yet another op-ed written by the chief White House ethics lawyer under George W. Bush for 2½ years, Richard Painter, a Republican serving a Republican administration. This is what he said:

All that is required is for Senate Republicans to practice what they preached for so long under Bush. Give Liu an up-or-down vote rather than a filibuster.

Well, we are facing a filibuster. I want the American people to know—and everyone who is supporting Goodwin Liu and everyone who supports giving young, extremely talented people a chance to prove their mettle—



that this is someone who has been a star his whole life, someone who caught the dream. Give this man a chance. Don't filibuster this. Let's have an up-or-down vote.

I think the ramifications—and I feel very strongly about this. I don't say this very often on the floor. I think the ramifications of this filibuster are going to be long and difficult for those who caused this good man to be filibustered, unless, of course, we get the 60 votes we need. Why do I think that? I am going to tell my colleagues why I think that. I am going to spend the next few minutes talking about Goodwin and telling my colleagues about his life and his achievements and his amazing recognition by so many in his short 40 years. Goodwin Liu has been extremely successful at each stage of his academic and professional career. He has reached for the stars, and he has grabbed them.

He was the covaldictorian and captain of his tennis team in high school. Let's start with Goodwin in high school. He was born to Taiwanese immigrants who are both physicians, they moved to Sacramento, and they were quite an influence on Goodwin. They used to leave out math problems for him to solve even after he finished his homework. They said to Goodwin: You work hard and you can get what you want. They forgot to mention there is a filibuster that could interfere, but let's not go there because we certainly hope we get the 60 votes.

So it starts in high school where we have a covaldictorian, a captain of the tennis team at Rio Americano High School in Sacramento. Then he goes to Stanford, where he graduates Phi Beta Kappa—a very big honor—from Stanford. While he is at Stanford, he is elected copresident of the student body. He receives an award called the Lloyd Dinkelspiel Award. It is the university's highest honor for outstanding service to undergraduate education.

So in high school, he is a star. He is a star at Stanford. Then he goes to Oxford University, where he was a Rhodes Scholar, which is considered one of the most prestigious academic accomplishments.

Following his time at Oxford, he decides to attend law school at Yale University. Once again, Goodwin goes to Yale and he is a star. He was an editor of the Law Journal. Along with a classmate, he won the law school's moot court competition. He wrote an article during his third year of law school that won two awards, one for best paper by a third-year law student and another for the best paper on taxation.

He had such a distinguished record in law school that it earned him a clerkship with Judge David Tatel of the U.S. Court of Appeals for the District of Columbia, and then he does so well there that he serves in one of the most prestigious clerkships in the country—a

law clerk to Justice Ruth Bader Ginsburg on the U.S. Supreme Court.

I say to my Republican colleagues, what are you thinking? We should thank Goodwin for being willing to continue his life of public service. We should be praising his decision to put up with all of this confirmation process. Instead, they have given him a horrible time, an awful time, a miserable time. I said yesterday on the floor while addressing his wife and his kids: You be proud of your dad and you be proud of your husband, because I say this: If he doesn't get this, it is about politics. It says more about the people here in this place than it does about Goodwin. Throughout this period they have made all these attacks on him, all these ideological attacks, frankly, on someone they made him become.

This is a man with huge support from conservatives, moderates, and liberals. He brings people together because of his personality, his kindness, how intelligent he is, how he listens to people. That is what people tell us about him. Yet, still he has been viciously attacked, and we see politics being played.

This will not be lost on the American people, I will tell my colleagues that right now, because this isn't just some guy whom the President bumped into one day and said: I think you would be good on the court. This is an extraordinary American who has fought so hard in every job he ever had to be the best, to bring the best qualities to his work. That is why he has won the support of former Bush officials and Kenneth Starr, the conservatives I know support Goodwin. But it is not good enough for the politics that are being played around here, and this is not going to go down easy if he doesn't get his up-or-down vote. This is not going to go down easy. I have had experience in this political world for a long time. I won 11 straight elections. They have all been really—not all but most of them—very hard. I know when there is an issue that touches the heart, and I know when there is a person who comes along who deserves better than what Goodwin Liu is getting from the Republicans. I am speaking of the Republicans here in this Chamber, not the Republicans outside.

Let me read what Kenneth Starr said about this man. Let me read it again to my colleagues.

The traits that should weigh most heavily in the evaluation of an extraordinarily qualified nominee such as Goodwin are professional integrity and the ability to discharge faithfully an abiding duty to follow the law. Because Goodwin possesses those qualities to the highest degree, we are confident that he will serve on the Court of Appeals not only fairly and competently, but with great distinction. We support and urge his speedy confirmation.

That was Kenneth Starr. Well, Kenneth Starr's Republican friends are not listening. "Speedy confirmation." This

is an emergency vacancy. This is an emergency because they need to fill this position. What they are doing by playing politics with this is making sure the people of this country—because the Ninth Circuit is a very important circuit—will not get justice, unless they change their minds and come to their senses and do what they said they would do.

I won't quote who said these things, but I have heard many on the other side say: Oh, we don't want to filibuster judges. Let them get an up-or-down vote. Then we hear they are not going to vote to give Goodwin an up-or-down vote. What is the reason? There is no reason. Nobody can find a more qualified person. What is the message to the people in this country when we have someone who was a star in high school, a star in college, a star in law school, a star in everything he did, a law clerk?

Now, he gave a lot of his life to public service in the Corporation for National Service, where he helped launch the AmeriCorps public service program. As a senior adviser in the program, he led the agency's efforts to build the AmeriCorps program at colleges and universities across this country.

Between his clerkships, Goodwin returned to government service as a Special Assistant to the Deputy Secretary of Education.

He won praise from Republicans, from Democrats, from conservatives, from liberals, from moderates in every position he ever held until he got to this Senate floor, where the conservative Republicans turned their backs on Kenneth Starr, turned their backs on Bush administration lawyers, turned their backs on the facts of Goodwin Liu's life for some agenda. I am telling you, this will not go down easy for them. This will not go down easy.

Goodwin served in the private sector. He worked for a very well respected law firm, O'Melveny & Myers. He worked on a wide ring of matters from antitrust to white-collar crime. He also maintained an active pro bono practice—pro bono. He did things for free to help people who needed his help.

Walter Dellinger of O'Melveny said Goodwin was "widely respected in law practice and for his superb legal ability, his sound judgment, and his warm collegiality."

Well, let me tell you, the kind of treatment he is getting here is far from warm. It is cold. It is wrong. It is harsh.

I want to read again what Kenneth Starr said. This is the third time. Kenneth Starr—you cannot get more conservative.

The traits that should weigh most heavily in the evaluation of an extraordinarily qualified nominee such as Goodwin are professional integrity and the ability to discharge

faithfully an abiding duty to follow the law. Because Goodwin possesses those qualities to the highest degree, we are confident that he will serve on the court of appeals not only fairly and competently, but with great distinction. We support and urge his speedy confirmation.

Kenneth Starr.

Again, today, in an op-ed piece in *Politico*, George W. Bush's White House ethics lawyer said:

All that is required is for Senate Republicans to practice what they preached . . . : Give Liu an up or down vote rather than a filibuster.

But, no, we are facing a filibuster against someone who is a star. So as we follow Goodwin's career—star in high school, star in college, star in law school—everywhere he goes he is recognized.

In 2003 he joined UC Berkeley's faculty as a law professor where he has excelled as a scholar and a teacher. He is considered in this Nation one of the leading constitutional law and education law experts—but not in this Chamber. What do they want from a nominee—backing from conservatives, backing from liberals, backing from the mainstream?

His article on education law issues won the Education Law Association's award for distinguished scholarship in 2006.

He received the Distinguished Teaching Award in 2009, the university's most prestigious award.

I have never—let me say this: I have seen some wonderful people come to this floor for confirmation, Democrats and Republicans. I have seen qualifications. I have voted for Republican judges, for Democratic judges. Honest to God, it is hard for me to recall someone who, at every stage of his life—and he is only 40 years old—has been able to achieve such excellence.

What is the message coming from this body if we do not give this man an up-or-down vote? I am telling you, it will go down hard.

The American Bar Association gave him the highest rating—the highest rating—and yet we are facing a filibuster.

The Goldwater Institute—everybody knows Barry Goldwater, idol of conservatives—the director of the conservative Goldwater Institute endorsed Goodwin Liu. But that is not good enough for my Republican friends. They said they are endorsing him because of his “fresh, independent thinking and intellectual honesty.” But that is not enough for my friends on the other side. They said they were endorsing him also because of his “scholarly credentials and experience to serve with distinction on this important court.”

So we have heard from Kenneth Starr, a conservative icon. We have heard from George Bush's White House ethics lawyer for 2½ years, Richard Painter. He wrote today. Let's see what

else Richard Painter wrote about Goodwin. These supporters of Goodwin's are passionate. That is why I say this is going to go down hard if we do not get this cloture vote. This is interesting. He writes:

I've done my share of vetting judicial candidates and fighting the confirmation wars. I didn't know much about Liu before his nomination to the Ninth Circuit. But I became intrigued by the attention the nomination generated, and I wondered if his Republican critics were deploying the same tactics the Democrats had used [against] Republican nominees. They were. If anything, the attacks on Liu have been even more unfair. . . .

More unfair.

Based on my own review of his record, I believe it's not a close question that Liu is an outstanding nominee whose views fall well within the legal mainstream. That conclusion is shared by leading conservatives who are familiar with Liu's record.

That is not good enough for my friends on the other side. Well, I will give them another quote.

Former Republican Congressman Bob Barr has also offered praise of Professor Liu's “commitment to the Constitution and to a fair criminal justice system,” as he puts it. He noted:

[Liu's] views are shared by many scholars, lawyers and public officials from across the ideological spectrum.

But Bob Barr's opinion is not good enough for my friends on the other side.

I am even going to read a quote from a former Congressman who tried to get the Republican nomination twice to run against me, Tom Campbell. He and I have had a couple of disagreements, but not on Goodwin. Tom Campbell, who served 9 years as a Republican Congressman from California, said:

Goodwin will bring scholarly distinction and a strong reputation for integrity, fairness and collegiality to the Ninth Circuit.

Reflecting on Liu's many years of work in serving the public interest, Campbell also said:

I am not surprised that [Liu] has again been called to public service.

So it goes on and on. I will give you another Republican. Brian Jones, who served as the general counsel at the Department of Education from 2001 to 2005 under George W. Bush, after Liu's tenure there, this is what he said about Goodwin that speaks to the heart and soul of this good human being:

During [2001 and 2002], and even after he became a law professor in 2003, [Goodwin] volunteered his time and expertise on several occasions to help me and my staff sort through legal issues. . . . In those interactions, Goodwin's efforts were models of bipartisan cooperation.

Listen:

In those interactions, Goodwin's efforts were models of bipartisan cooperation.

He brought useful knowledge and careful lawyerly perspectives that helped our administration to achieve its goals.

And he says:

I am convinced, based on his record and my own experiences with him, that he is thoughtful, fair-minded and well-qualified to be an appellate judge.

Well, all those wonderful letters—and let me thank everyone who is engaged in this battle, from Kenneth Starr to the Goldwater Institute, and all the conservatives who have gotten involved in this campaign on Goodwin's side and all the liberals and all the moderates.

Here is a man whose family came from Taiwan. They taught him every value of family. Goodwin has a beautiful family. They taught him every value of hard work, every value of education, every value of fairness and justice. Why we would not give this man an up-or-down vote—that is all we are asking. No, they bring out the filibuster, and it is going to go down hard if this man does not get this opportunity.

So, Mr. President, this has been an honor for me to stand here for 2 days to lay out the strong support that Goodwin Liu has, not just from the two home State Senators—and let's keep that one in mind, Senators. When you and your colleague in your State are backing a nominee, just keep in mind, do not ever tell us, well, that does not matter because it should matter. He has strong support from the two home State Senators, strong support across the political spectrum, strong support by community organizations.

In closing, let me say this: Diversity is important on the bench. Why do I say that? I say that because America, we are a melting pot, and we are proud of this American dream. But if our court does not reflect this diversity, it could still be fair, it could still be just, but not as good as if we have a diversity of thought and ethnic diversity.

The Ninth Circuit—this is interesting. The Ninth Circuit covers an area where 40 percent of Asian Americans live. Forty percent of Asian Americans live within the Ninth Circuit boundaries, and we do not have an Asian American judge.

Is the Asian American community excited about this nomination? Absolutely. Whether they are Republicans—and many of them are—whether they are Democrats—and many of them are. I think it is almost like a 50-50 split in the Asian American community.

Well, pay attention to this. This is a moment. It should be a moment of great celebration. I am fearful—I am fearful—it might not be, but I am forever hopeful that it will be. If people listen, and they see the breadth of support for this man, and they take politics out of the equation and ideology out of the equation, they will vote for ending this filibuster, and they will vote for Goodwin.

I yield the floor.

Mr. HATCH. Mr. President, I rise in strong opposition to the nomination of

Goodwin Liu to the U.S. Court of Appeals for the Ninth Circuit.

As he said at the first hearing before the Judiciary Committee, his record is public, and he has written what he has written; he has said what he has said.

That record is what we have to go on, the basis on which we have to make a decision about his nomination to the Federal bench or his confirmation by the Senate.

Professor Liu's record endorses a powerful judiciary that can take control of the law in general and of the Constitution in particular. His activist judicial philosophy is fundamentally at odds with the principles on which our system of government is based.

I examine a judicial nominee's entire record to determine if he is qualified by legal experience and, even more important, by judicial philosophy.

As to Professor Liu's legal experience, I know the ABA has rated him unanimously "well qualified." That is more than a little baffling since the ABA's own criteria state the nominee should have at least 12 years of actual law and practice and substantial trial experience as a lawyer or trial judge. So it is a little bit more than baffling. Professor Liu has none of that. None of the actual law practice and substantial trial experience as a lawyer—none. Suffice it to say that understanding the mysteries of the ABA's judicial nominee ratings has eluded me for many years. Sometimes they do a great job. A lot of times they do not and politics enter in.

The more important qualification for judicial service is the nominee's judicial philosophy and his understanding of the power and the proper role of government in our system of government. Professor Liu has been unequivocal about his views on this issue, writing and speaking directly about how judges should go about judging. He has written and spoken extensively about how judges should interpret and apply the law, especially the Constitution, to decide cases.

The debate about judicial philosophy comes down to this. We can all read what the Constitution says. The real question is what the Constitution means, where the meaning of its words properly may be found. The debate is about who gets the final say on what the Constitution means, the people or the judges.

America's founders clearly took the people's side in this debate. In his farewell address in 1796, President George Washington said that the very basis of our political system is that the people control the Constitution. He said until the people change the Constitution, it is sacredly obligatory upon all. That certainly includes, in fact that primarily includes, government because that is what the Constitution exists to do, to both empower and to limit government.

The Constitution cannot limit government if it cannot limit judges and it cannot limit judges if they control what the Constitution means. The Constitution belongs to the people, not to judges.

President Obama takes the opposite view. When he was a Senator and opposed the nomination of Chief Justice John Roberts, one of the greatest appellate lawyers in the history of the country—he said that judges decide cases based on their deepest values and core concerns, their perspective on how the world works, their empathy, and what is in their heart. That is what then-Senator Obama said.

As a Presidential candidate he made the same case to the Planned Parenthood Action Fund and said these were the criteria by which he would pick judges.

President Obama certainly kept that campaign promise in the person of Professor Goodwin Liu. Professor Liu has written that judges are literally on a search for new constitutional meaning. In article after article, in speech after speech, he argues that judges on this quest for new constitutional meaning may find it in such things as the concerns, conditions, and evolving norms of society; social movements and practices; and shifting cultural understandings. No matter how you cut it, these are simply alternative ways of saying the Constitution means whatever judges say it means. This is a blueprint for a judiciary that controls the Constitution.

Professor Liu's approach treats the Constitution as if it were written in some kind of code or disappearing ink and treats judges as the only ones who have the key to figuring it out.

Professor Liu, of course, is hardly the only one to make this argument. It is pretty standard fare for those who want our Constitution to say and mean something other than what it does. When these folks want government to have power the real Constitution denies, they urge judges to change the Constitution's meaning to be what they want. When these folks do not want government to have power the real Constitution allows, they urge judges to make up so-called rights that are not there at all.

Whether seeking liberal or conservative political results, this is real judicial activism: judges taking control of our law by taking control of its meaning; judges remaking the Constitution in their own image. In my 35 years of actively participating in the judicial confirmation process, I don't recall someone who more forcefully and directly advocated such an activist judiciary.

In a 2008 article published in the *Stanford Law Review*, for example, Professor Liu argued that the judiciary is "a culturally situated interpreter of social meaning."

That would be a surprise to America's founders, who had a much more pedestrian view of the judiciary, which Alexander Hamilton described as the weakest and least dangerous branch.

Thomas Jefferson warned that if judges could control the Constitution's meaning it would be nothing but a lump of wax that judges could twist and shape into any form they please. There is no room in this modest judicial role for something as grand as interpreting social meaning.

I grant that there are individuals or institutions in our society that should play this role. I think elected representative bodies, such as the one in which I am proud to serve, should play this role. But the last body of people in our society who should play this role of culturally interpreting social meaning are judges in whose hands is placed the interpretation and application of the supreme law of the land.

I, for one, did not take an oath to support and defend a judge's empathy or perspective on how the world works, whether that judge is liberal or conservative. I did not take an oath to support and defend a judge's view of evolving social norms or shifting cultural understandings. I took an oath to support and defend the Constitution of the United States, a document that belongs, in its words and its meaning, to the people of the United States. The Constitution I have sworn to support and defend places limits on government, including limits on the judiciary and the people alone have authority to change those limits.

Professor Liu advocated an activist judiciary before he had been nominated to the judiciary, but when he came before the Judiciary Committee in each of two hearings he painted a very different picture. Before his nomination, for example, he wrote in the *Stanford Law Review* that judges must determine "whether our collective values on a given issue have converged to a degree that they can be persuasively crystallized and credibly absorbed into legal doctrine." After his nomination he told the Judiciary Committee that there is no room for judges to invent or create new theories.

Now it is anybody's guess what all of that collective value convergence and credible crystallization means. But if that is not a new theory, I don't know what it is.

Before his nomination, Professor Liu wrote directly and forcefully about where judges should look for the meaning of the Constitution. He made a career of it, received awards for it, and became one of the stars of the leftwing legal universe. After his nomination when I raised some of his controversial writings at his first hearing, Professor Liu told me "whatever I may have written in the books and articles would have no bearing on my role as a judge."

At the end of that same hearing last year, Professor Liu told one of my

committee colleagues that “as you look across my entire record, there are many things I think relevant to the kind of judge I would be.”

Which is it? Before he wants to be a judge he argues that judges can find new meaning for the Constitution in changing cultural understanding and evolving social norms. After he wants to become a judge he tells critics to ignore that record but tells supporters to consider that record. This has been about the most stunning confirmation conversion I have seen in all my time in the Senate.

In closing, the fight over judicial nominees is a fight over judicial power. Judges must either take the law as they find it, as the people and their elected representatives make it, or judges may make the law into whatever they want it to be. Those are the two choices. Our liberty requires that people to whom the Constitution belongs alone have the authority to change it. Our liberty requires judges who will be controlled by that Constitution.

President Obama and Professor Liu instead advocate a judiciary able to control the Constitution, to change the Constitution, to literally create from scratch a new Constitution. That will destroy our liberty.

When I look at Professor Liu's record I see he consistently and strongly advocates an approach that allows judges to find the meaning of the Constitution virtually anywhere they want to. That is the opposite of the defined, limited role judges properly have in our system of government. I cannot support someone for appointment to the Federal bench, especially to what is already the most activist circuit in the country, who believes judges should have that much power.

The Ninth Circuit Court of Appeals is indeed the most activist court in the country. It is a court that ignores the law consistently—or at least some of the judges on that court. Judge Reinhardt, who is a brilliant man by any measure, apparently doesn't even care what the words of the Constitution say. He is going to interpret things the way he wants. He is just one. There is a whole raft of them there. Judge Reinhardt gets reversed almost every time he writes an opinion—by the Supreme Court of the United States. The problem is that people can say: Isn't that taken care of by the Supreme Court? Yes, it is in those individual decisions. But in these circuit courts of appeals there are thousands of court cases and legal opinions written that will never be considered by the Supreme Court because the Supreme Court only considers between 80 and 100 cases a year. But thousands of cases are decided by these circuit courts of appeal, so they are important. Who we put on them is important, too. We don't need any more judi-

cial activists, either from the right or left, interpreting the Constitution in accordance with their own predilections rather than what the Constitution actually says.

Goodwin Liu has a long history of positions that are outrageous to those of us who want the courts to be what they should be, interpreters of the laws, not makers of the law. They are not elected to anything and they are appointed for life on the basis that they will do what is right and that they will uphold the law regardless of whether they agree with it.

I have to say folks on our side who have listened to Goodwin Liu, we know what he stands for and what he has taught in schools. What he has written in books and law review articles is contrary to what judges should do. I don't care that the American Bar Association has given him such a sterling rating.

This is an important issue. I wish I didn't have to vote against Goodwin Liu because I like him personally. In fact, this is not about him as a person but whether he will be the right kind of judge. I am convinced that he will not and, therefore, I must strongly oppose his nomination.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to speak on the Liu nomination. I appreciate the good advocacy of Senator BOXER. But I would remind her that she and her Democratic colleagues changed the ground rules of the Senate and created filibusters that had heretofore not been done in early 2001.

I opposed that, but after much debate, several years in which a half dozen fabulous nominees to the courts were being blocked by filibusters, the Gang of 14 decided that matter and said: Well, we all agree now. We will not filibuster except in extraordinary circumstances.

I think as a matter of law, not as a matter of character and personality but as a matter of approach to law, extraordinary circumstances exist in this case.

I have heard my colleague talk about Professor Liu's unusual intellectual abilities, his academic career, clerkship on the Supreme Court, and his prolific writings—and certainly I do not dispute he is a good man and involved in debate about law in America.

What they fail to mention, however, is his lack of any meaningful experience as a practicing attorney. He has never tried a case before a jury and has argued only once before a Federal court of appeals—only once. This is a very serious shortcoming for a number of reasons, the most important of which is the plain fact that significant legal experience litigating in court provides insight to someone who would be a judge and an understanding that words have meaning and consequences.

It is a real legal world testing ground in which persons can prove their judgment and their integrity and their skill. It also provides a maturing experience, where one learns that words have reality and that a single word in a deed, a contract, a letter or even an e-mail can determine which party receives millions of dollars in a lawsuit or even whether they go to jail.

Seasoned lawyers bring much to the bench, as do judges who have had previous experience when they go on to the courts of appeals. This lack of litigation experience leaves me with only two sources of how to evaluate how this nominee would behave on the bench: his writings, which are extensive, and his testimony before the committee, which frankly, I thought did not have much value.

From his writings, one cannot help but see that Mr. Liu has extraordinary beliefs about our laws and Constitution, beliefs that fall far outside the mainstream. They just do. Professor Liu does not believe judges are bound to apply the Constitution according to what it actually meant at its drafting or what it plainly says. But he believes judges are free to adapt the Constitution according to how they perceive the needs of modern society.

In fact, he has written this:

Interpreting the Constitution requires adaptation of its broad principles to the conditions and challenges faced by successive generations. The question is not how the Constitution would have been applied at its founding, but rather how it should be applied today in light of changing needs, conditions, understandings of our society.

This is an untethering of a judge from law, in my opinion. He has also written that the Constitution has no fixed meaning. He has written that “our Constitution has shown a remarkable capacity to absorb new meaning and new commitments forged from passionate dialogue and debate, vigorous dissent and sometimes disobedience.”

He goes on to say: “Fidelity to the Constitution requires judges to ask not how its general principles would have been applied in 1789 or in 1868, but rather how those principles should be applied today in order to preserve their power and meaning in light of concerns, conditions, and evolving norms of our society.”

To that, I would disagree and say: Words do have meaning. They mean something specific. When they are written down in a statute or a Constitution, that meaning does not change by the mere passage of time or the mere shifting of political winds or the judge's personal views about what may be the concerns, conditions, and evolving norms of our society.

Judges are not empowered to do that. They are not empowered to impose their views about the concerns, conditions, and evolving norms of our society. Judges are given the power to decide cases and to say what the plain

meaning of the law is. For a judge to believe otherwise is a serious threat to the rule of law and to the principles that make this Nation great.

Professor Liu's writings express extreme views about more than Constitutional interpretation. His writings have often expressed an unorthodox view of the role of a judge. Alexander Hamilton famously wrote in the *Federalist Paper 78* that:

The judiciary . . . has no influence over either the sword, the purse; no direction either of the strength or of the wealth of the society; and can take no active resolution whatever. It may truly be said to have neither force nor will, but merely judgment.

Frankly, having read his writings and listened to his testimony, for all his great capabilities and fine character, I have concluded that he indeed lacks the most essential quality of a judge; that is, good judgment, proven in the practice of law or as a previously appointed judge.

I agree with the role of a judge as envisioned by Chief Justice Marshall when he wrote: "It is emphatically the province and duty of the Judicial Department to say what the law is."

I think Chief Justice Roberts perfectly summed up the role of a judge as the Founders saw it, as we have been raised to understand it, when he said that a judge should be a neutral umpire who calls the balls and strikes without preference for either side.

But Professor Liu does not agree with that analogy. He attacked Chief Justice Roberts. He does not argue that the task of judges is to read the words of the Constitution according to their original meaning. Instead he has written that:

The historical development and binding character of our constitutional understanding demand more complex explanations than a conventional account of the courts as independent, socially detached decision makers that say what the law is. The enduring task of the judiciary . . . is to find a way to articulate constitutional law that the nation can accept as its own.

This is utterly wrong. That view cannot be accepted because it calls for a judge to ponder, to seek, to render a decision that is popular or fits the judge's own values. Most certainly such a decisionmaking method is not law. It is not objective. It is subjective. It allows a judge to base rulings on factors that are incapable of being a standard. It introduces politics, ideology, religion, and whatever else may be in a judge's mind in a decision-making process. That is contrary to the entire history of the American rule of law that served us so well.

Mr. Liu has also written that "the problem for courts is to determine, at the moment of decision, whether our collective values on a given issue have converged to a degree that they can be persuasively crystallized and credibly absorbed into legal doctrine." These words describe a policymaker not a judge.

Professor Liu's writings also show he does not share our Founding Fathers' vision in many different areas. He does not see the Constitution as a charter of freedom from government interference. Instead, he argues that portions of the Constitution create positive rights to welfare benefits. He attempts to derive all these rights from the citizenship clause of the fourteenth amendment.

That clause reads simply this: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

It may be difficult to determine exactly what some of the words mean in the Constitution. However, our language has not changed so much that these words could possibly be read to mean that all Americans have a right to various benefits, such as—this is what Mr. Liu has written:

. . . expanded health insurance, child care, transportation subsidies—

I kid you not—  
job training and a robust earned income tax credit.

That is what he has written in several important law journals; not remarks in a casual conversation. He has written in law journals. He writes that word "citizenship" does not mean citizenship in that clause but rather "the ability to be a fully able participating member of society."

The Constitution did not say that. The citizenship clause simply made a person a citizen. His article asserts that education, health insurance, childcare, transportation subsidies, job training, and presumably other welfare benefits we might need are constitutional rights because the citizenship clause ultimately requires equality of results in those contexts.

He asserts that the judge's role is to ensure such a result is achieved, even if the legislature may not so find. That is like no definition of citizenship I have ever heard. Professor Liu's interpretation of the citizenship clause is so far disconnected from the actual text of the document and what the people meant when they ratified it that it would be unrecognizable to those who drafted it.

Some of Professor Liu's supporters have said—as he did before the committee—that his argument about the citizenship clause was directed only at Congress, the legislative branch, executive branch, and it was never meant for judges. That simply does not square with what he wrote, and we have researched this and tried to be fair to him.

In 2008, Professor Liu published an article entitled "Rethinking Constitutional Welfare Rights." Constitutional welfare rights. In that article, he set out to make—as he said—"a small step toward reformation of thought on how welfare rights may be recognized through constitutional adjudication."

That means by judges. Judges do adjudication. In that same article, Professor Liu argued that, once a legislative body creates a welfare program, it is the role of the courts—he said the courts—to determine the community meaning and purpose of that welfare benefit, in light of the needs of "equality" and "national citizenship."

Professor Liu explicitly stated that when necessary, courts should recognize or expand these welfare rights by "invalidating statutory eligibility requirements"—this is his language he wrote—"by invalidating statutory eligibility requirements"—that means welfare eligibility requirements—"or strengthening procedural protections against the withdrawal of benefits."

In other words, Professor Liu believes judges have the right and, indeed, the duty, to rewrite laws written by Congress when they think those laws are inadequate or when the judge, without the traditional limits of legal standards, decides the case on what the judge thinks is fair.

This truly is a dangerous, nonlegal philosophy. His writings also show he holds a number of views on some of the most controversial topics of our day that are extreme.

He believes the longstanding definition of marriage as between a man and a woman is unconstitutional. He filed a brief, with other law professors in the California case, on that subject. We asked him about that at the hearing. Frankly, his answer was not satisfactory, in the sense that he said he was only referring to California law, when, in fact, his brief cited the U.S. Constitution, which has similar language.

He also made statements that raise questions as to his temperament. He was very nice at our hearing. We have heard nice things said about him. I just ask if you consider these nice comments he made about Chief Justice Roberts, for example. He said that Chief Justice Roberts has "a vision for American law—a right-wing vision antagonistic to important rights and protections we currently enjoy." He criticized him for being a member of the "Republican National Lawyers Association and the National Legal Center for the Public Interest, whose mission is to promote (among other things) 'free enterprise,' 'private ownership of property,' and 'limited government.'"

These are all Mr. Liu's words. He considers those improper goals and says, "These are code words for an ideological agenda hostile to environmental, workplace, and consumer protections."

Give me a break. With respect to Justice Alito—a fabulous member of the Supreme Court, who is so experienced, so much more seasoned as a nominee than this nominee comes close to being—he went even further, appearing in person before the Judiciary Committee to testify that Justice Alito

"envisions an America where police may shoot and kill an unarmed boy to stop him from running away with a stolen purse; where Federal agents may point guns at ordinary citizens during a raid, even after no sign of resistance; where a black man may be sentenced to death by an all-white jury for killing a white man; and where police may search what a warrant permits, and then some."

When asked about that in committee, he acknowledged that was unnecessarily colorful language. Nobody should say that kind of thing. It was an intemperate remark and was unfair to Justice Alito.

Thus, I have concluded that the nomination presents an extraordinary circumstance that requires me to oppose cloture on the nomination, which I am reluctant to do. I have voted against some nominees, but I have voted for probably 90 percent of President Obama's and President Clinton's nominees while I have been in the Senate. But this nominee, I believe, represents an extraordinary circumstance. His record reveals that he believes the Constitution is a fluid, evolving document, with no fixed meaning; that he believes the role of a judge is to participate in a "dialogue" with the legislature about what welfare benefits are required by the Constitution, and that the traditional definition of marriage is unconstitutional. His record also reveals he is willing to use the courts in order to achieve what he thinks is the proper level of social welfare benefits, and that he is willing to attack the integrity and distort the records of honorable judges in order to promote his views of what he thinks the Constitution should require.

I do believe our Senate would have done better not to have had filibusters. That was my view. But we had a debate on that, and it changed. If Senator BOXER and other Democrats now have rethought that matter and wish to talk to me, I would certainly be willing to consider restoring the traditional view of the Senate regarding filibusters of judges. I don't think that is likely to happen, because it was done systematically and deliberately, with great deliberation and determination by the Democrats in 2001, I believe, and they imposed that change on the Senate. That is what we are operating under today.

Based on that, I do believe Professor Liu should not be confirmed.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I join my colleague from Alabama, who has served for a long time on the Senate Judiciary Committee, as have I, in voicing my strong opposition to this nominee.

It is odd, it seems to me, to have someone who has actually been nomi-

nated three separate times by this President, and I think it tells us something about the President's determination to nominate and see confirmed someone who is unsuited for service as a Federal judge.

In saying that, it doesn't mean they don't have rights to speak freely about their strongly held views. They do. That is what we do here in the legislative branch. That is not what we expect out of a life-tenured judge. We expect judges to be impartial, to render justice, and to decide cases, not to be roving policymakers making the country into their image of what it should be. We cannot vote for these judges. Judges are appointed and they serve for a lifetime. In return for that lifetime appointment and that protection from the sort of accountability that other elected officials are required to have, we understand and our Constitution provides, that they have a limited but important role, and that is to apply the law as written, apply the words of the Constitution as written, and not to sort of make it up as you go along or to dream up new rights along the way that are not subject to a vote of the American people, or subject to an election.

Based upon nearly everything that Mr. Liu, Professor Liu, has written or said, I have some very serious concerns about his impartiality and suitability to serve as a life-tenured judge. My concerns start with his lack of judicial temperament.

During the confirmation hearings of Justice Sam Alito, who is now on the U.S. Supreme Court, Mr. Liu went out of his way to testify under oath before the Senate Judiciary Committee in a way I can only describe as vicious and disgraceful. This is what he said:

Judge Alito's record envisions an America where police may shoot and kill an unarmed boy to stop him from running away with a stolen purse; where Federal agents may point guns at ordinary citizens during a raid, even after no sign of resistance; where the FBI may install a camera where you sleep on the promise that they won't turn it on unless an informant is in the room; where a black man may be sentenced to death by an all-white jury for killing a white man, absent a multiple regression analysis showing discrimination; and where police may search where a warrant permits, and then some.

I humbly submit this is not the America we know, nor is it the America we aspire to be. These were the words of a person who President Obama has, three times, nominated to serve on the Ninth Circuit Court of Appeals, one of the highest courts in the land, which is expected to dispassionately decide cases without fear, favor, or any preconceived notion about the outcome. I think these words, perhaps more than anything else, demonstrate Professor Liu's unsuitability to serve as a Federal judge. These were not an off-the-cuff set of remarks or a temporary lapse in judgment; they were a product

of carefully scripted and prepared testimony provided to the Senate Judiciary Committee during the Alito hearings.

Despite Professor Liu's comments, Justice Alito was confirmed with bipartisan support. During his failed confirmation process last year, I asked Professor Liu that, if given the opportunity, would he change anything about his remarks about Justice Alito. In response, Mr. Liu claimed that he regrets having written that passage, calling it "unduly harsh and provocative."

Well, Professor Liu waited 4 years to provide that semi-apology to Justice Alito for these shameful remarks. Like so many nominees who come before the Senate Judiciary committee, they seem to undergo a nomination conversion that changes the tone and nature of their remarks and attitudes. Frankly, we cannot depend on this conversion sticking. We need greater assurance that the nominees who come before the Senate are going to exercise a sort of dispassionate judgment that we expect of judges.

Frankly, Professor Liu has shown himself capable of incredibly poor judgment—and not just one time. After Chief Justice Roberts was nominated to the Supreme Court, Mr. Liu again went out of his way to criticize then-Judge Roberts. He argued that Justice Roberts' record "suggests that he has a vision for American law—a right-wing vision—antagonistic to important rights and protections that we currently enjoy, and that he is not afraid to flex judicial muscle to achieve it."

In that same article, he attacked Justice Roberts' membership in the National Legal Center for Public Interest, calling its mission to promote free enterprise, private property, and limited government—he called those code words for an ideological agenda hostile to the environment, workplace, and consumer protections.

So Professor Liu considers free enterprise, private property, and limited government code words for an ideological agenda hostile to the environment, workplace, and consumer protections. That is what he said. Is that the kind of person we want, the Senate should want, or that America should want to sit in judgment, enforce our Constitution and laws passed by the Congress? Well, I think not.

Yet, in another dramatic nomination conversion during his failed nomination process last year, Professor Liu responded to my written questions by calling this statement a "poor choice of words."

There are several more examples of Professor Liu's lack of judicial temperament. His record is already crystal clear. It is one thing for Professor Liu to disagree with a person—we do that every day on the floor of the Senate, in committee, and around the country,



across kitchen tables in our homes—but it is quite another to repeatedly engage in these types of inaccurate and, frankly, disgusting attacks against a public official trying to do their job the way they think it should be done. For Professor Liu to only reflect upon his statements once he is offered a life-tenured judgeship on the court of appeals is unacceptable.

Given his lack of experience as a practicing lawyer, obviously his lack of experience as a judge, never having served as a judge, it is impossible for me to trust his assurances that now all of a sudden he will calmly and impartially apply the law as written by Congress or as written in the Constitution of the United States.

I would cite just one other example of my experience on the Judiciary Committee, this one involving now Justice Sonia Sotomayor. Justice Sotomayor is a charming woman. She came into the Senate Judiciary Committee hearings and won over many people who were, frankly, a little skeptical of her nomination based on some of her previous writings and speeches. But I remember one particular question, she was asked whether she accepted as an individual right the guarantee in the second amendment of the Constitution the right to keep and bear arms, and she said she did. She accepted a decision in a case called the Heller case that said that was an individual right of a citizen.

A few months later, in a case called *McDonald v. Chicago*, she wrote a dissenting opinion from a Supreme Court decision where she said the right to keep and bear arms is not a fundamental right.

You can parse the words, “an individual right,” “a fundamental right,” but to me it is clear that Justice Sotomayor, during her confirmation hearings, tried to parse the words in a way so as not to raise alarms about her commitment to the Bill of Rights and the second amendment to the Constitution. But then once she was confirmed as a judge on the Highest Court in the land—of course, she serves for life with no accountability either to Congress or to the voters, and she, indeed, serves with impunity, even though her testimony before the committee and her decisions, once on the Court are inconsistent.

We just cannot take a chance that Professor Liu has somehow had a true conversion in his views and his attitudes during the nomination process.

Aside from his questionable temperament, Professor Liu’s activist views of the law are equally troubling. In his book called “Keeping Faith with the Constitution,” Professor Liu summarizes activist philosophy in this way. He said:

Fidelity to the Constitution requires judges to ask not how its general principles would have applied in 1789 or 1868, but rather

how those principles should be applied today in order to preserve their power and meaning in light of the concerns, conditions, and evolving norms of our society.

What does that mean? Does that mean the words on the page do not necessarily mean what they say; that a judge is going to somehow subjectively read into those words what the evolving norms of our society are and to change an outcome to decide a case, to decide what our Constitution means based on their subjective impression of those words and what evolving norms in society means?

That is sometimes called a doctrine of believing in a living Constitution; that the words on the page are mutable or changeable and can morph over time and mean different things based on a judge’s interpretation of what those evolving norms are. To me, that is a license to lawlessness. It is a license for a judge—an unelected, lifetime-tenured individual who takes an oath to uphold the Constitution and laws of the United States—that is untethered to any concept of what the law means, something that can be applied with equal application to every man, woman, and child in America and gives a judge a chance to impose their political or ideological views on what the Constitution means. That is dangerous, it is lawless, and it is not upholding the Constitution that we, even as Members, swear to uphold in our different jobs as policymakers.

Particularly troubling for Professor Liu is his controversial and, I would say, ridiculous view that our Constitution somehow guarantees a European-style welfare state. We are engaged in a very important debate on the floor of the Senate, and during the course of this vote on the debt ceiling—which I suppose we will have sometime in July, or not—with whether we are going to continue to be an opportunity society or whether we have become an entitlement society, a welfare state.

Professor Liu, in his article, “Rethinking Constitutional Welfare Rights,” has argued that the Constitution includes an “affirmative right to health insurance, childcare, transportation subsidies, job training, and a robust earned-income tax credit.”

I must have missed that in my copy of the Constitution. I do not remember the Founding Fathers writing in the Constitution, nor the States ratifying language in the Constitution, that guarantees a right to a robust earned-income tax credit. When Senator SESSIONS gave Professor Liu the opportunity to clarify his views in April 2010, he replied:

I do believe that, Senator. But those arguments are addressed to policymakers, not the courts.

I think Professor Liu is being disingenuous, and I am trying to be charitable. When he says the Constitution includes these rights but says those ar-

guments are addressed to policymakers, not the courts, he is denying that a court that might agree with him might enforce those rights as a matter of constitutional law. This is not just addressed to policymakers. That is not being honest. I do not blame him if he has an honestly held view about these matters. I would welcome candor in expressing those strongly held views. But they are views more appropriately expressed in the court of public opinion where we debate the values and meaning of our laws and what kind of country we want this to be, not in people who want to be judges and impose those views as a matter of judgment in an individual case, transforming the written Constitution into something completely different than what each of us can read on a printed page or what we learned in school our Constitution actually means.

In other words, Professor Liu believes the Constitution contains an unenumerated list of goods and services, such as free health insurance, daycare, and bus passes that Federal legislators must provide to every citizen.

It is not difficult to see how an activist judge might one day use Professor Liu’s theory to force Congress to provide for these lavish welfare benefits, even though our country faces a historic debt crisis, as we do now. What is more, Professor Liu has suggested that under his view of the Constitution, it may be unconstitutional to repeal certain welfare programs once they are enacted.

For example, in “Rethinking Constitutional Welfare Rights,” Professor Liu wrote that legislation may give rise to a cognizable constitutional welfare right if it has “sufficient ambition and durability, reflecting the outcome of vigorous public contestation and the considered judgment of a highly engaged citizenry.”

That is a mouthful. What he is saying is, once the legislature passes a law, the legislature has no power to repeal that law because it somehow then is transformed into a constitutional right and beyond the power of Congress to change. That is radical.

Professor Liu’s writings also have suggested his unconventional belief that the death penalty is unconstitutional, that same-sex marriage is a constitutional right, and that it is appropriate for judges to consider foreign law when reaching their legal conclusions about what American law means.

Taken as a whole, Professor Liu’s record demonstrates that he would use his position as a Federal judge to advocate his ideological theories and undermine the well-settled principles of the U.S. Constitution. That is simply unacceptable to me. I think it should be unacceptable to the Senate.

Given his lack of temperament, his poor judgment, and his activist view of



the role of judges and the law, I am left with no choice but to fight Professor Liu's confirmation with every tool at my disposal.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I rise today to continue to express my views in support of the nomination of Professor Goodwin Liu, a nominee, as you know, to the Ninth Circuit Court of Appeals. Much has been said on the Senate floor in recent hours, and I rise to offer my comments on some of the concerns that are being debated.

For once, it is great to actually hear debate on the floor of this Chamber. I have been here, as you know, Madam President, just 6 months. As someone who is new to the Judiciary Committee, new to the debates and dialog of this Chamber, I am struck at the things I am hearing about Professor Goodwin Liu and the significant divergence between what I have found in questioning him, looking at his record, and speaking with my colleagues and what I have heard on the floor just today.

I will do my best to try and lay out what I see as the real record of the real Professor Goodwin Liu, a nominee to the Ninth Circuit Court of Appeals.

Some have come to the floor today and argued that Professor Liu lacks the candor or the temperament to serve on a circuit court. As someone who clerked for the Third Circuit Court of Appeals for a distinguished judge, I will suggest something that I think is commonplace, which is that candor and an appropriate temperament are critical to service on a circuit court of appeals.

A lot of these charges raised against Professor Liu seem to center on a few comments that Professor Liu made during the nomination hearing for now-Justice Alito or some purported deficiencies in his disclosures to the Judiciary Committee. Let me speak briefly to both of those, if I may.

Professor Liu has apologized at length and in detail for the intemperate tone of one brief passage that he wrote as part of his testimony before the Judiciary Committee during the Alito nomination hearings now some 6 years ago. I take this apology at face value. I take his expression of regret at the tone at face value. But anyone who has taken the time to meet him, to interview him, to question him, I think has to conclude that despite this one brief episode of the use of intemperate language, he is not an intemperate person.

In fact, the American Bar Association, as my colleague, Senator BOXER, pointed out previously today, specifically considered Professor Liu's temperament when it gave him its highest rating of "unanimously well qualified" in the recommendation for his consideration by this body.

Let me next turn briefly to claims about candor before the committee which I believe are equally unfounded. He has, in fact, testified before the Judiciary Committee for a total of 5 hours and answered hundreds of questions and requests for additional information. He has been sharply criticized for missing some documents from his initial response to what is a searching committee questionnaire.

I will comment for those following this debate that Professor Liu has been a prolific scholar and speaker. He is someone who has published extensively. He is someone who has spoken extensively. He is the first controversial circuit court nominee to have his nomination take place not just in the computer age but in the YouTube age when a combination of cell phones and video recorders have literally made a record of every bag lunch, every 5-minute speech, every off-the-cuff remark made by this nominee before us.

The argument that his need to supplement the record with some documents not initially produced and that somehow that reflects some lack of candor, and somehow that suggests a lack of truthfulness that should disqualify him not for a vote but not even for a consideration of a vote is wholly without merit.

As the White House Chief Ethics Counsel under President Bush, Richard Painter, has written: Professor Liu's "original answers to the questions"—asked by the Judiciary Committee—"was a careful and good-faith effort to supply the Senate with the information it needed to assess his nomination."

It means a great deal to me that someone such as Mr. Painter concluded that Professor Liu provided a lot more information than most nominees do in similar circumstances. Frankly, it seems to me overreaching to try to suggest that simply because in the YouTube age this professor, who provided us with hours of testimony, pages of responses, failed to notice the committee about some brown bag lunches and off-the-cuff comments rises to the standard of justifying a filibuster.

Let me next turn to the suggestion that he is insufficiently qualified to hold the position of circuit judge—an important concern, because we want judges of judicial temperament, of openness and candor and good character, and also those who are sufficiently experienced. As I said a moment ago, the American Bar Association, after conducting a confidential and comprehensive review of his qualifications, concluded he was "unanimously well-qualified"—its highest possible rating.

In previous nomination debates, Senators of this body, Senators of the other party, have touted the ABA rating as a comprehensive and exhaustive evaluation that provides valuable insight that ought to be trusted. Several

Members of this body—several Senators—including some who spoke immediately before me have made those exact references to the value of the ABA rating process. Reasonable minds may be able to differ on the margins, but it is not credible, in my view, to claim a candidate with Professor Liu's remarkable legal education, long record of public service and experience, and the ABA's highest rating is not qualified to serve on a circuit court.

The charges or suggestions that Professor Liu is unqualified because he is young or because he lacks significant courtroom experience are also hollow and one-sided when we look at the real record. Since 1980, 14 nominees younger than Professor Liu—advanced by Republican Presidents—have all been confirmed. For example, Judge Neil Gorsuch, on the Tenth Circuit, was 38 when nominated; Judge Brett Kavanaugh, an acquaintance and, I would say, friend of mine from law school—now on the DC Circuit—was 38 when nominated; and now-Justice Samuel Alito was 39 when nominated to the Third Circuit.

Republican nominees with similar or lesser practical courtroom experience than Professor Liu have also been nominated and confirmed. Circuit Court Judge Frank Easterbrook and J. Harvie Wilkinson were both under 40 when nominated without any practicing legal experience at all. Yet this lack of practical experience didn't prevent either of these judges from becoming the most well respected and widely regarded in their circuits.

I would ask my colleagues to seriously consider looking instead at the standard that was applied when a similarly controversial professor came before this body. I was not here at the time, but I understand from the record that Democratic Senators approached the nomination of Michael McConnell, President George W. Bush's nominee to the Tenth Circuit, in a way that was generous and that accepted at face value some of his assertions.

Like Professor Liu, Professor McConnell was a widely regarded law professor who was nominated to a Federal appeals court without having first served as a judge. Many Democratic Senators at the time had concerns about Professor McConnell's conservative writings, which included strong opposition to *Roe v. Wade*, congressional testimony that the Violence Against Women Act was unconstitutional, and harsh criticism of the Supreme Court's 8-to-1 decision in the *Bob Jones* case. Despite these positions—which one could argue are at the outer edge, even the extreme of the legal canon at the time—Professor McConnell was confirmed, not after a long series of grinding nomination hearings and public discourse, but Professor McConnell was confirmed by voice vote of this

Chamber 1 day after his nomination was confirmed by the Judiciary Committee.

In supporting Professor McConnell's nomination, Democratic Senators at the time credited his assurances that he understood the difference between the role of law professor and judge and that he respected and would follow precedent. In my view, the Senators of this body should credit similar assurances that Professor Liu has provided during his confirmation hearings and that Professor Liu has provided to me in an individual interview in answer to hundreds of written questions from members of the committee as well as in answer to challenges presented here.

Let me next turn to some challenges or concerns that have been raised about Professor Liu's view on education. A bipartisan group of 22 leaders in education law, policy, and research have written to support Professor Liu's nomination and to highlight his scholarship and reputation in the field of education law and policy. They wrote:

Based on his record, we believe Professor Liu is a careful, balanced, and intellectually honest scholar with outstanding academic qualifications and the proper temperament to be a fair and disciplined judge.

Later, they wrote in this letter:

His work is nuanced and balanced, not dogmatic or ideological.

Madam President, I ask unanimous consent to have printed in the RECORD the letter to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 23, 2010.

Re Federal Judicial Nomination of Goodwin H. Liu, U.S. Court of Appeals for the Ninth Circuit.

Hon. PATRICK J. LEAHY,  
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

Hon. JEFF SESSIONS,  
*Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: We are a bipartisan group of 22 leaders in education law, policy, and research who support the nomination of Professor Goodwin Liu to be a judge on the U.S. Court of Appeals for the Ninth Circuit. Your committee will undoubtedly receive much commentary about Professor Liu's scholarly work in constitutional law. We write to highlight his scholarship and reputation in the field of education law and policy. Collectively, we have read his work in this area; we have seen him speak at many panels and conferences; and some of us have worked closely with him on research projects or on policy issues when he served in the U.S. Department of Education. Based on his record, we believe Professor Liu is a careful, balanced, and intellectually honest scholar with outstanding academic qualifications and the proper temperament to be a fair and disciplined judge.

Professor Liu is one of the nation's leading experts on educational equity. His scholarly work on topics such as school choice, school finance, desegregation, and affirmative action is unified by a deep and abiding concern for the needs of America's most disadvan-

tagged students. In analyzing problems and proposing solutions, Professor Liu's writings are thorough, pragmatic, and scrupulously attentive to facts and evidence. His work is nuanced and balanced, not dogmatic or ideological. For example:

He has argued for more resources for low-performing schools while also advocating greater opportunities, including school vouchers, to enable disadvantaged students to choose better schools.

He has argued for greater equity in school finance while also urging reforms that would loosen regulations and increase local control over spending decisions.

He has praised the No Child Left Behind Act for focusing education policy on achievement outcomes and inequities while also urging reforms to ameliorate the Act's unintended negative consequences.

He has argued that the Fourteenth Amendment guarantee of national citizenship encompasses a duty to provide adequate education while emphasizing that the responsibility for enforcement belongs to Congress, not the judiciary.

He has written in support of affirmative action while also emphasizing that affirmative action primarily benefits middle- and high-income minorities and does not do enough to promote socioeconomic diversity.

We do not necessarily agree with all of Professor Liu's views. But we do agree that his record demonstrates the habits of rigorous inquiry, open-mindedness, independence, and intellectual honesty that we want and expect our judges to have. His writings are meticulously researched and carefully argued, and they reflect a willingness to consider ideas on their substantive merits no matter where they lie on the political spectrum. Moreover, we are confident in Professor Liu's ability to decide cases based on the facts and the law, regardless of his policy views. His scholarship amply demonstrates that kind of intellectual discipline, and our high regard for his work is widely shared. Indeed, the Education Law Association selected Professor Liu in 2007 to be the first-ever recipient of the Steven S. Goldberg Award for Distinguished Scholarship in Education Law.

In short, Professor Liu is exceptionally qualified to serve on the federal bench. He would make an outstanding judge, and we urge his speedy confirmation.

Sincerely,

Cynthia G. Brown, Vice President for Education Policy, Center for American Progress Action Fund.

Michael Cohen, President, Achieve, Inc.; Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education, 1999–2001.

Christopher T. Cross, Chairman, Cross & Joffus LLC; Assistant Secretary for Educational Research and Improvement, U.S. Department of Education, 1989–91.

Linda Darling-Hammond, Charles E. Ducommun Professor of Education, Stanford University.

James Forman Jr., Professor of Law, Georgetown University Law Center; Co-Founder and Board Chair, Maya Angelou Public Charter School.\*

Patricia Gándara, Professor of Education and Co-Director of The Civil Rights Project/Proyecto Derechos Civiles, UCLA.

James W. Guthrie, Senior Fellow and Director of Education Policy Studies, George W. Bush Institute.

Eric A. Hanushek, Paul and Jean Hanna Senior Fellow, Hoover Institution, Stanford University.

Frederick M. Hess, Director of Education Policy Studies American Enterprise Institute.

Paul Hill, John and Marguerite Corbally Professor and Director of the Center on Reinventing Public Education, University of Washington.

Richard D. Kahlenberg, Senior Fellow, The Century Foundation.\*

Joel I. Klein, Chancellor, New York City Department of Education; Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 1997–2001.

Ted Mitchell, President and Chief Executive Officer, NewSchools Venture Fund.

Gary Orfield, Professor of Education, Law, Political Science, and Urban Planning and Co-Director of The Civil Rights Project/Proyecto Derechos Civiles, UCLA.

Michael J. Petrilli, Vice President for National Programs and Policy, Thomas B. Fordham Institute; Research Fellow, Hoover Institution, Stanford University; Associate Assistant Deputy Secretary, Office of Innovation and Improvement, U.S. Department of Education, 2001–05.

Richard W. Riley, Partner, Nelson Mullins Riley & Scarborough LLP; U.S. Secretary of Education, 1993–2001; Governor of South Carolina, 1979–87.

Andrew J. Rotherham, Co-Founder and Publisher, Education Sector.

James E. Ryan, William L. Matheson & Robert M. Morgenthau Distinguished Professor of Law, University of Virginia School of Law.

William L. Taylor, Chairman, Citizens' Commission on Civil Rights.

Martin R. West, Assistant Professor of Education, Harvard University.

Judith A. Winston, Principal, Winston Withers & Associates, 2002–2009; General Counsel, U.S. Department of Education, 1999–2001, 1993–97.

Bob Wise, President, Alliance for Excellent Education; Governor of West Virginia, 2001–2005; Member, U.S. House of Representatives, 1983–2001.

(\*affiliation listed for identification purposes only)

Mr. COONS. Madam President, during his confirmation hearings, Professor Liu said this, in testifying before the Judiciary Committee:

I absolutely do not support racial quotas, and my writings, I think, have made very clear that I believe they are unconstitutional.

Professor Liu also stated to the committee:

I think affirmative action, as it was originally conceived, was a time-limited remedy for past wrongs, and I think that is the appropriate way to understand what affirmative action is.

These two statements, which reflect Professor Liu's testimony to the committee, are well within the mainstream.

Professor Liu has written and spoken about his support for diversity in public schools and, in my view, there is nothing extreme in this view. Ever since Brown v. Board of Education was decided by a unanimous Supreme Court in 1954, the Supreme Court of the United States has recognized the legitimacy of State action to desegregate schools.

In fact, the Supreme Court upheld the use of race as one factor in admissions decisions in the 2003 case of

*Grutter v. Bollinger*. Although some on the far right of the Supreme Court have argued that both *Brown* and *Grutter* should be disregarded to the extent they recognize the permissibility of efforts to achieve diversity in public institutions, it is, I would argue, those Justices who are out of step with the mainstream of Federal jurisprudence and of the constitutional tradition of this country.

Even in its most recent case on point, the 2007 decision in *Parents Involved v. Seattle School District*, which struck down a specific desegregation program, five of the nine Justices who made up the majority agreed with Liu that achieving diversity remains a compelling governmental interest.

The notion that somehow Professor Liu is an ideologue on these issues is belied by his actual record. As a scholar, Professor Liu has supported market-based reforms to promote school-house diversity—reforms that are often labeled conservative. Professor Liu believes, and has written in support of, school choice and school vouchers, stating they have a role to play in improving educational opportunities for disadvantaged children. He has publicly advocated for these programs on a nationwide scale, earning praise from conservatives in the process.

Clint Bolick, director of the conservative Goldwater Institute—referred to previously by my colleague, Senator BOXER—has written:

I have known Professor Liu . . . since reading an influential law review article he coauthored . . . supporting school choice as a solution to the crisis of inner-city public education. It took a great deal of courage for [him] to take such a strong public position . . . I find Professor Liu to exhibit fresh, independent thinking and intellectual honesty.

He closes his letter by saying:

He clearly possesses the scholarly credentials and experience to serve with distinction on this important court.

Professor Liu has, in my view, made very clear that he understands the difference between being a law professor, a scholar and advocate, and a judge. He has assured us during his nomination hearings before the committee and again in personal conversations with me he would follow the court's precedent if confirmed. During his confirmation hearings Professor Liu testified to our committee:

[I]f I were fortunate enough to be confirmed in this process, it would not be my role to bring any particular theory of constitutional interpretation to the job of an intermediate appellate judge. The duty of a circuit judge is to faithfully follow the Supreme Court's instructions on matters of constitutional interpretation, not any particular theory. And so that is exactly what I would do, I would apply the applicable precedents to the facts of each case.

As I said before, and I will say again, I believe this quote from Professor Liu

deserves exactly the same weight and deference and confidence as similar assertions by then-Professor McConnell, now Circuit Court Judge McConnell, when he was confirmed by voice vote in this Chamber. To speak otherwise is to do violence to the tradition of deference to those who give sworn testimony, to hearings, and to the deliberations of this body.

Last, let me turn to some points that were raised recently about whether Professor Liu believes Americans have a constitutional right to welfare benefits, such as education, shelter, or health care; and, if confirmed, would somehow declare those constitutional rights from the bench.

Professor Liu has authored, as I have said, many different Law Review articles, and in one, the 2008 Stanford Review Article, entitled, "Rethinking Constitutional Welfare Rights," he, in fact, criticized another scholar's assertion from a 1969 article that courts should recognize constitutional welfare rights on the basis of a so-called "comprehensive moral theory." Professor Liu rejected that.

In 2006, he penned a Yale Law Review article that argued the 14th amendment authorizes and obligates Congress to ensure a meaningful floor of educational opportunity.

His record is replete with sources that make it clear Professor Liu respects and recognizes the role of this body—of Congress—and the role of the Supreme Court in establishing, interpreting, and applying both precedent and constitutional theory, and that he accepts, acknowledges, and will respect the very real limits on a circuit court judge in innovating in any way.

Madam President, in closing, allow me to simply share with you and the Members of this body that—new to this body, new to the fights that have divided this Chamber and have deflected real deliberation on nominees to circuit courts and the Supreme Court—I have taken the time to review his writings, to interview him individually, to attend the nomination hearing, and have come to the conclusion that candidate, nominee Professor Goodwin Liu is a qualified, capable, competent, in fact, exceptional legal scholar, who understands and will respect the differences between advocacy and scholarship and serving as a member of the circuit court in the Judiciary of the United States.

I urge the Members of this body, I urge my colleagues to take a fresh look at the record and to allow this body to vote. Why on Earth this record of this exceptionally qualified man would justify a filibuster is utterly beyond me and suggests that, unfortunately, we have become mired in partisanship rather than allowing debate and votes on this floor, which, in my view, if we followed the best traditions of this body, would lead to the confirmation of Goodwin Liu to the Ninth Circuit.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I would tell my colleague from Delaware that he makes some very excellent points and they were very well stated.

I have spent a number of years—now almost 7—on the Judiciary Committee, and my observations make me painfully aware of our process. Goodwin Liu is a stellar individual. There is no question about it. He is a stellar scholar. There is no question about it. But my observations have taught me, as we have voted and put judges on the appellate court and on the highest Court, that what is said in testimony before the committee doesn't bear out or have any impact on what happens once somebody becomes a judge. My observation is that people are who they are.

I actually spent a significant time with Goodwin Liu. I think he is a genuine great American. The question, however, is not whether he is a stellar scholar, of stellar intellect, or whether he is a great American. The question is: Do his beliefs match what the Constitution requires of appellate judges and higher judges. And I have come to the conclusion that being stellar and being a great teacher and professor, being a wonderful judge, is not enough. I take the words to heart, that my colleague said, because we all make mistakes. His comments on Judge Alito and Judge Roberts, he said, were poor judgment; he should not have done it. There is not anybody in this body who has not done the same thing, so we cannot hold that against him, and I do not.

But what I do think matters is whether the oath to the Constitution and our laws and our treaties and the foundational documents of our Constitution do matter. I believe that where we find ourselves today as a country—not having the debates on the Senate floor as we should be having the debates on the Senate floor—is partially to blame because of where the judges have put us. They have not been loyal to the document. They expanded the commerce clause well beyond its ever-anywhere-close intent. The general welfare clause, that now finds us at a time when we are nearing bankruptcy, and we cannot get out of our problems without retracting tremendously the size and scope of the Federal Government. We cannot grow our economy with the tax revenue increases that are going to be required to get out of this problem. It comes back down to what do they believe about the Constitution.

The best way to find that out is, before they ever thought about being nominated and before they are trying to be controversial in a teaching environment, what are their great thoughts and what are their beliefs. I do not believe professors write articles to be

controversial. I believe they write articles based on what their learned research tells them. I just have a frank disagreement with Professor Liu on the role of a Federal judge.

I actually believe what the Constitution says. It says:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this—

And the word is “this”—

Constitution, the Laws of the United States, and the Treaties made, or which shall be made. . . .

The problems I have with Professor Liu are that I believe he advocates for an unconstitutional role for judges. He believes the Constitution is a living document, that it is indeterminate.

I recognize I am just a doctor from Oklahoma and I don't have a law degree, but I can read these words as plain as anybody else. I don't think they are indeterminate. I think some of the things our Founders did were wrong, and we have corrected them through the years, through wise Supreme Court decisions, but also through amendments to the Constitution.

He also believes the Constitution should be subject to “socially situated modes of reasoning that appeal culturally and historically to contingent meanings.” What that says to me is what this says is wide open.

I really like the guy. I got along fabulously with him. He is a wonderful individual. But I don't think he is who we want on the appellate court. I think what potential judges say and write, when we take the totality of what they say and write—not what they say at a hearing because it all changes once they are nominated—what they say and write is very important about what kind of judge they are going to become.

You heard Senator CORNYN relate about Justice Sotomayor, based on “here is her testimony,” and in the first case what she does is exactly opposite of what her testimony does but is totally consistent with what her beliefs were and her writings in previous cases. It used to be the Judiciary Committee didn't bring the judges before them. We looked at the history.

Let me address something else. What the ABA says doesn't matter to me anymore because there was a controversial nominee from Oklahoma the ABA rated “qualified,” when four distinct people interviewed by the ABA said the individual wasn't qualified, and that was totally discounted by the ABA. The people who were actually interviewed said the person was not qualified. The ABA gave them a “qualified” rating anyway. These are their peers. That basis for saying we have qualifications is no longer trustworthy in my mind and hasn't been for some time. I think the due diligence is lacking in the ABA and their method for scoring who is qualified or who is not.

The final point I would make is, although he has written a lot, and a lot of it has been controversial, one of the things that really bothers me is his profound belief that he has the right to use foreign law to interpret the U.S. Constitution. That is really code word for saying: If I do not like what is written in this document, I will go find some jurisprudence somewhere else and apply it to this document that gets me the result I want, rather than being truthfully and honestly obedient to what this document says.

I know that sounds overly simple, but it is not. The fact that we are not applying our Constitution and its meaning and what our Founders said about what it meant and we are ignoring it is one of the things that has put us in the perilous state we are in today.

We are going to have a great test sometime in the next year on the massive expansion of the commerce clause that was put in the law through the Affordable Care Act. I will predict in this body today, if that is upheld, there will be no need for State and local governments anymore because there will be no limitation on what we as a Federal Government can do to limit the freedom and free exercise of the tenth amendment to the States.

The idea that one can take what this Constitution very clearly says: “all cases in law or equity arising under this Constitution”—not foreign law, not foreign constitution, not foreign thought, but our law—it does not mean we cannot learn from other things, but we cannot use foreign law to interpret our Constitution. It is a violation of a judicial oath every time one of our Supreme Court Justices references their opinion based on foreign law. It is a violation of their oath because their oath is to this Constitution, not some other constitution. So we see that occasionally, especially in minority opinions, and oftentimes in previous majority opinions, that have gotten our country into the problem we are in.

I believe Goodwin Liu a generally wonderful man. He is a stellar intellectual thinker. By reports he is an outstanding professor and is a great human being. That does not qualify him to be on the Ninth Circuit Court of Appeals. What will qualify him is absolute fidelity to our Constitution and our future and not the creative ways that we can change that through our own wills or whims of judges to get a result that is different than what our Constitution would say that we should have.

So I, regretfully—and it is truly with regret—will be voting against cloture for his nomination because I do not like this process. I think it hurts us. I think it divides our body. My hope is we can handle these in the future much better than we have handled them in the past.

I see the assistant majority leader on the Senate floor, and I will yield to him.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, at 2 o'clock we will have a vote on the Senate floor. A man is seeking a judgeship. There is no question in anybody's mind that this is a judgeship that should be filled. Professor Goodwin Liu wants to serve in the U.S. Circuit Court of Appeals for the Ninth Circuit. He was nominated in February of 2010. Here we are in May of 2011. The significance of that delay is the fact that this is a vacancy that causes a problem. The Administrative Office of the U.S. Courts—no political office but the court's office—declared a judicial emergency in this circuit and said they need this vacancy filled. So nobody questions that there is at least a sense of urgency in filling the seat.

So you ask yourself, if the President nominated someone back in February of 2010, why in May of 2011 are we just getting around to it? I think that question needs to be directed to the other side of the aisle. They have found reasons to delay this and to raise questions which have brought us to this moment.

So how about this professor? Is he qualified to serve at the second highest level of courts in America on the Ninth Circuit? The American Bar Association did not waste any time evaluating Professor Goodwin Liu. They awarded him their highest possible rating—“unanimously well-qualified.” If we look at his background, it is no surprise.

The son of immigrants, he attended Stanford University, where he graduated Phi Beta Kappa. He won a Rhodes Scholarship, attended Yale Law School, where he was editor of the Yale Law Review. He served as a law clerk to Judge Tatel of the DC Circuit and to Supreme Court Justice Ruth Bader Ginsburg.

After finishing his second clerkship, the one at the Supreme Court, he worked for years at the law firm of O'Melveny & Myers in Washington. Then he joined the faculty at the University of California-Berkeley Law School. He has won numerous awards for his teaching and academic scholarship, including the highest teaching award given at the Cal-Berkeley Law School.

What is the point of this debate? We know he is well qualified. We know there is a judicial emergency that requires us to fill this seat—and we should have done it a long time ago. When we look at his resume, it would put every lawyer, including myself, to shame, when we consider all that he has done leading up to this moment in his career.

It turns out those who oppose him do not oppose his qualifications. They think he has the wrong philosophy, the

wrong values. They criticize him for a handful of statements he made while he served as a professor. Isn't it interesting, the double standard that is being applied?

I was here in 2002 when a Tenth Circuit Court of Appeals nominee by the name of Michael McConnell was up to be considered. He had been a law professor at the University of Utah and the University of Chicago. At his nomination hearings, Senator ORRIN HATCH, who strongly supported his nomination, said:

I think we should praise and encourage the prolific exchange of honest and principled scholarly writing, assuming such scholars know the proper role of a judge to interpret the law as written and to follow precedent.

What was Senator HATCH defending in Professor McConnell's background? It was the fact that he had called *Roe v. Wade*, a landmark Supreme Court decision, "illegitimate." Professor McConnell had defended Bob Jones University's racist policies on the grounds that they were "church teachings," even though the Supreme Court rejected his argument in an 8-to-1 decision, and he claimed the Violence Against Women Act was unconstitutional.

That was fodder for a lot of questions that should have been asked and were asked. He had made some very extreme statements as a professor. But Professor McConnell assured the Senate that when he left the classroom and entered the courtroom he would put his views aside and follow the law. The Senate did not stop him with a filibuster. The Senate took Professor McConnell at his word and gave him an up-or-down vote on the Senate floor, and he was confirmed. That is all we are asking for when it comes to Professor Liu. I point out that other well-respected Federal judges have also served in academic roles before coming to the bench.

Richard Posner of the Seventh Circuit in Chicago is a friend of mine. Every once in a while we get together for an amazing lunch. He is such a brilliant guy. We disagree on so many things, but I can't help but sit there in awe of this man's knowledge of the law and of the world and his prolific authorship of books on so many subjects.

I think most would agree he has taken some pretty controversial views himself. In a 2005 debate on civil liberties with Geoffrey Stone, Judge Posner said:

Life without the self-incrimination clause, without the Miranda warnings, without the Fourth Amendment's exclusionary rule, with an unamended USA PATRIOT Act, with a depiction of the Ten Commandments on the ceiling of the Supreme Court, even life without *Roe v. Wade* would still, in my opinion anyway, be eminently worth living.

Is there any fodder there for political commentators? He was a sitting judge when he said that. Some of my friends on the left would have had a field day with that quote.

Some of my friends on the right might have disagreed strongly with Judge Posner when he wrote an article about the 2008 Supreme Court decision in *DC v. Heller*, a case where the court stated the Second Amendment right to bear arms confers an individual right. Judge Posner wrote that the Court's decision in *Heller* "is questionable in both method and result, and it is evidence that the Supreme Court, in deciding constitutional cases, exercises a freewheeling discretion strongly flavored with ideology."

I suspect there are a lot of Senators on the other side of the aisle who disagree with that quote.

So let's get down to the bottom line. We recognize the value of academic freedom and discourse. We understand a professor has a different role in America than someone sitting on a bench judging a case. We trust them. We give them basic credit for integrity when they say they can separate the two lives. They understand the two responsibilities.

Professor Liu is a man widely recognized for his integrity and independence. That is why he has the support of prominent conservative lawyers. Kenneth Starr—no hero on the Democratic side of the aisle—has said he would be a great judge. Bob Barr, former Republican Congressman, and Goldwater Institute Director Clint Bolick express support for Liu's nomination. In fact, Ken Starr and Yale law Professor Akhil Amar wrote:

[I]n our view, the traits that should weigh most heavily in the evaluation of an extraordinarily qualified nominee such as Goodwin are professional integrity and the ability to discharge faithfully an abiding duty to follow the law. Because Goodwin possesses these qualities to the highest degree, we are confident he will serve on the Court of Appeals not only fairly and competently, but with great distinction. We support and urge his speedy confirmation.

Well, we are not going to grant their wishes with a speedy confirmation; the question is whether 60 Senators will decide that Professor Goodwin Liu is entitled to a vote—a vote—an up-or-down vote—in the Senate.

Professor Liu said at his confirmation hearing:

[T]he role of a judge is to be an impartial, objective, and neutral arbiter of specific cases and controversies that come before him or her, and the way that process works is through absolute fidelity to the applicable precedents and the language of the laws, statutes, or regulations that are at issue in this case.

Professor Liu is committed to respect and follow the judicial role. I am confident he will fulfill that role with distinction.

This is a good man, a great lawyer, an extremely well-qualified nominee. His nomination has been languishing before this Senate since February of last year. He has had to put his life on hold in many respects waiting for the Senate to act.

We will have a cloture vote in about an hour. I think we know what is going on here. For many on the other side of the aisle, they are guided by advisers who tell them: Keep as many critical judicial posts open for as long as possible. Help is on the way in the next election. We don't want to allow this President to fill these vacancies, and particularly when it comes to the circuit courts because of the tremendous responsibility and opportunity there is for important and historic decisions.

So Professor Liu has been caught in this maelstrom. He is now going to be subjected to this filibuster vote. I sincerely hope my colleagues will be fair and honest in their vote. I hope they will look at the obvious record of this man to fill an important vacancy, a man found unanimously "well qualified" by the American Bar Association, a person with a legal resume that is peerless, someone who has stated purely and unequivocally that he will follow the law. To dwell on statements he has made as a professor is to do a great disservice to academic freedom and to ignore the obvious. When Republican nominees came before us, we have used our discretion to separate out their academic lives with their promise that as judges they will look at the world in a very sober, honest way.

I intend to vote in support of cloture and in support of this nomination. I urge my colleagues to do the same.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

MR. LEE. Madam President, several of my colleagues have expressed concerns about the nomination of Goodwin Liu. I share many of those concerns and do not wish to belabor points they have already made. I will limit my comments today to two fundamental reasons why I find myself unable to support the nomination of Professor Liu to serve as a judge on the U.S. Court of Appeals for the Ninth Circuit.

First, I am truly dismayed by the lack of judgment displayed in Professor Liu's 2006 testimony regarding the confirmation of Samuel Alito as an Associate Justice for the U.S. Supreme Court. Throughout extensive written testimony and during an appearance before the Senate Judiciary Committee, Professor Liu unfairly criticized then-Judge Alito and his long judicial record as, among other things, having "shown a uniform pattern of excusing errors and eroding norms of basic fairness." In particular, the final paragraph of Professor Liu's written testimony which served as a summary of his entire analysis of Judge Alito was nothing short of an inflammatory attack. He wrote:

Judge Alito's record envisions an America where police may shoot and kill an unarmed boy to stop him from running away with a stolen purse; where federal agents may point guns at ordinary citizens during a raid, even

after no sign of resistance; where the FBI may install a camera where you sleep on the promise that they won't turn it on unless an informant is in the room; where a black man may be sentenced to death by an all-white jury for killing a white man. . . .

Professor Liu's unseemly attack on Justice Alito generated considerable attention at the time, as well as understandable concern about Professor Liu's temperament, his judgment, and his basic ability to be fair.

So far as I know, it was only after he was nominated to be a judge on the U.S. Court of Appeals for the Ninth Circuit that Professor Liu offered any apology for his testimony about Justice Alito. A few weeks ago, Professor Liu told members of the Judiciary Committee that he had learned from the outrage his remarks caused "that strong language like that is really not helpful in the process." Professor Liu's observation is certainly true, but it misses the central point. His comments about Justice Alito were offensive not simply because they were unhelpful in his confirmation process, but because they were misleading and they were an unwarranted personal attack on a dedicated judge and public servant.

Professor Liu's treatment of Justice Alito and his last-minute and incomplete handling of the concerns raised by his remarks lead me to believe that he lacks the basic judgment and discretion necessary to be confirmed to a life-tenured position in the judiciary.

The second reason I feel compelled to oppose this nomination has to do with the integrity of our Nation's system of constitutional government and the rule of law. In my careful and considered judgment, the judicial philosophy espoused by Professor Liu is fundamentally inconsistent with the judicial mandate to be a neutral arbiter of the Constitution and to uphold the rule of law.

I do not base this conclusion on the fact that his approach to the law is in many respects different from my own. That is not a prerequisite and that is not the basis of my opposition to this nominee. Most of the judges nominated by President Obama do not share my personal textualist and originalist commitments. Yet in my short time as a Member of the Senate, I have voted to confirm many nominees with whom I fundamentally disagree.

Professor Liu, by contrast, is not simply a progressive nominee with a somewhat more expansive view of constitutional interpretation than is common among many sitting judges, nor is he a nominee whose controversial remarks are few and can be overlooked given a long history of mainstream legal practice and observations.

Throughout the course of his numerous speeches, articles, and books, Professor Liu has championed a philosophy that in my judgment is incompatible with faithfully discharging the duties of a Federal appellate judge in our

constitutional Republic. His approach advocates that judges go far beyond the written Constitution, statutes, and decisional law to ascertain and incorporate into constitutional law—in Professor Liu's own words—"shared understandings," "evolving understandings," "social movements," and "collective values."

In a 2008 Stanford Law Review article describing the judicial role, Professor Liu wrote:

[T]he problem for courts is to determine, at the moment of whether our collective values on a given issue have converged to a degree that they can be persuasively crystallized and credibly absorbed into legal doctrine.

In so framing the process of judicial decisionmaking, he advocated a conception of a judiciary as a "culturally situated interpreter of social meaning."

In a 2009 book entitled "Keeping Faith with the Constitution," he wrote that constitutional interpretation rightly "incorporates the evolving understandings of the Constitution forged through social movements, legislation, and historical practice."

In an interview later that year, Professor Liu suggested that the judicial role is an individual process that includes "lessons learned from experience, and an awareness of the evolving norms and social understandings of our country."

These are just a few examples of a clear, consistent, and extreme approach to judging that Professor Liu has championed in many settings over the course of many years. His approach necessarily requires a judge to violate separation of powers principles, making law based on the judge's subjective understanding of public opinion, communal values, historical trends, or personal preferences, rather than faithfully interpreting and applying the laws made by the legislative and executive branches.

A noted judge who has faithfully served in the role to which Professor Liu has been nominated, and who as a result was intimately familiar with the very real dangers of legislating from the bench, shared this vital insight:

It is absolutely important to freedom to confine the judiciary's power to its proper scope as it is to confine that of the President, Congress, or state and local governments. Indeed, it is probably more important, for only courts may not be called to account by the public.

I rise today in defense of our Nation's constitutional separation of powers and, ultimately, in defense of the essential liberty that it protects.

I also feel the need to respond to the point made by my distinguished colleague, the Senator from Illinois, moments ago. This is not an opposition that is based on a disagreement with a particular set of legal analyses. My colleague from Illinois noted there was some opposition to Judge McConnell

who was confirmed by this body to serve on the U.S. Court of Appeals for the Tenth Circuit, notwithstanding the fact that many in this body disagreed with particular legal conclusions that had been reached by then-Professor McConnell. This is different than that. This is not about a disagreement with a particular legal conclusion. It is instead about a concern arising out of a systemic, broad-based interpretive approach, one I believe doesn't give due regard to the rule of law, to the notion that we are a nation that lives under the law, that our laws consist of words, that words have defined, finite meaning, and that in order for our laws to work properly, that meaning needs to be respected and it needs to be interpreted in and of itself and held as an independent good by the judiciary on a consistent basis.

Professor Liu's appalling treatment of Justice Alito leaves grave doubt in my mind as to whether he possesses the requisite judgment to serve as a life-tenured judge. I have come to the conclusion that Professor Liu's extreme judicial philosophy is simply incompatible with the proper role of a judge in our constitutional Republic.

For these reasons, as well as those articulated by many of my colleagues, I am compelled to oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank the Chair.

I rise to support the nomination of Goodwin Liu to be a member of the U.S. Court of Appeals for the Ninth Circuit. I believe Mr. Liu's academic qualifications, strong intellect, his character, and his temperament make him a person who would be a valuable addition to the Federal bench. Therefore, I urge my colleagues to vote for cloture and then in favor of his confirmation.

Mr. Liu brings an outstanding academic and professional background to this nomination and a personal life story that is quintessentially American. It is not a reason in itself, certainly, to vote to confirm him as a judge of this high court, but it speaks to the endless opportunities for upward mobility in this country for people who work hard. Where you end up is not determined by where you start out in this country.

Goodwin Liu is the second son of Taiwanese immigrants. As a young boy, his family settled in Sacramento. He began to work hard from the beginning, ultimately graduating from Stanford University. He received a Rhodes Scholarship to Oxford University and eventually graduated from Yale Law School.

Should he be confirmed to the Ninth Circuit, Professor Liu would become the second Asian American currently



serving on a Federal appeals court. He is now an associate dean and professor of law at the University of California, Berkeley School of law. He is widely recognized and respected broadly throughout academic and legal communities in the United States.

I note that prior to entering academia, he was an appellate litigator with O'Melveny & Myers—a first-rate firm here in Washington—and clerked for both Circuit Court Judge David Tatel and Supreme Court Justice Ruth Bader Ginsburg, representing different points on the ideological legal spectrum, and served them both, I know, with great distinction.

Although I do not agree with everything Goodwin Liu has ever written or said, his views, it seems to me, have been well expressed and well reasoned and quite intelligent. I think he has a thoughtful approach to complex legal questions, and I am impressed he has earned the respect and support of thinkers and lawyers from all sides of the legal ideological spectrum, which I think speaks, ultimately, to his personal evenhandedness, to the power of his intellect, and what we can expect of him as a judge of the circuit court.

I was particularly impressed—and I know it has been quoted before, but it speaks volumes—by the comments of former Judge Ken Starr, a former dean also, who said Goodwin Liu is “a person of great intellect, accomplishment, and integrity, and he is exceptionally well-qualified to serve on the court of appeals.”

I know many of my colleagues have concerns about this nomination, about things Professor Liu has either written or said, and I understand those. I have some of those concerns. I read the statement he made about Judge Alito. It has the ring of a passionate litigator making an argument with probably more zeal than he himself appreciates as he looked at it in the aftermath.

But for those who have concerns, I urge my colleagues to vote accordingly on an up-or-down vote, not to sustain this filibuster and, therefore, prevent an up-or-down vote on this nomination.

I have always felt that in our advice and consent role—this is my own personal reading of it—the President, by his election, earns the right to make these nominations. We do not have to decide, in confirming a nominee, that we would have made this nomination, only that the nominee is acceptable, is within the range of those acceptable and capable of doing the job for which he is nominated.

Not so long ago, in 2005, there was a move to reduce the right to filibuster and require 60 votes, particularly with regard to Supreme Court nominees but others as well. That led to the formation of the so-called Gang of 14. I was proud to be a member of that group, and we reached an agreement, one of whose I wish to read now on “Future

Nominations.” This is one of them: Goodwin Liu.

Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

End of quote from the agreement of the Gang of 14.

I do not think these are extraordinary circumstances, when you consider Goodwin Liu's intellect, his varied background, the character he has, and this broad range of endorsements from people. To me, a disagreement about a statement made in the heat of an argument or even the substance of an article published is not strong enough to prevent this nominee from having what I think is his right and the President's right to get a vote up or down—not to block him by requiring 60 votes.

So I urge my colleagues to vote for cloture. I am going to do so with a full measure of comfort and confidence about the kind of judge Goodwin Liu would be but with a full measure of comfort that I am exercising my responsibility under the advice and consent clause, as I have always seen it, including as it has been informed by my proud participation in the memorandum of understanding of the Gang of 14 in 2005.

I thank you very much and yield the floor.

**THE PRESIDING OFFICER.** The Senator from South Carolina.

**MR. GRAHAM.** Madam President, I rise in regretful opposition, quite frankly, to having to vote to deny cloture for a judicial nominee. I also was in the Gang of 14, and the whole effort was to make sure the Senate follows constitutional and historical norms; that is, giving great deference to Presidential elections when it comes to the judiciary.

So to my conservative colleagues, the best way to make sure you have conservative judges is to win elections. Because if we start blocking all the judges whom we do not like, who have a different view of the law than we, our friends on the other side will return the favor and you wind up having a chaotic situation.

There is a reason Justice Ginsburg got 90-something votes and Justice Scalia got 90-something votes. It used to be the way you did business around here. When a President won an election, they were able to pick qualified nominees for the court. Unless you had a darn good reason, they went forward. I think that should be the standard.

To me, I do give a lot of deference. It is not one speech. It is not an article. Justice Sotomayor, whom I voted for, had made a famous speech that she thought the experiences of a Latino woman maybe were more valuable to

the court than that of a White male, and people got up in arms about that. It bothered me. She explained herself. I look at the way she lived her life, and I understood, based on the way she lived her life, that she was a fair person who did not represent bigotry on her part toward White males.

We all make statements and write articles and get in debates and I am not going to use that as a reason to disqualify somebody from sitting on the judiciary. I would not want that done to our nominees, and I do not intend to do it to the other side.

But here is what Mr. Liu did that, to me, is a bridge too far. When a conservative wins the White House, you expect people such as Chief Justice Roberts and Justices Alito and Scalia. When a liberal wins, you expect people such as Justices Ginsburg and Elena Kagan and Sotomayor. That is the way it works. All of them are well qualified; they just have a different approach to the law. But there are a lot of 9-to-0 decisions.

The one thing that drives my thinking is, Mr. Liu chose—not in an article he wrote as a young man, not in some debate that got carried away but to appear before the Judiciary Committee and basically say Judge Alito's philosophy would create:

... an America where police may shoot and kill an unarmed boy to stop him from running away with a stolen purse—

That line probably comes from some case Judge Alito was involved in—where federal agents may point guns at ordinary citizens during a raid, even after no sign of resistance; where the FBI may install a camera where you sleep on the promise that they won't turn it on unless an informant is in the room; where a black man may be sentenced to death by an all-white jury for killing a white man, absent a multiple regression analysis showing discrimination.

These statements about Judge Alito and the decisions he has rendered and his philosophy are designed to basically say that people who have the philosophy of Judge Alito are uncaring, hateful, and should be despised. That is a bridge too far. Because I share Judge Alito's philosophy, we may come out at a different result on a particular case, but I do not think I fall in the category of being hateful, uncaring, and someone you should despise.

These statements given to the Judiciary Committee were designed to inflame passion against Judge Alito based on his analysis of cases before him during his judicial tenure.

If that is not enough, Chief Justice Roberts' record, according to Mr. Liu, suggests he has a vision for American law—a “right-wing vision antagonistic to important rights and protections we currently enjoy.”

It is one thing to debate your opponent. It is another thing to have strong opinions. But this is not an accidental statement. This was calculated, delivered at a time where it would do maximum damage.



All I am saying to future nominees: I expect President Obama to nominate people of a liberal judicial philosophy. I do not deny you access to the court because you may have said something in an article I do not like, you may have represented a client with whom I disagree. But the one thing I will not tolerate is for a conservative or a liberal person seeking a judgeship to basically impugn the character of the other way of thinking.

These words are not that of a passionate advocate who may have went too far, according to Senator LIEBERMAN, in my view. These words were designed to destroy, and they ring of an ideologue. He should be running for office, not sitting on the court. There is a place for people who think this way about conservative judicial philosophy: Run for President. Run for the Senate. Do not sit on the court. Because the court has to be a place where you accept differences, you hash it out, you render verdicts. Based on the way he views Justice Alito and Chief Justice Roberts and his disdain for their philosophy, I do not believe he could give someone such as me a fair shake.

So at the end of the day, I ask one thing of my Democratic colleagues. I will try my best to make sure the Senate stays on track and that we do not get on the road of filibustering judges haphazardly based on the fact they are somebody we do not agree with. I have tried my best not to go down that road because I think it will destroy the judiciary and disrupt the Senate.

If you are a conservative in the future wanting to be a judge and you come before our committee, when a liberal nominee is before the committee, and you question their patriotism and you suggest they are hateful people who should be despised for their philosophy, then I will render the same verdict against you.

We want people on the court who are well rounded, who are qualified, who understand America is a big place, not a small place. In Mr. Liu's world I think he has a very small view of the law. Those on the other side who think differently should be engaged intellectually or challenged through academic debate. He has tried to basically rip their character apart, and he will not get my vote. A conservative who feels the same way about liberal philosophy would not get my vote either.

I am looking for the model of Miguel Estrada, who was poorly treated, who wrote a letter on behalf of Elena Kagan, saying: She was my law school classmate. We don't agree on much when it comes to the law, but she is a wonderful person, well qualified, and deserves to be on the bench.

That is the way conservatives and liberals should engage each other, in my view, when it comes to the judicial nomination process.

This was a bridge too far for LINDSEY GRAHAM.

I yield the floor.

Mr. MCCAIN. Madam President, as a member of the Gang of 14 in 2005, I agreed that "Nominees should be filibustered only under extraordinary circumstances." The nomination of Mr. Liu rises to a level of "extraordinary circumstances" due to his clear belief that judges have vast powers to shape and even rewrite the law—a contention I deeply oppose as an elected representative of the people who believes it is the duty of the Congress to shape and write the laws and not that of the judiciary.

With no litigation or judicial experience to examine, the Senate can only consider Mr. Liu's academic writings and public comments. These writings and his testimony before the Senate Judiciary Committee show Mr. Liu believes that the Constitution is a living, breathing document that must change to accommodate new progressive ideas. Specifically, Mr. Liu has said, "The Framers deliberately chose broad words so they would be adaptable over time."

Additionally, in a November 2008 article published in the *Stanford Law Review*, Mr. Liu wrote,

The problem for courts is to determine, at the moment of decision, whether our collective values on a given issue have converged to a degree that they can be persuasively crystallized and credibly absorbed into legal doctrine. This difficult task requires keen attention to the trajectory of social norms reflected in public policies, institutions, and practices, as well as predictive judgment as to how a judicial decision may help forge or frustrate a social consensus.

Mr. Liu's remarks show that he does not subscribe to the philosophy that Federal judges should respect the limited nature of judicial power under our Constitution. Judges who stray beyond their constitutional role believe that judges somehow have a greater insight into the meaning of the broad principles of our Constitution than representatives who are elected by the people. These activist judges assume that the judiciary is a superlegislature of moral philosophers.

Despite this difference in judicial philosophy, I believe Mr. Liu has had a remarkable career in academics and has an inspiring life story as the child of immigrants from Taiwan. However, an excellent resume and an inspiring life story are not enough to qualify one for a lifetime of service on the Federal bench. Those who suggest otherwise need only to be reminded of Miguel Estrada who was filibustered by the Democrats seven times because many Democrats disagreed with Mr. Estrada's judicial philosophy. This was the first filibuster ever to be successfully used against a court of appeals nominee.

I supported Mr. Estrada's nomination to the DC Circuit Court of Appeals, not because of his inspiring life story or impeccable qualifications, but because

his judicial philosophy was one of restraint. He was explicit in his writings and responses to the Senate Judiciary Committee that he would not seek to legislate from the bench.

Judicial activism demonstrates a lack of respect for the popular will that is at fundamental odds with our republican system of government. And, as I stated earlier, regardless of one's success in academics and in government service, an individual who does not appreciate the commonsense limitations on judicial power in our democratic system of government ultimately lacks a key qualification for a lifetime appointment to the Federal bench. For this reason, and no other, I am unable to support Mr. Liu's nomination.

Shaping the judiciary through the appointment power is one of the most important and solemn responsibilities a President has and certainly one that has a profound and lasting impact. The President is entitled to nominate those whom he sees fit to serve on the Federal bench, and unless the nominee rises to "extraordinary circumstances," I have provided my constitutional duty of "consent" for most nominees.

I regret I am unable to do so for Mr. Liu, but I believe his inability to respect the limited nature of the judicial power under our Constitution should preclude him from a lifetime appointment to the Ninth Circuit Court of Appeals.

Mr. WHITEHOUSE. Madam President, I rise today to urge my colleagues to support Professor Goodwin Liu's nomination to the U.S. Court of Appeals for the Ninth Circuit.

Professor Liu is abundantly qualified to serve on the bench. He has a sharp legal mind, is a careful and rigorous thinker, and understands the proper limited role of a judge. He has shown a commitment to public service throughout his career and his remarkable success reflects well on the great opportunities our country offers and the qualities of Mr. Liu and his family. If confirmed, he would be a credit to the Ninth Circuit and to his home State of California.

People who know Professor Liu, Republican and Democrat alike, think very highly of him and have commended him for his intellect, integrity, and temperament.

Among many other Republicans and conservatives, Professor Liu can count as supporters former Whitewater prosecutor Ken Starr, former Republican Congressman Bob Barr, and Clint Bolick, the litigation director of the Goldwater Institute. Former Republican Congressman Tom Campbell has said that Liu "will bring scholarly distinction and a strong reputation for integrity, fair-mindedness, and collegiality to the Ninth Circuit." Susan A. McCaw, who was an ambassador in George W. Bush's administration wrote

that “Goodwin’s strengths are exactly what [she] expect[s] in a judge: objectivity, independence, collegiality, respect for differing views, [and] sound judgment,” and noted that he “possesses these qualities on top of the brilliant legal acumen that is well-established by his record and the judgment of those most familiar with his scholarly work.”

Furthermore, Professor Liu has the support of leading law enforcement groups and prosecutors, as well as business groups, and the endorsements of the New York Times, the Washington Post, the Los Angeles Times, the San Francisco Chronicle, and the Sacramento Bee. He has also been deemed unanimously well qualified by the American Bar Association.

These recommendations are part of an ample record on which the Senate can base its decision. Professor Liu’s voluminous writings and unprecedented thoroughness in responding to questions from the Judiciary Committee give us great insight into his temperament and approach to the difficult questions of constitutional law.

This record reveals a genuine thoughtfulness and intellectual rigor. This has made Professor Liu one of the leading legal academics of his generation. As Professor Liu himself has said, the scholar’s role is “to question the boundaries of the law [and] to raise new theories.” Professor Liu also clearly understands that the scholar’s role is different from the role of a judge, explaining that it is the function of a scholar “to be provocative in ways that it’s simply not the role of a judge to be.” He further elaborated that he would leave his personal views behind if taking the bench: “What is not transferable [from the position of scholar to the position of judge] . . . are the substantive views that one might take as a matter of legal theory. Those are left at the door. When one becomes a judge, one applies the law as it is to the facts of every case.”

I would remind my Republican colleagues that they have been ready in the past to credit academics with the ability to put aside their scholarly views when they take the bench. True, this was for nominations made by a Republican President, but there is no reason why the rules should be different for President Obama. Consider the nomination of Judge Michael McConnell, for example. He was confirmed to the Tenth Circuit in 2002 by a unanimous vote on the Senate floor, despite having, as a scholar, vigorously criticized *Roe v. Wade* as “illegitimate” and wrongly decided, and having made sundry other criticisms of Supreme Court precedent. The Senate took him at his word that he would follow the law rather than his personal beliefs. A proper recognition of Professor Liu’s strong character, integrity, and commitment to the rule of law should lead us to the same conclusion today.

In short, it is time to confirm this highly qualified nominee and I urge all my colleagues to support his nomination.

Mr. KYL. Madam President, it is with great reluctance that I vote against cloture on any nominee, including Professor Goodwin Liu. It is my general view that every nominee deserves an up or down vote.

Ever since the tradition was established that filibusters would be avoided, except in “extraordinary” circumstances, I have tried to apply that standard in an objective way.

This is one such occasion when I cannot vote for cloture on the nominee. I believe extraordinary circumstances exist. I have serious concerns as to whether Professor Liu could lay aside his ideas and ideologies and approach cases from a purely objective, unbiased point of view. It is very clear he would violate one of the first principles of judicial character, which is to approach each case without prejudice.

I will highlight some specific examples to illustrate my concerns.

First, is Professor’s Liu’s views on the use of foreign law in U.S. courts. He stated:

[T]he use of foreign authority in American constitutional law is a judicial practice that has been very controversial in recent years. . . . The resistance to this practice is difficult for me to grasp, since the United States can hardly claim to have a monopoly on wise solutions to common legal problems faced by constitutional democracies around the world.

Of course, judges should never task themselves with finding “wise solutions” from “foreign authorities,” instead of interpreting U.S. law. And Americans shouldn’t have to walk into a courtroom not knowing under which nation’s law they will be judged!

Second, is Professor Liu’s troubling view of constitutional “welfare rights.” Professor Liu wrote that courts should interpret “welfare rights,” such as education, shelter, subsistence, and health care (and the funding for each) as constitutional rights.

Of course, no such welfare rights exist in our Constitution, and it is inappropriate for the courts to attempt to invent new rights or revise the Constitution to advance an ideological or political position.

Third, Professor Liu wrote that he believes the Constitution is a “living document,” “indeterminate,” and subject to “socially situated modes of reasoning.” Moreover, Professor Liu believes that judges should look to “our collective values,” “evolving norms,” and “social understandings” in interpreting the Constitution.

Again, the Constitution is not subject to new definitions and interpretations. These views may be appropriate in the confines of liberal academia, but they have no place in a U.S. courtroom.

In addition to his controversial views on judging and the Constitution, I have an additional set of concerns, as well. Those concerns relate to Professor Liu’s charges against Supreme Court Justices Roberts and Alito. Before his own nomination to the bench, Professor Liu led the opposition to their nominations to the High Court. His descriptions of their qualifications show very poor judgment.

For instance, Professor Liu spoke very disparagingly of Justice Roberts stating:

[b]efore becoming a judge, he belonged to the Republican National Lawyers Association and the National Legal Center for the Public Interest, whose mission is to promote (among other things) ‘free enterprise,’ ‘private ownership of property,’ and ‘limited government.’ These are code words for an ideological agenda hostile to environmental, workplace, and consumer protections.

Professor Liu also wrote that regardless of Chief Justice Roberts’s qualifications, “a Supreme Court nominee must be evaluated on more than legal intellect.”

So, in other words, Professor Liu believes that a good judge must possess more than intellect and allegiance to the law.

Professor Liu also made some inappropriate comments when testifying against Justice Alito’s nomination, stating:

Judge Alito’s record envisions an America where police may shoot and kill an unarmed boy to stop him from running away with a stolen purse; where federal agents may point guns at ordinary citizens during a raid, even after no sign of resistance . . . where a black man may be sentenced to death by an all-white jury for killing a white man . . . and where police may search what a warrant permits, and then some.

He also criticized Justice Alito because “[h]e approaches law in a formalistic, mechanical way abstracted from human experience.”

Again, these comments are inappropriate and demonstrate that Professor Liu does not possess the requisite standards for impartial judging.

In conclusion, I do not vote against Professor Liu lightly. But the President has nominated someone who does not possess the requisite impartiality for judging. I am firmly convinced that, rather than apply the law, Professor Liu would apply his own preconceived notions and standards to advance his liberal views. Therefore I oppose his nomination.

Mr. AKAKA. Madam President, today I rise to speak in support of Goodwin Liu to be a Federal judge on the U.S. Court of Appeals for the Ninth Circuit.

I am confident that Professor Liu, as a nationally recognized expert on constitutional law, is highly qualified for this prestigious position. His understanding of the role of a circuit judge—to follow the instructions and precedents set by the Supreme Court—will allow him to remain a neutral mediator. This judicial philosophy will be

the basis for his restrained actions, and will be balanced by his experiences as a professor and in the public and private sectors. Professor Liu's background speaks volumes about his qualifications and his strong work ethic.

Goodwin Liu, the son of immigrant parents from Taiwan, is a graduate of Stanford University. He was elected copresident of the student body and graduated Phi Beta Kappa. He was also awarded the Lloyd W. Dinkelspiel Award, the university's highest honor for outstanding service to undergraduate education.

After, Stanford, Goodwin Liu attended Oxford University on a Rhodes Scholarship and earned a master's degree in philosophy and physiology. He continued his education at Yale Law School, where he was an editor of the Yale Law Journal and won the prize for best team argument in the law school moot court competition. His academic accomplishments earned him clerkships with Judge David S. Tatel on the U.S. Court of Appeals for the DC Circuit and Justice Ruth Bader Ginsburg on the U.S. Supreme Court.

Between these prestigious clerkships, Goodwin Liu served as a special assistant to the Deputy Secretary at the U.S. Department of Education. In that capacity, he advised the Secretary and Deputy Secretary on a range of legal and policy issues, including the development of guidelines to help turn around low-performing schools. He also spent 2 years as a senior program officer for higher education at the Corporation for National Service, AmeriCorps, leading the agency's effort to build community service programs at colleges and universities nationwide.

Goodwin Liu also worked in the private sector for a prominent Washington law firm and maintained an active pro bono practice. In 2003, he returned to California to join the faculty of Boalt Hall, one of the Nation's top law schools, where he established himself as an outstanding scholar and teacher. A few years later, Goodwin's work on "Education, Equality, and National Citizenship" won him the Educational Law Association's Steven S. Goldberg Award for Distinguished Scholarship. He quickly earned tenure and was elected to the American Law Institute. In 2009, after being promoted to associate dean, he received Berkeley's most prestigious teaching award, the UC Berkeley Distinguished Teaching Award for excellence in teaching.

Goodwin Liu is an exceptionally qualified nominee and a shining example of the American dream. I have long been impressed by his academic and career achievements, and after meeting with him yesterday I am thoroughly convinced that he will be an outstanding judge for the Ninth Circuit, which encompasses Hawaii and includes over 40 percent of our Nation's

Asian-American and Pacific Islander population. Goodwin Liu was given the American Bar Association's highest rating of "Unanimously Well Qualified" based on his integrity, professional competence, and judicial temperament. He is highly qualified, intelligent, and he will help the court better reflect the broad population it serves.

He has strong support in the Senate and he deserves an up-or-down vote.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to inquire how much time we have on our side.

The PRESIDING OFFICER. Three minutes forty-five seconds.

Mr. GRASSLEY. Mr. President, I have a few closing remarks regarding the nomination of Goodwin Liu. Yesterday, I outlined my objections to this nominee in some detail. As I stated, my objections to this nominee can be summarized with five areas of concern: his controversial writings and speeches; an activist judicial philosophy; his lack of judicial temperament; his troublesome testimony and lack of candor before the committee, and his limited experience.

I hope the President will withdraw this nomination and send to the Senate a consensus nominee to fill this vacancy. We have demonstrated over and over again our cooperation in moving forward on consensus nominations. The President needs to nominate mainstream individuals, who understand the proper role of a judge.

Nominees who would bring a personal agenda or political ideology to the courtroom will have great difficulty in being confirmed.

Yesterday, a few Senators met with Mr. Liu. After that meeting, one of my colleagues from the other side of the aisle made the following statement, "The court of appeals is where law is made, and we need the finest minds in the world for that." I am troubled by that statement on more than one level.

First, intellect is an important element I consider in the confirmation process. Mr. Liu does have an outstanding academic record. His intellect is not the issue. The nominee himself noted there was more to being a judge than intellect. He stated, with regards to the nomination of Chief Justice Roberts, "[t]here's no doubt Roberts has a brilliant legal mind. . . . But a Supreme Court nominee must be evaluated on more than legal intellect."

He then voiced concerns that "with remarkable consistency throughout his career, Roberts ha[d] applied his legal talent to further the cause of the far right." Mr. Liu went on, demonstrating a lack of judicial temperament, to disparage Justice Robert's views on free enterprise, private property and limited government. In my statement yesterday I made my views very clear on how I feel about Mr. Liu's remarks, so there is no reason to repeat that.

The point is, intellect is only one component. Using Mr. Liu's standards, a nominee "must be evaluated on more than legal intellect." Mr. Liu does have a fine intellect, but he has used his talent to consistently promote views that are far out of the mainstream. Shortly after President Obama was elected, he said, "Now we have the opportunity to actually get our ideas and the progressive vision of the Constitution and of law and policy into practice." I do not intend to give Mr. Liu that opportunity.

The second problem I have with the statement is the assertion that "The court of appeals is where law is made." We have heard this view before. While serving as a circuit judge, Sonia Sotomayor stated that the court of appeals "is where policy is made."

Now I understand there are elements of our society who wish this were the case. Those who can not get their policy views enacted through the legislative process, as our Constitution requires, often turn to the courts. But I flatly reject this notion.

The Constitution vests the legislative power in the Congress, not the courts. Judges are simply not policymakers. The court of appeals is not where law is made. The courts are vested with the judicial power. That means they are to decide cases and controversies. They are to apply the law, not make the law.

Unfortunately, this philosophical disagreement occasionally finds its way into the debates on nominations. But let me remind the Senate where this started. Going back to the nomination of William Rehnquist in 1971, Democrats have used or attempted to use the filibuster to delay or defeat judicial nominees. Fortunately, it is a rare occasion. There have been a total of 46 cloture votes, including this one, on 32 different judicial nominations in American history. Of the 32 judicial nominees subject to cloture votes, 22 were against Republican nominated judges. Between 1971 and 2000, there were 11 cloture votes on judicial nominees. Most of those filibusters, attempted by Democrats, were unsuccessful and cloture was invoked.

However, beginning in 2002, Senate Democrats changed the rules. There were 30 cloture votes on 17 of President Bush's judicial nominees. Eight of President Bush's nominees are not on the bench because of the filibuster or threatened filibuster by Senate Democrats.

This does not include a number of Bush's nominees that were subjected to the so-called "pocket filibuster" in Committee by the Democratic majority in the 110th Congress, including Peter Keisler to the DC Circuit and Robert Conrad to the 4th Circuit, among others.

We hear about the notion of "extraordinary circumstances" as a justification or requirement for extended

debate. That was an outcome of an agreement in the 109th Congress. However, even after that time, Senate Democrats have used a broad and inconsistent application of that term. Even after that agreement, Senate Democrats attempted to filibuster judicial nominees. However, they do not seem to find it applicable to the nominee before us today. I disagree. The nomination of Goodwin Liu does raise extraordinary circumstances, as I outlined in depth yesterday.

I have no personal animosity towards Mr. Liu. I recognize he has a fascinating personal story and has accomplished much. This debate is not about his ethnic background or personal history.

I wish Mr. Liu well in his academic career. But a lifetime position on the Federal bench is not where he belongs. Therefore, I will vote no on the cloture motion and urge my colleagues to do the same.

I ask unanimous consent to have printed in the RECORD documents in opposition to the nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From nationalreview.com, Mar. 3, 2011]

MIGUEL ESTRADA ON GOODWIN LIU'S  
CONTEMPTIBLE MUD-FLINGING

(By Ed Whelan)

More on Richard Painter's insipid argument (see point 2 here) that Goodwin Liu's attacks on the nominations of Chief Justice Roberts and Justice Alito shouldn't be held against him:

Former D.C. Circuit nominee Miguel Estrada, whose unsuccessful nomination Richard Painter despicably tried to invoke in support of his shoddy Huffington Post defense of Liu, strongly disagrees with Painter. In an e-mail to me, Estrada writes (emphasis added):

No one doubts that Senators from both parties have behaved shamefully toward nominees of the other party. The treatment of then-Judge Alito by Democratic members of the Judiciary Committee is not yet all that far in the rear-view mirror, and some of President Obama's nominees have waited far too long. There is much to be said, therefore, for the proposition that the degradation of the judicial confirmation process is a problem that cries out for a long-term solution. The one thing that ought to be reasonably clear, however, is that someone who personally contributed to the sorry state of the confirmation process, by jumping in the mud pit with both feet and flinging the mud with both hands, is not well positioned to demand that standards be elevated solely for his benefit. Surely Mr. Painter can find a better case than this to dramatize the need for reform.

[From nationalreview.com, Mar. 2, 2011]

RICHARD PAINTER'S DECEPTIVE PORTRAYAL OF  
GOODWIN LIU—PART 1

(By Ed Whelan)

On Huffington Post, law professor (and former Bush White House ethics adviser) Richard Painter offers an extensive, but badly flawed, defense of Goodwin Liu that falsely accuses me of "invent[ing] a series of myths about Liu with no basis in reality."

The opening part of Painter's essay consists of regurgitating ill-informed or utterly conclusory endorsements of Liu from various folks, including some conservative who ought to know better. See, for example, my critique of the letter that Ken Starr submitted (jointly with Akhil Amar).

Given that Liu's hearing starts soon, I'm going to race through Painter's supposed myths in this post and the next (in the same order as he lists them):

1. According to Painter, I have propagated the "myth" that "Liu believes judges 'may legitimately invent constitutional rights to a broad range of social 'welfare' goods, including education, shelter, subsistence, and health care.'" My actual quote states that Liu argues in a law-review article that "judges (usually in an 'interstitial' role) may legitimately invent constitutional rights to a broad range of social 'welfare' goods, including education, shelter, subsistence, and health care." It's telling that Painter has to excise the italicized parenthetical in order to falsely accuse me of misstating Liu's views. Nor does he address (much less take issue with) my detailed posts on the matter.

2. According to Painter, it is a "myth" that Liu "believes in a 'freewheeling constitutional approach' that allows people to redefine the Constitution to mean whatever they want it to mean." Painter cherry-picks the most innocent-sounding of Liu's statements and ignores the controversial ones. (See, for example, the material in this post of mine.)

3. According to Painter, it is a "myth" that Liu "is a supporter of racial quotas in the schools, and he supports school choice only insofar as it furthers that goal." That is no myth, as I have documented. Painter doesn't even address my arguments.

4. According to Painter, it is a myth that Liu "supports racial quotas forever." Painter doesn't address my argument, and he hides behind a ridiculously narrow definition of quotas.

5. According to Painter, it is a "myth" that Liu supports "reparations for slavery" and a "grandiose reparations project." Painter pretends to provide a full account of Liu's discussion of "solutions for racial equality" but somehow completely omits the remarks of Liu's that I've highlighted, including:

Then there's a further issue, which is that maybe there are white families who were not involved as directly or even indirectly with the slave trade, but who still benefited from it. And then there is the whole question, which you put on the table, about people who came to America after, and, you know, like my family. And why is it that this movie speaks to me so deeply yet?

And so, what I would do, I think I would draw a distinction between a concept of guilt, which locates accountability in a sort of limited set of wrong-doers, and, on the other hand, a concept of responsibility, which is, I think, a more broad suggestion that all of us, whatever our lineage, whatever our ancestry, whatever our complicity, still have a moral duty to . . . make things right. And that's a moral duty that's incumbent upon everybody who inherits this nation, regardless of whatever the history is.

And I think, to add one more point on top of that, the exercise of that responsibility . . . necessarily requires the answer to the question, "What are we willing to give up to make things right?" Because it's gonna require us to give up something, whether it is the seat at Harvard, the seat at Princeton. Or is it gonna require us to give up our seg-

regated neighborhoods, our segregated schools? is it gonna require us to give up our money?

Its gonna require giving up something, and so until we can have that further conversation of what it is we're willing to give up, I agree that the reconciliation can't fully occur.

[From nationalreview.com, Mar. 2, 2011]

RICHARD PAINTER'S DECEPTIVE PORTRAYAL OF  
GOODWIN LIU—PART 2

(By Ed Whelan)

I'll continue with Painter's last three supposed "myths" and then offer some broader comments on Painter's defense of Liu:

6. Painter says it's a "myth" that Liu supports "direct judicial imposition of interdistrict racial-balancing orders" in public schools. Painter tries to give his readers the impression that Liu accepts *Milliken v. Bradley* as settled law. But he somehow doesn't disclose that Liu (in remarks that he failed to disclose to the Senate Judiciary Committee) called for *Milliken* to "be swept into the dustbin of history."

7. Painter says it's a "myth" that Liu supports "using foreign law to redefine the Constitution." Painter relies entirely on Liu's self-serving confirmation testimony and clips a passage to omit the fact that Liu wrote in 2006 that it "is difficult for [him] to grasp" how anyone could resist the "use of foreign authority in American constitutional law."

8. Painter says it's a "myth" that Liu supports "the invention of a federal constitutional right to same-sex marriage." I addressed this matter in detail just yesterday and fully stand by my account. (Painter falsely attributes to me the claim that Liu's amicus brief in the California supreme court was "truly an argument under the U.S. Constitution.")

I'll briefly add some closing comments:

If Painter were really interested in a real debate on Liu, he wouldn't have waited until the day of the hearing to launch his shoddy attack on me. He could have done so at any time over the last eight months. Instead, he's tried to gain some tactical advantage by depriving me of a fair opportunity to respond. (I've had to write these responsive posts within the space of two hours or so of discovering Painter's essay, and I'm sure that there's much that I would say better, or more fully, if I had time.)

Painter claims to have "reached the conclusion that Liu deserves an up-or-down vote in the Senate and ought to be confirmed" only after "reading Liu's writings [and] watching his testimony?" But the fact of the matter is that Painter, evidently suffering a severe case of battered-conservative-academic syndrome, raced onto the Liu bandwagon without having any understanding of what was at issue, and (both now and in a previous op-ed) he has resolutely ignored or distorted the many highly problematic aspects of Liu's record.

[From nationalreview.com, Mar. 3, 2011]

RICHARD PAINTER'S DECEPTIVE PORTRAYAL OF  
GOODWIN LIU—PART 3

(By Ed Whelan)

I'll limit myself to a couple of additional observations (beyond my Part I and Part 2 posts) on Richard Painter's deeply defective Huffington Post defense of Goodwin Liu:

1. In addition to failing to confront my actual arguments, Painter relies heavily on the argument-by-authority fallacy. As he puts it:

"Now, you can believe the top experts in the areas of Liu's scholarship and prominent conservatives such as Ken Starr and Clint Bolick—or you can believe National Review Online's Ed Whelan. I know where I would put my marbles."

Set aside that Painter, having evidently lost his marbles, would have to find them first before he could put them anywhere. Painter leaves the false impression that folks like Starr and Bolick have actually responded to my critiques of Liu and of their misunderstandings of his record. So far as I'm aware, they haven't.

(It's also amusing that Painter can't even be evenhanded in his mistaken argument by authority. While he invokes various credentials of Liu supporters, he identifies me only as "National Review Online's Ed Whelan.")

2. Towards the end of his piece, Painter tries to dismiss the relevance of Liu's demagogic and irresponsible arguments against the confirmations of Chief Justice Roberts and Justice Alito. According to Painter, "[i]t is critically important . . . that people feel free to speak their minds about Supreme Court and other judicial nominations without fear of retribution." But as I explained ten months ago when Painter made the same bad argument, Painter completely misses the point: The shoddy quality of Liu's opposition to Roberts and Alito reflects very poorly on him. There is no reason to encourage cheap attacks like Liu's by not holding him accountable.

[From nationalreview.com, Mar. 3, 2011]

PAINTER SHOULDN'T DISTORT WHELAN'S ARGUMENTS

(By John Yoo)

I've seen Richard Painter's post criticizing Ed Whelan for his posts on the nomination of Goodwin Liu. Painter accurately reports that I've said that Liu (a colleague of mine at Berkeley Law) is a good nominee to the Ninth Circuit for a Democratic president. However, I don't want that to be thought of as endorsing, in any way, what Painter says about Ed's writings on Liu.

What bothers me about Painter's post is that he accuses Ed of distorting Liu's record, but I believe that that's what he has done to Ed. He should provide in full or link to Ed's criticisms of Liu and let the reader decide, rather than describing (or misdescribing) and dismissing Ed's posts in a short sentence or two. I don't think the Painter post is fair on this point. To me, such posts actually may hurt Liu if it appears that his supporters are not fully engaging his critics and their best arguments.

[From nationalreview.com, Mar. 10, 2011]

CLINT BOLICK: RICHARD PAINTER IS "OFF-BASE"

(By Ed Whelan)

A follow-up to my refutation (Part 1, Part 2, and Part 3) of Richard Painter's smears against me in his deeply defective Huffington Post defense of Ninth Circuit nominee Goodwin Liu:

Clint Bolick, whose support for Liu Painter cites repeatedly, has invited me to publish this statement of his:

Although Ed Whelan and I have taken different positions on the judicial nomination of Prof. Goodwin Liu, I believe that Richard Painter has mischaracterized a number of Ed Whelan's arguments as "myths." In particular, Painter's assertions are off the mark regarding Whelan's criticisms of Liu on the creation of welfare rights, reparations, racial balancing, and the use of foreign law. Obvi-

ously, opinions vary regarding the merits of the nomination, but Painter is off-base on several crucial assertions.

Given our bottom-line differences on the Liu nomination, I am particularly grateful to Clint Bolick, as I also am to John Yoo, for standing up against Painter's smears. It's striking that two of the very small number of conservatives that Painter relies on for their support of Liu have repudiated Painter (versus zero, so far as I'm aware, who have endorsed his smears). Further, another conservative, Miguel Estrada, whose own nomination battle Painter tried to use in support of Liu, has emphatically condemned Liu's mudslinging against the Roberts and Alito nominations.

At this point, it should be clear that it would be reckless at best for anyone to accept Painter's propositions at face value. I am not arguing that the reader must accept my word on Painter (or Bolick's or Yoo's) or on Liu. Rather, the interested reader should carefully examine the competing accounts (both on the matters that Bolick identifies above and on those he doesn't address) and determine who has argued responsibly and effectively and who hasn't. I am confident of the judgment that the intelligent and fair-minded reader will reach.

CONFUSED AMAR/STARR LETTER IN SUPPORT OF GOODWIN LIU

(By Ed Whelan)

Law professors Akhil Reed Amar and Kenneth W. Starr have sent the Senate Judiciary Committee a badly confused letter in support of Goodwin Liu's nomination to the Ninth Circuit. The core of their letter is dedicated to the proposition that Liu has "independence and openness to diverse viewpoints as well as [the] ability to follow the facts and the law to their logical conclusion, whatever its political valence may be" (or, as they later put it, the "ability to discharge faithfully an abiding duty to follow the law").

Amar and Starr offer two examples in purported support of their proposition, but neither helps. First, they cite Liu's limited support of school-choice programs. As I've explained, Liu supports school-choice programs only insofar as they advance racial quotas. Once one understands that (and there's no indication that Amar and Starr do), it's difficult to see how Liu's position on school choice evidences his "independence and openness to diverse viewpoints," and his position certainly has no relation to his supposed "ability to follow the facts and the law to their logical conclusion."

Second, Amar and Starr cite Liu's correct prediction that the California supreme court would uphold Proposition 8 "under applicable precedents" (their phrase). They assert that his correct prediction shows that Liu "knows the difference between what the law is and what he might wish it to be." But this is a glaring non sequitur. Liu wasn't stating how he would rule; he was predicting how the California supreme court would. Moreover, in an op-ed, Liu stated that the challenge to Proposition 8 was a "good argument, but one that faces difficult precedents," and he argued that "there are good reasons for the California Supreme Court to rethink its jurisprudence in this area." So much for his "know[ing] the difference between what the law is and what he might wish it to be."

Amar's and Starr's assertion of Liu's "ability to follow the facts and the law to their logical conclusion" is also curious, as it's not really his "ability" that anyone has questioned. It's his willingness and commit-

ment. Further, anyone familiar with Liu's gauzy constitutional theorizing would recognize that the whole concept of following the law doesn't have much substance in his framework. Take, for example:

The problem for courts is to determine, at the moment of decision, whether our collective values on a given issue have converged to a degree that they can be persuasively crystallized and credibly absorbed into legal doctrine. This difficult task requires keen attention to the trajectory of social norms reflected in public policies, institutions, and practices, as well as predictive judgment as to how a judicial decision may help forge or frustrate a social consensus.

It is, of course, theoretically possible that someone who advocates a freewheeling judicial role could himself be quite scrupulous in following a whole body of precedent that he detests. But Amar and Starr provide zero reason for anyone to believe that Liu would carry out the judicial role in that manner, and there is nothing in his record to support speculation that he would.

**THE PRESIDING OFFICER.** The Senator from Vermont.

**MR. LEAHY.** Mr. President, I have listened to a lot of the debate about Professor Liu, and having sat in on the hearings with him, having met with him, having gone through the whole record, I sometimes wonder who this is everybody is talking about. It is not the man I heard from, the man who testified under oath and had to speak very candidly, very honestly about his positions. He is a man who is admired by legal thinkers and academic scholars from across the political spectrum.

He has spent his career in public service, private practice, and as a teacher since receiving degrees from Stanford University and Yale Law School. He is a Rhodes scholar. After law school, Professor Liu clerked for DC Circuit Judge David Tatel, and Supreme Court Justice Ruth Bader Ginsburg. No one can question his intellect or his qualifications. He should be treated with respect and admired, not maligned and caricatured. His honest testimony during two hearings before the Judiciary Committee should be credited, rather than ignored.

Professor Liu's parents, wife, children, friends and community are justifiably proud of him and have looked forward to his confirmation to the court of appeals since he was first nominated in February 2010. We saw his beautiful children at each of his two confirmation hearings—indeed, the first was born only weeks before his first hearing and was nearly a year old at his second. The son of Taiwanese immigrants, Professor Liu would bring much-needed diversity to the Federal Bench. There is no Asian Pacific American judge on the Ninth Circuit Court of Appeals, which, of course, includes California and Hawaii and a number of Western States.

If we look at the record, Professor Liu is a nominee with significant support from across the political and ideological spectrum. Among the letters I will have printed in the RECORD is one

from Kenneth Starr, the former Solicitor General during President George H. W. Bush's administration. For those who have may have forgotten, he was the independent counsel who investigated President Clinton during the Clinton administration.

He and distinguished Professor Akhil Amar wrote:

[I]t is our privilege to speak to his qualifications and character, and to urge favorable action on his nomination in the discharge of your constitutional duties of advice and consent. In short, Goodwin is a person of great intellect, accomplishment, and integrity, and he is exceptionally well-qualified to serve on the court of appeals. The nation is fortunate that he is willing to leave academia to engage in this important form of public service.

We also heard from Clint Bolick, who is the director of the conservative Goldwater Institute, named after a former colleague of mine, Barry Goldwater. He said:

Having reviewed several of his academic writings, I find Professor Liu to exhibit fresh, independent thinking and intellectual honesty. He clearly possesses the scholarly credentials and experiences to serve with distinction on this important court.

A bipartisan group of eight chief corporate executives who know Professor Liu from his service on the Stanford University Board of Trustees recently wrote to the Senate in support of Professor Liu's nomination:

In short, Goodwin's strengths are exactly what we expect in a judge: objectivity, independence, collegiality, respect for differing views, sound judgment. Goodwin possesses these qualities on top of the brilliant legal acumen that is well-established by his professional record and the judgment of those most familiar with his scholarly work.

I ask unanimous consent that these letters be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. I could put in the RECORD many more from the broad set of preeminent lawyers, organizations, and leaders in the academic world who support this nomination. Professor Liu's nomination merits our support, not this filibuster.

The Senate should vote on this nomination. In 2005, when the Republican majority threatened to blow up the Senate to ensure up-or-down votes for each of President Bush's judicial nominations, Senator MCCONNELL, then the Republican whip, said:

Any President's judicial nominees should receive careful consideration. But after that debate, they deserve a simple up-or-down vote. . . . It's time to move away from advise and obstruct and get back to advise and consent. The stakes are high . . . . The Constitution of the United States is at stake.

Other Republican Senators made similar statements back then. Many declared that they would never support the filibuster of a judicial nomination. Some have tried to stay true to that

vision and principle. That is why the filibuster against Judge Hamilton failed and that against Judge McConnell was ended. This filibuster should also be ended.

Now the Senators, many of whom are still serving on the other side of the aisle, claim to subscribe to a standard that prohibits filibusters of judicial nominees, except in "extraordinary circumstances." None of them have shown there are any extraordinary circumstances here. The President has nominated an outstanding lawyer, supported by his home State Senators and favorably reported by a majority of the Senate Judiciary Committee. This nomination is to fill a vacancy, a judicial emergency, on the Ninth Circuit.

The 14 Senators who signed the Memorandum of Understanding in 2005, the then-Gang of 14, wrote about their "responsibilities under the Advice and Consent Clause of the United States Constitution" and that fulfilling their constitutional responsibilities in good faith meant that "[n]ominees should only be filibustered under extraordinary circumstance." Well, let's be responsible. Let's bring it to a vote.

I had hoped 2 weeks ago, when 11 Republican Senators joined in voting to end the filibuster against Judge Jack McConnell of Rhode Island that the Senate was moving away from the narrow partisan attacks of judicial nominations that have slowed us almost from the day President Obama took office. Instead, for the sixth time since President Obama took office just over a couple of years ago, we have had to seek cloture to overcome a Republican filibuster of one of President Obama's well-qualified judicial nominations.

The 14 Senators who signed the Memorandum of Understanding in 2005 wrote about the need for the President to consult with Senators. Well, this President, unlike his predecessor, has been a model in that regard. Unlike President Bush, President Obama actually has consulted with both Republican and Democratic Senators in the home States. And unlike my predecessor, the Republican Chairman of the Judiciary Committee, I have not proceeded with any nominee against the wishes of a home State Senator. So apparently we have one rule if it is a Republican President and a Republican chairman of the committee, but everything changes if we have the nominees of a Democratic President. I protected Republican home State Senators. In return, I would expect Republican Senators to respect the views of other Senators, and to work with the President.

In 2005 they called for a return to our earlier practices and the reduction of rancor in the confirmation process and a return to the traditions of the Senate. I have worked very hard to do just that. I think of the vote on Janice Rogers Brown to the DC Circuit. She was a nominee who had argued that Social

Security was unconstitutional, saying that "[t]oday's senior citizens blithely cannibalize their grandchildren." I think most of us disagreed with her on that, but she got an up-or-down vote. They agreed to invoke cloture on the nomination of Priscilla Owen to the DC Circuit. Owen, a nominee whose rulings on the Texas Supreme Court were so extreme, they drew a condemnation of other conservative judges on that court. In fact, President Bush's White House counsel and later Attorney General, called one of her opinions an unconscionable act of judicial activism. But she was a Republican and she got a vote.

By the standard utilized in 2005 to end filibusters and vote on President Bush's controversial nominees, this filibuster should be ended and the Senate should vote on the nomination.

There were no "extraordinary circumstances" to justify the Republican filibuster of Judge David Hamilton, President Obama's very first judicial nomination. David Hamilton of Indiana was a 15-year veteran of the Federal bench. President Obama nominated Judge Hamilton in March 2009, after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who then strongly supported the nomination. Rather than welcome the nomination as an attempt by President Obama to step away from the ideological battles of the past, Senate Republicans ignored Senator LUGAR's support, caricatured Judge Hamilton's record and filibustered his nomination. After rejecting that filibuster, Judge Hamilton was confirmed. The majority leader has had to file cloture on four other highly qualified judicial nominations, and now Professor Liu's nomination is the sixth.

No Senator could claim the circumstances surrounding the filibusters of President Obama's other circuit court nominations to be extraordinary. Republicans filibustered the nomination of Judge Barbara Keenan, a nominee with nearly 30 years of judicial experience, and who had been the first woman to hold a number of important judicial roles in Virginia. Once the filibuster was ended, she was ultimately confirmed 99-0 as the first woman from Virginia to serve on the Fourth Circuit.

Senate Republicans filibustered the nomination of Judge Thomas Vanaskie, despite his 16 years of experience as a Federal district court judge in Pennsylvania. That filibuster ended when the Senate agreed to vitiate the cloture, end the filibuster, and proceed to a vote. There were no extraordinary circumstances.

Last year, Senate Republicans filibustered the nomination of Judge Denny Chin, an outstanding judge with 16 years experience. They delayed his Senate consideration for months.



There was no reason to do it. Finally, when that filibuster ended, the Senate proceeded to vote and confirm the only active Asian Pacific American judge serving on the Federal appellate court. The only one in all of our courts. This nominee is likewise deserving of a vote and not a partisan filibuster.

Following the recent filibuster of the nomination of Judge Jack McConnell to the district court in Rhode Island, this filibuster is the sixth time the majority leader has had to seek cloture to bring a judicial nomination to a vote.

I will say how it is unusual to have a second hearing on a nomination, at the request of Republican members of the committee. I said at the time that I hoped they would evaluate him fairly with open minds. Any Senator who listened to Professor Liu's answers during hours of questions at two confirmation hearings and considered his responses to hundreds of written followup questions—hundreds—should come away understanding this is an exceptional lawyer and scholar who will make an outstanding judge, a judge who respects the rule of law and reveres the Constitution.

Professor Liu's answers under oath and his reputation as a well-respected constitutional law professor paint a very different picture than the caricature created by the attacks from the special interest groups. Republican Senators did not wait for his hearing before declaring their opposition.

Senator FEINSTEIN noted at Professor Liu's first hearing over a year ago that he has an extraordinary legal mind and is a person of integrity. I agree. No fairminded person can or should question his qualifications, talent, or character. Nobody can doubt his temperament. Through hours and hours and hours of questioning, we saw his judicial temperament. Unlike some of the nominees supported by the other side, he actually answered the questions. He assured the committee time and time again that he understands the role of a judge and the need for a judge to follow the law and adhere to the rule of law. He met every test presented to him by Senators on the Judiciary Committee from either side of the aisle. He exceeds every standard we have used to measure judicial nominees.

Yet in the course of the debate on this nomination we have heard troubling and baseless attacks on Professor Liu's character and integrity. Incredibly, despite this nominee's testimony at two confirmation hearings and his answers to hundreds of written questions, he has been accused of lack of candor. Professor Liu has not been a stealth nominee. In fact, his record as a professor, public servant and advocate has been a remarkably open and public one. Senators have been able to review an unprecedented volume of information provided by this nominee and ask him hundreds of questions

about it. He has been available to meet with Senators and many have taken him up on the opportunity. So accusations that Professor Liu has been less than candid are misplaced, and a decision to simply ignore his record, his testimony before the committee, and his assurances under oath that he understands the role of a judge and would follow precedent if confirmed is misguided.

The many letters of strong support we have received from conservatives and Republicans who have reviewed Professor Liu's record and know the nominee show the hollowness of the partisan attacks on Professor Liu's character. In their letter, Ken Starr and Professor Amar describe Professor Liu as, "a person of great intellect, accomplishment and integrity." A bipartisan group of eight CEOs based their support for Professor Liu's nomination on their observation of "his character and intellect." A bipartisan group of 22 leaders in education law, policy and research cited Professor Liu's "independence and intellectual honesty" as among the many of his exemplary traits leading them to support his nomination. Senators can in good faith oppose this nomination, though I disagree with them, but the attacks on a fine man's character have no place in this debate.

Nonetheless, each time the Judiciary Committee considered Professor Liu's nomination a total of three times—Republican Senators voted against. When Senators are not willing to give serious and open-minded consideration to nominations it reduces the hearings and committee process to a game of delay and partisan points-scoring. That, too, is wrong.

I urge Senators to reject the special interest pressure groups and to approach this nomination the way I approached a similar nomination of a law professor by President Bush, the nomination of Professor Michael McConnell to the Tenth Circuit. He was a widely regarded law professor. Like Professor Liu, Professor McConnell was nominated to a Federal appeals court without having first served as a judge. He was one of two dozen such nominations confirmed after being nominated by President Bush.

Professor McConnell's own provocative writings included staunch advocacy for reexamining the first amendment free exercise clause and the establishment clause jurisprudence. He had expressed strong opposition to *Roe v. Wade* and to the clinic access law, and he had testified before Congress that he believed the Violence Against Women Act was unconstitutional. Professor McConnell's writings on the actions of Federal District Court Judge John Sprizzo in acquitting abortion protesters could not be read as anything other than praise for the extralegal behavior of both the defendants and the judge.

Some thought Professor McConnell would turn out to be a conservative activist judge on the Tenth Circuit. I was concerned about his refusal to take responsibility for his harsh criticism of the Supreme Court's decision in the *Bob Jones* case. But I put faith in Professor McConnell's assurance that he understood the difference between his role as a teacher and an advocate and his future role as a judge. He assured us that he respected the doctrine of *stare decisis*, and that as a Federal appeals court judge he would be bound to follow Supreme Court precedent. I valued the fact that his home State Senator, Senator HATCH, supported him. The similarity there—except for the philosophy—is exactly the same with McConnell and Liu. McConnell was reported favorably by the Judiciary Committee with my support, and he was confirmed to the Tenth Circuit by the Senate just one day after his nomination was reported. We voted for McConnell. They want to stop Liu.

Numerous conservative legal scholars have praised Professor Liu's understanding of constitutional law, stating that it falls well within the mainstream of American legal thought. Nothing I have read or heard from Professor Liu gives me any reason to doubt his conviction about the critical importance of the rule of law as the guiding principle of judicial decision-making. As a professor he has done what great professors do—challenge our view of the law. But he has left no doubt that as a judge he would do what great judges do in applying the law fairly to each case.

I thank Professor Liu's home State Senators, Senator FEINSTEIN and Senator BOXER, for their staunch advocacy for his nomination. I also thank the many Senators who have come to the floor to speak in support of Professor Liu's nomination, including the majority leader, Senator REID, the assistant majority leader, Senator DURBIN, and Senators BLUMENTHAL, COONS, CARDIN, FRANKEN, and LIEBERMAN.

I hope Senators from both sides of the aisle will join me in ending the filibuster of Professor Liu's nomination. He has demonstrated a command of the law and devotion to it. He has shown that he understands the role of the judge and how it differs from his career as an advocate and an academic.

I hope every Senator will treat Professor Liu with the same fairness that we gave Professor McConnell, and give the same weight to Professor Liu's assurances that we gave to McConnell's identical assurances. Then the Senate will finally be able to consider and confirm this extraordinary nominee.

How much time remains?

The PRESIDING OFFICER. There is 13 minutes 30 seconds remaining.



## EXHIBIT 1

MARCH 19, 2010.

Senator PATRICK J. LEAHY,  
Chairman,

Senator JEFF SESSIONS,

Ranking Member, Committee on the Judiciary,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SESSIONS: As your Committee considers the nomination of Goodwin Liu to serve on the U.S. Court of Appeals for the Ninth Circuit, it is our privilege to speak to his qualifications and character, and to urge favorable action on his nomination in the discharge of your constitutional duties of advice and consent. In short, Goodwin is a person of great intellect, accomplishment, and integrity, and he is exceptionally well-qualified to serve on the court of appeals. The nation is fortunate that he is willing to leave academia to engage in this important form of public service.

The Committee is no doubt familiar with Goodwin's personal story as the son of immigrants from Taiwan and his sterling record of achievements and accolades. We know Goodwin as a fellow teacher and scholar of the law; we have read some of his writings, and we have seen him speak in academic and public settings. What we wish to highlight, beyond his obvious intellect and legal talents, is his independence and openness to diverse viewpoints as well as his ability to follow the facts and the law to their logical conclusion, whatever its political valence may be. These are the qualities we expect in a judge, and Goodwin clearly possesses them.

Two examples help make the point. First, Goodwin (and his co-author Bill Taylor) wrote an article in *Fordham Law Review* in 2005 defending the use of school vouchers to provide better educational opportunities for children trapped in failing schools. The article provides a careful and candid review of the evidence on how vouchers have worked in practice, and it responds to the critics of vouchers in a direct and forceful way. We are fairly sure that this piece did not win Goodwin any friends in the liberal establishment, but it reflected his sincerely reasoned view about one way to improve the life chances of some of our most disadvantaged children. Goodwin's commitment to this issue brought him to Pepperdine in 2006 for a meeting organized by Clint Bolick, then president of the Alliance for School Choice. Given how far apart he and Clint are on other issues, Goodwin's enthusiastic participation in that meeting demonstrates his willingness to find common ground even with people who have quite different beliefs from his own.

A second example hits closer to home for one of us. In 2008, Goodwin joined an amicus brief by constitutional law professors in support of the plaintiffs who challenged California's marriage laws in the state supreme court. The court ruled for the plaintiffs, but in November 2008 the voters of California effectively reversed that ruling by enacting Proposition 8, a state constitutional amendment that limits marriage to opposite-sex couples. In October 2008, before Proposition 8 passed, Goodwin was called to testify at a joint hearing of the California Assembly and Senate Judiciary Committees on the legal issues raised by Proposition 8. He was asked to testify as a neutral legal expert (indeed, he was the sole witness tapped for that role), and on the core issue that later became the subject of a state constitutional challenge, Goodwin correctly forecasted that Proposition 8 would be upheld by the California Supreme Court under applicable precedents.

Again, Goodwin's position, which he also stated in a Los Angeles Times editorial, could not have pleased his friends who sought to invalidate Proposition 8. But, as the example shows, Goodwin knows the difference between what the law is and what he might wish it to be, and he is fully capable and unafraid of discharging the duty to say what the law is.

As his academic colleagues, we would add a further point. Given what we know of Goodwin, it seems no accident that he was asked by his dean (literally before the ink was dry on his tenure review) to assume the role of associate dean. If Berkeley is like other law schools, the duties of that position include planning the curriculum and, importantly, serving as something of a catch-all for faculty requests and complaints. His appointment to that role is additional evidence of his reputation for collegiality, fairness, and good judgment.

In sum, you have before you a judicial nominee with strong intellect, demonstrated independence, and outstanding character. We recognize that commentators on all sides will be drawn to debate the views Goodwin has expressed in his writings and speeches. In the end, however, a judge takes an oath to uphold and defend the Constitution, and in the case of a circuit judge, fidelity to the law entails adherence to Supreme Court precedent and (apart from the en banc process) adherence to circuit precedent as well. Thus, in our view, the traits that should weigh most heavily in the evaluation of an extraordinarily qualified nominee such as Goodwin are professional integrity and the ability to discharge faithfully an abiding duty to follow the law. Because Goodwin possesses those qualities to the highest degree, we are confident that he will serve on the court of appeals not only fairly and competently, but with great distinction. We support and urge his speedy confirmation.

Respectfully submitted,

AKHIL REED AMAR,  
*Sterling Professor of  
Law and Political  
Science, Yale Law  
School.*

KENNETH W. STARR,  
*Duane and Kelly Roberts  
Dean and Professor of Law,  
Pepperdine University  
School of Law.*

GOLDWATER INSTITUTE,  
*Phoenix, AZ, January 20, 2010.*

Re Nomination of Goodwin Liu to Ninth Circuit.

Hon. ORRIN HATCH,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SEN. HATCH: I hope the new year is off to a good start for you.

I understand that the President will send to the Senate the nomination of Goodwin Liu to serve on the U.S. Court of Appeals for the Ninth Circuit. He is associate dean and professor of law at Boalt Hall at the University of California, and a former Rhodes Scholar and clerk to Justice Ruth Bader Ginsburg. Although Prof. Liu and I differ on some issues, I strongly support his nomination.

I have known Prof. Liu for several years, since reading an influential law review article he co-authored with William Taylor of the Citizens' Commission on Civil Rights supporting school choice as a solution to the crisis of inner-city public education. It took a great deal of courage and integrity for

Prof. Liu and Mr. Taylor to take such a strong and public position. Subsequently, Prof. Liu participated in a program hosted by the Alliance for School Choice bringing together diverse supporters of expanded educational opportunities.

Having reviewed several of his academic writings, I find Prof. Liu to exhibit fresh, independent thinking and intellectual honesty. He clearly possesses the scholarly credentials and experience to serve with distinction on this important court.

Thank you for considering my comments, and I hope our paths cross soon. With all best wishes.

Very sincerely,

CLINT BOLICK,  
*Director.*

MAY 17, 2011.

Hon. HARRY REID,  
U.S. Senator, Hart Senate Office Building,  
Washington, DC.

Hon. MITCH MCCONNELL,  
U.S. Senator, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: We are a bipartisan group of eight business leaders who write in our personal capacities in support of University of California law professor Goodwin Liu's nomination to the Ninth Circuit Court of Appeals. We know Goodwin from his service on the Stanford University Board of Trustees, and having observed his character and intellect in the intimate setting of a high-level fiduciary board, we have no doubt that he would make a superb federal judge.

The Stanford Board of Trustees is the university's governing body. It is the custodian of the university's endowment and properties, and it sets the annual budget, appoints the president, and determines policies for operation and control of the university. Election to the board involves a rigorous screening process that considers an individual's temperament, collegiality, professional accomplishments, leadership abilities, and judgment, among other qualities. The 32 current trustees include leading venture capitalists, foundation and university presidents, and more than a dozen chairmen or CEOs of major corporations and private equity firms. The board meets five times a year for two days at a time, so board members get to know each other quite well.

Goodwin's election as a trustee is indicative of his professional stature and integrity, as well as his record of public service. Through the careful and confidential scrutiny involved in the board's screening process, Goodwin emerged as a person widely admired for his intellect, fairness, and ability to work well with people of differing views.

On the board, Goodwin has lived up to his reputation. Across a wide range of complex issues, Goodwin routinely asks thoughtful and incisive questions. He is good at thinking independently and zeroing in on important issues that need attention. Even in a room full of highly accomplished leaders, Goodwin is impressive. He is insightful, constructive, and a good listener. Moreover, he possesses a remarkably even temperament; his demeanor is unfailingly respectful and open-minded, never dogmatic or inflexible. Given these qualities, it was no surprise that he was asked to chair the board's Special Committee on Investment Responsibility after serving just one year of his five-year term.

In short, Goodwin's strengths are exactly what we expect in a judge: objectivity, independence, collegiality, respect for differing

views, sound judgment. Goodwin possesses these qualities on top of the brilliant legal acumen that is well-established by his professional record and the judgment of those most familiar with his scholarly work.

The confirmation of exceptionally qualified nominees like Goodwin should not be a partisan issue. We believe Goodwin deserves the support of Senators from both parties; at the least, he deserves a timely up-or-down vote. We are pleased to join the diverse range of individuals who endorse Goodwin's nomination and urge his swift confirmation.

Sincerely,

MARIANN BYERWALTER,  
*Chairman, JDN Corporate Advisory LLC.*

STEVEN A. DENNING,  
*Chairman, General Atlantic LLC.*

JOHN A. GUNN,  
*Chairman, Dodge & Cox.*

FRANK D. LEE,  
*CEO, Dragonfly Sciences, Inc.*

HAMID R. MOGHADAM,  
*Chairman and CEO, AMB Property Corporation.*

RUTH PORAT,  
*Executive Vice President and Chief Financial Officer, Morgan Stanley.*

RAM SHRIRAM,  
*Founding Board Member, Google, Inc.*

JERRY YANG,  
*Co-Founder and Chief Yahoo, Yahoo!, Inc.*

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. MCCONNELL. Mr. President, over the past two years, our Nation has been engaged in a great debate about the kind of country we want America to be—a place of maximum liberty and limited government, or a place where no problem is too big or too small for the government to get involved.

This debate arose because of a President who made no apologies about wanting to move America to the left, and it continues today, despite widespread opposition to the President's policies, because of the President's clear determination to forge ahead.

But just as Rome wasn't built in a day, neither is President Obama's vision assured. Rather, it is a work in progress.

A big part of the President's plan was to put government in charge of our Nation's health care system.

Another part was making sure government calls the shots over private industry and elections—so much so that we are actually having a debate right

now about whether businesses need to ask the White House's permission to move to another State, and whether private businesses should be forced to disclose political contributions in order to get a Federal contract.

And still another part of the President's vision involves the people he wants to put on our Nation's courts.

Do we want people who have reverence for the U.S. Constitution and who believe it means what it says or do we want people on our courts who care more about advancing an ideology that is antithetical to the Constitution than they do about upholding it.

This is the question Presidents need to ask themselves when it comes to judicial nominees. And I think this President's preference in this area is clear.

Based on some of the nominations we have seen, President Obama wants men and women on the courts who will advance his vision, who would expand the scope of government beyond anything the founders could have ever imagined.

Yet not until now has the Senate been asked to confirm someone who has so openly and vigorously repudiated the widely accepted meaning and purpose of the Constitution. And here I am referring, of course, to the nomination of Goodwin Liu to the Ninth Circuit Court of Appeals.

So this afternoon I would like to take a moment to explain why I believe it is so critically important that the Senate reject this nomination now by opposing cloture on it.

The first thing I would say about Mr. Liu is that I have nothing against him personally. No one disputes that he has a compelling personal story or that he is possessed of a fine intellect. But earning a lifetime appointment isn't a right, nor is it a popularity contest.

Rather, it is incumbent upon those of us who are required to vote on judicial nominees like him to evaluate each one of them closely—to examine their judicial philosophies, to look at their records, and to consider their temperaments. And that's just what we have done here. What have we found?

When it comes to Mr. Liu's record as a practicing lawyer, the first thing to say is that it is almost nonexistent. He has no prior experience as a judge and minimal experience actually practicing the law.

This means that in evaluating what kind of judge Mr. Liu would be, and in trying to determine his judicial philosophy, we are necessarily limited to what he has written.

And what do Mr. Liu's writings reveal? Put simply, they reveal a left-wing ideologue who views the role of a judge not as that of an impartial arbiter but as someone who views the bench as a position of power.

As recently as 2 years ago, Mr. Liu said he believed that the last presidential election gave liberals, as he put it, "a tremendous opportunity to actu-

ally get [their] ideas and the progressive vision of the Constitution and of law . . . into practice."

Here is an open acknowledgement by Mr. Liu that a judge should use his position to advance his own views. This is repugnant. Anyone who holds such a view as a judge would undermine the integrity of the courts.

And what are Mr. Liu's views?

In an article he published 3 years ago, Mr. Liu wrote that courts should interpret the U.S. Constitution as containing a right to education, shelter, subsistence, and health care—a constitutional right. By this he meant that the courts should determine how "particular welfare goods" should be distributed rather than the people themselves, through the democratic process.

The point is that Mr. Liu appears to view the judge not as someone whose primary job is to interpret the Constitution but as someone whose lifetime tenure liberates him to advance his views of what the Constitution means and empowers him to impose it on others. In his view, it is the job of a judge to create new rights, regardless of what the Constitution says or what the American people, acting through the democratic process, want.

And while this philosophy may be popular on left-wing college campuses, it has no place whatsoever in a U.S. courtroom. Everyone who enters our courtrooms should have the assurance that judges will uphold their rights equally and that they won't overstep their bounds. Mr. Liu's writings provide no such assurance. On the contrary, they suggest a deeply held commitment to the view that the Constitution can mean pretty much whatever a judge wants it to, that judges can just make it up as they go along.

In Mr. Liu's court, the defendant couldn't expect to be protected by the Constitution and the laws, because the law is subject to the whim of the judge. This is precisely the opposite of what Americans expect in a judge. It also happens to be the opposite of what the Founders envisioned for the courts. As it says in Federalist 78, the Judiciary "has neither force nor will, but merely judgment."

Compare this with Mr. Liu, whose writings suggest again and again that a judge shouldn't look so much at the words of the Constitution when setting out to interpret it, as they should "our collective values" or our "evolving norms."

Let's be clear. It is the judge, in Mr. Liu's view, who will determine what "norms" are "evolving," not the American people.

Clearly, the Constitution itself would take a backseat in his court.

Indeed, even a brief review of his writings suggests that, as a judge, Mr. Liu might very well accord greater respect to foreign law than he would to our own Constitution.

As he once wrote:

The U.S. can hardly claim to have a monopoly on wise solutions to common legal problems faced by constitutional democracies around the world.

Again, this might fly in a left-wing classroom—but it is cold comfort to those who look to the courts for equal justice under the law. Americans shouldn't have to wonder when they walk into an American courtroom which Nation's laws they will be judged under.

So, as I see it, there is no question, based on his writings, that Mr. Liu's judicial philosophy is completely antithetical to the judicial oath that he would be sworn to uphold.

Upon his own nomination to the bench, Professor Liu has sought to distance himself from his legal writings. He has also told the judiciary committee that he stands by them. Well, he can't have it both ways. And as others have pointed out, if we can't go by what Professor Liu has written, there is nothing left upon which to evaluate him.

On the question of qualifications, Mr. Liu just doesn't have much legal experience outside of the classroom. And while no one is saying teachers can't be good judges, this particular teacher's judicial philosophy, as evidenced by his writings, is so far outside the mainstream that anyone who believes in the primacy of the U.S. Constitution should be deeply troubled by the prospect of his appointment to the court.

I believe this nominee is precisely the kind of judge we want to prevent from getting on the bench. He should not be confirmed. I will vote against cloture. I urge my colleagues to do the same.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. REID. Mr. President, I will use leader time to give my remarks. I ask unanimous consent that as soon as I have finished my remarks, the vote go forward.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, 2 days ago I came to the floor to talk about the nomination of Goodwin Liu, an extremely well-qualified, fairminded, and widely respected legal scholar. The President has nominated him to serve his country on the U.S. Court of Appeals for the Ninth Circuit.

All week, this body has heard speeches about Mr. Liu's merits, so I will repeat them only briefly. He was a

Rhodes Scholar and clerked on the U.S. Supreme Court. He served as associate dean at the California Berkeley School of Law and is a professor there right now. He has done a lot of pro bono work and even helped launch AmeriCorps. On top of all that, he has lived the American dream. He is the highly successful son of immigrants.

His integrity has been praised by Democrats and Republicans, not just one or two but many. Former Republican Congressman—and a very conservative Congressman—Bob Barr commended Liu's commitment to the Constitution. One of President Bush's former lawyers said Liu falls within the mainstream. Even Ken Starr, the Whitewater special prosecutor, endorsed this man who served in the Clinton administration.

The record is clear. Any claims that Goodwin Liu is anything but deserving of our confirmation is simply inaccurate. But I recognize every Senator has the right to vote how he or she feels they should vote. It is worth noting, however, that the vote before us now is not a vote to confirm him; it is a vote on whether he deserves an up-or-down vote. There is no question he does deserve an up-or-down vote.

A simple up-or-down vote is hardly a controversial request. This is not only my view and the view of my fellow Democrats, it is a view of my Republican friends as well. In a 2004 Law Review article, one of our Republican colleagues, the junior Senator from Texas and longtime member of the Texas Supreme Court, wrote the following:

Wasteful and unnecessary delay in the process of selecting judges hurts our justice system and harms all Americans. It is intolerable no matter who occupies the White House and no matter which party is in the majority party in the Senate . . . Filibusters are by far the most virulent form of delay imaginable.

The junior Senator from Texas is in the Chamber today. We will see if he still feels that way or if he will, in his own words, hurt our justice system and harm all Americans with intolerable virulent delays. We will carefully be watching how he votes.

We will also be carefully watching another Republican Senator, the senior Senator from Tennessee, who said this in 2005:

I pledged, then and there, I would never filibuster any President's judicial nominee, period. I might vote against them, but I will always see them come to a vote.

The senior Senator from Tennessee is here today. "Never" is about as unambiguous as it gets. We will be watching to see if he upholds his public pledge.

A third Republican Senator, the junior Senator from Georgia, said this in 2005:

I will vote to support a vote, up or down, on every nominee, understanding that, were I in the minority party or the issues reversed, I would take exactly the same position because this document, our Constitution, does not equivocate.

The junior Senator from Georgia will be voting this afternoon. Now, as he predicted, he is in the minority and the issue is reversed. We will see if, as he promised, he will take the same position or if he will equivocate.

Here is a fourth. Four years ago, another Republican Senator, the senior Senator from Utah, former chairman of the Judiciary Committee, said this on this floor:

We may not use our role of advise and consent to undermine the President's authority to appoint judges . . . It is wrong to use the filibuster to defeat judicial nominees who have majority support, who would be confirmed if only we could vote up or down. That is why I have never voted against cloture on judicial nominations.

Yet another pledge never to vote against cloture on a judicial nomination. That is four. There are more. That is precisely the vote before us now. We will be watching to see if the senior Senator from Utah follows his own counsel or if he, in his own judgment, undermines the authority of the President of the United States.

These pledges were made publicly and plainly. In a court of law, they would be considered pretty clear evidence. It does not take the great legal mind of a Goodwin Liu to recognize that simple principle.

We have heard the promises. Now we will hear the votes.

#### CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit.

Harry Reid, Patrick J. Leahy, Charles E. Schumer, Richard Blumenthal, Daniel K. Akaka, Al Franken, Richard J. Durbin, Sheldon Whitehouse, Dianne Feinstein, Jeff Merkley, Christopher A. Coons, Mark Begich, Amy Klobuchar, Barbara Boxer, Jack Reed, Debbie Stabenow, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the nomination of Goodwin Liu, of California, to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. MORAN), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 74 Ex.]

#### YEAS—52

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Harkin       | Nelson (FL) |
| Begich     | Inouye       | Pryor       |
| Bennet     | Johnson (SD) | Reed        |
| Bingaman   | Kerry        | Reid        |
| Blumenthal | Klobuchar    | Rockefeller |
| Boxer      | Kohl         | Sanders     |
| Brown (OH) | Landrieu     | Schumer     |
| Cantwell   | Lautenberg   | Shaheen     |
| Cardin     | Leahy        | Stabenow    |
| Carper     | Levin        | Tester      |
| Casey      | Lieberman    | Udall (CO)  |
| Conrad     | Manchin      | Udall (NM)  |
| Coons      | McCaskill    | Warner      |
| Durbin     | Menendez     | Webb        |
| Feinstein  | Merkley      | Whitehouse  |
| Franken    | Mikulski     | Wyden       |
| Gillibrand | Murkowski    |             |
| Hagan      | Murray       |             |

#### NAYS—43

|            |              |             |
|------------|--------------|-------------|
| Alexander  | DeMint       | McConnell   |
| Ayotte     | Enzi         | Nelson (NE) |
| Barrasso   | Graham       | Paul        |
| Blunt      | Grassley     | Portman     |
| Boozman    | Heller       | Risch       |
| Brown (MA) | Hoeven       | Roberts     |
| Burr       | Inhofe       | Rubio       |
| Chambliss  | Isakson      | Sessions    |
| Coats      | Johanns      | Shelby      |
| Coburn     | Johnson (WI) | Snowe       |
| Cochran    | Kirk         | Thune       |
| Collins    | Kyl          | Toomey      |
| Corker     | Lee          | Wicker      |
| Cornyn     | Lugar        |             |
| Crapo      | McCain       |             |

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—4

|           |        |
|-----------|--------|
| Baucus    | Moran  |
| Hutchison | Vitter |

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 43, and 1 Senator responded "Present." Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

• Mr. MORAN. Mr. President, today, I was unavoidably absent for vote No. 74 on cloture for the nomination of Goodwin Liu, of California, to be a U.S. circuit judge for the Ninth Circuit. I was in my home State of Kansas at the time of the vote. Had I been present, I would have voted to oppose the invoking of cloture on the nomination. •

The PRESIDING OFFICER. The Senator from Illinois.

#### LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent the Senate proceed to a period of

morning business until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

#### PENDING TRADE AGREEMENTS

Mr. JOHANNES. Mr. President, I come to the floor this afternoon during World Trade Week to urge President Obama to submit pending free-trade agreements: Korea, Panama, and Colombia. I hope this is the last time I come to the floor on this issue until we are actually debating these job-creating agreements, but I must admit I feel as though I am holding my breath.

Mr. President, 1,420 days have passed since the U.S.-Korea Free Trade Agreement was signed; 1,422 days have passed since we signed an agreement with Panama, and it has been 1,640 days since we completed negotiations with our close ally, Colombia.

We have heard the administration tout the job-creating benefits of the agreements, so why more roadblocks? Our unemployment rate is nearly 10 percent. Our workers deserve a consistent message on job creation from this administration. It has been over a month since President Obama and the President of Colombia made an announcement. The announcement was that negotiations had been completed, I might add, yet again. I was relieved that President Obama finally announced there was an agreement and that there was a need to complete the long overdue agreement.

I am confident the agreement brought to the Senate and the House would finally win bipartisan support, and I still am today. In fact, over a month ago, in the Wall Street Journal, my colleagues, Senators BAUCUS and KERRY, called for Congress to "restore a broadly-shared bipartisan consensus on trade." Now the administration seems to be moving the goalposts, suggesting continued delay. They are trying to hold up these agreements to force us to make spending increases that were contained in the ill-fated economic stimulus bill.

During the challenging economic times that our Nation has endured, we should all be doing all we can to exert every single ounce of energy to get our economy moving again and create jobs. This is not done by heavyhanded government, massive new spending, and new entitlements when our current programs are unsustainable. It is accomplished by lowering and removing barriers to our job creators so they can flourish. Korea, Panama, and Colombia all have much higher barriers to our exports than we have to their imports. These three bipartisan votes should have been near the top of the agenda 2 years ago. By now we should be voting on new agreements that this adminis-

tration has negotiated, not the leftovers from the previous administration.

We will need an even greater focus on leveling the playing field through trade agreements if we are going to double our exports in the next 5 years, which is the goal the President has set. Yet the administration, claiming that re-opening negotiations with Korea, Colombia, and Panama was necessary, continues to talk through these agreements. I am not saying every single agreement before us, or hopefully before us, is perfect. No agreement ever is. However, let's not forget that these agreements were originally negotiated in good faith between allies. What does this delay do to our reputation as a reliable negotiating partner?

Back where I come from in Nebraska, a lot of business is still done with a handshake. We trust our neighbors because they are good people with good values. But if one makes a deal with someone and shakes on the deal and they keep changing the terms or delaying the followthrough, one tends to stop dealing with those people. I sure hope that does not happen to us.

The fastest growing opportunities for American businesses, farms, and ranches are outside of our borders. Our greatest opportunities are overseas in rapidly developing countries. I fear that these long delays have hurt our ability, the ability of our government to negotiate high-quality trade agreements. But, most importantly, it has hurt the ability of Americans to compete in these growing marketplaces.

Let's not pretend this delay has not cost American workers. Since the Colombia agreement was initially signed all those days ago, our businesses and our agricultural producers have paid nearly \$3.5 billion in tariffs for goods exported. That is enormous, especially when we consider that the U.S. International Trade Commission estimates that an American job is supported for every \$166,000 in exports.

Instead of wasting money on tariff payments, the U.S. manufacturing and agricultural sectors could have spent billions of dollars creating jobs at home.

I hope we can soon get past the continued delays and the administration can signal to us that they are serious about doubling exports in 5 years.

On July 1, less than 2 months away from now, the trade agreement between the European Union and South Korea goes into effect. It is also the date that the FTA between Canada and Colombia goes into effect. The negotiators for other countries are watching the United States, and they have seen a lack of trade policy. They have seen a change here, and they are doing everything they can to fill that vacuum with negotiated and approved agreements. Now our exporters will face even greater competition when our

trade agreements are approved, and hopefully they will be.

The President said it very well in his State of the Union Address:

If America sits on the sidelines while other nations sign trade agreements, we will lose the chance to create jobs on our shores.

That is exactly what is happening. I will give one example. In 2007 American wheat farmers supplied Colombia with almost 70 percent of the wheat market, even though they faced tariffs of 10 to 35 percent. By 2010 our wheat farmers' share of the market had dropped to 46 percent. Where did that business go?

Meanwhile, Canada's share grew from 24 to 33 percent. That percentage will skyrocket when Canadian farmers can export their products duty free on July 1. Our wheat farmers may effectively be shut out of a market that they dominated at one point in time.

Americans who are out of work know firsthand that an opportunity is being missed. Nebraska farmers, businesses, workers, those across the country know we can compete with anyone given a level playing field. After the absence of leadership on trade in Washington during the last 2 years, though, the job of competing is harder and harder.

In proclaiming this week as World Trade Week, the President noted the connection between the global economy and prosperity in our own country. "To ensure our success," he called for "a robust, forward-looking trade agenda that emphasizes exports and domestic job growth." It is disappointing that the positive steps forward we have seen over the past few months have slowed in recent days, and we just cannot afford more setbacks.

I look forward to working with the administration over the next 2 years on forward-looking trade efforts. Real progress forward would produce great opportunity in our country, but we have to get this work done first. Therefore, it is my hope that the President will bring to us, without delay, the Korea, Panama, and Colombia Trade Agreements for us to vote yes.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FREE-TRADE AGREEMENTS

Mr. BROWN of Ohio. Mr. President, I appreciate the words of the Senator from Nebraska about these trade agreements. I take them at face value. I know he means well. I know he believes these trade agreements help the American people.

I also know every time there is a major trade agreement in front of this Congress—the Presiding Officer's first one, I believe, and mine, was something called the North American Free Trade Agreement. They promised and promised, saying there would be all kinds of jobs and our trade surplus would grow; that it would be not just more jobs but better paying jobs. It did not quite work out that way with NAFTA.

Then they did the same kind of promise and overpromise with PNTR, normal trade relations with China. In Mexico with NAFTA we had a trade surplus not too many years before NAFTA was signed, and it turned into a multibillion-dollar trade deficit.

With China we had a small trade deficit. A deficit in trade means we buy more from that country than we sell to that country. President Bush said a \$1 billion trade surplus or deficit turns into—he had different estimates, but between 13,000 and 19,000 jobs is what he used to say. Whether or not that is precise is a bit beside the point. The point is, if we are selling a lot more than we are buying, it is going to create jobs in our country. If we are buying a lot more than we are selling, we are going to lose manufacturing jobs.

We went to literally hundreds of billions of dollars in trade deficit with China after PNTR. If we go into any store in the country we see the number of products made in China that used to be made in Vermont or Ohio or Michigan or Pennsylvania or Mississippi or wherever. So we know with these trade agreements, every time they come to the floor the promise is they are going to create jobs for Americans. They did it with NAFTA. They did it with PNTR with China. They did it with the Central American Free Trade Agreement. Now they are saying the same thing with South Korea, Panama, and Colombia, that it is going to create American jobs. Well, it doesn't ever. Maybe the theory is good. I don't think the theory is very good, but maybe it is, but it doesn't seem to work out that way.

I urge my colleagues to listen to what these supporters of trade agreements say, to be sure; trust but verify. Ask the tough questions: Why is this going to create more jobs? We know the cost of the South Korea trade agreement is literally \$7 billion. It is going to cost us a lot of money. They are not paying for it. These fiscal conservatives here don't want to take away the subsidies from the oil industry. They also don't want to pay for the trade agreement that is going to cost us \$7 billion, plus the lost jobs that come about as a result.

We know what these lost jobs mean to Mansfield, OH. We know what they mean to Sandusky and Chillicothe and Cleveland and Dayton, proud cities with a proud middle class that have seen these manufacturing jobs so often go straight to Mexico, go straight to

China, go straight to countries all over the world after we sign these trade agreements or after we change these rules about trade.

At a minimum, I have asked the President of the United States by letter, with 35 or so Senators who also signed this letter—and we will release it and send it to the President tomorrow—underscoring the President's commitment and the commitment of the U.S. Trade Representative, Ambassador Kirk, and the President's economic adviser, Gene Sperling, who said they will not send these free trade agreements to the Congress until the President has had an opportunity to sign trade adjustment assistance.

Trade adjustment assistance simply says when you lose your job because of a trade agreement, you at least are eligible for assistance for job retraining. To me, the problem is the trade agreements and they are costing us jobs. But at a minimum, the great majority of Democratic Senators here understands, along with the President, that we don't pass these trade agreements without helping these workers who are going to lose their jobs.

To me, it is a little bit counterintuitive: Why pass these trade agreements at all if we expect job loss to come from them. But the other side of the argument is that jobs will increase overall, although it doesn't seem to work that way. But everybody knows some people are going to lose jobs as a result of these trade agreements. That is a bit of circular thinking that I don't particularly buy. But at a minimum, because so often when these trade agreements pass, conservative Republican—sort of pro corporate interest—Senators, will say, Well, we want to take care of these workers and let's pass a trade agreement, and then they don't get around to taking care of the workers. That is why we have to do trade adjustment assistance first and to begin to enforce these trade rules.

We saw in Ohio alone in the last 3 or 4 years, because we enforced some trade rules—because the President of the United States, President Obama, and the Commerce Department and the International Trade Commission stood up and enforced trade rules on China's gaming the system on tires, on oil country tubular steel, and less so, but on coded paper—we have seen jobs in the United States come back because we are leveling the playing field so they can't game the system as much.

That is why it is important that we take care of workers before these trade agreements come to the Congress and then we will debate trade agreements. I hope we can defeat them—I think it is going to be hard—and we make sure we do the enforcement of these trade rules that are now in existence that are now part of the law and get that in place and strengthen that before we pass these trade agreements.

It is a pretty simple thing to do, but it is important. In one of the trade agreements the Senator from Nebraska mentioned, he was talking about the Colombia Free Trade Agreement. I could speak on each of the three to the point of perhaps boring some of my colleagues. But on the one trade agreement that is particularly egregious with the country of Colombia, just last year, 50 trade unionists, 50 labor activists in Colombia were murdered—50 murders. They are saying, the supporters of these trade agreements say yes, but they are getting better in Colombia and fewer trade activists are getting murdered so it is getting better.

Not that long ago, a labor rights lawyer was shot. He did not die. He survived, was injured badly. There is something a bit untoward about saying to this country, because you are getting better and fewer trade unionists are getting murdered, we ought to give them free trade, we ought to do a free trade agreement. I hope we will stand back. If we care about justice and human rights and about the values we embody of democracy and fair play, we shouldn't be passing a trade agreement with a country where the labor environment is such that these labor union activists who believe in collective bargaining and free association, collective bargaining—such as the consensus we have in this country around collective bargaining—at least we did until some radicals in Ohio and Wisconsin tried to write and pass legislation that unwinds some of that which has helped create a middle class. But if we believe in collective bargaining, if we believe in free association, if we believe in the right of the people to voluntarily organize and then bargain collectively, we shouldn't be passing a trade agreement with a country that has an environment where so many labor activists have been murdered.

I wish to remind my colleagues again how important this trade adjustment assistance is before we pass these trade agreements.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### NLRB

Mr. BLUMENTHAL. Thank you, Mr. President.

I rise today to voice my concerns about a great deal of controversy surrounding a complaint issued under the National Labor Relations Act against the Boeing Company. Boeing recently decided to open a new plant in South Carolina. The National Labor Relations Board's acting general counsel issued a complaint because of evidence that this decision was made in retaliation for recent strikes at the Boeing plant in the Puget Sound area.

I hope there is no dispute about a couple of points. First, Boeing is a

highly reputable company that produces great products valued around the world, and great jobs. Not just jobs but good jobs. There should be no doubt also about the importance of public debate, robust criticism of government agencies, including the National Labor Relations Board, when it makes decisions that spark disagreement. I have the greatest of respect for my colleagues on both sides of the aisle who may have been critical of NLRB decisions in the past and of this action in the present. There should be no doubt also about the importance of the integrity of the NLRB process which begins with a complaint, which is all we have here against Boeing, and then has a procedure for consideration by an administrative law judge of the facts and the law, then to the full board of the NLRB, and a right of appeal to the Court of Appeals for the District of Columbia circuit.

Here, in this instance, there has been a series of attacks on the complaint and the acting general counsel that involve apparent efforts to impede or derail that process and to prejudge and even preempt that process. The effect is to politicize and potentially stop what should be a legal proceeding handled under the appropriate rules and laws and statutes by an independent government agency. This issue is about the integrity of the process.

At this point there is only a complaint against Boeing. This complaint was issued on the basis of statements and documents and actions by the company itself. There is certainly evidence, including at least one Boeing executive's statements, that the company may have retaliated against workers. The NLRB and Lafe Solomon, the acting general counsel, have not only the right but the responsibility to investigate and act where the facts and the law establish a right and obligation to do so. So no one should be trying to prejudge this case before it goes before the administrative judge, and no one should be seeking a pass from the appropriate process, and no one should be seeking to intimidate or to interfere with this lawful proceeding. I come to the floor today because of the prospect of exactly that danger occurring.

On May 12, Chairman DARRELL ISSA, representing the House Committee on Oversight and Government Reform, sent a letter to the acting general counsel of the NLRB requesting that it produce virtually all internal documents relating to this case. Indeed, the letter has a number of specific paragraphs that are sweeping in their scope, requesting, for example—demanding—that all documents and communications referring or relating to the Office of General Counsel's investigation of Boeing, including but not limited to all communications between the Office of General Counsel and the National Labor Relations Board. The

House committee, with all due respect, is not a court. It is not the administrative judge. It is not a proper party to be demanding these documents in the course of a lawful judicial proceeding. The chairman's attempt to insert the committee into this case by conducting its own round of discovery at this point would interfere with the NLRB's ability to prepare and present its case before a real judicial officer.

These actions and some others are an attack on the integrity of the NLRB, an attack on its ability to make decisions and enforce the law as the Congress has instructed it and required it to do based on decisions involving the facts and the law alone. The NLRB is part of our justice system, and it should be given the opportunity to do justice in this instance. It should be given the opportunity to protect fairness and peace at the workplace, which is ultimately its mandate and its very solemn responsibility, and its tradition. Its mandate from the Congress is to protect jobs and foster economic growth by maintaining peace and fairness at the workplace. These priorities should be shared by all of the country. I certainly believe and hope that the people of Connecticut want fairness and peace in the workplace, as we do in our workplaces.

The NLRB, very simply, should be given that opportunity to do justice without improper or inappropriate interference by Members of the Congress or anyone else. My hope is that it will be vindicated and the attacks will cease, and that it will be given the opportunity to go forward lawfully and appropriately and properly.

Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL.) Without objection, it is so ordered.

Mr. PRYOR. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

#### FEMA RECOUPMENT

Mr. PRYOR. I rise to speak for 10 minutes on an issue that is very important to not just my State but really important to the country.

We know flooding is going on around the country. This is a picture from Arkansas, and clearly there are people all over the country or all over the South along the Mississippi River who are underwater. You can see the very end here; this little end is a lawn mower that is sticking up out of the water. The water is coming up to the bottom of the windowsill in this home over in

east Arkansas. So we certainly send our prayers and any sort of assistance we can to people in my State, in Louisiana, Mississippi, other places, Missouri—obviously in Missouri they have had a lot of water up there—and Tennessee and other places that are really underwater right now.

What I want to talk about today, though, is not this flooding the country is experiencing right now but a flood in my State that happened 3 years ago. We had a situation 3 years ago where we had some flooding on the White River near a town called Mountain View, and FEMA paid out some money to flood victims there. It turns out some of that money was paid out wrongly.

I want to talk about that in just a minute, but let me start with June 1, 1865. In President Lincoln's Gettysburg Address, he described our government as a government of the people, by the people, and for the people. I like President Lincoln's description of our government, and I firmly believe our government was created by our citizens to protect our citizens. It is there for the benefit of our citizens. That is what I want to talk about today.

Many of you have heard me talk about FEMA's disaster assistance recoupment process, which, by the way, I am 100 percent for recoupment. Our Federal agencies make mistakes, and they send out things in error. There is some double-dipping. There is some lack of oversight. There are poor systems in place from time to time. There is some fraud, some dishonesty out there. I think the Federal Government owes it to the taxpayers to go out and recoup as much of that money as possible. I want to focus on one sliver of that, and even within that sliver, a very small piece of that small sliver; that is, FEMA's disaster assistance recoupment process.

I have a bill on this subject, and since the last time I have spoken about this on the floor, we have taken our bill, we have been in the Homeland Security Committee, and it has been reworked and modified. Our staff and many other staffs on the committee worked on this late last week and over the weekend and early this week, and I think they spent over an hour with FEMA on the telephone to make sure they understand all of FEMA's processes and how this really works.

But the bottom line is, yesterday in Homeland Security, I was able to offer my new substitute bill, which was adopted in the committee, the substitute was adopted—the amendments were adopted to the bill. So we now have a new bill in terms of the text of the bill. The changes were negotiated. Again, we spent a lot of time talking to staff and Members from both sides of the aisle, both sides of the committee.

Basically what it does is very simple, and it is much simpler than what we

were doing a week ago. It is very simple. What our bill does is it gives the FEMA Administrator the authority to waive disaster assistance recoupment efforts if three conditions are met. You have to meet all three conditions. First, the disaster assistance must have been distributed based solely on a FEMA error. So there can be no fault on the part of the person but solely on a FEMA error. Second, there cannot be any fraud or any misrepresentation on the part of the debtor. Third, the collection of the debt would be against equity and good conscience. And the reason we chose that phrase, "equity and good conscience," is not because we made it up but because that is the standard that is in current law. The Department of Defense uses that language when they talk about recoupment, the Social Security Administration uses that language, but also OPM has that language in their law as well. So this is not setting a precedent; this is basically applying other standards, recognized standards in the Federal Government, to FEMA.

The reason this is important is FEMA technically has discretion right now. FEMA can't tell us the statistics because they don't keep the statistics, but basically what we hear over and over from FEMA and other folks who are familiar with this process is that they cannot—or they are very reluctant to waive these debts. They feel they have a mandate to go recoup this money and collect this money, and that is what they do.

Quite frankly, in some circumstances what they will do is they will force someone to go through this appeal process, they will make a determination that maybe that person may have \$100 a month in disposable income, and they will basically take that \$100 a month from that person every month for, say, 5 years.

In the case in Arkansas I want to talk about here in just a moment, the people supposedly owe back, according to FEMA, \$27,000. So if they did that and they took all of their disposable income—let's just say it is \$100, and we don't know what it is because we do not know all of the facts. They are in the process of going through the process, but we don't know all of the facts. I am not trying to get in their personal financial information. But the bottom line is, let's say it is \$100 a month, the disposable income. These folks are on Social Security, so you know it is not going to be a whole lot more than that, if that. But for 5 years, FEMA taxes all of their disposable income. At the end of 5 years, FEMA has collected \$6,000 on a \$27,000 debt. I mean, are we really getting what we want out of this? Are we trying to squeeze blood out of a turnip?

I have been working on this legislation for 2 months. All we are trying to do is give FEMA clearly in the statute

some discretion to let them make decisions, again, when equity and good conscience would dictate that there ought to be a waiver. And it is not that hard.

I know that right now in the Congress—and this is a good thing—people are very money-conscious. That is good. We are pinching pennies. That is good. We are trying to recover every Federal dollar we can. That is good. I know the Presiding Officer right now has been leading the charge on that, and that is good, and we applaud her. We are cheering for her to continue to do that. We want her to do that. We want that for the government. But one of the things our government should do in dealing with its citizens is consider the equity and consider doing things in good conscience.

I want to talk about the situation here in Arkansas. I want to talk about one family who has received one of these letters from FEMA. There are not very many. We don't know the exact number, but we know there are not very many who will fall under this statute we are trying to address.

But in this one family, they are in their seventies. They are on Social Security. They bought or built this home—I am not sure which—years and years ago on the White River near Mountain View. When they purchased the home, they bought flood insurance. They knew they were on a river. They knew it might flood. It is a river, for crying out loud. It is in Arkansas. It rains a lot from time to time. They knew it might flood, so they bought flood insurance.

Well, after so many years, the flood insurance company said: We are not going to do any more flood insurance. We are not even offering that line anymore.

They went to Lloyd's of London and they bought flood insurance. They went overseas to buy flood insurance so they would have protection. They carried that for a number of years. Finally, Lloyd's of London said: We are not doing flood insurance anymore.

So then they tried to buy flood insurance through the National Flood Insurance Program. They could not do that because the county where they reside had not passed an ordinance that FEMA had approved. Now, I don't know why they had not, haven't gotten into the merits of that, but the bottom line is that FEMA knew this county did not pass this ordinance. They knew it. They had to know it because FEMA keeps it all by ZIP Code. They keep it all by county. They keep it all by flood zone maps. They knew this. Nonetheless, they show up at her house a day or two after the disaster, they take photos, they give her the paperwork, and they assure this couple—they assure them—that they are entitled to this money, and they walk them through the process. The people did it.



They got \$27,000 from FEMA in this individual assistance money. Those people took every dime of it and put it back in their home—every dime, put it back in their home. They played by the rules from the very beginning to the very end.

Then, 3 years later—3 years later—FEMA writes them a letter and says: Oh, by the way, we made a mistake. We should have never given you that money in the first place because your county had not passed this ordinance. So you owe us \$27,000. You have 30 days to pay it back or you are going to face penalties and interest.

Well, again, this couple is in their seventies. They are on Social Security. They don't have much else. They have their home. That is about it. This could ruin them financially—probably will ruin them financially. I do not know how in the world they would ever pay this, anywhere close to the \$27,000. But nonetheless FEMA says: Look, our hands are tied. We have to pursue this. We have to squeeze everything we can get out of these folks.

My view is that this was completely FEMA's mistake. That is why I opened with the quote that we are supposed to be a government of the people, by the people, and for the people. This doesn't sound as if FEMA is acting like that type of government right now. FEMA has caused these people harm. Our government should never harm its own people—should never harm its own people—but that is exactly what they have done here. Because of FEMA's incompetence back 3 years ago, they are harming these people.

These people, 3 years ago, had they known they were not eligible, had they known they shouldn't apply for this, had they known FEMA shouldn't have given them this money, would have taken a different course. They would have made decisions based on the circumstances they had at the time. Who knows if they can ever pay this money back. Who knows if they can ever borrow any money. Who knows how this is going to work out.

I feel as if, if we gave FEMA the discretion in this particular case, you would see a different result; you would see FEMA say: OK, we will waive this entirely, and we are just not going to pursue you because it was all our fault.

I think FEMA clearly needs to have discretion in the statute. Again, if you look at their regs, look at some of their law, look at their practices, they do technically on paper have this discretion, but apparently they are very reluctant to use it, and their inspector general is really pressuring them to collect every dime they can. So FEMA feels as if their hands are tied.

Let me say a couple more words about this. I have asked the Homeland Security Committee to allow us to reconsider this in the committee. There was a little bit of an odd circumstance

in the committee yesterday. We had the votes, but some of the Senators who were there and for this either had to leave or were on the way when we voted, and we ended up not having enough to pass it. If everyone was there, we would have passed this. Now we are asking them to reconsider, that we be allowed to bring this back up on the next markup, which I think is going to be next week. We would like to do that. We think it is a matter of fairness.

The reason I am asking this and I am so insistent on this is because this is not limited to my State. I am not just trying to help a few people in the State of Arkansas. I think there are very few in number here in my State. But what is happening around the country is—I saw it today. There were two stories; I believe one was from Tennessee, one was from Mississippi. The same thing is happening in those States. People are starting to get these letters from FEMA. What is going to happen is all of my colleagues are going to start coming to the Homeland Security Committee, and they are going to say: Do something about this. We have these hardship cases in our State that need to be addressed.

Trust me on this, this is going to happen for most people in this Chamber in their home States because FEMA has a backlog of 165,000 of these cases. They have only gone through a little over 5,000 of them to send these back—process these and send these letters out. They have 165,000. They have done about 5,000, and they have 160,000 to go. You can bet your bottom dollar most Senators in this Chamber will have people in their home States who need a little equity, a little grace, and need to have their government stop beating up on them.

Again, I feel very strongly that, in this particular case, FEMA has done these people harm. They have put them in a very dangerous position financially. They gave them some money, and now they are trying to jerk the rug out from under them and take it back. I think that is unfair. I think that once these cases—and there will not be many of them; there may be a couple hundred around the country—but once people get into these cases, they are going to want FEMA to clearly have this discretion. The first numbers we ran—it was only about three-tenths of 1 percent, but now probably it may be a little higher, but we don't know because FEMA doesn't keep accurate statistics.

One last thing on FEMA. I feel like FEMA has fixed this for the present time and going forward. When Director Fugate came in, this is one of the many cleanups he had to do from the previous FEMA administration. I think they have done that, and they have better systems in place. I think their competence level has gone up in the

last couple years. I don't agree with him on everything, but I think he has done a pretty good job. We have asked questions of him before the committee. He took over an agency that was in distress, and he is trying. Generally, he has done a great job, and he thinks he has fixed this. As far as I know, he has. I think they have their act together much more than they did back then.

My point is, hopefully, we will not see these kinds of cases come from the flooding we are seeing right now. These are legacy cases from the previous FEMA administration.

I thank my colleagues for being aware of this. I ask my colleagues on the Homeland Security Committee to allow us to bring this back up, put this back on the markup, and let's get it out of the committee.

One of the great things about Homeland Security is that very seldom do we have party-line votes in that committee. That committee is very non-partisan. The chairman and the ranking member insist on that. When we sit in that committee, we actually sit around the table, Democrat, Republican, Democrat, Republican. It is a great committee to serve on. I love being on that committee. I hope my colleagues on the committee and also in the Chamber will encourage us to move this through the committee next week and try to get this done to help a lot of people around the country.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KIRK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KIRK. Madam President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NAVY OPERATIONS OFF THE COAST OF SOMALIA

Mr. KIRK. Madam President, I rise to commend the work of our Navy operating off the coast of Somalia.

Over the weekend, the USS *Stephen W. Groves* encountered a pirate mothership, a captured Taiwanese fishing vessel, the *Jih Chun Tsai*. The pirates aboard exchanged fire with the *Stephen W. Groves*. Once the firefight ended, a boarding party found that the Taiwanese captain had been murdered along with three pirates. The crew of the *Groves* captured 19 surviving pirates, but, unfortunately, by much higher command, was instructed to return them directly to Somalia.

I recently visited the *Groves*, shortly after a previous engagement with the

*Jih Chun Tsai* in April. I, personally, commend CDR Matthew Rick and his crew aboard the *Stephen W. Groves* for the work they have done fighting piracy in the Gulf of Aden. Their actions over the weekend eliminated the pirate threat of one mothership, but, unfortunately, there are many more to take out.

Also, on Monday, a helicopter from the USS *Bulkeley* responded to a distress call from the M/V *Artemis Glory*, a German-owned crude carrier. The helicopter crew from the *Bulkeley* saw the pirates firing on the merchant ship and returned fire, sinking the skiff and killing the four pirates aboard.

Also, on Monday, the USS *Bainbridge* responded to a distress call from a cargo carrier, the MSC *Ayala*. After the crew of the *Ayala* repelled a pirate attack, the *Bainbridge* arrived and located the mothership responsible for the attack. The crew made contact with the pirates, who ultimately agreed to abandon the mothership they had hijacked just 4 days before. Ironically, the skiff the pirates tried to flee in sank, and the pirates were rescued by the *Bainbridge*.

I commend the men and women serving on the USS *Stephen W. Groves*, the USS *Bulkeley*, and the USS *Bainbridge* for jobs very well done. My hope in the future is that we can have far more robust rules of engagement, empowering Commander Rick and his fellow commanders to eliminate the threat of piracy.

Of course, this mission would be in the highest traditions of the U.S. Navy and in the tradition of the Jefferson administration, which so ably handled this threat when it emerged in the early part of the 19th century. My only hope is that, in the coming administration review by Secretary of State Clinton, she adopts a more Jeffersonian policy with regard to this threat, so the sealanes, which control 70 percent of the world's supply of oil, and so the ransoms, one-third of which are now being paid to terrorists who operate the largest terror training camps on Earth, can be eliminated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANCHIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDENT VOTING

Mr. MANCHIN. Madam President, I rise today to speak about the importance of getting our young people involved in our electoral process and to highlight a West Virginia school with a standout record for going the extra

mile to encourage students to register and participate in voting.

I tell young people all the time: You cannot sit on the sidelines and watch life happen. You have to get in the game and start making the calls. The same can be said about our democracy. If you want results, you have to first become an informed and active voter.

Voting is one of the greatest rights the free people of a free nation possess. Over the course of our Nation's history, many have fought tirelessly to gain voting rights. In fact, it was West Virginia's very own Senator Jennings Randolph who relentlessly pushed for the 26th amendment to our Constitution, ensuring those 18 years of age or older had the right to cast a ballot. It took him almost 30 years to get it passed. He started during World War II. It did not pass until 1971.

Each vote matters and the individuals casting those votes matter even more. I know that firsthand because I was honored to serve as West Virginia's highest elections officer, secretary of state. I served from 2000 to 2004.

During my tenure, we established a program called Saving History and Reaching Every Student Program, which was known as the SHARES Program which promoted democracy in West Virginia schools. We registered 42,000 high school students. In my State, so many of the students, if they are 17 years of age but they turn 18 on election day of November 4 or before, can vote in the primary while they are 17. They did not know that. We started promoting it. We had ambassadors. They were all working and trying to get 100 percent of their class eligible to participate—to register and then vote. Then we rewarded them with a school of excellence. My staff and I traveled the State speaking with high school seniors, encouraging them to complete a voter registration form and to participate in our elections.

A decade after that program began, it gives me great pleasure to stand on the Senate floor today and recognize a school—one school—that truly takes it to a whole other level with their students. They took it very seriously as far as democracy and their right and their responsibility to participate.

Every year for the past decade, the staff and the members of Fayette County's Meadow Bridge High School, with their outstanding principal, have registered 100 percent of each senior class. This is truly a remarkable accomplishment. I am unaware of any other school in our great State or across this Nation that has produced voter registration numbers such as those for 10 years in a row. Think of it: Every student in the senior class of this school for 10 years registered to participate.

The school takes important steps such as explaining the registration form, the election process, and the im-

portance of one's vote—all of which go a long way in opening the minds of young adults and showing them that it is easy to become involved, cast a vote, and make a difference.

I have said this to so many young students and the students who come and work with us every day: The most valuable thing you will ever own in your life is your vote. It belongs to you and nobody else. There is only one—your vote. Nobody can take that away from you.

I applaud Meadow Bridge High School's students, faculty, and staff for their commitment to our democracy. I challenge other high schools to follow Meadow Bridge's example.

Let us work together to encourage our Nation's young adults, even more when it comes to our democracy and national issues. This is not a partisan issue, as so many things might be in this body. This is not. It is all of us working together to continue to lead this great country. It is all of us being Americans and that we should support, for the future of our great Nation, this democracy of ours and the freedom to vote.

I am so proud that West Virginia's own Meadow Bridge High School is such a good example, not only for the State of West Virginia but for young students all over this Nation.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BLUNT. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

#### FREEDOM IN THE MIDDLE EAST

Mr. BLUNT. Madam President, I rise today to talk about President Obama's speech today on the support of the Arab spring, at least what we are calling the Arab spring. I believe and hope, as many of my colleagues do, that it is in the best interests of the United States to advance freedom in the Middle East.

Supporting free people and democratic governments has always guided American foreign policy. Lending our support to people who yearn for freedom is really part of our national DNA. Doing so in a practical and pragmatic way within the context of regional stability is imperative to our own national security.

In recent weeks I have been very supportive of the President's actions as they related to Osama bin Laden and the decisions that were made there. In recent months I thought the President has been a little unsteady in advancing the principles I mentioned earlier. He

demonstrated uncertainty in dealing with President Mubarak before withdrawing his support and, if I can say so, withdrawing his support suddenly. After hesitating for several weeks and allowing Mr. Qaddafi to regroup, we then authorized U.S. participation in a NATO air operation with a confusing mission that does not have the kind of U.S. leadership that it might have benefited from.

Then in Syria we stood on the sidelines for weeks while terrible things happened to profreedom demonstrators before we finally announced a series of sanctions just this week.

Of course, we all recall that in 2009, the Iranian regime possibly could have been unseated by proponents of freedom. At that time the President and the United States barely lifted a finger to support those elements.

Indeed, the President's entire narrative has been unclear since he took office, from the time of his Cairo speech in 2009. I think that speech has left our friends in the Arab world both disillusioned and confused.

Nobody, from the American people to the Arab street, seems sure of what our policy is in support of freedom. So I was very interested in the President's speech regarding a new American policy in the region targeted toward rapidly changing situations in the Middle East.

The President laid out a plan for an AID program for some Middle Eastern countries whose internal stability is challenged by recent events. The plan would consist of a combination of grants, of loans, of debt forgiveness, and the President's plan, I believe, has merit and there is value to a robust role for the United States to support certain governments at a critical time.

However, it is important that we recognize that any support given to these emerging or existing Arab governments can only be helpful to them if they are helpful to themselves. I believe Congress must be a partner in the development of this package for it to work. Congress will have to ensure that whatever aid is given is both targeted toward an outcome that is in the national security interests of the United States and does not increase the U.S. deficit. It will be a matter of looking at where we can find resources to use them in this new and different way.

My support for the President's idea will also be contingent on several principles being met by the government that receives any U.S. aid. As a member of the Foreign Operations Appropriations Committee I am going to be looking for things where the President would certify that the following conditions are being met to proceed further with this plan he outlined today.

First, I think the government and its leaders must reject all forms of terrorism if they expect to receive this kind of assistance from us.

Second, they must demonstrate a credible plan for economic development and poverty reduction. Lack of access to economic opportunity has been the driving force behind what has happened in these countries. It was not about us; it was not about Israel; it was about jobs and food and economic opportunity. So that has to be one of the criteria that these governments would be looking at.

Third, they need to demonstrate a record of support for the rule of law, a prerequisite for ensuring that U.S. aid dollars will not be used to subvert the system of justice or to veil opponents or undermine constitutional government.

Fourth, they must respect minority and religious freedoms, including women's rights.

Fifth, they must have a sustained commitment to democratic reform and institution building. Nobody believes that democratic societies spring up overnight, but recent months remind us that failing to demonstrate commitment to more open systems of government can end in upheaval and force change.

Sixth, these governments, if we help them, must respect international norms such as honoring their treaty obligations and respecting universal human rights.

Last, but certainly not least, any government participating in the aid package like the one the President talked about today must be committed to regional peace. In particular, that includes peace with Israel. Israel has both the most to gain and the most to lose as new attitudes toward freedom and democracy spread throughout the Middle East. Leaders who are tempted to bait their populations with anti-semitism and then respond to their passions may be even more dangerous to Israel than the regimes they are replacing. But an adage of international relations is that truly free and democratic societies respect one another's existence, recognize one another's right to peace, and resolve their conflicts through peaceful resolution, not violence, not threats, not terror.

As nations throughout the Middle East undergo change, we should closely monitor their attitude toward Israel. Only nations that are constructive in their attitudes and policies toward our ally, Israel, should be eligible for the kind of aid the President discussed in his speech.

None of these conditions are meant to suggest these governments must be identical or that their leaders must always agree with the United States. I believe, for example, the Kingdom of Jordan currently meets these standards. I am hopeful Egypt's new leaders will commit to these principles as well. Leaders in the Palestinian Authority should look to them as a model for receiving aid from the United States and other western governments.

The President also addressed the need for a peace settlement between the Israelis and the Palestinians. It would be hard to find anyone in this body who does not agree with that concept. We need peace, the Israelis need peace and the Palestinians need peace. But we need to be very careful that we do not set expectations so high that we create deep challenges not only for that process but also for the kind of regional acceptance of Israel that must occur in order to achieve peace.

In particular, I am concerned that the President believes that unilateral concessions by Israel, including redefining its borders, are a pathway to peace. I simply do not think that makes sense. There does not even appear to be a Palestinian partner capable of making the hard decisions that must occur in order to get an agreement.

Do we really think that Hamas, which has recently joined the government, is going to be a party to a peace deal with Israel? The Palestinian Authority has made real progress on the West Bank in recent years, while Hamas has brought chaos to Gaza.

A Palestinian Authority that cannot recognize Israel cannot make peace. That is why any financial relationship the United States has with the Palestinian Authority needs to be based on the principles I just described.

In his famous Westminster speech in 1982, President Reagan told the world the following:

While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few, but the inalienable and universal right of all human beings.

I believe those words are no less true today, 30 years later, than they were then. We are at an extremely important moment as we watch a movement toward freedom unprecedented in the history of the Arab world unfold. It is important to note that those taking to the streets are not burning American flags or shouting anti-Western slogans. It is also probably important to note that they are not waving American flags. It is simply not about us; it is about them.

Their passions are driven by generations of economic stagnation and a lack of political and economic freedom that has left them behind much of the free world's prosperity. These freedoms are exactly what the United States stands for. America's role is to support responsible leaders committed to peace and sustainable democratic change. I am hopeful the President will work with my colleagues in the Congress to extend a helping hand to those leaders who are truly committed to these values. If he does, I hope to be part of that process as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

#### FOR-PROFIT EDUCATION COMPANIES

Mr. HARKIN. Mr. President, over the past 6 months, I have come to the floor several times to discuss the findings of an ongoing investigation by the Health, Education, Labor, and Pensions Committee into the for-profit education sector, and the growing role they play in higher education. This investigation has been now ongoing for over a year.

Today, I want to focus my remarks on our men and women in uniform and how the for-profit schools are focusing on recruiting them to their schools, and what this means for the taxpayers of America.

The first GI bill made it possible for many of the servicemembers returning from World War II to go to college and get ahead in life. In the process, that ushered in a new era of American prosperity. That GI bill continued, of course, with Korea, through the Cold War, and through Vietnam. I myself used the GI bill after my service time so I could go to law school.

Over the decades, we have built on that success by extending Federal financial aid to active-duty members of our Armed Forces, and indeed to all Americans who seek to build a better life through higher education. On the whole, this has proved to be one of the Federal Government's smartest investments—an investment in human capital that has produced huge dividends for our Nation. We in Congress have been eager to ensure that this new generation of veterans returning from Iraq and Afghanistan—those who sacrificed so much for our country—are getting the education benefits they earned and the quality of education they deserve.

Led by Senator WEBB and others, we have enacted new laws and expanded existing programs to provide generous new educational benefits to veterans, to active-duty servicemembers, and to their families. This is a historic achievement, and I am sure all of us were proud to support it.

Implemented in August of 2009, the post-9/11 GI bill provides that veterans who serve 90 days or more on active-duty effort, after September 10, 2001, are eligible for up to 36 months of educational benefits; and for the first time ever in history, veterans can transfer these benefits to a spouse or to a child. Over the last decade, the Department of Defense has also expanded aid avail-

able to active-duty soldiers, sailors, and airmen through its tuition assistance program. This program will pay up to a maximum of \$4,500 a year toward a servicemember's classes.

Also in 2009, Congress created the military spouse career advancement account, designed to expand employment and career opportunities for active-duty spouses, and that provides for a grant of \$4,000 over a 3-year period of time.

When the Congress acted to give new and better benefits to veterans and active-duty members and their families, we fully expected that for-profit schools might have an important role to play in providing higher education. Obviously, they are flexible, and some of the primary work done is suited to veterans and active-duty soldiers and students juggling work and family obligations.

During my time in the military, of course, we had the University of Maryland, which still obviously provides a lot of online work. At that time, it was called "distance learning," and you did it by mail. The University of Maryland provided a lot of educational benefits for many years to active-duty personnel serving in far-flung places around the world. Of course, that was not a for-profit school; that was a non-profit school.

Unfortunately, when we enacted this whole new benefits package for servicemembers and veterans and their families, we didn't anticipate what would happen by opening up a new stream of funding to the for-profit schools. We didn't foresee that the for-profit sector, which is eager to please Wall Street investors, would go after student funding aggressively, in ways not in the best interests of veterans and servicemembers. We didn't recognize that by allowing servicemembers to combine, transfer, and borrow against these various Federal benefit packages we were giving for-profit schools an opening to enroll servicemembers, veterans, and family members in very expensive educational programs.

My committee's investigation over the past year has revealed an industry dominated by the very same Wall Street companies and equity investors who brought about the subprime mortgage crisis. These investors are focused on rapid growth and quick profits. In relatively short order, for-profit colleges and universities have succeeded in enrolling 10 percent of the students and claiming fully 25 percent of the Federal financial aid budget, including \$7 billion a year in Pell grants. So the for-profit sector has 10 percent of all of the students in the country and gets 25 percent of all Federal financial aid.

Many of these companies generate big profits, and there is a big problem. The committee has compiled data for 30 companies that own for-profit schools, including the 15 largest pub-

licly traded ones, showing that more than half of the students these institutions enroll drop out within the first year. Two-thirds of the students who are there for a 2-year program drop out in the first year. Some of the worst performing institutions have been the most aggressive to enroll servicemembers and veterans.

Because profitability and the for-profit education industry is driven by enrollment growth, my committee's investigation has focused largely on the extraordinarily aggressive marketing and recruitment practices at these schools. Building on the findings of last year's undercover investigation by the GAO, which found abusive recruitment practices at each of 15 campuses visited, we have uncovered additional evidence that misleading and deceptive recruiting tactics are not the exception but the norm.

Several months ago, on the floor of the Senate, I spoke about documents uncovered in my investigation. Those documents instruct recruiters in tactics designed to manipulate and emotionally exploit potential students in order to convince them to enroll. As I will demonstrate later in my speech they are going after the military by exploiting fear, uncertainty, and doubt.

We should be concerned that Congress may have unintentionally created an opening for the current generation of veterans and active-duty servicemembers to be victimized by these abuses simply because of their eligibility for expanded Federal aid that we enacted in the Congress.

My committee found evidence that large for-profit schools are aggressively recruiting active-duty servicemembers and veterans expressly because of their generous educational benefits packages. It is not just that these military benefits provide a new revenue stream for the companies. The point is that it is an especially valuable kind of revenue stream for these companies—more valuable than even going after nonveterans and non-GIs. Why is that?

Well, military money helps these for-profit schools to meet a key statutory requirement that no more than 90 percent of their revenue can come from Federal financial programs. That is in the law. No more than 90 percent of the income coming into a for-profit school can be from Federal financial programs. If a school is getting close to that 90 percent, guess what they do. They go after military people. Why is that? Because a military person, active duty or veteran, enrolled in a for-profit school doesn't count towards the 90 percent; it counts towards the 10 percent. So the school could actually have—and there are some—92 or 94 percent of all their money coming from Federal financial programs, even though the law says you can only get 90 percent, because military doesn't

count. So you can see why, when close to 90 percent, they would want to go after the military. And that is exactly what is happening.

With their eyes on this 90/10 ratio, the for-profit schools have moved aggressively to exploit this opportunity. They have created marketing plans and a sales force specifically designed to target and enroll as many veterans, servicemembers, and family members as possible. Schools spend billions on sophisticated marketing campaigns and large sales teams to get those students in the door. Documents obtained by the HELP Committee paint a picture of an industry with a laser-like focus on enrolling military students.

For example, I have a 56-page document from Kaplan. This lays out their strategy for recruiting military students. If you go through it, you will see their objective. As I said, they have a laser-like focus on enrolling military students.

Objective No. 1:

Grow our military enrollments to 9,000 per year by 2011.

At the time, Kaplan signed up about 2,200 military students each year. They were aiming at more than a four-fold increase in the military. The document goes on to lay out the marketing and sales plan for achieving this enormous growth. This is in this document:

Drive awareness via print advertising in key military publications and targeting key military installations.

To do this, the document suggests that Kaplan plans to spend \$30 million over 3 years for new military-specific recruiting staff, advertising, and public relations—just on the military.

In a later brainstorming exchange between Kaplan executives, the No. 1 item on the list of initiatives to deal with Kaplan's 90/10 because they were getting close to that 90 percent was:

Accelerate military billings/collections. Go to DC and pick up the check if you have to.

Go get that military money so we do not go over that 90-percent limit.

At Education Management Corporation—another for-profit school—the story is similar. Let me quote from a 2010 memorandum prepared by a consultant to the CEO of EDMC, Education Management Corporation. The memo begins:

Thanks for the call outlining the interest of EDMC in learning more about potential areas of funding that could add revenue that would also address the 90/10 issue.

No. 1 on the list says:

Probably one of the most important potential short and long-term targets for EDMC are the 800,000-plus military spouses who have been authorized—

And this is in italics—

for the first time in history, for a one-time entitlement of up to \$6,000 . . . An aggressive effort to reach these spouses at the military bases with various career fairs, direct communications, and visibility with the Office of Military Families in Washington would be very important.

A subsequent e-mail message between EDMC's executives recommends that the company should be "leveraging military spouse benefits to the fullest extent possible" in order to overcome the 90/10 regulation.

Executives of for-profit schools are candid about the value of military students in trying to ease investors' concerns about regulatory compliance. The CEO of Bridgepoint Education told investors:

Our military enrollment grew from 1 percent in 2007 to 17 percent at the end of September 2009.

He went on to say:

We believe that when we are able to report our 90/10 for 2009 that it should decrease due to our penetration in particular into the military market.

We know these for-profit schools, in their own words, are aggressively pursuing military personnel and their families. How are they enticing them to enroll? A Kaplan training manual entitled "Military Learning Modules" tells recruiters how to utilize fear, uncertainty, and doubt in the sales process with regard to competitors' offers and teaches them to overcome objections that potential students may raise in signing an enrollment agreement.

This is the one from Kaplan:

Fear, uncertainty, doubt. This technique was originally created within the computer hardware industry and uses these emotions to attempt to influence perceptions or beliefs. The technique is especially effective when prospects introduce the "need" to examine other online schools.

In other words, a Kaplan recruiter calls up a veteran or a military person on Active Duty and wants to get them to enroll. If that person says: I have seen some ads for Phoenix, I have seen ads for ITT and others, maybe I will look them up, they want to use fear, uncertainty, and doubt when prospects introduce the need to examine other online schools.

Statements such as the following:

instill fear, uncertainty and doubt regarding the features of competitors' programs.

It is one thing if you are selling a keyboard or hard drive. That is one thing. But when you are doing it to enroll a young man or woman whose family may never have gone to college—they enlisted in the military out of a patriotic sense of duty; they have had no college experience whatsoever; maybe they did not do all that well in high school, but now they are thinking about what they are going to do, and they get hit with this. And I find really objectionable when these for-profit schools exploit fear, uncertainty, and doubt in our young military people.

I will have more to say about how onerous it is when they do this to get them to sign up with their school, to get students take taxpayers' money and turn it over to the school, only to find out they do not have any support, nothing to help them, and they drop

out within a year. They have debt. They went through all their military benefits, which they can never get back, and the for-profit schools have the money.

A military recruiter at Colorado Technical University—another for-profit school—owned by the publicly traded Career Education Corporation, told the New York Times:

There is such pressure to simply enroll more vets—we knew that most of them would drop out after the first session . . . Instead of helping people, too often I felt like we were almost tricking them.

Robert Songer, the coordinator of all education programs for servicemembers at Camp Lejeune Marine Corps Base in North Carolina, expressed his reservations to the Bloomberg news service.

Some of these schools prey on Marines . . . Day and night, they call you, they e-mail you. These servicemen get caught in that. Nobody in their families ever went to college. They don't know about college.

These recruiting tactics are nothing short of disgraceful. When students are enrolled through deception or fear, not only are they being tricked, they are also more likely to be unprepared for the challenges of college. These strong-arm, emotionally abusive tactics are indicative of schools that see students strictly as a means to an end of higher profits. They appear to have little or no interest in providing students the academic help and support they need to succeed. The end result is that servicemembers, veterans, and their spouses end up enrolling in high-cost programs, dropping out in staggering numbers, often winding up with a mountain of student debt. This often happens despite the availability of similar or better quality programs in the public and nonprofit sectors of higher education.

The tactics have certainly paid off for the company's bottom line. I released a report last December documenting the absolutely tremendous increase in the amount of money these companies are receiving from military education programs. Building on the already substantial growth in revenues generated from the traditional financial aid programs—which went, by the way, from \$14 billion in 2005 to \$29 billion in 2009—the relentless focus for-profits have brought to military recruiting has yielded an astonishing growth in the funds they get both from the Department of Defense and the Department of Veterans Affairs. Again, keep in mind we are talking about two entities: Active-Duty personnel and veterans.

As the new post-9/11 GI bill was implemented, 18 large for-profit operators pushed their intake of VA dollars from \$26 million in 2006 to an astonishing \$286 million in 2010. This is what happened. This chart illustrates what happened in VA. Here we are at \$26 million in 2006; \$25 million in 2007; \$27.6 million

in 2008; and in 2009, when we passed the bill, it goes up to \$55 million. Look what happened in 1 year, 2009, \$55 million up to \$285.8 million in 1 year. That is the amount of money they took in. That is just the Veterans Affairs funds.

The same companies increased their collection of Department of Defense benefits by 337 percent—\$40 million in 2006 to \$175 million in 2010. Again, this is for Active Duty. We see the steady increase all the way into 2010—\$40 million in 2006 to \$175 million in 2010.

This did not just happen; it happened because the for-profit companies decided they were going to go after the military because they were getting close to their 90-percent threshold. Keep in mind, these dollars do not count towards the 90-percent, so they can keep under the threshold by getting more military students.

Let's be clear. These exorbitant amounts of Federal dollars are not going to small, family-owned institutions. They are going to some of the largest Wall Street-owned companies. Out of the \$640 million in post-9/11 GI benefits that flowed to for-profit schools just in 2009 and 2010—that is \$½ billion; \$640 million, ½ billion in 1 year—\$439 million went to the 15 publicly traded companies. This amount is equal to 69 percent of the military money going to for-profit schools and 25 percent of all post-9/11 GI bill benefits.

Let me repeat that. Let's just say this: 25 percent—one-fourth—of all of the GI bill benefits post-9/11 went to 15 publicly traded companies. It would be one thing if the for-profit schools were using this for educational expenses, but unfortunately the lion's share of that money—taxpayers' dollars—went into profits, marketing, and—guess what—Wall Street executive salaries and bonuses.

What are we getting in return for this enormous investment of taxpayers' dollars? We are getting a lot of questions.

We know student outcomes for the general population at for-profit schools are pretty dismal. On average, 55 percent of students who attend these schools drop out within a year, and there is no evidence that military students are faring better. Eight of the ten top recipients of VA dollars see more than half of the associate degree students they enroll drop out within the year, and five of the schools see more than a 60-percent drop.

This is what our investigation revealed. Here are the 10 schools receiving the most Department of Veterans Affairs funds. You see ITT, and they got the most—\$79.2 million, and that is a 1-year amount. Of those who enrolled for a 4-year degree program, 44 percent withdrew; of those who signed up for a 2-year program, 53 percent withdrew. We look down here to Kaplan, and they got \$17.3 million. On their bachelor's

degree, 68.2 percent withdrew—69 percent of the 2-year students withdrew in the first year.

Here is with what is startling. That is bad enough as it is, but our investigation showed that neither the Department of Defense nor the Department of Veterans Affairs has any method to assess what is happening to these students. The money flows out, and neither the Department of Veterans Affairs nor the Department of Defense has any way to assess whether they are getting a good education.

I might also add, Senator CARPER has looked into this in his subcommittee. He has looked into this, and we have discussed the possibility of working on something to get the Department of Defense to start taking better care of their Active-Duty personnel and the Department of Veterans Affairs to take better care of veterans. We need to have better assessment of what is happening to these students, how much debt they are accumulating, and what is happening to their education.

We are basically handing over huge and growing sums of military money to for-profit schools without any ability to assess whether these schools are giving our Active-Duty members or veterans the kind of a quality education they deserve.

The complaints I have gathered in the course of our investigation point to a deeply disturbing willingness on the part of for-profit schools to exploit veterans. I repeat, our investigation shows clearly that a number of these for-profit schools are out to exploit veterans. I received this letter from a veteran who attended ITT Technical Institute, the greatest recipient of VA funds. Here is what he said:

Unlike other institutions I reached out to, as soon as I expressed interest in ITT Tech, they began to actively and aggressively pursue me. Minutes after I filled out an online form, a recruiter called me. He then called every day, telling me it was urgent for me to enroll.

The letter writer notes that due to the high cost of tuition, he had to take out loans. But he writes:

The expensive tuition did not seem to go toward a quality education.

He concludes with this:

Within 2 months of leaving ITT Tech, they sent me a bill for \$2,000 and a transcript that showed clear signs that it was altered in a way to specifically make my positive balance disappear and create a negative balance.

This letter writer ends with these chilling words:

I regret attending ITT Tech. The institution provided at best an absolute minimum education and left me with nearly insurmountable debt.

This is a veteran.

Here is another veteran who attended Bridgepoint Education Inc.'s Ashford University who wrote the following:

I was extremely disappointed, confused and angry. I felt I had been misled, deceived or

even outright lied to in an effort to gain my contractual agreement.

He was repeatedly assured by Bridgepoint recruiters that his post-9/11 GI bill benefits would cover the entire cost of his degree, only to find out after he was enrolled that he would owe close to \$11,000.

Another student, this one at the University of Phoenix, sent this letter to the Arizona attorney general after trying to resolve his complaint with the school:

I have been a police officer for over 20 years. I am also an Iraq war veteran. I believe that the University of Phoenix is using deceptive practices in order to lure students into the school. The enrollment counselors tell students that they should be complete with their course of study in a short period of time fully knowing exactly how long it is going to take. The enrollment counselors eventually tell the student it is going to take a lot longer to finish their program but not until the student has committed all of his financial aid and invested so much money that it would be senseless to leave and waste his invested time and money.

A letter to the attorney general of Arizona.

What are the consequences for a student who enrolls at one of these schools but is not satisfied with their experience? The post-9/11 GI Bill benefit package can be depleted rapidly. If benefits are used up without completing a program or for credits that can't be transferred, the benefits cannot be recovered. In fact, because of the high tuition, many students, have to apply for additional grants or loans to pay for school. That means many veterans are pressured into signing up for one of these for-profit schools, told they have free money to pay for their tuition and then, all of a sudden, they find that is not quite enough money. Now they have to apply for a loan. They get a loan, they drop out within 1 year or so, the schools keep the money—some of it grant money, some of it loan money—and the GI or the military person is left with debt and no diploma.

Here is a letter addressed to the Ohio for-profit school regulator that just tears your heart out. This is from a mother:

Normally, a 26-year-old man doesn't need his mom advocating for him. But this is anything but a normal situation. I expected my son to be changed by his tour of duty in Iraq. But I could not have been prepared for the reality of those changes. My son struggles on a daily basis with symptoms from PTSD (post-traumatic stress disorder) and TBI (traumatic brain injury). He suffers from bouts of depression, anxiety, headaches, nightmares, vision problems, mental confusion, insomnia, and many other symptoms. You have to pretty much "bottom-line" your conversations with him. He can't mentally process a lot of details. If you continue with your details, he is done with the conversation, unless you can return to a quick "bottom-line."

The mother goes on:

It is my belief that the ITT Representative may have quickly figured this out and taken



advantage of the opportunity. I remember when he called from ITT because I was on my way out to an important occasion. He said the Representative told him he needed a co-signer just so he could start school immediately, but not to worry about it, because the military was going to pay for everything, even give him money to live on and pay his expenses. He sounded so hopeful, something I hadn't heard from him since before the war. It was really hard for him to admit he couldn't continue going to school. He said he just couldn't retain the material. It became too stressful for him to continue. My son is a proud, young man. He is not looking for pity or charity. He is embarrassed that he believed what he was told by the ITT Rep. He could hardly come around me when he found out that Sallie Mae was calling me for payment of his loan. Veterans with PTSD commonly isolate themselves from family and friends. This made it even worse. As a mother and a human being, I am outraged this kind of predatory lending tactic is used on anyone, but especially on an American soldier who gave everything he had and almost lost his life many times, and who continues to suffer. I will pursue this, on my son's behalf, until someone listens and forgives these loans. Thank you all for all of your effort, it is very much appreciated.

This situation is unacceptable. It is unacceptable that Active-Duty military personnel and veterans using their hard-earned benefits are becoming victims of these kind of high-pressure tactics of the for-profit schools—enticing them to enroll, taking their money, causing them to go even further into debt, and then not giving them any support whatsoever.

As I said before, the agencies distributing this money do not investigate or act on the reported abuses of for-profit schools. They just don't. Earlier this month, the GAO released a report concluding that the VA still faces numerous challenges in implementing a program to start to begin interventions. Many for-profit schools have succeeded in building a highly profitable business structure while failing to provide the student services, a learning environment, and career services that would enable their students to graduate and succeed.

The Federal Government must be vigilant to ensure that poor performing for-profit schools with huge dropout and student default rates are not allowed to continue to receive billions of dollars in Federal taxpayer money every year. We owe this to taxpayers, but we also owe this to the men and women who served and sacrificed for our Nation in uniform. That is why I wanted to take the time on the floor today to point out this new and disturbing finding of our committee, how much these schools are targeting military personnel, how they are using high-pressure tactics to get them to enroll because they know they can get the money to help keep them below the 90-percent threshold.

It is shameful that these for-profit schools are allowed to get by with this. They continue it today. They continue

reaping huge profits, paying their CEOs and their executives enormous amounts of money. Yet our men and women in uniform, our GIs, who are taken in are not provided any help or support but now are saddled with a lot of debt or have used up their GI bill benefits. Maybe now they want to go to a community college, somewhere to really get a good education, and they find out they cannot get any more GI bill money. They are done. They gave it all to one of these for-profit schools.

Mr. HARKIN. I ask unanimous consent to have the documents I referred to printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HARKIN. I am delighted to yield to my friend from Illinois, who has been a strong fighter for students and also, I would say, over the last several years has focused a lot of attention on these abuses of the for-profit schools.

#### EXHIBIT 1

Excerpts from KHE 267362 Kaplan Military University Agenda Objectives Our Military Value Proposition The Pricing Pilot The phases of the military strategy plan Field team deployment Staffing Plan Appendix A. Pricing Analysis B. Marketing Elements C. Public Relations Marketing D Web Strategy E. American Military University Objectives Grow our military enrollments to 9K per year by 2011 2009 increase from 2.2K to 6K enrollments 2010 8.8K enrollments 2011 10.5 K enrollments Over 3 years: Bring retention rate on par with traditional students (28 to 34) Improve 90/10 by 5% Provide incremental revenue of \$XYZ in year 3 Objectives Transition Kaplan into a "top of mind" educator within the active duty & veteran military segments, penetrating the key decision maker and influence (education service officers) Evolve our product offering to attract, retain, and better educate military students Transition current low converting lead & poor retaining student base into highly profitable segment Engage DOD/DHS in custom development of Kaplan Inc. solutions Our Military Value Proposition We have dedicated ourselves to serving our military students with advisors at each step who understand military challenges (admission/FA/Academic Advising/Career Counseling) We have designed our educational platform to help you take full advantage of your military training, experience and any previous college credit We are integrated into military educational system, making it easier for you to enroll and attend Kaplan Go Army Ed, SOC, AEX Portal, Air force ABC program We've built in the flexibility a military lifestyle demands Military Friendly LOA and coursework extension policies We're committed to your success and provide innovative tools to help you succeed in your studies and career such as Kaplan MyPath helping you customize your education We value the sacrifice you have made to our country and provide all active duty and veterans tuition packages, so you can get the quality education you deserve and books are included so there are no unforeseen expenses along the way We recognize that serving is a family commitment, and also offer reduced tuition rates to military spouses We support your lifetime learning needs, including an online high school completion programs, professional development programs, and higher de-

gree programs Tactics Drive awareness via print advertising in key military publications and targeting key military installations ESO Relationship Manager ESO outreach effort leveraging, phone, web, DM, and supporting key military events and periodic base events Target veteran and spousal community via key publications and including military elements in traditional student marketing Continuous development of military offerings, providing tools for high conversion and referral rates Leverage MSG field team in regional areas to drive military events Community College Partners Educational Liaisons to attend military events Business Development efforts at Federal and DOD level Business Development Activities DoD Activities Representing All of Kaplan, Inc. Meeting with High Level Pentagon Officers Pursue Deeper Relationships with branches Veteran Associations Financial Plan Growth Projections Enrollments/Rev 2009 2010 2011 Expense Enrollment Total 6,196 8,848 10,526 MSGField Marketing Expense Total \$7,247,975 \$10,139,450 \$11,632,550 MSG Marketing Net Revenue—Total \$4,277,301 \$7,957,358 \$11,768,938 MSG Lead Generation MSGField NonAggregation Marketing 20082009 Military Marketing Impressions Total Investment Print Out of Home Marketing eNewsletter Direct Mail Total Impressions Operational (Events/Sponsorships) CollateralBase & ESO Booth & Graphics Web Integration and Landing Pages Development Costs Research Pricing Analysis \$1,596,050 Marketing Staffing Plan Roles & Definitions Director of Military Marketing & Strategy Oversight over all military marketing including: Lead Generation Web strategy DM/EM Print Collateral Campaign management B2B Marketing (ESO/DOD etc) Product Marketing Direct Product Development Efforts Feasibility on new programs SOCAD/SOCGUARD/SOCMAR etc Develop Sales Tools VA & other military student programs Single Course Offerings Alternate Delivery Modes Military Newsletter Coordinate Military Research Field Support Marketing Operates on shared services and with 1 direct report Military marketing manager

Excerpts from KHE 271429 From: [High-level Executive] Sent: Wednesday, November 11, 2009 4:55 PM To: [High-level Executive]; [High-level Executive] Cc: [High-level Executive]; [High-level Executive]; [High-level Executive]; [High-level Executive]; RE: KU 90/10 Issue [High-level Executive]. This has been an area of intense focus over the last 30 days. In mid October we ([High-level Executive], [High-level Executive] and I) projected our 90:10 at year end based on current run rates to be 89.6%. We shared our analysis and actions plans with [High-level Executive], [High-level Executive] and [High-level Executive] and the decision was made to switch SES from an automatic submission process to a manual process. We needed the ability to throttle our submissions based on our cash intake. Although we have implemented a number of initial steps that will help us increase our cash intake in the future, we have a larger list of additional initiatives that we are continuing to move forward and I could walk you through those at your convenience. In response to your suggestions we have added comments below: Accelerate military billings / collection at KU. We have streamlined our internal process on timely billings for our military students. The population of military folks that are awaiting TA vouchers is approximately \$400K. Although our records indicate that we are current, we are currently reconciling the entire military group to see if we have any legacy items that

were not billed correctly. From: [High-level Executive] Sent: Wednesday, November 11, 2009 12:07 PM To: [High-level Executive]; [High-level Executive] Cc: [High-level Executive]; [High-level Executive]; [High-level Executive]; [High-level Executive]; [High-level Executive] Subject: KU 90/10 Issue Importance: High Other areas to look at quickly/aggressively before yearend: 1. Accelerate military billings / collection at KU. Go to D.C. and pick up the check if you have to.

Excerpts from EDMC916000228224 Memorandum Confidential TO: [Director] FROM: [Outside Consultant] DATE: July 8, 2010 SUBJECT: Possible Opportunities for EDMC "90:10" Thanks for the call outlining the interest of EDMC in learning more about potential areas of funding that could add students and revenue that would also address the "90:10" issue. In light of that dual set of interests, let us briefly review the opportunities we see among recurring sources of government funding, plus some other prospects to consider. THE FEDERAL GOVERNMENT There are a number of emerging opportunities that may present short, medium, and longerterm opportunities that should also be carefully considered, given their size and scale. The Military 1. Military Spouses. Probably one of the most important potential short and longterm targets for EDMC are the 800,000 plus military spouses who have been authorized, for the first time in history, for a onetime entitlement of up to \$6,000 that can be used for training, as well as for counseling and other ways to assist them in finding work. We are told by the DOD that the largest demand among the spouses is for healthcare related training, although it can also cover almost all other occupational areas. The Department of Defense has also informed military personnel and their spouses that under the most recent G.I. Bill, they can authorize up to 50 percent of his/her education benefits for the spouse to continue their education. Therefore, in theory, every spouse has access to two separate sources of funding. As you probably know, military spouses are a particularly attractive group of prospective students. Nearly twothirds have at least some college education. The average age is 36, they have strong support systems with the military bases and operations and, of course, they tend to be very stable. The big issue that is driving these new training funds is that when the military do their surveys, the primary reason people give for leaving the military is that their "spouse is not happy." When the military spouses are surveyed, they say the reason they are not happy is that they cannot find a job or, more often, they cannot find a good job for which they believe they are qualified with their background and experience. This is the reason for the focus on providing training and other forms of assistance: so that they can get better jobs and, in turn, encourage their spouses to stay in the military. The "My CAA" (My Career Advancement Account) program for the \$6,000 entitlement for all 800,000 spouses, however, has been thoroughly bungled. The entire webbased system for enrollment literally collapsed in January. Therefore, the DOD is not authorizing any new CAAs at the moment, and they have spent months trying to restore the system. At least 100,000 military spouses had gained eligibility when the system "crashed." Those are approved for their training. Once My CAA gets up and running, one can safely assume an enormous demand will follow, given all the interest that has been shown by the spouses. EDMC was provided information on becoming a

"Military Spouse Friendly School" in the past. We would strongly encourage this to be a first step since that is the first stop the spouses see on their websites. No doubt, EDMC is already benefiting from some of this, but an aggressive effort to reach the spouses at the military bases with various career fairs, direct communications, and visibility with the Office of Military Families in Washington would be very important. 2. Enlisted Personnel. Of course, there is the longstanding tuition and other support for most members of the military as an entitlement. 3. Veterans also have a variety of tuition and other benefits, plus preferred eligibility for almost all other Federal programs.

Excerpts from EDMC916000228222 From: [High-level Executive] Friday, July 30, 2010 9:22:51 PM To: [High-level Executive] Subject: FW: Possible Opportunities for EDMC "90:10" Attachments: [High-level Executive] 0708 re Opportunities.doc Hi I attended the call yesterday with [Director] [High-level Executive] and [High-level Executive] (Strategic Partnerships). The call as expected was to review the areas that had been highlighted on the report as potential opportunities for 90/10 impacting funding sources. The outcome of the call was a followup call with [High-level Executive] and [High-level Executive] on opportunities on the local Workforce Boards and I took the action item for a followup discussion on ensuring we are leveraging the military spouse benefits to the fullest extent possible. I plan to include [High-level Executive] in the next discussion Do you recommend anyone else? [High-level Executive] Original Message From: [High-level Executive] Sent: Monday, July 12, 2010 6:47 PM To: [High-level Executive]; [High-level Executive] Subject: FW: Possible Opportunities for EDMC "90:10" [High-level Executive] and [High-level Executive], After you have had a chance to review please give me a call. I know you are probably wondering why the two of you. [High-level Executive] because of the potential match with BMC and [High-level Executive] because of the impact on OHE. [High-level Executive]

Excerpts from KHE 094984 LEARNING OBJECTIVES Define and demonstrate (through role play) each step in the A.C.T.I.O.N. model Differentiate between Outcome Based and Process Based Selling Utilize Outcome Based Selling language effectively Differentiate between Feature, Advantage and Benefit (FAB) Differentiate between Needs and Wants Utilize Open Ended Questioning and Active Listening techniques Utilize Fear, Uncertainty and Doubt (FUD) in the sales process Handle and overcome objectives Utilize trial close techniques KAPLAN UNIVERSITY A.C.T.I.O.N. FOCUSED SALES MODEL ACTIVATE INTEREST (Introduction) Recognize, Acknowledge, Congratulate Establish rapport and credibility Ask effective questions CONNECT AND DISCOVER Ask open ended questions Dig for motivators Establish needs and wants Listen actively TIE IN THE SOLUTION Satisfy needs and wants Use Feature, Advantage, Benefit technique Use Fear, Uncertainty, Doubt technique Make the solution fit INITIATE AND EXPLAIN THE PROCESS Recognize buying signals Trial close Outline next steps OVERCOME OBJECTIONS Use LISTEN model Use Outcome Based language Show empathy Active listening involves taking note of key points that you can further explore, asking questions, investigating, digging deeper, resulting in longer, more meaningful conversations. For example, the prospect says she is worried about her financial position. The advisor might ask, "Do you think in a few

years, when you decide you want to pursue an education, you will be in a better or worse financial position?" TRANSITION STATEMENT Confirm your understanding of what the student has told you. "So if I understand you correctly . . ." or "Let me summarize what I've heard." TIE IN THE SOLUTION How the Solution Fits Listen for specific information about the prospective student's dissatisfaction with life as it is now, and tailor solutions specifically for him or her. Pique the prospect's interest and arouse enthusiasm! Feature, Advantage, Benefit Feature WHAT IS IT Advantage WHAT IT DOES Benefit WHAT IT DOES FOR ME The Benefit is Important! The features and advantages of individual schools can often look alike. The key is the value. The advisor must address the benefit each feature brings to the students. Not every feature has a benefit for every student. When showing benefits, choose the features that are meaningful and relevant. Presenting benefits paves the way to what the solution offers. INITIATE AND EXPLAIN THE PROCESS It is at the point in the ACTION sales model where the advisor closes the sale. An effective closer pays attention to buying signals, trial closes, outlines next steps and moves toward gaining commitment. OVERCOME OBJECTIONS An objection is generally a reason or argument presented in opposition or a feeling or expression of disapproval. People usually object when they encounter: A misunderstanding Incorrect information Lack of information Fear or doubt Something which is keeping them from making a commitment to move forward. The Admission Advisor's role is to help prospective students overcome objections when making the decision to achieve their educational goals. Types of Objections As a general rule, objections fall under one of five categories: TIME I don't have time in my life to fit school into it. MONEY I can't afford the deposit, much less the tuition. SUPPORT My friends and family don't think I need to go back to school. COMPETITION XXX school is cheaper, faster, easier. FEAR I doubt that I'd be able to succeed

Expect Objections Objection management is an integral part of the advisor's job. Objections may happen during every step of the admissions process. Advisors encounter objections of varying kinds. Successful advisors are able to approach objections systematically. Overcome Objections with Fundamental Skills Listen Actively—to the student's objections and concerns. Interpret the Objection Repeat objection, then empathize. "I understand your concern about finding 20 hours a week to study." Solve Together Jointly find a solution. Ask probing questions to divulge the true nature of the person's objection. "How do you spend your time?" "Can you walk me through a typical day?" "What are you willing to sacrifice to fulfill your dream? Get the student involved in overcoming his own objection. Establish Buy in Gain the student's commitment. Ask reaffirming questions. "Which of these solutions would work best for you?" "Do you feel more comfortable now?" Move person forward. "Great, let's move on to the next step." Don't hesitate! Next Step Lead student to the next step with confidence.

Excerpts from ITT00007708 Dear This letter is in response to the concern you filed regarding ITT Technical Institute ("ITT"). In your complaint, you voiced concern over your financial obligation and in particular the Montgomery GI Bill funding you thought you would be receiving. The Board initiated an investigation into this matter and reviewed all of the financial documents involved in your enrollment. In response to the

Board's request for information, ITT submitted the attached response to the concerns you raised. The documentation submitted by ITT shows that you completed one term with the school and withdrew late in the second term. When a student withdraws from school, the school is required to calculate a tuition refund in accordance with Ohio Revised Code §3332.110 and the school may also be required to calculate a refund of federal loan money in accordance with applicable federal regulations. According to the refund calculations, your total financial obligation to the school for those two terms equaled \$10,709.68. This tuition charge was financed through two loans for your education, one for \$5,760.80 and one for \$4,417.00. In addition to the loans that were used to pay your tuition costs, it appears that between March 2007 and July 2007, you received a total of six payments for veteran's education benefits in accordance with the Montgomery GI Bill to subsidize your tuition costs, totaling \$6,808.33. For students who receive Montgomery GI Bill funding, it is standard procedure for a school to set up loans or other funding mechanisms for a student before they begin classes. This is due to the fact that the GI Bill funds are dispersed directly to the student after the student has already begun classes. The school cannot control whether the student uses that money to reduce their student loan obligations or whether it is used for other purposes. As such the loans that you applied for while you were enrolled at ITT were properly attributed to your tuition charges and it was within your discretion to use your GI Bill funds to reduce your loan obligations. There is no evidence that ITT is in violation of any law or rule under the jurisdiction of this Board. Finally, I would also note that ITT has served 155 veterans during the last two years and during a visit to the school in December, the State Approving Agency for Veterans Training conducted a review of the ITT's administration of veteran's benefit and nothing out of the ordinary was noted. ITT has offered to meet with you and your mother and assist you in exploring any deferment or forbearance options you may have with your lenders. If you wish to accept their offer, you may contact [Campus Director], School Director, to set up an appointment. Sincerely,

Excerpts from ITT00007722 I am writing in response to your August 4, 2008 correspondence. I appreciate you bringing your concerns related to your enrollment at our campus to my attention. I am sorry to hear of your difficulties following your service in our nation's military. However, after reviewing the available information, the facts do not substantiate the refund or waiver of the tuition and fees related to your enrollment in the Information Technology Computer Network Systems program. In your letter, you claim you were told that the military would pay for your schooling. This statement cannot be substantiated. While our institution assists students in seeking financial aid for which he or she may qualify, we do not represent to a student that he or she will have their education paid for by a particular entity. The Catalog you received at the time you enrolled at our campus outlined this further. Specifically, the Financial Assistance section of the Catalog states in pertinent part: The school may, from time to time, provide the student with (I) information on federal, state and other student financial aid for which he or she may apply to receive and/or (II) estimates of the amount of federal, state and other student financial aid for which he or she may qualify, but: (a) the

federal, state and other authorities, and not the school, determine the student's eligibility for any federal, state or other student financial aid; (b) the federal, state and other authorities, and not the school, determine the amount of any federal, state or other student financial aid the student may receive. . . . As this language states, the school makes no representation or promise of aid which a student will receive. Rather, such a final determination is that of the agency providing the aid. In speaking with the Financial Aid Administrator (FAA) who assisted you, the FAA does not recall any discussions that the military would be paying the full cost of your education. Rather in assisting you with the financial aid process, there were discussions pertaining to your possible eligibility to receive benefits from the Veterans Administration (VA). For your information, I have enclosed a copy of your Enrollment Agreement and related Cost Summary and Payment Addendum (CSPA). The CSPA provides an outline of the expected cost and funding for your first three quarters of attendance at the campus. Further our records also indicate that you did apply for VA benefits. Any such benefits would have been paid directly by the VA to you. Our school does not receive these funds on your behalf. Again I appreciate you bringing your concerns to my attention for review and response. While I sympathize with the circumstances you have endured since leaving the military, I must review each matter based upon its own merits. In this instance, the facts do not substantiate a refund or waiver of tuition and fees. If you have any questions or wish to provide any further information, please do not hesitate to contact me. Sincerely, [Campus Director]

Mr. DURBIN. I thank the Senator from Iowa. He has led the way. His committee investigation on this industry is a clarion call to every Member of the Senate of both political parties. Are we going to continue to waste taxpayers' money? Are we going to continue to allow these schools to exploit veterans and students across America?

You cannot turn on the local television here in Washington, DC, where there are a lot of military families, without running into ITT ads trying to lure these young veterans into their programs that are virtually worthless, that end up saddling many of them with debt, if not saddling the government with debt before it is all over.

I ask the Senator from Iowa, is it not a fact that when the new leadership came into the new House of Representatives, that in the first few weeks of activity, one of the first things they did was to attempt to stop the Department of Education from regulating this for-profit school industry?

Mr. HARKIN. The Senator is right on the mark. The House wanted to keep the Department of Education from issuing what we call a gainful employment rule, which basically is a rule saying, if you are going to take all this money and you are supposed to be educating kids to get a job or career, what is happening to them? We want to know if they are actually getting jobs. What could be more innocent than that? We want to know how they are

doing. Yet the Republican leadership in the House of Representatives wanted to stop the Department from issuing that rule.

Mr. DURBIN. I might ask the Senator from Iowa, at the end of the day is it not true that while these for-profit schools have about 10 percent of the students in America, they take in almost 25 percent of all Federal aid to education?

Mr. HARKIN. The Senator is absolutely right.

Mr. DURBIN. Is it not also true that we requested, I think together, that the GAO do a study of the amount of money that was being spent on behalf of our veterans at for-profit schools, and did we not find that the cost to the Federal Government was often two or three times as much for the same education that was being offered at community colleges and public colleges? Isn't it true that the for-profit industry, by all objective measures, is exploiting our GI bill at the expense of our taxpayers, our government in debt, and these veterans who are unwittingly signing up for these worthless courses?

Mr. HARKIN. I say to my friend, yes, we did. On December 8, our committee issued a report, December 8, 2010, a report on, partially—what the Senator is saying now, how much more expensive these programs are in these schools compared to what they could get, say, at a community college or a nonprofit school in their States. The Senator is right, it is three to four times as much.

Plus there is one other thing, I say to my friend. He knows this. When these students go to a small not-for-profit school that you would have in Illinois or the colleges I have in Iowa, such as Simpson or Graceland or Central College—a number of our small private colleges—they do a great job. They do a wonderful job in helping poor students who need a lot of Pell grants. What these colleges do when students come in and they borrow money and use Pell grants, is provide a lot of support from the university. The university is there to help them with their studies, to make sure they get the kind of help and support they need. A lot of these students come from families who have never gone to college, they never had that kind of experience. They come to college, and they get that support. What the for-profits do is they sign the kids up, and once they get the money, good luck in ever getting any help or support from the for-profit colleges.

Mr. DURBIN. I might say to the Senator from Iowa, the next time you are in Chicago and headed out to O'Hare Airport, right before the O'Hare exit, look to your right. You will see a tall office building, and on the top it says "Westwood College." This has been one of my favorites because I have met many of their so-called students, despite their best efforts, who have been exploited by Westwood College. I want

to share with the Senator one story to show it can go from bad to worse in Westwood College.

There was a veteran named Carlos. He served in Iraq, came home, and wanted to get a degree. He saw the ad for Westwood College on television. He went to sign up, and they said: Don't worry about it, Carlos, because at the end of the day, your GI bill is going to pay for everything. He signed up and started going out to this Westwood College and was disappointed at how awful the courses were and how the teachers didn't teach anything. He didn't feel he was learning anything.

After a year, Westwood called him in and said: Carlos, you are on the road to your degree, but we have run into a problem—the GI bill will not cover all the expenses.

If I am not mistaken, I ask the Senator from Iowa, doesn't the GI bill pay about \$17,000 a year?

Mr. HARKIN. That is right. Starting in August, that's about how much the GI Bill will pay per year.

Mr. DURBIN. They said to Carlos: You need to take out student loans on top of the GI bill.

He ended up taking out the GI loans, going \$21,000 in debt over and above the GI bill, and he couldn't finish. He didn't want to go further into debt.

I might say to Carlos that he got off easy. I had a young woman who went to Westwood College for a criminal justice degree. After 5 years of extra effort to get her diploma, she ended up with a worthless diploma that she couldn't turn into a job anyplace, at any sheriff's office or anyplace related to criminal justice. I might say to the Senator from Iowa, she was \$90,000 in debt at the age of 26, with a worthless diploma from Westwood College, this for-profit school. She is living in her parents' basement because she cannot get a job that pays anything, and whatever she makes goes to the student loans, and she cannot borrow a nickel now to get a real education.

Mr. HARKIN. Of course not.

Mr. DURBIN. Think about this poor girl. She was doing the right thing.

I will say something to the Senator from Iowa and ask him to comment on this. I think the Federal Government is at fault here too. Somewhere along the way, Westwood College ended up qualifying for college student loans and Pell grants. Who said they are qualified? I would challenge that based on these experiences.

Are we doing our job as a Federal Government to make sure these are truly accredited colleges and universities? I ask at this point, is there more we can do to make sure these are real schools teaching real courses that can lead to jobs?

Mr. HARKIN. I say to my friend, first of all, Westwood was one of the schools that the GAO had an undercover investigation into that had one of the most

deceptive programs of getting students to sign up. That is all documented on film.

Second, the accrediting agency that accredits Westwood was out at Westwood about the same time. Yet they found none of the things the GAO found. I talked to them. I had a hearing. I had them before our committee. I asked the accrediting agency: How could it be that on the one hand the GAO finds out all this, yet you say they are fine and they get accredited?

They did admit there was some laxness or some loopholes, some things they were not paying attention to, that they needed to do a better job in accrediting.

I say to my friend, what the Federal Government does is we say to a school: To be able to be eligible for Federal financial aid so you could accept Pell grants and get the guaranteed student loans, you would have to be accredited. The Federal Government doesn't do that accrediting. That is done by private agencies.

Here is another one, I say to my friend from Illinois, that we need to look into. Get this. The accrediting agencies that accredit let's say a Westwood, do you know where they get their funding? From the schools they accredit. Talk about a fox in the chicken coop. They go out to accredit Westwood, but it is Westwood that is paying them to accredit them.

This is something that I think we as a Federal Government have to get into. To me, this is a system that has kind of run amok, this whole accrediting system. I think there needs to be a better system of accrediting schools. I can assure my friend this is something else our Committee on Education will be looking at in the future.

Mr. DURBIN. I ask the Senator from Iowa, is it not true that when our GAO undercover agents went out to look at 15 for-profit colleges along the lines the Senator discussed, they found all 15 made deceptive or questionable statements to potential applicants, including recruiters at the so-called Westwood College? Investigators found admissions representatives at Westwood misstating the cost of the program, failing to disclose the graduation rates, even suggesting falsification of Federal financial aid forms.

As with the experience of the young veteran I described, the GAO report found the recruiters overstated what it would cost to go to public college. On film, as you said—this is on videotape—when asked the cost, this recruiter from Westwood said: Well, it depends on the program. Usually with a bachelor's program, coming in with no college credits, this could be—it could range from \$50,000 to \$75,000, he said. Most schools, more traditional schools, you are looking at \$100,000, \$150,000, \$200,000.

I might say to the Senator from Iowa, isn't it true that to obtain the

same degree he was offering at Westwood from a public university degree in Texas would cost \$36,000? Isn't that what the GAO came in and said?

These people are deliberately misleading these youngsters and new veterans trying to make a life for themselves, piling debt on them with a worthless diploma and ripping off the taxpayers. Why don't we have a sense of some rage here in Congress that this is going on?

I would say to the Senator, it strikes me first and foremost that we should protect the young people in America and we ought to make an equally high, if not higher, priority of protecting our veterans. We created the GI bill with a great source of pride—I know you are a Navy veteran yourself—great source of pride that we were standing up for this generation of veterans. Senator JIM WEBB led the way on that. We were good about keeping our word to veterans. Now these same veterans are being ripped off because we are not doing our job in Congress.

I say to the Senator, when it comes to some of these recruiting practices that are being used by Kaplan University, what you have disclosed here on the floor is embarrassing, that we allow this to occur to our veterans.

Mr. HARKIN. I say to my friend it is. It is embarrassing, and it is just shameful.

I said earlier this is from Kaplan's recruiting. They call it their military learning module. They call it "Fear, Uncertainty, and Doubt." As I said earlier, they say—now, this is an internal document. This is for the recruiters. This is not something they hand out through the public. We got this through our investigation. They say: This technique was originally created within the computer hardware industry and uses these emotions to attempt to influence perceptions or beliefs—and on and on.

As I said earlier, it is one thing to use high pressure tactics to sell someone a hard drive or a new computer or something, but when they are exploiting fear, uncertainty, and doubt on a GI who may have post-traumatic stress disorder, who may have served in Iraq, who didn't go to college, that is another thing. Young people now, they are worried about their future and what is going to happen to their future. Then these people come in and put the pressure on them with fear, uncertainty, and doubt to get them to sign a contractual agreement and turn over their GI bill benefits. It is just disgraceful.

Mr. DURBIN. Mr. President, I ask the Senator again, this is Kaplan University, which owns the Washington Post?

Mr. HARKIN. I think it is the other way around. The Washington Post owns Kaplan University.

Mr. DURBIN. I see. I also think, for the record, that Kaplan University

makes more money than the newspaper, but be that as it may, they are linked economically.

Mr. HARKIN. Yes, they are.

Mr. DURBIN. I have always respected this newspaper. I just wonder how they can rationalize this sort of activity—the exploitation of students and the exploitation of veterans.

I am sure the Senator has been visited by so many people who have called and said: Senator HARKIN, I loved your speech. I loved your hearing. I have to get in to talk to you because we are the good guys. We are the good school. We are the ones who don't exploit students.

You know what. I found a couple of them I believe. There are some that are good.

Mr. HARKIN. That is right.

Mr. DURBIN. But the rest of them, at this point it is an embarrassment to me. As a person who couldn't have gone to college without a student loan—and I have voted reflexively now in the House and the Senate to give the next generation the same chance—I have to say to the Senator the party is over as far as I am concerned. The next time we have a debate on Pell grants and college loans, I want this issue front and center. They are ripping off the taxpayers and ripping off the students and ripping off the veterans and we are fools to ignore it.

The House Republicans have announced that they want no part of reform, that they are going to take this power away from the Department of Education. I think we have to send a different message.

Mr. HARKIN. I say to my friend, the Senator is right on target. What has happened as we have looked at this over the last year and a half now is even the good actors are being sucked into this vortex because the business model itself is bad.

For example, how many times has my friend heard from the for-profit industry: Well, the reason we have these high dropout rates—for example, here is Westwood; 57.6 percent dropped out in the first year. Here is Kaplan; 69.1 percent dropped out in the first year—the reason we do is because, see, we serve a lot of low-income students. These are low-income people we serve, and they have a lot of problems in their lives. That is why we have such a high dropout rate.

What they are not telling us is, because of the business model, that is exactly who they go after to recruit. Why do they do that? Because the lowest income student gets the highest Pell grant and the most guaranteed student loan. So if you are in the for-profit business and you want to make the most money, you don't want to recruit Senator DURBIN's son or daughter. You want to recruit somebody whose parents never went to college, who is probably a minority, maybe doesn't even

speak English all that well, who can get the maximum Pell grant and the maximum student loan, and once they get the money—well, if they stay, fine; if they don't, no big deal.

Mr. DURBIN. Let's stay on that point for a second. I ask the Senator from Iowa, how long does the student have to stay at the school for the school to get the Federal money? If they left and didn't finish, would the school still get paid?

Mr. HARKIN. This is something else we have to look into. Right now, the Federal laws are that a student has to be in for at least 60 percent of the term. If they are in for 60 percent of a term, then the school can keep the money.

Now, I ask my friend from Illinois, what is a term? I ask people that, and they say: well, isn't that a semester? Well, a term is whatever the school says it is. Some of these schools have a term that is 6 weeks long. So you sign up, you turn over your money, you spend 4 weeks there, you fulfill 60 percent of the term. If you leave, they keep the money.

Mr. DURBIN. And you end up with the student loan.

Mr. HARKIN. And, by the way, as the Senator fully knows, these student loans are not dischargeable in bankruptcy. They are around your neck forever.

Mr. DURBIN. I might also add, I think Congress made a serious error in saying that the private loans from the same schools will be treated the same way. They are not dischargeable in bankruptcy.

Here we have someone who could be 19 or 20 years old signing up for \$4,000, \$5,000 or \$10,000 worth of student loans. Have they really thought and reflected on the fact that that debt they have incurred is going to be with them for a lifetime and, at some point in their lives, when they can no longer borrow money to go to school, and they are still facing default on their student loan, they could have their income tax returns attached, they could be prohibited from Federal employment? They cannot discharge this loan in bankruptcy. They are stuck with it.

That poor girl living in her parents' basement with a \$90,000 debt for Westwood College, a rip-off institution, is stuck. She has nowhere to turn. The college president wrote to me and said I am just being totally unfair with him about her experience. Well, I know her experience inside and out.

I said: You want fairness? You step in and forgive her loan. You pay it back. You have the money. You pay it back. Never heard back from him.

They don't have the interests of the students at heart. They have the interests of money at heart. That is why I am glad the Senator is investigating, and we will continue to speak out.

Mr. HARKIN. I thank the Senator for his great work on this.

I just want to add one other thing about the school and about the debt of these students. Some have likened what the for-profit school industry is doing to the subprime bubble we had. But there is a big difference. Even as bad as the subprime mortgages were, a person who had a house they couldn't pay for could walk away from that house. They could always walk away from it, and that is the end of the debt. You can't walk away from this. No way. That is the difference.

This is not a dischargeable debt, and these students, as the Senator points out, might end up alone. They might not be able to go to a legitimate school because they can't get any money for that. They could be barred from Federal employment. This will follow them for the rest of their lives until they pay it off. Yet these companies are making almost obscene profits and paying their CEOs tremendous salaries and benefits.

As I pointed out earlier, many of these for-profit schools are owned by the same investment firms on Wall Street that brought us the subprime problem.

Well, I say to my friend, we just cannot let this go. There is too much at stake not only for the taxpayers of this country but for these students, these young kids, these poor kids who are being preyed upon. So whenever we hear these schools say: Well, the reason we have this problem is because we are servicing all of these poor kids—don't forget. That is who they prey on. That is who they go after because they get the most Pell grants and the most student loans out of the poor kids. Then after they get the money, hey, if they leave, no sweat. They don't care. It is not a problem with them.

I thank my friend from Illinois.

Mr. DURBIN. I thank the Senator from Iowa.

Mr. HARKIN. Mr. President, I yield the floor.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE DREAM ACT

Mr. DURBIN. Mr. President, we have been speaking on the Senate floor about students who are being exploited by for-profit colleges. I think about turning on the television in Washington and the ad that really troubles me which shows a lovely young woman who says: You can go to college in your pajamas. You don't even have to get out of bed to go to college. And she has a computer on the bed.

It strikes me that—I don't believe anybody should fall for that, but some must, and they end up signing up for these for-profit schools, getting deep in debt, with a worthless diploma when it

is all over. The exploitation of veterans, Senator HARKIN is bringing that out. I hope the people who are going to give the patriotic speeches in this Chamber about our love of country and our love for the men and women in uniform will love them enough to put an end to this exploitation.

I wish to speak about the DREAM Act. It is legislation which I first introduced 10 years ago and came to my office when we were approached by a Korean-American woman in Chicago whose daughter was brought to the United States when the little girl was 2 years old. She was brought on a visitor's visa. Her mom stayed, had other children, started a business. Eventually, she became a naturalized citizen. The other brothers and sisters were born in the United States, but this young girl who was brought from Korea literally had no papers filed.

Well, she turned out to be an amazing concert pianist. She was accepted at the Julliard School of Music. When she went to apply and was asked about her citizenship, her mom realized she had never done anything about her daughter's citizenship. So they called our office. We checked, and the laws of the United States were very clear. They said this young girl who had never remembered ever being in Korea was told to return to Korea and wait at least 10 years to try to get back into the United States. I thought that was unfair. It turns out she wasn't alone.

Young people all across the United States, who were brought here by their parents, undocumented, have lived their lives here, have gone to school here, have grown up here, have pledged allegiance to the flag in the classrooms here, have known no other flag or National Anthem, and then they learn as they graduate from high school they are without a country. They have no place to go.

For many of them, it is a rude awakening, after all the effort they put into school, to realize they can't do anything. They can't qualify for student loans even at good schools. They can't qualify for a lot of jobs they might otherwise have if they graduate—engineers, nurses, doctors, teachers—because they have no citizenship.

So I said: Let's at least agree on something basic. You shouldn't hold a child responsible for the wrongdoing of their parents. I hope we all agree on that.

Secondly, if we have spent so much time and resources in giving this young person a chance to be educated, and they have paid us back by working hard at graduating, isn't it in the best interests of America to give them a chance to help our country move forward?

That is why I introduced the DREAM Act. It says: If you graduated from high school—if you came to this country under the age of 16 and you grad-

uated from high school, you have had no serious problems with the law, you have had no issues of moral character, and you go on to do one of two things—either serve in our military or finish at least 2 years of college—we will give you a chance to become legal in America. It is called the DREAM Act. We have been considering it for 10 years.

Last December, the Senator from New Mexico knows we voted on it. Fifty-five votes on the Senate floor—a majority but not enough. There was a Republican filibuster requiring 60 votes. We fell short. We had three Republicans join us in voting for it. We lost a handful of Democrats. We are going at it again.

I have reintroduced the bill. The reason I have done it is because the challenge is still there. These young people are still out there, and their lives are still hanging in the balance. I think it is time to give these young people a chance. I don't want to give them amnesty. I want them to earn everything they are going to get. If they have to pay a fine or tax on the way, so be it. They will pay it. They are determined to become part of America. These are young people who have become superstars in their own rights.

By every account they are the leaders of tomorrow but for the fact that they don't have citizenship or legal status in America. The DREAM Act is supported by Defense Secretary Robert Gates. He believes it will bring diversity to our Armed Forces. It is also supported by General Colin L. Powell, a man I respect very much, who believes, as I do, that we should give these young people a chance.

This DREAM Act will stimulate our economy with a lot of new people in professions we need to have filled, including nurses and teachers, engineers, doctors, and lawyers. That is why the DREAM Act has the support of such a diverse group, including Rupert Murdoch and the CEOs of companies such as Microsoft and Pfizer.

Every day I get contacted by these students across America. They keep looking to us and wondering if the day will come when we will give them their chance.

I wish to share two stories very quickly this evening. This is Elier. I will show his photo because he is a handsome young man. Elier's parents brought him to the United States in 1994 when he was 4 years old. He is a computer wizard. In high school he won awards for outstanding achievement in science and information technology. He graduated in the top 5 percent of his high school class. He was named Tech Prep Student of the Year in Cincinnati, OH. He has even started a computer repair business.

Now, Elier is a 19-year-old honors student at the University of Cincinnati majoring in information technology with a 3.8 GPA. Here is what one of his professors said about Elier:

I have worked with thousands of students over the past 30 years and Elier Lara is that student who comes along every 10 years or so who just makes your heart sing.

Elier sent me a letter, and here is what he said in the letter:

Technology and computers is where I want to spend the rest of my life. I'm sure I'll find my place on the forefront of the technological frontier, implementing and discovering the new technologies of the future. I am dreaming big and will continue to do so.

Can we use a person with those talents in America? You bet we can—in Illinois, in New Mexico, in Ohio. Look at leading American technology companies such as Google, Yahoo, Intel, and eBay. They were founded by immigrants to the United States. That could be Elier's future and part of America's future.

Here is the sad part of the story of this otherwise amazing young man. Elier is in deportation proceedings. After having won all the awards for a great academic background and demonstrating the kind of leadership we need in America, our government has officially decided it is time for him to leave. Here is what he said about being deported:

I have been living in the United States for the last fourteen years of my life. The most important years of my life were spent here in America. I cannot speak, read or write . . . Spanish. I have never been back to Mexico since the day we moved here.

At the age of 4.

Mexico is not home for me and I fear going back.

So would it be a good use of taxpayer dollars to deport this young man and send him back to a country where he can barely speak a few words of the language—a place he can never remember?

Elier has asked the Department of Homeland Security to grant him a stay, and I am going to work hard to make sure he gets it. I do not know if I will be successful. It makes no sense for us to lose Elier. He has so much to contribute, and we need to have him here.

In the past, I have spoken about Oscar Vazquez. Oscar is a student from Arizona. I would like to update you on Oscar's situation because while we take our time addressing this issue, the lives of these young people go on.

Oscar Vazquez was brought to Phoenix, AZ, by his parents when he was a child. He spent his high school years in Junior ROTC, as we can see from his uniform. He dreamed of enlisting in the military. Here is a picture of him in his uniform.

But at the end of his junior year, a recruiting officer told Oscar he was ineligible to serve in our military because he was undocumented. Oscar found another outlet for his talent. He entered a college-level robot competition sponsored by NASA. Oscar and three other DREAM Act students—the four of them—worked for months in a



storage room in their high school. They were competing against students from MIT and other top universities. Oscar's team won first place.

This is Oscar today. I show you an updated photo—a good-looking young man.

In 2009, he graduated from Arizona State University with a degree in mechanical engineering. He was one of the top three students in his class at Arizona State.

Following his graduation, he took a brave step. He voluntarily returned to Mexico—a country where he had not lived since he was an infant—and he said:

I decided to take a gamble and [try to] do the right thing.

Last year, the Obama administration granted Oscar a waiver to reenter the United States. Without this waiver, Oscar would have been barred from returning to the United States for at least 10 years. He would have been separated from his wife Karla and their 2-year-old daughter Samantha, both of whom are American citizens.

When Oscar returned to the United States last year, he did two things. He applied for citizenship, and he enlisted in the U.S. Army. He is in basic training right now. He wants to be an Apache helicopter pilot.

In June, Oscar will complete basic training and be sworn in as an American citizen. The story of Oscar Vazquez is the story of America, and it is the story of the DREAM Act. This young man, determined to serve in our military, was turned away as undocumented. He went on and earned a college degree, with no help from Federal programs, graduating at the top of his class. He then went to Mexico and took a chance that he could get back here so he could enlist in the Army, and he made it. Tell me, what is fairness and justice for Oscar Vasquez? That is what the DREAM Act is all about.

I introduced this bill in 2001. I have met so many young students such as these who are my inspiration to come to this floor regularly and remind those who follow the Senate this is an issue that will not go away—as these lives will not go away. We need these young people.

I wish to call on other students all across America—who were lucky enough to be born in America, who never had to question their own citizenship or future—I am asking them to stand in solidarity with these young men and women, people who may be sitting next to them in a lecture hall or just across the aisle at a desk. They are like you, and they need you to stand for them. If we can have students across America mobilize on behalf of DREAM Act students, we can create a force for change—a force that can pass, even with 60 votes, this DREAM Act in the Senate.

I need my colleagues to not forget the DREAM Act, not forget these

young people, and not forget what America is all about.

Just a few steps from here is my office, and right behind my desk is a certificate that I have had displayed as long as I have been in the Senate. It is my mother's naturalization certificate. She was an immigrant, and she came here at the age of 2. She would have been one of the DREAM kids of her generation. It was not until after she was a parent and had two children that she finally took the classes and was naturalized as a U.S. citizen. She was a young mom in East Saint Louis, IL, and I have her picture right there on the naturalization certificate to remind me not only who I am but to remind me of her and her journey.

Her journey to America is the same journey these young people made: coming as an infant and striving to succeed in a place which did not always welcome immigrants. But, thank goodness, this Nation of immigrants, from time to time, will rally and celebrate our diversity, celebrate the length and breadth of the American family and all the cultures and all the ethnic backgrounds it comprises.

I am so proud of this great Nation, and I am proud of who we are and what we are. This Nation of immigrants should remember that fine young people such as these DREAM Act students deserve a chance. Given a chance, they will continue to prove to America that this is, indeed, a great and noble experiment in our country, bringing together people from all over the world.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 7 p.m. tonight, with Senators permitted to speak for up to 10 minutes each during that period of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PATRIOT SUNSETS EXTENSION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that it be in order to proceed to S. 1038, introduced earlier today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. REID. I move to proceed then to S. 1038.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and

Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 1038, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Harry Reid, Dianne Feinstein, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Richard Blumenthal, Mark R. Warner, Sheldon Whitehouse, Benjamin L. Cardin, Kay R. Hagan, Kent Conrad, Charles E. Schumer, Joe Manchin III, Sherrod Brown, Mark L. Pryor, Jeanne Shaheen, Joseph I. Lieberman, Kirsten E. Gillibrand.

The ACTING PRESIDENT pro tempore. By unanimous consent the mandatory quorum call has been waived.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that upon the conclusion of morning business on Monday, May 23, the Senate resume consideration of the motion to proceed to S. 1038 and that at 5 p.m. the Senate proceed to the vote on the motion to invoke cloture on the motion to proceed; further, that the time for debate on the motion to proceed be equally divided and controlled between the two leaders and their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NATIONAL POLICE WEEK

Mr. REID. Mr. President, this week is National Police Week. During National Police Week we pay tribute to the brave men and women who serve the U.S. as law enforcement officers and take note of their selfless dedication to keeping our communities safe. Last week, peace officers from across the Nation traveled to Washington to honor those who have made the ultimate sacrifice and given their lives in the line of duty. This year, two of the names that were added to the National Law Enforcement Officers Memorial belong to law enforcement officers from Nevada: Nye County Deputy Ian Michael Deutch and Nevada Department of Corrections officer Sergeant Vincent Tyrone Tatum.

Last April, 27-year-old Ian Michael Deutch was shot and killed while investigating a domestic disturbance call in

Pahrump, NV. When the deputies arrived, the suspect opened fire on them with a high powered rifle. Deputy Deutch was struck three times in the abdomen and the bullets penetrated his bullet-proof vest. Sadly, Deputy Deutch had just survived a yearlong deployment in Afghanistan with the Nevada Army National Guard and was shot and killed on his second day back to work with the Nye County Sheriff's Office. He is survived by his wife Vicky, son Jonathon, daughter Savonya, his parents, his two brothers and his sister. Deputy Deutch's life of public service was tragically cut short, but we honor his sacrifice and know that he will serve as an example of selfless service for generations to come.

In 1982, Sergeant Vincent Tyrone Tatum was abducted, beaten and shot four times in the head after he finished his shift at the Southern Desert Correctional Center. He had been conducting an internal investigation involving contraband being smuggled into a southern Nevada correctional facility by employees, and it is believed he was murdered to hinder the investigation. The murder of Sergeant Tatum is a stark reminder of what law enforcement officers risk day in and day out, and we are grateful for his sacrifice.

Police week is held once a year, but we should remember the important and often dangerous work our public safety officers perform every day. America could not exist without them, and I am grateful for all they do. This year we honor those courageous Nevadans, and reflect on the sacrifices made by all law enforcement officers every day. We will never forget what they do for our communities, and we will forever be indebted to them for their dedication and service.

#### CATHOLIC CHARITIES OF SOUTHERN NEVADA

Mr. REID. Mr. President, I rise today to honor the Catholic Charities of Southern Nevada, which is celebrating its 70th anniversary.

Since 1941, the Catholic Charities of Southern Nevada has provided crucial services to southern Nevada's neediest families. From the first diocesan director, Father Thomas F. Collins, to today's chief executive officer, Monsignor Patrick R. Leary, this community service center has focused on addressing the essential needs of a rapidly growing community.

As times have changed, so has the need to augment the services for seniors, children, refugees and the homeless. The Catholic Charities of Southern Nevada has not skipped a beat in this effort. Today, it services more than 2 million residents as one of the largest private, nonprofit social service providers in the State. It works hard to treat all who seek its help with dignity

and respect, while bringing them one step closer to self-sufficiency.

I am pleased to stand today and commend the Catholic Charities of Southern Nevada on this important milestone of 70 years of public service to a community that is eternally grateful for its continued charity and kindness.

#### BOYS AND GIRLS CLUB OF LAS VEGAS

Mr. REID. Mr. President, I rise today to honor the 50th anniversary of the Boys and Girls Club of Las Vegas.

As someone whose life was transformed by youth development programs, public education and athletics, I am proud to share in this momentous occasion for the Boys and Girls Club of Las Vegas. Young people in the Las Vegas valley have benefited from their excellent programs and services that help develop productive, caring and responsible citizens.

They offer robust services in leadership development, education and career development, the arts, sports and other important life skills. To build on their efforts to develop the next generation of responsible and active citizens, they offer many services that equip parents with information about community resources, such as food, housing, and GED classes. They also do an exemplary job of addressing the many interests and needs of young people, whether it's a t-shirt design contest, tech training or tutoring during their homework hour. The Boys and Girls Club of Las Vegas helps Nevada children excel as young people in countless ways, and the lessons last a lifetime.

In 2007 alone, the Boys and Girls Clubs of Las Vegas served more than 15,000 youth across the valley. From Mount Charleston to Boulder City and many points in between, the clubs continue to reach youth in a positive way.

I am proud to stand with the Boys and Girls Club of Las Vegas to congratulate the organization for 50 years of helping Las Vegas families and young people.

#### HAITI REFORESTATION ACT OF 2011

Mr. DURBIN. Mr. President, I have had the opportunity to visit Haiti on a number of occasions and have always been moved by the kindness and generosity of the Haitian people who live under such hard conditions.

I have traveled for hours into rural Haiti to visit impressive programs such as Partners In Health's health clinic, which provides HIV/AIDS treatment and clean water for nursing mothers.

Unfortunately, despite such programs and the efforts of U.N. peace-keeping forces to bring some measure of security to Haiti, the living conditions for average Haitians remains deeply troubling.

An already weak political system and weak government were then confronted last year with a devastating earthquake that struck Haiti's densely populated capitol of Port au Prince and several surrounding towns.

A staggering number of houses and buildings simply collapsed, virtually destroying Haiti's fragile infrastructure.

More than 200,000 people were killed and an estimated 1.5 million more were displaced.

Americans and people from all over the world donated money, organized shipments of medicine, food and water, and traveled to Haiti as emergency relief workers to help rescue and treat earthquake victims.

Prior to the earthquake, Haiti was already the poorest country in the Western Hemisphere.

Today, Haiti suffers from widespread unemployment, with 80 percent of the population living under the poverty line.

Historically, Haiti has also been devastated by tropical storms. In 2004, Hurricane Jeanne struck Haiti, killing approximately 3,000 of its residents, and displacing over 200,000 more.

Just last year, Haiti narrowly missed being struck by Hurricane Thomas, while hundreds of thousands of Haitians were living in temporary tents camps suffering from the spread of cholera.

While we cannot undo the terrible damage of the January 2010 earthquake, we can show the best of American compassion, generosity, and ingenuity in helping the Haitian people rebuild their nation by addressing one of the underlying causes of the country's problems—the deforestation of Haiti's once plentiful tropical forests.

When you look at the lush green of the Dominican Republic and compare it to the stark desolation on Haiti's side of the border, it is easy to see why Haiti is so much more vulnerable to soil erosion, landslides, and flooding than its neighbor.

It was not always that way. In 1923, Haiti's tropical forest covered 60 percent of the country.

Today, less than 2 percent of those forests remain. In the past 5 years, the deforestation rate has accelerated by more than 20 percent.

Since 1990, Haiti has lost 22 percent of its remaining forest and woodland habitat.

This deforestation has had terrible, unintended consequences. The soil erosion that has resulted from cutting down all of these trees has made the island more vulnerable to floods and mudslides—substantially reducing Haiti's already scarce agricultural land and rendering what remains less productive.

Haiti's tropical forests, if protected and regrown, would fight the destructive effects of soil erosion.

Saving old and growing new tropical forests would help protect Haiti's freshwater sources from contaminants, would safeguard Haiti's remaining irrigable land, and would save lives during hurricane season.

Helping Haiti deal with its deforestation problems is not only the right thing to do for our nearby neighbors, it is the smart thing to do with our limited assistance dollars.

Senators COLLINS and KERRY join me in introducing the Haiti Reforestation Act to reverse the deforestation challenge. The bill aims to end within 5 years deforestation in Haiti and restore within 30 years the tropical forest cover in existence in Haiti in 1990.

While it is important to start putting trees in the ground, this bill is about more than just planting trees. Our government has tried that approach in the past and it has proven to be ineffective.

This bill empowers the U.S. Government to work with Haiti to develop forest-management programs based on proven, market-based models. These models will be tailored to help Haiti manage its conservation and reforestation efforts in ways that can be measured, and it does so without authorizing any new funding.

In last year's supplemental we provided \$25 million for reforestation programs in Haiti. This bill would make sure such existing funds are spent wisely and productively.

Haiti's former Prime Minister, Michele Pierre-Louis, sized up the problem in Haiti perfectly:

The whole country is facing an ecological disaster. We cannot keep going on like this. We are going to disappear one day. There will not be 400, 500 or 1,000 deaths [from hurricanes]. There are going to be a million deaths.

We must act to ensure that that day never comes. I urge my colleagues to support the Haiti Reforestation Act of 2011.

#### TRIBUTE TO CHRIS GRIGSBY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the incredible endeavors of a hardworking and extremely talented Kentuckian, Chris Grigsby of Laurel County, KY. Chris's lifetime of experience has taken him to many places, but he has always been proud to call Kentucky home.

Chris Grigsby graduated from Laurel County High School in London, KY. At the age of nine he taught himself how to play the guitar, mandolin, bass, and the fiddle, and continues to play and teach them to his family, stating that music is a major part of his life. After graduating high school, Mr. Grigsby enrolled in the Marine Corps.

Mr. Grigsby's passion for his position in the Marine Corps grew as he continued to travel the world and experience the endless opportunities that it provided. He was stationed for 2 years at

Camp David where he was able to work closely with President Ronald Reagan. As his years in the Marine Corps came to a close, Grigsby found talent in other professions including, auctioning, truck driving, as well as being a police and security officer.

After working as a truck driver for 3 years, then as an officer with the London Police Department, as well as conducting his own truck hauling service, Grigsby came to realize his true passion was to be closer to home with his wife Bobbie and their family of five. As he set aside his traveling days he was offered a job at the U.S. Courthouse where he continues to be the lead court security officer. This August 17, Chris and Bobbie will celebrate their 21st marriage anniversary.

Chris Grigsby is a man who gives so others can prosper, and leads by setting an example. His life stands as an illustration that kindness does go a long way. A wonderful article about Mr. Chris Grigsby appeared recently in the Sentinel Echo, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sentinel Echo, May 2, 2011]

ALL THAT HE'S DONE, HIS CHILDREN ARE HIS  
NUMBER ONE

(By Sue Minton)

If gas prices were as high in 1968 as they are today, then 2-year-old Chris Grigsby and his family may have been residents of Rockcastle County instead of Laurel County. Grigsby likes to joke about how his family came to Laurel County.

"They were originally from Perry County. My grandparents and parents were part of the migration north to find jobs in the late 50s and early 60s," he said.

In 1968 his parents decided to come back to Kentucky from Michigan. "I joke, they were moving back to Hazard and ran out of gas in London and just stayed," Grigsby said. "But they didn't."

Before the Pomp and Circumstance of his 1984 graduation played out, Grigsby had joined the Marines. He graduated from Laurel County High School in June and reported to boot camp on Halloween Day.

He referred to his stay in the Marine Corps as the "best worst" thing that has ever happened to him.

"It gave me the opportunity to get out and see a little bit of the world," he said. "I always wanted to be a part of something. If I was going to do anything, I wanted to be the best at it that I could. And the Marines have the reputation of being the toughest 'the elite.' You join the Army, you join the Navy, but you become a Marine."

While at Parris Island in boot camp he was selected for the Yankee White Program.

"I was stationed at Marine Barracks '8th and I' in Washington, D.C., the oldest post in the Marine Corps," he said. "While waiting on White House security clearance I got selected to go to the Pentagon. I was there for three months working with Casper Weinberger on a security detail for the secretary of defense."

Once Grigsby received his clearance he was stationed at Camp David for two years.

"We primarily worked internal security for the camp," he said. "I worked my way up through the ranks to the position of platoon sergeant. And that put me in direct contact with President Ronald Reagan."

Grigsby recalls eating lunch with President Reagan once and remembers how nice the event was. "He was the most wonderful person. There was no faultness to him. Sometimes you meet people and they put on this air of caring, but I felt like he genuinely cared about the people."

In 1988 Grigsby was discharged from the Marines and considers himself lucky.

"I remember vividly, in 1990 we were in the middle of Operation Desert Shield. My trucking partner and I were going to Union City, Tenn., to get a load of tires for Toyota. We were about Elizabethtown when the radio announced that we were taking fire and that was the start of Desert Storm. I was very fortunate that I got in and out before it began."

After his stay in the Marines, Grigsby worked as an auctioneer, long-haul truck driver, police officer and a security officer.

"While in the marines I attended auctioneer school and tried my hand at that," he said. "Vernon Holt, a local agent with Century 21, sponsored me to get my apprentice license. I went to California to help a cousin get his auction business started. But I never really pursued it."

But, while 'trying his hand' at it Grigsby met his wife, Bobbie.

"I was working as an auctioneer at the stockyard in Richmond, trying to get my foot in the auctioneer door. She was there with her family buying horses and I met her at the diner. On August 17, we will be married 21 years."

When auctioneering didn't work out, Grigsby decided he would like to learn how to drive a tractor-trailer. He went to truck driving school and long-hauled for about three years traveling to any place that was east of Denver, Colo., delivering mostly Toyota parts.

After being laid off from truck driving, he was hired as an officer for the London Police Department. While there he was one of the first officers to implement the narcotics K-9 Unit.

After leaving the London Police Department he once again decided to truck. This time buying his own vehicle.

"I went back on the road for financial opportunities," he said, "hauling whatever needed to go wherever for seven years. My claim is I've hauled everything from asbestos to zucchini."

"I liked seeing the country, but it was difficult for me. By this time we had two of our five children, and we were a close family. It was hard to be gone. There were things at home that needed my attention. In 2002 I got out of the trucking business and went to work at the United States Courthouse."

Currently Grigsby is the lead court security officer. He is the supervisor of a crew of men that are special deputies U.S. Marshals. "We primarily provide security for the courthouse, the judges and visitors."

Grigsby said on a couple of occasions they have had some excitement.

"We have been fortunate. It is not something that occurs every day. But there is a chance that it could happen," he added. "Security work is not what we do, it is what we can do and what we will do. We put our lives on the line every day. It is kind of like police work, but then it is not. In security you have to be ready to go from zero to all out in a split second. But, I like the job. It has all the necessities—pay is good, home time is good."

Grigsby spends some of what spare time he has playing music.

"I have played music since I was nine years old," he said. "Music is a major part of my life and my family's lives."

Grigsby, a self-taught musician, plays the guitar, fiddle, mandolin and bass. His older children, Emily and Charlie, who have had a few lessons but are taught mostly by their Dad, play several instruments.

"And it will just be a matter of time before Sarah and Grace start playing," he said. "They, Emily and Charlie, along with Sarah sing and Grace does some," he said. Grigsby and Bobbie also sing. They perform a wide variety of different music, but mostly gospel.

"Music has always been a part of my life. Some families play sports—basketball, baseball, cheerleading—we play music. And through our music we have been to Laurel Heights, Laurel Village, and assisted living homes playing and singing for the people. We also play at festivals, schools and our church, Corinth Baptist."

Grigsby feels his biggest achievement is his children—Emily, Charlie, Sarah, Grace and 10-month-old Danica.

When the interview was almost over, Grigsby referred to a scene in the movie "Evan Almighty."

"God contacts Evan to build an ark. There is one part where his wife, Joan, is upset because they are having to leave, and God appears to her and says 'If someone prays for patience, do you think God gives them patience? Or does he give them the opportunity to be patient? That stuck with me. The world would be a much better place if we were kinder to each other. We live in such a traumatic world. If we would just take the time to speak to someone at the store or on the street and just be friendly, that would be the difference. That's what I try to do, just be kind to others.'"

#### ENDANGERED SPECIES DAY

Mr. CARDIN. Mr. President, tomorrow, on the sixth annual Endangered Species Day, we as a nation have a twofold opportunity. First, we have the chance to celebrate the successful recovery of a remarkable number of plant and animal species worldwide. Second, we have the opportunity to pause in acknowledgement of the hard work that still lies ahead of us on behalf of the nearly two thousand species that are endangered or threatened today.

Since its enactment in 1973, the Endangered Species Act, ESA, has helped to recover such iconic species as the gray whale, the peregrine falcon, and the bald eagle. In 1967, the bald eagle, one of our Nation's most recognizable symbols, was in danger from environmental contaminants, human intrusion, and other risk factors, and was listed for protection under the ESA. Through its careful, science-based approach, ESA management ultimately resulted in the successful recovery of bald eagle populations across the country. The bald eagle was delisted in 2007 and is now thriving. In the State of Maryland, the Patuxent Wildlife Research Refuge in Maryland is home to a healthy, flourishing bald eagle population. More recently the gray wolf,

which was completely extirpated from our Northern Rockies States, is now recovering thanks to the careful protective management of the Fish and Wildlife Service under the Endangered Species Act.

The ESA provides resources and structure that are critical to our ability to improve the outcomes for threatened and endangered species. Since becoming law 38 years ago, with overwhelming support in the House of Representatives and unanimous support in the Senate, the ESA has been one of our Nation's most successful environmental statutes. The ESA not only improves outcomes for endangered and threatened species, it also improves local and regional economies. According to a 2006 Fish and Wildlife Service survey, wildlife-related recreation—meaning hunting, fishing and wildlife watching—generated more than \$122 billion in revenues in 2006. In my home State of Maryland, wildlife watching generated over \$1 billion in revenues in 2006, according to the same survey. This wildlife-related spending supports hundreds of thousands of jobs.

The Endangered Species Act, with its proven record of success in restoring species to health, remains a critically important tool in the protection of our natural environment. At this moment, nearly 2,000 animal and plant species are endangered or threatened worldwide—the protections of the ESA are therefore as important as ever. This Endangered Species Day, even as we celebrate the successes of our Nation's conservation efforts, let us also remember and pledge to protect the robust, science-based legislation that made those successes possible.

#### OFFSHORE PRODUCTION AND SAFETY ACT

Mr. TESTER. Mr. President, I rise today to discuss the importance of responsibly increasing our domestic drilling and energy production in order to secure America's energy future. Montana is home to the Bakken oil and gasfield, the largest technically recoverable onshore oilfield in the United States. In 2007, production from Elm Coulee field in Richland County averaged 53,000 barrels per day—more than the entire State of Montana a few years earlier. That number is expected to rise significantly as new pathways to market are put in place. Advancements in oil and gas technology are also making it possible for us to extract resources that just 5 years ago no one thought was possible.

I will continue to push responsible development of the Bakken Field. Oil and gas development in the Bakken region has applied new technology originally designed to enhance natural gas development and turned a small field into the largest onshore field in the United States. Our job in the Senate

should be to encourage these kinds of innovations. Our job in the Senate should be to make sure that in places like the Bakken, where it makes all the sense in the world to develop, government agencies approve and permit exploration and development in a timely fashion. The Bakken is a strong example of where Montana is contributing to increasing American-made energy.

The Outer Continental Shelf is another good example. We can and should encourage investment in this area so that we increase production to meet our needs as the consumer of 25 percent of the world's produced oil. We must also continue to explore for new resources—and prove those—since as of now we only have 3 percent of the world's reserves.

Unfortunately, there are a number of proposals supported by my colleagues across the aisle who do not responsibly balance the U.S. energy needs with our responsibility to protect our coastal communities and other economic livelihoods. Specifically, S. 953 does the exact opposite of what we need to safely and responsibly increase American production.

The systemic lack of oversight in the Minerals Management Service was a critical component of last year's Deepwater Horizon explosion and 3-month oil disaster in the Gulf of Mexico. The failure of BP, Halliburton and others to follow safety requirements, and the failure of the Federal Government to enforce these requirements, has cost our country tens of millions of dollars. These irresponsible oversights caused significant economic and environmental harm to an entire region.

In response to this disaster, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling stated as their first finding that "the explosive loss of the Macondo well could have been prevented." The report key findings also state, "Fundamental reform will be needed in both the structure of those in charge of the regulator oversight and their internal decision making process to ensure their political autonomy, technical expertise, and the full consideration of environmental protection concerns."

S. 953 does the exact opposite of what the offshore drilling commission recommended by encouraging lax oversight by setting an arbitrary timeline of 60 days, allowing insufficient time for in-depth analysis. Let's be honest: the practical effect of that policy would be for certain administrations to approve permits that they should not approve while other administrations reject permits that could ultimately have been approved. This kind of rush to judgment will only inject even more politics into our energy debates. As the Senate has shown time and again, that is the last thing we need.

No, it is time for a little less politicking and a little more common

sense in our energy policy. Yet this bill also forces the Department of Interior to reissue leases without any environmental review—the opposite of the full environmental consideration the BP oilspill commission suggested. When a group of folks get together and tell you how to prevent another Gulf of Mexico disaster, the commonsense thing to do is listen to them.

I believe there are responsible measures we can take and should take to increase domestic protection, which makes us more energy secure and helps to insulate us from unpredictable ups and downs in world production. We need to dedicate resources to efficiently and effectively processing drilling applications. But tying the agencies' hands behind their backs with arbitrary deadlines or forcing them to hold lease sales and not process environmental reviews does not address the problem.

If the Deepwater Horizon disaster proved anything, it is that cutting corners doesn't promote our economy or protect our environment. Encouraging regulators to look the other way or deny permits because they cannot fully consider them is antithetical to good governance. That is not good for American production, American jobs or American energy security.

#### PANCREATIC CANCER RESEARCH AND EDUCATION ACT

Mr. CASEY. Mr. President, I wish to speak about a devastating illness, pancreatic cancer, and what we in the Senate can do to address this serious problem. Winston Churchill once said, "Healthy citizens are the greatest asset any country can have." I could not agree more.

Pancreatic cancer is a serious disease that affects over 42,000 Americans each year. We have made great strides to expand cancer research and improve treatments, but unfortunately pancreatic cancer research is where breast cancer research was in the 1930s. The survival rate for pancreatic cancer today is the same as it was 30 years ago. We have little understanding of the causes, no methods of early detection, few effective treatments, and single-digit survival rates.

Pancreatic cancer is the fourth-leading cause of cancer death in the United States, and 75 percent of pancreatic cancer patients die within a year of diagnosis; the 5-year survival rate is barely 5 percent.

According to a recent report on cancer trends, death rates for pancreatic cancer are increasing while death rates for all cancers combined, including the four most common cancers, prostate, breast, lung and colorectal, continue to decline. It is time to do something about this tragedy, this death sentence for tens of thousands of Americans.

It is time to make a serious commitment to ensure that advances in pan-

creatic cancer research keep up with the progress we have seen in fighting other types of cancers. That is why I am proud to be a cosponsor of S. 362, the Pancreatic Cancer Research and Education Act, introduced by the Senator from Rhode Island, Mr. WHITEHOUSE. This legislation is designed to address the shortfalls in pancreatic cancer research by developing a comprehensive, strategic annual plan for pancreatic cancer research and awareness activities.

The Pancreatic Cancer Research and Education Act would better target research, develop a cadre of committed scientists, promote physician and public awareness and require accountability for these efforts. The bill creates a 5-year pilot project for the highest mortality cancers, defined as those with 5-year survival rates below 50 percent. It builds upon the Specialized Programs of Research Excellence, SPOREs, that exist for breast and prostate cancer by designating at least two additional pancreatic cancer SPOREs.

Finally, the bill promotes physician and public awareness through partnerships between the National Institutes of Health, NIH, and Centers for Disease Control and Prevention, CDC, and patient advocacy organizations to develop a primary care provider education program.

The most important thing that we in Congress can do for those who have pancreatic cancer is to resolve to find new ways to improve treatments for those suffering from this devastating disease.

The health of our citizens is not a Democratic or Republican issue, it is an American priority and one we must all champion. The well-being of our country depends on the well-being of our citizens.

I urge my Senate colleagues to join me in supporting S. 362, the Pancreatic Cancer Research and Education Act.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MELANIE AH SOON

• Mr. AKAKA. Mr. President, I wish to congratulate an outstanding educator from my State, Melanie Ah Soon from Sacred Hearts Academy, for receiving the Presidential Award for Excellence in Mathematics and Science Teaching.

This award, administered by the National Science Foundation on behalf of the White House Office of Science and Technology Policy, is the highest recognition that a mathematics or science teacher may receive. Since the program's inception in 1983, more than 4,000 educators nationwide have been recognized for their contributions to mathematics and science education. As a former educator and principal, I know firsthand about the countless hours that go into creating curricula,

and it makes me proud to see outstanding teachers receive recognition for their hard work.

The dedication of Melanie to her field and to the children of Hawaii is undeniable. I applaud her for receiving this outstanding recognition, and I wish her the very best in her future endeavors.●

##### REMEMBERING GEORGE ROGERS

• Mr. BEGICH. Mr. President, today I wish to memorialize one of Alaska's greatest pioneers and statesmen, Mr. George W. Rogers. Born to immigrant parents in 1917, George Rogers died on October 3, 2010, in the Juneau home he designed. By his side were Jean, his wife of 68 years, their children, and several close friends.

Often described as a "Renaissance man," George devoted his adult life to the spirit of the Territory and State of Alaska. As an economist, politician, educator, author, architect and artist, his contributions shaped the state and he will always be part of Alaska's story.

Armed with a B.S. in economics from University of California at Berkeley, George began his long and historic Alaskan career in 1945. With the hope of feeding U.S. troops with less expense, the Office of Price Administration sent him up to negotiate reduced prices for raw fish. The job ended with the close of WWII, but George stayed on to advise several territorial governors, among them Ernest Gruening, who later would become one of Alaska's first U.S. Senators. It was Governor Gruening who encouraged George to attend Harvard for an MPA and a Ph.D.

Dr. Rogers saw in economics the effects of dynamic forces of change, largely those related political, bureaucratic, and technical conditions. To George, Alaska was the perfect petri dish to study his "real world" of economics, and to that study he devoted his life.

At Governor Gruening's request, George created a revenue system for the Territory of Alaska. Later, during the fight for statehood, Territorial Governor B. Frank Heintzelman sent him as a consultant to the Alaska Constitutional Convention where he also served as the stand-in for the convention's secretary. He considered his greatest contribution to the convention his work on apportionment to ensure Alaska's rural people are fairly represented.

Of the convention he said:

We had been through a decade-long . . . worldwide depression. We had World War II, and so Republicans and Democrats both realized that we've got to put aside political differences and look at the construction of our government. And it was such a wonderful, uplifting experience to have the two competing parties sit together and work this out. . . . it's one of the high points of my whole life because it was a period of great hope.

George applied this experience of hope and optimism to the rest of his professional and personal life. Believing in the possible, he influenced the fair development and treatment of Alaska's fisheries, timber, and oil for the benefit of all. He was involved in circumpolar research, the development of the Alaska Permanent Fund, and he helped to establish the Institute of Social and Economic Research at the University of Alaska. The Institute observes its 50th anniversary this year, dedicating the celebration to Dr. Rogers.

Much of George's personal time was shared with the city of Juneau. Elected to the assembly both before and after statehood, he served on numerous committees and as a member of the Juneau Rotary Club. His architectural skills provided the design for the Zach Gordon Youth Center, a vibrant recreation facility dedicated exclusively to Juneau's youth.

George was a great enthusiast and supporter of the arts. He designed sets for local productions, created the art for program covers and posters, and acted and sang on the stage. His abilities and openness of heart encouraged others to greater heights. He was a lifetime member of the Juneau Symphony Foundation, a member of the Juneau Lyric Opera, and the Juneau Arts and Humanities Council.

A loving and caring husband and father, George and his wife Jean were a unit. With the addition of six adopted children, George redesigned and expanded their two-room, 1948 miner's cabin until it became a five-bedroom, two-bath home. The house burned in 2000, but the irrepressible George began designs for the new one the following day.

As we bid farewell to his physical presence, George's many contributions live in perpetuity. Whether through his advisory work, his scholarly work, or the seven books he wrote—some of which have been adapted as educational textbooks—he made a lasting difference.

George's friends not only realize the depth of his impact on Alaskan life, they will also always remember the twinkle in his eye, his quick wit, his honesty, and his ability to best them at dominos.

George Rogers was a great man, a role model, an Alaskan, and he has left an enduring legacy.●

#### GRANADA HILLS CHARTER HIGH SCHOOL

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in recognizing the remarkable accomplishments of Granada Hills Charter High School's Academic Decathlon team, which won the 2011 Academic Decathlon and its first national championship. Members of the national championship team in-

clude: Austin Kang, Harsimar Dhanoa, Elysia Eastty, Joon Lee, Shagun Goyal, Riki Higashida, Eugene Lee, Sindhura Seeni, and Celine Ta. The team is coached by Matt Arnold, Nick Weber, and Spencer Wolf.

Each year, hundreds of high schools throughout the Nation compete for the honor of becoming Academic Decathlon national champions. This year, Granada Hills Charter High School earned the distinction of winning its first national championship, as well as California's 9th consecutive national title and 18th overall championship.

Competing in an Academic Decathlon is a daunting task. Students spend many hours studying, practicing, and competing, often away from their family and friends. The Academic Decathlon's intense 2-day national final competitions include testing at seven different events, speeches, essay writing, and interviewing exercises. As the Granada Hills community celebrates the hard work and achievement of the Granada Hills Decathlon team, I invite all of my colleagues to join me in congratulating California's Granada Hills Charter High School Academic Decathlon team on becoming the 2011 National Academic Decathlon Champions.●

#### MECCA ELEMENTARY SCHOOL STUDENTS

● Mrs. BOXER. Mr. President, it is with great pleasure that I welcome the students from the 6th grade class at Mecca Elementary School, who are visiting Washington, DC. I am particularly honored to have these students visit the U.S. Capitol because they know firsthand how important it is to speak up and be heard to make government officials aware of vital issues that affect their community.

Like all Americans, the residents of Mecca, CA, have the right to expect that the air they breathe is clean, and that the Federal and State government will enforce the Nation's environmental laws to protect them from dangerous pollution. Unfortunately, some residents in Mecca became sick from overpowering air pollution coming from a nearby waste recycling facility. The noxious odors posed a public health risk to the two schools located near the site, Mecca Elementary School and Saul Martinez Elementary School.

I became involved because local citizens, including teachers and students at the two schools, spoke out about the public health threat in Mecca that needed to be addressed immediately. I am so pleased that the Environmental Protection Agency stepped up its efforts to clean up the air pollution in and around the community of Mecca.

I give special thanks to the residents of Mecca, including the students at Mecca Elementary School, for speak-

ing up and telling the truth about the troubling conditions nearby. It is an example to all Americans that we have a stake in our communities and that by fighting for what is right, we can make our country a better, safer and healthier nation.●

#### HANKINSON, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From July 1-4, the residents of Hankinson, ND, will gather to celebrate their community's founding.

The town of Hankinson was founded in 1886, and was named after COL Richard Henry Hankinson. At the time, Colonel Hankinson was promoting a townsite called Kelly a few miles to the south, but development shifted to the new site, which had just been reached by both the Great Northern Railroad and the Soo Line Railroad. Both of these railroads were trying to establish control in the area. The post office was established on December 6, 1886, with Colonel Hankinson as the postmaster, and the town was named in his honor.

Today, Hankinson is the home of Hankinson Renewable Energy, which is one of the largest ethanol facilities in the United States. The facility began operations in 2009 and produces approximately 110 million gallons of ethanol per year. Great facilities such as this one show the future of energy in the United States, and help ease our dependence on foreign oil.

The citizens of Hankinson are proud to mention the many reasons their community is so strong. The city offers genuine small town living with a public library, city park, the "Caboose" Museum, and the Jack L. Bopp Memorial Football Field. The Hankinson area is also known for excellent hunting and fishing.

In honor of the city's 125th anniversary, community leaders have organized a golf tournament, car and bike show, flea market, children's tractor pull, street dances, a parade, a fireworks display, and other celebratory events.

I ask that my colleagues in the U.S. Senate join me in congratulating Hankinson, ND and its residents on their first 125 years and in wishing them well in the future. By honoring Hankinson and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hankinson that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hankinson has a proud past and a bright future.●



## OAKES, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 10-12, the residents of Oakes will gather to celebrate their community's history and founding.

Oakes is a vibrant community located in Dickey County. This Northern Pacific Railroad, NPPR, townsite was founded in 1886. The town was named for Thomas Fletcher Oakes, who was the NPPR president from 1888-1893. Its first mayor, Thomas Frank Marshall, later became a U.S. Representative. Oakes is also the hometown of former NFL player, Phil Hansen.

Citizens of Oakes are proud of their community and what it has to offer. They boast that their town is the hub of southeastern North Dakota, with an excellent school system, a well-established clinic, and a new hospital facility. While a strong agricultural community, Oakes also has a booming business sector. Its citizens are honored to call Oakes their home and know that it is a great place to live and raise a family.

The residents of Oakes have already begun celebrating their town's anniversary. They gathered for a family night the first day in January to kick off their 125th year. They have also planned numerous activities for the weekend of June 10-12 to continue the celebration, including a walk/run, an all-school reunion, a parade along Main Avenue, and two evenings of live music and street dances.

I ask the U.S. Senate to join me in congratulating Oakes, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Oakes and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Oakes that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Oakes has a proud past and a bright future.●

## RUGBY, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 1-3, the residents of Rugby will gather to celebrate their community's history and founding.

Rugby is a vibrant community in North Dakota that was founded in 1886. This Great Northern Railroad station was platted as Rugby Junction, but since its founding has been simply called Rugby, for Rugby, Warwickshire, England.

Today, Rugby is home to almost 200 businesses in a variety of fields including craftsmanship, manufacturing, ag-

riculture, retail, food services, and health care. Rugby is also part of the North Dakota Wind Power Project which consists of several wind turbines that produce clean, renewable energy. In addition, Rugby is recognized as the geographic center of North America.

In order to preserve the history of the city, Rugby has established museums including the Dale & Martha Hawk Museum and the Prairie Village Museum. Both of these museums are dedicated to the pioneering families and ancestors of the local community. Rugby is also home to a beautiful golf course, the Northern Lights Tower, the historic Pierce County Courthouse, and is near the scenic International Peace Gardens.

The citizens of Rugby are proud of all of their accomplishments over the past 125 years and have planned a celebration that will include, among other things, golf tournaments, a softball tournament, a 5K run/walk, local entertainment, a car show, a parade, and food and craft vendors.

I ask the U.S. Senate to join me in congratulating Rugby, ND, and its residents on the first 125 years and in wishing them well through the next century. By honoring Rugby and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Rugby that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Rugby has a proud past and a bright future.●

## TOWNER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From July 1-4, the residents of Towner, ND, will gather to celebrate their community's founding.

Towner, the "Cattle Capital of North Dakota," was founded in 1886. The town was named after Colonel Oscar M. Towner, who was a Confederate veteran of the Civil War and played major roles in the development of Grand Forks and McHenry Counties. Towner established a post office on December 11, 1886.

Located in north central North Dakota, Towner is a vibrant community and the county seat of McHenry County. Today, Towner is home to many local businesses, such as Anderson Funeral Home, Farmers Union Elevator, Gunter Honey, Johnson Clinic, McIntee Law Firm, Towner Foods, Ranch House Restaurant, and Western State Bank.

In honor of the city's 125th anniversary, community leaders have organized a number of fun activities. There will be live music, a street dance, pancake breakfast, golf tournament, rodeo, fireworks, a classic car show, and a parade.

I ask that my colleagues in the U.S. Senate join me in congratulating Towner, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Towner and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Towner that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Towner has a proud past and a bright future.●

## TRIBUTE TO KRISTINE SCHUMAN

• Ms. SNOWE. Mr. President, this week marks the 48th annual celebration of National Small Business Week, a time to honor the enormous contributions of small businesses to our nation's economy. We know that small firms are truly our country's greatest job creators, responsible for two-thirds of new jobs annually, and they have consistently led us out of economic downturns historically.

Presently, we have thousands of servicemembers returning from Iraq and Afghanistan each month. As these proud veterans attempt to reenter civilian life, many seek to start their own business. For the past several years, veterans in the midcoast region of Maine have had a counselor and advocate named Kristine Schuman helping them achieve their goals. In recognition of her outstanding commitment to these brave men and women, Kristine recently received the Maine Veteran Small Business Champion of the Year award from the U.S. Small Business Administration. Today I applaud Kristine for her selfless service, and offer my sincerest thanks for her work.

A resident of Topsham, Kristine is the manager of the Base Realignment and Closure, or BRAC, Transition Center at Naval Air Station Brunswick, or NASB. The town of Brunswick has been home to NASB since 1943, when it was constructed to assist in the Allied effort during World War II. Over the years, thousands of Navy officers and civilians have worked and trained at NASB, contributing to a sense of community at the base. Regrettably, NASB was recommended for closure by the 2005 BRAC Commission, and is expected to close later this year.

As the local community undertakes efforts to redevelop the base, many who have served at NASB over the years have stayed in the Brunswick area and now call it home. Indeed, Maine boasts the second highest per capita veteran population in the Nation, and those looking to start their own business or learn new job skills have a phenomenal counselor in Kristine Schuman. Since 2008, Kristine and her staff have assisted in the retraining

and transitioning of over 1,000 service-members and their family members, as well as civilian workers, in the midcoast region. Furthermore, Kristine has served as the project manager for the military spouse career advancement account at the base, helping close to 200 military spouses receive the training necessary for placement in new employment opportunities.

Our Nation owes our veterans in Maine, and throughout the country, a debt of gratitude that can never be fully repaid. Regrettably, the unemployment rate for veterans returning from Afghanistan and Iraq is 12.5 percent—a full 3.5 percent higher than the national unemployment rate for the overall population. That is what makes the work of Kristine Schuman and people like her all the more critical. I thank Kristine for her incredible work, and wish her success in future endeavors.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES DISCHARGED

The following concurrent resolutions were discharged from the Committee on the Budget pursuant to Section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 18. A concurrent resolution setting forth the President's budget request for the United States Government for fiscal year 2012, and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021.

S. Con. Res. 19. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021.

S. Con. Res. 20. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2016.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1022. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intel-

ligence Reform and Terrorism Prevention Act of 2004 until December 31, 2014, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1786. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Naval Air Station Corpus Christi Air Show, Oso Bay, Corpus Christi, TX" ((RIN1625-AA00) (Docket No. USCG-2011-0139)) received in the Office of the President of the Senate on May 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1787. A communication from the Associate Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 224 of the Act; A National Broadband Plan for Our Future" (RIN3060-AJ64) received in the Office of the President of the Senate on May 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1788. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Cable Union, WI" ((RIN2120-AA66) (Docket No. FAA-2010-1169)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1789. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kokomo, IN" ((RIN2120-AA66) (Docket No. FAA-2010-0605)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1790. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Carizzo Springs, Glass Ranch Airport, TX" ((RIN2120-AA66) (Docket No. FAA-2010-0877)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1791. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Point Lookout, MO" ((RIN2120-AA66) (Docket No. FAA-2010-1172)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1792. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Bedford, IN" ((RIN2120-AA66) (Docket No. FAA-2010-1026)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1793. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Propellers Model 247F Propellers" ((RIN2120-AA64) (Docket No. FAA-2009-0113)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1794. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1306)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1795. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1207)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1796. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0386)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1797. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DG Flugzeugbau GmbH Glaser-Dirks Model DG-808C Gliders" ((RIN2120-AA64) (Docket No. FAA-2011-0409)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1798. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-300, A340-200, and A340-300 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-1309)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1799. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; and DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0958)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1800. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes"

((RIN2120-AA64) (Docket No. FAA-2010-0436)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1801. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sicma Aero Seat 9140, 9166, 9173, 9174, 9184, 9188, 9196, 91B7, 91B8, 91C0, 91C2, 91C4, 91C5, and 9301 Series Passenger Seat Assemblies; and Sicma Aero Seat 9501311-05, 9501301-06, 9501311-15, 9501301-16, 9501441-30, 9501441-33, 9501311-55, 9501301-56, 9501441-83, 9501441-95, 9501311-97, and 9501301-98 Passenger Seat Assemblies; Installed on Various Transport Category Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0027)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1802. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Reims Aviation S.A. Model F406 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0058)) received in the Office of the President of the Senate on May 12, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1803. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 45" (RIN0648-BA27) received in the Office of the President of the Senate on May 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1804. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2011 Sector Operations Plans and Contracts, and Allocation of Northeast Multispecies Annual Catch Entitlements" (RIN0648-XY55) received in the Office of the President of the Senate on May 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1805. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; 2011 Atlantic Bluefish Specifications; Regulatory Amendment" (RIN0648-BA26) received in the Office of the President of the Senate on May 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1806. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Summer Flounder Fishery; Quota Transfer" (RIN0648-XA371) received in the Office of the President of the Senate on May 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1807. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Opening Directed Fishing for Pacific Cod by Catcher Vessels Less than 60 Feet" (RIN0648-XA405) received in the Office of the President of the Senate on May 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1808. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Re-opening of Commercial Harvest of Vermillion Snapper in the South Atlantic" (RIN0648-XA360) received in the Office of the President of the Senate on May 17, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1809. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reallocation of Pacific Cod in the Bering Sea" (RIN0648-XA404) received in the Office of the President of the Senate on May 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1810. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA364) received in the Office of the President of the Senate on May 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1811. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2011 Accountability Measures for the Commercial and Recreational Harvest of Greater Amberjack" (RIN0648-XA353) received in the Office of the President of the Senate on May 16, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1812. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled "National Airspace System Capital Investment Plan Fiscal Years 2012-2016"; to the Committee on Commerce, Science, and Transportation.

EC-1813. A communication from the Secretary of Commerce, transmitting, pursuant to law, the National Oceanic and Atmospheric Administration (NOAA) Chesapeake Bay Office Biennial Report to Congress; to the Committee on Commerce, Science, and Transportation.

EC-1814. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins; Technical Amendment" (RIN0579-AC11) (Docket No. APHIS-2006-0113) received in the Office of the President of the Senate on May 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1815. A communication from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct Certification and Certification of Homeless, Migrant and Runaway Children for Free School Meals" (RIN0584-AD60) received in the Office of the President of the Senate on May 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1816. A communication from the Deputy Director, Court Services and Offender

Supervision Agency for the District of Columbia, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Court Services and Offender Supervision Agency; to the Committee on Appropriations.

EC-1817. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities for Fiscal Year 2010; to the Committee on Armed Services.

EC-1818. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary (Economic Policy), received on May 18, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1819. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Investments" (RIN2590-AA32) received in the Office of the President of the Senate on May 18, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1820. A communication from the Associate General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" (RIN3133-AD72) received in the Office of the President of the Senate on May 18, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1821. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information Act Implementation" (RIN2590-AA44) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1822. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to the stabilization of Iraq; to the Committee on Banking, Housing, and Urban Affairs.

EC-1823. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1824. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC-1825. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-1826. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" (Docket No. MT-031-FOR) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Energy and Natural Resources.

EC-1827. A communication from the Director, Office of Surface Mining, Department of

the Interior, transmitting, pursuant to law, the report of a rule entitled "Alabama Regulatory Program" (Docket No. AL-076-FOR) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Energy and Natural Resources.

EC-1828. A communication from the Acting Assistant Secretary, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Historic Preservation Certifications for Federal Income Tax Incentives" (RIN1024-AD65) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Energy and Natural Resources.

EC-1829. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Property Used to Acquire Parent Stock or Securities in Certain Triangular Reorganizations Involving Foreign Corporations" (RIN1545-BG96) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Finance.

EC-1830. A communication from the Director of the Advance Pricing Agreement Program, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2011-22) received on May 19, 2011; to the Committee on Finance.

EC-1831. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Reactive Blue 69" ((21 CFR Part 73) (Docket No. FDA-2009-C-0543)) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1832. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-1833. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1834. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, a report relative to the Institution's audited financial statements for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1835. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-59 "Closing of a Portion of Anacostia Avenue N.E., abutting Parcel 170/14 S.O. 11-3689, Act of 2011"; to the Committee on Homeland Security and Governmental Affairs.

EC-1836. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "International Terrorism Victim Expense Reimbursement Program Report to Congress 2009"; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 350. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 623. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 890. A bill to establish the supplemental fraud fighting account, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1024. A bill to designate the Organ Mountains and other public land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself and Mr. GRAHAM):

S. 1025. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. ENZI (for himself, Mr. JOHNSON of South Dakota, Mr. GRASSLEY, and Mr. TESTER):

S. 1026. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. LEE, and Mr. HATCH):

S. 1027. A bill to provide for the rescission of certain instruction memoranda of the Bureau of Land Management, to amend the Mineral Leasing Act to provide for the determination of the impact of proposed policy modifications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. KYL):

S. 1028. A bill to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself and Mr. BROWN of Massachusetts):

S. 1029. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information, and for

other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. COBURN, Mr. ENZI, Ms. AYOTTE, Mr. MORAN, Mr. THUNE, Mr. BARRASSO, Mr. COATS, and Mr. ISAKSON):

S. 1030. A bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. COBURN (for himself, Mr. BURR, and Mr. CHAMBLISS):

S. 1031. A bill to empower States with programmatic flexibility and financial predictability to improve their Medicaid programs and State Children's Health Insurance Programs by ensuring better health care for low-income pregnant women, children, and families, and for elderly individuals and disabled individuals in need of long-term care services and supports, whose income and resources are insufficient to meet the costs of necessary medical services; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1032. A bill to provide for additional Federal district judgeships; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 1033. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LIEBERMAN, Mr. CARDIN, Ms. MIKULSKI, and Mr. CARPER):

S. 1034. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Ms. COLLINS, and Mr. LAUTENBERG):

S. 1035. A bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler systems as section 179 property and classify certain automated fire sprinkler systems as 15-year property for purposes of depreciation; to the Committee on Finance.

By Mr. CARDIN (for himself and Mr. VITTER):

S. 1036. A bill to amend title 40, United States Code, to ensure that job opportunities for people who are blind and people with significant disabilities are met by requiring the application of the Javits-Wagner-O'Day Act to certain lease agreements entered into by the Federal Government for private buildings or improvements; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 1037. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 with respect to the identification of high priority corridors and the inclusion of certain route segments on the Interstate System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for himself and Mr. MCCONNELL):

S. 1038. A bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention

Act of 2004 until June 1, 2015, and for other purposes; read twice.

By Mr. CARDIN (for himself, Mr. MCCAIN, Ms. AYOTTE, Mr. BEGICH, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNES, Mr. KIRK, Mr. KYL, Mr. LIEBERMAN, Mr. RUBIO, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. WICKER):

S. 1039. A bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 1040. A bill to enhance public safety by making more spectrum available to public safety entities, to facilitate the development of a public safety broadband network, to provide standards for the spectrum needs of public safety entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON of South Dakota:

S. Res. 191. A resolution designating June 2011 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself, Mr. BURR, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. Res. 192. A resolution designating May 21, 2011, as "National Kids to Parks Day"; considered and agreed to.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. Res. 193. A resolution honoring the bicentennial of the City of Astoria; considered and agreed to.

By Mr. SESSIONS:

S. Con. Res. 18. A concurrent resolution setting forth the President's budget request for the United States Government for fiscal year 2012, and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021; placed on the calendar.

By Mr. TOOMEY:

S. Con. Res. 19. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021; placed on the calendar.

By Mr. PAUL:

S. Con. Res. 20. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2016; placed on the calendar.

#### ADDITIONAL COSPONSORS

S. 165

At the request of Mr. VITTER, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 165, a bill to amend the

Public Health Services Act to prohibit certain abortion-related discrimination in governmental activities.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 251

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 312

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 312, a bill to amend the Patient Protection and Affordable Care Act to repeal certain limitations on health care benefits.

S. 319

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 319, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 406

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 406, a bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes.

S. 542

At the request of Mr. BEGICH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 547

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. 547, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in pre-kindergarten through higher education.

S. 570

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 578

At the request of Mr. RUBIO, his name was added as a cosponsor of S. 618, a bill to promote the strengthening of the private sector in Egypt and Tunisia.

S. 623

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 623, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 632

At the request of Mr. SCHUMER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 632, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized period for rebuilding of certain overfished fisheries, and for other purposes.

S. 696

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 705

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 720

At the request of Mr. THUNE, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 720, a bill to repeal the CLASS program.

S. 723

At the request of Mr. VITTER, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. 723, a bill to amend section 301 of the Immigration and Nationality Act to clarify those classes of individuals born in the United States who are nationals and citizens of the United States at birth.

S. 833

At the request of Mr. WHITEHOUSE, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 833, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 838

At the request of Mr. TESTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 866

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 913

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 913, a bill to require the Federal Trade Commission to prescribe regulations regarding the collection and use of personal information obtained by tracking the online activity of an individual, and for other purposes.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 979, a bill to designate as wilderness certain Federal portions of the red

rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 982

At the request of Ms. AYOTTE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1023

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Ohio (Mr. BROWN), and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. CON. RES. 4

At the request of Mr. SCHUMER, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 80

At the request of Mr. KIRK, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. Res. 80, a resolution condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 172

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as "National Cancer Research Month".

S. RES. 175

At the request of Mrs. SHAHEEN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 184

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 184, a resolution recognizing the life and service of the Honorable Hubert H. Humphrey, distinguished former Senator from the State of Minnesota and former Vice President of the United States, upon the 100th anniversary of his birth.

S. RES. 188

At the request of Mr. KIRK, the names of the Senator from Maine (Ms. COLLINS), the Senator from Indiana (Mr. COATS), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Idaho (Mr. RISCH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Wyoming (Mr. BARASSO), the Senator from Florida (Mr. RUBIO), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), the Senator from Mississippi (Mr. WICKER), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. Res. 188, a resolution opposing State bailouts by the Federal Government.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. GRAHAM).

S. 1025. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I am proud to introduce the National Guard Empowerment and State-National Defense Integration Act of 2011 along with my National Guard Caucus Co-Chair, Senator LINDSEY GRAHAM. Our bill builds upon earlier reforms proposed and enacted through the work of the Guard Caucus to give the Guard and Reserve a seat at the Pentagon's budget and policymaking tables and to update jurisdictional and operational lines of authority in Guard matters, recognizing that the Guard has evolved



to become a front-line, 21st Century force that is still trapped in a 20th Century Pentagon bureaucracy. This bill represents a bipartisan effort to do the right thing by the men and women of our National Guard, and Senator GRAHAM and I hope that it will receive speedy consideration and passage.

Ten years ago, the National Guard of the United States was very different than the Guard protecting our country today. A young private joining the National Guard on September 10, 2001, was joining a force designed to participate in an all-out, no-holds-barred war with the Soviet Union, even though the Soviet Union had ceased to exist a decade before. When that private showed up for drill, he or she found facilities in disrepair, a Guard demoralized by inattention from Pentagon leaders, and equipment that seemed to predate the Cold War. Of course, the life of that private, and of our entire nation, would change dramatically in the days to come.

September 11, 2001, woke us up to new realities. Yes, the United States still faced threats from overseas, and like the rest of us, the National Guard wanted to do its part. But as we began to call on the Guard to deploy, those of us who pay special attention to the Guard started to ask questions. Was the Pentagon actually going to send our Guard overseas to fight with its ancient and decrepit fleet of vehicles? What about training? Who would help get these units ready for the battlefield?

Senator GRAHAM and I wish we could say that every necessary measure was taken to correct these problems before our National Guard deployed. But we are still correcting them, and that's what this piece of legislation is all about. Ever since 9/11, I worked with my friend Senator Bond to make sure that these equipment, staffing, training, and other issues that our National Guard faced would be fixed. Our efforts culminated just a few years ago in the first National Guard Empowerment Act, which accomplished things like getting the Chief of the National Guard Bureau a fourth star—and a louder voice in the Pentagon bureaucracy. Now Senator GRAHAM and I are continuing that work. We will not rest until every soldier and airman in the Guard has the training, equipment, and leadership he or she needs to accomplish the mission.

I would like to highlight a few things the bill will do. It will make the Chief of the National Guard Bureau a statutory member of the Joint Chiefs of Staff, a change we have needed for a full decade to make sure Pentagon decision makers consider the unique nature of the Guard when making decisions. The bill authorizes appropriations for Guard domestic operations. It authorizes the State Partnership Program, which has had such great success

in my home state of Vermont. The bill will also help our emergency response operations. During Hurricane Katrina, we saw military forces so confused by state and federal distinctions. This bill includes a section focused on a new unity of effort plan that the Pentagon and the Department of Homeland Security have been working on with the Council of Governors and others. The bill will also clarify the relationship between the National Guard Bureau and the U.S. Northern and Pacific Commands and increase the Guard representation in U.S. Northern Command.

Overall, this bill moves our Guard and our country forward. It makes our Guard more effective in accomplishing the missions assigned to it. We ask so much of our men and women in the Guard. Senator GRAHAM and I are proud today to continue looking out for them and empowering them to get the job done when we call them away from civilian life to put on the uniform. We look forward to many of our colleagues joining us in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1025

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2011”.

#### SEC. 2. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AND TERMINATION OF POSITION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT AND TERMINATION OF POSITIONS.—Section 10505 of title 10, United States Code, is amended to read as follows:

##### “§ 10505. Vice Chief of the National Guard Bureau

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a rea-

sonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

##### (b) CONFORMING AMENDMENTS.—

(1) Section 10502 of such title is amended by striking subsection (e).

(2) Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “and the Vice Chief of the National Guard Bureau”.

##### (c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 10502 of such title is amended to read as follows:

**“§ 10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade”.**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1011 of such title is amended—

(A) by striking the item relating to section 10502 and inserting the following new item:

“10502. Chief of the National Guard Bureau: appointment; advisor on National Guard matters; grade.”; and

(B) by striking the item relating to section 10505 and inserting the following new item:

“10505. Vice Chief of the National Guard Bureau.”.

#### SEC. 3. MEMBERSHIP OF THE CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”.

(b) CONFORMING AMENDMENTS.—Section 10502 of such title, as amended by section 2(b)(1) of this Act, is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”.

#### SEC. 4. CONTINUATION AS A PERMANENT PROGRAM AND ENHANCEMENT OF ACTIVITIES OF TASK FORCE FOR EMERGENCY READINESS PILOT PROGRAM OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

##### (a) CONTINUATION.—

(1) CONTINUATION AS PERMANENT PROGRAM.—The Administrator of the Federal Emergency Management Agency shall continue the Task Force for Emergency Readiness (TFER) pilot program of the Federal Emergency Management Agency as a permanent program of the Agency.

(2) LIMITATION ON TERMINATION.—The Administrator may not terminate the Task

Force for Emergency Readiness program, as so continued, until authorized or required to terminate the program by law.

(b) **EXPANSION OF PROGRAM SCOPE.**—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall carry out the program in at least five States in addition to the five States in which the program is carried out as of the date of the enactment of this Act.

(c) **ADDITIONAL FEMA ACTIVITIES.**—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Administrator shall—

(1) establish guidelines and standards to be used by the States in strengthening the planning and planning capacities of the States with respect to responses to catastrophic disaster emergencies; and

(2) develop a methodology for implementing the Task Force for Emergency Readiness that includes goals and standards for assessing the performance of the Task Force.

(d) **NATIONAL GUARD BUREAU ACTIVITIES.**—As part of the continuation of the Task Force for Emergency Readiness program pursuant to subsection (a), the Chief of the National Guard Bureau shall—

(1) assist the Administrator in the establishment of the guidelines and standards, implementation methodology, and performance goals and standards required by subsection (c);

(2) in coordination with the Administrator—

(A) identify, using catastrophic disaster response plans for each State developed under the program, any gaps in State civilian and military response capabilities that Federal military capabilities are unprepared to fill; and

(B) notify the Secretary of Defense, the Commander of the United States Northern Command, and the Commander of the United States Pacific Command of any gaps in capabilities identified under subparagraph (A); and

(3) acting through and in coordination with the Adjutants General of the States, assist the States in the development of State plans on responses to catastrophic disaster emergencies.

(e) **ANNUAL REPORTS.**—The Administrator and the Chief of the National Guard Bureau shall jointly submit to the appropriate committees of Congress each year a report on activities under the Task Force for Emergency Readiness program during the preceding year. Each report shall include a description of the activities under the program during the preceding year and a current assessment of the effectiveness of the program in meeting its purposes.

(f) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

**SEC. 5. MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF HOMELAND SECURITY ON UNITY OF EFFORT IN RESPONSE OF MILITARY FORCES TO DOMESTIC EMERGENCIES.**

(a) **MEMORANDUM OF UNDERSTANDING REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary

of Homeland Security shall enter into a memorandum of understanding on coordination between the Department of Defense and the Department of Homeland Security, and between the Departments and the States, in the use of military forces in response to domestic emergencies.

(2) **PURPOSE.**—The purpose of the memorandum is to ensure, to the maximum extent practicable, a unity of effort within the Federal Government, and between the Federal Government and the States, regarding the use of military forces in response to domestic emergencies.

(b) **CONSULTATION WITH THE STATES.**—In entering into the memorandum of understanding required by subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall jointly consult with the Council of Governors established by Executive Order No. 13528 for purposes of coordinating plans under the memorandum of understanding with the plans of the States for the use of military forces of the States in response to domestic emergencies.

(c) **SUBMITTAL TO CONGRESS.**—Upon entry into the memorandum of understanding required by subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall jointly submit to the appropriate committees of Congress a report on the memorandum of understanding. The report shall include the following:

(1) The memorandum of understanding.

(2) A comprehensive description of the manner in which the mechanisms set forth in the memorandum of understanding will ensure a unity of effort within the Federal Government, and between the Federal Government and the State or States concerned, regarding the use of military forces in response to domestic emergencies, including, in particular, the manner in which such mechanisms will ensure a unity of such effort between the Federal Government and the States in the use of such forces in such response.

(3) Such other matters as the Secretaries jointly consider appropriate.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

**SEC. 6. REPORT ON COMPARATIVE ANALYSIS OF COSTS OF COMPARABLE UNITS OF THE RESERVE COMPONENTS AND THE REGULAR COMPONENTS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a comparative analysis of the costs of units of the regular components of the Armed Forces with the costs of similar units of the reserve components of the Armed Forces. The analysis shall include a separate comparison of the costs of units in the aggregate and of the costs of units solely when on active duty.

(2) **SIMILAR UNITS.**—For purposes of this subsection, units of the regular components and reserve components shall be treated as similar if such units have the same general structure, personnel, or function, or are substantially composed of personnel having identical or similar military occupational specialties (MOS).

(b) **ASSESSMENT OF INCREASED RESERVE COMPONENT PRESENCE IN TOTAL FORCE**

**STRUCTURE.**—The Secretary shall include in the report required by subsection (a) an assessment of the advisability of increasing the number of units and members of the reserve components of the Armed Forces within the total force structure of the Armed Forces. The assessment shall take into account the comparative analysis conducted for purposes of subsection (a) and such other matters as the Secretary considers appropriate for purposes of the assessment.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the submittal of the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a review of such report by the Comptroller General. The report of the Comptroller General shall include an assessment of the comparative analysis contained in the report required by subsection (a) and of the assessment of the Secretary pursuant to subsection (b).

(d) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—In this section, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 7. DISPLAY OF PROCUREMENT OF EQUIPMENT FOR THE RESERVE COMPONENTS OF THE ARMED FORCES UNDER ESTIMATED EXPENDITURES FOR PROCUREMENT IN FUTURE-YEARS DEFENSE PROGRAMS.**

Each future-years defense program submitted to Congress under section 221 of title 10, United States Code, shall, in setting forth estimated expenditures and item quantities for procurement for the Armed Forces for the fiscal years covered by such program, display separately under such estimated expenditures and item quantities the estimated expenditures for each such fiscal year for equipment for each reserve component of the Armed Forces that will receive items in any fiscal year covered by such program.

**SEC. 8. FISCAL YEAR 2012 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.**

(a) **CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for fiscal year 2012 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, \$11,000,000.

(B) For National Guard Personnel, Air Force, \$3,500,000.

(C) For Operation and Maintenance, Army National Guard, \$11,000,000.

(2) **AVAILABILITY.**—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in training and operations with respect to continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(b) **DOMESTIC OPERATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for fiscal year 2012 for the Department of Defense, \$300,000,000 for Operation and Maintenance, Defense-wide.

(2) **AVAILABILITY.**—The amount authorized to be appropriated by paragraph (1) shall be available for the Army National Guard and

the Air National Guard for emergency preparedness and response activities of the National Guard while in State status under title 32, United States Code.

(3) **TRANSFER.**—Amounts under the amount authorized to be appropriated by paragraph (1) shall be available for transfer to accounts for National Guard Personnel, Army, and National Guard Personnel, Air Force, for purposes of the pay and allowances of members of the National Guard in conducting activities described in paragraph (2).

(c) **JOINT OPERATIONS COORDINATION CENTERS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for fiscal year 2012 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, \$28,000,000.

(B) For National Guard Personnel, Air Force, \$7,000,000.

(2) **AVAILABILITY.**—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Forces Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(d) **SUPPLEMENT NOT SUPPLANT.**—The amounts authorized to be appropriated by subsections (a), (b), and (c) for the purposes set forth in such subsections are in addition to any other amounts authorized to be appropriated for fiscal year 2012 for the Department of Defense for such purposes.

**SEC. 9. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.**

(a) **COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.**—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) **DISCHARGE OF RESPONSIBILITY.**—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) **MEMORANDUM OF UNDERSTANDING.**—

(1) **MEMORANDUM REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of

Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) **MODIFICATION.**—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) **AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.**—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

**SEC. 10. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.**

(a) **COMMANDER OF ARMY NORTH COMMAND.**—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) **COMMANDER OF AIR FORCE NORTH COMMAND.**—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

**SEC. 11. AVAILABILITY OF FUNDS UNDER STATE PARTNERSHIP PROGRAM FOR ADDITIONAL NATIONAL GUARD CONTACTS ON MATTERS WITHIN THE CORE COMPETENCIES OF THE NATIONAL GUARD.**

(a) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretary of State, modify the regulations prescribed pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2517; 32 U.S.C. 107 note) to provide for the use of funds available pursuant to such regulations for contacts between members of the National Guard and civilian personnel of foreign governments outside the ministry of defense on matters within the core competencies of the National Guard such as the following:

- (1) Disaster response and mitigation.
- (2) Defense support to civilian authorities.
- (3) Consequence management and installation protection.
- (4) Chemical, biological, radiological, or nuclear event (CBRNE) response.
- (5) Border and port security and cooperation with civilian law enforcement.

(6) Search and rescue.

(7) Medical matters.

(8) Counterdrug and counternarcotics activities.

(9) Public affairs.

(10) Employer and family support of reserve forces.

(11) Such other matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Secretary of Defense shall specify.

(b) **FUNDING FOR FISCAL YEAR 2012.**—There is hereby authorized to be appropriated for fiscal year 2012 for the Department of Defense for the National Guard, \$50,000,000 to be available for contacts under the State Partnership Program authorized pursuant to the modification of regulations required by subsection (a).

By Mr. ENZI (for himself, Mr. JOHNSON of South Dakota, Mr. GRASSLEY, and Mr. TESTER).

S. 1026. A bill to amend the Packers and Stockyard Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, I wish to speak on the introduction of the Livestock Marketing Fairness Act. I want to also acknowledge that I am joined in introducing this legislation by Senators TIM JOHNSON, Grassley, and Tester. Without their support this bill would not be possible. We have always enjoyed bipartisan support on this issue and I want to thank them for their work in making sure that our livestock markets remain competitive.

Our Nation's ranchers and family farmers aren't looking for handouts when they take their animals to the auction barn, they simply expect that they will receive the price they deserve for the quality they produce. However, there is evidence that there are bad actors out there who stack the deck when it comes to the prices they use in livestock contracts. The Packers & Stockyards Act was enacted at a time when there was significant concentration in the livestock and poultry industry. That law since that time has provided protection and remedy from manipulative market practices but the growth of our markets in recent decades has opened up opportunities for new abuses that the original law never could have expected.

These opportunities for manipulation have developed as our markets have become increasingly more consolidated. The top four firms control over 69 percent of the domestic cattle slaughter and this statistic doesn't even include the acquisitions that have taken place in the industry in recent years. Gone are the days when a simple handshake between buyer and seller was all you needed.

The Livestock Marketing Fairness Act strikes at the heart of one particular anti-competitive practice. Over the years, livestock producers, feeders, and packers have been given a number of new marketing tools for price discovery and hedging risk. One of those

tools is the forward contract where a buyer and seller agree to a transaction at a specified point of time in the future. However, certain types of forward contracting agreements have become ripe for price manipulation. This is because a growing number of packing operations own their own livestock or control them through marketing agreements. These firms then can buy from themselves when prices are high and buy from others when prices are low. Captive supplies are animals that packers own and control prior to slaughter. The Livestock Marketing Fairness Act prohibits certain arrangements that provide packers with the opportunity use their captive supplies to manipulate local market prices. First, the legislation requires that forward contracts contain a "firm base price" which is derived from an external source. Though not outlined in the legislation, commonly used external sources of price include the live cattle futures market or wholesale beef market. This ensures that both buyers and sellers have a basis for how pricing in a contract will be derived at the time the contract is agreed upon. Second, the bill requires that forward contracts be traded in open, public markets. This guarantees that multiple buyers and sellers can witness bids as well as offer their own. Some livestock markets already do this to ensure transparency but there are others who allow transactions to happen behind closed doors.

The Livestock Marketing Fairness Act also ensures that trading of contracts be done in a manner that provides both small and large buyers and sellers access to the market. Contracts are to be traded in sizes approximate to the common number of cattle or pigs transported in a trailer, but the law does not prohibit trading from occurring in multiples of those contracts for larger livestock orders.

I travel to Wyoming nearly every weekend and have heard the same concerns from many of our ranchers. They want to be competitive in the market and sell the best animals possible so that they can continue the work that so many in their family have done for so many years. However, this problem is not isolated to Wyoming. Livestock producers from coast to coast are finding that with consolidation there are fewer and fewer buyers for their animals and their options for marketing too are being lost. This legislation not only increases openness in forward contracting but preserves the right for ranchers to choose the best methods for selling their animals without worry that their agreements will be subject to manipulation. The bill does not apply to producer cooperatives who often own their processing facility. The legislation also carefully targets the problem, large packers owning captive supplies, by also exempting packers that only own one facility and those

that do not report for mandatory price reporting. The Livestock Marketing Fairness Act does not apply to agreements based on quality grading nor does it affect a producer's ability to negotiate contracts one-on-one with buyers. Therefore, sellers can still choose from a variety of methods including the spot market, futures market, or other alternative marketing arrangements.

This bill is common sense and ensures that our ranchers have access to a competitive market in these difficult economic times. All our livestock producers are asking for is a level playing field and this bill helps them do what they do best, continue producing the finest meat in the world.

By Mr. UDALL of Colorado (for himself and Mr. BROWN of Massachusetts): S. 1029. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide electric consumers the right to access certain electric energy information, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to discuss an important issue, energy consumption. Do each of us know how much energy we actually consume? How much does our energy use affect our pocketbooks? Consumers should be able to answer these questions. That is why I am introducing the Electric Consumer Right to Know Act today.

This legislation takes a common-sense step toward broadening consumers' access to data about their electricity usage. I first began working on this issue while serving in the Colorado General Assembly back in 1997, when I introduced a bill that would have given consumers information about the price, water consumption, pollutants, and emissions used to generate the electricity they were sold. However, I am proud to say that this refined transparency bill—which gives consumers access to their energy use and price—was developed directly from the input of Coloradans who participated in my energy jobs summit in Denver in February 2010.

In today's marketplace, consumers have a clear understanding of what their car mileage means for their wallet. They also have ready access to the number of minutes remaining on their cell phone. However, consumers lack clear, timely data about their electricity use and its price. Providing increased transparency will help consumers with their decisions about electricity usage in their homes or businesses.

The Electric Consumer Right to Know Act, or E-Know Act, would provide this transparency by establishing consumers' clear right to access data on their own electricity usage. This right is an important step toward a more effective, reliable and efficient

electric grid, and a step toward helping consumers use electricity more efficiently and save money on their electric bills.

For the past two years, I have been traveling across Colorado as part of a work force tour to talk directly to Coloradans and hear their innovative policy ideas to create jobs. I also hosted an Energy Jobs Summit in Denver in February 2010. As part of this summit, we asked experts in energy policy and business to join us for a conversation about how we can better position Colorado and the United States to lead in the 21st century clean energy economy and win the global economic race.

We heard from U.S. Energy Secretary Steven Chu, then-Governor Bill Ritter, Senator MICHAEL BENNET, and Congressman ED PERLMUTTER. But, more importantly, we heard from Coloradans who came to share their views on what the federal government can do, or in some instances not do, to support job creation and transition to cleaner and more efficient energy use.

One consumer participant at the summit noted that even though he had a smart meter at his home, his power company would not let him access his electrical meter readings to learn how he was using electricity. If he could access those readings, he could better understand his energy use, learn how to be more energy efficient and save money. That is why I am reintroducing E-Know Act today, to improve communication between the consumers and their utility and spur innovation in developing creative technologies that will save energy.

The bill directs the Federal Regulatory Energy Commission to convene an open, extensive and inclusive stakeholder process to work through the details of this measure to ensure that implementing the consumers' right to access their information also retains consumer privacy, and ensures the integrity and reliability of the grid.

The outcome of this process will create national guidelines establishing the right of consumers to access their electricity data, including minimum national standards that utilities must meet to ensure that right of access. In developing those minimum standards, the FERC will take into consideration the ongoing and important work at the National Institute of Standards and Technology in developing a smart grid roadmap, as well as the innovative state and local programs already being developed across the country to integrate smart meters into the electrical grid, including Colorado, California, Texas, Pennsylvania, and others.

In my home state of Colorado, Xcel Energy has been working with the city of Boulder on a pilot program called SmartGridCity to develop a community-scale smart grid with over 20,000 residents participating. In Fort Collins,

Colorado, the business community and utilities have teamed up to form the FortZED project with the goal of turning the downtown into a net zero energy district using smart technology. I am proud to see Coloradans and others around the country taking important steps together in learning how to make the grid more reliable, efficient, and help save everyone money.

Finally, part of ensuring the right to access your data includes the right to retain the privacy of your data. When consumers gain access to their data, they will also need to clearly understand how it will be used, especially when consumers grant third-party access to it. This is why this bill states that the FERC will establish, among other important measures, guidelines for consumer consent requirements. Retaining privacy is critical to building consumer trust in the smart grid and facilitating the transition of the smart grid to an integral part of everyday life for every American family.

I look forward to working with my colleagues from both parties and all interested stakeholders in establishing this right, defining it in a way that eliminates unintended consequences, and enforcing this right in a way that promotes the efficient use of electrical energy.

This bill is an important first step in implementing smart meters across the country, moving us toward an electrical grid that is more reliable and more efficient, a "smart grid," if you will. There are several pieces of the puzzle that will be required to realize that future, and one critical part of that puzzle is the right of consumers to access their electricity data. I urge my colleagues of both parties to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1029

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric Consumer Right to Know Act" or the "e-KNOW Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) improving consumers' understanding of and access to the electric energy usage information of the consumers will help consumers more effectively manage usage;

(2) consumers have a right of access to the electric energy usage information of the consumers;

(3) the right of access to electric energy usage information should be based on the need to have access to the information rather than on a specific type of smart metering technology and, as a result, all usage information platforms can compete and innovation will be fostered;

(4) utilities should provide electric energy usage information based on the best capa-

bilities of the metering technology currently deployed in the respective service areas or, on upgrade, based on standards recognized by the National Institute of Standards and Technology;

(5) consumers should have the ability to access unaudited usage information directly from the electric meters of the consumers or from sources independent of the electric meters, and from sources independent of the utilities of the consumers;

(6) consumers should retain the right to the privacy and security of electric energy usage information of the consumers created through usage;

(7) consumers should have the right to control the electric energy usage information of the consumers and the right to privacy for the information when third party aggregators of data are involved in creation, management, or collection of the information; and

(8) consumers should have the right to know how the authorized third-party data manager of the consumers will manage the retail electric energy information of the consumers once the manager has accessed the information.

#### SEC. 3. ELECTRIC CONSUMER RIGHT TO ACCESS RETAIL ELECTRIC ENERGY INFORMATION.

(a) IN GENERAL.—Title II of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

##### "SEC. 215. ELECTRIC CONSUMER RIGHT TO ACCESS RETAIL ELECTRIC ENERGY INFORMATION.

"(a) DEFINITIONS.—In this section:

"(1) RETAIL ELECTRIC ENERGY INFORMATION.—The term 'retail electric energy information' means—

"(A) the electric energy consumption of an electric consumer over a defined time period;

"(B) the retail electric energy prices or rates applied to the electricity usage for the defined time period described in subparagraph (A) for the electric consumer;

"(C) the cost of usage by the consumer, including (if smart meter usage information is available) the estimated cost of usage since the last billing cycle of the consumer; and

"(D) in the case of nonresidential electric meters, any other electrical information that the meter is programmed to record (such as demand measured in kilowatts, voltage, frequency, current, and power factor).

"(2) SMART METER.—Except as provided in subsection (e), the term 'smart meter' means the device used by an electric utility that—

"(A)(i) measures electric energy consumption by an electric consumer at the home or facility of the electric consumer in intervals of 1 hour or less; and

"(ii) is capable of sending electric energy usage information through a communications network to the electric utility; or

"(B) meets the guidelines issued under subsection (h).

"(b) CONSUMER RIGHTS.—

"(1) IN GENERAL.—Each electric consumer in the United States shall have the right to access (and to authorize 1 or more third parties to access) retail electric energy information of the electric consumer in—

"(A) an electronic form, free of charge, in conformity with nationally recognized open standards developed by a nationally recognized standards organization; and

"(B) a manner that is timely and convenient and provides adequate protections for the security of the information and the privacy of the electric consumer.

"(2) SMART METERS.—In the case of an electric consumer that is served by a smart

meter that can also communicate energy usage information to a device or network of an electric consumer or a device or network of a third party authorized by the consumer, the consumer shall, at a minimum, have the right to access (and to authorize 1 or more third parties to access) usage information in read-only format directly from the smart meter.

"(3) PROVIDER OF INFORMATION.—The information required under this subsection shall be provided by the electric utility of the consumer or such other entity as may be designated by the applicable electric retail regulatory authority.

"(c) INFORMATION.—The right to access retail electric energy information under subsection (b) includes, at a minimum—

"(1)(A) in the case of an electric consumer that is served by a smart meter, the right to access retail electric energy information—

"(i) in machine readable form, not more than 48 hours after consumption has occurred; or

"(ii) in accordance with the guidelines issued under subsection (h); or

"(B) in the case of an electric consumer that is not served by a smart meter, the right to access retail electric energy information in machine readable form as expeditiously after the time of receipt in a data center (including information provided by third party services) as is reasonably practicable and as prescribed by the applicable electric retail regulatory authority; and

"(2) except as otherwise provided in subsection (d)—

"(A) in the case of an electric consumer that is served by a smart meter, data at a granularity that is—

"(i) not less granular than the intervals at which the data is recorded and stored by the billing meter in use at the premise of the electric consumer; or

"(ii) in accordance with the guidelines issued under subsection (h); and

"(B) in the case of an electric consumer that is not served by a smart meter, data at granularity equal to the data used for billing the electric consumer, or more precise granularity, as prescribed by the applicable electric retail regulatory authority.

"(d) ELECTRIC ENERGY INFORMATION RETENTION.—An electric consumer shall have the right to access the retail electric energy information of the consumer, through the website of the electric utility or other electronic access authorized by the electric consumer, for a period of at least 13 months after the date on which the usage occurred, unless a different period is prescribed by the applicable electric retail regulatory authority.

"(e) DATA SECURITY.—Access described in subsection (d) shall not interfere with or compromise the integrity, security, or privacy of the operations of a utility and the electric consumer, in accordance with the guidelines issued by the Commission under subsection (h).

"(f) COST RECOVERY.—An electric utility providing retail electric energy information in accordance with otherwise applicable regulation of rates for the retail sale and delivery of electricity may recover in rates the cost of providing the information, if the cost is determined reasonable and prudent by the applicable electric retail regulatory authority.

"(g) ADDITIONAL AVAILABLE INFORMATION.—The right to access electric energy information shall extend to usage information generated by devices in or on the property of the consumer that is transmitted to the electric utility.

“(h) GUIDELINES FOR ELECTRIC CONSUMER ACCESS.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Commission shall (after consultation with State and local regulatory authorities, including the National Association of Regulatory Utility Commissioners, the Secretary of Energy, other appropriate Federal agencies, including the National Institute of Standards and Technology, consumer advocacy groups, utilities, and other appropriate entities, and after notice and opportunity for comment) issue guidelines that establish minimum national standards for implementation of the electric consumer right to access retail electric energy information under subsection (b).

“(2) STATE AND LOCAL REGULATORY ACTION.—In issuing the guidelines, the Commission shall, to the maximum extent practicable, be guided by actions taken by State and local regulatory authorities to ensure electric consumer access to retail electric energy information, including actions taken after consideration of the standard under section 111(d)(17).

“(3) CONTENT.—The guidelines shall provide guidance on issues necessary to carry out this section, including—

“(A) the timeliness and granularity of retail electric energy information;

“(B) appropriate nationally recognized open standards for data;

“(C) a definition of the term ‘smart meters’; and

“(D) protection of data security and electric consumer privacy, including consumer consent requirements.

“(4) REVISIONS.—The Commission shall periodically review and, as necessary, revise the guidelines to reflect changes in technology and the market for electric energy and services.

“(i) ENFORCEMENT.—

“(1) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—If the attorney general of a State, or another official or agency of a State with competent authority under State law, has reason to believe that any electric utility that delivers electric energy at retail in the applicable State is not complying with the minimum standards established by the guidelines under subsection (h), the attorney general, official, or agency of the State, as *parens patriae*, may bring a civil action against the electric utility, on behalf of the electric consumers receiving retail service from the electric utility, in a district court of the United States of appropriate jurisdiction, to compel compliance with the standards.

“(2) SAFE HARBOR.—

“(A) IN GENERAL.—No civil action may be brought against an electric utility under paragraph (1) if the Commission has, during the 2-year period ending on the date of the determination, determined that the electric utility adopted policies, requirements, and measures, as necessary, that comply with the standards established by the guidelines under subsection (h).

“(B) PROCEDURES.—The Commission shall establish procedures to review the policies, requirements, and measures of electric utilities to assess, and issue determinations with regard to, compliance with the standards.

“(3) EFFECTIVE DATE.—This subsection takes effect on the date that is 2 years after the date the guidelines under subsection (h) are issued.”

(b) CONFORMING AMENDMENT.—The table of contents for the Public Utility Regulatory Policies Act of 1978 is amended by adding at

the end of the items relating to title II the following:

“Sec. 215. Electric consumer right to access electric energy information.”

By Mr. WYDEN:

S. 1033. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am reintroducing legislation to authorize the Bureau of Reclamation to share in the cost of the construction of a new wastewater treatment plant for Hermiston, Oregon. The bill is identical to legislation which passed the House of Representatives in the previous Congress, by voice vote, and which was reported by the Senate Energy and Natural Resources Committee without opposition last year.

The reason for involving the Bureau in this project is quite simple. Once constructed, the plant will provide the Bureau-authorized West Extension Irrigation District with enough additional high-quality water per year to irrigate approximately 600 acres of high value crops. This will have a significant, long-term benefit to the farming industry in the Hermiston area.

The Hermiston project has gotten the sign off at every level from the local irrigation district to Federal agencies. The City and the Bureau have completed the required feasibility report and the Bureau of Reclamation has formally concluded that the project meets the requirements of the Title XVI cost-sharing program. The regional office of the National Marine Fisheries Service at NOAA has completed a biological opinion approving the project. The City and the West Extension Irrigation District have signed a memorandum of understanding to work together to develop the project. The Bureau has concluded its environmental review of the authorization to transfer the water to the District and issued a finding of no significant impact or FONSI.

Although the Bureau will be sharing in the cost of the project, I want my colleagues to know that the City, not the Bureau, will be responsible for the bulk of the expense. CBO has estimated that the Federal share of the \$26 million project would be \$7 million or just over one-quarter of the cost.

The Confederated Tribes of the Umatilla Indian Reservation have also recognized the benefits of the project and support it. These benefits include a significant improvement in the quality of water discharged to the Umatilla River in winter and protection of sensitive fish habitat during summer. These benefits have led the tribe to endorse construction of the Hermiston Water Recycling System Improvement Project and the City's effort to obtain federal funding.

This project will increase agricultural production while improving the local economy, the environment and habitat for endangered fish. I look forward to working with my colleagues to complete action on this legislation after it had advanced so far in the last Congress.

By Mr. CARDIN (for himself and Mr. VITTER):

S. 1036. A bill to amend title 40, United States Code, to ensure that job opportunities for people who are blind and people with significant disabilities are met by requiring the application of the Javits-Wagner-O'Day Act to certain lease agreements entered into by the Federal Government for private buildings or improvements; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today Senator VITTER and I are introducing legislation to ensure and protect the jobs of thousands of individuals who are blind or have significant disabilities and provide important services to the U.S. Government and taxpayers alike.

In 1938, during the Franklin Delano Roosevelt Administration, Congress passed the Wagner-O'Day Act to help provide employment opportunities for people who are blind. At the time, most of the work the Wagner-O'Day Act created was in manufacturing mops and brooms that would be sold for use in Federal Government buildings and facilities.

In 1971, under the leadership of New York Republican Senator Jacob Javits, Congress amended the act to include people with significant disabilities and expand the program to also include services provided to the Federal Government.

The Javits-Wagner-O'Day Program eventually changed its name to “AbilityOne.” Today, this expanded work program for people who are blind or have significant disabilities provides Federal customers, including the U.S. Senate, with a wide array of products, like wall mounted clocks, paint, military uniforms, hardware and cleaning supplies. AbilityOne also helps put people to work in service positions, like call center operations, grounds-keeping, food service, administration and processing positions, and vehicle fleet maintenance.

People who are blind or have significant disabilities struggle particularly hard to find work. While the current job climate is challenging for all Americans, the employment rate for individuals in this group hovers around 30 percent. Oftentimes these individuals must rely on taxpayer funded government entitlement programs like Medicaid, SNAPs—food stamps—supplemental security income, and subsidized



housing. AbilityOne helps these Americans find jobs and alleviates the expenditures of these entitlement programs.

Recent independent studies of the AbilityOne Program found that in just the four business lines analyzed, the AbilityOne Program saved the Government \$34 million in both reduction of entitlements and increases in income and payroll taxes.

AbilityOne provides nearly 48,000 people who are blind or who have significant disabilities with quality job opportunities, to earn a living which provides a pathway towards increased independence.

There are nearly 600 nonprofit organizations across the country working to find job opportunities for people who are blind or have significant disabilities, through the AbilityOne program. With Maryland's proximity to the seat of the Federal Government, AbilityOne creates considerable job opportunities in the service sector for Marylanders with disabilities.

However, there is a growing trend among Federal facilities that is undoing the progress that the AbilityOne Program has made and in turn is contributing to the growth of unemployment for Americans with disabilities. The bill Senator VITTER and I are introducing today aims to address this problem.

More and more Federal facilities are moving out of federally owned and operated properties and into leased space in privately owned buildings and facilities. The General Services Administration estimates that the Federal Government leases more than 7,300 buildings in more than 2,000 communities across the country. When GSA has sought lease space in Maryland I have generally supported these moves.

Federally leased properties create terrific economic opportunities for the business districts they come to. Federally leased properties bring revenues for State and local governments, increase the tax base of the regions they come to and often provide the backbone for small business growth and consulting services around the federally leased facilities.

The economic opportunities a Federal lease on private real estate provides for a community are great for everyone except for service workers with disabilities who are no longer helped by AbilityOne because federally leased space falls outside the scope of the Javits-Wagner-O'Day Act.

As the law is written, Javits-Wagner-O'Day only applies to federally owned and operated facilities.

Our bill makes a simple and practical fix to the Javits-Wagner-O'Day Act to apply the AbilityOne Program services to federally leased space. My bill states that when the Federal Government occupies 60 percent or more of the usable space within a private building or facil-

ity that the Federal Government, the lessor, or property manager must comply with the service contract procurement requirements of the Javits-Wagner-O'Day Act.

The Javits-Wagner-O'Day Act, and the thousands of men and women who have found employment opportunities through the AbilityOne Program, have a proven track record of success in terms of providing exceptional services and products for the Federal Government at rates that make for very sound spending of taxpayer dollars.

Finding job opportunities has always been a challenge for individuals who are blind or have significant disabilities. We must maintain the Federal Government's commitment to these hard working Americans.

I urge my colleagues to join Senator VITTER and me in cosponsoring the AbilityOne Improvements Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "AbilityOne Improvements Act".

#### SEC. 2. APPLICABILITY OF JAVITS-WAGNER-O'DAY ACT.

Section 585(a) of title 40, United States Code, is amended by adding at the end the following:

"(3) APPLICABILITY OF JAVITS-WAGNER-O'DAY ACT.—A lease agreement for space under this section for the accommodation of a federal agency as described in paragraph (1) that is issued or renewed after the date of enactment of this paragraph shall require the federal agency, lessor, or property manager to comply with provisions of the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) that are applicable to federal buildings if—

"(A) the lease is for 60 percent or more of the useable space on the property or improvement in which 1 or more federal agencies are to be accommodated, as determined by the Administrator; or

"(B) the federal agency to be accommodated under the lease is, as of the date of the lease, required to contract pursuant to that Act for services being transitioned to the leased space."

By Mr. REID (for himself and Mr. MCCONNELL):

S. 1038. A bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; read twice.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1038

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "PATRIOT Sunsets Extension Act of 2011".

#### SEC. 2. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

By Mr. CARDIN (for himself, Mr. MCCAIN, Ms. AYOTTE, Mr. BEGICH, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNES, Mr. KIRK, Mr. KYL, Mr. LIEBERMAN, Mr. RUBIO, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. WICKER):

S. 1039. A bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

Mr. CARDIN. Mr. President, I rise today to introduce the Sergei Magnitsky Rule of Law Accountability Act of 2011.

While this bill bears Sergei Magnitsky's name in honor of his sacrifice, the language addresses the overall issue of the erosion of the rule of law and human rights in Russia. It offers hope to those who suffer in silence, whose cases may be less known or not known at all.

While there are many aspects of Sergei's and other tragic cases which are difficult to pursue here in the United States, there are steps we can take and an obvious and easy one is to deny the privilege of visiting our country to individuals involved in gross violations of human rights. Visas are privileges not rights and we must be willing to see beyond the veil of sovereignty that kleptocrats often hide behind. They do this by using courts, prosecutors, and police as instruments of advanced corporate raiding and hope outsiders are given pause by their official trappings of office and lack of criminal records. Further, we must protect our strategic financial infrastructure from those who would use it to launder or shelter ill-gotten gains.

Despite occasional rhetoric from the Kremlin, the Russian leadership has failed to follow through with any meaningful action to stem rampant corruption or bring the perpetrators of

numerous and high-profile human rights abuses to justice.

My legislation simply says if you commit gross violations of human rights don't expect to visit Disneyland, Aspen, or South Beach and expect your accounts to be frozen if you bank with us. This may not seem like much, but in Russia the richer and more powerful you get the more danger you are exposed to from others harboring designs on your fortune and future.

Thus many are standing near the doors and we can certainly close at least one of those doors. I know that others, especially in Europe and Canada are working on similar sanctions.

I first learned about Sergei Magnitsky while he was still alive when his client William Browder, CEO of Hermitage Capital, testified at a hearing on Russia that I held as Chairman of the Commission on Security and Cooperation in Europe in June 2009.

At the Helsinki Commission we hear so many heartbreaking stories of the human cost of trampling fundamental freedoms and it's a challenge not to give up hope and yield to the temptation of cynicism and become hardened to the suffering around us or to reduce a personal tragedy to yet another issue. While we use trends, numbers, and statistics to help us understand and deal with human rights issues, we must never forget the face of the individual person whose reality is the issue and the story of Sergei Magnitsky is as unforgettable as it is heartbreaking.

Sergei Magnitsky was a young Russian tax lawyer employed by an American law firm in Moscow who blew the whistle on the largest known tax fraud in Russian history. After discovering this elaborate scheme, Sergei Magnitsky testified to the authorities detailing the conspiracy to defraud the Russian people of approximately \$230 million and naming the names of those officials involved. Shortly after his testimony, Sergei was arrested by subordinates of the very law enforcement officers he had implicated in this crime. He was held in detention for nearly a year without trial under torturous conditions. He developed severe medical complications, which went deliberately untreated and he died in an isolation cell while prison doctors waited outside his door on November 16, 2009.

Sadly, Sergei Magnitsky joins the ranks of a long list of Russian heroes who lost their lives because they stood up for principle and for truth. These ranks include Natalia Estemirova a brave human rights activist shot in the head and chest and stuffed into the trunk of a car, Anna Politkovskaya an intrepid reporter shot while coming home with an arm full of groceries, and too many others.

Often in these killings there is a veil of plausible deniability, gunmen show up in the dark and slip away into the

shadows, but Sergei, in inhuman conditions, managed to document in 450 complaints exactly who bears responsibility for his false arrest and death. We must honor his sacrifice and do all we can to learn from this tragedy that others may not share his fate.

Few are made in the mold of Sergei Magnitsky, able to withstand barbaric deprivations and cruelty without breaking and certainly none of us would want to be put to the test. A man of such character is fascinating and in some ways disquieting because we suspect deep down that we might not have what it takes to stay loyal to the truth under such pressure. Magnitsky's life and tragic death remind us all that some things are more valuable than success, comfort, or even life itself—truth is one of those things. May his example be a rebuke to those whose greed or cowardice has blinded them to their duties, an inspiration to still greater integrity for those laboring quietly in the mundane yet necessary tasks of life, and a comfort to those wrongly accused.

The Wall Street Journal described Sergei Magnitsky's death as a "slow-motion assassination," while the Moscow Prison Oversight Committee called it a "murder to conceal a fraud." Pulitzer Prize-winning reporter Ellen Barry writing in the New York Times stated that, "Magnitsky's death in pre-trial detention at the age of 37 . . . sent shudders through Moscow's elite. They saw him—a post-Soviet young urban professional, as someone uncomfortably like themselves."

Outside the media, President of the European Parliament Jerzy Buzek noted that "Sergei Magnitsky was a brave man, who in his fight against corruption was unjustifiably imprisoned under ruthless conditions and then died in jail without receiving appropriate medical care." While Transparency International observed that, "Sergei did what to most people seems impossible: he battled as a lone individual against the power of an entire state. He believed in the rule of law and integrity, and died for his belief."

One might have thought that after the worldwide condemnation of Sergei Magnitsky's arrest, torture, and death in the custody, the Russian government would have identified and prosecuted those responsible for this heinous crime. Instead, the government has not prosecuted a single person and many of the key perpetrators went on to receive promotions and the highest state honors from the Russian Interior Ministry. Moreover, the officers involved feel such a sense of impunity that they are now using all instruments of the Russian state to pursue and punish Magnitsky's friends and colleagues who have been publicly fighting for justice in his case.

They have forced the American founding partner of Magnitsky's firm,

Jamison Firestone, to flee Russia in fear for his safety in the months following his colleague's death after learning that the same people were attempting to take control of an American client's Russian companies and commit a similar fraud. And they have used the same criminal case that was used to falsely arrest Magnitsky to indict Sergei's client Bill Browder. They have opened up retaliatory criminal cases against many of Hermitage's employees and all of its lawyers, who were forced to leave Russia to save their own lives. These attacks have only intensified since my colleague and friend Congressman JIM MCGOVERN introduced the Justice for Sergei Magnitsky Act of 2011, a similar measure in the House of Representatives, last month.

In the struggle for human rights we must never be indifferent. On this point, I am reminded of Elie Wiesel's hauntingly eloquent speech, *The Perils of Indifference* which he delivered at the White House in 1999. On this ever-present danger and demoralizer he cautions us, "Indifference elicits no response. Indifference is not a response. Indifference is not a beginning, it is an end. And, therefore, indifference is always the friend of the enemy, for it benefits the aggressor—never his victim, whose pain is magnified when he or she feels forgotten. The political prisoner in his cell, the hungry children, the homeless refugees—not to respond to their plight, not to relieve their solitude by offering them a spark of hope is to exile them from human memory. And in denying their humanity we betray our own."

Speaking of our humanity, I offer the following words as a contrast. They are from Russian playwright Mikhail Ugarov who created *One Hour Eighteen*, which is the exact amount of time it took for Sergei Magnitsky to die in his isolation cell at Moscow's Matrosskaya Tishina prison. Ugarov asks, "When a person puts on the uniform of a public prosecutor, the white lab coat of a doctor, or the black robe of a judge, does he or she inevitably lose their humanity? Do they lose their ability to—even in a small way—empathize with a fellow human being? In the case of Sergei Magnitsky, each of the people who assumed these professional duties in the case left their humanity behind."

The coming year will be a significant moment in the evolution of Russian politics. With Duma elections scheduled for the end of 2011 and presidential elections for early 2012, there is an opportunity for the Russian government to reverse what has been a steady trajectory away from the rule of law and respect for human rights and toward authoritarianism.

Private and even public expressions of concern are not a substitute for a real policy nor are they enough, it's time for consequences. The bill I introduce today sends a strong message to

those who are currently acting with impunity in Russia that there will be consequences for corruption should you wish to travel to and invest in the United States. Such actions will provide needed moral support for those in Russia doing the really heavy-lifting in fighting corruption and promoting the rule of law, but they will also protect our own interests—values or business related.

We see before us a tale of two Russias, the double headed eagle if you will. To whom does the future of Russia belong? Does it belong to the Yevgenia Chirikovas, Alexey Navalnys, Oleg Orlovs and countless other courageous, hard working, and patriotic Russians who expose corruption and fight for human rights or those who inhabit the shadows abusing and stealing from their fellow citizens?

Let us not put aside our humanity out of exaggerated and excessively cautious diplomatic concerns for the broader relationship. Let us take the long view and stand on the right side—and I believe the wise side—with the Russian people who have suffered so much for the cause of liberty and human dignity. They are the ones who daily risk their safety and freedom to promote those basic principles enshrined in Russian law and many international commitments including the Helsinki Final Act. They are the conscience of Russia. Let us tell them with one voice that they are not alone and that concepts like the rule of law and human rights are not empty words for this body and for our government. I urge my colleagues to support this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1039

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sergei Magnitsky Rule of Law Accountability Act of 2011”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States supports the people of the Russian Federation in their efforts to realize their full economic potential and to advance democracy, human rights, and the rule of law.

(2) The Russian Federation—

(A) is a member of the United Nations, the Organization for Security and Co-operation in Europe, the Council of Europe, and the International Monetary Fund;

(B) has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption; and

(C) is bound by the legal obligations set forth in the European Convention on Human Rights.

(3) States voluntarily commit themselves to respect obligations and responsibilities

through the adoption of international agreements and treaties, which must be observed in good faith in order to maintain the stability of the international order. Human rights are an integral part of international law, and lie at the foundation of the international order. The protection of human rights, therefore, particularly in the case of a country that has incurred obligations to protect human rights under an international agreement to which it is a party, is not left exclusively to the internal affairs of that country.

(4) Good governance and anti-corruption measures are instrumental in the protection of human rights and in achieving sustainable economic growth, which benefits both the people of the Russian Federation and the international community through the creation of open and transparent markets.

(5) Systemic corruption erodes trust and confidence in democratic institutions, the rule of law, and human rights protections. This is the case when public officials are allowed to abuse their authority with impunity for political or financial gains in collusion with private entities.

(6) The Russian nongovernmental organization INDEM has estimated that corruption amounts to hundreds of billions of dollars a year, an increasing share of the gross domestic product of the Russian Federation.

(7) The President of the Russian Federation, Dmitry Medvedev, has addressed corruption in many public speeches, including stating in his 2009 address to Russia’s Federal Assembly, “[Z]ero tolerance of corruption should become part of our national culture. . . . In Russia we often say that there are few cases in which corrupt officials are prosecuted. . . . [S]imply incarcerating a few will not resolve the problem. But incarcerated they must be.” President Medvedev went on to say, “We shall overcome underdevelopment and corruption because we are a strong and free people, and deserve a normal life in a modern, prosperous democratic society.” Furthermore, President Medvedev has acknowledged Russia’s disregard for the rule of law and used the term “legal nihilism” to describe a criminal justice system that continues to imprison innocent people.

(8) The systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by the same officers of the Ministry of the Interior of the Russian Federation that Mr. Magnitsky had implicated in the embezzlement of funds from the Russian Treasury and the misappropriation of 3 companies from his client, Hermitage, reflects how deeply the protection of human rights is affected by corruption.

(9) The politically motivated nature of the persecution of Mr. Magnitsky is demonstrated by—

(A) the denial by all state bodies of the Russian Federation of any justice or legal remedies to Mr. Magnitsky during the nearly 12 full months he was kept without trial in detention; and

(B) the impunity of state officials he testified against for their involvement in corruption and the carrying out of his repressive persecution since his death.

(10) Mr. Magnitsky died on November 16, 2009, at the age of 37, in Matrosskaya Tishina Prison in Moscow, Russia, and is survived by a mother, a wife, and 2 sons.

(11) The Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, an organization empowered by Russian law to independently monitor prison conditions, concluded, “A man

who is kept in custody and is being detained is not capable of using all the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards of Butyrka can be justifiably called torturous. The people responsible for this must be punished.”.

(12) According to the Financial Times, “A commission appointed by President Dmitry Medvedev has found that Russian police fabricated charges against an anti-corruption lawyer [Sergei Magnitsky], whose death in prison in 2009 has come to symbolise pervasive corruption in Russian law enforcement.”.

(13) The second trial and verdict against former Yukos executives Mikhail Khodorkovsky and Platon Lebedev evokes serious concerns about the right to a fair trial and the independence of the judiciary in the Russian Federation. The lack of credible charges, intimidation of witnesses, violations of due process and procedural norms, falsification or withholding of documents, denial of attorney-client privilege, and illegal detention in the Yukos case are highly troubling. The Council of Europe, Freedom House, and Amnesty International, among others, have concluded that they were charged and imprisoned in a process that did not follow the rule of law and was politically influenced. Furthermore, senior officials of the Government of the Russian Federation have acknowledged that the arrest and imprisonment of Khodorkovsky were politically motivated.

(14) According to Freedom House’s 2011 report entitled “The Perpetual Battle: Corruption in the Former Soviet Union and the New EU Members”, “[t]he highly publicized cases of Sergei Magnitsky, a 37-year-old lawyer who died in pretrial detention in November 2009 after exposing a multimillion-dollar fraud against the Russian taxpayer, and Mikhail Khodorkovsky, the jailed business magnate and regime critic who was sentenced at the end of 2010 to remain in prison through 2017, put an international spotlight on the Russian state’s contempt for the rule of law. . . . By silencing influential and accomplished figures such as Khodorkovsky and Magnitsky, the Russian authorities have made it abundantly clear that anyone in Russia can be silenced.”.

(15) Sergei Magnitsky’s experience, while particularly illustrative of the negative effects of official corruption on the rights of an individual citizen, appears to be emblematic of a broader pattern of disregard for the numerous domestic and international human rights commitments of the Russian Federation and impunity for those who violate basic human rights and freedoms.

(16) The tragic and unresolved murders of Nustap Abdurakhmanov, Maksharip Aushev, Natalya Estemirova, Akhmed Hadjimagomedov, Umar Israilov, Paul Klebnikov, Anna Politkovskaya, Saihadji Saihadji, and Magomed Y. Yevloyev, the death in custody of Vera Trifonova, the disappearances of Mokhmadalakh Masaev and Said-Saleh Ibragimov, the torture of Ali Israilov and Islam Umarpashaev, the near-fatal beatings of Mikhail Beketov, Oleg Kashin, Arkadiy Lander, and Mikhail Vinyukov, and the harsh and ongoing imprisonment of Mikhail Khodorkovsky, Alexei

Kozlov, Platon Lebedev, and Fyodor Mikheev further illustrate the grave danger of exposing the wrongdoing of officials of the Government of the Russian Federation, including Chechen leader Ramzan Kadyrov, or of seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMITTED; ALIEN.**—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate.

(3) **FINANCIAL INSTITUTION; DOMESTIC FINANCIAL AGENCY; DOMESTIC FINANCIAL INSTITUTION.**—The terms “financial institution”, “domestic financial agency”, and “domestic financial institution” have the meanings given those terms in section 5312 of title 31, United States Code.

(4) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

### SEC. 4. IDENTIFICATION OF PERSONS RESPONSIBLE FOR THE DETENTION, ABUSE, AND DEATH OF SERGEI MAGNITSKY, THE CONSPIRACY TO DEFRAUD THE RUSSIAN FEDERATION OF TAXES ON CERTAIN CORPORATE PROFITS, AND OTHER GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury, shall publish a list of each person the Secretary of State has reason to believe—

(1)(A) is responsible for the detention, abuse, or death of Sergei Magnitsky;

(B) participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky; or

(C) committed those frauds discovered by Sergei Magnitsky, including conspiring to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against the foreign investment company known as Hermitage and to misappropriate entities owned or controlled by Hermitage; or

(2) is responsible for extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking—

(A) to expose illegal activity carried out by officials of the Government of the Russian Federation; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly and the rights to a fair trial and democratic elections.

(b) **UPDATES.**—The Secretary of State shall update the list required by subsection (a) as new information becomes available.

(c) **NOTICE.**—The Secretary of State shall—

(1) to the extent practicable, provide notice and an opportunity for a hearing to a person before the person is added to the list required by subsection (a); and

(2) remove a person from the list if the person demonstrates to the satisfaction of the Secretary that the person did not engage in the activity for which the person was added to the list.

(d) **REQUESTS BY MEMBERS OF CONGRESS.**—Not later than 30 days after receiving a written request from a Member of Congress with respect to whether a person meets the criteria for being added to the list required by subsection (a), the Secretary of State shall inform that Member of the determination of the Secretary with respect to whether or not that person meets those criteria.

### SEC. 5. INADMISSIBILITY OF CERTAIN ALIENS.

(a) **INELIGIBILITY FOR VISAS.**—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien is on the list required by section 4(a).

(b) **CURRENT VISAS REVOKED.**—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under subsection (a).

(c) **WAIVER FOR NATIONAL INTERESTS.**—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if the Secretary determines that such a waiver is in the national interests of the United States. Upon granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

### SEC. 6. FINANCIAL MEASURES.

(a) **SPECIAL MEASURES.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall investigate money laundering relating to the conspiracy described in section 4(a)(1)(C). If the Secretary of the Treasury makes a determination under section 5318A of title 31, United States Code, with respect to such money laundering, the Secretary of the Treasury shall instruct domestic financial institutions and domestic financial agencies to take 1 or more special measures described in section 5318A(b) of such title.

(b) **FREEZING OF ASSETS.**—The Secretary of the Treasury shall freeze and prohibit all transactions in all property and interests in property of a person that are in the United States, that come within the United States, or that are or come within the possession or control of a United States person if the person—

(1) is on the list required by section 4(a); or

(2) acts as an agent of or on behalf of a person on that list in a matter relating to the activity for which the person was added to that list.

(c) **WAIVER FOR NATIONAL INTERESTS.**—The Secretary of the Treasury may waive the application of subsection (a) or (b) if the Secretary determines that such a waiver is in the national interests of the United States. Upon granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

(d) **ENFORCEMENT.**—

(1) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Eco-

nomic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

(2) **REQUIREMENTS FOR FINANCIAL INSTITUTIONS.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to require each financial institution that is a United States person—

(i) to perform an audit of the assets within the possession or control of the financial institution to determine whether any of such assets are required to be frozen pursuant to subsection (b); and

(ii) to submit to the Secretary—

(I) a report containing the results of the audit; and

(II) a certification that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (b).

(B) **PENALTIES.**—The penalties provided for in sections 5321(a) and 5322 of title 31, United States Code, shall apply to a financial institution that violates a regulation prescribed under subparagraph (A) in the same manner and to the same extent as such penalties would apply to any person that is otherwise subject to such section 5321(a) or 5322.

(e) **REGULATORY AUTHORITY.**—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

### SEC. 7. REPORT TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this Act, including—

(A) the number of times and the circumstances in which persons described in section 4(a) have been added to the list required by that section during the year preceding the report; and

(B) if few or no such persons have been added to that list during that year, the reasons for not adding more such persons to the list; and

(2) efforts to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this Act.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 1040. A bill to enhance public safety by making more spectrum available to public safety entities, to facilitate the development of a public safety broadband network, to provide standards for the spectrum needs of public safety entities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleague Senator MCCAIN, to introduce legislation to ensure that we take advantage of a once-in-a-lifetime opportunity to build a coast-to-coast communications network for our Nation's first responders that is secure, interoperable and resilient.

As it stands now, the mobile device the average teenager carries has more

capability than those of the men and women who put their lives on the line for us each and every day and that is just wrong.

Today, we introduce the Broadband for First Responders Act of 2011, which will set aside the so-called D Block of spectrum for public safety entities and provide them the bandwidth they need to communicate effectively in an emergency. Companion legislation has been introduced in the House of Representatives by Representatives PETER T. KING and BENNIE G. THOMPSON, the Chairman and Ranking Member of the House Committee on Homeland Security.

I am proud to stand with the representatives of more than 40 organizations representing public safety officials, and with the "Big 7" associations representing State and local governments, to call on Congress to put the D Block in the hands of public safety. Those groups include the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials—International, APCO International, the National Emergency Management Association, the National Association of State EMS Officials, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

I am pleased that President Obama has pledged his commitment to reserve the D Block for public safety. I also look forward to working with Senator ROCKEFELLER, the Chairman of the Committee on Commerce, Science, and Transportation, who has championed this cause and has signaled his determination to see a bill move through Congress this year.

Today, public safety communicates on slices of scattered spectrum that prevent interoperable communications among agencies and jurisdictions, and that do not allow the large data transmissions that we take for granted in today's commercial communications.

Securing the D Block for public safety will allow us to build a nationwide interoperable network for emergency communications that could prevent the kinds of communication meltdowns we had during 9-11 and Hurricane Katrina.

But setting aside the D Block will also allow first responders to send video, maps, and other large data transmissions over their mobile devices. For example, firefighters' lives may be saved because they will be able to access building specifications on their handhelds and know all the exits

of a burning building before they enter it. A police officer at the scene of a crime would be able to feed video back to headquarters. Emergency response officials would be able to exchange data with hospitals while treating patients at the scene of an accident.

I do not think it is wise, as the Federal Communications Commission, FCC, proposed in its National Broadband Plan, to auction the D Block to commercial interests and then to hope that public safety will be able to piggy-back on it. In a crisis, first responders need secure, reliable and quick communications that are not disrupted by commercial traffic.

The Broadband for First Responders Act of 2011 would ensure that the D Block is licensed to the same public safety broadband licensee that currently holds the license for 10 MHz in the 700 MHz band. The bill would also provide up to \$5.5 billion for a construction fund to assist with the costs of constructing the network and up to \$5.5 billion for an operation and maintenance fund for long-term maintenance. These funds would come from revenues generated by the auction of different bands of spectrum to commercial carriers. By dedicating those auction revenues to the public safety network, we can help public safety officials build the system they need without adding to the deficit.

Under our bill, the FCC would set rules for the public safety network, ensuring interoperability across the nationwide system. The rules would also allow public safety to share spectrum with other governmental and private entities, as long as public safety services retain priority access to the spectrum. This authority would help hold down costs of the system by allowing public safety to leverage existing infrastructure.

The grants to build and maintain the public safety network would be administered by the Department of Homeland Security and would be awarded directly to States and municipalities, who are in the best position to know how to deploy the network in their jurisdictions.

Achieving nationwide interoperability through adequate spectrum is a major recommendation of the 9/11 Commission that is unfulfilled. We should not let the 10th anniversary of 9/11 pass without legislating to remedy that failure. The Chairman and Vice-Chairman of the Commission, the Honorable Thomas H. Kean and the Honorable Lee H. Hamilton, appeared before our Committee on Homeland Security and Governmental Affairs in March and urged the immediate allocation of the D Block to public safety, bluntly, and rightfully, delivering a message to Congress that further delay is intolerable. I urge my colleagues to take bold action to remedy Congress's past inaction by promptly passing the Broadband for First Responders Act of 2011.

Mr. MCCAIN. Mr. President, today I share the honor with Chairman LIEBERMAN of introducing the First Responders Protection Act of 2011. This bill would provide 10 MHz of spectrum in the 700 MHz spectrum band to the public safety broadband licensee, make available funding for the construction, operation and maintenance of a nationwide interoperable communications network, and ensure proper governance.

In 2004, the 9/11 Commission's Final Report recommended the "expedited and increased assignment of radio spectrum to public safety entities." Shortly thereafter, Senator LIEBERMAN and I introduced a bill to provide spectrum to public safety; however the Senate voted down that bill. We reintroduced the bill in 2005, month before Hurricane Katrina hit the Gulf Coast. But our efforts were blocked. Fortunately, Congress finally wrestled some spectrum away from the television broadcasters in 2009 and provided it to public safety. However, public safety has additional spectrum needs.

Almost every other recommendation of the 9/11 Commission has been implemented, but this important recommendation remains unfulfilled. I can only imagine how many lives could have been saved on 9/11 if this spectrum had been available at that time. How many firefighters would be alive today if they could have communicated with their battalion chief at the base of the World Trade Center?

In 2007, I introduced legislation to auction the remaining public safety spectrum to a commercial carrier that would then build out a network for public safety. The FCC held such an auction, but no bidder met the reserve price. Ten megahertz of spectrum remains available for public safety's needs. The FCC had announced its intention to auction this spectrum to a commercial provider. Thankfully, the White House announced late last year that it now supports the spectrum being provided to first responders for the construction of a nationwide public safety network, as did the Chairman and Ranking Member of the Senate Commerce Committee.

Specifically, this legislation would license the remaining spectrum to the public safety broadband licensee that has been previously approved by the FCC as a qualified licensee and represents more than three dozen national public safety organizations. The legislation provides authority to local jurisdictions to make decisions on the spectrum use, network build-out and equipment. The men and women fighting crime and saving lives know what communications systems and technology are best for them. Not Washington.

Lastly, this bill provides funds for grants to localities for the construction, operation and maintenance of an interoperable communications network. These funds will come from the

proceeds of a commercial spectrum auction, thereby not adding to our Nation's burgeoning debt or raising taxes on all Americans.

As we approach the 10 year commemoration of the horrific events on September 11th and the six year remembrance of the devastating tragedy of Hurricane Katrina, it is a disgrace that police officers, sheriffs and fire fighters still don't have a nation-wide interoperable communications system. Our legislation provides the spectrum and funding to first responders, while being fiscally responsible and ensuring local control and conscientious governance.

Providing ten megahertz of spectrum to public safety, as this bill does, is supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

We have slightly more than one hundred days until the ten year anniversary of the horrific events of 9/11. I hope over the next 100 days the Senate Majority Leader will consider bringing this bill to the floor for full consideration and that at that time my colleagues will join me and Senator LIEBERMAN in providing public safety with the interoperable communications network they deserve. It is the least we can do for those who put their lives in danger each and every day to protect all of us.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 191—DESIGNATING JUNE 2011 AS "NATIONAL APHASIA AWARENESS MONTH" AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF APHASIA

Mr. JOHNSON of South Dakota submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 191

Whereas aphasia is a communication impairment caused by brain damage that typically results from a stroke;

Whereas aphasia can also occur with other neurological disorders, such as a brain tumor;

Whereas many people with aphasia also have weakness or paralysis in the right leg

and right arm, usually due to damage to the left hemisphere of the brain, which controls language and movement on the right side of the body;

Whereas the effects of aphasia may include a loss of, or reduction in, the ability to speak, comprehend, read, and write, but the intelligence of a person with aphasia remains intact;

Whereas according to the National Institute of Neurological Disorders and Stroke (referred to in this preamble as the "NINDS"), stroke is the third-leading cause of death in the United States, ranking behind heart disease and cancer;

Whereas stroke is a leading cause of serious, long-term disability in the United States;

Whereas the NINDS estimates that there are approximately 5,000,000 stroke survivors in the United States;

Whereas the NINDS estimates that people in the United States suffer approximately 750,000 strokes per year, with about 1/3 of the strokes resulting in aphasia;

Whereas according to the NINDS, aphasia affects at least 1,000,000 people in the United States;

Whereas the NINDS estimates that more than 200,000 people in the United States acquire aphasia each year;

Whereas the National Aphasia Association is a unique organization that strives to promote public education, research, rehabilitation, and support services for the general public, people with aphasia, and aphasia caregivers throughout the United States; and

Whereas as an advocacy organization for people with aphasia and their caregivers, the National Aphasia Association envisions a world that recognizes the "silent" disability of aphasia and provides opportunity and fulfillment for people affected by aphasia: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 2011 as "National Aphasia Awareness Month";

(2) supports efforts to increase awareness of aphasia;

(3) recognizes that strokes, a primary cause of aphasia, are the third-largest cause of death and disability in the United States;

(4) acknowledges that aphasia deserves more attention and study to find new solutions for individuals experiencing aphasia and their caregivers;

(5) supports efforts to make the voices of people with aphasia heard, because people with aphasia are often unable to communicate with others; and

(6) encourages all people in the United States to observe National Aphasia Awareness Month with appropriate events and activities.

#### SENATE RESOLUTION 192—DESIGNATING MAY 21, 2011, AS "NATIONAL KIDS TO PARKS DAY"

Mr. UDALL of Colorado (for himself, Mr. BURR, Mr. BINGAMAN, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 192

Whereas the first National Kids to Parks Day will be celebrated on May 21, 2011;

Whereas the goal of National Kids to Parks Day is to empower young people and encourage families to get outdoors and visit the parks of the United States;

Whereas on National Kids to Parks Day, rural and urban Americans alike can be reintroduced to the splendid National, State, and neighborhood parks that are located in their communities;

Whereas communities across the United States offer a variety of natural resources and public land, often with free access, to individuals seeking outdoor recreation;

Whereas the United States should encourage young people to lead a more active lifestyle, as too many young people in the United States are overweight or obese;

Whereas National Kids to Parks Day is an opportunity for families to take a break from their busy lives and come together for a day of wholesome fun; and

Whereas National Kids to Parks Day aims to broaden the appreciation of young people for nature and the outdoors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 21, 2011, as "National Kids to Parks Day";

(2) recognizes the importance of outdoor recreation and the preservation of open spaces to the health of the young people of the United States; and

(3) calls on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

#### SENATE RESOLUTION 193—HONORING THE BICENTENNIAL OF THE CITY OF ASTORIA

Mr. MERKLEY (for himself and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas Astoria is a scenic gem on the coast of Oregon, and the residents of Astoria have long represented the essence of what it means to be an Oregonian;

Whereas the site of Astoria, located at the mouth of the Columbia River where the Columbia River meets the Pacific Ocean, marks the endpoint of the epic Lewis and Clark expedition to explore the American West, and was founded by fur traders in 1811;

Whereas Thomas Jefferson recognized Astoria as the Nation's first significant claim to the West and noted that were it not for the settlement of Astoria, the United States may have ended at the Rocky Mountains;

Whereas Astoria evolved from being a fur trading hub to serving as the ad-hoc capital of Oregon Country, and later became a prominent leader in the fishing and timber industries and an important port city;

Whereas Astoria was incorporated in 1856, and today is a center for manufacturing, art, tourism, and fishing;

Whereas settlers from Scandinavia and China were among the first to come to Astoria, and the presence of their descendants has contributed to a town rich in both history and culture;

Whereas Astoria is a vibrant tourism destination that has chronicled its remarkable history with the establishment of superb museums and well-preserved historical sites;

Whereas citizens of Astoria and visitors from around the country and the world enjoy boating, fishing, and hiking in one of the most beautiful areas on the West Coast; and

Whereas the natural beauty of the region has been noted by many artists, filmmakers, and writers, serving as the backdrop for many stories, including the beloved film "The Goonies": Now, therefore, be it



*Resolved*, That it is the sense of the Senate that—

(1) Astoria's bicentennial should be observed and celebrated;

(2) the people of Astoria should be thanked for their many pioneering contributions to the State of Oregon and the United States; and

(3) an enrolled copy of this resolution should be transmitted to the State of Oregon for appropriate display.

# SENATE CONCURRENT RESOLUTION 18—SETTING FORTH THE PRESIDENT'S BUDGET REQUEST FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2021

Mr. SESSIONS submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 18

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2012 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2013 through 2021.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2012.

### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

### TITLE II—BUDGET PROCESS

#### Subtitle A—Budget Enforcement

Sec. 201. Program integrity initiatives and other adjustments.

Sec. 202. Point of order against advance appropriations.

Sec. 203. Emergency legislation.

Sec. 204. Adjustments for the extension of certain current policies.

#### Subtitle B—Other Provisions

Sec. 211. Budgetary treatment of certain discretionary administrative expenses.

Sec. 212. Application and effect of changes in allocations and aggregates.

Sec. 213. Adjustments to reflect changes in concepts and definitions.

Sec. 214. Exercise of rulemaking powers.

### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

#### SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2011 through 2021:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2012: \$1,877,062,000,000.

Fiscal year 2013: \$2,166,741,000,000.

Fiscal year 2014: \$2,442,771,000,000.

Fiscal year 2015: \$2,631,410,000,000.

Fiscal year 2016: \$2,780,984,000,000.

Fiscal year 2017: \$2,922,080,000,000.

Fiscal year 2018: \$3,057,493,000,000.

Fiscal year 2019: \$3,199,460,000,000.

Fiscal year 2020: \$3,359,964,000,000.

Fiscal year 2021: \$3,530,324,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: −\$14,350,000,000.

Fiscal year 2013: −\$188,214,000,000.

Fiscal year 2014: −\$228,104,000,000.

Fiscal year 2015: −\$199,492,000,000.

Fiscal year 2016: −\$190,208,000,000.

Fiscal year 2017: −\$253,232,000,000.

Fiscal year 2018: −\$276,970,000,000.

Fiscal year 2019: −\$303,356,000,000.

Fiscal year 2020: −\$320,546,000,000.

Fiscal year 2021: −\$353,259,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: \$3,125,156,000,000.

Fiscal year 2013: \$3,100,451,000,000.

Fiscal year 2014: \$3,315,659,000,000.

Fiscal year 2015: \$3,514,460,000,000.

Fiscal year 2016: \$3,753,448,000,000.

Fiscal year 2017: \$3,939,325,000,000.

Fiscal year 2018: \$4,111,173,000,000.

Fiscal year 2019: \$4,348,530,000,000.

Fiscal year 2020: \$4,587,593,000,000.

Fiscal year 2021: \$4,792,920,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: \$3,126,667,000,000.

Fiscal year 2013: \$3,155,807,000,000.

Fiscal year 2014: \$3,295,189,000,000.

Fiscal year 2015: \$3,471,671,000,000.

Fiscal year 2016: \$3,716,602,000,000.

Fiscal year 2017: \$3,883,405,000,000.

Fiscal year 2018: \$4,043,545,000,000.

Fiscal year 2019: \$4,295,770,000,000.

Fiscal year 2020: \$4,521,290,000,000.

Fiscal year 2021: \$4,735,320,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: \$1,249,605,000,000.

Fiscal year 2013: \$989,066,000,000.

Fiscal year 2014: \$852,418,000,000.

Fiscal year 2015: \$840,261,000,000.

Fiscal year 2016: \$935,618,000,000.

Fiscal year 2017: \$961,325,000,000.

Fiscal year 2018: \$986,052,000,000.

Fiscal year 2019: \$1,096,310,000,000.

Fiscal year 2020: \$1,161,326,000,000.

Fiscal year 2021: \$1,204,996,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: \$16,457,110,000,000.

Fiscal year 2013: \$17,612,444,000,000.

Fiscal year 2014: \$18,659,881,000,000.

Fiscal year 2015: \$19,722,310,000,000.

Fiscal year 2016: \$20,888,011,000,000.

Fiscal year 2017: \$22,098,498,000,000.

Fiscal year 2018: \$23,354,118,000,000.

Fiscal year 2019: \$24,713,012,000,000.

Fiscal year 2020: \$26,141,900,000,000.

Fiscal year 2021: \$27,613,438,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: \$11,661,458,000,000.

Fiscal year 2013: \$12,660,181,000,000.

Fiscal year 2014: \$13,516,248,000,000.

Fiscal year 2015: \$14,359,283,000,000.

Fiscal year 2016: \$15,291,568,000,000.

Fiscal year 2017: \$16,253,549,000,000.

Fiscal year 2018: \$17,250,120,000,000.

Fiscal year 2019: \$18,363,900,000,000.

Fiscal year 2020: \$19,557,831,000,000.

Fiscal year 2021: \$20,805,783,000,000.

## SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$666,758,000,000.

Fiscal year 2013: \$732,105,000,000.

Fiscal year 2014: \$769,108,000,000.

Fiscal year 2015: \$811,035,000,000.

Fiscal year 2016: \$853,968,000,000.

Fiscal year 2017: \$895,427,000,000.

Fiscal year 2018: \$936,497,000,000.

Fiscal year 2019: \$979,561,000,000.

Fiscal year 2020: \$1,021,966,000,000.

Fiscal year 2021: \$1,066,862,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$573,819,000,000.

Fiscal year 2013: \$637,624,000,000.

Fiscal year 2014: \$674,445,000,000.

Fiscal year 2015: \$712,315,000,000.

Fiscal year 2016: \$752,298,000,000.

Fiscal year 2017: \$796,835,000,000.

Fiscal year 2018: \$845,176,000,000.

Fiscal year 2019: \$896,880,000,000.

Fiscal year 2020: \$953,497,000,000.

Fiscal year 2021: \$1,012,210,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:

(A) New budget authority, \$6,337,000,000.

(B) Outlays, \$6,267,000,000.

Fiscal year 2013:

(A) New budget authority, \$6,266,000,000.

(B) Outlays, \$6,238,000,000.

Fiscal year 2014:

(A) New budget authority, \$6,403,000,000.

(B) Outlays, \$6,389,000,000.

Fiscal year 2015:

(A) New budget authority, \$6,623,000,000.

(B) Outlays, \$6,583,000,000.

Fiscal year 2016:

(A) New budget authority, \$6,779,000,000.

(B) Outlays, \$6,743,000,000.

Fiscal year 2017:

(A) New budget authority, \$6,963,000,000.

(B) Outlays, \$6,926,000,000.

Fiscal year 2018:

(A) New budget authority, \$7,158,000,000.

(B) Outlays, \$7,119,000,000.

Fiscal year 2019:

(A) New budget authority, \$7,361,000,000.

(B) Outlays, \$7,319,000,000.

Fiscal year 2020:

(A) New budget authority, \$7,568,000,000.

(B) Outlays, \$7,526,000,000.

Fiscal year 2021:

(A) New budget authority, \$7,787,000,000.

(B) Outlays, \$7,742,000,000.

## SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2012:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$258,000,000.

Fiscal year 2013:

(A) New budget authority, \$248,000,000.

(B) Outlays, \$248,000,000.

Fiscal year 2014:

(A) New budget authority, \$247,000,000.

(B) Outlays, \$247,000,000.

Fiscal year 2015:

(A) New budget authority, \$250,000,000.

(B) Outlays, \$250,000,000.

Fiscal year 2016:

(A) New budget authority, \$255,000,000.

(B) Outlays, \$255,000,000.

Fiscal year 2017:

(A) New budget authority, \$261,000,000.

(B) Outlays, \$261,000,000.

Fiscal year 2018:

(A) New budget authority, \$268,000,000.

(B) Outlays, \$268,000,000.

Fiscal year 2019:

(A) New budget authority, \$274,000,000.

(B) Outlays, \$274,000,000.

Fiscal year 2020:

(A) New budget authority, \$281,000,000.

(B) Outlays, \$281,000,000.

Fiscal year 2021:

(A) New budget authority, \$289,000,000.

(B) Outlays, \$289,000,000.

#### SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2011 through 2021 for each major functional category are:

(1) National Defense (050):

Fiscal year 2012:

(A) New budget authority, \$702,843,000,000.

(B) Outlays, \$724,244,000,000.

Fiscal year 2013:

(A) New budget authority, \$652,362,000,000.

(B) Outlays, \$693,705,000,000.

Fiscal year 2014:

(A) New budget authority, \$668,636,000,000.

(B) Outlays, \$672,109,000,000.

Fiscal year 2015:

(A) New budget authority, \$681,259,000,000.

(B) Outlays, \$672,837,000,000.

Fiscal year 2016:

(A) New budget authority, \$694,497,000,000.

(B) Outlays, \$684,457,000,000.

Fiscal year 2017:

(A) New budget authority, \$706,109,000,000.

(B) Outlays, \$692,517,000,000.

Fiscal year 2018:

(A) New budget authority, \$718,181,000,000.

(B) Outlays, \$700,474,000,000.

Fiscal year 2019:

(A) New budget authority, \$730,395,000,000.

(B) Outlays, \$717,730,000,000.

Fiscal year 2020:

(A) New budget authority, \$742,600,000,000.

(B) Outlays, \$729,739,000,000.

Fiscal year 2021:

(A) New budget authority, \$755,330,000,000.

(B) Outlays, \$742,007,000,000.

(2) International Affairs (150):

Fiscal year 2012:

(A) New budget authority, \$65,915,000,000.

(B) Outlays, \$57,477,000,000.

Fiscal year 2013:

(A) New budget authority, \$57,982,000,000.

(B) Outlays, \$58,841,000,000.

Fiscal year 2014:

(A) New budget authority, \$55,518,000,000.

(B) Outlays, \$58,636,000,000.

Fiscal year 2015:

(A) New budget authority, \$55,252,000,000.

(B) Outlays, \$57,052,000,000.

Fiscal year 2016:

(A) New budget authority, \$55,452,000,000.

(B) Outlays, \$57,352,000,000.

Fiscal year 2017:

(A) New budget authority, \$58,018,000,000.

(B) Outlays, \$58,238,000,000.

Fiscal year 2018:

(A) New budget authority, \$60,083,000,000.

(B) Outlays, \$58,932,000,000.

Fiscal year 2019:

(A) New budget authority, \$61,194,000,000.

(B) Outlays, \$58,425,000,000.

Fiscal year 2020:

(A) New budget authority, \$62,327,000,000.

(B) Outlays, \$58,448,000,000.

Fiscal year 2021:

(A) New budget authority, \$63,511,000,000.

(B) Outlays, \$59,399,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2012:

(A) New budget authority, \$32,566,000,000.

(B) Outlays, \$31,963,000,000.

Fiscal year 2013:

(A) New budget authority, \$31,473,000,000.

(B) Outlays, \$31,890,000,000.

Fiscal year 2014:

(A) New budget authority, \$31,400,000,000.

(B) Outlays, \$31,661,000,000.

Fiscal year 2015:

(A) New budget authority, \$31,528,000,000.

(B) Outlays, \$31,431,000,000.

Fiscal year 2016:

(A) New budget authority, \$32,587,000,000.

(B) Outlays, \$32,164,000,000.

Fiscal year 2017:

(A) New budget authority, \$33,411,000,000.

(B) Outlays, \$32,888,000,000.

Fiscal year 2018:

(A) New budget authority, \$34,190,000,000.

(B) Outlays, \$33,684,000,000.

Fiscal year 2019:

(A) New budget authority, \$34,969,000,000.

(B) Outlays, \$34,441,000,000.

Fiscal year 2020:

(A) New budget authority, \$35,695,000,000.

(B) Outlays, \$35,229,000,000.

Fiscal year 2021:

(A) New budget authority, \$36,607,000,000.

(B) Outlays, \$35,946,000,000.

(4) Energy (270):

Fiscal year 2012:

(A) New budget authority, \$14,289,000,000.

(B) Outlays, \$21,707,000,000.

Fiscal year 2013:

(A) New budget authority, \$10,610,000,000.

(B) Outlays, \$16,888,000,000.

Fiscal year 2014:

(A) New budget authority, \$7,602,000,000.

(B) Outlays, \$10,604,000,000.

Fiscal year 2015:

(A) New budget authority, \$6,288,000,000.

(B) Outlays, \$7,117,000,000.

Fiscal year 2016:

(A) New budget authority, \$6,262,000,000.

(B) Outlays, \$6,189,000,000.

Fiscal year 2017:

(A) New budget authority, \$6,267,000,000.

(B) Outlays, \$5,899,000,000.

Fiscal year 2018:

(A) New budget authority, \$6,408,000,000.

(B) Outlays, \$5,997,000,000.

Fiscal year 2019:

(A) New budget authority, \$6,667,000,000.

(B) Outlays, \$5,928,000,000.

Fiscal year 2020:

(A) New budget authority, \$6,686,000,000.

(B) Outlays, \$5,859,000,000.

Fiscal year 2021:

(A) New budget authority, \$6,825,000,000.

(B) Outlays, \$5,975,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2012:

(A) New budget authority, \$37,299,000,000.

(B) Outlays, \$40,636,000,000.

Fiscal year 2013:

(A) New budget authority, \$35,882,000,000.

(B) Outlays, \$38,450,000,000.

Fiscal year 2014:

(A) New budget authority, \$36,229,000,000.

(B) Outlays, \$37,419,000,000.

Fiscal year 2015:

(A) New budget authority, \$36,294,000,000.

(B) Outlays, \$37,303,000,000.

Fiscal year 2016:

(A) New budget authority, \$37,303,000,000.

(B) Outlays, \$37,210,000,000.

Fiscal year 2017:

(A) New budget authority, \$38,116,000,000.

(B) Outlays, \$37,791,000,000.

Fiscal year 2018:

(A) New budget authority, \$39,544,000,000.

(B) Outlays, \$37,951,000,000.

Fiscal year 2019:

(A) New budget authority, \$40,317,000,000.

(B) Outlays, \$38,664,000,000.

Fiscal year 2020:

(A) New budget authority, \$41,684,000,000.

(B) Outlays, \$39,850,000,000.

Fiscal year 2021:

(A) New budget authority, \$42,151,000,000.

(B) Outlays, \$40,392,000,000.

(6) Agriculture (350):

Fiscal year 2012:

(A) New budget authority, \$20,966,000,000.

(B) Outlays, \$20,395,000,000.

Fiscal year 2013:

(A) New budget authority, \$21,630,000,000.

(B) Outlays, \$23,476,000,000.

Fiscal year 2014:

(A) New budget authority, \$21,970,000,000.

(B) Outlays, \$21,602,000,000.

Fiscal year 2015:

(A) New budget authority, \$21,523,000,000.

(B) Outlays, \$20,923,000,000.

Fiscal year 2016:

(A) New budget authority, \$21,723,000,000.

(B) Outlays, \$21,140,000,000.

Fiscal year 2017:

(A) New budget authority, \$21,777,000,000.

(B) Outlays, \$21,149,000,000.

Fiscal year 2018:

(A) New budget authority, \$22,053,000,000.

(B) Outlays, \$21,404,000,000.

Fiscal year 2019:

(A) New budget authority, \$22,309,000,000.

(B) Outlays, \$21,643,000,000.

Fiscal year 2020:

(A) New budget authority, \$22,623,000,000.

(B) Outlays, \$21,956,000,000.

Fiscal year 2021:

(A) New budget authority, \$22,904,000,000.

(B) Outlays, \$22,246,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2012:

(A) New budget authority, \$28,301,000,000.

(B) Outlays, \$29,098,000,000.

Fiscal year 2013:

(A) New budget authority, \$16,460,000,000.

(B) Outlays, \$14,912,000,000.

Fiscal year 2014:

(A) New budget authority, \$14,909,000,000.

(B) Outlays, —\$325,000,000.

Fiscal year 2015:

(A) New budget authority, \$14,724,000,000.

(B) Outlays, —\$3,102,000,000.

Fiscal year 2016:

(A) New budget authority, \$15,193,000,000.

(B) Outlays, —\$5,647,000,000.

Fiscal year 2017:

- (B) Outlays, \$3,019,000,000.  
 (8) Transportation (400):  
 Fiscal year 2012:  
 (A) New budget authority, \$144,397,000,000.  
 (B) Outlays, \$98,621,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$108,785,000,000.  
 (B) Outlays, \$105,844,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$114,490,000,000.  
 (B) Outlays, \$108,203,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$121,785,000,000.  
 (B) Outlays, \$112,574,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$128,597,000,000.  
 (B) Outlays, \$117,524,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$135,552,000,000.  
 (B) Outlays, \$122,198,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$132,463,000,000.  
 (B) Outlays, \$126,424,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$134,362,000,000.  
 (B) Outlays, \$129,602,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$136,317,000,000.  
 (B) Outlays, \$132,062,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$138,332,000,000.  
 (B) Outlays, \$133,399,000,000.  
 (9) Community and Regional Development (450):  
 Fiscal year 2012:  
 (A) New budget authority, \$15,304,000,000.  
 (B) Outlays, \$26,367,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$15,284,000,000.  
 (B) Outlays, \$24,438,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$15,460,000,000.  
 (B) Outlays, \$22,308,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$15,745,000,000.  
 (B) Outlays, \$18,448,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$16,152,000,000.  
 (B) Outlays, \$16,863,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$16,584,000,000.  
 (B) Outlays, \$16,192,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$17,038,000,000.  
 (B) Outlays, \$16,065,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$17,509,000,000.  
 (B) Outlays, \$16,428,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$17,967,000,000.  
 (B) Outlays, \$16,875,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$18,475,000,000.  
 (B) Outlays, \$17,347,000,000.  
 (10) Education, Training, Employment, and Social Services (500):  
 Fiscal year 2012:  
 (A) New budget authority, \$107,785,000,000.  
 (B) Outlays, \$117,304,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$100,681,000,000.  
 (B) Outlays, \$103,526,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$106,163,000,000.  
 (B) Outlays, \$105,009,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$110,943,000,000.  
 (B) Outlays, \$109,928,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$117,863,000,000.  
 (B) Outlays, \$115,088,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$121,741,000,000.  
 (B) Outlays, \$119,756,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$123,533,000,000.  
 (B) Outlays, \$122,340,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$125,410,000,000.  
 (B) Outlays, \$124,132,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$126,767,000,000.  
 (B) Outlays, \$125,749,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$128,562,000,000.  
 (B) Outlays, \$127,336,000,000.  
 (11) Health (550):  
 Fiscal year 2012:  
 (A) New budget authority, \$359,390,000,000.  
 (B) Outlays, \$362,012,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$374,467,000,000.  
 (B) Outlays, \$372,417,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$455,790,000,000.  
 (B) Outlays, \$438,883,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$519,559,000,000.  
 (B) Outlays, \$507,922,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$566,166,000,000.  
 (B) Outlays, \$570,707,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$608,114,000,000.  
 (B) Outlays, \$611,004,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$649,482,000,000.  
 (B) Outlays, \$647,047,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$695,131,000,000.  
 (B) Outlays, \$692,103,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$749,822,000,000.  
 (B) Outlays, \$736,279,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$789,029,000,000.  
 (B) Outlays, \$785,268,000,000.  
 (12) Medicare (570):  
 Fiscal year 2012:  
 (A) New budget authority, \$495,757,000,000.  
 (B) Outlays, \$495,426,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$539,025,000,000.  
 (B) Outlays, \$539,219,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$570,645,000,000.  
 (B) Outlays, \$570,567,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$596,137,000,000.  
 (B) Outlays, \$595,989,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$645,818,000,000.  
 (B) Outlays, \$646,017,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$669,667,000,000.  
 (B) Outlays, \$669,549,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$694,799,000,000.  
 (B) Outlays, \$694,627,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$757,794,000,000.  
 (B) Outlays, \$757,986,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$812,846,000,000.  
 (B) Outlays, \$812,722,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$870,672,000,000.  
 (B) Outlays, \$870,524,000,000.  
 (13) Income Security (600):  
 Fiscal year 2012:  
 (A) New budget authority, \$537,181,000,000.  
 (B) Outlays, \$532,169,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$524,400,000,000.  
 (B) Outlays, \$523,134,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$522,748,000,000.  
 (B) Outlays, \$521,431,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$520,252,000,000.  
 (B) Outlays, \$517,774,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$527,507,000,000.  
 (B) Outlays, \$528,613,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$527,892,000,000.  
 (B) Outlays, \$524,402,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$532,056,000,000.  
 (B) Outlays, \$523,673,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$547,509,000,000.  
 (B) Outlays, \$543,386,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$559,122,000,000.  
 (B) Outlays, \$554,836,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$571,727,000,000.  
 (B) Outlays, \$567,211,000,000.  
 (14) Social Security (650):  
 Fiscal year 2012:  
 (A) New budget authority, \$54,745,000,000.  
 (B) Outlays, \$55,283,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$29,094,000,000.  
 (B) Outlays, \$29,256,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$32,699,000,000.  
 (B) Outlays, \$32,776,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$36,259,000,000.  
 (B) Outlays, \$36,311,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$40,171,000,000.  
 (B) Outlays, \$40,171,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$44,265,000,000.  
 (B) Outlays, \$44,263,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$48,721,000,000.  
 (B) Outlays, \$48,717,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$53,514,000,000.  
 (B) Outlays, \$53,508,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$58,560,000,000.  
 (B) Outlays, \$58,552,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$64,063,000,000.  
 (B) Outlays, \$64,053,000,000.  
 (15) Veterans Benefits and Services (700):  
 Fiscal year 2012:  
 (A) New budget authority, \$128,332,000,000.  
 (B) Outlays, \$127,972,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$130,012,000,000.  
 (B) Outlays, \$130,013,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$134,125,000,000.  
 (B) Outlays, \$134,037,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$138,143,000,000.  
 (B) Outlays, \$137,827,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$147,382,000,000.  
 (B) Outlays, \$146,480,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$146,311,000,000.  
 (B) Outlays, \$145,692,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$145,399,000,000.  
 (B) Outlays, \$144,738,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$155,078,000,000.  
 (B) Outlays, \$154,394,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$159,666,000,000.  
 (B) Outlays, \$158,965,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$164,367,000,000.  
 (B) Outlays, \$163,608,000,000.  
 (16) Administration of Justice (750):

Fiscal year 2012:

- (A) New budget authority, \$55,432,000,000.
- (B) Outlays, \$57,550,000,000.

Fiscal year 2013:

- (A) New budget authority, \$61,315,000,000.
- (B) Outlays, \$57,366,000,000.

Fiscal year 2014:

- (A) New budget authority, \$55,543,000,000.
- (B) Outlays, \$57,598,000,000.

Fiscal year 2015:

- (A) New budget authority, \$56,239,000,000.
- (B) Outlays, \$58,268,000,000.

Fiscal year 2016:

- (A) New budget authority, \$59,732,000,000.
- (B) Outlays, \$60,855,000,000.

Fiscal year 2017:

- (A) New budget authority, \$59,411,000,000.
- (B) Outlays, \$59,808,000,000.

Fiscal year 2018:

- (A) New budget authority, \$60,848,000,000.
- (B) Outlays, \$61,743,000,000.

Fiscal year 2019:

- (A) New budget authority, \$62,427,000,000.
- (B) Outlays, \$62,080,000,000.

Fiscal year 2020:

- (A) New budget authority, \$66,045,000,000.
- (B) Outlays, \$65,430,000,000.

Fiscal year 2021:

- (A) New budget authority, \$68,662,000,000.
- (B) Outlays, \$68,039,000,000.

(17) General Government (800):

Fiscal year 2012:

- (A) New budget authority, \$27,995,000,000.
- (B) Outlays, \$31,428,000,000.

Fiscal year 2013:

- (A) New budget authority, \$28,677,000,000.
- (B) Outlays, \$29,928,000,000.

Fiscal year 2014:

- (A) New budget authority, \$30,765,000,000.
- (B) Outlays, \$31,633,000,000.

Fiscal year 2015:

- (A) New budget authority, \$33,031,000,000.
- (B) Outlays, \$33,570,000,000.

Fiscal year 2016:

- (A) New budget authority, \$35,618,000,000.
- (B) Outlays, \$35,634,000,000.

Fiscal year 2017:

- (A) New budget authority, \$37,901,000,000.
- (B) Outlays, \$37,702,000,000.

Fiscal year 2018:

- (A) New budget authority, \$40,289,000,000.
- (B) Outlays, \$40,007,000,000.

Fiscal year 2019:

- (A) New budget authority, \$42,773,000,000.
- (B) Outlays, \$42,240,000,000.

Fiscal year 2020:

- (A) New budget authority, \$45,125,000,000.
- (B) Outlays, \$44,635,000,000.

Fiscal year 2021:

- (A) New budget authority, \$47,535,000,000.
- (B) Outlays, \$46,949,000,000.

(18) Net Interest (900):

Fiscal year 2012:

- (A) New budget authority, \$376,438,000,000.
- (B) Outlays, \$376,438,000,000.

Fiscal year 2013:

- (A) New budget authority, \$443,931,000,000.
- (B) Outlays, \$443,931,000,000.

Fiscal year 2014:

- (A) New budget authority, \$526,131,000,000.
- (B) Outlays, \$526,131,000,000.

Fiscal year 2015:

- (A) New budget authority, \$610,353,000,000.
- (B) Outlays, \$610,353,000,000.

Fiscal year 2016:

- (A) New budget authority, \$698,055,000,000.
- (B) Outlays, \$698,055,000,000.

Fiscal year 2017:

- (A) New budget authority, \$784,840,000,000.
- (B) Outlays, \$784,840,000,000.

Fiscal year 2018:

- (A) New budget authority, \$867,232,000,000.
- (B) Outlays, \$867,232,000,000.

Fiscal year 2019:

- (A) New budget authority, \$944,553,000,000.

- (B) Outlays, \$944,553,000,000.

Fiscal year 2020:

- (A) New budget authority, \$1,023,637,000,000.

- (B) Outlays, \$1,023,637,000,000.

Fiscal year 2021:

- (A) New budget authority, \$1,095,247,000,000.

- (B) Outlays, \$1,095,247,000,000.

(19) Allowances (920):

Fiscal year 2012:

- (A) New budget authority, \$0.

- (B) Outlays, \$356,000,000.

Fiscal year 2013:

- (A) New budget authority, \$0.

- (B) Outlays, \$142,000,000.

Fiscal year 2014:

- (A) New budget authority, \$0.

- (B) Outlays, \$71,000,000.

Fiscal year 2015:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

Fiscal year 2016:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

Fiscal year 2017:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

Fiscal year 2018:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

Fiscal year 2019:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

Fiscal year 2020:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

Fiscal year 2021:

- (A) New budget authority, \$0.

- (B) Outlays, \$0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2012:

- (A) New budget authority, -\$79,779,000,000.

- (B) Outlays, -\$79,779,000,000.

Fiscal year 2013:

- (A) New budget authority, -\$81,619,000,000.

- (B) Outlays, -\$81,619,000,000.

Fiscal year 2014:

- (A) New budget authority, -\$85,164,000,000.

- (B) Outlays, -\$85,164,000,000.

Fiscal year 2015:

- (A) New budget authority, -\$90,854,000,000.

- (B) Outlays, -\$90,854,000,000.

Fiscal year 2016:

- (A) New budget authority, -\$92,630,000,000.

- (B) Outlays, -\$92,630,000,000.

Fiscal year 2017:

- (A) New budget authority, -\$93,926,000,000.

- (B) Outlays, -\$93,926,000,000.

Fiscal year 2018:

- (A) New budget authority, -\$99,730,000,000.

- (B) Outlays, -\$99,730,000,000.

Fiscal year 2019:

- (A) New budget authority, -\$104,303,000,000.

- (B) Outlays, -\$104,303,000,000.

Fiscal year 2020:

- (A) New budget authority, -\$108,178,000,000.

- (B) Outlays, -\$108,178,000,000.

Fiscal year 2021:

- (A) New budget authority, -\$112,645,000,000.

- (B) Outlays, -\$112,645,000,000.

## TITLE II—BUDGET PROCESS

### Subtitle A—Budget Enforcement

#### SEC. 201. PROGRAM INTEGRITY INITIATIVES AND OTHER ADJUSTMENTS.

(a) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amount specified in clause (i) for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of an amount further specified in clause (ii) for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by the amount in budget authority and outlays flowing therefrom not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of \$315,000,000, and an additional appropriation \$623,000,000;

(II) for fiscal year 2013, an appropriation of \$327,000,000, and an additional appropriation \$751,000,000;

(III) for fiscal year 2014, an appropriation of \$340,000,000, and an additional appropriation \$924,000,000;

(IV) for fiscal year 2015, an appropriation of \$353,000,000, and an additional appropriation \$1,123,000,000; and

(V) for fiscal year 2016, an appropriation of \$366,000,000, and an additional appropriation \$1,166,000,000.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year to the Internal Revenue Service of not less than the amount specified in clause (ii) for tax enforcement to address the Federal tax gap (taxes owed but not paid), of which not less than the amount further specified in clause (ii) shall be available for additional or enhanced tax enforcement, or both, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by the amount in budget authority and outlays flowing therefrom not to exceed the amount of additional or enhanced tax enforcement provided in such legislation for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of \$7,233,000,000, of which not less than \$1,257,000,000 is available for additional or enhanced tax enforcement;

(II) for fiscal year 2013, an appropriation of \$7,663,000,000, of which not less than \$1,674,000,000 is available for additional or enhanced tax enforcement;

(III) for fiscal year 2014, an appropriation of \$7,815,000,000, of which not less than \$2,105,000,000 is available for additional or enhanced tax enforcement;

(IV) for fiscal year 2015, an appropriation of \$7,972,000,000, of which not less than \$2,568,000,000 is available for additional or enhanced tax enforcement; and

(V) for fiscal year 2016, an appropriation of \$8,131,000,000, of which not less than \$3,125,000,000 is available for additional or enhanced tax enforcement.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of up to the amount specified in clause (i) to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted in an amount not to exceed the amount in budget authority and outlays flowing therefrom provided for that program for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of \$581,000,000;

(II) for fiscal year 2013, an appropriation of \$610,000,000;

(III) for fiscal year 2014, an appropriation of \$640,000,000;

(IV) for fiscal year 2015, an appropriation of \$672,000,000; and

(V) for fiscal year 2016, an appropriation of \$706,000,000.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations in a fiscal year of the amount specified in clause (i) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to an amount further specified in clause (ii) for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the allocation to the Committee on Appropriations of the Senate, and aggregates for that year may be adjusted by an amount in budget authority and outlays flowing therefrom not to exceed the additional appropriation provided in such legislation for that purpose for that fiscal year.

(ii) AMOUNTS SPECIFIED.—The amounts specified are—

(I) for fiscal year 2012, an appropriation of \$10,000,000, and an additional appropriation \$60,000,000;

(II) for fiscal year 2013, an appropriation of \$11,000,000, and an additional appropriation \$65,000,000;

(III) for fiscal year 2014, an appropriation of \$11,000,000, and an additional appropriation \$70,000,000;

(IV) for fiscal year 2015, an appropriation of \$11,000,000, and an additional appropriation \$75,000,000; and

(V) for fiscal year 2016, an appropriation of \$11,000,000, and an additional appropriation \$80,000,000.

(3) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—

(A) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may adjust the allocations to the Committee on Appropriations of the Senate, and aggregates for one or more—

(i) bills reported by the Committee on Appropriations of the Senate or passed by the House of Representatives;

(ii) joint resolutions or amendments reported by the Committee on Appropriations of the Senate;

(iii) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Committee on Appropriations of the Senate; or

(iv) conference reports; making appropriations for overseas deployments and other activities.

#### SEC. 202. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2012 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2013 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,821,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting;

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration; and

(4) for the Department of Defense for the Missile Procurement account of the Air Force for procurement of the Advanced Extremely High Frequency satellite.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference re-

port by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

#### SEC. 203. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 201 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 201 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an

emergency requirement pursuant to this subsection.

(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

#### **SEC. 204. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.**

(a) **ADJUSTMENT.**—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions extending middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

(b) **COVERED POINTS OF ORDER.**—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) **QUALIFYING LEGISLATION.**—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; and

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) **LIMITATION.**—The Chairman shall make any adjustments pursuant to this section in a manner consistent with the limitations described in sections 4(c) and 7(h) of the Statutory Pay-As-You-Go Act of 2010.

(e) **DEFINITION.**—In this section, the terms “budgetary effects” or “effects” mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(f) **SUNSET.**—This section shall expire on December 31, 2011.

#### **Subtitle B—Other Provisions**

#### **SEC. 211. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

#### **SEC. 212. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

#### **SEC. 213. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in

this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

#### **SEC. 214. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

### **SENATE CONCURRENT RESOLUTION 19—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2021**

Mr. TOOMEY submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 19

*Resolved by the Senate (the House of Representatives concurring),*

#### **SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012.**

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2012 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2012 and 2013 through 2021.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2012.

#### **TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec.101. Recommended levels and amounts.

Sec.102. Social Security.

Sec.103. Postal Service discretionary administrative expenses.

Sec.104. Major functional categories.

#### **TITLE II—RESERVE FUNDS**

Sec.213. Deficit-reduction reserve fund for improper payments.

#### **TITLE III—BUDGET PROCESS**

##### **Subtitle A—Budget Enforcement**

Sec. 301. Discretionary spending limits for fiscal years 2012 through 2021, program integrity initiatives, and other adjustments.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Adjustments for the extension of certain current policies.

##### **Subtitle B—Other Provisions**

Sec. 312. Budgetary treatment of certain discretionary administrative expenses.

Sec. 313. Application and effect of changes in allocations and aggregates.

Sec. 314. Adjustments to reflect changes in concepts and definitions.

Sec. 315. Exercise of rulemaking powers.



## TITLE II—RECOMMENDED LEVELS AND AMOUNTS

### SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2011 through 2021:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2012: \$1,891,242,000,000.  
Fiscal year 2013: \$2,231,552,000,000.  
Fiscal year 2014: \$2,446,761,000,000.  
Fiscal year 2015: \$2,579,225,000,000.  
Fiscal year 2016: \$2,669,281,000,000.  
Fiscal year 2017: \$2,840,312,000,000.  
Fiscal year 2018: \$2,979,431,000,000.  
Fiscal year 2019: \$3,128,456,000,000.  
Fiscal year 2020: \$3,302,639,000,000.  
Fiscal year 2021: \$3,498,532,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: –\$169,328,744.  
Fiscal year 2013: –\$123,402,692,541.  
Fiscal year 2014: –\$224,114,067,777.  
Fiscal year 2015: –\$251,676,989,105.  
Fiscal year 2016: –\$301,910,570,754.  
Fiscal year 2017: –\$334,999,321,887.  
Fiscal year 2018: –\$355,031,347,858.  
Fiscal year 2019: –\$374,359,689,475.  
Fiscal year 2020: –\$377,871,065,381.  
Fiscal year 2021: –\$385,051,194,659.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: \$2,800,926,904,000.  
Fiscal year 2013: \$2,763,212,403,041.  
Fiscal year 2014: \$2,821,822,337,889.  
Fiscal year 2015: \$2,925,281,149,214.  
Fiscal year 2016: \$3,037,858,886,975.  
Fiscal year 2017: \$3,091,047,574,412.  
Fiscal year 2018: \$3,153,849,463,200.  
Fiscal year 2019: \$3,274,407,536,197.  
Fiscal year 2020: \$3,385,718,017,338.  
Fiscal year 2021: \$3,525,927,664,968.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: \$2,896,353,904,000.  
Fiscal year 2013: \$2,842,056,403,041.  
Fiscal year 2014: \$2,827,314,337,889.  
Fiscal year 2015: \$2,904,616,149,214.  
Fiscal year 2016: \$3,005,951,886,975.  
Fiscal year 2017: \$3,049,441,902,412.  
Fiscal year 2018: \$3,101,850,272,744.  
Fiscal year 2019: \$3,235,276,947,250.  
Fiscal year 2020: \$3,340,654,777,302.  
Fiscal year 2021: \$3,471,694,543,538.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: \$1,005,111,904,000.  
Fiscal year 2013: \$610,504,403,041.  
Fiscal year 2014: \$380,553,337,889.  
Fiscal year 2015: \$325,391,149,214.  
Fiscal year 2016: \$336,670,886,975.  
Fiscal year 2017: \$209,129,902,412.  
Fiscal year 2018: \$122,419,272,744.  
Fiscal year 2019: \$106,820,947,250.  
Fiscal year 2020: \$38,015,777,302.  
Fiscal year 2021: \$–26,837,456,462.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: \$16,150,766,612,957.  
Fiscal year 2013: \$16,944,005,708,540.  
Fiscal year 2014: \$17,519,924,114,206.  
Fiscal year 2015: \$18,070,606,252,525.  
Fiscal year 2016: \$18,648,739,710,254.

Fiscal year 2017: \$19,118,880,934,554.

Fiscal year 2018: \$19,529,292,555,156.

Fiscal year 2019: \$19,915,346,191,882.

Fiscal year 2020: \$20,249,458,034,565.

Fiscal year 2021: \$20,551,564,772,761.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: \$11,350,301,046,369.

Fiscal year 2013: \$11,974,151,560,892.

Fiscal year 2014: \$12,360,931,733,697.

Fiscal year 2015: \$12,690,980,107,426.

Fiscal year 2016: \$13,024,952,666,769.

Fiscal year 2017: \$13,234,036,186,609.

Fiscal year 2018: \$13,364,220,300,384.

Fiscal year 2019: \$13,483,681,224,381.

Fiscal year 2020: \$13,550,483,116,937.

Fiscal year 2021: \$13,564,837,023,727.

### SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$666,758,000,000.  
Fiscal year 2013: \$732,348,000,000.  
Fiscal year 2014: \$769,439,000,000.  
Fiscal year 2015: \$811,375,000,000.  
Fiscal year 2016: \$854,319,000,000.  
Fiscal year 2017: \$895,788,000,000.  
Fiscal year 2018: \$936,869,000,000.  
Fiscal year 2019: \$979,944,000,000.  
Fiscal year 2020: \$1,022,361,000,000.  
Fiscal year 2021: \$1,067,268,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$574,011,000,000.  
Fiscal year 2013: \$637,688,000,000.  
Fiscal year 2014: \$674,601,000,000.  
Fiscal year 2015: \$712,979,000,000.  
Fiscal year 2016: \$753,355,000,000.  
Fiscal year 2017: \$798,242,000,000.  
Fiscal year 2018: \$846,810,000,000.  
Fiscal year 2019: \$896,686,000,000.  
Fiscal year 2020: \$955,483,000,000.  
Fiscal year 2021: \$1,014,378,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:  
(A) New budget authority, \$5,504,000,000.  
(B) Outlays, \$5,676,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$5,504,000,000.  
(B) Outlays, \$5,613,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$5,504,000,000.  
(B) Outlays, \$5,603,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$5,504,000,000.  
(B) Outlays, \$5,603,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$5,504,000,000.  
(B) Outlays, \$5,606,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$5,573,000,000.  
(B) Outlays, \$5,655,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$5,712,000,000.  
(B) Outlays, \$5,763,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$5,855,000,000.  
(B) Outlays, \$5,896,000,000.

Fiscal year 2020:

(A) New budget authority, \$5,998,000,000.

(B) Outlays, \$6,033,000,000.

Fiscal year 2021:

(A) New budget authority, \$6,142,000,000.

(B) Outlays, \$6,177,000,000.

### SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2012:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$260,000,000.

Fiscal year 2013:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$262,000,000.

Fiscal year 2014:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$263,000,000.

Fiscal year 2015:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$264,000,000.

Fiscal year 2016:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$265,000,000.

Fiscal year 2017:

(A) New budget authority, \$261,000,000.

(B) Outlays, \$268,000,000.

Fiscal year 2018:

(A) New budget authority, \$268,000,000.

(B) Outlays, \$272,000,000.

Fiscal year 2019:

(A) New budget authority, \$274,000,000.

(B) Outlays, \$278,000,000.

Fiscal year 2020:

(A) New budget authority, \$281,000,000.

(B) Outlays, \$285,000,000.

Fiscal year 2021:

(A) New budget authority, \$288,000,000.

(B) Outlays, \$291,000,000.

### SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2011 through 2021 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2012:

(A) New budget authority, \$582,626,000,000.

(B) Outlays, \$593,580,000,000.

Fiscal year 2013:

(A) New budget authority, \$600,283,000,000.

(B) Outlays, \$597,211,000,000.

Fiscal year 2014:

(A) New budget authority, \$616,451,000,000.

(B) Outlays, \$606,903,000,000.

Fiscal year 2015:

(A) New budget authority, \$628,847,000,000.

(B) Outlays, \$618,837,000,000.

Fiscal year 2016:

(A) New budget authority, \$641,976,000,000.

(B) Outlays, \$635,475,000,000.

Fiscal year 2017:

(A) New budget authority, \$653,695,000,000.

(B) Outlays, \$643,275,000,000.

Fiscal year 2018:

(A) New budget authority, \$665,679,000,000.

(B) Outlays, \$650,246,000,000.

Fiscal year 2019:

(A) New budget authority, \$674,607,000,000.

(B) Outlays, \$664,991,638,890.

Fiscal year 2020:

(A) New budget authority, \$678,766,000,000.

(B) Outlays, \$671,377,688,571.

Fiscal year 2021:

(A) New budget authority, \$702,965,000,000.

(B) Outlays, \$688,398,389,534.

(2) **International Affairs (150):**

Fiscal year 2012:

(A) New budget authority, \$33,236,000,000.

(B) Outlays, \$32,298,000,000.

Fiscal year 2013:

(A) New budget authority, \$31,314,000,000.

- (B) Outlays, \$30,132,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$27,355,000,000.  
(B) Outlays, \$27,322,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$24,877,000,000.  
(B) Outlays, \$26,130,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$22,917,000,000.  
(B) Outlays, \$25,435,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$21,961,000,000.  
(B) Outlays, \$23,376,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$22,931,000,000.  
(B) Outlays, \$23,202,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$22,719,000,000.  
(B) Outlays, \$21,345,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$22,756,000,000.  
(B) Outlays, \$20,264,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$24,689,000,000.  
(B) Outlays, \$20,167,000,000.  
(3) General Science, Space, and Technology (250):  
Fiscal year 2012:  
(A) New budget authority, \$25,019,000,000.  
(B) Outlays, \$26,486,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$27,037,000,000.  
(B) Outlays, \$27,725,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$27,312,000,000.  
(B) Outlays, \$27,763,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$27,312,000,000.  
(B) Outlays, \$27,469,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$27,311,000,000.  
(B) Outlays, \$27,506,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$27,225,000,000.  
(B) Outlays, \$27,311,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$27,225,000,000.  
(B) Outlays, \$27,311,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$28,255,000,000.  
(B) Outlays, \$27,735,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$29,758,000,000.  
(B) Outlays, \$28,025,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$29,758,000,000.  
(B) Outlays, \$28,325,000,000.  
(4) Energy (270):  
Fiscal year 2012:  
(A) New budget authority, \$1,108,000,000.  
(B) Outlays, \$10,174,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$1,014,000,000.  
(B) Outlays, \$7,7134,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$873,000,000.  
(B) Outlays, \$4,167,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$438,000,000.  
(B) Outlays, \$676,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$353,000,000.  
(B) Outlays, \$-340,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$337,000,000.  
(B) Outlays, \$-223,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$276,000,000.  
(B) Outlays, \$-267,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$291,000,000.  
(B) Outlays, \$-369,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$231,000,000.  
(B) Outlays, \$-379,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$282,000,000.  
(B) Outlays, \$-430,000,000.  
(5) Natural Resources and Environment (300):  
Fiscal year 2012:  
(A) New budget authority, \$27,487,000,000.  
(B) Outlays, \$33,002,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$22,896,000,000.  
(B) Outlays, \$27,120,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$21,203,000,000.  
(B) Outlays, \$25,016,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$20,897,000,000.  
(B) Outlays, \$21,490,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$19,459,000,000.  
(B) Outlays, \$19,776,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$17,522,000,000.  
(B) Outlays, \$17,746,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$17,461,000,000.  
(B) Outlays, \$17,674,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$17,118,000,000.  
(B) Outlays, \$17,281,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$17,109,000,000.  
(B) Outlays, \$17,237,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$16,971,000,000.  
(B) Outlays, \$16,984,000,000.  
(6) Agriculture (350):  
Fiscal year 2012:  
(A) New budget authority, \$12,777,000,000.  
(B) Outlays, \$13,594,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$12,592,000,000.  
(B) Outlays, \$13,161,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$12,593,000,000.  
(B) Outlays, \$12,545,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$12,700,000,000.  
(B) Outlays, \$12,407,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$12,789,000,000.  
(B) Outlays, \$12,444,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$12,908,000,000.  
(B) Outlays, \$12,560,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$13,033,000,000.  
(B) Outlays, \$12,871,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$13,162,000,000.  
(B) Outlays, \$12,992,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$13,276,000,000.  
(B) Outlays, \$13,123,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$13,366,000,000.  
(B) Outlays, \$13,243,000,000.  
(7) Commerce and Housing Credit (370):  
Fiscal year 2012:  
(A) New budget authority, \$13,927,000,000.  
(B) Outlays, \$10,411,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$8,835,000,000.  
(B) Outlays, \$1,664,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$5,962,000,000.  
(B) Outlays, \$-14,258,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$4,767,000,000.  
(B) Outlays, \$-17,646,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$3,934,000,000.  
(B) Outlays, \$-21,724,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$2,525,000,000.  
(B) Outlays, \$-23,094,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$984,000,000.  
(B) Outlays, \$-26,985,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$357,000,000.  
(B) Outlays, \$-19,217,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$-300,000,000.  
(B) Outlays, \$-20,403,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$237,000,000.  
(B) Outlays, \$-21,819,000,000.  
(8) Transportation (400):  
Fiscal year 2012:  
(A) New budget authority, \$60,333,000,000.  
(B) Outlays, \$82,422,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$62,390,000,000.  
(B) Outlays, \$73,250,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$64,714,000,000.  
(B) Outlays, \$70,060,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$65,788,000,000.  
(B) Outlays, \$68,425,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$67,926,000,000.  
(B) Outlays, \$68,399,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$69,110,000,000.  
(B) Outlays, \$69,479,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$70,422,000,000.  
(B) Outlays, \$69,897,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$71,227,000,000.  
(B) Outlays, \$70,217,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$75,370,000,000.  
(B) Outlays, \$71,803,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$83,547,000,000.  
(B) Outlays, \$82,829,000,000.  
(9) Community and Regional Development (450):  
Fiscal year 2012:  
(A) New budget authority, \$11,255,000,000.  
(B) Outlays, \$21,096,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$11,258,000,000.  
(B) Outlays, \$18,416,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$11,194,000,000.  
(B) Outlays, \$14,616,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$11,185,000,000.  
(B) Outlays, \$13,540,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$10,981,000,000.  
(B) Outlays, \$11,809,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$10,958,000,000.  
(B) Outlays, \$10,847,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$10,677,000,000.  
(B) Outlays, \$10,590,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$10,666,000,000.  
(B) Outlays, \$10,577,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$10,654,000,000.  
(B) Outlays, \$10,574,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$10,643,000,000.  
(B) Outlays, \$10,561,000,000.  
(10) Education, Training, Employment, and Social Services (500):  
Fiscal year 2012:  
(A) New budget authority, \$66,849,000,000.  
(B) Outlays, \$95,712,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$63,887,000,000.

(B) Outlays, \$73,071,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$66,076,000,000.  
 (B) Outlays, \$68,044,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$69,446,000,000.  
 (B) Outlays, \$70,450,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$72,443,000,000.  
 (B) Outlays, \$72,875,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$70,409,000,000.  
 (B) Outlays, \$70,962,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$66,421,000,000.  
 (B) Outlays, \$67,834,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$64,667,000,000.  
 (B) Outlays, \$66,800,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$64,423,000,000.  
 (B) Outlays, \$66,421,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$63,833,000,000.  
 (B) Outlays, \$65,432,000,000.  
 (11) Health (550):  
 Fiscal year 2012:  
 (A) New budget authority, \$338,029,000,000.  
 (B) Outlays, \$347,690,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$342,096,000,000.  
 (B) Outlays, \$344,969,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$329,311,000,000.  
 (B) Outlays, \$329,334,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$323,797,000,000.  
 (B) Outlays, \$323,574,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$312,582,000,000.  
 (B) Outlays, \$311,447,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$313,059,000,000.  
 (B) Outlays, \$311,991,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$307,702,000,000.  
 (B) Outlays, \$307,092,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$303,555,000,000.  
 (B) Outlays, \$303,419,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$307,262,000,000.  
 (B) Outlays, \$306,911,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$321,877,000,000.  
 (B) Outlays, \$321,441,000,000.  
 (12) Medicare (570):  
 Fiscal year 2012:  
 (A) New budget authority, \$487,760,000,000.  
 (B) Outlays, \$488,060,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$530,722,000,000.  
 (B) Outlays, \$530,767,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$560,600,000,000.  
 (B) Outlays, \$560,744,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$585,154,000,000.  
 (B) Outlays, \$585,256,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$634,696,000,000.  
 (B) Outlays, \$634,769,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$657,713,000,000.  
 (B) Outlays, \$657,799,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$682,995,000,000.  
 (B) Outlays, \$682,951,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$745,085,000,000.  
 (B) Outlays, \$745,186,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$800,776,000,000.  
 (B) Outlays, \$800,853,000,000.

Fiscal year 2021:  
 (A) New budget authority, \$858,764,000,000.  
 (B) Outlays, \$858,830,000,000.  
 (13) Income Security (600):  
 Fiscal year 2012:  
 (A) New budget authority, \$475,377,000,000.  
 (B) Outlays, \$479,471,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$433,539,438,356.  
 (B) Outlays, \$433,513,438,356.  
 Fiscal year 2014:  
 (A) New budget authority, \$384,046,876,712.  
 (B) Outlays, \$384,020,876,712.  
 Fiscal year 2015:  
 (A) New budget authority, \$385,183,191,781.  
 (B) Outlays, \$383,963,191,781.  
 Fiscal year 2016:  
 (A) New budget authority, \$390,453,506,849.  
 (B) Outlays, \$388,748,506,849.  
 Fiscal year 2017:  
 (A) New budget authority, \$387,088,493,918.  
 (B) Outlays, \$382,034,821,918.  
 Fiscal year 2018:  
 (A) New budget authority, \$389,199,158,086.  
 (B) Outlays, \$382,540,967,630.  
 Fiscal year 2019:  
 (A) New budget authority, \$400,032,296,366.  
 (B) Outlays, \$393,821,068,529.  
 Fiscal year 2020:  
 (A) New budget authority, \$406,776,819,018.  
 (B) Outlays, \$398,422,890,411.  
 Fiscal year 2021:  
 (A) New budget authority, \$417,206,501,376.  
 (B) Outlays, \$408,016,990,411.  
 (14) Social Security (650):  
 Fiscal year 2012:  
 (A) New budget authority, \$54,439,000,000.  
 (B) Outlays, \$54,624,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$29,096,000,000.  
 (B) Outlays, \$29,256,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$32,701,000,000.  
 (B) Outlays, \$32,776,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$36,261,000,000.  
 (B) Outlays, \$36,311,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$40,171,000,000.  
 (B) Outlays, \$40,171,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$44,263,000,000.  
 (B) Outlays, \$44,263,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$48,717,000,000.  
 (B) Outlays, \$48,717,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$53,508,000,000.  
 (B) Outlays, \$53,508,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$58,552,000,000.  
 (B) Outlays, \$58,552,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$64,053,000,000.  
 (B) Outlays, \$64,053,000,000.  
 (15) Veterans Benefits and Services (700):  
 Fiscal year 2012:  
 (A) New budget authority, \$128,339,000,000.  
 (B) Outlays, \$127,140,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$130,024,000,000.  
 (B) Outlays, \$130,025,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$134,143,000,000.  
 (B) Outlays, \$134,055,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$138,167,000,000.  
 (B) Outlays, \$137,851,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$147,410,000,000.  
 (B) Outlays, \$146,868,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$146,323,000,000.  
 (B) Outlays, \$145,704,000,000.

Fiscal year 2018:  
 (A) New budget authority, \$145,412,000,000.  
 (B) Outlays, \$144,751,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$155,091,000,000.  
 (B) Outlays, \$154,407,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$159,680,000,000.  
 (B) Outlays, \$158,979,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$164,381,000,000.  
 (B) Outlays, \$163,622,000,000.  
 (16) Administration of Justice (750):  
 Fiscal year 2012:  
 (A) New budget authority, \$50,104,000,000.  
 (B) Outlays, \$52,573,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$44,813,000,000.  
 (B) Outlays, \$49,292,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$44,555,000,000.  
 (B) Outlays, \$46,815,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$44,366,000,000.  
 (B) Outlays, \$45,587,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$46,418,000,000.  
 (B) Outlays, \$46,830,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$45,108,000,000.  
 (B) Outlays, \$45,295,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$45,959,000,000.  
 (B) Outlays, \$45,595,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$47,100,000,000.  
 (B) Outlays, \$46,865,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$50,158,000,000.  
 (B) Outlays, \$49,751,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$52,153,000,000.  
 (B) Outlays, \$52,153,000,000.  
 (17) General Government (800):  
 Fiscal year 2012:  
 (A) New budget authority, \$22,604,000,000.  
 (B) Outlays, \$27,072,000,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$22,006,000,000.  
 (B) Outlays, \$23,279,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$22,039,000,000.  
 (B) Outlays, \$22,420,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$22,068,000,000.  
 (B) Outlays, \$21,867,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$22,076,000,000.  
 (B) Outlays, \$21,500,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$22,282,000,000.  
 (B) Outlays, \$21,555,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$22,715,000,000.  
 (B) Outlays, \$21,789,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$23,265,000,000.  
 (B) Outlays, \$22,324,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$23,651,000,000.  
 (B) Outlays, \$22,324,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$24,104,000,000.  
 (B) Outlays, \$22,736,000,000.  
 (18) Net Interest (900):  
 Fiscal year 2012:  
 (A) New budget authority, \$372,130,904,000.  
 (B) Outlays, \$372,130,904,000.  
 Fiscal year 2013:  
 (A) New budget authority, \$430,838,964,685.  
 (B) Outlays, \$430,838,964,685.  
 Fiscal year 2014:  
 (A) New budget authority, \$498,591,461,177.  
 (B) Outlays, \$498,591,461,177.

Fiscal year 2015:

- (A) New budget authority, \$559,984,957,433.
- (B) Outlays, \$559,984,957,433.

Fiscal year 2016:

- (A) New budget authority, \$620,259,380,126.
- (B) Outlays, \$620,259,380,126.

Fiscal year 2017:

- (A) New budget authority, \$672,409,080,495.
- (B) Outlays, \$672,409,080,495.

Fiscal year 2018:

- (A) New budget authority, \$714,240,305,114.
- (B) Outlays, \$714,240,305,114.

Fiscal year 2019:

- (A) New budget authority, \$746,520,239,831.
- (B) Outlays, \$746,520,239,831.

Fiscal year 2020:

- (A) New budget authority, \$773,564,198,320.
- (B) Outlays, \$773,564,198,320.

Fiscal year 2021:

- (A) New budget authority, \$788,846,163,593.
- (B) Outlays, \$788,846,163,593.

(19) Allowances (920):

Fiscal year 2012:

- (A) New budget authority, \$-11,100,000,000.
- (B) Outlays, \$-11,100,000,000.

Fiscal year 2013:

- (A) New budget authority, \$-11,100,000,000.
- (B) Outlays, \$-11,100,000,000.

Fiscal year 2014:

- (A) New budget authority, \$-6,100,000,000.
- (B) Outlays, \$-6,100,000,000.

Fiscal year 2015:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

Fiscal year 2016:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

Fiscal year 2017:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

Fiscal year 2018:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

Fiscal year 2019:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

Fiscal year 2020:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

Fiscal year 2021:

- (A) New budget authority, \$-1,100,000,000.
- (B) Outlays, \$-1,100,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2012:

- (A) New budget authority, \$-77,917,000,000.
- (B) Outlays, \$-77,917,000,000.

Fiscal year 2013:

- (A) New budget authority, \$-80,329,000,000.
- (B) Outlays, \$-80,329,000,000.

Fiscal year 2014:

- (A) New budget authority, \$-81,798,000,000.
- (B) Outlays, \$-81,798,000,000.

Fiscal year 2015:

- (A) New budget authority, \$-84,857,000,000.
- (B) Outlays, \$-84,857,000,000.

Fiscal year 2016:

- (A) New budget authority, \$-85,946,000,000.
- (B) Outlays, \$-85,946,000,000.

Fiscal year 2017:

- (A) New budget authority, \$-91,248,000,000.
- (B) Outlays, \$-91,248,000,000.

Fiscal year 2018:

- (A) New budget authority, \$-97,099,000,000.
- (B) Outlays, \$-97,099,000,000.

Fiscal year 2019:

- (A) New budget authority, \$-101,718,000,000.
- (B) Outlays, \$-101,718,000,000.

Fiscal year 2020:

- (A) New budget authority, \$-105,645,000,000.
- (B) Outlays, \$-105,645,000,000.

Fiscal year 2021:

- (A) New budget authority, \$-110,174,000,000.

- (B) Outlays, \$-110,174,000,000.

(21) Global War on Terror and Related Activities (970):

Fiscal year 2012:

- (A) New budget authority, \$126,544,000,000.
- (B) Outlays, \$117,835,000,000.

Fiscal year 2013:

- (A) New budget authority, \$50,000,000,000.
- (B) Outlays, \$92,661,000,000.

Fiscal year 2014:

- (A) New budget authority, \$50,000,000,000.
- (B) Outlays, \$64,878,000,000.

Fiscal year 2015:

- (A) New budget authority, \$50,000,000,000.
- (B) Outlays, \$54,401,000,000.

Fiscal year 2016:

- (A) New budget authority, \$30,750,000,000.
- (B) Outlays, \$30,750,000,000.

Fiscal year 2017:

- (A) New budget authority, \$8,500,000,000.
- (B) Outlays, \$8,500,000,000.

Fiscal year 2018:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2019:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2020:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2021:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

#### TITLE II—RESERVE FUNDS

##### SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR IMPROPER PAYMENTS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by eliminating or reducing improper payments and use such savings to reduce the deficit. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

#### TITLE III—BUDGET PROCESS

##### Subtitle A—Budget Enforcement

##### SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2012 THROUGH 2021.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this sec-

tion, the term “discretionary spending limit” means—

(2) for fiscal year 2012, \$1,137,365,000,000 in new budget authority and \$1,277,353,000,000 in outlays;

(3) for fiscal year 2013, \$1,076,513,000,000 in new budget authority and \$1,203,206,000,000 in outlays;

(4) for fiscal year 2014, \$1,094,543,000,000 in new budget authority and \$1,160,763,000,000 in outlays;

(5) for fiscal year 2015, \$1,106,796,000,000 in new budget authority and \$1,149,100,000,000 in outlays;

(6) for fiscal year 2016, \$1,099,720,000,000 in new budget authority and \$1,133,357,000,000 in outlays;

(7) for fiscal year 2017, \$1,082,528,000,000 in new budget authority and \$1,110,758,000,000 in outlays;

(8) for fiscal year 2018, \$1,086,986,000,000 in new budget authority and \$1,109,721,000,000 in outlays;

(9) for fiscal year 2019, \$1,101,073,000,000 in new budget authority and \$1,128,053,000,000 in outlays;

(10) for fiscal year 2020, \$1,114,538,000,000 in new budget authority and \$1,139,781,000,000 in outlays; and

(11) for fiscal year 2021, \$1,152,698,000,000 in new budget authority and \$1,171,654,000,000 in outlays;

##### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2012 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2013 and 2014 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,500,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or

an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

#### SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.

(a) ADJUSTMENT.—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) COVERED POINTS OF ORDER.—The Chairman of the Committee on the Budget of the

Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) QUALIFYING LEGISLATION.—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; and

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) LIMITATION.—The Chairman shall make any adjustments pursuant to this section in a manner consistent with the limitations described in sections 4(c) and 7(h) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

(e) DEFINITION.—For the purposes of this section, the terms “budgetary effects” or “effects” mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(f) SUNSET.—This section shall expire on December 31, 2011.

#### SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

#### SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

**SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

**SEC. 315. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

**SENATE CONCURRENT RESOLUTION 20—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2016**

Mr. PAUL submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 20

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012.**

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2012 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2013 through 2016.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2012.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec. 101. Recommended levels and amounts.  
Sec. 102. Social Security.  
Sec. 103. Major functional categories.

**TITLE II—RESERVE FUNDS**

Sec. 201. Deficit-reduction reserve fund for the sale of unused or vacant Federal properties.  
Sec. 202. Deficit-reduction reserve fund for selling excess Federal lands.  
Sec. 203. Deficit-reduction reserve fund for the repeal of davis-bacon prevailing wage laws.  
Sec. 204. Deficit-reduction reserve fund for the reduction of purchasing and maintaining Federal vehicles.

Sec. 205. Deficit-reduction reserve fund for the sale of financial assets purchased through the troubled asset relief program.

**TITLE III—BUDGET PROCESS**

**Subtitle A—Budget Enforcement**

Sec. 301. Discretionary spending limits for fiscal years 2012 through 2016 and other adjustments.  
Sec. 302. Point of order against advance appropriations.  
Sec. 303. Emergency legislation.  
Sec. 304. Adjustments for the extension of certain current policies.

**Subtitle B—Other Provisions**

Sec. 311. Oversight of government performance.  
Sec. 312. Application and effect of changes in allocations and aggregates.  
Sec. 313. Adjustments to reflect changes in concepts and definitions.  
Sec. 314. Budgetary treatment of certain discretionary administrative expenses.  
Sec. 315. Exercise of rulemaking powers.

**TITLE IV—RECONCILIATION**

Sec. 401. Reconciliation in the Senate.

**TITLE V—LONG-TERM POLICY CHANGES**

Sec. 501. Policy statement on Social Security.  
Sec. 502. Policy statement on medicare.  
Sec. 503. Rescind unspent or unobligated balances after 36 months.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2012 through 2016:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2012: \$1,887,000,000,000.  
Fiscal year 2013: \$2,393,000,000,000.  
Fiscal year 2014: \$2,713,000,000,000.  
Fiscal year 2015: \$2,882,000,000,000.  
Fiscal year 2016: \$3,072,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: –\$8,000,000,000.  
Fiscal year 2013: –\$335,000,000,000.  
Fiscal year 2014: –\$354,000,000,000.  
Fiscal year 2015: –\$407,000,000,000.  
Fiscal year 2016: –\$383,000,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: \$121,837,000,000.  
Fiscal year 2013: \$3,141,382,000,000.  
Fiscal year 2014: \$3,220,465,000,000.  
Fiscal year 2015: \$3,420,302,000,000.  
Fiscal year 2016: \$3,480,625,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: \$3,121,905,000,000.  
Fiscal year 2013: \$3,141,404,000,000.  
Fiscal year 2014: \$3,227,408,000,000.  
Fiscal year 2015: \$3,359,695,000,000.  
Fiscal year 2016: \$3,430,259,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: \$574,000,000,000.  
Fiscal year 2013: \$386,000,000,000.  
Fiscal year 2014: \$139,000,000,000.  
Fiscal year 2015: \$116,000,000,000.

Fiscal year 2016: \$19,000,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: \$15,842,000,000,000.  
Fiscal year 2013: \$16,842,000,000,000.  
Fiscal year 2014: \$16,902,000,000,000.  
Fiscal year 2015: \$17,310,000,000,000.  
Fiscal year 2016: \$17,583,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: \$11,051,000,000,000.  
Fiscal year 2013: \$11,532,000,000,000.  
Fiscal year 2014: \$11,748,000,000,000.  
Fiscal year 2015: \$11,942,000,000,000.  
Fiscal year 2016: \$11,997,000,000,000.

**SEC. 102. SOCIAL SECURITY.**

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$668,000,000,000.  
Fiscal year 2013: \$732,000,000,000.  
Fiscal year 2014: \$769,000,000,000.  
Fiscal year 2015: \$811,000,000,000.  
Fiscal year 2016: \$855,000,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$761,225,000,000.  
Fiscal year 2013: \$799,376,000,000.  
Fiscal year 2014: \$842,112,000,000.  
Fiscal year 2015: \$888,722,000,000.  
Fiscal year 2016: \$939,834,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:  
(A) New budget authority, \$6,181,000,000.  
(B) Outlays, \$6,130,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$6,486,000,000.  
(B) Outlays, \$6,437,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$6,813,000,000.  
(B) Outlays, \$6,759,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$7,148,000,000.  
(B) Outlays, \$7,094,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$7,514,000,000.  
(B) Outlays, \$7,455,000,000.

**SEC. 103. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2012 through 2016 for each major functional category are:

(1) National Defense (050):  
Fiscal year 2012:  
(A) New budget authority, \$636,410,000,000.  
(B) Outlays, \$641,844,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$573,332,000,000.  
(B) Outlays, \$585,683,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$534,771,000,000.  
(B) Outlays, \$554,697,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$546,422,000,000.  
(B) Outlays, \$546,865,000,000.  
Fiscal year 2016:



- (A) New budget authority, \$553,892,000,000.  
(B) Outlays, \$548,400,000,000.  
(2) International Affairs (150):  
Fiscal year 2012:  
(A) New budget authority, \$12,334,000,000.  
(B) Outlays, \$22,285,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$9,657,000,000.  
(B) Outlays, \$15,457,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$8,603,000,000.  
(B) Outlays, \$13,457,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$9,083,000,000.  
(B) Outlays, \$12,455,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$10,361,000,000.  
(B) Outlays, \$12,951,000,000.  
(3) General Science, Space, and Technology (250):  
Fiscal year 2012:  
(A) New budget authority, \$19,605,000,000.  
(B) Outlays, \$19,471,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$19,923,000,000.  
(B) Outlays, \$19,428,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$20,279,000,000.  
(B) Outlays, \$19,875,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$20,682,000,000.  
(B) Outlays, \$19,725,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$21,134,000,000.  
(B) Outlays, \$19,140,000,000.  
(4) Energy (270):  
Fiscal year 2012:  
(A) New budget authority, \$5,942,000,000.  
(B) Outlays, \$6,094,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$4,686,000,000.  
(B) Outlays, \$3,966,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$3,720,000,000.  
(B) Outlays, \$2,951,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$2,327,000,000.  
(B) Outlays, \$1,421,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$1,760,000,000.  
(B) Outlays, \$893,000,000.  
(5) Natural Resources and Environment (300):  
Fiscal year 2012:  
(A) New budget authority, \$24,276,000,000.  
(B) Outlays, \$24,783,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$23,872,000,000.  
(B) Outlays, \$23,860,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$24,452,000,000.  
(B) Outlays, \$24,027,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$24,548,000,000.  
(B) Outlays, \$22,826,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$25,269,000,000.  
(B) Outlays, \$23,465,000,000.  
(6) Agriculture (350):  
Fiscal year 2012:  
(A) New budget authority, \$14,120,000,000.  
(B) Outlays, \$11,501,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$14,874,000,000.  
(B) Outlays, \$15,703,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$15,404,000,000.  
(B) Outlays, \$14,806,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$14,848,000,000.  
(B) Outlays, \$13,846,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$15,109,000,000.  
(B) Outlays, \$14,125,000,000.  
(7) Commerce and Housing Credit (370):  
Fiscal year 2012:  
(A) New budget authority, \$21,582,000,000.  
(B) Outlays, \$23,499,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$17,262,000,000.  
(B) Outlays, \$13,611,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$14,921,000,000.  
(B) Outlays, \$234,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$14,876,000,000.  
(B) Outlays, \$350,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$14,918,000,000.  
(B) Outlays, \$3,057,000,000.  
(8) Transportation (400):  
Fiscal year 2012:  
(A) New budget authority, \$90,515,000,000.  
(B) Outlays, \$84,481,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$79,729,000,000.  
(B) Outlays, \$79,444,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$83,729,000,000.  
(B) Outlays, \$77,589,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$83,529,000,000.  
(B) Outlays, \$77,973,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$83,349,000,000.  
(B) Outlays, \$77,882,000,000.  
(9) Community and Regional Development (450):  
Fiscal year 2012:  
(A) New budget authority, \$12,089,000,000.  
(B) Outlays, \$11,846,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$12,145,000,000.  
(B) Outlays, \$12,664,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$12,328,000,000.  
(B) Outlays, \$12,704,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$12,291,000,000.  
(B) Outlays, \$11,257,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$12,952,000,000.  
(B) Outlays, \$11,665,000,000.  
(10) Education, Training, Employment, and Social Services (500):  
Fiscal year 2012:  
(A) New budget authority, \$43,956,000,000.  
(B) Outlays, \$53,666,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$44,928,000,000.  
(B) Outlays, \$47,304,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$43,620,000,000.  
(B) Outlays, \$43,723,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$43,852,000,000.  
(B) Outlays, \$40,908,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$44,731,000,000.  
(B) Outlays, \$41,328,000,000.  
(11) Health (550):  
Fiscal year 2012:  
(A) New budget authority, \$324,266,000,000.  
(B) Outlays, \$318,273,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$327,445,000,000.  
(B) Outlays, \$317,497,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$308,851,000,000.  
(B) Outlays, \$321,320,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$342,220,000,000.  
(B) Outlays, \$325,147,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$328,851,000,000.  
(B) Outlays, \$328,971,000,000.  
(12) Medicare (570):  
Fiscal year 2012:  
(A) New budget authority, \$473,609,000,000.  
(B) Outlays, \$473,556,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$522,624,000,000.  
(B) Outlays, \$522,902,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$585,031,000,000.  
(B) Outlays, \$584,986,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$620,383,000,000.  
(B) Outlays, \$620,136,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$681,750,000,000.  
(B) Outlays, \$682,111,000,000.  
(13) Income Security (600):  
Fiscal year 2012:  
(A) New budget authority, \$362,036,000,000.  
(B) Outlays, \$364,046,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$347,677,000,000.  
(B) Outlays, \$347,144,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$349,970,000,000.  
(B) Outlays, \$347,342,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$351,877,000,000.  
(B) Outlays, \$347,489,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$359,279,000,000.  
(B) Outlays, \$359,419,000,000.  
(14) Social Security (650):  
Fiscal year 2012:  
(A) New budget authority, \$54,439,000,000.  
(B) Outlays, \$54,624,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$29,096,000,000.  
(B) Outlays, \$29,256,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$32,701,000,000.  
(B) Outlays, \$32,776,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$36,261,000,000.  
(B) Outlays, \$36,311,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$40,171,000,000.  
(B) Outlays, \$40,171,000,000.  
(15) Veterans Benefits and Services (700):  
Fiscal year 2012:  
(A) New budget authority, \$121,854,000,000.  
(B) Outlays, \$121,052,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$128,939,000,000.  
(B) Outlays, \$128,937,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$132,589,000,000.  
(B) Outlays, \$132,599,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$136,144,000,000.  
(B) Outlays, \$130,583,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$145,012,000,000.  
(B) Outlays, \$139,264,000,000.  
(16) Administration of Justice (750):  
Fiscal year 2012:  
(A) New budget authority, \$48,716,000,000.  
(B) Outlays, \$39,406,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$44,016,000,000.  
(B) Outlays, \$42,321,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$44,528,000,000.  
(B) Outlays, \$44,127,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$45,211,000,000.  
(B) Outlays, \$42,602,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$48,251,000,000.  
(B) Outlays, \$45,423,000,000.  
(17) General Government (800):  
Fiscal year 2012:  
(A) New budget authority, \$24,055,000,000.  
(B) Outlays, \$22,616,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$23,812,000,000.

(B) Outlays, \$22,788,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$24,030,000,000.  
(B) Outlays, \$23,757,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$24,315,000,000.  
(B) Outlays, \$23,303,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$24,537,000,000.  
(B) Outlays, \$23,546,000,000.  
(18) Net Interest (900):  
Fiscal year 2012:  
(A) New budget authority, \$250,328,000,000.  
(B) Outlays, \$250,328,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$284,497,000,000.  
(B) Outlays, \$284,497,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$325,920,000,000.  
(B) Outlays, \$325,920,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$406,639,000,000.  
(B) Outlays, \$406,639,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$449,223,000,000.  
(B) Outlays, \$449,223,000,000.  
(19) Allowances (920):  
Fiscal year 2012:  
(A) New budget authority, \$43,100,000,000.  
(B) Outlays, \$43,100,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$51,696,000,000.  
(B) Outlays, \$51,696,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$65,706,000,000.  
(B) Outlays, \$65,706,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$73,630,000,000.  
(B) Outlays, \$73,630,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$176,769,000,000.  
(B) Outlays, \$176,769,000,000.  
(20) Undistributed Offsetting Receipts (950):  
Fiscal year 2012:  
(A) New budget authority, \$91,066,000,000.  
(B) Outlays, \$91,066,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$95,337,000,000.  
(B) Outlays, \$95,337,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$98,817,000,000.  
(B) Outlays, \$98,817,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$104,737,000,000.  
(B) Outlays, \$104,737,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$114,106,000,000.  
(B) Outlays, \$114,106,000,000.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF UNUSED OR VACANT FEDERAL PROPERTIES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any unused or vacant Federal properties. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 5 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 202. DEFICIT-REDUCTION RESERVE FUND FOR SELLING EXCESS FEDERAL LANDS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits

in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports from savings achieved by selling any excess Federal lands. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 5 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 203. DEFICIT-REDUCTION RESERVE FUND FOR THE REPEAL OF DAVIS-BACON PREVAILING WAGE LAWS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports from savings achieved by repealing the Davis-Bacon prevailing wage laws. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 5 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 204. DEFICIT-REDUCTION RESERVE FUND FOR THE REDUCTION OF PURCHASING AND MAINTAINING FEDERAL VEHICLES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by reducing the Federal vehicles fleet. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 5 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 205. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF FINANCIAL ASSETS PURCHASED THROUGH THE TROUBLED ASSET RELIEF PROGRAM.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling financial instruments and equity accumulated through the Troubled Asset Relief Program. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 5 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

## TITLE III—BUDGET PROCESS

### Subtitle A—Budget Enforcement

#### SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2012 THROUGH 2016 AND OTHER ADJUSTMENTS.

##### (a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to proceed to or consider any bill, joint resolution, or concurrent resolution (or amendment, motion, or conference report on that bill, joint resolution, or concurrent resolution, and amendments between houses) that would cause the discretionary spending limits in this section to be exceeded.

##### (2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2012, \$844,373,000,000 in new budget authority and \$915,138,000,000 in outlays;

(2) for fiscal year 2013, \$848,710,000,000 in new budget authority and \$908,598,000,000 in outlays;

(3) for fiscal year 2014, \$872,652,000,000 in new budget authority and \$926,155,000,000 in outlays;

(4) for fiscal year 2015, \$891,546,000,000 in new budget authority and \$903,680,000,000 in outlays;

(5) for fiscal year 2016, \$907,553,000,000 in new budget authority and \$910,501,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

##### (c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—

(A) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, allocations to the Committee on Appropriations of the Senate, and aggregates for one or more—

(i) bills reported by the Committee on Appropriations of the Senate or passed by the House of Representatives;

(ii) joint resolutions or amendments reported by the Committee on Appropriations of the Senate;

(iii) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Committee on Appropriations of the Senate; or

(iv) conference reports;

making appropriations for overseas deployments and other activities in the amounts specified in subparagraph (B).

(B) AMOUNTS SPECIFIED.—The amounts specified are—

(i) for fiscal year 2012, \$117,000,000,000 in new budget authority and the outlays flowing therefrom;

(ii) for fiscal year 2013, \$50,000,000,000 in new budget authority and the outlays flowing therefrom;

(iii) for fiscal year 2014, \$0 in new budget authority and the outlays flowing therefrom;

(iv) for fiscal year 2015, \$0 in new budget authority and the outlays flowing therefrom;

(v) for fiscal year 2016, \$0 in new budget authority and the outlays flowing therefrom;

#### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to proceed to or consider any bill, joint resolution, concurrent resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2012 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, concurrent resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency require-

ment under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated

emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

#### SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.

(a) ADJUSTMENT.—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) COVERED POINTS OF ORDER.—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) QUALIFYING LEGISLATION.—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; and

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) DEFINITION.—For the purposes of this section, the terms “budgetary effects” or “effects” mean the amount by which a provision changes direct spending or revenues relative to the baseline.

#### Subtitle B—Other Provisions

#### SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees shall—

(1) review programs and tax expenditures within their jurisdiction to identify waste, fraud, abuse or duplication, and increase the use of performance data to inform committee work;

(2) review the matters for congressional consideration identified on the Government Accountability Office's High Risk list reports; and

(3) based on these oversight efforts and performance reviews of programs within their jurisdiction, include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

# SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

# SEC. 313. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

# SEC. 314. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Senate Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

# SEC. 315. EXERCISE OF RULEMAKING POWERS.

The Senate adopts the provisions of this subtitle—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

## TITLE IV—RECONCILIATION

### SEC. 401. RECONCILIATION IN THE SENATE.

(a) SUBMISSION TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—Not later than September 1, 2011, the Senate committees named in subsection (b) shall submit their recommendations to the Committee on the Budget of the United States Senate. After receiving those recommendations from the applicable committees of the Senate, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without substantive revision.

(b) INSTRUCTIONS.—

(1) COMMITTEE ON FOREIGN RELATIONS.—The Committee on Foreign Relations shall report

changes in law within its jurisdiction sufficient to reduce direct spending outlays by \$2,651,000,000 for the period of fiscal years 2012 through 2016.

(2) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Committee on Commerce, Science, and Transportation shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by \$1,000,000,000 for the period of fiscal years 2012 through 2016.

(3) COMMITTEE ON AGRICULTURE, NUTRITION, AND ENERGY.—The Committee on Agriculture, Nutrition, and Energy shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by \$229,599,000,000 for the period of fiscal years 2012 through 2016.

(4) COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS.—The Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$5,000,000,000 for the period of fiscal years 2012 through 2016.

(5) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$467,550,000,000 for the period of fiscal years 2012 through 2016.

(6) COMMITTEE ON FINANCE.—The Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$519,693,000,000 for the period of fiscal years 2012 through 2016.

## TITLE V—LONG-TERM POLICY CHANGES

### SEC. 501. POLICY STATEMENT ON SOCIAL SECURITY.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation—

(1) to ensure the Social Security System achieves solvency over the 75 year window; and

(2) that includes—

(A) progressive Price Indexing using a formula including wage and price indexing;

(B) life expectancy and longevity indexing; and

(C) a gradual increase in the retirement age.

### SEC. 502. POLICY STATEMENT ON MEDICARE.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation—

(1) to ensure Medicare achieves solvency over the 75 year window; and

(2) that—

(A) includes free-market based health care;

(B) removes all mandates or laws require the purchase of health insurance;

(C) promotes individual and family based plans; and

(D) encourages interstate competition.

### SEC. 503. RESCIND UNSPENT OR UNOBLIGATED BALANCES AFTER 36 MONTHS.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall require that 36 months after such funds are made available, the Chairman of the Committee on the Budget of the Senate shall reduce the allocations of a committee or committees, aggregates, and other appropriate levels by the amount unobligated or unspent.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments resulting from the required rescissions shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 321. Mr. DURBIN (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 322. Mr. DURBIN (for Mr. SESSIONS) proposed an amendment to the resolution S. Res. 184, recognizing the life and service of the Honorable Hubert H. Humphrey, distinguished former Senator from the State of Minnesota and former Vice President of the United States, upon the 100th anniversary of his birth.

## TEXT OF AMENDMENTS

SA 321. Mr. DURBIN (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Additional Temporary Extension Act of 2011”.

### SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended—

(1) by striking “Any” and inserting “Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any”; and

(2) by striking “May 31, 2011” each place it appears and inserting “June 30, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

### SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking “TERMINATION.—” and all that follows through “the authorization” and inserting “TERMINATION.—The authorization”;

(2) by striking “September 30, 2008” and inserting “May 31, 2012”; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended—

(1) in paragraph (1)(A)—

(A) by striking “IN GENERAL.—” and all that follows through “each Federal” and inserting “IN GENERAL.—Each Federal”;

(B) by striking “that fiscal year” and inserting “a fiscal year”; and

(C) by striking clause (ii); and

(2) by adding at the end the following:

“(4) **TERMINATION.**—The authorization to carry out the Small Business Technology Transfer Program established under this section shall terminate on May 31, 2012.”

(c) **COMMERCIALIZATION PILOT PROGRAM.**—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking “at the end of fiscal year 2010” and inserting “on May 31, 2012”.

#### SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) **COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

**SA 322.** Mr. DURBIN (for Mr. SESSIONS) proposed an amendment to the resolution S. Res. 184, recognizing the life and service of the Honorable Hubert H. Humphrey, distinguished former Senator from the State of Minnesota and former Vice President of the United States, upon the 100th anniversary of his birth; as follows:

On page 4, strike lines 10–14.

#### NOTICE OF HEARING

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that the Committee on Energy and Natural Resources will hold a business meeting on Thursday, May 26, 2011, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building. If needed, the business meeting may reconvene Thursday afternoon.

The purpose of the business meeting is to consider pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 19, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 19, 2011, at 1:30 p.m. to conduct a hearing entitled “Ten Years After 9/11: Is Intelligence Reform Working? Part II.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 19, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 19, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on May 19, 2011, at 10 a.m. to conduct a hearing entitled “Small Business Recovery: Progress Report on Small Business Jobs Act of 2010 Implementation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. COONS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 19, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### AFRICAN AFFAIRS SUBCOMMITTEE

Mr. COONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 19, 2011, at 3:30 p.m., to hold an African Affairs subcommittee hearing entitled, “Next Steps in Côte d’Ivoire.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. COONS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 19, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building, to conduct a hearing entitled, “Consumer Privacy and Protection in the Mobile Marketplace.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. COONS. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs’ Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on May 19, 2011, at 10 a.m., to conduct a hearing entitled “Public Transportation: Priorities and Challenges for Reauthorization.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON WATER AND POWER

Mr. COONS. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on May 19, 2011, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 51, S. 990.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that a Landrieu-Snowe substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 321) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Additional Temporary Extension Act of 2011”.

#### SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended—

(1) by striking “Any” and inserting “Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any”; and

(2) by striking "May 31, 2011" each place it appears and inserting "June 30, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

### SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking "TERMINATION.—" and all that follows through "the authorization" and inserting "TERMINATION.—The authorization";

(2) by striking "September 30, 2008" and inserting "May 31, 2012"; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "IN GENERAL.—" and all that follows through "each Federal" and inserting "IN GENERAL.—Each Federal";

(B) by striking "that fiscal year" and inserting "a fiscal year"; and

(C) by striking clause (ii); and

(2) by adding at the end the following:

"(4) TERMINATION.—The authorization to carry out the Small Business Technology Transfer Program established under this section shall terminate on May 31, 2012."

(c) COMMERCIALIZATION PILOT PROGRAM.—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking "at the end of fiscal year 2010" and inserting "on May 31, 2012".

### SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(aa) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

The bill (S. 990), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

### RECOGNIZING THE 100TH ANNIVERSARY OF THE BIRTH OF HUBERT H. HUMPHREY

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 184, and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 184) recognizing the life and service of the Honorable Hubert H. Humphrey, distinguished former Senator from the State of Minnesota and former Vice President of the United States, upon the 100th anniversary of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that unless I am already a cosponsor, I be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that the Sessions amendment which is at the desk be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 322) was agreed to as follows:

#### AMENDMENT NO. 322

On page 4, strike lines 10-14.

The resolution (S. Res. 184), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

#### S. RES. 184

Whereas Hubert H. Humphrey was born in Wallace, South Dakota, on May 27, 1911;

Whereas Hubert Humphrey, from his early years, recognized the importance of public service by becoming a registered pharmacist and serving his friends and neighbors in the Humphrey Drug Store in Huron, South Dakota, from 1933 to 1937;

Whereas Hubert Humphrey received a Bachelor of Arts degree in political science from the University of Minnesota in 1939 and a Masters of Arts degree from Louisiana State University in 1940, subsequently teaching political science at Macalester College from 1943 to 1944 and at Macalester College and the University of Minnesota from 1969 to 1970;

Whereas Hubert Humphrey served in a variety of leadership positions in Minnesota during World War II, dealing with war production, employment, and manpower;

Whereas Hubert Humphrey served as Mayor of Minneapolis from 1945 to 1948, and during his tenure as mayor, he drove organized crime from the city and, among other achievements, created the Nation's first municipal equal employment opportunity commission;

Whereas Hubert Humphrey was a driving force behind the creation of the Democratic Farmer-Labor Party in Minnesota and was a founding member of Americans for Democratic Action in the aftermath of World War II;

Whereas Hubert Humphrey led forces at the 1948 Democratic National Convention in Philadelphia in support of the minority platform plank on civil rights and equal opportunity, challenging the delegates to "walk out of the shadow of States' rights into the bright sunshine of human rights," resulting in the convention's adoption of the minority plank;

Whereas in 1948, Hubert Humphrey became the first Democrat from Minnesota elected to the Senate;

Whereas during his total 23 years of service in the Senate (including service from 1949 to 1964 and service from 1970 to 1978), Hubert Humphrey compiled a record of accomplishment virtually unmatched in the 20th century, encompassing, among other issues, civil and human rights, workforce development, labor rights, health care, arms control and disarmament, the Peace Corps, small business assistance, education reform, wilderness preservation, immigration reform, and agriculture;

Whereas his service as floor leader during the Senate's consideration of the Civil

Rights Act of 1964 was essential to the eventual passage of the Act in the aftermath of breaking the filibuster against this historic legislation;

Whereas Hubert Humphrey, although a dedicated leader of the Democratic Party, always sought bipartisan support for his legislative goals and routinely shared credit with other Senators for his legislative victories;

Whereas Hubert Humphrey, as Vice President of the United States, loyally served President Lyndon Baines Johnson and successfully carried out a number of domestic and overseas assignments;

Whereas Hubert Humphrey, as the Democratic Party's nominee for President of the United States in 1968, waged one of the most courageous and hard-fought campaigns in the history of the United States, losing to Richard Nixon by less than 1 percentage point of the popular vote when he started the campaign some 15 points behind;

Whereas Hubert Humphrey was reelected by the people of Minnesota (in 1970 and 1976) to 2 additional terms in the Senate, thereby continuing his extraordinary record of legislative achievement with passage of such bills as the Humphrey-Hawkins Full Employment Act;

Whereas Hubert Humphrey, terminally ill with cancer, pursued his active public life with great courage, fortitude, and good humor, and in the memorable words of Vice President Walter F. Mondale at Hubert Humphrey's memorial observance in the rotunda of the United States Capitol, "Hubert Humphrey taught us how to live and he taught us how to die"; and

Whereas the life and service of Hubert Humphrey were posthumously honored by Congress with the presentation of the Congressional Gold Medal, and by the President of the United States with the award of the Medal of Freedom: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the life, achievements, and distinguished career of Senator and Vice President Hubert H. Humphrey upon the occasion of his 100th birthday;

(2) recognizes that Hubert H. Humphrey's legislative achievements helped resolve many of this Nation's most polarizing issues, such as civil rights, equal opportunity, and nuclear arms control.

### NATIONAL KIDS TO PARKS DAY

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 192 submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 192) designating May 21, 2011, as "National Kids to Parks Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Mr. President, I rise to talk about an issue that is close to my heart: introducing our children to National Parks across the country.

Enjoying the outdoors has been a lifelong passion for me and it began in my youth. Growing up in the American Southwest, my parents would take our family on frequent trips to the nearby parks. This helped inspire my brother, Randy, and I to take a 10-day backpacking trip to Glacier National Park



in Montana when we were in college. I know now these important visits to the parks were the building blocks of a life filled with enthusiasm for mountains and the outdoors.

I have always enjoyed being outdoors with others, first as an instructor with Outward Bound and then with my wife and kids. In Congress, I have similarly tried to ensure that open spaces in both urban and rural areas are preserved so that families in Colorado and across America have ample opportunity to get out and take advantage of our greatest natural resources, our parks and open spaces.

I believe today more than ever it is important that we are encouraging our Nation's youth to get outdoors. In America today, one in three children are overweight or obese. Kids between the ages of 8 and 18 spend an average of 7½ hours a day using some sort of entertainment media such as TVs, computers, video games, cell phones and movies. I believe this is a major reason why only one-third of all children get the recommended level of physical activity every day, contributing to childhood obesity.

In this spirit, on Saturday families all across the Nation will get outside and visit a city, State or national park in honor of the first annual National Kids to Parks Day. National Kids to Parks Day celebrates America's commitment to getting kids outdoors and highlights the importance of preserving open spaces for American's to recreate.

That is why today I will be submitting a bipartisan resolution that recognizes Saturday, May 21, 2011, as the first annual National Kids to Parks Day. National Kids to Parks Day encourages more of our Nation's youth to get outdoors and enjoy the great system of city, State and national parks we have in this country.

I thank Senator BURR, Senator MURKOWSKI, and Senator BINGAMAN for their cosponsorship and support.

Getting kids outdoors won't completely solve our childhood obesity problem, but it may help them get excited about being active and healthy outdoors, and it may help inspire the next generation of American stewards to enjoy and protect our Nation's special places.

I plan to celebrate National Kids to Parks Day by attending the 100-year anniversary of Colorado National Monument near Grand Junction, CO. I encourage my colleagues to do something similar—highlight the national, State, and local parks in your State and encourage American families to get outdoors.

I ask my colleagues to support my National Kids to Parks Day resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon

the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 192) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 192

Whereas the first National Kids to Parks Day will be celebrated on May 21, 2011;

Whereas the goal of National Kids to Parks Day is to empower young people and encourage families to get outdoors and visit the parks of the United States;

Whereas on National Kids to Parks Day, rural and urban Americans alike can be reintroduced to the splendid National, State, and neighborhood parks that are located in their communities;

Whereas communities across the United States offer a variety of natural resources and public land, often with free access, to individuals seeking outdoor recreation;

Whereas the United States should encourage young people to lead a more active lifestyle, as too many young people in the United States are overweight or obese;

Whereas National Kids to Parks Day is an opportunity for families to take a break from their busy lives and come together for a day of wholesome fun; and

Whereas National Kids to Parks Day aims to broaden the appreciation of young people for nature and the outdoors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates May 21, 2011, as "National Kids to Parks Day";

(2) recognizes the importance of outdoor recreation and the preservation of open spaces to the health of the young people of the United States; and

(3) calls on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

#### HONORING THE BICENTENNIAL OF THE CITY OF ASTORIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 193, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 193) honoring the bicentennial of the City of Astoria.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 193) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 193

Whereas Astoria is a scenic gem on the coast of Oregon, and the residents of Astoria have long represented the essence of what it means to be an Oregonian;

Whereas the site of Astoria, located at the mouth of the Columbia River where the Columbia River meets the Pacific Ocean, marks the endpoint of the epic Lewis and Clark expedition to explore the American West, and was founded by fur traders in 1811;

Whereas Thomas Jefferson recognized Astoria as the Nation's first significant claim to the West and noted that were it not for the settlement of Astoria, the United States may have ended at the Rocky Mountains;

Whereas Astoria evolved from being a fur trading hub to serving as the ad-hoc capital of Oregon Country, and later became a prominent leader in the fishing and timber industries and an important port city;

Whereas Astoria was incorporated in 1856, and today is a center for manufacturing, art, tourism, and fishing;

Whereas settlers from Scandinavia and China were among the first to come to Astoria, and the presence of their descendants has contributed to a town rich in both history and culture;

Whereas Astoria is a vibrant tourism destination that has chronicled its remarkable history with the establishment of superb museums and well-preserved historical sites;

Whereas citizens of Astoria and visitors from around the country and the world enjoy boating, fishing, and hiking in one of the most beautiful areas on the West Coast; and

Whereas the natural beauty of the region has been noted by many artists, filmmakers, and writers, serving as the backdrop for many stories, including the beloved film "The Goonies": Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Astoria's bicentennial should be observed and celebrated;

(2) the people of Astoria should be thanked for their many pioneering contributions to the State of Oregon and the United States; and

(3) an enrolled copy of this resolution should be transmitted to the State of Oregon for appropriate display.

#### ORDERS FOR MONDAY, MAY 23, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, May 23; that following the prayer and pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of the motion to proceed to S. 1038, a bill to extend expiring provisions of the PATRIOT Act, under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, there will be a rollcall vote Monday at 5 p.m. on the motion to invoke cloture on the motion to proceed to S. 1038, relating to the PATRIOT Act.

ADJOURNMENT UNTIL MONDAY,  
MAY 23, 2011, At 2 P.M.

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:40 p.m., adjourned until Monday, May 23, 2011, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

ANDREW L. CARTER, JR., OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE VICTOR MARRERO, RETIRED.

JAMES RODNEY GILSTRAP, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE THAD HEARTFIELD, RETIRED.

GINA MARIE GROH, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA, VICE W. CRAIG BROADWATER, DECEASED.

##### SECURITIES AND EXCHANGE COMMISSION

LUIS A. AGUILAR, OF GEORGIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2015. (REAPPOINTMENT)

DANIEL M. GALLAGHER, JR., OF MARYLAND, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2016, VICE KATHLEEN L. CASEY, TERM EXPIRING.

##### SECURITIES INVESTOR PROTECTION CORPORATION

GREGORY KARAWAN, OF VIRGINIA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2013, VICE WILLIAM HERBERT HEYMAN, TERM EXPIRED.

##### EXPORT-IMPORT BANK OF THE UNITED STATES

PATRICIA M. LOUI, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015, VICE DIANE G. FARRELL, TERM EXPIRED.

##### DEPARTMENT OF STATE

DAVID S. ADAMS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS), VICE RICHARD RAHUL VERMA, RESIGNED.

JOHN A. HEFFERN, OF MISSOURI, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

SUSAN LAILA ZIADEH, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CONSTANCE SMITH BARKER, OF ALABAMA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2016. (REAPPOINTMENT)

##### NATIONAL MEDIATION BOARD

HARRY R. HOGLANDER, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2014. (REAPPOINTMENT)

##### BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

CHARLES R. KORSMO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2011, VICE MICHAEL PRESCOTT GOLDWATER, TERM EXPIRED.

CHARLES R. KORSMO, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2017. (REAPPOINTMENT)

JOHN H. YOPP, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2011, VICE RAQUEL EGUSQUIZA, TERM EXPIRED.

JOHN H. YOPP, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2017. (REAPPOINTMENT)

MARCOS EDWARD GALINDO, OF IDAHO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING APRIL 17, 2014, VICE EDWARD ALTON PARRISH, TERM EXPIRED.

MARIA E. RENGIFO-RUESS, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING FEBRUARY 4, 2014, VICE JULIA L. WU, TERM EXPIRED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. MICHAEL J. LALLY III

## SENATE—Monday, May 23, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, source of enabling strength, sustain our Senators not only in the great moments but also in the repetitive and common tasks of life. Establish their work, strengthening them to honor You by serving others. Lord, make them agents of healing and hope as they help people live in greater justice and peace. Empower them to daily develop greater respect and submission to Your commands. Fill them with Your life-giving spirit so that they will feel greater compassion for those on life's margins. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 23, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will

be in a period of morning business until 3 p.m. today. During that period of time, Senators will be allowed to speak for up to 10 minutes each.

At 3 p.m. the Senate will resume consideration of the motion to proceed to S. 1039, the PATRIOT Act extension, and the time until 5 p.m. will be equally divided and controlled. At 5 p.m. there be a rollcall vote on the motion to invoke cloture on the motion to proceed to the PATRIOT Act.

Mr. President, this will be a busy week in the Senate. We have to renew the PATRIOT Act. It is not a perfect law, but it plays an important role in keeping our country safe. We also have to reauthorize the FAA bill, the Federal Aviation Administration bill.

We all know what will be the focus of this week's biggest debate and biggest headlines. The primary conversation this week will be about the Republican plan to kill Medicare. People are talking a lot about that plan because there is a lot of people have to fear.

The Republican plan would shatter a cornerstone of our society and break our promise to the elderly and to the sick. It would turn our seniors' health care over to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatment seniors get. It would also ask seniors to pay more for their health care in exchange for fewer benefits.

That is a bad deal all around. So it is easy to understand why the American people do not support it. Democrats, Republicans, and Independents do not support the plan to kill Medicare or to change it as we know it. I will not support it, and though the Republican House passed the Medicare-killing plan almost unanimously, sometimes it is difficult to tell where the Republican Party stands generally.

We all saw how quickly one prominent Republican Presidential candidate spun himself in circles last week. First, he called the plan for what it was—radical. He said it was “right-wing social engineering.”

Hours later, after Republicans jumped all over him, he reversed course and said he would support the plan to kill Medicare. Remember, he said it is “radical”; it is “right-wing social engineering.” And now suddenly he said it is OK. That is some real interesting gymnastics.

Another prominent Republican, one who serves in this body, has been all over the map as well. First, he said—in his words:

Thank God for the Republican plan to kill Medicare.

Then he said he was “undecided.” Now he says he opposes it. Well, tune

in tomorrow or maybe this evening to see if he changes his mind again. Our Republican colleagues cannot seem to believe the same thing today they said yesterday.

But when Democrats talk about Medicare, we still believe today the same thing we believed years ago, decades ago, generations ago. We believe in our responsibility to each other and especially those in their golden years. Forty-six years ago this summer, President Lyndon Johnson, a former majority leader of this body, signed Medicare into law. As he did so, he said the following:

Few can see past the speeches and the political battles to the doctor over there that is tending the infirm, and to the hospital that is receiving those in anguish, or feel in their heart painful wrath at the injustice which denies the miracle of healing to the old and to the poor.

Those injustices do not exist like they used to because of Medicare, but they still exist. Potentially, they are still out there. The old and the poor among us still seek help and healing, and it is still our responsibility to act not on political impulses but with human concern and compassion. It is still our responsibility not to be motivated by short-term politics but to be moved by the people who need Medicare, the people who count on the safety net to keep them from poverty, illness, and worse—death.

If we pay attention to those people, we will notice something else also. While Republicans are tripping over themselves trying to decide whether they want to kill Medicare, do you know who has not changed their minds at all? The American people. We are on their side. They have not wavered one inch. They have been as constant as the Republicans have been erratic. They have been consistent, and they have been clear: They do not want us to destroy their Medicare—their Medicare. We owe it to them to listen.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MINISTERIAL ARCTIC COUNCIL MEETING

Ms. MURKOWSKI. Mr. President, last week, I was honored to participate in a very historic trip to attend the seventh ministerial meeting of the Arctic Council in Nuuk, Greenland. I attended with Secretary of State Clinton, as well as Secretary of the Interior, Secretary Salazar.

The Arctic Council was founded in 1995. It is an intergovernmental association. There are eight member states within the territory that is contained within the Arctic Circle. The group includes Canada, Denmark, Finland, Iceland, Norway, Sweden, the Russian Federation, and the United States. There are also six permanent participants representing the indigenous people of the region.

The trip was historic for a couple reasons. It was the first time a Secretary of State had led the U.S. delegation to the Arctic Council meeting. The fact that not only Secretary Clinton led it as Secretary of State but she was joined by a second Secretary, the Secretary of the Interior, certainly made that historic. It was also the first time a Member of Congress had attended the Arctic Council meeting.

We met with Foreign Ministers of the eight Arctic Council nations and the representatives of indigenous groups to discuss issues that are related to Arctic governance, climate change, and environmental protection. We watched the Ministers sign a historic search-and-rescue agreement.

The Arctic Council also increased its organizational structure. They formed a standing Secretariat that will be established in Tromsø, Norway. They also established criteria for the admission of new observers to the Council. The People's Republic of China, Japan, the Republic of Korea, Italy, and the European Union are all seeking observer status to the Arctic Council, which might cause some to wonder why are all these non-Arctic nations interested in what is going on within the Arctic. I think that speaks to the evolving role of the Arctic in geopolitics in the world as we know it today.

The search-and-rescue agreement, the first ever legally binding agreement among Arctic states negotiated under the auspices of the Arctic Council, will strengthen the cooperation on search and rescue between Arctic states.

As the Arctic sea ice decreases, maritime activities are clearly on the rise in the Arctic. Aviation traffic is also on the rise as we see new polar aviation routes across the Arctic airspace in several directions. But limited rescue resources, challenging weather conditions, and the remoteness of the area render the operations difficult in the Arctic, making it very important that we have this coordination among the Arctic nations.

Under the agreement on the U.S. side, the Coast Guard will be the lead Federal agency for the search and rescue in the Arctic. While we applaud the role the Coast Guard plays historically—a very long, distinguished history of operating and conducting rescues in the Arctic—the current status of the Coast Guard's service and aviation fleets makes conducting search-and-rescue operations in the Arctic very challenging. With the scheduled decommissioning of the POLAR SEA, the Coast Guard will maintain only one—only one—heavy icebreaker in its fleet, and it is not expected to return to service until the year 2013. They are doing some work on that vessel. While the Coast Guard does have a medium-endurance icebreaker, the HEALY, the cutter is clearly not equipped to handle the thick, multiyear ice that is present within the Arctic.

On the aviation side of the Coast Guard operations, the Coast Guard C-130 aircraft stationed in Kodiak, AK, are the only aircraft in their inventory that are capable to make the direct flights to the Arctic.

To give some sense of the scope, here is a map of the Arctic. The United States is up here. Everything is upside down. I apologize for that, but that is the way the world is. Kodiak is an island off the southern part of the State. Barrow is down here. This is where the air assets are stationed in Kodiak. To get to any search-and-rescue operations in the Chukchi Sea, in the Beaufort off Barrow or Prudhoe, it is over 900 miles. It is the same distance as the distance between Washington, DC, and Miami. If there were an incident in Miami, the helicopters would have to fly from Washington to get there to provide for the rescue.

Given the often harsh weather conditions in the Arctic, combined with a lack of infrastructure to provide for any forward deploying basing of helicopters, the Coast Guard's C-130s possibly can provide the search part of the rescue, but it is very difficult to get to the rescue site. This lack of maritime resources and shore-based infrastructure to protect our aviation resources places the Coast Guard and the United States in a difficult situation in the Arctic. Without concerted efforts and a focused policy for the Arctic, the United States and our Coast Guard are going to continue to be ill-equipped to conduct the search-and-rescue oper-

ations that are going to become increasingly necessary as amounts of sea ice continue to diminish and the levels of maritime vessel traffic increase. As former Admiral Allen, former Commandant of the Coast Guard, would say: I cannot discuss too much about climate change, but I can tell you there is more open sea that I am responsible for in the Arctic. We are clearly seeing that.

It has been projected that a seasonal ice-free Arctic Ocean was decades away and that maritime shipping through the Northwest Passage, through the Northern Sea route above Russia and direct transit across the Arctic Ocean was going to be few and far between. But last year, Russia sent a large ice-breaking bulk tanker through the Northern Sea route and across the Arctic, carrying hydrocarbons bound for Asia. The Russian Federation has received 15 icebreaker escort requests to provide navigational support through the Northern Sea route for this year. Compare that to last year when they only had three requests. We can see the level of commerce stepping up.

Transit through the Northern Sea route or the Northeast passage, as it is also called, cuts 5,000 miles and 8 days off the Suez route between Europe and Asia. We can see why other nations would have an interest in what is going on up there. If they can cut their transit time, it is money and an opportunity for them.

Interest in the Arctic by both the general public, the media, and the Arctic and the non-Arctic nations continues to grow for many reasons. The Arctic is a vast area. We can see from the map it is essentially one-sixth of the Earth's landmass. It has a population within the Arctic area—this red line, if we can see it, is essentially all of the Arctic nations. In the governments that are contained within, there are some 4 million people who live in this region, with over 30 different indigenous people and dozens of languages. While the land is clearly massive in size and relatively barren, it is not like Antarctica, where there are no indigenous people and no governance. The eight Arctic nations are sovereign governments with laws that govern their land and their people.

The Arctic holds, clearly, vast amounts of energy. We have known this for some time. But until recently, the resources of the Arctic were deemed to be too difficult to access. They are covered with ice. They are difficult to access, and they are expensive to develop. With increasing access and high energy and mineral prices, the Arctic's wealth, which is estimated to contain approximately 22 percent of the world's remaining oil and gas reserves—22 percent of the world's remaining oil and gas reserves within the Arctic area—is obviously of great interest. It is now being actively explored and developed. Six of the eight

member nations of the Arctic Council are exploring or developing energy resources in their own waters.

This makes energy exploration perhaps among the more important and perhaps the most serious issues for Arctic policy as we move forward. This includes conventional oil and natural gas but also the methane hydrates and some of the less conventional forms. Offshore Alaska, we are estimating about 15 billion barrels of oil in a concentrated area of the Chukchi Sea, and over in the Beaufort Sea about 8 billion barrels.

We have suffered serious delays in exploration, but I am hopeful we will see exploratory wells prove up this next summer. While the U.S. Geological Survey tells us the region has the world's largest undiscovered oil and gas deposits, we also think it holds huge amounts of other minerals, such as coal, nickel, copper, tungsten, lead, zinc, gold, silver, diamonds, manganese, chromium, and titanium. The potential for the mineral resource is equally significant.

There is a natural and sometimes reflective tendency to question how in the world it can ever be safe or even economic to drill and produce in such harsh, misunderstood, and clearly distant environments. But it is happening. It is happening today, and the technology and the engineering behind some of the existing and proposed activities are advancing rather rapidly.

While we struggle in the United States with moving ahead with offshore development in Alaskan waters, our neighbors are rapidly moving forward on Arctic energy development. Russia, which is just 53 miles from Alaska's shoreline, is turning its eye to the Arctic's vast energy reserves as they are building the first offshore oil rig that can withstand temperatures as low as minus 50 degrees Celsius and then heavy packed ice around it as well. As their oil production is in decline, they are also reducing taxes and bureaucratic hurdles to encourage new oil development within the Arctic.

Norway has been exploring and producing energy in the Arctic the longest of the Arctic nations. They have found the way—led the way—for energy development and other activities, such as fisheries, to coexist. They also lead the world in developing technology to clean up oil in Arctic waters.

Energy development, as well as protection of the environment, must go hand in hand. It is as simple as that. I was pleased the Arctic Council announced the formation of a new task force that will negotiate measures for oilspill preparedness and response throughout the region. The decision to launch these negotiations is evidence of the strong commitment to proactively address emerging issues within the region and to create international protocols to prevent and clean

up offshore oilspills in areas of the region that are becoming increasingly accessible to exploration because of a changing climate.

One question I was asked seemingly everywhere I went when I was in Greenland was: What is the U.S. position on the Law of the Sea Treaty? When is the Senate going to move on this treaty? The U.S. delegation reiterated its support for the ratification of the Convention for the Law of the Sea. I happen to believe it is crucial that the United States be a party to this treaty rather than an outsider who hopes our interests are not going to be damaged. Accession to the Convention would give current and future administrations both enhanced credibility and leverage in calling upon other nations to meet Convention responsibilities. Given the support for the treaty by Arctic nations and the drive to develop national resources, the treaty will also provide the stability and the certainty that is vital for investment in our maritime commerce.

It should be pointed out that the United States is the only Arctic nation that is not a party to the Law of the Sea Convention. The treaty was first submitted to the United States for approval back in 1994. It has not been approved yet. Canada and Denmark joined the treaty in 2003 and 2004, respectively. But until the United States accedes to the treaty, it cannot submit its data regarding the extent of its extended continental shelf to the Commission on the Limits of the Continental Shelf established under the treaty. Without a Commission recommendation regarding such data, the legal foundation for ECS limits is much less certain than if the United States were a party to the treaty.

Russia submitted an extended continental shelf claim in 2002 that would grant them 460,000 square miles of the Arctic Ocean's bottom resources. We can see the green is Russia's extended Continental shelf, but this lighter green is the area Russia has submitted to the Commission. This is an area the size of the State of Texas, California, and Indiana combined. Denmark and Canada are also anxious to establish their own claims in the Arctic. Norway's claim is currently under review by the Commission on Limits of the Continental Shelf.

According to the U.S. Arctic Research Commission, if the United States were to become a party to the treaty, we could lay claim to an area the size of the State of California. So if you look again, Alaska—again, up on the top—this area here is the area that is within the United States EEZ, this 200-mile area. But this area here—an area again about the size of the State of California—is what our mapping indicates we would be able to submit a claim to the commission for if we were party to the treaty.

So this whole area, again, would be area the United States would be able to claim. If we fail to accede to the treaty, and we are sitting on the outside, we have no right to move forward with our claim. If we do not become a party to the treaty, our opportunity to make the claim and have the international community respect it diminishes considerably, as does our ability to challenge the claims of any other nation.

Some have described the scenario in the Arctic as a "race for resources" or even an "arms race." But after seeing the international cooperation at the Arctic Council, I believe what we have is an opportunity. This should be a race for cooperation, a race for sustainable management within the Arctic. The Arctic offers a great opportunity to work collaboratively. It is one area where the Obama administration can highlight the international cooperation in the implementation of its U.S. foreign policy. Think about what the administration is poised to do with the "reset" with Russia. I think the Arctic is a perfect area to do just that.

What does the future hold for the Arctic? I believe the pace of change in the Arctic absolutely demands greater attention be focused to the Arctic. It was music to my ears to hear the Secretary of State acknowledge the United States is an Arctic nation. We are an Arctic nation because of Alaska and its people. That was incredibly significant to hear that not only as a U.S. citizen but for the other Arctic nations to hear that statement from our Secretary of State.

The implications of the dynamic changing Arctic for U.S. security, economic, environmental, and political interests depend on greater attention, greater energy, and greater focus on the Arctic itself. But it will take robust diplomacy and very likely recognition, as Secretary Clinton has reminded us, that the interest in the Arctic is not just limited to the five Arctic coastal States or even the eight countries that make up the permanent members of the Arctic Council. It will take a level of cooperation, a level of collaboration to include the non-Arctic states as well. But I am pleased that ever so slowly the United States seems to be waking up to the fact that we are an Arctic nation and willing to take up the responsibilities as such.

I am confident with the leadership of the Members of Congress, the administration, and from the Arctic community at large, we can continue to highlight the strategic importance of the Arctic for the United States. I believe the Arctic Council meeting may be just the turning point for American leadership in the Arctic.

With that, Mr. President, I thank you for your attention, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SENATE BUDGET

Mr. SESSIONS. Mr. President, I am deeply concerned by our growing financial crisis and really deeply angered by the failure of this Senate to take any meaningful steps to address it. I am going to announce steps I will take to try to force this Senate to do its job since our Democratic leaders seem determined to prevent the people's work from being done.

As ranking member of the Budget Committee, I see quite plainly that the process the statutory act requires is not being followed at a time in which we have never faced a greater systemic long-term debt crisis as we face today. The act calls for a budget to be produced by April 15, the Budget Committee to have meetings by April 1, and here we are toward the end of May, about to recess, and we have not even had a hearing in the Budget Committee on the markup of a budget.

Budgets, of course, are able to be passed by a simple majority in the Senate, and they have given the majority party in the Senate the opportunity—really the responsibility—to set forth their vision about the financial future of America, to set forth their priorities, how they would conduct the people's business.

We know the House of Representatives met that deadline. They passed a historic budget. But the Senate has not done so. All we have seen from Majority Leader REID are political games, cynical games, distractions and gimmicks to avoid confronting the fiscal nightmare we are now facing. How else can you explain why, in the middle of the crisis, Democratic leaders have not even produced a budget, have not even allowed the committee to meet to work on one? We have not even met to mark up one. We are required by law to produce a budget in committee and pass that budget on to the Senate floor, but this process has been shut down. We have not produced a budget in 754 days. Let me repeat. This great Senate, in a time of financial stress and danger, has not passed a budget in 754 days and has, it appears, no intention of doing one this year.

Today I join with the newest member of our Budget Committee, Senator KELLY AYOTTE of New Hampshire, to send a letter to Senator REID, signed

by every Republican Senator in the Senate, pressing him to finally allow the Senate to begin work on a budget. But we are told in the media that the Democrats' refusal to put forth a budget is just good strategy, that it is best that they avoid putting a plan on paper.

Here is an excerpt from a recent article in the Wall Street Journal. Fittingly, the article is entitled "Democrats Unhurried in Work on Budget." I would say that is true. This is what the article said:

As a political matter, the Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items. Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They loath to give up that advantage by proposing higher taxes. Senate Democrats plan to hold a vote on the Ryan plan hoping to force GOP Senators to cast a vote on the Medicare overhaul that could prove politically difficult.

This is astonishing. It is the position of the great Democratic Party that their vision for deficit reduction is so unpopular or unfeasible that they won't even articulate it in public, let alone offer it up as a budget?

The heads of President Obama's fiscal commission warn that an economic crisis may be just 1 year or 2 years away.

That was the testimony they gave us in committee. It could be a year, a little sooner or a little later, said Erskine Bowles, Chairman of the commission, along with Alan Simpson, who said it could be 1 year, in his opinion, that we could have a debt crisis—not a little warning from people who spent months hearing witnesses and studying the debt situation facing our country. But it appears the leaders of the Senate would prefer to hide in the hills and take shots at Republicans from a distance. Is that what they prefer?

Chairman PAUL RYAN and the House GOP had put forward a plan to get this country out of a looming, Greek-like debt crisis, make our economy more competitive, and save Medicare for future generations. It is an honest, courageous plan that will improve the quality of life for millions of Americans and do the job short term and long term. It may not be perfect. I am not saying it is perfect. I am saying it is a serious plan, seriously considered, that confronts both long-term and short-term problems and reforms Medicare and puts it on a path to salvation. But all we hear are attacks.

By contrast, the budget the President sent forward doubles our national debt and puts our entire country at risk, even though the President promised it would "not add more to the debt" and have us "live within our means." Those were the President's words. In the 10 years of his budget, analyzed by the objective Congress-

sional Budget Office, they tell us the lowest single annual deficit out of those 10 would be \$740 billion—a stunning amount. They would average almost \$1 trillion. The last years—8, 9, and 10—of his 10-year budget do not show the debt going down but going back up to \$1 trillion. It was the most irresponsible budget that has ever been presented to this Nation. It is a stunning failure to lead at a time of financial crisis. It doubled the debt. It increased the debt over the projections of our baseline as it is. Instead of helping, it made it worse because it raised taxes and raised spending, and it raised spending more than it raised taxes.

So where do our colleagues in the Senate stand? They refuse to put forward their own plan. Last week, Senate Majority Leader REID said the Democrats don't need a budget. "There is no need to have a Democratic budget, in my opinion." He said it would be "foolish" to present one. The only thing that is foolish is violating the Congressional Budget Act in such a cynical attempt for political gain. The decision not to produce a budget is not a decision based on what is best for our country but based, as you can see from the quotes of the staffers and actually Senator REID's own quote—it was designed for political advantage.

The Ryan budget is honest. If anybody confronts the budget situation in an honest way, they know the budget is going to have to have some bad news. It is going to have to tell people things cannot continue as they are today but we are going to have to do better. We are going to have to reduce spending. So maybe for some people that is not popular. Isn't that what we are paid to do here, serve the national interest, tell the truth about what is happening in our country?

We find ourselves in the remarkable position this week of having Senate Democratic leaders bring forward not a Senate budget but bring forward the House Republican budget, only to vote it down while offering no alternative of their own. What a cynical ploy. Think about it.

Senator REID said we are going to bring up the House budget, we are going to vote on it, and every member of his caucus—I am sure he has already counted the heads—will vote no. It has no chance of passage. What good is that? The Senate has a statutory duty under the Budget Act to produce a budget. We have not even attempted to produce a budget. They will attempt to bring forward a budget they have no intention of working on, no intention of taking seriously, no intention of opening for amendment or discussion, with only one goal: to use their majority to vote it down.

I look forward to the chance to support the House budget. I look forward to casting a vote which says we will be getting our spending under control, we



will deal honestly with our budget challenges short term and long term. I look forward to voting for a budget that creates jobs, makes us more competitive, and deals honestly with the debt threats we have. But let's look at the bigger picture.

This week, the planned series of votes are designed by the majority leader to fail, of course. They are designed as a gimmick to distract attention from the Senate's failure to produce an honest plan. They are designed to keep this Senate from doing its job and defending this Republic from grave financial danger.

I, therefore, will not provide unanimous consent for any prearranged package of votes doomed to fail, intended to fail. Anyone can call up these budget votes, consistent with the rules, anytime they wish. But a package deal that wastes the Senate's time I cannot and will not support. The majority leader is wasting the American people's time. I am here to speak honestly and just tell the truth about that. That is the plain fact. It is a political gimmick that is going on.

Further, I will not agree to unanimous consent on any motion to adjourn for the Memorial Day recess. If we are going to close down this Chamber for another week without having produced a budget, without having even scheduled a committee hearing, then I am going to require we have a vote on it. Let's vote to go home, not having done the people's business.

PAUL RYAN is leading. Speaker BOEHNER is leading. The House Republicans are leading. They produced a document that can be defended, that has integrity, that deals with our short-term spending problem and our long-term spending problem. It is not perfect, of course. We have the opportunity to amend it. We have an opportunity to pass a budget of our own that might be different, but it will get us off the unsustainable path we are on. But our Democratic leader and the Democrats who control the Chamber are refusing to allow a budget to go forward. They are refusing to share with the American people the contents of the plan they say they have behind closed doors. They say they have one. We read in the paper they have one. Why don't we see it?

So on Memorial Day—a week from today—we honor those who have fallen serving their country. We honor the brave men and women who have risked and given everything for our freedom and our future. We truly do. We honor those who gave their last breath to preserve our way of life. But now that way of life is threatened by a tidal wave of debt that we refuse to confront. It is a debt we have created, that we are growing, and that is up to us to stop, to defeat. That the Senate would go into recess this week refusing to work on a budget or even hold a public meeting

on it, a further hearing on it, is unthinkable. Our soldiers serving overseas will not get the next week off. Why should the Senate get a week off after failing miserably to do its job?

My message to the majority leader is simple. If you object to the House GOP plan or to other Republican plans, then you must come forward with your own honest plan to prevent financial catastrophe and create a more prosperous future. Indeed, I close with this quote from the preamble to the fiscal commission report. This is what the Commission said because they anticipated just this kind of political difficulty. They anticipated that politicians in our country would do exactly what they are doing in the Senate—not what they did in the House where they faced up to their responsibility, but in the Senate.

This is the quote:

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from shared sacrifice and common purpose. The national interest, not special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra rule: Don't shoot down an idea without offering a better idea in its place.

That is exactly what the majority leader plans to do. He said: We don't need a Democratic budget. It would be foolish for us to produce one. We will just call up this House budget, and we will attack it, and with our Senate majority we will vote it down. But we won't produce our own. We won't produce any other alternative. We won't tell the American people our vision, our prospects and plans for getting this country off the unsustainable debt path we are on, and on to the path of prosperity and job creation and a sound financial future.

Why don't we hear it? Because, as one of their staff members said in that comment to the press, it might cause somebody to object. We might have, as the debt commission warned, advocacy groups and special interests that are going to rise up and complain about anything that reduces a dime they receive.

I don't deny in an honest budget, at this point in history where 40 cents of every dollar we spend is borrowed, we are going to have to reduce some spending. Some good people are going to feel it. It is not going to be easy, just as the debt commission told us. Don't we know that? I thought that was what the past election was about last fall, when the big spenders and the high tax guys got shellacked. I thought Congress would get the message. Apparently, we haven't.

The debt situation we are in is not a little biddy thing. Under the Congressional Budget Office analysis of President Obama's 10-year budget, last year

we had interest on the debt that we now owe of a little over \$200 billion. According to the analysis of the President's budget, in the tenth year, under his plan, the Congressional Budget Office estimates we will pay, in interest in 1 year, \$940 billion.

I know that is so much money it is difficult for people to comprehend it. Alabama is a State of just about average size. We are about one-fiftieth of the United States. We have a lean government that is making some serious reductions in spending because our money hasn't come in, and we have a constitutional amendment that requires the budget to be balanced. But the amount of money that Alabama spends on its general fund obligations is \$1.8 billion.

The President's proposed budget would cause the interest on our debt in 1 year to reach \$940 billion. That is way above what we spend on defense. It is way above what we spend on Medicare. It is the fastest growing item in the entire spending plan of America—interest on the debt—and that is why Mr. Bernanke, Chairman of the Federal Reserve; Mr. Alan Greenspan, our former Chairman; the International Monetary Fund; Moody's; the debt commission have all told us this is unsustainable. We can't continue. We won't go 10 years without a debt crisis. When asked, Mr. Bowles said we could have one in 2 years, maybe a little sooner, maybe a little later. I am not predicting that, but if we don't change that could happen, as expert after expert has said.

I hope in the days to come we will see the regular order be reestablished. Our colleagues say they have a budget. Let's bring it forward. Let's see it. They certainly have talked to the Democratic Members on more than one occasion about it. Maybe it has some good things on which we can agree. It will probably have some things that I wouldn't agree on, but it can be passed. We can't filibuster a budget. Under the Budget Act, it can be passed by a simple majority. A budget can clear the Senate, but you know what. If we produce a budget, we have to tell the American people what we really believe about America, where we really want this country to go.

Do we want a limited government, or do we want to continue to expand a larger and larger government? Do we want to raise taxes more and more to sustain spending levels higher than we have ever had them before? Is that what we want? Or are we prepared to make reductions in spending? One or the other has to occur. We cannot continue to borrow at the rate we are borrowing, which every expert has told us.

I am challenging the leaders of this Senate who asked for the job, who asked to be leaders of the Senate, asked to be given the responsibility of helping guide our Nation, to step forward and provide leadership.

In the joint statement issued by Mr. Bowles and Alan Simpson that they submitted to the Budget Committee, they said our Nation has never faced a more predictable financial crisis. In other words, to the experts they heard from and who testified to them, and then based on their own study, they believe we are heading to a financial crisis. Alan Greenspan recently said: I think the Congress will, at some point, pass reform in spending and budget matters. The only question is, Will they pass it before or after the debt crisis hits.

So we have that challenge. We have no higher duty than to protect our people from a foreseeable danger.

That danger is out there. We are heading right toward it. It is time for us to stand up and be honest and face that challenge. I do not believe business as usual should continue, and I will object to it so far as I am able.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1038, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Mrs. FEINSTEIN. Mr. President, as Chairman of the Senate Intelligence Committee, I wish to point out that as of Friday, there are three provisions of the Foreign Intelligence Surveillance Act which are going to expire. Those three provisions are something called roving wiretaps, the "lone wolf" provision, and the business records authorities.

Because of prior discussions, let me point out up-front that this does not include national security letters, just these three provisions: "roving wiretaps," the "lone wolf," and the "business records" authorities.

I very much appreciate that the majority leader and the Republican leader have come together in agreement to bring this legislation to the Senate floor. Because of its importance, particularly at this point in time, I hope we will be able to conclude this business and see that those provisions are extended for 4 years before Friday.

Many of us strongly believe when it comes to national security there should be no partisan divide, only strong bipartisan support. So this measure should receive a substantial vote this afternoon, and the Senate will pass it quickly this week before these key authorities expire.

But before talking about the substance of the legislation, let me describe the context in which this debate occurs.

Three weeks ago, on May 1, the United States carried out a risky, complicated but ultimately successful strike against Osama bin Laden, in Abbottabad, Pakistan. The strike was the culmination of nearly a decade-long intelligence operation to locate bin Laden.

Similar to most complex intelligence challenges, finding bin Laden was the product of multiple intelligence sources and collection methods. It was a seamless effort led by the CIA, with important contributions from the National Security Agency—known as the NSA—and the National Geospatial Intelligence Agency as well.

The intelligence mechanisms that are employed in counterterrorism operations are carefully and regularly reviewed by the Senate's Intelligence Committee, which I have the honor to chair. Some are also overseen by the Judiciary Committee, on which I also have the pleasure to serve.

These intelligence tools include the provisions of the Foreign Intelligence Surveillance Act, or FISA, and in particular the three provisions that will, if not reauthorized, expire on May 27. Again, they are the "roving wiretap," the "lone wolf," and the "business records" authorities.

The point is, we as a nation rely on certain secret sources and methods to protect our national security. Most other nations do as well.

It is also important to note that the strike against bin Laden, while a critical strategic blow to al-Qaida, is also very likely to lead to reprisal attempts.

There have been calls for attacks against the United States after the bin Laden strike from al-Qaida in Pakistan, from al-Qaida affiliates in Yemen and North Africa. There is a very real concern that radicalized Americans here at home may contemplate violence in response to extremists' calls for retribution.

So this is a time of heightened threat—maybe no specific threat, but certainly heightened threats. We are

seeing attacks in Pakistan carried but by the Taliban in reprisals for this attack as well. Therefore, this is a time when our vigilance must also be heightened.

Key officials from the National Counterterrorism Center, the FBI, and the Department of Homeland Security recently described to the Intelligence Committee in closed session how their respective agencies have heightened their defensive posture over these very concerns.

Clearly, this is a time where every legal counterterrorism and intelligence-gathering mechanism should be made available.

It is also a time to seize the opportunity to further disrupt al-Qaida. The assault on the bin Laden compound netted a cache of valuable information: papers, videos, computer drives, and other materials about al Qaeda's vision and al-Qaida's plans.

The intelligence community established an interagency task force to go through that material as quickly as possible. I am hopeful that previously unknown terror plots will be identified and information leading to the location of terrorists will be found.

Authorities such as the three provisions set to expire this Friday may well prove critical to thwarting new plots and finding terrorists. They must be renewed.

Let me describe the three provisions in more detail.

First, the roving wiretap provision. Roving wiretap authority was first authorized for intelligence purposes in the PATRIOT Act in 2001. But, as you know, it has been used for years in the criminal context. This provision, codified in the Foreign Intelligence Surveillance Act, provides the government with the flexibility necessary to conduct electronic surveillance against elusive targets.

Let me explain.

In most cases under FISA, the government can go to the Foreign Intelligence Surveillance Act Court—which I will describe in detail later—and present an application to tap the telephone of a suspected terrorist or spy. The FISA Court reviews the application and can issue an order—basically a warrant—to allow the government to tap a phone belonging to that target.

We all know in this day and age there are disposable or "throw away" cell phones that allow foreign intelligence agents and terrorists not only to switch numbers but also to throw away their cell phone and replace it with another.

This roving wiretap authority allows the government to make a specific showing to the FISA Court that the actions of a terrorist or spy may have the effect of thwarting intelligence. In other words, they make one appearance, and the government can thus seek, and the FISA Court can authorize, a roving wiretap so that the FBI,

for example, can follow the target without having to go back to the Court for each cell phone change.

Instead, the FBI in this case would report to the FISA Court, normally within 10 days of following the target to a new cell phone, with information on the fact justifying the belief that the new phone was or is being used by the target.

The Justice Department has advised Congress that the authority to conduct roving electronic surveillance under FISA has proven to be operationally useful in some 20 national security investigations annually. So this provision is both used and very necessary in this day of throw away cell phones.

“Lone wolf” authority allows the government to request, and the FISA Court to approve, intelligence collection against non-U.S. persons who engage in international terrorism but for whom an association with a specific international terrorist organization may not yet be known.

Let me explain that more clearly. All other FISA surveillance and searches must be focused on a target who the government can prove is tied to a foreign power. Before the government can tap a phone or search a residence, it needs to demonstrate that the person it is after is an employee or spy or otherwise working for, or on behalf of, another country or terrorist group.

The “lone wolf” provision, which was added to FISA in 2004, recognizes that there may be cases where the government suspects an individual inside the United States of plotting a terrorist attack, but it has not been able to link that individual to al-Qaida or al-Shabaab or another group.

The “lone wolf” authority allows the government to go to the FISA Court, show why it believes a non-U.S. person is engaging in terrorist activity, and get a warrant to begin surveillance. This is not done without a warrant from the court.

It also allows for court-ordered collection against a non-U.S. target who may have broken with a terrorist organization while continuing to prepare for an act of international terrorism.

The Justice Department has advised Congress that although to date it has not used this authority, the “lone wolf” authority nevertheless fills an important gap in U.S. collection capabilities, and we have it if we need it.

The recent case of Khalid Aldawsari, a Saudi national arrested in Texas this past February, shows why the “lone wolf” authority is necessary. Aldawsari was arrested after the FBI learned he had purchased chemicals and conducted research needed to make improvised explosive devices. He had also researched bomb targets, including dams in California and the Dallas residence of former President George W. Bush.

Unlike other recent terrorists such as Najibullah Zazi, David Headley, and

Umar Farouk Abdulmutallab, Aldawsari was not identified on the basis of his connections to foreign terrorist organizations or known at the time of his capture to be working with one.

He is better described as one of the most recent cases of individuals already inside the United States who became radicalized and committed to carrying out terrorist attacks.

So it is for this kind of threat that the “lone wolf” authority is important and why we should extend this mechanism. It is also this kind of threat that the Intelligence Community is now especially worried about, as people inside the United States may be spurred to action in retaliation for the strike against bin Laden.

If the FBI, the Department of Homeland Security, or a State or local police officer identifies someone building bombs, it is necessary to move quickly and not take time to research a possible connection to al-Qaida before we use FISA authorities to learn what they are up to and when and how they might strike.

Business records. The third authority covered by this legislation is known as the business records provision and provides the government the same authority in national security investigations to obtain physical records that exist in an ordinary criminal case through a grand jury subpoena.

Business records authority has been used since 2001 in FISA to obtain driver’s license records, hotel records, car rental records, apartment leasing records, credit card records, among other business records. This is the way in which you track a target.

Let me note that while the debate over this provision has often focused on library circulation records, the Justice Department has advised the Congress that this authority has never—let me stress, never—been used to obtain library circulation records.

We had a big debate on this issue when this came up before. In fact, this authority has never been used for library circulation records.

The Department has informed Congress that it submitted 96 applications to the FISA Court for business record orders last year. The Justice Department has further stated that some business records orders have been used to support critically important and highly sensitive intelligence collection activities. The House and Senate Intelligence Committees have been fully briefed on that collection.

Information about this sensitive collection has also been provided to the House and Senate Judiciary Committees, and information has been available for months to all Senators for their review.

The details on how the government uses all three of these authorities are classified and discussion of them here

would harm our ability to identify and stop terrorist attacks and espionage. But, if any Senators would like further details, I encourage them to contact the Intelligence Committee, or to request a briefing from the Intelligence Community or the Department of Justice.

I have mentioned several times the role of the Foreign Intelligence Surveillance Court. Let me describe what it is and how it operates.

The FISA Court is a special court. It is a set of 11 Federal district judges, each of whom is appointed by the Chief Justice to specifically serve in this role.

At least one of these judges is available at all times—24 hours a day, 7 days a week, 365 days a year—for the purpose of reviewing government applications to use FISA authorities and, if those applications are sufficient, approving them by issuing an order, or what we call in the criminal law, a warrant.

The FISA Court judges meet in closed session to review classified declarations, and they provide very careful judicial review of the government’s applications. They are expert in this specialized area of the law, as is their expert staff. The Department of Justice officials who come before them take all care in making their case and presenting their facts, as they do in public court.

The American people should understand that these FISA authorities we are discussing now—the ability to conduct electronic surveillance and obtain records—are subject to strict oversight. A Senate-confirmed official in the Department of Justice, the Attorney General, the Deputy Attorney General, or the Assistant Attorney General for National Security—one of these three must, and I stress “must”—sign off on every application before it goes to the Foreign Intelligence Surveillance Court.

Federal judges, also confirmed by the Senate, must approve the applications. Inspectors General conduct regular audits and oversight as well. The Senate and House Intelligence and Judiciary Committees receive regular reports from the Department of Justice on the use of all FISA authorities, as well as receiving briefings from the FBI and NSA on the implementation of the FISA statute.

The three authorities reauthorized by this legislation have been debated extensively on this floor and in this Congress since it came up for reauthorization in 2009. Every single national security official to come before the Congress in the past 2 years has testified that these provisions are vital to protect America and has urged their reauthorization.

It is very hard, I think, to vote no in the face of what we have been told in classified intelligence briefings and in

hearings by officials from the Attorney General's office and the FBI. In fact, the Attorney General and the Director of National Intelligence wrote a letter to Leaders REID and MCCONNELL today, May 23, expressing their strong support for immediate enactment of the legislation we are now considering.

I ask unanimous consent to have printed in the RECORD the letter to Leaders REID and MCCONNELL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE DIRECTOR OF  
NATIONAL INTELLIGENCE,  
Washington, DC, May 23, 2011.

Hon. JOHN BOEHNER,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. NANCY PELOSI,  
*Democratic Leader,*  
*U.S. House of Representatives,*  
*Washington, DC.*

Hon. MITCH MCCONNELL,  
*Republican Leader, U.S. Senate,*  
*Washington, DC.*

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL: We write to express our strong support for the immediate enactment of S. 1038, the Patriot Sunsets Extension Act of 2011. The Foreign Intelligence Surveillance Act ("FISA") is a critical tool that has been used in numerous highly sensitive intelligence collection operations. Three vital provisions of FISA are scheduled to expire after May 26, 2011: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that may thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides expanded authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides the authority under FISA to target non-United States persons who engage in international terrorism or activities in preparation therefor, but are not necessarily associated with an identified terrorist group (the so-called "lone wolf" definition).

In the current threat environment, it is essential that our intelligence and law enforcement agencies have the tools they need to protect our national security. At this critical moment there must be no interruption in our ability to make full use of these authorities to protect the American people, and we urge the Congress to pass the bill and send it to the President without delay.

The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

JAMES R. CLAPPER,  
*Director of National*  
*Intelligence.*

ERIC H. HOLDER, Jr.,  
*Attorney General.*

Mrs. FEINSTEIN. Mr. President, let me point out there are no recent cases of abuse of these authorities. The oversight system in place is working well, I believe, to ensure they will not be misused in the future.

Other Senators may come to this floor and talk about abuses of these authorities, but I ask: Listen carefully. Chances are they are talking about a section not involved here, and that is the section on national security letters. Again, national security letters are not touched by these three sections we are renewing today. And I would say, yes, they were abused or misused in years past, according to the Inspector General of the Department of Justice. But corrections have been made since then. More important, for today's debate, there is nothing we are taking up today that affects or mentions national security letters at all. I have referred to this now four times. I hope I get it across because that is what happened last time. People came to the floor and what they were talking about was not in the legislation we were considering.

Earlier this year, I was pleased to support legislation authored by Senator LEAHY that would have made several improvements in the Foreign Intelligence Surveillance Act in order to better protect privacy rights and civil liberties. But the point I made during the debate in the Judiciary Committee, which I will repeat again today, is that many of these changes were in fact codifying practices the Department of Justice and the FBI have already implemented.

For example, minimization. That was one of the issues that was discussed. It has been implemented. The departments are listening and they have taken action where there have been problems.

I wish to say to my colleagues that the Executive Branch has heard and has acted to address concerns about intrusions into Americans' civil liberties. The Office of the Inspector General in the Department of Justice has indicated that it intends to conduct audits and inspections to ensure that the implementation of FISA is in full compliance with the law, and its reports will be carefully reviewed by this Congress and by the concerned Committees. A major priority of the Intelligence Committee in this house is to conduct regular oversight on the use of FISA authorities, and we will continue to do so after passage of this legislation.

Just about every administration official to testify on the use of FISA authorities has also noted the importance of having the stability that comes with a long-term extension. Since December of 2009, when we reauthorized it, the Congress has passed three short-term extensions—one for 2 months, one for 1 year, and one for 3 months. By lurching from one sunset to another, we run the risk that these intelligence authorities are going to expire. And here we are, once again, because they expire this Friday. I hope Members will think about that. I hope Members who want to produce an amendment will think

about the following: if they expire, what if NSA and other agencies have to stop, what if they miss something, what if something happens? That is a responsibility that rests on the heads of everyone in these two bodies—both the House of Representatives and the Senate of the United States.

Even short of that, by providing one short-term extension after another—2 months here, 1 year there—we create significant uncertainty in the Intelligence Community as investigators are not sure whether these tools will continue to be available to them. I can tell you as one who tries to read the intelligence rather assiduously, we are not out of harm's way, and no one should believe that. People are plotting every day as to how they can send someone into the United States or convince someone in the United States to attack this country. The only thing we have to prevent this from happening is intelligence and an FBI that is now able to institute surveillance and tracking on possible targets in this country.

We have come, in my judgment, a long way since 9/11, but we cannot leave this country vulnerable. We must keep our guard up, and we must see that the intelligence mechanisms that are available to this country are able to be utilized.

This legislation now extends the use of these sunset authorities for 4 years, to June 1, 2015. In view of the times we are living in, I believe this is appropriate, it is keeping with past practice, and it is vital to the protection of the United States of America.

The PATRIOT Act was enacted in October 2001, and several provisions were up for review and reauthorization 4 years later in December of 2005. After some significant debate, some of the original PATRIOT Act provisions were made permanent and some were reauthorized for another 4 years until the end of 2009.

The lone-wolf authority that expires later this week was first enacted in the Intelligence Reform Act of 2004 and placed in the same sunset cycle as the roving wiretap and business records authorities. Under the model established in the PATRIOT Act and a subsequent reauthorization, a 4-year extension from the end of May 2011 to June 2015 is based on sound congressional practice.

These issues have been debated and re-debated and should be very familiar to Members, especially those on the Intelligence and Judiciary Committees.

I hope we are now going to act in the best interests of protecting the people of this country from another terrorist attack by passing this legislation so our intelligence professionals can continue to keep this Nation secure.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

## ISRAEL

Mr. COATS. Mr. President, tomorrow morning, a joint meeting of Congress will welcome the Prime Minister of Israel, Benjamin Netanyahu. It will be the first time Mr. Netanyahu has addressed us in a joint meeting and only the second time any Israeli Prime Minister has addressed a joint meeting of Congress as its sole participant. It is a distinct and historic honor and an opportunity for us to hear again how crucial is the friendship between our two countries.

In anticipation of this event, I rise today to provide for the record a restatement of how I and I believe many—if not most—of my colleagues regard the State of Israel and America's relationship with that fellow democracy. This restatement is necessary, I believe, in light of the President's speech last week regarding the Arab spring. The President's remarks, which were delivered just before President Netanyahu's arrival in the United States, seriously muddled the waters of American policy toward Israel and its troubled region.

The Arab spring has sprung from new popular forces throughout the region, overthrowing regimes that have lost their relevance to the aspirations of their people and threatening to overthrow others.

The administration's response has been slow in coming, awkward and confused in efforts to explain its policies, inconsistent in its application from one part of the region to another, less than transparent in keeping Congress informed, and, worst of all, ineffective in its guidance and understanding of events.

The protests in the Middle East and northern Africa have justifiably stirred the emotions and aspirations of the Palestinian people as well. They also seek a homeland of their own—secure, stable, and living at peace with their neighbors. I agree this must be among our goals.

Some believe the groundswell of newly vibrant popular aspirations throughout the region and also among the Palestinian people is both an opportunity and a requirement for new, creative steps in the search for permanent peace. There may be an opportunity here that leads to progress if we and the parties to this long-lasting dispute make the right choices, if we seek the right ends, and if we pursue them with the right strategies. Unfortunately, the administration seems to misunderstand the nature of this opportunity. In a speech last week regarding the wave of startling events in the Middle East and north Africa, President Obama attempted to bring coherence and purpose to his administration's policy. Instead, the speech brought more confusion, potentially jeopardizing prospects for successful negotiations with Israel and the Palestinian Authority.

In my opinion, it was a serious mistake for the President to preemptively declare U.S. support for a Palestinian state based on the 1967 borders. President Obama's declaration that Israel must withdraw to the 1967 border lines is unprecedented and unwelcome. It is true that previous administrations have referred to the 1967 lines in the past as a reference point in the negotiations. It is also true that the Palestinians regard the 1967 lines as their beginning negotiating position. But even with the President's vague acknowledgment of the need for land swaps, no U.S. administration has previously adopted the Palestinian position as its official policy until now. How can this help restart negotiations or drive those negotiations toward a successful conclusion?

As Mr. Netanyahu made clear to the President in the Oval Office, a return to the 1967 lines is "indefensible" and ignores new realities on the ground. This position was formally recognized by President Bush in 2004 and must now be reconfirmed by any realistic assessment of what steps are possible and necessary. The object of negotiations is to reach a successful and durable conclusion. But ignoring core realities cannot possibly contribute to progress and almost certainly would make it more difficult to achieve the ends we all seek.

Another major concern I have following the President's speech is the reaction to the recent announcement by the Palestinians of a reconciliation agreement between the Fatah party of President Abbas and Hamas, the organization in charge in Gaza. This alleged reconciliation is likely a product of the Arab spring and the conviction the Palestinian people need to unite to pursue their common goals. This is understandable, and it would be acceptable if not for the character of one of the main factions to this reconciliation. Make no mistake about it, Hamas is a terrorist organization. This group denies Israel its right to exist, it fires thousands of rockets into Israeli territory and bemoans the death of bin Laden, one of its heroes.

If this announced reconciliation of these Palestinian groups actually occurs, the Palestinian Authority of President Abbas—to which the United States, by the way, provides considerable financial and humanitarian support—that administration, that group—that reconciliation will have President Abbas and that group dancing with the devil. It cannot, therefore, expect further support from us, nor can it expect support or understanding in any negotiations with Israel intending to create a Palestinian state. Indeed, we must not require or even encourage Israel to resume negotiations with an entity that includes terrorists. But how did the President address this in his speech? He did not mention the

word "terrorist" or provide any solid indication that negotiations with Hamas would be impossible. He did not affirm that American assistance to Palestinians, including Hamas, would be off the table. He merely said that "Palestinian leaders will have to provide a credible answer" to these remaining questions.

The President also suggested in his speech that the Israelis and Palestinians should focus negotiations in a restarted peace process on the issues of borders and security, leaving the highly contentious issues of Jerusalem and refugees for later. This type of step-by-step negotiating has been rejected many times in the past, and for good reason. Land is Israel's main asset in negotiations. Even if it were possible to reach agreement on land and borders first, Israel would be left in a far weaker position to negotiate the subsequent matters. The refugee issue is perhaps the most difficult of all because acceptance of the Palestinian position would completely change the nature of Israel as a Jewish state. Indeed, it is a fundamental survival issue that cannot be addressed in isolation.

Finally, I am deeply concerned that the President's speech may be used by the Palestinians to support their campaign to bring a unilateral declaration of statehood from the United Nations General Assembly. A declaration of statehood to the U.N. is a dangerous step that would preempt any new negotiations and make sure sufficient efforts are stillborn. If this strategy succeeds at the U.N. General Assembly this September, it will bring serious legal, political, diplomatic, and practical negative consequences for both a real peace process and Israel itself. Let me restate that. If this strategy succeeds at the U.N. General Assembly in September, it will bring serious legal, political, diplomatic, and practical negative consequences for both a real peace process and for Israel itself.

The Palestinian Authority has already announced its intentions to challenge Israeli interests in U.N.-related bodies, including the International Court. This tactic contradicts Palestinian claims that it seeks to bring new energy to the peace process. Peace will come through realistic negotiations, not through unilateral preemptive action.

The President did say he opposes this Palestinian effort to isolate and delegitimize Israel at the U.N., and this was a welcome statement. But supporting a Palestinian state based on 1967 borders, speaking out against alleged reconciliation with the terrorist faction Hamas in only the most ambiguous terms, and promoting a policy that deprives Israel of its strongest negotiating advantage will only encourage the Palestinian Authority to pursue its U.N. strategy.

These confusing, inconsistent messages from the administration will not

be enough to dissuade other U.N. member states from supporting the Palestinian maneuver. I fear the United States will then be forced to veto a resolution in the Security Council that our very own errors have helped bring about. Then we will find ourselves in a minority in the General Assembly and watch as the prospect of substantive negotiations become far more distant than before. Both we and our Israeli friends deserve better than this.

Mr. President, this is not a statement of support for Israel only. It is true that we are united with Israel by permanent bonds of history, values, shared strategic interests, culture, and religious heritage, but those bonds are also the principal reason we have for pursuing a peace that is durable and just for everyone in the region. That peace will serve the Palestinian people just as much as Jewish Israel. A secure homeland of their own, at peace, will be the result of real negotiations based on shared understanding of what is possible. Americans, the people of Israel, and the Palestinian people all have a shared common heritage in prophetic religions. Hopefully, prayerfully, together we can aspire to a common purpose to bring enduring peace to the birthplace of that heritage.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Montana.

Mr. TESTER. Mr. President, today we have an opportunity to do away with a law that tramples on our constitutional rights, a law that invades the privacy of law-abiding Montanans and Americans, a law that deprives Americans of some of our most basic constitutional protections. This week, we are voting on whether to extend the USA PATRIOT Act 4 more years as is. There is a chance we may not have an opportunity to change it even though we know our freedoms have been compromised. That is a shame because without that possibility, we are not having the debate the American people deserve. If our only choice is to vote yes or no, I am going to vote no.

Long before I ever got to the Senate, the PATRIOT Act was sold to us as a toolbox of sorts to give U.S. agents the tools they need to find and fight and kill terrorists. But what we got from the PATRIOT Act was a law that is killing the rights guaranteed by our Constitution. It gives our government full authority to dig through our private records or tap our phones or make a case against us without even having a judge's warrant even if we are doing nothing wrong.

When we give up our rights, we give way to exactly what the terrorists wanted for us—fewer freedoms and invasion of privacy. It is not acceptable in Montana, and I am sure it is not acceptable anywhere else. More than 200 years ago, one of our Founders in this country warned us with this statement:

Those who give up essential liberty to purchase a little temporary safety . . . deserve neither liberty nor safety.

Words of wisdom from Benjamin Franklin.

Our Nation was founded on the principles of freedom and privacy and a government we control, and we got exactly the opposite with the PATRIOT Act.

Mr. President, here is a copy of the Constitution. It is a reminder of our rights as Americans, guaranteed by the fourth amendment:

The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

The folks who wrote the PATRIOT Act were here in Washington long before I ever thought about running for the Senate, but you don't have to be a lawyer to know the PATRIOT Act flies in the face of the fourth amendment. It allows the government to conduct secret proceedings even when those proceedings don't need to be held in secret. If we allow that to happen, we toss government transparency and accountability out the window.

As we have seen over the past few weeks, our military forces and intelligence agents are the most effective in the world. They are the best because they have the most powerful tools in the world to do their jobs. They are better trained than anyone else, they are stronger and smarter, and they do what they do without needing to snoop around into the private lives of law-abiding Americans and Montanans, without having to dig up our medical records or our gun records or our library records or our Internet records.

The PATRIOT Act is bad policy that has put us on a very slippery slope. Our constitutional freedoms are too valuable to give even an inch of them away, especially when we don't need to.

Without the opportunity to make real changes to this bill, our only option is to say yes or no to extend this law 4 more years. If we do, an entire decade will have passed without the opportunity to make any adjustments. Not having the opportunity to amend the PATRIOT Act, I am going to vote against it in the name of freedom and privacy, and I urge all my colleagues to do the same because it is the responsible way to vote.

Mr. President, I yield the floor, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we find ourselves again in the situation of extending key provisions of the PATRIOT Act. These three provisions are roving wiretaps, section 215 business record orders, and the lone wolf provisions. These are all very important tools used to investigate and prevent terrorist attacks. They have been reauthorized a number of times, but it seems that in recent years we have been discussing only very short term extensions of these critical tools.

That is why I will support the cloture motion on moving to S. 1038 today. This legislation provides a 4-year extension of the three expiring provisions without any substantive changes to the existing authorities, and I believe there do not need to be changes to existing authorities.

Regardless of my support for today's cloture vote, and support for the 4-year extension, I wish my colleagues to know that I support a permanent extension of the three expiring provisions. Having this debate year after year offers little certainty to agents utilizing these provisions to combat terrorism. It also leads to operational uncertainty, jeopardizes collection of critical intelligence, and could lead to compliance and reporting problems if the reauthorization occurs too close to the expiration of the law, and we are getting very close to that.

If we believe these tools are necessary—and I clearly stated I believe they are necessary—we need to provide some certainty as opposed to simply revisiting the law year after year. Given the indefinite threat we face from acts of terrorism, it is my view that we should permanently reauthorize these three expiring provisions.

This position is supported by agents on the ground using these tools every day. I have letters of support from the Federal Bureau of Investigation Agents Association supporting a permanent reauthorization of the three expiring provisions. The Federal Law Enforcement Officers Association also supports a permanent extension of the provisions. In fact, a very important passage of that letter states:

Crimes and terrorism will not sunset and are still targeting our nation and American citizens. Just like handcuffs, the PATRIOT Act should be a permanent part of the law enforcement arsenal.

Then we have another letter from the Society of Former Special Agents of the FBI, and that letter says:

We urge Congress to reauthorize the expiring provisions of the PATRIOT Act permanently and without restrictions as the three expiring provisions are essential to the security of our country.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



FEDERAL BUREAU OF INVESTIGATION  
AGENTS ASSOCIATION,  
Arlington, VA, April 4, 2011.

Hon. HARRY REID,  
Majority Leader, U.S. Senate, Washington, DC.  
Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate, Washington, DC.  
Hon. CHARLES E. GRASSLEY,  
Ranking Member, Committee on the Judiciary,  
U.S. Senate, Washington, DC.

DEAR SENATORS: On behalf of the FBI Agents Association ("FBIAA"), I write to submit our views on the importance of permanently reauthorizing three provisions of the USA PATRIOT Act ("PATRIOT Act") that are set to expire on May 28, 2011. The FBIAA is comprised of over 12,000 active duty and retired Agents nationwide and is the only professional association dedicated to advancing goals of FBI Agents. On their behalf, we urge the Senate to act now to permanently reauthorize these critical criminal investigation and counterterrorism tools without new restrictions.

We also respectfully request that the Senate limit its debate and consideration to the expiring PATRIOT Act provisions. Introducing new issues at this time could unnecessarily impede progress toward reauthorizing these important national security provisions, potentially leading to their expiration. Given that there appears to be bipartisan and bicameral consensus for reauthorization of the provisions in their current form for some time, expiration is easily avoidable.

#### THE THREE EXPIRING PATRIOT ACT PROVISIONS SHOULD BE PERMANENTLY REAUTHORIZED WITHOUT NEW RESTRICTIONS

Since 9-11, federal law enforcement officers have effectively and properly used three tools provided for in the PATRIOT Act and related laws: the "business records" provision; the "roving wiretap" provision; and the "lone wolf" surveillance provision. These provisions were developed and adopted in response to the 9-11 terrorist attacks. Placing new restrictions and requirements on them now, after ten years of using and relying on these tools, is antithetical to our primary post-9-11 national security goal—giving federal law enforcement officers greater tools and more authority to detect and thwart terrorist attacks.

#### BUSINESS RECORDS

The "business records" provision, §215 of the PATRIOT Act, allows criminal investigators to apply to the U.S. Foreign Intelligence Surveillance Act Court ("FISA Court") for an order requiring the production of business records related to foreign intelligence operations or an investigation of international terrorism. However, no such order can be issued if it concerns an investigation of a U.S. person based solely on that person's exercise of his or her First Amendment rights.

This provision is used in specific and rare circumstances. As described by the Congressional Research Service, the business records tool has been used "sparingly and never to acquire library, bookstores, medical or gun sale records." Despite infrequent use, the ability to access important bank and telephone records early in investigations is critical for criminal investigators, and leaders in the Department of Justice and FBI have called the business records provision a "vital tool in the war on terror."

Given that the provision has been used carefully and effectively in investigations of

terrorist threats, the FBIAA recommends that Congress reauthorize the provision on a permanent basis without new limitations on its use.

#### ROVING WIRETAPS

The "roving wiretap" provision, §206 of the PATRIOT Act, allows the FISA Court to issue wiretap orders that are not linked to specific phones or computers if the target of the surveillance has demonstrated an intent to evade surveillance.

The ability to obtain orders for roving wiretaps is absolutely essential to contemporary criminal and counterterrorism investigations because criminal networks have become technologically advanced and will often purchase and use many different mobile phones and computers in order to evade wiretap efforts. Law enforcement experts have described the roving wiretap provision as a "very critical measure" that has likely helped detect and prevent numerous terrorist plots, including the plots to bomb multiple synagogues in New York City.

The FBIAA urges Congress to permanently reauthorize the roving wiretap authority and not subjected it to further restrictions. The roving wiretap provision is already constrained by the requirements that the FISA Court find probable cause that the target intends to evade surveillance to issue a wiretap and that minimization procedures are followed regarding the collection, retention, and dissemination of information about U.S. persons. A failure to reauthorize the roving wiretap provision, or encumbering the provision with unnecessary restrictions, would jeopardize the utility of an important investigative tool and could, as Director Mueller has warned, open up a "gap in the law that . . . sophisticated terrorists or spies could easily exploit."

#### LONE WOLF SURVEILLANCE

The "lone wolf" provision, found in Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, allows the FISA Court to issue surveillance orders targeted at non-U.S. persons who engage in international terrorism or activities in preparation of terrorism. Prior to enactment of the lone wolf provision, the FISA Court could only issue surveillance orders if specific evidence linked the targeted person to a foreign power or entity. This meant that non-U.S. individuals acting alone could not be effectively investigated, even if evidence indicated that they were preparing to engage in international terrorism.

The FBIAA recommends that Congress permanently reauthorize the lone wolf provision because it is a necessary part of combating contemporary terrorist threats. Communication between individual terrorists and foreign governments and/or entities is often very scarce, precisely because these groups are seeking to evade detection by law enforcement. The lone wolf provision gives law enforcement an important tool to obtain the information necessary to ensure that threats are thwarted before terrorists can act on their plans. Congress should not allow this provision to expire, or place additional restrictions on the provision, as such actions could make it more difficult to investigate and prevent dangerous terrorist threats. Recent developments in the evolution of the threat of "homegrown terrorism" have only served to underscore the necessity of maintaining this provision under current law.

#### EFFORTS TO ADD NEW REQUIREMENTS TO THE EXPIRING PROVISIONS AND NATIONAL SECURITY LETTERS (NSLs) SHOULD BE REJECTED

The FBIAA is concerned that the much-needed reauthorization of the expiring PA-

TRIO Act provisions may fall prey to a larger debate over NSLs and new limitations on the ways that these investigative tools can be used. We are aware that concerns about NSLs and PATRIOT Act provisions have been used by some to fuel skepticism about privacy protection. To be clear, Agents undergo extensive training regarding the use of these tools, and we are confident that Special Agents use them to help protect the public from terrorist and criminal threats.

Regardless of one's position on new restrictions, it is clear that including them in the reauthorization debate could make it almost impossible for Congress to act before May 28, 2011. Allowing these provisions to expire should not be an option. Terrorists will not wait patiently for Congress to re-adopt provisions like these before advancing their efforts to harm our country. Investigators should not have their hands tied when Congress could easily meet the reauthorization deadline in a bipartisan and bicameral fashion.

Moreover, Congress should not rush to codify limitations and new procedural requirements without carefully considering the implications of specific legislative language on national security matters and ongoing investigations. Simply including these changes in the reauthorization effort is inconsistent with a robust consideration process.

The FBIAA appreciates your leadership on these issues and consideration of these comments. We urge Congress to reauthorize the expiring provisions of the PATRIOT Act permanently and without new restrictions. FBI Agents work diligently to detect, investigate, and apprehend individuals and groups that are engaged in a constant and evolving effort to craft and execute plots against the United States and its citizens. The three expiring provisions are essential in our fight against terrorism.

Sincerely,

KONRAD MOTYKA,  
President.

FEDERAL LAW ENFORCEMENT  
OFFICERS ASSOCIATION,  
March 2, 2011.

Hon. PATRICK LEAHY,  
Chairman, Senate Judiciary Committee, U.S.  
Senate, Washington, DC.

Hon. CHARLES GRASSLEY,  
Ranking Member, Senate Judiciary Committee,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: As you know, the Federal Law Enforcement Officers Association (FLEOA) is the largest non-partisan, non-profit law enforcement association and represents 26,000 federal law enforcement officers from 65 federal agencies. In light of tomorrow's scheduled Executive Business Meeting, we are writing to provide you with our views regarding reauthorization of the USA PATRIOT Act.

To date, many recently thwarted terrorist and criminal plots can be directly attributed to provisions within the USA PATRIOT ACT. The ACT offers federal law enforcement officers the tools to stay ahead of violent criminals and better protect the American citizenry from threats.

FLEOA sees this ACT as a crucial tool for law enforcement, and not something that should periodically expire. The work of federal law enforcement officers has only been enhanced by the USA PATRIOT ACT.

Provisions dealing with:

- 1) Online Surveillance
- 2) Roving Wiretaps and Pen Registers

- 3) Issuance of John Doe Warrants
- 4) Accessing financial records and documents
- 5) Records related to books and magazine purchases
- 6) Issuance of National Security Letters

In light of today's threats, the provisions listed above are tools that help thwart terrorists and criminals that use identity theft, the internet, cellular and satellite phones, phishing schemes, social networking and wire transfers to effect their crimes.

FLEOA has the distinct honor of representing the interests of law enforcement officers from the Department of Justice, Department of Homeland Security, Department of State, Department of Defense, Department of Treasury, and a host of other agencies. These officers are the front-line guardians that protect our nation from terrorist and criminal threats.

They are the ones that have used the provisions in the USA PATRIOT ACT to keep Americans safe under the microscope of strict agency and judicial oversight that has yet to be cited as "excessive" by any investigation or Inspector General's office.

We would caution the Congress to be careful when trying to re-work any provisions that have already been in effect and have been effective.

Additionally, the short-term authorization is at odds with a Congress that in the aftermath of the September 11th, 2001 attacks asked "Why didn't we know and connect the dots?"

The USA PATRIOT ACT removed some of the barriers in place that prevented us from "connecting the dots" and any retraction of those provisions is in effect, "re-building the wall."

Crime and terrorism will not "sunset" and are still targeting our nation and American citizens. Just like handcuffs, this tool should be a permanent part of the law enforcement arsenal and arguments to the contrary are flawed and do not recognize the reality that the ACT has worked.

In this nation, law enforcement is guided by an ethos to act "beyond reproach" and Office of Inspector General's offices ensure that is the case.

FLEOA greatly appreciates Congress' willingness to continue this important national security tool and would caution you not to put it "back behind the wall" and is willing to work with Congress as any proposed legislation moves through it.

Respectfully yours,

J. ADLER,  
*National President.*

SOCIETY OF FORMER SPECIAL  
AGENTS OF THE FEDERAL BUREAU  
OF INVESTIGATION, INC.,

*Dumfries, VA, April 14, 2011.*

Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate,*  
*Washington, DC.*

DEAR SENATOR MCCONNELL: On behalf of the 8000 members of the Society of Former Special Agents of the Federal Bureau of Investigation, Inc. (Society), I am writing to inform you of our views on the importance of permanently reauthorizing the three provisions of the USA Patriot Act that are going to expire on May 28, 2011.

The Society was established in 1937 as a fraternal, educational, and community-minded organization to preserve the FBI heritage in a spirit of friendship, loyalty, and goodwill. As former and current Special Agents of the FBI, our members are experienced in conducting sensitive criminal and

terrorism investigations and are concerned that any changes to the Patriot Act that would make it more difficult for the FBI to fulfill its vital mission of protecting our great country.

In addition, the Society is concerned with the introduction of new issues that could impede progress in reauthorizing these important national security provisions. In view of the bipartisan consensus for the reauthorization of these provisions, we hope that their expiration can be avoided.

Since the September 11, 2001 terrorist attacks, Federal law enforcement agencies have effectively utilized three sections of the Patriot Act, namely: the business records provision, the roving wiretap provision and the lone wolf surveillance provision. These sections of the Patriot Act were adopted in direct response to the September 11th attacks and to place new restrictions and requirements on these sections of the Act would be detrimental to Federal law enforcement efforts to detect and prevent future terrorist attacks.

The business records provision, Section 215 of the Patriot Act, allows investigators to apply to the U.S. Foreign Intelligence Surveillance Court (FISA Court) for an order requiring the production of business records related to foreign intelligence operations or investigations of international terrorism. This provision is utilized in specific and rare circumstances. However, despite the infrequent use of the provision, the ability to access important records early in an investigation is critical. The Society strongly encourages Congress to reauthorize this provision on a permanent basis without limitations.

The roving wiretap provision, Section 206 of the Patriot Act, allows the FISA Court to issue wiretap authorizations that are not linked to specific telephones or computers if the subject of the surveillance demonstrates an intent to evade the surveillance. It is absolutely essential to provide this ability to investigators due to the advanced technology employed by criminal and terrorism networks and conspirators. The failure to reauthorize this provision of the Patriot Act or encumber the provision with restrictions would jeopardize the importance of this valuable investigative tool.

The lone wolf provision, Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, provides the FISA Court with the authority to approve surveillance of non-U.S. persons acting alone or not linked to a foreign entity who are engaged in international terrorism or activities in preparation of terrorist acts. The lone wolf provision provides law enforcement with an important tool to obtain necessary information to prevent dangerous terrorist acts from occurring. The Society strongly encourages Congress not to allow this provision to expire or place restrictions on the provision that would weaken this vital investigative tool.

The Society respects and appreciates your leadership on these important issues. As former and current Special Agents of the FBI, our members are very concerned with any changes to the Patriot Act that would make it more difficult for the FBI and other Federal law enforcement agencies to investigate terrorists and their threats to our nation. We urge Congress to reauthorize the expiring provisions of the Patriot Act permanently and without restrictions as the three expiring provisions are essential to the security of our country.

Sincerely,

LESTER A. DAVIS,  
*President.*

Mr. GRASSLEY. Mr. President, in addition to agents on the ground, we have heard strong support for extending the expiring provisions of the PATRIOT Act from members of the Bush and Obama administrations. We have heard testimony from the Director of the FBI, the Attorney General, and the Director of National Intelligence about the strong need to reauthorize these provisions. These same offices have recommended extending the provisions regardless of political ideology as both Republican and Democratic administrations have backed the extensions.

The 4-year extension we are voting on today is a step in the right direction. Extending the three expiring provisions without any substantive amendment that would restrict or curtail the use of these tools is very important, given the recent actions that led to the death of Osama bin Laden. Now is not the time to place new restrictions and heighten evidentiary standards on critical national security tools.

A lot has been said about these provisions and, unfortunately, most of what has been said is incorrect. Congress enacted these provisions and reauthorized them in 2005 following the 9/11 Commission Report, which criticized the way our agents failed to piece together clues; in other words, to connect the dots. Since that time, the three expiring provisions have provided a great deal of information to agents who have helped thwart terrorist attacks.

Let's be very basic. What is terrorism about? It is about killing people living in Western Europe and North America. They don't like us, they want to kill us, and we have to prevent that. They can make continuous mistakes and not get their job done, but once the FBI makes a mistake and lets one of them get away it is a victory for the opposition. We can't afford a failure.

Examples along the lines that we can't have these failures: In testimony before the House Judiciary Committee, Subcommittee on Crime, Terrorism, and Homeland Security, Robert Litt, the general counsel of the Office of the Director of National Intelligence, testified that a section 215 order was used as part of the investigation by the FBI into Khalid Aldawasare, who was arrested in Texas recently. It was later revealed in a criminal case that he was purchasing explosive chemicals and bombmaking components online and had scouted targets in Texas.

Mr. Litt also testified that section 215 orders were utilized to obtain hotel records in the case where a suspected spy had arranged lodging for intelligence officers. He also discussed the roving wiretap provision and how it is used to help agents track foreign agents operating inside the United States who switch cellular phones frequently to avoid being caught. These examples are limited not because the

authorities aren't valuable, but because of how sensitive the investigations are that utilize these authorities.

While the need for keeping personal and national security matters classified may prevent the open discussion of further examples in this setting—on the floor of the Senate—it is important to note that these provisions are constantly under strict scrutiny by the inspector general at the Department of Justice and by congressional oversight. In fact, in a March 2008 report, the Justice Department inspector general examined the FBI's use of section 215 orders and found: "We did not identify any illegal use of section 215 authority." Further, there are no reported abuses of the roving surveillance authority, and the lone wolf provision has not yet been utilized, so it is without abuse as well.

While I agree these three provisions should be subject to strict scrutiny from inspectors general and Congress, that oversight authority already exists in the law and does not require amendments to these tools to achieve the goal of oversight. As such, it is important that Congress reauthorize these provisions quickly and without amendment.

I urge my colleagues to vote in support of the cloture motion on the motion to proceed to S. 1038 because it provides a clean reauthorization of these very vital tools for 4 years without substantive changes. In other words, if it ain't broke, don't fix it. While 4 years is a far cry from the permanence that I believe is necessary on these provisions, it does provide more certainty and predictability than continuing to pass short-term extension after extension.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, there has been a lot of discussion of the PATRIOT Act, and we are told basically that we wouldn't be able to capture these terrorists if we didn't give up some of our liberties, if we didn't give up some of the fourth amendment and allow it to be easier for the police to come into our homes. We were so frightened after 9/11 that we readily gave up these freedoms.

We said: Well, the fourth amendment is not that important. We will just let the government look at all of our records, and we will make it easier for the government to look at our records.

The question we have to ask, though, is whether we would still be able to catch terrorists by using the fourth amendment as it was intended and having the protections of the fourth amendment. What we have to ask ourselves is, think about the worst person in our communities. Think about someone accused of murder or rape or a pedophile. We think of these people, and do we know what happens if some-

one is accused of that? Even if it is 3 o'clock in the morning and they want to get their records or they want to go into their houses, they call a judge. This is something very important. They get the warrants almost all the time. But it is one step of protection. What we have is the protection where we don't have police officers writing warrants to come into our houses. They have to have it reviewed by a judge.

What we have done through the PATRIOT Act is taken away some of the protections of the fourth amendment. The fourth amendment says we need to name the person and the place to be searched. We have taken away those protections. The fourth amendment says we need to have probable cause. We have taken that away and made it to, if it is relevant, or we think they might be related to it.

Originally, the FISA Court lowered the standards somewhat on the fourth amendment, but it recognized that it was lowering the standard and was careful. We had secret courts set up, and the FISA Court was the court that dealt with things that had to do with national security or terrorism or intelligence. The information was kept secret so we didn't let everybody in the world know the name, but the name had to be divulged to the judges. Well, those who argue that we have to have the PATRIOT Act, or we have to do this or we will not be able to stop terrorism, they need to explain why the FISA Court did tens of thousands of search warrants and never turned any down. In fact, the history before the PATRIOT Act was no search warrant had ever been turned down.

So do we want to give up our liberties in exchange for more security? Franklin said those who give up their liberty in exchange for security may end up with neither.

Right now, if someone has a Visa bill that is over \$5,000 and chooses to pay for it over the phone, which is a wire transfer, the government is probably looking at their Visa bill. They don't have to show probable cause, and they don't have to have a judge's warrant. This does apply to U.S. citizens. Often they will tell us: Oh, it is only foreign terrorists we are looking at. They want us to feel good about allowing them to spy. But this spying is going on by the tens of thousands and even by the millions.

With regard to these suspicious activity reports, we have done over 4 million of them in the last 10 years. We are now doing over 1 million a year. These suspicious activity reports, all the trigger is—it doesn't have to have anything to do with terrorism. The trigger is just that someone has over \$5,000 that they have transferred by bank account.

We say, well, the courts have decided our bank records aren't private. Well,

the hell they aren't. They should be private. If someone looks at my Visa records, they can tell whether I go to the doctor and what kind of doctor I go to. They can conceivably tell what kind of medication I am on. They can tell what kind of magazines I read. They can tell what kind of books I order from Amazon. Do we want a government that looks at our Visa bill? Do we want a government that looks at all of our records and is finding out what our reading habits are?

One of the provisions applies to library records. Do we really want the government to go and find out what we are reading at the library?

We now have a President who is wanting to know where a person has contributed before they do work for the government. Do we really want that kind of all-encompassing government that is looking at every record from top to bottom and invading our privacy?

There is another aspect of these so-called national security letters. These are basically warrants that are written by FBI agents. No judge reviews them. This is specifically what James Otis was worried about when he talked about general warrants that weren't specifying the person or the place and that were written by police officers. This is a problem because this is—we depend on the checks and balances in our society. We never want to give all of the authority to either one group of Congress or to the President or to police or judges. We have checks and balances to try to prevent abuse.

Some have said, well, if one has nothing to hide, why do you care? The thing is, it will not always be angels who are in charge of government. We have rules because we want to prevent the day that may occur when we get somebody who takes over our government through elected office or otherwise who is intent on using the tools of government to pry into our affairs, to snoop on what we are doing, to punish us for our political or religious beliefs. That is what we don't ever want: to let the law become so expansive.

We have to realize we can still get terrorists. We get rapists and murderers every day by calling a judge.

That is what I am asking for. I am asking that we go through and obey the fourth amendment. Many conservatives have argued that, well, they love the second amendment. Some liberals say, well, they love and will protect the first amendment. Do you know what. If we do not protect the entire bill of rights, we are not going to have any of it. If we want to protect our right to own a gun, we need to protect our gun records from the government looking at our gun records and finding out whether we have been buying a gun at a gun show.

We need to protect our privacy. If we want to protect the first amendment,

we have to have the fourth amendment. In fact, we specifically had to go back there. The original PATRIOT Act said we could not even consult with our attorneys. We could not even tell our attorneys. We were gagged from telling our attorneys.

Even now, though, one may say: I do not know if they have investigated me. Do you know why? Because they tell our phone company, if they are looking at our phone records right now or our Visa records, it is against the law for Visa or the phone company to tell us that. It is hundreds of thousands of dollars of fines and jail time. It is 5 years in jail if our phone company tells us they have been spying on us.

Some of this does not even require a letter from government. Some of it is done by the banks. The suspicious activity reports, we have simply told the bank: Here, anybody who deals in cash, anybody who has over a \$5,000 wire transfer or who deals in large amounts of money—it is incumbent upon the bank to spy on their customers now.

This is a real problem, and I think we need to have some argument and debate in our country over these things. Some want to have these things permanently. They want to permanently give up their fourth amendment protections, and I disagree strongly. Not only would I let these expire, but I think we should sunset the entire PATRIOT Act and protect our liberties as intended by our Founding Fathers.

James Otis was an attorney in Boston, and he wrote about these things they called, in those days, writs of assistance. These were general warrants. The king would write them—or actually they were written by soldiers here. They did not name the person to be searched or the place, and they were used as a way to have the king have his way with the people and to bully the people.

The idea of general warrants is what sorely offended our Founding Fathers. That is why we got the fourth amendment. The fourth amendment was a product of a decade or more of James Otis arguing cases against the British Government.

But the question we have to ask ourselves when thinking about these issues is, is it so simple that we can just say: Well, I am either against terrorism or I am going to let terrorists run wild and take over the country. One can be opposed to terrorists. We can go after terrorists. We can go after murderers and rapists and people who commit crimes. But we can do it with a process that protects the innocent.

I think so far they say we have looked at 28 million electronic records. We have looked at 1,600,000 text messages. We have 800,000 hours of audio. We have so much audio they do not even listen to it all. Twenty-five percent of what they have recorded of our phone conversations is not listened to

because they do not even have time to listen to it.

My point would be that we are eavesdropping on so many people it could be we are missing out and not targeting. Just like at airports—every one of us is being searched in the airport. We are not terrorists, and we are no threat to our country. Why are we not looking for people who would attack us and spending time on those people? Why do we not go to a judge and say: This person we suspect of dealing with this terrorist group. Will you give us a warrant?

Why don't we have those steps? Instead, we are mining and going through millions of records. I think we are overwhelmed with the records that we may well be doing less of a good job with terrorism because we are looking at everyone's records.

The bottom line is, I do not want to live in a country where we give up our freedoms, our privacy. I do not want to live in a country that loses its constitutional protections of us as individuals. We do have a right to privacy. We have a right not to have the government reading our Visa bills every month. We do have rights, and we should protect them. We should not be so fearful that we say: Well, I am a good person. I don't care, just look at my records. If we do, we are setting ourselves up for a day when there will be a tyranny, when there will be a despot who comes into power in the United States and who uses those rules for which we said: Oh, well, I don't have anything to hide.

What happens when someone takes over who believes one's religion is to be combatted, who believes one's political beliefs and literature should be combatted? What happens when that day comes?

We cannot give up our liberty. If we do, if we give up our liberty and we trade it for security, we will have neither.

So I rise in opposition to the cloture motion. I will be offering amendments to the PATRIOT Act this week, and we will be having a real debate about how we can stop terrorism but also preserve freedom at the same time.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in support of invoking cloture on the motion to proceed to S. 1038, the PATRIOT Sunsets Extension Act of 2011.

In 4 days, on May 27, three FISA provisions—the lone wolf, roving wiretap, and section 215 business records authorities—will expire unless Congress acts to reauthorize them.

The House has been working on a bill, H.R. 1800, that would make the lone wolf provision permanent and extend the other two provisions until December 2017. Senators FEINSTEIN and

LEAHY have sponsored bills that would, among other things, extend all three provisions until December 2013.

It seems to me that S. 1038, with its extension of the three sunsets until June 1, 2015, is a reasonable compromise. Although I believe each one of these tools should be made permanent, this bill will ensure that our intelligence professionals have the tools they need to keep our Nation safe.

There is little disagreement that these provisions should and must be reauthorized. FBI Director Robert Mueller has testified repeatedly that each one of these provisions is important to both national security as well as criminal investigations. But their importance does not end there. Because of enhanced information-sharing rules and procedures other parts of the intelligence community, such as the National Counterterrorism Center and the National Counterproliferation Center, often depend on the information collected under these provisions. Losing or changing these authorities could adversely impact the intelligence community's ability to analyze and share important national intelligence information.

According to Director Mueller, with all the new technology, it is easy for a terrorist target to buy four or five cell phones, use them in quick succession, and then dump them to avoid being intercepted. He has testified that the ability to track terrorists when they do this is "tremendously important." I could not agree more because it is pretty obvious those guys are up to something, and it is not good. Our enemies often know our own laws better than we do. They understand the hoops and hurdles the government must clear to catch up to or stay ahead of them.

Keep in mind the FBI cannot use a roving wiretap until a court finds probable cause to believe the target is an agent of a foreign power. Some critics claim the provision allows the FBI to avoid meeting probable cause as surveillance moves from phone to phone. This claim is simply not accurate, as every roving wiretap must be approved by a FISA Court judge.

If a target changes their cell phone and the FBI moves to surveil the new phone, the court is notified of that change. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while this authority is a tremendous asset for the FBI and has been used 140 times over the past 5 years, it poses no additional civil liberties concerns, and it should be renewed without delay.

With regard to section 215, the Business Records Act, over the past several years the rallying cry against the PATRIOT Act has centered on section 215 FISA business records authority. Section 215 allows the FBI to seek FISA

Court authority to obtain business records, such as hotel information or travel records. As with each one of the expiring provisions, the FBI must meet the statutory standard of proof.

The inspector general from the Department of Justice conducted several audits of the FBI's use of section 215 orders and found no abuses of the authority. Director Mueller testified that the business records sought by the FBI in terrorism investigations are "absolutely essential to identifying other persons who may be involved in terrorist activities."

The lone wolf provision: The sole expiring provision under the PATRIOT Act that has not been used by the FBI, prompting some critics to demand its repeal, is the lone wolf definition of an agent of a foreign power. Recent events have demonstrated that self-radicalizing individuals with no clear affiliation to existing terrorist groups are a growing threat to national security. The lone wolf provision provides a counter to that threat, at least in the cases of a non-U.S. person who is not readily identifiable with a particular foreign power.

The lone wolf provision is a necessary tool that will only need to be used in limited circumstances. It is kind of like those "in case of emergency break glass" boxes that cover certain fire alarms and equipment. While we may not use it too much, we will certainly wish we had it when the right situation comes up.

In conclusion, I am grateful for the leadership of Senators REID and MCCONNELL on this crucial piece of legislation. This bill will ensure that our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions.

Our Nation has been fortunate to have not suffered a sequel to the 9/11 attacks, and much of the credit goes to the dedicated work of our intelligence and law enforcement professionals. We owe them not only our thanks but the recognition that their jobs are as difficult as it is, and we should not be taking any steps that will make their responsibility to protect this country any more difficult.

Mr. President, I urge a vote in support of invoking cloture on the motion to proceed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1038, a bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

Harry Reid, Dianne Feinstein, Bill Nelson, Amy Klobuchar, Jeff Bingaman, Richard Blumenthal, Mark R. Warner, Sheldon Whitehouse, Benjamin L. Cardin, Kay R. Hagan, Kent Conrad, Charles E. Schumer, Joe Manchin III, Sherrod Brown, Mark L. Pryor, Jeanne Shaheen, Joseph I. Lieberman, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mr. PRYOR), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. BENNET) and the Senator from Illinois (Mr. DURBIN) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BLUNT), the Senator from Massachusetts (Mr. BROWN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. LEE), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO), the Senator from Alabama (Mr. SHELBY), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea," and the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 8, as follows:

[Rollcall Vote No. 75 Leg.]

#### YEAS—74

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Grassley     | Menendez    |
| Ayotte     | Hagan        | Mikulski    |
| Barrasso   | Harkin       | Moran       |
| Bingaman   | Hatch        | Murray      |
| Blumenthal | Hoeven       | Nelson (NE) |
| Boozman    | Hutchison    | Nelson (FL) |
| Boxer      | Inouye       | Portman     |
| Burr       | Isakson      | Reed        |
| Cantwell   | Johanns      | Reid        |
| Cardin     | Johnson (SD) | Roberts     |
| Carper     | Johnson (WI) | Rockefeller |
| Casey      | Kerry        | Schumer     |
| Chambliss  | Kirk         | Sessions    |
| Coats      | Klobuchar    | Shaheen     |
| Coburn     | Kohl         | Snowe       |
| Collins    | Kyl          | Stabenow    |
| Conrad     | Landrieu     | Thune       |
| Coons      | Lautenberg   | Toomey      |
| Cornyn     | Leahy        | Udall (CO)  |
| Crapo      | Levin        | Udall (NM)  |
| DeMint     | Lieberman    | Warner      |
| Enzi       | Lugar        | Webb        |
| Feinstein  | Manchin      | Wicker      |
| Franken    | McCain       | Wyden       |
| Gillibrand | McConnell    |             |

#### NAYS—8

|        |           |         |
|--------|-----------|---------|
| Baucus | Merkley   | Sanders |
| Begich | Murkowski | Tester  |
| Heller | Paul      |         |

#### NOT VOTING—18

|            |           |            |
|------------|-----------|------------|
| Alexander  | Corker    | Pryor      |
| Bennet     | Durbin    | Risch      |
| Blunt      | Graham    | Rubio      |
| Brown (MA) | Inhofe    | Shelby     |
| Brown (OH) | Lee       | Vitter     |
| Cochran    | McCaskill | Whitehouse |

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. President, I ask the RECORD show that had I been present for vote No. 75, I would have voted "yea" on the motion to invoke cloture on the motion to proceed to S. 1038. I unfortunately missed the vote after being unavoidably detained due to mechanical issues with U.S. Airways flight No. 2039.

Mr. BENNET. Mr. President, I unfortunately experienced a travel delay on my way back to Washington this evening and was unable to make tonight's procedural vote on whether to reauthorize a portion of the PATRIOT Act. My plane was late, and the Senate had to close the vote at 6 to ensure that 30 hours of postcloture time expires by midnight tomorrow night. Keeping to this schedule is important since three provisions of the USA PATRIOT Act are scheduled to expire later this week.

Had I been present, I would have voted "yea." I would thus ask to let the RECORD reflect that I would have voted "yea" on Recorded Vote No. 75.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Wisconsin. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEBT CEILING

Mr. JOHNSON of Wisconsin. Mr. President, I come to the Senate floor for the second time because I am highly concerned.

For the last 31 years, I have been running a manufacturing business in Oshkosh, WI. During all of that time, I have been a very careful observer about what has been happening here in Washington. I have been watching how broken and unworkable our government has become. I have been here now for 4½ months. Nothing I have seen has changed my mind. Our political process here in Washington is broken.

So here is my specific concern: There seems to be a growing assumption in this town that eventually—probably at the very last minute—some kind of grand bargain is going to be struck and we will actually increase the debt ceiling limit. That would be great. It will be absolutely great if that would happen—if the administration would get serious and work with Republicans to actually address the serious fiscal issues that face this Nation. But I am not so sure we can count on that.

The fact is the Democrat-controlled Senate has not passed a budget for 754 days. I don't believe we need any further evidence that our budget process in this Chamber is broken. So, in my mind, not raising the debt ceiling is a very real possibility. I am afraid this administration is totally ignoring that possibility. It appears it has absolutely no plan B. It has no contingency plan.

As I mentioned, I have been running a business for the last 31 years. When you run a business, things often do not go according to plan. Every day, millions of American businessmen and businesswomen try to anticipate the problems on the horizon. They develop contingency plans in case those problems arise. That is what responsible leaders do. Government should be no different.

But instead of being responsible, this administration seems to be making a concerted effort to scare the American public and scare the markets in a very transparent attempt to force Republicans in Congress to increase the debt ceiling without enacting the structural budget and spending reforms we need to make to prevent this Nation from going bankrupt. Instead of scaring the markets, the administration should be seeking to calm the markets by devel-

oping a contingency plan just in case the debt ceiling is not increased in time. That would be the prudent thing to do. That would be the responsible thing to do.

So, today, I am calling on President Obama to begin planning ahead so that failure to raise the debt ceiling does not immediately turn into a totally unnecessary crisis.

Mr. President, I yield the floor.

#### MORNING BUSINESS

#### WOMEN VETERANS

Ms. MIKULSKI. Mr. President, I want to take this opportunity to salute the women who have served in the U.S. Armed Forces and honor the sacrifices they have made for our country.

Long before they were welcomed as members of the military, women played an important role in supporting our troops. Since the American Revolution, women have tended to the wounded and provided care to our soldiers. In the early 20th century, women answered the ultimate call to duty and began to serve proudly in our Armed Forces.

These early women veterans were trailblazers, creating new opportunities for the women that follow in their footsteps. They gave all that they could to protect and defend our country, often without the same recognition given to their male counterparts. Today, women serve at all levels of the armed services as combat pilots, medical care professionals, engineers, and police officers.

There are over 1.8 million women veterans in the United States and the role of women in the armed services continues to grow. Over 212,000 women have served actively in Iraq and Afghanistan. More than 120 women soldiers have sacrificed their lives and many more have been wounded. These women have played an integral role in our military's success, working closely with ground combat troops.

Women have been and continue to be a vital part of the military. Their bravery and patriotism is without question. Their contributions demand recognition. We must pay tribute to those women veterans who answered the call to defend America.

On behalf of myself, and speaking for the thousands of women who have benefited from their example, I would like to recognize and thank the women who have served our country, proudly and with honor.

#### FOR-PROFIT EDUCATION COMPANIES

Mr. HARKIN. Mr. President, during my floor speech last Thursday on for-profit education, I neglected to insert a letter into the RECORD. I ask unani-

mous consent that the following letter from Apollo Education Group be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### APOLLO GROUP, INC. STATEMENT FOR THE RECORD

Apollo Group, Inc. respectfully submits this response to the statement delivered today by Senator Tom Harkin on the issue of military educational benefits.

During this statement, Senator Harkin cited a complaint submitted by a student at the University of Phoenix in April 2009. As part of the U.S. Senate Committee on Health, Education, Labor and Pension's investigation into for-profit higher education, Apollo Group voluntarily produced this complaint and the documents relating to its resolution, along with tens of thousands of pages of additional documents on a wide range of subjects. Apollo Group remains committed to cooperating with the Committee's investigation.

University of Phoenix is the largest private university in North America, serving a current population of over 400,000 students. As with any institution of higher learning, the University receives complaints from its students. It takes those complaints very seriously and works hard to investigate and address students' concerns in a timely, efficient, and appropriate manner. The University's Office of Dispute Resolution administers an industry-leading dispute resolution process to investigate and resolve complaints like the one referenced by Senator Harkin.

Notwithstanding the charges cited by Senator Harkin, it is important to consider the facts of this particular complaint and how it was investigated and resolved by the Office of Dispute Resolution. Specifically, the documents reveal that this student was dissatisfied because he or she did not receive a degree one year after enrollment. After diligent inquiry, the Office determined that the student's grievance stemmed from the University's denial of the student's request to waive certain curriculum requirements based on credits received from another institution fourteen (14) years earlier. That denial was based on a determination that those prior credits were outdated and not equivalent to the credits required as part of the applicable curriculum at the University. The Office did not find any evidence that the student had been promised that he or she would complete the degree program within one year, as the student alleged. Further investigation has determined that the student did complete the degree program at the University, based on educational coursework that met current academic standards, and received a degree within a year after filing the complaint and within two years of entering University of Phoenix.

Senator Harkin pointed out that the student who filed this complaint is a veteran who attended University of Phoenix on the GI Bill. The University is committed to serving the needs of its military and veteran students and believes that it provides an accessible and flexible option for this segment of its student population. The University has long served military students, resulting in its recognition as a military friendly school by GI Jobs, civilianjobs.com, and, most recently, Military Advanced Education in their Third Annual Guide to America's Top Military-Friendly Colleges and Universities.

University of Phoenix's service of military students is driven by its mission to provide



access to higher education for historically underserved populations. The University takes this mission extremely seriously and strives continually to improve the experience and opportunities for the many thousands of students who have put their trust in it. The University's industry-leading dispute resolution process is a critical component of its efforts in this regard and demonstrates the University's commitment to the needs and concerns of its student body.

#### TRIBUTE TO HAL DAVID

Mr. LEAHY. Mr. President, I would like to take a moment to congratulate Hal David on his upcoming 90th birthday. Hal is a pioneer in the music industry and a world class lyricist, having composed some of the most enduring songs in American popular music. Marcelle and I spend many wonderful evenings with him and so enjoy hearing his stories of not only his song writing, but others.

Hal was born on May 25, 1921, in Brooklyn, NY, and was the son of two immigrants. He served in the U.S. Army Entertainment Section in the Central Pacific during World War II with Carl Reiner and Werner Klemperer. The dedication to his country and the entertainment he provided for the men serving will never be forgotten.

Hal's musical writing career took off with his first hit record "The Four Winds and the Seven Seas." His legendary collaboration with composer Burt Bacharach began in 1957 with the Marty Robbins hit "The Story of My Life" and included other hits such as "Magic Moments" and "What the World Needs Now is Love." Through this successful partnership, Hal and Burt Bacharach were nominated for four Academy Awards and won the Oscar for best song in the 1969 film "Butch Cassidy and the Sundance Kid" with "Raindrops."

Hal David also works on legislative efforts as a board member on the American Society of Composers, Authors, and Publishers, ASCAP, and led the battle against source licensing. During Hal's time as chairman and CEO of the Songwriters Hall of Fame, he helped launch the Songwriters Hall of Fame Gallery at the Grammy Museum in Los Angeles.

Hal's achievements have earned recognition on a local and international stage. He has been inducted into the Nashville Songwriters Hall of Fame and the Songwriter Hall of Fame, which honors the most popular songs from around the world. He was also the first non-British award recipient to receive the Recording Academy and Ivor Novello Award bestowed by the British Performing Rights Society. I commend him on his impressive lyricist career that has entertained countless Americans and citizens around the world. Hal David is a dedicated and talented lyricist and friend, and I am pleased to join

in wishing him a happy 90th birthday and all the best in his future endeavors.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO REUBEN SALTERS

• Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY and myself, I pay tribute to the Honorable Reuben Salters, retired member of the Dover City Council, educator, officer and humanitarian statesman.

Reuben Salters has been a true friend to the city of Dover and the State of Delaware. Born in Spartanburg, SC, to Reuben and Lillian Salters, Reuben was educated in public schools and graduated from the George Washington Carver High School before matriculating at Livingstone College in Salisbury, MD. A man of extraordinary service, Reuben joined the U.S. Air Force and served tours in France, Germany, Southeast Asia, England and Dover, DE. Reuben was commissioned as a 2d lieutenant at the Dover Air Force Base in 1957 and rose to the rank of major before honorably retiring in 1971.

Reuben's first civilian job was at the former Kent County Vocational and Technical School, now known as the Polytech School District, and in 1974 he earned his master of science degree in counselor education. After serving 3 years as the director of Neighborhood Youth Corps and Administrator of the Adult ABE/GED Program for Kent and Sussex counties, Reuben accepted a position as an academic counselor for the engineering technology and business curriculum at the Delaware Technical and Community College, Terry Campus. There, he also worked as a veteran's counselor, activities coordinator and as the Terry Campus representative at the Dover Air Force Base.

A man of extraordinary service, Reuben has served as president of the central Delaware branch of the National Association for the Advancement of Colored People, president of the local chapter of the Alpha Phi Alpha Fraternity, Inc., a faithful member of the Mt. Zion African Methodist Episcopal Church and a member of the Dover City Council serving from 1989 until his retirement earlier this year. While a member of Dover City Council, Reuben held a number of leadership positions including the chair of the Legislative and Finance Committee, the chair of the Civilian Pension Committee and a member of the Downtown Dover Partnership Committee.

Seeing the need for a greater understanding and appreciation of the arts and culture among Dover's inner city citizens, Reuben founded the Inner City Cultural League, Inc. in 1971. The league provides scores of inner city

youth with the opportunity to participate in cultural and community activities. It also provides a crime and drug-free environment where they can prepare to live productive and happy lives. The program has flourished and has been enhanced by the addition of the annual African American Festival—now in its 21st year and attended by thousands of people last year—and by adding the Sankofa African Dance and Drum Company to the activities of the League.

A frequent traveler to Africa and South America to name only a few, Reuben always returns to his favorite city of Dover, DE, where his love and passion for equal opportunity and quality of life for all prevail. I am truly honored to have worked with Reuben Salters for many years and am privileged to pay tribute to Dover's favorite son. ●

##### LEEDS, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 14-17, the residents of Leeds will gather to celebrate their community's history and founding.

In the Spring of 1886, the Great Northern Railroad founded the townsite of Leeds at the junction of the Great Northern Railroad and the Northern Pacific Railroad. It was named for Leeds, Yorkshire, England, an important manufacturing center dating back to 616 A.D. On August 31, 1887, the post office was established with Thomas Howrey as the postmaster.

Today, Leeds has much to be proud of. The residents enjoy the outdoors through use of their golf course, parks, baseball diamonds, basketball courts, and a swimming pool. The community also boasts an award-winning school system and the Leeds City Library. The people of Leeds are known for their strong work ethic and caring attitude towards others, making it a great place to live and raise a family.

In honor of the city's 125th anniversary, officials have organized a wonderful celebration that includes a family steak fry at the golf course, family games, a basketball and golf tournament, a 5K run, trap shoot, dances, fireworks, and a parade.

I ask the U.S. Senate to join me in congratulating Leeds, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Leeds and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Leeds that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Leeds has a proud past and a bright future. ●

## LIDGERWOOD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that is celebrating its 125th anniversary. On July 29-31, the residents of Lidgerwood will gather to celebrate their community's history and founding.

The city of Lidgerwood was established as the Soo Railroad pushed westward in the summer of 1886. George Lidgerwood, for whom the town is named, along with General W. D. Washburn and R. N. Ink, platted the original townsite.

Today, Lidgerwood is a vibrant community, with several area attractions. Residents enjoy the town's golf course, swimming pool, recreation park, the American Legion Park, and camping. The people of Lidgerwood also care about preserving the history and heritage of their town, which can be seen in the Lidgerwood Museum and the Bagge Bonanza Farm. The town is also home to the Ann Thielman Performing Arts Center and a wonderful public school. Lidgerwood is known for its sense of community and is an excellent place to raise a family.

In honor of the city's 125th anniversary, officials have organized a celebration that includes a softball and golf tournament, a classic car show, an antique tractor show, street dances, games, food vendors and much more.

I ask the U.S. Senate to join me in congratulating Lidgerwood, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Lidgerwood and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Lidgerwood that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Lidgerwood has a proud past and a bright future.●

## NEW ENGLAND, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 14-17, the residents of New England will gather to celebrate their community's history and founding.

New England was the first townsite in Hettinger County, and was originally named Mayflower. It later became known as New England City. On June 8, 1894, the new post master, Horace W. Smith, shortened the name to simply New England, noting that most early settlers were from Vermont and Massachusetts, two of the New England States.

Today, New England is a vibrant, agricultural community in southwestern North Dakota. It is home to, among other things, Dakota West Credit Union, Top Line Auto, Riverside Lodg-

ing, Country Style Beauty Salon, Ag Alliance, a grocery store, and a seniors center. The New England Public School sits at the north end of Main Street and provides a high quality education to all of its students. New England is known for its sense of community and is an excellent place to live and raise a family.

The citizens of New England have organized numerous activities to celebrate their 125th anniversary. Some of the activities include dances, basketball and volleyball tournaments, an antique tractor pull and show, a parade, an arts and craft show, a bake sale, a car show, games, and a derby.

I ask the U.S. Senate to join me in congratulating New England, ND, and its residents on the first 125 years and in wishing them well through the next century. By honoring New England and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as New England that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

New England has a proud past and a bright future.●

## REMEMBERING REV. DR. WALTER SOBOLEFF

• Ms. MURKOWSKI. Mr. President, it was only a few short years ago, in October of 2008, that I stood before this body to honor one of Alaska's most cherished elders, the Reverend Doctor Walter A. Soboleff, in commemoration of his 100th birthday.

Today, I come before you with a heavy heart, to share with you news of the passing of that distinguished and revered Tlingit elder and leader. On this day I ask that we honor the life of an extraordinary man and remember his inspirational journey.

At 102, on Sunday May 22, 2011, during the breaking light of that morning's first dawn, the Reverend Doctor Walter A. Soboleff quietly stepped from a restful sleep into the Northern winds, into the budding spring of the Southeast forest, to begin his final flourishing journey from Earth to heaven.

Reverend Soboleff is often described as a man of God. His encouraging and often humorous words and outlook on life served as a beacon of light to so many who had the honor and privilege to know him. His consistently positive words were not only eloquent but also inspirational, and one could say they were truly words inspired by God.

Reverend Soboleff was active and present during most of Alaska's history. In 1957, he was in Juneau to open the Republican Convention Invocation. He was our State's eldest Republican and indeed more than just a witness, the living embodiment of the history of

our great State. He recognized and believed that one of the qualities that made our Nation so great is that our Founding Fathers were God fearing and led with their hearts and minds open to the Creator.

The passing of Reverend Soboleff leaves a void that we can never hope to fill. The Native elders of Alaska are unique culture bearers of our history, land, and people. They are a vital link between the past and present; the connection between two worlds, the old and new. They also have a significant responsibility to ensure that future generations know who they are and from where they came, by telling the stories and passing on the oral traditions of Alaska Native cultures that have struggled to maintain survival.

Reverend Soboleff was born November 14, 1908, on Killisnoo, a small island village near Admiralty Island, north of Angoon in southeast Alaska. His mother was Tlingit Indian and his father was the son of a Russian Orthodox priest serving in southeast Alaska. In his home four languages were spoken: Russian, German, English, and Tlingit. Reverend Soboleff's life was one of sacrifice and public service. But he certainly would not have viewed his service as a sacrifice.

Reverend Soboleff was appointed to serve as minister of the Tlingit Presbyterian Memorial Church in Juneau. He ventured from his village on June 14, 1940, on a steamer and landed in Juneau well before the era of civil rights. To his dismay he was greeted with signs in restaurant windows that said "No dogs or Indians" and turned away when he tried to rent a room. But he was not the kind of man to let a bad situation get the better of him. Instead of feeling sorry for himself, he felt sorry for the innkeeper.

In response, and in his way, he decided to open the doors of his church to any and all who sought to worship God. In the midst of a time of racial bias, Reverend Soboleff created within his church, a wonderful diversity of people from all races. His greatest message was for people to love one another—he often said that the greatest gift of civilization is for people to know who they are and to love each other regardless, because when there is love, there is peace.

Reverend Soboleff received a bachelor's degree in education in 1937 from Dubuque University in Iowa, and a divinity degree in 1940. He was awarded an honorary doctor of divinity by Dubuque University in 1952 and an honorary doctor of humanities by the University of Alaska Fairbanks in 1968. He was also the first Alaska Native to serve on the Alaska State Board of Education, where he served as chairman.

He was truly a man of distinction and grace and a pillar of traditional and modern society. He served seven

terms as president of the Alaska Native Brotherhood as well as grand president emeritus. In 1952, the Reverend accepted a commission in the Alaska Army National Guard, serving as Chaplain for 20 years, retiring with rank of lieutenant colonel. He then went on to found the Alaska Native Studies Department at the University of Alaska, Fairbanks. Over the course of his life he served God and his people well and was a leader of extraordinary courage, inspiring a hope for love and peace in all who knew him.

On Wednesday, May 25, Alaska's Governor Sean Parnell has ordered flags to be flown at half-staff in Reverend Soboleff's honor. Reverend Soboleff wanted to be remembered as one who tried to do his best in a time of changing culture and one who took positives from both the Native and Western worlds. I think I can speak for all of Alaska when I say he achieved that goal. I would like to offer Reverend Doctor Walter Soboleff's family and many friends my heartfelt condolences. Know that he served the Native people and our beloved State of Alaska over the course of his entire life, 102 years; and it is my hope that his life will continue to serve as an inspiration to all of us.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER TO TAKE ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY ORIGINALLY DECLARED ON MARCH 15, 1995 IN EXECUTIVE ORDER 12957 WITH RESPECT TO IRAN—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order

(the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995, and implements the existing statutory requirements of the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), as amended by, inter alia, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (CISADA).

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA, I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses.

In CISADA, which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. To address the potential connection between Iran's illicit nuclear program and its energy sector, CISADA amended ISA to expand the types of activities that are sanctionable under that Act. ISA now requires that sanctions be imposed or waived for persons that are determined to have made certain investments in Iran's energy sector or to have engaged in certain activities relating to Iran's refined petroleum sector. In addition to expanding the types of sanctionable energy-related activities, CISADA added new sanctions that can be imposed pursuant to ISA.

This order is intended to implement the statutory requirements of ISA. Certain ISA sanctions require action by the private sector, and the order will further the implementation of those ISA sanctions by providing authority under IEEPA to the Secretary of the Treasury to take certain actions with respect to those sanctions. The order states that the Secretary of the Treasury, in consultation with the Secretary of State, shall take the following actions necessary to implement the sanctions selected, imposed, and

maintained on a person by the President or by the Secretary of State, pursuant to authority that I have delegated:

with respect to section 6(a)(3) of ISA, prohibit any United States financial institution from making loans or providing credits to the person consistent with section 6(a)(3) of ISA;

with respect to section 6(a)(6) of ISA, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the person has any interest;

with respect to section 6(a)(7) of ISA, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person;

with respect to section 6(a)(8) of ISA, block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

with respect to section 6(a)(9) of ISA, restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of ISA, and to employ all powers granted to the United States Government by the relevant provision of ISA as may be necessary to carry out the purposes of the order. All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.  
THE WHITE HOUSE, May 23, 2011.

#### MEASURES DISCHARGED

The following concurrent resolution was discharged from the Committee on the Budget pursuant to Section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 21. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021.

### MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

S. Con. Res. 21. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021.

### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1050. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes.

The following joint resolutions were read the first time:

S.J. Res. 13. Joint resolution declaring that a state of war exists between the Government of Libya and the Government and people of the United States, and making provision to prosecute the same.

S.J. Res. 14. Joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1837. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Swine; Add Texas to List of Validated Brucellosis-Free States" (Docket No. APHIS-2011-0005) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1838. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Geographic Preference Option for the Procurement of Unprocessed Agricultural Products in Child Nutrition Programs" (RIN0584-AE03) received in the Office of the President of the Senate on May 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1839. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the operations of the National Defense Stockpile (NDS); to the Committee on Armed Services.

EC-1840. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Department of Defense Evaluation of the TRICARE Program Fiscal Year (FY) 2011 Report to Congress"; to the Committee on Armed Services.

EC-1841. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant

to law, the report of a rule entitled "Removal and Modifications for Persons Listed Under Russia on the Entity List" (RIN0694-AF24) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1842. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Conformance Period for Entities Engaged in Prohibited Proprietary Trading or Private Equity Fund or Hedge Fund Activities" (RIN7100-AD58)(12 CFR 225) received in the Office of the President of the Senate on May 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1843. A communication from the Assistant Administrator for Fisheries, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Military Training Activities Conducted Within the Gulf of Alaska Temporary Maritime Activities Area" (RIN0648-BA14) received in the Office of the President of the Senate on May 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1844. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Requirements for Major Sources Locating in or Impacting a Nonattainment Area in Allegheny County" (FRL No. 9308-9) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1845. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Missouri; Saint Louis Nonattainment Area; Determination of Attainment of the 1997 Annual Fine Particle Standard" (FRL No. 9309-6) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1846. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Industrial, Commercial, and Institutional Boilers and Process Heaters and Commercial and Industrial Solid Waste Incineration Units" (FRL No. 9308-6) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1847. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District" (FRL No. 9308-3) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1848. A communication from the Director of the Regulatory Management Division,

Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, NV and Withdrawal of Site-Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treatment Issued to Chemical Waste Management in Kettleman Hills, CA" (FRL No. 9310-2) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1849. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 9304-4) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1850. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and Ventura County Air Pollution Control District" (FRL No. 9303-9) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1851. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Paper, Film, and Foil Surface Coating Processes" (FRL No. 9309-3) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1852. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(I), Authority for Hazardous Air Pollutants: Perchloroethylene Air Emission Standards for Dry Cleaning Facilities: State of Maine Department of Environmental Protection" (FRL No. 9285-8) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1853. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Confidentiality Determinations for Data Required Under the Mandatory Greenhouse Gas Reporting Rule and Amendments to Special Rules Governing Certain Information Obtained Under the Clean Air Act" (FRL No. 9311-2) received during adjournment of the Senate in the Office of the President of the Senate on May 20, 2011; to the Committee on Environment and Public Works.

EC-1854. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Anacostia River Watershed Restoration Plan (ARP); to the Committee on Environment and Public Works.

# INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM:

S. 1041. A bill to ensure the equitable treatment of swimming pool enclosures outside of hurricane season under the National Flood Insurance Program; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. MURKOWSKI:

S. 1042. A bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. CHAMBLISS):

S. 1043. A bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1044. A bill to amend title 10, United States Code, to authorize the Defense Commissary Agency to conduct a pilot program at military institutions to be closed or subject to an adverse realignment under a base closure law under which a commissary store may sell additional types of merchandise; to the Committee on Armed Services.

By Ms. LANDRIEU (for herself and Mr. COCHRAN):

S. 1045. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself and Mr. BOOZMAN):

S. 1046. A bill to require the detention at United States Naval Station, Guantanamo Bay, Cuba, of high-value enemy combatants who will be detained long-term; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

S. 1047. A bill to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. LIEBERMAN, Mr. KYL, Mr. CASEY, Mrs. GILLIBRAND, Ms. COLLINS, and Mr. KIRK):

S. 1048. A bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. KYL (for himself, Mr. BARRASSO, Mr. BURR, Mr. COBURN, and Mr. ROBERTS):

S. 1049. A bill to lower health premiums and increase choice for small business; to the Committee on Finance.

By Mr. PAUL:

S. 1050. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes; read the first time.

By Mr. PAUL:

S.J. Res. 13. A joint resolution declaring that a state of war exists between the Government of Libya and the Government and people of the United States, and making provision to prosecute the same; read the first time.

By Mr. PAUL:

S.J. Res. 14. A joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCAIN (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. LEVIN, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. Res. 194. A resolution expressing the sense of the Senate on United States military operations in Libya; to the Committee on Foreign Relations.

By Mr. BROWN of Massachusetts (for himself and Mr. KERRY):

S. Res. 195. A resolution commemorating the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; considered and agreed to.

By Mr. TOOMEY (for himself, Mr. DEMINT, Mr. VITTER, Mr. COBURN, Mr. BURR, Mr. RISCH, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. LEE):

S. Con. Res. 21. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2012 and setting forth the appropriate budgetary levels for fiscal years 2013 through 2021; placed on the calendar.

## ADDITIONAL COSPONSORS

S. 89

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 89, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 248

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 248, a bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 366

At the request of Mrs. GILLIBRAND, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 367

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 367, a bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit to small businesses which hire individuals who are members of the Ready Reserve or National Guard, and for other purposes.

S. 382

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 406

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 406, a bill to modify the Foreign Intelligence Surveillance Act of 1978 to require specific evidence for access to business records and other tangible things, and provide appropriate transition procedures, and for other purposes.

S. 437

At the request of Mr. NELSON of Florida, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories.

S. 463

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 463, a bill to amend part B of title II of the Elementary and Secondary Education Act of 1965 to promote effective STEM teaching and learning.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 506

At the request of Mr. CASEY, the name of the Senator from Hawaii (Mr.

INOUE) was added as a cosponsor of S. 506, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 555

At the request of Mr. FRANKEN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 613, a bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

S. 641

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 696

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 696, a bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes.

S. 737

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 750

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 750, a bill to reform the financing of Senate elections, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 812

At the request of Mr. BENNET, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 812, a bill to build capacity and provide support at the leadership level for successful school turnaround efforts.

S. 866

At the request of Mr. TESTER, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 906

At the request of Mr. WICKER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 983

At the request of Mr. NELSON of Florida, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 983, a bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil.

S. 1004

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1004, a bill to support Promise Neighborhoods.

S. 1023

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1023, a bill to authorize the President to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1034

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1034, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross



violations of human rights in the Russian Federation, and for other purposes.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 13

At the request of Mr. ISAKSON, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Con. Res. 13, a concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

S. CON. RES. 17

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 132

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 132, a resolution recognizing and honoring the zoos and aquariums of the United States.

S. RES. 172

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as "National Cancer Research Month".

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1044. A bill to amend title 10, United States Code, to authorize the Defense Commissary Agency to conduct a pilot program at military institutions to be closed or subject to an adverse realignment under a base closure law under which a commissary store may sell additional types of merchandise; to the Committee on Armed Services.

Ms. SNOWE. Mr. President, I rise today to introduce legislation with my colleague, Senator COLLINS, to authorize the Department of Defense to carry out a pilot program to sell certain products at commissaries that serve areas with military installations that have been adversely affected by a Base Closure and Realignment, BRAC, round. It is my fervent hope that this legislation will provide the Department of Defense with a means of reducing the operating costs of the commissary in Topsham, Maine sufficiently that they are able to keep a commissary in the area open for many years after the disestablishment of Naval Air Station, NAS, Brunswick.

As my colleagues know, the 2005 BRAC round ordered the closure of NAS Brunswick, Maine. That base, which once employed nearly 5,000 personnel in the region, will be officially disestablished on May 31, 2011. With the closure of NAS Brunswick, some in the Department of Defense have argued that the nearby commissary in Topsham, Maine, should also be closed.

However, even after the closure of NAS Brunswick, nearly 1,500 active duty, Guard, and Reserve service members remain within a 20 mile drive of the installation, including more than 300 active duty personnel who support the Navy's Supervisor of Shipbuilding, Conversion and Repair just down the road in Bath, Maine. In addition, almost 9,000 military retirees and their dependents live in the immediate area, with many thousands more living within an hour's drive.

Thanks to a provision that I and my Maine colleagues succeeded in having included in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, the Topsham commissary will remain open until at least September 15, 2011, while the Department of Defense considers the findings of a Government Accountability Office review on commissary operations and policies.

That GAO review was recently completed, and it revealed that the Department's decision to close the commissary was based on instructions that lack clear criteria for determining when commissaries should be established, operated, or closed. DOD concurred with GAO's assessment that its instructions are unclear, and indicated that it would clarify its criteria in the next version of commissary operations.

So, just one week ago, on May 10, 2011, Senator COLLINS and I wrote to

Under Secretary of Defense for Personnel and Readiness Clifford Stanley to urge that he not close ANY commissary—including the Topsham commissary—until those instructions are clarified. Such an approach is the only reasonable route for DOD to move forward in a fair and transparent manner.

In recognition of the financial challenges facing our nation, we have also developed an idea to reduce the operating costs of the Topsham commissary, which DOD estimates to be approximately \$2.2 million per year. The store currently returns about \$400,000 to the commissary system through surcharge revenues, but I certainly appreciate how important it is to address the state of our nation's budget.

So, with a commissary at Topsham, and an exchange at NAS Brunswick, we explored the option of using a provision in existing law to create a "combined" store. Although that idea was appealing, we learned that every store created under that authority has eventually failed for lack of financial support. Thus, we developed the legislation we introduce here today.

This bill would create a pilot program to operate an "enhanced commissary store" in the Topsham-Brunswick area and at other installations closed or adversely realigned by a BRAC round. This new authority would allow the pilot stores to sell items that are currently sold by or for the military exchanges, such as alcoholic beverages and tobacco products. Unlike other products at the commissary, which are sold at cost plus a 5 percent surcharge, these products would be sold at higher prices as determined by the Secretary of Defense, and the proceeds from those sales would be applied to reducing the operating costs of each enhanced commissary.

Although it is difficult to determine how much revenue would result from this proposal, preliminary estimates are that it could reduce costs at a location such as the Topsham commissary by approximately \$300,000 per year. That is more than enough to make a cost-effective benefit like the commissary an even better deal for our service members and the taxpayer.

On a final note, I would point out that this bill is quite similar to a provision included at the behest of Congresswoman CHELLIE PINGREE in H.R. 1540, the National Defense Authorization Act fiscal year 2012, as reported by the House Armed Services Committee. It has been my pleasure to work with her in developing this concept, and I hope that we will be able to include similar language in the Senate version of the bill later this year.

I believe that this bill is a common sense solution to ensuring that our service members, military retirees, and their dependents are able to continue to access the extremely important and

valued benefit that is the commissary system, even in locations that undergo significant realignments due to a BRAC round. I urge my colleagues to consider this legislation, and look forward to working with the Senate Armed Services Committee to include the proposal in their version of the National Defense Authorization Act for fiscal year 2012.

By Mr. UDALL of Colorado:

S. 1047. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Act of 2011 to address concerns of federal jurisdiction and public safety regarding a mine drainage tunnel in Leadville, CO.

In 2008, a blockage formed in the Leadville Mine Drainage Tunnel that backed up a large volume of contaminated water, creating a serious safety hazard for the surrounding community if a catastrophic tunnel failure were to occur. The Bureau of Reclamation and the U.S. Environmental Protection Agency, EPA, took actions to address the immediate threat, including installing a dewatering relief well to relieve water pressure behind the tunnel blockage. However, in the process, questions arose as to whether the Bureau of Reclamation, which owns the tunnel, has the authority to help implement a number of remedies by treating contaminated water from the tunnel. My bill clarifies that the Bureau of Reclamation has the authority to treat this water and is responsible for maintaining the Leadville Mine Drainage Tunnel to protect public safety and reduce future threats to the community.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for World War II and Korean War efforts. The Bureau of Reclamation acquired the tunnel in 1959, hoping to use it as a source of water for the Fryingpan-Arkansas Project, a water diversion project in the Fryingpan and Arkansas River Basins. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River. With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel.

Water levels in the tunnel have fluctuated in recent years. The 2008 col-

lapse in the tunnel increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that up to 1 billion gallons of water may have built up behind the blockage within the mine pool.

In November 2007, EPA sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blow-out as a result of the built-up water, and, in February 2008, the Lake County Commissioners declared a state of emergency. The Bureau of Reclamation developed a risk assessment in the area, and the EPA and the Bureau of Reclamation performed some emergency measures to relieve water pressure in the tunnel.

While this emergency work was important and successful, the Bureau of Reclamation's authority to participate in a long-term solution remains an open question. It is unclear whether the Bureau of Reclamation has the authority to treat the water from the dewatering relief well or surface water diverted into the tunnel from a nearby National Priorities List site.

In short, we found there is not only a physical blockage in the tunnel, but also a legal blockage that has prevented the Bureau of Reclamation, the EPA and the State of Colorado from reaching an agreement on a long-term solution. This legislation will clear out the legal blockage by allowing the Bureau of Reclamation and the EPA to work collaboratively on solutions and address the unsafe mine pool in the tunnel.

Specifically, the bill does three things:

First, the bill clarifies that the Bureau of Reclamation is required to maintain the structural integrity of the tunnel to minimize the chance of a catastrophic failure of the tunnel leading to the uncontrolled release of contaminated water.

Second, the bill clarifies that the Bureau of Reclamation has the authority to participate in the long-term solution by treating water pooling up behind the blockage and surface water diverted into the tunnel from operable unit 6 of the California Gulch National Priorities List, Superfund, site. Current law restricts the Bureau of Reclamation to treating only "historically discharged" effluent, and it is uncertain whether that includes treating water as part of the remedy.

Third, the bill requires the Bureau of Reclamation and EPA to cooperate on any Record of Decision for the California Gulch Superfund site that impacts the Leadville Mine Drainage Tunnel or the associated water treatment plant. As part of that cooperation, the agencies must enter into an agreement describing how they will pay for any necessary changes to the tunnel or treatment plant.

The bill also authorizes any funding that might be necessary for the Bureau

of Reclamation to perform its clarified responsibilities under this bill.

By clearing up the legal blockage, the bill will help create a collaborative working relationship between the Bureau of Reclamation, the EPA and the State of Colorado to solve this problem for the long-term benefit of Lake County and all of Southeastern Colorado.

Concerns about the safety of the Leadville Mine Drainage Tunnel have persisted for over 30 years, as have questions about federal agencies' responsibility to address those concerns. My bill will finally clarify federal jurisdiction and give the residents of Leadville, Colorado, as well as the entire Arkansas River Basin, an additional measure of certainty that the federal government will maintain safe conditions at the tunnel. I look forward to working with the rest of the Colorado Congressional delegation on this legislation and to its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1047

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Leadville Mine Drainage Tunnel Act of 2011".

#### SEC. 2. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

Section 703 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended to read as follows:

##### "SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

"(a) LEADVILLE MINE DRAINAGE TUNNEL.—The Secretary shall take any action necessary to maintain the structural integrity of the Leadville Mine Drainage Tunnel—

"(1) to maintain public safety; and  
 "(2) to prevent an uncontrolled release of water from the tunnel portal.

"(b) WATER TREATMENT PLANT.—

"(1) IN GENERAL.—Subject to section 705, the Secretary shall be responsible for the operation and maintenance of the water treatment plant authorized under section 701, including any sludge disposal authorized under this title.

"(2) AUTHORITY TO OFFER TO ENTER INTO CONTRACTS.—In carrying out paragraph (1), the Secretary may offer to enter into 1 or more contracts with any appropriate individual or entity for the conduct of any service required under paragraph (1)."

#### SEC. 3. REIMBURSEMENT.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended—

(1) by striking "The treatment plant" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the treatment plant";

(2) by striking "Drainage Tunnel" and inserting "Drainage Tunnel (which includes any surface water diverted into the Leadville Mine Drainage Tunnel and water collected

by the dewatering relief well installed in June 2008"); and

(3) by adding at the end the following:

"(b) EXCEPTION.—The Secretary may—

"(1) enter into an agreement with any other entity or government agency to provide funding for an increase in any operation, maintenance, replacement, capital improvement, or expansion cost that is necessary to improve or expand the treatment plant; and

"(2) upon entering into an agreement under paragraph (1), make any necessary capital improvement to or expansion of the treatment plant."

#### SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND TREATMENT PLANT.

Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended—

(1) by striking "(a) The Secretary" and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—The Secretary";

(2) by striking "Neither" and inserting the following:

"(2) LIABILITY.—Neither";

(3) by striking "The Secretary shall have" and inserting the following:

"(3) FACILITIES COVERED UNDER OTHER LAWS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have";

(4) by inserting after "Recovery Act." the following:

"(B) EXCEPTION.—If the Administrator of the Environmental Protection Agency proposes to amend or issue a new Record of Decision for operable unit 6 of the California Gulch National Priorities List Site, the Administrator shall consult with the Secretary with respect to each feature of the proposed new or amended Record of Decision that may require any alteration to, or otherwise affect the operation and maintenance of—

"(i) the Leadville Mine Drainage Tunnel; or

"(ii) the water treatment plant authorized under section 701.

"(4) AUTHORITY OF SECRETARY.—The Secretary may implement any improvement to the Leadville Mine Drainage Tunnel or improvement to or expansion of the water treatment plant authorized under section 701 as a result of a new or amended Record of Decision for operable unit 6 of the California Gulch National Priorities List Site only upon entering into an agreement with the Administrator of the Environmental Protection Agency or any other entity or government agency to provide funding for the improvement or expansion."; and

(5) by striking "For the purpose of" and inserting the following:

"(5) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In".

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended by striking "sections 707 and 708" and inserting "this section and sections 703, 705, and 707".

#### SEC. 6. CONFORMING AMENDMENT.

The table of contents of title VII of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4601) is amended by striking the item relating to section 703 and inserting the following:

"Sec. 703. Tunnel maintenance; operation and maintenance."

By Mr. KYL (for himself, Mr. BARRASSO, Mr. BURR, Mr. COBURN, and Mr. ROBERTS):

S. 1049. A bill to lower health premiums and increase choice for small business; to the Committee on Finance.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1049

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Health Relief Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—MAKING COVERAGE AFFORDABLE FOR SMALL BUSINESSES

Sec. 101. Protecting American jobs and wages.

Sec. 102. Increasing flexibility for small businesses.

Sec. 103. Increasing choices for Americans.

Sec. 104. Protecting patients from higher premiums.

Sec. 105. Ensuring affordable coverage.

#### TITLE II—INCREASING CONSUMER CONTROL

Sec. 201. Repeal of the restriction on over-the-counter medicines.

Sec. 202. Repeal of the annual cap.

#### TITLE III—ALLOWING INDIVIDUALS TO KEEP COVERAGE THEY LIKE

Sec. 301. Allowing individuals to keep the coverage they have if they like it.

#### TITLE I—MAKING COVERAGE AFFORDABLE FOR SMALL BUSINESSES

##### SEC. 101. PROTECTING AMERICAN JOBS AND WAGES.

Sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111-148) and the amendments made by such sections and subsections are repealed and the Internal Revenue Code of 1986 shall be applied and administered as if such provisions and amendments had never been enacted.

##### SEC. 102. INCREASING FLEXIBILITY FOR SMALL BUSINESSES.

Section 1302(c)(2) of the Patient Protection and Affordable Care Act (Public Law 111-148) is repealed.

##### SEC. 103. INCREASING CHOICES FOR AMERICANS.

(a) QUALIFIED HEALTH PLAN COVERAGE SATISFIED BY HIGH DEDUCTIBLE HEALTH PLAN WITH HEALTH SAVINGS ACCOUNT.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended to read as follows:

"(e) HIGH DEDUCTIBLE HEALTH PLAN WITH HEALTH SAVINGS ACCOUNT.—A health plan not providing a bronze, silver, gold, or platinum level of coverage shall be treated as meeting the requirements of subsection (d) with respect to any plan year for any enrollee if the plan meets the requirements for a high deductible health plan under section 223(c)(2) of the Internal Revenue Code of 1986 and such enrollee has established a health savings account (as defined in section 223(d)(1) of such Code) in relation to such plan."

#### (b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1312(d)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(d)(3)) is amended by striking ", except" and all that follows through "1302(e)(2)".

(2) Subparagraph (A) of section 36B(c)(3) of the Internal Revenue Code of 1986, as added by section 1401(a) of the Patient Protection and Affordable Care Act (Public Law 111-148) is amended by striking ", except" and all that follows through "such Act".

(3) Subparagraph (B) of section 1334(c)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 18054(c)(1)) is amended by striking "and catastrophic coverage".

#### SEC. 104. PROTECTING PATIENTS FROM HIGHER PREMIUMS.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act, is repealed.

#### SEC. 105. ENSURING AFFORDABLE COVERAGE.

Section 2701(a)(1)(A)(iii) of the Public Health Service Act (42 U.S.C. 300(a)(1)(A)(iii)), as added by section 1201 of the Patient Protection and Affordable Care Act (Public Law 111-148), is amended by striking ", except" and all that follows through "2707(c)".

#### TITLE II—INCREASING CONSUMER CONTROL

##### SEC. 201. REPEAL OF THE RESTRICTION ON OVER-THE-COUNTER MEDICINES.

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111-148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

##### SEC. 202. REPEAL OF THE ANNUAL CAP.

Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) and the amendments made by such sections are repealed.

#### TITLE III—ALLOWING INDIVIDUALS TO KEEP COVERAGE THEY LIKE

##### SEC. 301. ALLOWING INDIVIDUALS TO KEEP THE COVERAGE THEY HAVE IF THEY LIKE IT.

(a) IN GENERAL.—Section 1251(a)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18011) is amended—

(1) by striking "Except as provided in paragraph (3)," and inserting the following:

"(A) IN GENERAL.—Except as provided in paragraphs (3) and (4)," and

(2) by adding at the end the following:

"(B) PROTECTING EMPLOYERS AND CONSUMERS WITH GRANDFATHERED COVERAGE.—

"(i) IN GENERAL.—A group health plan or health insurance coverage in which an individual is enrolled on or after March 23, 2010, but before any plan year beginning not later than 1 year after the date of the enactment of this subparagraph, and which is deemed to be a grandfathered health plan under this section, shall continue to be considered a grandfathered health plan with respect to such individual regardless of any modification to the cost-sharing levels, employer contribution rates, or covered benefits under such plan or coverage as otherwise permitted under this Act (and the amendments made by this Act).

"(ii) REGULATIONS.—The Secretary shall promulgate regulations to clarify the application of clause (i) to a plan or coverage that continues to be a grandfathered health plan pursuant to such clause."

(b) EFFECTIVE DATE; PREVIOUSLY PROMULGATED REGULATIONS VOIDED.—

(1) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Patient Protection and Affordable Care Act.

(2) **PREVIOUSLY PROMULGATED REGULATIONS VOIDED.**—Any regulations relating to section 1251(a)(2) of such Act promulgated before the date of the enactment of this Act shall have no force or effect.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 194—EXPRESSING THE SENSE OF THE SENATE ON UNITED STATES MILITARY OPERATIONS IN LIBYA

Mr. MCCAIN (for himself, Mr. KERRY, Mr. LIEBERMAN, Mr. LEVIN, Mr. GRAHAM, Mrs. FEINSTEIN, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 194

Whereas peaceful demonstrations that began in Libya, inspired by similar movements in Tunisia, Egypt, and elsewhere in the Middle East, quickly spread to cities around the country, calling for greater political reform, opportunity, justice, and the rule of law;

Whereas, Muammar Qaddafi, his sons, and forces loyal to them responded to the peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower and foreign mercenaries;

Whereas, on February 25, 2011, President Barack Obama imposed unilateral economic sanctions on and froze the assets of Muammar Qaddafi and his family, as well as the Government of Libya and its agencies, to hold the Qaddafi regime accountable for its continued use of violence against unarmed civilians and its human rights abuses and to safeguard the assets of the people of Libya;

Whereas, on February 26, 2011, the United Nations Security Council passed Resolution 1970, which mandates international economic sanctions and an arms embargo;

Whereas, in response to Qaddafi's assault on Libyan civilians, a "no-fly zone" in Libya was called for by the Gulf Cooperation Council on March 7, 2011, by the head of the Organization of the Islamic Conference on March 8, 2011, and by the Arab League on March 12, 2011;

Whereas Qaddafi's advancing forces, after recapturing cities in eastern Libya that had been liberated by the Libyan opposition, were preparing to attack Benghazi, a city of 700,000 people and the seat of the opposition Government in Libya, the Interim Transitional National Council;

Whereas Qaddafi stated that he would show "no mercy" to his opponents in Benghazi, and that his forces would go "door to door" to find and kill dissidents;

Whereas, on March 17, 2011, the United Nations Security Council passed Resolution 1973, which mandates "all necessary measures" to protect civilians in Libya, implement a "no-fly zone", and enforce an arms embargo against the Qaddafi regime;

Whereas President Obama notified key congressional leaders in a meeting at the White House on March 18, 2011, of his intent to begin targeted military operations in Libya;

Whereas the United States Armed Forces, together with coalition partners, launched

Operation Odyssey Dawn in Libya on March 19, 2011, to protect civilians in Libya from immediate danger and to enforce an arms embargo and a "no-fly zone"; and

Whereas, on March 31, 2011, the United States transferred authority for Operation Odyssey Dawn in Libya to NATO command, with the mission continuing as Operation Unified Protector: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the aspirations of the Libyan people for political reform and self-government based on democratic and human rights;

(2) commends the service of the men and women of the United States Armed Forces and our coalition partners who are engaged in military operations to protect the people of Libya;

(3) supports the limited use of military force by the United States in Libya as part of the NATO mission to enforce United Nations Security Council Resolution 1973 (2011), as requested by the Transitional National Council, the Arab League, and the Gulf Cooperation Council;

(4) agrees that the goal of United States policy in Libya, as stated by the President, is to achieve the departure from power of Muammar Qaddafi and his family, including through the use of non-military means, so that a peaceful transition can begin to an inclusive government that ensures freedom, opportunity, and justice for the people of Libya;

(5) affirms that the funds of the Qaddafi regime that have been frozen by the United States should be returned to the Libyan people for their benefit, including humanitarian and reconstruction assistance, and calls for exploring with the Transitional National Council the possibility of using some of such funds to reimburse NATO member countries for expenses incurred in Operation Odyssey Dawn and Operation Unified Protector; and

(6) calls on the President—

(A) to submit to Congress a description of United States policy objectives in Libya, both during and after Qaddafi's rule, and a detailed plan to achieve them; and

(B) to consult regularly with Congress regarding United States efforts in Libya.

### SENATE RESOLUTION 195—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY IN CAMBRIDGE, MASSACHUSETTS

Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted the following resolution; which was considered and agreed to:

S. RES. 195

Whereas when the Massachusetts Institute of Technology (referred to in this preamble as "MIT") was founded by William Barton Rogers, on April 10, 1861, the doors to a powerful new institution for education, discovery, and technological advancement were opened;

Whereas the commitment of MIT to innovation and the entrepreneurial spirit has trained innovators and delivered groundbreaking technologies that have significantly contributed to the fields of computing, molecular biology, sustainable development, biomedicine, new media, energy, and the environment;

Whereas there are an estimated 6,900 companies founded by MIT alumni in the State of Massachusetts alone, which have earned

worldwide sales of approximately \$164,000,000,000 and represent 26 percent of total sales made by Massachusetts companies;

Whereas the distinguished living alumni of MIT have founded approximately 25,800 companies that, as of 2011, provide jobs for approximately 3,300,000 people around the world and earn \$2,200,000,000,000 in annual sales;

Whereas MIT has many notable alumni and professors who have contributed to leading research and development efforts, including 76 Nobel Prize recipients and astronauts who have flown more than 1/3 of the manned spaceflights of the United States;

Whereas MIT engineers and researchers have pioneered countless innovations, including the creation of random-access magnetic-core memory (commonly known as "RAM"), which led to the digital revolution, the mapping of the human genome, the creation of GPS navigation technology, and the engineering of the computers that landed Americans on the moon;

Whereas MIT biomedical researchers remain at the forefront of many fields and have contributed years of key advancements, such as the first chemical synthesis of penicillin, the invention of heart stents, and the mapping of molecular defects to produce the first targeted therapies for cancer treatment; and

Whereas MIT has excelled as a world-renowned pioneer that promotes science and engineering education, economic growth, scientific breakthroughs, and technological advancement in the State of Massachusetts and throughout the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; and

(2) honors the outstanding contributions made by the alumni, professors, and staff of the Massachusetts Institute of Technology throughout the past 150 years, including the efforts supported by the Massachusetts Institute of Technology that have spurred the industrial progress of the United States through innovation.

### SENATE CONCURRENT RESOLUTION 21—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2012 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2021

Mr. TOOMEY (for himself, Mr. DEMINT, Mr. VITTER, Mr. COBURN, Mr. BURR, Mr. RICH, Mr. RUBIO, Mr. JOHNSON of Wisconsin, and Mr. LEE) submitted the following concurrent resolution; which was placed on the calendar:

S. CON. RES. 21

*Resolved by the Senate (the House of Representatives concurring),*

### SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2012.

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2012 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2012 and 2013 through 2021.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2012.

#### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal service discretionary administrative expenses.

Sec. 104. Major functional categories.

#### TITLE II—RESERVE FUNDS

Sec. 201. Deficit-reduction reserve fund for improper payments.

#### TITLE III—BUDGET PROCESS

##### Subtitle A—Budget Enforcement

Sec. 301. Discretionary spending limits for fiscal years 2012 through 2021.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Adjustments for the extension of certain current policies.

##### Subtitle B—Budgetary Treatment, Application, and Adjustments

Sec. 311. Budgetary treatment of certain discretionary administrative expenses.

Sec. 312. Application and effect of changes in allocations and aggregates.

Sec. 313. Adjustments to reflect changes in concepts and definitions.

Sec. 314. Exercise of rulemaking powers.

#### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

##### SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2011 through 2021:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: \$1,891,242,000,000.  
Fiscal year 2013: \$2,231,552,000,000.  
Fiscal year 2014: \$2,446,761,000,000.  
Fiscal year 2015: \$2,579,225,000,000.  
Fiscal year 2016: \$2,669,281,000,000.  
Fiscal year 2017: \$2,840,312,000,000.  
Fiscal year 2018: \$2,979,431,000,000.  
Fiscal year 2019: \$3,128,456,000,000.  
Fiscal year 2020: \$3,302,639,000,000.  
Fiscal year 2021: \$3,498,532,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: –\$169,328,744.  
Fiscal year 2013: –\$123,402,692,541.  
Fiscal year 2014: –\$224,114,067,777.  
Fiscal year 2015: –\$251,676,989,105.  
Fiscal year 2016: –\$301,910,570,754.  
Fiscal year 2017: –\$334,999,321,887.  
Fiscal year 2018: –\$355,031,347,858.  
Fiscal year 2019: –\$374,359,689,475.  
Fiscal year 2020: –\$377,871,065,381.  
Fiscal year 2021: –\$385,051,194,659.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: \$2,800,926,904,000.  
Fiscal year 2013: \$2,763,212,403,041.  
Fiscal year 2014: \$2,821,822,337,889.  
Fiscal year 2015: \$2,925,281,149,214.  
Fiscal year 2016: \$3,037,858,886,975.  
Fiscal year 2017: \$3,091,047,574,412.  
Fiscal year 2018: \$3,153,849,463,200.  
Fiscal year 2019: \$3,274,407,536,197.

Fiscal year 2020: \$3,385,718,017,338.

Fiscal year 2021: \$3,525,927,664,968.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: \$2,896,353,904,000.  
Fiscal year 2013: \$2,842,056,403,041.  
Fiscal year 2014: \$2,827,314,337,889.  
Fiscal year 2015: \$2,904,616,149,214.  
Fiscal year 2016: \$3,005,951,886,975.  
Fiscal year 2017: \$3,049,441,902,412.  
Fiscal year 2018: \$3,101,850,272,744.  
Fiscal year 2019: \$3,235,276,947,250.  
Fiscal year 2020: \$3,340,654,777,302.  
Fiscal year 2021: \$3,471,694,543,538.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: \$1,005,111,904,000.  
Fiscal year 2013: \$610,504,403,041.  
Fiscal year 2014: \$380,553,337,889.  
Fiscal year 2015: \$325,391,149,214.  
Fiscal year 2016: \$336,670,886,975.  
Fiscal year 2017: \$209,129,902,412.  
Fiscal year 2018: \$122,419,272,744.  
Fiscal year 2019: \$106,820,947,250.  
Fiscal year 2020: \$38,015,777,302.  
Fiscal year 2021: –\$26,837,456,462.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: \$16,150,766,612,957.  
Fiscal year 2013: \$16,944,005,708,540.  
Fiscal year 2014: \$17,519,924,114,206.  
Fiscal year 2015: \$18,070,606,252,525.  
Fiscal year 2016: \$18,648,739,710,254.  
Fiscal year 2017: \$19,118,880,934,554.  
Fiscal year 2018: \$19,529,292,555,156.  
Fiscal year 2019: \$19,915,346,191,882.  
Fiscal year 2020: \$20,249,458,034,565.  
Fiscal year 2021: \$20,551,564,772,761.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: \$11,350,301,046,369.  
Fiscal year 2013: \$11,974,151,560,892.  
Fiscal year 2014: \$12,360,931,733,697.  
Fiscal year 2015: \$12,690,980,107,426.  
Fiscal year 2016: \$13,024,952,666,769.  
Fiscal year 2017: \$13,234,036,186,609.  
Fiscal year 2018: \$13,364,220,300,384.  
Fiscal year 2019: \$13,483,681,224,381.  
Fiscal year 2020: \$13,550,483,116,937.  
Fiscal year 2021: \$13,564,837,023,727.

#### SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$666,758,000,000.  
Fiscal year 2013: \$732,348,000,000.  
Fiscal year 2014: \$769,439,000,000.  
Fiscal year 2015: \$811,375,000,000.  
Fiscal year 2016: \$854,319,000,000.  
Fiscal year 2017: \$895,788,000,000.  
Fiscal year 2018: \$936,869,000,000.  
Fiscal year 2019: \$979,944,000,000.  
Fiscal year 2020: \$1,022,361,000,000.  
Fiscal year 2021: \$1,067,268,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$574,011,000,000.  
Fiscal year 2013: \$637,688,000,000.  
Fiscal year 2014: \$674,601,000,000.

Fiscal year 2015: \$712,979,000,000.

Fiscal year 2016: \$753,355,000,000.

Fiscal year 2017: \$798,242,000,000.

Fiscal year 2018: \$846,810,000,000.

Fiscal year 2019: \$898,686,000,000.

Fiscal year 2020: \$955,483,000,000.

Fiscal year 2021: \$1,014,378,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:

(A) New budget authority, \$5,504,000,000.

(B) Outlays, \$5,676,000,000.

Fiscal year 2013:

(A) New budget authority, \$5,504,000,000.

(B) Outlays, \$5,613,000,000.

Fiscal year 2014:

(A) New budget authority, \$5,504,000,000.

(B) Outlays, \$5,603,000,000.

Fiscal year 2015:

(A) New budget authority, \$5,504,000,000.

(B) Outlays, \$5,603,000,000.

Fiscal year 2016:

(A) New budget authority, \$5,504,000,000.

(B) Outlays, \$5,606,000,000.

Fiscal year 2017:

(A) New budget authority, \$5,573,000,000.

(B) Outlays, \$5,655,000,000.

Fiscal year 2018:

(A) New budget authority, \$5,712,000,000.

(B) Outlays, \$5,763,000,000.

Fiscal year 2019:

(A) New budget authority, \$5,855,000,000.

(B) Outlays, \$5,896,000,000.

Fiscal year 2020:

(A) New budget authority, \$5,998,000,000.

(B) Outlays, \$6,033,000,000.

Fiscal year 2021:

(A) New budget authority, \$6,142,000,000.

(B) Outlays, \$6,177,000,000.

#### SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2012:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$260,000,000.

Fiscal year 2013:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$262,000,000.

Fiscal year 2014:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$263,000,000.

Fiscal year 2015:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$264,000,000.

Fiscal year 2016:

(A) New budget authority, \$258,000,000.

(B) Outlays, \$265,000,000.

Fiscal year 2017:

(A) New budget authority, \$261,000,000.

(B) Outlays, \$268,000,000.

Fiscal year 2018:

(A) New budget authority, \$268,000,000.

(B) Outlays, \$272,000,000.

Fiscal year 2019:

(A) New budget authority, \$274,000,000.

(B) Outlays, \$278,000,000.

Fiscal year 2020:

(A) New budget authority, \$281,000,000.

(B) Outlays, \$285,000,000.

Fiscal year 2021:

(A) New budget authority, \$288,000,000.

(B) Outlays, \$291,000,000.

#### SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2011 through 2021 for each major functional category are:

(A) New budget authority, \$12,700,000,000.  
(B) Outlays, \$12,407,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$12,789,000,000.  
(B) Outlays, \$12,444,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$12,908,000,000.  
(B) Outlays, \$12,560,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$13,033,000,000.  
(B) Outlays, \$12,871,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$13,162,000,000.  
(B) Outlays, \$12,992,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$13,276,000,000.  
(B) Outlays, \$13,123,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$13,366,000,000.  
(B) Outlays, \$13,243,000,000.  
(7) Commerce and Housing Credit (370):  
Fiscal year 2012:  
(A) New budget authority, \$13,927,000,000.  
(B) Outlays, \$10,411,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$8,835,000,000.  
(B) Outlays, \$1,664,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$5,962,000,000.  
(B) Outlays, – \$14,258,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$4,767,000,000.  
(B) Outlays, – \$17,646,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$3,934,000,000.  
(B) Outlays, – \$21,724,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$2,525,000,000.  
(B) Outlays, – \$23,094,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$984,000,000.  
(B) Outlays, – \$26,985,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$357,000,000.  
(B) Outlays, – \$19,217,000,000.  
Fiscal year 2020:  
(A) New budget authority, – \$300,000,000.  
(B) Outlays, – \$20,403,000,000.  
Fiscal year 2021:  
(A) New budget authority, – \$237,000,000.  
(B) Outlays, – \$21,819,000,000.  
(8) Transportation (400):  
Fiscal year 2012:  
(A) New budget authority, \$60,333,000,000.  
(B) Outlays, \$82,422,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$62,390,000,000.  
(B) Outlays, \$73,250,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$64,714,000,000.  
(B) Outlays, \$70,060,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$65,788,000,000.  
(B) Outlays, \$68,425,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$67,926,000,000.  
(B) Outlays, \$68,399,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$69,110,000,000.  
(B) Outlays, \$69,479,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$70,422,000,000.  
(B) Outlays, \$69,897,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$71,227,000,000.  
(B) Outlays, \$70,217,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$75,370,000,000.  
(B) Outlays, \$71,803,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$83,547,000,000.  
(B) Outlays, \$82,829,000,000.  
(9) Community and Regional Development

|   |   |  |
|---|---|--|
| <p>Fiscal year 2012:<br/> (A) New budget authority, \$11,255,000,000.<br/> (B) Outlays, \$21,096,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$11,258,000,000.<br/> (B) Outlays, \$18,416,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$11,194,000,000.<br/> (B) Outlays, \$14,616,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$11,185,000,000.<br/> (B) Outlays, \$13,540,000,000.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$10,981,000,000.<br/> (B) Outlays, \$11,809,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$10,958,000,000.<br/> (B) Outlays, \$10,847,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$10,677,000,000.<br/> (B) Outlays, \$10,590,000,000.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$10,666,000,000.<br/> (B) Outlays, \$10,577,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$10,654,000,000.<br/> (B) Outlays, \$10,574,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$10,643,000,000.<br/> (B) Outlays, \$10,561,000,000.</p> <p>(10) Education, Training, Employment, and Social Services (500):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$66,849,000,000.<br/> (B) Outlays, \$95,712,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$63,887,000,000.<br/> (B) Outlays, \$73,071,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$66,076,000,000.<br/> (B) Outlays, \$68,044,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$69,446,000,000.<br/> (B) Outlays, \$70,450,000,000.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$72,443,000,000.<br/> (B) Outlays, \$72,875,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$70,409,000,000.<br/> (B) Outlays, \$70,962,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$66,421,000,000.<br/> (B) Outlays, \$67,834,000,000.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$64,667,000,000.<br/> (B) Outlays, \$66,800,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$64,423,000,000.<br/> (B) Outlays, \$66,421,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$63,833,000,000.<br/> (B) Outlays, \$65,432,000,000.</p> <p>(11) Health (550):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$338,029,000,000.<br/> (B) Outlays, \$347,690,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$342,096,000,000.<br/> (B) Outlays, \$344,969,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$329,311,000,000.<br/> (B) Outlays, \$329,334,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$323,797,000,000.<br/> (B) Outlays, \$323,574,000,000.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$312,582,000,000.<br/> (B) Outlays, \$311,447,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$313,059,000,000.<br/> (B) Outlays, \$311,991,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$307,702,000,000.<br/> (B) Outlays, \$307,092,000,000.</p> | <p>Fiscal year 2019:<br/> (A) New budget authority, \$303,555,000,000.<br/> (B) Outlays, \$303,419,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$307,262,000,000.<br/> (B) Outlays, \$306,911,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$321,877,000,000.<br/> (B) Outlays, \$321,441,000,000.</p> <p>(12) Medicare (570):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$487,760,000,000.<br/> (B) Outlays, \$488,060,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$530,722,000,000.<br/> (B) Outlays, \$530,767,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$560,600,000,000.<br/> (B) Outlays, \$560,744,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$585,154,000,000.<br/> (B) Outlays, \$585,256,000,000.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$634,696,000,000.<br/> (B) Outlays, \$634,769,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$657,713,000,000.<br/> (B) Outlays, \$657,799,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$682,995,000,000.<br/> (B) Outlays, \$682,951,000,000.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$745,085,000,000.<br/> (B) Outlays, \$745,186,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$800,776,000,000.<br/> (B) Outlays, \$800,853,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$858,764,000,000.<br/> (B) Outlays, \$858,830,000,000.</p> <p>(13) Income Security (600):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$475,377,000,000.<br/> (B) Outlays, \$479,471,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$433,539,438,356.<br/> (B) Outlays, \$433,513,438,356.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$384,046,876,712.<br/> (B) Outlays, \$383,420,876,712.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$385,183,191,781.<br/> (B) Outlays, \$383,963,191,781.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$390,453,506,849.<br/> (B) Outlays, \$388,748,506,849.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$387,088,493,918.<br/> (B) Outlays, \$382,034,821,918.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$389,199,158,086.<br/> (B) Outlays, \$382,540,967,630.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$400,032,296,366.<br/> (B) Outlays, \$393,821,068,529.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$406,776,819,018.<br/> (B) Outlays, \$398,422,890,411.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$417,206,501,376.<br/> (B) Outlays, \$408,016,990,411.</p> <p>(14) Social Security (650):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$54,439,000,000.<br/> (B) Outlays, \$54,624,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$29,096,000,000.<br/> (B) Outlays, \$29,256,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$32,701,000,000.<br/> (B) Outlays, \$32,776,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$36,261,000,000.<br/> (B) Outlays, \$36,311,000,000.</p> | <p>Fiscal year 2016:<br/> (A) New budget authority, \$40,171,000,000.<br/> (B) Outlays, \$40,171,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$44,263,000,000.<br/> (B) Outlays, \$44,263,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$48,717,000,000.<br/> (B) Outlays, \$48,717,000,000.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$53,508,000,000.<br/> (B) Outlays, \$53,508,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$58,552,000,000.<br/> (B) Outlays, \$58,552,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$64,053,000,000.<br/> (B) Outlays, \$64,053,000,000.</p> <p>(15) Veterans Benefits and Services (700):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$128,339,000,000.<br/> (B) Outlays, \$127,140,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$130,024,000,000.<br/> (B) Outlays, \$130,025,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$134,143,000,000.<br/> (B) Outlays, \$134,055,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$138,167,000,000.<br/> (B) Outlays, \$137,851,000,000.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$147,410,000,000.<br/> (B) Outlays, \$146,868,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$146,323,000,000.<br/> (B) Outlays, \$145,704,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$145,412,000,000.<br/> (B) Outlays, \$144,751,000,000.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$155,091,000,000.<br/> (B) Outlays, \$154,407,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$159,680,000,000.<br/> (B) Outlays, \$158,979,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$164,381,000,000.<br/> (B) Outlays, \$163,622,000,000.</p> <p>(16) Administration of Justice (750):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$50,104,000,000.<br/> (B) Outlays, \$52,573,000,000.</p> <p>Fiscal year 2013:<br/> (A) New budget authority, \$44,813,000,000.<br/> (B) Outlays, \$49,292,000,000.</p> <p>Fiscal year 2014:<br/> (A) New budget authority, \$44,555,000,000.<br/> (B) Outlays, \$46,815,000,000.</p> <p>Fiscal year 2015:<br/> (A) New budget authority, \$44,366,000,000.<br/> (B) Outlays, \$45,587,000,000.</p> <p>Fiscal year 2016:<br/> (A) New budget authority, \$46,418,000,000.<br/> (B) Outlays, \$46,830,000,000.</p> <p>Fiscal year 2017:<br/> (A) New budget authority, \$45,108,000,000.<br/> (B) Outlays, \$45,295,000,000.</p> <p>Fiscal year 2018:<br/> (A) New budget authority, \$45,959,000,000.<br/> (B) Outlays, \$45,595,000,000.</p> <p>Fiscal year 2019:<br/> (A) New budget authority, \$47,100,000,000.<br/> (B) Outlays, \$46,865,000,000.</p> <p>Fiscal year 2020:<br/> (A) New budget authority, \$50,158,000,000.<br/> (B) Outlays, \$49,751,000,000.</p> <p>Fiscal year 2021:<br/> (A) New budget authority, \$52,153,000,000.<br/> (B) Outlays, \$51,733,000,000.</p> <p>(17) General Government (800):</p> <p>Fiscal year 2012:<br/> (A) New budget authority, \$22,604,000,000.<br/> (B) Outlays, \$27,072,000,000.</p> |
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Fiscal year 2013:

- (A) New budget authority, \$22,006,000,000.
- (B) Outlays, \$23,279,000,000.

Fiscal year 2014:

- (A) New budget authority, \$22,039,000,000.
- (B) Outlays, \$22,420,000,000.

Fiscal year 2015:

- (A) New budget authority, \$22,068,000,000.
- (B) Outlays, \$21,867,000,000.

Fiscal year 2016:

- (A) New budget authority, \$22,076,000,000.
- (B) Outlays, \$21,500,000,000.

Fiscal year 2017:

- (A) New budget authority, \$22,282,000,000.
- (B) Outlays, \$21,555,000,000.

Fiscal year 2018:

- (A) New budget authority, \$22,715,000,000.
- (B) Outlays, \$21,789,000,000.

Fiscal year 2019:

- (A) New budget authority, \$23,265,000,000.
- (B) Outlays, \$22,016,000,000.

Fiscal year 2020:

- (A) New budget authority, \$23,651,000,000.
- (B) Outlays, \$22,324,000,000.

Fiscal year 2021:

- (A) New budget authority, \$24,104,000,000.
- (B) Outlays, \$22,736,000,000.

(18) Net Interest (900):

Fiscal year 2012:

- (A) New budget authority, \$372,130,904,000.
- (B) Outlays, \$372,130,904,000.

Fiscal year 2013:

- (A) New budget authority, \$430,838,964,685.
- (B) Outlays, \$430,838,964,685.

Fiscal year 2014:

- (A) New budget authority, \$498,591,461,177.
- (B) Outlays, \$498,591,461,177.

Fiscal year 2015:

- (A) New budget authority, \$559,984,957,433.
- (B) Outlays, \$559,984,957,433.

Fiscal year 2016:

- (A) New budget authority, \$620,259,380,126.
- (B) Outlays, \$620,259,380,126.

Fiscal year 2017:

- (A) New budget authority, \$672,409,080,495.
- (B) Outlays, \$672,409,080,495.

Fiscal year 2018:

- (A) New budget authority, \$714,240,305,114.
- (B) Outlays, \$714,240,305,114.

Fiscal year 2019:

- (A) New budget authority, \$746,520,239,831.
- (B) Outlays, \$746,520,239,831.

Fiscal year 2020:

- (A) New budget authority, \$773,564,198,320.
- (B) Outlays, \$773,564,198,320.

Fiscal year 2021:

- (A) New budget authority, \$788,846,163,593.
- (B) Outlays, \$788,846,163,593.

(19) Allowances (920):

Fiscal year 2012:

- (A) New budget authority, -\$11,100,000,000.
- (B) Outlays, -\$11,100,000,000.

Fiscal year 2013:

- (A) New budget authority, -\$11,100,000,000.
- (B) Outlays, -\$11,100,000,000.

Fiscal year 2014:

- (A) New budget authority, -\$6,100,000,000.
- (B) Outlays, -\$6,100,000,000.

Fiscal year 2015:

- (A) New budget authority, -\$1,100,000,000.
- (B) Outlays, -\$1,100,000,000.

Fiscal year 2016:

- (A) New budget authority, -\$1,100,000,000.
- (B) Outlays, -\$1,100,000,000.

Fiscal year 2017:

- (A) New budget authority, -\$1,100,000,000.
- (B) Outlays, -\$1,100,000,000.

Fiscal year 2018:

- (A) New budget authority, -\$1,100,000,000.
- (B) Outlays, -\$1,100,000,000.

Fiscal year 2019:

- (A) New budget authority, -\$1,100,000,000.
- (B) Outlays, -\$1,100,000,000.

Fiscal year 2020:

- (A) New budget authority, -\$1,100,000,000.

- (B) Outlays, -\$1,100,000,000.

Fiscal year 2021:

- (A) New budget authority, -\$1,100,000,000.

- (B) Outlays, -\$1,100,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2012:

- (A) New budget authority, -\$77,917,000,000.
- (B) Outlays, -\$77,917,000,000.

Fiscal year 2013:

- (A) New budget authority, -\$80,329,000,000.
- (B) Outlays, -\$80,329,000,000.

Fiscal year 2014:

- (A) New budget authority, -\$81,798,000,000.
- (B) Outlays, -\$81,798,000,000.

Fiscal year 2015:

- (A) New budget authority, -\$84,857,000,000.
- (B) Outlays, -\$84,857,000,000.

Fiscal year 2016:

- (A) New budget authority, -\$85,946,000,000.
- (B) Outlays, -\$85,946,000,000.

Fiscal year 2017:

- (A) New budget authority, -\$91,248,000,000.
- (B) Outlays, -\$91,248,000,000.

Fiscal year 2018:

- (A) New budget authority, -\$97,099,000,000.
- (B) Outlays, -\$97,099,000,000.

Fiscal year 2019:

- (A) New budget authority, -\$101,718,000,000.
- (B) Outlays, -\$101,718,000,000.

Fiscal year 2020:

- (A) New budget authority, -\$105,645,000,000.
- (B) Outlays, -\$105,645,000,000.

Fiscal year 2021:

- (A) New budget authority, -\$110,174,000,000.
- (B) Outlays, -\$110,174,000,000.

- (21) Global War on Terror and Related Activities (970):

Fiscal year 2012:

- (A) New budget authority, \$126,544,000,000.
- (B) Outlays, \$117,835,000,000.

Fiscal year 2013:

- (A) New budget authority, \$50,000,000,000.
- (B) Outlays, \$92,661,000,000.

Fiscal year 2014:

- (A) New budget authority, \$50,000,000,000.
- (B) Outlays, \$64,878,000,000.

Fiscal year 2015:

- (A) New budget authority, \$50,000,000,000.
- (B) Outlays, \$54,401,000,000.

Fiscal year 2016:

- (A) New budget authority, \$30,750,000,000.
- (B) Outlays, \$30,750,000,000.

Fiscal year 2017:

- (A) New budget authority, \$8,500,000,000.
- (B) Outlays, \$8,500,000,000.

Fiscal year 2018:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2019:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2020:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

Fiscal year 2021:

- (A) New budget authority, \$0.
- (B) Outlays, \$0.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR IMPROPER PAYMENTS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by eliminating or reducing improper payments and use such savings to reduce the deficit. The Chairman may also make adjustments

to the Senate's pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

## TITLE III—BUDGET PROCESS

### Subtitle A—Budget Enforcement

#### SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2012 THROUGH 2021.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2012, \$1,137,365,000,000 in new budget authority and \$1,277,353,000,000 in outlays;

(2) for fiscal year 2013, \$1,076,513,000,000 in new budget authority and \$1,203,206,000,000 in outlays;

(3) for fiscal year 2014, \$1,094,543,000,000 in new budget authority and \$1,160,763,000,000 in outlays;

(4) for fiscal year 2015, \$1,106,796,000,000 in new budget authority and \$1,149,100,000,000 in outlays;

(5) for fiscal year 2016, \$1,099,720,000,000 in new budget authority and \$1,133,357,000,000 in outlays;

(6) for fiscal year 2017, \$1,082,528,000,000 in new budget authority and \$1,110,758,000,000 in outlays;

(7) for fiscal year 2018, \$1,086,986,000,000 in new budget authority and \$1,109,721,000,000 in outlays;

(8) for fiscal year 2019, \$1,101,073,000,000 in new budget authority and \$1,128,053,000,000 in outlays;

(9) for fiscal year 2020, \$1,114,538,000,000 in new budget authority and \$1,139,781,000,000 in outlays; and

(10) for fiscal year 2021, \$1,152,698,000,000 in new budget authority and \$1,171,654,000,000 in outlays.

#### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2012 that first becomes available for any

fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

(b) **EXCEPTIONS.**—Advance appropriations may be provided for fiscal years 2013 and 2014 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,500,000,000 in new budget authority in each year.

(c) **SUPERMAJORITY WAIVER AND APPEAL.**—

(1) **WAIVER.**—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) **APPEAL.**—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) **FORM OF POINT OF ORDER.**—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **INAPPLICABILITY.**—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) **AUTHORITY TO DESIGNATE.**—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) **DESIGNATIONS.**—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) **DEFINITIONS.**—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) **POINT OF ORDER.**—

(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency require-

ment if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

#### SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.

(a) **ADJUSTMENT.**—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) **COVERED POINTS OF ORDER.**—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) **QUALIFYING LEGISLATION.**—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; and

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) **LIMITATION.**—The Chairman shall make any adjustments pursuant to this section in a manner consistent with the limitations described in sections 4(c) and 7(h) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

(e) **DEFINITION.**—For the purposes of this section, the terms “budgetary effects” or “effects” mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(f) **SUNSET.**—This section shall expire on December 31, 2011.

**Subtitle B—Budgetary Treatment,  
Application, and Adjustments**

**SEC. 311. BUDGETARY TREATMENT OF CERTAIN  
DISCRETIONARY ADMINISTRATIVE  
EXPENSES.**

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

**SEC. 312. APPLICATION AND EFFECT OF  
CHANGES IN ALLOCATIONS AND AG-  
GREGATES.**

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

**SEC. 313. ADJUSTMENTS TO REFLECT CHANGES  
IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

**SEC. 314. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

**AMENDMENTS SUBMITTED AND  
PROPOSED**

SA 323. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 324. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 325. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 326. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 327. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 328. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 329. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 330. Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 331. Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 332. Mr. UDALL of Colorado (for himself, Mr. PAUL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 333. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 334. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 323. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intel-

ligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

SA 324. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, except as provided in paragraph (5)”; and

(2) by adding at the end the following:

“(5) EXEMPTION.—

“(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

“(i) has in effect an established decision-making process with respect to suspicious transactions;

“(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

“(iii) has determined not to file a report with respect to a particular transaction.

“(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).”.

SA 325. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under

this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”.

**SA 326.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, strike line 7 and all that follows through page 2, line 4, and insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 327.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### SEC. 3. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition

and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

**SA 328.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### SEC. 3. FIREARMS RECORDS.

(a) IN GENERAL.—Title X of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 391 et seq.) is amended by adding at the end the following:

#### “SEC. 1017. FIREARMS RECORDS.

“(a) IN GENERAL.—No provision of this Act or an amendment made by this Act shall be construed to authorize access to any firearms records in the possession of any person licensed under chapter 44 of title 18, United States Code.

“(b) ACCESS.—Access to any records described in subsection (a) shall be provided in accordance with chapter 44 of title 18, United States Code.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272 et seq.) is amended by adding at the end the following:

“Sec. 1017. Firearms records.”.

**SA 329.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### SEC. 3. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: “, but only upon request of an appropriate law enforcement agency to such institution or person for such report”.

**SA 330.** Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### SEC. 3. LONE WOLF TERRORISTS AS AGENTS OF FOREIGN POWERS.

Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

“(e) REQUIREMENTS FOR APPLICATIONS FOR INDIVIDUAL TERRORISTS.—

“(1) DELEGATION.—The Attorney General may only delegate the authority to approve an application under subsection (a) for an order approving electronic surveillance of an agent of a foreign power, as defined in section 101(b)(1)(C), to the Deputy Attorney General.

“(2) NOTICE TO CONGRESS.—Not later than seven days after an application for an order approving electronic surveillance of an agent of a foreign power, as defined in section 101(b)(1)(C), is made under subsection (a), the Attorney General shall submit to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives notice of such application.”.

**SA 331.** Mr. UDALL of Colorado (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### SEC. 3. SPECIFIC EVIDENCE FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) FACTUAL BASIS FOR REQUESTED ORDER.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows:

“(2) shall include—

“(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii)(I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(B) an enumeration of the minimization procedures adopted by the Attorney General

under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.”

(b) **EXCEPTION.**—Notwithstanding the amendment made by subsection (a), an order issued by a court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for access to business records under title V of such Act (50 U.S.C. 1861 et seq.) in effect on, and issued prior to, September 30, 2011, shall remain in effect under the provisions of such title V in effect on September 29, 2011, until the date of expiration of such order. Any renewal or extension of such order shall be subject to the provisions of such title V in effect on September 30, 2011.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on September 30, 2011.

**SA 332.** Mr. UDALL of Colorado (for himself, Mr. PAUL, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. LIMITATIONS ON ROVING WIRETAPS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT.**

Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;”;

and (2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

**SA 333.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PROTECTIONS FOR BOOKSTORES AND LIBRARIES.**

(a) **EXEMPTION OF BOOKSTORES AND LIBRARIES FROM ORDERS REQUIRING THE PRODUCTION OF ANY TANGIBLE THINGS FOR CERTAIN FOREIGN INTELLIGENCE INVESTIGATIONS.**—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(1) **PROHIBITION ON SEARCHING FOR OR SEIZING MATERIAL FROM A BOOKSELLER OR LIBRARY.**—

“(1) **IN GENERAL.**—No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials that contain personally identifiable information concerning a patron of a bookseller or library.

“(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

“(3) **DEFINITIONS.**—In this subsection:

“(A) **BOOKSELLER.**—The term ‘bookseller’ means any person or entity engaged in the sale, rental or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) **DOCUMENTARY MATERIALS.**—The term ‘documentary materials’ means any document, tape or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication, including access to the Internet.

“(C) **LIBRARY.**—The term ‘library’ has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

“(D) **PATRON.**—The term ‘patron’ means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

“(E) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term ‘personally identifiable information’ includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.”.

(b) **NATIONAL SECURITY LETTERS.**—Section 2709(f) of title 18, United States Code, is amended to read as follows:

“(f) **EXCEPTION FOR LIBRARIES AND BOOKSELLERS.**—

“(1) **IN GENERAL.**—A library or a bookseller is not a wire or electronic communication service provider for purposes of this section, regardless of whether the library or bookseller is providing electronic communication service.

“(2) **DEFINITIONS.**—In this subsection:

“(A) **BOOKSELLER.**—The term bookseller means any person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) **LIBRARY.**—The term library has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)).”.

**SA 334.** Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr.

HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. ADDITIONAL SUNSETS.**

(a) **NATIONAL SECURITY LETTERS.**—

(1) **REPEAL.**—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) **TRANSITION PROVISION.**—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) **TECHNICAL AND CONFORMING AMENDMENTS.**—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking “or 627(a)” each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 7(b) of this Act, by striking “section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)” and inserting “section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)”;

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding “and” at the end;

(ii) in subparagraph (D), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (E); and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

(b) **FISA AMENDMENTS ACT OF 2008.**—

(1) **EXTENSION.**—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(3) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking “DECEMBER 31, 2012” and inserting “DECEMBER 31, 2013”.

#### SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking “a statement of facts showing” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”;

(ii) by striking “clandestine intelligence activities,” and all that follows and inserting “clandestine intelligence activities”;

(B) by striking subparagraph (B) and inserting the following:

“(B) if the records sought contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, a statement of facts showing that there are reasonable grounds to believe that the records sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii) (I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(C) a statement of proposed minimization procedures.”;

(3) in subsection (c)(1)—

(A) by inserting “and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)” after “subsections (a) and (b)”;

(B) by inserting “, and directing that the minimization procedures be followed” after “release of tangible things”;

(C) by striking the second sentence; and

(3) by adding at the end the following:

“(i) DEFINITIONS.—In this section—

“(1) the term ‘bookseller records’ means transactional records reflecting the purchase (including subscription purchase) or rental of books, journals, or magazines, whether in digital form or in print, of an individual or entity engaged in the sale or rental of books, journals, or magazines;

“(2) the term ‘library’ has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1));

“(3) the term ‘patron’ means a purchaser, renter, borrower, user, or subscriber of goods or services from a library; and

“(4) the term ‘personally identifiable information’ includes information that identifies a person as having used, requested, or obtained specific reading materials or services from a library.”.

(b) TRANSITION PROCEDURES.—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of

1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

#### “SEC. 503. DEFINITIONS.

“In this title, the terms ‘Attorney General’, ‘foreign intelligence information’, ‘international terrorism’, ‘person’, ‘United States’, and ‘United States person’ have the meanings given such terms in section 101.”.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”.

(3) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.”;

and

(B) by inserting after the item relating to section 502 the following:

“Sec. 503. Definitions.”.

#### SEC. 5. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “a certification by the applicant” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”;

(B) by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.”.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

“(4) The term ‘minimization procedures’ means—

“(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not for-

eign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.”.

(2) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking “the judge finds” and all that follows and inserting the following: “the judge finds—

“(A) that the application satisfies the requirements of this section; and

“(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.”; and

(B) by adding at the end the following:

“(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.”.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking “provisions of this section” and inserting “minimization procedures required under this title”.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

#### SEC. 6. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph



(3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a recipient has submitted a

notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request or order;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request or order under

subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.



“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—

“(i) PROHIBITION.—

“(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

“(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in

Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

“(aa) a danger to the national security of the United States;

“(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(cc) interference with diplomatic relations; or

“(dd) danger to the life or physical safety of any person.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(aa) those persons to whom disclosure is necessary in order to comply with the request;

“(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

“(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

“(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(iii) RIGHT TO JUDICIAL REVIEW.—

“(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

“(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

“(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

#### SEC. 7. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking “a production order” and inserting “a production order or nondisclosure order”; and

(ii) by striking “Not less than 1 year” and all that follows; and

(B) in clause (ii), by striking “production order or nondisclosure”; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.”.

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking “Not later than” and all that follows and inserting “At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

#### SEC. 8. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

“(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).”.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

“(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or

(b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

(2) by striking “The certification” and inserting the following:

“(1) FORM OF CERTIFICATION.—The certification”; and

(3) by adding at the end the following:

“(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).”.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).”.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

“(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).”.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking “section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),” and inserting “section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)).”.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and  
(B) by redesignating paragraph (6) as paragraph (4).

#### SEC. 9. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:

“(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘applicable period’ means—

“(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the PATRIOT Sunsets Extension Act of 2011 and ending on December 31, 2011; and

“(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

“(B) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(2) CLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

“(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

“(i) the number of authorized requests under the provision, including requests for subscriber information; and

“(ii) the number of authorized requests under the provision—

“(I) that relate to a United States person;

“(II) that relate to a person that is not a United States person;

“(III) that relate to a person that is—

“(aa) the subject of an authorized national security investigation; or

“(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

“(3) UNCLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report

fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

“(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

“(i) that relate to a United States person;

“(ii) that relate to a person that is not a United States person;

“(iii) that relate to a person that is—

“(I) the subject of an authorized national security investigation; or

“(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

#### SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

##### “SEC. 602. ANNUAL UNCLASSIFIED REPORT.

“Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

“Sec. 602. Annual unclassified report.”

##### SEC. 11. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2013”; and

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

“(C) with respect to calendar years 2007 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.”; and

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the Na-

tional Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

“(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

“(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

“(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

“(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”;

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”;

(7) by adding at the end the following:

“(g) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

“(2) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2013”;

(B) in paragraph (3)(C), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and

the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

(3) by striking subsection (g) and inserting the following:

“(h) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

“(2) the term ‘national security letter’ means a request for information under—

“(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

“(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

“(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

“(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

“(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

“(3) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”;

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

“(A) examine the use of national security letters by the element of the intelligence community during the period;

“(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

“(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

“(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment

under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”;

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) or (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking “The reports submitted under subsections (c)(1) or (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”.

(C) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2013.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2013;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign

Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department, agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2013, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

**(3) SUBMISSION DATES.—**

(A) **CALENDAR YEARS 2007 THROUGH 2009.**—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) **CALENDAR YEARS 2010 AND 2011.**—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(C) **CALENDAR YEARS 2012 AND 2013.**—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2012 and 2013.

**(4) INTELLIGENCE ASSESSMENT.—**

(A) **IN GENERAL.**—For the period beginning January 1, 2007 and ending on December 31, 2013, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

**(B) SUBMISSION DATES FOR ASSESSMENT.—**

(i) **CALENDAR YEARS 2007 THROUGH 2009.**—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) **CALENDAR YEARS 2010 AND 2011.**—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) **CALENDAR YEARS 2012 AND 2013.**—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2012 and 2013.

**(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—**

(A) **NOTICE.**—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) **COMMENTS.**—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) **UNCLASSIFIED FORM.**—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

**(d) DEFINITIONS.**—In this section—

(1) the terms “foreign intelligence information” and “United States person” have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(e) **OFFSET.**—Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

**SEC. 12. DELAYED NOTICE SEARCH WARRANTS.**

Section 3103a(b)(3) of title 18, United States Code, is amended by striking “30 days” and inserting “7 days”.

**SEC. 13. PROCEDURES.**

(a) **IN GENERAL.**—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) **CONSIDERATIONS.**—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) **REVISIONS TO PROCEDURES AND OVERSIGHT.**—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 14. SEVERABILITY.**

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

**SEC. 15. OFFSET.**

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

**SEC. 16. ELECTRONIC SURVEILLANCE.**

Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting “with particularity” after “description”.

**SEC. 17. EFFECTIVE DATE.**

The amendments made by sections 4, 5, 6, 7, 8, and 12 shall take effect on the date that is 120 days after the date of enactment of this Act.

**NOTICE OF HEARING**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 26, 2011, at 2:15 p.m. in Room

628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled "In Our Way: Expanding the Success of Native Language & Culture-Based Education."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Dayle Elieson and James Cook, detailees on my Judiciary Committee staff, be granted floor privileges for the remainder of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 150TH ANNIVERSARY OF THE FOUNDING OF THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 195, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 195) commemorating the 150th anniversary of the founding of the Massachusetts Institute of Technology, Cambridge, Massachusetts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 195) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 195

Whereas when the Massachusetts Institute of Technology (referred to in this preamble as "MIT") was founded by William Barton Rogers, on April 10, 1861, the doors to a powerful new institution for education, discovery, and technological advancement were opened;

Whereas the commitment of MIT to innovation and the entrepreneurial spirit has trained innovators and delivered groundbreaking technologies that have significantly contributed to the fields of computing, molecular biology, sustainable development, biomedicine, new media, energy, and the environment;

Whereas there are an estimated 6,900 companies founded by MIT alumni in the State of Massachusetts alone, which have earned worldwide sales of approximately \$164,000,000,000 and represent 26 percent of total sales made by Massachusetts companies;

Whereas the distinguished living alumni of MIT have founded approximately 25,800 companies that, as of 2011, provide jobs for ap-

proximately 3,300,000 people around the world and earn \$2,200,000,000,000 in annual sales;

Whereas MIT has many notable alumni and professors who have contributed to leading research and development efforts, including 76 Nobel Prize recipients and astronauts who have flown more than 1/3 of the manned spaceflights of the United States;

Whereas MIT engineers and researchers have pioneered countless innovations, including the creation of random-access magnetic-core memory (commonly known as "RAM"), which led to the digital revolution, the mapping of the human genome, the creation of GPS navigation technology, and the engineering of the computers that landed Americans on the moon;

Whereas MIT biomedical researchers remain at the forefront of many fields and have contributed years of key advancements, such as the first chemical synthesis of penicillin, the invention of heart stents, and the mapping of molecular defects to produce the first targeted therapies for cancer treatment; and

Whereas MIT has excelled as a world-renowned pioneer that promotes science and engineering education, economic growth, scientific breakthroughs, and technological advancement in the State of Massachusetts and throughout the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the 150th anniversary of the founding of the Massachusetts Institute of Technology in Cambridge, Massachusetts; and

(2) honors the outstanding contributions made by the alumni, professors, and staff of the Massachusetts Institute of Technology throughout the past 150 years, including the efforts supported by the Massachusetts Institute of Technology that have spurred the industrial progress of the United States through innovation.

#### MEASURES READ THE FIRST TIME—S. 1050, S.J. RES. 13, S.J. RES. 14

Mr. MANCHIN. Mr. President, I understand there are three measures at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the measures by title for the first time.

The legislative clerk read as follows:

A bill (S. 1050) to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches, and for other purposes.

A joint resolution (S.J. Res. 13) declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same.

A joint resolution (S.J. Res. 14) declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

Mr. MANCHIN. Mr. President, I now ask for their second reading and object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The measures will be read for the second time on the next legislative day.

#### APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY BENJAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

Mr. MANCHIN. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Benjamin Netanyahu, Prime Minister of Israel, into the House Chamber for the joint meeting at 11 a.m. on Tuesday, May 24, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, MAY 24, 2011

Mr. MANCHIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, May 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 1038, the PATRIOT Act extension, postcloture, and that any time during tonight's adjournment count postcloture on the motion to proceed to S. 1038.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. MANCHIN. Mr. President, there will be a joint meeting of Congress tomorrow at 11 a.m. with Israeli Prime Minister Netanyahu. Senators should gather in the Senate Chamber at 10:30 a.m. to proceed as a body to the Hall of the House of Representatives at 10:40 a.m.

Mr. President, we anticipate additional debate and adoption of the motion to proceed to S. 1038, the PATRIOT Act extension, during Tuesday's session.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANCHIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, May 24, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

#### DEPARTMENT OF STATE

JOYCE A. BARR, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-

COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE (ADMINISTRATION), VICE RAJKUMAR CHELLARAJ, RESIGNED.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

#### NATIONAL SCIENCE FOUNDATION

CLAUDE M. STEELE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE ELIZABETH HOFFMAN, TERM EXPIRED.

#### UNITED STATES PAROLE COMMISSION

CHARLES THOMAS MASSARONE, OF KENTUCKY, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE EDWARD F. REILLY, JR., RESIGNED.

#### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be brigadier general*

COL. DAVID A. STICKLEY

#### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be brigadier general*

COL. JOHN A. HAMMOND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be major general*

BRIG. GEN. JAMES T. WALTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### *To be major general*

BRIG. GEN. STEPHEN L. JONES  
BRIG. GEN. RICHARD W. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be major general*

BRIGADIER GENERAL MARCIA M. ANDERSON  
BRIGADIER GENERAL WILLIAM G. BEARD  
BRIGADIER GENERAL NICKOLAS P. TOOLIATOS  
BRIGADIER GENERAL JIMMIE J. WELLS

##### *To be brigadier general*

COLONEL MARGARETT E. BARNES  
COLONEL ROBERT D. CARLSON  
COLONEL SCOTTIE D. CARPENTER  
COLONEL ALLAN W. ELLIOTT  
COLONEL THOMAS P. EVANS  
COLONEL JANICE M. HAIGLER  
COLONEL KURT A. HARDIN  
COLONEL KENNETH D. JONES  
COLONEL CHRISTOPHER R. KEMP  
COLONEL MICHAEL A. MANN  
COLONEL JAMES H. MASON  
COLONEL CYNTHIA A. O'CONNELL  
COLONEL ALAN L. STOLTJE  
COLONEL GEORGE R. THOMPSON  
COLONEL TRACY A. THOMPSON  
COLONEL KEVIN R. TURNER  
COLONEL BRYAN W. WAMPLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COLONEL JOHN W. BAKER  
COLONEL MARGARET W. BURCHAM  
COLONEL RICHARD D. CLARKE, JR.  
COLONEL ROGER L. CLOUTIER, JR.  
COLONEL TIMOTHY R. COFFIN  
COLONEL PEGGY C. COMBS  
COLONEL BRUCE T. CRAWFORD  
COLONEL JASON T. EVANS  
COLONEL STEPHEN E. FARMEN  
COLONEL JOHN G. FERRARI  
COLONEL KIMBERLY FIELD  
COLONEL DUANE A. GAMBLE  
COLONEL RYAN F. GONSALVES  
COLONEL WAYNE W. GRIGSBY, JR.  
COLONEL STEVEN R. GROVE  
COLONEL WILLIAM B. HICKMAN  
COLONEL JOHN H. HORT  
COLONEL CHRISTOPHER P. HUGHES  
COLONEL DANIEL P. HUGHES  
COLONEL DANIEL L. KARBLER  
COLONEL RONALD F. LEWIS  
COLONEL JAMES B. LINDER  
COLONEL MICHAEL D. LUNDY  
COLONEL DAVID K. MACEWEN  
COLONEL TODD B. MCCAFFREY  
COLONEL PAUL M. NAKASONE

COLONEL PAUL A. OSTROWSKI  
COLONEL LAURA J. RICHARDSON  
COLONEL STEVEN A. SHAPIRO  
COLONEL JAMES E. SIMPSON  
COLONEL MARK R. STAMMER  
COLONEL MICHAEL C. WEHR  
COLONEL ERIC P. WENDT  
COLONEL ROBERT P. WHITE

#### IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### *To be major*

TODD A. EADS  
MIECHIA A. ESCO  
CORY M. HUGEN  
NICHOLE L. INGALLS

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be colonel*

SHAUN A. PRICE

THE FOLLOWING NAMED OFFICERS IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be major*

CHRISTOPHER R. BRADEN  
CM DYER

#### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be lieutenant commander*

CALVIN B. SUFFRIDGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be commander*

ELIZABETH J. JACKSON

##### *To be lieutenant commander*

JOHN M. MIYAHARA



## HOUSE OF REPRESENTATIVES—Monday, May 23, 2011

The House met at 2 p.m. and was called to order by the Speaker.

### PRAYER

Reverend Conrad Braaten, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

God of grace, God of glory and truth, grant us wisdom for the living of these days. Grant us discernment for the deliberations we make and courage for the decisions we face.

May the guidance of Your Spirit in this House serve to lead us as a Nation in paths of righteousness for Your Name's sake. Bring to our minds an awareness of Your benevolence upon all people, and may our hearts bear the imprint of Your compassion for the least among us.

You have given to us as individuals and as a body the vocation of being a trustee of Your creation and a steward of the common good.

May we be given a vision for our work together as public servants that will bless the well-being of our people, nurture the establishment of justice, and nourish the seeds of peacemaking in our world.

This is our earnest prayer. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mrs. MILLER of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WONDERFUL NEWS FROM DETROIT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, during the past several years, the domestic auto industry has undergone an incredibly painful economic

transition. Quite frankly, this industry was on its knees, and many people didn't think that either General Motors or Chrysler would survive. These naysayers said it would be best if they were just left to, in the case of General Motors, go into a chaotic bankruptcy, and in the case of Chrysler, certainly a complete liquidation.

For my great State of Michigan, my beautiful State of Michigan, which has suffered the worst economic depression certainly in my lifetime, if that would have happened, as bad as it has been for us, what would have happened if those companies would have gone bankrupt and liquidated would have been unimaginable—the loss of tens of thousands of more jobs either directly or indirectly through the supply chain and all the businesses that rely on the spinoff from the domestic auto industry.

Mr. Speaker, tomorrow, Chrysler Company at the Sterling Heights Assembly Plant—also known as SHAP, which is in my district—will be announcing that they will be paying back the Federal Government loans in their entirety 4 years ahead of schedule. This is the same plant, Mr. Speaker, that just recently put on a third shift, actually saving in that plant well over 2,000 jobs.

I am very proud of everyone who has supported the domestic auto industry, and certainly it is proof that the best automobiles in the entire world are, indeed, imported from Detroit.

### EXPRESSING SUPPORT FOR THOSE AFFECTED BY THE RECENT TORNADO

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, today I rise to give thanks to all who stepped up to help when St. Louis was struck by the Good Friday tornado. But now it's time to help our fellow Missourians in Joplin who last night suffered Missouri's most deadly tornado in 50 years, up to 1 mile wide and 6 miles long, devastating homes, businesses, schools, and the local hospital.

I have reached out to our colleague, BILLY LONG, who represents southwest Missouri. We offer our heartfelt prayers and condolences to the families of at least 89 dead, many more injured, and all whose way of life has literally been demolished.

As a member of the congressional subcommittee with oversight responsi-

bility for FEMA, I commend the prompt action of our first responders as they conduct urgent search and rescue operations. The American Red Cross has set up an emergency shelter. For those who would like to help, you can visit [www.redcross.org](http://www.redcross.org).

In the spirit of thanks for the assistance given to St. Louis in our time of need, it is time to provide a helping hand to our many neighbors who urgently require our help in southwest Missouri.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. FOXX) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 17, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 17, 2011 at 9:45 a.m.:

That the Senate passed S. 349.

That the Senate passed S. 655.

That the Senate passed without amendment H.R. 793.

Appointments:

Board of Visitors of the United States Naval Academy.

Board of Visitors of the United States Military Academy.

Board of Visitors of the United States Air Force Academy.

Board of Visitors of the United States Merchant Marine Academy.

Board of Visitors of the United States Coast Guard Academy.

United States Senate Caucus on International Narcotics Control.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 18, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 18, 2011 at 11:09 a.m.:

Appointments:  
President's Export Council.  
With best wishes, I am  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 20, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 20, 2011 at 11:30 a.m.:

That the Senate passed S. 990.  
With best wishes, I am  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM DISTRICT DIRECTOR AND PRESS SEC- RETARY, THE HONORABLE JIM GERLACH, MEMBER OF CON- GRESS

The SPEAKER pro tempore laid before the House the following communication from Kori Walter, District Director and Press Secretary, the Honorable JIM GERLACH, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by the County of Berks, Pennsylvania Magisterial District Court 23-02-02, for witness testimony.

After consultation with the Office of General Counsel, I have determined to comply with the subpoena to the extent that it is consistent with the privileges and rights of the House.

Sincerely,

KORI WALTER,  
District Director & Press Secretary.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 9 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1600

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BUEKLE) at 4 p.m.

#### PERMISSION TO FILE SUPPLE- MENTAL REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZA- TION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Madam Speaker, I ask unanimous consent that the Committee on Armed Services be authorized to file a supplemental report on the bill, H.R. 1540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### VETERANS' COMPENSATION COST- OF-LIVING ADJUSTMENT ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1407) to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1407

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as "Veterans' Compensation Cost-of-Living Adjustment Act of 2011".*

#### SEC. 2. INCREASE IN RATES OF DISABILITY COM- PENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—Effective on December 1, 2011, the Secretary of Veterans Affairs shall increase, in accordance with subsection), the dollar amounts in effect on November 30, 2011, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2011, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85-857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

#### SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2012.

#### SEC. 4. EXTENSION OF AUTHORITY OF THE SEC- RETARY OF VETERANS AFFAIRS TO PROVIDE SPECIALLY ADAPTED HOUSING ASSISTANCE TO INDIV- IDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEM- BER.

(a) SHORT TITLE.—This section may be cited as the "Andrew Connolly Veterans' Housing Act".

(b) EXTENSION.—Section 2102A(e) of title 38, United States Code, is amended by striking "December 31, 2011" and inserting "December 31, 2016".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1407, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

This is an annual bill that authorizes a cost-of-living increase in veterans' disability compensation, veterans' clothing allowance, and dependency and indemnity compensation for veterans' survivors. This increase is tied to the increase in the cost-of-living adjustment for Social Security beneficiaries. I'm also glad that the committee was able to include H.R. 1671, the Andrew Connolly Veterans' Housing Act, to the end of this bill at the full committee markup.

This amendment was introduced by the gentleman from Iowa (Mr. BRALEY). It provides a 5-year extension for the VA to provide specially adapted housing assistance to individuals residing temporarily in housing owned by a family member. Unless it is extended, this program will expire on September 30 of this year.

I urge all of my colleagues to support H.R. 1407, as amended.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the chairman, the gentleman from Minnesota, for bringing this bill and the others to the floor today. It's appropriate, as we are approaching Memorial Day, that we are working to fight for our veterans. But I think that all of us who get the opportunity to work in that VA Committee know that the chairman's focus on veterans is every day of the year, not just Memorial Day, and this is certainly a good one.

I rise in wholehearted support of the Veterans' Compensation Cost-of-Living Act of 2011, as amended. While we don't control the COLA, the chairman and everyone in the committee understood how important it was to get this forward, get there with Social Security when that's enacted. It is important that these payments are made on time. This Nation has a solemn and moral responsibility to our veterans, and this is just one more way to make sure that we do what's right.

I also would like to thank the chairman for including Mr. BRALEY's bill, the Andrew Connolly Act. It's really important. I think all of us who heard the testimony of Mr. Connolly and his family—a true American hero, someone who is doing everything right—want to make sure that we share that pain with him and his family for the costs that he has gone to war.

That grant is intended to assist eligible veterans to adapt a family member's home to provide a barrier-free living environment, to make sure that they have the highest level of independent living as possible. And so, again, I thank you for that.

I would, if I could, for just a moment, Mr. Chairman, just put in a slight plug, if I may, for a bill I'd like to see moved with this: H.R. 1025, the bill recognizing our reservists for their service and then being able to call themselves "veterans." And I want to thank the majority and minority staff working on that; keep moving that in the future if at all possible. But your unwavering support of this piece of legislation, this bill, has been absolutely necessary. We worked on it together in committee the way it should be, and your leadership in bringing it to the floor is certainly appreciated.

Madam Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. I thank the gentleman for his kind words. I look forward to working with him on his issues and other bills that will come before our committee in the future.

At this time, Madam Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Thank you, Chairman MILLER.

Today I rise in support of H.R. 1407, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

H.R. 1407, as amended, which I introduced in April, puts veterans on equal footing with Social Security beneficiaries by increasing the amount provided for disabled veterans' compensation, veterans' clothing allowance, and dependency and indemnity compensation for veterans' survivors by the amount of the Social Security cost-of-living adjustment.

This annual and noncontroversial bill, which has been scored by CBO as having no budgetary impact, is a crucial part of ensuring benefits for disabled veterans and their families are sufficient to meet their needs.

H.R. 1407, as amended, also includes H.R. 1671, introduced by the gentleman from Iowa (Mr. BRALEY), the Andrew Connolly Veterans' Housing Act, which provides a 5-year extension to the current program set to expire on September 30.

Mr. Connolly's story demonstrates the beneficial impact specially adapted housing can have on a disabled veteran temporarily living in the house of a family member. It is important that we extend this program and continue to allow disabled veterans in similar situations adapted housing.

I urge all Members to support H.R. 1407, as amended.

Mr. WALZ of Minnesota. Madam Speaker, I would like to also thank the distinguished gentleman from New Jersey, the chairman of the subcommittee. Thank you for your work on this. You're absolutely right. This is one that's supported; it is the work for our veterans. Together, you did a fine job of moving this through, Mr. Chairman. And we are certainly proud to support it.

I'm sorry, Mr. MILLER. I tried to move you north from Florida. I just had Minnesota on my mind. This time of year, it's not bad, though.

Thank you for your work on this. It's a great bill.

I have no further requests for time, Madam Speaker, and I yield back the balance of my time.

Mr. MILLER of Florida. I would invite my good friend to visit Florida's great northwest sometime in the winter, where thousands of people live like millions wish they could. So you're welcome any time.

#### GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1407, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STUTZMAN. Madam Speaker, I rise in strong support of Chairman RUNYAN's H.R. 1407, as amended, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011.

In addition to authorizing a cost of living increase for VA disability compensation for FY 2012, which I support, the bill contains provisions introduced by my Ranking Member BRALEY of the Subcommittee on Economic Opportunity, as the Andrew Connolly Veterans' Housing Act. These provisions would extend the Temporary Residence Grant commonly called the TRA grant program for five years.

The TRA program offers severely disabled veterans the opportunity to use a small portion of their Specially Adapted Housing grant to renovate the home of a family member to assist the veteran while the veteran is residing in the home on a temporary basis.

This program is needed because many severely injured veterans need temporary housing while their long-term home is adapted to meet their disabilities. For some veterans that temporary residence is that of a parent or sibling.

Anyone who attended the Subcommittee on Economic Opportunity's hearing on Mr. BRALEY's bill could not be impressed by the courage shown by Mr. Connolly and his wife, Jennifer. Mr. Connolly is a former member of the Iowa National Guard unit that had the longest tour of duty in Iraq of any Guard unit.

Unfortunately, he has been diagnosed with cancer of the spine and is confined to a wheelchair. His young son is also wheelchair-bound and is afflicted with a disease that requires the child to be on a respirator around-the-clock for life. That we would not extend a benefit that would make life better for Mr. and Mrs. Connolly is unthinkable and I applaud Mr. BRALEY for his work.

I also thank Chairman MILLER, Ranking Member FILNER, and Chairman RUNYAN for including the provisions of the Andrew Connolly Veterans' Housing Act in this must-pass legislation. I urge all Members to support H.R. 1407 as amended.

Mr. MILLER of Florida. Madam Speaker, I once again urge all Members to support H.R. 1407, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 1407, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1610

HONORING AMERICAN VETERANS  
ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Honoring American Veterans Act of 2011".

**SEC. 2. REQUIREMENTS FOR THE PLACEMENT OF MONUMENTS IN ARLINGTON NATIONAL CEMETERY.**

Section 2409(b) of title 38, United States Code, is amended—

(1) by striking "Under" and inserting "(1) Under";

(2) by inserting after "Secretary of the Army" the following: "and subject to paragraph (2)"; and

(3) by adding at the end the following new paragraphs:

"(2)(A) Except for a monument containing or marking interred remains, no monument (or similar structure, as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

"(B) A monument may be placed in Arlington National Cemetery if the monument commemorates—

"(i) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

"(ii) a particular military event.

"(C) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

"(i) in the case of the commemoration of service under subparagraph (B)(i), on the last day of the period of service so commemorated; and

"(ii) in the case of the commemoration of a particular military event under subparagraph (B)(ii), on the last day of the period of the event.

"(D) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement and only on land the Secretary determines is not suitable for burial.

"(E) A monument may only be placed in Arlington National Cemetery if an appropriate non-governmental entity has agreed to act as a sponsoring organization to coordinate the placement of the monument and—

"(i) the construction and placement of the monument are paid for only using funds from private sources;

"(ii) the Secretary of the Army consults with the Commission of Fine Arts before approving the design of the monument; and

"(iii) the sponsoring organization provides for an independent study on the availability and suitability of alternative locations for the proposed monument outside of Arlington National Cemetery.

"(3)(A) The Secretary of the Army may waive the requirement under paragraph (2)(C) in a case in which the monument would commemorate a group of individuals who the Secretary determines—

"(i) has made valuable contributions to the Armed Forces that have been ongoing and perpetual for longer than 25 years and are expected to continue on indefinitely; and

"(ii) has provided service that is of such a character that the failure to place a monument to the group in Arlington National Cemetery would present a manifest injustice.

"(B) If the Secretary waives such requirement under subparagraph (A), the Secretary shall—

"(i) make available on an Internet website notification of the waiver and the rationale for the waiver; and

"(ii) submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives written notice of the waiver and the rationale for the waiver.

"(4) The Secretary of the Army shall provide notice to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of any monument proposed to be placed in Arlington National Cemetery. During the 60-day period beginning on the date on which such notice is received, Congress may pass a joint resolution of disapproval of the placement of the monument. The proposed monument may not be placed in Arlington National Cemetery until the later of—

"(A) if Congress does not pass a joint resolution of disapproval of the placement of the monument, the date that is 60 days after the date on which notice is received under this paragraph; or

"(B) if Congress passes a joint resolution of disapproval of the placement of the monument, and the President signs a veto of such resolution, the earlier of—

"(i) the date on which either House of Congress votes and fails to override the veto of the President; or

"(ii) the date that is 30 session days after the date on which Congress received the veto and objections of the president."

**SEC. 3. CODIFICATION OF PROHIBITION AGAINST RESERVATION OF GRAVESITES AT ARLINGTON NATIONAL CEMETERY.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by inserting after section 2410 the following new section:

**"§2410A. Arlington National Cemetery: other administrative matters**

"(a) ONE GRAVESITE PER FAMILY.—(1) Not more than one gravesite may be provided at Arlington National Cemetery to a veteran or member of the Armed Forces who is eligible for interment at such cemetery and the family members of such veteran or member who are also eligible for interment at such cemetery.

"(2) The Secretary may waive the requirement under paragraph (1) in extreme circumstances, as determined by the Secretary. If the Secretary waives such requirement under this paragraph, the Secretary shall submit notice of the waiver to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

"(b) PROHIBITION AGAINST RESERVATION OF GRAVESITES.—A gravesite at Arlington National Cemetery may not be reserved for an individual before the death of such individual."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by inserting after the item relating to section 2410 the following new item:

"2410A. Arlington National Cemetery: other administrative matters."

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 2410A of such title, as added by subsection (a), shall apply with respect to all interments at Arlington National Cemetery after the date of the enactment of this Act.

(2) EXCEPTION.—Subsection (b) of such section, as so added, shall not apply with respect to the interment of an individual for whom a written request for a reserved gravesite was submitted to the Secretary of the Army before January 1, 1962, and subsequently approved.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on reservations made for interment at Arlington National Cemetery.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of requests for reservation of a gravesite at Arlington National Cemetery that were submitted to the Secretary of the Army before January 1, 1962.

(B) The number of gravesites at such cemetery that, on the day before the date of the enactment of this Act, were reserved in response to such requests.

(C) The number of such gravesites that, on the day before the date of the enactment of this Act, were unoccupied.

(D) A list of all reservations for gravesites at such cemetery that were extended by individuals responsible for management of such cemetery in response to requests for such reservations made on or after January 1, 1962.

(E) A description of the measures that the Secretary is taking to improve the accountability and transparency of the management of gravesite reservations at Arlington National Cemetery.

(F) Such recommendations as the Secretary may have for legislative action as the Secretary considers necessary to improve such accountability and transparency.

**SEC. 4. SENSE OF CONGRESS REGARDING THE PROVISION OF A MEMORIAL MARKER ON CHAPLAINS HILL TO HONOR THE MEMORY OF THE JEWISH CHAPLAINS WHO DIED WHILE ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES.**

(a) FINDINGS.—Congress makes the following findings:

(1) 13 Jewish chaplains have died while on active duty in the Armed Forces of the United States.

(2) Army Chaplain Rabbi Alexander Goode died on February 3, 1943, when then U.S.S. *Dorchester* was sunk by German torpedoes off the coast of Greenland.

(3) Chaplain Goode received the Four Chaplains' Medal for Heroism and the Distinguished Service Cross for his heroic efforts to save the lives of those onboard the *Dorchester*.

(4) Army Chaplain Rabbi Irving Tepper was killed in action in France on August 13, 1944.

(5) Chaplain Tepper also saw combat in Morocco, Tunisia, and Sicily while attached to an infantry combat team in the Ninth Division.

(6) Army Chaplain Rabbi Louis Werfel died on December 24, 1944, at the young age of 27, in a plane crash while en route to conduct Chanukah services.

(7) Chaplain Werfel was known as "The Flying Rabbi" because his duties required traveling great distances by plane to serve Army personnel of Jewish faith at outlying posts.

(8) Army Chaplain Rabbi Meir Engel died at the Naval Hospital in Saigon, Vietnam, on December 16, 1964, after faithfully serving his country during World War II, the Korean War, and the Vietnam War.

(9) Army Chaplain Rabbi Morton Singer died on December 17, 1968, in a plane crash while on a mission in Vietnam to conduct Chanukah services.

(10) Army Chaplain Rabbi Herman Rosen died in service of his faith and his country on June 18, 1943.

(11) His son, Air Force Chaplain Solomon Rosen, also died in service of his faith and his country on November 2, 1948.

(12) Army Chaplain Rabbi Nachman Arnoff died in service of his faith and his country on May 9, 1946.

(13) Army Chaplain Rabbi Frank Goldenberg died in service of his faith and his country on May 22, 1946.

(14) Army Chaplain Rabbi Henry Goody died in service of his faith and his country on October 19, 1943.

(15) Army Chaplain Rabbi Samuel Hurwitz died in service of his faith and his country on December 9, 1943.

(16) Air Force Chaplain Rabbi Samuel Rosen died in service of his faith and his country on May 13, 1955.

(17) Air Force Chaplain Rabbi David Sobel died in service of his faith and his country on March 7, 1974.

(18) Chaplains Hill in Arlington National Cemetery memorializes the names of 242 chaplains who perished while serving on active duty in the Armed Forces of the United States.

(19) None of the 13 Jewish chaplains who have died while serving on active duty are memorialized on Chaplains Hill.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker, to be paid for with private funds, to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States, so long as the Secretary of the Army has exclusive authority to approve the design and site of the memorial marker.

**SEC. 5. SENSE OF CONGRESS REGARDING THE SERVICE AND SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES WHO ARE SERVING IN, OR HAVE SERVED IN, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, AND OPERATION NEW DAWN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) More than 2,000,000 members of the Armed Forces have deployed to the theaters of war since the commencement of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

(2) Hundreds of thousands of such members have deployed for multiple tours of duty, leaving their homes, their families, and in many cases, their civilian jobs.

(3) More than 5,500 members of the Armed Forces have made the ultimate sacrifice for the United States while serving in Iraq or Afghanistan.

(4) Tens of thousands of additional members of the Armed Forces have been seriously wounded in the line of duty while serving in these theaters of war.

(5) These members of the Armed Forces have answered the Nation's call to duty, serving bravely and nobly and, in most cases, without fanfare or acclaim.

(6) These members of the Armed Forces have personified the virtues of patriotism, service, duty, courage, and sacrifice.

(7) All Americans recognize the service and sacrifices made by these members of the Armed Forces and their families.

(b) **SENSE OF CONGRESS.**—Congress—

(1) honors the members of the Armed Forces who are serving in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn and the members and veterans who have previously served in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; and

(2) calls on all Americans to reflect on the service of these members and veterans and to hold them in a special place of honor now and in the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1627, as amended, a bill to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

H.R. 1627, as amended, is a bipartisan bill that contains several provisions related to Arlington National Cemetery which were originally included in H.R. 1627, H.R. 1441, H. Con. Res. 12, and H. Con. Res. 45.

H.R. 1441, introduced by Mr. RUNYAN, codifies regulations and policies that bar reservations for burial or interment at Arlington National Cemetery made on or after January 1, 1962. There was broad support for this legislation at the committee's legislative hearing, and we have included two changes that Arlington management raised with the original text of the bill.

The bill, as amended, also includes additional transparency to the process of waivers for new monuments at Arlington. Under the process set up in the bill, as amended, whenever the Secretary of the Army approves a monument in compliance with the criteria set forth in the bill, Congress must immediately be notified of the decision. Congress then has 60 days to pass a resolution opposing the Secretary's position. This provides a clear check and balance on the Secretary's decision while removing the added time that it usually takes for Congress to pass a resolution in support of the waiver, as required by the current process.

The bill, as amended, also includes H. Con. Res. 12, which expresses the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery be provided for a memorial marker to honor the memory of Jewish chaplains who died while on active duty. The honor of this monument for these brave servicemembers is long overdue, and I am especially glad we were able to pass this resolution during the month of May, which is Jewish American Heritage Month.

Finally, the bill as amended includes H. Con. Res. 45, which I introduced, honoring the service and sacrifice of the members of the United States Armed Forces who are serving in, or who have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn. As we observe Memorial Day next week, I be-

lieve it is very appropriate to acknowledge the courage and sacrifice of these veterans and servicemembers from our most recent conflicts.

I urge all Members to support H.R. 1627, as amended.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Madam Speaker, I yield myself such time as I may consume.

I too rise in support of this piece of legislation, Honoring American Veterans Act of 2011. It is a very important, very sacred responsibility with the placement of monuments and how Arlington National Cemetery and our national cemeteries work. It is very clear in the prohibition of the reservation of grave sites at Arlington National. It also makes clear that only one grave site per family is permitted for burial.

Again, I am proud of serving on this committee and am proud of the chairman and the subcommittee chairman's work. There was a little bit of controversy as we talked through this issue of Arlington monuments, but I am very pleased the way this worked out. I think the compromise, working with the Senate and making sure that happens is in the right interest of the veterans' groups; it is in the right interest of those families who have their loved ones interred at Arlington.

I think once we develop that commission, it keeps Congress in the loop, strikes that proper balance of the original bill, we are going to have a really great piece of legislation, and that is exactly the way it is supposed to work.

This piece of legislation does honor the memory of those Jewish chaplains at Arlington by establishing a memorial marker on Chaplains Hill, and rightly so, to honor those who died while on active duty, and pays tribute to all of our servicemembers serving in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

I think it is, again, absolutely appropriate that this piece of legislation is coming up the week before Memorial Day, and I believe the committee is doing the work we were sent to do.

With that, I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. I thank Chairman MILLER.

Madam Speaker, I rise today in support of H.R. 1627, as amended, a bill containing several provisions regarding Arlington National Cemetery.

H.R. 1627, as amended and introduced by Chairman MILLER, alters the requirements for the placement of certain monuments within Arlington National Cemetery. It would limit the

erection of monuments not containing interred remains. These changes bring the requirements in better accord with the primary purpose of the cemetery: to honor our fallen servicemembers.

H.R. 1441, which I have introduced and included in H.R. 1627, as amended, would codify the regulations and policies barring reservations for burial at Arlington National Cemetery.

After being informed by a constituent of potential problems of past mismanagement at the cemetery, including lax oversight, damaged graves, and improper burials, I met with Mr. Patrick Hallinan, superintendent of Arlington National Cemetery, and Ms. Kathryn Condon, executive director of the Army National Cemeteries Program, in March, who helped me to quickly address and resolve the concerns of my constituent. H.R. 1627 will give Mr. Hallinan and Ms. Condon valuable tools to further aid them in their stewardship of some of the Nation's most sacred ground.

The space at Arlington National Cemetery is very limited, so we must plan accordingly. These provisions ensure that our Nation's most revered cemetery will remain open to all eligible veterans, regardless of rank or position, while maintaining its current pristine and peaceful setting for the interment of our fallen servicemembers.

The bill, as amended, also includes H. Con. Res. 12, which expresses the same sense of Congress that a monument should be placed to honor Jewish chaplains. As an original cosponsor of this resolution, I am thankful that we were able to include it in this bill.

Finally, the bill, as amended, includes H. Con. Res. 45, which Chairman MILLER introduced to honor the commitment and dedication of our Armed Forces who are serving, or have served, in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

Over 2 million members of the armed services have been deployed to theaters of war since the commencement of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn. As Chairman MILLER noted, it is especially fitting that we honor our servicemembers as Memorial Day approaches.

I want to thank my friend, Mr. MCNERNEY of California, the ranking member of the Subcommittee on Disability Assistance and Memorials, for his bipartisan leadership in moving this bill forward.

I urge all Members to support H.R. 1627, as amended.

Mr. WALZ of Minnesota. Madam Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of H.R. 1627, which contains legislation that Congressman RUNYAN and I

introduced to end the practice of back-room deals and reservations at Arlington National Cemetery.

It codifies what has been Army policy since 1962—that every eligible servicemember should be buried at Arlington without regard for rank or status. Unfortunately, Army policy has gone unheeded for over 40 years, and past supervisors of the cemetery have allowed these deals to continue. The bill, therefore, requires a full accounting of the off-the-books deals that have been made in the past.

Arlington National Cemetery, as we all know, is our Nation's most hallowed ground. The promise we make to those who wear our Nation's uniform and to their families is that our Nation will honor and remember their service, that we will never forget that freedom is not free.

As Memorial Day approaches, as everyone today has mentioned, I strongly believe we should honor all those who have served by putting an end to reservations at Arlington once and for all.

□ 1620

I would especially like to thank Congressman RUNYAN for allowing me to work with him on H.R. 1441 and on the larger bill, H.R. 1627. I want to thank Chairman MILLER and Ranking Mr. FILNER for their support as well.

I urge my colleagues to support this bill.

Mr. MILLER of Florida. I reserve the balance of my time.

Mr. WALZ of Minnesota. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman for yielding me time.

I also want to express my appreciation to Chairman MILLER, Ranking Member FILNER, Chairman RUNYAN of the subcommittee, and our colleague Congressman MCNERNEY.

Madam Speaker, I rise in support of H.R. 1627, which contains authorization language from a bill that I sponsored, House Concurrent Resolution 12, to designate a plot of land at Arlington Cemetery to be used for a memorial honoring the Jewish chaplains of our Armed Services.

Jewish chaplains have served our country for 149 years. In fact, there are 32 currently on active duty today, yet they still do not have a place with their Protestant and Catholic counterparts on Chaplains Hill in Arlington Cemetery. Today, all that is standing between Arlington Cemetery and a memorial for Jewish chaplains is the passage of this bill in the House and Senate.

I, frankly, am not the one who thought of creating a memorial for Jewish chaplains. In fact, like many Jewish Americans and veterans nationwide, I was surprised to learn that no such memorial existed at Arlington Cemetery. A citizen named Ken

Kraetzer, who is the vice commander of the Sons of the American Legion for New York State and who is joining us here today, noted the absence of a monument for Jewish chaplains while he was researching the stories of the four immortal chaplains who died while giving final rites on board the USS *Dorchester* in 1943.

For those who are unfamiliar with the story, as I was, a convoy of three ships passed through “torpedo alley” off the coast of Greenland at about 1 a.m. on February 3, 1943. A German U-boat fired three torpedoes, one of which hit the *Dorchester*—a U.S. Army troop ship with more than 900 men on board. The four chaplains on board—two Protestant pastors, a Catholic priest and a Jewish rabbi—were among the first on deck, calming the men and handing out lifejackets. When they ran out of lifejackets, without regard to faith or race, they took off their own and placed them on waiting soldiers. Approximately 18 minutes from the explosion, the ship went down. By witnesses, they were last seen standing arm-in-arm on the hull of the ship, each praying in his own way for the care of the men. Almost 700 died that day, making it the third largest loss at sea of its kind for the United States during World War II.

While trying to locate these four famous chaplains on Chaplains Hill, Mr. Kraetzer noticed that Rabbi Alexander Goode was the only one of the four chaplains not distinguished by a memorial. Ken partnered with two other veterans, Rabbi Harold Robinson and Sol Moglen, who are also in the gallery today, to help lead fund-raising efforts. It took just a few months, and they raised over \$50,000.

They used the other memorials as a model for the new monument they proposed for the 13 Jewish chaplains who lost their lives from 1943 to 1974. The monument, as designed, will stand 7 feet tall with a bronze plaque mounted on a granite slab, listing all 13 names, as well as the Jewish proverb, “I ask not for a lighter burden but for broader shoulders,” and it would also have an inscription of the Star of David. There will also be a place at the bottom for future chaplains if, God forbid, needed.

While planning this project, Mr. Kraetzer, Rabbi Robinson and Mr. Moglen were in touch with Arlington Cemetery. They were notified—something that I’m sure members of the committee knew, but I did not—that a 2001 rule requires congressional approval for all memorials at Arlington Cemetery, which we are rectifying today with this bill. It should be pointed out that the section of the bill that we are going to be sponsoring mirrors Senate action. Although it’s part of a larger bill, it will take effect as soon as their action takes effect. It does not need the signing of the President, according to those at the Army.



The group quickly alerted the Jewish War Veterans of the United States of America, the Jewish Welfare Board, the Jewish Chaplains Council, and they finally reached out to me. I was touched by the work of these great men, and quickly introduced a resolution to fix the problem. Senator SCHUMER is the sponsor of the Senate version, S. Con. Res. 4, which has 25 Senate sponsors. The resolution we have today is bipartisan in nature. It has 86 cosponsors, and had been endorsed by 35 Jewish organizations and 47 Jewish War Veterans chapters before being added to the bill.

The Jewish Federations of North America and Shelly Rood have been working to help pass this bill to recognize the achievements of these 13 Jewish chaplains. I also want to thank Major Gretchen Gardner of Arlington Cemetery for helping us all navigate the Army's process.

My staff has been ensured by Major Gardner and others that, if we and the Senate pass this bill, it will satisfy the requirements of 32 CFR 553.22(1) of the Code of Federal Regulations, which governs the monuments at Arlington Cemetery.

Finally, surviving members of the chaplains have been involved in this process. I want to particularly recognize David and Rafael Engel, who are the sons of Meir Engel, and their children, Jonathan and Yael, who are here with us today, as well as Vera Silberberg, the daughter of Morton Singer.

I am very grateful that we are one step closer to raising this monument and to properly honoring the brave Jewish chaplains who serve our country today. There can be no better way to celebrate Jewish Heritage Month. I look forward to the ceremony at Arlington Cemetery that will follow this vote.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WALZ of Minnesota. I yield the gentleman an additional 2 minutes.

Mr. WEINER. Mr. Chairman and my colleagues, if it would be appropriate, I would like to now list the names of the 13 fallen chaplains who will be honored on this memorial should this become law:

Captain Nachman Arnoff of the United States Army, Lieutenant Colonel Meir Engel of the United States Army, First Lieutenant Frank Goldenberg of the United States Army, Lieutenant Alexander Goode of the United States Army, Lieutenant Henry Goody of the United States Army, Major Samuel Hurwitz of the United States Army, First Lieutenant Herman Rosen of the United States Army, Lieutenant Colonel Samuel Rosen of the United States Air Force, First Lieutenant Solomon Rosen of the United States Army, Captain Morton Singer of the United States Army, Captain David Sobel of

the United States Air Force, Captain Irving Tepper of the United States Army, and First Lieutenant Louis Werfel of the United States Army.

May God bless their souls, and may we remember them and honor them with a memorial at Arlington Cemetery.

I ask my colleagues to vote "yes" on this, and I thank my colleagues for their indulgence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from referencing persons occupying the gallery.

Mr. WALZ of Minnesota. We are certainly proud of this piece of legislation, Madam Speaker, and we are in full support of it. I would like to thank the gentleman from New York for his unflinching and unwavering work to get this done for all the right reasons.

I yield back the balance of my time.

Mr. MILLER of Florida. I too want to thank my good friend from New York (Mr. WEINER) for his fine work on this piece of legislation. I am proud to have it in the bill today at this particular time of the year, in the month of May.

GENERAL LEAVE

Mr. MILLER of Florida. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1627, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 1627, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1630

#### RESTORING GI BILL FAIRNESS ACT OF 2011

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1383) to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in

the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1383

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Restoring GI Bill Fairness Act of 2011".

#### SEC. 2. PRESERVATION OF HIGHER RATES FOR TUITION AND FEES FOR PROGRAMS OF EDUCATION AT NON-PUBLIC INSTITUTIONS OF HIGHER LEARNING PURSUED BY INDIVIDUALS ENROLLED IN SUCH PROGRAMS PRIOR TO CHANGE IN MAXIMUM AMOUNT.

(a) IN GENERAL.—Notwithstanding paragraph (1)(A)(ii) of section 3313(c) of title 38, United States Code (as amended by the Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Public Law 111-377)), the amount payable under that paragraph (or as appropriately adjusted under paragraphs (2) through (7) of that section) for tuition and fees for pursuit by an individual described in subsection (b) of an approved program of education at a non-public institution of higher learning during the period beginning on August 1, 2011, and ending on July 31, 2014, shall be the greater of—

(1) \$17,500; or

(2) the established charges payable for the program of education determined using the table of the Department of Veterans Affairs entitled "Post-9/11 GI Bill 2010–2011 Tuition and Fee In-State Maximums", published October 27, 2010 (75 Fed. Reg. 66193), as if that table applied to the pursuit of the program of education by that individual during that period.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is an individual entitled to educational assistance under chapter 33 of title 38, United States Code, who, on or before April 1, 2011, was enrolled in a non-public institution of higher learning in a State in which—

(1) the maximum amount of tuition per credit in the 2010–2011 academic year, as determined pursuant to the table referred to in subsection (a)(2), exceeded \$700; and

(2) the combined amount of tuition and fees for full-time attendance in the program of education in such academic year exceeded \$17,500.

(c) DEFINITIONS.—In this section:

(1) The term "approved program of education" has the meaning given that term in section 3313(b) of title 38, United States Code.

(2) The term "established charges", with respect to a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs on the basis of a full academic year) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

(3) The term "institution of higher learning" has the meaning given that term in section 3452(f) of title 38, United States Code.

#### SEC. 3. EXTENSION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) EXTENSION.—Section 3729(b)(2)(B)(ii) of title 38, United States Code, is amended—

(1) by striking "January 1, 2004, and before October 1, 2011" and inserting "October 1, 2011, and before October 1, 2012"; and



(2) by striking “3.30” both places it appears and inserting “2.80”.

(b) CONFORMING AMENDMENT.—Section 3729(b)(2)(B)(iii) of such title is amended by striking “October 1, 2011” and inserting “October 1, 2012”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself as much time as I may consume.

I rise today in support of H.R. 1383, as amended, the Restoring GI Bill Fairness Act of 2011. This bill would temporarily increase the Post-9/11 GI Bill program's national cap on tuition and fees paid by the Department of Veterans Affairs on behalf of certain veterans pursuing programs of education at non-public institutions of higher learning from \$17,500 to \$27,000.

The original Post-9/11 GI Bill that became effective on August 1, 2009, required VA to pay 100 percent of the tuition and fee charges up to a maximum cap that is based on a State's most expensive in-state undergraduate tuition and fee charges at a public institution of higher learning on behalf of a veteran with at least 36 cumulative months of active duty since September 11, 2001. Veterans with fewer months of service since that day of infamy would get a proportionally smaller amount. The maximum payment would apply to veterans attending both public and private degree-granting institutions of higher learning. As a result of basing tuition and fee payments on the in-state undergraduate rate, VA made tuition and fee payments well in excess of \$20,000 annually on behalf of veterans attending private institutions in States with high tuition and fee charges at State schools.

In addition to tuition and fee payments, the new GI Bill provides a monthly living stipend. The stipend is the same amount paid to an E-5, generally the pay grade of a sergeant or petty officer second class, at the “with-dependents” rate in the zip code of the school the veteran is attending. For example, a veteran attending the University of Maryland in College Park, Maryland, receives \$1,881 per month for the 2010–2011 school year. The Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which was passed on December 16 of last year, made several changes to the Post-9/11 GI Bill. Those changes included a national cap of \$17,500 on tuition and fee payments for veterans attending non-public institutions, effective August 1, 2011. The \$4.1 billion Pay-As-You-Go cost of providing those changes was met by reducing education benefits in

some areas. For example, a \$17,500 cap on tuition and fees paid on behalf of veterans attending private schools was instituted to help pay for expanded eligibility for other veterans.

Although the cap of \$17,500 a year will be a potential increase in payments for veterans in most States, some veterans attending non-public schools in seven states—New York, Texas, Arizona, Michigan, New Hampshire, Pennsylvania, and South Carolina—will see their tuition and fees payments reduced by thousands of dollars. Reducing tuition and fee payments could force veterans in these States to find non-GI Bill resources such as loans, grants or employment income to pay tuition and fees. To counter the coming reduction, H.R. 1383, as amended, would temporarily increase the cap on tuition and fees from \$17,500 up to \$27,000 for 3 years beginning the 1st of August of 2011. This increase would apply only to veterans who were enrolled in non-public institutions of higher learning before April 1, 2011. I believe it is only fair that we grandfather in these veterans.

To meet statutory Pay-As-You-Go offset requirements, the manager's amendment to H.R. 1383 would extend existing loan fee requirements associated with the subsequent use of a VA loan guarantee for 1 year at slightly higher rates than would otherwise apply. Although not perfect, I believe this offset is dwarfed by the \$4.1 billion in offsets from veterans' education benefits passed by the House last December with only three Members voting in opposition. I would also note that the veterans' community has previously supported similar offsets when used to improve veterans' benefits as is being done in H.R. 1383.

Madam Speaker, this bill is supported by the Iraq and Afghanistan Veterans of America, the Military Officers Association of America, Student Veterans of America, AMVETS, and the Reserve Officers Association. I would like to include these letters of support in the RECORD.

I believe the alternative seen in the manager's amendment meets the concerns expressed by Members desiring as minimal an impact as possible on our veterans. I encourage all Members to support H.R. 1383, as amended.

IRAQ AND AFGHANISTAN  
VETERANS OF AMERICA,  
Washington, DC.

Hon. JEFF MILLER,  
Rayburn House Office Building,  
Washington, DC.

DEAR CHAIRMAN MILLER: Iraq and Afghanistan Veterans of America (IAVA) strongly supports H.R. 1383 to temporarily preserve higher rates for programs of education at non-public institutions of higher learning pursued by individual enrolled in the Post-9/11 Veterans Educational Assistance Program of the Department of Veterans Affairs.

The Post 9/11 GI Bill will be remembered as one of the shrewdest investments in our country's veterans for generations to come.

The recent improvements to the Post 9/11 GI Bill will allow an additional 400,000 Operation Iraqi Freedom and Operation Enduring Freedom veterans to fully utilize their hard earned GI Bill benefits. While a historic upgrade to GI Bill benefits, these reforms caused benefits for a small number of student veterans to drop. This bill will insure that veterans currently utilizing their GI Bill at our nation's most expensive institutions are not left behind and can complete their education.

We have history on our side. After the World War II GI Bill was enacted, Congress had to pass improvements to forge our country's smartest investment. IAVA believes that just like the WWII GI Bill, the Post-9/11 GI Bill, with these improvements in H.R. 1383, will help build the next greatest generation.

If we can be of any help in advancing H.R. 1383 please contact Tim Embree at (202) 544-7692 or tim@iava.org. We look forward to working with you.

Sincerely,

PAUL RIECKHOFF,  
Executive Director.

MILITARY OFFICERS ASSOCIATION  
OF AMERICA,  
Alexandria, VA, May 2, 2011.

Hon. JEFF MILLER,  
Chairman, House Committee on Veterans Affairs,  
Washington, DC.

Hon. MARLIN STUTZMAN,  
Chair, Econ. Opportunity Subcomm., Wash-  
ington, DC.

DEAR CHAIRMAN MILLER AND CHAIRMAN STUTZMAN: On behalf of the 375,000 members of The Military Officers Association of America (MOAA), I am writing to express our strong support for your bill, H.R. 1383 that would temporarily “grandfather” higher rates for veterans currently enrolled in non-public colleges and universities under the Post-9/11 GI Bill.

MOAA strongly supported needed improvements to the Post-9/11 GI Bill and we were pleased with the final passage of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010 signed into law as P.L. 111-377 on 4 January this year.

The original version of that legislation included a grandfather provision to ensure that students who were already enrolled in private colleges could continue their educations under the rate structure in effect on 1 August 2009 as adjusted by annual COLAs. Unfortunately, the grandfather provision was removed from the bill as it proceeded through the legislative process.

MOAA believes the underlying intent of your legislation contemplates the potential inclusion of out-of-state public college students. For some of these currently enrolled veterans, the cost of enrollment exceeds the new academic year cap of \$17,500 for non-public institutions.

We recognize the enormous budgetary challenges that face all of our elected representatives in this most difficult period of rising national debt. MOAA recommends a further temporary, internal adjustment to program-enrollment or housing rates, to accommodate currently enrolled out-of-state students attending public colleges.

MOAA respectfully requests a copy of this letter be included in the official transcript of the hearing scheduled before the Economic Opportunity Subcommittee, House Committee on Veterans Affairs on 3 May 2011.

Thank you for your leadership and commitment to the men and women who wear and have worn our nation's uniform.

Sincerely,

NORBERT R. RYAN, Jr.,  
President.

Hon. JEFF MILLER,  
Rayburn House Office Building,  
Washington, DC.

CHAIRMAN MILLER: We, at Student Veterans of America, strongly support your efforts to amend Title 38 of the US Code to allow for a grandfather clause in the Post 9/11 GI Bill through your Bill, HR 1383. This measure will ensure that the sudden change in tuition rates created by Public Law 111-377 will not harm those at non-public institutions who are halfway through their degree programs and depending on the current level of benefits that they are receiving. While we strongly supported the recent changes to the new GI Bill, we did hope to see such a measure included in the original legislation, and appreciate your leadership on this issue to make up this difference in benefits.

Despite our support of HR 1383, we remain concerned that it's grandfather provisions do not include those student veterans who are paying out-of-state rates at public institutions. The recent changes limit the amount of benefits to the net cost of in-state rates, and so all out-of-state student veterans, not just those at the most expensive public school, will now see a reduction in benefits. This is not limited to those states whose rates are currently above \$17,500. This could theoretically affect veterans in almost every state, as a few states have local regulations that give veterans instant in-state tuition rates, but many do not.

We look forward to working with you on this very important issue. Please let us know how we can support these efforts to ensure that our student veterans continue to succeed in our nation's classrooms.

Very Respectfully,

BRIAN HAWTHORNE,  
Board of Directors.

AMVETS,  
Lanham, MD, April 11, 2011.

Hon. JEFF MILLER,  
Chairman, House Committee on Veterans Affairs,  
Washington, DC.

DEAR CHAIRMAN MILLER: On behalf of AMVETS (American Veterans) I am writing to express our support for H.R. 1383, which stands to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by the individuals enrolled in the Post 9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post 9/11 Veterans Educational Assistance Improvement Act of 2010, and for other purposes.

AMVETS strongly believes H.R. 1383 will eliminate and prevent any undue financial hardships on veterans and their dependents seeking a higher education at schools costing more than the new funding levels outlined by P.L. 111-377.

Furthermore, AMVETS believes your bill, H.R. 1383, will allow and encourage veterans and their dependents to continue to pursue their educations at their high-cost non-public schools and will eliminate the possibility of any threat these students may experience from a reduction in tuition and fees paid by VA due to changes made under P.L. 111-377.

AMVETS applauds your continued dedication to veterans and their families and lends our support to H.R. 1383.

Sincerely,

CHRISTINA M. ROOF,  
National Acting  
Legislative Director AMVETS.

RESERVE OFFICERS ASSOCIATION,  
Washington, DC, April 8, 2011.

Hon. JEFF MILLER,  
Chairman, House Veterans' Affairs Committee,  
Washington, DC.

Hon. MARLIN STUTZMAN,  
Chairman, Subcommittee on Economic Opportunity,  
House Veterans' Affairs Committee,  
Washington, DC.

DEAR CHAIRMEN MILLER AND STUTZMAN: The Reserve Officers Association (ROA) is a 60,000-member professional association, chartered by Congress, which represents all the uniformed services of the United States. We back the introduction of H.R. 1383 The Restoring GI Bill Fairness Act of 2011.

ROA supports the effort to grandfather in current students who applied for the Post 9/11 GI Bill benefits based on different rules in the law. And while many will gain advantages under the new changes to the law some of the current students utilizing the benefits are negatively affected. For example we have received concerning calls and emails from members that feel forsaken and as such members signed commitments based on the benefits which they now feel are significantly reduced.

This bill honors and recognizes the commitments current student veterans or their parents have made.

Thank you for your efforts on this key issue. If you have any questions please contact CAPT Marshall Hanson, legislative director, at (202) 646-7713 or mhanson@roa.org.

Sincerely,

DAVID R. BOCKEL,  
Major General, USA  
(Ret.), Executive Director.

WALKER M. WILLIAMS III,  
Colonel, USAF (Ret.),  
National President.

I reserve the balance of my time.

Mr. WALZ of Minnesota. Madam Speaker, I yield myself as much time as I may consume.

Again, I thank the chairman and the chairman of the subcommittee, the gentleman from Indiana (Mr. STUTZMAN), for working to improve on a very good piece of legislation. The 21st Century GI Bill was an improvement and a recognition that our modern warriors, especially those in the Guard and Reserves, were shouldering an incredible burden in these current conflicts protecting our freedoms.

With that, the 21st Century GI Bill went into effect, but I applaud this Congress for having the foresight to look, if something's not working correctly, bring it back and let's try and work through it. I am very much in support of this piece of legislation.

I also again want to thank the chairman of the subcommittee and the full committee for their willingness to work on an offset issue, one of the very difficult things that we have to do, and I applaud you for taking it head-on. We all understand the challenge of the financial situation and the need to make

sure that every penny of the taxpayer's dollar is watched over carefully. I certainly don't think anyone wants to shortchange our veterans, but we will certainly look and do all we can. I think the compromise that we reached is certainly the way the public would want us to go. I am certainly happy with those new ones.

I think what's really important on this is, listening to the chairman talk about the different States where there were discrepancies, we need to be very clear—and I think this bill does that—that these veterans are not New York veterans, they're American veterans. They're Texan veterans, South Carolina veterans, and we need to make sure that we get that in there correctly.

There were a few issues that I think we can continue to talk about that came up from the VA themselves in implementation of the bill. I hope we continue, as I am sure we will in our committee and others, to keep focusing on that to make sure that we can get it in and make sure there is not a delay to our servicemembers. They deserve to have it done on time.

Again, this is a good piece of legislation. We took on a challenging subject, the willingness to correct something that was needed to be corrected, and then the willingness to find the pay-for that was necessary. Thank you, Mr. Chairman, for that.

I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I am now happy to yield such time as he may consume to the chairman of the Subcommittee on Economic Opportunity, the fine gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. Madam Speaker, I rise in strong support of Chairman MILLER's manager's amendment to H.R. 1383, the Restoring GI Bill Fairness Act of 2011.

The bill would increase the cap on tuition and fees set by the Post-9/11 Veterans Education Assistance Improvements Act of 2010, passed by Congress on December 16, 2010, as signed into law by President Obama as Public Law 111-377.

The new law made several changes to the Post-9/11 GI Bill, including imposing a national cap of \$17,500 per academic year on tuition and fees paid to private institutions. Unfortunately, the cap will reduce VA payments on behalf of up to 30,000 veterans already enrolled in these private schools by thousands of dollars in at least seven States. Those States would include New York, Texas, Michigan, Pennsylvania, Arizona, South Carolina, and New Hampshire.

Madam Speaker, H.R. 1383, as amended, would raise that cap to \$27,000 for a period of 3 years for veterans already enrolled in these private schools as of April 1, 2011. Veterans who enroll after that date would be subject to the \$17,500 cap on tuition and fees.

In determining the amount of the new, temporary cap, we found that the College Board data showed that the average net tuition and fees charged to independent students attending the most expensive tier of private schools was roughly \$22,540.

□ 1640

Therefore, we believe that when combined with other Federal benefits like Pell Grants and the post-9/11 G.I. Bill's Yellow Ribbon program, the vast majority of veterans attending private institutions would not experience out-of-pocket costs. I would also point out that the Yellow Ribbon program offers schools the opportunity to make up any difference between the basic benefit and actual charges by sharing the difference dollar for dollar with the VA.

Finally, I support the revised PAYGO offset. By meeting this change, we meet our statutory budget rules and allow veterans monthly stipends to reflect the most current amount of basic allowance for housing paid to service-members at the E-5 with dependents rate.

Madam Speaker, I urge my colleagues to support H.R. 1383, as amended.

Mr. WALZ of Minnesota. Madam Speaker, again, I appreciate the gentleman from Indiana's work on this. I think we made a good piece of legislation even better, and that's a good thing. That's a good charge for us.

Mr. REHBERG. Madam Speaker, last month, I received a letter from Sergeant First Class Bart Holder, a Montana native who is currently serving our country in Afghanistan. Like many soldiers, Sgt. Holder chose to transfer his GI Bill benefits to his daughter, Madison. Thanks to her father's GI Bill benefits and an academic scholarship, Madison's freshman year tuition was fully paid for. And that's exactly how it should be.

But earlier this Spring, Madison was told that, as a result of changes made by Congress to the GI Bill, her benefits would no longer cover the full cost of her tuition. She was told that she would need to find several thousand dollars to make up for the shortfall. This bill, the Restoring GI Bill Fairness Act would bridge that gap for veterans and students like Madison who chose their college before Congress capped their GI Bill payments last December.

The GI Bill is about keeping a promise to the men and women who serve their country and the cause of freedom. On the battlefield, soldiers don't leave men behind, and we shouldn't strand students in the middle of their education by reducing their benefits without warning. Congress changed the rules in the middle of the game and veterans and their dependents who made sound fiscal decisions based on the old formula shouldn't have to pay the price.

I am proud to be a co-sponsor of this bill. And I urge all of my colleagues to vote yes on this important piece of legislation.

Mr. WALZ of Minnesota. Madam Speaker, I have no further requests for

time, and I yield back the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I once again encourage all Members to support H.R. 1383, as amended.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 1383, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### PENALTIES FOR MISREPRESENTATION AS A VETERAN-OWNED BUSINESS

Mr. MILLER of Florida. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1657) to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1657

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DEPARTMENT OF VETERANS AFFAIRS ENFORCEMENT PENALTIES FOR MISREPRESENTATION OF A BUSINESS CONCERN AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS OR AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Subsection (g) of section 8127 of title 38, United States Code, is amended—

(1) by striking "Any business" and inserting "(1) Any business";

(2) by striking "a reasonable period of time, as determined by the Secretary" and inserting "a period of not less than five years"; and

(3) by adding at the end the following new paragraphs:

"(2) In the case of a debarment under paragraph (1), the Secretary shall commence debarment action against the business concern by not later than 30 days after determining that the concern misrepresented the status of the concern as described in paragraph (1) and shall complete debarment actions against such concern by not later than 90 days after such determination.

"(3) The debarment of a business concern under paragraph (1) includes the debarment of all principals in the business concern for a period of not less than five years."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Minnesota (Mr. WALZ) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1657, a bill to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.

Madam Speaker, Public Law 109-461 created new opportunities for these service-disabled veteran-owned small businesses and the veteran-owned small businesses to be afforded contract work with the Department of Veterans Affairs. However, this bill had the unintended consequence of encouraging unscrupulous business owners to fraudulently claim to be a veteran or service-disabled veteran-owned small business in order to get those VA contracts.

H.R. 1657 would add teeth to the VA's enforcement abilities by requiring the Secretary to debar any company that fraudulently claims to be a service-disabled veteran-owned business for no less than 5 years. The debarment would also apply to the business' principals.

I want to thank the gentleman from Indiana (Mr. STUTZMAN) for introducing this much-needed piece of legislation.

Madam Speaker, I reserve the balance of my time.

Mr. WALZ of Minnesota. Madam Speaker, I yield myself such time as I may consume.

Once again, I also rise in support of H.R. 1657. It is absolutely unconscionable that we would have folks taking the set-asides that we have made specifically available to our veterans as they return home to start small businesses. Again, it's certainly not a lottery they have won. It is this Nation's commitment to them to make sure they get on an equal footing and get going again; and anyone who is intentionally stealing those funds, it certainly should be a serious matter.

I applaud the gentleman from Indiana for continuing on this very bipartisan—in the last Congress, Congresswoman Herseth Sandlin and now-Senator BOOZMAN took this up, started it moving, and it looks like you are going to get her across for us, Mr. STUTZMAN; and for that I am very happy.

I hope all my colleagues will join me in making sure we improve the protections for the veteran-owned enterprises and send a very clear signal that this is certainly fraud for those individuals who are engaging and taking those set-aside dollars because it is absolutely critical for our returning veterans.

Madam Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I am happy to yield such time as he may consume to the chairman of the Subcommittee on Economic Opportunity, the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. I thank the chairman for yielding.

Madam Speaker, I rise in strong support for H.R. 1657 that would revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by a veteran or a small business concern owned and controlled by service-disabled veterans.

Section 502 of Public Law 105-50 set a goal for all Federal agencies to spend at least three percent of their procurement funds with small businesses owned and controlled by service-disabled veterans. On October 21, 2004, President Bush reinforced the Federal Government's 3 percent goals by signing Executive Order 13360. According to the Small Business Administration, at the time of that executive order, the overall Federal procurement from service-disabled veteran-owned small businesses was about .38 percent, or about one-tenth of the goal set by statute and executive order. Even the VA was short of the goal, spending about 1.3 percent service-disabled veteran-owned small businesses.

To help VA meet the goal, section 5 of Public Law 109-461 gave some new tools to the VA contracting staff that essentially gave service-disabled veteran-owned small businesses preference in small business set-aside contracts while not ignoring the VA's other statutory set-aside goals such as for firms qualified as HUBZone and minority-owned small businesses. As a result, SBA data for fiscal year 2009 shows that overall Federal spending with service-disabled veteran-owned small businesses was about 1.98 percent, and VA spent nearly 17 percent with service-disabled veteran-owned small businesses.

Clearly, the law was having a positive result for veteran-owned small businesses. Unfortunately, as James Earl Jones said in "Field of Dreams": "If you build it, they will come." The "they" in this case are unscrupulous businesses that falsely claim veteran and disabled-veteran-owned status and the veterans who front for them.

The GAO did a review of 10 firms claiming to be service-disabled veteran-owned small businesses and found that none of them qualified as service-disabled veteran-owned small businesses. Since then, staff has continued to meet with the GAO and VA's Inspector General, and it is fair to say that there is no shortage of businesses fraudulently claiming to be veteran and/or service-disabled veteran-owned small businesses.

The original legislation merely authorized the Secretary of Veterans Affairs to debar these frauds for a period determined by the Secretary. However, given the continuing exposure of firms trying to steal contracts from legitimate veteran small businesses, I feel it necessary to provide some teeth to the law. My bill will direct the Secretary to debar these fraudulent firms and their principals for 5 years, and it would also set a schedule to speed up that action.

Madam Speaker, I note that the VA did not support the bill, citing a one-size-fits-all approach could harm firms who make an honest mistake in claiming status as a veteran or service-disabled veteran-owned small businesses. I again invite the VA to work with us to perfect a bill that will discourage frauds while protecting these contracts for valid veteran and service-disabled veteran-owned small businesses.

I believe that at a time when the economy is very difficult and veterans are looking to either start their business or go back to work, this bill will ultimately meet the need and protect those veterans and the businesses that are available to them.

I thank my distinguished ranking member, Mr. BRALEY, for his bipartisan support, as well as Chairman MILLER and Ranking Member FILNER for bringing H.R. 1657 to the House. I urge Members to support the bill.

Mr. WALZ of Minnesota. Madam Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Madam Speaker, I yield 2 minutes to the gentleman from Michigan, Dr. BENISHEK, an able member of our committee and this subcommittee.

□ 1650

Mr. BENISHEK. Madam Speaker, I rise in support of H.R. 1657. I want to thank Congressman STUTZMAN for his leadership on this bill.

Before coming to Congress, I spent 20 years as a physician working at the VA health care system at Iron Mountain, and I am fortunate at this time to represent 68,000 veterans who call Michigan's First District home. When those veterans in my district decided to serve their country, they gave up the opportunity to pursue experience in a civilian career. Recognizing this sacrifice, Congress enacted laws giving service-disabled veteran owned small businesses preference when competing for government contracts.

Unfortunately, in a 2009 report, the GAO estimated that more than \$100 million dollars had been awarded to firms that fraudulently claimed service-disabled veteran ownership due to "significant control weaknesses" within the Department of Veterans' Affairs and the Small Business Administration. By expediting the debarment process and strengthening the pen-

alties for those who misrepresent their status, this new bill provides more protection for service-disabled veteran owned businesses.

I urge my colleagues to vote with me in support of this bill.

Mr. WALZ of Minnesota. Madam Speaker, again I thank the chairman of the full committee, the chairmen of the subcommittees, Ranking Member FILNER, and the subcommittee ranking members.

We put together four good bipartisan pieces of legislation to serve our veterans to make sure we strengthened the things that they have so rightfully earned, making the commitment of this Nation stronger to them. It's absolutely appropriate we do that as we move towards Memorial Day. And again, as I said when we began, Mr. Chairman, I think certainly one place where it's Memorial Day every year is in the committee, making sure we're fighting for those veterans, their families, getting it right. And I very much appreciate the sense of bipartisanship as we get that done.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

#### GENERAL LEAVE

Mr. MILLER of Florida. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 1657 and H.R. 1383, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Once again, I encourage all Members to support H.R. 1657.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 1657.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MILLER of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AIRPORT AND AIRWAY EXTENSION ACT OF 2011, PART II

Mr. PETRI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1893) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 1893

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Extension Act of 2011, Part II".

#### SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "May 31, 2011" and inserting "June 30, 2011".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "May 31, 2011" and inserting "June 30, 2011".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "May 31, 2011" and inserting "June 30, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on June 1, 2011.

#### SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "June 1, 2011" and inserting "July 1, 2011"; and

(2) by inserting "or the Airport and Airway Extension Act of 2011, Part II" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "June 1, 2011" and inserting "July 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on June 1, 2011.

#### SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) \$2,636,250,000 for the 9-month period beginning on October 1, 2010."

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 9-month period beginning on October 1, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2011 were \$3,515,000,000; and

(B) then reduce by 15 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "May 31, 2011," and inserting "June 30, 2011,".

#### SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(1)(7) of title 49, United States Code, is amended by striking "June 1, 2011," and inserting "July 1, 2011,".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "May 31, 2011," and inserting "June 30, 2011,"; and

(2) by striking "August 31, 2011," and inserting "September 30, 2011,".

(c) Section 44303(b) of such title is amended by striking "August 31, 2011," and inserting "September 30, 2011,".

(d) Section 47107(s)(3) of such title is amended by striking "June 1, 2011," and inserting "July 1, 2011,".

(e) Section 47115(j) of such title is amended by striking "June 1, 2011," and inserting "July 1, 2011,".

(f) Section 47141(f) of such title is amended by striking "May 31, 2011," and inserting "June 30, 2011,".

(g) Section 49108 of such title is amended by striking "May 31, 2011," and inserting "June 30, 2011,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "June 1, 2011," and inserting "July 1, 2011,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "June 1, 2011," and inserting "July 1, 2011,".

(j) The amendments made by this section shall take effect on June 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

#### GENERAL LEAVE

Mr. PETRI. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1893. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume.

Let me note that for the third consecutive Congress we're working to enact a multiyear reauthorization bill for the FAA. I remain hopeful that we will be able to complete a long-term reauthorization in the very near future and send it to the President for his signature.

We're currently working with the Senate to finish negotiations to reconcile the differences between the Senate and the House versions. I know I, for one, am committed to passing a long-term reauthorization that will allow the FAA to continue making progress in modernizing our system, utilizing new technologies, and making other improvements.

However, the current FAA extension expires at the end of this month. H.R. 1893 is a clean, short-term extension of FAA funding and programs through June 30. It allows important safety and capacity projects at our Nation's airports to continue at the funding levels contained in the recently passed continuing resolution for fiscal year 2011.

This extension is a prudent precaution to ensure that the FAA is able

to continue operating until negotiations for a long-term FAA reauthorization are completed. I urge my colleagues to support the resolution.

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 23, 2011.

Hon. JOHN MICA,  
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 1893, the "Airport and Airway Extension Act of 2011, Part II" which is expected to be scheduled for floor consideration today.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Sections 2 and 3 of this bill amend the Internal Revenue Code of 1986 by extending the current Airport and Airway Trust Fund (AATF) expenditure authority and the associated Federal excise taxes to June 30, 2011. In order to expedite H.R. 1893 for floor consideration, the Committee will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1893, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
Washington, DC, May 23, 2011.

Hon. DAVE CAMP,  
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1893, the "Airport and Airway Extension Act of 2011, Part II." The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 1893, and I appreciate your effort to facilitate consideration of this bill.

I concur with you that forgoing action on H.R. 1893 does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I, or my designee, will include our letters on H.R. 1893 in the Congressional Record during House Floor consideration of the bill. Again, I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
Chairman.

I reserve the balance of my time.

Mr. COSTELLO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 1893, the Airport and Airway Extension Act of 2011, Part II. This bill is a clean extension of the Federal

Aviation Administration's authority to spend from the Airport and Airway Trust Fund and to carry out airport improvement projects at current levels through June 30, 2011.

In February, the Senate approved a bipartisan comprehensive FAA reauthorization bill by a wide 87-8 vote margin. Passage of the Senate bill was applauded by both labor and industry stakeholders, and it was estimated that the bill would create at least 150,000 jobs.

By contrast, last month the House approved a controversial FAA reauthorization bill, H.R. 658, by a party-line vote by the narrowest vote margin in almost 30 years. The White House has threatened to veto the legislation, and the House bill has been criticized by the FAA, the National Transportation and Safety Board, Captain Sully Sullenberger, the families of Colgan Air Flight 3407 who lost loved ones in Buffalo, New York, and in the press because it would undermine aviation safety efforts.

For several weeks we have worked with the Senate to resolve a number of differences between the two bills. However, the most controversial aspects of the House FAA reauthorization bill—the arbitrary \$4 billion funding cuts that will have a negative impact on aviation safety and our economy, and a provision that repeals a Federal rule on fair labor elections and mounts an assault on collective bargaining rights—have not been resolved or dropped from the bill.

So despite assurances from our friends on the Republican side of the aisle that we would not have another FAA extension, Congress must now enact the 19th short-term extension. If the House Republicans continue to insist on these controversial poison pill provisions, the enactment of a long-term bill this year is in serious jeopardy, and we will be back here on the floor for more extensions in the future.

We all agree that the FAA desperately needs the stability and direction that a long-term reauthorization would provide. Further, the American public deserves a long-term FAA reauthorization bill that will create jobs, improve safety, and modernize our infrastructure. But the House FAA reauthorization bill would not accomplish any of these objectives.

I will again say, as I have said many times before, I will work with my colleagues across the aisle to produce a fair bill that can not only pass the House but also pass the Senate and be signed into law by the President. Let us strip the partisan poison pills from this bill and enact a long-term, bipartisan FAA bill that will create jobs and keep our economy moving throughout the 21st century, and make this our last extension.

For the present time, however, this extension is necessary, and I urge my colleagues to support it.

I yield back the balance of my time.

Mr. RAHALL. Madam Speaker, I rise in support of H.R. 1893, the "Airport and Airway Extension Act, Part II." This bill gives Congress another month to complete work on a long-term reauthorization of Federal Aviation Administration programs. I said this of the most recent extension almost two months ago, and I will say it again: I hope this bill will be the last FAA extension bill for a long time.

As my colleagues know, the House and Senate each passed long-term reauthorization bills earlier this year. Staffs have made good progress in negotiations to resolve a number of differences between the two bills; there are just a few open issues remaining.

The long-term bill's success, however, will depend on how those open issues are resolved. They are important issues. Many of them, I regret to say, have been controversial issues from day one. House Republicans have proposed to renege on our commitment to small communities and to end essential air service everywhere but Alaska; the Senate bill does not. House Republicans have proposed to repeal a National Mediation Board rule that guarantees fundamental fairness for airline and railroad workers deciding whether to join a union; the Senate bill does not. The House bill slashes funding for airports and FAA programs, with the mandate for the agency to somehow "do more with less," when all available evidence clearly shows the agency will do less with less. The Senate bill does not.

These are differences that must be worked out, and I believe they can be worked out if both sides come together in good faith, put partisanship aside, and resolve to keep America's aviation system the world's best and finest. I look forward to working with my colleagues in this chamber and with our Senate counterparts to enact a lasting, long-term reauthorization that creates jobs, improves safety, and serves the interests of the flying public.

For the meantime, however, this one-month extension is necessary. Without its enactment, the FAA's funding, programs, and expenditure authority would lapse on May 31. H.R. 1893 will keep the FAA operating for another month, through June 30. It will give Congress one more month to complete work on a long-term reauthorization, and I urge my colleagues to support it.

□ 1700

Mr. PETRI. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 1893.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE HONORABLE GENE GREEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following commu-

nication from the Honorable GENE GREEN, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 23, 2011.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for documents issued by the United States Department of Labor's Office of Administrative Law Judges in connection with a worker's compensation claim pending before that Office.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

GENE GREEN,  
Member of Congress.

#### RECESS

The SPEAKER pro tempore (Ms. FOXX). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE of Georgia) at 6 o'clock and 30 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1216, REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION; PROVIDING FOR CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112-86) on the resolution (H. Res. 269) providing for consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; providing for consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes; and waiving a requirement of clause 6 (a) of rule XIII with respect to consideration of certain



resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1627, by the yeas and nays;

H.R. 1383, by the yeas and nays;

H.R. 1657, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### HONORING AMERICAN VETERANS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 330]

YEAS—380

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Brady (TX)    | Conyers       |
| Adams       | Brooks        | Cooper        |
| Aderholt    | Broun (GA)    | Costello      |
| Akin        | Buchanan      | Courtney      |
| Alexander   | Bucshon       | Cravaack      |
| Altmire     | Buerkle       | Crawford      |
| Amash       | Burgess       | Crenshaw      |
| Austria     | Burton (IN)   | Critz         |
| Baca        | Calvert       | Crowley       |
| Bachmann    | Camp          | Cuellar       |
| Bachus      | Campbell      | Culberson     |
| Baldwin     | Canseco       | Cummings      |
| Barletta    | Cantor        | Davis (CA)    |
| Barrow      | Capito        | Davis (IL)    |
| Bartlett    | Capps         | Davis (KY)    |
| Bass (CA)   | Capuano       | DeFazio       |
| Bass (NH)   | Cardoza       | DeGette       |
| Becerra     | Carnahan      | DeLauro       |
| Benishek    | Carney        | Denham        |
| Berg        | Carson (IN)   | Dent          |
| Berkley     | Cassidy       | DesJarlais    |
| Berman      | Castor (FL)   | Deutch        |
| Biggert     | Chabot        | Diaz-Balart   |
| Bilbray     | Chaffetz      | Dicks         |
| Bilirakis   | Chu           | Dingell       |
| Bishop (GA) | Cicilline     | Doggett       |
| Bishop (NY) | Clarke (MI)   | Donnelly (IN) |
| Black       | Cleaver       | Dreier        |
| Blackburn   | Clyburn       | Duffy         |
| Bonner      | Coble         | Duncan (SC)   |
| Bono Mack   | Coffman (CO)  | Duncan (TN)   |
| Boren       | Cohen         | Edwards       |
| Boswell     | Cole          | Ellmers       |
| Boustany    | Conaway       | Emerson       |
| Brady (PA)  | Connolly (VA) | Engel         |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Eshoo           | Larson (CT)     | Rogers (AL)      |
| Farenthold      | Latham          | Rogers (KY)      |
| Farr            | LaTourrette     | Rogers (MI)      |
| Fattah          | Latta           | Rokita           |
| Fincher         | Lee (CA)        | Rooney           |
| Fitzpatrick     | Levin           | Ros-Lehtinen     |
| Flake           | Lewis (CA)      | Roskam           |
| Fleischmann     | Lewis (GA)      | Ross (AR)        |
| Fleming         | Lipinski        | Ross (FL)        |
| Flores          | LoBiondo        | Rothman (NJ)     |
| Forbes          | Loeb sack       | Roybal-Allard    |
| Fox             | Lofgren, Zoe    | Royce            |
| Frank (MA)      | Lowe            | Runyan           |
| Franks (AZ)     | Lucas           | Ruppersberger    |
| Fudge           | LuJán           | Rush             |
| Gallely         | Lummis          | Ryan (OH)        |
| Garamendi       | Lungren, Daniel | Ryan (WI)        |
| Gardner         | E.              | Sanchez, Linda   |
| Garrett         | Lynch           | T.               |
| Gerlach         | Mack            | Sanchez, Loretta |
| Gibbs           | Maloney         | Sarbanes         |
| Gibson          | Manzullo        | Scalise          |
| Gingrey (GA)    | Marino          | Schakowsky       |
| Gohmert         | Matheson        | Schiff           |
| Gonzalez        | Matsui          | Schilling        |
| Goodlatte       | McCarthy (CA)   | Schmidt          |
| Gosar           | McCaul          | Schock           |
| Gowdy           | McClintock      | Schrader         |
| Granger         | McCotter        | Schwartz         |
| Graves (GA)     | McDermott       | Schweikert       |
| Graves (MO)     | McGovern        | Scott (SC)       |
| Green, Al       | McHenry         | Scott (VA)       |
| Green, Gene     | McIntyre        | Scott, Austin    |
| Griffin (AR)    | McKeon          | Scott, David     |
| Griffith (VA)   | McKinley        | Sensenbrenner    |
| Grijalva        | McMorris        | Serrano          |
| Grimm           | Rodgers         | Sessions         |
| Guthrie         | McNerney        | Sewell           |
| Hall            | Meehan          | Sherman          |
| Hanabusa        | Meeks           | Shuler           |
| Hanna           | Mica            | Shuster          |
| Harper          | Michaud         | Sires            |
| Harris          | Miller (FL)     | Slaughter        |
| Hartzler        | Miller (MI)     | Smith (NE)       |
| Hastings (FL)   | Miller (NC)     | Smith (NJ)       |
| Hayworth        | Miller, Gary    | Smith (WA)       |
| Heck            | Miller, George  | Southerland      |
| Heinrich        | Moran           | Speier           |
| Hensarling      | Mulvaney        | Stark            |
| Herger          | Murphy (CT)     | Stearns          |
| Herrera Beutler | Murphy (PA)     | Stivers          |
| Higgins         | Myrick          | Stutzman         |
| Himes           | Nadler          | Sullivan         |
| Hirono          | Neugebauer      | Terry            |
| Holden          | Noem            | Thompson (CA)    |
| Holt            | Nugent          | Thompson (MS)    |
| Honda           | Nunes           | Thompson (PA)    |
| Hoyer           | Nunnelee        | Thornberry       |
| Huelskamp       | Olson           | Tiberi           |
| Huizenga (MI)   | Oliver          | Tipton           |
| Hultgren        | Owens           | Tonko            |
| Hunter          | Pallone         | Towns            |
| Hurt            | Pascarella      | Tsongas          |
| Inslee          | Paulsen         | Turner           |
| Israel          | Payne           | Upton            |
| Issa            | Pearce          | Van Hollen       |
| Jackson (IL)    | Pelosi          | Velázquez        |
| Jackson Lee     | Pence           | Visclosky        |
| (TX)            | Perlmutter      | Walberg          |
| Jenkins         | Peters          | Walden           |
| Johnson (GA)    | Peterson        | Walsh (IL)       |
| Johnson (IL)    | Petri           | Walz (MN)        |
| Johnson (OH)    | Pingree (ME)    | Wasserman        |
| Johnson, E. B.  | Pitts           | Schultz          |
| Johnson, Sam    | Platts          | Watt             |
| Jones           | Poe (TX)        | Waxman           |
| Jordan          | Polis           | Webster          |
| Kaptur          | Pompeo          | Weiner           |
| Keating         | Posey           | Welch            |
| Kelly           | Price (GA)      | West             |
| Kildee          | Price (NC)      | Whitfield        |
| Kind            | Quayle          | Wilson (FL)      |
| King (IA)       | Rahall          | Wilson (SC)      |
| King (NY)       | Rangel          | Wittman          |
| Kinzinger (IL)  | Reed            | Wolf             |
| Kissell         | Rehberg         | Womack           |
| Kline           | Reichert        | Woodall          |
| Kucinich        | Renacci         | Woolsey          |
| Labrador        | Reyes           | Wu               |
| Lamborn         | Richmond        | Yoder            |
| Lance           | Rigell          | Young (AK)       |
| Langevin        | Rivera          | Young (IN)       |
| Lankford        | Roby            |                  |
| Larsen (WA)     | Roe (TN)        |                  |

Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shuler  
Shuster  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Webster  
Weiner  
Welch  
West  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Wu  
Yoder  
Young (AK)  
Young (IN)

#### NOT VOTING—51

|             |               |              |
|-------------|---------------|--------------|
| Andrews     | Frelinghuysen | Neal         |
| Barton (TX) | Giffords      | Palazzo      |
| Bishop (UT) | Guinta        | Pastor (AZ)  |
| Blumenauer  | Gutierrez     | Paul         |
| Braley (IA) | Hastings (WA) | Quigley      |
| Brown (FL)  | Hinchey       | Ribble       |
| Butterfield | Hinojosa      | Richardson   |
| Carter      | Kingston      | Rohrabacher  |
| Chandler    | Landry        | Shimkus      |
| Clarke (NY) | Long          | Simpson      |
| Clay        | Luetkemeyer   | Smith (TX)   |
| Costa       | Marchant      | Sutton       |
| Dold        | Markey        | Tierney      |
| Doyle       | McCarthy (NY) | Waters       |
| Ellison     | McCollum      | Westmoreland |
| Filner      | Moore         | Yarmuth      |
| Fortenberry | Napolitano    | Young (FL)   |

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1854

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 330, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on Monday, May 23, 2011, I was absent during rollcall vote No. 330 due to travel delays. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H.R. 1627—Honoring American Veterans Act of 2011. This bill codifies the current practices at Arlington National Cemetery (ANC) regarding the placement and funding of commemorative monuments, eligibility requirements, and suitability for burial. Those who have served our country honorably deserve a chance to be commemorated at this military cemetery, where veterans and military casualties from each of the nation's wars have been laid to rest.

Mr. PALAZZO. Mr. Speaker, on rollcall No. 330 I was unavoidably detained. Had I been present, I would have voted "yea."

#### RESTORING GI BILL FAIRNESS ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1383) to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by



the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 42, as follows:

[Roll No. 331]

YEAS—389

|               |                 |                 |
|---------------|-----------------|-----------------|
| Ackerman      | Cummings        | Hoyer           |
| Adams         | Davis (CA)      | Huelskamp       |
| Aderholt      | Davis (IL)      | Huizenga (MI)   |
| Akin          | Davis (KY)      | Hultgren        |
| Alexander     | DeFazio         | Hunter          |
| Altmire       | DeGette         | Hurt            |
| Amash         | DeLauro         | Inslee          |
| Andrews       | Denham          | Israel          |
| Austria       | Dent            | Issa            |
| Baca          | DesJarlais      | Jackson (IL)    |
| Bachmann      | Deutch          | Jackson Lee     |
| Bachus        | Diaz-Balart     | (TX)            |
| Baldwin       | Dicks           | Jenkins         |
| Barletta      | Dingell         | Johnson (GA)    |
| Barrow        | Doggett         | Johnson (IL)    |
| Bartlett      | Dold            | Johnson (OH)    |
| Bass (CA)     | Donnelly (IN)   | Johnson, E. B.  |
| Bass (NH)     | Dreier          | Johnson, Sam    |
| Becerra       | Duffy           | Jones           |
| Benishek      | Duncan (SC)     | Jordan          |
| Berg          | Duncan (TN)     | Kaptur          |
| Berkley       | Edwards         | Keating         |
| Berman        | Ellmers         | Kelly           |
| Biggert       | Emerson         | Kildee          |
| Bilbray       | Engel           | Kind            |
| Bilirakis     | Eshoo           | King (IA)       |
| Bishop (GA)   | Farenthold      | King (NY)       |
| Bishop (NY)   | Farr            | Kinzinger (IL)  |
| Bishop (UT)   | Fattah          | Kissell         |
| Black         | Fincher         | Kline           |
| Blackburn     | Fitzpatrick     | Kucinich        |
| Bonner        | Flake           | Labrador        |
| Bono Mack     | Fleischmann     | Lamborn         |
| Boren         | Fleming         | Lance           |
| Boswell       | Flores          | Langevin        |
| Boustany      | Forbes          | Lankford        |
| Brady (PA)    | Fox             | Larsen (WA)     |
| Brady (TX)    | Frank (MA)      | Larson (CT)     |
| Brooks        | Franks (AZ)     | Latham          |
| Broun (GA)    | Fudge           | LaTourette      |
| Buchanan      | Gallely         | Latta           |
| Bucshon       | Garamendi       | Lee (CA)        |
| Buerkle       | Gardner         | Levin           |
| Burgess       | Garrett         | Lewis (CA)      |
| Burton (IN)   | Gerlach         | Lewis (GA)      |
| Calvert       | Gibbs           | Lipinski        |
| Camp          | Gibson          | LoBiondo        |
| Campbell      | Gingrey (GA)    | Loeb            |
| Canseco       | Gohmert         | Lofgren, Zoe    |
| Cantor        | Gonzalez        | Lowe            |
| Capito        | Goodlatte       | Lucas           |
| Capps         | Gosar           | Lujan           |
| Capuano       | Gowdy           | Lummis          |
| Cardoza       | Granger         | Lungren, Daniel |
| Carnahan      | Graves (GA)     | E.              |
| Carson (IN)   | Graves (MO)     | Lynch           |
| Cassidy       | Green, Al       | Mack            |
| Castor (FL)   | Green, Gene     | Maloney         |
| Chabot        | Griffin (AR)    | Manzullo        |
| Chaffetz      | Griffith (VA)   | Marino          |
| Chu           | Grijalva        | Markey          |
| Cicilline     | Grimm           | Matheson        |
| Clarke (MI)   | Guinta          | Matsui          |
| Cleaver       | Guthrie         | McCarthy (CA)   |
| Clyburn       | Hall            | McCaul          |
| Coble         | Hanabusa        | McClintock      |
| Coffman (CO)  | Hanna           | McCotter        |
| Cohen         | Harper          | McDermott       |
| Cole          | Harris          | McGovern        |
| Conaway       | Hartzler        | McHenry         |
| Connolly (VA) | Hastings (FL)   | McIntyre        |
| Conyers       | Hayworth        | McKeon          |
| Cooper        | Heck            | McKinley        |
| Costa         | Heinrich        | McMorris        |
| Costello      | Hensarling      | Rodgers         |
| Courtney      | Herger          | McNerney        |
| Cravaack      | Herrera Beutler | Meehan          |
| Crawford      | Higgins         | Meeks           |
| Crenshaw      | Himes           | Mica            |
| Critz         | Hirono          | Michaud         |
| Crowley       | Holden          | Miller (FL)     |
| Cuellar       | Holt            | Miller (MI)     |
| Culberson     | Honda           | Miller (NC)     |

|                |                  |               |
|----------------|------------------|---------------|
| Miller, Gary   | Rivera           | Southerland   |
| Miller, George | Roby             | Speier        |
| Moran          | Roe (TN)         | Stark         |
| Mulvaney       | Rogers (AL)      | Stearns       |
| Murphy (CT)    | Rogers (KY)      | Stivers       |
| Murphy (PA)    | Rogers (MI)      | Stutzman      |
| Myrick         | Rokita           | Sullivan      |
| Nadler         | Rooney           | Terry         |
| Neugebauer     | Ros-Lehtinen     | Thompson (CA) |
| Noem           | Roskam           | Thompson (MS) |
| Nugent         | Ross (AR)        | Thompson (PA) |
| Nunes          | Ross (FL)        | Thornberry    |
| Nunnelee       | Rothman (NJ)     | Tiberi        |
| Olson          | Roybal-Allard    | Tipton        |
| Oliver         | Royce            | Tonko         |
| Owens          | Runyan           | Towns         |
| Palazzo        | Ruppersberger    | Tsongas       |
| Pallone        | Rush             | Turner        |
| Pascrell       | Ryan (OH)        | Upton         |
| Paulsen        | Ryan (WI)        | Van Hollen    |
| Payne          | Sánchez, Linda   | Velázquez     |
| Pearce         | T.               | Visclosky     |
| Pelosi         | Sanchez, Loretta | Walberg       |
| Pence          | Sarbanes         | Walden        |
| Perlmutter     | Scalise          | Walsh (IL)    |
| Peters         | Schakowsky       | Walsh (MN)    |
| Peterson       | Schiff           | Wasserman     |
| Petri          | Schilling        | Schultz       |
| Pingree (ME)   | Schmidt          | Watt          |
| Pitts          | Schock           | Waxman        |
| Platts         | Schrader         | Webster       |
| Poe (TX)       | Schwartz         | Weiner        |
| Polis          | Schweikert       | Welch         |
| Pompeo         | Scott (SC)       | West          |
| Posey          | Scott (VA)       | Westmoreland  |
| Price (GA)     | Scott, Austin    | Whitfield     |
| Price (NC)     | Scott, David     | Wilson (FL)   |
| Quayle         | Sensenbrenner    | Wilson (SC)   |
| Rahall         | Serrano          | Wittman       |
| Rangel         | Sessions         | Wolf          |
| Reed           | Sewell           | Womack        |
| Rehberg        | Sherman          | Woodall       |
| Reichert       | Shuler           | Woolsey       |
| Renacci        | Shuster          | Wu            |
| Reyes          | Sires            | Yoder         |
| Ribble         | Slaughter        | Young (AK)    |
| Richardson     | Smith (NE)       | Young (IN)    |
| Richmond       | Smith (NJ)       |               |
| Rigell         | Smith (WA)       |               |

NOT VOTING—42

|             |               |             |
|-------------|---------------|-------------|
| Barton (TX) | Frelinghuysen | Napolitano  |
| Blumenauer  | Giffords      | Neal        |
| Braley (IA) | Gutierrez     | Pastor (AZ) |
| Brown (FL)  | Hastings (WA) | Paul        |
| Butterfield | Hinche        | Quigley     |
| Carney      | Hinojosa      | Rohrabacher |
| Carter      | Kingston      | Shimkus     |
| Chandler    | Landry        | Simpson     |
| Clarke (NY) | Long          | Smith (TX)  |
| Clay        | Luetkemeyer   | Sutton      |
| Doyle       | Marchant      | Tierney     |
| Ellison     | McCarthy (NY) | Waters      |
| Finer       | McCollum      | Yarmuth     |
| Fortenberry | Moore         | Young (FL)  |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). In this vote, there are 2 minutes remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 331, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on Monday, May 23, 2011, I was absent during rollcall vote No. 331 due to travel delays. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H.R.

1383—Restoring GI Bill Fairness Act. This bill seeks to reintegrate veterans into the civilian work force by providing various services such as educational assistance, medical benefits, as well as employment opportunities. In order to raise the educational and productivity levels of our labor force, this bill will avert unemployment among veterans.

#### PENALTIES FOR MISREPRESENTATION AS A VETERAN-OWNED BUSINESS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1657) to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 1, not voting 45, as follows:

[Roll No. 332]

YEAS—385

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Canseco       | Diaz-Balart   |
| Adams       | Cantor        | Dicks         |
| Aderholt    | Capito        | Dingell       |
| Akin        | Capps         | Doggett       |
| Alexander   | Capuano       | Dold          |
| Altmire     | Cardoza       | Donnelly (IN) |
| Andrews     | Carnahan      | Dreier        |
| Austria     | Carney        | Duncan (SC)   |
| Baca        | Carson (IN)   | Edwards       |
| Bachmann    | Cassidy       | Ellmers       |
| Bachus      | Castor (FL)   | Emerson       |
| Baldwin     | Chabot        | Engel         |
| Barletta    | Chaffetz      | Eshoo         |
| Barrow      | Chu           | Farenthold    |
| Bartlett    | Cicilline     | Farr          |
| Bass (CA)   | Clarke (MI)   | Fattah        |
| Bass (NH)   | Cleaver       | Fincher       |
| Becerra     | Clyburn       | Fitzpatrick   |
| Benishek    | Coble         | Flake         |
| Berg        | Coffman (CO)  | Fleischmann   |
| Berkley     | Cohen         | Fleming       |
| Berman      | Cole          | Flores        |
| Biggert     | Conaway       | Forbes        |
| Bilbray     | Connolly (VA) | Fox           |
| Bilirakis   | Conyers       | Frank (MA)    |
| Bishop (GA) | Cooper        | Franks (AZ)   |
| Bishop (NY) | Costa         | Fudge         |
| Bishop (UT) | Costello      | Gallely       |
| Black       | Courtney      | Garamendi     |
| Blackburn   | Cravaack      | Gardner       |
| Bonner      | Crawford      | Garrett       |
| Bono Mack   | Crenshaw      | Gerlach       |
| Boren       | Critz         | Gibbs         |
| Boswell     | Crowley       | Gibson        |
| Boustany    | Cuellar       | Gingrey (GA)  |
| Brady (PA)  | Culberson     | Gohmert       |
| Brady (TX)  | Cummings      | Gonzalez      |
| Brooks      | Davis (CA)    | Goodlatte     |
| Broun (GA)  | Davis (IL)    | Gosar         |
| Buchanan    | Davis (KY)    | Gowdy         |
| Bucshon     | DeFazio       | Granger       |
| Buerkle     | DeGette       | Graves (GA)   |
| Burgess     | DeLauro       | Graves (MO)   |
| Burton (IN) | Denham        | Green, Al     |
| Calvert     | Dent          | Green, Gene   |
| Camp        | DesJarlais    | Griffin (AR)  |
| Campbell    | Deutch        | Griffith (VA) |

Grijalva  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Lucas  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzulio  
Marino  
Markey

Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascrell  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)

Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shuler  
Shuster  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Southerland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Webster  
Weiner  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Wu  
Yoder  
Young (AK)  
Young (IN)

## NAYS—1

Amash

## NOT VOTING—45

Barton (TX)  
Blumenauer  
Braley (IA)  
Brown (FL)  
Butterfield  
Carter  
Chandler  
Clarke (NY)  
Clay  
Doyle  
Duffy  
Duncan (TN)  
Ellison  
Filner  
Fortenberry  
Frelinghuysen  
Giffords  
Gutierrez  
Hastings (WA)  
Hinchee  
Hinojosa

Hirono  
Kingston  
Landry  
Long  
Luetkemeyer  
Marchant  
McCarthy (NY)  
McCollum  
Moore  
Murphy (CT)  
Napolitano  
Neal  
Pastor (AZ)  
Paul  
Quigley  
Rohrabacher  
Shimkus  
Simpson  
Smith (TX)  
Sutton  
Tierney  
Waters  
Yarmuth  
Young (FL)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 332, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "yea."

Mrs. NAPOLITANO. Mr. Speaker, on Monday, May 23, 2011, I was absent during rollcall vote No. 332 due to travel delays. Had I been present, I would have voted "yea" on the motion to suspend the rules and agree to H.R. 1657—To amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans. It is despicable that business owners would misrepresent themselves as service-disabled veterans. Those business owners that do misrepresent themselves should be punished accordingly for their abuse of taxpayer funds and the disrespect for the sacrifices made by the veterans for whom those funds are reserved.

## PERSONAL EXPLANATION

Ms. CLARKE of New York. Mr. Speaker, I was unavoidably detained in my district and missed several votes on May 23, 2011. Had I been present, I would have voted "yea" on rollcall No. 330, H.R. 1627, "yea" on rollcall No. 331, H.R. 1383, and "yea" on rollcall No. 332, H.R. 1657.

## PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted "yea" on rollcall votes 330, 331 and 332.

## PERSONAL EXPLANATION

Mr. HASTINGS of Washington. Mr. Speaker, due to a death in my family, I missed a series of roll votes. Had I been present: I would have voted "yea" on (rollcall No. 330) H.R. 1627, Honoring America's Veterans Act; I would have voted "yea" on (rollcall No. 331) H.R. 1383, Restoring GI Bill Fairness Act of 2011; and I would have voted "yea" on (rollcall No. 332) H.R. 1657, a bill to revise the en-

forcement penalties for those misrepresenting a business concern as being veteran owned and controlled.

REMOVAL OF NAME OF MEMBER  
AS COSPONSOR OF H.R. 1380

Mr. AKIN. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor from H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MORE PAIN AT THE PUMP

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in the last 2 years, the price of a gallon of gasoline has more than doubled. During his campaign, the President promised to skyrocket energy costs, and that's exactly what has happened.

House Republicans are leading the way in implementing a sound domestic energy plan aimed at reducing gas prices. This plan seeks to expand domestic energy production while creating jobs here in America.

Republicans in the House have successfully passed the Restarting American Offshore Leasing Now Act. This bill provides immediate relief at the gas pump while creating jobs for Americans. It will increase domestic energy production and create jobs by conducting oil and natural gas lease sales.

House Republicans are addressing the need for more immediate relief from rising prices at the pump along with the long-term vision of a domestic energy policy. We need to work together for an all-of-the-above American energy plan.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. My sympathy to the family of Richard Bryan Wilson, a dedicated patriot from Columbia, South Carolina.

□ 1910

## PEACE FOR PAKISTAN

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, as we begin this week and look to the memorializing of our fallen soldiers, it is appropriate to always thank them and to be reminded of the historic actions that brought down Osama bin Laden, but the country where this incident occurred is a country that deserves peace for its people.

Pakistan has had another incident of the Taliban going on one of the bases and killing soldiers. Our sympathy to

the loss of the innocent, but we call upon the Pakistani military and the civilian government to begin to address the terror of the Taliban and to work to help the Pakistani people.

As the Kerry-Lugar money is being assessed as to how it is to be distributed for social needs, there must be an addressing of this violence, and so I call upon our friends in Pakistan to recognize that we in the United States are friends, but we must work together to eliminate al Qaeda and the terror that is terrorizing the people of Pakistan.

Once and for all, there must be a unified effort to establish peace and tranquility and democracy in Pakistan for the people of Pakistan.

#### ISRAEL LAND SWAP?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in a failed attempt to play Solomon, the President has decided to split the nation of Israel in two. He wants Israel to give away more land to the Palestinians in the name of peace. Israel has a history of giving up land and still has no peace.

The President's proposal would make Israel a land it could not defend. Prime Minister Netanyahu has said "nyet" to the President.

Where does the United States get the omnipotent power to tell any country it should give away part of their sovereign land? What if Netanyahu told us that the United States should divide up our land and swap it among our citizens? We would not stand for such.

The conflict between Israel and the Palestinians must be resolved between the two groups. The U.S. Government should not take the side of the Palestinians over our ally, Israel. Such action lacks wisdom and shows contempt for the people of Israel.

And that's just the way it is.

#### CONGRATULATING FARGO-BASED BRANDT HOLDINGS

(Mr. BERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERG. Mr. Speaker, today I would like to congratulate Brandt Holdings, a Fargo-based company that recently received a Presidential "E" Award. The "E" Award is the highest award the U.S. Government gives in recognition of an American entity in its relationship to trade.

North Dakota is no stranger to the benefits of trade. In the past year, exports have grown over 15 percent in North Dakota, and since the founding of our trade office 6 years ago, exports have nearly tripled.

Founded in 1992, Brandt Holdings Company has also been on a steady

path of growth. With corporate offices in Fargo, North Dakota, the company has diversified and now operates in four divisions: Agriculture, Construction, Real Estate, and an Entertainment division.

I applaud Brandt Holding Company's efforts to increase trade in North Dakota and also for the rest of our country, and I congratulate them on receiving this prestigious award.

#### KEN NOVAK, JR., ESPN RISE'S COACH OF THE YEAR

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to congratulate Hopkins boys basketball coach Ken Novak, Jr., on being named ESPN RISE's National Coach of the Year after leading the Hopkins Royals to their third straight State championship title.

For Ken, Jr., coaching basketball at Hopkins is a family business of sorts. His father, Ken, Sr., coached the Hopkins Royals for 19 years, including his son.

In 1990, Ken, Jr., stepped into his father's shoes and began coaching at Hopkins. In 22 seasons as head coach for the Royals, Coach Novak would lead the team to a record of 542-74 and six State titles. Since returning to his alma mater, Coach Novak turned Hopkins into a basketball powerhouse that had won only two State titles before his arrival.

Congratulations, Coach Novak, on winning ESPN RISE's Coach of the Year title and for leading such outstanding student athletes.

#### CONGRATULATING CHICAGO'S PROVIDENCE ST. MEL HIGH SCHOOL

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise to congratulate the Providence St. Mel High School, a small high school on the block where I used to live, that sends all of its young people to college and has been doing so for the last 20 years.

I congratulate its principal, Dr. Paul Adams, all of the students and their families. Providence St. Mel, what a way to go.

#### SUPREME COURT ORDERS RELEASE OF CALIFORNIA PRISONERS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today the United

States Supreme Court delivered a body blow to the safety of the people of my home State of California.

Today, in an unprecedented action of judicial intemperance, the United States Supreme Court basically ordered that between 38,000 and 46,000 prisoners currently in the California prison system be released.

Many times Supreme Court decisions are of mere academic interest. This one specifically deals with the safety of the people of my home State. As one who led a team of attorneys general of the States of the Nation in the nineties to have prison litigation reform which was incorporated into a law that was passed by the Congress and signed by the President, this flies in the face of every piece of that bill.

You rarely say this, but I fear that there will be murders, there will be rapes, there will be assaults, there will be unnamed and unnumbered crimes in my home State as a direct result of today's decision by the U.S. Supreme Court. Since when did they take over all of the three branches of government, becoming the executive branch, the legislative branch, and the judicial branch?

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DUNCAN of South Carolina) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 23, 2011.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 23, 2011, at 5:15 p.m., and said to contain a message from the President whereby he submits a copy of an Executive Order he has issued with respect to further sanctions on Iran.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
Clerk of the House.

#### EXECUTIVE ORDER WITH RESPECT TO FURTHER SANCTIONS ON IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-27)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C.

1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 12957 of March 15, 1995, and implements the existing statutory requirements of the Iran Sanctions Act of 1996 (Public Law 104-172) (50 U.S.C. 1701 note) (ISA), as amended by, *inter alia*, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) (CISADA).

In Executive Order 12957, the President found that the actions and policies of the Government of Iran threaten the national security, foreign policy, and economy of the United States. To deal with that threat, the President in Executive Order 12957 declared a national emergency and imposed prohibitions on certain transactions with respect to the development of Iranian petroleum resources. To further respond to that threat, Executive Order 12959 of May 6, 1995, imposed comprehensive trade and financial sanctions on Iran. Executive Order 13059 of August 19, 1997, consolidated and clarified the previous orders. To take additional steps with respect to the national emergency declared in Executive Order 12957 and to implement section 105(a) of CISADA, I issued Executive Order 13553 on September 28, 2010, to impose sanctions on officials of the Government of Iran and other persons acting on behalf of the Government of Iran determined to be responsible for or complicit in certain serious human rights abuses.

In CISADA, which I signed into law on July 1, 2010, the Congress found that the illicit nuclear activities of the Government of Iran, along with its development of unconventional weapons and ballistic missiles and its support for international terrorism, threaten the security of the United States. To address the potential connection between Iran's illicit nuclear program and its energy sector, CISADA amended ISA to expand the types of activities that are sanctionable under that Act. ISA now requires that sanctions be imposed or waived for persons that are determined to have made certain investments in Iran's energy sector or to have engaged in certain activities relating to Iran's refined petroleum sector. In addition to expanding the types of sanctionable energy-related activities, CISADA added new sanctions that can be imposed pursuant to ISA.

This order is intended to implement the statutory requirements of ISA. Certain ISA sanctions require action by the private sector, and the order will further the implementation of those ISA sanctions by providing authority under IEEPA to the Secretary of the Treasury to take certain actions with respect to those sanctions. The order states that the Secretary of the Treasury, in consultation with the Secretary of State, shall take the fol-

lowing actions necessary to implement the sanctions selected, imposed, and maintained on a person by the President or by the Secretary of State, pursuant to authority that I have delegated:

with respect to section 6(a)(3) of ISA, prohibit any United States financial institution from making loans or providing credits to the person consistent with section 6(a)(3) of ISA;

with respect to section 6(a)(6) of ISA, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the person has any interest;

with respect to section 6(a)(7) of ISA, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person;

with respect to section 6(a)(8) of ISA, block all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, including any overseas branch, of the person, and provide that such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in; or

with respect to section 6(a)(9) of ISA, restrict or prohibit imports of goods, technology, or services, directly or indirectly, into the United States from the person.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the relevant provisions of ISA, and to employ all powers granted to the United States Government by the relevant provision of ISA as may be necessary to carry out the purposes of the order. All executive agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.  
THE WHITE HOUSE, May 23, 2011.

□ 1920

#### EXPRESSING SUPPORT FOR ISRAEL

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, I am about to file a bill, its number will be determined later, but it expresses support for the State of Israel's right to

defend Israeli sovereignty, to protect the lives and safety of the Israeli people, and to use all means necessary to confront and eliminate nuclear threats posed by the Islamic Republic of Iran, including the use of military force if no other peaceable solution can be found within a reasonable time to protect against such immediate and existential threats to the State of Israel.

We have a President who doesn't know history as well as he should or he would be aware that last Thursday, instead of saying what his spokesman was saying, gee, this was the starting point for all negotiations, actually, the facts are that the Clinton administration pushed Prime Minister Barak into basically that proposal. And it's my belief that just as I believe that God hardened the heart of Pharaoh when Moses made his request, he hardened Arafat's heart. He rejected the offer, and it does not need to be made again.

#### JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Mr. Speaker, I am pleased to lead the Congressional Black Caucus this hour to talk about jobs and the need for job creation in communities across this country.

#### GENERAL LEAVE

Mrs. CHRISTENSEN. Before I begin, I would like to ask, Mr. Speaker, unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order, which is jobs.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Amidst reports of improvement in the economy—and the April jobs report was one of those examples—we are in a steady, yet slow, recovery. But that recovery has not been felt by the millions of Americans who are out of work or who are working in jobs that are well below their potential. And no more is the pain of the recession felt than in the African American community where unemployment is high in good times but now remains the highest of all population groups in this country at 16.1 percent.

And so along with saving homes, job creation remains a primary focus of the Congressional Black Caucus and of House Democrats. We are determined to build on the more than 3 million jobs created or saved by the American Recovery and Reinvestment Act. And so as a key part of this effort before we left for last week's constituent work period, House Democrats launched a

Make It in America agenda, which we wholeheartedly support.

Over the past 3 years, we have passed legislation to prevent multinational corporations from outsourcing jobs overseas, to give tax credits to small businesses to hire new employees, to restore the credit to small businesses because they are the engine of our economy and of job creation. Our Make It in America agenda continues and expands on that effort by a number of pieces of legislation introduced by members of the Democratic Caucus: legislation to support developing a national strategy to increase manufacturing, to invest in infrastructure and support the flow of commerce, to keep our country competitive in the global marketplace, to further support small businesses, to develop an innovative education policy, and to put smart regulations in place which protect our people and our environment while improving government efficiency.

Democrats have already introduced bills to further these goals, and we are calling on the Republican leadership to end the assaults on health care reform and the blocking of the green economy we need to build, asking them to support both of these important pillars of President Obama's agenda which will create jobs. And I ask them to bring our job-creating legislation to the floor.

At this time, Mr. Speaker, I would like to yield such time as he might consume to the gentleman from Georgia, Congressman DAVID SCOTT.

Mr. DAVID SCOTT of Georgia. I want to commend you, Congresswoman CHRISTENSEN, for your leadership and for what you're doing.

Ladies and gentlemen of America and this Congress, our economy is struggling, and nowhere is it struggling more than in the area of unemployment and joblessness, and, correspondingly, with home foreclosures and the value of our housing stock going down. Those are the two very serious points on the compass that we have got to declare an emergency situation on because they are both so very related. If a man does not have a job or a young lady does not have a job, how can they stay in their home?

And so I want to just talk for a few minutes about, one, you really can't figure how to get out of a situation unless you stop and you think of how you got into it. The one thing I've noticed about people who have lost their sight, they may need a little help as they come to get into a room, but I will tell you, that person without his sight feels his way of how he got into that room; and how he gets out of that room, he can feel his way back out. So it might do well for us just to pause for a moment.

We go back to our economic downturn. There were some failures that we made. We rushed—rightfully so, in

many respects—to bail out Wall Street, to bail out America's big business structure. We did that. We had to unfreeze the credit markets on Wall Street in order to keep it moving. But if there is one thing we learned from our previous, very challenging economic difficulties—and the most recent one being the Depression. We got out of that Depression by not only making sure that our big companies, making sure that Wall Street and our bankers and our investors and our multinational corporations were able to survive. Our failure was that we did nothing to help Main Street at the same time.

The one thing we learned in the Depression is, yes, you have to do both: You've got to put money up at the top, you've got to put it in the middle of the economic stream and at the lower end of the economic stream, because you have to get people spending money. Jobs are created when people spend money.

We are a mass consumption society, which means our economy moves not on the wealthy being able to go buy a car; our economy moves on thousands and millions of people being able to buy the car, to buy the clothes, to buy the food in the restaurants. Our failure to do that. And so we had a top-down economic recovery instead of a top, middle, and bottom at the same time.

So here we are. And that's why right now our multi-corporations are having staggering profits.

□ 1930

Our CEOs are making huge salaries and bonuses, all that we helped. And I don't begrudge them. I am a believer in capitalism. I graduated from the citadel of capitalism, the Wharton School of Finance. I am a businessman. So I don't begrudge that, but what I do begrudge is our failure to help the little fellow. Now we're beginning to do that.

But what we must do is realize that all of this time, we're in this recovery now for almost 3 years, and we have 13 million Americans without work. We have a national unemployment of 8.7 percent. It's coming down. Some of our policies are working. In my own State of Georgia, our unemployment rate is a staggering 9.9 percent—563 Georgians are without work.

And so that means that we're not doing enough. There are certain areas we can work in. For example, we need to evaluate the programs that we say we have put out there to help with the unemployment level.

Now, we know we have put a program together which will give corporations a 6 percent reduction or a reduction of their part of the payroll tax if they hire an unemployed person. Well, where is the report card on that? How is that doing? That's one of the things that we need to get; we need measurement to see how successful it really is.

We need to also look to the future and look at what policies we can put together with corporations, because what we're doing is not enough. I would submit that wouldn't it be interesting and wouldn't it be worthy of consideration.

We know, for example, that we have just about the highest corporate tax rate in the world. Clearly our multinational, our largest corporations, our largest employers want to see that corporate tax rate come down. Many are wanting it to come down to 25 percent. I am on the side of taking a look at that, because we don't want to have the highest corporate tax rate in the world. It hurts our marketplace. It hurts everything. We know that. That is an issue.

But if we know these multinational corporations are having a record now of outsourcing jobs, should we not have a conversation with them at the table? Okay, you want your corporate tax rate reduced? Let's talk about how you can stop sending jobs out of this country. We need Americans who are working at American jobs in America.

I think that these large employers and corporations with these international markets will be willing to sit down and say, you know what, in exchange for us getting our corporate tax rate down, here's what we can do to start bringing in our manufacturing and bring it back to America so that we can make things in America. One of the reasons we've got such a high jobless rate is because we don't make anything here anymore. Manufacturing is the main source of jobs. We lost that.

Well, we can use this as an incentive to these companies. Say, okay, we can bring that corporate tax rate down; but we want you to bring those jobs back here, and we want you to start making things in this country. Let's look out for America, look out for us. That is something that we can do.

And so, Madam Congresslady from the Virgin Islands, you're doing a wonderful job with this.

This is the number one issue facing this country. I can't tell you how desperate people become when they can't find work. I can't tell you how depressed people become when people are used to working and they wake up every morning with no place to go. Or they have to make certain decisions and some can't find food or buy the food to feed their families. That is the situation we're in with these 13 million American people.

We can do better. We've got to evaluate what we're doing, and we've got to put more creative things on the table, such as the corporate tax rate. Let us tie that to corporations bringing these jobs back and doing what they can to help turn our country back into a manufacturing base.

When you lose your capacity—when this country lost its capacity to be the

leader of the world in making things, we lost a lot. And by George, we need to get it back. And that's the way America will survive, and that's the way we'll bring this unemployment rate down.

Mrs. CHRISTENSEN. Thank you, Congressman SCOTT. I thank you for calling attention to the need to restore the manufacturing base in this country as the Democrats are attempting to do with our Make It in America agenda. And thank you for reminding everyone that Main Street is still not taken care of and that there is a critical connection between the jobs crisis and the housing crisis and why they need to be dealt with now as an emergency.

I would just call on our leadership, the Republican leadership: Let's stop trying to unravel President Obama's agenda, which is an agenda that creates jobs. We've been here for almost 5 months, and not one job has been created by any legislation that the majority has brought to the floor. It's time to get busy. Main Street is calling on us.

At this point, I'd like to yield as much time as he would consume to the Congressman from Illinois, Congressman DANNY DAVIS.

Mr. DAVIS of Illinois. Thank you very much.

Let me, first of all, commend you for the tremendous leadership that you provide to this effort each Monday evening.

As I was thinking about it, I was thinking of the fact that people who observe racing oftentimes describe horses in two ways. Sometimes they're the show horse, and then there's the workhorse. I guess when it comes to working as a Member of Congress, I don't think you have any peer. As a matter of fact, you have led our efforts. We came into the Congress at the same time. We're classmates.

You've led our efforts on health care. You've led our efforts on making sure that natural resources were divided in a serious way, and you're leading our efforts as the first vice chairman of the Congressional Black Caucus. So I am pleased to join with you this evening.

As we consider policies to help Americans and our Nation recover from the worst economic crisis in our history—and I never forget this gentleman—I remember something that Dr. Martin Luther King said at one time. He said that the ultimate measure of a man is not where he stands in moments of comfort but where he stands at times of challenge and controversy. I agree with him.

This is indeed a time of challenge for our country with a current unemployment rate of 9.9 percent, an expected rate of over 8 percent for the next several years, and record levels of food insecurity and foreclosures.

As in many other States, the average unemployment rate in Illinois during

2010 for blacks was above 15 percent, above 13 percent for Latinos. And with persistently high unemployment numbers, the need for Federal unemployment assistance remains a vital lifeline for millions of our citizens.

In January of 2011, the share of unemployed workers who had been without work for over 6 months was 43.8 percent—one of the highest percentages on record—translating into about 6.2 million workers remaining unemployed for longer than 6 months.

□ 1940

In April 2011, just under 185,000 Illinoisans received extended unemployment benefits, with an estimated 100,000 Illinoisans exhausting the maximum 99 weeks of unemployment assistance in 2010. Although our economy is gradually gaining, we cannot ignore the fact that the economic crisis remains a daily reality for millions of Americans, nor can we ignore the fact that the crisis unevenly affects African Americans and Latino Americans.

During times of challenge, I sincerely believe that the mantle of responsibility for caring for the poor and struggling falls squarely on the shoulders of government, not primarily on the charity of individual citizens. In such times of hardship and strife, government leaders should extend help to the needy, not advance the wealth of the most secure. For this reason, I am deeply disappointed in the Republican bill moving in the House that would hurt both our economy and the long-term unemployed, some of the most vulnerable citizens in our Nation.

The Republican plan would essentially curtail assistance to Americans struggling with prolonged unemployment so that States could lower their debt to the Federal Government. This approach is bad for the economy and bad for Americans. Unemployment insurance is one of the most effective methods of stimulating the economy, because the unemployed workers spend most of the money that they get on critical purchases, such as food and housing, other than the alternatives offered by the Republican bill. If we allow this \$31 billion to go to State debt reduction, there is no new economic activity, and millions of families will not be able to put food on their tables or roofs over their heads. It is not only the 4 million workers who currently receive long-term unemployment benefits who will suffer; it is our businesses as well.

The retail sector has been hard hit by this recession. Cutting unemployment benefits for millions of people would take a tremendous toll on these businesses as well. The Congressional Budget Office estimates that current law generates approximately \$40 billion in economic activity and creates about 322,000 jobs. Enacting the Republican approach would dramatically reduce

the economic stimulus of our Federal Government and cut jobs.

Unemployment benefits only provide an average of \$290 a week, which typically replaces only half of the average family's expenses. This support is not a free ride or boon for families; it is a critical lifeline during a national emergency to help our citizens who are suffering. The Wall Street Journal reported that roughly 1 million people across the Nation couldn't find work after exhausting their unemployment benefits. There are about 7 million fewer jobs now than at the beginning of the Great Recession, and the Department of Labor data show that there are over four unemployed Americans for every job. Needing unemployment assistance is about not being able to find work in a weak economy with limited job opportunities. It's not about being lazy.

The Republican bill is not a jobs bill. It is a jilting the jobless bill. It pits States that are struggling with large deficits against the millions of Americans who have lost their jobs through no fault of their own. I urge that we continue the fight to secure improvements in this proposal, to protect the hundreds of millions of hardworking Americans who need the government's help to weather the extended storm of economic hardship.

I commend you again for your tremendous leadership. Thank you very much for leading this effort.

Mrs. CHRISTENSEN. Thank you, Congressman DAVIS, for joining us this evening, and thank you for your kind words. I am very proud to be a part of a Congressional Black Caucus, which is made up of 43 workhorses, and I am just glad to be able to work along with all of them.

Thank you for calling attention to the need to extend unemployment benefits for the many who are still without a job. The jobs are just not there, and the Republican majority is not creating any. We need to continue this lifeline to our families and to the communities that they live in. So thank you for raising that issue again.

Mr. DAVIS of Illinois. Thank you.

Mrs. CHRISTENSEN. I yield such time as he might consume to the gentleman from Virginia, Congressman BOBBY SCOTT.

Mr. SCOTT of Virginia. Thank you. I appreciate you yielding time, and appreciate you bringing to the attention of the American public the need for continued support for those who are unemployed. The current economic climate has taken a toll on many families across the Nation. While the economy may be growing, there are still almost 14 million unemployed people nationally, and the unemployment rate is hovering at 9 percent. We need to take serious steps to address this crisis and create policies that create jobs.

From a long-term perspective, we need to be investing in our workforce

by investing in education, in job training, beginning with early childhood education, and continuing through college and vocational education, as well as adult education and training. Unfortunately, the Republican budget makes huge cuts in our Nation's education system by cutting investments in education by over 50 percent and zeroing out many job-training investments. These cuts include services such as elementary and secondary education, educational innovation, career and technical education, cuts to community colleges, and postsecondary education. The budget also cuts the maximum Pell Grant, a vital program that makes college affordable for young students, and takes away eligibility for over a million students.

So we should be trying to work to get people back to work and increase innovation. So we ought to be actually spending more, not less. But with these cuts, fewer people will have access to education and training that they need to fuel the economic productivity and compete for the good jobs that are occurring in our labor market today.

So on a long-term basis, we need to ensure that we are building a strong and capable workforce. In the short term, we need to make sure that people who have lost their jobs during the recession are not left out in the cold. Currently, for every one job opening there are over four people applying. This means that whatever the job applicants do to help themselves, there will still be many people left out in the cold.

To add insult to injury, many applicants are not getting consideration for jobs because they have been unemployed for too long. Many employers will screen applicants and require that they are holding a job to be considered for a new job. When they find out that they are unemployed, many employers will not consider them for employment. So those who are looking for a job and have been looking for a job for a long time find that it's even harder to find a job. And these are the people that have been unemployed for 60, 90, or even 99 weeks. They are dejected, and being cut off from unemployment insurance, and not given a fair shot at a job that they are applying for.

Our focus should be particularly on what to do about the long-term unemployed and keeping them on their feet. In February, Congresswoman BARBARA LEE from California and I introduced the Emergency Unemployment Compensation Extension Act to provide 14 additional weeks of unemployment compensation for the chronically unemployed so that they can stay afloat during their job search, at least until our recession is over and jobs have returned. The Emergency Unemployment Compensation Act would, if passed, give these hardworking Americans a little more time to find a job without

having to worry about making ends meet.

Now, we have to note that receipt of unemployment compensation is conditioned first on the fact that you lost your job through no fault of your own and that you are actively looking for a job and will accept a reasonable job. So these are conditions of receiving unemployment compensation. Unfortunately, this compassionate bill has been stalled in committee, and the majority of the House has not taken action on it.

□ 1950

To make matters worse, just a few weeks ago a new bill had been introduced in the House, which will actually weaken the unemployment compensation program. They call it the Jobs, Opportunity, Benefits, and Services Act. They call it the JOBS Act.

It would allow States to divert the Federal funds it received to pay for unemployment compensation to other purposes, including tax cuts. Jobs, that so-called JOBS Act, will essentially allow States to terminate payments of unemployment benefits, potentially eliminating \$40 billion in economic activity, according to CBO estimates. So not only are they failing to extend benefits during a time of constant high unemployment; some now want to cut off benefits all together.

Critics of the unemployment compensation believe that providing unemployment benefits will give people an incentive not to work, that people receiving unemployment compensation will merely collect the benefits as long as they can without looking for a job. But a condition of receiving the benefits, one of the conditions is you have to be actively looking for a job.

While that criticism may apply to a few bad apples, the overwhelming majority of Americans who are chronically unemployed would rather enjoy the dignity of work instead of collecting a weekly check from the government; many of these checks, on a national average, will average \$260 a week, clearly not enough for a family to survive. The overwhelming majority of chronically unemployed do not want a handout; they would like a job.

While unemployment compensation helps the unemployed, unemployment benefits also help the economy. Economists estimate that in the U.S. economy, the U.S. economy grows by \$1.61 for every dollar the government spends on unemployment compensation, because unemployed people will obviously spend every dime right away. This is in stark contrast to the economic activity generated by tax cuts, where many of the tax cuts will generate about 17 cents of economic activity for every dollar of tax cuts. This is the \$1.61 for every dollar in unemployment compensation.

So, simply put, the unemployment compensation is one of the most effective

and efficient ways to stimulate the economy, and we should be focusing on providing the kind of support and stimulus to the economy in conjunction with making bold investments in our education system and our workforce. We need to make sure that we make those long-term investments in education and job training. We also need to make sure that we have a compassionate short-term solution by providing the safety net for millions of Americans who have lost their jobs through no fault of their own and haven't found a job yet.

These jobs just don't exist, and we also have to oppose the elimination of unemployment compensation by redirecting those funds to whatever the States may want, including tax cuts. That is simply wrong.

So I thank you for pointing out the need for the unemployment compensation program to continue and even be improved and oppose those initiatives that want to sabotage the unemployment compensation system.

Mrs. CHRISTENSEN. Thank you, Congressman SCOTT, for reminding us that we are really not out of a recession. This is the time where we need to invest and to continue those unemployment benefits, and thank you for talking about the people who are unemployed.

We hear so many misconceptions spread about people who are receiving unemployment. They really would prefer to have a job. They are actively looking, as you have pointed out, to be able to receive those unemployment benefits. It's a shame the way that some of our colleagues speak about people who are really trying to find a job where there are no jobs to be found and need that extra help. So I really appreciate your coming and joining us this evening.

One of the other things that the Congressional Black Caucus has been advocating for is summer jobs for our young people. It's important for us to have them meaningfully occupied and employed during that summer vacation. It seems like we are going back to what we used to have to do in the previous administration and keep begging and begging for summer jobs for our young people. It's critically important.

I also don't understand why there is so much objection to our building a green economy. If we don't, we will be left behind the rest of the world in this important sector. Creating that economy would build on the tens of thousands of jobs that were created with the American Recovery and Reinvestment Act and moving to renewable energy and the jobs that that will create is good for our environment. It will slow climate change, it is good for our health, and it is good for our economy.

It would build jobs, sustainable jobs, and help us to build a strong and more sustainable economy for the future.



It's good for profit, it's good for the planet, and it's good for people.

I want to just talk a little bit about the Patient Protection and Affordable Care Act.

Mr. SCOTT of Virginia. Would the gentleman yield before she goes on to the next issue?

Mrs. CHRISTENSEN. I yield to the gentleman.

Mr. SCOTT of Virginia. It's so important that you have mentioned summer jobs and opportunities they get to help get young people on the right track and keep them on the right track, get them used to a working environment and get them set for their future lives. But also, with so many people unemployed today in the construction area and at a time when we have trillions of dollars and needs in terms of roads and bridges and tunnels and other infrastructure projects, this is a time where we really ought to be investing in those for our future.

Those projects would be coming in, and the bids on those projects would be at the lowest they have been historically so that, as you pay for them over the course of time with bonds, you will be paying at a much lower rate, and those needs are certainly there today. So we need to make those investments in job creation in terms of roads and bridges and other infrastructure. It's a great time to do it, and the people need those jobs.

Mrs. CHRISTENSEN. Thank you for adding that issue to the discussion this evening.

Let me just go back to the Patient Protection and Affordable Care Act, because despite its immediate and projected successes, our friends on the other side of the aisle continue their efforts to repeal and underfund the Patient Protection and Affordable Care Act.

Despite the rhetoric to the contrary, this new law lifts more than 30 million Americans out of the ranks of the uninsured, protects the health care consumer from unjust practices that have occurred in our health care system for far too many decades, and preserves and improves the health care and thus the wellness of some of our Nation's most vulnerable residents—our children and our seniors.

My colleagues and I have and will continue to highlight the deleterious health consequences that would result if these attacks on health care reform ever moved from a policy proposal to enactment, and we will continue to oppose any attempt to undermine this important law.

It's also critically important to remember, though, that while repealing health care reform will have very obvious, very negative impacts on health and wellness, the repeal of any part of the law created by the Affordable Care Act will also have an equally horrendous impact on the economy and more directly on jobs.

The data is in; it's indisputable. There is no evidence that health care reform hurts or eliminates jobs. In fact, since the health care reform bill was passed in March of last year, there has been private sector growth month after month after month, leading to the creation of a total of 1.4 million new private sector jobs, and we are counting. Further, of these 1.4 million new jobs that were created, both directly and indirectly from health care reform, 243,000 of them, almost a quarter of a million of them, are directly in the health care sector. All of this job and growth job expansion has occurred in just 1 year.

While that's good news, there was even better news that came out of a recent study out of Harvard University, which found that health care reform, as enacted by the Patient Protection and Affordable Care Act, would create up to 4 million jobs over the next 10 years. Compare that to 8 years of policies under the previous administration that literally eliminated 673,000 private sector jobs while at the same time exacerbating our Nation's plight with uninsurance, spiraling health care costs, and worsening health disparities.

Once you make the comparison, ask yourself which policies are truly better for American jobs, for the American economy, for the health and wellness of Americans, and for the Nation as a whole. Is repealing health care reform better when we know that the repeal not only would increase medical spending, the repeal would increase medical spending by \$125 billion by the end of this decade and increase family insurance premiums by nearly \$2,000 every year? But it will also destroy as many as 400,000 jobs every year over the next decade.

□ 2000

The answer is simply no. We need to stay on this path, one with an upward trajectory, because it is the path that not only includes a reformed, transformed health care system, but it's also a path that creates jobs, lowers the unemployment rate and saves employers, both large and small, money that they can reinvest by creating additional jobs for millions of Americans. It is a path that we have been hoping to find; it is a path that we have struggled to get on; and now that we're on it, it is a path that is delivering on its promises.

I don't believe I have any further speakers, so at this time I just want to reiterate that we've been here for almost 5 months. Nothing that has come to this floor has created jobs. Communities like mine and communities that most of my colleagues represent in this body still have high unemployment. There are no jobs. We need to continue to provide unemployment insurance. We need to work to begin to create the jobs that the people of America need.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to discuss Democratic initiatives for creating jobs and rebuilding the economy.

While Republicans were busy voting to end Medicare in order to give more tax breaks to big oil, they forgot one important task—job creation.

With the fragile economy just beginning to recover, Americans cannot afford the Republicans' reckless "So Be It" attitude toward job creation.

Their failure to propose a single jobs bill after more than four months in the majority is alarming and is indicative of a general lack of concern for the needs of our constituents.

Under the Obama administration, almost 2 million jobs have been created over the last 15 months.

The 244,000 total jobs added last month is the largest in nearly a year, with broad-based gains in retail trade, manufacturing, health care, leisure and hospitality, and professional and business services.

While this is an impressive feat, we need to dig deeper in order to replace the 8 million jobs that we lost during the Bush Administration.

The African American community continues to bear the brunt of the unemployment crisis; close to 16 percent of African Americans are out of work and still looking for jobs.

In some cities, African American unemployment rates have hit Depression levels. This is unacceptable.

The American people have spoken and Democrats are listening; job creation is the key to economic recovery and growth.

Democrats' "Make It in America" agenda is a powerful initiative based on the conviction that when more products are made in America, more families will be able to make it in America.

This comprehensive domestic manufacturing strategy is about investing in innovation and clean energy, helping our small businesses and workers compete, rebuilding America, and keeping jobs here at home.

For example, the Make It in America Block Grant Act establishes a grant program at the Commerce Department to provide small to medium-sized businesses, in communities hardest hit by unemployment, with the resources and strategies they need to transition to the manufacturing of clean energy, high technology, and advanced products.

Equally promising is the Job Opportunities Between Our Shores Act, which establishes a Workforce Investment Act pilot program to provide education and training programs in advanced manufacturing.

These bills, along with other Democratic initiatives, prove that Democrats are listening to the American people as they continue to ask, "Where are the jobs?"

Mrs. CHRISTENSEN. I yield back the balance of my time.

THE GREAT STATE OF SOUTH CAROLINA, BOEING, AND THE NLRB

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from South

Carolina (Mr. GOWDY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOWDY. Mr. Speaker, last week, of course, we were in our respective districts, which means I was home in my beloved State of South Carolina. And while the bulk of that time was spent in the upstate, in Greenville, Spartanburg, and Union Counties, South Carolina is such a small State with a deep and rich tie throughout the various regions of the State that, even in a course of 1 week, Mr. Speaker, I was able to go to all six congressional districts in South Carolina at one point or another.

South Carolina is full of natural beauty, from the mountains of the upstate to the beaches of our coastal region. South Carolina is home to hard-working, loyal, kindhearted and resilient people. We have wonderful schools, a world-class port, vibrant research universities, and highly regarded hospitals and medical centers. We have a depth and breadth of assets throughout the State of South Carolina, as well as the small businesses that are the backbone of this country and this economy.

Mr. Speaker, South Carolina is among the first States to help other States when calamity strikes. We have a rich history of fighting and sacrificing, indeed, dying for this country. We are proud and brave, and we are not easily intimidated, which brings me to the National Labor Relations Board and its recent interactions with the State of South Carolina.

At a time when union membership is at a historic low, unions seek to influence this administration in a historically high fashion. At a time when this Nation needs to come together and face the great challenges of our time, there are those in this administration who seek to benefit from the politics of class, generational and, now, regional conflict: from a Secretary of Health and Human Services who claims that our colleague's, PAUL RYAN's, efforts to reform Medicare would cause seniors to die sooner when it is a demonstrably false statement, indeed, an abomination to say something so overtly political about a courageous colleague who has the foresight to try to save Medicare, from that to the NLRB and its general counsel and their efforts to intimidate the State of South Carolina, not once, but twice, with threatened lawsuits and now a complaint when a company decides to put an additional line of work in the great State of South Carolina.

Boeing decided to build some of its new 787 Dreamliners in South Carolina. And nearly a year, Mr. Speaker, after the decision was made and construction had begun and, in some instances, been completed, after South Carolina workers received the good news that jobs were finally headed our way, the National Labor Relations Board de-

cided to file a complaint. And it's important to keep in mind what is not at issue. There is no merit to the contention that Boeing did not negotiate in good faith with the union over the placement of a second line of work in South Carolina. No one seriously contends that. And, incredibly, there is no evidence that existing jobs will move from Washington State to South Carolina.

Instead, the NLRB seeks to tell companies where it can and cannot build additional lines of work. Let that sink in for a moment. The National Labor Relations Board seeks to tell a company where it can and cannot build additional lines of work. So be forewarned: If you build a plant or a facility in a union State, there is the prospect that you will never be able to leave again if the NLRB has its way. And the law was clear, indeed, it is crystal clear: Employers are permitted to make predictions on future economic circumstances so long as the circumstances are demonstrably predictable.

So is it predictable that there would be labor shortages and stoppages in Washington State? Well, Mr. Speaker, there have been four strikes since 1989 in the Washington State facility for Boeing, all of which support the movement of the entire 787 production line to South Carolina. But that's not what Boeing is doing. And I would commend, Mr. Speaker, the reading of the comments by a Boeing customer who said that the continued threatened work stoppages are causing it to reconsider whether or not it wants to do business with Boeing, and yet Boeing is not supposed to consider that when they decide where to build additional lines of work.

Indeed, make no mistake, Mr. Speaker, there will be two planes made in Washington State for every one plane made in South Carolina. But that is not enough for this administration. They want to control where businesses can locate, what they can make, and how much of it they can make.

I want you to consider, Mr. Speaker, the comments of the NLRB spokesperson, and I quote: We are not telling Boeing they cannot make planes in South Carolina. We are talking about one specific line of work, three planes a month. If they keep three planes a month in Washington, there is no problem.

Really? The National Labor Relations Board is going to tell Boeing how many planes it can make and in what State and what constitutes a problem and what doesn't constitute a problem? To my colleagues from the South Carolina delegation who have labeled this an unprecedented act, they are entirely correct.

So what it appears now, Mr. Speaker, is that this administration and the National Labor Relations Board will ele-

vate the unions to the same status as the employer; that all future decisions have to be made in concert; and if the unions object to a line of work that is separate and distinct, they can move to a right-to-work State like South Carolina, it cannot be done.

Mr. Speaker, I have been joined by my distinguished colleague from the Fifth Congressional District, Mr. MULVANEY, and I would seek to yield such time as my colleague may consume.

Mr. MULVANEY. I thank my colleague, Mr. GOWDY. His words are well considered and well made and I think bear out the decision of the people of his district to send him to Washington. This is perhaps the first real challenge we have faced together as a team here in Washington, and I'm proud to be a member of this team as we take on perhaps the critical issue of our day and our State when it comes to economic development and job growth.

I want to do something that we are not very good at in South Carolina when it comes to these types of issues. I want to speak bluntly. Ordinarily, we don't talk about uncomfortable things in our State very bluntly. We are more southerly and gentlemanly about it than I'm going to be for the next few minutes. But I feel compelled to do that by the circumstances that face us. I want to talk very briefly about what this says about the current administration's attitude towards business. And then I want to talk very briefly about why people, not only in South Carolina, but people all over this country, should be concerned with this lawsuit against Boeing by the NLRB.

Regarding the administration's attitude towards business, I talked several times when I was running for this office with folks in my district about another issue at that time. It was cap-and-trade. And I remember coming across an employer in my district who I never thought would be in favor of that particular piece of legislation but who had signed on and actually contributed financially toward advancing that particular initiative. I remember talking to them and asking them why this was, why were they doing something that was so clearly against their self-interest. And they told me that it had been made very plain to them that if they did not get on board that they would have a visit from the EPA, and wasn't it much better for them to participate in the cap-and-trade legislation than it was to get run over and visited by the EPA, to have someone come down and bring down the full regulatory authority of the government on you without any recourse whatsoever. Wouldn't you rather be sitting at the table to design part of your own demise rather than having it dealt fully in your face by the regulatory arm of the administration?

□ 2010

It frightened me to death. It frightened me to death that that is what we had come to in this Nation. I call, and I still do, I call it to this day, and I know this frustrates people and bothers people when I call it this, it is government by Mafia. It really is. It is like walking into an office going: Wow, it would be a real shame if this place burned down tomorrow. Why don't you give us a little money to help us in our cause, and we will make sure nothing happens to you. It frightens me and it disgusts me that this is the way the government treats its own people.

I can't help but think of that example as I sit here and look at what the NLRB is doing these days. To come to the Boeing company and admit, and you can go and read what the NLRB says, admit that they have done nothing wrong, admit that Boeing has done nothing wrong in any of its statements, but still taking the position that they have the basis for bringing a lawsuit against this company in order to do nothing else but to shake it down.

My colleague, Mr. Speaker, mentioned the other shoe to drop when the NLRB came forward through its spokesman and said: Listen, you know, this whole thing could just go away if Boeing would agree to build three more airplanes every single month in Washington State.

That is what this is about. It is about using leverage. It is about using muscle. It is about pushing around a private business simply because you can, and it is absolutely and positively wrong for our government to be doing this to its own citizens. That is exactly what is happening. They are walking into Boeing and saying: Boy, it would be a real shame if we shut you down in South Carolina; wouldn't it? You can make that not happen. You have it in your ability to make sure that this terrible thing doesn't happen to you. All you have to do is agree to produce an additional three planes in Washington State. What a travesty. What a complete insult to what this Nation stands for.

That brings me to my second point, which is why should ordinary people care about this. Is this just an issue that the State of South Carolina cares about? Is it just an issue that the Boeing Corporation should care about? Is it just an issue that businesses should care about? Absolutely not. Absolutely not. This is an issue that every single working person in this country should be scared to death of because the day that the government can tell business where it can operate, which is what the NLRB is trying to do in this lawsuit, the day that the government can tell businesses where they can operate is the day before it can tell you where you can go to work.

And if Boeing is not free to leave Seattle, Washington, and move to North

Charleston in South Carolina, then the next day, you might not be free to do the same thing. It violates everything that we stand for. It violates everything that makes this country exceptional. It brings up frightening thoughts of what has happened in other countries in the past. It is wrong, Mr. Speaker. It must stop now. We will do everything that we can in this delegation to prevent it from happening. And, more importantly, we will be ever diligent to make sure that after this one is put to bed, and after this NLRB lawsuit is exposed for the fraud that it is, we will be ever diligent to make sure that it never happens again in this country.

Mr. GOWDY. While my colleague was talking so eloquently in defense of freedom, not in defense of South Carolina, but in defense of freedom and the freedom to pursue the free market, something as fundamental as that, we have been joined by our colleague from South Carolina, Congressman JEFF DUNCAN, and I would yield him such time as he may consume on this issue and any other issue on his heart.

Mr. DUNCAN of South Carolina. First, I thank my colleagues for taking this time to talk about an issue that—I cannot believe we are even having this discussion. We have seen a lot since we have been here in Washington on January 5, but I never thought that I would see the day when the NLRB and our government would sue a company over creating jobs in South Carolina. I may have experienced that in another country, say the Soviet Union back in the eighties, but to think that we have got a government here in America that is suing a company for making a business decision, a decision that would affect their bottom line, to go where their labor costs are cheaper, to come to a great State like South Carolina and locate in a wonderful city like North Charleston where they were already operating an operation that made the fuselages. This was a decision not to locate a whole other operation, but to bring the rest of the components to South Carolina, to assemble the complete aircraft there. And since they made that decision to come to South Carolina, they have added an additional 2,000 jobs in the State of Washington. And so for the NLRB to say that Boeing made a decision to punish a union in Washington is ludicrous. It is ludicrous.

Virginia Attorney General Ken Cuccinelli said that NLRB's action against Boeing is a threat to every right-to-work State. And I agree with him because if this suit is successful against Boeing, we are not going to have the conversation in this country about whether a business is going to locate in a right-to-work State or a union State. The conversation is going to turn, Mr. GOWDY, to a conversation about whether to locate in America or to locate that operation overseas. That

ought to scare every one of us, not just those in the right-to-work State, but every American who understands capitalism, who understands that government doesn't create jobs, businesses do.

Looking at the NLRB's decision and examining the recent electoral map, it is not difficult to see a policy that clearly rewards blue States while severely punishing red ones. South Carolina is a red State, and we are proud of that fact. We shouldn't be punished for Boeing locating in South Carolina. And this is the second attempt by NLRB to punish South Carolina.

Right before this, they decided to sue South Carolina, South Dakota, Arizona, and Utah over the right to a secret ballot. Back in November, Mr. Speaker, 80 percent of South Carolinians voted in a referendum that we liked the right to a secret ballot when it comes to union elections, that we don't want card check, a method where union bosses can come to employees and say: You know, we really want to unionize here, and we would love to have your name, and through fear and intimidation get them to agree to go along and unionize after a majority of those people in that business have said, under intimidation usually, that they would go along with the union. We like the right to a secret ballot, that free Americans can go into the voting booth, whether it is at a union or anywhere else, and cast a ballot in secret without fear of intimidation, go in there and cast a vote on how they feel on whether they want to collectively bargain, whether they want to unionize, or whether they like the right to come to work and negotiate with their employer for their best interest and for the best interest of the company, for the best interest of the company.

And so NLRB said nope, South Carolina, South Dakota, Utah, Arizona; we determine how you are going to unionize. We determine what methods you are going to use. And if we say that you have to use card check as a method of unionization, that is what you have to use. And just because you in South Carolina, just because 80 percent of your voters like the right to a secret ballot, that doesn't matter. That is off the table because NLRB is saying they have the last word, they are the only voice. And you know what? That is wrong, because it is a States' rights issue. The Constitution I carry says Congress—and I am going to get a little passionate on this issue because I feel NLRB has overstepped its bounds on this—it says that no power not specifically outlined in that document as belonging to the Federal Government, nor prohibited by that document to the States, is reserved for the States or the people. It doesn't say that the NLRB has the right to determine how we can unionize in South Carolina or any other right-to-work State.

I think States do have rights. And I think we have to stand up, and I applaud my colleagues tonight for standing on this floor and championing States' rights, championing the Constitution of the United States, championing the 10th Amendment, and pointing out the rightful place of the States in this country that freely joined the Republic.

So after the NLRB decided to sue these four States, they came in and decided to sue a private business, to sue a business that made a business decision to affect the bottom line, shareholder value, looking after profit, which others want to demonize in this country but which made this country great, capitalists going out and investing their hard-earned dollars, convincing others to invest their money in their stock, to grow a business, create a product that folks around the world would want to buy. And folks like buying Boeing products.

I applaud Boeing for wanting to come to South Carolina, to invest their billions of dollars in our State, their idea of staying there for 100 years, their love for South Carolina workers, the climate and the pro-business climate we have in our State, the pro-business climate they have in North Charleston, the effort that South Carolina had to step up to the plate to help Boeing in the deal to come to South Carolina.

□ 2020

I look forward to flying on the Boeing manufactured aircraft the Dreamliner. What a great name. We're talking about the shattering of American dreams by the NLRB suing Boeing, which is chasing the American Dream. Yet they're chasing it to form an airliner called the Dreamliner. Is that not irony? I can't believe we're having this discussion, but I'll tell you what. We're doing the right thing, and this Congress needs to get behind defunding the NLRB's ability to sue South Carolina, to sue Boeing. We need to get behind that.

Mr. GOWDY, thank you for having this.

Mr. GOWDY. My colleague from South Carolina raises the second issue, doesn't he? It wasn't just the complaint against Boeing. It was also the threatened litigation over South Carolina having the unmitigated temerity to want to memorialize the right to a secret ballot in the constitution of our State. Our voters voted to do that, to memorialize something as sacred in this country as the right to a secret ballot, and the reward for memorializing that in our constitution was threatened litigation by the NLRB. When our attorney general, Alan Wilson, fought back, the response was, Well, let's see if we can settle it. I think that's instructive because no sooner had the threatened litigation against Boeing been announced that

there was another effort to want to settle it as if these are two private companies which are negotiating over an easement.

Mr. DUNCAN of South Carolina. They said they'd talk with Attorney General Wilson and the other attorneys general, but they said, We're going to do it in secret. We're going to do it in secret. They demanded secret meetings, made threats, and they attacked the right to the secret ballot. That doesn't exactly look like a good track record.

Have you heard about that?

Mr. GOWDY. Not only, Congressman, had I heard about that, but I read a quote attributed to the NLRB just this week where they were advising Boeing and its counsel not to litigate this in the media. Imagine the arrogance of telling a company not to litigate something in the media. These are not two private parties. This is a government agency taking legal action against a private company, and then they advise not to discuss this in the media.

Then the second thing—and I'd love to ask Congressman MULVANEY his thoughts on this—is that there was a quote attributed to a Senator who was advising the NLRB. Do not share your legal strategy publicly. Do not tell the other side what your legal strategy is.

This is not a criminal case. This is not a civil case between two private companies. This is a government agency that is seeking to influence the business decisions of a private company, and they're getting legal advice from a Senator not to share their strategy with the other side.

Mr. MULVANEY. My question to you, Mr. GOWDY, and to you, Mr. Speaker, would be this:

Why would there even be a strategy? What is this talk of strategy that the NLRB is charged with enforcing the law? There should be no strategy involved with that. Either it violates the law or it does not. The NLRB, itself, has already said on more than one occasion that the statements that Boeing made do not rise to the level that's required for this litigation to proceed. They've already admitted that this is an expansion of a new business, that this is a new business line. It is not the moving of a business from one place to the other, and the NLRB has already admitted that that is protected activity under the National Labor Relations Act. So you wonder: What is the strategy?

It raises a really good point: Why are we here? Why is the NLRB doing this?

Mr. GOWDY, perhaps this is a rhetorical question; but what does it say, for example, about the lawsuit that Mr. DUNCAN mentioned before regarding the right to a secret ballot? What does it say about an administration in this day and age that specifically attacks not only one State but several States for granting additional freedoms to its

citizens? Think about that. That's what we've done. That's what Arizona has done. That's what several other States have done. We have simply memorialized in our constitution the right that we have to a secret ballot. This is the granting of a right.

Ordinarily, this would be cause for great celebration; but for some reason, with this administration, it is not cause for celebration; it is cause for the bringing of lawsuits and litigation, and I cannot help but wonder what that says about where we stand as a Nation.

Mr. DUNCAN of South Carolina. You have to wonder why the NLRB is doing this. What is their ultimate gain? I think it's to force a private industry to make a decision that the government tells it to. That's like a government takeover, a government's telling a private business what to do or not to do.

The American people are tired of the spending and the borrowing and the bailouts and the takeovers. We saw it with General Motors. We've seen it with other businesses. We've seen the government takeover of health care. Now we're seeing the government sue a private business for making a business decision to locate in South Carolina.

Because we come from the great Palmetto State, we know why they wanted to locate in South Carolina. We know about the work ethic. We know about the wonderful business climate, and we know about the wonderful climate, period. I know why they chose Charleston. What a great location. It's not just because the airbase is there; that it's close to the port is probably one of the biggest reasons. It's the wonderful port that we've got in Charleston. The reason South Carolina is great is because of the Port of Charleston.

While I'm on that, let me just applaud my colleagues across the building there for their help in securing the money that was necessary for deepening and widening the Port of Charleston. It was the right decision for the Corps of Engineers to make. It's the right decision for the business climate in South Carolina, and it's the right decision for our State. It's going to be a perfect business example for South Carolina and for the east coast.

Mr. GOWDY. To echo what both of my colleagues have already said, I would say this:

Not only is there a tremendous natural climate and business climate in the State of South Carolina, but you will not find a group of people more appreciative for the right to work than our fellow citizens in South Carolina, who desperately need the work. "Thank you" to Boeing and to every other company that has been willing to take a chance on the people of South Carolina. We are not easily intimidated.

One of my colleagues asked, What is the NLRB doing? Why now? I think we touched on it earlier. Union membership is at an historic low. At the same

time, they seek to have an historically high level of influence with this administration.

Mr. MULVANEY, there is no legal analysis by which the NLRB can hope to prevail in this case. This is a political calculus, so I would like in the few minutes we have remaining to discuss with both of my colleagues the remedy that the NLRB seeks; and it's instructive, I think, to set the chronology one more time.

Boeing has been manufacturing airplanes in Washington State for at least two decades, and since 1989, there have been four work stoppages. I read a partial quote by a customer of Boeing's, saying, If the unions and the employers and management do not get together and stop the strikes, we are going to look somewhere else for our airplanes.

So you're in a leadership position at a company, and you're being advised that the work stoppages—and there have been four of them—are going to impact your ability to get future business. You negotiate in good faith, and there has been not one scintilla of evidence to suggest that Boeing did not negotiate in good faith in Washington State. As our colleague Mr. MULVANEY pointed out, there is no allegation of bad faith. There is no allegation that Boeing did anything wrong other than seek to move to a right-to-work State. When they had planted a flag in a union State, they wanted to move a separate, distinct line of work to a right-to-work State in South Carolina.

There are 2,000 more jobs in Washington State than there were, and the comments of the spokesperson for the NLRB are so terribly instructive: If you'll just build more planes in Washington State, we'll shut up about what you did in South Carolina.

Can you imagine that? As a 16-year prosecutor, can you imagine my saying, "Well, I'll excuse what you did here, if it were wrong, if you'll just do this instead"? If what Boeing had done were really wrong, the NLRB would not be seeking to settle this and negotiate out more work for the State of Washington, which is exactly what they're trying to do.

□ 2030

Mr. DUNCAN of South Carolina. The gentleman from Georgia just a few minutes ago in the last hour was over there talking about us not manufacturing anything in this country anymore, talking about bringing manufacturing back. I don't know if y'all heard that.

I sat there and listened, and I thought about the irony there, that here we are, we have the NLRB that's suing a business who is operating in this country, who has numerous manufacturing facilities, not just in Washington and South Carolina, who's creating a wonderful product that's sought all around the world. They're

manufacturing it here in this country. They're creating jobs in South Carolina. We are manufacturing here. And so to that gentleman, Mr. SCOTT from Georgia, the message is clear: They are, and they'll continue to do so as long as we have a pro-business economy, as long as we have a pro-business climate.

Like I said earlier, if NLRB wins this suit, we're going to see decisions made about not whether to locate in a right-to-work State like South Carolina or Utah or Arizona or South Dakota or even Virginia or many, many others in this country, we're not going to see that argument about whether to locate in a right-to-work State or a union State, we're going to see truly what he was talking about, the decision being made about whether to locate in the United States of America and put Americans to work or locate in another country. That's the question that's going to be asked.

Mr. MULVANEY. Mr. Speaker, I think it's important to realize in this discussion that this is not just an attack on one company, nor is it just an attack more broadly at some of the principles that we hold to be so dear. This is a specific attack on the people of South Carolina. It is. It's a specific attack on the people that we represent.

We live in a State that has chosen to be a right-to-work State. By the way, it's important to know, that doesn't mean that unions are against the law in South Carolina. It doesn't mean that they are banned. It doesn't mean it's any more difficult to form. It simply means you don't have to work in a union in order to work in South Carolina. We have chosen to do that. We have come together as a State and said, This is the kind of State that we want to be. We want to be a State that balances the needs of business and the needs of workers. We want to be fair to both sides. We don't want to make you do something that you don't want to do just to get a job. That's what we stand for, and this administration in this lawsuit is attacking that.

We also chose as a State to give Boeing incentives to come to South Carolina. It was a difficult decision for us to make. I was in the State legislature when we did that. But we said to ourselves as a State, this is such an opportunity, and it is one of those true rare times when it's an investment. This was such a rare opportunity for us as a State, not only for this generation but for several generations. The Boeing company has been making airplanes since there have been airplanes, and they're going to be making them for another hundred years after this and we wanted them in our State, so we gave them the incentives. This administration is attacking that. Nowhere does the NLRB say what might happen, if they were to succeed, to the money that the State of South Carolina has

given to Boeing. It's a slap in the face to the people of South Carolina.

Finally, you can't have a discussion up here, or you shouldn't have a discussion up here without talking about jobs. Our people want to work. Our people need to work. It's one of the most hardworking, well-educated, honest and ethical group of working people that you're going to find in this country. The Boeing Corporation was going to give them the chance to do that, in areas that provide tremendous opportunities for us to grow as a State, to grow our wage base, to grow our skill base.

Think about what this meant to the technical college system in our State. Think about what this means to the other opportunities in the aerospace industry alone, never mind the other industries that feed it. We want to work, and this administration is going out of its way to prevent that from happening. Unforgivable. Unforgivable. Unemployment in my district is over 15 percent, and I have to fight with my own administration as to whether or not these people can go to work? This is absolutely wrong. It is unforgivable that this is what it's come to in our Nation.

Mr. Speaker, I appreciate the opportunity. I commend the rest of my delegation. It is a true honor to be amongst these gentlemen tonight as we sit here and try and come to our State's defense against what is clearly an unjustified attack.

Mr. GOWDY. We saw firsthand when the automotive manufacturing company, BMW, decided to come to the upstate of South Carolina. I tell my colleagues, it transformed the upstate of South Carolina. Every now and again, you have an opportunity to have a company like a BMW or a Boeing or a Michelin or a Milliken or a GE that cannot just transform a community but, even more importantly, transform individual family lives by giving them the greatest of all family values—a job.

Mr. MULVANEY is exactly right. We come from a State that has a rich and, in some instances, provocative history, but one thing that we all agree on, and it is every Member of this delegation, we represent people who want to work, and when you consider the consequences of this complaint, what are the remedies? Are they really going to ask Boeing to dismantle the plant that is under construction in North Charleston? Are they really going to tell Boeing, you cannot manufacture this line in this State? Or are they going to do what we really suspect that this is all about, which is negotiating strength so they can force Boeing to do more work in Washington State? "We'll let you slide in South Carolina, but you've got to make it up to us in Washington State."

That is not the business of this administration, and I applaud my colleagues, those that are here and those

that were not able to join us tonight, because we are in one accord when it comes to standing up for the people and the workers and the State of South Carolina.

I would yield to my colleague, Mr. DUNCAN.

Mr. DUNCAN of South Carolina. Mr. Speaker, I just have to ask myself, listening to my colleagues here, thinking about this issue, since when did America stop becoming and being the land of the free? The land of the free that we sing about all the time? Do we just want to say that we're a free Nation, or do we want to be a free Nation?

Our freedom is under attack, guys. Our freedom is under attack across this Nation, through suits like the NLRB suing the States, NLRB suing a private business for making a business decision. But in America? I can't believe we're witnessing this. It's not just NLRB, it's the EPA. When they deny an air quality permit for a drilling platform in the Alaskan Sea, where the closest impacted town is over 70 miles away, with only 250 indigenous people there.

I've been out to a deepwater drilling platform. I've been to a production platform. The only air impact that I've seen was the flare gas, where they flare off and burn off the gas that comes through the natural drilling activities. Usually it's natural gas. Some proponents of that side of the debate think that natural gas is and say—and I believe that, too—it's probably cleaner burning. But we've got the EPA denying an air quality permit, not a drilling permit this time, so we're not able to meet America's energy needs by domestic production.

We've got NLRB suing the State of South Carolina, the State of Utah, the State of Arizona, and the State of South Dakota. Then we've got them suing a fine American company named Boeing. We've got the EPA going after drilling, denying to issue air quality permits. We've got them changing the air quality standards that will affect economic development in my district and around the State of South Carolina.

This is a power grab. This is a power grab by this administration to keep us from being free people, to keep us from being able to make business decisions and creating jobs, putting America back to work.

□ 2040

America needs to wake up and see that your freedoms are being eroded day by day.

It's hard to believe that January 5 we were elected into Congress and had high optimism for changing the way Washington does business, and then we see this continuation of these policies, which I labeled on the campaign "POR policies." I called it Pelosi, Obama and Reid policies that were bankrupting this country, and they're continuing today. They're continuing today because they are affecting private businesses that are out creating jobs in States like South Carolina.

So I applaud my colleagues and, like you said, those that aren't here, those that may be taking the floor on the other side of the Chamber in the United States Senate, those that had obligations, other places tonight that feel the way we do, that South Carolina is a great State to do business.

Boeing made the decision to come there. They made the decision about their bottom line, about profitability, shareholder value, about creating something great, creating American jobs, manufacturing in this country that the gentleman from Georgia talked about. Well, they're doing it. And they're going to do it in South Carolina because I believe they're going to win this lawsuit. I believe they are going to win because it's the right thing, it's the American way, it's unconstitutional, un-American for the NLRB to be suing Boeing.

I believe with my heart that they are going to win. They're going to put those thousands of workers to work in South Carolina, they're going to invest their money, and they're going to be there 100 years from now.

Mr. GOWDY. Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today on account of a family health issue.

Mr. HASTINGS of Washington (at the request of Mr. CANTOR) for today and the balance of the week on account of a death in the family.

Mr. ELLISON (at the request of Ms. PELOSI) for today on account of tornado damage in district.

Mr. HINOJOSA (at the request of Ms. PELOSI) for today on account of official business.

Ms. MCCOLLUM (at the request of Ms. PELOSI) for today on account of official business in district.

Mr. MARKEY (at the request of Ms. PELOSI) for today on account of travel delays.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today on account of travel delays.

Mr. PASTOR of Arizona (at the request of Ms. PELOSI) for today and May 24.

Ms. SUTTON (at the request of Ms. PELOSI) for today on account of travel delays.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the "Marine Sgt. Jeremy E. Murray Post Office"; to the Committee on Oversight and Government Reform.

S. 655. An act to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the "Spencer Byrd Powers, Jr. Post Office"; to the Committee on Oversight and Government Reform.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 793. An act to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office".

#### ADJOURNMENT

Mr. GOWDY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 24, 2011, at 10 a.m.

#### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2010 and the first quarter of 2011 pursuant to Public Law 95-384 are as follows:

May 23, 2011

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country       | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |               | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Jim Costa .....       | 2/23    | 2/26      | Austria ..... |                       | 1,124.04   |                  | 3,498.00   |                  |  |                  | 4,622.04   |
| Committee total .....      |         |           |               |                       | 1,124.04   |                  | 3,498.00   |                  |  |                  | 4,622.04   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. FRANK D. LUCAS, Chairman, May 2, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee       | Date    |           | Country                      | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------------|---------|-----------|------------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                  | Arrival | Departure |                              | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Mario Diaz-Balart .....     | 1/27    | 1/30      | Switzerland .....            |                       | 2,097.35   |                  |  |                  |  |                  | 2,097.35   |
| Commercial Airfare .....         |         |           |                              |                       |  |                  | 799.60   |                  |  |                  | 799.60   |
| Hon. Jeff Flake .....            | 2/3     | 2/3       | Lithuania .....              |                       | 141.00   |                  |  |                  |  |                  | 141.00   |
|                                  | 2/4     | 2/6       | Germany .....                |                       | 438.00   |                  |  |                  |  |                  | 438.00   |
|                                  |         |           |                              |                       |  |                  |  |                  | 14.00  |                  | 14.00  |
| Hon. Nita Lowey .....            | 2/3     | 2/3       | Lithuania <sup>4</sup> ..... |                       |  |                  |  |                  |  |                  |  |
|                                  | 2/4     | 2/6       | Germany .....                |                       | 649.17   |                  |  |                  |  |                  | 649.17   |
| Adrienne Ramsay .....            | 3/21    | 3/24      | Jordan .....                 |                       | 888.27   |                  |  |                  |  |                  | 888.27   |
| Commercial Airfare .....         |         |           |                              |                       |  |                  | 7,416.70   |                  |  |                  | 7,416.70   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 50.00  |                  |  |                  | 50.00  |
| Hon. Barbara Lee .....           | 3/23    | 3/27      | Belgium .....                |                       | 640.00   |                  |  |                  |  |                  | 640.00   |
| Commercial Airfare .....         |         |           |                              |                       |  |                  | 5,385.30   |                  |  |                  | 5,385.30   |
| Hon. Kay Granger .....           | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Part Commercial Airfare .....    |         |           |                              |                       |  |                  | 342.72   |                  |  |                  | 342.72   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Hon. Jack Kingston .....         | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,524.76   |                  | 1,524.76   |
| Part Commercial Airfare .....    |         |           |                              |                       |  |                  | 675.00   |                  |  |                  | 675.00   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 442.61   |                  |  |                  | 442.61   |
| Hon. Jim Moran .....             | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Hon. Rodney Frelinghuysen .....  | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Hon. Ken Calvert .....           | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Part Commercial Airfare .....    |         |           |                              |                       |  |                  | 874.52   |                  |  |                  | 874.52   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Hon. Tom Cole .....              | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Hon. Mario Diaz-Balart .....     | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Anne Marie Chotvacs .....        | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| Susan Adams .....                | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                              |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                              |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
| B.G. Wright .....                | 3/17    | 3/20      | Colombia .....               |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....                 |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala .....              |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....                 |                       | 600.00   |                  |  |                  |  |                  | 600.00   |



REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND  
MAR. 31, 2011—Continued

| Name of Member or employee       | Date    |           | Country         | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------------|---------|-----------|-----------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                  | Arrival | Departure |                 | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Misc. Embassy Expenses .....     |         |           |                 |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                 |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
|                                  |         |           |                 |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Clelia Alvarado .....            | 3/17    | 3/20      | Colombia .....  |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....    |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala ..... |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....    |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                 |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                 |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
|                                  |         |           |                 |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Rebecca Motley .....             | 3/17    | 3/20      | Colombia .....  |                       | 1,146.00   |                  |  |                  |  |                  | 1,146.00   |
|                                  | 3/20    | 3/21      | Panama .....    |                       | 254.00   |                  |  |                  |  |                  | 254.00   |
|                                  | 3/21    | 3/23      | Guatemala ..... |                       | 409.00   |                  |  |                  |  |                  | 409.00   |
|                                  | 3/23    | 3/24      | Mexico .....    |                       | 600.00   |                  |  |                  |  |                  | 600.00   |
| Misc. Embassy Expenses .....     |         |           |                 |                       |  |                  |  |                  | 1,900.59   |                  | 1,900.59   |
| Misc. Transportation Costs ..... |         |           |                 |                       |  |                  | 571.61   |                  |  |                  | 571.61   |
|                                  |         |           |                 |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
| Committee total .....            |         |           |                 |                       | 32,615.79  |                  | 22,274.16  |                  | 22,445.25  |                  | 77,335.20  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

<sup>4</sup> Note: \$282.00 per diem returned to U.S. Treasury.

<sup>5</sup> Part military air transportation.

HON. HAROLD ROGERS, Chairman, May 3, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND  
MAR. 31, 2011

| Name of Member or employee   | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|--|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|  | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Visit to United Saudi Arabia, January 7–12, 2011:  |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Catherine McElroy .....  | 1/8     | 1/12      | Saudi Arabia .....         |                       | 452.00   |                  |  |                  |  |                  | 452.00   |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 7,610.30   |                  |  |                  | 7,610.30   |
| William Spencer Johnson .....  | 1/8     | 1/12      | Saudi Arabia .....         |                       | 452.00   |                  |  |                  |  |                  | 452.00   |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 7,610.30   |                  |  |                  | 7,610.30   |
| Visit to Cuba, January 17, 2011:   |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Howard P. "Buck" McKeon .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Mac Thornberry .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Joe Wilson .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Rob Wittman .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Tim Griffin .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Jon Runyan .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Bobby Schilling .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Todd Young .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Chellie Pingree .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. John Garamendi .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Roger Zakheim .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Paul Arcangel .....  | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Jaime Cheshire .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Paul Lewis .....   | 1/17    | 1/17      | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Visit to Belgium, Germany, January 17–20, 2011 with STAFFEL Kuiken:                      |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Peter Villano .....  | 1/18    | 1/19      | Belgium .....              |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  | 1/19    | 1/21      | Germany .....              |                       |  |                  | 3,493.20   |                  |  |                  | 3,493.20   |
| Visit to Pakistan, Afghanistan, Belgium, February 2–8, 2011:                             |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Howard P. "Buck" McKeon .....   | 2/3     | 2/4       | Pakistan .....             |                       | 81.00  |                  |  |                  |  |                  | 81.00  |
|  | 2/4     | 2/6       | Afghanistan .....          |                       | 56.00  |                  |  |                  |  |                  | 56.00  |
|  | 2/6     | 2/8       | Belgium .....              |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Hon. Silvestre Reyes .....   | 2/3     | 2/4       | Pakistan .....             |                       | 81.00  |                  |  |                  |  |                  | 81.00  |
|  | 2/4     | 2/6       | Afghanistan .....          |                       | 56.00  |                  |  |                  |  |                  | 56.00  |
|  | 2/6     | 2/8       | Belgium .....              |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Hon. John Kline .....  | 2/3     | 2/4       | Pakistan .....             |                       | 81.00  |                  |  |                  |  |                  | 81.00  |
|  | 2/4     | 2/6       | Afghanistan .....          |                       | 56.00  |                  |  |                  |  |                  | 56.00  |
|  | 2/6     | 2/8       | Belgium .....              |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Robert L. Simmons II .....   | 2/3     | 2/4       | Pakistan .....             |                       | 81.00  |                  |  |                  |  |                  | 81.00  |
|  | 2/4     | 2/6       | Afghanistan .....          |                       | 56.00  |                  |  |                  |  |                  | 56.00  |
|  | 2/6     | 2/8       | Belgium .....              |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Joshua Holly .....   | 2/3     | 2/4       | Pakistan .....             |                       | 81.00  |                  |  |                  |  |                  | 81.00  |
|  | 2/4     | 2/6       | Afghanistan .....          |                       | 56.00  |                  |  |                  |  |                  | 56.00  |
|  | 2/6     | 2/8       | Belgium .....              |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Mark Lewis .....   | 2/3     | 2/4       | Pakistan .....             |                       | 81.00  |                  |  |                  |  |                  | 81.00  |
|  | 2/4     | 2/6       | Afghanistan .....          |                       | 56.00  |                  |  |                  |  |                  | 56.00  |
|  | 2/6     | 2/8       | Belgium .....              |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Visit to Australia, New Zealand, February 20–26, 2011 with CODEL Manzullo:               |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Rick Larsen .....   | 2/21    | 2/23      | New Zealand .....          |                       | 45.00  |                  |  |                  |  |                  | 45.00  |
|  | 2/23    | 2/26      | Australia .....            |                       | 118.00   |                  |  |                  |  |                  | 118.00   |
| Visit to Belgium, February 21–24, 2011:  |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Kari Bingen Tytler .....   | 2/22    | 2/24      | Belgium .....              |                       | 320.00   |                  |  |                  |  |                  | 320.00   |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 1,636.10   |                  |  |                  | 1,636.10   |
| Visit to Kuwait, Iraq, Bahrain, Afghanistan, United Arab Emirates, February 20–27, 2011: |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Joe Wilson .....  | 2/21    | 2/22      | Kuwait .....               |                       | 448.62   |                  |  |                  |  |                  | 448.62   |
|  | 2/22    | 2/23      | Iraq .....                 |                       |  |                  |  |                  |  |                  |  |
|  | 2/23    | 2/23      | Bahrain .....              |                       | 558.35   |                  |  |                  |  |                  | 558.35   |
|  | 2/25    | 2/26      | Afghanistan .....          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|  | 2/26    | 2/27      | United Arab Emirates ..... |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 2,654.00   |                  |  |                  | 2,654.00   |
| Hon. Madeleine Z. Bordallo .....   | 2/21    | 2/22      | Kuwait .....               |                       | 448.62   |                  |  |                  |  |                  | 448.62   |
|  | 2/22    | 2/23      | Iraq .....                 |                       |  |                  |  |                  |  |                  |  |

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011—Continued

| Name of Member or employee   | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|--|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|  | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
|  | 2/23    | 2/25      | Bahrain .....              |                       | 591.35   |                  |  |                  |  |                  | 591.35   |
|  | 2/25    | 2/26      | Afghanistan .....          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|  | 2/26    | 2/27      | United Arab Emirates ..... |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 7,079.00   |                  |  |                  | 7,079.00   |
| Hon. Chris Gibson .....  | 2/21    | 2/22      | Kuwait .....               |                       | 448.62   |                  |  |                  |  |                  | 448.62   |
|  | 2/22    | 2/23      | Iraq .....                 |                       |  |                  |  |                  |  |                  |  |
|  | 2/23    | 2/25      | Bahrain .....              |                       | 536.35   |                  |  |                  |  |                  | 536.35   |
|  | 2/25    | 2/26      | Afghanistan .....          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|  | 2/26    | 2/27      | United Arab Emirates ..... |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 2,654.00   |                  |  |                  | 2,654.00   |
| Hon. Mo Brooks .....   | 2/21    | 2/22      | Kuwait .....               |                       | 448.62   |                  |  |                  |  |                  | 448.62   |
|  | 2/22    | 2/23      | Iraq .....                 |                       |  |                  |  |                  |  |                  |  |
|  | 2/23    | 2/25      | Bahrain .....              |                       | 512.35   |                  |  |                  |  |                  | 512.35   |
|  | 2/25    | 2/26      | Afghanistan .....          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|  | 2/26    | 2/27      | United Arab Emirates ..... |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 2,654.00   |                  |  |                  | 2,654.00   |
| Craig Greene .....   | 2/21    | 2/22      | Kuwait .....               |                       | 448.62   |                  |  |                  |  |                  | 448.62   |
|  | 2/22    | 2/23      | Iraq .....                 |                       |  |                  |  |                  |  |                  |  |
|  | 2/23    | 2/25      | Bahrain .....              |                       | 558.35   |                  |  |                  |  |                  | 558.35   |
|  | 2/25    | 2/26      | Afghanistan .....          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|  | 2/26    | 2/27      | United Arab Emirates ..... |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 2,654.00   |                  |  |                  | 2,654.00   |
| Michael Casey .....  | 2/21    | 2/22      | Kuwait .....               |                       | 448.62   |                  |  |                  |  |                  | 448.62   |
|  | 2/22    | 2/23      | Iraq .....                 |                       |  |                  |  |                  |  |                  |  |
|  | 2/23    | 2/25      | Bahrain .....              |                       | 558.35   |                  |  |                  |  |                  | 558.35   |
|  | 2/25    | 2/26      | Afghanistan .....          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|  | 2/26    | 2/27      | United Arab Emirates ..... |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 2,654.00   |                  |  |                  | 2,654.00   |
| Visit to Algeria, Senegal, Liberia, Uganda, Ethiopia, Djibouti, Israel, Turkey, Burkina Faso, Germany, February 20–28, 2011 with CODEL Inhofe: |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. J. Randy Forbes .....   | 2/22    | 2/23      | Burkina Faso .....         |                       | 74.36  |                  |  |                  |  |                  | 74.36  |
|  | 2/24    | 2/24      | Uganda .....               |                       |  |                  |  |                  |  |                  |  |
|  | 2/24    | 2/25      | Ethiopia .....             |                       | 155.35   |                  |  |                  |  |                  | 155.35   |
|  | 2/26    | 2/26      | Djibouti .....             |                       |  |                  |  |                  |  |                  |  |
|  | 2/26    | 2/27      | Israel .....               |                       | 31.52  |                  |  |                  |  |                  | 31.52  |
|  | 2/27    | 2/27      | Turkey .....               |                       |  |                  |  |                  |  |                  |  |
|  | 2/27    | 2/28      | Germany .....              |                       | 48.24  |                  |  |                  |  |                  | 48.24  |
|  | 2/22    | 2/23      | Burkina Faso .....         |                       | 97.08  |                  |  |                  |  |                  | 97.08  |
|  | 2/24    | 2/24      | Uganda .....               |                       |  |                  |  |                  |  |                  |  |
|  | 2/24    | 2/25      | Ethiopia .....             |                       | 155.35   |                  |  |                  |  |                  | 155.35   |
|  | 2/26    | 2/26      | Djibouti .....             |                       |  |                  |  |                  |  |                  |  |
|  | 2/26    | 2/27      | Israel .....               |                       | 194.40   |                  |  |                  |  |                  | 194.40   |
|  | 2/27    | 2/27      | Turkey .....               |                       |  |                  |  |                  |  |                  |  |
|  | 2/27    | 2/28      | Germany .....              |                       | 130.00   |                  |  |                  |  |                  | 130.00   |
| Visit to Belgium, Afghanistan, United Arab Emirates, Germany, March 3–9, 2011:   |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Roscoe Bartlett .....   | 3/4     | 3/4       | Belgium .....              |                       | 148.66   |                  |  |                  |  |                  | 148.66   |
|  | 3/5     | 3/6       | Afghanistan .....          |                       | 10.38  |                  |  |                  |  |                  | 10.38  |
|  | 3/7     | 3/7       | Germany .....              |                       | 60.73  |                  |  |                  |  |                  | 60.73  |
| Hon. Kathy Castor .....  | 3/4     | 3/4       | Belgium .....              |                       | 233.20   |                  |  |                  |  |                  | 233.20   |
|  | 3/5     | 3/6       | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
|  | 3/7     | 3/7       | Germany .....              |                       | 176.25   |                  |  |                  |  |                  | 176.25   |
| Hon. Robert T. Schilling .....   | 3/4     | 3/4       | Belgium .....              |                       | 233.20   |                  |  |                  |  |                  | 233.20   |
|  | 3/5     | 3/6       | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
|  | 3/7     | 3/7       | Germany .....              |                       | 176.25   |                  |  |                  |  |                  | 176.25   |
| Douglas Roach .....  | 3/4     | 3/4       | Belgium .....              |                       | 179.86   |                  |  |                  |  |                  | 179.86   |
|  | 3/5     | 3/6       | Afghanistan .....          |                       | 18.38  |                  |  |                  |  |                  | 18.38  |
|  | 3/7     | 3/7       | Germany .....              |                       | 65.73  |                  |  |                  |  |                  | 65.73  |
| William Spencer Johnson .....  | 3/4     | 3/4       | Belgium .....              |                       | 233.20   |                  |  |                  |  |                  | 233.20   |
|  | 3/5     | 3/6       | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
|  | 3/7     | 3/7       | Germany .....              |                       | 176.25   |                  |  |                  |  |                  | 176.25   |
| Visit to Cuba, March 7, 2011:  |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. John Fleming .....  | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Larry Kissell .....   | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. E. Scott Rigell .....   | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Mark Critz .....  | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Colleen Hanabusa .....  | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Allen B. West .....   | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Catherine McElroy .....  | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Michele Pearce .....   | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Paul Lewis .....   | 3/7     | 3/7       | Cuba .....                 |                       |  |                  |  |                  |  |                  |  |
| Visit to Colombia, Guatemala, Mexico, Panama, March 17–25, 2011 with CODEL Granger:  |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Silvestre Reyes .....   | 3/17    | 3/20      | Colombia .....             |                       | 1,230.83   |                  |  |                  |  |                  | 1,230.83   |
|  | 3/20    | 3/21      | Panama .....               |                       | 244.50   |                  |  |                  |  |                  | 244.50   |
|  | 3/21    | 3/23      | Guatemala .....            |                       | 166.00   |                  |  |                  |  |                  | 166.00   |
|  | 3/23    | 3/25      | Mexico .....               |                       | 190.00   |                  |  |                  |  |                  | 190.00   |
| Visit to Afghanistan, United Arab Emirates, Qatar, Pakistan, March 22–28, 2011:  |         |           |                            |                       |  |                  |  |                  |  |                  |  |
| Hon. Rob Wittman .....   | 3/23    | 3/25      | Pakistan .....             |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 4,473.00   |                  |  |                  | 4,473.00   |
| Hon. Larry Kissell .....   | 3/23    | 3/25      | Pakistan .....             |                       | 471.31   |                  |  |                  |  |                  | 471.31   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       |  |                  |  |                  |  |                  |  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 11,198.00  |                  |  |                  | 11,198.00  |
| Hon. Todd Young .....  | 3/23    | 3/25      | Pakistan .....             |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 11,052.00  |                  |  |                  | 11,052.00  |
| Hon. David Loebsack .....  | 3/24    | 3/25      | Pakistan .....             |                       | 249.73   |                  |  |                  |  |                  | 249.73   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 3,750.50   |                  |  |                  | 3,750.50   |
| Hon. Scott Rigell .....  | 3/23    | 3/25      | Pakistan .....             |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 4,473.00   |                  |  |                  | 4,473.00   |
| Michele Pearce .....   | 3/23    | 3/25      | Pakistan .....             |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation .....  |         |           |                            |                       |  |                  | 4,473.00   |                  |  |                  | 4,473.00   |
| Catherine McElroy .....  | 3/23    | 3/25      | Pakistan .....             |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|  | 3/25    | 3/27      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011—Continued

| Name of Member or employee      | Date    |           | Country           | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|---------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                 | Arrival | Departure |                   | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Commercial Transportation ..... |         |           |                   |                       |  |                  | 4,473.00   |                  |  |                  | 4,473.00   |
| Benjamin Runkle .....           | 3/23    | 3/25      | Pakistan .....    |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|                                 | 3/25    | 3/27      | Afghanistan ..... |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation ..... |         |           |                   |                       |  |                  | 4,473.00   |                  |  |                  | 4,473.00   |
| Paul Lewis .....                | 3/23    | 3/25      | Pakistan .....    |                       | 501.31   |                  |  |                  |  |                  | 501.31   |
|                                 | 3/25    | 3/27      | Afghanistan ..... |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Commercial Transportation ..... |         |           |                   |                       |  |                  | 4,473.00   |                  |  |                  | 4,473.00   |
| Committee total .....           |         |           |                   |                       | 18,744.91  |                  | 93,537.40  |                  |  |                  | 112,282.31   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. "BUCK" McKEON, Chairman, May 2, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee  | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|-----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                             | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Brett Guthrie .....    | 3/4     | 3/4       | Belgium .....              |                       | 231.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 231.00   |
|                             | 3/5     | 3/6       | Afghanistan .....          |                       | 28.00  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 28.00  |
|                             | 3/7     | 3/7       | Germany .....              |                       | 176.25   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 176.25   |
| Hon. Marsha Blackburn ..... | 3/20    | 3/21      | Kuwait .....               |                       | 109.00   |                  | 2,694.50   |                  |  |                  | 2,803.50   |
|                             | 3/21    | 3/22      | Iraq .....                 |                       |  |                  |  |                  |  |                  | 11.00  |
|                             | 3/22    | 3/23      | United Arab Emirates ..... |                       | 143.00   |                  |  |                  |  |                  | 143.00   |
|                             | 3/23    | 3/24      | Afghanistan .....          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
| Committee total .....       |         |           |                            |                       | 715.25   |                  | 2,694.50   |                  |  |                  | 3,409.75   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. FRED UPTON, Chairman, May 2, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Barney Frank .....    | 1/26    | 1/30      | Switzerland .....          |                       | 1,967.45   |                  |  |                  |  |                  | 1,967.45   |
| Hon. Carolyn Maloney ..... | 1/27    | 1/30      | Switzerland .....          |                       | 1,935.64   |                  | 1,144.10   |                  |  |                  | 3,079.74   |
| Hon. Michael Grimm .....   | 3/20    | 3/21      | Kuwait .....               |                       | 426.00   |                  |  |                  |  |                  | 426.00   |
|                            | 3/21    | 3/22      | Iraq .....                 |                       | 11.00  |                  |  |                  |  |                  | 11.00  |
|                            | 3/22    | 3/23      | United Arab Emirates ..... |                       | 143.00   |                  |  |                  |  |                  | 143.00   |
|                            | 3/23    | 3/24      | Afghanistan .....          |                       | 28.00  |                  | 2,729.50   |                  |  |                  | 2,757.50   |
| Committee total .....      |         |           |                            |                       |  |                  |  |                  |  |                  | 8,384.69   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SPENCER BACHUS, Chairman, May 2, 2011.

## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Michael Grimm .....   | 3/20    | 3/21      | Kuwait .....               |                       | 426.00   |                  |  |                  |  |                  | 426.00   |
|                            | 3/21    | 3/22      | Iraq .....                 |                       | 11.00  |                  |  |                  |  |                  | 11.00  |
|                            | 3/22    | 3/23      | United Arab Emirates ..... |                       | 525.00   |                  |  |                  |  |                  | 525.00   |
|                            | 3/23    | 3/24      | Afghanistan .....          |                       | 28.00  |                  | 2,729.50   |                  |  |                  | 2,757.50   |
| Committee total .....      |         |           |                            |                       |  |                  |  |                  |  |                  | 3,719.50   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SPENCER BACHUS, Chairman, May 5, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee    | Date    |           | Country                  | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|-------------------------------|---------|-----------|--------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                               | Arrival | Departure |                          | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Howard L. Berman .....   | 2/04    | 2/06      | Germany, Lithuania ..... |                       | 806.17   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 806.17   |
| Hon. David N. Cicilline ..... | 2/21    | 2/22      | Kuwait .....             |                       | 439.62   |                  |  |                  |  |                  | 439.62   |
|                               | 2/22    | 2/23      | Iraq .....               |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |

May 23, 2011

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011—Continued

| Name of Member or employee | Date    |           | Country              | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                      | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Eni F.H. Faleomavaega | 2/23    | 2/25      | Bahrain              |                       | 596.35   |                  |  |                  |  |                  | 593.35   |
|                            | 2/25    | 2/26      | Afghanistan          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|                            | 2/26    | 2/27      | United Arab Emirates |                       |  |                  |  |                  |  |                  |  |
|                            | 2/21    | 2/23      | New Zealand          |                       | 340.58   |                  |  |                  |  |                  | 340.58   |
|                            | 2/23    | 2/26      | Australia            |                       | 963.40   |                  |  |                  |  |                  | 963.40   |
| Dennis Halpin              | 3/21    | 3/28      | Chile                |                       | 945.20   |                  |  |                  |  |                  | 945.20   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Hon. Brian Higgins         | 2/21    | 2/23      | New Zealand          |                       | 401.32   |                  |  |                  |  |                  | 401.32   |
|                            | 2/23    | 2/26      | Australia            |                       | 1,105.09   |                  |  |                  |  |                  | 1,105.09   |
|                            | 1/28    | 1/29      | Turkey               |                       | 609.57   |                  |  |                  |  |                  | 609.57   |
|                            | 1/29    | 1/30      | Afghanistan          |                       | 5.00   |                  |  |                  |  |                  | 5.00   |
|                            | 1/30    | 1/31      | Pakistan             |                       | 463.70   |                  |  |                  |  |                  | 463.70   |
| Priscilla Koepke           | 2/01    | 2/02      | Iraq                 |                       |  |                  |  |                  |  |                  |  |
|                            | 2/03    | 2/03      | Spain                |                       | 149.00   |                  |  |                  |  |                  | 149.00   |
|                            | 2/21    | 2/23      | New Zealand          |                       | 364.20   |                  |  |                  |  |                  | 364.20   |
|                            | 2/23    | 2/26      | Australia            |                       | 1,055.42   |                  |  |                  |  |                  | 1,055.42   |
|                            | 3/18    | 3/24      | Egypt                |                       | 1,102.50   |                  |  |                  |  |                  | 1,102.50   |
| Hon. Donald A. Manzullo    |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            | 2/21    | 2/23      | New Zealand          |                       | 340.58   |                  |  |                  |  |                  | 340.58   |
|                            | 2/23    | 2/26      | Australia            |                       | 971.00   |                  |  |                  |  |                  | 971.00   |
|                            | 3/20    | 3/21      | Kuwait               |                       | 428.65   |                  |  |                  |  |                  | 428.65   |
|                            | 3/21    | 3/22      | Iraq                 |                       |  |                  |  |                  |  |                  |  |
| Hon. Tom Marino            | 3/22    | 3/23      | United Arab Emirates |                       | 508.31   |                  |  |                  |  |                  | 508.31   |
|                            | 3/23    | 3/24      | Afghanistan          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
|                            | 3/25    | 3/25      | United Arab Emirates |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Pearl Alice Marsh          | 3/18    | 3/22      | Kenya                |                       | 1,066.55   |                  |  |                  |  |                  | 1,066.55   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Gregory McCarthy           | 3/20    | 3/21      | Kuwait               |                       | 428.56   |                  |  |                  |  |                  | 428.56   |
|                            | 3/21    | 3/22      | Iraq                 |                       |  |                  |  |                  |  |                  |  |
|                            | 3/22    | 3/23      | United Arab Emirates |                       | 502.31   |                  |  |                  |  |                  | 502.31   |
|                            | 3/23    | 3/25      | Afghanistan          |                       | 13.00  |                  |  |                  |  |                  | 13.00  |
|                            | 3/25    | 3/25      | United Arab Emirates |                       |  |                  |  |                  |  |                  |  |
| Hon. Gregory W. Meeks      | 2/21    | 2/23      | New Zealand          |                       | 512.58   |                  |  |                  |  |                  | 512.58   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            | 2/23    | 2/26      | Australia            |                       | 1,382.66   |                  |  |                  |  |                  | 1,382.66   |
|                            | 3/24    | 3/27      | Belgium              |                       | 1,839.88   |                  |  |                  |  |                  | 1,839.88   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Mary Noonan                | 2/20    | 2/23      | Japan                |                       | 971.34   |                  |  |                  |  |                  | 971.34   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Diana Ohlbaum              | 3/20    | 3/21      | Kuwait               |                       | 368.56   |                  |  |                  |  |                  | 368.56   |
|                            | 3/21    | 3/22      | Iraq                 |                       |  |                  |  |                  |  |                  |  |
|                            | 3/22    | 3/23      | United Arab Emirates |                       | 394.38   |                  |  |                  |  |                  | 394.38   |
|                            | 3/24    | 3/25      | Afghanistan          |                       | 28.00  |                  |  |                  |  |                  | 28.00  |
|                            | 3/25    | 3/25      | United Arab Emirates |                       |  |                  |  |                  |  |                  |  |
| Sheri Rickert              | 2/2     | 2/5       | Argentina            |                       | 444.20   |                  |  |                  |  |                  | 444.20   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            | 3/18    | 3/22      | Kenya                |                       | 1,052.55   |                  |  |                  |  |                  | 1,052.55   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Hon. Ileana Ros-Lehtinen   | 1/11    | 1/11      | Haiti                |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Daniel Silverberg          | 2/21    | 2/25      | India                |                       | 1,278.00   |                  |  |                  |  |                  | 1,278.00   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Hon. Christopher H. Smith  | 2/2     | 2/4       | Argentina            |                       | 661.58   |                  |  |                  |  |                  | 661.58   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            | 2/20    | 2/23      | Japan                |                       | 962.34   |                  |  |                  |  |                  | 962.34   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            | 3/18    | 3/22      | Kenya                |                       | 1,019.55   |                  |  |                  |  |                  | 1,019.55   |
| Nien Su                    | 2/21    | 2/23      | New Zealand          |                       | 406.58   |                  |  |                  |  |                  | 406.58   |
|                            | 2/23    | 2/26      | Australia            |                       | 1,061.00   |                  |  |                  |  |                  | 1,061.00   |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
|                            |         |           |                      |                       |  |                  |  |                  |  |                  |  |
| Committee total            |         |           |                      |                       | 26,022.28  |                  | 84,573.40  |                  | 12,350.43  |                  | 122,946.11   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Round trip airfare.<sup>5</sup> Indicates Delegation costs.<sup>6</sup> One-way airfare.

HON. ILEANA ROS-LEHTINEN, Chairman, May 2, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Jane Harman           | 2/4     | 2/6       | Germany | 204.17 Euro           | 282.00   |                  |  |                  |  |                  | 282.00   |
| Hon. Mike Rogers (AL)      | 3/22    | 3/24      | Israel  |                       | 895.81   |                  | 5,887.95   |                  |  |                  | 6,783.76   |
| Hon. Chip Cravaack         | 3/22    | 3/24      | Israel  |                       | 895.81   |                  | 5,887.95   |                  |  |                  | 6,783.76   |
| Hon. Sheila Jackson Lee    | 3/22    | 3/24      | Israel  |                       | 895.81   |                  | 5,887.95   |                  |  |                  | 6,783.76   |
| Amanda Halpern             | 3/22    | 3/24      | Israel  |                       | 895.81   |                  | 5,887.95   |                  |  |                  | 6,783.76   |
| Jennifer Arancio           | 3/22    | 3/24      | Israel  |                       | 895.81   |                  | 5,887.95   |                  |  |                  | 6,783.76   |
| Marisela Sayandia          | 3/22    | 3/24      | Israel  |                       | 895.81   |                  | 5,887.95   |                  |  |                  | 6,783.76   |
|                            | 3/22    | 3/24      | Israel  |                       |  |                  |  |                  |  |                  |  |
|                            | 3/25    |           |         |                       |  |                  |  |                  |  |                  |  |
| Committee total            |         |           |         |                       | 5,656.86   |                  | 35,385.17  |                  |  |                  | 41,237.53  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Control room.

<sup>4</sup> Baggage tips.  
<sup>5</sup> Taxi (Arangio) from Dulles.  
<sup>6</sup> Military air transportation.

HON. PETER T. KING, Chairman, Apr. 29, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

| Name of Member or employee  | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|---|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|   | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
|   |         |           |         |                       |  |                  |  |                  |  |                  |  |
| HOUSE COMMITTEES  |         |           |         |                       |  |                  |  |                  |  |                  |  |
| Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/> |         |           |         |                       |  |                  |  |                  |  |                  |  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Dec. 31, 2010.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee   | Date    |           | Country           | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                              | Arrival | Departure |                   | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Daniel E. Lungren ..... | 2/20    | 2/23      | New Zealand ..... |                       | 405.36   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 405.36   |
|                              | 2/23    | 2/26      | Australia .....   |                       | 1,073.30   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 1,073.30   |
| Committee total .....        |         |           |                   |                       | 1,478.66   |                  |  |                  |  |                  | 1,478.66   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. DANIEL E. LUNGREN, Chairman, Apr. 27, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country                    | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|----------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                            | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. G.K.C. Sablan .....   | 2/21    | 2/23      | New Zealand .....          |                       | 582.58   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 582.58   |
|                            | 2/23    | 2/25      | Australia .....            |                       | 1,512.54   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 1,512.54   |
| David Whaley .....         | 2/27    | 3/05      | Canada .....               |                       | 2,731.76   |                  | 722.23   |                  |  |                  | 3,453.99   |
| Hon. John Sarbanes .....   | 3/20    | 3/21      | Kuwait .....               |                       | 429.00   |                  | 1,638.59   |                  |  |                  | 2,067.59   |
|                            | 3/21    | 3/22      | Iraq .....                 |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  |  |
|                            | 3/22    | 3/22      | United Arab Emirates ..... |                       | 502.00   |                  | ( <sup>3</sup> )                                     |                  |  |                  | 502.00   |
|                            | 3/23    | 3/24      | Afghanistan .....          |                       | 28.00  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 28.00  |
|                            | 3/25    | 3/25      | United Arab Emirates ..... |                       |  |                  | 1,055.91   |                  |  |                  | 1,055.91   |
| Committee total .....      |         |           |                            |                       | 5,785.88   |                  | 3,416.73   |                  |  |                  | 9,202.61   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. DOC HASTINGS, Chairman.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee   | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|--|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|  | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
|  |         |           |         |                       |  |                  |  |                  |  |                  |  |
| HOUSE COMMITTEES   |         |           |         |                       |  |                  |  |                  |  |                  |  |
| Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒ |         |           |         |                       |  |                  |  |                  |  |                  |  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, Chairman, Apr. 30, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee        | Date    |           | Country      | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|-----------------------------------|---------|-----------|--------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                                   | Arrival | Departure |              | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. James F. Sensenbrenner ..... | 2/20    | 2/27      | Brazil ..... |                       | 1,426.00   |                  | 9,267.10   |                  |  |                  | 10,693.10  |
| Tom Hammond .....                 | 2/20    | 2/27      | Brazil ..... |                       | 1,407.00   |                  | 2,375.10   |                  |  |                  | 3,782.10   |
| Committee total .....             |         |           |              |                       | 2,833.00   |                  | 11,642.20  |                  |  |                  | 14,475.20  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. RALPH M. HALL, Chairman, May 2, 2011.

May 23, 2011

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee   | Date    |           | Country             | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|--|---------|-----------|---------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|  | Arrival | Departure |                     | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Janice Schakowsky .....   | 2/2     | 2/4       | Africa .....        |                       | 796.00   |                  |  |                  |  |                  |  |
|  | 2/5     | 2/6       | Africa .....        |                       | 272.00   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 16,340.20  |                  |  |                  | 17,408.20  |
| Nate Hauser .....  | 2/1     | 2/3       | Middle East .....   |                       | 505.00   |                  |  |                  |  |                  |  |
|  | 2/3     | 2/5       | Middle East .....   |                       | 730.78   |                  |  |                  |  |                  |  |
|  | 2/5     | 2/7       | Middle East .....   |                       | 793.94   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 11,826.39  |                  |  |                  | 13,544.11  |
| Miguel Diaz .....  | 2/1     | 2/3       | Middle East .....   |                       | 505.00   |                  |  |                  |  |                  |  |
|  | 2/3     | 2/5       | Middle East .....   |                       | 730.78   |                  |  |                  |  |                  |  |
|  | 2/5     | 2/7       | Middle East .....   |                       | 793.94   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 11,826.39  |                  |  |                  | 13,637.11  |
| Hon. Mike Rogers .....   | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| Hon. Frank LoBiondo .....  | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| Hon. Lynn Westmoreland .....   | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| Hon. Dutch Ruppersberger .....   | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| Michael Allen .....  | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| George Pappas .....  | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| Robert Minehart .....  | 2/21    | 2/22      | Latin America ..... |                       | 300.00   |                  |  |                  |  |                  |  |
|  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 952.36   |
| Hon. Michele Bachmann .....  | 2/22    | 2/24      | Latin America ..... |                       | 662.36   |                  |  |                  |  |                  |  |
| Commercial and Military Aircraft .....   |         |           |                     |                       |  |                  | 1,441.30   |                  |  |                  | 2,103.66   |
| Hon. Ben Chandler .....  | 2/24    | 2/27      | Middle East .....   |                       | 679.30   |                  |  |                  |  |                  |  |
|  | 2/27    | 2/28      | Middle East .....   |                       | 592.60   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 9,161.30   |                  |  |                  | 10,433.20  |
| Frederick Fleitz .....   | 2/24    | 2/27      | Middle East .....   |                       | 679.30   |                  |  |                  |  |                  |  |
|  | 2/27    | 2/28      | Middle East .....   |                       | 592.60   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 8,624.80   |                  |  |                  | 9,896.70   |
| Abbas Ravjani .....  | 2/24    | 2/27      | Middle East .....   |                       | 679.30   |                  |  |                  |  |                  |  |
|  | 2/27    | 2/28      | Middle East .....   |                       | 592.60   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 8,624.80   |                  |  |                  | 9,896.70   |
| Frederick Fleitz .....   | 3/19    | 3/21      | Asia .....          |                       | 720.00   |                  |  |                  |  |                  |  |
|  | 3/21    | 3/23      | Asia .....          |                       | 622.20   |                  |  |                  |  |                  |  |
|  | 3/23    | 3/24      | Asia .....          |                       | 321.17   |                  |  |                  |  |                  |  |
|  | 3/24    | 3/26      | Asia .....          |                       | 1,049.70   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 9,657.40   |                  |  |                  | 12,370.47  |
| Abbas Ravjani .....  | 3/19    | 3/21      | Asia .....          |                       | 720.00   |                  |  |                  |  |                  |  |
|  | 3/21    | 3/23      | Asia .....          |                       | 622.20   |                  |  |                  |  |                  |  |
|  | 3/23    | 3/24      | Asia .....          |                       | 321.17   |                  |  |                  |  |                  |  |
|  | 3/24    | 3/26      | Asia .....          |                       | 1,049.70   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 7,569.90   |                  |  |                  | 10,282.97  |
| Hon. Mike Rogers .....   | 3/21    | 3/23      | Europe .....        |                       | 1,203.35   |                  |  |                  |  |                  |  |
|  | 3/23    | 3/25      | Europe .....        |                       | 994.86   |                  |  |                  |  |                  |  |
|  | 3/25    | 3/27      | Europe .....        |                       | 1,079.06   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 3,277.27   |
| Michael Allen .....  | 3/21    | 3/23      | Europe .....        |                       | 1,203.35   |                  |  |                  |  |                  |  |
|  | 3/23    | 3/25      | Europe .....        |                       | 994.86   |                  |  |                  |  |                  |  |
|  | 3/25    | 3/27      | Europe .....        |                       | 1,079.06   |                  |  |                  |  |                  |  |
|  |         |           |                     |                       |  |                  | ( <sup>3</sup> )                                     |                  |  |                  | 3,277.27   |
| Hon. Mike Thompson .....   | 3/22    | 3/23      | Europe .....        |                       | 289.00   |                  |  |                  |  |                  |  |
|  | 3/23    | 3/25      | Europe .....        |                       | 883.40   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 8,741.80   |                  |  |                  | 9,864.20   |
| Linda Cohen .....  | 3/22    | 3/23      | Europe .....        |                       | 289.00   |                  |  |                  |  |                  |  |
|  | 3/23    | 3/25      | Europe .....        |                       | 865.06   |                  |  |                  |  |                  |  |
| Commercial Aircraft .....  |         |           |                     |                       |  |                  | 2,555.80   |                  |  |                  | 3,709.86   |
| In accordance with Title 22, U.S.C., § 1754(b)(2), information as would identify the foreign countries to which Members and employees traveled is omitted. |         |           |                     |                       |  |                  |  |                  |  |                  |  |
| Committee total .....  |         |           |                     |                       |  |                  |  |                  |  |                  | 126,368.24   |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. MIKE ROGERS, Chairman, May 2, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee   | Date    |           | Country              | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|------------------------------|---------|-----------|----------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                              | Arrival | Departure |                      | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Christopher Smith ..... | 2/23    | 2/26      | Austria .....        |                       | 923.20   |                  | 2,832.70   |                  |  |                  | 3,755.90   |
|                              | 3/23    | 3/25      | Czech Republic ..... |                       | 596.07   |                  | 790.10   |                  |  |                  | 1,386.17   |
| Hon. Alcee Hastings .....    | 3/24    | 3/26      | Belgium .....        |                       | 1,339.91   |                  | 2,176.20   |                  | 2,402.13   |                  | 5,918.24   |
| Mischa Thompson .....        | 3/22    | 3/28      | Belgium .....        |                       | 3,470.73   |                  | 1,776.20   |                  |  |                  | 5,246.93   |
| Alex Johnson .....           | 3/07    | 3/10      | Croatia .....        |                       | 972.00   |                  | 315.44   |                  |  |                  | 1,287.44   |
|                              | 3/22    | 3/27      | Belgium .....        |                       | 2,499.86   |                  | 701.77   |                  |  |                  | 3,201.63   |
| Kyle Parker .....            | 3/23    | 3/25      | Czech Republic ..... |                       | 753.90   |                  | 4,914.50   |                  |  |                  | 5,668.40   |
| Committee total .....        |         |           |                      |                       | 10,555.67  |                  | 13,506.91  |                  | 2,402.31   |                  | 26,464.71  |

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARK MILOSCH, May 2, 2011.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1598. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — General Provisions; Operating and Strategic Business Planning (RIN: 3052-AC66) received May 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1599. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Guidance on Personal Services (DFARS Case 2009-D028) (RIN: 0750-AG72) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1600. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement (DFARS); Electronic Ordering Procedures (DFARS Case 2009-D037) (RIN: 0750-AH20) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1601. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Accelerate Small Business Payments (DFARS Case 2011-D008) (RIN: 0750-AH19) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1602. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Definition of Multiple-Award Contract (DFARS Case 2011-D016) (RIN: 0750-AH12) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1603. A communication from the President of the United States, transmitting notification that the national emergency with respect to Syria, originally by Executive Order 13338, is to continue in effect beyond May 11, 2011, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112—26); to the Committee on Foreign Affairs and ordered to be printed.

1604. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Foreign Affairs.

1605. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-13, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1606. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-12, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as

amended; to the Committee on Foreign Affairs.

1607. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for a drawdown to protect civilians and civilian-populated areas under threat of attack in Libya; to the Committee on Foreign Affairs.

1608. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Foreign Affairs.

1609. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Foreign Affairs.

1610. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12978 of October 21, 1995; to the Committee on Foreign Affairs.

1611. A communication from the President of the United States, transmitting continuation of the national emergency with respect to the stabilization of Iraq is to continue in effect beyond May 22, 2011, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112—25); to the Committee on Foreign Affairs and ordered to be printed.

1612. A letter from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting the Foundation's required General/Trust Fund Financial Statements for Fiscal Year 2011; to the Committee on Oversight and Government Reform.

1613. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-59, "Closing of a Portion of Anacostia Avenue N.E., abutting Parcel 170/14 S.O. 11-3689, Act of 2011"; to the Committee on Oversight and Government Reform.

1614. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2011 through March 31, 2011 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112—15); to the Committee on House Administration and ordered to be printed.

1615. A letter from the Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2010 through March 31, 2011, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 112—24); to the Committee on House Administration and ordered to be printed.

1616. A letter from the Chief, Office of Program Support, Department of the Interior,

transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; 44 Marine and Anadromous Taxa: Adding 10 Taxa, Delisting 1 Taxon, Reclassifying 1 Taxon, and Updating 32 Taxa on the List of Endangered and Threatened Wildlife [Docket No.: FWS-R9-ES-2008-0125] [92100-1111-0000-B3] (RIN: 1018-AW09) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1617. A letter from the Delegated the Authority of the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Alabama Advisory Committee; to the Committee on the Judiciary.

1618. A letter from the Deputy Chief Financial Officer and Director for Financial Management, Department of Commerce, transmitting the Department's final rule — Commerce Debt Collection [Docket No.: 070216039-7495-02] (RIN: 0605-AA24) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1619. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's amendments to the federal sentencing guidelines, policy statements, and official commentary, together with the reasons for the amendments, pursuant to 28 U.S.C. 994(o); to the Committee on the Judiciary.

1620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft Engines LTP101 Series Turboprop Engines [Docket No.: FAA-2009-1185; Directorate Identifier 2009-NE-24-AD; Amendment 39-16656; AD 2011-08-06] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 768-60 and Trent 772-60 Turboprop Engines [Docket No.: FAA-2011-0233; Directorate Identifier 98-ANE-10-AD; Amendment 39-16660; AD 2011-08-10] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No.: FAA-2011-0263; Directorate Identifier 2010-NM-105-AD; Amendment 39-16653; AD 2011-08-03] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira De Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes [Docket No.: FAA-2010-1161; Directorate Identifier 2010-NM-152-AD; Amendment 39-16658; AD 2011-08-08] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1624. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701 & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2009-0703; Directorate Identifier



2009-NM-093-AD; Amendment 39-16654; AD 2011-08-04] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1625. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050 Airplanes [Docket No.: FAA-2011-0325; Directorate Identifier 2010-NM-278-AD; Amendment 39-16652; AD 2011-08-02] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1626. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.27 Mark 050 Airplanes [Docket No.: FAA-2011-0262; Directorate Identifier 2010-NM-215-AD; Amendment 39-16649; AD 2011-07-12] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1627. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DASSAULT AVIATION Model MYSTERE-FALCON 50 Airplanes [Docket No.: FAA-2011-0261; Directorate Identifier 2011-NM-028-AD; Amendment 39-16648; AD 2011-07-11] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1628. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Highway Systems; Technical Correction [FHWA Docket No.: FHWA-2011-0003] (RIN: 2125-AF35) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1629. A letter from the Senior Procurement Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30777; Amdt. No. 3421] received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1630. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Public Road Mileage for Apportionment of Highway Safety Funds; Correction (RIN: 2125-AF42) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1631. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Technical Amendment [Docket No.: FAA-2006-26661; Amdt. Nos. 61-127] (RIN: 2120-A186) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1632. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Track Safety Standards; Concrete Crossties [Docket No.: FRA-2009-0007, Notice No.2] (RIN: 2130-AC01) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1633. A letter from the Assistant Attorney General, Department of Justice, transmitting Applications Made to the Foreign Intelligence Surveillance Court During Calendar Year 2010; jointly to the Committees on the

Judiciary and Intelligence (Permanent Select).

1634. A letter from the Secretary, Department of Health and Human Services, transmitting a report on Medicare Ambulatory Surgical Center Value-Based Purchasing Implementation Plan; jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Pursuant to the order of the House on May 11, 2011 the following report was filed on May 17, 2011]*

Mr. MCKEON: Committee on Armed Services. H.R. 1540. A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes; with an amendment (Rept. 112-78). Referred to the Committee of the Whole House on the State of the Union.

*[Pursuant to the order of the House on May 11, 2011 the following report was filed on May 18, 2011]*

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1800. A bill to temporarily extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 relating to access to business records and roving wiretaps and to permanently extend expiring provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 relating to individual terrorists as agents of foreign powers (Rept. 112-79, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

*[Pursuant to the order of the House on May 11, 2011 the following reports were filed on May 20, 2011]*

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 802. A bill to direct the Secretary of Veterans Affairs to establish a VetStar Award Program; with amendments (Rept. 112-80). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1383. A bill to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes; with an amendment (Rept. 112-81). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1407. A bill to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; with an amendment (Rept. 112-82). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1484. A bill to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs and to establish a commission

to study judicial review of the determination of veterans' benefits; with an amendment (Rept. 112-83). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1627. A bill to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes; with an amendment (Rept. 112-84, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1657. A bill to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans (Rept. 112-85). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on May 23, 2011]*

Mr. UPTON: Committee on Energy and Commerce. H.R. 5. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; with amendments (Rept. 112-39, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCKEON: Committee on Armed Services. Supplemental report on H.R. 1540. A bill to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes (Rept. 112-78, Pt. 2).

Ms. FOXX: Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; providing for consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 112-86). Referred to the House Calendar.

Mr. CAMP: Committee on Ways and Means. H.R. 1745. A bill to improve jobs, opportunity, benefits, and services for unemployed Americans and for other purposes; with an amendment (Rept. 112-87, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

## DISCHARGE OF COMMITTEE

*[The following action occurred on May 18, 2011]*

Pursuant to clause 2 of rule XIII the Committee on Intelligence (Permanent Select) discharged from further consideration. H.R. 1800 referred to the Committee of the Whole House on the State of the Union.

*[The following action occurred on May 20, 2011]*

Pursuant to clause 2 of rule XIII the Committee on Armed Services discharged from further consideration. H.R. 1627 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

*[The following action occurred on May 23, 2011]*

Pursuant to clause 2 of rule XIII the Committee on the Budget discharged from further consideration. H.R. 1745 referred to the

Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas:

H.R. 1932. A bill to amend the Immigration and Nationality Act to provide for extensions of detention of certain aliens ordered removed, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. CUELLAR, and Mr. ROSKAM):

H.R. 1933. A bill to amend the Immigration and Nationality Act to modify the requirements for admission of nonimmigrant nurses in health professional shortage areas; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California:

H.R. 1934. A bill to improve certain administrative operations of the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. GRIMM, Mr. RIVERA, Mr. BURTON of Indiana, Mr. MCCAUL, and Ms. SUTTON):

H.R. 1935. A bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Armed Services.

By Mr. SCHOCK (for himself and Mr. WELCH):

H.R. 1936. A bill to amend title XVIII of the Social Security Act to exempt blood glucose self-testing equipment and supplies furnished (regardless of method of delivery) by small retail community pharmacies from Medicare competitive acquisition programs and pricing; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself, Mr. BRADY of Pennsylvania, and Ms. ZOE LOFGREN of California):

H.R. 1937. A bill to amend the Help America Vote Act of 2002 to improve the operations of the Election Assistance Commission, and for other purposes; to the Committee on House Administration.

By Mr. TERRY (for himself, Mr. ROSS of Arkansas, Mr. UPTON, Mr. WHITFIELD, Mr. SULLIVAN, Mr. GENE GREEN of Texas, Mrs. MCMORRIS RODGERS, Mr. WALDEN, Mr. MCKINLEY, Mr. GARDNER, Mr. SCALISE, Mrs. MYRICK, Mr. PITTS, and Mr. MURPHY of Pennsylvania):

H.R. 1938. A bill to direct the President to expedite the consideration and approval of the construction and operation of the Keystone XL oil pipeline, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK (for herself and Mr. UPTON):

H.R. 1939. A bill to provide the Consumer Product Safety Commission with greater au-

thority and discretion in enforcing the consumer product safety laws, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. WOLF):

H.R. 1940. A bill to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Georgia (for himself, Mr. YOUNG of Florida, Mr. DICKS, Mr. FILNER, and Mr. MCNERNEY):

H.R. 1941. A bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. GRIJALVA, Mr. BACA, Mr. MCGOVERN, and Mr. STARK):

H.R. 1942. A bill to amend title 10, United States Code, to improve the mental health assessments provided to members of the Armed Forces deployed in support of a contingency operation; to the Committee on Armed Services.

By Mr. DEFAZIO (for himself, Ms. SLAUGHTER, and Mr. GENE GREEN of Texas):

H.R. 1943. A bill to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers; to the Committee on the Judiciary.

By Mr. FRANKS of Arizona:

H.R. 1944. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits and tier 1 railroad retirement benefits; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 1945. A bill to direct the Secretary of the Navy to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta; to the Committee on Armed Services.

By Mr. MARINO (for himself and Mr. GOHMERT):

H.R. 1946. A bill to ensure and foster continued safety and quality of care and a competitive marketplace by exempting independent pharmacies from the antitrust laws in their negotiations with health plans and health insurance insurers; to the Committee on the Judiciary.

By Mr. PETRI (for himself, Mr. COURTNEY, and Ms. MATSUI):

H.R. 1947. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Education and the Workforce, and in addition to the

Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mrs. MILLER of Michigan, and Mr. SENSENBRENNER):

H.R. 1948. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax equal to 50 percent of the compensation paid to employees while they are performing active duty service as members of the Ready Reserve or the National Guard and of the compensation paid to temporary replacement employees; to the Committee on Ways and Means.

By Mr. SARBANES:

H.R. 1949. A bill to ensure efficient performance of agency functions; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Texas (for himself and Mr. CONYERS):

H.R. 1950. A bill to enact title 54, United States Code, "National Park System", as positive law; to the Committee on the Judiciary.

By Mr. TONKO (for himself, Mr. HINCHEY, Mr. WU, Mr. CAPUANO, Ms. FUDGE, and Mr. CONNOLLY of Virginia):

H.R. 1951. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska (for himself, Mrs. SCHMIDT, Mr. GRAVES of Missouri, and Mr. WESTMORELAND):

H.R. 1952. A bill to amend title 23, United States Code, to modify the deadline for filing a claim seeking judicial review of a permit, license, or approval issued by a Federal agency for a highway or public transportation capital project, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. BURTON of Indiana, and Mr. CAPUANO):

H. Con. Res. 51. Concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya; to the Committee on Foreign Affairs.

By Mr. DOLD (for himself, Mr. YODER, Mr. GRIFFIN of Arkansas, Mr. FINCHER, Mr. DENT, Mr. SCHWEIKERT, Mr. WALSH of Illinois, Mr. CANSECO, Mr. JOHNSON of Ohio, Mr. ROSKAM, Mr. BURTON of Indiana, Mr. AUSTIN SCOTT of Georgia, Mr. REED, Mr. STUTZMAN, Mr. GARDNER, Mr. BASS of New Hampshire, Mrs. LUMMIS, Mrs. BIGGERT, Mr. GERLACH, Mr. PENCE, Mr. GIBBS, Mrs. ROBY, Mr. RUNYAN, Mr. BARLETTA, Mr. HUNTER, Mr. LANFORD, Mr. LABRADOR, Mr. KINZINGER of Illinois, Mrs. ELLMERS, Mr. QUAYLE, Mrs. HARTZLER, Ms. BUECKLE, Mr. DUNCAN of South Carolina, and Mr. GOWDY):

H. Res. 270. A resolution reaffirming United States principles regarding the security of Israel and peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. GOHMERT (for himself, Mrs. MCMORRIS RODGERS, Mr. CARTER, Ms. GRANGER, Mr. GRIMM, Mr. BURTON of Indiana, Mr. WESTMORELAND, Mr. WALSH of Illinois, Mr. KING of Iowa, Mr. PENCE, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. GARRETT, Mr. MCCLINTOCK, Mr. FLORES, Mrs. LUMMIS, Mr. LONG, Mr. SMITH of Nebraska, Mr. HALL, Mrs. MILLER of Michigan, Mr. MARCHANT, Mrs. BLACKBURN, Mr. LANCE, Mr. WEST, Mr. BARTLETT, Mr. KLINE, Mr. POMPEO, Mr. LANDRY, Mr. MCKINLEY, Mr. PITTS, Mr. MILLER of Florida, Mr. HARPER, Mr. DUNCAN of South Carolina, Mr. WALBERG, Mr. ISSA, Mr. SCOTT of South Carolina, Mr. LAMBORN, Mr. POE of Texas, Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. PEARCE, Mr. PRICE of Georgia, Mr. MULVANEY, and Mr. GOWDY):

H. Res. 271. A resolution expressing support for the State of Israel's right to defend Israeli sovereignty, to protect the lives and safety of the Israeli people, and to use all means necessary to confront and eliminate nuclear threats posed by the Islamic Republic of Iran, including the use of military force if no other peaceful solution can be found within reasonable time to protect against such an immediate and existential threat to the State of Israel; to the Committee on Foreign Affairs.

By Mr. LANGEVIN:

H. Res. 272. A resolution expressing support for designation of May 2011 as National Huntington's Disease Awareness Month; to the Committee on Energy and Commerce.

By Mr. RUPPERSBERGER:

H. Res. 273. A resolution calling upon Muammar Qaddafi to immediately release United States citizens detained in Libya; to the Committee on Foreign Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 1932.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 4 of the United States Constitution

By Mr. SMITH of Texas:

H.R. 1933.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 4 of the Constitution

By Mr. DANIEL E. LUNGREN of California:

H.R. 1934.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8 and Article I, Section 8, Clause 18 of the Constitution of the United States.

By Mr. KING of New York:

H.R. 1935.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. SCHOCK:

H.R. 1936.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. GONZALEZ:

H.R. 1937.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Section 4 and Section 5 of Article I of the Constitution.

By Mr. TERRY:

H.R. 1938.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article 1, Section 8, Clause 3

By Mrs. BONO MACK:

H.R. 1939.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 of Section 8 of Article I of the Constitution the United States Congress shall have power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes".

By Mr. SMITH of New Jersey:

H.R. 1940.

Congress has the power to enact this legislation pursuant to the following:

Art. 1, Sec. 8: To regulate commerce with foreign nations, and among the several states, and with the Indian tribes; The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. BISHOP of Georgia:

H.R. 1941.

Congress has the power to enact this legislation pursuant to the following:

Provide for the common defense and general welfare under Article I, Section 8, Clause 1;

Raise and support Armies, under Article I, Section 8, Clause 12;

Provide and maintain a Navy, under Article I, Section 8, Clause 13;

Make rules for the government and regulation of the land and naval forces, under Article I, Section 8, Clause 14;

Provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, under Article I, Section 8, Clause 16; and,

Make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, under Article I, Section 8, Clause 18.

By Mr. CARSON of Indiana:

H.R. 1942.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution, clauses 12, 13, 14, and 16, which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. DeFAZIO:

H.R. 1943.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. FRANKS of Arizona:

H.R. 1944.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. HUNTER:

H.R. 1945.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 13 states that Congress shall have the power to "To provide and maintain a navy;" In addition Article I, Section 8, Clause 14 states that Congress shall have the power "To makes rules for the government and regulation of the land and naval forces;" Also Article I, Section 8, Clause 18 states that Congress shall have the power "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

By Mr. MARINO:

H.R. 1946.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (Relating to Commercial Activity Regulation)

By Mr. PETRI:

H.R. 1947.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution

By Mr. POE of Texas:

H.R. 1948.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. SARBANES:

H.R. 1949.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. SMITH of Texas:

H.R. 1950.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation, which restates certain existing laws as part of a positive law title of the United States Code, pursuant to Article I, Section 8, Clause 18 of the Constitution.

By Mr. TONKO:

H.R. 1951.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. YOUNG of Alaska:

H.R. 1952.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of May 13, 2011]

H.R. 1383: Mr. ISRAEL, Mr. REHBERG, Mrs. ADAMS, Mrs. MCCARTHY of New York, and Mr. SERRANO.

- H.R. 1407: Mrs. ELLMERS.  
[Submitted May 23, 2011]
- H.R. 5: Mr. RUNYAN.  
H.R. 24: Mr. COLE, Mr. BARTON of Texas, Mr. DAVIS of Kentucky, Mr. MEEKS, Mr. McNERNEY, Mr. HOLT, Mr. FLAKE, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. YOUNG of Alaska, Mr. WESTMORELAND, Mr. PETERSON, Mr. LUETKEMEYER, Mr. ROSKAM, Mr. SCOTT of Virginia, Mrs. McMORRIS RODGERS, Mr. THORNBERRY, Mr. DOYLE, Mr. LATOURETTE, Mr. ROGERS of Kentucky, Mr. GARY G. MILLER of California, Mr. SABLAN, Mr. RANGEL, Mr. BACHUS, and Mr. CARNAHAN.  
H.R. 27: Mr. RIVERA.  
H.R. 56: Mr. OLSON and Mr. BOSWELL.  
H.R. 104: Mr. DUNCAN of Tennessee.  
H.R. 154: Mr. AUSTRIA.  
H.R. 157: Mr. GERLACH.  
H.R. 178: Mr. FORTENBERRY and Ms. HIRONO.  
H.R. 181: Mr. CONNOLLY of Virginia, Mr. KING of Iowa, and Mr. YOUNG of Florida.  
H.R. 198: Mr. CALVERT.  
H.R. 258: Mr. GOODLATTE.  
H.R. 361: Mr. CASSIDY.  
H.R. 401: Ms. NORTON, Ms. WATERS, and Mr. BUTTERFIELD.  
H.R. 412: Mr. KING of Iowa and Mr. COFFMAN of Colorado.  
H.R. 421: Mr. CASSIDY and Mr. LABRADOR.  
H.R. 452: Mr. BILBRAY, Mrs. McMORRIS RODGERS, and Ms. HERRERA BEUTLER.  
H.R. 456: Mr. PAYNE.  
H.R. 459: Mr. SHUSTER, Mr. MCCARTHY of California, Mr. BOUSTANY, Mr. HURT, Mr. ROTHMAN of New Jersey, and Mr. TURNER.  
H.R. 462: Mr. LONG, Mr. SCOTT of South Carolina, and Mr. HENSARLING.  
H.R. 485: Mr. GOSAR.  
H.R. 530: Mr. KUCINICH.  
H.R. 589: Mr. LYNCH.  
H.R. 607: Mr. JACKSON of Illinois and Mr. TOWNS.  
H.R. 615: Mr. RUNYAN, Mr. BOUSTANY, Mr. STIVERS, and Mr. NUNES.  
H.R. 644: Mrs. MILLER of Michigan, Mrs. CHRISTENSEN, and Mr. HOLDEN.  
H.R. 656: Ms. BROWN of Florida.  
H.R. 663: Mr. BROOKS.  
H.R. 687: Mr. MICA.  
H.R. 692: Mr. BARLETTA and Mr. CALVERT.  
H.R. 704: Mr. NUNNELEE.  
H.R. 709: Mr. BLUMENAUER.  
H.R. 721: Mr. HUIZENGA of Michigan, Mr. PAUL, Mr. FILNER, Mr. PAULSEN, Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. THOMPSON of Pennsylvania, Ms. BROWN of Florida, and Mr. BUTTERFIELD.  
H.R. 725: Mr. GIBBS, Mr. AUSTRIA, Mr. LATOURETTE, and Ms. FUDGE.  
H.R. 733: Mr. PAYNE and Mr. DENHAM.  
H.R. 735: Mr. JORDAN, Mr. GRAVES of Missouri, and Mr. MARCHANT.  
H.R. 743: Mr. CALVERT.  
H.R. 763: Mr. BOSWELL.  
H.R. 790: Mr. LANGEVIN.  
H.R. 800: Mr. BARLETTA and Mr. GUINTA.  
H.R. 905: Mrs. McMORRIS RODGERS, Mr. HOLT, and Mr. PASTOR of Arizona.  
H.R. 925: Mr. PAYNE.  
H.R. 926: Mr. JOHNSON of Ohio and Mr. LARSON of Connecticut.  
H.R. 931: Mr. MEEHAN.  
H.R. 942: Mr. BOUSTANY and Mr. JONES.  
H.R. 946: Mr. SIMPSON.  
H.R. 948: Mr. DEFazio.  
H.R. 972: Mr. SCHOCK and Mr. GRIFFIN of Arkansas.  
H.R. 1000: Mr. HOLT and Mr. DAVID SCOTT of Georgia.  
H.R. 1002: Mr. MILLER of Florida, Ms. JENKINS, Mr. NUGENT, Mr. CLAY, Mr. ISSA, Mr. KINZINGER of Illinois, Ms. MCCOLLUM, and Mr. FATTAH.  
H.R. 1004: Mr. ROSKAM.  
H.R. 1005: Mr. WELCH.  
H.R. 1028: Mr. DEUTCH.  
H.R. 1041: Mr. DESJARLAIS, Mrs. EMERSON, Mr. HOLDEN, Mr. HANNA, and Ms. ROSLEHTINEN.  
H.R. 1044: Mr. LUETKEMEYER, Mr. FARR, and Mr. GONZALEZ.  
H.R. 1058: Mr. RUNYAN and Mr. CLARKE of Michigan.  
H.R. 1065: Mr. SCHOCK.  
H.R. 1085: Ms. ZOE LOFGREN of California and Mr. PAYNE.  
H.R. 1089: Ms. SUTTON.  
H.R. 1091: Mr. ROSS of Florida.  
H.R. 1092: Ms. SUTTON, Ms. PINGREE of Maine, Mr. POSEY, and Mr. KEATING.  
H.R. 1106: Ms. WOOLSEY.  
H.R. 1119: Mr. LUJÁN.  
H.R. 1122: Mr. CLEAVER.  
H.R. 1123: Mr. CLEAVER and Mr. SCHIFF.  
H.R. 1128: Mr. POLIS and Mr. CLARKE of Michigan.  
H.R. 1134: Mr. DUNCAN of Tennessee.  
H.R. 1160: Ms. FOXX.  
H.R. 1171: Ms. LEE, Mr. SABLAN, and Mr. RUNYAN.  
H.R. 1180: Mr. LONG.  
H.R. 1219: Mr. CRITZ.  
H.R. 1220: Mr. TIBERI.  
H.R. 1240: Mr. BOSWELL.  
H.R. 1259: Mr. TIPTON, Mr. STIVERS, Mr. WESTMORELAND, Mr. HASTINGS of Washington, Mr. WEST, Mr. CULBERSON, Mr. SESSIONS, Mrs. MILLER of Michigan, Mr. KINGSTON, Mr. BENISHEK, Mr. WILSON of South Carolina, Mr. BOUSTANY, Mr. BARLETTA, Mr. BROOKS, Mr. NUNNELEE, Mr. SAM JOHNSON of Texas, and Mr. BONNER.  
H.R. 1291: Mr. KLINE.  
H.R. 1315: Mr. CARTER.  
H.R. 1324: Mr. JONES.  
H.R. 1351: Mr. ENGEL, Mr. ELLISON, Ms. LEE of California, Mr. JONES, Mr. PASTOR of Arizona, Ms. BASS of California, Mr. CARSON of Indiana, Mr. GRIMM, Mrs. NAPOLITANO, Mr. SHULER, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. BALDWIN, and Mr. COHEN.  
H.R. 1357: Mr. SCHOCK and Mr. KINZINGER of Illinois.  
H.R. 1361: Mr. VISCLOSKEY.  
H.R. 1367: Mr. LIPINSKI.  
H.R. 1370: Mr. GRIFFIN of Arkansas.  
H.R. 1385: Mr. FLEISCHMANN.  
H.R. 1418: Mr. MILLER of Florida, Mr. SHERMAN, Mr. BILBRAY, Ms. PINGREE of Maine, Mr. BRALEY of Iowa, and Mr. PITTS.  
H.R. 1425: Mr. BARTLETT, Mr. MULVANEY, Mr. BARLETTA, Mr. TIPTON, and Mr. LANCE.  
H.R. 1449: Mr. SHULER, Mr. DEFazio, Mr. HONDA, Ms. RICHARDSON, and Mr. NADLER.  
H.R. 1451: Mr. BLUMENAUER.  
H.R. 1462: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Ms. CASTOR of Florida, and Mr. CLARKE of Michigan.  
H.R. 1465: Mr. DAVID SCOTT of Georgia, Mr. BACA, Mr. CONYERS, and Ms. NORTON.  
H.R. 1466: Ms. CHU.  
H.R. 1475: Mr. SMITH of Washington.  
H.R. 1489: Ms. SLAUGHTER and Mr. TOWNS.  
H.R. 1498: Mr. COSTA, Mr. PASTOR of Arizona, Mr. DOGGETT, and Mr. TOWNS.  
H.R. 1499: Mr. AKIN.  
H.R. 1547: Mr. LANGEVIN.  
H.R. 1551: Mr. GIBBS, Mr. WEST, Mr. BARTLETT, Mr. ROSS of Florida, Mr. KISSELL, Mr. DESJARLAIS, Mr. GRIFFIN of Arkansas, Mr. THOMPSON of Pennsylvania, Mr. CRAVAACK, Mr. GOWDY, Mr. RIVERA, Mr. BENISHEK, Mr. ROONEY, and Mr. WILSON of South Carolina.  
H.R. 1558: Mr. WITTMAN, Mr. RYAN of Ohio, Mr. JONES, and Mr. HEINRICH.  
H.R. 1581: Mr. ROSS of Arkansas.  
H.R. 1585: Mr. PAUL.  
H.R. 1588: Mr. HARPER, Mr. CARNAHAN, Mr. NEUGEBAUER, and Mr. WOMACK.  
H.R. 1591: Mr. BARLETTA, Mr. JOHNSON of Ohio, and Mr. ROSS of Florida.  
H.R. 1592: Mr. PALLONE, Mr. GERLACH, and Mr. RANGEL.  
H.R. 1608: Mr. GOSAR.  
H.R. 1621: Mr. LONG, Mr. LATTA, Mr. RIGELL, Mrs. MYRICK, and Mrs. ELLMERS.  
H.R. 1653: Mr. MARCHANT.  
H.R. 1681: Ms. DEGETTE.  
H.R. 1683: Mr. ISSA.  
H.R. 1687: Mr. ROSS of Florida and Mr. BRALEY of Iowa.  
H.R. 1688: Mr. LOBIONDO.  
H.R. 1692: Mr. McNERNEY.  
H.R. 1700: Mr. SAM JOHNSON of Texas, Mr. GRIFFIN of Arkansas, and Mrs. McMORRIS RODGERS.  
H.R. 1705: Mr. OLSON and Mr. JOHNSON of Illinois.  
H.R. 1712: Mr. LATTA and Mr. GUTHRIE.  
H.R. 1714: Mr. RIBBLE.  
H.R. 1716: Mr. FILNER and Mr. KEATING.  
H.R. 1734: Mr. HUELSKAMP, Mr. CRAWFORD, Mr. KELLY, Mr. McHENRY, Mr. MULVANEY, Mr. BUCSHON, Mr. REED, Mr. SHUSTER, Mr. STUTZMAN, Mr. NUGENT, Mr. HANNA, Mr. DUNCAN of Tennessee, Mr. BOREN, and Mr. COSTA.  
H.R. 1735: Mr. GRIJALVA, Mr. THOMPSON of California, Mr. COSTELLO, Mr. POLIS, Mrs. NAPOLITANO, Mr. WAXMAN, Mr. HINCHEY, Mr. DOYLE, Ms. DEGETTE, Mrs. MALONEY, Mr. MICHAUD, and Mr. SERRANO.  
H.R. 1737: Mr. WALSH of Illinois, Mr. GRAVES of Georgia, and Mrs. BLACKBURN.  
H.R. 1739: Mr. JACKSON of Illinois.  
H.R. 1745: Mr. STIVERS.  
H.R. 1748: Mr. HIGGINS.  
H.R. 1755: Mrs. NOEM.  
H.R. 1777: Mr. POMPEO, Mr. COFFMAN of Colorado, and Mr. SAM JOHNSON of Texas.  
H.R. 1819: Mr. PEARCE.  
H.R. 1831: Mr. BENISHEK.  
H.R. 1832: Mr. BISHOP of Georgia and Mrs. ELLMERS.  
H.R. 1839: Mr. BARLETTA.  
H.R. 1845: Ms. BROWN of Florida, Ms. WILSON of Florida, Mr. GENE GREEN of Texas, Mr. GERLACH, Mr. CULBERSON, and Mr. CUMMINGS.  
H.R. 1846: Mr. WESTMORELAND, Mr. PAUL, and Mr. CHAFFETZ.  
H.R. 1852: Mr. LANCE, Mr. STIVERS, Ms. SCHWARTZ, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GERLACH, and Ms. NORTON.  
H.R. 1856: Mr. MCCOTTER.  
H.R. 1867: Ms. WOOLSEY.  
H.R. 1878: Mr. GRIJALVA.  
H.R. 1880: Mrs. CHRISTENSEN and Mr. FILNER.  
H.R. 1881: Ms. NORTON and Mr. DINGELL.  
H.R. 1883: Mr. LOEBSACK.  
H.R. 1885: Mr. PENCE.  
H.R. 1896: Mr. DOGGETT.  
H.R. 1901: Mr. SERRANO, Mr. CONYERS, and Mr. GRIJALVA.  
H.R. 1906: Mr. WESTMORELAND and Mr. McHENRY.  
H.J. Res. 56: Mr. MULVANEY and Ms. JENKINS.  
H. Con. Res. 12: Mr. KISSELL, Ms. ROSLEHTINEN, Ms. FUDGE, Ms. BROWN of Florida, Mr. SARBANES, and Ms. WILSON of Florida.  
H. Con. Res. 29: Mr. POSEY.  
H. Res. 25: Mr. PALAZZO, Mr. KEATING, Mr. RUSH, Mr. GERLACH, Mr. HASTINGS of Florida, Mr. COURTNEY, Mr. WHITFIELD, Mrs. McMORRIS RODGERS, Mr. JOHNSON of Ohio, Mr. HALL, Mr. FINCHER, Mr. TOWNS, Mr. GIBSON, Mr. MILLER of North Carolina, Mr. ISRAEL, Ms. ROSLEHTINEN, Mr. MEEHAN, Mr. LANCE, Mr. SESSIONS, Ms. EDDIE BERNICE JOHNSON of

Texas, Mrs. CAPITO, Mr. REYES, Ms. SLAUGHTER, Mr. CUELLAR, Mr. NUNNELEE, and Mr. KINZINGER of Illinois.

H. Res. 41: Ms. RICHARDSON, Mr. CONYERS, and Mr. CUMMINGS.

H. Res. 60: Mr. FATTAH, Mr. MARCHANT, Ms. BORDALLO, Mr. BUTTERFIELD, Ms. WILSON of Florida, and Mr. COHEN.

H. Res. 65: Mr. GERLACH.

H. Res. 111: Mr. BASS of New Hampshire, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. RUNYAN, Mr. FRELINGHUYSEN, and Mr. SCHIFF.

H. Res. 134: Mr. DEUTCH, Mr. TOWNS, Mr. MORAN, Mr. ROSS of Florida, Mr. GRIFFIN of Arkansas, Mr. BROOKS, and Mr. CAPUANO.

H. Res. 137: Mr. BARLETTA, Mr. CARSON of Indiana, Mr. RUNYAN, Ms. ROYBAL-ALLARD, Mr. REYES, and Mr. MARINO.

H. Res. 227: Mr. SCHIFF and Mr. MEEHAN.

H. Res. 229: Mrs. McMORRIS RODGERS, Mrs. ELLMERS, Mr. KIND, and Mr. WOLF.

H. Res. 238: Mr. MCINTYRE.

H. Res. 260: Mr. SABLAN.

### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. AKIN.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1216

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 1: Page 4, after line 12, add the following:

(d) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall not take effect until the date that the Comptroller General of the United States determines there is no primary care physician shortage in the United States.

H.R. 1216

OFFERED BY: MR. TONKO

AMENDMENT No. 2: Page 4, after line 12, add the following:

(d) GAO STUDY ON IMPACT ON NUMBER OF PRIMARY CARE PHYSICIANS TO BE TRAINED.—The Comptroller General of the United States shall conduct a study to determine—

(1) the impacts that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of primary care physicians that would be trained if such funding were not repealed, rescinded, and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(2) the amount by which such number of primary care physicians that would be trained will decrease as a result of the enactment of subsections (a) and (b).

H.R. 1216

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 3: Page 4, after line 12, add the following:

(d) GAO STUDY ON IMPACT ON HEALTH CARE COSTS OF FAMILIES AND SMALL BUSINESSES.—The Comptroller General of the United States shall conduct a study to determine

the impact that the previous provisions of this Act would have on the health care costs of families and small businesses in the United States.

H.R. 1216

OFFERED BY: MR. TOWNS

AMENDMENT No. 4: Page 3, after line 14, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(2) in subsection (b), by adding at the end the following new paragraph:

“(3) PRIORITY FOR SCHOOL-BASED HEALTH CENTERS.—If the amounts appropriated pursuant to subsection (g) for a fiscal year are less than the total amounts that would be payable under this section for qualified teaching health centers for the fiscal year if paragraph (2) did not apply and if no funds are made available for such fiscal year to carry out section 399Z–1, subject to such paragraph (2), payments under this section shall first be made to qualified teaching health centers that have submitted an application to receive funds under section 399Z–1 for such fiscal year to the extent payable under this section if paragraph (2) did not apply.”;

H.R. 1216

OFFERED BY: MR. CARDOZA

AMENDMENT No. 5: In section 1, add at the end the following:

(d) EFFECTIVE DATE.—Subsections (a) and (b) shall not take effect until the date there no longer are any areas designated as health professional shortage areas under section 332 of the Public Health Service Act (42 U.S.C. 254e).

H.R. 1216

OFFERED BY: MR. CARDOZA

AMENDMENT No. 6: Page 4, after line 12, add the following:

(d) GAO STUDY AND REPORT ON PHYSICIAN SHORTAGE.—The Comptroller General of the United States shall conduct a study to determine—

(1) the extent to which there is a shortage of physicians in the United States, including case studies of areas with significant shortages of physicians, such as the Central Valley of California;

(2) the impact that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of physicians that would be trained if such funding were not rescinded and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(3) the impact that the enactment of subsections (a) and (b) will have on the number of physicians who will be trained under approved graduate medical residency training programs pursuant to such section 340H.

H.R. 1216

OFFERED BY: MS. FOXX

AMENDMENT No. 7: Page 4, after line 12, add the following:

(d) PROHIBITION AGAINST ABORTION.—Section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended by adding at the end the following new subsection:

“(k) PROHIBITION AGAINST ABORTION.—

“(1) None of the funds made available pursuant to subsection (g) shall be used to provide any abortion or training in the provision of abortions.

“(2) Paragraph (1) shall not apply to an abortion—

“(A) if the pregnancy is the result of an act of rape or incest; or

“(B) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed including a life endangering physical condition caused by or arising from the pregnancy itself.

“(3) None of the funds made available pursuant to subsection (g) may be provided to a qualified teaching health center if such center subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

“(4) In this subsection, the term ‘health care entity’ includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.”.

H.R. 1216

OFFERED BY: MS. FOXX

AMENDMENT No. 8: Page 4, after line 12, add the following:

(d) PROHIBITION AGAINST ABORTION.—Section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended by adding at the end the following new subsection:

“(k) PROHIBITION AGAINST ABORTION.—

“(1) None of the funds made available pursuant to subsection (g) shall be used to provide any abortion or training in the provision of abortions.

“(2) Paragraph (1) shall not apply to an abortion—

“(A) if the pregnancy is the result of an act of rape or incest; or

“(B) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed including a life endangering physical condition caused by or arising from the pregnancy itself.

“(3) None of the funds made available pursuant to subsection (g) may be provided to a qualified teaching health center if such center subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

“(4) In this subsection, the term ‘health care entity’ includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.”.

H.R. 1216

OFFERED BY: MR. CARDOZA

AMENDMENT No. 9: Page 4, after line 12, add the following:

(d) GAO STUDY AND REPORT ON PHYSICIAN SHORTAGE.—The Comptroller General of the United States shall conduct a study to determine—

(1) the impact that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of

physicians that would be trained if such funding were not rescinded and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(2) the impact that the enactment of subsections (a) and (b) will have on the number of physicians who will be trained under approved graduate medical residency training programs pursuant to such section 340H.

H.R. 1540

OFFERED BY: MR. THOMPSON OF  
PENNSYLVANIA

AMENDMENT NO. 1: Page 332, after line 24, insert the following:

**SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs need to renew and improve efforts to reach out to rural America, which has less access to care;

(2) behavioral health services for active duty members of the Armed Forces, members of the reserve components, members of the National Guard, and veterans need to be more easily and readily accessible; and

(3) medical records and records of deployment need a “warm transition” and better collaboration between the Department of Defense and the Department of Veterans Affairs.

(b) EXPANSION.—Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “at any location” before “in any State”; and

(B) by striking “regardless” and all that follows through the end and inserting “regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties.”; and

(2) in paragraph (2), by striking “member of the armed forces” and inserting “member of the armed forces, civilian employee of the

Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for this purpose”.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress separate reports on each of the following:

(1) The plans to develop and expand programs to use new Internet and communication technologies for improved access to care and resources, including telemedicine, telehealth care services, and telebehavioral health programs that ensure patient privacy.

(2) Any plans to improve the transition of health and battlefield deployment records to better assist and care for veterans.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

## EXTENSIONS OF REMARKS

CONGRATULATING THE DILLARD HIGH SCHOOL JAZZ ENSEMBLE FOR WINNING THE ESSENTIALLY ELLINGTON JAZZ BAND COMPETITION

## HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the Jazz Ensemble of Dillard High School in Fort Lauderdale, Florida for their continued achievements and excellence.

Dillard High School was founded in the early twentieth century with funds from noted philanthropist James Hardy Dillard. The music program at Dillard High School gained fame when the legendary Julian "Cannonball" Adderley served as an instructor of applied music in the 1940's. Dillard High School serves as a Performing Arts and Technology magnet school in Fort Lauderdale, Florida with its main areas of focus being dance, voice, orchestra, and band.

There are no limits to the creative spirit at Dillard High School and there are no limits to the success that their students achieve. Earlier this month, the Dillard High School Jazz Ensemble took home first prize honors at the "Essentially Ellington" Jazz Band Competition at Lincoln Center in New York City. More impressive than their performance is the resolve that the students showed in fundraising for their trips. Many students used their own money to pay for their trips as private donations are scarce.

In addition to this most recent achievement, the Jazz Ensemble took first prize at the "Swing Central" Jazz competition in Savannah, Georgia in both 2011 and 2010 and in 2010 they took second place at the "Essentially Ellington" Jazz Band Competition before winning the prestigious competition this year.

Mr. Speaker, I am proud that these young musicians represent my district. It is a true privilege to recognize the Dillard High School Jazz Ensemble and their many accomplishments, both on and off the stage.

## HONORING AL WANAMAKER

## HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. BILBRAY. Mr. Speaker, I rise to recognize Mr. Al Wanamaker, outgoing president of the Carlsbad Hi-Noon Rotary Club, located in my congressional district in North San Diego County California.

Under Mr. Wanamaker's leadership, the Carlsbad Hi-Noon Rotary Club personified its

motto of "Building Communities and Bridging Continents." The club has contributed resources and financial assistance to various causes including: youth and women, student achievement, military, the disadvantaged and humanitarian efforts around the world.

Some of the projects undertaken by Mr. Al Wanamaker and the Carlsbad Hi-Noon Rotary Club include hosting a Rotary Youth Leadership Award (RYLA), a youth awareness leadership conference, and business and ethics conferences for Advancement Via Individual Determination, AVID, school students. They sponsored a Four-Way speech contest to help develop public speaking skills for high school students and a golf tournament that benefited scholarships for Carlsbad high school students and returning marines. The Hi-Noon Rotary Club provided dictionaries for English and Spanish speaking elementary school children, as well as meals and gifts to needy elementary school children; and finally, the Club actively supports the Carlsbad Boys and Girls Club.

For the greater community Mr. Wanamaker and the club co-sponsored an Oktoberfest fundraiser that benefitted the Carlsbad Women's Resource Center; provided support to the Veterans Association of North County, and La Posada, a facility for the homeless; assisted in the distribution of food, clothing and toys to over 400 needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau; as well as refurbishing, relocation and dedication of a city landmark structure for public enjoyment.

In the international arena, Mr. Wanamaker and a team of Carlsbad Hi-Noon Rotarians joined with others to build a house in Mexico for a needy family. Through the Paul Harris Foundation, the club co-sponsored numerous other humanitarian projects all over the world including: an effort to eradicate polio worldwide; contributed one hundred goats to needy families in a small village in India for the purpose of providing a source of nourishment, income and an opportunity to develop entrepreneurial skills that promote self sufficiency; participated in the Shelter Box program to help the needy in Haiti and Japan that were devastated by earthquakes; provided support to build a school for girls in Afghanistan and developing a source of safe drinking water for a small village in Africa; finally, hosted several foreign exchange students to promote better understanding of other cultures.

I hope my colleagues will join me in recognizing the many fine achievements of Mr. Al Wanamaker and his colleagues at the Carlsbad Hi-Noon Rotary Club. Without question, his leadership and their fine work are worthy of recognition by the House of Representatives today.

## TOM McAVOY TRIBUTE

## HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize longtime Colorado political reporter, Tom McAvoy of Pueblo, Colorado. Mr. McAvoy, currently the editorial research director for the Pueblo Chieftain, has one of the most distinguished reporting careers in Colorado and it is a great honor to recognize him upon his retirement.

Mr. McAvoy was born and raised in Pueblo, graduating from Central High School and what is now Colorado State University-Pueblo. He finished his education with a master's degree in Journalism at Ohio State University, before returning to cover the Colorado political arena. His career spanned 34 years, and he spent the majority of that time covering the Colorado General Assembly and the Governor's office as the Chieftain's Denver bureau chief.

He has received a number of accolades during his tenure with the Chieftain. Most notably the Colorado Press Association gave him its inaugural Shining Star Award. He also served on CSU-Pueblo's alumni board and was chairman of the board for the Boys and Girls Club of Pueblo. Lawmakers on both sides of the aisle have repeatedly acknowledged their respect for Mr. McAvoy and his professional talent.

Mr. Speaker, I am glad to have the opportunity to stand and recognize Tom McAvoy, an institution in Colorado journalism. The people of southern Colorado are fortunate to have had such a gifted writer cover the state's government.

## CELEBRATION OF ST. LUKE'S HOUSE 40 YEARS OF EXCELLENCE

## HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize and celebrate "40 Years of Excellence" by St. Luke's House (SLH) in Bethesda, Maryland, which I am honored to have located in Maryland's Eighth Congressional District. SLH empowers individuals with mental illness who have been released from psychiatric hospitals to live, learn, work and participate successfully in the community by offering integrated mental health services and access to community resources.

St. Luke's House was founded in 1971 by members of St. Luke's Episcopal Church. The programs offered by SLH include supported

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



living, life skills training and vocational rehabilitation, as well as 24-hour crisis care and services for youth with serious emotional disabilities. SLH currently provides care for over 2,000 youth and adults annually. To accomplish its mission, SLH owns and operates 31 group homes in the community. It has helped thousands of individuals return to active community life.

SLH provides four basic programs for its clients. The Psychiatric Rehabilitation Program offers individuals supported living opportunities, residential rehabilitation assistance, back-to-work skills, and a life skills program. The SLH Mental Health Clinic provides mental health services to the public and clients in other SLH programs. Its Fenton-McAuliffe Crisis House is a voluntary community-based residential alternative to inpatient hospitalization. The Career Transition Program is a joint endeavor between SLH and Montgomery County Public Schools that helps high school students with serious emotional disabilities receive counseling and vocational training.

SLH's efforts have raised public awareness about important mental health issues. Its continued success is due to the hard work of SLH staff and volunteers who give thousands of hours to make this program effective for SLH residents and beneficial for the larger community. St. Luke's House is fortunate to have the leadership of Ms. Cindy Ostrowski as President and CEO as it moves ahead in meeting the needs of people in the 20 century. Our community is enriched by the dedicated work of St. Luke's House.

Mr. Speaker, I urge my colleagues to join me in commending the staff and volunteers of St. Luke's House on forty years of extraordinary work and in wishing them continued success in their service to the residents of our community.

#### BRUCE BECKMAN TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Commander Bruce Beckman for his lifetime of service defending the United States of America and protecting the people of Colorado. His distinguished military and law enforcement careers make him a model for the community.

Commander Beckman began his highly successful military career in the United States Army. After a three year tour he joined the Colorado Army National Guard, where he remained for over 25 years. He rose quickly through the ranks, becoming Colonel and eventually Deputy Commander. During Operation Desert Storm he was awarded the bronze star for leadership, further distinguishing himself while providing security to over 24,000 prisoners of war.

As he established his exemplary military career, he also became an indispensable member of Colorado's police force. He began as a Littleton City Police Officer in 1974 and was promoted to sergeant only four years later. He would hold a number of other positions in the

department, but eventually became Commander in 1999. During his tenure in that position, he would oversee all three divisions of the department: investigations, patrol and support services. He was the clear choice to coordinate the city's preparations for the Democratic National Convention, and serves as the city's emergency planner. Bruce and his wife Susan, an Arapahoe County Commissioner, are both leaders in the Littleton community, devoting much of their free time to service organizations such as the Littleton Rotary Club, of which Bruce is a past president.

Mr. Speaker, it is an honor to stand and recognize one of Colorado's finest residents. His service to the country and state of Colorado is admirable and we are indebted to his efforts.

#### TILMAN BISHOP TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Tilman Bishop for his longtime service to the state of Colorado as a teacher, public servant and dedicated citizen. He has represented the state's Western Slope in the Colorado General Assembly for just under three decades and now serves on the University of Colorado Board of Regents.

Mr. Bishop was born and raised in Colorado Springs and learned to respect the value of education. He earned his bachelor's and master's degrees, both in education, at the University of Northern Colorado, which he attended with scholarships from wrestling and the El Pomar Foundation. His alma mater would eventually award him an honorary doctorate in 1999.

Out of college, Mr. Bishop decided to become a public school teacher in Colorado, a position he held for seven years. His success in that role translated to his managerial talent. He served as a Mesa State College administrator for 31 years and was an important part of the school's academic emergence.

Mr. Bishop is known best for his tenure in the Colorado legislature, though. He served for four years in the state House of Representatives and another 24 years in the state Senate, the last six of which as president pro tem. His lengthy tenure in the Colorado Capitol ranks as the longest among Western Slope senators and comes as no surprise to those aware of his dedication and political prowess.

Mr. Speaker, it is truly an honor to stand and recognize Tilman Bishop today. He has spent a lifetime serving Colorado and I am grateful for his passion and dedication.

#### PERSONAL EXPLANATION

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I requested and received a leave of absence on May 13, 2011. For the informa-

tion of our colleagues and my constituents, below is how I would have voted on the following votes I missed during the day.

On rollcall vote No. 323, Rogers Amendment that would clarify that Section 411 of the bill, which provides certain authorities for Defense Intelligence Agency expenditures, I would have voted "no."

On rollcall vote No. 324, Gibson Amendment that would require the Director of National Intelligence to submit to Congress a report containing recommendations the Director considers appropriate for consolidating the intelligence community, I would have voted "no."

On rollcall vote No. 325, Hinchey Amendment that would require the Director of National Intelligence, DNI, to report to the House and Senate Intelligence panels on information it has regarding the human rights violations of the military government in Argentina that resulted in 30,000 disappearances between the mid-1970's and mid-1980's, I would have voted "yes."

On rollcall vote No. 326, Carney Amendment that would establish the sense of Congress that railway transportation should be included in transportation security plans for intelligence agencies, I would have voted "yes."

On rollcall vote No. 327, Reed Amendment that would commend the United States intelligence community for their successful operation in bringing Osama bin Laden to justice and their continued efforts against al Qaeda, I would have voted "yes."

On rollcall vote No. 328, on Democratic Motion to Recommit H.R. 754, I would have voted "yes."

On rollcall vote No. 329, on final passage of H.R. 754, Intelligence Authorization Act for Fiscal Year 2011, I would have voted "yes."

#### CELEBRATING THE HISTORY OF THE TOWN OF JONESVILLE ON ITS BICENTENNIAL

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. FOXX. Mr. Speaker, I recently attended a celebration of the bicentennial of the community of Jonesville, NC. Not only was I impressed by the level of volunteerism that made the celebration possible, but I was also amazed by the rich history of the town of Jonesville.

According to the Jonesville Historical Society, the current town of Jonesville was called Allen's Settlement in the 1700's—name after pioneer businessman David Allen.

Allen's Settlement took root near the bluffs that once stood on the south bank of the Yadkin, at the junction of current-day Elm Street—West Main Street and River Road and was surrounded by wilderness, isolated farms and occasional plantations.

David Allen owned an iron ore forge on the Big Elk Creek, which was supplied with iron ore by the surrounding mountains and foothills. Examples of these types kind of ore mines, also known as "pits," are still found in Jonesville, particularly adjacent to West Main

Street, which was once called Iron Works Road.

Most iron ore was transported across the Yadkin River in the shallows until a ferry was constructed near the mouth of Big Elkin Creek, according to the Historical Society. A section of the Old Ford Road is preserved today in Mineral Spring Park.

In 1811, the town that is now Jonesville was initially incorporated as Martinsborough, most likely in honor of North Carolina's recent Governors, Alexander Martin and Josiah Martin.

However, in 1815 the town name was changed to Jonesville in honor of Hardy Jones. Hardy Jones was the son of Samuel Jones, a settler from Virginia who fought in the American Revolution. It was Jones who established the Academy for which early Jonesville was famous. Jones' remains and a marker honoring his life can be found at Jonesville First United Methodist Church, which is also the site of the former Jonesville Male and Female Academy.

The Jonesville Academy was moved from what is modern-day Bermuda Run to Jonesville by Hardy Jones in 1816. By the 1853-54 school year, 150 students attended the academy, coming from every state in the country. The town of Jonesville grew in prominence thanks to the academy and the students it attracted from around the country and the south.

However, soldiers from Union General George Stoneman's cavalry ransacked the school in the spring of 1865. Fortunately, the soldiers missed the academy's prized possession, a bell made of bronze and 99 silver dollars. Today the bell resides atop the Jonesville First United Methodist Church.

According to Moravian journals from the time, Jonesville also likely served as a stop for fugitive slaves trying to escape to freedom on the Underground Railroad.

The town of Jonesville experienced unprecedented growth after Interstate 77 opened in 1974, and it was consequently named a "Governor's Community of Excellence" in 1980. In 2001, Jonesville merged with the neighboring town of Arlington, which added about 800 people to Jonesville's population and made it the town it is today.

#### BONITA NUANEZ TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Bonita Nuñez for her academic, athletic and extracurricular work at Colorado State University-Pueblo. Her outstanding efforts earned her the Threlkeld award, which is given to the top graduating senior each year. She will be the first to receive her diploma at the commencement ceremony and lead the graduating class.

Ms. Nuñez decided to attend CSU-Pueblo to continue her already impressive softball career. Unsurprisingly, she posted magnificent college statistics, including a school record for most career walks and is fifth all time in home runs.

Her impressive achievements on the diamond are overshadowed by her academic success. She was one of the school's top biology students and has spent countless hours assisting her professors in the lab. She also spends much of her free time as a math and science tutor to other students.

In the community, Ms. Nuñez made a noticeable impact, as well. She helped groups such as RakeUp Pueblo, the Special Olympics and the Evolution Softball Camp. In addition, she volunteered as a softball coach at local high schools.

Mr. Speaker, it is an honor to recognize Bonita Nuñez today. Her recognition within the school and the community is well-earned, and I have no doubt that she will continue to have a positive influence on the people of Colorado.

#### CONGRATULATIONS TO DR. HARMAR BRERETON

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. BARLETTA. Mr. Speaker, today I rise to honor and acknowledge Dr. Harmar Brereton, who is receiving the B'Nai B'Rith Amos Lodge No. 136 Americanism Award, one of the community's most prestigious public service awards.

As a radiologist, Dr. Brereton has been committed to bringing great change to the medical community in Northeastern Pennsylvania. Dr. Brereton established the Department of Radiation Oncology at Mercy Hospital, and with his medical group, Radiation Medicine Associates of Scranton, and the development and management company he founded, Healthcare Management Resources Inc., he established several additional cancer centers in the region. His medical professional service includes the Lackawanna County Medical Society and Pennsylvania Oncology Society, having served as president of both; and the American College of Radiation Oncology, of which he is a founding chancellor. Dr. Brereton is a professor of medicine and assistant dean for development at The Commonwealth Medical College, which is committed to the future of medicine in Northeastern Pennsylvania.

His service to our area reaches beyond the medical community. He has been an active member of the boards of the Greater Scranton Chamber of Commerce, the Scranton Area Foundation, the Northeast Regional Cancer Institute (founding chairman), the Countryside Conservancy, WVIA (chairman), the Keystone College Jazz Institute, and the Schemel Forum of the University of Scranton (founder). Dr. Brereton and his wife, Leslie, have two children and three grandchildren.

Mr. Speaker, Dr. Harmar Brereton has served our community with distinction. His years of commitment to our area's medical and cultural development should be honored and respected. Mr. Speaker, today, I ask my colleagues to join me in thanking Dr. Harmar Brereton for his dedication, and in recognizing his receiving of the B'Nai B'Rith Amos Lodge No. 136 Americanism Award.

#### IN RECOGNITION OF DR. JAY THOMPSON

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. BURGESS. Mr. Speaker, I rise today to call special attention to Dr. Jay Thompson. Dr. Thompson has dedicated 42 years to Birdville Independent School District. He has served in a number of capacities, including: secondary mathematics and business education teacher, junior high and high school track and football coach, high school assistant principal, assistant director in central administration, junior high and middle school principal, and director of athletics. In the course of his time at Birdville ISD, Dr. Thompson was propelled by the desire to see his students "grow, graduate, and become successful citizens in our communities, our nation and throughout the world."

Dr. Thompson's impact on education extends beyond the boundaries of Birdville ISD. He is an active member of the executive board of directors for the Texas Girls' Choir and has participated in the Texas School Improvement Initiative, all while serving as a peer evaluator on the Texas Education Agency accreditation teams. Before that, he functioned as a board director of the Texas High School Athletic Directors Association and served on the UIL Waiver Review Board.

It is Dr. Thompson's work within the schools in conjunction with his service in the community that explains what BIRD'S Board President, Joe Tolbert, calls Thompson's "rich knowledge of the district as well as the trust of the staff and community." As Birdville ISD prepares for his retirement, the district can take heart in the fact that Dr. Thompson will remain a stable fixture in the community.

I am honored to have an opportunity to serve Dr. Thompson and all of the individuals that help to educate our young people in the 26th District of Texas. I wish him all the best as he embarks on the next chapter of what has been, thus far, quite an adventure.

#### RECOGNIZING MRS. BETTY LOU LOCH

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly rise to recognize Mrs. Betty Lou Loch on the occasion of her 90th birthday celebration. Mrs. Loch was born on May 23, 1921 at the St. Francis Hospital in Maryville, Missouri. She is the daughter of the late William and Maude Butler.

Mrs. Loch is an active member of her community but more importantly, she is a proud mother, grandmother, and great-grandmother.

Mrs. Loch is celebrating this special day with her two children, Robert Edwin Loch, Jr. and James William Loch; two daughter-in-laws, Mildred Loch and Jessica Loch; four grandchildren, Robert Edwin Loch, III, Courtney Susan Loch, Jaimie William Loch, and

Brittney Jayne Loch, and; two great-grandchildren, Robert Colman Loch and James Quinton Loch.

Mr. Speaker, this celebration will bring together close friends and four generations of the Loch family, which is truly remarkable. So I ask that you join me in wishing Mrs. Betty Lou Loch a happy 90th birthday.

IN REMEMBRANCE OF MR.  
WILLIAM G. BATCHELDER JR.

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. William G. Batchelder Jr., a prominent lawyer and civic leader from Medina, Ohio, who passed away at the age of 96 on May 7, 2011.

Mr. Batchelder was born on July 30, 1914 in Cleveland's Collinwood neighborhood. His family moved to Medina in 1929, and in 1932 he graduated from Medina High School. Upon graduating, William went on to study economics and history at Ohio Wesleyan University. During his senior year, he was awarded a scholarship to attend the University of Cincinnati Law School; he passed the Ohio bar exam in 1939.

William returned to Medina in the summer of 1939 with his wife Eleanor and immediately opened his own private practice. Just five months later, he decided to run for Medina County Prosecutor, and would serve in this position from 1941 until 1953. While serving as Prosecutor, in 1942, William enlisted in the U.S. Army. He served his country bravely in the South Pacific during World War II for three years, and rose to the rank of sergeant. Meanwhile, back in Medina, he became the father of his first child and was re-elected as County Prosecutor.

In the 1950s Mr. Batchelder completed his duties as County Prosecutor and began working as a trial lawyer with the Cleveland law firm of Thompson, Hine & Flory. However, in 1957, he left the prominent firm and formed a partnership with Harold Williams in Medina; the firm was named Williams and Batchelder. He would continue to try cases until the age of 93.

In addition to William's impressive career, he was also a dedicated community leader. In 1946, he was elected as the director of the Medina Chamber of Commerce and as chairman of the Medina County Rent Control Committee. Several years later, in 1952, William was elected as president of the Medina County Bar Association. Throughout the years he was involved with the Medina County Boy Scouts, Medina Community Chest, United Way of Medina County and served as president of the Medina City School Board of Education. Mr. Batchelder also sat as chairman of the Medina County Republican Party Executive Committee during the 1950s and 1980s.

Mr. Speaker and colleagues, please join me in remembrance of Mr. William G. Batchelder. I extend my deepest condolences to his five children, six grandchildren, and three great-grandchildren.

CONGRESSIONAL FREEDOM OF  
THE PRESS CAUCUS ON WORLD  
PRESS FREEDOM

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to pay tribute to the thousands of men and women of the media here and around the world who strive every day—many of them in the face of extreme violence and repression—to report the news. This is the lifeblood of democracy. I do so as Co-Chairman of the bipartisan, bicameral Freedom of the Press Caucus, and on behalf of fellow Co-Chairman of the Caucus, Rep. MIKE PENCE.

Chartered 18 years ago by the UN, World Press Freedom Day was hosted for the first time this year in the United States and was marked by a three-day conference here in Washington attended by journalists and media leaders from around the world. World Press Freedom Day isn't, however, fundamentally an academic or congratulatory exercise, Mr. Speaker. Rather, as defined by the United Nations:

"It serves as an occasion to inform citizens of violations of press freedom—a reminder that in dozens of countries around the world, publications are censored, fined, suspended and closed down, while journalists, editors and publishers are harassed, attacked, detained and even murdered.

"It is a date to encourage and develop initiatives in favour of press freedom, and to assess the state of press freedom worldwide.

"It serves as a reminder to governments of the need to respect their commitment to press freedom and is also a day of reflection among media professionals about issues of press freedom and professional ethics.

"Just as importantly, World Press Freedom Day is a day of support for media which are targets for the restraint, or abolition, of press freedom. It is also a day of remembrance for those journalists who lost their lives in the exercise of their profession."

One journalist who was brutally taken from us was, of course, Daniel Pearl of the Wall Street Journal, whose name last year graced the bipartisan Freedom of the Press Act. That legislation emphatically put Congress, the President and our Nation strongly on record in support of freedom of expression by mandating more detailed reporting than ever on its fate around the world in our State Department's annual Human Rights Report.

Significantly, Mr. Speaker, Congress expressly required in The Daniel Pearl Freedom of the Press Act that the State Department chronicle not only where repression is at its most brutal and obvious, but also to shine a bright light on "indirect sources of pressure, and censorship by governments . . ."

In the past months we have seen an unprecedented wave of protests and demonstrations—in Tunisia and Egypt—have fallen to the demands of pro-democracy protesters, while others have come under intense pressure. These uprisings have highlighted the level of violence and physical harassment di-

rected at the press. We've seen journalists threatened, arrested, beaten, assaulted, and in some cases even killed, while working on the frontlines in the fight for democracy and greater opportunity.

After two months of silence, Lara Logan, the CBS reporter who was sexually assaulted by a mob in Cairo's Tahrir Square the night that President Mubarak stepped down in February, opened up about the brutal attack in an emotional interview on "60 Minutes" Sunday. Logan, whose attack shined a light on the dangers that female journalists face while working abroad, said she is proud to have broken the silence on what some female journalists have experienced but never talk about for fear they will be taken off the story.

ABC's Christiane Amanpour and Fox News Channel's Greg Palkot and Olaf Wiig also faced physical assault and intimidation during the protests that swept Mubarak from his post—notable examples out of as many as 100 journalists who were assaulted, threatened or detained during the uprising in Egypt.

Elsewhere in the Arab world, four New York Times reporters were taken captive by Libyan government soldiers outside of Benghazi in March. After enduring harassment and abuse, they were thankfully released.

Less fortunate were award-winning photojournalists Tim Hetherington and Chris Hondros, two of the most seasoned photojournalists, who were killed while covering a battle between rebels and Libyan government forces in the city of Misrata. Theirs is not only a loss to their friends and families, but also a great loss to the profession.

Freedom of expression cannot exist where journalists are not safe from persecution and attack, which have an unnerving effect on the profession. According to the Committee to Protect Journalists, 16 journalists have been tragically killed this year. Alarming, the failure to punish or even seriously investigate crimes against journalists has now reached appalling proportions.

And although one can certainly find such censorship in the Middle East and North Africa, or in countries such as China, Cuba, Kazakhstan, South Korea and Syria, sadly it exists and may be getting worse much closer to home.

As just reported last month by the State Department—and as borne out by major 2010 reports of the Organization of American States, the Committee to Protect Journalists, Freedom House, and many others—our own hemisphere is home to many disturbing examples of what Ms. June Erlick, a former correspondent now with the David Rockefeller Center for Latin American Studies at Harvard called a "much more insidious" form of press repression. Quoted in the Committee to Protect Journalists' "Attacks on the Press 2010" report, Ms. Erlick elaborated that, "You never know where the censorship is coming from—through threats, attacks on the streets, new laws, or lack of access. The threats are always there and sometimes lead to self-censorship even before censorship begins."

In the spirit of this World Press Freedom Day, Mr. Speaker, let me then use the balance of my time to turn over just a few of these "much more insidious" rocks:

In Venezuela, the government has engaged in what CPJ unambiguously calls "a systematic campaign to stifle dissent." It included barring the publication of photos in conjunction with reporting on rampant crime and unsolved murder cases; suddenly voiding the broadcasting license of the nation's oldest television channel and a major critic of the government; and exploiting or inventing technical regulations to administratively shut down dozens of radio stations also critical of the government.

In Ecuador, the OAS' 2009 Report of the Inter-American Commission on Human Rights special rapporteur for freedom of expression found that, "Ecuador has seen a rising climate of polarization in which attacks on and threats against journalists and media outlets of all editorial positions have increased"; a March 3 Inter-American Press Association report stated flatly that the government had "redoubled its offensive" against press freedom; and, just last month our own State Department's 2010 Human Rights Report found—among many other actions—that, "In June and July, during the broadcast of the Soccer World Cup matches, the government ran a media campaign against the press, referring to media outlets as corrupt and delinquent."

... And, in Argentina—according to The Wall Street Journal, The Economist, and The Financial Times among many other outlets—for more than two years the government has waged an escalating war against critical media outlets. Specifically, the government: was just found by the nation's Supreme Court to have unconstitutionally allocated government advertising funds to reward news outlets favorable to its policies while withholding such funds from opponents; shut down and tried to literally force the sale of the nation's biggest private internet service provider; orchestrated a surprise raid by 200 federal tax agents on the offices of the nation's largest media company and then dismissed the raids as a "mistake"; and—in a series of moves taken directly from the original Peronists' playbook—is seeking aggressively to seize control of the nation's newsprint supply to silence opposition newspapers by literally making it impossible for them to go to press.

These are just a few of the things happening in a few of the countries in our own backyard, Mr. Speaker, that justify—indeed, demand that Congress remain vigilant and vocal in defense of freedom of expression everywhere . . . not just on World Press Freedom Day, but every day of every year.

IN REMEMBRANCE OF VINCENT  
JOHN SKINDELL

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. KUCINICH. Mr. Speaker, I rise to remember Vincent John Skindell. Vincent passed away unexpectedly on Friday, May 13, 2011 in a car accident.

Vincent Skindell was born on August 19, 1960 to Vincent M. and Carol (nee Kaska) Skindell. Vincent was a 1978 graduate of Brunswick High School and an evening man-

ager at Goodyear Tire in Brunswick for 12 years. He enjoyed the outdoors, especially gardening, fishing, and hunting and enjoyed shooting pool also.

Vincent was preceded in death by his father Vincent and his son Joshua Skindell. Vincent is survived by his wife Shawn (nee McGee); his daughter Tara Painting; his grandchildren Faith and Noah Painting; his mother Carol; his step-children Christie Stiffler and Jennifer Pasquale and step-grandchildren Matthew, Nicholas, and Michael Stiffler and Allison and Olivia Pasquale.

Vincent is also survived by his brother Michael, who is a State Senator in Ohio, representing Cleveland, Lakewood, Parma, and other Cleveland suburbs in the 10th Congressional District. Vincent was always supportive and active in Michael's campaigns as a Lakewood City Councilman, a State Representative, and State Senator. I would frequently see Vincent and his family at campaign events for Michael and at my own events.

Mr. Speaker and respected colleagues, please join me in remembering Vincent John Skindell, citizen and friend, and in offering condolences to his family who are now grieving his loss.

RECOGNIZING VICTIMS OF CON-  
CENTRATION CAMP IN OMARSKA

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mrs. MYRICK. Mr. Speaker, I rise today to recognize the victims of a notorious concentration camp in Omarska, located in northwestern Bosnia and Herzegovina. In the summer of 1992, Omarska was the site of murder, torture and other mass violations of human rights. It is thanks to the courage of the British journalists Ed Vulliamy, Penny Marshall and Ian Williams and their brave reporting, that the world learned about the horrors of Omarska in the last decade of the 20th century.

As we remember the victims of Omarska, let us reinforce the significance of remembrance and the right of the survivors and families of the victims to mark this tragic chapter in the history of Europe.

CONGRATULATING ZOE FROMER,  
KIRILL SAFIN, AND IZAAL  
LAKHIA OF ATLANTIC HIGH  
SCHOOL IN DELRAY BEACH, FL  
ON THE FOUNDING OF INITIA-  
TIVE RENAISSANCE

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I proudly recognize Zoe Fromer, Kirill Safin, and Izaal Lakhia of Atlantic High School in Delray Beach, Florida as Hastings' Star Students. When state budget cuts to education forced their school to cut back on arts programs, these young people took the task of saving

these programs into their own hands. They formed Initiative Renaissance, an aptly named organization that raises funds to restore classes such as drama, musical engineering and chorus. The organization's \$100,000 fund-raising goal would help improve arts facilities and expand the school's band and visual arts programs. Their mission has garnered national recognition and Initiative Renaissance was accepted into the Pepsi Refresh Project with a chance to win a \$50,000 grant.

Zoe, Kirill, and Izaal's passion for attaining a well-rounded education demonstrates the folly of cutting funding to arts and education. All students deserve a public education that fully prepares them to compete in the 21st century.

Mr. Speaker, I am proud that these young people chose to fight to save their school's arts programs and applaud their dedication and perseverance to this project, which has undoubtedly been beneficial to the entire community.

IN RECOGNITION OF THE GRAND  
OPENING OF THE CLEVELAND  
SYRIAN CULTURAL GARDEN

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the grand opening of the Cleveland Syrian Cultural Gardens, taking place on May 29, 2011.

The 254-acre piece of land that constitutes Rockefeller Park was donated to the City of Cleveland by John D. Rockefeller in 1896. The Cleveland Syrian Cultural Gardens is a fifty-acre piece of land within Rockefeller Park. These gardens were founded in 1926 to create a memorial area for the diverse ethnic groups that shape the region, and to serve as a space of reflection on peace, cooperation and understanding. The Cultural Gardens is currently a collection of 26 gardens which include African-American, American Indian, British, Chinese, Czech, Estonian, German, Hebrew, Hungarian, Irish, Italian, Polish, and Slovenian gardens, among others.

In 1929, the land for a Syrian Cultural Garden was allotted to the Greater Syrian American Community. The Syrian American and Arab American community have, for over 100 years, played a vital role in the spiritual, social and cultural life of the greater Cleveland community. For unknown reasons, the garden was never planned or built.

Decades later, while researching Arab immigration, the Arab American Community Center for Economic and Social Services (AACCESS) in Ohio came across the garden plot. After informing Cleveland's Syrian community, the project was restarted in 2004. The Syrian American Cultural Garden Association, Syrian Medical Society, Syrian American Cultural Council and the National Arab American Medical Association, Ohio Chapter worked to design the project.

The design of the Syrian Cultural Garden was created by an architectural graduate student from Damascus University. The garden

will be composed of many elements that represent Syrian culture such as the Arches of Palmyra, Amphitheater of Basra, Syrian Arch, and the Arabic Fountain and will include Damascene roses.

Mr. Speaker and colleagues, please join me recognition of the grand opening of the Cleveland Syrian Cultural Garden, the newest edition to Cleveland's historic Cultural Gardens.

TRIBUTE TO JOHN PAUL "BUCKY"  
PIZZARELLI

**HON. BILL PASCRELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life of a truly outstanding individual, Mr. John Paul "Bucky" Pizzarelli, who is recognized as an exceptional and influential jazz guitarist. Bucky Pizzarelli hails from my hometown of Paterson, New Jersey, where he was honored by his admirers at Paterson Day on Saturday, May 21st, 2011.

Bucky was born and raised in Paterson, where he learned to play guitar and banjo at a young age. He truly has music in his blood, as he learned his craft from his uncles, who were musicians. His first professional engagement came at the ripe age of 17, when he joined Vaughn Monroe's Dance Band. He honed his skills with Monroe's ensemble for several years, although his career was briefly interrupted when he was called to serve his country in Europe during the Second World War as a member of the U.S. Army.

In 1952, Bucky became a staff musician for NBC, eventually joining the house band for famed television host Johnny Carson. He has played alongside major acts such as Dion and the Belmonts, Benny Goodman, and his close friend and fellow guitar great Les Paul.

Bucky is no stranger to Washington, DC. He visited the White House several times, performing for President Ronald Reagan, fellow musician President Bill Clinton, and former First Lady Pat Nixon.

In addition to his professional successes, Bucky is a committed family man. His sons, John and Martin, his daughter, Mary, and his daughter-in-law, Jessica, have all carried on the Pizzarelli legacy as musicians. Bucky has collaborated with them on many of their recordings.

Later, Bucky returned to serve his hometown of Paterson as a member of the music faculty at William Paterson University, passing on his talents to the next generation of New Jersey musicians. His tireless energy and enthusiasm for his art should serve as an example for all Americans.

Today, Bucky resides with his wife, Ruth, in Saddle River, New Jersey, not too far from his roots in Paterson. A true renaissance man, he continues to be an avid painter in addition to his musical talents.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing individuals like Bucky Pizzarelli.

Mr. Speaker, I ask that you join our colleagues, Bucky's family and friends, all the

musicians and fans of his music whose lives he has touched, and me in recognizing Mr. John Paul "Bucky" Pizzarelli.

IN REMEMBRANCE OF MR.  
THOMAS STANTON KILBANE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Mr. Thomas Stanton Kilbane, one of Cleveland's top litigators, who passed away on April 28, 2011.

Born in 1941, Mr. Kilbane was raised in Cleveland, Ohio. He attended St. Ignatius High School and later John Carroll University. During his time at John Carroll, Mr. Kilbane participated in its Reserve Officer Training Corps. Upon graduating as valedictorian of his class, Tom moved to Chicago and attended law school at Northwestern University where he was chosen for its law review.

In 1966, Mr. Kilbane joined the international law firm of Squire Sanders. However, during 1968 and 1969, Tom served his country in the Vietnam War. As a captain, he served in a transportation group and was awarded a Bronze Star for combat.

After arriving home from Vietnam, Mr. Kilbane returned to Squire Sanders and was made a partner at the firm in 1976. Tom specialized in areas such as antitrust law, product liability and contracts. He served as a member of Squire Sanders' management committee and he chaired the litigation practice between 1996 and 2006.

Mr. Kilbane was one of the most successful and reputable lawyers to work at Squire Sanders and in the Cleveland area. Throughout his career he was welcomed into groups such as the International Academy of Trial Lawyers and the American College of Trial Lawyers. He was also recognized with numerous awards such as Best Lawyers' "bet-the-company" litigator in 2009 and the Cardinal Bellarmine award from his alma mater, St. Ignatius High School, in 2011.

Mr. Speaker and colleagues, please join me in remembrance of Mr. Thomas Kilbane. I extend my condolences to his wife, Sally; five children; four grandchildren; and four siblings.

HONORING ANTHONY PSAROMATIS

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Anthony Psaromatis, District Manager of the Chicago Social Security Administration, Northwest Office. After over 45 years of service and numerous awards for his dedication and commitment to public service, Mr. Psaromatis will be retiring on May 31, 2011.

Mr. Psaromatis has worked in offices around the Nation and around the world. He began his career in 1965 in Huntington, West

Virginia. Throughout the years, Mr. Psaromatis also worked in various offices in Ohio, Baltimore, MD and also provided Social Security benefits overseas in Athens, Greece and Frankfurt, Germany. In 1990, Mr. Psaromatis returned to the United States to continue public service work in the Chicago Northwest Social Security Office. He has served the Jefferson Park community for nearly 21 years.

As District Manager, Mr. Psaromatis has made an enormous impact on the community. He did so by giving speeches about Social Security benefits and programs at airports, business and community centers. In order to establish guidelines on how to best serve the public, Mr. Psaromatis met with Congressional and Senatorial Aides. He has also fought for the large Polish population in Jefferson Park to provide better resources.

Mr. Speaker, on behalf of a deeply grateful community and with enormous appreciation for decades of dedication to public service and providing assistance to communities in America and overseas, I thank Mr. Anthony Psaromatis for his extraordinary leadership and selfless commitment to his family and staff at the Chicago Northwest Social Security Office. Thank you, Tony, and we wish you, Martha, your sons, Michael and Anthony, daughter-in-law Bridget, and granddaughters, Kallie and Kirie all the happiness in the future.

65TH ANNIVERSARY OF SOLANO  
COMMUNITY COLLEGE

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise with my colleagues Congressman DAN LUNGREN and Congressman JOHN GARAMENDI to recognize the sixty-fifth anniversary of the founding of Solano Community College. The College has provided generations of Solano County residents with high quality education programs that prepare a diverse student population to participate in today's local and global communities.

Solano College had its inception in 1945 when the California State Department of Education authorized the Governing Board of the Vallejo Unified School District to establish a junior college on the campus of Vallejo Senior High School. Classes for junior college students started in the fall of 1945 with fewer than 100 students. In the fall of 1957, the Governing Board of the Vallejo Unified School District voted to separate the junior college completely from the high school. Vallejo Junior College began offering summer classes in 1964, and enrollment increased to 1,000 students that year.

In 1965, the voters of Solano County voted overwhelmingly to establish a separate community college district. At the same time, seven trustees were elected to the new governing board, representing the committees of the district.

In the short span of a year, the new board selected a new Superintendent/President, Dr. N. Dallas Evans, and then proceeded to name a committee of fourteen members to select a

site for the new campus. An architectural firm, Johnson, Poole, Storm, Lillis and Smith, Architects Associated, was engaged early in 1967 to draw plans for the new campus.

In mid-1967, the board approved plans for a \$12.6 million bond issue to be placed before the electorate of the county on October 17, 1967, which passed with an 84 percent yes margin. The committee recommended purchasing 192 acres on Suisun Valley Road in Fairfield. Student enrollment at the new location was over 3000 when it was dedicated in April of 1971.

By 1990, the student population had increased to 10,000, and it became clear that the District needed to expand to the residents of the South County, Vallejo/Benicia, and the North County, Vacaville/Dixon/Winters. In 1984, the District leased space at the Vallejo Library to provide South County residents with five classrooms for instruction of college courses. By 1992, the student population had grown to over 12,000. In 1996, the District leased space on North Village Parkway in Vacaville, eight classrooms.

In 2002, the College Governing Board authorized a bond issue to acquire a permanent location on 10 acres for its Vallejo Center and build a center in Vacaville as part of a master plan to eventually build a campus on 60 acres of land. The Measure G Bond was passed by voters in November 2002 for \$125 million and included renovation of the Fairfield campus. The bond measure work is scheduled to be completed by 2012.

Since becoming the Solano Community College District in 1965, the college has had 15 Superintendent/Presidents, including Interims, Acting and Administrator-in-Charge. The current Superintendent/President is Dr. Jowel Laguerre.

Today, we invite our colleagues to join us in honoring Solano Community College, its board and staff for sixty-five years of outstanding service to our students and wish it continued success.

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#### PERSONAL EXPLANATION

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#### HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. ROSS of Arkansas. Mr. Speaker, on Friday, May 13, 2011, I was not present for votes 323–329. Had I been present for rollcall 323, I would have voted “no.” Had I been present for rollcall 324, I would have voted “aye.” Had I been present for rollcall 325, I would have voted “aye.” Had I been present for rollcall 326, I would have voted “aye.” Had I been present for rollcall 327, I would have voted “aye.” Had I been present for rollcall 328, I would have voted “aye.” Had I been present for rollcall 329, I would have voted “aye.”

RECOGNIZING DARREL BOWMAN, THE 2011 SBA NATIONAL VETERAN SMALL BUSINESS CHAMPION

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#### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor Darrel Bowman, an entrepreneur, an advocate, a disabled veteran, and 2011 U.S. Small Business Administration's National Veteran Small Business Champion.

The U.S. Small Business Administration recognizes Small Business Champions in a variety of categories, celebrating the important contributions made by these men and women as entrepreneurs, advocates, and community leaders. The National Veteran Small Business Champion is an individual both successful in helping to grow business, and mindful in working towards a stronger community.

As the owner of Mynetworkcompany.com, Darrel has been a local leader in his field. Darrel's work providing technology solutions to the public and private sectors has earned him respect in the business world and has helped him build a reputation as a sharp and forward-thinking entrepreneur.

Having served in the Coast Guard, Darrel brings a military perspective into his business activities and daily life. As a service disabled veteran, Darrel is both an advocate for and an example to those who serve our country in the Armed Services. His work supporting legislation to encourage the hiring of veterans is just one example of his efforts on behalf of active duty military, veterans, and their families.

As the home to Joint Base Lewis-McChord and countless small businesses and technology innovators, our region is fortunate to count Darrel as one of our own. Individuals who are successful in business while remaining committed to giving back make our communities stronger, and serve as an example to others.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring Darrel Bowman, recognized by the U.S. Small Business Administration as the National Veteran Small Business Champion of the Year.

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#### IN REMEMBRANCE OF MR. PAUL GRAU

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#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. KUCINICH. Mr. Speaker, I rise to today in remembrance of Mr. Paul Grau, who served as Brecksville's and Oakwood Village's law director for the past thirty years.

Paul was born and raised in Buffalo, New York. He attended the State University of New York at Oswego. Upon graduation, Mr. Grau married his high school sweetheart, Linda Mruk, and moved to Cleveland. Paul then enrolled in the Cleveland-Marshall College of Law and earned his juris doctor degree.

Mr. Grau was a dedicated to public servant. He began working with the City of Garfield Heights' law department in 1976 and was later appointed as the city's law director. During his tenure, in 1978, Paul began working as a managing partner with the law firm of Reddy, Grau and Meek. As he continued to build a successful and meaningful career in both the public and private sector, in 1981 Paul took on the role of law director for the City of Brecksville. Along the way, he left the City of Garfield Heights and in 1992 became the law director for Oakwood Village. Mr. Grau served as the law director for Brecksville and Oakwood Village for thirty and nineteen years respectively.

In addition to his contributions as a law director to three Northeastern Ohio communities, Mr. Grau was dedicated to other community needs. He served on the board, and at one time was the chairman of the Jennings Center for Older Adults for ten years.

Mr. Speaker and colleagues, please join me in remembrance of Mr. Paul Grau. I offer my condolences to his wife of 37 years, Linda; son, Andy; and sister, Mary.

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#### HONORING THE NEW HAVEN PRESERVATION TRUST AS THEY CELEBRATE THEIR 50TH ANNIVERSARY

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#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. DeLAURO. Mr. Speaker, it is with great pleasure that I rise today to congratulate the New Haven Preservation Trust on their 50th anniversary—a remarkable milestone for this outstanding organization. Charged to honor and preserve New Haven's architectural heritage—historic buildings and neighborhoods—through advocacy, education, and collaboration, the New Haven Preservation Trust played an integral role in the preservation and restoration of the unique character of the New Haven community.

The New Haven Preservation Trust was founded in an effort to save the James Dwight Dana House, a historic 19th century Italianate house designed by New Haven architect Henry Austin for one of the century's leading geologists, from demolition. At the time Yale University planned to tear down the home to make way for a new mathematics building. A small group of concerned citizens quickly incorporated the Trust and planned to bid on the house. In the end, the Trust came to an agreement with the University to preserve the Dana House and, through the efforts of the Trust, in 1962, it was designated a National Historic Landmark. Since that time the Trust has been involved with countless efforts to save historic buildings throughout the city including the New Haven Free Public Library, the New Haven Post Office and Federal Building, New Haven City Hall, the John Davies Mansion, and Union Station.

In addition to their efforts to preserve and restore New Haven's historic buildings, the Trust has worked to collaborate with the city government and other organizations to strike a

balance between protecting the city's history and allowing for its modernization. In its earliest years, the Trust worked with the city of New Haven on the Wooster Square Project—an effort to restore this architectural and historical treasure. Though the Trust's efforts, the entire neighborhood was designated a historic district and the New Haven Historic District Commission, a permanent city authority responsible for reviewing exterior architectural changes in all local historic districts, was established. In New Haven's downtown district known as the Ninth Square, the Trust worked with local property owners to plan its preservation. The Trust published guidelines and contributed architectural drawings to help owners rehabilitate their facades. Most recently the Trust was brought into discussions regarding the School Construction Program, where it prepared recommendations for moving some buildings threatened by the project to empty lots in the neighborhood. That partnership continued until the Program's work was completed last year.

The New Haven Public Trust has also developed educational programs designed to teach the New Haven public about the community and its history. Plaques have been awarded to numerous buildings which are designed to draw the public's attention to their historical significance and to ensure that future generations know of their value. The Trust also sponsors New Haven Heritage Workshops which teach residents about the architectural styles and histories of the city's neighborhood. Recognizing that one of the best ways to learn about historic architecture is to visit the buildings and neighborhoods, the Trust has designed both walking tours led by local historians as well as pamphlets for self-guided tours.

Through advocacy, distribution of information, historic research, tours, and private consultations, the Trust continues to be New Haven's advocate for the centuries-old architectural heritage. I am proud to join the New Haven community in thanking the Board of Directors, staff, and volunteers who work so hard to ensure that our city's rich history is not only preserved but celebrated and appreciated by new generations. Congratulations on your 50th anniversary and best wishes for many more years of success.

RECOGNIZING RETIREMENT OF  
MR. AMADEO SAENZ

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the retirement of Mr. Amadeo Saenz, executive director of the Texas Department of Transportation.

He has served his agency with great dedication since 1978, and it is indeed fitting to recognize his contributions.

Mr. Saenz, a native of Hebbronville, Texas, earned his bachelor's degree in civil engineering with honors from the University of Texas at Austin and initially began working as an engineering laboratory assistant in the Pharr district.

In October of 1993, he was appointed district engineer in the Pharr district; he was named assistant executive director for engineering operations in Austin eight years later, whereupon, he implemented and managed policies, programs, and operating strategies according to federal and state laws and Texas Transportation Commission regulations and directives. Since 2007 he has acted as the executive director of the agency, managing, directing, and implementing policies, programs, and operating strategies.

A notable Texan, Mr. Saenz served his profession as a member of the Civil Engineering External Advisory Committee for UT–Austin, and has been active in his community as a member of the Rotary Clubs of Laredo and Pharr and by giving generously of his time and talents to the Boy Scouts in the McAllen area.

In all his endeavors, Mr. Saenz enjoys the support and encouragement of his wife, Geraldine, and their children, Priscilla and David. He owns and operates a small ranch in south Texas and takes pleasure in horseback riding and hunting.

He has worked to benefit the citizens of Texas throughout a tenure in public service spanning three decades, and he may reflect with pride on his achievements.

Mr. Speaker, I am honored to recognize the commitment to service exhibited by the executive director of the Department of Transportation, Amadeo Saenz, Jr.

POST-9/11 TROOPS TO TEACHERS  
ENHANCEMENT ACT

**HON. THOMAS E. PETRI**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. PETRI. Mr. Speaker, today I am reintroducing the Post-9/11 Troops to Teachers Enhancement Act to improve opportunities for veterans to transition into second careers in teaching. I am pleased to once again be joined in this effort by Representatives DORIS MATSUI and JOE COURTNEY. I have been a supporter of the Troops to Teachers program since its inception in 1994, and I am proud of the fact that since this program was created in 1994, over 12,000 veterans have been placed in our nation's classrooms.

Troops to Teachers is a unique program that provides retiring military with a \$5,000 stipend to help cover the costs of teaching certification in exchange for three years service in a high-need school, which until recently was defined as one receiving grants under part A of Title I. To further encourage participants to teach in schools with the greatest need, a \$10,000 bonus is offered to those who agree to teach for three years in a school with 50 percent of students below the poverty level.

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: A 2005 study found that eighty-two percent are male, over one-third ethnic minorities, and a majority bring an expertise in science and math to the classroom. In an increasingly globalized economy,

these valuable characteristics provide a vital resource for schools across the country.

However, this success is now in jeopardy due to a drafting error in the 2001 No Child Left Behind Act which has inadvertently restricted the number of schools at which participants may fulfill their service. The applicable definition for "high-need local education agencies" for Troops to Teachers was inadvertently changed as it was included in the section of the legislation regarding other alternative programs that had a different definition. This stricter definition requires a higher threshold for "high-need," requiring the school to have either 10,000 students or 20 percent of students from families below the poverty level. However, the original Title I definition of high-need was also retained in the law in the section specifically detailing the Troops program. Essentially, Congress inadvertently created two conflicting definitions of "high-need" with regard to this program.

Early on, the Department of Education and the Troops to Teachers program recognized this unintended change in law and worked together to address it. From 2003 to 2005, while discussions were being held on how to reconcile this discrepancy, the program continued to operate under the original and intended definition. However, after the completion of a negotiated rulemaking process in September 2005, the Department issued a regulation stating that the new, stricter definition was not an error but congressional intent. As one of the leading supporters of this program during the drafting of No Child Left Behind, I can assure my colleagues that this clearly was not the intent of the supporters of the program.

Mr. Speaker, the unfortunate result of this, aside from limiting the number of schools at which veterans may teach and honor their obligation of three-years service, is that it has disproportionately impacted western and rural states. In my home state of Wisconsin, the number of eligible school districts has been reduced from approximately 395 to 11. Not surprisingly, participation in the program has fallen significantly since the implementation of the new definition. This decision, although understandable given the conflicting definitions contained in the law, is a disservice both to veterans wishing to continue their service to our nation as educators as well as children who stand to benefit from their unique expertise.

The bottom line is that we are losing out on great teachers because they cannot accept the certification stipend due to a lack of schools meeting the higher needs threshold in their communities. The more we restrict opportunities for participation, the fewer teachers we will be able to bring into public education, and the fewer teachers we will eventually be able to attract to the schools with the greatest need. Further, given the nation's need for more math and science teachers, we should be removing, not creating, restrictions that prevent qualified teachers in these areas from teaching in our nation's classrooms.

Mr. Speaker, with Troops to Teachers, the Department already has an established program that is well-funded and successful. Rather than restricting it, we should be maximizing this program's potential. This legislation would correct this error and restore the original intent of the Troops to Teachers program. Our bill



would ensure that veterans participating in the Troops to Teachers program may receive a \$5,000 stipend for teaching for three years in any school that is in a district receiving grants under part A of Title I. This change would more than double the number of eligible schools for the program.

The legislation would retain the current criteria for troops to receive an additional bonus of \$5,000 for teaching in a high need school, defined as in a school district that has at least 10 percent or greater who come from families living below the poverty level and a school where at least 50 percent of students are eligible for free or reduced lunch or have a "high percentage" of students with disabilities.

This legislation will also increase the number of service personnel who would qualify to participate in Troops to Teachers. Currently, eligibility for Troops to Teachers requires that members of the military have six years of service, and that members of the National Guard and reserves have 10 years of service with a commitment to serve an additional three years. This legislation will change the years of service requirement from six to four years for members of the active duty military to accommodate the many men and women who have served honorably and well in the difficult conflicts in Afghanistan and Iraq.

Additionally, it will create a "years of service" exemption for any member of the reserve, National Guard, or active duty military who has served on active duty since September 11, 2001, similar to eligibility requirements for the Post 9/11 GI Bill.

I urge my colleagues to join me and Representatives MATSUI and COURTNEY in supporting this successful program and restoring the opportunity to "serve again" to our nation's veterans.

#### PERSONAL EXPLANATION

##### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, on May 12, during rollcall vote No. 316, I mistakenly voted "aye." I intended to vote "nay." I ask that the RECORD reflect my opposition to this amendment. With respect to energy production-related legislation, I support an all-of-the-above strategy, as long as it is responsible and meets proper safety standards.

#### FORMAL DEDICATION OF THE MANDELL AND MADELEINE BER- MAN CENTER FOR THE PER- FORMING ARTS

##### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. LEVIN. Mr. Speaker, today will be the formal dedication of the Mandell and Madeleine Berman Center for the Performing Arts in West Bloomfield, Michigan.

It is a magnificent, state-of-the-art cultural center on the campus of the Jewish Commu-

nity Center of Metropolitan Detroit. It is a result of the generosity of two people who have exemplified over many decades an exceptional sense of gratitude for the opportunities provided to their families by our nation, Bill and Madge Berman.

The focal point of the new Center will be a 350-seat high-tech auditorium that can be opened to a capacity of 600 seats. The Center will be a venue for people of all ages to experience classical and Broadway music and a wide variety of theatrical productions.

Bill Berman graduated from Detroit schools and Harvard College and Business School, and served as a naval officer for 4 years during World War II. He next began a highly successful career in the building business, using his expertise in a variety of commercial activities and related endeavors. His deep sense of community found its voice in his service on the Michigan State Finance Housing Authority and Board of New Detroit, and he also served as the first Chairman of the Skillman Foundation.

Bill Berman became an indispensable force within the greater Detroit Jewish Community in a wide variety of vital religious, charitable and educational activities. In these efforts he was actively joined by his wife, Madge Berman. She was an inspiration for their deep interests in the arts. She has served on the Board of Directors of the Detroit Symphony and the Michigan Opera Theater. Madge Berman was appointed to the President's Committee on the Arts and Humanities in 1994 and was reappointed to the President's Committee last year by President Obama.

The fabulous offer for a cultural center by Bill and Madge Berman engendered support from other very generous persons that will help make this new center a reality. This warm and loving couple has brought joy over many years to their friends. They now will bring the joy of the arts to many, many thousands who have never met the Bermans but will benefit greatly from their generosity. I ask all my colleagues to join me in conveying congratulations and thanks to Bill and Madge Berman on the formal dedication today of the new Center bearing their names.

#### JOHN LOXAS, RECIPIENT OF THE ROBERT V. HEINZE VOCATIONAL SERVICE AWARD

##### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I stand before you today to honor Mr. John Loxas. John has been recognized by the Hammond Rotary Club as an outstanding citizen who has demonstrated entrepreneurial success and vision in the community of Hammond and throughout northwest Indiana. His devotion to professional and ethical business leadership is to be commended. For his outstanding efforts, John will be presented the Robert V. Heinze Vocational Service Award by the Hammond Rotary Club on Tuesday, May 24, 2011.

The Hammond Rotary Club was established in 1920 adhering to the principles of Rotary

International: "World Peace through Understanding" and "Service above Self." These values are vigorously upheld by the Hammond Rotary Club members who passionately serve their community. Each year, the club recognizes an organization or an individual who is a praiseworthy local business or community leader by honoring the recipient with the Robert V. Heinze Vocational Service Award, and this year's recipient is John Loxas.

John Loxas was born on the island of Zakynthos, Greece. He immigrated to the United States in 1955 and settled in Hammond, Indiana. John found employment at Republic Steel in south Chicago and worked there for a few years. After being laid off from the mill, John found inspiration and opportunity at a small Hammond grocery store where he volunteered to work for no pay. During that time, he educated himself in the grocery business, and in 1958, he purchased the store that gave him his inspiration, which he ran for many years. In 1975, John's dream for a more modern grocery store came true, and he opened a second, larger location. In the years to follow, new locations would open under the name J&M Foods, and later, Reliable Supermarket. John's success and entrepreneurial spirit continued, and in 1985, he opened Olympia Lanes bowling center in Hammond, which included a high-tech scoring system, deli, lounge, and pro-shop. Olympia Lanes recently celebrated its 25th anniversary. Seeing the need for an elegant banquet hall in Hammond, John opened Dynasty Banquets in 1993. Capitalizing on his business, he opened the recently renovated Ramada Inn and Johnel's Restaurant, which are located in the same locale as Dynasty Banquets. For his remarkable business success and complete dedication to the community of Hammond, John Loxas is truly inspiring, and it is because of his efforts that he is the recipient of the 2011 Robert V. Heinze Vocational Service Award.

John's commitment to the community and his career is exceeded only by his devotion to his amazing family. John and his wonderful wife, Margaret, have five beloved children and four grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating John Loxas on being honored with the Robert V. Heinze Vocational Service Award, and in honoring the Hammond Rotary for their outstanding contributions to the community of Hammond and all of northwest Indiana. Their constant commitment to improving the quality of life for countless individuals in northwest Indiana is truly encouraging, and they are worthy of the highest praise.

#### RECOGNIZING THE LIFE OF RONALD FREDERIC RICHARDS

##### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of northwest Florida's beloved Ronald Frederic Richards.

Mr. Richards was a fixture in the local business community who used his success and acumen to help support and to lead numerous rotary and yachting clubs in the Pensacola community. After a successful 25 years in the supermarket industry in Birmingham, Alabama, and Pensacola, Florida, Mr. Richards entered the financial services industry in 1990. He formed his own company, Ron Richards Financial Services, and his total commitment to helping others was the key to his success.

His leadership in the northwest Florida community was unquestioned. He was highly respected, and in 2000 and 2001, he served as commodore of Pensacola Yacht Club. He was responsible for establishing a long-term endowment, the Legacy Wheel, to ensure the future of the yacht club. In 2008, Ron served as commodore of the Gulf Yachting Association, commodore and a charter member of the Florida Commodore's Association, and a member of the International Commodore's Association.

Mr. Richards was noted for his love of sailing by many; however, his love for Rotary was also well-known. Ron was a charter member of the Rotary Club of Navarre in 1995 where he served as club president for the 1998/99 Rotary year. He was instrumental in the establishment of the Navarre Club's Scholarship Fund, and his club was awarded the Presidential Citation for its outstanding performance. In 2003, due to the relocation of his business, Ron left the Navarre Club and was elected into membership at the Rotary Club of Pensacola. During 2006/07, he served as President of the Combined Rotary Clubs of Pensacola, a president's council for the 12 clubs in the area.

To some, Ron Richards will be remembered as a leader in the business community. To others, he will be remembered for his love of Florida and the Gulf Coast. To his family, he will always be remembered as a loving and devoted uncle and spouse. He was an inspiration to those who knew him, and his service to the Pensacola community is his lasting legacy.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life of Ronald Frederic Richards. My wife Vicki and I offer our continued prayers for his entire family.

EVERETT COREY, DIRECTING  
BUSINESS REPRESENTATIVE  
FOR THE IAM IN CT, REMARKS  
FROM MONDAY, MAY 9, 2011

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2011

Mr. LARSON of Connecticut. Mr. Speaker, I submit the following:

EVERETT COREY, DIRECTING BUSINESS REPRESENTATIVE FOR THE INTERNATIONAL ASSOCIATION OF MACHINISTS IN CONNECTICUT, REMARKS FROM MONDAY, MAY 9, 2011

What a day! What a victory for Pratt & Whitney right here in Connecticut! What a victory for American jobs and American workers!

Thank you for giving me the opportunity to be part of such a distinguished—and genu-

inely remarkable—group here today, people who have changed the world through skill, intelligence, dedication and perseverance despite the odds. I'm referring, of course, to the employees of Pratt & Whitney—who are, without a doubt—the greatest jet engine makers in the world. And the best of the best are right here, in the State of Connecticut. Thank you for all you do.

President Chenevert, President Hess—I want to thank you for inviting the Machinists Union to participate in this program. Congratulations to you both on these great victories.

Members of the Connecticut Congressional delegation—we know how hard you have worked to reach this result. We know that you understand, it's all about jobs. You have worked tirelessly on behalf of the people of Connecticut, and the workers of Pratt & Whitney, and it's great to see all that effort end up with two big wins—the Air Force tanker, and sole sourcing on the F-35.

Congressman Norm Dicks—Thousands of workers here and in Washington State, including thousands of Machinists Union members, will have work for years ahead, thanks to your efforts. On behalf of the International Association of Machinists—thank you, Congressman Dicks.

Governor Malloy—what a great relief to have a Governor of Connecticut who is so engaged, so smart, so tough and determined. We know, that like us, your first thought in the morning and your last thought at night is about jobs for Connecticut. Well, here you go—how about 25 years worth of work going forward? A great moment for state.

I thanked the entire Congressional delegation, because they deserve it. But I have to extend a special, heartfelt thanks to Congressman John Larson—who more than anyone, took on the fight for both these contracts, worked countless hours, pushed relentlessly—and brought home two enormous, unbelievable wins. Congressman Larson—you truly are the man who “keeps the eagle flying.” We thank you, we salute you—Connecticut owes you a debt that words cannot express.

The other person who deserves special thanks, but who could not be here today is Jim Parent, Assistant Directing Business Representative of District 26 and chief negotiator for UTC issues. Both management and labor here at Pratt, and people across the state and around the country, have benefited from the work of Brother Parent, on this and countless other issues. This day is his, and we thank him. Jim will be retiring in January, and we wish him well.

Let me end with two brief comments. First, to David Hess and Louis Chenevert. We were proud to work with you in the fight to get these contracts—and will continue to work with you whenever and wherever we can jointly fight for work that keeps jobs and grows jobs in Connecticut. We even have a coalition called GrowJobsCT—we invite you to join, and we'll waive the initiation fee.

Finally—Pratt & Whitney employees, hourly and salary, sister and brother Machinists Union members—stand proud today, and every day. It's your skills, your hard work, your dedication—that keep this company thriving, and most important, help defend our great country.

More than anybody—this victory belongs to you—and was earned by decades of hard work. We salute you. Congratulations!

IN RECOGNITION OF PAGE MORTON BLACK AND THE PARKINSON'S DISEASE FOUNDATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor Page Morton Black, an extraordinarily selfless and effective leader who has distinguished herself through her dedication to the Parkinson's Disease Foundation, PDF, and its critical mission. I urge my distinguished colleagues to join me in honoring Mrs. Black and her service to others as chair of the Board of Directors of PDF. Following the observance in April of “Parkinson's Disease Awareness Month,” her immense contributions to the fight against Parkinson's Disease will be recognized this month by PDF supporters at its annual “Bal du Printemps” at the Pierre Hotel in New York City.

Founded in 1957 by Mrs. Black's late husband, William Black, the Parkinson's Disease Foundation, PDF, is a leading national presence in Parkinson's Disease research, education and public advocacy. The PDF serves the nearly one million Americans who live with Parkinson's by offering critical support for cutting-edge medical research to determine the causes of Parkinson's and develop a cure, while assisting those afflicted by the disease and their families and caregivers with educational outreach, vigorous public advocacy, and a host of support services. Led by Mrs. Black and her late husband, PDF has provided more than \$85 million in funding for research on Parkinson's Disease all over the world, as well as \$34 million in support of educational and support programs for families and care partners of persons with Parkinson's. As the chair of the Congressional Working Group on Parkinson's Disease, I can attest first-hand to the critical role the PDF continues to play in the fight against Parkinson's.

The creation of the Parkinson's Disease Foundation is an inspirational story. William Black, an immigrant to America, was the founder of the renowned and much beloved Chock Full o'Nuts coffee and restaurant business—which was made famous in no small part due to its advertising featuring Page Morton Black singing the company's catchy jingle about Chock Full o'Nuts' “heavenly coffee,” a performance which quickly entered the popular lexicon. Mr. Black was moved to found the PDF after his close friend, the company's controller, was diagnosed with Parkinson's. He was greatly dismayed to learn that not only was there no truly effective treatment, but also that no basic research on Parkinson's was being conducted. Using his own funds, he established the PDF, which was the first private foundation in the United States created specifically to advance research into the causes of Parkinson's, help develop a cure, and support those living with the disease.

William Black was determined to launch a research program aimed at finding effective drug treatment for the disease. Working with some of the nation's most prominent and respected researchers, the Blacks made two major donations to Columbia University, one

to help construct the research laboratory building that now bears Mr. Black's name, which houses one entire floor dedicated to Parkinson's research; and the other to endow support for that research. This close relationship between the PDF and Columbia University has persisted to this day. Following Mr. Black's passing Page Morton Black became chair of the PDF Board of Directors, helping ensure that the PDF has remained a driving force in combating Parkinson's Disease. Under her leadership, the PDF expanding its outreach, advocacy, and research funding. The PDF is making a real difference in our understanding of Parkinson's Disease, leading to new therapies and, in time, hopefully a cure.

Mr. Speaker, I ask that my distinguished colleagues rise to join me in recognizing Page Morton Black, a great American and a great New Yorker who has distinguished herself through her lifetime of extraordinary service to others.

#### TRIBUTE TO MICHAEL LINGO

#### HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor Michael Lingo, who is retiring as Superintendent of the Bakersfield City School District (BCSD) in Bakersfield, California. Mike has been an education leader in the district for 41 years and has spent the last 5 years as Superintendent of BCSD, the largest non-unified pre-kindergarten through eighth-grade district in California.

Mike grew up in Bakersfield and was educated in the community where he now works. He attended Horace Mann Elementary, Sierra Junior High, East High, and Bakersfield College. He finished his college education at California State University, Fresno. After graduating, he returned to Bakersfield and started teaching in BCSD in 1970.

After 20 years of teaching, Mike shifted his career and began his service in school administration. He served as the Supervisor of Employer-Employee Relations for BCSD in 1990. Then in 1995, he became Director of Personnel Services. In 2000, he was again promoted to Assistant Superintendent of Business Services. In this role, he oversaw all of the financial and services aspects that the district performs on top of pupil instruction. Mike became Superintendent in 2006.

Many of his coworkers have expressed appreciation for Mike's leadership at a time when the school district has seen budget cuts year after year. Yet during Mike's time as superintendent, the district's academic performance index score rose from 643 to 688, a testament to his leadership and the hard work of the teachers, students, and parents in the school district. In addition, BCSD was the first major district in California to implement Learning Village, an online curriculum system.

Dedicated to education on multiple levels, Mike's retirement will leave big shoes to fill at BCSD. The Bakersfield community and I commend his service to the thousands of BCSD students over four decades and we hope that

Mike enjoys his transition into the next chapter of his life.

#### IN HONOR AND REMEMBRANCE OF JUDGE FRANCIS E. SWEENEY, SR.

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge Francis E. Sweeney, a former Justice on the Supreme Court of Ohio, who passed away on April 10, 2011.

Born on January 24, 1934, Judge Sweeney was raised in Northeast Ohio. He graduated from St. Ignatius High School before attending Xavier University. He received the Legion of Honor Award from his alma mater upon graduating in 1956. After completing his undergraduate education, Judge Sweeney spent several years playing professional football in Canada with the Ottawa Rough Riders. In 1957, Judge Sweeney joined the U.S. Army and served his country bravely during the Korean War.

Judge Sweeney returned to Cleveland in 1958 and began working in Allstate Insurance Company's legal department. While working at Allstate, he attended Cleveland-Marshall Law School and earned his juris doctor degree in 1963. He left Allstate and started working as an assistant prosecuting attorney for Cuyahoga County.

In 1970, Judge Sweeney began his career as a judge for the Cuyahoga County Court of Common Pleas. In 1988, he began sitting as a judge for Ohio's Court of Appeals of the Eighth Appellate District, the busiest and largest appellate court in the state of Ohio. In 1992, Judge Sweeney became a Justice on the Supreme Court of Ohio and would serve two terms until his retirement in 2004. After retiring, Judge Sweeney continued serving as a retired assigned judge in Cuyahoga County Common Pleas Court.

Judge Sweeney was a highly accomplished lawyer and judge. He was the recipient of the Outstanding Judicial Service Award by the Ohio Supreme Court for fourteen consecutive years. He was named Xavier University's Alumnus of the Year in 1977, received the Cardinal Bellarmine Award for Legal Excellence 1994 from St. Ignatius High School, and was presented with the Outstanding Alumnus Award in 2000 by Cleveland-Marshall College of Law.

Mr. Speaker and colleagues, please join me in honor and remembrance of Judge Francis E. Sweeney, Sr. I offer my sincere condolences to his wife, children and grandchildren.

#### COMMEMORATING MAY 19TH AS A HISTORIC DAY IN THE REPUBLIC OF TURKEY

#### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. COHEN. Mr. Speaker, I rise today to bring attention to a historic day in the Republic

of Turkey. On May 19th, while Congress was in recess, the Republic of Turkey and Friends of Turkey commemorated the 92d anniversary of the launching of Turkey's national campaign to establish an independent nation by Mustafa Kemal Ataturk, the founder of modern Turkey. Turkey also celebrates May 19th as the birthday of Ataturk.

During his lifetime Ataturk was able to lift a country from the ashes of the Ottoman Empire and build a secular democratic nation located at the crossroads of Europe and the Middle East. His reforms were widespread including political, social, legal, educational, and economic. Some were monumental such as abolishing the caliphate and the sultan, recognizing equal rights for men and women, adopting a new alphabet and adopting secular law. Ataturk had a vision for the country, one of a pro-western secular and democratic state in which the rule of law would prevail. He swiftly but steadily advanced toward that goal with the confidence of a born leader and the support of the Turkish nation.

Ataturk championed women's rights, and believed that education and scientific training was the key to advancement not only for the individual, but also for the country. During his tenure, women were encouraged to become doctors, lawyers, engineers, scientists, and enter into politics.

The legacy of Ataturk is even more evident today, as the Arab Spring leads to dramatic changes in the Middle East and North Africa. There are lessons in Turkey's history which can be applied to the current situation around the world. With the right leadership and determination, democracy can take root and lay the foundations for a prosperous future in the region.

#### HONORING MAYOR JOHN DESTEFANO, JR., 2011 RECIPIENT OF THE TORCH OF LIBERTY AWARD

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Anti-Defamation League and the New Haven community in paying tribute to the outstanding work of this year's Torch of Liberty Award recipient, the Honorable John DeStefano, Jr., Mayor of New Haven, Connecticut. In the seventeen years since he was first sworn into office, Mayor DeStefano has worked tirelessly to improve our community and the quality of life for residents. It is that extraordinary spirit of public service that is honored with this prestigious tribute.

Our communities would not be the same without the efforts of individuals whose work truly benefits our families and neighborhoods. Each year, the Connecticut Anti-Defamation League presents the Torch of Liberty Award to an outstanding leader in the community, recognizing their unique commitment and dedication. Mayor DeStefano and his efforts to enrich the city of New Haven are a remarkable reflection of the true spirit of community service.

When Mayor DeStefano took office in 1994, the city of New Haven was facing challenges on multiple fronts. The crime rate had risen, the downtown business district was being eclipsed by the modern conveniences of mall shopping, the schools were in desperate need of modernization, and the individual neighborhoods had suffered the consequences of suburban expansion. It was no small task to turn the city's reputation around and regain the promise and prosperity it had once held. Mayor DeStefano approached all of these issues with both enthusiasm and purpose.

During the Mayor's tenure, virtually every public school has been rebuilt under the City-wide School Construction Plan. Some of the key features of this program have supported universal pre-kindergarten, the largest inter-district enrollment and magnet school program in Connecticut, and college level lab and technology features. Mayor DeStefano brought the New Haven public school system into the modern era and has gone a long way in providing New Haven teachers and students with the technology and tools that they need to achieve academic success.

The Mayor focused his attention on rebuilding the relationships between the city and Yale University as well as the hospital and medical communities. By strengthening these partnerships and building on its successes, New Haven has emerged as a national center of life and bio science businesses and the city center has undergone a dramatic transformation into a mixed use community. The Mayor also worked to strengthen neighborhoods through managing housing stock to mixed income and use models, promoting commercial corridors as well as implementing street smart infrastructure and public improvements. In addition, the Mayor worked with local law enforcement on a new model of community policing which decentralized police management districts which has effectively transformed public safety in the community. With all of these efforts, it is no wonder that under Mayor DeStefano's tenure, New Haven has been recognized by the National Civic League as an "All America City" three times.

A lifelong resident of the city of New Haven, Mayor John DeStefano, Jr. has dedicated innumerable hours to finding solutions to our city's challenges and to improving the quality of life for all New Haven residents. His work and public service is a reflection of what the Torch of Liberty Award stands for and I am proud to join all of those gathered this evening in congratulating him on this very special honor. I am pleased to have this opportunity to wish him, his wife Kathy, and their two sons, Dan and Jim, all the best for many more years of health, happiness and success.

COMMENDING STAFF SERGEANT  
DEANTE BROOKS AND HIS WORK  
IN AFGHANISTAN

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise to commend the courageous work of Air

Force Staff Sergeant Deante Brooks in defending the Bagram Airfield in Afghanistan. Sergeant Brooks deployed to Afghanistan in 2010 as part of the 455th Expeditionary Security Forces Squadron. On May 19, 2010, Sergeant Brooks was performing a security sweep of the airfield's perimeter with a Security Forces teammate, along with their Marine comrades when they came under attack.

Sergeant Brooks heard a scream, and realized his wingman had been injured by a grenade. He raced back to the base with the injured wingman, providing medical assistance along the way. After Sergeant Brooks placed the injured soldier in the care of emergency medical personnel, he returned to the fight and provided reinforcements that helped to secure the area.

I recently met Sergeant Brooks, and we talked about his heroic work in defending the airfield's perimeter. I was deeply honored to meet such a brave and admirable individual. I cannot imagine what our country would be like without individuals like Sergeant Brooks—he and his fellow soldiers deserve the praise of all Americans for their dedication and service in protecting our nation.

Mr. Speaker, the American people are forever indebted to the men and women in uniform for their courage, honor, dedication and hard work in serving our country. Staff Sergeant Deante Brooks exemplifies this spirit and is a true American hero.

IN RECOGNITION OF HILDA  
GRIGORIAN

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Hilda Grigorian, a Glendale resident who has dedicated herself to helping those in need around the world, often in some of the most challenging and dangerous locations.

Hilda Grigorian was born and raised in Iran, and migrated to the United States in 1978 in pursuit of the American dream of education and career. Hilda achieved both of these goals—she obtained a bachelor's degree and MBA and is currently working toward her Ph.D. at Walden University. She also worked in the private sector for over two decades, focusing on international development.

Hilda began her international relief efforts with a trip to her motherland of Armenia, where she volunteered to help small businesses. After several visits to Armenia's rural villages, she established a Non-Governmental Organization (NGO) called Armenia Village Operation, which she started with her own funds and other private funding. The program implemented important projects in the rural villages of Armenia.

In 2005, Hilda traveled to Afghanistan to work with a USAID funded program to help vulnerable, widowed women with business planning and access to funds to regain their businesses which were destroyed by the Taliban. She then worked for UNDP in the youth development project. In 2008, she began working for USAID Afghanistan as a

Field Program Officer, stationed in the Province of Nangarhar, which borders Pakistan. In 2009, she was transferred to the remote, rural Province of Ghor in western Afghanistan, where she helped people implement community development programs, created jobs through cash for work projects, and ensured a fair distribution of food to the people of Ghor.

Hilda's selfless dedication to the people of Afghanistan has immeasurably benefited some of the most at-risk people in the world, and has demonstrated the generous spirit of Americans toward those in crisis. She thrived in an environment that afforded her very basic living conditions, with no luxuries or amenities we often take for granted.

I ask all Members to join me in thanking Hilda Grigorian for her unwavering commitment to the people of Armenia and Afghanistan and wish her well in all future endeavors.

NORTH POINT HIGH SCHOOL BASKETBALL TEAM CLASS 4A MARYLAND STATE CHAMPIONS

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. HOYER. Mr. Speaker, I rise today to praise and congratulate the North Point varsity basketball team on winning the Class 4A Maryland state finals. The narrow victory over Patterson High School on March 12th was not only a great achievement for the North Point Eagles but was the first time a Southern Maryland Athletic Conference team has taken the championship in 39 years.

This year's championship is the perfect ending to the perfect season. After months of training, practice, travel and games, the Eagles earned a number one seed and a home regional championship game against Glen Burnie. North Point put Glen Burnie to rest in one solid quarter, gaining a 29 to 6 lead from which Glen Burnie could not recover.

After 26 wins and no losses, North Point faced one last challenge—to beat Patterson High School in the state finals at the Comcast Center in College Park, Maryland. North Point took the lead early and then fell behind only to finish strong in dramatic fashion, triumphing by just 76 to 72 over their respectable opponents. The "epic Blast at Comcast" completed for a 27 and 0 record for these student-athletes, making them the only one in Maryland to have a perfect season.

Under the guidance of their coach, Jimmy Ball, this basketball team's strong defense made the difference. According to a recent news release, "North Point led by as much as 16 points but found themselves trailing Patterson 66–65 with 3:20 remaining. Senior Gerel Simmons scored seven points in the final two and a half minutes to seal the title. Sophomores Naim Muhammad, who recorded a double-double (20 points, 11 rebounds), and Marquis Wright, who scored nine points and dished out 12 assists, paced the Eagles defensive effort against a Patterson team that averaged more than 80 points a contest this year. Senior captain Devonte Thomas scored 10 points and collected eight rebounds while Simmons finished with 19 points."

Let me also honor the entire North Point High School community for they are an integral part of this team's victorious season. At every game the fans chant, in a unified voice, "We are North Point." As Principal Kim Hill has said, the motto declares that "We are many, but we are united as one." And as one team, one school, and one community they were able to accomplish victory. Congratulations to the North Point High School Eagles and the North Point Community.

#### PERSONAL EXPLANATION

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2011

Mr. WILSON of South Carolina. Mr. Speaker, I submit the following remarks regarding my absence from votes which occurred on May 12, 2011 and May 13, 2011 due to attending my son Hunter T. Wilson's Army commissioning and graduation in Industrial Engineering at Clemson University. Listed below is how I would have voted if I had been present.

Roll Number 315—Tsongas of Massachusetts Amendment No. 5—nay; roll Number 316—Brown of Florida Amendment No. 6—nay; roll Number 317—Thompson of California No. 7—nay; roll Number 318—Inslee of Washington No. 8—nay; roll Number 319—Motion to Recommit with Instructions, H.R. 1231, "Reversing President Obama's Offshore Moratorium Act"—nay; roll Number 320—On Passage of H.R. 1231, "Reversing President Obama's Offshore Moratorium Act"—aye; roll Number 321—H. Con. Res. 50, providing for adjournment of the House—aye.

Roll Number 322—H. Res. 264, Providing for consideration of the bill (H.R. 754) to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes—aye; roll Number 323—Mike Rogers of Michigan Amendment—aye; roll Number 324—Gibson of New York Amendment—aye; roll Number 325—Hinchey of New York Amendment—nay; roll Number 326—Carney of Delaware Amendment—nay; roll Number 327—Reed of New York Amendment—aye; roll Number 328—Motion to Recommit with Instructions, H.R. 754, the "Intelligence Authorization Act for Fiscal Year 2011"—nay; roll Number 329—On Passage of H.R. 754, "Intelligence Authorization Act for Fiscal Year 2011"—aye.

#### EXCHANGE OF LETTERS REGARDING H.R. 658

#### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2011

Mr. HASTINGS of Washington. Mr. Speaker, I rise today to submit the following correspondence between Congresswoman McMORRIS RODGERS, myself, and Chairman

DAVE CAMP regarding the inclusion of language in the Federal Aviation Administration reauthorization bill permitting tax-exempt bonds to be used to finance the purchase of fixed-wing aircraft for air ambulance services.

HOUSE OF REPRESENTATIVES,

March 14, 2011.

Hon. DAVE CAMP,  
Chairman, House Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN CAMP: We write to request your support for the inclusion of language in the Federal Aviation Administration reauthorization bill that would permit tax-exempt bonds to be used to finance the purchase of fixed-wing aircraft to provide air ambulance services.

Current tax law prevents states from using tax-exempt bonds to finance new fixed-wing air ambulances while tax-exempt bonds can be used for the acquisition of medical helicopters. Aircraft and helicopters are both important for emergency medical care.

While helicopters can be used to provide air ambulance services, airplanes are commonly a superior mode of emergency air transportation for critically ill patients in rural areas. In many instances, the use of helicopters for air ambulance services in rural areas is impractical because of the long distances that patients must be transported. Also, airplanes present the safest and fastest mode of transportation during inclement weather. Allowing states to use tax-exempt bonds to finance fixed wing aircraft used exclusively for emergency medical services in the same way they can for helicopters will allow for better emergency medical service in our rural communities and save more lives.

Thank you for considering bringing equality to the tax code for fixed-wing aircraft that provide air ambulance services.

Sincerely,

DOC HASTINGS.  
CATHY McMORRIS  
RODGERS.

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 3, 2011.

Hon. DOC HASTINGS,  
Chairman, House Committee on Natural Resources, Washington, DC.

DEAR CONGRESSMAN HASTINGS: Thank you very much for your recent letter regarding the provision in the Senate's Federal Aviation Administration (FAA) reauthorization bill that would permit tax-exempt bonds to be used to finance the purchase of fixed-wing aircraft that provide air ambulance services.

I appreciate your leadership, as well as that of others such as Representative Dave Reichert, a Member of the Committee on Ways and Means, in bringing this issue to my attention. As we prepare to enter negotiations with the Senate on a final version of the FAA reauthorization legislation, I look forward to working with you and other interested Members to better understand this issue and to explore possible modifications to current law in this area.

Thank you again for your letter and interest.

Sincerely,

DAVE CAMP.

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 3, 2011.

Hon. CATHY McMORRIS RODGERS,  
Vice Chair, House Republican Conference, Washington, DC.

DEAR CONGRESSWOMAN McMORRIS RODGERS: Thank you very much for your recent letter regarding the provision in the Senate's Fed-

eral Aviation Administration (FAA) reauthorization bill that would permit tax-exempt bonds to be used to finance the purchase of fixed-wing aircraft that provide air ambulance services.

I appreciate your leadership, as well as that of others such as Representative Dave Reichert, a Member of the Committee on Ways and Means, in bringing this issue to my attention. As we prepare to enter negotiations with the Senate on a final version of the FAA reauthorization legislation, I look forward to working with you and other interested Members to better understand this issue and to explore possible modifications to current law in this area.

Thank you again for your letter and interest.

Sincerely,

DAVE CAMP.

#### CONGRATULATING BRIGADIER GENERAL JOSEPH A. LANNI ON THE OCCASION OF HIS RETIREMENT

#### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 2011

Mr. AUSTRIA. Mr. Speaker, I rise today to congratulate Brigadier General Joseph A. Lanni for his outstanding service to our Nation on the occasion of his retirement.

On behalf of the people of Ohio's Seventh Congressional District, I am honored to congratulate Brigadier General Lanni upon his retirement as Commander of the Air Force Security Assistance Center at Wright Patterson Air Force Base, Ohio.

His over 31 years of dedicated service to the citizens of our Nation and our area is both admirable and commendable. Lanni received his commission in 1980 upon his graduation from the U.S. Air Force Academy. As Commander, Air Force Security Assistance Center, General Lanni was the focal point for administering the Air Force's \$92.7 billion security assistance budget supporting foreign military sales to more than 96 countries, operating more than 6,000 aircraft and other major weapons systems.

Over the course of his distinguished career, he served as an operational fighter pilot, aggressor pilot, and experimental test pilot. He also commanded a classified Flight Test Squadron and the 412th Test Wing. Additionally, he directed the F-22 Combined Test Force, and served on the Headquarters Air Force and Joint Staff. Lanni is a command pilot with more than 4,700 flight hours including the F-22 and 90 different types of aircraft and classified prototypes.

For his many years of service to our Nation, I join the people of Ohio's Seventh Congressional District in extending our best wishes upon his retirement and wish him ongoing success in all future endeavors.

CONGRATULATING SOUTHERN  
METHODIST UNIVERSITY ON ITS  
CENTENNIAL ANNIVERSARY

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Southern Methodist University (SMU) on the occasion of their Centennial Celebration. I am a proud alumnus of SMU, and look forward to their four-year celebration to commemorate this anniversary.

SMU has made amazing strides over the past century, rising from a small rural college to an internationally renowned university. From its founding in 1911 till today, SMU has graduated more than 100,000 alumni. The outstanding achievement and leadership of those alumni serves as a testament to SMU's tradition of success. With seven different schools, SMU ranks as one of the best universities in the Nation. The Cox School of Business is routinely ranked in the top 25 business schools in the United States. In addition to twelve alumni who are past and present Members of the U.S. Congress, SMU has graduated such notable individuals as: John Tyson, CEO of Tyson Foods; former-First Lady, Laura Bush; Lamar Hunt, founder of the American Football League; Harriet Miers, former-White House Counsel and Supreme Court nominee; James Cronin, Nobel Prize winning physicist; Mary Ellen Weber, NASA astronaut; and Karen Hughes, former Under Secretary of State.

For these well-know alumni, myself, and thousands of former and current students, SMU holds a special place in our hearts. There is a strong sense of pride amongst the SMU community, and the values we learned in school have stayed with us throughout our lives. We were and always will be SMU Mustangs.

With an eye towards the next generation, SMU is not only celebrating the past, but planning for the future. This Centennial Celebration will serve as a time to ensure the next hundred years are even more successful than the first one hundred.

I congratulate SMU, its faculty, staff, supporters and alumni on this monumental occasion. I look forward to continued involvement with SMU, and hope we can work together to ensure outstanding achievement for the University in the years to come.

REMEMBERING THE AFRICAN-  
AMERICAN 371ST INFANTRY  
REGIMENT

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, the 371st Infantry Regiment was formed in August 1917 and consisted of African-American draftees mostly from South Carolina and white officers. After training at Camp Jackson,

the unit arrived on the Western Front in April 1918. It was placed under the command of the French Army because of their desperate need for new troops, and because of racial tensions within the U.S. army. The 371st soldiers were given French equipment and reorganized to fit the French army structure. They spent the spring of 1918 training in French tactics and units.

The 371st was then thrown into the "Final Offensive" of the Great War in September. Though fighting well, they suffered heavy casualties: over 1,000 men out of 2,384 were lost in eight days. On September 28, 1918, just six weeks before the end of World War I, Corporal Freddie Stowers (21) of Sandy Springs, SC was killed, leading the remnants of his company to capture German positions after an ambush. After feigning surrender the Germans opened up with machine gun and mortar fire, instantly destroying over half of the company. Stowers rallied the survivors and led them to knock out one machine gun nest, and though mortally wounded, urged them on to capture a second trench line to stop the threat and cause heavy enemy casualties. His commanding officer recommended him for the Medal of Honor.

Vice-Admiral Moreau, on behalf of the French Government, decorated the regimental colors on January 27, 1919, in Brest. The 371st won the French Legion of Honor and the Croix de Guerre. The American Distinguished Services Cross was awarded to ten officers and twelve enlisted men.

Upon the 371st Regiment's return to Columbia, SC, the community worked together to fundraise for a reception honoring the soldiers. The event was held on February 29, 1919 at Allen University. The two flags of the 371st Regiment were presented to the community during the reception. These flags are part of the South Carolina Confederate Relic Room and Military Museum's collection.

With the war over, the unit was disbanded and the achievements of the 371st quickly faded. Fortunately, this was not the end of the story. The Medal of Honor nomination for Freddie Stowers languished for 70 years but in 1988, several members of Congress began campaigning on behalf of African-American World War I soldiers not properly recognized. Stowers became the first African-American soldier from World War I to earn the medal.

HONORING KAREN CARUSO FOR  
BEING NAMED NORTH CAROLINA'S  
2011 SMALL BUSINESS  
PERSON OF THE YEAR

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. SHULER. Mr. Speaker, I rise today to honor Ms. Karen Caruso, CEO of Mind Your Business, Inc. located in Hendersonville, North Carolina, for being named North Carolina's 2011 Small Business Person of the Year by the U.S. Small Business Administration (SBA).

In 1995, Ms. Caruso was watching an Oprah Winfrey show on abusive child care providers and saw the need for parents to be

able to screen the individuals who would potentially be caring for their children. Her background in security proved to be useful in developing applicant screening services. Mind Your Business, Inc. was launched in 1996 with two employees and \$2,500 in the basement of Ms. Caruso's home.

Despite facing a market dominated by men and large corporations, Ms. Caruso's business has continued to expand. She now employs 14 people and operates a 3,000-square-foot facility in the mountains of Western North Carolina. Mind Your Business, Inc. now offers several screening options, including pre-employment screening, applicant background checks, and drug and alcohol testing services for individuals, corporate, and government clients.

Mind Your Business, Inc. is a prime example of the success that can be accomplished through a partnership between entrepreneurs and the SBA. Ms. Caruso has made use of several SBA programs, including training through SCORE, the North Carolina Small Business Technology and Development Center, and the SBA Women's Business Center.

I congratulate Karen Caruso for having the vision and perseverance to create a business that, despite these economically difficult times, has shown record profits in 2009 and 2010. Ms. Caruso's business has provided security, given peace of mind to parents, and helped ensure the safety of our region's children.

I ask my colleagues to join me today in recognizing the exceptional career of Ms. Karen Caruso, North Carolina's 2011 Small Business Person of the Year.

IN HONOR OF MARY HOZE

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. MATSUI. Mr. Speaker, it is with sadness that I rise in honor of Mary Hoze, who passed away on May 9, 2011 in Sacramento, California.

Mary was born on April 16, 1930 in Shubuta, Mississippi to Willie and Fannie Penilton. She was the younger of the two children. Her life was filled with devotion and love for her husband, Walter Earl Hoze, and for her family. She and her husband raised eight remarkable children.

In 1957 Mary and Walter moved to Sacramento, California where they became active and respected citizens in their North Sacramento community. She devoted her life to raising her children, caring for others and gardening. Mary loved reading and sharing God's word. She was a faithful member of Mt. Calvary Missionary Baptist Church in Sacramento. She served as a Sunday school teacher, president, and bible teacher for the General Mission and Senior Women's organizations. She was also an active member of the Deaconess and Mothers' Boards. Mary was well known throughout Sacramento for her compassion, warmth and sense of humor.

Mary is survived by her children: Bonnie, Johnnie, Gwen, Allen, Danny, Connie, Cynthia and Shelia. She also leaves behind nineteen

grandchildren, nineteen great grandchildren, along with countless relatives and friends.

Mr. Speaker, I ask that my colleagues join me today in paying honor to Mary Hoze for being an exemplary member of the Sacramento community. Her life and legacy—as a mother and member of our community—will be an inspiration to us all. I ask that we take a moment and extend our utmost respect and condolences to her family.

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HONORING THE PEOPLE OF  
SEATON, ENGLAND

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**HON. JON RUNYAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. RUNYAN. Mr. Speaker, I rise today in honor of the people of Seaton, England. The people of Seaton were invaluable partners prior to the “D-Day” invasion of June 6, 1944. Seaton’s unwavering support and hospitality allowed U.S. troops to launch a successful invasion of Europe and ultimately win World War II.

The kindness of the people of Seaton manifested itself in many ways. They welcomed, housed, and supported the men of the 2nd Battalion, 8th Infantry Regiment, 4th Infantry Division from January 1944 through early June, 1944. Many of these soldiers were taken in and treated like family, and respected members of the community.

This feeling of community was made evident when the people of Seaton organized dances, entertainment, and other events, for the troops. There’s no doubt that this welcoming atmosphere helped ease the transition for the young soldiers, most of whom were away from home for the first time.

Seaton was instrumental in the continued training of our forces providing marksmanship instruction alongside the British guard. This training inevitably led to our nation’s forces being better prepared for battle and ultimately saved American lives.

Seaton’s lasting legacy is the positive atmosphere that it helped to foster. In fact in the five months that it housed American troops there were no recorded adverse incidents to speak of and many troops who were stationed in Seaton had some of their fondest memories of the war while stationed there.

Seaton had a significant strategic impact on the war. The town’s support of the 2nd Battalion was instrumental in allowing it to become the first to land on Utah Beach, during “D-Day”, and obtain all of its objectives within the first few hours of Operation Overlord.

Mr. Speaker, I ask my colleagues to join me in honoring the lasting legacy of the people of Seaton, England and their contributions in support of American forces prior to the “D-Day” landing on June 6, 1944.

RECOGNIZING 2011 EDUCATION  
FINANCE CAPITOL HILL DAY

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to acknowledge the 2011 Education Finance Council Capitol Hill Day. This event brought state agency and not for profit student lenders from across the country to Washington, DC. In my home state of South Carolina, the South Carolina Student Loan Corporation has provided higher education access and completion programs for thousands of students in the Palmetto state since its inception in 1973.

Nationwide, state agency and not for profit student loan organizations offer college access and completion programs including—financial literacy programs, scholarships, grants and low cost supplemental loans—to students, families, and high schools in their states, at no cost. For nearly twenty years the Education Finance Council has been the strong voice in Washington for state agency and not for profit student lenders.

Mr. Speaker, I commend the work these entities are doing to increase the number of college graduates in our country.

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DAYTON, TEXAS IS 100 YEARS OLD

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**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. POE of Texas. Mr. Speaker, I am honored to congratulate the citizens of Dayton, Texas on the celebration of their city’s 100th anniversary. Towns like the quiet, country living, of Dayton, Texas are why so many new people and businesses continue to move to Texas.

Beginning as a small agricultural village, Dayton was home to rugged Texas ranchers, farmers, and loggers. For many years, lumbering and ranching were the main industry until they established a drainage system. This establishment worked to make rice the area’s major crop. Still today, rice farms are still thriving in Southeast Texas. I am proud to represent Texas Rice Farmers, who continue to be hard-working, well-educated, God fearing Americans.

Modern amenities were brought to Dayton at the turn of the 20th century. They opened a bank, had two cotton gins, as well as a weekly newspaper. So much so that in 1911, Dayton was recorded as an incorporated municipality. The 20s roared in with the nearby founding of Humble Oil and Refining Company, which later became Exxon. As a result, Dayton grew along with the refinery when oil roughnecks began purchasing homes in and around the town.

The 1930s and 40s solidified the Greatest Generation in our Nation’s history. Dayton is home to many heroes who served in our military during this time. Twelve such heroes who live in Dayton are the Ripkowski brothers.

Growing up on a 200 acre Corn and Cotton Farm, they were a long way from the theater they would soon find themselves fighting in. Nonetheless, As World War II began; each of the brothers answered their country’s call of duty to serve in the military. One after the other. Miraculously, all of the brothers survived the war and returned to Texas! These brothers are typical of the hard-working, law-abiding Texans that live in Dayton, Texas. They are charter members of the Greatest Generation.

Bringing air conditioning, the baby boom, and the Vietnam War the 1950s and 60s presented many more changes to the small town. The 1970s saw the biggest rise in fame and fortune with the oil boom, but was followed by the biggest fall from grace in the 80s. Nonetheless, Dayton emerged unscathed in the 1990s, and continues today as a unique, thriving, city that is rich in history, pride and perseverance.

Today, farming and logging and oil are still a part of this diverse, vibrant community. Dayton continues to live up to its rich legacy of industry mixed with community spirit. Dayton is a thriving community, home to growing families, excellent schools, community organizations, friendly churches, new library, new community center, rodeo arena and parks.

Dayton, like many other Texas towns, Dayton residents are still heavily involved in supporting our Troops. One such example is the recent creation of two war memorials, each paying tribute to the men and women who have served our country. Patriotism is truly a part of these folks makeup. Never more so was this patriotism demonstrated than on July 10, 2010. At the age of 24, Staff Sergeant Jesse Ainsworth of Dayton, Texas was killed by enemy action in Afghanistan. At his funeral, hundreds of residents lined the streets of Dayton paying tribute to one of their heroes. Many of those on the streets carried flags and yellow ribbons; while others held signs saying “Proud of You”, “Proud to be an American” or “Thank You.” As the funeral procession made its way to throughout the town, residents of Dayton, with tearful eyes and grateful hearts, saluted the Ainsworth family.

Dayton’s fire and police departments are among the best in Texas. Dayton ISD provides outstanding educational opportunities for students. Dayton High School is home to a Texas religion—Texas Football. The entire community comes together; people from all walks of life get together every weekend and share in the tears and cheers and root their team to victory.

It is an honor to represent the citizens of Dayton, Texas in the United States House of Representatives. I am proud to have worked with Dayton Mayor Steve Stephens and the city council on numerous projects concerning the city. I commend them for their leadership in helping Dayton grow. I am truly proud to represent this patriotic town.

I look forward to seeing Dayton prosper in the future and wish the city “Happy Birthday” as it celebrates its 100th anniversary.

That’s just the way it is.



## PERSONAL EXPLANATION

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. SMITH of Nebraska. Mr. Speaker, on May 13, 2011, I missed a vote on the Amendment to H.R. 754 by Rep. GIBSON of New York.

I would have voted "yea."

TRIBUTE TO OPENING OF NORTH  
CAROLINA VETERANS' PARK

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. JONES. Mr. Speaker, I rise today to mark and pay tribute to the opening of the North Carolina Veterans' Park. As the Representative of the Third District of North Carolina, I bear the heavy burden of watching Marines, Sailors, Soldiers, Airmen and Coast Guardsmen deploy from Camp Lejeune, Marine Corps Air Station, New River, Marine Corps Air Station, Cherry Point and Seymour Johnson Air Force Base to protect our Nation's freedoms. I have and continue to support their efforts through legislation and advocacy on their behalf.

Even before our Nation was founded, North Carolinians have answered the call of duty to their Communities, State and Country and continue to answer the call in response to terror, tyranny and disaster. On July 4, 2011, the 235th celebration of our independence, the City of Fayetteville will unveil the North Carolina Veterans' Park to celebrate all North Carolina members of the Armed Forces, who continue to sacrifice their today for our tomorrow.

The park is located in Fayetteville, home to Fort Bragg and Pope Air Force Base, from which brave men and women deploy to place themselves in harm's way to defend our way of life. The City and the designers of the park have commemorated each phase of service; leaving civilian life and swearing the oath to protect the Constitution, to the time spent serving; to the time that they separate from active or reserve service, when the warrior returns to civilian life.

The dedication and devotion of the citizens of the Tar Heel State are etched in the annals of this great Nation. North Carolinians are feared by their enemies, trusted by their allies and revered by those they serve. The opening of this park is a fitting tribute to all those who have served, are serving, will serve or have a loved one who has served.

I congratulate the City of Fayetteville for the building and dedication of this fine tribute.

## CONGRATULATIONS TEPPARA FAMILY

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate my good friend and former Chief of Staff Dino Teppara and his wife Vatsala on the birth of their daughter Meghana Lakshmi Teppara. Meghana was born on Friday, April 8, 2011, in Fairfax, Virginia.

Meghana Lakshmi Teppara is six pounds and twenty inches of pride and joy to her loving grandparents, Dilip and Gita Teppara of Columbia, South Carolina, and Vijay and Vasanti Alsi of Vienna, Virginia.

I am so excited for this new blessing to the Teppara family and wish them all the best.

IN RECOGNITION OF THE 100TH AN-  
NIVERSARY OF ST. ANTHONY OF  
PADUA CHURCH

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of the 100th anniversary of St. Anthony of Padua Church in Fall River, Massachusetts. St. Anthony of Padua has served as a vibrant center of faith and community for the Portuguese population of Fall River for generations.

St. Anthony of Padua evolved in 1911 due to an influx of Portuguese immigrants in Fall River. Early on, Reverend B. Carmo administered to Portuguese speaking immigrants in the crypt of another church, to which parishioners would walk several miles in order to attend Mass in their native language.

Through the hard work, fundraising, and labor of dedicated parishioners, the edifice of St. Anthony of Padua was completed and dedicated on February 2, 1913.

Over the past hundred years, St. Anthony of Padua has shown a steadfast commitment to Fall River and the surrounding community. As its spiritual community continues to grow and thrive, St. Anthony of Padua continues to open its doors and serve all in need.

Mr. Speaker, I am sure that the United States House of Representatives joins me in recognizing St. Anthony of Padua for the indispensable role it has played in our community over the last 100 years, and hopefully many years to come.

A TRIBUTE TO FATHER MARTIN  
MORONEY

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize and honor

Father Martin Moroney, who is retiring this month from his pastoral responsibilities at St. John Vianney parish in Rancho Cordova, California. A native of O'Callaghan's Mills, Ireland, Father Moroney chose to enter St. Patrick's College Seminary in 1960. St. Patrick's forms priests for overseas work and Father Moroney chose to come to the Sacramento Diocese because its rural nature reminded him of Ireland. Arriving in Sacramento in 1967, he has spent the past forty-four years serving Californians. After a brief stint at St. Mel's in Fair Oaks, he moved to St. Anthony's in Mt. Shasta, a small lumber town in the Cascade Mountains. For the next six years he served at St. Theresa's in South Lake Tahoe before returning to Sacramento to serve at Sacred Heart and then All Hallows.

In 1981, Father Moroney was given the opportunity to return to a rural community when he was asked to become the pastor of St. John's in Quincy, while also taking care of the mission church in Greenville. For twelve years, he drove twenty-two miles each way to Greenville twice a week to care for the community there in the mountains of Plumas County. Quickly integrating into his new community, he was even recruited to work the first down chains at local high school football games.

Father Moroney has always been a man of prayer. When he was faced with a difficult decision in 1993, he turned to God for guidance. Giving up his rural post in Quincy, where his parish consisted of 250 families, he decided to assent to his bishop's request to move to a parish in the suburbs of Sacramento, consisting of 1,500 families. There, at St. John Vianney's, Father Moroney has been serving as pastor for the past eighteen years. Under his guidance, the parish has grown in unity and diversity, adding a Spanish and an Indonesian outreach program. He also proved to be a skilled financial manager, eliminating \$200,000 of debt and growing the parish school endowment dramatically.

All of these achievements are not just material achievements. They were motivated by a heart filled with compassion for all people and accomplished by a man willing to sacrifice himself—and even his health—for the betterment of others. It is truly a privilege to offer Father Moroney my sincere gratitude and congratulations for all of his service as a priest. I wish him all the best in the coming years.

CONGRATULATING LIEUTENANT  
COLONEL RICHARD M. ROSA

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. AUSTRIA. Mr. Speaker, I rise today to congratulate Lieutenant Colonel Richard Rosa, for his outstanding service to our Nation and the United States Air Force.

It is an honor to join the people of Ohio's Seventh Congressional District in congratulating Colonel Rosa upon his relinquishment of command as the Commander, 763rd Expeditionary Reconnaissance Squadron, 379th Air Expeditionary Wing, Al Udeid Air Base, Qatar.

Colonel Rosa commanded the largest operational RC-135 Squadron, with over 200 Airmen flying combat Intelligence, Surveillance,

and Reconnaissance operations in support of Operations Iraqi Freedom, Enduring Freedom, and other operations as directed by the National Command Authority.

Under Colonel Rosa's command, the squadron flew over 740 combat missions, totaling over 8,300 combat hours with an astounding 104% mission effectiveness rate. These combat missions provided unparalleled intelligence collection while providing direct support to 113 different incidents of troops in ground combat action, over 26,500 tactical intelligence reports, and over 6,500 locations of enemy troops passed to coalition ground commanders. Undoubtedly, these combat intelligence missions had a direct impact on recent operations. Additionally, under his command the 763rd ERS was identified as the number 1 of 18 units assigned to the 379th Air Expeditionary Wing.

For his strong dedication of service to our country, I join the people of Ohio's Seventh Congressional District in extending our sincere thanks for a job well done and welcome him back home to his family friends. Always on the hunt!!!

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**PRESIDENT OBAMA'S LATEST MIDDLE EAST SPEECH SHOWS A FAILURE OF LEADERSHIP**

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. BURTON of Indiana. Mr. Speaker, President Obama's recent speech on the Middle East turmoil was billed as a "reset" of America's relationship with the Arab world. We were promised a new era of American diplomacy.

Instead, what we got was the same-old failed policies of throwing money at a problem, which could end up having a detrimental effect on our friend and ally, Israel.

President Obama is supporting movements in Libya, Egypt, Tunisia and Syria while at the same time he is in effect telling Israel "you're on your own." The President with our tax dollars is supporting who? We don't know! Will it be the Muslim Brotherhood in Egypt or radical Islamists in Libya, Syria, or Tunisia? And, what about Bahrain or Yemen?

Israel is our greatest ally in the Middle East yet President Obama is urging a Palestinian State; one that governs in partnership with a known terrorist, Israel-hating group—Hamas.

Palestinian Authority President Mahmoud Abbas, by choosing to partner in government with Hamas, has proven he has no desire for peace with Israel.

President Obama's endorsement of the Palestinian demand for their own State based on the pre-1967 borders completely reverses our longstanding policy that borders must be determined through negotiations and puts our relationship with Israel in peril.

The Palestinians have been conducting a diplomatic campaign to portray Israel as a renegade, pariah State flouting the will of the international community, in prelude to demanding that the United Nations General Assembly unilaterally recognize a Palestinian State based on the 1967 borders.

By essentially announcing his support of that proposal, President Obama has made that action very likely.

The President, in his speech, espoused policy changes that will lead to more problems for Israel, while he leaves them on their own. Buried toward the end of the President's speech was a statement that challenges the current U.S.-Israel security alliance.

The President said, "As for security, every state has the right to self-defense, and Israel must be able to defend itself—by itself—against any threat."

It appears as though the President—either intentionally or unintentionally—is throwing Israel to the wolves. A statement like that gives encouragement to those who seek Israel's destruction and could serve as a spark for continued unrest in the Middle East.

It is the wrong message to send and it is my hope that the President will reassess his ill-advised position and acknowledge this reality before it is too late.

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**CONGRATULATING THOMAS DOLAN, JR., AND THE EMPLOYEES OF HI-REL PRODUCTS**

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. COURTNEY. Mr. Speaker, I rise today to congratulate Thomas Dolan, Jr. and the employees of Hi-Rel Products on being named the U.S. Small Business Administration's New England Regional Subcontractor of the Year.

Headquartered in Essex, Connecticut, Hi-Rel products has provided the microelectronics industry with outstanding goods and service for over 41 years. A second generation family owned business, Hi-Rel Products has grown from a home based operation to an industry leader as a supplier of quality, chemically machined stepped lids. With over 100 years of combined experience, Hi-Rel and its employees have been producing high quality metal components since 1973.

Given annually, the New England Regional Subcontractor of the Year award is given to a subcontractor that has served the government and industry with outstanding goods and services. The nominees for the award are evaluated in the areas of overall management, delivery performance, technical capabilities, outstanding results, and six other selection criteria. Having received top marks in each of these areas, Hi Rel Products has proven to be more than deserving of this prestigious award.

Small and family owned businesses like Hi-Rel are vital to the health of our economy. They are the key to our economic recovery and are vital to creating much needed jobs. With 30 high quality manufacturing jobs in Connecticut, Hi-Rel Products is helping to move our economy forward. Mr. Dolan and the entire Hi-Rel family are a true asset to our state and our region and I commend them on receiving this well deserved award.

**PERSONAL EXPLANATION**

**HON. ADRIAN SMITH**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. SMITH of Nebraska. Mr. Speaker, on May 11, 2011, I missed a vote on the Amendment by Rep. KEATING of Massachusetts, Number 4. I would have voted "nay."

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**HONORING KELLER WILLIAMS REALTY, INC.**

**HON. EDDIE BERNICE JOHNSON**

OF

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Keller Williams Realty, Inc., a real estate franchise organization which has recognized a significant need to give back to communities.

In 2008, Keller Williams Realty designated and sponsored one day that year to encourage and allow its employees and associates, and other real estate professionals and members of the community, to sponsor and conduct charitable acts, and named and marketed that day as RED Day. RED stands for Renew Energize Donate. RED Day has inspired thousands of real estate professionals across America to volunteer in their local communities. Keller Williams Realty Inc. which is located in my home State of Texas, should be commended for performing charitable acts within the communities where its franchises operate.

Keller Williams Realty is committed to maintaining, growing and celebrating RED Day every year and RED Day has contributed over one-hundred and fifty thousand hours of volunteer service in a single day in the past year alone. RED Day volunteers have helped rebuild houses, nursing homes, children's camps, animal shelters, clean parks and provide meals and activities for the elderly. The scope of the RED Day projects has been limitless.

Mr. Speaker, RED Day volunteers model the best in citizenship and create a climate of goodwill that lasts far beyond one day a year. I ask my fellow colleagues today to join me in honoring RED day.

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**CHILDREN'S NATIONAL MEDICAL CENTER**

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. HOYER. Mr. Speaker, Ned Zechman's retirement as President and CEO of Children's National Medical Center reminds us of the debt of gratitude that we owe him and the institution that he has led for more than 16 years.

Children's National is an invaluable resource for the national capital area and an inspiring model for the entire nation.

Throughout Maryland, Virginia and the District of Columbia, families appreciate that Children's National is the only exclusive provider of pediatric care in the Washington metropolitan area. When children have illnesses or injuries that require specialized diagnosis and treatment, parents throughout the region can count on Children's internationally recognized team of pediatric healthcare professionals.

Families in my congressional district, including Calvert, Charles, St. Mary's, Anne Arundel, and Prince George's Counties know that friendly, smiling bear—the widely recognized symbol of Children's National—is looking out for our kids.

Over the past decade-and-a-half, under Ned Zechman's leadership, Children's National has expanded its services to our region and our Nation. Annual admissions increased by more than 28 percent to more than 13,000. Emergency Department visits increased by 35 percent to more than 83,000. Surgeries increased by an extraordinary 88 percent to more than 14,000. Diagnostic procedures increased by 36 percent to a remarkable total of more than 100,000.

During Ned Zechman's years as CEO, Children's National provided a model for the Nation in one more way. The institution is not only an example of social responsibility—it is an example of fiscal responsibility.

When Mr. Zechman arrived, Children's National, like many healthcare institutions, faced numerous threats to its fiscal solvency and found it difficult to compete in a changing environment. With Ned's leadership, Children's National adopted a new business model, increased fundraising, and stabilized its finances.

Ned Zechman's living legacy is a unique and thriving institution dedicated to providing the highest quality health care services to the Nation's children and their families: Children's National Medical Center. I wish Ned all the best and thank him for many years of service to our region.

#### COMMENDING RICHARD RYAN OF COLUMBIA, SOUTH CAROLINA ON BEING NAMED 2011 TRUCK DEALER OF THE YEAR

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 23, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to acknowledge a constituent of mine, Mr. Richard "Dick" Ryan was recently named the 2011 Dealer of the Year by the American Truck Dealers, ATD, division of the National Automobile Dealers Association, NADA, and Heavy Duty Trucking magazine during the annual ATD Convention and Expo in Phoenix, Arizona. This award recognizes excellence in dealership performance, industry leadership, civic contributions and community service.

Mr. Ryan is President and Chief Executive Officer of Carolina International Trucks based in Columbia, South Carolina. The dealership sells medium and heavy-duty International Trucks, IC Buses and Mitsubishi Fuso medium-duty trucks.

Since his purchase in the early 1990s, Carolina International Trucks has grown to eight locations including four in South Carolina—Columbia, Greenville, Florence and Charleston—and is one of South Carolina's leading truck dealers. Under his leadership, the dealership's sales grew from \$25 million to \$100 million and its leasing business has doubled over the past 10 years. Every year since he became President/CEO, the dealership has been profitable.

Mr. Ryan has assisted his fellow dealers by working on the International Truck Dealer Council and Dealer Advisory Board. He also served as Chair and Vice-Chair of the Idealease Board of Directors, leading the organization through an executive management transition and reshaping its strategic direction.

Mr. Speaker, I am honored to represent Mr. Richard Ryan and his employees at Carolina International and ask that you and other Members of Congress join me in congratulating him for this recent honor and for his effort on behalf of his customers, his fellow business owners and all South Carolinians.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 24, 2011 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

MAY 25

9:30 a.m.

Banking, Housing, and Urban Affairs Securities, Insurance and Investment Subcommittee

To hold hearings to examine derivatives clearinghouses, focusing on opportunities and challenges.

SD-538

10 a.m.

Environment and Public Works

To hold hearings to examine the nominations of William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission, Richard C. Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority, and Lieutenant General Thomas P. Bostick, to be Chief of Engineers, and Commanding General, United States

Army Corps of Engineers, Department of Defense.

SD-406

Finance

To hold hearings to examine the United States-Panama Trade Promotion Agreement.

SD-215

Appropriations

Financial Service and General Government Subcommittee

To hold hearings to examine creating jobs and transforming communities, focusing on funding for the Small Business Administration and the Community Development Financial Institutions Fund.

SD-138

Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine protecting American jobs, focusing on strengthening trade enforcement including anti-dumping and maritime laws.

SD-124

Homeland Security and Governmental Affairs

To hold hearings to examine how to save taxpayer dollars, focusing on case studies of duplication in the Federal government.

SD-342

Judiciary

To hold hearings to examine holding criminals accountable, focusing on extending criminal jurisdiction to government contractors and employees abroad.

SD-226

Veterans' Affairs

To hold hearings to examine seamless transition, focusing on meeting the needs of service members and veterans.

SR-418

10:15 a.m.

Joint Economic Committee

To hold hearings to examine driving innovation and job growth through the life sciences industry.

SH-216

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.

SD-192

2 p.m.

Finance

Fiscal Responsibility and Economic Growth Subcommittee

To hold hearings to examine the spread of tax fraud by identity theft, focusing on a threat to taxpayers, a drain on the public treasury.

SD-215

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine assessing efforts to eliminate improper payments.

SD-342

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 375, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with

State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 714, to reauthorize the Federal Land Transaction Facilitation Act, S. 730, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, S. 233, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, and S. 268, to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to re-lease certain wilderness study areas, to designate new areas for recreation.

SD-366

## Armed Services

## SeaPower Subcommittee

To hold hearings to examine Navy ship-building programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program.

SR-232A

## United States Senate Caucus on International Narcotics Control

To hold hearings to examine combating drug violence in Central America, focusing on United States efforts to enhance security throughout Central America.

SD-562

MAY 26

10 a.m.

## Agriculture, Nutrition, and Forestry

To hold hearings to examine the role, risks, and challenges for American agriculture and the next farm bill in meeting the demands of a growing world.

SH-216

## Banking, Housing, and Urban Affairs

To hold hearings to examine public proposals for the future of the housing finance system, part II.

SD-538

## Energy and Natural Resources

Business meeting to consider S. 630, to promote marine and hydrokinetic renewable energy research and development, an original bill to provide for the conduct of an analysis of the impact of energy development and production on the water resources of the United States, and for other purposes, an original bill to promote the domestic development and deployment of clean energy technologies, and for other purposes, an original bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities, S. 699, to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, S. 757, to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies, S. 916, to facilitate appropriate oil and gas development on Federal land and waters, to limit depend-

ence of the United States on foreign sources of oil and gas, and S. 917, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf.

SD-366

## Finance

To hold hearings to examine the United States-Korea Free Trade Agreement.

SD-215

## Judiciary

Business meeting to consider S. 968, to prevent online threats to economic creativity and theft of intellectual property, S. 978, to amend the criminal penalty provision for criminal infringement of a copyright, and the nominations of John Andrew Ross, to be United States District Judge for the Eastern District of Missouri, Timothy M. Cain, to be United States District Judge for the District of South Carolina, Nannette Jolivet Brown, to be United States District Judge for the Eastern District of Louisiana, Nancy Torresen, to be United States District Judge for the District of Maine, and William Francis Kuntz, II, to be United States District Judge for the Eastern District of New York.

SD-226

10:15 a.m.

## Foreign Relations

To hold hearings to examine the nomination of Gary Locke, of Washington, to be Ambassador to the People's Republic of China, Department of State.

SD-419

10:30 a.m.

## Appropriations

## Department of Defense Subcommittee

To receive a closed briefing on proposed budget estimates for fiscal year 2012 for United States Central Command and United States Africa Command.

SVC-217

2 p.m.

## Aging

To hold hearings to examine meals, rides, and caregivers, focusing on the "Older American Act".

SD-106

2:15 p.m.

## Indian Affairs

To hold an oversight hearing to examine expanding the success of native language and culture-based education.

SD-628

2:30 p.m.

## Homeland Security and Governmental Affairs

Business meeting to consider S. 792, to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

SD-342

## Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 7

2:30 p.m.

## Foreign Relations

To hold hearings to examine Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996 (Treaty Doc. 112-01), Protocol Amending the Convention between the Government of the United

States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009, at Luxembourg (the "proposed Protocol") and a related agreement effected by the exchange of notes also signed on May 20, 2009 (Treaty Doc. 111-08), and Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 4, 2010, at Budapest (the "proposed Convention") and a related agreement effected by an exchange of notes on February 4, 2010 (Treaty Doc. 111-07).

SD-419

JUNE 8

9:30 a.m.

## Foreign Relations

To hold hearings to examine the nomination of Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Afghanistan, Department of State.

SD-419

JUNE 9

10 a.m.

## Homeland Security and Governmental Affairs

## Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold hearings to examine border corruption, focusing on assessing customs and border protection and the Department of Homeland Security Inspector General's office collaboration in the fight to prevent corruption.

SD-342

JUNE 15

10:30 a.m.

## Appropriations

## Department of Defense Subcommittee

To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD-192

JUNE 16

10:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD-366

## SENATE—Tuesday, May 24, 2011

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Infinite goodness, creator of the sea, Earth, sky, and air, enable our law-makers to serve You in all holiness and to experience Your love which passes understanding. Let Your providential hand be over them and Your Holy Spirit ever be with them as they submit themselves entirely to Your will. Lord, direct their thoughts, words, and works to Your glory, as You increase their desire to please You. Give them grace to forgive their enemies, even as You have forgiven them.

Lord, we ask that You would be with all those affected by the recent tornadoes and storms.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 24, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### PATRIOT SUNSETS EXTENSION ACT OF 2011—Motion to Proceed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1038, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 1038) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will resume consideration of the motion to proceed to S. 1038, the PATRIOT Act extension, postcloture. There will be a joint meeting of Congress at 11 a.m. with Israeli Prime Minister Netanyahu. Senators should gather in the Senate Chamber at 10:30 to proceed over to the House at about 10:40. We will proceed there as a body.

MEASURES PLACED ON THE CALENDAR—S. 1050,  
S.J. RES. 13, S.J. RES. 14

Mr. REID. Madam President, I understand there are three measures at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

A bill (S. 1050) to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches, and for other purposes.

A joint resolution (S.J. Res. 13) declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same.

A joint resolution (S.J. Res. 14) declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

Mr. REID. I would object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### PRIME MINISTER NETANYAHU'S ADDRESS TO CONGRESS

Mr. MCCONNELL. Madam President, later this morning Israeli Prime Minister Benjamin Netanyahu will address a joint meeting of Congress.

His remarks come at a time of great unrest and instability in the Middle East. So we are all eager to hear his perspective on how our two countries can work together to further our shared interests. Israel is, of course, a great friend and an ally to the United States, and the Prime Minister should be reassured that Israel will not be alone during this time of uncertainty. He should return home knowing that at a time when the Middle East is awash in instability, his relationship with the Congress is strong. We always welcome the Prime Minister to Washington. We are happy to be able to host him today.

### LACK OF A BUDGET

Sometime before the end of this week, Democrats in the Senate will have wrapped up their efforts for the current work period and flown home for the Memorial Day recess. So it is not too early to ask what they have accomplished over the past several weeks. More specifically, what have they done about a looming fiscal crisis in the 6 weeks since one of the co-chairs of the President's debt commission called it the most predictable crisis in history?

Well, the short answer is not much. Six weeks after the Democratic co-chairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, and nearly a year after the Chairman of the Joint Chiefs of Staff declared our debt to be the single biggest threat to our national security, Democrats are ready to call it a work period—after producing no budget, after offering no plan, and with no plan in sight.

Why?

Well, evidently Democrats have decided that avoiding this crisis helps them in the next election. That is why they plan to vote against every budget plan that comes to the floor this week, including the President's.

Democrats are apparently operating under the assumption that if they are

on the record opposing everything, it helps them politically. So, in other words, we might not leave here this week with a solution to our nation's looming debt crisis, but Democrats are pretty confident they will leave with some good material for campaign ads.

Here is how the senior Senator from New York put it yesterday in a moment of candor:

"To put other budgets out there is not the point," he said, "This issue will have staying power and be a defining issue for 2012."

They are not even pretending to put principle over politics here. According to Senator SCHUMER, their focus is on an election that is still almost 2 years away.

Well, my suggestion is that Democrats start thinking about putting their names on something other than an attack ad. They could start with a budget. How about that?

Right now, America is on pace to spend about \$1.6 trillion more than it takes in this year. That is three times the biggest deficit we ever had before President Obama took office.

The President's plan is to keep deficits like this in place for years to come.

That is the scenario Admiral Mullen and Erskine Bowles are worried about.

Meanwhile, entitlement spending is growing faster than inflation, meaning sooner or later these programs will either consume all the money we have or these programs are forced to change.

Members of the President's own Cabinet admitted this last week when they signed a report showing that Medicare is running out of money and urging prompt reform of the program.

So the question is not whether these programs need reform, the question is how it is done.

Do we do it now, together, or do we wait until we are absolutely forced to do it? There is no other choice.

Congressman RYAN has shown a lot of courage by proposing a budget that would tackle a big part of the problem. Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week.

Republicans will vote on several possible approaches to our fiscal crisis this week, including the Ryan plan.

Democrats will vote against every one.

We will also have a vote on the President's budget, which Democrats also plan to oppose.

They say they prefer the ideas the President outlined in a speech he gave last month. Well, unfortunately, we can't vote on a speech. But if that is what it takes to get Democrats engaged in this debate, maybe we should revisit the rules.

More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total

abdication of their responsibilities as a majority party. And there is no excuse for it.

Every year, Congress appropriates nearly \$100 million to support the Office of Management and Budget. This money supports a staff of 529 people. OMB's job is to put together a budget. Why exactly haven't they been able to turn the President's speech into a budget we can vote on? They have had 6 weeks to do it. What is the problem?

If Democrats can't get 529 people to put some numbers together based on the budget plan the President outlined in his speech, then they have problems over there. Either that or Democrats are just looking for excuses so they don't have to vote for anything of their own. And they had rather put together political ads than a solution to this crisis. And this is inexcusable.

We have an obligation to our country to come up with a plan. Democrats are officially abdicating that responsibility this week. But Americans will remember. As the crisis approached, Democrats did nothing.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, nearly 10 years after the attacks of September 11, 2001, every one of us in the Senate knows America continues to face threats of terrorism. Our allies know this, as well. The President's dogged pursuit and success earlier this month against Osama bin Laden does not mean we can become complacent or less vigilant. We must remain vigilant and ensure the men and women of our law enforcement and intelligence agencies have all the appropriate tools necessary to protect our Nation and the American people. But as every Vermonter knows, tools are only useful if they are regularly checked and maintained. Otherwise they become blunt instruments that can do harm, rather than accomplish the job.

Congress recognized this basic notion in 2001, when we first wrote the USA PATRIOT Act. I worked with the then-Republican House majority leader, Dick Armey to include sunsets on certain surveillance authorities in the bill. Even though we had vastly different political philosophies, we both agreed we had to have sunset provisions. In 2006, when Congress reauthorized the USA PATRIOT Act, I worked to ensure that certain sunsets were renewed, and added audits on the use of powers with the potential to unnecessarily intrude on the privacy of Ameri-

cans. We should not give a blank check to anybody—whether it is a Republican or Democratic administration. We are, after all, Americans who believe in our individual liberties.

Having granted the Government broad authority to gather vast amounts of information about the daily lives of Americans, I wanted to do what we could to ensure that unfettered information gathering did not occur at the expense of Americans' basic constitutional rights and civil liberties. The sunsets and audits provide Congress an opportunity to examine whether the PATRIOT Act tools are being used appropriately, and if not, to sharpen, refine, or restrain those tools accordingly.

The audits we added in 2005 or 2006 proved to be very helpful because they identified that there were abuses in the way the PATRIOT Act was being used, specifically with respect to national security letters and the use of "exigent letters." Without this oversight, we probably never would have found out about those abuses. But we found out about them and we worked with the FBI to correct those matters.

That brings us to today. The Senate has the opportunity to reexamine and redefine key PATRIOT Act provisions, and I think we should take that opportunity to make improvements to our current law. That is why I have led the Senate Judiciary Committee to diligently consider these matters through a series of hearings and meetings. The committee responded by reporting improvements, both last year and again this year, through bipartisan legislation. They are good measures, and we have worked to ensure that they would not compromise the effectiveness of our law enforcement and intelligence capabilities. In fact, much of the language was derived after consultation with the administration, including the intelligence community.

The Attorney General and others have repeatedly assured us that the measures to enhance oversight and accountability—such as audits and public reporting—would not sacrifice "the operational effectiveness and flexibility needed to protect our citizens from terrorism" or undermine "the collection of vital foreign intelligence and counterintelligence information."

In fact, the Attorney General has consistently said the bill passed out by the Senate Judiciary Committee struck "a good balance" by extending the PATRIOT Act authorities while adding accountability and civil liberties protections. For additional detail and legislative history, I refer Senators to the Senate report on the bill reported by the Senate Judiciary Committee this year, Senate Report No. 112-13.

I ask unanimous consent that a December 9, 2010, letter from the Attorney General to me making these points

be printed in the RECORD, along with a February 19, 2010, letter from the Director of National Intelligence to House leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Unfortunately, the bill now before the Senate merely extends the expiring authorities to June 1, 2015. Regrettably, these authorities have not been refined since 2006. If that remains the case through the extensions that are contemplated by this bill, it will amount to 9 years of this law without any legislative improvement. I think most of us understand that we can do better. The amendment I have filed seeks to change that by improving the PATRIOT Act.

I appreciate the efforts made by the majority leader to craft a compromise. I am sorry that the Republican leadership in Congress has insisted on an extension of authorities without any improvements. The amendment I have filed and wish to offer along with Senators PAUL, CARDIN, BINGAMAN, COONS, SHAHEEN, WYDEN, FRANKEN, GILLIBRAND, HARKIN, DURBIN, MERKLEY, BOXER, and AKAKA, makes significant improvements to current law, promotes transparency, and expands privacy and civil liberties safeguards.

I ask unanimous consent to have a sectional analysis of the amendment printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. One of the improvements Congress should make is to repair a constitutional infirmity in the current law. Three years ago, in *Doe v. Mukasey*, the U.S. Court of Appeals for the Second Circuit found that the non-disclosure provision of the statute authorizing issuance of national security letters was constitutionally defective. If we do not make a change, that constitutionally defective part of the national security letter provision would remain. As part of the comprehensive set of reforms in the bill reported favorably by the Judiciary Committee, I proposed a simple statutory fix that would enable the FBI to obtain the information it needs, while addressing the constitutional concerns. In fact, this proposal has never been controversial. In fact, during the last Congress, Senator SESSIONS and Senator BOND, the ranking Republicans on the Senate Judiciary and Intelligence Committees, cosponsored a bill incorporating the very legislative remedy I proposed.

This is a straightforward matter that needs to be fixed. The underlying bill does not fix the problem; our amendment would. I trust Senators would not want to proceed to vote on an unconstitutional law, one that violates our fundamental charter as a nation and, of course, the liberty of all Americans. No one who claims to honor the Con-

stitution should proceed in so cavalier a manner. If we are to restore the constitutional underpinning of the NSL authority, the Senate should adopt this needed improvement.

I am also troubled by the refusal of the Republican leadership to agree on periodic audits on the use by the government of PATRIOT Act surveillance authorities. When I speak of the Republican position, I want to mention that this is not uniform within the Republican Party, as there are many Republicans who believe we should have these audits. Basic transparency and accountability are vital to ensuring that the government does not overstep its legal authority. We grant many authorities to our government, but we should do so with the confidence that if the Government oversteps its authority, Congress has the power to bring it back in line. In fact, it is only because of the audits that were mandated by the 2006 PATRIOT Act reauthorization bill that the American public became aware of some of the abuses and misuses of the national security letters, which were significant.

Without that public accountability and congressional oversight, the FBI would not have made improvements to its system of tracking NSL issuance. Because of those audits, we are more confident today that FBI agents are following proper procedures for obtaining private information about Americans—rather than improperly using “exigent letters” to circumvent the rules, or using Post-it Notes to keep track of records. Yet the underlying bill omits audits and public reporting; our amendment includes important audit requirements and public reporting to provide accountability and protect Americans’ rights.

No one can seriously contend that audits by the inspector general of past operations present any operational concerns to law enforcement or intelligence gathering. Audits do not interfere; they provide accountability and ensure that government follows the rules.

Mr. President, you and I and 98 other Members of this body have to follow the rules. Certainly, those in law enforcement should have to follow the rules, as well. These audits have been demonstrated to be vital oversight tools, and they should be incorporated into the law. The language in our amendment is the product of more than a year and a half of extensive negotiations with Republicans and Democrats, the intelligence community, the Department of Justice. This year, the Senate Judiciary Committee bill won the support of Senator LEE. Last Congress, a virtually identical bill received the votes of Senators KYL and CORNYN and was reported favorably by the Senate Judiciary Committee to the Senate. The bipartisan amendment we seek to offer is a reasonable package of

reforms that preserves the ability of the government to use the PATRIOT Act surveillance tools, while promoting transparency, accountability, and oversight.

I have often said that the Senate should not shirk its duty to reexamine carefully and critically the provisions of the PATRIOT Act. We should consider ways to improve the law consistent with our core constitutional principles. That is what I have tried to do. That is what Vermonters expect. I intend to vigilantly guard Americans’ privacy and civil liberties, while doing all I can to keep all Americans secure. That is what we expect in Vermont, and I must assume that is what we expect in the other 49 States. Without a single improvement or reform, without even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans, the underlying bill represents a missed opportunity. Let us provide our law enforcement and intelligence professionals with the tools they need and give these professionals the security and certainty they need to protect our Nation. But let us also at the same time faithfully perform our duty to protect the constitutional principles and civil liberties upon which this Nation was founded and on which the American people depend.

The vast majority of the 300 million Americans in this great country are law-abiding, honest men and women. We should protect against arbitrarily lumping them all into the category of potential lawbreakers, or enabling the government to search homes or businesses without proper reason. We fought a revolution in this country to stop that from happening, and it is no different today.

One of the things that has kept us so strong as a nation is our ability to protect the individual rights of all Americans. We can go after the lawbreakers, just as we got Osama bin Laden, while at the same time protecting the principles of our country. We must not let the terrorists win by compromising our own rights and liberties in this country. The terrorists who seek to harm us would certainly take away from all of us—women and men alike—the constitutional rights we hold dear. We must not allow that.

The American people expect us both to protect our rights and to keep us safe, and I believe our amendment does just that. That is why I hope all Senators will support the Leahy-Paul amendment.

#### EXHIBIT 1

Washington, DC, December 9, 2010.

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

DEAR CHAIRMAN LEAHY: This responds to your letter of March 17, 2010, which asked the Department of Justice to consider implementing administratively certain enhanced civil liberties protections that were included



in S. 1692, the USA PATRIOT Act Sunset Extension Act, as reported by the Senate Judiciary Committee.

In my letter of November 9, 2009, I expressed strong support on behalf of the Department for the bill as reported, which would reauthorize several important Foreign Intelligence Surveillance Act (FISA) authorities while enhancing protections for civil liberties and privacy in the exercise of these essential national security tools.

The bill would reauthorize section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps that thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides authority to compel production of business records and other tangible things with the approval of the Foreign Intelligence Surveillance Court (the FISA Court); and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides authority to target with FISA searches or surveillance non-United States persons who engage in international terrorist activities but are not necessarily associated with an identified terrorist group. Earlier this year, Congress acted to extend the expiring authorities until February 28, 2011. As that date approaches, I strongly urge that Congress again take action to ensure that these provisions remain in force.

Assuming these authorities are reauthorized, the Department has determined that many of the privacy and civil liberties provisions of S. 1692 can be implemented without legislation. Indeed, in a number of instances, we have already taken steps to do so. I am confident that these measures will enhance standards, oversight, and accountability, especially with respect to how information about U.S. persons is retained and disseminated, without sacrificing the operational effectiveness and flexibility needed to protect our citizens from terrorism and facilitate the collection of vital foreign intelligence and counterintelligence information.

#### NATIONAL SECURITY LETTERS

Your letter seeks our response regarding several matters related to National Security Letters (NSLs): notification to recipients of NSLs of their opportunity to contest the nondisclosure requirement; issuance of procedures related to the collection, use and storage of information obtained in response to NSLs; retention of a statement of specific facts that the information sought is relevant to an authorized investigation; and increased public reporting on the use of NSLs.

You will be pleased to know that as of February 2009, all NSLs are required to include a notice that informs recipients of the opportunity to contest the nondisclosure requirement through the government initiated judicial review. In most cases, this notice is automatically generated by the NSL subsystem. Domestic Investigations and Operations Guide (DIOG) 11.9.3.E. The FBI also will ensure that in any case in which a recipient challenges a nondisclosure order, the recipient is notified when compliance with the order is no longer required. Thus far, there have been only four challenges to the non-disclosure requirement, and in two of the challenges, the FBI permitted the recipient to disclose the fact that an NSL was received. If and when the volume of such requests becomes sufficiently large that solutions beyond "one-off" notifications are required, the FBI will develop appropriate policies and procedures to notify the recipient when non-disclosure is no longer required.

I also am pleased to report that I approved Procedures for the Collection, Use and Stor-

age of Information Derived from National Security Letters on October 1, 2010, and these procedures have been provided to the Judiciary and Intelligence Committees. The FBI's current practice is consistent with the procedures and the FBI is working on formal policy to implement them. In addition, DOJ and ODNI will shortly complete work on a joint report to Congress on NSL "minimization" as required by the PATRIOT Reauthorization Act of 2005.

As to the information retained internally in connection with the issuance of NSLs, it is current policy for the FBI to retain a statement of specific facts showing that the information sought through NSLs is relevant to an authorized investigation. DIOG §11.9.3.C.

The Department appreciates the desire of the Committee for enhanced public reporting on the use of NSLs. Accordingly, although the FBI cannot provide information regarding subcategories of NSLs in a public setting, it will continue to report publicly the aggregate numbers of NSLs on an annual basis and will evaluate whether any additional information can be publicly reported.

#### SECTION 215 ORDERS

Your letter also raises a number of matters related to section 215 orders. You seek assurances that the government will not rely on the conclusive presumption in section 215 and will present the FISA Court with a complete statement of facts sufficient to show relevance of the tangible things requested to an authorized investigation. It is current FBI practice to provide the Foreign Intelligence Surveillance Court with a complete statement of facts to support issuance of an order. The FBI is reviewing the DIOG to determine whether changes need to be made to reflect this practice. With respect to section 215 records that contain bookseller records, or are from a library and contain personally identifiable information about a patron of the library, we are prepared to require a statement of specific and articulable facts as would have been required under S. 1692, and to notify Congress should it become necessary to change that practice.

You ask the Department to issue policy guidance providing that certifications accompanying applications for section 215 nondisclosure orders must include an appropriately thorough statement of facts that sets forth the need for nondisclosure. I am pleased to report that this is current FBI practice, and the FBI is reviewing the DIOG to determine whether revisions should be made to reflect this practice.

You also ask the Department to institute guidelines to require court-approved minimization procedures for section 215 orders and pen register and trap and trace (PR/TT) devices. Minimization procedures are already required by statute in relation to section 215 orders. 50 USC 1861(b)(2)(B). The proposal to extend this requirement to PR/TT orders is intended to apply only to certain intelligence collection activities. Procedures governing these operations are currently in effect, having been proposed by the government and approved by the FISA Court.

Finally, you ask the Department to consider providing an annual unclassified report on the use of FISA authorities and the impact on privacy of United States persons. I believe that providing greater transparency regarding the U.S. government's exercise of FISA authorities is an important objective, and will show the care taken by officials to implement and comply with constitutional and statutory requirements to protect the privacy of United States persons. Although

the Department has concerns that there may be little additional information that can be provided in an unclassified format and that such unclassified information could be unintentionally misleading, we are prepared to work with the committee and our partners in the Intelligence Community to determine whether there is a way to overcome these difficulties and make additional information publicly available regarding the use of these authorities.

Taken together, I believe these measures will advance the goals of S. 1692 by enhancing the privacy and civil liberties our citizens enjoy without compromising our ability to keep our nation safe and secure.

I hope this information is helpful. The Department stands ready to work with Congress to ensure that the expiring FISA authorities are reauthorized in a timely way.

Sincerely,

ERIC H. HOLDER, Jr.,  
Attorney General.

FEBRUARY 19, 2010.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: Over the past several months, Congress has been considering the reauthorization of three important provisions of the Foreign Intelligence Surveillance Act (FISA), which are scheduled to expire on February 28, 2010: section 206 of the USA PATRIOT Act, which provides authority for roving surveillance of targets who take steps to thwart FISA surveillance; section 215 of the USA PATRIOT Act, which provides authority to compel production of business records and other tangible things with the approval of the FISA court; and section 6001 of the Intelligence Reform and Terrorism Prevention Act, which provides authority to target with FISA surveillance non-United States persons who engage in international terrorist activities but are not necessarily associated with an identified terrorist group. National security requires that these provisions be reauthorized before they expire.

As discussed in the Attorney General's November 9, 2009 letter, we believe that S. 1692, the USA PATRIOT Act Sunset Extension Act, as reported by the Senate Judiciary Committee, strikes the right balance by both reauthorizing these essential national security tools and enhancing statutory protections for civil liberties and privacy in the exercise of these and related authorities. We were very pleased that the bill received bipartisan support in the Committee.

Since the bill was reported, we have negotiated a number of specific changes with the sponsors of the bill which we support including in the final version of this legislation. Among these are several provisions derived from the bills reported by the House Judiciary Committee and introduced by House Permanent Select Committee on Intelligence Chairman Silvestre Reyes in November.

We strongly support the prompt consideration of USA PATRIOT Act reauthorization legislation based on S. 1692, together with the changes to which our staffs have informally agreed. However, if Congress is unable to complete work on this measure before these authorities expire, it is imperative that Congress pass a temporary extension of sufficient length to ensure that there is no disruption to the availability of these vital tools in the fight against terrorists.

As was previously noted in a September 14 letter from the Department of Justice to Senator Patrick Leahy, the business records authority has been used to support important and highly sensitive intelligence collection operations, of which both Senate and House leadership, as well as Members of the Intelligence and Judiciary Committees and their staffs are aware. We can provide additional information to Members concerning these and related operations in a classified setting.

Finally, we remain committed to working with Congress to examine additional ways to enhance protection for civil liberties and privacy consistent with effective use of these important authorities.

The Office of Management and Budget has advised us that there is no objection to this letter from the perspective of the Administration's program.

Sincerely,

ERIC H. HOLDER, JR.  
DENNIS C. BLAIR.

#### EXHIBIT 2

SECTION-BY-SECTION SUMMARY OF SA334 TO S.1038 THE LEAHY-PAUL-CARDIN-BINGAMAN-COONS-SHAHEEN-WYDEN-FRANKEN-GILLI-BRAND-HARKIN-DURBIN-MERKLEY-BOXER-AKAKA AMENDMENT (HEN11338)

This amendment adds the following sections at the end of S.1038:

#### Section 3. Additional Sunsets.

This section establishes a new sunset of December 31, 2013, on the use of NSLs. This section also changes the sunset dates for provisions under the FISA Amendments Act of 2008 (Pub. L. No. 110-261) from December 31, 2012 to December 31, 2013. This section also makes conforming amendments to FISA and other applicable laws consistent with the sunsets.

#### Section 4. Orders for Access to Certain Business Records and Tangible Things.

This section modifies the standard for obtaining a court order for tangible things under FISA. Current law requires the Government to submit a statement of facts showing reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation. However, current law states that the tangible things sought are presumptively relevant if the Government shows that they pertain to (a) a foreign power or an agent of a foreign power, (b) the activities of a suspected agent of a foreign power who is the subject of such an authorized investigation, or (c) an individual in contact with, or known to, an agent of a foreign power who is the subject of such authorized investigation. This section removes the presumption of relevance described above. It requires the Government to provide a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that the tangible things sought are relevant. This ensures that the Government is presenting a thorough statement of facts to the court and strengthens judicial oversight. The Department of Justice has indicated that it does not rely on this presumption, and that its current practice is to provide the Foreign Intelligence Surveillance Court with a complete statement of facts to support issuance of an order.

Section 3(a)(2)(A) alters certain requirements with respect to applications made pursuant to 50 U.S.C. 1861. These changes are not intended to affect or restrict any activities approved by the FISA court under existing statutory authorities. Rather, this provision is intended to ensure that in applica-

tions made pursuant to 50 U.S.C. 1861, the Government must submit a statement of the facts it relies on to support its belief that the items or information sought are relevant to an authorized investigation and that such relevance is not to be presumed based on the presence of certain factors.

To obtain bookseller records or library records that contain personally identifiable information, the Government must provide a statement of facts showing reasonable grounds to believe the tangible things are relevant to an authorized investigation and pertain to (a) an agent of a foreign power, (b) the activities of a suspected agent, or (c) an individual in contact with or known to a suspected agent of foreign power subject to the investigation. "Bookseller records" are defined as meaning any transactional records reflecting the purchase or rental of books, journals, or magazines, whether in digital or print form. The Department of Justice has already agreed to implement this requirement administratively.

This section also requires court review of minimization procedures. Finally, this section includes transition procedures to ensure that any order in effect at the time of enactment remains in effect until the expiration of the order.

#### Section 5. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes.

Under current law, in order to obtain a FISA pen/trap, the Government must certify that the information sought is merely foreign intelligence information or is relevant to an investigation to protect against terrorism. The bill modifies the standard for obtaining a pen/trap to require the Government to provide a statement of the facts and circumstances relied upon by the applicant to justify the applicant's belief that the information likely to be obtained is relevant. This ensures that the Government is presenting a thorough statement of facts to the court and strengthens judicial oversight.

Section 4(a)(2)(A) alters certain requirements with respect to applications made pursuant to 50 U.S.C. 1842. These changes are not intended to affect or restrict any activities approved by the FISA court under existing statutory authorities. Rather, this provision is intended to ensure that in applications made pursuant to 50 U.S.C. 1842, the Government must submit a statement of the facts it relies on to support its belief that the items or information sought are relevant to an authorized investigation.

This section also requires minimization procedures, which are not required under current law, and makes those procedures subject to court review. Section 4(b) governs procedures for minimization of the retention and dissemination of information obtained pursuant to 50 U.S.C. 1842 where appropriate in exceptional circumstances. This provision is intended to provide a statutory footing for the existing practice whereby specialized minimization procedures are implemented in certain limited circumstances under FISA court authorization and oversight.

Finally, this section includes transition procedures to ensure that any order in effect at the time of enactment remains in effect until the expiration of the order.

#### Section 6. Limitations on Disclosure of National Security Letters.

This section authorizes the Government to prohibit disclosure of the receipt of an NSL (there are four different statutes that authorize NSLs) where a high level official certifies that disclosure may result in danger to

the national security, interference with an investigation, or danger to the life or safety of a person. The FBI has stated that its current practice is to require such a certification to include an appropriately thorough statement of facts setting forth the need for nondisclosure.

The recipient of an NSL nondisclosure order may challenge the nondisclosure at any time by notifying the Government of a desire to not comply. Section 7 (below) details the process for doing so.

#### Section 7. Judicial Review of FISA Orders and NSL Nondisclosure Orders.

This section allows the recipient of a section 215 order for tangible things to challenge the order itself and any nondisclosure order associated with it. Current law requires a recipient to wait a year before challenging a nondisclosure order. This section repeals that one-year mandated delay before a recipient of an order for tangible things can challenge such a nondisclosure order in court. It also repeals a provision added to the law in 2006 stating that a conclusive presumption in favor of the Government shall apply where a high level official certifies that disclosure of the order for tangible things would endanger national security or interfere with diplomatic relations.

This section also corrects the constitutional defects in the issuance of nondisclosure orders on NSLs as found by the Second Circuit Court of Appeals in *Doe v. Mukasey*, 549 F.3d 861 (2d Cir. 2008), and adopts the concepts suggested by that court for a constitutionally sound process. *Id.* at 883-84. The bill allows the recipient of an NSL with a nondisclosure order to notify the Government at any time that it wishes to challenge the nondisclosure order. The Government then has 30 days to seek a court order in Federal district court to compel compliance with the nondisclosure order. The court has authority to set the terms of a nondisclosure order as appropriate to the circumstances, but must afford substantial weight to the Government's argument in favor of nondisclosure.

According to current Department of Justice policy, all NSLs must include a notice that informs recipients of the opportunity to contest the nondisclosure requirement through the Government-initiated judicial review. This section states that the government's application for an NSL nondisclosure order may be filed either in the district within which the authorized investigation is conducted or in the jurisdiction where the recipient's business is located. This option will ease the burden on the recipient in challenging the nondisclosure order.

This section requires the Government to notify any entity that challenges a nondisclosure order when the need for nondisclosure is terminated. The Department of Justice agreed to implement this measure administratively in December 2010; therefore, this section will codify current practice.

The bill also requires FISA court approval of minimization procedures in relation to the issuance of a section 215 order for production of tangible things, similar to the court approval required for other FISA authorities such as wiretaps, physical searches, and pen register and trap and trace devices.

#### Section 8. Certification for Access to Telephone Toll and Transactional Records.

This section codifies current FBI practice in issuing an NSL, and augments oversight and transparency. Current law requires only that an official certify that the information requested in the NSL is relevant to, or sought for, an authorized investigation to

protect against international terrorism or clandestine intelligence activities, or for a law enforcement investigation, counterintelligence inquiry, or security determination. This section adds a requirement that the FBI retain a written statement of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to such an authorized investigation. This statement of specific facts will not be included in the NSL itself, but will be available for internal review and Office of Inspector General audits. The Department of Justice has stated that it is current policy for the FBI to retain a statement of specific facts showing the information sought through NSLs is relevant to an authorized investigation.

*Section 9. Public Reporting on National Security Letters.*

This section requires reporting of aggregate numbers based upon the total number of all NSLs issued each year, as opposed to by individual NSL. This section ensures that the FBI can keep an accurate record of the information it must disclose by allowing it to report both on persons who are the subject of an authorized national security investigation, and on individuals who have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

*Section 10. Public Reporting on the Foreign Intelligence Surveillance Act.*

This section requires that the Government produce an annual unclassified report on how the authorities under FISA are used, including their impact on the privacy of United States persons. This report shall be easily accessible on the Internet.

*Section 11. Audits.*

This section requires the DOJ Office of Inspector General to conduct audits of the use of three surveillance tools: 1) orders for tangible things under section 215 of the 2001 Patriot Act, or section 501 of FISA; 2) pen registers and trap and trace devices under section 402 of FISA; and 3) the use of NSLs. The audits will cover the years 2007 through 2013. The scope of such audits includes a comprehensive analysis of the effectiveness and use of the investigative authorities provided to the Government, including any improper or illegal use of such authorities. This section also requires the Inspectors General of the Intelligence Community to submit separate reports that also review these three provisions. The audits covering the years 2007–2009 must be completed by March 31, 2012. The audits for the years 2010–2011 must be completed by March, 31, 2013. The audits for the years 2012–2013 must be completed by March, 31, 2015. These due dates ensure that Congress will have time to fully consider the findings of the audits prior to the June 1, 2015 sunsets in the underlying bill.

*Section 12. Delayed Notice Search Warrants.*

Current law requires notification of a delayed notice search warrant within 30 days. This section requires notification of a delayed notice search warrant within seven days, or a longer period if justified.

*Section 13. NSL Procedures.*

Current law does not require minimization procedures be established, but on October 1, 2010, the Attorney General adopted procedures concerning the collection, use, and storage of information obtained in response to NSLs. This section requires that the Attorney General periodically review, and revise as necessary, those procedures, and to give due consideration to the privacy inter-

ests of individuals and the need to protect national security. If the Attorney General makes any significant changes to these NSL procedures, the Attorney General is required under this section to notify Congress, and to submit a copy of the changes.

*Section 14. Severability.*

This section includes a severability clause that will ensure that in the event any part of the bill or any amendment to the bill is found to be unconstitutional the remainder of the bill will not be affected.

*Section 15. Offset.*

This section includes a \$9,000,000 offset from the Department of Justice Assets Forfeiture Fund for any direct spending that could be incurred by the provisions of the bill.

*Section 16. Electronic Surveillance.*

This section is intended to amend the FISA wiretap statute (50 U.S.C. 1805(c)(1)(A)) so as to require law enforcement to identify “with particularity” the target of a wiretap request under FISA. The Department of Justice has testified that, in applications to the FISA court for “roving” wiretaps, it must provide the court sufficient detail to identify the target with particularity.

*Section 17. Effective Date.*

This section includes an effective date of 120 days from the date of enactment for the statutory revisions made by this legislation to take effect. This period of time will provide the Government an appropriate amount of time to implement the new procedures required by the legislation.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am going to speak a little bit about the PATRIOT Act, and then do I have to have consent to do anything else other than that?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. OK. I ask unanimous consent that I be able to speak about two issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I just want to acknowledge the hard work of the chairman of the Intelligence Committee and the chairman of the Judiciary Committee on the PATRIOT Act and to state I am on an amendment Senator LEAHY has authored which has bipartisan support. I think Senator LEAHY's amendment puts a couple of checks and balances in this bill that I think are essential. But I hope we do not have delays because delays would cause trouble for law enforcement people and for the work we are doing to make sure we continue making progress against those who would harm this country.

I fully agree with the statements we have the balance of security and liberty, and I think the Leahy amend-

ment goes a long way toward that. But, again, we need to give law enforcement the tools they need.

HOUSE BUDGET

Mr. President, as we look at what is ahead for us this week, it is not only the PATRIOT Act, but we also are going to be looking for votes on a couple of different budget proposals, and I want to spend some time talking about the Republican budget that passed the House that was originally authored by Representative PAUL RYAN. It sort of got to be known as the Ryan budget, but let's be very clear about this: It is no longer the Ryan budget. It is the Republican budget.

This is why I say this. Out of all the Republicans in the House—and there are a lot of them over there; they run the place; well over 100—every one of them voted for this budget except for, and on our side, not one Democrat.

So let's be clear what a budget is. I served on the Budget Committee in the House and in the Senate. A budget is a very important document, whether you write it in your own home for your own family or you write it in the Senate of the United States. Why? Because in a budget you are looking at all your resources and what your priorities are.

If you have an issue with spending—which a lot of us have in our homes, as well as having it right here; we know that; and certainly in my State—this is when the rubber meets the road and you have to say: What is important to us and what is less important?

The questions you ask when you write a budget around here are: Are our children important? The answer is, yes. Is it important we have clean air to breathe? For me, absolutely. Should the water be pure? Should we make sure the environment is protected? Yes. Should we have a transportation system so we can move people and goods in this century and be the economic world leader? Yes. That is an investment. We go through the budget piece by piece and we decide what is crucial.

Of course, we need a strong military. Having said that, some of us believe it is time to wind down the two wars we are in in Afghanistan and Iraq that is costing us \$12 billion a month. We can use those funds back home and still keep the kind of counterterrorism forces we must keep, I believe, in the region and bring that money home.

There is a lot of talk, a lot of words are thrown around about how to balance a budget. I have to say, I was fortunate enough to be here, thanks to the good people of my State, during the Clinton years, and we had similar issues. What were the issues? We were running in the red. We had a deficit, we had a debt, and we had to make sure the economy kept growing in a robust fashion. Do you know what we did? We sat around and said: These are the investments that are important to us.

Today I would argue it is still education, it is infrastructure, it is the environment, it is clean energy. Those are what will move us forward. Over here are the issues where we look out and say: How can we get some revenue? One of the ways is what the Democrats said the other day. We said it is time to end corporate welfare for the biggest oil companies in the world that are—listen to this—two, three, and four on the Fortune 500 and are paying a lower tax rate than a nurse. Can I say that one more time? These big multinational oil companies that are charging us an arm and a leg are paying a lower tax rate than a nurse or a truck-driver or a firefighter in an effective tax rate. That is the truth. But yet and still, the power of those special interests looms over this Chamber, and we were not able to end that corporate welfare and start to reduce this deficit.

So there are places to go to reduce the deficit. I say, start by eliminating corporate welfare for the people who do not need it. Start by asking billionaires and multimillionaires to pay their fair share. Then we do not have to hurt the people of this country, the great middle class of this country, the children. But every day in every way, that is what these battles are about.

So today I want to talk about the Republican budget and just look at it from the standpoint of Medicare and look at it from the standpoint of seniors and, more specifically, look at it from the standpoint of women on Medicare who make up 56 percent of those on Medicare.

Thank goodness the people in this country are tuning in to this debate. They are tuning in. A lot of what we say here just flies over the country and no one pays attention. It is complex, it is wonky, and the rest. This is an easy one. The Republican budget kills Medicare as we know it. Pretty simple. People are asking themselves across this Nation: Do they want to kill Medicare as I know it?

Senator MIKULSKI, who has just arrived on the Senate floor, has organized the women. In the next 5 minutes I will summarize what I said and turn to her.

The Republican budget is a disaster for seniors and for those on Medicare. It is worse than a disaster. Newt Gingrich said, 15 years ago: Let Medicare wither on the vine. That means starving it. The Republican budget just kills it outright. They lost patience with that idea. The Republican House-passed budget brings a devastating cost to seniors for Medicare.

Let me show you the cost. Listen to this: The average income of senior women in this country in a year is \$14,430. The health care cost they will have to pay under the Ryan budget is almost all that money, \$12,500. So the Ryan Republican budget devastates Medicare and says to a senior woman,

who makes \$14,000 a year, that her health care costs are going to cost her \$12,000.

What is she going to do with the other \$2,000? Well, that would be probably, if she is fortunate, maybe 3 months' rent; in California, 1 month's rent. Then what does she do? Starve? I will tell you what she will do. She will not have health coverage.

This is America under the Republican vision? Going back to the days where our senior citizens had no dignity? I just cannot imagine it. I cannot imagine it.

The woman earns \$14,000. She is supposed to spend \$12,000 on health care. Forget it. She is not going to do it. Who in their right mind would ask a woman—a senior woman, who worked and played by the rules, who more than likely is a widow, who is living off Social Security—who in their right mind would ask her to face double—double—the cost of health care she now pays? I will give you the answer. House Republicans. That is what they voted for. I am not making it up. This is what they voted for.

Now you have people running away from it, running toward it. They do not know which way to go on it. But do you know what. When we vote, I hope they run far away from this because this is a disaster.

Let me show you another chart. This Republican budget ends Medicare as we know it, and it takes the benefit away from the senior and gives it straight to this guy. Who is this guy? He is very happy. Behind him is a chart that says: "Health Care Profits." On the other side it talks about the CEO of the company and his income. The House Republican budget takes the benefit away from the senior and gives it straight to the insurance company. Imagine. Do you know what this guy makes, the average CEO of a health insurance company? Mr. President, remember, I told you the average senior woman makes \$14,000 a year. He makes \$12.2 million a year. Oh, hooray for the Republicans. They are taking a benefit away from a woman who has lived by the rules, who has raised a family and stood by that family, and in her golden years they take away her money and they give it to this fat cat over here. It makes me ill. But I better watch out because the next thing you know, they will take away my health care, and where will I go?

Profits in these companies are up 41 percent from the previous year. Every once in a while a political party stands for something that shows who they are, and I think we are seeing it here. They voted to continue corporate welfare for the biggest multinational oil companies that are just running to the bank, and their CEOs make more than this guy by a few million. Now, this week, we are voting on their budget, which gives more to the CEO of an insurance

company and steals it away from the average senior woman.

The last chart I am going to show is this one: There is a health care benefit in place for senior citizens who are on Medicare. By the way, I was very disturbed when we voted for it because in that bill, at the insistence of the Republicans, we told Medicare they cannot negotiate for reasonable drug prices, and that is the way it went down. It was very sad.

Having said that, we have a benefit for senior citizens now. One of the leaders in trying to make sure they get their full benefit has been Senator STABENOW, who is joining us now in the Chamber.

So I will close with this: What we did in our health care reform budget is to say that seniors will now be covered for basically all of their health care costs. The Republican budget cancels that out, and they now say seniors have to pay for all of their prescription drugs. Even with their insurance, there will be this period of time: the uncovered benefit called the doughnut hole. People call it different things. That means immediately—if the Republican budget passed now—my seniors in California, who are in that category getting help on their prescription drugs, 400,000 of them, would have to pay \$9,000 more over the next decade—\$9,000 more—for their prescription drugs.

Mr. President, I have given you just a bit of the picture of what the Ryan budget does. I have just focused on the Medicare piece. That whole budget—the Republican budget, started by Ryan, embraced by the Republicans—is a disaster for seniors, for women, for children, and it is a hot time in the old town tonight for big CEOs of health insurance companies. That is what it is, and we should bring it down.

I am happy to now yield for Senator MIKULSKI, who will have the time in her own right.

I say to Senator MIKULSKI, thank you very much for your leadership on this issue.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank Senator BOXER very much for her steadfast stance for American women.

Today, the Democratic women have come to the floor to talk about the terrible impact the Republican budget coming from the House and getting started in the Senate has on women.

After I speak, I will be followed by Senators STABENOW and SHAHEEN and then Senator BLUMENTHAL. Other colleagues want to join us. Senator MCCASKILL is in Missouri, as she should be, with her constituents. Senators FEINSTEIN and KLOBUCHAR are chairing hearings.

But let me get right to my position. You know, the Republicans—we are not going to call this the Ryan budget because whether it is the Ryan budget,

the Toomey budget, whatever, it is the wrong budget for America, and it continues the radical Republican attack on women they began in H.R. 1. They started to attack us by taking away our health care, our family planning. Now they are back at it again.

The Republican budget takes away our health care, and there are no ifs, ands, or buts about it. We are not going to put up with it. No matter what they try to take away from us, we are not going to let it happen.

What do I mean by that? Well, let's start with Medicare. Medicare is the single most important health care program in America for seniors. Women are the majority users of Medicare because we live longer.

When the Republicans want to talk about taking away or changing Medicare as we know it, what is it that they mean? They are going to take away a guaranteed benefit and convert it into guaranteed profits for insurance companies. They talk about a voucher program. It is a payment for care that does not go to a senior but goes to an insurance company. People believe Medicare should be that they go to the doctors they need, get the prescriptions their doctors say they need, and they have follow-up and consistent care. No matter what, when the Republicans say this is going to give grandma more choice, more choice to do what? Be at the mercy of insurance company executives who ever-shrink benefits package and ever-expand premiums, all of which—government subsidizes their profits instead of providing a safety net so that if you are old and sick in America, you get the care you need, choose the doctor you want, and get the prescription drugs necessary. Under the Republican budget, Federal dollars turned over to the insurance companies will force people to pay more. In my own home State, it will mean \$6,000 more in health care.

But they don't stop just at Medicare; they go on to Medicaid. Now, "Medicaid" sounds like a bad word or they have made it sound like a bad word, that it is a budget-buster. But, make no mistake, Medicaid primarily pays for nursing home bills, nursing home bills for middle-class Americans who need it to turn to nursing home care for a loved one who may have Alzheimer's or Parkinson's or Lou Gehrig's disease. You don't go into a nursing home because it is a lifestyle choice; it is usually a lifesaving mandate. In order to do that, there is no government program to help you, so you have to spend down your life savings to qualify for Medicaid, and then Medicaid will help you pay for those bills. But under the Republican budget, they are going to pull the rug out from anyone who has a loved one in a nursing home.

Go out and talk to young families who are part of the sandwich genera-

tion, those who are caring for their aging parents and know they have to make sure they can help pay these long-term care costs while they are worrying about how to send their kids to college. Once more, they are trying to undermine the safety-net protections for middle-class Americans.

One thing the Republican plan does—it is a guaranteed bailout for insurance companies. Then they even go a step further. And I know my colleagues will talk about what the defunding of health care will do. I want to talk about the defunding of NIH, the cuts to NIH.

The National Institutes of Health will also be cut under the Republican assault on women. What are they talking about by shrinking NIH? When you shrink the National Institutes of Health, that means there will be setbacks and delays to find that cure for Alzheimer's, that cure for Lou Gehrig's disease, that cure for Parkinson's disease. Right now, there are 5.5 million people living with Alzheimer's. It is predicted that by the year 2050, 50 million Americans will have Alzheimer's. And 1.5 million have Parkinson's disease.

These are not numbers and statistics; these are families who need help. They certainly need Medicare. They might need long-term care. But they also need to know their government is on their side. We can have races for cures, and we can have walks for the memory programs with the Alzheimer's Association. We can't find cures for diseases on private philanthropy, and the drug companies aren't investing the way they should in finding these new cures. We can't undermine this, whether you are cutting Medicare, which women need; Medicaid, which is the safety net for nursing home care; and even the research to find the cure for these diseases.

Now, whom does this affect? It affects people at all ages. It affects constituents of mine who have worked very hard building automobiles and working in steel mills, working in offices, working hard to be good patriotic people. It goes to even a former member of our Supreme Court, Sandra Day O'Connor, whose husband was gripped by Alzheimer's, and that is one of the reasons she stepped down when she did, because she was going to take care of him. Alzheimer's is an equal-opportunity disease. It hits all incomes and all ZIP Codes. But they are going to take a hit because of the Republican budget.

We are just going to shine a light on this. This is not about a more frugal government. This is not about limited government. This is about government abandoning its responsibility to the American people. And while we are busy promoting democracy over there, let's make sure we continue to provide health care right back here in America.

I now yield the floor for a real champion to women and seniors, my colleague, Senator STABENOW.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President, and thank you so much to our dean of the delegation, our dean of the women Senators, who has not only been here the longest but has been the strongest advocate, the strongest consistent voice for women, for seniors, and for children that we have had in our country. We thank you for that and for bringing us together and your leadership in giving us the opportunity to come and talk about what are very serious ramifications of the budget passed by the House of Representatives.

Let me first start—I want to talk about Medicare because that has the biggest impact, but let me say that as we look at the budgets that have been proposed by the House, by House Republicans this year, the current budget as well as next year's budget that was passed, we are seeing attacks on women and children, from prenatal care forward to nursing homes at the end of life.

With my hat on as chair of the Agriculture Committee, we oversee the nutrition programs for the country, and I was absolutely appalled that the largest cuts that were proposed as we were negotiating the budget for this year in the Department of Agriculture was the WIC Program—Women, Infants and Children—prenatal nutrition for moms who are pregnant and healthy foods for moms and babies as they move forward through their first year of life and beyond. It is hard to believe that would be the No. 1 cut, the largest cut in the Department of Agriculture budget, but that was the original proposal from this year. Now we go forward and we look at the budget that was actually passed for the coming year by the Republican House, and it is really astounding when we look at the priorities.

The Republican budget essentially ends Medicare. It eliminates Medicare as we know it. Folks have said to me: Oh, they really do not mean that; they really are not going to do that. Yes. They passed that. It is not just a proposal someone had; they actually passed it as an intact insurance plan.

Medicare has been a wonderful success story for our country. Social Security and Medicare together have been great American success stories, lifting a generation of older Americans, the majority of them women, out of poverty and allowing them to be healthy longer in life, a generation of people, a generation of women, because the majority of women—particularly as we look at people of older age, the majority of people on Medicare are women.

I think about my own mom at 85 going strong and the blessing to watch

her on Mother's Day be able to play with my two grandchildren—they are the most beautiful grandchildren in the world—3-year-old Lily and 1-year-old Walter, and to have my mother still be healthy because of access to health care at age 85, that is a success story. That is a gift we have all joined together as a country to give to our families, to older Americans, to our parents and grandparents and to future generations. That gift would be eliminated, that ability to have Medicare, and most of that elimination would be, unfortunately, an attack on women.

Seniors will pay double. The amount they will pay under the plan passed by the House is \$6,359 more than they currently pay now. Really, what does that mean? Well, right now under Medicare, the current system in copays and deductibles and so on for the average senior is about \$6,000, \$6,154. Under the Republican plan passed by the House, that would double—more than double.

What does that mean to the average women who is retired? Well, the average woman senior has an income of \$14,430—\$14,430—and under the Republican plan her health care costs would be \$12,500. I don't know about you, Mr. President, but the idea of living on roughly \$2,000 for the year, for your rent or mortgage or food or clothing or gasoline—certainly not gasoline, given that the price of gas is impossible. It is absolutely impossible. And this is what is coming for the average woman who is retired, over age 65, under the plan passed by the House of Representatives.

Now, why would they be doing this? Why would they be doing this? Well, unfortunately, it is to continue to allow them to provide tax breaks for the wealthiest Americans, those earning over \$1 million a year, and they add more tax breaks in their budget while they are cutting Medicare, and it also protects the special perks for special interests such as the oil companies.

The reality is this: We know there is a huge budget deficit we have to tackle. We also understand that people are living longer and there is work we need to do around both Medicare and Social Security. We have already begun that process in health reform—lengthening the solvency of Medicare for a number of years, taking away overpayments for for-profit insurance companies to save dollars, and focusing on prevention, which saves \$500 billion over the next 10 years in Medicare, lengthens the trust fund, and does not cut benefits to seniors. It does not eliminate Medicare. It does not eliminate other insurance plans. It strengthens it for the future. That is one way to go.

But our colleagues in the other House, the Republicans, said: We need to balance the budget, so let's start by eliminating Medicare as we know it. Let's start there, doubling the cost for the average senior, most of whom are women.

We said: Well, there are a lot of choices about where to start to balance the budget. Let's start with the top five oil companies that right now are earning the largest corporate profits in history and still get taxpayer subsidies, some of which started almost 100 years ago when it probably made sense—over 100 years ago—when oil prices were \$17 a barrel. Now they are over \$100 a barrel—the largest corporate profits ever. They still get taxpayer subsidies.

People in my State are scratching their heads as they are paying higher prices out of one pocket and, as taxpayers, are subsidizing the prices out of the other pocket. Let's start with the billions of dollars that are certainly no longer needed by an industry that is doing extremely well. Let's take away those taxpayer subsidies as a place to start to balance the budget. Let's not start with the tens of millions of people who currently get health care through Medicare, most of whom are women.

The Republican plan goes even further because it also attacks and dramatically cuts and weakens Medicaid, most of which is for low-income seniors in nursing homes, and 77 percent of the people in nursing homes or long-term care facilities are women. Again, 77 percent of those in nursing homes or long-term care facilities who are using Medicaid to help them are women. Again, from prenatal care in the beginning of life to what happens to seniors at the end of life, women in nursing homes across the board are being attacked on women's health care. That makes absolutely no sense.

Certainly those are not the values I believe in—the values we believe in as a country. Certainly those are not the values the people in Michigan have. Starting to balance the budget by going back to seniors, women, and middle-class families who are already taking hit after hit in this economy is not fair. It is certainly not the place I am going to vote to start or I know our Democratic majority will start.

We are going to have an opportunity very soon—in the next day or two—to say yes or no about this plan that was passed by the House, the plan that eliminates Medicare as we know it and puts an insurance company bureaucrat between you and your doctor. Every woman on Medicare would be put into a situation where an insurance company bureaucrat would, once again, be back between her and her doctor as she tries to get the care she needs.

In my judgment, the Republicans' plan has its priorities upside down. Their plan to eliminate Medicare as we know it is good for insurance companies, no question about it. Every single woman would have to go back to a private insurance company, and then the insurance company would get a subsidy at that point. It may be good for insur-

ance companies, but it is bad for seniors, for taxpayers, and certainly bad for American women.

I encourage and implore our colleagues on the other side of the aisle to join with us in saying no and supporting Medicare—the great American success story that it is—and saying no to the efforts to eliminate Medicare as we know it, saying no to the Republican budget, which puts insurance company bureaucrats between you and your doctor. Let's say yes to other areas where we can reduce the deficit, without hurting middle-class families and seniors in this country.

It is my great pleasure to yield for a champion for women's health care and for the State of New Hampshire, Senator JEANNE SHAHEEN.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I commend my colleague, Senator STABENOW, for the great work she has done over a long period of time for women and families in her State of Michigan and throughout the country. I remember her telling me she got involved in politics in order to address a nursing home issue, which disproportionately affects women—just as this budget that passed the House disproportionately affects women and children. I am pleased to be able to join her on the floor, along with my other colleagues.

I also appreciate Senator MIKULSKI's leadership in bringing us together today.

There is no doubt that everybody in the Senate—and those who spoke today—understands we need to deal with this country's debt and deficit. There is no question about that. But the question is, Are we going to do that in a way that is fair to everyone? Unfortunately, the House Republican plan would disproportionately impact women and, in particular, older women.

Make no mistake about it, the Republican budget that passed the House will end Medicare as we know it today. Since women are a majority of all Medicare beneficiaries, any radical change to the Medicare system will disproportionately affect women, and it will, in the long term, hurt so many women in this country. For example, if we take a typical senior on Medicare in my home State of New Hampshire, under the House Republican plan that senior's out-of-pocket health care costs are going to double to \$12,000 a year.

As time goes on, those out-of-pocket costs are going to continue to increase. This health care impact on senior women is especially hard because, during most women's working years, they earn less than men. That is still true today—women earn less than men. Women often work part time or leave the workforce while raising families. As a result, they have less retirement savings, on average, and lower Social Security benefits.



So for women who already have earned less, Medicare is a critical source of financial security. It keeps many women out of poverty. The House-passed Republican budget will end that security for seniors who rely on prescription drugs—a real improvement we made when we passed the affordable health care plan because we made great progress toward closing that doughnut hole and helping seniors with the cost of prescription drugs. But what the House Republican plan will do is dramatically increase those costs. Again, in New Hampshire, we have 15,200 seniors who will pay \$8.5 million more in just 1 year for their medication. Of course, we all know women tend to live longer than men. As a result, women represent three-quarters of our most vulnerable Medicare beneficiaries—those who are living in nursing homes and assisted living or other long-term care facilities.

When their savings run out—which happens often, given the costs of long-term care—seniors must turn to Medicaid to pay their bills. However, the House Republican budget would also make radical changes to the Medicaid system. So their proposal not only threatens Medicare but it threatens long-term care for millions of women who rely on Medicaid.

The House Republican proposal eliminates the current Medicare system and puts private insurance companies in charge of the health benefits seniors receive. The Republican plan does nothing to reduce the cost of health care. It just shifts that cost of health care onto seniors. What is going to happen when we shift the cost to seniors who can no longer afford to pay for their health care is that they are going to go to emergency rooms, and emergency rooms are not only the most expensive care because we would have eliminated the preventive care that is part of the new Medicare proposal we passed for health care, but everybody who has health insurance winds up paying for those emergency room costs that seniors would not be able to afford to pay. So it is a double cost shifting—a shifting to seniors for the cost of their health care and a shifting of those health care costs to everybody who has insurance.

The House Republican budget will hurt all seniors, but it will especially hurt women because they are the most vulnerable. I hope all our colleagues will join us in voting against the House Republican budget that is on our desk that we expect to take up this week.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, I am very pleased and honored to join my distinguished colleagues—most recently the occupant of the chair—as we pledge to continue to fight to stand for women's health care and to fight the devastating cuts that are incorporated in the House Republican budget.

This fight against these cuts is essential not only for the health of millions of women across the United States but also for our health care system and even for the effort to cut the debt and deficit, which has to be one of our most important goals.

In the end, these cuts are as far from cost-effective as any could possibly be. In the end, they will actually raise the cost of health care in this country because they will deny millions of women and girls preventive health care, which saves money in the long run. Preventive health care enables everyone to avoid the most costly consequences—costly in terms of the pain and suffering and worry and concern that comes from failure to diagnose and treat problems earlier rather than later.

Indisputably, preventive and coordinated health care saves money. This Republican budget will cost more money. It also will have an impact on States, unquestionably. In Connecticut, 114,000 people will lose Medicaid if this program is changed into a block grant program, and Connecticut will lose \$16.1 billion in health care benefits if our government in the State of Connecticut will have to shoulder this greater financial burden. The same will be true of other States across the country that will have to bear more of the costs. Taxpayers at the State level will pay those costs.

Again, that is as far from cost-effective as any program could be. The real consequences—the most dramatic and most immediate effect of this very misguided and cruel House Republican budget will be on women and children predominantly because Medicaid and Medicare serve them more than any other part of our population. Medicaid provides, in Connecticut, for example, 77 percent of the public funding for family planning. Medicaid pays for 35 percent of all the births in the State of Connecticut. The burden will fall on them disproportionately, and it will have real human consequences for women and children.

In a very pernicious way, it will also enable and encourage States to wage, at their level, the kind of ideological war on women's health we have seen, unfortunately and unconscionably, at the Federal level. We can already see the beginnings of it. In the State of Indiana, for example, they enacted legislation to prohibit Planned Parenthood

from receiving Medicaid funds to be used for women's health care.

Think of it—Medicaid money cut completely for family planning, for cancer screening, for all kinds of preventive services that constitute the bulk of what Planned Parenthood does in Indiana and across the country under a law that is not only bad public policy but also illegal.

I thank the administration for recognizing the illegality of this law. It has done so in a statement recently issued by the Department of Health and Human Services. It has said unequivocally that this Indiana law that prohibits Planned Parenthood health centers from receiving Federal funds for family planning services under Medicaid and title X contravenes Federal law. Now we will ask—and I am circulating a letter to my colleagues to this effect—the Federal Government to take action that will provide real teeth for this statement and show that similar laws now pending in other legislatures, such as Kansas, Oklahoma, and elsewhere, will also bring compliance action from the Federal Government.

The fact of the matter is family planning services provided by Medicaid are a mandatory benefit under Federal law. Congress created this legal program for beneficiaries in 1972, and it was so concerned about the availability of family planning services that the Federal Government and this Congress required that they cover 90 percent of all of the cost of services in this area—an unprecedented incentive and a clear signal as to the importance of these services.

The Indiana law threatens access to vital preventive health care for millions of women in that State. Its precedent threatens the same kind of family planning and preventive care for millions more women across the country. And this body has, in effect, rejected that kind of restriction by a vote of 58 to 42 when we had to consider the continuing resolution just weeks ago.

Finally, this ideological war in Indiana is misguided, it is costly in dollars and in lives, and it should not be tolerated. Certainly it should not be permitted by the kind of approach that is embodied in the House Republican budget. I believe the Members of this body will take a stand against it and fight the kind of war on women's health care the House Republican budget so dramatically reflects.

Mrs. FEINSTEIN. Madam President, I rise to discuss the devastating impact that the House Republican budget would have on seniors, women, children, and families nationwide.

On April 15, 2011, House Republicans passed H. Con. Res. 34, Chairman RYAN's budget. Under the guise of entitlement reform and deficit reduction, House Republicans would instead ensure that the elderly, the poor, pregnant women, and children will be unable to afford health care.



The House Republican budget essentially ends the important entitlement programs Medicare and Medicaid as we know them, all while 72 percent of the budget cuts go to fund tax cuts for the rich. The budget claims \$1.5 trillion in savings from winding down the wars in Iraq and Afghanistan, which are already savings that will happen. If you discount those savings, the House Republican budget cuts \$4.3 trillion over 10 years, while spending \$4.2 trillion on tax cuts for the wealthy, resulting in only \$100 billion in deficit reduction. To be blunt, House Republicans are trying to balance the budget on the backs of the poor, the elderly, and our children while rewarding the wealthy.

This budget changes Medicaid from a State-Federal matching program that can adjust to changes in unemployment, poverty, or aging of the population, to a capped amount of Federal funds per State—a block grant. The budget also repeals the health reform law.

Medicaid is the health insurance program for low-income or disabled individuals and families, many of whom are parents in working families. This is not a population who can easily access health insurance elsewhere if their benefits are cut.

If Medicaid was converted to a block grant and the health reform law repealed, California stands to lose an estimated \$147.8 billion over the next decade—\$87.7 billion through Federal investments in Medi-Cal and \$60.1 billion from the Medicaid expansion in health reform. Under the House Republican budget, California would see a 31-percent reduction in Federal dollars over the first 10 years, and by 2021 there would likely be a 41-percent cut in Medicaid enrollment. Mr. President, 7.2 million Medicaid beneficiaries in California could see either reduced benefits or increased out-of-pocket costs, and at least 2 million poor Californians could be kicked off the program.

Low-income pregnant women who depend on Medicaid as a key source of health coverage could be dropped from the program. By converting Medicaid into a block grant, House Republicans would inevitably force States to drop coverage or change eligibility levels, and many more babies could be at risk. Without Medicaid, pregnant women who rely on the program would likely be uninsured and forgo critical prenatal care. This is a serious concern for the health of both the mother and the baby. Babies born to mothers who do not receive prenatal care are three times as likely to be born at a low birth weight and five times more likely to die. A block grant could also result in States dropping coverage for children who need it the most, such as those receiving special needs care.

In California alone, Medicaid care for seniors and the disabled, including nursing home care, would be slashed by almost \$54 billion over 10 years.

This budget hurts women, it hurts children, and it hurts the elderly.

The House Republican budget also eliminates Medicare as we know it. Instead of a guaranteed set of health benefits, seniors would receive roughly \$8,000 to purchase insurance on the private market. This sounds good, but the bottom line is that it won't cover the costs. Our current Medicare Program has been more effective than the private insurance market at keeping costs down. This means that for an equivalent package of benefits in 2022, under this budget, health care costs for an average 65-year-old will be 40 percent higher. Because the \$8,000 will be insufficient to cover the increased cost of care, annual costs the seniors pay out of their own pocket for health care will more than double in 2022, from an estimated \$6,150 to \$12,500. Essentially, seniors would be getting less money to purchase more expensive care. In 2010, half of all Medicare beneficiaries had incomes less than \$21,000. You can see the problem.

Furthermore, the House GOP budget would repeal the health reform law. Repealing the health reform law would reopen the drug-coverage Medicare drug-coverage gap or doughnut hole, that is closed in health reform. This gap forced beneficiaries to pay 100 percent of their drug costs after they exceeded an initial coverage limit. Over 381,000 California seniors are in this coverage gap. House Republicans want these seniors to have to pay \$214 million more for prescriptions next year and \$4.3 billion more in 2030.

Furthermore, there would no longer be free annual wellness exams under Medicare, meaning over 106,000 Californians could pay over \$11.1 million more for annual wellness visits in 2012.

Repealing the health reform law also hurts women. Women in Medicare would no longer receive free mammograms—an important measure to find breast cancer early.

Because of the new health care reform law, in 2014, insurance companies will no longer be able to discriminate based on preexisting health conditions and will no longer be able to charge different premiums for women and men. House Republicans want insurance companies to get back in the driver's seat and be able to charge higher rates based on gender and deny coverage to people with preexisting conditions. About 80 percent of Americans age 65 and older have at least one chronic health condition, meaning it would be more difficult for them to find insurance coverage. Under this budget, pregnancy would once again be considered a preexisting condition. We all know how difficult it is to get coverage. It is a travesty to deny health insurance to women for this reason.

With these and other benefits in the law, women make great strides toward equality in the insurance market. But

House Republicans want to eliminate these strides.

The House Republican budget also targets a critical nutrition program for low-income families. It would cut \$127 billion, or 20 percent, to the Supplemental Nutrition Assistance Program, SNAP, in the next 10 years alone. In my State alone, 3.7 million individuals are expected to receive food stamps in 2012. Under the House Republican budget, California would lose over \$10 billion in food stamp benefits over the next 10 years. As a result, families would see their benefits cut. Low-income families, with average salaries of \$28,000 a year, would see their benefits cut by \$147 a month.

The continued assault on health care for the poor, the elderly, women, and children is astounding to me. We need to look carefully at our spending and we need to make cuts, and I believe we need to include entitlement programs in the discussion. But changes to these programs and any cuts we make have to be carefully crafted to ensure that the most vulnerable populations receive the least amount of harm. The House Republican budget does not follow this philosophy; instead, it attacks the poor and elderly in the guise of deficit reduction.

I will be voting against this budget when it comes before the full Senate for a vote.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I rise today to speak in opposition to the proposed reauthorization of the expiring provisions of the PATRIOT Act incorporated in S. 1038. I have to tell you, I find reauthorization especially troubling since we have waited until the last minute and are now being told we must rush this bill through the Senate of the United States.

There are a number of PATRIOT Act provisions that are permanent, and they remain in place to give our intelligence community important tools to fight terrorism. But there are three controversial provisions we are debating, commonly known as roving wiretap, lone wolf, and business records. I have to tell you, at least from my point of view—and I think there are other Senators here who agree with me—they are ripe for abuse, and they threaten Americans' constitutional freedoms.

As I start my remarks at the onset, I want to state that I firmly believe, as

we all do, that terrorism is a serious threat to our great country, the United States, and we have to be focused like no other time in our history in seeking to protect our people, the American people.

I sit on the Senate Armed Services Committee and the Senate Intelligence Committee. On those two committees, much of my attention is centered on keeping Americans safe, both here and abroad. I recognize that despite bin Laden's death—which we all celebrate because justice was delivered—we still live in a world where terrorism is a serious threat to our country, our economy, and to American lives.

Our government does need the appropriate surveillance and antiterrorism tools to achieve these important goals—indeed, many of the PATRIOT Act's provisions which I support and have made our Nation safer since those devastating attacks on that day we will always remember, on 9/11, we know that for a fact. But the problem we confront today is there are three provisions we are debating that fail to strike the right balance between keeping us safe, while protecting the privacy rights of Coloradans and all Americans.

Instead, these three provisions are far too susceptible to abuse by the Federal Government, even in the name of keeping us safe from terrorism. I do not say this lightly, but my concerns about some of these provisions have only grown since I have been briefed on their interpretation and their implementation as a member of the Intelligence Committee.

Let me share some examples. Currently, the intelligence community can place wide-ranging wiretaps on Americans without even identifying the target or the location of such surveillance. That is one concern. Second concern. The intelligence community can target individuals who have no connection to terrorist organizations. A third concern I have is they can collect business records on law-abiding Americans who have no connection to terrorism. We ought to be able to at least agree that the source of an investigation under the PATRIOT Act should have a terrorist-related focus. If we cannot limit investigations to terrorism, my concern is, where do they end? Is there no amount of information our government can collect that should be off-limits? I know Coloradans are demanding that we at least place commonsense limits on government investigations and link data collection to terrorist-related activities.

If we pass this bill to extend the PATRIOT Act until 2015, it would mean that for 4 more years the Federal Government will continue to have unrestrained access to private information about Americans who have no connection to terrorism, with little to no accountability as to how these powers are used.

Again, I wish to go back because we all agree the intelligence community needs effective tools to combat terrorism. But we must provide those tools in a way that protects the constitutional freedoms of our people and lives up to the standard of transparency democracy demands.

The three controversial provisions I have mentioned can be much better balanced to protect our people. Yet it seems to me that many of my colleagues, many of our colleagues, oppose any changes. By making the PATRIOT Act provisions I have outlined permanent, we would be, in effect, preventing debate on them ever again.

To travel that path would be to threaten constitutional and civil liberties we hold dear in this country. That is not the right path. Let me be clear. I do not oppose the reauthorization of these three provisions of the PATRIOT Act, but I do aim to bring forward some commonsense reforms that will allow us to strike an important balance between keeping our Nation safe, on the one hand, while also protecting privacy and civil liberties.

Toward that goal, I have worked side by side with my colleagues in coming up with commonsense fixes that could receive bipartisan support. Senator WYDEN from Oregon has filed an amendment, which I have cosponsored, that would require the Department of Justice disclose to Congress the official legal interpretation of the provisions of the PATRIOT Act. While I believe our intelligence practices should be kept secret, I do not believe the government's official interpretation of these laws should be kept secret.

I have also filed my own amendments to address some of the problems I see with the three expiring provisions. The first amendment I have filed is bipartisan with Senator PAUL of Kentucky, who is on the floor, and Senator WYDEN, who has joined as well. Our amendment would modify the roving wiretap authority under section 206 of the PATRIOT Act.

Specifically, our bipartisan amendment would require intelligence agencies to identify either the target or the place to be wiretapped. They currently do not have to do so. I believe that when seeking to collect intelligence, law enforcement should at least have to identify who is being targeted.

I have also filed an amendment to address the so-called "lone wolf" provision which currently allows the government to conduct wiretap surveillance on individuals, even when that person has no connection to a government or a terrorist organization.

This amendment would simply require that should the intelligence community use the "lone wolf" provision, that Congress simply be notified—again, a safeguard that is not in place as we stand here today. Without safeguards like that, how do we in this

body conduct our constitutional duties of oversight?

Finally, I was joined by Senator WYDEN in filing an amendment designed to narrow the scope of business record materials that can be collected under section 215 of the PATRIOT Act. This amendment would still allow law enforcement to use the PATRIOT Act to obtain such records but would require these entities to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities.

Right now, law enforcement can currently obtain any kind of records. In fact, the PATRIOT Act's only limitation states that such information has to be related to any tangible thing. That is right. As long as these business records are related to any tangible thing, the U.S. Government can require businesses to turn over information on all their customers, whether or not there is any link to terrorism.

Mr. WYDEN. Would my colleague yield for a question?

Mr. UDALL of Colorado. Yes.

Mr. WYDEN. It seems to me the Senator has laid out the case for why there needs to be a thoughtful debate about the PATRIOT Act and what is necessary to strike the key balance between fighting terrorism ferociously and protecting our liberties.

I am interested in what my colleague thinks about the proposition of how you have a thoughtful debate on these issues, when there is secret law where, in effect, the interpretation of the law, as it stands today, is kept secret. So here we are, Senators on the floor, and we have colleagues of both political parties wanting to participate. Certainly, if you are an American, you are in Oregon or Colorado, you are listening in, you want to be part of this discussion. But yet the executive branch keeps secret how they are interpreting the law.

What is the Senator's sense about how we have a thoughtful debate if that continues?

Mr. UDALL of Colorado. The Senator from Oregon has put his finger on why it is so important to have a debate on the floor and not rush these provisions to the House because of a deadline that I think we can push back. We can, as you know, extend the PATRIOT Act in its present form a number of other days or a number of weeks in order to get this right.

But the Senator from Oregon makes the powerful point that the law should not be classified—as far as its interpretation goes. Of course, we can protect sources and methods and operations, as we well should. Both of us serve on the Intelligence Committee. We are privy to some information that should be classified. But we have come to the floor to make this case because of what we have learned on the Intelligence Committee.

Mr. WYDEN. Well said.

Mr. UDALL of Colorado. I thank the Senator for his question. I look forward to his comments in a few minutes. The Senator from Oregon, in effect, points out that these are just a few of the reform ideas we could debate. But without further debate on any of these issues, this or any other administration can abuse the PATRIOT Act and could actually deny us, as Members of Congress, whether in this Congress or future Congresses, the opportunity to fulfill our oversight responsibilities on behalf of the American people.

I voted against the original passage of the PATRIOT Act in 2001, and I plan to vote against the reauthorization of the expiring provisions this week, unless we implement some reforms that will sensibly restrain these overly broad provisions. Simply put—again, to make the point that the Senator from Oregon made so importantly—I believe Congress is granting powers to the executive branch that lead to abuse and, frankly, shield the executive branch from accountability.

It has been 10 years since we first passed this law, and there has been very little opportunity to improve the law. I resist this rush to again rubberstamp policies that threaten the very liberty we hold dear. I recently supported a short-term extensions of the expiring provisions before us as a bridge to take time and debate and amend the PATRIOT Act and its controversial provisions.

But we were notified—unfortunately, a few days ago—that we would be voting on a 4-year extension of these expiring provisions. That is not the way to assure Americans that we are diligently considering these important public decisions.

In Federalist 51, James Madison, whom we venerate, who was the author of many of the documents that structure the way in which we organize and operate our democracy, wrote: “In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

The bill before us does not live up to that standard. I believe it seriously risks the constitutional freedoms of our people. We need to strike a better balance between giving our national security and law enforcement officials the tools necessary to keep us safe, while not damaging the very Constitution we have sworn to support and defend.

By passing an unamended reauthorization, we are assuring that Americans will live with the status quo for 4 more long years. I believe this bill may well be a lost opportunity to improve the balance between our security and our civil liberties. That is not the result that our Founding Fathers envi-

sioned, and it is not a result that our constituents want.

For these reasons, if the PATRIOT Act provisions are not amended, I plan to vote no on the motion to invoke cloture and on passage of S. 1038. Before I yield the floor, I wish to make one last historical reference.

Ben Franklin, one of our Founding Fathers, said, compellingly and presciently: “A society that would sacrifice essential liberties for short-term security deserves neither.”

I think that is the question before us. There is a way forward. There is a way to keep the PATRIOT Act in place to protect our national security but also to protect our essential liberties. But in order to do that, we have to have a chance to debate and pass these important amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before my colleague leaves the Chamber, I wished to tell him what a welcome addition he has been to the Intelligence Committee. I have served on that committee for 10 years. We have had excellent chairs—first, Senator ROBERTS, then Senator ROCKEFELLER, Senator FEINSTEIN.

So we continue to try to look for bipartisan support for trying to strike that balance between collective security and individual liberty. I am struck both by the clarity of your statement and the fact that those who are going to vote on these amendments and the American people who are listening in tonight ought to be able to get, in a straightforward, easy-to-access fashion, how the executive branch is currently interpreting the PATRIOT Act.

The fact is, law professors give assignments to their students to write analyses of the PATRIOT Act. The Congressional Research Service actually has an analysis out. But it is not possible to get the official interpretation of how the U.S. Government frames this law as far as the operations are so essential for our country. The Senator has laid it out very well. It is a pleasure to serve with him on the Intelligence Committee.

Mr. President, let me sum up with what this issue has come down to, to me.

These are dangerous times. If you go into the Intelligence Committee several times a week, as Senator UDALL and I do, you come away with the indisputable judgment that there are threats to the well-being of this country, that there are people who do not wish our citizens well. In these dangerous times, the sources and methods of our antiterror operations absolutely must be kept secret. That is fundamental to the work of the intelligence community—keeping the sources and methods of those who serve us so gallantly secret and ensuring that they are as safe as possible.

But while we protect those sources and methods, the laws that authorize them should not be kept secret from the American people. That is what this is all about—whether the laws that authorize the operations that are so essential, which have been passed by the Congress—that their interpretation should be kept secret from the American people. I call it “secret law.” I want to say to this body, yes, we need secret operations, but secret law is bad for our democracy. It will undermine the confidence the American people have in our intelligence operations.

You might recall that it was only a few years ago, during the Bush administration, that they secretly reinterpreted the warrantless wiretapping statutes to say that it was possible to wiretap our people without a warrant. When it came out, it took years to sort that out, with the executive branch and the Congress working together. I don't want to see that happen again. So that is why I have joined Senator UDALL in these amendments, and we hope we can get bipartisan support for what we are trying to do and especially ensure that the official interpretation of the PATRIOT Act, an important intelligent statute, is made public to the American people, and I think it can be done in a way without jeopardizing our sources and methods.

One of the reasons Senator UDALL, I, and others feel so strongly about this is—and Senator UDALL touched on this—that this is a time when Congress should finally say we are not just going to keep kicking the can down the road. That is what has been done again and again over the last decade. The PATRIOT Act was passed a decade ago, during a period of understandable fear, having suffered in our Nation the greatest terrorist attack in our history. So the PATRIOT Act was born out of those great fears.

It seems to me that now is the time to revisit that and ensure that a better job is done of striking the balance between fighting terror and protecting individual liberty. Unfortunately, every time over the last decade there has been an effort to do just that—revisit this and strike a better balance—we have had the same pattern; we have said we just have to get it done quickly and we really don't have any time to consider, for example, the thoughtful ideas Senator UDALL has mentioned. I just don't think it is time now to once again put off a real debate on the PATRIOT Act for yet another always-distant day.

There is an irony about what this is all about, and that is that Senators are going to want to consider the amendments of Senator UDALL—and I believe Senator PAUL is here, and others who care strongly about this. It is awfully hard to have a thoughtful debate on these specific amendments, whether it is the Leahy amendment, the Paul

amendment, the Udall amendment, or the ones we have together, if, in fact, you cannot figure out how the executive branch is interpreting the law.

An open and informed debate on the PATRIOT Act requires that we get beyond the fact that the executive branch relies on the secret legal interpretations to support their work, and Members of the Senate try to figure out what those interpretations are.

Here are the rules. If a U.S. Senator wants to go to the Intelligence Committee—and I think Senator UDALL touched on this—the Senator can go there and get a briefing. Many Members of Congress, however, don't have staff members who are cleared for those kinds of briefings. Under Senate rules, it is not possible for Senators to come down here and discuss what they may have picked up in one of those classified briefings.

I just don't think, with respect to the legal interpretation, that is what the American people believe we ought to be doing. The American people want secret operations protected. They understand what sources and methods are all about and that we have to have secrecy, for example, for those in the intelligence community to get the information we need about sleeper cells and terrorist groups and threats we learn about in the Intelligence Committee. But that is very different from keeping these legal interpretations secret.

In my view, the current situation is simply unacceptable. The American people recognize that their government can better protect national security if it sometimes is allowed to operate in secrecy. They certainly don't expect the executive branch to publish every detail about how intelligence is collected. Certainly, Americans never expected George Washington to tell them about his plans for observing troop movement at Yorktown. But Americans have always expected their government to operate within the boundaries of publicly understood law. As voters, they certainly have a right to know how the law is being interpreted so that the American people can ratify or reject decisions made on their behalf. To put it another way, Americans know their government will sometimes conduct secret operations, but they don't believe the government ought to be writing secret law.

The reason we have felt so strongly about this issue of secret law is that it violates the trust Americans place in their government and it undermines public confidence in government agencies and institutions, making it harder to operate effectively. I was on the Intelligence Committee, before Senator UDALL joined us, when Americans were pretty much stunned to learn the Bush administration had been secretly claiming for years that warrantless wiretapping was legal. My own view was that disclosure significantly un-

dermined the public trust in the Department of Justice and our national intelligence agencies. Our phones were ringing off the hook for days when the American people learned about it. The Congress and executive branch had to retrench and figure out how to sort it out.

I certainly believe the public will be surprised again when they learn about some of the interpretations of the PATRIOT Act. Government officials cannot hope to indefinitely prevent the American people from learning the truth. This is going to come out, colleagues. It is going to come out at some point, just as it came out during the Bush administration about warrantless wiretapping. It is going to come out. It is not going to be helpful to the kind of dialog we want to have with the American people, an open and honest dialog, to just continue this practice of secret law.

The reason I am offering or seeking to offer this amendment with Senator UDALL, Senator MERKLEY, and other colleagues with respect to changing the practice of secret law is that we have raised this issue numerous times—on the Senate floor, in correspondence, in meetings with senior administration officials—and I have been joined in the past by other Senators, and we talked about it with respect to the problem in the news media. But the problem persists and the gap between the public's understanding of the PATRIOT Act and the government's secret interpretation of it remains today. Once information has been labeled "secret," there is a strong bureaucratic tendency—it almost gets in the bureaucratic chromosomes to keep it secret and not revisit the original decision.

So what Senator UDALL and I and colleagues seek to do is correct this problem. We seek to offer an amendment that states that it is entirely appropriate for particular intelligence collection techniques to be kept secret but that the laws that authorize these techniques should not be kept secret and should instead be transparent to the public. We seek to offer an amendment that states that U.S. Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws or describe the execution of these laws in a way that misinforms or misleads the public.

So under this proposal, the Attorney General and Director of National Intelligence would—and we note this—provide a classified report to the congressional intelligence committees. It makes it clear that intelligence collection continues to go forward, and our amendment would simply require the Attorney General to publicly lay out the legal basis for the intelligence activities described in the report. The amendment specifically directs the Attorney General not to describe specific

collection, programs, or activities, but simply to fully describe the legal interpretations and analyses necessary to understand the government's official interpretation of the law.

Let me close—I see colleagues waiting to speak—and say that we can have honest and legitimate disagreements about exactly how broad intelligence collection authorities ought to be, and members of the public do not expect to know all of the details about how those authorities are used, but I hope each Senator would agree that the law itself should not be kept secret and that the government should always be open and honest with the American people about what the law means. All that Senator UDALL and I seek to do, along with other colleagues, is to restore some of that openness and honesty in an area where it is now needed. I hope colleagues on the floor of the Senate and in the Obama administration will join in that effort.

Mr. PRYOR. Mr. President, I want to briefly comment on yesterday's cloture vote on the motion to proceed to S.1038, the extension of the amendments to the Foreign Intelligence Surveillance Act.

Unfortunately, yesterday I was attending the funeral of a very close family friend who passed away on Friday. However, I wish to express my support for the motion to proceed and the extensions themselves. I believe these extensions, section 6001 (a) of the Intelligence Reform and Terrorism Prevention Act, and sections 206 and 215 of the USA PATRIOT Act, continue to provide the right balance between safety and individual rights.

I understand those with concerns about the breadth and scope of this law and believe it is important to continue to ask these questions and examine the limits and extent of these amendments as well as other aspects of the law.

In the wake of bin Laden's recent killing, the importance and significance of our intelligence resources are without question. Our intelligence community must have the necessary tools at its disposal to protect us from the threat of terrorism. This legislation helps clarify what is legal and proper, and I believe strikes a balance between prioritizing our safety without trampling individual rights.

Mr. BROWN of Ohio. Mr. President, yesterday the Senate conducted a procedural vote on whether it would begin deliberation on S. 1038, the PATRIOT Sunsets Extension Act of 2011.

Due to inclement weather, my flight from Cleveland returned to Cleveland, and I was unable to make this vote. However, if I had been in attendance, I would have voted "yea."

I have long expressed concerns about the PATRIOT Act, specifically about its scope and effectiveness. For too long, Americans have been asked to cede their constitutional rights in the

name of national security. There is no question that our law enforcement authorities need the tools to fight terrorism and keep Americans safe, but security is not a zero sum game. Indeed, it is certainly possible to extend the PATRIOT Act while building in some additional checks and balances. But this extension does not include them.

Despite my misgivings about this extension, I believe that it is important that the Senate directly address this legislation that is important to both our Nation's security and well as our civil liberties.

Mr. WHITEHOUSE. Mr. President, on May 23, 2011, due to my daughter's college graduation, I was absent for vote No. 75, a motion to invoke cloture on the motion to proceed to S. 1038, the USA PATRIOT Sunset Extension Act of 2011. Had I been present, I would have voted "yea."

Mr. BROWN of Massachusetts. Mr. President, on May 23 the Senate voted on a motion to invoke cloture on the motion to proceed to the USA PATRIOT Act Sunset Extension Act of 2011, S. 193. I was necessarily absent for this vote. Had I been able to vote, I would have voted "aye." The act will extend sections 206 and 215 of the Patriot Act and section 6001 of the Intelligence Reform and Terrorism Prevention Act, IRTPA, for 4 more years before they expire on May 27. The PATRIOT Act, with these provisions, has provided vital tools and resources to our counterterrorism professionals that have enabled them to disrupt dozens of active terrorist plots. By empowering our counterterrorism professionals to do their jobs, we can continue to disrupt and prevent terrorist attacks in the homeland and abroad. I voted for the 90-day extension of these three provisions in February and I look forward to voting on final passage of the long-term extension this week.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ISRAEL AND PALESTINE

Mr. MORAN. Mr. President, on Thursday, in a speech on the Middle East, President Obama said:

We believe the borders of Israel and Palestine should be based on the 1967 lines with mutually agreed swaps so that secure and recognized borders are established for both states.

While the President has since sought to revise or clarify his remarks, it is valuable to remind ourselves what a retreat to the pre-1967 boundaries would mean for the security of Israel.

After Israel declared independence in 1948, it was invaded by five neighboring armies, and an armistice line was subsequently established in 1949. This line is known as the Green Line. While some refer to it as a border, it was never officially recognized as an international border.

If Israel were forced to retreat to the Green Line—its pre-1967 boundary—Israel would be only 9 miles wide at its narrowest point. Such close borders are untenable today and would subject Israel's population to great and grave danger.

Following the Six Day War, U.N. Security Council Resolution 242 affirmed Israel's right to secure and recognized borders. As Robert Satloff of the Washington Institute for Near East Policy points out, calls for Israel to withdraw to those "secure and recognized" borders have never been interpreted as being synonymous with the pre-1967 boundaries. A quick look at a map of Israel will explain why these boundaries cannot be secure.

Prime Minister Netanyahu today, in a joint meeting of Congress, reminded us that "Israel needs unique security arrangements because of its unique size." Two-thirds of Israel's population and infrastructure lies within a 60-mile strip along the Mediterranean coastline. Tel Aviv would only be 11 miles away from a Palestinian state with its border as the Green Line, and Ben Gurion Airport, Israel's largest and busiest, would be a mere 4 miles away. It would only take one rocket fired at Ben Gurion for the entire airport to shut down, isolating Israel from the rest of the world.

With the Green Line as its border, the dangers to Israel come not only because of the short distances between major Israeli cities and a Palestinian state, but also from the geography of the land. The 60-mile strip along Israel's coastline lies below the hilly heights of the West Bank. With control of the high terrain, terrorists could easily target and terrorize much of Israel's population just as they have from Gaza but with even more deadly accuracy.

When Israel unilaterally withdrew from Gaza in 2005, Israel's leaders had hoped the Palestinians would demonstrate they could live peacefully with Israel. Instead, Hamas assumed power and Israelis living in the southern part of Israel have had thousands of rockets and mortar attacks directed at them. So far this year, more than 300 rockets and mortars have been fired from Gaza, terrorizing countless families in Israel.

The threats to Israel from a Palestinian state with its border as the Green Line are clearly understood in this context—especially since Palestinian Authority President Mahmoud Abbas' Fatah party inked an accord with Hamas to form a unity govern-

ment earlier this month. Although welcomed by President Abbas, Hamas still calls for the destruction of the State of Israel. The United States designated Hamas a terrorist organization in 1997. It has killed more than 500 innocent civilians, including dozens of Americans.

The United States does not negotiate with terrorists, and we should not expect or ask Israel to do so either. Instead of calling for negotiations based on boundaries that leave Israel vulnerable to attack, the President should have insisted the Palestinians prove they are ready to be responsible and peaceful neighbors. As Prime Minister Netanyahu said:

The Palestinian Authority must choose either peace with Israel or peace with Hamas. There is no possibility for peace with both.

Israel's security must come first. Any efforts to force Israel to withdraw to its pre-1967 boundaries—the 1949 armistice line—would undermine Israel's security and threaten the future of any peace talk.

In 2004, the Senate overwhelmingly passed S. Res. 393, which endorsed U.S. policy for a Middle East peace process. In particular, the Senate supported a statement that said:

In light of realities on the ground, including already existing major Israeli population centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949.

I believe it is important for the United States to again oppose any plan to force Israel to withdraw to those 1949 boundaries. Borders between Israel and a Palestinian state should be decided only by Israel and Palestinian leaders through direct negotiations. Borders should not be a precondition set for negotiations by the President of the United States or anyone else. As Prime Minister Netanyahu said today: "Peace cannot be imposed."

Since recognizing Israel 11 minutes after its founding in 1948, our two countries have worked side by side to advance democracy and peace and stability. Israel is our staunchest ally in a volatile part of the world. We cannot now turn our backs on Israel by forcing it to take a position in negotiations that would endanger its very existence.

I oppose any plan or effort to force Israel back to those 1949 armistice lines and encourage my colleagues to work to see that is not the case. I ask my colleagues to support that position as well.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. Mr. President, we have been working for several days—I have been working on it for a lot longer than several days—but for several days publicly on a process to move forward with the PATRIOT Act. We have worked over the last several days to work something out that is an excellent compromise. Is this bill something everybody in the Senate likes or everybody in the House likes? The answer is no. But we all know how important it is that we continue this legislation. So Senator MCCONNELL and I and Speaker BOEHNER have agreed on a way to move forward.

The alternative is to have a long long-term extension that the House would send us and I don't think that would be to anyone's benefit, so we are moving forward. I have tried to do it with the bill that we invoked cloture on yesterday. I have had many conversations with Senator PAUL and others, but principally him, and tried to come up with a process to allow Senator PAUL to offer amendments—and others to offer amendments; it is not just him. I have been unsuccessful.

I understand Senator PAUL's exasperation because this is something that is extremely important to him and there was every desire, from my perspective and I think that of this body, to have a full and complete debate on the PATRIOT Act. But the Senate does not always work that way.

There have been a lot of things that have gotten in the way and the time is suddenly upon us. We have to complete this legislation by midnight on Thursday. We cannot let the PATRIOT Act expire. I have a responsibility to try to get this bill done as soon as possible, in spite of the fact that some of my Senators and some Republican Senators would rather I did it some other way at some other time. But I can't do that. I have to get this done.

We know, since bin Laden was killed, that there has been a lot of information discovered from him about what he did. One thing that is very clear is that he had instructed all of his lieutenants to focus all of their attention on the United States and its assets. So we cannot let this expire and I am going to do everything I can to make sure this does not happen.

Senator PAUL and I have tried to work out something. He feels strongly about at least three of his amendments. I say, even though he and I disagree on a number of things politically, I have found in his time here in the Senate, as it relates to me, he is a very pleasant man with strong feelings. I have only the highest regard for him and I am sorry I cannot make this system we have in the Senate more in keeping with his desires to get things done. But as he will learn over the years, it is always difficult to get what you want in the Senate. It doesn't mean you won't get it, but sometimes

you have to wait and get it done at some subsequent time.

Senator PAUL has been very upfront with me. He has never hidden a punch. He said: I feel strongly about a number of these amendments and I am not going to agree to let this go forward unless I have these amendments, and he has been very reasonable. He has brought his number down from 11 to 3 or 4 and I appreciate that. But the time has come for me to take some action.

Again, I repeat, I do not have the luxury of waiting for a better time. However, I would like to be able to allow the Senator from Kentucky to give a few of his stem-winding speeches. He does a very good job presenting himself. But in order to expedite what I think is so important to continue the country's intelligence operations, I am going to move to table the pending motion to proceed to S. 1038. Following that vote, I am going to ask the Senate to proceed to a message received from the House earlier today. I will then move to concur with the amendment which will be the extension of the PATRIOT Act and I will file cloture on that motion.

Mr. President, I move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PAUL (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from California (Mrs. FEINSTEIN), the Senator from North Carolina (Mrs. HAGAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Mrs. LANDRIEU), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 13, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—74

|            |            |           |
|------------|------------|-----------|
| Akaka      | Boozman    | Chambliss |
| Alexander  | Boxer      | Coats     |
| Ayotte     | Brown (MA) | Coburn    |
| Barrasso   | Brown (OH) | Cochran   |
| Baucus     | Burr       | Collins   |
| Bennet     | Cardin     | Conrad    |
| Blumenthal | Casey      | Coons     |

|              |             |             |
|--------------|-------------|-------------|
| Corker       | Kerry       | Pryor       |
| Cornyn       | Kirk        | Reed        |
| Crapo        | Klobuchar   | Reid        |
| DeMint       | Kohl        | Risch       |
| Durbin       | Kyl         | Rockefeller |
| Enzi         | Lautenberg  | Rubio       |
| Franken      | Levin       | Sessions    |
| Gillibrand   | Lugar       | Shelby      |
| Graham       | Manchin     | Snowe       |
| Grassley     | McCain      | Stabenow    |
| Harkin       | McConnell   | Thune       |
| Hatch        | Menendez    | Toomey      |
| Hoeven       | Mikulski    | Vitter      |
| Inhofe       | Moran       | Warner      |
| Inouye       | Murray      | Webb        |
| Isakson      | Nelson (NE) | Whitehouse  |
| Johanns      | Nelson (FL) | Wicker      |
| Johnson (WI) | Portman     |             |

NAYS—13

|          |           |            |
|----------|-----------|------------|
| Begich   | Merkley   | Udall (CO) |
| Bingaman | Murkowski | Udall (NM) |
| Cantwell | Sanders   | Wyden      |
| Heller   | Shaheen   |            |
| Lee      | Tester    |            |

ANSWERED "PRESENT"—1

Paul

NOT VOTING—12

|           |              |           |
|-----------|--------------|-----------|
| Blunt     | Hutchison    | Lieberman |
| Carper    | Johnson (SD) | McCaskill |
| Feinstein | Landrieu     | Roberts   |
| Hagan     | Leahy        | Schumer   |

The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. REID. Mr. President, I now ask the Chair to lay before the Senate a message from the House with respect to S. 990.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 990) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

#### SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) *IN GENERAL*.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended by striking "May 31, 2011" each place it appears and inserting "September 30, 2011".

(b) *EFFECTIVE DATE*.—The amendments made by subsection (a) shall take effect on May 30, 2011.

#### SEC. 2. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) *COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS*.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

MOTION TO CONCUR WITH AMENDMENT NO. 347

Mr. REID. Mr. President, I move to concur in the House amendment to S. 990 with an amendment, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to S. 990, with an amendment numbered 347.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "PATRIOT Sunsets Extension Act of 2011".

#### SEC. 2. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND RE-AUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; "50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

#### MOTION TO REFER WITH INSTRUCTIONS

Mr. REID moves to refer the House message to the Committee on Small Business with instructions to report back forthwith with an amendment as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to S. 990, with an amendment No. 347.

Harry Reid, Jack Reed, Carl Levin, Jeanne Shaheen, Mark R. Warner, Richard Blumenthal, Kent Conrad, Kirsten E. Gillibrand, Dianne Feinstein, Bill Nelson, John D. Rockefeller IV, Joseph I. Lieberman, Barbara A. Mikulski, Charles E. Schumer, Debbie Stabenow, Thomas R. Carper, Mark L. Pryor.

Mr. REID. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 348 TO AMENDMENT NO. 347

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 348 to amendment No. 347.

The amendment is as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

#### MOTION TO REFER WITH AMENDMENT NO. 349

Mr. REID. I have a motion to refer the House message to the Senate Small Business Committee with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Committee on Small Business with instructions to report back forthwith with an amendment numbered 349.

The amendment is as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

Mr. REID. On that motion, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 350

Mr. REID. Mr. President, I have an amendment to my instructions which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 350 to the instructions of the motion to refer.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 351 TO AMENDMENT NO. 350

Mr. REID. I have a second-degree amendment to my instructions which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 351 to amendment No. 350.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no further rollcall votes tonight, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AIRPORT AND AIRWAY EXTENSION ACT OF 2011, PART II

Mr. DURBIN. Mr. President, I ask unanimous consent, as if in morning business, the Senate proceed to the consideration of H.R. 1893, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1893) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1893) was ordered to a third reading, was read the third time, and passed.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

#### PATRIOT SUNSETS EXTENSION ACT

Mr. MERKLEY. Mr. President, I rise to address the 4-year extension of the PATRIOT Act and to oppose that extension if the bill is not modified.

I want to take us back to the principles on which our Nation was founded and, indeed, before our Declaration of



Independence and before our Constitution when there was a deep tradition of the right of privacy. Let's take William Pitt's declaration in 1763. He said:

The poorest may, in his cottage, bid his defiance to all the forces of the Crown . . . the storm may enter; the rain may enter. . . . But the King of England may not enter.

It is the philosophy embedded in William Pitt's declaration of the sanctity of a man's home that underwrote the principle of the fourth amendment. That reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The fourth amendment is powerful protection of personal privacy from the overreach of government. How does that compare in contrast to the PATRIOT Act that is before us?

Let me tell you the standard that is in the PATRIOT Act for the government to seize your papers, to search your papers, and that standard is simply "relevant" to an "investigation." Relevant to an investigation? That is the legal standard set out in the PATRIOT Act. That is a standard that was written to be as broad and low as possible. What does it mean to be "relevant" to an investigation? It certainly isn't something as strong as probable cause, which is in the fourth amendment. It certainly isn't describing the place to be searched, the persons and things to be seized. Indeed, the word "relevant" doesn't have a foundation of legal tradition that provides any boundaries at all.

Let's take the term "investigation." "Investigation" is in the eye of the beholder. I want to look into something, so that is an investigation. What happens to these words in the PATRIOT Act, in the section of the PATRIOT Act that addresses the sweeping powers to investigate Americans down to the books they check out, their medical records, and their private communications? Quite simply, there is a process in theory in which a court, known as the FISA Court, makes a determination, but they make the determination upon this standard—that this standard is "relevant to an investigation."

Now, the interpretation of that clause is done in secret. I would defy you to show me a circumstance where a secret interpretation of a very minimal standard is tightened in that secret process. But we don't know because we are not being told.

This is why I support Senator WYDEN's amendment. Senator WYDEN has said we should not have secret law—secret interpretation of clauses that may result in the opposite of what we believe is being done. That is a very important amendment. But that amendment will not be debated on the

floor of the Senate. It won't be debated because a very clever mechanism has just been put into play to prevent amendments from being offered and debated on the floor of the Senate on the 4-year extension of the PATRIOT Act. Quite frankly, I am very disturbed by that mechanism—a parliamentary move in which a House message is brought over and the regular bill is tabled, and that message will then have the regular PATRIOT Act put into it as a privileged motion, and it will be returned to the House. The effect therein is, because the tree has been filled, which is parliamentary-speak for "no amendments will be allowed," we won't get to debate Senator WYDEN's amendment.

There are a number of Senators who have proposed to change this standard—the standard "relevant to an investigation"—to make it a legally significant standard and make sure it is not being secretly interpreted to mean almost nothing. But we won't have a debate in this Senate over changing that low and insignificant standard into a meaningful legal standard with teeth in it, that has court cases behind what it means and interpretations that will protect us.

There is no question that every Member of this Chamber has an enormous sense of responsibility in the security of our Nation. In that sense, there is significant feeling on every person's part that we need to enable our intelligence services, our military, to do the necessary work to protect our Nation. But that does not mean we should avoid having a debate about whether the PATRIOT Act, as written today, without an amendment, rolls over the top of the fourth amendment of the Constitution of the United States of America.

We can have both personal privacy and a high standard, as set out in the fourth amendment, for the seizure of papers and security. Those two things are not at war with each other. We have had two centuries in this Nation of embracing the twins of personal privacy and security. We have made that work. We can continue to make it work.

I rise in protest about the process unfolding in the Senate in which amendments will not be presented and will not be debated. I rise to say the fourth amendment matters; that it sets a significant standard against unreasonable seizures and searches, and that the PATRIOT Act, as written, does not provide a clear implementation of the fourth amendment, a clear protection of the fourth amendment.

I will close by noting it has been nearly 250 years since William Pitt declared:

The poorest may, in his cottage, bid his defiance to all the forces of the Crown . . . the storm may enter; the rain may enter. . . . but the King of England may not enter.

Let us have a debate in this Chamber about modifications that protect our security but that hold faith with the principle William Pitt enunciated and with the principles we have adopted in the fourth amendment to the Constitution; that the right of the people against unreasonable searches and seizures shall not be violated.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

#### THE BUDGET

Mr. DURBIN. Mr. President, last week, the chairman of the House Budget Committee, PAUL RYAN of Wisconsin, came to Chicago to speak to the Economic Club and to articulate his vision—the Republican vision—on how to reduce our Nation's debt. It was an interesting speech because Congressman RYAN's budget—the Republican budget, which passed the House of Representatives—has become an object of debate and controversy.

I know Congressman RYAN. We served together on the President's deficit commission. I know he is a very thoughtful and learned and sincere individual, but I certainly have to say his approach to dealing with our budget deficit is one I believe falls short of the mark. It would seem to me, if we are serious about our deficit—and we should be—we should acknowledge the fact that for every \$1 we spend in Washington, we borrow 40 cents. That is unsustainable, and we have to address it.

We should also look at the grim, recent reality of our budget. When President William Jefferson Clinton left office a little over 10 years ago and handed the keys to the White House over to President George W. Bush, the accumulated net debt of America was \$5 trillion—\$5 trillion. Eight years later, in the next transfer of power, when President George W. Bush transferred power to President Obama, America's accumulated net debt had reached a new level of \$11 trillion, more than doubled in an 8-year period of time.

Ask yourself: How could that occur? Well, the answers are fairly obvious. When you wage two wars and don't pay for them, when you cut taxes in the midst of a war—the first time that has ever happened in our history—and when you pass programs that are not paid for, it adds to our debt. That is what happened.

President Obama inherited a dramatic increase in the national debt and a very weak economy, losing hundreds of thousands of jobs a month. Now we

find we are even deeper in debt—closer to \$14 trillion because of this recession, despite the best efforts of Congress and the President to turn it around. We know that has to change.

The major creditor of the United States is China, and it is also our major competitor. Those two realities force us to look honestly at this deficit. I take exception to the approach the Republicans use in their deficit reduction plan, because when I took a look at Congressman RYAN's budget—the Republican budget—I find, at the end of the day, it nominally cuts spending by \$4 trillion over a 10-year period of time. Yet it only cuts \$8 billion a year out of the Defense budget. The Defense budget of the United States is over \$500 billion every year, and they could only find \$8 billion a year to cut? Not a very serious undertaking.

They raise no new revenues to help pay down the debt, while they dramatically cut taxes for the wealthiest people and companies in America. In the name of deficit reduction, the Republican budget would cut the top tax rate of the wealthiest individuals and corporations to 25 percent. The Tax Policy Center estimates this would reduce tax revenues by \$2.9 trillion over the next 10 years, and virtually all the tax savings from that change would go to households making an annual income of over \$200,000 a year.

What does a multitrillion dollar tax cut have to do with deficit reduction? Congressman RYAN, in his speech in Chicago, criticized the Democrats for engaging in class warfare, as if it is somehow inappropriate to point out that the Republican budget proposes a massive shift in wealth from the poor and middle class to those who are better off. Warren Buffett, CEO of Berkshire Hathaway—seer of Omaha—answered that criticism best a few years ago when he said:

There is class warfare, all right. But it is my class, the rich class, that is making war and winning.

That is what happens with the Republican budget.

Then there is the issue of health care—an issue near and dear to every single American. A serious budget plan would address the largest cause of the projected long-term debt for the Federal Government—health care—by allowing dozens of cost-containment provisions in the affordable care act to take effect and then by finding even more to reduce the cost to the system. But the House Republican budget plan does the opposite. It repeals all the cost-containment mechanisms, which the Congressional Budget Office says in so doing will raise the debt of America.

Then the Republican budget goes a step further. It ends Medicare and Medicaid, as we know them—programs that have served America. Their budget would transform programs that seniors

and the poor count on today to provide adequate health insurance and to programs that help to cover just some of the costs, leaving the rest of the bills to the families, individuals, and State governments. All that the Republican budget plan does under the banner of health care reform is to shift the cost of health care from American families who are paying taxes to other American families who are paying taxes in the private market. It would do nothing to reduce health care costs as a whole.

It is fair to ask me at this point: Well, if you are going to criticize the Republican budget, what do you suggest? I will tell you what I suggest. I have sat around for 4-plus months now, with five of my Senate colleagues in both political parties, working on these ideas. What I think is the path to a reasonable deficit reduction is one that literally involves shared sacrifice, where every American has to be prepared to step up and accept the reality that things will change.

There is one demographic reality that overshadows this conversation. Since January 1 of this year, every day 9,000 Americans reach the age of 65. That trend will continue for 19 more years. That is the baby boom generation. If you will do the math, you will see a dramatic increase in people under Social Security and Medicare, as those children born immediately after World War II reach retirement age. That is a reality.

What do we do about it? First, we make sure Social Security can be counted on. Social Security does not add one penny to our Nation's debt. It is a separate fund. It will make every promised payment for another 25 years, with a cost-of-living adjustment, but then runs into trouble. You will see a reduction—if we don't do something in the 26th year—by over 20 percent for each benefit payment. Unacceptable. So we should think in honest terms about what we do today—small changes we can make today in Social Security—which, when played out over 25 years, like the miracle of compound interest, will buy us an even longer life in Social Security.

I think there are reasonable ways to do that. For example, when we passed Social Security reform in 1983, we said 90 percent of wages in America should be subject to Social Security taxation. Over the years, by not raising the ceiling on wages that could be taxed for Social Security, we have fallen behind in the 90-percent standard. I think we are close to 84 percent now. If we were to go back to the 90-percent standard, which I think is reasonable, and raise the eligible income in America for Social Security deductions up to 90 percent, it will move us toward solvency—more solvency—for Social Security. It is money that will not be used to reduce the deficit but will be used to in-

vest in Social Security. I think that makes sense.

There are other changes we can do that are reasonable. We also have to look at Medicare and Medicaid and acknowledge the obvious. The cost of health care is going up too fast. We can't keep up with it, neither can State governments, local governments, businesses, unions or families. So the cost containment in health care reform is just the beginning, but we need to continue the conversation, and we need spending cuts.

Let's be very honest about it. We have taken a pretty significant cut in domestic discretionary spending just this year—even more than the Bowles-Simpson commission envisioned. There is some risk associated with spending cuts in the midst of a recession. But now we need to ask the defense or military side of discretionary spending to also make some sacrifice.

I think one obvious way is to start bringing our troops home from overseas—bring them home from Iraq. It is estimated it costs us \$1 million per year for every soldier in the field—for all the support that goes into training and sustaining and protecting our men and women in uniform, which we must do. It is an expensive commitment. As we reduce our troop commitments overseas, the amount of money being spent through the Pentagon will be reduced as well.

We need to take a close look at all the private contractors working for the Pentagon. We had a hearing of this deficit commission and asked the expert: Can you tell us how many employees there are at the Department of Defense—civilian, military—how many private contractors are working for the Department of Defense? The expert said: I have no idea. I can't even get close to giving you an estimate, but it is a dramatically larger number. We can reduce that spending, and we should.

The point I am making is that after we have taken care of the entitlement programs and the spending issues, that isn't enough. We need to talk about revenue—revenue that can be brought into deficit reduction. Every year our Tax Code gives deductions and credits, exclusions and special treatment that account for \$1.1 trillion that would otherwise flow to the Treasury. Instead, it is money that isn't paid into taxes and into our government. We can reduce that tax expenditure and do it in a fair fashion by reforming the Tax Code in a meaningful way—as the Bowles-Simpson commission suggested, bring down tax rates as part of this conversation.

That, to me, is a reasonable approach. It parallels what was done in the Bowles-Simpson Commission, putting everything on the table and reducing our deficit over the next 10 years by at least \$4 trillion. I think we can do it, and we should do it on a bipartisan basis.

The Republican budget plan, unfortunately, takes the wrong approach. The House Republicans have proposed, among other things, a fundamental change in how we pay for health care. It turns Medicaid into a block grant program, and it eliminates the affordable health care act. One of the sources of pride we all shared was the notion that 30 million Americans currently uninsured would have insurance protection under the affordable health care act. What the Republicans do in repealing it is to add to the number of uninsured in America, thus making it clear they have no place to turn in their extreme situations but to Medicaid. So on top of eliminating the affordable health care act, adding to the number of uninsured Americans, the Republican plan then limits the amount of money to spend on Medicaid. The net result is more and more people uninsured seeking Medicaid help with no funds to pay for their medical treatment. That is not a good vision for the future of America.

We had a presentation today at our Democratic caucus lunch. The presentation was made by Senator KENT CONRAD, the chairman of our Budget Committee. He and Senator STABENOW of Michigan talked about what the Medicare changes would mean in America, and what it basically means is the average senior citizen, under the Republican budget plan, will see their Medicare benefits cut and will find their out-of-pocket expenses to maintain current Medicare protection double—over \$12,000 a year.

There are many seniors in Oregon and Illinois and across the Nation on fixed incomes. That is not a reasonable alternative—\$1,000 a month on Medicare insurance premiums? That is the Republican budget plan. It is not a reasonable way to deal with our future challenges in health care.

We will have a chance to vote this week on the Republican budget plan, and it will be interesting to see how many on the other side of the aisle want to support the approaches I have just described. Already, some of them have announced they will not. They think it goes too far. I do too.

I hope we can reject the House Republican plan on a bipartisan basis, but then let's come together in a bipartisan fashion and try to find a reasonable way to deal with this deficit. I hope we will use the Bowles-Simpson Commission as a starting point because I think it is a good one. Let's maintain some fealty toward our values, our values as a country that take care of the vulnerable whom we will always have among us, and make a pledge that our Tax Code will be progressive so working families have a fighting chance, and try to at least share the burden of sacrifice in a reasonable and just manner.

Those who are better off should pay more. Those who are less well off

should pay less. I don't think that is an extreme position. I think it is a sensible, humane position.

Our debate begins this week on the budget. We have a great challenge ahead of us. I hope some of the work we did on the deficit commission will help us reach a positive conclusion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GANG RESISTANCE EDUCATION AND TRAINING PROGRAM

Mr. WYDEN. Mr. President, I ask the Senate to join me in honoring the 20th anniversary of the Gang Resistance Education and Training—GREAT—Program and to commend law enforcement agencies across the nation for their dedication to educating America's youth in gang resistance.

Founded in 1991 with the support of Congress, the GREAT Program is a school-based curriculum led by law enforcement officers to instruct students on effective ways to avoid gang involvement and prevent youth violence and delinquent behavior. This program provides elementary and middle school students with the information and skills necessary to say no to gangs, to resolve conflict without the use of violence, and to set positive goals for themselves—helping America's youth take important steps in creating a future for themselves that does not include gangs or violence.

With western roots, the first GREAT classes were taught in Phoenix, AZ, in September of 1991. Over the past 20 years, GREAT has trained more than 12,000 law enforcement officers and nearly 6 million children have been educated in gang resistance and violence prevention. The program has also built key partnerships with nationally recognized organizations, such as the Boys & Girls Clubs of America and the National Association of Police Athletic Leagues. These partnerships encourage positive relationships among the community, parents, schools, and law enforcement officers and help America's students build positive ties with law enforcement officers.

In March of 1994, my home State of Oregon received its first GREAT class-

es at Parkrose Middle School in Northeast Portland. Since its inception in Oregon, Portland Police Bureau officers have taught over 1,400 GREAT classes with nearly 43,000 graduating students. Portland Police Bureau officers have strengthened families to by participating in the GREAT families program, which has educated over 80 families integrating nearly 300 family members.

Additionally, I would like to recognize that the Portland Police Bureau was chosen by the Federal Bureau of Alcohol, Tobacco, and Firearms as headquarters for the GREAT Program's Western Region, which is one of five regional training sites.

I am proud to honor the GREAT Program's 20th anniversary, the thousands of lives it has touched, and share its ongoing commitment to strengthening our communities through youth-violence prevention.

#### ADDITIONAL STATEMENTS

##### COGSWELL, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I am pleased to recognize a community in North Dakota that is celebrating its 125th anniversary. From June 24 to 26, the residents of Cogswell, ND, will gather to celebrate their community's founding.

Cogswell townsite was founded at the junction of the Soo Line Railroad and the Milwaukee Road Railroad. Some believe it was named for a Soo Line Railroad official, while others say it was named for MAJ Thomas Cogswell, a Revolutionary War hero.

Located in Sargent County, the citizens of Cogswell are proud to mention the many reasons their community is so strong. The city offers genuine smalltown living with a post office, bar and grill, repair stores, and construction companies. The people of Cogswell are known for their exceptional work ethic and caring attitude toward others, making it a great place to live and raise a family.

In honor of the city's 125th anniversary, community leaders have organized an all-school reunion, school reunion supper, street dances, a parade, 5K run/walk, games, classic car show, quilt show, talent show, and other celebratory events.

I ask that my colleagues in the U.S. Senate join me in congratulating Cogswell, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Cogswell and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Cogswell that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Cogswell has a proud past and a bright future.●

#### MESSAGES FROM THE HOUSE

At 10:13 a.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1383. An act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvement Act of 2010, and for other purposes.

H.R. 1407. An act to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

H.R. 1657. An act to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by service-disabled veterans.

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 793. An act to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office".

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

At 1:53 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following act with an amendment, in which it requests the concurrence of the Senate:

S. 990. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1383. An act to temporarily preserve higher rates for tuition and fees for programs of education at non-public institutions of higher learning pursued by individuals enrolled in the Post-9/11 Educational As-

sistance Program of the Department of Veterans Affairs before the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1407. An act to increase, effective as of December 1, 2011, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1627. An act to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1657. An act to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans; to the Committee on Veterans' Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill and joint resolutions were read the second time, and placed on the calendar:

S. 1050. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes.

S.J. Res. 13. Joint resolution declaring that a state of war exists between the Government of Libya and the Government and people of the United States, and making provision to prosecute the same.

S.J. Res. 14. Joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1057. A bill to repeal the Volumetric Ethanol Excise Tax Credit.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1855. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Common Features Project; to the Committee on Environment and Public Works.

EC-1856. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Israel to support the pro-

duction and integration of hulls, rolling bodies, suspensions, subsystems and electrical systems for the Merkava Armored Personnel Carrier in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1857. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC-1858. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Foreign Relations.

EC-1859. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "The American Dream Belongs to Everyone"; to the Committee on Health, Education, Labor, and Pensions.

EC-1860. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts" (5 CFR Part 1653) received in the Office of the President of the Senate on May 23, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1861. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1862. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter fiscal year 2010 quarterly report of the Department's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-18. A joint resolution adopted by the Legislature of the State of Utah urging Congress to support and preserve the Navajo Code Talkers' legacy and their substantial contribution to the nation; to the Committee on Armed Services.

#### HOUSE JOINT RESOLUTION No. 9

Whereas, the few, living Navajo Code Talkers are undertaking a multi-year project to build an educational, historical, and humanitarian facility that will bring pride to Native American and non-native American communities alike;

Whereas, this project will educate both young and old and conserve the instruments of freedom gifted to the American people by an awe-inspiring group of young Navajo men who served the country during World War II;

Whereas, during World War II, these modest young Navajo men fashioned from the Navajo language the only unbreakable code ever recorded in military history;

Whereas, these Navajo radio operators transmitted the code throughout the dense jungles and exposed beachheads of the Pacific Theater from 1942 to 1945, passing over 800 error-free messages in 48 hours at Iwo Jima alone;

Whereas, the bravery and ingenuity of these young Navajo men gave the United States and Allied Forces the upper hand they so desperately needed in the Pacific, hastened the war's end, and assured victory for the United States;

Whereas, after being sworn to secrecy for 23 years after World War II, these young Navajo men eventually came to be known as Navajo Code Talkers and were honored by President George W. Bush more than 50 years after the war with congressional gold and silver medals in 2001;

Whereas, the Navajo Code Talkers are now in their eighties and, with fewer than 50 remaining from the original 400, the urgency to capture and share their stories and memorabilia from their service in World War II is critical;

Whereas, these American treasures and revered elders of the Navajo Nation have come together to tell their story, one that has never been heard, from their own hearts and in their own words;

Whereas, the Navajo Code Talkers' heroic story of an ancient language, valiant people, and a decisive victory that changed the path of modern history is the greatest story never told;

Whereas, the Navajo Code Talkers ultimately envision a lasting memorial, the Navajo Code Talkers' Museum and Veterans Center, on donated private land;

Whereas, the Navajo Code Talkers' mission is to create a place where their service will inspire others to achieve excellence and instill core values of pride, discipline, and honor in all those who visit the Center; and

Whereas, through the lead efforts of the Navajo Code Talkers' Foundation and many partners and individuals, the Navajo Code Talkers' legacy, history, language, and code will be preserved to benefit all future generations: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urges the United States Congress, the Department of the Interior, the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, the Department of Agriculture, the State Department, and the Department of Energy to support and preserve the Navajo Code Talkers' remarkable legacy; be it further

*Resolved*, That a copy of this resolution be presented to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Interior, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of State, the Secretary of Energy, and to the members of Utah's congressional delegation.

POM-19. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to implement policies and programs to protect American children from employment related identity theft; to the Committee on Banking, Housing, and Urban Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, according to the Chief Actuary of the Social Security Administration, millions of people pay payroll taxes with fraudulent Social Security numbers;

Whereas, pedophiles, criminals, deadbeat parents, and many others obtain jobs by using fraudulent documents to hide their true identities;

Whereas, according to the Federal Trade Commission, employment related identity theft accounts for 13% of total identity theft cases in the United States;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified thousands of Utah children under age 13 and on public assistance who have had their Social Security numbers fraudulently used by others to obtain jobs;

Whereas, investigations by the Utah Department of Workforce Services, the Social Security Administration, and the Utah Attorney General's Office have identified 1,626 employers paying wages to individuals with Social Security numbers of children who are under 12;

Whereas, these children suffer serious harm, including the destruction of their good names and their credit histories;

Whereas, these children are saddled with arrest records, income tax liabilities on income earned under their stolen Social Security numbers, and compromised medical records with life threatening consequences;

Whereas, current federal laws and regulations prohibit the Department of Workforce Services from sharing information with law enforcement and the Department of Homeland Security about individuals wrongfully using Social Security numbers belonging to children and other American citizens and legal residents;

Whereas, the Social Security Administration does not inform or assist Americans whose Social Security numbers are being used unlawfully;

Whereas, the Social Security Administration assigns numbers being unlawfully used to newborn infants and other new recipients of Social Security numbers; and

Whereas, the Internal Revenue Service does not inform Americans whose Social Security numbers are being used unlawfully about this identity theft as long as taxes are paid on the income earned under the fraudulently obtained numbers: Now, therefore, be it

*Resolved*, That the Legislature of the State of Utah, the Governor concurring therein, urges the United States Congress to protect American children from employment related identity theft by requiring federal agencies to report the fraudulent use of these Social Security numbers to the victims, the appropriate law enforcement agencies, and the Department of Homeland Security; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to assist the victims of child identity theft in recovering their identities, including issuing new Social Security numbers, when appropriate; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to require federal agencies to discontinue issuing Social Security numbers to children and other individuals when those numbers are already being used unlawfully; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-20. A joint resolution adopted by the Legislature of the State of Utah urging Congress to lift the freeze on longer combination vehicles, so that states may conduct test programs to evaluate routes, configurations, and operating conditions; to the Committee on Commerce, Science, and Transportation.

#### SENATE JOINT RESOLUTION

Whereas, the American West encompasses a huge land mass of approximately 2.4 mil-

lion square miles, or over two-thirds of the entire nation;

Whereas, the vast distances across the West clearly illustrate the need for efficient surface freight movement of goods throughout this area;

Whereas, one of the most significant ways to improve freight system performance is through the use of more efficient truck and truck combinations;

Whereas, the efficiency of the United States' freight transportation has fallen far behind other developed nations;

Whereas, Canada, Mexico, and the European Union have embraced up-to-date truck configurations;

Whereas, operation of these more productive vehicles, more commonly known as longer combination vehicles (LCVs), has been frozen in the United States by federal law since 1991;

Whereas, in a study requested by the Western Governor's Association, the Federal Highway Administration found that limited increase in the use of LCVs in 13 western states would reduce heavy truck vehicle miles traveled in 2010 by 25%, reduce fuel consumption and emissions by 12%, save shippers \$2 billion a year, reduce pavement costs by as much as 4% over 20 years, and reduce highway noise by 10%;

Whereas, a recent study in Ontario found the widespread use of LCVs there would eliminate 750,000 truck trips per year, remove 2,800 trucks per day from the roads in and around Toronto, and reduce greenhouse gases by 151 kilotons per year;

Whereas, a Canadian federal government study indicated that LCVs have 60% fewer crashes than single trailer vehicles; and

Whereas, the Western States provide an excellent test case for size capacity increases since LCVs are already in use on many western highways: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah strongly urges the United States Congress to lift the freeze on longer combination vehicles in the states of Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, giving these states the flexibility to establish and operate pilot test programs to evaluate longer combination vehicle routes, configurations, and operating conditions; and be it further

*Resolved*, That copies of this resolution be sent to the President of the United States, the United States Secretary of Transportation, the United States Senate Committee on Commerce, Science, and Transportation, the United States House Committee on Transportation and Infrastructure, and to the members of Utah's congressional delegation.

POM-21. A concurrent resolution adopted by the Legislature of the State of Utah recognizing Utah native Philo T. Farnsworth as the inventor of television; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 9

Whereas, few inventors have impacted the world as much as has Utah native Philo T. Farnsworth;

Whereas, Philo T. Farnsworth has deep roots in Beaver, Utah, where he was born August 19, 1906, in a log cabin;

Whereas, when he was 12, Philo T. Farnsworth's family moved to a farm in Rigby, Idaho, where he was fascinated by the electricity that powered his new home;

Whereas, Farnsworth was intrigued by mechanical and electrical technology and managed to convert his mother's hand-powered

washing machine to an electric-powered appliance;

Whereas, as a youth living in Beaver, Utah, Farnsworth won a national contest for a theft-proof car lock;

Whereas, at the age of 14, Philo T. Farnsworth startled one of his high school teachers by sharing with him a diagram of an Electronic Image Dissector, a key component in his eventual invention of television;

Whereas, at age 16, Farnsworth's father died of pneumonia and Farnsworth had to care for his mother and four siblings;

Whereas, after spending a few years in the United States Navy, Farnsworth was honorably discharged and once again pursued his interest in electronics;

Whereas, Farnsworth found investors who were not only willing to help him pursue his work in electronics but also provided a laboratory in Los Angeles where Farnsworth was able to conduct important experiments;

Whereas, before relocating to California, Farnsworth married Elma "Pem" Gardner, the sister of a close friend of his;

Whereas, within a few months after arriving in California, Farnsworth's success led him to apply for several patents for his designs and models;

Whereas, on September 7, 1927, at a laboratory in San Francisco, Farnsworth's image dissector camera tube transmitted its first image, a straight line;

Whereas, in 1928, Farnsworth gave the first demonstration of his television system to the press, and after several improvements, gave his first demonstration to the public in 1934;

Whereas, Farnsworth formed his own company, prevailed in key patent lawsuits against competitors, and developed other important inventions, including a process for sterilizing milk using radio waves and a fog-penetrating beam for ships and airplanes;

Whereas, in 1938, Farnsworth established the Farnsworth Television and Radio Corporation, which was in turn purchased by International Telephone and Telegraph (ITT) in 1951;

Whereas, while in the employ of ITT, Farnsworth developed many more inventions, including a defense early warning signal, submarine detection devices, radar calibration equipment, an infrared telescope, and a PPI Projector, which allowed safe control of air traffic from the ground and was a forerunner of today's air traffic control system;

Whereas, later in life, the Farnsworths relocated to Utah, where Philo passed away in 1971;

Whereas, for many years after his death, Elma Farnsworth worked hard to help her deceased husband retain his rightful place in history;

Whereas, crediting his wife's contribution to his life's work, Farnsworth once stated, "My wife and I started this TV";

Whereas, in 1999, Time Magazine included Farnsworth in the "Time 100: The Most Important People of the Century";

Whereas, the log cabin where Philo T. Farnsworth was born has been restored and can be visited by the public; and

Whereas, a statue of Philo T. Farnsworth is one of two statues representing the state of Utah in the National Statuary Hall Collection in the United States Capitol, a second statue of Farnsworth stands in the Utah State Capitol, and a third statue stands in his hometown of Beaver: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein,

recognize the life and contributions of Philo T. Farnsworth, Utah native, the inventor of television and of many other inventions that have benefitted millions of people around the world; and be it further

*Resolved*, that a copy of this resolution be sent to the President of the United States, the members of Utah's congressional delegation, the Farnsworth family, the Utah Travel Council, AAA, the tourism directors of each county in Utah, Beaver County, and Beaver City.

POM-22. A concurrent resolution adopted by the Legislature of the State of Utah urging the federal government to protect the communications spectrum that allows Utah's translator system to provide free television access across the state; to the Committee on Commerce, Science, and Transportation.

#### SENATE CONCURRENT RESOLUTION NO. 4

Whereas, the President of the United States has directed the Chairman of the Federal Communications Commission (FCC) to consider removing channels 32 to 51 from the current FCC channels 14 to 51 Television Broadcast Authorization;

Whereas, this action would devastate off-air television reception to urban areas and also cause disruption to off-air viewers nationwide;

Whereas, according to FCC records as listed in FCC MD Docket No. 03-185 (FCC 10-172), page 26, dated September 17, 2010, 4,518 television translator stations, 567 Class A LPTV stations, 2,227 LPTV stations, and 11 TV Booster stations are now on file;

Whereas, according to FCC records, over 4,500 television translator stations presently provide free over-the-air television to rural communities throughout the nation;

Whereas, if this channel repacking were to become a reality, many of these translator stations would no longer remain in operation, requiring viewers to subscribe to either cable or satellite programming;

Whereas, Utah has 649 of these television translator stations, and the state's rural viewers would be forced to either pay for subscription television or have no television reception;

Whereas, after 40 years of analog broadcasting, the United States Congress mandated the broadcasting industry to make a conversion from analog to digital operation;

Whereas, supplying the general public with free over-the-air digital television broadcast signals has been encouraged by elected officials and the FCC;

Whereas, since the mandate, all TV Translator and LPTV licensees in the state of Utah have planned, acquired necessary funding, provided engineering, labor, construction, travel, new and upgraded buildings, air-conditioning, new towers, crane services, and extensive FCC licensing to help make the DTV transition possible;

Whereas, through cooperation of the state's counties, the University of Utah, the state of Utah, and the Federal Communications Commission, the DTV transition has been made possible;

Whereas, the state of Utah has supported the DTV transition through four CIB grants since 2005 in the amount of nearly \$9,000,000;

Whereas, the University of Utah has supported the DTV transition with a recent federal grant of approximately \$2,000,000;

Whereas, Congress developed and funded the coupon program at \$1,500,000,000 for a digital to analog converter box program;

Whereas, the NTIA, a division of the federal government, currently offers all TV

translator and LPTV licensees a reimbursement program for the digital to analog conversion;

Whereas, small rural cable companies are beginning to use digital TV translator signals for their systems free of charge instead of paying for satellite feeds;

Whereas, repacking would cause eight Salt Lake City primary television stations to find new channels, causing unaffordable consequences to both urban and rural communities in the state of Utah;

Whereas, it would be impossible to continue the "Utah Daisy Chain" rural digital television translator services if the proposed block of television channels were reclaimed by the FCC, and this action would have a negative local economic impact to the affected counties;

Whereas, broadcasters are required by the FCC to participate in the National Emergency Alert System and are also required to make regular tests to assure their systems are always ready to broadcast any local warnings, including flood conditions, high wind warnings, and bad road conditions, and these warnings are automatically retransmitted through television translator stations to also alert rural viewers;

Whereas, closed captioning for the deaf is also a mandatory requirement of primary broadcast stations and automatically passes through television translators to rural viewers;

Whereas, if these viewers do not have access to any local free over-the-air broadcast signals, they proceed without local warnings or closed captioning for the deaf;

Whereas, counties in Utah are presently licensed with the FCC for 649 digital television translators, or 35%, of the nation's digital television translator licenses;

Whereas, an additional 173 applications are waiting for final approval at the FCC, and when they are awarded, additional digital channels will be available to the remaining few underserved rural Utah communities;

Whereas, the FCC recently passed a rule to allow anyone to operate unlicensed signals on unused channels within the present television bands, while the FCC still requires television translator stations to be licensed in these same bands;

Whereas, these unlicensed devices will cause interference to existing digital television services nationwide, and many television translator viewers will possibly be vulnerable with unacceptable interference because they receive their home signals far beyond the FCC protected contours; and

Whereas, the federal government should ensure that rural communities in Utah and throughout the nation are not forced to either pay for subscription television service or go without television: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the President of the United States and the Federal Communications Commission (FCC) to not remove channels 32 to 51 from the current existing FCC channels 14 to 51 Television Broadcast Authorization because of its negative impact on off-air television reception in urban areas and to off-air viewers nationwide, including rural viewers, who would be forced to either pay for subscription television or go without television service; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Chairman of

the Federal Communications Commission and each commission member, and to the members of Utah's congressional delegation.

POM-23. A resolution adopted by the House of Representatives of the State of Illinois urging Congress to withhold funding to the Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION NO. 270

Whereas, The Department of the Interior's Office of Surface Mining, Reclamation, and Enforcement (OSMRE) is considering new sweeping regulations that would cut surface mining production and jobs by 21-30%, cut underground coal mining jobs up to 50%, and risk eliminating over 66,000 direct and indirect jobs nationwide; and

Whereas, Beginning in 2003, OSMRE conducted a 5-year process, including public hearings, the submission of thousands of public comments, and preparation of an environmental impact statement, that culminated in final regulations adding significant new environmental protections regarding the placement of excess spoil and clarifying its regulations relating to stream buffer zones pursuant to the Surface Mining Control and Reclamation Act (SMCRA); and

Whereas, The Secretary of the Interior attempted to avoid a public rulemaking process by asking a court to vacate the 2008 OSMRE stream buffer zone rule without public comment as required under the Administrative Procedure Act, but was rebuked by a federal court which ruled that the Secretary may not repeal the stream buffer zone rule without going through a rulemaking process that includes public notice and comment; and

Whereas, OSMRE, in its own words, admitted that before any public comments were even received on its proposals, it had "already decided to change the (stream buffer zone) rule following the change in administrations on January 20, 2009"; the Office is calling the new rule the "stream protection rule", and it is much broader in scope than the 2008 stream buffer zone rule; and

Whereas, OSMRE has failed to justify why a new stream protection rule is necessary or to explain the problem that the Office is attempting to fix, and such concerns have been echoed by the Interstate Mining Compact Commission, an organization representing state mining regulators with substantial expertise in SMCRA regulation; and

Whereas, OSMRE is inappropriately rushing to complete the rulemaking because of a unilateral settlement agreement with environmental groups, and is committing such flagrant violations of the required National Environmental Policy Act process that 8 of the state cooperating agencies have written to the Office objecting to its quality, completeness and accuracy, as well as calling the document "nonsensical and difficult to follow", and ultimately threatening to pull out of the process; and

Whereas, The coal mining industry is critical to the economic and social well being of the citizens of Illinois, accounting for over 3,500 direct workers and another 24,500 indirect jobs that have an impact of over \$1 billion on the State's economy; Therefore, be it

*Resolved*, by the House of Representatives of the Ninety-Seventh General Assembly of the State of Illinois, that we express serious concern about the scope, justification, and substance of the OSMRE's stream protection rule, as well as about the procedure and process that have been used to adopt that rule; and be it further

*Resolved*, That we call upon OSMRE to immediately suspend work on the environmental impact statement and the stream protection rule until such time as the Office:

(1) clearly and publicly articulates why the 2008 regulation has not been implemented and provides specific details regarding each of its provisions and why the Office believes that they are insufficient;

(2) provides scientific data and other objective information to justify each and every provision of the new proposal;

(3) explains why the Office is contradicting its own annual state inspection reports which indicate good environmental performance and refute the need for this new rule;

(4) justifies why a more limited approach would not achieve the objectives of the Office; and

(5) surveys all of the state regulatory authorities to determine whether they agree that such significant regulatory changes are necessary; and be it further

*Resolved*, That we also urge Congress to oppose this unwarranted effort by the present Presidential Administration by withholding any further funding for OSMRE for the stream protection rule and environmental impact statement until such time as the Office justifies the need for new rules; and be it further

*Resolved*, That suitable copies of this resolution be sent to President Barack Obama, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the Department of the Interior, and each member of the Illinois congressional delegation.

POM-24. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to honor longstanding commitments to multiple use public lands management; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the wise multiple use of the public lands in Utah and in the Western United States is necessary for economic stability, is critical to the state's future, and is an important part of Utah's culture and heritage;

Whereas, prudent application of sustainable multiple use principles allows the state's renewable and abundant natural resources to be of value to all Americans, while protecting the many unique and sensitive parts of the state;

Whereas, the federal government controls two of every three acres of the state of Utah, second only to Nevada among the contiguous 48 states;

Whereas, the multiple use management of the lands held in common in Utah has contributed to the well being of the state and nation through energy development, mineral development, production of food and fiber, and recreational opportunities;

Whereas, the creation of new wealth is tied directly to the land and the judicious development of the state's natural resources;

Whereas, ownership and private property rights are the catalyst to increasing wealth and improving society's standard of living, and is a belief central to capitalism and a successful free enterprise system;

Whereas, risk and investment capital seek market opportunities that exhibit political and policy stability, the hallmarks of Utah's business climate, but are adversely affected by the political posturing and disregard for state input related to management of 23,000,000 acres of land administered by the United States Department of Interior's Bureau of Land Management;

Whereas, Revised Statute 2477, effective for more than 100 years and purposely protected in the Federal Land Policy Management Act of 1976, provided for the development of Utah's natural resources;

Whereas, the Taylor Grazing Act of 1934 established the legal obligation and responsibility of the federal government to safeguard livestock grazing rights as part of the cultural and social fabric of the West, ultimately upheld as the "chiefly valuable for grazing doctrine";

Whereas, generations of economically viable livestock grazing operations in Utah have been forged to families combining private and public land resources that ultimately contribute to local economies and are the catalyst for preserving open space in many rapidly developing areas;

Whereas, management of the unreserved federal lands administered by the Interior Department are obligated under the Federal Land Policy Management Act (FLPMA) to incorporate into agency management plans "consistency" in partnership with state and local planning;

Whereas, a fundamental principle espoused by the nation's Founders called for equality among the states and is referred to as the "Equal Footing Doctrine," a principle that calls for each state to enter the Union equal in their sovereign power;

Whereas, the Interior Department's "Treasured Landscapes" internal planning document reveals an agency bias, and outside influences identified as much as 130,000,000 acres of Bureau of Land Management (BLM)-administered lands for special "Wild Lands" designation;

Whereas, the "Treasured Landscapes" internal document also recommends that the Secretary of the Interior circumvent congressional mandates related to wilderness designations, calling for wilderness protection through Presidential Proclamations;

Whereas, on December 23, 2010, the Secretary of the Interior announced Secretarial Order 3310, calling for a re-inventory of Bureau of Land Management lands with "wilderness characteristics" under a new Secretarial definition of "Wild Lands" and diverting funds from critical agency needs;

Whereas, the BLM has inventoried lands with wilderness characteristics, following the National Environmental Policy Act requirements, as part of the agency's Resource Management Planning process;

Whereas, Secretarial Order 3310 seeks to establish new wilderness study areas in Utah and throughout the West based on the new Wild lands definition and BLM inventory guidance providing the BLM broader authority to stop energy development, livestock grazing, mineral extraction, and recreational activities;

Whereas, jobs generated through multiple use activities on the public lands provide family sustaining, well paying jobs to hundreds of thousands of Utahns and are the economic backbone of Utah's rural communities;

Whereas, in recent testimony before Congress's House Natural Resources Committee, the Director of the BLM indicated that he lacked the statutory authority to implement the policies of Secretarial Order 3310; and

Whereas, the Secretary of the Interior's decision to withdraw from the 2003 Utah-Interior Settlement Agreement is an insult to Utahns, and Secretarial Order 3310 is a violation of the spirit and the letter of the Wilderness Act of 1964, ultimately undermining the goodwill and collaborative efforts currently underway in Utah to find mutually



agreeable land use solutions: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Secretary of the Interior to honor the 2003 Settlement Agreement and abandon the "Wild Lands" wilderness re-inventory; be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress to honor the longstanding commitment to multiple use management of public lands in Utah and the Western United States; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of the Interior, the President of the United States, and to the members of Utah's congressional delegation.

POM-25. A joint resolution adopted by the Legislature of the State of Utah urging Congress to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 39

Whereas, under the United States Constitution, the American states reorganized to form a more perfect union, yielding up certain portions of their sovereign powers to the elected officers of the government of their union, yet retaining the residuum of sovereignty for the purpose of independent internal self-governance;

Whereas, the aims of the Constitutional Convention provided that state governments would clearly retain all the rights of sovereignty and independence which they before had and which were not exclusively delegated to the United States Congress;

Whereas, among the rights of sovereignty held most jealously by the states was the right of sovereignty over the land within their respective borders;

Whereas, in due time, the American states came to own vast tracts of land as federal territories;

Whereas, by compact between the original states, territorial lands were divided into "suitable extents of territory" and upon attaining a certain population, were to be admitted into the union upon "an equal footing" as members possessing "the same rights of sovereignty, freedom and independence" as the original states;

Whereas, the federal trust respecting public lands was established eight years before the Constitution by the Continental Congress and by the states which accepted the terms of the trust;

Whereas, the federal trust respecting public lands was subsequently codified within the text of at least five clauses of the Constitution and is the foundation upon which the Constitution and the American union of states were erected for the benefit of every state without prejudice;

Whereas, the federal trust respecting public lands obligates the United States, through their agent, Congress, to extinguish both their governmental jurisdiction, and their title on the public lands that are held in trust by the United States for the states in which they are located;

Whereas, for, as long as the United States retains title in and jurisdiction over federal

public lands in the state of Utah, the state is denied the same complete and independent sovereignty and jurisdiction that was expressly retained by the original states, and its citizens are denied the political right to establish or administer their own republican self-governance as is their right, under the Equal Footing Clause;

Whereas, Utah, by terms of its enabling act compact, disclaimed all right and title in the public lands within its borders;

Whereas, "right and title" are elements of proprietorship, and "right and title" are neither sovereignty nor jurisdiction;

Whereas, Utah is entitled, under the Equal Footing Doctrine, to the same rights of sovereignty, freedom, and independence as the original states;

Whereas, Section 3 of Utah's Enabling Act, with respect to disposition of public land, reads: "And said Convention shall provide by ordinance irrevocable with the consent, of the United States and the people of said State . . . that until the title (to the unappropriated public lands) have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States";

Whereas, by these words the United States may only shelter public lands from the obligation of disposal by the consent of the state of Utah;

Whereas, with the passage of the Federal Land Policy and Management Act (FLPMA) of 1976, the United States shifted from a policy of disposal of public lands and extinguishment of the Federal title to one of retention of public lands and their management in perpetuity through the United States Bureau of Land Management (BLM);

Whereas, the BLM now claims jurisdiction of over 22,600,000 acres of public land in Utah, which is nearly twice as much land as the 11,512,000 acres of land in private ownership;

Whereas, the BLM was directed to manage the public lands for multiple use and sustained yield and to afford Utah and other Western States a share of the revenues from the production of the natural resources on public lands, including revenues from timbering, oil and gas production, and mining;

Whereas, the state and federal partnership of public lands management has been eroded by an oppressive and over-reaching federal management agenda that has adversely impacted the sovereignty and the economies of the state of Utah and local governments;

Whereas, Sections 6, 7, 8, and 12 of Utah's Enabling Act provided for land grants to fund critical public functions such as primary and secondary education, public buildings, and water development;

Whereas, federal courts, including the United States Supreme Court, have recognized this land grant as the establishment of a trust, even a "solemn contract" between the United States and the state of Utah, with the United States in the role as settlor of the trust and the state of Utah in the role of trustee;

Whereas, as settlor of the trust, the United States has an obligation to pursue actions and policies that support the trustee in its efforts to fulfill the purposes of the trust;

Whereas, federal land-management actions, even when applied exclusively to the federal lands, directly impact the ability of the state of Utah to manage its trust lands in accordance with the mandate of the Utah Enabling Act and to meet its obligation to the beneficiaries of the trust;

Whereas, the United States Department of the Interior has arbitrarily and illegally affected private contracts by cancelling duly

awarded oil and gas leases at the time of public auction, the validity of which were subsequently upheld by a federal court of competent jurisdiction;

Whereas, in October of 2008, the BLM completed six of its fundamental documents for the allocation of resource use and conservation on BLM lands, called Resource Management Plans, after up to eight years of study, public participation, and the expenditure of millions of dollars;

Whereas, the BLM evaluated the allocation of all multiple-use activities in these plans, including the primary multiple-uses of grazing, timber, minerals, recreation, and conservation, and made definitive allocation decisions at the conclusion of the process;

Whereas, the BLM's failure to act affirmatively on these definitive allocation decisions has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the six Resource Management Plans, the BLM refused to consider state and local government acknowledgments of R.S. 2477 rights-of-way, or other evidence of the existence of R.S. 2477 rights-of-way, which led to the closure of many R.S. 2477 rights-of-way in the Grand Staircase-Escalante National Monument;

Whereas, the Congress of the United States recently passed the Omnibus Public Land Management Act of 2009, which included the designation of lands as wilderness and national conservation areas in Washington County, Utah, and released all other lands to the general multiple-use mandate of the BLM;

Whereas, the United States Department of the Interior has arbitrarily created a new category of lands, denominated "Wild Lands," and has superimposed these mandatory protective management provisions upon BLM operations and planning decisions in violation of the provisions of the Federal Land Policy and Management Act, the provisions of the Administrative Procedures Act, and Presidential Executive Order 13563 concerning openness in policymaking;

Whereas, the new Wild Lands provisions threaten to reopen the issue of wilderness in Washington County, in violation of the resolution of the issue through Congressional action;

Whereas, the creation of a new Wild Lands category, and the immediate effect of its mandatory restrictive provisions, has arbitrarily undermined the effectiveness of the six recently completed Resource Management Plans of the BLM in eastern and southern Utah, is contrary to the multiple-use mandate outlined by FLPMA and other federal law, and threatens to derail efforts underway locally to seek certainty in land use allocation decisions through Congressional actions, such as that recently completed in Washington County;

Whereas, other proposals to make use of the important natural resources of the state, such as phosphate and beneficial range improvement proposals, are how under threat from these ill-conceived Wild Lands provisions;

Whereas, the United States Department of the Interior has failed to enunciate a valid source of statutory or constitutional authority for the imposition of the restrictive Wild Lands provisions;

Whereas, the cumulative effect of the Wild Lands provisions, the illegal decision to withdraw validly granted and gas leases, the duplicative Master Leasing Plan process, and the United States Department of Interior's

disdain for the use of public review processes, has led to the demise of a robust and viable oil and gas leasing program in Utah, which negates an important revenue source to the state, and eventually jobs for the citizens of Utah;

Whereas, the BLM has demonstrated a chronic inability to handle the proliferation of wild horses and burros on the public lands, to the detriment of the rangeland resource;

Whereas, the United States Department of Agriculture has repeatedly tried to impose severe restrictive management provisions on lands defined as inventoried roadless areas, in violation of Congressional authorities, as reviewed by a federal court of competent jurisdiction;

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to regulate the waters of the United States to areas traditionally dry, except during severe weather events, in violation of the common definition of jurisdictional waters;

Whereas, in 1996, the President of the United States abused the intent of the Antiquities Act by the creation of the Grand Staircase-Escalante National Monument without any consultation with state and local authorities or citizens;

Whereas, the BLM's Resource Management Plan for the Kanab Field Office eliminated the filming of movies and filming for commercial purposes within the Grand Staircase-Escalante National Monument, thereby eliminating a source of economic opportunity for Kane County through the loss of use of its iconic "Little Hollywood" film site and other locations;

Whereas, bureaucrats within the United States Department of the Interior are assembling information to prepare for further designations without consultation;

Whereas, the United States Fish and Wildlife Service is making decisions concerning various species on BLM lands under the provisions of the Endangered Species Act without serious consideration of state wildlife management activities and protections designed to prevent the need for a listing, or recognizing the ability to delist a species, thereby affecting the economic vitality of the state and local regions;

Whereas, the BLM has not authorized all necessary rangeland improvement projects involving the removal of pinyon-juniper and other climax vegetation, thereby reducing the biological diversity of the range, reducing riparian viability and water quality, and reducing the availability of forage for both livestock and wildlife;

Whereas, differences of opinion about the appropriate use of the public lands has created a massive logjam in the advancement of any proposal for use of the public lands, whether for energy production, recreation, conservation, timber production, or similar uses;

Whereas, the states have been instrumental in convening groups of stakeholders to consider protection for and responsible use of federal lands;

Whereas, efforts in Washington County, Utah, the Owyhee region of Idaho, and the Front Range region in Montana have involved many various stakeholders, including ranchers, energy officials, environmental groups, and state and local government officials in an effort to achieve agreement on proposals for wilderness and other congressionally established conservation units, lands available for local privatization of lands, and areas available for traditional multiple-use;

Whereas, these efforts led to congressional approval of a jointly prepared proposal in

Washington County, Utah, and to other proposals currently pending before Congress;

Whereas, the state is willing to sponsor, evaluate, and advance these locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible development of energy, grazing, timber, and other economic industries;

Whereas, citizens of the state of Utah have a love of the land and have demonstrated responsible stewardship of lands within state jurisdiction;

Whereas, the state of Utah has a proven regulatory structure to manage public lands for multiple use and sustained yield;

Whereas, federal land management policies are eroding the fundamental pillars of sovereignty, freedom, and independence upon which all states and the state of Utah founded under the Equal Footing clause;

Whereas, by means provided under the Constitution, damaged states may assert their rightful claim to the public lands within their borders and restore the constitutional design for the benefit of present and future generations; and

Whereas, Utah fully reserves and asserts all sovereign and constitutional claims to its public lands: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on the United States, through their agent, Congress, to relinquish to the state of Utah all right, title, and jurisdiction in those lands that were committed to the purposes of this state by terms of its enabling act compact with them and that now reside within the state as public lands managed by the Bureau of Land Management that were reserved by Congress after the date of Utah statehood; and be it further

*Resolved*, That a copy of this resolution be sent to the Secretary of the United States Department of Interior, to the United States Director of the Federal Bureau of Land Management, to the Majority Leader of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's Congressional delegation.

POM-26. A joint resolution adopted by the Legislature of the State of Utah urging Congress to adopt legislation relative to public lands; to the Committee on Energy and Natural Resources.

#### HOUSE JOINT RESOLUTION NO. 21

Whereas, for purposes of this resolution:

(1) "Federally owned land" means all land held in the name of the United States or any agency of the United States, including land held in trust, United States military reservations, Indian reservations, and any other land used for federal purposes.

(2) (a) "Unappropriated public lands" means all land under the management and control of the Bureau of Land Management or United States Forest Service.

(b) "Unappropriated public lands" do not include lands which are:

- (i) held in trust;
- (ii) located within a United States military reservation;
- (iii) a unit of the National Park System;
- (iv) a Wildlife Refuge;
- (v) a Wilderness Area designated by Congress; or
- (vi) a National Historic Site.

(3) "Western States" means Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming.

Whereas, Western States, as a group, are falling behind in education funding as meas-

ured from 1979 to 2007 by growth of real per pupil expenditures of 56% compared to 92% in the remaining states;

Whereas, 11 of the 17 states with the lowest real growth in per pupil expenditures are Western States;

Whereas, one effect of less funding for public education in the West is higher pupil-per-teacher ratios;

Whereas, nine of the 12 states with the largest pupil-per-teacher ratios are Western States;

Whereas, on average, the 13 Western States have 3.7 more students per classroom than the remaining 37 states;

Whereas, between 2012 and 2018, the rate of enrollment growth in Western States is projected to increase 9%, while the rate of enrollment growth in other states is projected to increase by only 3.3%;

Whereas, state and local taxes of Western States, as a percentage of personal income, are as high as or higher than other states;

Whereas, despite the fact that Western States tax at a comparable rate and allocate nearly as much of their budgets to public education as other states, Western States have lower real growth in per pupil expenditures and have higher pupil-per-teacher ratios;

Whereas, the federal government is the source of and has the potential to solve the problem because of the enormous amount of federally owned land in Western States;

Whereas, all states east of an imaginary vertical line from Montana to New Mexico have, on average, 4.1% of their land federally owned, while the Western States on average have 51.9% of their land federally owned;

Whereas, many of the Acts enabling the people of American West territories to form their constitutions and state governments and providing for the admission of those states into the Union on equal footing with the original states, included a common provision of which the following example is typical: "That five per centum of the proceeds of the sales of public land lying within said state, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said state, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said state.";

Whereas, the plan language of these enabling acts proclaims that the public land shall be sold by the United States subsequent to the admission of the states into the Union;

Whereas, the United States honored this language by selling public land within the Western States until the passage of the Federal Land Policy and Management Act of 1976, wherein Congress declared that the policy of the United States was to retain public land in federal ownership and management;

Whereas, the United States has broken its solemn compact with the Western States and breached its fiduciary duty to the school children who are designated beneficiaries of the sale of public land under the terms of the respective enabling Acts of many Western States;

Whereas, the current shortfall in funding public education in the Western States requires immediate Congressional action to remedy this discriminatory federal land policy and prevent the further disadvantaging of the school children of the Western States; and

Whereas, the most efficient and cost effective remedy now available to the United

States is to grant to the Western States 5% of the remaining federally owned land located within each state and authorize each state to select land from the unappropriated public land of the United States within the boundaries of each state to satisfy the grant: Now, therefore, be it

*Resolved*, that the Legislature of the state of Utah urges Congress to adopt legislation that would include the following provisions:

(1) instead of receiving, for the support of the common schools, 5% of the proceeds of the sales of federally owned land lying within the Western States which have not been sold by the United States, grants of land will be made to each Western State in the amount of land equal to 5% of the number of acres of federally owned land within the state;

(2) each Western State shall select from the unappropriated public lands within the borders of the state in a manner determined by the legislature of the state, land equal in acreage to 5% of the federally owned land in the state;

(3) selection and transfer of land to Western States, shall not be considered a major federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

(4)(a) all mineral, oil, and gas rights to the land selected by the Western States shall become the property of that Western State unless the federal lessee of the selected land is making royalty payments to the United States from production of minerals, oil, or gas, in which case that leasehold interest shall remain in the Ownership of the United States until the leasehold interest terminates; and

(b) after the leasehold interest described in Subsection (4)(a) terminates, the mineral oil, and gas rights shall become the property of the respective Western State;

(5) all land selected by each of the Western States shall be held in trust by a state educational agency empowered to sell or lease the land, the proceeds of which shall be used as a permanent fund, the interest of which shall be expended only for the support of public education; and

(6) Utah fully and unconditionally reserves all sovereign and constitutional claims to its public lands; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, and Utah's Congressional Delegation.

POM-27. A joint resolution adopted by the Legislature of the State of Utah urging Congress to impose a moratorium on the promulgation of any new greenhouse gas (GHG) emissions regulation by the Environmental Protection Agency for a period of at least two years, except for the need to directly address an imminent health or environmental emergency; to the Committee on Environment and Public Works.

#### HOUSE JOINT RESOLUTION No. 19

Whereas, concern is growing that with the failure of cap-and-trade legislation in Congress the United States Environmental Protection Agency (EPA) is attempting to reduce greenhouse gas (GHG) emissions through the adoption and implementation of regulations without Congressional approval;

Whereas, the EPA is proposing numerous new rules to regulate GHG emissions as pollutants through the Clean Air Act;

Whereas, the EPA has not performed any comprehensive study of the environmental

benefits; its GHG regulation in terms of impacts on global climate;

Whereas, the EPA's regulatory activity of GHG has numerous and overlapping requirements that are likely to have major effects on the nation's economy, jobs, and U.S. competitiveness in worldwide markets;

Whereas, neither the EPA nor the current administration has undertaken any comprehensive study on the cumulative effect that regulating GHGs will have on the nation's economy, jobs, and U.S. competitiveness;

Whereas, state agencies are routinely required to identify the costs of their regulations and to justify those costs in light of the benefits;

Whereas, since the EPA has identified "taking action on climate change and improving air quality" its first strategic goal for the time frame of 2011-15, it should be required to identify the specific actions it intends to take to achieve these goals and to assess the cumulative effect of these actions on public health, climate change, and on the U.S. economy;

Whereas, the primary goal of government at the present time must be to promote economic, recovery and to foster a stable and predictable business environment that will lead to the creation of new jobs; and

Whereas, the public's health and welfare will suffer without significant new job creation and economic improvement since environmental improvement is most successful in a society that generates wealth: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah calls on Congress to adopt legislation prohibiting the United States Environmental Protection Agency (EPA) from regulating greenhouse gas (GHG) emissions without Congressional approval, including, if necessary, not funding EPA greenhouse gas regulatory activities; be it further

*Resolved*, That the Legislature calls on Congress to impose a moratorium on, the promulgation of any new GHG regulation by the EPA for a period of at least-two years, except for the need to directly address an imminent health or environmental emergency; be it further

*Resolved*, That the Legislature calls on Congress to require the Administration to carry out a study identifying all regulatory activity that the EPA intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and, provide an objective cost-benefit analysis and cumulative effect that EPA's current and planned regulation will have on global climate, public health, the U.S. economy, jobs, and economic competitiveness in worldwide markets; be it further

*Resolved*, That the Legislature expresses its support for continuing improvements to the quality of the nation's air and declares that such improvements can be made without damaging the economy as long as there is a full understanding of the costs and benefits of the regulations at issue; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the governor of each state outside of Utah, the Senate President or President pro tem and the Speaker of the House of each state legislature outside of Utah, and to the members of Utah's Congressional Delegation.

POM-28. A concurrent resolution adopted by the Legislature of the State of Utah urg-

ing Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION No. 15

Whereas, with a population of 60,000 in North America, wolves are no longer an endangered species;

Whereas, the agreed-upon recovery goals of 30 packs and 300 wolves in the northern Rocky Mountains has been exceeded since 2002;

Whereas, wolf populations currently exceed by more than 600% recovery goals agreed upon by all parties, yet extremist groups and courts block management as all parties had previously agreed upon;

Whereas, excessive wolf populations are causing tremendous negative impacts to game populations, livestock, and pets at the cost of tens of millions of dollars each year to state economies, and the problem is growing exponentially;

Whereas, excessive wolf populations are costing rural economies many jobs;

Whereas, wolves are beginning to threaten and challenge people;

Whereas, the experiences of Montana, Wyoming, Idaho, and Minnesota prove that the administrative and legal process is broken and does not serve the people, private property, wildlife, or rural economies;

Whereas, the United States Fish and Wildlife Service has repeatedly failed to listen to Utah's entire elected body of Governors, Senators, and bipartisan Congressman to include the entire state of Utah in the Northern Rockies population;

Whereas, the United States Fish and Wildlife Service only included a small portion of northern Utah in the potential delisting zone, leaving nearly the entire state of Utah as an endangered species classification with no hope or promise of a solution to the wolf problem for decades into the future;

Whereas, the United States Fish and Wildlife Service proposes to spend \$25,000,000 to monitor and watch wolf populations grow while they eliminate jobs and destroy game populations, livestock, and pets;

Whereas, the court system has failed to allow the United States Fish and Wildlife Service to delist wolves in spite of scientific data, costing over \$40,000,000 to gather, justifying delisting, with national experts inside and outside the government providing sworn testimony that wolves should be removed from the endangered species list;

Whereas, 32 state wildlife agencies have requested wolves to be removed from the Endangered Species Act through congressional action;

Whereas, state game and fish agencies are much better prepared and capable of managing wolves than the federal government;

Whereas, western states face many habitat conservation challenges, and the focus of investment of limited wildlife funds should be to protect habitats and abundant herds that provide hundreds of millions of dollars each year to rural economies and food for tens of thousands of families; and

Whereas, the state of Utah, in consultation with the United States Fish and Wildlife Service, and based on extensive professional wildlife management input and a two-year public process, has adopted a wolf management plan: now, therefore, be it

*Resolved*, that the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress to take action to maintain the integrity of the Endangered Species Act by exempting wolves from

the Act in every state and allowing each state to protect its rural economies, game herds, livestock, and pets; and be it further

*Resolved*, that a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Director of the United States Fish and Wildlife Service, the executive director of the Utah Department of Natural Resources, the United States Secretary of the Interior, members of Utah's congressional delegation, and governors and presidents of the Senate in all 50 states.

POM-29. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to defend the democratic right of the Iranian people; to the Committee on Foreign Relations.

#### SENATE CONCURRENT RESOLUTION NO. 16

Whereas, the American people recognize and support the Iranian people in their century-long struggle for democracy, freedom, justice, and human rights;

Whereas, the government of the Islamic Republic's crackdowns on democracy, support for terrorism, and pursuit of nuclear weapons pose a grave threat to the Iranian people as well as the security of the United States, Israel, and their allies in the Persian Gulf;

Whereas, since its establishment in 1979, the government of the Islamic Republic of Iran has engaged in numerous criminal and terrorist acts, including the arbitrary and unlawful judicial murder of thousands of Iranian political and religious dissidents as well as minors and juveniles;

Whereas, the Islamic Republic has also established a system of religious apartheid in which Iranian women are treated as second class citizens, and Iran's minorities are persecuted for exercising their freedom of religion;

Whereas, in 2009, the government of the Islamic Republic of Iran staged a presidential election that was marred by fraud and violence in which President Mahmoud Ahmadinejad dismissed millions of Iranian voters demanding free and fair elections as "dust and dirt";

Whereas, Iran's Supreme Leader, Ali Khamenei, sanctified the rigged election by equating the fundamentals of religion with fraud, force, terrorism, and tyranny;

Whereas, since the fraudulent elections, grieving mothers and families searching for missing relatives and demanding the release of political prisoners have been denied justice;

Whereas, there has been a dramatic surge in death sentences carried out by the government of the Islamic Republic of Iran despite United Nations' calls for a moratorium on executions;

Whereas, there has been a systematic crackdown on students, scholars, workers, teachers, clerics, and journalists for exercising their freedoms of speech and assembly;

Whereas, the American and Iranian people have been and remain steadfast friends and allies;

Whereas, over the past century, the American people's support for Iran's political and economic independence enabled the Iranian government to end the Soviet occupation of Northern Iran and led to the peaceful withdrawal of the Red Army from Iran in the aftermath of the Second World War;

Whereas, the United States played a pivotal role in Iran's economic development from 1946 to 1979, and American aid and as-

sistance helped the Iranian people's efforts to eradicate poverty, famine, disease, and illiteracy;

Whereas, Iranian-Americans have emerged as a vital and vibrant force in American political, economic, and civic life;

Whereas, successive American presidents and statesmen have stood by the Iranian people in their struggle for justice, democracy, peace, and prosperity;

Whereas, the Iranian people's call for democracy and freedom has helped to light the torch of hope, liberty, dignity, and justice not only in Iran but throughout the Middle East and the Islamic world; and

Whereas, the liberation of humankind from under the yoke of fascism, communism, and other false ideologies that elevate the state above the individual depends on the moral conviction of free people everywhere to reject oppression, slavery, tyranny, and terrorism: Now therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, declare that the people of Utah stand with the people of Iran in their struggle for freedom, justice, peace, and prosperity for Iran, and reaffirm the bonds of friendship between the people of Utah and the people of Iran; be it further

*Resolved*, That the Legislature and the Governor call on the government of the United States, as well as the international community and the Islamic world, to support the Iranian people by defending the democratic right of the Iranian people to choose their own government through free and fair elections, demanding that Iran's supreme leader recognize and respect the sovereignty of the Iranian people and that he cease abusing his religious and political standing by rigging elections and equating fraud and force with the fundamentals of religion and democracy, to protect Iran's civil society by demanding that the Iranian judiciary end the arbitrary arrest, detention, torture, and execution of Iranian citizens for defending the right to elect their own government, determine their own destiny, and exercise their freedom of religion, to prevent Iran's leaders from using proceeds from the sale of oil to arm and finance private militias, terrorist groups, and other extremists responsible for committing acts of terrorism against the Iranian people as well as the United States and its allies in the Middle East, to deny Iran's leaders the capacity to hold the Iranian people and the rest of the world hostage by developing nuclear weapons and engaging in nuclear blackmail, and to help facilitate the Iranian people's struggle to transform Iran into a bastion of democracy, prosperity, and peace in the region; and be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary General of the United Nations, the chairman of the United States Senate Committee on Foreign Relations, the chairman of the United States House of Representatives Committee on Foreign Affairs, and to the members of Utah's congressional delegation.

POM-30. A joint resolution adopted by the Legislature of the State of Utah urging Congress to take swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; to the Committee on the Judiciary.

#### SENATE JOINT RESOLUTION NO. 12

Whereas, the national debate over immigration is creating great controversy throughout the United States;

Whereas, measures addressing immigration are also being extensively debated in state legislatures across the nation;

Whereas, since 1875, when the United States Supreme Court stated that "the passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the States" (Chy Lung v. Freeman, 92 U.S. 275), states have been severely restricted in their authority to pass legislation governing those individuals not lawfully present within their borders;

Whereas, the expectation of Utah's voters is that, on a subject like immigration, the state Legislature has front line responsibility, and Utah should have an impact on immigration policy within its own borders;

Whereas, in recent years, opportunities for the United States Congress to resolve many pressing immigration issues have failed and left states bearing the brunt of these problems as they impact the health, safety, and welfare of their citizens with little or no authority to act;

Whereas, Utah's congressional delegation should sponsor legislation to resolve the immigration policy stalemate; and

Whereas, if the United States Congress will not act decisively to address the nation's immigration policy challenges, it should grant the states the authority to resolve their unique immigration issues within their borders: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah recognizes that the United States Congress presently has assumed authority to make immigration policy in the United States; be it further

*Resolved*, That the Legislature of the state of Utah urges Utah's congressional delegation to sponsor and support legislation to resolve the immigration policy issues facing the nation; be it further

*Resolved*, That the Legislature strongly urges the United States Congress to take swift and decisive action to resolve the many pressing immigration issues facing the nation and the states; be it further

*Resolved*, That the Legislature of the state of Utah urges that if the United States Congress does not have the collective will to resolve the immigration issues facing the nation and the states, that Congress should act to grant authority to the states to resolve the immigration policy challenges within their own borders; be it further

*Resolved*, That the Legislature of the state of Utah calls upon its congressional delegation to advance legislation giving the state of Utah the authority to manage immigration policy and actions within its borders; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, to the members of Utah's congressional delegation, and all states.

POM-31. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, for many years a persistent political issue facing Congress has been whether to require that the budget of the United States be in balance;

Whereas, although a balanced federal budget has long been held as a political ideal, the

accumulation of alarming deficits in recent years has heightened concern that immediate action to require a balance between revenues and expenditures at the national level is necessary if not critical to the financial well being of the United States;

Whereas, while financial and social ills are aggravated by ever increasing personal and family debt, spiraling national debt aggravates ills that may not be immediately felt but are equally harmful to society;

Whereas, the national debt, which is approximately 14 trillion dollars, has increased by over 3 trillion dollars in the last two years alone;

Whereas, out of control deficits and the massive federal debt suggest that tough decisions lie ahead if the United States is to have control of its financial destiny;

Whereas, the leaders of this nation must be held accountable for the financial decisions they make and not be allowed to spend the nation into financial oblivion; and

Whereas, ratifying a proposed constitutional amendment requiring a balanced budget would clearly communicate to the federal government that the states, on behalf of their citizens, insist that their tax money be spent in a manner that demonstrates fiscal responsibility: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, strongly urge the United States Congress to pass an amendment to the United States Constitution by October 1, 2011, requiring a balanced budget and send it to the states for ratification; be it further

*Resolved*, That the Legislature and the Governor urge that the United States Congress approve debt only in the event of a constitutional declaration of war; and be it further

*Resolved*, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-32. A concurrent resolution adopted by the Legislature of the State of Utah urging modification of the current design of the state flag to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION NO. 2

Whereas, the first Utah state flag was created in 1903 at the request of Governor Heber M. Wells;

Whereas, the Governor's request came by way of an invitation from the President of the St. Louis World's Fair to have a delegation from Utah travel to St. Louis and dedicate the site of the Utah Exhibit and have the state flag flown in a parade of the 45 states at the World's Fair;

Whereas, the Utah State Society of the Daughters of the Revolution responded to the Governor's request to sponsor the manufacture of the flag;

Whereas, the flag was presented to the Governor by the Society on March 31, 1903;

Whereas, alterations were made to the flag so that its appearance more closely reflected the official state seal from which the design was taken;

Whereas, the Society enlisted Utah artist H.L.A. Culmer to help seamstress and flag maker Agnes Teudt Fernelius in finalizing the design of the flag;

Whereas, on May 1, 1903, the Utah delegation to the St. Louis World's Fair marched proudly alongside the state's new flag in the Parade of States;

Whereas, the flag was formally referred to as the Governor's flag or the Governor's regimental flag until 1911, when the Legislature formally adopted its design as the official state flag;

Whereas, a second flag was finished in early 1913 and presented by the state to the battleship U.S.S. Utah on June 25, 1913.

Whereas, that same year, Representative Annie Wells Cannon successfully introduced House Joint Resolution 1, which established the current flag design reflected in statute;

Whereas, Utah Code Section 63G-1-501 describes the flag as, "a flag of blue field, fringed, with gold borders, with the following device worked in natural colors on the center of the blue field:

The Center is a shield; above the shield and thereon an American eagle: with outstretched wings, the top of the shield pierced with six arrow's arranged crosswise; upon the shield under the arrows the word "Industry" and below the word "Industry" on the center of the shield, a beehive; on each side of the beehive, growing sego lilies; below the beehive, and near the bottom of the shield, the word "Utah," and below the word "Utah" and on the bottom of the shield, the figures "1847", with the appearance of being back of the shield there shall be two American flags on flagstaves placed crosswise with the flag so draped that they will project beyond each side of the shield, the heads of the flagstaves appearing in front of the eagle's wings and the bottom of each staff appearing over the face of the draped flag below the shield; below the shield and flags and upon the blue field, the figures "1896"; around the entire design, a narrow circle in gold";

Whereas, a third state flag was prepared in 1922 which mistakenly has the year 1847 beneath the shield instead of on the shield, and the error has been perpetuated to this day; and

Whereas, in the interest of accurately preserving a symbol of the state's rich history, and to follow the wording of Utah Code Section 63G-1-501, all new flags should be made to reflect the statutory flag description and all Utah flags currently in use or in stock should be utilized until unserviceable: now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, recognize that Utah Code Section 63G-1-501 accurately reflects the 1913 description of the official state flag of Utah; be it further

*Resolved*, That the Legislature and the Governor urge manufacturers of the state flag to modify the current design of the official flag of the state of Utah to accurately reflect the description of the flag as approved by the Utah Legislature in 1913; be it further

*Resolved*, That the Legislature and the Governor urge that all Utah flags be prepared in honor of past generations and for the benefit of present and future generations; and be it further

*Resolved*, That a copy of this resolution be sent to Colonial Flag, Annin & Company, C.F. Flag, J.C. Schultz Enterprises, Inc./FlagSource, Valley Forge Flag, Flag Zone, Quinn Flags, and to the Dixie Flag Manufacturing Company and North American Vexillological Association.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

\*Lisa O. Monaco, of the District of Columbia, to be an Assistant Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN (for himself and Mr. BURR):

S. 1051. A bill to impose sanctions on individuals who are complicit in human rights abuses committed against nationals of Vietnam or their family members, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. VITTER):

S. 1052. A bill to amend the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr.

COCHRAN, Mr. AKAKA, Mr. BENNET, Mr. BLUNT, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. CONRAD, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. UDALL of Colorado, and Mr. LEAHY):

S. 1053. A bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent assertion of claim; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 1055. A bill to amend the Internal Revenue Code of 1986 to encourage teachers to pursue teaching science, technology, engineering, and mathematics subjects at elementary and secondary schools; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. CAR-

PER, Mr. LAUTENBERG, Mr. BEGICH, Mr. LEAHY, Mr. LEVIN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. FRANKEN, Mr. MERKLEY, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 1056. A bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways; to the Committee on Environment and Public Works.

By Mr. COBURN:

S. 1057. A bill to repeal the Volumetric Ethanol Excise Tax Credit; read the first time.

By Mr. PRYOR (for himself and Mr. MORAN):

S. 1058. A bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. Res. 196. A resolution calling upon the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH):

S. Res. 197. A resolution honoring the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011; considered and agreed to.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. Res. 198. A resolution congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming the East Coast Hockey League champions for the second time in team history; considered and agreed to.

By Mr. MCCAIN:

S. Con. Res. 22. A concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and heroic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BEGICH, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 146, *supra*.

S. 202

At the request of Mr. PAUL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 296, a bill to amend the Fed-

eral Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 370

At the request of Mr. CASEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 370, a bill to require contractors to notify small business concerns that have been included in offers relating to contracts led by Federal agencies, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 738

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 758

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 758, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 809

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 809, a bill to provide high-quality public charter school options for students by enabling such public charter schools to expand and replicate.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Michigan (Ms. STABENOW) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 838

At the request of Mr. TESTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S.

838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 855

At the request of Ms. STABENOW, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 866

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 955

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 955, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 960

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 964

At the request of Mr. ALEXANDER, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 964, a bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

S. 982

At the request of Ms. AYOTTE, the names of the Senator from Indiana (Mr. COATS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 982, a bill to reaffirm the authority of the Department of Defense to maintain United States Naval Station, Guantanamo Bay, Cuba, as a location for the detention of unprivileged enemy belligerents held by the Department of Defense, and for other purposes.

S. 983

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 983, a bill to amend the Internal Revenue Code of 1986 to disallow a deduction for amounts paid or incurred by a responsible party relating to a discharge of oil.

S. 1006

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1006, a bill to allow seniors to file their Federal income tax on a new Form 1040SR.

S. 1009

At the request of Mr. RUBIO, the names of the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kansas (Mr. MORAN), the Senator from Minnesota (Mr. FRANKEN), the Senator from Illinois (Mr. KIRK), the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 185,

a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

AMENDMENT NO. 323

At the request of Mr. PAUL, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 323 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 330

At the request of Mr. UDALL of Colorado, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 330 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 331

At the request of Mr. UDALL of Colorado, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 331 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 332

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of amendment No. 332 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

AMENDMENT NO. 334

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. MERKLEY), the Senator from California (Mrs. BOXER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 334 intended to be proposed to S. 1038, a bill to extend the expiring provisions of the USA PA-

TRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. WHITEHOUSE):

S. 1054. A bill to address remedies in bankruptcy for negligent, reckless, or fraudulent assertion of claim; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am pleased to introduce the Fighting Fraud in Bankruptcy Act of 2011. I thank Senator WHITEHOUSE and Senator BLUMENTHAL for joining me as cosponsors of this legislation. This bill will give the Department of Justice and the United States bankruptcy trustee important new tools to combat creditor abuses in the bankruptcy process. The Fighting Fraud in Bankruptcy Act is another step forward in the Judiciary Committee's important efforts to protect American citizens from fraud.

Since the onset of the housing market's collapse, the bankruptcy courts and the United States trustee have encountered serious problems related to foreclosure documentation submitted by mortgage lenders and servicers in the bankruptcy process. As scrutiny has been brought to bear on foreclosure-related filings by bankruptcy judges, attorneys, and the United States trustee, a pattern of negligent, reckless, or fraudulent conduct on the part of mortgage lenders and servicers has been revealed with a consistency that indicates systemic problems.

Under Attorney General Holder's leadership, the Department of Justice is making a considerable effort to ensure that mortgage lenders and servicers are playing by the rules and treating homeowners fairly and honestly. As part of its efforts to more closely scrutinize foreclosure documentation in bankruptcy cases, the United States trustee's office reviewed 10,000 proofs of claim filed by mortgage servicers. What was found was far more serious than what mortgage servicing industry officials have been asserting. For example, in testimony before the Senate Judiciary Committee in 2008, an industry executive stated that the rate of loan servicing errors in bankruptcy cases adverse to a homeowner was "less than one percent."

In its review, however, the trustee found an error rate based upon blatant, obvious errors more than ten times greater than what was testified to before the Judiciary Committee. And these errors are not harmless. In some cases, they were wildly inaccurate statements of what a homeowner owed to the lender, in others, the claims contained unsupported junk fees that



servicers had piled on, yet for which they provided no documentation. If left unchallenged, the result would be that a homeowner not only loses a home, but is cheated on what he or she owes on that home. Americans in foreclosure, and the trustee as guardian of the system are right to demand accuracy and truthfulness from creditors' representations in court.

Unfortunately, the major players in the mortgage industry are showing little interest in addressing these problems head-on. Instead, when faced with the trustee's scrutiny of their claims, some major mortgage servicers have resorted to engaging in litigation challenging the authority of the United States trustee to look behind their claims and provide sanctions where warranted. The United States trustees in districts around the country are now facing hundreds of challenges to their authority to effectively police the system. It is a great disappointment to see some of the very same banking entities that have benefited so much from congressional action and taxpayer funded assistance put up so much resistance to simple demands for accuracy and truthfulness in their representations to the court and those whose homes they are seeking to repossess.

The unfortunate reality is that lenders in many cases will continue to exercise their legal right to foreclose, rather than work with the homeowner to modify a loan. What is entirely unacceptable is for homeowners on the precipice of losing their homes to be mistreated by their lenders—whether through unsupported fees, willfully inaccurate or negligent accounting, or a lack of supporting documentation. This conduct only adds to the pain and hardship so many are experiencing.

In 2010, over one million Americans lost their homes to foreclosure. This year, housing industry analysts expect the problem to get worse. The magnitude of this problem, and its effect on American families, is difficult to comprehend. As this crisis continues to deepen, the incentives for lenders and servicers to cut corners, inflate profits, rush foreclosures, and hide from their misconduct will only increase.

The legislation I introduce today is about ensuring fair treatment for homeowners, preventing a fraud on the bankruptcy courts, and holding wrongdoers accountable. When Congress created the United States trustee program in 1978, it described the trustee's role as the "watchdog" of the bankruptcy system, and vested the trustee's office with the power to investigate fraud in the process. This legislation will support and strengthen this important role so that all participants in the bankruptcy system conduct themselves in accordance with the law.

My legislation will do four things. First, it clarifies the United States trustee's inherent power and duty to

police all corners of the bankruptcy system. Second, it provides the trustee and the courts with remedies to correct and sanction misconduct and fraud committed by creditors in the bankruptcy process. Third, the legislation empowers the trustee to establish a system of audits to ensure that creditors are complying with the law. These provisions taken together will help make certain that debtors and creditors are held to the same standard in the bankruptcy process.

Finally, the legislation addresses a particularly offensive form of mortgage servicer misconduct against men and women serving in our military. The Servicemembers Civil Relief Act (SCRA) protects active duty military personnel by requiring a stable, manageable interest rate for military homeowners on active duty, and by staying foreclosure actions during their deployment. A Government Accountability Office report released this month found that among just two of 14 major mortgage servicing organizations that provided data to Federal regulators, 50 foreclosure actions were carried out in violation of the SCRA.

In response to this finding, and to bolster the SCRA's protections for the men and women serving in the military, this legislation would require a mortgage lender seeking relief from the automatic stay to certify under penalty of perjury that the foreclosure was in compliance with the SCRA.

As Congress looks at ways to mitigate the foreclosure crisis to reduce its impact on homeowners and the economy, I hope all Senators can agree that the foreclosure process for Americans should be a fair one and one in which there is accountability for fraud or other misconduct. And I hope we can all agree that the integrity of our judicial system is something worth protecting.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1054

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fighting Fraud in Bankruptcy Act of 2011".

#### SEC. 2. REMEDIES FOR NEGLIGENT, RECKLESS, OR FRAUDULENT ASSERTION OF CLAIM.

Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

##### "§ 113. Remedies for negligent, reckless, or fraudulent assertion of claim

"(a) In this section—

"(1) a person 'asserts a claim' by, without limitation, preparing, signing, filing, submitting, or later advocating a proof of claim under section 501 of this title, a motion seeking relief from the stay imposed under section 362 of this title, or other paper, rep-

resenting to the court that a claim is owed or that it is owed in a specific amount;

"(2) a person who assists another person in asserting a claim shall also be deemed to have asserted the claim, including—

"(A) any officer, director, employee, or agent of the person asserting a claim; and

"(B) any attorney, accountant, or other professional person who is employed by or is assisting the person asserting a claim; and

"(3) the term 'relief' means, without limitation, and in addition to any legal, equitable, monetary or injunctive relief otherwise available under any provision of this title or other provision of law, or under a court's inherent powers—

"(A) an order or judgment imposing upon a person in one or more cases, wherever situated, in which the person has asserted a claim or claims in violation of subsection (b) a civil penalty of not more than \$5,000 for each such claim;

"(B) an order or judgment requiring a person in one or more cases, wherever situated, in which the person has asserted a claim or claims in violation of subsection (b), to pay actual damages to an injured debtor, or trustee; and

"(C) an order or judgment imposing upon a person in one or more cases, wherever situated, in which the person has asserted, or could assert, a claim or claims in violation of subsection (b) of this section, other prospective or retrospective relief, including but not limited to declaratory relief, injunctive relief, or an auditing requirement.

"(b) Notwithstanding any other provision of Federal or State law, and in addition to any other remedy provided under Federal or State law, if a court, on its own motion or on the motion of the United States trustee (or bankruptcy administrator, if any), finds, based upon a preponderance of the evidence, that a person has, through negligence, recklessness, or fraud, improperly asserted a claim in any case under chapter 7 or chapter 13 of this title before the court, the court may—

"(1) enter relief against the person in the case before the court; and

"(2) enter relief against the person in any other case under chapter 7 or chapter 13 that is pending or might thereafter be filed under this title, wherever situated, to the extent the court deems it necessary—

"(A) to rectify the person's negligent, reckless, or fraudulent assertion of a claim; or

"(B) to prevent the person from asserting any negligent, reckless, or fraudulent claim.

"(c)(1) Civil penalties imposed under this section in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in the United States Trustee Fund.

"(2) Civil penalties imposed under this section in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States."

#### SEC. 3. DUTY OF THE UNITED STATES TRUSTEE TO ADDRESS CLAIMS.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (7)(C), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting ";; and"; and

(3) by adding at the end the following:

“(9) when the United States trustee deems it appropriate—

“(A) monitor and investigate the conduct of other parties in interest with respect to claims; and

“(B) take action that the United States trustee deems necessary to prevent or remedy any negligent, reckless, or fraudulent assertion of a claim, as defined in section 113(a) of title 11, by exercising any of the United States trustee’s powers and authorities under this title and under title 11 respecting claims, including—

“(i) filing, pursuing, or commenting upon any action brought under section 113 of title 11; and

“(ii) filing, pursuing, or commenting upon any civil action, or upon any civil proceeding arising under title 11, or arising in or related to a case under title 11.”.

#### SEC. 4. PROCEDURES FOR THE AUDITING OF PROOFS OF CLAIM.

(a) TITLE 28.—Section 586 of title 28, United States Code, is amended by adding at the end the following:

“(g)(1) CLAIMS AUDIT PROCEDURES.—

“(A) The Director of the Executive Office for United States Trustees shall establish audit procedures to determine the accuracy, veracity, and completeness of proofs of claim filed under section 501(a) of title 11, with respect to cases filed under chapter 7 or 13 of title 11, in which the debtor is an individual.

“(B) The procedures established pursuant to subparagraph (A) shall—

“(i) establish a method of selecting appropriate qualified persons to contract to perform audits;

“(ii) establish a method of selecting proofs of claim to be audited, except that the number of audits to be performed shall be within the sole discretion of the Director of the Executive Office for United States Trustees; and

“(iii) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits, including the percentage of cases, by district, in which inaccurate, untrue, or incomplete proofs of claim were filed.

“(2) The United States trustee for each district is authorized to contract with auditors to perform audits of proofs of claim designated by the United States trustee, in accordance with the procedures established under paragraph (1). An audit may, in the discretion of the United States trustee, encompass multiple proofs of claim filed by the same entity in one case or multiple cases, whether in the same district or multiple districts. The United States trustees from multiple regions may contract with a single auditor to audit proofs of claim filed by the same entity in districts within their regions.

“(3)(A) The report of each audit performed pursuant to paragraph (2) shall be filed with the court where the case is pending and transmitted to the United States trustee and to any trustee serving in the case. Each such report shall clearly and conspicuously specify any findings that the claim asserted in the proof of claim is—

“(i) not valid;

“(ii) not owed in the amount claimed; or

“(iii) not supported by adequate documentation.

“(B) If a claims audit report identifies deficiencies in the proof of claim as described in paragraph (2)(A), the United States trustee shall—

“(i) if appropriate, report the deficient filing to the United States Attorney pursuant to section 3057 of title 18; and

“(ii) if advisable, take appropriate action, including objecting to the proof of claim under section 502(b) of title 11, or commencing an action under section 113(b) of title 11, against entities responsible for the deficiencies.”.

(b) TITLE 11.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) the court finds the entity filing a proof of claim that was selected for audit under section 586(g) of title 28 failed to make available to the auditor for inspection necessary accounts, papers, documents, financial records, files, or other papers, that were requested by the auditor.”.

#### SEC. 5. TREATMENT OF SERVICEMEMBERS IN FORECLOSURE.

Section 362(d) of title 11, United States Code, is amended by adding at the end of the undesignated matter following paragraph (4) the following: “In any case under this title involving a servicemember, as defined in section 101 of the Servicemembers Civil Relief Act, to whom section 303 of that Act applies, no action may be taken under this subsection unless the party in interest certifies, under penalty of perjury, that the requirements of section 303 of the Servicemembers Civil Relief Act have been met.”.

#### SEC. 6. EFFECTIVE DATES.

(a) REMEDIES; DUTY TO ADDRESS CLAIMS.—The provisions of section 113 and section 362(d) of title 11, United States Code, and paragraph (9) of section 586(a) of title 28, United States Code, added by this Act, shall become effective with respect to all cases filed or pending under title 11, United States Code, on or after the date of enactment of this Act.

(b) AUDITING OF PROOFS OF CLAIM.—Section 586(g) of title 28, United States Code, as added by this Act, shall become effective 18 months after the date of enactment of this Act for all cases filed or pending on or after that date of enactment, except that the Director of the Executive Office for United States Trustees may, in the sole discretion of the Director, establish an earlier effective date by publishing notice in the Federal Register at least 2 weeks before the proposed effective date.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 196—CALLING UPON THE GOVERNMENT OF TURKEY TO FACILITATE THE REOPENING OF THE ECUMENICAL PATRIARCHATE’S THEOLOGICAL SCHOOL OF HALKI WITHOUT CONDITION OF FURTHER DELAY

Mr. CARDIN (for himself, Ms. SNOWE, Mr. REID of Nevada, Mrs. SHAHEEN, Mr. WHITEHOUSE, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 196

Whereas the Ecumenical Patriarchate is an institution with a history spanning 17 centuries, serving as the center of the Orthodox Christian Church throughout the world;

Whereas the Ecumenical Patriarchate sits at the crossroads of East and West, offering

a unique perspective on the religions and cultures of the world;

Whereas the title of Ecumenical Patriarch was formally accorded to the Archbishop of Constantinople by a synod convened in Constantinople during the sixth century;

Whereas, since November 1991, His All Holiness, Bartholomew I, has served as Archbishop of Constantinople, New Rome and Ecumenical Patriarch;

Whereas Ecumenical Patriarch Bartholomew I was awarded the Congressional Gold Medal in 1997, in recognition of his outstanding and enduring contributions toward religious understanding and peace;

Whereas, during the 110th Congress, 75 Senators and the overwhelming majority of members of the Committee on Foreign Affairs of the House of Representatives wrote to President George W. Bush and the Prime Minister of Turkey to express congressional concern, which continues today, regarding the absence of religious freedom for Ecumenical Patriarch Bartholomew I in the areas of church-controlled Patriarchal succession, the confiscation of the vast majority of Patriarchal properties, recognition of the international Ecumenicity of the Patriarchate, and the reopening of the Theological School of Halki;

Whereas the Theological School of Halki, founded in 1844 and located outside Istanbul, Turkey, served as the principal seminary for the Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971;

Whereas the alumni of this preeminent educational institution include numerous prominent Orthodox scholars, theologians, priests, bishops, and patriarchs, including Bartholomew I;

Whereas the Republic of Turkey has been a participating state of the Organization for Security and Cooperation in Europe (OSCE) since signing the Helsinki Final Act in 1975;

Whereas in 1989, the OSCE participating states adopted the Vienna Concluding Document, committing to respect the right of religious communities to provide “training of religious personnel in appropriate institutions”;

Whereas the continued closure of the Ecumenical Patriarchate’s Theological School of Halki has been an ongoing issue of concern for the American people and the United States Congress and has been repeatedly raised by members of the Commission on Security and Cooperation in Europe and by United States delegations to the OSCE’s annual Human Dimension Implementation Meeting;

Whereas, in his address to the Grand National Assembly of Turkey on April 6, 2009, President Barack Obama said, “Freedom of religion and expression lead to a strong and vibrant civil society that only strengthens the state, which is why steps like reopening Halki Seminary will send such an important signal inside Turkey and beyond.”;

Whereas, in a welcomed development, the Prime Minister of Turkey, Recep Tayyip Erdogan, met with the Ecumenical Patriarch on August 15, 2009, and, in an address to a wider gathering of minority religious leaders that day, concluded by stating, “We should not be of those who gather, talk, and disperse. A result should come out of this.”;

Whereas, during his visit to the United States in November 2009, Ecumenical Patriarch Bartholomew I raised the issue of the continued closure of the Theological School of Halki with President Obama, congressional leaders, and others;

Whereas, in a welcome development, for the first time since 1922, the Government of

Turkey in August 2010 allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery; and

Whereas, following a unanimous decision by the European Court of Human Rights in Strasbourg in 2010, ruling that Turkey return the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate, on the eve of the feast day of St. Andrew observed on November 30, the Government of Turkey provided lawyers representing the Ecumenical Patriarchate with the formal property title for the confiscated building; Now, therefore, be it

*Resolved*, That the Senate—

(1) welcomes the historic meeting between Prime Minister Recep Tayyip Erdogan and Ecumenical Patriarch Bartholomew I;

(2) welcomes the positive gestures by the Government of Turkey, including allowing allowed the liturgical celebration by the Ecumenical Patriarch at the historic Sumela Monastery and the return of the former Greek Orphanage on Buyukada Island to the Ecumenical Patriarchate;

(3) urges the Government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay; and

(4) urges the Government of Turkey to address other longstanding concerns relating to the Ecumenical Patriarchate.

Mr. CARDIN. Mr. President, I am pleased to be joined today by Senators SNOWE, REID, SHAHEEN, WHITEHOUSE, and MENENDEZ in introducing a resolution calling upon the government of Turkey to facilitate the reopening of the Ecumenical Patriarchate's Theological School of Halki without condition or further delay.

I was privileged to again meet with the Ecumenical Patriarch, Bartholomew I, during his 2009 visit to the United States. His impassioned request to those of us gathered was for our support for the reopening of the Theological School of Halki, forcibly closed by the Turkish authorities in 1971. In this year marking the 40th anniversary of that tragic action, I urge the Turkish leadership to reverse this injustice and allow this unique religious institution to reopen.

Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary of the Ecumenical Patriarchate until its forced closure. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world.

Past indications by the Turkish authorities of pending action to reopen the seminary have, regrettably, failed to materialize. Turkey's Prime Minister, Recep Tayyip Erdogan, met with the Ecumenical Patriarch in August 2009. In an address to a wider gathering of minority religious leaders that day, Erdogan concluded by stating, "We should not be of those who gather, talk

and disperse. A result should come out of this." I could not agree more with the sentiment. But resolution of this longstanding matter requires resolve, not rhetoric.

In a positive development last August, the authorities in Ankara, for the first time since 1922, permitted a liturgical celebration to take place at the historic Sumela Monastery. The Ecumenical Patriarch presided at that service, attended by pilgrims and religious leaders from several countries, including Greece and Russia. Last November, a Turkish court ordered the Buyukada orphanage to be returned to Ecumenical Patriarchate and the transfer of the property has been completed.

As one who has followed issues surrounding the Ecumenical Patriarchate with interest for many years, I welcome these positive developments. My hope is that they will lead to the return of scores of other church properties seized by the government. In 2005, the Helsinki Commission, which I co-chair, convened a briefing, "The Greek Orthodox Church in Turkey: A Victim of Systematic Expropriation." The Commission has consistently raised the issue of the Theological School for well over a decade and will continue to closely monitor related developments.

The State Department's 2010 Report on International Religious Freedom is a reminder of the challenges faced by Orthodox and other minority religious communities in Turkey. I urge the Turkish Prime Minister to ensure respect for the rights of individuals from these groups to freely profess and practice their religion or beliefs, in keeping with Turkey's obligations as an OSCE participating State.

The 1989 OSCE Vienna Concluding Document affirmed the right of religious communities to provide "training of religious personnel in appropriate institutions." The Theological School of Halki served that function for over a century until its forced closure four decades ago. The time has come to allow the reopening of this unique institution without further delay.

I urge my colleagues to support this resolution.

**SENATE RESOLUTION 197—HONORING THE ENTREPRENEURIAL SPIRIT OF SMALL BUSINESS CONCERNS IN THE UNITED STATES DURING NATIONAL SMALL BUSINESS WEEK, WHICH BEGINS ON MAY 15, 2011**

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. NELSON of Nebraska, Mr. KERRY, Ms. AYOTTE, Mrs. SHAHEEN, Mr. ENZI, Mr. CARDIN, and Mr. RISCH) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a "National Small Business Week" to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as "National Small Business Week"; Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small business concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as

Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the \$400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

**SENATE RESOLUTION 198—CONGRATULATING THE ALASKA ACES HOCKEY TEAM ON WINNING THE 2011 KELLY CUP AND BECOMING THE EAST COAST HOCKEY LEAGUE CHAMPIONS FOR THE SECOND TIME IN TEAM HISTORY**

Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

**S. RES. 198**

Whereas on Saturday, May 21, 2011, the Alaska Aces won the second Kelly Cup championship in the history of the team with a 5-3 victory over the Kalamazoo Wings;

Whereas the Alaska Aces lost only 1 game throughout the entire 2011 Kelly Cup playoffs;

Whereas the Alaska Aces finished the regular season by winning an impressive 35 of the final 41 games;

Whereas the Alaska Aces won the Brabham Cup with the best record in the East Coast Hockey League regular season;

Whereas head coach Brent Thompson led the Alaska Aces to the Kelly Cup championship in only his second year as head coach and received the John Brophy award as the East Coast Hockey League's Coach of the Year;

Whereas Alaska Aces Captain Scott Burt became the first player in East Coast Hockey League history to win 3 Kelly Cups;

Whereas Alaska Aces forward Scott Howes was named the Most Valuable Player of the Kelly Cup playoffs with 7 goals and 19 points earned during the postseason;

Whereas Alaska Aces forward Wes Goldie was named Most Valuable Player for the 2010-2011 East Coast Hockey League regular season with 83 points;

Whereas Alaska Aces goaltender Gerald Coleman backstopped the Alaska Aces with a record of 11 wins and 1 loss during the Kelly Cup playoffs and was selected as the East Coast Hockey League's Goaltender of the Year;

Whereas the Alaska Aces benefitted from the veteran leadership of center and native Alaskan Brian Swanson;

Whereas the hard work and dedication of the entire team lead the Alaska Aces to victory;

Whereas the East Coast Hockey League has developed some of the greatest hockey players who have later enjoyed successful careers in the National Hockey League and the American Hockey League; and

Whereas Alaskans everywhere are proud of the accomplishments of the Alaska Aces in the 2011 season: Now, therefore, be it

*Resolved, That the Senate—*

(1) congratulates each member and the coaching staff of the Alaska Aces hockey team on an impressive championship season;

(2) recognizes the achievements of the East Coast Hockey League on another fine season of developing players and promoting ice hockey in North America; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Alaska Aces ownership;

(B) the Commissioner of the East Coast Hockey League, Brian McKenna; and

(C) the Commissioner Emeritus of the East Coast Hockey League, Patrick J. Kelly.

**SENATE CONCURRENT RESOLUTION 22—EXPRESSING THE SENSE OF CONGRESS THAT JOHN ARTHUR "JACK" JOHNSON SHOULD RECEIVE A POSTHUMOUS PARDON FOR THE RACIALLY MOTIVATED CONVICTION IN 1913 THAT DIMINISHED THE ATHLETIC, CULTURAL, AND HEROIC SIGNIFICANCE OF JACK JOHNSON AND UNDULY TARNISHED HIS REPUTATION**

Mr. MCCAIN submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

**S. CON. RES. 22**

Whereas John Arthur "Jack" Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the "great white hope";

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the "Battle of the Century";

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being "too familiar" with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the "White Slave Traffic Act" or the "Mann Act") (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose";

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an "immoral purpose" in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946;

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame; and

Whereas on July 29, 2009, the 111th Congress agreed to Senate Concurrent Resolution 29, which expressed the sense of the 111th Congress that Jack Johnson should receive a posthumous pardon for his racially motivated 1913 conviction: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it remains the sense of Congress that Jack Johnson should receive a posthumous pardon—*

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Mr. McCAIN. Mr. President, today I am re-introducing a resolution calling on the President of the United States to posthumously pardon the world's first African-American heavyweight boxing champion, John Arthur "Jack" Johnson.

As you may remember, Representative PETER KING and I introduced a similar bipartisan resolution during the last session of Congress, and it passed both chambers unanimously. I was very pleased that two of the resolution's strongest supporters were the Senate Majority Leader, my friend Senator REID, and the Chairman of the Judiciary Committee, Senator LEAHY. However, I am disappointed to say that the President still has not pardoned Mr. Johnson. Today, I call upon my Senate colleagues to once again pass this resolution and send a clear message to our President that this unacceptable historical injustice must be rectified.

For those who may not be familiar with the plight of Jack Johnson, he is considered by many to be the most dominant athlete in boxing history. John Arthur Johnson was born March 31, 1878, in Galveston, TX, to parents who were former slaves. At an early age he realized his talent for the sweet science. In order to make a living, Johnson traveled across the country fighting anyone willing to face him. But he was denied repeatedly, on purely racial grounds, a chance to fight for the world heavyweight title. For too long, African-American fighters were not seen as legitimate contenders for the championship. Fortunately, after years of perseverance, Johnson was finally granted an opportunity in 1908 to fight the then-reigning title holder, Tommy Burns. Johnson handily defeated Burns to become the first African-American heavyweight champion.

Mr. Johnson's success in the ring, and sometimes indulgent lifestyle outside of it, fostered resentment among many and raised concerns that his continued sporting dominance would somehow disrupt what was then perceived by many as a "racial order." So, a search for a Caucasian boxer who could defeat Johnson began, a campaign dubbed as the search for the "Great White Hope." That hope arrived in the person of a former champion, Jim Jeffries, who returned from retirement to fight Johnson in 1910. But when Johnson defeated Jeffries, race riots broke out as many sought to avenge the loss.

Following the defeat of the "Great White Hope," the Federal government launched an investigation into the legality of Johnson's relationships with Caucasian women. The Mann Act, which was enacted in 1910, outlawed the transport of Caucasian women across State lines for the purpose of prostitution or debauchery, or for "any other immoral purpose." Using the

"any other immoral purpose" clause as a pretext, federal law enforcement officials set out to "get" Johnson.

On October 18, 1912, he was arrested for transporting his Caucasian girlfriend across State lines in violation of the Act. However, the charges were dropped when the Caucasian, whose mother had originally tipped off Federal officials, refused to cooperate with authorities. She later married Johnson.

Yet Federal authorities persisted in their persecution of Johnson, persuading a former Caucasian girlfriend of Johnson's to testify that he had transported her across State lines. Her testimony resulted in Johnson's conviction in 1913. He was sentenced to 1 year and 1 day in Federal prison. During Johnson's appeal, one prosecutor admitted that "Mr. Johnson was perhaps persecuted as an individual, but that it was his misfortune to be the foremost example of the evil in permitting the intermarriage of whites and blacks."

After the trial, Johnson fled the country to Canada, and then traveled to various European and South American countries, before losing his heavyweight championship title in Cuba in 1915. He returned to the United States in 1920, surrendered to Federal authorities, and served nearly a year in Federal prison. Despite this obvious and clear injustice, Johnson refused to turn his back on the country that betrayed him. Mr. Johnson died in an automobile accident in 1946.

The Jack Johnson case is an ignominious stain on our Nation's history. Rectifying this injustice is long overdue. Again, this resolution calls on the President to pardon Mr. Johnson posthumously. It recognizes the unjustness of what transpired, and sheds light on the achievements of an athlete who was forced into the shadows of bigotry and prejudice. Johnson was a flawed individual who was certainly controversial. But he was also a historic American figure, whose life and accomplishments played an instrumental role in our Nation's progress toward true equality under the law. And he deserved much better than a racially motivated conviction, which denied him of his liberty and served to diminish his athletic, cultural, and historic significance.

We are quickly coming up on the 65th anniversary of Jack Johnson's death, and we should take this opportunity to allow future generations to grasp what he accomplished against great odds and appreciate his contributions to society unencumbered by the taint of his criminal conviction. We know that we cannot possibly right the wrong that was done to Jack Johnson, but we can take this small step towards once again acknowledging his mistreatment and removing the cloud that casts a shadow on his legacy. I urge my colleagues to support this resolution.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 335. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 336. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 337. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 339. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 340. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 341. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 342. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 343. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 344. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 345. Mr. UDALL of New Mexico (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 346. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

SA 347. Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

SA 348. Mr. REID proposed an amendment to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra.

SA 349. Mr. REID proposed an amendment to the bill S. 990, supra.

SA 350. Mr. REID proposed an amendment to the bill S. 990, supra.

SA 351. Mr. REID proposed an amendment to amendment SA 350 proposed by Mr. REID to the bill S. 990, supra.

SA 352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table.

SA 353. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, supra; which was ordered to lie on the table.

**SA 335.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.**

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”;

(2) in paragraph (2), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”;

(3) by striking the matter following paragraph (2) and inserting the following: “shall be punished as provided in section 2242, and, if the conduct would violate section 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United States, shall be punished as provided in section 2241(c).”

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.”

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1111(b);”;

(2) in paragraph (2), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1112(b); and”.

**SA 336.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.**

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or any other offense listed under section 2332b(g)(5)(B) of this title,” after “title 49;”;

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

“(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

“(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

“(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life.”;

(2) by amending subsection (b) to read as follows:

“(b) CIVIL ACTION.—

“(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

“(2) EFFECT OF CONDUCT.—

“(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

“(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

“(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

“(B) APPLICABILITY.—A person described in this subparagraph is any person that—

“(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

“(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

“(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.”

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section, the term ‘addressed to any other person’ includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof.”

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

“For purposes of this section, the term ‘addressed to any person’ includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof.”

**SA 337.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.**

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**“§ 2339E. Providing material support to international terrorism**

“(a) DEFINITIONS.—In this section:

“(1) The term ‘facility of interstate or foreign commerce’ has the same meaning as in section 1958(b)(2).

“(2) The term ‘international terrorism’ has the same meaning as in section 2331.

“(3) The term ‘material support or resources’ has the same meaning as in section 2339A(b).

“(4) The term ‘perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures its commission; or

“(C) attempts, plots, or conspires to commit the act.

“(5) The term ‘serious bodily injury’ has the same meaning as in section 1365.

“(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international



terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting “2339E (relating to providing material support to international terrorism),” before “or 2340A (relating to torture)”.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “25 years”.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking “fined under this title” and all that follows and inserting “fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”.

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking “shall be fined under this title” and all that follows and inserting “shall be fined under this title and imprisoned for any term of years not less than 5 or for life.”.

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking “ten years” and inserting “15 years”.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting “, or attempts or conspires to receive,” after “receives”.

**SA 338.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the

expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 10, add the following:

**SEC. 3. BORDER FENCE COMPLETION.**

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”;

(3) in subparagraph (C), by adding at the end the following:

“(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**SA 339.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government's official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government's official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

**SA 340.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ DEATH PENALTY FOR CERTAIN TERROR RELATED CRIMES.**

(a) PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.—Section 832(c) of title 18, United States Code, is amended by inserting “punished by death if death results to any person from the offense, or” after “shall be”.

(b) MISSILE SYSTEMS TO DESTROY AIRCRAFT.—Section 2332g(c)(3) of title 18, United



States Code, is amended by inserting “punished by death or” after “shall be”.

(c) **ATOMIC WEAPONS.**—The last sentence of section 222 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by inserting “death or” before “imprisonment for life” the last place it appears.

(d) **RADIOLOGICAL DISPERSAL DEVICES.**—Section 2332h(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

(e) **VARIOLA VIRUS.**—Section 175c(c)(3) of title 18, United States Code, is amended by inserting “death or” before “imprisonment for life”.

**SA 341.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. DENIAL OF FEDERAL BENEFITS TO CONVICTED TERRORISTS.**

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**“§ 2339E. Denial of Federal benefits to terrorists**

“(a) **IN GENERAL.**—Any individual who is convicted of a Federal crime of terrorism (as defined in section 2332b(g)) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

“(b) **FEDERAL BENEFIT DEFINED.**—In this section, the term ‘Federal benefit’ has the meaning given that term in section 421(d) of the Controlled Substances Act (21 U.S.C. 862(d)).”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Denial of Federal benefits to terrorists.”

**SA 342.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. COUNTERINTELLIGENCE ACCESS TO ELECTRONIC COMMUNICATION TRANSACTIONAL RECORDS.**

Section 2709(b)(1) of title 18, United States Code, is amended—

(1) by striking “and local and long distance toll billing records” and inserting “local and long distance toll billing records information, and electronic communication transactional records”; and

(2) by striking “and toll billing records sought” and inserting “toll billing records information, and electronic communication transactional records sought”.

**SA 343.** Mr. GRASSLEY submitted an amendment intended to be proposed by

him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 10, add the following:

**SEC. 3. JUDICIAL REVIEW OF VISA REVOCATION.**

(a) **IN GENERAL.**—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking “There shall be no means of judicial review” and all that follows and inserting the following: “Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to all visas issued before, on, or after such date.

**SA 344.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. NATIONAL SECURITY LETTER SUNSETS.**

(a) **REPEAL.**—Effective on December 31, 2013—

(1) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(2) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(3) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), read on October 25, 2001;

(4) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(5) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(b) **TRANSITION PROVISION.**—Notwithstanding subsection (a), the provisions of law referred to in subsection (a), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—Effective December 31, 2013—

(1) section 3511 of title 18, United States Code, is amended by striking “or 627(a)” each place it appears;

(2) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(A) in subparagraph (C), by adding “and” at the end;

(B) in subparagraph (D), by striking “; and” and inserting a period; and

(C) by striking subparagraph (E); and

(3) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

**SA 345.** Mr. UDALL of New Mexico (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “PATRIOT Sunsets Temporary Extension Act of 2011”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) In the wake of the terrorist attacks of September 11, 2001, Congress hastily passed the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), which significantly expanded the authority of the intelligence community and law enforcement agencies to collect intelligence on, and conduct surveillance of, citizens of the United States.

(2) Recognizing that the USA PATRIOT Act had significantly expanded Government authorities at a time of national crisis and with minimal deliberation, Congress established sunset dates for 16 of the most controversial provisions in the Act. Congress also included a sunset date in the amendments to section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 under the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638), commonly known as the “Lone Wolf” provision.

(3) In 2005, Congress made 14 of those provisions permanent, but retained sunsets for the Lone Wolf provision, as well as provisions of the USA PATRIOT Act authorizing the Foreign Intelligence Surveillance Court to issue warrants for roving wiretaps and broad orders compelling the production of business records or any other tangible thing.

(4) Since the enactment of the USA PATRIOT Act, the Inspector General of the Department of Justice has released various reports that highlight abuses of the provisions of the Act and sharp increases in the use of secret court orders, national security letters, and electronic and physical surveillance. Since passage of the Lone Wolf provision, it has not been used in a single investigation.

(5) The sunset dates provide a means for Congress to fulfill its oversight responsibilities and to hold careful and deliberative debate about the controversial provisions, to consider amendments to the laws, and to determine if the provisions should be granted additional long-term extensions.

(6) Congress has not devoted the time necessary to hold a substantive debate and to discuss and vote on a number of amendments before the provisions expire on May 27, 2011.

(7) Until such a debate occurs and an open amendment process is conducted, Congress

should not grant a long-term extension of the expiring provisions.

#### SEC. 3. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “May 27, 2011” and inserting “September 23, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking “May 27, 2011” and inserting “September 23, 2011”.

**SA 346.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 3. PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

**SA 347.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “PATRIOT Sunsets Extension Act of 2011”.

#### SEC. 2. SUNSET EXTENSIONS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking “May 27, 2011” and inserting “June 1, 2015”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking “May 27, 2011” and inserting “June 1, 2015”.

**SA 348.** Mr. REID proposed an amendment to amendment SA 347 proposed

by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

**SA 349.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

At the appropriate place, insert the following:

This Act shall become effective 3 days after enactment.

**SA 350.** Mr. REID proposed an amendment to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike “3” and insert “2”.

**SA 351.** Mr. REID proposed an amendment to amendment SA 350 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; as follows:

In the amendment, strike “2” and insert “1”.

**SA 352.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### TITLE II—SAFE COPS ACT

##### SECTION 201. SHORT TITLE.

This title may be cited as the “Safe Cops Act of 2011”.

#### SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting “(a)” before “Whoever”; and

(2) by adding at the end the following:

“(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

“(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

“(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

“(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life.”.

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

“(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death.”.

#### SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

##### “§ 111. Assaulting or interfering with certain officers or employees

“(a) OFFICERS AND EMPLOYEES.—

“(1) IN GENERAL.—It shall be unlawful to—

“(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

“(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

“(C) assault or interfere with an individual on account of that individual's current or former status as an officer or employee described in section 1114.

“(2) PENALTY.—Any person who violates paragraph (1), shall be—

“(A) fined under this title;

“(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

“(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

“(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

“(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

“(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

“(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

“(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

“(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

“(B) if the assault resulted in serious bodily injury (as that term is defined in section

2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

“(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

“111. Assaulting or interfering with certain officers or employees.”.

**SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.**

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual’s current or former status as such an officer or judge, the offender shall be punished—

“(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

“(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

“(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

“(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

“(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking “in section 115(c)(2)” and inserting “in section 115(d)(2)”; and

(B) in section 2237(e)(1) of title 18, United States Code, by striking “in section 115(c)” and inserting “in section 115”.

(2) OTHER LAW.—Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes” (25 U.S.C. 305d(a)) is amended by striking “section 115(c)” and inserting “section 115(d)”.

**SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.**

(a) IN GENERAL.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesigned paragraph.

(b) ATTORNEY’S FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

**SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.**

(a) SHORT TITLE.—This section may be cited as the “Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011”.

(b) FEDERAL REVIEW.—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer’s or judge’s performance of official duties or status as a public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(c) RULES.—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(d) FINALITY OF DETERMINATION.—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—This section and the amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

(2) TIME LIMITS.—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) EXCEPTION.—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

**SA 353.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 1038, to extend the expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**NOTICES OF HEARINGS**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 7, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 512, the Nuclear Power 2021 Act, and S. 937, the American Alternative Fuels Act of 2011.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Jonathan Epstein or Abby Campbell.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 9, 2011, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on bills to promote energy efficiency and alternative fuel vehicles as described in S. 963, S. 1000, and S. 1001.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Deborah Estes at (202) 224-5360 or Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO  
MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 9 a.m., to hold a hearing entitled, "Al Qaeda, the Taliban and Other Extremist Groups in Afghanistan and Pakistan."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Perma-

nent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m., to conduct a hearing entitled, "Stimulus Contractors Who Cheat on Their Taxes: What Happened?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 24, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS,  
SAFETY, AND SECURITY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 24, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "Air Traffic Control Safety Oversight."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate, on May 24, 2011, at 9 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Responding to the Prescription Drug Epidemic: Strategies for Reducing Abuse, Misuse, Diversion, and Fraud."

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SMALL BUSINESS  
WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 197 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 197) honoring the entrepreneurial spirit of small business con-

cerns in the United States during National Small Business Week, which begins on May 15, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. COBURN. Mr. President, I do not believe small businesses need government assistance to exist. In fact, I believe the best thing our government can do is to shrink the size and cost of the Federal Government. With less government, minimal Federal regulation, and lower taxes, businesses—regardless of size, industry, and location—will innovate in meeting American consumer demands and achieve phenomenal growth.

Instead of encouraging dependence on the Federal Government, I believe politicians should seek to find ways to free businesses to thrive independently. Additionally, with a national debt of almost \$14.3 trillion, Congress should start considering ways to enable sustainable economic growth instead of authorizing or increasing more Federal subsidy programs that more often than not have limited or questionable benefits.

As a former small and large business owner, I know the struggles small businesses face because of unnecessary government regulations and taxes. In fact, the Federal Government's interference in my ability to practice medicine prompted me to first seek office. Small businesses are invaluable to the economic health of our great country and embody the American dream.

While I join the Senate and the President in recognizing the contributions of small businesses all over the country, I would like to join Senator PAUL in opposing a resolution passed by the Senate today that lauds big government and the use of taxpayer dollars to subsidize certain small businesses.

Mr. PAUL. Mr. President, I was a small businessman before I was elected to the Senate. I know well the struggles small businesses face because of government regulations and taxes. I also know that small businesses are a key driver of economic growth and employment. That is why I join the Senate and the President in recognizing the contributions of small businesses all over the country during National Small Business Week.

Unfortunately, this resolution goes a step beyond recognizing the hard-working entrepreneurs who are our small businessmen and businesswomen. The resolution also praises big government and using taxpayer dollars to subsidize small businesses. I do not believe small businesses need government assistance to exist. I do not believe we need an entire agency of the Federal Government to encourage entrepreneurs. Quite the opposite—I believe that with less government, businesses of all sizes will be created, existing businesses will grow, and the American spirit will thrive. That is why I voted against this resolution.

Mr. DURBIN. Mr. President, it is my understanding we are ready to act on this resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 197) was agreed to.

Mr. DURBIN. I now ask that we act on the preamble.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the preamble.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 197

Whereas the approximately 27,200,000 small business concerns in the United States are the driving force behind the Nation's economy, creating 2 out of every 3 new jobs and generating more than 50 percent of the Nation's non-farm gross domestic product;

Whereas small businesses are the driving force behind the economic recovery of the United States;

Whereas small businesses represent 99.7 percent of employer firms in the United States;

Whereas small business concerns are the Nation's innovators, serving to advance technology and productivity;

Whereas small business concerns represent 97.6 percent of all exporters and produce 32.8 percent of exported goods;

Whereas Congress established the Small Business Administration in 1953 to aid, counsel, assist, and protect the interests of small business concerns in order to preserve free and competitive enterprise, to ensure that a fair proportion of the total Federal Government purchases, contracts, and subcontracts for property and services are placed with small business concerns, to ensure that a fair proportion of the total sales of government property are made to such small business concerns, and to maintain and strengthen the overall economy of the United States;

Whereas every year since 1963, the President has designated a "National Small Business Week" to recognize the contributions of small businesses to the economic well-being of the United States;

Whereas in 2011, National Small Business Week will honor the estimated 27,200,000 small businesses in the United States;

Whereas the Small Business Administration has helped small business concerns by providing access to critical lending opportunities, protecting small business concerns from excessive Federal regulatory enforcement, helping to ensure full and open competition for government contracts, and improving the economic environment in which small business concerns compete;

Whereas for more than 50 years, the Small Business Administration has helped millions of entrepreneurs achieve the American dream of owning a small business concern, and has played a key role in fostering economic growth; and

Whereas the President has designated the week beginning May 15, 2011, as "National Small Business Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the entrepreneurial spirit of small business concerns in the United States during National Small Business Week, which begins on May 15, 2011;

(2) applauds the efforts and achievements of the owners and employees of small busi-

ness concerns, whose hard work and commitment to excellence have made such small business concerns a key part of the economic vitality of the United States;

(3) recognizes the work of the Small Business Administration and its resource partners in providing assistance to entrepreneurs and small business concerns; and

(4) recognizes the importance of ensuring that—

(A) guaranteed loans, including microloans and microloan technical assistance, for start-up and growing small business concerns, and venture capital, are made available to all qualified small business concerns;

(B) the management assistance programs delivered by resource partners on behalf of the Small Business Administration, such as Small Business Development Centers, Women's Business Centers, and the Service Corps of Retired Executives, are provided with the Federal resources necessary to provide invaluable counseling services to entrepreneurs in the United States;

(C) the Small Business Administration continues to provide timely and efficient disaster assistance so that small businesses in areas struck by natural or manmade disasters can quickly return to business to keep local economies alive in the aftermath of such disasters;

(D) affordable broadband Internet access is available to all people in the United States, particularly people in rural and underserved communities, so that small businesses can use the Internet to make their operations more globally competitive while boosting local economies;

(E) regulatory relief is provided to small businesses through the reduction of duplicative or unnecessary regulatory requirements that increase costs for small businesses; and

(F) leveling the playing field for contracting opportunities remains a primary focus, so that small businesses, particularly minority-owned small businesses, can compete for and win more of the \$400,000,000,000 in contracts that the Federal Government enters into each year for goods and services.

#### CONGRATULATING THE ALASKA ACES HOCKEY TEAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to Senate resolution 198 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 198) congratulating the Alaska Aces hockey team on winning the 2011 Kelly Cup and becoming East Coast Hockey League champions for the second time in team history.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 198) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 198

Whereas on Saturday, May 21, 2011, the Alaska Aces won the second Kelly Cup championship in the history of the team with a 5-3 victory over the Kalamazoo Wings;

Whereas the Alaska Aces lost only 1 game throughout the entire 2011 Kelly Cup playoffs;

Whereas the Alaska Aces finished the regular season by winning an impressive 35 of the final 41 games;

Whereas the Alaska Aces won the Brabham Cup with the best record in the East Coast Hockey League regular season;

Whereas head coach Brent Thompson led the Alaska Aces to the Kelly Cup championship in only his second year as head coach and received the John Brophy award as the East Coast Hockey League's Coach of the Year;

Whereas Alaska Aces Captain Scott Burt became the first player in East Coast Hockey League history to win 3 Kelly Cups;

Whereas Alaska Aces forward Scott Howes was named the Most Valuable Player of the Kelly Cup playoffs with 7 goals and 19 points earned during the postseason;

Whereas Alaska Aces forward Wes Goldie was named Most Valuable Player for the 2010-2011 East Coast Hockey League regular season with 83 points;

Whereas Alaska Aces goaltender Gerald Coleman backstopped the Alaska Aces with a record of 11 wins and 1 loss during the Kelly Cup playoffs and was selected as the East Coast Hockey League's Goaltender of the Year;

Whereas the Alaska Aces benefitted from the veteran leadership of center and native Alaskan Brian Swanson;

Whereas the hard work and dedication of the entire team lead the Alaska Aces to victory;

Whereas the East Coast Hockey League has developed some of the greatest hockey players who have later enjoyed successful careers in the National Hockey League and the American Hockey League; and

Whereas Alaskans everywhere are proud of the accomplishments of the Alaska Aces in the 2011 season: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates each member and the coaching staff of the Alaska Aces hockey team on an impressive championship season;

(2) recognizes the achievements of the East Coast Hockey League on another fine season of developing players and promoting ice hockey in North America; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) the Alaska Aces ownership;

(B) the Commissioner of the East Coast Hockey League, Brian McKenna; and

(C) the Commissioner Emeritus of the East Coast Hockey League, Patrick J. Kelly.

#### MEASURE READ THE FIRST TIME—S. 1057

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1057) to repeal the Volumetric Ethanol Excise Tax Credit.

Mr. DURBIN. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

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ORDERS FOR WEDNESDAY, MAY 25,  
2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, May 25; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two

leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that following morning business, the Senate resume consideration of the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. DURBIN. Mr. President, the majority leader filed cloture on the mo-

tion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension. Under the rule, a cloture vote on the motion to concur in the House message will occur 1 hour after the Senate convenes on Thursday, May 26.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Wednesday, May 25, 2011, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, May 24, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CANTOR).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 24, 2011.

I hereby appoint the Honorable ERIC CANTOR to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Rabbi Jeremy Wiederhorn, The Conservative Synagogue, Westport, Connecticut, offered the following prayer:

Dear God, source of all strength, compassion, and peace:

We know that our time on this Earth is preciously short, so please:

Open our eyes to the beauty of the world around us.

Remind us that each person we encounter is created in Your image.

Provide us with the integrity, wisdom, and patience to listen to those with whom we do not agree and learn from those whom we might otherwise not hear.

Protect the courageous men and women who put their lives in danger each day so that our children can live safely and without fear.

Comfort us today as we mourn with the people of Missouri following the tragic loss of life brought upon by the devastating forces of nature.

And, finally, bless our leaders and advisers—including the dedicated men and women of this United States Congress, who assiduously seek to protect our sacred democratic values at home and abroad. And may You grant them the vision to look ahead to our future, without forgetting the lessons of our past.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-

LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING RABBI JEREMY WIEDERHORN

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut (Mr. HIMES) is recognized for 1 minute.

There was no objection.

Mr. HIMES. Thank you, Mr. Speaker.

It is a thrill and an honor this morning on this propitious day in which a joint session of the United States Congress will be addressed by Prime Minister Netanyahu of Israel to introduce and welcome our guest chaplain of the day, Rabbi Jeremy Wiederhorn. Rabbi Wiederhorn is a friend, he is the spiritual leader of The Conservative Synagogue of Westport, and has been so since 2008. Prior to doing that, he gave service in Henderson, Nevada, for 8 years. He is a leader in the community and in his synagogue. He is also true to the ministry dictated by his and so many of our faiths, including, over time, having led and mobilized his community to send an emergency mission to Israel in response to the missile strikes from Hamas in Gaza.

It is a real honor. I know Rabbi Wiederhorn has served as an important leader in Westport and throughout Fairfield County. He has served as a friend to me. I would say that in addition to his spiritual guidance, he introduced me to cholent, which for this Presbyterian was a new experience. I think I thank him for introducing me to that part of his history and culture, if not exactly for the culinary experience.

Welcome, Rabbi Wiederhorn.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by His Excellency Binyamin Netanyahu, Prime Minister of Israel, only the doors immediately opposite the Speaker and those immediately to his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

### RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, May 12, 2011, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at 10:59 a.m., the following proceedings were had:

### JOINT MEETING TO HEAR AN ADDRESS BY HIS EXCELLENCY BINYAMIN NETANYAHU, PRIME MINISTER OF ISRAEL

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Binyamin Netanyahu, Prime Minister of Israel, into the Chamber:

The gentleman from Virginia (Mr. CANTOR);

The gentleman from California (Mr. MCCARTHY);

The gentleman from Texas (Mr. HENSARLING);

The gentleman from Texas (Mr. SESSIONS);

The gentleman from Georgia (Mr. PRICE);

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS);

The gentleman from Texas (Mr. CARTER);

The gentlewoman from South Dakota (Mrs. NOEM);

The gentleman from South Carolina (Mr. SCOTT);

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



The gentleman from Oregon (Mr. WALDEN);

The gentleman from California (Mr. DREIER);

The gentleman from Illinois (Mr. ROSKAM);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from California (Mr. McKEON);

The gentleman from Ohio (Mr. CHABOT);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from New York (Mr. ISRAEL);

The gentleman from California (Mr. WAXMAN);

The gentleman from New York (Mr. ACKERMAN);

The gentleman from California (Mr. BERMAN);

The gentleman from Michigan (Mr. LEVIN);

The gentlewoman from New York (Mrs. LOWEY);

The gentlewoman from Nevada (Ms. BERKLEY);

The gentlewoman from Illinois (Ms. SCHAKOWSKY);

The gentleman from California (Mr. SCHIFF);

The gentlewoman from Pennsylvania (Ms. SCHWARTZ);

The gentlewoman from Florida (Ms. WASSERMAN SCHULTZ); and

The gentleman from Florida (Mr. DEUTCH).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Binyamin Netanyahu, Prime Minister of Israel, into the House Chamber:

The Senator from Nevada (Mr. REID);  
The Senator from Illinois (Mr. DURBIN);

The Senator from Washington (Mrs. MURRAY);

The Senator from Michigan (Mr. LEVIN);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Wisconsin (Mr. KOHL);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Kentucky (Mr. McCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Wyoming (Mr. BARRASSO);

The Senator from South Dakota (Mr. THUNE);

The Senator from Texas (Mr. CORNYN);

The Senator from Indiana (Mr. LUGAR); and

The Senator from Utah (Mr. HATCH).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, Her Excellency Faïda Mitifu, Ambassador of the Democratic Republic of Congo.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for her.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 19 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Binyamin Netanyahu, Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you His Excellency Binyamin Netanyahu, Prime Minister of Israel.

(Applause, the Members rising.)

Prime Minister NETANYAHU. Vice President BIDEN, Speaker BOEHNER, distinguished Senators, Members of the House, honored guests, I am deeply moved by this warm welcome, and I am deeply honored that you've given me the opportunity to address Congress a second time.

Mr. Vice President, do you remember the time that we were the new kids in town? And I do see a lot of old friends here, and I see a lot of new friends of Israel here as well, Democrats and Republicans alike.

Israel has no better friend than America, and America has no better friend than Israel. We stand together to defend democracy. We stand together to advance peace. We stand together to fight terrorism.

Congratulations, America. Congratulations, Mr. President. You got bin Laden. Good riddance.

In an unstable Middle East, Israel is the one anchor of stability. In a region of shifting alliances, Israel is America's unwavering ally. Israel has always been pro-American. Israel will always be pro-American.

My friends, you don't need to do nation-building in Israel; we're already built. You don't need to export democracy to Israel; we've already got it. And you don't need to send American troops to Israel; we defend ourselves. You've been very generous in giving us tools to do the job of defending Israel on our own.

Thank you all; and thank you, President Obama, for your steadfast com-

mitment to Israel's security. I know economic times are tough. I deeply appreciate this.

Some of you have been telling me that your belief has been reaffirmed in recent months that support for Israel's security is a wise investment in our common future, for an epic battle is now underway in the Middle East between tyranny and freedom. A great convulsion is shaking the Earth from the Khyber Pass to the Straits of Gibraltar—the tremors of shattered states, their toppled governments—and we can all see that the ground is still shifting.

Now, this historic moment holds the promise of a new dawn of freedom and opportunity. There are millions of young people out there who are determined to change their future. We all look at them. They muster courage. They risk their lives. They demand dignity. They desire liberty. These extraordinary scenes in Tunis and Cairo evoke those of Berlin and Prague in 1989.

I take it as a badge of honor—and so should you—that in our free societies you can have protests. You can't have these protests in the farcical parliaments in Tehran or in Tripoli. This is real democracy. So, as we share the hopes of these young people throughout the Middle East and Iran that they'll be able to do what that young woman just did—I think she was young. I couldn't see quite that far—we must also remember that those hopes could be snuffed out as they were in Tehran in 1979. You remember what happened then. The brief democratic spring in Tehran was cut short by a ferocious and unforgiving tyranny, and it is this same tyranny that smothered Lebanon's democratic Cedar Revolution and inflicted on that long-suffering country the medieval rule of Hezbollah.

So, today, the Middle East stands at a fateful crossroads; and like all of you, I pray that the peoples of the region choose the path less traveled—the path of liberty. No one knows what this path consists of better than you—nobody. This path of liberty is not paved by elections alone. It is paved when governments permit protests in town squares, when limits are placed on the powers of rulers, when judges are beholden to laws and not men, and when human rights can not be crushed by tribal loyalties or mob rule.

Israel has always embraced this path in a Middle East that has long rejected it. In a region where women are stoned, gays are hanged, Christians are persecuted, Israel stands out. It is different.

There was a great English writer in the 19th century, George Eliot. It's a "she." It was a pseudonym in those days. George Eliot predicted over a century ago that, once established, the Jewish state will shine like a bright

star of freedom amid the despotisms of the East.

Well, she was right.

We have a free press, independent courts, an open economy, rambunctious parliamentary debates. Now, don't laugh. Ah, you see, you think you're tough on one another here in Congress. Come spend a day in the Knesset. Be my guest.

Courageous Arab protesters are now struggling to secure these very same rights for their peoples, for their societies. We are proud in Israel that over 1 million Arab citizens of Israel have been enjoying these rights for decades. Of the 300 million Arabs in the Middle East and North Africa, only Israel's Arab citizens enjoy real democratic rights. Now, I want you to stop for a second and think about that. Of those 300 million Arabs, less than one-half of 1 percent are truly free, and they're all citizens of Israel.

The startling fact reveals a basic truth: Israel is not what is wrong about the Middle East. Israel is what is right about the Middle East. Israel fully supports the desire of Arab peoples in our region to live freely. We long for the day when Israel will be one of many real democracies in the Middle East.

Fifteen years ago, I stood at this very podium—by the way, it hasn't changed. I stood here, and I said that democracy must start to take root in the Arab world. Well, it has begun to take root, and this beginning holds the promise of a brilliant future of peace and prosperity because I believe that a Middle East that is genuinely democratic will be a Middle East truly of peace; but while we hope for the best and while we work for the best, we must also recognize that powerful forces oppose this future.

They oppose modernity.

They oppose democracy.

They oppose peace.

Foremost among these forces is Iran. The tyranny in Tehran brutalizes its own people. It supports attacks against American troops in Afghanistan and in Iraq. It subjugates Lebanon and Gaza. It sponsors terror worldwide.

When I last stood here, I spoke of the consequences of Iran's developing nuclear weapons. Now time is running out. The hinge of history may soon turn, for the greatest danger of all could soon be upon us—a militant Islamic regime armed with nuclear weapons.

Militant Islam threatens the world.

It threatens Islam.

Now, I have no doubt—I am absolutely convinced—that it will ultimately be defeated. I believe it will eventually succumb to the forces of freedom and progress. It depends on cloistering young minds for a given number of years, and the process of opening up information will ultimately defeat this movement; but like other fanaticisms that were doomed to fail,

militant Islam could exact an horrific price from all of us before its eventual demise. A nuclear-armed Iran would ignite a nuclear arms race in the Middle East. It would give terrorists a nuclear umbrella. It would make the nightmare of nuclear terrorism a clear and present danger throughout the world.

You see, I want you to understand what this means because, if we don't stop it, it is coming. They could put a bomb anywhere. They could put it in a missile. They're working on missiles that could reach this city. They could put it on a ship, inside a container, that could reach every port. They could eventually put it in a suitcase or in a subway.

Now, the threat to my country cannot be overstated. Those who dismiss it are sticking their heads in the sand. In less than seven decades, after 6 million Jews were murdered, Iran's leaders deny the Holocaust of the Jewish people while calling for the annihilation of the Jewish state. Leaders who spew such venom should be banned from every respectable forum on the planet.

But there is something that makes the outrage even greater. Do you know what that is? It is the lack of outrage because, in much of the international community, the calls for our destruction are met with utter silence. It's even worse because there are many who rush to condemn Israel for defending itself against Iran's terror proxies.

Not you. Not America. You've acted differently. You've condemned the Iranian regime for its genocidal aims. You've passed tough sanctions against Iran. History will salute you, America.

President Obama has said that the United States is determined to prevent Iran from developing nuclear weapons. The President successfully led the Security Council at the U.N. to adopt sanctions against Iran. You in Congress passed even tougher sanctions. Now, those words and these are vitally important; yet the Ayatollah regime briefly suspended its nuclear weapons program only once, in 2003, when it feared the possibility of military action. In that same year, Muammar Qadhafi gave up his nuclear weapons program and for the same reason.

The more Iran believes that all options are on the table, the less the chance of confrontation; and this is why I ask you to continue to send an unequivocal message: that America will never permit Iran to develop nuclear weapons.

Now, as for Israel, if history has taught the Jewish people anything, it is that we must take calls for our destruction seriously. We are a nation that rose from the ashes of the Holocaust. When we say "never again," we mean never again. Israel always reserves the right to defend itself.

My friends, while Israel will be ever vigilant in its defense, we will never give up our quest for peace. I guess we

will give it up when we achieve it, because we want peace, because we need peace. Now, we've achieved historic peace agreements with Egypt and Jordan, and these have held up for decades.

I remember what it was like before we had peace. I was nearly killed in a firefight inside the Suez Canal. I mean that literally—inside the Suez Canal. I was going down to the bottom, with a 40-pound ammunition pack on my back, and somebody reached out to grab me, and they're still looking for the guy who did such a stupid thing. I was nearly killed there. I remember battling terrorists along both banks of the Jordan.

Too many Israelis have lost loved ones, and I know their grief. I lost my brother. So no one in Israel wants a return to those terrible days. The peace with Egypt and Jordan has long served as an anchor of stability and peace in the heart of the Middle East, and this peace should be bolstered by economic and political support to all those who remain committed to peace.

The peace agreements between Israel and Egypt and Israel and Jordan are vital, but they are not enough. We must also find a way to forge a lasting peace with the Palestinians.

Two years ago, I publicly committed to a solution of two states for two peoples—a Palestinian state alongside a Jewish state. I am willing to make painful compromises to achieve this historic peace. As the leader of Israel, it is my responsibility to lead my people to peace. Now, this is not easy for me. It's not easy because I recognize that, in a genuine peace, we will be required to give up parts of the ancestral Jewish homeland. You have to understand this:

In Judea-Samaria, the Jewish people are not foreign occupiers. We're not the British in India. We're not the Belgians in the Congo. This is the land of our forefathers—the land of Israel—to which Abraham brought the idea of one God, where David set out to confront Goliath, and where Isaiah saw a vision of eternal peace. No distortion of history—and boy, am I reading a lot of distortions of history lately, old and new. No distortion of history can deny the 4,000-year-old bond between the Jewish people and the Jewish land.

But there is another truth.

The Palestinians share this small land with us. We seek a peace in which they will be neither Israel's subjects nor its citizens. They should enjoy a national life of dignity as a free, viable and independent people, living in their own state. They should enjoy a prosperous economy where their creativity and initiative can flourish. Now, we've already seen the beginnings of what is possible. In the last 2 years, the Palestinians have begun to build a better life for themselves.

By the way, Prime Minister Fayyad has led this effort on their part, and I

wish him a speedy recovery from his recent operation.

On our side, we've helped the Palestinian economic growth by removing hundreds of barriers and roadblocks to the free flow of goods and people, and the results have been nothing short of remarkable. The Palestinian economy is booming—it is growing by more than 10 percent a year—and Palestinian cities, they look very different today than what they looked like just a few years ago. They have shopping malls, movie theaters, restaurants, banks. They even have e-businesses, but you can't see that when you visit them.

That's what they have—it's a great change—and all of this is happening without peace. So imagine what could happen with peace. Peace would herald a new day for both our peoples, and it could also make the dream of a broader Arab-Israeli peace a realistic possibility.

So now here is the question. You've got to ask it:

If the benefits of peace with the Palestinians are so clear, why has peace eluded us? All six Israeli Prime Ministers since the signing of the Oslo Accords agreed to establish a Palestinian state, myself included.

So why has peace not been achieved? Because so far the Palestinians have been unwilling to accept a Palestinian state if it means accepting a Jewish state alongside it. You see, our conflict has never been about the establishment of a Palestinian state. It has always been about the existence of the Jewish state. This is what this conflict is about.

In 1947, the U.N. voted to partition the land into a Jewish state and an Arab state. The Jews said yes. The Palestinians said no. In recent years, the Palestinians twice refused generous offers by Israeli Prime Ministers to establish a Palestinian state on virtually all the territory won by Israel in the Six-Day War. They were simply unwilling to end the conflict and—I regret to say this—they continue to educate their children to hate. They continue to name public squares after terrorists; and worst of all, they continue to perpetuate the fantasy that Israel will one day be flooded by the descendants of Palestinian refugees.

My friends, this must come to an end.

President Abbas must do what I have done—and I told you it wasn't easy for me. I stood before my people, and I said: I will accept a Palestinian state. It is time for President Abbas to stand before his people and say: I will accept a Jewish state.

Those six words will change history.

They will make it clear to the Palestinians that this conflict must come to an end, that they're not building a Palestinian state to continue the conflict with Israel but to end it, and those six words will convince the peo-

ple of Israel that they have a true partner for peace.

With such a partner, the Israeli people will be prepared to make a far-reaching compromise. I will be prepared to make a far-reaching compromise. This compromise must reflect the dramatic demographic changes that have occurred since 1967. The vast majority of the 650,000 Israelis who live beyond the 1967 lines reside in neighborhoods and suburbs of Jerusalem and Greater Tel Aviv. Now, these areas are densely populated, but they are geographically quite small; and under any realistic peace agreement, these areas, as well as other places of critical strategic and national importance, will be incorporated into the final borders of Israel. The status of the settlements will be decided only in negotiations; but we must also be honest, so I am saying today something that should be said publicly by all those who are serious about peace:

In any real peace agreement, in any peace agreement that ends the conflict, some settlements will end up beyond Israel's borders. Now, the precise delineation of those borders must be negotiated. We will be generous about the size of the future Palestinian state; but as President Obama said, the border will be different than the one that existed on June 4, 1967. Israel will not return to the indefensible boundaries of 1967.

I want to be very clear on this point: Israel will be generous on the size of a Palestinian state, but we will be very firm on where we put the border with it. This is an important principle and shouldn't be lost.

We recognize that a Palestinian state must be big enough to be viable, to be independent, to be prosperous. All of you and the President, too, have referred to Israel as the homeland of the Jewish people just as you've been talking about a future Palestinian state as the homeland of the Palestinian people. Jews from around the world have a right to emigrate to the one and only Jewish state, and the Palestinians from around the world should have a right to emigrate, if they so choose, to a Palestinian state.

Here is what this means: it means that the Palestinian refugee problem will be resolved outside the borders of Israel. Everybody knows this. It is time to say it, and it is important.

And, as for Jerusalem, only a democratic Israel has protected the freedom of worship for all faiths in the city. Throughout the millennial history of the Jewish capital, the only time that Jews, Christians and Muslims could worship freely, could have unfettered access to their holy sites has been during Israel's sovereignty over Jerusalem. Jerusalem must never again be divided. Jerusalem must remain the united capital of Israel.

I know this is a difficult issue for Palestinians, but I believe that with

creativity and with goodwill a solution can be found. So this is the peace I plan to forge with a Palestinian partner committed to peace; but you know very well that, in the Middle East, the only peace that will hold is the peace you can defend, so peace must be anchored in security.

In recent years, Israel withdrew from south Lebanon and from Gaza. We thought we'd get peace. That's not what we got. We got 12,000 rockets fired from those areas on our cities, on our children by Hezbollah and Hamas. The U.N. peacekeepers in Lebanon, they failed to prevent the smuggling of this weaponry. The European observers in Gaza, they evaporated overnight. So, if Israel simply walked out of the territories, the flow of weapons into a future Palestinian state would be unchecked, and missiles fired from it could reach virtually every home in Israel in less than a minute.

I want you to think about that, too. Imagine there's a siren going on now and that we have less than 60 seconds to find shelter from an incoming rocket. Would you live that way? Do you think anybody can live that way? Well, we are not going to live that way either. The truth is that Israel needs unique security arrangements because of its unique size. It's one of the smallest countries in the world.

Mr. Vice President, I'll grant you this, it's bigger than Delaware. It's even bigger than Rhode Island, but that's about it. Israel on the 1967 lines would be half the width of the Washington beltway. Now, here is a bit of nostalgia. I came to Washington 30 years ago as a young diplomat. It took me a while, but I finally figured it out. There is an America beyond the beltway, but Israel on the 1967 lines would be only 9 miles wide. So much for strategic depth.

So it is therefore vital—absolutely vital—that a Palestinian state be fully demilitarized; and it is vital—absolutely vital—that Israel maintain a long-term military presence along the Jordan River. Solid security arrangements on the ground are necessary not only to protect the peace; they are necessary to protect Israel in case the peace unravels because, in our unstable region, no one can guarantee that our peace partners today will be there tomorrow.

And, my friends, when I say tomorrow, I don't mean some distant time in the future. I mean tomorrow.

Peace can only be achieved around a negotiating table. The Palestinian attempt to impose a settlement through the United Nations will not bring peace. It should be forcefully opposed by all those who want to see this conflict end. I appreciate the President's clear position on this issue. Peace can not be imposed. It must be negotiated; but peace can only be negotiated with partners committed to peace, and

Hamas is not a partner for peace. Hamas remains committed to Israel's destruction and to terrorism. They have a charter. That charter not only calls for the obliteration of Israel. It says: kill the Jews everywhere you find them. Hamas' leader condemned the killing of Osama bin Laden and praised him as a holy warrior.

Now, again, I want to make this clear: Israel is prepared to sit down today and negotiate peace with the Palestinian Authority. I believe we can fashion a brilliant future for our children, but Israel will not negotiate with a Palestinian Government backed by the Palestinian version of al Qaeda.

That we will not do.

So I say to President Abbas: tear up your pact with Hamas. Sit down and negotiate. Make peace with the Jewish state. If you do, I promise you this: Israel will not be the last country to welcome a Palestinian state as a new member of the United Nations; it will be the first to do so.

My friends, the momentous trials of the last century and the unfolding events of this century attest to the decisive role of the United States in defending peace and advancing freedom. Providence entrusted the United States to be the guardian of liberty. All people who cherish freedom owe a profound debt of gratitude to your great Nation. Among the most grateful nations is my nation—the people of Israel—who fought for their liberty and survival against impossible odds in ancient and modern times alike.

I speak on behalf of the Jewish people and the Jewish state when I say to you, representatives of America: thank you. Thank you. Thank you for your unwavering support for Israel. Thank you for ensuring that the flame of freedom burns bright throughout the world.

May God bless all of you, and may God forever bless the United States of America.

[Applause, the Members rising.]

At 12 o'clock and 10 minutes p.m., His Excellency Binyamin Netanyahu, Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

#### JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 o'clock and 16 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess until 12:45 p.m.

□ 1245

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 12 o'clock and 45 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches from each side of the aisle.

#### REMEMBERING THE HONORABLE PETER FRELINGHUYSEN

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I rise with sadness to inform the House of the passing late yesterday afternoon of one of the longest living former Members of the House, Peter H.B. Frelinghuysen. Congressman Frelinghuysen served in this House with effectiveness and distinction and honor between 1953 and 1975.

Peter Hood Ballantine Frelinghuysen was born in New York City in 1916. After graduating from Princeton University and then Yale School of Law, he served in the Office of Naval Intelligence during World War II. He was elected as a Republican to the 83rd Congress.

When he first entered Congress, he served on the Education and Labor Committee, and after that as ranking member of the House Foreign Affairs Committee in the early 1970s. After being elected to 10 successive terms in Congress, he retired in 1975.

Of course, all of my colleagues know that Peter's son, RODNEY, our distinguished colleague here in the House, is now in mourning, as is the rest of the family. So on this sad day, I would invite all of my colleagues to join me in extending to RODNEY and his brothers, Frederick and Peter, and his sisters, Beatrice and Adaline, and their families, our deepest and most profound condolences.

Peter Hood Ballantine Frelinghuysen was proud of his work in the House. He was loved by the people of New Jersey, and we thank him for his extraordinary legacy of service.

#### PROTECT MEDICARE FOR AMERICA'S SENIORS

(Mr. MCGOVERN asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, health care is a right, not a privilege. We made a promise to our seniors that they will have health care when they retire, that they will not have to withdraw away as they age.

But Republicans have broken that promise. Republicans, by passing the Ryan budget, believe that seniors should fend for themselves, that America should not honor the bargain made with its seniors.

It's simple, Mr. Speaker. Republicans don't like Medicare. I am glad this new majority is showing its true colors. And it is no surprise that Americans don't like this position. They didn't like it when they tried to privatize Social Security, and they don't like the Republican plan to voucherize Medicare.

Republicans would rather break this promise for their partisan, ideological crusade. In contrast, Democrats stand with America's seniors. We believe America should keep its promise to America's seniors. We believe America's seniors deserve better.

Support Medicare.

#### REMEMBERING THE HONORABLE PETER FRELINGHUYSEN

(Mr. BASS of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BASS of New Hampshire. Mr. Speaker, yesterday America lost a great public servant, a great friend of the State of New Jersey, the father of one of my—if not my best friend in Congress, a friend of my family's, and just a wonderful guy.

Mr. Frelinghuysen—as I knew him, Peter Frelinghuysen—served in the Congress, as my friend from New Jersey just mentioned, from 1953 to 1975. He was the second or third oldest former Member of Congress. Now my father, who is 98, is the oldest former Member of Congress. Our families grew up together. We grew up in the spirit of public service, of good friendship, of bipartisanship, and of action.

I remember Mr. Frelinghuysen so well as a child, bringing us around here in the Chamber and around Capitol Hill, and even out to amusement parks in the Washington, D.C., area. He was a great father to his five children. But most importantly, Mr. Speaker, he was a great American and a very fine, distinguished Member of Congress.

I will miss him. I know his family will miss him. I know the citizens of New Jersey will miss him. He was a great American.

□ 1250

## MEDICARE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, these are tough times for the American people everywhere. In my home State of California, families face a 12 percent unemployment rate, and the gas prices are well over \$4 a gallon.

But instead of working together to solve the problems, the Republican leadership has voted to end Medicare as we know it and extend the tax breaks to companies that ship jobs overseas.

This week the Senate will have its chance to vote on a reckless Republican budget. The consequences of this misguided plan are devastating for the senior citizens—again I state—devastating to the senior citizens and the middle class.

In California alone, the Republican budget would cost seniors—I state—cost seniors over \$214 million in higher prescription drug costs next year; cut almost \$54 billion in Medicaid funding for seniors and the disabled; and would cost us 186,000 private sector jobs that will be lost over the next 5 years.

We must scrap this plan. Let us work together on a reasonable budget to protect Medicare.

## AMERICAN JOB CREATORS

(Mr. BUCSHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCSHON. Mr. Speaker, I rise today to talk about jobs.

Over a month ago, I launched my participation in American Job Creators. All too often in Washington, regulations are created that end up stifling job creation across our Nation. That is why I chose to participate in American Job Creators. With unemployment at 9 percent, it was common sense to me to ask the job-creating experts what regulations are affecting their ability to grow and expand.

One job creator in my district, Jodie, is a home builder. She went to AmericanJobCreators.com and used the platform to communicate with me. Jodie identified the onerous banking regulations created by the Dodd-Frank Act, making it more difficult for contractors to borrow money from lending institutions. This, in turn, makes it more difficult to complete and start new projects. We know the housing crisis has made it difficult on the construction industry, but adding these regulations has further stifled the industry's ability to recover and to create jobs in America.

I would like to thank Jodie for her participation and encourage more people to go to AmericanJobCreators.com.

## WE MUST PROTECT MEDICARE

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, I rise today to join with the American people to protect Medicare.

It's pretty simple. The Republicans, if they had their way, it would mean a catastrophic end to the program and it would deep-six protections for seniors and improvements to Medicare that we made under the Affordable Care Act.

Medicare has long been a reliable source of coverage for seniors, ensuring they can afford the care they need. In Maryland, the GOP plan would force seniors to pay nearly \$6,800 more in out-of-pocket expenses for health care in the first year alone. And at a time when seniors are economically vulnerable, this proposal would further threaten their quality of life.

While their budget, to date, hasn't produced a single jobs-creating bill, what they would do in these next several months is to cut more than 2 million private sector jobs across the country.

So right now the Republicans are heading for the hills, trying to distance themselves from what they're trying to do to Medicare, but it's clear that the American people want to protect Medicare.

So I urge my colleagues to join with us and oppose this controversial change that would end the decades-old promise to the American people.

It's a simple question: Whose side are you on? Well, I'm on the side, and Democrats are on the side of seniors and not the wealthy health insurance industry and Big Oil bandits.

## THE UNITED STATES STANDS WITH ISRAEL

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, we just heard from a leader of a nation that is one of America's greatest friends and allies: Prime Minister Binyamin Netanyahu of the nation of Israel.

The Prime Minister was correct in saying that in the often shifting alliances in the Middle East, only Israel stands as our unwavering ally. And his message for peace and security should not be heard just in this Chamber but across the world.

Many in the world often like to scapegoat Israel as the cause of instability in the Middle East and the reason why a Palestinian state has not been created. And nothing can be further from the truth.

As the Prime Minister said, the conflict has never been about the establishment of a Palestinian state; it has

always been about the existence of a Jewish state.

It is time for the Palestinian President, Abbas, to stand before his people and state that he is ready to accept peace and live side by side with the Jewish State of Israel. Only then can peace be achieved.

Until that time and on into the future, the people of the world should know that the United States of America will always stand strong with the nation of Israel.

□ 1300

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

## SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended by striking “May 31, 2011” each place it appears and inserting “September 30, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

## SEC. 2. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentleman from New York (Ms.

VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlemen from Missouri.

GENERAL LEAVE

Mr. GRAVES of Missouri. Mr. Speaker, I ask unanimous consent that all Members shall have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, America's 27 million small businesses drive U.S. economic growth and innovation. Those small companies have created 64 percent of our net new jobs over the past 15 years. Strong and vibrant economies are built from the ground up, and as our Nation's entrepreneurs are making decisions to take risks and invest they need to know that their elected officials are looking out for them and providing them with the certainty they need to have confidence moving forward. That confidence will result in increased economic output, new jobs, and a better way of life for all Americans.

The legislation we have before us is a simple extension of programs overseen by the Small Business Administration through September 30, 2011. The current authorizing legislation expires at the end of this month, and we need additional time to continue our legislative work.

Chief among the programs we are extending today is the Small Business Innovative Research Act, the largest Federal Government small business research and development initiative. Earlier this month, the Small Business Committee held a markup of legislation that would fully authorize the SBIR program through 2014. This bipartisan legislation passed our committee by voice vote, and we are ready to bring this legislation to the floor to provide our small entrepreneurs with the certainty that they need to move forward. Unfortunately, the long term SBIR reauthorization introduced by our counterparts in the other body has been stalled and the prospect of them passing that legislation still remains unclear. We have reached out to the other body and are continuing a constructive dialogue on finding a solution to fully authorize the SBIR program as well as other important small business initiatives. It is my hope that we can continue to work in a bipartisan and bicameral way to pass this long-term reauthorization.

I urge my colleagues to vote "yes" on S. 990, as amended.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the economy is showing signs of recovery on several fronts, adding 1 million jobs in the last 6 months. While this is very good news, we still have a long way to go, and this is why we need small firms more than ever.

Small businesses, which create two-thirds of new jobs, drive employment gains and economic expansion. Time and again, they have generated the ideas and know-how that spark job growth. However, entrepreneurs must have the resources and tools they need to start up or expand. The legislation we are considering today provides them and extends the authorization of several Small Business Administration programs. For many firms these initiatives are critical, enabling them to secure financing and more effectively compete for Federal contracts.

While we must keep these programs operational, it is unfortunate that we are doing so through another temporary extension. However, it is my hope that we can reach a lasting agreement on the agency's authorization so that we do not have to come back here again in a few months.

Small businesses across the Nation depend on a strong SBA. This is especially true now when many unemployed individuals are turning to entrepreneurship as a source of income. By ensuring that the agency's programs do not lapse, we are providing small businesses with a foundation for future growth, and in doing so, helping move the economy forward.

I urge a "yes" vote.

Mr. Speaker, I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, in closing, let me reiterate that small businesses can and will lead our economic recovery, and this is a very strong case for fully authorizing the SBIR and STTR programs. They have a proven track record of creating jobs, advancing innovative science in the marketplace, and solving Federal agency problems.

These programs provide a bridge between product conception and marketability—a step of vital importance for innovative ideas to become a reality. The new technologies and discoveries that come out of these programs go a long way towards keeping our competitive edge in the world marketplace, and the SBIR and the STTR programs are the kind of public-private partnership that is essential to the continued growth of our economy.

I look forward to working with Ranking Member VELÁZQUEZ, our colleagues on the Small Business Committee, and our colleagues in the other body on a long-term reauthorization in the coming months.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, S. 990, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Ms. FOXX. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Goodlatte, to rank immediately after Ms. Foxx.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1310

#### PRINTING OF PROCEEDINGS HAD DURING RECESS

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 1216, REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION; PROVIDING FOR CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012; AND WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those received for printing in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII in a daily issue dated May 23, 2011, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered as read if printed. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of May 27, 2011, providing for consideration or disposition of a measure addressing expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 1 hour.

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5

legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 269 provides for a modified open rule providing for consideration of H.R. 1216, which amends the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from mandatory spending to an authorization of appropriations; H.R. 1540, the National Defense Authorization Act; and same-day consideration of a rule to consider extending certain provisions of the USA PATRIOT Act. Mr. Speaker, this is the seventh modified open rule that the House Republican majority has offered this Congress, compared to the liberal Democrats' one modified open rule during the entire 111th Congress.

The first underlying bill today, H.R. 1216, continues the fulfillment of the Republican Pledge to America and illustrates that once again Republicans are keeping our promises to the American people to cut Federal spending. The American people want transparency of Washington's spending of hard-earned taxpayer dollars. In an act of gross irresponsibility, the Federal Government is spending \$1 out of \$4 of gross domestic product.

We hear the term "Federal money" as though it is manna from heaven. Let me dispel that misconception, Mr. Speaker. The Federal Government has only the money it takes away from hardworking American families through taxes or the money it borrows. As a Nation, we are currently borrowing 43 cents for every dollar spent at the Federal level.

Some argue that to balance the Federal Government and pay down our debt, we should raise taxes. As a fiscal conservative, I have to disagree. Raising taxes on hardworking Americans and job creators is simply a way to pass the blame. We must rein in out-of-control Washington spending and put an end to it. The American people are sick and tired of reckless government spending and Washington's disregard for basic budgeting principles of living within its means. This is one of the many reasons I urge my colleagues to support this rule and the underlying bill before us today, Mr. Speaker.

H.R. 1216 restores congressional oversight to Federal spending by ending the autopilot spending for physician residency programs at teaching health centers and restoring it to the annual appropriations process. When a program is put on autopilot, Congress abdicates its authority to unelected bureaucrats and takes a hands-off approach. House Republicans are committed to ending that approach to Federal spending and ensuring that government programs are accountable for how they are

spending money. No longer will we accept politically popular excuses. Each program must prove that it is a wise steward of taxpayer dollars. If Congress will not address out-of-control spending now, we are passing the buck to our children and grandchildren.

Therefore, I commend my Republican colleagues at the House Energy and Commerce Committee for seeking to end mandatory or autopilot funding for programs in the liberal Democrats' government takeover of health care. Because the liberal elites knew their government takeover of health care was unpopular and would likely have consequences at the ballot box, they included \$105 billion in mandatory taxpayer spending in the law itself to protect their favorite programs.

Let me take a moment, Mr. Speaker, to explain the difference between discretionary and mandatory government spending. Discretionary spending is appropriated by Congress annually and, therefore, subject to congressional oversight and review. Discretionary spending allows Members of Congress the opportunity to be wise stewards of the taxpayers' money by not funding ineffective or duplicative programs. On the contrary, mandatory spending operates irrespective of congressional appropriations and must be spent whether we have the money or not. The most recognized mandatory spending programs are Medicare, Medicaid and Social Security which operate on autopilot and have not been subject to congressional oversight from year to year as funds automatically stream from the Treasury to anyone who qualifies for a particular benefit.

It cannot be emphasized enough that the liberal elites in Washington chose to hastily ram through their government takeover of health care with no regard for the staunch opposition of the American people. The audacity of an elected official or, worse, an unelected bureaucrat basically saying to a taxpayer that he or she knows how to spend the taxpayer's money better than the individual taxpayer is appalling. That is what the ruling liberal elites in Washington did when they chose to forgo the annual appropriations, also known as oversight, process by putting their favorite programs on autopilot under ObamaCare.

Mr. Speaker, it is my firm belief that Washington should not be in the business of picking winners and losers. During committee consideration of the underlying bill, my Republican colleagues rightly pointed out that the liberal Democrats in control last Congress put the funding for residencies at teaching health centers on autopilot but left residency programs at children's hospitals to fend for themselves in the annual appropriations process. In fact, President Obama's FY 2012 budget proposes eliminating funding for residency programs at children's hospitals.



Mr. Speaker, it is hard to understand why residencies at teaching health centers should receive special treatment. Why were these residency programs protected while others languished and were eventually proposed to be eliminated?

□ 1320

This is a classic example of Washington bureaucrats deciding which programs will win and which will lose. As I said earlier, every program should be properly scrutinized by Congress through the appropriations process and be accountable for how it is spending taxpayer money. While this accountability should always be important, it's even more critical because we're facing the third straight year of trillion dollar deficits. This fiscal year our deficit will be \$1.6 trillion.

Mr. Speaker, remember the figure I mentioned earlier about our Nation's borrowing habits? We're borrowing 43 cents of every dollar the Federal Government spends. This translates to a national debt that has now reached more than \$14 trillion and has gotten the attention of the American people. If you're having a hard time visualizing \$14 trillion, let me put it this way: If America was required to pay back its national debt right now, each citizen—man, woman, and child—would owe more than \$46,000.

The simple truth is that we have a spending crisis in this town due in large part to mandatory spending that operates on autopilot. House Republicans are committed to bringing government spending under control, and we're continuing to build on our Pledge to America by restoring congressional oversight and accountability for government programs.

Again, Mr. Speaker, I urge my colleagues to vote for this rule and the underlying bills.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlelady from North Carolina and my friend, Dr. FOXX, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this rule allows for the consideration of H.R. 1216, the Graduate Medical Education Direct Spending Repeal Act, and general debate for H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, and this rule also allows for a martial law consideration of the reauthorization of the Patriot Act sometime this week.

Frankly, Mr. Speaker, this is a disappointing rule. While I have no problem with a rule providing for general debate for the Defense authorization bill, it is disappointing that this rule also includes these two other provisions—especially the martial law rule.

Let me begin with H.R. 1216. This bill is simple—it's another chance for the Republicans to dismantle the Afford-

able Care Act. It's one more part of their repeal agenda.

The funny thing is, Mr. Speaker, Republicans continue to push their repeal agenda, but they haven't put any plan forward to replace these new health care provisions that we passed. The truth is that the Republicans are not only trying to repeal the Affordable Care Act, they are also trying to repeal Medicare. This is outrageous. The American people do not want the House Republicans to dismantle Medicare.

The Affordable Care Act, Mr. Speaker, provides dedicated funding for the training of family doctors through graduate medical education programs at teaching health centers. The Republicans, while they claim they support doctors and training programs, don't believe in this dedicated funding. This bill not only rescinds the direct funding for these programs, it reduces the authorization by nearly \$50 million.

Now, everyone knows there is a shortage of primary care physicians in this country. Why, then, do Republicans want to undercut efforts to bring physicians into areas of desperate need?

Making these funds discretionary will jeopardize the 11 programs currently underway across the country—including one program in my home State of Massachusetts. Making these funds discretionary does nothing to help our constituents who are struggling to obtain primary care. Making this program discretionary will deter other entities from making business decisions necessary to expand residency training—decisions like securing commitments from key stakeholders to agree to train new or additional residents, applying for accreditation if not already eligible, and hiring new faculty with funding over the next few years.

Finally, claims that this bill saves hundreds of millions of dollars are just not true. Republicans may claim that this bill will cut nearly \$200 million from the deficit, but that's only true if Congress provides no funding for this program. CBO—the nonpartisan budget arbiter that Republicans frequently ignore—estimates that \$184 million will be appropriated over 5 years, meaning only \$11 million will be saved by H.R. 1216. So claims of this incredible fiscal austerity are simply not true.

Now, a second part of this rule is the martial law portion for same-day consideration of the Patriot Act extension. The Senate is currently debating this reauthorization, and the Republicans feel it necessary to once again jam this bill through this House as soon as the Senate is done with it. This is no way to debate legislation dealing with our homeland security and basic civil rights and civil liberties. This is an important issue. Members need time to be able to understand all of the implications of the Patriot Act.

Lastly, Mr. Speaker, let me say just a few words about the fiscal year 2012 National Defense Authorization Act which we will begin general debate on later today.

All Members of this House are strongly committed to protecting our national security—regardless of party, region, or political point of view. It has been the tradition of the House Armed Services Committee, at the staff and Member level, to work in a bipartisan way to carefully craft the annual defense authorizations bill, and I recognize Chairman BUCK MCKEON and Ranking Member ADAM SMITH for continuing that collegiality.

But given such a tradition, it comes as a surprise to see so many provisions in H.R. 1540 that attempt to repudiate and attack several of the President's national security policies. From warehousing low-level detainees for an indeterminate amount of time, to delaying the implementation of the repeal of Don't Ask, Don't Tell, to hamstringing the implementation of the bipartisan-supported New START Treaty, to seeking a so-called updated authorization for the use of military force that no longer references the devastating 9/11 attacks against America, but instead gives broad authority to the executive branch to pursue military operations anywhere for any length of time—such changes have all the appearance of a partisan agenda.

This afternoon, the Rules Committee will be reviewing many of the amendments on these and other issues, and I hope that they will be made in order so that a broad range of issues and recommendations might be considered and voted upon by this body.

Now, a number of those amendments will deal with the future of our policy and military operations in Afghanistan.

As most of my colleagues know, I believe that we need to rethink our strategy in Afghanistan. It is bankrupting our Nation. The gentlelady from North Carolina talks about the deficit. I will remind her and others that we are borrowing to pay for the war in Afghanistan. We are borrowing approximately \$8.2 billion a month. That's billion with a "b."

So if we're going to get serious about deficit reduction, we either need to end these wars—which I think we should do—or if you support them, you ought to pay for them.

This war has already demanded the lives of 1,573 of our service men and women and gravely wounded tens of thousands of our troops. And right now, there is no true end in sight.

The death of Osama bin Laden creates an opportunity for us to reexamine our policy in Afghanistan and ask the President exactly how and when he will bring the last troops home to their families and their communities.

The death of bin Laden provides us with a moment to commend our intelligence and uniformed men and women, and it also allows us to bring fresh eyes to what kind of defense budget and priorities best fit the needs of our Nation and our national security, especially in these difficult economic times.

I hope that the Rules Committee will embrace such a debate, allow a broad range of amendments to be made in order, and support a fresh and critical examination of the policies and priorities put forward in H.R. 1540.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Massachusetts for bringing up some issues that need to be responded to.

First of all, let me say he says that we plan to repeal Medicare. It was the Democrats who, in voting for the health care act that took over health care in this country to the Federal Government, who cut \$500 billion from Medicare—a half a trillion dollars. Republicans have made no recommendations to cut Medicare at all. Only the Democrats have voted to do that. Not Republicans.

Republicans want to save Medicare, Mr. Speaker. That is what we are doing. We're recommending that we save Medicare for the future. The Democrats are the only ones who want to repeal Medicare by cutting that money from it.

Let me mention a couple of other things that my colleague has spoken about in terms of underlying bills.

□ 1330

In terms of the Patriot Act, I believe it is the Attorney General, the Democrat Attorney General, Mr. Holder, who has recommended not only that the Patriot Act be renewed, but that all three of these provisions be made permanent. It is coming from that side of the aisle that they want the Patriot Act renewed. So their President is pushing for this.

In terms of borrowing for the war, Mr. Speaker, you know, it is the Federal Government and only the Federal Government that provides for the national defense of this country. That is why we have a Federal Government, Mr. Speaker. It's why we became the United States. No other branch of government can provide for our national security. Every other branch of government, however, can handle health care, can handle education, can handle many of the things that the Federal Government has gotten itself into that it has no business being involved in. So if we had to borrow money, we wouldn't be borrowing money if we weren't in these other things. We would have ample resources to provide for the national defense.

But I would also like to point out to my colleague from Massachusetts that

it was a Democratic President who took us into a third war, with no authorization from the Congress. And it is not the Republicans who are creating this problem.

Mr. Speaker, the second bill made in order under this rule is H.R. 1540, the National Defense Authorization Act.

Mr. Speaker, this weekend we will all pause to observe Memorial Day, as we should. As we debate this very important bill, we need to keep in mind the men and women of the Armed Forces and their families. We also need to keep in mind those who have made the ultimate sacrifice in defense of all of our freedoms, including this process of freely debating our laws and the idea of the role of government. We could not be here today without the sacrifices of those who served in the military and kept us a free people. I hope that's what everyone keeps on their mind this weekend when they celebrate Memorial Day.

As James Madison wrote in the *Federalist Papers*, "The operations of the Federal Government will be most extensive and important in times of war and danger." Our Founding Fathers had a clear view that the primary and central job of the Federal Government was to "provide for the common defense." Providing for the common defense is the mandate of our Constitution. It's not an issue that should divide us in partisan rancor, but unite us as a country that supports our military and provides them with the tools to do their very important job.

One need not look too far back in history to find words that remind us of our responsibility to provide for the common defense. President Ronald Reagan, in his first inaugural address, promised to "check and reverse the growth of government," but also to "maintain sufficient strength to prevail if need be, knowing that if we do so we will have the best chance of never having to use that strength." That message, Mr. Speaker, still holds true today.

Not only does this bill ensure that our troops are properly equipped, but it also provides the men and women of the military and their families with the resources and support they need, deserve, and have earned. The fiscal year 2012 National Defense Authorization Act takes a detailed approach to ensuring that the investments in our national security are in line with our fiscal priorities and realities.

The bill has a clear mandate of fiscal responsibility, transparency, and accountability within the Department of Defense. It also provides incentives to have competition for every taxpayer dollar associated with funding of defense requirements. The bill addresses a wide range of recent policy changes at the Department of Defense, including the repeal of Don't Ask, Don't Tell; reaffirming the Defense of Marriage

Act, which protects one man-one woman marriage; as well as ensuring that our military is properly equipped, trained, and staffed for any future threats to our national security.

Just as our men and women in uniform stand ready to defend our country, Congress must also tackle the fiscal crisis facing our Nation. Nothing, Mr. Speaker, is more dangerous to our national security than the crushing debt that our country is in. Many of my colleagues have come to the floor warning that the sky was going to fall and Armageddon would be upon us if we did not raise the debt ceiling. Well, last week we hit the debt ceiling, and guess what? The sky is still up there and we are paying our bills.

History shows that in 1985, 1995, and 2002, Congress delayed raising the debt ceiling for months without an Armageddon-like economic meltdown. Our intent on this side of the aisle is to pay down the debt with fiscally disciplined and responsible budgets that reduce deficit spending. With a system like that in place, there will be no need to continue to raise the debt ceiling and create further financial burdens that could cost each American over \$40,000. Imagine a better American future. Imagine what Americans can achieve if we are freed from Washington's debt burden.

On March 16, 2006, a young Senator took the floor in the United States Senate and said, "The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It's a sign we now depend on ongoing financial assistance from foreign countries to finance our government's reckless fiscal policy." Mr. Speaker, that Senator voted against raising the debt ceiling, and that Senator was Barack Obama, our current President. As far as that statement goes, I agree with the President that our dependency on foreign funds is reckless and a danger to our national security.

Just as dangerous is the failure to achieve energy security. Republicans strongly believe that energy security depends on domestic energy production. Our friends, the liberal Democrats and President Obama, have actively blocked and delayed American energy production, destroying jobs, raising energy prices, and making the U.S. more reliant on unstable foreign countries for energy. This is hurting American families and small businesses, who are vital to creating the new private sector jobs we so desperately need during this time of high unemployment.

The liberal proposals fail to create jobs in America but help create jobs overseas for the citizens of foreign nations. We need policies that allow us to take advantage of our natural resources and our innovative culture to develop new sources of energy and create jobs here at home.

To date, the Obama administration has pursued an anti-energy agenda, rife with policies that block domestic energy production and destroy jobs. The consequences of this agenda are dire. In the short term, it fuels a rise in gas prices and costs for consumers, and in the long term it limits innovation and stifles economic growth and job creation.

Mr. Speaker, we need to approve this rule which we are debating and the underlying bills so that we can stop the funding of abortions and so that we can fund our military. And we need to look at the other policies that are being promoted by our colleagues on the other side of the aisle and in the White House to see that we can become more secure as a Nation.

I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, I feel I need to clarify the record on a couple of things.

My friend from North Carolina said that the Republicans want to protect Medicare. I would suggest that she read the bill that she voted for and other Republicans voted for, the so-called Ryan budget. The way they protect Medicare is by destroying it. They turn it into a voucher system. And it will mean seniors will pay more and they will get less protection. It is outrageous what they're proposing. And more and more Americans are reading the bill, and they are outraged by what they are seeing.

Democrats, and I hope some thoughtful Republicans, will stand firm and protect Medicare. It is the most important, successful program in our history, along with Social Security. And efforts to dismantle it and to put more burden on our senior citizens for their health care, and basically a major giveaway to the insurance companies, is not protecting Medicare.

□ 1340

The gentlelady talks about the reckless spending in Washington. I will remind all of my colleagues that when Bill Clinton left office, we didn't have a deficit; we were paying down our debt. There was a detailed article in *The Washington Post* not too long ago explaining how we went from no deficit to now a huge deficit. It includes tax giveaways to the wealthiest people in this country that were not paid for, you know.

I find it somewhat sad that one of the first things that was done in terms of addressing some of our economic concerns was to protect the tax cuts for people like Donald Trump but then to go in and cut emergency fuel assistance for poor people and to go after food and nutrition programs and Pell Grants. That's not the way we should be balancing the budget.

But *The Washington Post* talks about these tax cuts for the wealthy

that were not paid for; on top of that, two wars that were not paid for. Now, I am against these wars; but if you are for them, you ought to pay for them. That's the way we have done it throughout our history. World War II, we paid for it. There was a war tax. We had war bonds. The Vietnam War was paid for in part by eroding Lyndon Johnson's Great Society. It was paid for. But now we have these wars that are not paid for, \$8.2 billion a month in Afghanistan alone.

So I hope this is not a partisan agenda when we talk about the war in Afghanistan, and I am not here to put the blame on one party or another. I hope that we can have these amendments on the floor and have some thoughtful discussion about ways we could bring this war to an end. I think Democrats, and I know a lot of Republicans, feel that we should bring this war to an end.

In terms of energy policy, I think people are horrified that we continue to protect taxpayer subsidies to Big Oil companies while they are gouging us at the gas pump. It is unbelievable that we can't have a debate on this floor about taking away these taxpayer subsidies to Big Oil that are making record profits. So I hope that we will talk a little bit more about that at the end of this debate.

Mr. Speaker, I yield 2 minutes to a former member of the Rules Committee, the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. I thank the gentleman from Massachusetts for yielding me time.

Mr. Speaker, I rise today in opposition to the rule and the underlying legislation. H.R. 1216 would put the future primary care workforce into question.

The Affordable Care Act included critical funding for several grant programs designed to increase the size of the health care workforce and, specifically, to increase the number of general practice and primary care physicians. Primary care has long been neglected in our country and it has been well documented that our country faces a looming shortage of primary care providers.

The Affordable Care Act will help train and develop 16,000 new primary care providers. That means 16,000 more primary care doctors to help keep our children and families healthy, as studies strongly associate healthier outcomes with regular access to care.

Unfortunately, the bill before us would call all of this into question. If this bill were enacted, we would no longer have the pipeline of primary care providers to meet demand and we would continue the status quo, which for too many is either foregoing care or seeking care in the emergency room. This perpetuates the onset of chronic conditions such as heart disease, diabetes, and cancer. This is increasing costs and costing lives.

I urge my colleagues to reject this rule and to vote down this bill for the future of our physical and fiscal health of our constituents and our country.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. MCGOVERN.

And to my friend on the other side of the aisle, I want to say that I will be offering an amendment to the defense authorization bill which would defund the war in Libya. The war is unconstitutional. The President did not come to this Congress. He went to the U.N. Security Council. He went to a number of international bodies. He didn't come to the United States Congress. Last week, the President did not observe the tolling of the War Powers Act; so he is in violation of the statute.

The action over in Libya has already exceeded the U.N. mandate. It's in violation of the U.N. mandate, and there have been violations of international law. What are we doing there? What does anyone think we can afford, and why aren't we trying to find a path to peace so we aren't called upon to spend more money there?

I mean, these are questions we have to be asking. That is why Congress should start by saying, look, you are not going to spend any more money over there. And there are people who are saying, Mr. Speaker, that, well, it's not the United States; it's NATO.

Now, think about this. The *Guardian* UK did this study where 93 percent of the cruise missiles are paid for by the US; 66 percent of the personnel involved in Libya, against Libya, from the U.S.; 50 percent of the aircraft, 50 percent of all ships. And they're saying this is a NATO operation?

Come on. I mean, we really have to recognize what's going on here, which is an expansion of the war power by the Executive, and it's time that we challenge that. And one thing we certainly shouldn't do is to support the amendment offered by my friend Mr. MCKEON that wants to hand over to the President Congress' constitutional authority to declare an authorized war, substantially altering the delicate balance of power which the Founding Fathers envisioned.

The annual reauthorization of the Department of Defense contains unprecedented and dangerous language, which gives the President virtually unchecked power to take this country to war and to keep us there.

The bill substantially undermines the Constitution, the institution that the Constitution set up, that is, Congress, and sets the United States on a path to permanent war.

Congress has to protect the American people from the overreach of any Chief Executive—Democrat, Republican—any

Chief Executive who is enamored with unilateralism, preemption, first strike, and the power to prosecute war without constitutional authority or statutory prescriptions.

Permanent global war isn't the answer. It's not going to increase our national security. Far from ridding the world of terrorism, it will become a terrorist recruitment program. The war in Iraq, based on lies. The war in Afghanistan, based on a misreading of history. Yet in Iraq we will spend over \$3 trillion. In Afghanistan we have already spent over a half trillion dollars.

We have people out of work here. We have people who are losing their homes, losing their health care, losing their retirement security, and all we hear from the White House is they want more war or they want authorization for more war. We have to stop that. And while we're stopping that, we have to stop this national security state and stop the extension of the Patriot Act, which is also in this bill.

Ms. FOXX. Mr. Speaker, I need to point out to my colleague from Massachusetts, as I do almost every time that we are on the floor together, and I do enjoy being on the floor with him, that he always brings up the fact that we had a surplus when President Clinton left office. Well, the reason we had a surplus, Mr. Speaker, when President Clinton left office had nothing to do with President Clinton. It had all to do with the fact that we had Republicans in charge of the Congress.

And just before the Democrats took over the Congress in 2007, as my colleague from Massachusetts so well knows, the CBO projected that there would be a surplus in the United States. However, the Democrats took over in January of 2007 and immediately we began running deficits because of their profligate spending.

I would also like to point out to my colleague from Massachusetts, as he so well knows, that the Democrats who are in control of the Senate held a vote last week on whether or not to change the Tax Code in order to disallow incentives that are given to the oil companies for securing oil for this country. And as he knows, again, it's controlled by the Democrats. It was turned down by the Senate.

So I would like to point out to him that Republicans are not responsible for the deficit and Republicans are not responsible for denying legal tax exemptions to oil companies. It is the Democrats who are responsible for that.

I will allow my colleague to make comments, but I won't allow him to rewrite history.

□ 1350

Mr. Speaker, we have great political unrest in the Middle East, and the growing demand from China threatens our ability to secure long-term re-

serves of oil from foreign entities. That's why we must pursue an alternative energy policy in this country, one that puts to use our domestic supplies and technologies.

Republicans are going to continue to pursue an all-of-the-above energy plan aimed at increasing our domestic production to bring down energy prices while creating jobs here at home and ending our dependence on foreign sources of oil.

What that means, Mr. Speaker, is we believe in conservation, we believe in alternatives, but we also believe in using the resources that the good Lord gave us here in this country which are being denied to the American people by our colleagues on the other side of the aisle. Mr. Speaker, American families cannot wait any longer for relief at the pump. American families cannot wait any longer for increased jobs.

As we head back to our districts for the Memorial Day holiday, it's fitting that we should all give thanks to those who have given their lives in defense of the freedom that we very much cherish. Every day, courageous young men and women from all over America volunteer to serve our country in the military. They do not join for the great pay, luxurious lifestyle and swanky accommodations. They join the military and serve with dignity and honor because they love this country and they love what we stand for. They serve a much higher purpose than themselves. What our troops provide for us can be summarized in one word: America.

We need now to all come together as supporters of the young men and women of the Armed Forces and their families as proud Americans and provide them with the tools and resources that these brave volunteers deserve, which is why my colleagues and I all need to vote for the underlying bill, the Defense authorization bill.

But we also need to vote for the rule, which is going to allow for almost an unlimited number of amendments to be offered, Mr. Speaker, unlike what our colleagues did when they were in charge in the 110th and 111th Congresses.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The late great Daniel Patrick Moynihan once said, you're entitled to your own opinions, but not your own facts. And the fact is, Mr. Speaker, when this record surplus was turned into a record deficit, I will remind the gentlelady that the Republicans controlled the House, they controlled the Senate, and they controlled the White House. And that is when we passed these tax cuts for the richest people in the world, and they were not paid for. And that is when we embarked on two wars that were not paid for.

It appears that the gentlelady wants to continue these wars. I want to end

them. But if you're going to continue them, then pay for them, because it is not fair to the men and women who are sacrificing their lives and the men and women who are in harm's way and their families to just accumulate all this debt and pass it on to them, their children and their grandchildren. If we are going to go to war, we all ought to take some responsibility.

And, finally, on the issue of the taxpayer subsidies for oil companies, we have not had a debate on this House floor or a vote on this House floor on this. I don't care what the Senate did or did not do. I'm not a Member of the United States Senate. I'm a Member of the United States House of Representatives. And under this new and open process that we were promised, by the way, not a single open rule yet—not a single open rule—but under this new and open process, we can't bring an amendment to the floor to be able to debate this issue.

So I would respectfully suggest that maybe my colleague from North Carolina and the Rules Committee will once in a while vote for an open rule so we can bring some of these things to the floor.

At this time I would like to yield 3 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in opposition to the rule and the underlying bill in its current form.

By delaying the repeal of Don't Ask, Don't Tell, this bill will weaken our Armed Forces and further confuse an issue that our country and our military have simply moved past. This bill in its current form says to gay and lesbian servicemembers, you're welcome to fight and die for our country as long as you live in secret.

Mr. Speaker, Don't Ask, Don't Tell requires brave men and women in our military to live in constant fear of being dismissed for an aspect of their personal lives that has no bearing on their job performance.

It's a law that serves no purpose. It's a law that hinders our military's effectiveness. It's a law that Congress has already voted to appeal. And it's a law, frankly, that's un-American. Yet here we are, again, considering a bill that would continue to codify discrimination. We should not go back to those dark days, and we will not go back.

In April, the service chiefs reported to the House Armed Services Committee that the process of certifying the end of Don't Ask, Don't Tell is moving forward, and the response from servicemembers has been overwhelmingly positive. Vice Admiral Gortney, staff director for the Joint Chiefs of Staff, reported the appeals process was moving ahead without incident. Clifford Stanley, under Secretary of Defense for personnel and readiness, told the committee that training programs to prepare for the repeal are going "extremely well."

So we know the military supports moving forward, as do the vast majority of the American people: 72 percent support the repeal of Don't Ask, Don't Tell.

Don't Ask, Don't Tell hurts military readiness and national security every day. To date, over 13,000 servicemembers who have been trained at taxpayer expense have been forced out of the military under this policy. It's hard to believe that dismissing mission-critical servicemembers or linguists fluent in Arabic, Korean and Farsi will somehow make us more effective or combat ready. The Commander in Chief, the Secretary of Defense, who I might add was originally appointed by President Bush, as well as the Joint Chiefs of Staff, support repeal.

Mr. Speaker, it's time for Don't Ask, Don't Tell to move from the law books to the dustbins of history. Its only value is as a lesson to future generations that our Nation is stronger when we welcome all members of the American family and weaker when we divide and discriminate.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise in opposition to the rule and support the gentleman's motion to move the previous question. This motion demonstrates we are serious about creating jobs, growing the economy, and lowering gas prices.

My Republican colleagues are instead relitigating an issue that was debated exhaustively over the past year. As I traveled all across my district last week, not surprisingly, not a single one of my constituents said the health reform should be altered to fund graduate medical education in qualified teaching health centers through direct appropriations. Rather, my constituents want to hear what Congress is doing now to lower the price of a gallon of gas. They want to know how we are responding to turmoil in the Middle East and speculation by Wall Street, which are causing this price spike.

In Montauk Point, the eastern most point of my district, regular unleaded gas cost \$4.89 a gallon yesterday. Recreational and commercial fishermen, small businesses and the whole local economy are all being squeezed by gas prices.

My constituents want to know what Congress is doing in response and how we plan to create jobs and expand our economy. But since the new Republican majority took over this year, we haven't debated a single jobs initiative or any meaningful proposal to reduce the price of gas for consumers—not one. In the 140 days since the 112th Congress began, we have debated zero job bills and only a handful of bills re-

lated to energy, most of which focus on reducing the price of gas 10 years from now, maybe.

Mr. Speaker, I urge my colleagues to vote against the previous question so that we can focus on our priorities: Reducing gas prices, creating jobs and helping middle class American keep up in today's economy.

Mr. McGOVERN. May I ask how much time I have remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts has 10½ minutes remaining. The gentlewoman from North Carolina has 9 minutes remaining.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to support the efforts of my colleague from New York (Mr. BISHOP). And let me just say the American people are sending a clear message to Republicans: Show us the jobs. After 140 days of the new GOP majority, they keep pursuing their agenda that destroys jobs and stalls our economic growth.

This week is no different. And today, Republicans are only making matters worse, voting to kill graduate medical education in qualified teaching health care centers.

The previous question, as Mr. BISHOP referred to it, is based on H.R. 964, the Federal Price Gouging Prevention Act. And it takes a stand for working families facing tough times and paying so much more at the pump. During an international oil crisis, as declared by the President, this legislation makes it illegal to sell gasoline at excessive prices and prevents Big Oil from taking advantage of consumers and engaging in price gouging.

□ 1400

The cost of a barrel of oil and a gallon of gas has reached their highest level in years, with no end in sight, and America's middle class is paying the price.

Republicans must join with Democrats to oppose price gouging and to ease the burden on our middle class. We must work together to create jobs, strengthen the middle class, and responsibly reduce the deficit.

To help consumers at the pump and provide some relief to small businesses and families struggling with high gas prices, this legislation expands the authority of the President to release oil from the Strategic Petroleum Reserve to combat market manipulation and bring down the price, and makes it a Federal crime to sell gasoline at excessive prices.

The legislation also protects taxpayers, holds Big Oil accountable, repeals the largest tax breaks for the Big Five Oil companies, and ensures that oil companies pay billions of dollars owed to taxpayers for drilling on public lands. This is part of our multifaceted

effort to lower the price of gas now, bring relief to consumers and taxpayers, strengthen our energy security, reduce our dependence on foreign oil, and hold Big Oil accountable.

Republicans' "drill-only, oil above all" plan is really a boon for Big Oil and does nothing to reduce the pain at the pump for America's middle class families who are facing these prices each and every day. Republicans are simply returning to the Bush policies for Big Oil—continuing to pursue "drill-only" policies with fewer safeguards and no accountability, that has us sending a billion dollars a day overseas for foreign oil.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that immediately after the House adopts this rule, it will bring up H.R. 964, the Federal Price Gouging Prevention Act introduced by Representative TIM BISHOP of New York.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so we can debate and pass a bill that actually addresses the price of gas. I have tried, Mr. Speaker, on numerous times in the Rules Committee to bring responsible amendments to the floor that would get at this issue of taxpayer subsidies to Big Oil companies, and every single time my Republican friends have voted "no." Every time there has been an opportunity to try to address this issue, they have voted "no."

I urge my colleagues to vote "no" and defeat the previous question, and I urge a "no" vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time to close.

I want to bring our attention to the upcoming Memorial Day because we are going to be honoring the fallen and praise their service and sacrifice. We need to remember the families of the fallen and reassure them that their sacrifice and the life of that hero was not lost in vain. We are also very proud of our troops who are currently serving, and we want to make sure that they get that message from us in this body, Mr. Speaker.

I would also like to point out to my colleague from Massachusetts that the unemployment rate was 5 percent when they took over the Congress, or approximately 5 percent when they took over Congress in January 2007. Under their control and President Obama's, it reached 10 percent, and has stayed at around 9 percent while they were in

control. So I want to again make it clear that we have worked hard to make the economy work again, and we are going to continue that.

Mr. Speaker, although I have said it also before, it bears repeating: Americans are sick and tired of reckless government spending, creating only government jobs which hurts our overall economy and creates high unemployment. Americans are deeply concerned about the outrageous level of Federal debt. Our constituents are concerned about the piece of our economy that is now owned by other countries like China. They are very concerned about the fact that so much of our tax dollars, the tax dollars they pay, go toward paying interest on the debt instead of using it for the country's immediate needs.

Mr. Speaker, that is why Americans are looking at the new House Republican majority for real answers to their concerns. After 4 years of a complete lack of leadership in Congress under the Democrats, we have rolled up our sleeves and are making the tough decisions to get our economy and fiscal house back in shape. The Federal Government must learn to live within its means and be accountable for how it spends taxpayer money.

House Republicans are continuing to fulfill our pledge to America and keep the promises we made to the American people before the election last November. I urge my colleagues to vote in favor of congressional oversight and against special interests by voting in favor of this rule and the underlying bills.

The material referred to previously by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 269 OFFERED BY  
MR. MCGOVERN

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 964) to protect consumers from price-gouging of gasoline and other fuels, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House

shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 4 of this resolution.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Com-

mittee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 179, not voting 19, as follows:

[Roll No. 333]

YEAS—233

|              |                 |                |
|--------------|-----------------|----------------|
| Adams        | DesJarlais      | Issa           |
| Aderholt     | Diaz-Balart     | Jenkins        |
| Akin         | Dold            | Johnson (IL)   |
| Alexander    | Dreier          | Johnson (OH)   |
| Altmire      | Duffy           | Johnson, Sam   |
| Amash        | Duncan (SC)     | Jones          |
| Austria      | Duncan (TN)     | Jordan         |
| Bachmann     | Ellmers         | Kelly          |
| Bachus       | Emerson         | King (NY)      |
| Barletta     | Farenthold      | Kingston       |
| Bartlett     | Fincher         | Kinzing (IL)   |
| Barton (TX)  | Fitzpatrick     | Kline          |
| Bass (NH)    | Flake           | Labrador       |
| Benishek     | Fleischmann     | Lamborn        |
| Berg         | Fleming         | Lance          |
| Biggart      | Flores          | Landry         |
| Bilbray      | Forbes          | Lankford       |
| Bilirakis    | Fortenberry     | Latham         |
| Bishop (UT)  | Fox             | LaTourette     |
| Black        | Franks (AZ)     | Latta          |
| Blackburn    | Gallagher       | Lewis (CA)     |
| Bonner       | Gardner         | LoBiondo       |
| Bono Mack    | Garrett         | Lucas          |
| Boren        | Gerlach         | Luetkemeyer    |
| Boustany     | Gibbs           | Lummis         |
| Brady (TX)   | Gibson          | Lunnen, Daniel |
| Brooks       | Gingrey (GA)    | E.             |
| Broun (GA)   | Gohmert         | Mack           |
| Buchanan     | Goodlatte       | Manzullo       |
| Bucshon      | Gosar           | Marino         |
| Buerkle      | Gowdy           | McCarthy (CA)  |
| Burgess      | Granger         | McCauley       |
| Burton (IN)  | Graves (GA)     | McClintock     |
| Calvert      | Graves (MO)     | McCotter       |
| Camp         | Griffin (AR)    | McKeon         |
| Campbell     | Griffith (VA)   | McKinley       |
| Canseco      | Grimm           | McMorris       |
| Capito       | Guthrie         | Rodgers        |
| Carter       | Hall            | Meehan         |
| Cassidy      | Hanna           | Mica           |
| Chabot       | Harper          | Miller (FL)    |
| Chaffetz     | Harris          | Miller (MI)    |
| Coble        | Hartzler        | Miller, Gary   |
| Coffman (CO) | Hayworth        | Mulvaney       |
| Cole         | Heck            | Murphy (PA)    |
| Conaway      | Hensarling      | Myrick         |
| Cravaack     | Herger          | Neugebauer     |
| Crawford     | Herrera Beutler | Noem           |
| Crenshaw     | Huelskamp       | Nugent         |
| Culberson    | Huizenga (MI)   | Nunes          |
| Davis (KY)   | Hultgren        | Nunnelee       |
| Denham       | Hunter          | Olson          |
| Dent         | Hurt            | Palazzo        |

Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita

Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers

Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Marchant  
McCarthy (NY)  
McHenry

Pastor (AZ)  
Perlmutter  
Sullivan

□ 1432

Messrs. KEATING, TONKO, RUSH, SIREs, Ms. SEWELL, and Ms. MOORE changed their vote from “yea” to “nay.”

Mr. ADERHOLT changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 333, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 181, not voting 12, as follows:

[Roll No. 334]

AYES—238

ACKERMAN  
ANDREWS  
BACA  
BALDWIN  
BARROW  
BASS (CA)  
BECERRA  
BERKLEY  
BERMAN  
BISHOP (GA)  
BISHOP (NY)  
BLUMENAUER  
BOSWELL  
BRADY (PA)  
BROWN (FL)  
BUTTERFIELD  
CAPPS  
CAPUANO  
CARDOZA  
CARNAHAN  
CARNEY  
CARSON (IN)  
CASTOR (FL)  
CHANDLER  
CHU  
CICILLINE  
CLARKE (MI)  
CLAY  
CLEAVER  
CLYBURN  
COHEN  
CONNOLLY (VA)  
CONYERS  
COOPER  
COSTA  
COSTELLO  
COURTNEY  
CRITZ  
CROWLEY  
CUELLAR  
DAVIS (CA)  
DAVIS (IL)  
DEFazio  
DEGETTE  
DELAURO  
DEUTCH  
DICKS  
DINGELL  
DOGGETT  
DONNELLY (IN)  
DOYLE  
EDWARDS  
ELLISON  
ENGEL  
ESHOO  
FARR  
FATTAH  
FRANK (MA)  
FUDGE  
GARAMENDI  
GONZALEZ

NOT VOTING—19

Braley (IA)  
Cantor  
Clarke (NY)  
Cummings

Filner  
Frelinghuysen  
Giffords  
Guinta

Pallone  
Pascarell  
Payne  
Pelosi  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Hanabusa  
Hastings (WA)  
King (IA)  
Long

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravack  
Crawford  
Crenshaw

Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Jones  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth

Heck  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley

McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci

Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)

NOES—181

ACKERMAN  
ANDREWS  
BACA  
BALDWIN  
BARROW  
BASS (CA)  
BECERRA  
BERKLEY  
BERMAN  
BISHOP (GA)  
BISHOP (NY)  
BLUMENAUER  
BOSWELL  
BRADY (PA)  
BROWN (FL)  
BUTTERFIELD  
CAPPS  
CAPUANO  
CARDOZA  
CARNAHAN  
CARNEY  
CARSON (IN)  
CASTOR (FL)  
CHANDLER  
CHU  
CICILLINE  
CLARKE (MI)  
CLARKE (NY)  
CLAY  
CLEAVER  
CLYBURN  
COHEN  
CONNOLLY (VA)  
CONYERS  
COOPER  
COSTA  
COSTELLO  
COURTNEY  
CRITZ  
CROWLEY  
CUELLAR  
CUMMINGS  
DAVIS (CA)  
DAVIS (IL)  
DEFazio  
DEGETTE  
DELAURO  
DEUTCH  
DICKS  
DINGELL  
DOGGETT  
DONNELLY (IN)  
DOYLE  
EDWARDS  
ELLISON  
ENGEL  
ESHOO  
FARR  
FATTAH  
FRANK (MA)

Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Loftgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal

Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Oliver  
Owens  
Pallone  
Pascarell  
Paul  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman



Weiner Wilson (FL) Wu  
Welch Woolsey Yarmuth

## NOT VOTING—12

Bralley (IA) Giffords Long  
Cantor Hanabusa Marchant  
Filner Hastings (WA) McCarthy (NY)  
Frelinghuysen Hensarling Pastor (AZ)

□ 1440

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 334, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

## GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on H.R. 1216.

The SPEAKER pro tempore (Mr. BROUN of Georgia). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

## REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1216.

□ 1442

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from Texas (Mr. GENE GREEN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. GUTHRIE. I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 1216.

The health care bill that was signed into law last year spent over a trillion dollars and empowered Federal bureau-

crats more than it did the American people. As a member of the Energy and Commerce Committee, I have been working on legislation that takes steps to peel back a few of the many mandatory programs that were instituted in the health care law and limit the Federal Government's unprecedented power.

Section 5508 of the health care law authorizes the Health and Human Services Secretary to award teaching health centers development grants and appropriates \$230 million from 2011 through 2015. H.R. 1216 amends the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

This bill is not about the merits of graduate medical education or teaching health centers.

Everyone agrees that there is a strong need for more primary care physicians in our health care system, but picking and choosing one program over another to receive automatic funding is irresponsible. Making these programs mandatory spending is unfair to all of the other health care programs that have to compete every year to continue to receive funds.

For example, as HHS Secretary Kathleen Sebelius said during her testimony before the House Energy and Commerce Committee earlier this year, the President's fiscal year 2012 budget eliminates Graduate Medical Education for Children's Hospitals. While children's hospitals must go through the regular appropriations process to fight for funding, teaching health centers will receive automatic appropriations.

We are \$14.3 trillion in debt, and our deficit for this year will approach \$1.5 trillion. Congress is making difficult decisions about which programs to fund and which to reduce. We must prioritize, and I find it unfair that some programs are completely shielded and do not have to prove their merit to earn continued funding.

I urge my colleagues to vote "yes."

I reserve the balance of my time.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition to H.R. 1216, legislation to convert mandatory funding authorized under the Affordable Care Act for Teaching Health Centers to authorized funding.

The Affordable Care Act authorized and appropriated \$230 million for a 5-year payment program to support accredited primary care residency training operated by community-based entities, including community-based health centers. This training takes place in community-based settings such as community health centers.

Research shows that CHC-trained physicians, for example, are more than

twice as likely as their non-CHC-trained counterparts to work in underserved areas, ensuring that that kind of training takes place, which is what mandatory spending support for programs does. It will help strengthen the primary care workforce in underserved areas, particularly in areas that struggle to recruit and retain a sufficient workforce.

The Teaching Health Center program supports the training of individuals who will practice family medicine, internal medicine, pediatrics, internal medicine pediatrics, obstetrics and gynecology, psychiatry, general dentistry, pediatric dentistry, and geriatrics—those disciplines where we're experiencing significant physician shortages.

It's hypocritical for my Republican colleagues to take away this funding. They continue to argue that there are not enough physicians to provide care to people who need them in primary care services. This program is designed to help address this very problem. But they keep trying to have it both ways in health reform debate, and this is just another example.

Today, the majority is going to say they have an obligation to ensure this program is subject to the appropriations process due to the need for transparency in our spending process and current budget process. Let me remind the majority that we're not the only party who's directed mandatory funding for programs. The majority must have certainly supported autopilot spending, as Representative FOXX described the Teaching Health Center program earlier this afternoon, when they passed the Medicare Modernization Act of 2003, which required mandatory funding for transitional programs. I suppose at that time, the majority certainly felt they knew better than the appropriators that the MMA was a worthy program and deserved mandatory funding, even though they passed it under the cover of night with a lot of arm-twisting.

I can't understand the opposition, particularly from my Republican colleagues. They repeatedly and inaccurately complain that we don't do enough to promote health workforce expansions, and now they're going to cut funding for the health workforce expansion.

Turning the Health Center program into a discretionary one will make it challenging for these 11 programs that have already made the decision to participate in consultation with key stakeholders, like teaching hospitals and their boards, and based on the expectation that continued funding will be available. Converting this program to discretionary funding will also deter other entities from making the business decision necessary to expand residency training, since funding over the next few years could be subject to the annual appropriations fight.

This is yet another political stunt by the majority to attempt to defund health reform—this, through their playing games with funds dedicated to ensure that we have physicians in our country.

Several weeks ago, they couldn't stop talking about how Medicaid will be greatly improved with the Ryan budget because it provides States with block grants to run their Medicaid programs. How great would it be to eliminate Medicare by giving seniors vouchers to purchase health insurance? And this week, we're busy taking away funds to ensure that we train enough physicians to ensure all Americans have access to affordable care. Once again, the majority has their own priorities.

Mr. Chairman, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), the chairman of the subcommittee.

□ 1450

Mr. PITTS. I would like to thank the gentleman from Kentucky for his leadership on this issue.

Section 5508 of PPACA authorizes the Secretary to award grants to teaching health centers to establish newly accredited or expanded primary care residency training programs. The new health care law, PPACA, provides a mandatory appropriation of \$230 million for this purpose for the period from FY 2011 through FY 2015.

You may recall that in the President's fiscal year 2012 budget, he eliminated funding for training at children's hospitals. Because of this, I and the ranking member of the Health Subcommittee, the gentleman from New Jersey (Mr. PALLONE) have introduced H.R. 1852, a bill to reauthorize the Children's Hospitals Graduate Medical Education program for an additional 5 years at the current funding levels.

While the administration couldn't find money in its budget for training at children's hospitals, PPACA somehow was able to provide a direct mandatory appropriation of \$230 million for other teaching health centers, with no further action, input, or approval required by Congress. And PPACA did this with a number of funds, mandatory appropriations.

The bill before us today, H.R. 1216, simply converts PPACA's mandatory appropriations to an authorization, subject to the annual appropriations process, just like the Children's Hospital GME program, making it discretionary. Passage of the bill will also save \$215 million over 5 years.

I urge support of the bill.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 2 minutes to my colleague from the Energy and Commerce Committee, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Chairman, I rise in strong opposition to this reckless bill. I cannot count the number of times Members on both sides of this aisle have decried shortages in the primary care workforce of our communities, and working, often in a bipartisan manner, to develop ways to increase the primary care ranks. Yet today, the next victim in the Republican obsession with repealing the Affordable Care Act is a program that does deal with these shortages. It increases our primary care physician ranks, and trains them with special expertise in serving the community.

The bill before us would defund this program, taking many qualified Americans out of the primary care workforce before they even have an opportunity to join it. Moreover, cutting these training programs would also affect already existing jobs at the 11 community-based entities that have already expanded their programs to train these new doctors. Taking away this funding will force possible layoffs and have a chilling effect on other sites developing this type of program.

Yes, it is paid for through mandatory funding. But that is not unheard of or even unusual. In fact, the federally funded Graduate Medical Education program, which has had measured success in strengthening our health care workforce, is a mandatory spending program. The program the Republicans are trying to cut today is simply a complement to this GME program, focused on community-based care and prevention.

The choice on H.R. 1216 is clear: if you believe that we do not have a jobs problem and that we have all the doctors we will ever need, then go ahead and vote for this bill. But if you believe that we need to create good jobs and the professionals to fill them, that we need more primary care providers, you must vote against H.R. 1216 and protect this very important program. We can't have it both ways.

I urge a "no" vote.

Mr. GUTHRIE. Mr. Chairman, I yield 4 minutes to my friend from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Kentucky for his leadership on this bill.

Mr. Chairman, it is so interesting to me. We had a 2,700-page health care bill that basically was a government takeover of health care. What we have heard from so many people in this country is gosh, you know, I wish somebody would have read that bill before they passed it. And the former Speaker said we need to pass the bill, and then we can read it and find out what is in it.

One of the things that many of the people did not like that was in that bill was many of these mandatory provisions that were put in place, programs that had been on the books for years

that were discretionary programs that all of a sudden became mandatory. And the confusing thing, Mr. Chairman, is there didn't seem to be any consistency. As the subcommittee chairman who spoke before me had said, Mr. PITTS had said, you know, you don't tend to children's hospitals in the same way, you don't tend to nurses and technicians in the same way. But here was this conversion from discretionary to mandatory for teaching hospitals, a total of \$230 million, over \$40 million a year.

Now, it doesn't matter if you need the money or not. It doesn't matter if you know exactly where you are going to use it or not. The money is going to be appropriated. It's put on autopilot. Doesn't matter what we say is going to happen with the government, if we need to reduce it. They're going to get that money. That is why this bill is so important.

You will notice, Mr. Chairman, that 2,700-page bill, we are able to delete \$230 million of that appropriation, mandatory appropriation with a bill that basically is about 2 pages long. What we do in this 2 pages is responsibly address what the American people want to see us address. They know that the Federal mandates are costing private sector jobs. They know that the Federal Government coming in and taking over health care is costing private sector health care jobs. Indeed, we have study after study that is saying we have already lost over a million jobs.

It seems like every time we turn around, whether it is our health care delivery systems, whether it is our hospitals, whether it is our physicians' offices, we are hearing about the loss of jobs to health care providers and in the health care sector because of the passage of PPACA, or ObamaCare, as many people in our country refer to the bill.

One of the reasons we have to go about repealing these slush funds, Mr. Chairman, is because we simply can't afford this. Every second of every day, every single second of every single day we are borrowing \$40,000. We are borrowing 41 cents of every single dollar that we spend. This government is so overspent, we are spending money we don't have for programs that our constituents don't want. And instead of eliminating, what we are saying is, look, let's eliminate a mandatory program and turn it back to what it was for years, discretionary, so that Members of this body bring their discretion to bear on the issues of the day and bring the opinions of their constituents to bear on how this Chamber spends the taxpayers' money.

Mr. Chairman, it is not Federal money; it is the taxpayers' money. This government is overspent. We cannot afford all these Federal mandates. It is time to move these programs back to the discretion of this Chamber.

Mr. GENE GREEN of Texas. Mr. Chairman, I gladly yield 3 minutes to our ranking member of the full Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, there was so much misinformation just given out by the previous speaker that it's hard to know where to start. The Republicans have said they don't like the Affordable Care Act. But what do they have to replace it with? They said they're going to repeal it and replace it. What are they going to do about the uninsured in this country, about the high cost of health care, about the people who can't even buy insurance even if they have the money because they have preexisting medical conditions?

We have had no proposal from the Republicans, except in their budget they want to take Medicare away from future seniors by making it a block grant. And they want to cut the Medicaid program, which cuts a big hole in the safety net for the poor to get their health care needs, which means people in nursing homes would be dumped out of those nursing homes.

□ 1500

But the bill before us now is to stop the program that would train primary care physicians. Does anybody disagree with the notion that we need more primary care physicians? Evidently, the Republicans do because as we heard from the last speaker, she wants to make it an appropriated program, not a mandatory spending program.

Well, it's been in the mandatory program in spending in Medicare and Medicaid since 1965. Training physicians should be supported with assured funding that we could rely on. We can't train a doctor in just 1 year. Doctors need a number of years where they are going to be assured of their continuation in medical schools, and that's why we have had a short funding through Medicare and Medicaid. And in the The Affordable Care Act, the purpose was to train physicians for primary care in community settings.

That's what the Republicans want to repeal. And if they can afford it from one year to the next, they will put in funds; but if they can't and their mood is to give another tax break to the wealthy, we won't be able to afford it. With all the costs to go to medical school and all the loans that are required, we ought to ensure spending for primary care doctors.

I urge my colleagues to oppose this bill. It's incomprehensible to me why we even have it on the House floor. It's another one of those efforts that Republicans have been putting up to chip away at health care reform. They want to repeal it, they want to chip away at it, but we don't even know what they want to replace it with.

And the American people and our constituents are entitled to know, are

they just going to leave people on their own without the ability to buy health insurance because of preexisting conditions? Are they going to tell the elderly they are on their own and see who they want to insure them?

I urge a "no" vote on this bill.

Mr. GUTHRIE. Mr. Chairman, I yield myself such time as I may consume.

First there were a number of amendments, I think over 100 amendments, to the health care bill that were offered by the Republicans. An alternative was offered by the Republicans as voted on as we went forward.

Block grants, several Governors have come to Washington and talked about block granting Medicaid to give them the opportunity to not just deal with Medicaid in their States but there was the other part of their budget.

But I can tell in Kentucky, because I used to be a member of the State legislature, as Medicaid has continued to consume more of the State budget, it becomes more difficult to adequately fund. Higher education tuition rates are going up directly because of the pie of Medicaid that's moving forward.

We passed medical liability reform, which saves the Federal Government \$54 billion, as estimated by the Congressional Budget Office. We are going to have the bill tomorrow to purchase health insurance across State lines to make health insurance more affordable instead of more expensive on those who spend money out of their own pocket, as we have seen the estimates for the health care bill.

Now, the one thing about relying on funding for 1 year, we do appropriations for everything from defense to other things on an annual basis. And I will tell you there are not people turning down Federal money because you are only appropriating it for 1 year, we don't want to commit to a long-term program.

But if you buy that argument, you look at what's in the bill. All we are saying is we want the teaching health centers to be treated equally to other parts of the bill. So if the argument is if you don't do it automatically, you are not going to have anybody participating in the program, which I think is what I just heard, then it means training in general in pediatric and public health dentistry, section 5303, is an annual appropriation; geriatric education and training, mental and behavioral health education training; nurse retention, section 5309; section 5316, family nurse practitioner training; section 2821, epidemiology laboratory capacity grants; research and treatment for pain care management, 4305; section 775 investment in tomorrow's pediatric health care workforce.

I mean, obviously, the argument that was made was if we don't have the teaching health centers on a 5-year automatic appropriation, then people aren't going to participate in the pro-

gram. That argument would have to apply to these directly. And I guarantee you, I would be willing to say, without fear of contradiction, that people will be applying for these programs as this moves forward.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 2 minutes to a classmate and also the vice chair of our Democratic Caucus, the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the gentleman from Texas for yielding me the time.

Mr. Chairman, to put everything in perspective, we are told by the American Academy of Family Physicians that today, today we can foresee a shortage of some 40,000 primary care physicians in this country in less than 10 years. Within another 5 years, that shortage will grow to about 42,000 to 46,000 primary care physicians.

Graduate medical education funds does something very simple. It says to some of these clinics, some of these health care providers, that if you guarantee that you will make graduate medical training available to our future doctors, then we will guarantee that there will be money behind that training so that there will be a consistency so that medical students can finish training.

Well, we just heard that this money that's available to these health care providers, these clinics, should no longer be guaranteed. And so the question you have to ask, if you want to become a physician and you are going to medical training, and certainly the question you have to ask if you are one of these clinics throughout the entire country where you want to train someone to be a family medical doctor, an internist, a pediatrician, an obstetrician/gynecologist, a psychiatrist, a dentist, a pediatric dentist, someone who specializes in gerontology, you have to ask yourself, if I am going to try to train someone, but I don't have the resources to fully provide the education, how do I guarantee that medical student that I could be there with the funds to pay them for education, to pay them for the work they are going to be doing? You can't. And that's why GME is so important.

But we were just told a second ago that this is a slush fund pot of money. Furthest thing from the truth. We are told the real truth, when we heard one of the speakers on the Republican side say we are going to delete this money—that's exactly what's going to happen, because if you don't guarantee it, it's gone.

So, Mr. Chairman, the truth is we have to make sure we can train the next generation of medical leaders; and, therefore, I urge my colleagues to vote against this legislation.

Mr. GUTHRIE. Mr. Chairman, I yield myself 1 minute.

The merits of having training in general in pediatric and public health dentistry, I agree that we have to have that training. The issue here is if you do it in a teaching health center, then you guarantee funding for 5 years. If you do it in a children's hospital, if you do it in a regular hospital, profit or nonprofit, then you are subject to the annual appropriations.

Someone came before our committee to testify, a State Senator from New Jersey, said we need this provision because we need more nurses.

I will agree with that. However, this provision doesn't cover nurses. If you are going through a nurse training program, it's authorized in the bill, and you go through an annual appropriations process.

All we are saying here is that we should treat graduate medical education at children's hospitals, hospitals and teaching health centers exactly the same and not give one an advantage over the other two.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself 15 seconds.

I will be glad to cosponsor the bill to make it mandatory funding for children's hospitals. I think if health care is a priority, we ought to do that.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Texas has 19¼ minutes remaining, and the gentleman from Kentucky has 18½ minutes remaining.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

When Congress dealt with The Affordable Care Act last year and the year before, our subcommittee on Energy and Commerce spent exhaustive hearings, late-night hearings, we had markups overnight, and so we knew what we were doing. We knew we were going to make a priority in providing primary care for our country.

That's why it's mandatory spending. I would assume in 2003, when we passed the provision for the prescription drug act for Medicare, my Republican colleagues did the same thing at the time in the majority: they wanted to make sure that that was mandatory spending.

□ 1510

And here we are today trying to take away mandatory spending from primary care physicians in community-based settings. I have a great example of this in our own district, and I know the chairman knows this.

We have a community-based health center in Denver Harbor in east Harris County. They have had a partnership with the Baylor College of Medicine for

a number of years, and what they have been able to do is provide those residencies to come out to a non-wealthy area of town so those doctors can learn that they can make a living serving folks that are not wealthy. That's what this is all about. We found out that the statistics showed that if they do their residency through a community-based health center, they will actually be more likely to come back and serve those communities. And that's why there needs to be mandatory spending, Mr. Chairman.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I wasn't planning on addressing this item, but I heard so many of my colleagues, especially those on the other side, talk about the crisis of providing the doctors that are going to be essential for health care, and finally we are talking about health care, not health care insurance.

As somebody who spent 10 years supervising the safety net for a community of 3 million in San Diego County, I just wish my colleagues on the other side, when they're worried about pediatricians and primary health care people, would understand that if you really want to protect those providers, why don't we sit down and talk about true tort reform, especially for the pediatricians. This is a cost that is bearing down. And when you're asking young people to get an education to be a primary health care provider, especially a pediatrician, explain to them why somebody on public assistance, on welfare, has more right to sue their physician than those men and women who are serving in uniform.

The fact is there is no way that we should be sitting up here saying that we really want the next generation to get into health care unless we're willing to tell our friends who are the trial lawyers that we're going to take the physicians off the counter; we're not going to allow lawsuits to be part of the overhead that is driving people out of the health care business.

And I hope to say to both sides, if you really want to make sure there are future doctors, then let's have the bravery to stand up today and do something about the tort that those future doctors are looking at before they go into school.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself as much time as I may consume.

My colleague from California must have this bill confused with medical malpractice. In fact, the State of California and the State of Texas already have medical malpractice reform. That's not what this bill is about. This bill is about training primary care physicians to be able to serve everyone. I want them to serve the military. I want them to serve our veterans.

In fact, again, I have a VA hospital in Houston that has a cooperative arrangement with the Baylor College of Medicine for a residency program. That's great. I want them also to be able to do that in their clinics. But I also want it for community-based health centers. And our statistics show us that if we have that example and it's mandatory spending that they make these agreements, that those folks will come back. They may go back to a military clinic, they may come back to a community-based health center, or they may come back and open up their practice in an area that's not the wealthiest part of town. That's why this mandatory legislation is so important.

If you put a priority on making sure our constituents can go see a doctor, I can't imagine repealing this—voting for this bill.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I yield an additional 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I want the gentleman from Texas to understand that when a physician or a student is planning on getting into a field, they not only look at will the government guarantee that I'll be able to get the tuition, but they're looking at what field am I moving into. And let me just tell you, as a fact, in California, even with our tort reform, somebody who wants to volunteer as a Medicaid volunteer has to file an \$80,000 or \$90,000 insurance policy just for volunteering.

So when the gentleman talks about the educational side, that it's essential that we encourage people to get into the field, my point for being here is you cannot talk about the educational when you ignore the environment that you're asking them to go into. And the fact is: What parent would ask somebody to go into this field and be a physician with all the education and all the expenses when they can tell their kids to be a lawyer and sue those physicians for every cent they have ever been able to earn?

That's why we've got to talk about both of these together. But you can't stand up and say we want these essential services but not be willing to get the trial lawyers off the backs of these physicians so they can provide those essential services.

Mr. GENE GREEN of Texas. Will the gentleman yield?

Mr. BILBRAY. I will yield to the gentleman.

Mr. GENE GREEN of Texas. I thank the gentleman for yielding.

Again, this is not a medical malpractice bill, but I would be glad to offer you to be a cosponsor. We passed the bill out of this House twice and sent it to the Senate which would allow volunteers to go into community-based health centers and be covered under the Federal Tort Claims

Act. Congressman MURPHY from Pennsylvania is a lead sponsor of this Congress. I've been the lead sponsor when Democrats have been in control because we need to do that. If I could do it under this bill, I would do it. But this came out of your conference that you want to repeal mandatory spending to try and train primary care doctors to serve in primary care clinics or whatever.

Mr. BILBRAY. Reclaiming my time, look, the fact is these physicians are being held with a liability that is inappropriate, way over the head, and it is not justifiable—

The Acting CHAIR (Mr. FORTENBERRY). The time of the gentleman has expired.

Mr. GUTHRIE. I yield the gentleman 1 additional minute.

Mr. BILBRAY. We're talking about the fact that those who want to stand up and say we'll spend Federal funds to create an environment to provide health care but then are not willing to say, not just the fact that we find special tort coverage—and I know that the gentleman from Texas knows because I was at a county level providing those services. We have Federal programs that protect those in the community clinic. But we're not just talking about the little bit of protection we get with our Federal protection. We're talking about the whole tort exposure needs to be considered.

And if you want to talk about access and stand up here and have the moral high ground on access, you've got to be willing to take on the big guy, the powerful trial lawyers, and say, look, physicians are going to be held harmless from your lawsuits. We're going to find a reason to encourage young people to go to school not just by providing Federal subsidies to their tuition, but also telling them, once you get your degree, you'll be able to go into a field where you'll be able to practice your art of medicine without having somebody who has never had to make a life-and-death decision drag you before a judge and a jury and attack you for your decisions.

Mr. GENE GREEN of Texas. Mr. Chairman, my colleague from California again is confused. We have H.R. 5 that the majority has to federalize medical malpractice insurance in our country. Some States have taken care of it. The State of Texas has done it by constitutional amendment. And that debate may come up if the majority brings up their H.R. 5.

With that, Mr. Chairman, I yield 2 minutes to my colleague from New York, Congressman TONKO.

Mr. TONKO. Mr. Chair, the underlying legislation guts funding for vital teaching health centers across the country. Teaching health centers are residency programs for primary care physicians. They provide community-based training for doctors who will go

on to work in rural and our underserved areas.

Mr. Chair, my amendment is very simple. It requires that we find out exactly how many primary care physicians we will lose if Republicans succeed in cutting teaching health centers across the country. My amendment commissions the Government Accountability Office to report on these findings so that the American people can see how drastically these cuts will eliminate jobs and hurt the quality, access, and affordability of primary care health options.

I'm interested to know, Mr. Chair, if some of my Republican colleagues are aware that if H.R. 1216 is adopted, there will be fewer primary care doctors working in their communities. For example, this bill guts funding for 23 physicians at the teaching health center in the heart of Scranton, Pennsylvania. These 23 individuals are being trained to provide basic health care for constituents in the greater Scranton area. If my Republican colleague from the Scranton area joins the Republican leadership in eliminating this program, his community will lose training for 23 new primary care physicians. That's 23 jobs, jobs that they support, and 23 individuals who help serve constituents with their health care needs.

Again, Mr. Chair, my amendment is a matter of effective oversight. It asks that we find out from a nonpartisan source exactly how many primary care physicians we will lose if the Republican leadership moves forward to cut teaching health centers across the country.

Mr. GUTHRIE. Mr. Chair, I yield myself as much time as I may consume.

I want to point out, as we went through, what we're talking about doing is graduate medical education in teaching health centers will be identical to the graduate medical education in hospitals and children's hospitals.

And I remember, I was not on the Energy and Commerce Committee but in Education and Labor. We worked on the health care bill. And the description that we went in through the night and went through the bill line by line is absolutely true. I think we were 24 or 25 hours direct on that. And I wasn't on Energy and Commerce when you went, but they went through the night, as well, Mr. Chairman. And when this bill passed out of the House of Representatives, the teaching health centers were authorized subject to appropriation.

□ 1520

The change was made in the Senate. So working late into the night and going through the bill, we are just asking and what we are proposing is to treat teaching health centers as the House-passed version of the health care bill did, which is exactly the same as

hospitals and children's hospitals and many of the other programs, nurse training and other things as well.

I reserve the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

I have no problem with including children's hospitals, and I think we could probably pass it on the suspension calendar if we had legislation that would expand that mandatory funding for teaching hospitals, and particularly children's hospitals, but that is not what this legislation does today. It takes away that help we are providing to train more primary care physicians in our country. That is what this bill does: It takes away the mandatory funding.

Now there have been examples all through history of mandatory funding. We realized during the Affordable Care Act that we need more primary care physicians. We need a lot more health care providers. We need more nurses. We need everything. In fact, it is a great job growth area. But we know we need primary health care providers because we know when somebody needs a doctor, they will see that primary care doctor. They may need a specialist, but they still need to go to that primary care doctor. That is why this mandatory funding is so important, and that is why this bill is the wrong way to deal with it. That is why it shouldn't be considered today. I would hope everybody would realize that if you support health care and primary care physicians, you would want that mandatory training so we can get those physicians out in the community where they are really needed.

Numbers show that if we have a program like this where primary care physicians will go into a community based health care center, they will go into that area as part of their residency program, they are more likely to come back to that community. That is why that was part of the Health Care Act. We have people who their primary care physicians now are the emergency rooms in hospitals in my district. I would much rather they be able to go see a doctor down the street for their sinus infection than showing up at midnight in an emergency room where we are going to end up having to pay for it, even at a public hospital, where the local taxpayers are paying for it. That is why this mandatory spending is so important. And that is why I think it is so the wrong way to go in health care, to take away mandatory spending for primary care physicians. That is something that is so important in our country, it should be mandatory.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I want to point out again, the mandatory spending was not in the House version of the health care bill that was passed. Teaching health centers were treated

exactly like general pediatric and primary care physicians are in hospital settings and in children's hospital settings—general hospitals and children's hospitals. We are saying we are going back to the way it was established in the Affordable Care Act as it was passed out of the House of Representatives.

We are talking about primary care physicians as well. I agree we need more primary care physicians. Their training at children's hospitals and hospitals is in geriatric, pediatric, internal medicine, all the primary care physician specialties that we know. We are just saying one shouldn't be treated differently than the other. They are important, and we should go through the annual appropriations process and present the validity of programs and let the appropriations process determine the level of funding.

Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman from Kentucky for yielding me this time.

As everyone knows, the financial health of this Nation is in a very precarious State. Unfortunately, it was made worse by the spending decisions and actions of this last Congress. Today, the Federal Government borrows 41 cents of every dollar it spends. We are facing a \$1.6 trillion deficit for this fiscal year, the third straight year of trillion-dollar deficits, an all-time record in nominal terms and a new post-World War II record as a share of the economy.

The reckless spending of the last Congress has only exacerbated this problem. The so-called stimulus bill—that didn't stimulate much besides a lot of wasteful spending—and ObamaCare, the Patient Protection and Affordable Care Act, are two such examples of legislation that spent recklessly.

Mr. Chairman, among the 2,400 pages of ObamaCare, the last Congress created \$105 billion in secret slush funds that can be used to advance the political goals of President Obama and his administration without our oversight, congressional oversight.

At a time when our country is facing financial ruin, my concern is how much damage to our national budget the White House can do with these funding streams. The time for blank checks is over. The time for leadership is now.

Section 5508 of ObamaCare provides a \$230 million direct appropriation for teaching health centers residency programs. H.R. 1216 would simply convert the direct appropriations into an authorization of appropriations. The legislation allows for teaching health centers to receive funding through the normal appropriations process with proper Congressional oversight.

Mr. Chairman, many Members of this Congress have supported medical edu-

cation—I certainly count myself among them—including graduate medical education for children's hospital programs. However, in her testimony before the House Energy and Commerce Health Subcommittee earlier this year, HHS Secretary Sebelius stated that the President's fiscal year 2012 budget eliminates children's hospital graduate medical education programs because they duplicate the teaching center funds in ObamaCare.

Mr. Chairman, is this the future of medical education that we want for our children? Teaching our medical professionals in clinics that might not be equipped to properly train them to handle emergency situations versus in hospitals regarded as centers of excellence like Children's Healthcare of Atlanta in my own home State of Georgia. This is why the appropriations process is so important—we need congressional oversight to help decide what the priorities of tomorrow should be.

This Congress, the 112th Congress—is focused on reining in spending and reducing our deficit. We cannot do the job of the American people and make the spending cuts necessary unless the legislative branch has oversight over Federal spending. If this is truly the people's House, give back what the last Congress gave away—control over the budget. If this body is sincere in its wishes to restore fiscal sanity in this country, I see no reason why this body should not be voting in a bipartisan manner to prevent this President—or any President, for that matter—from spending our Nation into insolvency.

So I urge all of my colleagues to support H.R. 1216. I thank the gentleman from Kentucky for his bill and for yielding me this time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me correct some of the statements that have been made. We have had mandatory hospital training residency programs since 1965. By taking away direct or mandatory spending for community-based residency programs, it is a direct attack on community-based programs. Let me list for you the teaching hospital programs that are under mandatory that was part of the Affordable Care Act. I joked on the floor one night to my colleague from Georgia, I wish they would name it the Green Act, GreenCare instead of ObamaCare, because I am so proud of that law.

The teaching hospital program supports the training of individuals who practice in family medicine, internal medicine, pediatrics, internal medicine pediatrics, obstetrics, gynecology, psychiatry, general dentistry, pediatric dentistry, or geriatrics. These are disciplines where we are experiencing significant physician shortages. That is why we need the mandatory spending. It does cover children.

□ 1530

Now, we have had mandatory spending for hospital training, again, since 1965. All this bill would do would be to take it away from community-based health centers where we know there is a shortage. The statistics show, if you have doctors who do their residencies or residency programs through community-based centers, they are more likely to go back there and practice, whether they be pediatricians, whether they be in family practice, whether they be in internal medicine. That's where we need the growth and to have primary care physicians. This is a direct attack on health care in our own country.

Why wouldn't we want it mandatory for community-based facilities if it's already mandatory for hospital-trained physicians? We need physicians in the community, not just in the hospitals.

Mr. Chairman, I yield back the balance of my time.

Mr. GUTHRIE. Again, Mr. Chairman, it is important that we have an adequate supply of primary care physicians, and it is important public policy for this country. It is important that we also have oversight and control over the budget in the way the money is spent, and we do that through the appropriations process.

I just want to point out, in the last Congress, there was great effort in putting together the health care bill. When we passed out of this Congress the House-passed version, this was an authorized "subject to appropriations" section of the bill. I know it has been described as being against health care throughout the country, but that was the way, through much debate, it passed out of this House of Representatives. It treats it similarly to hospital-based education in primary care and to children's hospital-based. It puts it on an equal footing with nurses' programs, nurse practitioner programs and other programs, which we all agree have shortages. We need more people in those fields.

I just want to reiterate that this does not eliminate the program. It authorizes it. It changes it from a direct appropriation to an authorized appropriation through the regular appropriations process.

Mr. DINGELL. Mr. Chair, I rise today in strong opposition to H.R. 1216. As a declining number of physicians in our Nation are entering into primary care fields, my colleagues on the other side of the aisle are working to pass legislation that will irresponsibly impede critical training of the next generation of primary care physicians.

A primary care physician shortage is a very real and alarming problem looming before us. The Association of American Medical College's Center for Workforce Studies anticipates a shortage of 45,000 primary care physicians and a shortage of 46,000 surgeons and medical specialists in the next decade.

Since 1965, the Medicare Graduate Medical Education program, which has been supported

by mandatory funding, has trained the majority of resident trainees across the country in a hospital-based setting. The Teaching Health Center program is the first medical graduate program of its kind to allow future physicians in primary care fields to train in the actual setting they will be practicing in—community-based health centers.

My colleagues claim that converting the Teaching Health Center program from a mandatory appropriation to an authorization—subject to the annual appropriations process—will not endanger the program. We saw during the debate on the fiscal year 2011 budget that could not be further from the truth.

During that dreadful debate it became painstakingly clear that my colleagues know the cost of everything, but the value of nothing.

Subjecting this program to the annual appropriations process will not allow for a predictable and stable funding stream needed to assist community-based health centers and resident trainees in planning and preparing for this training.

We all recognize and agree with the need to reduce federal government spending, but making the Teaching Health Center program a pawn in the appropriations game is foolish at best.

Further, I find it ironic that during debate in the Energy and Commerce Committee my colleagues expounded on their desires for more investment in our health workforce, yet at the first opportunity they are placing the Teaching Health Center program in the vulnerable position of future funding reductions.

Mr. Chair, H.R. 1216 is another plan in the Republicans' repeal health reform platform. Passing this legislation will jeopardize funding for the Teaching Health Center program, further delaying the fundamental training needed for our primary care physicians.

I urge my colleagues to stand up for the training of our primary care physicians and vote no against this reckless piece of legislation.

Mrs. CHRISTENSEN. Mr. Chair, I rise today, fully disappointed that my colleagues on the other side of the aisle are trying to move forward with this bill. This bill has no merit; in fact, it is little more than a part of a larger, ill-conceived strategy to undermine the progress we have made and will likely continue to make as a result of the historic health care reform bill that was enacted last year.

While on its face it seems harmless, we all know the reality of what this bill will do. And, it is crucial that the very individuals who elected us to represent them—the large majority of whom will be directly and indirectly affected by this and in a very negative way—also know that this bill does nothing to ensure fiscal responsibility or improve the medical education system in health centers, and does even less to ensure that there are trained and qualified health care providers in their communities to serve their communities.

In fact, it jeopardizes ongoing and forthcoming efforts to ensure that there are highly-trained and qualified health care providers practicing in every community—especially those that suffer due to a shortage of health care providers—across the country.

If this bill were to pass and become law, then the already-planned primary care training

programs that will be operated by community-based entities, like community health centers, will not likely continue beyond their first planned year because turning this program into a discretionary one offers no guarantee of future funding. Further, making this program discretionary will serve as a disincentive to other community-based entities that are considering launching similar graduate medical education programs for the same reasons.

The unfortunate element in all of this is this: These programs train individuals who will practice in family medicine, internal medicine, pediatrics, obstetrics and gynecology, general dentistry and geriatrics—the very areas of medical care where the provider shortages are the greatest.

Further, the individuals trained by these programs are very likely to serve most underserved communities—a disproportionate number of which are rural, low-income and/or racial and ethnic minority—across the Nation.

Why, I must ask, would we want to end these programs, when provider shortages are not issues that affect only our side of the aisle; it is a public health crisis that touches every district across the Nation. In fact, during the health care reform debates, my friends on the other side of the aisle continually argued that there are not enough physicians in the country to meet our current primary health care needs and to address our current primary health care challenges. So, it seems counterintuitive to, then, seek to compromise and put an end to the very programs that were designed and funded to address this very problem.

We have had and continue to have very serious health care challenges in this country, and our primary care workforce shortages fall into that category. All of these serious health care challenges warrant even more serious solutions—many of which are being implemented thanks to the Patient Protection and Affordable Care Act.

However, this bill—H.R. 1216—is not a serious solution and, if passed, will only become a serious part of a serious problem.

I, therefore, urge my colleagues to vote, “no” on this bill. And, in doing so, you will be voting yes for the improved and strengthened primary health care workforce across the Nation.

Mr. BLUMENAUER. Mr. Chair, I rise in opposition to H.R. 1216, which rescinds funding for graduate medical education in qualified teaching health centers. The Affordable Care Act provides funding for the training of medical residents in qualifying health centers, which will strengthen the health care workforce and support an increased number of primary care medical residents trained in community-based settings across the country. This bill undermines that key objective and in so doing, undermines public health efforts, limits access to doctors in communities around the country, and weakens our medical workforce.

Teaching health centers are community-based patient care centers that operate primary care residency programs, such as family medicine, internal medicine, pediatrics, and general and pediatric dentistry. Physicians trained in health centers are more than three times as likely to work in a health center and more than twice as likely to work in an underserved area than are those not trained at health centers.

Oregon's community health centers—29 clinics offer care at more than 150 delivery sites—provide high-quality, comprehensive health care to more than a quarter-million people across my state. Services range from medical and dental care to prescription medications to behavioral health care. Many centers also provide such support services as transportation and translation to ensure that everyone who needs healthcare can access it. This legislation, however, would undermine the ability of these centers to attract doctors and other health professionals so vital to providing community-based care.

The Institute of Medicine reports that already there is a need for more than 16,000 new physicians in currently underserved areas. Unless we invest in medical education that closes this shortfall, it will worsen in future years. The Association of American Medical Colleges estimates that, by 2024, we will need 46,000 additional primary care physicians. This legislation makes it more difficult to close this gap.

A recent study by Dartmouth investigators published in the *Journal of the American Medical Association* found that beneficiaries living in areas with better access to primary care physicians had lower mortality and fewer hospitalizations. By eliminating funding to train doctors in community-based settings, this legislation makes it less likely that patients in underserved areas will be able to see a doctor or to get the care that they need. This legislation will worsen health outcomes in underserved areas.

Rather than making refinements to improve the Affordable Care Act, H.R. 1216 merely eliminates funding. It fails to advance the key objectives of the law to improve healthcare while lowering costs and it fails to offer alternative solutions to meet these important objectives. I oppose this legislation.

Mr. LEVIN. Mr. Chair, I rise in opposition to this short-sighted and harmful legislation, H.R. 1216.

Everybody recognizes that we don't have enough primary care physicians and by 2020 most experts believe that we will face a shortage of over 40,000 primary care doctors. This legislation ignores reality and would jeopardize funding for a program whose purpose is to increase the number of primary care doctors and bring down the cost of health care.

As a result, it would be more difficult to find a doctor and people would be forced to turn to more expensive and less effective emergency room care.

This bill is a step backwards. Rather than supporting a meaningful effort that will reduce this shortage of primary care physicians, Republicans have brought a bill to the Floor that undermines health care. It is one of the many mindless attempts to repeal health care reform that just make needed change harder to achieve. We need to strengthen our health care system by implementing health care reform.

To move forward we need to reject Republican efforts, vote down this bill and reject the dangerous health care policies in the Republican budget that will end Medicare and cut Medicaid.

I urge Members of Congress to reject this bill.



Ms. SCHWARTZ. Mr. Chair, I rise today in opposition to H.R. 1216.

This legislation is yet another Republican attack on health care innovations that promise to increase patient access to care. We must make a successful transition to a more efficient, high-quality health system and, through health care reform, we can.

Instead, Republicans are making every effort to undermine this mission by chipping away at the graduate medical education system.

H.R. 1216 threatens progress toward patient-centered health care delivery, in which primary physicians ensure that patients receive preventive, comprehensive and ongoing care.

Academic medical centers have long been integral to developing innovative treatments and assuring access to care for Americans who need the most help. As we begin to implement health care reform, these institutions are seeking to become leaders in biomedical science as well as innovators in new delivery models.

The Albert Einstein Healthcare Network in Philadelphia, for example, was recently approved as a patient-centered medical home. The Hospital and its network of physicians is now offering patients a new model of coordinated, continuous care in an academic setting, all while improving quality and reducing costs. Community-based training, such as the teaching health center program, is a valuable supplement to our Nation's prestigious teaching hospitals.

Our Nation faces a crisis in access to primary care—more than 1.3 million Medicare beneficiaries have difficulty finding a new primary care physician.

In 1961, half of U.S. physicians were generalists, primarily general practitioners. Since then, the percentage has dramatically declined, while the cost of delivering care has increased substantially.

While our Nation's hospital-based teaching programs yield thousands of highly trained physicians, we simply do not have the capacity to meet demand—specifically when it comes to primary care.

The teaching health center program is uniquely positioned to address primary care training for underserved populations.

Community-based training models, such as teaching health centers, will serve the Nation by creating new capacity in our graduate medical education system, which will lead to an increase in the total number of primary care physicians.

Primary care and community-based health centers, particularly, produce excellent outcomes at lower costs, and have the potential to save the system billions of dollars annually by preventing avoidable emergency room visits.

If every American made use of primary care, the health care system would see \$67 billion in savings annually.

Yet this bill would create uncertainty and unpredictability in a program intended to move us toward this ideal.

I urge my colleagues to support training of primary care physicians and cost-saving innovations by opposing H.R. 1216.

Mr. GUTHRIE. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 1216

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVERTING FUNDING FOR GRADUATE MEDICAL EDUCATION IN QUALIFIED TEACHING HEALTH CENTERS FROM DIRECT APPROPRIATIONS TO AN AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 340H of the Public Health Service Act (42 U.S.C. 256h), as added by section 5508(c) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(1) in subsection (b)(2)(A), by striking “under subsection (g)” each place it appears and inserting “pursuant to subsection (g)”;

(2) in subsection (d)(2)(B), by striking “in subsection (g)” and inserting “pursuant to subsection (g)”;

(3) by amending subsection (g) to read as follows:

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated \$46,000,000 for each of fiscal years 2012 through 2015.”

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the amounts made available by such section 340H (42 U.S.C. 256h), the unobligated balance is rescinded.

(c) TECHNICAL CORRECTION.—The second subpart XI of part D of title III of the Public Health Service Act (42 U.S.C. 256i), as added by section 10333 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(1) by redesignating subpart XI as subpart XII; and

(2) by redesignating section 340H of the Public Health Service Act (42 U.S.C. 256i) as section 340I.

The Acting CHAIR. No amendment to the bill shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated May 23, 2011, and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by the Member who caused it to be printed or a designee and shall be considered read.

AMENDMENT NO. 2 OFFERED BY MR. TONKO

Mr. TONKO. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, add the following:

(d) GAO STUDY ON IMPACT ON NUMBER OF PRIMARY CARE PHYSICIANS TO BE TRAINED.—The Comptroller General of the United States shall conduct a study to determine—

(1) the impacts that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of primary care physicians that would be trained if such funding were not repealed, rescinded,

and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(2) the amount by which such number of primary care physicians that would be trained will decrease as a result of the enactment of subsections (a) and (b).

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chair, my friends on the other side of the aisle seem steadfast and determined in their attack on access to affordable, quality health care. Couple that with their plan to end Medicare, and our Nation's seniors are put in quite a bind. Meanwhile, they want to place our health in the hands of Wall Street and Big Insurance, not between doctors and their patients. The seniors in my district and across the country know that vouchers will not cover their health care needs. They see the tax breaks for millionaires and billionaires and handouts for Big Oil, and are vehemently opposed to this plan.

Today, we have yet another assault on affordable access to health care. My Republican colleagues have found their next boogeyman: family practice physicians. This is surprising as we have a dire shortage of primary care physicians in our country.

The American Association of Medical Colleges has estimated that an additional 45,000 primary care physicians are required by 2020 just to meet America's health care needs. A few short months ago, both sides of the aisle agreed on the need to build our Nation's primary care workforce. This is a proven way to bend the health care cost curve by decreasing health spending through prevention and early, simple treatment.

Unfortunately, Republicans have since changed their tune. They have declared that the problem is not that we have a shortage of these crucial doctors. Instead, they must believe we have too many primary care physicians, and so we face this call to eliminate training for those on the front lines of the fight for quality care.

The underlying legislation guts funding for vital teaching health centers across our country. Teaching health centers are residency programs for primary care physicians, providing community-based training for doctors who will go on to work in rural and in our underserved areas. From Medicare to high gas prices to tax rates, my friends on the other side have proposed time and time again policies that put middle class Americans on the line and let Wall Street, Big Oil and Big Insurance take over and earn big. The constituents in my home district, in the Capital Region of New York State, need a break. They are looking at the price of gas, at the price of food and at the price of prescription drugs, and are just wondering how they will make it through the month.

Do we need to balance the budget? Yes. Do we need to balance the budget on the backs of hardworking Americans who play by the rules? Absolutely not.

Mr. Chair, my amendment is very simple. It requires that we find out exactly how many primary care physicians we will lose if Republicans succeed in cutting teaching health centers across the country. My amendment commissions the Government Accountability Office to report on these findings so that the American people can see how drastically these cuts will eliminate jobs and will hurt the quality, access and affordability of primary care health options.

I am interested to know, Mr. Chair, if some of my Republican colleagues are aware that, if H.R. 1216 is adopted, there will be fewer primary care doctors working in their communities. For example, this bill cuts funding for 23 physicians at the teaching health center in the heart of Scranton, Pennsylvania. These 23 individuals are being trained to provide basic health care for constituents in the greater Scranton area.

If my Republican colleague from the Scranton area joins the Republican leadership in eliminating this program, his community will lose training for 23 new primary care physicians. That's 23 jobs, the many jobs they support and 23 individuals who will serve constituents in need.

Mr. Chair, if my colleague from Pennsylvania would like to come to the floor to defend the rights of the teaching health center in Scranton against this shortsighted and unjust attack by the Republican leadership, I would gladly yield him time.

The same challenge is faced by my colleague from the Billings, Montana, area, whose district will lose funding to train seven primary care physicians specifically for the health care needs of rural Montanans. In Idaho, Illinois, Texas, and Washington, it's the same story. All of these communities are seeing good American jobs put at risk—and for what?—to fund handouts to insurance and oil companies? to pay for even more tax breaks to millionaires, billionaires and some of the wealthiest corporations on Earth?

I would gladly yield my Republican colleagues from these districts time to defend their constituents.

Again, Mr. Chair, my amendment is a matter of effective oversight. It asks that we find out from a nonpartisan source exactly how many primary care physicians we will lose if the Republican leadership moves forward to cut teaching health centers across our country.

When it comes to ensuring our constituents have access to basic primary health care, when it comes to protecting Medicare and Social Security for our seniors and to ensuring they

have healthy and comfortable retirements, there should be no disagreement.

Please join me in supporting this amendment and in standing with middle class Americans across the country.

With that, I yield back the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. CAMPBELL). The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. Mr. Chairman, first, I want to point out the list that was read of teaching health centers.

The text of the bill is very clear: that we only rescind unobligated funding. If the funding has been obligated, then it continues to move forward. So, as to the list that was read, those will be funded.

The amendment before us directs the GAO to determine the number of physicians who will be trained by this program if funds are not kept mandatory. I oppose the general premise that a program must have mandatory funding in order to be effective. This type of thinking has led us to massive budget deficits as far as the eye can see.

During the debate on the continuing resolution, I can remember more than a few Members complaining that reductions in discretionary spending would have little impact on the deficit. There is some truth to the fact that discretionary spending which Congress has more control over comprises an increasingly smaller share of the Federal budget.

□ 1540

It seems to me that some people's solutions to reining in the discretionary ledger of our Federal budget is to simply shift programs from discretionary to mandatory and let the spending cruise on auto pilot. That is not responsible governing. In a time of \$1.5 trillion annual deficits, we must make spending priorities. However, setting priorities involves tough choices. The people that oppose this bill do so because they are unwilling to make the tough choices on what programs the Federal Government should fund and what they should not.

So let's review what happened. Certain programs for training were made mandatory in the health care act and others were subject to future appropriations. Listening to the debate today, it is apparent that some believe any provision in the health care act that authorized a program subject to appropriations is essentially meaningless and did nothing at all. I have heard Members extol the virtues of dental education programs or training for nurse education contained in the health care act, but they are subject to further appropriations.

Where was the amendment to the health reform bill that asked GAO to

look into how the lack of mandatory spending in section 5305 of the health care act would affect geriatric education? There wasn't one, and not a single Member of the other side brought the issue up. The reason the other side didn't bring it up is because the programs were constructed in a way to go through the normal authorization and appropriations process. The underlying bill simply puts teaching health centers on equal footing with a myriad of other programs.

I also oppose the amendment because it is a waste of Federal resources. We are asking the GAO to conduct a study that is almost impossible for it to complete. The GAO cannot determine the number of physicians that will be trained because so much of the program is under the discretion of the Secretary. In fact, the contours of the program have not yet even been set. The Health Resources and Services Administration does not even anticipate issuing a Notice of Proposed Rulemaking on the Teaching Health Center Graduate Medical Education Program until December.

Under my bill, supporters of the program will continue to be able to make the case on an annual basis that the program is not duplicative, it is effective, and warrants continued funding over other programs like children's hospitals which the President's budget zeroed out.

I urge my colleagues to vote "no."

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. TONKO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, add the following:

(d) GAO STUDY AND REPORT ON PHYSICIAN SHORTAGE.—The Comptroller General of the United States shall conduct a study to determine—

(1) the impact that expanding existing and establishing new approved graduate medical residency training programs under section 340H of the Public Health Service Act (42 U.S.C. 256h), using the funding appropriated by subsection (g) of such section, as in effect on the day before the date of the enactment of this Act, would have on the number of physicians that would be trained if such funding were not rescinded and made subject to the availability of subsequent appropriations by subsections (a) and (b) of this section; and

(2) the impact that the enactment of subsections (a) and (b) will have on the number of physicians who will be trained under approved graduate medical residency training programs pursuant to such section 340H.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CARDOZA. Mr. Chairman, I rise today to offer an amendment that would require the GAO to conduct a study that highlights the impact that elimination of funding would have on the number of physicians that would be trained if this program were allowed to continue as intended.

Countless studies have demonstrated a serious and growing shortage of health professionals facing the United States—most critically a shortage of primary care physicians and dentists. However, where I come from, there is a shortage of specialties as well. With an existing shortage well established and an aging population increasing, our country desperately needs investments in the health care workforce, not rescissions.

In my home State of California alone there are 567 designated health professional shortage areas, which include a population of more than 3.8 million medically underserved individuals. In California's San Joaquin Valley, there are already fewer than 87 primary care physicians for 100,000 patients of population. The doctor/patient ratio in my region is not getting better; it is getting significantly worse. That is why I have consistently advocated for the need to improve access to care and address this vital shortage.

All eight counties in the San Joaquin Valley have been designated as medically underserved by the Department of Health and Human Services, including Merced, Stanislaus, San Joaquin, Madera, and Fresno Counties. At one point a few years ago, we were down to one pediatrician for the entire county of Merced. With the passage of the Affordable Care Act, we were able to include additional funding for these medical residency programs to help address the mounting health care profession shortage in already established underserved areas.

The new Teaching Health Centers Graduate Medical Education Program is intended to be an investment that helps struggling underserved communities deal with the reality of increasing demands on an already strained health care system. Studies have shown that the most effective way to attract and retain new doctors in underserved areas is to allow medical students to complete their medical residency programs in the communities that are in need. Graduating physicians most often practice in the communities where they have completed their residency training, which is why this program is uniquely important. My wife is a perfect case in point, a pri-

mary care physician who stayed in our community and practiced for 18 years after she finished the program.

Without these critical investments, the lack of care will most certainly have a costly price on the health and well-being of many rural underserved communities, including those I represent.

Mr. Chairman, I yield back the balance of my time.

Mr. GUTHRIE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. Mr. Chairman, this amendment is very similar to the previous amendment we discussed, so I will be brief.

One, as I said before, it is difficult for the Government Accountability Office—almost impossible for them—to perform this study moving forward because there is so much discretion that is given to the Health and Human Services Secretary. And as I said before, the Health Resources and Service Administration does not even anticipate issuing a Notice of Proposed Rulemaking on teaching health graduate centers until December.

And then again, as a lot of the comments today, I don't think that moving an authorized and mandatory spending program to an authorized and discretionary spending program renders that program meaningless. If it does do that, then all the other programs that I have listed earlier in the debate—training in general hospitals, training in children's hospitals, training in behavioral education and health, training in nurse retention, training in nurse practitioners—that means that those programs that were in the health care act would not have as much strength as well. And so the comment that by moving this from one part of the budget to the other makes it meaningless, to me, is just not accurate.

And, second, I also want to stress again that the language of the bill is clear: we do not rescind obligated funds; it is only unobligated funds. So again, it wasn't my friend from California, but someone earlier mentioned that there were programs that have already been in place that would be hurt by that. If the funds have been obligated, those programs move forward.

Mr. Chairman, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Chairman and Members, I know there has been talk only about obligated money. I would like to introduce into the RECORD a press release issued on January 25 of this year from Health and Human Services announcing the

new Teaching Health Center Graduate Medical Education Program. And of those programs, it lists the ones; and that money is obligated, but there will be no future funding for them. So you get a few months of funding, but you don't get any more funding.

These centers—six of them are in Republican districts, five in Democratic districts—will get a very short 3 months' worth of funding if this bill becomes law. And it doesn't do any good. The graduate medical education pays for the training of that physician. These community centers will only receive a short term funding. So it may only be talking about that obligated money, but they won't get any more after this year if this bill becomes law. That's why it is so important that this bill be defeated or that we adopt an amendment similar to our colleague from California.

#### HHS ANNOUNCES NEW TEACHING HEALTH CENTERS GRADUATE MEDICAL EDUCATION PROGRAM

#### ELEVEN CENTERS WILL SUPPORT PRIMARY CARE RESIDENCY TRAINING IN COMMUNITY-BASED SETTINGS

HHS Secretary Kathleen Sebelius today announced the designation of 11 new Teaching Health Centers in the Teaching Health Center Graduate Medical Education program, a 5-year program that will support an increased number of primary care medical and dental residents trained in community-based settings across the country. These Teaching Health Centers will be supported by funds made available through the Affordable Care Act and will help address the need to train primary care physicians and dentists in our nation's communities.

With the funds, these Teaching Health Centers can seek additional primary care residents through the National Resident Matching program this month and will train 50 additional resident full-time equivalents beginning in July 2011. While 3 months of funding totaling \$1,900,000 is being awarded this first program year, in future years the annual funding will increase to cover the full-year costs, as well as additional residents. These investments provide an important platform for expanding the primary care workforce and creating more opportunities to prepare physicians to practice primary care in community-based settings, while ensuring primary care services are available to our nation's most underserved communities.

"The Teaching Health Center program is an integral part of our mission to strengthen the nation's primary care workforce and ensure that all Americans have adequate access to care," said Secretary Sebelius.

The new Teaching Health Centers are distributed around the nation and will train residents in family medicine, internal medicine, and general dentistry. Teaching Health Centers will receive up to 5 years of ongoing support for the costs associated with training primary care physicians and dentists. HHS' Health Resources and Services Administration (HRSA) will administer the program.

"Participating in this program not only provides top-notch training to primary care medical and dental residents, but also motivates them to practice in underserved areas after graduation," said HRSA Administrator Mary Wakefield, Ph.D., R.N.

Eligible Teaching Health Centers are community-based ambulatory patient care centers that operate a primary care residency program, including federally-qualified health

centers; community mental health centers; rural health clinics; health centers operated by the Indian Health Service, an Indian tribe or tribal organization; and entities receiving

funds under Title X of the Public Health Service Act.

For additional information, visit Teaching Health Centers.

## 2011 TEACHING HEALTH CENTERS

| Organization                                       | City           | State       | Award     |
|--|----------------|-------------|-----------|
| Valley Consortium for Medical Education .....      | Modesto .....  | Calif. .... | \$625,000 |
| Family Residency of Idaho .....                    | Boise .....    | Idaho ..... | 37,500    |
| Northwestern McGaw Erie Family Health Center ..... | Chicago .....  | Ill. ....   | 300,000   |
| Penobscot Community Health Center .....            | Bangor .....   | Maine ..... | 150,000   |
| Greater Lawrence Family Health Center .....        | Lawrence ..... | Mass. ....  | 112,500   |
| Montana Family Medicine Residency .....            | Billings ..... | Mont. ....  | 37,500    |
| Institute for Family Health .....                  | New York ..... | N.Y. ....   | 150,000   |
| Wright Center for Graduate Medical Education ..... | Scranton ..... | Pa. ....    | 225,000   |
| Lone Star Community Health Center .....            | Conroe .....   | Texas ....  | 37,500    |
| Community Health of Central Washington .....       | Yakima .....   | Wash. ....  | 75,000    |
| Community Health Systems .....                     | Beckley .....  | W. Va. .... | 150,000   |
| Total .....  |                |             | 1,900,000 |

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chairman, I rise in opposition to this underlying bill.

As the Senate votes this week on the Republican scheme to end Medicare, I am standing up to protect health care for our seniors. Our seniors, they blazed the trail for all of us. They fought the wars, they've earned the money, they've come and made America a great place; and we have inherited what they've done. We have inherited what our senior citizens have made for us. And now we see our Republican colleagues want to end Medicare for these same seniors. To spend nearly \$1 trillion on handouts to millionaires not only harms American seniors, but threatens our economic future.

□ 1550

Medicare guarantees a healthy and secure retirement for Americans who pay into it their whole lives, Mr. Chairman. It represents the basic American values of fairness, decency and respect for our seniors that all Americans should cherish.

Last month, our Republican colleagues voted to end Medicare as we know it. According to the Congressional Budget Office—and, Mr. Chairman, that's the office that is bipartisan and calls it straight as they see it—this plan, this Republican plan, would raise seniors' health care costs by more than \$6,000 a year—that's a lot of money, Mr. Chairman—more than doubling their costs. Instead of fulfilling a promise to our seniors, a promise that the people who gave everything for us would have something in their golden years, the plan would bring about a corporate takeover of our health care. Insurance company bureaucrats would be able to deny seniors care that they had paid into for their entire lives. The GOP plan no longer guarantees seniors the same level of benefits and choice of a doctor that they have today under Medicare.

Mr. Chairman, this debate is not about the deficit. Only if it were. This debate is about something else, and it

is about whether we are going to meet the promises of our seniors, of our children, of our students, of our public employees, or not. It's a choice of whether we're going to put America to work or not. It's a basic choice about how we're going to live together.

Mr. Chairman, this debate is not about a deficit. And as my fellow colleagues pound on this idea that we're broke, we're not broke. What we are is unwilling to do the basics for people who have given America so much. This debate is not about a deficit, because we can reduce the deficit by putting America back to work. Two-thirds of American corporations don't pay any taxes, including General Electric, Bank of America, and others. If we ask people to just do their fair share, America's not broke.

By siding with insurance industry lobbyists to raise Medicare costs only increases the burden on our seniors while doing nothing to address the deficit. As I said, this is not about the deficit.

Raising taxes for 95 percent of Americans to pay for a trillion-dollar tax cut for CEOs who ship American jobs overseas sides with the rich at the expense of the middle class.

Spending billions on handouts for corporate special interests, including \$40 billion on Big Oil, only drives up prices at the pump for families who are already hurting the most.

The Progressive Caucus, Mr. Chair, has a plan that puts people's priorities first. Our budget, which we call "The People's Budget," strengthens Medicare and Social Security. It lets Medicare negotiate cheaper drug prices so insurance company bureaucrats can't deny you the medication you need. And it creates jobs by eliminating the deficit by 2021. That's right. The Progressive Caucus eliminates the deficit. That is the fiscally responsible budget. That's a budget that Americans can get behind. Not some budget that rewards the rich at the expense of everybody else and doesn't do anything to end the deficit.

I'll not stand for a vision of America that throws American seniors under the bus. We have a vision of honoring

our seniors, honoring those people, the Greatest Generation, the generation that brought us civil rights, women's rights, human rights, the generation that brought us Medicare. We are in a generational fight, Mr. Chairman, and generations in the future will look back on us and ask us why did we let the Republican Caucus take away the basic promises of America, and we will be able to stand now and say, We didn't. We fought them back and we fought for America where everybody does better because everybody does better, including our seniors.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CARDOZA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MS. FOXX

Ms. FOXX. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, add the following:

(d) PROHIBITION AGAINST ABORTION.—Section 340H of the Public Health Service Act (42 U.S.C. 256h) is amended by adding at the end the following new subsection:

“(k) PROHIBITION AGAINST ABORTION.—

“(1) None of the funds made available pursuant to subsection (g) shall be used to provide any abortion or training in the provision of abortions.

“(2) Paragraph (1) shall not apply to an abortion—

“(A) if the pregnancy is the result of an act of rape or incest; or

“(B) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed including a life endangering physical condition caused by or arising from the pregnancy itself.

“(3) None of the funds made available pursuant to subsection (g) may be provided to a

qualified teaching health center if such center subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

“(4) In this subsection, the term ‘health care entity’ includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.”.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Mr. Chairman.

My amendment is designed to protect life and the livelihood of those who defend it.

Since 1973, approximately 50 million children have been aborted in the United States. This is a tragedy. According to a CNN poll last month, more than 60 percent of Americans oppose taxpayer funding for abortion. This number includes many of my constituents and is consistent with my strong pro-life convictions. I am offering my amendment today to ensure that their hard-earned money will not be used to pay for elective abortions or given to organizations that discriminate against pro-life health care providers.

Earlier this month, the House passed H.R. 3, the No Taxpayer Funding for Abortion Act, which codifies many longstanding pro-life provisions and ensures that taxpayer money is not being used to perform elective abortions. H.R. 3 is now awaiting consideration in the Senate, but I will not cease to fight to protect the unborn children in America at every turn.

This amendment ensures that the grants being provided to teaching health centers are not being used to perform elective abortions and makes it crystal clear that taxpayer money is not being used to train health care providers to perform abortion procedures.

Mr. Chair, when the liberal Democrats rammed through their government takeover of health care, in an unprecedented fashion, they refused to include longstanding pro-life provisions. With this bill, House Republicans are seeking to restore a grant program for residency programs to the regular appropriations process, and my amendment explicitly and permanently ensures that should the appropriations committee fund this program, taxpayer money will not be used to pay for elective abortions or train abortion providers.

In addition to the need for a permanent prohibition of taxpayer funding for elective abortions, it is also important that scarce resources are allocated to the most worthy applicants. An applicant that demands that individuals and institutions provide or refer for abortions is simply not the kind of applicant that should be funded

under this program. Numerous doctors, nurses and other health care providers refuse to perform or participate in abortions because they believe it is wrong to kill a child. Congress should ensure that these individuals are not discriminated against because of their beliefs. Any form of discrimination is abhorrent, and individuals should not be forced to act against their convictions. This amendment is similar to previous efforts to protect pro-life health care providers and is consistent with these efforts.

To be eligible for funding under this grant program, centers have to agree that they will not discriminate against pro-life health care providers.

My colleagues across the aisle may argue that we already have the Hyde amendment that prohibits taxpayer funding for elective abortion for programs that are included in the Labor, Health and Human Services and Education appropriations legislation. However, this amendment must be included every year. My amendment ends the uncertainty for this program by providing a permanent prohibition on taxpayer funded elective abortions and protects pro-life health care providers. Until we have a permanent prohibition on taxpayer funding of elective abortion and protections for health care providers who cherish life, I will continue to offer and support efforts to protect taxpayers, families and children from the scourge of abortion.

The unborn are the most innocent and vulnerable members of our society and their right to life must be protected. Therefore, I urge my colleagues to vote in favor of this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. DEGETTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from Colorado is recognized for 5 minutes.

Ms. DEGETTE. Thank you, Mr. Chairman.

Well, here we are again, forced to stand up again to protecting women's health care against an extreme agenda. I disagree with the whole underlying bill, Mr. Chairman, but even so, even so, how one could tie restricting a woman's right to choose to graduate medical education is sort of beyond me.

□ 1600

Let me explain why this is just an extreme and direct attack on women's health.

What it would mean is that across the country residents would be barred from learning how to perform even a basic medical procedure required for women's health. This amendment would jeopardize both education and women's health care by obliterating funding for a necessary full range of medical training by health care professionals.

And here's the thing. The Hyde amendment is the law of the land right now. I don't like the Hyde amendment. I would repeal the Hyde amendment. But frankly, the Hyde amendment has been in place for over 30 years, and it's not going away. And what it says is no Federal funds shall be used for abortions except in the case of rape, incest, or the life of the mother.

Now, there is nothing in the Hyde amendment about restricting medical doctors' training to legal medical procedures. There's nothing about graduate medical education in the Hyde amendment whatsoever. And if we pass this amendment, we will not allow basic medical training that would even allow doctors to provide the procedures that are allowed under the Hyde amendment—life, rape, or incest.

And let me talk about why this is so incredibly dangerous for women's health.

Ensuring that doctors and nurses are fully trained in abortion procedures is essential to ensuring that they can be providing lifesaving care when abortion is a medically necessary procedure to save the life of a pregnant woman.

Now, most pregnancies, thank goodness, progress safely. But sometimes there's an emergency. And sometimes a medical abortion is necessary to protect a woman's health or life. For example, Mr. Chairman, in cases of preeclampsia, hemorrhage, and severe pulmonary hypertension, or bleeding placenta previa, which can be fatal if left untreated, an abortion is a life-saving procedure. In addition, in managing a miscarriage, sometimes an abortion procedure is essential to saving the woman's life.

Now, under this amendment, virtually any type of health care facility could face the loss of funding if they needed to provide abortion care in an emergency situation. And moreover, Mr. Chairman, residents need to be trained in how to handle these very complicated conditions that could necessitate an abortion.

I'm afraid to say these examples are tragically real. The case involving a woman experiencing severe hypertension that threatened her life at St. Joseph's Hospital made the news when a nun, Sister McBride, was excommunicated last year for allowing the woman's life to be saved through an abortion.

The Foxx amendment would also greatly expand the reasons why health care entities should give in to refusing care.

So, Mr. Chairman, here's the thing. Maybe we don't like abortions, and all of us wish abortions would be rare. But sadly, even in the case of a wanted child with a loving home and everything else, even in the case of an exception under the Hyde amendment, sometimes abortions are necessary. And if we say we are not going to train doctors how to provide a range of women's

health care services, then we are basically allowing women to bleed to death in the emergency rooms of this country. And I don't think that's what this Congress is about. It is certainly not what the medical profession is about.

I would urge just for reasons of mercy for this House to reject this amendment. It's mean-spirited and it's far, far beyond current law.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. GARAMENDI. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Mr. Chairman, I find myself in opposition to the underlying bill and the amendment.

You just heard a very cogent argument. I don't understand why we ought to have ignorant doctors. It doesn't make any sense to me. Abortions are sometimes necessary for saving the life of a pregnant woman. And to have a medical system in which the doctors don't know about that procedure is really stupid. I won't say this amendment is that, but it's really not wise to have ignorant physicians. And it's really not wise not to have physicians at all.

What in the world are we thinking here? What's the purpose of this amendment and this particular resolution? To deny American men, women, and children the opportunity to go to a doctor? We know all across this Nation that there is a shortage of primary care physicians. In most every community of California, there is a shortage of primary care physicians. Plenty of dermatologists, but not primary care physicians.

So what are we going to do here? Eliminate the funding to train primary care physicians.

Now, that in itself is bad enough. But this is just one piece of a much larger plan to dismantle health care in America. The repeal of the Affordable Health Care Act will increase the cost of medical services all across this Nation and particularly increase the cost to government. Not my projection. The independent Congressional Budget Office said clearly that the Affordable Health Care Act will reduce the cost of Medicare and Medicaid.

So repeal it. Increase the deficit. Huh? Is that what this is all about? I don't get it guys and women. Makes no sense to me.

And now in your budget, the Republicans go after Medicare and terminate Medicare for every American who is not yet over 55 years of age? Terminate it. And turn it over to the rapacious, greedy, profit-before-people health insurance industry, an industry that I know a great deal about. I was the insurance commissioner in California for 8 years, and I know those characters. It is about profit. It's not about caring for people.

And when you say the government shouldn't make decisions, the government does not make decisions in Medicare. The physicians make decisions. But if you turn Medicare over to the insurance companies, it will be the insurance companies that make decisions about medical services.

And by the way, you also voted to repeal those sections of the Affordable Health Care Act that protect all of us from the rapaciousness of the health insurance industry. Eliminating a law which eliminates such things as pre-existing conditions, age, sex discrimination, and the rest. So you repeal that and give back to the insurance companies the opportunity to discriminate. And now you want to throw tomorrow's seniors into that same pool of sharks.

I don't get it. It makes no sense whatsoever. It perhaps is the worst idea I've heard in the 35 years I have been involved in public health and in public policy. It makes no sense whatsoever.

And this bill on top of it? Come on. We're not going to train primary care physicians? What in the world are you thinking? I don't get it. I don't get the whole strategy. It is a strategy that will put America's health at risk. It is a strategy that will deny benefits. It is a strategy that will provide us, with this latest amendment, doctors that are ignorant about basic women's health. And it is a strategy that will deny us the necessary primary care physicians.

What in the world are my Republican colleagues doing here about the deficit? Come on now. What you're doing is going to increase the deficit. You're going to increase the deficit. If there are not primary care physicians, then you'll go to the emergency room. And everybody knows that the emergency room is more expensive than a doctor's office.

What are you doing? I don't get it, guys. I don't understand. You're worried about the deficit; yet you take action that increases the deficit? It makes no sense to me.

Madam Chair, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Madam Chair, I move to strike the last word.

The Acting CHAIR (Mrs. CAPITO). The gentleman is recognized for 5 minutes.

Mr. GENE GREEN of Texas. First of all, I have utmost respect for Congresswoman Foxx of North Carolina. But her amendment is a solution in search of a problem. Graduate medical education does not do abortions.

□ 1610

The teaching hospital center program funds training for primary care residents. There is no payment for services in the law. It's about salaries, benefits, and paying faculty. Teaching

health centers will pay for abortions no more than Medicare Graduate Medical Education has paid for abortions for the last 45 years.

The President signed the executive order to make all the provisions subject to the Hyde amendment, all the provisions of the Affordable Care Act subject to the Hyde amendment. The executive order establishes a set of policies for all provisions of the Affordable Care Act to "ensure Federal funds are not used for abortion services" consistent with the Hyde amendment. The Presidential order reinforces what we all agree on. No one is here claiming that we should use Federal funds for abortion, except in very limited circumstances, whether they are under this program or elsewhere.

There is another layer of protection codified in permanent law under section 245 of the Public Health Service Act. The Coats amendment clearly prohibits the Federal Government from discriminating against any physician, post-graduate physician training program, or participant in a program of training in the health care professions because the entity refuses to participate in abortion training. That's not an appropriations vehicle; it's not an executive order. It's the law of the land.

That's why I say this amendment is a solution in search of a problem. There is not a problem with Graduate Medical Education, whether they be teaching hospitals, whether they be community-based centers that this bill is subject to.

I yield back the balance of my time.

Mrs. CAPPS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. I rise in strong opposition to this dangerous amendment.

Last month, the Republican majority brought us to the brink of government shutdown over its disapproval of Planned Parenthood. But here we are again, a new week, but the same obsession with reopening the culture wars. This time, instead of saying that Congress knows better than a woman and her family about her reproductive health care, this amendment takes one step further. It says that Congress knows better than our medical doctors and medical educators about what our medical training curricula should look like. This is an unprecedented restriction, one that goes against the Accreditation Council for Graduate Medical Education's guidance and against medical ethics themselves.

Medical education is supposed to prepare our future doctors for whatever they may come across in their practice. This includes women whose lives are in danger due to their pregnancy, for whom terminating a pregnancy is the only way that woman will stay alive. Keeping future providers from



learning these procedures—and it is an option that they may choose only if they choose to learn it—puts these women at risk. Regardless of what one's views are on women's reproductive rights, I think we can all agree that our future medical providers should be trained and ready for any medical emergency that they might encounter. To play politics with their education and the lives of women is an embarrassment.

Madam Chair, it is time for this Congress to learn to trust the American people, to trust our doctors, to trust our families, and to trust women.

THE AMERICAN CONGRESS OF  
OBSTETRICIANS AND GYNECOLOGISTS,  
Washington, DC, May 24, 2011.  
ACOG OPPOSES THE FOXX AMENDMENT TO  
H.R. 1216

The American Congress of Obstetricians and Gynecologists (ACOG), representing 55,000 ob-gyns and partners in women's health, opposes the Foxx amendment to H.R. 1216, an amendment to the Public Health Service Act.

The Foxx amendment would disallow GME funding for abortion training, part of ob-gyn educational curricula in accredited medical residency programs, and unnecessarily duplicate already recognized protections for medical students and teaching hospitals who choose to not participate in abortion training.

Residency education standards are set by the universally recognized Accreditation Council for Graduate Medical Education (ACGME) whose Residency Review Committees (RRCs) accredit residency programs. These standards, supported by the American College of Obstetricians and Gynecologists, require that "experience with induced abortion must be part of residency training."

These standards already fully accommodate institutions, programs, and individuals who choose not to participate in abortions or abortion training. Every ob-gyn residency program may opt out of providing in-house training, and is required only to offer their residents an opportunity for abortion training at an outside facility. Similarly, residents with religious or moral objections may opt out of receiving abortion training, and are required only to be trained in management of abortion complications—not the provision of abortion, but the care of potential consequent medical complications.

Training in abortion, for those institutions, programs, and individuals who choose to participate, is important to women's health. Federal funds may be used for abortions in cases of rape, incest, or when a woman's life is endangered. Girls and women who are victims of rape or incest, or whose lives are endangered by their pregnancies, must have continued access to this surgical procedure, and this care must be safely provided by trained medical specialists.

The Nation's women's health physicians urge a no-vote on the Foxx amendment. Should you have any questions, please contact Nevena Minor, ACOG Government Affairs Manager, at [nminor@acog.org](mailto:nminor@acog.org) or 202-314-2322.

I yield back the balance of my time.  
Mr. TONKO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Madam Chair, I rise in opposition to H.R. 1216, the underlying bill. As a resident of upstate New York, where much attention has been given to today's special election for a congressional seat, people are saying loud and clear, Hands off my Medicare.

Republicans are determined again to put us on the road to ruin with their plans to end Medicare. Despite outcries from their constituents, they are pushing forward to end a program that 46 million seniors and disabled individuals depend on for their health care. This gross injustice is made immeasurably more egregious and offensive by the fact that this is being done not to balance the budget, but to expand and permanently guarantee even bigger tax cuts for millionaires and billionaires, and to give new tax breaks to some of the world's most profitable companies, including oil.

I have heard a lot of talk in the last few months about the need to make tough choices these days. The average senior on Medicare earns just over \$19,000 a year. About one quarter of Medicare beneficiaries suffer from a cognitive or mental impairment, and most have at least one or more chronic medical conditions. So I ask my Republican colleagues, what exactly is it about stripping these Americans bare of their health and economic security that qualifies as tough? There is nothing tough about stealing from the poor or the weak to give to the rich.

Our seniors, on the other hand, know all about tough choices: Do I buy groceries, or do I buy prescriptions? Do I pay rent, or do I pay medical bills? It hurts, but how much will it cost? These are those tough choices. These are life and death choices. With the passage of Medicare in 1965, we entered into a covenant with each and every American citizen.

The Republican voucher plan ends Medicare. Instead, seniors will be on their own with a measly voucher and forced to buy insurance in the private market, where all decisions will be profit-driven. More profits for insurance companies on the backs of seniors. Sounds like a Republican plan to me. This new voucher program amounts to a ration card. The value of the voucher is not linked to increases in health care costs in the private market, yet the costs of private health insurance have risen over 5,000 percent since the creation of Medicare—5,000 percent.

The analysis of the nonpartisan Congressional Budget Office has estimated that in less than 20 years these vouchers would pay just 32 cents on every dollar that a senior would spend on health care premiums. Now, the Republican leadership has repeatedly stated that this budget gives seniors the same coverage as Members of Congress. Well, as a Member of Congress myself, I know that our health plans pay for

about 72 cents on every dollar of health coverage, not 32 cents.

America knows that legislation in Congress carries a statement of priorities and values, not purely dollars and cents. And what sense does it make to cut funding for training primary care physicians who are on the front lines not only of keeping our constituents and communities healthy, but also of lowering health care costs with early, simple treatments?

I urge my colleagues to stand with our seniors and stand up for middle class priorities. Let's defend our middle class. Let's defend our working families. I urge my colleagues to oppose this bill.

Madam Chair, I yield back the balance of my time.

Ms. TSONGAS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Massachusetts is recognized for 5 minutes.

Ms. TSONGAS. Madam Chair, I rise in opposition to the underlying bill, H.R. 1216, and to the ongoing efforts by my colleagues across the aisle to undermine our constituents' access to affordable health care.

I recently heard from my constituent from Haverhill, Massachusetts, named Phil Gelin, who relies on Medicare for his health coverage. His wife's diabetes treatment and prescription drugs are also covered through Medicare, and they have both paid into Medicare all their lives through payroll deductions. He remarked to my office that there was no way that they could meet the cost of health care today without Medicare.

He and his wife are not alone. Each day, thousands of seniors like the Gelinases use Medicare to cover the costs of doctors' appointments, prescription drugs, as well as routine tests and treatments.

Under the budget that House Republicans passed in April and that the Senate is set to consider this week, the Medicare program that seniors have relied on for more than 50 years to meet their medical needs and expenses would be eliminated. In its place would be a voucher system that pays a small lump sum to private insurers to cover seniors. Any costs not covered by that payment would fall to seniors to pay or forego coverage.

My colleagues on the other side of the aisle argue that elimination of Medicare is needed to help reduce the deficit, and that the same benefits that seniors now enjoy under Medicare will be replicated in the private insurance market. Not so. In reality, their plan will result in a far lower standard of care for seniors, while trillions of dollars continue to be added to the national debt. Rather than taking steps to reduce the underlying increases in health care costs, which in turn drive up the cost of Medicare, their plan simply shifts those costs to seniors.



The value of the vouchers that would replace Medicare would not keep pace with rising health care costs, so seniors will be increasingly required to make up the difference. Just 8 years after the program starts, a voucher will cover less than one-third of the cost of a private health insurance package with the same benefits as Medicare currently provides, leaving seniors to cover the rest.

□ 1620

According to the nonpartisan Congressional Budget Office, the average senior will end up spending nearly twice as much of their income on health care than under the current Medicare system. That is why AARP released a statement warning that the budget "would result in a large cost shift to future and current retirees. The Republican proposal, rather than tackling skyrocketing health care costs, would simply shift those costs onto the backs of people in Medicare."

Instead of focusing on cost control measures that would bring down the cost of Medicare, the budget claims cost savings but only by passing those costs directly on to our seniors.

Furthermore, because costs have typically grown faster in the private market than in Medicare, the costs faced by seniors under the Republican plan will be much higher than the costs faced by the Federal Government now.

My colleagues have argued that seniors won't be affected by these costs for years to come, but this is simply not true. For example, the House budget immediately reopens the prescription drug doughnut hole for current seniors that was fixed with passage of last year's health reform law. It also significantly increases costs for seniors now residing in nursing homes and for their adult children who may not be able to afford their parents' care.

Despite being presented as a solution for our deficits, the budget proposal would still add \$8 trillion to the national debt over the next 10 years. These new debts are incurred in part because their budget proposal also slashes taxes for the wealthiest Americans while continuing to provide billions in tax breaks for oil companies and other preferred industries.

Real deficit reduction will require a blend of spending reductions, new revenue, and additional reforms to control rising health care costs. But simply shifting those costs onto seniors by eliminating Medicare will prove as unsustainable for our Nation's well-being as the current budget crisis we face.

Mr. DAVIS of Illinois. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Chairman, I rise in opposition to the Foxx amendment and to the underlying bill,

H.R. 1216, to amend the Public Health Service Act, to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

This bill would eliminate mandatory funding that establishes new or expanding programs for medical residents in teaching health centers and unobligated funds previously appropriated to the grant program.

Under policies currently being considered by some in the House majority, academic medical centers and teaching hospitals face as much as \$60 billion in cuts over the next 10 years to Medicare funding for indirect medical education and direct graduate medical education. These cuts would reduce indirect medical education payments by 60 percent from the current level of 5.5 percent to 2.2 percent, capping direct graduate medical education payments at 120 percent of the national average salary paid to residents.

It would reduce Federal funding for medical residency training, as wrong public policy. Given our present situation with the shortage of primary care and family practice physicians, and the expected future growth of our population, it makes no sense for the Republicans to end the present structure of Medicare. In 2010, 47.5 million people were covered by Medicare. We have 39.6 million at the age of 65 and older and 7.9 million disabled.

The Republican budget plan is a voucher plan that would raise health care costs and would immediately create higher costs for prescription drugs for our seniors and disabled. This plan would end Medicare's entitlement of guaranteed benefits and promote rationing by private insurance companies, who would make decisions on approving or disapproving treatments for our seniors and the disabled.

The Medicare program is efficiently managed, devoting less than 2 percent of its funding to administrative expenses. Medicare has dramatically improved the quality of life for seniors and the disabled. It is the largest source of health coverage in the Nation. Democrats are committed to strengthening Medicare, not tearing it down.

Under the guise of reform, Republicans desire to end Medicare as we know it today.

Last year, the Republicans promised the American people that jobs would be their number one priority. Well, I ask, where are the jobs? But, instead, they want to make draconian cuts to programs to help seniors and the disabled, the middle class, the poor and the needy, and yet provide tax cuts of over \$1 trillion to millionaires and billionaires.

And so we ask, where are the jobs and where are the opportunities? The estimated 1-year impact of anticipated

graduate medical education cuts for Illinois is \$144 million for indirect medical education and \$39 million for graduate and medical education, which totals \$183 million. If there are no doctors, there can be no medical care.

I urge that we vote against these measures.

Ms. WATERS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. I rise in opposition to the underlying bill, H.R. 1216, which would undermine the teaching health centers program, which trains primary care physicians.

Madam Chairman and Members, this is just one more trick by Republicans to dismantle health care reform. They are going after the training of primary doctors. We need more primary doctors, even if there was no health care reform. There are many communities throughout this country that have no primary health care physicians.

Our Nation is facing a serious shortage of primary care physicians. Primary care physicians are an essential part of a successful health care system. They are the first point of contact for people of all ages who need basic health care services, whether they are working people with the employer-provided health insurance, low-income children on Medicaid, or seniors on Medicare.

The Republicans have made it clear that they are not concerned about access to basic health care services. The Republican budget for fiscal year 2012 turns Medicare into a voucher program, slashes Medicaid by more than \$700 billion over the next decade, and cancels the expansion of health insurance coverage, which was included in the The Affordable Care Act last year.

The Republican budget cuts to Medicare are especially detrimental to current and future Medicare recipients. Under the Republican budget, individuals who are 54 and younger will not get government-paid Medicare benefits like their parents and grandparents. Instead, they will receive a voucher-like payment to purchase health insurance from a private insurance company.

There will be no oversight to these private programs. We will not be able to contain the cost. We will not be able to mandate what the basic services should be. As a matter of fact, we know the stories about the HMOs and the fact that they had accountants who determined what care you could get, not physicians who had the knowledge and the ability to determine what you need.

When the first of these seniors retire in 2022, they will receive an average of \$8,000 to buy a private insurance plan. That is much less than the amount of the subsidy Members of Congress receive for our health plans today.

The coverage gap in the Medicare prescription drug program will continue indefinitely. Under the Affordable Care Act, this so-called doughnut hole is scheduled to be phased out. The Republican budget will allow seniors to continue to pay exorbitant prices for their prescriptions when they reach the doughnut hole. The Republican budget also gradually increases the age of eligibility for Medicare from 65 to 67 years of age.

Madam Chairman, the Republican budget is also detrimental to Americans who depend again on Medicaid, including low-income children, disabled Americans, and seniors in nursing homes. The budget converts Medicaid into a block grant program and allows States to reduce benefits, cut payments to doctors, even freeze enrollment. Medicaid funding is slashed by more than \$700 billion over the next decade.

□ 1630

That is over one-third of the program's funding.

Meanwhile, the Republican budget extends the Bush-era tax cuts beyond their expiration in 2012 and cuts the top individual tax rate down to 25 percent from 35 percent. According to the Center for Tax Justice, the Republican budget cuts taxes for the richest 1 percent of Americans by 15 percent while raising taxes for the lowest income 20 percent of Americans by 12 percent.

The national shortage of primary care doctors is not a problem for multimillionaires. They will always be able to find a doctor who will treat them and pay them whatever they ask for. But most American seniors need well-trained primary care physicians and Medicare benefits that they can rely on.

I urge my colleagues to oppose the underlying bill, oppose the drastic cuts to Medicaid, and oppose the Republican plan to dismantle Medicare. They're trying to dismantle health care reform piece by piece, inch by inch. Today it's an attack on training needed by primary care physicians. What is it tomorrow?

We know that they have a strategy that includes hundreds of bills that would dismantle, again, piece by piece Medicare reform. It's not fair, Madam Chair and Members. Health care reform so that all Americans are covered is something that we should all support.

Ms. WOOLSEY. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Madam Chair, I rise in opposition to this amendment and the underlying bill, H.R. 1216.

This is just the last attempt, the latest and newest attempt, by the majority to stall health care reform and undermine the health security of the

American people. We had barely taken our oaths in January when they voted to repeal the Affordable Care Act; now trying to eliminate title X funding that provides critical primary care for women, and last month they went after the funding for the health care exchanges, and they voted to cut grants for school-based health centers that served young children.

But worst of all is the Republican budget resolution that was passed last month. It rips the heart out of Medicare, eviscerates and disfigures a program that would no longer be recognized. It's one of the more radical proposals I've seen during 18 years in Congress. They want to strip guaranteed benefits and break the Medicare promise that has served our seniors so well for nearly half a century.

And what do they replace it with? A voucher. A voucher that won't be able to keep up with soaring health care costs, a voucher that will give seniors no leverage in the health care marketplace, a voucher that will put older Americans at the mercy of the insurance companies.

Madam Chairwoman, the CBO has concluded that the Republican proposal will double health care costs for seniors. So if you are 54 years old today, you will need to save an additional \$182,000 to make up for the Medicare benefits you will lose under the Republican plan.

And they are not content to destroy Medicare. Medicaid comes in for brutal treatment as well. By converting it to a block grant, they would be throwing as many as 44 million Americans off the insurance rolls, eliminating coverage for the poorest people, most nursing home residents and people with disabilities.

My friends on the other side of the aisle who say we have to do this to balance the budget, they know they're wrong. I say they're dead wrong. We do not need to put seniors and low-income Americans on an austerity program in order to rein in the deficit. We do not need to shred the social safety net or to squeeze the middle class in order to get our fiscal house in order. In fact, we can save taxpayers \$68 billion over 7 years and expand the menu of health care choices by instituting a public option. If you ask the American people, they would rather see some shared sacrifice than cutting spending. They would rather see us eliminate tax breaks for CEOs who have no idea what it's like to choose between taking their medication or eating their next meal.

Madam Chairwoman, I will vote "no" on H.R. 1216. It's just another example of Republican negligence and callousness on health care. They clearly prefer the broken system that leaves millions uninsured, imposing crippling costs that bankrupt families and bankrupt small businesses. The majority doesn't want to solve the health care crisis. They want to exacerbate it.

Ms. RICHARDSON. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. I rise to speak in opposition to H.R. 1216.

Under the guise of deficit reduction, Republicans, through H.R. 1216, are attempting to attack our Nation's vital support system for our seniors. The Republican budget would deny seniors, and those who are coming forward after those that are currently taking advantage of these benefits, health care, long-term care, and the Social Security benefits that these seniors have earned.

Sunday evening, I just got back from my district where I had an opportunity to have our annual senior briefing, and there were over 900 seniors who were there and they were concerned. I spoke with several of my seniors in my district, and they're worried about how they and even some of their parents who are in their nineties today will be able to get by once RyanCare—which is what I'm going to call it, the attack on Medicare—destroys something we all need. By following RyanCare and turning Medicare into a voucher program, Republicans would gradually eliminate the peace of mind that many of our seniors have grown to be able to count on.

We don't want to go back to the old days of calling seniors "poor" and not having an opportunity to live in dignity in the last years. These fixed value vouchers, which are being suggested in RyanCare, would not only not keep up with the rising costs of health care, but it would cost seniors an additional \$7,000 more per year by 2020.

In California alone, which is where I'm from, under the Republican budget, seniors would pay \$214 million more on prescription drugs in 2012 alone. That's next year.

The Republican budget would return our country to a time when being old was something that people would be afraid of, not look forward to.

The Republican budget would also turn Medicaid into a block grant system. Haven't we seen what that's done with community development block grants? It wouldn't work. Under a block grant system, Medicaid would no longer be able to support the elderly. By converting the current Medicaid system into a block grant index to inflation and population growth, Congress would shift the burdens of rising health care costs and aging populations to the States. All you have to do is look at the Los Angeles Times to see what's happening to my State, and I don't think we'd be able to help the seniors.

The deficit must be addressed. In fact, I've supported many bills and amendments that have been brought forward on the other side. But it should

be done in a fair way. We should not balance the budget on the backs of our Nation's seniors, not after Wall Street and our car manufacturers got a bailout.

I will, and Democrats will, continue to work to protect, strengthen, and save Social Security, Medicare, and Medicaid.

Ms. EDWARDS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. I rise in opposition to the underlying bill.

Madam Chair, Republicans have returned to the Hill after a hard week at work in our districts really trying to explain away the plan to dismantle Medicare to their constituents. But I want to tell it to you really straight, Madam Chair, and that is that the reason that it's hard to explain is because there really is no explanation. The plan that Republicans have under consideration would indeed end Medicare as we know it. It would end Medicare, and it's just that simple. The plan would turn Medicare into a voucher system that would leave seniors paying more and more out of their pockets for health care.

I was out at a town hall meeting at a senior center in my congressional district. It's one where people have gone—they come from every level of the private sector and business—to enjoy their retirement. And they receive Medicare benefits. And I asked them, who in this room, a room of about 100 or so seniors, how many of you would like to go into negotiations with an insurance company about how much you're going to pay for your health care? And no surprise, not a single one of those seniors stood up. But that's exactly what the Ryan plan, the Medicare dismantling plan, would do for seniors. It would say to seniors, we want you to go on your own and negotiate with the big insurance companies.

□ 1640

Well, we know that that can happen for those of us who are younger, but it certainly cannot happen for our seniors. It would shift the burden on to retirees to make the system much less efficient and increase administrative costs that are eventually passed on to all consumers.

According to the Congressional Budget Office, the Republican plan would raise the eligibility age for beneficiaries from 65 to 67. And it repeals provisions of the Affordable Care Act that are actually designed to make the system even more efficient. This just doesn't make sense. I think seniors have caught on. In fact, I think all Americans have caught on.

The thing about Medicare is it is not just about our seniors, Madam Chair. It is also about the contract that each of

us, one generation, makes to the next generation. It is the contract that I have made with my mother and my son makes with me, and it is to make sure that we are taken care of in our old age because we have paid into it and we have paid for it.

According to the Center for Economic and Policy Research, a 54-year-old worker would need to save an additional \$182,000 to pay for the higher cost of private insurance with the government elimination of Medicare; \$182,000, let's just absorb that for all of those 54 year olds. How long is it going to take you to get to age 65 and save \$182,000 to pay for your health care costs? Well, we know that that would be an impossibility.

I want to tell you what is happening in Maryland because it will happen all across this country. It is that our seniors are recognizing that the GOP plan would require seniors to pay an additional \$6,800 out of their own pockets for expenses for health care, and that is not including the fact that they will have to negotiate and probably pay even more than that.

So at a time when our seniors are vulnerable and they are struggling and they have seen a depletion in their savings, it is really not fair to threaten them and to threaten their quality of life by ensuring that they are going to have to pay these out-of-pocket costs.

So I would ask us, Madam Chair, to really examine what it is that we are asking the American people to absorb.

I was up with a group of seniors in New Hampshire, and throughout my congressional district; and our seniors are saying to us, It is not just about us, and don't count on us supporting this plan just because we happen to be over age 55. We support Medicare because we understand what it means for future generations.

So this is a link, a bond between the young people in this country who are working, our seniors and our retirees, to protect Medicare and to protect the benefits that come with it.

I would ask us on this underlying bill—I think some of my colleagues have spoken to this—we need more primary care. Already we are seeing what is happening in our system where 26 year olds, up to 26 year olds, can be covered on their parents' health insurance. Do you know what that is doing? It is actually bringing down the cost. It is making sure that we have more resources to absorb the care that people need as they get older.

And so let's not stomach a dismantling of the Medicare protection that we have known for 46 years in this country, this contract from one generation to the next generation, to ensure that our seniors who have worked so hard are able to enjoy their retirement without sacrificing everything that they have to pay the cost for additional benefits while health insurance

companies walk away with record profits, and certainly while oil and gas companies walk away with theirs.

Mr. GUTHRIE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. I rise in support of the Foxx amendment. We have been debating the bill throughout the day, and I support the bill.

I just want to comment, I was also back home last week, and I went to a 100th birthday party for a group of people in northern Kentucky in the Louisville area and part of my district who were turning 100 years old. There was a lady there who was 103. She was born during Teddy Roosevelt's Presidency. I went there to thank them. I am one who is a big believer in what the Greatest Generation has done for us. I am a member of the baby boom generation. I was born in 1964. I am 47 years old. From 1946 to 1964, if you were born in 1946, you are in Medicare this year; you are 65 years old. I wanted to thank them and let them know that what we are doing is making a sustained and secure Medicare system for them.

We all know as of the end of last week that 2024 is the date put out that Medicare goes bankrupt. So what we have put together is a real proposal for 10 years to allow people the opportunity to adjust that are 54 and younger because there is not a member of the Greatest Generation—and if anybody says different they are wrong—there is not a member of the Greatest Generation that is affected. As a matter of fact, half the baby boomers are covered, are not affected by the changes that we have to make to make a secure and better future.

I am 47 years old. This means a lot to me because my daughter is 17. And you ask a lot of people my age: Do we have a better life-style than our parents had? Well, the Greatest Generation gave us a better life-style than they had because they wanted us to have a better life-style than they had. You ask a lot of people my age: Do we think our children will have a better life-style? It is amazing and it is disappointing to think how many people think that our children are not going to have the same quality of life that we had.

I didn't come to Washington, D.C. to be part of a government that doesn't address the fact that we want our children to have a better future than we had. In 30 years when my daughter is my age—she graduates from high school in 2 weeks—we can pay off the national debt.

So think about it. I am 47 years old. We have got a \$14.3 trillion debt. You ask a lot of people my age: Do you think our children will have a better future? A lot of people say "no" because they say we keep piling on debt and deficits as far as the eye can see.

Madam Chair, if you ask me now if I thought my daughter at 47 years old is living in a country with zero national debt, do you think my children, grandchildren and her grandchildren will have a better future, they will. That is what we are talking about. We are talking about saving and securing Medicare for the Greatest Generation. We are talking about saving and securing it for people as they become older and more mature.

So anybody that says the Greatest Generation is affected by this is just not saying what was passed out of the House of Representatives. If anybody is saying that seniors are affected by this, they are not saying what was passed out of the House of Representatives. To say that we have to reform the program to make it stronger and better for them, that is accurate. And making it stronger and better for those who come forward, that is what we are talking about doing. That is what the facts are.

People deserve the facts. People are tired of hearing rhetoric. They want facts. And the facts are that we are sustaining and securing it for the Greatest Generation, and reforming it so it will be there as our children mature. And if we pass the budget, if the Senate would pass the budget that we passed out of the House, when my daughter is my age, we will have zero national debt, and we will have a better future. And then ask her if she thinks her children will have a better future than she did, and I guarantee you that she will say that.

Mr. MILLER of North Carolina. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MILLER of North Carolina. I rise to oppose the nonsensical pending amendment and the underlying bill, although the underlying bill doesn't really do all that, but most of all to disagree with the remarks of the gentleman from Kentucky just now, and from other remarks like that, that what the Republicans have done is not going to affect the people on Medicare now or the people who are older than 55, 55 and older.

What it does, in fact, is shift more and more of the cost of health care to people who cannot afford it so that the richest Americans will not have to pay taxes. They will cut taxes for the richest Americans by even more, and they will protect insurance company profits and the profits of everyone else in the health care field who are making vulgar profits that are causing American health care to be twice as expensive as health care anywhere else in the developed world.

The arguments and what the Republican Congress has done in these last few months have made very clear how

cynically dishonest everything Republicans said about health care in the last 2 years really was, especially about Medicare.

When Democrats really did find a way to get control of costs without affecting the quality, the availability of care, the access to care, the quality of care, all Republicans would say, even when it was specifically and narrowly targeted at fraud, they said that we were cutting Medicare. Now we see what they really think about Medicare. Now we see how little they really do understand how important Medicare is to the financial security of older Americans, of Americans in retirement.

They say it will not affect you if you are over 55; if you are 55 or older. Well, I just turned 58. It is nice to know that Republicans care that much about me; but let me tell you, that is not the way it is going to work.

□ 1650

Well, when I turn 65, I'll qualify for Medicare. Presumably, I'll get Medicare. My 96-year-old mother, who I also did visit this weekend, will get Medicare. I feel pretty confident she'll get Medicare for the rest of her life and that, when I turn 65, I'll get Medicare. For the guy who is 53 now, which is just 5 years younger than I am, at 60 he'll be paying taxes for my Medicare, and he won't be getting it. He'll never get it. What he will get instead is a coupon, a voucher. He'll get an allowance to go buy private insurance, and private insurance is simply not going to pay for what Medicare pays for. It's going to be far more expensive.

The Congressional Budget Office estimates that in just 10 years those folks will have to pay 60 percent of their own health care costs if this plan goes through, what they call a "path to prosperity," which should be called the "path to insurance company profits." In 20 years, it will be two-thirds of their health care costs. They'll be paying for it. They'll also be paying taxes. Working Americans, people who are still in the workforce, will be paying taxes so that I get Medicare, and they know that's not the deal they're getting. The deal they'll be getting is that little voucher, that puny little voucher, that puts them at the mercy of insurance companies.

Now, Republicans thrive on resentment. All of Republican politics seems to be built around resentment. I don't want to have a Nation so filled with resentment between generations. Ms. EDWARDS spoke just a moment ago about the contract between generations, that just as our parents took care of us in our childhoods, we will take care of our parents and their generation when they retire. We'll take care of them with our Social Security taxes and our Medicare taxes. They will get those benefits. Yet under the Republican plan, the path to insurance

company profits, they won't get Medicare. They'll get that little voucher.

How long is that going to go on before that resentment builds up? How long is that going to go on before the people who are paying the taxes for it and who know they'll never get it are going to say, No, no more of this. We have got to change this?

Madam Chair, what we want is for all Americans to get the same deal. We want the people who are 65 and the people who are 96 to get the same deal, the people who are 70 to get the same deal, the people who are 58 to get the same deal, the people who are 50 and 30 to get the same deal. If this Congress is willing to control costs, even though that means limiting the profits of some of the people who are getting really rich from our dysfunctional health care system, we can do that.

I yield back the balance of my time.

Mr. CICILLINE. I move to strike the last word.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. I rise in opposition to the amendment and in defense of our Nation's seniors, who are really under attack.

Why is that? Because the current Republican budget proposal passed by this House and up for Senate consideration pulls the rug out from underneath our seniors. It ends Medicare by making huge cuts in benefits and by putting insurance companies in charge of our seniors' health care, letting insurers decide what treatment and what tests our seniors will receive.

Under the Republican plan, Medicare will end. It will not only impact our seniors; it will impact the family members of our seniors, who will now have those responsibilities. It will reopen the doughnut hole, making it more expensive for our seniors to get their prescriptions, the prescriptions they need to keep them healthy; and under their plan, they will slash support for seniors in nursing homes while continuing to give subsidies in the billions of dollars to big oil companies.

And what else? More than 170,000 Rhode Islanders, which is my home State, rely on Medicare; and they will literally be paying to give additional tax breaks to the wealthiest Americans in our country. To make matters worse, the nonpartisan Congressional Budget Office determined that this budget actually adds \$8 trillion to the national debt over the next decade because its cuts in spending are outpaced by the gigantic tax cuts for the richest Americans.

Our seniors cannot afford this Republican budget. It would deny them health care, long-term care, and the benefits that they have earned. The Republicans' choice to end Medicare by cutting benefits and by turning power over to the insurance companies for

the important health care decisions of our seniors will result in reduced coverage and an exposure to greater financial risk for Medicare recipients, costing seniors an estimated \$6,000 more each year for their care.

The Congressional Budget Office determined that, under this Republican budget, seniors' out-of-pocket expenses for health care would more than double and could almost triple. They concluded: "Most elderly people would pay more for their health care under the Republican plan than they would pay under the current Medicare system."

To put that into context, the CBO found that, in 2030, seniors would pay 68 percent of premiums and out-of-pocket costs under the Republican plan compared to only 25 percent under current law; and it found that the Republican plan means seniors will pay more for their prescription drugs because it reopens the doughnut hole, costing each of the 4 million seniors who fall into that coverage gap up to \$9,300 by 2020.

The conservative Wall Street Journal concluded that this plan "would essentially end Medicare, which now pays for 48 million elderly and disabled Americans, as a program that directly pays those bills."

Under the guise of deficit reduction, this Republican plan is recklessly attacking vital support systems for our seniors. We all agree that we have to address the deficit. The issue isn't whether we should reduce it but, rather, how we do it. Let's repeal subsidies to Big Oil. Let's eliminate fraud and waste. Let's end the wars that are costing us more than \$2 billion a week. We should not be balancing the budget on the backs of our Nation's seniors.

The Federal budget is about more than just dollars and cents. It is a statement of our values and our priorities as a country. The Republican budget reflects the wrong priorities. It would rather cut benefits to our seniors than cut subsidies to Big Oil or corporations that ship our jobs overseas.

By ending Medicare, this Republican budget breaks the promise we made to our seniors to protect them in their golden years. We must do better for our seniors. Medicare has met the health care needs of seniors while providing them with financial stability for more than 40 years. Ending Medicare would pull the rug out from underneath the feet of our seniors during their golden years.

So I ask my colleagues, if we can't protect our Greatest Generation, what's next?

I yield back the balance of my time.

Mr. MCHENRY. I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Madam Chair, I've heard my colleagues give volumes of

words here today, but I've seen little action. In the 4 years they controlled the U.S. House, they proposed nothing in the way of meaningful entitlement reform: nothing to preserve Social Security, nothing to preserve Medicare, nothing to improve Medicaid and ensure that it's there.

Madam Chair, I ask, where is the plan of these House Democrats who are speaking today? Where is their plan for entitlement reform?

Mr. ANDREWS. Will the gentleman yield?

Mr. MCHENRY. I yield to the gentleman from New Jersey.

Madam Chair, I would ask my colleague, where is his plan on entitlement reform?

Mr. ANDREWS. Does the gentleman favor permitting Medicare to negotiate the price of prescription drugs, the way the VA does, and save \$25 billion a year?

Mr. MCHENRY. In reclaiming my time, I would ask, does the gentleman favor the Medicare part D prescription drug benefit, which has a lower cost basis than what your colleagues proposed at the time of enactment?

Mr. ANDREWS. Will the gentleman yield?

Mr. MCHENRY. I'm going to finish up here, my friend.

Madam Chair, in this discussion, there are lots of questions but little substantive action—no policy proposals—to make sure that Medicare is there for the next generation, much less for the end of the Greatest Generation.

I would ask my colleagues to come forward with a substantive plan, not just to take up time here on the U.S. House floor, not to take away time from these important amendments that we have under this open rule here on the House floor. I would ask my colleagues to do something real and substantive rather than to push us to a debt crisis, which their policies and their spending are pushing us towards.

I yield back the balance of my time.

Mr. ANDREWS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. My friend who just spoke asked us where the plan is to reduce the debt and deficit. If he is here, I would be happy to yield to him, but I would ask him to consider these ideas.

□ 1700

One, Medicare pays more than twice as much for a Coumadin pill than the Veterans Administration does because we have a law that the majority supported that says that Medicare can't negotiate prescription drug prices. I favor repealing that law and saving at least \$25 billion a year. I would ask my friend if he supports that, and I would yield if he would like to answer.

Mr. MCHENRY. Will the gentleman yield?

Mr. ANDREWS. Does the gentleman support that idea?

I yield to the gentleman from North Carolina.

Mr. MCHENRY. Why didn't the gentleman do it when he was in the majority? And I would be happy to yield back the balance of my time. Why is this not in ObamaCare? It's just everything else.

Mr. ANDREWS. Reclaiming my time, we did not do so because we couldn't get two Republican Senators to support it on the other side. We would have done it over here.

Second thing; does the gentleman support stopping the spending of \$110 billion a year to occupy Iraq and Afghanistan and instead spend that money here in the United States? Does the gentleman support that? I would ask him if he would like to answer that question.

Mr. MCHENRY. I'm sorry, I didn't hear the question.

Mr. ANDREWS. I'll repeat it. We are spending about \$110 billion a year to help finance the Government of Iraq and Afghanistan. I would rather see that \$110 billion a year reduce our deficit. Would the gentleman support that?

Mr. MCHENRY. Does the gentleman support the President's war on Libya?

Mr. ANDREWS. I, frankly, do not. But reclaiming my time, I especially don't support paying the bills for Baghdad and Kabul that we could be using to reduce our deficit here at home.

Third, we're going to spend at least \$60 billion over the next 10 years to give tax breaks to oil companies that made record profits—\$44 billion last year alone—as our constituents are paying over \$4 a gallon at the pump. I support repealing those giveaways to the oil industry and putting that money toward the deficit. I don't see the gentleman anymore, I'm not sure how he stands on it, but we support that.

Four, I support the idea that people who make more than \$1 million a year might be asked to contribute just a little more in taxes to help reduce this deficit. Now I know the other side is going to say, well, this will hurt the job creators in America. There is an echo in this Chamber. In 1993, President Clinton proposed a modest increase on the highest earning Americans to help reduce the deficit. The former Speaker at the time, or Mr. Gingrich—he wasn't the Speaker at the time, he became the Speaker—said this would cause the worst recession in American history. He was wrong. The gentleman who became the majority leader, Mr. Armey, said that this was a recipe for economic collapse. He was wrong.

When we followed the supply-side trickle down the last 8 years under

George W. Bush, the economy created 1 million net new jobs. But when we asked the wealthiest Americans to pay just a little more to reduce the deficit in the 1990s, the economy created 23 million new jobs.

So when they ask, where is the plan, here is the plan: Don't abolish Medicare the way they plan to; negotiate prescription drug prices; stop paying the bills for Iraq and Afghanistan; stop the giveaways to oil companies that make record profits; and ask the wealthiest in this country to pay just a bit more to reduce our deficit. Let's put that plan on the floor and reduce the deficit that way.

Madam Chair, I yield back the balance of my time.

Ms. LEE. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. LEE. Madam Chair, I rise in strong opposition to the underlying, very reckless bill, H.R. 1216.

Republicans, and we've heard this over and over again, want to destroy and to deny seniors long-term affordable health care by eliminating programs that are training the future health workforce of our country.

This legislation is really part of an ongoing Republican attack on Medicare under the guise of deficit reduction and fiscal responsibility. It really is about privatizing Medicare, and of course that means that there will be some winners and there will be some losers. The Republican plan to end Medicare threatens the healthy and secure retirement that we promised American seniors. In fact, an end to Medicare is an end to a lifeline that millions of seniors rely on. Medicare gives peace of mind to millions of Americans who pay into it all their lives.

The Republicans want to give aging Americans a voucher, mind you, that will not come close to covering the cost of health care instead of maintaining and improving Medicare. Sure, waste, fraud and abuse must be addressed wherever we find it, including the Pentagon, but we disagree with the Republican agenda that the program must be killed. The Republicans want to end this program when millions of Medicare beneficiaries are struggling to make ends meet, and when we know that Medicare-eligible beneficiaries will double over the next 20 years.

Republicans have the wrong priorities—focused on letting the rich get richer on the backs of the middle class and the most vulnerable in our Nation. Under the guise of reform, Republicans would increase costs for seniors and cut benefits while giving tax cuts to millionaires, subsidies to oil companies, and sending desperately needed jobs overseas.

If the Republicans get their way, millions of seniors would immediately

begin paying higher costs for prescription drugs. The impact of killing Medicare will be the most severe on vulnerable and underserved populations, including our seniors of color, while negatively impacting all seniors who rely on Medicare to protect their health and economic security. An end to Medicare is really an end to a lifeline that millions of seniors rely on.

If Republicans have their way, millionaires will continue to get big bonuses while millions of Americans fall deeper into poverty. Madam Chair, approximately 43.5 million Americans were living in poverty in 2009, but did you know that nearly 4 million of those are seniors? Given our challenged economy, we can't expect these numbers to have improved since 2009.

Medicare is part of a promise made to hardworking Americans to ensure that they would not lack the security of having health care. And so rather than stand silently while Republicans destroy a program that protects vulnerable populations, we are here to speak up and stand up for our mothers and our fathers, our grandmothers and our grandfathers, our aunts and our uncles, and yes, our young people and our children, to be their voice in the House of Representatives. We are here to declare that Medicare should be protected and improved to protect our Nation's seniors and most vulnerable populations, and we are here to say that we want to secure it for future generations.

Ending Medicare really does end this promise and the security for millions of Americans today and in the future. So we are here today to defend Medicare and the support that it gives to our seniors. We must ensure that those who have worked hard their entire lives strengthening our Nation have the health security that they need and deserve in their later years.

Mr. SESSIONS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Madam Chairman, I have seen shameless acts on this floor before, and we are watching another one with the last few speakers that we have seen here today.

The facts of the case are—and people know this—we passed a budget resolution which is a construct to ask this House of Representatives to consider a plan so that we do not bankrupt Medicare—which is exactly what anyone who voted for the health care plan on March 21 or 22 1 year ago did. The plan which President Obama and Speaker PELOSI at that time supported took \$500 billion out of Medicare to support a plan—which could not be sustained either—which cost \$2 trillion for health care. So this year, Republicans have a plan to sustain Medicare that is a market-based plan. It's not a voucher program. Not one person who is presently on Medicare today nor anybody that is

55 years old or older today would be impacted by this plan. It is a plan that says we should challenge the Congress of the United States—including the administration also—to come up with a plan about how we can sustain Medicare, as we do see a doubling over the next 15 years of people who will be expected to participate in that plan.

So that we get this right for once, let me say this: It is not a voucher program. It does not impact anyone that is presently on Medicare. So the shameless things we've heard today about everyone's grandmother and everybody's grandfather and all these people that will be thrown off Medicare, they will be unaffected.

Here's what the plan calls for: It calls for the United States Congress to begin a process with hearings that would allow people who would be on Medicare, instead of a one-size-fits-all plan of Medicare, to have a plan that looks just like what government employees would have, a realistic opportunity for them to choose among several plans, whether they want a basic plan all the way up to a plan in which they could fully participate themselves.

□ 1710

Today, Medicare is a closed, one-size-fits-all process, just like we heard Mr. MILLER, "We're going to treat everybody the same way." It does not work, because not everybody has the same needs as each other. We will have a plan which is market-based, which does not bankrupt this country nor the system, which will allow the individual an opportunity to come into a process and have their own health care just like somebody who works for the Federal Government. It would allow people who were in that program to take money out of their own pocket, to choose their own doctor if they chose to, and to be allowed to supplement those payments. We would probably set a mark, a bar, that said if you make above a certain amount of money, that's not determined yet, but if you had the ability to pay for yourself, you shouldn't rely upon the government. That is another way to make sure that we support the system, because if people have the ability to pay for their own health care, we should allow them to do that and encourage them to do that.

Then we look at how doctors are paid. Doctors today have not only been mistreated by both sides, but in particular as we see doctors not being compensated, they are not available, and it means seniors are being denied coverage because physicians are not being reimbursed properly. It allows us to have a great system, where doctors would want to serve seniors, a great and better system that is market-based whereby the ability that a person has to pay, if they do, then they would pay their own physician and their own way with the minimum support from the government.



The bottom line is, the gentleman from North Carolina asked a relevant question, and the answer that came back was, when he said, what is your plan, the answer that came back was, what about the war and what about oil companies? Well, the facts of the case are, we're talking about Medicare here today, a system that is draining this country from not only its ability to provide outstanding and excellent health care but also a system that takes away choices from seniors.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded not to traffic the well when other Members are under recognition.

Mr. RYAN of Ohio. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. RYAN of Ohio. Madam Chair, I rise in opposition to the underlying bill, and I think it's important for us to go back, as we hear about market-based solutions, to why Medicare was started in the first place. There is no market to provide health care for older people, because there's no money to be made. Insurance companies can't make money off of covering old people who get sick, really, really sick.

What this plan does, Madam Chair, and the analysis was, well, it's just going to be like the Federal employee plan, where Members of Congress and Federal employees get a premium support. Well, the premium support that Federal employees get is about 70 some percent of the health care costs, and that number goes up and down with inflation for health care. So no matter what the health care costs are, the Federal employee has 70 some percent of that covered.

The problem with the Republican plan is that the voucher, or the premium support, is hooked to the CPI, the Consumer Price Index, which is 2½ percent, maybe, so the voucher is going to go up at CPI, say, 2½ percent, while health care costs are usually a percent or two above GDP growth, so say we have 4 percent growth, then health care costs are going to go up at 5 percent, maybe 6 percent. So your premium support, or your voucher, is going to increase every year by 2½ percent, while health care costs are going up at 5½ percent. It doesn't take rocket science to figure out that over the course of several years, that voucher becomes worthless, and it will only probably cover 30 percent, maybe, of the cost of the health care that these seniors are going to get.

So let's not sit here and pretend like the senior citizens in the Medicare program are going to somehow be living large and getting some kind of great health care. This dismantles the Medicare program. Period. Done. At least have the courage to come out and say, we want to dismantle the Medicare program.

If you want to look at how far to the right that the Republican Party has gotten on this issue, I've never seen former Speaker Gingrich do a faster or more complete Potomac two-step in my entire life than when he even insinuated that this may not be good for seniors, because the goal now of the Republican Party, Madam Chair, is to dismantle the Medicare program.

They tried years ago to try to privatize Social Security. This is no surprise. And so my question is, Madam Chair, if you're a 55-year-old guy in Youngstown, Ohio, who statistically, over the last 30 years, your wages have been stagnant with no increase in real wages over the last 30 years, now you're saying to them that they've got to come up with another \$182,000 to be able to pay for their health care.

You can nod your head "no" all you want, Madam Chair. These are the facts. The Congressional Budget Office says, neutral third party, that the average person going into this Medicare proposal will pay \$6,000 more a year. That's not the Democratic study committee or our policy wonk saying it, it's CBO. Six thousand more a year. While the guy's wages have been stagnant for the last 30 years?

And that's where the issue of the oil companies does come in, because we're giving huge breaks to oil companies. We'll take more arrows to protect, on the other side, to protect even thinking about possibly asking the wealthiest 1 percent to pay just a little bit more to help us address this issue. The sky is falling. The world's ending. It's so bad that we can't even muster up the courage to ask Bill Gates and Warren Buffett to just help us out a little bit while we have all these problems and three wars going on at the same time? I mean, come on, Madam Chair, this is not right. This is not right.

So, at the end of the day, the Democratic plan is for Medicare. We keep it to cover senior citizens and their health care when they get older, and if we've got to make adjustments, we make adjustments. But you don't dismantle the entire plan, and you don't at the same time give tax breaks to the oil companies.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RYAN of Ohio. Don't dismantle Medicare, Madam Chair. Don't do it.

Mr. BURGESS. Madam Chairman, I move to strike the last year.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. I thank the Chair for the recognition.

You know, if we're going to tell stories here, let's start out with "once upon a time" and maybe we can end with "and they lived happily ever after."

Whose budgetary plan puts Medicare at the most risk? Is it the responsible Republican plan that was debated on

this floor for hours over a month ago? This was a plan that for the first time we had laid out for us a road map, a pathway, for how to save Medicare for people who are going to enter into the program in 20 years', 30 years' time.

Now what is the plan on the other side? Well, there was no plan from House Democrats. There is no plan from the Senate Democrats. There is a plan from the President. The President laid out his aspirational budget, just as the Republicans laid out their aspirational program which was their budget, and the President's aspirational document laid out a very clear path. The President believes in 15 people, not elected by anyone but appointed by him, and their ability to control costs in the Medicare system. It was written into a bill called the Patient Protection and Affordable Care Act. You may remember it.

I have a great deal of sympathy with those on the other side who do not like the Independent Payment Advisory Board. In fact, one of their number wrote an editorial for USA Today yesterday decrying the nature of the Independent Payment Advisory Board, but the sad fact of the matter is, this is the Democratic alternative to the Republican plan to save Medicare into the next 50 years.

□ 1720

That plan, the Democrats' plan, the President's plan, with the Independent Payment Advisory Board, says 15 people are going to be picked, they will be paid well, they will then decide where are the cuts going to occur in Medicare.

Now, true enough, Congress gets an opportunity. This 15-member board will come back to the United States Congress and say, "Here is the menu of cuts that we believe are necessary to have this year in order to keep Medicare solvent." By law, they have to come up with a certain dollar number of cuts. But as the President himself said in his speech to Georgetown here earlier this year, that's a floor, not a ceiling. If we need to save more money, we can go back to the Independent Payment Advisory Board and save more money.

Now, Congress looks at the cuts that are brought to them by this unelected independent board and says, We don't like those cuts. Some of those cuts are going to be very damaging to poor seniors on Medicare. Do we have a choice? Yes. We can vote it up or down. If we vote it down, we have to come up with our own menu of cuts to then deliver to the Secretary of Health and Human Services. What if Congress can't agree? I know. When has that ever happened before? But what if we can't agree amongst ourselves? Do we get to do something like the doc fix that we do every year? No, we do not. That's the



whole purpose of the Independent Payment Advisory Board. We cannot intervene on behalf of America's patients because the President's board has spoken.

So Congress can't agree on what these cuts should be.

So what do we do? We continue to fight. But guess what happens? April 15 of the next year, the Secretary of Health and Human Services, whoever he or she may be at that time, gets to institute those cuts that were brought to you by the Independent Payment Advisory Board. Now, is that a good idea?

And I've heard discussion here on the floor today about \$6,000. You know what? If you don't fix that sustainable growth rate formula, guess what's going to happen to every senior, rich and poor, who is on the Medicare program? Either they're not going to be able to find a doctor to care for them when they require care, or they're going to have to pay more money. How much money are they likely to pay? About \$6,000 per senior.

But look. The Independent Payment Advisory Board, something like that has never happened in this country. In a free society, we've got now an unelected board who is going to tell us what kind of medical care we can get, when we can get it, where we can get it, and most importantly, when you have had enough. And when they say you've had enough, that's it. No more. Dialysis, insulin. It doesn't matter. You're full. You've had your share. That is the problem with the Independent Payment Advisory Board.

And Congress then becomes powerless because frequently we do disagree with each other, and if we can't come to a consensus, the Secretary makes that decision for us. And then the next year starts all over again.

I've got a great deal of sympathy with my friends on the other side of the aisle because they did not include this language in their bill. And we all remember a year ago the very bad process that brought us the Patient Protection Affordable Care Act. And what was that process? It was the Senate on Christmas Eve that passed a House-passed bill that then came back over to the United States House and will the House now agree to the Senate amendment to H.R. 3590? You all remember 3590. It was a housing bill when you passed it in the summer of 2009. It was a health care bill when it came back to the House.

You did not include the Independent Payment Advisory Board in H.R. 3200 for a very good reason. The reason is it's un-American, and you know it, but now you're left to defend it.

I yield back the balance of my time. Mr. MARKEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. You know, this is a crazy debate that we're having here right now because the Republicans, they keep saying to the Democrats, Well, what's the plan? So we say to the Republicans, Well, what's your plan? Your plan just seems to be saying to Grandma and Grandpa that they're taking too much. That they really—they're taking America for a ride, and we have to cut Medicare. Their health care is too good. And Grandma and Grandpa, they didn't do enough for America.

So the Democrats, we turn around and say, Hey, how about looking at it this way: How about before you go after Grandma and her Medicare card and how about you say to Warren Buffet, Hey, how about not taking those extra tax breaks?

And the Republicans say, We can't take away any tax breaks from Warren Buffet and all of the other multi-millionaires and billionaires. Because they've contributed so much to America, we don't want to touch their money, even though that would give us hundreds of billions of dollars.

And then we say to them, Well, how about prescription drugs? How about we negotiate the price for prescription drugs, for Medicare, the way we do with the VA? That would save about a quarter of a trillion dollars over a 10-year period. They say, That would be unfair to the drug companies. We can't touch them either.

Then we say to them, Well, you know, the war in Iraq, the war in Afghanistan, it's winding down now. Maybe we could look into the defense budget and save a few billion dollars there before we ask Grandma to sacrifice on the health care that she gets from Medicare? And the Republicans say, We can't do that either. We can't look at any cuts in the defense budget. That would be much too hard on those defense contractors.

So then we say to them, How about the oil industry? At least the oil industry, the \$40 billion in tax breaks which they're going to get over the next 10 years? I mean, does anyone in America really believe that they need tax breaks in order to have an incentive to go out and drill for oil when people are paying \$3, \$3.50, \$4 a gallon at the pump?

But the Republicans say, No. You can't touch the oil companies either. You've got to give big tax breaks to the oil industry as well, even as they're tipping Grandma and Grandpa upside down at the pump when they're coming in to put in their unleaded \$4 a gallon gasoline—self-serve, by the way—at the pump.

So what do they do instead? What they do is they put an oil rig on top of the Medicare card so that the oil industry can drill into Grandma's Medicare and pull out the funding in order to provide the tax breaks for Big Oil, for

Warren Buffet, for the prescription drug industry, for the wars in Iraq and Afghanistan. It's all off of Grandma. She's the one. We've targeted the person responsible for all of the wasteful spending in the United States. It's all Grandma's fault. Let's cut Medicare. She didn't do enough to build our country through the 1930s, the 1940s, the 1950s, and the 1960s. It's all on Grandma.

So this drill rig that they are building into the pocketbooks of Grandma in order to find that funding, that's what their plan is all about. It's an oil pipeline into the pocketbooks of the seniors. They want to cut checkups for Grandma while they cut checks for the oil companies. They want to cut health care to Grandma and give wealth care to big oil companies and to billionaires and to prescription drug companies.

Their plan is big tax breaks for Big Oil and tough breaks for Grandma and for the seniors in our country.

And the CEO of Chevron? He says it's un-American to think about increasing taxes on the oil industry. You know what I say to him? It's unbelievable that you could make that argument. But even more unbelievable that the Republican Party would accept that argument and cut Medicare for Grandma. To privatize it, to hand it over to the insurance industry, to increase the cost by \$6,000 per year for their costs even as they say to Warren Buffet, the oil companies, the big drug companies, the arms contractors, Don't worry. We're going to protect your programs. It's just Grandma that's on the cutting block.

So, ladies and gentlemen, this is a debate of historical dimensions. And until the Republicans come forward with a plan—which they don't have in order to make Medicare solvent—by raising the revenues out of these other areas from millionaires, from the oil industry, and from others, do not expect us to say to Grandma it's her fault. It's not her fault. She built this country. She deserves this benefit. And we should not be cutting it.

This Republican plan to end Medicare is just something that wants to turn it over to the insurance industry. Vote "no" on the Republican plan.

Mr. COURTNEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. COURTNEY. I rise in opposition to the underlying bill, which, by the way, is a bill that would repeal a provision of the Affordable Care Act that was aimed at trying to strengthen the primary care infrastructure of this country, which is in fact a huge challenge for the Medicare program, but for some reason over the last couple of months or so, Medicare just seems to be the target.

I think it's important for people to remember that in 1965 when Medicare

was passed and signed into law on Harry Truman's front porch, only half of America's seniors had health insurance.

□ 1730

Part of it was because of the cost, but part of it was because the insurance companies would not insure that demographic. It was just simply too high a risk to write insurance policies by individual companies for people who, again, because of nature carried the highest degree of risk in terms of illness and disease. Over time, the genius of Medicare, which was to pool risk, to create a guaranteed benefit, to fund it through payroll taxes, to fund it through Medicare part B premiums, demonstrated that we could raise the dignity and quality of life for people over age 65 and in fact extend life expectancy.

But the Republican Party has been targeting this program over and over again. In the 1990s, they came out with Medicare part C, Medicare Plus Choice, which was again giving insurance companies a set payment who promised to provide a more efficient, lower cost product for seniors. And what happened? Insurance companies enrolled millions of seniors in Medicare Plus Choice products. And realizing in a short space of time that they did not in fact have the funds to create a sustainable product, they canceled coverage for seniors all across the country.

I was at hearings in Norwich, Connecticut, in 1998, where seniors who had signed up for these programs suddenly got notification in mid-policy year that the insurance companies changed their minds, and they dropped them like a hot potato. In many instances, seniors who were in the middle of cancer treatments and chronic disease treatments were left high and dry without coverage. So that program failed.

Later, we had Medicare Advantage. Medicare Advantage was sold on, again, the premise that it would provide coverage for seniors cheaper than regular Medicare. And what in fact happened? The Department of Health and Human Services had to offer insurance companies 120 percent of the baseline costs for Medicare in order to entice insurance companies to participate in the Medicare Advantage program; a ridiculous overpayment, treating unfairly seniors who were in traditional Medicare and paying for Medicare supplemental insurance.

Last year we did something about that unfairness by equalizing the payments to seniors on traditional Medicare and Medicare Advantage. And today what we have is the Ryan Republican plan, which says you get an \$8,000 voucher if you are under age 55, and good luck in terms of trying to find coverage, again, in a market that is going to be very, very careful about

not extending actual coverage because of the risk that's attached to it.

Now, the rank unfairness of saying that we are going to create a two-tiered system for people over the age of 55 and people under the age of 55 is obvious even in my own family. I am 58 years old. My wife Audrey, who is a pediatric nurse practitioner, is 51. I get one version of Medicare; she gets stuck with the loser version of Medicare under this proposal. Again, the unfairness of it is so obvious to all families across America. And again, it is one that is why I think the public is turning so quickly against the Republican agenda.

And we are told and we are asked: What's your alternative? Well, look at the trustees' report that came out last week. Look at it. What it said was that the Affordable Care Act in fact extended solvency for the Medicare program by 8 years. We did suffer some reductions, but that was because of the economy. Read the trustees' language. The smart efficiencies which were introduced into the Medicare program through the Affordable Care Act in fact have made the Medicare program healthier.

And if you look at the Ryan Republican budget plan, they took every nickel of those savings from the Affordable Care Act. Even though that caucus demagogued all across the country, campaigning about so-called Medicare cuts in the Affordable Care Act, well, the Ryan Republican plan incorporated every single one of those changes in the Affordable Care Act. But at the same time, it took away all the benefits of the Affordable Care Act in terms of helping seniors with prescription drug coverage, annual check-ups, cancer screenings, smoking cessation, all of the smart changes which the Affordable Care Act made to provide a better, smarter, more efficient Medicare benefit for seniors.

The fact of the matter is that the Democrats do have an alternative. We have a program which we passed last year which, for the first time in decades, extended the solvency of the Medicare program.

Let's not abandon it. Let's preserve the guaranteed benefit for seniors. Let's reject the Ryan Republican Medicare plan.

Mr. McDERMOTT. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. McDERMOTT. Madam Chairman, I rise in opposition to this underlying bill.

It reminds me, as I listen to this debate, of debates around the Vietnam War. I remember a village that was napalmed by a military unit, and the officer who had them do it, he was asked why he did it. He said, well, I destroyed it to save it. Now that's the ar-

gument we are hearing today on Medicare. We have to destroy it to save it.

Now ask yourself—and there are a lot of people watching, Madam Chairman. If I were sitting at home trying to figure out what's this all about, well, why would Representative RYAN suggest that a voucher system is the way to save Medicare because of the rising costs? Everyone knows that the costs of Medicare and medication and health care in this country are totally out of control.

Now, President Obama came up with a plan which he brought out here. It wasn't like he created something that nobody had ever thought about before in the whole United States. He looked at the State of Massachusetts. It's been a place where a lot of great things have come from. And he saw what Governor Romney, a Republican, a Republican thought that we ought to have a universal plan for Massachusetts, and so they passed the law and they covered everybody in Massachusetts.

Now, then came the question: Once you have got access for everybody, how do you control the costs? Well, then the problems developed. And the problem was they found in Massachusetts they didn't have enough primary care physicians. Now, what does that have to do with it? That's what this bill is about. This bill is about the training of primary care physicians.

What everybody in this country needs is a physician that knows them and is a medical home. When they get sick, they go to that person. The doctor knows them. If they need some preventive care, the doctor takes care of it. The doctor does it in a very cost efficient way, before the catastrophes.

Now, for the many people in this country who don't have a primary care physician, they sit at home and say, well, I've got to wait until I am really, really sick, and then they go to the emergency room. Now, if you have your blood pressure monitored and you take medication, you can live a long life; but if you don't, you are very likely to wind up with a stroke.

Now, we spend millions of dollars in hospitals on stroke victims that could have been prevented by good primary care. And we say to ourselves, well, why don't we have more primary care physicians? Well, because the health care system is designed to take care of people after the big event. After they have got the cancer, we will spend millions of dollars on cancer treatment. We will spend millions of dollars on heart problems, on all these things where prevention could have prevented it all and cost less. That's what every industrialized country in the world has done.

It's why the Swiss are able to provide universal coverage to everybody in Switzerland for a little over one half of what we spend in the United States. Because they provide good preventive

care in the form of general practice, general medicine. That's true in England, in Norway, in Canada, in every other country except the United States, where we are dominated by specialists.

Now, in this country, if you get sick or you have a pain, if you don't have a primary care physician, a doctor who knows you, you call up your friends and you say, I've got a pain in my leg. What should I do? And they say, well, I saw an orthopedic surgeon, and his name is such, and so you go to a specialist. And that specialist looks at your leg. He doesn't look at all the rest of you. He doesn't know what's going on with you. He doesn't know your whole history.

When I started in medical school, the maxim we were taught at the very beginning was: Listen to the patient. He is telling you what's the matter with him. And everybody knows that doctors are running on a conveyor belt today, one right after another, no time to listen because we have not invested in primary care physicians.

□ 1740

Now, the average kid going to medical school would like to take care of people; but when he comes out, or she comes out, they are \$250,000 in debt. This bill is making that problem worse and, therefore, is bad for Grandma and everybody else.

Mr. GINGREY of Georgia. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GINGREY of Georgia. Madam Chairman, sitting in my office and listening to this debate, and I can't help but feel that this is nothing but a bunch of demagoguery on the part of our colleagues on the Democratic side of the aisle.

I take this opportunity to oppose the amendment, but, more importantly, to ask my colleagues to stop this demagoguery in regard to throwing Grandma under the bus in reference to the Medicare program and what our side of the aisle has proposed in the Republican budget.

You know, the average age of this body is 58 years old. Almost all of us are Grandma and Grandpa, and you are running these ads all across the Nation, I guess, particularly in New York 26, showing a reasonable facsimile of our fantastic chairman of the Budget Committee pushing Grandma in a wheelchair off the cliff.

Look, New York 26 is over. You don't need any more votes. Stop all this demagoguery.

You have done nothing in regard to the Medicare program. What is there in the 2012 budget, in the Obama budget, that does anything toward trying to solve the Medicare program, which will be bankrupt in 2024 if nothing is done?

That is the total irresponsibility and the hypocrisy of this side of the aisle, Madam Chairman.

And the responsible side of the aisle is the Republican side of the aisle which says, look, let's save this program for our children and our grandchildren, guarantee, protect and strengthen it for Grandma and Grandpa, our current seniors, and not only the current seniors who are 65 and those who are disabled and already on the Medicare program, but anybody who will come into the Medicare program within the next 10 years.

And, you know, Madam Chairman, at that point, in 2022, you will have about 65 million people on the Medicare program as we know it, traditional Medicare; and they will be on that program until their natural death and many of them, thank God, because of our great health care system in this country, will live to be 90 years old.

So this idea of killing Medicare is an absolute misinterpretation, and you know it. You are misleading the American people.

This program that we are proposing, and it's a proposal, it's something that we can work together on both sides of the aisle, we can negotiate, you know, it's not set in stone—but what we say, what Speaker BOEHNER says, what Chairman RYAN says is, look, let's try this program in 2022 where people who are coming into Medicare at age 65, many of whom are working and in excellent health, we will simply give them a premium support, but not a voucher in their hands, but to send to the insurance company of their choice. Let them get their medical care where Members of Congress get their medical care. Let them have the same options to choose from, Madam Chairman.

That's what this is about. And the average, if it is \$8,000, it will be adjusted every year for inflation and that average 8,000 will be higher for an individual who comes into the Medicare program at age 65 that is already sick, that already has heart disease or diabetes or is on dialysis. It's somebody, as they get older, that premium support will increase.

This is the way we save the Medicare program; and, oh, yes, by the way, folks like us, like members of the subcommittee, our premium support will be significantly less because we are not Warren Buffett, but we can afford to pay more, and we should pay more. If that's \$4,000 a year more, so be it. We save the program for those who need it the most, those who are middle- and low-income seniors, and that is the compassionate thing to do.

So, colleagues, stop this demagoguery. Let's get together, let's work together and solve this problem once and for all.

I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded to address their comments to the Chair.

Ms. SCHAKOWSKY. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. I am getting a real kick out of this debate. I really am. You know, we hear one after another of my Republican colleagues coming up here and self-righteously talking about ending the demagoguery and we should end the TV ads.

And I just want to remind you that through the 2010 elections, the Republicans went on television and, yes, how about demagogued, the issue of Medicare, saying that Democrats wanted to cut \$500 billion from Medicare.

Well, let's talk about the truth. We were challenged, just a little while ago: What is your plan? Well, here was our plan to save Medicare and that was to say in The Affordable Care Act, yes, we are going to cut subsidies to the insurance companies that meant that we were bilking the government and the taxpayers, and we were having to overpay them, and, yes, we are going to cut waste and fraud from the Medicare program.

And that's how we are going to save \$500 billion. But not only would we not cut a single penny from benefits, but we were actually able to increase benefits while trimming Medicare.

We, you know—so you scared the heck out of seniors but never mentioned, of course, at the same time we reduced the cost of Medicare.

We improved Medicare by adding to its solvency; we closed the doughnut hole, making prescription drugs more affordable; and we provided a wellness exam every year at no cost; and we provided preventive services with no cost sharing. But nevertheless, on television, those ads warned against those Democrats who didn't cut one thing from Medicare and improve it. And now you are saying, well, we are not going to do anything to people 55 and under. To me that sounds like 55 and under, you better look out.

Now, the ads in New York are working because people love their Medicare. And what they don't want to see, you know, all but four Republicans voted to literally end Medicare.

You can call it something else, but you can't call it Medicare because those guaranteed benefits are gone. It makes huge cuts in Medicare benefits. Seniors that fall under the new plan would have to pay about \$6,000 more a year. That's what the Congressional Budget Office says, \$6,000 more a year out of pocket for their health care, and it would put insurance company bureaucrats in charge of seniors' health care, letting insurers decide what tests and what treatment that seniors get,

throwing seniors back into the arms of the insurance companies who have shown no love to them.

And so let's look at what the American people think about Medicare. Well, if you are 65 years and older, 93 percent of Americans say the Medicare program as it is right now is very important or somewhat important to them, actually 83 percent very important.

If they are 55 to 64, 91 percent say Medicare is very important; and if you are 40 to 54, we have got 79 percent of Americans who say the Medicare program is very or somewhat important; and if you are 18 to 39, 75 percent.

□ 1750

People get it. Medicare works. Medicare is efficient. Medicare is good for our country, for people with disabilities and for the seniors. And if we are looking to save Medicare, we do have a plan. We know how to make that more efficient. We have done it in the Affordable Care Act. And we are willing to sit down and talk about how we make Medicare more efficient, but not by ruining, destroying and getting rid of Medicare to the point that you've got to find another name. It won't be Medicare anymore.

And so they've admitted, it seems to me, that people 55 and younger, you better look out. Because that program that will allow our seniors to live perhaps to 90 years old, people who are going to be eligible for Medicare as it is right now will no longer be in place. And we are not talking about rich people—

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. SCHAKOWSKY. We're talking about poor seniors and middle class people.

Don't support this plan.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members are reminded to refrain from trafficking the well while another Member is under recognition.

Mr. WOODALL. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. WOODALL. Madam Chair, like my colleague from Georgia, I too was sitting back in my office. I saw the debate break out on the floor of the House on the Medicare proposal, the proposal to rescue Medicare from certain bankruptcy. And I wondered, because I sit on the Rules Committee, and the Rules Committee has one of the great pleasures of deciding what comes to the floor, how it comes to the floor and what goes on, and I knew that this wasn't Medicare reform day. This was the amendment by my colleague from North Carolina (Ms. FOXX) to protect life. It was an amendment to a bill brought to the floor by my colleague,

Mr. GUTHRIE, which restores congressional oversight and regular order through the appropriations process, those things that I ran for Congress to do. And I rise in strong support both of the Foxx amendment and of Mr. GUTHRIE's underlying bill.

But when I heard this talk about Medicare and all the games and what has happened in the past, I have to say, I have only been here—this is, what, month number 5 for me. I'm still brand new, and I'm still optimistic enough to believe that it doesn't have to all be about sound bites, that it really can be about solutions.

And I want to say to my colleagues on the Democratic side of the aisle, when you say that you came up with a proposal in the President's health care bill last year to deal with Medicare, I believe you. I take you at your word. I read through that, too. I saw that Medicare Advantage was removed as an option for seniors. That distressed me. I saw that new benefits, as Ms. CASTOR just referenced, had been added. Madam Chair, added to a program that's already going bankrupt. I saw that that is one direction that you can take the Medicare program.

Now I'm a proud member of the House Budget Committee, the House Budget Committee that worked hard and long to produce the Medicare reform proposal that we're talking about, oddly enough, here today. And it's a program that saves Medicare for everybody 55 years of age and under and provides them with choice.

I just want to tell a personal story. I don't consume a lot of health care. I've been very blessed in that regard. But I had to go in for a chest CT the other day. I have a medical savings account, so I'm responsible for the first couple of thousand dollars of my health care bill. So the first health care I consumed was my chest CT. I got on the Internet and started shopping around. It turns out that the difference between the cheapest chest CT and the most expensive chest CT in my part of Georgia is four times—four times. I got in the car. I drove across town and spent my \$4 a gallon for gas to go get the cheap one. It turns out the really expensive one was right next door. I could have walked right next door.

Folks, when we talk about how we, we the United States Congress, we the U.S. House of Representatives voted to save Medicare in the 2012 budget proposal, we talked about saving it by providing choice. Again, my colleagues are exactly right. We did that in 1997. That was the debate, can we save Medicare in 1997 by providing more choice? Well, we succeeded with adding Medicare Advantage, but we didn't get much further than that. This is that next step. This is that next step because we know that choice matters. We know that choice matters.

The gentleman who held my seat and has been retired used to tell the story

of his mother in upstate Minnesota, and every Tuesday she would go to the doctor with a group of friends just to make sure everything was okay, just to get checked out. She was on Medicare. One day, there was a terrible snowstorm in Minnesota. The winds were blowing and the snow was piling up. They all got together on Tuesday, and Edna wasn't there, and they began to get worried. They called around and they asked around. It turned out Edna just wasn't feeling well. She couldn't be there that day.

You make different choices when you're not responsible for the bills. And we do that over and over and over again. This isn't just a Medicare issue. This is a philosophical difference between these two sides of the aisle about what kind of an America we are going to live in going forward. Are we going to live in one where folks take care of you but they tell you the manner they're going to do it? Or do we live in one where we help you along but you get to make those fundamental choices for you?

It's clear to me why my constituents sent me to Washington as a first-time elected official this year. It's clear to me where the 2012 budget proposal takes this House and takes this country.

I implore my colleagues, we can absolutely argue about your plan as it was introduced in the President's health care bill and our plan as it was introduced in the fiscal year 2012 budget proposal, but let's not, let's not make it anything other than what it is. It's a difference in two visions. Yours saves Medicare for 6 years. Ours saves Medicare for a lifetime. And, Madam Chair, I think we owe the voters no less.

Mr. PERLMUTTER. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. I just say to my friend from Georgia, who really is my friend, that this isn't about demagoguery, sir. And what I would say, Madam Chair, the issue before us is: What got our country into a financial pickle? The Republicans want to pick on Medicare, but Americans know.

I had a Government in the Grocery this weekend, and an older gentleman came up to me. He said, Why is there such a focus on Medicare, something that has been working for 50 years? It's helping seniors have healthier, longer lives. What's the big deal? He said that 10 years ago this country was running a surplus, running a surplus, revenues exceeded expenses. Under Bill Clinton, revenues were exceeding expenses. But then there was a decision under the Bush administration to cut taxes. Okay. If revenues are exceeding expenses, then maybe that's okay. That cost us \$1 trillion over the next 10

years. Then came the decision to prosecute two wars. He said to me that two wars cost us about \$1 trillion, too, didn't it, Mr. Congressman? I said, Yeah. He said, Okay. Medicare 10 years ago was fine, revenues exceed expenses. Now we've got tax cuts for millionaires and billionaires, \$1 trillion dollars; two wars, \$1 trillion; and then there was this big crash on Wall Street where we lost revenues and we had bigger expenses. That was a couple trillion dollars, wasn't it, sir? I said, Yeah, that's about right. And he said, So why—that turned our budget upside down. So now why are we focusing on Medicare? Why blame Medicare for \$4 trillion of losses to the United States? It wasn't Medicare that is harming the financial success of this country. So why all the blame when this program really has been working for seniors for so long?

So I would say to my friends on the Republican side of the aisle, this is a program that my friends haven't liked since its inception. This is a program that Republicans haven't liked from its inception.

So to turn the target into Medicare and not say to have tax cuts for millionaires and billionaires, that that should be part of the whole equation of balancing our budget, or taking away the incentives and all of the tax benefits for oil companies at \$100 a barrel but say, no, we're going to focus on Medicare, in my opinion, that's just wrong.

Mr. GINGREY of Georgia. Will the gentleman yield?

Mr. PERLMUTTER. I yield to the gentleman from Georgia.

Mr. GINGREY of Georgia. I appreciate the gentleman from Colorado, my good friend, for yielding.

I would just rhetorically ask, and maybe he would like to definitively answer, how much of the windfall profit taxes, if you will, against Big Oil, Big Pharma, big anything, are you going to put back into the Medicare program? And, by the way, how much of the Medicare Advantage cuts that came from ObamaCare are actually going back into the Medicare program as we know it?

Mr. PERLMUTTER. Reclaiming my time, I would say to my friend from Georgia, do you know what? If those tax benefits are taken away at \$100 a barrel, we can put them into Medicare. We can use them to balance the budget. But I heard my other friend from Georgia say, well, this is what's causing the bankruptcy.

□ 1800

That is just not true. This country was running a surplus, for goodness sake, and Americans understand that. They know what got us into trouble financially, and it wasn't Medicare. So now to take it out of Medicare and just take it out of our senior citizens where a program is actually working, the

goal of that program is so Americans could live longer, healthier lives in their senior years. It's working. But no, let's go blame that instead of the tax cuts for millionaires and billionaires. Let's forget about those wars and the cost to the country, and let's forget about the fact that we had a crash on Wall Street.

My friends on the Republican side of the aisle say: Hey, this is a perfect time to go after Medicare. We didn't like it before, we still don't like it; let's get it.

With that, I yield back the balance of my time.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments—

#### POINT OF ORDER

Mr. WEINER. Madam Chair, I rise to a point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. WEINER. Madam Chair, under the rule, Members are entitled to 5 minutes to speak to the matter at hand. Members are waiting; principally among them is myself waiting at the microphone to be recognized for that purpose. And now it sounds like you are proceeding to shut down debate. I say that it is in violation of the order of the House, as decided by the Rules Committee, to permit Members to speak for 5 minutes on this matter. It is early in the evening, and many Members are waiting to speak.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the Chair may resume proceedings on a postponed question at any time, even while another amendment is pending.

#### PARLIAMENTARY INQUIRY

Mr. WEINER. Madam Chair, point of parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. WEINER. So the Chair is deciding, notwithstanding the fact that a Member is standing here to speak about the plan to end Medicare, not to mention Members are here seeking to be recognized, I believe of both parties, the Chair is choosing at this moment that this is the propitious moment to cut off debate, early in the evening when we have plenty of work to do and Members seek to speak and offer amendments?

Is the Chair deciding arbitrarily, or was she given guidance to do this by the Republican leadership who don't want to hear any more critique of their plans to end Medicare?

The Acting CHAIR. The Chair is exercising her discretion to resume proceedings on a postponed question at any time.

Pursuant to clause 6—

Mr. WEINER. \* \* \*

The Acting CHAIR. The gentleman is not recognized.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments printed in the CONGRESSIONAL RECORD on which further proceedings—

#### MOTION TO RISE

Mr. WEINER. Madam Chair, I move that the Committee do now rise.

The Acting CHAIR. The question is on the motion to rise.

The question was taken; and the Acting Chair announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. WEINER. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIR. Following this 15-minute vote, proceedings will resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. TONKO of New York.

Amendment No. 9 by Mr. CARDOZA of California.

The Chair will reduce to 5 minutes the minimum time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 14, noes 397, not voting 20, as follows:

[Roll No. 335]

#### AYES—14

|             |                |            |
|-------------|----------------|------------|
| Capuano     | Johnson (IL)   | Schakowsky |
| Cleaver     | Kucinich       | Watt       |
| Conyers     | Lee (CA)       | Waxman     |
| Frank (MA)  | Miller, George | Weiner     |
| Green, Gene | Payne          |            |

#### NOES—397

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Buerkle       | Davis (CA)    |
| Adams       | Burgess       | Davis (IL)    |
| Aderholt    | Burton (IN)   | Davis (KY)    |
| Akin        | Butterfield   | DeFazio       |
| Alexander   | Calvert       | DeGette       |
| Altmire     | Camp          | DeLauro       |
| Amash       | Campbell      | Denham        |
| Andrews     | Canseco       | Dent          |
| Austria     | Cantor        | DesJarlais    |
| Baca        | Capito        | Deutch        |
| Bachmann    | Capps         | Diaz-Balart   |
| Bachus      | Cardoza       | Dicks         |
| Baldwin     | Carnahan      | Dingell       |
| Barletta    | Carney        | Doggett       |
| Barrow      | Carson (IN)   | Dold          |
| Bartlett    | Carter        | Donnelly (IN) |
| Barton (TX) | Cassidy       | Doyle         |
| Bass (CA)   | Castor (FL)   | Dreier        |
| Bass (NH)   | Chabot        | Duffy         |
| Becerra     | Chaffetz      | Duncan (SC)   |
| Benishek    | Chandler      | Duncan (TN)   |
| Berg        | Chu           | Edwards       |
| Berkley     | Cicilline     | Ellison       |
| Berman      | Clarke (MI)   | Ellmers       |
| Biggert     | Clarke (NY)   | Emerson       |
| Bilbray     | Clay          | Engel         |
| Bilirakis   | Clyburn       | Eshoo         |
| Bishop (GA) | Coble         | Farenthold    |
| Bishop (NY) | Coffman (CO)  | Farr          |
| Bishop (UT) | Cohen         | Fattah        |
| Black       | Cole          | Fincher       |
| Blackburn   | Conaway       | Fitzpatrick   |
| Blumenauer  | Connolly (VA) | Flake         |
| Bonner      | Cooper        | Fleischmann   |
| Bono Mack   | Costa         | Fleming       |
| Boren       | Costello      | Flores        |
| Boswell     | Courtney      | Forbes        |
| Boustany    | Cravaack      | Fortenberry   |
| Brady (PA)  | Crawford      | Fox           |
| Brady (TX)  | Crenshaw      | Franks (AZ)   |
| Brooks      | Critz         | Fudge         |
| Brown (GA)  | Crowley       | Gallegly      |
| Brown (FL)  | Cuellar       | Garamendi     |
| Buchanan    | Culberson     | Gardner       |
| Buchon      | Cummings      | Garrett       |

Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inlee  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján

Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Paul  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Towns  
Tsongas  
Turner  
Upton  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Wu  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—20

Braley (IA)  
Filner  
Frelinghuysen  
Giffords

Hanabusa  
Hastings (WA)  
Hirono  
Jackson (IL)

Langevin  
Markey  
McCarthy (NY)

McMorris  
Rodgers  
Moore

Olson  
Pastor (AZ)  
Pingree (ME)

Sewell  
Sutton  
Van Hollen

□ 1830

Messrs. PERLMUTTER, GOHMERT, ACKERMAN and LEWIS of Georgia, Mrs. HARTZLER, Ms. HERRERA BEUTLER, Ms. GRANGER and Ms. SLAUGHTER changed their vote from “aye” to “no.”

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Chair, on rollcall 335, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “no.”

## AMENDMENT NO. 2 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 231, not voting 14, as follows:

[Roll No. 336]

## AYES—186

Ackerman  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chen  
Ciocline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar

Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Derman  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanna  
Harris  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer

Inslee  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Moore

Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)

Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier

Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOES—231

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores

Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter

McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman

Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton

## NOT VOTING—14

Braley (IA)  
Carnahan  
Filner  
Frelinghuysen  
Giffords

Hanabusa  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)

Pastor (AZ)  
Pingree (ME)  
Smith (NJ)  
Webster

Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowe y  
Luján  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver

Owens  
Pallone  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sánchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schwartz  
Scott (VA)  
Scott, David

Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin

Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi

Tipton  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—17

Braley (IA)  
Duncan (TN)  
Filner  
Frelinghuysen  
Giffords  
Hanabusa

Hastings (WA)  
Israel  
Jackson (IL)  
Johnson, Sam  
Jones  
Long

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There are 2 minutes remaining in this vote.

## □ 1845

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:  
Mr. FILNER. Madam Chair, on rollcall 336, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

Stated against:  
Mr. TURNER. Madam Chair, on rollcall No. 337, I was unavoidably detained and did not vote. Had I been present, I would have voted "no."

Mr. GUTHRIE. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.  
Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mrs. CAPITO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, had come to no resolution thereon.

## GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1540.  
The SPEAKER pro tempore (Mr. COFFMAN of Colorado). Is there objection to the request of the gentleman from California?

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule

## □ 1838

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:  
Mr. FILNER. Madam Chair, on rollcall 336, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 9 OFFERED BY MR. CARDOZA  
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 232, not voting 17, as follows:

[Roll No. 337]

## AYES—182

Ackerman  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay

Cleaver  
Clyburn  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Denham  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)

Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Harris  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Ellmers

## NOES—232

Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffith (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford

Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)



XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1540.

□ 1849

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, which overwhelmingly passed the Committee on Armed Services on a vote of 60–1. In keeping with the committee's tradition of bipartisanship, Ranking Member SMITH and I worked collaboratively to produce the bill and solicited input from each of our Members.

The legislation will advance our national security aims, provide the proper care and logistical support for our fighting forces and help us meet the defense challenges of the 21st century. The bill authorizes \$553 billion for the Department of Defense base budget, consistent with the President's budget request and the allocation provided by the House Budget Committee. It also authorizes \$18 billion for the development of the Department of Energy's defense programs and \$118.9 billion for overseas contingency operations.

The legislation we will consider today also makes good on my promise, when I was selected to lead the Armed Services Committee, that this committee would scrutinize the Department of Defense's budget and identify inefficiencies to invest those savings into higher national security priorities. We examined every aspect of the defense enterprise, not as a target for arbitrary funding reductions, as the current administration has proposed, but to find ways that we can accomplish the mission of providing for the common defense more effectively.

The National Defense Authorization Act for Fiscal Year 2012 achieves these goals by working to:

Ensure our troops deployed in Afghanistan, Iraq and around the world have the equipment, resources, authorities, training and time they need

to successfully complete their missions and return home safely;

Provide our warfighters and their families with the resources and support they need, deserve and have earned;

Invest in the capabilities and force structure needed to protect the United States from current and future threats, mandate physical responsibility, transparency and accountability within the Department of Defense; and

Incentivize competition for every taxpayer dollar associated with funding Department of Defense requirements.

Mr. Chairman, I know there have been many questions raised by the ACLU and others relating to a provision in our bill dealing with the 2001 authorization for use of military force. I would like to address some of those concerns now.

Section 1034 of the NDAA affirms that the President is authorized to use all necessary and appropriate force against nations, organizations, and persons who are part of or are substantially supporting al Qaeda, the Taliban and associated forces.

It also explicitly affirms the President's authority to detain certain belligerents who qualify under this standard I just described, which Congress has never explicitly stated. It's important to note that the U.S. Supreme Court has accepted the President's authority to detain belligerents as within the powers granted by the AUMF.

Moreover, the language in section 1034 is very similar to the Obama administration's interpretation of the authorities provided pursuant to AUMF, in particular, a March 13, 2009, filing in the U.S. District Court for the District of Columbia. While U.S. courts have accepted the administration's interpretation of the AUMF, it is under constant attack in litigation relating to the petitions filed by Guantanamo detainees.

Because of these ongoing challenges, the administration's interpretation may receive less favorable treatment over time if Congress refuses to affirm it. Section 1034 is not intended to alter the President's existing authority pursuant to the AUMF in any way. It's intended only to reinforce it. I believe that our men and women in uniform deserve to be on solid legal footing as they risk their lives in defense of the United States.

Finally, some have suggested section 1034 was included in the dark of night. I note that this language was originally included in the Detainee Security Act of 2011 introduced on March 9 and was discussed during a committee hearing on March 17. We have sought input from the administration, as well as Ranking Member SMITH, his staff and numerous outside experts. Moreover, the process used to craft this legislation is historic in its transparency. In fact, a copy of my mark was distributed to committee members' offices 5

days before our markup. The legislation, including funding tables, was posted online nearly 48 hours in advance of our markup.

It's also noteworthy that there are no earmarks in the National Defense Authorization Act for Fiscal Year 2012. Every Member request to fund a defense capability was voted on and includes language requiring merit-based or competitive selection procedures. To those who are concerned that members may unduly influence the Department of Defense to direct funds to a particular entity, I can only recall the words of my good friend, the former chairman of the Armed Services Committee, Ike Skelton, who would say, Read the amendment. What does it say? If DOD chooses to violate the law and the text of a provision in the NDAA requiring merit-based selection, the Armed Services Committee will take them to task.

Finally, I thank the chairman and the ranking member of the Rules Committee for working with us to bring this measure to the floor. I urge all of my colleagues to support passage of this bill. In partnership with you, we look forward to passing the 50th consecutive National Defense Authorization Act.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

I too rise in support of this bill, the 2012 National Defense Authorization Act. I want to begin by thanking the chairman and our staffs for the outstanding work that they have done putting together this bill.

I think Mr. McKEON has more than risen to the level of the bipartisan tradition of our committee. He has upheld the tradition held by our predecessors that this committee should work together, Republicans and Democrats, that it should be an open and transparent process.

I can say that I and my staff feel very, very good about the open process that we have had, although we have not agreed on everything—we do not agree on everything—that is in the bill; but where there were disagreements, we had an open and honest dialogue. We had votes in the committee, and now we will have votes on the floor.

And overall I think the chairman and the members of both parties and staffs have put together a very strong bill that will protect our national defense and meet the primary duty of this Congress, and that is provide for the national defense and the national security of our country. So I thank the chairman and his staff for that work, and I look forward to continuing to work with him throughout this process.

I also want to note one of our members, who was not able to be there during the course of our markup as she

usually is, but nonetheless contributed greatly to the process. We all miss Congresswoman GABRIEL GIFFORDS' presence on the committee, but we work very closely with her staff on issues and priorities that have been important to her during her time on the committee, and she and her staff are still doing an outstanding job with the committee in contributing to this process. So I thank them, and we all look forward to GABBY coming back to this body and continuing her work.

In putting together this bill, there are five main areas of priorities that I think we should focus on. First and foremost, whenever we have troops out in the battlefield, as they are in Afghanistan and Iraq, and also spread out in a whole lot of other countries, priority number one has to be to make sure that we give them the support, the equipment and the means necessary to carry out the mission that we have given them.

I believe that this bill prioritizes that, both within the base bill and within the overseas contingency operations funding to make sure that our troops in Afghanistan and Iraq, elsewhere, have the equipment they need to carry out the mission that we have given them.

Second, I believe the counterterrorism in the fight against al Qaeda must continue to be a top priority of this committee, and I believe that we strongly support that once again. We all learned as a Nation and the world, with the killing of Osama bin Laden, how effective our Special Operations Command and other elements of our counterterrorism policy can be, but we also need to be mindful that the job is not done, and we continue to fund those priorities.

I do want to specifically commend the folks at the Special Operations Command. I had the great privilege of chairing the subcommittee that has had jurisdiction over the Special Operations Command for 3 years. They do a fantastic job for our Nation. Certainly, everybody saw that in the case of getting bin Laden; but they do it every day in many, many ways that many people do not know and do not recognize, so I thank them for their outstanding work.

We also have a huge challenge with the budget. As the chairman mentioned, finding efficiencies in the Defense budget is going to be critical. As we have heard on this floor over and over in many contexts, we have a massive deficit. We have a deficit that is over 33 percent of what we spend. The Defense budget is 20 percent of the overall budget. You cannot take 20 percent of the overall budget off the table and effectively deal with a deficit of that size.

□ 1900

We are going to have to look carefully at where we spend our money in

defense, just like everywhere else, to make sure that we're getting the most for our dollar. I believe we have done that effectively in this bill, but I also believe that going forward that task is going to get harder, not easier. We must find ways to save money and spend it more efficiently within the Department of Defense. I also believe that our policy in Afghanistan is going to be critical.

As I mentioned, we certainly fund our troops in the effort that they are performing right now in Afghanistan, but going forward, we are going to really need to begin to bring those troops home to complete that mission. We will have some amendments that address that issue during the course of this bill. I look forward to that debate because I think that Congress needs to play a strong role in concluding our mission successfully in Afghanistan.

Lastly, the issue that the chairman mentioned that I think is very important in this bill is detainee policy and the AUMF. The chairman very early on identified this as a clear priority, and I think he is absolutely right that Congress' voice should be heard on these very, very important issues. We've worked closely on that. We have reached some agreement. We have some areas of disagreement. The biggest one we're going to have an amendment on this is the idea of whether or not article 3 courts should continue to be available for Guantanamo Bay detainees and those who would be captured in similar situations in the future. I believe that it should. We shouldn't always have them in article 3 courts. Military commissions have their place. Indefinite detention of enemy combatants has its place. But article 3 courts have effectively served this country for over 200 years. We have tried and convicted over 400 terrorists in article 3 Federal courts. Right now in the United States of America, we have over 300 of them safely locked up. We can do it. It's an option we should not take away from the President.

So, again, I want to thank the chairman for a very open process. Bipartisanship is the tradition of this committee. He has upheld that very well. I look forward to working with him as we go forward in this process.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Tactical Air and Land Forces, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I rise in support of H.R. 1540, the National Defense Authorization Act of 2012. I have the privilege of serving as the chairman of the Armed Services Committee's Tactical Air and Land Forces Subcommittee. Our jurisdiction includes approximately \$78 billion of selected programs within the Army, Navy, Marine Corps,

Air Force, and Office of the Secretary of Defense procurement and research and development accounts.

I first want to thank the subcommittee's ranking member, SILVESTRE REYES from Texas, for his support this year in putting the bill together. Ours is a truly bipartisan effort, as it is for the full committee under the leadership of Chairman McKEON and Ranking Member SMITH. The committee's focus is on supporting the men and women of the Armed Forces and their families, providing them the equipment they need and the support they deserve.

Our first priority, of course, is in providing the equipment to support our military personnel serving in Iraq and Afghanistan. The bill adds no additional funding for the Department of Defense programs within the subcommittee's jurisdiction. The bill, however, reallocates approximately \$1.5 billion from canceled, delayed, or otherwise lower priority programs to higher priority requirements.

First, an additional \$425 million is provided for modernization of Abrams tanks and Bradley fighting vehicles. The Army budget request would result in a costly production break for these two programs in 2013, which could last anywhere from 1 to 3 years. These production lines cannot be turned on and off like a light switch. The unique skills of the workforce cannot be just put on the shelf to be retrieved several years down the road. For the Abrams tank production alone, there are almost 900 suppliers. Seventy-five percent of these suppliers are small businesses. Based on the information we have received to date, it is more efficient to keep these lines warm than it would be to shut them down and start them up again.

Second, an additional \$325 million is provided for the National Guard and Reserve Equipment Account for equipment shortfalls.

Thirdly, the bill increases funding at Army and Air Force test ranges by \$209 million. The Pentagon has recently acknowledged its proposed large fiscal year 2012 reductions in Test and Evaluation in the Army and Air Force could lead to "unintended consequences" and acknowledged the need to readdress this issue, especially in regards to complying with the Acquisition Reform Act.

Finally, acquisition and sustainment of the engine for the F-35 aircraft over its lifetime is estimated to cost well over \$100 billion. The Armed Services Committee has believed and continues to believe that the F-35 engine acquisition and sustainment should be done on a competitive basis. That is why, on a bipartisan basis, the committee has strongly supported the final development phase of the F-35 competitive engine program since it began nearly 6 years ago. Although the committee's bill provides no additional funding for

the F-35 aircraft competitive engine program, the bill takes strong bipartisan action that was supported by a recent vote of 55-5 by the committee to enable the competitive engine contractor to continue development of the competitive engine at no expense to the government or the taxpayer.

I strongly urge all of our colleagues on both sides of the aisle to support this bill's innovative approach to continue the F-35 competitive engine development program.

Mr. Chairman, I want to thank a truly superlative staff, and again want to thank the chairman and ranking member for assistance on a really good bill.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, the ranking member on the Air and Land Subcommittee, Mr. REYES.

Mr. REYES. I would like to thank the gentleman for yielding and compliment both the chairman and the ranking member for setting the tone to once again work in a bipartisan basis, as has been mentioned by all three of my colleagues that have spoken here this evening.

Mr. Chairman, each year the Tactical Air and Land Forces Subcommittee is charged with conducting oversight of hundreds of thousands of dollars in Department of Defense programs that total more than \$135 billion. All of the members of this subcommittee take this task very seriously because the troops in the field depend on Congress to provide them with what they need.

Conducting this oversight is a challenge because the budget, as we get it from the Department of Defense, is often far from perfect. It is the subcommittee's responsibility, therefore, to identify any wasteful spending, very critical at a time when the budget is under stress, find unexecutable funding and also find redundant programs. In addition, the subcommittee must also consider pressing DOD needs that are not addressed in the budget. That's the role of Congress. Doing all of that while making sure that equipment continues to flow to the troops in the field therefore is sometimes no easy task.

Despite these challenges, I am pleased to report again this year, under the leadership of our chairman, Chairman BARTLETT, the subcommittee has put together a very well balanced product that cuts waste, reallocates funding for more critical priorities, and ensures that our troops will continue to have the very best equipment available.

I am also pleased with how the bill supports the Army and Marine Corps in particular. These two armed services have borne the heaviest burden over the past 10 years of war. And this mark does an excellent job, I believe, of helping them to rebuild combat power and prepare for the future.

H.R. 1540 fully supports and funds the Army's number one development program, the ground combat vehicle. This bill provides an increase of \$425 million for additional M1 Abrams tanks and M2 Bradley fighting vehicles and keeps the production line open. The budget request assumed that a 3-year shutdown of both the Abrams and the Bradley production lines that would cost the taxpayer \$1 billion, eliminate thousands of jobs, and diminish the United States defense industrial base was the way to go. We changed that. So rather than spending money to lose American jobs, this bill provides funding that will protect those American jobs while it also provides the Army with better and more modern equipment.

While this issue will not be fully dealt with in one budget year, I do believe that this bill lays down a better and smarter way that will maintain the Army's ground combat vehicle critical to the needs of both the Army and the Marine Corps. Finally, the bill fully funds the Marine Corps' \$2.6 billion request for procurement of ground combat vehicle and support equipment.

For those reasons and many more, Mr. Chairman, I urge all Members to support H.R. 1540. It's the right balance and a great bipartisan product.

Mr. McKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the vice chairman of the Armed Services Committee and chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I thank the chairman for yielding. And, Mr. Chairman, I first want to commend the chairman of the committee and Ranking Member SMITH for their leadership in shepherding a complex and important bill to this stage of the process. A 60-1 vote coming out of committee is a significant achievement and is a testament to the attitude of putting the national security interests of the whole country first, which has been the hallmark of this committee, and their leadership exemplifies the best of that in my opinion.

□ 1910

Mr. Chairman, the Emerging Threats and Capabilities Subcommittee is charged with looking ahead at those national security threats that are coming at us, and also helping to develop new capabilities to meet those threats. We oversee the Special Operations Command and counterterrorism efforts. Now, throughout the country, there is a greater appreciation, I think, for the capabilities within the Special Operations Command after the successful raid on Osama bin Laden, but I think it is important to emphasize that those folks in that command conduct that sort of raid just about every night somewhere with the same sort of precision and professionalism that the coun-

try now appreciates from the Osama bin Laden raid that got all of the attention. But they do much more.

They are also responsible for helping train and advise other militaries, building up the capacities of those governments to defend themselves, and they are doing very impressive work in all parts of the world, including Afghanistan where, among other things, they are helping to train the military and train local police to help provide security for individual villages. Our bill provides a modest funding increase for this command, as well as meeting some real unmet needs that they have.

Our part of the bill also deals with research that leads to future capabilities. In tight budgets, it is always tempting to cut research and development, science and technology programs, but it is a mistake to do so. In this budget, the funding for such programs at least holds steady with some added emphasis in some key areas that are important.

The largest dollar amount in this subcommittee's portion of the bill is with DOD IT and cyber. This area may actually be the preeminent area of emerging threats in warfare. This mark takes some important steps forward in dollars and policies. But, Mr. Chairman, I think we should all acknowledge that there is a lot more work for this Congress and for this country to do in the area of cybersecurity. Not all of it is military; most of it is not. But yet the military is affected, as are we all.

Mr. Chairman, a lot has changed since September 11, 2001. Al Qaeda is a changed organization; and with the death of Osama bin Laden, it will change further. But I think it is important to emphasize that this Congress must fulfill its responsibilities to affirm and update the authorization for the use of military force to deal with al Qaeda. There have been some wild exaggerations about the attempt to do so in that bill. I think if Members read the exact language and look at exactly what we are doing and why, that they will support it and agree that it is a fulfillment of our responsibility.

Mr. SMITH of Washington. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the ranking member on the Strategic Forces Subcommittee.

Ms. LORETTA SANCHEZ of California. I would like to thank my ranking member and Chairman McKEON for really a great bipartisan bill. I am feeling pretty good about this one.

Actually, in my subcommittee with Chairman TURNER and all our subcommittee members, we were really able to come together and make a very good contribution. I thank Mr. TURNER for his leadership. It is pretty exciting to have a subcommittee like this in the new session of the Congress.

Overall, we agree on so many of the provisions, encouraging fiscal responsibility and protecting national security. We have come together on a lot of issues on this subcommittee, including: improving satellite acquisition; encouraging efficiencies; ensuring efficient development, testing, production and sustainment schedules for missile defense and for our nuclear enterprise; for conducting oversight of very large-scale construction sites that we have; building on good progress related to improving efficiencies at nuclear sites; and, of course, implementation of the New START nuclear reductions.

I also want to highlight the work that our subcommittee did with respect to nonproliferation programs and working on this. This is so incredibly important to our security. It is not just about how many weapons people have, but really about what old weapons, what weapons need to be turned in, where weapons are, and how we safeguard weapons around the world. So we really came together on that.

One of the areas where we disagree, and you will see some amendments along the way, is this whole area of our ground-based missile defense. Quite frankly, the Pentagon's and the President's budget we feel was enough money to continue our work of research and development and testing in that arena. Unfortunately, the Republican side of the committee wants to put more unnecessary funding into that. And of course I oppose the provisions which restrict the President's authority over nuclear weapons, including implementing reductions in the number of nuclear weapons and restricting U.S. nuclear employment strategy, which I personally believe undermine our efforts to reduce the danger of nuclear weapons. The statement of administration policy has noted a potential veto threat because of those provisions that we could not agree upon.

But again, I would like to reiterate my thank you to Chairman TURNER and to all of the members of our subcommittee. I look forward to this debate.

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the gentleman from Missouri (Mr. AKIN), the chairman of the Subcommittee on Seapower and Projection Forces.

Mr. AKIN. Mr. Chairman, I rise in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

In review of the portions of the President's budget request relevant to Seapower and Projection Forces, the subcommittee this year held hearings on the Navy shipbuilding plan and on amphibious warfare, along with briefings on the replacement for the *Ohio* class ballistic missile submarine, the Expeditionary Fighting Vehicle, and the new long-range strike bomber.

Being a maritime nation, we must support our troops with supplies delivered by sea and by air, while maintaining the global reach to do so. Protection of the sea lanes of communication, projection of credible combat power, forward presence, and humanitarian assistance are all capabilities supplied by forces for which the subcommittee has oversight and where it must focus.

This bill provides for a multiyear procurement of *Arleigh Burke* class destroyers. It funds 10 ships which were in the President's budget request. It also has provisions which would inject some discipline in programs just starting, such as the amphibious vehicle which will replace the cancelled Expeditionary Fighting Vehicle and the Navy's unmanned carrier-launched airborne surveillance and strike system.

I urge my colleagues to support this bill.

I wish to thank the members of the subcommittee, particularly my ranking member, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. SMITH of Washington. Mr. Chairman, I yield 2½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN), ranking member on the Terrorism Subcommittee.

Mr. LANGEVIN. I thank the gentleman for yielding.

I first want to begin by thanking Chairman MCKEON and Ranking Member SMITH, as well as the chairman of my subcommittee, the Subcommittee on Emerging Threats and Capabilities, Chairman MAC THORBERRY, for putting forward a bill that truly supports our men and women in combat, enhances our national security, and is in keeping with the true bipartisan history of the House Armed Services Committee.

While I don't agree with every provision in the bill, I am proud that both parties worked together to reach compromises on many measures that support our national defense. As the ranking member of the Emerging Threats and Capabilities Subcommittee, I am especially pleased to support our Armed Forces. You need global reach around the world and in cyberspace.

I have also been a long-time supporter of our Special Operations Forces, and the incredible raid on the Osama bin Laden compound several weeks ago is a true testament to their patriotism, their training, their strength and dedication, and I commend them for their incredible work. These brave men and women are a critically unique asset to our national security, and this bill affirms our commitment to supporting their efforts.

□ 1920

This mark also prioritizes the department's cybersecurity efforts, which have long been a chief focus of mine, by strengthening provisions to protect our Nation from insider threats, analyzing

threats to military readiness, highlighting vulnerabilities in critical infrastructure, and increasing cooperation with international allies and domestic partners.

Regrettably, there are also several provisions included that deeply concern me—from attempts to derail the successful repeal of DOD's Don't Ask, Don't Tell policy to measures tying the President's hands over decisions about our nuclear arsenal and the closure of Guantanamo Bay. It is my hope that these issues will be further considered and improved upon by the conference committee.

However, overall, this bill reflects the recognition of the Congress of the incredible sacrifices that our brave men and women in uniform make for our country every day. I am certainly honored to be a part of this process, and I certainly look forward to supporting this bill as it moves through the legislative process and moves into law.

Again, I want to thank Chairman MCKEON and Ranking Member SMITH for their leadership, as well as the chairman of my subcommittee, MAC THORBERRY. We work, truly, in a bipartisan fashion.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I would like to first thank the gentleman for yielding and for his leadership in bringing this very bipartisan bill to the floor.

Mr. Chairman, over the last several months, the Armed Services Readiness Subcommittee has attempted to answer one question: Are we ready? I believe this bill makes several significant improvements to the readiness posture of our Armed Forces and remedies many of the shortfalls that we found.

The bill takes several steps to ensure that U.S. troops are properly trained and their equipment is properly maintained so they can succeed in their missions and have the facilities and services they deserve when they return home.

It also makes needed adjustments to civilian personnel policies and service contracting, and promotes energy security, and ensures that projects offer the best return on investment to the taxpayer.

The bill fully supports the President's request for expanded training as dwell times increase, the continued reset of combat-damaged Army and Marine Corps equipment, and military construction and family housing.

The legislation also makes notable investments in Navy ship and aircraft depot maintenance, facility sustainment and modernization, Army base operations, Guard and Reserve flight training, and Air Force weapon systems sustainment.

To increase the readiness of our depots, the bill includes several of the recommendations included in the study on the future capability of the Department of Defense maintenance depots, directed by the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

Mr. Chairman, we have no greater responsibility than to ensure our men and women in uniform are fully trained, equipped and ready for the challenges they face every day. I believe this bill fulfills that commitment, and I thank the chairman and the ranking member for their work.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. MCINTYRE), ranking member of the Seapower Subcommittee.

Mr. MCINTYRE. I thank my friend, Ranking Member SMITH, as well as full committee Chairman MCKEON, and also thanks to the subcommittee chairman and my good friend, TODD AKIN, for all of their hard work in helping us not only on this full armed services bill but also, in particular, on the Seapower and Projection Forces portion of this bill, which passed with strong bipartisan support in our subcommittee and in the full subcommittee.

The work of the subcommittee continues the long tradition of providing strong support for our men and women in uniform. The projects authorized in this bill are critical to our country's ability to project power anywhere in the world at any time.

This bill includes \$14.9 billion for shipbuilding that would authorize a total of 10 new ships, including two Virginia class submarines, one Arleigh Burke class destroyer, four Littoral Combat Ships, one San Antonio class amphibious ship, one Mobile Landing Platform Ship, and one Joint High Speed Vessel. This mark also authorizes \$1.1 billion for the National Defense Sealift Fund.

There are a number of legislative provisions included in this bill which are aimed at providing a more efficient way to procure ships and weapons systems. In addition, this bill includes several provisions that require increased oversight over critical programs that will ensure they stay on schedule and on cost. In particular, this bill requires the Comptroller General to conduct an annual review and report on the progress of the KC-46 tanker program.

All of these provisions, plus others, represent the subcommittee's commitment to ensuring that all major programs receive the proper oversight to ensure that taxpayer dollars are spent wisely and effectively. This bill is a balanced authorization of programs under the jurisdiction of the subcommittee, and it meets the needs of our men and women in uniform.

Again, I want to thank Chairman AKIN for his hard work, and I strongly

urge all of my colleagues to support this bill.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Military Personnel, the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I thank the gentleman for yielding me time.

Congratulations, Mr. Chairman, on your leadership—achieving a 60-1 favorable vote on the bill that we are considering this evening.

As we begin, we are grateful for the professionalism of our military forces in killing the mass murderer Osama bin Laden. It was a proud day for all Americans, especially for our military, their families and veterans, that justice was achieved.

The military personnel provisions of the National Defense Authorization Act of 2012 are the product of an open, bipartisan process. Some of the more important personnel provisions are the following:

A 1.6 percent increase in military basic pay;

A revised policy for measuring and reporting unit operations tempo and personnel tempo, reflecting the committee's continuing concern about stresses on the force, especially at a time when we must continue our resolve for victory in the current mission requirements.

Another important initiative is the reform of the military recruiting system to include graduates of home schooling, charter schools and virtual schools. I see military service as opportunity and fulfilling, and these are extraordinary patriots.

The bill also clarifies the legal authority for the administration and oversight of Arlington National Cemetery. I believe the bill is strong in the multiple provisions dealing with sexual assault, child custody, mental health, traumatic brain injury, and posttraumatic stress disorder.

In conclusion, I want to thank Ranking Member SUSAN DAVIS and her staff for their contributions and support of this process. We have benefited from an active and informed and dedicated set of subcommittee members. Their recommendations and priorities are clearly reflected in the bill.

Additionally, I appreciate the dedicated Military Personnel Subcommittee staff: John Chapla, Jeanette James, Mike Higgins, Craig Greene, Debra Wada, and Jim Weiss. I also want to thank congressional Military Legislative Assistant Brian Eisele and Military Fellow Marine Captain Sam Cunningham.

Mr. SMITH of Washington. Mr. Chairman, I now yield 3 minutes to the gentlelady from Guam (Ms. BORDALLO), who is the ranking member on the Readiness Subcommittee.

Ms. BORDALLO. I rise today in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

This bill works to ensure our men and women in uniform are well trained and equipped. I am proud that the House Armed Services Committee, through this bill, continues to close the readiness gaps that have been created in our Armed Forces by a decade of continuous deployments.

This bill authorizes \$23 billion for the training of all active duty and reserve forces to increase readiness as troops experience longer periods at home following the Iraq drawdown, including \$1 billion to support the Army's planned return to full-spectrum training, also funding for the Navy ship and aircraft depot-level maintenance, and for the upkeep of the Department of Defense facilities. We fully fund the President's budget request for the reset of Army and Marine Corps equipment and for the sustainment of Air Force weapons systems. We provide additional funding to meet the full requirement for the upkeep of our military facilities, increased funding to operate Army bases, and authorize \$14.7 billion in military construction.

I am pleased that this bill includes a number of initiatives that focus on reducing operational and installation energy consumption while improving military capabilities.

□ 1930

It also reflects the priorities in the area of energy conservation of our colleague, GABRIELLE GIFFORDS, who has been a champion of these issues through the Readiness Subcommittee.

The bill supports environmental leadership while putting defense capabilities and missions first. I also note we have included a provision that extends the SIKES Act coverage to state-owned National Guard facilities and enables development and implementation of integrated natural resources management plans for state-owned National Guard installations.

The bill continues our committee's tradition of providing stringent and comprehensive oversight of the military buildup on Guam. The committee remains committed to understanding the importance of the realignment of military forces in the Pacific demonstrated through a full authorization of military construction funding. And further, this bill continues to demonstrate its keen understanding of the strategic importance of Guam in responding to the growth of traditional threats in the Pacific region and the freedom of movement Guam provides our military forces in responding to regional nontraditional threats.

Mr. Chairman, I'd like to take this opportunity to thank our chairman, Mr. MCKEON, and our ranking member, Mr. SMITH, of the Armed Services Committee, and also to the chairman of my subcommittee, Mr. RANDY FORBES, for conducting the meetings in a very bipartisan manner.

I ask my colleagues to support this very important measure.

Mr. MCKEON. Mr. Chairman, I yield 3 minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I thank the gentleman from California, our chairman, Mr. MCKEON, for his leadership on this bill as it's moving through the House, and Ranking Member SMITH. I would also like to thank all of my colleagues on the Strategic Forces Subcommittee, and in particular my ranking member, LORETTA SANCHEZ, and the staff for their work on this year's Strategic Forces mark. And particularly I would like to thank our director, Kari Bingen.

This bill builds off a strong bipartisan and bicameral consensus and fully funds the NNSA, the National Nuclear Security Administration, and supports continued modernization of our nuclear forces and infrastructure. It also supports robust oversight of the administration's implementation of the New START Treaty and establishes prudent measures to slow down the rush towards nuclear disarmament.

The bill responds to the effects of prior cuts by this administration to missile defense, providing an increase of \$110 million above the President's request. It adds these funds to fix the system that protects the United States homeland from long-range ballistic missile threats. It also provides an increase in funds to support the implementation of the administration's Phased Adaptive Approach and important cooperative efforts with Japan and Israel, while recommending reductions in future capabilities that are less viable.

Equally important, this bill advocates on behalf of servicemembers and their families. I want to thank Chairman WILSON and Ranking Member DAVIS for incorporating bipartisan language from the Tsongas-Turner Defense STRONG Act that seeks to enhance sexual assault protections as well as improved training requirements to better protect servicemembers.

I also want to thank Chairman WILSON for his support for this bill, which includes a provision that would protect the fundamental child custody rights of military parents and ensures that servicemembers do not lose custody of their children as a consequence of their service to the Nation. This provision corrects an unconscionable injustice and has the full endorsement of Secretary Gates and the Department of Defense. And I would like to thank Lieutenant Eva Slusher from Kentucky, who has been working diligently in this fight.

Lastly, I would like to note that earlier today the President issued a veto threat on several provisions contained in the NDAA related to nuclear mod-

ernization and objections to provisions relating to missile defense. This is curious because these provisions are consistent with the administration's own stated policies and that of our NATO allies. By this threat, is the President saying he does not intend to implement the nuclear modernization guarantees that were part of the New START Treaty? Does the President intend to unilaterally withdraw nuclear forces from Europe? Does the President want to share sensitive data of missile defense technology with Russia? And does the President intend to strike deals with Russia to limit our missile defense capabilities? If the answer to these questions is no, then the administration should have no objections to these provisions. If, on the other hand, the answer to these questions is yes, then it is all the more reason to make these provisions law.

I urge the passage of the National Defense Authorization Act for 2012.

Mr. SMITH of Washington. Mr. Chairman, I now yield 2½ minutes to the gentlewoman from California (Mrs. DAVIS), ranking member on the Personnel Subcommittee.

Mrs. DAVIS of California. Mr. Chairman, I join my colleagues on the House Armed Services Committee in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

As the ranking member of the Military Personnel Subcommittee, I want to recognize Chairman MCKEON and Ranking Member SMITH for their leadership, as well as subcommittee Chairman WILSON for his bipartisan work to enhance the quality of life for our servicemembers, retirees, survivors and their families.

As Americans, it is our responsibility and our privilege to support our men and women in uniform and their families given the enormous sacrifices they make to ensure the security of our Nation. These men and women have volunteered to give their lives to protect and defend what we hold dear, liberty and freedom. Nothing can substitute for their commitment and sacrifice.

I am proud to support a 1.6 percent pay raise in our bill. Our servicemembers have earned this pay raise and deserve no less. I am also pleased that this bill includes authority for the Secretary of Defense to establish apprenticeship programs to help servicemembers transition out of the military. Far too many of our brave men and women are returning home and finding it a challenge to become or remain employed. The number of homeless veterans in our younger generations continues to grow, and apprenticeship programs could provide these individuals the skills they need to succeed.

While this bill allows for a modest increase in TRICARE fees, it does protect military retirees and their dependents from future significant hikes by limiting increases to military retiree cost of living allowances.

And lastly, this bill continues the efforts by this subcommittee over the last several years to reduce sexual assaults and harassment within the services. This is an important issue that has a direct impact on military readiness, and I want to thank Congresswomen SLAUGHTER, SANCHEZ, and TSONGAS for their hard work.

Mr. Chairman, while there are many good provisions in this bill, I must raise my extreme disappointment with several sections that were included by the majority that seek to delay and prevent gays and lesbians from serving in uniform. One of the liberties that we as Americans hold dear is that we are all created equal. These individuals should be entitled to serve their Nation in uniform and should not be denied the opportunity.

The CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. Mr. Chairman, I yield the gentlewoman an additional 30 seconds.

Mrs. DAVIS of California. A Nation that values democracy cannot discriminate against an individual because of their sexual orientation.

But I must say, Mr. Chairman, that ultimately I do support this bill, and I encourage my colleagues to do the same. I want to thank the many staff members who have worked very hard on this legislation, and we look forward to this being signed into law.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Oversight and Investigations, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I would like to thank Chairman MCKEON for his leadership on the National Defense Authorization Act, and also recognize Ranking Member SMITH for his efforts on what I believe is an extraordinarily good bill.

I am pleased today to support H.R. 1540. It recognizes the need for fiscal constraint while at the same time ensuring our Nation's security and fulfills our sacred obligations to our brave men and women in uniform. The bill also strengthens protections against ill-considered efforts to release detainees held at the Guantanamo Bay detention facility.

In December, the Director of National Intelligence reported that 25 percent of those formerly held at Gitmo were confirmed or suspected of returning to the fight against us and our allies. This rate is alarming and unacceptable. I am concerned that the government did not conduct significant due diligence when identifying detainees for release and that this failure has potentially grave ramifications for our troops serving on the battlefield.

H.R. 1540 strengthens our protections in several important ways. First, it prohibits transfers to foreign countries where there are known cases of re-engagement; it requires careful consideration of established criteria before



other transfers are accomplished; and it mandates that government agencies provide Congress the information we need to properly assess the threats our Nation and our troops face from detainees who have rejoined the fight and continue to commit terrorist acts.

H.R. 1540 also ensures continued oversight of Arlington National Cemetery. It directs the timely establishment of the Oversight Council and creates a date certain for record digitization.

Mr. Chairman, I urge my colleagues to support H.R. 1540. I would like to end with thanking the staff, including Michelle Pearce, for their great work on the Oversight and Investigations Subcommittee.

Mr. SMITH of Washington. Mr. Chairman, I am now pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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Mr. ANDREWS. Twenty-three nights ago, a focused and brave group of young Americans climbed into helicopters and focused on their mission. Over 3 weeks ago, a group of American leaders met in the Situation Room of the White House focused on their mission. And over a 10-year period, a group of intelligence analysts and signal intelligence specialists and brave Americans all over the world focused on their mission to eliminate the menace of Osama bin Laden from this Earth. They succeeded in eliminating that menace, they succeeded in capturing valuable intelligence that will help us track down his coconspirators and stop them, and they sent a powerful message to any other evil rich person that wants to target the United States of America that such targeting is an act of suicide.

We should salute those with that focus here tonight and reflect on the fact that our focus as Republicans and Democrats in passing this bill is to give other focused Americans in the military, our intelligence community, and those who support them the tools they need to do their job.

I'm proud of the work that Chairman McKEON, Ranking Member SMITH, and all of the subcommittee chairs and ranking members did on this bill. There are controversial aspects of this bill, but this is a work that is focused on the defense of our country in the same tradition of those who so nobly served us 23 days ago.

We should all join in a "yes" vote for this bill because it continues that tradition of our national security in a bipartisan sense. I urge a "yes" vote.

Mr. McKEON. I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I rise to engage the distinguished chairman of the Armed Services Committee in a colloquy to discuss an issue that I be-

lieve is imperative to financial accountability in the defense intelligence community.

I have been working with my colleagues in various congressional committees on language that would improve the ability of the defense intelligence elements to be appropriately audited. While we are not quite to the finish line on final language, I want my colleagues to be aware of this issue as we work on the NDAA this week.

Mr. McKEON. I thank the gentleman from Texas for raising this important issue.

As the gentleman is well aware, oversight of DOD financial accountability issues is of high importance for our committee. We continue to work with the department to ensure they continue aggressive measures to get the department to a point where we have confidence in their financial statements.

Mr. CONAWAY is a CPA and brings great expertise to the Congress.

Mr. CONAWAY. Thank you, Mr. Chairman, for those kind words.

While I'm disappointed that we were not able to work out an agreement that would include this language in the NDAA, I do understand that there have been issues raised with the amendment, as currently written, that may not provide the focused solution that we need to track disbursements and provide better accounting in the intelligence community.

I look forward to continuing our work on this and other provisions to provide sufficient, yet directed authority that will improve the financial accountability in the Department of Defense.

It is our responsibility, Mr. Chairman, to the American taxpayer to ensure that the intelligence community has the proper management tools to manage our precious resources that we provide to them.

Mr. McKEON. I applaud the gentleman from Texas on his continued efforts to shine light on financial responsibility at the Pentagon. The language he's working on is certainly needed by the intelligence community to meet the financial accounting standards we require of the rest of the Federal Government. If all committees can agree upon language, I would welcome the opportunity to support such an amendment.

Mr. CONAWAY. I want to thank the chairman for the colloquy and urge adoption of the underlying NDAA.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, while I support the underlying bill, I rise in opposition to language in the National Defense Authorization Act that exempts the Department of Defense from section 526 of

the Energy Independence and Security Act, a critical energy security provision which also supports the development of domestic alternative fuels.

This exemption, Mr. Chairman, will derail the DOD's efforts to strengthen national security through reducing dangerous greenhouse gases. The current Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, recently warned that climate change will have a significant effect on increasing competition for water and food, potentially causing humanitarian crises that could lead to failed states.

Further, this concern is not new to DOD. In 2008, the Defense Science Board recommended to avoid investing in processes that exceed the carbon footprint of petroleum. This provision proposes to do exactly that.

I would hope that we would remove this language and allow the department to experiment and use alternatives that would not exceed the current limit on the current carbon footprint on greenhouse gases.

Mr. McKEON. Mr. Chairman, I yield 1½ minutes to my friend and colleague, a distinguished member of the Armed Services Committee, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Thank you, Chairman McKEON and Ranking Member SMITH, for your leadership on this important legislation for our men and women in uniform. It is an honor to serve with the both of you.

Mr. Chairman, as a result of the 2005 BRAC, Joint Base McGuire-Dix-Lakehurst in my home district was combined into one installation from three separate military installations, which caused a problem. One issue this bill addresses is pay parity.

Currently at Joint Base MDL, which used to be the separate Fort Dix and McGuire bases, wage grade system employees are paid at the Philadelphia locality pay rate, while at the Lakehurst side, the people doing the same jobs are paid at the New York locality rate.

While OPM has indicated they want to resolve this situation, no change has yet been made.

The language in the bill will work towards fixing this inequity by requiring OPM to work with the DOD to implement OPM's recommendation with respect to the Department of Defense Federal Wage System employees working at all joint military installations.

Additionally, I want to recognize my colleagues on the House Armed Services Committee, Congressman ROB ANDREWS and Congressman FRANK LOBIONDO, for their work on this issue, as well as Congressman CHRIS SMITH of New Jersey, who also has been active in assisting the employees at the joint base.

Again, I thank you, Chairman McKEON and Ranking Member SMITH, for your support on this, and I want to express my strong support for H.R. 1540 and our Nation's war fighters.



Mr. SMITH of Washington. Mr. Chairman, I yield 30 seconds to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. I thank the gentleman for yielding.

I rise for the purpose of entering into a colloquy with my colleague from New Jersey, Congressman ANDREWS.

During the full committee markup of the defense authorization bill, you offered, and the committee supported, an amendment which would “ensure that the Secretary, at no cost to the Federal Government, provide support and allows for the use of such property by the contractor under such contract to conduct research, development, testing, and evaluation of the F136 engine, if such activities are self-funded by the contractor.”

Mr. ANDREWS. If the gentleman will yield, that is correct.

Mr. COURTNEY. Thank you, Mr. ANDREWS.

I simply would like to reiterate that it is your intention and understanding that there is no government funding provided to the F136 contractors by your amendment in any section of this bill.

Mr. ANDREWS. If the gentleman will further yield, it is my understanding and intent that there be no FY12 government funding for the F136 contractor.

Mr. COURTNEY. I thank my colleague.

Mr. McKEON. I yield 1 minute to my friend and colleague, a distinguished member of the Armed Services Committee, the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. Mr. Chairman, as a former U.S. Marine, I understand the importance of a strong national defense, especially during this time of war.

That's why I'm glad to rise in support of this National Defense Authorization Act of 2012. It provides our troops with the resources they need and enables them to carry out the missions we've asked of them.

Now, I'd like to especially thank our chairman, Chairman McKEON, for his leadership in this process. In particular I can say as a freshman, he's taken great time and attention to the issue of reforming how we do our quadrennial defense review. He said that we need to take a further look at this in the future.

□ 1950

This, I believe, is the key to ensuring that we efficiently spend our defense dollars as we look to next year's bill. But this bill addresses the military issues we face today. It does so in a responsible manner. And it's being offered with an eye to improving the process in the future. So that's why I am supporting this National Defense Authorization Act.

I urge my colleagues to vote “yes” on this bill.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. There is much in this bill to recommend, particularly the way in which it deals with the men and women that are in arms, the support that they need, the benefits that they require, and the care that they require following their missions.

However, there is in this bill a missed opportunity, and I must therefore oppose the bill, the opportunity to change the direction of the war in Afghanistan, a war that seems without end, and a war that seems to be perpetual. A successful raid and the successful taking of bin Laden is an opportunity to pivot, and we are missing that opportunity in this bill, and continuing to spend over \$100 billion on that war in Afghanistan.

Also in this bill is section 1034, the continued authorization for the use of force. That too must be eliminated. For those reasons, I oppose this legislation.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Thank you, Chairman McKEON, for allowing me to speak today.

Mr. Chairman, I rise today in support of the B-1 bomber. My district, the 19th Congressional District of Texas, is home to 5,000 military and 1,000 civilian personnel at Dyess Air Force Base, located in Abilene, Texas. The Dyess houses, among other missions, the 7th Bomb Wing, representing 36 of the 66 remaining B-1 Lancer bombers.

As I testified before the Armed Services Committee last month, I am concerned about the proposed cuts to the B-1 fleet. Let me tell you why. Since 2001, the B-1 has flown over 70 percent of the bomber combat missions, while representing only 40 percent of the bomber fleet. Before combat in Libya, the B-1 bomber was the only bomber to be used in combat since May of 2006, and was used heavily at that. In fact, the B-1 is in the air, supporting troops deployed to the Middle East, almost every day.

The B-1 has flown over 8,000 sorties for the past several years, and it has logged over 93,000 hours of operation over Iraq and Afghanistan in the last decade. Last year alone, it flew 1,253 missions and dropped 741 bombs. By any measure, the B-1 is the backbone of the bomber fleet.

I am very pleased that the committee has decided to change the recommendation of the administration. And I look forward to working with the chairman to make sure that America's bomber fleet is at the cutting edge in the future. We don't have a replacement for the B-1; and it's important

until such time we get a replacement bomber that we make sure that we maintain the fleet that we have today, because particularly the B-1 is one of our most used weapons systems currently in Iraq and Afghanistan.

I look forward to working with the chairman and the committee as we make sure that America's security is never compromised.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentleman is recognized for 4½ minutes.

Mr. SMITH of Washington. Again, I just want to thank the chairman and the staff for putting together an outstanding bill. This is no small enterprise. It is \$691 billion. It is critical policy to provide for the national security for our country, critical policy to make sure that our troops and their families are properly taken care of, they have the equipment and support that they need to do the job that we ask them to do. And I think Mr. McKEON, the members of the committee, and the staff have done an outstanding job.

I do want to also recognize our past chairman, Mr. Skelton. As I mentioned in my opening remarks, there is a strong bipartisan tradition on this committee. Mr. Skelton upheld that very well, and Mr. McKEON has done so as well. It was an honor to work with Mr. Skelton. I appreciate his leadership and guidance for all of us on the committee.

I do just want to mention one issue that I neglected to mention in my opening remarks, and that is to associate myself with the remarks of Mr. LANGEVIN with regard to the energy amendment that was contained in this bill. I think it's critical that we give the Department of Defense the ability to pursue alternative sources of energy that actually do improve our position in terms of greenhouse gases, and improve our position in terms of reducing our dependency—well, sorry, increasing our ability to use clean-burning sources of fuel.

The amendment that was attached to this would allow to be considered alternative the use of fuels that really aren't. They are not clean burning or renewable. So I think that it is imperative that we strike that provision from this bill. But overall I am very supportive of the bill. I appreciate the chairman's leadership. I look forward to working with him over the course of the next couple of days as we deal with the amendments that are coming our way, and as we go into conference with the Senate to hopefully get this bill done, to the President for signature. It is critical to our national security interests that we do that.

I thank the chairman again for his leadership.

With that, I yield back the balance of my time.

Mr. McKEON. I yield myself such time as I have remaining.

Mr. Chairman, one of the great things on serving on this committee, the experience that I have had, is getting to know Mr. SMITH during these last few months much better than previously and the members of the staff who have worked so hard and so diligently to get us to this point. Last week, or week before, when we marked this up in full committee, we went from 10 in the morning until 2:30 the next morning. And everybody was at work again the next day ready to go.

We get to meet with the troops, we get to see the young people, and some that are not so young, serving us around the world to preserve our freedoms and freedoms of other peoples. And our job is to do all we can to help make their job easier, to help make their job—to help, as I said earlier, give them the equipment, the training, the leadership, the time, all the resources that they need to return home safely to their families.

I think this bill does that. I feel very good about all of the members of the committee, the hard work that they have done to get us to this point. I look forward to the next few days working on the amendments and turning out a final finished product; and, hopefully, then we can encourage the other body to get their work done, and we can get this bill as our 50th bill to the President for his signature.

Mr. KUCINICH. Mr. Chair, to my friends on the other side of the aisle, I am offering an amendment to the Defense Authorization Bill which would defund the war in Libya.

The war is unconstitutional. The President did not come to this Congress, he went to the U.N. Security Council, he went to a number of international bodies, but he didn't come to the United States Congress. Last week, the President did not observe the tolling of the War Powers Act, so he's in violation of the statute.

The action over in Libya has already exceeded the U.N. mandate; it's in violation of the U.N. mandate and there have been violations of international law.

What are we doing there? Why does anyone think we can afford it? Why aren't we trying to find a path to peace so we aren't called upon to spend more money there? These are questions we have to be asking; that's why Congress needs to say we're not going to spend more money there.

People are saying it's not the United States, it's NATO. The Guardian in the U.K. did a study which showed that 90 percent of the cruise missiles are paid for by the U.S. Sixty-six percent of the personnel working against Libya are from the U.S., 50 percent of aircraft, 50 percent of all ships—and our government is saying this is a NATO operation? We have to recognize what's going on here, which is an expansion of the war power by the Executive and it's time we challenge that.

One thing we certainly shouldn't do is to support the amendment offered by my friend, Mr. McKEON, which will hand over to the President Congress' constitutional authority to

declare and authorize war, substantially altering the delicate balance of power the Founding Fathers envisioned.

The annual re-authorization contains unprecedented and dangerous language which gives the President virtually unchecked power to take this country to war and to keep us there. The bill substantially undermines the Constitution, the institution that the Constitution set up that is Congress and sets the United States on a path to permanent war. Congress has to protect the American people from the overreach of any Chief Executive—Democrat, Republican—any Chief Executive who's enamored with unilateralism, preemption, first strike and the power to prosecute war without constitutional authority or statutory prescriptions.

Permanent global war isn't the answer. It's not going to increase our national security. Far from ridding the world of terrorism, it will become a terrorist recruitment program. The war in Iraq is based on lies; the war in Afghanistan is based on a misreading of history.

Yet in Iraq we'll spend over \$3 trillion. In Afghanistan we've spent over half a trillion dollars.

We have people out of work here. We have people losing their homes, losing their health care, losing their retirement security. All we hear from the White House is "we want more war or more authorization for more war." We have to stop that and while stopping that we have to stop this national security state and stop the extension of the Patriot Act which is also in this bill.

Mr. QUIGLEY. Mr. Chair, I rise today in opposition to H.R. 1540, the National Defense Authorization Act for FY 2012.

More specifically, I rise in fierce opposition to provisions of this bill which seek to deter and derail the repeal of Don't-Ask-Don't-Tell.

A repeal, which has been implemented only after the Department of Defense completed a comprehensive review of the issues associated with the repeal.

A repeal, which has been implemented only after DOD solicited the views of nearly 400,000 active duty and reserve component Servicemembers.

A repeal, which has been implemented only after DOD conducted one of the largest surveys in the history of the U.S. military.

Still, we stand here today to consider a measure that demonstrates that this body doesn't believe that Secretary Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff, are right to support the repeal.

I believe in our military's ability to evaluate and make recommendations, and I fully support their plan to implement repeal.

I urge my colleagues to do the same and oppose this bill.

Mr. BLUMENAUER. Mr. Chair, today I will vote against the National Defense Authorization Act for Fiscal Year 2012 (NDAA). While nothing is more important than providing the resources needed to keep America and our men and women in uniform safe, this authorization spends too much while falling short in important areas.

The bill authorizes \$690.1 billion for defense programs in FY12. This level of defense spending is almost as much as the rest of the world combined—most of which is done by

friendly allies such as NATO (approximately \$350 billion). It also includes an additional \$118.9 billion in specific funds for the wars in Iraq and Afghanistan without a plan for a full redeployment from the region. I am disappointed that amendments to require a rapid and thoughtful withdrawal from Afghanistan were not approved. For me, this is reason enough not to support this legislation.

The bill continues the misguided affront on civil liberties by further stalling the implementation of "Don't Ask, Don't Tell," and requires that "marriage" for any regulation or benefit program at DoD means only a legal union between one man and one woman. This is a step backwards and unacceptable.

It reverses the House victory from earlier this year that finally eliminated the unnecessary alternate engine for the F-35 Joint Strike Fighter. Similarly, the bill continues to fund the Marine Corps' Expeditionary Fighting Vehicle (EFV) which has also been cited as uneconomical and unwanted by the Secretary of Defense.

Embarrassingly, this authorization contains two key provisions that continue to tie the President's hands by restricting his ability to transfer detainees to the United States for trial in Federal court and to release detainees to countries willing to take them. It is absurd to think that the United States, which currently has thousands of dangerous criminals locked safely behind bars, is incapable of doing the same for terrorists. These provisions continue the Guantanamo quagmire which is ill-advised and a sign of failure at home and to those observing abroad.

There are many positive elements in the bill, such as new rights and protections for victims of sexual assault in the military and increased access to mental health providers for our Reserves. I am pleased three of my amendments were included in the legislation. One amendment lifts the veil on classified immunity for defense contractors, a practice that exposed 36 of our Oregon National Guardsmen to toxic chemicals in Iraq. The other two will help protect our troops on the battlefield and save billions of dollars through energy efficiency initiatives. Their inclusion, however, does not offset the overall authorization which fails to reflect America's priorities or our national security realities.

At a time when Americans are calling for reform, this bill—despite some positives—continues our operations in Afghanistan with no plan for withdrawal, ramps up spending and discriminates against our service members. I am hopeful that my colleagues in the Senate can remove some of the provisions that do little to make America secure while we continue to spend almost as much on defense as the rest of the world combined.

Mr. STARK. Mr. Chair, I rise today in opposition to H.R. 1540, the National Defense Authorization Act.

It does not make sense to waste billions of tax dollars on an already bloated defense department, particularly in our current economic state. This bill is loaded with unnecessary and redundant funding. For example, it calls for the reckless continuation of the V-22 Osprey program, which has killed over 30 Americans in training alone, and whose termination could save us \$10–12 billion over the next 10 years.

Defense spending currently constitutes almost 60 percent of our discretionary spending. As we are forced to consider cutting important programs that working families depend on, we cannot continue to spend money we do not have—especially on an overly saturated Department of Defense. Americans have voiced their priorities: They want jobs, affordable health care and better education. This Congress must listen.

I have not voted in support of a defense authorization bill throughout my tenure in Congress and I do not intend to start now.

Mr. CONNOLLY of Virginia. Mr. Chair, Chairman McKEON and Chairman SMITH, thank you for working together on thoughtful procurement reform in the context of this NDAA. As I have said many times before, procurement should not be about theology. Decisions to insource or outsource should never be made on the a priori assumption that less or more government participation will save money. Therefore, I was supportive of including language in the NDAA which would restore the A-76 process. While we must be vigilant to ensure this process accurately accounts for costs, there is no question that analysis must precede insourcing or outsourcing decisions, and A-76 at least attempts to create an analytical process. The fact that such a process was abused during the Bush administration should not obscure the need for analysis in the future. In a similar vein, I opposed draft proposals which would have established across the board prohibitions on conducting work in-house if the tasks were not inherently governmental. While Federal employees certainly should conduct inherently governmental work, it may also make sense in some cases for them to do work that the Office of Federal Procurement Policy has deemed “closely associated with inherently governmental,” or other functions. For example, when I was Chairman of Fairfax County, our vehicle maintenance were county employees who did outstanding work. There was nothing inherently governmental about oil changes, but Fairfax got the best deal with county employees. We should not preclude analogous arrangements from the Federal Government any more than we should preclude outsourcing vehicle maintenance. In addition to the Committee’s thoughtful approach to insourcing and outsourcing, I greatly appreciate your support for other steps to improve the acquisition environment through improved Federal efficiency. These reforms include adoption of the Federal Acquisition Institute Amendment that Mr. PLATTS and I introduced as well as Mr. LANDEVIN’s amendment to rationalize the responsibilities of the Chief Technology Officer and other executive branch officials with technology policy portfolios. This National Defense Authorization Act represents significant progress for our procurement and technology communities, including both Federal employees and Federal contractors. Thank you for you and your staffs outstanding work on these important issues for our economy and the Federal Government.

Mr. VAN HOLLEN. Mr. Chair, this will be the first time that I have voted against a Defense Authorization Act and I do so with great reluctance. But I also do so with confidence that it is the right decision.

Section 1034 of this bill gives this President and all future Presidents vastly expanded authority to take America to war without further congressional action. It gives the Executive a virtual blank check by authorizing the President to deploy an unlimited number of troops into a war of unlimited duration based on ill-defined standards. The language in 1034 represents a total abdication of congressional responsibility under the Constitution.

The President already has broad authority to use military force against al Qaeda and Taliban forces pursuant to the Authorization of the Use of Military Force (AUMF) that was adopted in 2001. That provision states:

That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

This bill replaces the existing AUMF with a new provision that provides the President with vast new war-making authority. Under the umbrella of the war against terrorism, it expands the existing broad authority in at least three ways:

#### DE-LINKS USE OF FORCE FROM 9/11 ATTACKS

The original language gave the President the authority to use military force against any entities he determined to be connected to the attacks of September 11, 2001 or any nation, organization or persons he determined harbored such entities. The new language expands the authority to target entities regardless of their connection to the September 11 attacks.

#### PERMITS ATTACKS ON UNDEFINED “ASSOCIATED FORCES”

The original language authorized all necessary force against the entities responsible for the 9/11 attacks, but did not provide the authority to wage war against undetermined “associated forces.” The term “associated forces” is totally undefined and would allow any President to apply that term with great elasticity to go to war without congressional approval in any number of situations.

#### ALLOWS USE OF FORCE AGAINST ENTITIES THAT “SUPPORT” THE TALIBAN, AL QAEDA OR “ASSOCIATED FORCES”

The original language allowed the use of force against entities that “harbored” the terrorist groups that perpetuated the attacks of 9/11. The new language allows the President to wage war, without additional congressional consent, against any entities that substantially support the Taliban, al Qaeda or “associated forces.” This is a much weaker standard than the existing requirement.

Had the Congress included this language in the 2001 AUMF, President Bush could have sent American troops into Iraq without seeking a separate resolution to use force. This language authorizes the Executive to launch military action against an entity that had nothing to do with the attacks of September 11, 2001 so long as the President determines that a country or organization is substantially supporting the Taliban, al Qaeda or “associated forces.” The Bush administration claimed that

the regime of Saddam Hussein was allowing Iraqi territory to be used to train al Qaeda elements.

While I believe the Congress made a mistake in voting to authorize President Bush to go to war in Iraq, at least Congress debated and voted on the decision. With this new provision in place, no such vote would have been required.

Under the Constitution, the President of the United States already has relatively broad powers to use military force as Commander in Chief. In addition, the existing Authorization of the Use of Military Force provides the President with additional authority to take military action in a wide array of situations without seeking additional congressional approval or a declaration of war. It is a reckless surrender of congressional responsibility for the Congress to write this new open-ended blank check for the use of military force. Not even the Executive has been brazen enough to request this new broad grant of authority.

The language in Section 1034 is sloppy, ill-considered and poorly conceived. No hearings were held to consider its full ramifications. This Congress should be ashamed of itself for its careless and cavalier approach to a question of such grave national significance.

I urge the Senate and the President to reject this provision and hope to have an opportunity to vote for a revised Defense Authorization Act that doesn’t undermine the constitutional responsibilities of the Congress.

Mr. INSLEE. Mr. Chair, I rise today to express my concern over a provision in the National Defense Authorization Act of 2012 that would limit the access of certain military retirees to the TRICARE Uniformed Services Family Health Plan (USFHP).

As you know, USFHP has been an extremely popular program within the Military Health System since its introduction in 1981, serving more than 115,000 active duty service members, veterans, and their families 16 states, including more than 11,000 in Washington state. USFHP consistently earns a 90 percent satisfaction rating among its enrollees—by far the highest among military beneficiary programs. In addition to its success and popularity, this program plays an integral component in the Department of Defense (DoD) meeting its commitment to provide health care to those who have served our country in uniform.

The provision included in this year’s Defense Authorization bill would terminate health care services under the plan when beneficiaries reach the age of 65 and become eligible to transfer to Medicare. Over one third of all USFHP beneficiaries are currently over 65 and are taking advantage of the USFHP managed care structure. Removing them from the program could undermine the highly effective disease management and prevention aspects of the USFHP, not to mention potentially ending longstanding patient-doctor relationships due to the change in coverage.

USFHP is a fully capitated program, providing quality and efficient care to beneficiaries. Even recently, Congress highlighted the effectiveness of USFHP in the 111th DoD authorization bill, while directing DoD to examine opportunities to improve the broader TRICARE Program. Additionally last year the

Director of TRICARE Management engaged USFHP to assist in educating the rest of the DoD system about their highly successful prevention and disease management programs. As we look to improve the quality of care while addressing high costs, we can learn from effective programs like USFHP, which provides managed care and includes a focus on preventative care and managing chronic illnesses to improve the lives of our service members and potentially creating savings in the long run. Transferring beneficiaries to Medicare will only shift costs, rather than improve the quality of care for those who have served our country.

In light of this, and the success this program has had in providing for those who have served in uniform, I wish to reiterate my support for USFHP. I hope we can avoid major alterations to the US Family Health Plan and continue to offer this service to all eligible beneficiaries, including those over the age of 65, who I believe have earned a right to this high quality program through service to our country.

Mr. CONNOLLY of Virginia. Mr. Chair, I rise to express my concerns with repealing Section 526 of the Energy Independence and Security Act through the Fiscal Year 2012 National Defense Authorization Act (NDAA). This provision of the NDAA would undermine Department of Defense efforts to reduce oil dependence and could cripple America's nascent algal biofuel industry.

Our Armed Forces are making great progress to reduce their dependence on oil in a manner that promotes climate security. For example, the Air Force plans to procure 50 percent of its domestic aviation fuel from alternative sources by 2016. It has already developed the "Green Hornet," a fighter jet that runs on algae-based biofuel. The Navy is in the process of deploying its "Great Green Fleet," which will run entirely on alternative fuels and be operational by 2016.

These improvements to national security parallel new economic opportunities for the biofuel industry. According to the Biotechnology Industry Association, "Section 526 is helping low carbon fuels bridge the 'valley of death' between development and commercialization," and is "already helping the Air Force and Navy meet its alternative fuel goals." The domestic biofuels industry contributes 400,000 jobs and \$53 billion to the American economy while supporting deployment of domestically-produced biofuels for our Armed Forces.

We cannot abort this critical effort to help our military achieve energy independence. It is imperative that repeal of Section 526 be stricken from the National Defense Authorization Act before this legislation proceeds to the President for his signature.

THE IMPORTANCE OF SECTION 526 OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007 TO THE CONTINUED DEVELOPMENT AND COMMERCIALIZATION OF ADVANCED BIOFUELS

MAY 2011

#### What Section 526 Does

Prevents federal agencies from purchasing unconventional fuels with higher greenhouse gas emissions than conventional fuels.

Most relevant to the Department of Defense (DOD) because it is the Nation's largest

fuel purchaser and is leading federal efforts to support, develop and commercialize domestic alternative sources of fuel for military use.

For instance, the U.S. Air Force intends to procure 50 percent of its domestic aviation fuel from alternative sources by 2016.

Also, the U.S. Navy plans to deploy a "Great Green Fleet" by 2016, which will be entirely operated on alternative fuels.

#### Why Section 526 Is Important to the United States and to the Advanced Biofuels Industry

Section 526 is helping low carbon fuels bridge the "valley of death" between development and commercialization by preventing large, carbon intensive fossil fuel facilities from crowding out their opportunities. Section 526 is therefore already helping the Air Force and Navy meet its alternative fuel goals and the country move toward greater energy independence and security and create jobs.

The domestic biofuels industry is now contributing more than 400,000 jobs and \$53 billion in new activity to the Nation's economy. A recent report found that additional job creation from advanced biofuels production could reach 807,000 by 2022.

Since its enactment, Section 526 has provided a clear signal that energy security and climate security will be advanced in parallel to federal alternative fuel procurement. This has helped to focus private investment and early DOD testing on advanced biofuels, which offer substantial greenhouse gas reductions in addition to their energy security benefits.

The prospects of a stable and long-term customer in the DOD is a major driver of early investment in advanced biofuels for aviation and marine applications. Eliminating Section 526 could seriously undermine this investment certainty, leading to less and less investment and capital access for advanced biofuels.

Congress must maintain Section 526 to assure continued U.S. leadership on biofuels, especially advanced and cellulosic biofuels for aviation and other military applications.

#### Advanced Biofuels Companies and Projects That Could Be Negatively Affected if Section 526 Were Eliminated

The maps below illustrate existing and planned cellulosic biofuel biorefineries and algae production projects at various stages of development in North America.

Currently, there are more than 70 pilot and demonstration advanced biofuel biorefineries across North America—including cellulosic, algae, and other advanced biofuel technologies—representing hundreds of millions of dollars in investment.

There have been successes at each stage of research and development and all are in the process of scaling-up.

Commercial development was slowed by the recession but is regaining momentum as a result of supportive federal programs, such as Section 526, and some thawing of capital markets.

Many of the facilities and projects shown may be negatively impacted by the elimination of Section 526.

Mr. McKEON. Mr. Chair, I would like to submit the following exchange of letters:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, May 4, 2011.

Hon. HOWARD P. "BUCK" McKEON,  
Chairman, House Armed Services Committee,  
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN McKEON: I write to you regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I am aware that there are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Homeland Security.

In the interest of permitting your committee to proceed expeditiously with consideration of this important legislation, I am waiving the Committee on Homeland Security's jurisdiction pertaining to a sequential referral. However, I do so with the understanding that the committee's jurisdictional claims over subject matters contained in this and similar legislation are in no way diminished or altered. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 1540 and into the Congressional Record during consideration of the measure on the House floor. Thank you for your consideration of this matter.

Sincerely,

PETER T. KING,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. PETER KING,  
Chairman, Committee on Homeland Security,  
House of Representatives, Ford Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Homeland Security is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
Washington, DC, May 13, 2011.

Hon. HOWARD P. "BUCK" McKEON,  
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN McKEON: I write to confirm our mutual understanding regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. This legislation contains subject matter within the jurisdiction of the Foreign Affairs Committee. However, in order to expedite Floor consideration of this important legislation, the Committee will not markup this bill.

The Committee takes this action with the mutual understanding that the Committee's jurisdiction over this, and similar legislation, is in no way diminished or altered. That understanding includes the agreement reached with the Armed Services Committee on the provisions provided under separate cover.

However, of particular concern to the Committee is Section 1034: Affirmation of Armed

Conflict with al-Qaeda, the Taliban, and associated Forces.

The Committee agrees to the language in this provision. The Armed Services Committee has recognized, and reaffirmed in this exchange of letters, that the War Powers Resolution and associated Authorizations for the Use of Military Force, such as those contained in Public Law 107-40 (post-9/11) and Public Law 107-243 (Iraq), are within the primary jurisdiction of the Foreign Affairs Committee.

Clause 1(i)(9) of Rule X of the Rules of the House of Representatives states that the Foreign Affairs Committee is assigned jurisdiction over "Intervention abroad and declarations of war." Authorizations for the use of military force (such as H.J. Res. 64 and H.J. Res. 114 in the 107th Congress) have been referred by the Parliamentarian solely to the Foreign Affairs Committee.

The Foreign Affairs Committee therefore requests that it be included in any briefing by any Executive Branch agency, including the Department of Defense, relating to the Authorization for the Use of Military Force, including operations or activities conducted pursuant to the Authorization of Use of Military Force.

The Committee reserves the right to seek appointment to any House-Senate conference on this legislation, and requests your support if such a request is made. I would appreciate your including this letter in the Congressional Record during consideration H.R. 1540 on the House Floor.

Sincerely,

ILEANA ROS-LEHTINEN,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. ILEANA ROS-LEHTINEN,  
*Chairman, Committee on Foreign Affairs, House of Representatives, Rayburn Office Building, Washington, DC.*

DEAR MS. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Foreign Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Foreign Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 12, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing concerning H.R. 1540, the "National Defense Authorization Act for Fiscal Year 2012." There are certain provisions in the legislation which fall within the jurisdiction of the Committee on Ways and Means under Rule X of the Rules of the U.S. House of Representatives.

As you know, the Committee on Ways and Means has jurisdiction over part A of Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and a provision in H.R. 1540 con-

cerning the transition of future Medicare eligible Uniformed Services Family Health Plan enrollees to TRICARE for life would fall within that jurisdiction. Additionally, a provision requiring the assessment of the national security risk of the United States' debt owned by the People's Republic of China would fall under the Committee's jurisdiction over the issuance and sale of bonded U.S. debt. Lastly, the Committee has jurisdiction over matters related to the Internal Revenue Code of 1986, and a provision amending grants made in lieu of tax credits under Section 1603 of the American Recovery and Reinvestment Act of 2009 would also fall under the Committee's jurisdiction.

In order to expedite floor consideration of this important legislation, I am willing to waive this Committee's right to a sequential referral. This is being done with the understanding that it does not in any way prejudice the Committee on Ways and Means' jurisdictional prerogatives on this or similar legislation. The Committee also reserves the right to seek appointment of conferees to any House-Senate conference and requests your support if such a request is made.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1540, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. DAVE CAMP,  
*Chairman, Committee on Ways and Means, House of Representatives, Longworth Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Ways and Means has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Ways and Means is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,  
Washington, DC, May 12, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing to you concerning the bill H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Oversight and Government Reform.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Oversight and

Government Reform does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name members of this committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 1540 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

DARRELL ISSA,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. DARRELL ISSA,  
*Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Oversight and Government Reform has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Oversight and Government Reform is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, May 12, 2011.

Hon. BUCK MCKEON,  
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In recognition of the importance of expediting the passage of H.R. 1540, the "National Defense Authorization Act for Fiscal Year 2012," the Permanent Select Committee on Intelligence hereby waives further consideration of the bill. The Committee has jurisdictional interests in H.R. 1540, including intelligence and intelligence-related authorizations and provisions contained in the bill.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future. In addition, the Permanent Select Committee on Intelligence will seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on H.R. 1540. I appreciate the constructive work between our committees on this matter and thank you for your consideration.

Sincerely,

MIKE ROGERS,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. MIKE ROGERS,  
Chairman, Permanent Select Committee on Intelligence, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Permanent Select Committee on Intelligence has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Permanent Select Committee on Intelligence is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, May 16, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I write to confirm my understanding regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. This legislation contains subject matter within the jurisdiction of the Committee on Energy and Commerce. However, in order to expedite floor consideration of this legislation, the Committee waives consideration of those provisions in the jurisdiction of our Committee where we reviewed your language and reached an agreement on the wording. The provisions where we waived our right to a referral include:

The travel, transportation, pay, and bonus provisions for uniformed service members (Title VI);

Assessment of High-Performance Computing (Sec. 31); and,

An amendment allowing utilities to pass through tax benefits to ratepayers in a lump sum.

For these negotiated provisions, the Committee on Energy and Commerce takes this action only with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered. For any other provision that falls within the jurisdiction of the Committee on Energy and Commerce and where our mutual Committees have not come to a resolution, I reserve the right to seek a referral of H.R. 1540 to consider those provisions.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 1540 on the House floor. Thank you for your attention to these matters.

Sincerely,

FRED UPTON,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, May 10, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing concerning the jurisdictional interest of the Committee on Financial Services in an amendment to be offered by Rep. Walter Jones at your scheduled mark-up of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, on Wednesday, May 11, 2011. Rep. Jones' amendment would allow the military exchanges to have access to credit available through the Federal Financing Bank. As such, the amendment clearly falls within the Committee on Financial Services' jurisdiction over banks, banking, money and credit pursuant to rule X of the Rules of the House of Representatives.

Our Committee recognizes the importance of H.R. 1540 and the need for the legislation to move expeditiously. Therefore, while the Committee on Financial Services has jurisdiction over the subject matter of Rep. Jones' amendment under rule X of the Rules of the House of Representatives, I do not intend to request a sequential referral of the legislation if it includes the amendment. By agreeing to waive its right to a sequential referral of the bill, the Committee on Financial Services does not waive its jurisdiction over H.R. 1540 if Rep. Jones' amendment or other similar amendment is adopted. In addition, I make this commitment with the understanding that this will not prejudice the Committee on Financial Services with respect to its prerogatives on this or similar legislation. Further, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 1540 or related legislation.

Lastly, I request that you include this letter and your response in your committee's report on and in the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

SPENCER BACHUS,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. SPENCER BACHUS,  
Chairman, Committee on Financial Services, U.S. House of Representatives, Rayburn Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Financial Services has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Financial Services is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, May 13, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning the Committee on Natural Resources' jurisdictional interest in H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

To allow the Armed Services Committee to proceed expeditiously to floor consideration of this important bill, the Committee on Natural Resources will waive its right to a sequential referral of H.R. 1540. I do so with the understanding that by waiving consideration of the bill, the Committee on Natural Resources does not waive any future jurisdictional claim over the subject matters contained in the bill that fall within its Rule X jurisdiction. I also request that you urge the Speaker to name members of this Committee to any conference committee named to consider H.R. 1540.

I would appreciate you including this letter in the Armed Service Committee's report on H.R. 1540. Thank you for the cooperative spirit in which you and your able staff have worked regarding this matter and others between our respective committees.

Sincerely,

DOC HASTINGS,  
Chairman.

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. DOC HASTINGS,  
Chairman, Committee on Natural Resources, House of Representatives, Longworth Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Natural Resources has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Natural Resources is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
Chairman.

COMMITTEE ON EDUCATION AND THE  
WORKFORCE, HOUSE OF REP-  
RESENTATIVES,

Washington, DC, May 12, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing to  
you concerning the jurisdictional interest of  
the Committee on Education and the Work-  
force in matters being considered in H.R.  
1540, the National Defense Authorization Act  
for Fiscal Year 2012.

Our committee recognizes the importance  
of H.R. 1540 and the need for the legislation  
to move expeditiously. Therefore, while we  
have a valid claim to jurisdiction over the  
bill, I do not intend to request a sequential  
referral. This, of course, is conditional on  
our mutual understanding that nothing in  
this legislation or my decision to forego a se-  
quential referral waives, reduces, or other-  
wise affects the jurisdiction of the Com-  
mittee on Education and the Workforce, and  
that a copy of this letter and your response  
acknowledging our jurisdictional interest  
will be included in the Committee Report  
and as part of the Congressional Record dur-  
ing consideration of this bill by the House.

The Education and the Workforce Com-  
mittee also asks that you support our re-  
quest to be conferees on the provisions over  
which we have jurisdiction during any  
House-Senate conference.

Thank you for your consideration in this  
matter.

Sincerely,

JOHN KLINE,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. JOHN KLINE,  
*Chairman, Committee on Education and the  
Workforce, House of Representatives, Ray-  
burn Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your  
letter regarding H.R. 1540, the National De-  
fense Authorization Act for Fiscal Year 2012.  
I agree that the Committee on Education  
and the Workforce has valid jurisdictional  
claims to certain provisions in this impor-  
tant legislation, and I am most appreciative  
of your decision not to request a referral in  
the interest of expediting consideration of  
the bill. I agree that by foregoing a se-  
quential referral, the Committee on Education  
and the Workforce is not waiving its juris-  
diction. Further, this exchange of letters  
will be included in the committee report on  
the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, May 12, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I write to con-  
firm our mutual understanding regarding  
H.R. 1540, the National Defense Authoriza-  
tion Act for Fiscal Year 2012. This legislation  
contains subject matter within the jurisdic-  
tion of the Committee on the Budget. How-  
ever, in order to expedite floor consideration  
of this important legislation, the committee  
waives consideration of the bill.

The Committee on the Budget takes this  
action only with the understanding that the

committee's jurisdictional interests over  
this and similar legislation are in no way di-  
minished or altered.

The committee also reserves the right to  
seek appointment to any House-Senate con-  
ference on this legislation and requests your  
support if such a request is made. Finally, I  
would appreciate your including this letter  
in the Congressional Record during consider-  
ation of H.R. 1540 on the House Floor. Thank  
you for your attention to these matters.

Sincerely,

PAUL RYAN,  
*Chairman,  
Committee on the Budget.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. PAUL RYAN,  
*Chairman, Committee on the Budget, House of  
Representatives, Longworth Office Build-  
ing, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your  
letter regarding H.R. 1540, the National De-  
fense Authorization Act for Fiscal Year 2012.  
I agree that the Committee on the Budget  
has valid jurisdictional claims to certain  
provisions in this important legislation, and  
I am most appreciative of your decision not  
to request a referral in the interest of exp-  
editing consideration of the bill. I agree that  
by foregoing a sequential referral, the Com-  
mittee on the Budget is not waiving its juris-  
diction. Further, this exchange of letters  
will be included in the committee report on  
the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, May 12, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I write con-  
cerning H.R. 1540, the National Defense Au-  
thorization Act for Fiscal Year 2012, as  
amended. There are certain provisions in the  
legislation which fall within the Rule X ju-  
risdiction of the Committee on Transpor-  
tation and Infrastructure.

In the interest of permitting your com-  
mittee to proceed expeditiously to floor con-  
sideration, I am willing to waive the Com-  
mittee on Transportation and Infrastructure's  
right to sequential referral. I do so  
with the understanding that by waiving con-  
sideration of the bill the Committee on  
Transportation and Infrastructure does not  
waive any future jurisdictional claim over  
the subject matters contained in the bill  
which fall within its Rule X jurisdiction. I  
request you urge the Speaker to name mem-  
bers of this committee to any conference  
committee named to consider such provi-  
sions.

Please place this letter into the committee  
report on H.R. 1540 and into the Congres-  
sional Record during consideration of the  
measure on the House floor.

Sincerely,

JOHN L. MICA,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. JOHN MICA,  
*Chairman, Committee on Transportation and  
Infrastructure, House of Representatives,  
Rayburn Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your  
letter regarding H.R. 1540, the National De-  
fense Authorization Act for Fiscal Year 2012.  
I agree that the Committee on Transpor-  
tation and Infrastructure has valid jurisdic-  
tional claims to certain provisions in this  
important legislation, and I am most appre-  
ciative of your decision not to request a re-  
ferral in the interest of expediting consid-  
eration of the bill. I agree that by foregoing a  
sequential referral, the Committee on Trans-  
portation and Infrastructure is not waiving  
its jurisdiction. Further, this exchange of  
letters will be included in the committee re-  
port on the bill.

Sincerely,

HOWARD P. "BUCK" MCKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON SCIENCE, SPACE, AND  
TECHNOLOGY,  
Washington, DC, May 12, 2011.

Hon. HOWARD P. "BUCK" MCKEON,  
*Chairman, Committee on Armed Services, House  
of Representatives, Rayburn House Office  
Building, Washington, DC.*

DEAR CHAIRMAN MCKEON: I am writing to  
you concerning the jurisdictional interest of  
the Committee on Science, Space, and Tech-  
nology in H.R. 1540, the National Defense Au-  
thorization Act for Fiscal Year 2011.

Our Committee recognizes the importance  
of H.R. 1540 and the need for the legislation  
to move expeditiously. Therefore, while we  
have a valid claim to jurisdiction over the  
bill, I do not intend to request a sequential  
referral. This is, of course, conditional on  
our mutual understanding that nothing in  
this legislation or my decision to forego a se-  
quential referral waives, reduces or other-  
wise affects the jurisdiction of the Com-  
mittee on Science, Space, and Technology.

Further, I request your support for the ap-  
pointment of Science, Space, and Tech-  
nology Committee conferees during any  
House-Senate conference convened on this  
legislation. I also ask that a copy of this let-  
ter and your response acknowledging our ju-  
risdictional interest be placed in the legisla-  
tive report on H.R. 1540 and the Congres-  
sional Record during consideration of this  
bill.

I look forward to working with you on this  
important legislation.

Sincerely,

RALPH M. HALL,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 16, 2011.

Hon. RALPH HALL,  
*Chairman, Committee on Science, Space, and  
Technology, House of Representatives, Ray-  
burn Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your  
letter regarding H.R. 1540, the National De-  
fense Authorization Act for Fiscal Year 2012.  
I agree that the Committee on Science,  
Space, and Technology has valid jurisdic-  
tional claims to certain provisions in this  
important legislation, and I am most appre-  
ciative of your decision not to request a re-  
ferral in the interest of expediting consid-  
eration of the bill. I agree that by foregoing a  
sequential referral, the Committee on



Science, Space, and Technology is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
*Washington, DC, May 12, 2011.*

Hon. HOWARD P. "BUCK" McKEON,  
*Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN McKEON: I am writing to you concerning the bill H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. There are certain provisions in the legislation which fall within Rule X (p) of the Committee on Small Business.

In the interest of permitting the Committee on Armed Services to proceed expeditiously to floor consideration of this important bill, I am willing to waive the right of the Committee on Small Business to sequential referral as a result of the agreement to address my concerns with respect to section 804 of the bill. I do so with the understanding that by waiving consideration of the bill the Committee on Small Business does not waive any future jurisdictional claim over the subject matters contained in the bill which fall with its Rule X (p) jurisdiction. I request that you urge the Speaker to name members of this Committee to any conference committee which is named to consider such provisions.

Please place this letter into the committee report on H.R. 1540 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this issue and others between our respective committees.

Sincerely,

SAM GRAVES,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 16, 2011.*

Hon. SAM GRAVES,  
*Chairman, Committee on Small Business, House of Representatives, Rayburn Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Small Business has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Small Business is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON VETERANS' AFFAIRS,  
*Washington, DC, May 13, 2011.*

Hon. HOWARD P. "BUCK" McKEON,  
*Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN McKEON: I write to confirm our mutual understanding regarding H.R. 1540, the National Defense Authoriza-

tion Act for Fiscal Year 2012. This legislation contains subject matter within the jurisdiction of House Veterans' Affairs Committee. However, in order to expedite floor consideration of this important legislation, the committee waives consideration of the bill.

The House Veterans' Affairs Committee takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 1540 on the House Floor. Thank you for your attention to these matters.

Sincerely,

JEFF MILLER,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 16, 2011.*

Hon. JEFF MILLER,  
*Chairman, Committee on Veterans' Affairs, House of Representatives, Cannon Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on Veterans' Affairs has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Veterans' Affairs is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC, May 10, 2011.*

Hon. HOWARD P. "BUCK" McKEON,  
*Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN McKEON: I am writing to you concerning the jurisdictional interest of Committee on the Judiciary in matters being considered in H.R. 1540, the "National Defense Authorization Act for Fiscal Year 2012." As a result of your having consulted with us on provisions in H.R. 1540 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I do not intend to request a sequential referral in order that this bill may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1540 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I appreciate your including this letter and a copy of your response acknowledging our

jurisdictional interest on this matter in your committee report and in the Congressional Record during floor consideration of H.R. 1540.

Thank you for your consideration in this matter.

Sincerely,

LAMAR SMITH,  
*Chairman.*

COMMITTEE ON ARMED SERVICES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, May 16, 2011.*

Hon. LAMAR SMITH,  
*Chairman, Committee on the Judiciary, House of Representatives, Rayburn Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I agree that the Committee on the Judiciary has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on the Judiciary is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. "BUCK" McKEON,  
*Chairman.*

Ms. RICHARDSON. Mr. Chair, I rise today in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, which provides \$690 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

I thank Chairman McKEON and Ranking Member SMITH for their hard work in bringing this bipartisan piece of legislation to the floor.

Mr. Chair, I support this bill for three reasons: (1) it restores and enhances the readiness of our troops, equipment, and defense infrastructure; (2) it takes care of our military personnel and their families; and (3) it authorizes the needed investments to keep our nation strong, safe, and respected in the world.

Let me briefly highlight some of the key provisions. This legislation:

SUPPORTING OUR TROOPS AND THEIR FAMILIES

Observes the President's request to provide a 1.6 percent pay raise for all service members.

Provides new rights and protections for victims of sexual assault in the military by ensuring that victims have access to a military lawyer and makes certain that conversations between victims and DOD Safe Helpline counselors are maintained confidential.

Allows sexual assault victims to transfer out of their base or unit.

Requires more training of personnel for sexual assault prevention and recovery at all levels of our armed forces.

This bill would also make students who are enrolled in a course of study that results in a degree in clinical psychology or social work eligible to receive a stipend.

Protects against disproportionate increases in TRICARE Prime fees by stipulating that the percentage fee increase in any future year may not exceed the percentage increase in military retired pay for that year.

# PROTECTING OUR TROOPS AND SUPPORTING TROOP READINESS

Provides \$2.8 billion for measures to counter IED activities in Iraq and Afghanistan.

Provides \$3.2 billion for Mine Resistant Ambush Protected (MRAP) vehicles.

Provides an increase of \$425 million for modernization of Abrams tanks and Bradley fighting vehicles.

Authorizes \$23 billion for the training of all active-duty and reserve forces to increase troop readiness.

Provides \$4.5 billion for Army and Marine Corps equipment reset and depot maintenance.

Authorizes \$6.6 billion to fund Navy ship and aircraft depot maintenance for both the active and reserve components.

## RICHARDSON AMENDMENT #1

I also support this bill because it includes an amendment that I offered to increase the effectiveness of the Northern Command ("NORTHCOM") in fulfilling its critical mission of protecting the U.S. homeland in the event of war and in providing support to local, state, and federal authorities in times of national emergency. Specifically, my amendment would ensure that NORTHCOM (1) develops and has in place a leadership strategy that will strengthen and foster institutional and interpersonal relationships with state and local governments and (2) develops an instructional program to train key personnel how to lead effectively in the event of a disaster when they do not have command authority to dictate actions.

The purpose for NORTHCOM is to bring the capabilities and the resources of the U.S. military to the assistance of the American people during a catastrophic disaster. NORTHCOM leaders will be much more effective in saving lives, protecting assets, and enhancing resilience after the disaster has occurred if they are trained in the techniques of effective engagement with civilian leadership. My amendment would ensure that such training will be available.

## RICHARDSON AMENDMENT #2

However, I am disappointed that a different amendment I offered to this bill was not made in order. This amendment would have instructed the TRANSPORTATION COMMAND (TRANSCOM) to update and expand the PORT LOOK 2008 Strategic Seaports study. This study remains a crucial tool to ensure that our ports are ready to respond in the case of an emergency. As we strive to improve our infrastructure in and around our strategic ports, we must fully understand how the entire port area can serve our defense forces and what improvements are necessary.

Although this amendment was not made in order, I will continue to work with my colleagues to ensure that port infrastructure receives the support it deserves.

## CONCLUSION

Mr. Chair, let me express my thanks to the Rules Committee for making the Richardson Amendment in order and to the Armed Services Committee for accepting it.

In conclusion, I support H.R. 1540 because it restores and enhances the readiness of our troops, equipment, and defense infrastructure. It takes care of our military personnel and their families. And it authorizes the needed invest-

ments to keep our nation strong, safe, and respected in the world. I urge my colleagues to join me in voting for the bill on final passage.

Mr. McKEON. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. WOMACK, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, had come to no resolution thereon.

## REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1216.

□ 2001

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, with Mr. WOMACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, pending was amendment No. 7 printed in the CONGRESSIONAL RECORD, offered by the gentlewoman from North Carolina (Ms. FOXX).

Mr. WEINER. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, you may recall, I was standing here approximately 2 hours ago waiting to speak with several other Members on the efforts of my Republican friends to eliminate Medicare as we know it, and for reasons that are known only to the Chair, I was denied the ability to do that. Well, I am back.

And just to review the bidding, here is where it was before that order was made. We had the chairman of the Republican Congressional Campaign Committee, a good man, a guy I like, stand down in the well and say, oh, no—and

this, by the way, is someone who was elected by the Republican Members to represent him in races all around the country, saying that the Ryan plan wasn't a plan. It was—and I am quoting here—a construct to develop a plan. And he said that the proposal was not a voucher program. And then he said it was a one-size-fits-all, that Medicare was draining our economy is what he said.

Well, ladies and gentlemen, that might be the rationale for our Republican friends wanting to eliminate Medicare, but none of those things are true. It is not a construct to develop a plan. It is the proposal of the Republican Party of the United States of America to eliminate Medicare as a guaranteed entitlement. If you don't believe me, go get the book that they wrote. Go get the budget that they wrote, go get the bill that they wrote.

And if you believe that it's not a voucher program, listen to their own Members talk about it. The Medicare program today is not, I say to my friends, one size fits all. My good friend from Georgia (Mr. GINGREY) was on the floor before talking about how it's one size fits all. How can it possibly be you can be a Member of the United States House of Representatives and not understand how Medicare works?

Each individual senior gets to go to the doctor of their choosing, gets to go to the clinic of their choosing, gets to decide for themselves where they go, and then the doctor and the patient make decisions.

The only question is: Are we going to say to citizens who are 65 and older, Here is a coupon. Go buy private insurance at 25 and 30 percent overhead rather than the Medicare program, which the actuaries say cost 1.05 percent in overhead?

We have also heard them say, You are demagogueing. We don't really want to get rid of it. You do.

Now, there is a saying here in Washington that a gaffe is when the Republicans actually say what they think. So there have been plenty of opportunities to see this gaffe in full play. Now, they have been tying themselves in intellectual knots trying to get out from under the basic facts.

By the way, I hope your insurance plan, the Ryan plan, covers the twisted arms and limbs you get tying yourselves in knots explaining this.

It is a radical departure from where we are today. Mr. Gingrich was right, even the blind squirrel can find a nut once in a while. He was right. It's a radical departure, but it's yours. Own it. Show a little gumption. Show that you are prepared to own your own proposals. But now that you want to do it and the American people are seeing the difference between Democrats and Republicans, now you are trying to squirrel your way out of it, with no disrespect to squirrels.

You say we don't have a plan. Not only did we pass a health care plan a year ago that extended 10 years the life expectancy of Medicare, but I will go one better. I will give you a plan. How about Medicare not starting at 65? What about 55 or 45 or 35? What is it that health insurance companies do in this country?

Now, I know that my Republican friends are wholly owned subsidiaries of the insurance industry, but that should not mean that our seniors lose their Medicare because of it. So, my friends Mr. SESSIONS and Mr. GINGREY were trying desperately to try to figure out how to get out from under your own beliefs. We believe in Medicare. We created it. We believe in Social Security. We created it. We believe in the health care act. We created it.

As a matter of fact, every improvement to health care in this country, Democrats propose, Republicans oppose. And now they have a chance to get rid of it, and they are doing it. But at least if you are going to do it, at least if you are going to try to do it, don't try to silence people who point it out.

And I think the lesson here is it might be later. If you had me come back at midnight, I would have said it. If I came back at 2 a.m., I would have said it, because the American people are going to see what's going on here.

You have a proposal to eliminate Medicare, a proposal to privatize a portion of Social Security by investing in the stock market, a proposal to roll back the expansion of prescription drug coverage for seniors. You have a proposal to take away the benefits of those 25 and younger to be able to get health insurance. That is your proposal. Own it. Live with it. Embrace it, because we are not going to let you get out from under it.

And you may delay me, you may gavel me, you may tell me you have got to come back at 2 o'clock in the morning. It's not going to change the fundamentals of this debate, that if you believe fundamentally in Medicare, at this point you have got two choices: Tear up your Republican Party membership or give up control of Congress, and, frankly, some of you are going to have to do both.

Mr. PALLONE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. I want to continue this debate on the Medicare issue because I do believe, from looking at the Republican budget, that they do intend to end Medicare, it's quite clear. And, you know, the irony of this is that, when the Democrats were in the majority, we were trying to expand health care options, provide everybody with health insurance. And now what we see is just the Republicans, when they take

the majority, are trying to get rid of, really, the best health insurance program that the Nation has ever seen, and that's Medicare.

No one would argue that Medicare has not been successful. The fact of the matter is that before we had Medicare—which, as my colleague from New York mentioned, was a Democratic initiative—what would seniors do? Well, seniors couldn't get health insurance because, as you know, when you get to be over 65, or if you are disabled, people don't want to give you health insurance because it costs too much. You are in the hospital too much. You have too many health care needs. And so seniors basically couldn't find health insurance. They were really at the mercy, if you will, of whatever they could find, or if they got sick, they had to go to a hospital or they had to go to a doctor and pay out of pocket in many cases.

And so when the Democrats came along and Lyndon Johnson said, look, this is something that we need because seniors can't get health insurance, well, they initiated Medicare. And the fact of the matter is that almost every Republican voted against Medicare then, and they have never liked it because they know it's a government program. They don't like government programs.

So if anyone on the other side of the aisle is trying to tell me, I don't know that they are, but if they are trying to suggest that if somehow by voting for this budget that ends Medicare that they didn't really mean it, I would say look at their history, look at the history of opposing Medicare, of opposing Medicaid, of opposing even Social Security when Franklin Roosevelt and the Democratic Congress put it together.

□ 2010

Now, I want to point out what happens when seniors don't have Medicare anymore and they have to go buy insurance on the private market. Well, basically, what that does is it puts the insurance companies back in charge again. And that's no surprise. This is what the Republicans want. They always stand with the special interests—Big Oil, big banks, Wall Street and, of course, the insurance companies.

And the insurance companies don't like Medicare because they can't make any money. They want to be able to make money. They want to take, cherry-pick, if you will. If you're over 65 and they figure you're in good health, then maybe they'll give you insurance if you want to go and buy it because they figure you might be a good risk and they can charge you a lot of money and they can give you a barebones policy that doesn't cover anything.

Remember that Medicare not only provides a guaranteed insurance policy that you can buy, that you get, I

should say, from the government when you are over 65 regardless of your health status or of your income, but you also get a pretty generous insurance plan that covers a lot of things. You put the insurance companies back in charge, and not only will they not offer insurance to a lot of seniors at a decent price, but for those who they do sell the insurance to, it's not going to be a package that covers what most seniors are going to need. So it's not only that Medicare is important because it guarantees you coverage, but it also guarantees you a pretty generous coverage which you need when you're 65 or when you're disabled.

Some of the Republicans I hear say, well, don't worry senior citizens, we may be ending Medicare, but it's only going to be ending for those who are now 55. If you're 65 years old, you can continue to have it. But if you're 55 or under, when you get to be 65, it's no longer going to be available. So if you're a senior citizen now, don't worry about it. Well, I don't know too many seniors who think that way, because I know they worry about everybody including not just themselves, but their children and their grandchildren.

But besides that, I would also point out that this Republican budget eliminates two other things. First of all, we, as Democrats, when we were in charge of the House, we put in place a program to close the prescription drug doughnut hole. So that if you reach the doughnut hole now, as of January 1, 50 percent of your costs are covered, and eventually you are going to have no costs in the doughnut hole. It's going to be eliminated completely.

Well, the Republican budget repeals that. So it goes back to leaving this gaping hole; whereas, if your out-of-pocket drug costs in the course of a year are \$2,500 or more, then you're not going to get your prescription drugs covered. So, also for current Medicare holders, senior citizens, it opens up that doughnut hole again so you are going to pay all this money out of pocket.

In addition to that, it repeals a Democratic provision that's now law that says that you don't have copays for preventative care. So if you're a senior or disabled and you need a mammogram, you need a certain kind of testing done, you don't pay a copay. The Republican budget also abolishes that. This is devastating for senior citizens, current and future.

Mr. THOMPSON of Pennsylvania. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I do support the Foxx amendment.

I've listened to all the discussion on the floor, much of it dealing, most recently, with not the Foxx amendment, but actually with Medicare, which always catches my attention. You see,

Mr. Chairman, I actually have, before I came into this position in Congress just a little over 2 years ago, 3 years ago now, I actually worked in the health care field. I worked specifically serving individuals that utilize Medicare. I was a therapist, a licensed nursing home administrator and manager of rehabilitative services.

At the time of the Balanced Budget Act of 1997, I actually was recruited by the Medicare agency—it was the Health Care Financing Administration then. Now it is the Centers for Medicare and Medicaid Services—to serve on the technical expert panel. So that's why, when I hear this rhetoric on the other side that the Republicans are trying to end Medicare, I find that just not accurate. And that's based on 30 years of experience of working with Medicare and developing an expertise with the Medicare policy, to be invited to be a part of the technical expert panel on Medicare.

The fact is, when I came to Washington in January 2009, I thought all 435 Members of Congress understood that the looming crisis in Washington was Medicare. Medicare was one of them, and that Medicare, frankly, was going to go bankrupt. It was going to become insolvent, and if we didn't reform Medicare, it would go away. And how immoral is that, for all the Americans out there that contribute to Medicare, pay for their Medicare, invest in their Medicare, and that it would not be there when it came time for them to get Medicare?

And so I'm actually just a little shocked, Mr. Chairman, by the rhetoric.

And the fact is, if we want to save Medicare, we need to do exactly what the Republicans are proposing, and that is to reform it, to save it. Even the Medicare trustees just 2 weeks ago came out and they said that the Medicare program was going to be insolvent 5 years sooner than what they originally predicted.

Now, what does insolvent mean, Mr. Chairman? Insolvent means going bankrupt. Insolvent means going away. Insolvent means that for all the seniors that have paid into the system, it won't be there for them.

We have a duty and an obligation, a fiduciary responsibility to make sure that Medicare is there. This side of the aisle is the only one that is working on keeping Medicare for our seniors. What we're proposing, really, is premium support. It's not vouchers. It's not privatizing. It's premium support. And premium support is the best model that you can look at, for that is Medicare part D, the pharmaceutical program.

Medicare part D gives seniors the opportunity to pick from plans that work for them that are customized to their needs. Medicare part D, for those who don't know it, has to do with prescrip-

tions for pharmaceuticals. And we provide premium support so that they can pick the plans that work for them, so they can make sure they get the prescriptions that they need to have.

Frankly, it is one of the few government plans that has ever come in under budget. Most government plans don't come in under budget. They come in way over budget. Medicare part D did.

It also speaks to me as Medicare part C, which is Medicare managed care. Medicare managed care, Medicare Advantage, which unfortunately the Patient Protection Affordable Care Act attacked and went after, that Medicare part C program provides for wellness and prevention. Medicare part C has been a program that has been allowed to emphasize prevention and wellness. And the statistics show that the people engaged in that program have been hospitalized fewer times and that those hospitalizations have been for fewer days. And do you know what? It keeps them well. It keeps them healthy. And that's what health care should be all about, keeping people healthy. And the other thing it does is it saves taxpayer dollars. That's a win-win, as far as I'm concerned.

So we're talking about premium supports that take concepts from Medicare part D and Medicare part C, and we're going to apply those premium supports to the Medicare program.

Mr. Chairman, I think it is important that people understand that if we do not reform Medicare, Medicare will go bankrupt, Medicare will be insolvent, and Medicare won't be there. If we don't do this, the fact is that Medicare will go bankrupt. Medicare will be insolvent. And in the end, that is just immoral.

We have a great opportunity here, and we need to address Medicare. I think premium supports are a great way to do that. And I appreciate the opportunity to be able to speak.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PALLONE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from North Carolina will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. WEINER

Mr. WEINER. I rise as the designee of the gentlelady from Florida (Ms. CASTOR) to offer an amendment that is satisfied by the preprinting requirement.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 12, add the following:

(d) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall not take effect until the date

that the Comptroller General of the United States determines there is no primary care physician shortage in the United States.

Mr. GUTHRIE. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, I support this amendment and hope we all vote for it.

I just do want to take an opportunity to respond to the gentleman who was just at the microphone. It is one thing to say you're saving Medicare, but if you leave a different Medicare when you're done than today, if it is entirely different, how have you saved it?

□ 2020

I know “premium support” or “price support” is the term of art that is now trying to take hold as you desperately try to figure out how to explain what you are doing, but let me make it very clear, and if I say anything incorrect, the gentleman can rise and I will permit him to correct me.

Under the proposal of the gentleman from Wisconsin, under the proposal of the Republicans in Congress, that at a certain point in the future, Medicare as we have it today, as a guaranteed entitlement safety net program for seniors, will cease to exist. That is the Ryan plan. I will pause while anyone seeks to correct that.

That silence you hear, ladies and gentlemen of the United States of America, is because I just said something that is factually correct. The Ryan plan, which is now the Republican plan, which is now the plan that has passed the House, would end Medicare as we know it. Now, that has never been something that they have hidden from before. They even had a book, “The Young Guns,” or something. Does the gentleman from New Jersey remember what it was called? It was like “The Young Guns.” They were parading them all around the country with this book that explained it, this is the way Medicare is going to look.

You say it is price support. Okay. It is price support unless you can't be supported by the price of the voucher. If you are a senior citizen, I say to the previous speaker, if you are a senior citizen and you are given this thing, call it what you want, a coupon, a voucher, a price support document, and you go around and look for insurance in your neighborhood and you can't find it, under the law that you passed, you are out of luck. But you are not entirely out of luck. Your family can go pay out of their own pocket and may be able to buy insurance.

Now, you are a good, fit, healthy man, God bless you, and you should be so for many years to come. But the fact is that many senior citizens cannot go into the private market and buy

insurance with a price support document or voucher or coupon. They won't be able to get it, which is why Medicare was created in the first place, because the conventional way of saying, "You know what; each and every person for themselves is the way we are going to get health care" was leaving senior citizens out.

I want to explain to my Republican colleagues a little something about economics. When we join together as a society, as a large buying pool, we get better treatment as consumers. We get a lower price. Fewer people buying car insurance, prices go up. All of us in a pari-mutuel relationship, prices come down. That is basic economics, but it is being violated by the Ryan plan, which is the Republican plan, which is the plan you now own and have to defend.

But to say, you know, We don't really want to defend it because we are uncomfortable with it, it is yours now. And you say, We are trying to save Medicare. We are trying to save it. If you want to save it, then it has to be a Medicare program. It can't just be some kind of a coupon.

But I want to talk very briefly in my remaining time about this idea that we don't have plans. I have a plan that I want you all to consider. It is taking the efficient program of Medicare, which has managed to keep administrative costs far below any insurance plan in the country, any one of them. If any one of them can come even close to Medicare efficiency, then I would say let's go get that one, but they can't.

Why is it that we say that only people 65 and above should get that efficiency? Why don't we say to the roughly 30 percent profits and overhead insurance companies are taking, Who needs you guys? You are taking our money.

We are giving it to insurance companies. They are not doing any exams. They are not doing any checkups. They are not operating on any people. All they are doing is taking our money, taking 20 percent off the top and then passing some of it along to doctors and hospitals. What are they performing in the economy? Let's take them out of the formula.

Now, we didn't go this way in the ObamaCare plan, which I proudly call it. But I have to tell you, there is a competition going on in this country right now between the for-profit, employer-based model with a 30 percent overhead and Medicare with 1.05 percent overhead. I say Medicare for all Americans. It is an American Democratic plan that we should extend to more people. You want efficiency? Get more people into that buying pool. Let's take advantage of the large numbers of people that we have and cover them with insurance at a lower rate.

But we didn't go that way. We went a Republican way. In the Obama proposal, it was essentially a Republican

proposal that said let's give them all health insurance. Now what you are saying is let's see if we can do that for senior citizens and still call it Medicare. You can't. You can't.

You say you are saving Medicare. You are destroying Medicare, and we Democrats and the people of this country are going to stop you.

POINT OF ORDER

Mr. GUTHRIE. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman from Kentucky may state his point of order.

Mr. GUTHRIE. The amendment violates clause 10 of rule XXI of the rules of the House because it has the net effect of increasing mandatory spending.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Mr. WEINER. I ask to be heard on the point of order.

The Acting CHAIR. The gentleman from New York is recognized.

Mr. WEINER. It is arguable whether or not this does increase spending because all this does is change the effective date. But I can tell you this: This is the exact same argument we heard today from Mr. CANTOR, who said they would not authorize any spending to help the people who were the victims of that horrible tornado recently because that, too, would need to be paid for.

Sometimes you have things that are emergencies in this country. Sometimes you have things that, frankly, under the emergency powers of this Congress, we should be able to implement.

I believe that while it is arguable that the effective date changes the net expense of this bill, because all this really does, the fact of the matter is that we have a responsibility to seniors in this country. We have a responsibility to those on Medicare to try to save it, just the same way I would say we have a responsibility to the citizens of this country who were ravaged by storm. And to hear your leadership say we would not allocate any funds for that purpose without going through a budget debate is outrageous.

The Acting CHAIR. The Chair is prepared to rule.

The gentleman from Kentucky makes a point of order that the amendment offered by the gentleman from New York violates clause 10 of rule XXI by proposing an increase in mandatory spending over a relevant period of time.

Pursuant to clause 10 of rule XXI and clause 4 of rule XXIX, the Chair is authoritatively guided by estimates from the chair of the Committee on the Budget that the net effect of the provisions in the amendment would increase mandatory spending over a relevant period as compared to the bill.

Accordingly, the point of order is sustained and the amendment is not in order.

Mr. PALLONE. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Chairman, I wanted to go back to the issue of Medicare, but I also wanted to respond to the gentleman from Pennsylvania because he also brought up the issue of Medicaid. I would point out that the Republican budget not only devastates and ends Medicare, but it essentially does the same thing to Medicaid because of the level of cuts that are put in place for Medicaid.

Now, senior citizens are very much aware of the fact, I think, that if Medicare ends, then they are thrown out in the private insurance market, and if they have to buy insurance on the private market at the whim of the insurance companies, that they will be in bad shape. They may not be able to get insurance. If they get it, it will be a very skeletal package. It won't cover and guarantee their benefits.

I think they also realize that the budget, if it repeals the health care reform, will go back to having this huge doughnut hole, which will cause them to pay a lot out of pocket and also will eliminate the lack of copays that now exist for preventive care, such as mammograms and other diagnostic tests that now are free without a copay. So they will pay a huge amount of money out of pocket if the Republicans get their way by ending Medicare.

But the gentleman from Pennsylvania also brought up Medicaid, and I would point out that many seniors are not aware of the fact that most of the money spent on Medicaid actually pays for nursing home care because Medicare doesn't cover nursing home care. Seniors, when they pay out of pocket for nursing home care, usually run out of their money very quickly and end up staying in the nursing home because of Medicaid.

Well, what this budget does is to basically cut Medicaid by almost \$800 billion over the next decade and essentially in half by 2022. That is not sustainable. What that is going to mean is, as I said before, when we didn't have Medicare, seniors couldn't get insurance and they just basically got no health care unless they went to an emergency room. But if you cut Medicaid in half, what is going to happen is there isn't going to be money for the States to pay for nursing home care, and either seniors won't be able to find a nursing home or, if they get one, it is going to be a nursing home that, because it is not getting an adequate payment rate, it is going to be really awful.

In my home State of New Jersey, I remember in the 1970s, going back 30 years ago, when nursing homes were just awful. We had fires. We had people with horrible bedsores.

□ 2030

The bottom line is that, if you really devastate Medicaid, which pays for nursing home care, you're going to also go back to the days when seniors couldn't find nursing homes.

Mr. WEINER. Will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from New York.

Mr. WEINER. I just want to point out something else. Who is going to be left to pay for it?

Obviously, localities in New Jersey, Pennsylvania, and New York are not going to let people lie sick in the streets. It's just going to mean local taxes are going to get raised and that State taxes are going to get raised because, ultimately, it's not whether people get health care; it's just how it's paid for. Frankly, by cutting it off, it doesn't mean that. It just means that we're passing it along in an unfunded mandate to localities.

I thank the gentleman for yielding.

Mr. PALLONE. I agree.

I also would point out that, many times, the localities, because they have budget problems, may not even pay for it at all, and so we'll end up with awful nursing homes or we'll not even have nursing homes.

The other thing, too, is that Medicaid also has waivers that pay for a lot of senior citizens to stay home and that pay for their personal care when they stay home: for somebody to come in and dress them, to cook meals, to clean the house, that type of thing. That would also be gone or it would be cut in half when you cut Medicaid in half.

Again, as Mr. WEINER said, unless the States stepped in and paid for that, a lot of those senior citizens who don't have to go to nursing homes end up staying home and getting the personal care in their homes or apartments, and those programs are going to be eliminated as well.

So it is amazing what the Republicans are doing in this budget: ending Medicare and cutting Medicaid. What that means for senior citizens is just an awful thing. These cuts to Medicaid go into effect immediately, so they impact seniors immediately, and just get worse and worse over the next 10 years. It also applies to the disabled because these are programs that are paying for the disabled. Everything that I said about people over 65, whether it's regarding Medicare or Medicaid, also applies to people who have disabilities.

I just don't understand. Again, Medicare, Medicaid, Social Security, these are programs that the Republicans never liked, never voted for, never supported, and I'll mention one more. Because of the cuts in Medicaid and also because of the cuts in the SCHIP, which is the family care premium, the budget also makes it so a lot of children who now get health care coverage

are not going to get health care coverage.

Again, the Republicans are walking away from the seniors, walking away from the disabled, and walking away from the children.

Mr. WEINER. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. WEINER. I say to the Chair, when I was here at 6 o'clock and was cut off by the Chair and was taken off my feet and lost my ability to speak for reasons that are only known to the Chair, I was prepared to make my 5-minute remarks, and the other Members were prepared to do the same.

I want to say that, just as a matter of comity and as a matter of our all getting along, this is an important debate, and if the effort were to try to figure out a way to stymie the debate and to silence some of us, I just want to remind you that it's not going to work and that we're going to find a way to make this debate happen even if it's late into the evening. But I just want to continue on a point that the gentleman from New Jersey made, and I want us to understand a little bit about the basic tenets of how Medicare works.

Many Members on the other side of the aisle came to the floor today and talked about Medicare as being a one-size-fits-all plan. Medicare works because of its flexibility. My father is a member of an HMO. He chose that option. People can go to individual payer-service doctors.

Now, there is no disputing that health care—all health care—is on a rising arc that is unsustainable. That's why the Republican strategy of doing nothing and drilling its head into the sand for years was no longer sustainable, and that's why we Democrats, without a single Republican vote, had to do something about it. The arc of cost is strangling our economy. The arc of cost of not having people insured and of passing along the bills to all of us was an unsustainable model. That's why we made changes that made Medicare more efficient.

For example, one of the things that my friends want to eliminate is the idea that, under Medicare now, under the Affordable Care Act, under ObamaCare, preventative services for seniors are reimbursed 100 percent—no copayment. Why do we do that, and how does that save money? It's because of what our parents and grandparents have taught us time immemorial, that an ounce of prevention is worth a pound of cure, and that by providing coverage for that you actually save money in Medicare. How did we extend Medicare by 10 years? That's one of the ways that we did it.

What my colleagues fail to understand is that we acted just last year.

You ask, Where is your plan? We acted just last year to extend the life of Medicare; to expand services provided under Medicare; to reduce the cost to the economy; to provide coverage for the uninsured; to reduce the burden on localities and cities that have to pay for the uninsured now. That's what we did.

What are you doing? You're saying let's take not only the Affordable Care Act and eliminate all of those protections, but let's go back 40-some-odd years, and let's eliminate the Medicare Act, and let's replace it with something that, oh, lo and behold, takes taxpayer dollars and gives it to insurance companies.

Now, anyone watching this movie from the beginning knows that that's your basic modus operandi, that that's what you always seek to do—to enrich insurance companies. But if you want to provide care for seniors—Democrat seniors, Republican seniors, seniors with no party affiliation—Medicare has turned out to be a very efficient way to do it. Does that mean there are not rising health care costs across the board? Yes, but I'm going to tell you something. Here's this for an interesting little fact:

Medicare's rising cost is actually less than that of the private insurance market. Well, how can that be? Because, as I said, Medicare doesn't take money for profits. Medicare doesn't take money for shareholders. Medicare doesn't take money for advertisements. Medicare doesn't take money for giant call centers, where you call them, and they put you on hold and then ultimately don't give you their service. They don't give giant bonuses to their CEOs. Medicare is an efficient program that's well run because that's how we roll, we Democrats. We do efficient programs that are well run.

What do you do? You want to eliminate them. You like that.

That's how they roll. They want to eliminate these programs. We're standing in the way, but we're not standing alone because seniors of all stripes and even people who are young people who want to someday become seniors understand a program that works when they see it. They also understand a party in retreat when they see it, I say to my good friend. We see how you guys are coming down here. Well, it's not a voucher; it's a coupon. It's not a coupon; it's a price support. Earlier in the day, someone said you're draining the Federal Government. One size fits all.

You guys, I have not seen so much defensive talk in years. But you ought to be a little bit defensive about this because we found out what you believe in. You campaigned on what you were against, and this is apparently it. But here it is. Now you've got to defend it. You should do a better job than simply saying, Oh, no, no, no, no. We love this



Democratic program. We're not trying to hurt it.

The American people are much too smart for this. They know if you say we're taking away a guaranteed protection and we're replacing it with a price support document, or whatever euphemism you're going to work, that we Democrats are going to stand up and call you on it every day. You can huff and you can puff, but eventually, it's going to be us blowing your house down. Ultimately, it's going to be the citizens of this country saying, You know what? I remember now why we put Democrats in charge when we wanted to take care of people, because they create programs like Medicare, and Republicans want to eliminate them.

The Acting CHAIR. The time of the gentleman has expired.

Mr. GUTHRIE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CANSECO) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, had come to no resolution thereon.

#### THE WINNERS OF THE NASA AERONAUTICS SCHOLARSHIP AWARD

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize two individuals from my district who were recently selected to receive NASA's Aeronautics Scholarship Award—Khalil Ramadi and Robert Schroeder, both of whom are students of Penn State University.

The Aeronautics Scholarships Program, which is in its fourth year, aids students enrolled in fields related to aeronautics and aviation studies. These gentlemen are two of 25 undergraduates and graduate students selected from hundreds of applicants from across the country to receive aeronautics scholarships.

Robert and Khalil will have the opportunity to intern with NASA researchers and to directly work on projects such as managing air traffic more efficiently and improving safety. They will be part of a nationwide team of researchers that is pursuing an ambitious set of aeronautics technology development goals.

Their hard work has gotten them to this point, and through this award,

they will now play an even bigger part in contributing to our Nation's pursuit of solutions for some of the most pressing challenges facing the air transportation systems today.

I want to thank Khalil and Robert for their hard work and dedication. Congratulations on receiving this honored distinction.

□ 2040

#### PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BARTLETT. Mr. Speaker, I would like to spend just a few moments putting the debate that we are having on Medicare in perspective.

This year, our budget deficit will be close to \$1.6 trillion. That is a really big number. Well, what does it mean? Well, it means that about every 6 hours—as a matter of fact, a little less than that—we accumulate another \$1 billion deficit that adds another \$1 billion to our debt.

This \$1.6 trillion is, as a matter of fact, about a half trillion dollars more than all the money that we come here to vote to spend. We spend the better part of 12 months debating a large number of authorizing bills and voting the appropriations bills to spend just a little over \$1 trillion. Our deficit is \$1.6 trillion. That means it's about a half trillion dollars more than all the money we vote to spend. What that means, Mr. Speaker, is that if we had no military—just don't fund it, send all the service people home—if we had no Department of Education, no Department of Commerce, if we emptied all of those large buildings full of government bureaucrats, we would still have about a half trillion dollar deficit. What that means of course is that there is no chance, no opportunity of balancing the budget by cutting spending in all of those programs that we spend the better part of a year debating here.

Well, if that wouldn't balance a budget, what then must we do? It's very clear that if the deficit is about a half trillion dollars more than all the money we vote to spend, that a lot of the spending that accumulates this deficit is in programs that we don't vote to spend money on. These are programs that pay the interest on the debt, that's kind of mandatory spending—if you don't do that you're in big trouble—and it's Medicare and Medicaid and Social Security.

And so in this debate on Medicare, it's not just the Medicare Trust Fund that we're talking about that will go bankrupt—it will because today and every day, with no time out for holi-

days or weekends, 10,000 of our baby boomers retire and they stop paying into these funds and they start drawing from these funds. And so as we debate this subject, we need to remember that it's bigger than Medicare, that even if you could agree that Medicare will somehow magically be solvent, it really won't matter if we have a country that's bankrupt, will it? Because you can't have a Medicare program in a country that has no government because it has gone bankrupt, and that's what is going to happen if we don't get a handle on this debt. And it's a huge problem.

Our leadership on our side of the aisle worked very hard to keep the promise that was made during the campaign of cutting \$100 billion from spending this year. That's a lot of money to cut. But even if we had cut the \$100 billion, that would have been one-sixteenth of the deficit. But it turned out to be an amazing disappearing \$100 billion. It shrunk to \$61 billion, then it shrunk to \$38 billion, and then when CBO looked at the actual outlays this year of how much we would save, it shrunk to \$352 million. That is, Mr. Speaker, about one-third of 1 percent of what we promised. And even if we had delivered what we promised, \$100 billion, that would have been roughly 6 percent of the deficit, one-sixteenth of the deficit.

So when we talk about these individual programs, it's nice to keep in perspective the overall picture of where we are. If you are excited by challenges, you will be exhilarated by this challenge because this is a huge, huge challenge that our country faces.

We now are about a decade into a new century and a new millennium. And it's interesting to look back at the last century and ask ourselves what was probably the most important speech given in the last century. Now if you were to ask that question of 100 people, probably not one of them would cite the speech that I'm going to tell you tonight was the most important speech of the last century, but I think that if you were to ask that question 10 or 15 years from now, that almost all of those 100 people would tell you that this speech is probably the most important speech of the last century. It was given on the eighth day of March in 1956 by a man named Marion King Hubbert—generally known as M. King Hubbert—to a group of oil people in San Antonio, Texas.

At that time, the United States was king of oil. We were the first major industrialized nation in the world. We were pumping more oil, we were using more oil, we were exporting more oil than any other country in the world. And M. King Hubbert told this group of oil specialists that in just 14 years—by 1970—the United States would reach its maximum oil production, that no matter what they did after that, oil production in this country would fall off.



That was audacious, it was unbelievable—as a matter of fact, it wasn't believed. M. King Hubbert was relegated to the lunatic fringe. How could it be that a country that had discovered this much oil, was king of oil, producing more oil, consuming more oil, exporting more oil than any other country in 14 years is going to reach its maximum production and then fall off?

You know, if you stop to think about it, oil one day will run out, won't it? I started asking myself that question a lot of years ago when I was teaching school, and I taught a class in biology, and all of the publishers would send me their textbook hoping that I would use it in my class and they could sell it to the members of the class.

□ 2050

And I remember I was asking myself the question, you know, oil can't be forever. When will there be a problem? Next year? Ten years? A hundred years? Maybe it is a thousand years. I had no idea. I had no idea when this crisis would occur. But obviously there had to be a time in which oil would run out. And if there's such a time when oil will run out, there has to be a time when you've reached your maximum ability to produce oil.

Well, the chart that I have here shows what happened. He made that prediction here in 1956. We were here. He said in 1970—that's the peak up there—that we would reach our maximum oil production. This chart shows where that oil was coming from—from Texas, from the rest of the United States, from natural gas, liquids.

And then we made two big oil discoveries. He hadn't included Alaska and he hadn't included the Gulf of Mexico. You can see Alaska there, just a little blip in the slide down the other side of Hubbert's peak, and there you could see the fabled Gulf of Mexico in yellow there, the fabled Gulf of Mexico oil discoveries. It hardly made a difference, did it?

The United States now produces about half the oil that it produced in 1970, and that's in spite of the fact that finding oil that M. King Hubbert did not include in his prediction. He included the lower 48. He did not include Alaska. He did not include the Gulf of Mexico.

But in spite of finding a fair amount of oil there, today we still produce half the oil we did in 1970.

Now, by 1980 if you look on the charts—but in 1980 you could look back and you could say gee, M. King Hubbert was right, wasn't he? The United States did reach its maximum oil production 10 years ago. Wow.

What that means, of course, is that won't the world at some time reach its maximum oil production? How could you argue that the United States is not a microcosm of the world? If the United States reached its maximum oil

production in 1970, when would the world reach its maximum oil production? As a matter of fact, M. King Hubbert predicted that the world would be reaching its maximum oil production just about now.

Well, if M. King Hubbert's speech was the most important speech of the last century, one might ask the question, "What was the most insightful speech of the last century?"

Now, I don't know if these two men even knew each other. I don't know if Hyman Rickover, who I think gave the most insightful speech of the last century, don't know if he even knew that M. King Hubbert existed. He was going to talk about the same phenomenon from a very different perspective.

His speech was given the 15th day of May, just a little over a year later, in 1957. The audience was irrelevant, but the audience was a group of physicians in St. Paul, Minnesota. For many years his speech was lost. And just a few years ago it was found, and it's on the Internet now. And if you'll just Google for "Rickover" and "energy speech," it will come up. And I'm sure that you will agree that it is probably the most prophetic speech that you have ever read.

I'm sure you will agree that it might very well be the most insightful speech of the last century. I have some quotes here from Hyman Rickover's speech. And you know, I'm sure that speech was still around in 1980 when you could look back and see, gee, in 1970, we really did peak in oil production in this country, didn't we?

And looking at what Hyman Rickover said there really should have been some pause, shouldn't there? There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy. Oh, it's really interesting. Almost all of the energy we use today came from or comes from the sun. It was the sun that made the plants and so forth grow that produced our gas and oil. It's the sun that, with differential heating, makes the winds blow. It's the sun that lifts the water and the clouds, then drops it on the mountains, it runs down to produce hydroelectric power. No wonder many of the ancients worshipped the sun. They kind of understood how important it was to their economy, didn't they?

They were thinking about solar energy 500 million years ago that took eons to grow to its present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect. Wow, what a profound statement he makes here: "The longer they last, the more time do we have to invent ways of living off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift."

Now, this speech was given in 1957. That's more than a half century ago.

This next quote, I love this next quote. "Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare."

You know, I think of that statement when I notice how eager we are to "drill, baby, drill." Drill more, pay less. I have 10 kids, 17 grandkids, and 2 great grandkids. When the Vice President came here to try to get me to vote to drill in ANWR, I told him I'd be happy to vote to drill in ANWR when he promised me they were going to use all the revenues we got from ANWR to invest in alternatives. Because more than a half century ago, Hyman Rickover said that's precisely what we should be doing. And we had not been doing any of it.

I noted to the Vice President that we were going to leave our kids a huge debt. I had no idea then how really huge it would be because that was several years ago. I said wouldn't it be nice to leave them a little oil so that they might have something to work with that huge debt?

The next chart is another quote from Hyman Rickover. "Whether this golden age," as he referred to it—and wow, what a golden age it's been—"Whether this Golden Age will continue depends entirely upon our ability to keep energy supplies in balance with the needs of our growing population." Nearly 7 billion people in the world and energy from fossil fuels, particularly oil, is absolutely essential to their survival. "Possession of surplus energy is, of course, a requisite for any kind of civilization, for if man possesses merely the energy of his own muscles, he must expend all his strength—mental and physical—to obtain the bare necessities of life."

When I first got some statistics on oil and the energy density of oil, I could not believe them. One barrel of oil has the energy equivalent of 25,000 man hours of work. I saw that number and I said, That's incredible. That means it has as much energy in one barrel of oil, 42 gallons. That's 12 people working all year long.

I drive a Prius. And then I thought, you know, a gallon, not very big, a gallon of gasoline will take my Prius—the most recent mileage is 53 miles per gallon. Now, I could pull my Prius 53 miles, but it would take me a spell, wouldn't it? I would have to use come-alongs hooked to the guardrail or trees off to the side and pull the Prius, but it would take me quite a while to pull my Prius 50 miles, and that's just one of those 42 gallons in a barrel of oil. So I guess that 25,000 man hours of effort is really the energy equivalent of a barrel of oil.

And of course what that incredibly cheap energy has done has permitted us to develop a really great quality of life. And Hyman Rickover referred to that as this Golden Age.

The next chart, and he kind of missed it a little here as you will see, in the 8,000 years from the beginning of history to the year 2000, world population will have grown from 10 million to 4 billion with 90 percent. Well, we kind of passed that, didn't we? We're not quite double that, but we're past that. So growth exceeded what he thought it would be.

□ 2100

It took the first 3,000 years of recorded history to accomplish the first doubling of population, 100 years for the last doubling. The next doubling will require only 50 years. As a matter of fact, it required less than that. And the path we are on, you know, we're just going to have increasing numbers of people while we have decreasing supplies of energy to support them.

The next chart, another quote from Hyman Rickover. You know, reading this, after 1980, when you could look back and see that M. King Hubbert was really right about the United States, shouldn't our leaders have sat down and said, gee, what are we going to do about that?

One final thought I should like to leave with you. "High energy consumption has always been a prerequisite of political power. The tendency is for political power to be concentrated in an ever-smaller number of countries. Ultimately, the nation which controls the largest energy resources will become dominant. If we give thought to the problem of energy resources, if we act wisely and in time to conserve what we have and prepare well for necessary future changes, we shall ensure this dominant position for our own country." Have we done any of that? This is the father of our nuclear submarine, Hyman Rickover. Great advice.

The next chart gives a perspective that Hyman Rickover talked about, and this looks at the age of oil. It goes back to 1630. It could go back to the time of Christ and the chart wouldn't change because the amount of energy the world was using was so small that it wouldn't show above the baseline here. And then we entered the Industrial Age. The brown line there is wood. We started with steam engines and fueling them with wood. And then we found coal, and that's the black line there. And then we found gas and oil. Wow, look what happened when we found gas and oil.

Now, we are going to see this curve again. And we are going to see it again and again. A very steep rise. With this very long time in the abscissa, that rise is really very steep. We will see some other charts where we have stretched out the time and the rise is

not so steep. But notice what happens at the very top up there. It fell off and then rose again. That's the recession of the seventies, the Arab oil embargo. You know, you need to thank them for doing that because we woke up. Look what would have happened if that hadn't happened and that exponential curve kept on rising. It would be off the top of the chart.

Our next chart shows that in a different perspective. This is called the oil chart. And if you had only one chart to look at to inform you, this would probably be the one that you would want to look at. The curve that we saw in the last one, that red curve, I said you would see it again and again, and here it is. This is the curve. Now, it was very steep there because they had compressed this time, and so it went up. This is that drop-off in the seventies. Notice what would happen if we hadn't become more efficient as a result of that. This curve would be off the chart by the year 2011.

The vertical bars here show the discovery of oil, and we started discovering it in the forties. And, boy, in the fifties, and sixties, and seventies, huge peak in the seventies. And then by 1980—the black line here represents the use of oil—by 1980 we were using as much oil as we were finding. And after 1980, we always have used more oil than we found that year. But no matter, because there is a huge reserve back here. So we are now filling this space between what we found and what we use by dipping into those reserves that we have.

How long will they last? This chart indicates the future discoveries will be on an ever-decreasing slope. It won't be smooth like that because this has been up and down. That will be up and down. I want you to make your own judgment as to how much of that we're going to find.

By the way, this chart was what, '04 was when this chart was created, and they were predicting that the world was going to reach its maximum oil production probably about what, '10 or so there. As a matter of fact, they were somewhat optimistic, as we'll see a bit later, the peak oil production. Oh, the next chart shows some of that. And we will look at the next chart.

There are two entities in the world that do a very good job of keeping track of how much oil we pump and use. Of course we use all we pump. There is no big reservoir of oil anywhere. And this is the EIA and the IEA. One of them is a creature of the OECD in Europe, and the other is a part of our own Department of Energy. And these are their records of how much oil we have produced.

And notice that for about the last 6 years now we have been plateaued in oil production at about 84 million barrels a day. We are stuck there for about the last 6 years at 84 million barrels a day.

When demand goes up—and the increasing economies in China and India and the developing world, the demand is really going up. When demand goes up and there is a constant supply, what happens to prices? You know, \$50, \$80, \$100, \$147 finally. And that high price of oil combined with a silly housing bubble that we produced in this country, and the world's economy is kind of near collapse. And then oil fell to a bit under \$40 a barrel. But as soon as the economies picked up again, the price of oil increased, and now it's roughly \$100 a barrel.

The next chart looks at the world's picture, and the dark blue on the bottom here is conventional oil. Notice that it increases. They have it at about 2006. There is now general recognition by experts all over the world, even the naysayers like ExxonMobil and CERA, Cambridge Energy Research Associates, now concede that oil peaked in about 2006. But we have had unconventional oil, and we have had natural gas liquids. We are finding more and more natural gas. And there is natural gas liquids. You won't probably put that in your fuel tank because it's propane and butane and that kind of energy source. This chart admits that we have reached the peak, and it's going to fall off. Doesn't this look very much like Hubbert's curve for our country, falling off?

Now, I am sorry I don't have the next chart that they created just 2 years after this, but let me tell you the differences. The chart they created 2 years after this has two main differences. One, it went out to 2035 instead of 2030. Notice that the total oil production, adding up all of these various sources of oil, came to 106 million barrels a day, they thought, by 2030. Now, just 2 years later—this was an '08 chart—by '10, they had produced a chart that said that the peak production 5 years later was going to be only 96 million barrels a day. They had lowered their expectations. They also had lowered their expectations of how much oil we are going to be getting from our current fields, because this line had dropped off considerably lower in their chart just 2 years later.

Now, they have our availability of oil ever going up and up, down to only 96 million barrels a day in 2035 in their next chart. But the contribution to that is very little of it comes from our conventional oil. Most of it is going to come from oil from fields that we have discovered and not developed. That's the light blue. And the red there is from fields yet to be discovered. And that disparity is even more acute in the chart that they developed just 2 years later.

I will tell you with considerable confidence that those two wedges are not going to occur in anything like that magnitude. The world inevitably will follow the same curve that the United States followed.

□ 2110

We reached the peak in 1970. We have been falling off ever since. In spite of finding oil in Alaska and the Gulf of Mexico, in spite of drilling more oil wells than all of the rest of the world put together, today we produce half the oil we did in 1970. This relates to the discussion that we are having about the budget and about Medicare.

PAUL RYAN had a bill which he called the "roadmap," and it was a way to get at the problem of our debt and deficit, and it was pretty tough. It was so tough that only about 12 or 13 of us signed onto that roadmap.

Then we came to the budget debate, and all but four Republicans voted for that budget. I was almost the fifth one not to because I didn't think that it was going to solve our problem. It didn't cut enough. We weren't going to balance the budget.

PAUL says that his budget pays down the debt, but it doesn't balance for 25 years. And to make it balance in 25 years, he projects fairly robust growth. That robust growth will not occur because, as soon as the world's economy picks up and the demand for oil picks up, since we have done nothing that we were advised to do by Hyman Rickover more than 50 years ago in planning an orderly transition to other sources of energy, when the price of oil goes up again to \$125, \$150 a barrel, even if you believe that our economy is going to pick up—and it won't—it still takes 25 years to balance the budget. So what we are talking about tonight in this energy thing really, really is important in our budget debate as well.

The next chart is an interesting one. This was from several years ago, before the peaking of oil. It shows the exports in the world and when they thought oil would peak. Here is the year they thought it would peak—and some of them a very long time from now. Well, Deffeyes said before 2009, and it certainly was before 2009, but it occurred earlier—well, 2006 and 2007. It occurred in 2006.

The next chart shows exactly these same things in a pictorial form so that you can see some of them. They weren't going to miss the bet, were they? They could occur any time during those many, many years there, but there is almost unanimous agreement now that oil did peak in 2006.

The next chart shows four studies. There are five reports, but there were only four studies because two reports came from the same study.

Your government paid for four different studies, two of them issued in 2005 and two of them issued in 2007. There was a second iteration of the DOE report here that occurred a little later, in '05 and '07. They all said essentially the same thing, that the peaking of oil was either present or imminent with potentially devastating consequences.

Now, why did your government pay for four reports? Because they didn't like what the first report said. Then they got the second one that said the same thing, and they didn't like that either. So they ordered a third one, and they didn't like what that report said either. The President finally ordered the National Petroleum Council report.

The next chart is one of the quotes from the first report, which is a big SAIC report. Dr. Robert Hirsch was the leading investigator, so it's frequently called the "Hirsch report," and I have a couple of quotes from this.

The peaking of world oil production presents the U.S. and the world with an unprecedented risk management problem. As peaking is approached, liquid fuel prices and price volatility will increase dramatically, up to \$149 a barrel; and without timely mitigation, the economic, social and political cost will be unprecedented.

On the next chart—and this was all out there since 2005—world production of conventional oil will reach a maximum and will decline thereafter.

They said that with quite some confidence because it happened in the United States, unquestionably, and the United States has to be a microcosm of the world. That maxim is called the "peak." A number of confident forecasters projected peaking within a decade. Others contend it will occur later. Well, it occurred well within the decade.

The world has never faced a problem like this. It is unprecedented. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions—wood to coal and coal to oil—were gradual and evolutionary. Oil peaking will be abrupt and revolutionary. This was in 2005. Your government didn't like what that report said, so they just ignored it.

In the same year was another report by the Army Corps of Engineers, and I have several quotes: The current price of oil is \$45 to \$57 a barrel and is expected to stay that way for several years.

Wow, even the experts get it wrong sometimes, don't they?

Oil prices may go significantly higher, and some have predicted prices ranging up to \$180 a barrel in a few years.

Well, it reached \$147, but it didn't reach \$180 because the economy collapsed, and the demand for oil went down. With the demand down, the price went down.

The next chart is another quote from this same study. Petroleum experts Colin Campbell, Jean Laherrere, Brian Fleay, Roger Blanchard, Richard Duncan, Youngquist, Albert Bartlett—my namesake. I wish I had some of his genes. He has given a great speech on energy. Google for "Albert Bartlett, an

energy speech." He has probably given his speech about 2,000 times now. It is the best speech I have heard on energy—have estimated that a peak in conventional oil production will occur around 2005. It occurred in 2006. They didn't miss it very much.

The next statement isn't from the Corps of Engineers. It's a statement from Condoleezza Rice, which I thought was a very insightful statement:

We do have to do something about the energy problem. I can tell you that nothing has really taken me aback more as Secretary of State than the way that the politics of energy is—I will use the word—"warping" diplomacy around the world. We have simply got to do something about the warping now, a diplomatic effort by the all-out rush for energy supply.

Good advice. What did we do? What did we do?

The next chart is another quote from the Corps of Engineers:

Oil is the most important form of energy in the world today. Historically, no energy source equals oil—intrinsic qualities of extractability, transportability, versatility, and cost. The qualities that enabled oil to take over from coal as the frontline energy source for the industrialized world in the middle of the 20th century are as relevant today as they were then.

All ignored by your government.

On the next chart, there is another quote from this same study by the Corps of Engineers. Well, they're quoting Jean Laherrere and our Energy Department. Just go back and look. Historically, you can Google and find him, I'm sure. They are projections of what energy was going to be available to us. This is his quote on that, Laherrere's quote:

The USGS estimate implies a five-fold increase in discovery rate—you have to have that much discovery rate to keep up with what we're using—for which no evidence is presented. Such an improvement in performance is, in fact, utterly implausible given the great technological achievements of the industry over the past 20 years, the worldwide surge and the deliberate efforts to find the largest remaining prospect.

We are finding more oil. One of the big finds in the Gulf of Mexico was under 7,000 feet of water and 30,000 feet of rock. A big discovery of oil is 10 billion barrels. We use 84 million barrels a day. That means, in 12 days, we use 1 billion barrels of oil.

□ 2120

That's a staggering number. What that means is if you found 10 billion barrels of oil and you could get it all out, that will last the world 120 days. Big deal.

The next chart is Shell Oil. By the year 2100, the world's energy system

will be radically different from today's. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand, and Shell estimates that after 2015, supplies of easy access to oil and gas will no longer keep up with demand. That didn't wait until 2015. It happened in 2006. But he was generally right. This was of an absolute certainty going to happen.

The next chart presents us with a dilemma that many people are concerned about. It's a national security issue. We have only 2 percent of the world's oil reserves. We use 25 percent of the world's oil. We are only a little less than 5 percent of the world's population. We import about two-thirds percent of what we need. Many people rightfully believe that having only 2 percent of the world's reserves and using 25 percent of the world's oil and importing two-thirds of what we use presents an undesirable national security risk. As a matter of fact, there were 30 prominent scientists and thought leaders who wrote a letter to President Bush saying exactly that.

Notice that, though we have only 2 percent of the world's oil, we are producing 8 percent of the world's oil. We field more oil wells than all the rest of the world put together. It's like several kids sharing a soda and they have half a dozen straws in one soda, you can suck it down pretty quick, can't you? And that's where we are with oil.

The next chart is an interesting one. And what this chart shows us is the energy density of these various types of fuel. Notice that oil aviation fuel, boy, that's refined, isn't it? It's got lots of energy. And so does natural gas, which is why natural gas is a great fuel for cars if you have the infrastructure to support that. But notice all these other sources of energy, the energy density in oil is just incredible. There's nothing else, there is no readily available source of energy that comes even close to the energy density in oil as we look at alternatives.

The next chart, and some people will tell you, yes, I know, oil is short, but who cares? Because we are king of coal, we're the Saudi Arabia of coal, we have enough coal to last us for a long time. I've had Members tell me it will last us 500 years. A commonly quoted amount of coal is we have a 250-year supply of coal—at current use rates. Note when people tell you how much of something we have at current use rates, think about what increasing use will do to that. If we increase the use of coal only 2 percent—and we'll increase the use more than that as we run down on oil and we have learned to do what Hitler did and South Africa did to create oil and gas from coal—just a 2 percent growth doubles in 35 years. That's not enough growth to keep our stock market happy. It wants more than 2 percent. But 2 percent doubles in 35 years.

It's four times bigger in 70 years. It's 8 times bigger in 105 years. It's 16 times bigger in 140 years. So that 250 years of coal shrinks to just 50 years of coal, by 85, if you use it as coal, but if you're going to use some of the energy to convert it to a gas or liquid, now it shrinks to 50 years. So your 250 years shrinks to 50 years if you have only 2 percent increase in its use and if you convert it to a gas or a liquid.

But the reality is that there is no way you can avoid sharing that coal or the gas or oil you would get from it with the world. Because if you use oil or gas that you've made from your coal, then somebody else buys the oil from Saudi Arabia or Hugo Chavez. So the reality is that you have no alternative but to share it with the world. We use one-fourth of the world's oil, so that means it will last the world 12½ years.

Now the National Academy of Sciences says we haven't looked at the coal reserves for a long while, since the 1970s, and they think we probably have about 100 years of coal at current use rates. But even if we had 250 years at current use rates, just 2 percent gross shrinks to 85, convert it to gas or a liquid and it drops to 50, and you have no alternative but to share it with the world. So it drops to 12½ years.

The next chart shows us something very interesting. What it shows us is that we don't have to look to a decreased quality of life if we are using less energy. This is the human development index. It's a per capita energy consumption. You notice that we share a lone position way out there at the end of the curve. But notice how flat that curve is on top. The people using roughly half the energy we do, the human development index, which is life expectancy, education level, relative income, is about the same as ours using only half the energy we use. As a matter of fact, that's where Europe is. They use half the energy we use.

The next chart looks at some of the same phenomena in a different way. This is how happy people are with their station in life. Now here we are, using the most energy, that's on the bottom, how much energy you are using, we use the most energy, and we're pretty happy about things, aren't we? But notice how many countries, I think there are 22 of them, that feel better about their quality of life than we feel using, some of them, only half as much energy as we use.

Now on both of these curves you have to get back down to about here, which is about one-third as much energy as we use before you start falling off quickly in these indices or in your perception of quality of life.

The next chart looks at our energy consumption. Where does our energy come from? We've been talking about oil. But we're getting energy from a lot of other sources too, from natural gas,

most of it from oil, from petroleum, from coal, from nuclear about 8 percent, which is about 19 percent of our electricity. This is total energy production, not electricity, but 19 percent of our electricity comes from nuclear. If you don't like nuclear, drive down the road tonight and note that every fifth house and every fifth business would have no lights if we had no nuclear. So it is a little wedge in there, 6 percent, which is renewables—just 6 percent. And notice—well, hydroelectric is a big part of that; biomass, that's the paper industry and the wood industry burning by-products and so forth and waste-to-energy, instead of putting it in a landfill you burn it; geothermal, that's true geothermal, tapping into the molten core of the Earth; wind and solar, look how tiny they are. They have huge potential for growth. But at the moment they are pretty, pretty small.

The next chart shows us something interesting, and that's about efficiency. The bar on the left looks at incandescent lights. My wife got a few chickens recently, and she put a lightbulb over them to give them heat because about 90 percent of all the energy from the light bulb, more than 90 percent, goes to heat. But if you use a fluorescent—look at it—enormously more efficiency in the fluorescent. And if you do go to an LED, look at the ratios in a LED. I have an LED flashlight, and I forget when I put batteries in front. Notice most of the new cars in front of you have LED lights.

The next chart kind of puts this problem in a global perspective. This is the world according to oil. It's what the world would look like if the size of the country was relative to how much oil it had. Now we've got to modify this a little because WikiLeaks just exposed some papers from Saudi Arabia that said they've been fibbing about how much oil they have, that they really have 40 percent less oil than they said they have. That's true I think of all of the OPEC countries, because back when they could produce enough oil to drive the price of oil down, they could produce a certain percentage of their reserves.

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But if they wanted to produce more oil, they just said they had more reserves. They didn't find any more oil, but some of their reserves magically grew on paper. It was kind of a contest amongst liars, and Saudi Arabia was exposed. So it would modify a little, but still most of the oil is in that part of the world.

Here is the United States, 2 percent of the oil. We use 25 percent of the oil. Our biggest supplier of oil is Canada. Our third biggest supplier is Mexico. Both of them have less oil than we, but Canada has few people, so they can export. Mexico has a lot of people, but they are too poor to buy the oil, so

they can export. Just a few months ago, Mexico slipped to number three supplier and Saudi Arabia now is our number two supplier of oil.

I want you to look at China and India over there. They are tiny. Last year the Chinese bought 13 million cars. We struggle to sell 12 million cars. They have 1.3 billion people, and they are entering the industrial age.

Mr. Speaker, the next chart looks at this same global picture in a somewhat different way. The left bar is the top 10 oil and gas companies on the basis of oil production. Now, we think ExxonMobil and Royal Dutch Shell and BP are pretty big players, don't we? They have only, collectively, 22 percent of all of the oil production in the world.

The right-hand bar looks at another part of this, and that is who has the oil. Notice that our big three or four don't even show up over there. These are the top 10. Almost all of the top 10 are Arab countries where it is not a company that owns the oil; it is a country that owns the oil. LUPE Oil, which is kind of private up there, they show it white, in Russia, is only 2 percent of the total amount of oil held by the top 10 countries in reserves.

Anyway, China is buying up reserves all over the world. And I asked the State Department why would they do that since in today's world it doesn't make any difference who owns the oil. The person who comes to the global oil auction with enough dollars—and let's hope it stays dollars and doesn't go to Euros or we are in really big trouble—you buy the oil you want. We have only 2 percent of the oil, we use 25 percent of the oil, and we aren't buying oil reserves anywhere. What is the difference? The State Department's answer, and I don't think that is the correct answer, they told me that China didn't understand the marketplace. Come on now. A country that during this recession dropped from 14 percent growth to 8 percent growth, and they don't understand the marketplace?

China is doing something else simultaneously, by the way. They are aggressively buying a blue water navy. Do you think the time might come when China says, hey, we have 1.3 billion people, and these 900 million people who are in rural areas through the miracle of communications know the value of an industrialized society and they say, gee, how about us? I think China sees their empire unraveling the way the Soviet empire saw their empire unravel if they can't meet the needs of these people. China is buying oil reserves and building a big blue water Navy because the day will come they will tell us, gee, I'm sorry, but it is our oil. We have 1.3 billion people, and we can't share the oil.

I led a codel to China a little over 4 years ago, and I was stunned. This wasn't just the people concerned about

energy in China; it was everybody we met. They talked about post-oil. There will, of course, be a post-oil world. It will be a long while from now. Hyman Rickover had no idea how long this age of oil would last. He was 100 years into what we call this golden age. We now know pretty much how long the age of oil will last. We are about halfway through it. We are 150 years in it. And he was right, in the 8,000-year recorded history of man, Hyman Rickover said the age of oil would be but a blip. It will be about 300 years long. We are about 150 years in it. From now on, the next 150 years, there will be less and less. It will be harder and harder to get, more and more expensive.

This is the five-point plan. Conservation. My wife says that she thinks that conservatives ought to be interested in conservation—they don't seem to be—because they come from a common root. Conservatives aren't interested in conservation. That is the only thing we can do to buy some time, to free up some energy so we can invest in developing alternatives.

The second and third are domestic sources of energy and diversify as much as you can.

The fourth one may surprise you: environmental impact. Be kind to the environment. They know that they are not. But as I mentioned, they have these 900 million people that are clamoring for the benefits of an industrialized society, so they are building a coal-fired power plant every week, and they are starting the construction of 100 nuclear power plants.

And the fifth bullet here: international cooperation. They know that there is no way that any one nation can face this problem alone, that we need international cooperation. But while they plead for international cooperation, they are planning for the eventuality that we won't have international cooperation because they are buying up oil reserves all over the world. And they are not just oil reserves; they are buying goodwill. What do you need, a soccer stadium? roads? a hospital? Wherever they buy oil reserves, they are buying goodwill. And remember, they are simultaneously building this huge blue water navy.

What now? Our next and last chart for this evening, What America Needs. We are the most creative, innovative society in the world. If we understand the problem, there is nothing that we can't do. Our people just need to understand the problem. We need to have leadership that understands the problem. I tell audiences that the innocence and ignorance on matters of energy in our general population is astounding; and, sadly, we have truly representative government.

Well, what do we do? We need the total commitment of World War II. I lived through that war. I was born in 1926. I know the total commitment we

had during that war. There has been nothing like it since. We need the technology and intensity and focus of the Apollo program to land a man on the moon. That cost \$275 billion in 2006 dollars, which is when oil peaked. And we need to have the urgency of the Manhattan Project. Minus that, we are going to face the kind of disruptions that were forecasted by the Hirsch Commission, the big SAIC report.

The world has never faced a problem like this. I like challenges. They excite me. And this is a huge challenge. It is an exhilarating challenge, but I know with proper information, with proper knowledge, with proper leadership, the United States is up to the task.

By the way, developing this green technology will again make us an exporting country. People brag about we have this nice, clean, service-based economy. If you think about that, no matter how much you charge for cutting each other's hair and taking in each other's laundry, that is not going to be a viable economy. Only three things produce wealth, and manufacturing is a major one of those. That is now all moving offshore.

We can again become a major manufacturing country by focusing on this green technology and by developing the alternatives that we must develop if we're going to continue to maintain our quality of life.

I look forward to a very challenging future.

Mr. Speaker, I yield back the balance of my time.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Ms. FOXX (during the Special Order of Mr. BARTLETT) from the Committee on Rules, submitted a privileged report (Rept. No. 112-88) on the resolution (H. Res. 276) providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today on account of a death in the family.

Ms. HANABUSA (at the request of Ms. PELOSI) for today.

#### ADJOURNMENT

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, May 25, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metiram; Pesticide Tolerances [EPA-HQ-OPP-2005-0308; FRL-8869-1] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mefenpyr-diethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0267; FRL-8870-9] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1637. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyrasulfotole; Pesticide Tolerances [EPA-HQ-OPP-2010-0266; FRL-8869-5] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1638. A letter from the Assistant Secretary, Department of Defense, transmitting a report to Congress specifying each Reserve component the additional items that would have been requested if the President's Budget had equaled the average of the two previous years, pursuant to 10 U.S.C. 10543(c); to the Committee on Armed Services.

1639. A letter from the Under Secretary, Department of Defense, transmitting Authorization of Brigadier General Larry D. Wyche, United States Army, to wear the authorized insignia of the grade of major general; to the Committee on Armed Services.

1640. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert L. Van Antwerp Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1641. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Control of Ergocristine, a Chemical Precursor Used in the Illicit Manufacture of Lysergic Acid Diethylamide, as a List I Chemical [Docket No.: DEA-320F] (RIN: 1117-AB24) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2012 Light Duty Truck Lines Subject to the Requirements of This Standard and Exempted Vehicle Lines for Model Year 2012 [Docket No.: NHTSA-2011-0026] (RIN: 2127-AK91) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Reconsideration of Inclusion of Fugitive Emissions; Interim Rules; Stay and Revisions [EPA-HQ-OAR-2004-0014; FRL-9299-3] (RIN: 2060-AQ73) received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Removal of Vehicle Inspection and Maintenance Programs for Clark and Floyd Counties [EPA-R05-OAR-2009-0729; FRL-9299-7] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1645. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clarifications to Indian Tribes' Clean Air Act Regulatory Requirements; Direct Final Amendments [EPA-HQ-OPPT-2010-0293; FRL-9300-2] (RIN: 2060-AQ56) received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1646. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference [DE104-1102; FRL-9298-3] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1647. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations Concerning Need for Error Correction, Partial Approval and Partial Dissapproval, and Federal Implementation Plan Regarding Texas' Prevention of Significant Deterioration Program [EPA-HQ-OAR-2010-1033; FRL-9299-9] (RIN: 2060-AQ68) received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1648. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interim Enforcement Policy for Minimum Days Off Requirements [NRC-2011-0084] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1649. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Regulatory Issue Summary 2005-02, Revision 1 Clarifying the Process for Making Emergency Plan Changes May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1650. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Information Relevant to Ensuring That Radiation Exposures at Medical Institutions Will Be As Low As Is Reasonably Achievable, Regulatory Guide 8.18 received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1651. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Standard Format and Content for Emergency Plans for Fuel Cycle and Materials Facilities Regulatory Guide 3.67 received May 2, 2011, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

1652. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Review of the Office of Risk Management Fiscal Year 2009 Performance Accountability Report", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1653. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, "Sufficiency Review of the District of Columbia Water and Sewer Authority's (DC Water) Fiscal Year 2011 Revenue Estimate in Support of the Issuance of \$300,000,000 in Public Utility Subordinate Lien Revenue Bonds (Series 2010A and Series 2010B)", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

1654. A letter from the Assistant Secretary for Civil Rights, Department of Agriculture, transmitting the Department's fiscal year 2010 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1655. A letter from the Secretary, Department of Education, transmitting the Department's fiscal year 2010 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1656. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1657. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's fiscal year 2010 annual report prepared in accordance with Section 203(a) of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1658. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2010; to the Committee on Oversight and Government Reform.

1659. A letter from the Diversity and Inclusion Director, Federal Reserve System, transmitting the seventh annual report pursuant to Section 203(a) of the No Fear Act, Pub. L. 107-174, for fiscal year 2010; to the Committee on Oversight and Government Reform.

1660. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendment to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 112-29); to the Committee on the Judiciary and ordered to be printed.

1661. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on compliance within the time limitations established for deciding habeas corpus death penalty petitions under Title I of the Antiterrorism and Effective Death Penalty Act of 1996; to the Committee on the Judiciary.



1662. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 112-28); to the Committee on the Judiciary and ordered to be printed.

1663. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 112-30); to the Committee on the Judiciary and ordered to be printed.

1664. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 112-31); to the Committee on the Judiciary and ordered to be printed.

1665. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) RB211-Trent 900 Series Turbofan Engines [Docket No.: FAA-2011-0176; Directorate Identifier 2011-NE-05-AD; Amendment 39-16636; AD 2011-06-11] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1666. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747 Airplanes [Docket No.: FAA-2008-0090; Directorate Identifier 2007-NM-312-AD; Amendment 39-16627; AD 2011-06-03] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1667. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; B-N Group Ltd. Model BN-2, BN-2A, BN-2A-2, BN-2A-3, BN-2A-6, BN-2A-8, BN-2A-9, BN-2A-20, BN-2A-21, BN-2A-26, BN-2A-27, BN-2B-20, BN-2B-21, BN-2B-26, BN-2B-27, BN-2T, and BN-2T-4R Airplanes [Docket No.: FAA-2010-1255; Directorate Identifier 2010-CE-059-AD; Amendment 39-16618; AD 2011-05-09] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1668. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, 700C, -800, -900, and -900ER Series Airplanes [Docket No.: FAA-2009-1253; Directorate Identifier 2009-NM-080-AD; Amendment 39-16629; AD 2011-06-05] (RIN: 2120-AA64) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1669. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of VOR Federal Airways V-1, V-7, V-11 and V-20; Kona, Hawaii [Docket No.: FAA-2011-0009; Airspace Docket No. 10-AWP-20] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1670. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of class E Airspace; Kutztown, PA [Docket No.: FAA-2010-0869; Airspace Docket No. 10-AEA-21] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1671. A letter from the Administrator, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Kansas City International Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers; to the Committee on Homeland Security.

1672. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) April 2011 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 276. Resolution providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes (Rept. 112-88). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. COLE, and Ms. NORTON):

H.R. 1953. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP:

H.R. 1954. A bill to implement the President's request to increase the statutory limit on the public debt; to the Committee on Ways and Means.

By Mr. TIBERI (for himself, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Ms. LEE of California, and Mrs. MALONEY):

H.R. 1955. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas:

H.R. 1956. A bill to amend the Internal Revenue Code of 1986 to require individuals to provide their Social Security number in order to claim the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself and Ms. BERKLEY):

H.R. 1957. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Ms. BERKLEY (for herself, Mr. THOMPSON of Pennsylvania, Mr. RUPERSBERGER, Mr. GUTHRIE, and Mr. NEAL):

H.R. 1958. A bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TONKO:

H.R. 1959. A bill to deny certain tax benefits to oil and gas companies and to invest the savings in clean energy programs; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Science, Space, and Technology, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WITTMAN (for himself and Mr. DINGELL):

H.R. 1960. A bill to extend the authorization of appropriations for allocation to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017; to the Committee on Natural Resources.

By Mr. BOREN:

H.R. 1961. A bill to amend the Internal Revenue Code of 1986 to eliminate the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. ROGERS of Michigan, and Mr. DANIEL E. LUNGREN of California):

H.R. 1962. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004 until June 1, 2015, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. SMITH of Texas):

H.R. 1963. A bill to temporarily extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention Act of 2004, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.



By Mr. GERLACH (for himself, Mr. THOMPSON of California, Mr. ALEXANDER, Mr. ALTMIRE, Mr. ANDREWS, Mr. AUSTRIA, Mr. BACA, Mr. BACHUS, Ms. BALDWIN, Mr. BARROW, Mr. BARTLETT, Ms. BASS of California, Mr. BECERRA, Mr. BENISHEK, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BONNER, Mr. BOREN, Mr. BOSWELL, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mr. BUCHANAN, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARTER, Ms. CASTOR of Florida, Mr. CHANDLER, Ms. CHU, Mr. CICILLINE, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COBLE, Mr. COHEN, Mr. CONAWAY, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mr. COSTELLO, Mr. COURTNEY, Mr. CRAWFORD, Mr. CRITZ, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DAVIS of Kentucky, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Ms. DELAULO, Mr. DENT, Mr. DIAZ-BALART, Mr. DINGELL, Mr. DOGGETT, Mr. DONNELLY of Indiana, Mr. DOYLE, Mr. DUNCAN of Tennessee, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FITZPATRICK, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GARAMENDI, Mr. GARDNER, Mr. GONZALEZ, Mr. GOODLATTE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GRIMM, Mr. GUTHRIE, Mr. GUTIERREZ, Ms. HANABUSA, Mr. HASTINGS of Florida, Ms. HAYWORTH, Mr. HEINRICH, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLDEN, Mr. HOLT, Mr. HONDA, Mr. HULTGREEN, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Ms. JENKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES, Ms. KAPTUR, Mr. KILDEE, Mr. KIND, Mr. KING of New York, Mr. KING of Iowa, Mr. KISSELL, Mr. LANCE, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mr. LATHAM, Mr. LATOURETTE, Mr. LATTI, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LUJÁN, Mrs. LUMMIS, Mr. DANIEL E. LUNGREN of California, Mr. LYNCH, Mrs. MALONEY, Mr. MANZULLO, Mr. MARKEY, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHENRY, Mr. MCINTYRE, Mrs. McMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEHAN, Mr. MICHAUD, Mr. MILLER of North Carolina, Mrs. MILLER of Michigan, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. MURPHY of Connecticut, Mrs. MYRICK, Mrs. NAPOLITANO, Mr. NEAL, Mr. NUNES, Mr. NUNNELEE, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PAUL, Mr. PAULSEN, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Mr. PETERSON, Ms. PINGREE of Maine, Mr. PITTS, Mr.

POLIS, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REBERG, Mr. RENACCI, Mr. REYES, Mr. RIVERA, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Ms. ROSLEHTINEN, Mr. ROSS of Florida, Mr. ROSS of Arkansas, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHRADER, Ms. SCHWARTZ, Mr. DAVID SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SESSIONS, Mr. SHERMAN, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SIREN, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Ms. SPEIER, Mr. STARK, Ms. SUTTON, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIBERI, Mr. TIPTON, Mr. TONKO, Mr. TOWNS, Ms. TSONGAS, Mr. TURNER, Mr. UPTON, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Mr. VISCLOSKEY, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WELCH, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. WU, Mr. YARMUTH, Mr. YOUNG of Alaska, Mr. GIBSON, Mr. GARRETT, Mr. BOUSTANY, Mr. BASS of New Hampshire, Mr. WOLF, Mr. MILLER of Florida, Mr. PLATTS, Ms. SEWELL, and Mr. REICHERT):

H.R. 1964. A bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions; to the Committee on Ways and Means.

By Mr. HIMES (for himself and Mr. WOMACK):

H.R. 1965. A bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. WU, Mr. PIERLUISI, Mr. GRIJALVA, Mr. POLIS, Mr. VAN HOLLEN, and Mr. REYES):

H.R. 1966. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a partnership program in foreign languages; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mrs. CAPPS, Mr. OLVER, Mrs. CHRISTENSEN, Mr. MCNERNEY, and Mr. PIERLUISI):

H.R. 1967. A bill to encourage water efficiency; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 1968. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes; to the Committee on Armed Services.

By Ms. JENKINS (for herself, Mr. CLEAVER, and Mr. YODER):

H.R. 1969. A bill to provide for private-sector solutions to certain pension funding

challenges, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself and Mr. BISHOP of Utah):

H.R. 1970. A bill to amend the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. McMORRIS RODGERS (for herself and Mr. WEINER):

H.R. 1971. A bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 1972. A bill to amend title 40, United States Code, to authorize the National Capital Planning Commission to designate and modify the boundaries of the National Mall area in the District of Columbia reserved for the location of commemorative works of pre-eminent historical and lasting significance to the United States and other activities, to require the Secretary of the Interior and the Administrator of General Services to make recommendations for the termination of the authority of a person to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. QUIGLEY (for himself and Ms. CHU):

H.R. 1973. A bill to amend title 18, United States Code, to prohibit public officials from engaging in undisclosed self-dealing; to the Committee on the Judiciary.

By Mr. QUIGLEY (for himself, Mr. CLAY, Mr. CUMMINGS, Mr. TOWNS, Ms. NORTON, Mr. COOPER, and Mr. LYNCH):

H.R. 1974. A bill to require the Public Printer to establish and maintain a website accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mrs. NAPOLITANO, Ms. SPEIER, Ms. RICHARDSON, Ms. WOOLSEY, Mr. HONDA, Ms. LEE of California, Mr. COSTA, Mr. HUNTER, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. STARK, Mr. MCNERNEY, Mr. GALLEGLY, Mr. SHERMAN, Mr. MCCLINTOCK, Ms. MATSUI, Mr. CALVERT, Mr. GARAMENDI, Mr. FARR, Mrs. CAPPS, Ms. PELOSI, Ms. ZOE LOFGREN of California, Mr. CARDOZA, Mr. BERMAN, Mr. WAXMAN, Ms. ROYBAL-ALLARD, Mrs. BONO MACK, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mr. ROHRABACHER, Ms. ESHOO, Ms. CHU, Mr. BILBRAY, and Mr. NUNES):

H.R. 1975. A bill to designate the facility of the United States Postal Service located at 281 East Colorado Boulevard in Pasadena, California, as the "First Lieutenant Oliver Goodall Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. SCOTT of South Carolina (for himself, Mr. WILSON of South Carolina, Mr. GOWDY, Mr. DUNCAN of South Carolina, and Mr. MULVANEY):

H.R. 1976. A bill to amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect; to the Committee on Education and the Workforce.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Mr. GUTIERREZ):

H.R. 1977. A bill to improve the financial safety and soundness of the FHA mortgage insurance program; to the Committee on Financial Services.

By Mr. BOREN:

H.J. Res. 65. A joint resolution proposing an amendment to the Constitution of the United States to prohibit candidates for election to Congress from accepting contributions from individuals who do not reside in the State or Congressional district the candidate seeks to represent; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. JACKSON of Illinois, and Mr. CLAY):

H. Con. Res. 52. Concurrent resolution expressing the sense of Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation; to the Committee on the Judiciary.

By Mr. GARRETT:

H. Con. Res. 53. Concurrent resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself and Mr. BILIRAKIS):

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Affairs.

By Ms. FOXX:

H. Res. 274. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. RICHARDSON (for herself, Ms. BORDALLO, Mr. FALEOMAVAEGA, Ms. HANABUSA, Mr. AL GREEN of Texas, Ms. JACKSON LEE of Texas, Mr. AUSTRIA, Ms. SPEIER, Mr. FILNER, and Mr. FARR):

H. Res. 275. A resolution honoring the 113th anniversary of the independence of the Philippines; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana (for himself, Mr. DONNELLY of Indiana, Ms. KAPTUR, Mr. BUCSHON, Mr. PENCE, Mr. ROKITA, Mr. VISCLOSKEY, Mr. BURTON of Indiana, and Mr. YOUNG of Indiana):

H. Res. 277. A resolution recognizing the 100th anniversary of the inaugural Indianap-

olis 500 held at Indianapolis Motor Speedway in 1911; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

19. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution 45 urging the Congress to pass legislation that would compel any lending institution, before foreclosing on a residential property, to provide the mortgagor with modifications to the home loan that are reasonable; to the Committee on Financial Services.

20. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 48 urging the Congress to remove grey wolves in Michigan from the federal endangered species list; to the Committee on Natural Resources.

21. Also, a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial No. 4004 urging the Congress to enact a bill that is the same as or similar to HR 1034 from the 111th Congress; to the Committee on the Judiciary.

22. Also, a memorial of the Senate of the State of Ohio, relative to Senate Concurrent Resolution No. 5 requesting that the NASA Administrator transfer a space shuttle orbiter to the Air Force's National Historical Collection; jointly to the Committees on Armed Services and Science, Space, and Technology.

23. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 24 urging the Congress and the United States Drug Enforcement Agency to make it illegal to possess, use, or sell the drugs MDPV and mephedrone; jointly to the Committees on the Judiciary and Energy and Commerce.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RAHALL:

H.R. 1953.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CAMP:

H.R. 1954.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. TIBERI:

H.R. 1955.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SAM JOHNSON of Texas:

H.R. 1956.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. SAM JOHNSON of Texas:

H.R. 1957.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. BERKLEY:

H.R. 1958.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3; and including, but not solely limited to Article I, Section 8, Clause 14.

By Mr. TONKO:

H.R. 1959.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. WITTMAN:

H.R. 1960.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

By Mr. BOREN:

H.R. 1961.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution

By Mr. SENSENBRENNER:

H.R. 1962.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. SENSENBRENNER:

H.R. 1963.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clauses 1 and 3 of the United States Constitution.

By Mr. GERLACH:

H.R. 1964.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. HIMES:

H.R. 1965.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. HOLT:

H.R. 1966.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. HOLT:

H.R. 1967.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 1968.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14 on Military Regulation.

By Ms. JENKINS:

H.R. 1969.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8:

The Congress shall have the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Common Defence and general Welfare of the United States.

By Ms. LEE:

H.R. 1970.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mrs. MCMORRIS RODGERS:

H.R. 1971.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under Article I, Section 8, clause 3 to regulate Commerce among the several States.

By Ms. NORTON:

H.R. 1972.

Congress has the power to enact this legislation pursuant to the following:

Clauses 14 and 18 of section 8 of article I of the Constitution.

By Mr. QUIGLEY:

H.R. 1973.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. QUIGLEY:

H.R. 1974.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SCHIFF:

H.R. 1975.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 and Article I, Section 8, Clause 18, the Necessary and Proper Clause. Legislation to name a Post Office after an individual is constitutional under Article I, Section 8, Clause 7, which gives Congress the power to establish Post Offices and post roads. The bill is also constitutionally authorized under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. SCOTT of South Carolina:

H.R. 1976.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

By Ms. WATERS:

H.R. 1977.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause III.

By Mr. BOREN:

H.J. Res. 65.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. AUSTRIA.

H.R. 58: Mr. BOUSTANY and Mr. BISHOP of Georgia.

H.R. 104: Mr. LANKFORD and Mr. GRIMM.

H.R. 140: Mr. MCKEON.

H.R. 365: Mr. DOGGETT.

H.R. 376: Ms. BALDWIN.

H.R. 412: Mr. ALTMIRE.

H.R. 436: Mr. RUNYAN.

H.R. 451: Mr. HECK, Mr. FORTENBERRY, Mr. BUCSHON, Mr. YOUNG of Florida, Mr. SCHWEIKERT, Mr. ROGERS of Michigan, Mr. FARR, and Mr. CRITZ.

H.R. 452: Mr. REICHERT and Mr. SAM JOHNSON of Texas.

H.R. 456: Mr. SARBANES.

H.R. 466: Mr. RIVERA, Mr. RUNYAN, and Mr. TIPTON.

H.R. 494: Ms. WOOLSEY.

H.R. 508: Mr. PITTS.

H.R. 527: Mr. TURNER, Mr. DAVIS of Kentucky, and Mr. DUNCAN of Tennessee.

H.R. 531: Mr. TIERNEY.

H.R. 539: Mr. SARBANES.

H.R. 546: Mr. REICHERT, Mr. ROONEY, and Mr. SCHWEIKERT.

H.R. 559: Mr. CASSIDY.

H.R. 574: Mr. JONES.

H.R. 601: Ms. ZOE LOFGREN of California.

H.R. 605: Mr. ROGERS of Alabama, Mr. BENISHEK, Mr. HULTGREN, and Mr. STIVERS.

H.R. 645: Mr. MCHENRY and Mr. WALBERG.

H.R. 674: Mr. JORDAN, Mr. PALAZZO, Mr. BOUSTANY, Mr. SMITH of Washington, Mr. RIBBLE, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. MULVANEY, Mr. LANDRY, Mr. ROSKAM, Mr. HIMES, and Mr. ALTMIRE.

H.R. 706: Mr. TONKO.

H.R. 740: Mr. NADLER.

H.R. 743: Mr. PALAZZO and Mrs. ELLMERS.

H.R. 748: Mr. PLATTS.

H.R. 822: Ms. HERRERA BEUTLER and Mr. DUFFY.

H.R. 860: Mr. CONNOLLY of Virginia, Mr. BISHOP of Utah, Mrs. MALONEY, Mr. GIBSON, Mr. WESTMORELAND, Mr. COOPER, and Mr. JOHNSON of Illinois.

H.R. 891: Mr. BOSWELL and Mr. PAYNE.

H.R. 894: Mr. HOLT.

H.R. 904: Ms. HERRERA BEUTLER.

H.R. 905: Mr. KISSELL.

H.R. 912: Mr. PAYNE.

H.R. 941: Mr. KILDEE and Mr. GRIJALVA.

H.R. 972: Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. GIBBS, and Mr. COFFMAN of Colorado.

H.R. 991: Mr. MARINO and Mr. LATTA.

H.R. 998: Mr. HINOJOSA.

H.R. 1006: Mr. PALLONE, Mr. GERLACH, Mr. ISRAEL, Mr. GOHMERT, Mr. BRADY of Pennsylvania, and Mr. MCINTYRE.

H.R. 1044: Mr. MULVANEY.

H.R. 1075: Mr. LARSEN of Washington.

H.R. 1105: Mr. AL GREEN of Texas.

H.R. 1113: Mr. SIRES.

H.R. 1126: Mr. RIBBLE.

H.R. 1138: Mr. LANGEVIN.

H.R. 1161: Mr. SCALISE, Mr. HONDA, Mr. CAPUANO, and Mr. RUNYAN.

H.R. 1173: Mr. LATTA.

H.R. 1179: Mr. PAUL and Mr. CANSECO.

H.R. 1181: Mr. CANSECO.

H.R. 1195: Mr. CRITZ and Mr. PAYNE.

H.R. 1206: Mr. SHIMKUS, Mr. POSEY, and Mr. SAM JOHNSON of Texas.

H.R. 1208: Mr. PAYNE and Mr. HOLT.

H.R. 1218: Mr. ROGERS of Kentucky, Mr. MARINO, Mr. MCKINLEY, and Mr. BARTLETT.

H.R. 1236: Mr. TIPTON, Mr. DOGGETT, Mr. SCHRADER, Mr. BENISHEK, and Mr. MEEHAN.

H.R. 1259: Mr. BERG, Mr. SCHOCK, and Mr. HARRIS.

H.R. 1265: Mr. CANSECO.

H.R. 1283: Mr. BARROW, Mr. CONNOLLY of Virginia, and Mr. KING of New York.

H.R. 1309: Mr. AL GREEN of Texas.

H.R. 1311: Mr. BOSWELL and Mrs. LOWEY.

H.R. 1322: Mr. ACKERMAN.

H.R. 1327: Mr. LUETKEMEYER, Ms. NORTON, and Mr. ROE of Tennessee.

H.R. 1351: Ms. LINDA T. SANCHEZ of California, Mr. LANGEVIN, Mr. MCINTYRE, Mr. BUTTERFIELD, and Mr. HOLT.

H.R. 1358: Mr. MILLER of Florida, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. COFFMAN of Colorado, Mr. CASSIDY, Mr. POE of Texas, Mr. ALEXANDER, Mr. ROGERS of Alabama, Mr. BONNER, Mr. HENSARLING, Mr. BUCHANAN, Mr. SESSIONS, Mr. ISSA, Mr. TERRY, Mr. WALDEN, and Mr. KLINE.

H.R. 1380: Mr. CHABOT, Ms. NORTON, and Ms. GRANGER.

H.R. 1381: Mr. TONKO.

H.R. 1394: Mr. JOHNSON of Georgia and Mr. ACKERMAN.

H.R. 1397: Ms. HANABUSA.

H.R. 1401: Mr. DEFazio.

H.R. 1402: Mr. MARKEY and Mr. BLUMENAUER.

H.R. 1404: Mr. KIND and Mr. MORAN.

H.R. 1416: Mr. WALZ of Minnesota and Mr. SCHRADER.

H.R. 1441: Mr. WITTMAN.

H.R. 1465: Mr. OWENS.

H.R. 1474: Mr. PALAZZO.

H.R. 1477: Mr. SARBANES, Mr. LANGEVIN, and Mr. FRANK of Massachusetts.

H.R. 1479: Mr. ALTMIRE and Mr. PAULSEN.

H.R. 1506: Mrs. LOWEY and Mr. ISRAEL.

H.R. 1526: Mr. PAUL.

H.R. 1529: Mr. BLUMENAUER.

H.R. 1533: Mr. KILDEE and Mr. BISHOP of New York.

H.R. 1549: Mr. PAUL.

H.R. 1558: Mr. OWENS.

H.R. 1573: Mr. GOODLATTE.

H.R. 1588: Mr. GRIFFIN of Arkansas and Mr. KLINE.

H.R. 1592: Mr. BRADY of Pennsylvania.

H.R. 1596: Mr. HINCHEY and Mr. HOLT.

H.R. 1609: Mr. JOHNSON of Ohio.

H.R. 1610: Mr. GOODLATTE.

H.R. 1635: Mr. WELCH, Mr. CROWLEY, and Mr. MILLER of North Carolina.

H.R. 1637: Mr. REICHERT.

H.R. 1639: Mr. WALBERG and Mr. POMPEO.

H.R. 1666: Ms. CASTOR of Florida, Mr. PAYNE, Mrs. EMERSON, and Mr. KISSELL.

H.R. 1672: Mr. ISRAEL, Mr. NADLER, Mr. ENGEL, Mr. OWENS, Mrs. MALONEY, Mr. ACKERMAN, Mr. CONYERS, and Mrs. LOWEY.

H.R. 1681: Mrs. CAPPS and Mr. BERMAN.

H.R. 1686: Mr. ROSKAM and Mr. GUTIERREZ.

H.R. 1700: Mr. ROSS of Florida.

H.R. 1723: Mr. CARTER.

H.R. 1734: Mr. GIBBS.

H.R. 1735: Mr. SARBANES and Mr. PAYNE.

H.R. 1741: Mr. BARLETTA and Mrs. MYRICK.

H.R. 1744: Mr. BUCSHON and Mr. ROSKAM.

H.R. 1747: Mr. JONES and Mr. SCHOCK.

H.R. 1756: Mr. SIRES, Mr. ROTHMAN of New Jersey, Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. TOWNS.

H.R. 1775: Mrs. ADAMS and Mr. GIBBS.

H.R. 1802: Ms. SCHWARTZ and Mr. LEWIS of Georgia.

H.R. 1803: Mr. ISRAEL, Mr. NADLER, Mrs. MALONEY, and Mr. MICHAUD.

H.R. 1809: Ms. NORTON.

H.R. 1852: Mr. MURPHY of Pennsylvania, Mr. ALTMIRE, and Mr. WAXMAN.

H.R. 1856: Mr. ROHRBACHER.

H.R. 1860: Mr. ROSS of Florida.

H.R. 1864: Mr. FRANKS of Arizona and Mr. ROSS of Florida.

H.R. 1865: Mrs. ELLMERS, Mr. JOHNSON of Ohio, Mr. MCCOTTER, Mr. JOHNSON of Illinois, Mr. BURTON of Indiana, Mr. KLINE, and Mr. LANKFORD.

H.R. 1872: Mr. McCOTTER.  
 H.R. 1876: Mr. MICHAUD, Ms. WILSON of Florida, Mr. JOHNSON of Georgia, Mr. QUIGLEY, Mr. RUSH, and Mr. COHEN.  
 H.R. 1879: Mr. TONKO.  
 H.R. 1891: Mr. ROE of Tennessee, Mr. BUCSHON, Mr. KELLY, Mr. ROKITA, and Mr. DESJARLAIS.  
 H.R. 1937: Mr. GUTIERREZ.  
 H.R. 1941: Mr. BARTLETT, Mr. RYAN of Ohio, Ms. HIRONO, Ms. JACKSON-LEE of Texas, Mr. ISRAEL, and Ms. NORTON.  
 H.R. 1946: Mr. COBLE.  
 H.R. 1951: Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.J. Res. 13: Mrs. LUMMIS.  
 H.J. Res. 47: Mr. PERLMUTTER and Mr. KUCINICH.  
 H. Con. Res. 25: Mr. SCALISE, Mr. WEBSTER, and Mr. COBLE.  
 H. Con. Res. 39: Mr. MCCAUL.  
 H. Res. 13: Mr. VAN HOLLEN.  
 H. Res. 19: Mr. CONYERS and Mr. HOLT.

H. Res. 20: Mr. BISHOP of New York, Mr. GENE GREEN of Texas, and Mr. SCOTT of Virginia.

H. Res. 137: Mr. LATOURETTE, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mrs. SCHMIDT, Mr. BUTTERFIELD, Mr. TOWNS, and Mr. LARSEN of Washington.

H. Res. 177: Mr. LYNCH and Mr. HIGGINS.

H. Res. 184: Mr. GRIMM and Mr. DONNELLY of Indiana.

H. Res. 211: Mr. LANKFORD.

H. Res. 239: Mr. HULTGREN and Mr. ROSS of Arkansas.

H. Res. 256: Mrs. LOWEY, Mr. GIBBS, and Mr. GERLACH.

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#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative WITTMAN, or a designee, to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1745, the JOBS Act of 2011, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

IN HONOR OF VERA ANDRYCZYK

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Vera M. Andryczyk who is being honored this Sunday by the Ukrainian Federation of America for her tireless efforts as an advocate on behalf of the Ukrainian-American community and Ukraine.

Vera's accomplishments and advocacy on behalf of Ukraine have been numerous and extensive and have spanned several decades.

During the Cold war, through her work as a member of the Human Right's Committee Vera was actively involved in drawing international attention to Soviet persecution of Ukrainian dissidents.

COMMENDATION OF DR. ANANDA PRASAD, M.C., PH.D.

**HON. HANSEN CLARKE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize Dr. Ananda Prasad as a pioneer in the field of health research. Dr. Prasad is responsible for over 50 years of research involving zinc as an element essential to human survival.

In 1963, Dr. Prasad was the first to describe cases of human zinc deficiency syndrome in young adults. While working at the University of Shiraz Medical School in Iran, Dr. Prasad met with a 21-year-old man who had the same physical characteristics as an 8-year-old boy. He diagnosed this patient as having extreme anemia and realized the condition was so prevalent in Iran it was considered an epidemic. Dr. Prasad continued to study patients with these symptoms, and discovered that a lack of zinc had an adverse affect on a human's height, weight, bone development, and sexual maturation.

During the past 50 years, Dr. Prasad has been at the forefront of scientific discoveries regarding zinc and zinc supplements. His work has saved countless lives in African and Asian countries, including his home country of India. In certain areas of South Asia where the infant mortality rate was as high as 85 percent, Dr. Prasad successfully worked to lower the mortality rate to 15 percent.

His lifelong work was recently awarded with the 2010 Mahidol Award in the Field of Public Health. This award, presented annually by the Prince Mahidol Award Foundation of Thailand, recognizes researchers and physicians for outstanding contributions in the field of public health for the sake and well-being of the peoples.

I honor and thank Dr. Prasad for his groundbreaking and pioneering work.

A TRIBUTE IN RECOGNITION OF THE JEWISH FEDERATION OF GREATER LOS ANGELES ON THE OCCASION OF ITS 100 YEAR ANNIVERSARY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to recognize the Jewish Federation of Greater Los Angeles—the hub of Los Angeles' Jewish community—on the occasion of its 100 year anniversary.

Founded in 1911, the Federation is dedicated to ensuring the continuity of the Jewish people, supporting a secure state of Israel, caring for those in need, and mobilizing its members on political issues of concern to the Los Angeles community. In fulfilling its mission, the Federation spent more than \$50 million last year alone to enhance the lives of families throughout Los Angeles County.

The Jewish Federation is committed to ensuring the quality and reducing the cost of Jewish educational experiences by supporting pre-schools, religious/synagogue schools and day schools. The Federation offers financial aid to families to assist them in paying for full-time Jewish education. In addition, the Federation sends thousands of young Jews on educational missions to Israel each year to enable them to fully experience Jewish history and culture.

The well-being of low-income Jews and seniors is also a core priority for the Federation, especially when a senior is a Holocaust survivor. The Federation supports an array of programs to help survivors and vulnerable seniors, including senior centers that offer meals and social activities, as well as in-home services, legal services and reparations advocacy. Through its Emergency Cash Grant Program, the Federation provides aid for those who need help paying for necessities such as rent, food and medical care.

Reaching out to the broader community, the Federation is dedicated to ending hunger in Los Angeles and improving literacy among local public elementary school children. The Federation partners with other faith communities, civic groups and elected officials to reduce hunger across the City by implementing and funding hunger prevention and awareness activities. The Federation also operates the City's largest volunteer children's literacy program in the Los Angeles Unified School District. For more than 12 years, the Federation has trained and placed over 10,500 volunteers as reading partners reaching over 22,000 LAUSD students in high risk elementary

schools. Through its many partnerships across Los Angeles, the Jewish Federation helps to provide aid to Jews and others who need assistance in areas such as job training and career counseling, scholarships, school loans, and emergency aid.

Throughout the course of its history, the Federation has also engaged the Jewish community in political advocacy. The Federation's long-held commitment to social justice was especially evident during the Civil Rights Movement.

My father, the late Congressman Edward Roybal, always credited coalition building among Mexican Americans and Jews as having played a major role in his successful election to the Los Angeles City Council in 1949, when he became the first L.A. City Councilmember of Latino heritage in modern times.

This unprecedented political alliance was born in part out of the history of Boyle Heights in my congressional district, where my father lived and I grew up. From 1910–1950, Boyle Heights was the largest Jewish community west of the Mississippi, with approximately 75,000 Yiddish-speaking Eastern European Jewish immigrants living side-by-side with neighbors from a variety of backgrounds and cultures.

Today, 62 years after my father won that landmark city council election, I am proud to be part of an effort to preserve the community's Jewish history through the restoration of the Breed Street Shul. This Shul—built in 1915 and expanded in 1923—is the last remaining synagogue of the 30 that once dotted Boyle Heights' landscape. It is my hope that this ongoing multi-million preservation effort, which includes exhibition space, will re-tell the area's history for current and future generations.

While the Jewish community boasts a proud history in the 34th Congressional District and throughout Los Angeles, the Jewish Federation's centennial anniversary celebration will kick-off a new focus on its future. With an eye toward reinventing itself to best serve the changing needs of its membership and the community at large, Jay Sanderson, the Federation's President, says, "We must be innovative in our work, as well as incorporate new ways to reach and engage with our community so we can successfully ensure a strong Jewish future in Los Angeles, Israel and around the world for the next 100 years and beyond."

To spur new ideas, the Federation launched its Next Big Jewish Idea campaign in January of this year. The effort calls on individuals, businesses, non-profits and organizations to submit their innovative ideas for programs that will strengthen and benefit the greater Los Angeles Jewish community. The winning idea will receive a grant of \$100,000 and be assisted by the Jewish Federation to bring it to fruition. The Federation's centennial also includes a host of events throughout the year, including a community trip to Israel.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, as the Jewish Federation of Greater Los Angeles prepares for its May 25th centennial gala, I ask my colleagues to please join me in congratulating this year's special honorees: Stanley P. Gold of the law firm Gang Tyre Ramer & Brown; Bram Goldsmith, Chairman of the Board of City National Corporation; and Nina Tassler, President of CBS Entertainment, for their unwavering support for the federation and the community. They are among a distinguished group of Los Angeles residents who make the Federation the go-to non-profit dedicated to meeting the needs of our area's 500,000-strong Jewish community. I also congratulate Jay Sanderson and the Federation's entire staff. They are all to be commended for their work to keep the Federation the vibrant and strong organization that it remains today and I extend to all of them my best wishes for many more successful years ahead.

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IN RECOGNITION OF DR. LEE ANN NUTT

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BURGESS. Mr. Speaker, today I rise to commemorate Dr. Lee Ann Nutt and her service as a longtime leader and champion of community college initiatives at North Central Texas College. Dr. Nutt, who has served as the provost of NCTC's Corinth Campus and as the face of the university for over 10 years, will begin the next chapter of her career as the Vice President of Instruction at the Tomball Campus of Lone Star College.

Dr. Nutt's educational expertise comes from both the public and private sectors, including service as the Director of Education at the New Mexico Health Care Association, various administrative positions, and college-level teaching experience at Texas Tech University and Lubbock Christian University. Her strong professional background and leadership abilities have not only enabled her to serve North Central Texas College, but also the community that surrounds it. She serves on the Board of Directors of the United Way of Denton County as well as the Denton Chamber of Commerce, and has been actively involved with the Family Resource Center of Denton County and Presbyterian Hospital. In addition, Dr. Nutt previously served on the 26th Congressional District Academy Board, providing professional advice on my selection of outstanding students to attend the U.S. Service Academies.

It is an honor to have the opportunity to represent North Central Texas College and the many individuals, like Dr. Nutt, who work to educate our young people in the 26th District of Texas. I would like to thank Dr. Nutt for her valuable contributions to the Denton County community and wish her the best of luck as she continues to positively impact the lives and futures of students throughout the State of Texas.

BRIANA MORGAN

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Briana Morgan for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Briana Morgan is a 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Briana Morgan is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Briana Morgan for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

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HONORING THE LIFE AND CAREER OF HARMON KILLEBREW, MINNESOTA TWINS HERO AND MEMBER OF MAJOR LEAGUE BASEBALL HALL OF FAME

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. MCCOLLUM. Mr. Speaker, I rise today to honor the life and career of former Minnesota Twins player and member of the Major League Baseball Hall of Fame, Harmon Killebrew.

Harmon Killebrew played for twenty-two years, fourteen as a member of the Minnesota Twins. He was an extraordinary player, hitting 573 home runs, earning a place in thirteen all-star games, and winning the American League's Most Valuable Player award in 1969. I remember watching Hammerin' Harmon slug the Twins to victory on many occasions at Minnesota's Metropolitan Stadium and on television. His heroics on the baseball field and his kind and warm personality with both teammates and fans alike made him a beloved figure in the community.

Mr. Killebrew's legacy extends long past his playing years on the baseball diamond. He will also be remembered for his devotion to charity and his tireless work on behalf of leukemia research.

Mr. Speaker, I extend my deepest condolences to Mr. Killebrew's family.

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HONORING GLENDA F. BRITTON

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, in the Fourth Congressional District of Georgia, there are many individuals who are called to contribute to the needs of our community through leadership and service; and

Whereas, Mrs. Glenda F. Britton has answered that call by giving of herself as an educator at Edward L. Bouie, Sr., Traditional Theme Elementary School, and as a beloved wife, daughter, mother and friend; and

Whereas, Mrs. Britton has been chosen as the 2011 Teacher of the Year, representing Edward L. Bouie, Sr., Traditional Theme Elementary School; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community and our Nation through her tireless works, motivational speeches and words of wisdom; and

Whereas, Mrs. Britton is a virtuous woman, a courageous woman and a fearless leader who has shared her vision, talents and passion to help ensure that our children, receive an education that is relevant not only for today, but well into the future, as she truly understands that our children are the future; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Glenda F. Britton for her leadership and service for our District and in recognition of this singular honor as 2011 Teacher of the Year at Edward L. Bouie, Sr., Traditional Theme Elementary School;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim April 22, 2011 as Mrs. Glenda F. Britton Day of Remarks in the Fourth Congressional District of Georgia.

Proclaimed, this 22nd day of April, 2011.

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CASARA ORR

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Casara Orr for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Casara Orr is a 12th grader at Arvada West High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Casara Orr is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Casara Orr for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

## PERSONAL EXPLANATION

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. CARSON of Indiana. Mr. Speaker, due to a previous commitment at the White House on May 12th, I unavoidably missed two votes. Had I been present, I would have voted "nay" on final passage of rollcall 321, and "nay" on final passage of rollcall 322.

## PERSONAL EXPLANATION

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. ZOE LOFGREN of California. Mr. Speaker, I was absent from votes on Friday, May 13, 2011, due to a family emergency. Had I been present, I would have recorded the following votes: rollcall No. 323—"nay," rollcall No. 324—"nay" rollcall No. 325—"aye," rollcall No. 326—"aye," rollcall No. 327—"aye," rollcall No. 328—"aye," rollcall No. 329—"aye."

## CALVIN MERRILLS

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Calvin Merrills for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Calvin Merrills is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Calvin Merrills is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Calvin Merrills for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN HONOR OF FATHER GEORGE  
WANSE, S.J.

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. MATSUI. Mr. Speaker, I rise today in recognition of Father George Wanser, who has served the people of Sacramento since 1994 as a priest, campus minister, and chap-

lain. He has been with the Newman Catholic Community in Sacramento for close to 10 years, and as he moves on this summer to the Most Holy Trinity Parish in San Jose, I ask my colleagues to join me in saluting this man for the dedication he has shown the Sacramento area.

At a young age, Father Wanser became involved in the church. He excelled at both Fordham University and the Pontificia Universidad Catolica Javeriana de Bogota in Columbia. Father Wanser taught history, religious studies, and English in Puerto Rico from 1970 through 1973. He taught music, was head wrestling coach, and worked as the Puerto Rican High School Athletic Alliance Wrestling Commissioner.

In the 1970s, Father Wanser moved back to the U.S. and was ordained. He was assigned to several community organizing projects all over California, including churches in Fresno, Santa Ana, Fullerton, and San Diego.

Father Wanser arrived in Sacramento in 1999 when he began at Jesuit High School. Since his arrival he has contributed much to the Sacramento area. He has spent the last several decades as a campus minister and chaplain, and has also worked at Christian Brothers High School, UC Davis, and Cristo Rey High School.

Father Wanser has served the Newman Catholic Community of Sacramento for the past 10 years, and has inspired countless people through his goodwill and leadership. His friends and followers have expressed their gratitude for his strength and conviction, and his presence will be sorely missed.

Mr. Speaker, I stand today to recognize the contributions that Father Wanser has made to Sacramento. His sincere commitment to those around him and his enthusiasm for inspiring others has made a difference for countless people in our community. I ask all my colleagues to join me in thanking Father Wanser for his years of leadership, and wish him the best in his future endeavors.

HONORING POPLAR SPRINGS  
BAPTIST CHURCH**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Poplar Springs Baptist Church is one of our most beloved treasures in the State of Georgia; and

Whereas, Pastor Ulysses and First Lady Annie Ponder are the two jewels that have been placed by God to lead and serve the members of Poplar Springs Baptist Church for the past 23 three years; and

Whereas, this tenacious man and virtuous woman of God give of themselves daily in order to uplift the kingdom, serve the community and to give to those in need; and

Whereas, honor, humility, courage and foresight are words that describe the Pastor and First Lady, we would be remiss if we did not speak of the love and admiration they have towards God, the Church and the Community; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Ulysses Ponder and First Lady Annie Ponder as they celebrate 23 years of outstanding leadership and service;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 1, 2011 as Pastor Ulysses and First Lady Annie Ponder Day in the Fourth Congressional District.

Proclaimed, this 1st day of May, 2011.

## BRIANA MUNOZ

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Briana Munoz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Briana Munoz is an 8th grader at North Arvada Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Briana Munoz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Briana Munoz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

COMMEMORATING AZERBAIJAN'S  
REPUBLIC DAY AND 20 YEARS  
OF U.S.-AZERBAIJAN RELATIONS**HON. VIRGINIA FOXX**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. FOXX. Mr. Speaker, as it celebrates its 93rd anniversary of independence from the Russian Empire, I would like to take the opportunity to honor the Republic of Azerbaijan on the occasion of its May 28th Republic Day. Later this year, Azerbaijan will also celebrate the 20th anniversary of its freedom from the Soviet Union and the start of diplomatic relations with the United States.

Azerbaijan has made incredible progress in the last 20 years and has become a key ally of the United States in a strategically important region.

Azerbaijan is located between Russia and Iran in the strategic region between Europe and Asia. A stable and secular country, it is one of the few places in that part of the world where Muslims, Jews and Christians live together in peace.

The U.S.-Azerbaijan partnership is based on shared values and common goals and is a key component to regional security. As highlighted by Secretary of Defense Robert Gates during



a recent visit to Azerbaijan, Azerbaijan provides multi-faceted support for U.S. and NATO operations in Afghanistan and is a key part of the Northern Distribution Network providing ground and naval transit for roughly 25 percent of the Coalition's supplies bound for Afghanistan.

Beyond support for U.S. security interests in the region, Azerbaijan plays a paramount role in strengthening U.S. and European energy security and is expanding its commercial and economic ties with the United States. Azerbaijan is a secular Muslim country that maintains close friendly ties with Israel and supplies roughly a quarter of Israel's oil.

My colleagues are encouraged to join me in honoring Azerbaijan on the occasion of its 93rd Republic Day and celebrating a robust U.S.-Azerbaijan relationship.

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TO COMMEMORATE THE 100TH ANNIVERSARY OF THE MV "PRUDENCE"

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### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. KEATING. Mr. Speaker, I rise today to commemorate the 100th anniversary of the MV *Prudence*, what is believed to be the oldest continuously operated, fully documented merchant vessel in the United States.

The MV *Prudence* was originally christened as the *Madeline* in 1911 and commissioned for Former Boston City Councilor and Dedham State Representative Frank Gethro. Upon completion, the *Madeline* operated until 1920 providing ferry service from Marine Park in the City Point area of South Boston to Castle Island in South Boston and other Boston Harbor Islands.

The *Prudence* received her name in 1921 when the *Madeline* was sold to the Prudence Island Navigation Company in Bristol, Rhode Island. For over four decades, ferry goers were serviced by the *Prudence* between Bristol, Rhode Island and Prudence Island, Rhode Island. Following the 1960 election of President John F. Kennedy of Massachusetts, the *Prudence* was purchased by Hyannis Harbor Tours, Inc. founders, Richard "Dick" and Robert "Bob" Scudder in 1962 and returned to its home state.

Since 1962, millions of Cape Cod tourists have been serviced by the *Prudence's* sight-seeing cruises from Hyannis Harbor to the Kennedy Compound in Hyannisport, Massachusetts. Hundreds more have been provided employment by the *Prudence's* reliable passenger service. Today, I honor the *Prudence's* role as a celebrated cultural icon and reliable employer for residents of my district.

With the celebrations of the MV *Prudence's* 100th year of service scheduled to begin on May 26, 2011, I extend my deepest congratulations to the vessel and its operators on this incredible achievement.

BREANN HOLTER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Breann Holter for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Breann Holter is a 12th grader at Ralston Valley High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Breann Holter is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Breann Holter for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### PERSONAL EXPLANATION

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. QUIGLEY. Mr. Speaker, on May 11th, my vote on rollcall No. 309 was incorrectly recorded as "aye," when I intended to vote "no." I did not see the error until it was too late. I ask that the RECORD reflect my strong opposition to H.R. 1229 and my intention to vote no on this legislation.

### HONORING REVEREND FURQUAN R. STAFFORD, SR.

#### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, the works of Dr. Charles R. Drew have been and continue to be credited for medical innovation and saving lives throughout the world; and

Whereas, Reverend Furquan R. Stafford, Sr., has given of himself to continue the works of Dr. Drew in the U.S. Plasma Collection Industry and to educate and motivate our youth; Reverend Stafford has given exceptional and distinguished service to our citizens by providing guidance, service and leadership; and

Whereas, Reverend Stafford is a proven leader and advocate with the heart of a lion and the spirit of an angel; and

Whereas, his determination and will is a testament that one man can make a difference; and

Whereas, Georgia is proud to have Reverend Stafford, who gives of himself daily with-

out any need for praise and fame; he always serves valiantly and with honor, a modern-day knight; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Reverend Furquan R. Stafford, Sr., for his outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 19, 2011 as Reverend Furquan R. Stafford, Sr. Day in the Fourth Congressional District of Georgia.

Proclaimed, this 19th day of May, 2011.

BREANNA MARTIN

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Breanna Martin for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Breanna Martin is an 8th grader at Arvada K-8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Breanna Martin is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Breanna Martin for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### PERSONAL EXPLANATION

#### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. BROWN of Florida. Mr. Speaker, unfortunately, I was unavoidably detained yesterday hosting a Job Fair in Jacksonville, Florida. Had I been able to attend the vote here yesterday, I would have voted, "yea" on rollcall Vote 330. I support H.R. 1627 Honoring American Veterans Act of 2011. This bill will allow certain monuments to be placed at Arlington National Cemetery, allow for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States to be placed on Chaplains Hill in Arlington National Cemetery.

On rollcall vote 331, I would have voted, "yea" to support H.R. 1383, Restoring GI Bill Fairness Act of 2011. This bill resolves a provision that certain veterans who were retroactively affected by a provision of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. The tuition these veterans were paying was increased by as much as \$10,000 a year, and they should not be penalized for a change in law after they have begun

their college education. However, an offset should be found that does not penalize the housing allowances of other GI bill recipients.

On rollcall vote 332, I would have voted, "yea" to support H.R. 1657, a bill to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans. The bill directs the VA to establish timelines to take action to debar non veteran-owned firms who fraudulently misrepresent themselves as veteran-owned firms, and sets a mandatory 5 year debarment period.

RECOGNIZING MOTORCYCLE  
SAFETY AND AWARENESS MONTH

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PAUL. Mr. Speaker, this month towns across Texas will commemorate Motorcycle Safety and Awareness Month, which is designed to increase awareness of the unique safety issues facing motorcyclists.

Starting in 2003, the Texas Confederation of Clubs began obtaining Proclamations from Texas towns recognizing Motorcycle Safety and Awareness Month and encouraging all drivers to educate themselves about motorcycle safety issues. In 2010, Proclamations were issued in 178 cities and 11 counties all over the State of Texas and Governor Rick Perry read a Motorcycle Safety Awareness Proclamation at the state capital.

The 2011 Texas Motorcycle Safety and Awareness Month kicked off with the Texas Department of Transportation placing Share the Road and Watch for Motorcycles on all of their billboards all over Texas during the last week of April and the first week of May.

Mr. Speaker, since the Texas Confederation of Clubs began promoting Texas Motorcycle Safety and Awareness Month, Motorcycle fatalities have decreased by 18 percent. It is therefore my pleasure to recognize Texas Motorcycle Safety and Awareness Month and to extend my appreciation to the members of the Texas Confederation of Clubs for all their work to promote motorcycle safety.

CARMEN ORTIZ

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Carmen Ortiz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Carmen Ortiz is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Carmen Ortiz is exemplary of the type of achievement that can be attained with hard work and perse-

verance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Carmen Ortiz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

100TH ANNIVERSARY OF THE  
FIRST FLIGHT AT ROBERTSON  
AIRPORT

**HON. CHRISTOPHER S. MURPHY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today in recognition of the 100th anniversary of the first airplane flight at Robertson Airport in Plainville, Connecticut. A century ago this month, young inventor and pilot Nels Nelson made the first powered, sustained flight in Plainville—and one of the first in Connecticut—in a small buckwheat field in the northwest section of town. Though only a few minutes in duration, Nelson's flight marks Robertson Airport as the oldest airfield in the State of Connecticut.

Coming on the heels of the Wright Brothers' seminal launch at Kitty Hawk in 1903, Nelson's feat was the beginning of what remains a long and storied history of flight in Plainville. During the first half of the previous century, a number of small airstrips dotted the town's landscape. In fact, one location on the current site of Plainville High School was frequently utilized by Governor John Trumbull, the "Flying Governor," who was a Plainville native and pilot.

The field on which Nelson made his historic flight did not become a formal airport until 1941, when Stamford Robertson purchased the property. For years Robertson operated a flight school at the airport and remained involved in its operations, even after selling it to Tomasso Brothers, Inc. in the late 1970s. In 2009, the Town of Plainville purchased the airport, in large part to preserve this historic site and to ensure its continuation as a functioning airfield.

Today, I want to commemorate Nelson's flight and to recognize all of those who have contributed to the preservation and operation of Robertson Airport over the years. From the late Stamford Robertson and the Tomasso Brothers to the Plainville Historic Society and the Plainville Aviation Commission to the pilots, citizens, and elected officials who have supported the airport, I would like to commend all of you for your commitment to this important landmark—one that continues to be a vital and thriving piece of Plainville's history and identity.

HONORING JOHN D. DEFOOR

**HON. HENRY C. "HANK" JOHNSON, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, John D. Defoor was born on October 2, 1945 and departed this life on March 19, 2010; and

Whereas, today we gather to memorialize the life of Mr. John D. Defoor, his accomplishments and his service to our Nation; and

Whereas, seven years and eleven months of the life of Mr. John D. Defoor was given to serve our country as a soldier in the United States Army, where he fought with valor and honor during the Vietnam War; and

Whereas, he gave of himself, his time, and his talent as he served his country and fellow soldiers, wherein he was awarded various medals for his courage and service during his tour of duty in the Republic of Vietnam; and

Whereas, Mr. John D. Defoor was a son, a friend and a man of great integrity who remained true to the uplifting of our Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to bestow a special recognition on Mr. John D. Defoor for his leadership, friendship and service to all of the citizens of Georgia and throughout the Nation as a citizen of great worth and so noted distinction;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby attest to the 112th Congress of the United States that Mr. John D. Defoor of Doraville, DeKalb County, Georgia is deemed worthy and deserving of this "Congressional Recognition" by declaring Mr. John D. Defoor U.S. Citizen of Distinction in the Fourth Congressional District.

Proclaimed, this 30th day of April, 2011.

BRIANNA YOUNG

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Brianna Young for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Brianna Young is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Brianna Young is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Brianna Young for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING LIEUTENANT TERRY  
BAUER

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. ROKITA. Mr. Speaker, I rise today to recognize and congratulate an important member of Indiana's State Excise Police.

Lieutenant Terry Bauer has served the Indiana State Excise Police with distinction, integrity, and dedication for over 37 years. He proudly holds the record for the longest serving officer in ISEP's history. Throughout those years, he consistently demonstrated the highest standards of outstanding leadership and public service. He left the ISEP on April 30th of this year and is excited to begin a new chapter of his life.

Lieutenant Bauer served as the President of the Indiana State Excise Police Officers Association. In this role, he successfully lobbied the Indiana General Assembly for full unrestricted police powers and won. This is now referred to as the greatest moment in history for the ISEP and its officers. It gave them new law enforcement opportunities and a new level of respect as a state law enforcement agency.

I would like to thank his family: his wife Elaine, sons Chris and Brian and their wives Christa and Heather, and his grandson Collin, for so selflessly supporting Lieutenant Bauer in his long and accomplished career. I am proud to honor Lieutenant Bauer in recognition of his exemplary leadership and outstanding contributions to the ISEP.

RECOGNIZING MEMBERS OF THE  
UNIVERSITY OF WASHINGTON  
AIR FORCE ROTC, AND THE PA-  
CIFIC LUTHERAN UNIVERSITY  
ARMY ROTC, FOR THEIR WORK  
ESTABLISHING A NEW FUND-  
RAISER ON BEHALF OF THE SPE-  
CIAL OPERATIONS WARRIOR  
FOUNDATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor members of the University of Washington Air Force Reserve Officer Training Corps (AFROTC), as well as the Pacific Lutheran University Army Reserve Officer Training Corps, for creating the First Annual "22 to the U" march to raise money for the Special Operations Warrior Foundation.

During "22 to the U" on May 22, cadets from the University of Washington and Pacific Lutheran University participated in a march, called a 'ruck,' wearing 45-pound packs. Beginning at midnight, marching through the night and most of the day, the cadets traveled 45 miles from Joint Base Lewis-McChord to the Medal of Honor Memorial at the University of Washington.

This challenging event raised funds for the Special Operations Warrior Foundation, a non-profit organization that provides college schol-

arships to the children of fallen Special Operations personnel, as well as immediate financial assistance to severely wounded service members to allow families to join them at their bedsides. By establishing the "22 to the U" fundraiser, these Air Force and Army cadets not only accomplished an extreme physical feat, but also demonstrated an admirable commitment to helping their fellow service members and the families of wounded warriors.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in honoring the members of the University of Washington AFROTC, as well as the Pacific Lutheran University Army ROTC, whose efforts embody the spirit of selflessness and sacrifice that makes our Armed Forces truly great. These cadets have started a tradition of honoring the legacy of Special Operations members which I am confident will endure for years to come.

BAILEY ARCHER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Bailey Archer for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Bailey Archer is a 8th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Bailey Archer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Bailey Archer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

INTRODUCTION OF THE NATIONAL  
MALL REVITALIZATION AND  
DESIGNATION ACT

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. NORTON. Mr. Speaker, today, in honor of National Preservation Month, I rise to reintroduce the National Mall Revitalization and Designation Act. The National Mall is Washington's most neglected and underutilized federal property, despite being so well-known and treasured. The Mall lacks everything that this majestic natural wonder deserves, from an official identity to basic amenities. My bill authorizes the National Capital Planning Commission, NCP, to expand the boundaries of the Mall where commemorative works may be located, requires NCP to study the commemo-

rative works process, and requires the Secretary of the Interior to submit a plan to Congress to enhance visitor enjoyment, amenities and cultural experiences in, and the vitality of, the Mall within 180 days.

I worked closely with NCP and other agencies in drafting the bill. The bill would give NCP the responsibility and necessary flexibility to designate the Mall area for commemorative works for the first time and to expand the Mall area for that purpose when appropriate. The bill requires NCP to accommodate future commemorative works and cultural institutions. Tourists and workers downtown should be able to walk to the Mall and hear terrific music and other entertainment, from string quartets to poetry readings, perhaps during lunch at attractive tables where good—not fast—food is available. Residents of the city and region should be able to find space for fun and games beyond the cramped space between Third Street and the Lincoln Memorial.

Bordered by world-class cultural institutions, the Mall itself has been reduced to a lawn with a few—too few—ordinary benches and a couple of fast food stands. The Mall needs a total makeover for the 21st century that would be worthy of Pierre L'Enfant's vision for the city he planned and the McMillan plan, which is largely responsible for what is referred to today as the Mall—the space between the Capitol and the Lincoln Memorial. In writing the bill, I recognized that the federal funds needed to make the Mall the 21st century destination it should be will not be forthcoming in this fiscal climate. Nevertheless, we must move now to begin to rescue this space, which has been damaged by heavy use and is often used by pedestrians as no more than a throughway, despite its magnificent potential. With the necessary imagination, making the Mall an inviting place with cultural and other amenities is achievable now.

The NCP is well on its way to meeting the bill's requirement for an expansive, 21st century definition of the Mall. Frustrated by continually fighting off proposals for new monuments, museums, and memorials on the already crowded Mall space, I asked the NCP to devise a mall presentation plan. In 2003, Congress amended the Commemorative Works Act to create a reserve area—a no-build zone where new memorials may not be built. This action was helpful in quelling some but by no means all of the demand from groups for placement of commemorative works on what they view as the Mall.

Recognizing the need for more commemorative works sites, NCP and the Commission on Fine Arts, CFA, released a National Capital Framework Plan in 2009, which identifies sites near the Mall that are suitable for new commemorative works, including East Potomac Park, the Kennedy Center Plaza, and the new South Capitol gateway. Five new prestigious memorials are scheduled for such sites, including the Eisenhower Memorial and the U.S. Air Force Memorial. I appreciate that NCP and the CFA work closely with the District of Columbia in designating off-Mall sites for new monuments. The District welcomes the expanded Mall into our local neighborhoods to increase the number of tourists that visit them, enhancing the work of the District of Columbia

government and the local organizations such as Cultural Tourism that offer tours of historic District neighborhoods. The off-Mall sites for monuments also complement development of entire new neighborhoods near the Mall, particularly the District's redevelopment of the Southwest Waterfront and work on The Yards, which, under my bill, now includes a waterfront park and eventually will include a mixed-use public-private development.

The Mall Revitalization and Designation Act is the first step in an effort to focus Congress on finally giving the Mall its due after decades of neglect and indifference. The bill starts at the beginning—expanding what we mean by the Mall, and taking the first steps to breathe life into a space that is meant for people to enjoy.

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#### HONORING PATRICIA A. MAYO

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#### HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation.

Whereas, Thirty plus years ago a virtuous woman of God accepted her calling to serve the DeKalb County School System; and

Whereas, Ms. Patricia A. Mayo was born in Wrens, Georgia, she began her educational career as a student in Jefferson County Public Schools, she furthered her education by obtaining her Bachelor of Science degree in Elementary Education from Savannah State College in Savannah, Georgia, she continued her studies at Georgia Southern University and Cambridge University; and

Whereas, this phenomenal woman has shared her time and talents as a Teacher and Motivator, giving the citizens of DeKalb County, Georgia a person of great worth, a fearless leader, a devoted scholar and a servant to all who want to advance the lives of our youth; and

Whereas, Ms. Mayo is a daughter, sister, mother and Eastern Star, she is also a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Patricia A. Mayo on her retirement from the DeKalb County School System and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim May 18, 2011 as Ms. Patricia A. Mayo Day in the Fourth Congressional District.

Proclaimed, this 18th day of May, 2011.

#### HONORING RACHEL WHEELER FOR HER TREMENDOUS CONTRIBUTIONS TO HAITI

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#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, it is with great pride that I rise today to honor Rachel Wheeler of Lighthouse Point, Florida.

At 11 years of age, Rachel has succeeded in raising over \$170,000 to build houses in Haiti. She first learned of the nation's extreme poverty 2 years ago after attending a presentation by Food for the Poor President and CEO Robin Mahfood. Rachel took immediate action and set a goal to build 13 homes, each costing \$2,600. Her campaign included chamber meeting announcements, television news appearances, a webpage, and advocacy throughout her school and neighborhood. Her zeal and devotion were met with widespread support, and she soon expanded her goal to a 25-residence village that includes larger homes. Now, Rachel would like to expand her project to include a school.

Though Rachel first launched her efforts prior to the earthquake that devastated the nation's capital, Port au Prince, those efforts are now even more invaluable in the tragedy's wake. Having spent much of my career fighting for the people of Haiti, I am both honored and humbled by Rachel's work. She has been able to garner coast-to-coast support and was named one of the country's top 10 youth volunteers in the Prudential Spirit of Community Awards competition. We here in Washington can certainly learn from her tenacious spirit, prodigious initiative, and momentous impact. If Rachel can do it, why can't we?

Mr. Speaker, I am most impressed that despite the fact that this remarkable young lady has accomplished more in her 11 years than many do in their lifetimes, she readily acknowledges that her efforts have only just begun. Rachel's vision and success are a shining example not only to her peers, but to anyone who has ever questioned how much of a difference one individual can truly make. As I rise to honor her passion and dedication today, I look forward to the great things she will undoubtedly accomplish in the future.

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#### BREANNA ANDREWS

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#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Breanna Andrews for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Breanna Andrews is an 8th grader at Mandalay Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Breanna Andrews is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all

levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Breanna Andrews for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

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#### RECOGNIZING THE DISTINGUISHED EDUCATION CAREER OF HOWARD BERGER

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#### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. NUNES. Mr. Speaker, I rise today to recognize the long and distinguished career of Howard Berger, Superintendent of the Tulare Joint Union High School District, who is retiring at the end of this school year. Howard spent his entire career teaching and guiding high schools in Tulare. His awards and accomplishments are so numerous that there is not enough time today to list them. What I can say is that for the people of Tulare there is no need for a list. Anyone who knows Howard also knows that he is a Tulare institution.

After graduating from California State University, Hayward in 1968, Howard began his teaching career in Tulare County. Howard admits that he only intended to spend a year at Tulare Union High School teaching Social Studies. Fortunately for students and parents that school year stretched to 1983. Howard has said that what kept him in Tulare was the great community spirit and commitment to education of its residents. During 1972–1973, Howard also taught Social Studies and English at Cherry Avenue Middle School.

In 1975, Howard began his distinguished career as an academic administrator, becoming Chair of the Social Studies Department at Tulare Union High School. Further success followed like clockwork. In 1986, Howard was named Assistant Principal at Tulare Western High School and in 1989 he was selected Principal at Tulare Union High School. In 2006, Howard had the honor of being named Superintendent of the Tulare Joint Union High School District. Under his leadership, Tulare opened a third high school, Mission Oak, a milestone in Tulare history. Mission Oak High School will see its first graduating class this year.

During his time as Principal and Superintendent, there were numerous accomplishments, honors and awards reflecting Howard's leadership of Tulare high schools. Recognition came from the Western Association of Schools and Colleges, the State of California, the federal government, and national education associations, including a Bill & Melinda Gates grant to participate in a national educational study.

Howard's career as Principal and Superintendent will be remembered as an important chapter in Tulare County history. What should also be remembered was that Howard was first and foremost a teacher. As he has said, "I think in my whole career the experience I've

enjoyed the most was teaching. You see immediately the impact you've had."

For 43 years, the citizens of Tulare have had the privilege of Howard teaching and guiding their students. Forty-three years is a long time. In Howard's office there is also a 43-year-old Fisher 150 record player that he bought with his first paycheck from the school district. Like the record player, many changes have occurred in Tulare, the State of California, and the nation. Howard successfully steered Tulare high schools through them all. It is hard to imagine Tulare schools without Howard. As he enjoys his retirement, I hope Howard will also have time to reflect on his legacy and know that he had a lasting impact on the lives of thousands of high school students and their families.

IN HONOR OF BOB GRIFFITH

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. FITZPATRICK. Mr. Speaker, I rise to today to honor Mr. Robert Griffith who is retiring as the longest ever serving President of Woods Services in Bucks County, Pennsylvania.

Woods Services, located in Langhorne, Pennsylvania is a facility that provides a home environment for people with developmental disabilities, challenging behaviors and other special needs. Their approach is unique and their philosophy one of inclusion and caring. For nearly a century, they have held true to its original mission, "To help each individual reach his or her highest level of achievement, whatever it may be."

For Woods and many of the people it serves this mission would not have been become a reality without the steady leadership of Robert Griffith.

Robert has been an advocate for those with intellectual and developmental disabilities for nearly 35 years. During his tenure at Woods, both the physical facility and his positive impact on the community have grown immensely.

I am proud to honor the tenure of Robert Griffith and continuing to support his work for the most vulnerable among us.

HONORING JESSE T. REYNOLDS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jesse T. Reynolds. Jesse's service to this Nation during World War II exemplified the highest characteristics of the service men and women who bled and died to preserve freedom.

Jesse was aboard the USS *MacDonough* when it was anchored in Pearl Harbor the morning of December 7, 1941. Jesse was among the first to spot the incoming Japanese aircraft that morning and informed the only of-

ficer on board of the pending attack. After Pearl Harbor, Jesse was assigned to the newly commissioned USS *Radford*, where he served in support of the Battle of Guadalcanal and in the Battle of Kula Gulf, where Jesse helped rescue the survivors of the USS *Helena*.

Mr. Speaker, as we approach the 70th anniversary of Pearl Harbor, I proudly ask you to join me in commending Jesse T. Reynolds for his accomplishments with the United States Navy and for his service to the United States of America during World War II.

IN RECOGNITION OF DAVID  
LEADBETTER

**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Mr. David Leadbetter, the recipient of the 2011 Lifetime Achievement Award from the National Golf Course Owners Association (NGCOA).

For over thirty years, Mr. Leadbetter has helped golfers achieve lower scores and improve their game. He is a world renowned golf instructor and known for his innovative teaching techniques. Initially starting out as a player, he participated in the European and South African tours prior to coming to fame for correcting Nick Faldo's swing in the 1980s. Among his many students are the famed Greg Norman, Nick Price, Ernie Els, and Michelle Wie. His students have greatly benefitted from his creative teaching methods and valuable advice; many of them hold major championship titles and individual worldwide titles. Aside from being the world's number one golf instructor and serving as coach to countless professional golfers, Mr. Leadbetter has academies worldwide to nurture new talent and share his love of golf. His extensive knowledge of golf also extends to seven golf instruction books, instructional DVDs, and television programs.

This prestigious award from NGCOA recognizes Mr. Leadbetter's contributions to the game of golf. His love for golf is evident in his dedicated efforts to helping others improve their game. Mr. Speaker, I ask my esteemed colleagues to join me in congratulating Mr. Leadbetter on this great honor. I wish him all the best.

PERSONAL EXPLANATION

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. ANDREWS. Mr. Speaker, on rollcall No. 330 for H.R. 1627, I am not recorded because I was absent. Had I been present, I would have voted "aye."

COMMEMORATING JEWISH  
AMERICAN HERITAGE MONTH

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BACA. Mr. Speaker, I rise today to join my colleagues in commemorating May as Jewish American Heritage Month and celebrating the many achievements the Jewish community has made to American culture and society.

While Jewish people make up only two percent of our nation's population, they have been a vibrant group contributing to American society for over 350 years.

The Jewish American community is a vibrant piece of the American fabric.

They have worked tirelessly to increase tolerance and understanding, while working to decrease anti-Semitism around the country.

Their community has organized innovative educational forums and cultural exchanges to help bring people together and promote our country's diversity.

The Jewish community in my District and surrounding areas is active and engaged on several fronts including in literature, politics and medicine.

I congratulate them for all their hard work and look forward to working with them in the years to come.

I hope all Americans will join me in celebrating Jewish-American Heritage Month and taking pride in the unique contributions that our Jewish community has made to our nation.

IN RECOGNITION OF HILDA  
GRIGORIAN

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Hilda Grigorian, a Glendale resident who has dedicated herself to helping those in need around the world, often in some of the most challenging and dangerous locations.

Hilda Grigorian was born and raised in Iran, and migrated to the United States in 1978 in pursuit of the American dream of education and career. Hilda achieved both of these goals—she obtained a bachelor's degree and MBA and is currently working toward her Ph.D. at Walden University. She also worked in the private sector for over two decades, focusing on international development.

Hilda began her international relief efforts with a trip to her motherland of Armenia, where she volunteered to help small businesses. After several visits to Armenia's rural villages, she established a Non-Governmental Organization (NGO) called Armenia Village Operation, which she started with her own funds and other private funding. The program implemented important projects in the rural villages of Armenia.

In 2005, Hilda traveled to Afghanistan to work with a USAID-funded program to help

vulnerable, widowed women with business planning and access to funds to regain their businesses which were destroyed by the Taliban. She then worked for UNDP in the youth development project. In 2008, she began working for USAID Afghanistan as a Field Program Officer, stationed in the Province of Nangarhar, which borders Pakistan. In 2009, she was transferred to the remote, rural Province of Ghor in Western Afghanistan, where she helped people implement community development programs, created jobs through cash for work projects, and ensured a fair distribution of food to the people of Ghor.

Hilda's selfless dedication to the people of Afghanistan has immeasurably benefited some of the most at-risk people in the world, and has demonstrated the generous spirit of Americans toward those in crisis. She thrived in an environment that afforded her very basic living conditions, with no luxuries or amenities we often take for granted.

I ask all Members to join me in thanking Hilda Grigorian for her unwavering commitment to the people of Armenia and Afghanistan and wish her well in all future endeavors.

#### PERSONAL EXPLANATION

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. McCOLLUM. Mr. Speaker, yesterday I was giving the keynote address at the second annual Native American Health Conference. Due to transportation constraints, I was unable to make it back to the Capitol to vote for H.R. 1383, H.R. 1627, and H.R. 1657. Had I been present, I would have voted "yea" on all of these important bills.

IN CELEBRATION OF THE 50TH ANNIVERSARY OF BOY SCOUT TROOP 890 IN LAKE HIGHLANDS, TEXAS

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Boy Scout Troop 890 in Lake Highlands, Texas, celebrating their 50th Anniversary this year.

Chartered in 1961, Troop 890 was founded to help shape and prepare the lives of the boys and young men in Dallas by teaching them the principles of Scouting. Over the past fifty years, the dedicated efforts of the leaders, the Scouts, and their parents have made Troop 890 a signature organization in Lake Highlands, Texas and it has become one of the largest and most well-known Boy Scout troops in Dallas.

The leaders of Troop 890 are committed to helping these scouts develop strong moral character and adhere to the ideals of the Scout Oath and Scout Law. The Lake Highlands community that considers the Troop to be an asset, encourages parents to be ac-

tively involved and Scouts to take on leadership roles and mentor younger Scouts. Since the first Eagle rank presentation in 1963, approximately 450 individuals, including my sons, Bill and Alex, have achieved the prestigious rank of Eagle Scout. Over the years, I have watched many Scouts become mature and responsible young men of great character.

Troop 890 has made the local community a stronger and better place. Their commitment to serving others is evident in the hundreds of hours devoted to various community service projects. I know Troop 890 will continue to positively impact Dallas and promote the importance of Scouting.

Mr. Speaker, I ask my esteemed colleagues to join me congratulating Troop 890 on their 50th Anniversary. I wish Troop 890 many more years of Scouting!

#### PERSONAL EXPLANATION

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. RICHARDSON. Mr. Speaker, on May 23, 2011, I was unavoidably detained during the vote on rollcall No. 330. Had I been present I would have voted as follows:

On rollcall No. 330, I would have voted "aye" (May 23) H.R. 1627, to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

A BILL TO AMEND THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. RAHALL. Mr. Speaker, today, I rise to introduce a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize Indian tribes to directly request the President for a major disaster or emergency declaration. This has been a priority for Indian country for over a decade and upon enactment, will treat Indian tribes as the sovereign governments that they are.

Currently, Indian tribes experiencing a disaster or emergency situation must rely upon a State governor to request the President for a declaration. Not only is this contrary to tribal sovereignty but it also requires the President to consider the State's, not the tribe's, ability to pay for the damages. The State's authority or willingness to provide assistance to the tribe is not considered in the determination process.

Under this legislation, tribes may still request the State to make the declaration on their behalf but it provides another avenue for those tribes who want to exercise their sovereignty or where a State may be unable or unwilling to make a request on a tribe's behalf.

I am pleased that the Republican co-chairman of the Native American Caucus, Mr. TOM COLE, and the Ranking Member of the subcommittee of jurisdiction, Ms. NORTON, agreed to cosponsor this important legislation with me. Letters of support have also been received from the National Congress of American Indians as well as other tribal organizations and individual Indians involved in emergency management.

I urge my colleagues to support this measure.

#### IN HONOR OF MARILYN DORMAN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. FARR. Mr. Speaker, I rise today to honor the career of Marilyn Dorman, who retires as the Executive Director of the Housing Resource Center of Monterey County on May 31, 2011. The HRC is a non-profit HUD-certified housing counseling agency that provides home-ownership education and counseling as well as homeless prevention services. Marilyn has a real gift for grant writing, which has served the agency well as its primary fundraiser.

Marilyn has been active professionally and personally in the housing arena for over twenty-seven years. She was the founding Executive Director of the Housing Advocacy Council in 1984, which merged with the Monterey County Housing Alliance in 2009 to become the Housing Resource Center of Monterey County. Throughout her many years of service Marilyn advocated for the development of affordable low-income housing and worked tirelessly with direct assistance programs to prevent homelessness.

With the 2009 merger, Marilyn's focus expanded to include homeownership education and counseling, as well as foreclosure prevention and loan modification. To date, HRC has successfully modified over 200 loans for Monterey County homeowners. Collectively, the merged organization has served over 24,000 Monterey County households.

Marilyn has also been an active Board, Committee member, and volunteer for the Coalition of Homeless Services Providers, St. Paul's Episcopal Church, the Salinas Downtown Community Board, the ACTION Council of Monterey County, Common Ground, the League of Women Voters, Community Advisory Council for the Salinas Permit Center, Salinas Planning Commission, Salinas Parks and Recreation Commission, Salinas Housing Trust Fund, the Salinas General Plan Parks Task Force, Girl Scouts, and the Volunteer Services Coordinator for the Volunteer Center of Salinas.

Marilyn's husband of thirty-eight years, Mark, has been the grounding force in life. They have three grown daughters and two beautiful grandchildren.

Mr. Speaker, I know I speak for the whole House as I commend Marilyn Dorman for all she has done and all she will undoubtedly continue to do. I extend my most sincere thanks and warmest wishes for her success and much happiness in her retirement.

## PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent because of a family illness on May 23, 2011. If I was present, I would have voted on the following:

H.R. 1627—rollcall No. 330: "aye"; H.R. 1383—rollcall No. 331: "aye"; H.R. 1657—rollcall No. 332: "aye."

## PERSONAL EXPLANATION

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Monday, May 23, 2011. Had I registered my vote, I would have voted:

1. "Yea" on rollcall 330, On Motion to Suspend the Rules and Pass, as amended, H.R. 1627—To amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery.

2. "Yea" on rollcall 331, On Motion to Suspend the Rules and Pass, as amended, H.R. 1383—Restoring GI Bill Fairness Act of 2011.

3. "Yea" on rollcall 332, On Motion to Suspend the Rules and Pass H.R. 1657—To amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.

## PERSONAL EXPLANATION

**HON. JOHN A. YARMUTH**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall Nos. 330, 331, and 332. Had I been present I would have voted "yes" for these measures:

H.R. 1627—On Motion to Suspend the Rules and Pass, as Amended, rollcall No. 330, "yes."

H.R. 1383—On Motion to Suspend the Rules and Pass, as Amended, rollcall No. 331, "yes."

H.R. 1657—On Motion to Suspend the Rules and Pass, rollcall No. 332, "yes."

TEXAS FROG FREEDOM FIGHTER—  
MARCUS LUTTRELL**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. POE of Texas. Mr. Speaker, the Navy SEALs are the United States Navy's elite war-

riors. And last week we learned that they killed the most wanted terrorist of all, Osama bin Laden. Osama bin Laden was the mastermind behind the murders of nearly 3,000 Americans on September 11, 2001. The news of his death brings some comfort to the families of thousands of people who died in the 9/11 attacks and to the families of those who have died in the war on terror. During their recent mission, these SEALs proved that when the peace of our great Nation is threatened, we will stand up and fight.

Throughout the ongoing conflicts in Iraq and Afghanistan, many other SEALs have performed equally heroic deeds. All Navy SEALs are elite commandos demonstrating the epitome of what we have in this country. One such example is local SEAL patriot, Marcus Luttrell, who I am proud to recognize and honor for his contributions to the global war on terrorism.

June 28, 2005 is a date the SEALs will forever remember. It was the worst single-day U.S. forces death toll since Operation Enduring Freedom began and it was the single largest loss of life in Navy SEAL history since World War II. Marcus Luttrell, a sixth generation country boy from Texas, survived to tell the incredible, harrowing events of that day. He is an amazing Texas patriot and "lone survivor" of a horrific gun battle that occurred in the mountains of Afghanistan. On this fateful day, three of Luttrell's friends from SEAL Team TEN, along with 16 Special Forces warriors were killed.

Luttrell was born in Huntsville, Texas in 1975. As a teen growing up in Willis, Texas, he began training at a young age for the SEALs, with a former Green Beret and neighbor, Billy Shelton. Luttrell and his twin brother, Morgan, also a Navy SEAL, trained every day using Shelton's harsh techniques and methods. He taught them to be tough. In addition, Luttrell's dad, a Vietnam veteran, taught his sons about weapons, survival, and swimming. Beau Walsh, Willis High School teacher and former Navy SEAL, prepared them on what to expect in SEAL training. During these years, the Luttrell brothers excelled physically and mentally.

After graduating from Willis High School, Luttrell enrolled at Sam Houston University, but left before graduating because of his desire to serve his country. With faith in God and country, at 23 years old Marcus Luttrell joined the United States Navy. He began Basic Underwater Demolition/SEAL (BUD/S) training with Class 226 in Coronado, California. In 2002, he graduated with Class 228 and became a member of the small, elite military force known as the Navy SEALs. He deployed to Afghanistan in the spring of 2005.

On June 28, 2005, he and three members of SEAL Team TEN were assigned to a covert mission, Operation Red Wing, in the mountainous region of Afghanistan. They were sent in to kill or capture Ahmad Shah, a notorious Taliban leader with ties to Osama bin Laden. The four-man team was made up of Marcus Luttrell, Lt. Michael Murphy, Gunner's Mate 2d Class Danny Dietz and Sonar Technician 2d Class Matthew Axelson.

Shortly into their mission, SEAL Team TEN encountered a small group of unarmed Afghan goat-herders. Although they believed the goat-

herders empathized with the Taliban, the team was unable to confirm any threat. Lt. Murphy sought input concerning the goat-herders fate from the team but ultimately made the call to release the herders.

Barely an hour later, the SEALs were ambushed. They came under heavy attack by Taliban insurgents and were easily outnumbered one to twenty-five. The enemy completely encircled them on that desolate cliff. There was one way in and one way out. Despite being wounded, Lt. Michael Murphy left protective cover and stood on a boulder to get a signal to place a phone call back to the base. Under intense fire, Murphy told the base he needed help, provided them with the SEALs location, and relayed the number of Taliban fighters. While he was calling for support, he was shot in the back, but he completed the rescue call while continuing to fire at the enemy. In the midst of chaos, he remained calm and risked his own life to save his team.

Murphy then returned to the safety of the mountain rocks and to his team to continue the fire fight. Ferociously engaged in a two-hour gun battle and running low on ammunition Murphy, Dietz, and Axelson were killed. In the midst of this battle, a MH-47 Chinook helicopter carrying 16 Special Forces crew, including 8 SEALs, were sent to evacuate them. The helicopter was assaulted and shot down with a rocket-propelled grenade fire. All 16 warriors were killed trying to rescue SEAL Team TEN.

These SEALs fought with courage and heroism of entire legions of warriors when attacked by a cowardly, fanatical enemy. These brave Navy SEALs gave the ultimate sacrifice. These SEALs are true patriots. Dietz and Axelson received the Navy Cross posthumously. Lt. Michael Murphy was awarded the Medal of Honor posthumously for his actions and his valor on the battlefield.

Luttrell was the sole survivor. He was blasted over a cliff by an RPG and knocked unconscious. Severely wounded and presumed dead, he managed to crawl seven miles before he reached a tribal village. They gave him shelter, aid and granted him protection under lokhay warkawal, Afghan code that guarantees safety and protection at all costs for a wounded traveler. Luttrell was rescued by the Green Beret six days after the gun fight.

In 2006, he was awarded the Navy Cross for combat heroism for his actions during Operation Red Wing by President George W. Bush. Luttrell remained in the Navy until 2007. In 2009 he was medically retired from the Navy. I cannot say enough about this great man, this American patriot. He is a heroic representative of the State of Texas and an honorable defender of liberty and freedom.

Our young people who go to the valley of the gun and the desert of the sun are relentless, remarkable characters. They go where others fear to tread and where the faint-hearted are not found. These Navy SEAL warriors represent the best of our Nation. The bravery, dedication and patriotism of Luttrell, Murphy, Dietz and Axelson will not be forgotten by their friends, their family and freedom-loving people throughout the world. God bless these sons of America.

And that's just the way it is.



HONORING COLONEL YOLANDA C.  
DENNIS-LOWMAN, USA

**HON. ROB BISHOP**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BISHOP of Utah. Mr. Speaker, I rise today to recognize Colonel Yolanda C. Dennis-Lowman, United States Army, for her remarkable record of achievements during her service from July 8, 2008, through July 19, 2011, as the Commander of the Tooele Army Depot, Utah.

Under her active supervision and guidance, Tooele Army Depot was officially designated by the Secretary of the Army as a Center of Industrial and Technical Excellence (CITE) for Ammunition Peculiar Equipment (APE) maintenance, which is a very significant achievement.

Because of her commitment to safety and the solid policies and procedures she implemented during the 2009–2010 timeframe, the depot achieved more than 610 consecutive days without a loss time injury, which was the best record within the Joint Munitions Command and Army Materiel Command (AMC). It was under her watch that Tooele Army Depot also received the AMC Safety Award, of “Best Installation.”

During her tenure, the Army implemented the Logistics Modernization Program (LMP) at Tooele Army Depot. By way of explanation, LMP modernizes the systems and processes associated with managing the Army’s supply chain at the national and installation levels, and permits the planning, forecasting, and rapid order fulfillment leading to streamlined supply lines, improved distribution, and a reduced theatre footprint. Thus, LMP better supports the warfighter so that they can be better equipped and ready to respond to present and future threats. Colonel Dennis-Lowman managed and supported the depot team during this difficult and challenging LMP transformation.

Further, her guidance and leadership led the depot to excel in continuous improvement efforts. In 2010, the depot exceeded the Value Engineering goal by more than \$800,000 (\$1.48 million versus \$2.29 million), and exceeded the Lean Six Sigma goal by more than \$140,000 (\$931,000 versus \$790,000).

In 2010, the depot shipped approximately 39,012 tons of conventional ammunition and received and processed 33,218 tons. This was in direct support of the ongoing war efforts around the world, as well as training requirements.

Colonel Dennis-Lowman was recognized by the publishers of Utah Business (magazine for decision makers) as one of the “30 Top Women to Watch—Women Making a Difference in Utah Business.”

She advised and supported a depot team during a Green Belt Project, Water Management. This team was awarded the 31st Annual Secretary of the Army Energy and Water Management Award, as well as the 2009 Federal Energy and Water Management Award within the small group category.

During her command, the depot’s Law Enforcement and Security Branch did very well

and received “commendable” ratings during the Headquarter, AMC Force Protection Assessment. In 2010, Tooele Army Depot received the AMC Anti-Terrorism Award for Small Installations.

Her guidance was instrumental in receiving OHSAS 18001 (safety), ISO 9001:2008 (ammo shipping/receiving and ammo equipment and manufacturing), and ISO 14001 (environmental) certifications.

Colonel Dennis-Lowman coordinated the effort for Tooele Army Depot to be the first Army installation to have a wind turbine. This wind turbine was completed in June 2010, stands 262 feet tall, and produces 1.5 MW of electricity, which is enough to power 300–400 homes, and translates to \$206,625 in savings per year. In 2010, the depot’s energy usage was 8% lower than during 2009, resulting in a cost savings of over \$117,000.

In conclusion, Mr. Speaker, Colonel Yolanda C. Dennis-Lowman has served in a most exemplary manner as Commander of the Tooele Army Depot, and has demonstrated remarkable leadership abilities in the face of substantial challenges. I congratulate her on her accomplishments, and invite my colleagues to join me in thanking her for a job well done, and join me in extending well wishes to her for much success in all future endeavors.

**MARGARET CASON WARD**

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Ms. BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida, I rise now to offer my heartfelt condolences and pay tribute to the life of Margaret Cason Ward, a humanitarian, life activist and friend. As a woman who served her community as a renowned educator and community activist since moving to Leesburg in 1947, Mrs. Ward has been a “Pillar” within the many communities she was a part of. I am moved and encouraged when recalling the life achievements of this extraordinary woman of faith and community service.

As a woman for whom education was important, Mrs. Ward was hired by the Lake County School District in 1947. By 2004, Mrs. Ward touched the lives of so many that she was recognized by receiving a place in the Governor’s Wall of Fame as an ‘Outstanding African American Educator.’ Mrs. Ward also founded the Dabney Minatee Heritage Group, Inc. and became the founding CEO. Realizing where her heart is committed, for the next seven years of her glorious life, she served as the Lake-Sumter Community College Reach-Out Director. As Director, she initiated the McKnight Achievement Program at LSCC. Mrs. Ward was able to construct the first job shadowing program at Disney World. All of these great accomplishments lead to Margaret Cason Ward in becoming the first African American female to be nominated by the Lake County Commissioners and placed in the Hall of Fame.

Mrs. Ward continued her regime of excellence by securing the position of the first Afri-

can American that was elected President of the Church for Women United. At the state level, she was recognized and named as the Prestigious Valiant Woman of the CWU. She continued to serve the education system as a member of the Associate Board of Trustee for Bethune Cookman College. Another great life accomplishment of Mrs. Ward was in 2004 she was presented the key to the City of Orlando by Mayor Buddy Dyer. Mrs. Ward was elected President of the Central Florida Conference Women’s Missionary Society and was later elected the first Vice President of the 11th Episcopal District WMS. After her term as Vice President, she was appointed WMS Episcopal President. Mrs. Ward was also appointed Connectional Chairperson of the Christian Social Relations Committee.

As a community activist, she gave of herself and her talents to benefit both the individuals and the organizations she served. Mrs. Ward was a Charter member of Epsilon NU Zeta Phi Beta Sorority, is a lifetime member of the NAACP, and has served as a member of St. Paul A.M.E. Church since 1947. As a woman of integrity and character, Margaret Cason Ward was both gifted and inspiring. Where she saw potential in others, she gave them impetus and encouragement; where she saw despair, she brought direction and promise; and where she saw the need for love and caring, she unselfishly gave of herself. She has impacted the lives of so many that the Leesburg African American Museum was named in her honor.

In Margaret Cason Ward’s passing, we pay tribute to an accomplished woman and her life of service to each of us. She will be remembered and respected because she chose to care. We pray that by her example that each of us becomes the bearers of her humanitarian legacy. We come now to join in prayer for her loving daughter Randreta Ward Evans; her three grandchildren, Rhonda, Chad and Regina; and her great-grandchildren, Kishawn, Kivante, James and Madison; and a host of loving relatives and friends throughout the community, whose lives have been forever changed by this woman of excellence and peace. We thank Our Heavenly Father for allowing us to be blessed with the time spent with Margaret Cason Ward, our friend and sister.

TO COMMEND INOVA ALEXANDRIA  
HOSPITAL ON THE 50TH ANNI-  
VERSARY OF THE “ALEXANDRIA  
PLAN”

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. MORAN. Mr. Speaker, I rise today to commend Inova Alexandria Hospital on the 50th anniversary of the “Alexandria Plan.” The Alexandria Hospital plan resulted in the first 24-hour emergency room staffed by dedicated emergency physicians and served as the national model for emergency medicine.

During the 1940s and 1950s many hospitals around the country began providing emergency room services, mostly staffed by medical residents and nurses who were usually

backed up by doctors on call from their homes. By the early 1960s, Alexandria Hospital and its medical staff decided that the inadequacy of the care model in the emergency department needed to be addressed.

In the late 1950s, Dr. James Mills, Jr., a family physician on the medical staff of Alexandria Hospital, had a demanding private practice as well as serving as an "on call" physician covering the emergency room, both of which required many hours of his time.

In 1961, as a result of the foresight of Alexandria Hospital, Dr. Mills, together with three other physicians on the medical staff, gave up their private practices to become full-time emergency physicians in an arrangement that became known as the Alexandria Plan. The Alexandria Plan provided for full-time staffing of emergency rooms 24 hours a day, seven days a week. It was quickly adopted and became the standard of care used by hospitals around the country as they began to confront increasing numbers of patients needing such emergency care.

In addition to staffing the emergency room full time, the physicians also became the moving force behind the development of a medical specialty that called for specific training in emergency medicine and eventually resulted in the creation of the American College of Emergency Physicians.

Next month, on June 24, 2011, Inova Alexandria Hospital and the American College of Emergency Physicians will jointly celebrate the 50th anniversary of the inception of the Alexandria Plan, recognizing the incredible significance that this plan has had for the delivery of quality care to patients throughout the country.

On behalf of the 8th district of Virginia, I commend Inova Alexandria for the Hospital's commitment to quality patient care and medical excellence.

#### HEALTH, HAPPINESS AND HITS FOR HAL DAVID

#### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. COBLE. Mr. Speaker, music fans have been enjoying songs such as We've Only Just Begun, What the World Needs Now is Love, and Raindrops Keep Falling on My Head for decades. What people may not know is that behind the voices of those who sang the songs was the writing of Mr. Hal David. In honor of Hal's 90th birthday, the citizens of the Sixth District of North Carolina wish to join countless others in honoring his wonderful career.

One of our country's greatest song writers, Hal was born the son of immigrants in Brooklyn, New York. During World War II, Hal served in the U.S. Army Entertainment Section in the Central Pacific with Carl Reiner and Werner Klemperer.

Mr. David's career moved along with his first hit record, The Four Winds and the Seven Seas by Vic Damon, which was cowritten with

Don Rodney. Hal David, however, would not become a one-hit wonder. Other early hits written by Hal David include Bell Bottom Blues for Teresa Brewer, cowritten by Leon Carr, Brokenhearted Melody for Sarah Vaughan and Johnny Get Angry for Joanie Sommers, both of which were cowritten by Sherman Edwards, as well as Sea of Heartbreak for Don Gibson, cowritten by Paul Hampton.

As you can see, Hal always teamed with outstanding writing partners. In 1957, his career took another great turn when he began his now-legendary collaboration with composer Burt Bacharach. The two worked together to produce the Marty Robbins hit The Story of My Life. This fruitful partnership between Hal David and Burt Bacharach produced hits for Perry Como, Jack Jones, Bobby Vinton, Gene Pitney, Dusty Springfield, Herb Alpert, the Carpenters, and perhaps the most-famous of all, Dionne Warwick. The duo of David and Bacharach's hit songs included Magic Moments, Wives and Lovers, Twenty-four Hours from Tulsa, Wishin' and Hopin', What the World Needs Now is Love, We've Only Just Begun, and countless others.

Several songs produced by this legendary twosome were nominated for Academy Awards including What's New Pussycat, Alfie and Raindrops Keep Fallin' on My Head. In 1969, Raindrops from Butch Cassidy and the Sundance Kid won the Oscar for Best Song.

Hal's work with Burt Bacharach was not limited to recorded hits. The pair worked together to write the score for the 1968 hit Broadway show, Promises, Promises, which was successfully revived on Broadway in 2010. The original cast recording of that particular show won a Grammy Award.

His collaborative work was not limited to Burt Bacharach. Hal David and Albert Hammond worked together on the 1984 worldwide hit To All the Girls I've Loved Before, which was recorded by Julio Iglesias and Willie Nelson.

Hal David has not spent all of his time writing songs. Throughout his great career, Mr. David has served in several leadership roles in his industry. From 1980–1986, Hal served as President of the American Society of Composers, Authors and Publishers (ASCAP), focusing on legislative issues facing music creators. During his tenure as President, Hal oversaw the expansion of ASCAP's presence in the area of country music. To this day, Hal continues to serve on ASCAP's Board of Directors.

For a decade, 2000–2010, Mr. David served as Chairman and CEO of the Songwriters Hall of Fame. During this time the Songwriters Hall of Fame established an important digital presence with its Virtual Museum and, most recently, the launch of the Songwriters Hall of Fame Gallery Museum in Los Angeles.

The recipient of numerous awards throughout his career, Hal David has been inducted into both the Songwriters Hall of Fame and the Nashville Songwriters Hall of Fame. He has received the Recording Academy's Grammy Trustees Award and the Johnny Mercer Award from the Songwriters Hall of Fame. Even the British Performing Rights Society honored the Brooklyn native with one of its most prestigious awards.

On behalf of the citizens of the Sixth District of North Carolina, we wish Hal David much happiness on his 90th birthday and send our best wishes for 90 more years of health, happiness and hits.

#### PERSONAL EXPLANATION

#### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent because of a family illness on May 13th 2011. If I was present, I would have voted on the following: H.R. 754—rollcall No. 323: "nay"; H.R. 754—rollcall No. 324: "aye"; H.R. 754—rollcall No. 325: "aye"; H.R. 754—rollcall No. 326: "aye"; H.R. 754—rollcall No. 327: "aye"; H.R. 754—rollcall No. 328: "aye"; and H.R. 754—rollcall No. 329: "aye."

#### ISRAELI 63RD INDEPENDENCE DAY

#### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to congratulate Israel on the celebration of its 63rd Independence Day. I am a strong supporter of the State of Israel and believe in its right to exist as a Jewish and democratic state with secure and recognized borders.

As our strongest democratic ally in the Middle East, Israel is a crucial friend of the United States, and its continued strength and stability are in our nation's best interest.

The past several years have been a challenging time for Israel. Israel continues to face danger on many fronts, from the ongoing threat of terrorism to the potential rise of a nuclear-armed Iran. Peace and stability in Israel and the Middle East at large are still a possibility. Despite recent events with Fatah and Hamas, I hope that Palestinian authorities will be willing to come to the table and negotiate peace with their Israeli neighbors. I trust that new commitments and agreements are reached that enable these two states to live peacefully with one another.

I will continue to advocate for policies that make Israel more secure and work to alleviate the tensions in the Middle East, and I urge my colleagues to join me. As a member of the Israel Allies Caucus, I have been an active advocate for Israel and its people. I know the people of Israel want to live in peace with their Palestinian neighbors, and I will push for continued American engagement in the peace process. Together, the United States and Israel will continue to work in partnership to bring peace and security to the Middle East. Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Israel on their 63rd Independence Day.

## SENATE—Wednesday, May 25, 2011

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Shepherd of our souls, You enable us to lie down in green pastures, as You restore our hopes. Let Your love fill and rule our Senators as they seek to serve You by serving this land we love. May they be willing to pray for one another with the awareness that they are wrapped in a blanket of mutuality and are the heirs of a common destiny. Lord, empower them to live such exemplary lives that people will see their good works and glorify Your name. Relieve their necessities, lighten their burdens, as they cheerfully submit to Your gracious will.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 25, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate

will be in a period of morning business for an hour, with the majority controlling the first half, Republicans controlling the final half. Following morning business, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which is the legislative vehicle for the PATRIOT Act extension.

I filed cloture on the motion to concur with respect to the PATRIOT Act extension last night. Under the rule, the cloture vote will occur 1 hour after we convene tomorrow. Additionally, we are working to reach an agreement to vote on the House Republican budget. We will notify Senators when an agreement is reached and votes are scheduled.

### MEASURE PLACED ON THE CALENDAR—S. 1057

Mr. REID. Madam President, S. 1057 is at the desk. It is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1057) to repeal the Volumetric Ethanol Excise Tax Credit.

Mr. REID. I would object to any further proceedings with regard to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

### MEDICARE

Mr. REID. Madam President, for weeks Americans old and young have been speaking out against the Republican plan to kill Medicare. It is not just Democrats. Republicans have been speaking out against it too.

Newt Gingrich called it a radical plan and "right-wing social engineering." Several Republican Senators have similarly spoken out, calling it what it really is, a plan that would shatter a cornerstone of our society and break our promise to the elderly and to the sick.

Last night, though, the most important voices were heard. American voters had their first chance to do something about it. They went to the polls and resoundingly rejected that plan and the candidate who ran on that plan's promise to dismantle Medicare.

In a special congressional election in upstate New York, the Republican plan to kill Medicare was the No. 1 issue. It was the No. 2 issue. It was the No. 3 issue. It is what the voters most cared

about and were most scared about, as well they should be.

Here is what it would do: It would turn over seniors' health to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatments seniors get. It would ask seniors to pay more for their health care in exchange for fewer benefits. That is a bad deal all around.

What is telling is not just that the voters rejected this plan, it is that the Republican candidate pushing the Republican plan to kill Medicare was rejected in a very Republican district. The district, which stretches from Buffalo to Rochester, has been in Republican hands for four decades. It produced influential Republicans such as Jack Kemp, whom I served in Congress with. He served in the Cabinet. He ran on the Presidential ticket as a vice presidential candidate.

Last night's special election was held to replace a Republican Congressman who won that seat by a 3-to-1 margin. JOHN MCCAIN won the district in 2008. George W. Bush won the district 4 years earlier. Last year's Republican candidate for Governor in New York lost in a landslide. But he won big in that district. That is how conservative it is.

Democrats in Congress and even some candid Republicans know the Republican plan to kill Medicare is irresponsible and indefensible. Last night voters showed the country and the Congress that they know it too.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### LACK OF A BUDGET

Mr. MCCONNELL. Madam President, sometime today or tomorrow, Senate Democrats will have an opportunity to show what kind of future they believe in. They can vote for one of the Republican plans to get our Nation's finances under control, each of which involves the kind of tough choices we will need to make to bring down our deficits and debt, or they can vote on the President's plan, which continues the unsustainable status quo. A vote to preserve our very way of life or throw it in jeopardy.

It is interesting; when the President first announced his budget, most people panned it as tepid and irresponsible. The Washington Post summed it up pretty well by saying the President

punted. Yet Senate Democrats embraced it.

The senior Senator from New York said the President's budget should have bipartisan support.

The chairman of the Budget Committee gave the President, "good grades for a beginning."

Other Democrat Senators called the President's budget "a step in the right direction" . . . "an important step forward" . . . "a good start" . . . and "a credible blueprint."

One even described it as "wise."

That was then. How about today? Well, if we are to believe the news reports, every single Democrat in the Senate now plans to vote against the President's budget. They do not even want to use it as a starting point. Why? We got the answer earlier this week from Senator SCHUMER, when he indicated that Democrats now believe avoiding this debate altogether helps them in the next election.

In other words, they think it is better not to keep track of our Nation's finances at all than to support any plan that does. So much so that they are about to reject a budget that even they embraced a few months ago. They will vote against every budget that comes to the floor, including the President's.

Six weeks after the Democrat co-chairman of the President's own debt commission told us that our Nation's deficits and debt are like a cancer that threatens to destroy America from within, Democrats are ready to call it a work period without supporting any of the proposals that have been made, without producing anything of their own.

Nothing. That is their answer to this crisis.

Their focus is on an election that is still almost 2 years away.

I think it is a mistake. At a moment when our debts and deficits threaten the very future of our Nation, Democrats have no excuse for proposing no vision of their own. There is no defense.

Washington is currently on pace to spend about \$1.6 trillion more than it takes in this year, three times the biggest deficit we ever had before President Obama took office.

Members of the President's own Cabinet admitted last week that Medicare is in need of urgent reform if we want to preserve it for future generations.

Congressman RYAN has shown courage by proposing a budget that would tackle these problems.

Democrats are showing none by ignoring our problems altogether. This is the contrast Americans will see in the Senate this week. More than 2 years have passed since Democrats have produced a budget of their own. This is a complete and total abdication of their responsibilities. And there is no excuse for it. We have an obligation to come up with a plan. Democrats are offi-

cially abdicating that responsibility this week.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half hour and the Republicans controlling the final half.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

#### REMEMBERING EDWARD LAWRENCE O'BRIEN

Mr. KERRY. Madam President, in the course of our lives, one of the most difficult moments we face is to say goodbye to a parent. No matter how old we are or how old they are or even how long they've struggled with illness and infirmity, when you lose your mother or father, you are reminded again what it means to be someone's child, and it hits you right in the gut just how much you depend on your mother and father. It is difficult, and it has been particularly difficult for the O'Brien family of Marshfield Hills, MA, which just this month lost their patriarch, Edward Lawrence O'Brien, who was an extraordinary blessing to his family, and his friends, but also to the country he loved, which he served in the U.S. Navy. And his passing is a profound loss to us all.

Ed leaves behind his loving wife Marge, his brother Gene, 6 devoted children and 17 adoring grandchildren. His son Drew has served the people of Massachusetts as my State director for almost a decade, living the spirit of public service that Ed instilled and inspired in all of his family. Ed was, to borrow a phrase Tip O'Neill liked so much, "a beautiful person," and I enjoyed meeting him on several occasions. Our last meeting will be with me forever, when I had the privilege of presenting him with his World War II medals for his service in the Pacific. He was so content and had such a great smile on his face, a twinkle in his eye which never deserted him even as he bravely battled and accepted the illness that would take him from his family after 86 years extraordinarily well-lived.

Ed served proudly in the Navy during World War II, including the invasion of Okinawa. He embodied what we now

know as "The Greatest Generation" of Americans who defended America and saved democracy for the world. He earned numerous decorations, including the Combat Action Ribbon, the Asiatic Pacific Campaign Medal with a silver star and a bronze star, and the European-African-Middle Eastern Campaign Medal.

Ed was a patriot who stood by his country and his family with equal measures of devotion. Indeed, the mass lovingly put together by his family told the story of a man who loved his friends, who loved his family, who loved his God—the God who, in the words of the old Irish hymn he enjoyed so, was his vision, his battle shield, his sword for the fight, his dignity and his delight. In his eulogy for his father, Drew O'Brien offered great comfort to all who mourned with him, especially Ed and Marge's 17 grandchildren. "For the rest of your life," Drew told them, "carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him."

Drew's eulogy is a wonderful tribute to a father's legacy and a son's enduring love and today I would like to share it with my colleagues in the U.S. Senate by having it printed in the CONGRESSIONAL RECORD. And with that request, I would also like to—on behalf of my entire office and all those who know and love Drew—again extend our deepest sympathies and condolences to the entire O'Brien family: Michael O'Brien, his wife Kathryn and their children, Michael, Caroline and Elizabeth; Jim O'Brien, his wife Irene and their children, Johanna and Theresa; Kevin O'Brien, his wife Rozilyn and their children, Daniel, Christopher, Sean and Julia; Joanne O'Brien Hudson, her husband Richard and their children, Mary, Anne and Meaghan; Lawrence O'Brien, his wife Patty Roper and their children, Siobhan, Rachel and Kate; and Drew O'Brien, wife Michelle Consalvo and their children, Natalie and Matthew.

And to Drew, I would also like to say that, having lost my own father now 11 years ago this summer, please know that while the hurt of the loss never goes away, with the passage of time you remember the good moments and the best lessons more and more. You'll always look up and see your Dad proudly looking over you. And because Drew is such a gift to all of us, I also wish to thank Ed and Margaret, his dearest "Margie," for the extraordinary family they created, nurtured and loved. And to Ed O'Brien, this great Navy man now at rest on still waters in heaven, I bid you "fair winds and following seas."

Madam President, I ask unanimous consent that the eulogy by Drew O'Brien be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

## IN REMEMBRANCE OF DAD

(By Drew O'Brien, May 16, 2011)

My family and I want to thank everyone who is here with us this morning, and all who came through MacDonald's yesterday for participating in these celebrations of Dad's life. I think I speak for everybody when I say it was overwhelming in its comfort. Thank you so much.

For my brothers—Michael, Kevin, Jim, Lawrence, our sister Joanne and me—a special thank you has to go out to each of our spouses and our families. Kim, Lyn, Irene, Rick, Patty and Michelle. You were all so patient and supportive when we had to stop the clock of our everyday lives to help Dad. Dad loved and cherished each of you, and I know he recognized and appreciated the sacrifice you made.

There are people, too many to list, who have helped us and Dad over the past few months, in hospitals all around Massachusetts. They are owed a personal debt of gratitude that simply cannot be repaid. But they deserve our recognition this morning. Thank you to all of them.

We are here this morning to celebrate and honor the long and blessed life of Edward Lawrence O'Brien, just eight days shy of his 85th birthday.

How to do that with brevity, simplicity and accuracy?

In a word: love.

He was all about the love.

He loved his garden. He loved to take a ride in the car with Mom on a nice Sunday afternoon, usually after an early Sunday dinner—which he also loved. He loved his Irish heritage deeply and he loved his still-ongoing genealogy project. He loved to go flounder fishing right off the South Shore here. He loved to go camping—loved a good campfire and loved it when we were all around it. He loved to travel—and he and Mom traveled a lot in his long retirement. He loved a nice hot cup of tea, and he loved a glass of cold beer. Sometimes two. He loved newspapers, especially his Patriot Ledger. He loved crossword puzzles. He loved a good spy novel—Robert Ludlum and John LeCarre. He loved jazz and big band music. He loved Brooklyn, his hometown. He loved Bishop Loughlin High School there. He loved the University of Missouri. He loved the United States Navy. He loved Liberty Mutual, where he spent so much of his life. He loved to watch TV shows and movies, and was one of the first people I knew to get a TiVo. He amassed a video collection that would make most production houses either envious, or initiate a lawsuit. He loved to get underneath a car and change the oil or fix the brakes. He loved to watch a good basketball game and, back in the day, he played a pretty good one too. He loved his yard, his grass and his flowers—and he knew that a rainy day in May was good for them, and we need to remember that on this rainy day in May. Inside that yard on Idylwild Circle was a house he loved. For a kid from Brooklyn, it was almost a dream come true.

I say "almost" because it's what he put in that house that made the dream come true. His two big loves: his family and his faith.

We can't talk about family without talking about Mom. He called her Marge, sometimes Margie. He loved her so much and was so devoted to her. For nearly 57 years, they were side by side in marriage, and they were rarely apart. Together they made a home for us that, despite the occasional adolescent chaos, inspired a love and devotion that we all hold for each other still and have extended to our own families. Together they

are the best examples of parents you could ever ask for or imagine. Thank you, Mom and Dad.

My brothers and sister know that the finest way to honor Dad's life is to bring comfort and love to Mom in the days ahead. I know we will all do that and do that together.

All six of us know how much Dad loved us and how devoted he was to us and he showed it in many different ways. He was the one who taught you how to throw the ball, ride the bike or shoot the basket. He fixed the dollhouses, "fine tuned" the science projects—usually long after we had gone to sleep, and quietly replaced the windows broken by either a stray elbow or a stray basketball. He pushed us in school, steered us towards college, was always there to talk about issues at work and shaped us into the men and women we all are today. We are all blessed and fortunate to call him our Dad.

For almost twenty-six years he was Grandpa—his favorite role in life. All seventeen of his grandchildren are here this morning—he loved you, found excitement and joy in you and the things you did and thought you were the greatest things to walk the earth. Take comfort today in the fact that he knew how much you loved him. For the rest of your life, carry him with you in your heart—never forget the love he offered, the lessons he taught, the stories he told or the fun that you had with him.

Dad's brother, our Uncle Gene, is here today with us, along with his family. Uncle Gene knew Dad longer than anyone and his sense of loss is profound and sad in ways that many of us simply might not understand. Thank you Uncle Gene for loving Dad so much and for so long.

And thank you to all our cousins and relatives who came—many from long distances—to be with us to honor Dad today.

Dad's other big love in life is the reason we are all gathered together this morning at Saint Christine's: his faith. This church was a very important part of our lives growing up—in many ways an extension of our own home. All of us here this morning can draw comfort and strength in the fact that Dad believed very deeply in God, and that he practiced that belief every day—not just in attending daily Mass, but in everything he did. He believed deeply in the Rite of the Eucharist—the very Mass we celebrate this morning. Most important of all, he believed deeply in the Resurrection and in Eternal Life. His faith was a special gift. That gift is still here and all of us can find comfort and solace and inspiration in it.

I'd like to leave you with one final thought this morning.

In addition to being all about the love, many of you know that Dad was all about the conversation. We've all heard it so much these past days—how friendly he was, how nice he was to talk to. He had what the Irish call the "gift of gab." And he was well-known and beloved for it.

He'd smile at and talk to people anywhere he was—the post office, the bank, the grocery store, the waiting room at the dentist's office, South Station, outside of church, inside of church—did not matter if you were a neighbor, or a complete stranger. It is an amazing attribute and it is not lost on me that perhaps the wrong person in the family got involved in politics.

Admittedly, it could get a little exasperating. You'd be on your way with him somewhere, usually under some timeline, you'd turn around and he wouldn't be there. He was back at the last intersection asking

the bike courier where he went to school and what he was going to do with his life. And questions were not the end of it, there was always an "advice-dispensing" component as well—"you should go to UMass" or "you should try Harvard Extension" or "you should try and get yourself some office experience." It was classic Dad.

One gray morning last December, I arrived at work early and decided to run some Christmas errands. We knew Dad was sick, and I was worried and sad. As I walked down Washington Street in Boston, I found myself saying hello to the morning commuters, hurrying in the cold to get from the T station to their offices. Complete strangers. A few looked at me like I was insane, but most of them smiled back, said "good morning" and I even got an occasional "Merry Christmas." It felt good. It lifted my spirits. And I understood.

It was Dad. It was his spirit. It was his love. It was his faith.

And that same spirit and love and faith of his—they are all here with us today and will be every day.

In the days ahead, take a moment to say hello to someone you don't know. And when you do, think of my Dad—his spirit, his love, his faith.

God Bless you Dad. We love you and we miss you and we will never forget you. Rest in peace.

Mr. KERRY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## Patriot Act

Mr. UDALL of New Mexico. Madam President, I know Senator BLUMENTHAL is coming to speak and Senator KERRY ended a little bit early. I wish to get up for a couple minutes now, and when Senator BLUMENTHAL comes in I will yield to him because he has some time reserved.

I wish to talk this morning a little bit about the procedure and what we have gone through, in terms of the PATRIOT Act.

I am very discouraged to see the path we are headed down in terms of the PATRIOT Act. I was in the Congress, as the Presiding Officer knows, when we voted almost 10 years ago on the PATRIOT Act. It was a sad occasion then because it was right after 9/11 and that horrible tragedy had happened to our country. But we rushed, in a very big way, to move forward with a piece of legislation, the so-called PATRIOT Act. That act ended up being something I think many of us regret.

I wish to read a short passage from the Washington Post at the time, which I think showed the haste in which we acted, where we infringed on

our constitutional rights, and I think the Post says it all. They noted:

Members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.

I can tell you that, at the time, that is the way it was. We were on the floor, we had the vote, and nobody knew what was in the bill. I remember one Congressman waiving a copy of the bill, saying there is only one copy on the floor and it is hot off the Xerox machine. So it is unfortunate we moved so quickly, with so much haste.

Almost 10 years later, we have not had the debate we need to have on this piece of legislation. The greatest deliberative body has not weighed in with amendments. We have not moved forward in a serious way to try to tackle this piece of legislation that is so important to our country, important to our freedom, and important to our liberty.

What are the problems we should be dealing with? Just very quickly—I know my colleague, Senator BLUMENTHAL, is here, so I will quickly move on. But two things have happened that indicate we have some serious problems with the PATRIOT Act. No. 1, in March of 2007, the inspector general of the Department of Justice, in a report concluded that “the FBI engaged in serious misuse of national security letter authority.” The report also said that “in many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI’s own internal policies.”

So there we have an inspector general telling us that the executive branch, with the piece of legislation, moved way beyond where they should. That is something we should take a hard look at. I have an amendment, and I know others do, on that.

There have also been courts that have looked at parts of the PATRIOT Act and found that act to be unconstitutional. It is incumbent upon us, when we have a ruling such as that, to look at it and offer amendments and try to make changes.

I harken back to what I remember reflecting on, on that day when we passed the act. Benjamin Franklin—talking about our precious freedom and liberty—said this, and I will paraphrase. He said something along these lines: Those who would sacrifice liberty for security deserve neither. So that is where we are today.

The so-called PATRIOT Act was enacted nearly a decade ago. Hastily passed by a Congress left reeling in the wake of a devastating terrorist attack on our Nation. Its supporters described it as a way to protect our Nation from similar attacks in the future. But this far-reaching piece of legislation went much farther than that. The PATRIOT Act’s most enduring legacy is this: It

gave the Federal Government the power to undermine the constitutional right to privacy of law-abiding citizens.

I was a Member of the House of Representatives at the time. One of only 66 Members to vote against passing the PATRIOT Act. It was an unpopular vote at the time. But when the details of the new law were examined, its breaches on our civil liberties became clearer. And the truth came out. As I have said, the Washington Post noted, “members of both parties complained they had no idea what they were voting on, were fearful that aspects of the . . . bill went too far—yet voted for it anyway.”

I also voted against the reauthorization of the PATRIOT Act in 2006, as well as the FISA Amendments Act of 2008. In February, I once again opposed the extension of three controversial provisions of the PATRIOT Act: roving wiretaps . . . government access to “any tangible items” such as library and business records . . . and the surveillance of targets who are not connected to an identified terrorist group.

Back in 2001, I said on the House floor that I was “unable to support this bill because it does not strike the right balance between protecting our liberties and providing for the security of our citizens.”

I went on to explain that “the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.”

And that is exactly what we should do. To govern in a post-9/11 world, we have to strike a delicate balance: We must prevent the terrorist actions of some, without infringing on the constitutional guarantees of the vast many. We are failing to strike that balance today by forcing reauthorizations of the PATRIOT Act without scrutinizing the long-term ramifications of the law.

Voting for the PATRIOT Act in the shadow of the 9/11 attacks was justifiable for many; that horrific day created an unparalleled sense of urgency. Today, we are once again up against a sense of urgency to renew the controversial provisions of the law set to expire this week.

But it’s no longer due to a recent attack. Instead, the urgency has been created by the false argument that our Nation will be more vulnerable to attack if we dare to let the provisions expire.

Let’s be honest in this debate—not act hastily out of false fears. Even if the provisions expire, the sunsets contain an exception for ongoing investigations. And the government can continue to use those provisions beyond this week.

Perhaps the real fear is that the time it would take for real debate might postpone our Memorial Day recess. We

were promised a real debate on this reauthorization, and we should have it!

With a decade of hindsight, more voices from very different places on the political spectrum agree—the entire law bears scrutiny and debate. We can no longer neglect our duty. It is our responsibility to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

I have filed two amendments that I hope the Senate will consider and vote on.

The first is very simple. It extends the expiring provisions until September so that we can have a real, substantive debate and an open amendment process. This is what we thought the 3-month extension passed in February was intended to do, but adequate floor time was never scheduled and we have been extremely limited in our ability to offer amendments.

This is by no means an ideal solution. In fact, I voted against the short-term extension in February. But if our options are an extension until September and an extension until 2015, I am willing to accept the lesser of two evils. I thank Senator MERKLEY for cosponsoring this amendment.

The second amendment I have filed would reinstate a sunset provision for national security letters. This provision was in Senator LEAHY’s bill that was reported out of his committee and is in his amendment, but I feel strongly that it should also be considered as a stand-alone because of the importance of this issue.

National security letters do not require a court order. They are a form of administrative subpoena issued by FBI agents and other officials. A March 2007 report by the Department of Justice inspector general “concluded that the FBI engaged in serious misuse of NSL authority.”

It also said that “in many instances, the FBI’s misuse of national security letters violated NSL statutes, Attorney General guidelines, or the FBI’s own internal policies.”

I believe that there must be a sunset provision for NSLs to ensure that Congress periodically reevaluates this power and is certain that it is not being abused.

I have also signed on as a cosponsor to several of my colleagues’ amendments. Let me just comment briefly about some of these.

In addition to my NSL amendment, I cosponsored Senator PAUL’s amendment that prohibits any officer or employee of the United States from issuing an NSL unless a FISA court judge finds that probable cause exists to issue the NSL. This would bring NSLs into compliance with the plain text of fourth amendment.

I am pleased to join Senators MARK UDALL and PAUL on an amendment that would eliminate the possibility of

"John Doe" roving wiretaps that identify neither the person nor the phone to be wiretapped. This would protect innocent Americans from unnecessary surveillance and was part of the JUSTICE Act that I cosponsored in the last Congress.

I have also cosponsored MARK UDALL's amendment that would direct the attorney general to only delegate the authority for approving "lone wolf" surveillance to the deputy attorney general. It would also require the attorney general to provide notice to Congress of applications for "lone wolf" surveillance.

Finally, with Senator SANDERS, I have cosponsored an amendment that exempts libraries and bookstores from section 215 orders and NSLs. A similar amendment passed the House 287–238 in the 2005 PATRIOT Act debate, but was later dropped in conference.

The ACLU, the American Booksellers Association, the American Library Association, and the Campaign for Reader Privacy all support this amendment.

All of these amendments are designed to protect the civil liberties of all Americans and each deserves a full debate on the floor and an up-or-down vote by the Members of this body. Failing to do so is once again failing to provide the adequate time and consideration of this far-reaching legislation.

As a former Federal prosecutor and New Mexico's attorney general, I am familiar with the needs of law enforcement to pursue suspects and a strong supporter of law enforcement. But I also believe that our Constitution must be guarded against encroachment, even in the name of security.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent to extend my remarks to 15 minutes, if necessary.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Connecticut.

(The remarks of Mr. BLUMENTHAL pertaining to the introduction of S. 1060 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUMENTHAL. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

#### ENTITLEMENT SPENDING

Mr. THUNE. Madam President, last week I came to the Senate floor to talk about the crushing burden of debt that will soon be coming our way because of government spending, mainly driven by entitlement programs. I noted that our unfunded liabilities in Medicare and Social Security are over \$40 trillion. In fact, last week we received the reports

from the Medicare and Social Security trustees which noted that Medicare is already running a cash deficit of about \$46 billion. Social Security is running a cash deficit of about \$32 billion.

For those who think we do not need to do anything because the so-called trust funds are not going to be in trouble until some point into the future, I think the important point to remember is that the trust funds and the IOUs that are the trust funds are not an economic asset that can pay cash benefits. At some point there is either going to have to be a massive tax increase, a huge reduction in benefits, or an incredible amount of additional borrowing.

What we project will happen with Social Security at some point in the future is that there will be about a 20, 25 percent reduction in benefits when we hit that wall, which suggests we ought to be taking steps right now to avoid that. The important point is, when we start seeing cash deficits where the payroll taxes that are coming in no longer exceed the amount of benefits they are paying out but, rather, are running deficits, that also adds to the overall deficit we are dealing with as a country.

We do not have the luxury of time. We cannot afford to wait. This is an issue that is upon us. Social Security and Medicare reforms are issues that need to be undertaken. If we do not do that, as I mentioned last week as well, we will see enormous increases in the amount of debt and the amount of deficits as a percentage of our GDP.

In fact, in the year 2035, if we do not change our ways, the amount of government spending—and this is under the current projection, which I believe is very conservative, and probably these numbers could be much worse—would comprise 35.2 percent of GDP. Government spending would comprise 35.2 percent of GDP, which is 60 percent higher than the historical average. The historical average of what the Federal Government spent as a percentage of our entire economic output for the last 40 years has been 20.6 percent. This year it is over 24 percent. If we stay on this current trajectory, as I said, in the year 2035, based on what I believe are very conservative assumptions—and this could be much worse than that—we would be looking at over 35 percent of our entire economy spent just on the Federal Government.

As I said, that is 60 percent higher than the historical average. In the same year, deficits would be about 16 percent of GDP, and debt to GDP would be 185 percent. We would actually have a cumulative debt that is almost twice the size of our entire economic output, our entire GDP for that year.

These are more than just numbers for economists to look at; these have real impacts in real time. They affect people across the country today. I wanted

to point out again, as I have mentioned in the past, the study done by economists Rhinehardt and Rogoff, which took a good look at countries, and particularly developed countries, that have acquired or accumulated the sort of debt level we are looking at in this country and the impact that has had on their economies. And in their analysis and their study, they came to the conclusion that when you reach a certain level of debt to GDP—in this case, 90 percent debt to GDP—you lose 1 percentage point of economic growth. In other words, economic growth will be 1 percentage point less than it would otherwise be because of that high GDP debt level the country is sustaining. They say that is at 90 percent. If we look at where we are today debt to GDP, we are about 93 to 94 percent. According to the White House's own economist, every time you lose a percentage point of economic growth, it costs you about 1 million jobs.

So having the kind of debt level we are carrying today creates a cloud over our economy, reduces economic growth, and reduces jobs. It is costing us job creation in our economy, which I think is what most of us believe we should be focused on, and if we are going to focus on jobs, we have to say there is a correlation between spending, debt, and jobs. I believe the sooner we acknowledge that, the quicker we address that, the better off we will all be and the sooner we will see the economy start to recover and expand and create jobs again. That is the impact that is happening now, and it only gets worse if changes aren't made.

When the government borrows money, obviously there is an impact in the private economy: there is less money for private companies and individuals to invest in equipment, plants, housing, and training. It crowds out these investments and instead allocates money—spends money—on less efficient, less necessary, duplicative, and oftentimes downright wasteful programs and projects.

If we don't get our arms around this level of spending and debt, it also means higher interest rates for individuals who want to borrow to buy a home.

It is clear to individuals and businesses across the country—even if it isn't clear to everyone here in Congress—that the government cannot continue to spend ever-increasing amounts of money without raising taxes. That creates uncertainty among individuals and businesses across this country and acts as a disincentive for them to invest. So because you have uncertainty about what the impact of all this spending and debt will have on future taxes, a lot of capital continues to sit on the side lines not being deployed, not being put to work. That is happening simply because there is this uncertainty about what is going to



happen and whether Washington is serious about getting this spending and debt issue under control and focusing on the fiscal problems we have as a nation.

I mentioned last week that Social Security benefits would automatically be cut by over 20 percent if that program is not reformed. This is not the result of the House-passed budget, contrary to what many are saying. This is the result of the current situation we face today with Social Security. Likewise, according to the alternative scenario of Medicare's own actuaries, the health care bill that was passed last year would lead to significant numbers of providers becoming unprofitable and who would, presumably, stop providing services if health care costs are not contained.

This assumes we don't have a debt crisis. The former Chairman of the Federal Reserve, Alan Greenspan, said recently that the odds of a debt crisis happening in the next 2 to 3 years are about 50 percent. So if you take that analysis and you take what Standard & Poor's has said about America's credit rating—they have warned of a possible downgrade in the U.S. credit rating in the next 2 to 3 years if serious changes aren't made—I think you can see why there is such a cloud hanging over our economy right now.

Some believe this debt crisis may not occur for a few years down the road. But I think one thing we know for sure is that it is coming. It is predictable. We don't know exactly when, but we know it is coming because you cannot continue to have these types of signals, this kind of not only anecdotal information but hard data describing the current state of our economy, the current state of Federal spending, the amount of debt to GDP we are continuing to increase year over year, and not believe we will have some significant and measurable impacts on our economy.

That is why it is so important that we take the steps necessary to avert this crisis. If we don't, we know what will happen. As our debt burden increases, investors from around the world are going to increasingly demand higher yields to lend us money, and that will further exacerbate our deficits. Interest alone will consume increasing amounts of our revenue until we can no longer pay our bills.

We have seen this happen in countries around the world. We know the magnitude of the actions those governments have had to take in response to debt crises in other places around the world.

Greece, for example, was forced to take loans out from the International Monetary Fund and has had to impose a variety of austerity measures. These austerity measures have included laying off public sector employees, cutting their pay, freezing their pay for many

years at a time, a 2-percent increase in their VAT tax—they have a value-added tax in that country—and a 10-percent increase in other taxes. They have also made dramatic cuts to pension programs and reforms to entitlement programs as well. Yet they are still paying, after all of that, very high interest rates. The yield on 2-year debt is over 24 percent in Greece.

In Ireland, they had to implement austerity measures of more than 9 percent of GDP—9 percent of their entire economy. In the United States, if you were to translate that into the impact it would have on our economy, that is the equivalent of raising taxes and cutting spending by \$1.3 trillion in 1 year—an astounding amount. But that wasn't enough. They are looking to implement another austerity plan of tax increases and spending cuts. That one is estimated to cost the average family in Ireland \$5,800 a year.

Those are the types of measures that have been forced upon, imposed upon some of these other countries around the world because they have seen the debt crisis we are trying to avoid in this country. At the same time, after having taken all these austerity measures, they have seen massive contractions in their economy, because we all know what happens when you start raising taxes and you create the amount of economic uncertainty I described earlier. It becomes very difficult for small businesses to invest and to create jobs. So, not surprisingly, you see these austerity measures leading to violence, protests, and general discontent. It appears now that Greece is seriously considering at least a technical default on some of their debt.

So that is, I guess, a picture of what our future will look like absent changes. We will have a shrinking economy, fewer government services, and dramatically higher taxes. That is what the experiences have been in some of these countries I just mentioned, and that is what we are headed toward absent serious, meaningful action in getting our spending and debt and our entitlement programs under control.

There is no reason to go down this path. The Senate will have the opportunity over the course of the next few months, at least, I hope, to vote on legislation that will start to address not only the near-term issues of discretionary spending and capping that and capping it into the future, in the near term and midterm, but also address the issue of entitlement reform. As I mentioned earlier, we cannot solve the debt problem, the fiscal problem, and the crisis our country faces without taking on the issue of entitlement programs. If we don't, our future will look like that of Greece and Ireland.

Today, we will vote—today or tomorrow; I am not sure exactly when—on a series of budget proposals which are, in

each and every case somebody's attempt to address this issue. We saw the House of Representatives act on a budget earlier this year—the so-called Ryan Budget—which they passed. We will get a chance to vote on that in the Senate. We have a couple of our colleagues on the Republican side who have come up with their own ideas about budgets and what we might do to address this fiscal crisis. We are going to vote on the proposal the President put forward, which is completely inadequate to the challenge. In fact, it increases spending over 10 years, dramatically increases debt, and dramatically increases taxes, which would have an incredibly detrimental impact on the economy. That is what the President put forward. We will vote on that today as well. Having said that, all these votes—although they are, I suppose you could argue, important in some respects—are going to end up being more symbolic votes because I don't think any of them will get the necessary votes in the Senate to pass.

What is ironic about the debate on budgets this week is that the only budget we are not voting on is a Senate budget. We have not had a budget now in the Senate for 756 days. This government spends \$3.8 trillion a year, and yet it has been 756 days since the Senate has passed a budget. So we have a couple of our Republican colleagues who are putting forward alternatives, we have the House that has put forward an alternative, but the Democratic majority here in the Senate has not, for 756 days, moved to bring a budget to the floor so we can have a debate and vote upon the fiscal priorities for this country and how we are going to spend \$3.8 trillion of the American people's tax money. That is a stunning development. I am on the Budget Committee in the Senate, and we have yet to even have a markup, and I don't anticipate we will in the near future.

Having said that, we cannot afford to wait to take on this Nation's fiscal challenges. I hope that, absent action on a budget here in the Senate, these discussions that are occurring right now between the Vice President and Senate leaders will yield a result that will enable us to at least move forward and address these fiscal issues, but it doesn't negate the responsibility we have as Senators to put forward a budget and to debate that budget.

Ironically, we are going to vote on the budget passed by the House of Representatives. I don't know this for a fact, but I have heard this is the case, that it will be the first time ever that the Senate will vote on a budget passed by the other body—in particular, by the other body when it is controlled by the other political party. This will be the first time in history. I think the Democratic leader wants to do that to make some political point, but I think we all know that our not passing a

budget or at least debating a budget here in the Senate is a complete abdication of the responsibilities we have as Senators to be good fiscal stewards of American tax dollars.

I would just close again today by saying we have seen our future. You can look at what is happening in Greece, you can look at what is happening in Ireland, and you can look at the types of austerity measures imposed by outside entities who have said: You make these changes or you are not going to continue to get IMF funding, for example. And even after all that, you are still looking at these interest rates in the 20-percent range, you are looking at economies that continue to contract rather than expand and grow. We need to create the conditions here that will enable our economy to grow and to create jobs, and it starts with getting Federal spending and debt under control.

One final point I will make, and this has to do with an issue that pertains to my State of South Dakota, but I think it ties into the broader point I am making about the economic uncertainty that is being created out there today for businesses.

There was a piece of legislation that passed a little over a year ago here—the Credit CARD Act—which put in statute a number of changes with regard to subprime credit card companies. That is all fine and good. I voted against it. We have companies in South Dakota that play by the rules, they have abided by the laws, and they are a heavily regulated industry. Yet Congress decided—over my objections—to move forward with legislation that would change the rules by which they play.

Well, that was all fine and good, but when it came time to implement those regulations, the Federal Reserve decided the statutory framework that was created wasn't quite good enough. So the initial regulations that were out there—this company reacted to those and tried to adapt its business model, but the Fed decided that wasn't good enough, so they took regulatory steps that went beyond what the statute had called for and made it even more difficult.

We predicted this at the time—we said: This is going to cost jobs in our State of South Dakota. Well, just this last week that particular company announced they are closing their operation in Spearfish, SD. That will impact 330 jobs in a town of about 10,000 people. Incidentally, the mayor of that city worked for this company. And there is a story here from the Rapid City Journal which describes the economic impact of these job losses and what it will mean to that community and to the entire area.

I can't help but think this is just another example of regulatory overreach, of regulatory agencies deciding they know best and going above and beyond

what Congress called for in terms of legislative requirements and the legislative intent and taking regulations beyond that. So we have real-world impacts on people out there as a result of decisions made here in Washington, DC, and when we tried to make these arguments to the regulators, they couldn't have been less concerned about jobs. We said this is going to cost us jobs.

This is just the beginning, by the way. There is another location in Huron, SD; Dakota Dunes, SD; and Sioux Falls, SD, and I think this is just the tip of the iceberg of what we will see in terms of job losses caused by regulatory overreach because a Federal agency decided they knew best and went above and beyond what even the U.S. Congress said with regard to this particular issue.

These are, again, real-life examples of decisions made here in Washington, DC, and the impacts they have in the real world. I hope we can put policies in place here that will encourage economic growth and job creation, not hinder it, not inhibit it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### MEDICARE REFORM

Mr. JOHANNIS. Madam President, I rise today to talk about the proposed Medicare reform. I have found the debate to be fascinating because it is proceeding as if there had been no changes to Medicare recently. Anyone telling you that there have been no changes is not being straightforward. Sweeping changes to our Medicare system were debated and they were passed in the most partisan way possible—only Democrats voted for them—and they were signed into law by President Obama. The President's new law already puts this fundamental health care program in significant jeopardy.

Some may come down to the floor, some may rise and say: MIKE, you are all wrong about this. They will want you to believe that the \$½ trillion in cuts to Medicare in the new health care law will actually extend the Medicare program. But in reality the health care law is not giving new life to this program at all. The Congressional Budget Office reports that Medicare will be insolvent in 2020, 9 years from now. Yes, that is right, complete insolvency in 9 years. That is the current plan voted on and signed into law by the President.

That analysis does not even account for the \$½ trillion cuts in Medicare to fund the health care law.

Don't believe me? We have consulted the experts. The experts say the health care law counts, or attempts to count, the same dollar twice. The Medicare Actuary says these cuts "cannot be simultaneously used to finance other

Federal outlays (such as the coverage expansions under the health care law) and to extend the trust fund."

This can only mean either the new health care law does not have enough funding, to the tune of \$½ trillion or, in the alternative, Medicare is in more serious jeopardy than even the trustees' report points out, in jeopardy of becoming insolvent much sooner than the experts predict.

So I stand here today and I tell you if you are 56 years old or younger and you are thinking about the day when you apply for your Medicare benefits, the experts say—sorry, you are out of luck. Under the current law of the land, that is the case. Again I point out that the President's health care reform was passed on the most partisan of votes—it did not get a single Republican vote—and every Medicare beneficiary will be impacted by the cuts to this program.

If you are out there saying: MIKE, I want to protect the poor, all I can tell you is the President's plan does not do that. If you are saying: But, MIKE, I want to protect the middle class, all I can tell you is that the President's plan does not do that.

What do we get out of that? According to the Congressional Budget Office, complete insolvency in 9 years. You see, the President's reform is founded upon the unrealistic assumption that doctors will continue providing the same services to patients with a 30-percent cut in a Medicare Program that is not covering their costs today. I just had doctors in my office saying: MIKE, we cannot continue to provide Medicare services if that cut occurs. Yet that is the current law of the land.

By comparison, one of the plans we may vote on this week protects Medicare beneficiaries over 55 by saying: Look, we are going to hold you harmless. Your benefits will not be changed at all. The plan says let's fix this physician payment formula so they do not have the 30-percent cut so access for Medicare patients can continue. The plan says let's protect those who are especially deserving of our support, those who are below 150 percent of the poverty level and truly cannot afford the health care they need.

You are probably saying: MIKE, what plan is that? The plan I am talking about is PAUL RYAN's plan. You tell me which sounds more severe in its approach, a plan that puts government bureaucrats in charge of controlling health care costs, robs Medicare of any potential savings to start a new entitlement, and in 9 years brings bankruptcy to Medicare, or a plan that empowers patients to choose their own unique plan, ensures Medicare savings are reinvested into the Medicare Program, and preserves Medicare by bringing costs back to sustainable levels, which is the Ryan plan?

I want to be clear that there are some things about this plan I would

love to debate and change. For example, perhaps we could devise an incremental transition within the Medicare proposal. Maybe we need to evaluate if the medical savings accounts for those most in need should be indexed to something better than the general inflation rate. Maybe those below a severe poverty line should be exempted entirely. Perhaps some of the tax reform, including elimination of certain tax deductions, needs to be revisited.

We will have the opportunity to debate and make improvements, but only if we vote to proceed to the bill. But you know what, arms are going to be broken all over the place here this week to make sure that does not happen, because this is not a serious attempt to try to fix the problem. This is all about messaging for campaigns and political consequences. The reality is no plan is going to get enough votes. I will stand here and I will observe those arms getting broken. We will need orthopedic surgeons on the Senate floor to fix them.

Sadly, passage was never the intention here. These plans were scheduled for votes purely for the sake of messaging an important program that provides health care for seniors that by the Congressional Budget Office's definition will be insolvent in 9 short years. These votes are not designed to fix this problem. These votes, I guarantee, are all about political fodder for next year's election season.

I believe this is not what we were elected to do on the Senate floor. These antics are what rightfully embolden those who say Congress is incapable of solving these very hard problems. As the Senator from South Dakota indicated, today we mark 756 days since the Senate passed a budget. As a former Governor I cannot imagine going to the people of the great State of Nebraska and saying: You know, I have been thinking about it, we will not be doing a budget this year. I would be looking for a new State to live in.

Well, 756 days, and this week we are not even making a serious attempt to deal with it. With a deficit exceeding \$14 trillion, our Nation needs something greater than political symbolic votes which we all know will fail. Maybe, just maybe, we can muster the courage to take seriously our responsibility to seniors and to all Americans. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak to my colleagues as in morning business for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE BUDGET

Mr. GRASSLEY. Madam President, on February 14 President Obama deliv-

ered his budget to the Congress. I often describe to my constituents that Washington is an island surrounded by reality. Nowhere is this more apparent than with President Obama's February 14 budget. In presenting and defending his budget, President Obama and his staff have said his budget "lives within our means" and that "it will not add to the debt," and that "we are not going to spend any more money than we are taking in."

Obviously all you have to do is study the budget and you come to the conclusion that these astonishing statements do not equal the facts. The Congressional Budget Office recently projected the deficit for fiscal year 2011, the year we are in, will exceed \$1.5 trillion. This is on top of a \$1 trillion-plus deficit in 2009 and 2010. Today, of every dollar spent, more than 40 cents is borrowed. Our country is on an unsustainable path. But you would not realize that by looking at the President's budget proposal. It does not recognize the serious fiscal crisis our country faces. What it represents is the status quo.

Over the 10-year period, President Obama's budget adds more than \$10 trillion in publicly held debt and \$14 trillion in gross debt. Does that sound like on February 14 he put before us a budget such that we are going to live within our means and not spend any more than we take in?

During this period of time, going up to 2021, debt held by the public would reach 87 percent of GDP, compared to a 50-year average of 35 percent. According to the Congressional Budget Office, "If those trends were continued beyond 2021, the resulting path of the Federal debt would be unsustainable."

In fact, CBO estimated that by the year 2040, under President Obama's budget, debt held by the public would be 117 percent. Is this the budget the Senate Democrats will support? Is this the fiscal path we are going to endorse? While President Obama claims we are living within our means, the smallest annual deficit will be \$748 billion. His budget does not even begin to put our country on the right path. The final 3 years of his budget have annual deficits totaling over \$1 trillion.

As former Comptroller General David Walker has stated, our country was founded on principles such as limited government, individual liberty, and fiscal responsibility.

The President's budget falls short on each of these three principles. It increases spending. It grows government as a percentage of our economy. It is clearly fiscally irresponsible, and because of the legacy of deficits and debt it creates, it will undoubtedly infringe upon the liberties of future generations.

In 2006, then-Senator Obama argued against raising the debt limit. He believed, at that time, the very need to raise the debt limit was a sign of lead-

ership failure. By his own standard then, President Obama is not living up to his standard. So is that leadership failure? Would he admit that today? His "no" vote in that year was to make a point about needing to get serious about fiscal discipline. We are in the third year of President Obama's Presidency. We are in the midst of the third consecutive year of \$1 trillion of annual deficit. Deficits have gotten larger, not smaller.

Of course, I recognize many of my Democratic colleagues will come to the floor and argue they support the policies President Obama put forth in a speech later on—I guess in April—at George Washington University. Unfortunately, for the Democrats, the leader of their party doesn't deliver speeches in legislative text. Speeches alone aren't going to solve the big problems we face in this Nation. We need serious solutions to our country's very serious problems. We need real leadership. The future generations of this country deserve no less, and that is what House budget Chairman RYAN has offered. That is what our colleagues on our side of the aisle, such as Senator TOOMEY and Senator PAUL, are going to offer to the Senate.

What have the Democrats offered to address the looming fiscal crisis? The answer is no resolution at all. So I have a blank page, representing the fact that they have no plan whatsoever. Are they going to allow a debate so they can offer their ideas to address our fiscal calamities? We just heard the Senator from Nebraska postulate that is not going to happen; that we are having a series of votes, but they are for show, not for real. The American people have sent 53 Democratic Senators to Washington. A budget can pass the Senate with just 51 votes. It doesn't take the supermajority 60 votes that so many issues on the floor require if we are going to get to finality. So far, we can see they have shirked their responsibility—nothing.

It has been more than 750 days since Senate Democrats offered a budget. What is the delay? I want to ask them: Where is your budget? I suppose they will argue that our Nation's fiscal situation doesn't require a budget or, perhaps, they have simply run out of ideas to address our deficits and our debt.

ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, said earlier this year that our debt—meaning our national debt, our accumulative debt—is the greatest threat to our national security. Surely, the Senate Democratic leadership would want to put an honest plan forward to address that threat. They don't even want to debate a budget.

This exercise is on a motion to proceed to a number of budgets, none of which were written by the Democratic majority. I guess they intend to vote against proceeding. They don't even

want to debate a budget. Well, by this time, most of the time in the last 35 years, we have had a budget through the Senate. Instead of leading, they would rather demagogue the serious efforts put forth by Republicans. They are not going to stand and defend the defenseless budget their President submitted to Congress just 3 months ago. They are not going to write their own budget. It is still blank. They are not even going to vote to allow debate on budgets that were drafted by others. So are we witnessing a leadership failure similar to the one Senator Obama referred to in 2006, in his speech on the Senate floor? The Democratic majority would rather demagogue Medicare than produce and defend their own budget.

I presume there will be a lot of speeches in this town today, with Democrats hitting their chests saying: We ran an election in New York State yesterday based upon the fact that Republicans want to kill Medicare. Well, I wish to put forth the fact that if we do nothing, as the trustees have said recently, there isn't going to be any Medicare in 9 years. I can put forth ample evidence that ObamaCare puts Medicare on a path to the rationing of care and reducing the number of doctors who are going to take Medicare patients. Already, Medicare is on a path to destruction if we don't intervene and do something about it. The sooner we intervene, the better. We ought to be intervening now in a bipartisan way instead of all the talk about partisanship and destroying it. There are some people in this Congress who know Medicare is a problem and the sooner we deal with it, the easier it will be to deal with it.

Medicare is a very important part of America's social fabric. It was intended to be that in 1966, and it is still that today. I intend to work to make sure it stays as a part of our social fabric. It is a commitment made to seniors today, and it is a commitment made to people who are not yet seniors today. It is a commitment made to all for the future. So it is very important that we, as stewards of the Medicare Program, take serious our charge to make sure it remains for future seniors.

With that in mind, I come to the floor to call out the most dangerous threat to the Medicare Program we face on the floor this week. Let's be clear. It is not the budget resolution authored by Congressman PAUL RYAN and passed by the House of Representatives. The most serious threat to the Medicare Program this week is those who propose to do nothing or offer no plan whatsoever for saving Medicare. Doing nothing is the most serious threat to Medicare. For all the talk about killing Medicare as we know it, the Democrats' do-nothing budget I have held up so often—the do-nothing budget—is the surest way to kill Medicare as we know it.

The folks coming to the Senate floor with nothing in their hands but criticism of these budget resolutions are irresponsible. By attacking the House budget resolution while proposing absolutely nothing, the Democrats are plunging their collective heads into the sand such as these ostriches sometimes are described as doing—ostriches acting as though everything with Medicare is fine and that doing nothing is a viable option.

Let's look at the facts. Last week, the CMS Actuary—and this is a professional person. He is not a political person but the President's Actuary—submitted his annual report on the fiscal health of the Medicare Program. Frankly, his conclusions are very disturbing. The Actuary confirms that the Medicare Program is already contributing to the Federal deficit. It is spending more than it takes in, and it will continue to do so throughout the coming decade. The Actuary found—this professional person, this person that is the President's Actuary—found that Medicare will run out of money by the year 2024—5 years faster than his projection last year. For the sixth straight year, the report issued a funding warning showing that the Medicare Program is taking a disproportionate share of its funding from general revenue, thus crowding out programs such as defense and education. The situation is only going to get worse.

In 1965, when Medicare was created, baby boomers retiring today were then just teenagers. Today, we have 10,000 baby boomers retiring every day, with fewer and fewer workers paying into Medicare to support these additional retirees. The average couple turning 65 today paid over \$109,000 into Medicare over their lifetime but will receive over \$343,000 in benefits. Stop to think of that. Everybody wonders why Medicare might be in trouble today. The average person retiring today has paid in \$109,000 but will receive about \$343,000 in benefits. That just does not add up as a sustainable program. Anybody who says we don't have to do anything about Medicare and it will take care of itself—well, we can see how misleading that is.

When Medicare was created in 1966, the average American lived to be age 70. Today, thanks to incredible advances in medical care, the average American lives to be 79. These are the facts. So now, knowing these facts, is the time for Congress to recognize the reality of Medicare's fiscal crisis—and not just recognize it but recognize it and then do something about it.

Put simply, Medicare is unsustainable without serious, thoughtful action. This blank sheet of paper, a budget not being offered, is not a serious, thoughtful action. To say otherwise is to ignore the facts and to stick your head in the sand.

The Ryan budget, as it relates to Medicare, has had much discussion

lately. It is simply a blueprint. Even if this page were filled in, a budget never becomes law; it never goes to the President of the United States. It is a discipline for the Congress of the United States. It does not become law. So anybody who says voting for a budget is voting to do something to Medicare is crazy. Actual policy, as we know, is going to be determined by other committees, other than the Budget Committee. In the House, it is most often the Ways and Means Committee. In the Senate, it is the Senate Finance Committee. Those are the committees that write the bill and that can say what is happening or not happening to Medicare. Anyone telling the public that if this budget blueprint is adopted, it will be a law doesn't understand how the legislative process works.

But this vote isn't even about a budget blueprint. The debate we are having is about a simple motion on whether we ought to even debate a budget. If the Democrats were willing to proceed to an honest and open debate, we could talk about where we want to go with the Medicare Program at that time. If the Democrats were willing to proceed to an honest and open debate, we could debate steps to save the program. If the Democrats were willing to proceed to an honest and open debate, we could have amendments to improve the resolution as offered. Of course, the Democrats are not willing to proceed to an open and honest debate.

I agree that changing the nature of Medicare is a significant step. Requiring people who are 10 years away from retirement to expect to pay more for their health care in retirement is a significant change in policy. It should be thoughtfully considered, however, in the context of Medicare's serious fiscal difficulties. They aren't going to go away.

Describing this policy as ending Medicare for seniors is irresponsible and factually false. People who engage in this type of demagoguery are endangering coverage for the very people whom they claim to support because they continue to propose nothing. Where is the Democrats' bill? So far, this is it: a blank piece of paper, producing nothing.

I have great respect for the chairman of the Senate Budget Committee. I know he has tried to produce a budget. But, apparently, his leadership thinks that demagoguing Republican budgets is far more politically profitable than standing behind one of their own plans, so they have squashed all his efforts to produce a budget. Even though we know the Democrats have turned into ostriches when it comes to saving Medicare, we are fortunate to have a record over the past several years to examine.

So let's look at ObamaCare, passed solely in a partisan vote in 2010. It took a little more than \$500 billion right out

of the Medicare Program to fund a new entitlement. So Medicare is in trouble. Take away \$500 billion from it, and start up a new program. Does that sound fiscally responsible? I have no doubt some folks may come to the floor to argue that the Medicare savings extended the life of the Medicare Program. But every reputable source that has analyzed that claim has appropriately tagged it as double counting.

The CMS Actuary, whom I referred to in the past, today continues to call some of the productivity cuts made by the Democrats in their health care reform bill unsustainable and unrealistic. And I say—he does not say it—I say it is going to bring rationing. So down the road, what sort of health care are seniors going to have? It is not going to be what they know today.

Of course, we all know the Democrats failed to resolve the sustainable growth rate problem, which is a formula for doctors' reimbursement, so the problem of physician payments continues to haunt the fiscal future of Medicare. If we do not do anything this year, Medicare physicians will face a 30-percent pay cut. Imagine that. Today many Medicare patients already are being denied the care and personal choice they deserve because the AMA, the American Medical Association, has said one in three primary doctors is limiting Medicare patients, and more than one in eight of those doctors is forced to deny Medicare patients altogether.

Our seniors already face the pain of a broken Medicare system. Yet the Democrats remain ostriches with their heads in the sand because they have no Medicare solutions they want to offer.

Perhaps I am being too hard on the Democrats. President Obama—perhaps speaking for the Democrats or perhaps not—has put an option on the table for addressing Medicare spending. He did it in a speech at George Washington University on December 13. Of course, we will not be able to vote on that here today because, as Senator McCONNELL said yesterday, you cannot vote for a speech. But at least we should consider the option the President put on the table.

In his speech, President Obama suggested we should control costs in Medicare by tasking the Independent Payment Advisory Board that was set up under ObamaCare to do even more than what we proposed a year and a half ago when the bill was passed.

You might ask, What is the Independent Payment Advisory Board in ObamaCare? Well, it was created by the Democrats' health care bill. It is a 15-member panel of unelected advisers who would make binding recommendations on how to reduce Medicare spending when spending is projected to exceed a certain level. Effectively, their recommendations have the force of law

without congressional intervention to replace the cuts they might suggest and that under the law would take a 60-percent majority. And you know it is very difficult to get 60 votes in this body for any one thing.

That law says the board cannot make decisions that directly relate to premiums, deductibles, or copayments that Medicare beneficiaries pay. It says the board cannot change the eligibility criteria for Medicare benefits. So then, what can the board do, you may ask? Well, it is going to zero in on provider payments, doctor payments.

I want to repeat a statistic I quoted earlier because after the payment review board gets done, you are going to have more than the one in three primary doctors not taking Medicare patients that presently is the situation. We have one out of eight doctors denying Medicare patients altogether. In other words, they are not going to see Medicare patients; and that is today. It is going to get worse when this payment review board gets done.

According to the Joint Economic Committee, today Medicare allows medical providers to collect 89 percent of the cost of services provided to seniors. Under the President's proposal, by 2022, Medicare providers will only be allowed to collect 66 percent of the cost of services provided to seniors. Reductions will clearly restrict seniors' access to quality health care.

Let me sum up what we do know about the Democrats' actions on Medicare because it is already on a path to destruction. So, of course, I get a little bit upset when I hear people on the other side of the aisle saying Republicans want to do away with Medicare, when it is part of the social fabric of America and we want to keep it as part of the social fabric of America and we want to do it not only because it is a Federal program, but we want to do it because it is tied in with a lot of corporate retirement health plans where it becomes a primary payer and the corporate health plan becomes a secondary or additional payer.

I sum up by saying, they have enacted already \$500 billion worth of cuts to fund a new entitlement called ObamaCare. Many of those cuts are described by the independent CMS Actuary as unsustainable. They have yet to find a way to fix the doctor reimbursement formula called the sustainable growth rate. And still, the President has proposed further reducing payments to providers.

Of course, what is that going to do for seniors in America? It is going to reduce access. This will make it harder for seniors to find providers willing to treat them. This will drive some providers out of the business of providing services to seniors. In other words, they cannot afford it.

There is one simple word to describe this approach, and it is a word I do not

take lightly. The word is "rationing" of health care for seniors in America. It may not be direct overt rationing, but you have to have your head buried very deeply in the sand not to realize that is going to be the outcome of policies already put in place by this President through ObamaCare. And then they want to accuse us of destroying Medicare?

So I get back to what today's debate is all about. I think we ought to seriously be having a legitimate floor debate rather than a series of political show votes today. I will vote for the Senate to begin debate on the Ryan budget and the other Republican budgets as they are offered because I do not have a chance to vote on anything from that side of the aisle because, see, it is a blank sheet of paper. There is nothing there that the majority party—not the minority party; they are the majority party—has suggested. I will vote to begin debate, not that I support any of their budgets in their entirety. I will vote to begin debate because our fiscal situation demands serious efforts or giving serious considerations, and in no area, as I have made clear in my remarks today, is this more critical than in Medicare because Medicare is on a path to bankruptcy.

People who support the Medicare Program and care about those who will count on that program today and for many years to come are willing to put serious plans on the table for debate. It is our responsibility to ensure Medicare's survival for future seniors. Doing nothing is worse for Medicare. The surest way to kill Medicare as we know it is the Democrats' do-nothing plan. Demagoguery is irresponsible. So I would suggest: Pull your head out of the sand and join a real debate to save Medicare for the future.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that following my remarks, Senator McCaskill be recognized to speak for up to 15 minutes, and following her remarks Senator Sessions be recognized to speak for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

# SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which the clerk will report by title.

The assistant legislative clerk read as follows:

Motion to concur in the House amendment to S. 990, an Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 347, of a perfecting nature.

Reid amendment No. 348 (to amendment No. 347), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid amendment No. 349, to change the enactment date.

Reid amendment No. 350 (to the instructions) amendment No. 349), of a perfecting nature.

Reid amendment No. 351 (to amendment No. 350), of a perfecting nature.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HEALTH CARE

Mr. WHITEHOUSE. Mr. President, 50 years ago on this day, President John F. Kennedy addressed a joint session of Congress, and he presented to our Nation a bold challenge. He said:

I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

It was and remains a memorable challenge. To meet it would require long-term commitment and unprecedented resources. It had great risk, and it had no simple solution. But President Kennedy put his faith in the talent and dedication and discipline of America. He believed his challenge could mobilize our country to meet this challenge and succeed. And he was right.

President Kennedy's goal to put a man on the Moon and return him safely in 10 years was clear, was direct, and was accountable. The result was a vast mobilization of public and private resources that collaborated in innovative ways to achieve that singular purpose. And we did.

I come to the floor today to call for a similar challenge to reform our health care delivery system. While the goal now is different, the urgency and the need to mobilize both public and private sectors toward a common and

vital purpose is the same. Our massive budget deficit poses a real threat to our economic and national security. The Chairman of the Joint Chiefs of Staff identified it the other day as the single greatest threat to our national security, our Nation's debt.

There is also common ground that the skyrocketing costs in our health care system are at the heart of our Nation's fiscal problem. I do not agree much with Congressman PAUL RYAN, but we do agree on that point. He has said if we are to be honest about our debt and deficit, at its heart is a health care problem. So now is the time for our country to set out a clear challenge, as President Kennedy did, that will address our health care cost problem.

That challenge must stand on two facts: One fact is that our health care cost problem is a system-wide problem. Republican proposals to end Medicare as we know it fundamentally misdiagnose the problem. Most everybody in America knows it does not matter who our insurer is, whether we are insured by Medicare or Medicaid, the VA or TRICARE, United or Blue Cross, in the last decade, costs across all insurers have gone through the roof. Indeed, just today in the news, Secretary Gates is reported to have said—about his Defense Department budget—everybody knows we are being eaten alive by health care. We have a system-wide health care cost problem, not a Medicare problem.

Health care expenditures are nearly 18 percent of our gross domestic product. The next least efficient country in the world spends only 12 percent of its GDP on health care. We would have to go far down the list of our competitor nations before we find a country that has as poor health outcomes as America has, even though we spend vastly more for our care. We have a system-wide health care cost problem and a system-wide health care quality problem.

The second fact is, the health care cost problem and the health care quality problem are related. We have at our disposal an array of health care reforms that will reduce the cost of health care while improving the quality of health care. These types of reforms—new models of care coordination, quality improvements in hospitals, paying for quality not quantity to our physicians, and reducing overhead costs in the system—all have one liability; that is, they do not lend themselves easily to estimates of cost savings. Because of this, there is less attention than there should be to the great potential of these reforms. Bowles and Simpson, Domenici and Rivlin have all conceded this in our Budget Committee hearings.

The promise of these reforms is immense. The President's own Council of Economic Advisers has stated that 5

percent of GDP can be taken out of our health care system without hurting the quality of care. That is about \$700 billion a year. The New England Health Care Institute said it is \$850 billion a year. The Lewin Group has estimated the potential savings at \$1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill. The savings are there, and they are considerable.

The question is, How do we get at them? Well, let's first look at the affordable care act that we passed. The affordable care act's delivery system reforms provide many of the tools that we need to drive down costs and improve the quality of care.

As we were working on that bill, I had a regular meeting in my office of experts from around the country, from the business community, from the labor community, from the NGO community, who really were dialed in to the delivery system reform problem in this country.

We met regularly, we met early in the morning, and every time we asked the same question: What more can we put in this bill to make sure it has the tools to get these reforms done? By the time that bill passed, we were in agreement that everything we could want was in that bill.

It provides a tool box with five major strategies we need to deploy. The first is quality improvement, which will save the cost of medical errors, of misdiagnosis, of disjointed and uncoordinated care.

The clearest and simplest example is reducing hospital-acquired infections which affect nearly 1 in every 20 hospitalized patients in the United States. They cost us about \$2.5 billion in unnecessary health costs every year.

The tens of thousands of deaths that are associated with these hospital-acquired infections are tragic. It is made all the more so by the fact that they are essentially preventable. Simple reforms, such as following a checklist of basic instructions—washing hands with soap, cleaning a patient's skin with antiseptic, placing sterile drapes over the patient—result in huge reductions in rates of infection and in costs.

So, first, quality improvement. The second strategy is prevention. The most inexpensive way to deal with disease is to prevent it in the first place. More than 90 percent of cervical cancer, for instance, is curable if the disease is detected early through Pap smears.

The third strategy is payment reform. We must pay doctors for better outcomes, not for how many tests and procedures they order. Rhode Island has a promising "medical home" primary care payment strategy already underway.

The fourth strategy is simplifying administrative processes to reduce overhead costs. The insurance industry

in this country has developed a massive bureaucracy dedicated to delaying and denying payments to doctors and to hospitals.

So to fight back, the doctors and the hospitals have had to hire their own billing departments and expensive consultants. All of that, the entire war over payments between insurers and hospitals and doctors, adds zero health care value. It only drives up costs.

Finally, the fifth strategy is a robust, secure health information infrastructure. Health information technology was, years ago, estimated by the Rand Corporation to save \$81 billion a year. Savings may very well be higher as the system builds itself out. Not only is a robust health information infrastructure a good end in itself, but those four other delivery system strategies are empowered and advanced and expanded by robust health information infrastructure.

These five delivery system reform strategies hold the promise to deliver the enormous savings we need to extract from our health care system, and to do so in the most humane way, by improving the quality of care. The debate we need to have on our health care cost problem must focus on delivery system reform, on how we can implement these delivery system reforms from the recent health care reform bill as quickly and as effectively as possible.

This is what brings me back to President Kennedy's speech on space exploration. President Kennedy did not say: I am going to see to it that America bends the curve of space exploration. Had he said that, the speech would have been consigned to oblivion, and we would likely not have put a man on the Moon on time. Instead, he made a memorable challenge with a clear objective: Put a man on the Moon, bring him back safely, within a decade. Everybody could know whether that had been done. It was a clear and accountable purpose, and it galvanized the entire Federal bureaucracy toward that common purpose.

We can and must do the same with health care delivery system reform. We can and must have a clear challenge to strive toward.

It is not enough to talk about bending some health care cost curve. Our country has the talent and discipline to accomplish extraordinary things. We can significantly bring down costs in our health care system. I notice that the junior Senator from Minnesota has just taken the chair in the Chamber. Minnesota knows well what can be accomplished through these kinds of delivery system reforms because companies such as Mayo, Gundersen Lutheran in Wisconsin, Intermountain in Utah, and Kaiser in California are all doing this kind of work effectively already. We can significantly bring down costs in our health care system. We

don't have to be last or the least efficient country in the world in providing health care to our people. We can do this while improving the quality and the experience of health care for Americans.

I will conclude by saying that tackling these issues won't be easy. But to go back to President Kennedy's speech, he said:

We choose to go to the moon in this decade and do the other things, not because they are easy, but because they are hard. . . .

I urge my colleagues and the administration—we cannot afford to fail. Let's raise the stakes. Set a hard challenge. The future of our Nation's fiscal health certainly depends on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

MISSOURI DISASTER

Mrs. MCCASKILL. Mr. President, this is a place that runs on words. The Senate is a place where there is always a great deal of speeches given and words spoken. Every once in a while, something comes along in life when words are completely inadequate. What happened in my State in the last few days is very difficult to express in words. I did want to take a few moments to recognize an incredible occurrence in the southwest portion of my State.

Having been there all day yesterday and arriving very early in the morning and spending time with the people of Joplin—with Missourians who have come to Joplin from every corner of our State, with Federal officials, I do want to take a short amount of time to recognize the tragedy and to rejoice in the response.

So many parts of this response, in fact, are the kinds of things we should celebrate. But the loss of life is staggering. An F-5 tornado, we now know, is the strongest tornado classification—in fact, this is the most devastating tornado we have had in this country in almost 60 years. The loss of life is staggering—122 lives. It is, unfortunately, a reality that that toll will probably continue to rise—I hope only slightly—in the coming days. But yesterday, there were another five or six confirmed deaths.

The loss of property—over 8,000 buildings were damaged; 2,000 homes are gone. When I say gone, I mean gone. I have responded to many natural disasters in Missouri during my time as a public official—a lot of tornadoes and flooding. I have never observed a scene that even comes close to what I observed yesterday. Walking among the rubble, you realize that what you are walking through is people's lives that have been spread far and wide, and that, in many ways, cannot be recovered, cannot be made exactly as they were before. From the air, the swathe of damage was incredible. We were able to get up there—because the weather

finally cooperated—to look at the damage from the air. Governor Nixon and Mr. Fugate, the Administrator of FEMA, and I, with other officials, went up in helicopters yesterday morning. As you look down upon Joplin, from the air it looks like a stove mill. Through the middle of Joplin, miles and miles long and wide, surrounded by green, it looks like a massive amount of toothpicks. The trees are all gone. Many hundred-year-old trees are lying on their sides. The trees—what is left standing of them—have most of the bark ripped off by the force of the wind that swept through Joplin shortly before 6 p.m. on Sunday evening.

The emotional toll of this devastation is one you can't calculate. But you see it on people's faces. What I observed yesterday was friends and neighbors who were standing by hoping for a miracle, and firefighters dug under the rubble at the Walmart hoping they would find someone there who was alive. I witnessed other people going through the rubble of their homes. In talking to them, I think the initial reaction for the people of Joplin was intense gratitude that they were alive. Now it is being replaced with the reality of their loss and what they have lost—from schools, to churches, to a hospital that employs over 2,000 people in a community of just 50,000. This is an incredible loss. But the pain is palpable on these people's faces, and that is why it is so important that we don't lose sight of what they are going to need over the coming weeks, months and, yes, even years.

The response I witnessed, in terms of what was on the ground, was remarkable—from Federal, State, first responders in local communities, and obviously the officials of Joplin, Missouri, all working together seamlessly as a team. The Federal Government—unlike many disasters where they wait several weeks to declare a disaster—obviously understood that the flexibility and the immediacy of the response was incredibly important in this instance, and they declared a disaster within 18 hours. FEMA had people on the ground. Within 12 hours, the National Guard deployed. They had National Guardsmen there before midnight. Since that moment on, more and more people have been responding with more and more assets to help the people of Joplin and the recovery effort.

I want to call out particularly the fire chief in Joplin and the city manager there who have done remarkable work. The fire chief lost his home. As I walked through the firehouse going to the command center, I heard barking in one of the rooms. I said, "Is that a K-9 unit?" They said, "No, the fire chief is living here with his family because his home is gone. That is his dog." So as he lost his home, he obviously had to turn to the important job



of initially fighting fires, and then, obviously, participating in an unprecedented effort of search and rescue over the following 48 hours.

I am very proud of our National Guard. We have over 200 guardsmen there as we speak. They have done, as always, remarkable work. I talked to one man who had just finished duty in Poplar Bluff, with the flooding, and immediately came over to help in Joplin with the tornado response and recovery.

The State of Missouri Governor Nixon has been on the ground for much of the last 72 hours, along with his team. He is bringing his cabinet heads to Joplin to work on various parts of this over the next 48 hours, along with subcabinet members from the Federal Government, housing, HHS, to be of assistance.

Let me take a minute to talk about the first responders. I am so proud of the police and firefighters I encountered yesterday. I am so proud of these men and women. As I looked around, I realized there were search and rescue teams from every corner of our State. Task Force 1 from central Missouri and almost 100 Kansas City firefighters were there. I had an opportunity to visit with many of them as they were attempting a rescue on the scene yesterday afternoon. At 3 o'clock in the morning—yesterday morning—a caravan from St. Louis of over 100 firefighters and all of their equipment and assets rolled down I-44 to get to Joplin to help their brothers and sisters, in terms of this effort. St. Francis County, Camden County—you name it—from all over the State, police and firefighters and public safety officials responded to Joplin.

Frankly, people need to realize that the assets spread all over Joplin today, the emergency vehicles, K-9 units, HAZMAT teams, mobile rescue units that allow people to do very difficult rescues in very difficult circumstances—the vast majority of those assets were bought with Federal dollars. The vast majority of that equipment that came to these Missouri departments came from Federal grants. A lot of these guys worked without sleep for days. As I talked to them and thanked them, it was almost as though they resented being thanked because, to them, this is what they do.

I tell you, one thing yesterday gave me was an incredible passion to fight for these folks' pensions and salaries. These are not the people who are causing economic chaos in this country. These are not the people who deserve to be diminished in public discussions about what they receive for their work. These are the best we have, and they deserve every dime of pension they have bargained and fought for.

I am so proud of Joplin for its response. This is a community of great faith. This is a community that will

come together, as a lot of Midwest communities do in circumstances when their neighbors are in trouble. Everywhere I have gone—in fact, our phones are ringing off the hook—people are saying: What do we need to do to help Missourians?

The most important thing people can do right now is give blood, donate to the Salvation Army and Red Cross, and wait to hear from the officials from Joplin about when volunteers are needed. Right now, too many volunteers swarming into Joplin could cause more problems than it could solve. People need to check with the local Red Cross in Ozarks, and they need to check in with the city Web site. When there is a call for volunteers, it will go out, and those volunteers will be needed. But for now, the most important thing people can do is give money and blood.

The other thing I think we can do for all of the people who lost their lives in this tragedy is to have a plan when there is a tornado warning. Many families—and I think we are guilty of it in the Midwest maybe more so than other places in the country because we hear sirens and tornado warnings a lot. I grew up with that in Missouri. I will be honest, I probably have never taken it seriously enough. But that will not happen again in my life. My family will have a plan. My family will know where to go and what to do if, in fact, there is a tornado warning. Don't ever assume a tornado warning is not serious. These sirens rang at approximately 5:17 in the afternoon, and the tornado touched ground at approximately 5:41. So there was 20 minutes there.

By the way, the weather people here deserve a great deal of credit. Nobody visually sighted this tornado. It was all done through radar. The fact that they were able to identify this tornado and make that warning 20 minutes ahead of time was very important. I cannot imagine the loss of life we would have had if it hadn't been for that 20-minute warning. Having said that, there were people who were not taking it seriously. There were people who didn't know exactly where to go or what to do. So, please, have a plan for your families as a tribute to all those who lost loved ones in Joplin on Sunday night.

We will survive this, with God's grace and determination. Joplin will roar back because of the values that are held so dearly in that part of our State—in fact, in our entire country.

We will come together, and we will do this. But make no mistake about it, the satellite cameras are going to pack up sometime in the next 48 hours. All those satellite trucks are going to go back from where they came. This will fade from the front pages. Just like the junior Member from Minnesota who is presiding right now, at the point in time the bridge collapsed, there was a

great deal of attention, and then the attention goes away.

In this instance, we are going to need to sustain the support to this community far beyond the headlines, far beyond the satellite trucks going home. We have to get these schools open in September. We have to get this hospital rebuilt. We have to make sure this community is not left stranded without the assistance it needs.

There is no question that we have to be careful about the way we spend Federal money. But with all due respect to Congressman CANTOR, I have a hard time believing that if this were in his congressional district, he would be talking about how additional disaster relief would not be available unless we found some other program from which to take it. It must be available. This cannot be a political football. We must provide the assistance. That is what Federal tax dollars are for, to provide assistance when there is no assistance available for communities and for States because of the wrath of Mother Nature. We must be there for them. We all must stand with Joplin. All of America must stand with Joplin. And we will.

My heart goes out to the families for their losses. I congratulate the people of Joplin for their response. I say "bless you" to all those first responders. Through the greatest tragedy sometimes comes the greatest strength.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate the fine remarks of my friend from Missouri. Seeing the damage that was done by the tornadoes in Alabama, they have far exceeded anything I have seen before. I appreciate more than most the damage and difficulties the people of Missouri are going through. I know there will be emergency funding for that. There is a legitimate question as to whether we ought to not find that emergency spending someplace in our budget where it can be recovered that is not so important. But I know we will process that as we go forward.

#### UNSUSTAINABLE BUDGET PATH

I truly believe our Nation is facing an economic crisis, but it's not so much what I believe but what every expert we have heard from believes and has testified to. Mr. Erskine Bowles, who cochaired the debt commission, who was appointed by President Obama, said, along with Senator Alan Simpson, his cochair, in a written statement to the Budget Committee, that this Nation has never faced such a predictable economic crisis. In other words, the deficit levels we are operating with are so high and they create such danger to the economy that we have to get off this path. Every expert has said we are on an unsustainable path.

Many people have thought the problem we are dealing with today places a burden on our children and our grandchildren; therefore, it has removed to some degree the immediacy of the problem. But that is not what Mr. Bowles said. In his testimony before the Budget Committee just a month or two ago, he said that we could have a financial crisis. When asked by the chairman when, he said 2 years, maybe less, maybe more. Senator Simpson said it could be 1 year.

We are taking a risk with the American economy. This has been echoed by Moody's bond ratings, and it has been echoed by S&P, which warned that our debt rating for our government debt could be downgraded. Alan Greenspan has made similar comments. Alice Rivlin, former OMB Director under President Clinton, made those comments. Pete Domenici, who cochaired a debt commission with Alice Rivlin, former chairman of the Budget Committee in the Senate, said to us with real passion: I have never been so afraid for my country. That is what Pete Domenici said.

We know we have to take action, and now we are heading today to 756 days since the Senate has passed a budget. We have not passed a budget. I say with confidence that in terms of a real, long-term threat to the American future, this Nation has never had a greater danger financially and in terms of debt because the problems we face are more severe than even in the nineties when we turned our business around and in 3 years balanced the budget. It is going to be harder to do it now.

We went through World War II. We borrowed money. But we had a vibrant, growing economy and growing population, and we promptly moved our way through that, and growth took care of us. But we cannot expect that the level of growth that according to the experts we can reasonably predict will be sufficient to get our house in order.

When you do not have enough money and the course you are on is unsustainable, you need to develop a plan that puts you on a sustainable path. How simple is that? That is grownup talk. How do you do it? What is our mechanism in the Congress?

This is a budget. This is title II, section 271 through et seq, and it has the Budget Act. We passed a Budget Act. It is law. Clever Congress did not put any penalties on it, so we can violate it and not go to jail. We do not have to personally pay fines. But it represented a serious commitment by a previous Congress that we needed a budget. They also made as part of that budget law that it could be passed with a simple majority so it could not be filibustered. That was one of the reasons budgets sometimes failed to be passed. At a time when they were thinking about the future, they said: Let's make the

budget passable by a simple majority. It also has a timeline in it. It says the Congress must pass a budget by April 15. We are long past that date—long past it. Are we going on to a third year now without a budget?

Mr. President, 1,000 days without a budget while our country is on a debt path unsustainable to a degree that threatens the future of America economically—yes, that is where we are heading.

People say: Surely, JEFF, that is not so. Surely there is some plan.

There is not any plan—not a plan to pass a budget. What there is a plan to do is not pass a budget. It is irresponsible. It is unwise. It is dangerous for our future because we are on a certain path, a predictable path, as the debt commission told us, to financial ruin. Our debt-to-GDP ratio will reach 100 percent by September 30 of this year. That is above the level that economic experts tell us puts our country at risk. Indeed, when we passed a 90 percent debt-to-GDP ratio, economists Rhinehardt and Rogoff, who completed a massive study of national defaults of economies around the world by sovereign states, warned that at that level you reduce the growth in the economy by at least 1 percent of GDP. The average was higher than that. They said on a median level, it is 1 percent of GDP, and they used that number—1 percent growth that we don't get. Well, some think we may not get 2 percent growth this year. Would we have gotten 3? If we get 1, would we have gotten 2? One percent growth in GDP is a large thing in an economy the size of ours. It increases tax revenue significantly. It increases jobs. According to experts, 1 percent of GDP growth means 1 million more jobs. A decline of 1 percent in our economy represents a loss of 1 million jobs. This is not a little-bitty matter.

On Monday, I objected. I realized what is going on in the Senate, that there is no plan to deal with this situation, that there is a gimmicked-up scheme to bring up a series of budget votes that the majority leader knows will not pass. Indeed, he intends to bring up a vote on a budget that he and all his colleagues intend to vote against—the most responsible one out there, the House budget, passed by the Republican House. That is what they want to bring up for a vote and vote against. But the Budget Act does not say bring up a House budget. It says each House—the Senate and the House—should bring up its own budget and pass it on the floor. It should go to committee. None of the budgets we will be voting on have gone through committee. We have had no markups in committee. We never even had a markup on the budget. Why? What is this? What is going on?

Let me share with my colleagues why we are not having a legitimate process to produce a budget at the most crit-

ical financial time in our history. It is about politics. Does that surprise anyone? This is what Democratic staffers were quoted as saying in a Wall Street Journal article a few days ago. What did they say about it? Did they say: We have a plan to solve America's future. Did they say: We have a plan to reduce our debt and get us on a sound path. Did they say: We understand the future of the country is endangered by unsustainable debt growth. No, they did not say that. This is what they said:

As a political matter, Senate Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

They do not want to produce an honest budget, a budget that would make a difference, because it would have some unpopular items in it. I ask, is that responsible leadership? I suggest it is not.

It goes on:

Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes . . .

What does that mean? It means their budget, if they produce one, would call for higher taxes, and they do not want to do it. They do not want to propose a budget that reduces spending. They do not want to produce a budget that has higher taxes. Why? Because they are playing politics rather than serving a national interest. That is just plain as day. I wish it were not so, but there is no other explanation for why this Senate preparing to go into recess Friday for Memorial Day without having even commenced hearings on a budget.

This is what they decided to do. I am quoting from the article:

Senate Democrats plan to hold a vote on the Ryan plan—

The House budget—

hoping to force GOP senators to cast a vote on the Medicare overhaul that could prove politically difficult.

Give me a break. Is that what it is all about? Is that what we are here for? It is not what many of my Democratic colleagues tell me. They tell me they know we are on an unsustainable path and we have to do something. But why are we going through this charade, to bring up one, two, three budgets and vote them all down and then say: Well, we tried. Maybe we will have some secret talks over here and we will plop something down right before some emergency date and demand everybody vote for it, not having a chance to read it. Is that what the process is going to be instead of an open process where the Budget Committee has open hearings, amendments are offered, a budget is voted out of committee, it comes to the floor, and there is a guaranteed 50 hours of debate? But the process comes to an end. The Budget Act states that we cannot filibuster it. There is only

limited time of debate, but there is an opportunity to debate, an opportunity to offer amendments.

We are told Senator REID does not want his members to have to take tough votes. None of us like to take tough votes. None of us likes to take tough votes. Isn't that what we are paid for here? Isn't that why they send us—to vote on important, tough issues that impact the future of our Nation? I am telling you, we are so far off path it is stunning to me.

I quoted his staffer earlier, but what about Senator REID himself, the Democratic leader of the Senate? Anybody who has worked with Senator REID likes him, and I enjoy working with him. I respect him. I know he has a difficult job, but at some point one has to stand and lead. He is not leading and neither is President Obama. But this is what Senator REID said just a few days ago—I think Friday.

There is no need to have a Democratic budget, in my opinion.

Well, there is a need, a statutory legal requirement that we send a budget out of the Senate.

Then, he said:

It would be foolish for us to do a budget at this stage.

Why does he say it would be foolish? I think my good friend, Senator REID, has taken his eye off the national interest. He has taken his eye off the crisis our country faces, and he has his eye on politics. He means it would be foolish politically. He has a scheme, and this is what his scheme is. He is going to bring up the House budget—the Ryan plan. In all honesty, it is the only plan I have seen in my time in the Senate that comes close to providing a long-term alteration of the unsustainable fiscal path we are on. It deals with it. It makes some tough choices, but they are not unbearable and I think most of them will actually work.

It is not perfect. I don't promise that I would vote for everything in it. But it is a historic plan to put America on a sustainable financial course. I thought they could have reduced spending more in some areas, frankly. But it puts us on a sustainable course. It was produced by the House Budget Committee. They had public hearings, the committee voted on it, they brought it to the floor, and it passed in the House of Representatives, in the way the Congress of the United States is supposed to operate.

What does our leader in the Senate and his colleagues who support him do? They make a decision to do something political, not responsible. They are not putting forth the vision they have for the future, but they are going to bring up the Ryan budget so they can all vote against it. I don't think that is responsible. I don't think it is responsible at all.

I am not going to participate in this scheme to have a series of votes. Count

me out. I am not supporting it. I am not going to give my consent to it. That is the way I see it and I don't think that it makes sense. If I did, I would change my mind. But as I see it, it makes no sense for me to, in any way, consent to a process that is designed to fail. The whole process is designed to fail. With a simple majority in the Senate, our Democratic colleagues can pass any piece of legislation. They have 53 Members. They can win the vote. If they put up a good budget, they might have some Republicans—maybe all the Republicans, if we reached a bipartisan agreement. But there is nothing close to that. We have not approached this in any realistic way, and I am concerned that we are off track.

Senator SCHUMER, who once headed the Democratic Senatorial Campaign Committee—he designed all that—is a Senator who is considered to be a guru of politics around here. He is good, and there is nothing wrong with being a smart politician. But at some point politics goes too far. This is what he said on May 23 regarding the Ryan budget.

We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It is that simple.

That is an open statement of raw politics. Where is the national interest? Where is the response to Mr. Bowles, a leading Democrat, to Alice Rivlin, a leading Democrat, and their principled cries that we do something about the debt crisis we now find ourselves in? Nowhere.

My colleagues want to go home, and they intend to go home—go home Friday. Our soldiers are out there, and they are not getting to come home from Iraq and Afghanistan. They are going down roads where bombs might be planted and they are putting their lives at risk. They do not get to come home. Their business isn't finished yet. But we plan to go home, apparently, not having done anything but having gone through a political exercise that is an embarrassment to the Senate at a critical time in our Nation's financial history—a very critical time.

President Obama utterly ignored, in his completely irresponsible budget, the fiscal commission that he himself created to seek a national consensus on funding. I have to say the President's budget is nowhere close to what is necessary to avoid our fiscal nightmare. That is not a JEFF SESSIONS quote. That is a quote from Erskine Bowles, who cochaired the Commission, when he saw the President's budget plan that was submitted a couple months ago. He said it is nowhere close to where the Administration will have to go to avoid our Nation's fiscal nightmare.

So that is what the President has done, and the Senate has done nothing. They will not even hold a markup and propose a plan. Why? They think it is politically unwise. They think they can gain more politically by refusing to produce a budget, by attacking the House Members who produced a budget—as they are required to by law—that is honest and would make a huge long-term difference in America. It would put us on a sustainable path, not leave us on an unsustainable path.

I will conclude with a quote from the preamble to the fiscal commission's debt report. This is what they wrote to us. Remember now, Senator REID's plan is to bring up the House budget and have all his Members vote it down so they can attack Republicans for having the audacity to propose any changes in Medicare—and not even in the 10 years of the budget. It is the out-years they are complaining about, and it is not law. Any change will not become law until it passes both Houses of Congress. But it is a vision that could work to make Medicare sound and actually save it.

They think they can scare people by saying we are going to end Medicare, so they are going to vote on it. That vote, in the minds of our Democratic politicians, shows that they are defending Medicare and that all the Republicans oppose Medicare. But the American people are getting too smart for that. I don't believe they are going to buy that story any longer. They know Medicare is on an unsustainable path and that it cannot continue.

The Medicare actuaries and trustees have reported today that it is going to go bankrupt a number of years sooner than was originally expected. But this is what the debt commission said about the need to have a plan to fix our future:

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from the shared sacrifice and common purpose. The national interest, not the special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

Isn't that a reasonable request—don't shoot down an idea unless you are prepared to present a better one in its place? That is exactly the opposite of what our Democratic leadership is proposing. They are proposing to bring up a budget they say they do not like. They are going to vote it down without producing anything in its place. That is not responsible leadership, it is not respectful of the budget process, which is required by law, and it is not in the national interest. It is not in the national interest.

Yes, we are going to have to deal with tough issues. We find ourselves in

a fix, a deeper hole than we should ever have been in, and the American people punished Congressmen and Senators last year because they were unhappy, and they were right to be. There is no way any Member of this Congress can stand before their constituents and justify a deficit this year of \$1.6 trillion and defend or justify a spending program in which 40 percent of every \$1 we spend this year is borrowed. How can that possibly be called sanity? It is insanity. That is why every one of these people is telling us we have to change and why PIMCO, the largest bond company in the world, has said they are not buying any more American debt. They believe we need to get serious and make some serious changes.

The PRESIDING OFFICER. The Senator has used 20 minutes.

Mr. SESSIONS. I thank the Chair.

I will just wrap up by saying that is why I think the process planned for this week is unacceptable and I do not intend to support it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent that at 2 p.m. today, Senator PAUL be recognized for up to 1 hour for debate only; that following Senator PAUL's remarks, the Senate then proceed to a period of morning business for debate only until 5 p.m., with the time equally divided between the two leaders or their designees; further, that the final 5 minutes be reserved for the majority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, I reserve the right to object and I will object at this time and would like to review that unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, under the unanimous consent request propounded by the Senator from Oregon, I will remove my objection. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that I and Senator CANTWELL be recognized now as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OIL AND THE COMMODITY FUTURES TRADING COMMISSION

Mr. WYDEN. Mr. President, Senator CANTWELL and I were joined on May 11 by 15 other Senators who wrote to the Commodity Futures Trading Commission to request that agency, which has a key role in consumer protection, take immediate action to impose position limits on crude oil futures. We

asked that they would act by Monday, May 23.

Position limits are limits on the number of contracts that a financial speculator can buy or sell at any given time. It is extremely important that consumers have this protection so we do not see these speculators increasingly dominate the market. As the Presiding Officer knows, we have a lot of folks who need gas to get to work and get to school. We have trucking companies that depend on affordable fuel. We have restaurants that need fuel. They are all getting clobbered today.

Financial speculators who do not buy oil or consume oil are constantly pulling more of the oil out of the commodities market. What is so troubling about the approach of this key agency is they pretty much said they are not going to do anything soon. We have no sense of urgency. It is not a priority for them to try to tackle this issue. In fact, they are not even going to use their interim authority. They will not even use the interim authority they said they were going to use last year to protect the consumer at this crucial time.

This is particularly unfortunate because somehow they have reached the judgment that the only thing they ought to be moving on is to try to set limits as they relate to commodities generally. I can tell you, my phone is not ringing off the hook about the question of cocoa prices. The American people are not up in arms about what is going on in the cocoa market today. They are concerned about the fact they are getting clobbered on gas pricing. The fact is, 40 percent of the oil futures market is now dominated by financial speculators, and it is way past time for the Commodity Futures Trading Commission to act to tamp down excess speculation and its impact on higher prices.

Senator CANTWELL serves with me on the Senate Energy Committee. She has been a leader on this issue. She has constantly tried to blow the whistle on this practice of speculation. It is not the only reason gasoline prices are so high, but it clearly is a significant factor. If the financial speculators are taking so much of the oil and future oil out of the market to essentially hold this dominant position, that means there is going to be fewer opportunities for that person who is trying to get gas at the pump, the person who runs the restaurant, the trucking company, and why it is so important that we have position limits.

This is a crucial consumer issue. The Commodity Futures Trading Commission's refusal to act quickly is especially upsetting because this agency knows better. They know better. Yet they wrote to Senator CANTWELL and me and Senator COLLINS and colleagues that they were not going to do much of anything anytime soon.

In January of 2010, after holding three public meetings on fuel prices, the agency proposed to set position limits on four key energy commodities: crude oil, natural gas, gasoline, and heating oil. At the time, crude was around \$75 a barrel.

Congress was so concerned about the need to control financial speculation that it expanded the agency's authority to set speculation limits last July as part of the financial reform legislation. That legislation specifically directed the agency to set limits on non-agricultural commodities such as crude oil within 180 days of enactment. That date has long passed. So rather than getting started on crucial protections for American consumers and businesses, the agency withdrew its January 2010 position limit proposal for energy commodities and basically started all over. It is inexplicable, in my view, that they would not even use their interim authority to take steps to help the consumer who is certainly going to be concerned about gasoline prices as we move into this Memorial Day weekend.

This past January, instead of issuing a final rule within the 180 days called for by the financial reform legislation, they issued another proposed rule. While it is certainly true Congress gave the agency expanded authority to set limits on multiple speculation holdings in the financial reform bill and not just future contracts, the result is there is not any limits at all. That is the bottom line for the consumer today.

Under the schedule proposed by the agency in January's recent proposed rule, final position limits are not going to be imposed until the first quarter of 2012, almost a year from now. That is what it is going to take based on the signals the agency is sending today, and at least one of the Commissioners at the agency, Bart Chilton, has pointed out that this is really contrary to the deadlines in the financial reform law.

We know most Americans walking on Main Street have not heard of the Commodity Futures Trading Commission, but that certainly does not diminish its role in overseeing the commodities markets. That is why I have been pleased to join with Senator CANTWELL and other colleagues to continue to press this agency to get out of the regulatory swamp and take steps to go to bat for the consumer and wring the excess speculation out of the oil market sooner rather than later. The agency was directed by the Congress to set speculation limits on more than two dozen commodities.

As I have indicated, I am sure setting position limits on commodities such as cocoa is important, but cocoa is not driving the American economy the way oil is every single day. Americans use about 19 million barrels of oil a day, and two-thirds of the price of a gallon

of gas is the cost of the crude oil used to make it. So setting limits on speculation on crude oil is going to have an impact on the price at the pump. The American people and our economy cannot afford to pay the hundreds of millions of dollars a month in additional fuel prices that come out of their wallets while they wait for the Commodity Futures Trading Commission to act. The agency ought to get about doing what it proposed more than 16 months ago, and that is rein in speculation, the speculation that is driving up the prices at the pump. The agency ought to do it now, before more Americans face financial hardship.

The country is obviously entering into the peak summer driving season. That is why I and Senator CANTWELL and Senator COLLINS urged the agency to move, and move now. I wanted to outline the agency's history of foot dragging.

I see we are joined now by Senator CANTWELL, who has been our leader in this cause. I say to my colleague, I so appreciate her leadership. This most recent response that we received from the Commodity Futures Trading Commission shows once again no sense of urgency, no sense of priority, not even a willingness to use the interim authority that they could use to go to bat for the American consumer.

I want it understood I am going to do everything I can to be the Senator's partner in this cause until we get these position limits set and get these basic protections that our consumers deserve.

Mr. President, I yield the floor now that Senator CANTWELL is here.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Oregon for his stalwart attention to energy markets and to the concern that many west coast residents have over high energy costs. Senator WYDEN has long been a vocal critic of what's happened in some electricity markets, and trying to figure out what has happened with the oil markets and why the west coast pays higher gas prices than any place in the country. We still wanted to know why. People say we were an isolated market, and that is why we were paying the highest gas prices. Then Hurricane Katrina hit and our prices still went up, even though we were supposedly an isolated market.

So Senator WYDEN has long been a person coming to the Senate, fighting for the consumer, saying we should not be gouged by higher prices on energy.

Energy is the lifeblood of any economy. We know what manipulation looks like in the Northwest because we saw it with Enron. When our electricity markets were manipulated, everybody said it was the environmentalists not allowing us to construct new generating facilities. Well, when we fi-

nally exposed the audiotapes, we realized that it was just pure market manipulation. In fact, what we found out is that people were taking the futures market and basically making plays in the futures market while they also had the ability to affect the physical supply market and spot prices for electricity. So by combining those schemes with different things such as "Get Shorty" and "Fat Boy" and all of these names they came up with, Enron was able to convince utilities and various customers that the supply was tight and that they were going to have to pay more for electricity in the future and consequently they ought to keep paying these high prices. Well, thanks to a lot of hard work by a lot of individuals and ultimately the Department of Justice, the Enron schemes were called for what they were—just out-and-out market manipulation.

My colleague, Senator WYDEN and I, screamed loudly about that situation and said we wished the Federal Energy Regulatory Commission would have acted a lot sooner on that issue, and if they would have acted sooner, we would have saved a lot of jobs in the Northwest. We would have saved a lot of industries. A lot of people lost their jobs, their retirement, their homes over those high electricity prices.

Thank God the result was such that we were able to pass new legislation in 2005, making it a Federal crime for anybody to manipulate natural gas or oil markets. I should say FERC has used that authority over the last several years to recoup millions of dollars from violations by industry officials who continued to perpetrate the same kind of scheme of going into the futures market and holding positions in the futures market and then taking physical supply and being able to affect the physical supply and demand.

So this is something that is amazing to us from the west coast. I know my colleagues, including Senator FEINSTEIN, Senator BOXER, Senator MURRAY, and I have all been on the same page. Senator MERKLEY has been a loud voice on this issue. We have been through this nightmare. That is why I have to say first and foremost that we find it appalling that someone would propose H.R. 1, or the Ryan budget, that would take away policing ability from the Commodity Futures Trading Commission on the type of activity that would allow them to properly regulate these markets.

We saw what happened. What we are so appalled about is it seems as though it is now happening again in the oil markets. In fact, we see today on the front page of the New York Times "U.S. Suit Sees Manipulation of Oil Trades." So the commodities commission is finally saying now: Yes, we are looking at this case. And it should be no surprise what they actually see because it is the same shenanigans that

happened in electricity, the same shenanigans that happened in natural gas, and, yes, the same shenanigans are happening in the oil markets.

That is the commodity agency that says in this case there was a close relationship between the physical oil price and the price of the financial futures which moved in parallel. So basically what happened is that in the oil futures market, these individual companies and traders took large positions. In fact, their positions were so big—and that is what Senator WYDEN has just described. If this agency would come in and set position limits, people wouldn't be able to come in and move the market in such a significant way. But at the same time, it is alleged that these companies actually had millions of barrels of physical crude oil and they actually had no commercial use for the oil. So here we have people buying the physical supply—again, to manipulate and help tie it into the futures market—when they don't have any commercial need for it. That is why it is so important to have the CFTC do its job and to interpret who are legitimate hedgers, such as airlines, farmers, people who actually need the physical supply, juxtaposed to these large institutions that are just coming in and moving the market.

So what is amazing is that at one point in time, what they had as far as physical supply—for somebody who didn't even have a commercial use, at least according to this New York Times article—was two-thirds of the excess barrels available at Cushing. So here is somebody who had the physical supply and was controlling two-thirds of marginal oil supply and then controlling the futures market. So they were basically making money on the upside and they were making money on the downside. That is what the CFTC is alleging in its case. I think it is one of the first cases in which a small group of traders are being charged in the potential role of manipulation of gas prices.

I don't have to tell the Presiding Officer how critically important this is. I have been home recently and paid \$4 a gallon for gasoline. Many people are starting what is soon going to be the summer driving season, and they are outraged at the price of gasoline. It is hurting our economy. People who have to commute to work every day, people whose businesses depend on reasonable fuel costs are getting gouged with these prices, and we have Federal regulators who need to be more aggressive at investigating these cases.

I will say I am very happy the Obama administration and the Department of Justice appointed a task force. That is exactly what we need. We need every Federal agency that has oversight of these markets, whether it is the physical market with the FTC or the CFTC and the commodities market, to work

together with the Department of Justice to make sure these schemes are not continued to be perpetrated on the American public.

Our economy is too important to have this kind of activity continue to wreak the kind of havoc it has on our system. When we think about it, it is not as if we don't know what the scheme is. We have seen it time and time again with these other energy markets. So the question is whether we are going to be aggressive and make sure the CFTC has the tools it needs, which means not cutting its funding as the Ryan budget or H.R. 1 wants to do, and that it actually takes seriously its role and responsibility and starts setting position limits, starts the day-to-day activity, because the value Senator WYDEN and I are down here talking about, instead of this case that now is going to be investigated—how many days, months, and years did we live with the potential of higher fuel costs?

If this case is correct, how many days did we live with the higher cost, and how long will the investigation take, versus if the CFTC was actually implementing the law and the rules we gave them and enforcing position limits? It would be policing the market on a day-to-day basis and preventing consumers from paying one dime or one penny more than they needed to pay for high fuel costs.

It used to be that these oil markets were for legitimate hedgers.

My colleague and I represent a very robust agricultural community. We grow lots of different products in the Northwest, probably over 200 different agricultural products. We depend on the commodities markets to hedge for the future. But that market was created, after the Dust Bowl devastated so many farmers, to give them a chance to legitimately hedge. Now, all of a sudden, it has been captured by these large financial institution players. It used to be that those who really needed to hedge, such as farmers and airlines, controlled 70 percent of the market. Now they are only 30 percent of the market. Seventy percent of the market is these large players, just as was described in this article—people who are out there basically using their financial weight to move the market in a direction that then they can sell on the futures market and benefit from it. It is outrageous. It is outrageous that our economy has to put up with this, that individuals have to put up with this.

I know my colleague from Oregon and I are going to be out here, and we are going to be loud and consistent until we have the rules and regulations in place to make sure these markets are properly policed. We don't have to wait another day. We don't have to wait 1 more day. The commodities commission could be doing this job. They don't need another legislative bill from us. They don't need another vote

from anybody on the commission. They can use their emergency authority. They can implement these rules today and help consumers save on high fuel prices.

So I hope my colleagues will help us in this effort to bring up the issues and make sure the American public understands what is going on so we can bring the pressure to bear on getting proper regulation in place.

I thank the Chair.

Mr. WYDEN. Would my colleague yield for a question?

Ms. CANTWELL. Yes.

Mr. WYDEN. My colleague has made a very eloquent case with respect to how this hammers the people who need oil on a daily basis—farmers and truckers and restaurants. The Senator from Washington juxtaposed their position compared to the speculators. Those people have a lot higher tax rate, for example, than do the speculators. So there is one advantage after another that the speculators have over the people about whom my colleague and I are concerned.

Is it the understanding of my colleague that the next best step to help those people and small businesses who need oil on a daily basis is to get the CFTC out of the regulatory swamp and to enact these position limits?

Ms. CANTWELL. Well, when we are paying \$4 a gallon for gasoline, we are affecting and impacting everybody who moves a product for business or anybody who commutes to work for any kind of distance. I know my colleague has probably heard, as I have, from a lot of small businesses that when fuel costs become the second largest expense, it is hard for them to continue to do business.

So my colleague is right. The CFTC could basically address this by just implementing the authority we gave them under the financial regulatory reform legislation we passed. That is all they have to do. Now, I would say to them that they already have the emergency authority. They have so many tools at their disposal.

I am glad they are investigating this case. I think this case is illuminating of the type of scheme that might include the details which are so familiar to my colleague and me of prior schemes and how people work them. But I would say that an investigation of these schemes is only going to go so far in helping the American consumer. If they take another 6 to 8 months to investigate these schemes, a lot of people are going to lose their jobs. So why not implement the rules they have right now, put them in place so we can protect consumers, and certainly don't pass legislation here in the Senate or in the House that is going to take away the ability to stop the kinds of activities that drive up higher gas prices by manipulation.

We want enforcement, we want it now, we want protection of consumers,

and we will continue to be vocal about this issue. I thank my colleague from Oregon for joining me today to talk about this issue.

Mr. WYDEN. I thank my colleague. I think it is critically important that the Senate know we are going to keep the heat on, on this issue. Senator CANTWELL and I have tried to point out that the agency is dragging its feet. They could use their existing authority. We think the kind of shellacking the American consumers and our small businesses are taking is not right. We are going to continue this fight until they get the consumer protections they deserve.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, as you well know, I come to the floor each week with a doctor's second opinion, and it specifically relates to the health care law, the law that was passed now over a year ago, with many promises made by the President, one of which was that if you like your coverage, you can keep it. We now know that is not the case, as he had promised. He also talked about this driving down the cost of health care. We have seen the cost of health care going up.

Last week, I came to the Senate floor and talked about something that is not known very well. It is a part of this law. It is called the so-called Independent Payment Advisory Board. I gave five specifics as to problems with this board. So today I wish to give another five specifics, and I think these are things every single American needs to know about the mandates that are part of this health care law and what is going to happen to them as more and more components and parts of this health care law are implemented.

People refer to this board as "IPAB"—not "iPod" but "IPAB"—and it stands for the so-called Independent Payment Advisory Board. But I will tell you, this is a Washington board. It is not independent. I believe it is going to be very harmful in terms of the health of the American people.

This board often goes unnoticed, and one of the reasons is it actually does not become operational until after the 2012 elections, until 2013. But it is an extremely powerful and extremely dangerous part of the President's health care law. It is a Washington board. It empowers 15 unelected and unaccountable bureaucrats, 15 full-time Washington bureaucrats, who will decide



how Medicare's dollars are spent. These Washington bureaucrats will use basically price controls, and they will use price controls to ration medical care and services all across the country.

You remember, Mr. President, when then-Speaker of the House NANCY PELOSI said first you had to pass the bill before you got to find out what was in it? Well, now, as more and more Americans learn about this rationing board, they will again voice their opposition to the President's health care law.

I will tell you, I want to pick up today where I left off last week. I want to share with the American people an additional five things they need to know about this board.

The No. 1 thing today is the President wants to keep this board under the radar. He and his administration simply want to disguise the long-term impact this board's price controls will have on our seniors on Medicare. If he does so successfully, the patients on Medicare will be the big losers.

He wants to promise the American people that the board will achieve great Medicare savings, but he does not want to explain to the American people exactly what those Medicare cuts will do and how the American people will ultimately pay the price in their health care.

The President and Washington Democrats have historically supported policies giving government the power to set health care prices. Make no mistake, the President is using this Washington board as a Trojan horse to accomplish that goal. This is exactly why this board is not going to be set up until after the 2012 elections. The American people will not face the true impact of this board and the cuts it is going to have on their loved ones until after the Presidential election next year. The President's plan depends entirely on keeping the true purpose of this rationing board well below the radar.

Here is a second concern; that is, the opposition to the President's payment advisory board, interestingly enough, is bipartisan. Even members of the President's own Party know that creating a Washington board to cut Medicare payments and ration medical services is bad policy when it comes to our seniors.

Even Representative PETE STARK of California, the ranking member of the House Ways and Means Health Subcommittee, said in an April 19, 2011, New York Times article:

In its effort to limit the growth of Medicare spending, the board is likely to set inadequate payment rates for health care providers, which could endanger patient care.

There you have a statement by a member with ranking stature of the Democratic Party in the House.

Now let's take a look at what someone else said. She announced her sup-

port for legislation which would repeal the President's Payment Advisory Board. This is Representative ALLYSON SCHWARTZ of Pennsylvania. Actually, she is a strong champion for the health care law. She is also vice chairman of the New Democrat Coalition. She had a statement that came out on April 15, 2011—income tax day—saying:

Congress is a representative body and must assume responsibility for legislating sound health care policy for Medicare beneficiaries, including those policies related to payment systems. Abdicating this responsibility . . . undermines our ability to represent our constituents. . . . I cannot condone the implementation of a flawed policy that will risk beneficiary access to care.

Third, the President's payment advisory board sets prices and it gives Washington more power, not patients. In most cases, Medicare payments to doctors—and Members of the Senate from both parties understand this—are already well below market rates. That is why doctors often limit the number of Medicare patients they see. In more severe cases, doctors stop treating new Medicare patients.

Allowing a rationing board unlimited power to control Medicare prices is only going to drive Medicare payments lower, and it is going to drive more doctors away from seeing Medicare patients. My concern is the prices are going to be driven so low by this rationing board that the government will force doctors, hospitals, and other medical providers to stop offering any care to Medicare patients.

Random and punishing cuts to Medicare provider payments will not make this program any more efficient. It will not make people's health care better. But it will reduce the supply of medical care to our seniors on Medicare.

The Washington board's ability to set prices gives it unprecedented control over personal medical decisions, and that is wrong. Those decisions should be left to the patient and his or her doctor alone, without the interference of 15 Washington bureaucrats.

No Washington bureaucrat should ever have the right to stand between a patient and his or her doctor. At its core, the debate about the President's Independent Payment Advisory Board centers around a few questions: Do the American people want a Washington board of unelected people whom they do not know making their personal health care choices for them or do they want to have the freedom and choice to make their own health care decisions? Do they want Members of Congress, the people whom they send to Washington, to be able and to be held accountable—do they want those Members of Congress to explain exactly what spending cuts are being discussed and need to be made to ensure Medicare's solvency?

As we know, we all heard just last week, Medicare is going to be bankrupt even 5 years faster than it had been thought in the past. Interestingly

enough—this is No. 4—President Obama doubled down on this, on the President's Independent Payment Advisory Board.

In his April 15 spending speech to the Nation, he doubled down on his commitment to this Washington rationing board. In the speech, he said he actually wants to give the Board more power to slash Medicare payments to providers. Apparently, expanding his rationing board is one of the only tangible proposals that the President has to reform Medicare and reduce the debt.

The American people sent us to confront our financial and fiscal crisis head on and to come up with solutions to solve the problem. They did not send us to cower behind boards and commissions and empty promises. They asked us to come to Washington with the courage, the strength, and the political will—the political will—to make tough spending decisions. Rather than stand up to the challenge, the President chose to go all in, placing his bet on 15 bureaucrats yet to be identified.

He asked the American people to trust him that this rationing board will squeeze out Medicare savings, at the same time, not impacting—he says—our seniors' access to medical care. But I do not think this is a bet our Nation's seniors should take or should be willing to take.

Finally, No. 5, members of my party, the Republicans, are working to repeal the President's Independent Payment Advisory Board. Senate Republicans are taking a stand against this rationing board, against more government control. Senator JOHN CORNYN of Texas has introduced S. 668. It is the Health Care Bureaucrats Elimination Act. This bill repeals the President's Independent Payment Advisory Board, ensuring Medicare patients can get the care they need from the doctor they choose. I am proud to be a cosponsor, an original cosponsor of this piece of legislation.

That is why I come to you again on the floor with a doctor's second opinion, as somebody who, for a quarter of a century in Wyoming, has taken care of patients on Medicare—many patients on Medicare—to provide a doctor's second opinion that this health care law is bad for those patients. It is bad for providers, the nurses, and doctors who take care of those patients, and it is bad for the taxpayers.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

#### THE BUDGET

Mr. CORNYN. Mr. President, I am glad I was on the floor to hear the distinguished Senator from Wyoming's comments about the Independent Payment Advisory Board, which is Washington, DC, gobbledygook, which translates into a rationing board which is going to limit seniors' access to care,



as he so ably described. I appreciate him talking about that. It is a topic I will raise in a moment as part of my remarks. But I wish to express my appreciation to him for his remarks.

My larger concern is about our budget, the Federal budget. As one of our colleagues across the aisle told the media this week, he said he looks forward to voting on the Republican budget. That may seem a little odd because this is the Senate and, actually, the Senate does not have a budget. The Budget Committee on which I serve has not met to consider a proposal by the chairman of the Budget Committee and we have not had a chance to offer amendments to vote on it and then for it to come to the Senate floor so we would have a Senate budget to vote on.

Of course, what he was talking about is, he is looking forward to voting on the House budget. But I would say the Senate has not considered a budget for 750-plus days. No family, no business, no one in America, certainly no State can operate in this sort of fiscally irresponsible manner, only the Federal Government.

Now where are we? We are spending 43 cents out of every \$1 in borrowed money—borrowed from our kids and grandkids. The fact is, a newborn baby, born into this world today, inherits \$46,000 in debt because we have not had the courage to meet this challenge as we must.

My colleague also said that is going to be one of the defining issues of 2012, which, by the way, is an election year. I guess what he means is, this is going to be an election issue. I think he is right but not for the reasons he suggested.

First, I wish to refresh everyone's memory. It was just in December of last year that the President's own bipartisan fiscal debt commission gave us a report, and truly a blueprint, for what I think would be a responsible start to dealing with this debt crisis we find ourselves confronted with.

That report—again a bipartisan report—proposed \$4 trillion in deficit reduction over 10 years. The report said: Federal health care spending represents our single largest fiscal challenge over the long run. As the baby boomers—people such as me and the Presiding Officer—retire and get older, health care costs will grow faster than the economy. Federal health care spending threatens to balloon.

As if on cue, the Medicare trustees issued a report just this last month with even a starker warning. Medicare's trust fund will be insolvent in 2024—about 13 years from now—and the gap between the promises Medicare has made to seniors and its funding—or ability to fund or pay for those services—is about \$24 trillion. That is the so-called unfunded liability of Medicare.

Those estimates are, according to the Chief Actuary, an optimistic scenario,

although it is hard to be optimistic about a \$24 trillion unfunded liability. But we also know there have been other ominous warnings both here at home and around the world. The International Monetary Fund, in a working paper last month, noted our potential debt crisis.

The S&P rating agency downgraded its outlook for American debt—in other words, our ability to repay those bills—from stable to negative. PIMCO, the world's largest bondholder, no longer is purchasing American bonds, choosing to purchase other types of investment. That ought to be a warning to us.

If we needed any reminder, even the Chinese Communist Party has given an earful to visiting Senators about our debt, of which they happen to own about \$1 trillion. But they are worried about the value of their own investment and, hence, as Admiral Mullen said, we ought to realize that because of that situation, debt is the single largest national security issue facing America today.

Despite these ominous warnings and even reports from the President's own fiscal commission and a bipartisan one at that, the majority—Senator REID—our friends across the aisle, simply are not taking the fiscal situation seriously. In fact, the majority leader was quoted recently saying: It would be foolish, foolish for the leadership of the other party that controls the agenda on the floor and in committees, it would be foolish for them to propose a budget.

The White House has shown twice this year so far that it is not truly serious about fiscal discipline. In February, the President proposed a budget that completely ignored his own deficit commission. It had \$8.7 trillion in new spending, \$1.6 trillion in new taxes, and an additional \$13 trillion in debt.

At the time the President released his proposed budget, there were a number of my colleagues who were very impressed by it. Some called it responsible, others credible, others said it was a balanced approach, a good blueprint, a step forward, a careful evaluation, a solid starting point, and many other compliments as well. President Obama was so pleased with his budget proposal that he called it “our Sputnik moment.” But, of course, we know his Sputnik failed to launch. None of my colleagues who heaped praise on the President's proposal were willing to pass a budget resolution or even take up one and have it be considered and voted on.

So President Obama tried again in another big speech in April, when he was finally brought, unwillingly, to the debate on our budget and on our debt crisis. In that speech at Georgetown in April, he called for higher taxes as well as automatic tax increases that would kick in if certain conditions were met.

He called for deeper cuts in defense spending. He invented a new 12-year budget window to disguise the large deficits that would otherwise appear if it were the traditional 10-year budget window.

Then the President, I think beneath the dignity of his office, verbally abused the very people who had the courage to propose an alternative. Then, of course, we have heard the attacks he started, which have continued, the false attacks that Republicans want to “end Medicare as we know it.” Well, I will say Republicans do not want to end Medicare as we know it. That is an intentional falsehood. That is a lie. Republicans do not want to end Medicare as we know it. We are simply trying to inject some cold, hard reality, as observed by the President's own debt commission, by the Medicare trustees, and everyone else who has taken a responsible look at the problem.

What is that reality? Well, the reality is that Medicare as we know it will end unless we do something to fix it and to save it. My colleagues want to talk about ending Medicare as we know it. They have short memories because it was these very same colleagues who took \$½ trillion out of Medicare to fund ObamaCare. They injected the rationing commission that my colleague from Wyoming just got through talking about and which I will mention again in a moment.

Many seniors found out, as a result of the health care bill that passed only along a party-line vote—only Democratic votes in the Senate—that many seniors have already lost their access to Medicare Advantage.

Other retirees are seeing that their former employers have canceled their health care plans and found themselves dropped into the Medicare system. It has never been explained to me how we can possibly cut \$½ trillion out of Medicare which, as I said earlier, already has \$24 trillion in unfunded liabilities. So we are exacerbating—we are making those liabilities worse, not better—to fund a new entitlement program.

I would ask: Who has changed Medicare? Who has made it impossible for us to continue, under the present course, to keep that promise to our seniors? Why is it so important that we work together to try to come up with a solution to fix it? Just when we think the debate could not stoop any lower and people could not act any more irresponsibly, we are confronted with political ads already about Republicans rolling a senior off a cliff in a wheelchair.

I know the American people are smart enough to figure that out. They realize this is just an attack ad, and they are smart enough to look at the substance. But what we need is a real debate and a discussion and try to

work together to try to solve our problems, not just sort of “gotcha” politics, the sort of thing people have come to loathe about Congress and Washington, DC—not people working together to solve problems but people playing “gotcha” and focusing only on the next election, not on the next generation.

My colleague from Wyoming talked about the Independent Payment Advisory Board, and I realize that is a mouthful. But it is bureaucratese, Washington speak, for an unelected, unaccountable group of bureaucrats—15 of them—appointed who will actually have the job of cutting payments to doctors and hospitals, which will have the practical impact of limiting seniors’ access to Medicare benefits. What good is providing coverage to our seniors if they can’t find a doctor or hospital to treat them?

Well, this is good old-fashioned—I should say bad old-fashioned—price controls, and they don’t work. We have seen that already in Medicare. In my State of Texas alone, about a third of the doctors already limit their new Medicare patients, according to the Texas Medical Association. So if you live in the rural parts of the State, it is hard to find a doctor. We know the price controls of this rationing board will make this trend worse and accelerate it, leading to longer wait times and harder-to-access treatment.

If the board forces our seniors to wait longer for the life-saving treatments they need, does that change Medicare as we know it? Well, it surely changes Medicare as people have come to expect it and deserve it. Yet the President has done nothing but double down on this rationing board. You heard in the speech he made in April—the one I referred to a moment ago—at Georgetown. He said we are going to extract, in the first 10 years another  $\$ \frac{1}{2}$  trillion in savings from Medicare, and in the second 10 years, another \$1 trillion—\$1.5 trillion sucked out of Medicare. I have to ask, what do you think that is going to do to people’s access to a doctor and a hospital?

That is the President’s framework. It is not a budget. It is not the numbers we are accustomed to considering and voting on, but that is his proposal. If the President’s proposal to cut \$1.5 trillion out of Medicare in the next 2 decades doesn’t change Medicare as we know it, then I don’t know what does.

We know the House of Representatives has labored mightily to produce a budget—the so-called Ryan plan. Many colleagues on the other side relish the fact that they have stood back and waited for House Republicans to act responsibly to try to wrestle with these problems and confront them, to tell the truth to the American people about the problem, and then they tried their dead level best to meet those challenges and deal with them like responsible adults. What did they get? A kick in the teeth—attack ads on TV.

Well, this will allow us, under the House proposal, to fix Medicare and to save it. Right now, it is on the road to bankruptcy and oblivion and, for the reasons I have observed, and others, it will not work. There are some on our side of the aisle who may have some problems with the details of the proposed House budget. But the responsible answer to that is, let’s take up and pass a budget in the Senate and give Senators on the Budget Committee an opportunity to offer amendments that would improve it, if they can, and then bring it to the Senate floor and do what we get paid for—take on these hard problems, confront them, debate them, and then make the best decisions we can on behalf of the people we work for in our States and across the country.

I think some elements of the House budget have an awful lot of appeal. In fact, we have seen, based on the experience with Medicare Part D, the prescription drug plan we passed earlier in the last decade, by injecting some market forces and competition and transparency, we can bring down prices and increase the quality of services. In fact, the Medicare prescription drug plan has come in 46 percent below what it was originally expected to cost. That is an example we can learn from and can begin to implement in trying to bring down costs and yet not ration access to care.

Indeed, the premium support model is advocated by many Democrats and Republicans and is similar to how the Federal Government provides health insurance for Federal employees, including Members of Congress. If it is good enough for Congress, why isn’t it good enough to consider for American seniors? Do Republicans want to “change Medicare as we know it”? We want to save it, we want to fix it, and we want it to be there as a promise that we can keep, as opposed to one we cannot keep, because it is on a path to bankruptcy and oblivion.

Our friends across the aisle say: No, trust us, we are from the government, we will fix it. The way they want to do it is with Draconian cuts to doctors and hospitals that will limit people’s access to health care. We believe the transparency and choice and competition that has worked in Medicare Advantage and the prescription drug program can work here as well. If people disagree with me, I respect their right to do that. But why aren’t we having a responsible debate on the floor and voting on a budget, as opposed to the irresponsible rhetoric, attack ads, and the campaign already begun for 2012? I am talking about from the White House to the Congress.

I think some of my colleagues firmly believe in their heart of hearts—they have been listening to political consultants, and they say the way to win the next election is to scare the living

daylights out of our seniors. I think that is irresponsible. People should resist the temptation to do that to win an election and keep their job. Indeed, I find myself in agreement with some of the comments made by President Obama himself last summer. He said:

We’re not going to be able to do anything about any of these entitlements if what we do is characterized—whatever proposals are put out there—as the other party is being irresponsible; the other party is trying to hurt our seniors; or the other party is doing X, Y, Z.

I agree with that, but that is not what we are hearing across the aisle and on the airwaves of America. That was the President’s message in 2010. It obviously has changed since 2012, since he began his own personal attack on the only responsible budget proposal that has been made in April.

Unfortunately, I think it is a prematurely begun election campaign for 2012. It is an abdication of our responsibility to engage in this sort of “gotcha” politics, without trying to take on and confront the problem. I don’t think it is responsible to try to scare seniors for political points. But also I don’t think Republicans should allow ourselves to be merely punching bags and let the other side negatively characterize our motives or the seriousness of the problem our country faces.

What we need is to resist the temptation to engage in this sort of gamesmanship and to try to do our dead level best to fulfill our oath and do our job as representatives of the American people. I think they would welcome that. But all we have seen so far is the attacks and the “gotcha” politics, which I think will do nothing but earn their contempt, and deservedly so. We can do better and we need to try.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Minnesota.

**Ms. KLOBUCHAR.** Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### THE BUDGET

**Ms. KLOBUCHAR.** Mr. President, I rise to discuss the budget. I have long believed we need to get serious about the deficit. I have been listening to my colleagues across the aisle, and I believe we have to be responsible in the way we do it. That is why a year ago I was one of a handful of Senators who fought for the creation of the fiscal debt commission. In fact, a number of us came together and said we are going to get this debt commission or we won’t vote for the debt ceiling increase. As a result, while we could not get the statutory fiscal debt commission, we got the debt commission. A lot of people thought it would result in a report that would sit on a dusty shelf, but it has been well received, and it is

the blueprint for a group of Senators who are negotiating a bipartisan plan for the budget.

Like everybody, I don't agree with every single recommendation in that report. But I have, in fact, supported the bipartisan effort. I think there are a lot of good things in that report and a very strong way to reduce the debt in the long term.

This week, we are scheduled to vote on the Ryan budget. If it wasn't already crystal clear, this vote will show that a comprehensive solution to our fiscal challenges cannot be achieved by drawing ideological lines in the sand.

When the Ryan budget was first rolled out, some hailed it as courageous. But I have to ask how it can be called "courageous" when it protects the \$4 billion a year we give to oil companies, it fails to address some of the military defense spending that even Secretary Gates has said could be cut. Instead the House passed its budgets on the backs of the middle class and seniors. In Minnesota, we don't call that courageous.

Before we get into the policy, we should step back and look at the numbers. According to the CBO, our debt is currently projected to reach 67 percent of GDP in 2022, but under the Ryan plan debt would actually reach 70 percent of GDP by 2022.

So despite \$4.3 trillion in drastic and painful cuts—two-thirds of which would come on the backs of the middle class—the plan barely reduces deficits at all over the next decade.

Despite the fact that the budget doesn't achieve what it sets out to accomplish in deficit reduction, leaders in the House continue to try to frame the debate in terms of numbers. That is because when you take their plan to the American people and ask them, "Are these your priorities?" and, "are these your values?" the resounding answer is, "no." The American people want a reasonable, bipartisan plan that addresses our serious challenges. That House Ryan budget is not the answer. What this debate boils down to is not where we need to get but how we will get there.

I believe we need to reduce this debt. I believe we can reduce that \$4 trillion in the next 10 years. I believe there is a much better way to do it than what we have seen in the Ryan budget.

It may look like this plan to end Medicare that they passed in the House is reducing health care costs, but it only does so by ending Medicare as we know it.

This plan would gradually replace Medicare with a system of vouchers that seniors could use to help buy private health insurance. This would put private companies in control of health benefits and cause seniors to pay more for their health care or get fewer benefits.

Because the voucher will fail to keep pace with increases in the cost of

health care, the Congressional Budget Office estimates that seniors and the disabled would pay sharply more for Medicare coverage under the Ryan plan—an average of \$6,359 more in the first year, more than double the cost under current law.

Defenders of this plan say it won't affect anyone who is over 55 and that Medicare will be available for them. Unfortunately, this isn't true. The Ryan plan would repeal the part of the health care reform law that closes the Medicare prescription drug "doughnut hole." This is the gap in coverage where seniors have to pay all of the costs of their prescription drugs. Currently, that number is a little over \$3,600. This would mean seniors would have to pay much more out of pocket for prescription drugs. In Minnesota, that would cost our seniors \$40 million in 2012 in additional drug costs alone.

I believe we must do all we can to rein in health care costs. Minnesota has always been a leader in providing low-cost, high-quality health care, and I believe we can be an example of how we can reduce health care spending, while still delivering excellent care to patients.

For instance, if the spending per patient with chronic diseases everywhere in the country mirrored the efficient level of spending in the Mayo Clinic's home region of Rochester, MN, Medicare could have saved \$50 billion over 5 years. Medicare could have saved \$50 billion over 5 years by using the Mayo model—some of the highest quality health care in the world. So, yes, there are ways we can better deliver health care not only for less cost but also for better results.

Medicare must continue to institute further reforms including the creation of the accountable care organizations, reductions in payments to hospitals with high readmission rates, bundled payments, and a focus on fraud. These reforms are meant to incentivize doctors and hospitals to provide high-quality, efficient care.

The radical changes to Medicare that are proposed in the Ryan budget are not solutions to our long-term debt. There is a way to get the country on a better fiscal path, one where you are not doing it on the backs of our seniors. You would think that if you were going to take such a drastic step as any Medicare as we know it, you would put most of the savings toward deficit reduction. Instead, the Ryan budget uses its \$4.3 trillion in savings for \$4.2 trillion in tax breaks that would disproportionately go to the wealthiest Americans. Again, instead of putting that money into deficit savings, it disproportionately puts the money in the pockets of the wealthiest Americans. At the same time the House Republican budget is disproportionately targeting seniors and the middle class, it leaves the Pentagon—which makes up

20 percent of the budget—virtually untouched. Defense Secretary Gates himself has mapped out several smart cuts and alternatives we can make to the Defense budget to save a net \$78 billion over the next 5 years. In the spirit of shared sacrifice, I agree we should include commonsense cuts to defense spending to reduce the Federal budget.

Those are just some of the ideas. This basically comes down to value. Look what we can save. We can save \$240 million—\$240 million—simply by negotiating prescription drug costs under Medicare Part D—\$240 million over 10 years. We can save \$4 billion annually—that is \$40 billion over 10 years—by taking away the tax breaks of the oil companies. We can save \$78 billion with the defense cuts I just discussed. We can bring the tax rates back to the Clinton levels for people making over \$1 million. Even if we set it at \$1 million, we save \$360 million over 10 years. That is real money. That is a budget that is based on values that protect the middle class.

When I talk to the people of my State, they want a plan that has shared sacrifice, that is reasonable, and that is bipartisan. They want a balanced and reasonable approach. They want us to come together on a plan that will strengthen our country. I look forward to continuing to work across the aisle to make this happen. Unfortunately, that is not what this Ryan budget is about.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHANGE OF COURSE IN AFGHANISTAN

Mr. BAUCUS. Mr. President, I rise today to call for a change of course in Afghanistan. On May 1, a targeted strike by U.S. forces achieved a central goal of the war that began in Afghanistan nearly a decade ago.

The death of Osama bin Laden by no means ends the threat posed by al-Qaida or other terrorist groups. However, bin Laden's death provides an opportunity for Congress and the White House to assess a new strategy for keeping America safe and defending our interests around the world.

Today, I am calling for three changes to our strategy in Afghanistan. First, we must begin handing responsibility over to Afghan forces and bring most of our troops home by the end of next year. Second, we should focus on fighting terrorism, not nation building. Third, our efforts to keep America safe from terrorism should center on where most terrorist threats come from, Pakistan.

The United States should not be doing the work the Afghans should be doing for themselves. The Afghans need

to stand up and take responsibility for the security of their own country.

The President has announced this July will mark the beginning of a transition of security responsibility to Afghan forces. However, in my view, the transition plan is too slow. We need to begin handing responsibility of security to Afghan forces immediately and aim to have most U.S. combat troops out of Afghanistan by the end of next year.

We should leave behind only a small force necessary to hunt down and kill terrorists in Afghanistan and help the Afghan military perform their duties.

We Americans are fortunate to have the best military in the world. These brave men and women continue to do everything we ask of them. They have spent almost 10 years fighting in Iraq and Afghanistan. Many of our troops have spent multiple years deployed overseas, hiking over frigid mountains, traversing hot deserts with heavy loads on their backs, and spending years apart from their families. But we don't hear these troops complain. These Americans continue to serve and to fight and to die for a country we all love.

Seeing these troops in action during my visit to Afghanistan last year was truly remarkable, very impressive. Their unwavering commitment has come, however, at a great price. As of today, 1,219 troops have been killed in Afghanistan, 11,411 have been wounded, 9 Montanans have died, and 50 Montanans have been wounded fighting in Afghanistan.

These Montanans hail from small towns such as Hungry Horse, Darby, Shepherd, and Troy. Behind each of these fallen warriors are dozens of broken hearts in their families and communities. Thousands more will suffer their entire lives with post-traumatic stress disorder or traumatic brain injuries that have thus far gone undetected.

These brave troops continue to fight because we ask them to and because they love their country. I receive letters from their families all the time, like this one from Janice Roberts from Malta, MT. Janice writes:

Our 27-year-old son is being sent on a third combat deployment to Afghanistan. This is his second ordeal in less than a year. Our son has not even recovered emotionally or mentally from the last two deployments. Truthfully, the only people who care about what is happening to our young troops are the military families.

This letter is a reminder we have a sacred obligation to our troops and their families. Any mission we ask them to accomplish must be vital—absolutely vital—to America's national security.

It is time we demand the Afghans shoulder more of the load. Afghan police forces stand at 285,000. In 2010, the Afghan National Security Force grew by 70,000. We have spent 10 years train-

ing them. It is time for the Afghans to do the job we have trained them to do.

As we draw down in Afghanistan, the Afghans will have to step up. As we withdraw, they will have the task of governing their own country. The Afghans will develop Afghan solutions to Afghan problems, and that is the way it needs to be.

Second, we need to invest more in killing terrorists and less on nation building. The raid that killed bin Laden relied on years of perseverance by intelligence officers, expensive surveillance technology, and the best special operations forces on Earth. We need to continue to make investments in these capabilities to see that other terrorists face the same fate as bin Laden.

As we invest more in counterterrorism capabilities, we do so knowing full well we are facing enormous challenges at home. The U.S. Government's total debt exceeds \$14 trillion.

Mr. President, I ask unanimous consent to proceed for another 5 minutes, and I will not ask for another extension.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank my good friend for being so helpful.

The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, described the U.S. debt as the "biggest national security threat." Since September 11, 2001, we have spent over \$1.2 trillion in Iraq and Afghanistan. Just think of that—\$1.2 trillion. Every month we spend \$10 billion in Afghanistan. This is roughly \$1 out of every \$7 we spend on defense. This level of spending is simply not sustainable. We should focus on the core mission that led us to Afghanistan to begin with, and that is keeping America safe from terrorism.

Finally, and most important, our fight against global terrorism must begin to focus on Pakistan. In 2008, then-CIA Director Michael Hayden said:

Let me be very clear today. Virtually every major terrorist threat that my agency is aware of has threads back to the tribal areas of Pakistan.

A State Department report last summer reiterated this assessment and found that "al-Qaida's core in Pakistan remained the most formidable terrorist organization targeting the U.S. homeland."

We have invested enormous sums to build an effective partnership with Pakistan to fight terrorism. Since 2002, the United States has provided over \$18 billion in foreign assistance to Pakistan—the highest of any other country in 2009 except Iraq and Afghanistan. Yet it is no secret that Pakistan plays a double game. Osama bin Laden's hideout location raises serious questions.

I recently called upon Secretary of Defense Gates and Secretary Clinton to

take a hard look at whether Pakistan is doing enough to find and kill terrorists in its own country. I will not support providing funding to Pakistan until I view this assessment. I am gravely concerned about the commitment of Pakistan's military intelligence services to fighting terrorism.

During a visit to Pakistan last year, I made it clear to President Zardari and General Kayani that Pakistan must do more to eliminate safe havens within their own borders. We cannot accept excuses; we need results. Without progress in Pakistan, we cannot succeed in Afghanistan. But the sad irony is that our large troop presence in Afghanistan actually makes it harder to press Pakistan to crack down on terrorists and militants.

Most of the fuel, food, and ammunition for our troops in Afghanistan is imported through Pakistan. As long as we depend on the Port of Karachi for our supplies, we have limited leverage on Pakistan to force an end to this deadly double game. To effectively defend our Nation against terrorism, we need to begin withdrawing from Afghanistan and focus more on Pakistan.

Our military can do almost anything we ask it to do, but it can't do everything. To meet the growing challenges around the world, we need to start bringing our troops home from Afghanistan this July and complete the withdrawal by the end of next year. We need to work together to make the 21st century the American century—to focus on jobs, improving education, rebuilding roads and bridges, and making the American economy the best place to do business in the world.

The death of Osama bin Laden marks a turning point in history. We must take advantage of this opportunity to chart a new course in Afghanistan. I salute the brave men and women who made this day possible and who continue to serve overseas.

My thoughts are with the hundreds of Montanans serving in the Armed Forces. May God bless America and may He keep our brave troops safe.

Mr. President, I again thank my friend for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 1 hour.

Mr. PAUL. Mr. President, I come to the floor today to speak about the PATRIOT Act. I think it is a shame we are not going to be debating or having any votes on this act, particularly since it was promised by our leadership.

I would like at this time to yield the floor to my good friend, the Senator from New Mexico, if he would like to make a few remarks.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me just say to my colleague from Kentucky, Senator PAUL, I

very much appreciate his yielding a little time, and I am looking forward to hearing some of his statements on the PATRIOT Act. I know this is an issue that is close to his heart.

I served with his father in the House, and I know he was very passionate on this issue. I know it is an issue on which the Senator from Kentucky campaigned and about which he has great passion, and he has brought that passion to the Senate floor. So I very much appreciate that and would like to work with him.

First of all, when we call it the PATRIOT Act, I put that in quotes and call it the so-called "PATRIOT Act." This is not a patriot act. Patriots stand up for the Constitution. Patriots stand up for the freedoms and liberty that are embodied in the Constitution. I think true patriots, when they are public servants, stand up and do what is right, even if it is unpopular.

One of the things I talked about a little earlier today was how the PATRIOT Act became law. I was over in the House of Representatives, serving with the father of the Senator from Kentucky, and I remember well what happened on 9/11 when the planes went into the Twin Towers in New York, and then shortly after a plane was coming into the Pentagon in Washington, and how we were all horrified at this incident and what had happened. What transpired on this legislation, this bill that later became law, the so-called PATRIOT Act, is everybody became so concerned that they decided we, the institution, the Congress, could not debate it; we had to just pass legislation we had not even read. So we did not have committee hearings. We did not bring in all the people who normally would be brought into the process, who understand the Constitution. We didn't do any of that. Within a matter of weeks after 9/11, we brought a bill to the floor of the House of Representatives without the normal preparation, and basically everybody was told we just need to pass this.

I remember one Senator—one Representative at the time—waving a piece of paper and saying: There is only one copy of this on the floor, and it is hot off the press. He had a piece of paper from the Xerox machine that was still hot. Those were the circumstances in which we voted, and that is how we got the so-called PATRIOT Act.

What has happened since then? Senator BAUCUS, my colleague here from Montana, talked about the capture of Osama bin Laden. We have been in Afghanistan, we displaced the Taliban government, we eliminated the training camps, we decimated al-Qaida, we captured bin Laden. We have done all these things, but one thing we have not done is come back and revisit the PATRIOT Act, taken a really hard look at it to say is it working or is it not and allow all the Senators here the opportunity to offer amendments.

I know the Senator from Kentucky has several amendments he would like to offer. I have an amendment that really focuses on what has happened here today—in the last couple of days. We had an extension. We thought we were going to have debate. Because of the gridlock and everything that goes on here, we got jammed up. My amendment would say, let's not extend this for 4 years without open debate. It would say, let's take 3 months, do another extension, and really focus on the idea that when that 3 months is up, we are going to be allowed the time to have debate, to have discussion, to have very knowledgeable individuals who serve on the Judiciary Committee—I believe the Presiding Officer serves on the Judiciary Committee, others serve on the Judiciary Committee and have the expertise—with all that expertise come to the floor. I am on an amendment with Senator LEAHY which is a good, solid amendment that has to do with various aspects. I hope we can get that to the floor. We all have amendments, but we are jammed up in this process now. The amendment I would propose is that rather than 4 years, for 3 months what we do is organize ourselves so we can come back, we can have the debate, we can have an open amendment process and then move on to whatever we move on to. But at least the Senate will have worked its will.

We are told over and over—and I always heard it in my civics class—that the Senate is the greatest deliberative body. If we are a great deliberative body, we have not focused that deliberation on one of the most important aspects of our society; that is, our liberty and our freedom that is enshrined in the Constitution.

I find it a little ironic, in a way, the contrast we have today with the situation in the Middle East. We have many of these countries where the people of those countries are striving for more freedom, striving for more democracy, and we are supporting that effort. President Obama and many Members of the Senate, many Members of Congress are saying we think this is a good idea, that there is a striving for more freedom. But here on the floor of the Senate, we are not willing to analyze what this so-called PATRIOT Act has done to our freedom in the United States.

This is not just my view. There are some independent views as to why the PATRIOT Act needs to be examined, why the PATRIOT Act needs this open debate, needs deliberation. In March of 2007, the Justice Department inspector general came out and took a look at the PATRIOT Act process and the national security letters. As the Senator from Kentucky knows, a national security letter doesn't have court supervision. The FBI can issue a national security letter—an official in the FBI—without that kind of supervision. The

inspector general concluded there was some serious abuse within the Department of Justice as to how the FBI and other officials were using national security letters. I put that information from an inspector general in the RECORD earlier this morning. It highlights serious problems. We have not looked at that. We have not debated that. We have not allowed amendments on that national security letter. I think the Senator from Kentucky has one on that, which he is going to be talking about in a little bit.

Second, an independent branch of our government—the courts—has looked at the PATRIOT Act. Several courts have found provisions of the PATRIOT Act unconstitutional in terms of the fourth amendment, in terms of the first amendment, and many of those decisions are working their way up through the courts. It is only prudent that we, as the Senate, take a look at those rulings, analyze what the courts are saying, and then come back to this so-called PATRIOT Act and see whether we need to make changes based on what the courts have told us. We have those rulings. We have not taken a look at them.

We are at a point where we need deliberation. I very much appreciate the Senator from Kentucky speaking out on this issue.

Benjamin Franklin used to talk about our freedom and liberty that was in the Constitution, and I am paraphrasing here, but he would say that those who would sacrifice liberty for security deserve neither. That is a very powerful statement by one of the Founders of our democracy.

With that, I thank the Senator from Kentucky for yielding me time, and I look forward to hearing his comments on the floor and look forward to working with him so we can get an open, deliberative process here that will really serve America and move us toward the deliberative process I think we all want.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. PAUL. I thank the Senator for his comments. I think what this shows is that it is a bipartisan effort that says we should protect our Constitution. Those on the left and those on the right who believe in the Constitution believe it should be protected. That brings together some of us who may not necessarily agree on all other issues, but when it comes to the Constitution, when it comes to the basic Bill of Rights, we are concerned both on the right and left, on the Democratic and the Republican side. The problem is that those of us who are concerned with the Constitution are in the minority of both sides, so we are being quieted down, we are being told to sit quietly in the back of the room and don't make waves. We want to

have a debate over the PATRIOT Act because we are concerned about our liberties. We are all concerned about terrorism too, but we don't think you have to give up your liberties in order to combat terrorism.

On February 15, we extended the PATRIOT Act for 90 days. During that time and on the Senate floor on February 15, we were promised a week of debate, and we were promised an open amendment process. We are now amidst a process where we will have no debate and no amendments. Do we fear terrorism so much that we will not have debate? Do we fear terrorism so much that we throw out our Constitution and are unwilling and afraid to debate our Constitution? I think it is a sad day that we can't do that. Are Senators afraid to vote on the issues of the day, afraid to debate the Constitution, afraid to have an open forum and debate whether the PATRIOT Act is constitutional? I think this does a great disservice to the voters.

They talk about this being the world's most deliberative body. We are unwilling to deliberate. We are unwilling to have questions broached as to whether the PATRIOT Act is unconstitutional. We have had 99 days since we extended it, 43 days in session, and we have had 56 votes. What does that mean in the context of things? We are setting a record for the least amount of votes ever to occur in the Senate. There are some important questions we should be debating, but unless it is a forgone conclusion, unless they have counted the votes and decided the outcome before we have the debate, we are precluded from debating.

Wendell Phillips, the great abolitionist, wrote, "Eternal vigilance is the price of liberty." The PATRIOT Act is a perfect example of how a lack of vigilance leads to loss of liberty.

In the aftermath of 9/11, we amended the Constitution with the PATRIOT Act. You say: Whoa, we didn't have an amendment to the Constitution, did we? We did not do it the way we are supposed to, but we did in reality amend the Constitution with the PATRIOT Act. How did this happen? We were fearful. Mr. President, 9/11 had happened, and we wanted to stop terrorism. All of us want that, but do we have to give up our constitutional liberties in order to do that?

How did the PATRIOT Act change the Constitution? How did the PATRIOT Act change the fourth amendment? In the fourth amendment, it says:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The PATRIOT Act changed this. The PATRIOT Act changed the standard

from probable cause, which is a long-standing position and standard within the courts which limits the police from coming into your house unless there is probable cause that you have either committed a crime or are in the act of committing a crime—we changed this to a standard we now call relevance. But that is changing the Constitution.

How do you change the Constitution by majority vote? It is supposed to be a supermajority in both bodies. Then it is to go back and be ratified by three-fourths of the States. It is supposed to be difficult to change the Constitution, difficult to amend the Constitution. Why? Because we thought some of these rights were so important that we should not allow a majority to change them. Those of us who own guns and believe in gun ownership think the second amendment is protected from a simple majority taking away the second amendment. Likewise, the first amendment—those of us who prize the ability of the press to print and to respond and to hold beliefs, however unpopular, those of us who wish to have a country in which religion is not hampered and we can say what we believe and not have it hampered by the government, we don't believe a majority should take away these rights.

But a majority did take away part of the fourth amendment because we changed the standard of the fourth amendment from probable cause to relevance. So if they want to look at your records, they just have to say it is relevant. They don't have to say you are a terrorist. They don't have to say you are a foreigner. They don't have to say you are conspiring with anyone. They just have to say they have some interest in your library records.

How often is this going on? There is something called suspicious activity reports. Some of this was started before the PATRIOT Act, some of it is separate from the PATRIOT Act, but much of it was emboldened by the PATRIOT Act. The suspicious activity reports are where your bank spies on you. You may not know this is happening, you may not even know if they have spied on you, and they probably won't tell you. But if you made a transaction that involved more than \$5,000, you could well have been spied on by your bank and reported to the government.

Some people say: I am not doing anything wrong; I don't care if they look at my records. Here is the thing: If you look at my visa bill, you can tell what doctors I go to. If I see a psychiatrist and I don't want everybody to know it, that may be on my Visa bill these days. What magazines I read is on my Visa bill, what books I order from Amazon or another bookseller from the Internet, whether I drink alcohol, whether I gamble. There is a lot about your life that is involved in your financial records, and I think they do de-

serve protection and we do deserve a standard where we don't say, well, it might be relevant, or, we might just want to troll through all these records to see if anybody might be committing a crime.

This one is even worse than many of the other aspects because the suspicious activity reports do not begin with the government asking any questions. They tell your bank to watch you. Your bank is to watch you and to watch all of your transactions and to report to the government. So they have force.

You say: Maybe they are only reporting terrorists. Since 2001, since 9/11, 8 million suspicious activity reports—8 million—have been filed. Over 1 million of these are filed a year. The thing is, you could well ask for a Freedom of Information Act inquiry and ask whether you have been investigated by your government for your transactions.

My point is this is an invasion of your privacy. It does not have any judicial restraint upon it. And the other thing is, it may not even be good for finding terrorists. It may be they are getting so much information they cannot even read or listen to all the information. It is kind of like what they are doing at the airports. Because they insist everybody be searched and everybody be patted down, we are patting down 6-year-olds. A little girl in my town—her dad is a physician and practiced with me at my same practice—was patted down where they are putting their hands inside her pants. This is absurd—6-year-old girls.

The thing is, by doing that, they are wasting time on people who will not be attacking us and spending less time on people who will be attacking us. It is the same with banking records. If they are looking at your banking records, they do not have the time to spend looking at records of people who possibly would be attacking us. Eight million records have been looked at—no judge's order, no judicial review. This one is not even reviewed by anybody in government. They are giving this power carte blanche to banks, and they are telling the banks: If you do not spy on your customer, you will be fined. They estimate that \$7 billion a year is spent by banks complying with this order to spy on their customers.

The thing is, we are having trouble in our economy. The banks are struggling. The economy is struggling. We are having trouble with jobs. And yet we are going to add \$7 billion of costs onto the banks to spy on their customers.

Might there be an occasion where a bank transfer or bank activity could be a terrorist activity? Yes. If we are investigating those, let's ask for a warrant. You say: It will be too slow. We never get it. Warrants are almost never denied. There is a special court set up for the investigation of intelligence. It

is called the FISA Court. It has been around since the 1970s. Before the PATRIOT Act, the FISA Court never turned down a warrant.

You say: These people are awful; we have to get them off the street. It doesn't matter, I don't want any restraint; I just want it done.

Unfortunately, that has been the attitude of the people up here and a majority of people after 9/11. The people were so frightened that they said: Do anything, I don't care.

The problem with that attitude is, even if you want to argue that has not been abused yet, what happens when people are elected to your government who decide they do not like your religion or you believe in a certain kind of marriage, and you want to say this and they want to investigate you? There is no step to stop that. There is no step to say: Your church believes in this unorthodox belief or this belief that we do not call politically correct or it is no longer acceptable, but we want to investigate the banking records of the church and see if we can take away their IRS number or tax exemption. If you do not have any restraint to these activities, someday we will get a government that has no restraint and then goes forward to say: We want to get that church shut down because that church is saying something we disagree with or these people are reading these books we do not like.

This goes across the party aisle. The Library Association is concerned with this also, that people's books are being looked at. Think about it. Do you want the government to know what books you read? Do you want to be on a watchlist because of the books you read?

They say: Oh, there are provisions. We have made provisions. That will not happen.

The only way you have a real provision or protection is if you have procedural steps that say someone must review this before it happens.

If we have someone who we think is terrible and they need to be off the streets, if they are accused of rape, accused of murder, accused of robbery, accused of the most heinous crimes we can think of, and it is 2 in the morning, we call a judge and we get a warrant. It is almost never turned down. But it is one step removed from the police breaking down every door of every person they suspect and not having any kind of discussion with someone who has a level head, who is not part of the investigation.

Many up here will say we are in grave danger. If the PATRIOT Act expires, all things could happen and terrorism could break loose. What they are arguing, though, is that there is a scenario where we would not get warrants to investigate terrorism. That never existed. Before the PATRIOT Act, we were not turning down these warrants.

Some have argued that Moussaoui, the 19th hijacker—he was captured a month in advance of 9/11—many have said that if we only had the PATRIOT Act, we could have gotten him. That is untrue. There is a provision called the lone wolf provision in the PATRIOT Act, but we did not get Moussaoui because we did not do our job. We did not communicate well. The superiors to the officers and the FBI agents in the field did not even ask for a warrant. They turned down a request for a warrant without even asking the FISA Court for it.

We have the 19th hijacker a month in advance. We have his computer. When we do look at his computer on 9/12, we link him very quickly, within a matter of hours, to all the other hijackers. It is easy in hindsight to say we could have stopped 9/11, but to tell you the truth, we have to look at the rules and say: Could we possibly have gotten that information? The answer is yes.

The FBI agent in Minnesota wrote 70 letters to his superiors. The FBI was told that Moussaoui was possibly an agent of terrorism. The French Government confirmed it. That was all we needed. With that information, had they gone to the FISA Court, they would have gotten a warrant. When the 9/11 Commission report came out, they acknowledged as much. Moussaoui's warrant, in all likelihood, would not have been turned down, and there is a possibility we would have stopped it.

The suspicious activity reports are particularly galling because they are businesses that are forced to spy on their citizens. There is another form of spying that goes on as well. These are called national security letters. These are like warrants. They go after your banking records, such as the suspicious activity reports, but they are a little more targeted in the sense that the government is asking for an NSL. But it is not a judge who asks for an NSL. The person who asks for an NSL is an FBI agent, essentially a police or law enforcement agent. The danger here is that we have removed the step where the police officer or the FBI agent would then ask for permission from a judge. That is my problem with these national security letters.

Some say: We are not doing that many of them. Initially, we were not. Now we have done over 200,000 national security letters. One of my reforms, if it were to take place, would be to ask judges to review these. I see no reason why they should not review them.

Some have said: You have no expectation of privacy. The courts have already ruled that you have no expectation of privacy in your papers or electronic records. This is the way it has been interpreted, but I think it has been misinterpreted. I think it has been interpreted that your banking records do not deserve privacy when they are not in your house, and I think

it is an incorrect interpretation of the fourth amendment. The fourth amendment says that in your papers, you are to be protected. It does not specify those papers are in your possession or in someone else's.

At this time, I yield the floor to my good friend from South Carolina.

Mr. DEMINT. Mr. President, I thank Senator PAUL. I came down to the floor to thank him for bringing up a number of issues of concern and being willing to stand here and tell America what those concerns are.

I also respect his demanding the opportunity for debate and for amendments of such an important bill. It is extraordinary, particularly after the majority leader had promised in February that the PATRIOT Act renewal would get a week of debate with the chance to offer amendments. After a couple of weeks of doing absolutely nothing on the Senate floor, Senator PAUL and others were denied the opportunity to offer amendments that would have brought up legitimate debates about the PATRIOT Act.

There are a number of things a lot of us would have liked to have learned more about, heard some of the arguments we have heard from Senator PAUL today. Unfortunately, that has been limited to a relatively small amount of time. It is, frankly, stunning to me that the majority is actually willing to let the PATRIOT Act expire rather than give Senator PAUL a few amendments. That is an extraordinary situation for the Senate that considers itself the world's greatest deliberative body when one of the most important pieces of legislation we could consider is jammed up against a break with no opportunity for amendment.

I do not want to interrupt Senator PAUL's flow because I think a lot of the things he is talking about are important that we consider. Unfortunately, they will not be considered. It does not sound as if his debates will be allowed and for the amendments to be considered. It sounds as if what they are going to try to do is blame him for us voting late or early. But I commend Senator PAUL for standing for good judgment and common sense on a matter of this importance. Whether we agree or disagree with all the amendments is not the point. It is too important to be handled this way.

I will allow Senator PAUL to continue, and I yield the floor. I thank him for what he is doing.

Mr. PAUL. Will the Senator yield for a question?

Mr. DEMINT. Yes, I will.

Mr. PAUL. Mr. President, not only are we not debating the PATRIOT Act, but does the Senator from South Carolina think we have given sufficient floor time to amendments and proposals as to how to deal with the debt problem?



Mr. DEMINT. Mr. President, I think the Senator from Kentucky knows the answer to that question. Some of us have reserved time between 2:30 p.m. and 3:30 p.m. for some give-and-take and some debate on the floor about the budget votes that will be this afternoon. But that time was canceled by the majority.

We have an impending debt that everyone in the world, except for those inside this body, seem to understand. We are in trouble as a country. The majority has not produced a budget in over 700 days, I think it is. At the same time, we are trying to negotiate how we will move forward on this huge important point of raising the debt ceiling which none of us want to do. We are avoiding the subject of balancing the budget. The majority leader has said these kinds of issues are off the table.

It is very frustrating, whether it is the debt ceiling, whether it is the PATRIOT Act and our homeland security, that we are spending weeks doing nothing, bringing up, in some cases, controversial judges who should not have been nominated in the first place, spending day after day of floor time and not bringing up important issues. We are all concerned. I know America is concerned.

Again, I thank Senator PAUL very much for the willingness to bring out the point that we have something here that is very important to our security, to the privacy of every American. It needs to be vetted, debated, and amendments need to be offered. Yet this has been denied after a promise. I certainly encourage the Senator to continue. I thank him for his courage.

Mr. PAUL. Mr. President, one other question is, we will not all agree necessarily on the PATRIOT Act. The thing is, even for those who feel it is important it not expire, why would they not consent to some debate? I have asked for three amendments, three votes. We could do them in the next hour. We could debate and have this time and there would be no expiration of the PATRIOT Act for those who think it expiring is a problem.

Mr. DEMINT. Mr. President, as the Senator from Kentucky knows, he has 11 amendments he wishes to have considered. He was willing to compress the time so we could do that expeditiously. They would not agree to that. Senator PAUL is willing to compromise to three amendments. It sounds as though they do not want him to offer those amendments because, frankly, they do not want to take a vote on some of them that may expose what they believe. It is a frustrating situation for Senator PAUL. As our majority friends over here like to do, they cause the problem and try to blame it on us. As the Senator said, within a few hours, this could be decided and over. We could pass the PATRIOT Act. Folks could vote for or against what they want. We

could send it to the House, and it could be done. It does appear the majority is willing to let this important legislation lapse just to stop the Senator from Kentucky from offering a few amendments. That is an extraordinary situation.

Again, I thank the Senator for yielding. I appreciate him getting this debate out on the floor.

Mr. PAUL. Mr. President, I do not quite grasp why they are so fearful of debate and fearful of votes, that they are willing to let the PATRIOT Act expire to prevent debate and prevent votes. The sticking point turns out to be an amendment basically on preventing gun records from being sifted through under the PATRIOT Act. People say: Well, what if someone—a terrorist—is selling guns illegally? Couldn't we get them? Yes, we could get them the way we get everybody else: Ask the judge for a warrant. Judges routinely do not turn down warrants. It worked for us for 225 years, until the PATRIOT Act, when we had a process, the fourth amendment, protecting us from an overzealous government. But it also worked to catch criminals.

At this time I yield the floor temporarily to my good friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I thank the distinguished Senator from Kentucky for standing up for the fourth amendment principles he has articulated today.

This is an important issue to all Americans. Americans are at once concerned about our national security. They want to make sure we can identify and apprehend those people who would harm us. At the same time, Americans are firmly committed to the idea of constitutionally limited government—the concept that regardless of how passionately we might feel about the need for certain government intervention, we can't ever allow government to be operated completely unfettered. We have liberty in place whenever government is controlled by the people, and whenever there are certain things that are beyond the reach of the government.

Senator PAUL has helped identify some key areas of concern that have been implicated by the PATRIOT Act. He has suggested that we ought to at a minimum have a robust debate and discussion over some amendments that might be proposed to the PATRIOT Act before we proceed. Three months ago we had a discussion, we had a vote, and there were a few of us who voted against the PATRIOT Act—not because we don't love America, we do. We want to protect America. We voted against it because we love America, because we believe in a constitutionally limited government, because we want to make it better. We want to make this some-

thing that can at the same time protect Americans but without needlessly trampling on privacy interests, including many of those privacy interests protected by the fourth amendment.

Bad things happen when we adopt a law without adequately discussing its merits. Years ago, when the PATRIOT Act was adopted, there were a number of people who raised some of these privacy concerns. For that and other reasons, Congress made the decision way back then—almost 10 years ago—to adopt the PATRIOT Act and adopt certain provisions of it subject to some sunset provisions so that Congress would periodically be required to debate and discuss these provisions. It does us no good if every time it comes up we are told we have to vote for it or against it; we can't really debate and discuss it or consider amendments to it.

We were told 3 months ago that at the end of May—and we are now here—we would have an opportunity to debate, discuss, and consider amendments. That opportunity has now been taken away from us and with it the chance to address many of these important privacy implications, many of which do implicate the fourth amendment in one way or another.

Senator PAUL has referred to some of them, including some of the implications of the national security letters which, while not directly implicated by the expiring provisions at issue right now, are inextricably intertwined with other issues that are in front of us, including those related to section 215 orders and including the roving wiretap issue that is up for reauthorization.

So I speak in support of the idea of robust debate and discussion, especially where, as here, it relates to something that is so important to the American concept of limited government and so closely related to our fourth amendment interests. We ought to have robust debate, discussion, and an opportunity for amendment.

I thank Senator PAUL for his leadership in this regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. When we look at this debate and we talk about exactly where we should go from here and why it is important, it is important to look at the PATRIOT Act and say to ourselves: How do we protect our Constitution if we are not willing to protect all parts of it? So many conservatives are avid for the second amendment. I am one of them. I want to protect the second amendment. But I tell those who want to protect the second amendment that they can't protect the second amendment if they don't believe in the first amendment. If they don't believe in the first amendment, they can't have that voice that it will take. If they want to place limitations on groups that advocate gun ownership under the second

amendment, that will limit the second amendment. But, likewise, they cannot protect the second amendment if they don't believe in the fourth amendment.

There is no reason we should allow a government to look at our gun records and to troll through all of them. If a government thinks someone is a terrorist, name that person, name the place, and show probable cause. Do we want to allow government to troll through our records? The government has looked at 28 million electronic records—28 million. They are just sifting through all of our records looking for what. I want them to catch terrorists, but I want them to look at the Constitution with some restraint to say this person is a terrorist or we suspect him to be so, for this reason. We need not be so frightened that we give up our liberty in exchange for security.

Some would say our government is full of good people who would say: I have not done anything wrong, and I don't have to worry about it. We are not worried about good government; we are worried about bad government. Jefferson said once upon a time if all men were angels, we would have no concern for constitutional restraint. But there have been times in our history and in the history of other countries where unsavory characters, where despotic characters have won election.

When Hitler was first elected in the 1920s and early 1930s, he was elected popularly. The thing is, they were so mad and upset over World War I that they basically traded. They said: We want a strong leader. Give us a strong leader. But if we have rules that allow that strong leader to grab and do things, that is the real danger. At a minimum now, the danger is—it is a great danger to us if we allow this to go on if we get a despotic government at some point in time.

We are not worried about good people in government. We are worried about people who might be elected who would abuse these powers. It has happened. Look at what happened during certain administrations where people looked at IRS records of enemies. Look at what is happening now where the executive branch is looking at donor records for those who do business with government. If you are a contractor and you do business with government, they want to know who you donate to.

There are dangers to allowing the government to snoop through our records. It doesn't mean we don't want to stop crime, we don't want to stop terrorism. It means we need to have a rule of law, and we need to pay attention to the rule of law.

We proposed several amendments. One of them went through the Judiciary Committee. It was deliberated. It was amended. It was passed with bipartisan support, but we won't get a vote on it. It disappoints me that they are afraid to debate this on the Senate

floor, and we will get no vote on amendments that were offered seriously to try to reform the PATRIOT Act to take away some of the abuses of it.

We offered three amendments to the PATRIOT Act. One was on the gun records. That apparently unhinged people who are afraid of voting on any gun issues. Because of that, we are all going to be denied any debate or votes.

Some will say: Oh, you are going to keep your colleagues here until 1 in the morning. Well, I think when they are here tonight at 1 in the morning, maybe they will think a little bit about why they are here and why we had no debate and why we had the power to have the debate at any point in time. I have agreed and said we can have a vote on the PATRIOT Act in an hour or 2 hours. We could have had a vote on the PATRIOT Act yesterday. But I want debate, and I want amendments. I think that is the very least the American people demand and this body demands, that there be open and deliberate debate about the PATRIOT Act.

One of our other amendments has to do with destroying records. Some of these records they take from us through the bank spying on us, or the government spying on us, are not destroyed. I think these records should be destroyed at some point in time.

For goodness' sakes, if you are not a terrorist, why are they keeping these records? There ought to be rules on the destruction of these records if you are not a terrorist and they are not going to prosecute you.

The fourth amendment says we should name the place and the person. We have one wiretap called the John Doe. They don't name the place or the person, and they are not required to. I think we should. Now, are there times when it might be a terrorist when we say, well, we don't want to name the person? We don't have to name them in public. We could name them to the FISA commission. I do not object to them being named and the name being redacted, but the name should be presented to the judge who is making the decision. I want a judge to make a decision.

James Otis—part of our revolution—for the 20 years leading up to the American Revolution, there was a debate about warrants. They issued what were called writs of assistance. They are also called general warrants. They weren't specific. They didn't say what crime one was being accused of, and the soldiers came into our houses. They would lodge soldiers in our houses, and they would enter into our houses without warrants. The fourth amendment was a big deal. We had passed the fourth amendment, and it was one of the primary grievances of our Founding Fathers.

I don't think we should give up so easily. I don't think we should be

cowed by fear and so fearful of attack that we give up our liberties. If we do, we become no different than the rest of the countries that have no liberties. Our liberties are what make us different from other countries. The fact that we protect the rights, even of those accused of a crime—people say, well, gosh, a murderer will get a trial. Yes, they will get a trial because we don't know they are a murderer until we convict them. We want procedural restraints.

People say: You would give procedural restraints for terrorists? I would say at the very least, a judge has to give permission before we get records. The main reason is because we are not asking for 10 records or 20 records or 40 records of people connected to terrorism. We are asking for millions of records.

There are people in this room today who have had their records looked at. It is difficult to find out because what happens—here is the real rub, and this is how fearful they were. When the PATRIOT Act was passed shortly after 9/11, they were so fearful that they said: If a letter, a demand letter, a national security letter asks for records, you are not allowed to tell your attorney. You were gagged. If you told your attorney, they could put you in jail for 5 years. It is still a crime punishable by 5 years in jail.

If I have Internet service and they want my records on somebody, they don't tell me or a judge. We have no idea. There is no probable cause. This person might be relevant, which could mean anything, however tangential. If I don't reveal those records, I go to jail. If I tell my wife they are asking for my records, I could go to jail.

This secrecy on millions of records, this trolling through millions of records is un-American. It is unconstitutional. They have modified the Constitution through statutory law. We have given up our rights. It should be two-thirds of this body voting to change the Constitution and three-fourths of the States. We did it by 50 percent with one bill. The bill was hot when it came here. There was one copy of it. No one read it.

I came from the tea party, and I said: We must read the bills. I propose that we wait 1 day for every 20 pages so we are ensured they are reading the bills. The PATRIOT Act was hundreds of pages long and nobody read it. Not one person read it because it wasn't even hardly printed. There were penciled edits in the margin, and it was passed because we were afraid.

But we can't be so afraid that we give up our liberties. I think it is more important than that. I think it is a sad day today in America that we are afraid to debate this. The great constitutional questions such as this, or great constitutional questions such as whether we can go to war with just the

word of the President, these great constitutional questions are not being debated because we are so fearful of debate.

I urge the Senate to reconsider. I urge the Senate to consider debating the PATRIOT Act, to consider amendments, and to consider the Constitution.

Thank you. I yield the floor.

#### MORNING BUSINESS

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate will proceed to a period of morning business with debate only until 5 p.m., with the time equally divided between the two leaders or their designees.

#### THE BUDGET

Mr. CONRAD. Mr. President, the budget circumstance we confront as a nation is clear. We are on a completely unsustainable course. The occupant of the chair knows this well as a very valued member of the Budget Committee. We are currently borrowing 40 cents of every dollar we spend. That, obviously, cannot continue.

The other side has criticized those of us on our side for not going to a budget markup. The reason we have not is this is not a typical year in which the Republicans put up a budget resolution in the body they control and we put up a budget resolution and we go to conference committee to work out the differences. Something very different is occurring this year. There is a leadership negotiation with the highest leaders of the Republican Party in the House and the Senate, the highest leaders of the Democratic Party in the House and the Senate, meeting with the Vice President of the United States, on a plan to put in place a 10-year effort or perhaps a 5-year plan to deal with the deficits and debt.

In fact, the Republican leader has made this observation:

[T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result, in the short term. And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

It makes no sense for us to go to a budget markup at this moment that would simply be a partisan markup when bipartisan efforts are underway.

Last year, for 8 months, I participated in the President's fiscal commission—10 Democrats, 8 Republicans. At the end of that emerged the only bipartisan plan that has come from anywhere so far. Five Democrats supported it; five Republicans supported it; one Independent. Mr. President, 11 of the 18

commissioners voted for that plan to get our deficits and debt under control. We have underway this new effort, a leadership effort, with the President represented at the table. We ought to give that a chance before we pass a budget resolution that may be required to implement any plan they can come up with.

The hard reality of what we confront is simply this: This chart shows the spending and revenues of the United States going back to 1950—more than 60 years of the revenue and expenditure history of the United States. The red line is the spending line. The green line is the revenue line. What jumps out at you is that spending as a share of our national income is the highest it has been in 60 years. On the other hand, revenue is the lowest it has been in 60 years as a share of national income. So that is the reason we have record deficits.

I hear all the time the other side of the aisle: It is a spending problem. When you have a deficit, that is the result of the difference between revenue and spending. We have a spending problem, yes, indeed—the highest spending as a share of national income in 60 years. We also have a revenue problem—the lowest revenue we have had as a share of national income in 60 years.

So now the House has sent us a plan, the Republican budget plan, and the first thing they do is cut the revenue some more. Revenue is the lowest it has been in 60 years, and the first thing they do to address the deficit is to cut the revenue some more. In fact, they cut, over the next 10 years, more than \$4 trillion in revenue. For those who are the wealthiest among us, they give them an additional \$1 trillion in tax reductions. By extending the top rate cuts, by extending a \$5 million estate tax exemption, by cutting the top rate down to 25 percent from the 35 percent it is today, they are giving massive new tax cuts to the wealthiest among us.

Their average revenue during the 10 years of their plan is 18.3 percent. You can see from this chart, the last five times the budget has been balanced, revenues have been around 20 percent: 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, and 19.5 percent. The revenue plan they have would have never balanced the budget in the last 30 years.

If we look at what has happened on the revenue side of the equation, here is what has happened to the effective tax rate for the 400 wealthiest taxpayers in the United States. Since 1995, when the effective tax rate on the wealthiest 400 was about 30 percent, that effective rate declined to 16.6 percent in 2007.

Warren Buffett has said that his executive assistant pays a higher tax rate than he does. Well, how can that be?

The reason that happens is because Mr. Buffett has most of his income from dividends and capital gains, taxed at a rate of 15 percent. His executive assistant is probably taxed at a rate somewhere in the 20, 25-percent range.

We have a circumstance in which we have the lowest revenue in 60 years, and the House Republicans have sent us a budget that says: Let's cut it some more. Let's cut it another \$4 trillion, and let's give \$1 trillion of that to the wealthiest among us.

If you look at what our friends are proposing, when we have the largest deficits since World War II, they are proposing to give those who earn over \$1 million a year a tax cut, on average, in 2013, of almost \$200,000. For those earning over \$10 million, they would give them, on average, a tax cut of \$1,450,000—this at a time when we have record deficits. What sense does this make? It makes no sense.

What are they doing to offset these massive new tax cuts for the wealthiest among us? They have decided the answer is to shred the social safety net that has been created in this country over the last 60 years. They have decided to shred Medicare—shred it. They have decided to shred program after program so they can give more tax cuts to those who are the wealthiest among us.

Here is what a top former President Reagan adviser said when he looked at the House budget proposal. Remember, this is not a Democrat. This is a top former Reagan economic adviser. This is what he said. His name is Bruce Bartlett. He said in his blog about the proposal from the House Republicans on the budget:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairy tale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the Tea Party. A real act of courage would have been for him to admit, as all serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

Let's go back to that chart that makes the point that Mr. BARTLETT is making: that the five times the budget has been balanced around here in the last 30 years, the last 40 years—1969, 1998, 1999, 2000, and 2001—by the way, those last four all during the Clinton administration—you can see what the revenue has been: nearly 20 percent of GDP in every one of those years. Revenue today is 14.5 percent of GDP. It is no wonder we have a problem with deficits. You combine the high spending we have now with the low revenue, and you have record deficits.

Our friends on the other side have decided the first thing you do when you

have record deficits and the lowest revenue in 60 years is to go out and give more tax breaks to the wealthiest among us.

Here, as shown on this chart, is what they do to health care in the United States. No. 1, end Medicare as we know it. Replace it with a voucher system. They would reopen the prescription drug doughnut hole that means seniors have to pay more of their prescription drug costs. They would block grant Medicaid that ends the countercyclical nature of the program. They would defund health reform, increasing the number of uninsured by 34 million people. Mr. President, 34 million more Americans would not have health insurance if the plan that is before us would pass.

When I say they are ending Medicare as we know it, here is why I say that. Right now, in traditional Medicare, the individual pays about 25 percent of the cost. The rest is paid by Medicare. But look what the House Republican plan would do. It would dramatically increase the health care spending by seniors. Instead of paying 25 percent of the bill, seniors would be expected to pay 68 percent of their health care costs.

That is what the Republican plan is about: very generous additional tax breaks to the wealthiest among us. For those earning more than \$10 million a year, they would give, on average, a \$1,450,000 tax reduction. To make up for it, they would say to seniors: Instead of paying 25 percent of your health care costs under Medicare, you pay 68 percent. What would that mean in dollar terms? Seniors would go from paying \$6,150 a year to \$12,500 a year.

That is the Republican plan that is before us. That is the budget plan we are going to vote on later this evening. Anybody who cannot see that is a shredding of Medicare, that is a shredding of the social safety net, just is not looking very closely.

The former Republican Speaker called the House Republican Medicare proposal "right-wing social engineering." Those are not my words. Those are his words. Here is the interview. On "Meet The Press," on May 15, Mr. Gregory, the host, asked this:

Do you think that Republicans ought to buck the public opposition and really move forward to completely change Medicare, turn it into a voucher program . . . ?

Mr. Gingrich's answer:

I don't think right-wing social engineering is any more desirable than left-wing social engineering. I don't think imposing radical change from the right or the left is a very good way for a free society to operate.

This budget that is before us is not just radical with respect to what it does to Medicare, what it does to the revenue of the United States. You look at every part of this budget, there are no savings in defense after we have had this massive defense buildup. From 1997 to 2011, you can see spending on defense

has gone from \$254 billion a year to \$688 billion a year. Even the House Budget Committee chairman, Mr. RYAN, who is the architect of this plan, has said:

There are a lot of savings you can get in defense. There's a lot of waste over there, for sure.

That is what he said about defense spending. Here is what he did about it. He increases it dramatically, from \$529 billion—this is just the underlying defense budget; this does not count the war funding—he increases the regular defense budget from \$529 billion, in 2011, to \$667 billion by 2021.

He did not cut one thin dime. After saying there is lots of waste there, lots of places for savings, after the Secretary of Defense himself has said they have to restrain spending, after the Secretary of Defense himself has proposed \$178 billion of savings, the budget before us does not save one dime out of defense. Instead, it increases it dramatically from \$529 billion to \$667 billion, and that does not count war funding. War funding would be on top of it.

This budget before us, the Republican budget from the House, also takes some of the fundamentals of making our country strong and cuts them dramatically.

Education is No. 1. I was raised by my grandparents. My grandmother was a schoolteacher. She used to say: In our household, No. 1 is education, No. 2 is education, and No. 3 is education. We got the message.

Let me read what two of the country's foremost economists have said about the importance of education to the U.S. economy: an educated population is a key source of economic growth. Broad access to education was, by and large, a major factor in the U.S. economic dominance in the 20th century and in the creation of a broad middle class. Indeed, the American dream of upward mobility, both within and across generations, has been tied to access to education.

What does the budget that has come over from the Republican house do? It cuts education 15 percent, from \$91 billion to \$77 billion, from 2011 to 2012. Education, obviously, is not the only important pillar to our economy. Another important pillar is the infrastructure of the country; our roads, bridges, highways, airports. These are the things that support a vibrant and strong U.S. economy.

Here is the engineers' report card on America's infrastructure. Aviation, a D; bridges, a C; rail, a C-minus; roads, D-minus; transit, a D; the infrastructure grade point average, a D.

What do our colleagues propose in the budget that is before us? They propose cutting it 30 percent. Can you imagine what it is going to be like to try to get around this country if you go out and cut transportation 30 percent? Anybody who has driven on any of the roads across America, certainly the

roads in any of the major cities, anybody who has gone through any of the airports, anybody who has gone on a rail system in this country, you think we are going to be better off if we cut the funding 30 percent? That is exactly what the Republican budget that is before us proposes.

We also know one of the near-term threats to the economy is what is happening to the price of gasoline. Since December of 2008, gasoline has gone from \$1.81 a gallon to \$3.85 on May 23—up \$2 a gallon.

Every economist has said this is hurting the economic recovery in this country. What do our colleagues in the House send us as a budget for energy, things that can be done to reduce our dependence on foreign energy? They cut it 57 percent—57 percent cut in the strategies designed to reduce our dependence on foreign energy—cut it 57 percent.

It does not add up. It does not make sense. It is not in the mainstream of thinking. This is a budget that if we poll the constituent elements, the American people, they reject it out of hand. They do not believe Medicare should be shredded. They do not believe that those who are the most fortunate among us ought to be given more tax reductions at this time.

With record deficits and a debt growing out of control, the first to be done is not to say to those earning over \$1 million a year: You get a \$200,000 tax cut; to those earning over \$10 million a year: You get a tax reduction of \$1,450,000 and then to turn around and slash much of what helps middle-class families in this country, whether it is education or infrastructure or transportation. That is the budget that is before us from our colleagues on the other side of the aisle.

We have other budget plans, the Paul budget plan, the Toomey budget plan. I will comment on those later. But I very much hope colleagues are listening, that they pay close attention to this debate, that they have a chance to evaluate what should be the position of this Chamber when we vote later this evening.

I believe this is a defining vote for this Chamber. Are we going to approve a budget that is truly radical in its scope and dimension, that fundamentally ends Medicare as we know it, and at the same time gives massive new tax cuts to the wealthiest among us? At a time when we are having the lowest revenue in 60 years, that cutting the revenue of the United States by over \$1 trillion to give additional tax reductions to those who have already enjoyed dramatic tax reductions—I pointed out early in my presentation, the effective tax rate on those who are the wealthiest among us has declined dramatically during the recent years.

This proposal from the House of Representatives says: We will do even more

to reduce the tax load on those who are the wealthiest among us. I do not think it adds up. Let me say to those who think: Well, at least the Ryan budget—the Republican budget—will reduce our deficits and get our debt back on track, we will solve that problem. Let me leave you with one number. The Republican budget from the House of Representatives that we will vote on later today increases the gross debt of the United States by \$8 trillion.

So anybody who thinks that shredding Medicare and giving these giant tax breaks to the wealthiest among us is going to solve the problem, that it is going to stop the explosion of debt is wrong. In the budget before us, the Republican budget from the House of Representatives, the gross debt of the United States in the next 10 years is increased by \$8 trillion.

For those who think the debt is already too high, you want to vote for a plan that is going to increase the debt, the gross debt of the United States another \$8 trillion? That is the Republican plan from the House of Representatives. That is the budget that is before us. That is the budget we are going to vote on later this evening.

I ask unanimous consent that following my remarks, Senator MERKLEY be recognized for up to 5 minutes and then Senator SANDERS be recognized for up to 5 minutes as well.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. CONRAD. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. The American middle class is hurting. Workers are unemployed. Families are losing their homes. Parents are worried, for good reason, that their children will not have the same opportunity they had.

American people have sent us to do a simple agenda of creating jobs. They want a plan that will put our economy back on track and build a foundation for our working families to succeed.

The Republicans have produced a plan, a plan that is in consideration before us today. But is it a plan that responds to the pleas of the American people to create jobs and to help those Americans who are out of work and to put this economy back on track? The short answer is, unfortunately, it is not.

Perhaps it is a plan to invest in education. But then we look at the details and realize it savages the investment in education. Here we are as the first generation of American adults whose children are getting less education than we got, primarily because the cost of tuition is outpacing the average wages that working families earn. That is unacceptable.

Perhaps the Republican budget decides to invest in infrastructure. I just came back from China with the major-

ity leader and a delegation of 10 Senators and here is what we learned. China is investing 10 to 12 percent of its GDP in infrastructure. Europe is investing 5 percent. America is investing 2 percent. We are barely able to repair the infrastructure we have let alone add additional infrastructure for our economy to thrive in the future. But the Republican plan does not invest in infrastructure.

Perhaps it invests in energy, recognizing that we are sending \$1 billion a day overseas, that oil and our addiction to oil is half of our trade deficit, that both for national security and for strength of our economy and for a sustainable environment, we need to change this.

But, no, the Republican budget sustains our addiction to oil and withdraws our investment in American—red, white, and blue American-made energy.

Perhaps the Republican budget has paid attention to our Secretary of Defense who has listed \$175 billion in programs that are not enhancing our national security and therefore should be cut. But, no, the Republican budget paid no attention to that, and, in fact, increased and overrode the vision laid out by the Secretary of Defense.

So at a time when our middle class is struggling to get back to their feet, the Republicans did not address education or infrastructure or energy or defense but instead chose to do two things: end Medicare as we know it and give bonus breaks to the best off in our society—take away from seniors across America and give to those who earn more than \$1 million a year and a whole lot more to those who earn more than \$10 million a year.

That is the Republican plan. In the Medicare side, there are two components. The first is to reopen the doughnut hole. That is the hole into which seniors fall when, after they have some assistance with the first drugs they need, they get no assistance until they reach a catastrophic level. It is in that hole that seniors have been devastated—had their finances devastated. We fixed it. Republicans want to unfix it and throw seniors back into the abyss.

Then, instead of guaranteeing Medicare coverage for a fixed set of benefits for every senior—as Medicare does now—the Republican plan gives seniors a coupon and says: Good luck. Go buy your insurance. If the insurance goes up, too bad.

In fact, seniors would pay \$6,359 more a year. In my working-class community, that is real money. That is money senior families do not have. That is money families do not have because they are wrestling just to pay their basic expenses through Social Security.

It is not the folks with golden parachutes who have multimillion dollar

endowments from their previous work at the top of the economic pyramid. Most do not realize that \$6,000 will devastate the family budgets of our seniors across this country.

Indeed, under the Republican plan, whereas seniors contribute 25 percent of their health care costs today, they would, by 2030, pay 68 percent, more than two-thirds—more than two-thirds. That is devastating.

Indeed, this voucher plan from our colleagues across the aisle puts an insurance company bureaucrat in the middle of our medical decisions, telling seniors what they get to have and what they do not get to have. The bottom line is that if something is good for your health, the insurance company does not want to pay for it, does not want to put it in the policy, that is too bad.

One of Oregon's larger insurers is planning a 24-percent increase in the cost of health care next year—premiums up by 24 percent. Seniors' coupons, under the Republican plan, are perhaps 2 percent. So that does not work.

Colleagues, our citizens have sent us to create jobs, not to destroy the lives of our seniors and hand the funds over to the best off in our society. Let's come back to planet Earth, recognize we are here to fight for an economy that raises working families and let's defeat this budget tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent for an additional 2 minutes, and I thank my friend from Alabama.

The PRESIDING OFFICER (Mr. CONRAD). Is there objection? Without objection, it is so ordered.

Mr. SANDERS. Mr. President, let me begin by saying that I get a little bit tired of being lectured to about deficit reduction and how significant a problem our deficit is by many folks who voted for legislation time after time over the last 10 years that, in fact, has caused the deficit crisis we are in right now.

Some of us voted against the war in Iraq, which will end up costing \$2 trillion to \$3 trillion, unpaid for. Some of us voted against the Wall Street bailout. Some of us voted against tax breaks for millionaires and billionaires. Some of us voted against the Medicare Part D prescription drug program written by the insurance companies. Those four programs have resulted in trillions of dollars in debt. To those people who voted for that, please don't lecture us about the deficit crisis. We didn't help to cause it.

The debate over deficit reduction comes at a very unusual moment in American economic history. While the middle class is in rapid decline, while real median family income is going

down, while wages for millions of workers are going down, while poverty is increasing, we also are at a moment when the wealthiest people in this country have never had it so good. Over a recent 25-year period, 80 percent of all new income went to the top 1 percent.

Today, as a nation with the most unequal distribution of wealth and income of any major country, we have the 400 wealthiest people in America—just 400 people—owning more wealth than the bottom 125 million. When we deal with deficit reduction, we have to take into consideration the decline of the middle class, the increase in poverty, and the growing disparity in income and wealth between the people on top and everybody else.

Given the reality of record-breaking corporate profits and the increasing wealth of the people on top, it should surprise no one that poll after poll shows that the overwhelming majority of Americans want our deficit crisis to be addressed through shared sacrifice—not just coming down heavily on working families and the middle class, the children, the sick, and the elderly. The American people, in poll after poll, have said they want everybody to contribute and help toward deficit reduction, not just the most vulnerable people in this society.

Unfortunately, the House-passed budget moves us in exactly the wrong direction. It would end Medicare as we know it by giving senior citizens inadequate vouchers to buy health insurance from private companies. Seniors would, on average, see their out-of-pocket expenses double by about \$6,000 a year. Seniors at the age of 65 would be given an \$8,000 voucher to go to a private insurance company.

Now, you tell me—if you are 65 and you are suffering with cancer or another illness—what an \$8,000 plan will do for you. It would be a disaster.

Furthermore, the Republican plan would cut, over 10 years, \$770 billion from Medicaid, vastly increasing the number of uninsured and threatening the long-term care of the elderly who live in nursing homes.

The Republican budget would also make savage cuts in education, nutrition, affordable housing, infrastructure, environmental protection, and virtually every program on which low- and moderate-income Americans depend. With all of the focus on spending cuts, however, the Republican budget does nothing to reduce unnecessary military spending at a time when our military budget is triple what it was in 1997.

What people in Vermont tell me is what people in Oregon are telling the Presiding Officer—that the time is now to begin accelerating our troops out of Afghanistan. It is the right thing to do public policy-wise, and it is certainly the right thing to do for our budget.

Here is the kicker of this whole thing: The House Republican budget does not ask the wealthiest people in this country, whose tax rates are now the lowest on record, to contribute one dime more for deficit reduction—not one dime more. Yet we can voucherize Medicare, slash Medicaid, education, infrastructure, and environmental protection, but to ask the wealthiest people in this country to pay one penny more in taxes after they receive hundreds of millions of dollars in tax breaks, my goodness, we can't do that.

I have another issue—and not just with the Republicans. It has to do, frankly, with the Democrats and with President Obama. Will the President demand that any deficit reduction agreement end the Bush-era tax breaks for the wealthy? Will he stand up and be tall and fight for that important principle? Will the President fight to eliminate corporate tax loopholes? Will he end the absurd policies that allow the wealthy and large corporations to avoid taxes by establishing phony addresses in offshore tax havens? We are losing about \$100 billion a year from the corporations and the wealthy who stash their money in the Cayman Islands and Bermuda.

My hope is—and I think the American people are hoping—that the President will stand firm in fighting to end those absurd loopholes. As a Vermont Senator and a member of the Budget Committee, I will not support a plan to reduce the deficit that does not call for shared sacrifice. At least 50 percent of any deficit reduction plan must come from increased revenue from the wealthy and large corporations. We must have the top 2 percent of income earners, who currently pay the lowest upper income tax rates on record, start paying their fair share. Instead of making it harder for working families to send their kids to college, we must end the foreign tax shelters that enable the wealthy and large corporations to avoid U.S. taxes.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the Republicans have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am going to use my leader time, and I ask unanimous consent that time not take anything away from the debate on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the national security of the United States is at stake, and the junior Senator from Kentucky is complaining that he has not been able to offer amendments.

Let me take a moment to set the record straight. As all of us and the Senator from Kentucky are well aware,

we have worked long and hard in good faith to get an agreement to consider amendments. In fact, I offered him a solution that is more than fair. I proposed a consent agreement that would have brought before the Senate six amendments, more than half of which—specifically four—were written by the Senator from Kentucky.

Unfortunately, in order to continue his political grandstanding, he rejected that offer.

It is unfortunate because the inability to reach an agreement has serious consequences. At midnight tomorrow, the PATRIOT Act will expire. Unless the Senator from Kentucky stops standing in the way, our law enforcement will no longer be able to use some of the most critical tools it needs to counter terrorists and combat terrorism.

If they cannot use these tools—tools that identify and track terrorist suspects—it could have dire consequences for our national security.

When the clock strikes midnight tomorrow, we would be giving terrorists the opportunity to plot attacks against our country, undetected. In the last several years, the government has stopped dozens of would-be terrorists before they could strike. Now the Senator from Kentucky is threatening to take away the best tools we have for stopping them.

Does this mean the PATRIOT Act is perfect? Of course not. Today, the Republican leader and I received a letter from James Clapper, a three-star retired general from the U.S. military, the Nation's Director of National Intelligence. He knows better than any of us the real effects of letting terrorist-fighting tools expire. In his letter, he wrote about our ability to conduct surveillance on foreign radicals, to track purchases of bombmaking materials, and other classified programs. All of these would expire with the PATRIOT Act, if we let it.

This is a particularly bad time to shut down electronic surveillance activities. As has been widely reported in the press, we recovered thousands of documents, photos, videos and other materials from Osama bin Laden's compound. This material has opened dozens of investigations and leads to new terrorist suspects and terrorist activities directed toward the United States of America. It continues to yield more and more information every day.

If the Senator from Kentucky refuses to relent, the government will be unable to fully pursue these leads. That would increase the risk of a retaliatory terrorist strike against the homeland and hamper our ability to deal a truly fatal blow to al-Qaida.

I repeat, Director Clapper, a retired three-star general, asked us not to allow a moment's interruption in the intelligence community's ability to protect the American people.

Some may be asking: Then why is the Senator from Kentucky holding out? What is keeping him from accepting an agreement to move forward—one that I think is more than fair to him and the Senate? We could have a couple of strong Democratic amendments and his amendment—four in number. The reason is, he is fighting for an amendment to protect the right of terrorists, not of average citizens, to cover up their gun purchases. It is all dealing with a gun amendment.

We all remember the tragic Fort Hood shooting less than 2 years ago. A radicalized American terrorist bought guns from a Texas gun store and used them to kill 13 innocent soldiers and civilians. It is hard to imagine why the Senator from Kentucky would want to hold up the PATRIOT Act for a misguided amendment that would make America far less safe.

The Senator from Kentucky also complains that the Senate has not had a week of debate. We all would like to have more debate on this issue. The Presiding Officer would. We would like to have a lot of debate on other things. The Presiding Officer is one of the Senators who led an effort earlier in this session to make sure we have more robust debate. We made a little progress but not enough.

The Senator from Kentucky, who is complaining that we haven't had a week of debate, better come up with something a little better. Here is why. This matter has been before the Senate for 1 week now. I moved to proceed to the PATRIOT Act last Thursday. Today is Wednesday. As of today the Senate has been working toward passing this measure for 6 or 7 days. There is no question that Senators have had the opportunity to debate. The only question has been how Senators have chosen to use these last 6 days.

The bottom line is that no matter how long it takes to get there, we are going to have this vote, and the vote will win. We will pass the PATRIOT Act and do everything we can to keep the American people safe. It is up to the Senator from Kentucky whether those national security programs will expire before we get a chance to vote. That expiration date is important. If he thinks it is going to be a badge of courage on his side to have held this up for a few hours, he has made a mistake. It will set this program back significantly, and that is too bad. The clock is ticking, and the ball is in his court.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the difficulties the majority leader has and would agree substantively that the PATRIOT Act does need to be passed. It doesn't need to have any gap in it. As a former Federal prosecutor for 15 years, I agree that the Paul amendment to make our terrorist investigators go further and have more

difficulty in obtaining gun records than the Bureau of Alcohol, Tobacco, and Firearms investigators for far more minor crimes is a bad policy. I see where he is coming from, but I don't agree with that.

I would say that Senator PAUL is a courageous, strong, new Member of the Senate. He has some deep beliefs. He is entitled to advocate for those. I believe he has tried to do that in good faith. He thought he had an agreement to be able to offer his amendment, and the majority leader suggested he could offer amendments, but only the ones he approved, and he won't approve the one on guns.

I think that is not healthy, in the defense of Senator PAUL, that he would not have an opportunity to offer the amendment he wants to offer, not the one that is approved in advance by the majority leader. I think, to the extent that happens, it diminishes the great robust tradition of debate in the Senate. It is a difficult matter. I know people feel strongly about it. I wanted to share those thoughts.

#### THE BUDGET

My good friend Senator CONRAD, who chairs the Budget Committee, made his speech. I was disappointed in some of it. He said one thing very dramatic in his statement. We should think about it. He said the Ryan budget is insufficient because it allows \$8 trillion in new debt to be incurred by the United States over the next 10 years. Think about that. He says that is unthinkable and it really is dramatic that we would have that much debt accrue.

The only budget that exists from the Democratic majority is the President's budget. The President's budget, as analyzed by the Congressional Budget Office, without any doubt or dispute would add \$13 trillion to the debt of the United States in 10 years. They conclude that the President's budget—the one that was praised by the Democrats when it came out—would increase the debt, increase spending, and increase taxes more than if we did nothing. I call it the most irresponsible budget ever to be introduced because it makes our debt situation worse at a time in which we have never faced a more serious systemic debt crisis in America.

Senator CONRAD says Federal education spending, which is basically the Department of Education and some other programs, should not have its funding reduced. He did not acknowledge the fact that the President's budget proposes to increase education spending through the Department of Education by 10.5 percent next year, at a time when we are in record deficits. The Department of Energy is proposed to receive a 9.5-percent increase. The Department of State is proposed to receive a 10.5-percent increase. The Department of Transportation, with a phantom assumption of revenue from a source unidentified by the administra-

tion, is projected to receive a 60-percent increase to fund new high-speed rail and other priorities that have not been proven to be effective today. Even if they are effective, we do not have the money. Sometimes you cannot do things you would like to do because you do not have the money. To that extent, I would say we are on the wrong track.

Let me say about Congressman RYAN's budget proposal that it does significantly reduce spending every year. It completely changes the debt trajectory. It reduces spending and deficits every year. It does not get to a balance in 10 years, but it eventually gets to a balance in the outyears, according to their projections. Of course, intervening Congresses will have much to say about it. It does change the debt trajectory, and it does put us on the right path. If passed, in my opinion, it would be the kind of budget that would create confidence in the international markets, create jobs and growth in America, create vitality in our businesses, and it is something that would be better than doing nothing and absolutely better than the inexcusable budget that has been presented by the Democrats—the only one they have presented so far.

I wanted to make those points.

Madam President, the simple fact is that the American people are furious with Washington. And they have every right to be. They work hard, pay their taxes, and play by the rules. They sacrifice for their families, contribute to their communities, and uphold this Nation's values. They have built up the greatest, most dynamic economy on the face of the Earth. But Washington has wasted their tax dollars, eroded our values, and placed this Nation's economy at grave risk.

Politicians have arrogantly believed that the rules don't apply to them. In the midst of a deep recession, as American families tightened their belts, Washington went on a historic spending spree. By the end of the first 3 fiscal years of the Obama administration, we will have accumulated another \$5 trillion in total gross debt. Our deficit this year alone will approach \$1½ trillion. Our annual budget has nearly doubled from what it was at the beginning of the decade.

This enormous surging debt prompted the Chairman of the Joint Chiefs of Staff to describe it as the greatest threat to our national security. At \$14 trillion it hovers over our economy like a dark cloud. It undermines confidence and fosters uncertainty. Studies show our crushing debt stifles job growth and robs us of as many as one million jobs a year.

We borrow \$5 billion a day, \$100 billion a month and, under the president's vision, we are on track to do the unthinkable: doubling our entire national debt in just 10 years. We are faced with



what has rightly been called the most predictable economy crisis in our history. The question is not whether such a crisis will occur but whether we act in time to prevent it.

A major financial crisis is not just some hypothetical danger: it is very real and it is very serious. If the world loses confidence in our ability to control our spending and debt, our interest rates could dramatically spike. Greece saw its interest rates triple before its debt crisis hit. The rates for Ireland and Portugal quadrupled.

If the same were to happen to the United States we could become unable to pay the interest on our debt and face a Greece-like debt crisis that plunges our country into a deep recession. This would not be some distant financial event, but an economic disaster felt most severely by everyday working Americans.

There is no reason we should be in this situation. America's workforce is the most productive on Earth. Our system of government is the envy of the world. But those who occupy the halls of power have failed to uphold the public trust. They have squandered this Nation's wealth and threatened our children's future.

So, again, the American people have every right to be furious.

They rose up in the last election and the big spenders in Washington took a shellacking. We saw the emergence of the Tea Party a diverse collection of Americans spread across the country who, after years of sitting silent, spoke out for the first time in their lives. They are good and decent patriotic Americans who fear for their country and for the future their children will inherit.

Their concerns are shared by the vast majority of Americans. Overall, more than 70 percent of Americans believe this country is on the wrong track.

To get back on the right track requires strong leadership. I have continued to hope that President Obama would rally the country behind needed reform. Unfortunately, the president seems determined to not only keep our country on its dangerous course but to accelerate our pace. He offered a budget in February a budget many Democrats praised that he and his budget director declared to the whole world would "not add more to the debt," "spend only money that we have each year," and "live within our means." But those statements were not honest. The President's budget never once produces a deficit less than \$748 billion. And the deficits climb to \$1.2 trillion in the 10th year.

And what about the Senate? What is this august body doing to confront this crisis? Is the Budget Committee meeting to work on a plan? Is there a Senate budget being considered on the floor today? Will we be amending a resolution on the Senate floor?

The answer to all of these questions is no. Today is the 756th day since the Democrat-led Senate passed a budget. In that time Congress has spent more than \$7 trillion. We have accumulated another \$3.2 trillion in debt. What do we have to show for it? Unemployment stuck around 9 percent, anemic economic growth, and the very real threat of a debt crisis.

But Majority Leader REID and the big spenders in the Democrat Party are determined to keep spending and spending and spending. The reason we have not seen a budget from Chairman CONRAD and the Democrat Senate is because they know that they can't put forward a plan that wins the support both of their caucus and of the American people. News reports confirmed that budget proposal Senate Democrats were working on and then abandoned relied more heavily on taxes than savings. It would have cut only \$1.5 trillion over 10 years. That doesn't even come close to what we need to cut. We are going to spend \$45 trillion over the next 10 years. Our national debt will be 100 percent of GDP by the end of September.

House Republicans have stepped forward, fulfilled the duty they asked the American people to bestow on them, and presented an honest, courageous plan that will get the job done. It will save, or cut, around \$6 trillion. But Leader REID wants to use our floor time this week to simply vote down this plan while offering nothing in its place. He just wants to keep spending and spending and spending.

He is simply trying to remove himself from the spotlight that should be directed on the inability or unwillingness of his caucus to deliver a budget plan to the American people.

But the majority leader is more than happy to go into recess, more than 750 days since the Senate has passed a budget, and simply be content to have obstructed every single effort to reduce spending or impose budgetary control. He is content, it would seem, to send this Chamber into recess after he has failed miserably to protect this Nation from the financial danger ahead. He says "there's no need to have a Democratic budget." He says it would be "foolish" to present one. So we will just keep spending and spending and spending.

What is the real strategy here? The Democrat strategy is just to attack, vilify, and disparage House Republicans because they did the honorable thing and put forward an honest plan. Here is what Senator SCHUMER said earlier this week, speaking of today's votes:

We will exhibit this issue as an example of why we need to keep the Senate Democratic in order to counter House Republicans. We will point to this week and say the Republicans tried to end Medicare but a Democratic majority stopped it in the Senate. It's that simple.

Medicare is going to be insolvent in about 10 years. House Republicans have a plan to save it. People may disagree on aspects of that plan, may have different ideas for implementation. But the House Republican plan will save Medicare. The Democrat Senate plan is to allow Medicare to go bust and to waste the Senate's time savaging the House Republican plan with a series of false, dishonest attacks. The Democrat Senate plan is to ignore the danger and just keep spending and spending and spending.

Chairman CONRAD, I am sad to say, called the House Republican plan "ideological," "partisan," "unreasonable," and "draconian." I was surprised to hear this given that the chairman served on the fiscal commission, which issued the following statement in the preamble to its report:

In the weeks and months to come, countless advocacy groups and special interests will try mightily through expensive, dramatic, and heart-wrenching media assaults to exempt themselves from shared sacrifice and common purpose. The national interest, not special interests, must prevail. We urge leaders and citizens with principled concerns about any of our recommendations to follow what we call the Becerra Rule: Don't shoot down an idea without offering a better idea in its place.

So after this week's mockery, what is next for the Senate? We will promptly adjourn for recess. The Senate will adjourn for Memorial Day—a time when we honor those who have kept this country safe. But the Senate has done nothing to protect this country from the economic danger that draws nearer each day.

If, after this shameful display, Majority Leader REID wants to adjourn for recess, all I can say is this: not with my consent. I will force a vote on it. Senate Democrats will have to stand before the American people, having more than 750 days since passing a budget, and declare that they will go into a 1-week vacation having not taken a single, solitary step to address our Nation's fiscal crisis. They have not even allowed the Budget Committee to meet.

We are told we don't need public meetings, that a small group of lawmakers and White House officials should meet in secret to hammer out some 11th hour deal that nobody sees or scrutinizes until it is adopted. Well, it is that kind of thinking that got us here in the first place. What this process needs is more sunlight, not less. First, we were told to wait for the Gang of Six. Now we are to supposed to wait for the Biden talks. But at what point will we just do our duty under the law and work on a budget? I firmly believe that the best way out of this debt crisis is to have an open, honest, and public debate.

The one thing we haven't tried in this town is the one thing that I know will work: to have an open, transparent

process before the whole world. Let's speak honestly about the dangers we face. Let's put forward a plan in the Senate to address those dangers. Let's open that plan to amendment and discussion. Let's stand and be counted before the American people. If Democrats think the way out of this crisis is to raise taxes, let them put that plan on paper and let's debate it. But enough operating in the shadows. Enough hiding. Enough ducking. Let's do the people's work. Let's give the American people the honest process and the honest budget they deserve.

We also need a budget that is based on facts. All of the evidence shows that deficit reduction plans relying on heavy tax increases are far less successful and result in far less prosperity. Though raising taxes is billed as the compassionate choice, there is nothing compassionate about weakening our economy and bankrupting our country. There is nothing compassionate about dividing up an ever smaller amount of wealth. There is nothing compassionate about ignoring the facts, the evidence, and the lessons of history. A compassionate budget is one that improves the fortunes for every sector of American society—creating jobs, increasing wages, and expanding opportunity.

In other words, we must focus on growing the economy instead of the government. That is the only way to ensure that America is able to compete, to lead and to thrive in the 21st century.

An honest budget is one that not only puts our budget on a path to balance but our country on a path to balance. In other words, we need a budget that shifts the balance of power from Washington back to the people.

At its core, the debate over our Nation's debt is a debate over our Nation's identity. In his recent speech on the deficit, the president spoke of America's social compact to justify his big-government vision. But the social compact I am familiar with is very different. The American idea is that the government's role is to preserve our liberty, not control our lives.

Ultimately, what we are fighting for is a future for our children that is free from both the burden of debt and the burden of big government. I was not elected to this office to participate in the transformation of America to a European-style social democracy where government dominates our lives.

America's greatness is not found in the size of our government but in the scope of our freedoms. We need a budget that recognizes this essential truth.

I see my colleague Senator PAUL is here. I know he would like to take 5 minutes to respond to the majority leader. He is definitely entitled to that.

I ask unanimous consent that he be given 5 minutes, Mr. President, and that the 5 minutes not count against the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

MR. PAUL. Mr. President, I rise in response to a scurrilous accusation. I have been accused of wanting to allow terrorists who attack America to have weapons. To be attacked of such a belief when I am here to discuss and debate the constitutionality of the PATRIOT Act is offensive. I find it personally insulting, and I think it demeans the body—it demeans the Senate body and the people that we cannot have an intelligent debate over the constitutionality of this bill.

I am somehow to be told that because I believe a judge should sign a warrant, that I am in favor of terrorists having weapons? The absurdity of it. The insult of it. If one argues that judges should sign warrants before they go into the house of an alleged murderer, are you in favor of murder? Can we not have a debate on a higher plane—a debate over whether there should be some constitutional protections, some constitutional procedure—than to come to the floor and accuse me of being in favor of giving weapons to terrorists?

The question is, Can our Constitution withstand, is our Constitution strong enough that we could actually capture terrorists and protect our liberties at the same time? Should we have some rules that say, before they come into your house, before they go into your banking records, that a judge should be asked for permission; that there should be judicial review? Do we want a lawless land? Do we want a land that is so much without restraint, a government without restraint, that at any point in time they can come into your house? We were very worried about that very thing. That is why our country was founded on such principles as the fourth amendment, to protect us from an overzealous government.

But to transfer an argument, where good people might disagree, into an accusation that I would let terrorists have weapons? No, I believe we would stop terrorism but do it in a constitutional fashion, where one would have a warrant issued by a judge.

Some people say, we don't have enough time to do that. At 3 in the morning, judges are routinely called when someone is accused of rape or accused of murder. When there is an alleged crime, we get warrants, and it works. It has worked for 225 years, until we decided to throw out the Constitution. We threw out the Constitution with the PATRIOT Act because we changed the Constitution—not by two-thirds in this body voting for it and not by three-fourths of the States but by a scared 51 percent who threw out their liberties. They said: Make me safe. Make me safe. I am afraid. Make me safe. But they gave up their liberties.

I think that was a mistake, and I think we should have an intelligent

and rational discussion. I don't think it furthers the debate to accuse someone who has constitutional concerns about the way we are doing things of being in favor of putting weapons into the hands of terrorists. I object strongly to this.

The leader has said they will compromise. He said 1 week of debate in February and open amendments; that they would be open to amendments—even amendments they disagreed with. We will do whatever people feel is appropriate on this bill. That doesn't mean just amendments that are not emotional or just amendments that have nothing to do with guns.

They are petrified to vote on issues over guns because they know a lot of people in America favor the second amendment; that they own guns and want to protect that right to own guns and the right to have those records not sifted through by the government. We don't want to have a government that eventually will allow for direction of the police toward those who own guns. We don't want our records to be public. We don't want our records to be sifted through by a government without judicial review. But they do not want to vote on this because they know the American people agree with us. If we polled this question, we would find 80 to 90 percent of Americans don't want their banking records, don't want their gun records to be sifted through by a government without a judge ever giving any approval.

This is a constitutional question, and I would ask the leader to stand by his agreement to an open amendment process.

At this time, I ask unanimous consent that my amendments, Nos. 363, 365, and 368, be in order, with 1 hour of debate on each, followed by a rollcall vote. I ask unanimous consent that this occur at this time.

MR. REID. Madam President, reserving the right to object, and, of course, as the Senator knows, I have given a statement on the floor that one amendment I understand is in his consent makes this whole arrangement impossible, and so, therefore, I object.

THE PRESIDING OFFICER (Mrs. HAGAN). Objection is heard. Who yields time?

The Senator from Alabama.

MR. SESSIONS. Madam President, I yield Senator AYOTTE up to 10 minutes or such time as she may consume.

THE PRESIDING OFFICER. The Senator from New Hampshire.

MS. AYOTTE. Madam President, today marks the 756th day since the Democrat-controlled Senate passed a budget. The Democratic majority has abdicated a basic responsibility we have in our government; that is, to produce a budget. States produce a budget, cities and towns produce a budget, small businesses don't operate without a budget, and families produce

a budget. Yet here we are, running over a \$1.6 trillion deficit this year alone, and the Democratic-controlled majority is not bringing forth a budget or a blueprint to put our country on a path to fiscal responsibility. It seems to me, if we do nothing else, that is a basic responsibility we have as Members of the Senate.

On Monday, all Republican Senators joined Senator SESSIONS and me in sending a letter to the majority leader, urging him to take the steps necessary to bring forward a fiscal year 2012 budget in committee, to have a full, honest debate there and then on to the floor to make sure we have a transparent budget debate so the American people can weigh in on that and we can move forward to putting our country on a fiscally responsible path.

As a reminder, the committee should have acted on the budget resolution before the statutorily-set deadline of April 1, and Congress should have completed that action by April 15. Yet, unfortunately, the majority in the budget committee and the majority leader has ignored that law. The reality is, the majority party controls the work flow in the Budget Committee and determines what is debated on the floor. Given the enormity of the obvious fiscal challenges we face, there is no excuse for why my Democratic colleagues have not been able to have a transparent, serious debate about our country's fiscal future both in the Budget Committee and on this floor. The American people demand that and are owed nothing less.

Unfortunately, instead of coming up with a budget blueprint that puts us on a path to sustainability, many of my Democratic colleagues have primarily focused their efforts on distorting provisions of the House-passed budget plan, trying to score political points while our country's economic future becomes even more precarious. We have seen the warning signs for our country in other countries around the world, as well as the S&P's recent announcement of a negative outlook for the United States.

Astoundingly, last week, the majority leader said it would be foolish for his party to produce a budget plan. In talking directly with my constituents in New Hampshire, I can say with certainty that is the last word they would use to describe the Senate's refusal to have their own budget plan and to have a full and robust debate within the Budget Committee and within this body about the fiscal plan for our country's future. That is the last word they would use because they sit around their kitchen tables at home and they put together a budget. They look at the revenue coming in and the expenses they have and they balance their budgets. They have no idea why we are not doing that here. That fundamental responsibility is, unfortunately, what the

majority leader has described as foolish, even though it is an exercise that families undertake every single day.

Last year, Congress failed to pass a budget, failed to pass any of the 12 annual appropriations bills and failed the Nation by recklessly funding the government on a series of short-term spending bills. The Senate cannot make the same mistake we made last year—a mistake that was made by the Democratically controlled Congress this year, given the fiscal path our country is on. With less than 6 months remaining until the start of the new fiscal year, it is past time for the Senate to produce a basic budget plan that substantively addresses our grave fiscal crisis.

We need leadership and I call on the majority leader to show that leadership and the chairman of the Budget Committee to bring forth a budget in our Senate committee. I am a brand new member of the Budget Committee. I look forward to having that debate in that very important committee in our body, to work together with Members on both sides of the aisle to craft a responsible budget plan that reduces spending and brings us to a balanced budget. That is what our country needs.

In the letter that was sent to the majority leader, Republicans made clear we are ready to make the difficult choices to preserve our country and to get our fiscal house in order once and for all. We stand ready to preserve the greatest country in the world. There is no question that the budget process is broken when we don't even have a budget brought forth before the Budget Committee and a full and robust debate in this body.

Congress must get serious about putting in place spending reforms. I would like to see a balanced budget amendment to our Constitution, to make sure Congress can't get around any spending reforms we pass. States balance their budgets. Yet here in Washington we continue to spend money we do not have, unfortunately.

Congressman RYAN, in the House, has proposed, and the House has passed, a budget blueprint for our country. Yet my friends on the other side of the aisle have spent considerable time demagoguing the House budget blueprint and their plan, even though they have shown the courage to put forth a budget that puts us on a path to reduce spending and eventually bring us to a balanced budget. My Democratic colleagues have brought out the usual scare tactics. But for all their grandstanding, they haven't been straight with the American people.

We do need to address entitlement reform. We do need to make changes to Medicare—to preserve Medicare for those who are relying on Medicare right now and for future generations. I am the mother of two children, and I

certainly don't want to look my children in the eyes—with the fiscal crisis our country is facing—and have them say to me: Mom, what did you do about this?

Now is the time to act. We have three choices when it comes to addressing rising health care costs in Medicare. We can do nothing and watch the program go bankrupt in 2024, as outlined by the recent trustees' report on Medicare—an objective report that basically says that program will go bankrupt by 2024. We can go forward with the President's proposal to ration care through the administration's plan to have an unelected board of 15 bureaucrats who will decide who is going to get coverage, when they are going to get coverage, and how physicians are going to get paid or we can show real leadership and strengthen the program to make it solvent for current beneficiaries and also for future beneficiaries and allow them to make the choices, instead of an unelected group of 15 individuals who are accountable not to Congress and certainly not to the people whose lives will be affected.

I commend Congressman RYAN for his courage. I challenge anyone, including the Members on the other side of the aisle who have been so critical of the plan: Where is your plan? What is your constructive plan to save Medicare? How do you go home to your constituents, your elderly constituents—people such as my grandparents who are relying on Medicare—knowing that the trustees' report says it is going bankrupt in 2024—and say to them: I don't have a plan.

A constructive plan to preserve this program is important. It is what Republicans are committed to. We are here to save Medicare, to save our entitlement programs, and most of all, to save our country from financial ruin. Now is the time for leadership. It is time to look at the challenges we face with eyes wide open and to have the courage to fight for the American people and for the future of the greatest country in the world. We cannot afford to kick this can down the road.

The PRESIDING OFFICER. The Senator from New Hampshire has consumed 10 minutes.

Ms. AYOTTE. I thank the Chair. If I may finish. I thank my colleague, Senator SESSIONS.

We cannot afford to kick this can down the road any further. We must act now. We must address our entitlement programs now. I would call on the majority leader and on Senate Democrats—rather than demagoguing the plan that has come forward from the House, if you have a constructive plan of your own—to please come to the floor right now and bring forth a plan that will preserve Medicare, will preserve our entitlement programs, and put us on a path to fiscal responsibility and sustainability, to a balanced budget to save our country.

I thank the Chair.

Mr. SESSIONS. Madam President, before the Senator departs, I thank her for her comments and her valuable and constructive insights. I would ask her about one thing. I know a lot of our new Members came to Congress, having campaigned and talked to people all over their States, with a passion to do something about the unsustainable spending path we are on. We had a large number who wanted to be on the Budget Committee, and we are glad she just joined us.

But let me ask, is it a disappointment to get on the Budget Committee, which the law says should write a budget and have hearings on the budget, and then to find the majority leader has decided not to even allow a budget hearing to take place?

Ms. AYOTTE. I thank the Senator from Alabama for that question. As the newest member of the Budget Committee, it is an extreme disappointment. I was looking forward to rolling up my sleeves and undertaking the responsibilities of putting forth a responsible budget to preserve our country. That is why I wanted to serve on the Budget Committee.

I come from a small business family. I know one can't operate a business without a budget. So many of my constituents and those I met on the campaign trail asked me all the time: I have no idea, how can we operate a government without a budget? Yet here we are. That is what has been so disappointing to me. I hope and I urge our Democratic colleagues to change course and let the Budget Committee do what it is supposed to do.

Mr. SESSIONS. Madam President, I thank Senator AYOTTE of New Hampshire. She is following in the footsteps of a great budget leader, chairman, ranking member, Judd Gregg, and brings those good instincts to the body.

I ask unanimous consent that the following Republican speakers be limited to 10 minutes each. I, at this point, am pleased to recognize my very able and effective colleague, Senator DEMINT, for his comments at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. DEMINT. Madam President, I thank Senator SESSIONS for leading these few minutes of debate we were allowed. It is an extraordinary situation where we are as a nation, that we are here with only a few minutes of debate about what has become the most serious situation our country has ever faced, and that is our debt.

When President Obama was a Senator in 2006, he said "increasing America's debt weakens us domestically and internationally."

Admiral Mullen, the Chairman of our Joint Chiefs of Staff, has said: "Our biggest national security threat is our debt."

We know the rating agencies that look at our financial condition, such as Standard & Poor's, have downgraded us. We know major capital funds have divested of Treasury notes, concerned about our political will to deal with our debt. Yet we do not have a budget. We do not have any plan to deal with the debt. Everything Republicans put forward in the House and the Senate the Democrats sit on the sidelines and criticize and misrepresent. Yet they offer no solutions themselves.

It is hard to deal with \$14 trillion in debt and what it really means. Here is one chart that is somewhat helpful. We hear in the news that Greece and Ireland and Portugal are bankrupt. They are close to defaulting. They are having to be bailed out by the International Monetary Fund. These charts just show the percent of debt relative to their total economy, their GDP.

We see Greece is already at 136 percent; Ireland is at 75 percent; Portugal, 82 percent. If we add up all the liabilities that we have as a nation, we are already at 95 percent, which means we have more debt relative to our total economy than Portugal and Ireland already, and very soon we are on a track to even outpace Greece. Yet we do not even have a budget, no plan of what to spend.

When Republicans talk about the need to cut spending all we get is criticism. The President has actually submitted a budget that nearly doubles our debt over the next 10 years. We will get a chance to vote on it. Not even the Democrats are going to vote for that budget. But they have not even presented one on their own.

We will also get a chance to vote on the House budget. The Democrats think if we do, that is going to hurt us. But I think we will see most Republicans vote for it because they know we have to deal with Medicare. The President's budget cuts what Medicare pays doctors another 35 percent. Already about 50 percent of the doctors in this country will not see new Medicare patients. The President cut \$½ trillion from Medicare to help pay for ObamaCare and somehow he can look us in the eye and say this strengthened Medicare. The fact is, the Democrats have Medicare on a course of bankruptcy that is going to happen much sooner than is projected because people will not be able to find a doctor if the President's budget is implemented anywhere close to where it is going to be implemented.

Republicans are trying to save Medicare and make sure there are options for seniors in the future that will be good options for them; that they will have a way to pay for health care in the future. Medicare will not be there. Anyone who looks at seniors today and tells seniors that traditional Medicare is going to be there 5 or 10 years from now is not telling the truth because it

is not. Doctors will not see Medicare patients at the rate we are going to pay.

All we are doing today is having what we call message votes, show votes. They are set up to fail. The majority leader does not intend to pass any budget—not the President's budget, not a Republican budget, and they will not even offer one on their own. We are going to leave here today with this situation right here: with America approaching a debt level which we have seen take down other countries and continue to ignore the obvious.

As has already been referenced by Senator AYOTTE, the majority leader actually said:

There is no need to have a Democratic budget . . . it would be foolish of us to do a budget at this stage.

It would be foolish because it would reveal what they really intend to do, which is to keep spending and keep borrowing, keep investing, keep growing government programs, and not make those hard decisions that have to be made to pull our country away from the edge of a cliff, which is where we are.

Everyone outside Washington seems to understand that we have an urgent situation right now. Yet here we are today with just these show votes on a budget with no intent of dealing with this at all. What we need to be doing is—recognizing the President has said our debt is our biggest problem, and it is a failure of leadership to ask for an increase in the debt ceiling—we need to recognize we cannot raise this debt ceiling. We cannot increase our debt unless we make the hard decisions that need to be made for the future.

The only decision that will change this place is if we pass a balanced budget requirement for the Congress that the States have to ratify. If we passed that this year before we voted on the debt ceiling, then the people of this country in all 50 States would have a chance to ratify that. It would take 1 year or 2, 3 years to be ratified; then there is another 5 years' implementation built into the bill. So we are talking 6 or 8 years to get to a balanced budget.

If we cannot make that commitment as a Congress, we are in effect committing to bankrupt our country because all of us know we cannot keep spending more than we are bringing in when they are already telling us we are at a debt level that is going to bankrupt our country. We cannot even pay the interest if interest rates go up at all.

We have to be responsible, and what we are doing today is completely irresponsible. I cannot raise the rhetorical level high enough to talk about the absurdity of where we are. We put our country in danger, our future at risk, and yet we are having show votes on budgets and no budget at all from the Democratic majority.

I appreciate the Senator from Alabama at least taking this time that we have to point out the real issues and the urgency of the matter in the fact that we need to move from show to real substance. We cannot roll up our sleeves and work together if the other side does not agree that we have a problem. We do have a problem, and the only way to change that is for us to agree as a Congress to balance our budget within a reasonable window and to put that structure on us so we keep that budget balanced in the future.

I thank Senator SESSIONS and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Madam President, I thank the Senator from Alabama for giving me the opportunity to speak on this extremely important issue. Let me follow up on the central point that Senator DEMINT from South Carolina has been making.

When I go back to Pennsylvania and talk to my constituents about the fact that the Government of the United States, the world's biggest enterprise—an enterprise—is going to spend \$3.6 trillion this year, and we are doing it without a budget, they look at me in shocked disbelief that this could even be possible. But it is possible because my colleagues in the Senate, my Democratic colleagues, refuse to produce a budget. It is an unbelievable abdication of responsibility.

My colleagues have asked the American people to elect them to the Senate, have asked the American people to be the majority party of the Senate, which they are, and their attitude is they have no responsibility to lay out a plan for how they want to spend the \$3.6 trillion that they want to spend. They have no intention of laying out a plan of where the revenue is going to come from, how much is going to come from which areas, and how this money should be spent—no overall blueprint, no guidelines, no architecture for spending this staggering sum of money. This is an extraordinary abandonment of a very fundamental responsibility.

I have to say, I have a hard time listening to the criticism of the House budget by people who have offered no budget as an alternative.

Let me speak about the House budget for just a minute. It has taken a great deal of criticism from my friends on the other side in particular because 10 years hence, in this budget, they recommend reforms to Medicare that save Medicare. I want to stress this point. The current policies being advocated—not in a budget but advocated elsewhere by my Democratic friends—they are currently in the process of crushing Medicare because that is what is happening.

Talk to your doctors back home, talk to your hospitals. We have small hospitals across Pennsylvania that are in-

creasingly finding it so difficult to operate. Reimbursements are being gradually crushed down. We have this threat that doctors' reimbursements are going to be dramatically cut. We have created in the President's health care overhaul this Independent Payment Advisory Board, as it is called, the purpose of which is to find ways to ratchet down reimbursements for health care providers.

One of the things that breaks my heart is how often I have had the conversation with doctors who tell me, often choking up in the process, they are encouraging their kids to pursue some other line of work, some other profession other than health care, the profession to which they have dedicated their life. But this is the state of affairs that we have today because of where Medicare is and where it is heading.

So the House comes along and offers a plan that saves Medicare, puts it on a viable, sustainable footing for future generations, and they get attacked for it. Is it the perfect plan? Is it the only plan? I am sure it is not. But it would work.

One of the things that makes so much sense about what they are doing is they are altering the payments as a function of people's wealth and health. It makes a lot of sense. So when younger people reach retirement age, they get more financial help from the government if their income is lower and their health is worse, and they get less if they are wealthy and relatively healthy. This mechanism would put individuals in control of their own health care and put the government on a sustainable path.

Frankly, I think we ought to congratulate them for doing some very thoughtful work. I am going to vote for the House plan. The House plan addresses a very long term structural problem we have for our budget and does it in a very thoughtful and sensible way.

I am introducing an alternative budget because I wish to focus on the nearer term. My focus is these next 10 years, because I think we have a crisis staring us right in the face and we have to deal with it now. So I think we have to deal with it in next year's spending and in the immediate future.

A big part of my goal and what we have demonstrated in the budget I have introduced and that we will have a vote on in a little while is that we can balance this budget within 10 years. I think that is a very important goal. My budget accomplishes that with two elements: policies that generate strong economic growth which have all kinds of benefits, not the least of which is it generates more revenue for the Federal Government; and the other part of this is we have to tighten our belt. This government has been spending way too much money. My budget ratchets that

back. The combination brings us to balance within 9 years and generates a modest surplus within 10 years. In the process, we dramatically reduce the amount of debt as a percentage of GDP.

We just saw the Senator from South Carolina present a comparison of what a dangerous position we are already in compared to that of other countries that have racked up too much debt as a percentage of their economies. We are following on this very dangerous path. My budget starts to reverse that curve. It starts to lower the debt as a percentage of GDP and, by bringing the budget into balance, it will actually stop growing the debt altogether, which I think is a very important goal. Part of that is through pro-growth tax policies.

No. 1, in this budget we would ask the relevant committees in the two bodies to enact reforms that would simplify the Tax Code dramatically and allow us to lower marginal rates. The combination of a simplified Tax Code and lower marginal rates is absolutely guaranteed to generate economic growth. I would do it on the corporate side as well as on the individual side and, on the corporate side, move to a territorial-based access system so we wouldn't continue to have the tremendous competitive disadvantage we have vis-a-vis our trading partners.

On health care, we take a different approach for Medicare. We are focused on these next 10 years. Over the next 10 years we do two things: One, we end the fiction that we are going to cut doctors by 30 percent, or end the threat, depending on how you choose to look at it. So the sustainable growth rate, as it is called around here—this notion that we have to massively cut reimbursements to doctors all of a sudden—that is done away with. We recognize that would be a very imprudent policy.

Another thing we do is adopt one of the recommendations from the Simpson-Bowles commission on medical malpractice liability. That helps to save some significant money across the board on health care, and certainly that includes Medicare.

On Medicaid, we adopt a very similar approach to that which is done in the House budget, which is to say this is completely unsustainable in its current form. Medicaid has been doubling every 8 years and it is a big driver of the deficit we have in Washington. It is also a big driver of huge deficits across the 50 States. It is a big problem, because the States have little or no flexibility in how they administer this program. They have a big financial burden that comes with it. What I think we ought to do is take these resources, block grant them to the States, and give the States the flexibility to figure out a better way to deliver health care services to low-income people. I think among our 50 States, I am very confident there will be many that will

come up with better models and as they do, they will be adopted generally, and we can put this program on a sustainable path, which it is certainly not on today.

On some other areas of spending, on nondefense discretionary spending, we have to cut it. We have grown it too much. In fact, the big surge in the deficit in recent years has come from the discretionary side. So what we call for is lowering nondefense discretionary spending to the level it was in 2006 and then freezing that for 6 years, after which it would be indexed to the consumer price index. Other mandatory spending, aside from the big entitlement programs, would gradually be reduced to just over their 2007 level. I say gradually. We do this so people have a chance to adjust. Frankly, the economic growth we would get from the lower marginal tax rates would help facilitate this. It gets lowered to 2007 levels by 2014, after which it grows at CPI.

Our budget calls for no changes whatsoever to Social Security, and it calls for none of the structural changes to Medicare because those would occur after the 10-year window and we are focused on just these next 10 years.

I would strongly stress that we are staring at a full-blown crisis. We don't know whether it is a year from now or 2 years from now or 18 months or even nearer. That is impossible to know. But it is impossible to deny that we cannot continue on this course. We cannot continue running multitrillion-dollar deficits—deficits that are 10 percent of our entire economic output, that rack up this huge amount of debt as we have done in recent years. That is not sustainable.

My first career out of college was in finance. When I was working in finance, the idea of the Federal Government of the United States of America even having a credit rating was not something that was understood to be that way. The United States of America was above the credit rating system. It didn't apply to us. A triple A rating wasn't even relevant because we didn't even talk about the creditworthiness of the United States, except to refer to it as the risk-free interest rate, the risk-free security, the security for which there was no risk of a failure because this was, after all, the Government of the United States of America.

Now we are in a position that is absolutely shocking to me. We very much are subject to a credit rating, but it is worse than that. We have S&P telling us they are actively contemplating the day on which they will lower our credit rating and we won't even be AAA. This is absolutely shocking to me and it has tremendously dire consequences.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOOMEY. Madam President, I close by saying we cannot kick this can down the road anymore. We need

to do something now. I have a budget that balances within 10 years and I urge my colleagues to support it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I see my colleague Senator HATCH and I will be yielding to him for 10 minutes. I thank my colleague, Senator TOOMEY, a member of the Budget Committee. He served on the House Budget Committee. He has worked harder than maybe anybody on the committee and has proposed a plan that would actually balance our budget within 10 years. It is the kind of thing we should be debating in the committee. Unfortunately, I know the Senator has to be deeply disappointed because we are not having a markup in committee. We are not even having a chance to bring forth his budget and defend it and point out why he believes it will make America a better place.

I thank the Senator from his contributions to the debate and to the committee.

Let me note that Senator HATCH is the ranking member of the Finance Committee, a very significant, important committee that deals with the financial challenges our Nation faces every day. I thank the Senator, and I yield to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague, and I thank Senator TOOMEY for his work.

Early this year, along with every one of my Republican colleagues, I introduced a balanced budget amendment to the Constitution.

The people of Utah want this amendment. The polls show that if Congress were to pass it and send it to the States for ratification, it would have significant support across the country.

From my perspective, the debate we have been having over the fiscal year 2012 budget this week—if you can even call it a debate—exemplifies yet again the need for a balanced budget amendment. It seems like a simple thing, but the balanced budget amendment would require the President to submit and Congress to pass a balanced budget. Given the budget process over the last few years, this simple requirement takes on added significance.

The fact is it has been 756 days since Democrats passed any budget, the most basic of Congress's constitutional responsibilities. And the fact is that absent a balanced budget amendment, Congress will never adopt the spending restraint necessary to restore constitutional limits on the Federal Government and the Nation's fiscal integrity.

The consequences of this ineptitude reached a new low on the Senate floor yesterday. To recap for those who missed it, Democrats took to the Senate floor and accused Republicans who are attempting to right our fiscal ship

by reforming programs for the poor and elderly of seeking to harm women, children, and other vulnerable members of our society. This verbal assault was deliberate and premeditated. I actually thank my colleagues on the other side who declined to participate in those attacks. Those attacks might make for good politics, but they are terrible for this country.

People here might wish to deny it, but the fiscal crisis we face is real. They might wish to say that Social Security's finances are just dandy, but the fact is the disability trust fund will be exhausted by 2018 and the overall trust fund will be exhausted in 2036, a year earlier than we previously thought.

As bad as Social Security is, the situation with Medicare is even worse. According to the Congressional Budget Office, Medicare will be insolvent in 2020. According to the Medicare trustees, Medicare's unfunded liability is \$38.4 trillion. And what is the Democratic response to this? All is well. Nothing to see here. Please move along. This is what the Democratic candidate in New York's special election had to say about her opponent's claim that reforms to Medicare were necessary to restore the solvency of this program:

That's simply a scare tactic to tell our seniors that there will be nothing for them. . . . That's not the truth.

Republicans are trying to scare seniors? That is rich. A liberal surrogate for the Democrats is currently running an advertisement that shows House Budget Committee Chairman PAUL RYAN pushing an old woman in a wheelchair off a cliff. Talk about a new low. The head of the Democratic National Committee—fresh from lecturing conservatives about civility in politics—described the House budget as a tornado through nursing homes.

Yesterday we were treated to claims on the Senate floor that stopped short of these attacks, but not that far short. Yet it is Republicans who are trying to scare seniors? Give me a break. Still, as bad as yesterday's display was, I ended my day positive about the future. Last night, I attended a dinner celebrating the centennial of President Ronald Reagan's birth and at that dinner I had the honor of introducing Lech Walesa, the former President of Poland, who helped to roll back the Iron Curtain and liberate a continent.

When Ronald Reagan became President, the Soviets were on the march. It was not a foregone conclusion that Communists would wind up in the ash heap of history. When Lech Walesa mounted the fence at the Gdansk shipyards, the only thing he could be certain of was prosecution by Communist authorities. But Reagan and Walesa understood something. They understood that communism was a lie, played out on a world historical stage.



And to borrow from Shakespeare, Reagan, and Walesa, that the truth will out.

The fundamental truth we face today—one that cannot be denied—is that our Nation faces a spending crisis that no amount of additional taxes can fix. So let's talk about this budget process in a serious way. Unfortunately, doing so will not reflect well on this Chamber.

Borrowing from another one of Shakespeare's plays, in *Hamlet* the character Marcellus observed that something is rotten in the state of Denmark. One might say the same about the Senate's action on the budget resolution. A budget is not law, but it is an important document that installs the guardrails for the operation of fiscal policy.

Under the Congressional Budget Act, each body is to report a resolution by April 15 of each year. President Obama submitted his budget, and the House met the April 15 deadline. But Senate Democrats have no budget of their own. Here is the Senate Democratic budget resolution: Just one big laid goose egg.

So here we are today talking about the House-passed budget. The simple truth is my colleagues on the other side don't want to vote on a Senate Democratic budget. Instead, they are determined to vote on a budget that everyone knows will not pass this body. Why is this? With all of their hard-edged partisan fury, and not even a thin reed of fiscal governance, like Marcellus, it is reasonable to conclude that something is rotten in the Senate. And if we follow the scent with our noses, we will find it comes down to numbers.

The magic number is 50. There are 100 Members of this body and 53 of those Members caucus with the Democrats. So why aren't there 50 votes for a single Democratic budget? We have heard Senate Democrats won't support the President's budget. The stated reason is that the President's do-over budget was nothing more than a speech that was so vague that our friends on the other side refuse to treat it as a budget. I believe there is a bigger problem holding up the Democratic caucus. The heart and soul of the Democratic caucus is liberal, and I respect that. But a healthy number of my friends on the other side are not entirely in that camp. And many more realize a pure liberal fiscal position might not be politically palatable. After all, the voters sent a message last fall to get spending under control and not to hike taxes.

So because Senate Democrats are jammed up, unable to get their act together, their leadership proposes no budget of their own. We are engaged in a Senate budget debate, but there is no substantive Senate Democratic budget before us, and we don't have one because at least 50 members of this body

do not agree on one, even though they have 53 on their side. So how then do we define the majority's fiscal position?

What budget would the majority of Senate Democrats support if they could? That budget is lurking in the background of this debate. It is the budget the party's liberals would enact if they could. It is the budget the President, in his heart of hearts, supports. It is certainly the budget the folks at MSNBC support. It is the House Progressive Caucus's budget—an intellectually honest presentation of the liberal fiscal policy position. For interested folks, take a look at pages 6260 through 6268 of the CONGRESSIONAL RECORD of April 15, 2011. There you will find the House Progressive Caucus budget's fine print and the debate over it.

The Progressive Caucus budget is real and it is ambitious. It is also politically risky. Similar to the House budget developed by Chairman RYAN, it took political courage. It is a statement of policy principles and numbers. With a goose egg as the stated Senate Democratic budget, from my perspective, the best place to look for the Democrat's position is the budget of the House progressives. There is no doubt that is where the sentiments of a majority of the Senate Democrat caucus truly are.

I also think the House progressive budget offers a valuable contrast to the House-passed budget. Last time I checked, there are two major parties in Congress, and both parties should be accountable for what they would do about our perilous fiscal situation.

So let's hold them to account. The House progressives aim to balance the budget by 2021. They aim to reduce public debt as a percentage of GDP to 64.1 percent by 2021. They aim for both taxes and spending to grow significantly but to equal 22.3 percent of GDP by 2021. House progressives advocate a fulsome growth in the role of the Federal Government, with new domestic spending rising by \$1.7 trillion—new domestic spending.

How do they propose to pay for all this? While the Democrats play “hide the ball” on this issue, the House progressives are refreshingly frank. The short answer is, tax hikes and cuts in defense spending. They propose \$4 trillion in new taxes.

Let's take a look at these new taxes: raise marginal tax rates by 17 percent to 24 percent for single taxpayers. Look at that chart. There is an increase in the top marginal rates by 17 percent to 24 percent. There is a brandnew “millionaire” surtax, with rates reaching as high as 47 percent. There is a new record-high death tax rate of 65 percent.

They treat capital gains and dividends as ordinary income. That means, in some cases, the marginal rate on

capital gains and dividends would more than triple. They tax all overseas business income currently. That would mean, with respect to growing global markets, U.S. businesses would be subject to uniquely high levels of taxation.

They create new taxes on banks and financial transactions. I will remind folks that the CBO told us last year this kind of tax would be passed through to bank customers and depositors.

House progressives look to reform Social Security by raising the base of the payroll tax on both employers and employees.

Look at this. My goodness. On health care, House progressives' transparency is breathtaking for its honesty.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. SESSIONS. Madam President, I tell my distinguished colleague that we only have a few minutes left, and the Senator from Utah is waiting. So if the Senator could wrap up briefly, I have thoroughly enjoyed the Senator's remarks.

Mr. HATCH. All right. I thank my colleague.

Their budget anticipates taking ObamaCare to the next level with a government-run plan. Progressives would impose government negotiation of prescription drug payments.

Where are the spending cuts? One word, “defense.” Defense will be cut by \$2.3 trillion. This is the progressive budget. The hearts of the Democratic Party would love to proceed down this path: ever higher spending and ever higher taxes to pay for it. But the heads of the party realize that this would be politically disastrous. And so, like *Hamlet*, they are paralyzed when action is demanded.

The failure of the Senate Democratic leadership to produce and vote on a budget of their own cannot be allowed to mask a simple fact. The Democrats might not like the solutions in the House budget, but their own failure to offer a proposal is a vote for the status quo. And a vote for the status quo is a vote for the destruction of Social Security and Medicare. And that is the true threat to America's elderly.

Serious times deserve serious measures. For that reason, I will be voting for the motion to proceed on the House-passed budget, as well as the budgets proposed by my colleague from Pennsylvania, Senator TOOMEY, and my colleague from Kentucky, Senator PAUL.

We have entitlement programs with unfunded liabilities in the tens of trillions. And the Democrats' response? Don't reform those programs to make them sustainable. Instead let's scare up \$21 billion by attacking tax breaks for oil companies.

If my Democratic colleagues want to have a tax reform debate, I am open to that. But let's not pretend that increasing taxes on oil companies will



make one iota's worth of difference in making the country's entitlement programs solvent. Let's not pretend that this is a remotely serious solution to the country's fiscal problems.

Instead of offering a serious budget proposal and debating it, Democrats chose to engage in the basest of politics, smearing Republicans as hostile to women and the elderly.

I wish it were not so, but Marcellus' observation is compelling today. Something is rotten in the U.S. Senate. Nonetheless, and in spite of these antics, I am optimistic about the future.

The truth will out, and the truth is that this country is racing toward a fiscal crisis. This fiscal crisis is still avoidable, if we take courageous actions.

Chairman RYAN, in proposing his budget, and the House leadership for voting on it, have done just that. And fortune favors the bold.

I thank my colleague for that little extra time. I intend to vote for three of these budgets today because the three of them make sense. They are not crazy, they are not phony, and each of the three would save Medicare and other matters in the Federal Government.

I thank my colleague.

Mr. SESSIONS. Madam President, I thank the Senator.

I have to say, the Senator's remarks about the progressive budget and the fact that it represents the heart of this Senate Democratic conference's view of the budget is probably correct. It also represents a view that would be widely and strongly rejected by the American people.

Senator LEE, from Utah, is a new Senator. He campaigned in every corner of his State. He has talked about this issue and spending and has listened to his people and I am delighted to hear from him at this time.

Madam President, how much time remains on this side?

The PRESIDING OFFICER. One minute fifteen seconds.

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senator from Utah have 4 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Madam President, reserving the right to object, I am fine with that if we would have that time added on our side as well.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. Without objection, 3 minutes will be added to each side.

Mr. CONRAD. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Madam President, my distinguished colleagues who have spoken this afternoon have pointed out a truth that is impossible to refute, which is, at the rate the Federal Government is

spending, we will have acquired \$15 trillion of debt by the end of this year. That is a lot of money. It is requiring a lot of interest payment. That interest payment is only going to grow large in the coming years.

The Obama administration is already predicting that by the end of the decade, we will be paying \$1 trillion a year just to service the interest on our national debt. To put that in perspective, that is more than we spend on Social Security in an entire year, more than we spend on Medicare and Medicaid combined in an entire year, more than we spend on national defense in an entire year. I actually believe that 10 years is putting it optimistically. I think that day is coming much sooner.

For that reason, I believe this body needs to pass a budget, a budget that balances. The problem has been this body has refused to do this. Every time we proceed with the idea that we will cut so many billions of dollars over the next 10 years or every time we adopt statutory spending caps, as we did with the Gramm-Rudman-Hollings Act almost 30 years ago, as we did with the pay-go rules, Congress has treated those as something Congress can exempt itself out of. Congress has become a walking, breathing waiver unto itself.

The problem is that we, as a legislative body, cannot bind future Congresses. We can legislate. We can appropriate only for this Congress. So our commitment now to save later is not binding—unless, of course, we adopt an amendment to the U.S. Constitution that will bind future Congresses. That is why I have said I will oppose any and every attempt to raise the debt limit until such time as Congress has passed out of this body and presented to the States for ratification a balanced budget amendment to the U.S. Constitution—one that would require a two-thirds supermajority vote to authorize Congress to spend more than it takes in, in any given year, and to spend more than 18 percent of gross domestic product in any given year.

We cannot continue in perpetuity to rely on this kind of deficit spending. This will hurt every single Federal program. Whether you are most concerned, on the one hand, about preserving our ability to provide for our national defense or, on the other hand, if you are most concerned about preserving our entitlement programs, you ought to want a balanced budget amendment. You ought to be unwilling, as I am, to raise the debt limit until that amendment has been passed out by this body and passed by the House of Representatives and submitted to the States for ratification.

Thank you, Madam President.

I yield the floor to my distinguished colleague, the chairman of the Budget Committee, with whom I have appreciated the opportunity to work and

would say, again, that he orchestrated a fine series of Budget hearings with some fabulous witnesses who made us all nervous but gave us some valuable insight. I say to Senator CONRAD, I appreciate those good hearings and I appreciate the opportunity to work with you and I am sorry we are not able to mark up a budget this time, it looks like.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the ranking member. Those hearings would not have been possible without the active working together of my office and his office, and I do think they were an excellent set of hearings talking about the dimensions of the problem we confront and that we are on an unsustainable course, where we are borrowing 40 cents of every \$1 we spend. It cannot continue.

Madam President, after my brief remarks, I ask unanimous consent that the following Senators be recognized for up to 5 minutes off the Democratic time: Senator MENENDEZ, Senator LAUTENBERG, Senator BEGICH, and Senator WHITEHOUSE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Madam President, just briefly, I wish to address this question of why we on our side have not laid down our budget proposal. Let me repeat, we are in an unusual year. This is not going to be a circumstance in which there is a Republican budget, a Democratic budget, you go to conference committee, and they are resolved because we have a new process underway at the leadership level involving the White House. This is what the Republican leader himself said about that process:

[T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden. . . . That's a process that could lead to a result, a measurable result. . . . And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result.

We do not need a Democratic budget and a Republican budget. We need an American budget. We need a budget that is bipartisan because all of us know that is the only budget that can possibly be adopted. The Republicans control the House of Representatives. The Democrats control the Senate. The only possibility for us to make progress is a bipartisan budget.

That is why I was deeply involved in the process on the President's fiscal commission—18 of us for 1 year—and it is the only place a bipartisan budget has so far emerged. Madam President, 11 of us supported it—5 Democrats, 5 Republicans, and 1 Independent—11 of us out of the 18 on the Commission.

We now have underway a group of five talks—Democrats and Republicans working together. But, most important, we have, at the leadership level,

Republican leaders from the House and the Senate, Democratic leaders from the House and the Senate, and the Vice President of the United States. What sense would it possibly make for us to go to markup of a budget before we have seen the results of these leadership talks? That makes no sense. We have a bipartisan discussion underway—Republican leaders, Democratic leaders, and the White House. We ought to have the courtesy and the patience to see if they can come up with a plan that would then form the basis of the budget.

Mr. MENENDEZ. Madam President, I rise with deep concern about what the proposed Republican budget does—in real terms—to real families in this country.

I am deeply concerned that my colleagues on the other side—in their ideological haze—seem to have lost sight of the real people whose lives will be affected by the choices we make.

It seems to me that the Republican budget proposal fails to realize that budgets are not just about numbers. Budgets are about people—their hopes, their dreams, their expectations for a better life for themselves and their children. They are about the promise of America—the vision we have of safe, clean, vibrant communities in which to live and raise our families.

Budgets are a reflection of our values, not—as the House Budget Committee chairman would have us believe—a faceless calculation of pluses and minuses just to get to an arbitrary number—regardless of the impact on families, seniors, students, and every community in this country.

We all have a budget, every family has one, maybe not a formal budget, but we all have one. On the revenue side we have what we earn from gainful employment, investments, interest on savings. And on the flip side we have our expenses: our mortgage payment, groceries, utilities—and we have our contributions perhaps to our church or synagogue, donations to a favorite charity, a favorite cause. These are expressions of our personal values, just as the nation's budget is an expression of our collective values.

We may not always think of the budget in those terms, but we should. It is about our values.

Well, we found out last night, in upstate New York, that the Republican vision of ending Medicare as we know it does not reflect American values, and voters are not buying it.

Once again, our Republican colleagues have shown that they are out of touch with the American people and are on the wrong side of history when it comes to what Americans think is fair—what they think is right.

Americans don't think it's right to give subsidies to big oil companies, tax breaks to millionaires, and take Medicare away from seniors.

They are saying that it is time to abandon the tired refrain of privatization and ending Medicare as we know it. It is time to abandon their ideological agenda that leaves seniors to fend for themselves.

It is not who we are as a people, and it is not what Americans want.

This week I met with a group of seniors in Fort Lee, NJ. We discussed what the Republican budget cuts would do to the Medicare system they have depended on for decades.

At the Fort Lee senior center, a typical 65-year-old, under the Republican budget proposal, would pay an additional \$7,060 by 2022. Right now, 142,834 seniors in New Jersey are impacted by the donut hole. Under the Republican plan those seniors will pay an additional \$80 million for prescription drugs next year, and by 2020 seniors currently in the donut hole will pay an additional \$1.6 billion.

Nationwide, nearly 4 million seniors would pay \$2.2 billion more for prescription drugs in 2012 alone under the Republican plan. The Republican plan to end Medicare would also force at least 1 million seniors to pay over \$110 million more for annual wellness visits in 2012.

And, by turning Medicaid into a block grant program, the Republican plan could cost America more than 2 million private-sector jobs over the next 5 years and threaten our economic recovery. But that is not all. Nationwide, the Republican plan could cut more than \$503 billion in Medicaid funding for seniors and the disabled, including life-saving nursing home care.

Leaving us with the uncomfortable and unanswerable question I pose to my Republican friends: What will those people do—where will they go? What happens to them under your budget plan?

These are people, not budget numbers. What happens to them?

The Republican budget, in my view, satisfies a narrow political agenda that has obsessed about diminishing the role of government at all costs, no matter the trade-offs, no matter who it hurts, or what we lose.

I believe we can debate the role of government, but let's have it straight-up. Let's not play this game of tearing away at the fabric of America thread-by-thread to satisfy a political agenda, and falsely claim it to be "fiscal responsibility." It is not fiscal responsibility; it's the single-minded goal of a conservative political agenda.

Fiscal responsibility is finding common ground and making difficult choices together. In a democracy, one view does not make a budget.

We can negotiate responsible cuts. We all agree that we must make cuts and reduce the deficit. So let's agree now to negotiate fair cuts and include revenue expenditures that truly balance the budget, and are truly fiscally responsible.

Cutting the deficit should not be a game of political brinksmanship. It requires serious people coming to the table willing to make difficult choices that balance cuts against revenues—balance necessary services and investments that protect our values and our way of life against wasteful spending—while creating opportunity for every American.

Balancing the budget isn't just about numbers. It is about protecting middle class families who are struggling to make ends meet in this economy—and about reflecting their values, their hopes, their vision of what America is all about.

When considering our values as a nation, the question in this Senator's mind is: Who pays to lower the deficit and who does not under this Republican budget proposal?

The answer is clear. Middle class families pay. Seniors pay. Anyone looking for a Pell grant pays, but nothing is asked of the wealthiest Americans, and Big Oil still gets billions in subsidies.

The fact is the Republican approach to balancing the budget is anything but balanced.

It is skewed to those who have the most and have already benefited the most. A balanced long-term deficit reduction plan would have to include discretionary spending cuts, including defense, as well as entitlement changes. It would have to reduce revenue expenditures by closing tax loopholes.

That is what fairness demands; it is what balance would demand. And it is what makes sense.

In my view, the Republican plan—with \$1 trillion in tax cuts for the wealthy—makes no sense. It is as unbalanced a proposal as one could imagine. Yet our friends on the other side come to the floor and embrace it as rational, reasonable, and perfectly fair.

They look America in the eye, and say that giving the wealthiest Americans more in tax relief will magically create jobs. Although there clearly is not evidence that it has in the past. They tell us that it will raise all ships. They tell us—once again—that wealth will trickle down.

How many jobs-lost, how many jobs-outsourced, how many companies-moved-overseas do we have to endure before we admit that trickle-down-economics is a quaint but false notion? The one thing lacking in trickle-down is the trickle-down.

The fact is the Republican budget is not a balanced approach. It is, in fact, the epitome of imbalance. It memorializes a far-right political ideology and codifies it into a budget document that is fundamentally flawed.

My colleagues on the other side believe balancing the budget means putting \$1 trillion dollars in tax cuts for the wealthy on one side of the ledger, and \$1.4 trillion in cuts to Medicare

and Medicaid over the next 10 years on the other. They believe it means a trillion dollars in tax cuts for millionaires who hold 40 percent of America's wealth while eliminating protections for seniors, children, and the disabled—a choice that will leave 34 million Americans with no medical insurance at all.

If we were serious about reducing the deficit in a balanced way, we would start with the obvious, subsidies for Big Oil. The top five oil companies earned nearly \$1 trillion over the last decade. Passing my bill to repeal oil subsidies would save taxpayers \$21 billion over 10 years.

We can safely assume oil profits will be much greater in the decade to come with higher oil prices, but let's assume the top five oil companies only get another \$1 trillion in profits over the next decade.

And let's not forget that these profits are in Federal waters and on Federal lands, so they are making these profits with America's own resources. According to the data, the cost of exploration, development, and production of oil for the big five oil companies is about \$11 per barrel.

Oil has been trading at about \$100 a barrel. That means Big Oil companies are enjoying a profit of over \$90 per barrel of oil they extract.

Why in the world would they ever need subsidies in such conditions?

Handing out money to Big Oil companies and to the wealthiest Americans shows that the other side is not interested in balancing the budget or reducing the deficit, it wants to enact policies that favor the rich. They would rather dismantle Medicare, cut Social Security, cut Medicaid for seniors and the poorest among us in nursing homes who have no other place to go rather than solve our long term deficit problems in a fair and balanced way.

It wasn't long ago that the budget was, in fact, balanced—during another Democratic administration—when we had budget surpluses as far out as the eye could see.

How quickly we forget. The day Bill Clinton left office he handed the incoming president a \$236 billion surplus with a projected surplus of \$5.6 trillion over the next 10 years.

When President Bush left office he had turned a \$236 billion budget surplus into a \$1.3 trillion budget deficit with projected shortfalls of \$8 trillion over the next decade and handed the new President an economy headed off the cliff.

Now, our Republican colleagues want to go back to the same failed policies. They want to give more tax cuts to millionaires and billionaires, subsidies to Big Oil while they end Medicare as we know it, and gut Pell grants and all they mean to our economic future.

They insist on tax cuts that will cost \$700 billion on the revenue side over

the next 10 years, and trillions more by slashing tax rates for corporations and millionaires. Those making more than \$1 million a year will see a windfall of \$125,000 each from the tax cuts, and tens-of-thousands-of-dollars more from the proposed rate cuts. While people in my State lose \$34 billion in health benefits and 400,000 New Jerseyans end up without health coverage at all. They want to shift the balance to millionaires and billionaires, while making draconian cuts to make up for the deficits they created—cuts that do not reflect our values as a people and a nation.

The fact is “balance” is not about subsidies to Big Oil while ending Medicare as we know it. It's not about \$1 trillion in tax cuts for the wealthiest Americans, while slashing Pell grants by 18 percent.

Balance means fairness. It means evenness and equality. It denotes a state of equilibrium, an equal distribution, a proportionate approach. It implies symmetry—not a lopsided view that protects those who need no protection, but does not protect the interest of middle class families struggling to make ends meet.

The Republican notion of “balance” not only ignores the concept of equality, fairness, shared responsibility and shared burden, but it flies in the face of the fundamental concept of American community articulated in our motto—E Pluribus Unum—Out of Many, One.

That we are all in this together and should benefit together, sacrifice together—each of us working together for the betterment of all of us.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise with deepest hope that we are going to be able to defeat the House budget plan on which we are about to vote. This Republican budget is a scheme that would endanger the quality of life for millions of Americans who now struggle to get by. Just look at the gas pump and you will see what I am talking about.

The Republicans want to make sure the wealthy get wealthier with a new trillion-dollar tax cut and put the burden on seniors, the middle class, and young people to pay for it.

PAUL RYAN, the House Republican Member who hatched this scheme, has said, “This is not a budget; it is a cause.” If you ask me, it is a cause for alarm. The other side wants to terminate Medicare, one of the most successful programs ever developed in America, and turn it over to private insurance companies where CEOs now make millions. Under the Republican plan, many seniors will have to choose between medication and food to get by, and seniors' out-of-pocket health costs

will cost more than double the present rate, to \$12,500 a year. The Republicans would hand seniors' health care over to insurance companies, where computers instead of doctors would decide which benefits they will receive. The Republicans also want to reduce Federal Medicaid spending by half, taking away vital services such as nursing homes for seniors and health services for expectant mothers. All told, the tea party Republican budget would rip away health care coverage from 50 million Americans.

But health care for seniors and other Americans is not the only place Republicans want to go to punish them. The House budget plan doesn't just protect the Bush tax cuts for the rich, it reduces them to even lower levels at the expense of working families.

Instead of more tax breaks for the wealthiest, we should be lifting up the foundation of our country—the middle class. In the past decade, the average income of the bottom 90 percent of workers has declined while prices for everything escalates, and the top 1 percent saw incomes go up by \$¼ million each. Imagine. The average incomes of the bottom 90 percent declined while the top 1 percent saw incomes go up by \$¼ million each.

This budget also cuts Pell grants which help reduce the cost of back-breaking tuition for millions of college students. I never would have been able to attend Columbia University without government help from the GI bill. It enabled me to cofound ADP, one of America's most successful companies, employing over 40,000 people today.

In the post-World War II era, we created the “greatest generation.” I say invest more in our people so they can create the next “greatest generation,” which cannot be done without our help in education. We need help for a more balanced approach to solving our fiscal problems, including asking the wealthy to carry their fair share of the load.

I was a CEO for many years. I learned that you can't create a great company or country without sufficient resources. This is no time, as we fight our way out of a recession, to penalize the middle class, the senior citizens, or the young. This is the time to invest in tomorrow without penalizing those who pay the largest price now for their very existence. Let those who can pay for the rebuilding of an America we all love. That is the way we ought to do it.

I urge my colleagues to vote no on this Ryan budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I rise today to speak about the ongoing budget negotiations.

As a member of the Senate Budget Committee, I have jumped into this debate head-on. But we are all here together. That is why I have asked the

Alaskans in my State and my communities all across the State to share their ideas with me on how to cut the budget. I have put forward a series of cuts and spending management programs from ideas from my colleagues and my members throughout the State but also ideas I have picked up in my budget hearings. We know we are all going to feel the pinch if we are serious about getting our budget and spending under control, but I have made it crystal clear that I absolutely will not balance the budget on the backs of seniors.

For me, the budget is a moral document. It reflects our values as a nation, and it demonstrates our commitment to supporting our elders and protecting our children. It is the future pathway of our great country. But the Republican House budget that has passed the House and is proposed today for us to vote on does not reflect these values. That is why Congressman RYAN received an earful from seniors when he went back home to Wisconsin after rolling out his plan—his scheme, in my view—setting us back decades. That is why voters in New York yesterday rejected Republicans and their extreme plan to eliminate Medicare as we know it by electing a Democrat in a Republican district. I mention New York not because this was a win for Democrats or a loss for Republicans but because this was a win for our seniors and because the stakes are too high.

Americans all across the country are saying no to the current Republican plan that could fail to automatically enroll our seniors in Medicare and instead force them to buy health coverage from a private insurance company. And let me make it very clear on the private insurance company. Medicare today, to administer, costs about 1.5 percent. So all of the rest of the money for Medicare goes to services, to programs to ensure health care for our seniors. If insurance companies got hold of this, their costs to administer would be 20 to 30 percent—clearly fewer services for seniors.

In Alaska, over the next 10 years, under this Republican House plan that passed that is here in front of the Senate for us to vote on, it will move the cost for Medicare for my constituents in Alaska from \$5,000—their cost—in 10 years to over \$10,000. On top of that, it will force seniors to pay an average of \$3,500 more for prescription drugs over the next 10 years—again, adding about \$8,500 in additional health care costs to seniors. At the same time, this budget they want us to approve—which, of course, I am not willing to—will give millionaires another \$1.2 trillion in additional reductions, at the same time sticking it to our seniors. It will truly end Medicare as we know it today.

In Alaska, our elders are revered. We respect their wisdom, and they guide our decisions. As a people, it is our

duty to care for our elders as they grow older. The Republican plan, the Ryan budget, will cost, as I said, Alaska seniors dearly—thousands and thousands of dollars per year more than they are paying today, seniors who are on fixed incomes. In Alaska, we have one of the fastest growing senior populations in the Nation by percent.

So I continue to look forward to working with my colleagues on the other side and my colleagues on this side to figure out how we are going to move forward on this budget, but let's not do it on the backs of seniors by throwing them over the ship and never looking back. Seniors paid into it, seniors expect it, and we have an obligation to ensure they have the health care that ensures that they have a quality of life and live in dignity in their later years.

I yield the floor.

The PRESIDING OFFICER (Mr. LAUTENBERG.) The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, we are gathered here on the Senate floor to face a very stark fact; that is, that the House Republican budget would end Medicare as we know it for future generations. The House Republican budget would increase costs for current beneficiaries right away, and the House Republican budget would do real damage to seniors across this country and in my home State of Rhode Island.

With gas prices at near-record highs and unemployment numbers still in double digits, most folks are focused on making ends meet. They deserve a budget that will improve the economic opportunity in our country, balance our budget, and maintain Medicare, Medicaid, and other programs on which so many Americans rely. The House Republican budget fails every one of these tests. It ends Medicare, it lowers taxes for most corporations and the most fortunate, who too often already pay lower tax rates than the average American, all while failing to balance the budget.

The House Budget Committee chairman has claimed that “our budget makes no changes for those in or near retirement.” This claim that this budget resolution will not affect Americans who are already retired is simply flatout false. The House budget reopens the Medicare Part D doughnut hole that we closed in the reform bill. That will cost nearly 17,000 Rhode Island seniors, in 2012 alone, nearly \$9.5 million out of pocket.

Seniors at the DaVinci Center in Providence, The Meadows in North Smithfield, and so many other places have gone without a cost-of-living adjustment in their Social Security benefits for 2 straight years even as costs have steadily risen at the pharmacy, at the grocery store, and at the gas pump. Taking away their prescription drug assistance, charging them an addi-

tional \$9.5 million hits them too hard and too soon—in 2012, literally right away.

The Republican budget also ends Medicare as we know it for future generations. Planning to retire in 11 years? No Medicare. You instead will be forced to buy private health insurance from insurance companies standing between you and your doctors instead of the reliable, affordable insurance provided by Medicare.

The nonpartisan Congressional Budget Office has estimated this would double what retirees would pay out of pocket under the current system—more than \$6,000 extra for retirees.

The Republican attack on Medicare overlooks a basic fact—that all health care costs are skyrocketing, irrespective of who the insurer is. Recently, Defense Secretary Gates said, “Everybody knows that we are being eaten alive by health care.” There is a cost problem in health care, but attacking Medicare fundamentally misdiagnoses the problem. But that is another speech.

I recently held an official Senate Aging Committee hearing at the Johnston Senior Center in Rhode Island to give Rhode Islanders the chance to make their voices heard. Audrey Brett, a Middletown resident who relies on Social Security and Medicare, said this:

For all those Americans who worked, paid their taxes, added to the betterment of the country, served in military and civil service—we cannot let them live and die in poverty. We owe them their final days of security and dignity.

Audrey is right. But the Republican budget gets rid of that promise of security and dignity contained in Medicare. Medicare as we know it is lost. Here is what is protected: low taxes for the superrich, who already pay lower tax rates than the average taxpaying American family—protected; low taxes for many large corporations, which for too long have been gaming the system and paying too little—protected. And remember, the Republicans just voted last week to protect Big Oil tax subsidies.

Wreck Medicare but protect those tax cuts and subsidies. Those are not America's priorities. Let's put real priorities first—Medicare and allowing our seniors to enjoy a stable and dignified retirement.

I see the majority leader on the floor. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BEGICH). The majority leader.

Mr. REID. Mr. President, it is my understanding that we have 5 minutes. I will take that time.

The PRESIDING OFFICER. The leader is recognized.

Mr. REID. Mr. President, the vote we are going to have shortly is about more than just public policy; it is about priorities, about whether we hold fast to our values or break our promises.

There is a lot wrong with the House Republican budget on which Senators are about to cast their vote. But the most irresponsible and indefensible is a radical plan to end Medicare as we have known it. Doing so would break a solemn promise between our society and our seniors. It is a promise that for more than four decades has saved seniors from poverty, illness, and worse.

The promise of Medicare is this: If you work hard and contribute, America will make sure you are protected in your golden years from the hardships of affording health care. The Republican budget would break this promise. It would make life significantly more difficult and painful for America's seniors. It is as simple and as serious as that.

The Republican plan would kill Medicare. Even the conservative Wall Street Journal admitted this, even though most Republican U.S. Senators still refuse to face this reality; that is, as the Wall Street Journal said, the Republican plan would kill Medicare.

Here is what it would do. It would turn over seniors' health to profit-hungry insurance companies. It would let bureaucrats decide what tests and treatments seniors get. It would ask seniors to pay more for their benefits, for their health care, charging every senior \$6,000 more every year in exchange for fewer benefits. That is a bad deal all around.

Those voting for this Republican plan would be forcing seniors in Nevada to pay more than twice as much as they pay today in out-of-pocket costs. Sadly, that is just not a Nevada problem, it is an Alaska problem, too, and a problem that faces every State in the Union—\$6,000 more for every senior.

Those voting for the Republican plan to kill Medicare would be voting to reopen the doughnut hole we closed to help seniors afford expensive prescription drugs. Opening the doughnut hole would send drug prices literally through the roof, costing, for example, 27,000 seniors in Nevada and every other State thousands of dollars more between now and the year 2020.

Those voting for the Republican plan to kill Medicare would also be forcing our seniors to pay almost a million dollars more for annual wellness visits that we put in our health care bill, and it would make it harder for seniors to access nursing home and long-term care. It would make at least 34 million more Americans uninsured.

The Republican plan to kill Medicare was written in the name of saving money. Listen to this, Mr. President. It costs seniors so much money that it doesn't do anything they said it would do. One study found that seniors would spend \$14 more for every dollar the government saves. That is 14 to 1 in the wrong direction. That is not effective economics anyplace. It is certainly not worth endangering the health of our seniors.

The Republican plan is a plan that tries to balance the budget literally on the backs of America's seniors. This is a clear window into the other party's priorities, though. While it asks seniors to pay more and more, it allows the wealthiest to pay less and less. It gives even more tax breaks to those who need it the least—oil companies, billionaires, and multinational companies that ship jobs overseas.

It comes down to this: The Republican plan to kill Medicare is a plan to make the rich richer and the sick sicker. A well-worn metaphor characterizes the Senate as a saucer, a deliberative body that cools the intense heat and occasional zeal of the House of Representatives. In voting down the radical Republican House-passed plan in Medicare, and keeping our priorities straight, and keeping our promise to our seniors, we are bringing that image to life that our Founding Fathers had of this great body, the United States Senate.

#### ESTABLISHING THE BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 36, H. Con. Res. 34, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 77 Leg.]

#### YEAS—40

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Enzi         | McCain    |
| Ayotte    | Graham       | McConnell |
| Barrasso  | Grassley     | Moran     |
| Blunt     | Hatch        | Portman   |
| Boozman   | Heller       | Risch     |
| Burr      | Hoeven       | Rubio     |
| Chambliss | Inhofe       | Sessions  |
| Coats     | Isakson      | Shelby    |
| Coburn    | Johanns      | Thune     |
| Cochran   | Johnson (WI) | Toomey    |
| Corker    | Kirk         | Vitter    |
| Cornyn    | Kyl          | Wicker    |
| Crapo     | Lee          |           |
| DeMint    | Lugar        |           |

#### NAYS—57

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Gillibrand   | Murray      |
| Baucus     | Hagan        | Nelson (NE) |
| Begich     | Harkin       | Nelson (FL) |
| Bennet     | Inouye       | Paul        |
| Bingaman   | Johnson (SD) | Pryor       |
| Blumenthal | Kerry        | Reed        |
| Boxer      | Klobuchar    | Reid        |
| Brown (MA) | Kohl         | Rockefeller |
| Brown (OH) | Landrieu     | Sanders     |
| Cantwell   | Lautenberg   | Shaheen     |
| Cardin     | Leahy        | Snowe       |
| Carper     | Levin        | Stabenow    |
| Casey      | Lieberman    | Tester      |
| Collins    | Manchin      | Udall (CO)  |
| Conrad     | McCaskill    | Udall (NM)  |
| Coons      | Menendez     | Warner      |
| Durbin     | Merkley      | Webb        |
| Feinstein  | Mikulski     | Whitehouse  |
| Franken    | Murkowski    | Wyden       |

#### NOT VOTING—3

|           |         |         |
|-----------|---------|---------|
| Hutchison | Roberts | Schumer |
|-----------|---------|---------|

The motion was rejected.

The PRESIDING OFFICER. The Republican leader.

#### SETTING FORTH THE PRESIDENT'S BUDGET REQUEST FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. Con. Res. 18, a resolution setting forth the President's budget, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 97, as follows:

[Rollcall Vote No. 78 Leg.]

#### NAYS—97

|            |            |              |
|------------|------------|--------------|
| Akaka      | Cochran    | Isakson      |
| Alexander  | Collins    | Johanns      |
| Ayotte     | Conrad     | Johnson (SD) |
| Barrasso   | Coons      | Johnson (WI) |
| Baucus     | Corker     | Kerry        |
| Begich     | Cornyn     | Kirk         |
| Bennet     | Crapo      | Klobuchar    |
| Bingaman   | DeMint     | Kohl         |
| Blumenthal | Durbin     | Kyl          |
| Blunt      | Enzi       | Landrieu     |
| Boozman    | Feinstein  | Lautenberg   |
| Boxer      | Franken    | Leahy        |
| Brown (MA) | Gillibrand | Lee          |
| Brown (OH) | Graham     | Levin        |
| Burr       | Grassley   | Lieberman    |
| Cantwell   | Hagan      | Lugar        |
| Cardin     | Harkin     | Manchin      |
| Carper     | Hatch      | McCain       |
| Casey      | Heller     | McCaskill    |
| Chambliss  | Hoeven     | McConnell    |
| Coats      | Inhofe     | Menendez     |
| Coburn     | Inouye     | Merkley      |

|             |             |            |
|-------------|-------------|------------|
| Mikulski    | Risch       | Toomey     |
| Moran       | Rockefeller | Udall (CO) |
| Murkowski   | Rubio       | Udall (NM) |
| Murray      | Sanders     | Vitter     |
| Nelson (NE) | Sessions    | Warner     |
| Nelson (FL) | Shaheen     | Webb       |
| Paul        | Shelby      | Whitehouse |
| Portman     | Snowe       | Wicker     |
| Pryor       | Stabenow    | Wyden      |
| Reed        | Tester      |            |
| Reid        | Thune       |            |

## NOT VOTING—3

|           |         |         |
|-----------|---------|---------|
| Hutchison | Roberts | Schumer |
|-----------|---------|---------|

The motion was rejected.

# SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, for the information of everyone, this next vote will be a 10-minute vote, and the next will be a 10-minute vote, so I wouldn't go too far from the floor.

I move to proceed to S. Con. Res. 21, a resolution submitted by Senator TOOMEY setting forth the congressional budget for the U.S. Government.

I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator seek to limit the vote to 10 minutes?

Mr. MCCONNELL. A 10-minute vote.

The PRESIDING OFFICER. Without objection, the following votes will be 10-minute votes.

Mr. MCCONNELL. Did we get the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 79 Leg.]

## YEAS—42

|           |              |           |
|-----------|--------------|-----------|
| Alexander | Crapo        | Kirk      |
| Ayotte    | DeMint       | Kyl       |
| Barrasso  | Enzi         | Lee       |
| Blunt     | Graham       | Lugar     |
| Boozman   | Grassley     | McCain    |
| Burr      | Hatch        | McConnell |
| Chambliss | Heller       | Moran     |
| Coats     | Hoeven       | Murkowski |
| Coburn    | Inhofe       | Paul      |
| Cochran   | Isakson      | Portman   |
| Corker    | Johanns      | Risch     |
| Cornyn    | Johnson (WI) | Rubio     |

|          |        |        |
|----------|--------|--------|
| Sessions | Thune  | Vitter |
| Shelby   | Toomey | Wicker |

## NAYS—55

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Gillibrand   | Nelson (NE) |
| Baucus     | Hagan        | Nelson (FL) |
| Begich     | Harkin       | Pryor       |
| Bennet     | Inouye       | Reed        |
| Bingaman   | Johnson (SD) | Reid        |
| Blumenthal | Kerry        | Rockefeller |
| Boxer      | Klobuchar    | Sanders     |
| Brown (MA) | Kohl         | Shaheen     |
| Brown (OH) | Landrieu     | Snowe       |
| Cantwell   | Lautenberg   | Stabenow    |
| Cardin     | Leahy        | Tester      |
| Carper     | Levin        | Udall (CO)  |
| Casey      | Lieberman    | Udall (NM)  |
| Collins    | Manchin      | Warner      |
| Conrad     | McCaskill    | Webb        |
| Coons      | Menendez     | Whitehouse  |
| Durbin     | Merkley      | Wyden       |
| Feinstein  | Mikulski     |             |
| Franken    | Murray       |             |

## NOT VOTING—3

|           |         |         |
|-----------|---------|---------|
| Hutchison | Roberts | Schumer |
|-----------|---------|---------|

The motion was rejected.

The PRESIDING OFFICER. The Republican leader.

# SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEAR 2012—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the next vote be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I move to proceed to S. Con. Res. 20, a resolution submitted by Senator PAUL, setting forth the congressional budget for the U.S. Government, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from New York (Mr. SCHUMER) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote "nay."

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 7, nays 90, as follows:

[Rollcall Vote No. 80 Leg.]

## YEAS—7

|        |           |        |
|--------|-----------|--------|
| Coburn | Lee       | Vitter |
| DeMint | McConnell |        |
| Hatch  | Paul      |        |

## NAYS—90

|           |            |           |
|-----------|------------|-----------|
| Akaka     | Bingaman   | Burr      |
| Alexander | Blumenthal | Cantwell  |
| Ayotte    | Blunt      | Cardin    |
| Barrasso  | Boozman    | Carper    |
| Boxer     | Boxer      | Casey     |
| Begich    | Brown (MA) | Chambliss |
| Bennet    | Brown (OH) | Coats     |

|              |              |             |
|--------------|--------------|-------------|
| Cochran      | Johnson (WI) | Portman     |
| Collins      | Kerry        | Pryor       |
| Conrad       | Kirk         | Reed        |
| Coons        | Klobuchar    | Reid        |
| Corker       | Kohl         | Risch       |
| Cornyn       | Kyl          | Rockefeller |
| Crapo        | Landrieu     | Rubio       |
| Durbin       | Lautenberg   | Sanders     |
| Enzi         | Leahy        | Sessions    |
| Feinstein    | Levin        | Shaheen     |
| Franken      | Lieberman    | Shelby      |
| Gillibrand   | Lugar        | Snowe       |
| Graham       | Manchin      | Stabenow    |
| Grassley     | McCain       | Tester      |
| Hagan        | McCaskill    | Thune       |
| Harkin       | Menendez     | Toomey      |
| Heller       | Merkley      | Udall (CO)  |
| Hoeven       | Mikulski     | Udall (NM)  |
| Inhofe       | Moran        | Warner      |
| Inouye       | Murkowski    | Webb        |
| Isakson      | Murray       | Whitehouse  |
| Johanns      | Nelson (NE)  | Wicker      |
| Johnson (SD) | Nelson (FL)  | Wyden       |

## NOT VOTING—3

|           |         |         |
|-----------|---------|---------|
| Hutchison | Roberts | Schumer |
|-----------|---------|---------|

The motion was rejected.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only for 2 hours; that Senator SESSIONS control the first hour and Senator CONRAD control the second hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

# UNANIMOUS CONSENT AGREEMENT—S. 990

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and that the cloture vote on the motion to concur in the House amendment to S. 990 with an amendment occur at 10 a.m., Thursday, May 26, without intervening action or debate; further, that if cloture is invoked, the time postcloture be counted from 1 a.m., Thursday May 26.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So, in short, we do not have to have the vote at 1 o'clock. Everyone has been most cooperative in getting past that point. We will come in tomorrow, we hope early in the day, to have good news on how we are going to go forward to make, hopefully, virtually everybody happy.

The PRESIDING OFFICER. The Senator from Alabama.

## THE BUDGET

Mr. SESSIONS. Mr. President, I thank the majority leader for allowing us to have a few remarks at this time, after the process has been completed tonight.

The Senate has not fulfilled its responsibility. The United States Code that we passed, Congress passed, requires that there be a budget. It requires that Congress commence marking up the budget in the Budget Committee, as the Presiding Officer knows,

by April 1, and a concurrent resolution be passed by April 15, setting forth what the Congress authorizes to be spent in the next year.

If anybody attempts to spend above that amount, the Budget Act allows a point of order to be raised, and it would require 60 votes to go above that level. So a budget says what we want to spend and makes it difficult for anybody to spend more. It is what we do in our households, it is what our cities and counties do, it is what our State governments do.

I know Senator MANCHIN, the Presiding Officer, as a Governor, he had to deal with his tough budget situation. My Governor, Governor Bentley, just announced he is prorating 15 percent of the discretionary spending for the rest of the year.

We are not talking about those kinds of cuts this year in Washington. I was in Estonia, near the Soviet Union on the Baltic Sea, and the proud Estonians had a larger deficit, larger economic decline than we did. The Estonians told us that every Cabinet official took a 40-percent pay cut, every employee took 10 to 20. The health system, one said: My wife is a doctor. She is very unhappy. But they intend to complete the recovery in Estonia without adding to the debt at all. Their debt to GDP is 7 percent.

By September 30 of this year, our debt-to-gross domestic product will total 100 percent, and according to the Rogoff-Reinhart study, a great authoritative study that has gained a great deal of applause, when the debt amounts to 90 percent of GDP, economic growth declines by 1 percent.

A 1-percent decline in GDP—the experts tell us—is the equivalent of 1 million jobs. So we will be in a position where, because of the debt we have accumulated, the economy will grow 1 percent less and we could have 1 million less jobs.

We do not know what our economic growth might be. It looks like it could be less than 2 percent. We are talking about a huge difference in what our economic growth could be this year. Maybe it will be 3. But if it is 3, it would have been 4. If it was 4, it would have been 5. If it is 3, it would be 2 because of this debt.

So these are the circumstances we are dealing with. Every witness has told us we need to do something about it. The Nation is in a most serious fix. So there has been a decision made by the leadership of the Senate, the Democratic leadership of the Senate, not to produce a budget.

It was interesting, when the President's budget was brought up, every single Member of the Senate—Republicans and Democrats—voted no. We could say: Why did they do that? Well, the President's budget deserved not a single vote. Considering the severe, serious financial condition we are in, the

President's budget was the most irresponsible budget that has ever been presented to Congress. It is stunningly short of anything necessary.

Erskine Bowles, the man President Obama appointed to head the fiscal commission, said the President's budget was nowhere close to where they will have to go to avoid our fiscal nightmare—nowhere close. But our colleagues, what have they done? They complained about the Ryan budget. They vote against their own, and they vote against any other budget. They vote against the Ryan budget saying it is going to eliminate your Medicare, and you will not receive your Medicare because of PAUL RYAN and the mean Republicans.

But the Ryan budget made no change in Medicare in the 10 years in the Ryan plan at all, except canceled the President's health care bill and saved hundreds of billions of dollars. What it did was to propose in the future that we develop a new way of administering Medicare that would save money and make it more responsible to individual needs.

We refused to even move to that legislation, to discuss it, and to analyze whether it should be done that way or whether it could be done another way. But nobody denies that this budget, that any budget we pass, must confront our entitlement programs. Surely, they do not. So whatever you do, you are attacked by it. Our majority leader, whom I admire and enjoy working with, was quite frank. He said: It would be foolish for us to pass a budget. He did not mean it would be foolish for America. He did not mean it would be foolish for the public interest. He did not mean it would be foolish in terms of containing the reckless spending and dangerous path we are on. He meant it would be foolish politically because he had a plan, and the plan was to attack the people who had the courage, the gumption, and the hard work to produce a budget dealing with the long-term fiscal challenges of America: PAUL RYAN and his Budget Committee, wants to attack them, bring up their budget and vote it down, and not produce anything in response.

I believe that is an embarrassment to the Senate. It is an utter failure to meet our statutory obligation. More importantly, it is a failure to meet our moral obligation. Many have said: Well, we need to do something because we are putting debt on our children and grandchildren. That is absolutely true. But we have been told by numerous experts, including Mr. Bowles, who chaired the debt commission, that we could be facing a debt crisis in 2 years, give or take a little bit. That was his opinion.

His cochairman, Alan Simpson, said it could be 1 year. So we could have another debt financial crisis that could put us back into a recession as a result

of our fiscal irresponsibility as soon as 2 years, according to Erskine Bowles—accomplished businessman, successful businessman, President Clinton's Chief of Staff, chosen by President Obama to head the Commission. That is what he told us in the Budget Committee just a few weeks ago.

How serious is it? Our highway spending this year is about \$40 billion. Last year, this country spent, in interest on our debt, \$200-plus billion, five times the highway bill, just for example, and we need to do something about our infrastructure and highways in America. I am very worried about it.

I indicated that, just for example, the highway budget is about \$40 billion. The Federal Department of Education is about \$70 billion. But we spent last year in interest payments on the debt that we have accumulated, over \$200 billion.

The President submitted his budget. It was favorably commented on by Democratic colleagues and represented what appears to be, I guess, the mainstream Democratic view—although I am pleased to see nobody voted for it.

But according to the Congressional Budget Office, which has analyzed the budget the President submitted to us, it would result in an interest payment, in the 10th year, of \$940 billion.

That is an amount of money that exceeds our imagination. It is larger than the Defense Department budget. It is larger than Medicare. It is larger than Medicaid. It is the fastest growing item in our entire budget. And that assumes a slight increase but modest interest rate, below the 6-percent historical average. So if interest rates were to go up faster—and that is quite possible—instead of \$940 billion, we could have trillion-dollar-plus interest payments every year, crowding out the ability of the Education Department, Transportation Department, NOAA, the EPA, and every other agency in government to get funds. We will crowd out that spending by placing an annual burden on our people of \$940 billion a year. It is this trend and this path that is unsustainable. We have been told that.

I just want to repeat what happened just a few moments ago. What happened? Four measures were brought up by the majority, and they were brought up with the full knowledge that nothing would happen. There were several hours of debate. We voted on four tremendously important items, four budgets for the United States of America, with no real ability to discuss each one of them in any depth at all. It was a political exercise. The majority leader said it would be "foolish" for us to pass a budget. In other words, it is foolish for the Democratic majority to commit themselves to any plan for the future of America. It was an avoidance of responsibility. They would not even vote for the President's budget because if they did, they would be responsible for it.



What they did was attack the one group of people who have done the right thing, the responsible thing, and that is to produce a historic budget that would basically solve our debt problem—it didn't overreach—and that is the House budget. It was long term, short term, and it dealt with entitlements, discretionary spending, and taxes. It was a thoughtful, important, historic budget. The Chicago Tribune praised it. The Wall Street Journal praised it. The fiscal commission chairmen, Bowles and Simpson, praised it for its courage, its integrity, its lack of gimmicks, and for being honest.

Do you know what they said. They said, again, that anyone who opposes the Ryan budget or opposes any one of the budgets, if you don't like it, you should put forth your plan. Has the leadership in the Senate proposed any plan? In a shocking display of irresponsibility—I don't have words to describe the degree of irresponsibility that I think has been shown here tonight—they have said: We are not going to produce anything. We are just going to attack what you have done.

Many of our colleagues have said we have to deal with entitlements and confront the surging debt caused thereby; that Medicare and Social Security are in danger and they could go belly-up. We have to change what we are doing. The House wrestled with that. It wasn't within that 10-year window. Everybody who is 55 and above and everybody who is on Medicare today would have no change—none. Yet we have people going around telling our seniors that this Ryan House budget would change their Social Security and they would not get it. In fact, it would save the Social Security Program, put it on a sound basis, and guarantee that people now receiving it and people over 55 who are soon to be receiving it would have no change whatsoever. In fact, in some ways, it would strengthen it for them. This is not correct.

Well, do we have a better plan? What about the Becerra rule? I suppose that is Congressman XAVIER BECERRA they named that for, a Democratic Congressman from Los Angeles. Did they produce anything they think is better? Do they have any plans to change the debt course we are on? Zero, nada.

I really believe this is not the responsible way to deal with the challenges this country faces. I am deeply disappointed. The matter is not going away. As ranking Republican on the Budget Committee, I feel a great sense of responsibility to defend the legally required processes of a Budget Act. What kind of ranking member or member of the Budget Committee would I be if I sat by and acknowledged and accepted these four votes as somehow disposing of the situation?

What should happen? What should have happened is that by April 1, the chairman of the Budget Committee,

Senator CONRAD, with whom I enjoyed working this year, should have produced a chairman's mark, and it should have gone to the Budget Committee, and we would have had an opportunity to debate and vote on that and discuss all the issues relevant to getting our country on a fine, sound, fiscal path. But I think the majority leader decided that was not a good path.

Senator CONRAD, if you read the newspapers, apparently brought up his budget, his proposal to the Democratic conference, and it received a chilly reception, according to the newspapers. Senator CONRAD has said repeatedly that he knows we are on an unsustainable path. He said once that we are heading to the wall at warp speed. We have to change, he said, because we are on an unsustainable path. But they thought, I suppose, he was too frugal, and so apparently, according to the papers, he came back the next week with a budget that Senator SANDERS and some of the others apparently blessed. We thought we were going to have a markup, maybe, and he would bring that forward. They said publicly: We have a budget, and we have basically agreed on a budget, but we are just not bringing it forward. But it should have been brought forward to committee, marked up, passed out of committee, and brought to the floor.

It won't pass the committee, they say. What do you mean? We have to pass a budget. The Budget Act provides that it can't be filibustered. It allows the budget to be passed with a simple majority. The Democrats have a majority in the committee. They can pass a budget just like they like it. Whatever they like, they could vote to pass it. Why not? Well, I think it is because they thought it would be foolish politically for them to commit themselves to any plan that dealt with taxes, with spending, with the debt. They didn't want to commit themselves. They decided that the smart thing to do would be to attack the foolish Republicans, who actually had the responsibility and the integrity and the sense of duty to lay out a plan for this country's financial future.

Make no mistake about it, a budget is a serious matter. It sets forth your vision for America, how big you would like the government to be, how much tax you want to impose, how much spending you want to incur and how much debt you would like to incur, and it sets it forth before the whole world. We were waiting to see—the House had done their duty—what will the Senate do? Nothing.

I don't think that is responsible. I don't believe it is acceptable. I don't accept it. I am going to continue to resist this kind of no-action policy.

I hope the American people will register their complaints and concerns with their Senators and demand that this Senate do its duty to set forth a

budget that can help contain spending in America and put us on a path to financial stability and allow our economy to begin to grow at a robust rate because I truly believe the debt and the interest we pay is weakening our economy, as the expert economists have told us.

Mr. President, we can't quit now. We are not going to quit now. We are going to keep pushing for the kind of budget that will allow us to put this country on a sound path. I am deeply disappointed that we have totally shortcut the entire process. We have entirely avoided the responsibility to cast a serious vote on a budget, bring one up where we have the opportunity to debate and amend it and calculate out and study and make sure there are no gimmicks in there and hidden manipulations that hide the way the numbers appear. We have seen that too often. In fact, if the American people knew the extent to which this Congress, year after year, has manipulated the numbers to hide the serious, irresponsible spending programs we are executing, they would be more angry with us than they are, and 70 percent of Americans think this country is on the wrong track. Fundamentally, I believe that is based on the fact that they think we are spending recklessly, running up too much debt, and endangering the future health and welfare of generations to come.

I yield the floor.

● Mrs. HUTCHISON. Mr. President, I am submitting my views today about the need to enact a fiscally responsible federal budget for fiscal year 2012.

The April 15 statutory deadline for Congress to complete its annual budget resolution was over a month ago. An annual budget resolution is essential for controlling spending, for guiding the annual appropriations process, and for setting national spending priorities.

For the past 2 years, the Senate has failed to meet this critical deadline. During that time, the U.S. has borrowed an additional \$3.2 trillion—more than \$100 billion a month until the \$14.29 trillion debt ceiling was reached on May 16.

For the first 7 months of the 2011 fiscal year, the budget deficit was a record \$871 billion—\$71 billion higher than it was at the same point in fiscal year 2010. During the same period, income tax revenues increased by \$110 billion, or 9.1 percent.

The problem isn't that Americans are taxed too little; Federal deficits are out-of-control because government is spending too much.

Not passing a budget, not bringing forward even a budget proposal, takes us down a path that ends in Social Security and Medicare bankruptcy, harms our national security, and passes the bill for current fiscal irresponsibility onto our children and grandchildren.

We are just 4½ months from the beginning of fiscal year 2012. Unless we pass a budget and approve the individual spending measures that are required to fund government operations, we will return to stopgap continuing resolutions and to recurring threat of government shutdowns.

Yesterday, I joined all 46 of my Republican colleagues in a letter to the Senate majority leader that urges him to initiate the steps that must be taken for the Senate to debate, vote, and produce a responsible Federal budget for the next fiscal year.

As the majority leader knows, the procedural votes he has scheduled will not advance us toward that goal. These votes are intended only to score political points.

Today I will be in Dallas to attend my daughter's graduation from lower school to middle school. This will prevent me from being present for votes on the motions to proceed on four budget proposals. My absence for these procedural votes will not affect the outcomes. But I wanted to make known my position in advance of these votes.

A serious attempt to move a fiscal year 2012 budget forward would be a bipartisan effort that would enable us to debate, amend, and move forward a plan for long-term deficit reduction, while funding essential government programs and services. I look forward to a real debate, open amendments, and a vote on a serious budget that will dramatically bring down the outstanding debt our country has accumulated. Unfortunately, that opportunity is not going to be presented to the Senate today.

I would vote in favor of the motions to proceed on the three Republican-originated budget proposals before the Senate: the so-called Ryan budget that has been approved by the House of Representatives, as well as alternative plans put forward by Senator TOOMEY and Senator PAUL.

Each of these proposals would put the Federal Government on a multiyear glide path to a balanced Federal budget. Each proposal would go about achieving this crucial goal by reducing Federal spending, not by raising taxes, and could be a constructive starting point for Senate debate and consideration of amendments. I do not agree with parts of each proposal. But if we had an open amendment process we could attempt to improve each proposal, while preserving the best parts.

I could not vote for the motion to proceed to consideration of the President's fiscal year 2012 budget. Unlike the Republican proposals, the President's fiscal year 2012 budget proposes to add \$8.7 trillion in new spending and \$1.26 trillion in net new taxes over the next decade, while only projecting \$1.1 trillion in savings over 10 years.

Rather than balancing the Federal budget, the President's budget plan

would add several trillion dollars more to the national debt. That would be a catastrophe by any standard. But the reality of the President's budget would be much worse. In the President's budget a \$1.1 trillion deficit was projected for the current fiscal year. But we are instead headed for a \$1.4 trillion shortfall.

The President subsequently signaled understanding that his proposed budget falls short by releasing a new deficit reduction proposal on April 13. The President's new plan targets \$4 trillion in deficit reduction in 12 years—through tax increases and a new “debt failsafe” trigger that would include cuts to spending through the tax code—a new euphemism for tax increases.

It is our responsibility to the country to act on establishing constraints on federal spending and producing a budget blueprint. My colleagues on the other side of the aisle have chosen not to prepare nor advance a fiscal year 2012 budget resolution forward, except to say repeatedly that higher taxes are essential. In my estimation, raising taxes in a struggling economy will stifle job creation and further delay recovery from a devastating, long-lasting recession.

We must make bold cuts in spending where we can. We should also take steps to assure the long-term safety and soundness of Social Security and Medicare, for current retirees and for today's workers who will need to depend on benefits later. We must also carefully prioritize investment and research in areas of strategic national importance.

Just as American families and small businesses across the Nation set their spending priorities so Congress is expected to do the same. As a nation, we have reached a serious, fiscal crisis. It is time to start making the necessary and difficult decisions for the future of our country.●

H. CON. RES. 34

Mr. RUBIO. Mr. President, for me, Medicare is not a political talking point. My parents immigrated to the United States in the late 1950s. They worked hard for over 40 years to provide their children the chance to do all the things they themselves could not. But they never made much money. As a result, they retired with precious little in savings. Medicare was and is the only way they could access health care.

When my father got sick, Medicare paid for his numerous hospital stays. And as he reached the end of life, Medicare allowed him to die with dignity by paying for his hospice care.

Like most 80-year-olds my mother has several age-related ailments. Without the access to quality health care that Medicare pays for, I cannot imagine what life would be like for her.

America needs Medicare. We need it to continue without any benefit reduc-

tions for those like my mother currently in the system. And we need it to survive for my generation and my children's generation.

But Medicare is going bankrupt. Anyone who says it is not is simply lying. And anyone who is in favor of doing nothing to deal with this fact is in favor of bankrupting it.

Medicare will go broke in as little as 9 years. No one likes this news, but it is the undeniable truth. And the sooner we begin to deal with it, the better off we are all going to be.

My goals are simple. First, I will not support any plan that changes Medicare for people like my mother who are currently on the plan. We cannot ask seniors to go out and get a job to pay for their health care.

Second, any solution must solve the problem. We need to save Medicare, not simply delay its bankruptcy.

And third, any solution cannot hurt economic growth. At a time of high unemployment, Americans cannot afford to pay more taxes.

I will support any serious plan that accomplishes these three things. It does not matter to me if it comes from a Democrat or a Republican. Saving Medicare is more important than partisan politics.

House Budget Committee Chairman PAUL RYAN has offered a plan. I support H. Con. Res. 34 because, right now, it is the only plan out there that helps save Medicare.

Democrats oppose this plan. Fine. But, if they have a better way to save Medicare, what are they waiting for to show us? What is their plan to save Medicare? Either show us how Medicare survives without any changes or show us what changes you propose we make. Anyone who supports doing nothing on Medicare is a supporter of bankrupting Medicare.

Where is the House Democrat plan to save Medicare?

Where is the Senate Democrat plan to save Medicare?

Where is President Obama's plan to save Medicare?

They have no plan to save Medicare, and they do not plan to offer one. They have decided that winning their next election is more important than saving Medicare for my mother and retirees like her.

I have been in the Senate just long enough to be disgusted by the reality that Washington has too many people who think their personal political careers are more important than our country's future.

Maybe the Democrats' strategy to use Medicare as a political weapon will work. Maybe not offering their own plan to save Medicare will help them win seats in Congress and reelect the President. Maybe it is great for the Democrat Party.

But it is terrible for people like my mother, and it is terrible for America.

Medicare is going bankrupt. If something does not happen soon, in just a few years whoever is in charge in Washington will have to go to people like my mother and tell them we can no longer afford to continue providing her with the same Medicare she is used to.

We have always had intense partisan politics in America. But throughout our history, on issues of generational importance, our leaders have agreed to put aside politics for the sake of our country. Shouldn't saving Medicare be that kind of issue?

I am ready to work with anyone in Washington who is serious about saving Medicare. I am open to any serious solutions they have.

We are running out of time to save Medicare for our parents and secure it for our children. If we fail, history will never forgive us.

S. CON. RES. 20

Mr. President, I came here to support budgets that make tough spending reductions, save our safety net programs, and preserve our commitment to protecting Americans at home and abroad. In the midst of this fiscal crisis, there should be no sacred cows in the Federal budget, but we also can't walk away from our commitments abroad. Especially in this time of great upheaval around the world, and as America's enemies dream of a Greece-like day of reckoning that will leave us no choice but to abandon our allies around the world, I simply cannot support a budget that would make the world a less safe place because the United States' role in it is diminished.

#### TRIBUTE TO MARY JANE MCCARTHY

Mr. REID. Mr. President, Mary Jane McCarthy will retire at the end of May after more than 23 years of service to the U.S. Senate. As one of the official reporters of the debate in the Senate, Mary Jane and her colleagues ensure that the debates and votes of the Senate can be read by future generations.

Mary Jane started her professional career as a free-lance reporter in 1972 by recording government hearings at the Federal Trade Commission. Since that time, she has reported hearings and proceedings at the Federal Aviation Administration, and the National Labor Relations Board.

In the Senate, Mary Jane developed a reputation for understanding the intricacies of this legislative body. With her years of experience, Mary Jane knows the nuances of the parliamentary procedures so well that she is often asked to train new reporters when they enter the Senate. I am sure many of her colleagues have benefitted from her instruction.

I am proud to have worked with Mary Jane and I appreciate her important contributions to the Senate. I

know I speak for the Senate family as we wish you the best in your future endeavors.

#### TRIBUTE TO LLOYD ATOR

Mr. ROCKEFELLER. Mr. President, it is my very great pleasure to pay tribute to one of the great treasures of the Senate, Mr. Lloyd Ator. Lloyd is retiring after 17 years as the legislative counsel for the Commerce Committee, and 11 years in the Senate Legislative Counsel's Office. Lloyd has been a truly outstanding public servant, and his service has made our country a better place.

Given the breadth of issues within the committee's jurisdiction, the legislative counsel is required to be something of a Renaissance man. Fortunately, that is a perfect description of Lloyd. He has been required to know the underlying law in so many areas, from the Olympics, to daylight savings time, railroad rates, aviation security screening, cellphone use, science standards, fisheries management, maritime liability, commercial privacy, and satellites. To draft concise, thoughtful, and technically accurate bills on this range of issues, as Lloyd has done, requires unparalleled skill, expertise and dedication. Lloyd is also a parliamentary expert and served as an outstanding resource for committee members. Even when every other committee did away with their own legislative counsels, the Commerce Committee was determined to keep Lloyd, knowing that his unique capabilities made him our "secret weapon."

Not only is Lloyd an experienced drafter, he is a man of unflagging spirit. One of Lloyd's most remarkable qualities is his unwavering patience. No matter how many times he was asked to rewrite an amendment or edit a draft, he never once rolled his eyes or expressed frustration. He continually responded calmly and patiently, offering a word of humor at just the right moment. His humorous comments on drafts of bills are legendary on the committee.

Lloyd has become a bulwark on the committee, respected by colleagues and Members on both sides of the aisle. As a trusted adviser, he has always maintained the utmost level of confidentiality, even while drafting competing bills. Despite this position of privileged knowledge, Lloyd has always remained discreet and has earned the respect of all with whom he has worked. Lloyd is someone that both the Members and the Commerce staff have come to rely on, time after time. It has been largely through Lloyd's hard work, patience, and extensive legislative knowledge that the Commerce Committee has been able to produce such high quality legislation for the past 17 years. He has played an important role in every major piece of legis-

lation the committee has considered for the past decade and at the close of the last century.

Lloyd is an incredibly humble man and has never been one to seek recognition, which is part of why I am so pleased to honor him today. Lloyd's retirement signifies a great loss to the committee and to the Senate. As sad as we are to see him go, I know that he is looking forward to spending more time with his family, his dog, and on many more trips to France. It is with sincere thanks from a grateful committee that I wish him nothing but the best in the years to come. We have all been made better by his contribution, his presence, and his example. He is an institution and his extraordinary service is as much a part of Commerce Committee lore as the Enron investigation or the deregulation of telecom. He is an institution we are extremely proud of and will always honor. We will strive to live up to his example.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SAUL MARTINEZ ELEMENTARY SCHOOL

• Mrs. BOXER. Mr. President, it is with great pleasure that I honor students, teachers, administrators, librarians, and parents from Saul Martinez Elementary School in Mecca, CA, for taking a stand to resolve a serious pollution problem the community was facing. Together, they have demonstrated how important it is to speak up and be heard to make government officials aware of vital issues that affect their community.

Like all Americans, the residents of Mecca, CA, have the right to expect that the air they breathe is clean, and that the Federal and State government will enforce the Nation's environmental laws to protect them from dangerous pollution. Unfortunately, some residents in Mecca became sick from overpowering air pollution coming from a nearby waste recycling facility. The noxious odors posed a public health risk to the two schools located near the site, Saul Martinez Elementary School and Mecca Elementary School.

I became involved because local citizens, including teachers and students at the two schools, spoke out about the public health threat in Mecca that needed to be addressed immediately. I am so pleased that the Environmental Protection Agency stepped up its efforts to clean up the air pollution in and around the community of Mecca.

I give special thanks to the residents of Mecca, including the students at Saul Martinez Elementary School, for speaking up and telling the truth about the troubling conditions nearby. It is an example to all Americans that we have a stake in our communities and

that by fighting for what is right, we can make our country a better, safer and healthier nation.●

### MESSAGE FROM THE HOUSE

#### ENROLLED BILL SIGNED

At 6:12 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1057. A bill to repeal the Volumetric Ethanol Excise Tax Credit.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1863. A communication from the President of the United States of America, transmitting, pursuant to law, the 2010 Annual Nuclear Weapons Stockpile Assessments from the Secretaries of Defense and Energy, the three national security laboratory directors, and the Commander, U.S. Strategic Command (DCN OSS No. 2011-0894); to the Committee on Armed Services.

EC-1864. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-047, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-1865. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-1866. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-1867. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee

Airports: Addition of Naples Municipal Airport, Naples, Florida" (CBP Dec. 11-12) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Finance.

EC-1868. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Rate Increase Disclosure and Review" (RIN0938-AQ68) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1869. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report covering defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act during Fiscal Year 2010 (DCN OSS No. 2011-0937); to the Committee on Foreign Relations.

EC-1870. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Libya" (RIN1400-AC83) received in the Office of the President of the Senate on May 24, 2011; to the Committee on Foreign Relations.

EC-1871. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 4th Quarter of Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-1872. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2011-0883); to the Committee on the Judiciary.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

\*Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

\*Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

\*Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

Air Force nomination of Maj. Gen. Brooks L. Bash, to be Lieutenant General.

Air Force nomination of Col. David E. Deputy, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. James D. Demeritt and ending with Brig. Gen. Joseph K. Martin, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nominations beginning with Brigadier General Mark A. Atkinson and ending with Brigadier General Timothy M. Zadalis, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nomination of Col. David J. Buck, to be Brigadier General.

Air Force nomination of Lt. Gen. Gilmory M. Hostage III, to be General.

Air Force nomination of Maj. Gen. Mark F. Ramsay, to be Lieutenant General.

Army nomination of Col. Mark W. Palzer, to be Brigadier General.

Army nomination of Brig. Gen. Gerald E. Lang, to be Major General.

Army nomination of Col. Charles R. Bailey, to be Brigadier General.

Army nominations beginning with Brig. Gen. Omer C. Tooley, Jr. and ending with Col. Brian R. Carpenter, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Marine Corps nominations beginning with Colonel Charles G. Chiarotti and ending with Colonel Daniel D. Yoo, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nomination of Maj. Gen. Richard P. Mills, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. George J. Flynn, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. John R. Allen, to be Lieutenant General.

Marine Corps nomination of Maj. Gen. Steven A. Hummer, to be Lieutenant General.

Navy nomination of Rear Adm. Kendall L. Card, to be Vice Admiral.

Navy nomination of Vice Adm. Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Vice Adm. Mark D. Harnitchek, to be Vice Admiral.

Navy nomination of Rear Adm. David H. Buss, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Michael D. Dietz and ending with Doreen F. Wilder, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Air Force nominations beginning with Jay O. Aanrud and ending with Scott C. Zippwald, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2011.

Air Force nominations beginning with Matthew J. Bronk and ending with Joy C. Taber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Air Force nomination of Paul L. Dandrea, to be Major.

Air Force nomination of Jeffrey A. Bailey, to be Colonel.

Air Force nomination of James A. Mace, to be Major.

Air Force nominations beginning with Bernadette A. Anderson and ending with Dwayne B. Wilhite, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nominations beginning with Jeffery D. Aebischer and ending with Kurt V. Woyak, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011. (minus 1 nominee: Ken R. McDaniel)

Air Force nominations beginning with La Rita S. Abel and ending with Michael J. Zenk, which nominations were received by

the Senate and appeared in the Congressional Record on May 4, 2011.

Air Force nomination of Peter J. Avalos, to be Major.

Army nominations beginning with Keith W. Alfeiri and ending with Diana Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Army nominations beginning with Mark J. Berglund and ending with Michael S. Sarver, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Army nomination of Michael P. Harry, to be Major.

Army nominations beginning with Joseph L. Aaron, Jr. and ending with Joseph V. Zulkey, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Army nominations beginning with Charles M. Abeyawardena and ending with G001231, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Army nominations beginning with Lisa M. Abel and ending with Cody L. Zach, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Marine Corps nomination of Angella M. Lawrence, to be Major.

Marine Corps nomination of Michael R. Cirillo, to be Lieutenant Colonel.

Marine Corps nominations beginning with Carlton W. Adams and ending with Wayne R. Zuber, which nominations were received by the Senate and appeared in the Congressional Record on February 3, 2011.

Navy nomination of James P. McGrath III, to be Captain.

Navy nomination of Steven M. Wechsler, to be Captain.

Navy nomination of Fernando Harris, to be Commander.

Navy nomination of Stephen K. Revelas, to be Captain.

Navy nomination of Bradley S. Hawksworth, to be Commander.

Navy nomination of Douglas L. Edson, to be Captain.

Navy nomination of Stephen J. Parks, to be Commander.

Navy nomination of Hung Cao, to be Commander.

Navy nomination of Tracy T. Skipton, to be Commander.

Navy nomination of David T. Carpenter, to be Captain.

Navy nomination of Brent J. Kyler, to be Captain.

Navy nomination of Peter W. Ward, to be Commander.

Navy nomination of Pablito V. Quiatchon, to be Lieutenant Commander.

Navy nomination of Robert H. Buckingham, to be Captain.

Navy nomination of Bryan F. Butler, to be Captain.

Navy nominations beginning with William H. Albert and ending with Michael Witherill, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

Navy nomination of Valerie R. Overstreet, to be Commander.

Navy nominations beginning with Nadesia V. Henry and ending with John A. Salvato, which nominations were received by the Senate and appeared in the Congressional Record on May 4, 2011.

Navy nomination of Thomas P. Fantes, to be Captain.

Navy nomination of Cynthia E. Wilkerson, to be Captain.

Navy nominations beginning with David T. Carpenter and ending with Timothy M. Chen, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Navy nominations beginning with Robert D. Pavel and ending with Shaun C. Shillady, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Navy nomination of Kendall C. Jones, Jr., to be Lieutenant Commander.

Navy nomination of Kirk R. Parsley, to be Lieutenant Commander.

Navy nomination of Christian F. Jensen, to be Lieutenant Commander.

Navy nomination of Joseph M. Holt, to be Lieutenant Commander.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself, Mr. CASEY, Mr. BLUNT, Mr. LUGAR, Mr. FRANKEN, and Mr. SANDERS):

S. 1059. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL:

S. 1060. A bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARRASSO (for himself, Mr. CRAPO, Mr. ENZI, Mr. HELLER, Mr. LEE, Mr. RISCH, Mr. THUNE, and Mr. HATCH):

S. 1061. A bill to amend title 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN:

S. 1062. A bill to enhance the administration of the United States Air Force Institute of Technology, and for other purposes; to the Committee on Armed Services.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1063. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, and Mr. FRANKEN):

S. 1064. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. RISCH):

S. 1065. A bill to settle land claims within the Fort Hall Reservation; to the Committee on Indian Affairs.

By Mr. CRAPO (for himself, Mr. NELSON of Nebraska, Ms. MURKOWSKI, and Mr. RISCH):

S. 1066. A bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN of Ohio (for himself and Mr. FRANKEN):

S. 1068. A bill to amend the Higher Education Act of 1965 to provide for temporary student loan debt conversion authority; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL (for herself, Mr. BLUNT, Mrs. MURRAY, and Mr. ROBERTS):

S. 1069. A bill to suspend temporarily the duty on certain footwear, and for other purposes; to the Committee on Finance.

By Mr. PAUL:

S. 1070. A bill to modify the Foreign Intelligence Surveillance Act of 1978 and to require judicial review of National Security Letters and Suspicious Activity Reports to prevent unreasonable searches and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1071. A bill to limit suspicious activity reporting requirements to requests from law enforcement agencies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL:

S. 1072. A bill to provide for a good faith exemption from suspicious activity reporting requirements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PAUL:

S. 1073. A bill to require the Attorney General to establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of certain records; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1074. A bill to remove the extension of the sunset date for section 215 of the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1075. A bill to provide judicial review of National Security Letters; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1076. A bill to modify the roving wiretap authority of the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

By Mr. PAUL:

S. 1077. A bill to require judicial review of Suspicious Activity Reports; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 1078. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1079. A bill to amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND:

S. 1080. A bill to provide veterans with individualized notice about available benefits, to streamline application processes for the benefits, to provide for automatic enrollment for veterans returning from combat zones into the Department of Veterans Affairs medical system, and for other purposes; to the Committee on Armed Services.

By Mr. PAUL:

S.J. Res. 15. A joint resolution declaring that a state of war exists between the Government of Libya and the Government and the people of the United States, and making provision to prosecute the same; to the Committee on Foreign Relations.

By Mr. PAUL:

S.J. Res. 16. A joint resolution declaring that the President has exceeded his authority under the War Powers Resolution as it pertains to the ongoing military engagement in Libya; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. REED, and Mr. COCHRAN):

S. Res. 199. A resolution supporting the goals and ideals of "Crohn's and Colitis Awareness Week"; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 139

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 139, a bill to provide that certain tax planning strategies are not patentable, and for other purposes.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 376

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 376, a bill to amend title

5, United States Code, to provide that persons having seriously delinquent tax debts shall be ineligible for Federal employment.

S. 434

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 491

At the request of Mr. PRYOR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 576

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 613

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 613, a bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

S. 643

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 705

At the request of Mr. CARPER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 742

At the request of Mr. BROWN of Ohio, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 742, a bill to amend chapters 83 and 84 of title 5, United States Code, to set the age at which Members of Congress are eligible for an annuity to the same age as the retirement age under the Social Security Act.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 769

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 769, a bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property.

S. 818

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs,



which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 866

At the request of Mr. TESTER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 892

At the request of Mr. BURR, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 892, a bill to establish the Department of Energy and the Environment, and for other purposes.

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 960

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 972

At the request of Mr. CARPER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 972, a bill to amend titles 23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1035

At the request of Mr. CARPER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1035, a bill to amend the Internal Revenue Code of 1986 to include automated fire sprinkler systems as section 179 property and classify certain automated fire sprinkler systems as 15-year property for purposes of depreciation.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1049

At the request of Mr. KYL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. CON. RES. 4

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. CON. RES. 13

At the request of Mr. REID, his name and the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Tennessee (Mr. ALEXANDER), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Montana (Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Missouri (Mr. BLUNT), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. COLLINS), the Senator from North Dakota (Mr. CON-

RAD), the Senator from Delaware (Mr. COONS), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. CRAPO), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. DURBIN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Carolina (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from Nevada (Mr. HELLER), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. KIRK), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Utah (Mr. LEE), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from West Virginia (Mr. MANCHIN), the Senator from Arizona (Mr. MCCAIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. NELSON), the Senator from Florida (Mr. NELSON), the Senator from Kentucky (Mr. PAUL), the Senator from Ohio (Mr. PORTMAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. RUBIO), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Alabama (Mr. SHELBY), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from South Dakota (Mr. THUNE), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Louisiana (Mr. VITTER), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. WHITEHOUSE),



the Senator from Mississippi (Mr. WICKER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Con. Res. 13, a concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUMENTHAL:

S. 1060. A bill to improve education, employment, independent living services, and health care for veterans, to improve assistance for homeless veterans, and to improve the administration of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BLUMENTHAL. Mr. President, we all have a shared commitment to our Nation's veterans. That shared commitment is reflected in many of the programs that are supported by yourself and my other colleagues in this body every year. I deeply respect the knowledge and dedication that my fellow Senators have brought to this critical issue. Each of my colleagues, almost without exception, has supported measures that have helped our veterans over the years.

I rise to introduce my first piece of legislation, a bill to help our Nation's veterans.

Our Nation must keep faith with the men and women who have served and sacrificed for our freedom. Unfortunately, and unconscionably, America is still failing them and their families by tolerating unemployment, homelessness, and inadequate health care. We must renew our commitment to the more than 250,000 veterans in Connecticut and 22 million across the country to ensure that no veteran is left behind.

Our commitment to veterans must be unwavering. Despite our best inten-

tions, we fail all too often to accord our veterans the support they have earned. Unfortunately, according to the Department of Veterans Affairs, more than 76,000 veterans are homeless on any given night and nearly twice that number will be homeless at some point during the year. The unemployment rate among veterans has doubled over the past 3 years. Twenty-seven percent of veterans in their early twenties are unemployed. That number is almost twice the unemployment rate of their peers who have not served in the military. The Bureau of Labor Statistics recently reported that unemployment for veterans who served their country after September 2001 to be 11.5 percent, again, a figure far higher than the national unemployment rate.

Twenty percent of Iraq and Afghanistan war veterans are estimated to suffer from post-traumatic stress disorder. When veterans return home, they must wait at least half a year, on average, for a claims decision by the Department of Veterans Affairs before they can receive benefits. Those numbers are simply unacceptable. As I speak today, America's longest war continues, with less than 1 percent of the Nation in uniform. Never in the history of the country have so few fought for so long, at such great personal cost and sacrifice.

Under the leadership of Secretary Shinseki, the Department of Veterans Affairs has taken strong steps toward the goal of building a 21st century system that supports caregivers of seriously injured Iraq and Afghanistan veterans, improving services to women veterans, expanding the availability of health care, and preventing veteran homelessness.

Gaps in the system remain, and they are debilitating, destructive, and devastating for many veterans. We can do better and we must do more. The legislation I introduce today is entitled Honoring All Veterans Act of 2011. Its 16 comprehensive provisions are only the first phase of my efforts.

This legislative proposal is a comprehensive package but only an opening salvo in a sustained, unceasing campaign to ensure that no veteran is left behind. It is a downpayment on a larger debt. The goal is to give all veterans the homecoming and the services they need and deserve. Our military men and women have kept their promise to serve and sacrifice for this country, and we must now keep faith with them. Our commitment to veterans should reflect the depth of their sacrifice. This measure is entitled Honoring All Veterans Act because all veterans are brave service men and women, serving today in places we can barely pronounce the names of. They are deployed around the globe, and they deserve to be honored for defending our freedom and democracy. We must honor that service not only in words but in deed.

This legislation comes from veterans and their families—seeing and hearing their struggles and dreams, their achievements and defeats as I have worked for them during my 20 years as attorney general and 4-plus months as a Senator.

In the VFW and American Legion halls, in living rooms, in school auditoriums, and in countless gatherings across the State of Connecticut, I have been privileged to listen and learn from veterans and their families who have shared their personal stories and insights.

This legislation simply continues the work I have done as attorney general. I worked to make the Department of Defense release information on those who may have been improperly separated from military service, and urged the Department of Veterans Affairs to update its obsolete database systems that were preventing tens of thousands of disabled veterans from obtaining deserved tax benefits. In 2007, I worked with the Connecticut congressional delegation to make the Department of Defense provide accurate information about educational benefits to veterans. I have fought for them individually when they encountered bureaucratic resistance and red tape from an unresponsive system. I am proud of that work and proud, most important, of my partnership with veterans in Connecticut in proposing this legislation. My goal then, and it has been continuously, is to keep faith with our veterans, to honor our promises to them.

This Honoring All Veterans Act of 2011 will address four key areas: first, expanding job opportunities for veterans; second, assisting homeless veterans; third, improving veterans health care, with a special emphasis on mental health services; fourth, modernizing the Department of Veterans Affairs.

On expanding job opportunities to honor all veterans and give them the welcome home they deserve, we need to focus first on jobs. Like all Americans, veterans are striving to provide for their families and participate in the economic recovery to find jobs in our slowly recovering economy. Good jobs require education and training, as well as independent living services for veterans. Our Nation has done much to address this issue, such as the expanded post-9/11 GI bill, but gaps in the system remain. They are all too glaring. My legislation will expand job opportunities in five significant ways.

First, the legislation raises the statutory cap for the Vocational Rehabilitation and Employment Independent Living Program to welcome hundreds of additional veterans. This vital program helps veterans with severe service-connected disabilities, enabling them to live independently. It helps veterans with those kinds of disabilities to participate in family and community life and increases their potential to return to work. There is a

strong case for removing the cap on participation in the program. I would like to recognize the distinguished junior Senator from Hawaii for the work that he has done in this regard. I hope that my legislation will ensure the program can continue to assist veterans coming back from Iraq and Afghanistan, while Congress works to find funding to remove the cap completely.

Second, the legislation authorizes veterans to reuse the Department of Defense Transition Assistance Program, known as TAP, and meet with counselors at any military installation for up to 1 year after their separation. This program was developed to assist military personnel leaving the service with information about jobs, education, and career development. Veterans returning to Connecticut wishing to participate again in the Transition Assistance Program should have that opportunity to participate for a second time, maybe even a third time. Coming back from deployment, servicemembers are often focused on other important aspects of the transition process, rather than how to find a job. They may have never written a resume before or attended a job interview. Having started the job search they have specific areas where they realize they need help. I discussed this idea at a recent Senate Armed Services Committee hearing with the Assistant Secretary of the Navy for Manpower and Reserve Affairs. He testified that the military is right now in the process of redesigning the TAP program. I am going to work toward having this provision included in the redesign of the TAP program so that TAP continues to be an opportunity once a servicemember returns home.

Third, the legislation authorizes a study of how best to ensure that civilian employers and educational institutions recognize veterans' military training. The military recruits the most talented men and women in America to serve, and then it invests heavily in their professional development. Yet when they trade their uniforms in for civilian clothes, employers and others such as professional accrediting organizations often refuse to recognize or understand how to make use of their military experience and the expertise they have gained.

The Iraq and Afghanistan Veterans of America reported that 61 percent of employers do not believe they have "a complete understanding of the qualifications ex-servicemembers offer," and recently separated servicemembers with college degrees earn on average almost \$10,000 less per year than their nonveteran counterparts.

One way to close this gap is to have the Department of Defense review the list of military occupations specialties, such as the 22 MOS's in Army engineering or 16 MOS's in Army communications, and ensure that completing MOS

qualifications will provide those servicemembers with credentials recognized by civilian employers.

The study authorized in this legislation will start that process. I am committed to working in the Senate to see this problem resolved.

Fourth, the legislation reauthorizes the Veterans Education Outreach Program to provide money for campus-based outreach services to veterans. This program was first established in 1972 to provide colleges with a significant number of veterans on campus with additional resources to make sure those students get the most out of their educational experience and use VA benefits available to assist them. I believe that the return of veterans from deployments during the Global War on Terror requires the same kind of on-campus support. While there are other programs helping veterans pay the cost of tuition and many colleges have great veterans services on-campus, the Veterans Education Outreach Program is the missing link to ensuring veterans are informed about their VA benefits and maximizing the opportunity to study and obtain employment.

Fifth, the legislation authorizes a comprehensive program at the Department of Labor to assist veterans with TBI or PTSD in the workplace. It provides technical assistance to employers of veterans living with those conditions and provides best practices relating to helping those employees develop successful strategies for on-the-job success. The legislation requires the Office of Disability Employment Policy to coordinate an inter-agency working group which will produce a federal homecoming plan for reintegration of these veterans. These tasks have been conducted to a limited degree by the Department of Labor through the America's Heroes at Work program and the Veterans Employment & Training Services and they are to be commended for their efforts to date. However, by defining these requirements in statute, it is my hope that these programs will expand to reach all veterans that need help.

This legislation also reaches veterans in a variety of other key areas. Recently, a female veteran visited my office. She and her two children were homeless and needed help. In their case, we could find temporary shelter. But on the issue of homelessness, many veterans do not know where to turn or are hesitant to do so. The current per diem given to homeless veterans does not address rising costs and regional variations in helping homeless veterans. Women are particularly underserved now, and my hope is that new housing projects take care of female veterans. For example, the Newington Mission Homeless Project in my state will help forgotten heroes find shelter. The Honoring All Veterans Act reforms

the per diem program and helps military families avoid homelessness by permanently extending their foreclosure protection for servicemembers.

On improving veteran health care and mental health services, as I have traveled Connecticut meeting with veterans, I have seen firsthand how veterans with traumatic brain injury or post-traumatic stress disorder face unique challenges in accessing the Department of Veterans Affairs for benefits and medical assistance. Veterans deserve the best possible medical care, particularly when it comes to treating TBI or post-traumatic stress. These are the signature wounds of the conflicts in Afghanistan and Iraq. More than a quarter of these injuries are undiagnosed, according to the military itself. Then too often, even if they are diagnosed, servicemembers are screened but do not receive a full course of treatment.

To address this issue, my legislation requires the Department of Defense to identify and then close the gap between screenings and treatment. Simply diagnosing a soldier or a marine with symptoms of PTSD or TBI does not heal them.

This legislation also addresses the problem of finding qualified psychiatrists, psychologists, and nursing professionals to work in VA medical hospitals and outpatient clinics by accessing graduates from the Uniformed Services University of the Health Sciences. This university trains outstanding medical professionals for military service. Under existing law the Secretary may exempt graduates from working in a military hospital after graduation, based upon forecast demand. The Honoring All Veterans Act allows those graduates identified by the Secretary as excess to military requirements to serve out their commitment in the VA medical systems, rather than releasing them to private hospitals. This provision is just one example of how the legislation is crafted to better utilize the existing resources of the DOD and VA medical systems.

Modernizing the Department of Veterans Affairs is the final section of this legislation. It addresses the DOD and VA transition process through improved monitoring and oversight. It increases pension benefits and gives veterans grounds for appeal at the Board of Veterans Appeals if the VA has misplaced or misfiled their documents.

I hear about this problem, as my colleagues do, again and again as I listen to veterans. Recently, a veteran visited my office. He has been waiting on a hearing date with the Board of Veterans Appeals for over a year.

His story is typical.

This legislation provides much needed improvement to the Board of Veterans Appeals. I look forward to working with my colleagues to address other much needed improvements.

We can honor our veterans whose claims are stuck in the Board of Veterans Appeals by confirming judges to the court that reviews them. Three of those nine seats are now vacant, and each judge must preside over 600 cases per year, far more than any other Federal appellate court.

Finally, in closing, let me recognize the many veterans throughout the State of Connecticut who helped me craft this measure.

I thank CDR Richard DiFederico of the VFW and CDR Daniel Thurston of the American Legion for their very dedicated work, not only in assisting me but day in and day out on behalf of veterans.

I thank Bob Janicki, who has spent recent years after serving this country in the U.S. Marine Corps during the Vietnam era, for providing help to homeless veterans and veterans seeking jobs.

Paul "Bud" Bucha is a veteran and friend with the most distinguished service record possible in winning the Medal of Honor. His life after military service, giving back to other veterans and managing several successful companies, has been an example of how veterans continue to provide leadership with courage and vision.

MSG Frank Alvarado has made a number of very helpful suggestions, including, for example, reauthorizing the Veterans Education Outreach Program.

I would also like to acknowledge my deep respect to Dr. Linda Schwartz, who has been a tireless advocate for all veterans.

Connecticut is blessed to have the leadership of veterans who help each other, care for each other, look out for each other. I look forward to working with them in ensuring that this legislation is passed. I have no illusions that accomplishing passage of these kinds of measures will be easy, but I hope for support across the aisle. This kind of goal certainly ought to unite us, not divide us. We have so much more in common on this issue than in conflict. I am hoping we can work together to ensure that we keep faith with our veterans, that we honor their service, ensure that we welcome them home with the kind of services they need and deserve so that no veteran will be left behind.

Mr. President, I ask unanimous consent to have printed in the RECORD a summary of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE HONORING ALL VETERANS ACT OF 2011

##### SECTION BY SECTION ANALYSIS

##### TITLE 1—EDUCATION, EMPLOYMENT, AND INDEPENDENT LIVING SERVICES FOR VETERANS

1. Raises the statutory cap for Vocational Rehabilitation and Employment Independent Living program participants from 2,700 new, per annum, to 3,000.

2. Authorizes veterans to retake the Transition Assistance Program (TAP) and meet

with counselors at any military installation again up to 1 year after separation.

3. Authorizes a study of how best to ensure the recognition of military training and qualifications that veterans have by civilian employers and education institutions.

4. Reauthorizes the Veterans Education Outreach Program to provide \$6 million for campus-based outreach services to veterans.

5. Directs the Secretary of Labor to provide technical assistance to employers of veterans living with Traumatic Brain Injury (TBI) and/or Post Traumatic Stress Disorder (PTSD) as they transition to the civilian workplace. Directs the Secretary of Labor to provide best practices related to helping employees with TBI and/or PTSD find and develop successful strategies for on-the-job success. Directs the Office of Disability Employment Policy to coordinate inter-agency working group "federal roundtables" on TBI and PTSD to produce a national homecoming plan that identifies the role of each federal agency in the reintegration of these veterans.

##### TITLE 2—ASSISTANCE FOR HOMELESS VETERANS

1. Permanently extends foreclosure protection for service members under the Service Members Civil Relief Act.

2. Reforms the daily Homeless Housing per diem voucher program to take account of service costs and geographic disparities. Allows use of other funds (such as those authorized under the McKinney-Vento Homeless Assistance Grant) without offset.

##### TITLE 3—HEALTH CARE AND MENTAL HEALTH SERVICES FOR VETERANS

1. Directs DOD and VA to monitor referrals for mental health care to ensure that individuals receive care.

2. Directs to VA to ensure that all TBI and PTSD patients leave VA medical treatment with a plan for their long-term care needs that utilizes a "one-VA" approach to capture and employment and vocational services that can assist in long-term care and rehabilitation.

3. Authorizes VA medical facilities to provide counseling to family members of deployed service members.

4. Authorizes the VA medical system to receive graduates of the Uniformed Services University of Health Sciences (USU) to serve veterans in Community-Based Outpatient Clinics and readjustment counseling Vet Centers of the Department of Veterans Affairs.

5. Authorizes the VA to Access State Prescription Monitoring Programs to address substance abuse.

##### TITLE 4—ADMINISTRATION OF THE DEPARTMENT OF VETERANS AFFAIRS

1. Directs the DOD and VA to establish a monitoring mechanism to identify and address challenges as they arise in all DOD and VA facilities and offices involved in the single separation physical process.

2. Authorizes an independent review board on the DOD to VA transition process that includes the Inspector General from each Agency and the GAO.

3. Reforms the Board of Veterans Appeals process to help veterans with misfiled documents.

4. Increases the pension for disabled veterans married to one another who require aid and attendance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 1063. A bill to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in

the State of Alaska; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation, the Huna Tlingit Traditional Gull Egg Use Act of 2011, cosponsored by my colleague MARK BEGICH from Alaska, which represents an important step forward in allowing the Huna Tlingit people access to enjoy their traditional subsistence activity of gull egg collection.

The collection and consumption of gull eggs is an integral part of the culture of the Tlingit people of Southeast Alaska, and eggs were gathered at rookeries long before Glacier Bay National Park and Preserve's establishment in 1925. A Legislative Environmental Impact Statement was completed in 2010 regarding this proposal to allow limited harvests of gull eggs in Glacier Bay National Park and Preserve, and the preferred alternative authorized the implementation of a cooperative management program for gull egg collection and emphasized a traditional harvest strategy for the collections.

My bill will authorize this harvest of gull eggs at five nesting areas on two separate days each calendar year within the Park. This would allow a large number of tribal members to interact with their traditional homeland and provide an opportunity for as many as 12 young people to participate annually and spend time with elders learning about traditional egg harvest practices in addition to other aspects Tlingit culture.

This bill is widely supported throughout the environmental and conservation communities, as well as the Alaska Native community. The harvesting of gull eggs would only have minor effects on the gulls, but the cultural benefits that would be realized by the Native community would be great.

I would like to thank Senator BEGICH, an original co-sponsor of this bill, for his and his staff's hard work in moving this bill forward. It is our hope that this bill will receive quick but careful consideration as the local tribe members have been eagerly awaiting passage of this measure for quite a long time.

By Mr. REED (for himself, Mr. SCHUMER, Mr. KERRY, Mr. LEAHY, and Mr. FRANKEN):

S. 1064. A bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, as families prepare for Memorial Day festivities, and plan outings this summer, most will be outdoors without adequate sun protection, even if they use sunscreen. This is because there are currently no rules that sunscreen makers must follow when making claims about the

level of protection their products provide.

Currently, sunscreen products are only required to protect against UVB rays, the rays that cause tans and sunburns and the level of protection is documented with a Sun Protection Factor, SPF. Unfortunately, even these numbers can be misleading or worse, inaccurate. Researchers have found that a sunscreen product with a SPF of 30 protects against 98 percent of the sun's UVB rays, while a sunscreen labeled with a SPF of 100 protects against 99 percent of the sun's UVB rays. The larger the SPF number doesn't always result in significantly better protection.

Moreover, sunscreen products are not required to protect against cancer-causing UVA rays. UVA rays actually penetrate deeper into the skin and can cause more damage. Some sunscreens and products containing sun protection claim to protect against these rays, but there are no scientific standards by which to measure their validity.

We have seen the effects that a lack of reliable sun protection can have in the rising rates of melanoma in this country, which has doubled in the past 30 years. This year alone, over 2 million people will be informed that they have a preventable form of skin cancer. My state of Rhode Island is among the top ten for reported melanoma diagnoses.

After years of working with my colleagues to press the Food and Drug Administration to act, in August of 2007, the FDA finally proposed a rule that would require sunscreen labels to disclose the level of UVA protection in a standard format that appears near the sun protection factor rating, and ensure that the SPF rating actually corresponds to a product's protection against UVB rays. This was a step in the right direction. The downside is that nearly 4 years later this proposal has still not been finalized.

For this reason, today I am introducing the Sunscreen Labeling Protection Act, the SUN Act, along with my colleagues, Senators SCHUMER, KERRY, LEAHY, and FRANKEN. This legislation would require the FDA to finalize the sunscreen labeling monograph. If the FDA fails to finalize its proposed monograph of August 27, 2007 within 180 days of enactment of the SUN Act, the monograph, as proposed, would become effective. I look forward to a summer when Americans can finally feel protected from the sun's harmful rays.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1064

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunscreen Labeling Protection Act of 2011" or the "SUN Act".

#### SEC. 2. EFFECTIVE DATE FOR RULE RELATING TO SUNSCREEN DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE.

Notwithstanding subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act") and any other provision of law, the proposed rule issued by the Commissioner of Food and Drugs entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Proposed Amendment of Final Monograph", 72 Fed. Reg. 49070 (August 27, 2007), shall take effect on the date that is 180 days after the date of enactment of this Act, unless such Commissioner issues the final rule, which includes formulation, labeling, and testing requirements for both ultraviolet B (UVB) and ultraviolet A (UVA) radiation protection, before such effective date.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 1067. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the role safe nuclear energy can play in moving our country toward a more secure energy future.

Given the economic, national security, and environmental threats that we face, we need a comprehensive energy policy. In this regard, safe nuclear energy clearly has emerged as an important player in our search for stable and domestic energy sources with fewer greenhouse gas emissions.

A cleaner energy economy will spur innovation in, and accelerate the shift to, clean and domestic energy sources. It will create a new industrial sector employing millions of Americans in the research, development, and commercialization of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world and cleaner energy technologies will help us get there.

Finally, as we try to emerge from perhaps our greatest economic crisis since the Great Depression, we need an "all of the above" solution to jumpstart our economy and create new jobs. Beyond renewables and natural gas, this also means next generation nuclear energy.

That is why I am introducing the bipartisan Nuclear Energy Research Initiative Improvement Act today. This bill would authorize the Department of Energy to carry out a research, development, and demonstration program to reduce manufacturing and construction costs of safe nuclear reactors. It would

support research in areas critical for us to achieve these goals, while also protecting national security. For example, it would support research into: modular and small-scale reactors, balance-of-plant issues, cost-efficient manufacturing, licensing issues, and enhanced proliferation controls.

In light of the disaster at the Daiichi nuclear facility in Japan, it is evident a new era of safe nuclear energy development is needed: one with enhanced safeguards and more agile manufacturing and operating capabilities. My bill seeks to achieve those objectives.

Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope that we can build new, safe nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow. My bill would help us accomplish these goals.

I would like to thank Senator BINGAMAN and Senator MURKOWSKI for joining me in introducing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1067

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Energy Research Initiative Improvement Act of 2011".

#### SEC. 2. NUCLEAR ENERGY RESEARCH INITIATIVE.

Section 952(a) of the Energy Policy Act of 2005 (42 U.S.C. 16272(a)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary;" and

(2) by adding at the end the following:

"(2) AUTHORIZED RESEARCH INITIATIVES.—In carrying out the program under this subsection, the Secretary shall conduct research to lower the cost of nuclear reactor systems, including research regarding—

"(A) modular and small-scale reactors;

"(B) balance-of-plant issues;

"(C) cost-efficient manufacturing and construction;

"(D) licensing issues; and

"(E) enhanced proliferation controls.

"(3) CONSULTATION REQUIREMENT.—In carrying out initiatives under paragraph (2), the Secretary shall consult with—

"(A) the Secretary of Commerce;

"(B) the Secretary of the Treasury;

"(C) the Nuclear Regulatory Commission; and

"(D) any other individual who the Secretary determines to be necessary.

"(4) SCHEDULE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall develop and publish on the website of the Department of Energy a schedule that contains an outline of a 5-year strategy to lower effectively the costs of nuclear reactors.

"(B) PUBLIC WORKSHOPS.—In developing the schedule under subparagraph (A), the Secretary shall conduct public workshops to provide an opportunity for public comment.

“(C) REVIEW.—Before the date on which the Secretary publishes the schedule under subparagraph (A), the Nuclear Energy Advisory Committee shall conduct a review of the schedule.

“(D) ANNUAL UPDATES.—

“(i) IN GENERAL.—Not later than 180 days after the date on which the Secretary publishes the schedule under subparagraph (A) and annually thereafter, the Secretary shall update the schedule.

“(ii) PUBLIC WORKSHOPS.—In updating the schedule under clause (i), the Secretary shall conduct public workshops in accordance with subparagraph (B).

“(5) COST SHARING.—Section 988 shall apply to initiatives carried out under this section.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2012 through 2016.”.

By Mr. BROWN of Ohio (for himself and Mr. FRANKEN):

S. 1068. A bill to amend the Higher Education Act of 1965 to provide for temporary student loan debt conversion authority; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN of Ohio. Mr. President, this month marks commencement season at our great colleges and universities across Ohio and the Nation. I have had the honor of speaking at a few this year—Owens Community College, Ashland University, Cleveland Marshall College of Law, and Ohio Northern University.

It is a day of achievement and accomplishment, a reaffirmation of why education is a key to our economic prosperity. But it is also a day of anxiety. Graduates are leaving campuses to enter a difficult job market saddled with student debt.

Approximately 2/3 of Ohioans who attend a private or public 4-year college or university graduate with an average of nearly \$26,000 in student loan debt. Unfortunately, as student loan debt levels continue to grow, the Nation's hiring climate remains sluggish. This has led to limited employment opportunities for recent graduates; nearly half of the 2009 graduating class is currently unemployed or employed in a position that does not require a college degree.

Such circumstances are leading to undue personal stress and potentially, a lifetime of financial challenges. Far too often, individuals and families are becoming part of the “sandwich generation” where families are paying for the cost of their children's education while also taking care of their aging parents.

That is why last year I supported—and the President signed into law, the Health and Education Reconciliation Act, the single largest federal investment in student aid in generations. The law ends wasteful subsidies to private lenders through the Federal Family Education Loan, FFEL, Program. In doing so, we cut out the middleman and loans are now not only originated,

but also serviced, by the U.S. Department of Education.

By ending subsidies to private banks, we saved billions of dollars, and used the savings to allow the maximum Pell Grant award to reach a historic level. We made it easier for students to repay loans through the Income-Based Repayment Program. We did this all at no cost to the taxpayer.

For many colleges and universities, the transition from FFEL to the Direct Loan program has been a resounding success as there has been no disruption to borrowers or financial aid administrators.

For those borrowers who are in the middle of the transition period, I, along with my good colleague Senator FRANKEN, am introducing the Student Loan Simplification and Opportunity Act. This legislation, by simplifying loan repayment and reducing the loan amount, benefits college graduates. And this legislation, by removing costly subsidies provided to private lenders, saves 1.8 billion dollars that will be reinvested in the Pell Grant Program, thereby ensuring that other deserving students can afford to attend college.

The Student Loan Simplification and Opportunity Act would allow students with both FFEL loans and Direct Loans to voluntarily transfer their FFEL debt to a Direct Loan servicer over a nine-month period.

By converting loans, the likelihood that a borrower may miss a payment and end up further in debt would decrease. On average, a borrower with multiple loan servicers has a 20 percent higher chance of defaulting on their loan payments. Yet, this program not only simplifies a borrower's loan repayment, it reduces the amount owed. Borrowers who transferred their debt would be rewarded with up to a 2 percent reduction in the principal amount of their FFEL loan.

I am proud to introduce the Student Loan Simplification and Opportunity Act, as this legislation will benefit both borrowers and taxpayers.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1079. A bill to amend title 41, United States Code, and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1079

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Domestic Fuel for Enhancing National Security Act of 2011”.

#### SEC. 2. MULTIYEAR CONTRACTS FOR ADVANCED BIOFUEL.

(a) CIVILIAN AGENCY CONTRACTS.—Subsection (a) of section 3903 of title 41, United States Code, is amended to read as follows:

“(a) DEFINITIONS.—For the purposes of this section:

“(1) MULTIYEAR CONTRACT.—The term ‘multiyear contract’—

“(A) means a contract for the purchase of property or services for more than one, but not more than five, program years, except as provided in subparagraph (B);

“(B) in the case of a contract for the purchase of advanced biofuel, means a contract for the purchase of such fuel for a period of up to 15 program years; and

“(C) may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) ADVANCED BIOFUEL.—The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(b) DEFENSE CONTRACTS.—Subsection (k) of section 2306b of title 10, United States Code, is amended to read as follows:

“(k) DEFINITIONS.—For the purposes of this section:

“(1)(A) Except as provided in subparagraph (B), the term ‘multiyear contract’ means a contract for the purchase of property or services for more than one, but not more than five, program years.

“(B) In the case of a contract for the purchase of advanced biofuel, the term ‘multiyear contract’ means a contract for the purchase of such fuel for a period of up to 15 program years.

“(C) Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.

“(2) The term ‘advanced biofuel’ has the meaning given such term in section 211(o)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into on or after the date occurring 180 days after the date of the enactment of this Act.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 199—SUPPORTING THE GOALS AND IDEALS OF “CROHN'S AND COLITIS AWARENESS WEEK”

Mr. REID of Nevada (for himself, Mr. REED of Rhode Island, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 199

Whereas Crohn's disease and ulcerative colitis are serious, chronic inflammatory diseases of the gastrointestinal tract;

Whereas Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease, afflict approximately 1,400,000 people in the United States, 30 percent of whom are diagnosed as children;

Whereas the cause of Crohn's disease and ulcerative colitis are unknown and no medical cure exists;

Whereas Crohn's disease and ulcerative colitis can affect anyone, at any age, and is being diagnosed with increased frequency in children;

Whereas Crohn's disease and ulcerative colitis patients are at high risk for developing colorectal cancer;

Whereas a lack of awareness among health professionals and the general public may contribute to the misdiagnosis and mismanagement of Crohn's disease and ulcerative colitis;

Whereas the annual direct cost of Crohn's disease and ulcerative colitis in the United States is estimated to be \$6,100,000,000;

Whereas the goals of "Crohn's and Colitis Awareness Week" are—

(1) to invite and encourage all people in the United States to join the effort to find a cure for Crohn's disease and ulcerative colitis;

(2) to engage in activities aimed at raising awareness of Crohn's disease and ulcerative colitis among the general public and health care providers; and

(3) to promote and support biomedical research needed to find better treatments and a cure for Crohn's disease and ulcerative colitis; and

Whereas the week of December 1, 2011, through December 7, 2011, has been designated "Crohn's and Colitis Awareness Week": Now, therefore, be it

*Resolved, That the Senate—*

(1) supports the goals and ideals of "Crohn's and Colitis Awareness Week";

(2) encourages media organizations to participate in "Crohn's and Colitis Awareness Week" by helping to educate the general public about Crohn's disease and ulcerative colitis;

(3) recognizes all people in the United States living with Crohn's disease and ulcerative colitis and expresses appreciation to the family members and caregivers who support them; and

(4) commends the dedication of health care professionals and biomedical researchers who care for Crohn's disease and ulcerative colitis patients and work to advance basic, genetic, and clinical research aimed at developing new treatments and a cure for Crohn's disease and ulcerative colitis.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 354. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 355. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S.

990, supra; which was ordered to lie on the table.

SA 359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 360. Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 361. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 362. Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 363. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 364. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 365. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 366. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 367. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 368. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 369. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 370. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 371. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 372. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 373. Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 374. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 377. Mr. PAUL submitted an amendment intended to be proposed by him to the

bill S. 990, supra; which was ordered to lie on the table.

SA 378. Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 379. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 380. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 381. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 382. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

SA 383. Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 384. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 385. Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 354.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**SA 355.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . TERMINATION OF INVESTIGATIONS OF EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.

The Attorney General shall terminate the investigations of employees of the Central



Intelligence Agency regarding treatment or interrogation of detainees at overseas locations during the period beginning on September 18, 2001 and ending on May 2, 2011.

**SA 356.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.**

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**“§ 2339E. Providing material support to international terrorism**

“(a) DEFINITIONS.—In this section:

“(1) The term ‘facility of interstate or foreign commerce’ has the same meaning as in section 1958(b)(2).

“(2) The term ‘international terrorism’ has the same meaning as in section 2331.

“(3) The term ‘material support or resources’ has the same meaning as in section 2339A(b).

“(4) The term ‘perpetrator of an act’ includes any person who—

“(A) commits the act;

“(B) aids, abets, counsels, commands, induces, or procures its commission; or

“(C) attempts, plots, or conspires to commit the act.

“(5) The term ‘serious bodily injury’ has the same meaning as in section 1365.

“(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years, and if death results, shall be imprisoned for any term of years not less than 25 or for life.

“(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

“(1) the offense occurs in or affects interstate or foreign commerce;

“(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

“(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

“(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

“(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

“(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence

the policy or affect the conduct of a foreign government;

“(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

“(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

“(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).”

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

“2339D. Receiving military-type training from a foreign terrorist organization.

“2339E. Providing material support to international terrorism.”

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting “2339E (relating to providing material support to international terrorism),” before “or 2340A (relating to torture).”

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “25 years”.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking “fined under this title” and all that follows and inserting “fined under this title and imprisoned for any term of years not less than 10 or for life, and, if the death of any person results, imprisoned for any term of years not less than 25 or for life. A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.”

(3) FINANCING OF TERRORIST CRIMES.—Section 2339C(d)(1) of title 18, United States Code, is amended by striking “shall be fined under this title” and all that follows and inserting “shall be fined under this title and imprisoned for any term of years not less than 5 or for life.”

(4) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking “ten years” and inserting “15 years”.

(5) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting “, or attempts or conspires to receive,” after “receives”.

**SA 357.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. TERRORIST ASSAULTS, KIDNAPPINGS, AND MURDERS.**

(a) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”;

(2) in paragraph (2), by inserting “(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)” after “injury”; and

(3) by striking the matter following paragraph (2) and inserting the following:

“shall be punished as provided in section 2242, and, if the conduct would violate section 2241(a) if it occurred in the special territorial or maritime jurisdiction of the United States, shall be punished as provided in section 2241(c).”

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, as amended by subsection (a), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for any term of years not less than 15 or for life.”

(c) PENALTIES FOR TERRORIST MURDER AND MANSLAUGHTER.—Section 2332(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1111(b);” and

(2) in paragraph (2), by striking “fined under this title” and all that follows and inserting “punished as provided under section 1112(b); and”.

**SA 358.** Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . IMPROVEMENTS TO THE TERRORIST HOAX STATUTE.**

(a) HOAX STATUTE.—Section 1038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “or any other offense listed under section



2332b(g)(5)(B) of this title," after "title 49,"; and

(B) in paragraph (2), by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) shall be fined under this title and imprisoned for not less than 6 months nor more than 15 years;

"(B) if serious bodily injury results, shall be fined under this title and imprisoned for not less than 5 years nor more than 30 years; and

"(C) if death results, shall be fined under this title and imprisoned for not less than 10 years or for life."; and

(2) by amending subsection (b) to read as follows:

"(b) CIVIL ACTION.—

"(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1) is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

"(2) EFFECT OF CONDUCT.—

"(A) IN GENERAL.—A person described in subparagraph (B) is liable in a civil action to any party described in subparagraph (B)(ii) for any expenses that are incurred by that party—

"(i) incident to any emergency or investigative response to any conduct described in subparagraph (B)(i); and

"(ii) after the person that engaged in that conduct should have informed that party of the actual nature of the activity.

"(B) APPLICABILITY.—A person described in this subparagraph is any person that—

"(i) engages in any conduct that has the effect of conveying false or misleading information under circumstances where such information may reasonably be believed to indicate that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1);

"(ii) receives actual notice that another party is taking emergency or investigative action because that party believes that the information indicates that an activity has taken, is taking, or will take place that would constitute an offense listed under subsection (a)(1); and

"(iii) after receiving such notice, fails to promptly and reasonably inform 1 or more parties described in clause (ii) of the actual nature of the activity.".

(b) THREATENING COMMUNICATIONS.—

(1) MAILED WITHIN THE UNITED STATES.—Section 876 of title 18, United States Code, is amended by adding at the end the following:

"(e) For purposes of this section, the term 'addressed to any other person' includes a communication addressed to an individual (other than the sender), a corporation or other legal person, and a government or agency or component thereof."

(2) MAILED TO A FOREIGN COUNTRY.—Section 877 of title 18, United States Code, is amended by adding at the end following new undesignated paragraph:

"For purposes of this section, the term 'addressed to any person' includes a communication addressed to an individual, a corporation or other legal person, and a government or agency or component thereof."

**SA 359.** Mr. KYL submitted an amendment intended to be proposed by

him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

## **TITLE II—SAFE COPS ACT**

### **SECTION 201. SHORT TITLE.**

This title may be cited as the "Safe Cops Act of 2011".

### **SEC. 202. SPECIAL PENALTIES FOR MURDER OR KIDNAPPING OF A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.**

(a) MURDER.—Section 1114 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following:

"(b) If the victim of an offense punishable under this section or section 1117 is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and—

"(1) in the case of murder in the first degree, or an attempt or conspiracy to commit murder in the first degree, death or imprisonment for life;

"(2) in the case of murder in the second degree, or an attempt or conspiracy to commit murder in the second degree, imprisonment for any term of years not less than 25 or for life; and

"(3) in the case of voluntary manslaughter, imprisonment for any term of years not less than 10 or for life."

(b) KIDNAPPING.—Section 1201 of title 18, United States Code, is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following:

"(f) If the victim of an offense punishable under subsection (a), (c), or (d) is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115), the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 20 or for life, or, if death results, may be sentenced to death."

### **SEC. 203. SPECIAL PENALTIES FOR ASSAULTING A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE.**

(a) IN GENERAL.—Section 111 of title 18, United States Code, is amended to read as follows:

**"§ 111. Assaulting or interfering with certain officers or employees**

"(a) OFFICERS AND EMPLOYEES.—

"(1) IN GENERAL.—It shall be unlawful to—

"(A) assault or interfere with an officer or employee described in section 1114, while such officer or employee is engaged in, or on account of the performance of, official duties;

"(B) assault or interfere with an individual who formerly served as an officer or employee described in section 1114 on account of the performance of official duties; or

"(C) assault or interfere with an individual on account of that individual's current or former status as an officer or employee described in section 1114.

"(2) PENALTY.—Any person who violates paragraph (1), shall be—

"(A) fined under this title;

"(B)(i) in the case of an interference or a simple assault, imprisoned for not more than 1 year;

"(ii) in the case of an assault involving actual physical contact or the intent to commit any other felony, imprisoned for not more than 10 years;

"(iii) in the case of an assault resulting in bodily injury, imprisoned for not more than 20 years; or

"(iv) in the case of an assault resulting in substantial bodily injury (as that term is defined in section 113), or if a dangerous weapon was used or possessed during and in relation to the offense (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component), imprisoned for not more than 30 years; or

"(C) fined under subparagraph (A) and imprisoned under subparagraph (B).

"(b) LAW ENFORCEMENT OFFICERS AND JUDGES.—

"(1) IN GENERAL.—If the victim of an assault punishable under this section is a Federal law enforcement officer or a United States judge (as those terms are defined in section 115)—

"(A) if the assault resulted in substantial bodily injury (as that term is defined in section 113), the offender shall be punished by a fine under this title and imprisonment for not less 5 years nor more than 30 years; and

"(B) if the assault resulted in serious bodily injury (as that term is defined in section 2119(2)), or a dangerous weapon was used or possessed during and in relation to the offense, the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 10 or for life.

"(2) IMPOSITION OF PUNISHMENT.—Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 18, United States Code, is amended by striking the item relating to section 111 and inserting the following:

"111. Assaulting or interfering with certain officers or employees."

### **SEC. 204. SPECIAL PENALTIES FOR RETALIATING AGAINST A FEDERAL LAW ENFORCEMENT OFFICER OR FEDERAL JUDGE BY MURDERING OR ASSAULTING A FAMILY MEMBER.**

(a) IN GENERAL.—Section 115 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c)(1) If an offense punishable under this section is committed with the intent to impede, intimidate, or interfere with a Federal law enforcement officer or a United States judge while that officer or judge is engaged in the performance of official duties, with the intent to retaliate against that officer or judge or a person who formerly served as such an officer or judge on account of the performance of official duties, or with the intent to retaliate against an individual on account of that individual's current or former status as such an officer or judge, the offender shall be punished—

"(A) in the case of murder, attempted murder, conspiracy to murder, or manslaughter, as provided in section 1114(b);

"(B) in the case of kidnapping, attempted kidnapping, or conspiracy to kidnap, as provided in section 1201(f);

“(C) in the case of an assault resulting in bodily injury or involving the use or possession of a dangerous weapon during and in relation to the offense, as provided for a comparable offense against a Federal law enforcement officer or United States judge under section 111; and

“(D) in the case of any other assault or threat, by a fine under this title and imprisonment for not more than 10 years.

“(2) Each punishment for criminal conduct described in this subsection shall be in addition to any other punishment for other criminal conduct during the same criminal episode.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Title 18, United States Code, is amended—

(A) in section 119(b)(4) by striking “in section 115(c)(2)” and inserting “in section 115(d)(2)”; and

(B) in section 2237(e)(1) of title 18, United States Code, by striking “in section 115(c)” and inserting “in section 115”.

(2) **OTHER LAW.**—Section 5(a) of the Act entitled “An Act to promote the development of Indian arts and crafts and to create a board to assist there in, and for other purposes” (25 U.S.C. 305d(a)) is amended by striking “section 115(c)” and inserting “section 115(d)”.

**SEC. 205. LIMITATION ON DAMAGES INCURRED DURING COMMISSION OF A FELONY OR CRIME OF VIOLENCE.**

(a) **IN GENERAL.**—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by—

(1) striking “except that in any action” and all that follows through “relief was unavailable.” and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), a court shall not have jurisdiction to consider a claim for damages other than for necessary out-of-pocket expenditures and other monetary loss.”; and

(2) indenting the last sentence as an undesignated paragraph.

(b) **ATTORNEY’S FEES.**—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by striking “except that in any action” and all that follows and inserting the following: “except that—

“(1) in any action brought against a judicial officer for an act or omission taken in the judicial capacity of that officer, such officer shall not be held liable for any costs, including attorneys fees, unless such action was clearly in excess of the jurisdiction of that officer; and

“(2) in any action seeking redress for a deprivation that was incurred in the course of, or as a result of, or is related to, conduct by the injured party that, more likely than not, constituted a felony or a crime of violence (as that term is defined in section 16 of title 18, United States Code) (including any deprivation in the course of arrest or apprehension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

hension for, or the investigation, prosecution, or adjudication of, such an offense), the court may not allow such party to recover attorney’s fees.”.

**SEC. 206. FEDERAL REVIEW OF STATE CONVICTION FOR MURDER OF A LAW ENFORCEMENT OFFICER OR JUDGE.**

(a) **SHORT TITLE.**—This section may be cited as the “Daniel Faulkner Law Enforcement Officers and Judges Protection Act of 2011”.

(b) **FEDERAL REVIEW.**—Section 2254 of title 28, United States Code, is amended by adding at the end the following:

“(j)(1) For an application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court for a crime that involved the killing of a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)) or judge, while the public safety officer or judge was engaged in the performance of official duties, or on account of the public safety officer’s or judge’s performance of official duties or status as a public safety officer or judge—

“(A) the application shall be subject to the time limitations and other requirements under sections 2263, 2264, and 2266; and

“(B) the court shall not consider claims relating to sentencing that were adjudicated in a State court.

“(2) Sections 2251, 2262, and 2101 are the exclusive sources of authority for Federal courts to stay a sentence of death entered by a State court in a case described in paragraph (1).”.

(c) **RULES.**—Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts is amended by adding at the end the following: “Rule 60(b)(6) of the Federal Rules of Civil Procedure shall not apply to a proceeding under these rules in a case that is described in section 2254(j) of title 28, United States Code.”.

(d) **FINALITY OF DETERMINATION.**—Section 2244(b)(3)(E) of title 28, United States Code, is amended by striking “the subject of a petition” and all that follows and inserting: “reheard in the court of appeals or reviewed by writ of certiorari.”.

(e) **EFFECTIVE DATE AND APPLICABILITY.**—

(1) **IN GENERAL.**—This section and the amendments made by this section shall apply to any case pending on or after the date of enactment of this Act.

(2) **TIME LIMITS.**—In a case pending on the date of enactment of this Act, if the amendments made by this section impose a time limit for taking certain action, the period of which began before the date of enactment of this Act, the period of such time limit shall begin on the date of enactment of this Act.

(3) **EXCEPTION.**—The amendments made by this section shall not bar consideration under section 2266(b)(3)(B) of title 28, United States Code, of an amendment to an application for a writ of habeas corpus that is pending on the date of enactment of this Act, if the amendment to the petition was adjudicated by the court prior to the date of enactment of this Act.

**SA 360.** Mr. LEAHY (for himself, Mr. PAUL, Mr. CARDIN, Mr. BINGAMAN, Mr. COONS, Mrs. SHAHEEN, Mr. WYDEN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. MERKLEY, Mrs. BOXER, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an

additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. ADDITIONAL SUNSETS.**

(a) **NATIONAL SECURITY LETTERS.**—

(1) **REPEAL.**—Effective on December 31, 2013—

(A) section 2709 of title 18, United States Code, is amended to read as such provision read on October 25, 2001;

(B) section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended to read as such provision read on October 25, 2001;

(C) subsections (a) and (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) are amended to read as subsections (a) and (b), respectively, of the second of the 2 sections designated as section 624 of such Act (15 U.S.C. 1681u) (relating to disclosure to the Federal Bureau of Investigation for counterintelligence purposes), as added by section 601 of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974), read on October 25, 2001;

(D) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is repealed; and

(E) section 802 of the National Security Act of 1947 (50 U.S.C. 436) is amended to read as such provision read on October 25, 2001.

(2) **TRANSITION PROVISION.**—Notwithstanding paragraph (1), the provisions of law referred to in paragraph (1), as in effect on December 30, 2013, shall continue to apply on and after December 31, 2013, with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.

(3) **TECHNICAL AND CONFORMING AMENDMENTS.**—Effective December 31, 2013—

(A) section 3511 of title 18, United States Code, is amended—

(i) in subsections (a), (c), and (d), by striking “or 627(a)” each place it appears; and

(ii) in subsection (b)(1)(A), as amended by section 7(b) of this Act, by striking “section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v)” and inserting “section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u)”;

(B) section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(i) in subparagraph (C), by adding “and” at the end;

(ii) in subparagraph (D), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (E); and

(C) the table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by striking the item relating to section 627.

(b) **FISA AMENDMENTS ACT OF 2008.**—

(1) **EXTENSION.**—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(3) **ORDERS IN EFFECT.**—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking “DECEMBER 31, 2012” and inserting “DECEMBER 31, 2013”.

#### SEC. 4. ORDERS FOR ACCESS TO CERTAIN BUSINESS RECORDS AND TANGIBLE THINGS.

(a) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended—

(1) in the section heading, by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking “a statement of facts showing” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

(ii) by striking “clandestine intelligence activities,” and all that follows and inserting “clandestine intelligence activities;”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) if the records sought contain book-seller records, or are from a library and contain personally identifiable information about a patron of the library, a statement of facts showing that there are reasonable grounds to believe that the records sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii)(I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(C) a statement of proposed minimization procedures.”;

(3) in subsection (c)(1)—

(A) by inserting “and that the proposed minimization procedures meet the definition of minimization procedures under subsection (g)” after “subsections (a) and (b)”; and

(B) by inserting “, and directing that the minimization procedures be followed” after “release of tangible things”; and

(C) by striking the second sentence; and

(4) by adding at the end the following:

“(i) DEFINITIONS.—In this section—

“(1) the term ‘bookseller records’ means transactional records reflecting the purchase (including subscription purchase) or rental of books, journals, or magazines, whether in digital form or in print, of an individual or entity engaged in the sale or rental of books, journals, or magazines;

“(2) the term ‘library’ has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1));

“(3) the term ‘patron’ means a purchaser, renter, borrower, user, or subscriber of goods or services from a library; and

“(4) the term ‘personally identifiable information’ includes information that identifies a person as having used, requested, or obtained specific reading materials or services from a library.”.

(b) TRANSITION PROCEDURES.—Notwithstanding the amendments made by this Act, an order entered under section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

#### “SEC. 503. DEFINITIONS.

“In this title, the terms ‘Attorney General’, ‘foreign intelligence information’, ‘international terrorism’, ‘person’, ‘United States’, and ‘United States person’ have the meanings given such terms in section 101.”.

(2) TITLE HEADING.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended in the title heading by inserting “AND OTHER TANGIBLE THINGS” after “CERTAIN BUSINESS RECORDS”.

(3) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(A) by striking the items relating to title V and section 501 and inserting the following:

“TITLE V—ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS FOR FOREIGN INTELLIGENCE PURPOSES

“Sec. 501. Access to certain business records and other tangible things for foreign intelligence purposes and international terrorism investigations.”;

and

(B) by inserting after the item relating to section 502 the following:

“Sec. 503. Definitions.”.

#### SEC. 5. ORDERS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES FOR FOREIGN INTELLIGENCE PURPOSES.

(a) APPLICATION.—Section 402(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2)—

(A) by striking “a certification by the applicant” and inserting “a statement of the facts and circumstances relied upon by the applicant to justify the belief of the applicant”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) a statement of whether minimization procedures are being proposed and, if so, a statement of the proposed minimization procedures.”.

(b) MINIMIZATION.—

(1) DEFINITION.—Section 401 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841) is amended by adding at the end the following:

“(4) The term ‘minimization procedures’ means—

“(A) specific procedures, that are reasonably designed in light of the purpose and technique of an order for the installation and use of a pen register or trap and trace device, to minimize the retention, and prohibit the dissemination, of nonpublicly available information known to concern unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information;

“(B) procedures that require that nonpublicly available information, which is not foreign intelligence information shall not be disseminated in a manner that identifies any United States person, without such person’s consent, unless such person’s identity is necessary to understand foreign intelligence information or assess its importance; and

“(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.”.

(2) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(A) in subsection (d)(1), by striking “the judge finds” and all that follows and inserting the following: “the judge finds—

“(A) that the application satisfies the requirements of this section; and

“(B) that, if there are exceptional circumstances justifying the use of minimization procedures in a particular case, the proposed minimization procedures meet the definition of minimization procedures under this title.”; and

(B) by adding at the end the following:

“(h) At or before the end of the period of time for which the installation and use of a pen register or trap and trace device is approved under an order or an extension under this section, the judge may assess compliance with any applicable minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

(3) EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) If the Attorney General authorizes the emergency installation and use of a pen register or trap and trace device under this section, the Attorney General shall require that minimization procedures be followed, if appropriate.”.

(4) USE OF INFORMATION.—Section 405(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1845(a)(1)) is amended by striking “provisions of this section” and inserting “minimization procedures required under this title”.

(c) TRANSITION PROCEDURES.—

(1) ORDERS IN EFFECT.—Notwithstanding the amendments made by this Act, an order entered under section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) that is in effect on the effective date of the amendments made by this section shall remain in effect until the expiration of the order.

(2) EXTENSIONS.—A request for an extension of an order referred to in paragraph (1) shall be subject to the requirements of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as amended by this Act.

#### SEC. 6. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.

(a) IN GENERAL.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that the Director of the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A wire or electronic communications service provider that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of this title, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a recipient has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c), shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request or order under subsection (a), (b), or (c) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request or order;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request or order; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request or order is issued under subsection (a), (b), or (c) in the same manner as the person to whom the request or order is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request or order under subsection (a), (b), or (c) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request or order under subsection (a), (b), or (c) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request or order under subsection (a), (b), or (c) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request or order for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee.

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism, or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the government agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a consumer reporting agency has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall promptly notify the consumer reporting agency, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D) PROHIBITION OF CERTAIN DISCLOSURE.—

“(i) PROHIBITION.—

“(I) IN GENERAL.—If a certification is issued under subclause (II) and notice of the right to judicial review under clause (iii) is provided, no financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A), shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subparagraph (A).

“(II) CERTIFICATION.—The requirements of subclause (I) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that, absent a prohibition of disclosure under this subparagraph, there may result—

“(aa) a danger to the national security of the United States;

“(bb) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(cc) interference with diplomatic relations; or

“(dd) danger to the life or physical safety of any person.

“(ii) EXCEPTION.—

“(I) IN GENERAL.—A financial institution, or officer, employee, or agent thereof, that receives a request under subparagraph (A) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(aa) those persons to whom disclosure is necessary in order to comply with the request;

“(bb) an attorney in order to obtain legal advice or assistance regarding the request; or

“(cc) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(II) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the Director of the Federal Bureau of Investigation or the designee of the Director, those persons to whom disclosure will be made under subclause (I)(aa) or to whom such disclosure was made before the request shall be identified to the Director or the designee.

“(III) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subclause (I) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subparagraph (A) in the same manner as the person to whom the request is issued.

“(IV) NOTICE.—Any recipient that discloses to a person described in subclause (I) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(iii) RIGHT TO JUDICIAL REVIEW.—

“(I) IN GENERAL.—A financial institution that receives a request under subparagraph (A) shall have the right to judicial review of any applicable nondisclosure requirement.

“(II) NOTIFICATION.—A request under subparagraph (A) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(III) INITIATION OF PROCEEDINGS.—If a recipient of a request under subparagraph (A) makes a notification under subclause (II), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the Federal Bureau of Investigation makes a notification under clause (iv).

“(iv) TERMINATION.—In the case of any request for which a financial institution has submitted a notification under clause (iii)(II), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the Federal Bureau of Investigation shall promptly notify the financial institution, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802 of the National Security Act of 1947 (50 U.S.C. 436), is amended by striking subsection (b) and inserting the following:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under paragraph (3) is provided, no governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a), shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of

an authorized investigative agency described in subsection (a), or a designee, certifies that, absent a prohibition of disclosure under this subsection, there may result—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity, or officer, employee, or agent thereof, that receives a request under subsection (a) may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a).

“(B) PERSONS NECESSARY FOR COMPLIANCE.—Upon a request by the head of an authorized investigative agency described in subsection (a), or a designee, those persons to whom disclosure will be made under subparagraph (A)(i) or to whom such disclosure was made before the request shall be identified to the head of the authorized investigative agency or the designee.

“(C) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(D) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(3) RIGHT TO JUDICIAL REVIEW.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a) shall have the right to judicial review of any applicable nondisclosure requirement.

“(B) NOTIFICATION.—A request under subsection (a) shall state that if the recipient wishes to have a court review a nondisclosure requirement, the recipient shall notify the Government.

“(C) INITIATION OF PROCEEDINGS.—If a recipient of a request under subsection (a) makes a notification under subparagraph (B), the Government shall initiate judicial review under the procedures established in section 3511 of title 18, United States Code, unless an appropriate official of the authorized investigative agency described in subsection (a) makes a notification under paragraph (4).

“(4) TERMINATION.—In the case of any request for which a governmental or private entity has submitted a notification under paragraph (3)(B), if the facts supporting a nondisclosure requirement cease to exist, an appropriate official of the authorized investigative agency described in subsection (a) shall promptly notify the governmental or private entity, or officer, employee, or agent thereof, subject to the nondisclosure requirement that the nondisclosure requirement is no longer in effect.”.

**SEC. 7. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.**

(a) FISA.—Section 501(f)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(f)(2)) is amended—

- (1) in subparagraph (A)—
  - (A) in clause (i)—
    - (i) by striking “a production order” and inserting “a production order or nondisclosure order”; and
    - (ii) by striking “Not less than 1 year” and all that follows; and
  - (B) in clause (ii), by striking “production order or nondisclosure”; and
- (2) in subparagraph (C)—
  - (A) by striking clause (ii); and
  - (B) by redesignating clause (iii) as clause (ii).

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under

this subsection if the court determines, giving substantial weight to the certification under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.”.

(c) MINIMIZATION.—Section 501(g)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(g)(1)) is amended by striking “Not later than” and all that follows and inserting “At or before the end of the period of time for the production of tangible things under an order approved under this section or at any time after the production of tangible things under an order approved under this section, a judge may assess compliance with the minimization procedures by reviewing the circumstances under which information concerning United States persons was retained or disseminated.”.

**SEC. 8. CERTIFICATION FOR ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.**

(a) IN GENERAL.—Section 2709 of title 18, United States Code, as amended by this Act, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

“(c) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (b).”.

(b) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), as amended by this Act, is amended—

(1) by striking subsection (h);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(3) by inserting after subsection (c) the following:

“(d) WRITTEN STATEMENT.—The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subsection (a) or (b) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a) or (b), as the case may be.”.

(c) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.—Section 627(b) of the Fair Credit Reporting Act (15 U.S.C. 1681v(b)) is amended—

(1) in the subsection heading, by striking “FORM OF CERTIFICATION” and inserting “CERTIFICATION”;

(2) by striking “The certification” and inserting the following:

“(1) FORM OF CERTIFICATION.—The certification”; and

(3) by adding at the end the following:

“(2) WRITTEN STATEMENT.—A supervisory official or officer described in paragraph (1) may make a certification under subsection (a) only upon a written statement, which shall be retained by the government agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subsection (a).”.

(d) FINANCIAL RECORDS.—Section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)), as amended by this Act, is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) The Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, may make a certification under subparagraph (A) only upon a written statement, which shall be retained by the Federal Bureau of Investigation, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized investigation described in subparagraph (A).”.

(e) REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES.—Section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) is amended by adding at the end the following:

“(4) A department or agency head, deputy department or agency head, or senior official described in paragraph (3)(A) may make a certification under paragraph (3)(A) only upon a written statement, which shall be retained by the authorized investigative agency, of specific facts showing that there are reasonable grounds to believe that the information sought is relevant to the authorized inquiry or investigation described in paragraph (3)(A)(ii).”.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) OBSTRUCTION OF CRIMINAL INVESTIGATIONS.—Section 1510(e) of title 18, United States Code, is amended by striking “section 2709(c)(1) of this title, section 626(d)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(d)(1) or 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act (12 U.S.C. 3414(a)(3)(A) or 3414(a)(5)(D)(i)),” and inserting “section 2709(d)(1) of this title, section 626(e)(1) or 627(c)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681u(e)(1) and 1681v(c)(1)), section 1114(a)(3)(A) or 1114(a)(5)(D)(i) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(3)(A) and 3414(a)(5)(D)(i)).”.

(2) SEMIANNUAL REPORTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraph (6) as paragraph (4).

**SEC. 9. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.**

(a) IN GENERAL.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended to read as follows:



“(c) REPORTS ON REQUESTS FOR NATIONAL SECURITY LETTERS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘applicable period’ means—

“(i) with respect to the first report submitted under paragraph (2) or (3), the period beginning 180 days after the date of enactment of the PATRIOT Sunsets Extension Act of 2011 and ending on December 31, 2011; and

“(ii) with respect to the second report submitted under paragraph (2) or (3), and each report thereafter, the 6-month period ending on the last day of the second month before the date for submission of the report; and

“(B) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(2) CLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the requests made under section 2709(a) of title 18, United States Code, section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v), or section 802 of the National Security Act of 1947 (50 U.S.C. 436) during the applicable period.

“(B) CONTENTS.—Each report under subparagraph (A) shall include, for each provision of law described in subparagraph (A)—

“(i) the number of authorized requests under the provision, including requests for subscriber information; and

“(ii) the number of authorized requests under the provision—

“(I) that relate to a United States person;

“(II) that relate to a person that is not a United States person;

“(III) that relate to a person that is—

“(aa) the subject of an authorized national security investigation; or

“(bb) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(IV) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.

“(3) UNCLASSIFIED FORM.—

“(A) IN GENERAL.—Not later than February 1, 2012, and every 6 months thereafter, the Attorney General shall submit to the Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Financial Services of the House of Representatives a report fully informing the committees concerning the aggregate total of all requests identified under paragraph (2) during the applicable period ending on the last day of the second month before the date for submission of the report. Each report under this subparagraph shall be in unclassified form.

“(B) CONTENTS.—Each report under subparagraph (A) shall include the aggregate total of requests—

“(i) that relate to a United States person;

“(ii) that relate to a person that is not a United States person;

“(iii) that relate to a person that is—

“(I) the subject of an authorized national security investigation; or

“(II) an individual who has been in contact with or otherwise directly linked to the subject of an authorized national security investigation; and

“(iv) that relate to a person that is not known to be the subject of an authorized national security investigation or to have been in contact with or otherwise directly linked to the subject of an authorized national security investigation.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (f).

#### SEC. 10. PUBLIC REPORTING ON THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by adding at the end the following:

##### “SEC. 602. ANNUAL UNCLASSIFIED REPORT.

“Not later than June 30, 2012, and every year thereafter, the Attorney General, in consultation with the Director of National Intelligence, and with due regard for the protection of classified information from unauthorized disclosure, shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives an unclassified report summarizing how the authorities under this Act are used, including the impact of the use of the authorities under this Act on the privacy of United States persons (as defined in section 101).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after the item relating to section 601 the following:

“Sec. 602. Annual unclassified report.”.

#### SEC. 11. AUDITS.

(a) TANGIBLE THINGS.—Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2013”;

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3), as so redesignated—

(i) by striking subparagraph (C) and inserting the following:

“(C) with respect to calendar years 2007 through 2013, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures protect the constitutional rights of United States persons.”; and

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the

telligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that used information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) in the intelligence activities of the element of the intelligence community shall—

“(A) assess the importance of the information to the intelligence activities of the element of the intelligence community;

“(B) examine the manner in which that information was collected, retained, analyzed, and disseminated by the element of the intelligence community;

“(C) describe any noteworthy facts or circumstances relating to orders under title V of the Foreign Intelligence Surveillance Act of 1978 as the orders relate to the element of the intelligence community; and

“(D) examine any minimization procedures used by the element of the intelligence community under title V of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representative a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the



House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”;

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(6) in subsection (f) as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”;

(7) by adding at the end the following:

“(g) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a); and

“(2) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”

(b) NATIONAL SECURITY LETTERS.—Section 119 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 219) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2006” and inserting “2013”;

(B) in paragraph (3)(C), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following:

“(3) CALENDAR YEARS 2007, 2008, AND 2009.—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2007, 2008, and 2009.

“(4) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2010 and 2011.

“(5) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector Gen-

eral of the Department of Justice shall submit to the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report containing the results of the audit conducted under subsection (a) for calendar years 2012 and 2013.”;

(3) by striking subsection (g) and inserting the following:

“(h) DEFINITIONS.—In this section—

“(1) the term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a);

“(2) the term ‘national security letter’ means a request for information under—

“(A) section 2709(a) of title 18, United States Code (to access certain communication service provider records);

“(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) (to obtain financial institution customer records);

“(C) section 802 of the National Security Act of 1947 (50 U.S.C. 436) (to obtain financial information, records, and consumer reports);

“(D) section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) (to obtain certain financial information and consumer reports); or

“(E) section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) (to obtain credit agency consumer records for counterterrorism investigations); and

“(3) the term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).”;

(4) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(5) by inserting after subsection (c) the following:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2007 and ending on December 31, 2013, the Inspector General of each element of the intelligence community outside of the Department of Justice that issued national security letters in the intelligence activities of the element of the intelligence community shall—

“(A) examine the use of national security letters by the element of the intelligence community during the period;

“(B) describe any noteworthy facts or circumstances relating to the use of national security letters by the element of the intelligence community, including any improper or illegal use of such authority;

“(C) assess the importance of information received under the national security letters to the intelligence activities of the element of the intelligence community; and

“(D) examine the manner in which information received under the national security letters was collected, retained, analyzed, and disseminated.

“(2) SUBMISSION DATES FOR ASSESSMENT.—

“(A) CALENDAR YEARS 2007 THROUGH 2009.—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

“(B) CALENDAR YEARS 2010 AND 2011.—Not later than March 31, 2013, the Inspector Gen-

eral of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

“(C) CALENDAR YEARS 2012 AND 2013.—Not later than March 31, 2015, the Inspector General of any element of the intelligence community that conducts an assessment under this subsection shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.”;

(6) in subsection (e), as redesignated by paragraph (4)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by inserting “and any Inspector General of an element of the intelligence community that submits a report under this section” after “Justice”;

(B) in paragraph (2), by striking “the reports submitted under subsection (c)(1) or (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(7) in subsection (f), as redesignated by paragraph (4)—

(A) by striking “The reports submitted under subsections (c)(1) or (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”.

(C) PEN REGISTERS AND TRAP AND TRACE DEVICES.—

(1) AUDITS.—The Inspector General of the Department of Justice shall perform comprehensive audits of the effectiveness and use, including any improper or illegal use, of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1841 et seq.) during the period beginning on January 1, 2007 and ending on December 31, 2013.

(2) REQUIREMENTS.—The audits required under paragraph (1) shall include—

(A) an examination of the use of pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 for calendar years 2007 through 2013;

(B) an examination of the installation and use of a pen register or trap and trace device on emergency bases under section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843);

(C) any noteworthy facts or circumstances relating to the use of a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978, including any improper or illegal use of the authority provided under that title; and

(D) an examination of the effectiveness of the authority under title IV of the Foreign Intelligence Surveillance Act of 1978 as an investigative tool, including—

(i) the importance of the information acquired to the intelligence activities of the Federal Bureau of Investigation;

(ii) the manner in which the information is collected, retained, analyzed, and disseminated by the Federal Bureau of Investigation, including any direct access to the information provided to any other department,

agency, or instrumentality of Federal, State, local, or tribal governments or any private sector entity;

(iii) with respect to calendar years 2010 through 2013, an examination of the minimization procedures of the Federal Bureau of Investigation used in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons;

(iv) whether, and how often, the Federal Bureau of Investigation used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to produce an analytical intelligence product for distribution within the Federal Bureau of Investigation, to the intelligence community, or to another department, agency, or instrumentality of Federal, State, local, or tribal governments; and

(v) whether, and how often, the Federal Bureau of Investigation provided information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 to law enforcement authorities for use in criminal proceedings.

**(3) SUBMISSION DATES.—**

(A) **CALENDAR YEARS 2007 THROUGH 2009.**—Not later than March 31, 2012, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2007 through 2009.

(B) **CALENDAR YEARS 2010 AND 2011.**—Not later than March 31, 2013, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2010 and 2011.

(C) **CALENDAR YEARS 2012 AND 2013.**—Not later than March 31, 2015, the Inspector General of the Department of Justice shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audits conducted under paragraph (1) for calendar years 2012 and 2013.

**(4) INTELLIGENCE ASSESSMENT.—**

(A) **IN GENERAL.**—For the period beginning January 1, 2007 and ending on December 31, 2013, the Inspector General of any element of the intelligence community outside of the Department of Justice that used information acquired under a pen register or trap and trace device under title IV of the Foreign Intelligence Surveillance Act of 1978 in the intelligence activities of the element of the intelligence community shall—

(i) assess the importance of the information to the intelligence activities of the element of the intelligence community;

(ii) examine the manner in which the information was collected, retained, analyzed, and disseminated;

(iii) describe any noteworthy facts or circumstances relating to orders under title IV of the Foreign Intelligence Surveillance Act

of 1978 as the orders relate to the element of the intelligence community; and

(iv) examine any minimization procedures used by the element of the intelligence community in relation to pen registers and trap and trace devices under title IV of the Foreign Intelligence Surveillance Act of 1978 and whether the minimization procedures protect the constitutional rights of United States persons.

**(B) SUBMISSION DATES FOR ASSESSMENT.—**

(i) **CALENDAR YEARS 2007 THROUGH 2009.**—Not later than March 31, 2012, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2007 through 2009.

(ii) **CALENDAR YEARS 2010 AND 2011.**—Not later than March 31, 2013, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2010 and 2011.

(iii) **CALENDAR YEARS 2012 AND 2013.**—Not later than March 31, 2015, the Inspector General of each element of the intelligence community that conducts an assessment under this paragraph shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 and 2013.

**(5) PRIOR NOTICE TO ATTORNEY GENERAL AND DIRECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—**

(A) **NOTICE.**—Not later than 30 days before the submission of any report paragraph (3) or (4), the Inspector General of the Department of Justice and any Inspector General of an element of the intelligence community that submits a report under this subsection shall provide the report to the Attorney General and the Director of National Intelligence.

(B) **COMMENTS.**—The Attorney General or the Director of National Intelligence may provide such comments to be included in any report submitted under paragraph (3) or (4) as the Attorney General or the Director of National Intelligence may consider necessary.

(6) **UNCLASSIFIED FORM.**—Each report submitted under paragraph (3) and any comments included in that report under paragraph (5)(B) shall be in unclassified form, but may include a classified annex.

**(d) DEFINITIONS.—**In this section—

(1) the terms “foreign intelligence information” and “United States person” have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801); and

(2) the term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(e) **OFFSET.**—Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code,

\$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

**SEC. 12. DELAYED NOTICE SEARCH WARRANTS.**

Section 3103a(b)(3) of title 18, United States Code, is amended by striking “30 days” and inserting “7 days”.

**SEC. 13. PROCEDURES.**

(a) **IN GENERAL.**—The Attorney General shall periodically review, and revise as necessary, the procedures adopted by the Attorney General on October 1, 2010 for the collection, use, and storage of information obtained in response to a national security letter issued under section 2709 of title 18, United States Code, section 1114(a)(5) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(5)), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), or section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v).

(b) **CONSIDERATIONS.**—In reviewing and revising the procedures described in subsection (a), the Attorney General shall give due consideration to the privacy interests of individuals and the need to protect national security.

(c) **REVISIONS TO PROCEDURES AND OVERSIGHT.**—If the Attorney General makes any significant changes to the procedures described in subsection (a), the Attorney General shall notify and submit a copy of the changes to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 14. SEVERABILITY.**

If any provision of this Act or an amendment made by this Act, or the application of the provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act and the amendments made by this Act, and the application of the provisions of this Act and the amendments made by this Act to any other person or circumstance, shall not be affected thereby.

**SEC. 15. OFFSET.**

Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund established under section 524(c)(1) of title 28, United States Code, \$9,000,000 are permanently rescinded and shall be returned to the general fund of the Treasury.

**SEC. 16. ELECTRONIC SURVEILLANCE.**

Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting “with particularity” after “description”.

**SEC. 17. EFFECTIVE DATE.**

The amendments made by sections 4, 5, 6, 7, 8, and 12 shall take effect on the date that is 120 days after the date of enactment of this Act.

**SA 361.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

**SEC. 3. BORDER FENCE COMPLETION.**

(a) **MINIMUM REQUIREMENTS.**—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: "Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.";

(2) in subparagraph (B)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) not later than 1 year after the date of the enactment of the PATRIOT Sunsets Extension Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A)."; and

(3) in subparagraph (C), by adding at the end the following:

"(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).";

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**SA 362.** Mr. VITTER (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . PROHIBITION ON USE OF FUNDS FOR CRIMINAL INVESTIGATIONS OR PROSECUTIONS OF OFFICERS OR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

(a) IN GENERAL.—No funds made available in any provision of law may be used to further the criminal investigations or future prosecution of officers or employees of the Central Intelligence Agency for actions related to their interrogation of specific detainees at overseas locations.

(b) APPLICATION.—The prohibition in subsection (a) applies to funding—

(1) investigations opened by the Attorney General and described in his August 24, 2009 announcement; and

(2) the appointment of Assistant United States Attorney John Durham to determine whether Federal laws were violated in connection with the alleged use of enhanced interrogation techniques by officers or employees of the Central Intelligence Agency.

**SA 363.** Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and

for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . FIREARMS RECORDS.**

Nothing in the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109-178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code.

**SA 364.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: ", except as provided in paragraph (5)"; and

(2) by adding at the end the following:

"(5) EXEMPTION.—

"(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

"(i) has in effect an established decision-making process with respect to suspicious transactions;

"(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

"(iii) has determined not to file a report with respect to a particular transaction.

"(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).";

**SA 365.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: ", but only upon request of an appropriate law enforcement agency to such institution or person for such report".

**SA 366.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an

additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . MINIMIZATION PROCEDURES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term "minimization and destruction procedures" means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

**SA 367.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177;

50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 368.** Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

**SA 369.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

**SEC. \_\_\_\_ . ROVING WIRETAPS AND FISA SUNSETS.**

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the elec-

tronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 370.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”.

**SA 371.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . MILITARY ENGAGEMENT IN LIBYA.**

(a) DECLARATION OF WAR.—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) AUTHORITIES.—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

**SA 372.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . MILITARY ENGAGEMENT IN LIBYA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to “fulfill the intent of the framers of the Constitution of the United States” in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is “implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities”.

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is “(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces”.

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to “take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya” and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than “sixty calendar days”.

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) ACTIONS REQUIRED BY WAR POWERS RESOLUTION.—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

**SA 373.** Mr. PAUL (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ FIREARMS RECORDS.**

Nothing in the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109-178; 120 Stat. 278), or an amendment made by any such Act shall authorize the inves-

tigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code.

**SA 374.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, except as provided in paragraph (5)”;

(2) by adding at the end the following:

“(5) EXEMPTION.—

“(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

“(i) has in effect an established decision-making process with respect to suspicious transactions;

“(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

“(iii) has determined not to file a report with respect to a particular transaction.

“(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).”.

**SA 375.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: “, but only upon request of an appropriate law enforcement agency to such institution or person for such report”.

**SA 376.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ MINIMIZATION PROCEDURES.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing

the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

**SA 377.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 378.** Mr. PAUL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.**

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

**SA 379.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

**SEC. \_\_\_\_ . ROVING WIRETAPS AND FISA SUNSETS.**

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;”;

and (2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be

conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

**SA 380.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . MILITARY ENGAGEMENT IN LIBYA.**

(a) DECLARATION OF WAR.—Congress declares that a state of war exists between the United States and the Government of Libya.

(b) AUTHORITIES.—The President is hereby authorized and directed—

(1) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(2) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

**SA 381.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . MILITARY ENGAGEMENT IN LIBYA.**

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war.

(2) The War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to “fulfill the intent of the framers of the Constitution of the United States” in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action.

(3) The President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security.

(4) President Barack Obama, without seeking a formal authorization from Congress,

ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011.

(5) Congress has not considered or passed a formal authorization for the President to initiate or continue military operations in Libya.

(6) The War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action.

(7) President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye.

(8) Section 8(a) the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is “implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities”.

(9) President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011).

(10) Section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is “(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces”.

(11) The Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so.

(12) President Obama had stated the purpose of enforcing a no-fly zone over Libya was to “take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya” and not in response to any direct or immediate threat to the United States.

(13) Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than “sixty calendar days”.

(14) Members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011.

(15) On May 20, 2011, the limit of sixty calendar days placed on the President’s ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution.

(16) President Obama has not sought formal authorization for the mission in Libya from Congress, nor indicated any intent to cease operations in Libya before the sixty day limit established by the War Powers Resolution.

(b) ACTIONS REQUIRED BY WAR POWERS RESOLUTION.—Congress—

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded



the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

**SA 382.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.**

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”.

**SA 383.** Mrs. SHAHEEN (for herself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 3 through 10 and insert the following:

1861 note, and 50 U.S.C. 1862 note) is amended by striking “May 27, 2011” and inserting “December 1, 2011”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking “May 27, 2011” and inserting “December 1, 2011”.

**SA 384.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. MERKLEY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act

and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. REPORT ON INTELLIGENCE COLLECTION ACTIVITIES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in democratic societies, citizens rightly expect that their government will not arbitrarily keep information secret from the public but instead will act with secrecy only in certain limited circumstances;

(2) the United States Government has an inherent responsibility to protect American citizens from foreign threats and sometimes relies on clandestine methods to learn information about foreign adversaries, and these intelligence collection methods are often most effective when they remain secret;

(3) American citizens recognize that their government may rely on secret intelligence sources and collection methods to ensure national security and public safety, and American citizens also expect intelligence activities to be conducted within the boundaries of publicly understood law;

(4) it is essential for the American public to have access to enough information to determine how government officials are interpreting the law, so that voters can ratify or reject decisions that elected officials make on their behalf;

(5) it is essential that Congress have informed and open debates about the meaning of existing laws, so that members of Congress are able to consider whether laws are written appropriately, and so that members of Congress may be held accountable by their constituents;

(6) United States Government officials should not secretly reinterpret public laws and statutes in a manner that is inconsistent with the public's understanding of these laws, and should not describe the execution of these laws in a way that misinforms or misleads the public;

(7) On February 2, 2011, the congressional intelligence committees received a secret report from the Attorney General and the Director of National Intelligence that has been publicly described as pertaining to intelligence collection authorities that are subject to expiration under section 224 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 295); and

(8) while it is entirely appropriate for particular intelligence collection techniques to be kept secret, the laws that authorize such techniques, and the United States Government's official interpretation of these laws, should not be kept secret but should instead be transparent to the public, so that these laws can be the subject of informed public debate and consideration.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall publish in the Federal Register a report—

(1) that details the legal basis for the intelligence collection activities described in the February 2, 2011, report to the congressional intelligence committees; and

(2) that does not describe specific intelligence collection programs or activities, but that fully describes the legal interpretations and analysis necessary to understand the United States Government's official interpretation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

**SA 385.** Mr. UDALL of Colorado (for himself, Mr. WYDEN, Mr. MERKLEY, and

Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. SPECIFIC EVIDENCE FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.**

(a) FACTUAL BASIS FOR REQUESTED ORDER.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended to read as follows:

“(2) shall include—

“(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

“(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

“(ii) (I) pertain to a foreign power or an agent of a foreign power;

“(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

“(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and

“(B) an enumeration of the minimization procedures adopted by the Attorney General under subsection (g) that are applicable to the retention and dissemination by the Federal Bureau of Investigation of any tangible things to be made available to the Federal Bureau of Investigation based on the order requested in such application.”.

(b) EXCEPTION.—Notwithstanding the amendment made by subsection (a), an order issued by a court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) for access to business records under title V of such Act (50 U.S.C. 1861 et seq.) in effect on, and issued prior to, September 30, 2011, shall remain in effect under the provisions of such title V in effect on September 29, 2011, until the date of expiration of such order. Any renewal or extension of such order shall be subject to the provisions of such title V in effect on September 30, 2011.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2011.

**NOTICES OF INTENT TO SUSPEND THE RULES**

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 363 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering



amendment No. 364 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 365 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 366 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 367 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 368 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 369 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 370 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 371 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 372 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules

of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 373 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 374 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 375 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 376 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 377 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 378 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 379 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 380 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in

writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 381 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness and timeliness requirements, for the purpose of proposing and considering amendment No. 382 on the House message to S. 990.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S.J. Res. 15, as follows:

S.J. RES. 15

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) a state of war between the United States and the Government of Libya is hereby formally declared; and

(2) the President is hereby authorized and directed—

(A) to employ the entire naval and military forces of the United States and the resources of the United States Government to carry on war against the Government of Libya; and

(B) to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as the President shall think proper, and under the seal of the United States, against the vessels, goods, and effects of the Government of Libya.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S.J. Res. 16, as follows:

S.J. RES. 16

Whereas Article I, Section 8 of the Constitution of the United States reserves for Congress the right to declare war;

Whereas the War Powers Resolution (50 U.S.C. 1541 et seq.) states that it is intended to “fulfill the intent of the framers of the Constitution of the United States” in requiring the President to seek the consent of Congress before the introduction of the United States Armed Forces into hostile action;

Whereas the President must seek authorization from Congress prior to engaging the United States Armed Forces in an armed conflict absent an imminent threat to national security;

Whereas President Barack Obama, without seeking a formal authorization from Congress, ordered the execution of a sustained military engagement through the enforcement of a no-fly zone in Libya on March 19, 2011;

Whereas Congress did not consider or pass a formal authorization for the President to initiate military operations in Libya;

Whereas the War Powers Resolution establishes that the President must notify Congress of the introduction of the United States Armed Forces within 48 hours after commencing such action;

Whereas President Obama acknowledged his obligation to submit a notification of his actions in Libya under the War Powers Resolution through a letter delivered on March 21, 2011, to Speaker of the House John Boehner and President Pro Tempore of the Senate Daniel Inouye;

Whereas section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)) establishes that the President may not construe authorization from any other act or treaty unless such act or treaty is "implemented by legislation specifically authorizing the introduction of the United States Armed Forces into hostilities";

Whereas President Obama contends that hostile engagement by the military forces of the United States against the Government of Libya was part of a multilateral response authorized by United Nations Security Council Resolution 1973 (2011) and in consultation with the Arab League;

Whereas section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) provides that no attempt by the President to introduce the United States Armed Forces into hostile action may be made under the War Powers Resolution unless there is "(1) a declaration of war, (2) a specific authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces";

Whereas the Government of Libya, immediately prior to the introduction of the United States Armed Forces into the conflict on March 19, 2011, had not attacked the United States nor declared any intent to do so;

Whereas President Obama had stated the purpose of enforcing a no-fly zone over Libya was to "take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya" and not in response to any direct or immediate threat to the United States;

Whereas section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) further establishes that, in absence of authorization from Congress, the President may not engage the United States Armed Forces in an armed conflict for a period longer than "sixty calendar days";

Whereas members of the United States Armed Forces have remained engaged in operations in Libya since March 19, 2011;

Whereas, on May 20, 2011, the limit of sixty calendar days placed on the President's ability to continue engagement of the military forces of the United States against the Government of Libya will have been exhausted under the terms of the War Powers Resolution;

Whereas Section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) requires that "within sixty calendar days . . . the President shall terminate any use of United States Armed Forces . . . unless the Congress (1) has declared war or has enacted a specific authorization for such use of the United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States";

Whereas President Obama reiterated on May 20, 2011, that the military forces of the United States remain engaged in hostilities, including "suppression and destruction of air defenses" and "precision strikes by unmanned aerial vehicles";

Whereas Congress has not considered or passed a formal authorization for the President to continue military operations in Libya; and

Whereas President Obama has not indicated any intent to cease operations in

Libya after the sixty-day limit established by the War Powers Resolution: Now, therefore, be it:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) declares that, as it pertains to the continuing armed engagement of the United States Armed Forces against the Government of Libya, the President has exceeded the statutory time limits placed on him by the War Powers Resolution and is therefore in violation of the law; and

(2) calls on the President to—

(A) seek a formal authorization from Congress to continue the mission in Libya; or

(B) cease armed engagement against the Government of Libya until such time as further action is authorized by Congress.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1070, as follows:

S. 1070

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fourth Amendment Restoration Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The Fourth Amendment of the United States Constitution states "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

(2) Prior to the American Revolution, American colonists objected to the issuance of writs of assistance, which were general warrants that did not specify either the place or goods to be searched.

(3) Writs of assistance played an important role in the events that led to the American Revolution.

(4) The Fourth Amendment of the United States Constitution was intended to protect against the issuance of general warrants, and to guarantee that only judges, not soldiers or police officers, are able to issue warrants.

(5) Various provisions of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272) expressly violate the original intent of the Fourth Amendment of the United States Constitution.

#### SEC. 3. LIMITATIONS ON ROVING WIRETAPS.

Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A)(i) the identity of the target of the electronic surveillance, if known; or

"(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

"(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

"(ii) if any of the facilities or places are not known, the identity of the target;" and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;"

#### SEC. 4. SUNSETS ON ROVING WIRETAP AUTHORITY AND ACCESS TO BUSINESS RECORDS.

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

"(1) IN GENERAL.—

"(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

"(B) SECTION 215.—Effective February 28, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001."

#### SEC. 5. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term "minimization and destruction procedures" means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

#### SEC. 6. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

#### SEC. 7. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”;

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1071, as follows:

S. 1071

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: “, but only upon request of an appropriate law enforcement agency to such institution or person for such report”.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and

4 for the purpose of moving to proceed to S. 1072, as follows:

S. 1072

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “, except as provided in paragraph (5)”;

(2) by adding at the end the following:

“(5) EXEMPTION.—

“(A) IN GENERAL.—A failure to submit a report with respect to a suspicious transaction shall not be a violation of this subsection with respect to a financial institution or any person described in paragraph (1), in any case in which such financial institution or person—

“(i) has in effect an established decision-making process with respect to suspicious transactions;

“(ii) has made a good faith effort to follow existing policies, procedures, and processes with respect to suspicious transactions; and

“(iii) has determined not to file a report with respect to a particular transaction.

“(B) EXCEPTION.—The exemption provided under subparagraph (A) does not apply in any case in which the failure to submit a suspicious transaction report is accompanied by evidence of bad faith on the part of the financial institution or other person described in paragraph (1).”.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1073, as follows:

S. 1073

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MINIMIZATION PROCEDURES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish minimization and destruction procedures governing the acquisition, retention, and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation—

(1) in response to a National Security Letter issued under section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)); or

(2) pursuant to title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

(b) MINIMIZATION AND DESTRUCTION PROCEDURES DEFINED.—In this section, the term “minimization and destruction procedures” means—

(1) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter or a request for tangible things for an investigation to obtain foreign intelligence information, as appropriate, to minimize the acquisition and retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate

foreign intelligence information, including procedures to ensure that information obtained that is outside the scope of such National Security Letter or request, is returned or destroyed;

(2) procedures that require that nonpublicly available information, which is not foreign intelligence information (as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(e)(1))) shall not be disseminated in a manner that identifies any United States person, without the consent of the United States person, unless the identity of the United States person is necessary to understand foreign intelligence information or assess its importance; and

(3) notwithstanding paragraphs (1) and (2), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1074, as follows:

S. 1074

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.

Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective June 1, 2015, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) reads as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501, 502, and 503 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1075, as follows:

S. 1075

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511 of title 18, United States Code, is amended by adding at the end the following:

“(f) NATIONAL SECURITY LETTERS.—An officer or employee of the United States may not issue a National Security Letter under section 270 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802(a) of the National Security Act of 1947 (50 U.S.C. 436(a)) unless—

“(1) the National Security Letter is submitted to a judge of the court established

under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803); and

“(2) such judge issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure to search for and seize the information sought to be obtained in the National Security Letter.”.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1076, as follows:

S. 1076

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. ROVING WIRETAPS AND FISA SUNSETS.

(a) LIMITATION ON ROVING WIRETAPS.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

“(A)(i) the identity of the target of the electronic surveillance, if known; or

“(ii) if the identity of the target is not known, a description of the specific target and the nature and location of the facilities and places at which the electronic surveillance will be directed;

“(B)(i) the nature and location of each of the facilities or places at which the electronic surveillance will be directed, if known; or

“(ii) if any of the facilities or places are not known, the identity of the target;”;

(2) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) in cases where the facility or place at which the electronic surveillance will be directed is not known at the time the order is issued, that the electronic surveillance be conducted only for such time as it is reasonable to presume that the target of the surveillance is or was reasonably proximate to the particular facility or place;”.

(b) SUNSETS ON ROVING WIRETAP AUTHORITY.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended to read as follows:

“(1) IN GENERAL.—

“(A) SECTION 206.—Effective December 31, 2013, the Foreign Intelligence Surveillance Act of 1978 is amended so that section 105(c)(2) (50 U.S.C. 1805(c)(2)) read as such section read on October 25, 2001.

“(B) SECTION 215.—Effective May 27, 2011, the Foreign Intelligence Surveillance Act of 1978 is amended so that sections 501 and 502 (50 U.S.C. 1861 and 1862) read as such sections read on October 25, 2001.”.

Mr. PAUL. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XIV, paragraphs 3 and 4 for the purpose of moving to proceed to S. 1077, as follows:

S. 1077

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. JUDICIAL REVIEW OF SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting before the period at the end “, subject to judicial review under paragraph (5)”; and

(2) by adding at the end the following:

“(5) JUDICIAL REVIEW.—The Secretary may not, under this section or the rules issued under this section, or under any other provision of law, require any financial institution, director, officer, employee, or agent of any financial institution, or any other entity that is otherwise subject to regulation or oversight by the Secretary or pursuant to the securities laws (as that term is defined under section 3 of the Securities Exchange Act of 1934) to report any transaction under this section or its equivalent under such provision of law, unless the appropriate district court of the United States issues an order finding that a warrant could be issued under rule 41 of the Federal Rules of Criminal Procedure for the information sought to be obtained by the Secretary.”.

# AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m. in room 406 of the Dirksen Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON FINANCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The U.S.-Panama Trade Promotion Agreement.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 25, 2011, at 10 a.m. to conduct a hearing entitled “How to Save Taxpayer Dollars: Case Studies of Duplication in the Federal Government.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON THE JUDICIARY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 25, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office

Building, to conduct a hearing entitled “Holding Criminals Accountable: Extending Criminal Jurisdiction to Government Contractors and Employees Abroad.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE ON VETERANS' AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on May 25, 2011, in room 418 of the Russell Senate Office Building beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m. to conduct a hearing entitled, “Assessing Efforts to Eliminate Improper Payments.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON FISCAL RESPONSIBILITY AND ECONOMIC GROWTH

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Responsibility and Economic Growth of the Committee on Finance be authorized to meet during the session of the Senate on May 25, 2011, at 2 p.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The Spread of Tax Fraud by Identity Theft: A Threat to Taxpayers, A Drain on the Public Treasury.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SEAPOWER

Mr. WYDEN. Mr. President, I ask unanimous consent that the subcommittee on seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on May 25, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUBCOMMITTEE ON SECURITIES, INSURANCE AND INVESTMENT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and

Urban Affairs' Subcommittee on Securities, Insurance, and Investment, be authorized to meet during the session of the Senate on May 25, 2011, at 9:30 a.m., to conduct a hearing entitled "Derivative Clearinghouses: Opportunities and Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. CONRAD. Mr. President, I ask unanimous consent that Emily Eelman, a detailee on the Budget Committee staff, be granted the privileges of the floor for the duration of today's and tomorrow's sessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING SERVICE AND SACRIFICE OF MEMBERS OF THE U.S. ARMED FORCES

Mr. REID. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Con. Res. 13 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and I further ask unanimous consent that all Senators be listed as cosponsors of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 13) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

#### S. CON. RES. 13

Whereas over 2,000,000 members of the United States Armed Forces have deployed to theaters of war since the commencement of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn;

Whereas hundreds of thousands of members of the United States Armed Forces have been deployed for multiple tours of duty, leaving their homes, their families, and in many cases, their civilian jobs;

Whereas more than 5,500 members of the United States Armed Forces have made the ultimate sacrifice for the United States while serving in Iraq or Afghanistan;

Whereas tens of thousands of members of the United States Armed Forces have been seriously wounded in the line of duty while serving in Iraq or Afghanistan;

Whereas the members of the United States Armed Forces who have participated in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn have answered the call to duty of the United States, serving bravely and nobly and, in most cases, without fanfare or acclaim;

Whereas those members of the United States Armed Forces and veterans have personified the virtues of patriotism, service, duty, courage, and sacrifice; and

Whereas the people of the United States recognize the service and sacrifices made by those members of the United States Armed Forces and veterans, as well as their families: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) honors the members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; and

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces and veterans and to hold those members and veterans in a special place of honor, both now and in the future.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101-509, the reappointment of Terry Birdwhistell, of Kentucky, to the Advisory Committee on the Records of Congress.

#### ORDERS FOR THURSDAY, MAY 26, 2011

Mr. REID. Mr. President, at the end of this day, it is a pleasure for me to ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, May 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to concur in the House message to accompany S. 990, the legislative vehicle for the PATRIOT Act extension, with the time until 10 a.m. equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be a cloture vote on the motion to concur with respect to the PATRIOT Act at 10 a.m. tomorrow. We are working on a final agreement. A lot of progress has been made in that regard, and there likely will be more rollcall votes tomorrow to amendments to the PATRIOT Act.

#### FILING DEADLINE

Mr. REID. Mr. President, before we terminate tonight, there is some additional business.

I ask unanimous consent that the filing deadline for second-degree amendments be at 9:40 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:44 p.m., adjourned until Thursday, May 26, 2011, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Wednesday, May 25, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 25, 2011.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1893. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### SEE NO CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it has been my privilege to work on issues of reduction of greenhouse gases for over 25 years. I was Portland's commissioner of public works when we became the first American city with a comprehensive approach to deal with greenhouse gases. For 4 years I was pleased to serve on Speaker PELOSI's Select Committee on Global Warming and Energy Independence, where we had an opportunity to work with people around the world looking at cli-

mate impacts, dealing with dozens of hearings, hundreds of experts concerned with the challenge, the even greater problems that we are facing in the future.

Yet, I would say that in the years that I have been working on this issue, I have never seen a better, more effective statement than what appeared in yesterday's Washington Post, an essay by Bill McKibben entitled "See no climate change." He said, you should not wonder, is this somehow related to the tornado outbreak 3 weeks ago in Tuscaloosa, or the enormous outbreak a couple weeks before with the most active tornado season in America's history. You should not connect in your mind the fires burning across Texas, fires that have burned more of America at this point this year than any wildfires in previous years. Or that the adjoining parts of Oklahoma and New Mexico are drier now than they have ever been, much worse than during the Dust Bowl. You should not wonder whether this year's record snowfalls and rainfalls across the Midwest, resulting in record flooding along the Mississippi, could somehow be related.

There have been tornadoes before. There will be tornadoes again. That's the important thing. Be careful to make sure you don't let yourself wonder while all these record-breaking events are happening in such proximity. Wondering why there have been unprecedented megafloods in Australia, New Zealand, and Pakistan in the last year. Why it's just now that the Arctic has melted for the first time in thousands of years.

He goes on, because if you ask yourself what it meant that the Amazon has just gone through its second hundred-year flood in 5 years, or that the pine forests across the West of this continent have been obliterated by bark beetles, you might have to ask other questions. It's better to join with the U.S. House of Representatives, who voted 240-184 this spring to defeat a resolution saying simply that climate change is occurring, caused largely by human activities, and poses significant risks for human welfare.

Propose your own physics. Ignore physics altogether. Just don't start asking yourself whether there might be some relationship among last year's failed grain harvest in the Russian heat wave and Queensland's failed grain harvest from its second flood, and Germany and France's current drought-related crop failures. It's important, Bill says, to remain calm. If

the worst ever did come to worst, it's reassuring to remember that the U.S. Chamber of Commerce told the Environmental Protection Agency in recent filings that there's no need to worry because populations can acclimate to warmer climates via a range of behavioral, physiological, and technological adaptations. Bill says, I'm sure that's what the residents in Joplin, Missouri, are telling themselves today.

Mr. Speaker, I couldn't agree more. It is important for Americans to think about how these pieces fit together. And Members of Congress should ask themselves two questions. First, even if you don't believe the experts on the danger of climate change, shouldn't we be taking extraordinary steps to stop wasting more energy than anybody in the world and exporting billions of dollars overseas to other countries for our energy? That's question one. The second question that I hope Members of Congress will ask themselves, what if 99.9 percent of the scientists are right and we are doing it to ourselves?

[From the Washington Post]

SEE NO CLIMATE CHANGE

(By Bill McKibben)

Caution: It is vitally important not to make connections. When you see pictures of rubble like this week's shots from Joplin, Mo., you should not wonder: Is this somehow related to the tornado outbreak three weeks ago in Tuscaloosa, Ala., or the enormous outbreak a couple of weeks before that (which, together, comprised the most active April for tornadoes in U.S. history). No, that doesn't mean a thing.

It is far better to think of these as isolated, unpredictable, discrete events. It is not advisable to try to connect them in your mind with, say, the fires burning across Texas—fires that have burned more of America at this point this year than any wildfires have in previous years. Texas, and adjoining parts of Oklahoma and New Mexico, are drier than they've ever been—the drought is worse than that of the Dust Bowl. But do not wonder if they're somehow connected.

If you did wonder, you see, you would also have to wonder about whether this year's record snowfalls and rainfalls across the Midwest—resulting in record flooding along the Mississippi—could somehow be related. And then you might find your thoughts wandering to, oh, global warming, and to the fact that climatologists have been predicting for years that as we flood the atmosphere with carbon we will also start both drying and flooding the planet, since warm air holds more water vapor than cold air.

It's far smarter to repeat to yourself the comforting mantra that no single weather event can ever be directly tied to climate change. There have been tornadoes before, and floods—that's the important thing. Just be careful to make sure you don't let yourself wonder why all these record-breaking

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



events are happening in such proximity—that is, why there have been unprecedented megafloods in Australia, New Zealand and Pakistan in the past year. Why it's just now that the Arctic has melted for the first time in thousands of year. No, better to focus on the immediate casualties, watch the videotape from the store cameras as the shelves are blown over. Look at the news anchorman standing in his waders in the rising river as the water approaches his chest.

Because if you asked yourself what it meant that the Amazon has just come through its second hundred-year drought in the past five years, or that the pine forests across the western part of this continent have been obliterated by a beetle in the past decade—well, you might have to ask other questions. Such as: Should President Obama really just have opened a huge swath of Wyoming to new coal mining? Should Secretary of State Hillary Clinton sign a permit this summer allowing a huge new pipeline to carry oil from the tar sands of Alberta? You might also have to ask yourself: Do we have a bigger problem than \$4-a-gallon gasoline?

Better to join with the U.S. House of Representatives, which voted 240 to 184 this spring to defeat a resolution saying simply that "climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare." Propose your own physics; ignore physics altogether. Just don't start asking yourself whether there might be some relation among last year's failed grain harvest from the Russian heat wave, and Queensland's failed grain harvest from its record flood, and France's and Germany's current drought-related crop failures, and the death of the winter wheat crop in Texas, and the inability of Midwestern farmers to get corn planted in their sodden fields. Surely the record food prices are just freak outliers, not signs of anything systemic.

It's very important to stay calm. If you got upset about any of this, you might forget how important it is not to disrupt the record profits of our fossil fuel companies. If worst ever did come to worst, it's reassuring to remember what the U.S. Chamber of Commerce told the Environmental Protection Agency in a recent filing: that there's no need to worry because "populations can acclimatize to warmer climates via a range of behavioral, physiological, and technological adaptations." I'm pretty sure that's what residents are telling themselves in Joplin today.

#### CUT SPENDING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Alabama (Mrs. ROBY) for 5 minutes.

Mrs. ROBY. Thank you, Mr. Speaker.

And I quote, "Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better." Senator Barack Obama, March 16, 2006.

Mr. Speaker, cutting spending is critical to creating jobs. Without bold action, our budget situation will get worse, not better. House Republicans are the only group in Washington showing leadership on this issue. We have voted repeatedly to cut spending.

And we have passed a budget that would reduce spending by \$6.2 trillion over 10 years. By contrast, it's been more than 750 days since Senate Democrats passed a budget.

Last week, Senator REID said, "There's no need to have a Democratic budget in my opinion. It would be foolish for us to do a budget at this stage." By law, the Senate is required under the Congressional Budget Act to pass a budget.

Now the White House is asking us to raise the debt limit. Secretary Geithner wrote, "Never in our history has Congress failed to raise the debt limit when necessary." But what good is a debt limit that is always increased? The truth is that Democrats spent this money. They made this mess. And now they should help us clean it up. If the White House wants us to consider raising the debt limit, they should be at the table proposing significant reforms that yield trillions, not billions, in savings to the American people. So far, that has not happened.

□ 1010

#### HONORING MR. LEMANUEL "LEE" JONES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I rise today to honor Lemanuel "Lee" Jones, who passed away on the 23rd of April after many years of remarkable service to his country and to other veterans. Lee Jones was born in Crockett, Texas, on September 24, 1942, and entered the U.S. Army in 1963.

He served in Vietnam as a sergeant and a squad leader with the First Cavalry Division in 1965 and 1966. He fought in multiple engagements in Vietnam with enemy forces, including the fierce battle of Ia Drang Valley, a battle that was recounted in the bestselling book and as well in a Hollywood movie, "We Were Soldiers." Lee considered this battle to be the prime source of the PTSD that afflicted him for the rest of his life. Lee recently died of physical health problems connected to his service in Vietnam.

In recognition of his military service, he was awarded the Combat Infantry Badge and the Air Medal.

Upon leaving the military in 1966, Lee earned a B.A. in counseling from Western Washington University in Bellingham, Washington. He went on to serve veterans as a counselor at the Seattle Veterans Center created with other vet centers by an act of Congress in 1979. Lee soon was promoted to direct the vet center as a team leader, the first African American to achieve this position in the Western United States.

By 1984, Lee was increasingly aware of the cultural and communication barriers that prevented many African American veterans with PTSD from benefiting from therapy groups that were primarily composed of Caucasian members, so he started an African American veterans PTSD group that facilitated culturally sensitive and open communication, education, and therapeutic interactions among its members. Lee's efforts were recognized by the City of Seattle when Lemanuel Jones Day was proclaimed on November 9, 1989.

This PTSD group was such a success that it continued to meet at the vet center until Lee retired in 1995. The group then convinced Lee to return as a leader of the newly named African American stress disorders program at the VA Medical Center in Seattle, which continues to meet today.

From modest beginnings, this nationally unique program has grown to include hundreds of African American veterans. It has been of great benefit to veterans and to the community. None of this would have been possible without Lee's leadership, therapeutic skills, and compassion for fellow veterans.

I had the privilege of making Lee's acquaintance. In 2008, I asked him to share his experience and perspective on a panel at a veterans town hall meeting in Seattle. The purpose of the town hall was to increase awareness of the hidden injuries of PTSD and traumatic brain injury. It was also to honor soldiers and veterans and their families and to educate them on where they could get help.

The African American Veterans Group of Washington State, which Lee founded in 1984, is planning a community memorial service on May 28. I know there will be an outpouring of grief and appreciation for this soft-spoken hero. He touched so many lives with his healing skills and lessons of his great pain and sacrifice. Our country is a better place because of Lemanuel Jones.

Rest in peace.

#### THE NATIONAL DEBT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. KINZINGER) for 5 minutes.

Mr. KINZINGER of Illinois. Mr. Speaker, let me just read a quote here:

"Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better."

Some things never change. That was Senator Barack Obama in 2006 talking about the seriousness of the debt problem and the crisis that we find our Nation in. And today, we've spent over \$1.5 trillion of money that we don't have.



Republicans have put forward a budget, a proposal, a blueprint to begin to have the serious discussion that our country needs to have to make sure that the children and we are not left with an unrecoverable debt situation. Americans expect leadership. Even if you don't agree, Americans expect leadership from us, and what do they get? They get demonization. They get accusations. They get fear tactics.

You know, our senior citizens in many cases sit at their homes and wonder what's going to happen. They find themselves concerned with their financial situation. And people on the other side of the aisle sometimes get together and figure out how they can take that fear and use it to a political advantage. That's terrible. Has it been done on both sides? It has.

But today is the day that we get together, and we have to hit the reset button and say for the future of our country, we have got to have a real serious conversation about how to save this Nation for the generation to come after us. This country is the greatest country in the world, and we are not about to give that up. It will never happen. We are going to be the strongest country for the foreseeable future.

There are a lot of folks talking ourselves down thinking that we are going to be usurped by another country. No, we are not. But we do have to come together, and we do have to have the serious conversations if we are going to maintain our place as the world's superpower and as a shining example to other countries all around the world.

I fully believe in what this country is. I fully believe in what we represent, but the days of demonizing each other and not leading have got to end.

It has been 756 days since Senate Democrats have passed a budget. The most basic job of a legislator is to pass a budget, and we haven't done it. Instead, we bicker. Instead, we argue. Instead, we run 30-second television ads and try to scare people so that we can win a reelection again. It's happened on both sides.

But today, please, I implore my friends on the other side of the aisle, on both sides of the aisle, stop today and let's have adult conversations. America is too great, America is too important, and America is too excellent of an example for the rest of the world to be mired down and bickering and to be mired down in debt.

#### HONORING GARY WILLIAMS AND RALPH FRIEDGEN OF THE UNIVERSITY OF MARYLAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Before I start, Mr. Speaker, let me say that I hope the words of my young friend, who is now leaving the floor, are adhered to by

both of us. Too infrequently that is the case. The problems are serious. We must address them in a serious way.

Mr. Speaker, however, I raise a happier point of discussion now. I am a proud alumnus of the University of Maryland, and recent months, however, have brought some bittersweet news.

An era is coming to an end in the Terrapin athletic program as our successful coaches of basketball and football have left the school. I want to take this opportunity, therefore, to honor Coaches Gary Williams and Ralph Friedgen for all they have meant to the Maryland community, both on and off the court and field. Both of them are good friends of mine.

Gary Williams was my neighbor for a number of years. Gary retired as Maryland's basketball coach after 22 hard-working, successful college years in College Park and 33 years in college coaching ranks. At his retirement, Gary Williams ranked as the fifth winningest college basketball coach in America, with 668 wins stretching over his remarkable career. He is also the third winningest coach in Atlantic Coast Conference history behind two legends, Dean Smith and Mike Krzyzewski.

Gary Williams inherited a struggling program and turned it into a perennial national contender. Under his guidance, the Terrapins reached the NCAA tournament 14 times, 11 times consecutively, won three ACC regular season titles and an ACC tournament championship, made seven sweet sixteens, two elite eights, two final fours, and, in a memory that all Terrapins still treasure and I had the opportunity of attending in Atlanta, won the national championship in 2002. Coach Williams was honored as National Coach of the Year in 2002 and as ACC Coach of the Year in 2002 and 2010.

But numbers alone do not capture his impact on the lives of his players or on the life of the Maryland community where he stood out as a leader and as a philanthropist. Maryland's Athletic Director Kevin Anderson correctly summed it up best when he said "Gary Williams is a legend." That is true.

□ 1020

Terrapins will also miss our football coach, Ralph Friedgen, who coached his last game with the program on December 29. Fittingly, it was a decisive win—a 51-20 victory in the Military Bowl in Washington, DC.

"The Fridge," as he is affectionately known, also took over a struggling program and led it to notable success. He guided Maryland to the ACC championship in his very first year as coach. And of the 10 years in his tenure, 7 of them ended with postseason appearances.

In both his first year as Maryland football coach and his last, he was named ACC Coach of the Year. Coach

Friedgen won 74 games for the University of Maryland, brought new energy to our football program and left a lasting mark in College Park. He was respected by his players and looked to as a role model. I was proud to call him a friend as well. He, too, will be missed by all who love Maryland, who love football, who love basketball and who live the principles that sports teaches.

Both Gary Williams and Ralph Friedgen are good men and outstanding leaders. And while I know that the Maryland athletic program will build on the proud foundation they laid, their shoes will be tough to fill.

Good luck, thank you and Godspeed to Gary Williams and Ralph Friedgen.

#### THE DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Washington (Ms. HERRERA BEUTLER) for 5 minutes.

Ms. HERRERA BEUTLER. Mr. Speaker, decades of a spending party by both parties have led to the point where we are today. We're under crushing amounts of debt. Now we are borrowing about \$58,000 per second—\$58,000 per second.

As some of my colleagues have shared, I'm going to read this as well. It's a quote for those who can't see it:

"Leadership means that 'the buck stops here.' Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem. America deserves better." Senator Barack Obama in 2006.

Now the President has asked those of us in this Chamber to vote to increase the debt limit without any structural spending reforms. Let me repeat that. He has now asked us to send a bill to him that has no structural spending reforms.

We are borrowing \$58,000 a second. Does that sound like a failure of leadership? I think it does. Here is what that's like. It's like an irresponsible teenager taking out a credit card in your name. They fill it out. The bill will come to you. You get that bill and you see that your irresponsible teenager has run up that credit card, and now the bill is coming due. You have a couple of choices. You could pay that credit card and let it be. That's what the President is asking us to do, pay the credit card and then walk away. I don't think very many parents would say okay to that. Or you could not pay the credit card. That's going to impact your credit. Or you could pay that credit card and then cut it up.

Those are the choices before us.

I would agree with the 2006 Senator Barack Obama when he said that the buck has to stop here. The buck does stop here, which is why House Republicans have put forward over \$6 trillion worth of spending reform ideas. We actually don't need them to enact all \$6

trillion of those. We could enact \$2 trillion of those and avert a debt crisis. But the President and some of my friends on the other side of the aisle have said, no, no, no, that's irresponsible. Coming back to this quote, I would agree with the then-Senator Barack Obama that those bad choices are being shifted onto our children and our grandchildren, and the buck does have to stop here.

Since 1964, Congress has voted to raise the debt limit, the debt ceiling, 74 times—74 times. I suggest to you that unless we require a cut-up of the credit card, unless we require structural spending reforms, 20 years from now—if our economy can subsist that long—our children are going to be asking why did no one do something about this? Because we are under crushing, crushing debt burdens. And it's going to impact jobs not just today. We're talking about our future and our children's ability to grow, prosper, and thrive. In an America where we had those opportunities, they are not going to have those same opportunities.

I refuse to make it easier to allow our debt to get so crushing that economic recovery is permanently beyond our reach. It's time for a culture change in Washington, DC, and that starts with real spending cuts accompanying any debt limit negotiations.

#### COMMEMORATING THE FALLEN SONS OF THE SECOND DISTRICT OF INDIANA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. DONNELLY) for 5 minutes.

Mr. DONNELLY of Indiana. Mr. Speaker, as Memorial Day approaches, I rise to commemorate the men and women in the Armed Forces of the United States who have died in the line of duty to our country. This past year, three sons from the Second District of Indiana lost their lives to preserve and protect the American ideals that have made this country great. To honor the legacies of these men, I would like to share with this body and with the American people a little bit about our Hoosiers.

Staff Sergeant Kenneth McAninch, of Logansport, Indiana, a proud member of the United States Army, died on October 21, 2010, in Afghanistan from injuries sustained when his unit was attacked by small arms fire. Kenneth attended Lewis Cass High School and enlisted in the United States Army in 2003. He was assigned to A Company, 1st Battalion, 506th Infantry Regiment, 101st Airborne Division out of Fort Campbell, Kentucky. For his service, Kenneth was awarded the Joint Service Commendation Medal and Joint Service Achievement Medal in addition to many other commendations.

His loved ones remember Kenneth as a hardworking man and dedicated son,

husband, father, and friend. Kenneth was an avid artist and also enjoyed fishing and hunting. He is survived by his wife, Shawanna; four sons, Jeremiah, Braxton, Brayden and Colby; one daughter, Shyanne; his mom, Cheryl, and her husband Richard; his dad, Marvin, and his wife Regina; his three sisters, Kayla Ann, Katie Lee and Brianna; two brothers, Jason and Briar; and his extended family and friends.

He is missed by all.

Sergeant Marvin Calhoun, Jr., of Elkhart, Indiana, a proud member of the United States Army, died on September 21, 2010, in Qalat, Afghanistan, of injuries sustained when his Black Hawk helicopter crashed during combat operations. Marvin died alongside eight fellow soldiers who were also his brothers.

Marvin attended Elkhart Central High School where he played football and enlisted in the Army in 2006. He was assigned to B Company, 5th Battalion, 101st Combat Aviation Brigade, 101st Airborne Division out of Fort Campbell, Kentucky. He was on his second tour of duty as a gunner on the Black Hawk helicopter. Marvin's awards include the Army Commendation Medal and the Army Good Conduct Medal in addition to many other commendations.

Marvin's English teacher told folks that he exhibited leadership qualities in the classroom, and if any of his peers needed help, he would jump right in for them. He was a happy man who always wanted everyone else around him to be happy.

He leaves behind his wife, Yamili; his daughter, Yohani; his dad and stepmom, Marvin and Susan Calhoun; his mom and stepdad, Shirin and Michael Reum; his sister Shanon; his brothers, Travis, Marcus, Sydney, Jermael and Zachary; and his extended family and friends.

He is missed by all.

Specialist Justin Shoecraft of Elkhart, Indiana, a proud member of the U.S. Army, died on August 24, 2010, in Kakarak, Afghanistan, of wounds sustained when his Stryker vehicle was hit by a roadside improvised explosive device. Justin was only 5 weeks into his first deployment.

Justin graduated from Elkhart Memorial High School in 2001 and worked for UPS for 7 years before enlisting in the Army. He was assigned to B Troop, 1st Squadron, 2nd Stryker Cavalry Regiment out of Vilseck, Germany. His regiment had assumed control of Tarin Kowt in July of 2010.

Posthumously, Justin was promoted to the rank of Specialist. His awards include the Bronze Star, the Purple Heart, and many other commendations. He enjoyed working on old cars and motorcycles, and stock car racing. He had always wanted to drive tanks for the U.S. Army.

Justin will be remembered by his friends, family and fellow soldiers for his generosity, work ethic, and sense of humor. He is survived by his wife, Jessica, whom he married the day before he left for basic training; his parents, Carroll "Blue" and Donna; his brother, Michael, and sister, Sherry; and extended family and friends.

He is missed by all.

□ 1030

We owe a debt of gratitude to these three great Hoosiers and to all the sons, daughters, moms, and fathers who have fallen while serving our country. It is our duty to honor and remember their sacrifice, patriotism, and virtue. Let us also remember those brave Americans who are serving right now both here and at home.

On behalf of a grateful Nation, we want to thank our three heroes and all of the people who serve our country.

God bless Indiana, and God bless the United States of America.

#### AMERICANS DESERVE BETTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. Mr. Speaker, I rise today to join my colleagues this morning to deliver a simple message, and that message can be summed up by reading a quote from our President when he was a former Senator dealing with the issue that we will face in the upcoming months when it comes to raising our debt ceiling. As then-Senator Barack Obama stated on the floor of the Senate: "Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better."

Mr. Speaker, I stand firmly here today to tell you that I do believe over the next 90 days that this will be the critical moment of this Congress, that this will be the critical moment in our Nation's history when we either succeed or we fail. And I will heed Senator Obama's words because the buck will stop here in this Chamber.

Mr. Speaker, the question we face with raising the debt ceiling is a very serious question. We cannot kick the can down the road any longer. We do not have any more road to kick it to.

So what I ask of my colleagues on the other side of the aisle is let us set aside politics. Let us not worry about a reelection campaign. Let us not worry about our own personal interests. Let us come together as one Nation and deal with this problem because it is a serious threat and a clear and present danger to our very existence as a country.

Let me also be very clear that what we need to do with handling this debt

is to send a message that we have answered the call and send a message to the world and to all the markets that America is strong; America is the place that you can invest in again. And by that investment, we will put people back to work. We will provide for families for generations, not only now but for generations we do not even see. This is about putting people back to work and being the voice that leads this Nation to greatness once again.

I have no doubt we will succeed in this effort, but it will take true leadership. There is no doubt in my mind that I join my colleagues on this side of the aisle and say no more of the petty political bickering. It is time to stand and lead, and we shall.

#### NO BOOTS ON THE GROUND IN LIBYA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I would like to thank the gentleman from Puerto Rico for allowing me to speak out of order. Thank you very much.

We recently passed the 2-month mark since the military air campaign in Libya began. This is significant because the War Powers Act requires that a President must receive a congressional mandate for any military action within 60 days. The deadline came and went without any resolution being brought before this body, which is a signal that our engagement in Libya is lingering without much accountability or checks, without a vigorous debate about the consequences of what we are doing there.

Who knows exactly what our mission is and how we will know when we have achieved it? What is the end game? What are the metrics or benchmarks for success?

At the same time, this week we will debate an amendment to the defense bill that would expand the authorization for use of military force, empowering the President, any President, to fire bombs and missiles against any nation or nonstate actor that appears to pose a threat. And without so much as a check-in or consultation with Congress.

Mr. Speaker, I have had enough. I have had enough of this state of permanent warfare. I have five grandchildren, and not one of them knows what it is like to live in a country that is not at war with someone and killing someone else's grandchildren. It is time to put the brakes on. It is time for Congress to draw some clear lines, and Libya is the perfect place to do so.

I am proud to support the amendment offered today by my friend, the gentleman from Michigan (Mr. CONYERS), that will specifically prohibit the deployment of ground troops in

Libya. We cannot afford any further expansion of this engagement. We owe it to the American people who are footing the bill and, of course, to our servicemen and -women who are already fighting on two fronts.

To keep this mission from mushrooming into a full-blown ground war and military occupation, we must stop now. We must not put boots on the ground in Libya, and we must close any loophole that allows any President to do so.

We still have combat troops in Iraq. We are spending a staggering \$10 billion a month on an ongoing war in Afghanistan that has been a devastating moral and strategic failure. We can't keep doing this, Mr. Speaker. Our military is at a breaking point. The American people's patience is wearing thin. Two wars are already more than we can handle.

Let's define the mission in Libya, let's complete it, and let's get out. Anything less is a replay of Iraq and Afghanistan, where we must move quickly to bring our troops home.

#### THE LAST NAIL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

Mr. PAUL. Mr. Speaker, the last nail is being driven into the coffin of the American Republic. Yet Congress remains in total denial as our liberties are rapidly fading before our eyes.

The process is propelled by unwarranted fear and ignorance as to the true meaning of liberty. It is driven by economic myths, fallacies, and irrational good intentions. The rule of law is constantly rejected and authoritarian answers are offered as panaceas for all our problems.

Runaway welfarism is used to benefit the rich at the expense of the middle class. Who would have ever thought that the current generation and Congress would stand idly by and watch such a rapid disintegration of the American Republic?

Characteristic of this epic event is the casual acceptance by the people and the political leaders of the unitary Presidency, which is equivalent to granting dictatorial powers to the President.

Our Presidents can now, on their own: order assassinations, including American citizens; operate secret military tribunals; engage in torture; enforce indefinite imprisonment without due process; order searches and seizures without proper warrants, gutting the Fourth Amendment; ignore the 60-day rule for reporting to the Congress the nature of any military operations as required by the War Powers Resolution; continue the Patriot Act abuses without oversight; wage war at will; treat all Americans as suspected terrorists at airports with TSA groping and nude x-raying.

And the Federal Reserve accommodates by counterfeiting the funds needed and not paid for by taxation and borrowing, permitting runaway spending, endless debt, and special interest bailouts.

And all of this is not enough. The abuses and usurpations of the war power are soon to be codified in the National Defense Authorization Act now rapidly moving its way through Congress.

Instead of repealing the 2001 Authorization for the Use of Military Force, as we should now that bin Laden is dead and gone, Congress is planning to massively increase the war power of the President.

Though an opportunity presents itself to end the wars in Iraq, Afghanistan, and Pakistan, Congress, with bipartisan support, obsesses on how to expand the unconstitutional war power the President already holds.

The current proposal would allow a President to pursue war any time, any place, for any reason, without congressional approval. Many believe this would even permit military activity against American suspects here at home.

The proposed authority does not reference the 9/11 attacks. It would be expanded to include the Taliban and "associated" forces, a dangerously vague and expansive definition of our potential enemies.

□ 1040

There is no denial that the changes in section 1034 totally eliminate the hard-fought-for restraint on Presidential authority to go to war without congressional approval achieved at the Constitutional Convention.

Congress' war authority has been severely undermined since World War II, beginning with the advent of the Korean War, which was fought solely under a U.N. resolution.

Even today we're waging war in Libya without even consulting with the Congress, similar to how we went to war in Bosnia in the 1990s under President Clinton.

The three major reasons for our Constitutional Convention were to: guarantee free trade and travel among the States; make gold and silver legal tender and abolish paper money; and strictly limit the executive branch's authority to pursue war without congressional approval.

But today: Federal Reserve notes are legal tender, gold and silver are illegal; the Interstate Commerce Clause is used to regulate all commerce at the expense of free trade among the States; and now the final nail is placed in the coffin of congressional responsibility for the war power, delivering this power completely to the President—a sharp and huge blow to the concept of our Republic.

In my view, it appears that the fate of the American Republic is now

sealed, unless these recent trends are quickly reversed.

The saddest part of this tragedy is that all these horrible changes are being done in the name of patriotism and protecting freedom. They are justified by good intentions while believing the sacrifice of liberty is required for our safety. Nothing could be further from the truth.

More sad is the conviction that our enemies are driven to attack us for our freedoms and prosperity, and not because of our deeply flawed foreign policy that has generated justifiable grievances and has inspired the radical violence against us. Without this understanding, our endless, unnamed, and undeclared wars will continue and our wonderful experiment with liberty will end.

#### RECRUITMENT AND RETENTION OF FEDERAL LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, government's most solemn obligation is to protect the people it serves. Since 9/11 our government has rightly placed much of its attention on defending the American people from terrorism. But we should not forget that government has a responsibility to safeguard the public from all forms of violence, including violent crime.

Violent crime exacts a terrible price. Its costs are measured not only in the number of lives lost but in the number of citizens who live in fear that they or someone they love might be the next victim. Data released on Monday show that violent crime in the United States has fallen over the past few years. However, we cannot become complacent. Despite the positive national trend lines, certain American communities have become less, rather than more, secure.

The Federal Government has a particularly strong duty to protect its citizens from violence when that violence is linked to a crime that crosses State or national borders. That is why our government has worked hard to stem the flow of drugs entering the United States through Mexico and to combat drug-related violence along the southwest border.

But these efforts, while essential, are not enough. To protect the American people, we must protect the full length of our southern border. As Federal programs like the Merida Initiative choke off drug routes through Central America, narcotraffickers have increasingly turned to the Caribbean, including Puerto Rico. Because of Puerto Rico's role as a key transit point for drugs destined for consumption in the 50 States, the island has one of the highest murder rates in our Nation.

Given the unacceptably high level of violence in Puerto Rico, and its close connection to the drug trade, one would expect that most Federal law enforcement agencies would have their positions filled there. But that is not the case. Over 50 percent of authorized ATF positions are vacant, 22 percent of ICE positions are also unfilled, and 17 percent of DEA positions are vacant. Puerto Rico has 31 Federal law enforcement officers for every 100,000 residents, well below the national average of 36.

This mismatch between the severity of the problem in Puerto Rico and the scale of the Federal response prompts this question: Why do Federal law enforcement agencies have such high vacancy rates in such a high-need jurisdiction?

The budget shortfall is certainly one reason. The Departments of Justice and Homeland Security are being asked to do more with fewer resources, including fewer agents.

But the problem goes beyond money. Fewer workers are entering law enforcement than in the past. Those who do seek to enter the profession are more likely to be disqualified by health problems such as obesity or substance abuse. And military recruitment, which has risen in recent years, is competing with law enforcement for the same talent.

In the face of these challenges, the Federal Government is not without tools. For example, executive agencies can pay a recruitment incentive to a newly hired employee if the position is difficult to fill.

But our government must go beyond piecemeal efforts. It needs a comprehensive plan to recruit, assign, and retain law enforcement officers in those jurisdictions that have the highest rates of violent crime.

Puerto Rico is one example of a jurisdiction where an increased Federal presence is needed. But there are also many other jurisdictions with high crime rates and too few Federal law enforcement agents. The primary reason for high crime in these States or cities may be the nexus with the drug trade, or it may have different roots. Regardless of the cause, the harm that results is the same. In communities beset by violent crime, residents become hostage to fear—fear that makes them think twice before walking to the store to buy milk, fear that makes them hug their kids for an extra moment before leaving them or sending them off to school, fear that prevents children from using the neighborhood playground.

It is imperative that the Federal Government reduce personnel shortages in Federal law enforcement agencies in high-need jurisdictions. Congressman GRIMM and I recently introduced legislation to direct the Departments of Justice and Homeland Secu-

rity to establish a program to recruit, assign, and retain agents to serve in locations that have experienced high rates of violent crime.

The Federal Government cannot be passive in filling law enforcement shortages, hoping the right candidates will volunteer. Nor can it simply expect agents to remain with the government, particularly when the private sector often pays more. Instead, the Federal Government must proactively address personnel challenges by dedicating staff to recruitment and retention.

I urge the Departments of Justice and Homeland Security to take action now to make recruitment and retention a priority. Vacancies at law enforcement agencies are not a minor administrative hassle but an urgent public safety problem. Too much is at stake to accept the status quo. For every moment we wait, we risk losing another American citizen to senseless violence.

#### WASHINGTON HAS A SPENDING PROBLEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I rise today to talk about a very serious problem, a problem that all Americans face and one that is not new here in Washington.

I would like to read a quote that some of my colleagues have also used during this morning's debate, and if I may, let me just quote it once again:

"Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership."

□ 1050

That was said by Senator Barack Obama back in 2006, and I frankly agree.

Just to put it in perspective, back in 2006, we were running a deficit. We had an administration that was running a deficit of about \$400 billion, just highlighting the point that this spending problem that we have here in Washington is on both sides of the aisle. This doesn't rest with one political party or another. It just outlines the problem that Washington has a spending problem.

The debt that we have today, we're up against our debt ceiling. It's about \$14 trillion. The real debt, however, is much greater than that. It's closer to \$100 trillion. The deficit that we deal with—it was at about \$400 billion back in 2006. Today, it's about \$1.5 trillion.

Now, what does that mean? My daughter, who is 9, she knows what 1.5 is. She says it's a little bit more than one and not quite two. But \$1.5 trillion

works out to be about \$3.4 million a minute. To put that in better perspective, it's \$58,000 a second. We can't even say it fast enough. This is a problem.

How do we get out of this problem? We have to map out a course. It's a budget. The Republicans passed a budget. The House passed a budget outlining a way for us to be able to cut back over \$6 trillion over the next decade. I would argue that American families and households all across the land operate on a budget. Businesses do the same. Yet we happen to not be able to do that here in Washington.

The United States Senate has not picked up or passed a budget in over 750 days. The American family wouldn't operate like that. I know as a small business owner I couldn't keep my doors open if I didn't have a budget to outline where our priorities were going to be. It is a blueprint. It's not a final standing bill or thing that's going to say exactly how we're going to spend it, but it is a blueprint going forward so that we can get those in the Senate and elsewhere to be able to come together so that we can map out how we are going to get out of this mess. Because I do agree with the President when he says that the choices that we're making today, the bad choices of today are going to be placed on the backs of our children and grandchildren. For me, that's unacceptable.

I decided to run for Congress largely because the amount of money that we were spending in Washington was going to be unconscionable for me to pass along to my children. I have a 9-year-old, a 7-year-old, and a 4-year-old. By the time they're my age, we are going to have to pay exactly double in taxes just to service the government. We pay 42 cents of every single dollar we have just to service our debt.

The administration now is asking us to raise the debt ceiling. This is an important issue. But I'm here to tell you that we need to have some leadership. Leadership is critical at this point in time.

What is the plan? I don't want to talk about bickering. I want to make sure that colleagues on both sides of the aisle come to the table. We know that there are negotiations going on right now, but I still would like to have a plan articulated to the American public. What is the plan? Because simply raising the debt ceiling without a plan on how we're going to pay down this debt is like—well, it's like sitting around the kitchen table and not worrying about the credit card debt of an irresponsible teenager. You wouldn't do that at home. We wouldn't do that in business. You should expect that your government does the same.

Now, when we look at this debt crisis that we have, as a small business owner, I look at it somewhat like a business. I look at it that we have just purchased a business, and we think it's

the greatest business in the world with the United States of America. That business has some debt, and we're obligated to pay that debt. We just have to figure out how it is that we are going to restructure that business so that we can pay down that debt and make it a strong, viable business going forward. That's what we have to do. To simply raise the debt ceiling and not have to restructure would be a violation of everything that we hold dear.

With that, I call on leadership, leadership here in Washington from those on both sides of the aisle, to come together to solve the problems of our time and put our country first.

#### HONORING THE LIFE AND MEMORY OF BERNADETTE MCARN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, this past Saturday in my home town of Wilson, North Carolina, the Wilson Community College held its annual commencement exercise. From all accounts, it was a wonderful occasion. But for one family in the community, the McArn family, there was great sadness on this occasion because their loved one was due to graduate; but sadly, she passed away on January 14, 2011, at the young age of 45. And so I take this opportunity today to honor the life and memory of that individual, Ms. Bernadette McArn.

The youngest of four children, Bernadette was born on July 12, 1965, to Isiah and Wynomia Crocker McArn. She was a graduate of Ralph L. Fike High School and, but for her passing, would have earned an associate's degree from the college. It is fitting to note that last spring Bernadette distinguished herself and pleased her family when she made the Dean's List.

This has been a very difficult time for the McArn family. They were very proud of Bernadette, and her memory will live within their hearts forever.

I ask my colleagues to join me in offering our deepest condolences to the McArn family, friends, and loved ones.

#### FOOD INSECURITY

Mr. Speaker, I want to use my remaining time to talk about the issue of hunger.

In this same community where Bernadette McArn lived her entire life, many are suffering from what I call food insecurity. At 11 p.m. last night, a line began to form at the Wilson OIC to receive food commodities today. Hundreds of citizens in this small community—black, white, and brown—stood all night long to be positioned to receive the basic commodity of food.

Earlier this year, a study by the Food Research and Action Center showed that the First District of North Carolina ranks as the second worst for food

insecurity in the country. Last Thanksgiving, about 2,000 people waited overnight—again—for a 25-pound bag of groceries at this same community-based program. For those of us living in eastern North Carolina, this comes as no surprise and underscores the need for a strong nutrition safety net.

Unfortunately, this is not an isolated incident in our country. As a State, North Carolina ranks sixth worst in the country for food security, with a food hardship rate of 23.5 percent, and the numbers are even worse in my district in eastern North Carolina.

The Food Bank of Central & Eastern North Carolina is called on to serve more than 500,000 people annually in 34 counties in central and eastern North Carolina, and about 73,000 different people receive emergency food assistance in any given week. Of those people, the food bank reports that 40 percent choose between paying for food and paying for utilities or heat; 33 percent choose between paying for food and paying their rent or mortgage; 37 percent choose between paying for food and paying for medicine or medical care; and 38 percent choose between paying for food and paying for transportation.

Mr. Speaker, as we continue our work, we must keep in mind that as many as 50 million Americans are struggling with food security. The Federal Government certainly needs to find ways to cut costs and reduce spending, but that burden should not fall heaviest on the people with the greatest needs.

As I close, let me just encourage our citizens to stay strong in their faith and know that Democrats will fight for you.

And I would like to thank Mr. Howard Jones of the Wilson OIC, his staff, and all of the volunteers for their extraordinary contribution to the Wilson community.

#### DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. GARDNER) for 5 minutes.

Mr. GARDNER. Mr. Speaker, creating jobs and growing the economy is the number one goal of the 112th Congress, everything we can do to create jobs and help this country move forward and get our economy back on track, but long-term economic growth and job creation is only possible if we control the uncontrolled debt and deficit situation that is driving this country into bankruptcy.

Last week, I had the opportunity to visit with a number of voters in my district who were very concerned about the direction of our country, and I read the following quote to them: "Leadership means that the buck stops here. Instead, Washington is shifting the

burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better."

I didn't tell them who had said that. I just asked them if they agreed with that statement. Everybody clapped and cheered. I mentioned that this was said by then-Senator Barack Obama in 2006 when our debt was \$8.4 trillion. We had an \$8.4 trillion debt in 2006, and the President of the United States then said, "We have a leadership failure. The buck stops here. America deserves better."

Well, if \$8.4 trillion was a failure of leadership, what, Mr. President, is \$14 trillion of debt?

The debt isn't Republican. The debt isn't Democrat. It is both Republicans and Democrats that have put us in the position that we are in today, and this Congress, our obligation is to clean up the mess.

□ 1100

We're told, though, by the White House that we are to raise the debt ceiling—in effect to "do as I say and not as I do," according to the President.

It is irresponsible to take the steps of increasing the debt ceiling without finding solutions to our spending problems that put us here in the first place. I continue, along with my colleagues, to look for those solutions.

We've passed a budget to cut spending and to get our deficit under control. Speaker BOEHNER is negotiating in good faith. But what do we hear from our colleagues in the Senate who have failed to pass a budget for 756 days? They have failed to pass a budget for 756 days. "There's no need to have a Democratic budget," Senator REID said.

The President talks about caps but no real cuts.

The debt ceiling is exactly that. It is a ceiling. It is not an arbitrary number that should simply be moved whenever it's easy to do so. The debt ceiling has been raised 10 times in the past 10 years. That's too much for something that was intended to be an actual check on government spending. If the debt is to be raised again, this country needs and deserves an honest effort to control spending and make sure that we are not in the same position in the future.

The past Congress spent a lot of time dealing with credit card reform to help American consumers. Well, perhaps it's time that we treat the Federal Government itself to a little bit of credit card reform to make sure that the Federal credit card doesn't continue to increase over and over without an end.

Ladies and gentlemen, I am concerned that the future job growth in this country, unless we reel in our Nation's debt, unless we address the deficit, is DOA—debt on arrival.

America deserves better, Mr. President, it certainly does, and we are here to work with you to make sure that it gets better policies, a better future, and that we protect America from future economic catastrophe.

#### THE GOP VERSUS PUBLIC SERVANTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise regretfully this morning and sadly this morning to discuss what I believe is a true transgression that took place in our House yesterday.

I was appalled by the behavior displayed by the chairman of the Subcommittee on TARP and Financial Services. After repeatedly changing the time of yesterday's hearing with Professor Elizabeth Warren to discuss the Republican majority's efforts to terminate the Consumer Financial Protection Bureau just weeks before it was to be born, the chairman began the hearing with a petty partisan swipe alluding to whether the witness may or may not be running someday for the U.S. Senate. As if, Mr. Speaker, political ambition is taboo around here.

While the overall tone of the hearing was contentious, that's to be expected. After all, the goal of the hearing was, for my colleagues on the Republican side, to paint the Consumer Financial Protection Bureau as something that is bad for consumers. Why? Because this new consumer bureau's mission is to make Wall Street play by the rules. What a novel idea. But, you see, Wall Street believes that it can take care of itself.

As it turned out, the hearing was a wonderful opportunity for Americans to see not only how far the influence of financial institutions reaches into Congress, but also how competent, confident, and unflappable a public servant Professor Warren is.

Were it up to me, the President would just appoint her to head the CFPB and let her get on with leveling the playing field for American consumers when they borrow or invest their hard-earned money.

Mr. Speaker, Professor Warren answered every question posed to her for the entire hour for which she was asked to testify. When members were called to the floor for two votes, the chairman asked her to stay and wait, and Ms. Warren politely responded that she was told she'd be released at 2:15 and had another meeting at 2:30. What followed was a scene that, had it happened in a junior high student council meeting, would have been stopped by the faculty adviser. Unfortunately, though, our subcommittee is without any kind of adult supervision.

The chairman repeatedly made the same request ad nauseam of Professor

Warren, who answered the same each time. She explained that the majority staff had changed the meeting logistics several times, including a 9 o'clock call the previous night to move the hearing from 1:30 to 1:15 to accommodate the congressional calendar. Professor Warren, through her staff, agreed to the change and was told that she would be done at 2:15. Pretty simple, right?

This is when the chairman crossed the line and told Professor Warren, "You're making this up." That's right. He called her a liar. A witness at his committee who juggled her schedule to accommodate him, an adviser to the President of the United States, who was given an oath at the start of the hearing to tell the truth and nothing but the truth. He called her a liar.

Mr. Speaker, I ask today that the chairman of the subcommittee, the gentleman from North Carolina (Mr. MCHENRY) immediately and sincerely apologize to Professor Warren. I also believe he should apologize to the members of the subcommittee—both in the majority and the minority—for denigrating the proceedings of our body and pledge to never allow the political agenda to interfere with the common decency and respect that the rest of us understand is absolutely necessary in order to do the people's work.

However, I won't hold my breath, because this is part of a much larger strategy by my colleagues on the Republican side to paint everyone in public service as liars, cheats, or otherwise as despicable.

On the same day, the chairman of the Oversight Committee did virtually the exact same thing to Mr. Hayes, the Deputy Secretary of the Department of the Interior, advising him not to answer a question because he's under oath, implying that certainly anything the Deputy Secretary might say would be untrue.

Mr. Speaker, we need to do better. Regardless of political affiliation, the American people demand it. Civility and common respect are not signs of weakness or capitulation. They are hallmarks of a functioning democracy.

An apology probably won't be forthcoming, but civility must be restored to this House—or at least school monitors to prevent spitballs from being thrown around in committee hearings.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 8 minutes a.m.), the House stood in recess until noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

Rev. Gene Mills, Louisiana Family Forum, Baton Rouge, Louisiana, offered the following prayer:

We bow our hearts before You, the great and Mighty King.

May today's deliberations be pleasing in Your sight. Let our heart's desire honor each of Heaven's treasures—faith, family, and freedom.

Father, let Your grace touch each need present here today. May every family member represented know the love of the Father, the presence of His Son, and the guidance of the Holy Spirit.

Protect and guide our soldiers in the field and all of those who uphold law and order across this country and around this world.

Cause the muddy waters of the Mississippi, Arkansas, Missouri, and Ohio Rivers to recede rapidly and do no additional harm. But allow the rivers of living water to flow freely throughout this land.

Let Providence be evident in our actions today, and may we possess Your talking points, Your heart, and Your mind in the matters of national importance.

Finally, we pray, as we were instructed by Your word, for the peace of Jerusalem and throughout the Middle East. May Thy will be done today. In the name of the Father, His Son Jesus, and the Holy Spirit. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. CLARKE) come forward and lead the House in the Pledge of Allegiance.

Mr. CLARKE of Michigan led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING REV. GENE MILLS

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. SCALISE) is recognized for 1 minute.

There was no objection.

Mr. SCALISE. Mr. Speaker, I want to thank my friend, Pastor Gene Mills, for opening us up in prayer today.

I have had the privilege of working with Gene Mills for years now in his role as the head of the Louisiana Family Forum, which has been a beacon of light defending family values throughout our State and working with ministers all across the country to spread the good word of the Lord Jesus Christ.

I also want to commend Pastor Mills for the work that he did after Katrina, organizing faith-based groups all around the State and all around the country to go in and do the Lord's work. When government couldn't even get there to help people, the pastors and the faith-based organizations around this country came together and they got that work done.

So I want to thank Gene Mills for being with us here today and for leading us in prayer.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. NUNNELEE). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

TRIBUTE TO ARMY CORPORAL  
BRANDON M. KIRTON

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, many heroes from the great State of Colorado have answered our Nation's call to serve in the military. Today I rise in honor of one of these heroes who made the ultimate sacrifice and laid down his life for freedom: U.S. Army Corporal Brandon Michael Kirton.

Corporal Kirton of Centennial, Colorado, graduated from Englewood High School, and chose to serve in the U.S. Army. In the Army, he deployed with his unit in support of Operation Enduring Freedom and fought at the tip of the spear in Kandahar Province, Afghanistan. On May 18, 2011, his unit came under fire, and he gave his life fighting the Taliban.

Brandon is remembered not only for his heroics on the battlefield, but for the tremendous impact he had on his family, friends, and community. His absolute devotion to his family, his selfless attitude, and his ever-present sense of humor were all the trademark characteristics of a young man who made a lasting impression on all who knew him.

Corporal Brandon Michael Kirton personifies the honor and selflessness of service in the United States Army. My deepest sympathies go out to his family, his fellow soldiers, and all who knew him.

JOBS ACT CRUEL REPUBLICAN  
HOAX

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, despite a slow recovery, despite millions suffering on the unemployment rolls, the Republican leadership has failed to bring a jobs bill to this floor during the first 100 days. Now we learn that one in name only is under consideration. It is called the Jobs Opportunity Benefits and Services Act, which of course cleverly has the acronym JOBS, but it is not going to create jobs. It is actually designed to cut off emergency unemployment benefits, eliminating the guarantee of Federal payments for temporary extended unemployment benefits, on July 6.

It is kind of a cruel hoax to call a plan that cuts aid to working people a jobs bill. It enables States to divert more than \$32 billion in Federal unemployment funds that is intended for unemployment benefits into block grants that can be used to cut taxes for businesses, pay off State's debts, or backfill their own State unemployment funds, but not necessarily to pay out benefits to those on the unemployment rolls. In fact, it grants some States permanent waivers to divert future unemployment funds from the people they were intended to help.

Our unemployment rate has gone from 10.6 percent when President Obama took office to 9 percent, but it is still too high. We ought to be in the business of creating new jobs and not forcing breadwinners to foreclose on their mortgages and to default on their loans, but to provide for their families. That's the congressional agenda that we ought to be about.

AMERICANS WANT SERIOUS  
SPENDING CUTS

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Mr. Speaker, it is long past time that we stop rewarding irresponsibility. If we continue to give the Democrat administration everything that they ask for, they will never learn fiscal discipline or how to control their outrageous spending.

Taxpayers do not want to write the administration yet another blank check out of their own checkbooks, only to see it bounce and further worsen our economy, along with job creation. Americans have said loudly and clearly that they want serious spending cuts, and I will not support raising the debt ceiling unless this liberal administration begins to practice some self-control.



# NUCLEAR ARMED IRAN THE REAL THREAT

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today because I fear that lost amidst the controversy surrounding recent statements on the Israel-Palestinian peace process, lost amidst the hopeful events of the Arab Spring, and lost amidst Syrian sanctions and military action in Libya, lies the real and greatest threat to the entire region: a nuclear Iran.

As we debate the trajectory of America's policy in the Middle East, we must never forget that as we speak, Iran is hurtling toward a nuclear weapon. A nuclear Iran would destabilize the entire region, upend the nuclear nonproliferation treaty, set off an arms race, and expose our closest friend and ally, Israel, to grave danger. The threat is real. As Prime Minister Netanyahu noted yesterday morning, they could put a bomb anywhere: on a missile, a ship, in a suitcase, or on a subway.

Last year we implemented strong sanctions against Iran, but more must be done to close loopholes, ensure enforcement, and take additional steps to stop a nuclear Iran. No matter the challenges that arise in the Middle East, we must never lose sight of the most dangerous threat of all, a nuclear armed Iran.

□ 1210

# PEACE THROUGH STRENGTH FOR ISRAEL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it was an honor to have Prime Minister Binyamin Netanyahu speak to a joint session of Congress yesterday. Israel is one of our country's closest allies, and the partnership shared between our two countries is vital in achieving peace and stability in the Middle East.

The Prime Minister is correct that reinstatement of the 1967 borders makes the country indefensible. I am grateful to the American Israel Public Affairs Committee for two tours of Israel, where I saw the strategic importance of the Golan Heights to stop Hezbollah and I learned of the inhumanity of rocket attacks by Hamas on Sderot. Israeli families are vulnerable to cowardly murderers.

Israel should not be forced to negotiate with those who refuse to acknowledge its right to exist. The United States must remain committed to Israel to promote peace and democracy in the Middle East.

I look forward to continuing to work with Israel in promoting peace, free-

dom, and stability. Ronald Reagan was right: peace through strength.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

# THIS IS NOT THE TIME TO CUT BACK ON HOMELAND SECURITY

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, this morning, as a member of the House Homeland Security Committee, I heard testimony that was very compelling. Even though bin Laden is dead, the terrorist threat to our country still exists, and it's a threat that's increasingly coming from within the United States.

My message to Congress: This is not the time to cut back on homeland security. Our local police, fire, and emergency medical providers are our first line of defense against any national emergency and against terrorist attacks. They need the funding right now to upgrade their communication systems so that they can better address this issue that faces Americans.

Again, let's protect our citizens by investing more in homeland security. Redirect the money from Afghanistan to protect our people here at home.

# STANDING WITH AMERICA'S MOST STEADFAST ALLY IN THE REGION

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, I rise today to express disappointment with President Obama's proposal for Israel to return to its pre-1967 borders.

President Obama's call for Israel to make more sacrifices in the pursuit of peace in the Middle East is unacceptable. The borders that were established in 1967 followed three wars launched against Israel. For Israel, acceptance of the 1967 borders would mean that Israeli sacrifices were for nothing. The territory acquired by the Israelis after they were subjected to unprovoked attacks serves as a buffer between Israel and enemies intent on destroying her.

We all want to see peace in the Middle East. But it is unrealistic and naive to think that peace will come as a result of Israel, the only democratic state in the region, making more concessions. Restoring the pre-1967 borders would be a victory for Hamas, a terrorist group committed to Israel's demise. This is not the path to peace, and the President should acknowledge this.

President Obama must stand by our most steadfast ally in the region. He must acknowledge that peace cannot be achieved through Israel's weakening its ability to defend itself against terrorists. The President, and all of us, must stand with Israel.

# WALL STREET SPECULATORS

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. This Memorial Day weekend, families all across America have cancelled their travel plans. Others are digging deep to pay 60 bucks for a fill-up. And \$10 of that \$60 is going to speculators on Wall Street.

Just yesterday, finally, the Commodity Futures Trading Commission filed its first suit against Wall Street market manipulation and speculation gouging the American people. The Republican reaction: Cut the budget of the Commodity Futures Trading Commission—that's what they proposed this week—and block any regulation of energy speculators.

So while families across America are struggling to keep their lifestyle, fill their tanks, and have a little fun with their families, the Wall Street speculators can ride down in their private elevators and relax in the backseat of their limousines while the chauffeur whisks them out to their third house in the Hamptons, because the Republicans have their backs and will protect the speculators at any cost.

# STANDING WITH ISRAEL

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mr. Speaker, yesterday in this Chamber, we listened as Prime Minister Netanyahu outlined a viable plan for peace in the Middle East, a plan that includes a free Palestinian state and a secure Israel.

Earlier, President Obama used the phrase, "The United States believes," to articulate his beliefs that this peace should be based on the 1967 borders.

This is not how the United States feels or has ever felt about Israel, an ally and a close friend; a friendship based on common democratic values, religious affinities, and security interests. As a friend, we cannot force Israel into indefensible borders ultimately leading to its destruction, because Israel is surrounded by people who want to see it wiped off the face of the Earth.

Israel is our friend, and we, the United States of America, believe in standing with our friend.

# KOREAN WAR VETERANS ASSOCIATION RHODE ISLAND CHAPTER

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize the 15th anniversary of the Korean War Veterans Association in Rhode Island.

As we look toward Memorial Day, we remember all of our Nation's heroes

who put their lives on the line because our country asked them to.

More than 54,000 deaths resulted from the Korean War, which occurred between 1950 and 1953, and more than 103,000 were wounded. In Rhode Island, more than 12 percent of our veterans served in the Korean War. Because of these servicemembers, we are able to enjoy the freedoms that we have here at home today.

We owe our veterans and their families our utmost gratitude and respect for the great sacrifices they have made on our behalf. In honor of their sacrifices, we must fulfill our promise to our veterans and their families by providing access to the highest quality health care, education, mental health services, housing, and employment.

I commend the Korean War Veterans Association of Rhode Island on its achievements and its hard work to support veterans and organizations like the Veterans of Foreign Wars and the Ladies Auxiliary, Veterans.

I wish all veterans and their families a happy Memorial Day.

#### LIBYA

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I was disturbed this morning when I was watching the news and I saw the President with the Prime Minister having a press conference in England and the President, in his comments, indicated that we are in a war and we're going to be all together to win this war in Libya.

As far as I know, the Congress of the United States has not declared war. We have not been really consulted about Libya. Yet we're spending probably a couple billion dollars over there right now. And with the President's remarks, you might wonder if we're going to have boots on the ground and be involved not only in the Middle East but now over in Libya. We don't have the money to do that nor has Congress been consulted.

Section 3 of the War Powers Act says: "The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities." He "shall."

He didn't. And we ought to be very concerned about that, whether we're Democrats or Republicans.

The power to go to war must be vested in the Congress of the United States. Not just the President but the Congress. He is not a king; he's a President. And we must make sure that Congress is involved in the decision-making process.

□ 1220

#### REPUBLICANS' ROAD TO RUIN BUDGET

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, the "Road to Ruin" Republican budget will end Medicare. It will end a program that 46 million seniors and disabled individuals depend on for their health care. In fact, the end of Medicare will mean seniors are forced to pay more for prescription drugs, they will lose free wellness visits, and they will be forced to pay more out of pocket. In fact, the Republican plan will cause seniors to dip into their pockets twice as deeply as they do today by the year 2020 and three times more by 2030.

And what do we get with the end of Medicare? Where are these funds directed? To continue tax breaks for Big Oil, to continue loopholes for corporations that ship jobs overseas, and to provide tax breaks for the wealthiest amongst us—those who need them least.

Mr. Speaker, Americans oppose the efforts to end Medicare. I ask my colleagues to work with us to strengthen the program, not destroy it.

#### MEDICARE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, yesterday on this floor a number of my Democratic colleagues took the floor to talk about the Republican plan to eliminate Medicare as we know it. Now, in response to that, some of my Republican friends stood up and said, well, where is the Democratic plan? I don't know whether they were sleeping through the 111th Congress or just failed to read the bill that they voted against and now want to repeal, but our Democratic principles were very much reflected in the Affordable Care Act that we passed in the last Congress. We found savings in Medicare, we extended the life of the program for at least 10 years, we are closing the doughnut hole, we are providing new services for seniors, all of that in addition to saving \$1 trillion in the second 10 years of the program.

So the Democrats have a plan for Medicare, and we passed it in the last Congress. The Republican response: repeal what we did and end Medicare as we know it—a very creative approach to solving one of the problems that faces this country and many of our seniors.

#### MEDICARE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, first I want to echo the words of my colleague from Colorado, MIKE COFFMAN, in expressing our sympathies to the families of Corporal Kirton from Centennial, Colorado, who died this past week in combat. That is a loss to Colorado, that is a loss to the Nation, and we just express our sympathies.

I want to really turn to a big issue at hand, and that is over the last 10 years starting with Bill Clinton, we had a surplus, revenues exceeded expenses. But after the Bush tax cuts, which cost a trillion dollars or more, two wars which cost a trillion dollars or more and collapse of Wall Street a couple trillion dollars, that budget surplus was turned upside down. But instead of focusing on the tax cuts for millionaires and billionaires or tax cuts for the oil companies, the Republicans want to take money out of Medicare to try to get the budget right. Well, that's just going the wrong direction.

Under the Republican budget even \$100 a barrel, we are going to maintain those tax cuts for oil companies? Instead we're going to stop programs under Medicare? That's just wrong. Medicare is a program that has worked for this country for a long time, and I want to see it remain in place.

#### WITNESS BADGERED AT CONGRESSIONAL HEARING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I was shocked yesterday at the exchange that occurred between our colleague from North Carolina, PATRICK MCHENRY, and Elizabeth Warren, the woman who has been tasked by President Obama to establish the new Consumer Financial Protections Bureau.

You know, to have a woman of impeccable academic credentials, a woman who for years predicted what was going to happen, had a potential solution, and who has been adamant in her support for trying to unwind this mess, to have her being attacked, to have her at one point being accused of somehow doing too much to communicate with Attorneys General who are trying to get a fair shake for homeowners who have been cheated, speaks volumes—not just, sadly, about the Republican chair of the subcommittee, but about the Republican approach.

For heaven sakes, they shouldn't be blocking her nomination. They should be embracing it and working with us to make sure it never happens again.

#### PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 276 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 276

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except

one motion to recommit with or without instructions.

POINT OF ORDER

Mr. GARAMENDI. Mr. Speaker, I raise a point of order against House Resolution 276 because the resolution violates section 426(a) of the Congressional Budget Act. This resolution contains a waiver of all points of order, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore (Mr. DOLD). The gentleman from California makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden under the rule and the gentleman from California and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from California.

□ 1230

Mr. GARAMENDI. Mr. Speaker, I raise this point of order not necessarily out of concern for the unfunded and unmet mandates, although there are many in this bill. I raise this point of order because we have one of the very few opportunities to actually talk about one of the provisions in the underlying bill. Thus far, this House has been denied the opportunity to properly debate this provision, and I believe we must illuminate what it actually does.

Section 1034 of this bill provides an unlimited opportunity for the administrative branch of government, the President, and the Secretary of Defense, to engage in war virtually anywhere, any place, anytime on this planet. That is an unbelievably broad opportunity that this House should never give to any President at any time.

There are three very specific problems that the authorization for the use of military force has, and I want to make sure that we understand what those problems are.

This provision is particularly dangerous because it does undermine the Constitution. Only Congress has the authority to declare war. Yet this authorization to use military force passes to the President the opportunity to engage in war anywhere anytime, really, without any particular reservations.

This thing was snuck into the Defense Authorization Act. No debate in committee. And had I not somehow been going through the bill and thumbing through and finding page 133 of the legislation, it would never have been discussed in committee. But some time near 12 o'clock, or actually after 12 o'clock, I was able to present an amendment in the committee to strike

this section of the bill. That amendment did not pass the committee, and hopefully it will be before the floor as we discuss the entire legislation.

So let me begin the discussion now.

We ought not expand the executive authority to go to war. First of all, this particular section, 1034, is harmful because of three reasons: one, it's unlimited—anywhere, any place, anytime; second, it is very unclear as to who we're going to go to war against; and, third, it's not necessary.

First, section 1034 is unlimited. There's no geographic limitation in section 1034. All that needs to be found by the President or the Secretary of Defense is there is a terrorist out there somehow associated with the Taliban or al Qaeda. And we know that al Qaeda is spread throughout the world, including the United States. So the entire globe is the subject of this authorization to use military force. And it's not just force against an individual terrorist or an individual terrorist organization. It's force against any nation that harbors, supports, or provides some sort of aid to a terrorist organization.

What kind of a nation would that be? Well, certainly we would consider Yemen, Somalia, maybe even Pakistan. And we did successfully go after Pakistan—not Pakistan, but after bin Laden who happened to be hiding in Pakistan. But the point here is unlimited authorization to go anywhere in the globe to go after terrorists of any color, any stripe, anywhere. I don't suppose we intend to declare war against ourselves, so maybe America is not included in this.

Secondly, there's no temporal limit to this, meaning this authorization goes on forever. It's not limited in time. It can go for 1 year, 2 years, 10 years, one century or a millennium. We must never allow any President to have that unlimited opportunity to wage war on behalf of this Nation.

Third, this resolution and this section is unclear. It's unclear in several ways. What is an "associated force"? What's the "Taliban"? What is "al Qaeda"? We know al Qaeda as it existed in Afghanistan. We have a sense of what al Qaeda is in Pakistan. But now we have al Qaeda in the Saudi Arabia Peninsula, we probably have al Qaeda in Somalia and, certainly, according to the FBI, we have al Qaeda in the United States.

So this particular clause, associated forces, is one that we should never allow to go into law and allow any President over any time in the future to use it to undertake a war somewhere.

Finally, the provision is unnecessary. The administration is not asking for additional power. We have a case in point. The administration didn't need additional power to go into Pakistan to get bin Laden. The administration

doesn't need additional power to go to Yemen to deal with al Qaeda in the Arabian Peninsula, nor did the administration need power way back in the 1990s when President Clinton launched Tomahawk missiles into Afghanistan to go after bin Laden and al Qaeda in Afghanistan at that time.

The President, the administration, is not asking for this authority. They claim and the courts have provided them with sufficient authority to carry out the mission against terrorism as we know it today.

So in conclusion, I want to raise this issue to this House, to the Senate, and to the American public that in the Defense authorization there is an unlimited opportunity for any President now and in the future to wage war anywhere in the world against any nation that has a terrorist in that nation. That we should never do. We should aggressively maintain our authority under the Constitution to declare war and to authorize the use of military force.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I rise to claim time in opposition to the point of order.

The SPEAKER pro tempore. The gentleman is recognized for 10 minutes.

Mr. BISHOP of Utah. The following discussion we have just had on the floor is certainly enlightening and interesting. There is much that I think is significant to what has been said by the gentleman from California.

However, Mr. Speaker, if you would forgive me, I need to talk directly to the point of order itself.

The question before the House is, should the House now consider House Resolution 276. While this resolution waives all points of order against consideration of the bill, the Rules Committee is not aware of any point of order. The waiver is prophylactic in its nature. Specifically, the Committee on Rules is not aware of any violation of the Unfunded Mandates Reform Act, nor has the Congressional Budget Office identified any violation of the Unfunded Mandates Reform Act.

In order to allow the House to continue its scheduled business for the day, I urge Members to vote "yes" on the question of consideration of the resolution.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate having expired, the question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Thank you, Mr. Speaker.

For the purposes of debate only, I yield the customary 30 minutes to the

gentleman from Massachusetts (Mr. MCGOVERN) pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purposes of debate only.

#### GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent, Mr. Speaker, that all Members may have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a structured rule for the consideration of 152 individual amendments to H.R. 1540, the National Defense Authorization Act for fiscal year 2012.

I would like my colleagues to realize that the Rules Committee received 220 amendments for consideration of this bill; and of the 220 filed, 75 percent of them, or a total of 152, are made in order.

□ 1240

Even more remarkable, the vast majority of those that were not made in order were either withdrawn by the sponsor, were duplicative of other amendments filed, were redundant restatements of provisions already included in the base bill, or violated House rules. So this is an overwhelmingly fair and generous rule, and it continues the record of the Rules Committee in this Congress of making multiple amendments in order as long as they conform to the rules of the House.

One must commend Chairman DREIER for continuing this record of openness. Likewise, I wish to commend the chairman of the Armed Services Committee, the gentleman from California (Mr. McKEON), as well as the ranking member, the gentleman from Washington (Mr. SMITH), for bringing a bill to the floor under a continuing tradition of bipartisanship and mutual cooperation.

Mr. Speaker, sometimes the Congress has a reputation of being contentious and partisan, and that reputation is, unfortunately, occasionally deserved. However, as one who has been a member of the Armed Services Committee and is currently on leave from that committee, I have been pleased to note that, when it comes to providing for the common defense of our country—a core constitutional responsibility—partisanship has usually been checked at the door with regard to the conduct and the product of the Armed Services Committee in their annual Defense authorization bill, as was this bill, having passed by a vote of 60-1 from committee. This rule builds on that bipartisan tradition when it comes to the Defense bill, and it makes more Democrat amendments in order than Republican amendments.

Yes, you're welcome.

Our Nation faces some daunting challenges: to provide adequate resources for our national defense going forward, to pay personnel and to provide promised benefits for our all-volunteer force. The modernization of our aircraft fleet is slipping further and further behind, and the average age of our fighter jets is 150 percent of their designed capacity. The age of our bombers is at a record high even as demands for their utilization is great in Afghanistan, in Iraq and increasingly in other places in the world. The infrastructure needs of our military continue to slip further and further behind—the cliché is that they're moved to the right—and a backlog of needed improvements to fill vital military missions grows even greater.

A strong national defense is directly related to a strong national economy and to a strong jobs outlook. National defense makes everything else that we enjoy in this country—our cherished way of life, our freedoms—possible.

The underlying legislation, H.R. 1540, does a remarkable job, given all of the fiscal restraints that have been involved, in continuing to provide for our common defense. For that purpose, I wish to inform my colleagues that this is a good bill, and we are adding to that a good and fair rule for the amendments.

I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule.

All Members of this House are strongly committed to protecting our national security regardless of party, region or political point of view. It has been the tradition of the House Armed Services Committee, at the staff and member level, to work in a bipartisan way to carefully craft the annual Defense authorization bill.

I recognize Chairman BUCK McKEON and Ranking Member ADAM SMITH for continuing that collegiality.

Given such a tradition, it comes as a surprise to see so many provisions in H.R. 1540 that attempt to repudiate and attack several of the President's national security policies: from warehousing low-level detainees for an indeterminate amount of time, to delaying the implementation of the repeal of Don't Ask-Don't Tell, to hamstringing the implementation of the bipartisan-supported New START Treaty, to seeking a so-called "updated" authorization for the use of military force that no longer references the devastating 9/11 attacks against America but, instead, gives broad authority to the executive branch to pursue military operations anywhere and for any length of time.

Such changes have all the appearance of a partisan agenda.

Yesterday, I expressed my hope that the Rules Committee would make in

order amendments so that a broad range of issues and recommendations might be considered and voted upon by this body. Over 200 amendments were submitted to the Rules Committee for consideration, and 152 amendments were made in order; but each amendment only receives 10 minutes of debate time, evenly divided between supporters and opponents.

When the House is debating whether to significantly change and expand the authority under which the President—any President—may send our servicemen and -women into harm's way without consulting Congress and under the vague terminology of fighting global terrorism, is 10 minutes really enough time to give this grave matter the attention it deserves?

When military operations are underway in Libya, is 10 minutes really enough time to debate whether ground troops should not be deployed under any circumstances?

A number of amendments submitted to the Rules Committee focused on the future of our policy and military operations in Afghanistan. As most of my colleagues know, I believe we need to rethink our strategy in Afghanistan. It has demanded the lives of 1,573 of our servicemen and -women, and has gravely wounded tens of thousands of our troops. Suicide rates among our veterans from Afghanistan and Iraq have soared; and right now, there is no genuine path aimed at ending our military footprint in Afghanistan—no exit strategy.

The death of Osama bin Laden creates an opportunity for us to reexamine our policy in Afghanistan and to ask the President exactly how and when he will bring the last troops home to their families and to their communities.

This is a moment to bring fresh eyes to the question of what kind of defense priorities and budget best fit the needs of our Nation and our national security, especially in these difficult economic times. This is a matter that touches every single American and especially our uniformed men and women, their families and their communities.

How can we make any decision on budget priorities unless we know how much longer this war is going to last?

Already, it is the longest war in our Nation's history. It is bankrupting our Nation. Every day, every week, every month, we see billions and billions of dollars charged to the national credit card, increasing the deficit, increasing the debt—with no end in sight.

We see corruption everywhere within the Karzai government in Afghanistan, and we see the basic needs of our own communities—roads, bridges, clean water systems, education, health care, and hunger programs—cut or eliminated for lack of funds.

Where does it all end? When does it all end? On a matter this important,

shouldn't we be engaged in debate for more than 10 minutes?

I am pleased that the amendment I submitted with cosponsors WALTER JONES, LORETTA SANCHEZ, JUSTIN AMASH, JOHN LEWIS, RON PAUL, DAVID CICILLINE, and PETER WELCH was made in order. We have 5 minutes to describe why the President needs to clearly lay out to Congress, to the American people, to our military men and women, and to our military families exactly how and when we will complete the accelerated transition of our military operations to the Afghan authorities—5 minutes, Mr. Speaker—not to mention why the President needs to accelerate talks to achieve a political solution and reconciliation in Afghanistan and why we need to have a new National Intelligence Estimate, not just a report from the National Counterterrorism Center on the leadership, locations and capacity of al Qaeda.

Five minutes.

This Defense bill would give the executive branch carte blanche to fight global terrorism anywhere and by any means, but we don't even have an up-to-date NIE on al Qaeda.

That's not debate, Mr. Speaker. Quite frankly, it's an insult, not to mention that, if we add up the time of all the amendments, at best, the debate on the future of U.S. military operations in Afghanistan might begin as early as 10 or 11 o'clock tonight—but, most likely, even later. Mr. Speaker, there is no reason to rush this bill through just because Members were told they could fly out of town at 3 o'clock tomorrow. We could stay on Friday or we could continue the debate on the amendments next week.

War. The very lives of our uniformed men and women. Libya. Unchecked power granted to the executive versus the constitutional responsibility of Congress to declare war or to authorize the specific use of our military might around the world. These are matters that deserve much greater attention than what is granted under this rule.

I urge my colleagues to support the McGovern-Jones-Sanchez-Amash-Lewis-Paul-Cicilline-Welch amendment on Afghanistan when it comes up for debate late this evening; and I ask my colleagues to reject this rule, which denies this House the ability to debate these grave matters in the manner they deserve and require.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. I rise in support of the rule and H.R. 1540.

As a U.S. marine, I understand the importance of strong national defense, especially during this time of war. That's why I'm glad this bill provides our troops with the resources they need and enables them to carry out the missions we ask of them.

□ 1250

As a freshman member of the House Armed Services Committee, I would like to thank Chairman MCKEON for his leadership throughout this process. He has been very open in working with me and other colleagues on the committee in developing ways to restructure the Quadrennial Defense Review process. This process informs the annual defense spending bill, of course. So I am proud of the bill we are debating today. I am encouraged by our recognition that a restructured QDR process will allow us to better identify DOD priorities. And that is the key to efficiently spending taxpayer dollars.

In sum, this bill responsibly addresses military issues facing us today, and it is being offered with an eye to improving the defense funding process in the future.

I urge my colleagues to vote "yes," Mr. Speaker.

Mr. MCGOVERN. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I would like to commend the majority and the minority for working together for a robust process that we had, but I am concerned about two deficiencies in the process, one the gentlelady from Guam will speak to momentarily. I think it's really a travesty that she is not able to present an idea this House has considered many times as part of this bill. And I hope that would be reconsidered.

Secondly, we have all said forever that we agree that there is a problem that has to be fixed for people who served our country in uniform. And here is what happens. You have a person who is very seriously injured in the line of duty in the military, and they retire and they would get disability pay for their injury. Let's say they have been deafened by a bomb going off near them, and they are very, very ill or disabled, and they qualify for disability pay. They also qualify for a regular military pension.

I think most of us on this floor would say, most people in the country would say they should get both. If you are injured in the line of duty and you are severely disabled as a result, you should get both your disability pay and your regular pension. And for years people on both sides have said they want to do this. The problem has been it does in fact cost money. And there are a couple of other variations here. The widows and widowers of these servicemembers have the same problem with respect to their benefits. And then there is another problem where people who serve in the Reserve get credit toward earlier retirement, but they have to make it fit around the Federal fiscal year or they don't get it.

So we have people over in Iraq and Afghanistan who have been deprived of earlier retirement. They have been shot at the same as everybody else, but

because they got shot at after October 1, it doesn't count. It's just a bizarre rule that ought to be fixed.

Now, we had an amendment in the Rules Committee that fixed, to a great extent, these three problems. And it had a way to pay for it which is controversial. It would take some of the Internet gaming that's going on and say, A, it's legal, and B, that the money from it should go to help these service personnel who were injured in the line of duty. Some people like this idea, some people don't. But I think it should have been brought to this floor so we could have a debate about it.

If you talk to any one of our Members, Mr. Speaker, I think he or she would tell you they are all for fixing this problem, but it has to be paid for. So we had a solution that fixed a large part of the problem and was paid for, would not result in an increase in the deficit, but it didn't find its way to the floor. I know the technicalities of it. But I really think the House should be given a chance to work its will on this question.

It's as simple as this: The guy who lost his hearing because a mortar shell went off next to him, should he have to choose between his disability pay and his regular retirement instead of getting both? I think he should get both. And I think the House should be able to work its will on that question. I would urge us to consider during this debate process making that possible.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. MCGOVERN of Massachusetts raised an issue just a minute ago that he said we should be discussing regarding the War Powers Act. And I certainly agree with him. I would just like to inform him that right now the Foreign Affairs Committee is holding hearings on a number of pieces of legislation that will deal with and refine the War Powers Act, and hopefully correct some of the loopholes that are in it so that Congress is included in the loop.

So I would just like to inform him of that, because although I would like to see this in this particular legislation that we are talking about and discuss this in some detail, I think the hearings that are going on right now will go into in depth the problems that we face with that bill. The one thing that I would say is that I think we all agree, Democrats and Republicans alike, that this body and the other body ought to be involved in the decisionmaking process before we go into any conflict. And this issue of Libya is a perfect example of where the executive branch has run away from the Congress without consulting with us. And that's something that should never happen in the future, especially when we are risk-

ing American lives and American money.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman for his comments, although I do continue to believe that on these great issues that we need more than 5 minutes to be able to present our case. Our entire policy in Afghanistan, we are given 5 minutes to debate the issue. I don't think that that's right.

I would now yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

For more than 9 years now our American troops have been executing the mission in Afghanistan with extraordinary dedication and competence. They have done all we have asked of them. But what started out as a quick war on October 7, 2001, to wipe out al Qaeda leader Osama bin Laden and other terrorists has turned into a campaign that seemingly has no end in sight, ripping our Nation's most precious treasures, our brave men and women, from their families and their communities, and costing us more than \$8 billion a month.

The cost of this war, again, \$8 billion a month, approximately \$2 billion a week, is totally unsustainable, especially at a time when we are being asked to make extreme cuts here at home; money, by the way, that we are putting on the American credit card.

Mr. Speaker, my Rhode Island constituents understand that it's time to transfer responsibility for Afghanistan to the Afghan people and bring our brave men and women home. We should no longer send billions of American taxpayer dollars to the Afghan people for their schools and hospitals, roads, bridges, and police, at the expense of making those same investments in our own country, especially when the Karzai government has shown itself incapable of governing effectively or honestly.

For example, a yearlong investigation by a Senate panel has found evidence that the mostly Afghan force of private security guards that our military depends on to protect supply convoys and bases in Afghanistan are rife with criminals, drug users, and insurgents. More alarming, the report alleges that some local warlords, who have emerged as key labor brokers for private security firms, are also Taliban agents.

It's time to rethink our strategy in Afghanistan so that we can focus on rebuilding our economy and making sure Americans can compete in the 21st century. We need to invest in job creation and reducing our debt, instead of sending billions of dollars to a corrupt government abroad. That's why I am proud to support and to be a cosponsor of the McGovern amendment, which requires the President to provide Congress with

an exit plan from Afghanistan with a timeframe and a completion date.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. CICILLINE. A clear exit plan will stabilize Afghanistan by ending an unpopular presence there and improve our country's flexibility to respond to more immediate and pressing national security challenges, improving our fiscal and economic situation at home. This is about setting the right priorities for the American people.

I urge my colleagues to strongly support the McGovern amendment.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the gentlelady from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise in support of the rule and of H.R. 1540, the National Defense Authorization Act, and I want to thank Chairman McKEON and Ranking Member SMITH for bringing this important bill to fruition. The legislation we have demonstrates support for our troops. It is a good bill that will provide them with the tools and support they need as they protect our freedoms and our liberties.

In funding our military for 2012, we ensure our troops who are deployed in Afghanistan, Iraq, and elsewhere in the world have the equipment and resources they need to succeed in their missions. There is no higher priority than advocating on their behalf, and they deserve nothing less than the best.

□ 1300

We need to send a clear message to the men and women fighting for our Nation that this Congress is committed to keeping our national defense a priority.

We are a Nation at war with men and women fighting in harm's way at this very minute. We need not forget that we face threats throughout the world with enemies bent on destroying our way of life. We have a constitutional responsibility to provide for the common defense.

I support our troops, and I am proud to stand with them as they protect our freedoms.

Mr. MCGOVERN. I am happy to yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I hope that someday my Republican counterparts will be clear about why my amendment was not made in order, and I also hope that they will provide greater explanation as to why we were promised an open rule this year but have anything but that today.

In fact, Mr. Speaker, my friend, Mr. BISHOP, voted for this amendment in the last Congress, and I want to thank him, but I can't imagine how he could have had such a change of heart in such a short time.



I rise in strong opposition to this rule. This rule does not afford the people of Guam with an opportunity to make their case about the matter of Guam war claims before this House. All I want, and all we want, is a vote, Mr. Speaker. In fact, I do not understand why my Republican colleagues are so concerned about allowing my amendment for a vote on the floor, as is regular order.

Guam war claims have passed this House five times—I have to repeat that, five times—and each time with overwhelming bipartisan support. The resolution of Guam war claims is so critical to maintaining support for the military buildup on Guam. The people of Guam are going to bear the brunt of the significant impacts because of this realignment of military forces, and it is only right to bring war claims to a conclusion. This is what I hear from my constituents every day.

We reached a compromise with the Senate on this matter last year, having both Chairman LEVIN and Ranking Member MCCAIN supporting the provision. However, because of the time we had last Congress, it was struck from the bill due to the objection by a small minority of Senators, and we were forced to agree to the defense bill by unanimous consent here in the House.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman an additional 1 minute.

Ms. BORDALLO. Let history note that I did not object to the unanimous consent request last year based on the commitments of my friends across the aisle. In fact, Chairman MCKEON committed to including war claims in this year's defense bill, and I do appreciate his support.

But the Republican leadership would not allow him to honor his commitment to me. This is wrong, Mr. Speaker, and a true disservice to the people of Guam.

I would like to ask unanimous consent to include the text of my amendment, No. 99, to be included for consideration in this rule.

The SPEAKER pro tempore. Does the gentleman from Utah yield for such request?

Mr. BISHOP of Utah. I have a great deal of sympathy for the gentlelady from Guam, and on the Resources Committee where that bill still is, I will work with you on that, but I do object to unanimous consent.

The SPEAKER pro tempore. The gentleman does not yield.

Mr. MCGOVERN. Mr. Speaker, let me again express my disappointment with the lack of time that we are being allowed to debate some very, very important issues that impact everybody, every single person in our country: issues of war; issues of granting the executive branch this new broad authority to be able to go to war any time

they want without even consulting the United States Congress, giving them these unilateral powers which I believe is not what our Founding Fathers ever anticipated; issues involving Libya; and I could go on and on and on, not to mention some of the issues that were not allowed to be brought up at all, and Ms. BORDALLO just mentioned one of them. I don't understand why that was not made in order.

But in this House of Representatives, since the new majority took over, we debate trivial issues passionately and important ones not at all. You know, we spent hours debating whether we should defund National Public Radio. But on the issue of Afghanistan, what our policy should be in Afghanistan, we have over 100,000 troops in Afghanistan, we are borrowing over \$8.2 billion a month—a month, a month—to pay for Afghanistan, that is all going on our credit card. That is going, adding to our deficit, to our debt. Our kids and grandkids are going to pay for the fact that we are not paying for it now. Those issues deserve more than a few minutes of debate.

Again, I have an amendment on Afghanistan to encourage the President to rethink our policy and to develop an exit strategy, and I and all the other Members who are cosponsoring my bill, my amendment, are given 5 minutes—5 minutes—to talk about this issue. Surely we could spend at least another 5 minutes on top of that—I mean, hopefully even longer—being able to discuss this important issue.

I regret that, because I think we need to be debating and discussing what we are doing in Afghanistan. I think it is important. I think the American people want us to figure a way out, and yet we give them 5 minutes to be able to debate this issue. I think that is regrettable.

[From <http://www.thenation.com>, May 10, 2011]

END THE WAR IN AFGHANISTAN, AND BEGIN NATION-BUILDING HERE AT HOME

(By Rep. Jim McGovern and Rep. Walter Jones)

This week we joined with over a dozen of our colleagues—Republican and Democrat—to introduce new legislation to require the Obama Administration to present an exit strategy for U.S. forces from Afghanistan.

Specifically, our bill (the “Afghanistan Exit and Accountability Act”) would: require the President to transmit to Congress a plan with timeframe and completion date on the transition of U.S. military and security operations in Afghanistan to the Government of Afghanistan; require the President to report quarterly (i.e. every 90 days) on the status of that transition, and the human and financial costs of remaining in Afghanistan, including increased deficit and public debt; and, included in those quarterly reports, the President must disclose to Congress the savings in 5-year, 10-year and 20-year time periods were the U.S. to accelerate redeployment and conclude the transition of all U.S. military and security operations to Afghanistan within 180 days (i.e. 6 months).

The operation that resulted in the killing of Osama bin Laden demonstrated that the men and women of our armed forces and intelligence community are incredible people. The world is now a better, safer place.

The question then becomes: now what? Now that bin Laden is dead and Al Qaeda is scattered around the globe, does it really make sense to keep using over 100,000 U.S. troops to occupy Afghanistan and prop up a corrupt government? We don't think so.

Remember—we didn't find bin Laden on the front lines of Afghanistan. He was comfortably holed up in a mansion in Pakistan. We must continue to target Al Qaeda wherever in the world they are. But continuing to be bogged down in Afghanistan makes that mission harder, not easier.

In December, Afghan President Hamid Karzai made it clear that he would rather align himself with the Taliban than with the United States. So why on earth are we sacrificing so much in terms of dead and wounded soldiers and billions of dollars to support him?

We believe that bin Laden's death creates an opportunity to re-examine our policy and to require the Administration to tell us exactly how and when we will end our massive troop presence in Afghanistan.

Our bill requires the President to give Congress a concrete strategy and timeframe for bringing our servicemen and women home to their families and communities, and it requires quarterly reports on the human and financial costs of continuing the war—and how much we would save if we withdrew our forces within a reasonable time frame.

That's not too much to ask.

To make it worse, we're not even paying for the war. It's on the national credit card. The war in Afghanistan adds \$100 billion a year—\$2 billion each week, \$8 billion each month—to our debt.

We're told that we can't afford vital domestic funding, but we should continue to borrow billions and billions of dollars for nation-building in Afghanistan. Instead, we should be doing some more nation-building right here at home. Why don't we take some of those billions to build roads and bridges and schools right here in the United States?

In the end, of course, only President Obama can bring an end to the war. But Congress must play a role, as well. For too long, Congress has ducked its proper oversight responsibilities when it comes to the war in Afghanistan. We've avoided meaningful debate and discussion and have chosen to simply “go along to get along.”

The President told us that we will see a substantial drawdown of troops in July. He needs to keep that promise. And he needs to tell us when all of our troops will be coming home, and how much staying in Afghanistan will continue to cost the American people—in sacrificed lives, wounded bodies and minds, and U.S. tax dollars—until this war is finally over.

That's what our bill would require. We are hopeful that with enough public pressure, we can provide some wind at the back of the President to help him do the right thing.

This war is the longest in our history. There's no end in sight. It's time to stop digging.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I would like to take just one moment to clarify the record with respect to amendment No. 61 by Mr. CONYERS in the Rules Committee report. Printed in report 112-88, Mr. DUNCAN of South



Carolina was inadvertently added as a cosponsor to the Conyers amendment No. 61. I want to clarify for the record that Mr. DUNCAN of South Carolina is not a cosponsor of that particular amendment.

I appreciate the discussion we have had so far. I would like to remind my colleagues here that if every amendment made in order in this rule were to have its maximum amount of time, we would have already approved a maximum of over—well, we have a minimum of 26 hours of debate on this particular issue.

I am appreciative of the concerns of Mr. MCGOVERN of Massachusetts. I also want him to realize there are multiple amendments that were made in order dealing with this and similar subjects. And I am very appreciative that Mr. MCGOVERN, as a veteran of the House, understanding the rules of the House, has been wise enough to use this debate time also for speaking about that particular amendment, which will vastly extend the amount of time he has to cover that issue. That is wise of him; that is good of him.

I reserve the balance of my time.

Mr. MCGOVERN. I yield myself such time as I may consume.

I would again remind my colleagues that on the issue of what our future should be in Afghanistan, those of us who want us to rethink our policy and develop an exit strategy are given 5 minutes—5 minutes. We could debate whether we should fund National Public Radio or not for hours, and all the other items on the Republican social agenda for hours and hours and hours, but when it comes to the issue of war, we are told you get 5 minutes. I don't think that's adequate.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. First let me thank the gentleman for yielding and for his leadership.

I would just say to the gentleman, you are absolutely correct, and I oppose this rule because this is such an important issue that affects our national security, but also the economic security of this country.

This is an issue that warrants much more deliberation and debate. In fact, Mr. Speaker, when the authorization to use force to go to war in Afghanistan came before us on that terrible day of 9/14, there may have been 1 hour of debate, if that long. And so I think at this moment, as we are turning the corner, hopefully, we should have a full debate on the direction, the timeframe which Mr. MCGOVERN has in his resolution, and also a plan to begin to end the war in Afghanistan.

□ 1310

We must have a political solution and reconciliation in Afghanistan because most military experts have told

us there's no military solution in Afghanistan. We know and we hear that if it's going well, we need more money and more troops; and if it's going poorly, we need more money and more troops. So we need here in the House to have this debate. What should we do and how should we do it?

So this amendment, this proposal by Mr. MCGOVERN, warrants much more than a 5-minute debate because it's such an important issue to the country. Over 70-some percent now of the American people believe it's time to wind down. Many of us believe that beginning in July we should put forth a proposal for a significant and sizeable reduction as the President indicated he would do in the past. Many believe that we should not fund any more combat operations in Afghanistan and that, in fact, we should only use our funding for force protection and to bring our young men and women home.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. LEE. Thank you very much, Mr. MCGOVERN.

What the McGovern-Jones amendment seeks to do is begin that debate, to get us on course and to allow this House of Representatives to discuss what in the world should come next.

I want to thank the gentleman for yielding. I thank you for your hard work, and just say that I think that it's about time now that we have a rule on such an important issue that allows for this body to engage in debate. Our troops deserve that, the American people deserve that, and certainly we need to begin to reflect public opinion on this because the public gets it. They know that \$100 billion a year is no drop in the bucket in terms of our resources. We have a deficit, we have an economic crisis throughout the country, and we certainly need to find some balance between our national security interests and our economic security interest. Beginning to develop a plan to get out of Afghanistan warrants a full-fledged discussion.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this rule. Earlier this year, we learned of wrongful home foreclosures on active duty military families in violation of the law. And so I submitted a very straightforward amendment that would have directed the Secretary of Defense in conjunction with the Treasury and the Consumer Financial Protection Bureau to prepare a comprehensive strategy to protect members of the Armed Forces and their families from unfair, deceptive and abusive financial services practices and to enhance the financial

readiness of such families, families who are sacrificing so much today.

The amendment would have no effect on direct spending, and it was germane. Yet, despite the majority's high claims of openness and transparency and the fact that 152 amendments were made in order, this one was not.

The SPEAKER pro tempore (Mr. CAMPBELL). The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlewoman 1 additional minute.

Ms. DELAURO. One can only conclude that the majority has chosen its dislike, or its detest, for the Consumer Financial Protection Bureau over protecting military families. Elizabeth Warren is right: attacks against the bureau are now happening in the back alley. Yesterday, that back alley was the majority side of the Rules Committee, and the victims—the victims—were the brave men and women in uniform and their families.

Oppose this rule.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. I yield myself the balance of the time.

Mr. Speaker, let me close by making a couple of points here. First, I would urge everybody, Democrats and Republicans, to support the McGovern-Jones amendment on Afghanistan. I think there is bipartisan concern and bipartisan anxiety about our policy. I think there are Republicans, as well as Democrats, who believe that it's time to rethink this strategy and to come up with an exit strategy to bring our troops home, to bring them back to their families and to bring them back to their communities.

We need to make our voices heard. The President has said in July he is going to make an announcement about the drawdown of American troops. We're hearing from some sources that it may be only a token drawdown. We need a real drawdown, a significant drawdown, because if not, we are going to be engaged in a war that has no end.

We are borrowing money like there's no tomorrow to pay for this war; \$8.2 billion a month we're borrowing. We're not even paying for it. For those who support this war, I would say that if you support it, then pay for it. And I will tell you that most of the people across this country believe it's time to leave. We're supporting a corrupt government. The Karzai government is corrupt. There's no question about it. By every measure, they are wasting our money. And this is not a man, quite frankly, who our American servicemen and -women should have to die for.

We are nation-building in Afghanistan when we should be doing nation-building here in the United States. My district is not unique in its need for more investments in roads and bridges. We need more investments in job creation to put people back to work. People want to invest here in the United

States because national security also means whether or not people have a job, whether or not people can earn a living.

I would urge, again, my colleagues on both sides of the aisle to help me and help Mr. JONES and the others who co-sponsored this amendment, put a little wind behind the President's back in July so that he makes a meaningful announcement so that we can see the light at the end of the tunnel so that there is an exit strategy.

Mr. Speaker, let me also urge my colleagues to defeat the previous question. If we defeat the previous question, I will offer an amendment to the rule to make in order H.R. 1979 by Mr. ANDREWS of New Jersey, to expand eligibility for concurrent receipt of military retired pay and veterans disability compensation to include chapter 61 disability retirees, to increase the monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces and to enhance the ability of members of the Reserve components who serve on active duty or perform active service in support of a contingency operation or in other emergency situations to receive credit for such service in determining eligibility for early receipt of nonregular service retired pay.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge all my colleagues to vote "no" and defeat the previous question so we can help our veterans, and I urge a "no" vote on the rule.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I offer an amendment to the resolution.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the resolution add the following new section:

SEC. 5. Notwithstanding any other provision of this resolution, the amendment specified in section 6 shall be in order in lieu of amendment number 5 in House Report 112-88.

SEC. 6. The text referred to in section 5 is as follows: Page 113, after line 17, insert the following:

**"SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.**

"Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

"(1) by redesignating subsection (c) as subsection (d); and

"(2) by inserting after subsection (b) the following new subsection (c):

"(c) HEALTH ASSESSMENT REPORTS.—Not later than 180 days after notice is due under

subsection (a)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

"(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

"(2) A copy of the methodology used to determine the health risks described in paragraph (1).

"(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit."

□ 1320

The material previously referred to by Mr. MCGOVERN is as follows:

An amendment to H. Res. 276 offered by Mr. MCGOVERN of Massachusetts:

At the end of the resolution, add the following new section:

SEC. 7. Notwithstanding any other provision of this resolution, an amendment consisting of the text of H.R. 1979 (added as a new title at the end of the bill) shall be in order as though printed as amendment number 153 in the report of the Committee on Rules if offered by Representative Andrews of New Jersey or a designee. That amendment shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent.

The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### RESIGNATION AS CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

OFFICE OF THE CHAPLAIN,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 15, 2011.

Hon. JOHN BOEHNER,  
Speaker of the House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: During the past eleven years, it has been my distinct honor to serve

as Chaplain of the House of Representatives. It has been a true blessing for me to come to know you, Members of Congress through the years, and so many dedicated Staff personnel who have come to the Capital to serve this nation with their daily labor and sincerity of heart.

In my duties as Chaplain I have tried to be present to all and listen to their needs. Hopefully I have offered them guidance when sought, counsel when requested and strength in difficult times. I have learned compassion for them and their families. My greatest joy has been to lead people in the Chamber and across the nation in prayer.

It is now time for me to retire. I hope you will accept my resignation as Chaplain to be effective on Saturday April 30, 2011.

I trust you will convey to all the Members of the House my continued esteem for their efforts to shape laws and policies for the common good of the American people and for a better and peaceful world. I thank you and all for the kindness, patience and friendship extended to me. Certainly I do remember all of you in my daily prayer until the end of my days.

With gratitude to you and Almighty God,

REVEREND DANIEL P. COUGHLIN,  
*Chaplain.*

The SPEAKER pro tempore. Without objection, the resignation of Father Daniel P. Coughlin as Chaplain, effective April 30, 2011, is accepted.

There was no objection.

#### BEST WISHES TO REVEREND DANIEL COUGHLIN AND WELCOMING REVEREND PATRICK CONROY

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, I want to join with all of my colleagues in extending best wishes to Father Coughlin for his very, very important service over the past 11 years to this institution and to welcome and congratulate the new Chaplain of the House of Representatives, Father Pat Conroy of Snohomish, Washington, a very distinguished alumnus of Claremont McKenna College in southern California, a man who has had spectacular service and even greater days ahead with the work that he is going to be doing with every Member of this institution.

#### ELECTING CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

Mr. DREIER. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 278

*Resolved*, That Father Patrick J. Conroy of the State of Oregon, be, and is hereby, chosen Chaplain of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDUCATION

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to House Resolution 269 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1216.

□ 1324

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, with Mr. CAMPBELL (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 24, 2011, a request for a recorded vote on amendment No. 7 printed in the CONGRESSIONAL RECORD by the gentlewoman from North Carolina (Ms. FOXX) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings on that amendment will now resume.

AMENDMENT NO. 7 OFFERED BY MS. FOXX

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 182, not voting 15, as follows:

[Roll No. 338]

AYES—234

|             |              |               |
|-------------|--------------|---------------|
| Adams       | Brooks       | Crenshaw      |
| Aderholt    | Broun (GA)   | Critz         |
| Akin        | Buchanan     | Culberson     |
| Alexander   | Bucshon      | Davis (KY)    |
| Altmire     | Buerkle      | Denham        |
| Amash       | Burton (IN)  | DesJarlais    |
| Austria     | Calvert      | Diaz-Balart   |
| Bachmann    | Camp         | Donnelly (IN) |
| Bachus      | Campbell     | Dreier        |
| Barletta    | Canseco      | Duffy         |
| Bartlett    | Cantor       | Duncan (SC)   |
| Barton (TX) | Carter       | Duncan (TN)   |
| Benishek    | Cassidy      | Ellmers       |
| Berg        | Chabot       | Emerson       |
| Bilirakis   | Chaffetz     | Farenthold    |
| Bishop (UT) | Coble        | Fincher       |
| Black       | Coffman (CO) | Fitzpatrick   |
| Blackburn   | Cole         | Flake         |
| Bonner      | Conaway      | Fleischmann   |
| Boren       | Costello     | Fleming       |
| Boustany    | Cravaack     | Flores        |
| Brady (TX)  | Crawford     | Forbes        |

|                 |                    |               |
|-----------------|--------------------|---------------|
| Fortenberry     | LoBiondo           | Rogers (AL)   |
| Fox             | Lucas              | Rogers (KY)   |
| Franks (AZ)     | Luetkemeyer        | Rogers (MI)   |
| Gallegly        | Lummis             | Rohrabacher   |
| Gardner         | Lungren, Daniel E. | Rokita        |
| Garrett         | Mack               | Rooney        |
| Gerlach         | Manzullo           | Ros-Lehtinen  |
| Gibbs           | Marchant           | Roskam        |
| Gibson          | Marino             | Ross (AR)     |
| Gohmert         | McCarthy (CA)      | Ross (FL)     |
| Goodlatte       | McCaul             | Royce         |
| Gosar           | McClintock         | Runyan        |
| Granger         | McCotter           | Ryan (WI)     |
| Graves (GA)     | McHenry            | Scalise       |
| Graves (MO)     | McIntyre           | Schilling     |
| Griffin (AR)    | McKeon             | Schmidt       |
| Griffith (VA)   | McKinley           | Schock        |
| Quinta          | McMorris           | Schweikert    |
| Guthrie         | Rodgers            | Scott (SC)    |
| Hall            | Meehan             | Scott, Austin |
| Harper          | Mica               | Sensenbrenner |
| Harris          | Miller (FL)        | Sessions      |
| Hartzler        | Miller (MI)        | Shimkus       |
| Hayworth        | Miller, Gary       | Shuler        |
| Hensarling      | Mulvaney           | Shuster       |
| Herger          | Murphy (PA)        | Simpson       |
| Herrera Beutler | Myrick             | Smith (NE)    |
| Holden          | Neugebauer         | Smith (NJ)    |
| Huelskamp       | Noem               | Smith (TX)    |
| Huizenga (MI)   | Nugent             | Southerland   |
| Hultgren        | Nunes              | Stearns       |
| Hunter          | Nunnelee           | Stivers       |
| Hurt            | Olson              | Stutzman      |
| Issa            | Palazzo            | Sullivan      |
| Jenkins         | Paul               | Terry         |
| Johnson (IL)    | Paulsen            | Thompson (PA) |
| Johnson (OH)    | Pearce             | Thornberry    |
| Johnson, Sam    | Pence              | Tiberi        |
| Jones           | Peterson           | Tipton        |
| Jordan          | Petri              | Turner        |
| Kelly           | Pitts              | Upton         |
| Kildee          | Platts             | Walberg       |
| King (IA)       | Poe (TX)           | Walden        |
| King (NY)       | Pompeo             | Walsh (IL)    |
| Kingston        | Posey              | West          |
| Kinzinger (IL)  | Price (GA)         | Westmoreland  |
| Kline           | Quayle             | Whitfield     |
| Labrador        | Rahall             | Wilson (SC)   |
| Lamborn         | Rehberg            | Wittman       |
| Lance           | Reichert           | Wolf          |
| Landry          | Renacci            | Womack        |
| Lankford        | Ribble             | Woodall       |
| Latham          | Rigell             | Yoder         |
| LaTourette      | Rivera             | Young (AK)    |
| Latta           | Roby               | Young (FL)    |
| Lewis (CA)      | Roe (TN)           | Young (IN)    |
| Lipinski        |                    |               |

NOES—182

|             |               |                |
|-------------|---------------|----------------|
| Ackerman    | Connolly (VA) | Hanna          |
| Andrews     | Conyers       | Hastings (FL)  |
| Baca        | Cooper        | Heck           |
| Baldwin     | Costa         | Heinrich       |
| Barrow      | Courtney      | Higgins        |
| Bass (CA)   | Crowley       | Himes          |
| Bass (NH)   | Cuellar       | Hinchee        |
| Becerra     | Cummings      | Hinojosa       |
| Berkley     | Davis (CA)    | Hirono         |
| Berman      | Davis (IL)    | Holt           |
| Biggert     | DeFazio       | Honda          |
| Bilbray     | DeGette       | Hoyer          |
| Bishop (GA) | DeLauro       | Inslee         |
| Bishop (NY) | Dent          | Israel         |
| Blumenauer  | Deuth         | Jackson Lee    |
| Bono Mack   | Dicks         | (TX)           |
| Boswell     | Dingell       | Johnson (GA)   |
| Brady (PA)  | Doggett       | Johnson, E. B. |
| Brown (FL)  | Dold          | Kaptur         |
| Butterfield | Doyle         | Keating        |
| Capito      | Edwards       | Kind           |
| Capps       | Ellison       | Kissell        |
| Capuano     | Engel         | Kucinich       |
| Cardoza     | Eshoo         | Langevin       |
| Carnahan    | Farr          | Larsen (WA)    |
| Carney      | Fattah        | Larson (CT)    |
| Carson (IN) | Frank (MA)    | Lee (CA)       |
| Chandler    | Fudge         | Levin          |
| Chu         | Garamendi     | Lewis (GA)     |
| Cicilline   | Gonzalez      | Loebsock       |
| Clarke (MI) | Green, Al     | Lofgren, Zoe   |
| Clarke (NY) | Green, Gene   | Lowey          |
| Clay        | Grijalva      | Lujan          |
| Cleaver     | Grimm         | Lynch          |
| Clyburn     | Gutierrez     | Maloney        |
| Cohen       | Hanabusa      | Markey         |

|                |                  |               |
|----------------|------------------|---------------|
| Matheson       | Price (NC)       | Smith (WA)    |
| Matsui         | Quigley          | Speier        |
| McCollum       | Rangel           | Stark         |
| McDermott      | Reyes            | Sutton        |
| McGovern       | Richardson       | Thompson (CA) |
| McNerney       | Richmond         | Thompson (MS) |
| Meeks          | Rothman (NJ)     | Tierney       |
| Michaud        | Roybal-Allard    | Tonko         |
| Miller (NC)    | Ruppersberger    | Towns         |
| Miller, George | Rush             | Tsongas       |
| Moore          | Ryan (OH)        | Van Hollen    |
| Moran          | Sánchez, Linda   | Velázquez     |
| Murphy (CT)    | T.               | Visclosky     |
| Nadler         | Sanchez, Loretta | Walz (MN)     |
| Napolitano     | Sarbanes         | Wasserman     |
| Neal           | Schakowsky       | Schultz       |
| Oliver         | Schiff           | Waters        |
| Owens          | Schrader         | Watt          |
| Pallone        | Schwartz         | Waxman        |
| Pascarell      | Scott (VA)       | Weiner        |
| Pastor (AZ)    | Scott, David     | Welch         |
| Payne          | Serrano          | Wilson (FL)   |
| Pelosi         | Sewell           | Woolsey       |
| Perlmutter     | Sherman          | Wu            |
| Peters         | Sires            | Yarmuth       |
| Pingree (ME)   | Slaughter        |               |

## NOT VOTING—15

|               |               |               |
|---------------|---------------|---------------|
| Braley (IA)   | Giffords      | Long          |
| Burgess       | Gingrey (GA)  | McCarthy (NY) |
| Castor (FL)   | Gowdy         | Polis         |
| Filner        | Hastings (WA) | Reed          |
| Frelinghuysen | Jackson (IL)  | Webster       |

□ 1349

Mr. BLUMENAUER and Ms. WASSERMAN SCHULTZ changed their vote from “aye” to “no.”

Messrs. ALTMIRE and SULLIVAN changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. REED. Mr. Chair, on rollcall No. 338, had I been present, I would have voted, “aye.”

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 338, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, “no.”

The Acting CHAIR. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GERLACH) having assumed the chair, Mr. CAMPBELL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations, and, pursuant to House Resolution 269, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further proceedings on this bill are postponed.

## WELCOMING THE NEW HOUSE CHAPLAIN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, one of the most important members of the House community is not a Member of the House. Upon its inception, the House elected a chaplain to deliver the opening prayer, continuing a tradition started by the First Continental Congress.

As the House has grown, so has the role of the chaplain, who Members, officers, and staff look to for advice and counsel.

The chaplain also sees to the well-being of this institution, which serves people of all faiths, and a Nation that has always put its trust in God.

Our national motto is an echo of the 16th Psalm, which in part says: “Preserve me, O God, for in thee do I put my trust.”

In many ways, the chaplain is the anchor of the House.

So it was with regret that we bid farewell to Father Coughlin, who retired after 11 years of distinguished service. But always looking out for us, Father Dan left behind one last blessing. He recommended someone who he felt would be a worthy successor. And to no surprise, Father Dan was right.

Father Pat Conroy comes to us from the Northwest. He was born and raised in Washington State and has spent much of his priesthood in Oregon. Next month, he will mark his 28th year as a Jesuit priest.

Father Pat also served here in our capital city. He was chaplain at Georgetown University for a total of 10 years.

He has a deep appreciation for public service. Before being called into the priesthood, Father Pat had thought he had a calling into politics, specifically the United States Senate.

Father, something tells me that you'll fit in just fine right here.

I think it's important to give the House a sense of Father Pat's character.

This is from a letter he wrote expressing his willingness to serve as chaplain:

“As a Jesuit, I believe it a part of my calling to find God in all things and to discover the spirit of God present in the people I encounter and whom I serve. I wish to say that I am ready and willing should those to be served deem me worthy of this ministry. Though true of any ministry, the position would call me to a radical reliance upon the grace of God, which would also be God's gift.”

I think it's clear this loyal servant of the faithful is uniquely suited to serve as chaplain of the people's House.

Leader PELOSI and I have gotten a chance to know Father Pat, and we are honored that he has accepted our invitation to serve as chaplain. We're blessed, I think, to have his guidance and his wisdom as we discharge our duties and fulfill our obligations to current and future generations of Americans.

Please join me in welcoming and congratulating the 60th chaplain of the House of Representatives, Father Pat Conroy.

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. As the Speaker takes the chair, I join him in commending to the House the spiritual leadership of Father Patrick Conroy.

Speaker BOEHNER, I wish to associate myself with your remarks so beautifully explaining how proud we are that Father Patrick Conroy has agreed to this additional responsibility.

I would only like to add that in his ministering to the needs at Georgetown as a chaplain there, he was engaged in many interfaith ministerings. So that serves him well to come here with the diversity of beliefs that we have within even the Protestant part of our Congress but also throughout the Congress.

Father Pat Conroy comes with a healthy respect for what we do, as Speaker BOEHNER said. He has been a longtime Jesuit and again served very beautifully in that capacity. Before that he was an attorney. So the making of laws is of interest to him. That is not to say that he doesn't understand his first responsibility, and that is to minister to the spiritual and personal needs of our colleagues.

Yes, Speaker BOEHNER was correct in saying that one of the last gifts that Father Coughlin left us was a recommendation that Father Patrick Conroy would be considered to follow in his footsteps, and huge footsteps they are. For more than 10 years, Father Dan was our spiritual leader, and we were blessed with that.

Today, we are blessed again with the Speaker's recommendation to the body of Father Patrick Conroy as the Chaplain of the House of Representatives.

It is a beautiful honor, steeped in history, deeply personal, free of politics; and we wish him every success in that job.

Father, we pray for you. Please pray for us.

Welcome, Father Patrick Conroy.

## SWEARING IN OF THE CHAPLAIN OF THE HOUSE OF REPRESENTATIVES

The SPEAKER. Will the Chaplain designate please take the well.

The Chair will now swear in the Chaplain of the House.

The Chaplain-designate took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations.

□ 1400

# REPEALING MANDATORY FUNDING FOR GRADUATE MEDICAL EDU- CATION

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 1(c) of rule XIX, further proceedings will resume with the third reading of the bill (H.R. 1216) to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

The bill was read the third time.

## MOTION TO RECOMMIT

Mr. CLYBURN. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CLYBURN. In its current form, I am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Clyburn moves to recommit the bill H.R. 1216 to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

Page 3, after line 14, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

(2) in subsection (b)(2), by adding at the end the following new subparagraph:

“(C) ENSURING AUTHORIZED AMOUNTS FIRST PROVIDED TO UNDERSERVED AREAS.—

“(i) IN GENERAL.—Subject to subparagraphs (A) and (B), in determining the amounts payable under this section to qualified teaching health centers for a fiscal year, the Secretary shall—

“(I) first make payments under this section to qualified teaching health centers in underserved areas, based on the full amount determined for such centers pursuant to clause (ii); and

“(II) after application of subclause (I), from any remaining amounts appropriated for such fiscal year pursuant to subsection (g), make payments under this section to qualified teaching health centers not described in subclause (I).

“(ii) DETERMINATION.—For purposes of making payments under clause (i)(I), the Secretary shall determine such amounts that would be payable under this section to qualified teaching health centers described in such clause as if the full amount authorized to be appropriated under subsection (g) for such fiscal year is the amount appropriated to carry out this section for such fiscal year.”;

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina is recognized for 5 minutes in support of his motion.

Mr. CLYBURN. Madam Speaker, last month, Republicans voted to end Medicare. According to the nonpartisan Congressional Budget Office, their plan would raise seniors' health care costs by more than \$6,000 per year, doubling their out-of-pocket costs.

Now, this week, Republicans want to cut training for new primary care doctors. This is another part of their attempt to repeal health care reform piece by piece. Madam Speaker, there is bipartisan agreement that we need more primary care physicians. Yet Republicans are bringing up a bill that will make sure that even fewer primary care doctors are trained to meet the growing demand. This is a terrible idea but not surprising.

I oppose this bill because we need to be training more primary care doctors, not fewer; but at a minimum, we must ensure that the Nation's neediest areas have access to the doctors they need.

This final amendment will ensure that training programs in the areas most in need of primary care doctors are to be prioritized for funding. This is common sense.

My district, like so many others represented in this body, has some very rural communities. In many areas, families have to drive for dozens of miles to reach the nearest doctor. People who live in remote communities, like Brittons Neck and Salters, travel great distances in search of primary care, and many don't have public or private transportation. This is not just an abstract debate about compassion. For many people, it is literally a matter of life and death.

Madam Speaker, we all know that, for decades, many communities across the country have been left out of the American Dream year after year after year. We call these places persistent poverty counties—counties where more than 20 percent of their populations have existed below the poverty level for at least 30 years. Approximately 15 percent of all counties in America qualify as persistent poverty counties under this definition. Because a majority of these counties is rural, it only comprises about 7 percent of the Nation's population. These are the places that this amendment targets for funding.

These communities are diverse and are spread across the country, including Appalachian communities in Kentucky and West Virginia, Native American communities in South Dakota and Alaska, Latino communities in Arizona and New Mexico, African American communities in Mississippi and South Carolina, and urban communities in Philadelphia, New York, Baltimore, and St. Louis.

So I say to my colleagues on the other side: If you're going to cut fund-

ing for training new doctors, let us at least ensure that the communities with the greatest needs are placed at the front of the line. I urge my colleagues to vote “yes” on this final amendment.

Madam Speaker, I yield back the balance of my time.

Mr. GUTHRIE. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 5 minutes.

Mr. GUTHRIE. Madam Speaker, as we began the debate about Medicare just a minute ago, we knew last week when we left to go home to work in our districts that Medicare's actuary said it is going to go bankrupt in 2024.

This side of the aisle has offered a plan to make it stable, secure and sustainable. There is no member—no member as we heard all day yesterday—of the Greatest Generation on whom this will have any effect. As a matter of fact, over half the baby boomer generation will have no changes. We are changing Medicare to make it work so it is sustainable.

If we follow the plan introduced by the President, which does raise taxes on the rich but still does not address the sustainability of Medicare in the future, my daughter, when she is my age 30 years from now, will wake up and go to work, and 100 percent of the Federal income tax she pays will pay for my generation to be retired. The Greatest Generation provided my generation opportunities, and we're working to make sure our children have opportunities as well.

On the underlying bill, what's interesting is that this bill only takes this program back to the way it was passed out of the House in the health care bill. We are doing exactly what the majority passed out of the House. It changed to a mandatory program in the Senate, and was adopted when it came back from the Senate.

So, if this program is so important that it has to be mandatory funding as they say it has to be, why didn't they do it when they debated the health care bill before and include the provision that is in this motion to recommit?

□ 1410

As a matter of fact, this bill authorizes changes in medical education in hospitals, teaching hospitals, children's hospitals, nurses' programs, geriatric programs, pediatric programs. There are all sorts of them, and none of them have the provision that this motion to recommit wants to put on this program.

So I say we need to get a handle on the budget so we can have a future for this country. We need to quit putting programs on autopilot, and put them in the process, that they go through the appropriations process so they can be

reviewed and they can be determined which programs are successful and moving forward.

It is important that we have primary care physicians trained at teaching health centers, but it's also important we have them at children's hospitals that were zeroed out in the President's budget. So as we put these programs on mandatory spending, we are losing opportunities to fund other programs. Community health centers, they compete for discretionary funding. This is money that would be taken from that area and on to mandatory funding.

So, Madam Speaker, this side of the House is ready to say to the Greatest Generation, we're preserving what you have. We also want to tell our children they have a future as great as the Greatest Generation gave us.

Madam Speaker, I ask my colleagues to vote against this motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CLYBURN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1216, if ordered; ordering the previous question on House Resolution 276 and the amendment thereto; adoption of the amendment to House Resolution 276, if ordered; and adoption of House Resolution 276, if ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 11, as follows:

[Roll No. 339]

#### AYES—184

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Chu           | Doggett       |
| Andrews     | Cicilline     | Donnelly (IN) |
| Baca        | Clarke (MI)   | Doyle         |
| Baldwin     | Clarke (NY)   | Edwards       |
| Barrow      | Clay          | Ellison       |
| Bass (CA)   | Cleaver       | Engel         |
| Becerra     | Clyburn       | Eshoo         |
| Berkley     | Cohen         | Farr          |
| Berman      | Connolly (VA) | Fattah        |
| Bishop (GA) | Cooper        | Frank (MA)    |
| Bishop (NY) | Costa         | Fudge         |
| Blumenauer  | Costello      | Garamendi     |
| Boren       | Courtney      | Gonzalez      |
| Boswell     | Critz         | Green, Al     |
| Brady (PA)  | Crowley       | Green, Gene   |
| Brown (FL)  | Cuellar       | Grijalva      |
| Butterfield | Cummings      | Gutierrez     |
| Capps       | Davis (CA)    | Hanabusa      |
| Capuano     | Davis (IL)    | Heinrich      |
| Cardoza     | DeFazio       | Higgins       |
| Carnahan    | DeGette       | Himes         |
| Carney      | DeLauro       | Hinchee       |
| Carson (IN) | Deutch        | Hinojosa      |
| Castor (FL) | Dicks         | Hirono        |
| Chandler    | Dingell       | Holden        |

|                |                  |               |
|----------------|------------------|---------------|
| Holt           | Michaud          | Schiff        |
| Honda          | Miller (NC)      | Schrader      |
| Hoyer          | Miller, George   | Schwartz      |
| Inslee         | Moore            | Scott (VA)    |
| Israel         | Moran            | Scott, David  |
| Jackson Lee    | Murphy (CT)      | Serrano       |
| (TX)           | Nadler           | Sewell        |
| Johnson (GA)   | Napolitano       | Sherman       |
| Johnson, E. B. | Neal             | Shuler        |
| Jones          | Olver            | Sires         |
| Kaptur         | Owens            | Slaughter     |
| Keating        | Pallone          | Smith (WA)    |
| Kildee         | Pascrell         | Speier        |
| Kind           | Pastor (AZ)      | Stark         |
| Kissell        | Payne            | Sutton        |
| Kucinich       | Pelosi           | Thompson (CA) |
| Langevin       | Perlmutter       | Thompson (MS) |
| Larsen (WA)    | Peters           | Tierney       |
| Larson (CT)    | Peterson         | Tonko         |
| Lee (CA)       | Pingree (ME)     | Towns         |
| Levin          | Polis            | Tsongas       |
| Lewis (GA)     | Price (NC)       | Van Hollen    |
| Lipinski       | Quigley          | Velázquez     |
| Loeb sack      | Rahall           | Visclosky     |
| Lofgren, Zoe   | Rangel           | Walz (MN)     |
| Lowe y         | Reyes            | Wasserman     |
| Luján          | Richardson       | Schultz       |
| Lynch          | Richmond         | Waters        |
| Maloney        | Ross (AR)        | Watt          |
| Markey         | Rothman (NJ)     | Waxman        |
| Matheson       | Roybal-Allard    | Rush          |
| Matsui         | Ryan (OH)        | Welch         |
| McCollum       | Sánchez, Linda   | Wilson (FL)   |
| McDermott      | T.               | Woolsey       |
| McGovern       | Sanchez, Loretta | Wu            |
| McIntyre       | Sarbanes         | Yarmuth       |
| McNerney       | Schakowsky       |               |
| Meeks          |                  |               |

#### NOES—236

|              |                 |                 |
|--------------|-----------------|-----------------|
| Adams        | Dold            | Johnson (OH)    |
| Aderholt     | Dreier          | Johnson, Sam    |
| Akin         | Duffy           | Jordan          |
| Alexander    | Duncan (SC)     | Kelly           |
| Altmire      | Duncan (TN)     | King (IA)       |
| Amash        | Ellmers         | King (NY)       |
| Austria      | Emerson         | Kingston        |
| Bachmann     | Farenthold      | Kinzinger (IL)  |
| Bachus       | Fincher         | Kline           |
| Barletta     | Fitzpatrick     | Labrador        |
| Bartlett     | Flake           | Lamborn         |
| Barton (TX)  | Fleischmann     | Lance           |
| Bass (NH)    | Fleming         | Landry          |
| Benish ek    | Flores          | Lankford        |
| Berg         | Forbes          | Latham          |
| Biggert      | Fortenberry     | LaTourette      |
| Bilbray      | Fox             | Latta           |
| Bilirakis    | Franks (AZ)     | Lewis (CA)      |
| Bishop (UT)  | Gallegly        | LoBiondo        |
| Black        | Gardner         | Lucas           |
| Blackburn    | Garrett         | Luetkemeyer     |
| Bonner       | Gerlach         | Lummis          |
| Bono Mack    | Gibbs           | Lungren, Daniel |
| Boustany     | Gibson          | E.              |
| Brady (TX)   | Gingrey (GA)    | Mack            |
| Brooks       | Gohmert         | Manzullo        |
| Broun (GA)   | Goodlatte       | Marchant        |
| Buchanan     | Gosar           | Marino          |
| Bucshon      | Gowdy           | McCarthy (CA)   |
| Buerkle      | Granger         | McCaul          |
| Burgess      | Graves (GA)     | McClintock      |
| Burton (IN)  | Graves (MO)     | McCotter        |
| Calvert      | Griffin (AR)    | McHenry         |
| Camp         | Griffith (VA)   | McKeon          |
| Campbell     | Grimm           | McKinley        |
| Canseco      | Guinta          | McMorris        |
| Capito       | Guthrie         | Rodgers         |
| Carter       | Hall            | Meehan          |
| Cassidy      | Hanna           | Mica            |
| Chabot       | Harper          | Miller (FL)     |
| Chaffetz     | Harris          | Miller (MI)     |
| Coble        | Hartzler        | Miller, Gary    |
| Coffman (CO) | Hayworth        | Mulvaney        |
| Cole         | Heck            | Murphy (PA)     |
| Conaway      | Hensarling      | Myrick          |
| Conyers      | Herger          | Neugebauer      |
| Cravaack     | Herrera Beutler | Noem            |
| Crawford     | Huelskamp       | Nugent          |
| Crenshaw     | Huizenga (MI)   | Nunes           |
| Culberson    | Hultgren        | Nunnelee        |
| Davis (KY)   | Hunter          | Olson           |
| Denham       | Hurt            | Palazzo         |
| Dent         | Issa            | Paul            |
| DesJarlais   | Jenkins         | Paulsen         |
| Diaz-Balart  | Johnson (IL)    | Pearce          |

|              |               |               |
|--------------|---------------|---------------|
| Pence        | Roskam        | Terry         |
| Petri        | Ross (FL)     | Thompson (PA) |
| Pitts        | Royce         | Thornberry    |
| Platts       | Runyan        | Tiberi        |
| Poe (TX)     | Ryan (WI)     | Tipton        |
| Pompeo       | Scalise       | Turner        |
| Posey        | Schilling     | Upton         |
| Price (GA)   | Schmidt       | Walberg       |
| Quayle       | Schock        | Walden        |
| Reed         | Schweikert    | Walsh (IL)    |
| Rehberg      | Scott (SC)    | Webster       |
| Reichert     | Scott, Austin | West          |
| Renacci      | Sensenbrenner | Westmoreland  |
| Ribble       | Sessions      | Whitfield     |
| Rigell       | Shimkus       | Wilson (SC)   |
| Rivera       | Shuster       | Wittman       |
| Roby         | Simpson       | Wolf          |
| Roe (TN)     | Smith (NE)    | Womack        |
| Rogers (AL)  | Smith (NJ)    | Woodall       |
| Rogers (KY)  | Smith (TX)    | Yoder         |
| Rogers (MI)  | Southerland   | Young (AK)    |
| Rohrabacher  | Stearns       | Young (FL)    |
| Rokita       | Stivers       | Young (IN)    |
| Rooney       | Stutzman      |               |
| Ros-Lehtinen | Sullivan      |               |

#### NOT VOTING—11

|               |               |               |
|---------------|---------------|---------------|
| Braley (IA)   | Giffords      | Long          |
| Cantor        | Hastings (FL) | McCarthy (NY) |
| Filner        | Hastings (WA) | Ruppersberger |
| Frelinghuysen | Jackson (IL)  |               |

□ 1432

Messrs. GUTIERREZ and PAYNE changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 339, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Ms. CASTOR of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 185, not voting 12, as follows:

[Roll No. 340]

#### AYES—234

|             |              |             |
|-------------|--------------|-------------|
| Adams       | Broun (GA)   | Denham      |
| Aderholt    | Buchanan     | Dent        |
| Akin        | Bucshon      | DesJarlais  |
| Alexander   | Buerkle      | Diaz-Balart |
| Amash       | Burgess      | Dold        |
| Austria     | Burton (IN)  | Dreier      |
| Bachmann    | Calvert      | Duffy       |
| Bachus      | Camp         | Duncan (SC) |
| Bartlett    | Campbell     | Duncan (TN) |
| Barton (TX) | Canseco      | Ellmers     |
| Bass (NH)   | Cantor       | Emerson     |
| Benish ek   | Capito       | Farenthold  |
| Berg        | Carter       | Fincher     |
| Biggert     | Cassidy      | Fitzpatrick |
| Bilbray     | Chabot       | Flake       |
| Bilirakis   | Chaffetz     | Fleischmann |
| Bishop (UT) | Coble        | Fleming     |
| Black       | Coffman (CO) | Flores      |
| Blackburn   | Cole         | Forbes      |
| Bonner      | Conaway      | Fortenberry |
| Bono Mack   | Cravaack     | Fox         |
| Boren       | Crawford     | Gallegly    |
| Boustany    | Crenshaw     | Gardner     |
| Brady (TX)  | Culberson    | Garrett     |
| Brooks      | Davis (KY)   | Gerlach     |

Gibbs Lungren, Daniel  
 Gibson E.  
 Gingrey (GA) Mack  
 Gohmert Manzullo  
 Goodlatte Marchant  
 Gosar Marino  
 Gowdy McCarthy (CA)  
 Granger McCaul  
 Graves (GA) McClintock  
 Graves (MO) McCotter  
 Griffin (AR) McHenry  
 Griffith (VA) McIntyre  
 Grimm McKeon  
 Guinta McKinley  
 Guthrie McMorris  
 Hall Rodgers  
 Harper Mica  
 Harris Miller (FL)  
 Hartzler Miller (MI)  
 Hayworth Miller, Gary  
 Heck Mulvaney  
 Hensarling Murphy (PA)  
 Herger Myrick  
 Herrera Beutler Neugebauer  
 Huelskamp Noem  
 Huizenga (MI) Nugent  
 Hultgren Nunes  
 Hunter Nunnelee  
 Hurt Olson  
 Issa Palazzo  
 Jenkins Paul  
 Johnson (IL) Paulsen  
 Johnson (OH) Pearce  
 Johnson, Sam Pence  
 Jones Petri  
 Jordan Pitts  
 Kelly Platts  
 King (NY) Poe (TX)  
 Kingston Pompeo  
 Kinzinger (IL) Posey  
 Kline Price (GA)  
 Labrador Quayle  
 Lamborn Rangel  
 Lance Reed  
 Landry Rehberg  
 Lankford Reichert  
 Latham Renacci  
 LaTourette Ribble  
 Latta Rigell  
 Lewis (CA) Rivera  
 LoBiondo Roby  
 Lucas Roe (TN)  
 Luetkemeyer Rogers (AL)  
 Lummis Rogers (KY)

## NOES—185

Ackerman Crowley  
 Altmire Cuellar  
 Andrews Cummings  
 Baca Davis (CA)  
 Baldwin Davis (IL)  
 Barletta DeFazio  
 Barrow DeGette  
 Bass (CA) DeLauro  
 Becerra Deutch  
 Berkley Dicks  
 Berman Dingell  
 Bishop (GA) Doggett  
 Bishop (NY) Donnelly (IN)  
 Blumenauer Doyle  
 Boswell Edwards  
 Brady (PA) Ellison  
 Brown (FL) Engel  
 Butterfield Eshoo  
 Capps Farr  
 Capuano Fattah  
 Cardoza Frank (MA)  
 Carnahan Fudge  
 Carney Garamendi  
 Carson (IN) Gonzalez  
 Castor (FL) Lujan  
 Chandler Green, Al  
 Chu Green, Gene  
 Cicilline Grijalva  
 Clarke (MI) Gutierrez  
 Clarke (NY) Hanabusa  
 Clay Hanna  
 Cleaver Heinrich  
 Cohen Higgins  
 Connolly (VA) Himes  
 Cooper Hinchey  
 Costa Hinojosa  
 Costello Hirono  
 Courtney Holden  
 Critz Holt  
 Honda

Rogers (MI) Rogers  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (FL)  
 Royce  
 Runyan  
 Ryan (WI)  
 Scalise  
 Schilling  
 Schmidt  
 Schock  
 Schweikert  
 Scott (SC)  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Stearns  
 Stivers  
 Stutzman  
 Sullivan  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner  
 Upton  
 Walberg  
 Walden  
 Walsh (IL)  
 Webster  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Napolitano  
 Neal  
 Oliver  
 Owens  
 Pallone  
 Pascarell  
 Pastor (AZ)  
 Payne  
 Pelosi  
 Perlmutter  
 Peters  
 Peterson  
 Pingree (ME)  
 Polis  
 Price (NC)  
 Quigley  
 Rahall  
 Reyes  
 Richardson  
 Richmond

Braley (IA)  
 Clyburn  
 Conyers  
 Filner

Ross (AR)  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Schakowsky  
 Schiff  
 Schrader  
 Schwartz  
 Scott (VA)  
 Scott, David  
 Serrano  
 Sewell  
 Sherman  
 Shuler  
 Sires  
 Slaughter  
 Smith (WA)  
 Speier

## NOT VOTING—12

Franks (AZ)  
 Frelinghuysen  
 Giffords  
 Hastings (FL)  
 Hastings (WA)  
 Jackson (IL)  
 Long  
 McCarthy (NY)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1439

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 340, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "no."

## PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on May 25, 2011, I was not present to vote on H.R. 1216. Had I been present, I would have voted, "no."

Additionally, I inadvertently cast a "nay" vote on the Motion to Recommit H.R. 1216. I intended to vote, "yea."

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the amendment and on the resolution (H. Res. 276) providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 11, as follows:

[Roll No. 341]

## YEAS—239

Adams  
 Aderholt  
 Akin  
 Alexander  
 Altmire  
 Amash  
 Austria  
 Bachmann  
 Bachus  
 Barletta  
 Bartlett  
 Barton (TX)  
 Bass (NH)  
 Benishke  
 Berg  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Bonner  
 Bono Mack  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Buchanan  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Carter  
 Cassidy  
 Chabot  
 Chaffetz  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Cravaack  
 Crawford  
 Crenshaw  
 Culberson  
 Davis (KY)  
 Denham  
 Dent  
 DesJarlais  
 Diaz-Balart  
 Dold  
 Dreier  
 Duffy  
 Duncan (SC)  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Flake  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Gallegly  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs  
 Gibson  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie  
 Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hayworth  
 Heck  
 Hensarling  
 Herger  
 Herrera Beutler  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Kelly  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kline  
 Labrador  
 Lamborn  
 Lance  
 Landry  
 Lankford  
 Latham  
 LaTourette  
 Latta  
 Lewis (CA)  
 LoBiondo  
 Lucas  
 Luetkemeyer  
 Lummis  
 Lungren, Daniel  
 E.  
 Mack  
 Manzullo  
 Marchant  
 Marino  
 McCarthy (CA)  
 McCaul  
 McClintock  
 McCotter  
 McHenry  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 Meehan  
 Mica  
 Miller (FL)  
 Miller (MI)  
 Miller, Gary  
 Mulvaney  
 Murphy (CT)  
 Murphy (PA)  
 Myrick  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Palazzo  
 Paul  
 Paulsen  
 Pearce  
 Pence  
 Petri  
 Pitts  
 Platts  
 Poe (TX)  
 Pompeo  
 Posey  
 Price (GA)  
 Quayle  
 Reed  
 Rehberg  
 Reichert  
 Renacci  
 Ribble  
 Rigell  
 Rivera  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (FL)  
 Royce  
 Runyan  
 Ryan (WI)  
 Scalise  
 Schilling  
 Schmidt  
 Schock  
 Schweikert  
 Scott (SC)  
 Scott, Austin  
 Sensenbrenner  
 Sessions  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Southerland  
 Stearns  
 Stivers  
 Stutzman  
 Sullivan  
 Terry  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Turner  
 Upton  
 Walberg  
 Walden  
 Walsh (IL)  
 Webster  
 West  
 Westmoreland  
 Whitfield  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

## NAYS—181

Ackerman  
 Andrews  
 Baca  
 Baldwin  
 Barrow  
 Bass (CA)  
 Becerra  
 Berkley  
 Berman  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer



Boren  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleave  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich

Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Inslee  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter  
Peters

Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOT VOTING—11

Braley (IA)  
Clyburn  
Filner  
Frelinghuysen

Giffords  
Hastings (WA)  
Hoyer  
Jackson (IL)

Kildee  
Long  
McCarthy (NY)

□ 1451

So the previous question was ordered.  
The result of the vote was announced  
as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 341, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "nay."

(By unanimous consent, Mr. CANTOR was allowed to speak out of order.)

## LEGISLATIVE PROGRAM

Mr. CANTOR. Madam Speaker, as Members are aware, three critical provisions of the USA PATRIOT Act expire at midnight on Thursday. It is critical to our national security that we extend these provisions as soon as possible. At this time, though, a bipartisan agreement on a 4-year extension of each expiring provision is still pending in the Senate.

Unfortunately, the Senate will not vote on cloture until some point Thurs-

day morning. Further, the cloture vote initiates up to 30 hours of post-cloture debate before the Senate can vote on final passage and send the bill to the House. If all time were used, which is currently not known, the Senate would not clear their bill until Friday morning.

Therefore, Madam Speaker, Members are advised to make contingency travel plans for Thursday and Friday. It is likely that the House will be in session and voting past 3 p.m. tomorrow. Further, it is possible that the House could also be in session and voting on Friday. We will update Members on the Senate's progress as we continue to move through the week, Madam Speaker.

I thank the Members for their patience, and I no doubt share in their unspoken thoughts about the other body.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. MCGOVERN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 170, not voting 18, as follows:

[Roll No. 342]

AYES—243

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Benishak  
Berg  
Biggett  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert

Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cravack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick

Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth

Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon

McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Perlmutter  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen

Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—170

Ackerman  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleave  
Cohen  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro

Deutch  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Inslee  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)

Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush

|                   |               |             |
|-------------------|---------------|-------------|
| Sánchez, Linda T. | Sires         | Visclosky   |
| Sanchez, Loretta  | Slaughter     | Walz (MN)   |
| Sarbanes          | Smith (WA)    | Wasserman   |
| Schakowsky        | Speier        | Schultz     |
| Schiff            | Stark         | Waters      |
| Schock            | Sutton        | Watt        |
| Schrader          | Thompson (CA) | Waxman      |
| Schwartz          | Thompson (MS) | Weiner      |
| Scott (VA)        | Tierney       | Welch       |
| Scott, David      | Tonko         | Wilson (FL) |
| Serrano           | Towns         | Woolsey     |
| Sewell            | Tsongas       | Wu          |
| Sherman           | Van Hollen    | Yarmuth     |
|                   | Velázquez     |             |

## NOT VOTING—18

|             |               |               |
|-------------|---------------|---------------|
| Bass (NH)   | Filner        | Kingston      |
| Braley (IA) | Frelinghuysen | Long          |
| Clyburn     | Giffords      | McCarthy (NY) |
| Crowley     | Hastings (WA) | Pelosi        |
| Diaz-Balart | Hoyer         | Scott (SC)    |
| Dicks       | Jackson (IL)  | Westmoreland  |

## □ 1502

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCOTT of South Carolina. Madam Speaker, on rollcall No. 342, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 342, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

# 

Mr. McHENRY. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. KING of Iowa). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

## 

Mr. RANGEL. Mr. Speaker, I am recorded as having voted "yes" on H.R. 1216; it should have been a "no."

## 

Mr. HASTINGS of Florida. Mr. Speaker, I was in room 2103 of the Rayburn Building, and the electronic buzzer did not go off. I missed the vote on the Democratic motion to recommit on H.R. 1216. Had I been present, I would have voted "yes." And on final passage of H.R. 1216, had I been present, I would have voted "no."

## 

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?  
There was no objection.

## 

The SPEAKER pro tempore. Pursuant to House Resolution 276 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1540.

## □ 1503

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with Mrs. MILLER of Michigan (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 24, 2011, all time for general debate pursuant to House Resolution 269 had expired.

Pursuant to House Resolution 276, as amended, no further general debate shall be in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1540

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### 

*This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2012".*

### 

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

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Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Limitation on retirement of C-23 aircraft.

Sec. 112. Limitation on procurement of Stryker combat vehicles.

Sec. 113. Multiyear procurement authority for airframes for Army UH-60M/HH-60M helicopters and Navy MH-60R/MH-60S helicopters.

Subtitle C—Navy Programs

Sec. 121. Multiyear funding for detail design and construction of LHA replacement ship designated LHA-7.

Sec. 122. Multiyear funding for procurement of Arleigh Burke-class destroyers.

Sec. 123. Multiyear procurement authority for mission avionics and common cockpits for Navy MH-60R/S helicopters.

Sec. 124. Separate procurement line item for certain Littoral Combat Ship mission modules.

Sec. 125. Life-cycle cost-benefit analysis on alternative maintenance and sustainability plans for the Littoral Combat Ship program.

Sec. 126. Limitation on availability of funds for F/A-18 service life extension program.

Subtitle D—Air Force Programs

Sec. 131. B-1 Bomber force structure.

Sec. 132. Procurement of advanced extremely high frequency satellites.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Joint Improvised Explosive Device Defeat Fund.

Sec. 142. Contracts for commercial imaging satellite capacities.

Sec. 143. Limitation on availability of funds for acquisition of joint tactical radio system.

Sec. 144. Limitation on availability of funds for aviation foreign internal defense program.

Sec. 145. Limitation on availability of funds for commercial satellite procurement.

Sec. 146. Separate procurement line item for non-lethal weapons funding.

### 

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

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Sec. 212. Limitation on the individual carbine program.

Sec. 213. Limitation on availability of funds for Ohio-class ballistic missile submarine replacement program.

Sec. 214. Limitation on availability of funds for amphibious assault vehicles of the Marine Corps.

Sec. 215. Limitation on obligation of funds for the propulsion system for the F-35 Lightning II aircraft program.

Sec. 216. Limitation on obligation of funds for joint replacement fuze program.

Sec. 217. Limitation on availability of funds for the Joint Space Operations Center management system.

Sec. 218. Limitation on availability of funds for wireless innovation fund.

Sec. 219. Advanced rotorcraft flight research and development.

Sec. 220. Designation of main propulsion system of the next-generation long-range strike bomber aircraft as major subprogram.

Sec. 221. Designation of electromagnetic aircraft launch system development and procurement program as major subprogram.

Sec. 222. Prohibition on delegation of budgeting authority for certain research and educational programs.

Sec. 223. Limitation on availability of funds for Future Unmanned Carrier-based Strike System.

*Subtitle C—Missile Defense Programs*

Sec. 231. Acquisition accountability reports on the ballistic missile defense system.

Sec. 232. Limitation on availability of funds for Medium Extended Air Defense System.

Sec. 233. Homeland defense hedging policy and strategy.

Sec. 234. Ground-based midcourse defense system.

Sec. 235. Study on space-based interceptor technology.

*Subtitle D—Reports*

Sec. 241. Annual comptroller general report on the KC-46A aircraft acquisition program.

Sec. 242. Independent review and assessment of cryptographic modernization program.

Sec. 243. Report on feasibility of electromagnetic rail gun system.

*Subtitle E—Other Matters*

Sec. 251. Repeal of Requirement for Technology Transition Initiative.

Sec. 252. Preservation and storage of certain property related to F136 propulsion system.

Sec. 253. Extension of authority for mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.

**TITLE III—OPERATION AND MAINTENANCE**

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Sec. 301. Operation and maintenance funding.

*Subtitle B—Energy and Environmental Provisions*

Sec. 311. Designation of senior official of Joint Chiefs of Staff for operational energy plans and programs and operational energy budget certification.

Sec. 312. Military installation implementation of land management plans and sustainability studies.

Sec. 313. Improved Sikes Act coverage of State-owned facilities used for the national defense.

Sec. 314. Discharge of wastes at sea generated by ships of the Armed Forces.

Sec. 315. Designation of Department of Defense executive agent for alternative fuel development.

Sec. 316. Favorable consideration of energy-efficient technologies in contracts for logistics support of contingency operations.

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Sec. 321. Definition of depot-level maintenance and repair.

Sec. 322. Core logistics capabilities.

Sec. 323. Designation of military industrial facilities as Centers of Industrial and Technical Excellence.

Sec. 324. Redesignation of core competencies as core logistics capabilities for Centers of Industrial and Technical Excellence.

Sec. 325. Permanent and expanded authority for Army industrial facilities to enter into certain cooperative arrangements with non-Army entities.

Sec. 326. Amendment to requirement relating to consideration of competition throughout operation and sustainment of major weapon systems.

Sec. 327. Implementation of corrective actions resulting from corrosion study of the F-22 and F-35 aircraft.

*Subtitle D—Readiness*

Sec. 331. Modification of Department of Defense authority to accept voluntary contributions of funds.

Sec. 332. Review of proposed structures affecting navigable airspace.

Sec. 333. Sense of Congress regarding integration of ballistic missile defense training across and between combatant commands and military services.

*Subtitle E—Reports*

Sec. 341. Annual certification and modifications of annual report on prepositioned materiel and equipment.

Sec. 342. Modification of report on maintenance and repair of vessels in foreign shipyards.

Sec. 343. Additional requirements for annual report on military working dogs.

Sec. 344. Assessment and reporting requirements regarding the status of compliance with joint military training and force allocations.

Sec. 345. Study of United States Pacific Command training readiness.

*Subtitle F—Limitations and Extensions of Authority*

Sec. 351. Adoption of military working dog by family of deceased or seriously wounded member of the Armed Forces who was the dog's handler.

Sec. 352. Prohibition on expansion of the Air Force food transformation initiative.

Sec. 353. Limitation on obligation and expenditure of funds for the migration of Army enterprise email services.

Sec. 354. One-year extension of pilot program for availability of working-capital funds to Army for certain product improvements.

*Subtitle G—Other Matters*

Sec. 361. Consideration of foreclosure circumstances in adjudication of security clearances.

Sec. 362. Authority to provide information for maritime safety of forces and hydrographic support.

Sec. 363. Deposit of reimbursed funds under reciprocal fire protection agreements.

Sec. 364. Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for printing and reproduction.

Sec. 365. Reduction in amounts otherwise authorized to be appropriated to the Department of Defense for studies, analysis, and evaluations.

Sec. 366. Clarification of the airlift service definitions relative to the Civil Reserve Air Fleet.

Sec. 367. Ratemaking procedures for Civil Reserve Air Fleet contracts.

Sec. 368. Sense of Congress on proposed Federal Aviation Administration changes to flight crew member duty and rest requirements.

Sec. 369. Policy on Active Shooter Training for certain law enforcement personnel.

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Sec. 402. Revision in permanent active duty end strength minimum levels.

*Subtitle B—Reserve Forces*

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Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2012 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

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Sec. 502. General officer and flag officer reform.

*Subtitle B—Reserve Component Management*

Sec. 511. Leadership of National Guard Bureau.

Sec. 512. Preseparation counseling for members of the reserve components.

Sec. 513. Clarification of applicability of authority for deferral of mandatory separation of military technicians (dual status) until age 60.

Sec. 514. Modification of eligibility for consideration for promotion for reserve officers employed as military technicians (dual status).

*Subtitle C—General Service Authorities*

Sec. 521. Findings regarding unique nature, demands, and hardships of military service.

Sec. 522. Policy addressing dwell time and measurement and data collection regarding unit operating tempo and personnel tempo.

Sec. 523. Authorized leave available for members of the Armed Forces upon birth or adoption of a child.

Sec. 524. Extension of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.

Sec. 525. Policy on military recruitment and enlistment of graduates of secondary schools.

Sec. 526. Navy recruiting and advertising.

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Sec. 531. Procedures for judicial review of military personnel decisions relating to correction of military records.

Sec. 532. Clarification of application and extent of direct acceptance of gifts authority.

Sec. 533. Additional condition on repeal of Don't Ask, Don't Tell policy.

Sec. 534. Military regulations regarding marriage.

Sec. 535. Use of military installations as site for marriage ceremonies and participation of chaplains and other military and civilian personnel in their official capacity.

*Subtitle E—Member Education and Training Opportunities and Administration*

Sec. 541. Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.

- Sec. 542. Expansion of reserve health professionals stipend program to include students in mental health degree programs in critical wartime specialties.
- Sec. 543. Administration of United States Air Force Institute of Technology.
- Sec. 544. Appointments to military service academies from nominations made by the governor of Puerto Rico.
- Sec. 545. Temporary authority to waive maximum age limitation on admission to United States Military Academy, United States Naval Academy, and United States Air Force Academy.
- Sec. 546. Education and employment advocacy program for wounded members of the Armed Forces.
- Subtitle F—Army National Military Cemeteries
- Sec. 551. Army National Military Cemeteries.
- Sec. 552. Inspector General of the Department of Defense inspection of military cemeteries.
- Subtitle G—Armed Forces Retirement Home
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- Sec. 563. Establishment of Armed Forces Retirement Home Advisory Council and Resident Advisory Committees.
- Sec. 564. Administrators, Ombudsmen, and staff of facilities.
- Sec. 565. Revision of fee requirements.
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- Sec. 573. Protection of child custody arrangements for parents who are members of the Armed Forces.
- Sec. 574. Center for Military Family and Community Outreach.
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- Subtitle I—Improved Sexual Assault Prevention and Response in the Armed Forces
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- Sec. 582. Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.
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- Sec. 584. Privilege in cases arising under Uniform Code of Military Justice against disclosure of communications between sexual assault victims and Sexual Assault Response Coordinators, Victim Advocates, and certain other persons.
- Sec. 585. Maintenance of records prepared in connection with sexual assaults involving members of the Armed Forces or dependents of members.
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- Sec. 722. Comptroller General reviews of Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Project.
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**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

*Subtitle A—Authorization of Appropriations*

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

*Subtitle B—Army Programs*

**SEC. 111. LIMITATION ON RETIREMENT OF C-23 AIRCRAFT.**

(a) MAINTENANCE.—The Secretary of the Army shall maintain not less than 42 C-23 aircraft, of which not less than—

(1) 11 shall be available for the active component of the Army;

(2) 4 shall be available for training operations; and

(3) 22 shall be available for domestic operations in the continental United States.

(b) LIMITATION ON RETIREMENT.—The Secretary of the Army may not retire (or prepare to retire) any C-23 aircraft or keep any such aircraft in a status considered excess to the requirements of the possessing command and awaiting disposition instructions until the date

that is one year after the date on which each report under subsection (c)(2), (d)(2), and (e)(2) has been received by the congressional defense committees.

(c) AIRLIFT STUDY AND REPORT.—

(1) STUDY.—The Director of the National Guard Bureau, in consultation with the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Administrator of the Federal Emergency Management Agency, shall conduct a study to determine the number of fixed-wing and rotary-wing aircraft required to support the following missions at low, medium, moderate, high, and very-high levels of operational risk:

(A) Homeland defense.

(B) Contingency response.

(C) Natural disaster-related response.

(D) Humanitarian response.

(2) REPORT.—The Director shall submit to the congressional defense committees a report containing the study under paragraph (1).

(d) FLEET VIABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary of the Army, in coordination with the Director of the Fleet Viability Board of the Air Force, shall conduct a fleet viability assessment with respect to C-23 aircraft.

(2) REPORT.—The Secretary shall submit to the congressional defense committees a report containing the assessment under paragraph (1).

(e) GAO SUFFICIENCY REVIEW.—

(1) REVIEW.—The Comptroller General of the United States shall conduct a sufficiency review of the study under subsection (c)(1).

(2) REPORT.—Not later than 180 days after the date on which the Director of the National Guard Bureau submits the report under subsection (c)(2), the Comptroller General shall submit to the congressional defense committees a report containing the review under paragraph (1).

**SEC. 112. LIMITATION ON PROCUREMENT OF STRYKER COMBAT VEHICLES.**

(a) LIMITATION.—Except as provided by subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for weapons and tracked combat vehicles, Army, the Secretary of the Army may not procure more than 100 Stryker combat vehicles.

(b) WAIVER.—The Secretary of the Army may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification by the Assistant Secretary of the Army for Acquisition, Technology, and Logistics that—

(1) there are validated needs of the Army requiring the waiver;

(2) all Stryker combat vehicles required to fully equip the nine Stryker brigades and to meet other validated requirements regarding the vehicle have been procured or placed on contract for procurement;

(3) the size of the Stryker combat vehicle fleet not assigned directly to Stryker brigade combat teams is essential to maintaining the readiness of Stryker brigade combat teams; and

(4) with respect to the Stryker combat vehicles planned to be procured pursuant to the waiver, cost estimates are complete for the long-term sustainment of the vehicles.

**SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AIRFRAMES FOR ARMY UH-60M/HH-60M HELICOPTERS AND NAVY MH-60R/MH-60S HELICOPTERS.**

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of airframes for UH-60M/HH-60M helicopters and, acting as the executive agent for the Department of the Navy,

for the procurement of airframes for MH-60R/S helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

#### Subtitle C—Navy Programs

##### SEC. 121. MULTIYEAR FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA-7.

Section 111(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4152) is amended by striking “and 2012” and inserting “, 2012, and 2013”.

##### SEC. 122. MULTIYEAR FUNDING FOR PROCUREMENT OF ARLEIGH BURKE-CLASS DESTROYERS.

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2012 program year, for the procurement of DDG-51 Arleigh Burke-class destroyers and Government-furnished equipment associated with such destroyers.

(b) **REPORT OF FINDINGS.**—

(1) **IN GENERAL.**—Not later than 30 days before the date on which a contract is awarded under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract containing the findings required under subsection (a) of section 2306b of title 10, United States Code, including the analysis described in paragraph (2) of this subsection.

(2) **DETERMINATION OF SUBSTANTIAL SAVINGS.**—In conducting an analysis of substantial savings pursuant to subsection (a)(1) of such section 2306b, the Secretary shall employ a full-scale analysis of the anticipated cost avoidance resulting from the use of multiyear procurement and the potential benefit that any accrued savings might have to future shipbuilding programs if such savings are used for further ship construction.

(c) **CONDITION OF OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

##### SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR MISSION AVIONICS AND COMMON COCKPITS FOR NAVY MH-60R/S HELICOPTERS.

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2012 program year, for the procurement of mission avionics and common cockpits for MH-60R/S helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

##### SEC. 124. SEPARATE PROCUREMENT LINE ITEM FOR CERTAIN LITTORAL COMBAT SHIP MISSION MODULES.

(a) **IN GENERAL.**—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that a separate, dedicated procure-

ment line item is designated for each covered module that includes the quantity and cost of each such module requested.

(b) **FORM.**—The Secretary shall ensure that any classified components of covered modules not included in a procurement line item under subsection (a) shall be included in a classified annex.

(c) **COVERED MODULE.**—In this section, the term “covered module” means, with respect to mission modules of the Littoral Combat Ship, the following modules:

(1) Surface warfare.

(2) Mine countermeasures.

(3) Anti-submarine warfare.

##### SEC. 125. LIFE-CYCLE COST-BENEFIT ANALYSIS ON ALTERNATIVE MAINTENANCE AND SUSTAINABILITY PLANS FOR THE LITTORAL COMBAT SHIP PROGRAM.

(a) **COST-BENEFIT ANALYSIS.**—The Secretary of the Navy shall conduct a life-cycle cost-benefit analysis, in accordance with the Office of Management and Budget Circular A-94, comparing alternative maintenance and sustainability plans for the Littoral Combat Ship program.

(b) **REPORT.**—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis conducted under subsection (a).

##### SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR F/A-18 SERVICE LIFE EXTENSION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 or any fiscal year thereafter for a program to extend the service life of F/A-18 aircraft beyond 8,600 hours may be obligated or expended until the date that is 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees the report under section 114(a)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4155).

#### Subtitle D—Air Force Programs

##### SEC. 131. B-1 BOMBER FORCE STRUCTURE.

(a) **REQUIREMENTS.**—

(1) **IN GENERAL.**—During the B-1 retirement limitation period, the Secretary of the Air Force—

(A) may not retire more than six B-1 aircraft;

(B) shall maintain not less than 36 such aircraft as combat-coded aircraft;

(C) shall maintain in a common capability configuration a primary aircraft inventory of not less than 56 such aircraft, a backup aircraft inventory of not less than 2 such aircraft, and an attrition reserve aircraft inventory of not less than 2 such aircraft; and

(D) may not keep any such aircraft referred to in subparagraph (C) in a status considered excess to the requirements of the possessing command and awaiting disposition instructions.

(2) **B-1 RETIREMENT LIMITATION PERIOD.**—For purposes of paragraph (1), the B-1 retirement limitation period is the period beginning on the date of the enactment of this Act and ending on the date that is the earlier of—

(A) January 1, 2018; and

(B) the date as of which a long-range strike replacement bomber aircraft with equal or greater capability than the B-1 model aircraft has attained initial operational capability status.

(b) **DEFINITIONS.**—In this section:

(1) The term “primary aircraft inventory” means aircraft assigned to meet the primary aircraft authorization to—

(A) a unit for the performance of its wartime mission;

(B) a training unit primarily for technical and specialized training for crew personnel or leading to aircrew qualification;

(C) a test unit for testing of the aircraft or its components for purposes of research, development, test and evaluation, operational test and evaluation, or to support testing programs; or

(D) meet requirements for special missions not elsewhere classified.

(2) The term “backup aircraft inventory” means aircraft above the primary aircraft inventory used to facilitate scheduled and unscheduled depot level maintenance, modifications, inspections, and repairs, and certain other mitigating circumstances, without reduction of aircraft available for the assigned mission.

(3) The term “attrition reserve aircraft inventory” means aircraft required to replace anticipated losses of primary aircraft inventory because of peacetime accidents or wartime attrition.

##### SEC. 132. PROCUREMENT OF ADVANCED EXTREMELY HIGH FREQUENCY SATELLITES.

(a) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may procure two advanced extremely high frequency satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) **USE OF INCREMENTAL FUNDING.**—With respect to a contract entered into under paragraph (1) for the procurement of advanced extremely high frequency satellites, the Secretary may use incremental funding for a period not to exceed five fiscal years.

(3) **LIABILITY.**—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) **LIMITATION OF COSTS.**—

(1) **LIMITATION.**—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two advanced extremely high frequency satellites authorized by subsection (a) may not exceed \$3,100,000,000.

(2) **EXCLUSION.**—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program support costs.

(c) **WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.**—

(1) **WAIVER.**—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees written notification of the adjustment made to the amount set forth in such subsection.

(2) **ADJUSTMENT.**—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2011.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2011.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into an advanced extremely high frequency satellite, as compared to the technology built into such a satellite procured prior to fiscal year 2012, if the Secretary

determines, and certifies to the congressional defense committees, that insertion of the new technology is—

(i) expected to decrease the life-cycle cost of the satellite; or

(ii) required to meet an emerging threat that poses grave harm to national security.

(d) **REPORT.**—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on such contract, including the following:

(1) The total cost savings resulting from the authority provided by subsection (a).

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of military satellite communications, including a description of—

(A) the available funds, by year, resulting from such cost savings;

(B) the specific activities or subprograms to be funded by such cost savings and the funds, by year, allocated to each such activity or subprogram;

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

#### **Subtitle E—Joint and Multiservice Matters**

#### **SEC. 141. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2012.

(b) **MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each month of fiscal year 2012, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

#### **SEC. 142. CONTRACTS FOR COMMERCIAL IMAGING SATELLITE CAPACITIES.**

Section 127 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4161; 10 U.S.C. 2302 note) is repealed.

#### **SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OF JOINT TACTICAL RADIO SYSTEM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for other procurement, Army, for covered programs of the joint tactical radio system, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees written certification that the acquisition strategy for the full-

rate production of covered programs of such radio system includes full and open competition (as defined in section 2302(3)(D) of title 10, United States Code) that includes commercially developed systems that the Secretary determines are qualified with respect to successful testing by the Army and certification by the National Security Agency.

(b) **LRIP.**—The limitation under subsection (a) shall not apply to the low-rate initial production of covered programs.

(c) **COVERED PROGRAMS.**—In this section, the term “covered programs” means, with respect to the joint tactical radio system, the following:

(1) The ground mobile radio.

(2) The handheld, manpack, and small form fit.

#### **SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR AVIATION FOREIGN INTERNAL DEFENSE PROGRAM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement of fixed-wing non-standard aviation aircraft in support of the aviation foreign internal defense program, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Commander of the United States Special Operations Command submits the report under subsection (b)(1).

(b) **REPORT REQUIRED.**—

(1) **REPORT.**—Not later than January 15, 2012, the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report on the aviation foreign internal defense program.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) The results of an analysis of alternatives and efficiencies review conducted prior to fiscal year 2012 with respect to a contract awarded for the aviation foreign internal defense program.

(B) An explanation of plans or business-case analyses justifying new procurements rather than leased platforms, including an explanation of any efficiencies and savings.

(C) A comprehensive strategy outlining and justifying the overall projected growth of the aviation foreign internal defense program to satisfy the increased requirements of the commanders of the geographic combatant commands.

(D) An examination of efficiencies that could be gained by procuring platforms such as those being procured for light mobility aircraft.

(3) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMERCIAL SATELLITE PROCUREMENT.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement of a commercial satellite by the Director of the Defense Information Systems Agency or the Secretary of the Air Force, not more than 20 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees an independent assessment of the analysis of alternatives for the procurement of such satellite, including—

(1) an assessment of why noncommercial satellites owned and operated by the Federal Government would not meet the needs of the Department of Defense;

(2) a concept of operations for all alternatives considered;

(3) a cost-benefit comparison of such alternatives;

(4) an analysis comparing the risks and vulnerabilities of such alternatives, including risks and vulnerabilities related to security, op-

eration in denied environments, and continuity of operations capability;

(5) mitigation measures, including estimated cost impacts, for such risks and vulnerabilities compared under paragraph (4); and

(6) any other matters the Secretary considers appropriate.

#### **SEC. 146. SEPARATE PROCUREMENT LINE ITEM FOR NON-LETHAL WEAPONS FUNDING.**

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2013, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for non-lethal weapons.

### **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

#### **Subtitle A—Authorization of Appropriations**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

#### **Subtitle B—Program Requirements, Restrictions, and Limitations**

#### **SEC. 211. LIMITATION ON AVAILABILITY OF FUNDS FOR THE GROUND COMBAT VEHICLE PROGRAM.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Army, for the ground combat vehicle program, not more than 70 percent may be obligated or expended until the date on which the Secretary of the Army submits to the congressional defense committees a report containing an updated analysis of alternatives, including a quantitative analysis, of such program that compares the vehicle survivability, force protection, mobility, and other key capabilities of—

(1) each alternative to the ground combat vehicle, including the upgraded Bradley fighting vehicle that was included in the original analysis of alternatives of such program; and

(2) the revised ground combat vehicle design concept.

#### **SEC. 212. LIMITATION ON THE INDIVIDUAL CARBINE PROGRAM.**

(a) **LIMITATION.**—Notwithstanding any other provision of law, and except as provided by subsection (b), the individual carbine program may not receive Milestone C approval (as defined in section 2366(e)(8) of title 10, United States Code) until the date on which the Secretary of the Army submits to the congressional defense committees an analysis of alternatives of such program, including, at a minimum, comparisons of the capabilities and costs of—

(1) commercially available weapon systems as of the date of the analysis, including complete weapon systems and kits to apply to existing weapon systems; and

(2) weapon systems that are fielded as of the date of the analysis that include any required improvements.

(b) **WAIVER AUTHORITY.**—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States because such limitation is delaying the fielding of capabilities that address urgent operational needs with respect to combat theaters of operations.

#### **SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR OHIO-CLASS BALLISTIC MISSILE SUBMARINE REPLACEMENT PROGRAM.**

(a) **FINDINGS.**—Congress finds the following:

(1) On May 13, 2010, the President submitted to Congress the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549) that stated, "The Secretary of Defense, based on recommendations from the Joint Chiefs of Staff, has established a baseline nuclear force structure that fully supports U.S. security requirements and conforms to the New START limits. . . . The United States will reduce the number of SLBM launchers (launch tubes) from 24 to 20 per SSBN, and deploy no more than 240 SLBMs at any time."

(2) On January 10, 2011, the Under Secretary of Defense for Acquisition, Technology, and Logistics issued an acquisition decision memorandum for the Ohio-class submarine replacement program whereby the Navy received Milestone A approval to proceed with a replacement design based on 16 missile tubes.

(3) Consistent with the reductions and limitations established in the New START Treaty, which entered into force on February 5, 2011, more than two-thirds of the deployed nuclear deterrent force of the United States are planned to be carried on ballistic missile submarines.

(4) The Commander of the United States Strategic Command testified on March 2, 2011, that, "The issue of the number of tubes is not a simple black and white answer," but rather it is comprised of several issues including, "the overall number of tubes we wind up with at the end. . . . flexibility and options with how many warheads per missile per tube. . . . the overall number of boats. . . . and many other factors." He further stated that, "Sixteen [missile tubes per submarine] will meet STRATCOM's requirements, given that we are sitting here 20 years in advance."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the long-term ability of the United States to maintain a nuclear force sufficient to address the range of mission requirements necessary to deter, dissuade, and defeat potential adversaries and assure allies and partners must not be comprised solely on the basis of the promise of potential cost savings resulting from the decision of the Secretary of Defense to reduce the planned number of missile tubes per Ohio-class ballistic missile submarine from 24 to 16; and

(2) because the planned Ohio-class replacement ballistic submarine is expected to be in operation through 2080, near-term design decisions should take into consideration uncertainties in the future threat and strategic environment.

(c) LIMITATION.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, for the Ohio-class ballistic submarine replacement program, not more than 90 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a report containing—

(A) a summary of the analysis conducted to support the acquisition decision memorandum, including any assessment of the threat and strategic environment and mission requirements that informed the decision to reduce the planned number of missile tubes per submarine from 20 (as stated in the report submitted to Congress under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549)) to 16 (as stated in the acquisition decision memorandum);

(B) a description of the threat and strategic environment assumed by the Secretary throughout the expected operational lifetime of the program, including how the Secretary would address significant changes to such threat and strategic environment;

(C) a description of any other assumptions made by the Secretary throughout the expected

operational lifetime of the program that provides the rationale of the Secretary to reduce the planned number of missile tubes per submarine to 16, including assumptions regarding—

(i) changes in nuclear policy and strategy;

(ii) changes in the role of ballistic missile submarines as a part of the overall nuclear forces of the United States; and

(iii) further nuclear reductions, whether conducted under an international agreement or unilaterally;

(D) an identification of key risks to missions or requirements that may be increased because of the Secretary's decision to reduce the planned number of missile tubes per submarine to 16, including whether the Secretary plans to accept or mitigate such risks; and

(E) a summary of the rigorous cost comparison of the designs for 16 missile tubes per submarine and 20 missile tubes per submarine, consistent with the direction provided in the acquisition decision memorandum, including the accuracy of the cost estimate of the procurement cost of each submarine.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term "acquisition decision memorandum" means the acquisition decision memorandum regarding the Ohio-class submarine replacement program issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics on January 10, 2011.

(2) The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

#### SEC. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR AMPHIBIOUS ASSAULT VEHICLES OF THE MARINE CORPS.

(a) LIMITATION.—Except as provided by subsection (d), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for procurement, Marine Corps, or research, development, test, and evaluation, Navy, may be obligated or expended for the amphibious programs described in subsection (c) until the date on which the Secretary of the Navy, in coordination with the Commandant of the Marine Corps, submits to the congressional defense committees a report containing—

(1) written certification of the requirements for amphibious assault vehicles of the Marine Corps, based on the needs of the commanders of the combatant commands, relating to—

(A) the distance from the shore needed to begin an amphibious assault; and

(B) the speed at which the vehicle must travel in order to reach the shore in the time required for such assault; and

(2) the analysis of alternatives conducted under subsection (b)(1).

(b) ANALYSIS OF ALTERNATIVES.—

(1) ANALYSIS.—The Secretary of the Navy, in coordination with the Commandant of the Marine Corps, shall conduct an analysis of alternatives of the amphibious assault vehicles described in paragraph (2). With respect to such vehicles, such analysis shall include—

(A) comparisons of the capabilities and total lifecycle ownership costs (including costs with respect to research, development, test, and evaluation, procurement, and operation and maintenance); and

(B) an analysis of cost and operational effectiveness prepared by a federally funded research and development center.

(2) AMPHIBIOUS ASSAULT VEHICLES DESCRIBED.—The amphibious assault vehicles described in this paragraph are amphibious assault vehicles that—

(A) meet the requirements described in subsection (a)(1), including—

(i) an upgraded assault amphibious vehicle 7A1;

(ii) the expeditionary fighting vehicle; and

(iii) a new amphibious combat vehicle; and

(B) include at least one vehicle that is capable of accelerating until the vehicle moves along the top of the water (commonly known as "getting up on plane") and at least one vehicle that is not capable of such acceleration.

(c) AMPHIBIOUS PROGRAMS DESCRIBED.—The amphibious programs described in this subsection are the following:

(1) The assault amphibious vehicle 7A1, program element 206623M.

(2) The Marine Corps assault vehicle, program element 603611M.

(3) The termination of the expeditionary fighting vehicle program.

(d) AAV781 IMPROVEMENT PROGRAM.—The limitation in subsection (a) shall not apply to funds made available before the date of the enactment of this Act for the procurement of an assault amphibious vehicle 7A1 with—

(1) survivability upgrades under the survivability product improvement program;

(2) other necessary survivability capabilities that are in response to urgent operational needs; or

(3) interior upgrades that provide increased support and survivability to members of the Armed Forces.

#### SEC. 215. LIMITATION ON OBLIGATION OF FUNDS FOR THE PROPULSION SYSTEM FOR THE F-35 LIGHTNING II AIRCRAFT PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the propulsion system for the F-35 Lightning II aircraft program may be obligated or expended for performance improvements to such propulsion system unless the Secretary of Defense ensures the competitive development and production of such propulsion system.

(b) PERFORMANCE IMPROVEMENT DEFINED.—In this section, the term "performance improvement", with respect to the propulsion system for the F-35 Lightning II aircraft program, means an increase in fan or core engine airflow volume or maximum thrust in military or afterburner settings for the primary purpose of improving the takeoff performance or vertical load bring back of such aircraft. The term does not include development or procurement improvements with respect to weight, acquisition costs, operations and support costs, durability, manufacturing efficiencies, observability requirements, or repair costs.

#### SEC. 216. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT REPLACEMENT FUZE PROGRAM.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for the joint replacement fuze program for nuclear warheads of the Navy and the Air Force, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees a report on the feasibility of such program.

#### SEC. 217. LIMITATION ON AVAILABILITY OF FUNDS FOR THE JOINT SPACE OPERATIONS CENTER MANAGEMENT SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improvements to the space situational awareness and space command and control capabilities of the United States are necessary; and

(2) the traditional defense acquisition process is not optimal for developing the services-oriented architecture and net-centric environment

planned for the Joint Space Operations Center management system.

(b) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Air Force, for release one of the Joint Space Operations Center management system may be obligated or expended until the date on which the Secretary of the Air Force and the Under Secretary of Defense for Acquisition, Technology, and Logistics jointly submit to the congressional defense committees the acquisition strategy for such management system, including—

(1) a description of the acquisition policies and procedures applicable to such management system; and

(2) a description of any additional acquisition authorities necessary to ensure that such management system is able to implement a services-oriented architecture and net-centric environment for space situational awareness and space command and control.

**SEC. 218. LIMITATION ON AVAILABILITY OF FUNDS FOR WIRELESS INNOVATION FUND.**

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the wireless innovation fund within the Defense Advanced Research Projects Agency, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a report on how such fund will be managed and executed, including—

(1) a concept of operation for how such fund will operate, particularly with regards to supporting the interagency community;

(2) a description of—

(A) the governance structure, including how decision-making with interagency partners will be conducted;

(B) the funding mechanism for interagency collaborators;

(C) the metrics for measuring the performance and effectiveness of the program; and

(D) the reporting mechanisms to provide oversight of the fund by the Department of Defense, the interagency partners, and Congress; and

(3) any other matters the Under Secretary considers appropriate.

**SEC. 219. ADVANCED ROTORCRAFT FLIGHT RESEARCH AND DEVELOPMENT.**

(a) **PROGRAM REQUIRED.**—The Secretary of the Army may conduct a program for flight research and demonstration of advanced rotorcraft technology.

(b) **GOALS AND OBJECTIVES.**—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To flight demonstrate the ability of advanced rotorcraft technology to expand the flight envelope and improve the speed, range, ceiling, survivability, reliability, and affordability of current and future rotorcraft of the Department of Defense.

(2) To mature advanced rotorcraft technology and obtain flight-test data to—

(A) support the assessment of such technology for future rotorcraft platform development programs of the Department; and

(B) have the ability to add such technology to the existing rotorcraft of the Department to extend the capability and life of such rotorcraft until next-generation platforms are fielded.

(c) **ELEMENTS OF PROGRAM.**—The program authorized by subsection (a) shall include—

(1) integration and demonstration of advanced rotorcraft technology to meet the goals and objectives described in subsection (b); and

(2) flight demonstration of the advanced rotorcraft technology test bed under the experi-

mental airworthiness process of the Federal Aviation Administration or other appropriate airworthiness process approved by the Secretary of Defense.

(d) **QUALIFIED CONTRACTOR.**—

(1) **IN GENERAL.**—The Secretary of the Army may award a contract for the program authorized by subsection (a) to a contractor that—

(A) has demonstrated the capability to design, fabricate, qualify, and flight test experimental rotorcraft; and

(B) maintains a reasonable level of aircraft flight risk liability insurance that names the Federal Government as an additional insured party.

(2) **SMALL BUSINESS CONCERN.**—In awarding a contract under paragraph (1), the Secretary shall fully consider proposals submitted by small business concerns (as defined in section 2225(f)(3) of title 10, United States Code).

**SEC. 220. DESIGNATION OF MAIN PROPULSION SYSTEM OF THE NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT AS MAJOR SUBPROGRAM.**

(a) **DESIGNATION AS MAJOR SUBPROGRAM.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the development and procurement of the main propulsion system of the next-generation long-range strike bomber aircraft as a major subprogram of the next-generation long-range strike bomber aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) **COMPETITIVE ACQUISITION STRATEGY.**—The Secretary of the Air Force shall develop an acquisition strategy for the major subprogram designated in subsection (a) that is in accordance with subsections (a) and (b) of section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430 note).

**SEC. 221. DESIGNATION OF ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate the electromagnetic aircraft launch development and procurement program as a major subprogram of the CVN-78 Ford-class aircraft carrier major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

**SEC. 222. PROHIBITION ON DELEGATION OF BUDGETING AUTHORITY FOR CERTAIN RESEARCH AND EDUCATIONAL PROGRAMS.**

(a) **PROHIBITION ON DELEGATION.**—Subsection (a) of section 2362 of title 10, United States Code, is amended—

(1) by striking “The Secretary of Defense” and inserting “(1) The Secretary of Defense”;

and

(2) by adding at the end the following new paragraph:

“(2) The Secretary of Defense may not delegate to an individual outside the Office of the Secretary of Defense the authority regarding the programming or budgeting of the program established by this section that is carried out by the Assistant Secretary of Defense for Research and Engineering.”.

(b) **CONFORMING AMENDMENTS.**—Such section 2362 is amended further—

(1) in subsection (b), by striking “established under subsection (a)” and inserting “established by subsection (a)(1)”; and

(2) in subsection (c), by striking “subsection (a)” and inserting “subsection (a)(1)”.

**SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made

available for fiscal year 2012 for research, development, test, and evaluation, Navy, for the Future Unmanned Carrier-based Strike System, not more than 15 percent may be obligated or expended until the date that is 60 days after the date on which—

(1) the Chairman of the Joint Requirements Oversight Council certifies to the congressional defense committees that—

(A) such system is required to fill a validated capability gap of the Department of Defense; and

(B) the Council has reviewed and approved the capability and development document relating to such system;

(2) the Assistant Secretary of the Navy for Research, Development, and Acquisition submits to the congressional defense committees a report containing—

(A) a delineation of threshold and objective key performance parameters;

(B) a certification that the threshold and objective key performance parameters for such system have been established and are achievable; and

(C) a description of the requirements of such system with respect to—

(i) weapons payload;

(ii) intelligence, reconnaissance, and surveillance equipment;

(iii) electronic attack and electronic protection equipment;

(iv) communications equipment;

(v) range;

(vi) mission endurance for un-refueled and aerial refueled operations;

(vii) low-observability characteristics;

(viii) affordability;

(ix) survivability; and

(x) interoperability with other Navy and joint-service unmanned aerial systems and mission control stations; and

(3) the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees that—

(A) the Secretary of the Navy has completed a comprehensive analysis of alternatives for such system;

(B) the acquisition strategy of the Secretary for the engineering, manufacturing, development, and fielding phases of such system is achievable and presents medium, or less, risk;

(C) such acquisition strategy integrates a fair and open competitive acquisition strategy environment for all potential competitors;

(D) the data, information, and lessons learned from the Unmanned Carrier-based Aircraft System of the Navy are sufficiently integrated into the acquisition strategy of the Future Unmanned Carrier-based Strike System and that the level of concurrency between the programs is prudent and reasonable; and

(E) the Secretary has sufficient fiscal resources budgeted in the future years defense plan and extended planning period that supports the acquisition strategy described in subparagraph (B).

(b) **GAO BRIEFING.**—Not later than 90 days after the date on which the certifications and report under subsection (a) are received by the congressional defense committees, the Comptroller General of the United States shall brief the congressional defense committees on an evaluation of the acquisition strategy of the Secretary of the Navy for the Future Unmanned Carrier-based Strike System.

(c) **FORM.**—The report required by subsection (a)(2) shall be submitted in unclassified form, but may include a classified annex.

**Subtitle C—Missile Defense Programs**

**SEC. 231. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) **BASELINE REQUIRED.**—



(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 224 the following new section:

**“§225. Acquisition accountability reports on the ballistic missile defense system**

“(a) BASELINES REQUIRED.—(1) In accordance with paragraph (2), the Director of the Missile Defense Agency shall establish and maintain an acquisition baseline for—

“(A) each program element of the ballistic missile defense system, as specified in section 223 of this title; and

“(B) each designated major subprogram of such program elements.

“(2) The Director shall establish an acquisition baseline required by paragraph (1) before the date on which the program element or major subprogram enters—

“(A) engineering and manufacturing development; and

“(B) production and deployment.

“(3) Except as provided by subsection (d), the Director may not adjust or revise an acquisition baseline established under this section.

“(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element or major subprogram shall include the following:

“(1) A comprehensive schedule, including—

“(A) research and development milestones;

“(B) acquisition milestones, including design reviews and key decision points;

“(C) key test events, including ground and flight tests and ballistic missile defense system tests;

“(D) delivery and fielding schedules;

“(E) quantities of assets planned for acquisition and delivery in total and by fiscal year; and

“(F) planned contract award dates.

“(2) A detailed technical description of—

“(A) the capability to be developed, including hardware and software;

“(B) system requirements, including performance requirements;

“(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

“(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

“(E) how the Director plans to improve the capability over time.

“(3) A cost estimate, including—

“(A) a life-cycle cost estimate that separately identifies the costs regarding research and development, procurement, military construction, operations and sustainment, and disposal;

“(B) program acquisition unit costs for the program element;

“(C) average procurement unit costs and program acquisition costs for the program element; and

“(D) an identification of when the document regarding the program joint cost analysis requirements description is scheduled to be approved.

“(4) A test baseline summarizing the comprehensive test program for the program element or major subprogram outlined in the integrated master test plan.

“(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—(1) Not later than February 15 of each year, the Director shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a).

“(2)(A) The first report under paragraph (1) shall set forth each acquisition baseline required by subsection (a) for a program element or major subprogram.

“(B) Each subsequent report under paragraph (1) shall include—

“(i) any new acquisition baselines required by subsection (a) for a program element or major subprogram; and

“(ii) with respect to an acquisition baseline that was previously included in a report under paragraph (1), an identification of any changes or variances made to the elements described in subsection (b) for such acquisition baseline, as compared to—

“(1) the initial acquisition baseline for such program element or major subprogram; and

“(11) the acquisition baseline for such program element or major subprogram that was submitted in the report during the previous year.

“(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(d) EXCEPTION TO LIMITATION ON REVISION.—The Director may adjust or revise an acquisition baseline established under this section if the Director submits to the congressional defense committees notification of—

“(1) a justification for such adjustment or revision;

“(2) the specific adjustments or revisions made to the acquisition baseline, including to the elements described in subsection (b); and

“(3) the effective date of the adjusted or revised acquisition baseline.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“225. Acquisition accountability reports on the ballistic missile defense system.”

(b) CONFORMING AMENDMENTS.—

(1) FISCAL YEAR 2011 NDAA.—Section 225 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4170; 10 U.S.C. 223 note) is repealed.

(2) FISCAL YEAR 2008 NDAA.—Section 223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 39; 10 U.S.C. 223 note) is amended by striking subsection (g).

(3) FISCAL YEAR 2003 NDAA.—Section 221 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2484; 10 U.S.C. 2431 note) is repealed.

**SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR MEDIUM EXTENDED AIR DEFENSE SYSTEM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should pursue options with respect to multilaterally terminating the contract covering the medium extended air defense system in order to lessen the contract termination liability belonging to the United States;

(2) the Secretary of Defense must now sustain the Patriot air and missile defense system longer than previously planned;

(3) the Secretary of Defense should identify promising technologies from the medium extended air defense system, whether the technology originated in the United States or in a partner country, as soon as practicable and transition such technologies into a Patriot air and missile defense system upgrade effort or other program of record; and

(4) the Secretary of Defense should continue to pursue international cooperative missile defense activities that are affordable and benefit the security of all parties.

(b) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the medium extended air defense system program may be obligated or expended until the date on which the Secretary of Defense—

(1) either—

(A) negotiates a multilateral termination with respect to the contract covering the program; or

(B) restructures such program and ensures that specific deliverables under such contract will be transitioned to one or more current programs of record by not later than September 30, 2013; and

(2) submits to the congressional defense committees written notification of—

(A) the amount of the total cost for which the United States is liable with respect to terminating the contract under paragraph (1)(A) or restructuring the program under paragraph (1)(B), as the case may be;

(B) the terms of such contract termination or program restructuring;

(C) the program schedule and specific elements of the program to be delivered to the United States;

(D) the specific technologies identified by the Secretary to be transitioned from the program to one or more current programs of record, including the plans for such transition; and

(E) how the Secretary plans to address the air and missile defense requirements of the Department of Defense in the absence of a fielded medium extended air defense system capability, including a summary of activities, the cost estimate, and the funding profile necessary to sustain and upgrade the Patriot air and missile defense system.

**SEC. 233. HOMELAND DEFENSE HEDGING POLICY AND STRATEGY.**

(a) POLICY.—It is the policy of the United States to develop and maintain a hedging strategy to provide for the protection of the homeland of the United States that—

(1) provides such protection through the phased, adaptive approach to missile defense in Europe if—

(A) the intercontinental ballistic missile threat from the Middle East to the United States materializes earlier than 2020 (the year in which phase four of the phased, adaptive approach is planned to begin protecting the homeland of the United States); or

(B) technical challenges or schedule delays affect the availability of the standard missile-3 block IIB interceptor planned for fielding in Europe by 2020 in order to protect the homeland of the United States as part of such phase four;

(2) provides such protection if the intercontinental ballistic missile threat from East Asia to the United States materializes more rapidly than expected;

(3) provides capabilities that improve or enhance the protection of the United States beyond the ground-based midcourse defense capabilities currently deployed for the defense of the United States; and

(4) includes plans for ensuring that such hedging capabilities described in paragraphs (1) through (3)—

(A) are suitable to perform the assigned mission;

(B) are operationally effective; and

(C) use technologies that are sufficiently matured and tested prior to fielding.

(b) STRATEGY.—

(1) IN GENERAL.—In light of the policy described in subsection (a), the Secretary of Defense shall develop a hedging strategy to provide for the protection of the homeland of the United States.

(2) ELEMENTS.—The strategy under paragraph (1) shall include the following:

(A) A description of the hedging alternatives and capabilities considered by the Secretary.

(B) A summary of the analyses conducted, including—

(i) criteria used to assess such options and capabilities; and

(ii) the findings and recommendations of such analyses.

(C) Detailed plans, programs, and a budget profile for implementing the strategy through 2022.



(D) The criteria to be used in determining when each item contained in the strategy should be implemented and the schedule required to implement each item.

(E) Any other information the Secretary considers necessary.

(3) **SUBMISSION.**—The Secretary shall submit to the congressional defense committees the strategy developed under paragraph (1) by the earlier of the following:

(A) December 5, 2011.

(B) The date on which the Secretary completes the development of such strategy.

**SEC. 234. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.**

(a) **FINDINGS.**—Congress finds the following:

(1) The last two intercept flight tests of the ground-based midcourse defense system in January 2010 and December 2010 failed to intercept, and in January 2011, the Director of the Missile Defense Agency halted deliveries of completed exo-atmospheric kill vehicles until the root cause of such failures is determined and resolved.

(2) The ground-based midcourse defense system is currently the only missile defense system that protects the homeland of the United States from long-range ballistic missile threats.

(3) In the fiscal year 2010 budget request, the ground-based midcourse defense system element was reduced by \$524,600,000 from the fiscal year 2009 level while the fiscal year 2011 budget request restored \$318,800,000 of this funding.

(4) The fiscal year 2012 budget request further reduces the ground-based midcourse defense system element by \$185,000,000 for fiscal year 2012 and further reduces such element by an additional \$1,000,000,000 for the years covering the future-years defense program from the amount projected in the fiscal year 2011 budget request.

(5) According to the Missile Defense Agency, the combination of the two flight-test failures and operating under the reduced spending limits of the Continuing Resolutions during fiscal year 2011 before the date on which the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10) was enacted have resulted in the delay or restructuring of several activities within the ground-based midcourse defense system element, including—

(A) delays to ground-based interceptor manufacturing and fleet upgrades;

(B) Stockpile Reliability Program component testing;

(C) new capability development, modeling, testing, and fielding;

(D) Fort Greely missile defense complex communications upgrades; and

(E) delays to flight testing of the two-stage ground-based interceptor.

(6) According to the Missile Defense Agency and the United States Northern Command, the procurement of additional ground-based interceptors will be necessary in light of the recent flight-test results.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the ground-based midcourse defense system is currently the only missile defense system that protects the homeland of the United States from long-range ballistic missile threats and therefore—

(1) the system should be given sufficient prioritization and funding to ensure its long-term reliability, effectiveness, and ability to adapt to advances in such threats;

(2) the Director of the Missile Defense Agency should thoroughly identify the root cause associated with the exo-atmospheric kill vehicle that led to the flight-test failures described in subsection (a)(1) and identify other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(3) implementation of corrective measures and flight testing should be undertaken as soon as

possible to provide commanders of the combatant commands and the American people greater confidence in the reliability and effectiveness of the system; and

(4) the procurement of additional ground-based interceptors will be necessary in light of recent flight-test results.

(c) **PLAN AND CERTIFICATION REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, or on the date on which the Failure Review Board has completed the review of the ground-based midcourse defense system flight-test failures described in subsection (a)(1), whichever is later, the Secretary of Defense shall submit to the congressional defense committees the following:

(1) A plan by the Director of the Missile Defense Agency to address the flight-test failures, including—

(A) an identification of the root cause associated with the exo-atmospheric kill vehicle that led to the flight-test failures;

(B) an identification of other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(C) how the Director will resolve the issues identified in subparagraph (A) and (B), including a consideration of whether a re-designed exo-atmospheric kill vehicle is necessary;

(D) a description of planned flight tests of the exo-atmospheric kill vehicle with any implemented fixes;

(E) a summary of the measures required by the Commander of the United States Northern Command based on the flight-test failures in order to meet operational requirements; and

(F) the schedule and additional resources necessary to implement the plan.

(2) Written certification by the Secretary that—

(A) the Director has thoroughly investigated the root cause of the flight-test failures and any other potential technical issues associated with the exo-atmospheric kill vehicle or ground-based midcourse defense system that have materialized in recent testing;

(B) the plan under paragraph (1) is sufficient to resolve the issues identified in subparagraph (A) and (B) of such paragraph;

(C) the schedule and additional resources described in subparagraph (F) of paragraph (1) are sufficient to implement the plan under such paragraph; and

(D) the Director has sufficiently prioritized the implementation of corrective measures and flight testing of the ground-based midcourse defense system.

**SEC. 235. STUDY ON SPACE-BASED INTERCEPTOR TECHNOLOGY.**

(a) **STUDY ON SPACE-BASED INTERCEPTOR TECHNOLOGY.**—

(1) **STUDY.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for ballistic missile defense technology, \$8,000,000 shall be obligated or expended by the Secretary of Defense to conduct a study examining the technical and operational considerations associated with developing and operating a limited space-based interceptor capability and to submit the report under paragraph (2). At minimum, the study shall include—

(A) the identification of the technical risks, gaps, and constraints associated with the development and operation of such a capability;

(B) an assessment of the maturity levels of various technologies needed to develop and operate such a capability;

(C) the key knowledge, research, and testing that would be needed for any nation to develop and operate an effective space-based interceptor capability; and

(D) the estimated effectiveness and cost of potential options for developing and operating

such a capability, including their effectiveness in conjunction with existing and planned terrestrially-based missile defense systems.

(2) **REPORT.**—

(A) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the study required under paragraph (1).

(B) The report submitted under this paragraph shall be in unclassified form, but may include a classified annex.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—With respect to carrying out subsection (a), a decision to commit, obligate, or expend funds with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**Subtitle D—Reports**

**SEC. 241. ANNUAL COMPTROLLER GENERAL REPORT ON THE KC-46A AIRCRAFT ACQUISITION PROGRAM.**

(a) **ANNUAL GAO REVIEW.**—During the period beginning on the date of the enactment of this Act and ending on March 1, 2017, the Comptroller General of the United States shall conduct an annual review of the KC-46A aircraft acquisition program.

(b) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than March 1 of each year beginning in 2012 and ending in 2017, the Comptroller General shall submit to the congressional defense committees a report on the review of the KC-46A aircraft acquisition program conducted under subsection (a).

(2) **MATTERS TO BE INCLUDED.**—Each report on the review of the KC-46A aircraft acquisition program shall include the following:

(A) The extent to which the program is meeting engineering, manufacturing, development, and procurement cost, schedule, performance, and risk mitigation goals.

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the KC-46A aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of KC-46A aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the KC-46A aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the KC-46A aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding budgeted; and

(iii) development and production concurrency.

(3) **ADDITIONAL INFORMATION.**—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Air Force to the baseline documentation of the KC-46A aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the integrated baseline review document;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

**SEC. 242. INDEPENDENT REVIEW AND ASSESSMENT OF CRYPTOGRAPHIC MODERNIZATION PROGRAM.**

(a) **INDEPENDENT REVIEW AND ASSESSMENT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the cryptographic modernization program of the Department of Defense.

(b) **ELEMENTS.**—The review and assessment required by subsection (a) shall include the following:

(1) For each military department and appropriate defense agency, an analysis of the adequacy of the program management structure for executing the cryptographic modernization program, including resources, personnel, requirements generation, and business process metrics.

(2) An analysis of the ability of the program to deliver capabilities to the user community while complying with the budget and schedule for the program, including the programmatic risks that negatively affect such compliance.

(c) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the management of the cryptographic modernization program.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 243. REPORT ON FEASIBILITY OF ELECTROMAGNETIC RAIL GUN SYSTEM.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the electromagnetic rail gun system to be used for either land- or ship-based force protection.

**Subtitle E—Other Matters**

**SEC. 251. REPEAL OF REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.**

(a) **IN GENERAL.**—

(1) **REPEAL.**—Section 2359a of title 10, United States Code, is repealed.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2359a.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2012.

**SEC. 252. PRESERVATION AND STORAGE OF CERTAIN PROPERTY RELATED TO F136 PROPULSION SYSTEM.**

(a) **PLAN.**—The Secretary of Defense shall develop and carry out a plan for the preservation and storage of property owned by the Federal Government that was acquired under the F136 propulsion system development contract. The plan shall—

(1) ensure that the Secretary preserves and stores such property in a manner that—

(A) allows the development of the F136 propulsion system to be restarted after a period of idleness;

(B) provides for the long-term sustainment and repair of such property; and

(C) allows for such preservation and storage to be conducted at either the facilities of the Federal Government or a contractor under such contract;

(2) with respect to the supplier base of such property, identify the costs of restarting development;

(3) ensure that the Secretary, at no cost to the Federal Government, provides support and allows for the use of such property by the contractor under such contract to conduct research, development, testing, and evaluation of the F136 engine, if such activities are self-funded by the contractor; and

(4) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) **PROHIBITION ON DISPOSING PROPERTY.**—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for research, development, test, and evaluation, Navy, or research, development, test, and evaluation, Air Force, for the F-35 Lightning II aircraft program may be obligated or expended for activities related to destroying or disposing of the property described in subsection (a).

(c) **REPORT.**—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the plan under subsection (a).

**SEC. 253. EXTENSION OF AUTHORITY FOR MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.**

Section 219(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended by striking “October 1, 2013” and inserting “September 30, 2016”.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

**Subtitle B—Energy and Environmental Provisions**

**SEC. 311. DESIGNATION OF SENIOR OFFICIAL OF JOINT CHIEFS OF STAFF FOR OPERATIONAL ENERGY PLANS AND PROGRAMS AND OPERATIONAL ENERGY BUDGET CERTIFICATION.**

Section 138c of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) The Chairman of the Joint Chiefs of Staff shall designate a senior official under the jurisdiction of the Chairman who shall be responsible for operational energy plans and programs for the Joint Chiefs of Staff and the Joint Staff. The official so designated shall be responsible for coordinating with the Assistant Secretary and implementing initiatives pursuant to the strategy with regard to the Joint Chiefs of Staff and the Joint Staff.”; and

(2) in subsection (e)(4), by striking “10 days” and inserting “30 days”.

**SEC. 312. MILITARY INSTALLATION IMPLEMENTATION OF LAND MANAGEMENT PLANS AND SUSTAINABILITY STUDIES.**

Section 2694(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting “and, subject to the availability of appropriations, implementation by the military installation” after “development”; and

(2) in subparagraph (B), by inserting “and sustainability” after “safety”.

**SEC. 313. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED FACILITIES USED FOR THE NATIONAL DEFENSE.**

(a) **IMPROVEMENTS TO ACT.**—The Sikes Act (16 U.S.C. 670 et seq.) is amended as follows:

(1) **DEFINITIONS.**—Section 100 (16 U.S.C. 670) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

“(2) **STATE.**—The term ‘State’ means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

“(3) **STATE-OWNED NATIONAL GUARD INSTALLATION.**—The term ‘State-owned National Guard installation’ means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.”.

(2) **FUNDING OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.**—Section 101 (16 U.S.C. 670a) is amended—

(A) in subsection (a)(1)(B)—

(i) by inserting “(i)” before “To facilitate”; and

(ii) by adding at the end the following new clause:

“(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.”;

(B) in subsection (a)(2), by inserting “or State-owned National Guard installation” after “military installation” both places it appears;

(C) in subsection (a)(3)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by inserting “(A)” before “Consistent”;

(iii) in subparagraph (A), as designated by clause (ii) of this subparagraph, by inserting “and State-owned National Guard installations” after “military installations” the first place it appears;

(iv) in clause (i) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by striking “military installations” and inserting “such installations”;

(v) in clause (ii) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by inserting “on such installations” after “resources”; and

(vi) by adding at the end the following subparagraph:

“(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.”;

(D) in subsection (b), by inserting “and State-owned National Guard installations” after “military installations” the first place it appears;

(E) in subparagraphs (G) and (I) of subsection (b)(1), by striking “military installation” each place it appears and inserting “installation”; and

(F) in subsection (b)(3), by inserting “, in the case of a military installation,” after “(3) may”.

(3) **COOPERATIVE AGREEMENTS.**—Section 103a(a) (16 U.S.C. 670c-1(a)) is amended—

(A) in paragraph (1), by striking "Department of Defense installations" and inserting "military installations and State-owned National Guard installations"; and

(B) in paragraph (2), by striking "Department of Defense installation" and inserting "military installation or State-owned National Guard installation".

(b) SECTION AND SUBSECTION HEADINGS.—Such Act is further amended as follows:

(1) Section 101 (16 U.S.C. 670a) is amended—

(A) by inserting at the beginning the following:

**"SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION."**

(B) by striking "SEC. 101.";

(C) in subsection (c), by inserting "PROHIBITIONS ON SALE AND LEASE OF LANDS UNLESS EFFECTS COMPATIBLE WITH PLAN.—" after "(c)";

(D) in subsection (d), by inserting "IMPLEMENTATION AND ENFORCEMENT OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—" after "(d)";

(E) in subsection (e)—

(i) by inserting "APPLICABILITY OF OTHER LAWS" after "(e)"; and

(ii) by inserting a comma after "Code".

(2) Section 102 (16 U.S.C. 670b) is amended—

(A) by inserting at the beginning the following:

**"SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS."**

(B) by striking "SEC. 102." and inserting "(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—"; and

(C) by striking "agency:" and all that follows through "possession" and inserting "agency."

"(b) APPLICABILITY OF OTHER LAWS.—Possession".

(3) Section 103a (16 U.S.C. 670c-1) is further amended—

(A) by inserting at the beginning the following:

**"SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS."**

(B) by striking "SEC. 103A.";

(C) in subsection (a), by inserting "AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT.—" after "(a)"; and

(D) in subsection (c), by inserting "AVAILABILITY OF FUNDS; AGREEMENTS UNDER OTHER LAWS.—" after "(c)".

(4) Section 104 (16 U.S.C. 670d) is amended—

(A) by inserting at the beginning the following:

**"SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL."**; and

(B) by striking "SEC. 104.".

(5) Section 105 (16 U.S.C. 670e) is amended—

(A) by inserting at the beginning the following:

**"SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS."**; and

(B) by striking "SEC. 105.".

(6) Section 108 (16 U.S.C. 670f) is amended—

(A) by inserting at the beginning the following:

**"SEC. 108. APPROPRIATIONS AND EXPENDITURES."**

(B) by striking "SEC. 108.";

(C) in subsection (a), by inserting "EXPENDITURES OF COLLECTED FUNDS UNDER INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—" after "(a)";

(D) in subsection (b), by inserting "AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF DEFENSE.—" after "(b)";

(E) in subsection (c), by inserting "AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF THE INTERIOR.—" after "(c)"; and

(F) in subsection (D), by inserting "USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—" after "(d)".

(7) Section 201 (16 U.S.C. 670g) is amended—

(A) by inserting at the beginning the following:

**"SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS."**

(B) by striking "SEC. 201.";

(C) in subsection (a), by inserting "PROGRAMS REQUIRED.—" after "(a)"; and

(D) in subsection (b), by inserting "IMPLEMENTATION OF PROGRAMS.—" after "(b)".

(8) Section 202 (16 U.S.C. 670h) is amended—

(A) by inserting at the beginning the following:

**"SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS."**

(B) by striking "SEC. 202.";

(C) in subsection (a), by inserting "DEVELOPMENT OF PLANS.—" after "(a)";

(D) in subsection (b), by inserting "CONSISTENCY WITH OVERALL LAND USE AND MANAGEMENT PLANS; HUNTING, TRAPPING, AND FISHING.—" after "(b)";

(E) in subsection (c), by inserting "COOPERATIVE AGREEMENTS BY STATE AGENCIES FOR IMPLEMENTATION OF PROGRAMS.—" after "(c)"; and

(F) in subsection (d), by inserting "STATE AGENCY AGREEMENTS NOT COOPERATIVE AGREEMENTS UNDER OTHER PROVISIONS.—" after "(d)".

(9) Section 203 (16 U.S.C. 670i) is amended—

(A) by inserting at the beginning the following:

**"SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS."**

(B) by striking "SEC. 203.";

(C) in subsection (a), by inserting "AGREEMENTS TO REQUIRE STAMPS.—" after "(a)"; and

(D) in subsection (b)—

(i) by inserting "CONDITIONS FOR AGREEMENTS.—" after "(b)"; and

(ii) by moving paragraph (3) 2 ems to the right, so that the left-hand margin aligns with that of paragraph (2).

(10) Section 204 (16 U.S.C. 670j) is amended—

(A) by inserting at the beginning the following:

**"SEC. 204. ENFORCEMENT PROVISIONS."**

(B) by striking "SEC. 204.";

(C) in subsection (a), by inserting "VIOLATIONS AND PENALTIES.—" after "(a)";

(D) in subsection (b), by inserting "ENFORCEMENT POWERS AND PROCEEDINGS.—" after "(b)"; and

(E) in subsection (c), by inserting "SEIZURE AND FORFEITURE.—" after "(c)"; and

(F) in subsection (d), by inserting "APPLICABILITY OF CUSTOMS LAWS.—" after "(d)".

(11) Section 205 (16 U.S.C. 670k) is amended—

(A) by inserting at the beginning the following:

**"SEC. 205. DEFINITIONS."**; and

(B) by striking "SEC. 205.".

(12) Section 206 (16 U.S.C. 670l) is amended—

(A) by inserting at the beginning the following:

**"SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES."**; and

(B) by striking "SEC. 206.".

(13) Section 207 (16 U.S.C. 670m) is amended—

(A) by inserting at the beginning the following:

**"SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS."**; and

(B) by striking "SEC. 207.".

(14) Section 209 (16 U.S.C. 670o) is amended—

(A) by inserting at the beginning the following:

**"SEC. 209. AUTHORIZATION OF APPROPRIATIONS."**

(B) by striking "SEC. 209.";

(C) in subsection (a), by inserting "FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF THE INTERIOR.—" after "(a)";

(D) in subsection (b), by inserting "FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE.—" after "(b)";

(E) in subsection (c), by inserting "USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES" after "(c)"; and

(F) in subsection (d), by inserting "CONTRACT AUTHORITY" after "(d)".

(c) CODIFICATION OF CHANGE OF NAME.—Section 204(b) of such Act (16 U.S.C. 670j) is amended by striking "magistrate" both places it appears and inserting "magistrate judge".

(d) REPEAL OF OBSOLETE SECTION.—Section 208 of such Act is repealed, and section 209 of such Act (16 U.S.C. 670o) is redesignated as section 208.

**SEC. 314. DISCHARGE OF WASTES AT SEA GENERATED BY SHIPS OF THE ARMED FORCES.**

(a) DISCHARGE RESTRICTIONS FOR SHIPS OF THE ARMED FORCES.—Subsection (b) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(b)) is amended to read as follows:

"(b)(1) Except as provided in paragraph (3), this Act shall not apply to—

"(A) a ship of the Armed Forces described in paragraph (2); or

"(B) any other ship specifically excluded by the MARPOL Protocol or the Antarctic Protocol.

"(2) A ship described in this paragraph is a ship that is owned or operated by the Secretary, with respect to the Coast Guard, or by the Secretary of a military department, and that, as determined by the Secretary concerned—

"(A) has unique military design, construction, manning, or operating requirements; and

"(B) cannot fully comply with the discharge requirements of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

"(3)(A) Notwithstanding any provision of the MARPOL Protocol, the requirements of Annex V to the Convention shall apply to all ships referred to in subsection (a) other than those described in paragraph (2).

"(B) A ship that is described in paragraph (2) shall limit the discharge into the sea of garbage as follows:

"(i) The discharge into the sea of plastics, including synthetic ropes, synthetic fishing nets, plastic garbage bags, and incinerator ashes from plastic products that may contain toxic chemicals or heavy metals, or the residues thereof, is prohibited.

"(ii) Garbage consisting of the following material may be discharged into the sea, subject to subparagraph (C):

"(I) A non-floating slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

"(II) Metal and glass that have been shredded and bagged (in compliance with clause (i)) so as to ensure negative buoyancy.

"(III) With regard to a submersible, non-plastic garbage that has been compacted and weighted to ensure negative buoyancy.

"(IV) Ash from incinerators or other thermal destruction systems not containing toxic chemicals, heavy metals, or incompletely burned plastics.

"(C)(i) Garbage described in subparagraph (B)(ii)(I) may not be discharged within 3 nautical miles of land.

"(ii) Garbage described in subclauses (II), (III), and (IV) of subparagraph (B)(ii) may not be discharged within 12 nautical miles of land.

“(D) Notwithstanding subparagraph (C), a ship described in paragraph (2) that is not equipped with garbage-processing equipment sufficient to meet the requirements of subparagraph (B)(ii) may discharge garbage that has not been processed in accordance with subparagraph (B)(ii) if such discharge occurs as far as practicable from the nearest land, but in any case not less than—

“(i) 12 nautical miles from the nearest land, in the case of food wastes and non-floating garbage, including paper products, cloth, glass, metal, bottles, crockery, and similar refuse; and

“(ii) 25 nautical miles from the nearest land, in the case of all other garbage.

“(E) This paragraph shall not apply when discharge of any garbage is necessary for the purpose of securing the safety of the ship, the health of the ship's personnel, or saving life at sea. Not later than 270 days after such a discharge, the discharge shall be reported to the Secretary, with respect to the Coast Guard, or the Secretary concerned.

“(F) This paragraph shall not apply during time of war or a national emergency declared by the President or Congress.”.

(b) **CONFORMING AMENDMENTS.**—Section 3(f) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(f)) is amended—

(1) in paragraph (1), by striking “Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1)” and inserting “subsection (b)”;

(2) in paragraph (2), by inserting “and subsection (b)(3)(B)(i) of this section” after “Annex V to the Convention”.

**SEC. 315. DESIGNATION OF DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR ALTERNATIVE FUEL DEVELOPMENT.**

(a) **DESIGNATION OF EXECUTIVE AGENT.**—The Assistant Secretary of Defense for Operational Energy, Plans, and Programs shall recommend, and the Secretary of Defense shall designate, the Secretary of one of the military departments to serve as the Executive Agent for Alternative Fuel Development for the Department of Defense. The Executive Agent shall—

(1) lead the military departments in the development of alternative fuel;

(2) streamline the current investments of each of the military departments and ensure that such investments account for the requirements of the military departments;

(3) work jointly with the Assistant Secretary of Defense for Research and Engineering;

(4) collaborate with and leverage investments made by the Department of Energy to advance alternative fuel development to the benefit of the Department of Defense; and

(5) coordinate proposed alternative fuel investments in accordance with section 138c(e) of title 10, United States Code.

(b) **IMPLEMENTATION.**—The Assistant Secretary of Defense for Operational Energy, Plans, and Programs shall prescribe policy for the Executive Agent, establish guidelines for streamlining alternative fuel investments across the Department of Defense, and certify the budget associated with such investments.

(c) **NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees notification of the Secretary designated as the Executive Agent for Alternative Fuel Development for the Department of Defense under subsection (a) and a copy of the policy prescribed under subsection (b).

**SEC. 316. FAVORABLE CONSIDERATION OF ENERGY-EFFICIENT TECHNOLOGIES IN CONTRACTS FOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.**

(a) **FAVORABLE CONSIDERATION.**—In evaluating offers for defense logistics support con-

tracts for contingency operations, the Secretary of Defense shall give favorable consideration, consistent with the energy performance goals and energy performance master plan for the Department of Defense developed under section 2911 of title 10, United States Code, to offers that include energy-efficient or energy reduction technologies or processes meeting the requirements of subsection (b).

(b) **REQUIREMENTS FOR ENERGY TECHNOLOGIES AND PROCESSES.**—Favorable consideration shall be given to an offer for a defense logistics support contract under subsection (a) if any energy technology or process included in the offer meets the following criteria:

(1) The technology or process achieves long-term savings for the Government by reducing overall demand for fuel and other sources of energy in contingency operations.

(2) The technology or process does not disrupt the mission, the logistics, or the core requirements in the contingency operation concerned.

(3) The technology or process is able to integrate seamlessly into the existing infrastructure in the contingency operation concerned.

(c) **ADDITIONAL REQUIREMENTS.**—

(1) **LIFECYCLE COST SAVINGS REQUIRED TO BE DEMONSTRATED.**—Favorable consideration may not be given under subsection (a) to an offer for a defense logistics support contract unless the offer contains information demonstrating the total lifecycle cost savings achieved using the energy technology or process in the offer over traditional technologies.

(2) **RELATIONSHIP TO OTHER FACTORS.**—The favorable consideration given under subsection (a) with respect to a defense logistics support contract does not outweigh other factors set forth by the selection authority for the evaluation of the contract.

(d) **REGULATIONS AND GUIDANCE.**—

(1) **REGULATIONS.**—The Defense Supplement to the Federal Acquisition Regulation shall be revised to implement this section.

(2) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on the implementation of this section.

(e) **REPORT.**—The annual report required by section 2925(b) of title 10, United States Code, shall include information on the progress in the implementation of this section, including savings achieved by the Department resulting from such implementation.

(f) **DEFINITIONS.**—In this section:

(1) **DEFENSE LOGISTICS SUPPORT CONTRACT.**—The term “defense logistics support contract” means a contract for services, or a task order under such a contract, awarded by the Department of Defense to provide logistics support during times of military mobilizations, including contingency operations, in any amount greater than the simplified acquisition threshold.

(2) **CONTINGENCY OPERATION.**—The term “contingency operation” has the meaning provided in section 101(a)(13) of title 10, United States Code.

**Subtitle C—Logistics and Sustainment**

**SEC. 321. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.**

Section 2460 of title 10, United States Code, is amended to read as follows:

**“§2460. Definition of depot-level maintenance and repair**

“(a) **IN GENERAL.**—In this chapter, the term “depot-level maintenance and repair” means (except as provided in subsection (b)) the processes of material maintenance or repair involving the overhaul, upgrading, rebuilding, testing, inspection, and reclamation (as necessary) of weapon systems, equipment end items, parts, components, assemblies, and subassemblies. The term includes—

“(1) all aspects of software maintenance;

“(2) the installation of parts or components for modifications; and

“(3) associated technical assistance to intermediate maintenance organizations, operational units, and other activities.

“(b) **EXCEPTION.**—The term does not include the nuclear refueling of an aircraft carrier.”.

**SEC. 322. CORE LOGISTICS CAPABILITIES.**

(a) **MODIFICATIONS TO CORE LOGISTICS CAPABILITIES REQUIREMENTS.**—Section 2464 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “systems and equipment under special access programs, nuclear aircraft carriers,” and inserting “the nuclear refueling of an aircraft carrier”; and

(B) in paragraph (4), by striking “facilities” each place it appears and inserting “industrial facilities”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b) **ANNUAL REPORT.**—Not later than 90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) each of the following:

“(1) The core logistics capability requirements identified in subsection (a)(2).

“(2) The depot maintenance workloads required to cost-effectively support core logistics capability requirements.

“(3) The additional depot maintenance workloads, beyond the workloads identified under paragraph (2), needed to ensure that not more than 50 percent of the non-exempt depot maintenance funding is expended for performance by non-federal governmental personnel in accordance with section 2466 of this title.

“(4) The allocation of workload for each Center of Industrial and Technical Excellence as designated in accordance with section 2474 of this title.

“(5) The depot maintenance capital investments required to be made in order to ensure compliance with subsection (a) by not later than four years after achieving initial operational capacity.”; and

(4) by adding at the end the following new subsection:

“(e) **INDUSTRIAL FACILITY DEFINED.**—In this section, the term ‘industrial facility’ includes government-owned ammunition plants, arsenals, depots, and manufacturing plants and facilities designated for the purpose of conducting depot-level maintenance and repair.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a)(1) shall apply with respect to contracts entered into after the date of the enactment of this Act.

**SEC. 323. DESIGNATION OF MILITARY INDUSTRIAL FACILITIES AS CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.**

Section 2474(a)(1) of title 10, United States Code, is amended by inserting “or military industrial facility” after “depot-level activity”.

**SEC. 324. REDESIGNATION OF CORE COMPETENCIES AS CORE LOGISTICS CAPABILITIES FOR CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.**

Section 2474 of title 10, United States Code, is amended—

(1) by striking “core competencies” each place it appears and inserting “core logistics capabilities”; and

(2) in subsection (a)(2), by striking “core competency” and inserting “core logistics capability”.

**SEC. 325. PERMANENT AND EXPANDED AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENTER INTO CERTAIN CO-OPERATIVE ARRANGEMENTS WITH NON-ARMY ENTITIES.**

(a) IN GENERAL.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (k).

(b) REPORT.—Section 328(b)(A) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 66; 10 U.S.C. 4544 note) is amended by striking “the advisability” and all that follows through the end and inserting “the effect of the use of such authority on the rates charged by each Army industrial facility when bidding on contracts for the Army or for a Defense agency and providing recommendations to improve the ability of each category of Army industrial facility (as defined in section 4544(j) of title 10, United States Code) to compete for such contracts.”.

**SEC. 326. AMENDMENT TO REQUIREMENT RELATING TO CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS.**

Section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note) is amended by inserting after “major weapon system” the following: “or a subsystem or component of a major weapon system”.

**SEC. 327. IMPLEMENTATION OF CORRECTIVE ACTIONS RESULTING FROM CORROSION STUDY OF THE F-22 AND F-35 AIRCRAFT.**

(a) IMPLEMENTATION; CONGRESSIONAL BRIEFING.—Not later than January 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall implement the recommended actions described in subsection (b) and provide to the congressional defense committees a briefing on the actions taken by the Under Secretary to implement such recommended actions.

(b) RECOMMENDED ACTIONS.—The recommended actions described in this subsection are the following four recommended actions included in the report of the Government Accountability Office report numbered GAO-11-117R and titled “Defense Management: DOD Needs to Monitor and Assess Corrective Actions Resulting from Its Corrosion Study of the F-35 Joint Strike Fighter”:

(1) The documentation of program-specific recommendations made as a result of the corrosion study described in subsection (d) with regard to the F-35 and F-22 aircraft and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken with respect to such aircraft in response to such recommendations.

(2) The documentation of program-specific recommendations made as a result of such corrosion study with regard to the other weapon systems identified in the study, specifically the CH-53K helicopter, the Joint High Speed Vessel, the Broad Area Maritime Surveillance Unmanned Aircraft System, and the Joint Light Tactical Vehicle, and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Air Force and the Navy in response to such recommendations.

(3) The documentation of Air Force-specific and Navy-specific recommendations made as a result of such corrosion study and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Air Force and the Navy in response to such recommendations.

(4) The documentation of Department of Defense-wide recommendations made as a result of such corrosion study, the implementation of any

needed changes in policies and practices to improve corrosion prevention and control in new systems acquired by the Department, and the establishment of a process for monitoring and assessing the effectiveness of the corrective actions taken by the Department in response to such recommendations.

(c) DEADLINE FOR COMPLIANCE.—Not later than December 31, 2012, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the directors of the F-35 and F-22 program offices, the directors of the program offices for the weapons systems referred to in subsection (b)(2), the Secretary of the Army, the Secretary of the Air Force, and the Secretary of the Navy, shall—

(1) take whatever steps necessary to comply with the recommendations documented pursuant to the required implementation under subsection (a) of the recommended actions described in subsection (b); or

(2) submit to the congressional defense committees written justification of why compliance was not feasible or achieved.

(d) CORROSION STUDY.—The corrosion study described in this subsection is the study required in House Report 111-166 accompanying H.R. 2647 of the 111th Congress conducted by the Office of the Director of Corrosion Policy and Oversight of the Office of the Secretary of Defense and titled “Corrosion Evaluation of the F-22 Raptor and F-35 Lightning II Joint Strike Fighter”.

**Subtitle D—Readiness**

**SEC. 331. MODIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS OF FUNDS.**

The second sentence of subsection (g) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) by striking “shall be available” and inserting “shall remain available until expended”; and

(2) by inserting before the period at the end the following: “or to conduct studies of potential measures to mitigate such impacts”.

**SEC. 332. REVIEW OF PROPOSED STRUCTURES AFFECTING NAVIGABLE AIRSPACE.**

Section 44718 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(e) REVIEW OF AERONAUTICAL STUDIES.—The Administrator of the Federal Aviation Administration shall develop procedures to allow the Department of Defense and the Department of Homeland Security to review and comment on an aeronautical study conducted pursuant to subsection (b) prior to the completion of the study.”.

**SEC. 333. SENSE OF CONGRESS REGARDING INTEGRATION OF BALLISTIC MISSILE DEFENSE TRAINING ACROSS AND BETWEEN COMBATANT COMMANDS AND MILITARY SERVICES.**

(a) FINDINGS.—Congress finds that ballistic missile defense is an inherently joint operation that requires close coordination between combatant commands and military services at all levels, from the strategic to the operational to the tactical. Since the time available to identify, track, and intercept ballistic missiles will be less than 30 minutes, joint training to improve the ability of the military departments and combatant commands to work together is essential for successfully planning and conducting ballistic missile defense operations. Congress has previously expressed concern that gaps in joint missile defense training, from the lowest sensor or shooter operator level to the highest levels of decision-making on combatant command staffs, must be identified and rectified.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) improving the integration of ballistic missile defense training across and between combatant commands and military services and fully identifying the training requirements, capabilities, and resources that the Department of Defense needs to effectively train for this complex mission is vital to the protection of the United States against ballistic missile attacks;

(2) identifying and addressing training gaps in integrating missile defense training is essential for successfully employing the Ballistic Missile Defense System; and

(3) identifying the capabilities and funding needed to effectively and adequately integrate training across and between the combatant commands and military services is important to ensure that training priorities are being met and that resources are aligned to support the training.

**Subtitle E—Reports**

**SEC. 341. ANNUAL CERTIFICATION AND MODIFICATIONS OF ANNUAL REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.**

(a) ANNUAL CERTIFICATION.—Section 2229 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) ANNUAL CERTIFICATION.—(1) Not later than the date of the submission of the President’s budget request for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees certification in writing that the prepositioned stocks of each of the military departments meet all operations plans, in both fill and readiness, that are in effect as of the date of the submission of the certification.

“(2) If, for any year, the Secretary cannot certify that any of the prepositioned stocks meet such operations plans, the Secretary shall include with the certification for that year a list of the operations plans affected, a description of any measures that have been taken to mitigate any risk associated with prepositioned stock shortfalls, and an anticipated timeframe for the replenishment of the stocks.

“(3) A certification under this subsection shall be in an unclassified form but may have a classified annex.”.

(b) ANNUAL REPORT.—Section 2229a(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(7) A list of any non-standard items slated for inclusion in the prepositioned stocks and a plan for funding the inclusion and sustainment of such items.

“(8) A list of any equipment used in support of Operation Iraqi Freedom, Operation New Dawn, or Operation Enduring Freedom slated for retrograde and subsequent inclusion in the prepositioned stocks.

“(9) An efficiency strategy for limited shelf-life medical stock replacement.

“(10) The status of efforts to develop a joint strategy, integrate service requirements, and eliminate redundancies.

“(11) The operational planning assumptions used in the formulation of prepositioned stock levels and composition.

“(12) A list of any strategic plans affected by changes to the levels, composition, or locations of the prepositioned stocks and a description of any action taken to mitigate any risk that such changes may create.”.

**SEC. 342. MODIFICATION OF REPORT ON MAINTENANCE AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.**

Section 7310(c) of title 10, United States Code, is amended—

(1) in paragraph (3)(A), by inserting after “justification under law” the following: “and operational justification”; and

(2) in paragraph (4), by adding at the end the following new subparagraph:

“(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the United States Transportation Command.”.

**SEC. 343. ADDITIONAL REQUIREMENTS FOR ANNUAL REPORT ON MILITARY WORKING DOGS.**

Section 358(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) in the matter preceding paragraph (1), by striking “for the fiscal year covered by the report”;

(2) in paragraph (1), by striking “The number” and inserting “For the fiscal year covered by the report, the number”;

(3) in paragraph (2), by striking “The cost” and inserting “For such fiscal year”;

(4) in paragraph (3), by inserting “during such fiscal year” before the period at the end; and

(5) by adding at the end the following new paragraphs:

“(4) For such fiscal year, the number of military working dogs providing services under a contract for each military department or Defense Agency.

“(5) For such fiscal year, the number of military working dogs bred by each military department or Defense Agency.

“(6) An evaluation of military working dog breeding programs that addresses—

“(A) the cost of acquiring dogs through such breeding programs compared to the cost of purchasing the dogs;

“(B) a plan for how the Department could better leverage existing departmental and non-departmental domestic breeding programs; and

“(C) other considerations as determined appropriate by the Secretary.

“(7) The future force structure requirements for the military working dog program.”.

**SEC. 344. ASSESSMENT AND REPORTING REQUIREMENTS REGARDING THE STATUS OF COMPLIANCE WITH JOINT MILITARY TRAINING AND FORCE ALLOCATIONS.**

(a) **ASSESSMENT REQUIRED.**—At the beginning of each even-numbered year, the Secretary of Defense shall conduct an assessment of joint military training and force allocations to determine—

(1) the compliance of the military departments with the joint training, doctrine, and resource allocation recommendations promulgated by the Joint Chiefs of Staff; and

(2) the effectiveness of the Joint Staff in carrying out the missions of planning and experimentation formerly accomplished by Joint Forces Command.

(b) **RELATION TO NATIONAL MILITARY STRATEGY ASSESSMENTS.**—The assessments required by this section are in addition to the assessments of the National Military Strategy conducted by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code.

(c) **REPORTS ON RESULTS OF ASSESSMENT.**—Not later than March 31, 2012, and March 31 of each even-numbered year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the most recently concluded assessment conducted under subsection (a).

**SEC. 345. STUDY OF UNITED STATES PACIFIC COMMAND TRAINING READINESS.**

(a) **STUDY REQUIRED.**—In fulfillment of the recommendations in the 2010 Quadrennial Defense Review, the Secretary of Defense, in conjunction with the Commander of the United States Pacific Command, shall conduct a study to identify current and future training requirements for all members of the Armed Forces assigned to the Pacific Command area of responsibility,

the sufficiency of current training infrastructure to meet those requirements, and the effect on operational readiness of providing additional training venues.

(b) **TRAINING LOCATIONS.**—

(1) **IN GENERAL.**—In carrying out the study required under subsection (a), the Secretary of Defense and the Commander of the United States Pacific Command shall identify locations within the United States Pacific Command’s area of responsibility as suitable to establish combat training centers to fulfill requirements for live-fire and simulated individual, small-unit, and collective pre-deployment and post-deployment training of United States combat forces in joint, multi-national, and coalition full-spectrum operations as well as counter-insurgency, stability, and humanitarian operations.

(2) **SUITABILITY FOR TRAINING.**—The locations identified by the Secretary and the Commander of the United States Pacific Command pursuant to paragraph (1) shall be suitable for training forces equivalent to a Marine Expeditionary Force, an Army division, an Air and Space Expeditionary Force, or a Navy carrier strike group.

(3) **LOCATIONS FOR CONSIDERATION.**—In identifying locations to be studied pursuant to paragraph (1), the Secretary and the Commander of the United States Pacific Command may consider, among others, current as well as former United States military installations.

(c) **STUDY REQUIREMENTS.**—In carrying out the study required under subsection (a), the Secretary and the Commander of the United States Pacific Command shall—

(1) determine cost estimates for any necessary acquisition, development (including military construction), operation, and maintenance of the locations identified under subsection (b);

(2) determine the estimated cost to upgrade any current infrastructure at any location identified to bring the location to a state required for the training described in subsection (b);

(3) provide a description of the possible environmental impact of conducting the training described in subsection (b);

(4) include an estimate of the potential economic impact, either positive or negative, to the local community of accommodating the training described in subsection (b); and

(5) provide a description of the anticipated impact on the quality of life for military personnel who would train at the identified locations.

(d) **ASSESSMENT OF READINESS IMPACT.**—The Secretary and the Commander of the United States Pacific Command shall include in the study required under this section an assessment of the effect on operational and training readiness that would be achieved by providing training at the training locations identified under subsection (b).

(e) **REPORT.**—Not later than February 28, 2013, the Secretary shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the study required under this section along with any conclusions and recommendations of the Secretary and the Commander of the United States Pacific Command regarding the activation and implementation of training sites in the Pacific Command area of responsibility.

(f) **COMPTROLLER GENERAL BRIEFING.**—Not later than 120 days after the submittal of the report under subsection (e), the Comptroller General of the United States shall provide to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a briefing on the completeness of the Secretary’s report in fulfilling the requirements of this section and the feasibility of successfully establishing additional

training opportunities based on the recommendations included in the report.

**Subtitle F—Limitations and Extensions of Authority**

**SEC. 351. ADOPTION OF MILITARY WORKING DOG BY FAMILY OF DECEASED OR SERIOUSLY WOUNDED MEMBER OF THE ARMED FORCES WHO WAS THE DOG’S HANDLER.**

Section 2583(c) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “Military animals”; and

(2) by adding at the end the following new paragraph:

“(2) For purposes of making a determination under subsection (a)(2), unusual or extraordinary circumstances may include situations in which the handler of a military working dog is killed in action, dies of wounds received in action, or is so seriously wounded in action that the member will (or most likely will) receive a medical discharge. If the Secretary of the military department concerned determines that an adoption is justified in such a situation, the military working dog shall be made available for adoption only by the immediate family of the member.”.

**SEC. 352. PROHIBITION ON EXPANSION OF THE AIR FORCE FOOD TRANSFORMATION INITIATIVE.**

The Secretary of the Air Force may not expand the Air Force food transformation initiative (hereinafter referred to as the “initiative”) to include any base other than the six bases initially included in the pilot program until 270 days after the date on which the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative. Such report shall include the following:

(1) A description of the effects of the initiative on all employees who are paid through non-appropriated funds.

(2) A detailed plan for any new information technology systems, along with a funding plan, that may be required to fully implement the initiative.

(3) A description of the performance metrics developed to objectively measure the initiative at the six bases participating in the initiative as of the date of the enactment of this Act.

(4) An explanation of how appropriated and non-appropriated funds used in the initiative are being tracked to ensure that such funds remain segregated.

(5) An estimate of the cost savings and efficiencies associated with the initiative, and an explanation of how such savings are achieved.

(6) The rationale for any increases in food prices at both the appropriated facilities on the military bases participating in the initiative as of the date of the enactment of this Act and the non-appropriated funded facilities on such bases.

(7) An explanation of any challenges or barriers encountered at such bases and a plan for addressing those challenges or barriers to implementation.

(8) A description of the training programs being developed to assist the transition for all employees affected by the initiative.

(9) A detailed plan for addressing any recommendations made by the Comptroller General of the United States following the Comptroller General’s review of the initiative.

**SEC. 353. LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THE MIGRATION OF ARMY ENTERPRISE EMAIL SERVICES.**

Of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the



migration to enterprise email services by the Department of the Army, not more than 2 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Army submits to the congressional defense committees a report that includes a comparison of the relative merits of transitioning to Defense Information Systems Agency enterprise email services and Army Knowledge Online. The report shall address each of the following:

(1) The original business case analysis supporting the decision to transition to Defense Information Systems Agency enterprise email services.

(2) An analysis of alternatives to the decision that were considered.

(3) The proposed formal acquisition oversight body and process with respect to the transition.

(4) An economic analysis (including a life-cycle cost analysis) of the proposed transition, including a cost-benefit analysis and assessment of sustainment costs.

**SEC. 354. ONE-YEAR EXTENSION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS TO ARMY FOR CERTAIN PRODUCT IMPROVEMENTS.**

Section 330(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 68) is amended by striking “October 1, 2013” and inserting “October 1, 2014”.

**Subtitle G—Other Matters**

**SEC. 361. CONSIDERATION OF FORECLOSURE CIRCUMSTANCES IN ADJUDICATION OF SECURITY CLEARANCES.**

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1564a the following new section:

**“§ 1564b. Security clearance adjudications**

“In carrying out a security clearance adjudication of a member of the armed forces, the Secretary of Defense shall give special consideration to any such member with a record of a foreclosure on the credit report of such member.”.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall issue regulations to carry out section 1564b of title 10, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1564a the following new item:

“1564b. Security clearance adjudications.”.

**SEC. 362. AUTHORITY TO PROVIDE INFORMATION FOR MARITIME SAFETY OF FORCES AND HYDROGRAPHIC SUPPORT.**

(a) AUTHORITY.—Part IV of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 669—MARITIME SAFETY OF FORCES**

“Sec.

“7921. Safety and effectiveness information; hydrographic information.

**“§ 7921. Safety and effectiveness information; hydrographic information**

“(a) SAFETY AND EFFECTIVENESS INFORMATION.—(1) The Secretary of the Navy shall maximize the safety and effectiveness of all maritime vessels, aircraft, and forces of the armed forces by means of—

“(A) marine data collection;

“(B) numerical weather and ocean prediction; and

“(C) forecasting of hazardous weather and ocean conditions.

“(2) The Secretary may extend similar support to forces of the North Atlantic Treaty Organization, and to coalition forces, that are operating with the armed forces.

“(b) HYDROGRAPHIC INFORMATION.—The Secretary of the Navy shall collect, process, and provide to the Director of the National Geospatial-Intelligence Agency hydrographic information to support preparation of maps, charts, books, and geodetic products by that Agency.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle C of such title, and the table of chapters at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 667 the following new item:

**“669. Maritime Safety of Forces ..... 7921”.**

**SEC. 363. DEPOSIT OF REIMBURSED FUNDS UNDER RECIPROCAL FIRE PROTECTION AGREEMENTS.**

(a) IN GENERAL.—Subsection (b) of section 5 of the Act of May 27, 1955 (42 U.S.C. 1856d(b)) is amended to read as follows:

“(b) Notwithstanding subsection (a), all sums received as reimbursements for costs incurred by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the same appropriation or fund from which the expenses were paid or, if the period of availability for obligation for that appropriation has expired, to the appropriation or fund that is currently available to the activity for the same purpose. Amounts so credited shall be subject to the same provisions and restrictions as the appropriation or account to which credited.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to reimbursements for expenditures of funds appropriated after the date of the enactment of this Act.

**SEC. 364. REDUCTION IN AMOUNTS OTHERWISE AUTHORIZED TO BE APPROPRIATED TO THE DEPARTMENT OF DEFENSE FOR PRINTING AND REPRODUCTION.**

The following amounts otherwise authorized to be appropriated for fiscal year 2012 for the Department of Defense are hereby reduced by 10 percent:

(1) The amount for Operation and Maintenance for the Army, for printing and reproduction.

(2) The amount for Operation and Maintenance for the Navy, for printing and reproduction.

(3) The amount for Operation and Maintenance for the Marine Corps, for printing and reproduction.

(4) The amount for Operation and Maintenance for the Air Force, for printing and reproduction.

(5) The amount for Operation and Maintenance for Defense-wide activities, for printing and reproduction.

**SEC. 365. REDUCTION IN AMOUNTS OTHERWISE AUTHORIZED TO BE APPROPRIATED TO THE DEPARTMENT OF DEFENSE FOR STUDIES, ANALYSIS, AND EVALUATIONS.**

The following amounts otherwise authorized to be appropriated for fiscal year 2012 for the Department of Defense are hereby reduced by 10 percent:

(1) The amount for Operation and Maintenance for the Army, for studies, analysis, and evaluations.

(2) The amount for Operation and Maintenance for the Navy, for studies, analysis, and evaluations.

(3) The amount for Operation and Maintenance for the Marine Corps, for studies, analysis, and evaluations.

(4) The amount for Operation and Maintenance for the Air Force, for studies, analysis, and evaluations.

(5) The amount for Operation and Maintenance for Defense-wide activities, for studies, analysis, and evaluations.

**SEC. 366. CLARIFICATION OF THE AIRLIFT SERVICE DEFINITIONS RELATIVE TO THE CIVIL RESERVE AIR FLEET.**

(a) CLARIFICATION.—Section 41106 of title 49, United States Code, is amended—

(1) in subsections (a)(1), (b), and (c), by striking “transport category aircraft” each place it appears and inserting “CRAF-eligible aircraft”; and

(2) in subsection (c), by striking “that has aircraft in the civil reserve air fleet” and inserting “referred to in subsection (a)”.

(b) CRAF-ELIGIBLE AIRCRAFT DEFINED.—Such section is further amended by adding at the end the following new subsection:

“(e) CRAF-ELIGIBLE AIRCRAFT DEFINED.—In this section, ‘CRAF-eligible aircraft’ means aircraft of a type the Secretary of Defense has determined to be eligible to participate in the civil reserve air fleet.”.

**SEC. 367. RATEMAKING PROCEDURES FOR CIVIL RESERVE AIR FLEET CONTRACTS.**

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by inserting after section 9511 the following new section:

**“§ 9511a. Civil Reserve Air Fleet contracts: payment rate**

“(a) AUTHORITY.—The Secretary of Defense shall determine a fair and reasonable rate of payment for airlift services provided to the Department of Defense by air carriers who are participants in the Civil Reserve Air Fleet program.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of subsection (a). The Secretary may exclude from the applicability of those regulations any airlift services contract made through the use of competitive procedures.

“(c) COMMITMENT OF AIRCRAFT AS A BUSINESS FACTOR.—The Secretary may, in determining the quantity of business to be received under an airlift services contract for which the rate of payment is determined in accordance with subsection (a), use as a factor the relative amount of airlift capability committed by each air carrier to the Civil Reserve Air Fleet.

“(d) INAPPLICABLE PROVISIONS OF LAW.—An airlift services contract for which the rate of payment is determined in accordance with subsection (a) shall not be subject to the provisions of section 2306a of this title or to the provisions of subsections (a) and (b) of section 1502 of title 41.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9511 the following new item:

“9511a. Civil Reserve Air Fleet contracts: payment rate.”.

(c) INITIAL REGULATIONS.—Regulations shall be prescribed under section 9511a(b) of title 10, United States Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

**SEC. 368. SENSE OF CONGRESS ON PROPOSED FEDERAL AVIATION ADMINISTRATION CHANGES TO FLIGHT CREW MEMBER DUTY AND REST REQUIREMENTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Section 212 of the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111-216; 49 U.S.C. 44701 note) directed the Administrator of the Federal Aviation Administration to issue regulations, based on the best available scientific information, to specify limitations on the hours of flight and duty time allowed for pilots to address problems relating to pilot fatigue.

(2) On September 14, 2010, the Federal Aviation Administration issued a Notice of Proposed Rulemaking titled “Flightcrew Member Duty and Rest Requirements”.



(3) Between March 2010 and March 2011, the Air Mobility Command and its Civil Reserve Air Fleet partners airlifted more than 2,000,000 passengers and 848,000 tons of cargo around the world in support of the missions of the Department of Defense.

(4) An Air Force Institute of Technology study titled "Civil Reserve Airlift Fleet (CRAF) Crew Rest Study" analyzed 2264 missions flown by Civil Reserve Air Fleet carriers under contract with the Department of Defense between May and September 2011, and concluded that over 80 percent of those missions may have been infeasible had the proposed rule referred to in paragraph (2) been in effect during such period.

(5) On February 15, 2011, General Duncan J. McNabb, Commander of the United States Transportation Command, wrote to the Administrator of the Federal Aviation Administration expressing significant concern about the proposed rule change and stating that the Operational Risk Management approach of the United States Transportation Command mitigated operational hazards and included "reasonable measures to reduce risk to personnel, equipment and the mission". In the letter, General McNabb noted that he believes there is room for proper exceptions to the proposed rule and went on to write that "through cooperation, we can develop mutually acceptable guidelines that not only mitigate the impact of crew fatigue, but afford all carriers the flexibility to implement safer aircrew processes".

(6) The United States Transportation Command is relying heavily on the Civil Reserve Air Fleet as a critical partner as they effectively and efficiently deploy and sustain the warfighter in simultaneous operations in Afghanistan, Iraq, and Libya and in relief operations in Japan.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) when faced with immediate and long-term world events, the superb team of the United States Transportation Command successfully overcomes many obstacles to support the national security objectives of the United States with world-class logistics and the Civil Reserve Air Fleet program is one of the major reasons they deliver both combat power and humanitarian relief on time, on target, and at best value to the taxpayer;

(2) the Administrator of the Federal Aviation Administration should make every effort to ensure that any changes to guidelines, regulations, and rules of the Federal Aviation Administration, including changes to the Flightcrew Member Duty and Rest Requirements, fully consider the impact of such changes on Civil Reserve Air Fleet carriers, the United States Transportation Command, and the Department of Defense; and

(3) the Administrator of the Federal Aviation Administration, in consultation with the Commander of the United States Transportation Command, should develop guidelines that address not only crew fatigue, but also enhance safety while minimizing the impact on the mission of the United States Transportation Command and the Department of Defense.

#### **SEC. 369. POLICY ON ACTIVE SHOOTER TRAINING FOR CERTAIN LAW ENFORCEMENT PERSONNEL.**

The Secretary of Defense shall establish policy and promulgate guidelines to ensure civilian and military law enforcement personnel charged with security functions on military installations shall receive Active Shooter Training as described in finding 4.3 of the document entitled "Protecting the Force: Lessons From Fort Hood".

### **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

#### **Subtitle A—Active Forces**

##### **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

- (1) The Army, 562,000.
- (2) The Navy, 325,739.
- (3) The Marine Corps, 202,100.
- (4) The Air Force, 332,800.

##### **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

- "(1) For the Army, 562,000.
- "(2) For the Navy, 325,739.
- "(3) For the Marine Corps, 202,100.
- "(4) For the Air Force, 332,800."

#### **Subtitle B—Reserve Forces**

##### **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2012, as follows:

- (1) The Army National Guard of the United States, 358,200.
- (2) The Army Reserve, 205,000.
- (3) The Navy Reserve, 66,200.
- (4) The Marine Corps Reserve, 39,600.
- (5) The Air National Guard of the United States, 106,700.
- (6) The Air Force Reserve, 71,400.
- (7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

- (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and
- (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

##### **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2012, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 32,060.
- (2) The Army Reserve, 16,261.
- (3) The Navy Reserve, 10,337.
- (4) The Marine Corps Reserve, 2,261.
- (5) The Air National Guard of the United States, 14,833.
- (6) The Air Force Reserve, 2,662.

##### **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year

2012 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army Reserve, 8,395.
- (2) For the Army National Guard of the United States, 27,210.
- (3) For the Air Force Reserve, 10,777.
- (4) For the Air National Guard of the United States, 22,509.

##### **SEC. 414. FISCAL YEAR 2012 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2012, may not exceed the following:

- (A) For the Army National Guard of the United States, 1,600.
- (B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2012, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2012, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

##### **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

During fiscal year 2012, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

- (1) The Army National Guard of the United States, 17,000.
- (2) The Army Reserve, 13,000.
- (3) The Navy Reserve, 6,200.
- (4) The Marine Corps Reserve, 3,000.
- (5) The Air National Guard of the United States, 16,000.
- (6) The Air Force Reserve, 14,000.

#### **Subtitle C—Authorization of Appropriations**

##### **SEC. 421. MILITARY PERSONNEL.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2012.

### **TITLE V—MILITARY PERSONNEL POLICY**

#### **Subtitle A—Officer Personnel Policy Generally**

##### **SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR MARINE CORPS OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL.**

The table in subsection (a)(1) of section 523 of title 10, United States Code, is amended by striking the items relating to the total number of commissioned officers (excluding officers in categories specified in subsection (b) of such section) serving on active duty in the Marine Corps in the grades of major, lieutenant colonel, and colonel, respectively, and inserting the following new items:

|        |       |       |     |
|--------|-------|-------|-----|
| 10,000 | 2,802 | 1,615 | 633 |
| 12,500 | 3,247 | 1,768 | 658 |
| 15,000 | 3,691 | 1,922 | 684 |
| 17,500 | 4,135 | 2,076 | 710 |
| 20,000 | 4,579 | 2,230 | 736 |
| 22,500 | 5,024 | 2,383 | 762 |
| 25,000 | 5,468 | 2,537 | 787 |

#### SEC. 502. GENERAL OFFICER AND FLAG OFFICER REFORM.

(a) REMOVAL OF CERTAIN POSITIONS FROM EXCEPTION TO DISTRIBUTION LIMITS.—

(1) REMOVAL OF POSITIONS.—Subsection (b) of section 525 of title 10, United States Code, is amended to read as follows:

“(b) The limitations of subsection (a) do not include the following:

“(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

“(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(b) LIMITATION ON NUMBER OF AIR FORCE GENERAL OFFICERS ON ACTIVE DUTY.—

(1) LIMITATION; EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526 of such title is amended—

(A) in subsection (a)(3), by striking “208” and inserting “197”; and

(B) in subsection (b)(2)(C), by striking “76” and inserting “73”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2013.

(c) LIMITED EXCLUSION FOR JOINT DUTY ASSIGNMENTS FROM AUTHORIZED STRENGTH LIMITATION.—

(1) EXCLUSION.—Subsection (b) of section 526 of such title is amended by striking “324” and inserting “310”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2012.

(d) ELIMINATION OF COMPLETE EXCLUSION FOR OFFICERS SERVING IN CERTAIN INTELLIGENCE POSITIONS.—

(1) ELIMINATION OF CURRENT BROAD EXCLUSION.—Section 528 of such title is amended by striking subsections (b), (c), and (d) and inserting the following new subsections:

“(b) DIRECTOR AND DEPUTY DIRECTOR OF CIA.—When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

“(c) ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA.—When the position of Associate Director of Military Affairs, Central Intelligence Agency, or any successor position, is held by an officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.

“(d) OFFICERS SERVING IN OFFICE OF DNI.—When a position in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence is held by a general

officer or flag officer of the armed forces, the position, so long as the officer serves in the position, shall be designated, pursuant to subsection (b) of section 526 of this title, as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section. However, not more than five of such positions may be included among the excluded positions at any time.”.

(2) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

“§528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances”.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

“528. Officers serving in certain intelligence positions: military status; application of distribution and strength limitations; pay and allowances.”.

#### Subtitle B—Reserve Component Management

#### SEC. 511. LEADERSHIP OF NATIONAL GUARD BUREAU.

(a) CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (d) of section 10502 of title 10, United States Code, is amended to read as follows:

“(d) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Chief of the National Guard Bureau shall be appointed to serve in the grade of general.

“(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.”.

(2) SUCCESSION.—Subsection (e) of such section is amended to read as follows:

“(e) SUCCESSION.—(1) When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence or disability ceases.

“(2) When there is a vacancy in the offices of both the Chief and the Vice Chief of the National Guard Bureau or in the absence or disability of both the Chief and the Vice Chief of the National Guard Bureau, or when there is a vacancy in one such office and in the absence or disability of the officer holding the other, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty with the National Guard Bureau shall perform the duties of the Chief until a successor to the Chief or Vice Chief is appointed or the absence or disability of the Chief or Vice Chief ceases, as the case may be.”.

(3) EXCLUSION FOR CHIEF OF NATIONAL GUARD BUREAU FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525 of such title is amended—

(A) in subsection (b)(1), by striking subparagraph (D); and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(b) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) REDESIGNATION OF DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—Subsection (a)(1) of section 10505 of such title is amended by striking “Director of the Joint Staff of the National Guard Bureau, selected by the

Secretary of Defense from” and inserting “Vice Chief of the National Guard Bureau, appointed by the President, by and with the advice and consent of the Senate. The appointment shall be made from”.

(2) ELIGIBILITY REQUIREMENTS.—Subsection (a)(1) of such section is further amended—

(A) in subparagraph (A), by striking “recommended” and inserting “nominated”; and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (D) and (E), respectively; (C) in subparagraph (E), as so redesignated, by striking “colonel” and inserting “brigadier general”; and

(D) by inserting after subparagraph (A) the following new subparagraphs:

“(B) are recommended by the Secretary of the Army, in the case of officers of the Army National Guard of the United States, or by the Secretary of the Air Force, in the case of officers of the Air National Guard of the United States, and by the Secretary of Defense;

“(C) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;”.

(3) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—Subsection (c) of such section is amended to read as follows:

“(c) GRADE AND EXCLUSION FROM GENERAL AND FLAG OFFICER AUTHORIZED STRENGTH.—(1) The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(2) The Secretary of Defense shall designate, pursuant to subsection (b) of section 526 of this title, the position of Vice Chief of the National Guard Bureau as one of the general officer and flag officer positions to be excluded from the limitations in subsection (a) of such section.”.

(c) CONFORMING AMENDMENTS REGARDING REFERENCES TO DIRECTOR.—

(1) CROSS REFERENCES IN SECTION 10505.—Section 10505 of such title is further amended—

(A) in subsection (a)—

(i) in paragraphs (2), (3), and (4), by striking “Director of the Joint Staff” each place in appears and inserting “Vice Chief”; and

(ii) in paragraph (3)(B), by striking “as the Director” and inserting “as the Vice Chief”; and

(B) in subsection (b), by striking “Director of the Joint Staff” and inserting “Vice Chief”.

(2) CROSS REFERENCES IN SECTION 10506.—Section 10506(a)(1) of such title is amended by striking “Chief of the National Guard Bureau and the Director of the Joint Staff” and inserting “Chief and Vice Chief”.

(3) OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Director of the Joint Staff of the National Guard Bureau shall be deemed to be a reference to the Vice Chief of the National Guard Bureau.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 10505 of such title is amended to read as follows:

“§ 10505. Vice Chief of the National Guard Bureau”.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

“10505. Vice Chief of the National Guard Bureau.”.

(e) TREATMENT OF CURRENT DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.—The officer who is serving as Director of the Joint Staff of the National Guard Bureau on the date of the enactment of this Act shall serve, in the grade of major general, as acting Vice Chief of the National Guard Bureau until the

appointment of a Vice Chief of the National Guard Bureau in accordance with subsection (a) of section 10505 of title 10, United States Code, as amended by subsection (b). Notwithstanding the amendment made by subsection (b)(3), the acting Vice Chief of the National Guard Bureau shall not be excluded from the limitations in section 526(a) of such title.

**SEC. 512. PRESEPARATION COUNSELING FOR MEMBERS OF THE RESERVE COMPONENTS.**

(a) **REQUIREMENT; EXCEPTION.**—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking “Within” and inserting “(A) Within”; and

(B) by striking “of each member” and all that follows through the period at the end of the sentence and inserting the following: “of—

“(i) each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date; and

“(ii) each member of a reserve component not covered by clause (i) whose discharge or release from service is anticipated as of a specific date.”; and

(2) in the second sentence, by striking “A notation of the provision of such counseling” and inserting the following:

“(B) A notation of the provision of preseparation counseling”.

(b) **MODIFICATION OF TIME PERIOD IN WHICH PRESEPARATION COUNSELING MUST BE PROVIDED.**—Subsection (a)(3) of such section is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”; and

(2) by adding at the end the following new subparagraph:

“(C) In the event that a member of a reserve component is being released from active duty for a period of more than 30 days under circumstances in which the Secretary concerned determines operational requirements make compliance with the 90-day requirement under subparagraph (A) unfeasible, preseparation counseling shall begin as soon as possible within the remaining period of service.”.

(c) **CONFORMING AMENDMENT REGARDING COVERED MATTERS.**—Subsection (b)(7) of such section is amended by striking “from active duty”.

**SEC. 513. CLARIFICATION OF APPLICABILITY OF AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.**

(a) **DISCRETIONARY DEFERRAL OF MANDATORY SEPARATION.**—Section 10216(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AUTHORITY FOR” before “DEFERRAL OF MANDATORY SEPARATION”; and

(2) by striking “shall implement” and inserting “may each implement”;

(3) by inserting “, at the discretion of the Secretary concerned,” after “so as to allow”; and

(4) by striking “for officers”.

(b) **CONFORMING AMENDMENT.**—Section 10218(a)(3)(A)(i) of such title is amended by striking “if qualified be appointed” and inserting “if qualified may be appointed”.

**SEC. 514. MODIFICATION OF ELIGIBILITY FOR CONSIDERATION FOR PROMOTION FOR RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIANS (DUAL STATUS).**

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) **RESERVE OFFICERS EMPLOYED AS MILITARY TECHNICIAN (DUAL STATUS).**—A reserve officer of the Army or Air Force employed as a military technician (dual status) under section

10216 of this title who has been retained beyond the mandatory removal date for years of service pursuant to subsection (f) of such section or section 14702(a)(2) of this title is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.”.

**Subtitle C—General Service Authorities**

**SEC. 521. FINDINGS REGARDING UNIQUE NATURE, DEMANDS, AND HARDSHIPS OF MILITARY SERVICE.**

(a) **CODIFICATION.**—Chapter 37 of title 10, United States Code, is amended by inserting before section 651 the following new section:

**“§650. Findings regarding unique nature, demands, and hardships of service in the armed forces**

“Congress makes the following findings:

“(1) Section 8 (clauses 12, 13, and 14) of Article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

“(2) There is no constitutional right to serve in the armed forces.

“(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

“(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

“(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

“(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

“(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

“(8) Military life is fundamentally different from civilian life in that—

“(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

“(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

“(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

“(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

“(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

“(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are

often spartan, primitive, and characterized by forced intimacy with little or no privacy.

“(13) The armed forces must maintain personnel policies that are intended to recruit and retain only those persons whose presence in the armed forces serve the needs of the armed forces, contribute to the accomplishment of the missions of the armed forces, and maintain the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.”.

(b) **CLERICAL AMENDMENTS.**—

(1) **TABLE OF SECTIONS.**—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 651 the following new item:

“650. Findings regarding unique nature, demands, and hardships of service in the armed forces.”.

(2) **TABLE OF CHAPTERS.**—The table of chapters at the beginning of subtitle A of such title and at the beginning of part II of such subtitle are amended by striking the item relating to chapter 37 and inserting the following new item:

“37. General Service Requirements ..... 650”.

**SEC. 522. POLICY ADDRESSING DWELL TIME AND MEASUREMENT AND DATA COLLECTION REGARDING UNIT OPERATING TEMPO AND PERSONNEL TEMPO.**

(a) **POLICY ADDRESSING DWELL TIME.**—Subsection (a) of section 991 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) The Secretary of Defense shall prescribe a policy that addresses the amount of dwell time a member of the armed forces or unit remains at the member's or unit's permanent duty station or home port, as the case may be, between deployments.”.

(b) **UNIT OPERATING TEMPO AND PERSONNEL TEMPO RECORDKEEPING.**—Subsection (c) of such section is amended to read as follows:

“(c) **RECORDKEEPING.**—(1) The Secretary of Defense shall—

“(A) establish a system for tracking and recording the number of days that each member of the armed forces is deployed;

“(B) prescribe policies and procedures for measuring operating tempo and personnel tempo; and

“(C) maintain a central data collection repository to provide information for research, actuarial analysis, interagency reporting and evaluation of Department of Defense programs and policies.

“(2) The data collection repository shall be able to identify—

“(A) the active and reserve component units of the armed forces that are participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation; and

“(B) the duration of their participation.

“(3) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year—

“(A) the number of members who received the high-deployment allowance under section 436 of title 37 (or who would have been eligible to receive the allowance if the duty assignment was not excluded by the Secretary of Defense);

“(B) the number of members who received each rate of allowance paid (estimated in the case of members described in the parenthetical phrase in subparagraph (A));

“(C) the number of months each member received the allowance (or would have received it in the case of members described in the parenthetical phrase in subparagraph (A)); and

“(D) the total amount expended on the allowance.

“(4) For each of the armed forces, the data collection repository shall be able to indicate, for a fiscal year, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.”

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(f) **OTHER DEFINITIONS.**—In this section:

“(1)(A) Subject to subparagraph (B), the term ‘dwell time’ means the time a member of the armed forces or a unit spends at the permanent duty station or home port after returning from a deployment.

“(B) The Secretary of Defense may modify the definition of dwell time specified in subparagraph (A). If the Secretary establishes a different definition of such term, the Secretary shall transmit the new definition to Congress.

“(2) The term ‘operating tempo’ means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

“(3) The term ‘personnel tempo’ means the amount of time members of the armed forces are engaged in their official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides.”

(d) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of section 991 of such title is amended to read as follows:

**“§991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo”.**

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 50 of such title is amended by striking the item relating to section 991 and inserting the following new item:

“991. Management of deployments of members and measurement and data collection of unit operating and personnel tempo.”

**SEC. 523. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS OF THE ARMED FORCES UPON BIRTH OR ADOPTION OF A CHILD.**

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j) and inserting the following new subsection:

“(i)(1) A member of the armed forces who gives birth to a child or who adopts a child in a qualifying child adoption and will be primary caregiver for the adopted child shall receive 42 days of leave after the birth or adoption to be used in connection with the birth or adoption of the child.

“(2) A married member of the armed forces on active duty whose wife gives birth to a child or who adopts a child in a qualifying child adoption, but will not be primary caregiver for the adopted child, shall receive 10 days of leave to be used in connection with the birth or adoption of the child.

“(3) If two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, only one of the members may be designated as primary caregiver for purposes of paragraph (1). In the case of a dual-military couple, the member authorized leave under paragraph (1) and the member authorized leave under paragraph (2) may utilize the leave at the same time.

“(4) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

“(5) Leave authorized under this subsection is in addition to other leave provided under other provisions of this section.

“(6) The Secretary of Defense may prescribe such regulations as may be necessary to carry out this subsection.”; and

(2) by redesignating subsection (k) as subsection (j).

**SEC. 524. EXTENSION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.**

(a) **DURATION OF PROGRAM AUTHORITY.**—Subsection (l) of section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 701 note) is amended to read as follows:

“(l) **DURATION OF PROGRAM AUTHORITY.**—No member of the Armed Forces may be released from active duty under a pilot program conducted under this section after December 31, 2015.”

(b) **CONTINUATION OF ANNUAL LIMITATION ON SELECTION OF PARTICIPANTS.**—Subsection (c) of such section is amended by striking “each of calendar years 2009 through 2012” and inserting “a calendar year”.

(c) **ADDITIONAL REPORTS REQUIRED.**—Subsection (k) of such section is amended—

(1) in paragraph (1), by striking “June 1, 2011, and June 1, 2013” and inserting “June 1 of 2011, 2013, 2015, and 2017”; and

(2) in paragraph (2), by striking “March 1, 2016” and inserting “March 1, 2019”.

**SEC. 525. POLICY ON MILITARY RECRUITMENT AND ENLISTMENT OF GRADUATES OF SECONDARY SCHOOLS.**

(a) **EQUAL TREATMENT FOR SECONDARY SCHOOL GRADUATES.**—

(1) **EQUAL TREATMENT.**—For the purposes of recruitment and enlistment in the Armed Forces, the Secretary of a military department shall treat a graduate described in paragraph (2) in the same manner as a graduate of a secondary school (as defined in section 9101(38) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(38))).

(2) **COVERED GRADUATES.**—Paragraph (1) applies with respect to person who—

(A) receives a diploma from a secondary school that is legally operating; or

(B) otherwise completes a program of secondary education in compliance with the education laws of the State in which the person resides.

(b) **POLICY ON RECRUITMENT AND ENLISTMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe a policy on recruitment and enlistment that incorporates the following:

(1) Means for identifying persons described in subsection (a)(2) who are qualified recruitment and enlistment in the Armed Forces, which may include the use of a non-cognitive aptitude test, adaptive personality assessment, or other operational attrition screening tool to predict performance, behaviors, and attitudes of potential recruits that influence attrition and the ability to adapt to a regimented life in the Armed Forces.

(2) Means for assessing how qualified persons fulfill their enlistment obligation.

(3) Means for maintaining data, by each diploma source, which can be used to analyze attrition rates among qualified persons.

(c) **RECRUITMENT PLAN.**—As part of the policy required by subsection (b), the Secretary of each of the military departments shall develop a recruitment plan that includes a marketing strategy for targeting various segments of potential recruits with all types of secondary education credentials.

(d) **COMMUNICATION PLAN.**—The Secretary of each of the military departments shall develop a communication plan to ensure that the policy

and recruitment plan are understood by military recruiters.

**SEC. 526. NAVY RECRUITING AND ADVERTISING.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$254,860,000 for Recruiting and Advertising. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$983,000 for the professional development of youth ages 11 to 17, to promote interest and skill in seamanship and aviation while instilling qualities that mold strong moral character in an anti-drug and anti-gang environment in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**Subtitle D—Military Justice and Legal Matters**

**SEC. 531. PROCEDURES FOR JUDICIAL REVIEW OF MILITARY PERSONNEL DECISIONS RELATING TO CORRECTION OF MILITARY RECORDS.**

(a) **JUDICIAL REVIEW PROCEDURES.**—

(1) **IN GENERAL.**—Chapter 79 of title 10, United States Code, is amended by inserting after section 1558 the following new section:

**“§1558a. Judicial review of certain decisions relating to correction of military records**

“(a) **AVAILABILITY OF JUDICIAL REVIEW.**—After a final decision is issued by the Secretary concerned pursuant to section 1552 of this title or by the Secretary of Homeland Security or the Secretary of Defense pursuant to subsections (f) or (g) of section 1034 of this title, any person aggrieved by such a decision may obtain judicial review of the decision.

“(b) **BASIS TO SET-ASIDE DECISION.**—In exercising its authority under this section, the reviewing court shall review the record of the decision and may hold unlawful and set aside any decision demonstrated by the petitioner in the record to be—

“(1) arbitrary or capricious;

“(2) not based on substantial evidence;

“(3) a result of material error of fact or material administrative error, but only if the petitioner identified to the correction board how the failure to follow such procedures substantially prejudiced the petitioner's right to relief, and shows to the reviewing court by a preponderance of the evidence that the error was harmful; or

“(4) otherwise contrary to law.

“(c) **RELIEF.**—In exercising its authority under this section, the reviewing court shall affirm, modify, vacate, or reverse the decision, or remand the matter, as appropriate.

“(d) **MATTERS MUST BE JUSTICIABLE.**—Notwithstanding subsections (a), (b), and (c), the reviewing court does not have jurisdiction to entertain any matter or issue raised in a petition of review that is not justiciable.

“(e) **DECISION MUST BE FINAL.**—(1) No judicial review may be made under this section unless the petitioner shall first have requested a correction under section 1552 of this title, and the Secretary concerned shall have rendered a final decision denying that correction in whole or in part. In a case in which the final decision of the Secretary concerned is subject to review by the Secretary of Defense under section

1034(g) of this title, the petitioner is not required to seek such review by the Secretary of Defense before obtaining judicial review under this section. If the petitioner seeks review by the Secretary of Defense under section 1034(g) of this title, no judicial review may be made until the Secretary of Defense shall have rendered a final decision denying that request in whole or in part.

“(2) In the case of a final decision described in subsection (a) made after the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, a petition for judicial review under this section must be filed within one year after the date of that final decision.

“(f) EXCEPTIONS.—(1) A decision by a board established under section 1552(a)(1) of this title declining to excuse the untimely filing of a request for correction of military records is not subject to judicial review under this section or otherwise subject to review in any court.

“(2) A decision by a board established under section 1552(a)(1) of this title declining to reconsider or reopen a previous denial or partial denial of a request for correction of military records is not subject to judicial review under this section or otherwise subject to review in any court.

“(3) Notwithstanding subsection (e)(2), a decision by a board established under section 1552(a)(1) of this title that results in denial, in whole or in part, of any request for correction of military records that is received by the board more than six years after the date of discharge, retirement, release from active duty, or death while on active duty of the person whose military records are the subject of the correction request is not subject to judicial review under this section or otherwise subject to review in any court.

“(g) SOLE BASIS FOR JUDICIAL REVIEW.—(1) In the case of a cause of action arising after the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, no court shall have jurisdiction to entertain any request for correction of records cognizable under subsection (f) or (g) of section 1034 or section 1552 of this title except as provided in this section.

“(2) In the case of a cause of action arising after the end of such one-year period, except as provided by chapter 153 of title 28 and chapter 79 of this title, no court shall have jurisdiction over any civil action or claim seeking, in whole or in part, to challenge any decision for which administrative review is available under section 1552 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1558 the following new item:

“1558a. Judicial review of certain decisions relating to correction of military records.”.

(b) EFFECT OF DENIAL OF REQUEST FOR CORRECTION OF RECORDS WHEN PROHIBITED PERSONNEL ACTION ALLEGED.—

(1) NOTICE OF DENIAL; PROCEDURES FOR JUDICIAL REVIEW.—Subsection (f) of section 1034 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary concerned shall provide the member or former member a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title.”.

(2) SECRETARY OF DEFENSE REVIEW; NOTICE OF DENIAL.—Subsection (g) of such section is amended—

(A) by inserting “(1)” before “Upon the completion of all”; and

(B) by adding at the end the following new paragraph:

“(2) The submittal of a matter to the Secretary of Defense by the member or former member under paragraph (1) must be made within 90 days of the receipt by the member or former member of the final decision of the Secretary of the military department concerned in the matter. In any case in which the final decision of the Secretary of Defense results in denial, in whole or in part, of any requested correction of the record of the member or former member, the Secretary of Defense shall provide the member or former member a concise written statement of the basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title.”.

(3) SOLE BASIS FOR JUDICIAL REVIEW.—Such section is further amended—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following new subsection (h):

“(h) JUDICIAL REVIEW.—(1) A decision of the Secretary of Defense under subsection (g) shall be subject to judicial review only as provided in section 1558a of this title.

“(2) In a case in which review by the Secretary of Defense under subsection (g) was not sought, a decision of the Secretary of a military department under subsection (f) shall be subject to judicial review only as provided in section 1558a of this title.

“(3) A decision of the Secretary of Homeland Security under subsection (f) shall be subject to judicial review only as provided in section 1558a of this title.”.

(c) EFFECT OF DENIAL OF OTHER REQUESTS FOR CORRECTION OF MILITARY RECORDS.—Section 1552 of such title is amended by adding at the end the following new subsections:

“(h) In any case in which the final decision of the Secretary concerned results in denial, in whole or in part, of any requested correction, the Secretary concerned shall provide the claimant a concise written statement of the factual and legal basis for the decision, together with a statement of the procedure and time for obtaining review of the decision pursuant to section 1558a of this title.

“(i) A decision by the Secretary concerned under this section shall be subject to judicial review only as provided in section 1558a of this title.”.

(d) EFFECTIVE DATE AND RETROACTIVE APPLICATION.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to all final decisions of the Secretary of Defense under section 1034(g) of title 10, United States Code, and of the Secretary of a military department or the Secretary of Homeland Security under sections 1034(f) or 1552 of such title, whether rendered before, on, or after the date of the enactment of this Act.

(3) TRANSITION.—During the period between the date of the enactment of this Act and the effective date specified in paragraph (1), in any case in which the final decision of the Secretary of Defense under section 1034 of title 10, United States Code, or the Secretary concerned under section 1552 of title 10, United States Code, results in denial, in whole or in part, of any requested correction of the record of a member or former member of the Armed Forces or the record of a claimant under such section 1552, the individual shall be informed in writing of the time for obtaining review of the decision

pursuant to section 1558a of such title as provided therein.

(4) IMPLEMENTATION.—The Secretaries concerned may prescribe appropriate regulations, and interim guidance before prescribing such regulations, to implement the amendments made by this section. In the case of the Secretary of a military department, such regulations may not take effect until approved by the Secretary of Defense.

(5) CONSTRUCTION.—This section and the amendments made by this section do not affect the authority of any court to exercise jurisdiction over any case that was properly before the court before the effective date specified in paragraph (1).

(6) SECRETARY CONCERNED.—In this subsection, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

#### SEC. 532. CLARIFICATION OF APPLICATION AND EXTENT OF DIRECT ACCEPTANCE OF GIFTS AUTHORITY.

Section 2601a of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “or” at the end of paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

“(2) in an operation or area designated as a combat operation or a combat zone, respectively, by the Secretary of Defense in accordance with the regulations prescribed under subsection (a); or”;

(2) in subsection (c), by striking “paragraph (1) or (2) of subsection (c)” and inserting “paragraph (1), (2) or (3) of subsection (b)”;

(3) by adding at the end the following new subsection:

“(e) RETROACTIVE APPLICATION OF REGULATIONS.—To the extent provided in the regulations issued under subsection (a), the regulations shall also apply to the acceptance of gifts for injuries or illnesses incurred on or after September 11, 2001, through the effective date of the regulations.”.

#### SEC. 533. ADDITIONAL CONDITION ON REPEAL OF DON'T ASK, DON'T TELL POLICY.

Effective as of December 22, 2010, and as if included therein as enacted, section 2(b) of Public Law 111-321 (124 Stat. 3516) is amended by adding at the end the following new paragraph:

“(3) The Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Staff of the Air Force each submit to the congressional defense committees the officer's written certification that repeal of section 654 of title 10, United States Code, will not degrade the readiness, effectiveness, cohesion, and morale of combat arms units and personnel of the Armed Force under the officer's jurisdiction engaged in combat, deployed to a combat theater, or preparing for deployment to a combat theater.”.

#### SEC. 534. MILITARY REGULATIONS REGARDING MARRIAGE.

Congress reaffirms the policy of section 3 of the Defense of Marriage Act, codified as section 7 of title 1, United States Code. In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the Department of Defense applicable to members of the Armed Forces or civilian employees of the Department of Defense, the word “marriage” means only a legal union between one man and one woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is a husband or a wife.

**SEC. 535. USE OF MILITARY INSTALLATIONS AS SITE FOR MARRIAGE CEREMONIES AND PARTICIPATION OF CHAPLAINS AND OTHER MILITARY AND CIVILIAN PERSONNEL IN THEIR OFFICIAL CAPACITY.**

(a) **LIMITATION ON USE.**—A military installation or other property under the jurisdiction of the Department of Defense may be used as the site for a marriage ceremony only if the marriage complies with the definition of marriage in section 7 of title 1, United States Code.

(b) **LIMITATION ON PARTICIPATION.**—A member of the Armed Forces, including a chaplain, or civilian employee of the Department of Defense acting in an official capacity may assist in or perform a marriage ceremony only if the marriage complies with the definition of marriage in section 7 of title 1, United States Code.

**Subtitle E—Member Education and Training Opportunities and Administration**

**SEC. 541. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.**

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) **PARTICIPATION IN APPRENTICESHIP PROGRAMS.**—As part of the program carried out under this section, the Secretary concerned may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program that provides employment skills training and assists members in transitioning into new careers in civilian life.”.

**SEC. 542. EXPANSION OF RESERVE HEALTH PROFESSIONALS STIPEND PROGRAM TO INCLUDE STUDENTS IN MENTAL HEALTH DEGREE PROGRAMS IN CRITICAL WARTIME SPECIALTIES.**

(a) **RESERVE COMPONENT MENTAL HEALTH STUDENT STIPEND.**—Section 16201 of title 10, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **MENTAL HEALTH STUDENTS IN CRITICAL WARTIME SPECIALTIES.**—(1) Under the stipend program under this chapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) is eligible to be appointed as an officer in a reserve component;

“(B) is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;

“(C) signs an agreement that, unless sooner separated, the person will—

“(i) complete the educational phase of the program;

“(ii) accept a reappointment or redesignation within the person's reserve component, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and

“(iii) participate in a residency program if required for clinical licensure.

“(2) Under the agreement—

“(A) the Secretary of the military department concerned shall agree to pay the participant a stipend, in an amount determined under subsection (g), for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline;

“(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in

the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

“(D) the participant shall agree to serve, upon successful completion of the program, one year in the Ready Reserve for each six months, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.”.

(b) **CROSS-REFERENCE AMENDMENTS.**—Such section is further amended—

(1) by striking “subsection (f)” in subsections (b)(2)(A), (c)(2)(A), and (d)(2)(A) and inserting “subsection (g)”;

(2) in subsection (g), as redesignated by subsection (a)(1), by striking “subsection (b) or (c)” and inserting “subsection (b), (c), (d), or (f)”.

**SEC. 543. ADMINISTRATION OF UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.**

(a) **AMENDMENT.**—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314a the following new section:

**“§9314b. United States Air Force Institute of Technology: administration**

“(a) **COMMANDANT.**—

“(1) **SELECTION.**—The Commandant of the United States Air Force Institute of Technology shall be selected by the Secretary of the Air Force.

“(2) **ELIGIBILITY.**—The Commandant shall be one of the following:

“(A) **ACTIVE-DUTY OFFICERS.**—An active-duty officer of the Air Force in a grade not below the grade of colonel, who is assigned or detailed to such position.

“(B) **CIVILIANS.**—A civilian individual, including an individual who was retired from the Air Force in a grade not below brigadier general, who has the qualifications appropriate to the position of Commandant and is selected by the Secretary as the best qualified from among candidates for the position in accordance with—

“(i) the criteria specified in paragraph (5);

“(ii) a process determined by the Secretary;

and

“(iii) other factors the Secretary considers relevant.

“(3) **CONSULTATION OF RELEVANT INDIVIDUALS.**—Before making an assignment, detail, or selection of an individual for the position of Commandant, the Secretary shall—

“(A) consult with the Air Force Institute of Technology Subcommittee of the Air University Board of Visitors;

“(B) consider any recommendation of the leadership and faculty of the Air Force Institute of Technology regarding the assignment or selection to that position; and

“(C) consider the recommendations of the Air Force Chief of Staff.

“(4) **FIVE YEAR TERM FOR CIVILIAN COMMANDANT.**—An individual selected for the position of Commandant under paragraph (1)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

“(5) **RELEVANT QUALIFICATIONS.**—The qualifications appropriate for selection of an individual for detail or assignment to the position of Commandant include the following:

“(A) An academic degree that is either—

“(i) a doctorate degree in a field of study relevant to the mission and function of the Air Force Institute of Technology; or

“(ii) a master's degree in a field of study relevant to the mission and function of the Air Force Institute of Technology, but only if—

“(I) the individual is an active-duty or retired officer of the Air Force in a grade not below the grade of brigadier general; and

“(II) at the time of the selection of that individual as Commandant, the individual perma-

nently appointed to the position of Provost and Academic Dean has a doctorate degree in a field of study relevant to the mission and function of the Air Force Institute of Technology.

“(B) A comprehensive understanding of the Department of the Air Force, the Department of Defense, and joint and combined operations.

“(C) Leadership experience at the senior level in a large and diverse organization.

“(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

“(E) Other qualifications, as determined by the Secretary.

“(6) **SUPPORT.**—The Secretary shall detail officers of the Air Force of appropriate grades and qualifications to assist the Commandant in—

“(A) the advanced instruction and professional and technical education of students and the provision of research opportunities for students; and

“(B) the administration of the Air Force Institute of Technology.

“(b) **PROVOST AND ACADEMIC DEAN.**—

“(1) **IN GENERAL.**—There is established at the Air Force Institute of Technology the civilian position of Provost and Academic Dean.

“(2) **APPOINTMENT.**—

“(A) **APPOINTMENT BY THE SECRETARY.**—The Provost and Academic Dean shall be appointed by the Secretary for a term of five years.

“(B) **CONSULTATION.**—Before making an appointment to the position of Provost and Academic Dean, the Secretary shall consult with the Air Force Institute of Technology Subcommittee of the Air University Board of Visitors and shall consider any recommendation of the leadership and faculty of the Air Force Institute of Technology regarding an appointment to that position.

“(3) **COMPENSATION.**—The Provost and Academic Dean is entitled to such compensation as the Secretary prescribes, but not more than the rate of compensation authorized for level IV of the Executive Schedule.

“(c) **DEFINITIONS.**—In this section:

“(1) **COMMANDANT.**—The term ‘Commandant’ means the Commandant of the Air Force Institute of Technology.

“(2) **SECRETARY.**—The term ‘Secretary’ means the Secretary of the Air Force.”.

(b) **TREATMENT OF CURRENT COMMANDANT.**—The officer who is serving as Commandant of the United States Air Force Institute of Technology at the time of the enactment of this Act may serve as acting Commandant until the appointment of a Commandant in accordance with section 9314b of title 10, United States Code, as added by subsection (a).

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314a the following new item:

“9314b. United States Air Force Institute of Technology: administration.”.

**SEC. 544. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY THE GOVERNOR OF PUERTO RICO.**

(a) **UNITED STATES MILITARY ACADEMY.**—Section 4342(a)(7) of title 10, United States Code, is amended—

(1) by striking “Six” and inserting “Eight”; and

(2) by striking “one who is a native” and inserting “three who are natives”.

(b) **UNITED STATES NAVAL ACADEMY.**—Section 6954(a)(7) of title 10, United States Code, is amended—

(1) by striking “Six” and inserting “Eight”; and

(2) by striking “one who is a native” and inserting “three who are natives”.

(c) **UNITED STATES AIR FORCE ACADEMY.**—Section 9342(a)(7) of title 10, United States Code, is amended—



(1) by striking “Six” and inserting “Eight”; and

(2) by striking “one who is a native” and inserting “three who are natives”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the nomination of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering these military service academies after the date of the enactment of this Act.

**SEC. 545. TEMPORARY AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO UNITED STATES MILITARY ACADEMY, UNITED STATES NAVAL ACADEMY, AND UNITED STATES AIR FORCE ACADEMY.**

(a) **WAIVER FOR CERTAIN ENLISTED MEMBERS.**—The Secretary of the military department concerned may waive the maximum age limitation specified in section 4346(a), 6958(a)(1), or 9346(a) of title 10, United States Code, for the admission of an enlisted member of the Armed Forces to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the member—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) was or is prevented from being admitted to a military service academy before the member reached the maximum age specified in such sections as a result of service on active duty in a theater of operations for Operation Iraqi Freedom, Operation Enduring Freedom, or Operation New Dawn.

(b) **WAIVER FOR EXCEPTIONAL CANDIDATES.**—The Secretary of the military department concerned may waive the maximum age limitation specified in such sections for the admission of a candidate to the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy if the candidate—

(1) satisfies the eligibility requirements for admission to that academy (other than the maximum age limitation); and

(2) possesses an exceptional overall record that the Secretary concerned determines sets the candidate apart from all other candidates.

(c) **MAXIMUM AGE FOR RECEIPT OF WAIVER.**—A waiver may not be granted under this section if the candidate would pass the candidate's twenty-sixth birthday by July 1 of the year in which the candidate would enter the military service academy.

(d) **LIMITATION ON NUMBER ADMITTED USING WAIVER.**—No more than five candidates may be admitted to each of the military service academies for an academic year pursuant to a waiver granted under this section.

(e) **RECORD KEEPING REQUIREMENT.**—The Secretary of each military department shall maintain records on the number of graduates of the military service academy under the jurisdiction of the Secretary who are admitted pursuant to a waiver granted under this section and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation. The Secretary shall compare their retention rate to the retention rate of graduates of that academy generally.

(f) **REPORTING REQUIREMENT.**—Not later than April 1, 2016, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying—

(1) the number of applications for waivers received by the Secretary under subsection (a) and under subsection (b);

(2) the number of waivers granted by the Secretary, including whether the waiver was granted under subsection (a) or (b);

(3) the number of candidates actually admitted to the military service academy under the ju-

risdiction of the Secretary pursuant to a waiver granted by the Secretary under this section; and

(4) beginning with the class of 2009, the number of graduates of the military service academy under the jurisdiction of the Secretary who, before admission to that academy, were enlisted members of the Armed Forces and who remain in the Armed Forces beyond the active duty service obligation assumed upon graduation.

(g) **DURATION OF WAIVER AUTHORITY.**—The authority to grant a waiver under this section expires on September 30, 2016.

**SEC. 546. EDUCATION AND EMPLOYMENT ADVOCACY PROGRAM FOR WOUNDED MEMBERS OF THE ARMED FORCES.**

(a) **PROGRAM AUTHORIZED; FUNDING SOURCE.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$ 2,201,964 for Operation & Maintenance, Defense-wide, Budget Activity 04, Administrative and Service-Wide Activities, Office of the Secretary of Defense. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Defense shall obligate an additional \$15,000,000 for purpose of an education and employment advocacy pilot program to engage wounded members of the Armed Forces early in their recovery. The Secretary may award grants to, or enter into contracts and cooperative agreements with, organizations, which may include non-profit organizations, that the Secretary determines are eligible to assist in planning, developing, managing, and implementing the pilot program.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**Subtitle F—Army National Military Cemeteries**

**SEC. 551. ARMY NATIONAL MILITARY CEMETERIES.**

(a) **MANAGEMENT RESPONSIBILITIES AND OVERSIGHT.**—Title 10, United States Code, is amended by inserting after chapter 445 the following new chapter:

**“CHAPTER 446—ARMY NATIONAL MILITARY CEMETERIES**

**“Sec.**

**“4721. Authority and responsibilities of the Secretary of the Army.**

**“4722. Interment and inurnment policy.**

**“4723. Advisory committee on Arlington National Cemetery.**

**“4724. Executive Director.**

**“4725. Superintendents.**

**“4726. Oversight and inspections.**

**“§4721. Authority and responsibilities of the Secretary of the Army**

**“(a) GENERAL AUTHORITY.**—The Secretary of the Army shall develop, operate, manage, administer, oversee, and fund the Army National Military Cemeteries specified in subsection (b) in a manner and to standards that fully honor the service and sacrifices of the deceased members of the armed forces buried or inurned in the Cemeteries.

**“(b) ARMY NATIONAL MILITARY CEMETERIES.**—The Army National Military Cemeteries (in this chapter referred to as the ‘Cemeteries’) consist of the following:

**“(1) Arlington National Cemetery in Arlington, Virginia.**

**“(2) The United States Soldiers’ and Airmen’s Home National Cemetery in the District of Columbia.**

**“(c) ADMINISTRATIVE JURISDICTION.**—The Cemeteries shall be under the jurisdiction of Headquarters, Department of the Army.

**“(d) REGULATIONS AND OTHER POLICIES.**—The Secretary of the Army shall prescribe such regulations and policies as may be necessary administer the Cemeteries.

**“(e) BUDGETARY AND REPORTING REQUIREMENTS.**—The Secretary of the Army shall submit to the congressional defense committees and the Committees on Veterans’ Affairs of the Senate and House of Representatives an annual budget request (and detailed justifications for the amount of the request) to fund administration, operation and maintenance, and construction related to the Cemeteries. The Secretary may include, as necessary, proposals for new or amended statutory authority related to the Cemeteries.

**“§4722. Interment and inurnment policy**

**“(a) ELIGIBILITY DETERMINATIONS GENERALLY.**—The Secretary of the Army, with the approval of the Secretary of Defense, shall determine eligibility for interment or inurnment in the Cemeteries.

**“(b) REMOVAL OF REMAINS.**—Under such regulations as the Secretary of the Army may prescribe under section 4721(d) of this title, the Secretary of Defense may authorize the removal of the remains of a person described in subsection (c) from one of the Cemeteries for re-interment or re-inurnment if, upon the death of the primary person eligible for interment or inurnment in the Cemeteries, the deceased primary eligible person will not be buried in the same or an adjoining grave.

**“(c) COVERED PERSONS.**—Except as provided in subsection (d), the persons whose remains may be removed pursuant to subsection (b) are the deceased spouse, a minor child, and, in the discretion of the Secretary of the Army, an unmarried adult child of a member eligible for interment or inurnment in the Cemeteries.

**“(d) EXCEPTIONS.**—The remains of a person described in subsection (c) may not be removed from one of the Cemeteries under subsection (b) if the primary person eligible for burial in the Cemeteries is a person—

**“(1) who is missing in action;**

**“(2) whose remains have not been recovered or identified;**

**“(3) whose remains were buried at sea, whether by the choice of the person or otherwise;**

**“(4) whose remains were donated to science;**

**or**

**“(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.**

**“§4723. Advisory committee on Arlington National Cemetery**

**“(a) APPOINTMENT.**—The Secretary of the Army shall appoint an advisory committee on Arlington National Cemetery.

**“(b) ROLE.**—The Secretary of the Army shall advise and consult with the advisory committee with respect to the administration of Arlington National Cemetery, the erection of memorials at the cemetery, and master planning for the cemetery.

**“(c) REPORTS AND RECOMMENDATIONS.**—The advisory committee shall make periodic reports and recommendations to the Secretary of the Army.

**“(d) SUBMISSION TO CONGRESS.**—Not later than 90 days after receiving a report or recommendations from the advisory committee under subsection (c), the Secretary of the Army shall submit the report or recommendations to the congressional defense committees and the Committees on Veterans’ Affairs of the Senate and House of Representatives and include such comments and recommendations of the Secretary as the Secretary considers appropriate.



**§4724. Executive Director**

“(a) **APPOINTMENT AND QUALIFICATIONS.**—(1) There shall be an Executive Director of the Army National Military Cemeteries who shall meet such professional qualifications as may be established by the Secretary of the Army.

“(2) The Executive Director reports directly to the Secretary.

“(b) **RESPONSIBILITIES.**—The Executive Director is responsible for the following:

“(1) Exercising authority, direction and control over all aspects of the Cemeteries.

“(2) Establishing and maintaining full accountability for all gravesites and inurnment niches in the Cemeteries.

“(3) Oversight of the construction, operation and maintenance, and repair of the buildings, structures, and utilities of the Cemeteries.

“(4) Acquisition and maintenance of real property and interests in real property for the Cemeteries.

“(5) Planning and conducting private ceremonies at the Cemeteries, including funeral and memorial services for interment and inurnment, and planning and conducting public ceremonies, as directed by the Secretary of the Army.

“(6) Formulating, promulgating, administering, and overseeing policies and addressing proposals for the placement of memorials and monuments in the Cemeteries.

“(7) Formulating and implementing a master plan for Arlington National Cemetery that, at a minimum, addresses interment and inurnment capacity, visitor accommodation, operation and maintenance, capital requirements, preservation of the cemetery's special features, and other matters the Executive Director considers appropriate.

“(8) Overseeing the programming, planning, budgeting, and execution of funds authorized and appropriated for the Cemeteries.

“(9) Supervising the superintendents of the Cemeteries.

“(c) **DIGITIZATION OF ARLINGTON NATIONAL CEMETERY INTERNMENT AND INURNMENT RECORDS.**—(1) Not later than June 1, 2012, all records related to interments and inurnments at Arlington National Cemetery shall be converted to a digitized format. Thereafter, use of the digitized format shall be the method by which all subsequent records related to interments and inurnments at Arlington National Cemetery are preserved and utilized.

“(2) In this subsection, ‘digitized format’ refers to the use of an electronic database for recordkeeping and includes the full accounting of all records of each specific gravesite and niche location at Arlington National Cemetery and the identification of the individual interred or inurned at each specific gravesite and niche location.

**§4725. Superintendents**

“(a) **APPOINTMENT AND QUALIFICATIONS.**—An individual serving as the superintendent of one of the Cemeteries should be a retired or former member of the armed forces who served honorably and who—

“(1) has experience in the administration, management, and operation of cemeteries under the jurisdiction of the National Cemeteries System administered by the Department of Veterans Affairs; or

“(2) as determined by the Secretary of the Army, has experience in the administration, management, and operation of large civilian cemeteries equivalent to the experience described in paragraph (1).

“(b) **DUTIES.**—The superintendents of the Cemeteries report directly to the Executive Director and performs such duties and responsibilities as the Executive Director prescribes.

**§4726. Oversight and inspections**

“(a) **INSPECTIONS REQUIRED.**—(1) The Secretary of the Army shall provide for the over-

sight of the Cemeteries to ensure the highest quality standards are maintained by providing for the periodic inspection of the administration, operation and maintenance, and construction elements applicable to the Cemeteries. Except as provided in paragraph (2), the inspections shall be conducted by personnel of the Department of the Army with the assistance, as the Secretary considers appropriate, of personnel from other Federal agencies and civilian experts.

“(2) The Inspector General of the Department of Defense shall conduct an inspection of the Cemeteries during fiscal years 2012 and 2014.

“(b) **SUBMISSION OF RESULTS.**—Not later than 120 days after the completion of an inspection conducted under subsection (a), the Secretary of the Army shall submit to the congressional defense committees a report containing the results of the inspection and recommendations and a plan for corrective actions to be taken in response to the inspection.”

(b) **TABLE OF CHAPTERS.**—The table of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle are amended by inserting after the item relating to chapter 445 the following new item:

“446. Army National Military Cemeteries ..... 4721”.

(c) **TIME FOR APPOINTMENT AND FIRST MEETING OF ADVISORY COMMITTEE ON ARLINGTON NATIONAL CEMETERY.**—The advisory committee on Arlington National Cemetery required by section 4723 of title 10, United States Code, as added by subsection (a), shall be appointed by the Secretary of the Army and hold its first meeting not later than 30 days after the date of the enactment of this Act.

**SEC. 552. INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE INSPECTION OF MILITARY CEMETERIES.**

(a) **INSPECTION AND RECOMMENDATIONS REQUIRED.**—The Inspector General of the Department of Defense shall conduct an inspection of each military cemetery and, based on the findings of those inspections, make recommendations for the regulation, management, oversight, and operation of the military cemeteries.

(b) **ELEMENTS OF INSPECTION.**—Subject to subsection (c), the inspection of the military cemeteries under subsection (a) shall include an assessment of the following:

(1) The adequacy of the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by the military cemeteries and the adherence of each military cemetery to such statutes, policies, and regulations.

(2) The system employed to fully account for and accurately identify the remains interred or inurned in the military cemeteries.

(3) The contracts and contracting processes and oversight of those contracts and processes with regard to compliance with Department of Defense and military department guidelines.

(4) The history and adequacy of the oversight conducted by the Secretaries of the military departments over the military cemeteries under their jurisdiction and the adequacy of corrective actions taken as a result of that oversight.

(5) The statutory and policy guidance governing the authorization for the Secretaries of the military departments to operate the military cemeteries and an assessment of the budget and appropriations structure and history of each military cemetery.

(6) Such other matters as the Inspector General of the Department of Defense considers to be appropriate.

(c) **SPECIAL CONSIDERATIONS.**—The inspection under subsection (a) of the cemetery at the Armed Forces Retirement Home—Washington shall focus primarily on—

(1) the assessment required by subsection (b)(5); and

(2) whether the Secretary of the Army has fully and completely addressed issues raised by, and the recommendations made with regard to, such cemetery in the Inspector General of the Department of Defense 2010 report of the Special Inspection of Arlington National Cemetery.

(d) **INSPECTION OF ADDITIONAL CEMETERIES.**—

(1) **INSPECTION REQUIRED.**—In addition to the inspection required by subsection (a), the Inspector General of the Department of Defense shall conduct an inspection of a statistically valid sample of cemeteries located at current or former military installations inside and outside the United States that are under the jurisdiction of the military departments for the purpose of obtaining an assessment of the adequacy of and adherence to the statutes, policies, and regulations governing the management, oversight, operations, and interments or inurnments (or both) by those cemeteries.

(2) **EXCLUSION.**—Paragraph (1) does not apply to the cemeteries maintained by the American Battle Monuments Commission and the military cemeteries identified in subsection (f).

(e) **SUBMISSION OF INSPECTION RESULTS AND CORRECTIVE ACTION PLANS.**—

(1) **MILITARY CEMETERY INSPECTIONS.**—Not later than March 31, 2012, the Secretaries of the military departments shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the findings of the inspections of the military cemeteries conducted under subsection (a);

(B) the recommendations of the Inspector General of the Department of Defense based on such inspections; and

(C) a plan for corrective action.

(2) **INSPECTION OF ADDITIONAL CEMETERIES.**—Not later than December 31, 2012, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the inspections conducted under subsection (d) and the recommendations of the Inspector General based on such inspections. Not later than April 1, 2013, the Secretaries of the military departments shall submit to such committees a plan for corrective action.

(f) **MILITARY CEMETERY DEFINED.**—In subsection (a), the term “military cemetery” means the cemeteries that are under the jurisdiction of a Secretary of a military department at each of the following locations:

(1) The Armed Forces Retirement Home—Washington.

(2) The United States Military Academy.

(3) The United States Naval Academy.

(4) The United States Air Force Academy.

**Subtitle G—Armed Forces Retirement Home****SEC. 561. CONTROL AND ADMINISTRATION BY SECRETARY OF DEFENSE.**

Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by adding at the end the following new paragraph:

“(3) The administration of the Retirement Home, including administration for the provision of health care and medical care for residents, shall remain under the control and administration of the Secretary of Defense.”

**SEC. 562. SENIOR MEDICAL ADVISOR OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS OF ARMED FORCES RETIREMENT HOME.**

(a) **ADVISORY RESPONSIBILITIES OF SENIOR MEDICAL ADVISOR.**—Subsection (b) of section 1513A of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413a) is amended—

(1) by striking “(1) The”; and inserting “The”;

(2) by striking paragraph (2); and

(3) by striking “and the Chief Operating Officer” and all that follows through the period at

the end and inserting the following: "the Chief Operating Officer, and the Advisory Council regarding the direction and oversight of—

"(1) medical administrative matters at each facility of the Retirement Home; and

"(2) the provision of medical care, preventive mental health, and dental care services at each facility of the Retirement Home."

(b) **RELATED DUTIES.**—Subsection (c) of such section is amended by striking paragraphs (3), (4), and (5) and inserting the following new paragraphs:

"(3) Periodically visit each facility of the Retirement Home to review—

"(A) the medical facilities, medical operations, medical records and reports, and the quality of care provided to residents; and

"(B) inspections and audits to ensure that appropriate follow-up regarding issues and recommendations raised by such inspections and audits has occurred.

"(4) Report on the findings and recommendations developed as a result of each review conducted under paragraph (3) to the Chief Operating Officer, the Advisory Council, and the Under Secretary of Defense for Personnel and Readiness."

**SEC. 563. ESTABLISHMENT OF ARMED FORCES RETIREMENT HOME ADVISORY COUNCIL AND RESIDENT ADVISORY COMMITTEES.**

(a) **REPLACEMENT OF LOCAL BOARDS OF TRUSTEES.**—The Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended by striking section 1516 and inserting the following new sections:

**"SEC. 1516. ADVISORY COUNCIL.**

"(a) **ESTABLISHMENT.**—The Retirement Home shall have an Advisory Council, to be known as the 'Armed Forces Retirement Home Advisory Council'. The Advisory Council shall serve the interests of both facilities of the Retirement Home.

"(b) **DUTIES.**—(1) The Advisory Council shall provide to the Chief Operating Officer and the Administrator of each facility such guidance and recommendations on the operation and administration of the Retirement Home and the quality of care provided to residents as the Advisory Council considers appropriate.

"(2) Not less often than annually, the Advisory Council shall submit to the Secretary of Defense a report summarizing its activities during the preceding year and providing such observations and recommendations with respect to the Retirement Home as the Advisory Council considers appropriate.

"(3) In carrying out its functions, the Advisory Council shall—

"(A) provide for participation in its activities by a representative of the Resident Advisory Committee of each facility of the Retirement Home; and

"(B) make recommendations to the Inspector General of the Department of Defense regarding issues that the Inspector General should investigate.

"(c) **COMPOSITION.**—(1) The Advisory Council shall consist of at least 15 members, each of whom shall be a full or part-time Federal employee or a member of the Armed Forces.

"(2) Members of the Advisory Council shall be designated by the Secretary of Defense, except that an individual who is not an employee of the Department of Defense shall be designated, in consultation with the Secretary of Defense, by the head of the Federal department or agency that employs the individual.

"(3) The Advisory Council shall include the following members:

"(A) One member who is an expert in nursing home or retirement home administration and financing.

"(B) One member who is an expert in gerontology.

"(C) One member who is an expert in financial management.

"(D) Two representatives of the Department of Veterans Affairs, one to be designated from each of the regional offices nearest in proximity to the facilities of the Retirement Home.

"(E) The Chairpersons of the Resident Advisory Committees.

"(F) One enlisted representative of the Services' Retiree Advisory Council.

"(G) The senior noncommissioned officer of one of the Armed Forces.

"(H) Two senior representatives of military medical treatment facilities, one to be designated from each of the military hospitals nearest in proximity to the facilities of the Retirement Home.

"(I) One senior judge advocate from one of the Armed Forces.

"(J) One senior representative of one of the chief personnel officers of the Armed Forces.

"(K) Such other members as the Secretary of Defense may designate.

"(4) The Administrator of the each facility of the Retirement Home shall be a nonvoting member of the Advisory Council.

"(5) The Secretary of Defense shall designate one member of the Advisory Council to serve as the Chairperson of the Advisory Council. The Chairperson shall conduct the meetings of the Advisory Council and be responsible for the operation of the Advisory Council

"(d) **TERM OF SERVICE.**—(1) Except as provided in paragraphs (2), (3), and (4), the term of service of a member of the Advisory Council shall be two years. The Secretary of Defense may designate a member to serve one additional term.

"(2) Unless earlier terminated by the Secretary of Defense, a person may continue to serve as a member of the Advisory Council after the expiration of the member's term until a successor is designated.

"(3) The Secretary of Defense may terminate the term of service of a member of the Advisory Council before the expiration of the member's term.

"(4) A member of the Advisory Council serves as a member of the Advisory Council only for as long as the member is assigned to or serving in a position for which the duties include the duty to serve as a member of the Advisory Council.

"(e) **VACANCIES.**—A vacancy in the Advisory Council shall be filled in the manner in which the original designation was made. A member designated to fill a vacancy occurring before the end of the term of the predecessor shall be designated for the remainder of the term of the predecessor. A vacancy in the Advisory Council shall not affect its authority to perform its duties.

"(f) **COMPENSATION.**—(1) Except as provided in paragraph (2), a member of the Advisory Council shall—

"(A) be provided a stipend consistent with the daily government consultant fee for each day on which the member is engaged in the performance of services for the Advisory Council; and

"(B) while away from home or regular place of business in the performance of services for the Advisory Council, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

"(2) A member of the Advisory Council who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of serving as a member of the Advisory Council.

**"SEC. 1516A. RESIDENT ADVISORY COMMITTEES.**

"(a) **ESTABLISHMENT AND PURPOSE.**—(1) A Resident Advisory Committee is an elected body of residents at each facility of the Retirement

Home established to provide a forum for all residents to express their needs, ideas, and interests through elected representatives of their respective floor or area.

"(2) A Resident Advisory Committee—

"(A) serves as a forum for ideas, recommendations, and representation to management of that facility of the Retirement Home to enhance the morale, safety, health, and well-being of residents; and

"(B) provides a means to communicate policy and general information between residents and management.

"(b) **ELECTION PROCESS.**—The election process for the Resident Advisory Committee at a facility of the Retirement Home shall be coordinated by the facility Ombudsman.

"(c) **CHAIRPERSON.**—(1) The Chairperson of a Resident Advisory Committee shall be elected at large and serve a two-year term.

"(2) Chairpersons serve as a liaison to the Administrator and are voting members of the Advisory Council. Chairpersons shall create meeting agendas, conduct the meetings, and provide a copy of the minutes to the Administrator, who will forward the copy to the Chief Operating Officer for approval.

"(d) **MEETINGS.**—At a minimum, meetings of a Resident Advisory Committee shall be conducted quarterly."

(b) **CONFORMING AMENDMENTS.**—

(1) **DEFINITIONS.**—Section 1502 of such Act (24 U.S.C. 401) is amended—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) by inserting after paragraph (2) (as so redesignated) the following new paragraphs:

"(3) The term 'Advisory Council' means the Armed Forces Retirement Home Advisory Council established under section 1516.

"(4) The term 'Resident Advisory Committee' means an elected body of residents at a facility of the Retirement Home established under section 1516A."

(2) **RESPONSIBILITIES OF CHIEF OPERATING OFFICER.**—Section 1515(c)(2) of such Act (24 U.S.C. 415(c)(2)) is amended by striking ", including the Local Boards of those facilities".

(3) **INSPECTION OF RETIREMENT HOME.**—Section 1518 of such Act (24 U.S.C. 418) is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "Local Board for the facility or the resident advisory committee or council" and inserting "Advisory Council or the Resident Advisory Committee"; and

(ii) in paragraph (3), by striking "Local Board for the facility, the resident advisory committee or council" and inserting "Advisory Council, the Resident Advisory Committee";

(B) in subsection (c)(1), by striking "Local Board for the facility" and inserting "Advisory Council"; and

(C) in subsection (e)(1), by striking "Local Board for the facility" and inserting "Advisory Council".

**SEC. 564. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.**

(a) **LEADERSHIP OF FACILITIES OF THE RETIREMENT HOME.**—Section 1517 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 417) is amended—

(1) in subsection (a), by striking "a Director, a Deputy Director, and an Associate Director" and inserting "an Administrator and an Ombudsman";

(2) in subsections (b) and (c)—

(A) by striking "DIRECTOR" in each subsection heading and inserting "ADMINISTRATOR"; and

(B) by striking "Director" each place it appears and inserting "Administrator";

(3) by striking subsections (d) and (e) and redesignating subsections (f), (g), (h), and (i) as subsections (d), (e), (f), and (g), respectively;

(4) in subsection (d), as so redesignated—  
(A) by striking “ASSOCIATE DIRECTOR” in the subsection heading and inserting “OMBUDSMAN”; and

(B) by striking “Associate Director” in paragraphs (1) and (2) and inserting “Ombudsman”;

(5) in subsection (e), as so redesignated—

(A) by striking “ASSOCIATE DIRECTOR.” in the subsection heading and inserting “OMBUDSMAN.—(1)”; and

(B) by striking “Associate Director” and inserting “Ombudsman”;

(C) by striking “Director and Deputy Director” and inserting “Administrator”;

(D) by striking “Director may” and inserting “Administrator may”; and

(E) by adding at the end the following new paragraph:

“(2) The Ombudsman may provide information to the Administrator, the Chief Operating Officer, the Senior Medical Advisor, the Inspector General of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness.”;

(6) in subsection (f), as so redesignated, by striking “Director” each place it appears and inserting “Administrator”; and

(7) in subsection (g), as so redesignated—

(A) by striking “DIRECTORS” in the subsection heading and inserting “ADMINISTRATORS”;

(B) in paragraph (1), by striking “Directors” and inserting “Administrators”; and

(C) in paragraph (2), by striking “a Director” and inserting “an Administrator”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES TO DIRECTOR.—Sections 1511(d)(2), 1512(c), 1514(a), 1518(b)(4), 1518(c), 1518(d)(2), 1520, 1522, and 1523(b) of such Act are amended by striking “Director” each place it appears and inserting “Administrator”.

(2) REFERENCES TO DIRECTORS.—Sections 1514(b) and 1520(c) of such Act (24 U.S.C. 414(b), 420(c)) are amended by striking “Directors” and inserting “Administrators”.

#### SEC. 565. REVISION OF FEE REQUIREMENTS.

(a) FIXING FEES.—Subsection (c) of section 1514 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414) is amended—

(1) in paragraph (3), by striking the last sentence; and

(2) by adding at the end the following new paragraph:

“(4) Until different fees are prescribed and take effect under this subsection and subject to any fee adjustment that the Secretary of Defense determines appropriate, the percentages and limitations on maximum monthly amount that are applicable to fees charged to residents for months beginning after December 31, 2011, are as follows:

“(A) For independent living residents, 35 percent of total current income, but not to exceed \$1,238 each month.

“(B) For assisted living residents, 40 percent of total current income, but not to exceed \$1,856 each month.

“(C) For long-term care residents, 65 percent of total current income, but not to exceed \$3,094 each month.”.

(b) REPEAL OF FORMER TRANSITIONAL FEE STRUCTURES.—Such section is further amended by striking subsection (d).

#### SEC. 566. REVISION OF INSPECTION REQUIREMENTS.

Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended—

(1) in subsection (b)(1)—

(A) by striking “In any year in which a facility of the Retirement Home is not inspected by a nationally recognized civilian accrediting organization,” and inserting “Not less often than once every three years,”;

(B) by striking “of that facility” and inserting “of each facility of the Retirement Home”; and

(C) by inserting “long-term care,” after “assisted living,”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “45 days” and inserting “90 days”; and

(B) by striking paragraph (2) and inserting the following new paragraph:

“(2) A report submitted under paragraph (1) shall include a plan by the Chief Operating Officer to address the recommendations and other matters contained in the report.”; and

(3) in subsection (e)(1)—

(A) by striking “45 days” and inserting “60 days”; and

(B) by striking “Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer” and inserting “Chief Operating Officer shall submit to the Under Secretary of Defense for Personnel and Readiness, the Senior Medical Advisor”.

#### SEC. 567. REPEAL OF OBSOLETE TRANSITIONAL PROVISIONS AND TECHNICAL, CONFORMING, AND CLERICAL AMENDMENTS.

(a) REPEAL OF TRANSITIONAL PROVISIONS.—Part B of the Armed Forces Retirement Home Act of 1991, relating to transitional provisions for the Armed Forces Retirement Home Board and the Directors and Deputy Directors of the facilities of the Armed Forces Retirement Home, is repealed.

(b) CORRECTION OF OBSOLETE REFERENCES TO RETIREMENT HOME BOARD.—

(1) ARMED FORCES RETIREMENT HOME ACT.—Section 1519(a)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419(a)(2)) is amended by striking “Retirement Home Board” and inserting “Chief Operating Officer”.

(2) TITLE 10, U.S.C.—

(A) DEFENSE OF CERTAIN SUITS.—Section 1089(g)(3) of title 10, United States Code, is amended by striking “Armed Forces Retirement Home Board” and inserting “Chief Operating Officer of the Armed Forces Retirement Home”.

(B) FINES AND FORFEITURES.—Section 2772(b) of title 10, United States Code, is amended by striking “Armed Forces Retirement Home Board” and inserting “Chief Operating Officer of the Armed Forces Retirement Home”.

(c) SECTION HEADINGS.—

(1) SECTION 1501.—The heading of section 1501 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C.) is amended to read as follows:

“SEC. 1501. SHORT TITLE; TABLE OF CONTENTS.”

(2) SECTION 1513.—The heading of section 1513 of such Act is amended to read as follows:

“SEC. 1513. SERVICES PROVIDED TO RESIDENTS.”

(3) SECTION 1513A.—The heading of section 1513A of such Act is amended to read as follows:

“SEC. 1513A. OVERSIGHT OF HEALTH CARE PROVIDED TO RESIDENTS.”

(4) SECTION 1517.—The heading of section 1517 of such Act is amended to read as follows:

“SEC. 1517. ADMINISTRATORS, OMBUDSMEN, AND STAFF OF FACILITIES.”

(5) SECTION 1518.—The heading of section 1518 of such Act is amended to read as follows:

“SEC. 1518. PERIODIC INSPECTION OF RETIREMENT HOME FACILITIES BY DEPARTMENT OF DEFENSE INSPECTOR GENERAL AND OUTSIDE INSPECTORS.”

(6) PUNCTUATION.—The headings of sections 1512 and 1520 of such Act are amended by adding a period at the end.

(d) PART A HEADER.—The heading for part A is repealed.

(e) TABLE OF CONTENTS.—The table of contents in section 1501(b) of such Act is amended—

(1) by striking the item relating to the heading for part A;

(2) by striking the items relating to sections 1513 and 1513A and inserting the following new items:

“Sec. 1513. Services provided to residents.

“Sec. 1513A. Oversight of health care provided to residents.”;

(3) by striking the items relating to sections 1516, 1517, and 1518 and inserting the following:

“Sec. 1516. Advisory Council.

“Sec. 1516A. Resident Advisory Committees.

“Sec. 1517. Administrators, Ombudsmen, and staff of facilities.

“Sec. 1518. Periodic inspection of Retirement Home facilities by Department of Defense Inspector General and outside inspectors.”; and

(4) by striking the items relating to part B (including the items relating to sections 1531, 1532, and 1533).

#### Subtitle H—Military Family Readiness Matters

#### SEC. 571. REVISION TO MEMBERSHIP OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

Section 1781a(b) of title 10, United States Code, is amended to read as follows:

“(b) MEMBERS.—(1) The Council shall consist of the following members:

“(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council and who may designate a representative to chair the council in the Under Secretary’s absence.

“(B) The following persons, who shall be appointed or designated by the Secretary of Defense:

“(i) One representative of each of the Army, Navy, Marine Corps, and Air Force, each of whom shall be a member of the armed force to be represented.

“(ii) One representative of the Army National Guard or the Air National Guard, who may be a member of the National Guard.

“(iii) One spouse or parent of a member of each of the Army, Navy, Marine Corps, and Air Force, two of whom shall be the spouse or parent of an active component member and two of whom shall be the spouse or parent of a reserve component member.

“(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations, including military family organizations of families of members of the regular components and of families of members of the reserve components.

“(D) The senior enlisted advisor from each of the Army, Navy, Marine Corps, and Air Force, except that two of these members may instead be selected from among the spouses of the senior enlisted advisors.

“(E) The Director of the Office of Community Support for Military Families with Special Needs.

“(2)(A) The term on the Council of the members appointed or designated under clauses (i) and (iii) of subparagraph (B) of paragraph (1) shall be two years and may be renewed by the Secretary of Defense. Representation on the Council under clause (ii) of that subparagraph shall rotate between the Army National Guard and Air National Guard every two years on a calendar year basis.

“(B) The term on the Council of the members appointed under subparagraph (C) of paragraph (1) shall be three years.”.

#### SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$30,000,000 shall be available only for

the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2012 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 573. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.**

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**“SEC. 208. CHILD CUSTODY PROTECTION.**

“(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is servicemember, then the court shall require that upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

“(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

“(c) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

“(d) PREEMPTION.—Preemption- In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

“(e) DEPLOYMENT DEFINED.—In this section, the term ‘deployment’ means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

“(1) that are designated as unaccompanied;

“(2) for which dependent travel is not authorized; or

“(3) that otherwise do not permit the movement of family members to that location.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

**SEC. 574. CENTER FOR MILITARY FAMILY AND COMMUNITY OUTREACH.**

(a) CENTER AUTHORIZED.—The Secretary of the Army may establish a Center for Military

Family and Community Outreach to help increase the number (and enhance the competencies) of social workers and mental health service providers who—

(1) are familiar with the special demands of active duty on members of the Armed Forces and their families; and

(2) can adapt prevention and intervention methods to times of war and the needs of military families.

(b) METHOD OF ESTABLISHMENT; MERIT-BASED OR COMPETITIVE DECISIONS.—(1) Under such criteria as the Secretary of the Army may establish, the Secretary may award grants to, or enter into contracts and cooperative agreements with, an historically black university in close proximity to an Army installation for the purpose of planning, developing, managing, and implementing the Center for Military Family and Community Outreach.

(2) A decision to commit, obligate, or expend funds referred to in subsection (f) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

(c) USE OF ASSISTANCE.—Assistance provided under this section shall be used—

(1) to establish the Center for Military Family and Community Outreach as described in subsection (b);

(2) to train social work students, social work faculty members, and social workers to understand the complex features of military life and enhance their competencies in developing and providing services to military families; and

(3) for such related activities and expenses as the Secretary of the Army may authorize.

(d) TRAINING COMPONENT.—Training provided through the Center for Military Family and Community Outreach shall focus on—

(1) mental health well-being;

(2) independence;

(3) resources; and

(4) social well being for military families.

(e) RESEARCH AND EDUCATION.—Research findings shall be disseminated through publications, workshops, and professional conferences. The Center for Military Family and Community Outreach shall hold annually a minimum of five half-day conferences and 20 workshops for social workers, faculty, and students. The Center shall host at least two State-wide or regional conferences (one for military families and one for professionals) concerning military culture, resources and prevention activities regarding grief, loss, divorce, domestic violence, sexual harassment, suicide, substance abuse, marital discord, financial, PTSD, and separation issues for families, children, and adolescents.

(f) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—Of the amounts authorized to be appropriated by section 301 for operation and maintenance for the Army, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$1,000,000 to carry out this section in furtherance of national security objectives.

**SEC. 575. MENTAL HEALTH SUPPORT FOR MILITARY PERSONNEL AND FAMILIES.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$5,960,400,000 for operation and maintenance, Marine Corps. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$3,000,000 for a collaborative program that responds to escalating suicide rates

and combat stress related arrests of military personnel, and trains active duty military personnel to recognize and respond to combat stress disorder, suicide risk, substance addiction, risk-taking behaviors and family violence, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 576. REPORT ON DEPARTMENT OF DEFENSE AUTISM PILOT PROJECTS.**

(a) REPORT REQUIRED.—Not later than March 14, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on any pilot projects that the Department of Defense is conducting on autism services.

(b) MATTERS COVERED.—At a minimum, the report under subsection (a) shall include a comprehensive evaluation of consumption patterns of autism treatment services, including intensity and volumes of use across specific diagnoses, age groups, and treatment services.

**Subtitle I—Improved Sexual Assault Prevention and Response in the Armed Forces**

**SEC. 581. DIRECTOR OF SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.**

Section 1611(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) is amended by adding before the period at the end of the first sentence the following: “, who shall be appointed from among general or flag officers of the Armed Forces or employees of the Department of Defense in a comparable Senior Executive Service position”.

**SEC. 582. SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.**

(a) ASSIGNMENT AND TRAINING.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**“§1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates**

“(a) ASSIGNMENT OF COORDINATORS.—(1) At least one full-time Sexual Assault Response Coordinator shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Sexual Assault Response Coordinators as necessary based on the demographics or needs of the unit. An additional Sexual Assault Response Coordinator may serve on a full-time or part-time basis at the discretion of the Secretary.

“(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Sexual Assault Response Coordinator.

“(b) ASSIGNMENT OF VICTIM ADVOCATES.—(1) At least one full-time Sexual Assault Victim Advocate shall be assigned to each brigade or equivalent unit level of the armed forces. The Secretary of the military department concerned may assign additional Victim Advocates as necessary based on the demographics or needs of the unit. An additional Victim Advocate may serve on a full-time or part-time basis at the discretion of the Secretary.

“(2) Effective October 1, 2013, only members of the armed forces and civilian employees of the Department of Defense may be assigned to duty as a Victim Advocate.

“(c) TRAINING AND CERTIFICATION.—(1) As part of the sexual assault prevention and response program, the Secretary of Defense shall

establish a professional and uniform training and certification program for Sexual Assault Response Coordinators assigned under subsection (a) and Sexual Assault Victim Advocates assigned under subsection (b). The program shall be structured and administered in a manner similar to the professional training available for Equal Opportunity Advisors through the Defense Equal Opportunity Management Institute.

“(2) In developing the curriculum and other components of the program, the Secretary of Defense shall work with experts outside of the Department of Defense who are experts in victim advocacy and sexual assault prevention and response training.

“(3) A decision to commit, obligate, or expend funds with or to a specific entity to assist with the development or implementation of the program shall—

“(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of this title or on competitive procedures; and

“(B) comply with other applicable provisions of law.

“(4) Effective October 1, 2013, before a member or civilian employee may be assigned to duty as a Sexual Assault Response Coordinator under subsection (a) or Victim Advocate under subsection (b), the member or employee must have completed the training program required by paragraph (1) and obtained the certification.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘armed forces’ means the Army, Navy, Air Force, and Marine Corps.

“(2) The term ‘sexual assault prevention and response program’ has the meaning given such term in section 1601(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1568. Sexual assault prevention and response: Sexual Assault Response Coordinators and Victim Advocates.”.

**SEC. 583. SEXUAL ASSAULT VICTIMS ACCESS TO LEGAL COUNSEL AND SERVICES OF SEXUAL ASSAULT RESPONSE COORDINATORS AND SEXUAL ASSAULT VICTIM ADVOCATES.**

(a) ACCESS.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044d the following new section:

“§1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates

“(a) AVAILABILITY OF LEGAL ASSISTANCE AND VICTIM ADVOCATE SERVICES.—

“(1) MEMBERS.—A member of the armed forces or a dependent of a member of the armed forces who is the victim of a sexual assault is entitled to—

“(A) legal assistance provided by a military legal assistance counsel certified as competent to provide such assistance;

“(B) assistance provided by a qualified Sexual Assault Response Coordinator; and

“(C) assistance provided by a qualified Sexual Assault Victim Advocate.

“(2) DEPENDENTS.—To the extent practicable, the Secretary of a military department shall make the assistance described in paragraph (1) available to dependent of a member of the armed forces who is the victim of a sexual assault and resides on or in the vicinity of a military installation. The Secretary concerned shall define the term ‘vicinity’ for purposes of this paragraph.

“(3) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under this subsection as soon as the member or de-

pendent seeks assistance from a Sexual Assault Response Coordinator or any other responsible member of the armed forces or Department of Defense civilian employee. The victim shall also be informed that the legal assistance and services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and these services may be declined, in whole or in part, at any time.

“(4) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the armed forces, access to legal assistance and the services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates are available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

“(b) RESTRICTED REPORTING OPTION.—

“(1) AVAILABILITY OF RESTRICTED REPORTING.—A member of the armed forces who is the victim of a sexual assault may confidentially disclose the details of the assault to an individual specified in paragraph (2) and receive medical treatment, legal assistance, or counseling, without triggering an official investigation of the allegations.

“(2) PERSONS COVERED BY RESTRICTED REPORTING.—Individuals covered by paragraph (1) are the following:

“(A) Military legal assistance counsel.

“(B) Sexual Assault Response Coordinator.

“(C) Sexual Assault Victim Advocate.

“(D) Personnel staffing the DOD Safe Helpline or successor operation.

“(E) Healthcare personnel.

“(F) Chaplain.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘sexual assault’ includes any of the offenses covered by section 920 of this title (article 120).

“(2) The term ‘military legal assistance counsel’ means a judge advocate who—

“(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) is certified as competent to provide legal assistance by the Judge Advocate General of the armed force of which the judge advocate is a member.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044d the following new item:

“1044e. Victims of sexual assault: access to legal assistance and services of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.”.

(c) CONFORMING AMENDMENT REGARDING PROVISION OF LEGAL COUNSEL.—Section 1044(d)(3)(B) of such title is amended by striking “sections 1044a, 1044b, 1044c, and 1044d” and inserting “sections 1044a through 1044e”.

**SEC. 584. PRIVILEGE IN CASES ARISING UNDER UNIFORM CODE OF MILITARY JUSTICE AGAINST DISCLOSURE OF COMMUNICATIONS BETWEEN SEXUAL ASSAULT VICTIMS AND SEXUAL ASSAULT RESPONSE COORDINATORS, VICTIM ADVOCATES, AND CERTAIN OTHER PERSONS.**

(a) PRIVILEGE ESTABLISHED.—

(1) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section:

“§940a. Art. 140a. Privilege against disclosure of certain communications with Sexual Assault Response Coordinators, Victim Advocates, and certain other persons

“(a) PRIVILEGE AGAINST DISCLOSURE.—Communications between a person who is the victim of a sexual assault or other offense covered by section 920 of this title (article 120) and a person

specified in subsection (b) and the records relating to such communications are not subject to discovery and may not be admitted into evidence in any case arising under this chapter.

“(b) PERSONS COVERED BY PRIVILEGE.—The privilege granted by subsection (a) applies to—

“(1) a Sexual Assault Response Coordinator;

“(2) a Sexual Assault Victim Advocate; and

“(3) personnel staffing the DOD Safe Helpline or successor operation.

“(c) CONSENT EXCEPTION.—The victim of a sexual assault may consent to the disclosure of any communication or record referred to in subsection (a) regarding the victim.

“(d) RELATION TO OTHER PRIVILEGES AGAINST DISCLOSURE.—The privilege granted by subsection (a) in cases arising under this chapter is in addition to any other privilege against disclosure that may exist with regard to communications between a victim of a sexual assault and another person.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1034a the following new item:

“940a. Art. 140a. Privilege against disclosure of certain communications with Sexual Assault Victim Advocates, Victim Advocates, and certain other persons.”.

(b) APPLICABILITY.—Section 940a of title 10, United States Code, as added by subsection (a), applies to communications and records described in such section whether made before, on, or after the date of the enactment of this Act.

**SEC. 585. MAINTENANCE OF RECORDS PREPARED IN CONNECTION WITH SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES OR DEPENDENTS OF MEMBERS.**

(a) MAINTENANCE AND CONFIDENTIALITY OF SEXUAL ASSAULT RECORDS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

“§993. Maintenance of medical, investigative, and other records prepared in connection with sexual assaults

“(a) MAINTENANCE OF RECORDS.—The Secretary of Defense shall maintain for not less than 100 years the records described in subsection (b) that are prepared by personnel of the Department of Defense in connection with a sexual assault involving a member of the armed forces or a dependent of a member to ensure future access to the records.

“(b) COVERED RECORDS.—The recordkeeping requirement imposed by subsection (a) applies to the following:

“(1) Department of Defense Form 2910, regarding the victim reporting preference statement, or any successor document.

“(2) Department of Defense Form 2911, regarding the forensic medical report prepared in the case of a sexual assault examination, or any successor document.

“(3) Medical records.

“(4) Investigative reports prepared in connection with a sexual assault.

“(5) Such other information and reports as the Secretary of Defense considers appropriate.

“(c) VICTIM ACCESS.—The Secretary of Defense shall ensure that the victim of the sexual assault for which the records described in subsection (b) are prepared has permanent access to the records.

“(d) PROTECTION OF RESTRICTED REPORTING OPTION.—The Secretary of Defense shall ensure that any recordkeeping system used to maintain records described in subsection (b) does not jeopardize the confidentiality of the restricted reporting option available to a victim of a sexual assault.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“993. Maintenance of medical, investigative, and other records prepared in connection with sexual assaults.”.

(b) COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

“(e) In the case of a general or special court-martial involving a sexual assault or other offense covered by section 920 of this title (article 120), a copy of the prepared record of the proceedings of the court-martial shall be given to the victim of the offense if the victim testified during the proceedings. The record of the proceedings shall be provided without charge and as soon as the record is authenticated. The victim shall be notified of the opportunity to receive the record of the proceedings.”.

**SEC. 586. EXPEDITED CONSIDERATION AND PRIORITY FOR APPLICATION FOR CONSIDERATION OF A PERMANENT CHANGE OF STATION OR UNIT TRANSFER BASED ON HUMANITARIAN CONDITIONS FOR VICTIM OF SEXUAL ASSAULT.**

(a) IN GENERAL.—Chapter 39 of title 10, United States Code, is amended by inserting after section 672 the following new section:

**“§673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault**

“(a) EXPEDITED CONSIDERATION AND PRIORITY FOR APPROVAL.—To the maximum extent practicable, the Secretary concerned shall provide for the expedited consideration and approval of an application for consideration of a permanent change of station or unit transfer submitted by a member of the armed forces serving on active duty who was a victim of a sexual assault or other offense covered by section 920 of this title (article 120) so as to reduce the possibility of retaliation against the member for reporting the sexual assault.

“(b) REGULATIONS.—The Secretaries of the military departments shall issue regulations to carry out this section, within guidelines provided by the Secretary of Defense.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 672 the following new item:

“673. Consideration of application for permanent change of station or unit transfer for members on active duty who are the victim of a sexual assault.”.

**SEC. 587. TRAINING AND EDUCATION PROGRAMS FOR SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.**

Subtitle A of title XVI of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) is amended by adding at the end the following new section:

**“SEC. 1615. IMPROVED TRAINING AND EDUCATION PROGRAMS.**

“(a) SEXUAL ASSAULT PREVENTION AND RESPONSE TRAINING AND EDUCATION.—

“(1) DEVELOPMENT OF CURRICULUM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall develop a curriculum to provide sexual assault prevention and response training and education for members of the Armed Forces under the jurisdiction of the Secretary and civilian employees of the military department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault. In developing the curriculum, the Secretary shall work with experts outside of the Department of Defense who are experts sexual assault prevention and response training.

“(2) SCOPE OF TRAINING AND EDUCATION.—The sexual assault prevention and response training and education shall encompass initial entry and accession programs, annual refresher training, professional military education, peer education, and specialized leadership training. Training shall be tailored for specific leadership levels and local area requirements.

“(3) CONSISTENT TRAINING.—The Secretary of Defense shall ensure that the sexual assault prevention and response training provided to members of the Armed Forces and Department of Defense civilian employees is consistent throughout the military departments.

“(b) INCLUSION IN PROFESSIONAL MILITARY EDUCATION.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module at each level of professional military education. The training shall be tailored to the new responsibilities and leadership requirements of members of the Armed Forces as they are promoted.

“(c) INCLUSION IN FIRST RESPONDER TRAINING.—

“(1) IN GENERAL.—The Secretary of Defense shall direct that managers of specialty skills associated with first responders described in paragraph (2) integrate sexual assault response training in initial and recurring training courses.

“(2) COVERED FIRST RESPONDERS.—First responders referred to in paragraph (1) include firefighters, emergency medical technicians, law enforcement officers, military criminal investigators, healthcare personnel, judge advocates, and chaplains.

“(d) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity to assist with the development or implementation of sexual assault prevention and response training and education under this section shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of this title or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

**Subtitle J—Other Matters**

**SEC. 591. LIMITATIONS ON AUTHORITY TO PROVIDE SUPPORT AND SERVICES FOR CERTAIN ORGANIZATIONS AND ACTIVITIES OUTSIDE DEPARTMENT OF DEFENSE.**

(a) NOTICE OF USE OF AUTHORITY IN CONNECTION WITH TRAINING.—Subsection (a)(2) of section 2012 of title 10, United States Code, is amended by inserting before the period at the end the following: “, funding for such training was requested in the most recent budget submission for the military department of that Secretary, and no additional funding for such training is provided by the Secretary of Defense”.

(b) TERMINATION OF MILITARY MANPOWER EXCEPTION.—Subsection (d)(2) of such section is amended by striking “Subparagraph (A)(i) of paragraph (1) does not apply in a case in which” and inserting “After September 30, 2011, subparagraph (A)(i) of paragraph (1) applies even though”.

(c) IMPROVED OVERSIGHT AND COST ACCOUNTING.—Subsection (j) of such section is amended—

(1) in the matter preceding paragraph (1), by inserting “requested by the Secretary of a military department and” after “training projects”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) Ensure that each project that is proposed to be conducted in accordance with this section is requested in writing, reviewed for full compliance with this section, and approved in advance

of initiation by the Secretary of the military department concerned.”.

(d) ANNUAL FUNDING LIMITATION.—Such section is further amended by adding at the end the following new subsection:

“(k) LIMITATION ON ANNUAL OBLIGATION OF FUNDS.—Not more than \$10,000,000 may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities under this section.”.

**SEC. 592. DISPLAY OF STATE, DISTRICT OF COLUMBIA, AND TERRITORIAL FLAGS BY ARMED FORCES.**

(a) DISPLAY REQUIRED.—Section 2249b of title 10, United States Code, is amended—by adding at the end the following new subsection:

“(c) DISPLAY OF DISTRICT OF COLUMBIA AND TERRITORIAL FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by striking the colon and all that follows.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 134 of such title is amended by striking the item relating to section 2249b and inserting the following new item:

“2249b. Display of State flags.”.

**SEC. 593. MILITARY ADAPTIVE SPORTS PROGRAM.**

(a) PROGRAM AUTHORIZED.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2564 the following new section:

**“§2564a. Provision of assistance for adaptive sports programs for members of the armed forces**

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may establish a military adaptive sports program to support the provision of adaptive sports programming for members of the armed forces who are eligible to participate in adaptive sports because of an injury or wound incurred in the line of duty in the armed forces.

“(b) PROVISION OF ASSISTANCE; PURPOSE.—(1) Under such criteria as the Secretary of Defense may establish under the military adaptive sports program, the Secretary may award grants to, or enter into contracts and cooperative agreements with, entities for the purpose of planning, developing, managing, and implementing adaptive sports programming for members described in subsection (a).

“(2) The Secretary of Defense shall use competitive procedures to award any grant or to enter into any contract or cooperative agreement under this subsection.

“(c) USE OF ASSISTANCE.—Assistance provided under the military adaptive sports program shall be used—

“(1) for the purposes specified in subsection (b); and

“(2) for such related activities and expenses as the Secretary of Defense may authorize.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 717 the following new item:

“2564a. Provision of assistance for adaptive sports programs for members of the armed forces.”.

**SEC. 594. WOUNDED WARRIOR CAREERS PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—During fiscal years 2012 through 2016, the Secretary of Defense shall carry out a career-development services program with the Education and Employment Initiative for severely wounded warriors of



the Armed Forces, and their spouses, if appropriate.

(b) **ELEMENTS OF PROGRAM.**—The program shall include at a minimum the following:

(1) Exploring career options.

(2) Obtaining education, skill, aptitude, and interest assessments.

(3) Developing veteran-centered career plans.

(4) Preparing resumes and education/training applications.

(5) Acquiring additional education and training, including internships and mentorship programs.

(6) Engaging with prospective employers and educators when appropriate.

(7) Entering into various kinds of occupations (whether full-time, part-time, paid, or volunteer, or self-employment as entrepreneurs or otherwise).

(8) Advancing in jobs and careers after initial employment.

(9) Identifying and resolving obstacles through coordination with the military departments, other departments and agencies of the Federal Government, State and local governments, and other appropriate service and benefits providers.

(c) **PLACEMENT REQUIREMENT.**—Services under the program shall be co-located at the largest geographic concentrations of wounded warriors in accordance with the Education and Employment Initiative's goal of establishing as many as 20 locations that can support transitioning wounded warriors seeking post-service education and employment.

(d) **COST-BENEFIT ANALYSIS.**—No later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees plans for a cost-benefit analysis of the results of the services provided to substantiate effective practices.

(e) **INFORMATION SHARING.**—Lessons learned, including relevant data and best practices derived from the program, shall be shared with relevant Federal agencies that also provide transition services and support to disabled veterans or wounded warriors.

(f) **NEW BUDGET ITEM RELATING TO THE PROGRAM.**—

(1) **ADDITIONAL DISCRETIONARY BUDGETARY AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$2,201,964,000 for Defense-wide Operation and Maintenance Administrative and Service-wide Activities. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$1,000,000 for the program under this section in furtherance of national security objectives.

(2) **MERIT-BASED OR COMPETITIVE DECISIONS.**—Notwithstanding subsection (a), a decision to commit, obligate, or expend funds referred to in the second sentence of paragraph (1) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

**SEC. 595. COMPTROLLER GENERAL STUDY OF MILITARY NECESSITY OF SELECTIVE SERVICE SYSTEM AND ALTERNATIVES.**

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study—

(1) to assess the criticality of the Selective Service System to the Department of Defense in meeting future military manpower requirements that are in excess of the ability of the all-volunteer force; and

(2) to determine the fiscal and national security impacts of—

(A) disestablishing the Selective Service System;

(B) putting the Selective Service System into a deep standby mode, defined as retaining only personnel sufficient to conduct registration and maintain the registration database; and

(C) requiring the Department of Defense, or other Federal department, upon disestablishment of the Selective Service System and repeal of registration requirements, to assume responsibility for securing the Selective Service System registration data bases, and keeping them updated.

(b) **ADDITIONAL CONSIDERATIONS FOR EACH OPTION.**—As part of considering the impacts of disestablishment of the Selective Service System, putting it into a deep standby mode, or transferring responsibilities as described in subsection (a)(2)(C), the Comptroller General shall provide for each option—

(1) an estimate of the annual cost or savings of each option to the Federal government; and

(2) the feasibility, cost, and time required for each option—

(A) to reestablish the capability to meet the Selective Service System mission, as it existed before disestablishment; and

(B) to provide the Department of Defense the required number of conscripts for training, should conscription be authorized by Congress.

(c) **SPECIAL CONSIDERATIONS REGARDING REGISTRATION.**—The study shall also include an assessment of the feasibility, cost, and time required to meet registration requirements by—

(1) using existing Federal and State government institutions as an alternative to Selective Service registration to maintain an accurate, comprehensive database of Americans who, according to existing Selective Service System registration requirements, would be subject to conscription should conscription be authorized; and

(2) integrating various alternative registration databases for use in connection with conscription and provide a means to keep updated and accurate the Selective Service System database under each of the options described in subsection (a)(2).

(d) **SUBMISSION OF RESULTS.**—Not later than March 31, 2012, the Comptroller General shall submit the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

**SEC. 596. SENSE OF CONGRESS REGARDING PLAYING OF BUGLE CALL COMMONLY KNOWN AS "TAPS" AT MILITARY FUNERALS, MEMORIAL SERVICES, AND WREATH LAYING CEREMONIES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The bugle call commonly known as "Taps" is known throughout the United States as part of the military honors accorded at funerals, memorial services, and wreath ceremonies held for members of the uniformed services and veterans.

(2) In July 1862, following the Seven Days Battles, Union General Daniel Butterfield and bugler Oliver Willcox Norton created "Taps" at Berkley Plantation, Virginia, as a way to signal the end of daily military activities.

(3) "Taps" is now established by the uniformed services as the last call of the day and is sounded at the completion of a military funeral.

(4) "Taps" has become the signature, solemn musical farewell for members of the uniformed services and veterans who have faithfully served the United States during times of war and peace.

(5) Over its almost 150 years of use, "Taps" has been woven into the historical fabric of the United States.

(6) When sounded, "Taps" summons emotions of loss, pride, honor, and respect and encourages Americans to remember patriots who served the United States with honor and valor.

(7) The 150th anniversary of the writing of "Taps" will be observed with events culminating in June 2012 with a rededication of the Taps Monument at Berkley Plantation, Virginia.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that at a military funeral, memorial service, or wreath laying, the bugle call commonly known as "Taps", consisting of 24 notes sounded on a bugle or trumpet, should be sounded by a live solo bugler or trumpeter when such arrangements are possible.

**SEC. 597. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The hopes and prayers of the American people for the safe return of members of the Armed Forces serving overseas are demonstrated through the proud display of yellow ribbons.

(2) The designation of a "Yellow Ribbon Day" would serve as an additional reminder for all Americans of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the Yellow Ribbon as the symbol of support for members of the Armed Forces.

(4) Yellow Ribbon Day would also signify a tribute and remembrance to all Prisoners of War and a fervent hope for the safe return and full accounting of all members of the Armed Forces who are Missing in Action.

(5) April 9th would be an appropriate day to designate as Yellow Ribbon Day as it was on April 9, 2004, that Staff Sergeant Matt Maupin became the first Prisoner of War of Operation Iraqi Freedom.

(b) **SENSE OF CONGRESS.**—Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces who are serving overseas apart from their families and loved ones.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

**SEC. 601. FISCAL YEAR 2012 INCREASE IN MILITARY BASIC PAY.**

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during fiscal year 2012 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2012, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

**SEC. 602. RESUMPTION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Effective October 1, 2011, section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2012".

**SEC. 603. LODGING ACCOMMODATIONS FOR MEMBERS ASSIGNED TO DUTY IN CONNECTION WITH COMMISSIONING OR FITTING OUT OF A SHIP.**

(a) **EXTENSION TO PRECOMMISSIONING UNIT SAILORS.**—Subsection (a) of section 7572 of title 10, United States Code, is amended—

(1) by inserting "or assigned to duty in connection with commissioning or fitting out of a ship" after "sea duty"; and

(2) by inserting "because the ship is under construction and is not yet habitable," after "because of repairs,".

(b) **EXTENSION TO ENLISTED MEMBERS.**—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking "After the expiration of the authority provided in subsection (b), an officer" and inserting "A member";



(B) by striking “officer’s quarters” and inserting “member’s quarters”;

(C) by striking “obtaining quarters” and inserting “obtaining housing”; and

(D) by striking “the officer” and inserting “the member”;

(2) in paragraph (2)—

(A) by striking “an officer” both places it appears and inserting “a member”;

(B) by striking “quarters” and inserting “housing”; and

(C) by striking “officer’s grade” and inserting “member’s grade”; and

(3) in paragraph (3)—

(A) by striking “an officer” and inserting “a member”; and

(B) by striking “quarters” and inserting “housing”.

(c) SHIPYARDS AFFECTED BY BRAC 2005.—Such section is further amended by adding at the end the following new subsection:

“(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on board a ship because the ship is under construction and is not yet habitable, or because of other conditions that make the member’s quarters uninhabitable, for expenses incurred in obtaining housing, but only when the Navy is unable to furnish the member with lodging accommodations under subsection (a).

“(2) The total amount that a member may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for housing of a member without dependents of that member’s grade.

“(3) A member without dependents, or a member who resides with dependents while assigned to duty in connection with commissioning or fitting out of a ship at one of the locations specified in paragraph (1), may not be reimbursed under this subsection.

“(4) The Secretary may prescribe regulations to carry out this subsection.”.

(d) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship”.**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 649 of such title is amended by striking the item relating to section 7572 and inserting the following new item:

“7572. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship.”.

#### **Subtitle B—Bonuses and Special and Incentive Pays**

#### **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

#### **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

#### **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

#### **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

#### **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

#### **SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.**

The following sections of title 10, United States Code, are amended by striking “December 31, 2011” and inserting “December 31, 2012”:

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

#### **Subtitle C—Travel and Transportation Allowances Generally**

#### **SEC. 621. ONE-YEAR EXTENSION OF AUTHORITY TO REIMBURSE TRAVEL EXPENSES FOR INACTIVE-DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCE.**

Section 408a(e) of title 37, United States Code, is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

#### **SEC. 622. MANDATORY PROVISION OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR SERIOUSLY ILL AND WOUNDED MEMBERS OF THE ARMED FORCES.**

Section 411k of title 37, United States Code, is amended—

(1) in subsection (a), by striking “may” and inserting “shall”; and

(2) in subsection (d)(3), by striking “may” and inserting “shall”.

#### **Subtitle D—Consolidation and Reform of Travel and Transportation Authorities**

#### **SEC. 631. PURPOSE.**

It is the purpose of this subtitle to establish general travel and transportation provisions for members of the uniformed services and other travelers authorized to travel under official conditions. Recognizing the complexities and the changing nature of travel, the amendments made by this subtitle and the 10-year transition period provided by section 6\_\_6 provide the Secretary of Defense and the Secretaries concerned (as defined in section 101(5) of title 37, United States Code) with the authority to prescribe and implement travel and transportation policy that is simple, efficient, relevant, and flexible and that meets mission needs and the needs of members of the uniformed services.

#### **SEC. 632. CONSOLIDATION AND REFORM OF TRAVEL AND TRANSPORTATION AUTHORITIES OF THE UNIFORMED SERVICES.**

Title 37, United States Code, is amended by inserting after chapter 7 the following new chapter:

#### **“CHAPTER 8—TRAVEL AND TRANSPORTATION ALLOWANCES**

##### **“SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW**

“Sec.

"451. Definitions.

"452. Allowable travel and transportation: general authorities.

"453. Allowable travel and transportation: specific authorities.

"454. Travel and transportation pilot programs.

"SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

"Sec.

"461. Relationship to other travel and transportation authorities.

"462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment.

"463. Regulations.

"SUBCHAPTER I—TRAVEL AND TRANSPORTATION—NEW LAW

"§ 451. Definitions

"(a) DEFINITIONS RELATING TO PERSONS.—In this subchapter and subchapter II:

"(1) The term 'administering Secretary' or 'administering Secretaries' means the following:

"(A) The Secretary of Defense, with respect to the armed forces (including the Coast Guard when it is operating as a service in the Navy).

"(B) The Secretary of Homeland Security, with respect to the Coast Guard when it is not operating as a service in the Navy.

"(C) The Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

"(D) The Secretary of Health and Human Services, with respect to the Public Health Service.

"(2) The term 'authorized traveler' means a person who is authorized travel and transportation allowances when performing official travel ordered or authorized by the administering Secretary. Such term includes the following:

"(A) A member of the uniformed services.

"(B) A family member of a member of the uniformed services.

"(C) A person acting as an escort or attendant for a member or family member who is traveling on official travel or is traveling with the remains of a deceased member.

"(D) A person who participates in a military funeral honors detail.

"(E) A Senior Reserve Officers' Training Corps cadet or midshipman.

"(F) An applicant or rejected applicant for enlistment.

"(G) Any other person whose employment or service is considered directly related to a Government official activity or function under regulations prescribed section 463 of this title.

"(3) The term 'family member', with respect to a member of the uniformed services, means the following:

"(A) A dependent, as defined in section 401(a) of this title.

"(B) A child, as defined in section 401(b)(1) of this title.

"(C) A parent, as defined in section 401(b)(2) of this title.

"(D) A sibling of the member.

"(E) A former spouse of the member.

"(F) Any person not covered by subparagraphs (A) through (E) who is in a category specified in regulations under section 463 of this title as having an association, connection, or affiliation with a member of the uniformed services or the family of such a member.

"(G) Any person not covered by subparagraphs (A) through (F) who is determined by the administering Secretary under regulations prescribed under section 463 of this title as warranting the status of being a family member for purposes of a particular travel incident.

"(b) DEFINITIONS RELATING TO TRAVEL AND TRANSPORTATION ALLOWANCES.—In this subchapter and subchapter II:

"(1) The term 'official travel' means the following:

"(A) Military duty or official business performed by an authorized traveler away from a duty assignment location or other authorized location.

"(B) Travel performed by an authorized traveler ordered to relocate from a permanent duty station to another permanent duty station.

"(C) Travel performed by an authorized traveler ordered to the first permanent duty station, or separated or retired from uniformed service.

"(D) Local travel in or around the temporary duty or permanent duty station.

"(E) Other travel as authorized or ordered by the administering Secretary.

"(2) The term 'actual and necessary expenses' means expenses incurred in fact by a traveler as a reasonable consequence of official travel.

"(3) The term 'travel allowances' means the daily lodging, meals, and other related expenses, including relocation expenses, incurred by an authorized traveler while on official travel.

"(4) The term 'transportation allowances' means the costs of temporarily or permanently moving an authorized traveler, the personal property of an authorized traveler, or a combination thereof.

"(5) The term 'transportation-, lodging-, or meals-in-kind' means transportation, lodging, or meals provided by the Government without cost to the traveler.

"(6) The term 'miscellaneous expenses' mean authorized expenses incurred in addition to authorized allowances during the performance of official travel.

"(7) The term 'personal property', with respect to transportation allowances, includes baggage, furniture, and other household items, clothing, privately owned vehicles, house trailers, mobile homes, and any other personal item that would not otherwise be prohibited by any other provision or law, or regulation prescribed under section 463 of this title.

"(8) The term 'relocation allowances' means the costs associated with relocating a member of the uniformed services or other authorized traveler between an old and new temporary or permanent duty assignment location or other authorized location.

"(9) The term 'dislocation allowances' means the costs associated with relocation of the household of a member of the uniformed services or other authorized traveler in relation to a change in the member's permanent duty assignment location ordered for the convenience of the Government or incident to an evacuation.

"(10) The term 'per diem' means an amount established as a daily rate that is paid to an authorized traveler to cover lodging, meals, and other related travel expenses pursuant to regulations.

"§ 452. Allowable travel and transportation: general authorities

"(a) IN GENERAL.—Except as otherwise prohibited by law, a member of the uniformed services or other authorized traveler—

"(1) shall be provided transportation-, lodging-, or meals-in-kind, or actual and necessary travel and transportation expenses for, or in connection with, official travel; or

"(2) may be provided transportation and travel allowances under other circumstances as specified in regulations prescribed under section 463 of this title.

"(b) SPECIFIC CIRCUMSTANCES.—The authority under subsection (a) includes travel under or in connection with, but not limited to, the following circumstances, to the extent specified in regulations prescribed under section 463 of this title:

"(1) Temporary duty that requires en route travel between a permanent duty assignment location and another authorized temporary duty

location, and travel in or around the temporary duty location.

"(2) Permanent change of station that requires en route travel between an old and new temporary or permanent duty assignment location or other authorized location.

"(3) Temporary duty or assignment relocation related to a consecutive overseas tour or in-place-consecutive overseas tour.

"(4) Recruiting duties for the armed forces.

"(5) Assignment or detail to another Government agency or department.

"(6) Rest and recuperative leave.

"(7) Convalescent leave.

"(8) Reenlistment leave.

"(9) Reserve component inactive-duty training performed outside the normal commuting distance of the member's permanent residence.

"(10) Ready Reserve muster duty.

"(11) Unusual, extraordinary, hardship, or emergency circumstances.

"(12) Missing status, as determined by the Secretary concerned under chapter 10 of this title.

"(13) Attendance at or participation in international sports competitions described under section 717 of title 10.

"(c) MATTERS INCLUDED.—Travel and transportation allowances which may be provided under subsection (a) include the following:

"(1) Allowances for transportation, lodging, and meals.

"(2) Dislocation or relocation allowance paid in connection with a change in a member's temporary or permanent duty assignment location.

"(3) Other related miscellaneous expenses.

"(d) MODE OF PROVIDING TRAVEL AND TRANSPORTATION ALLOWANCES.—Any authorized travel and transportation may be provided—

"(1) as an actual expense;

"(2) as an authorized allowance;

"(3) in-kind; or

"(4) using a combination of the authorities under paragraphs (1), (2), and (3).

"(e) TRAVEL AND TRANSPORTATION ALLOWANCES WHEN TRAVEL ORDERS ARE MODIFIED, ETC.—A member of a uniformed service or other authorized person whose travel and transportation order or authorization is canceled, revoked, or modified may be allowed actual and necessary expenses or travel and transportation allowances.

"(f) ADVANCE PAYMENTS.—A member of the uniformed services or other authorized person may be allowed advance payments for authorized travel and transportation allowances.

"(g) RESPONSIBILITY FOR UNAUTHORIZED EXPENSES.—Any unauthorized travel or transportation expense is not the responsibility of the United States.

"(h) RELATIONSHIP TO OTHER AUTHORITIES.—The administering Secretary may not provide payment under this section for an expense for which payment may be provided from any other appropriate Government or non-Government entity.

"§ 453. Allowable travel and transportation: specific authorities

"(a) IN GENERAL.—In addition to any other authority for the provision of travel and transportation allowances, the administering Secretaries may provide travel expenses and transportation expenses under this subchapter in accordance with this section:

"(b) AUTHORIZED ABSENCE FROM TEMPORARY DUTY LOCATION.—A member of a uniformed service or other authorized traveler may be allowed travel expenses and transportation allowances incurred at a temporary duty location during an authorized absence from that location.

"(c) MOVEMENT OF PERSONAL PROPERTY.—

"(1) A member of a uniformed service or other authorized person may be allowed moving expenses and transportation allowances associated

with the movement of personal property and household goods, including such expenses when associated with a self-move.

“(2) The authority in paragraph (1) includes the movement and temporary and non-temporary storage of personal property, household goods, and privately-owned vehicles in connection with the temporary or permanent move between authorized locations.

“(3) For movement of household goods, the administering Secretaries shall prescribe weight allowances in regulations under section 463 of this title. The prescribed weight allowances may not exceed 18,000 pounds (including packing, crating, and household goods in temporary storage), except that the administering Secretary may authorize additional weight allowances as necessary.

“(4) The administering Secretary may prescribe the terms, rates, and conditions that authorize a member of the uniformed services to ship or store a privately owned vehicle.

“(5) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.

“(d) UNUSUAL OR EMERGENCY CIRCUMSTANCES.—A member of the uniformed services or other authorized person may be provided travel and transportation allowances under this section for unusual, extraordinary, hardship, or emergency circumstances, including under circumstances warranting evacuation from a permanent duty assignment location.

“(e) PARTICULAR SEPARATION PROVISIONS.—The administering Secretary may provide travel and transportation in kind for the following persons in accordance with regulations prescribed under section 463 of this title:

“(1) A member who is retired, or is placed on the temporary disability retired list, under chapter 61 of title 10.

“(2) A member who is retired with pay under any other law or who, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is discharged with separation pay or is involuntarily released from active duty with separation pay or readjustment pay.

“(3) A member who is discharged under section 1173 of title 10.

“(f) ATTENDANCE AT MEMORIAL CEREMONIES AND SERVICES.—A family member or member of the uniformed services who attends a deceased member's repatriation, burial, or memorial ceremony or service may be provided travel and transportation allowances to the extent provided in regulations prescribed under section 463 of this title.

#### “§454. Travel and transportation pilot programs

“(a) PILOT PROGRAMS.—Except as otherwise prohibited by law, the Secretary of Defense may conduct pilot programs to evaluate alternative travel and transportation programs, policies, and processes for Department of Defense authorized travelers. Such pilot programs shall be conducted so as to evaluate one or more of the following:

“(1) Alternative methods for performing and reimbursing travel.

“(2) Means for limiting the need for travel.

“(3) Means for reducing the environmental impact of travel.

“(b) WAIVER AUTHORITY.—Subject to subsection (c), the administering Secretary may waive any otherwise applicable provision of law to the extent determined necessary by the Secretary for the purposes of carrying out a pilot program under subsection (a).

“(c) LIMITATION.—The authority to carry out a program under subsection (a) is subject to the availability of appropriated funds.

## “SUBCHAPTER II—ADMINISTRATIVE PROVISIONS

### “§461. Relationship to other travel and transportation authorities

“A member of a uniformed service or other authorized traveler may not be paid travel and transportation allowances or receive travel and transportation-in-kind, or a combination thereof, under both subchapter I and subchapter III for Government official travel and transportation performed under a single or related travel and transportation order or authorization by the administering Secretary.

### “§462. Travel and transportation expenses paid to members that are unauthorized or in excess of authorized amounts: requirement for repayment

“(a) REPAYMENT REQUIRED.—Except as provided in subsection (b), a member of the uniformed services or other person who is paid travel and transportation allowances under subchapter I shall repay to the United States any amount of such payment that is determined to be unauthorized or in excess of the applicable authorized amount.

“(b) EXCEPTION.—The regulations prescribed to administer this subchapter shall specify procedures for determining the circumstances under which a repayment exception may be granted.

“(c) EFFECT OF BANKRUPTCY.—An obligation to repay the United States under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date on which the debt was incurred.

### “§463. Regulations

“This subchapter and subchapter I shall be administered under terms, rates, conditions, and regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries for members of the uniformed services. Such regulations shall be uniform for the Department of Defense and shall be apply as uniformly as practicable to the uniformed services under the jurisdiction of the other administering Secretaries.”.

### SEC. 633. OLD-LAW TRAVEL AND TRANSPORTATION AUTHORITIES TRANSITION EXPIRATION DATE AND TRANSFER OF CURRENT SECTIONS.

(a) CREATION OF SUBCHAPTER III AND TRANSITION EXPIRATION DATE.—Chapter 8 of title 37, United States Code, as added by section 632, is amended by adding at the end the following new subchapter:

#### “SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

### “§471. Travel authorities transition expiration date

“In this subchapter, the term ‘travel authorities transition expiration date’ means the last day of the 10-year period beginning on the first day of the first month beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012.

### “§472. Definitions and other incorporated provisions of chapter 7

“(a) DEFINITIONS.—The definitions contained in section 401 of this title apply to this subchapter.

“(b) OTHER PROVISIONS.—Sections 421 and 423 of this title apply to this subchapter.”.

#### (b) TRANSFER OF SECTIONS.—

(1) TRANSFER TO SUBCHAPTER I.—Section 412 of title 37, United States Code, is transferred to chapter 8 of such title, as added by section 632, inserted after section 454, and redesignated as section 455.

(2) TRANSFER OF CURRENT CHAPTER 7 AUTHORITIES TO SUBCHAPTER III.—Sections 404, 404a, 404b, 405, 405a, 406, 406a, 406b, 406c, 407, 408,

408a (as amended by section 621 of this Act), 409, 410, 411, 411a through 411k, 428 through 432, 434, and 435 of title 37, United States Code, are transferred (in that order) to chapter 8 of such title, as added by section 632 and amended by subsection (a), inserted after section 472, and redesignated as follows:

| Original section: | Redesignated section: |
|-------------------|-----------------------|
| 404 .....         | 474                   |
| 404a .....        | 474a                  |
| 404b .....        | 474b                  |
| 405 .....         | 475                   |
| 405a .....        | 475a                  |
| 406 .....         | 476                   |
| 406a .....        | 476a                  |
| 406b .....        | 476b                  |
| 406c .....        | 476c                  |
| 407 .....         | 477                   |
| 408 .....         | 478                   |
| 408a .....        | 478a                  |
| 409 .....         | 479                   |
| 410 .....         | 480                   |
| 411 .....         | 481                   |
| 411a .....        | 481a                  |
| 411b .....        | 481b                  |
| 411c .....        | 481c                  |
| 411d .....        | 481d                  |
| 411e .....        | 481e                  |
| 411f .....        | 481f                  |
| 411g .....        | 481g                  |
| 411h .....        | 481h                  |
| 411i .....        | 481i                  |
| 411j .....        | 481j                  |
| 411k .....        | 481k                  |
| 428 .....         | 488                   |
| 429 .....         | 489                   |
| 430 .....         | 490                   |
| 430 .....         | 491                   |
| 432 .....         | 492                   |
| 434 .....         | 494                   |
| 435 .....         | 495                   |

(3) TRANSFER OF SECTION 554.—Section 554 of title 37, United States Code, is transferred to chapter 8 of such title, as added by section 632 and amended by subsection (a), inserted after section 481k (as transferred and redesignated by paragraph (2)), and redesignated as section 484.

### SEC. 634. ADDITION OF SUNSET PROVISION TO OLD-LAW TRAVEL AND TRANSPORTATION AUTHORITIES.

Provisions of subchapter III of chapter 8 of title 37, United States Code, as transferred and redesignated by section 633(b), are amended as follows:

(1) Section 474 is amended by adding at the end the following new subsection:

“(h) TERMINATION.—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(2) Section 474a is amended by adding at the end the following new subsection:

“(f) TERMINATION.—No payment or reimbursement may be provided under this section with respect to a change of permanent station for which orders are issued after the travel authorities transition expiration date.”.

(3) Section 474b is amended by adding at the end the following new subsection:

“(e) TERMINATION.—No payment or reimbursement may be provided under this section with respect to an authorized absence that begins after the travel authorities transition expiration date.”.

(4) Section 475 is amended by adding at the end the following new subsection:

“(f) TERMINATION.—During and after the travel authorities expiration date, no per diem may be paid under this section for any period.”.

(5) Section 475a is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—During and after the travel authorities expiration date, no allowance under subsection (a) or transportation or reimbursement under subsection (b) may be provided with respect to an authority or order to depart.”.

(6) Section 476 is amended by adding at the end the following new subsection:

“(m) **TERMINATION.**—No transportation, reimbursement, allowance, or per diem may be provided under this section—

“(1) with respect to a change of temporary or permanent station for which orders are issued after the travel authorities transition expiration date; or

“(2) in a case covered by this section when such orders are not issued, with respect to a movement of baggage or household effects that begins after such date.”.

(7) Section 476b is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(8) Section 476c is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(9) Section 477 is amended by adding at the end the following new subsection:

“(i) **TERMINATION.**—No dislocation allowance may be paid under this section for a move that begins after the travel authorities transition expiration date.”.

(10) Section 478 is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No travel and transportation allowance, payment, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(11) Section 479 is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation of a house trailer or mobile home, or storage or payment in connection therewith, may be provided under this section for transportation that begins after the travel authorities transition expiration date.”.

(12) Section 481 is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—The regulations prescribed under this section shall cease to be in effect as of the travel authorities transition expiration date.”.

(13) Section 481a is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(14) Section 481b is amended by adding at the end the following new subsection:

“(h) **TERMINATION.**—No travel and transportation allowance may be provided under this section for travel that is authorized after the travel authorities transition expiration date.”.

(15) Section 481c is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No transportation may be provided under this section after the travel authorities transition expiration date, and no payment may be made under this section for transportation that begins after that date.”.

(16) Section 481d is amended by adding at the end the following new subsection:

“(d) **TERMINATION.**—No transportation may be provided under this section after the travel authorities transition expiration date.”.

(17) Section 481e is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(18) Section 481f is amended by adding at the end the following new subsection:

“(h) **TERMINATION.**—No travel and transportation allowance or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(19) Section 481h is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(20) Section 481i is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(21) Section 481j is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(22) Section 481k is amended by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation, allowance, or reimbursement may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(23) Section 484 is amended by adding at the end the following new subsection:

“(k) **TERMINATION.**—No transportation, allowance, or reimbursement may be provided under this section for a move that begins after the travel authorities transition expiration date.”.

(24) Section 488 is amended—

(A) by inserting “(a) **AUTHORITY.**—” before “In addition”; and

(B) by adding at the end the following new subsection:

“(b) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(25) Section 489 is amended—

(A) by inserting “(a) **AUTHORITY.**—” before “In addition”; and

(B) by adding at the end the following new subsection:

“(e) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(26) Section 490 is amended by adding at the end the following new subsection:

“(g) **TERMINATION.**—No transportation, allowance, reimbursement, or per diem may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(27) Section 492 is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.”.

(28) Section 494 is amended by adding at the end the following new subsection:

“(d) **TERMINATION.**—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.”.

(29) Section 495 is amended by adding at the end the following new subsection:

“(c) **TERMINATION.**—No allowance may be paid under this section for any day after the travel authorities transition expiration date.”.

## SEC. 635. TECHNICAL AND CLERICAL AMENDMENTS.

(a) **CHAPTER HEADING.**—The heading of chapter 7 of title 37, United States Code, is amended to read as follows:

### “CHAPTER 7—ALLOWANCES OTHER THAN TRAVEL AND TRANSPORTATION ALLOWANCES”.

(b) **TABLE OF CHAPTERS.**—The table of chapters preceding chapter 1 of such title is amended by striking the item relating to chapter 7 and inserting the following new items:

|  |       |
|--|-------|
| “7. Allowances Other Than Travel and Transportation Allowances ..... | 401   |
| “8. Travel and Transportation Allowances .....                       | 451”. |

### (c) **TABLE OF SECTIONS.**—

(1) **CHAPTER 7.**—The table of sections at the beginning of chapter 7 of such title is amended by striking the items relating to sections 404 through 412, 428 through 432, 434, and 435.

(2) **CHAPTER 8.**—The table of sections at the beginning of chapter 8 of such title, as added by section 632, is amended—

(A) by inserting after the item relating to section 454 the following new item:

“455. Appropriations for travel: may not be used for attendance at certain meetings.”; and

(B) by inserting after the item relating to section 463 the following:

### “SUBCHAPTER III—TRAVEL AND TRANSPORTATION AUTHORITIES—OLD LAW

“Sec.

“471. Travel authorities transition expiration date.

“472. Definitions and other incorporated provisions of chapter 7.

“474. Travel and transportation allowances: general.

“474a. Travel and transportation allowances: temporary lodging expenses.

“474b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member.

“475. Travel and transportation allowances: per diem while on duty outside the continental United States.

“475a. Travel and transportation allowances: departure allowances.

“476. Travel and transportation allowances: dependents; baggage and household effects.

“476a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified.

“476b. Travel and transportation allowances: members of the uniformed services attached to a ship overhauling or inactivating.

“476c. Travel and transportation allowances: members assigned to a vessel under construction.

“477. Travel and transportation allowances: dislocation allowance.

“478. Travel and transportation allowances: travel within limits of duty station.

“478a. Travel and transportation allowances: inactive duty training outside of the normal commuting distances.

“479. Travel and transportation allowances: house trailers and mobile homes.

“480. Travel and transportation allowances: miscellaneous categories.

“481. Travel and transportation allowances: administrative provisions.

“481a. Travel and transportation allowances: travel performed in connection with convalescent leave.

“481b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.

- "481c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.
- "481d. Travel and transportation allowances: transportation incident to personal emergencies for certain members and dependents.
- "481e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty.
- "481f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies.
- "481g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty.
- "481h. Travel and transportation allowances: transportation of family members incident to illness or injury of members.
- "481i. Travel and transportation allowances: parking expenses.
- "481j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.
- "481k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.
- "484. Travel and transportation: dependents of members in a missing status; household and personal effects; trailers; additional movements; motor vehicles; sale of bulky items; claims for proceeds; appropriation chargeable.
- "488. Allowance for recruiting expenses.
- "489. Travel and transportation allowances: minor dependent schooling.
- "490. Travel and transportation: dependent children of members stationed overseas.
- "491. Benefits for certain members assigned to the Defense Intelligence Agency.
- "492. Travel and transportation: members escorting certain dependents.
- "494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
- "495. Funeral honors duty: allowance."

(3) CHAPTER 10.—The table of sections at the beginning of chapter 10 of such title is amended by striking the item relating to section 554.

(d) CROSS REFERENCES.—

(1) DEFENSE LAWS.—Any section of title 10, 32, or 37, United States Code, that includes a reference to a section of title 37 that is transferred and redesignated by section 633 is amended so as to conform the reference to the section number of the section as so redesignated.

(2) OTHER LAWS.—Any reference in a provision of law other than a section of title 10 or 37, United States Code, to a section of title 37 that is transferred and redesignated by section 633 is deemed to refer to the section as so redesignated.

**SEC. 636. TRANSITION PROVISIONS.**

(a) IMPLEMENTATION PLAN.—The Secretary of Defense shall develop a plan to implement subchapters I and II of chapter 8 of title 37, United States Code, as added by section 632, and to transition all of the travel and transportation programs for members of the uniformed services under chapter 7 of title 37, United States Code, solely to provisions of those subchapters by the end of the transition period.

(b) AUTHORITY FOR MODIFICATIONS TO OLD LAW AUTHORITIES DURING TRANSITION PE-

RIOD.—During the transition period, the Secretary of Defense and the Secretaries concerned (as defined in section 101(5) of title 37, United States Code), in using the authorities under subchapter III of chapter 8 of title 37, United States Code, as added by section 633, may apply those authorities subject to the terms of such provisions and such modifications as the Secretary of Defense may include in the implementation plan required under subsection (a) or in any subsequent modification to that implementation plan.

(c) COORDINATION.—The Secretary of Defense shall prepare the implementation plan under subsection (a) and any modification to that plan under subsection (b) in coordination with—

(1) the Secretary of Homeland Security, with respect to the Coast Guard;

(2) the Secretary of Health and Human Services, with respect to the commissioned corps of the Public Health Service; and

(3) the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration.

(d) TRANSITION PERIOD.—In this section, the term "transition period" means the 10-year period beginning on the first day of the first month beginning after the date of the enactment of this Act.

**Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

**SEC. 641. EXPANSION OF USE OF UNIFORM FUNDING AUTHORITY TO INCLUDE PERMANENT CHANGE OF STATION AND TEMPORARY DUTY LODGING PROGRAMS OPERATED THROUGH NON-APPROPRIATED FUND INSTRUMENTALITIES.**

(a) INCLUSION OF ADDITIONAL PROGRAMS.—Subsection (a) of section 2491 of title 10, United States Code, is amended—

(1) by striking "Under regulations" and inserting "(1) Under regulations";

(2) by striking "morale, welfare, and recreation programs" the first place it appears and inserting "a program specified in paragraph (2)";

(3) by striking "morale, welfare, and recreation programs" the second place it appears and inserting "such programs"; and

(4) by adding at the end the following new paragraph:

"(2) This section applies with respect to the following:

"(A) Morale, welfare, and recreation programs of the Department of Defense.

"(B) Permanent change of station and temporary duty lodging programs conducted as supplemental mission programs of the Department of Defense."

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking "morale, welfare, and recreation program" and inserting "program specified in subsection (a)(2)"; and

(2) in subsection (c)(1), by striking "morale, welfare, and recreation programs within the Department of Defense" and inserting "a program specified in subsection (a)(2)".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**"§2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2491 and inserting the following new item:

"2491. Uniform funding and management of morale, welfare, and recreation programs and certain supplemental mission programs."

**SEC. 642. CONTRACTING AUTHORITY FOR NON-APPROPRIATED FUND INSTRUMENTALITIES TO PROVIDE AND OBTAIN GOODS AND SERVICES.**

(a) CLARIFICATION OF MULTI-YEAR AND PARTNERSHIP ISSUES.—Section 2492 of title 10, United States Code, is amended to read as follows:

**"§2492. Nonappropriated fund instrumentalities: contracting authority to provide and obtain goods and services**

"(a) CONTRACT AUTHORITY.—An agency or instrumentality of the Department of Defense that supports the operation of the exchange system, or the operation of a morale, welfare, and recreation system, of the Department of Defense may enter into a single-year or multi-year contract or other agreement to provide or obtain goods and services beneficial to the efficient management and operation of the exchange system or that morale, welfare, and recreation system with any of the following:

"(1) Another element of the Department of Defense.

"(2) Another Federal department, agency, or instrumentality.

"(3) A private-sector entity.

"(b) INCLUSION OF CERTAIN SERVICES.—Contracts and other agreements authorized by subsection (a) may include a contract or agreement to provide or obtain recreational, educational, family support, or youth developmental programs and services.

"(c) PARTNERSHIPS.—Contracts and other agreements authorized by subsection (a) may include partnerships with private-sector entities that provide programs and services at no cost to the Government on military installations using Government facilities and other support resources."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 147 of such title is amended by striking the item relating to section 2492 and inserting the following new item:

**"2492. Nonappropriated fund instrumentalities: contracting authority to provide and obtain goods and services."**

**SEC. 643. DESIGNATION OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE AS A FISHER HOUSE.**

Section 2493 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION, DOVER AIR FORCE BASE.—(1) The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, is deemed to be a Fisher House for purposes of this section and any other law applicable to Fisher Houses and Fisher Suites.

"(2) The Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base shall be available for use by the following:

"(A) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

"(B) Other family members of the member eligible for transportation under section 411f(e) of title 37.

"(C) An escort of a family member described in subparagraph (A) or (B)."

**SEC. 644. DISCRETION OF THE SECRETARY OF THE NAVY TO SELECT CATEGORIES OF MERCHANDISE TO BE SOLD BY SHIP STORES AFLOAT.**

Section 7604(c) of title 10, United States Code, is amended by striking "shall" and inserting "may".

**SEC. 645. ACCESS OF MILITARY EXCHANGE STORES SYSTEM TO CREDIT AVAILABLE THROUGH FEDERAL FINANCING BANK.**

Section 2487 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) ACCESS OF EXCHANGE STORES SYSTEM TO FEDERAL FINANCING BANK.—To facilitate the provision of in-store credit to patrons of the exchange stores system while reducing the costs of providing such credit, the Army and Air Force Exchange Service, Navy Exchange Service Command, and Marine Corps exchanges may issue and sell their obligations to the Federal Financing Bank as provided in section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285).”.

**SEC. 646. ENHANCED COMMISSARY STORES PILOT PROGRAM.**

(a) AUTHORITY TO OPERATE ENHANCED COMMISSARY STORES.—Subchapter II of chapter 147 of title 10, United States Code, is amended by inserting after section 2488 the following new section:

**“§ 2488a. Enhanced commissary stores**

“(a) AUTHORITY TO OPERATE.—The Defense Commissary Agency may operate an enhanced commissary store at a military installation designated for closure or adverse realignment under a base closure law.

“(b) ADDITIONAL CATEGORIES OF MERCHANDISE.—(1) In addition to selling items in the merchandise categories specified in subsection (b) of section 2484 of this title in the manner provided by such section, an enhanced commissary store also may sell items in the following categories as commissary merchandise:

“(A) Alcoholic beverages.

“(B) Tobacco products.

“(C) Items in such other merchandise categories (not covered by subsection (b) of section 2484 of this title) as the Secretary of Defense may authorize.

“(2) Subsections (c) and (g) of section 2484 of this title shall not apply with regard to the selection, or method of sale, of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store.

“(c) SALES PRICE ESTABLISHMENT AND SURCHARGE.—Subsections (d) and (e) of section 2484 of this title shall not apply to the pricing of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) or in any other merchandise category authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store. Instead, the Secretary of Defense shall determine appropriate prices for such merchandise sold in, at, or by an enhanced commissary store, except that prices for such merchandise shall be at least 10 percent below the average price of comparable merchandise sold in retail stores within the geographic area of the enhanced commissary store.

“(d) RETENTION AND USE OF PORTION OF PROCEEDS.—(1) The Secretary of Defense may retain amounts equal to the difference between—

“(A) the retail price of merchandise in the categories specified in subparagraphs (A) and (B) of paragraph (1) of subsection (b) and in other merchandise categories authorized under subparagraph (C) of such paragraph for sale in, at, or by an enhanced commissary store; and

“(B) the invoice cost of such merchandise.

“(2) The Secretary of Defense shall use amounts retained under paragraph (1) for an enhanced commissary store to help offset the operating costs of that enhanced commissary store.

“(e) DURATION OF AUTHORITY.—An enhanced commissary store may not be operated under the authority of this section before October 1, 2011, or after December 31, 2013.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2488 the following new item:

“2488a. Enhanced commissary stores.”.

**Subtitle F—Disability, Retired Pay and Survivor Benefits**

**SEC. 651. MONTHLY AMOUNT AND DURATION OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) PAYMENT AMOUNT PER FISCAL YEAR.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), relating to fiscal year 2013, by striking “\$90” and inserting “\$163”;

(2) in subparagraph (F), relating to fiscal year 2014, by striking “\$150” and inserting “\$200”;

(3) in subparagraph (G), relating to fiscal year 2015, by striking “\$200” and inserting “\$215”;

(4) in subparagraph (H), relating to fiscal year 2016, by striking “\$275; and” and inserting “\$282.”;

(5) in subparagraph (I), relating to fiscal year 2017, by striking “\$310.” and inserting “\$314.”; and

(6) by adding at the end the following new subparagraphs:

“(J) for months during fiscal year 2018, \$9;

“(K) for months during fiscal year 2019, \$15;

“(L) for months during fiscal year 2020, \$20;

and

“(M) for months during fiscal year 2021, \$27.”.

(b) DURATION.—Paragraph (6) of such section is amended—

(1) by striking “September 30, 2017” and inserting “September 30, 2021”; and

(2) by striking “October 1, 2017” both places it appears and inserting “October 1, 2021”.

**Subtitle G—Other Matters**

**SEC. 661. REIMBURSEMENT OF AMERICAN NATIONAL RED CROSS FOR HUMANITARIAN SUPPORT AND OTHER SERVICES PROVIDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 2602 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) The Secretary of Defense or the Secretary of a military department may reimburse the American National Red Cross for humanitarian support and other services approved by the Secretary that are provided to members of the Army, Navy, Air Force, and Marine Corps and their dependents. Such services may include identification and verification of family emergency circumstances and communications related to such circumstances.”.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—Improvements to Health Benefits**

**SEC. 701. ANNUAL ENROLLMENT FEES FOR CERTAIN RETIREES AND DEPENDENTS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20- to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during a career member's retirement that is over and above what the member pays with money.

(b) ANNUAL ENROLLMENT FEES.—Section 1097(e) of title 10, United States Code, is amended—

(1) by striking “The Secretary of Defense” and inserting “(1) The Secretary of Defense”;

(2) by striking “A premium,” and inserting “Except as provided by paragraph (2), a premium,”; and

(3) by adding at the end the following new paragraph:

“(2) Beginning October 1, 2012, the Secretary of Defense may only increase in any year the annual enrollment fees described in paragraph (1) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.”.

**SEC. 702. PROVISION OF FOOD TO CERTAIN MEMBERS AND DEPENDENTS NOT RECEIVING INPATIENT CARE IN MILITARY MEDICAL TREATMENT FACILITIES.**

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

**“§ 1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities**

“(a) IN GENERAL.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may provide food and beverages to an individual described in paragraph (2) at no cost to the individual.

“(2) An individual described in this paragraph is the following:

“(A) A member of the uniformed services or dependent—

“(i) who is receiving outpatient medical care at a military medical treatment facility; and

“(ii) whom the Secretary determines is unable to purchase food and beverages while at such facility by virtue of receiving such care.

“(B) A member of the uniformed services or dependent who—

“(i) is a family member of an infant receiving inpatient medical care at a military medical treatment facility; and

“(ii) provides care to the infant while the infant receives such inpatient medical care.

“(C) A member of the uniformed services or dependent whom the Secretary determines is under similar circumstances as a member or dependent described in subparagraph (A) or (B).

“(b) REGULATIONS.—The Secretary shall ensure that regulations prescribed under this section are consistent with generally accepted practices in private medical treatment facilities.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

“1078b. Provision of food to certain members and dependents not receiving inpatient care in military medical treatment facilities.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

**SEC. 703. BEHAVIORAL HEALTH SUPPORT FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) MENTAL HEALTH ASSESSMENTS.—Section 1074a of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection (h):

“(h)(1) The Secretary of Defense shall provide to any member of the reserve components performing inactive-duty training during scheduled unit training assemblies access to mental health assessments with a licensed mental health professional who shall be available for referrals during duty hours on the premises of the principal duty location of the member's unit.

“(2) Mental health services provided to a member under this subsection shall be at no cost to the member.”; and

(3) in subsection (i), as redesignated by paragraph (1), by striking “medical and dental readiness” and inserting “medical, dental, and behavioral health readiness”.



(b) **BEHAVIORAL HEALTH SUPPORT.**—

(1) **IN GENERAL.**—Each member of a reserve component of the Armed Forces participating in annual training or individual duty training shall have access, while so participating, to the behavioral health support programs for members of the reserve components described in paragraph (2).

(2) **BEHAVIORAL HEALTH SUPPORT PROGRAMS.**—The behavioral health support programs for member of the reserve components described in this paragraph shall include one or any combination of the following:

(A) Programs providing access to licensed mental health providers in armories, reserve centers, or other places for scheduled unit training assemblies.

(B) Programs providing training on suicide prevention and post-suicide response.

(C) Psychological health programs.

(D) Such other programs as the Secretary of Defense, in consultation with the Surgeon General for the National Guard of the State in which the members concerned reside, the Director of Psychological Health of the State in which the members concerned reside, the Department of Mental Health or the equivalent agency of the State in which the members concerned reside, or the Director of the Psychological Health Program of the National Guard Bureau, considers appropriate.

(3) **STATE DEFINED.**—In this subsection, the term “State” has the meaning given that term in section 10001 of title 10, United States Code.

**SEC. 704. TRANSITION ENROLLMENT OF UNIFORMED SERVICES FAMILY HEALTH PLAN MEDICARE-ELIGIBLE RETIREES TO TRICARE FOR LIFE.**

Section 724(e) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended—

(1) by striking “If a covered beneficiary” and inserting “(1) Except as provided in paragraph (2), if a covered beneficiary”; and

(2) by adding at the end the following new paragraph:

“(2) After September 30, 2012, a covered beneficiary (other than a beneficiary under section 1079 of title 10, United States Code) who is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act due to age may not enroll in the managed care program of a designated provider unless the beneficiary was enrolled in that program on September 30, 2012.”.

**Subtitle B—Health Care Administration**

**SEC. 711. UNIFIED MEDICAL COMMAND.**

(a) **UNIFIED COMBATANT COMMAND.**—

(1) **IN GENERAL.**—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

**“§ 167b. Unified combatant command for medical operations**

“(a) **ESTABLISHMENT.**—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the ‘unified medical command’). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

“(b) **ASSIGNMENT OF FORCES.**—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

“(c) **GRADE OF COMMANDER.**—The commander of the unified medical command shall hold the

grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating his permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

“(d) **SUBORDINATE COMMANDS.**—(1) The unified medical command shall have the following subordinate commands:

“(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

“(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agency.

“(C) The Defense Health Agency established under subsection (f).

“(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

“(e) **AUTHORITY OF COMBATANT COMMANDER.**—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

“(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

“(A) Developing programs and doctrine.

“(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

“(C) Exercising authority, direction, and control over the expenditure of funds—

“(i) for forces assigned to the unified medical command;

“(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

“(iii) for military construction funds of the Defense Health Program.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military

education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) **DEFENSE HEALTH AGENCY.**—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7)).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating his permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) **REGULATIONS.**—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(b) **PLAN, NOTIFICATION, AND REPORT.**—

(1) **PLAN.**—Not later than July 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) **NOTIFICATION.**—The Secretary shall submit to the congressional defense committees written notification of the decision of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) **REPORT.**—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

**SEC. 712. LIMITATION ON AVAILABILITY OF FUNDS FOR THE FUTURE ELECTRONIC HEALTH RECORDS PROGRAM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 for the procurement, research, development, test, and evaluation, or operation and maintenance of the future electronic health records program, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report addressing—

(1) an architecture to guide the transition of the electronic health records of the Department of Defense to a future state that is cost-effective and interoperable;

(2) the process for selecting investments in information technology that support the architecture described in paragraph (1);



(3) the report required by section 715 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4249);

(4) the effectiveness of the Interagency Program Office to manage or oversee efforts with respect to the future electronic health records program; and

(5) any other matters the Secretary considers appropriate.

(b) **FUTURE ELECTRONIC HEALTH RECORDS PROGRAM DEFINED.**—In this section, the term “future electronic health records program” means the programs of the Department of Defense referred to as the “EHR way ahead” and the “virtual lifetime electronic record”.

#### **Subtitle C—Other Matters**

#### **SEC. 721. REVIEW OF WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.**

(a) **COMPREHENSIVE REVIEW.**—The Secretary of Defense shall conduct a comprehensive review of—

(1) the availability, efficacy, and adequacy of reproductive health care services available for female members of the Armed Forces, including gynecological services and breast and gynecological cancer services;

(2) the availability, efficacy, and adequacy of women-specific preventative health care services for female members of the Armed Forces;

(3) the availability of women-specific treatment for sexual assault or abuse; and

(4) the extent to which military medical treatment facilities are following the policies of the Department of Defense with respect to women-specific health services.

(b) **MATTERS INCLUDED.**—The review required by subsection (a) shall include an assessment of the following:

(1) The need for women-specific health outreach, prevention, and treatment services for female members of the Armed Forces.

(2) The access to and efficacy of existing women-specific mental health outreach, prevention, and treatment services and programs (including substance abuse programs).

(3) The availability of women-specific services and treatment for female members of the Armed Forces who experience sexual assault or sexual abuse.

(4) The access to and need for military medical treatment facilities to provide for the women-specific health care needs of female members of the Armed Forces.

(5) The need for further clinical research on the women-specific health care needs of female members of the Armed Forces who served in a combat zone.

(c) **REPORT.**—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the review required by subsection (a).

#### **SEC. 722. COMPTROLLER GENERAL REVIEWS OF DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT.**

Section 1701(e)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2568) is amended by striking “Not later” and all that follows through “thereafter” and inserting “Not later than July 31 of each of 2011, 2013, and 2015”.

#### **SEC. 723. COMPTROLLER GENERAL REPORT ON CONTRACTED HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.**

(a) **REPORT.**—Not later than March 31, 2012, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the contracting activities of the military departments

with respect to providing health care professional services to members of the Armed Forces, dependents, and retirees.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) A review of the contracting practices used by the military departments to provide health care professional services by civilian providers.

(2) An assessment of whether the contracting practices described in paragraph (1) are the most cost effective means to provide necessary care.

(3) A determination of—

(A) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in military medical treatment facilities or other on-base facilities; and

(B) the percentage of contract health care professionals who provide services to members of the Armed Forces, dependents, or retirees in off-base private facilities.

(4) A comparison of the cost associated with the provision of care by contract health care professionals described in subparagraphs (A) and (B) of paragraph (3).

(5) An assessment of whether or not consolidating health care staffing requirements for military medical treatment facilities and other on-base clinics in defined geographic areas (including regions or catchment areas) would achieve economies of scale and cost savings or avoidance with respect to contracting for health care professionals.

(6) An assessment of whether private sector entities that provide health care professional staff on a contract basis to military medical treatment facilities and other on-base clinics meet certain basic standards of professionalism, including those described in section 732(c)(2)(A) of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2297).

(7) An assessment of the acquisition training and experience of the contracting officers or other personnel within military medical treatment facilities that award or administer contracts regarding the services of health care professionals.

(8) Any recommendations the Comptroller General considers appropriate regarding improving the contracting activities of the military departments with respect to providing health care professional services.

#### **SEC. 724. TREATMENT OF WOUNDED WARRIORS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$9,679,444,000 for research, development, test, and evaluation, Army, for advanced technology development, medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$3,000,000 for the program described in subsection (c) in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) **WOUNDED WARRIOR PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of the Army shall establish a program to enter into public-private partnerships to enable coordinated, rapid clinical evaluation and the wide-area de-

ployment of novel treatment strategies for wounded service members, with an emphasis on the most common musculoskeletal injuries.

(2) **PRIORITIES.**—In carrying out the program under this subsection, the Secretary shall ensure that the program—

(A) is composed of a national network of leading clinical centers and includes an integrated clinical trial effort; and

(B) will address the priorities of the Armed Forces with respect to stabilization, retention, and readiness.

#### **SEC. 725. COOPERATIVE HEALTH CARE AGREEMENTS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$32,198,770,000 for the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$500,000 for cooperative health care agreements between military installations and local or regional health care systems pursuant to section 713 of the National Defense Authorization Act of 2010 (Public Law 111-84; 123 Stat. 2380; 10 U.S.C. 1073 note) to strengthen local or regional health care systems for members of the Armed Forces and communities surrounding military installations with both active duty and training components with no inpatient medical facilities.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

#### **SEC. 726. PROSTATE CANCER IMAGING RESEARCH INITIATIVE.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$7,581,000 for the prostate cancer imaging research initiative. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$2,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

#### **SEC. 727. DEFENSE CENTERS OF EXCELLENCE FOR PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$176,345,000 for information technology development under the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$2,000,000 for the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury to enhance efforts to disseminate post-deployment mental health information in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 728. COLLABORATIVE MILITARY-CIVILIAN TRAUMA TRAINING PROGRAMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$32,198,770,000 for the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$3,000,000 for the Defense Health Program for collaborative military-civilian trauma training programs pursuant to the cooperative health care agreements between military installations and local or regional health care systems under section 713 of the National Defense Authorization Act of 2010 (Public Law 111-84; 123 Stat. 2380; 10 U.S.C. 1073 note) in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) **REPORT.**—Not later than 120 days after the date on which the Secretary establishes collaborative military-civilian trauma training programs pursuant to subsection (a), the Secretary shall submit to the congressional defense committees a report on the effectiveness of training under the programs as compared to training under other medical training programs.

**SEC. 729. TRAUMATIC BRAIN INJURY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$32,198,770,000 for the Defense Health Program. Of the amounts authorized to be appropriated by section 1407, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$1,000,000 for the development of national medical guidelines regarding the post-acute rehabilitation of individuals with traumatic brain injury in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 730. COMPETITIVE PROGRAMS FOR ALCOHOL AND SUBSTANCE ABUSE DISORDERS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$415,000,000 for the continued support of wounded, ill, and injured medical research, to include psychological health, traumatic brain injury, and post-traumatic stress disorder. Of

the amounts authorized to be appropriated by section 1406, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for the continued support of a competitive program for translational research centers tasked with addressing alcohol and substance abuse issues in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

**SEC. 801. REQUIREMENTS RELATING TO CORE LOGISTICS CAPABILITIES FOR MILESTONE A AND MILESTONE B AND ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.**

(a) **ADDITIONAL MILESTONE A REQUIREMENTS.**—

(1) **ADDITIONAL ITEMS OF CERTIFICATION.**—Subsection (a) of section 2366a of title 10, United States Code, is amended—

(A) in paragraph (2), by striking “core competency” and inserting “function”;

(B) by redesignating paragraphs (4) and (5) as paragraphs (5) and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

“(4) that relevant sustainment criteria and alternatives were evaluated and addressed in the initial capabilities document in sufficient depth to support an analysis of alternatives and to establish the foundation for developing key performance parameters for sustainment of the program throughout its projected life cycle;”

(D) by striking “and” at the end of paragraph (5) (as so redesignated);

(E) by inserting after paragraph (5) (as so redesignated) the following new paragraph (6):

“(6) that a preliminary assessment of the core logistics capabilities necessary to maintain and repair the program has been performed; and”;

(F) in paragraph (7) (as so redesignated), by striking “develop and procure” and inserting “develop, procure, and sustain”.

(2) **DEFINITION.**—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

“(7) The term ‘core logistics capabilities’ means the core logistics capabilities identified under section 2464(a) of this title.”.

(b) **ADDITIONAL MILESTONE B REQUIREMENTS.**—

(1) **ADDITIONAL ITEM OF CERTIFICATION.**—Subsection (a)(3) of section 2366b of title 10, United States Code, is amended—

(A) by redesignating subparagraph (E) as subparagraph (G);

(B) by striking “and” at the end of subparagraph (D); and

(C) by inserting after subparagraph (D) the following new subparagraphs:

“(E) life-cycle sustainment planning has identified and evaluated relevant sustainment costs throughout development, production, operation, sustainment, and disposal of the program, and any alternatives, and that such costs are reasonable and have been accurately estimated;

“(F) the requirements for core logistics capabilities and associated sustaining workload for the program have been identified; and”.

(2) **DEFINITION.**—Subsection (g) of such section is amended by striking paragraph (5) (relat-

ing to Key Decision Point B) and inserting the following new paragraph (5):

“(5) The term ‘core logistics capabilities’ means the core logistics capabilities identified under section 2464(a) of this title.”.

(c) **GUIDANCE.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance implementing the amendments made by subsections (a) and (b) in a manner that is consistent across the Department of Defense.

(d) **ELIMINATION OF REFERENCES TO KEY DECISION POINTS A AND B.**—

(1) **AMENDMENTS TO SECTION 2366A.**—Section 2366a of title 10, United States Code, is amended—

(A) in the section heading, by striking “or Key Decision Point”;

(B) in subsection (a), in the matter preceding paragraph (1), by striking “”, or Key Decision Point A approval in the case of a space program,” and by striking “”, or Key Decision Point B approval in the case of a space program,”; and

(C) in subsection (b)—

(i) in paragraph (1), by striking “(or Key Decision Point A approval in the case of a space program)”;

(ii) in paragraph (2)(C)(ii), by striking “”, or Key Decision Point A approval in the case of a space program,”.

(2) **AMENDMENTS TO SECTION 2366B.**—Section 2366b of such title is amended—

(A) in the section heading, by striking “or Key Decision Point B”;

(B) in subsection (a), in the matter preceding paragraph (1), by striking “”, or Key Decision Point B approval in the case of a space program,”; and

(C) in subsections (b)(2) and (d)(1), by striking “(or Key Decision Point B approval in the case of a space program)” each place it appears.

(3) **AMENDMENTS TO TABLE OF SECTIONS.**—The items relating to sections 2366a and 2366b in the table of sections at the beginning of chapter 139 of such title are amended to read as follows:

“2366a. Major defense acquisition programs: certification required before Milestone A approval.

“2366b. Major defense acquisition programs: certification required before Milestone B approval.”.

(4) **ADDITIONAL CONFORMING AMENDMENTS.**—Section 2433a(c)(1) of such title is amended by striking “”, or Key Decision Point approval in the case of a space program,” each place it appears in subparagraphs (B) and (C).

**SEC. 802. REVISION TO LAW RELATING TO DISCLOSURES TO LITIGATION SUPPORT CONTRACTORS.**

(a) **IN GENERAL.**—

(1) **REVISED AUTHORITY TO COVER DISCLOSURES UNDER LITIGATION SUPPORT CONTRACTS.**—Chapter 3 of title 10, United States Code, is amended by inserting after section 129c the following new section:

**“§ 129d. Disclosure to litigation support contractors**

“(a) **DISCLOSURE AUTHORITY.**—An officer or employee of the Department of Defense may disclose sensitive information to a litigation support contractor if—

“(1) the disclosure is for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; and

“(2) under a contract with the Government, the litigation support contractor agrees to and acknowledges—

“(A) that sensitive information furnished will be accessed and used only for the purposes stated in the relevant contract;

“(B) that the contractor will take all precautions necessary to prevent disclosure of the sensitive information provided to the contractor;

“(C) that such sensitive information provided to the contractor under the authority of this section shall not be used by the contractor to compete against a third party for Government or non-Government contracts; and

“(D) that the violation of subparagraph (A), (B), or (C) is a basis for the Government to terminate the litigation support contract of the contractor.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘litigation support contractor’ means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support.

“(2) The term ‘sensitive information’ means confidential commercial, financial, or proprietary information, technical data, or other privileged information.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129c the following new item:

“129d. Disclosure to litigation support contractors.”.

(b) REPEAL OF SUPERSEDED PROVISIONS ENACTED IN PUBLIC LAW 111-383.—Section 2320 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking “subsection (a)” and all that follows through “a covered Government” and inserting “subsection (a), allowing a covered Government”; and

(B) by striking subparagraph (B); and

(2) by striking subsection (g).

**SEC. 803. EXTENSION OF APPLICABILITY OF THE SENIOR EXECUTIVE BENCHMARK COMPENSATION AMOUNT FOR PURPOSES OF ALLOWABLE COST LIMITATIONS UNDER DEFENSE CONTRACTS.**

(a) CERTAIN COMPENSATION NOT ALLOWABLE UNDER DEFENSE CONTRACTS.—Subsection (e)(1)(P) of section 2324 of title 10, United States Code, is amended by striking “senior executives of contractors” and inserting “any individual performing under the covered contract”.

(b) CONFORMING AMENDMENT.—Subsection (1) of such section is amended by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be implemented in the Federal Acquisition Regulation within 180 days after the date of the enactment of this Act; and

(2) shall apply with respect to costs of compensation incurred after January 1, 2012, under contracts entered into before, on, or after the date of the enactment of this Act.

**SEC. 804. SUPPLIER RISK MANAGEMENT.**

(a) SUPPLIER RISK MANAGEMENT.—In order to reduce waste, fraud, and abuse and ensure that the Department of Defense awards contracts to responsible suppliers, the Secretary of Defense shall manage supplier risk in accordance with this section and with the requirements of section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)).

(b) EVALUATION OF SUPPLIER RISK BEFORE AWARD OF CONTRACT.—The Secretary shall direct contracting personnel to use a business credit reporting bureau (or such other objective source of business information as the Secretary considers appropriate) to evaluate supplier risk on all contract actions.

(c) IDENTIFICATION AND TRACKING OF SUPPLIERS AFTER AWARD OF CONTRACT.—The Secretary shall ensure that existing suppliers, including subcontractors and sources of supply, are identified and tracked. In implementing this subsection, the Secretary shall use an auto-

mated commercial-off-the-shelf product to identify suppliers by location and to monitor suppliers for events that may affect supplier performance, including debarments and suspensions, mergers and acquisitions, bankruptcy filings, criminal proceedings against a person or company, financial changes, or deterioration of a company.

**SEC. 805. EXTENSION OF AVAILABILITY OF FUNDS IN THE DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.**

(a) AVAILABILITY.—Paragraph (6) of section 1705(e) of title 10, United States Code, is amended to read as follows:

“(6) DURATION OF AVAILABILITY.—Amounts credited to the Fund in accordance with subsection (d)(2), transferred to the Fund pursuant to subsection (d)(3), appropriated to the Fund, or deposited to the Fund shall remain available for obligation in the fiscal year for which credited, transferred, appropriated, or deposited and the two succeeding fiscal years.”.

(b) EFFECTIVE DATE.—Paragraph (6) of such section, as amended by subsection (a), shall not apply to funds directly appropriated to the Fund before the date of the enactment of this Act.

**SEC. 806. DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.**

(a) DEFENSE CONTRACT AUDIT AGENCY ANNUAL REPORT.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2313 the following new section:

**“§2313a. Defense Contract Audit Agency: annual report**

“(a) REQUIRED REPORT.—The Director of the Defense Contract Audit Agency shall prepare an annual report of the activities of the Agency during the previous fiscal year. The report shall include, at a minimum—

“(1) a description of significant problems, abuses, and deficiencies found during the conduct of contractor audits;

“(2) a description of the recommendations for corrective action made during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

“(3) a summary of each particularly significant audit;

“(4) statistical tables showing—

“(A) the total number of audit reports completed and pending;

“(B) the priority given to each type of audit;

“(C) the length of time taken for each type of audit; and

“(D) the total dollar value of questioned costs (including a separate category for the dollar value of unsupported costs);

“(5) a summary of the pending audits, along with a rationale for why each pending audit is not yet completed; and

“(6) a summary of any recommendations of actions or resources needed to improve the audit process.

“(b) SUBMISSION OF ANNUAL REPORT.—Not later than March 30 of each year, the Director shall submit to the congressional defense committees the report required by subsection (a).

“(c) PUBLIC AVAILABILITY.—Not later than 60 days after the submission of an annual report to the congressional defense committees under subsection (b), the Director shall make the report available on the publicly available website of the Agency or such other publicly available website as the Director considers appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2313 the following new item:

“2313a. Defense Contract Audit Agency: annual report.”.

**Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations**

**SEC. 811. CALCULATION OF TIME PERIOD RELATING TO REPORT ON CRITICAL CHANGES IN MAJOR AUTOMATED INFORMATION SYSTEMS.**

Section 2445c(d)(2)(A) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: “after contract award (excluding any time during which the contract award is subject to a bid protest)”.

**SEC. 812. CHANGE IN DEADLINE FOR SUBMISSION OF SELECTED ACQUISITION REPORTS FROM 60 TO 45 DAYS.**

Section 2432(f) of title 10, United States Code, is amended by striking “60” and inserting “45”.

**SEC. 813. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVER ORDER CONTRACTS.**

Paragraph (3) of section 4106(f) of title 41, United States Code, is amended to read as follows:

“(3) EFFECTIVE PERIOD.—Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.”.

**SEC. 814. CLARIFICATION OF DEPARTMENT OF DEFENSE AUTHORITY TO PURCHASE RIGHT-HAND DRIVE PASSENGER SEDANS.**

Section 2253(a)(2) of title 10, United States Code, is amended by striking “vehicles” and inserting “passenger sedans”.

**SEC. 815. AMENDMENT RELATING TO BUYING TENTS, TARPULINS, OR COVERS FROM AMERICAN SOURCES.**

Section 2533a(b)(1)(C) of title 10, United States Code, is amended by inserting “(and the materials and components thereof)” after “tents, tarpaulins, or covers”.

**SEC. 816. PARA-ARAMID FIBERS AND YARNS.**

(a) REPEAL OF FOREIGN SUPPLIER EXEMPTION.—Section 807 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2084) is repealed.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of para-aramid fibers and yarns.

**SEC. 817. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FROM FOREIGN SOURCES FOR THE PRODUCTION OF UNIFORMS.**

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

**Subtitle C—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan**

**SEC. 821. RESTRICTIONS ON AWARDED CONTRACTS IN SUPPORT OF CONTINGENCY OPERATIONS IN IRAQ OR AFGHANISTAN TO ADVERSE ENTITIES.**

(a) PROHIBITION ON CONTRACTS WITH ADVERSE ENTITIES.—Effective on the date occurring 60 days after the date of the enactment of this Act, the Secretary of Defense may not award a contract in support of a contingency operation in Iraq or Afghanistan to an adverse entity.

(b) VOIDING CONTRACTS WITH ADVERSE ENTITIES.—With respect to any contract in effect before, on, or after the effective date of the prohibition in subsection (a), if the Secretary of Defense determines under subsection (c) that the contract, or any subcontract under the contract, is being performed by an adverse entity, the Secretary may, in accordance with applicable law—

(1) void the contract; or

(2) require the prime contractor to void any such subcontract.

## (c) DETERMINATION OF ADVERSE ENTITY.—

(1) IN GENERAL.—For purposes of this section, an adverse entity is any foreign entity or foreign individual that the Secretary of Defense, acting through the Commander of the United States Central Command, determines, based on credible evidence—

(A) is directly engaged in hostilities or is substantially supporting forces that are engaged in hostilities against the United States or its coalition partners in a contingency operation in Iraq or Afghanistan; and

(B) is performing on a contract awarded, or task or delivery order issued, by or on behalf of the Department of Defense as a contractor, a subcontractor, or an employee of a contractor or subcontractor.

(2) NOTIFICATION.—Upon a determination by the Commander that an individual or entity is an adverse entity, the Commander shall notify in writing the head of the contracting activity responsible for the contingency operation concerned.

(3) REVIEW.—Not later than 15 days after receipt of a notification under paragraph (2), the head of the contracting activity shall—

(A) review the contracts concerned, and any subcontracts under such contracts, awarded under the authority of the head of the contracting activity to verify whether the adverse entity is currently performing under any such contract or subcontract; and

(B) notify the Commander in writing of any contracts or subcontracts that the head verifies are being performed by the adverse entity.

(d) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement this section. The guidance shall include, at a minimum, the following:

(1) A requirement for each contract awarded in support of a contingency operation in Iraq or Afghanistan awarded after the date of the enactment of this Act to include a clause pertaining to the authority provided under subsection (b).

(2) Criteria by which such authority will be applied, including criteria to ensure compliance with applicable laws.

#### SEC. 822. AUTHORITY TO USE HIGHER THRESHOLDS FOR PROCUREMENTS IN SUPPORT OF CONTINGENCY OPERATIONS.

With respect to a procurement of property or services by or for the Department of Defense that the Secretary of Defense determines are to be used in support of a contingency operation in Iraq or Afghanistan, regardless of whether the award of a contract, or the making of a purchase, for the procurement is inside or outside the United States—

(1) the simplified acquisition threshold is deemed to be \$1,000,000; and

(2) the micro-purchase threshold is deemed to be \$25,000.

#### SEC. 823. AUTHORITY TO EXAMINE RECORDS OF FOREIGN CONTRACTORS PERFORMING CONTRACTS IN SUPPORT OF CONTINGENCY OPERATIONS IN IRAQ OR AFGHANISTAN.

(a) AUTHORITY.—Except as provided in subsection (b), the Secretary of Defense may examine the records of a foreign contractor performing a contract in support of a contingency operation in Iraq or Afghanistan.

(b) EXCEPTION.—Subsection (a) does not apply to a foreign contractor that is a foreign government or agency thereof or that is precluded by applicable laws from making its records available for examination.

(c) GUIDANCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement this section.

#### SEC. 824. DEFINITIONS.

In this subtitle:

(1) CONTRACT IN SUPPORT OF A CONTINGENCY OPERATION IN IRAQ OR AFGHANISTAN.—The term “contract in support of a contingency operation in Iraq or Afghanistan” means a contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation in Iraq or Afghanistan.

(2) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning provided by section 101(a)(13) of title 10, United States Code.

(3) RECORDS.—The term “records” has the meaning provided by section 2313(l) of title 10, United States Code.

(4) FOREIGN CONTRACTOR.—The term “foreign contractor” means a contractor or subcontractor organized or existing under the laws of a country other than the United States.

#### Subtitle D—Defense Industrial Base Matters

#### SEC. 831. ASSESSMENT OF THE DEFENSE INDUSTRIAL BASE PILOT PROGRAM.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the defense industrial base pilot program of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A quantitative and qualitative analysis of the effectiveness of the defense industrial base pilot program.

(2) An assessment of the legal, policy, or regulatory challenges associated with effectively executing the pilot program.

(3) Recommendations for changes to the legal, policy, or regulatory framework for the pilot program to make it more effective.

(4) A description of any plans to expand the pilot program, including to other sectors beyond the defense industrial base.

(5) An assessment of the potential legal, policy, or regulatory challenges associated with expanding the pilot program.

(6) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 832. DEPARTMENT OF DEFENSE ASSESSMENT OF INDUSTRIAL BASE FOR POTENTIAL SHORTFALLS.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall undertake an assessment of the current and long-term availability within the United States industrial base of critical equipment, components, subcomponents, and materials needed to support short or prolonged conventional conflicts. In carrying out the assessment, the Secretary shall—

(1) identify items that the Secretary determines are critical to military readiness, including key components, subcomponents, and materials;

(2) perform a risk assessment of the supply chain for items identified under paragraph (1) and an evaluation of the extent to which—

(A) the supply chain for such items could be disrupted by a first strike on the United States; and

(B) the industrial base obtains such items from foreign sources; and

(3) develop mitigation strategies to address any gaps and vulnerabilities in the ability of the Department to respond to potential contingencies identified in operational plans of the combatant commanders if the sources that provide items identified under paragraph (1) should become unavailable.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the findings of the assessment required under subsection (a).

(c) GAO REVIEW.—The Comptroller General of the United States shall review the assessment required under subsection (a) and the report required under subsection (b) and submit to Congress a report on such review. The review shall include an assessment of—

(1) the completeness of the report;

(2) the reasonableness of the methodology used to develop the report;

(3) the conclusions contained in the report; and

(4) the extent to which the Department has implemented a Department-wide framework to identify and address gaps and vulnerabilities in the supply chain.

#### SEC. 833. COMPTROLLER GENERAL ASSESSMENT OF GOVERNMENT COMPETITION IN THE DEPARTMENT OF DEFENSE INDUSTRIAL BASE.

(a) COMPTROLLER GENERAL ASSESSMENT REQUIRED.—The Comptroller General of the United States shall carry out an assessment of the effect of Government mandated and supported competition in the Department of Defense industrial base that includes, at a minimum, the following:

(1) An examination of the aerospace propulsion business volume that the Department generates and whether such volume facilitates or supports multiple levels of competitors.

(2) An examination of the factors necessary to achieve cost effectiveness in initiating and supporting a competitive industrial base.

(3) An examination of the actual costs of developing a second source for previous private sector provided materials versus savings provided through such competitions.

(4) The advantages and disadvantages of other potential options or methods as well as any shortfalls in the current processes.

(5) Recommendations for any administrative or legislative action that the Comptroller General deems appropriate in the context of the assessment.

(b) REPORT.—Not later than April 1, 2012, the Comptroller General shall submit to the Chairman and ranking members of the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations, as appropriate, of the Comptroller General with respect to the assessment conducted. The Comptroller General shall receive comments from the Secretary of Defense and others, as appropriate.

#### SEC. 834. REPORT ON IMPACT OF FOREIGN BOYCOTTS ON THE DEFENSE INDUSTRIAL BASE.

(a) IN GENERAL.—Not later than February 1, 2012, the Comptroller General of the United States shall submit to the appropriate congressional committees a report setting forth an assessment of the impact of foreign boycotts on the defense industrial base.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a summary of foreign boycotts that posed a material risk to the defense industrial base from January 2008 to the date of enactment of this Act;

(2) the apparent objectives of each such boycott;

(3) an assessment of harm to the defense industrial base as a result of each such boycott;

(4) an assessment of the sufficiency of Department of Defense and Department of State efforts to mitigate the material risks of any such boycott to the defense industrial base; and

(5) recommendations of the Comptroller General to reduce the material risks of foreign boycotts to the defense industrial base, including recommendations for changes to legislation, regulation, policy, or procedures.

(c) CONFIDENTIALITY.—The Comptroller General shall not publicly disclose the names of any person, organization, or entity involved in or affected by any foreign boycott identified in the

report required under subsection (a) without the express written approval of the person, organization, or entity concerned.

(d) **DEFINITIONS.**—In this section:

(1) **FOREIGN BOYCOTT.**—The term “foreign boycott” means any policy or practice adopted by a foreign government or foreign business enterprise intended to directly penalize, disadvantage, or harm any contractor or subcontractor of the Department of Defense, or otherwise disassociate the foreign government or foreign business enterprise from such a contractor or subcontractor on account of the provision by that contractor or subcontractor of any product or service to the Department.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 835. RARE EARTH MATERIAL INVENTORY PLAN.**

(a) **REQUIREMENT.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Defense Logistics Agency Strategic Materials shall submit to the Secretary of Defense a plan to establish an inventory of rare earth materials necessary to ensure the long-term availability of such rare earth materials, as identified by the report required by section 843 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4282) and as otherwise determined to be necessary. The plan shall—

(1) identify and describe the steps necessary to create an inventory of rare earth materials, including oxides, metals, alloys, and magnets, to support national defense requirements and ensure reliable sources of such materials for defense purposes;

(2) provide a detailed cost-benefit analysis of creating such an inventory in accordance with Office of Management and Budget Circular A–94;

(3) provide an analysis of the potential market effects, including effects on the pricing and commercial availability of such rare earth materials, associated with creating such an inventory;

(4) identify and describe the mechanisms available to the Administrator to make such an inventory accessible, including by purchase, to entities requiring such rare earth materials to support national defense requirements, including producers of end items containing rare earth materials;

(5) provide a detailed explanation of the ability of the Administrator to authorize the sale of excess materials to support a Rare Earth Material Stockpile Inventory Program;

(6) analyze any potential requirements to amend or revise the Defense Logistics Agency Strategic Materials Annual Material Plan for Fiscal Year 2012 and subsequent years to reflect an inventory of rare earth materials to support national defense requirements;

(7) identify and describe the steps necessary to develop or maintain a competitive, multi-source supply-chain to avoid reliance on a single source of supply;

(8) identify and describe supply sources considered by the Administrator to be reliable, including an analysis of the capabilities of such sources to produce such materials in forms required for military applications in the next five years, as well as the security of upstream supply for these sources of material; and

(9) include such other considerations and recommendations as necessary to support the establishment of such inventory.

(b) **DETERMINATION.**—

(1) **IN GENERAL.**—Not later than 90 days after the date on which the plan is submitted under

subsection (a), the Secretary of Defense shall determine whether to execute the plan described in subsection (a).

(2) **SUBMITTAL.**—The Secretary shall submit to the congressional defense committees—

(A) the plan under subsection (a); and

(B) a notice of the determination under paragraph (1).

(c) **DEFINITIONS.**—In this section:

(1) The term “rare earth” means any of the following chemical elements in any of their physical forms or chemical combinations and alloys:

(A) Scandium.

(B) Yttrium.

(C) Lanthanum.

(D) Cerium.

(E) Praseodymium.

(F) Neodymium.

(G) Promethium.

(H) Samarium.

(I) Europium.

(J) Gadolinium.

(K) Terbium.

(L) Dysprosium.

(M) Holmium.

(N) Erbium.

(O) Thulium.

(P) Ytterbium.

(Q) Lutetium.

(2) The term “capability” means the required facilities, manpower, technological knowhow, and intellectual property necessary for the efficient and effective production of rare earth materials.

**Subtitle E—Other Matters**

**SEC. 841. MISCELLANEOUS AMENDMENTS TO PUBLIC LAW 111–383 RELATING TO ACQUISITION.**

(a) **AMENDMENTS TO CAPABILITIES COVERED BY ACQUISITION PROCESS FOR RAPID FIELDING.**—Section 804(b)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amended—

(1) by inserting “and” at the end of subparagraph (B);

(2) by striking “; and” at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

(b) **AMENDMENTS TO ELEMENTS OF GUIDANCE ON MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.**—Section 812(b) of such Act (Public Law 111–383; 124 Stat. 4264; 10 U.S.C. 2430) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(c) **AMENDMENTS TO DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.**—Section 1073 of such Act (Public Law 111–383; 124 Stat. 4366; 10 U.S.C. 2359a note) is amended—

(1) in subsection (a), by striking “shall” in the first sentence and inserting “may”; and

(2) in subsection (b), by amending the first sentence to read as follows: “If the Secretary establishes a program under subsection (a), the Secretary shall issue guidelines for the operation of the program.”.

**SEC. 842. PROCUREMENT OF PHOTOVOLTAIC DEVICES.**

(a) **REVISION TO CONTRACTS DESCRIBED.**—Subsection (b) of section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4285; 10 U.S.C. 2534 note) is amended by striking “For the purposes of this section,” and all that follows through the end and inserting the following: “For the purposes of this section, the Department of Defense is deemed to own a photovoltaic device if the device is installed on Department of Defense property or in a facility

owned or leased by or for the Department of Defense.”.

(b) **REVISION TO DEFINITION OF PHOTOVOLTAIC DEVICES.**—Subsection (c) of such section is amended by striking “means” and all that follows through the end and inserting the following: “means devices that convert light directly into electricity.”.

**SEC. 843. CLARIFICATION OF JURISDICTION OF THE UNITED STATES DISTRICT COURTS TO HEAR BID PROTEST DISPUTES INVOLVING MARITIME CONTRACTS.**

(a) **EXCLUSIVE JURISDICTION.**—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(6) Jurisdiction over any action described in paragraph (1) arising out of a maritime contract, or a solicitation for a proposed maritime contract, shall be governed by this section and shall not be subject to the jurisdiction of the district courts of the United States under the Suits in Admiralty Act (chapter 309 of title 46) or the Public Vessels Act (chapter 311 of title 46).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to any cause of action filed on or after the first day of the first month beginning more than 30 days after the date of the enactment of this Act.

**SEC. 844. EXEMPTION OF DEPARTMENT OF DEFENSE FROM ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.**

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended by adding at the end the following: “This section shall not apply to the Department of Defense.”.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Department of Defense Management**

**SEC. 901. REVISION OF DEFENSE BUSINESS SYSTEMS REQUIREMENTS.**

Section 2222 of title 10, United States Code, is amended to read as follows:

**“§2222. Defense business systems: architecture, accountability, and modernization**

“(a) **CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEMS.**—Funds available to the Department of Defense, whether appropriated or non-appropriated, may not be obligated for a defense business system that will have a total cost in excess of \$1,000,000 unless—

“(1) the appropriate pre-certification authority for the defense business system has determined that—

“(A) the defense business system is in compliance with the enterprise architecture developed under subsection (c) and appropriate business process re-engineering efforts have been undertaken to ensure that—

“(i) the business process to be supported by the defense business system is as streamlined and efficient as practicable; and

“(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;

“(B) the defense business system is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

“(C) the defense business system is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect;

“(2) the defense business system has been reviewed and certified by the investment review board established under subsection (g); and

“(3) the certification of the investment review board has been approved by the Defense Business Systems Management Committee established by section 186 of this title.

“(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a business system that has not been certified and approved in accordance with subsection (a) is a violation of section 1341(a)(1)(A) of title 31.

“(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—(1) The Secretary of Defense, acting through the Defense Business Systems Management Committee, shall develop—

“(A) an enterprise architecture, known as the defense business enterprise architecture, to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget; and

“(B) a transition plan for implementing the enterprise architecture for defense business systems.

“(2) The Secretary of Defense shall delegate responsibility and accountability for the defense business enterprise architecture as follows:

“(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support acquisition activities, logistics activities, or installations and environmental activities of the Department of Defense.

“(B) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support financial management activities or strategic planning and budgeting activities of the Department of Defense.

“(C) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support human resource management activities of the Department of Defense.

“(D) The Chief Information Officer of the Department of Defense shall be responsible and accountable for the content of those portions of the defense business enterprise architecture that support information technology infrastructure or information assurance activities of the Department of Defense.

“(E) The Deputy Chief Management Officer of the Department of Defense shall be responsible and accountable for developing and maintaining the defense business enterprise architecture as well as integrating business operations covered by subparagraphs (A) through (D).

“(d) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (c)(1)(A) shall include the following:

“(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

“(A) comply with applicable law, including Federal accounting, financial management, and reporting requirements;

“(B) routinely produce timely, accurate, and reliable business and financial information for management purposes;

“(C) integrate budget, accounting, and program information and systems; and

“(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

“(2) Policies, procedures, data standards, performance measures, and system interface requirements that are to apply uniformly throughout the Department of Defense.

“(3) A defense business systems computing environment integrated into the defense business enterprise architecture for the major business processes conducted by the Department of Defense, as determined by the Chief Management Officer.

“(e) COMPOSITION OF TRANSITION PLAN.—(1) The transition plan developed under subsection (c)(1)(B) shall include the following:

“(A) A listing of the additional systems that are expected to be needed to complete the defense business enterprise architecture, along with each system's time-phased milestones, performance measures, financial resource needs, and risks or challenges to integration into the business enterprise architecture.

“(B) A listing of the defense business systems as of December 2, 2002 (known as ‘legacy systems’), that will not be part of the defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

“(C) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the defense business systems computing environment described in subsection (d)(3), together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture.

“(2) Each of the strategies under paragraph (1) shall include specific time-phased milestones, performance measures, and a statement of the financial and nonfinancial resource needs.

“(f) APPROPRIATE PRE-CERTIFICATION AUTHORITIES.—For purposes of subsection (a), the appropriate pre-certification authority for a defense business system is as follows:

“(1) In the case of an Army program, the Chief Management Officer of the Army.

“(2) In the case of a Navy program, the Chief Management Officer of the Navy.

“(3) In the case of an Air Force program, the Chief Management Officer of the Air Force.

“(4) In the case of a program of a Defense Agency, the Director, or equivalent, of that Defense Agency unless otherwise approved by the Deputy Chief Management Officer.

“(5) In the case of a program that will support the business processes of more than one military department or Defense Agency, an appropriate pre-certification authority designated by the Deputy Chief Management Officer.

“(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require the Deputy Chief Management Officer, not later than October 1, 2011, to establish an investment review board and investment management process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of all defense business systems. The investment review board and investment management process so established shall specifically address the requirements of subsection (a).

“(2) The review of defense business systems under the investment management process shall include the following:

“(A) Review and approval by the investment review board of each defense business system before the obligation of funds on the system in accordance with the requirements of subsection (a).

“(B) Periodic review, but not less often than annually, of all defense business systems, grouped in portfolios of defense business systems.

“(C) Representation on the investment review board by appropriate officials from among the Office of the Secretary of Defense, the armed forces, the combatant commands, the Joint Chiefs of Staff, and the Defense Agencies, in-

cluding the Under Secretaries of Defense, the Chief Information Officer of the Department of Defense, and the Chief Management Officers of the military departments.

“(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business systems depending on scope, complexity, and cost.

“(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

“(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary of Defense and the Defense Business Systems Management Committee, as required by section 186(c) of this title, and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

“(h) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

“(1) Identification of each defense business system for which funding is proposed in that budget.

“(2) Identification of all funds, by appropriation, proposed in that budget for each such system, including—

“(A) funds for current services (to operate and maintain the system); and

“(B) funds for business systems modernization, identified for each specific appropriation.

“(3) For each such system, identification of the appropriate pre-certification authority under subsection (f).

“(4) For each such system, a description of each approval made under subsection (a)(3) with regard to such system.

“(i) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2012 through 2016, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. The report shall—

“(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

“(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

“(B) specific actions on the defense business systems submitted for certification under such subsection;

“(2) identify the number of defense business systems so certified;

“(3) identify any defense business system during the preceding fiscal year that was not certified under subsection (a), and the reasons for the lack of certification;

“(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems implementation or modernization efforts; and

“(5) include a copy of the most recent report of the Chief Management Officer of each military department on implementation of business transformation initiatives by such department in accordance with section 908 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4569; 10 U.S.C. 2222 note).

“(j) DEFINITIONS.—In this section:

“(1) The term ‘pre-certification authority’, with respect to a defense business system, means the Department of Defense official responsible for the defense business system, as designated by subsection (f).

“(2) The term ‘defense business system’ means an information system, other than a national



security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

“(3) The term ‘enterprise architecture’ has the meaning given that term in section 3601(4) of title 44.

“(4) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40.

“(5) The term ‘national security system’ has the meaning given that term in section 3542(b)(2) of title 44.”

**SEC. 902. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.**

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF “MILITARY DEPARTMENT”.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

**“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.**

(B) The heading of chapter 507 of such title is amended to read as follows:

**“CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS”.**

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking “Assistant Secretaries of the Navy” and inserting “Assistant Secretaries of the Navy and Marine Corps”.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting “and Marine Corps” after “of the Navy”, with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking “Department of the Navy” and “Secretary of the Navy” each place they appear and inserting “Department of the Navy and Marine Corps” and “Secretary of the Navy and Marine Corps”, respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (a)(2) shall be considered to be a reference to that office as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

**Subtitle B—Space Activities**

**SEC. 911. NOTIFICATION REQUIREMENT FOR HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.**

(a) NOTIFICATION REQUIRED.—Upon a determination by the Secretary of Defense that a commercial communications service will cause or is causing widespread harmful interference with Global Positioning System receivers used by the Department of Defense, the Secretary shall submit to Congress notice of such determination.

(b) CONTENTS.—The notice required under subsection (a) shall include—

(1) a summary of the reasons that a commercial communications service will cause or is causing harmful interference with Global Positioning System receivers used by the Department of Defense;

(2) a description of the entity that will cause or is causing such harmful interference;

(3) a description of the magnitude and duration of such harmful interference or the potential magnitude and duration of such harmful interference; and

(4) a summary of the Secretary’s plans for addressing such harmful interference.

**Subtitle C—Intelligence-Related Matters**

**SEC. 921. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS BY THE COMPTROLLER GENERAL ON INTELLIGENCE INFORMATION SHARING.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees and the Comptroller General a report on actions taken by the Secretary in response to the recommendations of the Comptroller General in the report issued on January 22, 2010, titled “Intelligence, Surveillance, and Reconnaissance: Establishing Guidance, Timelines, and Accountability for Integrating Intelligence Data Would Improve Information Sharing” (GAO-10-265NI), regarding the need to develop guidance, such as a concept of operations, to provide overarching direction and priorities for sharing intelligence information across the defense elements of the intelligence community.

(b) REVIEW OF REPORT.—The Comptroller General shall submit to the appropriate congressional committees a review of the report submitted under subsection (a), including a determination by the Comptroller General as to whether the actions taken by the Secretary of Defense in response to the recommendations referred to in such subsection are consistent with and adequately address such recommendations.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Permanent Select Committee on Intelligence of the House of Representatives; and

(3) the Select Committee on Intelligence of the Senate.

**SEC. 922. INSIDER THREAT DETECTION.**

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for information sharing protection and insider threat mitigation for the information systems of the Department of Defense to detect unauthorized access to, use of, or transmission of classified or controlled unclassified information.

(b) ELEMENTS.—The program established under subsection (a) shall include the following:

(1) Technology solutions for deployment within the Department of Defense that allow for centralized monitoring and detection of unauthorized activities, including—

(A) monitoring the use of external ports and read and write capability controls;

(B) auditing unusual and unauthorized user activities;

(C) a roles-based access certification system;

(D) cross-domain guards for transfers of information between different networks; and

(E) patch management for software and security updates.

(2) Policies and procedures to support such program, including special consideration for policies and procedures related to international and interagency partners and activities in support of ongoing operations in areas of hostilities.

(3) A governance structure and process that integrates information security and sharing technologies with the policies and procedures referred to in paragraph (2). Such structure and process shall include—

(A) coordination with the existing security clearance and suitability review process;

(B) coordination of existing anomaly detection techniques, including those used in counterintelligence investigation or personnel screening activities; and

(C) updating and expediting of the classification review and marking process.

(4) A continuing analysis of—

(A) gaps in security measures under the program; and

(B) technology, policies, and processes needed to increase the capability of the program beyond the initially established full operating capability to address such gaps.

(5) A baseline analysis framework that includes measures of performance and effectiveness.

(6) A plan for how to ensure related security measures are put in place for other departments or agencies with access to Department of Defense networks.

(7) A plan for enforcement to ensure that the program is being applied and implemented on a uniform and consistent basis.

(c) OPERATING CAPABILITY.—The Secretary shall ensure the program established under subsection (a)—

(1) achieves initial operating capability not later than October 1, 2012; and

(2) achieves full operating capability not later than October 1, 2013.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary



shall submit to the congressional defense committees a report that includes—

(1) the implementation plan for the program established under subsection (a);

(2) the resources required to implement the program;

(3) specific efforts to ensure that implementation does not negatively impact activities in support of ongoing operations in areas of hostilities;

(4) a definition of the capabilities that will be achieved at initial operating capability and full operating capability, respectively; and

(5) a description of any other issues related to such implementation that the Secretary considers appropriate.

(e) **BRIEFING REQUIREMENT.**—The Secretary shall provide briefings to the Committees on Armed Services of the House of Representatives and the Senate as follows:

(1) Not later than 90 days after the date of the enactment of this Act, a briefing describing the governance structure referred to in subsection (b)(3).

(2) Not later than 120 days after the date of the enactment of this Act, a briefing detailing the inventory and status of technology solutions deployment referred to in subsection (b)(1), including an identification of the total number of host platforms planned for such deployment, the current number of host platforms that provide appropriate security, and the funding and timeline for remaining deployment.

(3) Not later than 180 days after the date of the enactment of this Act, a briefing detailing the policies and procedures referred to in subsection (b)(2), including an assessment of the effectiveness of such policies and procedures and an assessment of the potential impact of such policies and procedures on information sharing within the Department of Defense and with interagency and international partners.

(f) **BUDGET SUBMISSION.**—On the date on which the President submits to Congress the budget for fiscal year 2013 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees an identification of the resources requested in such budget to carry out the program established under subsection (a).

#### Subtitle D—Total Force Management

### SEC. 931. GENERAL POLICY FOR TOTAL FORCE MANAGEMENT.

(a) **REVISION OF GENERAL PERSONNEL POLICY SECTION.**—Section 129a of title 10, United States Code, is amended to read as follows:

#### “§ 129a. General policy for total force management

“(a) **POLICIES AND PROCEDURES.**—The Secretary of Defense shall establish policies and procedures for determining the appropriate mix of military, civilian, and contractor personnel to perform the mission of the Department of Defense.

“(b) **RISK MITIGATION OVER COST.**—In establishing the policies and procedures under subsection (a), the Secretary shall ensure that establishment of an appropriately balanced workforce with sufficient levels of personnel to carry out the mission of the Department and the core mission areas of the armed forces (as identified pursuant to section 118b of this title) takes precedence over cost savings.

“(c) **DELEGATION OF RESPONSIBILITIES.**—The Secretary shall delegate responsibility for implementation of the policies and procedures established under subsection (a) as follows:

“(1) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing guidance to implement such policies and procedures.

“(2) The manpower and force structure authorities for each Department of Defense compo-

nent shall have overall responsibility for the requirements determination, planning, programming, and budgeting for such policies and procedures.

“(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for ensuring that the defense acquisition system, as defined in section 2545 of this title, is consistent with such policies and procedures and with implementation pursuant to paragraph (1). In carrying out this paragraph, the Under Secretary shall require each contracting officer to obtain a written statement from each requiring official that the work required is appropriate for contractor personnel consistent with this title, the Federal Acquisition Regulation, the Defense Supplement to the Federal Acquisition Regulation, and Department of Defense instructions governing appropriate use of contractors.

“(4) The Under Secretary of Defense (Comptroller) shall be responsible for ensuring that the budget for the Department of Defense is consistent with such policies and procedures. If the Under Secretary of Defense (Comptroller) recommends a defense budget for a fiscal year that inhibits the implementation of such policies and procedures, then a justification for such recommendation shall be included in the defense budget materials (as defined in section 2228(f)(5) of this title) for that fiscal year.

“(d) **USE OF PLAN, INVENTORY, AND LIST.**—In carrying out the policies and procedures established under subsection (a), the Secretary shall—

“(1) incorporate the civilian strategic workforce plan (required by section 115b of this title) into such policies and procedures;

“(2) incorporate the civilian positions master plan (required by section 1597(c) of this title) into such policies and procedures;

“(3) use the inventory of contracts for services required by section 2330a(c) of this title; and

“(4) use the list of activities required by the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note).

“(e) **CONSIDERATIONS IN CONVERTING PERSONNEL.**—If conversion of personnel is considered, the Under Secretary of Defense for Personnel and Readiness shall—

“(1) ensure compliance with—

“(A) section 2463 of this title (relating to guidelines and procedures for use of civilian employees to perform Department of Defense functions); and

“(B) section 2461 of this title (relating to public-private competition required before conversion to contractor performance); and

“(2) include in each manpower requirements report under section 115a of this title a complete justification for converting from one form of personnel to another.

“(f) **CONSTRUCTION WITH OTHER REQUIREMENTS.**—Nothing in this title may be construed as authorizing—

“(1) a Department of Defense component to directly convert a function to contractor performance without complying with section 2461 of this title;

“(2) the use of contractor personnel for functions that are inherently governmental or closely associated with inherently governmental even if there is a civilian personnel shortfall in the Department of Defense;

“(3) the establishment of numerical goals or budgetary savings targets for the conversion of functions to performance by either Department of Defense civilian personnel or for conversion to performance by contractor personnel; or

“(4) the imposition of a civilian hiring freeze that may inhibit the implementation of the policies and procedures established under subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The item relating to section 129a in the table of sections at the be-

ginning of such chapter is amended to read as follows:

“129a. General policy for total force management.”.

### SEC. 932. REVISIONS TO DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “(2) the funds made available to the department for such fiscal year.” and inserting “(2) the total force management policies and procedures established under section 129a of this title.”;

(2) in subsection (d), by striking “within that budget activity for which funds are provided for that fiscal year.” and inserting “within that budget activity as determined under the total force management policies and procedures established under section 129a of this title.”; and

(3) in subsection (e), by striking the sentence beginning with “With respect to”.

### SEC. 933. ADDITIONAL AMENDMENTS RELATING TO TOTAL FORCE MANAGEMENT.

(a) **AMENDMENTS TO SECRETARY OF DEFENSE REPORT.**—Section 113(l) of title 10, United States Code, is amended in paragraphs (2), (3), and (4) by striking “military and civilian personnel” each place it appears and inserting “military, civilian, and contractor personnel”.

(b) **AMENDMENTS RELATING TO CERTAIN GUIDELINES.**—Section 1597(b) of title 10, United States Code, is amended by inserting after the first sentence the following: “In establishing the guidelines, the Secretary shall ensure that nothing in the guidelines conflicts with the requirements of section 129 of this title or the policies and procedures established under section 129a of this title.”.

(c) **AMENDMENT TO REQUIREMENTS FOR ACQUISITION OF SERVICES.**—Section 863 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4293; 10 U.S.C. 2330 note) is amended by adding at the end of subsection (d) the following new paragraph:

“(9) Considerations relating to total force management policies and procedures established under section 129a of this title.”.

### SEC. 934. AMENDMENTS TO ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended—

(1) by striking “and” at the end of paragraph (1); and

(2) by striking paragraph (2) and inserting the following new paragraphs (2) and (3):

“(2) the annual civilian personnel requirements level for each component of the Department of Defense for the next fiscal year and the civilian end-strength level for the prior fiscal year; and

“(3) the contractor personnel requirements level for performing contract services as defined in section 235 of this title for each component of the Department of Defense for the next fiscal year and the contractor full-time equivalents level for the prior fiscal year as reported in the inventory for contracts for services required by subsection (c) of section 2330a of this title.”.

### SEC. 935. REVISIONS TO STRATEGIC WORKFORCE PLAN.

(a) **REVISION IN REPORTING PERIOD.**—

(1) **IN GENERAL.**—Section 115b of title 10, United States Code, is amended—

(A) in the section heading, by striking “Annual strategic” and inserting “Biennial civilian strategic”;

(B) in the heading of subsection (a), by striking “ANNUAL” and inserting “BIENNIAL”; and

(C) in subsection (a)(1), by striking “on an annual basis” and inserting “in every even-numbered year”.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 2 of such title is amended by striking the item relating to section 115b and inserting the following:

“115b. Biennial civilian strategic workforce plan.”.

(b) **REVISION IN ASSESSMENT CONTENTS AND PERIOD.**—Section 115b(b)(1) of such title is amended—

(1) in subparagraph (A), by striking “seven-year period following the year in which the plan is submitted” and inserting “five-year period corresponding to the current future-years defense program”; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: “as determined under the total force management policies and procedures established under section 129a of this title”.

(c) **REFERENCE TO SECTION 129A.**—Section 115b(c)(2)(D) is amended by inserting before the semicolon at the end the following: “and the policies and procedures established under section 129a of this title”.

**SEC. 936. TECHNICAL AMENDMENTS TO REQUIREMENT FOR INVENTORY OF CONTRACTS FOR SERVICES.**

Section 2330a(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “(and pursuant to contracts for goods to the extent services are also provided under such contracts)” after “pursuant to contracts for services”; and

(B) in subparagraph (A)—

(i) by striking “and” at the end of clause (i); and

(ii) by striking clause (ii) and inserting the following:

“(ii) the calculation of contractor full-time equivalents for direct labor, using direct labor hours, in a manner that is comparable to the calculation of Department of Defense civilian full-time employees; and

“(iii) the conduct and completion of the annual review required under subsection (e)(1).”;

(C) in subparagraph (B), by inserting “for requirements specifically relating to acquisition” before the period; and

(2) in paragraph (2)(E), by striking “The number of contractor employees,” and inserting “The number of contractors,”.

**SEC. 937. MODIFICATION OF TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO CONTRACTOR PERFORMANCE.**

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is amended—

(1) in subsection (a), by striking “Secretary of Defense submits to the congressional defense committees the certification required under subsection (d)” and inserting “Comptroller General submits to the congressional defense committees the assessment required under subsection (c)”;

and

(2) by striking subsection (d).

**SEC. 938. PRELIMINARY PLANNING AND DURATION OF PUBLIC-PRIVATE COMPETITIONS.**

Section 2461(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by striking “, begins” and inserting “shall be conducted in accordance with guidance and procedures that shall be issued and maintained by the Under Secretary of Defense for Personnel and Readiness and shall begin”;

(B) by inserting after “the date on which” the following: “a component of”;

(C) by inserting “first” before “obligates”;

(D) by inserting “specifically” after “funds”;

(E) by inserting “for the preliminary planning effort” after “support”; and

(F) in clause (i), by inserting “a public-private” before “competition”; and

(2) in subparagraph (F)—

(A) by inserting “or Defense Agency” after “military department”;

(B) by striking “of such date” and inserting “of the actions intended to be taken during the preliminary planning process”;

(C) by inserting “of such actions” after “public notice”;

(D) by inserting after “website” the following: “and through other means as determined necessary”;

(E) by inserting after the first sentence the following: “Following the completion of preliminary planning for a public-private competition, if applicable, the head of a military department or Defense Agency shall submit to Congress written notice of the initiation of the public-private competition and shall announce such initiation in the Federal Register.”; and

(F) by striking “Such date is the first day of preliminary planning for a public-private competition for” and inserting “The date of such announcement shall be used for”.

**SEC. 939. CONVERSION OF CERTAIN FUNCTIONS FROM CONTRACTOR PERFORMANCE TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

Section 2463 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) is an inherently governmental function.”;

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (F) and (G), respectively; and

(C) by inserting after subparagraph (B) the following new subparagraphs (C), (D), and (E):

“(C) acquisition workforce functions;

“(D) is a critical function that is necessary to maintain sufficient organic expertise and technical capability;

“(E) has been performed by Department of Defense civilian employees at any time during the previous 10-year period.”;

(2) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively;

(3) by inserting after subsection (c) the following new subsections (d) and (e):

“(d) **DETERMINATIONS RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.**—(1) Except as provided in paragraph (2), in determining whether a function should be converted to performance by Department of Defense civilian employees, the Secretary of Defense shall—

“(A) develop methodology for determining costs based on the guidance outlined in the Directive-Type Memorandum 09–007 entitled ‘Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support’ or any successor guidance for the determination of costs when costs are the sole basis for the determination;

“(B) take into consideration any supplemental guidance issued by the Secretary of a military department for determinations affecting functions of that military department; and

“(C) ensure that the difference in the cost of performing the function by a contractor compared to the cost of performing the function by Department of Defense civilian employees would be equal to or exceed the lesser of—

“(i) 10 percent of the personnel-related costs for performance of that function; or

“(ii) \$10,000,000.

“(2) Paragraph (1) shall not apply to a function described in subparagraph (A) of subsection (b)(1).

“(e) **NOTIFICATION RELATING TO THE CONVERSION OF CERTAIN FUNCTIONS.**—The Secretary of

Defense shall establish procedures for the timely notification of any contractor who performs a function that the Secretary plans to convert to performance by Department of Defense civilian employees pursuant to subsection (a). The Secretary shall provide a copy of any such notification to the congressional defense committees.”;

and

(4) in subsection (g), as redesignated by paragraph (2)—

(A) by striking “this section” and all that follows and inserting “this section.”; and

(B) by adding at the end the following new paragraphs:

“(1) The term ‘functions closely associated with inherently governmental functions’ has the meaning given that term in section 2383(b)(3) of this title.

“(2) The term ‘acquisition function’ has the meaning given that term under section 1721(a) of this title.

“(3) The term ‘inherently governmental function’ has the meaning given that term in the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note).”.

**SEC. 940. ASSESSMENT OF APPROPRIATE DEPARTMENT OF DEFENSE AND CONTRACTOR PERSONNEL FOR THE DEFENSE MEDICAL READINESS TRAINING INSTITUTE.**

(a) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall conduct an assessment to determine the appropriate mix of Department of Defense civilian personnel and contractor personnel to carry out the mission and functions of the Defense Medical Readiness Training Institute.

(b) **FACTORS FOR CONSIDERATION.**—In carrying out the assessment required under subsection (a), the Secretary shall take into consideration the policy, guidance, procedures, and methodologies for total force management of the Department of Defense, including—

(1) such policy, guidance, procedures, and methodologies described in sections 129 and 129a of title 10, United States Code, as amended by this Act;

(2) manpower requirements for planning, programming, and budgeting;

(3) the Department of Defense strategic human capital plans developed pursuant to section 115b of such title;

(4) the annual personnel authorization requests to Congress pursuant to section 115a of such title; and

(5) a determination of the Secretary with respect to whether the functions performed by the Defense Medical Readiness Training Institute are inherently governmental, closely associated with inherently governmental, or commercial in nature.

(c) **OTHER ELEMENTS OF ASSESSMENT.**—The assessment required under subsection (a) shall include an assessment of each of the following:

(1) The effect of distributed training at multiple locations in the United States on the ability of the Defense Medical Readiness Training Institute to accomplish its training mission.

(2) The extent to which simulated training can be used effectively at locations remote from the Defense Medical Readiness Training Institute campus.

(3) A cost-benefit analysis as outlined in Office of Management and Budget Circular A-94 of the use of simulated training versus training using classroom instructors.

(4) The budgetary effect of expanding the use of contractor-provided training to accomplish the mission of the Defense Medical Readiness Training Institute.

(5) Any other matter relevant to the mission of the Defense Medical Readiness Training Institute that the Secretary determines is appropriate.

(d) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary

shall submit to the congressional defense committees a report on the analysis required under subsection (a).

**Subtitle E—Quadrennial Roles and Missions and Related Matters**

**SEC. 951. TRANSFER OF PROVISIONS RELATING TO QUADRENNIAL ROLES AND MISSIONS REVIEW.**

(a) TRANSFER OF PROVISIONS RELATING TO ASSESSMENT OF ROLES AND MISSIONS.—Section 153(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (D), (E), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C) Advising the Secretary on the roles and missions of the armed forces and on the assignment of functions to the armed forces in order to obtain maximum efficiency and effectiveness of the armed forces.”; and

(3) by amending subparagraph (G) (as redesignated by paragraph (1)) to read as follows:

“(G) Identifying, assessing, and prioritizing joint military requirements (including existing systems and equipment) for defense acquisition, and identifying the core mission areas associated with each such requirement.”.

(b) REQUIREMENT FOR NATIONAL MILITARY STRATEGY REVIEW TO BE CONSISTENT WITH QUADRENNIAL ROLES AND MISSIONS REVIEW.—Section 153(d)(2)(A) of title 10, United States Code, is amended—

(1) by striking “and” at the end of clause (ii);

(2) by striking the period and inserting “; and” at the end of clause (iii); and

(3) by adding at the end the following new clause:

“(iv) the most recent quadrennial roles and missions review conducted by the Secretary of Defense pursuant to section 118b of this title.”.

(c) ASSESSMENT OF ROLES AND MISSIONS.—Section 153 of such title is further amended by adding at the end the following new subsection:

“(e) ASSESSMENT OF ROLES AND MISSIONS.—(1) In each year in which the Secretary of Defense is required to conduct a quadrennial roles and missions review pursuant to section 118b of this title, the Chairman shall prepare and submit to the Secretary of Defense an assessment of the roles and missions of the armed forces and the assignment of functions to the armed forces, together with any recommendations for changes in assignment that the Chairman considers necessary to achieve maximum efficiency and effectiveness of the armed forces.

“(2) The assessment shall be conducted so as to—

“(A) organize the significant missions of the armed forces into core mission areas that cover broad areas of military activity; and

“(B) ensure that core mission areas are defined and functions are assigned so as to avoid unnecessary duplication of effort among the armed forces.

“(3) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year.”.

(d) CONFORMING AMENDMENTS.—Section 118b of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (c), by striking “Upon receipt of the Chairman's assessment, and after giving appropriate consideration to the Chairman's recommendations, the Secretary” and inserting “The Secretary”.

**SEC. 952. REVISIONS TO QUADRENNIAL ROLES AND MISSIONS REVIEW.**

Section 118b of title 10, United States Code, as amended by section 951, is further amended—

(1) in subsection (a), by striking “core competencies and capabilities of the Department of Defense to perform and support such roles and missions” and inserting “functions and capabilities of the Department of Defense and its major components to achieve the objectives of the national defense strategy and the national military strategy”;

(2) by redesignating subsections (c) and (d) as subsections (b) and (c);

(3) in subsection (b) (as so redesignated)—

(A) by striking the subsection heading and all that follows through “shall identify—” and inserting “CONDUCT OF REVIEW.—Each quadrennial roles and missions review shall identify—”;

(B) in paragraph (2), by striking “core competencies and capabilities” and inserting “functions and capabilities of each of the armed forces”;

(C) in paragraph (3), by striking “core competencies” and inserting “functions”;

(D) by striking “core competencies and” and inserting “the functions and the”; and

(E) in paragraph (5), by striking “core competencies” and inserting “functions”; and

(4) in subsection (d) (as so redesignated), by inserting “findings of the” before “quadrennial”.

**SEC. 953. AMENDMENT TO PRESENTATION OF FUTURE-YEARS BUDGET AND COMPTROLLER GENERAL REPORT ON BUDGET JUSTIFICATION MATERIAL.**

(a) ORGANIZATION OF FUTURE-YEARS BUDGET.—

(1) IN GENERAL.—Section 222(b) of title 10, United States Code, is amended by striking “on the basis of both major force programs and the core mission areas” and inserting “on the basis of major force programs and the core mission areas and functions of each of the armed forces”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the future-years mission budget for fiscal year 2013 and each fiscal year thereafter.

(b) REPORT REQUIRED.—

(1) MATTERS COVERED.—The Comptroller General of the United States shall prepare a report containing assessments of—

(A) the sufficiency of Department of Defense regulations, policies, and guidance governing the construction of budget exhibits;

(B) the current program element structure and content used to account for the budget activity of the Department of the Defense;

(C) the degree to which the Secretary of Defense has implemented the recommendations for improving the consistency, clarity, accuracy, and completeness of the Department of Defense budget documentation contained in Government Accountability Report GAO-07-1058; and

(D) the degree to which the Department of Defense has complied with the Congressional intent and requirements of the amendments made by section 944 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 289).

(2) RECOMMENDATIONS.—The report required by this subsection shall also include such recommendations as the Comptroller General considers to be appropriate in order to improve the consistency, clarity, accuracy, and completeness of the Department of Defense budget justification material content and to improve the Department's ability to identify and track resources by the core mission areas and functions of the armed forces as required by section 118b of title 10, United States Code.

**SEC. 954. CHAIRMAN OF THE JOINT CHIEFS OF STAFF ASSESSMENT OF CONTINGENCY PLANS.**

Section 153(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “assessment of” and all that follows through the period and inserting: “assessment of—

“(A) the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy; and

“(B) the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of contingency plans of each geographic combatant commander, and the effect of such deficiencies and strengths on strategic plans and on meeting national security objectives and policy.”; and

(2) in paragraph (2)—

(A) by inserting after “National Military Strategy is significant,” the following, “or that critical deficiencies in force capabilities exist for a contingency plan,”; and

(B) by inserting “or deficiency” before the period at the end.

**SEC. 955. QUADRENNIAL DEFENSE REVIEW.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a critical strategic document and should be based upon a process unconstrained by budgetary influences so that such influences do not determine or limit its outcome.

(b) RELATIONSHIP OF QUADRENNIAL DEFENSE REVIEW TO DEFENSE BUDGET.—Paragraph (4) of section 118(b) of title 10, United States Code, is amended to read as follows:

“(4) to make recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, in order to allow Congress to determine the level of acceptable risk to execute the missions associated with the national defense strategy within appropriated funds.”.

**Subtitle F—Other Matters**

**SEC. 961. DEADLINE REVISION FOR REPORT ON FOREIGN LANGUAGE PROFICIENCY.**

Section 958 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 297) is amended—

(1) in subsection (a), by striking “annually thereafter” and inserting “by June 30 each year thereafter”; and

(2) in subsection (d), by striking “December 31, 2013” and inserting “June 30, 2013”.

**SEC. 962. MILITARY ACTIVITIES IN CYBERSPACE.**

(a) AFFIRMATION.—Congress affirms that the Secretary of Defense is authorized to conduct military activities in cyberspace.

(b) AUTHORITY DESCRIBED.—The authority referred to in subsection (a) includes the authority to carry out a clandestine operation in cyberspace—

(1) in support of a military operation pursuant to the Authorization for Use of Military Force (50 U.S.C. 1541 note; Public Law 107-40) against a target located outside of the United States; or

(2) to defend against a cyber attack against an asset of the Department of Defense.

(c) BRIEFINGS ON ACTIVITIES.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall provide a briefing to the Committees on Armed Services of the House of Representatives and the Senate on covered military cyberspace activities that the Department of Defense carried out during the preceding quarter.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to conduct military activities in cyberspace.

**SEC. 963. ACTIVITIES TO IMPROVE MULTILATERAL, BILATERAL, AND REGIONAL COOPERATION REGARDING CYBERSECURITY.**

(a) ESTABLISHMENT OF CYBERSECURITY PROGRAM.—

(1) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1051b the following new section:

**“§1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security**

“(a) ASSIGNMENTS AUTHORIZED; PURPOSE.—The Secretary of Defense may authorize the temporary assignment of a member of the military forces of a foreign country to a Department of Defense organization for the purpose of assisting the member to obtain education and training to improve the member's ability to understand and respond to information security threats, vulnerabilities of information security systems, and the consequences of information security incidents.

“(b) PAYMENT OF CERTAIN EXPENSES.—To facilitate the assignment of a member of a foreign military force to a Department of Defense organization under subsection (a), the Secretary of Defense may pay such expenses in connection with the assignment as the Secretary considers in the national security interests of the United States.

“(c) PROTECTION OF DEPARTMENT CYBERSECURITY.—In authorizing the temporary assignment of members of foreign military forces to Department of Defense organizations under subsection (a), the Secretary of Defense shall require the inclusion of adequate safeguards to prevent any compromising of Department information security.

“(d) MULTI-YEAR AVAILABILITY OF FUNDS.—Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.

“(e) INFORMATION SECURITY DEFINED.—In this section, the term ‘information security’ refers to—

“(1) the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; and

“(2) the security policies, security procedures, or acceptable use policies with respect to an information system.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1051b the following new item:

“1051c. Multilateral, bilateral, or regional cooperation programs: assignments to improve education and training in information security.”

(b) REPORT ON EXPANSION OF FELLOWSHIP OPPORTUNITIES.—Not later one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the feasibility and benefits of expanding the fellowship program authorized by section 1051c of title 10, United States Code, as added by subsection (a), to include ministry of defense officials, security officials, or other civilian officials of foreign countries.

**SEC. 964. REPORT ON UNITED STATES SPECIAL OPERATIONS COMMAND STRUCTURE.**

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a study of the United States Special Operations Command sub-unified structure.

(b) ELEMENTS.—The report required under this section shall include, at a minimum, the following:

(1) Recommendations to revise as necessary the present command structure to better support development and deployment of joint special operations forces and capabilities.

(2) Any other matters the Secretary considers appropriate.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

**SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

**Subtitle B—Counter-Drug Activities**

**SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTERTERRORISM ACTIVITIES.**

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 371 note), as most recently amended by section 1012(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346), is amended by striking “2011” and inserting “2012”.

**SEC. 1012. EXTENSION OF AUTHORITY OF DEPARTMENT OF DEFENSE TO PROVIDE ADDITIONAL SUPPORT FOR COUNTERDRUG ACTIVITIES OF OTHER GOVERNMENTAL AGENCIES.**

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is amended by striking “During fiscal years 2002 through 2011” and inserting “Until September 30, 2013”.

(b) COVERAGE OF TRIBAL LAW ENFORCEMENT AGENCIES.—Such section is further amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “tribal,” after “local,”; and

(B) in paragraph (2), by striking “State or local” both places it appears and insert “State, local, or tribal”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “State or local” and inserting “State, local, or tribal”; and

(B) in paragraph (4), by striking “State, or local” and inserting “State, local, or tribal”; and

(C) in paragraph (5), by striking “State and local” and inserting “State, local, and tribal”.

(c) CLARIFICATION OF AUTHORITY TO PROVIDE CERTAIN NONLETHAL EQUIPMENT OR SERVICES.—

Subsection (b)(4) of such section is amended by inserting before the period at the end the following: “, including the provision of nonlethal equipment or services necessary for the operation of such bases or facilities, other than any equipment specifically identified in section 1033 of the National Defense Authorization Act for Fiscal Year 1998”.

**SEC. 1013. ONE-YEAR EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.**

Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1014(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4347), is amended by striking “2012” and inserting “2013”.

**SEC. 1014. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4346), is amended—

(1) in subsection (a), by striking “2011” and inserting “2012”; and

(2) in subsection (c), by striking “2011” and inserting “2012”.

**Subtitle C—Naval Vessels and Shipyards**

**SEC. 1021. BUDGETING FOR CONSTRUCTION OF NAVAL VESSELS.**

(a) ANNUAL PLAN.—Section 231 of title 10, United States Code, is amended to read as follows:

**“§231. Budgeting for construction of naval vessels: annual plan and certification**

“(a) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for a fiscal year—

“(1) a plan for the construction of combatant and support vessels for the Navy developed in accordance with this section; and

“(2) a certification by the Secretary that both the budget for that fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the construction of naval vessels at a level that is sufficient for the procurement of the vessels provided for in the plan under paragraph (1) on the schedule provided in that plan.

“(b) ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.—(1) The annual naval vessel construction plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the naval vessel force provided for under that plan is capable of supporting the national security strategy of the United States as set

forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the naval vessel force provided for under that plan is capable of supporting the ship force structure recommended in the report of the most recent quadrennial defense review.

“(2) Each such naval vessel construction plan shall include the following:

“(A) A detailed program for the construction of combatant and support vessels for the Navy over the next 30 fiscal years.

“(B) A description of the necessary naval vessel force structure to meet the requirements of the national security strategy of the United States or the most recent quadrennial defense review, whichever is applicable under paragraph (1).

“(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

“(c) ASSESSMENT WHEN VESSEL CONSTRUCTION BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is not sufficient to sustain the naval vessel force structure specified in the naval vessel construction plan for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of naval vessels that will result from funding naval vessel construction at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

“(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a)(1), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

“(3) The term ‘quadrennial defense review’ means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

“231. Budgeting for construction of naval vessels: annual plan and certification”.

#### Subtitle D—Counterterrorism

#### SEC. 1031. DEFINITION OF INDIVIDUAL DETAINED AT GUANTANAMO.

In this subtitle, the term “individual detained at Guantanamo” means any individual who is located at United States Naval Station, Guanta-

namo Bay, Cuba, on or after March 7, 2011, who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is in the custody or under the effective control of the Department of Defense.

#### SEC. 1032. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

Section 127b of title 10, United States Code, is amended—

(1) in subsection (c)(3)(C), by striking “September 30, 2011” and inserting “September 30, 2014”; and

(2) in subsection (f)(1), by striking “December” and inserting “February”.

#### SEC. 1033. CLARIFICATION OF RIGHT TO PLEAD GUILTY IN TRIAL OF CAPITAL OFFENSE BY MILITARY COMMISSION.

(a) CLARIFICATION OF RIGHT.—Section 949m(b)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by inserting before the semicolon the following: “, or a guilty plea was accepted and not withdrawn prior to announcement of the sentence in accordance with section 949i(b) of this title”; and

(2) in subparagraph (D), by inserting “on the sentence” after “vote was taken”.

(b) PRE-TRIAL AGREEMENTS.—Section 949i of such title is amended—

(1) in the first sentence of subsection (b)—

(A) by inserting after “military judge” the following: “, including a charge or specification that has been referred capital.”;

(B) by inserting “by the military judge” after “may be entered”; and

(C) by inserting “by the members” after “vote”; and

(2) by adding at the end the following new subsection:

“(c) PRE-TRIAL AGREEMENTS.—(1) A plea of guilty made by the accused that is accepted by a military judge under subsection (b) and not withdrawn prior to announcement of the sentence may form the basis for an agreement reducing the maximum sentence approved by the convening authority, including the reduction of a sentence of death to a lesser punishment, or that the case will be referred to a military commission under this chapter without seeking the penalty of death. Such an agreement may provide for terms and conditions in addition to a guilty plea by the accused in order to be effective.

“(2) A plea agreement under this subsection may not provide for a sentence of death imposed by a military judge alone. A sentence of death may only be imposed by the unanimous vote of all members of a military commission concurring in the sentence of death as provided in section 949m(b)(2)(D) of this title.”.

#### SEC. 1034. AFFIRMATION OF ARMED CONFLICT WITH AL-QAEDA, THE TALIBAN, AND ASSOCIATED FORCES.

Congress affirms that—

(1) the United States is engaged in an armed conflict with al-Qaeda, the Taliban, and associated forces and that those entities continue to pose a threat to the United States and its citizens, both domestically and abroad;

(2) the President has the authority to use all necessary and appropriate force during the current armed conflict with al-Qaeda, the Taliban, and associated forces pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note);

(3) the current armed conflict includes nations, organization, and persons who—

(A) are part of, or are substantially supporting, al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners; or

(B) have engaged in hostilities or have directly supported hostilities in aid of a nation, organization, or person described in subparagraph (A); and

(4) the President's authority pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) includes the authority to detain belligerents, including persons described in paragraph (3), until the termination of hostilities.

#### SEC. 1035. REQUIREMENT FOR NATIONAL SECURITY PROTOCOLS GOVERNING DETAINEE COMMUNICATIONS.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a national security protocol applicable to each individual detained at Guantanamo. Each such national security protocol shall include a description of each of the following:

(1) The authority of an individual covered by the protocol to have access to military or civilian legal representation, or both, and any limitations on such access.

(2) Any items that are considered contraband for such an individual.

(3) Any category of information that such an individual is not permitted to discuss or include in any communications made to persons other than Federal Government personnel and members of the Armed Forces or materials the individual has or creates.

(4) Any types of materials to which such an individual is authorized to have access and the process by which such materials, along with materials created by the individual, are reviewed.

(5) The nature of any communication such an individual is permitted to have with any persons other than Federal Government personnel and members of the Armed Forces, including mail, phone calls, and video teleconferences, and the extent to which any such communication is to be monitored.

(6) Any meetings the individual is permitted to have with any persons other than Federal Government personnel and members of the Armed Forces and the extent to which such a meeting is to be monitored.

(7) Any category of information or material that may not be provided to such an individual by persons other than Federal Government personnel and members of the Armed Forces or by the individual's military or civilian legal counsel or military personal representative.

(8) The manner in which any legal materials or communications subject to review under the protocol will be monitored for the protection of national security while also ensuring that any applicable legal privileges are maintained for purposes of litigation related to trial under chapter 47A of title 10, United States Code, or a petition for habeas corpus.

(9) The measures planned to be taken to implement and enforce the provisions of the security protocol.

(b) TREATMENT OF CLASSIFIED MATERIAL IN SECURITY PROTOCOLS.—A security protocol submitted under subsection (a) shall be in unclassified form but may contain a classified annex.

#### SEC. 1036. PROCESS FOR THE REVIEW OF NECESSITY FOR CONTINUED DETENTION OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REVIEW PROCESS.—The Secretary of Defense shall establish a review process to review the detention of each individual detained at Guantanamo. Such review process shall be designed to determine whether the continued military detention of each such individual is necessary to protect the national security of the United States. The review process shall include, for each such individual, a full review not less

than once every three years and a limited file review not less than once every year.

(b) **RELATIONSHIP TO OTHER LAWS.**—The review process established by this section shall not affect the jurisdiction of any Federal court to determine the legality of the detention of an individual detained at Guantanamo.

(c) **MILITARY REVIEW PANELS.**—The Secretary shall establish military review panels to carry out the reviews required by subsection (a). Each military panel shall be made up of military officers with expertise in operations, intelligence, and counterterrorism matters. Any officer assigned to a military panel under this subsection must have the necessary security clearances to review all information submitted by the Government in any proceeding before the panel.

(d) **PROCEDURES FOR FULL REVIEW.**—

(1) **MILITARY PERSONAL REPRESENTATIVES.**—In any full review proceeding before a military panel established pursuant to subsection (c), an individual detained at Guantanamo shall be assisted by a military personal representative with the appropriate security clearance. The military personal representative shall appear before the military panel to advocate on behalf of the individual and to introduce information on behalf of the individual.

(2) **MILITARY PANEL PROCEEDINGS.**—During a proceeding before such a military panel, such an individual, with the assistance of the individual's military personal representative, shall be permitted to—

(A) present to the military panel a written or oral statement;

(B) introduce relevant information, including written declarations;

(C) answer any questions posed by the military panel; and

(D) call witnesses who are reasonably available and willing to provide information that is relevant and material to whether the individual represents a continuing threat to the United States or its allies.

(3) **ADVANCE NOTICE OF SUMMARY OF INFORMATION.**—Such an individual shall be provided, in writing and in a language the individual understands, with advance notice of an unclassified summary of the factors and information the military panel will consider, including mitigating information described in paragraph (7)(D), in making a recommendation with respect to the individual's continued military detention.

(4) **PROVISION OF INFORMATION TO MILITARY PERSONAL REPRESENTATIVE.**—The Government's submission to the military panel regarding the threat posed by such an individual and any mitigating information described in paragraph (7)(D) shall be provided to the military personal representative for the individual. Where it is necessary to protect national security, including the protection of intelligence sources and methods, the panel may determine that the military personal representative must receive a sufficient substitute or summary of classified information, rather than the underlying information.

(5) **PERMITTED ACTIONS BY OUTSIDE PARTIES.**—An outside party, including any private counsel for such an individual, may file a written submission to the military panel on the question of whether the individual represents a threat to the national security of the United States. An outside party filing such a submission must obtain written permission from the individual before filing the submission.

(6) **TIMEFRAME FOR REVIEW.**—A full review of an individual detained at Guantanamo to determine whether the continued military detention of the individual is necessary may not take place sooner than 21 days after the individual first becomes an individual detained at Guantanamo.

(7) **FACTORS FOR CONSIDERATION.**—In conducting a full review of an individual detained

at Guantanamo, the panel shall consider whether the individual represents a continuing threat to the United States or its allies, taking into consideration the following factors:

(A) The likelihood the individual will resume terrorist activity if transferred or released.

(B) The likelihood the individual will reestablish ties with an organization engaged in hostilities against the United States or its allies if transferred or released.

(C) The behavior of the individual while in military custody.

(D) Any information reviewed by the officials preparing the Government's submission to the panel that tends to mitigate the threat posed by the individual.

(8) **INTELLIGENCE INFORMATION FACTOR.**—In conducting a full review of an individual detained at Guantanamo, the panel shall consider the factor of whether information known to the individual could be of significant intelligence value to the national security of the United States, taking into consideration information provided by the intelligence community, including an overall assessment provided by the Director of National Intelligence regarding the intelligence value of the information known by the individual.

(9) **RECOMMENDATION.**—The panel shall evaluate the factors described in paragraphs (7) and (8) with respect to an individual detained at Guantanamo, taking into consideration the totality of the circumstances, and shall make a recommendation with respect to whether the continued military detention of the individual is necessary.

(e) **PROCEDURES FOR FILE REVIEW.**—

(1) **GOVERNMENT SUBMISSION OF INFORMATION.**—For each annual file review of an individual detained at Guantanamo, the Government shall submit to a military panel established under subsection (c) any significant new information regarding the threat posed by the individual to the United States or its allies, including significant mitigating information reviewed by the officers compiling the material submitted by the Government.

(2) **INDIVIDUAL WRITTEN SUBMISSION.**—The individual receiving the file review may submit to the panel such written information as the individual determines appropriate.

(3) **COMMENCEMENT OF FULL REVIEW.**—If, during the course of a file review of an individual, a significant question is raised as to whether the continued military detention of the individual is necessary, the Secretary of Defense shall promptly convene a full review of the individual in accordance with this section.

(f) **PREVIOUSLY PROVIDED INFORMATION.**—The officers assembling the Government submission to a military panel for a full review under subsection (d) or a file review under subsection (e) shall include in their review to prepare the submission any information previously provided by the Government in discovery for a case before a military commission or a proceeding in a Federal court relating to a petition for habeas corpus.

(g) **INTERAGENCY REVIEW BOARD.**—

(1) **ESTABLISHMENT.**—There is hereby established an interagency review board.

(2) **MEMBERSHIP.**—The members of the interagency review board shall be senior officials of the Department of State, the Department of Defense, the Department of Justice, the Department of Homeland Security, and the Joint Chiefs of Staff, who shall be appointed the heads of their employing agencies. The Director of National Intelligence shall appoint a senior official of the Office of the Director of National Intelligence to serve as a non-voting advisory member of the interagency review board.

(3) **RESPONSIBILITIES.**—

(A) **REVIEW.**—The review board shall be responsible for reviewing the recommendations of

a military panel in a full review made under subsection (d)(9) for clear error. If the members of the review board disagree with a recommendation of a military panel by a majority vote, the recommendation shall be rejected. The review board shall seek consensus in such cases to the greatest extent possible.

(B) **DISPOSITION OF INDIVIDUALS NOT RECOMMENDED FOR CONTINUED DETENTION.**—In the case of an individual who the military panel has recommended no longer be subject to military detention, if the review board accepts the recommendation of the military panel, the review board shall identify a suitable location outside the United States to which to transfer the individual. In making such recommendation, the board shall consider whether the country to which the individual is proposed to be transferred—

(i) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(ii) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(iii) is likely to subject the individual to prosecution;

(iv) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(v) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(vi) has taken such steps as the review board determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity;

(vii) has agreed to share any information with the United States that—

(I) is related to the individual or any associates of the individual; and

(II) could affect the security of the United States, its citizens, or its allies;

(viii) has agreed to allow appropriate agencies of the United States to have access to the individual, if requested; and

(ix) has made assurances regarding the humane treatment of the individual.

(h) **REEVALUATION OF RECOMMENDATIONS.**—If the review board rejects the recommendation of a military panel with respect to an individual detained at Guantanamo, the military panel may reevaluate the individual. The military panel shall determine whether to reevaluate such an individual by not later than 10 days after the date on which the review board rejects the recommendation of the panel, and shall complete such reevaluation by not later than 60 days after making such determination.

(i) **FORWARDING OF RECOMMENDATION AND REVIEW.**—Upon a decision to accept or reject a recommendation of a military panel made under subsection (g)(3), and after a reevaluation under subsection (h), if any, the review board shall forward the recommendation and the acceptance or rejection to the Secretary of Defense for signature. In the case of a recommendation described in subsection (g)(3)(B), the review panel shall include with the recommendation a written discussion of the factors referred to in that subparagraph and a recommended location to which to transfer the individual. The Secretary of Defense may only delegate the responsibility of signing such a recommendation and acceptance or rejection to the Deputy Secretary of Defense.

(j) **EXCEPTIONS.**—An individual detained at Guantanamo shall not be subject to the review process established under this section under circumstances as follows:

(1) In the case of such an individual upon whom charges have been served in accordance



with section 948s of title 10, United States Code, until after final judgment has been reached on such charges.

(2) In the case of such an individual who has been convicted by a military commission under chapter 47A of such title of an offense under subchapter VIII of that chapter, until after the individual has completed his sentence.

(3) In the case of such an individual who has been ordered released by a Federal court.

(k) NO ENFORCEABLE RIGHTS.—Nothing in this section creates any right for which an individual may seek enforcement in any court of the United States.

(l) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the establishment of the review process required under this section.

(m) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1037. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM NAVAL STATION GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2012 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

**SEC. 1038. PROHIBITION ON FAMILY MEMBER VISITATION OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated for the Department of Defense for fiscal year 2012 may be used to permit any person who is a family member of an individual detained at Guantanamo to visit the individual at United States Naval Station, Guantanamo Bay, Cuba.

**SEC. 1039. PROHIBITION ON THE TRANSFER OR RELEASE OF CERTAIN DETAINEES TO OR WITHIN THE UNITED STATES.**

(a) PROHIBITION ON TRANSFER OR RELEASE TO OR WITHIN THE UNITED STATES.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 2012 may be used to transfer or release an individual detained at Guantanamo or an individual described in subsection (b) to or within the United States, its territories, or possessions.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is not a citizen of the United States or a member of the Armed Forces; and

(2) is in the custody or under the effective control of the Department of Defense at a location outside the United States other than United States Naval Station, Guantanamo Bay, Cuba, and detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note).

**SEC. 1040. PROHIBITIONS RELATING TO THE TRANSFER OR RELEASE OF CERTAIN DETAINEES TO OR WITHIN FOREIGN COUNTRIES.**

(a) LIMITATION ON TRANSFER TO FOREIGN COUNTRIES.—

(1) LIMITATION.—None of the funds authorized to be appropriated to the Department of Defense for fiscal year 2012 may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in paragraph (2) by not later than 30 days before the transfer of the individual.

(2) CERTIFICATION.—The certification described in this paragraph is a written certification made by the Secretary of Defense, in consultation with the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity;

(F) has agreed to share any information with the United States that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(G) has agreed to allow appropriate agencies of the United States to have access to the individual, if requested.

(3) PROHIBITION ON TRANSFER IN CASES OF RECIDIVISM.—

(A) PROHIBITION.—The Secretary of Defense may not transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual detained at Guantanamo who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(B) WAIVER.—The Secretary of Defense may waive the prohibition in subparagraph (A) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in paragraph (2) relating to such transfer, the determination of the Secretary under this paragraph.

(4) LIMITATION ON APPLICABILITY.—Paragraphs (1) and (3) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(b) DEFINITION OF FOREIGN TERRORIST ORGANIZATION.—In this section term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

**SEC. 1041. COUNTERTERRORISM OPERATIONAL BRIEFING REQUIREMENT.**

(a) BRIEFINGS REQUIRED.—Beginning not later than March 1, 2012, the Secretary of Defense

shall provide to the congressional defense committees quarterly briefings outlining Department of Defense counterterrorism operations and related activities involving special operations forces.

(b) ELEMENTS.—Each briefing under subsection (a) shall include each of the following:

(1) A global update on activity within each geographic combatant command.

(2) An overview of authorities and legal issues including limitations.

(3) An outline of interagency activities and initiatives.

(4) Any other matters the Secretary considers appropriate.

**SEC. 1042. REQUIREMENT FOR DEPARTMENT OF JUSTICE CONSULTATION REGARDING PROSECUTION OF TERRORISTS.**

(a) IN GENERAL.—Before any officer or employee of the Department of Justice institutes any prosecution of an alien in a United States district court for a terrorist offense, the Attorney General, Deputy Attorney General, or Assistant Attorney General for the Criminal Division, shall consult with the Director of National Intelligence and the Secretary of Defense about—

(1) whether the prosecution should take place in a United States district court or before a military commission under chapter 47A of title 10, United States Code; and

(2) whether the individual should be transferred into military custody for purposes of intelligence interviews.

(b) DEFINITIONS.—In this section—

(1) the term “terrorist offense” means any offense for which the defendant could be tried by a military commission under chapter 47A of title 10, United States Code; and

(2) the term “alien” means any person who is not a citizen of the United States.

**Subtitle E—Nuclear Forces**

**SEC. 1051. ANNUAL ASSESSMENT AND REPORT ON THE DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND THE NUCLEAR COMMAND AND CONTROL SYSTEM.**

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, as amended by section 1071 and 1072, is further amended by adding after section 490a the following new section:

**“§490b. Annual assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system**

“(a) ANNUAL ASSESSMENTS.—(1) Each covered official shall annually assess the safety, security, reliability, sustainability, performance, and military effectiveness of the systems described in paragraph (2) for which such official has responsibility.

“(2) The systems described in this paragraph are the following:

“(A) Each type of delivery platform for nuclear weapons.

“(B) The nuclear command and control system.

“(b) ANNUAL REPORT.—(1) Not later than December 1 of each year, beginning in 2011, each covered official shall submit to the Secretary of Defense and the Nuclear Weapons Council established by section 179 of this title a report on the assessments conducted under subsection (a).

“(2) Each report under paragraph (1) shall include the following:

“(A) The results of the assessment.

“(B) An identification and discussion of any capability gaps or shortfalls with respect to the systems described in subsection (a)(2) covered under the assessment.

“(C) An identification and discussion of any risks with respect to meeting mission or capability requirements.

“(D) In the case of an assessment by the Commander of the United States Strategic Command, if the Commander identifies any deficiency with respect to a nuclear weapons delivery platform covered under the assessment, a



discussion of the relative merits of any other nuclear weapons delivery platform type or compensatory measure that would accomplish the mission of such nuclear weapons delivery platform.

“(E) An identification and discussion of any matter having an adverse effect on the capability of the covered official to accurately determine the matters covered by the assessment.

“(C) REPORT TO PRESIDENT AND CONGRESS.—(1) Not later than March 1 of each year, beginning in 2012, the Secretary of Defense shall submit to the President a report containing—

“(A) each report under subsection (b) submitted during the previous year, as originally submitted to the Secretary;

“(B) any comments that the Secretary considers appropriate with respect to each such report;

“(C) any conclusions that the Secretary considers appropriate with respect to the safety, security, reliability, sustainability, performance, or military effectiveness of the systems described in subsection (a)(2); and

“(D) any other information that the Secretary considers appropriate.

“(2) Not later than March 15 of each year, beginning in 2012, the President shall transmit to the congressional defense committees the report submitted to the President under paragraph (1), including any comments the President considers appropriate.

“(3) Each report under this subsection may be in classified form if the Secretary of Defense determines it necessary.

“(d) COVERED OFFICIAL DEFINED.—In this section, the term ‘covered official’ means—

“(1) the Commander of the United States Strategic Command;

“(2) the Director of the Strategic Systems Program of the Navy; and

“(3) the Commander of the Global Strike Command of the Air Force.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 490a the following new item:

“490b. Annual assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.”

#### SEC. 1052. PLAN ON IMPLEMENTATION OF THE NEW START TREATY.

(a) PLAN REQUIRED.—Not later than December 12, 2011, the Secretary of Defense, in consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the congressional defense committees and to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a plan for the Department of Defense to implement the nuclear force reductions, limitations, and verification and transparency measures contained in the New START Treaty.

(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

(1) A description of the nuclear force structure of the United States under the New START Treaty, including—

(A) the composition of intercontinental ballistic missiles, submarine launched ballistic missiles, and bombers;

(B) the planned composition of the types and quantity of warheads for each delivery vehicle described in subparagraph (A);

(C) the number of nondeployed and retired warheads; and

(D) the plans for maintaining the flexibility of the nuclear force structure within the limits of the New START Treaty.

(2) A description of changes necessary to implement the reductions, limitations, and verification and transparency measures contained in the New START Treaty, including—

(A) how each military department plans to implement such changes; and

(B) an identification of any programmatic, operational, or policy effects resulting from such changes.

(3) The total costs associated with the reductions, limitations, and verification and transparency measures contained in the New START Treaty, and the funding profile by year and program element.

(4) An implementation schedule and associated key decision points.

(5) A description of options for and feasibility of accelerating the implementation of the New START Treaty, including a description of any potential cost savings, benefits, or risks resulting from such acceleration.

(6) Any other information the Secretary considers necessary.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the plan is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan.

(d) FORM.—The plan under subsection (a) and the review under subsection (c) shall be submitted in unclassified form, but may include a classified annex.

(e) NEW START TREATY DEFINED.—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

#### SEC. 1053. ANNUAL REPORT ON THE PLAN FOR THE MODERNIZATION OF THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) IN GENERAL.—Together with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for each of fiscal years 2013 through 2019, the President, in consultation with the Secretary of Defense and the Secretary of Energy, shall transmit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a detailed report on the plan to—

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex;

(C) maintain, modernize, or replace the delivery platforms for nuclear weapons; and

(D) retire, dismantle, or eliminate any covered nuclear system.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) A detailed description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A detailed description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A detailed description of the plan to maintain, modernize, and replace delivery platforms for nuclear weapons.

(D) A detailed estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over the 10-year period following the date of the report.

(E) A detailed description of the steps taken to implement the plan submitted in the previous year.

(b) FORM.—The reports under subsection (a) shall be submitted in unclassified form (including as much detail as possible), but may include a classified annex.

(c) COVERED NUCLEAR SYSTEM DEFINED.—The term “covered nuclear system” means the following:

(1) B-52H or B2 bomber aircraft and nuclear air-launched cruise missiles.

(2) Trident ballistic missile submarines, launch tubes, and Trident D-5 submarine-launched ballistic missiles.

(3) Minuteman III intercontinental ballistic missiles and associated silos.

(4) Nuclear warheads or gravity bombs that can be delivered by the systems specified in paragraph (1), (2), or (3).

(5) Nuclear weapons delivered by means other than the systems specified in paragraph (1), (2), or (3).

#### SEC. 1054. SENSE OF CONGRESS ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the “New START Treaty”) signed on April 8, 2010, and entered into force on February 5, 2011, will significantly reduce the strategic nuclear forces of the United States to 1,550 deployed warheads and a combined limit of 800 deployed and nondeployed intercontinental ballistic missile launchers, submarine launched ballistic missile launchers, and heavy bombers equipped to carry nuclear weapons.

(4) The Nuclear Posture Review of April 2010 stated that, “the President has directed a review of potential future reductions in U.S. nuclear weapons below New START levels.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any reductions in the nuclear forces of the United States should be supported by a thorough assessment of the strategic environment, threat, and policy and the technical and operational implications of such reductions; and

(2) specific criteria are necessary to guide future decisions regarding further reductions in the nuclear forces of the United States.

#### SEC. 1055. LIMITATION ON NUCLEAR FORCE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) As of September 30, 2009, the stockpile of nuclear weapons of the United States has been reduced by 84 percent from its maximum level in 1967 and by more than 75 percent from its level when the Berlin Wall fell in November 1989.

(2) The number of non-strategic nuclear weapons of the United States has declined by approximately 90 percent from September 30, 1991, to September 30, 2009.

(3) The President of the United States, in a letter dated December 18, 2010, declared that, “I recognize that nuclear modernization requires investment for the long-term, in addition to this one-year budget increase. That is my commitment to the Congress that my Administration will pursue these programs and capabilities for as long as I am President. In future years, we will provide annual updates to the [report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549)].”

(4) On March 29, 2011, the Assistant to the President for National Security Affairs stated,

"As we implement New START, we're making preparations for the next round of nuclear reductions. Under the President's direction, the Department of Defense will review our strategic requirements and develop options for further reductions in our current nuclear stockpile, which stands at approximately 5,000 warheads, including both deployed and reserve warheads. To develop these options for further reductions, we need to consider several factors, such as potential changes in targeting requirements and alert postures that are required for effective deterrence."

(b) IMPLEMENTATION OF NEW START TREATY.—

(1) LIMITATION.—

(A) Except as provided by paragraph (2), the Secretary of Defense and the Secretary of Energy may not obligate or expend amounts appropriated or otherwise made available to the Department of Defense or the Department of Energy for any of fiscal years 2011 through 2017 to retire any covered nuclear system of the United States as required by the New START Treaty.

(B) Nothing in subparagraph (A) shall be construed to limit any action (including verification) required by the New START Treaty other than retiring any covered nuclear system of the United States.

(2) WAIVER.—The Secretary of Defense and the Secretary of Energy may jointly waive the limitation under paragraph (1)(A) for a covered nuclear system if—

(A) the Secretaries submit to the congressional defense committees written notice of the status of carrying out the modernization plan described in the most recent report required by section 1053; and

(B) with respect to such notice—

(i) if the notice describes that such plan is being carried out, a period of 30 days has elapsed following the date on which the President submits to the congressional defense committees such report that includes written notice of the proposed retirement of such nuclear system, as required by subsection (a)(1)(D) of such section 1053; or

(ii) if the notice describes that such plan is not being carried out, a period of 180 days has elapsed following the date on which the President submits to the congressional defense committees the report described in clause (i).

(3) DEFINITIONS.—In this subsection:

(A) The term "covered nuclear systems" means the following:

(i) B-52H or B2 bomber aircraft and nuclear air-launched cruise missiles.

(ii) Trident ballistic missile submarines, launch tubes, and Trident D-5 submarine-launched ballistic missiles.

(iii) Minuteman III intercontinental ballistic missiles and associated silos.

(iv) Nuclear warheads or gravity bombs that can be delivered by the systems specified in clause (i), (ii), or (iii).

(v) Nuclear weapons delivered by means other than the systems specified in clause (i), (ii), or (iii).

(B) The term "retire", with respect to a covered nuclear system, includes retiring, dismantling, eliminating, removing from deployed status or preparing to retire, dismantle, eliminate, or remove from deployed status.

(c) PROHIBITION ON REDUCTION OF STOCKPILE HEDGE.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Energy may not obligate or expend amounts appropriated or otherwise made available to the Department of Defense or the Department of Energy to retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nondeployed strategic or nonstrategic nuclear weapon until the date that is 90 days after the date on which the Secretary of

Energy submits to the congressional defense committees written certification that—

(A) the Chemistry and Metallurgy Research Replacement nuclear facility (in this paragraph referred to as the "nuclear facility") and the Uranium Processing Facility (in this paragraph referred to as the "processing facility") are fully operational;

(B) the nuclear facility and the Plutonium Facility-4 are together able to deliver to the nuclear weapons stockpile not less than a total of 80 pits per year;

(C) the processing facility is able to deliver to the nuclear weapons stockpile not less than 80 refurbished or new canned subassemblies per year; and

(D) the nuclear security enterprise has a capacity that supports two simultaneous life extension programs.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to the dismantlement of legacy warheads that are awaiting dismantlement on the date of the enactment of this Act.

(d) PROHIBITION ON UNILATERAL REDUCTION OF NUCLEAR WEAPONS.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 130e. Prohibition on unilateral reduction of nuclear weapons"**

"(a) IN GENERAL.—The President may not retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nuclear weapon of the United States (including such deployed weapons and nondeployed weapons and warheads in the nuclear weapons stockpile) if such action would reduce the number of such weapons to a number that is less than the level described in the New START Treaty unless such action is—

"(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

"(2) specifically authorized by an Act of Congress.

"(b) NEW START TREATY DEFINED.—In this section, the term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010."

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130d the following new item:

"130e. Prohibition on unilateral reduction of nuclear weapons."

(e) NEW START TREATY DEFINED.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

**SEC. 1056. NUCLEAR EMPLOYMENT STRATEGY.**

(a) FINDINGS.—Congress finds the following:

(1) Section 1057 of H.R. 5136, as passed by the House of Representatives during the 111th Congress, included a requirement that any future reductions of the nuclear forces of the United States below the level described in the New START Treaty be contingent on the certification by the Secretary of Defense that "such reduction does not require a change in targeting strategy from counterforce targeting to counter-value targeting".

(2) On March 29, 2011, the Assistant to the President for National Security Affairs stated, "As we implement New START, we're making preparations for the next round of nuclear reductions. Under the President's direction, the Department of Defense will review our strategic

requirements and develop options for further reductions in our current nuclear stockpile, which stands at approximately 5,000 warheads, including both deployed and reserve warheads. To develop these options for further reductions, we need to consider several factors, such as potential changes in targeting requirements and alert postures that are required for effective deterrence."

(b) CHANGES TO STRATEGY.—The President may not make any changes to the nuclear employment strategy of the United States unless—

(1) the President submits to the appropriate congressional committees a report on such proposed changes, including—

(A) the implication of such changes on the flexibility and resilience of the strategic forces of the United States and the ability of such forces to support the goals of the United States with respect to nuclear deterrence, extended deterrence, assurance, and defense;

(B) certification that such proposed changes do not require a change in targeting strategy from counterforce targeting to countervalue targeting; and

(C) certification that such proposed changes preserve the nuclear force structure triad composed of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, and strategic bomber aircraft; and

(2) a period of 90 days has elapsed after the date on which such report under paragraph (1) is submitted.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 1057. COMPTROLLER GENERAL REPORT ON NUCLEAR WEAPON CAPABILITIES AND FORCE STRUCTURE REQUIREMENTS.**

(a) COMPTROLLER GENERAL STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on the strategic nuclear weapons capabilities, force structure, employment policy, and targeting requirements of the Department of Defense.

(b) MATTERS COVERED.—The study conducted under subsection (a) shall, at minimum, cover the following:

(1) An update to the September 1991 report of the Comptroller General (GAO/NSIAD-91-319FS) titled "Strategic Weapons: Nuclear Weapons Targeting Process" that addresses—

(A) the relationship between the strategic nuclear targeting process and the determination of requirements for nuclear weapons and related delivery systems;

(B) the level of civilian oversight;

(C) the categories and types of targets; and

(D) any other matters addressed in such report or are otherwise considered appropriate by the Comptroller General.

(2) The process and rigor used to determine the effectiveness of nuclear weapons capabilities, force structures, employment policies, and targeting requirements in achieving the goals of deterrence, extended deterrence, assurance, and defense.

(3) An assessment of the requirements of the Department of Defense for strategic nuclear bomber aircraft and intercontinental ballistic missiles, including assessments of the extent to which the Secretary of Defense has—

(A) determined the force structure and capability requirements for nuclear-capable strategic bomber aircraft, bomber-delivered nuclear weapons, and intercontinental ballistic missiles;

(B) synchronized the requirements described in subparagraph (A) with plans to extend the service life of nuclear gravity bombs, nuclear-armed cruise missiles, and intercontinental ballistic missile warheads; and

(C) evaluated long-term intercontinental ballistic missile alert posture requirements and basing options.

(c) **REPORTS.**—

(1) **IN GENERAL.**—The Comptroller General shall submit to the appropriate congressional committees one or more reports on the study conducted under subsection (a).

(2) **FORM.**—Any report submitted under this subsection may be submitted in classified form, but if so submitted, an unclassified version shall also be submitted with such submission or at a later date.

(d) **COOPERATION.**—The Secretary of Defense and Secretary of Energy shall provide the Comptroller General full cooperation and access to appropriate officials and information for the purposes of conducting this study under subsection (a).

(e) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**Subtitle F—Financial Management**

**SEC. 1061. AMENDMENTS RELATING TO FINANCIAL MANAGEMENT WORKFORCE.**

(a) **AUTHORITY TO DEVELOP POLICIES AND PROCEDURES.**—Section 1599d of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) **POLICIES AND PROCEDURES.**—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, in consultation with the Under Secretary of Defense (Comptroller) shall develop policies and procedures related to the financial management workforce in the Department of Defense.”.

(b) **REVISION IN TERMINOLOGY.**—Such section is further amended—

(1) in the section heading, by striking “**Professional accounting**” and inserting “**Financial management**”; and

(2) in subsection (a), by striking “professional accounting” and inserting “financial management”.

(c) **REVISION IN DEFINITION.**—Subsection (f) of such section (as so redesignated) is amended to read as follows:

“(f) **DEFINITION.**—In this section, the term ‘financial management position’ means a position or group of positions in the General Schedule 500 occupational series, which perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, or budgetary nature.”.

**SEC. 1062. RELIABILITY OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.**

Section 1008(c) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1206; 10 U.S.C. 113 note) is amended by striking “Not later than October 31” and inserting “Not later than the date that is 180 days prior to the date set by the Office of Management and Budget for the submission of financial statements”.

**SEC. 1063. FINANCIAL MANAGEMENT PERSONNEL COMPETENCY ASSESSMENT.**

(a) **IDENTIFICATION OF PERSONNEL AND SKILLS.**—Within 60 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, shall identify the number of financial management personnel and the financial and budgetary skills required—

(1) to effectively perform financial and budgetary accounting, including reconciling fund balances with the Treasury;

(2) to document processes and maintain inter-annual controls for financial and budgetary accounting cycles; and

(3) to maintain professional certification standards.

(b) **COMPETENCY ASSESSMENT.**—

(1) **GUIDANCE.**—Within 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) and the Under Secretary of Defense for Personnel and Readiness shall issue joint guidance regarding the assessment of the competency of the Department of Defense financial management personnel to perform the financial and budgetary skills identified pursuant to subsection (a).

(2) **COMPETENCY ASSESSMENT.**—Following the issuance of the joint guidance required by paragraph (1), the Chief Management Officer of the Department of Defense, in the case of the Defense Finance and Accounting Service or other Defense Agency, and the Chief Management Officers of the military departments, shall each conduct a competency assessment of the financial management personnel of the Defense Agencies and the military departments, respectively.

(3) **REPORTS AND CORRECTIVE ACTION PLANS.**—Each Chief Management Officer shall prepare and submit to the Secretary of Defense a report on each competency assessment conducted, along with a corrective action plan for any skill gaps identified, within 180 days after the date of the enactment of this Act. The report should include a corrective action plan for each skills gap identified, including—

(A) near-term and longer-term measures for resolution;

(B) assignment of responsibilities for corrective action; and

(C) establishment of milestones for completing corrective actions.

(c) **REPORT TO CONGRESS.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding the competency assessments and corrective action plans of the Chief Management Officers.

(d) **LONG TERM MONITORING.**—Each Chief Management officer shall designate, and include in the report submitted to the Secretary under subsection (b)(3), the accountable office to be involved in the corrective action process, including monitoring the progress in implementing corrective actions and determining whether additional action is needed to expedite the corrective action process.

(f) **DEFINITION.**—In this section, the term “financial management personnel” means—

(1) civilian personnel in the General Schedule 500 occupational series who perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, or budgetary nature; and

(2) members of the Armed Forces who have a military occupational specialty involving duties similar to the duties of the civilian personnel referred to in paragraph (1) or who otherwise perform, supervise, or manage work of a fiscal, financial management, accounting, auditing, or budgetary nature.

**SEC. 1064. TRACKING IMPLEMENTATION OF DEPARTMENT OF DEFENSE EFFICIENCIES.**

(a) **ANNUAL ASSESSMENTS.**—For each of fiscal years 2012 through 2016, the Comptroller General of the United States shall carry out an assessment of the extent to which the Department of Defense has tracked and realized the savings proposed pursuant to the initiative led by the Secretary of Defense to identify at least \$100,000,000,000 in efficiencies during fiscal years 2012 through 2016.

(b) **ANNUAL REPORT.**—Not later than October 30 of each of 2012 through 2016, the Comptroller General shall submit to the congressional de-

fense committees a report on the assessment carried out under subsection (a) for the fiscal year ending on September 30 of that year. Each such report shall include the recommendations of the Comptroller General with respect to the matter covered by the assessment.

**SEC. 1065. BUSINESS CASE ANALYSIS FOR DEPARTMENT OF DEFENSE EFFICIENCIES.**

(a) **ASSESSMENT.**—The Comptroller General of the United States shall carry out an assessment of the extent to which components of the Department of Defense conducted a business case analysis prior to recommending and implementing efficiencies initiatives. In carrying out the assessment, the Comptroller General shall—

(1) use a case study approach;

(2) identify best practices used by components of the Department of Defense; and

(3) identify deficiencies in the analysis conducted.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report of the assessment required by subsection (a). The report shall include the Comptroller General’s recommendations relating to the appropriate application of business case analysis and best practices that should be adopted by the Department of Defense prior to the implementation of any future effort to identify savings in defense operations.

(c) **DEFINITION.**—In this section, the term “efficiencies initiatives” means initiatives led by the Secretary of Defense to identify at least \$100,000,000,000 in savings during fiscal years 2012 through 2016.

**SEC. 1066. FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.**

(a) **FUNDING.**—The Secretary of Defense may obligate or expend funds only for the execution of the Financial Improvement and Audit Readiness plan of the Department of Defense submitted in accordance with section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) from the amounts specified in the subactivity groups for Financial Improvement and Audit Readiness in section 4301.

(b) **INCLUSION OF SUBORDINATE ACTIVITIES FOR INTERIM MILESTONES.**—For each interim milestone identified in the Financial Improvement and Audit Readiness plan, the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall include a detailed description of the subordinate activities necessary to accomplish each interim milestone, including—

(1) a justification of the time required for each activity;

(2) metrics identifying the progress within each activity; and

(3) mitigating strategies for correcting failed milestone deadlines.

**SEC. 1067. CORRECTIVE ACTION PLAN RELATING TO EXECUTION OF FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.**

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to Congress a report relating to the Financial Improvement and Audit Readiness plan of the Department of Defense submitted in accordance with section 881 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 121 Stat. 4306; 10 U.S.C. 2222 note).

(b) **MATTERS COVERED.**—The report shall include a corrective action plan for any weaknesses and deficiencies in the execution of the Financial Improvement and Audit Readiness. The corrective action plan shall—

(1) identify near-term and longer-term measures for resolution of any such weaknesses and deficiencies;

(2) assign responsibilities in the Department of Defense for actions to implement such measures;

(3) specify steps for implementation of such measures; and

(4) provide timeframes for implementation of such measures.

#### Subtitle G—Studies and Reports

#### SEC. 1071. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) ANNUAL JOINT REPORT FROM OFFICE OF MANAGEMENT AND BUDGET AND CONGRESSIONAL BUDGET OFFICE ON SCORING OF OUTLAYS IN DEFENSE BUDGET FUNCTION.—

(1) REPEAL.—Chapter 9 of title 10, United States Code, is amended by striking section 226.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 226.

(b) MISCELLANEOUS STUDIES AND REPORTS.—

(1) REPEAL.—Chapter 23 of title 10, United States Code, is amended by striking sections 484, 487, and 490.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the items relating to sections 484, 487, and 490.

(c) BIENNIAL REPORT ON GLOBAL POSITIONING SYSTEM.—Section 2281 of title 10, United States Code, is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(d) ANNUAL REPORT ON FISHER HOUSES.—Section 2493 of title 10, United States Code, is amended by striking subsection (g).

(e) ANNUAL REPORT ON PUBLIC SALES OF MILITARY EQUIPMENT.—

(1) IN GENERAL.—Chapter 153 of title 10, United States Code, is amended by striking section 2582.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2582.

(f) ANNUAL REPORT ON THE CHIEF OF NAVY RESERVE.—Section 5143 of title 10, United States Code, is amended by striking subsection (e).

(g) REQUESTS FOR IDENTIFICATION OF NOMINATING AUTHORITY FOR PERSONS APPOINTED TO THE NAVAL ACADEMY.—Section 6954 of title 10, United States Code, is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(h) BIENNIAL REPORT ON EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

(1) REPEAL.—Chapter 1606 of title 10, United States Code, is amended by striking section 16137.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 16137.

(i) ANNUAL REPORT ON READY RESERVE.—Section 12302(b) of title 10, United States Code, is amended by striking the last sentence.

(j) REPORT ON SCIENCE AND TECHNOLOGY INVESTMENT STRATEGY.—Section 1504 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4650; 10 U.S.C. 2358 note) is amended by striking subsection (c).

(k) REVIEW AND DETERMINATION OF CERTAIN CONTRACTS FOR TELEPHONE SERVICES.—Section 885(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by striking the second sentence.

(l) QUARTERLY REPORTS ON DEPARTMENT OF DEFENSE RESPONSE TO THREAT POSED BY IMPROVISED EXPLOSIVE DEVICES.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) is amended by striking section 1402.

(m) CONGRESSIONAL NOTIFICATION REGARDING BASE CLOSURE AND REALIGNMENT ACTIVITIES.—

Section 2405 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) is amended by striking subsection (d).

(n) ANNUAL REPORT ON MEDICAL READINESS PLAN.—Section 731 of the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) is amended by striking subsection (c).

(o) REPORT ON REQUIREMENTS TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is amended by striking section 374.

(p) SEMIANNUAL REPORTS ON SITUATION IN THE BALKANS.—Section 1212 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-326) is amended by striking subsections (c) and (d).

(q) SEMIANNUAL REPORT ON KOSOVO PEACEKEEPING.—The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is amended by striking section 1213.

(r) ANNUAL REPORT ON UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.—The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) is amended by striking section 1025.

(s) ANNUAL CERTIFICATION ON MILITARY-TO-MILITARY EXCHANGE WITH PEOPLE'S LIBERATION ARMY OF THE PEOPLE'S REPUBLIC OF CHINA.—Section 2101 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 782; 10 U.S.C. 168 note) is amended by striking subsection (d).

(t) ANNUAL REPORT ON THE ARMED FORCES RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended by striking subsection (h) and redesignating subsection (i) as subsection (h).

(u) ANNUAL REPORT ON SUPPLEMENTAL SUBSISTENCE ALLOWANCE.—Section 402a of title 37, United States Code, is amended by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

#### SEC. 1072. BIENNIAL REVIEW OF REQUIRED REPORTS.

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, as amended by section 1071, is further amended by adding at the end the following new section:

##### “§ 490a. Biennial review of required reports

“(a) REVIEW OF CONGRESSIONAL REPORTS.—The Secretary of Defense shall conduct a review, on a biennial basis, all of the reports required to be submitted to Congress of the Department of Defense. In conducting each such review, the Secretary shall evaluate the content, quality, cost, and timeliness of the Department's compliance with the requirement to submit each report by the date required.

“(b) SUBMISSION OF RECOMMENDATIONS FOR REPEAL OR MODIFICATION OF CONGRESSIONAL REPORT REQUIREMENTS.—The Secretary may, not later than March 1 of the year in which a review under subsection (a) is conducted, recommend to the appropriate congressional committees the repeal or modification of a report requirement identified in the review. Any such recommendation shall include—

“(1) a detailed justification for the repeal or modification of the report requirement; and

“(2) recommendations for reducing cost and improving the efficiency of the Department of Defense in responding to congressional report requirements.

“(c) REVIEW OF DEPARTMENT OF DEFENSE INTERNAL REPORTS.—(1) The Secretary of Defense shall conduct a review, on a biennial basis, the reports internal to the Department of Defense. Each such review shall include—

“(A) the reports required by the Office of the Secretary of Defense and the military departments;

“(B) the reports required by the secretaries of each military department of their respective military departments; and

“(C) other reporting requirements internal to the Department of Defense as designated for review by the Secretary.

“(2) Based on the findings of a review conducted under paragraph (1), the Secretary shall—

“(A) identify report requirements that are redundant, overly burdensome, of limited value, unjustifiably costly, or otherwise determined to unduly reduce the efficiency of the Department of Defense;

“(B) take such steps as may be necessary to eliminate or modify such report requirements; and

“(C) include, in the budget justification materials submitted to Congress in support of the Department of Defense budget (as submitted with the budget of the President under section 1105(a) of title 31) for a fiscal year following a year in which a review is conducted under paragraph (1) a summary of the cost reductions resulting from actions taken by the Secretary pursuant to paragraph (2).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “490a. Biennial review of required reports.”.

#### SEC. 1073. TRANSMISSION OF REPORTS IN ELECTRONIC FORMAT.

Section 122a(a) of title 10, United States Code, is amended by striking “made available” and all that follows through the period and inserting the following new paragraphs:

“(1) made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs; and

“(2) to the maximum extent practicable, transmitted in an electronic format.”.

#### SEC. 1074. MODIFICATIONS TO ANNUAL AIRCRAFT PROCUREMENT PLAN.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking “The Secretary” and inserting “Not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year”; and

(ii) by striking “include with the defense budget materials for each fiscal year” and insert “submit to the congressional defense committees”; and

(B) in paragraph (1), by inserting “, the Department of the Army,” after “Navy”;

(2) in subsection (b)—

(A) in paragraph (4), by striking “Strategic” and inserting “Intertheater”;

(B) by redesignating paragraph (8) as paragraph (11); and

(C) by inserting after paragraph (7) the following new paragraphs:

“(8) Remotely piloted aircraft.

“(9) Rotary-wing aircraft.

“(10) Operational support and executive lift aircraft.”;

(3) in subsection (c)—

(A) in paragraph (1), by striking “national security strategy of the United States” and inserting “national military strategy of the United States”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “, the Department of the Army,” after “Navy”;

(ii) in subparagraph (B), by striking “national security strategy of the United States” and inserting “national military strategy of the United States”;

(iii) in subparagraph (C)—

(I) by inserting “investment” before “funding”;

(II) by striking “the program” and inserting “each aircraft program”;

(III) by inserting before the period at the end the following: “, set forth in aggregate for the Department of Defense and in aggregate for each military department”;

(iv) by redesignating subparagraph (D) as subparagraph (F);

(v) by inserting after subparagraph (C) the following new subparagraphs:

“(D) The estimated level of annual funding necessary to operate, maintain, sustain, and support each aircraft program throughout the life-cycle of the program, set forth in aggregate for the Department of Defense and in aggregate for each military department.

“(E) For each of the cost estimates required by subparagraphs (C) and (D)—

“(i) a description of whether the cost estimate is derived from the cost estimate position of the military department or derived from the cost estimate position of the Cost Analysis and Program Evaluation office of the Secretary of Defense;

“(ii) if the cost estimate position of the military department and the cost estimate position of the Cost Analysis and Program Evaluation office differ by more than .5 percent for any aircraft program, an annotated cost estimate difference and sufficient rationale to explain the difference; and

“(iii) the confidence or certainty level associated with the cost estimate for each aircraft program.”

(vi) in subparagraph (F), as redesignated by clause (iv), by inserting “, the Department of the Army,” after “Navy”;

(C) by adding at the end the following new paragraphs:

“(3) For any cost estimate required by paragraph (2)(C) or (D), for any aircraft program for which the Secretary is required to include in a report under section 2432 of this title, the source of the cost information used to prepare the annual aircraft plan, shall be sourced from the Selected Acquisition Report data that the Secretary plans to submit to the congressional defense committees in accordance with subsection (f) of that section for the year for which the annual aircraft plan is prepared.

“(4) The annual aircraft procurement plan shall be submitted in unclassified form and shall contain a classified annex.”;

(4) in subsection (d), by inserting “, the Department of the Army,” after “Navy”;

(5) by redesignating subsection (e) as subsection (f);

(6) by inserting after subsection (d) the following new subsection (e):

“(e) ANNUAL REPORT ON AIRCRAFT INVENTORY.—(1) As part of the annual plan and certification required to be submitted under this section, the Secretary shall include a report on the aircraft in the inventory of the Department of Defense. Each such report shall include the following, for the year covered by the report:

“(A) The total number of aircraft in the inventory.

“(B) The total number of the aircraft in the inventory that are active, stated in the following categories (with appropriate subcategories for mission aircraft, training aircraft, dedicated test aircraft, and other aircraft):

“(i) Primary aircraft.

“(ii) Backup aircraft.

“(iii) Attrition and reconstitution reserve aircraft.

“(C) The total number of the aircraft in the inventory that are inactive, stated in the following categories:

“(i) Bailment aircraft.

“(ii) Drone aircraft.

“(iii) Aircraft for sale or other transfer to foreign governments.

“(iv) Leased or loaned aircraft.

“(v) Aircraft for maintenance training.

“(vi) Aircraft for reclamation.

“(vii) Aircraft in storage.

“(D) The aircraft inventory requirements approved by the Joint Chiefs of Staff.

“(2) Each report submitted under this subsection shall set forth each item described in paragraph (1) separately for the regular component of each armed force and for each reserve component of each armed force and, for each such component, shall set forth each type, model, and series of aircraft provided for in the future-years defense program that covers the fiscal year for which the budget accompanying the plan, certification and report is submitted.”; and

(7) in subsection (f), as redesignated by paragraph 5, by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) SECTION HEADING.—The heading for such section is amended to read as follows:

**“§231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification”.**

(c) CLERICAL AMENDMENT.—The item relating to section 231a in the table of sections at the beginning of chapter 9 of title 10, United States Code, is amended to read as follows:

“231a. Budgeting for life-cycle cost of aircraft for the Navy, Army, and Air Force: annual plan and certification.”.

**SEC. 1075. CHANGE OF DEADLINE FOR ANNUAL REPORT TO CONGRESS ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT.**

Section 1054(a) of title 10, United States Code, is amended by striking “February 15” and inserting “March 15”.

**SEC. 1076. REPORT ON HOMELAND DEFENSE ACTIVITIES.**

Section 908(a) of title 32, United States Code, is amended by adding at the end the following “For any fiscal year during which no assistance was provided, and no activities were carried out, under this chapter, a report is not required to be submitted under this section.”.

**SEC. 1077. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS, AND RELATED PROGRAMS IN NON-NUCLEAR WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.**

Section 1055(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 50 U.S.C. 2371(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking “and the Permanent” and inserting “the Permanent”; and

(2) by inserting before “a report” the following: “, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives”.

**Subtitle H—Miscellaneous Authorities and Limitations**

**SEC. 1081. EXEMPTION FROM FREEDOM OF INFORMATION ACT FOR DATA FILES OF THE MILITARY FLIGHT OPERATIONS QUALITY ASSURANCE SYSTEMS OF THE MILITARY DEPARTMENTS.**

(a) EXEMPTION.—

(1) IN GENERAL.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2254 the following new section:

**“§2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act**

“(a) AUTHORITY TO EXEMPT CERTAIN DATA FILES FROM DISCLOSURE UNDER FOIA.—

“(1) The Secretary of Defense may exempt information contained in any data file of the military flight operations quality assurance system of a military department from disclosure under section 552(b)(3) of title 5.

“(2) In this section, the term ‘data file’ means a file of the military flight operations quality assurance (in this section referred to as ‘MFOQA’) system that contains information acquired or generated by the MFOQA system, including—

“(A) any data base containing raw MFOQA data; and

“(B) any analysis or report generated by the MFOQA system or which is derived from MFOQA data.

“(3) Information that is exempt under paragraph (1) from disclosure under section 552(b)(3) of title 5 shall be exempt from such disclosure even if such information is contained in a data file that is not exempt in its entirety from such disclosure.

“(4) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section and which specifically cites and repeals or modifies those provisions.

“(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall ensure consistent application of the authority in subsection (a) across the military departments and shall specifically identify officials in each military department who shall be delegated the Secretary’s authority under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2254 the following new item:

“2254a. Data files of military flight operations quality assurance systems: exemption from disclosure under Freedom of Information Act.”.

(b) APPLICABILITY.—Section 2254a of title 10, United States Code, as added by subsection (a), shall apply to any information entered into any data file of the military flight operations quality assurance system before, on, or after the date of the enactment of this Act.

**SEC. 1082. LIMITATION ON PROCUREMENT AND FIELDING OF LIGHT ATTACK ARMED RECONNAISSANCE AIRCRAFT.**

(a) REQUIRED REVIEW.—

(1) REVIEW.—In the report on the quadrennial roles and missions review required to be submitted not later than the date on which the President submits the budget for fiscal year 2013, pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall specifically review the capability of the elements of the Department of Defense (including any office, agency, activity, or command described in section 111(b) of such title) that are responsible for conducting light attack and armed reconnaissance missions or fulfilling requests of partner nations for training in the conduct of such missions.

(2) MATTERS INCLUDED.—In conducting the review under paragraph (1), the Secretary shall—

(A) identify any gaps in the ability of the Department to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations for training in the conduct of such missions;

(B) identify any unnecessary duplication of efforts between the elements of the Department to procure or field aircraft to conduct light attack and armed reconnaissance missions or to fulfill requests of partner nations to train in the conduct of such missions, including any planned—

(i) developmental efforts;

(ii) operational evaluations; or

(iii) acquisition of such aircraft through procurement or lease; and

(C) include findings and recommendations the Secretary considers appropriate to address any gaps identified under subparagraph (A) or unnecessary duplication of efforts identified under subparagraph (B).

(b) **LIMITATION.**—Except as provided by subsection (c) and (d), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2012 may be obligated or expended for the procurement or fielding of light attack armed reconnaissance aircraft until the date on which—

(1) the Joint Requirements Oversight Council validates the requirements for the development or procurement of such aircraft to address a gap identified under subsection (a)(2)(A); and

(2) the Under Secretary of Defense for Acquisition, Technology, and Logistics approves the acquisition strategy for such aircraft.

(c) **USE OF FUNDS FOR PREVIOUSLY AUTHORIZED PROGRAMS.**—The limitation in subsection (b) does not apply to a program for which funding was authorized to be appropriated for a fiscal year before fiscal year 2012.

(d) **WAIVER.**—The Secretary of Defense may waive the limitation in subsection (b) if the Secretary submits to the congressional defense committees written certification that the procurement or fielding of light attack armed reconnaissance aircraft is necessary to support ongoing contingency operations in Afghanistan or Iraq.

**SEC. 1083. USE OF STATE PARTNERSHIP PROGRAM FUNDS FOR CIVILIANS AND NON-DEFENSE AGENCY PERSONNEL.**

Of the funds made available to the National Guard for the State Partnership Program, up to \$3,000,000 may be made available to pay travel and per diem costs associated with the participation of United States and foreign civilian and non-defense agency personnel in authorized National Guard State Partnership Program events conducted both in the United States and in foreign partner countries.

**SEC. 1084. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act may be used for manufacturing beyond low rate initial production at a prototype integration facility of any of the following:

(1) The Tank Automotive Research, Development and Engineering Center.

(2) The United States Army Communications-Electronics Command.

(3) The United States Army Aviation and Missile Command.

(b) **WAIVER.**—The Secretary of the Army for Acquisition, Logistics, and Technology may waive the prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the waiver is necessary—

(A) for reasons of national security; or

(B) to rapidly acquire equipment to respond to combat emergencies; and

(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) **LOW-RATE INITIAL PRODUCTION.**—For purposes of this section, the term “low-rate initial production” shall be determined in accordance with section 2400 of title 10, United States Code.

**Subtitle I—Other Matters**

**SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE INFORMATION.**

(a) **IN GENERAL.**—Chapter 3 of title 10, United States Code, is amended by adding after section 130e, as added by section 1055, the following new section:

**“§ 130f. Treatment under Freedom of Information Act of critical infrastructure information**

“(a) **EXEMPTION.**—Department of Defense critical infrastructure information that, if disclosed, may result in the disruption, degradation, or destruction of operations, property, or facilities of the Department of Defense, shall be exempt from disclosure pursuant to section 552(b)(3) of title 5.

“(b) **INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.**—Department of Defense critical infrastructure information obtained by a State or local government from a Federal agency shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such critical infrastructure information.

“(c) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to implement this section.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“130f. Treatment under Freedom of Information Act of certain critical infrastructure information.”

**SEC. 1092. EXPANSION OF SCOPE OF HUMANITARIAN DEMINING ASSISTANCE PROGRAM TO INCLUDE STOCKPILED CONVENTIONAL MUNITIONS ASSISTANCE.**

Section 407 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and stockpiled conventional munitions assistance” after “demining assistance”; and

(B) in paragraph (3)(A), by inserting “, stockpiled conventional munitions,” after “landmines”;

(2) in subsection (d)(2), by inserting “, and whether such assistance was primarily related to the humanitarian demining efforts or stockpiled conventional munitions assistance” after “paragraph (1)”; and

(3) by striking subsection (e) and inserting the following new subsection (e):

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘humanitarian demining assistance’, as it relates to training and support, means detection and clearance of landmines and other explosive remnants of war, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.

“(2) The term ‘stockpiled conventional munitions assistance’, as it relates to the support of humanitarian assistance efforts, means training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance, and includes activities related to the furnishing of education, training, and technical assistance with respect to explosive safety, the detection and clearance of landmines and other explosive remnants of war, and the disposal, demilitarization, physical security, and stockpile management of potentially dangerous stockpiles of explosive ordnance.”

**SEC. 1093. MANDATORY IMPLEMENTATION OF THE STANDING ADVISORY PANEL ON IMPROVING COORDINATION AMONG THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.**

Section 1054 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009

(Public Law 110–417; 122 Stat. 4605) is amended—

(1) in subsection (a), by striking “may” and inserting “shall”;

(2) in subsection (b)(5), by striking “should be” and all that follows and inserting “shall be appointed by not later than March 30, 2012.”;

(3) in subsection (d)—

(A) by striking “If the advisory panel is established under subsection (a)” and inserting “By not later than March 30, 2012”; and

(B) by striking “, not later than 60 days after the date of the final appointment of the members of the advisory panel pursuant to subsection (b)(5).”;

(4) by striking subsection (e) and redesignating subsections (f) through (i) as subsections (e) through (h), respectively;

(5) in subsection (f)(2), as so redesignated, by striking “Not later than December 31 of the year in which the interim report is submitted under paragraph (1)” and inserting “Not later than December 31 of each year during which the advisory panel operates”;

(6) in subsection (g), as so redesignated, by striking “December 31, 2012” and inserting “December 31, 2016”; and

(7) in subsection (h), as so redesignated, by striking paragraph (3).

**SEC. 1094. NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS.**

The Secretary of the Navy shall ensure that the Navy maintains—

(1) a minimum of 10 carrier air wings; and

(2) for each such carrier air wing, a dedicated and fully staffed headquarters.

**SEC. 1095. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR ORGANIZATIONAL CLOTHING AND INDIVIDUAL EQUIPMENT.**

(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.**—For fiscal year 2013 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a budget justification display that covers all programs and activities associated with the procurement of organizational clothing and individual equipment.

(b) **REQUIREMENTS FOR BUDGET DISPLAY.**—The budget justification display under subsection (a) for a fiscal year shall include the following:

(1) The funding requirements in each budget activity and for each Armed Force for organizational clothing and individual equipment.

(2) The amount in the budget for each of the Armed Forces for organizational clothing and equipment for that fiscal year.

(c) **DEFINITION.**—In this section, the term “organizational clothing and individual equipment” means an item of organizational clothing or equipment prescribed for wear or use with the uniform.

**SEC. 1096. NATIONAL ROCKET PROPULSION STRATEGY.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Secretary of Defense has undertaken numerous reviews of the solid rocket motor and liquid rocket engine propulsion industrial base, including pursuant to—

(A) section 915 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4329) (relating to the preservation of the solid rocket motor industrial base);

(B) section 916 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4330) (relating to the implementation plan to sustain solid rocket motor industrial base);

(C) section 917 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011



(Public Law 111-383; 124 Stat. 4330) (relating to the review and plan on sustainment of liquid rocket propulsion systems industrial base);

(D) section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2479) (relating to the plan for sustainment of land-based solid rocket motor industrial base); and

(E) section 1050 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 318) (relating to the report on solid rocket motor industrial base).

(2) Multiple departments and agencies of the Federal Government rely on the solid rocket motor and liquid rocket engine propulsion industrial base, including the Department of Defense, the National Reconnaissance Office, and the National Aeronautics and Space Administration, and decisions made by one agency may have severe ramifications on others.

(3) The planned end in 2011 of the Space Shuttle program and the decision in 2010 by the President to terminate the Constellation program of the National Aeronautics and Space Administration have led to increased costs for rocket propulsion systems for defense and intelligence programs that rely on the rocket propulsion industrial base.

(4) According to the Air Force, the fiscal year 2012 budget request for the Evolved Expendable Launch Vehicle has increased by 50 percent over the fiscal year 2011 request in part due to the uncertainty in the launch industrial and supplier base resulting from decisions by the National Aeronautics and Space Administration.

(5) According to the Navy, the unit cost for Trident II D5 rocket motors has increased 80 percent, in large part as a result of the elimination of investment by the National Aeronautics and Space Administration in solid rocket motors.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the sustainment of the solid rocket motor and liquid rocket engine industrial base is a national challenge that spans multiple departments and agencies of the Federal Government and requires the attention of the President.

(c) STRATEGY REQUIRED.—The President shall transmit to the appropriate congressional committees a national rocket propulsion strategy for the United States, including—

(1) a description and assessment of the effects to programs of the Department of Defense and intelligence community that rely on the solid rocket motor and liquid rocket engine industrial base caused by the end of the Space Shuttle program and termination of the Constellation program;

(2) a description of the plans of the President, the Secretary of Defense, the intelligence community, and the Administrator of the National Aeronautics and Space Administration to mitigate the impact of the end of the Space Shuttle program and termination of the Constellation program on the solid rocket motor and liquid rocket engine propulsion industrial base of the United States;

(3) a consolidated plan that outlines key decision points for the current and next-generation mission requirements of the United States with respect to tactical and strategic missiles, missile defense interceptors, targets, and satellite and human spaceflight launch vehicles;

(4) options and recommendations for synchronizing plans, programs, and budgets for research and development, procurement, operations, and workforce among the appropriate departments and agencies of the Federal Government to strengthen the solid rocket motor and liquid rocket engine propulsion industrial base of the United States; and

(5) any other relevant information the President considers necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The Committees on Armed Services, Science, Space, and Technology, Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committees on Armed Services, Commerce, Science, and Transportation, Appropriations, and the Select Committee on Intelligence of the Senate.

#### **SEC. 1097. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF MILITARY MEMORIALS.**

(a) AUTHORITY.—Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

##### **“§2115. Inclusion of religious symbols as part of military memorials**

“(a) INCLUSION OF RELIGIOUS SYMBOLS AUTHORIZED.—To recognize the religious background of members of the United States Armed Forces, religious symbols may be included as part of—

“(1) a military memorial that is established or acquired by the United States Government; or

“(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

“(b) MILITARY MEMORIAL DEFINED.—In this section, the term ‘military memorial’ means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2115. Inclusion of religious symbols as part of military memorials.”

#### **SEC. 1098. UNMANNED AERIAL SYSTEMS AND NATIONAL AIRSPACE.**

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a program to integrate unmanned aircraft systems into the national airspace system at six test ranges.

(b) PROGRAM REQUIREMENTS.—In establishing the program under subsection (a), the Administrator shall—

(1) safely designate nonexclusionary airspace for integrated manned and unmanned flight operations in the national airspace system;

(2) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(3) coordinate with and leverage the resources of the Department of Defense and the National Aeronautics and Space Administration;

(4) address both civil and public unmanned aircraft systems;

(5) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(6) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(c) LOCATIONS.—In determining the location of a test range for the program under subsection (a), the Administrator shall—

(1) take into consideration geographic and climatic diversity;

(2) take into consideration the location of ground infrastructure and research needs; and

(3) consult with the Department of Defense and the National Aeronautics and Space Administration.

(d) REPORT.—Not later than 90 days after the date of completing each of the pilot projects, the

Administrator shall submit to the appropriate congressional committees a report setting forth the Administrator’s findings and conclusions concerning the projects that includes a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense to develop detection techniques for small unmanned aircraft systems and to validate sensor integration and operation of unmanned aircraft systems.

(e) DURATION.—The program under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

(f) DEFINITION.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term “test range” means a defined geographic area where research and development are conducted.

#### **SEC. 1099. SENSE OF CONGRESS REGARDING THE KILLING OF OSAMA BIN LADEN.**

(a) FINDINGS.—Congress makes the following findings:

(1) Osama bin Laden was responsible for ordering the attacks of September 11, 2001, that killed almost 3,000 American citizens.

(2) Osama bin Laden and his terrorist organization, al-Qaeda, have been responsible for carrying out attacks on innocent men and women around the world.

(3) The United States Special Operations Command organizes, trains, and equips Special Operations Forces and is providing those forces to the United States Central Command under whose operational control they serve.

(4) Special Operations forces were able to complete the mission to kill Osama bin Laden without United States casualties.

(5) The killing of Osama bin Laden represents a milestone victory in bringing to justice the mastermind of September 11, 2001.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Special Operations Forces provide a tremendous service to the Nation; and

(2) the killing of Osama bin Laden is a major victory for international justice and for the United States in the war against terrorism and radical extremists.

#### **SEC. 1099A. GRANTS TO CERTAIN REGULATED COMPANIES FOR SPECIFIED ENERGY PROPERTY NOT SUBJECT TO NORMALIZATION RULES.**

(a) IN GENERAL.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting “(other than subsection (d)(2) thereof)” after “section 50 of the Internal Revenue Code of 1986”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

#### **SEC. 1099B. SUBMITTAL OF INFORMATION REGARDING INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, and other appropriate committees of Congress, the following information in connection with individuals formerly or currently detained at United States Naval Station, Guantanamo Bay, Cuba in the custody or under



the effective control of the Department of Defense:

(1) Information compiled in coordination with the Director of National Intelligence relating to information or reports on the locations of individuals who were formerly detained at Guantanamo.

(2) Information compiled in coordination with the Attorney General and the Director of National Intelligence relating to the full Task Force assessments prepared for each such individual by the Guantanamo Task Force established pursuant to Executive Order 13492 and any Department of Defense memoranda regarding the process for the review and transfer of such individuals.

(3) Information compiled in coordination with the Director of National Intelligence regarding any subsequent threat assessment prepared by any element of the intelligence community on any such individual who remains in detention or for whom a decision to release or transfer is pending.

(b) **FORM OF SUBMISSION.**—All information required to be submitted under this section shall be submitted—

(1) consistent with the protection of intelligence sources and methods; or

(2) if disclosure would compromise such protection, directly to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate in unredacted form.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) with respect to information described in paragraphs (1) and (3) of subsection (a), the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(2) with respect to information described in paragraph (2) of such subsection, the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate.

## **TITLE XI—CIVILIAN PERSONNEL MATTERS**

### **SEC. 1101. AMENDMENTS TO DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES.**

(a) **CAREER PATHS.**—Section 9902(a)(1) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following:

“(D) Development of attractive career paths.”.

(b) **APPOINTMENT FLEXIBILITIES.**—Section 9902(b) of title 5, United States Code, is amended by adding at the end the following:

“(5) The Secretary shall develop a training program for Department of Defense human resource professionals to implement the requirements in this subsection.

“(6) The Secretary shall develop indicators of effectiveness to determine whether appointment flexibilities under this subsection have achieved the objectives set forth in paragraph (1).”.

(c) **ADDITIONAL REQUIREMENTS.**—Section 9902(c) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) provide mentors to advise individuals on their career paths and opportunities to advance and excel within their fields;

“(7) develop appropriate procedures for warnings during performance evaluations for employees who fail to meet performance standards;”.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **TECHNICAL AMENDMENT.**—The heading for chapter 99 of title 5, United States Code, is amended to read as follows:

### **“CHAPTER 99—DEPARTMENT OF DEFENSE PERSONNEL AUTHORITIES”.**

(2) **CONFORMING AMENDMENT.**—The table of chapters for part III of title 5, United States Code, is amended by striking the item relating to chapter 99 and inserting the following:

“99. Department of Defense Personnel  
Authorities ..... 9901”.

### **SEC. 1102. PROVISIONS RELATING TO THE DEPARTMENT OF DEFENSE PERFORMANCE MANAGEMENT SYSTEM.**

(a) **IN GENERAL.**—Section 9902 of title 5, United States Code, is amended by adding at the end the following:

“(h) **REPORTS.**—

“(1) **IN GENERAL.**—Not later than 1 year after the implementation of any performance management and workforce incentive system under subsection (a) or any procedures relating to personnel appointment flexibilities under subsection (b) (whichever is earlier), and whenever any significant action is taken under any of the preceding provisions of this section (but at least biennially) thereafter, the Secretary shall—

“(A) conduct appropriately designed and statistically valid internal assessments or employee surveys to assess employee perceptions of any program, system, procedures, or other aspect of personnel management, as established or modified under authority of this section; and

“(B) submit to the appropriate committees of Congress and the Comptroller General, a report describing the results of the assessments or surveys conducted under subparagraph (A) (including the methodology used), together with any other information which the Secretary considers appropriate.

“(2) **REVIEW.**—After receiving any report under paragraph (1), the Comptroller General—

“(A) shall review the assessments or surveys described in such report to determine if they were appropriately designed and statistically valid;

“(B) shall conduct a review of the extent to which the program, system, procedures, or other aspect of program management concerned (as described in paragraph (1)(A)) is fair, credible, transparent, and otherwise in conformance with the requirements of this section; and

“(C) within 6 months after receiving such report, shall submit to the appropriate committees of Congress—

“(i) an independent evaluation of the results of the assessments or surveys reviewed under subparagraph (A), and

“(ii) the findings of the Comptroller General based on the review under subparagraph (B), together with any recommendations the Comptroller General considers appropriate.

“(3) **DEFINITION.**—For purposes of this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committees on Armed Services of the Senate and the House of Representatives;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(C) the Committee on Oversight and Government Reform of the House of Representatives.”.

(b) **AMENDMENT RELATING TO CERTAIN REPORTS.**—Section 1113(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2502) is amended to read as follows:

“(e) **REPORTS.**—The Secretary of Defense shall submit to the covered committees (as defined by subsection (g)(6))—

“(1) no later than 6 months after the date of enactment of this Act, a report on the initial steps being taken to reclassify positions from the NSPS and the initial conversion plan to begin

converting employees from the NSPS, which information shall be supplemented by reports describing the progress of the conversion process which shall be submitted to the same committees on a semiannual basis until the conversion is fully completed;

“(2) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

“(A) a plan for the personnel management system, as authorized by section 9902(a) of title 5, United States Code (as amended by this section); and

“(B) progress reports on the design and implementation of the personnel management system (as described in subparagraph (A)); and

“(3) no later than 12 months after the date of enactment of this Act and semiannually thereafter until fully implemented—

“(A) a plan for the appointment procedures, as authorized by section 9902(b) of such title 5 (as so amended); and

“(B) progress reports on the design and implementation of the appointment procedures (as described in subparagraph (A)).

Implementation of a plan described in paragraph (2)(A) may not commence before the 90th day after the date on which such plan is submitted under this subsection to the covered committees.”.

(c) **REPEAL OF SUPERSEDED PROVISION.**—Section 1106(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357), as amended by section 1113(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2503), is repealed.

### **SEC. 1103. REPEAL OF SUNSET PROVISION RELATING TO DIRECT HIRE AUTHORITY AT DEMONSTRATION LABORATORIES.**

Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 1580 note) is amended by striking subsection (e).

### **SEC. 1104. DENIAL OF CERTAIN PAY ADJUSTMENTS FOR UNACCEPTABLE PERFORMANCE.**

(a) **ANNUAL PAY ADJUSTMENTS.**—Section 5303 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) Notwithstanding any other provision of this section, an adjustment under this section shall not be made in the case of any employee having an unacceptable performance rating.

“(2) For purposes of administering any provision of law, rule, or regulation which—

“(A) provides premium pay, retirement, life insurance, or other employee benefit, which requires any deduction or contribution,

“(B) imposes any requirement or limitation, or

“(C) requires any other computation (such as under section 5304(c)(1)(B)), on the basis of a rate of basic pay, the rate of basic pay payable after the application of paragraph (1) shall be treated as the rate of basic pay for the employee involved.”.

(b) **REGULATIONS.**—The Director of the Office of Personnel Management may prescribe any regulations necessary to carry out the purposes of this section.

### **SEC. 1105. REVISIONS TO BENEFICIARY DESIGNATION PROVISIONS FOR DEATH GRATUITY PAYABLE UPON DEATH OF A GOVERNMENT EMPLOYEE.**

(a) **AUTHORITY TO DESIGNATE MORE THAN 50 PERCENT OF DEATH GRATUITY TO UNRELATED PERSONS.**—Section 8102a(d)(4) of title 5, United States Code, is amended—

(1) in the first sentence—

(A) by striking “covered by this section” and inserting “covered by subsection (a)”;

(B) by striking “not more than 50 percent of the amount payable under this section” and inserting “all or a portion of the amount payable under this section”;

(2) in the second sentence, by striking “50 percent,” and inserting “100 percent,”; and  
 (3) in the third sentence, by inserting “(if any)” after “gratuity”.

(b) NOTICE TO SPOUSE OF DESIGNATION OF ANOTHER PERSON TO RECEIVE PORTION OF DEATH GRATUITY.—Section 8102a(d) of title 5, United States Code, is further amended by adding at the end the following:

“(6) If a person covered by subsection (a) has a spouse, but makes a designation under paragraph (4) for a person other than the spouse to receive all or a portion of the amount payable under this section, the head of the agency, or other entity, in which that person is employed shall provide notice of the designation to the spouse.”.

**SEC. 1106. EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Effective as of January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2487), is amended by striking “calendar years 2009 and 2010” and inserting “calendar years 2011 and 2012”.

**SEC. 1107. WAIVER OF CERTAIN PAY LIMITATIONS.**

Section 9903(d) of title 5, United States Code, is amended—

(1) by amending paragraph (2) to read as follows:

“(2) An employee appointed under this section is not eligible for any bonus, monetary award, or other monetary incentive for service, except for—

“(A) payments authorized under this section; and

“(B) in the case of an employee who is assigned in support of a contingency operation (as defined in section 101(a)(13) of title 10), allowances and any other payments authorized under chapter 59.”; and

(2) in paragraph (3), by adding at the end the following: “In computing an employee’s total annual compensation for purposes of the preceding sentence, any payment referred to in paragraph (2)(B) shall be excluded.”.

**SEC. 1108. SERVICES OF POST-COMBAT CASE COORDINATORS.**

(a) IN GENERAL.—Chapter 79 of title 5, United States Code, is amended by adding at the end the following:

**“§ 7906. Services of post-combat case coordinators**

“(a) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘employee’, ‘agency’, ‘injury’, ‘war-risk hazard’, and ‘hostile force or individual’ have the meanings given those terms in section 8101; and

“(2) the term ‘qualified employee’ means an employee as described in subsection (b).

“(b) REQUIREMENT.—The head of each agency shall, in a manner consistent with the guidelines prescribed under subsection (c), provide for the assignment of a post-combat case coordinator in the case of any employee of such agency who suffers an injury or disability incurred, or an illness contracted, while in the performance of such employee’s duties, as a result of a war-risk hazard or during or as a result of capture, detention, or other restraint by a hostile force or individual.

“(c) GUIDELINES.—The Office of Personnel Management shall, after such consultation as the Office considers appropriate, prescribe guidelines for the operation of this section. Under the guidelines, the responsibilities of a post-combat case coordinator shall include—

“(1) acting as the main point of contact for qualified employees seeking administrative guidance or assistance relating to benefits under chapter 81 or 89;

“(2) assisting qualified employees in the collection of documentation or other supporting evidence for the expeditious processing of claims under chapter 81 or 89;

“(3) assisting qualified employees in connection with the receipt of prescribed medical care and the coordination of benefits under chapter 81 or 89;

“(4) resolving problems relating to the receipt of benefits under chapter 81 or 89; and

“(5) ensuring that qualified employees are properly screened and receive appropriate treatment—

“(A) for post-traumatic stress disorder or other similar disorder stemming from combat trauma; or

“(B) for suicidal or homicidal thoughts or behaviors.

“(d) DURATION.—The services of a post-combat case coordinator shall remain available to a qualified employee until—

“(1) such employee accepts or declines a reasonable offer of employment in a position in the employee’s agency for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee’s grade (or pay level) before the occurrence or onset of the injury, disability, or illness (as referred to in subsection (a)), and which is within the employee’s commuting area; or

“(2) such employee gives written notice, in such manner as the employing agency prescribes, that those services are no longer desired or necessary.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 of title 5, United States Code, is amended by adding after the item relating to section 7905 the following:

“7906. Services of post-combat case coordinators.”.

**SEC. 1109. AUTHORITY TO WAIVE RECOVERY OF CERTAIN PAYMENTS MADE UNDER CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.**

(a) WAIVER AUTHORITY.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense who—

(1) during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under section 9902(f)(1) of title 5, United States Code;

(2) during the period beginning on June 1, 2004, and ending on May 1, 2008, was reappointed to a position in the Department of Defense to support a declared national emergency related to terrorism or a natural disaster; and

(3) as determined by the Secretary of Defense—

(A) before accepting the reappointment referred to in paragraph (2), received a written representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived; and

(B) reasonably relied on that representation in accepting the reappointment.

(c) REQUIRED DETERMINATION.—The Secretary of Defense may grant a waiver under subsection

(a) only if the Secretary determines that recovery of the payment involved would be against equity and good conscience or would be contrary to the best interests of the United States.

(d) DISCRETIONARY AUTHORITY.—In the case of an employee or former employee who is described in subsection (b), and who, before the date of enactment of this Act, repaid any amount of a voluntary separation incentive payment made under section 9902(f)(1) of title 5, United States Code, the Secretary of Defense may grant a waiver in accordance with the subsections (a) through (c) and make a refund, out of any appropriation or fund available for that purpose, of any portion of such amount which the Secretary in his sole discretion considers appropriate.

**SEC. 1110. EXTENSION OF CONTINUED HEALTH BENEFITS.**

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) by striking “December 31, 2011” each place it appears and inserting “December 31, 2016”; and

(2) in clause (ii), by striking “February 1, 2012” and inserting “February 1, 2017”.

**SEC. 1111. AUTHORITY TO WAIVE MAXIMUM AGE LIMIT FOR CERTAIN APPOINTMENTS.**

Section 3307(e) of title 5, United States Code, is amended—

(1) by striking “(e) The” and inserting “(e)(1) Except as provided in paragraph (2), the”; and

(2) by adding at the end the following:

“(2)(A) In the case of the conversion of an agency function from performance by a contractor to performance by an employee of the agency, the head of the agency may waive any maximum limit of age, determined or fixed for positions within such agency under paragraph (1), if necessary in order to promote the recruitment or appointment of experienced personnel.

“(B) For purposes of this paragraph—

“(i) the term ‘agency’ means the Department of Defense or a military department; and

“(ii) the term ‘head of the agency’ means the Secretary of Defense or the Secretary of a military department.”.

**SEC. 1112. SENSE OF CONGRESS RELATING TO PAY PARITY FOR FEDERAL EMPLOYEES SERVING AT CERTAIN REMOTE MILITARY INSTALLATIONS.**

It is the sense of Congress that the Secretary of Defense and the Director of the Office of Personnel Management should develop procedures for determining locality pay for employees of the Department of Defense in circumstances that may be unique to such employees, such as the assignment of employees to a military installation so remote from the nearest established communities or suitable places of residence as to handicap significantly the recruitment or retention of well qualified individuals, due to the difference between the cost of living at the post of assignment and the cost of living in the locality or localities where such employees generally reside.

**SEC. 1113. REPORTS BY OFFICE OF SPECIAL COUNSEL.**

(a) IN GENERAL.—Section 1213(e) of title 5, United States Code, is amended by striking paragraphs (3) and (4) and inserting the following:

“(3) The Special Counsel shall transmit to the President and the congressional committees with jurisdiction over the agency which the disclosure (referred to in subsection (a)) involves—

“(A) a concise summary of any report received from such agency under subsection (c) in connection with such disclosure; or

“(B) if a report is not received within the time prescribed in subsection (c)(2), written notice to that effect.

The Special Counsel may include, as part of any transmission under subparagraph (A) or (B),

any additional information or documentation which the Special Counsel considers appropriate.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply in the case of any agency report which is due or received by the Office of Special Counsel after the end of the 30-day period beginning on the date of the enactment of this Act.

#### **SEC. 1114. DISCLOSURE OF SENIOR MENTORS.**

(a) **REQUIREMENT TO DISCLOSE NAMES OF SENIOR MENTORS.**—The Secretary of Defense shall disclose the names of senior mentors serving in the Department of Defense by publishing a list of the names on the publicly available website of the Department of Defense. The list shall be updated at least quarterly.

(b) **SENIOR MENTOR DEFINED.**—In this section, the term “senior mentor” has the meaning provided in the memorandum from the Secretary of Defense relating to policy on senior mentors, dated April 1, 2010.

### **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

#### **Subtitle A—Assistance and Training**

#### **SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**

(a) **AUTHORITY.**—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1201 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4385), is further amended by striking “\$45,000,000” and inserting “\$50,000,000”.

(b) **EXTENSION.**—Subsection (h) of such section, as most recently amended by section 1208(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking “2013” and inserting “2014”.

(c) **BRIEFING AND REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and a report that outlines future requirements for the authorities contained in section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) (as amended by this section), authorities similar to the authorities contained in section 1208 of such Act, and authorities to support special operations counterterrorism, unconventional warfare, and irregular warfare in anticipation of and preparation for the expiration of the authorities under section 1208 of such Act at the end of fiscal year 2014.

#### **SEC. 1202. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.**

(a) **LIMITATIONS.**—

(1) **IN GENERAL.**—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as most recently amended by section 1207(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is further amended—

(A) in paragraph (1), by striking “\$350,000,000” and inserting “\$400,000,000”; and

(B) in paragraph (5)—

(i) by striking “and not more than” and inserting “not more than”; and

(ii) by inserting after “fiscal year 2012” the following: “, and not more than \$150,000,000 may be used during fiscal year 2013”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(b) **REPORT.**—Subsection (f) of such section is amended to read as follows:

“(f) **REPORT.**—

“(1) **IN GENERAL.**—The President shall transmit to the congressional committees specified in subsection (e)(3), as part of the supporting materials of the annual congressional budget justification, a report on the implementation of this section for the prior fiscal year.

“(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include the following:

“(A) In the case of a program or programs to build the capacity of a foreign country’s national military forces or maritime security forces to conduct counterterrorism operations, the extent to which the nature of the potential or actual terrorist threat is consistently and comprehensively verified by the Secretary of Defense prior to initiating a program or programs.

“(B) The extent to which foreign countries participate in the preparation of a program or programs under this section, to include the development of a full concept of operations for the program or programs under this section.

“(C) The extent to which proposal submissions of foreign countries evaluate the commitment and capability of foreign countries to implement a program or programs under this section or otherwise identify specific funds necessary for sustainment of a program or programs under this section.

“(D) A statement of current policies, responsibilities, procedures, and reporting requirements that assist with the conduct or support of a program or programs under this section.

“(E) The extent to which United States embassies and security assistance officers with responsibility for conducting or supporting a program or programs under this section are able to track actual obligation and expenditures of funds, funds rendered unavailable for obligation, and other financial data similar to data required by the financial management system for the Foreign Military Sales program.

“(F) The extent to which the United States Government has developed and implemented specific plans to monitor and evaluate outcomes of a program or programs under this section.”.

(c) **ONE-YEAR EXTENSION OF AUTHORITY.**—Subsection (g) of such section, as most recently amended by section 1207(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4389), is further amended by—

(1) by striking “September 30, 2012” and inserting “September 30, 2013”; and

(2) by striking “fiscal years 2006 through 2012” and inserting “fiscal years 2006 through 2013”.

#### **SEC. 1203. FIVE-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

Section 943(h) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4579) is amended by striking “2011” and inserting “2016”.

#### **Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

#### **SEC. 1211. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393; 22 U.S.C. 7513 note) is amended—

(1) in paragraph (1)—

(A) by striking “The” and inserting “Subject to paragraph (2), the”; and

(B) by striking “\$400,000,000” and inserting “\$475,000,000”; and

(C) by striking “fiscal year 2011” and inserting “fiscal year 2012”;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) **LIMITATION.**—The Secretary of Defense may use not more than 85 percent of the amount specified in paragraph (1) to carry out the program authorized under subsection (a) until the Secretary of Defense, in consultation with the Secretary of State, submits to the appropriate congressional committees a plan for the allocation and use of funds under the program for fiscal year 2012.”; and

(4) in paragraph (3) (as redesignated), by striking “September 30, 2012” and inserting “September 30, 2013”.

#### **SEC. 1212. COMMANDERS’ EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.**

(a) **AUTHORITY FOR FISCAL YEAR 2012.**—During fiscal year 2012, from funds made available to the Department of Defense for operation and maintenance, not to exceed \$425,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders’ Emergency Response Program in Afghanistan.

(b) **QUARTERLY REPORTS AND BRIEFINGS.**—

(1) **QUARTERLY REPORTS.**—Not later than 30 days after the end of each fiscal year quarter of fiscal year 2012, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the program under subsection (a).

(2) **FORM.**—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.

(3) **BRIEFINGS.**—Not later than 15 days after the submission of each report required under paragraph (1), appropriate officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.

(c) **SUBMISSION OF GUIDANCE.**—

(1) **INITIAL SUBMISSION.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary to the Armed Forces concerning the allocation of funds through the Commanders’ Emergency Response Program in Afghanistan.

(2) **MODIFICATIONS.**—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which the Secretary makes the modification.

(d) **WAIVER AUTHORITY.**—For purposes of exercising the authority provided by this section or any other provision of law making funding available for the Commanders’ Emergency Response Program in Afghanistan, the Secretary of Defense may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(e) **RESTRICTION ON AMOUNT OF PAYMENTS.**—Funds made available under this section for the Commanders’ Emergency Response Program in Afghanistan may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds \$20,000,000.

(f) **NOTIFICATION.**—Not less than 15 days before obligating or expending funds made available under this section for the Commanders’

Emergency Response Program in Afghanistan for a project in Afghanistan with a total anticipated cost of \$5,000,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

(1) The location, nature, and purpose of the proposed project, including how the project is intended to advance the military campaign plan for Afghanistan.

(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program in Afghanistan that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including any agreement with either the Government of Afghanistan, a department or agency of the United States Government other than the Department of Defense, or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

(g) DEFINITION.—In this section, the term "Commanders' Emergency Response Program in Afghanistan" means the program that—

(1) authorizes United States military commanders in Afghanistan to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

(2) provides an immediate and direct benefit to the people of Afghanistan.

(h) CONFORMING AMENDMENT.—Section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3455), as most recently amended by section 1212 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4389), is hereby repealed.

**SEC. 1213. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is further amended by striking "section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" and inserting "section 1504 of the National Defense Authorization Act for Fiscal Year 2012".

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section, as so amended, is further amended in the second sentence by striking "fiscal year 2010 or 2011" and inserting "fiscal year 2010, 2011, or 2012".

(c) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by section 1213 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is further amended by striking "September 30, 2012" and inserting "September 30, 2013".

**SEC. 1214. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.**

(a) IN GENERAL.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2521), as amended by section 1220 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4395), is

further amended by striking "September 30, 2011" both places it appears and inserting "September 30, 2012".

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—

(1) LIMITATION ON FUNDS; REPORT REQUIRED.—

(A) IN GENERAL.—Of the amounts appropriated or transferred to the Pakistan Counterinsurgency Fund (hereafter in this subsection referred to as the "Fund") for any fiscal year after fiscal year 2011, not more than 25 percent of such amounts may be obligated or expended until such time as the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees a report on the strategy to utilize the Fund and the metrics used to determine progress with respect to the Fund.

(B) MATTER TO BE INCLUDED.—Such report shall include, at a minimum, the following:

(i) A discussion of United States strategic objectives in Pakistan.

(ii) A listing of the terrorist or extremist organizations in Pakistan opposing United States goals in the region and against which the United States encourages Pakistan to take action.

(iii) A discussion of the gaps in capabilities of Pakistani security units that hampers the ability of the Government of Pakistan to take action against the organizations listed in clause (ii).

(iv) A discussion of how assistance provided utilizing the Fund will address the gaps in capabilities listed in clause (iii).

(v) A discussion of other efforts undertaken by other United States Government departments and agencies to address the gaps in capabilities listed in clause (iii) or complementary activities of the Department of Defense and how those efforts are coordinated with the activities undertaken to utilize the Fund.

(vi) Metrics that will be used to track progress in achieving the United States strategic objectives in Pakistan, to track progress of the Government of Pakistan in combating the organizations listed in clause (ii), and to address the gaps in capabilities listed in clause (iii).

(2) ANNUAL UPDATE REQUIRED.—For any fiscal year in which amounts in the Fund are requested to be made available to the Secretary of Defense, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, an update of the report required under paragraph (1).

(3) FORM.—The report required under paragraph (1) and the update required under paragraph (2) shall be submitted in unclassified form, but may contain a classified annex as necessary.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and  
(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) QUARTERLY REPORTS.—

(1) IN GENERAL.—Section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2522) is amended—

(A) by striking "Not later" and inserting the following:

"(1) IN GENERAL.—Not later"; and

(B) by adding at the end the following:

"(2) MATTERS TO BE INCLUDED.—The Secretary of Defense, with the concurrence with the Secretary of State, shall include in the report required under paragraph (1) the following:

"(A) A discussion of progress in achieving United States strategic objectives in Pakistan

during such fiscal quarter, utilizing metrics used to track progress in achieving such strategic objectives.

"(B) A discussion of progress made by programs supported from amounts in the Fund during such fiscal quarter."

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1224(f) of the National Defense Authorization Act for Fiscal Year 2010 for any fiscal year after fiscal year 2011.

**SEC. 1215. REPORT ON EXTENSION OF UNITED STATES-IRAQ STATUS OF FORCES AGREEMENT.**

(a) REPORT ON EXTENSION OF AGREEMENT.—Not later than 10 days after completion of any agreement between the United States Government and the Government of Iraq that would retain a United States force presence in Iraq greater than the force presence envisioned for the Office of Security Cooperation-Iraq, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the terms of such agreement.

(b) NOTIFICATION AND REPORT IN ABSENCE OF AGREEMENT.—

(1) IN GENERAL.—If, on December 31, 2011, no agreement between the United States Government and the Government of Iraq described in subsection (a) has been completed, the Secretary of Defense shall provide written notification to the congressional defense committees that no such agreement has been completed and shall submit to the appropriate congressional committees the report required under paragraph (2) not later than January 31, 2012.

(2) REPORT.—The report referred to in paragraph (1) is a report that—

(A) describes the capability gaps of the Iraqi Security Forces, in classified and unclassified form, including capability gaps relating to intelligence matters, protection of Iraqi airspace, and logistics and maintenance; and

(B) describes how the programs of the Office of Security Cooperation-Iraq and other United States programs, such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps of the Iraqi Security Forces, as described in subparagraph (A), should the Government of Iraq request such assistance.

(3) UPDATES.—The Secretary of Defense shall submit to the appropriate congressional committees, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, for each of the fiscal years 2014 and 2015 an update of the report required under paragraph (2). The requirement to submit updates under this paragraph shall terminate on the date on which the Secretary of Defense submits to the congressional defense committees the report required under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1216. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.**

(a) AUTHORITY.—The Secretary of Defense is authorized to support operations and activities of the Office of Security Cooperation in Iraq (OSC-I) in order to carry out United States Government transition activities in Iraq, including

life support, transportation and personal security, and facilities renovation and construction activities.

(b) **LIMITATION.**—The authority contained in subsection (a) may not be exercised to pay the salaries and expenses of personnel of the Department of State.

(c) **FUNDING.**—Amounts authorized to be appropriated by section 301 and available for operation and maintenance for the Air Force, as specified in the funding table in section 4301, may be used to carry out this section.

#### **Subtitle C—Reports and Other Matters**

#### **SEC. 1221. REVIEW AND REPORT ON IRAN'S AND CHINA'S CONVENTIONAL AND ANTI-ACCESS CAPABILITIES.**

(a) **REVIEW.**—The Secretary of Defense shall direct an appropriate entity outside the Department of Defense to conduct an independent review of the following:

(1) The gaps between Iran's conventional and anti-access capabilities and United States' capabilities to overcome them.

(2) The gaps between China's anti-access capabilities and United States' capabilities to overcome them.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains the review conducted under subsection (a).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) **ADDITIONAL TO OTHER REPORTS, ETC.**—The review conducted under subsection (a) and the report required under subsection (b) are in addition to the report required under section 1238 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4402) and the strategy and briefings required under section 1243 of such Act (Public Law 111–383; 124 Stat. 4405).

(d) **DEFINITION.**—In this section, the term “anti-access” has the meaning given the term in section 1238(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4403).

#### **SEC. 1222. REPORT AND CONSULTATION ON ENERGY SECURITY OF NATO ALLIANCE.**

(a) **FINDINGS.**—Congress finds the following:

(1) Adopted in Lisbon in November 2010, the new North Atlantic Treaty Organization (NATO) Strategic Concept declares that “All countries are increasingly reliant on the vital communication, transport and transit routes on which international trade, energy security and prosperity depend. They require greater international efforts to ensure their resilience against attack or disruption. Some NATO countries will become more dependent on foreign energy suppliers and in some cases, on foreign energy supply and distribution networks for their energy needs. As a larger share of world consumption is transported across the globe, energy supplies are increasingly exposed to disruption.”

(2) The new NATO Strategic Concept further declares that, “to deter and defend against any threat to the safety and security of our populations”, the NATO alliance will, “develop the capacity to contribute to energy security, including protection of critical energy infrastructure and transit areas and lines, cooperation with partners, and consultations among Allies on the basis of strategic assessments and contingency planning.”

(b) **REPORT.**—

(1) **ASSESSMENT.**—The Secretary of Defense shall direct a federally funded research and development center of the Department of Defense to conduct an assessment of the energy security of the NATO alliance.

(2) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the specified congressional committees a detailed report on the assessment conducted pursuant to paragraph (1).

(3) **CONTENTS.**—The report required under paragraph (2) shall include the following:

(A) A listing of the extent to which each NATO member country is dependent on a single oil or natural gas supplier or distribution network. Such listing shall be expressed in terms of a percentage basis.

(B) A description of potential adverse effects of oil or natural gas price shortages or price spikes on those NATO member countries that are most dependent on a single oil or natural gas supplier or distribution network and on United States Armed Forces based in Europe, including effects on the military and defensive capabilities of such countries.

(C) A description of potential risks posed to NATO member countries, including NATO member countries in Eastern Europe, and to United States Armed Forces based in Europe, by the relative lack of easy access to the spot market for natural gas.

(D) A description of the extent to which the United States military, in conjunction with the militaries of NATO member countries, could respond to and mitigate the energy security risk to NATO member countries and to United States Armed Forces based on Europe posed by the threat of a deliberate disruption of the supply of oil or natural gas, and the relative challenges and cost of such a response, including for transporting oil and natural gas over land after delivery by sea to the port of a NATO member country.

(E) A set of recommendations for available options to NATO member countries that are most dependent on a single oil or natural gas supplier or distribution network to avoid such dependency, and the potential benefits of increased pipelines within Europe to give Eastern European countries access to the spot market for natural gas in the event of a supply interruption.

(F) A description of all supply interruptions of natural gas to NATO member countries over the past 20 years.

(G) An analysis of the threats posed by supply interruptions, whether accidental, unauthorized or deliberate, to energy distribution infrastructure and transit areas and lines to NATO member countries most dependent on a single oil or natural gas supplier or distribution network and to United States Armed Forces based in Europe, including from events such as potential natural disasters or terrorist attacks, and the adequacy of the Department of Defense's current contingency plans to respond to such interruptions.

(H) A description of how NATO's military capability might be adversely affected if a major oil or natural gas supplier or distribution network were to deliberately disrupt the supply of oil or natural gas.

(I) An analysis of whether and how major suppliers of oil and natural gas to NATO member countries in Europe have used their energy markets to influence European political affairs, and the potential of such actions to undermine the long-term solidarity and future of the NATO alliance.

(c) **FORM.**—The report required under subsection (b) shall be submitted in unclassified form (including as much detail as possible), but may contain a classified annex.

(d) **CONSULTATION.**—The Secretary of Defense shall consult with other NATO member coun-

tries and NATO's Emerging Security Challenges Division on other ways the United States as a NATO member country can contribute to the energy security of the NATO alliance and NATO regional partners, including through protection of critical energy infrastructure and transit areas and lines, cooperation with NATO partners, and consultation among NATO allies on the basis of strategic assessments and contingency planning.

(e) **DEFINITION.**—In this section the term “specified congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 1223. EXTENSION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**

Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1231 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4395), is further amended by striking “2012” and inserting “2014”.

#### **SEC. 1224. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.**

(a) **REPORT.**—Not later than March 1, 2012, and March 1, 2013, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military power of the Democratic People's Republic of Korea (in this section referred to as “North Korea”). The report shall address the current and probable future course of military-technological development of the North Korean military, the tenets and probable development of North Korean security strategy and military strategy, and military organizations and operational concepts, through the next 20 years.

(b) **MATTERS TO BE INCLUDED.**—A report required under subsection (a) shall include at least the following elements:

(1) An assessment of the security situation on the Korean peninsula.

(2) The goals and factors shaping North Korean security strategy and military strategy.

(3) Trends in North Korean security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (2).

(4) An assessment of North Korea's regional security objectives, including those that would affect South Korea, Japan, the People's Republic of China, and Russia.

(5) A detailed assessment of the sizes, locations, and capabilities of North Korean strategic, special operations, land, sea, and air forces.

(6) Developments in North Korean military doctrine and training.

(7) An assessment of the proliferation activities of North Korea, as either a supplier or a consumer of materials or technologies relating to nuclear weapons or other weapons of mass destruction or missile systems.

(8) Other military and security developments involving North Korea that the Secretary of Defense considers relevant to United States national security.

(c) **DEFINITION.**—In this section the term “specified congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1225. NATIONAL SECURITY RISK ASSESSMENT OF UNITED STATES FEDERAL DEBT OWNED BY THE PEOPLE'S REPUBLIC OF CHINA.**

(a) **DETERMINATION OF INTEREST PAID TO SERVICE DEBT.**—Not later than 30 days after the date of the enactment of this Act, the Director of the Congressional Budget Office shall determine and make publicly available the amount of accrued interest on United States Federal debt paid to the People's Republic of China during the 5-year period ending on the date of the enactment of this Act.

(b) **ASSESSMENT AND REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) carry out an assessment of the national security risks posed to the United States and United States allies as a result of the United States Federal debt liabilities owed to China as a creditor of the United States Government and the amount of interest determined to have been paid by the United States to China pursuant to subsection (a); and

(2) submit to the specified congressional committees a report that contains the results of the assessment carried out under paragraph (1).

(c) **MATTERS TO BE INCLUDED.**—The report required by subsection (b)(2) shall include the following:

(1) A description of the United States Federal debt liabilities owed to China as a creditor of the United States Government.

(2) A description of the amounts projected for defense spending by China in 2011.

(3) A discussion of any options available to China for deterring United States military freedom of action in the Western Pacific as a result of its creditor status.

(4) Other related issues the Secretary of Defense considers relevant.

(d) **FORM.**—The report required by subsection (b)(2) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(e) **DEFINITION.**—In this section the term “specified congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1226. CONGRESSIONAL NOTIFICATION REQUIREMENT BEFORE PERMANENT RELOCATION OF ANY UNITED STATES MILITARY UNIT STATIONED OUTSIDE THE UNITED STATES.**

(a) **NOTIFICATION AND RELATED REPORT.**—Chapter 6 of title 10, United States Code, is amended by inserting after section 162 the following new section:

**“§162a. Congressional notification before permanent relocation of military units stationed outside the United States**

“(a) **NOTIFICATION AND REPORTING REQUIREMENT.**—If the Secretary of Defense plans to relocate a unit stationed outside the United States, the Secretary shall submit to the appropriate committees of Congress, at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, for the fiscal year in which the relocation will occur, written notification of the relocation and the report required by subsection (b) related to that relocation.

“(b) **ELEMENTS OF REPORT.**—The notification required by subsection (a) shall include a report containing a description of the following:

“(1) How relocation of the unit supports the United States national security strategy.

“(2) How relocation of the unit supports the security commitments undertaken by the United

States pursuant to relevant international security treaties, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

“(3) How relocation of the unit addresses the current security environment in the affected geographic combatant command's area of responsibility, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

“(4) Whether relocation of the unit will result in cost savings or increased costs to the Department of Defense as a result of—

“(A) the loss of the permanent presence of the unit at the overseas location;

“(B) the reliance on the rotation of units or other means to achieve the same security objectives; and

“(C) the costs of maintaining the unit at its new location.

“(5) How relocation of the unit impacts the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

“(c) **EXCEPTIONS.**—Subsection (a) does not apply in the case of—

“(1) the relocation of a unit deployed in support of a contingency operation;

“(2) the relocation of a unit as the result of closure of an overseas installation at the request of the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the installation; or

“(3) a reduction in the number of Brigade Combat Teams stationed in Europe from four to three.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to relocate military units stationed outside the United States.

“(e) **DEFINITIONS.**—In this section:

“(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

“(2) **GEOGRAPHIC COMBATANT COMMAND.**—The term ‘geographic combatant command’ means a combatant command with a geographic area of responsibility that does not include North America.

“(3) **UNIT.**—The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 162 the following new item:

“162a. Congressional notification before permanent relocation of military units stationed outside the United States.”

(c) **CONFORMING AMENDMENTS.**—Section 1063 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2469; 10 U.S.C. 113 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

**SEC. 1227. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.**

(a) **MATTERS TO BE INCLUDED.**—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note), as most recently amended by section 1246(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2544), is further amended—

(1) in paragraph (7)—

(A) by adding at the end before the period the following: “or otherwise undermine the Department of Defense's capability to conduct information assurance”; and

(B) by adding at the end the following: “Such analyses shall include an assessment of the damage inflicted on the Department of Defense by reason thereof.”; and

(2) in paragraph (9), by adding at the end the following: “Such analyses shall include an assessment of the nature of China's cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof. Such cyber activities shall include activities originating or suspected of originating from China and shall include government and non-government activities believed to be sanctioned or supported by the Government of China.”

(b) **CONFORMING AMENDMENT.**—Such section is further amended in the heading by striking “military and security developments involving” and inserting “military power of”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

**SEC. 1228. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN FEDERATION WITH ACCESS TO UNITED STATES MISSILE DEFENSE TECHNOLOGY.**

(a) **LIMITATION ON FUNDS FOR SENSITIVE TECHNOLOGY AND DATA.**—No funds made available to carry out this Act may be used to provide the Russian Federation with access to—

(1) sensitive missile defense technology of the United States, including hit-to-kill technology; or

(2) sensitive data, including sensitive technical data, warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(b) **LIMITATION ON FUNDS FOR OTHER TECHNOLOGY AND DATA.**—No funds made available to carry out this Act may be used to provide the Russian Federation with access to missile defense technology or technical data not described in subsection (a) as part of a defense technical cooperation agreement between the Russian Federation and the United States unless, not less than 30 days prior to providing the Russian Federation with access to any such technology or technical data, the President submits to the appropriate congressional committees the report described in subsection (c) and the certification described in subsection (d).

(c) **REPORT.**—The report referred to in subsection (b) is a report that contains a description of the following:

(1) The specific missile defense technology or technical data to be accessed, the reasons for providing such access, and how the technology or technical data is intended to be used.

(2) The measures necessary to protect the technology or technical data.

(3) The specific missile defense technology or technical data of the Russian Federation that the Russian Federation is providing the United States with access to.



(4) The status and substance of discussions between the United States and the Russian Federation on missile defense matters.

(d) **CERTIFICATION.**—The certification referred to in subsection (b) is a certification of the President that providing the Russian Federation with access to the missile defense technology or technical data—

(1) includes an agreement on prohibiting access to such defense technology or technical data by third parties;

(2) will not enable the Russian Federation or any third party that may obtain access to such defense technology or technical data by means intentional or otherwise to develop countermeasures to any United States missile defense system or otherwise undermine the effectiveness of any United States missile defense system; and

(3) will correspond to equitable access by the United States to missile defense technology or technical data of the Russian Federation.

(e) **FORM.**—The report described in subsection (c) and the certification described in subsection (d) shall be submitted in unclassified form, but may contain a classified annex, if necessary.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 1229. INTERNATIONAL AGREEMENTS RELATING TO MISSILE DEFENSE.**

(a) **FINDINGS.**—Congress finds the following:

(1) Prior to signing the New START Treaty, on April 7, 2010, the Russian Federation made the unilateral statement that “the Treaty can operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively or qualitatively.”

(2) In the understanding under subsection (b)(1)(A) of the Resolution of Advice and Consent to Ratification of the New START Treaty, the Senate declared that “the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty. . .”

(3) In the understanding under subsection (b)(1)(B) of such resolution, the Senate further declared that “any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.”

(4) In the understanding under subsection (b)(1)(C) of such resolution, the Senate further declared that “the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States.”

(5) In the declaration under subsection (c)(2)(F) of such resolution, the Senate further declared that “the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the Treaty.”

(b) **POLICY.**—In light of the findings under subsection (a), it is the policy of the United States—

(1) that any further limitations on the missile defense capabilities of the United States are not

in the national security interests of the United States;

(2) to improve the strategic defensive capabilities of the United States both quantitatively and qualitatively during the period that the New START Treaty is in effect and such improvements are consistent with the Treaty; and

(3) that no future agreement with Russia on cooperative missile defense, non-strategic nuclear weapons, further strategic weapons reductions, or any other matter shall include any restrictions on the missile defense options of the United States in Europe or elsewhere.

(c) **LIMITATIONS ON MISSILE DEFENSE.**—

(1) **IN GENERAL.**—Chapter 3 of title 10, United States Code, is amended by adding after section 130f, as added by section 1091, the following new section:

#### **“§130g. International agreements relating to missile defense**

“(a) **IN GENERAL.**—In accordance with the understanding under subsection (b)(1)(B) of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, any agreement with a country or international organization or amendment to the New START Treaty (including an agreement made by the Bilateral Consultative Commission established by the New START Treaty) concerning the limitation of the missile defense capabilities of the United States shall not be binding on the United States, and shall not enter into force with respect to the United States, unless after the date of the enactment of this section, such agreement or amendment is—

“(1) specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

“(2) specifically authorized by an Act of Congress.”

“(b) **ANNUAL NOTIFICATION.**—Not later than January 31 of each year, beginning in 2012, the President shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification of—

“(1) whether the Russian Federation has recognized during the previous year the sovereign right of the United States to pursue quantitative and qualitative improvements in missile defense capabilities; and

“(2) whether during any treaty negotiations or other Government-to-Government contacts between the United States and the Russian Federation (including under the auspices of the Bilateral Consultative Commission established by the New START Treaty) during the previous year a representative of the Russian Federation suggested that a treaty or other international agreement include, with respect to the United States—

“(A) restricting missile defense capabilities, military capabilities in space, or conventional prompt global strike capabilities; or

“(B) reducing the number of non-strategic nuclear weapons deployed in Europe.

“(c) **NEW START TREATY DEFINED.**—In this section, the term ‘New START Treaty’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.”

(2) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130d the following new item:

“130g. International agreements relating to missile defense.”

(d) **NEW START TREATY DEFINED.**—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the

Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

#### **SEC. 1230. NON-STRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRENCE POLICY.**

(a) **POLICY ON NON-STRATEGIC NUCLEAR WEAPONS.**—It is the policy of the United States—

(1) to pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and non-deployed non-strategic nuclear forces;

(2) that non-strategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and Russia; and

(3) that any geographical relocation or storage of non-strategic nuclear weapons by Russia does not constitute a reduction or elimination of such weapons.

(b) **POLICY ON EXTENDED DETERRENCE COMMITMENT TO EUROPE.**—It is the policy of the United States that—

(1) it maintain its commitment to extended deterrence, specifically the nuclear alliance of the North Atlantic Treaty Organization, as an important component of ensuring and linking the national security interests of the United States and the security of its European allies;

(2) forward-deployed nuclear weapons of the United States shall remain based in Europe in support of the NATO nuclear alliance; and

(3) the presence of nuclear weapons of the United States in Europe—combined with NATO’s unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—contributes to the cohesion of NATO and provides reassurance to allies and partners who feel exposed to regional threats.

(c) **LIMITATION ON REDUCTION, CONSOLIDATION, OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.**—In light of the policy expressed in subsections (a) and (b), no action may be taken to effect or implement the reduction, consolidation, or withdrawal of nuclear forces of the United States that are based in Europe unless—

(1) the reduction, consolidation, or withdrawal of such nuclear forces is requested by the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the forces; or

(2) the President certifies that—

(A) NATO member states have considered the reduction, consolidation, or withdrawal in the High Level Group;

(B) NATO has decided to support such reduction, consolidation, or withdrawal; and

(C) the remaining nuclear forces of the United States that are based in Europe after such reduction, consolidation, or withdrawal would provide a commensurate or better level of assurance and credibility as before such reduction, consolidation, or withdrawal.

(d) **NOTIFICATION.**—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall submit to the appropriate congressional committees a notification containing—

(1) the certification required by subsection (c)(2);

(2) justification for such reduction, consolidation, or withdrawal; and

(3) an assessment of how NATO member states, in light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4,



1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

(e) **NOTICE AND WAIT REQUIREMENT.**—The President may not commence a reduction, consolidation, or withdrawal of the nuclear forces of the United States that are based in Europe for which the certification required by subsection (c)(2) is made until the expiration of a 180-day period beginning on the date on which the President submits the report under subsection (d) containing the certification.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committees on Armed Services of the House of Representatives and the Senate; and

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

### **TITLE XIII—COOPERATIVE THREAT REDUCTION**

#### **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2012 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2012 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2012, 2013, and 2014.

#### **SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$508,219,000 authorized to be appropriated to the Department of Defense for fiscal year 2012 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$63,221,000.

(2) For chemical weapons destruction, \$9,804,000.

(3) For global nuclear security, \$121,143,000.

(4) For cooperative biological engagement, \$259,470,000.

(5) For proliferation prevention, \$28,080,000.

(6) For threat reduction engagement, \$2,500,000.

(7) For activities designated as Other Assessments/Administrative Costs, \$24,001,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2012 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2012 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2012 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

#### **SEC. 1303. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE BIOLOGICAL ENGAGEMENT PROGRAM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by section 1302(a)(4) or otherwise made available for fiscal year 2012 for cooperative biological engagement, not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the appropriate congressional committees the following:

(1) A detailed analysis of the effect of the cooperative biological engagement program.

(2) Either—

(A) written certification that the efforts of the cooperative biological engagement program—

(i) result in changed practices or are otherwise effective; and

(ii) lead to threat reduction; or

(B) a detailed list of policy and program recommendations considered necessary by the Secretary to modify, expand, or curtail the cooperative biological engagement program in order to achieve the objectives described by subparagraph (A).

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

### **TITLE XIV—OTHER AUTHORIZATIONS**

#### **Subtitle A—Military Programs**

##### **SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

##### **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the fiscal year 2012 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

(b) **AUTHORIZED PROCUREMENT.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used to purchase an offshore petroleum distribution system, and the associated tender for that system, that are under charter by the Military Sealift Command as of January 1, 2011.

##### **SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction,

Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

##### **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

##### **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

##### **SEC. 1406. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

#### **Subtitle B—National Defense Stockpile**

##### **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.**

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2012, the National Defense Stockpile Manager may obligate up to \$50,107,320 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

##### **SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.**

Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 50 U.S.C. 98d note), as most recently amended by section 1412 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) is amended by striking “\$730,000,000 by 2013” in paragraph (5) and inserting “\$830,000,000 by 2016”.

#### **Subtitle C—Chemical Demilitarization Matters**

##### **SEC. 1421. CHANGES TO MANAGEMENT ORGANIZATION TO THE ASSEMBLED CHEMICAL WEAPONS ALTERNATIVE PROGRAM.**

(a) **MANAGEMENT ORGANIZATION.**—Section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended by striking the last sentence.

(b) **BRIEFING REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, in coordination with the Deputy Assistant Secretary of the Army for the Elimination of Chemical Weapons, shall provide to Committees on Armed Services of the Senate and House of Representatives a briefing on opportunities to leverage lessons learned and experienced personnel of the Army Chemical Materials Agency to support the Assembled Chemical Weapons Alternatives program. The briefing shall include each of the following:

(1) A plan to attract Army Chemical Materials Agency personnel to assist the Assembled Chemical Weapons Alternatives program in completing the mission of the Agency set forth by the Chemical Weapons Convention and the destruction of the United States' stockpile of lethal chemical agents and munitions by the deadline under section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and an analysis of that plan.

(2) An analysis of how the Army Chemical Materials Agency and the Assembled Chemical Weapons Alternative program can work in coordination to ensure that the leadership, expertise, experience, and best practices of the Agency are shared extensively with the Assembled Chemical Weapons Alternative program.

(3) An analysis of how the Assembled Chemical Weapons Alternative program could incorporate best practices from the Army Chemical Materials Agency.

(c) **DEFINITION.**—The term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

#### **Subtitle D—Other Matters**

#### **SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2012 from the Armed Forces Retirement Home Trust Fund the sum of \$67,700,000 for the operation of the Armed Forces Retirement Home.

#### **SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated by section 1406 and available for the Defense Health Program for operation and maintenance, \$135,600,000 may be transferred by the Secretary of Defense to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

#### **SEC. 1433. MISSION FORCE ENHANCEMENT TRANSFER FUND.**

(a) **ESTABLISHMENT OF FUND.**—There is hereby established a fund to be known as the “Mission Force Enhancement Transfer Fund”. Amounts in the fund shall be available to the Secretary of Defense to be used for the Armed Forces and other activities and agencies of the Department of Defense.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Mission Force Enhancement Transfer Fund for fiscal year 2012 for the purposes specified in subsection (c) as specified in the funding table in section 4501.

(c) **USE OF FUNDS.**—The Secretary of Defense may transfer amounts from the Mission Force Enhancement Transfer Fund to another account of the Department of Defense to mitigate unfunded requirements for fiscal year 2012 for any of the following:

- (1) Ballistic and cruise missile defense.
- (2) Navy shipbuilding.
- (3) Strike fighter shortfall.
- (4) Naval mine warfare.
- (5) Intelligence, surveillance, and reconnaissance.
- (6) Capabilities to defeat anti-access/area-denial technologies.
- (7) Basic research.

(d) **ADDITIONAL AUTHORITY.**—The transfer authority under this section is in addition to any other authority to transfer funds provided in this Act.

(e) **EFFECT ON AUTHORIZATION AMOUNTS.**—The transfer of an amount to an account under subsection (c) shall be deemed to increase the amount authorized to be appropriated for such account by an amount equal to the amount transferred.

(f) **PRIOR NOTICE TO CONGRESS OF TRANSFER.**—Funds may not be transferred under subsection (c) until the date that is 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed transfer.

(g) **GUIDANCE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance regarding the identification and selection of projects to be funded under this section using merit-based selection criteria.

#### **TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

##### **Subtitle A—Authorization of Additional Appropriations**

#### **SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2012 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

#### **SEC. 1502. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

#### **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

#### **SEC. 1504. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and main-

tenance, as specified in the funding table in section 4302.

#### **SEC. 1505. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

#### **SEC. 1506. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2012 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

#### **SEC. 1507. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

#### **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

#### **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2012 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

#### **Subtitle B—Financial Matters**

#### **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

#### **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2012 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$3,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

#### **Subtitle C—Limitations and Other Matters**

#### **SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

(a) **APPLICATION OF EXISTING LIMITATIONS ON AVAILABILITY OF FUND.**—Funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) **ADDITIONAL AUTHORIZED USE OF FUND.**—In addition to the types of authorized assistance described in section 1513(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), amounts in the Afghanistan Security Forces Fund may be used to construct and operate schools for the purpose of providing remedial literacy instruction to recruits for Afghanistan Security Forces and civilian employees of the Afghanistan Ministry of Defense.

**SEC. 1532. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.**

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

**SEC. 1533. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.**

(a) **EXTENSION.**—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426) is amended—

(1) in paragraph (6)—

(A) by striking “October 31, 2011,” and inserting “October 31, 2011, and October 31, 2012”; and

(B) by striking “fiscal year 2011” and inserting “the preceding fiscal year”; and

(2) in paragraph (7), by striking “September 30, 2011” and inserting “September 30, 2012”.

(b) **FUNDING LIMITATION.**—Paragraph (4) of such subsection is amended by inserting before the period at the end of the second sentence the following: “for fiscal year 2011 and \$75,000,000 for fiscal year 2012”.

(c) **SCOPE OF PROJECTS.**—Paragraph (3) of such subsection is amended by adding at the end the following new sentence: “To the maximum extent possible, the activities of the Task Force for Business and Stability Operations in Afghanistan should focus on improving the commercial viability of other reconstruction or development activities in Afghanistan conducted by the United States.”.

**TITLE XVI—ADDITIONAL BUDGET ITEMS**

**Subtitle A—Procurement**

**SEC. 1601. BUDGET ITEM RELATING TO MODIFICATION OF TORPEDOES AND RELATED EQUIPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$126,308,000 for modification of torpedoes and related equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$5,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1602. BUDGET ITEM RELATING TO ANTI-SUBMARINE WARFARE ELECTRONIC EQUIPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States

Code, for fiscal year 2012, the President requested \$125,652,000 for anti-submarine warfare electronic equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$9,600,000 for anti-submarine warfare applications in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1603. BUDGET ITEM RELATING TO SHALLOW WATER MINE COUNTER MEASURES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$1,048,000 for shallow water mine counter measures. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$7,975,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1604. BUDGET ITEM RELATING TO LHA-7 SHIP PROGRAM.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$2,018,691,000 for the LHA-7 ship program. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$150,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1605. BUDGET ITEM RELATING TO MOBILITY AIRCRAFT SIMULATORS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$198,100,000 for mobility aircraft simulators. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$25,000,000 for the same purpose, including for simulator training facilities for air mobility pilots, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1606. BUDGET ITEM RELATING TO MODIFICATIONS TO AIRCRAFT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$80,745,000 for Modifications to Aircraft. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$10,000,000 for radio communication systems for National Guard helicopters in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1607. BUDGET ITEM RELATING TO SH-60 CREW AND PASSENGER SURVIVABILITY UPGRADES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$2,291,899,000 for aircraft modifications. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$4,500,000 for SH-60 crew and passenger survivability upgrades in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1608. BUDGET ITEM RELATING TO MODIFICATION OF IN SERVICE A-10 AIRCRAFT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$153,128,000 for modification of in service aircraft, A-10. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$5,000,000 for lightweight airborne recovery systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1609. BUDGET ITEM RELATING TO RADAR SUPPORT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States

Code, for fiscal year 2012, the President requested \$18,818,000 for Navy radar support. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$5,000,000 for Aegis ship support for engineering change proposals associated with combat system radar upgrades in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1610. BUDGET ITEM RELATING TO ELECTRONIC EQUIPMENT—AUTOMATION.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$335,664,000 for electronic equipment—automation. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,000,000 for support of the deployment and adoption of new information processing systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1611. BUDGET ITEM RELATING TO BASE DEFENSE SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$41,204,000 for other procurement, Army, for base defense systems. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$6,000,000 for base defense system equipment in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1612. BUDGET ITEM RELATING TO SNIPER RIFLE MODIFICATIONS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$1,994,000 for sniper rifle modifications. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,506,000 for modifications of weapons and other combat vehicles in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or ex-

pend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1613. BUDGET ITEM RELATING TO GENERATORS AND ASSOCIATED EQUIPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$31,897,000 for generators and associated equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$10,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1614. BUDGET ITEM RELATING TO NATIONAL GUARD AND RESERVE EQUIPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$0 for National Guard and Reserve Equipment. Of the amounts authorized to be appropriated by section 101, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$100,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**Subtitle B—Research, Development, Test, and Evaluation**

**SEC. 1616. BUDGET ITEM RELATING TO NEW DESIGN SSN.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$97,235,000 for New Design SSN. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$10,000,000 for continued design improvements for new SSNs in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1617. BUDGET ITEM RELATING TO ADVANCED SUBMARINE SYSTEM DEVELOPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress

under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$856,326,000 for advanced submarine system development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$9,000,000 for future undersea capabilities in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1618. BUDGET ITEM RELATING TO SURFACE ANTI-SUBMARINE WARFARE.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$29,797,000 for surface anti-submarine warfare. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$3,500,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1619. BUDGET ITEM RELATING TO SHIP PRELIMINARY DESIGN AND FEASIBILITY STUDIES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$22,213,000 for ship preliminary design and feasibility studies. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$19,900,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1620. BUDGET ITEM RELATING TO INDUSTRIAL PREPAREDNESS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$54,000,000 for research, development, test, and evaluation, Navy, for industrial preparedness. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$5,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1621. BUDGET ITEM RELATING TO MIXED CONVENTIONAL LOAD CAPABILITY FOR BOMBER AIRCRAFT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$19,900,000 for the Warfighter Rapid Acquisition Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$20,000,000 for the development of mixed conventional load capability for bomber aircraft to prosecute a broad range of preplanned and rapidly emerging target sets in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1622. BUDGET ITEM RELATING TO TACAIR-LAUNCHED UAS CAPABILITY DEVELOPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$9,400,000 for tactical unmanned aerial vehicles. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$10,000,000 for TACAIR-launched UAS capability development in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1623. BUDGET ITEM RELATING TO ELECTRO-PHOTONIC COMPONENT CAPABILITY DEVELOPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$123,000,000 for aviation improvements. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$10,000,000 for electro-phonic component capability development in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1624. BUDGET ITEM RELATING TO AIRBORNE RECONNAISSANCE SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$106,877,000 for airborne reconnaissance systems. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$3,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1625. BUDGET ITEM RELATING TO SMALL BUSINESS INNOVATIVE RESEARCH.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$0 for Small Business Innovative Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 to accelerate the use of technologies from the small business innovative research program into Army acquisition programs of record in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1626. BUDGET ITEM RELATING TO DEFENSE RESEARCH SCIENCES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$46,123,000 for defense research sciences. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$2,500,000 to conduct research into the magnetic and electric fields of the coastal ocean environment in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1627. BUDGET ITEM RELATING TO DEFENSE RESEARCH SCIENCES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$213,942,000 for Defense Research Sciences. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional

\$2,000,000 to support research into innovative new techniques for combat wound repair in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1628. BUDGET ITEM RELATING TO COMMUNICATIONS ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$5,312,000 for research, development, test and evaluation, Army, for communications advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$3,000,000 for the development of communications and information networking technologies to support Army requirements in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1629. BUDGET ITEM RELATING TO NIGHT VISION TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$39,813,000 for research, development, test and evaluation, Army, for night vision technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,000,000 to develop radio frequency signals intelligence processing equipment and associated applications in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1630. BUDGET ITEM RELATING TO NIGHT VISION TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$57,203,000 for Night Vision Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$8,000,000 for the development of enhanced low-light level visual sensors for persistent surveillance and dismounted soldier applications in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1631. BUDGET ITEM RELATING TO NIGHT VISION ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$42,414,000 for night vision advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$4,000,000 for the development of deployable force protection sensors in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1632. BUDGET ITEM RELATING TO NIGHT VISION ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$42,414,000 for night vision advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for the development and fielding of a solution for helicopter “brownout” situational awareness in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1633. BUDGET ITEM RELATING TO NIGHT VISION ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$42,414,000 for Night Vision Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,800,000 for night vision advanced technology development in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1634. BUDGET ITEM RELATING TO ROTARY WING SURFACES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States

Code, for fiscal year 2012, the President requested \$80,317,000 for Military Engineering Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$6,000,000 for the development of mission planning and support tools for rotary wing surfaces in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1635. BUDGET ITEM RELATING TO WEAPONS AND MUNITIONS TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$57,203,000 for weapons and munitions technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$30,000,000 for the development of weapons and munitions technologies by small and non-traditional defense businesses in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1636. BUDGET ITEM RELATING TO WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,077,000 for Weapons and Munitions Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,500,000 for development of innovative manufacturing techniques and processes for munitions and weapons systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1637. BUDGET ITEM RELATING TO WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,077,000 for Weapons and Munitions Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,500,000 for the development of

innovative manufacturing techniques and processes for munitions and weapons systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1638. BUDGET ITEM RELATING TO MATERIALS TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$30,258,000 for Materials Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,000,000 to develop innovative nanomaterials and nanomanufacturing processes for warfighter systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1639. BUDGET ITEM RELATING TO MATERIALS TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$30,258,000 for Materials Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$1,500,000 for the development and demonstration of novel lightweight composite packaging and structural materials in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1640. BUDGET ITEM RELATING TO MATERIALS TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$30,258,000 for materials technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for advanced manufacturing, repair, and sustainment technologies for defense needs in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and



(2) comply with other applicable provisions of law.

**SEC. 1641. BUDGET ITEM RELATING TO LIGHT-WEIGHT BODY ARMOR.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$64,057,000 for plasma treatment of fiber for force protection. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$5,100,000 for the development of new lightweight body armor in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1642. BUDGET ITEM RELATING TO INDUSTRIAL PREPAREDNESS MANUFACTURING TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$23,103,000 for industrial preparedness manufacturing technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for sustainment of the industrial base for body armor in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1643. BUDGET ITEM RELATING TO SECURE MICROELECTRONICS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$23,887,000 for Generic Logistics R&D Technology Demonstrations. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$15,000,000 to conduct research into the development, identification, and management of secure microelectronics in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1644. BUDGET ITEM RELATING TO ARMY TACTICAL COMMAND AND CONTROL HARDWARE AND SOFTWARE.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$123,935,000 for Army tactical command

and control hardware and software. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,000,000 for the development of interoperable national security information sharing systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1645. BUDGET ITEM RELATING TO BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$38,656,000 for battlespace knowledge development and demonstration. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$4,000,000 to conduct research and educational programs that support cyber workforce development in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1646. BUDGET ITEM RELATING TO TECHNOLOGY TRANSFER.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$2,553,000 for technology transfer. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$9,000,000 for small business technology transfer efforts into major Department of Defense acquisition programs of record in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1647. BUDGET ITEM RELATING TO UNIVERSITY RESEARCH INITIATIVES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$80,977,000 for research, development, test, and evaluation, Army, for university research initiatives. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$7,000,000 for multidisciplinary research into nanotechnology science in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1648. BUDGET ITEM RELATING TO UNIVERSITY RESEARCH INITIATIVES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$140,273,000 for university research initiatives. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$7,000,000 for the development of hypersonic testing facilities for defense applications in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1649. BUDGET ITEM RELATING TO CLINICAL CARE AND RESEARCH.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$80,977,000 for university research initiatives. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,000,000 for the development of informatics tools to support clinical care and research in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1650. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$105,929,000 for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$3,000,000 for the same purpose, including the development of biomaterials for wound prevention and healing, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.



**SEC. 1651. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$105,929,000 for research, development, test, and evaluation, Army, for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1652. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$105,929,000 for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$3,500,000 for the same purpose, including for the continued development of high-throughput, microarray diagnostic systems, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1653. BUDGET ITEM RELATING TO MEDICAL TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$105,929,000 for medical technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$1,468,000 to support research into innovative new techniques to develop vaccines of interest to the military in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1654. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional

\$10,000,000 for the same purpose, including for functional genomics research to further develop cancer treatment and detection methods, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1655. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for the same purpose (including for the continued development of telemedicine technologies) in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1656. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$3,000,000 for the same purpose, including for the study of health effects from manganese and other potential toxins, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1657. BUDGET ITEM RELATING TO MEDICAL ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$68,171,000 for medical advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for the development of innovative medical training technologies in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of

sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1658. BUDGET ITEM RELATING TO CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$219,873,000 for chemical and biological program defense program applied research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for the same purpose, including for university-led applied research, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1659. BUDGET ITEM RELATING TO SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$35,242,000 for special operations advanced technology development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1660. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$3,500,000 for the same purpose (including for risk assessment and resource allocation) in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1661. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress

under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$1,200,000 for the same purpose (including for the development of mobile training content and distance learning capabilities) in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1662. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$6,500,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1663. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY SUPPORT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,019,000 for Combating Terrorism Technology Support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$3,000,000 for the development of modeling and simulation technologies for testing of blast structures in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1664. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1665. BUDGET ITEM RELATING TO COMBATING TERRORISM TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$77,019,000 for combating terrorism technology support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$4,000,000 for combating terrorism technology support to improve the collaborative experimentation model in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1666. BUDGET ITEM RELATING TO WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$196,954,000 for weapons of mass destruction defeat technologies. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$5,000,000 for the same purpose, including weapons of mass destruction-related strategic studies and university partnerships, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1667. BUDGET ITEM RELATING TO COUNTERMINE SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$20,280,000 for countermining systems. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,500,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1668. BUDGET ITEM RELATING TO MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$37,583,000 for Mine and Expeditionary Warfare Applied Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$8,000,000 for the development of remote-robotic naval mine countermeasure research and development capability in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1669. BUDGET ITEM RELATING TO SPECIAL APPLICATIONS FOR CONTINGENCIES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$5,045,000 for special operations advanced technology development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$4,000,000 for the same purpose, including for special applications for contingencies such as for the development and demonstration of tactical unmanned aerial vehicles, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1670. BUDGET ITEM RELATING TO MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$91,132,000 for Microelectronics Technology Development and Support. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$3,000,000 for the development of innovative semiconductor design and fabrication tools in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1671. BUDGET ITEM RELATING TO WARFIGHTER SUSTAINMENT APPLIED RESEARCH.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States

Code, for fiscal year 2012, the President requested \$101,205,000 for Warfighter Sustainment Applied Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$2,500,000 to support research into corrosion control and anti-biofouling coatings in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1672. BUDGET ITEM RELATING TO MARINE CORPS LANDING FORCE TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$44,845,000 for Marine Corps Landing Force Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$3,000,000 for the development of situational awareness and communications networking tools for tactical units in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1673. BUDGET ITEM RELATING TO ADVANCED CONCEPTS AND SIMULATION.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$20,933,000 for Advanced Concepts and Simulation. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$10,000,000 to develop realistic human representations of software agents for simulation systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1674. BUDGET ITEM RELATING TO HUMAN EFFECTIVENESS APPLIED RESEARCH.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$86,663,000 for Human Effectiveness Applied Research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$2,200,000 to develop training and sim-

ulation capabilities for the Air Force in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1675. BUDGET ITEM RELATING TO AEROSPACE PROPULSION.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$207,508,000 for aerospace propulsion. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$2,000,000 for the development of innovative aircraft deoxygenation systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1676. BUDGET ITEM RELATING TO END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$59,297,000 for end item industrial preparedness activities. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$7,000,000 to develop a 3-D model-based design and manufacturing capability in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1677. BUDGET ITEM RELATING TO SENSORS AND ELECTRONIC SURVIVABILITY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$43,521,000 for Sensors and Electronic Survivability. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$10,000,000 for the development of command, control, and navigation capabilities for manned and unmanned aircraft in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1678. BUDGET ITEM RELATING TO MILITARY ENGINEERING ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$36,516,000 for Military Engineering Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for the development of innovative capabilities that support core missions of the Army Corps of Engineers in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1679. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$8,000,000 for the same purpose, including for the development and demonstration of a high-efficiency air-breathing turbine propulsion system for unmanned aircraft systems, in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1680. BUDGET ITEM RELATING TO ESTABLISHMENT OF PROTOCOLS FOR JOINT STRIKE FIGHTER LEAD-FREE ELECTRONIC COMPONENTS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$1,387,926,000 for joint strike fighter development. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$1,000,000 for the development of protocols for the use of lead-free solder products and finishes in the joint strike fighter in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1681. BUDGET ITEM RELATING TO PORTABLE HELICOPTER OXYGEN DELIVERY SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress

under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$73,728,000 for infantry support weapons. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$3,000,000 for improvements to portable helicopter oxygen delivery systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1682. BUDGET ITEM RELATING TO ADVANCED ROTORCRAFT FLIGHT RESEARCH.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$8,000,000 for advanced rotorcraft flight research in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1683. BUDGET ITEM RELATING TO MISSILE AND ROCKET ADVANCED TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$90,602,000 for missile and rocket advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$6,250,000 for the development of missile simulation technology in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1684. BUDGET ITEM RELATING TO MISSILE AND ROCKET ADVANCED TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$90,602,000 for missile and rocket advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,300,000 for base defense counter fire intercept systems in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1685. BUDGET ITEM RELATING TO COMBAT VEHICLE IMPROVEMENT PROGRAMS.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$53,700,000 for combat vehicle improvement programs. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$25,000,000 for the same purpose, including for the M1A1 Abrams tank engine technology insertion demonstration program, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1686. BUDGET ITEM RELATING TO WARFIGHTER ADVANCED TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$52,979,000 for Warfighter Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1687. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,500,000 for the same purpose, including for the development and demonstration of autonomous cargo for rotorcraft unmanned aerial vehicles, in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1688. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$62,193,000 for research, development, test and evaluation, Army, for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$7,000,000 for the same purpose (including for common data link waveform improvements) in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1689. BUDGET ITEM RELATING TO AVIATION ADVANCED TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$62,193,000 for aviation advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,300,000 to conduct research on corrosion reduction for rotorcraft aviation platforms in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1690. BUDGET ITEM RELATING TO MUNITIONS STANDARDIZATION, EFFECTIVENESS, AND SAFETY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$57,142,000 for munitions standardization, effectiveness, and safety. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$5,000,000 for enhanced survivability and lethality system development in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1691. BUDGET ITEM RELATING TO AEGIS BALLISTIC MISSILE DEFENSE.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States

Code, for fiscal year 2012, the President requested \$960,267,000 for Aegis ballistic missile defense. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Director of the Missile Defense Agency shall obligate an additional \$5,000,000 for expanding the engagement capability of the Aegis ballistic missile defense in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1692. BUDGET ITEM RELATING TO OPERATIONALLY RESPONSIVE SPACE.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$86,500,000 for operationally responsive space. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$20,000,000 for the acquisition of additional operationally responsive space capabilities to meet the urgent needs of commanders, further develop and demonstrate a modular architecture, and support enabling technologies and infrastructure in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1693. BUDGET ITEM RELATING TO SPACE TECHNOLOGY.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$115,300,000 for space technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$3,000,000 for expanding research for space technology in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1694. BUDGET ITEM RELATING TO ARMY NET ZERO PROGRAMS.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$4,946,000 for Environmental Quality Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$8,000,000 for Army net zero programs in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1695. BUDGET ITEM RELATING TO OFFSHORE RANGE ENVIRONMENTAL BASELINE ASSESSMENT.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$66,409,000 for the Strategic Environmental Research Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$1,750,000 for offshore range environmental baseline assessment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1696. BUDGET ITEM RELATING TO DEPARTMENT OF DEFENSE CORROSION PROTECTION PROJECTS.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$3,221,000 for the Department of Defense Corrosion Protection Projects. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$10,300,000 for the same purpose in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1697. BUDGET ITEM RELATING TO STUDY OF RENEWABLE AND ALTERNATIVE ENERGY APPLICATIONS IN THE PACIFIC REGION.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$46,123,000 for defense research sciences. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$2,000,000 for the study of renewable and alternative energy applications in the Pacific Region in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1698. BUDGET ITEM RELATING TO ALTERNATIVE ENERGY FOR MOBILE POWER APPLICATIONS.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$156,901,000 for Force Protection Applied research. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$2,000,000 for alternative energy for mobile power applications in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699. BUDGET ITEM RELATING TO ADVANCED BATTERY TECHNOLOGIES.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$64,057,000 for force protection advanced technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$2,000,000 for advanced battery technologies in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699A. BUDGET ITEM RELATING TO OPERATIONAL ENERGY IMPROVEMENT PILOT PROJECT.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$20,444,000 for Operational Energy Capability Improvement. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$4,000,000 for an operational energy pilot project in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699B. BUDGET ITEM RELATING TO MICROGRID PILOT PROGRAM.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$30,000,000 for the installation energy test bed. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional



\$2,000,000 for the microgrid pilot program in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699C. BUDGET ITEM RELATING TO ADVANCED SURFACE MACHINERY SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$18,249,000 for Advanced Surface Machinery Systems. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$10,000,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699D. BUDGET ITEM RELATING TO BASE CAMP FUEL CELLS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$36,516,000 for Military Engineering Advanced Technology. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,000,000 for base camp fuel cells in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699E. BUDGET ITEM RELATING TO DEFENSE ALTERNATIVE ENERGY.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$17,888,000 for the Defense-wide Manufacturing Science and Technology Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$2,000,000 for defense alternative energy in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699F. BUDGET ITEM RELATING TO RADIOLOGICAL CONTAMINATION RESEARCH.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$66,409,000 for the Strategic Environmental Research Program. Of the amounts authorized to be appropriated by section 201, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$4,000,000 for radiological contamination research in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**Subtitle C—Operation and Maintenance**

**SEC. 1699G. BUDGET ITEM RELATING TO DEPARTMENT OF DEFENSE CORROSION PREVENTION PROGRAM.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$7,324,000 for the Department of Defense Corrosion Prevention Program. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$22,700,000 for the same purpose in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699H. BUDGET ITEM RELATING TO NAVY EMERGENCY MANAGEMENT AND PREPAREDNESS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$38,425,841,000 for Operation & Maintenance, Navy Budget Activity 01, Operating Forces. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Navy shall obligate an additional \$2,000,000 for emergency management and preparedness of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699I. BUDGET ITEM RELATING TO ARMY SIMULATION TRAINING SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$2,939,455,000 for Operation & Maintenance, Army Budget Activity 01, Force Readiness

Operations Support, Line 070. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$4,000,000 for simulation training systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699J. BUDGET ITEM RELATING TO ARMY INDUSTRIAL FACILITY ENERGY MONITORING.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$2,745,667,000 for Operation and Maintenance Army, Line 110, Facilities Sustainment, Restoration, and Modernization. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,380,000 for Army Industrial Facility Energy Monitoring in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699K. BUDGET ITEM RELATING TO ARMY NATIONAL GUARD SIMULATION TRAINING SYSTEMS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$706,299,000 for Operation & Maintenance, Army National Guard Budget Activity 12. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$2,000,000 for simulation training systems in furtherance of national security objectives.

(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699L. BUDGET ITEM RELATING TO ARMY ARSENALS.**

(a) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$7,973,300 for Operation & Maintenance, Army Budget Activity 04, Administration and Service-wide Activities, line 423, Logistic Support Activities. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of the Army shall obligate an additional \$6,000,000 for capital improvements at United States Army arsenals in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 1699M. BUDGET ITEM RELATING TO COLD WEATHER PROTECTIVE EQUIPMENT.**

(a) ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.—In the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012, the President requested \$3,986,766,000 for Operation & Maintenance, Defense-wide, Special Operations Command. Of the amounts authorized to be appropriated by section 301, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$3,000,000 for cold weather protective equipment in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2012”.

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2015.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2014; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2015 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

**SEC. 2003. LIMITATION ON IMPLEMENTATION OF PROJECTS DESIGNATED AS VARIOUS LOCATIONS.**

The Secretary of Defense or the Secretary of a military department may not enter into an award of a project authorized for various locations in titles XXI through XXVII, as specified in the funding table in section 4601, until the Secretary concerned submits to the congressional defense committees a report that includes the following:

(1) Within the amounts authorized to be appropriated in titles XXI through XXVII, a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program.

**SEC. 2004. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and XXVII shall take effect on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of this Act.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State         | Installation or Location      | Amount        |
|---------------|-------------------------------|---------------|
| Alaska .....  | Fort Wainwright .....         | \$114,000,000 |
|               | JB Elmendorf-Richardson ..... | \$103,600,000 |
| Alabama ....  | Fort Rucker .....             | \$11,600,000  |
| California .. | Fort Irwin .....              | \$23,000,000  |
|               | Presidio Monterey .....       | \$3,000,000   |
| Colorado .... | Fort Carson, Colorado .....   | \$238,600,000 |
| Georgia ..... | Fort Benning .....            | \$66,700,000  |
|               | Fort Gordon .....             | \$1,450,000   |
|               | Fort Stewart, Georgia ..      | \$2,600,000   |
| Hawaii .....  | Fort Shafter .....            | \$17,500,000  |
|               | Schofield Barracks .....      | \$105,000,000 |
| Kansas .....  | Forbes Air Field .....        | \$5,300,000   |
|               | Fort Riley, Kansas .....      | \$83,400,000  |
| Kentucky ...  | Fort Campbell, Kentucky ..    | \$247,500,000 |

**Army: Family Housing**

| Country       | Installation or Location | Units  | Amount       |
|---------------|--------------------------|--|--------------|
| Belgium ..... | Brussels .....           | Land Purchase for GFOQ (10 units)                        | \$10,000,000 |
| Germany ..... | Grafenwoehr .....        | Family Housing New Construction (26 units) .....         | \$13,000,000 |
|               | Illesheim .....          | Family Housing Replacement Construction (80 units) ..... | \$41,000,000 |
|               | Vilseck .....            | Family Housing New Construction (22 units) .....         | \$12,000,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and

engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$7,897,000.

**Army: Inside the United States—Continued**

| State                 | Installation or Location      | Amount        |
|-----------------------|-------------------------------|---------------|
| Louisiana ..          | Fort Knor .....               | \$55,000,000  |
|                       | Fort Polk, Louisiana ..       | \$70,100,000  |
| Maryland ..           | Aberdeen Proving Ground ..... | \$78,500,000  |
|                       | Fort Meade .....              | \$79,000,000  |
| Missouri ....         | Fort Leonard Wood .....       | \$49,000,000  |
| North Carolina ..     | Fort Bragg .....              | \$186,000,000 |
| New York ..           | Fort Drum, New York ..        | \$13,300,000  |
| Oklahoma ..           | Fort Sill .....               | \$184,600,000 |
|                       | McAlester .....               | \$8,000,000   |
| South Carolina ..     | Fort Jackson .....            | \$63,900,000  |
| Texas .....           | Fort Bliss .....              | \$149,500,000 |
|                       | Fort Hood, Texas .....        | \$132,000,000 |
|                       | JB San Antonio .....          | \$10,400,000  |
|                       | Red River Army Depot ..       | \$44,000,000  |
| Utah .....            | Dugway Proving Ground .....   | \$32,000,000  |
| Virginia .....        | Fort Belvoir .....            | \$83,000,000  |
|                       | JB Langley Eustis .....       | \$26,000,000  |
| Washington ..         | JB Lewis McChord .....        | \$296,300,000 |
| Various Locations ... | Unspecified .....             | \$70,000,000  |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country             | Installation or Location           | Amount       |
|---------------------|------------------------------------|--------------|
| Afghanistan         | Bagram Air Base, Afghanistan ..... | \$80,000,000 |
| Germany ....        | Germersheim .....                  | \$37,500,000 |
|                     | Grafenwoehr .....                  | \$38,000,000 |
|                     | Landstuhl .....                    | \$63,000,000 |
|                     | Oberdachstetten .....              | \$12,200,000 |
|                     | Stuttgart .....                    | \$12,200,000 |
|                     | Vilseck .....                      | \$20,000,000 |
| Honduras Various.   | Honduras various .....             | \$25,000,000 |
| Korea, Republic of. | Camp Carroll .....                 | \$41,000,000 |
|                     | Camp Henry .....                   | \$48,000,000 |

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104 and available for military family housing functions as specified in the funding



table in section 4601, the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$103,000,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Army, as specified in the funding table in section 4601.

**SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658) for Fort Benning, Georgia, for construction of a Multipurpose Training Range at the installation, the Secretary of the Army may construct up to 1,802 square feet of loading dock consistent with the Army's construction guidelines for Multipurpose Training Ranges.

**SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.**

(a) HAWAII.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Schofield Barracks, Hawaii, for renovations of buildings 450 and 452,

the Secretary of the Army may renovate building 451 in lieu of building 452.

(b) NEW YORK.—In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4437) for Fort Drum, New York, for construction of an Aircraft Maintenance Hangar at the installation, the Secretary of the Army may construct up to 39,049 square yards of parking apron consistent with the Army's construction guidelines for Aircraft Maintenance Hangars and associated parking aprons.

(c) GERMANY.—In the case of the authorization contained in the table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4438) for Wiesbaden, Germany, for construction of an Information Processing Center at the installation, the Secretary of the Army may construct up to 9,400 square yards of vehicle parking garage consistent with the Army's construction guidelines for parking garages, in lieu of renovating 9,400 square yards of parking area.

**SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT USING PRIOR-YEAR UNOBLIGATED ARMY MILITARY CONSTRUCTION FUNDS.**

(a) PROJECT AUTHORIZATION.—The Secretary of the Army may carry out a military construction project to construct a water treatment facility for Fort Irwin, California, in the amount of \$115,000,000.

(b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILITARY CONSTRUCTION FUNDS.—To carry out the project described in subsection (a), the Secretary of the Army may use available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2012.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

**SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4440), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2008 Project Authorizations**

| State           | Installation or Location | Project                              | Amount      |
|-----------------|--------------------------|--------------------------------------|-------------|
| Louisiana ..... | Fort Polk .....          | Child Care Facility .....            | \$6,100,000 |
| Missouri .....  | Fort Leonard Wood .....  | Multipurpose Machine Gun Range ..... | \$4,150,000 |

**SEC. 2109. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4658), shall remain in effect until October 1, 2012, or the date

of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2009 Project Authorizations**

| State            | Installation or Location  | Project                                     | Amount       |
|------------------|---------------------------|---|--------------|
| Alabama .....    | Anniston Army Depot ..... | Lake Yard Interchange .....                 | \$1,400,000  |
| Hawaii .....     | Schofield Barracks .....  | Brigade Complex .....                       | \$65,000,000 |
|                  |                           | Battalion Complex .....                     | \$69,000,000 |
|                  |                           | Battalion Complex .....                     | \$27,000,000 |
|                  |                           | Infrastructure Expansion .....              | \$76,000,000 |
| New Jersey ..... | Picatinny Arsenal .....   | Ballistic Evaluation Facility Phase I ..... | \$9,900,000  |
| Virginia .....   | Fort Eustis .....         | Vehicle Paint Facility .....                | \$3,900,000  |

**SEC. 2110. TECHNICAL AMENDMENTS TO CORRECT CERTAIN PROJECT SPECIFICATIONS.**

The table in section 3002 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4503) is amended—

(1) in the project specification for the Army for “Entry Control Point and Access Roads” that appears immediately below the project specifications for Bagram Air Force Base, Afghanistan, by striking “Delaram II” and inserting “Delaram II”; and

(2) in the project specifications for the Army for the Shank installation, Afghanistan, by striking “Expand Extended Cooperation Programme 1 and Extended Cooperation Programme 2” in the Project title column and inserting “Expand Entry Control Point 1 and Entry Control Point 2”.

**SEC. 2111. ADDITIONAL BUDGET ITEMS RELATING TO ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) TRAINING FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$20,000,000 for Army training facilities in furtherance of national security objectives.

(b) COMMUNITY HOUSING FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$10,000,000 for community housing facilities in furtherance of national security objectives.

(c) TROOP HOUSING FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$10,000,000

for Troop housing facilities in furtherance of national security objectives.

(d) UTILITIES AND GROUND IMPROVEMENTS.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$10,000,000 for Army utilities and ground improvements in furtherance of national security objectives.

(e) RESEARCH AND DEVELOPMENT FACILITIES.—Of the amounts authorized to be appropriated by section 2104, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$20,000,000 for research and development facilities in furtherance of national security objectives.

(f) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

### TITLE XXII—NAVY MILITARY CONSTRUCTION

#### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

#### Navy: Inside the United States

| State                  | Installation or Location        | Amount        |
|------------------------|---------------------------------|---------------|
| Arizona<br>California. | Yuma .....                      | \$162,785,000 |
|                        | Barstow .....                   | \$8,590,000   |
|                        | Bridgeport .....                | \$19,238,000  |
|                        | Camp Pendleton ..               | \$335,080,000 |
|                        | Coronado .....                  | \$108,435,000 |
| Florida                | Point Mugu .....                | \$15,377,000  |
|                        | Twentynine Palms                | \$67,109,000  |
|                        | Jacksonville .....              | \$36,552,000  |
|                        | Whiting Field ....              | \$20,620,000  |
|                        | Kings Bay .....                 | \$86,063,000  |
| Georgia<br>Hawaii      | Barking Sands ....              | \$9,679,000   |
|                        | Joint Base Pearl Harbor-Hickam. | \$7,492,000   |
| Illinois<br>Maryland.  | Kaneohe Bay .....               | \$57,704,000  |
|                        | Great Lakes .....               | \$91,042,000  |
|                        | Indian Head .....               | \$67,779,000  |
| North Carolina.        | Patuxent River ....             | \$45,844,000  |
|                        | Camp Lejeune .....              | \$200,482,000 |

#### Navy: Inside the United States—Continued

| State                       | Installation or Location               | Amount        |
|-----------------------------|--|---------------|
| South Carolina.<br>Virginia | Cherry Point Marine Corps Air Station. | \$17,760,000  |
|                             | New River .....                        | \$78,930,000  |
|                             | Beaufort .....                         | \$21,096,000  |
|                             | Norfolk .....                          | \$108,228,000 |
|                             | Portsmouth .....                       | \$74,864,000  |
| Washington.                 | Quantico .....                         | \$183,690,000 |
|                             | Bremerton .....                        | \$13,341,000  |
| Various Locations ...       | Kitsap .....                           | \$758,842,000 |
|                             | Unspecified .....                      | \$59,998,000  |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

#### Navy: Outside the United States

| Country       | Installation or Location | Amount        |
|---------------|--------------------------|---------------|
| Bahrain ....  | SW Asia .....            | \$100,204,000 |
| Diego Garcia. | Diego Garcia .....       | \$35,444,000  |
| Djibouti .... | Camp Lemonier .....      | \$89,499,000  |
| Guam .....    | Joint Region Marianas    | \$77,267,000  |

#### SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out

#### Navy: Extension of 2008 Project Authorization

| Location        | Installation or Location | Project                          | Amount      |
|-----------------|--------------------------|----------------------------------|-------------|
| Worldwide ..... | Unspecified .....        | Host Nation Infrastructure ..... | \$2,700,000 |

(c) **TECHNICAL AMENDMENT FOR CONSISTENCY IN PROJECT AUTHORIZATION DISPLAY.**—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 511) is amended by inserting at the end the following new row:

|                         |                             |               |
|-------------------------|-----------------------------|---------------|
| “Worldwide Unspecified. | Host Nation Infrastructure. | \$2,700,000”. |
|-------------------------|-----------------------------|---------------|

#### SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law

#### Army: Extension of 2009 Project Authorizations

| State                      | Installation or Location                | Project                                   | Amount       |
|----------------------------|---|---|--------------|
| California .....           | Marine Corps Base, Camp Pendleton ..... | Operations Assess Points, Red Beach ..... | \$11,970,000 |
| District of Columbia ..... | Marine Corps Air Station, Miramar ..... | Emergency Response Station .....          | \$6,530,000  |
|                            | Navy Yard .....                         | Child Development Center .....            | \$9,340,000  |

#### SEC. 2207. ADDITIONAL BUDGET ITEMS RELATING TO NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) **MAINTENANCE AND PRODUCTION FACILITIES.**—Of the amounts authorized to be appropriated by section 2204, as specified in the corresponding funding table in section 4601, the Secretary of the Navy shall obligate an additional \$10,000,000 for maintenance and production facilities in furtherance of national security objectives.

(b) **RESEARCH AND DEVELOPMENT FACILITIES.**—Of the amounts authorized to be appropriated by section 2204, as specified in the corresponding funding table in section 4601, the Secretary of the Navy shall obligate an additional \$20,000,000 for research and development facilities in furtherance of national security objectives.

(c) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or ex-

pend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

#### SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$97,773,000.

#### SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) **LIMITATION.**—None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used for architectural and engineering services and construction design of any military construction project necessary to establish a homeport for a nuclear-powered aircraft carrier at Naval Station Mayport, Florida.

#### SEC. 2205. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4443), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

110-417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670), shall remain in effect until October 1, 2012, or the date of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

# **TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

## **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

| State                | Installation or Location      | Amount        |
|----------------------|-------------------------------|---------------|
| Alaska .....         | Eltson AFB .....              | \$45,000,000  |
|                      | JB Elmendorf-Richardson ..... | \$97,000,000  |
| Arizona .....        | Davis-Monthan AFB .....       | \$33,000,000  |
|                      | Luke AFB .....                | \$24,000,000  |
| California .....     | Travis AFB .....              | \$22,000,000  |
|                      | Vandenberg AFB .....          | \$14,200,000  |
| Colorado .....       | U.S. Air Force Academy .....  | \$13,400,000  |
| Delaware .....       | Dover AFB .....               | \$2,800,000   |
| Kansas .....         | Fort Riley .....              | \$7,600,000   |
| Louisiana .....      | Barksdale AFB .....           | \$23,500,000  |
| Missouri .....       | Whiteman AFB .....            | \$4,800,000   |
| North Carolina ..... | Pope AFB .....                | \$6,000,000   |
| North Dakota .....   | Minot AFB .....               | \$67,800,000  |
| Nebraska .....       | Offutt AFB .....              | \$564,000,000 |
| New Mexico .....     | Cannon AFB .....              | \$22,598,000  |
|                      | Holloman AFB .....            | \$29,200,000  |
|                      | Kirtland AFB .....            | \$25,000,000  |
| Nevada .....         | Nellis AFB .....              | \$35,850,000  |
| Texas .....          | JB San Antonio .....          | \$64,000,000  |
|                      | Joint Base San Antonio .....  | \$46,000,000  |
| Utah .....           | Hill AFB .....                | \$23,300,000  |
| Virginia .....       | JB Langley .....              | \$50,000,000  |
|                      | Eustis .....                  |               |
| Washington .....     | Fairchild AFB .....           | \$27,600,000  |

## **Air Force: Inside the United States—Continued**

| State                   | Installation or Location | Amount       |
|-------------------------|--------------------------|--------------|
| Various Locations ..... | Unspecified .....        | \$60,000,000 |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country                  | Installation or Location    | Amount        |
|--------------------------|-----------------------------|---------------|
| Greenland .....          | Thule AB .....              | \$28,000,000  |
| Guam .....               | Joint Region Marianas ..... | \$211,600,000 |
| Germany .....            | Ramstein AB .....           | \$34,697,000  |
| Italy .....              | Sigonella .....             | \$15,000,000  |
| Korea, Republic Of ..... | Osan AB .....               | \$23,000,000  |
| Qatar .....              | Al Udeid .....              | \$37,000,000  |

## **SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,208,000.

## **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations

in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$80,596,000.

## **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

## **SEC. 2305. MODIFICATION OF AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.**

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2636) for Hickam Air Force Base, Hawaii, for construction of a Ground Control Tower at the installation, the Secretary of the Air Force may construct 43 vertical meters (141 vertical feet) in lieu of 111 square meters (1,195 square feet), consistent with the Air Force's construction guidelines for control towers, using amounts appropriated pursuant to authorizations of appropriations in prior years.

## **SEC. 2306. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2301(b) of that Act (122 Stat. 4679), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later:

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

| Location      | Installation or Location   | Project                        | Amount       |
|---------------|----------------------------|--------------------------------|--------------|
| Germany ..... | Spangdahlem Air Base ..... | Child Development Center ..... | \$11,400,000 |

## **SEC. 2307. LIMITATION ON IMPLEMENTATION OF CONSOLIDATION OF AIR AND SPACE OPERATIONS CENTER OF THE AIR FORCE.**

(a) **NOTICE AND WAIT REQUIREMENT.**—

(1) **NOTICE AND WAIT.**—The Secretary of the Air Force may not disestablish, close, or realign any element of the Air and Space Operations Center consolidation initiative until—

(A) the Secretary of Air Force submits a notice of the proposed disestablishment, closure, or realignment to the congressional defense committees; and

(B) the expiration of a period of 15 legislative days or 30 calendar days, whichever is longer, beginning on the date of the notification is received by the committees.

(2) **CONSULTATION.**—The Secretary of the Air Force shall prepare a notice under paragraph (1) in consultation with the commanders of the combatant commands

(3) **LEGISLATIVE DAY DEFINED.**—In this subsection, term “legislative day” means a day on which either House of Congress is in session.

(b) **CONTENT OF NOTICE.**—The notice under subsection (a) shall contain at a minimum—

(1) an explanation of the projected savings of the proposed disestablishment, closure, or realignment;

(2) a cost-benefit analysis of the proposed disestablishment, closure, or realignment;

(3) the budgetary impact of the proposed disestablishment, closure, or realignment;

(4) the strategic and operational consequences of the proposed disestablishment, closure, or realignment;

(5) an appropriate local economic assessment of the proposed disestablishment, closure, or realignment, which shall include at a minimum—

(A) a list of Federal, State, and local government departments and agencies that are required by statute or regulation to provide assistance and outreach for the community affected by the proposed disestablishment, closure, or realignment; and

(B) a list of the contractors and businesses affected by the proposed disestablishment, closure, or realignment; and

(6) a continuity of operations plan for the proposed disestablishment, closure, or realignment.

## **SEC. 2308. ADDITIONAL BUDGET ITEMS RELATING TO AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **SUPPORTING FACILITIES.**—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$10,000,000 for supporting facilities in furtherance of national security objectives.

(b) **OPERATIONAL FACILITIES.**—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in

division D, the Secretary of the Air Force shall obligate an additional \$20,000,000 for operational facilities in furtherance of national security objectives.

(c) **COMMUNITY FACILITIES.**—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in section 4601, the Secretary of the Air Force shall obligate an additional \$20,000,000 for community facilities in furtherance of national security objectives.

(d) **MAINTENANCE AND PRODUCTION FACILITIES.**—Of the amounts authorized to be appropriated by section 2304, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$10,000,000 for maintenance and production facilities in furtherance of national security objectives.

(e) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

# **TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

## **Subtitle A—Defense Agency Authorizations**

### **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

#### **Defense Agencies: Inside the United States**

| State                 | Installation or Location                            | Amount        |
|-----------------------|---|---------------|
| Alaska .....          | Anchorage .....                                     | \$18,400,000  |
|                       | Eielson AFB .....                                   | \$14,800,000  |
| Alabama ...           | Redstone Arsenal .....                              | \$58,800,000  |
| Arizona ....          | Davis-Monthan AFB ...                               | \$23,000,000  |
| California ..         | Camp Pendleton .....                                | \$12,141,000  |
|                       | Coronado .....                                      | \$42,000,000  |
|                       | Defense Distribution Depot-Tracy .....              | \$15,500,000  |
|                       | San Clemente .....                                  | \$21,800,000  |
| Colorado ...          | Buckley AFB .....                                   | \$140,932,000 |
| District of Columbia. | Bolling AFB .....                                   | \$16,736,000  |
| Florida .....         | Eglin AFB .....                                     | \$51,600,000  |
|                       | Eglin AUX 9 .....                                   | \$9,500,000   |
|                       | MacDill AFB .....                                   | \$15,200,000  |
|                       | Whiting Field .....                                 | \$3,800,000   |
| Georgia .....         | Fort Benning .....                                  | \$37,205,000  |
|                       | Fort Gordon .....                                   | \$11,340,000  |
|                       | Fort Stewart .....                                  | \$72,300,000  |
| Hawaii .....          | Joint Base Pearl Harbor-Hickam .....                | \$14,400,000  |
| Illinois .....        | Great Lakes .....                                   | \$16,900,000  |
| Kentucky ..           | Fort Campbell .....                                 | \$138,500,000 |
|                       | Fort Knox .....                                     | \$38,845,000  |
| Louisiana ..          | Barksdale AFB .....                                 | \$6,200,000   |
| Massachusetts.        | Hanscom AFB .....                                   | \$34,040,000  |
|                       | Westover ARB .....                                  | \$23,300,000  |
| Maryland ..           | Bethesda Naval Hospital .....                       | \$18,000,000  |
|                       | Fort Meade .....                                    | \$860,579,000 |
|                       | Joint Base Andrews .....                            | \$265,700,000 |
| Missouri ...          | Arnold .....  | \$9,253,000   |
| Mississippi ..        | Columbus AFB .....                                  | \$2,600,000   |
|                       | Gulfport .....                                      | \$34,700,000  |
| North Carolina.       | Camp Lejeune .....                                  | \$6,670,000   |
|                       | Fort Bragg .....                                    | \$206,274,000 |
|                       | New River .....                                     | \$22,687,000  |
|                       | Pope AFB .....                                      | \$5,400,000   |
| New Mexico.           | Cannon AFB .....                                    | \$132,997,000 |
| New York .....        | Fort Drum .....                                     | \$20,400,000  |
| Ohio .....            | Columbus .....                                      | \$10,000,000  |
| Oklahoma ..           | Altus AFB .....                                     | \$8,200,000   |
| Pennsylvania.         | DEF Distribution Depot New Cumberland .....         | \$46,000,000  |
|                       | Philadelphia .....                                  | \$8,000,000   |
| South Carolina.       | Joint Base Charleston ..                            | \$24,868,000  |
| Texas .....           | Joint Base San Antonio                              | \$194,300,000 |
| Virginia ....         | Charlottesville .....                               | \$10,805,000  |
|                       | Dahlgren .....                                      | \$1,988,000   |
|                       | Dam Neck .....                                      | \$23,116,000  |
|                       | Fort Belvoir .....                                  | \$54,625,000  |
|                       | Joint Expeditionary Base Little Creek - Story ..... | \$37,000,000  |
|                       | Pentagon .....                                      | \$8,742,000   |
|                       | Quantico .....                                      | \$46,727,000  |
| Washington.           | JB Lewis McChord .....                              | \$35,000,000  |
|                       | Whidbey Island .....                                | \$25,000,000  |
| West Virginia.        | Camp Dawson .....                                   | \$2,200,000   |
| Various Locations ... | Unspecified .....                                   | \$50,000,000  |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and

available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

#### **Defense Agencies: Outside the United States**

| Country        | Installation or Location        | Amount          |
|----------------|---------------------------------|-----------------|
| Belgium .....  | Brussels .....                  | \$24,118,000    |
| Germany .....  | Ansbach .....                   | \$11,672,000    |
|                | Baumholder .....                | \$59,419,000    |
|                | Grafenwoehr .....               | \$6,529,000     |
|                | Rhine Ordnance Barracks .....   | \$1,196,650,000 |
|                | Spangdaem Air Base .....        | \$129,043,000   |
|                | Stuttgart-Patch Barracks .....  | \$2,434,000     |
| Italy .....    | Vicenza .....                   | \$41,864,000    |
| Japan .....    | Yokota Air Base .....           | \$61,842,000    |
| United Kingdom | Menvith Hill Station .....      | \$68,601,000    |
|                | Royal Air Force Alconbury ..... | \$35,030,000    |

### **SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

#### **Energy Conservation Projects: Inside the United States**

| Country           | Installation or Location   | Amount       |
|-------------------|----------------------------|--------------|
| Arizona .....     | Davis-Monthan AFB .....    | \$4,650,000  |
| California .....  | Presidio of Monterey ..... | \$5,000,000  |
| Colorado .....    | Fort Carson .....          | \$4,277,000  |
| Florida .....     | Tyndall AFB .....          | \$3,255,000  |
| Georgia .....     | MCLB Albany .....          | \$3,504,000  |
| Massachusetts ... | Hanscom AFB .....          | \$3,609,000  |
| New York .....    | Fort Drum .....            | \$3,500,000  |
| North Carolina .. | Fort Bragg .....           | \$13,400,000 |
| North Carolina .. | Camp Lejeune .....         | \$6,925,000  |
| Oklahoma .....    | Altus AFB .....            | \$5,700,000  |
| Tennessee .....   | Arnold AFB .....           | \$3,300,000  |
| Utah .....        | Tooele Army Depot .....    | \$8,200,000  |
| Wyoming .....     | FE Warren AFB .....        | \$12,600,000 |

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

#### **Energy Conservation Projects: Outside the United States**

| Country          | Installation or Location | Amount       |
|------------------|--------------------------|--------------|
| Guam .....       | NB Guam .....            | \$17,377,000 |
| Marshall Islands | Kwajalein Atoll .....    | \$6,300,000  |

### **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

Funds are hereby authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 2011, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

### **SEC. 2404. ADDITIONAL BUDGET ITEMS RELATING TO DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **DEFENSE ACCESS ROADS.**—Of the amounts authorized to be appropriated by section 2403, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$40,000,000 for defense access roads in furtherance of national security objectives.

(b) **SPECIAL OPERATION FORCES LAND ACQUISITION.**—Of the amounts authorized to be appropriated by section 2403, as specified in the corresponding funding table in section 4601, the Secretary of Defense shall obligate an additional \$10,000,000 for Special Operation Forces land acquisition in furtherance of national security objectives.

(c) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

#### **Subtitle B—Chemical Demilitarization Authorizations**

### **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

### **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

#### **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of—

(1) the amount authorized to be appropriated pursuant to section 2502 and available for this purpose as specified in the funding table in section 4601; and

(2) the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, as specified in the funding table in section 4601.

### **TITLE XXVI—GUARD RESERVE FORCES FACILITIES**

#### **Subtitle A—Project Authorizations and Authorization of Appropriations**

### **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as

specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

| State                 | Location                     | Amount       |
|-----------------------|------------------------------|--------------|
| Alabama .....         | Fort McClellan ..            | \$16,500,000 |
| Arkansas .....        | Fort Chaffee .....           | \$3,500,000  |
| Arizona .....         | Papago Military Reservation. | \$17,800,000 |
| California .....      | Camp Roberts .....           | \$38,160,000 |
|                       | Camp San Luis Obispo.        | \$8,000,000  |
| Colorado .....        | Alamosa .....                | \$6,400,000  |
|                       | Aurora .....                 | \$3,600,000  |
|                       | Fort Carson .....            | \$43,000,000 |
| District of Columbia. | Anacostia .....              | \$5,300,000  |
| Florida .....         | Camp Blanding ..             | \$5,500,000  |
| Georgia .....         | Atlanta .....                | \$11,000,000 |
|                       | Hinesville .....             | \$17,500,000 |
|                       | Macon .....                  | \$14,500,000 |
| Hawaii .....          | Kalaheo .....                | \$33,000,000 |
| Illinois .....        | Normal .....                 | \$10,000,000 |
| Indiana .....         | Camp Atterbury ..            | \$81,900,000 |
|                       | Indianapolis .....           | \$25,700,000 |
| Massachusetts ..      | Natick .....                 | \$9,000,000  |
| Maryland .....        | Dundalk .....                | \$16,000,000 |
|                       | La Plata .....               | \$9,000,000  |
|                       | Westminster .....            | \$10,400,000 |
| Maine .....           | Bangor .....                 | \$15,600,000 |
|                       | Brunswick .....              | \$23,000,000 |
| Minnesota .....       | Camp Ripley .....            | \$8,400,000  |
| Mississippi .....     | Camp Shelby .....            | \$64,600,000 |
| North Carolina ..     | Greensboro .....             | \$3,700,000  |
| Nebraska .....        | Grand Island .....           | \$22,000,000 |
|                       | Mead .....                   | \$9,100,000  |
| New Jersey .....      | Lakehurst .....              | \$49,000,000 |
| New Mexico .....      | Santa Fe .....               | \$5,200,000  |
| Nevada .....          | Las Vegas .....              | \$23,000,000 |
| Oklahoma .....        | Camp Gruber .....            | \$13,361,000 |
| Oregon .....          | The Dalles .....             | \$13,800,000 |
| South Carolina ..     | Allendale .....              | \$4,300,000  |
| Utah .....            | Camp Williams ..             | \$6,500,000  |
| Virginia .....        | Fort Pickett .....           | \$11,000,000 |
| Wisconsin .....       | Camp Williams ..             | \$7,000,000  |
| West Virginia ....    | Buckhannon .....             | \$10,000,000 |
| Wyoming .....         | Cheyenne .....               | \$8,900,000  |
| Various Locations     | Unspecified .....            | \$50,000,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Outside the United States**

| Country           | Location          | Amount       |
|-------------------|-------------------|--------------|
| Puerto Rico ..... | Fort Buchanan ... | \$57,000,000 |

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

| Country          | Location             | Amount      |
|------------------|----------------------|-------------|
| California ..... | Fort Hunter Liggett. | \$5,200,000 |

**Army Reserve—Continued**

| Country           | Location           | Amount       |
|-------------------|--------------------|--------------|
| Colorado .....    | Fort Collins ..... | \$13,600,000 |
| Illinois .....    | Homewood .....     | \$16,000,000 |
|                   | Rockford .....     | \$12,800,000 |
| Indiana .....     | Lawrence .....     | \$57,000,000 |
| Kansas .....      | Kansas City .....  | \$13,000,000 |
| Massachusetts ... | Attleboro .....    | \$22,000,000 |
| Minnesota .....   | Saint Joseph ..... | \$11,800,000 |
| Missouri .....    | Weldon Springs ..  | \$19,000,000 |
| North Carolina .. | Greensboro .....   | \$19,000,000 |
| New York .....    | Schenectady .....  | \$20,000,000 |
| South Carolina .. | Orangeburg .....   | \$12,000,000 |
| Wisconsin .....   | Fort McCoy .....   | \$27,300,000 |

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

| State            | Location         | Amount       |
|------------------|------------------|--------------|
| Pennsylvania ... | Pittsburgh ..... | \$13,759,000 |
| Tennessee .....  | Memphis .....    | \$7,949,000  |

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

| State             | Location                        | Amount       |
|-------------------|---------------------------------|--------------|
| California .....  | Beale AFB .....                 | \$6,100,000  |
|                   | Moffett Field .....             | \$26,000,000 |
| Hawaii .....      | Joint Base Pearl Harbor-Hickam. | \$26,800,000 |
| Indiana .....     | Fort Wayne IAP ..               | \$4,000,000  |
| Massachusetts ... | Otis ANGB .....                 | \$7,800,000  |
| Maryland .....    | Martin State Airport.           | \$4,900,000  |
| Ohio .....        | Springfield Beckley-MAP.        | \$6,700,000  |
| Various Locations | Unspecified .....               | \$30,000,000 |

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Air Force Reserve**

| State             | Location          | Amount       |
|-------------------|-------------------|--------------|
| California .....  | March AFB .....   | \$16,393,000 |
| South Carolina .. | Charleston AFB .. | \$9,593,000  |
| Various Locations | Unspecified ..... | \$10,000,000 |

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after Sep-

tember 30, 2011, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

**Subtitle B—Additional Budget Items**

**SEC. 2611. ADDITIONAL BUDGET ITEMS RELATING TO ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) OPERATIONAL FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$10,000,000 for Army National Guard operational facilities in furtherance of national security objectives.

(b) MAINTENANCE AND PRODUCTION FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$30,000,000 for maintenance and production facilities in furtherance of national security objectives.

(c) TRAINING FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in section 4601, the Secretary of the Army shall obligate an additional \$10,000,000 for training facilities in furtherance of national security objectives.

(d) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 2612. ADDITIONAL BUDGET ITEMS RELATING TO AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) OPERATIONAL FACILITIES AUTHORITY.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$10,000,000 for Air National Guard operational facilities in furtherance of national security objectives.

(b) MAINTENANCE AND PRODUCTION FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$20,000,000 for maintenance and production facilities in furtherance of national security objectives.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

**SEC. 2613. ADDITIONAL BUDGET ITEM RELATING TO AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) TRAINING FACILITIES.—Of the amounts authorized to be appropriated by section 2606, as specified in the corresponding funding table in division D, the Secretary of the Air Force shall obligate an additional \$10,000,000 for training

facilities in furtherance of national security objectives.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in this section with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

#### Subtitle C—Other Matters

#### SEC. 2621. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided

in section 2601 of that Act (122 Stat. 527) and extended by section 2607 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4454), shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

#### Army National Guard: Extension of 2008 Project Authorization

| State              | Installation or Location        | Project                       | Amount       |
|--------------------|---------------------------------|-------------------------------|--------------|
| Pennsylvania ..... | East Fallowfield Township ..... | Readiness Center (SBCT) ..... | \$ 8,300,000 |

#### SEC. 2622. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorizations set forth in the tables in subsection (b), as provided in sections 2601, 2602, and 2603 of that Act (122 Stat. 4699), shall remain in effect until October

1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

#### Army National Guard: Extension of 2009 Project Authorizations

| State         | Installation or Location | Project                 | Amount       |
|---------------|--------------------------|-------------------------|--------------|
| Indiana ..... | Camp Atterbury .....     | Machine Gun Range ..... | \$ 5,800,000 |
| Nevada .....  | Elko .....               | Readiness Center .....  | \$11,375,000 |

#### Army Reserve: Extension of 2009 Project Authorization

| State          | Installation or Location | Project              | Amount       |
|----------------|--------------------------|----------------------|--------------|
| New York ..... | Staten Island .....      | Reserve Center ..... | \$18,550,000 |

#### Navy and Marine Corps Reserve: Extension of 2009 Project Authorization

| State          | Installation or Location | Project              | Amount       |
|----------------|--------------------------|----------------------|--------------|
| Delaware ..... | Wilmington .....         | Reserve Center ..... | \$11,530,000 |

#### TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

#### SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, as specified in the funding table in section 4601.

#### SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703 and available for base realignment and closure activities as specified in the funding table in section 4601, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

#### SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, as specified in the funding table in section 4601.

#### SEC. 2704. AUTHORITY TO EXTEND DEADLINE FOR COMPLETION OF LIMITED NUMBER OF BASE CLOSURE AND REALIGNMENT RECOMMENDATIONS.

Section 2904 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(5), by striking “complete” and inserting “complete, except in the case of a closure or realignment recommendation extended pursuant to subsection (c).”; and

(2) by adding at the end the following new subsection:

“(c) LIMITED AUTHORITY TO EXTEND IMPLEMENTATION PERIOD.—(1) Subject to paragraphs (2) and (3), in the case of the recommendations of the Commission contained in the report of the Commission transmitted by the President to Congress in accordance with section 2914(e) on September 15, 2005, the Secretary may extend the period for completing not more than seven of the closure or realignment recommendations until the later of the following:  
“(A) September 15, 2012.

“(B) The date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

“(2) To extend a closure or realignment recommendation under this subsection, the Secretary shall submit to the congressional defense committees a report containing—

“(A) a justification of the need for the extension of the closure or realignment recommendation;

“(B) a certification that the extension is necessary to ensure the operational readiness of units or functions being relocated as part of the implementation of the recommendation;

“(C) an explanation of the impact of the extension on communities in the vicinity of the affected installations;

“(D) an explanation of the impacts of not providing the extension on operational readiness;

“(E) an estimation of the costs associated with the extension; and

“(F) a schedule for completing the closure or realignment recommendation in light of the extension.

“(3) The extension of a closure or realignment recommendation under this subsection shall take effect only after—

“(A) the end of the 21-day period beginning on the date on which the report required by paragraph (2) with respect to that recommendation is received by the congressional defense committees; or

“(B) if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

“(4) The Secretary may not delegate the authority provided by this subsection.”.

**SEC. 2705. INCREASED EMPHASIS ON EVALUATION OF COSTS AND BENEFITS IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.**

(a) **EVALUATION OF COSTS AND BENEFITS.**—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended by striking “fiscal, local economic, budgetary,” and inserting “costs and benefits of such closure or realignment and of the local economic.”.

(b) **REVISED DEFINITION OF REALIGNMENT.**—Subsection (e)(3) of such section is amended by striking “, but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes”.

(c) **RELATION TO COMMISSION BASE CLOSURE PROCESS.**—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

**SEC. 2706. SPECIAL CONSIDERATIONS RELATED TO TRANSPORTATION INFRASTRUCTURE IN CONSIDERATION AND SELECTION OF MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.**

(a) **MODIFICATION OF SELECTION CRITERIA.**—Subsection (b)(1) of section 2687 of title 10, United States Code, is amended—

(1) by striking “notification an evaluation” and inserting “notification—

“(A) an evaluation”; and

(2) by adding at the end the following new subparagraph:

“(B) the criteria used to consider and recommend military installations for such closure or realignment, which shall include at a minimum consideration of—

“(i) the ability of the infrastructure (including transportation infrastructure) of both the existing and receiving communities to support forces, missions, and personnel as a result of such closure or realignment; and

“(ii) the costs associated with community transportation infrastructure improvements as part of the evaluation of cost savings or return on investment of such closure or realignment; and”.

(b) **EFFECT OF SIGNIFICANT IMPACTS.**—Such section is further amended by adding at the end the following new subsection:

“(f) If the Secretary of Defense or the Secretary of the military department concerned determines, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), that a significant transportation impact will occur at a result of an action described in subsection (a), the action may not be taken unless and until the Secretary of Defense or the Secretary of the military department concerned—

“(1) analyzes the adequacy of transportation infrastructure at and in the vicinity of each military installation that would be impacted by the action;

“(2) concludes consultation with the Federal Highway Administration with regard to such impact; and

“(3) includes in the notification required by subsection (b)(1) a description of how the Secretary intends to remediate the significant transportation impact.”.

(c) **TRANSPORTATION INFRASTRUCTURE DEFINED.**—Such subsection is further amended by adding at the end the following new paragraph:

“(5) The term ‘transportation infrastructure’ includes transit, pedestrian, and bicycle infrastructure.”.

(d) **RELATION TO COMMISSION BASE CLOSURE PROCESS.**—If the development of recommendations for the closure and realignment of military installations utilizes a Defense Base Closure and Realignment Commission (as was the case under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), rather than the authority of section 2687 of title 10, United States Code, the amendments made by this section shall apply to the resulting development of recommendations for the closure and realignment of military installations by the Secretary of Defense and the Commission.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

**SEC. 2801. PROHIBITION ON USE OF ANY COST-PLUS SYSTEM OF CONTRACTING FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.**

(a) **PROHIBITION.**—Section 2306 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

“(c) A contract entered into by the United States in connection with a military construction project or a military family housing project may not use any form of cost-plus contracting. This prohibition is in addition to the prohibition specified in subsection (a) on the use of the cost-plus-a-percentage-of-cost system of contracting and applies notwithstanding a declaration of war or the declaration by the President of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621) that includes the use of the armed forces.”.

(b) **APPLICATION OF AMENDMENT.**—Subsection (c) of section 2306 of title 10, United States Code, as added by subsection (a), shall apply with respect to any contract entered into by the United States in connection with a military construction project or a military family housing project after the date of the enactment of this Act.

**SEC. 2802. MODIFICATION OF AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**

(a) **SINGLE THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—Subsection (a)(2) of section 2805 of title 10, United States Code, is amended by striking “\$2,000,000.” in the first sentence and all that follows through the end of the second sentence and inserting “\$3,000,000.”.

(b) **SINGLE THRESHOLD FOR USE OF OPERATION AND MAINTENANCE FUNDS.**—Subsection (c) of such section is amended—

(1) by striking “(1) Except as provided in paragraph (2), the” and inserting “The”; and

(2) by striking “not more than” and all that follows through the end of the subsection and inserting “not more than \$750,000”.

(c) **EXTENSION OF SPECIAL LABORATORY REVITALIZATION AUTHORITY.**—Subsection (d) of such section is amended—

(1) in paragraph (3), by striking “February 1, 2010” and inserting “February 1, 2014”; and

(2) in paragraph (5), by striking “September 30, 2012” and inserting “September 30, 2016”.

(d) **CONFORMING AMENDMENTS.**—

(1) **CROSS REFERENCES REGARDING WORKING-CAPITAL FUNDS.**—Section 2208 of such title is amended—

(A) in subsection (k)(2)(A), by striking “section 2805(c)(1)” and inserting “section 2805(c)”; and

(B) in subsection (o)(2)(A), by striking “section 2805(c)(1)” and inserting “section 2805(c)”.

such title is amended by striking “section 2805(a)(1)” and inserting “section 2805(a)”.

(3) **CROSS REFERENCE REGARDING NOTICE AND WAIT REQUIREMENTS FOR RESERVE PROJECTS.**—Section 18233a(b)(2)(B)(ii) of such title is amended by striking “section 2805(a)(2)” and inserting “section 2805(a)”.

(4) **CROSS REFERENCE REGARDING USING OPERATION AND MAINTENANCE FUNDS FOR SMALL RESERVE PROJECTS.**—Section 18233b of such title is amended by striking “not more than” and all that follows through the end of the section and inserting “not more than the amount specified in section 2805(c) of this title.”.

**SEC. 2803. CONDITION ON RENTAL OF FAMILY HOUSING IN FOREIGN COUNTRIES FOR GENERAL AND FLAG OFFICERS.**

(a) **CONDITION.**—Section 2828(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) Housing units in foreign countries leased under subsection (c) for assignment as family housing for general officers or flag officers may not exceed the floor area and design criteria for similar housing in the United States.”.

(b) **APPLICATION OF AMENDMENT.**—Subsection (e)(7) of section 2828 of title 10, United States Code, as added by subsection (a), shall apply with respect to leases of family housing in foreign countries entered into under subsection (c) of such section after the date of the enactment of this Act.

**SEC. 2804. PROTECTIONS FOR SUPPLIERS OF LABOR AND MATERIALS UNDER CONTRACTS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.**

Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) In the case of a military construction project or a military family housing project, the contract amount thresholds specified in subchapter III of chapter 31 of title 40 (commonly referred to as the Miller Act) shall be applied by substituting ‘\$150,000’ for ‘\$100,000’ for purposes of determining when a performance bond and payment bond are required under section 3131 of such title and when alternatives to payment bonds as payment protections for suppliers of labor and materials are required under section 3132 of such title.”.

**SEC. 2805. ONE-YEAR EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY AND COMBINED JOINT TASK FORCE-HORN OF AFRICA AREAS OF RESPONSIBILITY AND INTEREST.**

(a) **ONE-YEAR EXTENSION OF AUTHORITY; LIMITATION.**—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4459), is amended—

(1) in subsection (c)(2), by striking “fiscal year 2011” and inserting “fiscal year 2012”; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2011” and inserting “September 30, 2012”; and

(B) in paragraph (2), by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(b) **TECHNICAL AMENDMENT.**—Subsections (a) and (i) of such section are amended by striking “Combined Task Force-Horn of Africa” each place it appears and inserting “Combined Joint Task Force-Horn of Africa”.



**Subtitle B—Real Property and Facilities Administration**

**SEC. 2811. CLARIFICATION OF AUTHORITY TO USE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR MINOR CONSTRUCTION AND ALTERATION ACTIVITIES AT PENTAGON RESERVATION.**

Section 2674(e)(4) of title 10, United States Code, is amended—

(1) by striking “The authority” and inserting “(A) Except as provided in subparagraph (B), the authority”; and

(2) by adding at the end the following new subparagraph:

“(B) Notwithstanding the date specified in subparagraph (A), the Secretary may use monies from the Fund after that date to support construction or alteration activities at the Pentagon Reservation within the limits specified in section 2805 of this title.”.

**SEC. 2812. REMOVAL OF DISCRETION OF SECRETARIES OF THE MILITARY DEPARTMENTS REGARDING PURPOSES FOR WHICH EASEMENTS FOR RIGHTS-OF-WAY MAY BE GRANTED.**

Section 2668(a) of title 10, United States Code, is amended—

(1) in paragraph (11), by inserting “and” at the end of the paragraph;

(2) in paragraph (12), by striking “; and” and inserting a period; and

(3) by striking paragraph (13).

**SEC. 2813. LIMITATIONS ON USE OR DEVELOPMENT OF PROPERTY IN CLEAR ZONE AREAS.**

Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (2) the following new paragraph:

“(3) protecting Clear Zone Areas from use or encroachment that is incompatible with the mission of the installation.”; and

(2) in subsection (i), by inserting after paragraph (2) the following new paragraph:

“(3) The term ‘Clear Zone Area’ means an area immediately beyond the end of the runway of an airfield that is needed to ensure the safe and unrestricted passage of aircraft in and over the area.”.

**SEC. 2814. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN VICINITY OF MILITARY INSTALLATIONS.**

(a) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS FOR BRAC-RELATED TRANSPORTATION IMPROVEMENTS.—

(1) AVAILABILITY OF DEFENSE ACCESS ROADS FUNDS.—Section 210(a)(2) of title 23, United States Code, is amended by adding at the end the following new sentence: “The Secretary of Defense shall determine the magnitude of the required improvements without regard to the extent to which traffic generated by the reservation is greater than other traffic in the vicinity of the reservation.”.

(2) RETROACTIVE APPLICATION.—The amendment made by paragraph (1) shall apply with respect to the implementation of the recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission received by Congress on September 19, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) ECONOMIC ADJUSTMENT COMMITTEE CONSIDERATION OF ADDITIONAL DEFENSE ACCESS ROADS FUNDING SOURCES.—

(1) CONVENING OF COMMITTEE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, as the chairperson of the Economic Adjustment Committee established in Executive Order 127887 (10 U.S.C. 2391 note), shall convene the Economic Adjustment Committee to consider additional sources of funding for the defense access roads program under section 210 of title 23, United States Code.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the results of the Economic Adjustment Committee deliberations and containing an implementation plan to expand funding sources for the mitigation of significant transportation impacts to access to military reservations pursuant to subsection (b) of section 210 of title 23, United States Code, as amended by subsection (a).

(c) SEPARATE BUDGET REQUEST FOR PROGRAM.—Amounts requested for a fiscal year for the defense access roads program under section 210 of title 23, United States Code, shall be set forth as a separate budget request in the budget transmitted by the President to Congress for that fiscal year under section 1105 of title 31, United States.

**Subtitle C—Energy Security**

**SEC. 2821. CONSOLIDATION OF DEFINITIONS USED IN ENERGY SECURITY CHAPTER.**

(a) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Subchapter III of chapter 173 of title 10, United States Code, is amended by inserting before section 2925 the following new section:

**“§2924. Definitions**

“In this chapter:

“(1) The term ‘defined fuel source’ means any of the following:

“(A) Petroleum.

“(B) Natural gas.

“(C) Coal.

“(D) Coke.

“(2) The term ‘energy-efficient maintenance’ includes—

“(A) the repair of military vehicles, equipment, or facility and infrastructure systems, such as lighting, heating, or cooling equipment or systems, or industrial processes, by replacement with technology that—

“(i) will achieve energy savings over the life-cycle of the equipment or system being repaired; and

“(ii) will meet the same end needs as the equipment or system being repaired; and

“(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in energy savings.

“(3)(A) The term ‘energy security’ means having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet operational needs.

“(B) In selecting facility energy projects on a military installation that will use renewable energy sources, pursuit of energy security means the installation will give favorable consideration to projects that provide power directly into the installation electrical distribution network. In such cases, this power should be prioritized to provide the power necessary for critical assets on the installation in the event of a disruption in the commercial grid.

“(4) The term ‘hybrid’, with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

“(A) an internal combustion or heat engine using combustible fuel; and

“(B) a rechargeable energy storage system.

“(5) The term ‘operational energy’ means the energy required for training, moving, and sus-

taining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

“(6) The term ‘petroleum’ means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.

“(7) The term ‘renewable energy source’ means energy generated from renewable sources, including the following:

“(A) Solar.

“(B) Wind.

“(C) Biomass.

“(D) Landfill gas.

“(E) Ocean, including tidal, wave, current, and thermal.

“(F) Geothermal, including electricity and heat pumps.

“(G) Municipal solid waste.

“(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is ‘new’ if it was placed in service on or after January 1, 1999.

“(I) Thermal energy generated by any of the preceding sources.”.

(2) CLERICAL AMENDMENTS.—Such chapter is further amended—

(A) in the table of subchapters at the beginning of such chapter, by striking “2925” and inserting “2924”; and

(B) in the table of sections at the beginning of subchapter III of such chapter, by inserting before the item relating to section 2925 the following new section:

“2924. Definitions.”.

(b) CONFORMING AMENDMENTS STRIKING SEPARATE DEFINITIONS.—Such chapter is further amended—

(1) in section 2911—

(A) in subsection (d)—

(i) by striking “(1)” before “For the purpose”; and

(ii) by striking paragraph (2); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and

(B) in subsection (e), by striking paragraph (2);

(2) in section 2922e, by striking subsections (e) and (f);

(3) in section 2922g, by striking subsection (d); and

(4) in section 2925(b), by striking paragraph (4).

**SEC. 2822. CONSIDERATION OF ENERGY SECURITY IN DEVELOPING ENERGY PROJECTS ON MILITARY INSTALLATIONS USING RENEWABLE ENERGY SOURCES.**

(a) POLICY OF PURSUING ENERGY SECURITY.—

(1) POLICY REQUIRED.—The Secretary of Defense shall establish a policy under which a military installation shall give favorable consideration for energy security in the design and development of energy projects on the military installation that will use renewable energy sources.

(2) NOTIFICATION.—The Secretary of Defense shall provide notification to Congress within 30 days after entering into any agreement for a facility energy project described in paragraph (1) that excludes pursuit of energy security on the grounds that inclusion of energy security is cost prohibitive. The Secretary shall also provide a cost-benefit-analysis of the decision.

(3) ENERGY SECURITY DEFINED.—In this subsection, the term “energy security” has the meaning given that term in paragraph (3) of section 2924 of title 10, United States Code, as added by section 2821(a).

(b) ADDITIONAL CONSIDERATION FOR DEVELOPING AND IMPLEMENTING ENERGY PERFORMANCE GOALS AND ENERGY PERFORMANCE MASTER

PLAN.—Section 2911(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(12) Opportunities for improving energy security for facility energy projects that will use renewable energy sources.”.

(c) DEVELOPMENT OF GEOTHERMAL ENERGY ON MILITARY LANDS.—Section 2917 of such title is amended—

(1) by striking “The Secretary” and inserting “(a) DEVELOPMENT AUTHORIZED.—The Secretary”; and

(2) by adding at the end the following new subsection:

“(b) CONSIDERATION OF ENERGY SECURITY.—The development of a geothermal energy project under subsection (a) should include consideration of energy security in the design and development of the project.”.

(d) REPORTING REQUIREMENT.—Section 2925(a)(3) of such title is amended by inserting “whether the project incorporates energy security into its design,” after “through the duration of each such mechanism,”.

**SEC. 2823. ESTABLISHMENT OF INTERIM OBJECTIVE FOR DEPARTMENT OF DEFENSE 2025 RENEWABLE ENERGY GOAL.**

(a) INTERIM OBJECTIVE.—Section 2911(e) of title 10, United States Code, as amended by section 2821(b)(1)(B), is further amended by inserting after paragraph (1) the following new paragraph:

“(2) To help ensure that the goal specified in paragraph (1)(A) regarding the use of renewable energy by the Department of Defense is achieved, the Secretary of Defense shall establish an interim goal for fiscal year 2018 for the production or procurement of facility energy from renewable energy sources.”.

(b) DEADLINE; CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees of the interim renewable energy goal established pursuant to the amendment made by subsection (a).

**SEC. 2824. USE OF CENTRALIZED PURCHASING AGENTS FOR RENEWABLE ENERGY CERTIFICATES TO REDUCE COST OF FACILITY ENERGY PROJECTS USING RENEWABLE ENERGY SOURCES AND IMPROVE EFFICIENCIES.**

(a) PURCHASE AND USE OF RENEWABLE ENERGY CERTIFICATES.—Section 2911(e) of title 10, United States Code, as amended by sections 2821(b)(1)(B) and 2823(a), is further amended by adding at the end the following new paragraph:

“(3)(A) The Secretary of Defense shall establish a policy to maximize savings for the bulk purchase of replacement renewable energy certificates in connection with the development of facility energy projects using renewable energy sources.

“(B) Under the policy required by subparagraph (A), the Secretary of a military department shall submit requests for the purchase of replacement renewable energy certificates to a centralized purchasing authority maintained by such department or the Defense Logistics Agency with expertise regarding—

“(i) the market for renewable energy certificates;

“(ii) the procurement of renewable energy certificates; and

“(iii) obtaining the best value for the military department by maximizing the purchase of renewable energy certificates from projects placed into service before January 1, 1999.

“(C) The centralized purchasing authority shall solicit industry for the most competitive offer for replacement renewable energy certificates, to include a combination of renewable energy certificates from new projects and projects placed into service before January 1, 1999.

“(D) Subparagraph (B) does not prohibit the Secretary of a military department from entering

into an agreement outside of the centralized purchasing authority if the Secretary will obtain the best value by bundling the renewable energy certificates with the facility energy project through a power purchase agreement or other contractual mechanism at the installation.

“(E) Nothing in this paragraph shall be construed to authorize the purchase of renewable energy certificates to meet Federal goals or mandates in the absence of the development of a facility energy project using renewable energy sources.

“(F) This policy does not make the purchase of renewable energy certificates mandatory, but the policy shall apply whenever original renewable energy certificates are proposed to be swapped for replacement renewable energy certificates.”.

(b) REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (10) as paragraphs (5) through (11), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) In addition to the information contained in the table listing energy projects financed through third party financing mechanisms, as required by paragraph (3), the table also shall list any renewable energy certificates associated with each project, including information regarding whether the renewable energy certificates were bundled or unbundled, the purchasing authority for the renewable energy certificates, and the price of the associated renewable energy certificates.”.

**SEC. 2825. IDENTIFICATION OF ENERGY-EFFICIENT PRODUCTS FOR USE IN CONSTRUCTION, REPAIR, OR RENOVATION OF DEPARTMENT OF DEFENSE FACILITIES.**

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Section 2915(e) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

“(2)(A) The Secretary of Defense shall prescribe a definition of the term ‘energy-efficient product’ for purposes of this subsection and establish and maintain a list of products satisfying the definition. The definition and list shall be developed in consultation with the Secretary of Energy to ensure, to the maximum extent practicable, consistency with definitions of the term used by other Federal agencies.

“(B) The Secretary shall modify the definition and list of energy-efficient products as necessary to account for emerging or changing technologies.

“(C) The list of energy-efficient products shall be included as part of the energy performance master plan developed pursuant to section 2911(b)(2) of this title.”.

(b) CONFORMING AMENDMENT TO ENERGY PERFORMANCE MASTER PLAN.—Section 2911(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(F) The up-to-date list of energy-efficient products maintained under section 2915(e)(2) of this title.”.

**SEC. 2826. CORE CURRICULUM AND CERTIFICATION STANDARDS FOR DEPARTMENT OF DEFENSE ENERGY MANAGERS.**

(a) TRAINING PROGRAM AND ISSUANCE OF GUIDANCE.—

(1) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by inserting after section 2915 the following new section:

**“§2915a. Facilities: Department of Defense energy managers**

“(a) TRAINING PROGRAM REQUIRED.—The Secretary of Defense shall establish a training pro-

gram for Department of Defense energy managers designated for military installations—

“(1) to improve the knowledge, skills, and abilities of energy managers; and

“(2) to improve consistency among energy managers throughout the Department in the performance of their responsibilities.

“(b) CURRICULUM AND CERTIFICATION.—(1) The Secretary of Defense shall identify core curriculum and certification standards required for energy managers. At a minimum, the curriculum shall include the following:

“(A) Details of the energy laws that the Department of Defense is obligated to comply with and the mandates that the Department of Defense is obligated to implement.

“(B) Details of energy contracting options for third-party financing of facility energy projects.

“(C) Details of the interaction of Federal laws with State and local renewable portfolio standards.

“(D) Details of current renewable energy technology options, and lessons learned from exemplary installations.

“(E) Details of strategies to improve individual installation acceptance of its responsibility for reducing energy consumption.

“(F) Details of how to conduct an energy audit and the responsibilities for commissioning, recommissioning, and continuous commissioning of facilities.

“(2) The curriculum and certification standards shall leverage the best practices of each of the military departments.

“(3) The certification standards shall identify professional qualifications required to be designated as an energy manager.

“(c) INFORMATION SHARING.—The Secretary of Defense shall ensure that there are opportunities and forums for energy managers to exchange ideas and lessons-learned within each military department, as well as across the Department of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2915 the following new item:

“2915a. Facilities: Department of Defense energy managers.”.

(b) ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the implementation of the core curriculum and certification standards for energy managers required by section 2915a of title 10, United States Code, as added by subsection (a).

(c) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, or designated representatives of the Secretary, shall brief the Committees on Armed Services of the Senate and House of Representatives regarding the details of the energy manager core curriculum and certification requirements.

**SEC. 2827. SUBMISSION OF ANNUAL DEPARTMENT OF DEFENSE ENERGY MANAGEMENT REPORTS.**

Section 2925(a) of title 10, United States Code, is amended by striking “As part of the annual submission of the energy performance goals for the Department of Defense under section 2911 of this title, the Secretary of Defense shall submit a report containing the following:” and inserting “Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees an installation energy report detailing the fulfillment during that fiscal year of the energy performance goals for the Department of Defense under section 2911 of this title. Each report shall contain the following:”.

**SEC. 2828. CONTINUOUS COMMISSIONING OF DEPARTMENT OF DEFENSE FACILITIES TO RESOLVE OPERATING PROBLEMS, IMPROVE COMFORT, OPTIMIZE ENERGY USE, AND IDENTIFY RETROFITS.**

(a) **CONTINUOUS COMMISSIONING.**—The Secretary of Defense may require the continuous commissioning of Department of Defense facilities.

(b) **CONTINUOUS COMMISSIONING DEFINED.**—In this section, the term “continuous commissioning” refers to an ongoing process to resolve operating problems, improve comfort, optimize energy use, and identify retrofits for existing commercial and institutional buildings and central plant facilities.

**SEC. 2829. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO CAPTURE AND TRACK DATA GENERATED IN METERING DEPARTMENT FACILITIES.**

The Secretary of Defense shall require that the information generated by the installation energy meters be captured and tracked to determine baseline energy consumption and facilitate efforts to reduce energy consumption.

**SEC. 2830. METERING OF NAVY PIERS TO ACCURATELY MEASURE ENERGY CONSUMPTION.**

(a) **METERING REQUIRED.**—The Secretary of the Navy shall meter Navy piers so that the energy consumption of naval vessels while in port can be accurately measured and captured and steps taken to improve the efficient use of energy by naval vessels while in port.

(b) **PROGRESS REPORTS.**—In each of the Department of Defense energy management reports submitted to Congress during fiscal years 2012 through 2017 under section 2925(a) of title 10, United States Code, the Secretary of the Navy shall include information on the progress being made to implement the metering of Navy piers, including information on any reductions in energy consumption achieved through the use of such metering.

**SEC. 2831. REPORT ON ENERGY-EFFICIENCY STANDARDS AND PROHIBITION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN GOLD OR PLATINUM CERTIFICATION.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than January 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on the energy-efficiency standards utilized by the Department of Defense for military construction.

(2) **CONTENTS OF REPORT.**—The report shall include the following:

(A) A cost benefit analysis of adopting American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1 versus 90.1 for sustainable design and development for the construction and renovation of buildings and structures.

(B) Details of the energy-efficiency improvements achieved and long term payback resulting from the adoption of ASHRAE building standard 189.1.

(C) A cost benefit analysis and return on investment for energy-efficiency attributes and sustainable design achieved through Department of Defense funds being expended in the pursuit of Leadership in Energy and Environmental Design (LEED) gold or platinum certification.

(D) A copy of Department of Defense policy prescribing a comprehensive strategy for the pursuit of design and building standards across the Department that include specific energy-efficient standards and sustainable design attributes for military construction based on the cost benefit analysis and demonstrated payback required by subparagraphs (A), (B), and (C).

(b) **PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION.**—

(1) **PROHIBITION.**—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2012 may be obligated or expended for achieving any LEED gold or platinum certification.

(2) **WAIVER AND NOTIFICATION.**—The Secretary of Defense may waive the limitation in paragraph (1) if the Secretary submits a notification to the congressional defense committees at least 30 days before the obligation of funds toward achieving the LEED gold or platinum certification.

(3) **CONTENTS OF NOTIFICATION.**—A notification shall include the following:

(A) A cost-benefit analysis of the decision to obligate funds toward achieving the LEED gold or platinum certification.

(B) Demonstrated payback for the energy improvements or sustainable design features.

(4) **EXCEPTION.**—LEED gold and platinum certifications shall be permitted, and not require a waiver and notification under this subsection, if achieving such certification imposes no additional cost to the Department of Defense.

**Subtitle D—Provisions Related to Guam Realignment**

**SEC. 2841. USE OF OPERATION AND MAINTENANCE FUNDING TO SUPPORT COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.**

(a) **TEMPORARY ASSISTANCE AUTHORIZED.**—

(1) **ASSISTANCE TO GOVERNMENT OF GUAM.**—Using funds made available under subsection (c), the Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the “Guam realignment”) if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Department of Defense assistance.

(2) **MITIGATION OF IDENTIFIED IMPACTS.**—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Decision of the “Guam and CNMI Military Relocation Environmental Impact Statement” by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) **METHODS OF PROVIDING ASSISTANCE.**—

(1) **USE OF EXISTING PROGRAMS.**—The Secretary of Defense shall carry out subsection (a) through existing Federal programs supporting the Government of Guam and the Guam realignment, whether or not the programs are administered by the Department of Defense or another Federal agency.

(2) **COST SHARE ASSISTANCE.**—The Secretary may assist the Government of Guam to any cost-sharing obligation imposed on the Government of Guam under any Federal program utilized by the Secretary under paragraph (1).

(c) **SOURCE OF FUNDS.**—

(1) **TRANSFER AUTHORITY.**—To the extent necessary to carry out subsection (a), the Secretary may transfer appropriated funds available to the Department of Defense or a military department for operation and maintenance to a different account of the Department of Defense or another Federal agency in order to make funds available to the Government of Guam under a Federal program utilized by the Secretary under subsection (b)(1). Amounts so transferred shall be available only for the purpose of assisting the Government of Guam as described in subsection (a).

(2) **ADDITIONAL AUTHORITY.**—The transfer authority provided by paragraph (1) is in addition to the transfer authority provided by section 1001.

(d) **PROGRESS REPORTS REQUIRED.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding 6-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(e) **TERMINATION.**—The authority to provide assistance under this section expires September 30, 2018. Amounts obligated before that date may be expended after that date.

**SEC. 2842. MEDICAL CARE COVERAGE FOR H-2B TEMPORARY WORKFORCE ON MILITARY CONSTRUCTION PROJECTS ON GUAM.**

(a) **LEAD SYSTEM INTEGRATOR FOR WORKFORCE HEALTH CARE.**—Subject to subsection (b), the Secretary of the Navy may not award any additional Navy or Marine Corps construction project or associated task order on Guam associated with the Record of Decision for the Guam and CNMI Military Relocation dated September 2010 if the project includes the use of employees holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b); known as “H-2B workers”) until the Secretary of the Navy provides for a lead system integrator for health care for the H-2B workers.

(b) **DUTIES.**—The lead system integrator for health care shall—

(1) provide a comprehensive medical plan for the H-2B workers to staff, manage, and execute requirements with maximum clinical, fiscal, and administrative efficiencies;

(2) provide comprehensive planning and coordination with contractor-provided healthcare services and with Guam's civilian and military healthcare community; and

(3) access local healthcare assets to help meet the health care needs of the H-2B workers.

(c) **ELEMENTS OF MEDICAL PLAN.**—The comprehensive medical plan referred to in subsection (b)(1) shall—

(1) address significant health issues, injury, or series of injuries in addition to basic first responder medical services for H-2B workers.

(2) provide pre-deployment health screening at the country of origin of H-2B workers, ensuring—

(A) all major or chronic disease conditions of concern are identified;

(B) proper immunizations are administered;

(C) screening for tuberculosis and communicable diseases are conducted; and

(D) all H-2B workers are fit and healthy for work prior to deployment;

(3) provide arrival health screening process is developed to ensure the H-2B workers are fit to work and that the risk of spreading communicable diseases to the resident population is minimized; and

(4) provide comprehensive on-site medical services, including emergency medical care for the H-2B workers, primary health care to include care for chronic diseases, preventive services and acute care delivery, and accessible prescription services maintaining oversight, authorization access and delivery of prescription medications to the workforce.

(d) **NOTIFICATION.**—Upon assignment of the lead system integrator for health care under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a notification of the assignment and qualifications of the lead system integrator.

**SEC. 2843. CERTIFICATION OF MILITARY READINESS NEED FOR FIRING RANGE ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE.**

A firing range on Guam may not be established (including any construction or lease of lands related to such establishment) until the Secretary of Defense certifies to the congressional defense committees that there is a national security need for the firing range related to readiness of the Armed Forces assigned to the United States Pacific Command.

**SEC. 2844. REPEAL OF CONDITION ON USE OF SPECIFIC UTILITY CONVEYANCE AUTHORITY REGARDING GUAM INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM.**

Section 2822 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4465) is amended by striking subsection (c).

**Subtitle E—Land Conveyances**

**SEC. 2851. LAND EXCHANGE, FORT BLISS TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—In exchange for the receipt of the real property described in subsection (b), the Secretary of the Army may convey to the Texas General Land Office (in this section referred to as the “TGLO”) all right, title, and interest of the United States in and to a parcel of undeveloped real property consisting of approximately 694 acres at Fort Bliss, Texas, for the purpose of facilitating commercial development of the parcel.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), TGLO shall convey to the Secretary of the Army all right, title, and interest of TGLO in and to a parcel of real property, including any improvements thereon, consisting of approximately 2,880 acres adjacent to Fort Bliss training areas to facilitate tactical vehicle ingress and egress between the installation and the training areas and mitigate encroachment issues. If the fair market value of the real property to be acquired by the Secretary is less than the fair market value of the real property to be conveyed under subsection (a), the Secretary may require a cash equalization payment in an amount equal to the difference in value.

(c) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary of the Army shall require TGLO to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land exchange under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from TGLO in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to TGLO.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by a survey satisfactory to the Secretary of the Army.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

**Subtitle F—Other Matters**

**SEC. 2861. CHANGE IN NAME OF THE INDUSTRIAL COLLEGE OF THE ARMED FORCES TO THE DWIGHT D. EISENHOWER SCHOOL FOR NATIONAL SECURITY AND RESOURCE STRATEGY.**

(a) **CHANGE IN NAME.**—The Industrial College of the Armed Forces is hereby renamed the “Dwight D. Eisenhower School for National Security and Resource Strategy”.

(b) **COMPONENT OF NATIONAL DEFENSE UNIVERSITY.**—Section 2165(b)(2) of title 10, United States Code, is amended by striking “Industrial College of the Armed Forces” and inserting “Dwight D. Eisenhower School for National Security and Resource Strategy”.

(c) **CONFORMING AMENDMENT.**—Section 663(c)(2) of such title is amended by striking “Industrial College of the Armed Forces” and inserting “Dwight D. Eisenhower School for National Security and Resource Strategy”.

(d) **REFERENCES.**—Any reference to the Industrial College of the Armed Forces in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Dwight D. Eisenhower School for National Security and Resource Strategy.

**SEC. 2862. LIMITATIONS ON REDUCTION IN NUMBER OF MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY AT A MILITARY INSTALLATION TO EFFECTUATE REALIGNMENT OF INSTALLATION.**

(a) **NOTICE AND WAIT LIMITATION.**—Chapter 50 of title 10, United States Code, is amended by inserting after section 993, as added by section 585, the following new section:

**“§994. Limitations on permanent relocation of sizable numbers of members of the armed forces**

“(a) **LIMITATION.**—No action may be taken to effect or implement any realignment with respect to any military installation in the United States involving a reduction of more than 1,000 in the number of members of the armed forces assigned to permanent duty at the installation at the time the Secretary of Defense or the Secretary of the military department concerned notifies Congress under subsection (b) of the plan to realign the installation unless and until the provisions of subsection (b) are complied with.

“(b) **NOTICE AND WAIT REQUIREMENT.**—No action described in subsection (a) with respect to the realignment of any military installation referred to in such subsection may be taken unless and until—

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) notifies the Committees on Armed Services of the Senate and the House of Representatives of the proposed realignment and the number of personnel assignments affected; and

“(B) submits an evaluation of the costs and benefits of such realignment and of the local economic, environmental, strategic, and operational consequences of such realignment; and

“(2) a period of 90 days expires following the day on which the notice and evaluation have been submitted to such committees, during which period no irrevocable action may be taken to effect or implement the realignment.

“(c) **EXCEPTIONS.**—

“(1) **BASE CLOSURE PROCESS.**—Subsections (a) and (b) do not apply in the case of the realignment of a military installation pursuant to a base closure law.

“(2) **NATIONAL SECURITY OR EMERGENCY.**—Subsections (a) and (b) do not apply if the President certifies to the Congress that the realignment of a military installation must be implemented for reasons of national security or a military emergency.

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(2) The term ‘realignment’ includes any action which both reduces and relocates functions and personnel positions. The term includes the disestablishment or termination of a military command at a military installation, a change in the homeport for a ship, or the permanent relocation of a unit of the armed forces if the permanent duty assignment threshold specified in subsection (a) is met.

“(3) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“994. Limitations on permanent relocation of sizable numbers of members of the armed forces.”

**SEC. 2863. PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER A MEMBER OF CONGRESS.**

(a) **PROHIBITION.**—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

“(c) **PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.**—(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

“(2) In this subsection:

“(A) The term ‘Member of Congress’ includes a Delegate or Resident Commissioner to the Congress.

“(B) The term ‘real property’ includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.”

(b) **APPLICATION OF AMENDMENT.**—The prohibition in subsection (c) of section 2661 of title 10, United States Code, as added by subsection (a), shall apply only with respect to real property of the Department of Defense named after the date of the enactment of this Act.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 12-D-301, Transuranic (TRU) Waste Facilities, Los Alamos National Laboratory, Los Alamos, New Mexico, \$9,881,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for other defense activities in carrying out programs as specified in the funding table in section 4701.

**SEC. 3104. ENERGY SECURITY AND ASSURANCE.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2012 for energy security and assurance programs necessary for national security as specified in the funding table in section 4701.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.**

(a) CONSOLIDATED PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.—

(1) IN GENERAL.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:

**“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.**

“(a) PLAN REQUIREMENT.—The Administrator for Nuclear Security, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

“(b) SUBMISSIONS TO CONGRESS.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator for Nuclear Security shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

“(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator for Nuclear Security shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

“(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

“(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

“(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

“(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

“(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

“(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

“(5) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

“(6) Such other information as the Secretary of Energy or the Administrator for Nuclear Security considers appropriate.

“(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

“(1) With respect to stockpile stewardship and management—

“(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

“(B) for each five-year period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

“(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

“(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

“(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

“(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

“(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

“(F) any concerns of the Secretary of Energy which would affect the ability of the Secretary to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

“(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

“(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

“(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel;

“(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

“(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allocations of funds by weapon type and facility; and

“(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4204.

“(2) With respect to science-based tools—

“(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

“(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and such information

and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 4202(a); and

“(C) the criteria developed under section 4202(a) (including any updates to such criteria).

“(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

“(A) an identification and description of—

“(i) any key technical challenges to the stockpile stewardship program; and

“(ii) the strategies to address such challenges without the use of nuclear testing;

“(B) a strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

“(C) an assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program; and

“(D) an assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

“(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

“(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

“(4) With respect to the nuclear security infrastructure—

“(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

“(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

“(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

“(iii) the most recent Nuclear Posture Review as of the date of the plan;

“(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

“(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

“(5) With respect to the nuclear test readiness of the United States—

“(A) an estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

“(B) a description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate;

“(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

“(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

“(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

“(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

“(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

“(A) An analysis of the plan, including—

“(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

“(ii) whether the modernization and refurbishment measures described under subparagraph (A) of paragraph (4) and the schedule described under subparagraph (B) of such paragraph are adequate to support such requirements.

“(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

“(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

“(i) supporting the annual certification of the nuclear weapons stockpile; and

“(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

“(2) Not later than 180 days after the date on which the Administrator submits the plan under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

“(2) The term ‘future-years nuclear security program’ means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(3) The term ‘national security laboratory’ has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

“(4) The term ‘nuclear security budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Administrator for the National Nuclear Security Administration in support of the budget for that fiscal year.

“(5) The term ‘nuclear security enterprise’ means the physical facilities, technology, and human capital of—

“(A) the national security laboratories;

“(B) the Pantex Plant;

“(C) the Y-12 National Security Complex;

“(D) the Kansas City Plant;

“(E) the Savannah River Site; and

“(F) the Nevada National Security Site.

“(6) The term ‘quadrennial defense review’ means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.

“(7) The term ‘weapons activities’ means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

“(8) The term ‘weapons-related activities’ means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

“(A) nuclear nonproliferation;

“(B) nuclear forensics;

“(C) nuclear intelligence;

“(D) nuclear safety; and

“(E) nuclear incident response.”.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

“Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.”.

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).

(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: “**STOCKPILE STEWARDSHIP CRITERIA**”.

(3) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

“Sec. 4202. Stockpile stewardship criteria.”.

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(e) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(2) NDAA FISCAL YEAR 1996.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 623) is repealed.

#### SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 3101 or otherwise made available for fiscal year 2012 for the National Nuclear Security Administration, not more than \$7,000,000 may be obligated or expended for the United States-China Center of Excellence on Nuclear Security until the date on which the Secretary of Energy submits to the appropriate congressional committees the reports under subsection (b)(2) and subsection (c).

(b) NUCLEAR SECURITY.—

(1) REVIEW.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a review of the existing capacity of the People's Republic of China to develop and implement best practices training for nuclear security.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report on the review under paragraph (1).

(c) CENTER OF EXCELLENCE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy, in coordination

with the Secretary of Defense, shall submit to the appropriate congressional committees a report on the extent to which the training and relationship-building activities planned for the United States-China Center of Excellence on Nuclear Security could contribute to improving China's historical patterns with respect to the proliferation of weapons of mass destruction and missiles.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

#### SEC. 3113. USE OF SAVINGS FROM PENSION REIMBURSEMENTS FOR BUDGETARY SHORTFALLS.

(a) DETERMINATION OF AMOUNTS.—

(1) DETERMINATION.—From time to time as economic conditions and pension projections change during fiscal year 2012 and each fiscal year thereafter through 2016, the appropriate head of an agency shall determine the amount of funds described in paragraph (2) that exceed the level necessary to satisfy the minimum funding standard required by the Employee Retirement Income Security Act of 1974.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are amounts appropriated pursuant to a DOE national security authorization for any of fiscal years 2012 through 2016 that are made available (including by transfer) for contributions to defined-benefit pension plans for employees of management and operating contractors of—

(A) the National Nuclear Security Administration; or

(B) the Office of Environmental Management of the Department of Energy.

(b) AVAILABILITY OF AMOUNTS.—Upon a determination of amounts under subsection (a)(1), the appropriate head of an agency shall promptly make available (including by transfer, if necessary) the determined amounts to accounts of the agency to be used for high-priority budgetary shortfalls, as identified by the head of the agency. Any determined amounts so transferred shall be available for the same period of time as the accounts to which transferred.

(c) REQUIRED OBLIGATION OF AMOUNTS.—The appropriate head of an agency shall promptly obligate or expend amounts made available under subsection (b) for the purposes provided in such subsection.

(d) TRANSFER AUTHORITY.—

(1) EFFECT ON AUTHORIZATION OF AMOUNTS.—Any transfer made from one account to another under this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by subsection (b) is in addition to any other transfer authority available to the Department of Energy or the National Nuclear Security Administration.

(e) NOTICE TO CONGRESS.—The appropriate head of an agency shall promptly notify the congressional defense committees of determinations and transfers made under this section. Such notifications shall include plans by the head of the agency to carry out subsection (c) with respect to such determinations and transfers.

(f) SUNSET.—The authorities under this section shall terminate on September 30, 2016.

(g) DEFINITIONS.—In this section:

(1) The term “appropriate head of an agency” means—

(A) the Administrator for Nuclear Security, with respect to matters concerning the National Nuclear Security Administration; and



(B) the Assistant Secretary of Energy for Environmental Management, with respect to matters concerning the Office of Environmental Management of the Department of Energy.

(2) The term “DOE national security authorization” has the meaning given that term in section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741).

#### Subtitle C—Reports

##### SEC. 3121. REPEAL OF CERTAIN REPORT REQUIREMENTS.

(a) REPEAL OF REPORT REQUIREMENT FOR NUCLEAR CITIES INITIATIVE PROGRAM.—Section 3132 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1366) is repealed.

(b) REMOVAL OF REPORT REQUIREMENT FOR NONPROLIFERATION INITIATIVE PROGRAM.—Paragraph (6) of section 4302(a) of the Atomic Energy Defense Act (50 U.S.C. 2562) is amended to read as follows:

“(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.”.

##### SEC. 3122. PROGRESS ON NUCLEAR NONPROLIFERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the spread of nuclear and radiological weapons, or weapons-usable material, technology, equipment, information, and expertise, poses a short- and long-term threat to the security of the United States; and

(2) the nonproliferation efforts of the United States should prioritize the programs which most directly address such threat.

##### (b) ANNUAL REPORT.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy shall submit to the appropriate congressional committees a report on the strategic plans of the Department of Energy and the National Nuclear Security Administration to prevent the proliferation of materials, technology, equipment, and expertise related to nuclear and radiological weapons in order to minimize the risk of nuclear terrorism and the proliferation of such weapons.

(2) MATTERS INCLUDED.—Each report under paragraph (1) shall include the following:

(A) Progress and challenges in implementing the strategic plans described in paragraph (1), including—

(i) preventing nuclear terrorism by securing and removing highly-enriched uranium and plutonium worldwide;

(ii) converting reactors from highly-enriched uranium to low-enriched uranium in the Russian Federation and other countries;

(iii) providing radiation detection capability at ports and borders;

(iv) securing and removing radiological materials worldwide;

(v) developing and improving technology to—

(I) detect the proliferation and detonation of nuclear weapons;

(II) verify foreign commitments to treaties and agreements with respect to nuclear weapons; and

(III) detect the diversion of nuclear materials, including safeguard technology;

(vi) preventing and countering the proliferation and use of nuclear weapons (including materials, technology, and expertise related to such weapons), including through safeguards, export controls, international regimes, treaties, and agreements;

(vii) disposing of surplus material of both the United States and Russia; and

(viii) preventing the proliferation of nuclear weapons expertise.

(B) An estimate of the budget requirements of the National Nuclear Security Administration, including the costs associated with the implementation of the strategic plans described in paragraph (1) over the 10-year period following the date of the report.

(C) A discussion of the coordination of the programs of the National Nuclear Security Administration with other offices of the Department of Energy and with other agencies and offices of the Federal Government with respect to implementing the strategic plans described in paragraph (1).

(c) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter by not later than March 1 of each year through 2016, the Secretary of Energy, in coordination with the Office of Intelligence and Counterintelligence of the Department of Energy, shall submit to the appropriate congressional committees an assessment containing the following:

(1) An assessment of the risk that non-nuclear weapons states may acquire nuclear enrichment or reprocessing technology.

(2) A list, by country and site, reflecting the total amount of known highly-enriched uranium around the world, and an assessment of the vulnerability of such uranium to theft or diversion.

##### (d) FORM.—

(1) IN GENERAL.—Except as provided by paragraph (2), each report and assessment under this section shall be submitted in unclassified form, but may include a classified annex.

(2) LIST.—Each list under subsection (c)(2) may be in classified form if the Secretary determines it necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

##### SEC. 3123. REPORTS ON ROLE OF NUCLEAR SITES AND EFFICIENCIES.

##### (a) DEPARTMENT OF ENERGY REPORT.—

(1) REPORT REQUIRED.—Not later than February 1, 2012, the Secretary of Energy shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the role of the nuclear security complex sites in supporting a safe, secure, and reliable nuclear deterrent, nuclear weapons reductions, and nuclear nonproliferation, and opportunities for efficiencies and cost savings.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) The role of the nuclear security complex sites, including the national security laboratories, in maintaining a reliable, safe, and secure nuclear deterrent, improving verification and detection technology, and supporting nonproliferation.

(B) An assessment of any opportunities for further efficiencies and how these efficiencies could contribute to cost savings and strengthening safety and security.

(C) An assessment of duplicative functions at the nuclear sites, and a description of which duplicative functions remain necessary. The assessment of these functions shall include an analysis of potential for shared use or development of high explosives research and develop-

ment capacity, supercomputing platforms, and infrastructure maintained for Work for Others programs.

(D) A long-term strategic plan for the nuclear complex.

(b) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the report under subsection (a)(1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the report under subsection (a).

(c) FORM.—The reports required by subsection (a) and (b) shall be submitted in unclassified form, but may include a classified index.

(d) NUCLEAR SECURITY COMPLEX DEFINED.—In this section, the term “nuclear security complex” means the physical facilities, technology, and human capital of the following:

(1) The national security laboratories.

(2) The Kansas City Plant, Kansas City, Missouri.

(3) The Nevada Nuclear Security Site, Nevada.

(4) The Savannah River Site, Aiken, South Carolina.

(5) The Y-12 National Security Complex, Oak Ridge, Tennessee.

(6) The Pantex Plant, Amarillo, Texas.

##### SEC. 3124. NET ASSESSMENT OF HIGH-PERFORMANCE COMPUTING CAPABILITIES OF FOREIGN COUNTRIES.

(a) ASSESSMENT REQUIRED.—The Administrator for Nuclear Security, in coordination with the Secretary of Defense, the Director of National Intelligence, the Under Secretary of Energy for Science, and the Under Secretary of Commerce for Industry and Security, shall conduct a net assessment of the high-performance computing capability possessed by foreign countries.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include—

(1) an analysis of current and expected future capabilities and trends with respect to high-performance computing in the United States and in other countries;

(2) a description of how high-performance computing technology is being used by various countries as compared to the United States;

(3) an evaluation of the similarities and differences in approaches to the innovation, development, and use of high-performance computing among the United States and countries with the most experience, capabilities, or skill with respect to high-performance computing;

(4) estimates of the current and expected future effects of high-performance computing technology on the national security and economic growth of various countries;

(5) recommendations on actions to take to ensure the continued leadership by the United States in high-performance computing and ways to better leverage such technology for innovation, economic growth, and national security; and

(6) such other matters as the Administrator considers appropriate.

##### (c) COORDINATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Administrator shall coordinate the assessment required by subsection (a) with other departments or agencies of the Federal Government as the Administrator considers appropriate.

(2) DEPARTMENT OF DEFENSE.—Upon request by the Administrator, the Secretary of Defense shall provide net assessment expertise and general assistance through the Office of Net Assessment of the Department of Defense or other appropriate agency of the Department of Defense.

##### (d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the results of the assessment required by subsection (a).



(2) **FORM.**—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

##### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2012, \$29,130,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

#### **TITLE XXXIV—NAVAL PETROLEUM RESERVES**

##### **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AMOUNT.**—There are hereby authorized to be appropriated to the Secretary of Energy \$14,909,000 for fiscal year 2012 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) **PERIOD OF AVAILABILITY.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

##### **TITLE XXXV—MARITIME ADMINISTRATION**

##### **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2012.**

Funds are hereby authorized to be appropriated for fiscal year 2012, to be available without fiscal year limitation if so provided in the appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$93,068,000, of which—

(A) \$64,183,000 shall remain available until expended for Academy operations; and

(B) \$28,885,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$17,100,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

(B) \$3,600,000 shall remain available until expended for direct payments to such academies; and

(C) \$11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$18,500,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 6661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$14,260,000, of which \$3,740,000 shall remain available until expended for administrative expenses of the program.

##### **SEC. 3502. USE OF NATIONAL DEFENSE RESERVE FLEET AND READY RESERVE FORCE VESSELS.**

Section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)) is amended—

(1) in subsection (b), by striking “or” after the semicolon at the end of paragraph (4), striking the period at the end of paragraph (5) and inserting “; or”, and adding at the end the following new paragraph:

“(6) for civil contingency operations and Maritime Administration promotional and media events, in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:

“(f) **USE OF NDRF VESSELS FOR CIVIL CONTINGENCY OPERATIONS AND PROMOTIONAL AND MEDIA EVENTS.**—With the concurrence of the Secretary of Defense, the Secretary of Transportation may allow the use of vessels in the National Defense Reserve Fleet (NDRF) for civil contingency operations requested by another Federal agency, and for Maritime Administration promotional and media events relating to demonstration projects and research and development supporting the Administration’s mission, if the Secretary of Transportation determines such use is in the best interest of the Government after considering the following factors:

“(1) **AVAILABILITY.**—The availability of NDRF or Ready Reserve Force (RRF) resources and the impact of such use on NDRF and RRF mission support to the defense and homeland security requirements of the Government.

“(2) **INTERFERENCE.**—Whether the such use of vessels will support the mission of the Maritime Administration and not significantly interfere with NDRF vessel maintenance, repair, safety, readiness, and resource availability.

“(3) **SAFETY.**—Whether safety precautions will be taken, including indemnification of liability when applicable.

“(4) **COST.**—Whether any costs incurred by such use will be funded as a reimbursable transaction between Federal agencies, as applicable.

“(5) **OTHER MATTERS.**—Any other matters the Maritime Administrator considers appropriate.”.

##### **SEC. 3503. RECRUITMENT AUTHORITY.**

Section 51301 of title 46, United States Code, is amended—

(1) by inserting “(a) **IN GENERAL.**—” before the first sentence; and

(2) by adding at the end the following new subsection:

“(b) **RECRUITMENT.**—The Secretary of Transportation may, subject to the availability of ap-

propriations, expend funds available for United States Merchant Marine Academy operating expenses for recruiting activities, including advertising, in order to obtain recruits for the Academy and cadet applicants.”.

##### **SEC. 3504. SHIP SCRAPPING REPORTING REQUIREMENT.**

Section 3502(f) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as amended by section 3505(a) of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3551), is amended to read as follows:

“(f) **BRIEFINGS.**—The Maritime Administrator shall, upon request, provide briefings to the Committee on Transportation and Infrastructure, the Committee on Natural Resources, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, on the progress made in recycling vessels, problems encountered with recycling vessels, issues relating to vessel recycling, and other issues relating to vessel recycling and disposal.”.

#### **DIVISION D—FUNDING TABLES**

##### **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) **IN GENERAL.**—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) **MERIT-BASED DECISIONS.**—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) **RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.**—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This section applies to any classified annex that accompanies this Act.

(e) **ORAL AND WRITTEN COMMUNICATIONS.**—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

#### **TITLE XLI—PROCUREMENT**

##### **SEC. 4101. PROCUREMENT.**

##### **SEC. 4101. PROCUREMENT (In Thousands of Dollars)**

| Line                              | Item                                   | FY 2012 Request | House Authorized |
|-----------------------------------|--|-----------------|------------------|
| <b>AIRCRAFT PROCUREMENT, ARMY</b> |  |                 |                  |
| <b>FIXED WING</b>                 |  |                 |                  |
| 001                               | UTILITY F/W AIRCRAFT .....             | 14,572          | 14,572           |
| 002                               | C-12 CARGO AIRPLANE .....              |                 |                  |
| 003                               | AERIAL COMMON SENSOR (ACS) (MIP) ..... | 539,574         | 15,674           |
|                                   | Early to Need .....                    |                 | [-417,900]       |
|                                   | Program Decrease .....                 |                 | [-106,000]       |
| 004                               | MQ-1 UAV .....                         | 658,798         | 658,798          |

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

| <b>Line</b> | <b>Item</b>  | <b>FY 2012 Request</b> | <b>House Authorized</b> |
|-------------|--|------------------------|-------------------------|
| 005         | RQ-11 (RAVEN) .....                                  | 70,762                 | 70,762                  |
| 006         | BCT UNMANNED AERIAL VEH (UAVS) INCR 1 .....          |                        |                         |
|             | <b>ROTARY</b>  |                        |                         |
| 007         | HELICOPTER, LIGHT UTILITY (LUH) .....                | 250,415                | 250,415                 |
| 008         | AH-64 BLOCK II/WRA .....                             |                        |                         |
| 009         | AH-64 APACHE BLOCK IIIA REMAN .....                  | 411,005                | 411,005                 |
| 010         | Advance Procurement (CY) .....                       | 192,764                | 192,764                 |
| 011         | Advance Procurement (CY) .....                       | 104,263                | 104,263                 |
| 012         | UH-60 BLACKHAWK M MODEL (MYP) .....                  | 1,325,666              | 1,325,666               |
| 013         | Advance Procurement (CY) .....                       | 199,781                | 199,781                 |
| 014         | CH-47 HELICOPTER .....                               | 1,305,360              | 1,305,360               |
| 015         | Advance Procurement (CY) .....                       | 54,956                 | 54,956                  |
| 016         | HELICOPTER NEW TRAINING .....                        |                        |                         |
| 017         | KIOWA WARRIOR UPGRADE (OH-58 D)/WRA .....            |                        |                         |
|             | <b>MODIFICATION OF AIRCRAFT</b>                      |                        |                         |
| 018         | C-12 AIRCRAFT MODS .....                             |                        |                         |
| 019         | MQ-1 PAYLOAD—UAS .....                               | 136,183                | 136,183                 |
| 020         | MQ-1 WEAPONIZATION—UAS .....                         |                        |                         |
| 021         | GUARDRAIL MODS (MIP) .....                           | 27,575                 | 27,575                  |
| 022         | MULTI SENSOR ABN RECON (MIP) .....                   | 8,362                  | 8,362                   |
| 023         | AH-64 MODS .....                                     | 331,230                | 331,230                 |
| 024         | CH-47 CARGO HELICOPTER MODS (MYP) .....              | 79,712                 | 79,712                  |
| 025         | UTILITY/CARGO AIRPLANE MODS .....                    | 22,107                 | 22,107                  |
| 026         | AIRCRAFT LONG RANGE MODS .....                       |                        |                         |
| 027         | UTILITY HELICOPTER MODS .....                        | 80,745                 | 90,745                  |
|             | Modifications to Aircraft .....                      |                        | [10,000]                |
| 028         | KIOWA WARRIOR .....                                  | 162,052                | 162,052                 |
| 029         | AIRBORNE AVIONICS .....                              |                        |                         |
| 030         | NETWORK AND MISSION PLAN .....                       | 138,832                | 138,832                 |
| 031         | COMMS, NAV SURVEILLANCE .....                        | 132,855                | 132,855                 |
| 032         | GATM ROLLUP .....                                    | 105,519                | 105,519                 |
| 033         | RQ-7 UAV MODS .....                                  | 126,239                | 126,239                 |
|             | <b>SPARES AND REPAIR PARTS</b>                       |                        |                         |
| 034         | SPARE PARTS (AIR) .....                              |                        |                         |
|             | <b>GROUND SUPPORT AVIONICS</b>                       |                        |                         |
| 035         | AIRCRAFT SURVIVABILITY EQUIPMENT .....               | 35,993                 | 35,993                  |
| 036         | SURVIVABILITY CM .....                               |                        |                         |
| 037         | CMWS .....   | 162,811                | 162,811                 |
|             | <b>OTHER SUPPORT</b>                                 |                        |                         |
| 038         | AVIONICS SUPPORT EQUIPMENT .....                     | 4,840                  | 4,840                   |
| 039         | COMMON GROUND EQUIPMENT .....                        | 176,212                | 176,212                 |
| 040         | AIRCREW INTEGRATED SYSTEMS .....                     | 82,883                 | 82,883                  |
| 041         | AIR TRAFFIC CONTROL .....                            | 114,844                | 114,844                 |
| 042         | INDUSTRIAL FACILITIES .....                          | 1,593                  | 1,593                   |
| 043         | LAUNCHER, 2.75 ROCKET .....                          | 2,878                  | 2,878                   |
| 044         | AIRBORNE COMMUNICATIONS .....                        |                        |                         |
|             | <b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....        | <b>7,061,381</b>       | <b>6,547,481</b>        |
|             | <b>MISSILE PROCUREMENT, ARMY</b>                     |                        |                         |
|             | <b>SURFACE-TO-AIR MISSILE SYSTEM</b>                 |                        |                         |
| 001         | PATRIOT SYSTEM SUMMARY .....                         | 662,231                | 662,231                 |
| 002         | MSE MISSILE/PAC-3 .....                              | 74,953                 | 74,953                  |
| 003         | SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY: .....        |                        |                         |
|             | <b>AIR-TO-SURFACE MISSILE SYSTEM</b>                 |                        |                         |
| 004         | HELLFIRE SYS SUMMARY .....                           | 1,410                  | 1,410                   |
|             | <b>ANTI-TANK/ASSAULT MISSILE SYS</b>                 |                        |                         |
| 005         | JAVELIN (AAWS-M) SYSTEM SUMMARY .....                | 160,767                | 160,767                 |
| 006         | TOW 2 SYSTEM SUMMARY .....                           | 61,676                 | 61,676                  |
| 007         | Advance Procurement (CY) .....                       | 19,886                 | 19,886                  |
| 008         | BCT NON LINE OF SIGHT LAUNCH SYSTEM—INCREM .....     |                        |                         |
| 009         | GUIDED MLRS ROCKET (GMLRS) .....                     | 314,167                | 314,167                 |
| 010         | MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....     | 18,175                 | 18,175                  |
| 011         | HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS) ..... | 31,674                 | 31,674                  |
|             | <b>MODIFICATIONS</b>                                 |                        |                         |
| 012         | PATRIOT MODS .....                                   | 66,925                 | 66,925                  |
| 013         | STINGER MODS .....                                   | 14,495                 | 0                       |
|             | Budget Adjustment per Army Request .....             |                        | [-14,495]               |
| 014         | ITAS/TOW MODS .....                                  | 13,577                 | 13,577                  |
| 015         | MLRS MODS .....                                      | 8,236                  | 8,236                   |
| 016         | HIMARS MODIFICATIONS .....                           | 11,670                 | 11,670                  |
| 017         | HELLFIRE MODIFICATIONS .....                         |                        |                         |
|             | <b>SPARES AND REPAIR PARTS</b>                       |                        |                         |
| 018         | SPARES AND REPAIR PARTS .....                        | 8,700                  | 8,700                   |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>            |                        |                         |
| 019         | AIR DEFENSE TARGETS .....                            | 3,674                  | 3,674                   |
| 020         | ITEMS LESS THAN \$5.0M (MISSILES) .....              | 1,459                  | 1,459                   |
| 021         | PRODUCTION BASE SUPPORT .....                        | 5,043                  | 5,043                   |
|             | <b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....         | <b>1,478,718</b>       | <b>1,464,223</b>        |
|             | <b>PROCUREMENT OF W&amp;TCV, ARMY</b>                |                        |                         |
|             | <b>TRACKED COMBAT VEHICLES</b>                       |                        |                         |
| 001         | STRYKER VEHICLE .....                                | 632,994                | 632,994                 |
| 002         | FUTURE COMBAT SYSTEMS: (FCS) .....                   |                        |                         |
| 003         | FCS SPIN OUTS .....                                  |                        |                         |
| 004         | Advance Procurement (CY) .....                       |                        |                         |
|             | <b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>       |                        |                         |
| 005         | STRYKER (MOD) .....                                  | 52,797                 | 52,797                  |
| 006         | FIST VEHICLE (MOD) .....                             | 43,962                 | 43,962                  |
| 007         | BRADLEY PROGRAM (MOD) .....                          | 250,710                | 403,710                 |
|             | Program Increase .....                               |                        | [153,000]               |
| 008         | HOWITZER, MED SP FT 155MM M109A6 (MOD) .....         | 46,876                 | 46,876                  |

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

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|-------------|---|----------------------------|-----------------------------|
| 009         | IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....    | 10,452                     | 10,452                      |
| 010         | ASSAULT BREACHER VEHICLE .....                      | 99,904                     | 99,904                      |
| 011         | M88 FOV MODS .....                                  | 32,483                     | 32,483                      |
| 012         | JOINT ASSAULT BRIDGE .....                          |                            |                             |
| 013         | M1 ABRAMS TANK (MOD) .....                          | 160,578                    | 160,578                     |
| 014         | ABRAMS UPGRADE PROGRAM .....                        | 181,329                    | 453,329                     |
|             | Industrial Base and Guard Modernization .....       |                            | [272,000]                   |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>           |                            |                             |
| 015         | PRODUCTION BASE SUPPORT (TCV-WTCV) .....            | 1,073                      | 1,073                       |
|             | <b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>          |                            |                             |
| 016         | HOWITZER, LIGHT, TOWED, 105MM, M119 .....           |                            |                             |
| 017         | INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....     | 16,046                     | 16,046                      |
| 018         | M240 MEDIUM MACHINE GUN (7.62MM) .....              |                            |                             |
| 019         | MACHINE GUN, CAL .50 M2 ROLL .....                  | 65,102                     | 65,102                      |
| 020         | LIGHTWEIGHT .50 CALIBER MACHINE GUN .....           | 28,796                     | 28,796                      |
| 021         | M249 SAW MACHINE GUN (5.56MM) .....                 |                            |                             |
| 022         | MK-19 GRENADE MACHINE GUN (40MM) .....              |                            |                             |
| 023         | MORTAR SYSTEMS .....                                | 12,477                     | 12,477                      |
| 024         | M107, CAL. 50, SNIPER RIFLE .....                   |                            |                             |
| 025         | XM320 GRENADE LAUNCHER MODULE (GLM) .....           | 12,055                     | 12,055                      |
| 026         | M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) .....      |                            |                             |
| 027         | M4 CARBINE .....                                    | 35,015                     | 35,015                      |
| 028         | SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....      | 6,707                      | 6,707                       |
| 029         | COMMON REMOTELY OPERATED WEAPONS STATION (CRO       |                            |                             |
| 030         | HANDGUN .....                                       |                            |                             |
| 031         | HOWITZER LT WT 155MM (T) .....                      | 13,066                     | 13,066                      |
|             | <b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>          |                            |                             |
| 032         | MK-19 GRENADE MACHINE GUN MODS .....                |                            |                             |
| 033         | M4 CARBINE MODS .....                               | 25,092                     | 25,092                      |
| 034         | M2 50 CAL MACHINE GUN MODS .....                    | 14,856                     | 14,856                      |
| 035         | M249 SAW MACHINE GUN MODS .....                     | 8,480                      | 8,480                       |
| 036         | M240 MEDIUM MACHINE GUN MODS .....                  | 15,718                     | 15,718                      |
| 037         | SNIPER RIFLES MODIFICATIONS .....                   | 1,994                      | 4,500                       |
|             | Program Increase .....                              |                            | [2,506]                     |
| 038         | M119 MODIFICATIONS .....                            | 38,701                     | 38,701                      |
| 039         | M16 RIFLE MODS .....                                | 3,476                      | 3,476                       |
| 040         | M14 7.62 RIFLE MODS .....                           |                            |                             |
| 041         | MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....    | 2,973                      | 2,973                       |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>           |                            |                             |
| 042         | ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....            |                            |                             |
| 043         | PRODUCTION BASE SUPPORT (WOCV-WTCV) .....           | 10,080                     | 10,080                      |
| 044         | INDUSTRIAL PREPAREDNESS .....                       | 424                        | 424                         |
| 045         | SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....       | 2,453                      | 2,453                       |
|             | <b>SPARES</b>                                       |                            |                             |
| 046         | SPARES AND REPAIR PARTS (WTCV) .....                | 106,843                    | 106,843                     |
|             | <b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....   | <b>1,933,512</b>           | <b>2,361,018</b>            |
|             | <b>PROCUREMENT OF AMMUNITION, ARMY</b>              |                            |                             |
|             | <b>SMALL/MEDIUM CAL AMMUNITION</b>                  |                            |                             |
| 001         | CTG, 5.56MM, ALL TYPES .....                        | 210,758                    | 210,758                     |
| 002         | CTG, 7.62MM, ALL TYPES .....                        | 83,730                     | 83,730                      |
| 003         | CTG, 7.62MM, 4 BALL M80 FS, 1 DIM TRCR M276, .....  |                            |                             |
| 004         | CTG, HANDGUN, ALL TYPES .....                       | 9,064                      | 9,064                       |
| 005         | CTG, .50 CAL, ALL TYPES .....                       | 131,775                    | 131,775                     |
| 006         | CTG, 20MM, ALL TYPES .....                          |                            |                             |
| 007         | CTG, 25MM, ALL TYPES .....                          | 14,894                     | 14,894                      |
| 008         | OBJECTIVE FAMILY OF WEAPONS AMMUNITION, ALL T ..... | 3,399                      | 3,399                       |
| 009         | CTG, 30MM, ALL TYPES .....                          | 118,966                    | 118,966                     |
| 010         | CTG, 40MM, ALL TYPES .....                          | 84,799                     | 84,799                      |
| 011         | CTG, CAL .300 WIN MAG, MK 248 MOD 0 (7.62X67M       |                            |                             |
|             | <b>MORTAR AMMUNITION</b>                            |                            |                             |
| 012         | 60MM MORTAR, ALL TYPES .....                        | 31,287                     | 31,287                      |
| 013         | 81MM MORTAR, ALL TYPES .....                        | 12,187                     | 12,187                      |
| 014         | 120MM MORTAR, ALL TYPES .....                       | 108,416                    | 108,416                     |
|             | <b>TANK AMMUNITION</b>                              |                            |                             |
| 015         | CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....  | 105,704                    | 105,704                     |
| 016         | CTG, TANK, 120MM, ALL TYPES .....                   |                            |                             |
|             | <b>ARTILLERY AMMUNITION</b>                         |                            |                             |
| 017         | ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP ..... | 103,227                    | 103,227                     |
| 018         | CTG, ARTY, 105MM: ALL TYPES .....                   |                            |                             |
| 019         | ARTILLERY PROJECTILE, 155MM, ALL TYPES .....        | 32,887                     | 32,887                      |
| 020         | PROJ 155MM EXTENDED RANGE XM982 .....               | 69,074                     | 69,074                      |
| 021         | ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL ..... | 48,205                     | 48,205                      |
|             | <b>ARTILLERY FUZES</b>                              |                            |                             |
| 022         | ARTILLERY FUZES, ALL TYPES .....                    |                            |                             |
|             | <b>MINES</b>  |                            |                             |
| 023         | MINES & CLEARING CHARGES, ALL TYPES .....           | 2,518                      | 2,518                       |
| 024         | MINE, CLEARING CHARGE, ALL TYPES .....              |                            |                             |
|             | <b>NETWORKED MUNITIONS</b>                          |                            |                             |
| 025         | SPIDER NETWORK MUNITIONS, ALL TYPES .....           | 43,123                     | 43,123                      |
| 026         | SCORPION, INTELLIGENT MUNITIONS SYSTEM, ALL .....   |                            |                             |
|             | <b>ROCKETS</b>                                      |                            |                             |
| 027         | SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....        | 19,254                     | 19,254                      |
| 028         | ROCKET, HYDRA 70, ALL TYPES .....                   | 127,265                    | 127,265                     |
|             | <b>OTHER AMMUNITION</b>                             |                            |                             |
| 029         | DEMOLITION MUNITIONS, ALL TYPES .....               | 53,685                     | 53,685                      |
| 030         | GRENADES, ALL TYPES .....                           | 42,558                     | 42,558                      |
| 031         | SIGNALS, ALL TYPES .....                            | 26,173                     | 26,173                      |
| 032         | SIMULATORS, ALL TYPES .....                         | 14,108                     | 14,108                      |
| 033         | ALL OTHER (AMMO) .....                              | 50                         | 50                          |
|             | <b>MISCELLANEOUS</b>                                |                            |                             |

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(In Thousands of Dollars)

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|------|---|--------------------|---------------------|
| 034  | AMMO COMPONENTS, ALL TYPES .....                    | 18,296             | 18,296              |
| 035  | NON-LETHAL AMMUNITION, ALL TYPES .....              | 14,864             | 14,864              |
| 036  | CAD/PAD ALL TYPES .....                             | 5,449              | 5,449               |
| 037  | ITEMS LESS THAN \$5 MILLION .....                   | 11,009             | 11,009              |
| 038  | AMMUNITION PECULIAR EQUIPMENT .....                 | 24,200             | 24,200              |
| 039  | FIRST DESTINATION TRANSPORTATION (AMMO) .....       | 13,711             | 13,711              |
| 040  | CLOSEOUT LIABILITIES .....                          | 103                | 103                 |
|      | <b>PRODUCTION BASE SUPPORT</b>                      |                    |                     |
| 041  | PROVISION OF INDUSTRIAL FACILITIES .....            | 199,841            | 199,841             |
| 042  | LAYAWAY OF INDUSTRIAL FACILITIES .....              | 9,451              | 9,451               |
| 043  | MAINTENANCE OF INACTIVE FACILITIES .....            | 5,533              | 5,533               |
| 044  | CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....  | 189,789            | 189,789             |
| 045  | ARMS INITIATIVE .....                               | 3,273              | 3,273               |
|      | <b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....  | <b>1,992,625</b>   | <b>1,992,625</b>    |
|      | <b>OTHER PROCUREMENT, ARMY</b>                      |                    |                     |
|      | <b>TACTICAL VEHICLES</b>                            |                    |                     |
| 001  | TACTICAL TRAILERS/DOLLY SETS .....                  |                    |                     |
| 002  | SEMITRAILERS, FLATBED: .....                        | 13,496             | 13,496              |
| 003  | SEMITRAILERS, TANKERS .....                         |                    |                     |
| 004  | HI MOB MULTI-PURP WHLD VEH (HMMWV) .....            |                    |                     |
| 005  | FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....          | 432,936            | 432,936             |
| 006  | FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....    | 21,930             | 21,930              |
| 007  | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....      | 627,294            | 627,294             |
| 008  | PLS ESP .....                                       | 251,667            | 251,667             |
| 009  | ARMORED SECURITY VEHICLES (ASV) .....               |                    |                     |
| 010  | MINE PROTECTION VEHICLE FAMILY .....                | 56,671             | 56,671              |
| 011  | FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP) ..... |                    |                     |
| 012  | TRUCK, TRACTOR, LINE HAUL, M915/M916 .....          | 1,461              | 1,461               |
| 013  | HVY EZPANDED MOBILE TACTICAL TRUCK EXT SERV .....   | 156,747            | 156,747             |
| 014  | HMMWV RECAPITALIZATION PROGRAM .....                | 161,631            | 161,631             |
| 015  | TACTICAL WHEELED VEHICLE PROTECTION KITS .....      | 39,908             | 39,908              |
| 016  | MODIFICATION OF IN SVC EQUIP .....                  | 362,672            | 362,672             |
| 017  | MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....   | 142,862            | 142,862             |
| 018  | ITEMS LESS THAN \$5.0M (TAC VEH) .....              |                    |                     |
| 019  | TOWING DEVICE-FIFTH WHEEL .....                     |                    |                     |
| 020  | AMC CRITICAL ITEMS, OPA1 .....                      | 20,156             | 20,156              |
|      | <b>NON-TACTICAL VEHICLES</b>                        |                    |                     |
| 021  | HEAVY ARMORED SEDAN .....                           | 1,161              | 1,161               |
| 022  | PASSENGER CARRYING VEHICLES .....                   | 3,222              | 3,222               |
| 023  | NONTACTICAL VEHICLES, OTHER .....                   | 19,869             | 19,869              |
|      | <b>COMM—JOINT COMMUNICATIONS</b>                    |                    |                     |
| 024  | JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....    | 9,984              | 9,984               |
| 025  | WIN-T—GROUND FORCES TACTICAL NETWORK .....          | 974,186            | 974,186             |
| 026  | JCSE EQUIPMENT (USREDCOM) .....                     | 4,826              | 4,826               |
|      | <b>COMM—SATELLITE COMMUNICATIONS</b>                |                    |                     |
| 028  | DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....    | 123,859            | 123,859             |
| 029  | SHF TERM .....                                      | 8,910              | 8,910               |
| 030  | SAT TERM, EMUT (SPACE) .....                        |                    |                     |
| 031  | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....     | 29,568             | 29,568              |
| 032  | SMART-T (SPACE) .....                               | 49,704             | 49,704              |
| 033  | SCAMP (SPACE) .....                                 | 2,415              | 2,415               |
| 034  | GLOBAL BRDCST SVC—GBS .....                         | 73,374             | 73,374              |
| 035  | MOD OF IN-SVC EQUIP (TAC SAT) .....                 | 31,799             | 31,799              |
|      | <b>COMM—COMBAT SUPPORT COMM</b>                     |                    |                     |
| 036  | MOD-IN-SERVICE PROFILER .....                       | 969                | 969                 |
|      | <b>COMM—C3 SYSTEM</b>                               |                    |                     |
| 037  | ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....         | 18,788             | 18,788              |
|      | <b>COMM—COMBAT COMMUNICATIONS</b>                   |                    |                     |
| 038  | ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....    | 3,994              | 3,994               |
| 039  | JOINT TACTICAL RADIO SYSTEM .....                   | 775,832            | 716,032             |
|      | Early to Need—GMR .....                             |                    | [–35,800]           |
|      | Program Decrease—Maritime/Fixed Station .....       |                    | [–24,000]           |
| 040  | RADIO TERMINAL SET, MIDS LVT(2) .....               | 8,336              | 8,336               |
| 041  | SINGARS FAMILY .....                                | 4,992              | 4,992               |
| 042  | AMC CRITICAL ITEMS—OPA2 .....                       |                    |                     |
| 043  | TRACTOR DESK .....                                  | 10,827             | 10,827              |
| 044  | COMMS-ELEC EQUIP FIELDING .....                     |                    |                     |
| 045  | SPIDER APLA REMOTE CONTROL UNIT .....               | 36,224             | 36,224              |
| 046  | IMS REMOTE CONTROL UNIT .....                       |                    |                     |
| 047  | SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....  | 1,843              | 1,843               |
| 048  | COMBAT SURVIVOR EVADER LOCATOR (CSEL) .....         |                    |                     |
| 049  | GUNSHOT DETECTION SYSTEM (GDS) .....                | 3,939              | 3,939               |
| 050  | RADIO, IMPROVED HF (COTS) FAMILY .....              | 38,535             | 38,535              |
| 051  | MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....      | 26,232             | 26,232              |
|      | <b>COMM—INTELLIGENCE COMM</b>                       |                    |                     |
| 053  | CI AUTOMATION ARCHITECTURE .....                    | 1,547              | 1,547               |
| 054  | CIVIL AFFAIRS/INFO OPS .....                        | 28,266             | 28,266              |
|      | <b>INFORMATION SECURITY</b>                         |                    |                     |
| 055  | TSEC—ARMY KEY MGT SYS (AKMS) .....                  | 12,541             | 12,541              |
| 056  | INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....      | 39,349             | 39,349              |
|      | <b>COMM—LONG HAUL COMMUNICATIONS</b>                |                    |                     |
| 057  | TERRESTRIAL TRANSMISSION .....                      | 2,232              | 2,232               |
| 058  | BASE SUPPORT COMMUNICATIONS .....                   | 37,780             | 37,780              |
| 059  | WW TECH CON IMP PROG (WWTCIP) .....                 | 12,805             | 12,805              |
|      | <b>COMM—BASE COMMUNICATIONS</b>                     |                    |                     |
| 060  | INFORMATION SYSTEMS .....                           | 187,227            | 187,227             |
| 061  | DEFENSE MESSAGE SYSTEM (DMS) .....                  | 4,393              | 4,393               |
| 062  | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( ..... | 310,761            | 310,761             |
| 063  | PENTAGON INFORMATION MGT AND TELECOM .....          | 4,992              | 4,992               |
|      | <b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>         |                    |                     |

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|-------------|--|----------------------------|-----------------------------|
| 066         | JTT/CIBS-M .....                                       | 4,657                      | 4,657                       |
| 067         | PROPHET GROUND .....                                   | 72,041                     | 72,041                      |
| 068         | DIGITAL TOPOGRAPHIC SPT SYS (DTSS) .....               |                            |                             |
| 069         | DRUG INTERDICTION PROGRAM (DIP) (TIARA) .....          |                            |                             |
| 070         | DCGS-A (MIP) .....                                     | 144,548                    | 144,548                     |
| 071         | JOINT TACTICAL GROUND STATION (JTAGS) .....            | 1,199                      | 1,199                       |
| 072         | TROJAN (MIP) .....                                     | 32,707                     | 32,707                      |
| 073         | MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....            | 9,163                      | 9,163                       |
| 074         | CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP) .....   | 3,493                      | 3,493                       |
| 075         | ITEMS LESS THAN \$5.0M (MIP) .....                     | 802                        | 802                         |
|             | <b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>             |                            |                             |
| 076         | LIGHTWEIGHT COUNTER MORTAR RADAR .....                 | 33,810                     | 33,810                      |
| 077         | CREW .....   | 24,104                     | 24,104                      |
| 078         | BCT UNATTENDED GROUND SENSOR .....                     |                            |                             |
| 079         | FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIES .....   |                            |                             |
| 080         | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....     | 1,252                      | 1,252                       |
| 081         | CI MODERNIZATION .....                                 | 1,332                      | 1,332                       |
|             | <b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>           |                            |                             |
| 082         | FAAD GBS .....   | 7,958                      | 7,958                       |
| 083         | SENTINEL MODS .....                                    | 41,657                     | 41,657                      |
| 084         | SENSE THROUGH THE WALL (STTW) .....                    | 47,498                     | 47,498                      |
| 085         | NIGHT VISION DEVICES .....                             | 156,204                    | 156,204                     |
| 086         | LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM .....    | 102,334                    | 102,334                     |
| 087         | NIGHT VISION, THERMAL WPN SIGHT .....                  | 186,859                    | 186,859                     |
| 088         | SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....        | 10,227                     | 10,227                      |
| 089         | RADIATION MONITORING SYSTEMS .....                     |                            |                             |
| 090         | COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) .....       | 15,774                     | 15,774                      |
| 091         | BASE EXPEDITIONARY TARGETING AND SURV SYS .....        |                            |                             |
| 092         | GREEN LASER INTERDICTION SYSTEM .....                  | 25,356                     | 25,356                      |
| 093         | ARTILLERY ACCURACY EQUIP .....                         |                            |                             |
| 094         | ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE .....    |                            |                             |
| 095         | PROFILER .....   | 3,312                      | 3,312                       |
| 096         | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....          | 3,005                      | 3,005                       |
| 097         | FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....     |                            |                             |
| 098         | JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....            | 69,514                     | 69,514                      |
| 099         | LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER .....         | 58,042                     | 58,042                      |
| 100         | COMPUTER BALLISTICS: LHMCB XM32 .....                  |                            |                             |
| 101         | MORTAR FIRE CONTROL SYSTEM .....                       | 21,022                     | 21,022                      |
| 102         | COUNTERFIRE RADARS .....                               | 227,629                    | 227,629                     |
| 103         | ARMS CONTROL ENHANCED SENSOR & MONITORING SYSTEM ..... | 2,226                      | 2,226                       |
|             | <b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>                 |                            |                             |
| 104         | TACTICAL OPERATIONS CENTERS .....                      | 54,907                     | 54,907                      |
| 105         | FIRE SUPPORT C2 FAMILY .....                           | 54,223                     | 54,223                      |
| 106         | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC .....    | 12,454                     | 12,454                      |
| 107         | FAAD C2 .....  | 5,030                      | 5,030                       |
| 108         | AIR & MSL DEFENSE PLANNING & CONTROL SYS .....         | 62,710                     | 62,710                      |
| 109         | KNIGHT FAMILY .....                                    | 51,488                     | 51,488                      |
| 110         | LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....               | 1,807                      | 1,807                       |
| 111         | AUTOMATIC IDENTIFICATION TECHNOLOGY .....              | 28,924                     | 28,924                      |
| 112         | TC AIMS II .....                                       |                            |                             |
| 113         | TACTICAL INTERNET MANAGER .....                        |                            |                             |
| 114         | NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....    |                            |                             |
| 115         | MANEUVER CONTROL SYSTEM (MCS) .....                    | 34,031                     | 34,031                      |
| 116         | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....          | 210,312                    | 210,312                     |
| 117         | RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....      | 19,113                     | 19,113                      |
| 118         | MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM) .....      |                            |                             |
|             | <b>ELECT EQUIP—AUTOMATION</b>                          |                            |                             |
| 119         | GENERAL FUND ENTERPRISE BUSINESS SYSTEM .....          | 23,664                     | 23,664                      |
| 120         | ARMY TRAINING MODERNIZATION .....                      | 11,192                     | 11,192                      |
| 121         | AUTOMATED DATA PROCESSING EQUIP .....                  | 220,250                    | 220,250                     |
| 122         | CSS COMMUNICATIONS .....                               | 39,310                     | 39,310                      |
| 123         | RESERVE COMPONENT AUTOMATION SYS (RCAS) .....          | 41,248                     | 41,248                      |
|             | <b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>              |                            |                             |
| 124         | ITEMS LESS THAN \$5.0M (A/V) .....                     | 10,437                     | 10,437                      |
| 125         | ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....       | 7,480                      | 7,480                       |
|             | <b>ELECT EQUIP—SUPPORT</b>                             |                            |                             |
| 126         | PRODUCTION BASE SUPPORT (C-E) .....                    | 571                        | 571                         |
| 127         | BCT NETWORK .....                                      |                            | 20,334                      |
|             | Budget Adjustment per Army Request .....               |                            | [20,334]                    |
|             | <b>UNDISTRIBUTED</b>                                   |                            |                             |
| 127A        | CLASSIFIED PROGRAMS .....                              | 4,273                      | 4,273                       |
| 127U        | UNDISTRIBUTED OPA2 .....                               |                            | 4,000                       |
|             | Electronic Equipment—Automation .....                  |                            | [4,000]                     |
|             | <b>CHEMICAL DEFENSIVE EQUIPMENT</b>                    |                            |                             |
| 128         | PROTECTIVE SYSTEMS .....                               |                            |                             |
| 129         | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....            | 8,636                      | 8,636                       |
| 130         | BASE DEFENSE SYSTEMS (BDS) .....                       | 41,204                     | 47,204                      |
|             | Base Defense Systems .....                             |                            | [6,000]                     |
| 131         | CBRN SOLDIER PROTECTION .....                          | 10,700                     | 10,700                      |
| 132         | SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) .....     | 362                        | 362                         |
|             | <b>BRIDGING EQUIPMENT</b>                              |                            |                             |
| 133         | TACTICAL BRIDGING .....                                | 77,428                     | 77,428                      |
| 134         | TACTICAL BRIDGE, FLOAT-RIBBON .....                    | 49,154                     | 49,154                      |
|             | <b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>           |                            |                             |
| 135         | HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST .....    | 39,263                     | 39,263                      |
| 136         | GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....       | 20,678                     | 20,678                      |
| 137         | ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....             | 30,297                     | 30,297                      |
| 138         | EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....    | 17,626                     | 17,626                      |
| 139         | REMOTE DEMOLITION SYSTEMS .....                        | 14,672                     | 14,672                      |
| 140         | < \$5M, COUNTERMINE EQUIPMENT .....                    | 7,352                      | 7,352                       |
| 141         | AERIAL DETECTION .....                                 |                            |                             |

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|      | <b>COMBAT SERVICE SUPPORT EQUIPMENT</b>                 |                    |                     |
| 142  | HEATERS AND ECU'S .....                                 | 10,109             | 10,109              |
| 143  | LAUNDRIES, SHOWERS AND LATRINES .....                   |                    |                     |
| 144  | SOLDIER ENHANCEMENT .....                               | 9,591              | 9,591               |
| 145  | LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME) .....           |                    |                     |
| 146  | PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....          | 8,509              | 8,509               |
| 147  | GROUND SOLDIER SYSTEM .....                             | 184,072            | 156,072             |
|      | Schedule Slip- Nett Warrior, Increment One .....        |                    | [-28,000]           |
| 148  | MOUNTED SOLDIER SYSTEM .....                            | 43,419             | 43,419              |
| 149  | FORCE PROVIDER .....                                    |                    |                     |
| 150  | FIELD FEEDING EQUIPMENT .....                           | 26,860             | 26,860              |
| 151  | CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....     | 68,392             | 68,392              |
| 152  | MOBILE INTEGRATED REMAINS COLLECTION SYSTEM .....       | 7,384              | 7,384               |
| 153  | FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....       | 54,190             | 54,190              |
| 154  | ITEMS LESS THAN \$5M (ENG SPT) .....                    | 12,482             | 12,482              |
|      | <b>PETROLEUM EQUIPMENT</b>                              |                    |                     |
| 155  | QUALITY SURVEILLANCE EQUIPMENT .....                    |                    |                     |
| 156  | DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....           | 75,457             | 75,457              |
|      | <b>WATER EQUIPMENT</b>                                  |                    |                     |
| 157  | WATER PURIFICATION SYSTEMS .....                        |                    |                     |
|      | <b>MEDICAL EQUIPMENT</b>                                |                    |                     |
| 158  | COMBAT SUPPORT MEDICAL .....                            | 53,450             | 53,450              |
|      | <b>MAINTENANCE EQUIPMENT</b>                            |                    |                     |
| 159  | MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....              | 16,572             | 16,572              |
| 160  | ITEMS LESS THAN \$5.0M (MAINT EQ) .....                 | 3,852              | 3,852               |
|      | <b>CONSTRUCTION EQUIPMENT</b>                           |                    |                     |
| 161  | GRADER, ROAD MT2D, HVY, 6X4 (CCE) .....                 | 2,201              | 2,201               |
| 162  | SKID STEER LOADER (SSL) FAMILY OF SYSTEM .....          | 8,584              | 8,584               |
| 163  | SCRAPERS, EARTHMOVING .....                             | 21,031             | 21,031              |
| 164  | MISSION MODULES—ENGINEERING .....                       | 43,432             | 43,432              |
| 165  | COMPACTOR .....   | 2,859              | 2,859               |
| 166  | LOADERS .....   |                    |                     |
| 167  | HYDRAULIC EXCAVATOR .....                               |                    |                     |
| 168  | TRACTOR, FULL TRACKED .....                             | 59,534             | 59,534              |
| 169  | PLANT, ASPHALT MIXING .....                             | 8,314              | 8,314               |
| 170  | HIGH MOBILITY ENGINEER EXCAVATOR TYPE—FOS .....         | 18,974             | 18,974              |
| 171  | ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....         | 15,833             | 15,833              |
| 172  | CONST EQUIP ESP .....                                   | 9,771              | 9,771               |
| 173  | ITEMS LESS THAN \$5.0M (CONST EQUIP) .....              | 12,654             | 12,654              |
|      | <b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>            |                    |                     |
| 174  | JOINT HIGH SPEED VESSEL (JHSV) .....                    | 223,845            | 223,845             |
| 175  | HARBORMASTER COMMAND AND CONTROL CENTER (HCCC) .....    |                    |                     |
| 176  | ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....               | 10,175             | 10,175              |
|      | <b>GENERATORS</b>                                       |                    |                     |
| 177  | GENERATORS AND ASSOCIATED EQUIP .....                   | 31,897             | 41,897              |
|      | Program Increase .....                                  |                    | [10,000]            |
|      | <b>MATERIAL HANDLING EQUIPMENT</b>                      |                    |                     |
| 178  | ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....            |                    |                     |
| 179  | FAMILY OF FORKLIFTS .....                               | 10,944             | 10,944              |
| 180  | ALL TERRAIN LIFTING ARMY SYSTEM .....                   | 21,859             | 21,859              |
|      | <b>TRAINING EQUIPMENT</b>                               |                    |                     |
| 181  | COMBAT TRAINING CENTERS SUPPORT .....                   | 133,178            | 133,178             |
| 182  | TRAINING DEVICES, NONSYSTEM .....                       | 168,392            | 168,392             |
| 183  | CLOSE COMBAT TACTICAL TRAINER .....                     | 17,760             | 17,760              |
| 184  | AVIATION COMBINED ARMS TACTICAL TRAINER .....           | 9,413              | 9,413               |
| 185  | GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....     |                    |                     |
|      | <b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>             |                    |                     |
| 186  | CALIBRATION SETS EQUIPMENT .....                        | 13,618             | 13,618              |
| 187  | INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....        | 49,437             | 49,437              |
| 188  | TEST EQUIPMENT MODERNIZATION (TEMOD) .....              | 30,451             | 30,451              |
|      | <b>OTHER SUPPORT EQUIPMENT</b>                          |                    |                     |
| 189  | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....         | 4,923              | 4,923               |
| 190  | PHYSICAL SECURITY SYSTEMS (OPA3) .....                  | 69,316             | 69,316              |
| 191  | BASE LEVEL COMMON EQUIPMENT .....                       | 1,591              | 1,591               |
| 192  | MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....          | 72,271             | 72,271              |
| 193  | PRODUCTION BASE SUPPORT (OTH) .....                     | 2,325              | 2,325               |
| 194  | SPECIAL EQUIPMENT FOR USER TESTING .....                | 17,411             | 17,411              |
| 195  | AMC CRITICAL ITEMS OPA3 .....                           | 34,500             | 34,500              |
| 196  | TRACTOR YARD .....                                      | 3,740              | 3,740               |
| 197  | BCT UNMANNED GROUND VEHICLE .....                       | 24,805             | 93,832              |
|      | Budget Adjustment per Army Request .....                |                    | [69,027]            |
| 198  | BCT TRAINING/LOGISTICS/MANAGEMENT .....                 | 149,308            | 26,011              |
|      | Budget Adjustment per Army Request .....                |                    | [-123,297]          |
| 199  | BCT TRAINING/LOGISTICS/MANAGEMENT INC 2 .....           | 57,103             | 0                   |
|      | Budget Adjustment per Army Request .....                |                    | [-57,103]           |
| 200  | BCT UNMANNED GROUND VEHICLE INC 2 .....                 | 11,924             | 0                   |
|      | Budget Adjustment per Army Request .....                |                    | [-11,924]           |
|      | <b>OPA2</b>   |                    |                     |
| 201  | INITIAL SPARES—C&E .....                                | 21,647             | 21,647              |
|      | <b>TOTAL OTHER PROCUREMENT, ARMY</b> .....              | <b>9,682,592</b>   | <b>9,511,829</b>    |
|      | <b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>             |                    |                     |
|      | <b>STAFF AND INFRASTRUCTURE</b>                         |                    |                     |
| 004  | OPERATIONS .....  | 220,634            | 220,634             |
|      | <b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> ..... | <b>220,634</b>     | <b>220,634</b>      |
|      | <b>AIRCRAFT PROCUREMENT, NAVY</b>                       |                    |                     |
|      | <b>COMBAT AIRCRAFT</b>                                  |                    |                     |
| 001  | EA-18G .....  | 1,079,364          | 1,079,364           |
| 002  | Advance Procurement (CY) .....                          | 28,119             | 28,119              |
| 003  | F/A-18E/F (FIGHTER) HORNET .....                        | 2,366,752          | 2,366,752           |

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| 004         | Advance Procurement (CY) .....                        | 64,962                     | 64,962                      |
| 005         | JOINT STRIKE FIGHTER CV .....                         | 1,503,096                  | 1,503,096                   |
| 006         | Advance Procurement (CY) .....                        | 217,666                    | 217,666                     |
| 007         | JSF STOVL .....                                       | 1,141,933                  | 1,141,933                   |
| 008         | Advance Procurement (CY) .....                        | 117,229                    | 117,229                     |
| 009         | V-22 (MEDIUM LIFT) .....                              | 2,224,817                  | 2,224,817                   |
| 010         | Advance Procurement (CY) .....                        | 84,008                     | 84,008                      |
| 011         | UH-1Y/AH-1Z .....                                     | 700,306                    | 700,306                     |
| 012         | Advance Procurement (CY) .....                        | 68,310                     | 68,310                      |
| 013         | MH-60S (MYP) .....                                    | 408,921                    | 408,921                     |
| 014         | Advance Procurement (CY) .....                        | 74,040                     | 74,040                      |
| 015         | MH-60R .....  | 791,025                    | 791,025                     |
| 016         | Advance Procurement (CY) .....                        | 209,431                    | 209,431                     |
| 017         | P-8A POSEIDON .....                                   | 2,018,851                  | 2,018,851                   |
| 018         | Advance Procurement (CY) .....                        | 256,594                    | 256,594                     |
| 019         | E-2D ADV HAWKEYE .....                                | 914,892                    | 914,892                     |
| 020         | Advance Procurement (CY) .....                        | 157,942                    | 157,942                     |
|             | <b>AIRLIFT AIRCRAFT</b>                               |                            |                             |
| 021         | C-40A .....   |                            |                             |
|             | <b>TRAINER AIRCRAFT</b>                               |                            |                             |
| 022         | JPATS .....   | 266,906                    | 266,906                     |
|             | <b>OTHER AIRCRAFT</b>                                 |                            |                             |
| 023         | HC-130J .....   |                            |                             |
| 024         | KC-130J .....   | 87,288                     | 87,288                      |
| 025         | RQ-7 UAV .....  |                            |                             |
| 026         | MQ-8 UAV .....  | 191,986                    | 191,986                     |
| 027         | STUASLO UAV .....                                     | 12,772                     | 12,772                      |
| 028         | OTHER SUPPORT AIRCRAFT .....                          |                            |                             |
|             | <b>MODIFICATION OF AIRCRAFT</b>                       |                            |                             |
| 029         | EA-6 SERIES .....                                     | 27,734                     | 27,734                      |
| 030         | AEA SYSTEMS .....                                     | 34,065                     | 34,065                      |
| 031         | AV-8 SERIES .....                                     | 30,762                     | 30,762                      |
| 032         | F-18 SERIES .....                                     | 499,597                    | 499,597                     |
| 033         | H-46 SERIES .....                                     | 27,112                     | 27,112                      |
| 034         | AH-1W SERIES .....                                    | 15,828                     | 15,828                      |
| 035         | H-53 SERIES .....                                     | 62,820                     | 62,820                      |
| 036         | SH-60 SERIES .....                                    | 83,394                     | 87,894                      |
|             | SH-60 Crew and Passenger Survivability Upgrades ..... |                            | [4,500]                     |
| 037         | H-1 SERIES .....                                      | 11,012                     | 11,012                      |
| 038         | EP-3 SERIES .....                                     | 83,181                     | 83,181                      |
| 039         | P-3 SERIES .....                                      | 171,466                    | 171,466                     |
| 040         | E-2 SERIES .....                                      | 29,215                     | 29,215                      |
| 041         | TRAINER A/C SERIES .....                              | 22,090                     | 22,090                      |
| 042         | C-2A .....  | 16,302                     | 16,302                      |
| 043         | C-130 SERIES .....                                    | 27,139                     | 27,139                      |
| 044         | FLEET EW .....  | 2,773                      | 2,773                       |
| 045         | CARGO/TRANSPORT A/C SERIES .....                      | 16,463                     | 16,463                      |
| 046         | E-6 SERIES .....                                      | 165,253                    | 165,253                     |
| 047         | EXECUTIVE HELICOPTERS SERIES .....                    | 58,011                     | 58,011                      |
| 048         | SPECIAL PROJECT AIRCRAFT .....                        | 12,248                     | 12,248                      |
| 049         | T-45 SERIES .....                                     | 57,779                     | 57,779                      |
| 050         | AIRCRAFT POWER PLANT CHANGES .....                    | 21,647                     | 21,647                      |
| 051         | JPATS SERIES .....                                    | 1,524                      | 1,524                       |
| 052         | AVIATION LIFE SUPPORT MODS .....                      | 1,069                      | 1,069                       |
| 053         | COMMON ECM EQUIPMENT .....                            | 92,072                     | 92,072                      |
| 054         | COMMON AVIONICS CHANGES .....                         | 147,093                    | 147,093                     |
| 055         | COMMON DEFENSIVE WEAPON SYSTEM .....                  |                            |                             |
| 056         | ID SYSTEMS .....                                      | 37,330                     | 37,330                      |
| 057         | P-8 SERIES .....                                      | 2,930                      | 2,930                       |
| 058         | MAGTF EW FOR AVIATION .....                           | 489                        | 489                         |
| 059         | RQ-7 SERIES .....                                     | 11,419                     | 11,419                      |
| 060         | V-22 (TILT/ROTOR ACFT) OSPREY .....                   | 60,264                     | 60,264                      |
|             | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>               |                            |                             |
| 061         | SPARES AND REPAIR PARTS .....                         | 1,331,961                  | 1,331,961                   |
|             | <b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>        |                            |                             |
| 062         | COMMON GROUND EQUIPMENT .....                         | 351,685                    | 351,685                     |
| 063         | AIRCRAFT INDUSTRIAL FACILITIES .....                  | 22,358                     | 22,358                      |
| 064         | WAR CONSUMABLES .....                                 | 27,300                     | 27,300                      |
| 065         | OTHER PRODUCTION CHARGES .....                        | 10,124                     | 10,124                      |
| 066         | SPECIAL SUPPORT EQUIPMENT .....                       | 24,395                     | 24,395                      |
| 067         | FIRST DESTINATION TRANSPORTATION .....                | 1,719                      | 1,719                       |
| 068         | CANCELLED ACCOUNT ADJUSTMENTS .....                   |                            |                             |
|             | <b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....         | <b>18,587,033</b>          | <b>18,591,533</b>           |
|             | <b>WEAPONS PROCUREMENT, NAVY</b>                      |                            |                             |
|             | <b>MODIFICATION OF MISSILES</b>                       |                            |                             |
| 001         | TRIDENT II MODS .....                                 | 1,309,102                  | 1,309,102                   |
|             | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>             |                            |                             |
| 002         | MISSILE INDUSTRIAL FACILITIES .....                   | 3,492                      | 3,492                       |
|             | <b>STRATEGIC MISSILES</b>                             |                            |                             |
| 003         | TOMAHAWK .....  | 303,306                    | 303,306                     |
|             | <b>TACTICAL MISSILES</b>                              |                            |                             |
| 004         | AMRAAM .....  | 188,494                    | 188,494                     |
| 005         | SIDEWINDER .....                                      | 47,098                     | 47,098                      |
| 006         | JSOW .....  | 137,722                    | 137,722                     |
| 007         | STANDARD MISSILE .....                                | 420,324                    | 420,324                     |
| 008         | RAM .....   | 66,197                     | 66,197                      |
| 009         | HELLFIRE .....  | 22,703                     | 22,703                      |
| 010         | STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....    |                            |                             |
| 011         | AERIAL TARGETS .....                                  | 46,359                     | 46,359                      |
| 012         | OTHER MISSILE SUPPORT .....                           | 3,561                      | 3,561                       |



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|      | <b>MODIFICATION OF MISSILES</b>                        |                    |                     |
| 013  | ESSM .....   | 48,486             | 48,486              |
| 014  | HARM MODS .....  | 73,061             | 73,061              |
| 015  | STANDARD MISSILES MODS .....                           |                    |                     |
|      | <b>SUPPORT EQUIPMENT &amp; FACILITIES</b>              |                    |                     |
| 016  | WEAPONS INDUSTRIAL FACILITIES .....                    | 1,979              | 1,979               |
| 017  | FLEET SATELLITE COMM FOLLOW-ON .....                   | 238,215            | 238,215             |
| 018  | Advance Procurement (CY) .....                         |                    |                     |
|      | <b>ORDNANCE SUPPORT EQUIPMENT</b>                      |                    |                     |
| 019  | ORDNANCE SUPPORT EQUIPMENT .....                       | 52,255             | 52,255              |
|      | <b>TORPEDOES AND RELATED EQUIP</b>                     |                    |                     |
| 020  | ASW TARGETS .....                                      | 31,803             | 31,803              |
|      | <b>MOD OF TORPEDOES AND RELATED EQUIP</b>              |                    |                     |
| 021  | MK-54 TORPEDO MODS .....                               | 78,045             | 78,045              |
| 022  | MK-48 TORPEDO ADCAP MODS .....                         | 42,493             | 42,493              |
| 023  | QUICKSTRIKE MINE .....                                 | 5,770              | 5,770               |
| 023A | UNDISTRIBUTED .....                                    |                    | 5,000               |
|      | Modification of Torpedoes and Related Equipment .....  |                    | [5,000]             |
|      | <b>SUPPORT EQUIPMENT</b>                               |                    |                     |
| 024  | TORPEDO SUPPORT EQUIPMENT .....                        | 43,003             | 43,003              |
| 025  | ASW RANGE SUPPORT .....                                | 9,219              | 9,219               |
|      | <b>DESTINATION TRANSPORTATION</b>                      |                    |                     |
| 026  | FIRST DESTINATION TRANSPORTATION .....                 | 3,553              | 3,553               |
|      | <b>GUNS AND GUN MOUNTS</b>                             |                    |                     |
| 027  | SMALL ARMS AND WEAPONS .....                           | 15,037             | 15,037              |
|      | <b>MODIFICATION OF GUNS AND GUN MOUNTS</b>             |                    |                     |
| 028  | CIWS MODS .....  | 37,550             | 37,550              |
| 029  | COAST GUARD WEAPONS .....                              | 17,525             | 17,525              |
| 030  | GUN MOUNT MODS .....                                   | 43,957             | 43,957              |
| 031  | LCS MODULE WEAPONS .....                               |                    |                     |
| 032  | CRUISER MODERNIZATION WEAPONS .....                    | 50,013             | 50,013              |
| 033  | AIRBORNE MINE NEUTRALIZATION SYSTEMS .....             | 12,203             | 12,203              |
|      | <b>OTHER</b>   |                    |                     |
| 034  | CANCELLED ACCOUNT ADJUSTMENTS .....                    |                    |                     |
|      | <b>SPARES AND REPAIR PARTS</b>                         |                    |                     |
| 035  | SPARES AND REPAIR PARTS .....                          | 55,953             | 55,953              |
|      | <b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....           | <b>3,408,478</b>   | <b>3,413,478</b>    |
|      | <b>SHIPBUILDING &amp; CONVERSION, NAVY</b>             |                    |                     |
|      | <b>OTHER WARSHIPS</b>                                  |                    |                     |
| 001  | CARRIER REPLACEMENT PROGRAM .....                      |                    |                     |
| 002  | CARRIER REPLACEMENT PROGRAM .....                      | 554,798            | 554,798             |
| 003  | VIRGINIA CLASS SUBMARINE .....                         | 3,232,215          | 3,232,215           |
| 004  | VIRGINIA CLASS SUBMARINE .....                         | 1,524,761          | 1,524,761           |
| 005  | CVN REFUELING OVERHAULS .....                          |                    |                     |
| 006  | CVN REFUELING OVERHAULS .....                          | 529,652            | 529,652             |
| 007  | SSBN ERO .....   |                    |                     |
| 008  | DDG 1000 .....   | 453,727            | 453,727             |
| 009  | DDG-51 .....   | 1,980,709          | 1,980,709           |
| 010  | Advance Procurement (CY) .....                         |                    |                     |
| 011  | LITTORAL COMBAT SHIP .....                             | 1,802,093          | 1,802,093           |
| 012  | Advance Procurement (CY) .....                         |                    |                     |
|      | <b>AMPHIBIOUS SHIPS</b>                                |                    |                     |
| 013  | LPD-17 .....   | 1,847,444          | 1,847,444           |
| 014  | Advance Procurement (CY) .....                         |                    |                     |
| 015  | LHA REPLACEMENT .....                                  | 2,018,691          | 1,968,691           |
|      | Contract Delay .....                                   |                    | [-200,000]          |
|      | Program Increase .....                                 |                    | [150,000]           |
| 016  | Advance Procurement (CY) .....                         |                    |                     |
| 017  | JOINT HIGH SPEED VESSEL .....                          | 185,106            | 185,106             |
|      | <b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>    |                    |                     |
| 018  | OCEANOGRAPHIC SHIPS .....                              | 89,000             | 89,000              |
| 019  | Advance Procurement (CY) .....                         | 155,200            | 155,200             |
| 020  | OUTFITTING .....                                       | 292,871            | 292,871             |
| 021  | SERVICE CRAFT .....                                    | 3,863              | 3,863               |
| 022  | LCAC SLEP .....  | 84,076             | 84,076              |
| 023  | COMPLETION OF PY SHIPBUILDING PROGRAMS .....           | 73,992             | 73,992              |
|      | <b>UNDISTRIBUTED</b>                                   |                    |                     |
| 024  | UNDISTRIBUTED .....                                    |                    |                     |
|      | Advance Procurement and Economic Order Quantity .....  |                    | [150,000]           |
|      | Program Decrease .....                                 |                    | [-150,000]          |
|      | <b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b> ..... | <b>14,928,921</b>  | <b>14,878,921</b>   |
|      | <b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>              |                    |                     |
|      | <b>NAVY AMMUNITION</b>                                 |                    |                     |
| 001  | GENERAL PURPOSE BOMBS .....                            | 64,766             | 64,766              |
| 002  | JDAM .....   |                    |                     |
| 003  | AIRBORNE ROCKETS, ALL TYPES .....                      | 38,264             | 38,264              |
| 004  | MACHINE GUN AMMUNITION .....                           | 17,788             | 17,788              |
| 005  | PRACTICE BOMBS .....                                   | 35,289             | 35,289              |
| 006  | CARTRIDGES & CART ACTUATED DEVICES .....               | 49,416             | 49,416              |
| 007  | AIR EXPENDABLE COUNTERMEASURES .....                   | 60,677             | 60,677              |
| 008  | JATOS .....  | 2,766              | 2,766               |
| 009  | 5 INCH/54 GUN AMMUNITION .....                         | 19,006             | 19,006              |
| 010  | INTERMEDIATE CALIBER GUN AMMUNITION .....              | 19,320             | 19,320              |
| 011  | OTHER SHIP GUN AMMUNITION .....                        | 21,938             | 21,938              |
| 012  | SMALL ARMS & LANDING PARTY AMMO .....                  | 51,819             | 51,819              |
| 013  | PYROTECHNIC AND DEMOLITION .....                       | 10,199             | 10,199              |
| 014  | AMMUNITION LESS THAN \$5 MILLION .....                 | 4,107              | 4,107               |
|      | <b>MARINE CORPS AMMUNITION</b>                         |                    |                     |
| 015  | SMALL ARMS AMMUNITION .....                            | 58,812             | 58,812              |

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
| 016         | LINEAR CHARGES, ALL TYPES .....                       | 21,434                     | 21,434                      |
| 017         | 40 MM, ALL TYPES .....                                | 84,864                     | 84,864                      |
| 018         | 60MM, ALL TYPES .....                                 | 937                        | 937                         |
| 019         | 81MM, ALL TYPES .....                                 | 26,324                     | 26,324                      |
| 020         | 120MM, ALL TYPES .....                                | 9,387                      | 9,387                       |
| 021         | CTG 25MM, ALL TYPES .....                             | 3,889                      | 3,889                       |
| 022         | GRENADES, ALL TYPES .....                             | 13,452                     | 13,452                      |
| 023         | ROCKETS, ALL TYPES .....                              | 15,556                     | 15,556                      |
| 024         | ARTILLERY, ALL TYPES .....                            | 42,526                     | 42,526                      |
| 025         | DEMOLITION MUNITIONS, ALL TYPES .....                 | 22,786                     | 22,786                      |
| 026         | FUZE, ALL TYPES .....                                 | 9,266                      | 9,266                       |
| 027         | NON LETHALS .....                                     | 2,927                      | 2,927                       |
| 028         | AMMO MODERNIZATION .....                              | 8,557                      | 8,557                       |
| 029         | ITEMS LESS THAN \$5 MILLION .....                     | 3,880                      | 3,880                       |
|             | <b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b> | <b>719,952</b>             | <b>719,952</b>              |
|             | <b>OTHER PROCUREMENT, NAVY</b>                        |                            |                             |
|             | <b>SHIP PROPULSION EQUIPMENT</b>                      |                            |                             |
| 001         | LM-2500 GAS TURBINE .....                             | 13,794                     | 13,794                      |
| 002         | ALLISON 501K GAS TURBINE .....                        | 8,643                      | 8,643                       |
|             | <b>NAVIGATION EQUIPMENT</b>                           |                            |                             |
| 003         | OTHER NAVIGATION EQUIPMENT .....                      | 22,982                     | 22,982                      |
|             | <b>PERISCOPES</b>                                     |                            |                             |
| 004         | SUB PERISCOPES & IMAGING EQUIP .....                  | 60,860                     | 60,860                      |
|             | <b>OTHER SHIPBOARD EQUIPMENT</b>                      |                            |                             |
| 005         | DDG MOD .....   | 119,522                    | 119,522                     |
| 006         | FIREFIGHTING EQUIPMENT .....                          | 17,637                     | 17,637                      |
| 007         | COMMAND AND CONTROL SWITCHBOARD .....                 | 3,049                      | 3,049                       |
| 008         | POLLUTION CONTROL EQUIPMENT .....                     | 22,266                     | 22,266                      |
| 009         | SUBMARINE SUPPORT EQUIPMENT .....                     | 15,892                     | 15,892                      |
| 010         | VIRGINIA CLASS SUPPORT EQUIPMENT .....                | 100,693                    | 100,693                     |
| 011         | SUBMARINE BATTERIES .....                             | 42,296                     | 42,296                      |
| 012         | STRATEGIC PLATFORM SUPPORT EQUIP .....                | 25,228                     | 25,228                      |
| 013         | DEEP SUBMERGENCE SYSTEMS .....                        | 2,600                      | 2,600                       |
| 014         | CG MODERNIZATION .....                                | 590,349                    | 590,349                     |
| 015         | LCAC .....  |                            |                             |
| 016         | UNDERWATER EOD PROGRAMS .....                         | 18,499                     | 18,499                      |
| 017         | ITEMS LESS THAN \$5 MILLION .....                     | 113,809                    | 113,809                     |
| 018         | CHEMICAL WARFARE DETECTORS .....                      | 5,508                      | 5,508                       |
| 019         | SUBMARINE LIFE SUPPORT SYSTEM .....                   | 13,397                     | 13,397                      |
|             | <b>REACTOR PLANT EQUIPMENT</b>                        |                            |                             |
| 020         | REACTOR POWER UNITS .....                             | 436,838                    | 436,838                     |
| 021         | REACTOR COMPONENTS .....                              | 271,600                    | 271,600                     |
|             | <b>OCEAN ENGINEERING</b>                              |                            |                             |
| 022         | DIVING AND SALVAGE EQUIPMENT .....                    | 11,244                     | 11,244                      |
|             | <b>SMALL BOATS</b>                                    |                            |                             |
| 023         | STANDARD BOATS .....                                  | 39,793                     | 39,793                      |
|             | <b>TRAINING EQUIPMENT</b>                             |                            |                             |
| 024         | OTHER SHIPS TRAINING EQUIPMENT .....                  | 29,913                     | 29,913                      |
|             | <b>PRODUCTION FACILITIES EQUIPMENT</b>                |                            |                             |
| 025         | OPERATING FORCES IPE .....                            | 54,642                     | 54,642                      |
|             | <b>OTHER SHIP SUPPORT</b>                             |                            |                             |
| 026         | NUCLEAR ALTERATIONS .....                             | 144,175                    | 144,175                     |
| 027         | LCS MODULES .....                                     | 79,583                     | 79,583                      |
|             | <b>LOGISTIC SUPPORT</b>                               |                            |                             |
| 028         | LSD MIDLIFE .....                                     | 143,483                    | 143,483                     |
|             | <b>SHIP RADARS</b>                                    |                            |                             |
| 029         | RADAR SUPPORT .....                                   | 18,818                     | 23,818                      |
|             | Program Increase .....                                |                            | [5,000]                     |
|             | <b>SHIP SONARS</b>                                    |                            |                             |
| 030         | SPQ-9B RADAR .....                                    | 24,613                     | 24,613                      |
| 031         | AN/SQQ-89 SURF ASW COMBAT SYSTEM .....                | 73,829                     | 73,829                      |
| 032         | SSN ACOUSTICS .....                                   | 212,913                    | 212,913                     |
| 033         | UNDERSEA WARFARE SUPPORT EQUIPMENT .....              | 29,686                     | 29,686                      |
| 034         | SONAR SWITCHES AND TRANSDUCERS .....                  | 13,537                     | 13,537                      |
| 035         | ELECTRONIC WARFARE MILDEC .....                       | 18,141                     | 18,141                      |
|             | <b>ASW ELECTRONIC EQUIPMENT</b>                       |                            |                             |
| 036         | SUBMARINE ACOUSTIC WARFARE SYSTEM .....               | 20,554                     | 20,554                      |
| 037         | SSTD .....  | 2,257                      | 2,257                       |
| 038         | FIXED SURVEILLANCE SYSTEM .....                       | 60,141                     | 60,141                      |
| 039         | SURTASS .....   | 29,247                     | 29,247                      |
| 040         | MARITIME PATROL AND RECONNAISSANCE FORCE .....        | 13,453                     | 13,453                      |
| 040.A       | UNDISTRIBUTED .....                                   |                            | 9,600                       |
|             | Anti-Submarine Warfare Electronic Equipment .....     |                            | [9,600]                     |
|             | <b>ELECTRONIC WARFARE EQUIPMENT</b>                   |                            |                             |
| 041         | AN/SLQ-32 .....                                       | 43,096                     | 43,096                      |
|             | <b>RECONNAISSANCE EQUIPMENT</b>                       |                            |                             |
| 042         | SHIPBOARD IW EXPLOIT .....                            | 103,645                    | 103,645                     |
| 043         | AUTOMATED IDENTIFICATION SYSTEM (AIS) .....           | 1,364                      | 1,364                       |
|             | <b>SUBMARINE SURVEILLANCE EQUIPMENT</b>               |                            |                             |
| 044         | SUBMARINE SUPPORT EQUIPMENT PROG .....                | 100,793                    | 100,793                     |
|             | <b>OTHER SHIP ELECTRONIC EQUIPMENT</b>                |                            |                             |
| 045         | COOPERATIVE ENGAGEMENT CAPABILITY .....               | 23,332                     | 23,332                      |
| 046         | TRUSTED INFORMATION SYSTEM (TIS) .....                | 426                        | 426                         |
| 047         | NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....   | 33,017                     | 33,017                      |
| 048         | ATDLS .....   | 942                        | 942                         |
| 049         | NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....          | 7,896                      | 7,896                       |
| 050         | MINESWEEPING SYSTEM REPLACEMENT .....                 | 27,868                     | 27,868                      |
| 051         | SHALLOW WATER MCM .....                               | 1,048                      | 9,023                       |
|             | Shallow Water Mine Counter Measures .....             |                            | [7,975]                     |
| 052         | NAVSTAR GPS RECEIVERS (SPACE) .....                   | 9,926                      | 9,926                       |

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

| <i>Line</i> | <i>Item</i>                                    | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|--|----------------------------|-----------------------------|
| 053         | AMERICAN FORCES RADIO AND TV SERVICE .....     | 4,370                      | 4,370                       |
| 054         | STRATEGIC PLATFORM SUPPORT EQUIP .....         | 4,143                      | 4,143                       |
|             | <b>TRAINING EQUIPMENT</b>                      |                            |                             |
| 055         | OTHER TRAINING EQUIPMENT .....                 | 45,989                     | 45,989                      |
|             | <b>AVIATION ELECTRONIC EQUIPMENT</b>           |                            |                             |
| 056         | MATCALS .....                                  | 8,136                      | 8,136                       |
| 057         | SHIPBOARD AIR TRAFFIC CONTROL .....            | 7,394                      | 7,394                       |
| 058         | AUTOMATIC CARRIER LANDING SYSTEM .....         | 18,518                     | 18,518                      |
| 059         | NATIONAL AIR SPACE SYSTEM .....                | 26,054                     | 26,054                      |
| 060         | FLEET AIR TRAFFIC CONTROL SYSTEMS .....        | 7,213                      | 7,213                       |
| 061         | LANDING SYSTEMS .....                          | 7,138                      | 7,138                       |
| 062         | ID SYSTEMS .....                               | 33,170                     | 33,170                      |
| 063         | NAVAL MISSION PLANNING SYSTEMS .....           | 8,941                      | 8,941                       |
|             | <b>OTHER SHORE ELECTRONIC EQUIPMENT</b>        |                            |                             |
| 064         | DEPLOYABLE JOINT COMMAND AND CONT .....        | 8,994                      | 8,994                       |
| 065         | MARITIME INTERGRATED BROADCAST SYSTEM .....    | 13,529                     | 13,529                      |
| 066         | TACTICAL/MOBILE C4I SYSTEMS .....              | 12,776                     | 12,776                      |
| 067         | DCGS-N .....                                   | 11,201                     | 11,201                      |
| 068         | CANES .....                                    | 195,141                    | 195,141                     |
| 069         | RADIAC .....                                   | 6,201                      | 6,201                       |
| 070         | CANES-INTELL .....                             | 75,084                     | 75,084                      |
| 071         | ELECTRONIC TEST EQUIPMENT .....                | 6,010                      | 6,010                       |
| 072         | INTEG COMBAT SYSTEM TEST FACILITY .....        | 4,441                      | 4,441                       |
| 073         | EMI CONTROL INSTRUMENTATION .....              | 4,741                      | 4,741                       |
| 074         | ITEMS LESS THAN \$5 MILLION .....              | 51,716                     | 51,716                      |
|             | <b>SHIPBOARD COMMUNICATIONS</b>                |                            |                             |
| 075         | SHIPBOARD TACTICAL COMMUNICATIONS .....        | 26,197                     | 11,197                      |
|             | Program Decrease .....                         |                            | [-15,000]                   |
| 076         | SHIP COMMUNICATIONS AUTOMATION .....           | 177,510                    | 177,510                     |
| 077         | MARITIME DOMAIN AWARENESS (MDA) .....          | 24,022                     | 24,022                      |
| 078         | COMMUNICATIONS ITEMS UNDER \$5M .....          | 33,644                     | 33,644                      |
|             | <b>SUBMARINE COMMUNICATIONS</b>                |                            |                             |
| 079         | SUBMARINE BROADCAST SUPPORT .....              | 10,357                     | 10,357                      |
| 080         | SUBMARINE COMMUNICATION EQUIPMENT .....        | 75,447                     | 75,447                      |
|             | <b>SATELLITE COMMUNICATIONS</b>                |                            |                             |
| 081         | SATELLITE COMMUNICATIONS SYSTEMS .....         | 25,522                     | 25,522                      |
| 082         | NAVY MULTIBAND TERMINAL (NMT) .....            | 109,022                    | 109,022                     |
|             | <b>SHORE COMMUNICATIONS</b>                    |                            |                             |
| 083         | JCS COMMUNICATIONS EQUIPMENT .....             | 2,186                      | 2,186                       |
| 084         | ELECTRICAL POWER SYSTEMS .....                 | 1,329                      | 1,329                       |
| 085         | NAVAL SHORE COMMUNICATIONS .....               | 2,418                      | 2,418                       |
|             | <b>CRYPTOGRAPHIC EQUIPMENT</b>                 |                            |                             |
| 086         | INFO SYSTEMS SECURITY PROGRAM (ISSP) .....     | 119,857                    | 119,857                     |
|             | <b>CRYPTOLOGIC EQUIPMENT</b>                   |                            |                             |
| 087         | CRYPTOLOGIC COMMUNICATIONS EQUIP .....         | 14,820                     | 14,820                      |
|             | <b>OTHER ELECTRONIC SUPPORT</b>                |                            |                             |
| 088         | COAST GUARD EQUIPMENT .....                    | 6,848                      | 6,848                       |
|             | <b>DRUG INTERDICTION SUPPORT</b>               |                            |                             |
| 089         | OTHER DRUG INTERDICTION SUPPORT .....          | 2,290                      | 2,290                       |
|             | <b>SONOBUOYS</b>                               |                            |                             |
| 090         | SONOBUOYS—ALL TYPES .....                      | 96,314                     | 96,314                      |
|             | <b>AIRCRAFT SUPPORT EQUIPMENT</b>              |                            |                             |
| 091         | WEAPONS RANGE SUPPORT EQUIPMENT .....          | 40,697                     | 40,697                      |
| 092         | EXPEDITIONARY AIRFIELDS .....                  | 8,561                      | 8,561                       |
| 093         | AIRCRAFT REARMING EQUIPMENT .....              | 8,941                      | 8,941                       |
| 094         | AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....     | 19,777                     | 19,777                      |
| 095         | METEOROLOGICAL EQUIPMENT .....                 | 22,003                     | 22,003                      |
| 096         | DIGITAL CAMERA RECEIVING STATION .....         | 1,595                      | 1,595                       |
| 097         | AVIATION LIFE SUPPORT .....                    | 66,031                     | 66,031                      |
| 098         | AIRBORNE MINE COUNTERMEASURES .....            | 49,668                     | 49,668                      |
| 099         | LAMPS MK III SHIPBOARD EQUIPMENT .....         | 18,471                     | 18,471                      |
| 100         | PORTABLE ELECTRONIC MAINTENANCE AIDS .....     | 7,875                      | 7,875                       |
| 101         | OTHER AVIATION SUPPORT EQUIPMENT .....         | 12,553                     | 12,553                      |
|             | <b>SHIP GUN SYSTEM EQUIPMENT</b>               |                            |                             |
| 102         | NAVAL FIRES CONTROL SYSTEM .....               | 2,049                      | 2,049                       |
| 103         | GUN FIRE CONTROL EQUIPMENT .....               | 4,488                      | 4,488                       |
|             | <b>SHIP MISSILE SYSTEMS EQUIPMENT</b>          |                            |                             |
| 104         | NATO SEASPARROW .....                          | 8,926                      | 8,926                       |
| 105         | RAM GMLS .....                                 | 4,321                      | 4,321                       |
| 106         | SHIP SELF DEFENSE SYSTEM .....                 | 60,700                     | 60,700                      |
| 107         | AEGIS SUPPORT EQUIPMENT .....                  | 43,148                     | 43,148                      |
| 108         | TOMAHAWK SUPPORT EQUIPMENT .....               | 72,861                     | 72,861                      |
| 109         | VERTICAL LAUNCH SYSTEMS .....                  | 732                        | 732                         |
| 110         | MARITIME INTEGRATED PLANNING SYSTEM-MIPS ..... | 4,823                      | 4,823                       |
|             | <b>FBM SUPPORT EQUIPMENT</b>                   |                            |                             |
| 111         | STRATEGIC MISSILE SYSTEMS EQUIP .....          | 187,807                    | 187,807                     |
|             | <b>ASW SUPPORT EQUIPMENT</b>                   |                            |                             |
| 112         | SSN COMBAT CONTROL SYSTEMS .....               | 81,596                     | 81,596                      |
| 113         | SUBMARINE ASW SUPPORT EQUIPMENT .....          | 5,241                      | 5,241                       |
| 114         | SURFACE ASW SUPPORT EQUIPMENT .....            | 5,816                      | 5,816                       |
| 115         | ASW RANGE SUPPORT EQUIPMENT .....              | 7,842                      | 7,842                       |
|             | <b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>        |                            |                             |
| 116         | EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....        | 98,847                     | 98,847                      |
| 117         | ITEMS LESS THAN \$5 MILLION .....              | 4,073                      | 4,073                       |
|             | <b>OTHER EXPENDABLE ORDNANCE</b>               |                            |                             |
| 118         | ANTI-SHIP MISSILE DECOY SYSTEM .....           | 32,716                     | 32,716                      |
| 119         | SURFACE TRAINING DEVICE MODS .....             | 5,814                      | 5,814                       |
| 120         | SUBMARINE TRAINING DEVICE MODS .....           | 36,777                     | 36,777                      |
|             | <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>     |                            |                             |
| 121         | PASSENGER CARRYING VEHICLES .....              | 6,271                      | 6,271                       |
| 122         | GENERAL PURPOSE TRUCKS .....                   | 3,202                      | 3,202                       |

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
| 123         | CONSTRUCTION & MAINTENANCE EQUIP .....              | 9,850                      | 9,850                       |
| 124         | FIRE FIGHTING EQUIPMENT .....                       | 14,315                     | 14,315                      |
| 125         | TACTICAL VEHICLES .....                             | 16,502                     | 16,502                      |
| 126         | AMPHIBIOUS EQUIPMENT .....                          | 3,235                      | 3,235                       |
| 127         | POLLUTION CONTROL EQUIPMENT .....                   | 7,175                      | 7,175                       |
| 128         | ITEMS UNDER \$5 MILLION .....                       | 20,727                     | 20,727                      |
| 129         | PHYSICAL SECURITY VEHICLES .....                    | 1,142                      | 1,142                       |
|             | <b>SUPPLY SUPPORT EQUIPMENT</b>                     |                            |                             |
| 130         | MATERIALS HANDLING EQUIPMENT .....                  | 14,972                     | 14,972                      |
| 131         | OTHER SUPPLY SUPPORT EQUIPMENT .....                | 4,453                      | 4,453                       |
| 132         | FIRST DESTINATION TRANSPORTATION .....              | 6,416                      | 6,416                       |
| 133         | SPECIAL PURPOSE SUPPLY SYSTEMS (IT) .....           | 51,894                     | 51,894                      |
|             | <b>TRAINING DEVICES</b>                             |                            |                             |
| 134         | TRAINING SUPPORT EQUIPMENT .....                    | 16,353                     | 16,353                      |
|             | <b>COMMAND SUPPORT EQUIPMENT</b>                    |                            |                             |
| 135         | COMMAND SUPPORT EQUIPMENT .....                     | 28,693                     | 28,693                      |
| 136         | EDUCATION SUPPORT EQUIPMENT .....                   | 2,197                      | 2,197                       |
| 137         | MEDICAL SUPPORT EQUIPMENT .....                     | 7,175                      | 7,175                       |
| 138         | NAVAL MIP SUPPORT EQUIPMENT .....                   | 1,457                      | 1,457                       |
| 140         | OPERATING FORCES SUPPORT EQUIPMENT .....            | 15,330                     | 15,330                      |
| 141         | C4ISR EQUIPMENT .....                               | 136                        | 136                         |
| 142         | ENVIRONMENTAL SUPPORT EQUIPMENT .....               | 18,639                     | 18,639                      |
| 143         | PHYSICAL SECURITY EQUIPMENT .....                   | 177,240                    | 177,240                     |
| 144         | ENTERPRISE INFORMATION TECHNOLOGY .....             | 143,022                    | 143,022                     |
|             | <b>PRODUCTIVITY PROGRAMS</b>                        |                            |                             |
| 147         | JUDGMENT FUND REIMBURSEMENT .....                   |                            |                             |
|             | <b>OTHER</b>  |                            |                             |
| 148         | CANCELLED ACCOUNT ADJUSTMENTS .....                 |                            |                             |
|             | <b>CLASSIFIED PROGRAMS</b>                          |                            |                             |
| 148A        | CLASSIFIED PROGRAMS .....                           | 14,402                     | 14,402                      |
|             | <b>SPARES AND REPAIR PARTS</b>                      |                            |                             |
| 149         | SPARES AND REPAIR PARTS .....                       | 208,384                    | 208,384                     |
|             | <b>TOTAL OTHER PROCUREMENT, NAVY</b> .....          | <b>6,285,451</b>           | <b>6,293,026</b>            |
|             | <b>PROCUREMENT, MARINE CORPS</b>                    |                            |                             |
|             | <b>TRACKED COMBAT VEHICLES</b>                      |                            |                             |
| 001         | AAV7A1 PIP .....                                    | 9,894                      | 9,894                       |
| 002         | LAV PIP .....                                       | 147,051                    | 147,051                     |
|             | <b>ARTILLERY AND OTHER WEAPONS</b>                  |                            |                             |
| 003         | EXPEDITIONARY FIRE SUPPORT SYSTEM .....             | 11,961                     | 11,961                      |
| 004         | 155MM LIGHTWEIGHT TOWED HOWITZER .....              | 5,552                      | 5,552                       |
| 005         | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....         | 14,695                     | 14,695                      |
| 006         | WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION ..... | 14,868                     | 14,868                      |
|             | <b>OTHER SUPPORT</b>                                |                            |                             |
| 007         | MODIFICATION KITS .....                             | 53,932                     | 53,932                      |
| 008         | WEAPONS ENHANCEMENT PROGRAM .....                   | 13,795                     | 13,795                      |
|             | <b>GUIDED MISSILES</b>                              |                            |                             |
| 009         | GROUND BASED AIR DEFENSE .....                      | 12,287                     | 12,287                      |
| 010         | JAVELIN .....                                       |                            |                             |
| 011         | FOLLOW ON TO SMAW .....                             | 46,563                     | 46,563                      |
| 012         | ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....      | 19,606                     | 19,606                      |
|             | <b>OTHER SUPPORT</b>                                |                            |                             |
| 013         | MODIFICATION KITS .....                             | 4,140                      | 4,140                       |
|             | <b>COMMAND AND CONTROL SYSTEMS</b>                  |                            |                             |
| 014         | UNIT OPERATIONS CENTER .....                        | 16,755                     | 16,755                      |
|             | <b>REPAIR AND TEST EQUIPMENT</b>                    |                            |                             |
| 015         | REPAIR AND TEST EQUIPMENT .....                     | 24,071                     | 24,071                      |
|             | <b>OTHER SUPPORT (TEL)</b>                          |                            |                             |
| 016         | COMBAT SUPPORT SYSTEM .....                         | 25,461                     | 25,461                      |
| 017         | MODIFICATION KITS .....                             |                            |                             |
|             | <b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>         |                            |                             |
| 018         | ITEMS UNDER \$5 MILLION (COMM & ELEC) .....         | 5,926                      | 5,926                       |
| 019         | AIR OPERATIONS C2 SYSTEMS .....                     | 44,152                     | 44,152                      |
|             | <b>RADAR + EQUIPMENT (NON-TEL)</b>                  |                            |                             |
| 020         | RADAR SYSTEMS .....                                 | 40,352                     | 40,352                      |
|             | <b>INTELL/COMM EQUIPMENT (NON-TEL)</b>              |                            |                             |
| 021         | FIRE SUPPORT SYSTEM .....                           | 8,793                      | 8,793                       |
| 022         | INTELLIGENCE SUPPORT EQUIPMENT .....                | 64,276                     | 64,276                      |
| 024         | RQ-11 UAV .....                                     | 2,104                      | 2,104                       |
| 025         | DCGS-MC .....                                       | 10,789                     | 10,789                      |
|             | <b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>           |                            |                             |
| 028         | NIGHT VISION EQUIPMENT .....                        | 6,847                      | 6,847                       |
|             | <b>OTHER SUPPORT (NON-TEL)</b>                      |                            |                             |
| 029         | COMMON COMPUTER RESOURCES .....                     | 218,869                    | 218,869                     |
| 030         | COMMAND POST SYSTEMS .....                          | 84,856                     | 84,856                      |
| 031         | RADIO SYSTEMS .....                                 | 89,479                     | 90,479                      |
|             | CBRNE Response Force Capability Enhancement .....   |                            | [1,000]                     |
| 032         | COMM SWITCHING & CONTROL SYSTEMS .....              | 16,598                     | 16,598                      |
| 033         | COMM & ELEC INFRASTRUCTURE SUPPORT .....            | 47,505                     | 47,505                      |
|             | <b>CLASSIFIED PROGRAMS</b>                          |                            |                             |
| 033A        | CLASSIFIED PROGRAMS .....                           | 1,606                      | 1,606                       |
|             | <b>ADMINISTRATIVE VEHICLES</b>                      |                            |                             |
| 034         | COMMERCIAL PASSENGER VEHICLES .....                 | 894                        | 894                         |
| 035         | COMMERCIAL CARGO VEHICLES .....                     | 14,231                     | 14,231                      |
|             | <b>TACTICAL VEHICLES</b>                            |                            |                             |
| 036         | 54T TRUCK HMMWV (MYP) .....                         |                            |                             |
| 037         | MOTOR TRANSPORT MODIFICATIONS .....                 | 8,389                      | 8,389                       |
| 038         | MEDIUM TACTICAL VEHICLE REPLACEMENT .....           | 5,833                      | 5,833                       |
| 039         | LOGISTICS VEHICLE SYSTEM REP .....                  | 972                        | 972                         |
| 040         | FAMILY OF TACTICAL TRAILERS .....                   | 21,848                     | 21,848                      |
| 041         | TRAILERS .....                                      |                            |                             |

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|-------------|--|----------------------------|-----------------------------|
|             | <b>OTHER SUPPORT</b>                               |                            |                             |
| 042         | ITEMS LESS THAN \$5 MILLION .....                  | 4,503                      | 4,503                       |
|             | <b>ENGINEER AND OTHER EQUIPMENT</b>                |                            |                             |
| 043         | ENVIRONMENTAL CONTROL EQUIP ASSORT .....           | 2,599                      | 2,599                       |
| 044         | BULK LIQUID EQUIPMENT .....                        | 16,255                     | 16,255                      |
| 045         | TACTICAL FUEL SYSTEMS .....                        | 26,853                     | 26,853                      |
| 046         | POWER EQUIPMENT ASSORTED .....                     | 27,247                     | 27,247                      |
| 047         | AMPHIBIOUS SUPPORT EQUIPMENT .....                 | 5,533                      | 5,533                       |
| 048         | EOD SYSTEMS .....                                  | 61,753                     | 61,753                      |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                |                            |                             |
| 049         | PHYSICAL SECURITY EQUIPMENT .....                  | 16,627                     | 16,627                      |
| 050         | GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....    | 10,827                     | 10,827                      |
| 051         | MATERIAL HANDLING EQUIP .....                      | 37,055                     | 37,055                      |
| 052         | FIRST DESTINATION TRANSPORTATION .....             | 1,462                      | 1,462                       |
|             | <b>GENERAL PROPERTY</b>                            |                            |                             |
| 053         | FIELD MEDICAL EQUIPMENT .....                      | 24,079                     | 24,079                      |
| 054         | TRAINING DEVICES .....                             | 10,277                     | 10,277                      |
| 055         | CONTAINER FAMILY .....                             | 3,123                      | 3,123                       |
| 056         | FAMILY OF CONSTRUCTION EQUIPMENT .....             | 18,137                     | 18,137                      |
| 057         | FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV) ..... |                            |                             |
| 058         | BRIDGE BOATS .....                                 |                            |                             |
| 059         | RAPID DEPLOYABLE KITCHEN .....                     | 5,026                      | 5,026                       |
|             | <b>OTHER SUPPORT</b>                               |                            |                             |
| 060         | ITEMS LESS THAN \$5 MILLION .....                  | 5,206                      | 5,206                       |
|             | <b>SPARES AND REPAIR PARTS</b>                     |                            |                             |
| 061         | SPARES AND REPAIR PARTS .....                      | 90                         | 90                          |
|             | <b>TOTAL PROCUREMENT, MARINE CORPS</b> .....       | <b>1,391,602</b>           | <b>1,392,602</b>            |
|             | <b>AIRCRAFT PROCUREMENT, AIR FORCE</b>             |                            |                             |
|             | <b>TACTICAL FORCES</b>                             |                            |                             |
| 001         | F-35 .....   | 3,340,615                  | 3,340,615                   |
| 002         | Advance Procurement (CY) .....                     | 323,477                    | 323,477                     |
| 003         | F-22A .....  | 104,118                    | 104,118                     |
|             | <b>TACTICAL AIRLIFT</b>                            |                            |                             |
| 004         | C-17A (MYP) .....                                  |                            |                             |
|             | <b>OTHER AIRLIFT</b>                               |                            |                             |
| 005         | C-130J .....                                       | 72,879                     | 72,879                      |
| 006         | Advance Procurement (CY) .....                     |                            |                             |
| 007         | HC-130J .....                                      | 332,899                    | 332,899                     |
| 008         | Advance Procurement (CY) .....                     |                            |                             |
| 009         | MC-130J .....                                      | 582,466                    | 582,466                     |
| 010         | Advance Procurement (CY) .....                     |                            |                             |
| 011         | HC/MC-130 RECAP .....                              |                            |                             |
| 012         | Advance Procurement (CY) .....                     |                            |                             |
| 013         | C-27J .....  | 479,896                    | 479,896                     |
|             | <b>UPT TRAINERS</b>                                |                            |                             |
| 014         | LIGHT MOBILITY AIRCRAFT .....                      |                            |                             |
| 015         | USAF POWERED FLIGHT PROGRAM .....                  | 1,060                      | 1,060                       |
|             | <b>OPERATIONAL TRAINERS</b>                        |                            |                             |
| 016         | T-6 .....  |                            |                             |
|             | <b>HELICOPTERS</b>                                 |                            |                             |
| 017         | COMMON VERTICAL LIFT SUPPORT .....                 | 52,800                     | 52,800                      |
| 018         | Advance Procurement (CY) .....                     |                            |                             |
| 019         | V22 OSPREY .....                                   | 339,865                    | 339,865                     |
| 020         | Advance Procurement (CY) .....                     | 20,000                     | 20,000                      |
|             | <b>MISSION SUPPORT AIRCRAFT</b>                    |                            |                             |
| 021         | C-12 A .....                                       |                            |                             |
| 022         | C-40 .....   |                            |                             |
| 023         | CIVIL AIR PATROL A/C .....                         | 2,190                      | 2,190                       |
| 024         | HH-60M .....                                       | 104,711                    | 34,811                      |
|             | Early to Need per H.R. 1473 .....                  |                            | [-69,900]                   |
| 025         | LIGHT ATTACK ARMED RECON ACFT .....                | 158,549                    | 158,549                     |
| 026         | RQ-11 .....  |                            |                             |
| 027         | STUASLO .....                                      |                            |                             |
|             | <b>OTHER AIRCRAFT</b>                              |                            |                             |
| 028         | ITERIM GATEWAY .....                               |                            |                             |
| 029         | TARGET DRONES .....                                | 64,268                     | 64,268                      |
| 030         | C-37A .....  | 77,842                     | 77,842                      |
| 031         | RQ-4 .....   | 323,964                    | 323,964                     |
| 032         | Advance Procurement (CY) .....                     | 71,500                     | 71,500                      |
| 033         | MC 130 .....                                       | 108,470                    | 108,470                     |
| 034         | MQ-9 .....   | 813,092                    | 813,092                     |
|             | <b>STRATEGIC AIRCRAFT</b>                          |                            |                             |
| 035         | B-2A .....   | 41,315                     | 41,315                      |
| 036         | B-1B .....   | 198,007                    | 198,007                     |
| 037         | B-52 .....   | 93,897                     | 93,897                      |
|             | <b>TACTICAL AIRCRAFT</b>                           |                            |                             |
| 038         | A-10 .....   | 153,128                    | 158,128                     |
|             | Modification of In Service A-10 Aircraft .....     |                            | [5,000]                     |
| 039         | F-15 .....   | 222,386                    | 222,386                     |
| 040         | F-16 .....   | 73,346                     | 56,746                      |
|             | Early to Need- Mode 5 IFF Block 50/52 .....        |                            | [-16,600]                   |
| 041         | F-22A .....  | 232,032                    | 232,032                     |
| 042         | F-35 MODIFICATIONS .....                           |                            |                             |
|             | <b>AIRLIFT AIRCRAFT</b>                            |                            |                             |
| 043         | C-5 .....  | 11,741                     | 5,741                       |
|             | Program Decrease .....                             |                            | [-6,000]                    |
| 044         | Advance Procurement (CY) .....                     |                            |                             |
| 045         | C-5M .....   | 851,859                    | 851,859                     |
| 046         | Advance Procurement (CY) .....                     | 112,200                    | 112,200                     |
| 047         | C-9C .....   | 9                          | 9                           |

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| 048         | C-17A .....  | 202,179                    | 196,179                     |
|             | Program Decrease .....                                     |                            | [-6,000]                    |
| 049         | C-21 .....   | 328                        | 328                         |
| 050         | C-32A .....  | 12,157                     | 12,157                      |
| 051         | C-37A .....  | 21,986                     | 21,986                      |
| 052         | C-130 AMP .....  | 235,635                    | 235,635                     |
|             | <b>TRAINER AIRCRAFT</b>                                    |                            |                             |
| 053         | GLIDER MODS .....  | 123                        | 123                         |
| 054         | T-6 .....  | 15,086                     | 15,086                      |
| 055         | T-1 .....  | 238                        | 238                         |
| 056         | T-38 .....   | 31,032                     | 31,032                      |
|             | <b>OTHER AIRCRAFT</b>                                      |                            |                             |
| 057         | KC-10A (ATCA) .....  | 27,220                     | 27,220                      |
| 058         | C-12 .....   | 1,777                      | 1,777                       |
| 059         | MC-12W .....   | 16,767                     | 16,767                      |
| 060         | C-20 MODS .....  | 241                        | 241                         |
| 061         | VC-25A MOD .....   | 387                        | 387                         |
| 062         | C-40 .....   | 206                        | 206                         |
| 063         | C-130 .....  | 45,876                     | 43,276                      |
|             | Budget Adjustment per Air Force Request from RDAF-81 ..... |                            | [10,400]                    |
|             | Program Decrease .....                                     |                            | [-13,000]                   |
| 064         | C-130 INTEL .....  | 3,593                      | 3,593                       |
| 065         | C-130J MODS .....  | 38,174                     | 38,174                      |
| 066         | C-135 .....  | 62,210                     | 62,210                      |
| 067         | COMPASS CALL MODS .....                                    | 256,624                    | 256,624                     |
| 068         | RC-135 .....   | 162,211                    | 162,211                     |
| 069         | E-3 .....  | 135,031                    | 135,031                     |
| 070         | E-4 .....  | 57,829                     | 57,829                      |
| 071         | E-8 .....  | 29,058                     | 29,058                      |
| 072         | H-1 .....  | 5,280                      | 5,280                       |
| 073         | H-60 .....   | 34,371                     | 88,971                      |
|             | Budget Adjustment per Air Force Request from RDAF-81 ..... |                            | [54,600]                    |
| 074         | RQ-4 MODS .....  | 89,177                     | 89,177                      |
| 075         | AC-130 RECAP .....   | 431                        | 431                         |
| 076         | OTHER MODIFICATIONS .....                                  | 115,338                    | 115,338                     |
| 076A        | EHF SATCOM .....   |                            |                             |
| 076B        | JTRS .....   |                            |                             |
| 077         | MQ-1 MODS .....  | 158,446                    | 158,446                     |
| 078         | MQ-9 MODS .....  | 181,302                    | 181,302                     |
| 079         | MQ-9 UAS PAYLOADS .....                                    | 74,866                     | 74,866                      |
| 080         | CV-22 MODS .....   | 14,715                     | 14,715                      |
|             | <b>AIRCRAFT SPARES + REPAIR PARTS</b>                      |                            |                             |
| 081         | FIGHTER/UAV INITIAL SPARES/REPAIR PARTS .....              | 1,030,364                  | 1,030,364                   |
| 081A        | AIRLIFT/BOMBER INITIAL SPARES/REPAIR PARTS .....           |                            |                             |
|             | <b>COMMON SUPPORT EQUIPMENT</b>                            |                            |                             |
| 082         | AIRCRAFT REPLACEMENT SUPPORT EQUIP .....                   | 92,394                     | 92,394                      |
|             | <b>POST PRODUCTION SUPPORT</b>                             |                            |                             |
| 083         | B-1 .....  | 4,743                      | 4,743                       |
| 084         | B-2A .....   | 101                        | 101                         |
| 085         | B-2A .....   | 49,319                     | 49,319                      |
| 086         | B-52 .....   |                            |                             |
| 087         | C-5 .....  | 521                        | 521                         |
| 088         | C-5 .....  |                            |                             |
| 089         | KC-10A (ATCA) .....  | 5,691                      | 5,691                       |
| 090         | C-17A .....  | 183,696                    | 183,696                     |
| 091         | C-130 .....  | 25,646                     | 25,646                      |
| 092         | EC-130J .....  |                            |                             |
| 093         | C-135 .....  | 2,434                      | 2,434                       |
| 094         | F-15 .....   | 2,076                      | 2,076                       |
| 095         | F-16 .....   | 4,537                      | 4,537                       |
| 096         | T-6 .....  |                            |                             |
| 097         | OTHER AIRCRAFT .....                                       | 40,025                     | 40,025                      |
|             | <b>INDUSTRIAL PREPAREDNESS</b>                             |                            |                             |
| 098         | INDUSTRIAL RESPONSIVENESS .....                            | 21,050                     | 21,050                      |
|             | <b>WAR CONSUMABLES</b>                                     |                            |                             |
| 099         | WAR CONSUMABLES .....                                      | 87,220                     | 87,220                      |
|             | <b>OTHER PRODUCTION CHARGES</b>                            |                            |                             |
| 100         | OTHER PRODUCTION CHARGES .....                             | 1,072,858                  | 1,072,858                   |
|             | <b>DARP</b>  |                            |                             |
| 104         | U-2 .....  | 48,875                     | 48,875                      |
|             | <b>CLASSIFIED PROGRAMS</b>                                 |                            |                             |
| 104A        | CLASSIFIED PROGRAMS .....                                  | 16,502                     | 16,502                      |
|             | <b>UNDISTRIBUTED</b>                                       |                            |                             |
| 105         | UNDISTRIBUTED .....  |                            | 85,000                      |
|             | Mobility Aircraft .....                                    |                            | [60,000]                    |
|             | Mobility Aircraft Simulators .....                         |                            | [25,000]                    |
|             | <b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b>               | <b>14,082,527</b>          | <b>14,126,027</b>           |
|             | <b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>                |                            |                             |
|             | <b>ROCKETS</b>   |                            |                             |
| 001         | ROCKETS .....  | 23,919                     | 23,919                      |
|             | <b>CARTRIDGES</b>  |                            |                             |
| 002         | CARTRIDGES .....   | 89,771                     | 89,771                      |
|             | <b>BOMBS</b>   |                            |                             |
| 003         | PRACTICE BOMBS .....                                       | 38,756                     | 38,756                      |
| 004         | GENERAL PURPOSE BOMBS .....                                | 168,557                    | 168,557                     |
| 005         | JOINT DIRECT ATTACK MUNITION .....                         | 76,649                     | 76,649                      |
|             | <b>FLARE, IR MJU-7B</b>                                    |                            |                             |
| 006         | CAD/PAD .....  | 42,410                     | 42,410                      |
| 007         | EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....                    | 3,119                      | 3,119                       |
| 008         | SPARES AND REPAIR PARTS .....                              | 998                        | 998                         |

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| 009         | MODIFICATIONS .....                                     | 1,132                      | 1,132                       |
| 010         | ITEMS LESS THAN \$5,000,000 .....                       | 5,075                      | 5,075                       |
|             | <b>FUZES</b>  |                            |                             |
| 011         | FLARES .....  | 46,749                     | 46,749                      |
| 012         | FUZES .....   | 34,735                     | 34,735                      |
|             | <b>SMALL ARMS</b>                                       |                            |                             |
| 013         | SMALL ARMS .....  | 7,195                      | 7,195                       |
|             | <b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> ..... | <b>539,065</b>             | <b>539,065</b>              |
|             | <b>MISSILE PROCUREMENT, AIR FORCE</b>                   |                            |                             |
|             | <b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>          |                            |                             |
| 001         | MISSILE REPLACEMENT EQ-BALLISTIC .....                  | 67,745                     | 67,745                      |
|             | <b>TACTICAL</b>   |                            |                             |
| 002         | JASSM .....   | 236,193                    | 236,193                     |
| 003         | SIDEWINDER (AIM-9X) .....                               | 88,769                     | 88,769                      |
| 004         | AMRAAM .....  | 309,561                    | 309,561                     |
| 005         | PREDATOR HELLFIRE MISSILE .....                         | 46,830                     | 46,830                      |
| 006         | SMALL DIAMETER BOMB .....                               | 7,523                      | 7,523                       |
|             | <b>INDUSTRIAL FACILITIES</b>                            |                            |                             |
| 007         | INDUSTRIAL PREPAREDNESS/POL PREVENTION .....            | 726                        | 726                         |
|             | <b>CLASS IV</b>   |                            |                             |
| 008         | ADVANCED CRUISE MISSILE .....                           | 39                         | 39                          |
| 009         | MM III MODIFICATIONS .....                              | 125,953                    | 125,953                     |
| 010         | AGM-65D MAVERICK .....                                  | 266                        | 266                         |
| 011         | AGM-88A HARM .....                                      | 25,642                     | 25,642                      |
| 012         | AIR LAUNCH CRUISE MISSILE (ALCM) .....                  | 14,987                     | 14,987                      |
|             | <b>MISSILE SPARES + REPAIR PARTS</b>                    |                            |                             |
| 013         | INITIAL SPARES/REPAIR PARTS .....                       | 43,241                     | 43,241                      |
|             | <b>SPACE PROGRAMS</b>                                   |                            |                             |
| 014         | ADVANCED EHF .....                                      | 552,833                    | 552,833                     |
| 015         | Advance Procurement (CY) .....                          |                            |                             |
| 016         | WIDEBAND GAFILLER SATELLITES(SPACE) .....               | 468,745                    | 884,745                     |
|             | Transfer from PDW-20 .....                              |                            | [416,000]                   |
| 017         | Advance Procurement (CY) .....                          |                            |                             |
| 018         | GPS III SPACE SEGMENT .....                             | 433,526                    | 433,526                     |
| 019         | Advance Procurement (CY) .....                          | 81,811                     | 81,811                      |
| 020         | SPACEBORNE EQUIP (COMSEC) .....                         | 21,568                     | 21,568                      |
| 021         | GLOBAL POSITIONING (SPACE) .....                        | 67,689                     | 67,689                      |
| 022         | DEF METEOROLOGICAL SAT PROG(SPACE) .....                | 101,397                    | 101,397                     |
| 023         | EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....              | 1,740,222                  | 1,740,222                   |
| 024         | SBIR HIGH (SPACE) .....                                 | 81,389                     | 81,389                      |
| 025         | Advance Procurement (CY) .....                          | 243,500                    | 243,500                     |
| 026         | NATL POLAR-ORBITING OP ENV SATELLITE .....              |                            |                             |
|             | <b>SPECIAL PROGRAMS</b>                                 |                            |                             |
| 029         | DEFENSE SPACE RECONN PROGRAM .....                      |                            |                             |
| 031         | SPECIAL UPDATE PROGRAMS .....                           | 154,727                    | 154,727                     |
|             | <b>CLASSIFIED PROGRAMS</b>                              |                            |                             |
| 031A        | CLASSIFIED PROGRAMS .....                               | 1,159,135                  | 1,159,135                   |
|             | <b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....       | <b>6,074,017</b>           | <b>6,490,017</b>            |
|             | <b>OTHER PROCUREMENT, AIR FORCE</b>                     |                            |                             |
|             | <b>PASSENGER CARRYING VEHICLES</b>                      |                            |                             |
| 001         | PASSENGER CARRYING VEHICLES .....                       | 5,621                      | 5,621                       |
|             | <b>CARGO + UTILITY VEHICLES</b>                         |                            |                             |
| 002         | MEDIUM TACTICAL VEHICLE .....                           | 18,411                     | 18,411                      |
| 003         | CAP VEHICLES .....                                      | 917                        | 917                         |
| 004         | ITEMS LESS THAN \$5,000,000 (CARGO) .....               | 18,694                     | 18,694                      |
|             | <b>SPECIAL PURPOSE VEHICLES</b>                         |                            |                             |
| 005         | SECURITY AND TACTICAL VEHICLES .....                    | 5,982                      | 0                           |
|             | Funding No Longer Required .....                        |                            | [-5,982]                    |
| 006         | ITEMS LESS THAN \$5,000,000 (SPECIA) .....              | 20,677                     | 20,677                      |
|             | <b>FIRE FIGHTING EQUIPMENT</b>                          |                            |                             |
| 007         | FIRE FIGHTING/CRASH RESCUE VEHICLES .....               | 22,881                     | 22,881                      |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                     |                            |                             |
| 008         | ITEMS LESS THAN \$5,000,000 .....                       | 14,978                     | 14,978                      |
|             | <b>BASE MAINTENANCE SUPPORT</b>                         |                            |                             |
| 009         | RUNWAY SNOW REMOV AND CLEANING EQU .....                | 16,556                     | 16,556                      |
| 010         | ITEMS LESS THAN \$5M BASE MAINT/CONST .....             | 30,225                     | 30,225                      |
|             | <b>COMM SECURITY EQUIPMENT(COMSEC)</b>                  |                            |                             |
| 011         | COMSEC EQUIPMENT .....                                  | 135,169                    | 135,169                     |
| 012         | MODIFICATIONS (COMSEC) .....                            | 1,263                      | 1,263                       |
| 013         | AIR FORCE PHYSICAL SECURITY .....                       |                            |                             |
|             | <b>INTELLIGENCE PROGRAMS</b>                            |                            |                             |
| 014         | INTELLIGENCE TRAINING EQUIPMENT .....                   | 2,645                      | 2,645                       |
| 015         | INTELLIGENCE COMM EQUIPMENT .....                       | 21,762                     | 21,762                      |
| 016         | ADVANCE TECH SENSORS .....                              | 899                        | 899                         |
| 017         | MISSION PLANNING SYSTEMS .....                          | 18,529                     | 18,529                      |
|             | <b>ELECTRONICS PROGRAMS</b>                             |                            |                             |
| 018         | AIR TRAFFIC CONTROL & LANDING SYS .....                 | 32,473                     | 32,473                      |
| 019         | NATIONAL AIRSPACE SYSTEM .....                          | 51,426                     | 51,426                      |
| 020         | BATTLE CONTROL SYSTEM—FIXED .....                       | 32,468                     | 32,468                      |
| 021         | THEATER AIR CONTROL SYS IMPROVEMEN .....                | 22,813                     | 22,813                      |
| 022         | WEATHER OBSERVATION FORECAST .....                      | 14,619                     | 14,619                      |
| 023         | STRATEGIC COMMAND AND CONTROL .....                     | 39,144                     | 39,144                      |
| 024         | CHEYENNE MOUNTAIN COMPLEX .....                         | 25,992                     | 25,992                      |
| 025         | TAC SIGNIT SPT .....                                    | 217                        | 217                         |
| 026         | DRUG INTERDICTION SUPPORT .....                         |                            |                             |
|             | <b>SPCL COMM-ELECTRONICS PROJECTS</b>                   |                            |                             |
| 027         | GENERAL INFORMATION TECHNOLOGY .....                    | 52,263                     | 52,263                      |
| 028         | AF GLOBAL COMMAND & CONTROL SYS .....                   | 16,951                     | 16,951                      |
| 029         | MOBILITY COMMAND AND CONTROL .....                      | 26,433                     | 26,433                      |



**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
| 030         | AIR FORCE PHYSICAL SECURITY SYSTEM .....                    | 90,015                     | 90,015                      |
| 031         | COMBAT TRAINING RANGES .....                                | 23,955                     | 23,955                      |
| 032         | C3 COUNTERMEASURES .....                                    | 7,518                      | 7,518                       |
| 033         | GCSS-AF FOS .....   | 72,641                     | 72,641                      |
| 034         | THEATER BATTLE MGT C2 SYSTEM .....                          | 22,301                     | 22,301                      |
| 035         | AIR & SPACE OPERATIONS CTR-WPN SYS .....                    | 15,525                     | 15,525                      |
|             | <b>AIR FORCE COMMUNICATIONS</b>                             |                            |                             |
| 036         | INFORMATION TRANSPORT SYSTEMS .....                         | 49,377                     | 49,377                      |
| 037         | BASE INFO INFRASTRUCTURE .....                              | 41,239                     | 41,239                      |
| 038         | AFNET .....   | 228,978                    | 228,978                     |
| 039         | VOICE SYSTEMS .....   | 43,603                     | 43,603                      |
| 040         | USCENTCOM- JCSE .....                                       | 30,983                     | 30,983                      |
|             | <b>DISA PROGRAMS</b>  |                            |                             |
| 041         | SPACE BASED IR SENSOR PGM SPACE .....                       | 49,570                     | 49,570                      |
| 042         | NAVSTAR GPS SPACE .....                                     | 2,008                      | 2,008                       |
| 043         | NUDET DETECTION SYS SPACE .....                             | 4,863                      | 4,863                       |
| 044         | AF SATELLITE CONTROL NETWORK SPACE .....                    | 61,386                     | 61,386                      |
| 045         | SPACELIFT RANGE SYSTEM SPACE .....                          | 125,947                    | 125,947                     |
| 046         | MILSATCOM SPACE .....                                       | 104,720                    | 104,720                     |
| 047         | SPACE MODS SPACE .....                                      | 28,075                     | 28,075                      |
| 048         | COUNTERSPACE SYSTEM .....                                   | 20,718                     | 20,718                      |
|             | <b>ORGANIZATION AND BASE</b>                                |                            |                             |
| 049         | TACTICAL C-E EQUIPMENT .....                                | 227,866                    | 227,866                     |
| 050         | COMBAT SURVIVOR EVADER LOCATER .....                        | 22,184                     | 22,184                      |
| 051         | RADIO EQUIPMENT .....                                       | 11,408                     | 11,408                      |
| 052         | CCTV/AUDIOVISUAL EQUIPMENT .....                            | 11,559                     | 11,559                      |
| 053         | BASE COMM INFRASTRUCTURE .....                              | 105,977                    | 105,977                     |
|             | <b>MODIFICATIONS</b>  |                            |                             |
| 054         | COMM ELECT MODS .....                                       | 76,810                     | 76,810                      |
|             | <b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>                   |                            |                             |
| 055         | NIGHT VISION GOGGLES .....                                  | 20,008                     | 20,008                      |
| 056         | ITEMS LESS THAN \$5,000,000 (SAFETY) .....                  | 25,499                     | 25,499                      |
|             | <b>DEPOT PLANT+MTRLS HANDLING EQ</b>                        |                            |                             |
| 057         | MECHANIZED MATERIAL HANDLING EQUIP .....                    | 37,829                     | 37,829                      |
|             | <b>BASE SUPPORT EQUIPMENT</b>                               |                            |                             |
| 058         | BASE PROCURED EQUIPMENT .....                               | 16,483                     | 16,483                      |
| 059         | CONTINGENCY OPERATIONS .....                                | 16,754                     | 16,754                      |
| 060         | PRODUCTIVITY CAPITAL INVESTMENT .....                       | 3,653                      | 3,653                       |
| 061         | MOBILITY EQUIPMENT .....                                    | 30,345                     | 30,345                      |
| 062         | ITEMS LESS THAN \$5,000,000 (BASE S) .....                  | 2,819                      | 2,819                       |
|             | <b>SPECIAL SUPPORT PROJECTS</b>                             |                            |                             |
| 064         | DARP RCI35 .....  | 23,341                     | 23,341                      |
| 065         | DCGS-AF .....   | 212,146                    | 212,146                     |
| 067         | SPECIAL UPDATE PROGRAM .....                                | 410,069                    | 410,069                     |
| 068         | DEFENSE SPACE RECONNAISSANCE PROG. ....                     | 41,066                     | 41,066                      |
|             | <b>CLASSIFIED PROGRAMS</b>                                  |                            |                             |
| 068.A       | CLASSIFIED PROGRAMS .....                                   | 14,618,160                 | 14,618,160                  |
|             | <b>SPARES AND REPAIR PARTS</b>                              |                            |                             |
| 069         | SPARES AND REPAIR PARTS .....                               | 14,630                     | 14,630                      |
|             | <b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....             | <b>17,602,036</b>          | <b>17,596,054</b>           |
|             | <b>PROCUREMENT, DEFENSE-WIDE</b>                            |                            |                             |
|             | <b>MAJOR EQUIPMENT, BTA</b>                                 |                            |                             |
| 001         | MAJOR EQUIPMENT, BTA .....                                  |                            |                             |
|             | <b>MAJOR EQUIPMENT, DCAA</b>                                |                            |                             |
| 002         | ITEMS LESS THAN \$5 MILLION .....                           | 1,473                      | 1,473                       |
|             | <b>MAJOR EQUIPMENT, DCMA</b>                                |                            |                             |
| 003         | MAJOR EQUIPMENT .....                                       | 2,076                      | 2,076                       |
|             | <b>MAJOR EQUIPMENT, DHRA</b>                                |                            |                             |
| 004         | PERSONNEL ADMINISTRATION .....                              | 11,019                     | 11,019                      |
|             | <b>MAJOR EQUIPMENT, DISA</b>                                |                            |                             |
| 013         | INTERDICTION SUPPORT .....                                  |                            |                             |
| 014         | INFORMATION SYSTEMS SECURITY .....                          | 19,952                     | 19,952                      |
| 015         | GLOBAL COMMAND AND CONTROL SYSTEM .....                     | 5,324                      | 5,324                       |
| 016         | GLOBAL COMBAT SUPPORT SYSTEM .....                          | 2,955                      | 2,955                       |
| 017         | TELEPORT PROGRAM .....                                      | 54,743                     | 54,743                      |
| 018         | ITEMS LESS THAN \$5 MILLION .....                           | 174,805                    | 174,805                     |
| 019         | NET CENTRIC ENTERPRISE SERVICES (NCES) .....                | 3,429                      | 3,429                       |
| 020         | DEFENSE INFORMATION SYSTEM NETWORK .....                    | 500,932                    | 84,932                      |
|             | Transfer to MPAF-16 .....                                   |                            | [-416,000]                  |
| 021         | PUBLIC KEY INFRASTRUCTURE .....                             | 1,788                      | 1,788                       |
| 022         | CYBER SECURITY INITIATIVE .....                             | 24,085                     | 24,085                      |
|             | <b>MAJOR EQUIPMENT, DLA</b>                                 |                            |                             |
| 023         | MAJOR EQUIPMENT .....                                       | 11,537                     | 11,537                      |
|             | <b>MAJOR EQUIPMENT, DMACT</b>                               |                            |                             |
| 024         | MAJOR EQUIPMENT .....                                       | 14,542                     | 14,542                      |
|             | <b>MAJOR EQUIPMENT, DODEA</b>                               |                            |                             |
| 025         | AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....            | 1,444                      | 1,444                       |
|             | <b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b> |                            |                             |
| 026         | EQUIPMENT .....   | 971                        | 971                         |
|             | <b>MAJOR EQUIPMENT, DSS</b>                                 |                            |                             |
| 027         | OTHER CAPITAL EQUIPMENT .....                               | 974                        | 974                         |
|             | <b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>     |                            |                             |
| 028         | VEHICLES .....  | 200                        | 200                         |
| 029         | OTHER MAJOR EQUIPMENT .....                                 | 12,806                     | 12,806                      |
|             | <b>MAJOR EQUIPMENT, DTSA</b>                                |                            |                             |
| 030         | MAJOR EQUIPMENT .....                                       | 447                        | 447                         |
|             | <b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>              |                            |                             |
| 031         | THAAD PROCUREMENT .....                                     |                            |                             |
| 032         | AEGIS BMD PROCUREMENT .....                                 |                            |                             |
| 033         | THAAD .....   | 833,150                    | 883,150                     |

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>   | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|---|----------------------------|-----------------------------|
|             | Program Increase .....                                    |                            | [50,000]                    |
| 034         | AEGIS BMD .....   | 565,393                    | 615,393                     |
|             | Program Increase .....                                    |                            | [50,000]                    |
| 035         | BMDS AN/TPY-2 RADARS .....                                | 380,195                    | 380,195                     |
|             | <b>MAJOR EQUIPMENT, NSA</b>                               |                            |                             |
| 043         | INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....         | 5,787                      | 5,787                       |
|             | <b>MAJOR EQUIPMENT, OSD</b>                               |                            |                             |
| 045         | MAJOR EQUIPMENT, OSD .....                                | 47,123                     | 47,123                      |
| 045A        | JCTD .....  |                            |                             |
| 046         | MAJOR EQUIPMENT, INTELLIGENCE .....                       | 20,176                     | 20,176                      |
|             | <b>MAJOR EQUIPMENT, TJS</b>                               |                            |                             |
| 047         | MAJOR EQUIPMENT, TJS .....                                | 29,729                     | 29,729                      |
|             | <b>MAJOR EQUIPMENT, WHS</b>                               |                            |                             |
| 048         | MAJOR EQUIPMENT, WHS .....                                | 31,974                     | 31,974                      |
|             | <b>CLASSIFIED PROGRAMS</b>                                |                            |                             |
| 048A        | CLASSIFIED PROGRAMS .....                                 | 554,408                    | 554,408                     |
|             | <b>AVIATION PROGRAMS</b>                                  |                            |                             |
| 049         | ROTARY WING UPGRADES AND SUSTAINMENT .....                | 41,411                     | 41,411                      |
| 050         | MH-47 SERVICE LIFE EXTENSION PROGRAM .....                |                            |                             |
| 051         | MH-60 MODERNIZATION PROGRAM .....                         | 171,456                    | 171,456                     |
| 052         | NON-STANDARD AVIATION .....                               | 272,623                    | 222,623                     |
|             | Unjustified Growth .....                                  |                            | [-50,000]                   |
| 053         | TANKER RECAPITALIZATION .....                             |                            |                             |
| 054         | U-28 .....  | 5,100                      | 5,100                       |
| 055         | MH-47 CHINOOK .....                                       | 142,783                    | 142,783                     |
| 056         | RQ-11 UNMANNED AERIAL VEHICLE .....                       | 486                        | 486                         |
| 057         | CV-22 MODIFICATION .....                                  | 118,002                    | 118,002                     |
| 058         | MQ-1 UNMANNED AERIAL VEHICLE .....                        | 3,025                      | 3,025                       |
| 059         | MQ-9 UNMANNED AERIAL VEHICLE .....                        | 3,024                      | 3,024                       |
| 060         | RQ-7 UNMANNED AERIAL VEHICLE .....                        | 450                        | 450                         |
| 061         | STUASLO .....   | 12,276                     | 12,276                      |
| 062         | AC/MC-130J .....  | 74,891                     | 74,891                      |
| 063         | C-130 MODIFICATIONS .....                                 | 19,665                     | 19,665                      |
| 064         | AIRCRAFT SUPPORT .....                                    | 6,207                      | 6,207                       |
|             | <b>SHIPBUILDING</b>                                       |                            |                             |
| 065         | UNDERWATER SYSTEMS .....                                  | 6,999                      | 6,999                       |
| 066         | SEAL DELIVERY VEHICLE .....                               |                            |                             |
|             | <b>AMMUNITION PROGRAMS</b>                                |                            |                             |
| 067         | ORDNANCE REPLENISHMENT .....                              | 116,009                    | 116,009                     |
| 068         | ORDNANCE ACQUISITION .....                                | 28,281                     | 28,281                      |
|             | <b>OTHER PROCUREMENT PROGRAMS</b>                         |                            |                             |
| 069         | COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....            | 87,489                     | 150,289                     |
|             | Program Growth .....                                      |                            | [62,800]                    |
| 070         | INTELLIGENCE SYSTEMS .....                                | 74,702                     | 74,702                      |
| 071         | SMALL ARMS AND WEAPONS .....                              | 9,196                      | 9,196                       |
| 072         | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....           | 15,621                     | 15,621                      |
| 074         | MARITIME EQUIPMENT MODIFICATIONS .....                    |                            |                             |
| 076         | COMBATANT CRAFT SYSTEMS .....                             | 6,899                      | 66,899                      |
|             | Program Growth .....                                      |                            | [60,000]                    |
| 077         | SPARES AND REPAIR PARTS .....                             | 594                        | 594                         |
| 078         | TACTICAL VEHICLES .....                                   | 33,915                     | 33,915                      |
| 079         | MISSION TRAINING AND PREPARATION SYSTEMS .....            |                            |                             |
| 080         | MISSION TRAINING AND PREPARATION SYSTEMS .....            | 46,242                     | 46,242                      |
| 081         | COMBAT MISSION REQUIREMENTS .....                         | 50,000                     | 50,000                      |
| 082         | MILCON COLLATERAL EQUIPMENT .....                         | 18,723                     | 18,723                      |
| 084         | CLASSIFIED PROGRAMS .....                                 |                            |                             |
| 085         | AUTOMATION SYSTEMS .....                                  | 51,232                     | 51,232                      |
| 086         | GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....                | 7,782                      | 7,782                       |
| 087         | OPERATIONAL ENHANCEMENTS INTELLIGENCE .....               | 22,960                     | 22,960                      |
| 088         | SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....             | 362                        | 362                         |
| 089         | VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....       | 15,758                     | 15,758                      |
| 090         | TACTICAL RADIO SYSTEMS .....                              | 76,459                     | 101,459                     |
|             | Program Increase .....                                    |                            | [25,000]                    |
| 091         | MARITIME EQUIPMENT .....                                  |                            |                             |
| 092         | DRUG INTERDICTION .....                                   |                            |                             |
| 093         | MISCELLANEOUS EQUIPMENT .....                             | 1,895                      | 1,895                       |
| 094         | OPERATIONAL ENHANCEMENTS .....                            | 246,893                    | 246,893                     |
| 095         | MILITARY INFORMATION SUPPORT OPERATIONS .....             | 4,142                      | 4,142                       |
|             | <b>CLASSIFIED PROGRAMS</b>                                |                            |                             |
| 095A        | CLASSIFIED PROGRAMS .....                                 | 4,012                      | 4,012                       |
|             | <b>CBDP</b>   |                            |                             |
| 096         | INSTALLATION FORCE PROTECTION .....                       | 15,900                     | 15,900                      |
| 097         | INDIVIDUAL PROTECTION .....                               | 71,376                     | 71,376                      |
| 098         | DECONTAMINATION .....                                     | 6,466                      | 6,466                       |
| 099         | JOINT BIO DEFENSE PROGRAM (MEDICAL) .....                 | 11,143                     | 11,143                      |
| 100         | COLLECTIVE PROTECTION .....                               | 9,414                      | 9,414                       |
| 101         | CONTAMINATION AVOIDANCE .....                             | 139,948                    | 139,948                     |
|             | <b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....              | <b>5,365,248</b>           | <b>5,147,048</b>            |
|             | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                |                            |                             |
|             | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                |                            |                             |
| 001         | JOINT URGENT OPERATIONAL NEEDS FUND .....                 | 100,000                    | 0                           |
|             | Unjustified Requirement .....                             |                            | [-100,000]                  |
|             | <b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....    | <b>100,000</b>             | <b>0</b>                    |
|             | <b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>             |                            |                             |
| 007         | UNDISTRIBUTED .....                                       |                            | 100,000                     |
|             | Program Increase .....                                    |                            | [100,000]                   |
|             | <b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> ..... |                            | <b>100,000</b>              |
|             | <b>TOTAL PROCUREMENT</b> .....                            | <b>111,453,792</b>         | <b>111,385,533</b>          |

## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

| Line   | Item   | FY 2012 Request | House Authorized |
|--|--|-----------------|------------------|
| <b>AIRCRAFT PROCUREMENT, ARMY</b>            |  |                 |                  |
| <b>FIXED WING</b>                            |  |                 |                  |
| 002  | C-12 CARGO AIRPLANE .....                            | 10,500          | 10,500           |
| <b>ROTARY</b>                                |  |                 |                  |
| 008  | AH-64 BLOCK II/WRA .....                             | 35,500          | 0                |
|  | Post 2012 Contract Award .....                       |                 | [-35,500]        |
| 012  | UH-60 BLACKHAWK M MODEL (MYP) .....                  | 72,000          | 72,000           |
| 017  | KIOWA WARRIOR UPGRADE (OH-58 D)/WRA .....            | 145,500         | 145,500          |
| <b>MODIFICATION OF AIRCRAFT</b>              |  |                 |                  |
| 019  | MQ-1 PAYLOAD—UAS .....                               | 10,800          | 10,800           |
| 022  | MULTI SENSOR ABN RECON (MIP) .....                   | 54,500          | 54,500           |
| 033  | RQ-7 UAV MODS .....                                  | 94,600          | 94,600           |
|  | <b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....        | <b>423,400</b>  | <b>387,900</b>   |
| <b>MISSILE PROCUREMENT, ARMY</b>             |  |                 |                  |
| <b>AIR-TO-SURFACE MISSILE SYSTEM</b>         |  |                 |                  |
| 004  | HELLFIRE SYS SUMMARY .....                           | 107,556         | 107,556          |
| <b>ANTI-TANK/ASSAULT MISSILE SYS</b>         |  |                 |                  |
| 009  | GUIDED MLRS ROCKET (GMLRS) .....                     | 19,000          | 19,000           |
|  | <b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....         | <b>126,556</b>  | <b>126,556</b>   |
| <b>PROCUREMENT OF W&amp;TCV, ARMY</b>        |  |                 |                  |
| <b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>   |  |                 |                  |
| 020  | LIGHTWEIGHT .50 CALIBER MACHINE GUN .....            | 5,427           | 5,427            |
| 029  | COMMON REMOTELY OPERATED WEAPONS STATION (CRO) ..... | 14,890          | 14,890           |
| 033  | M4 CARBINE MODS .....                                | 16,800          | 16,800           |
|  | <b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....    | <b>37,117</b>   | <b>37,117</b>    |
| <b>PROCUREMENT OF AMMUNITION, ARMY</b>       |  |                 |                  |
| <b>SMALL/MEDIUM CAL AMMUNITION</b>           |  |                 |                  |
| 004  | CTG, HANDGUN, ALL TYPES .....                        | 1,200           | 1,200            |
| 009  | CTG, 30MM, ALL TYPES .....                           | 4,800           | 4,800            |
| 010  | CTG, 40MM, ALL TYPES .....                           | 38,000          | 38,000           |
| <b>MORTAR AMMUNITION</b>                     |  |                 |                  |
| 013  | 81MM MORTAR, ALL TYPES .....                         | 8,000           | 8,000            |
| 014  | 120MM MORTAR, ALL TYPES .....                        | 49,140          | 49,140           |
| <b>ARTILLERY AMMUNITION</b>                  |  |                 |                  |
| 019  | ARTILLERY PROJECTILE, 155MM, ALL TYPES .....         | 10,000          | 10,000           |
| <b>ARTILLERY FUZES</b>                       |  |                 |                  |
| 022  | ARTILLERY FUZES, ALL TYPES .....                     | 5,000           | 5,000            |
| <b>ROCKETS</b>                               |  |                 |                  |
| 027  | SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....         | 5,000           | 5,000            |
| 028  | ROCKET, HYDRA 70, ALL TYPES .....                    | 53,841          | 53,841           |
| <b>OTHER AMMUNITION</b>                      |  |                 |                  |
| 029  | DEMOLITION MUNITIONS, ALL TYPES .....                | 16,000          | 16,000           |
| 031  | SIGNALS, ALL TYPES .....                             | 7,000           | 7,000            |
| 032  | SIMULATORS, ALL TYPES .....                          | 8,000           | 8,000            |
| <b>MISCELLANEOUS</b>                         |  |                 |                  |
| 036  | CAD/PAD ALL TYPES .....                              | 2,000           | 2,000            |
| 037  | ITEMS LESS THAN \$5 MILLION .....                    | 400             | 400              |
|  | <b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....   | <b>208,381</b>  | <b>208,381</b>   |
| <b>OTHER PROCUREMENT, ARMY</b>               |  |                 |                  |
| <b>TACTICAL VEHICLES</b>                     |  |                 |                  |
| 005  | FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....           | 11,094          | 11,094           |
| 007  | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....       | 47,214          | 47,214           |
| <b>NON-TACTICAL VEHICLES</b>                 |  |                 |                  |
| 023  | NONTACTICAL VEHICLES, OTHER .....                    | 3,600           | 3,600            |
| <b>COMM—JOINT COMMUNICATIONS</b>             |  |                 |                  |
| 025  | WIN-T—GROUND FORCES TACTICAL NETWORK .....           | 547             | 547              |
| <b>COMM—COMBAT COMMUNICATIONS</b>            |  |                 |                  |
| 039  | JOINT TACTICAL RADIO SYSTEM .....                    | 450             | 450              |
| 042  | AMC CRITICAL ITEMS—OPA2 .....                        | 8,141           | 8,141            |
| 049  | GUNSHOT DETECTION SYSTEM (GDS) .....                 | 44,100          | 44,100           |
| 051  | MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....       | 6,443           | 6,443            |
| <b>INFORMATION SECURITY</b>                  |  |                 |                  |
| 056  | INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....       | 54,730          | 54,730           |
| <b>COMM—LONG HAUL COMMUNICATIONS</b>         |  |                 |                  |
| 058  | BASE SUPPORT COMMUNICATIONS .....                    | 5,000           | 5,000            |
| <b>COMM—BASE COMMUNICATIONS</b>              |  |                 |                  |
| 062  | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....  | 169,500         | 169,500          |
| <b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>  |  |                 |                  |
| 070  | DCGS-A (MIP) .....                                   | 83,000          | 83,000           |
| 072  | TROJAN (MIP) .....                                   | 61,100          | 61,100           |
| <b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>   |  |                 |                  |
| 076  | LIGHTWEIGHT COUNTER MORTAR RADAR .....               | 54,100          | 54,100           |
| 079  | FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIES ..... | 53,000          | 53,000           |
| 080  | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....   | 48,600          | 48,600           |
| <b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b> |  |                 |                  |
| 084  | SENSE THROUGH THE WALL (STTW) .....                  | 10,000          | 10,000           |
| 095  | PROFILER .....                                       | 2,000           | 2,000            |
| 096  | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....        | 30,400          | 30,400           |
| 098  | JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....          | 148,335         | 148,335          |
| 102  | COUNTERFIRE RADARS .....                             | 110,548         | 110,548          |
| <b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>       |  |                 |                  |
| 105  | FIRE SUPPORT C2 FAMILY .....                         | 15,081          | 15,081           |
| 106  | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC) ..... | 10,000          | 10,000           |
| 108  | AIR & MSL DEFENSE PLANNING & CONTROL SYS .....       | 28,000          | 28,000           |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>   | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|---|----------------------------|-----------------------------|
| 109         | KNIGHT FAMILY .....                                     | 42,000                     | 42,000                      |
| 114         | NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....     | 32,800                     | 32,800                      |
| 115         | MANEUVER CONTROL SYSTEM (MCS) .....                     | 44,000                     | 44,000                      |
| 116         | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....           | 18,000                     | 18,000                      |
|             | <b>ELECT EQUIP—AUTOMATION</b>                           |                            |                             |
| 121         | AUTOMATED DATA PROCESSING EQUIP .....                   | 10,000                     | 10,000                      |
|             | <b>UNDISTRIBUTED</b>                                    |                            |                             |
| 127A        | CLASSIFIED PROGRAMS .....                               | 795                        | 795                         |
|             | <b>CHEMICAL DEFENSIVE EQUIPMENT</b>                     |                            |                             |
| 128         | PROTECTIVE SYSTEMS .....                                | 11,472                     | 11,472                      |
| 129         | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....             | 30,000                     | 30,000                      |
| 131         | CBRN SOLDIER PROTECTION .....                           | 1,200                      | 1,200                       |
|             | <b>BRIDGING EQUIPMENT</b>                               |                            |                             |
| 133         | TACTICAL BRIDGING .....                                 | 15,000                     | 15,000                      |
| 134         | TACTICAL BRIDGE, FLOAT-RIBBON .....                     | 26,900                     | 26,900                      |
|             | <b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>            |                            |                             |
| 138         | EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....     | 3,205                      | 3,205                       |
|             | <b>COMBAT SERVICE SUPPORT EQUIPMENT</b>                 |                            |                             |
| 149         | FORCE PROVIDER .....                                    | 68,000                     | 68,000                      |
|             | <b>MEDICAL EQUIPMENT</b>                                |                            |                             |
| 158         | COMBAT SUPPORT MEDICAL .....                            | 15,011                     | 15,011                      |
|             | <b>MAINTENANCE EQUIPMENT</b>                            |                            |                             |
| 159         | MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....              | 25,129                     | 25,129                      |
|             | <b>MATERIAL HANDLING EQUIPMENT</b>                      |                            |                             |
| 180         | ALL TERRAIN LIFTING ARMY SYSTEM .....                   | 1,800                      | 1,800                       |
|             | <b>OTHER SUPPORT EQUIPMENT</b>                          |                            |                             |
| 189         | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....         | 43,000                     | 43,000                      |
| 190         | PHYSICAL SECURITY SYSTEMS (OPA3) .....                  | 4,900                      | 4,900                       |
|             | <b>TOTAL OTHER PROCUREMENT, ARMY</b> .....              | <b>1,398,195</b>           | <b>1,398,195</b>            |
|             | <b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>             |                            |                             |
|             | <b>NETWORK ATTACK</b>                                   |                            |                             |
| 001         | ATTACK THE NETWORK .....                                | 1,368,800                  | 1,368,800                   |
|             | <b>JIEDDO DEVICE DEFEAT</b>                             |                            |                             |
| 002         | DEFEAT THE DEVICE .....                                 | 961,200                    | 961,200                     |
|             | <b>FORCE TRAINING</b>                                   |                            |                             |
| 003         | TRAIN THE FORCE .....                                   | 247,500                    | 247,500                     |
|             | <b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> ..... | <b>2,577,500</b>           | <b>2,577,500</b>            |
|             | <b>AIRCRAFT PROCUREMENT, NAVY</b>                       |                            |                             |
|             | <b>COMBAT AIRCRAFT</b>                                  |                            |                             |
| 011         | UH-1Y/AH-1Z .....                                       | 30,000                     | 30,000                      |
| 019         | E-2D ADV HAWKEYE .....                                  | 163,500                    | 163,500                     |
|             | <b>OTHER AIRCRAFT</b>                                   |                            |                             |
| 028         | OTHER SUPPORT AIRCRAFT .....                            | 21,882                     | 21,882                      |
|             | <b>MODIFICATION OF AIRCRAFT</b>                         |                            |                             |
| 030         | AEA SYSTEMS .....                                       | 53,100                     | 53,100                      |
| 031         | AV-8 SERIES .....                                       | 53,485                     | 53,485                      |
| 032         | F-18 SERIES .....                                       | 46,992                     | 46,992                      |
| 034         | AH-1W SERIES .....                                      | 39,418                     | 39,418                      |
| 035         | H-53 SERIES .....                                       | 70,747                     | 70,747                      |
| 037         | H-1 SERIES .....  | 6,420                      | 6,420                       |
| 038         | EP-3 SERIES .....                                       | 20,800                     | 20,800                      |
| 043         | C-130 SERIES .....                                      | 59,625                     | 59,625                      |
| 045         | CARGO/TRANSPORT A/C SERIES .....                        | 25,880                     | 25,880                      |
| 048         | SPECIAL PROJECT AIRCRAFT .....                          | 11,184                     | 11,184                      |
| 053         | COMMON ECM EQUIPMENT .....                              | 27,200                     | 27,200                      |
| 054         | COMMON AVIONICS CHANGES .....                           | 13,467                     | 13,467                      |
| 055         | COMMON DEFENSIVE WEAPON SYSTEM .....                    | 3,300                      | 3,300                       |
| 060         | V-22 (TILT/ROTOR ACFT) OSPREY .....                     | 30,000                     | 30,000                      |
|             | <b>AIRCRAFT SPARES AND REPAIR PARTS</b>                 |                            |                             |
| 061         | SPARES AND REPAIR PARTS .....                           | 39,060                     | 39,060                      |
|             | <b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>          |                            |                             |
| 062         | COMMON GROUND EQUIPMENT .....                           | 10,800                     | 10,800                      |
| 065         | OTHER PRODUCTION CHARGES .....                          | 4,100                      | 4,100                       |
|             | <b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....           | <b>730,960</b>             | <b>730,960</b>              |
|             | <b>WEAPONS PROCUREMENT, NAVY</b>                        |                            |                             |
|             | <b>TACTICAL MISSILES</b>                                |                            |                             |
| 009         | HELLFIRE .....  | 14,000                     | 14,000                      |
| 010         | STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....      | 20,000                     | 20,000                      |
|             | <b>GUNS AND GUN MOUNTS</b>                              |                            |                             |
| 027         | SMALL ARMS AND WEAPONS .....                            | 7,070                      | 7,070                       |
|             | <b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....            | <b>41,070</b>              | <b>41,070</b>               |
|             | <b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>               |                            |                             |
|             | <b>NAVY AMMUNITION</b>                                  |                            |                             |
| 003         | AIRBORNE ROCKETS, ALL TYPES .....                       | 80,200                     | 80,200                      |
| 004         | MACHINE GUN AMMUNITION .....                            | 22,400                     | 22,400                      |
| 007         | AIR EXPENDABLE COUNTERMEASURES .....                    | 20,000                     | 20,000                      |
| 011         | OTHER SHIP GUN AMMUNITION .....                         | 182                        | 182                         |
| 012         | SMALL ARMS & LANDING PARTY AMMO .....                   | 4,545                      | 4,545                       |
| 013         | PYROTECHNIC AND DEMOLITION .....                        | 1,656                      | 1,656                       |
| 014         | AMMUNITION LESS THAN \$5 MILLION .....                  | 6,000                      | 6,000                       |
|             | <b>MARINE CORPS AMMUNITION</b>                          |                            |                             |
| 015         | SMALL ARMS AMMUNITION .....                             | 19,575                     | 19,575                      |
| 016         | LINEAR CHARGES, ALL TYPES .....                         | 6,691                      | 6,691                       |
| 017         | 40 MM, ALL TYPES .....                                  | 12,184                     | 12,184                      |
| 018         | 60MM, ALL TYPES .....                                   | 10,988                     | 10,988                      |
| 019         | 81MM, ALL TYPES .....                                   | 24,515                     | 24,515                      |
| 020         | 120MM, ALL TYPES .....                                  | 11,227                     | 11,227                      |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>   | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|---|----------------------------|-----------------------------|
| 021         | CTG 25MM, ALL TYPES .....                             | 802                        | 802                         |
| 022         | GRENADES, ALL TYPES .....                             | 5,911                      | 5,911                       |
| 023         | ROCKETS, ALL TYPES .....                              | 18,871                     | 18,871                      |
| 024         | ARTILLERY, ALL TYPES .....                            | 57,003                     | 57,003                      |
| 025         | DEMOLITION MUNITIONS, ALL TYPES .....                 | 7,831                      | 7,831                       |
| 026         | FUZE, ALL TYPES .....                                 | 5,177                      | 5,177                       |
| 027         | NON LETHALS .....                                     | 712                        | 712                         |
| 029         | ITEMS LESS THAN \$5 MILLION .....                     | 630                        | 630                         |
|             | <b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b> | <b>317,100</b>             | <b>317,100</b>              |
|             | <b>OTHER PROCUREMENT, NAVY</b>                        |                            |                             |
|             | <b>SMALL BOATS</b>                                    |                            |                             |
| 023         | STANDARD BOATS .....                                  | 13,729                     | 13,729                      |
|             | <b>AVIATION ELECTRONIC EQUIPMENT</b>                  |                            |                             |
| 056         | MATCALS .....   | 7,232                      | 7,232                       |
|             | <b>OTHER SHORE ELECTRONIC EQUIPMENT</b>               |                            |                             |
| 066         | TACTICAL/MOBILE C4I SYSTEMS .....                     | 4,000                      | 4,000                       |
|             | <b>AIRCRAFT SUPPORT EQUIPMENT</b>                     |                            |                             |
| 092         | EXPEDITIONARY AIRFIELDS .....                         | 47,000                     | 47,000                      |
| 095         | METEOROLOGICAL EQUIPMENT .....                        | 10,800                     | 10,800                      |
| 097         | AVIATION LIFE SUPPORT .....                           | 14,000                     | 14,000                      |
| 101         | OTHER AVIATION SUPPORT EQUIPMENT .....                | 18,226                     | 18,226                      |
|             | <b>ASW SUPPORT EQUIPMENT</b>                          |                            |                             |
| 112         | SSN COMBAT CONTROL SYSTEMS .....                      | 7,500                      | 7,500                       |
|             | <b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>               |                            |                             |
| 116         | EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....               | 15,700                     | 15,700                      |
|             | <b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>            |                            |                             |
| 121         | PASSENGER CARRYING VEHICLES .....                     | 2,628                      | 2,628                       |
| 123         | CONSTRUCTION & MAINTENANCE EQUIP .....                | 13,290                     | 13,290                      |
| 124         | FIRE FIGHTING EQUIPMENT .....                         | 3,672                      | 3,672                       |
| 128         | ITEMS UNDER \$5 MILLION .....                         | 1,002                      | 1,002                       |
|             | <b>SUPPLY SUPPORT EQUIPMENT</b>                       |                            |                             |
| 130         | MATERIALS HANDLING EQUIPMENT .....                    | 3,644                      | 3,644                       |
|             | <b>TRAINING DEVICES</b>                               |                            |                             |
| 134         | TRAINING SUPPORT EQUIPMENT .....                      | 5,789                      | 5,789                       |
|             | <b>COMMAND SUPPORT EQUIPMENT</b>                      |                            |                             |
| 135         | COMMAND SUPPORT EQUIPMENT .....                       | 3,310                      | 3,310                       |
| 140         | OPERATING FORCES SUPPORT EQUIPMENT .....              | 6,977                      | 6,977                       |
| 141         | C4ISR EQUIPMENT .....                                 | 24,762                     | 24,762                      |
| 143         | PHYSICAL SECURITY EQUIPMENT .....                     | 78,241                     | 78,241                      |
|             | <b>SPARES AND REPAIR PARTS</b>                        |                            |                             |
| 149         | SPARES AND REPAIR PARTS .....                         | 473                        | 473                         |
|             | <b>TOTAL OTHER PROCUREMENT, NAVY .....</b>            | <b>281,975</b>             | <b>281,975</b>              |
|             | <b>PROCUREMENT, MARINE CORPS</b>                      |                            |                             |
|             | <b>TRACKED COMBAT VEHICLES</b>                        |                            |                             |
| 002         | LAV PIP .....   | 23,962                     | 23,962                      |
|             | <b>ARTILLERY AND OTHER WEAPONS</b>                    |                            |                             |
| 004         | 155MM LIGHTWEIGHT TOWED HOWITZER .....                | 16,000                     | 16,000                      |
| 005         | HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....           | 10,488                     | 10,488                      |
|             | <b>GUIDED MISSILES</b>                                |                            |                             |
| 010         | JAVELIN .....   | 2,527                      | 2,527                       |
|             | <b>OTHER SUPPORT</b>                                  |                            |                             |
| 013         | MODIFICATION KITS .....                               | 59,730                     | 59,730                      |
|             | <b>REPAIR AND TEST EQUIPMENT</b>                      |                            |                             |
| 015         | REPAIR AND TEST EQUIPMENT .....                       | 19,040                     | 19,040                      |
|             | <b>OTHER SUPPORT (TEL)</b>                            |                            |                             |
| 017         | MODIFICATION KITS .....                               | 2,331                      | 2,331                       |
|             | <b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>           |                            |                             |
| 018         | ITEMS UNDER \$5 MILLION (COMM & ELEC) .....           | 3,090                      | 3,090                       |
| 019         | AIR OPERATIONS C2 SYSTEMS .....                       | 5,236                      | 5,236                       |
|             | <b>RADAR + EQUIPMENT (NON-TEL)</b>                    |                            |                             |
| 020         | RADAR SYSTEMS .....                                   | 26,506                     | 26,506                      |
|             | <b>INTELL/COMM EQUIPMENT (NON-TEL)</b>                |                            |                             |
| 021         | FIRE SUPPORT SYSTEM .....                             | 35                         | 35                          |
| 022         | INTELLIGENCE SUPPORT EQUIPMENT .....                  | 47,132                     | 47,132                      |
|             | <b>OTHER COMME/ELEC EQUIPMENT (NON-TEL)</b>           |                            |                             |
| 028         | NIGHT VISION EQUIPMENT .....                          | 9,850                      | 9,850                       |
|             | <b>OTHER SUPPORT (NON-TEL)</b>                        |                            |                             |
| 029         | COMMON COMPUTER RESOURCES .....                       | 18,629                     | 18,629                      |
| 030         | COMMAND POST SYSTEMS .....                            | 31,491                     | 31,491                      |
| 031         | RADIO SYSTEMS .....                                   | 87,027                     | 87,027                      |
| 032         | COMM SWITCHING & CONTROL SYSTEMS .....                | 54,177                     | 54,177                      |
| 033         | COMM & ELEC INFRASTRUCTURE SUPPORT .....              | 2,200                      | 2,200                       |
|             | <b>TACTICAL VEHICLES</b>                              |                            |                             |
| 037         | MOTOR TRANSPORT MODIFICATIONS .....                   | 95,800                     | 95,800                      |
| 038         | MEDIUM TACTICAL VEHICLE REPLACEMENT .....             | 392,391                    | 342,391                     |
|             | Early to Need .....                                   |                            | [-50,000]                   |
| 039         | LOGISTICS VEHICLE SYSTEM REP .....                    | 38,382                     | 38,382                      |
| 040         | FAMILY OF TACTICAL TRAILERS .....                     | 24,826                     | 24,826                      |
|             | <b>ENGINEER AND OTHER EQUIPMENT</b>                   |                            |                             |
| 043         | ENVIRONMENTAL CONTROL EQUIP ASSORT .....              | 18,775                     | 18,775                      |
| 044         | BULK LIQUID EQUIPMENT .....                           | 7,361                      | 7,361                       |
| 046         | POWER EQUIPMENT ASSORTED .....                        | 51,895                     | 51,895                      |
| 048         | EOD SYSTEMS .....                                     | 57,237                     | 57,237                      |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                   |                            |                             |
| 049         | PHYSICAL SECURITY EQUIPMENT .....                     | 42,900                     | 42,900                      |
| 051         | MATERIAL HANDLING EQUIP .....                         | 42,553                     | 42,553                      |
|             | <b>GENERAL PROPERTY</b>                               |                            |                             |
| 053         | FIELD MEDICAL EQUIPMENT .....                         | 8,307                      | 8,307                       |
| 054         | TRAINING DEVICES .....                                | 5,200                      | 5,200                       |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
| 055         | CONTAINER FAMILY .....                                  | 12                         | 12                          |
| 056         | FAMILY OF CONSTRUCTION EQUIPMENT .....                  | 28,533                     | 28,533                      |
|             | <b>TOTAL PROCUREMENT, MARINE CORPS</b> .....            | <b>1,260,996</b>           | <b>1,210,996</b>            |
|             | <b>AIRCRAFT PROCUREMENT, AIR FORCE</b>                  |                            |                             |
|             | <b>HELICOPTERS</b>                                      |                            |                             |
| 019         | V22 OSPREY .....  | 70,000                     | 0                           |
|             | Funded in H.R. 1473 .....                               |                            | [-70,000]                   |
|             | <b>MISSION SUPPORT AIRCRAFT</b>                         |                            |                             |
| 024         | HH-60M .....  | 39,300                     | 39,300                      |
| 027         | STUASLO .....   | 2,472                      | 2,472                       |
|             | <b>AIRLIFT AIRCRAFT</b>                                 |                            |                             |
| 043         | C-5 .....   | 59,299                     | 59,299                      |
|             | <b>OTHER AIRCRAFT</b>                                   |                            |                             |
| 059         | MC-12W .....  | 17,300                     | 17,300                      |
| 063         | C-130 .....   | 164,041                    | 164,041                     |
| 064         | C-130 INTEL .....                                       | 4,600                      | 4,600                       |
| 065         | C-130J MODS .....                                       | 27,983                     | 27,983                      |
| 067         | COMPASS CALL MODS .....                                 | 12,000                     | 12,000                      |
| 075         | AC-130 RECAP .....                                      | 34,000                     | 34,000                      |
| 076         | OTHER MODIFICATIONS .....                               | 15,000                     | 15,000                      |
| 077         | MQ-1 MODS .....   | 2,800                      | 2,800                       |
|             | <b>AIRCRAFT SPARES + REPAIR PARTS</b>                   |                            |                             |
| 081         | FIGHTER/UAV INITIAL SPARES/REPAIR PARTS .....           | 2,800                      | 2,800                       |
|             | <b>POST PRODUCTION SUPPORT</b>                          |                            |                             |
| 090         | C-17A .....   | 10,970                     | 10,970                      |
|             | <b>OTHER PRODUCTION CHARGES</b>                         |                            |                             |
| 100         | OTHER PRODUCTION CHARGES .....                          | 23,000                     | 23,000                      |
|             | <b>DARP</b>   |                            |                             |
| 104         | U-2 .....   | 42,300                     | 42,300                      |
|             | <b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....      | <b>527,865</b>             | <b>457,865</b>              |
|             | <b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>             |                            |                             |
|             | <b>ROCKETS</b>  |                            |                             |
| 001         | ROCKETS .....   | 329                        | 329                         |
|             | <b>CARTRIDGES</b>                                       |                            |                             |
| 002         | CARTRIDGES .....  | 8,014                      | 8,014                       |
|             | <b>BOMBS</b>  |                            |                             |
| 004         | GENERAL PURPOSE BOMBS .....                             | 17,385                     | 17,385                      |
| 005         | JOINT DIRECT ATTACK MUNITION .....                      | 34,100                     | 34,100                      |
|             | <b>FLARE, IR MJU-7B</b>                                 |                            |                             |
| 007         | EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....                 | 1,200                      | 1,200                       |
|             | <b>FUZES</b>  |                            |                             |
| 011         | FLARES .....  | 11,217                     | 11,217                      |
| 012         | FUZES .....   | 8,765                      | 8,765                       |
|             | <b>SMALL ARMS</b>                                       |                            |                             |
| 013         | SMALL ARMS .....  | 11,500                     | 11,500                      |
|             | <b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> ..... | <b>92,510</b>              | <b>92,510</b>               |
|             | <b>MISSILE PROCUREMENT, AIR FORCE</b>                   |                            |                             |
|             | <b>TACTICAL</b>   |                            |                             |
| 005         | PREDATOR HELLFIRE MISSILE .....                         | 16,120                     | 16,120                      |
| 006         | SMALL DIAMETER BOMB .....                               | 12,300                     | 12,300                      |
|             | <b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....       | <b>28,420</b>              | <b>28,420</b>               |
|             | <b>OTHER PROCUREMENT, AIR FORCE</b>                     |                            |                             |
|             | <b>PASSENGER CARRYING VEHICLES</b>                      |                            |                             |
| 001         | PASSENGER CARRYING VEHICLES .....                       | 2,658                      | 2,658                       |
|             | <b>CARGO + UTILITY VEHICLES</b>                         |                            |                             |
| 004         | ITEMS LESS THAN \$5,000,000 (CARGO) .....               | 32,824                     | 32,824                      |
|             | <b>SPECIAL PURPOSE VEHICLES</b>                         |                            |                             |
| 006         | ITEMS LESS THAN \$5,000,000 (SPECIA) .....              | 110                        | 110                         |
|             | <b>FIRE FIGHTING EQUIPMENT</b>                          |                            |                             |
| 007         | FIRE FIGHTING/CRASH RESCUE VEHICLES .....               | 1,662                      | 1,662                       |
|             | <b>MATERIALS HANDLING EQUIPMENT</b>                     |                            |                             |
| 008         | ITEMS LESS THAN \$5,000,000 .....                       | 772                        | 772                         |
|             | <b>BASE MAINTENANCE SUPPORT</b>                         |                            |                             |
| 010         | ITEMS LESS THAN \$5M BASE MAINT/CONST .....             | 13,983                     | 13,983                      |
|             | <b>COMM SECURITY EQUIPMENT (COMSEC)</b>                 |                            |                             |
| 013         | AIR FORCE PHYSICAL SECURITY .....                       | 500                        | 500                         |
|             | <b>ELECTRONICS PROGRAMS</b>                             |                            |                             |
| 022         | WEATHER OBSERVATION FORECAST .....                      | 1,800                      | 1,800                       |
| 025         | TAC SIGNIT SPT .....                                    | 7,020                      | 7,020                       |
|             | <b>SPCL COMM-ELECTRONICS PROJECTS</b>                   |                            |                             |
| 030         | AIR FORCE PHYSICAL SECURITY SYSTEM .....                | 25,920                     | 25,920                      |
|             | <b>ORGANIZATION AND BASE</b>                            |                            |                             |
| 049         | TACTICAL C-E EQUIPMENT .....                            | 9,445                      | 9,445                       |
|             | <b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>               |                            |                             |
| 055         | NIGHT VISION GOGGLES .....                              | 12,900                     | 12,900                      |
|             | <b>BASE SUPPORT EQUIPMENT</b>                           |                            |                             |
| 059         | CONTINGENCY OPERATIONS .....                            | 18,100                     | 18,100                      |
| 061         | MOBILITY EQUIPMENT .....                                | 9,800                      | 9,800                       |
| 062         | ITEMS LESS THAN \$5,000,000 (BASE S) .....              | 8,400                      | 8,400                       |
|             | <b>SPECIAL SUPPORT PROJECTS</b>                         |                            |                             |
| 065         | DCGS-AF .....   | 3,000                      | 3,000                       |
| 068         | DEFENSE SPACE RECONNAISSANCE PROG. ....                 | 64,400                     | 64,400                      |
|             | <b>CLASSIFIED PROGRAMS</b>                              |                            |                             |
| 068A        | CLASSIFIED PROGRAMS .....                               | 2,991,347                  | 2,991,347                   |
|             | <b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....         | <b>3,204,641</b>           | <b>3,204,641</b>            |
|             | <b>PROCUREMENT, DEFENSE-WIDE</b>                        |                            |                             |

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
|             | <b>MAJOR EQUIPMENT, DISA</b>                              |                            |                             |
| 017         | TELEPORT PROGRAM .....                                    | 3,307                      | 3,307                       |
|             | <b>MAJOR EQUIPMENT, NSA</b>                               |                            |                             |
| 043         | INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....         | 3,000                      | 3,000                       |
|             | <b>MAJOR EQUIPMENT, OSD</b>                               |                            |                             |
| 046         | MAJOR EQUIPMENT, INTELLIGENCE .....                       | 8,300                      | 8,300                       |
|             | <b>CLASSIFIED PROGRAMS</b>                                |                            |                             |
| 048A        | CLASSIFIED PROGRAMS .....                                 | 101,548                    | 101,548                     |
|             | <b>AVIATION PROGRAMS</b>                                  |                            |                             |
| 050         | MH-47 SERVICE LIFE EXTENSION PROGRAM .....                | 40,500                     | 40,500                      |
| 051         | MH-60 MODERNIZATION PROGRAM .....                         | 7,800                      | 0                           |
|             | MH-60 Combat Loss Replacement Funding .....               |                            | [-7,800]                    |
| 052         | NON-STANDARD AVIATION .....                               | 8,500                      | 8,500                       |
| 057         | CV-22 MODIFICATION .....                                  | 15,000                     | 0                           |
|             | CV-22 Combat Loss Replacement Funding .....               |                            | [-15,000]                   |
| 063         | C-130 MODIFICATIONS .....                                 | 4,800                      | 4,800                       |
|             | <b>AMMUNITION PROGRAMS</b>                                |                            |                             |
| 067         | ORDNANCE REPLENISHMENT .....                              | 71,659                     | 71,659                      |
| 068         | ORDNANCE ACQUISITION .....                                | 25,400                     | 25,400                      |
|             | <b>OTHER PROCUREMENT PROGRAMS</b>                         |                            |                             |
| 069         | COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....            | 2,325                      | 2,325                       |
| 070         | INTELLIGENCE SYSTEMS .....                                | 43,558                     | 43,558                      |
| 071         | SMALL ARMS AND WEAPONS .....                              | 6,488                      | 6,488                       |
| 072         | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....           | 2,601                      | 2,601                       |
| 078         | TACTICAL VEHICLES .....                                   | 15,818                     | 15,818                      |
| 085         | AUTOMATION SYSTEMS .....                                  | 13,387                     | 13,387                      |
| 087         | OPERATIONAL ENHANCEMENTS INTELLIGENCE .....               | 5,800                      | 5,800                       |
| 088         | SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....             | 34,900                     | 34,900                      |
| 089         | VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....       | 3,531                      | 3,531                       |
| 090         | TACTICAL RADIO SYSTEMS .....                              | 2,894                      | 2,894                       |
| 093         | MISCELLANEOUS EQUIPMENT .....                             | 7,220                      | 7,220                       |
| 094         | OPERATIONAL ENHANCEMENTS .....                            | 41,632                     | 41,632                      |
|             | <b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....              | <b>469,968</b>             | <b>447,168</b>              |
|             | <b>JOINT URGENT OPERATIONAL NEEDS FUND</b>                |                            |                             |
| 001         | JOINT URGENT OPERATIONAL NEEDS FUND .....                 | 100,000                    | 50,000                      |
|             | Unjustified Requirement .....                             |                            | [-50,000]                   |
|             | <b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....    | <b>100,000</b>             | <b>50,000</b>               |
|             | <b>MINE RESISTANT AMBUSH PROT VEH FUND</b>                |                            |                             |
| 001         | MINE RESISTANT AMBUSH PROT VEH FUND .....                 | 3,195,170                  | 3,195,170                   |
|             | <b>TOTAL MINE RESISTANT AMBUSH PROT VEH FUND</b> .....    | <b>3,195,170</b>           | <b>3,195,170</b>            |
|             | <b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>             |                            |                             |
|             | <b>UNDISTRIBUTED</b>                                      |                            |                             |
| 007         | UNDISTRIBUTED .....                                       |                            | 225,000                     |
|             | Program Increase .....                                    |                            | [225,000]                   |
|             | <b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> ..... |                            | <b>225,000</b>              |
|             | <b>TOTAL PROCUREMENT</b> .....                            | <b>15,021,824</b>          | <b>15,018,524</b>           |



# TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

| SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION<br>(In Thousands of Dollars) |                 |   |                 |                  |
|---|-----------------|---|-----------------|------------------|
| Line  | Program Element | Item  | FY 2012 Request | House Authorized |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>                                 |                 |   |                 |                  |
| <b>BASIC RESEARCH</b>   |                 |   |                 |                  |
| 001   | 0601101A        | IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....                | 21,064          | 21,064           |
| 002   | 0601102A        | DEFENSE RESEARCH SCIENCES .....                               | 213,942         | 215,942          |
|   |                 | Program Increase .....  |                 | [2,000]          |
| 003   | 0601103A        | UNIVERSITY RESEARCH INITIATIVES .....                         | 80,977          | 89,977           |
|   |                 | Clinical Care and Research .....                              |                 | [2,000]          |
|   |                 | Program Increase .....  |                 | [7,000]          |
| 004   | 0601104A        | UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....                | 120,937         | 105,692          |
|   |                 | Realignment of Funds for Proper Oversight and Execution ..... |                 | [-15,245]        |
|   |                 | <b>SUBTOTAL BASIC RESEARCH</b> .....                          | <b>436,920</b>  | <b>432,675</b>   |
| <b>APPLIED RESEARCH</b>   |                 |   |                 |                  |
| 005   | 0602105A        | MATERIALS TECHNOLOGY .....                                    | 30,258          | 40,758           |
|   |                 | Program Increase .....  |                 | [10,500]         |
| 006   | 0602120A        | SENSORS AND ELECTRONIC SURVIVABILITY .....                    | 43,521          | 53,521           |
|   |                 | Program Increase .....  |                 | [10,000]         |
| 007   | 0602122A        | TRACTOR HIP .....   | 14,230          | 14,230           |
| 008   | 0602211A        | AVIATION TECHNOLOGY .....                                     | 44,610          | 44,610           |
| 009   | 0602270A        | ELECTRONIC WARFARE TECHNOLOGY .....                           | 15,790          | 15,790           |
| 010   | 0602303A        | MISSILE TECHNOLOGY .....                                      | 50,685          | 50,685           |
| 011   | 0602307A        | ADVANCED WEAPONS TECHNOLOGY .....                             | 20,034          | 20,034           |
| 012   | 0602308A        | ADVANCED CONCEPTS AND SIMULATION .....                        | 20,933          | 30,933           |
|   |                 | Program Increase .....  |                 | [10,000]         |
| 013   | 0602601A        | COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....                | 64,306          | 64,306           |
| 014   | 0602618A        | BALLISTICS TECHNOLOGY .....                                   | 59,214          | 59,214           |
| 015   | 0602622A        | CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....      | 4,877           | 4,877            |
| 016   | 0602623A        | JOINT SERVICE SMALL ARMS PROGRAM .....                        | 8,244           | 8,244            |
| 017   | 0602624A        | WEAPONS AND MUNITIONS TECHNOLOGY .....                        | 39,813          | 69,813           |
|   |                 | Program Increase .....  |                 | [30,000]         |
| 018   | 0602705A        | ELECTRONICS AND ELECTRONIC DEVICES .....                      | 62,962          | 62,962           |
| 019   | 0602709A        | NIGHT VISION TECHNOLOGY .....                                 | 57,203          | 69,203           |
|   |                 | Program Increase .....  |                 | [12,000]         |
| 020   | 0602712A        | COUNTERMINE SYSTEMS .....                                     | 20,280          | 24,780           |
|   |                 | Program Increase .....  |                 | [4,500]          |
| 021   | 0602716A        | HUMAN FACTORS ENGINEERING TECHNOLOGY .....                    | 21,801          | 21,801           |
| 022   | 0602720A        | ENVIRONMENTAL QUALITY TECHNOLOGY .....                        | 20,837          | 20,837           |
| 023   | 0602782A        | COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....             | 26,116          | 26,116           |
| 024   | 0602783A        | COMPUTER AND SOFTWARE TECHNOLOGY .....                        | 8,591           | 8,591            |
| 025   | 0602784A        | MILITARY ENGINEERING TECHNOLOGY .....                         | 80,317          | 86,317           |
|   |                 | Rotary Wing Surfaces .....                                    |                 | [6,000]          |
| 026   | 0602785A        | MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....                  | 18,946          | 18,946           |
| 027   | 0602786A        | WARFIGHTER TECHNOLOGY .....                                   | 29,835          | 29,835           |
| 028   | 0602787A        | MEDICAL TECHNOLOGY .....                                      | 105,929         | 118,897          |
|   |                 | Program Increase .....  |                 | [12,968]         |
|   |                 | <b>SUBTOTAL APPLIED RESEARCH</b> .....                        | <b>869,332</b>  | <b>965,300</b>   |
| <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>  |                 |   |                 |                  |
| 029   | 0603001A        | WARFIGHTER ADVANCED TECHNOLOGY .....                          | 52,979          | 57,979           |
|   |                 | Program Increase .....  |                 | [5,000]          |
| 030   | 0603002A        | MEDICAL ADVANCED TECHNOLOGY .....                             | 68,171          | 94,171           |
|   |                 | Program Increase .....  |                 | [23,000]         |
|   |                 | Treatment of Wounded Warriors .....                           |                 | [3,000]          |
| 031   | 0603003A        | AVIATION ADVANCED TECHNOLOGY .....                            | 62,193          | 89,993           |
|   |                 | Advanced Rotorcraft Flight Research .....                     |                 | [8,000]          |
|   |                 | Program Increase .....  |                 | [19,800]         |
| 032   | 0603004A        | WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....               | 77,077          | 82,077           |
|   |                 | Program Increase .....  |                 | [5,000]          |
| 033   | 0603005A        | COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....       | 106,145         | 106,145          |
| 034   | 0603006A        | COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....    | 5,312           | 8,312            |
|   |                 | Communications Advanced Technology .....                      |                 | [3,000]          |
| 035   | 0603007A        | MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....    | 10,298          | 10,298           |
| 036   | 0603008A        | ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....                  | 57,963          | 57,963           |
| 037   | 0603009A        | TRACTOR HIKE .....  | 8,155           | 8,155            |
| 038   | 0603015A        | NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....           | 17,936          | 17,936           |
| 039   | 0603020A        | TRACTOR ROSE .....  | 12,597          | 12,597           |
| 040   | 0603105A        | MILITARY HIV RESEARCH .....                                   | 6,796           | 6,796            |
| 041   | 0603125A        | COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT .....             | 12,191          | 12,191           |
| 042   | 0603130A        | TRACTOR NAIL .....  | 4,278           | 4,278            |
| 043   | 0603131A        | TRACTOR EGGS .....  | 2,261           | 2,261            |
| 044   | 0603270A        | ELECTRONIC WARFARE TECHNOLOGY .....                           | 23,677          | 23,677           |
| 045   | 0603313A        | MISSILE AND ROCKET ADVANCED TECHNOLOGY .....                  | 90,602          | 101,152          |
|   |                 | Program Increase .....  |                 | [10,550]         |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b>  | <b>Program Element</b> | <b>Item</b>   | <b>FY 2012 Request</b> | <b>House Authorized</b> |
|--|------------------------|---|------------------------|-------------------------|
| 046  | 0603322A               | TRACTOR CAGE .....  | 10,315                 | 10,315                  |
| 047  | 0603461A               | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....  | 183,150                | 183,150                 |
| 048  | 0603606A               | LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....  | 31,541                 | 31,541                  |
| 049  | 0603607A               | JOINT SERVICE SMALL ARMS PROGRAM .....  | 7,686                  | 7,686                   |
| 050  | 0603710A               | NIGHT VISION ADVANCED TECHNOLOGY .....  | 42,414                 | 56,214                  |
|  |                        | Night Vision Advanced Technology .....  |                        | [4,800]                 |
|  |                        | Program Increase .....  |                        | [9,000]                 |
| 051  | 0603728A               | ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....   | 15,959                 | 15,959                  |
| 052  | 0603734A               | MILITARY ENGINEERING ADVANCED TECHNOLOGY .....  | 36,516                 | 43,516                  |
|  |                        | Base Camp Fuel .....  |                        | [2,000]                 |
|  |                        | Military Engineering Advanced Technology .....  |                        | [5,000]                 |
| 053  | 0603772A               | ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....                                      | 30,600                 | 30,600                  |
|  |                        | <b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....   | <b>976,812</b>         | <b>1,074,962</b>        |
| <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> |                        |   |                        |                         |
| 054  | 0603024A               | UNIQUE ITEM IDENTIFICATION (UID) .....  |                        |                         |
| 055  | 0603305A               | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE) .....   | 21,126                 | 21,126                  |
| 055A   | 0603XXXXA              | INDIRECT FIRE PROTECTION .....  | 14,883                 | 14,883                  |
| 056  | 0603308A               | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE) .....  | 9,612                  | 9,612                   |
| 057  | 0603327A               | AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING .....   |                        |                         |
| 058  | 0603619A               | LANDMINE WARFARE AND BARRIER—ADV DEV .....  | 35,383                 | 35,383                  |
| 059  | 0603627A               | SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....   | 9,501                  | 4,501                   |
|  |                        | Engineering, Modeling and Environmental Studies for SOD and SOM systems – funding unjustified ..... |                        | [–5,000]                |
| 060  | 0603639A               | TANK AND MEDIUM CALIBER AMMUNITION .....  | 39,693                 | 39,693                  |
| 061  | 0603653A               | ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....  | 101,408                | 101,408                 |
| 062  | 0603747A               | SOLDIER SUPPORT AND SURVIVABILITY .....   | 9,747                  | 9,747                   |
| 063  | 0603766A               | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....   | 5,766                  | 5,766                   |
| 064  | 0603774A               | NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....   |                        |                         |
| 065  | 0603779A               | ENVIRONMENTAL QUALITY TECHNOLOGY .....  | 4,946                  | 12,946                  |
|  |                        | Army Net Zero Programs .....  |                        | [8,000]                 |
| 066  | 0603782A               | WARFIGHTER INFORMATION NETWORK-TACTICAL .....   | 297,955                | 297,955                 |
| 067  | 0603790A               | NATO RESEARCH AND DEVELOPMENT .....   | 4,765                  | 4,765                   |
| 068  | 0603801A               | AVIATION—ADV DEV .....  | 7,107                  | 7,107                   |
| 069  | 0603804A               | LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....  | 19,509                 | 19,509                  |
| 070  | 0603805A               | COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....                                 | 5,258                  | 5,258                   |
| 071  | 0603807A               | MEDICAL SYSTEMS—ADV DEV .....   | 34,997                 | 34,997                  |
| 072  | 0603827A               | SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....  | 19,598                 | 19,598                  |
| 073  | 0603850A               | INTEGRATED BROADCAST SERVICE .....  | 1,496                  | 1,496                   |
| 074  | 0604115A               | TECHNOLOGY MATURATION INITIATIVES .....   | 10,181                 | 10,181                  |
| 075  | 0604131A               | TRACTOR JUTE .....  | 15,609                 | 0                       |
|  |                        | Unjustified Requirement .....   |                        | [–15,609]               |
| 076  | 0604284A               | JOINT COOPERATIVE TARGET IDENTIFICATION—GROUND (JCTI-G) / TECHNOLOGY DEVELOPME .....                | 41,652                 | 41,652                  |
| 077  | 0305205A               | ENDURANCE UAVS .....  | 42,892                 | 42,892                  |
|  |                        | <b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....                               | <b>753,084</b>         | <b>740,475</b>          |
| <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>          |                        |   |                        |                         |
| 078  | 0604201A               | AIRCRAFT AVIONICS .....   | 144,687                | 144,687                 |
| 079  | 0604220A               | ARMED, DEPLOYABLE HELOS .....   | 166,132                | 130,632                 |
|  |                        | Early to Need .....   |                        | [–35,500]               |
| 080  | 0604270A               | ELECTRONIC WARFARE DEVELOPMENT .....  | 101,265                | 101,265                 |
| 081  | 0604280A               | JOINT TACTICAL RADIO .....  |                        |                         |
| 082  | 0604321A               | ALL SOURCE ANALYSIS SYSTEM .....  | 17,412                 | 17,412                  |
| 083  | 0604328A               | TRACTOR CAGE .....  | 26,577                 | 26,577                  |
| 084  | 0604601A               | INFANTRY SUPPORT WEAPONS .....  | 73,728                 | 76,728                  |
|  |                        | Portable Helicopter Oxygen Delivery Systems .....   |                        | [3,000]                 |
| 085  | 0604604A               | MEDIUM TACTICAL VEHICLES .....  | 3,961                  | 3,961                   |
| 086  | 0604609A               | SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD .....   |                        |                         |
| 087  | 0604611A               | JAVELIN .....   | 17,340                 | 17,340                  |
| 088  | 0604622A               | FAMILY OF HEAVY TACTICAL VEHICLES .....   | 5,478                  | 5,478                   |
| 089  | 0604633A               | AIR TRAFFIC CONTROL .....   | 22,922                 | 22,922                  |
| 090  | 0604642A               | LIGHT TACTICAL WHEELED VEHICLES .....   |                        |                         |
| 091  | 0604646A               | NON-LINE OF SIGHT LAUNCH SYSTEM .....   |                        |                         |
| 092  | 0604660A               | FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE .....  |                        |                         |
| 093  | 0604661A               | FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT .....  | 383,872                | 383,872                 |
| 094  | 0604662A               | FCS RECONNAISSANCE (UAV) PLATFORMS .....  |                        |                         |
| 095  | 0604663A               | FCS UNMANNED GROUND VEHICLES .....  | 143,840                | 143,840                 |
| 096  | 0604664A               | FCS UNATTENDED GROUND SENSORS .....   | 499                    | 499                     |
| 097  | 0604665A               | FCS SUSTAINMENT & TRAINING R&D .....  |                        |                         |
| 098  | 0604710A               | NIGHT VISION SYSTEMS—SDD .....  | 59,265                 | 59,265                  |
| 099  | 0604713A               | COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....   | 2,075                  | 2,075                   |
| 100  | 0604715A               | NON-SYSTEM TRAINING DEVICES—SDD .....   | 30,021                 | 30,021                  |
| 101  | 0604716A               | TERRAIN INFORMATION—SDD .....   | 1,596                  | 1,596                   |
| 102  | 0604741A               | AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD .....   | 83,010                 | 83,010                  |
| 103  | 0604742A               | CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....   | 28,305                 | 28,305                  |
| 104  | 0604746A               | AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....  | 14,375                 | 14,375                  |
| 105  | 0604760A               | DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD .....  | 15,803                 | 15,803                  |
| 106  | 0604778A               | POSITIONING SYSTEMS DEVELOPMENT (SPACE) .....   |                        |                         |
| 107  | 0604780A               | COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....  | 22,226                 | 22,226                  |
| 108  | 0604802A               | WEAPONS AND MUNITIONS—SDD .....   | 13,828                 | 3,828                   |

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| 109         | 0604804A               | Program Reduction- Precision Guidance Kit .....                 |                        | [-10,000]               |
|             |                        | LOGISTICS AND ENGINEER EQUIPMENT—SDD .....                      | 251,104                | 226,104                 |
|             |                        | Joint Light Tactical Vehicle Schedule Slip .....                |                        | [-25,000]               |
| 110         | 0604805A               | COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD .....              | 137,811                | 137,811                 |
| 111         | 0604807A               | MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD ..... | 27,160                 | 27,160                  |
| 112         | 0604808A               | LANDMINE WARFARE/BARRIER—SDD .....                              | 87,426                 | 87,426                  |
| 113         | 0604814A               | ARTILLERY MUNITIONS .....                                       | 42,627                 | 42,627                  |
| 114         | 0604817A               | COMBAT IDENTIFICATION .....                                     |                        |                         |
| 115         | 0604818A               | ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....       | 123,935                | 125,935                 |
|             |                        | Army Tactical Command and Control Hardware and Software .....   |                        | [2,000]                 |
| 116         | 0604820A               | RADAR DEVELOPMENT .....   | 2,890                  | 2,890                   |
| 117         | 0604822A               | GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBs) .....           | 794                    | 794                     |
| 118         | 0604823A               | FIREFINDER .....  | 10,358                 | 10,358                  |
| 119         | 0604827A               | SOLDIER SYSTEMS—WARRIOR DEM/VAL .....                           | 48,309                 | 40,709                  |
|             |                        | Early to Need- Nett Warrior .....                               |                        | [-7,600]                |
| 120         | 0604854A               | ARTILLERY SYSTEMS .....   | 120,146                | 120,146                 |
| 121         | 0604869A               | PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....            | 406,605                | 257,105                 |
|             |                        | Program Decrease .....  |                        | [-149,500]              |
| 122         | 0604870A               | NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....            | 7,398                  | 7,398                   |
| 123         | 0605013A               | INFORMATION TECHNOLOGY DEVELOPMENT .....                        | 37,098                 | 37,098                  |
| 124         | 0605018A               | ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMHRS) ..... | 68,693                 | 68,693                  |
| 125         | 0605450A               | JOINT AIR-TO-GROUND MISSILE (JAGM) .....                        | 127,095                | 127,095                 |
| 126         | 0605455A               | SLAMRAAM .....  | 19,931                 | 19,931                  |
| 127         | 0605456A               | PAC-3/MSE MISSILE .....   | 88,993                 | 88,993                  |
| 128         | 0605457A               | ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....           | 270,607                | 270,607                 |
| 129         | 0605625A               | MANNED GROUND VEHICLE .....                                     | 884,387                | 884,387                 |
| 130         | 0605626A               | AERIAL COMMON SENSOR .....                                      | 31,465                 | 31,465                  |
| 131         | 0303032A               | TROJAN—RHI2 .....   | 3,920                  | 3,920                   |
| 132         | 0304270A               | ELECTRONIC WARFARE DEVELOPMENT .....                            | 13,819                 | 13,819                  |
|             |                        | <b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>    | <b>4,190,788</b>       | <b>3,968,188</b>        |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>                             |                        |                         |
| 133         | 0604256A               | THREAT SIMULATOR DEVELOPMENT .....                              | 16,992                 | 16,992                  |
| 134         | 0604258A               | TARGET SYSTEMS DEVELOPMENT .....                                | 11,247                 | 11,247                  |
| 135         | 0604759A               | MAJOR T&E INVESTMENT .....                                      | 49,437                 | 49,437                  |
| 136         | 0605103A               | RAND ARROYO CENTER .....  | 20,384                 | 20,384                  |
| 137         | 0605301A               | ARMY KWAJALEIN ATOLL .....                                      | 145,606                | 145,606                 |
| 138         | 0605326A               | CONCEPTS EXPERIMENTATION PROGRAM .....                          | 28,800                 | 28,800                  |
| 139         | 0605502A               | SMALL BUSINESS INNOVATIVE RESEARCH .....                        |                        | 5,000                   |
|             |                        | Small Business Innovative Research .....                        |                        | [5,000]                 |
| 140         | 0605601A               | ARMY TEST RANGES AND FACILITIES .....                           | 262,456                | 362,456                 |
|             |                        | Program Increase .....  |                        | [100,000]               |
| 141         | 0605602A               | ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....           | 70,227                 | 70,227                  |
| 142         | 0605604A               | SURVIVABILITY/LETHALITY ANALYSIS .....                          | 43,483                 | 43,483                  |
| 143         | 0605605A               | DOD HIGH ENERGY LASER TEST FACILITY .....                       | 18                     | 18                      |
| 144         | 0605606A               | AIRCRAFT CERTIFICATION .....                                    | 5,630                  | 5,630                   |
| 145         | 0605702A               | METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....                | 7,182                  | 7,182                   |
| 146         | 0605706A               | MATERIEL SYSTEMS ANALYSIS .....                                 | 19,669                 | 19,669                  |
| 147         | 0605709A               | EXPLOITATION OF FOREIGN ITEMS .....                             | 5,445                  | 5,445                   |
| 148         | 0605712A               | SUPPORT OF OPERATIONAL TESTING .....                            | 68,786                 | 68,786                  |
| 149         | 0605716A               | ARMY EVALUATION CENTER .....                                    | 63,302                 | 63,302                  |
| 150         | 0605718A               | ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....           | 3,420                  | 3,420                   |
| 151         | 0605801A               | PROGRAMWIDE ACTIVITIES .....                                    | 83,054                 | 83,054                  |
| 152         | 0605803A               | TECHNICAL INFORMATION ACTIVITIES .....                          | 63,872                 | 58,872                  |
|             |                        | Program Reduction .....   |                        | [-5,000]                |
| 153         | 0605805A               | MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....       | 57,142                 | 62,142                  |
|             |                        | Program Increase .....  |                        | [5,000]                 |
| 154         | 0605857A               | ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....             | 4,961                  | 4,961                   |
| 155         | 0605898A               | MANAGEMENT HQ—R&D .....   | 17,558                 | 17,558                  |
| 156         | 0909980A               | JUDGMENT FUND REIMBURSEMENT .....                               |                        |                         |
| 157         | 0909999A               | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....               |                        |                         |
|             |                        | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>              | <b>1,048,671</b>       | <b>1,153,671</b>        |
|             |                        | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>                          |                        |                         |
| 158         | 0603778A               | MLRS PRODUCT IMPROVEMENT PROGRAM .....                          | 66,641                 | 66,641                  |
| 159         | 0603820A               | WEAPONS CAPABILITY MODIFICATIONS UAV .....                      | 24,142                 | 0                       |
|             |                        | Unjustified Requirement .....                                   |                        | [-24,142]               |
| 160         | 0102419A               | AEROSTAT JOINT PROJECT OFFICE .....                             | 344,655                | 344,655                 |
| 161         | 0203347A               | INTELLIGENCE SUPPORT TO CYBER (ISC) MIP .....                   |                        |                         |
| 162         | 0203726A               | ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....                  | 29,546                 | 29,546                  |
| 163         | 0203735A               | COMBAT VEHICLE IMPROVEMENT PROGRAMS .....                       | 53,307                 | 78,307                  |
|             |                        | Program Increase .....  |                        | [25,000]                |
| 164         | 0203740A               | MANEUVER CONTROL SYSTEM .....                                   | 65,002                 | 65,002                  |
| 165         | 0203744A               | AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....       | 163,205                | 163,205                 |
| 166         | 0203752A               | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....             | 823                    | 823                     |
| 167         | 0203758A               | DIGITIZATION .....  | 8,029                  | 8,029                   |
| 168         | 0203759A               | FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) .....       |                        |                         |
| 169         | 0203801A               | MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....           | 44,560                 | 59,060                  |
|             |                        | Program Increase for Stinger per Army Request .....             |                        | [14,500]                |

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| 170         | 0203802A               | OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....                                   |                        |                         |
| 171         | 0203808A               | TRACTOR CARD .....   | 42,554                 | 42,554                  |
| 172         | 0208053A               | JOINT TACTICAL GROUND SYSTEM .....   | 27,630                 | 27,630                  |
| 173         | 0208058A               | JOINT HIGH SPEED VESSEL (JHSV) .....   | 3,044                  | 3,044                   |
| 175         | 0303028A               | SECURITY AND INTELLIGENCE ACTIVITIES .....   | 2,854                  | 2,854                   |
| 176         | 0303140A               | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 61,220                 | 61,220                  |
| 177         | 0303141A               | GLOBAL COMBAT SUPPORT SYSTEM .....   | 100,505                | 100,505                 |
| 178         | 0303142A               | SATCOM GROUND ENVIRONMENT (SPACE) .....  | 12,104                 | 12,104                  |
| 179         | 0303150A               | WWWCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....                                     | 23,937                 | 23,937                  |
| 181         | 0305204A               | TACTICAL UNMANNED AERIAL VEHICLES .....  | 40,650                 | 40,650                  |
| 182         | 0305208A               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                                    | 44,198                 | 44,198                  |
| 183         | 0305219A               | MQ-1 SKY WARRIOR A UAV .....   | 137,038                | 137,038                 |
| 184         | 0305232A               | RQ-11 UAV .....  | 1,938                  | 1,938                   |
| 185         | 0305233A               | RQ-7 UAV .....   | 31,940                 | 31,940                  |
| 186         | 0307207A               | AERIAL COMMON SENSOR (ACS) .....   |                        |                         |
| 187         | 0307665A               | BIOMETRICS ENABLED INTELLIGENCE .....  | 15,018                 | 15,018                  |
| 188         | 0708045A               | END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....                                  | 59,297                 | 66,297                  |
|             |                        | End Item Industrial Preparedness Activities .....                                  |                        | [7,000]                 |
| 188A        | 9999999999             | CLASSIFIED PROGRAMS .....  | 4,536                  | 4,536                   |
|             |                        | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                              | <b>1,408,373</b>       | <b>1,430,731</b>        |
|             |                        | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....                    | <b>9,683,980</b>       | <b>9,766,002</b>        |
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>                                |                        |                         |
|             |                        | <b>BASIC RESEARCH</b>  |                        |                         |
| 001         | 0601103N               | UNIVERSITY RESEARCH INITIATIVES .....  | 113,157                | 123,157                 |
|             |                        | Program Increase .....   |                        | [10,000]                |
| 002         | 0601152N               | IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....                                     | 18,092                 | 18,092                  |
| 003         | 0601153N               | DEFENSE RESEARCH SCIENCES .....  | 446,123                | 450,623                 |
|             |                        | Program Increase .....   |                        | [2,500]                 |
|             |                        | Study of Renewable and Alternative Energy Applications in the Pacific Region ..... |                        | [2,000]                 |
|             |                        | <b>SUBTOTAL BASIC RESEARCH</b> .....   | <b>577,372</b>         | <b>591,872</b>          |
|             |                        | <b>APPLIED RESEARCH</b>  |                        |                         |
| 004         | 0602114N               | POWER PROJECTION APPLIED RESEARCH .....  | 104,804                | 104,804                 |
| 005         | 0602123N               | FORCE PROTECTION APPLIED RESEARCH .....  | 156,901                | 158,901                 |
|             |                        | Alternative Energy for Mobile Power Applications .....                             |                        | [2,000]                 |
| 006         | 0602131M               | MARINE CORPS LANDING FORCE TECHNOLOGY .....  | 44,845                 | 47,845                  |
|             |                        | Marine Corps Landing Force Technology .....  |                        | [3,000]                 |
| 007         | 0602234N               | MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY .....                               |                        |                         |
| 008         | 0602235N               | COMMON PICTURE APPLIED RESEARCH .....  | 65,448                 | 65,448                  |
| 009         | 0602236N               | WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....                                      | 101,205                | 103,705                 |
|             |                        | Warfighter Sustainment Applied Research .....                                      |                        | [2,500]                 |
| 010         | 0602271N               | ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....                                     | 108,329                | 108,329                 |
| 011         | 0602435N               | OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....                               | 50,076                 | 50,076                  |
| 012         | 0602651M               | JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....                                    | 5,937                  | 5,937                   |
| 013         | 0602747N               | UNDERSEA WARFARE APPLIED RESEARCH .....  | 108,666                | 108,666                 |
| 014         | 0602782N               | MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....                              | 37,583                 | 45,583                  |
|             |                        | Mine and Expeditionary Warfare Applied Research .....                              |                        | [8,000]                 |
|             |                        | <b>SUBTOTAL APPLIED RESEARCH</b> .....   | <b>783,794</b>         | <b>799,294</b>          |
|             |                        | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>   |                        |                         |
| 015         | 0603114N               | POWER PROJECTION ADVANCED TECHNOLOGY .....   | 114,270                | 114,270                 |
| 016         | 0603123N               | FORCE PROTECTION ADVANCED TECHNOLOGY .....   | 64,057                 | 71,157                  |
|             |                        | Advanced Battery Technologies .....  |                        | [2,000]                 |
|             |                        | Lightweight Body Armor .....   |                        | [5,100]                 |
| 017         | 0603235N               | COMMON PICTURE ADVANCED TECHNOLOGY .....   | 49,068                 | 49,068                  |
| 018         | 0603236N               | WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY .....                                   | 71,232                 | 71,232                  |
| 019         | 0603271N               | ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....                                  | 102,535                | 102,535                 |
| 020         | 0603640M               | USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....                                 | 124,324                | 124,324                 |
| 021         | 0603651M               | JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....                              | 11,286                 | 11,286                  |
| 022         | 0603729N               | WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....                                    | 18,119                 | 18,119                  |
| 023         | 0603747N               | UNDERSEA WARFARE ADVANCED TECHNOLOGY .....   | 37,121                 | 37,121                  |
| 024         | 0603758N               | NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....                              | 50,157                 | 50,157                  |
| 025         | 0603782N               | MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....                           | 6,048                  | 6,048                   |
|             |                        | <b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....                              | <b>648,217</b>         | <b>655,317</b>          |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                             |                        |                         |
| 026         | 0603207N               | AIR/OCEAN TACTICAL APPLICATIONS .....  | 94,972                 | 94,972                  |
| 027         | 0603216N               | AVIATION SURVIVABILITY .....   | 10,893                 | 10,893                  |
| 028         | 0603237N               | DEPLOYABLE JOINT COMMAND AND CONTROL .....   | 3,702                  | 3,702                   |
| 029         | 0603251N               | AIRCRAFT SYSTEMS .....   | 10,497                 | 10,497                  |
| 030         | 0603254N               | ASW SYSTEMS DEVELOPMENT .....  | 7,915                  | 7,915                   |
| 031         | 0603261N               | TACTICAL AIRBORNE RECONNAISSANCE .....   | 5,978                  | 5,978                   |
| 032         | 0603382N               | ADVANCED COMBAT SYSTEMS TECHNOLOGY .....   | 1,418                  | 1,418                   |
| 033         | 0603502N               | SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....                               | 142,657                | 142,657                 |
| 034         | 0603506N               | SURFACE SHIP TORPEDO DEFENSE .....   | 118,764                | 118,764                 |
| 035         | 0603512N               | CARRIER SYSTEMS DEVELOPMENT .....  | 54,072                 | 54,072                  |
| 036         | 0603513N               | SHIPBOARD SYSTEM COMPONENT DEVELOPMENT .....                                       |                        |                         |

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| 037         | 0603525N               | PILOT FISH .....  | 96,012                 | 96,012                  |
| 038         | 0603527N               | RETRACT LARCH .....   | 73,421                 | 73,421                  |
| 039         | 0603536N               | RETRACT JUNIPER .....   | 130,267                | 130,267                 |
| 040         | 0603542N               | RADIOLOGICAL CONTROL .....  | 1,338                  | 1,338                   |
| 041         | 0603553N               | SURFACE ASW .....   | 29,797                 | 33,297                  |
|             |                        | Surface Anti-Submarine Warfare .....                                      |                        | [3,500]                 |
| 042         | 0603561N               | ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....                               | 856,326                | 865,326                 |
|             |                        | Program Increase .....  |                        | [9,000]                 |
| 043         | 0603562N               | SUBMARINE TACTICAL WARFARE SYSTEMS .....                                  | 9,253                  | 9,253                   |
| 044         | 0603563N               | SHIP CONCEPT ADVANCED DESIGN .....  | 14,308                 | 14,308                  |
| 045         | 0603564N               | SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....                       | 22,213                 | 42,113                  |
|             |                        | Ship Preliminary Design and Feasibility Studies .....                     |                        | [19,900]                |
| 046         | 0603570N               | ADVANCED NUCLEAR POWER SYSTEMS .....                                      | 463,683                | 463,683                 |
| 047         | 0603573N               | ADVANCED SURFACE MACHINERY SYSTEMS .....                                  | 18,249                 | 28,249                  |
|             |                        | Program Increase .....  |                        | [10,000]                |
| 048         | 0603576N               | CHALK EAGLE .....   | 584,159                | 584,159                 |
| 049         | 0603581N               | LITTORAL COMBAT SHIP (LCS) .....  | 286,784                | 286,784                 |
| 050         | 0603582N               | COMBAT SYSTEM INTEGRATION .....   | 34,157                 | 34,157                  |
| 051         | 0603609N               | CONVENTIONAL MUNITIONS .....  | 4,753                  | 4,753                   |
| 052         | 0603611M               | MARINE CORPS ASSAULT VEHICLES .....                                       | 12,000                 | 12,000                  |
| 053         | 0603635M               | MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....                           | 79,858                 | 54,858                  |
|             |                        | Joint Light Tactical Vehicle Schedule Slip .....                          |                        | [-25,000]               |
| 054         | 0603654N               | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                        | 33,654                 | 33,654                  |
| 055         | 0603658N               | COOPERATIVE ENGAGEMENT .....  | 54,783                 | 54,783                  |
| 056         | 0603713N               | OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....                            | 9,996                  | 9,996                   |
| 057         | 0603721N               | ENVIRONMENTAL PROTECTION .....  | 21,714                 | 21,714                  |
| 058         | 0603724N               | NAVY ENERGY PROGRAM .....   | 70,538                 | 70,538                  |
| 059         | 0603725N               | FACILITIES IMPROVEMENT .....  | 3,754                  | 3,754                   |
| 060         | 0603734N               | CHALK CORAL .....   | 79,415                 | 79,415                  |
| 061         | 0603739N               | NAVY LOGISTIC PRODUCTIVITY .....  | 4,137                  | 4,137                   |
| 062         | 0603746N               | RETRACT MAPLE .....   | 276,383                | 276,383                 |
| 063         | 0603748N               | LINK PLUMERIA .....   | 52,721                 | 52,721                  |
| 064         | 0603751N               | RETRACT ELM .....   | 160,964                | 160,964                 |
| 065         | 0603755N               | SHIP SELF DEFENSE .....   |                        |                         |
| 066         | 0603764N               | LINK EVERGREEN .....  | 144,985                | 144,985                 |
| 067         | 0603787N               | SPECIAL PROCESSES .....   | 43,704                 | 43,704                  |
| 068         | 0603790N               | NATO RESEARCH AND DEVELOPMENT .....                                       | 9,140                  | 9,140                   |
| 069         | 0603795N               | LAND ATTACK TECHNOLOGY .....  | 421                    | 421                     |
| 070         | 0603851M               | NONLETHAL WEAPONS .....   | 40,992                 | 40,992                  |
| 071         | 0603860N               | JOINT PRECISION APPROACH AND LANDING SYSTEMS .....                        | 121,455                | 121,455                 |
| 072         | 0603879N               | SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE) .....           |                        |                         |
| 073         | 0603889N               | COUNTERDRUG RDT&E PROJECTS .....  |                        |                         |
| 074         | 0603925N               | DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....                         |                        |                         |
| 075         | 0604272N               | TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....         | 64,107                 | 64,107                  |
| 076         | 0604279N               | ASE SELF-PROTECTION OPTIMIZATION .....                                    | 711                    | 711                     |
| 077         | 0604653N               | JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....       | 62,044                 | 62,044                  |
| 078         | 0604659N               | PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....                        | 22,665                 | 4,465                   |
|             |                        | Cancellation of FMU-164/B Bomb Fuze Program .....                         |                        | [-18,200]               |
| 079         | 0604707N               | SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT ..... | 33,621                 | 33,621                  |
| 080         | 0303354N               | ASW SYSTEMS DEVELOPMENT—MIP .....   | 1,078                  | 1,078                   |
| 081         | 0303562N               | SUBMARINE TACTICAL WARFARE SYSTEMS—MIP .....                              |                        |                         |
| 082         | 0304270N               | ELECTRONIC WARFARE DEVELOPMENT—MIP .....                                  | 625                    | 625                     |
|             |                        | <b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>     | <b>4,481,053</b>       | <b>4,480,253</b>        |
|             |                        | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                             |                        |                         |
| 083         | 0604212N               | OTHER HELO DEVELOPMENT .....  | 35,651                 | 35,651                  |
| 084         | 0604214N               | AV-8B AIRCRAFT—ENG DEV .....  | 30,676                 | 30,676                  |
| 085         | 0604215N               | STANDARDS DEVELOPMENT .....   | 51,191                 | 51,191                  |
| 086         | 0604216N               | MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....                        | 17,673                 | 17,673                  |
| 087         | 0604218N               | AIR/OCEAN EQUIPMENT ENGINEERING .....                                     | 5,922                  | 5,922                   |
| 088         | 0604221N               | P-3 MODERNIZATION PROGRAM .....   | 3,417                  | 3,417                   |
| 089         | 0604230N               | WARFARE SUPPORT SYSTEM .....  | 9,944                  | 9,944                   |
| 090         | 0604231N               | TACTICAL COMMAND SYSTEM .....   | 81,257                 | 81,257                  |
| 091         | 0604234N               | ADVANCED HAWKEYE .....  | 110,994                | 110,994                 |
| 092         | 0604245N               | H-1 UPGRADES .....  | 72,569                 | 72,569                  |
| 093         | 0604261N               | ACOUSTIC SEARCH SENSORS .....   | 56,509                 | 56,509                  |
| 094         | 0604262N               | V-22A .....   | 84,477                 | 84,477                  |
| 095         | 0604264N               | AIR CREW SYSTEMS DEVELOPMENT .....  | 3,249                  | 3,249                   |
| 096         | 0604269N               | EA-18 .....   | 17,100                 | 17,100                  |
| 097         | 0604270N               | ELECTRONIC WARFARE DEVELOPMENT .....                                      | 89,418                 | 89,418                  |
| 098         | 0604273N               | VH-71A EXECUTIVE HELO DEVELOPMENT .....                                   | 180,070                | 180,070                 |
| 099         | 0604274N               | NEXT GENERATION JAMMER (NGJ) .....  | 189,919                | 189,919                 |
| 100         | 0604280N               | JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....                        | 688,146                | 688,146                 |
| 101         | 0604307N               | SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....                         | 223,283                | 223,283                 |
| 102         | 0604311N               | LPD-17 CLASS SYSTEMS INTEGRATION .....                                    | 884                    | 884                     |
| 103         | 0604329N               | SMALL DIAMETER BOMB (SDB) .....   | 47,635                 | 47,635                  |
| 104         | 0604366N               | STANDARD MISSILE IMPROVEMENTS .....                                       | 46,705                 | 46,705                  |
| 105         | 0604373N               | AIRBORNE MCM .....  | 41,142                 | 41,142                  |
| 106         | 0604378N               | NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....       | 24,898                 | 24,898                  |

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| <b>Line</b> | <b>Program Element</b> | <b>Item</b>   | <b>FY 2012 Request</b> | <b>House Authorized</b> |
|-------------|------------------------|---|------------------------|-------------------------|
| 107         | 0604404N               | FUTURE UNMANNED CARRIER-BASED STRIKE SYSTEM .....                                     | 121,150                | 121,150                 |
| 108         | 0604501N               | ADVANCED ABOVE WATER SENSORS .....  | 60,790                 | 60,790                  |
| 108A        | 0604XXXN               | AIR AND MISSILE DEFENSE RADAR .....   | 166,568                | 166,568                 |
| 109         | 0604503N               | SSN-688 AND TRIDENT MODERNIZATION .....   | 100,591                | 100,591                 |
| 110         | 0604504N               | AIR CONTROL .....   | 5,521                  | 5,521                   |
| 111         | 0604512N               | SHIPBOARD AVIATION SYSTEMS .....  | 45,445                 | 45,445                  |
| 112         | 0604518N               | COMBAT INFORMATION CENTER CONVERSION .....  | 3,400                  | 3,400                   |
| 113         | 0604558N               | NEW DESIGN SSN .....  | 97,235                 | 107,235                 |
|             |                        | Program Increase .....  |                        | [10,000]                |
| 114         | 0604562N               | SUBMARINE TACTICAL WARFARE SYSTEM .....   | 48,466                 | 48,466                  |
| 115         | 0604567N               | SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....   | 161,099                | 161,099                 |
| 116         | 0604574N               | NAVY TACTICAL COMPUTER RESOURCES .....  | 3,848                  | 3,848                   |
| 117         | 0604601N               | MINE DEVELOPMENT .....  | 3,933                  | 3,933                   |
| 118         | 0604610N               | LIGHTWEIGHT TORPEDO DEVELOPMENT .....   | 32,592                 | 32,592                  |
| 119         | 0604654N               | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                                    | 9,960                  | 9,960                   |
| 120         | 0604703N               | PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....                              | 12,992                 | 12,992                  |
| 121         | 0604727N               | JOINT STANDOFF WEAPON SYSTEMS .....   | 7,506                  | 7,506                   |
| 122         | 0604755N               | SHIP SELF DEFENSE (DETECT & CONTROL) .....  | 71,222                 | 71,222                  |
| 123         | 0604756N               | SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....   | 6,631                  | 6,631                   |
| 124         | 0604757N               | SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....  | 184,095                | 184,095                 |
| 125         | 0604761N               | INTELLIGENCE ENGINEERING .....  | 2,217                  | 2,217                   |
| 126         | 0604771N               | MEDICAL DEVELOPMENT .....   | 12,984                 | 12,984                  |
| 127         | 0604777N               | NAVIGATION/ID SYSTEM .....  | 50,178                 | 50,178                  |
| 128         | 0604800M               | JOINT STRIKE FIGHTER (JSF)—EMD .....  | 670,723                | 670,723                 |
| 129         | 0604800N               | JOINT STRIKE FIGHTER (JSF) .....  | 677,486                | 677,486                 |
| 130         | 0605013M               | INFORMATION TECHNOLOGY DEVELOPMENT .....  | 27,461                 | 27,461                  |
| 131         | 0605013N               | INFORMATION TECHNOLOGY DEVELOPMENT .....  | 58,764                 | 58,764                  |
| 132         | 0605018N               | NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (N-IMHRS) .....                       | 55,050                 | 55,050                  |
| 133         | 0605212N               | CH-53K RDTE .....   | 629,461                | 629,461                 |
| 134         | 0605430N               | C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP) .....                                   |                        |                         |
| 135         | 0605450N               | JOINT AIR-TO-GROUND MISSILE (JAGM) .....  | 118,395                | 118,395                 |
| 136         | 0605500N               | MULTI-MISSION MARITIME AIRCRAFT (MMA) .....   | 622,713                | 622,713                 |
| 137         | 0204201N               | CG(X) .....   |                        |                         |
| 138         | 0204202N               | DDG-1000 .....  | 261,604                | 261,604                 |
| 139         | 0304231N               | TACTICAL COMMAND SYSTEM—MIP .....   | 979                    | 979                     |
| 140         | 0304503N               | SSN-688 AND TRIDENT MODERNIZATION—MIP .....   |                        |                         |
| 141         | 0304785N               | TACTICAL CRYPTOLOGIC SYSTEMS .....  | 31,740                 | 31,740                  |
|             |                        | <b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                          | <b>6,475,528</b>       | <b>6,485,528</b>        |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                        |                         |
| 142         | 0604256N               | THREAT SIMULATOR DEVELOPMENT .....  | 28,318                 | 28,318                  |
| 143         | 0604258N               | TARGET SYSTEMS DEVELOPMENT .....  | 44,700                 | 44,700                  |
| 144         | 0604759N               | MAJOR T&E INVESTMENT .....  | 37,957                 | 37,957                  |
| 145         | 0605126N               | JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....                              | 2,970                  | 2,970                   |
| 146         | 0605152N               | STUDIES AND ANALYSIS SUPPORT—NAVY .....   | 23,454                 | 23,454                  |
| 147         | 0605154N               | CENTER FOR NAVAL ANALYSES .....   | 47,127                 | 47,127                  |
| 148         | 0605502N               | SMALL BUSINESS INNOVATIVE RESEARCH .....  | 10                     | 10                      |
| 149         | 0605804N               | TECHNICAL INFORMATION SERVICES .....  | 571                    | 571                     |
| 150         | 0605853N               | MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....                                   | 68,301                 | 68,301                  |
| 151         | 0605856N               | STRATEGIC TECHNICAL SUPPORT .....   | 3,277                  | 3,277                   |
| 152         | 0605861N               | RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....   | 73,917                 | 73,917                  |
| 153         | 0605863N               | RDT&E SHIP AND AIRCRAFT SUPPORT .....   | 136,531                | 136,531                 |
| 154         | 0605864N               | TEST AND EVALUATION SUPPORT .....   | 335,367                | 335,367                 |
| 155         | 0605865N               | OPERATIONAL TEST AND EVALUATION CAPABILITY .....                                      | 16,634                 | 16,634                  |
| 156         | 0605866N               | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....                                 | 4,228                  | 4,228                   |
| 157         | 0605867N               | SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....   | 7,642                  | 7,642                   |
| 158         | 0605873M               | MARINE CORPS PROGRAM WIDE SUPPORT .....   | 25,655                 | 25,655                  |
| 159         | 0305885N               | TACTICAL CRYPTOLOGIC ACTIVITIES .....   | 2,764                  | 2,764                   |
| 160         | 0804758N               | SERVICE SUPPORT TO JFCOM, JNTC .....  |                        |                         |
| 161         | 0909980N               | JUDGMENT FUND REIMBURSEMENT .....   |                        |                         |
| 162         | 0909999N               | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                     |                        |                         |
|             |                        | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>                                    | <b>859,423</b>         | <b>859,423</b>          |
|             |                        | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                        |                         |
| 164         | 0604402N               | UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT ..... | 198,298                | 198,298                 |
| 165         | 0604717M               | MARINE CORPS COMBAT SERVICES SUPPORT .....  | 400                    | 400                     |
| 166         | 0604766M               | MARINE CORPS DATA SYSTEMS .....   | 1,650                  | 1,650                   |
| 167         | 0101221N               | STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....  | 88,873                 | 88,873                  |
| 168         | 0101224N               | SSBN SECURITY TECHNOLOGY PROGRAM .....  | 33,553                 | 33,553                  |
| 169         | 0101226N               | SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....  | 6,360                  | 6,360                   |
| 170         | 0101402N               | NAVY STRATEGIC COMMUNICATIONS .....   | 23,208                 | 23,208                  |
| 171         | 0203761N               | RAPID TECHNOLOGY TRANSITION (RTT) .....   | 30,021                 | 30,021                  |
| 172         | 0204136N               | F/A-18 SQUADRONS .....  | 151,030                | 151,030                 |
| 173         | 0204152N               | E-2 SQUADRONS .....   | 6,696                  | 6,696                   |
| 174         | 0204163N               | FLEET TELECOMMUNICATIONS (TACTICAL) .....   | 1,739                  | 1,739                   |
| 175         | 0204228N               | SURFACE SUPPORT .....   | 3,377                  | 3,377                   |
| 176         | 0204229N               | TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....                            | 8,819                  | 8,819                   |
| 177         | 0204311N               | INTEGRATED SURVEILLANCE SYSTEM .....  | 21,259                 | 21,259                  |
| 178         | 0204413N               | AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....                          | 5,214                  | 5,214                   |

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| Line | Program Element | Item  | FY 2012 Request   | House Authorized  |
|------|-----------------|---|-------------------|-------------------|
| 179  | 0204571N        | CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....                   | 42,244            | 42,244            |
| 180  | 0204574N        | CRYPTOLOGIC DIRECT SUPPORT .....                                  | 1,447             | 1,447             |
| 181  | 0204575N        | ELECTRONIC WARFARE (EW) READINESS SUPPORT .....                   | 18,142            | 18,142            |
| 182  | 0205601N        | HARM IMPROVEMENT .....  | 11,147            | 11,147            |
| 183  | 0205604N        | TACTICAL DATA LINKS .....   | 69,224            | 69,224            |
| 184  | 0205620N        | SURFACE ASW COMBAT SYSTEM INTEGRATION .....                       | 22,010            | 22,010            |
| 185  | 0205632N        | MK-48 ADCAP .....   | 39,288            | 39,288            |
| 186  | 0205633N        | AVIATION IMPROVEMENTS .....                                       | 123,012           | 110,412           |
|      |                 | Cancellation of Multi-Purpose Bomb Racks Program .....            |                   | [-22,600]         |
|      |                 | Electrophotonic Component Capability Development .....            |                   | [10,000]          |
| 187  | 0205658N        | NAVY SCIENCE ASSISTANCE PROGRAM .....                             | 1,957             | 1,957             |
| 188  | 0205675N        | OPERATIONAL NUCLEAR POWER SYSTEMS .....                           | 82,705            | 82,705            |
| 189  | 0206313M        | MARINE CORPS COMMUNICATIONS SYSTEMS .....                         | 320,864           | 320,864           |
| 190  | 0206623M        | MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....          | 209,396           | 209,396           |
| 191  | 0206624M        | MARINE CORPS COMBAT SERVICES SUPPORT .....                        | 45,172            | 45,172            |
| 192  | 0206625M        | USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....          | 14,101            | 14,101            |
| 193  | 0207161N        | TACTICAL AIM MISSILES .....                                       | 8,765             | 8,765             |
| 194  | 0207163N        | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....           | 2,913             | 2,913             |
| 195  | 0208058N        | JOINT HIGH SPEED VESSEL (JHSV) .....                              | 4,108             | 4,108             |
| 200  | 0303109N        | SATELLITE COMMUNICATIONS (SPACE) .....                            | 263,712           | 263,712           |
| 201  | 0303138N        | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....     | 12,906            | 12,906            |
| 202  | 0303140N        | INFORMATION SYSTEMS SECURITY PROGRAM .....                        | 25,229            | 25,229            |
| 203  | 0303150M        | WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....                    | 1,250             | 1,250             |
| 204  | 0303238N        | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)—MIP ..... | 6,602             | 6,602             |
| 206  | 0305149N        | COBRA JUDY .....  | 40,605            | 40,605            |
| 207  | 0305160N        | NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....         | 904               | 904               |
| 208  | 0305192N        | MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....              | 4,099             | 4,099             |
| 209  | 0305204N        | TACTICAL UNMANNED AERIAL VEHICLES .....                           | 9,353             | 19,353            |
|      |                 | TACAIR-Launched UAS Capability Development .....                  |                   | [10,000]          |
| 210  | 0305206N        | AIRBORNE RECONNAISSANCE SYSTEMS .....                             |                   | 3,000             |
|      |                 | Advance Reconnaissance Systems .....                              |                   | [3,000]           |
| 211  | 0305207N        | MANNED RECONNAISSANCE SYSTEMS .....                               |                   |                   |
| 212  | 0305208M        | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                   | 23,785            | 23,785            |
| 213  | 0305208N        | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                   | 25,487            | 25,487            |
| 214  | 0305220N        | RQ-4 UAV .....  | 548,482           | 548,482           |
| 215  | 0305231N        | MQ-8 UAV .....  | 108,248           | 108,248           |
| 216  | 0305232M        | RQ-11 UAV .....   | 979               | 979               |
| 217  | 0305233N        | RQ-7 UAV .....  | 872               | 872               |
| 218  | 0305234M        | SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....                      |                   |                   |
| 219  | 0305234N        | SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....                      | 22,698            | 22,698            |
| 220  | 0305237N        | MEDIUM RANGE MARITIME UAS .....                                   | 15,000            | 15,000            |
| 221  | 0305239M        | RQ-21A .....  | 26,301            | 26,301            |
| 222  | 0307217N        | EP-3E REPLACEMENT (EPX) .....                                     |                   |                   |
| 223  | 0308601N        | MODELING AND SIMULATION SUPPORT .....                             | 8,292             | 8,292             |
| 224  | 0702207N        | DEPOT MAINTENANCE (NON-IF) .....                                  | 21,609            | 21,609            |
| 225  | 0702239N        | AVIONICS COMPONENT IMPROVEMENT PROGRAM .....                      |                   |                   |
| 226  | 0708011N        | INDUSTRIAL PREPAREDNESS .....                                     | 54,031            | 59,031            |
|      |                 | Industrial Preparedness .....                                     |                   | [5,000]           |
| 227  | 0708730N        | MARITIME TECHNOLOGY (MARITECH) .....                              | 5,000             | 5,000             |
| 227A | 9999999999      | CLASSIFIED PROGRAMS .....   | 1,308,608         | 1,308,608         |
| 227U | 0607UNDN        | UNDISTRIBUTED .....   |                   |                   |
|      |                 | Aviation Component Development .....                              |                   | [10,000]          |
|      |                 | Program Decrease .....  |                   | [-20,000]         |
|      |                 | UAS Development .....   |                   | [10,000]          |
|      |                 | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>             | <b>4,131,044</b>  | <b>4,136,444</b>  |
|      |                 | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>   | <b>17,956,431</b> | <b>18,008,131</b> |
|      |                 | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>                 |                   |                   |
|      |                 | <b>BASIC RESEARCH</b>   |                   |                   |
| 001  | 0601102F        | DEFENSE RESEARCH SCIENCES .....                                   | 364,328           | 364,328           |
| 002  | 0601103F        | UNIVERSITY RESEARCH INITIATIVES .....                             | 140,273           | 147,273           |
|      |                 | Program Increase .....  |                   | [7,000]           |
| 003  | 0601108F        | HIGH ENERGY LASER RESEARCH INITIATIVES .....                      | 14,258            | 14,258            |
|      |                 | <b>SUBTOTAL BASIC RESEARCH .....</b>                              | <b>518,859</b>    | <b>525,859</b>    |
|      |                 | <b>APPLIED RESEARCH</b>   |                   |                   |
| 004  | 0602102F        | MATERIALS .....   | 136,230           | 136,230           |
| 005  | 0602201F        | AEROSPACE VEHICLE TECHNOLOGIES .....                              | 147,628           | 147,628           |
| 006  | 0602202F        | HUMAN EFFECTIVENESS APPLIED RESEARCH .....                        | 86,663            | 88,863            |
|      |                 | Program Increase .....  |                   | [2,200]           |
| 007  | 0602203F        | AEROSPACE PROPULSION .....  | 207,508           | 209,508           |
|      |                 | Program Increase .....  |                   | [2,000]           |
| 008  | 0602204F        | AEROSPACE SENSORS .....   | 134,787           | 134,787           |
| 009  | 0602601F        | SPACE TECHNOLOGY .....  | 115,285           | 118,285           |
|      |                 | Program Increase .....  |                   | [3,000]           |
| 010  | 0602602F        | CONVENTIONAL MUNITIONS .....                                      | 60,692            | 60,692            |
| 011  | 0602605F        | DIRECTED ENERGY TECHNOLOGY .....                                  | 111,156           | 111,156           |
| 012  | 0602788F        | DOMINANT INFORMATION SCIENCES AND METHODS .....                   | 127,866           | 127,866           |



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|-------------|------------------------|---|------------------------|-------------------------|
| 013         | 0602890F               | HIGH ENERGY LASER RESEARCH .....  | 54,059                 | 54,059                  |
|             |                        | <b>SUBTOTAL APPLIED RESEARCH</b> .....  | <b>1,181,874</b>       | <b>1,189,074</b>        |
|             |                        | <b>ADVANCED TECHNOLOGY DEVELOPMENT</b>  |                        |                         |
| 014         | 0603112F               | ADVANCED MATERIALS FOR WEAPON SYSTEMS .....                                       | 39,738                 | 49,738                  |
|             |                        | Program Increase—Metals Affordability Initiative .....                            |                        | [10,000]                |
| 015         | 0603199F               | SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....                                    | 5,780                  | 5,780                   |
| 016         | 0603203F               | ADVANCED AEROSPACE SENSORS .....  | 53,075                 | 53,075                  |
| 017         | 0603211F               | AEROSPACE TECHNOLOGY DEV/DEMO .....   | 67,474                 | 67,474                  |
| 018         | 0603216F               | AEROSPACE PROPULSION AND POWER TECHNOLOGY .....                                   |                        |                         |
| 018A        | 0603XXXXF              | FUELS .....   | 6,770                  | 6,770                   |
| 018B        | 0603XXXXF              | POWER TECHNOLOGY .....  | 5,747                  | 5,747                   |
| 018C        | 0603XXXXF              | PROPULSION .....  | 80,833                 | 80,833                  |
| 018D        | 0603XXXXF              | ROCKET PROPULSION .....   | 27,603                 | 27,603                  |
| 019         | 0603270F               | ELECTRONIC COMBAT TECHNOLOGY .....  | 22,268                 | 22,268                  |
| 020         | 0603401F               | ADVANCED SPACECRAFT TECHNOLOGY .....  | 74,636                 | 74,636                  |
| 021         | 0603444F               | MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....                                       | 13,555                 | 13,555                  |
| 022         | 0603456F               | HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....                         | 25,319                 | 25,319                  |
| 023         | 0603601F               | CONVENTIONAL WEAPONS TECHNOLOGY .....   | 54,042                 | 54,042                  |
| 024         | 0603605F               | ADVANCED WEAPONS TECHNOLOGY .....   | 28,683                 | 28,683                  |
| 025         | 0603680F               | MANUFACTURING TECHNOLOGY PROGRAM .....  | 40,103                 | 40,103                  |
| 026         | 0603788F               | BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....                         | 38,656                 | 42,656                  |
|             |                        | Program Increase .....  |                        | [4,000]                 |
| 027         | 0603924F               | HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....                               | 1,122                  | 1,122                   |
|             |                        | <b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....                             | <b>585,404</b>         | <b>599,404</b>          |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                            |                        |                         |
| 028         | 0603260F               | INTELLIGENCE ADVANCED DEVELOPMENT .....   | 4,013                  | 4,013                   |
| 029         | 0603287F               | PHYSICAL SECURITY EQUIPMENT .....   | 3,586                  | 3,586                   |
| 030         | 0603423F               | GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....                   |                        |                         |
| 031         | 0603430F               | ADVANCED EHF MILSATCOM (SPACE) .....  | 421,687                | 279,487                 |
|             |                        | Transfer to RDAF-49 .....   |                        | [-142,200]              |
| 032         | 0603432F               | POLAR MILSATCOM (SPACE) .....   | 122,991                | 122,991                 |
| 033         | 0603438F               | SPACE CONTROL TECHNOLOGY .....  | 45,755                 | 45,755                  |
| 034         | 0603742F               | COMBAT IDENTIFICATION TECHNOLOGY .....  | 38,496                 | 38,496                  |
| 035         | 0603790F               | NATO RESEARCH AND DEVELOPMENT .....   | 4,424                  | 4,424                   |
| 036         | 0603791F               | INTERNATIONAL SPACE COOPERATIVE R&D .....   | 642                    | 642                     |
| 037         | 0603830F               | SPACE PROTECTION PROGRAM (SPP) .....  | 9,819                  | 9,819                   |
| 038         | 0603850F               | INTEGRATED BROADCAST SERVICE .....  | 20,046                 | 20,046                  |
| 039         | 0603851F               | INTERCONTINENTAL BALLISTIC MISSILE .....  | 67,202                 | 87,202                  |
|             |                        | Program increase .....  |                        | [20,000]                |
| 040         | 0603854F               | WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....  | 12,804                 | 12,804                  |
| 041         | 0603859F               | POLLUTION PREVENTION .....  | 2,075                  | 2,075                   |
| 042         | 0603860F               | JOINT PRECISION APPROACH AND LANDING SYSTEMS .....                                | 20,112                 | 20,112                  |
| 043         | 0604015F               | NEXT GENERATION BOMBER .....  | 197,023                | 197,023                 |
| 044         | 0604283F               | BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....                                   | 60,250                 | 60,250                  |
| 045         | 0604317F               | TECHNOLOGY TRANSFER .....   | 2,553                  | 11,553                  |
|             |                        | Program Increase .....  |                        | [9,000]                 |
| 046         | 0604327F               | HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....                | 38,248                 | 38,248                  |
| 047         | 0604330F               | JOINT DUAL ROLE AIR DOMINANCE MISSILE .....                                       | 29,759                 | 29,759                  |
| 048         | 0604337F               | REQUIREMENTS ANALYSIS AND MATURATION .....  | 24,217                 | 24,217                  |
| 049         | 0604436F               | NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....                            |                        | 142,200                 |
|             |                        | Transfer from RDAF-031 .....  |                        | [142,200]               |
| 050         | 0604635F               | GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....                                      | 24,467                 | 24,467                  |
| 051         | 0604796F               | ALTERNATIVE FUELS .....   |                        |                         |
| 052         | 0604830F               | AUTOMATED AIR-TO-AIR REFUELING .....  |                        |                         |
| 053         | 0604857F               | OPERATIONALLY RESPONSIVE SPACE .....  | 86,543                 | 106,543                 |
|             |                        | Program Increase .....  |                        | [20,000]                |
| 054         | 0604858F               | TECH TRANSITION PROGRAM .....   | 2,773                  | 2,773                   |
| 055         | 0305178F               | NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS) ..... | 444,900                | 444,900                 |
|             |                        | <b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....             | <b>1,684,385</b>       | <b>1,733,385</b>        |
|             |                        | <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>                                     |                        |                         |
| 056         | 0603840F               | GLOBAL BROADCAST SERVICE (GBS) .....  | 5,680                  | 5,680                   |
| 057         | 0604222F               | NUCLEAR WEAPONS SUPPORT .....   | 18,538                 | 18,538                  |
| 058         | 0604233F               | SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....                                   | 21,780                 | 21,780                  |
| 059         | 0604270F               | ELECTRONIC WARFARE DEVELOPMENT .....  | 26,880                 | 26,880                  |
| 060         | 0604280F               | JOINT TACTICAL RADIO .....  |                        |                         |
| 061         | 0604281F               | TACTICAL DATA NETWORKS ENTERPRISE .....   | 52,355                 | 52,355                  |
| 062         | 0604287F               | PHYSICAL SECURITY EQUIPMENT .....   | 51                     | 51                      |
| 063         | 0604329F               | SMALL DIAMETER BOMB (SDB) .....   | 132,891                | 132,891                 |
| 064         | 0604421F               | COUNTERSPACE SYSTEMS .....  | 31,913                 | 31,913                  |
| 065         | 0604425F               | SPACE SITUATION AWARENESS SYSTEMS .....   | 273,689                | 273,689                 |
| 066         | 0604429F               | AIRBORNE ELECTRONIC ATTACK .....  | 47,100                 | 47,100                  |
| 067         | 0604441F               | SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....                                | 621,629                | 641,629                 |
|             |                        | Program Increase .....  |                        | [20,000]                |
| 068         | 0604443F               | THIRD GENERATION INFRARED SURVEILLANCE (3GIRS) .....                              |                        |                         |
| 069         | 0604602F               | ARMAMENT/ORDNANCE DEVELOPMENT .....   | 10,055                 | 10,055                  |
| 070         | 0604604F               | SUBMUNITIONS .....  | 2,427                  | 2,427                   |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| Line | Program Element | Item   | FY 2012 Request  | House Authorized |
|------|-----------------|--|------------------|------------------|
| 071  | 0604617F        | AGILE COMBAT SUPPORT .....   | 11,878           | 11,878           |
| 072  | 0604618F        | JOINT DIRECT ATTACK MUNITION .....   |                  |                  |
| 073  | 0604706F        | LIFE SUPPORT SYSTEMS .....   | 11,280           | 11,280           |
| 074  | 0604735F        | COMBAT TRAINING RANGES .....   | 28,106           | 28,106           |
| 075  | 0604740F        | INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) .....                             | 10               | 10               |
| 076  | 0604750F        | INTELLIGENCE EQUIPMENT .....   | 995              | 995              |
| 077  | 0604800F        | JOINT STRIKE FIGHTER (JSF) .....   | 1,387,926        | 1,388,926        |
|      |                 | Establish Protocols for Joint Strike Fighter Lead-Free Electronic Components ..... |                  | [1,000]          |
| 078  | 0604851F        | INTERCONTINENTAL BALLISTIC MISSILE .....   | 158,477          | 158,477          |
| 079  | 0604853F        | EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) .....                            | 20,028           | 20,028           |
| 080  | 0605221F        | NEXT GENERATION AERIAL REFUELING AIRCRAFT .....                                    | 877,084          | 849,884          |
|      |                 | Program Reduction .....  |                  | [-27,200]        |
| 081  | 0605229F        | CSAR HH-60 RECAPITALIZATION .....  | 94,113           | 11,000           |
|      |                 | Budget Adjustment per Air Force Request to APAF-63 .....                           |                  | [-10,400]        |
|      |                 | Budget Adjustment per Air Force Request to APAF-73 .....                           |                  | [-54,600]        |
|      |                 | Program Reduction .....  |                  | [-18,113]        |
| 082  | 0605277F        | CSAR-X RDT&E .....   |                  |                  |
| 083  | 0605278F        | HC/MC-130 RECAP RDT&E .....  | 27,071           | 27,071           |
| 084  | 0605452F        | JOINT SIAP EXECUTIVE PROGRAM OFFICE .....  |                  |                  |
| 085  | 0101125F        | NUCLEAR WEAPONS MODERNIZATION .....  | 93,867           | 93,867           |
| 086  | 0207100F        | LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS .....                           | 23,721           | 23,721           |
| 087  | 0207451F        | SINGLE INTEGRATED AIR PICTURE (SIAP) .....   |                  |                  |
| 088  | 0207701F        | FULL COMBAT MISSION TRAINING .....   | 39,826           | 39,826           |
| 089  | 0401138F        | JOINT CARGO AIRCRAFT (JCA) .....   | 27,089           | 27,089           |
| 090  | 0401318F        | CV-22 .....  | 20,723           | 20,723           |
| 091  | 0401845F        | AIRBORNE SENIOR LEADER C3 (SLC3S) .....  | 12,535           | 12,535           |
|      |                 | <b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>                       | <b>4,079,717</b> | <b>3,990,404</b> |
|      |                 | <b>RDT&amp;E MANAGEMENT SUPPORT</b>  |                  |                  |
| 092  | 0604256F        | THREAT SIMULATOR DEVELOPMENT .....   | 22,420           | 22,420           |
| 093  | 0604759F        | MAJOR T&E INVESTMENT .....   | 62,206           | 62,206           |
| 094  | 0605101F        | RAND PROJECT AIR FORCE .....   | 27,579           | 27,579           |
| 095  | 0605502F        | SMALL BUSINESS INNOVATION RESEARCH .....   |                  |                  |
| 096  | 0605712F        | INITIAL OPERATIONAL TEST & EVALUATION .....  | 17,767           | 17,767           |
| 097  | 0605807F        | TEST AND EVALUATION SUPPORT .....  | 654,475          | 763,475          |
|      |                 | Program Increase .....   |                  | [109,000]        |
| 098  | 0605860F        | ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....  | 158,096          | 33,596           |
|      |                 | Program Reduction .....  |                  | [-124,500]       |
| 099  | 0605864F        | SPACE TEST PROGRAM (STP) .....   | 47,926           | 47,926           |
| 100  | 0605976F        | FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....         | 44,547           | 44,547           |
| 101  | 0605978F        | FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....                           | 27,953           | 27,953           |
| 102  | 0606323F        | MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....                                 | 13,953           | 13,953           |
| 103  | 0702806F        | ACQUISITION AND MANAGEMENT SUPPORT .....   | 31,966           | 31,966           |
| 104  | 0804731F        | GENERAL SKILL TRAINING .....   | 1,510            | 1,510            |
| 105  | 0909999F        | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                  |                  |                  |
| 106  | 1001004F        | INTERNATIONAL ACTIVITIES .....   | 3,798            | 3,798            |
|      |                 | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>                                 | <b>1,114,196</b> | <b>1,098,696</b> |
|      |                 | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>   |                  |                  |
| 107  | 0603423F        | GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....                    | 390,889          | 390,889          |
| 108  | 0604263F        | COMMON VERTICAL LIFT SUPPORT PLATFORM .....  | 5,365            | 5,365            |
| 109  | 0605018F        | AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....                             | 91,866           | 91,866           |
| 110  | 0605024F        | ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....                                      | 35,467           | 35,467           |
| 112  | 0101113F        | B-52 SQUADRONS .....   | 133,261          | 133,261          |
| 113  | 0101122F        | AIR-LAUNCHED CRUISE MISSILE (ALCM) .....   | 803              | 803              |
| 114  | 0101126F        | B-1B SQUADRONS .....   | 33,011           | 33,011           |
| 115  | 0101127F        | B-2 SQUADRONS .....  | 340,819          | 340,819          |
| 116  | 0101313F        | STRAT WAR PLANNING SYSTEM—USSTRATCOM .....   | 23,072           | 23,072           |
| 117  | 0101314F        | NIGHT FIST—USSTRATCOM .....  | 5,421            | 0                |
|      |                 | Program Termination .....  |                  | [-5,421]         |
| 119  | 0102325F        | ATMOSPHERIC EARLY WARNING SYSTEM .....   | 4,485            | 4,485            |
| 120  | 0102326F        | REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....                 | 12,672           | 12,672           |
| 121  | 0102823F        | STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES .....                           | 14               | 14               |
| 122  | 0203761F        | WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....            | 19,934           | 39,934           |
|      |                 | Mixed Conventional Load Capacity for Bomber Aircraft .....                         |                  | [20,000]         |
| 123  | 0205219F        | MQ-9 UAV .....   | 146,824          | 146,824          |
| 124  | 0207040F        | MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....                                  |                  |                  |
| 125  | 0207131F        | A-10 SQUADRONS .....   | 11,051           | 11,051           |
| 126  | 0207133F        | F-16 SQUADRONS .....   | 143,869          | 143,869          |
| 127  | 0207134F        | F-15E SQUADRONS .....  | 207,531          | 207,531          |
| 128  | 0207136F        | MANNED DESTRUCTIVE SUPPRESSION .....   | 13,253           | 13,253           |
| 129  | 0207138F        | F-22A SQUADRONS .....  | 718,432          | 718,432          |
| 130  | 0207142F        | F-35 SQUADRONS .....   | 47,841           | 47,841           |
| 131  | 0207161F        | TACTICAL AIM MISSILES .....  | 8,023            | 8,023            |
| 132  | 0207163F        | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....                            | 77,830           | 77,830           |
| 133  | 0207170F        | JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....                                   | 1,436            | 1,436            |
| 134  | 0207224F        | COMBAT RESCUE AND RECOVERY .....   | 2,292            | 2,292            |
| 135  | 0207227F        | COMBAT RESCUE—PARARESCUE .....   | 927              | 927              |
| 136  | 0207247F        | AF TENCAP .....  | 20,727           | 20,727           |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program Element</b> | <b>Item</b>  | <b>FY 2012 Request</b> | <b>House Authorized</b> |
|-------------|------------------------|--|------------------------|-------------------------|
| 137         | 0207249F               | PRECISION ATTACK SYSTEMS PROCUREMENT .....                             | 3,128                  | 3,128                   |
| 138         | 0207253F               | COMPASS CALL .....   | 18,509                 | 18,509                  |
| 139         | 0207268F               | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....                    | 182,967                | 182,967                 |
| 140         | 0207277F               | ISR INNOVATIONS .....  |                        |                         |
| 141         | 0207325F               | JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....                    | 5,796                  | 5,796                   |
| 142         | 0207410F               | AIR & SPACE OPERATIONS CENTER (AOC) .....                              | 121,880                | 121,880                 |
| 143         | 0207412F               | CONTROL AND REPORTING CENTER (CRC) .....                               | 3,954                  | 3,954                   |
| 144         | 0207417F               | AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....                      | 135,961                | 135,961                 |
| 145         | 0207418F               | TACTICAL AIRBORNE CONTROL SYSTEMS .....                                | 8,309                  | 8,309                   |
| 146         | 0207423F               | ADVANCED COMMUNICATIONS SYSTEMS .....                                  | 90,083                 | 90,083                  |
| 148         | 0207431F               | COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....                        | 5,428                  | 5,428                   |
| 149         | 0207438F               | THEATER BATTLE MANAGEMENT (TBM) C4I .....                              | 15,528                 | 15,528                  |
| 150         | 0207444F               | TACTICAL AIR CONTROL PARTY-MOD .....                                   | 15,978                 | 15,978                  |
| 151         | 0207445F               | FIGHTER TACTICAL DATA LINK .....                                       |                        |                         |
| 152         | 0207448F               | C2ISR TACTICAL DATA LINK .....   | 1,536                  | 1,536                   |
| 153         | 0207449F               | COMMAND AND CONTROL (C2) CONSTELLATION .....                           | 18,102                 | 18,102                  |
| 154         | 0207581F               | JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....           | 121,610                | 121,610                 |
| 155         | 0207590F               | SEEK EAGLE .....   | 18,599                 | 18,599                  |
| 156         | 0207601F               | USAF MODELING AND SIMULATION .....                                     | 23,091                 | 23,091                  |
| 157         | 0207605F               | WARGAMING AND SIMULATION CENTERS .....                                 | 5,779                  | 5,779                   |
| 158         | 0207697F               | DISTRIBUTED TRAINING AND EXERCISES .....                               | 5,264                  | 5,264                   |
| 159         | 0208006F               | MISSION PLANNING SYSTEMS .....   | 69,918                 | 69,918                  |
| 160         | 0208021F               | INFORMATION WARFARE SUPPORT .....                                      | 2,322                  | 2,322                   |
| 161         | 0208059F               | CYBER COMMAND ACTIVITIES .....   | 702                    | 702                     |
| 168         | 0301400F               | SPACE SUPERIORITY INTELLIGENCE .....                                   | 11,866                 | 11,866                  |
| 169         | 0302015F               | E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....                  | 5,845                  | 5,845                   |
| 170         | 0303131F               | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....       | 43,811                 | 43,811                  |
| 171         | 0303140F               | INFORMATION SYSTEMS SECURITY PROGRAM .....                             | 101,788                | 101,788                 |
| 172         | 0303141F               | GLOBAL COMBAT SUPPORT SYSTEM .....                                     | 449                    | 449                     |
| 173         | 0303150F               | GLOBAL COMMAND AND CONTROL SYSTEM .....                                | 3,854                  | 3,854                   |
| 174         | 0303158F               | JOINT COMMAND AND CONTROL PROGRAM (JC2) .....                          |                        |                         |
| 175         | 0303601F               | MILSATCOM TERMINALS .....  | 238,729                | 238,729                 |
| 177         | 0304260F               | AIRBORNE SIGINT ENTERPRISE .....                                       |                        |                         |
| 177A        | 0304XXXF               | RE-135 .....   | 34,744                 | 34,744                  |
| 177B        | 0304XXXF               | COMMON DEVELOPMENT .....   | 87,004                 | 87,004                  |
| 180         | 0305099F               | GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....                             | 4,604                  | 4,604                   |
| 181         | 0305103F               | CYBER SECURITY INITIATIVE .....  | 2,026                  | 2,026                   |
| 182         | 0305105F               | DOD CYBER CRIME CENTER .....   | 282                    | 282                     |
| 183         | 0305110F               | SATELLITE CONTROL NETWORK (SPACE) .....                                | 18,337                 | 18,337                  |
| 184         | 0305111F               | WEATHER SERVICE .....  | 31,084                 | 31,084                  |
| 185         | 0305114F               | AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....       | 63,367                 | 63,367                  |
| 186         | 0305116F               | AERIAL TARGETS .....   | 50,620                 | 50,620                  |
| 189         | 0305128F               | SECURITY AND INVESTIGATIVE ACTIVITIES .....                            | 366                    | 366                     |
| 190         | 0305146F               | DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....                     | 39                     | 39                      |
| 192         | 0305164F               | NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....       | 133,601                | 133,601                 |
| 193         | 0305165F               | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....   | 17,893                 | 17,893                  |
| 195         | 0305173F               | SPACE AND MISSILE TEST AND EVALUATION CENTER .....                     | 196,254                | 196,254                 |
| 196         | 0305174F               | SPACE INNOVATION AND DEVELOPMENT CENTER .....                          | 2,961                  | 2,961                   |
| 197         | 0305182F               | SPACELIFT RANGE SYSTEM (SPACE) .....                                   | 9,940                  | 9,940                   |
| 198         | 0305193F               | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....              | 1,271                  | 1,271                   |
| 199         | 0305202F               | DRAGON U-2 .....   |                        |                         |
| 200         | 0305205F               | ENDURANCE UNMANNED AERIAL VEHICLES .....                               | 52,425                 | 52,425                  |
| 201         | 0305206F               | AIRBORNE RECONNAISSANCE SYSTEMS .....                                  | 106,877                | 106,877                 |
| 202         | 0305207F               | MANNED RECONNAISSANCE SYSTEMS .....                                    | 13,049                 | 13,049                  |
| 203         | 0305208F               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....                        | 90,724                 | 90,724                  |
| 204         | 0305219F               | MQ-1 PREDATOR A UAV .....  | 14,112                 | 14,112                  |
| 205         | 0305220F               | RQ-4 UAV .....   | 423,462                | 423,462                 |
| 206         | 0305221F               | NETWORK-CENTRIC COLLABORATIVE TARGETING .....                          | 7,348                  | 7,348                   |
| 207         | 0305265F               | GPS III SPACE SEGMENT .....  | 463,081                | 463,081                 |
| 208         | 0305614F               | JSPOC MISSION SYSTEM .....   | 118,950                | 118,950                 |
| 209         | 0305887F               | INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....                      | 14,736                 | 14,736                  |
| 210         | 0305913F               | NUDET DETECTION SYSTEM (SPACE) .....                                   | 81,989                 | 81,989                  |
| 211         | 0305924F               | NATIONAL SECURITY SPACE OFFICE .....                                   |                        |                         |
| 212         | 0305940F               | SPACE SITUATION AWARENESS OPERATIONS .....                             | 31,956                 | 31,956                  |
| 213         | 0307141F               | INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT ..... | 23,931                 | 23,931                  |
| 214         | 0308699F               | SHARED EARLY WARNING (SEW) .....                                       | 1,663                  | 1,663                   |
| 215         | 0401115F               | C-130 AIRLIFT SQUADRON .....   | 24,509                 | 24,509                  |
| 216         | 0401119F               | C-5 AIRLIFT SQUADRONS (IF) .....                                       | 24,941                 | 24,941                  |
| 217         | 0401130F               | C-17 AIRCRAFT (IF) .....   | 128,169                | 128,169                 |
| 218         | 0401132F               | C-130J PROGRAM .....   | 39,537                 | 39,537                  |
| 219         | 0401134F               | LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....                       | 7,438                  | 7,438                   |
| 220         | 0401139F               | LIGHT MOBILITY AIRCRAFT (LIMA) .....                                   | 1,308                  | 1,308                   |
| 221         | 0401218F               | KC-135S .....  | 6,161                  | 6,161                   |
| 222         | 0401219F               | KC-10S .....   | 30,868                 | 30,868                  |
| 223         | 0401314F               | OPERATIONAL SUPPORT AIRLIFT .....                                      | 82,591                 | 82,591                  |
| 224         | 0401315F               | C-STOL AIRCRAFT .....  |                        |                         |
| 225         | 0408011F               | SPECIAL TACTICS / COMBAT CONTROL .....                                 | 7,118                  | 7,118                   |
| 226         | 0702207F               | DEPOT MAINTENANCE (NON-IF) .....                                       | 1,531                  | 1,531                   |
| 227         | 0702976F               | FACILITIES RESTORATION & MODERNIZATION—LOGISTICS .....                 |                        |                         |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program Element</b> | <b>Item</b>  | <b>FY 2012 Request</b> | <b>House Authorized</b> |
|-------------|------------------------|--|------------------------|-------------------------|
| 228         | 0708012F               | LOGISTICS SUPPORT ACTIVITIES .....   | 944                    | 944                     |
| 229         | 0708610F               | LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....                             | 140,284                | 140,284                 |
| 230         | 0708611F               | SUPPORT SYSTEMS DEVELOPMENT .....  | 10,990                 | 10,990                  |
| 231         | 0801711F               | RECRUITING ACTIVITIES .....  |                        |                         |
| 232         | 0804743F               | OTHER FLIGHT TRAINING .....  | 322                    | 322                     |
| 233         | 0804757F               | JOINT NATIONAL TRAINING CENTER .....                                       | 11                     | 11                      |
| 234         | 0804772F               | TRAINING DEVELOPMENTS .....  |                        |                         |
| 235         | 0808716F               | OTHER PERSONNEL ACTIVITIES .....   | 113                    | 113                     |
| 236         | 0901202F               | JOINT PERSONNEL RECOVERY AGENCY .....                                      | 2,483                  | 2,483                   |
| 237         | 0901218F               | CIVILIAN COMPENSATION PROGRAM .....  | 1,508                  | 1,508                   |
| 238         | 0901220F               | PERSONNEL ADMINISTRATION .....   | 8,041                  | 8,041                   |
| 239         | 0901226F               | AIR FORCE STUDIES AND ANALYSIS AGENCY .....                                | 928                    | 928                     |
| 240         | 0901279F               | FACILITIES OPERATION—ADMINISTRATIVE .....                                  | 12,118                 | 12,118                  |
| 241         | 0901538F               | FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....                 | 101,317                | 101,317                 |
| 242         | 0902998F               | MANAGEMENT HQ—ADP SUPPORT (AF) .....                                       | 299                    | 299                     |
| 242A        | 9999999999             | CLASSIFIED PROGRAMS .....  | 12,063,140             | 12,088,140              |
|             |                        | Defense Reconnaissance Support Activities .....                            |                        | [25,000]                |
|             |                        | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....                      | <b>18,573,266</b>      | <b>18,612,845</b>       |
|             |                        | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....              | <b>27,737,701</b>      | <b>27,749,667</b>       |
|             |                        | <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>                          |                        |                         |
|             |                        | <b>BASIC RESEARCH</b>  |                        |                         |
| 001         | 0601000BR              | DTRA BASIC RESEARCH INITIATIVE .....                                       | 47,737                 | 47,737                  |
| 002         | 0601101E               | DEFENSE RESEARCH SCIENCES .....  | 290,773                | 290,773                 |
| 003         | 0601110D8Z             | BASIC RESEARCH INITIATIVES .....   | 14,731                 | 14,731                  |
| 004         | 0601111D8Z             | GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH .....             |                        |                         |
| 005         | 0601117E               | BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....                           | 37,870                 | 37,870                  |
| 006         | 0601120D8Z             | NATIONAL DEFENSE EDUCATION PROGRAM .....                                   | 101,591                | 86,591                  |
|             |                        | Program Reduction .....  |                        | [−15,000]               |
| 007         | 0601384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....                              | 52,617                 | 52,617                  |
|             |                        | <b>SUBTOTAL BASIC RESEARCH</b> .....                                       | <b>545,319</b>         | <b>530,319</b>          |
|             |                        | <b>APPLIED RESEARCH</b>  |                        |                         |
| 008         | 0602000D8Z             | JOINT MUNITIONS TECHNOLOGY .....   | 21,592                 | 21,592                  |
| 009         | 0602115E               | BIOMEDICAL TECHNOLOGY .....  | 110,000                | 110,000                 |
| 010         | 0602228D8Z             | HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....          |                        | 25,245                  |
|             |                        | Program Increase .....   |                        | [10,000]                |
|             |                        | Realignment of Funds for Proper Oversight and Execution .....              |                        | [15,245]                |
| 011         | 0602234D8Z             | LINCOLN LABORATORY RESEARCH PROGRAM .....                                  | 37,916                 | 37,916                  |
| 012         | 0602250D8Z             | SYSTEMS 2020 APPLIED RESEARCH .....  | 4,381                  | 4,381                   |
| 013         | 0602303E               | INFORMATION & COMMUNICATIONS TECHNOLOGY .....                              | 400,499                | 350,499                 |
|             |                        | Program Reduction .....  |                        | [−50,000]               |
| 014         | 0602304E               | COGNITIVE COMPUTING SYSTEMS .....  | 49,365                 | 49,365                  |
| 015         | 0602305E               | MACHINE INTELLIGENCE .....   | 61,351                 | 61,351                  |
| 016         | 0602383E               | BIOLOGICAL WARFARE DEFENSE .....   | 30,421                 | 30,421                  |
| 017         | 0602384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....                              | 219,873                | 224,873                 |
|             |                        | Program Increase .....   |                        | [5,000]                 |
| 018         | 0602663D8Z             | DATA TO DECISIONS APPLIED RESEARCH .....                                   | 9,235                  | 5,235                   |
|             |                        | Program Reduction .....  |                        | [−4,000]                |
| 019         | 0602668D8Z             | CYBER SECURITY RESEARCH .....  | 9,735                  | 9,735                   |
| 020         | 0602670D8Z             | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....  | 14,923                 | 10,923                  |
|             |                        | Program Reduction .....  |                        | [−4,000]                |
| 021         | 0602702E               | TACTICAL TECHNOLOGY .....  | 206,422                | 206,422                 |
| 022         | 0602715E               | MATERIALS AND BIOLOGICAL TECHNOLOGY .....                                  | 237,837                | 237,837                 |
| 023         | 0602716E               | ELECTRONICS TECHNOLOGY .....   | 215,178                | 215,178                 |
| 024         | 0602718BR              | WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....                      | 196,954                | 201,954                 |
|             |                        | Program Increase .....   |                        | [5,000]                 |
| 025         | 1160401BB              | SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....                            | 26,591                 | 26,591                  |
| 026         | 1160407BB              | SOF MEDICAL TECHNOLOGY DEVELOPMENT .....                                   |                        |                         |
|             |                        | <b>SUBTOTAL APPLIED RESEARCH</b> .....                                     | <b>1,852,273</b>       | <b>1,829,518</b>        |
|             |                        | <b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>                               |                        |                         |
| 027         | 0603000D8Z             | JOINT MUNITIONS ADVANCED TECHNOLOGY .....                                  | 24,771                 | 24,771                  |
| 028         | 0603121D8Z             | SO/LIC ADVANCED DEVELOPMENT .....  | 45,028                 | 45,028                  |
| 029         | 0603122D8Z             | COMBATING TERRORISM TECHNOLOGY SUPPORT .....                               | 77,019                 | 100,219                 |
|             |                        | Program Increase .....   |                        | [23,200]                |
| 030         | 0603160BR              | COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT ..... | 283,073                | 283,073                 |
| 031         | 0603175C               | BALLISTIC MISSILE DEFENSE TECHNOLOGY .....                                 | 75,003                 | 75,003                  |
| 032         | 0603200D8Z             | JOINT ADVANCED CONCEPTS .....  | 7,903                  | 7,903                   |
| 033         | 0603225D8Z             | JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....                       | 20,372                 | 20,372                  |
| 034         | 0603250D8Z             | SYSTEMS 2020 ADVANCED TECHNOLOGY DEVELOPMENT .....                         | 4,381                  | 4,381                   |
| 035         | 0603264S               | AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....  | 998                    | 998                     |
| 036         | 0603274C               | SPECIAL PROGRAM—MDA TECHNOLOGY .....                                       | 61,458                 | 61,458                  |
| 037         | 0603286E               | ADVANCED AEROSPACE SYSTEMS .....   | 98,878                 | 98,878                  |
| 038         | 0603287E               | SPACE PROGRAMS AND TECHNOLOGY .....  | 97,541                 | 97,541                  |
| 039         | 0603384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....         | 229,235                | 229,235                 |
| 040         | 0603618D8Z             | JOINT ELECTRONIC ADVANCED TECHNOLOGY .....                                 | 7,287                  | 7,287                   |
| 041         | 0603648D8Z             | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....                           | 187,707                | 167,707                 |

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|-------------|------------------------|--|------------------------|-------------------------|
|             |                        | Unjustified Growth .....   |                        | [-20,000]               |
| 042         | 0603662D8Z             | NETWORKED COMMUNICATIONS CAPABILITIES .....  | 23,890                 | 23,890                  |
| 043         | 0603663D8Z             | DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....                                | 9,235                  | 5,235                   |
|             |                        | Program Reduction .....  |                        | [-4,000]                |
| 044         | 0603665D8Z             | BIOMETRICS SCIENCE AND TECHNOLOGY .....  | 10,762                 | 10,762                  |
| 045         | 0603668D8Z             | CYBER SECURITY ADVANCED RESEARCH .....   | 10,709                 | 10,709                  |
| 046         | 0603670D8Z             | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT .....          | 18,179                 | 14,179                  |
|             |                        | Program Reduction .....  |                        | [-4,000]                |
| 047         | 0603680D8Z             | DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....                        | 17,888                 | 19,888                  |
|             |                        | Defense Alternative Energy .....   |                        | [2,000]                 |
| 048         | 0603699D8Z             | EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....                                     | 26,972                 | 26,972                  |
| 049         | 0603711D8Z             | JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS .....  | 9,756                  | 9,756                   |
| 050         | 0603712S               | GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....                                  | 23,887                 | 38,887                  |
|             |                        | Secure Microelectronics .....  |                        | [15,000]                |
| 051         | 0603713S               | DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....                                | 41,976                 | 41,976                  |
| 052         | 0603716D8Z             | STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....   | 66,409                 | 77,159                  |
|             |                        | Offshore Range Environmental Baseline Assessment .....                                 |                        | [1,750]                 |
|             |                        | Program Increase .....   |                        | [5,000]                 |
|             |                        | Radiological Contamination Research .....  |                        | [4,000]                 |
| 053         | 0603720S               | MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....                              | 91,132                 | 83,132                  |
|             |                        | Microelectronics Technology Development and Support .....                              |                        | [3,000]                 |
|             |                        | Program Reduction .....  |                        | [-11,000]               |
| 054         | 0603727D8Z             | JOINT WARFIGHTING PROGRAM .....  | 10,547                 | 10,547                  |
| 055         | 0603739E               | ADVANCED ELECTRONICS TECHNOLOGIES .....  | 160,286                | 160,286                 |
| 056         | 0603745D8Z             | SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD) .....                   |                        |                         |
| 057         | 0603755D8Z             | HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....                                 |                        |                         |
| 058         | 0603760E               | COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....                                      | 296,537                | 246,537                 |
|             |                        | Program Reduction .....  |                        | [-50,000]               |
| 059         | 0603765E               | CLASSIFIED DARPA PROGRAMS .....  | 107,226                | 107,226                 |
| 060         | 0603766E               | NETWORK-CENTRIC WARFARE TECHNOLOGY .....   | 235,245                | 235,245                 |
| 061         | 0603767E               | SENSOR TECHNOLOGY .....  | 271,802                | 271,802                 |
| 062         | 0603768E               | GUIDANCE TECHNOLOGY .....  |                        |                         |
| 063         | 0603769SE              | DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....                             | 13,579                 | 13,579                  |
| 064         | 0603781D8Z             | SOFTWARE ENGINEERING INSTITUTE .....   | 30,424                 | 30,424                  |
| 065         | 0603826D8Z             | QUICK REACTION SPECIAL PROJECTS .....  | 89,925                 | 89,925                  |
| 066         | 0603828D8Z             | JOINT EXPERIMENTATION .....  | 58,130                 | 58,130                  |
| 067         | 0603832D8Z             | DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....                                    | 37,029                 | 31,029                  |
|             |                        | Program Reduction .....  |                        | [-6,000]                |
| 068         | 0603901C               | DIRECTED ENERGY RESEARCH .....   | 96,329                 | 146,329                 |
|             |                        | Program Increase .....   |                        | [50,000]                |
| 069         | 0603902C               | NEXT GENERATION AEGIS MISSILE .....  | 123,456                | 123,456                 |
| 070         | 0603941D8Z             | TEST & EVALUATION SCIENCE & TECHNOLOGY .....   | 99,593                 | 99,593                  |
| 071         | 0603942D8Z             | TECHNOLOGY TRANSFER .....  |                        |                         |
| 072         | 0604055D8Z             | OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....  | 20,444                 | 34,444                  |
|             |                        | Operational Energy Improvement Pilot Project .....                                     |                        | [4,000]                 |
|             |                        | Program Increase .....   |                        | [10,000]                |
| 073         | 0303310D8Z             | CWMD SYSTEMS .....   | 7,788                  | 7,788                   |
| 074         | 1160402BB              | SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....                               | 35,242                 | 40,242                  |
|             |                        | Program Increase .....   |                        | [5,000]                 |
| 075         | 1160422BB              | AVIATION ENGINEERING ANALYSIS .....  | 837                    | 837                     |
| 076         | 1160472BB              | SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....                        | 4,924                  | 4,924                   |
|             |                        | <b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD) .....</b>                            | <b>3,270,792</b>       | <b>3,298,742</b>        |
|             |                        | <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>                                 |                        |                         |
| 077         | 0603161D8Z             | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....                 | 36,798                 | 36,798                  |
| 078         | 0603527D8Z             | RETRACT LARCH .....  | 21,040                 | 21,040                  |
| 079         | 0603600D8Z             | WALKOFF .....  | 112,142                | 112,142                 |
| 080         | 0603709D8Z             | JOINT ROBOTICS PROGRAM .....   | 11,129                 | 11,129                  |
| 081         | 0603714D8Z             | ADVANCED SENSOR APPLICATIONS PROGRAM .....   | 18,408                 | 18,408                  |
| 082         | 0603851D8Z             | ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....                           | 63,606                 | 33,606                  |
|             |                        | Realignment to RDDW-082A .....   |                        | [-30,000]               |
| 082A        | 0603XXXD8Z             | INSTALLATION ENERGY TEST BED .....   |                        | 47,000                  |
|             |                        | Installation Energy Test Bed Program Increase .....                                    |                        | [15,000]                |
|             |                        | Microgrid Pilot Program .....  |                        | [2,000]                 |
|             |                        | Realignment from RDDW-082 .....  |                        | [30,000]                |
| 083         | 0603881C               | BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....                               | 290,452                | 290,452                 |
| 084         | 0603882C               | BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....                              | 1,161,001              | 1,261,001               |
|             |                        | Program increase .....   |                        | [100,000]               |
| 085         | 0603883C               | BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT .....                                  |                        |                         |
| 086         | 0603884BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....  | 261,143                | 261,143                 |
| 087         | 0603884C               | BALLISTIC MISSILE DEFENSE SENSORS .....  | 222,374                | 222,374                 |
| 088         | 0603888C               | BALLISTIC MISSILE DEFENSE TEST & TARGETS .....   | 1,071,039              | 1,071,039               |
| 089         | 0603890C               | BMD ENABLING PROGRAMS .....  | 373,563                | 373,563                 |
| 090         | 0603891C               | SPECIAL PROGRAMS—MDA .....   | 296,554                | 296,554                 |
| 091         | 0603892C               | AEGIS BMD .....  | 960,267                | 965,267                 |
|             |                        | AEGIS Ballistic Missile Defense .....  |                        | [5,000]                 |
| 092         | 0603893C               | SPACE TRACKING & SURVEILLANCE SYSTEM .....   | 96,353                 | 96,353                  |
| 093         | 0603895C               | BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....                                  | 7,951                  | 7,951                   |
| 094         | 0603896C               | BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI ..... | 364,103                | 364,103                 |

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| 095         | 0603897C               | BALLISTIC MISSILE DEFENSE HERCULES .....   |                        |                         |
| 096         | 0603898C               | BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....                               | 41,225                 | 41,225                  |
| 097         | 0603904C               | MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....                          | 69,325                 | 69,325                  |
| 098         | 0603906C               | REGARDING TRENCH .....   | 15,797                 | 15,797                  |
| 099         | 0603907C               | SEA BASED X-BAND RADAR (SBX) .....   | 177,058                | 177,058                 |
| 100         | 0603911C               | BMD EUROPEAN CAPABILITY .....  |                        |                         |
| 101         | 0603913C               | ISRAELI COOPERATIVE PROGRAMS .....   | 106,100                | 216,100                 |
|             |                        | Program Increase .....   |                        | [110,000]               |
| 102         | 0603920D8Z             | HUMANITARIAN DEMINING .....  | 14,996                 | 14,996                  |
| 103         | 0603923D8Z             | COALITION WARFARE .....  | 12,743                 | 12,743                  |
| 104         | 0604016D8Z             | DEPARTMENT OF DEFENSE CORROSION PROGRAM .....  | 3,221                  | 13,521                  |
|             |                        | Department of Defense Corrosion Protection Projects .....                              |                        | [10,300]                |
| 105         | 0604400D8Z             | DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....    | 25,120                 | 25,120                  |
| 106         | 0604648D8Z             | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....                                       |                        |                         |
| 107         | 0604670D8Z             | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....      | 10,309                 | 10,309                  |
| 108         | 0604787D8Z             | JOINT SYSTEMS INTEGRATION COMMAND (JSIC) .....   | 13,024                 | 13,024                  |
| 109         | 0604828D8Z             | JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....                                | 9,290                  | 9,290                   |
| 110         | 0604880C               | LAND-BASED SM-3 (LBSM3) .....  | 306,595                | 306,595                 |
| 111         | 0604881C               | AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....  | 424,454                | 464,454                 |
|             |                        | Program Increase .....   |                        | [40,000]                |
| 112         | 0604883C               | PRECISION TRACKING SPACE SENSOR RDT&E .....  | 160,818                | 0                       |
|             |                        | Program Reduction .....  |                        | [-160,818]              |
| 113         | 0604884C               | AIRBORNE INFRARED (ABIR) .....   | 46,877                 | 66,877                  |
|             |                        | Program Increase .....   |                        | [20,000]                |
| 114         | 0605017D8Z             | REDUCTION OF TOTAL OWNERSHIP COST .....  |                        |                         |
| 115         | 0303191D8Z             | JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....                                   | 3,358                  | 3,358                   |
|             |                        | <b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....                  | <b>6,808,233</b>       | <b>6,949,715</b>        |
|             |                        | <b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>                                      |                        |                         |
| 116         | 0604051D8Z             | DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) .....                                     |                        |                         |
| 117         | 0604161D8Z             | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....                   | 7,220                  | 7,220                   |
| 118         | 0604165D8Z             | PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....                                      | 204,824                | 179,824                 |
|             |                        | Program Reduction .....  |                        | [-25,000]               |
| 119         | 0604384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....  | 400,608                | 400,608                 |
| 120         | 0604709D8Z             | JOINT ROBOTICS PROGRAM .....   | 2,782                  | 2,782                   |
| 121         | 0604764K               | ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....                             | 49,198                 | 49,198                  |
| 122         | 0604771D8Z             | JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....                           | 17,395                 | 17,395                  |
| 123         | 0605000BR              | WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....                                  | 5,888                  | 5,888                   |
| 124         | 0605013BL              | INFORMATION TECHNOLOGY DEVELOPMENT .....   | 12,228                 | 12,228                  |
| 125         | 0605018BT A            | DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS) .....                      |                        |                         |
| 126         | 0605020BT A            | BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES .....                                    |                        |                         |
| 127         | 0605021SE              | HOMELAND PERSONNEL SECURITY INITIATIVE .....   | 389                    | 389                     |
| 128         | 0605022D8Z             | DEFENSE EXPORTABILITY PROGRAM .....  | 1,929                  | 1,929                   |
| 129         | 0605027D8Z             | OUS(D) IT DEVELOPMENT INITIATIVES .....  | 4,993                  | 4,993                   |
| 130         | 0605070S               | DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....                             | 134,285                | 134,285                 |
| 131         | 0605075D8Z             | DCMO POLICY AND INTEGRATION .....  | 41,808                 | 41,808                  |
| 132         | 0605140D8Z             | TRUSTED FOUNDRY .....  |                        |                         |
| 133         | 0605210D8Z             | DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....                                 | 14,950                 | 14,950                  |
| 134         | 0605648D8Z             | DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM .....                                |                        |                         |
| 135         | 0303141K               | GLOBAL COMBAT SUPPORT SYSTEM .....   | 19,837                 | 19,837                  |
| 136         | 0807708D8Z             | WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE .....        |                        |                         |
|             |                        | <b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b> .....                       | <b>918,334</b>         | <b>893,334</b>          |
|             |                        | <b>RDT&amp;E MANAGEMENT SUPPORT</b>  |                        |                         |
| 137         | 0604774D8Z             | DEFENSE READINESS REPORTING SYSTEM (DRRS) .....  | 6,658                  | 6,658                   |
| 138         | 0604875D8Z             | JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....   | 4,731                  | 4,731                   |
| 139         | 0604940D8Z             | CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....                       | 140,231                | 140,231                 |
| 140         | 0604942D8Z             | ASSESSMENTS AND EVALUATIONS .....  | 2,757                  | 2,757                   |
| 141         | 0604943D8Z             | THERMAL VICAR .....  | 7,827                  | 7,827                   |
| 142         | 0605100D8Z             | JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....                                | 10,479                 | 10,479                  |
| 143         | 0605104D8Z             | TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....  | 34,213                 | 34,213                  |
| 144         | 0605110D8Z             | USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....   | 1,486                  | 18                      |
|             |                        | Program Decrease .....   |                        | [-1,468]                |
| 145         | 0605117D8Z             | FOREIGN MATERIAL ACQUISITION AND EXPLOITATION .....                                    | 64,524                 | 64,524                  |
| 146         | 0605126J               | JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....                   | 79,859                 | 79,859                  |
| 147         | 0605128D8Z             | CLASSIFIED PROGRAM USD(P) .....  |                        |                         |
| 148         | 0605130D8Z             | FOREIGN COMPARATIVE TESTING .....  | 19,080                 | 19,080                  |
| 149         | 0605142D8Z             | SYSTEMS ENGINEERING .....  | 41,884                 | 41,884                  |
| 150         | 0605161D8Z             | NUCLEAR MATTERS-PHYSICAL SECURITY .....  | 4,261                  | 4,261                   |
| 151         | 0605170D8Z             | SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....                                  | 9,437                  | 9,437                   |
| 152         | 0605200D8Z             | GENERAL SUPPORT TO USD (INTELLIGENCE) .....  | 6,549                  | 6,549                   |
| 153         | 0605384BP              | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....  | 92,806                 | 92,806                  |
| 154         | 0605502BP              | SMALL BUSINESS INNOVATIVE RESEARCH—CHEMICAL BIOLOGICAL DEF .....                       |                        |                         |
| 155         | 0605502BR              | SMALL BUSINESS INNOVATION RESEARCH .....   |                        |                         |
| 156         | 0605502C               | SMALL BUSINESS INNOVATIVE RESEARCH—MDA .....   |                        |                         |
| 157         | 0605502D8Z             | SMALL BUSINESS INNOVATIVE RESEARCH .....   |                        |                         |
| 158         | 0605502E               | SMALL BUSINESS INNOVATIVE RESEARCH .....   |                        |                         |
| 159         | 0605502S               | SMALL BUSINESS INNOVATIVE RESEARCH .....   |                        |                         |
| 160         | 0605790D8Z             | SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S ..... | 1,924                  | 1,924                   |

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program Element</b> | <b>Item</b>  | <b>FY 2012 Request</b> | <b>House Authorized</b> |
|-------------|------------------------|--|------------------------|-------------------------|
| 161         | 0605798D8Z             | DEFENSE TECHNOLOGY ANALYSIS .....  | 16,135                 | 16,135                  |
| 162         | 0605799D8Z             | EMERGING CAPABILITIES .....  |                        |                         |
| 163         | 0605801KA              | DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....                                      | 56,269                 | 51,269                  |
|             |                        | Program Increase .....   |                        | [-5,000]                |
| 164         | 0605803SE              | R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....                         | 49,810                 | 49,810                  |
| 165         | 0605804D8Z             | DEVELOPMENT TEST AND EVALUATION .....  | 15,805                 | 15,805                  |
| 166         | 0605897E               | DARPA AGENCY RELOCATION .....  | 1,000                  | 1,000                   |
| 167         | 0605898E               | MANAGEMENT HQ—R&D .....  | 66,689                 | 66,689                  |
| 168         | 0606100D8Z             | BUDGET AND PROGRAM ASSESSMENTS .....   | 4,528                  | 4,528                   |
| 169         | 0606301D8Z             | AVIATION SAFETY TECHNOLOGIES .....   | 6,925                  | 6,925                   |
| 170         | 0203345D8Z             | OPERATIONS SECURITY (OPSEC) .....  | 1,777                  | 1,777                   |
| 171         | 0204571J               | JOINT STAFF ANALYTICAL SUPPORT .....   | 18                     | 18                      |
| 174         | 0303166D8Z             | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....                              | 12,209                 | 12,209                  |
| 175         | 0303169D8Z             | INFORMATION TECHNOLOGY RAPID ACQUISITION .....   | 4,288                  | 4,288                   |
| 176         | 0305103E               | CYBER SECURITY INITIATIVE .....  | 10,000                 | 10,000                  |
| 177         | 0305193D8Z             | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....                              | 15,002                 | 15,002                  |
| 179         | 0305400D8Z             | WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....                                     | 861                    | 861                     |
| 180         | 0804767D8Z             | COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....                    | 59,958                 | 59,958                  |
| 181         | 0901585C               | PENTAGON RESERVATION .....   |                        |                         |
| 182         | 0901598C               | MANAGEMENT HQ—MDA .....  | 28,908                 | 28,908                  |
| 183         | 0901598D8W             | IT SOFTWARE DEV INITIATIVES .....  | 167                    | 167                     |
| 184         | 0909999D8Z             | FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....                                      |                        |                         |
| 184A        | 9999999999             | CLASSIFIED PROGRAMS .....  | 82,627                 | 82,627                  |
|             |                        | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>                                     | <b>961,682</b>         | <b>955,214</b>          |
|             |                        | <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>   |                        |                         |
| 185         | 0604130V               | ENTERPRISE SECURITY SYSTEM (ESS) .....   | 8,706                  | 8,706                   |
| 186         | 0605127T               | REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA ..... | 2,165                  | 2,165                   |
| 187         | 0605147T               | OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS) .....              | 288                    | 288                     |
| 188         | 0607384BP              | CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....                | 15,956                 | 15,956                  |
| 189         | 0607828D8Z             | JOINT INTEGRATION AND INTEROPERABILITY .....   | 29,880                 | 29,880                  |
| 190         | 0208043J               | CLASSIFIED PROGRAMS .....  | 2,402                  | 2,402                   |
| 191         | 0208045K               | C4I INTEROPERABILITY .....   | 72,403                 | 72,403                  |
| 193         | 0301144K               | JOINT/ALLIED COALITION INFORMATION SHARING .....                                       | 7,093                  | 7,093                   |
| 200         | 0302016K               | NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....                                    | 481                    | 481                     |
| 201         | 0302019K               | DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....                          | 8,366                  | 8,366                   |
| 202         | 0303126K               | LONG-HAUL COMMUNICATIONS—DCS .....   | 11,324                 | 11,324                  |
| 203         | 0303131K               | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....                       | 12,514                 | 12,514                  |
| 204         | 0303135G               | PUBLIC KEY INFRASTRUCTURE (PKI) .....  | 6,548                  | 6,548                   |
| 205         | 0303136G               | KEY MANAGEMENT INFRASTRUCTURE (KMI) .....  | 33,751                 | 33,751                  |
| 206         | 0303140D8Z             | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 11,753                 | 11,753                  |
| 207         | 0303140G               | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 348,593                | 348,593                 |
| 208         | 0303140K               | INFORMATION SYSTEMS SECURITY PROGRAM .....   | 5,500                  | 5,500                   |
| 209         | 0303148K               | DISA MISSION SUPPORT OPERATIONS .....  |                        |                         |
| 210         | 0303149J               | C4I FOR THE WARRIOR .....  |                        |                         |
| 211         | 0303150K               | GLOBAL COMMAND AND CONTROL SYSTEM .....  | 54,739                 | 54,739                  |
| 212         | 0303153K               | DEFENSE SPECTRUM ORGANIZATION .....  | 29,154                 | 29,154                  |
| 213         | 0303170K               | NET-CENTRIC ENTERPRISE SERVICES (NCES) .....   | 1,830                  | 1,830                   |
| 214         | 0303260D8Z             | JOINT MILITARY DECEPTION INITIATIVE .....  | 1,241                  | 1,241                   |
| 215         | 0303610K               | TELEPORT PROGRAM .....   | 6,418                  | 6,418                   |
| 217         | 0304210BB              | SPECIAL APPLICATIONS FOR CONTINGENCIES .....   | 5,045                  | 9,045                   |
|             |                        | Special Applications for Contingencies .....   |                        | [4,000]                 |
| 220         | 0305103D8Z             | CYBER SECURITY INITIATIVE .....  | 411                    | 411                     |
| 222         | 0305103K               | CYBER SECURITY INITIATIVE .....  | 4,341                  | 4,341                   |
| 223         | 0305125D8Z             | CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....   | 13,008                 | 13,008                  |
| 227         | 0305186D8Z             | POLICY R&D PROGRAMS .....  | 6,603                  | 6,603                   |
| 229         | 0305199D8Z             | NET CENTRICITY .....   | 14,926                 | 14,926                  |
| 232         | 0305208BB              | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 4,303                  | 4,303                   |
| 235         | 0305208K               | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....  | 3,154                  | 3,154                   |
| 237         | 0305219BB              | MQ-1 PREDATOR A UAV .....  | 2,499                  | 2,499                   |
| 239         | 0305387D8Z             | HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....                                     | 2,660                  | 2,660                   |
| 240         | 0305600D8Z             | INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....                          | 1,444                  | 1,444                   |
| 248         | 0708011S               | INDUSTRIAL PREPAREDNESS .....  | 23,103                 | 28,103                  |
|             |                        | Industrial Preparedness Manufacturing Technology .....                                 |                        | [5,000]                 |
| 249         | 0708012S               | LOGISTICS SUPPORT ACTIVITIES .....   | 2,466                  | 2,466                   |
| 250         | 0902298J               | MANAGEMENT HEADQUARTERS (JCS) .....  | 2,730                  | 2,730                   |
| 251         | 1001018D8Z             | NATO AGS .....   |                        |                         |
| 252         | 1105219BB              | MQ-9 UAV .....   | 2,499                  | 2,499                   |
| 253         | 1105232BB              | RQ-11 UAV .....  | 3,000                  | 3,000                   |
| 254         | 1105233BB              | RQ-7 UAV .....   | 450                    | 450                     |
| 255         | 1160279BB              | SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG .....            |                        |                         |
| 256         | 1160403BB              | SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT .....                         | 89,382                 | 89,382                  |
| 257         | 1160404BB              | SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....                                  | 799                    | 799                     |
| 258         | 1160405BB              | SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....                              | 27,916                 | 27,916                  |
| 259         | 1160408BB              | SOF OPERATIONAL ENHANCEMENTS .....   | 60,915                 | 60,915                  |
| 260         | 1160421BB              | SPECIAL OPERATIONS CV-22 DEVELOPMENT .....   | 10,775                 | 10,775                  |
| 261         | 1160423BB              | JOINT MULTI-MISSION SUBMERSIBLE .....  |                        |                         |
| 262         | 1160426BB              | OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT .....                      |                        |                         |
| 263         | 1160427BB              | MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....                                  | 4,617                  | 4,617                   |



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Program<br/>Element</b> | <b>Item</b>   | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|----------------------------|---|----------------------------|-----------------------------|
| 264         | 1160428BB                  | UNMANNED VEHICLES (UV) .....                                  |                            |                             |
| 265         | 1160429BB                  | AC/MC-130J .....  | 18,571                     | 18,571                      |
| 266         | 1160474BB                  | SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....    | 1,392                      | 1,392                       |
| 267         | 1160476BB                  | SOF TACTICAL RADIO SYSTEMS .....                              |                            |                             |
| 268         | 1160477BB                  | SOF WEAPONS SYSTEMS .....                                     | 2,610                      | 2,610                       |
| 269         | 1160478BB                  | SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....             | 2,971                      | 2,971                       |
| 270         | 1160479BB                  | SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....      | 3,000                      | 3,000                       |
| 271         | 1160480BB                  | SOF TACTICAL VEHICLES .....                                   | 3,522                      | 3,522                       |
| 272         | 1160481BB                  | SOF MUNITIONS .....   | 1,500                      | 1,500                       |
| 273         | 1160482BB                  | SOF ROTARY WING AVIATION .....                                | 51,123                     | 51,123                      |
| 274         | 1160483BB                  | SOF UNDERWATER SYSTEMS .....                                  | 92,424                     | 92,424                      |
| 275         | 1160484BB                  | SOF SURFACE CRAFT .....                                       | 14,475                     | 14,475                      |
| 276         | 1160488BB                  | SOF MILITARY INFORMATION SUPPORT OPERATIONS .....             | 2,990                      | 2,990                       |
| 277         | 1160489BB                  | SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....                | 8,923                      | 8,923                       |
| 278         | 1160490BB                  | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....               | 9,473                      | 9,473                       |
| 278.A       | 999999999                  | CLASSIFIED PROGRAMS .....                                     | 4,227,920                  | 4,227,920                   |
|             |                            | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>         | <b>5,399,045</b>           | <b>5,408,045</b>            |
|             |                            | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b> | <b>19,755,678</b>          | <b>19,864,887</b>           |
|             |                            | <b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>                   |                            |                             |
|             |                            | <b>RDT&amp;E MANAGEMENT SUPPORT</b>                           |                            |                             |
| 001         | 0605118OTE                 | OPERATIONAL TEST AND EVALUATION .....                         | 60,444                     | 60,444                      |
| 002         | 0605131OTE                 | LIVE FIRE TEST AND EVALUATION .....                           | 12,126                     | 12,126                      |
| 003         | 0605814OTE                 | OPERATIONAL TEST ACTIVITIES AND ANALYSES .....                | 118,722                    | 118,722                     |
|             |                            | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>            | <b>191,292</b>             | <b>191,292</b>              |
|             |                            | <b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>       | <b>191,292</b>             | <b>191,292</b>              |
|             |                            | <b>TOTAL RDT&amp;E .....</b>                                  | <b>75,325,082</b>          | <b>75,579,979</b>           |

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

| SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS<br>(In Thousands of Dollars) |                 |   |                 |                  |
|---|-----------------|---|-----------------|------------------|
| Line  | Program Element | Item  | FY 2012 Request | House Authorized |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>   |                 |   |                 |                  |
| <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                 |   |                 |                  |
| 140   | 0605601A        | ARMY TEST RANGES AND FACILITIES .....                                 | 8,513           | 8,513            |
|   |                 | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>                    | <b>8,513</b>    | <b>8,513</b>     |
|   |                 | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>       | <b>8,513</b>    | <b>8,513</b>     |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>   |                 |   |                 |                  |
| <b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>  |                 |   |                 |                  |
| 054   | 0603654N        | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                    | 1,500           | 1,500            |
|   |                 | <b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b> | <b>1,500</b>    | <b>1,500</b>     |
| <b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>   |                 |   |                 |                  |
| 097   | 0604270N        | ELECTRONIC WARFARE DEVELOPMENT .....                                  | 5,600           | 5,600            |
| 119   | 0604654N        | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....                    | 3,500           | 3,500            |
| 126   | 0604771N        | MEDICAL DEVELOPMENT .....   | 1,950           | 1,950            |
|   |                 | <b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>          | <b>11,050</b>   | <b>11,050</b>    |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                 |   |                 |                  |
| 172   | 0204136N        | F/A-18 SQUADRONS .....  | 2,000           | 2,000            |
| 189   | 0206313M        | MARINE CORPS COMMUNICATIONS SYSTEMS .....                             | 1,500           | 1,500            |
| 192   | 0206625M        | USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....              | 4,050           | 4,050            |
| 227A  | 9999999999      | CLASSIFIED PROGRAMS .....   | 33,784          | 33,784           |
| 227U  | 0607UNDN        | UNDISTRIBUTED .....   |                 |                  |
|   |                 | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>                 | <b>41,334</b>   | <b>41,334</b>    |
|   |                 | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>       | <b>53,884</b>   | <b>53,884</b>    |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>   |                 |   |                 |                  |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                 |   |                 |                  |
| 200   | 0305205F        | ENDURANCE UNMANNED AERIAL VEHICLES .....                              | 73,000          | 73,000           |
| 242A  | 9999999999      | CLASSIFIED PROGRAMS .....   | 69,000          | 69,000           |
|   |                 | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>                 | <b>142,000</b>  | <b>142,000</b>   |
|   |                 | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>         | <b>142,000</b>  | <b>142,000</b>   |
| <b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>   |                 |   |                 |                  |
| <b>RDT&amp;E MANAGEMENT SUPPORT</b>   |                 |   |                 |                  |
| 152   | 0605200D8Z      | GENERAL SUPPORT TO USD (INTELLIGENCE) .....                           | 9,200           | 9,200            |
|   |                 | <b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>                    | <b>9,200</b>    | <b>9,200</b>     |
| <b>OPERATIONAL SYSTEMS DEVELOPMENT</b>  |                 |   |                 |                  |
| 202   | 0303126K        | LONG-HAUL COMMUNICATIONS—DCS .....                                    | 10,500          | 10,500           |
| 207   | 0303140G        | INFORMATION SYSTEMS SECURITY PROGRAM .....                            | 32,850          | 32,850           |
| 211   | 0303150K        | GLOBAL COMMAND AND CONTROL SYSTEM .....                               | 2,000           | 2,000            |
| 254   | 1105233BB       | RQ-7 UAV .....  | 2,450           | 2,450            |
| 278A  | 9999999999      | CLASSIFIED PROGRAMS .....   | 135,361         | 135,361          |
|   |                 | <b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>                 | <b>183,161</b>  | <b>183,161</b>   |
| <b>UNDISTRIBUTED</b>  |                 |   |                 |                  |
| 279   | 0901560D        | CONTINUING RESOLUTION PROGRAMS .....                                  |                 |                  |
|   |                 | <b>SUBTOTAL UNDISTRIBUTED .....</b>                                   |                 |                  |
|   |                 | <b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>         | <b>192,361</b>  | <b>192,361</b>   |
|   |                 | <b>TOTAL RDT&amp;E .....</b>  | <b>396,758</b>  | <b>396,758</b>   |

## TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE.

#### SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

| Line                                     | Item   | FY 2012<br>Request | House<br>Authorized |
|--|--|--------------------|---------------------|
| <b>OPERATION &amp; MAINTENANCE, ARMY</b> |  |                    |                     |
| <b>OPERATING FORCES</b>                  |  |                    |                     |
| 010                                      | MANEUVER UNITS .....   | 1,399,804          | 1,399,804           |
| 020                                      | MODULAR SUPPORT BRIGADES .....   | 104,629            | 104,629             |
| 030                                      | ECHELONS ABOVE BRIGADE .....   | 815,920            | 815,920             |
| 040                                      | THEATER LEVEL ASSETS .....   | 825,587            | 825,587             |
| 050                                      | LAND FORCES OPERATIONS SUPPORT .....   | 1,245,231          | 1,245,231           |
| 060                                      | AVIATION ASSETS .....  | 1,199,340          | 1,199,340           |
| 070                                      | FORCE READINESS OPERATIONS SUPPORT .....   | 2,939,455          | 2,943,455           |
|  | Simulation Training Systems .....  |                    | [4,000]             |
| 080                                      | LAND FORCES SYSTEMS READINESS .....  | 451,228            | 451,228             |
| 090                                      | LAND FORCES DEPOT MAINTENANCE .....  | 1,179,675          | 1,179,675           |
| 100                                      | BASE OPERATIONS SUPPORT .....  | 7,637,052          | 7,867,052           |
|  | Army Base Operating Services .....   |                    | [230,000]           |
| 110                                      | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....                               | 2,495,667          | 2,757,047           |
|  | Army Industrial Facility Energy monitoring .....   |                    | [2,380]             |
|  | Army Sustainment, Restoration and Modernization to 100% .....                            |                    | [259,000]           |
| 120                                      | MANAGEMENT AND OPERATIONAL HQ .....  | 397,952            | 397,952             |
| 130                                      | COMBATANT COMMANDERS CORE OPERATIONS .....   | 171,179            | 171,179             |
| 170                                      | COMBATANT COMMANDERS ANCILLARY MISSIONS .....  | 459,585            | 459,585             |
|  | <b>SUBTOTAL OPERATING FORCES</b> .....   | <b>21,322,304</b>  | <b>21,817,684</b>   |
| <b>MOBILIZATION</b>                      |  |                    |                     |
| 180                                      | STRATEGIC MOBILITY .....   | 390,394            | 390,394             |
| 190                                      | ARMY PREPOSITIONING STOCKS .....   | 169,535            | 169,535             |
| 200                                      | INDUSTRIAL PREPAREDNESS .....  | 6,675              | 6,675               |
|  | <b>SUBTOTAL MOBILIZATION</b> .....   | <b>566,604</b>     | <b>566,604</b>      |
| <b>TRAINING AND RECRUITING</b>           |  |                    |                     |
| 210                                      | OFFICER ACQUISITION .....  | 113,262            | 113,262             |
| 220                                      | RECRUIT TRAINING .....   | 71,012             | 71,012              |
| 230                                      | ONE STATION UNIT TRAINING .....  | 49,275             | 49,275              |
| 240                                      | SENIOR RESERVE OFFICERS TRAINING CORPS .....   | 417,071            | 417,071             |
| 250                                      | SPECIALIZED SKILL TRAINING .....   | 1,045,948          | 1,045,948           |
| 260                                      | FLIGHT TRAINING .....  | 1,083,808          | 1,083,808           |
| 270                                      | PROFESSIONAL DEVELOPMENT EDUCATION .....   | 191,073            | 191,073             |
| 280                                      | TRAINING SUPPORT .....   | 607,896            | 607,896             |
| 290                                      | RECRUITING AND ADVERTISING .....   | 523,501            | 523,501             |
| 300                                      | EXAMINING .....  | 139,159            | 139,159             |
| 310                                      | OFF-DUTY AND VOLUNTARY EDUCATION .....   | 238,978            | 238,978             |
| 320                                      | CIVILIAN EDUCATION AND TRAINING .....  | 221,156            | 221,156             |
| 330                                      | JUNIOR ROTC .....  | 170,889            | 170,889             |
|  | <b>SUBTOTAL TRAINING AND RECRUITING</b> .....  | <b>4,873,028</b>   | <b>4,873,028</b>    |
| <b>ADMIN &amp; SRVWIDE ACTIVITIES</b>    |  |                    |                     |
| 340                                      | SECURITY PROGRAMS .....  | 995,161            | 995,161             |
| 350                                      | SERVICEWIDE TRANSPORTATION .....   | 524,334            | 524,334             |
| 360                                      | CENTRAL SUPPLY ACTIVITIES .....  | 705,668            | 705,668             |
| 370                                      | LOGISTIC SUPPORT ACTIVITIES .....  | 484,075            | 490,075             |
|  | Army Arsenal .....   |                    | [6,000]             |
| 380                                      | AMMUNITION MANAGEMENT .....  | 457,741            | 457,741             |
| 390                                      | ADMINISTRATION .....   | 775,313            | 775,313             |
| 400                                      | SERVICEWIDE COMMUNICATIONS .....   | 1,534,706          | 1,490,706           |
|  | Realignment of funds to support the Financial Improvement and Audit Readiness Plan ..... |                    | [-44,000]           |
| 410                                      | MANPOWER MANAGEMENT .....  | 316,924            | 316,924             |
| 420                                      | OTHER PERSONNEL SUPPORT .....  | 214,356            | 214,356             |
| 430                                      | OTHER SERVICE SUPPORT .....  | 1,093,877          | 1,083,877           |
|  | Unjustified program growth—Joint DOD Support .....                                       |                    | [-5,000]            |
|  | Unjustified program growth—PA Strategic Communications .....                             |                    | [-5,000]            |
| 440                                      | ARMY CLAIMS ACTIVITIES .....   | 216,621            | 216,621             |
| 450                                      | REAL ESTATE MANAGEMENT .....   | 180,717            | 180,717             |
| 455                                      | FINANCIAL IMPROVEMENT AND AUDIT READINESS .....  |                    | 44,000              |
|  | Realignment of funds to support the Financial Improvement and Audit Readiness Plan ..... |                    | [44,000]            |
| 460                                      | SUPPORT OF NATO OPERATIONS .....   | 449,901            | 449,901             |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>  | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|--|----------------------------|-----------------------------|
| 470         | MISC. SUPPORT OF OTHER NATIONS .....                         | 23,886                     | 23,886                      |
|             | <b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....         | <b>7,973,280</b>           | <b>7,969,280</b>            |
|             | <b>UNDISTRIBUTED</b>   |                            |                             |
| 480         | UNDISTRIBUTED .....  |                            | -395,600                    |
|             | Army unobligated balances estimate .....                     |                            | [-384,600]                  |
|             | Center for Military Family and Community Outreach .....      |                            | [1,000]                     |
|             | Printing & Reproduction (10% cut) .....                      |                            | [-10,600]                   |
|             | Studies, Analysis & Evaluations (10% cut) .....              |                            | [-1,400]                    |
|             | <b>SUBTOTAL UNDISTRIBUTED</b> .....                          |                            | <b>-395,600</b>             |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....         | <b>34,735,216</b>          | <b>34,830,996</b>           |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY</b>                     |                            |                             |
|             | <b>OPERATING FORCES</b>                                      |                            |                             |
| 010         | MISSION AND OTHER FLIGHT OPERATIONS .....                    | 4,762,887                  | 4,762,887                   |
| 020         | FLEET AIR TRAINING .....                                     | 1,771,644                  | 1,771,644                   |
| 030         | AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....         | 46,321                     | 46,321                      |
| 040         | AIR OPERATIONS AND SAFETY SUPPORT .....                      | 104,751                    | 104,751                     |
| 050         | AIR SYSTEMS SUPPORT .....                                    | 431,576                    | 431,576                     |
| 060         | AIRCRAFT DEPOT MAINTENANCE .....                             | 1,030,303                  | 1,101,503                   |
|             | Aviation Depot Maintenance (Active) .....                    |                            | [71,200]                    |
| 070         | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                      | 37,403                     | 37,403                      |
| 080         | AVIATION LOGISTICS .....                                     | 238,007                    | 265,007                     |
|             | Aviation Logistics .....                                     |                            | [27,000]                    |
| 090         | MISSION AND OTHER SHIP OPERATIONS .....                      | 3,820,186                  | 3,820,186                   |
| 100         | SHIP OPERATIONS SUPPORT & TRAINING .....                     | 734,866                    | 734,866                     |
| 110         | SHIP DEPOT MAINTENANCE .....                                 | 4,972,609                  | 5,338,609                   |
|             | Ship Depot Maintenance (Active) .....                        |                            | [366,000]                   |
| 120         | SHIP DEPOT OPERATIONS SUPPORT .....                          | 1,304,271                  | 1,304,271                   |
| 130         | COMBAT COMMUNICATIONS .....                                  | 583,659                    | 583,659                     |
| 140         | ELECTRONIC WARFARE .....                                     | 97,011                     | 97,011                      |
| 150         | SPACE SYSTEMS AND SURVEILLANCE .....                         | 162,303                    | 162,303                     |
| 160         | WARFARE TACTICS .....  | 423,187                    | 423,187                     |
| 170         | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....               | 320,141                    | 320,141                     |
| 180         | COMBAT SUPPORT FORCES .....                                  | 1,076,478                  | 1,076,478                   |
| 190         | EQUIPMENT MAINTENANCE .....                                  | 187,037                    | 187,037                     |
| 200         | DEPOT OPERATIONS SUPPORT .....                               | 4,352                      | 4,352                       |
| 210         | COMBATANT COMMANDERS CORE OPERATIONS .....                   | 103,830                    | 103,830                     |
| 220         | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....            | 180,800                    | 180,800                     |
| 230         | CRUISE MISSILE .....   | 125,333                    | 125,333                     |
| 240         | FLEET BALLISTIC MISSILE .....                                | 1,209,410                  | 1,209,410                   |
| 250         | IN-SERVICE WEAPONS SYSTEMS SUPPORT .....                     | 99,063                     | 99,063                      |
| 260         | WEAPONS MAINTENANCE .....                                    | 450,454                    | 450,454                     |
| 270         | OTHER WEAPON SYSTEMS SUPPORT .....                           | 358,002                    | 358,002                     |
| 280         | ENTERPRISE INFORMATION .....                                 | 971,189                    | 971,189                     |
| 290         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....             | 1,946,779                  | 2,298,779                   |
|             | Navy Metering .....  |                            | [3,000]                     |
|             | Navy Sustainment Restoration and Modernization to 100% ..... |                            | [349,000]                   |
| 300         | BASE OPERATING SUPPORT .....                                 | 4,610,525                  | 4,610,525                   |
| 305         | UNDISTRIBUTED .....  |                            | 2,000                       |
|             | Navy Emergency Management and Preparedness .....             |                            | [2,000]                     |
|             | <b>SUBTOTAL OPERATING FORCES</b> .....                       | <b>32,164,377</b>          | <b>32,982,577</b>           |
|             | <b>MOBILIZATION</b>  |                            |                             |
| 310         | SHIP PREPOSITIONING AND SURGE .....                          | 493,326                    | 493,326                     |
| 320         | AIRCRAFT ACTIVATIONS/INACTIVATIONS .....                     | 6,228                      | 6,228                       |
| 330         | SHIP ACTIVATIONS/INACTIVATIONS .....                         | 205,898                    | 205,898                     |
| 340         | EXPEDITIONARY HEALTH SERVICES SYSTEMS .....                  | 68,634                     | 68,634                      |
| 350         | INDUSTRIAL READINESS .....                                   | 2,684                      | 2,684                       |
| 360         | COAST GUARD SUPPORT .....                                    | 25,192                     | 25,192                      |
|             | <b>SUBTOTAL MOBILIZATION</b> .....                           | <b>801,962</b>             | <b>801,962</b>              |
|             | <b>TRAINING AND RECRUITING</b>                               |                            |                             |
| 370         | OFFICER ACQUISITION .....                                    | 147,540                    | 147,540                     |
| 380         | RECRUIT TRAINING .....                                       | 10,655                     | 10,655                      |
| 390         | RESERVE OFFICERS TRAINING CORPS .....                        | 151,147                    | 151,147                     |
| 400         | SPECIALIZED SKILL TRAINING .....                             | 594,799                    | 594,799                     |
| 410         | FLIGHT TRAINING .....  | 9,034                      | 9,034                       |
| 420         | PROFESSIONAL DEVELOPMENT EDUCATION .....                     | 173,452                    | 173,452                     |
| 430         | TRAINING SUPPORT .....                                       | 168,025                    | 168,025                     |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>  | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|--|----------------------------|-----------------------------|
| 440         | RECRUITING AND ADVERTISING .....   | 254,860                    | 255,843                     |
|             | Navy Recruiting and Advertising .....  |                            | [983]                       |
| 450         | OFF-DUTY AND VOLUNTARY EDUCATION .....   | 140,279                    | 140,279                     |
| 460         | CIVILIAN EDUCATION AND TRAINING .....  | 107,561                    | 107,561                     |
| 470         | JUNIOR ROTC .....  | 52,689                     | 52,689                      |
|             | <b>SUBTOTAL TRAINING AND RECRUITING</b> .....  | <b>1,810,041</b>           | <b>1,811,024</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>  |                            |                             |
| 480         | ADMINISTRATION .....   | 754,483                    | 692,483                     |
|             | Realignment of funds to support the Financial Improvement and Audit Readiness Plan ..... |                            | [-62,000]                   |
| 490         | EXTERNAL RELATIONS .....   | 14,275                     | 14,275                      |
| 500         | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....   | 112,616                    | 112,616                     |
| 510         | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....   | 216,483                    | 216,483                     |
| 520         | OTHER PERSONNEL SUPPORT .....  | 282,295                    | 282,295                     |
| 530         | SERVICEWIDE COMMUNICATIONS .....   | 534,873                    | 534,873                     |
| 545         | FINANCIAL IMPROVEMENT AND AUDIT READINESS .....  |                            | 62,000                      |
|             | Realignment of funds to support the Financial Improvement and Audit Readiness Plan ..... |                            | [62,000]                    |
| 550         | SERVICEWIDE TRANSPORTATION .....   | 190,662                    | 190,662                     |
| 570         | PLANNING, ENGINEERING AND DESIGN .....   | 303,636                    | 303,636                     |
| 580         | ACQUISITION AND PROGRAM MANAGEMENT .....   | 903,885                    | 903,885                     |
| 590         | HULL, MECHANICAL AND ELECTRICAL SUPPORT .....  | 54,880                     | 54,880                      |
| 600         | COMBAT/WEAPONS SYSTEMS .....   | 20,687                     | 20,687                      |
| 610         | SPACE AND ELECTRONIC WARFARE SYSTEMS .....   | 68,374                     | 68,374                      |
| 620         | NAVAL INVESTIGATIVE SERVICE .....  | 572,928                    | 572,928                     |
| 680         | INTERNATIONAL HEADQUARTERS AND AGENCIES .....  | 5,516                      | 5,516                       |
| 705         | CLASSIFIED PROGRAMS .....  | 552,715                    | 552,715                     |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....                                       | <b>4,588,308</b>           | <b>4,588,308</b>            |
|             | <b>UNDISTRIBUTED</b>   |                            |                             |
| 710         | UNDISTRIBUTED .....  |                            | -445,700                    |
|             | Navy unobligated balances estimate .....   |                            | [-435,900]                  |
|             | Printing & Reproduction (10% cut) .....  |                            | [-7,100]                    |
|             | Studies, Analysis & Evaluations (10% cut) .....  |                            | [-2,700]                    |
|             | <b>SUBTOTAL UNDISTRIBUTED</b> .....  |                            | <b>-445,700</b>             |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....                                     | <b>39,364,688</b>          | <b>39,738,171</b>           |
|             | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>   |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | OPERATIONAL FORCES .....   | 715,196                    | 723,696                     |
|             | CBRNE Response Force Capability Enhancement .....  |                            | [8,500]                     |
| 020         | FIELD LOGISTICS .....  | 677,608                    | 677,608                     |
| 030         | DEPOT MAINTENANCE .....  | 190,713                    | 190,713                     |
| 040         | MARITIME PREPOSITIONING .....  | 101,464                    | 101,464                     |
| 060         | SUSTAINMENT, RESTORATION, & MODERNIZATION .....  | 823,390                    | 891,390                     |
|             | Marine Corps Sustainment Restoration and Modernization to 100% .....                     |                            | [68,000]                    |
| 070         | BASE OPERATING SUPPORT .....   | 2,208,949                  | 2,208,949                   |
|             | <b>SUBTOTAL OPERATING FORCES</b> .....   | <b>4,717,320</b>           | <b>4,793,820</b>            |
|             | <b>TRAINING AND RECRUITING</b>   |                            |                             |
| 080         | RECRUIT TRAINING .....   | 18,280                     | 18,280                      |
| 090         | OFFICER ACQUISITION .....  | 820                        | 820                         |
| 100         | SPECIALIZED SKILL TRAINING .....   | 85,816                     | 85,816                      |
| 120         | PROFESSIONAL DEVELOPMENT EDUCATION .....   | 33,142                     | 33,142                      |
| 130         | TRAINING SUPPORT .....   | 324,643                    | 324,643                     |
| 140         | RECRUITING AND ADVERTISING .....   | 184,432                    | 184,432                     |
| 150         | OFF-DUTY AND VOLUNTARY EDUCATION .....   | 43,708                     | 43,708                      |
| 160         | JUNIOR ROTC .....  | 19,671                     | 19,671                      |
|             | <b>SUBTOTAL TRAINING AND RECRUITING</b> .....  | <b>710,512</b>             | <b>710,512</b>              |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>  |                            |                             |
| 180         | SERVICEWIDE TRANSPORTATION .....   | 36,021                     | 36,021                      |
| 190         | ADMINISTRATION .....   | 405,431                    | 414,431                     |
|             | USMC Expeditionary Energy Office—Experimental Forward Operating Base .....               |                            | [9,000]                     |
| 200         | ACQUISITION & PROGRAM MANAGEMENT .....   | 91,153                     | 91,153                      |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....                                       | <b>532,605</b>             | <b>541,605</b>              |
|             | <b>UNDISTRIBUTED</b>   |                            |                             |
| 210         | UNDISTRIBUTED .....  |                            | -70,000                     |
|             | Marine Corps unobligated balances estimate .....   |                            | [-66,000]                   |
|             | Mental Health Support for Military Personnel and Families .....                          |                            | [3,000]                     |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|--|----------------------------|-----------------------------|
|             | Printing & Reproduction (10% cut) .....  |                            | [-6,500]                    |
|             | Studies, Analysis & Evaluations (10% cut) .....  |                            | [-500]                      |
|             | <b>SUBTOTAL UNDISTRIBUTED</b> .....  |                            | <b>-70,000</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....                             | <b>5,960,437</b>           | <b>5,975,937</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>  |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | PRIMARY COMBAT FORCES .....  | 4,224,400                  | 4,224,400                   |
| 020         | COMBAT ENHANCEMENT FORCES .....  | 3,417,731                  | 3,417,731                   |
| 030         | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....                                     | 1,482,814                  | 1,482,814                   |
| 050         | DEPOT MAINTENANCE .....  | 2,204,131                  | 2,204,131                   |
| 060         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....                                | 1,652,318                  | 1,924,238                   |
|             | Air Force Sustainment, Restoration and Modernization to 100% .....                       |                            | [271,920]                   |
| 070         | BASE SUPPORT .....   | 2,507,179                  | 2,507,179                   |
| 080         | GLOBAL C3I AND EARLY WARNING .....   | 1,492,459                  | 1,492,459                   |
| 090         | OTHER COMBAT OPS SPT PROGRAMS .....  | 1,046,226                  | 1,046,226                   |
| 100         | TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....  | 696,188                    | 696,188                     |
| 110         | LAUNCH FACILITIES .....  | 321,484                    | 321,484                     |
| 120         | SPACE CONTROL SYSTEMS .....  | 633,738                    | 633,738                     |
| 130         | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....  | 735,488                    | 735,488                     |
| 140         | COMBATANT COMMANDERS CORE OPERATIONS .....   | 170,481                    | 170,481                     |
|             | <b>SUBTOTAL OPERATING FORCES</b> .....   | <b>20,584,637</b>          | <b>20,856,557</b>           |
|             | <b>MOBILIZATION</b>  |                            |                             |
| 150         | AIRLIFT OPERATIONS .....   | 2,988,221                  | 2,988,221                   |
| 160         | MOBILIZATION PREPAREDNESS .....  | 150,724                    | 150,724                     |
| 170         | DEPOT MAINTENANCE .....  | 373,568                    | 373,568                     |
| 180         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....                                | 388,103                    | 442,221                     |
|             | Air Force Sustainment, Restoration and Modernization to 100% .....                       |                            | [54,118]                    |
| 190         | BASE SUPPORT .....   | 674,230                    | 674,230                     |
|             | <b>SUBTOTAL MOBILIZATION</b> .....   | <b>4,574,846</b>           | <b>4,628,964</b>            |
|             | <b>TRAINING AND RECRUITING</b>   |                            |                             |
| 200         | OFFICER ACQUISITION .....  | 114,448                    | 114,448                     |
| 210         | RECRUIT TRAINING .....   | 22,192                     | 22,192                      |
| 220         | RESERVE OFFICERS TRAINING CORPS (ROTC) .....   | 90,545                     | 90,545                      |
| 230         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....                                | 430,090                    | 501,430                     |
|             | Air Force Sustainment, Restoration and Modernization to 100% .....                       |                            | [71,340]                    |
| 240         | BASE SUPPORT .....   | 789,654                    | 789,654                     |
| 250         | SPECIALIZED SKILL TRAINING .....   | 481,357                    | 481,357                     |
| 260         | FLIGHT TRAINING .....  | 957,538                    | 957,538                     |
| 270         | PROFESSIONAL DEVELOPMENT EDUCATION .....   | 198,897                    | 198,897                     |
| 280         | TRAINING SUPPORT .....   | 108,248                    | 108,248                     |
| 290         | DEPOT MAINTENANCE .....  | 6,386                      | 6,386                       |
| 300         | RECRUITING AND ADVERTISING .....   | 136,102                    | 136,102                     |
| 310         | EXAMINING .....  | 3,079                      | 3,079                       |
| 320         | OFF-DUTY AND VOLUNTARY EDUCATION .....   | 167,660                    | 167,660                     |
| 330         | CIVILIAN EDUCATION AND TRAINING .....  | 202,767                    | 202,767                     |
| 340         | JUNIOR ROTC .....  | 75,259                     | 75,259                      |
|             | <b>SUBTOTAL TRAINING AND RECRUITING</b> .....  | <b>3,784,222</b>           | <b>3,855,562</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>  |                            |                             |
| 350         | LOGISTICS OPERATIONS .....   | 1,112,878                  | 1,112,878                   |
| 360         | TECHNICAL SUPPORT ACTIVITIES .....   | 785,150                    | 785,150                     |
| 370         | DEPOT MAINTENANCE .....  | 14,356                     | 14,356                      |
| 380         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....                                | 416,588                    | 498,952                     |
|             | Air Force Sustainment, Restoration and Modernization to 100% .....                       |                            | [82,364]                    |
| 390         | BASE SUPPORT .....   | 1,219,043                  | 1,219,043                   |
| 400         | ADMINISTRATION .....   | 662,180                    | 662,180                     |
| 410         | SERVICEWIDE COMMUNICATIONS .....   | 650,689                    | 650,689                     |
| 420         | OTHER SERVICEWIDE ACTIVITIES .....   | 1,078,769                  | 954,769                     |
|             | Air Force funds for Space Shuttle (for museum) .....                                     |                            | [-14,000]                   |
|             | Realignment of funds to support the Financial Improvement and Audit Readiness Plan ..... |                            | [-110,000]                  |
| 425         | FINANCIAL IMPROVEMENT AND AUDIT READINESS .....  |                            | 110,000                     |
|             | Realignment of funds to support the Financial Improvement and Audit Readiness Plan ..... |                            | [110,000]                   |
| 430         | CIVIL AIR PATROL .....   | 23,338                     | 23,338                      |
| 460         | INTERNATIONAL SUPPORT .....  | 72,589                     | 72,589                      |
| 465         | CLASSIFIED PROGRAMS .....  | 1,215,848                  | 1,215,848                   |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....                                       | <b>7,251,428</b>           | <b>7,319,792</b>            |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
|             | <b>UNDISTRIBUTED</b>  |                            |                             |
| 470         | UNDISTRIBUTED .....   |                            | -410,500                    |
|             | Air Force unobligated balances estimate .....   |                            | [-400,800]                  |
|             | Printing & Reproduction (10% cut) .....   |                            | [-7,200]                    |
|             | Studies, Analysis & Evaluations (10% cut) .....   |                            | [-2,500]                    |
|             | <b>SUBTOTAL UNDISTRIBUTED</b> .....   |                            | <b>-410,500</b>             |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....                               | <b>36,195,133</b>          | <b>36,250,375</b>           |
|             | <b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>  |                            |                             |
|             | <b>OPERATING FORCES</b>   |                            |                             |
| 010         | JOINT CHIEFS OF STAFF .....   | 563,787                    | 563,787                     |
| 020         | SPECIAL OPERATIONS COMMAND .....  | 3,986,766                  | 3,989,766                   |
|             | Cold Weather Protective Equipment .....   |                            | [3,000]                     |
|             | <b>SUBTOTAL OPERATING FORCES</b> .....  | <b>4,550,553</b>           | <b>4,553,553</b>            |
|             | <b>TRAINING AND RECRUITING</b>  |                            |                             |
| 030         | DEFENSE ACQUISITION UNIVERSITY .....  | 124,075                    | 124,075                     |
| 040         | NATIONAL DEFENSE UNIVERSITY .....   | 93,348                     | 93,348                      |
|             | <b>SUBTOTAL TRAINING AND RECRUITING</b> .....   | <b>217,423</b>             | <b>217,423</b>              |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>   |                            |                             |
| 050         | CIVIL MILITARY PROGRAMS .....   | 159,692                    | 149,323                     |
|             | Innovative Readiness Training (Section 591) .....                                       |                            | [-10,369]                   |
| 080         | DEFENSE CONTRACT AUDIT AGENCY .....   | 508,822                    | 508,822                     |
| 090         | DEFENSE CONTRACT MANAGEMENT AGENCY .....  | 1,147,366                  | 1,147,366                   |
| 100         | DEFENSE FINANCE AND ACCOUNTING SERVICE .....  | 12,000                     | 12,000                      |
| 110         | DEFENSE HUMAN RESOURCES ACTIVITY .....  | 676,419                    | 677,419                     |
|             | Voluntary Separation Repayment .....  |                            | [1,000]                     |
| 120         | DEFENSE INFORMATION SYSTEMS AGENCY .....  | 1,360,392                  | 1,360,392                   |
| 140         | DEFENSE LEGAL SERVICES AGENCY .....   | 37,367                     | 37,367                      |
| 150         | DEFENSE LOGISTICS AGENCY .....  | 450,863                    | 456,863                     |
|             | Procurement Technical Assistance Centers .....  |                            | [6,000]                     |
| 160         | DEFENSE MEDIA ACTIVITY .....  | 256,133                    | 256,133                     |
| 170         | DEFENSE POW/MIA OFFICE .....  | 22,372                     | 22,372                      |
| 180         | DEFENSE SECURITY COOPERATION AGENCY—GLOBAL TRAIN AND EQUIP .....                        | 500,000                    | 400,000                     |
|             | Reduction to Global Train and Equip .....   |                            | [-100,000]                  |
| 185         | DEFENSE SECURITY COOPERATION AGENCY—OTHER .....   | 182,831                    | 182,831                     |
| 190         | DEFENSE SECURITY SERVICE .....  | 505,366                    | 505,366                     |
| 200         | DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....  | 33,848                     | 33,848                      |
| 210         | DEFENSE THREAT REDUCTION AGENCY .....   | 432,133                    | 432,133                     |
| 220         | DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....  | 2,768,677                  | 2,768,677                   |
| 230         | MISSILE DEFENSE AGENCY .....  | 202,758                    | 202,758                     |
| 250         | OFFICE OF ECONOMIC ADJUSTMENT .....   | 81,754                     | 81,754                      |
| 260         | OFFICE OF THE SECRETARY OF DEFENSE .....  | 2,201,964                  | 2,300,964                   |
|             | Department of Defense Corrosion Protection Projects .....                               |                            | [22,700]                    |
|             | DOD Installation Energy Manager Training Program .....                                  |                            | [3,000]                     |
|             | Education and Employment Advocacy Program for Wounded Members of the Armed Forces ..... |                            | [15,000]                    |
|             | Establish Office of Language and Policy .....   |                            | [6,000]                     |
|             | Insider Threat Detection Program .....  |                            | [5,000]                     |
|             | Office of Net Assessment .....  |                            | [1,300]                     |
|             | Sexual Assault Response Coordinators and Victim Advocates .....                         |                            | [45,000]                    |
|             | Wounded Warriors Career Program .....   |                            | [1,000]                     |
| 270         | WASHINGTON HEADQUARTERS SERVICE .....   | 563,184                    | 563,184                     |
| 275         | CLASSIFIED PROGRAMS .....   | 14,068,492                 | 14,068,492                  |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....                                      | <b>26,172,433</b>          | <b>26,168,064</b>           |
|             | <b>UNDISTRIBUTED</b>  |                            |                             |
| 280         | UNDISTRIBUTED .....   |                            | -413,000                    |
|             | Defense-wide unobligated balances estimate .....  |                            | [-456,800]                  |
|             | DOD Impact Aid (Section 581) .....  |                            | [40,000]                    |
|             | Printing & Reproduction (10% cut) .....   |                            | [-4,300]                    |
|             | Red Cross Reimbursement for Humanitarian Support to Service Members .....               |                            | [25,000]                    |
|             | Studies, Analysis & Evaluations (10% cut) .....   |                            | [-16,900]                   |
|             | <b>SUBTOTAL UNDISTRIBUTED</b> .....   |                            | <b>-413,000</b>             |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b> .....                            | <b>30,940,409</b>          | <b>30,526,040</b>           |
|             | <b>OPERATION &amp; MAINTENANCE, ARMY RESERVE</b>  |                            |                             |
|             | <b>OPERATING FORCES</b>   |                            |                             |
| 010         | MANEUVER UNITS .....  | 1,091                      | 1,091                       |



**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
| 020         | MODULAR SUPPORT BRIGADES .....  | 18,129                     | 18,129                      |
| 030         | ECHELONS ABOVE BRIGADE .....  | 492,705                    | 492,705                     |
| 040         | THEATER LEVEL ASSETS .....  | 137,304                    | 137,304                     |
| 050         | LAND FORCES OPERATIONS SUPPORT .....                                  | 597,786                    | 597,786                     |
| 060         | AVIATION ASSETS .....   | 67,366                     | 71,666                      |
|             | Restore Flying Hours to Army Reserve .....                            |                            | [4,300]                     |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                              | 474,966                    | 474,966                     |
| 080         | LAND FORCES SYSTEMS READINESS .....                                   | 69,841                     | 69,841                      |
| 090         | LAND FORCES DEPOT MAINTENANCE .....                                   | 247,010                    | 247,010                     |
| 100         | BASE OPERATIONS SUPPORT .....   | 590,078                    | 590,078                     |
| 110         | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....            | 255,618                    | 282,618                     |
|             | Army Reserve Sustainment, Restoration and Modernization to 100% ..... |                            | [27,000]                    |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                                | <b>2,951,894</b>           | <b>2,983,194</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                                   |                            |                             |
| 130         | SERVICEWIDE TRANSPORTATION .....                                      | 14,447                     | 14,447                      |
| 140         | ADMINISTRATION .....  | 76,393                     | 76,393                      |
| 150         | SERVICEWIDE COMMUNICATIONS .....                                      | 3,844                      | 3,844                       |
| 160         | MANPOWER MANAGEMENT .....   | 9,033                      | 9,033                       |
| 170         | RECRUITING AND ADVERTISING .....                                      | 53,565                     | 53,565                      |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                    | <b>157,282</b>             | <b>157,282</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RESERVE .....</b>          | <b>3,109,176</b>           | <b>3,140,476</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY RESERVE</b>                      |                            |                             |
|             | <b>OPERATING FORCES</b>   |                            |                             |
| 010         | MISSION AND OTHER FLIGHT OPERATIONS .....                             | 622,868                    | 622,868                     |
| 020         | INTERMEDIATE MAINTENANCE .....  | 16,041                     | 16,041                      |
| 030         | AIR OPERATIONS AND SAFETY SUPPORT .....                               | 1,511                      | 1,511                       |
| 040         | AIRCRAFT DEPOT MAINTENANCE .....                                      | 123,547                    | 125,047                     |
|             | Aviation Depot Maintenance .....                                      |                            | [1,500]                     |
| 050         | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                               | 379                        | 379                         |
| 060         | MISSION AND OTHER SHIP OPERATIONS .....                               | 49,701                     | 49,701                      |
| 070         | SHIP OPERATIONS SUPPORT & TRAINING .....                              | 593                        | 593                         |
| 080         | SHIP DEPOT MAINTENANCE .....  | 53,916                     | 54,916                      |
|             | Ship Depot Maintenance (Reserve) .....                                |                            | [1,000]                     |
| 090         | COMBAT COMMUNICATIONS .....   | 15,445                     | 15,445                      |
| 100         | COMBAT SUPPORT FORCES .....   | 153,942                    | 153,942                     |
| 110         | WEAPONS MAINTENANCE .....   | 7,292                      | 7,292                       |
| 120         | ENTERPRISE INFORMATION .....  | 75,131                     | 75,131                      |
| 130         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....                      | 72,083                     | 72,083                      |
| 140         | BASE OPERATING SUPPORT .....  | 109,024                    | 109,024                     |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                                | <b>1,301,473</b>           | <b>1,303,973</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                                   |                            |                             |
| 150         | ADMINISTRATION .....  | 1,857                      | 1,857                       |
| 160         | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....                      | 14,438                     | 14,438                      |
| 170         | SERVICEWIDE COMMUNICATIONS .....                                      | 2,394                      | 2,394                       |
| 180         | ACQUISITION AND PROGRAM MANAGEMENT .....                              | 2,972                      | 2,972                       |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                    | <b>21,661</b>              | <b>21,661</b>               |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RESERVE .....</b>          | <b>1,323,134</b>           | <b>1,325,634</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b>              |                            |                             |
|             | <b>OPERATING FORCES</b>   |                            |                             |
| 010         | OPERATING FORCES .....  | 94,604                     | 94,604                      |
| 020         | DEPOT MAINTENANCE .....   | 16,382                     | 16,382                      |
| 040         | SUSTAINMENT, RESTORATION AND MODERNIZATION .....                      | 31,520                     | 31,520                      |
| 050         | BASE OPERATING SUPPORT .....  | 105,809                    | 105,809                     |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                                | <b>248,315</b>             | <b>248,315</b>              |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                                   |                            |                             |
| 070         | SERVICEWIDE TRANSPORTATION .....                                      | 852                        | 852                         |
| 080         | ADMINISTRATION .....  | 13,257                     | 13,257                      |
| 090         | RECRUITING AND ADVERTISING .....                                      | 9,019                      | 9,019                       |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                    | <b>23,128</b>              | <b>23,128</b>               |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE .....</b>  | <b>271,443</b>             | <b>271,443</b>              |
|             | <b>OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b>                 |                            |                             |
|             | <b>OPERATING FORCES</b>   |                            |                             |

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

| <b>Line</b> | <b>Item</b>  | <b>FY 2012<br/>Request</b> | <b>House<br/>Authorized</b> |
|-------------|--|----------------------------|-----------------------------|
| 010         | PRIMARY COMBAT FORCES .....  | 2,171,853                  | 2,208,753                   |
|             | Restore Flying Hours to FY11 levels .....                                    |                            | [36,900]                    |
| 020         | MISSION SUPPORT OPERATIONS .....   | 116,513                    | 116,513                     |
| 030         | DEPOT MAINTENANCE .....  | 471,707                    | 471,707                     |
| 040         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....                    | 77,161                     | 91,161                      |
|             | Air Force Reserve Sustainment, Restoration and Modernization to 100% .....   |                            | [14,000]                    |
| 050         | BASE SUPPORT .....   | 308,974                    | 308,974                     |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                                       | <b>3,146,208</b>           | <b>3,197,108</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>  |                            |                             |
| 060         | ADMINISTRATION .....   | 84,423                     | 84,423                      |
| 070         | RECRUITING AND ADVERTISING .....   | 17,076                     | 17,076                      |
| 080         | MILITARY MANPOWER AND PERS MGMT (ARPC) .....                                 | 19,688                     | 19,688                      |
| 090         | OTHER PERS SUPPORT (DISABILITY COMP) .....                                   | 6,170                      | 6,170                       |
| 100         | AUDIOVISUAL .....  | 794                        | 794                         |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                           | <b>128,151</b>             | <b>128,151</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE .....</b>            | <b>3,274,359</b>           | <b>3,325,259</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b>                      |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | MANEUVER UNITS .....   | 634,181                    | 634,181                     |
| 020         | MODULAR SUPPORT BRIGADES .....   | 189,899                    | 189,899                     |
| 030         | ECHELONS ABOVE BRIGADE .....   | 751,899                    | 751,899                     |
| 040         | THEATER LEVEL ASSETS .....   | 112,971                    | 112,971                     |
| 050         | LAND FORCES OPERATIONS SUPPORT .....   | 33,972                     | 33,972                      |
| 060         | AVIATION ASSETS .....  | 854,048                    | 861,768                     |
|             | Restore O&M Funding for Guard C-23 .....                                     |                            | [7,720]                     |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                                     | 706,299                    | 713,299                     |
|             | Increase funding for Guard simulator training .....                          |                            | [5,000]                     |
|             | Simulation Training Systems .....  |                            | [2,000]                     |
| 080         | LAND FORCES SYSTEMS READINESS .....  | 50,453                     | 50,453                      |
| 090         | LAND FORCES DEPOT MAINTENANCE .....  | 646,608                    | 646,608                     |
| 100         | BASE OPERATIONS SUPPORT .....  | 1,028,126                  | 1,028,126                   |
| 110         | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....                   | 618,513                    | 684,513                     |
|             | Army National Guard Sustainment, Restoration and Modernization to 100% ..... |                            | [66,000]                    |
| 120         | MANAGEMENT AND OPERATIONAL HQ .....  | 792,575                    | 792,575                     |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                                       | <b>6,419,544</b>           | <b>6,500,264</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>  |                            |                             |
| 140         | SERVICEWIDE TRANSPORTATION .....   | 11,703                     | 11,703                      |
| 150         | ADMINISTRATION .....   | 178,655                    | 178,655                     |
| 160         | SERVICEWIDE COMMUNICATIONS .....   | 42,073                     | 42,073                      |
| 170         | MANPOWER MANAGEMENT .....  | 6,789                      | 6,789                       |
| 180         | RECRUITING AND ADVERTISING .....   | 382,668                    | 382,668                     |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                           | <b>621,888</b>             | <b>621,888</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD .....</b>          | <b>7,041,432</b>           | <b>7,122,152</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b>                       |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | AIRCRAFT OPERATIONS .....  | 3,651,900                  | 3,703,000                   |
|             | Restore Flying Hours to FY11 Levels .....                                    |                            | [51,100]                    |
| 020         | MISSION SUPPORT OPERATIONS .....   | 751,519                    | 751,519                     |
| 030         | DEPOT MAINTENANCE .....  | 753,525                    | 753,525                     |
| 040         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....                    | 284,348                    | 330,348                     |
|             | Air National Guard Sustainment, Restoration and Modernization to 100% .....  |                            | [46,000]                    |
| 050         | BASE SUPPORT .....   | 621,942                    | 621,942                     |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                                       | <b>6,063,234</b>           | <b>6,160,334</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>  |                            |                             |
| 060         | ADMINISTRATION .....   | 39,387                     | 39,387                      |
| 070         | RECRUITING AND ADVERTISING .....   | 33,659                     | 33,659                      |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                           | <b>73,046</b>              | <b>73,046</b>               |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD .....</b>           | <b>6,136,280</b>           | <b>6,233,380</b>            |
|             | <b>MISCELLANEOUS APPROPRIATIONS</b>  |                            |                             |
| 010         | US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....                      | 13,861                     | 13,861                      |
| 020         | OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....                          | 107,662                    | 107,662                     |
| 030         | COOPERATIVE THREAT REDUCTION .....   | 508,219                    | 508,219                     |

| SEC. 4301. OPERATION AND MAINTENANCE<br>(In Thousands of Dollars) |  |                    |                     |
|---|--|--------------------|---------------------|
| Line  | Item   | FY 2012<br>Request | House<br>Authorized |
| 040   | ACQ WORKFORCE DEV FD .....                           | 305,501            | 305,501             |
| 050   | ENVIRONMENTAL RESTORATION, ARMY .....                | 346,031            | 346,031             |
| 060   | ENVIRONMENTAL RESTORATION, NAVY .....                | 308,668            | 308,668             |
| 070   | ENVIRONMENTAL RESTORATION, AIR FORCE .....           | 525,453            | 503,453             |
|   | Unjustified program growth .....                     |                    | [−22,000]           |
| 080   | ENVIRONMENTAL RESTORATION, DEFENSE .....             | 10,716             | 10,716              |
| 090   | ENVIRONMENTAL RESTORATION, FORMERLY USED SITES ..... | 276,495            | 276,495             |
| 100   | OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....  | 5,000              | 0                   |
|   | Program Reduction .....                              |                    | [−5,000]            |
|   | <b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>   | <b>2,407,606</b>   | <b>2,380,606</b>    |
|   | <b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>      | <b>2,407,606</b>   | <b>2,380,606</b>    |
|   | <b>TOTAL OPERATION &amp; MAINTENANCE .....</b>       | <b>170,759,313</b> | <b>171,120,469</b>  |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.****SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i>                              | <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|--|--|----------------------------|-----------------------------|
| <b>OPERATION &amp; MAINTENANCE, ARMY</b> |  |                            |                             |
| <b>OPERATING FORCES</b>                  |  |                            |                             |
| 040                                      | THEATER LEVEL ASSETS .....                                 | 3,424,314                  | 3,424,314                   |
| 050                                      | LAND FORCES OPERATIONS SUPPORT .....                       | 1,534,886                  | 1,534,886                   |
| 060                                      | AVIATION ASSETS .....                                      | 87,166                     | 87,166                      |
| 070                                      | FORCE READINESS OPERATIONS SUPPORT .....                   | 2,675,821                  | 2,675,821                   |
| 080                                      | LAND FORCES SYSTEMS READINESS .....                        | 579,000                    | 579,000                     |
| 090                                      | LAND FORCES DEPOT MAINTENANCE .....                        | 1,000,000                  | 1,000,000                   |
| 100                                      | BASE OPERATIONS SUPPORT .....                              | 951,371                    | 951,371                     |
| 110                                      | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION ..... | 250,000                    | 250,000                     |
| 140                                      | ADDITIONAL ACTIVITIES .....                                | 22,998,441                 | 22,998,441                  |
| 150                                      | COMMANDERS EMERGENCY RESPONSE PROGRAM .....                | 425,000                    | 425,000                     |
| 160                                      | RESET .....  | 3,955,429                  | 3,955,429                   |
|  | <b>SUBTOTAL OPERATING FORCES .....</b>                     | <b>37,881,428</b>          | <b>37,881,428</b>           |
| <b>ADMIN &amp; SRVWIDE ACTIVITIES</b>    |  |                            |                             |
| 340                                      | SECURITY PROGRAMS .....                                    | 2,476,766                  | 2,476,766                   |
| 350                                      | SERVICEWIDE TRANSPORTATION .....                           | 3,507,186                  | 3,507,186                   |
| 360                                      | CENTRAL SUPPLY ACTIVITIES .....                            | 50,740                     | 50,740                      |
| 380                                      | AMMUNITION MANAGEMENT .....                                | 84,427                     | 84,427                      |
| 400                                      | SERVICEWIDE COMMUNICATIONS .....                           | 66,275                     | 66,275                      |
| 420                                      | OTHER PERSONNEL SUPPORT .....                              | 143,391                    | 143,391                     |
| 430                                      | OTHER SERVICE SUPPORT .....                                | 92,067                     | 92,067                      |
|  | <b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>       | <b>6,420,852</b>           | <b>6,420,852</b>            |
|  | <b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>       | <b>44,302,280</b>          | <b>44,302,280</b>           |
| <b>OPERATION &amp; MAINTENANCE, NAVY</b> |  |                            |                             |
| <b>OPERATING FORCES</b>                  |  |                            |                             |
| 010                                      | MISSION AND OTHER FLIGHT OPERATIONS .....                  | 1,058,114                  | 1,058,114                   |
| 020                                      | FLEET AIR TRAINING .....                                   | 7,700                      | 7,700                       |
| 030                                      | AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....       | 9,200                      | 9,200                       |
| 040                                      | AIR OPERATIONS AND SAFETY SUPPORT .....                    | 12,934                     | 12,934                      |
| 050                                      | AIR SYSTEMS SUPPORT .....                                  | 39,566                     | 39,566                      |
| 060                                      | AIRCRAFT DEPOT MAINTENANCE .....                           | 174,052                    | 174,052                     |
| 070                                      | AIRCRAFT DEPOT OPERATIONS SUPPORT .....                    | 1,586                      | 1,586                       |
| 080                                      | AVIATION LOGISTICS .....                                   | 50,852                     | 50,852                      |
| 090                                      | MISSION AND OTHER SHIP OPERATIONS .....                    | 1,132,948                  | 1,132,948                   |
| 100                                      | SHIP OPERATIONS SUPPORT & TRAINING .....                   | 26,822                     | 26,822                      |
| 110                                      | SHIP DEPOT MAINTENANCE .....                               | 998,172                    | 998,172                     |
| 130                                      | COMBAT COMMUNICATIONS .....                                | 26,533                     | 26,533                      |
| 160                                      | WARFARE TACTICS .....                                      | 22,657                     | 22,657                      |
| 170                                      | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....             | 28,141                     | 28,141                      |
| 180                                      | COMBAT SUPPORT FORCES .....                                | 1,932,640                  | 1,932,640                   |
| 190                                      | EQUIPMENT MAINTENANCE .....                                | 19,891                     | 19,891                      |
| 210                                      | COMBATANT COMMANDERS CORE OPERATIONS .....                 | 5,465                      | 5,465                       |
| 220                                      | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....          | 2,093                      | 2,093                       |
| 250                                      | IN-SERVICE WEAPONS SYSTEMS SUPPORT .....                   | 125,460                    | 125,460                     |
| 260                                      | WEAPONS MAINTENANCE .....                                  | 201,083                    | 201,083                     |
| 270                                      | OTHER WEAPON SYSTEMS SUPPORT .....                         | 1,457                      | 1,457                       |
| 280                                      | ENTERPRISE INFORMATION .....                               | 5,095                      | 5,095                       |
| 290                                      | SUSTAINMENT, RESTORATION AND MODERNIZATION .....           | 26,793                     | 26,793                      |
| 300                                      | BASE OPERATING SUPPORT .....                               | 352,210                    | 352,210                     |
|  | <b>SUBTOTAL OPERATING FORCES .....</b>                     | <b>6,261,464</b>           | <b>6,261,464</b>            |
| <b>MOBILIZATION</b>                      |  |                            |                             |
| 310                                      | SHIP PREPOSITIONING AND SURGE .....                        | 29,010                     | 29,010                      |
| 340                                      | EXPEDITIONARY HEALTH SERVICES SYSTEMS .....                | 34,300                     | 34,300                      |
| 360                                      | COAST GUARD SUPPORT .....                                  | 258,278                    | 258,278                     |
|  | <b>SUBTOTAL MOBILIZATION .....</b>                         | <b>321,588</b>             | <b>321,588</b>              |
| <b>TRAINING AND RECRUITING</b>           |  |                            |                             |
| 400                                      | SPECIALIZED SKILL TRAINING .....                           | 69,961                     | 69,961                      |
| 430                                      | TRAINING SUPPORT .....                                     | 5,400                      | 5,400                       |
|  | <b>SUBTOTAL TRAINING AND RECRUITING .....</b>              | <b>75,361</b>              | <b>75,361</b>               |
| <b>ADMIN &amp; SRVWD ACTIVITIES</b>      |  |                            |                             |
| 480                                      | ADMINISTRATION .....                                       | 2,348                      | 2,348                       |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|--|----------------------------|-----------------------------|
| 510         | MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....             | 6,142                      | 6,142                       |
| 520         | OTHER PERSONNEL SUPPORT .....                                | 5,849                      | 5,849                       |
| 530         | SERVICEWIDE COMMUNICATIONS .....                             | 28,511                     | 28,511                      |
| 550         | SERVICEWIDE TRANSPORTATION .....                             | 263,593                    | 263,593                     |
| 580         | ACQUISITION AND PROGRAM MANAGEMENT .....                     | 17,414                     | 17,414                      |
| 610         | SPACE AND ELECTRONIC WARFARE SYSTEMS .....                   | 1,075                      | 1,075                       |
| 620         | NAVAL INVESTIGATIVE SERVICE .....                            | 6,564                      | 6,564                       |
| 650         | FOREIGN COUNTERINTELLIGENCE .....                            | 14,598                     | 14,598                      |
| 705         | CLASSIFIED PROGRAMS .....                                    | 2,060                      | 2,060                       |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>348,154</b>             | <b>348,154</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>         | <b>7,006,567</b>           | <b>7,006,567</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>             |                            |                             |
|             | <b>OPERATING FORCES</b>                                      |                            |                             |
| 010         | OPERATIONAL FORCES .....                                     | 2,069,485                  | 2,069,485                   |
| 020         | FIELD LOGISTICS .....  | 575,843                    | 575,843                     |
| 030         | DEPOT MAINTENANCE .....                                      | 251,100                    | 251,100                     |
| 070         | BASE OPERATING SUPPORT .....                                 | 82,514                     | 82,514                      |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                       | <b>2,978,942</b>           | <b>2,978,942</b>            |
|             | <b>TRAINING AND RECRUITING</b>                               |                            |                             |
| 130         | TRAINING SUPPORT .....                                       | 209,784                    | 209,784                     |
|             | <b>SUBTOTAL TRAINING AND RECRUITING .....</b>                | <b>209,784</b>             | <b>209,784</b>              |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                          |                            |                             |
| 180         | SERVICEWIDE TRANSPORTATION .....                             | 376,495                    | 376,495                     |
| 190         | ADMINISTRATION .....   | 5,989                      | 5,989                       |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>382,484</b>             | <b>382,484</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b> | <b>3,571,210</b>           | <b>3,571,210</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>                |                            |                             |
|             | <b>OPERATING FORCES</b>                                      |                            |                             |
| 010         | PRIMARY COMBAT FORCES .....                                  | 2,115,901                  | 2,115,901                   |
| 020         | COMBAT ENHANCEMENT FORCES .....                              | 2,033,929                  | 2,033,929                   |
| 030         | AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....         | 46,844                     | 46,844                      |
| 050         | DEPOT MAINTENANCE .....                                      | 312,361                    | 312,361                     |
| 060         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....    | 334,950                    | 334,950                     |
| 070         | BASE SUPPORT .....   | 641,404                    | 641,404                     |
| 080         | GLOBAL C3I AND EARLY WARNING .....                           | 69,330                     | 69,330                      |
| 090         | OTHER COMBAT OPS SPT PROGRAMS .....                          | 297,015                    | 297,015                     |
| 120         | SPACE CONTROL SYSTEMS .....                                  | 16,833                     | 16,833                      |
| 130         | COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....            | 46,390                     | 46,390                      |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                       | <b>5,914,957</b>           | <b>5,914,957</b>            |
|             | <b>MOBILIZATION</b>  |                            |                             |
| 150         | AIRLIFT OPERATIONS .....                                     | 3,533,338                  | 3,533,338                   |
| 160         | MOBILIZATION PREPAREDNESS .....                              | 85,416                     | 85,416                      |
| 170         | DEPOT MAINTENANCE .....                                      | 161,678                    | 161,678                     |
| 180         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....    | 9,485                      | 9,485                       |
| 190         | BASE SUPPORT .....   | 30,033                     | 30,033                      |
|             | <b>SUBTOTAL MOBILIZATION .....</b>                           | <b>3,819,950</b>           | <b>3,819,950</b>            |
|             | <b>TRAINING AND RECRUITING</b>                               |                            |                             |
| 230         | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....    | 908                        | 908                         |
| 240         | BASE SUPPORT .....   | 2,280                      | 2,280                       |
| 250         | SPECIALIZED SKILL TRAINING .....                             | 29,592                     | 29,592                      |
| 260         | FLIGHT TRAINING .....  | 154                        | 154                         |
| 270         | PROFESSIONAL DEVELOPMENT EDUCATION .....                     | 691                        | 691                         |
| 280         | TRAINING SUPPORT .....                                       | 753                        | 753                         |
|             | <b>SUBTOTAL TRAINING AND RECRUITING .....</b>                | <b>34,378</b>              | <b>34,378</b>               |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                          |                            |                             |
| 350         | LOGISTICS OPERATIONS .....                                   | 155,121                    | 155,121                     |
| 390         | BASE SUPPORT .....   | 20,677                     | 20,677                      |
| 400         | ADMINISTRATION .....   | 3,320                      | 3,320                       |
| 410         | SERVICEWIDE COMMUNICATIONS .....                             | 111,561                    | 111,561                     |
| 420         | OTHER SERVICEWIDE ACTIVITIES .....                           | 605,223                    | 605,223                     |
| 465         | CLASSIFIED PROGRAMS .....                                    | 54,000                     | 54,000                      |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>           | <b>949,902</b>             | <b>949,902</b>              |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|--|----------------------------|-----------------------------|
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>            | <b>10,719,187</b>          | <b>10,719,187</b>           |
|             | <b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>                     |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | JOINT CHIEFS OF STAFF .....  | 2,000                      | 2,000                       |
| 020         | SPECIAL OPERATIONS COMMAND .....                                     | 3,269,939                  | 3,269,939                   |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                               | <b>3,271,939</b>           | <b>3,271,939</b>            |
|             | <b>ADMIN &amp; SRVWD ACTIVITIES</b>                                  |                            |                             |
| 080         | DEFENSE CONTRACT AUDIT AGENCY .....                                  | 23,478                     | 23,478                      |
| 090         | DEFENSE CONTRACT MANAGEMENT AGENCY .....                             | 87,925                     | 87,925                      |
| 120         | DEFENSE INFORMATION SYSTEMS AGENCY .....                             | 164,520                    | 164,520                     |
| 140         | DEFENSE LEGAL SERVICES AGENCY .....                                  | 102,322                    | 102,322                     |
| 160         | DEFENSE MEDIA ACTIVITY .....   | 15,457                     | 15,457                      |
| 185         | DEFENSE SECURITY COOPERATION AGENCY—OTHER .....                      | 2,200,000                  | 2,200,000                   |
| 220         | DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....                       | 194,100                    | 194,100                     |
| 260         | OFFICE OF THE SECRETARY OF DEFENSE .....                             | 143,870                    | 143,870                     |
| 275         | CLASSIFIED PROGRAMS .....  | 3,065,800                  | 3,065,800                   |
|             | <b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>                   | <b>5,997,472</b>           | <b>5,997,472</b>            |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>         | <b>9,269,411</b>           | <b>9,269,411</b>            |
|             | <b>OPERATION &amp; MAINTENANCE, ARMY RESERVE</b>                     |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 030         | ECHELONS ABOVE BRIGADE .....   | 84,200                     | 84,200                      |
| 050         | LAND FORCES OPERATIONS SUPPORT .....                                 | 28,100                     | 28,100                      |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                             | 20,700                     | 20,700                      |
| 100         | BASE OPERATIONS SUPPORT .....  | 84,500                     | 84,500                      |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                               | <b>217,500</b>             | <b>217,500</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RESERVE .....</b>         | <b>217,500</b>             | <b>217,500</b>              |
|             | <b>OPERATION &amp; MAINTENANCE, NAVY RESERVE</b>                     |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | MISSION AND OTHER FLIGHT OPERATIONS .....                            | 38,402                     | 38,402                      |
| 020         | INTERMEDIATE MAINTENANCE .....                                       | 400                        | 400                         |
| 040         | AIRCRAFT DEPOT MAINTENANCE .....                                     | 11,330                     | 11,330                      |
| 060         | MISSION AND OTHER SHIP OPERATIONS .....                              | 10,137                     | 10,137                      |
| 100         | COMBAT SUPPORT FORCES .....  | 13,827                     | 13,827                      |
| 140         | BASE OPERATING SUPPORT .....   | 52                         | 52                          |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                               | <b>74,148</b>              | <b>74,148</b>               |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RESERVE .....</b>         | <b>74,148</b>              | <b>74,148</b>               |
|             | <b>OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE</b>             |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | OPERATING FORCES .....   | 31,284                     | 31,284                      |
| 050         | BASE OPERATING SUPPORT .....   | 4,800                      | 4,800                       |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                               | <b>36,084</b>              | <b>36,084</b>               |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS RESERVE .....</b> | <b>36,084</b>              | <b>36,084</b>               |
|             | <b>OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE</b>                |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | PRIMARY COMBAT FORCES .....  | 4,800                      | 4,800                       |
| 030         | DEPOT MAINTENANCE .....  | 131,000                    | 131,000                     |
| 050         | BASE SUPPORT .....   | 6,250                      | 6,250                       |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                               | <b>142,050</b>             | <b>142,050</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE RESERVE .....</b>    | <b>142,050</b>             | <b>142,050</b>              |
|             | <b>OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD</b>              |                            |                             |
|             | <b>OPERATING FORCES</b>  |                            |                             |
| 010         | MANEUVER UNITS .....   | 89,930                     | 89,930                      |
| 060         | AVIATION ASSETS .....  | 130,848                    | 130,848                     |
| 070         | FORCE READINESS OPERATIONS SUPPORT .....                             | 110,011                    | 110,011                     |
| 100         | BASE OPERATIONS SUPPORT .....  | 34,788                     | 34,788                      |
| 120         | MANAGEMENT AND OPERATIONAL HQ .....                                  | 21,967                     | 21,967                      |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                               | <b>387,544</b>             | <b>387,544</b>              |

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

| <i>Line</i> | <i>Item</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|-------------|---|----------------------------|-----------------------------|
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, ARMY NATIONAL GUARD .....</b> | <b>387,544</b>             | <b>387,544</b>              |
|             | <b>OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD</b>              |                            |                             |
|             | <b>OPERATING FORCES</b>   |                            |                             |
| 020         | MISSION SUPPORT OPERATIONS .....                                    | 34,050                     | 34,050                      |
|             | <b>SUBTOTAL OPERATING FORCES .....</b>                              | <b>34,050</b>              | <b>34,050</b>               |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE, AIR NATIONAL GUARD .....</b>  | <b>34,050</b>              | <b>34,050</b>               |
|             | <b>AFGHANISTAN SECURITY FORCES FUND</b>                             |                            |                             |
|             | <b>MINISTRY OF DEFENSE</b>  |                            |                             |
| 010         | INFRASTRUCTURE .....  | 1,304,350                  | 1,304,350                   |
| 020         | EQUIPMENT AND TRANSPORTATION .....                                  | 1,667,905                  | 1,667,905                   |
| 030         | TRAINING AND OPERATIONS .....                                       | 751,073                    | 751,073                     |
| 040         | SUSTAINMENT .....   | 3,331,774                  | 3,331,774                   |
|             | <b>SUBTOTAL MINISTRY OF DEFENSE .....</b>                           | <b>7,055,102</b>           | <b>7,055,102</b>            |
|             | <b>MINISTRY OF INTERIOR</b>   |                            |                             |
| 060         | INFRASTRUCTURE .....  | 1,128,584                  | 1,128,584                   |
| 070         | EQUIPMENT AND TRANSPORTATION .....                                  | 1,530,420                  | 1,530,420                   |
| 080         | TRAINING AND OPERATIONS .....                                       | 1,102,430                  | 1,102,430                   |
| 090         | SUSTAINMENT .....   | 1,938,715                  | 1,938,715                   |
|             | <b>SUBTOTAL MINISTRY OF INTERIOR .....</b>                          | <b>5,700,149</b>           | <b>5,700,149</b>            |
|             | <b>ASSOCIATED ACTIVITIES</b>  |                            |                             |
| 110         | SUSTAINMENT .....   | 21,187                     | 21,187                      |
| 120         | TRAINING AND OPERATIONS .....                                       | 7,344                      | 7,344                       |
| 130         | INFRASTRUCTURE .....  | 15,000                     | 15,000                      |
| 150         | EQUIPMENT AND TRANSPORTATION .....                                  | 1,218                      | 1,218                       |
|             | <b>SUBTOTAL ASSOCIATED ACTIVITIES .....</b>                         | <b>44,749</b>              | <b>44,749</b>               |
|             | <b>TOTAL AFGHANISTAN SECURITY FORCES FUND .....</b>                 | <b>12,800,000</b>          | <b>12,800,000</b>           |
|             | <b>PAKISTAN COUNTERINSURGENCY FUND</b>                              |                            |                             |
|             | <b>UNDISTRIBUTED</b>  |                            |                             |
| 010         | UNDISTRIBUTED .....   |                            | 1,100,000                   |
|             | Realignment of funds from Department of State .....                 |                            | [1,100,000]                 |
|             | <b>SUBTOTAL UNDISTRIBUTED .....</b>                                 |                            | <b>1,100,000</b>            |
|             | <b>TOTAL PAKISTAN COUNTERINSURGENCY FUND .....</b>                  |                            | <b>1,100,000</b>            |
|             | <b>AFGHANISTAN INFRASTRUCTURE FUND</b>                              |                            |                             |
|             | <b>POWER</b>  |                            |                             |
| 010         | POWER .....   | 300,000                    | 300,000                     |
| 020         | TRANSPORTATION .....  | 100,000                    | 100,000                     |
| 030         | WATER .....   | 50,000                     | 50,000                      |
| 040         | OTHER RELATED ACTIVITIES .....                                      | 25,000                     | 25,000                      |
|             | <b>SUBTOTAL POWER .....</b>   | <b>475,000</b>             | <b>475,000</b>              |
|             | <b>TOTAL AFGHANISTAN INFRASTRUCTURE FUND .....</b>                  | <b>475,000</b>             | <b>475,000</b>              |
|             | <b>TOTAL OPERATION &amp; MAINTENANCE .....</b>                      | <b>89,035,031</b>          | <b>90,135,031</b>           |



**TITLE XLIV—MILITARY PERSONNEL**

**SEC. 4401. MILITARY PERSONNEL.**

| <i>SEC. 4401. MILITARY PERSONNEL<br/>(In Thousands of Dollars)</i>   |                            |                             |
|--|----------------------------|-----------------------------|
| <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
| <i>MILITARY PERSONNEL .....</i>  | <i>142,828,848</i>         | <i>142,164,158</i>          |
| <i>    Increase in Authorized Strengths for Marine Corps Officers on Active Duty in Field Grades<br/>    (Section 501) .....</i> |                            | <i>6,000</i>                |
| <i>    Retain Carrier Air Wing Staff (Section 1095) .....</i>  |                            | <i>2,310</i>                |
| <i>    Travel and Transportation Allowances for Non-Medical Attendants .....</i>   |                            | <i>20,000</i>               |
| <i>    Unobligated Balances (Section 421) .....</i>  |                            | <i>[-693,000]</i>           |

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.**

| <i>SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS<br/>(In Thousands of Dollars)</i> |                            |                             |
|--|----------------------------|-----------------------------|
| <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
| <i>MILITARY PERSONNEL .....</i>  | <i>11,228,566</i>          | <i>11,228,566</i>           |

## TITLE XLV—OTHER AUTHORIZATIONS

### SEC. 4501. OTHER AUTHORIZATIONS.

| SEC. 4501. OTHER AUTHORIZATIONS<br>(In Thousands of Dollars)                            |                    |                     |
|---|--------------------|---------------------|
| Item  | FY 2012<br>Request | House<br>Authorized |
| <b>WORKING CAPITAL FUND, ARMY</b>   |                    |                     |
| PREPOSITIONED WAR RESERVE STOCKS .....  | 101,194            | 101,194             |
| <b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>   | <b>101,194</b>     | <b>101,194</b>      |
| <b>WORKING CAPITAL FUND, AIR FORCE</b>  |                    |                     |
| WAR RESERVE MATERIAL .....  | 65,372             | 65,372              |
| <b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>                                      | <b>65,372</b>      | <b>65,372</b>       |
| <b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>   |                    |                     |
| DEFENSE LOGISTICS AGENCY (DLA) .....  | 31,614             | 31,614              |
| <b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>                                   | <b>31,614</b>      | <b>31,614</b>       |
| <b>WORKING CAPITAL FUND, DECA</b>   |                    |                     |
| WORKING CAPITAL FUND, DECA .....  | 1,376,830          | 1,378,830           |
| Enhanced Commissary Stores Pilot Program .....  |                    | [2,000]             |
| <b>TOTAL WORKING CAPITAL FUND, DECA .....</b>   | <b>1,376,830</b>   | <b>1,378,830</b>    |
| <b>NATIONAL DEFENSE SEALIFT FUND</b>  |                    |                     |
| MPF MLP .....   | 425,865            | 425,865             |
| POST DELIVERY AND OUTFITTING .....  | 24,161             | 24,161              |
| NATIONAL DEF SEALIFT VESSEL .....   | 1,138              | 1,138               |
| LG MED SPD RO/RO MAINTENANCE .....  | 92,567             | 92,567              |
| DOD MOBILIZATION ALTERATIONS .....  | 184,109            | 184,109             |
| TAH MAINTENANCE .....   | 40,831             | 40,831              |
| RESEARCH AND DEVELOPMENT .....  | 48,443             | 48,443              |
| READY RESERVE FORCE .....   | 309,270            | 309,270             |
| <b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>  | <b>1,126,384</b>   | <b>1,126,384</b>    |
| <b>DEFENSE HEALTH PROGRAM</b>   |                    |                     |
| <b>OPERATION &amp; MAINTENANCE</b>  |                    |                     |
| IN-HOUSE CARE .....   | 8,148,856          | 8,148,856           |
| PRIVATE SECTOR CARE .....   | 16,377,272         | 16,377,272          |
| CONSOLIDATED HEALTH SUPPORT .....   | 2,193,821          | 2,193,821           |
| INFORMATION MANAGEMENT .....  | 1,422,697          | 1,403,467           |
| Electronic Health Record Way Ahead .....  |                    | [−15,480]           |
| Virtual Electronic Health Record .....  |                    | [−3,750]            |
| MANAGEMENT ACTIVITIES .....   | 312,102            | 312,102             |
| EDUCATION AND TRAINING .....  | 705,347            | 705,347             |
| BASE OPERATIONS/COMMUNICATIONS .....  | 1,742,451          | 1,742,451           |
| UNDISTRIBUTED .....   |                    | −178,500            |
| Collaborative Military-Civilian Trauma Training Programs .....                          |                    | [3,000]             |
| Competitive Programs for Alcohol and Substance Use Disorders .....                      |                    | [5,000]             |
| Cooperative Health Care Agreements .....  |                    | [500]               |
| Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury ..... |                    | [2,000]             |
| GAO Estimate of Unobligated Balances .....  |                    | [−225,000]          |
| Mental Health Initiatives .....   |                    | [10,000]            |
| Military Adaptive Sports Programs Section 582 .....                                     |                    | [5,000]             |
| Prohibit TRICARE Prime Fee Increase for 1 year .....                                    |                    | [45,000]            |
| Prohibit TRICARE Prime Fee Increase for 1 year .....                                    |                    | [−25,000]           |
| Prohibit TRICARE Prime Fee Increase for 1 year .....                                    |                    | [−20,000]           |
| TBI and PTSD Initiatives .....  |                    | [20,000]            |
| Traumatic Brain Injury .....  |                    | [1,000]             |
| <b>RDT&amp;E</b>  |                    |                     |
| IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....  | 2,935              | 2,935               |
| APPLIED BIOMEDICAL TECHNOLOGY .....   | 33,805             | 33,805              |
| MEDICAL TECHNOLOGY .....  | 3,694              | 3,694               |
| MEDICAL ADVANCED TECHNOLOGY .....   | 767                | 767                 |
| MEDICAL TECHNOLOGY DEVELOPMENT .....  | 181,042            | 181,042             |

**SEC. 4501. OTHER AUTHORIZATIONS**  
*(In Thousands of Dollars)*

| <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|--|----------------------------|-----------------------------|
| MEDICAL PRODUCTS SUPPORT AND ADVANCED CONCEPT DEVELOPMENT .....  | 167,481                    | 167,481                     |
| INFORMATION TECHNOLOGY DEVELOPMENT .....                         | 176,345                    | 164,235                     |
| Electronic Health Record Way Ahead .....                         |                            | [-11,360]                   |
| Virtual Electronic Health Record .....                           |                            | [-750]                      |
| MEDICAL PRODUCTS AND SUPPORT SYSTEMS DEVELOPMENT .....           | 34,559                     | 34,559                      |
| MEDICAL PROGRAM-WIDE ACTIVITIES .....                            | 48,313                     | 48,313                      |
| MEDICAL PRODUCTS AND CAPABILITIES ENHANCEMENT ACTIVITIES .....   | 14,765                     | 14,765                      |
| UNDISTRIBUTED .....  |                            | 2,000                       |
| Prostate Cancer Imaging Research Initiative .....                |                            | [2,000]                     |
| <b>PROCUREMENT</b>   |                            |                             |
| DEFENSE HEALTH PROGRAM .....                                     | 632,518                    | 604,348                     |
| Electronic Health Record Way Ahead .....                         |                            | [-28,170]                   |
| <b>TOTAL DEFENSE HEALTH PROGRAM</b> .....                        | <b>32,198,770</b>          | <b>31,962,760</b>           |
| <b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>                   |                            |                             |
| CHEM DEMILITARIZATION—O&M .....                                  | 1,147,691                  | 1,147,691                   |
| CHEM DEMILITARIZATION—RDT&E .....                                | 406,731                    | 406,731                     |
| <b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b> .....       | <b>1,554,422</b>           | <b>1,554,422</b>            |
| <b>DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b>             |                            |                             |
| DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....     | 1,156,282                  | 1,156,282                   |
| <b>TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b> ..... | <b>1,156,282</b>           | <b>1,156,282</b>            |
| <b>OFFICE OF THE INSPECTOR GENERAL</b>                           |                            |                             |
| OPERATION & MAINTENANCE .....                                    | 286,919                    | 287,919                     |
| DOD IG Inspection of Military Cemeteries, Section 562 .....      |                            | [1,000]                     |
| RDT&E .....  | 1,600                      | 1,600                       |
| PROCUREMENT .....  | 1,000                      | 1,000                       |
| <b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....               | <b>289,519</b>             | <b>290,519</b>              |
| <b>MISSION FORCE ENHANCEMENT TRANSFER FUND</b>                   |                            |                             |
| .....  |                            | 348,256                     |
| Creation of the Mission Force Enhancement Transfer Fund .....    |                            | [1,000,000]                 |
| Program Decreases .....  |                            | [-651,744]                  |
| <b>TOTAL MISSION FORCE ENHANCEMENT TRANSFER FUND</b> .....       |                            | <b>348,256</b>              |
| <b>TOTAL OTHER AUTHORIZATIONS</b> .....                          | <b>37,900,387</b>          | <b>38,015,633</b>           |

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**


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**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*


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| <i>Item</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|--|----------------------------|-----------------------------|
| <b>WORKING CAPITAL FUND, ARMY</b>                                |                            |                             |
| PREPOSITIONED WAR RESERVE STOCKS .....                           | 54,000                     | 54,000                      |
| <b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>                    | <b>54,000</b>              | <b>54,000</b>               |
| <b>WORKING CAPITAL FUND, AIR FORCE</b>                           |                            |                             |
| TRANSPORTATION FALLEN HEROES .....                               | 10,000                     | 10,000                      |
| CONTAINER DECONSOLIDATION .....                                  | 2,000                      | 2,000                       |
| <b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>               | <b>12,000</b>              | <b>12,000</b>               |
| <b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>                        |                            |                             |
| DEFENSE LOGISTICS AGENCY (DLA) .....                             | 369,013                    | 369,013                     |
| <b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>            | <b>369,013</b>             | <b>369,013</b>              |
| <b>DEFENSE HEALTH PROGRAM</b>                                    |                            |                             |
| <b>OPERATION &amp; MAINTENANCE</b>                               |                            |                             |
| IN-HOUSE CARE .....  | 641,996                    | 641,996                     |
| PRIVATE SECTOR CARE .....  | 464,869                    | 464,869                     |
| CONSOLIDATED HEALTH SUPPORT .....                                | 95,994                     | 95,994                      |
| INFORMATION MANAGEMENT .....                                     | 5,548                      | 5,548                       |
| MANAGEMENT ACTIVITIES .....                                      | 751                        | 751                         |
| EDUCATION AND TRAINING .....                                     | 16,859                     | 16,859                      |
| BASE OPERATIONS/COMMUNICATIONS .....                             | 2,271                      | 2,271                       |
| <b>TOTAL DEFENSE HEALTH PROGRAM .....</b>                        | <b>1,228,288</b>           | <b>1,228,288</b>            |
| <b>DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES</b>             |                            |                             |
| DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....     | 486,458                    | 486,458                     |
| <b>TOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES .....</b> | <b>486,458</b>             | <b>486,458</b>              |
| <b>OFFICE OF THE INSPECTOR GENERAL</b>                           |                            |                             |
| OPERATION & MAINTENANCE .....                                    | 11,055                     | 11,055                      |
| <b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>               | <b>11,055</b>              | <b>11,055</b>               |
| <b>TOTAL OTHER AUTHORIZATIONS .....</b>                          | <b>2,160,814</b>           | <b>2,160,814</b>            |

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# TITLE XLVI—MILITARY CONSTRUCTION

## SEC. 4601. MILITARY CONSTRUCTION.

### SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)

| Account | State/Country and Installation  | Project Title                                    | Budget Request | House Agreement |
|---------|---------------------------------|--|----------------|-----------------|
|         | Afghanistan                     |  |                |                 |
| Army    | Bagram Air Base                 | Barracks, Ph 5 .....                             | 29,000         | 29,000          |
| Army    | Bagram Air Base                 | Construct Drainage System, Ph 3 .....            | 31,000         | 31,000          |
| Army    | Bagram Air Base                 | Entry Control Point .....                        | 20,000         | 20,000          |
|         | Alabama                         |  |                |                 |
| Army    | Fort Rucker                     | Combat Readiness Center .....                    | 11,600         | 11,600          |
|         | Alaska                          |  |                |                 |
| Army    | Fort Wainwright                 | Aviation Complex, Ph 3a .....                    | 114,000        | 114,000         |
| Army    | Joint Base Elmendorf-Richardson | Brigade Complex, Ph 2 .....                      | 74,000         | 74,000          |
| Army    | Joint Base Elmendorf-Richardson | Organizational Parking .....                     | 3,600          | 3,600           |
| Army    | Joint Base Elmendorf-Richardson | Physical Fitness Facility .....                  | 26,000         | 26,000          |
|         | California                      |  |                |                 |
| Army    | Fort Irwin                      | Infantry Squad Battle Course .....               | 7,500          | 7,500           |
| Army    | Fort Irwin                      | Qualification Training Range .....               | 15,500         | 15,500          |
| Army    | Presidio Monterey               | General Instruction Building .....               | 3,000          | 3,000           |
|         | Colorado                        |  |                |                 |
| Army    | Fort Carson                     | Aircraft Loading Area .....                      | 34,000         | 34,000          |
| Army    | Fort Carson                     | Aircraft Maintenance Hangar .....                | 63,000         | 63,000          |
| Army    | Fort Carson                     | Barracks .....                                   | 46,000         | 46,000          |
| Army    | Fort Carson                     | Barracks .....                                   | 67,000         | 67,000          |
| Army    | Fort Carson                     | Brigade Headquarters .....                       | 14,400         | 14,400          |
| Army    | Fort Carson                     | Control Tower .....                              | 14,200         | 14,200          |
|         | Georgia                         |  |                |                 |
| Army    | Fort Benning                    | Land Acquisition .....                           | 25,000         | 25,000          |
| Army    | Fort Benning                    | Land Acquisition .....                           | 5,100          | 5,100           |
| Army    | Fort Benning                    | Rail Loading Facility .....                      | 13,600         | 13,600          |
| Army    | Fort Benning                    | Trainee Barracks Complex, Ph 3 .....             | 23,000         | 23,000          |
| Army    | Fort Gordon                     | Hand Grenade Familiarization Range .....         | 1,450          | 1,450           |
| Army    | Fort Stewart                    | Dog Kennel .....                                 | 2,600          | 2,600           |
|         | Germany                         |  |                |                 |
| Army    | Germersheim                     | Central Distribution Facility .....              | 21,000         | 21,000          |
| Army    | Germersheim                     | Infrastructure .....                             | 16,500         | 16,500          |
| Army    | Grafenwoehr                     | Barracks .....                                   | 17,500         | 17,500          |
| Army    | Grafenwoehr                     | Chapel .....                                     | 15,500         | 15,500          |
| Army    | Grafenwoehr                     | Convoy Live Fire Range .....                     | 5,000          | 5,000           |
| Army    | Landstuhl                       | Satellite Communications Center .....            | 39,000         | 39,000          |
| Army    | Landstuhl                       | Satellite Communications Center .....            | 24,000         | 24,000          |
| Army    | Oberdachstetten                 | Automated Record Fire Range .....                | 12,200         | 12,200          |
| Army    | Stuttgart                       | Access Control Point .....                       | 12,200         | 12,200          |
| Army    | Vilseck                         | Barracks .....                                   | 20,000         | 20,000          |
|         | Hawaii                          |  |                |                 |
| Army    | Fort Shafter                    | Child Development Center .....                   | 17,500         | 17,500          |
| Army    | Schofield Barracks              | Centralized Wash Facility .....                  | 32,000         | 32,000          |
| Army    | Schofield Barracks              | Combat Aviation Brigade Complex, Ph 1 .....      | 73,000         | 73,000          |
|         | Honduras                        |  |                |                 |
| Army    | Honduras Various                | Barracks .....                                   | 25,000         | 25,000          |
|         | Kansas                          |  |                |                 |
| Army    | Forbes Air Field                | Deployment Support Facility .....                | 5,300          | 5,300           |
| Army    | Fort Riley                      | Chapel .....                                     | 10,400         | 10,400          |
| Army    | Fort Riley                      | Physical Fitness Facility .....                  | 13,000         | 13,000          |
| Army    | Fort Riley                      | Unmanned Aerial Vehicle Maintenance Hangar ..... | 60,000         | 60,000          |
|         | Kentucky                        |  |                |                 |
| Army    | Fort Campbell                   | Barracks .....                                   | 23,000         | 23,000          |
| Army    | Fort Campbell                   | Barracks Complex .....                           | 65,000         | 65,000          |
| Army    | Fort Campbell                   | Physical Fitness Facility .....                  | 18,500         | 18,500          |
| Army    | Fort Campbell                   | Scout/Recce Gunnery Range .....                  | 18,000         | 18,000          |
| Army    | Fort Campbell                   | Unmanned Aerial Vehicle Maintenance Hangar ..... | 67,000         | 67,000          |
| Army    | Fort Campbell                   | Vehicle Maintenance Facility .....               | 16,000         | 16,000          |
| Army    | Fort Campbell                   | Vehicle Maintenance Facility .....               | 40,000         | 40,000          |
| Army    | Fort Knox                       | Automated Infantry Platoon Battle Course .....   | 7,000          | 7,000           |
| Army    | Fort Knox                       | Battalion Complex .....                          | 48,000         | 48,000          |
|         | Korea                           |  |                |                 |
| Army    | Camp Carroll                    | Barracks .....                                   | 41,000         | 41,000          |
| Army    | Camp Henry                      | Barracks Complex .....                           | 48,000         | 48,000          |
|         | Louisiana                       |  |                |                 |
| Army    | Fort Polk                       | Brigade Complex .....                            | 23,000         | 23,000          |
| Army    | Fort Polk                       | Fire Station .....                               | 9,200          | 9,200           |
| Army    | Fort Polk                       | Land Acquisition .....                           | 27,000         | 27,000          |
| Army    | Fort Polk                       | Military Working Dog Facility .....              | 2,600          | 2,600           |
| Army    | Fort Polk                       | Multipurpose Machine Gun Range .....             | 8,300          | 8,300           |
|         | Maryland                        |  |                |                 |
| Army    | Aberdeen Proving Ground         | Auto Technology Evaluation Fac, Ph 3 .....       | 15,500         | 15,500          |
| Army    | Aberdeen Proving Ground         | Command and Control Facility .....               | 63,000         | 63,000          |
| Army    | Fort Meade                      | Applied Instruction Facility .....               | 43,000         | 43,000          |

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <b>Account</b>                                 | <b>State/Country and Installation</b> | <b>Project Title</b>                             | <b>Budget Request</b> | <b>House Agreement</b> |
|--|---------------------------------------|--|-----------------------|------------------------|
| Army   | Fort Meade                            | Brigade Complex .....                            | 36,000                | 36,000                 |
|  | Missouri                              |  |                       |                        |
| Army   | Fort Leonard Wood                     | Vehicle Maintenance Facility .....               | 49,000                | 49,000                 |
|  | New York                              |  |                       |                        |
| Army   | Fort Drum                             | Ammunition Supply Point .....                    | 5,700                 | 5,700                  |
| Army   | Fort Drum                             | Chapel .....                                     | 7,600                 | 7,600                  |
|  | North Carolina                        |  |                       |                        |
| Army   | Fort Bragg                            | Access Roads, Ph 2 .....                         | 18,000                | 18,000                 |
| Army   | Fort Bragg                            | Battle Command Training Center .....             | 23,000                | 23,000                 |
| Army   | Fort Bragg                            | Brigade Complex Facilities .....                 | 49,000                | 49,000                 |
| Army   | Fort Bragg                            | Nco Academy .....                                | 42,000                | 42,000                 |
| Army   | Fort Bragg                            | Unmanned Aerial Vehicle Maintenance Hangar ..... | 54,000                | 54,000                 |
|  | Oklahoma                              |  |                       |                        |
| Army   | Fort Sill                             | Battle Command Training Center .....             | 23,000                | 23,000                 |
| Army   | Fort Sill                             | Chapel .....                                     | 13,200                | 13,200                 |
| Army   | Fort Sill                             | Physical Fitness Facility .....                  | 25,000                | 25,000                 |
| Army   | Fort Sill                             | Rail Deployment Facility .....                   | 3,400                 | 3,400                  |
| Army   | Fort Sill                             | Reception Station, Ph 1 .....                    | 36,000                | 36,000                 |
| Army   | Fort Sill                             | Thaad Instruction Facility .....                 | 33,000                | 33,000                 |
| Army   | Fort Sill                             | Vehicle Maintenance Facility .....               | 51,000                | 51,000                 |
| Army   | McAlester                             | Ammunition Loading Pads .....                    | 1,700                 | 1,700                  |
| Army   | McAlester                             | Railroad Tracks .....                            | 6,300                 | 6,300                  |
|  | South Carolina                        |  |                       |                        |
| Army   | Fort Jackson                          | Modified Record Fire Range .....                 | 4,900                 | 4,900                  |
| Army   | Fort Jackson                          | Trainee Barracks Complex, Ph 2 .....             | 59,000                | 59,000                 |
|  | Texas                                 |  |                       |                        |
| Army   | Fort Bliss                            | Applied Instruction Building .....               | 8,300                 | 8,300                  |
| Army   | Fort Bliss                            | Barracks Complex .....                           | 13,000                | 13,000                 |
| Army   | Fort Bliss                            | Electronics Maintenance Facility .....           | 14,600                | 14,600                 |
| Army   | Fort Bliss                            | Infrastructure .....                             | 14,600                | 14,600                 |
| Army   | Fort Bliss                            | Jlens Tactical Training Facility .....           | 39,000                | 39,000                 |
| Army   | Fort Bliss                            | Vehicle Maintenance Facility .....               | 24,000                | 24,000                 |
| Army   | Fort Bliss                            | Vehicle Maintenance Facility .....               | 19,000                | 19,000                 |
| Army   | Fort Bliss                            | Vehicle Maintenance Facility .....               | 14,600                | 14,600                 |
| Army   | Fort Bliss                            | Water Well, Potable .....                        | 2,400                 | 2,400                  |
| Army   | Fort Hood                             | Operational Readiness Training Complex .....     | 51,000                | 51,000                 |
| Army   | Fort Hood                             | Unmanned Aerial Vehicle Maintenance Hangar ..... | 47,000                | 47,000                 |
| Army   | Fort Hood                             | Vehicle Maintenance Facility .....               | 15,500                | 15,500                 |
| Army   | Fort Hood                             | Vehicle Maintenance Facility .....               | 18,500                | 18,500                 |
| Army   | Joint Base San Antonio                | Vehicle Maintenance Facility .....               | 10,400                | 10,400                 |
| Army   | Red River Army Depot                  | Maneuver Systems Sustainment Ctr, Ph 3 .....     | 44,000                | 44,000                 |
|  | Utah                                  |  |                       |                        |
| Army   | Dugway Proving Ground                 | Life Sciences Test Facility Addition .....       | 32,000                | 32,000                 |
|  | Virginia                              |  |                       |                        |
| Army   | Fort Belvoir                          | Information Dominance Center, Ph 1 .....         | 52,000                | 52,000                 |
| Army   | Fort Belvoir                          | Road and Infrastructure Improvements .....       | 31,000                | 31,000                 |
| Army   | Joint Base Langley Eustis             | Aviation Training Facility .....                 | 26,000                | 26,000                 |
|  | Washington                            |  |                       |                        |
| Army   | Joint Base Lewis Mcchord              | Air Support Operations Facilities .....          | 7,300                 | 7,300                  |
| Army   | Joint Base Lewis Mcchord              | Aviation Complex, Ph 1b .....                    | 48,000                | 48,000                 |
| Army   | Joint Base Lewis Mcchord              | Aviation Unit Complex, Ph 1a .....               | 34,000                | 34,000                 |
| Army   | Joint Base Lewis Mcchord              | Battalion Complex .....                          | 59,000                | 59,000                 |
| Army   | Joint Base Lewis Mcchord              | Brigade Complex, Ph 2 .....                      | 56,000                | 56,000                 |
| Army   | Joint Base Lewis Mcchord              | Infrastructure, Ph 1 .....                       | 64,000                | 64,000                 |
| Army   | Joint Base Lewis Mcchord              | Operational Readiness Training Cplx, Ph 1 .....  | 28,000                | 28,000                 |
|  | Worldwide Unspecified                 |  |                       |                        |
| Army   | Unspecified Worldwide Locations       | Community Facilities .....                       | 0                     | 10,000                 |
| Army   | Unspecified Worldwide Locations       | Host Nation Support .....                        | 25,500                | 25,500                 |
| Army   | Unspecified Worldwide Locations       | Minor Construction .....                         | 20,000                | 20,000                 |
| Army   | Unspecified Worldwide Locations       | Planning & Design .....                          | 229,741               | 229,741                |
| Army   | Unspecified Worldwide Locations       | R&D Facilities .....                             | 0                     | 20,000                 |
| Army   | Unspecified Worldwide Locations       | Supply Facilities .....                          | 0                     | 0                      |
| Army   | Unspecified Worldwide Locations       | Training Facilities .....                        | 0                     | 20,000                 |
| Army   | Unspecified Worldwide Locations       | Troop Housing Facilities .....                   | 0                     | 0                      |
| Army   | Unspecified Worldwide Locations       | Troop Housing Facilities .....                   | 0                     | 10,000                 |
| Army   | Unspecified Worldwide Locations       | Utilities and Ground Improvements .....          | 0                     | 10,000                 |
| <b>Total Military Construction, Army .....</b> |                                       |  | <b>3,235,991</b>      | <b>3,305,991</b>       |
|  | Arizona                               |  |                       |                        |
| Navy   | Yuma                                  | Aircraft Maintenance Hangar .....                | 39,515                | 39,515                 |
| Navy   | Yuma                                  | Double Aircraft Maintenance Hangar .....         | 81,897                | 81,897                 |
| Navy   | Yuma                                  | JSF Auxiliary Landing Field .....                | 41,373                | 41,373                 |
|  | Bahrain Island                        |  |                       |                        |
| Navy   | Sw Asia                               | Bachelor Enlisted Quarters .....                 | 55,010                | 55,010                 |
| Navy   | Sw Asia                               | Waterfront Development Phase 4 .....             | 45,194                | 45,194                 |
|  | California                            |  |                       |                        |
| Navy   | Barstow                               | Dip Tank Cleaning Facility .....                 | 8,590                 | 8,590                  |
| Navy   | Bridgeport                            | Multi-Purpose Building—Addition .....            | 19,238                | 19,238                 |



**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <b>Account</b>                                 | <b>State/Country and Installation</b> | <b>Project Title</b>                                | <b>Budget Request</b> | <b>House Agreement</b> |
|--|---------------------------------------|---|-----------------------|------------------------|
| Navy   | Camp Pendleton                        | Armory, 1st Marine Division .....                   | 12,606                | 12,606                 |
| Navy   | Camp Pendleton                        | Individual Equipment Issue Warehouse .....          | 16,411                | 16,411                 |
| Navy   | Camp Pendleton                        | Infantry Squad Defense Range .....                  | 29,187                | 29,187                 |
| Navy   | Camp Pendleton                        | Intersection Bridge and Improvements .....          | 12,476                | 12,476                 |
| Navy   | Camp Pendleton                        | Mv-22 Aviation Fuel Storage .....                   | 6,163                 | 6,163                  |
| Navy   | Camp Pendleton                        | Mv-22 Aviation Pavement .....                       | 18,530                | 18,530                 |
| Navy   | Camp Pendleton                        | Mv-22 Double Hangar Replacement .....               | 48,345                | 48,345                 |
| Navy   | Camp Pendleton                        | New Potable Water Conveyance .....                  | 113,091               | 113,091                |
| Navy   | Camp Pendleton                        | North Area Waste Water Conveyance .....             | 78,271                | 78,271                 |
| Navy   | Coronado                              | Fitness Center North Island .....                   | 46,763                | 46,763                 |
| Navy   | Coronado                              | Rotary Aircraft Depot Maint Fac (North Is.) .....   | 61,672                | 61,672                 |
| Navy   | Point Mugu                            | E-2d Aircrew Training Facility .....                | 15,377                | 15,377                 |
| Navy   | Twentynine Palms                      | Child Development Center .....                      | 23,743                | 23,743                 |
| Navy   | Twentynine Palms                      | Land Expansion .....                                | 8,665                 | 8,665                  |
| Navy   | Twentynine Palms                      | Multi-Use Operational Fitness Area .....            | 18,819                | 18,819                 |
| Navy   | Twentynine Palms                      | Tracked Vehicle Maintenance Cover .....             | 15,882                | 15,882                 |
| Navy   | Diego Garcia                          |   |                       |                        |
| Navy   | Diego Garcia                          | Potable Water Plant Modernization .....             | 35,444                | 35,444                 |
| Navy   | Djibouti                              |   |                       |                        |
| Navy   | Camp Lemonier                         | Aircraft Logistics Apron .....                      | 35,170                | 35,170                 |
| Navy   | Camp Lemonier                         | Bachelor Quarters .....                             | 43,529                | 43,529                 |
| Navy   | Camp Lemonier                         | Taxiway Enhancement .....                           | 10,800                | 10,800                 |
| Navy   | Florida                               |   |                       |                        |
| Navy   | Jacksonville                          | Bams UAS Operator Training Facility .....           | 4,482                 | 4,482                  |
| Navy   | Jacksonville                          | P-8a Hangar Upgrades .....                          | 6,085                 | 6,085                  |
| Navy   | Jacksonville                          | P-8a Training Facility .....                        | 25,985                | 25,985                 |
| Navy   | Mayport                               | Massey Avenue Corridor Improvements .....           | 14,998                | 0                      |
| Navy   | Whiting Field                         | Applied Instruction Facilities, EOD Course .....    | 20,620                | 20,620                 |
| Navy   | Georgia                               |   |                       |                        |
| Navy   | Kings Bay                             | Crab Island Security Enclave .....                  | 52,913                | 52,913                 |
| Navy   | Kings Bay                             | Wra Land/Water Interface .....                      | 33,150                | 33,150                 |
| Navy   | Guam                                  |   |                       |                        |
| Navy   | Joint Region Marianas                 | Finegayan Water Utilities .....                     | 77,267                | 77,267                 |
| Navy   | Joint Region Marianas                 | North Ramp Utilities—Anderson AFB (Inc) .....       | 78,654                | 78,654                 |
| Navy   | Hawaii                                |   |                       |                        |
| Navy   | Barking Sands                         | North Loop Electrical Replacement .....             | 9,679                 | 9,679                  |
| Navy   | Joint Base Pearl Harbor-Hickam        | Navy Information Operations Command Fes Fac .....   | 7,492                 | 7,492                  |
| Navy   | Kaneohe Bay                           | MCAS Operations Complex .....                       | 57,704                | 57,704                 |
| Navy   | Illinois                              |   |                       |                        |
| Navy   | Great Lakes                           | Decentralize Steam System .....                     | 91,042                | 91,042                 |
| Navy   | Maryland                              |   |                       |                        |
| Navy   | Indian Head                           | Decentralize Steam System .....                     | 67,779                | 67,779                 |
| Navy   | Patuxent River                        | Aircraft Prototype Facility Phase 2 .....           | 45,844                | 45,844                 |
| Navy   | North Carolina                        |   |                       |                        |
| Navy   | Camp Lejeune                          | 2nd Combat Engineer Maintenance/Ops Complex .....   | 75,214                | 75,214                 |
| Navy   | Camp Lejeune                          | Bachelor Enlisted Quarters—Wallace Creek .....      | 27,439                | 27,439                 |
| Navy   | Camp Lejeune                          | Base Entry Point and Road .....                     | 81,008                | 81,008                 |
| Navy   | Camp Lejeune                          | Squad Battle Course .....                           | 16,821                | 16,821                 |
| Navy   | Cherry Point Marine Corps Air Station | H-1 Helicopter Gearbox Repair & Test Facility ..... | 17,760                | 17,760                 |
| Navy   | New River                             | Aircraft Maintenance Hangar and Apron .....         | 69,511                | 69,511                 |
| Navy   | New River                             | Ordnance Loading Area Addition .....                | 9,419                 | 9,419                  |
| Navy   | South Carolina                        |   |                       |                        |
| Navy   | Beaufort                              | Vertical Landing Pads .....                         | 21,096                | 21,096                 |
| Navy   | Virginia                              |   |                       |                        |
| Navy   | Norfolk                               | Bachelor Quarters, Homeport Ashore .....            | 81,304                | 81,304                 |
| Navy   | Norfolk                               | Decentralize Steam System .....                     | 26,924                | 26,924                 |
| Navy   | Portsmouth                            | Controlled Industrial Facility .....                | 74,864                | 74,864                 |
| Navy   | Quantico                              | Academic Instruction Facility .....                 | 75,304                | 75,304                 |
| Navy   | Quantico                              | Bachelor Enlisted Quarters .....                    | 31,374                | 31,374                 |
| Navy   | Quantico                              | Embassy Security Group Facilities .....             | 27,079                | 27,079                 |
| Navy   | Quantico                              | Enlisted Dining Facility .....                      | 5,034                 | 5,034                  |
| Navy   | Quantico                              | Realign Purvis Rd/Russell Rd Intersection .....     | 6,442                 | 6,442                  |
| Navy   | Quantico                              | the Basic School Student Quarters—Phase 6 .....     | 28,488                | 28,488                 |
| Navy   | Quantico                              | Waste Water Treatment Plant—Upshur .....            | 9,969                 | 9,969                  |
| Navy   | Washington                            |   |                       |                        |
| Navy   | Bremerton                             | Integrated Dry Dock Water Treatment Fac Ph1 .....   | 13,341                | 13,341                 |
| Navy   | Kitsap                                | Ehw Security Force Facility (Bangor) .....          | 25,948                | 25,948                 |
| Navy   | Kitsap                                | Explosives Handling Wharf #2 (Inc. 1) .....         | 78,002                | 78,002                 |
| Navy   | Kitsap                                | Waterfront Restricted Area Vehicle Barriers .....   | 17,894                | 17,894                 |
| Navy   | Worldwide Unspecified                 |   |                       |                        |
| Navy   | Unspecified Worldwide Locations       | Maintenance & Production Facilities .....           | 0                     | 10,000                 |
| Navy   | Unspecified Worldwide Locations       | Planning and Design .....                           | 84,362                | 69,362                 |
| Navy   | Unspecified Worldwide Locations       | R&D Facilities .....                                | 0                     | 20,000                 |
| Navy   | Unspecified Worldwide Locations       | Troop Housing Facilities .....                      | 0                     | 29,998                 |
| Navy   | Unspecified Worldwide Locations       | Unspecified Minor Constr .....                      | 21,495                | 21,495                 |
| <b>Total Military Construction, Navy .....</b> |                                       |   | <b>2,461,547</b>      | <b>2,491,547</b>       |

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <b>Account</b> | <b>State/Country and Installation</b> | <b>Project Title</b>                                      | <b>Budget Request</b> | <b>House Agreement</b> |
|----------------|---------------------------------------|---|-----------------------|------------------------|
| AF             | Eielson AFB                           | Dormitory (168 Rm) .....                                  | 45,000                | 45,000                 |
| AF             | Joint Base Elmendorf-Richardson       | Brigade Combat Team (Light) Complex, (480 Rm) .....       | 97,000                | 97,000                 |
|                | Arizona                               |   |                       |                        |
| AF             | Davis-Monthan AFB                     | Ec-130h Simulator/Training Operations .....               | 20,500                | 20,500                 |
| AF             | Davis-Monthan AFB                     | HC-130J Joint Use Fuel Cell .....                         | 12,500                | 12,500                 |
| AF             | Luke AFB                              | F-35 Adal Aircraft Maintenance Unit .....                 | 6,000                 | 6,000                  |
| AF             | Luke AFB                              | F-35 Squad Ops/AMU 2 .....                                | 18,000                | 18,000                 |
|                | California                            |   |                       |                        |
| AF             | Travis AFB                            | Dormitory (144 Rm) .....                                  | 22,000                | 22,000                 |
| AF             | Vandenberg AFB                        | Education Center .....                                    | 14,200                | 14,200                 |
|                | Colorado                              |   |                       |                        |
| AF             | U.S. Air Force Academy                | Construct Large Vehicle Inspection Facility .....         | 13,400                | 13,400                 |
|                | Delaware                              |   |                       |                        |
| AF             | Dover AFB                             | C-5m Formal Training Unit Facility .....                  | 2,800                 | 2,800                  |
|                | Florida                               |   |                       |                        |
| AF             | Patrick AFB                           | Air Force Technical Applications Ctr—Incr 2 .....         | 79,000                | 49,000                 |
|                | Germany                               |   |                       |                        |
| AF             | Ramstein Ab                           | Dormitory (192 Rm) .....                                  | 34,697                | 34,697                 |
|                | Greenland                             |   |                       |                        |
| AF             | Thule Ab                              | Dormitory (72 Pn) .....                                   | 28,000                | 28,000                 |
|                | Guam                                  |   |                       |                        |
| AF             | Joint Region Marianas                 | Air Freight Terminal Complex .....                        | 35,000                | 35,000                 |
| AF             | Joint Region Marianas                 | Guam Strike Clear Water Rinse Facility .....              | 7,500                 | 7,500                  |
| AF             | Joint Region Marianas                 | Guam Strike Conventional Munitions Maintenanc .....       | 11,700                | 11,700                 |
| AF             | Joint Region Marianas                 | Guam Strike Fuel Systems Maintenance Hangar, Incr 1 ..... | 128,000               | 64,000                 |
| AF             | Joint Region Marianas                 | Prtc Combat Communications Combat Support .....           | 9,800                 | 9,800                  |
| AF             | Joint Region Marianas                 | Prtc Combat Communications Transmission Syst .....        | 5,600                 | 5,600                  |
| AF             | Joint Region Marianas                 | Prtc Red Horse Cantonment Operations Facility .....       | 14,000                | 14,000                 |
|                | Italy                                 |   |                       |                        |
| AF             | Signonella                            | UAS SATCOM Relay Pads and Facility .....                  | 15,000                | 15,000                 |
|                | Kansas                                |   |                       |                        |
| AF             | Fort Riley                            | Air Support Operations Center .....                       | 7,600                 | 7,600                  |
|                | Korea                                 |   |                       |                        |
| AF             | Osan Ab                               | Dormitory (156 Rm) .....                                  | 23,000                | 23,000                 |
|                | Louisiana                             |   |                       |                        |
| AF             | Barksdale AFB                         | Mission Support Group Complex .....                       | 23,500                | 23,500                 |
|                | Missouri                              |   |                       |                        |
| AF             | Whiteman AFB                          | Wsa Security Control Facility .....                       | 4,800                 | 4,800                  |
|                | Nebraska                              |   |                       |                        |
| AF             | Offutt AFB                            | STRATCOM Replacement Facility Incr 1 .....                | 150,000               | 150,000                |
|                | Nevada                                |   |                       |                        |
| AF             | Nellis AFB                            | Communications Network Control Center .....               | 11,600                | 11,600                 |
| AF             | Nellis AFB                            | F-35 Add/Alter Engine Shop .....                          | 2,750                 | 2,750                  |
| AF             | Nellis AFB                            | F-35a Age Facility .....                                  | 21,500                | 21,500                 |
|                | New Mexico                            |   |                       |                        |
| AF             | Cannon AFB                            | Adal Wastewater Treatment Plant .....                     | 7,598                 | 7,598                  |
| AF             | Cannon AFB                            | Dormitory (96 Rm) .....                                   | 15,000                | 15,000                 |
| AF             | Holloman AFB                          | Child Development Center .....                            | 11,200                | 11,200                 |
| AF             | Holloman AFB                          | F-16 Academic Facility .....                              | 5,800                 | 5,800                  |
| AF             | Holloman AFB                          | F-16 Sead Training Facility .....                         | 4,200                 | 4,200                  |
| AF             | Holloman AFB                          | Parallel Taxiway 07/25 .....                              | 8,000                 | 8,000                  |
| AF             | Kirtland AFB                          | Afnwc Sustainment Center .....                            | 25,000                | 25,000                 |
|                | North Carolina                        |   |                       |                        |
| AF             | Pope AFB                              | C-130 Flight Simulator .....                              | 6,000                 | 6,000                  |
|                | North Dakota                          |   |                       |                        |
| AF             | Minot AFB                             | B-52 3-Bay Conventional Munitions Maintenance .....       | 11,800                | 11,800                 |
| AF             | Minot AFB                             | B-52 Two-Bay Phase Maintenance Dock .....                 | 34,000                | 34,000                 |
| AF             | Minot AFB                             | Dormitory (168 Rm) .....                                  | 22,000                | 22,000                 |
|                | Qatar                                 |   |                       |                        |
| AF             | AL Udeid                              | Blatchford Preston Complex, Phase Iv .....                | 37,000                | 37,000                 |
|                | Texas                                 |   |                       |                        |
| AF             | Joint Base San Antonio                | Adv Indiv Training (Ait) Barracks (300 Rm) .....          | 46,000                | 46,000                 |
| AF             | Joint Base San Antonio                | Bmt Recruit Dormitory 4, Phase Iv .....                   | 64,000                | 64,000                 |
|                | Utah                                  |   |                       |                        |
| AF             | Hill AFB                              | F-22 System Support Facility .....                        | 16,500                | 16,500                 |
| AF             | Hill AFB                              | F-35 Adal Hangar 45e/AMU .....                            | 6,800                 | 6,800                  |
|                | Virginia                              |   |                       |                        |
| AF             | Joint Base Langley Eustis             | Ait Barracks Complex, Ph 2 .....                          | 50,000                | 50,000                 |
|                | Washington                            |   |                       |                        |
| AF             | Fairchild AFB                         | Sere Force Support Ph 2 .....                             | 14,000                | 14,000                 |
| AF             | Fairchild AFB                         | Wing Headquarters .....                                   | 13,600                | 13,600                 |
|                | Worldwide Unspecified                 |   |                       |                        |
| AF             | Unspecified Worldwide Locations       | Community Facilities .....                                | 0                     | 10,000                 |
| AF             | Unspecified Worldwide Locations       | Community Facilities .....                                | 0                     | 10,000                 |
| AF             | Unspecified Worldwide Locations       | Maintenance & Production Facilities .....                 | 0                     | 10,000                 |
| AF             | Unspecified Worldwide Locations       | Operational Facilities .....                              | 0                     | 20,000                 |
| AF             | Unspecified Worldwide Locations       | Planning & Design .....                                   | 81,913                | 81,913                 |
| AF             | Unspecified Worldwide Locations       | Supporting Facilities .....                               | 0                     | 10,000                 |
| AF             | Unspecified Worldwide Locations       | Unspecified Minor Construction .....                      | 20,000                | 20,000                 |

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

| <b>Account</b>                                      | <b>State/Country and Installation</b> | <b>Project Title</b>                               | <b>Budget Request</b> | <b>House Agreement</b> |
|---|---------------------------------------|--|-----------------------|------------------------|
| <b>Total Military Construction, Air Force .....</b> |                                       |  | <b>1,364,858</b>      | <b>1,330,858</b>       |
| Def-Wide  | Alabama                               |  |                       |                        |
|   | Redstone Arsenal                      | Von Braun Complex Phase Iv .....                   | 58,800                | 58,800                 |
| Def-Wide  | Alaska                                |  |                       |                        |
|   | Anchorage                             | SOF Cold Weather Maritime Training Facility .....  | 18,400                | 18,400                 |
| Def-Wide  | Eielson AFB                           | Upgrade Rail Line .....                            | 14,800                | 14,800                 |
| Def-Wide  | Arizona                               |  |                       |                        |
|   | Davis-Monthan AFB                     | Replace Hydrant Fuel System .....                  | 23,000                | 23,000                 |
| Def-Wide  | Belgium                               |  |                       |                        |
|   | Brussels                              | NATO Headquarters Facility .....                   | 24,118                | 24,118                 |
| Def-Wide  | California                            |  |                       |                        |
|   | Camp Pendleton                        | SOF Military Working Dog Facility .....            | 3,500                 | 3,500                  |
| Def-Wide  | Camp Pendleton                        | SOF Range 130 Support Projects .....               | 8,641                 | 8,641                  |
| Def-Wide  | Coronado                              | SOF Support Activity Operations Facility .....     | 42,000                | 42,000                 |
| Def-Wide  | Defense Distribution Depot-Tracy      | Replace Public Safety Center .....                 | 15,500                | 15,500                 |
| Def-Wide  | Point Loma Anner                      | Replace Fuel Storage Facilities Incr 4 .....       | 27,000                | 27,000                 |
| Def-Wide  | San Clemente                          | Replace Fuel Storage Tanks & Pipeline .....        | 21,800                | 21,800                 |
| Def-Wide  | Colorado                              |  |                       |                        |
|   | Buckley AFB                           | Mountainview Operations Facility, Incr 1 .....     | 140,932               | 70,932                 |
| Def-Wide  | District of Columbia                  |  |                       |                        |
|   | Bolling AFB                           | Cooling Tower Expansion .....                      | 2,070                 | 2,070                  |
| Def-Wide  | Bolling AFB                           | Diac Parking Garage .....                          | 13,586                | 13,586                 |
| Def-Wide  | Bolling AFB                           | Electrical Upgrades .....                          | 1,080                 | 1,080                  |
| Def-Wide  | Florida                               |  |                       |                        |
|   | Eglin AFB                             | Medical Clinic .....                               | 11,600                | 11,600                 |
| Def-Wide  | Eglin AFB                             | SOF Company Operations Facility (Gsb) .....        | 21,000                | 21,000                 |
| Def-Wide  | Eglin AFB                             | SOF Company Operations Facility (Gstb) .....       | 19,000                | 19,000                 |
| Def-Wide  | Eglin Aux 9                           | SOF Enclosed Engine Noise Suppressors .....        | 3,200                 | 3,200                  |
| Def-Wide  | Eglin Aux 9                           | SOF Simulator Facility .....                       | 6,300                 | 6,300                  |
| Def-Wide  | Macdill AFB                           | SOF Acquisition Center (Phase II) .....            | 15,200                | 15,200                 |
| Def-Wide  | Whiting Field                         | Truck Load/Unload Facility .....                   | 3,800                 | 3,800                  |
| Def-Wide  | Georgia                               |  |                       |                        |
|   | Fort Benning                          | Replace McBride Elementary School .....            | 37,205                | 37,205                 |
| Def-Wide  | Fort Gordon                           | Whitelaw Wedge Building Addition .....             | 11,340                | 11,340                 |
| Def-Wide  | Fort Stewart                          | Hospital Addition/Alteration Phase 2 .....         | 72,300                | 72,300                 |
| Def-Wide  | Germany                               |  |                       |                        |
|   | Ansbach                               | Ansbach Middle/High School Addition .....          | 11,672                | 11,672                 |
| Def-Wide  | Baumholder                            | Replace Wetzel-Smith Elementary Schools .....      | 59,419                | 59,419                 |
| Def-Wide  | Grafenwoehr                           | Netzbarg MS School Addition .....                  | 6,529                 | 6,529                  |
| Def-Wide  | Rhine Ordnance Barracks               | Medical Center Replacement Incr 1 .....            | 70,592                | 70,592                 |
| Def-Wide  | Spangdalem Ab                         | Replace Bitburg Elementary School .....            | 41,876                | 41,876                 |
| Def-Wide  | Spangdalem Ab                         | Replace Bitburg Middle & High School .....         | 87,167                | 87,167                 |
| Def-Wide  | Stuttgart-Patch Barracks              | DISA Europe Facility Upgrades .....                | 2,434                 | 2,434                  |
| Def-Wide  | Hawaii                                |  |                       |                        |
|   | Joint Base Pearl Harbor-Hickam        | Alter Warehouse Space .....                        | 9,200                 | 9,200                  |
| Def-Wide  | Joint Base Pearl Harbor-Hickam        | Upgrade Refueler Truck Parking Area .....          | 5,200                 | 5,200                  |
| Def-Wide  | Illinois                              |  |                       |                        |
|   | Great Lakes                           | Health Clinic Demolition .....                     | 16,900                | 16,900                 |
| Def-Wide  | Italy                                 |  |                       |                        |
|   | Vicenza                               | Replace Vicenza High School .....                  | 41,864                | 41,864                 |
| Def-Wide  | Japan                                 |  |                       |                        |
|   | Yokota Ab                             | Replace Temp Classrm/Joan K. Mendel Es .....       | 12,236                | 12,236                 |
| Def-Wide  | Yokota Ab                             | Replace Yokota High School .....                   | 49,606                | 49,606                 |
| Def-Wide  | Kentucky                              |  |                       |                        |
|   | Fort Campbell                         | Hospital Addition/Alteration .....                 | 56,600                | 56,600                 |
| Def-Wide  | Fort Campbell                         | SOF Mh47 Aviation Facility .....                   | 43,000                | 43,000                 |
| Def-Wide  | Fort Campbell                         | SOF Rotary Wing Hangar .....                       | 38,900                | 38,900                 |
| Def-Wide  | Fort Knox                             | Replace Kingsolver-Pierce Elementary Schools ..... | 38,845                | 38,845                 |
| Def-Wide  | Louisiana                             |  |                       |                        |
|   | Barksdale AFB                         | Hydrant Fuel System .....                          | 6,200                 | 6,200                  |
| Def-Wide  | Maryland                              |  |                       |                        |
|   | Aberdeen Proving Ground               | USAMRICD Replacement, Inc 4 .....                  | 22,850                | 22,850                 |
| Def-Wide  | Bethesda Naval Hospital               | Child Development Center Addition/Alteration ..... | 18,000                | 18,000                 |
| Def-Wide  | Fort Detrick                          | USAMRIID Stage I, Inc 6 .....                      | 137,600               | 137,600                |
| Def-Wide  | Fort Meade                            | High Performance Computing Capacity Inc 1 .....    | 29,640                | 29,640                 |
| Def-Wide  | Joint Base Andrews                    | Ambulatory Care Center, Incr 1 .....               | 242,900               | 169,600                |
| Def-Wide  | Joint Base Andrews                    | Dental Clinic Replacement .....                    | 22,800                | 22,800                 |
| Def-Wide  | Massachusetts                         |  |                       |                        |
|   | Hanscom AFB                           | Replace Hanscom Middle School .....                | 34,040                | 34,040                 |
| Def-Wide  | Westover ARB                          | Replace Hydrant Fuel System .....                  | 23,300                | 23,300                 |
| Def-Wide  | Mississippi                           |  |                       |                        |
|   | Columbus AFB                          | Replace Refueler Parking Facility .....            | 2,600                 | 2,600                  |
| Def-Wide  | Gulftport                             | Medical Clinic Replacement .....                   | 34,700                | 34,700                 |
| Def-Wide  | Missouri                              |  |                       |                        |
|   | Arnold                                | Data Ctr West #1 Power & Cooling Upgrade .....     | 9,253                 | 9,253                  |
| Def-Wide  | New Mexico                            |  |                       |                        |
|   | Cannon AFB                            | SOF Adal Simulator Facility .....                  | 9,600                 | 9,600                  |

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(In Thousands of Dollars)

| <b>Account</b> | <b>State/Country and Installation</b>           | <b>Project Title</b>                                | <b>Budget Request</b> | <b>House Agreement</b> |
|----------------|---|---|-----------------------|------------------------|
| Def-Wide       | Cannon AFB                                      | SOF Aircraft Maintenance Squadron Facility .....    | 15,000                | 15,000                 |
| Def-Wide       | Cannon AFB                                      | SOF Apron and Taxiway .....                         | 28,100                | 28,100                 |
| Def-Wide       | Cannon AFB                                      | SOF C-130 Squadron Operations Facility .....        | 10,941                | 10,941                 |
| Def-Wide       | Cannon AFB                                      | SOF C-130 Wash Rack Hangar .....                    | 10,856                | 10,856                 |
| Def-Wide       | Cannon AFB                                      | SOF Hangar Aircraft Maintenance Unit .....          | 41,200                | 41,200                 |
| Def-Wide       | Cannon AFB                                      | SOF Squadron Operations Facility .....              | 17,300                | 17,300                 |
|                | New York  |   |                       |                        |
| Def-Wide       | Fort Drum                                       | Dental Clinic Addition/Alteration .....             | 4,700                 | 4,700                  |
| Def-Wide       | Fort Drum                                       | Medical Clinic .....                                | 15,700                | 15,700                 |
|                | North Carolina                                  |   |                       |                        |
| Def-Wide       | Camp Lejeune                                    | SOF Armory Facility Expansion .....                 | 6,670                 | 6,670                  |
| Def-Wide       | Fort Bragg                                      | Hospital Alteration .....                           | 57,600                | 57,600                 |
| Def-Wide       | Fort Bragg                                      | Replace District Superintendent's Office .....      | 3,138                 | 3,138                  |
| Def-Wide       | Fort Bragg                                      | SOF Administrative Annex .....                      | 12,000                | 12,000                 |
| Def-Wide       | Fort Bragg                                      | SOF Battalion Operations Complex .....              | 23,478                | 23,478                 |
| Def-Wide       | Fort Bragg                                      | SOF Battalion Operations Facility .....             | 41,000                | 41,000                 |
| Def-Wide       | Fort Bragg                                      | SOF Brigade Headquarters .....                      | 19,000                | 19,000                 |
| Def-Wide       | Fort Bragg                                      | SOF Communications Training Complex .....           | 10,758                | 10,758                 |
| Def-Wide       | Fort Bragg                                      | SOF Entry Control Point .....                       | 2,300                 | 2,300                  |
| Def-Wide       | Fort Bragg                                      | SOF Group Headquarters .....                        | 26,000                | 26,000                 |
| Def-Wide       | Fort Bragg                                      | SOF Squadron HQ Addition .....                      | 11,000                | 11,000                 |
| Def-Wide       | New River                                       | Replace Delalio Elementary School .....             | 22,687                | 22,687                 |
| Def-Wide       | Pope AFB  | SOF Training Facility .....                         | 5,400                 | 5,400                  |
|                | Ohio  |   |                       |                        |
| Def-Wide       | Columbus  | Security Enhancements .....                         | 10,000                | 10,000                 |
|                | Oklahoma  |   |                       |                        |
| Def-Wide       | Altus AFB                                       | Replace Fuel Transfer Pipeline .....                | 8,200                 | 8,200                  |
|                | Pennsylvania                                    |   |                       |                        |
| Def-Wide       | Def Distribution Depot New Cumberland           | Enclose Open-Sided Shed .....                       | 3,000                 | 3,000                  |
| Def-Wide       | Def Distribution Depot New Cumberland           | Replace General Purpose Warehouse .....             | 25,500                | 25,500                 |
| Def-Wide       | Def Distribution Depot New Cumberland           | Upgrade Access Control Points .....                 | 17,500                | 17,500                 |
| Def-Wide       | Philadelphia                                    | Upgrade Hvac System .....                           | 8,000                 | 8,000                  |
|                | South Carolina                                  |   |                       |                        |
| Def-Wide       | Joint Base Charleston                           | Replace Fuel Storage & Distribution Facility .....  | 24,868                | 24,868                 |
|                | Texas   |   |                       |                        |
| Def-Wide       | Fort Bliss                                      | Hospital Replacement Incr 3 .....                   | 136,700               | 86,700                 |
| Def-Wide       | Joint Base San Antonio                          | Ambulatory Care Center Phase 3 .....                | 161,300               | 161,300                |
| Def-Wide       | Joint Base San Antonio                          | Hospital Nutrition Care Department Add/Alt .....    | 33,000                | 33,000                 |
|                | United Kingdom                                  |   |                       |                        |
| Def-Wide       | Menwith Hill Station                            | Mhs Psc Construction Generator Plant .....          | 68,601                | 68,601                 |
| Def-Wide       | Royal Air Force Alconbury                       | Replace Alconbury High School .....                 | 35,030                | 35,030                 |
|                | Utah  |   |                       |                        |
| Def-Wide       | Camp Williams                                   | Ic Cnci Data Center 1 Inc 3 .....                   | 246,401               | 246,401                |
|                | Virginia  |   |                       |                        |
| Def-Wide       | Charlottesville                                 | Remote Delivery Facility .....                      | 10,805                | 10,805                 |
| Def-Wide       | Dahlgren  | Dahlgren E/MS School Addition .....                 | 1,988                 | 1,988                  |
| Def-Wide       | Dam Neck  | SOF Building Renovation .....                       | 3,814                 | 3,814                  |
| Def-Wide       | Dam Neck  | SOF Logistic Support Facility .....                 | 14,402                | 14,402                 |
| Def-Wide       | Dam Neck  | SOF Military Working Dog Facility .....             | 4,900                 | 4,900                  |
| Def-Wide       | Fort Belvoir                                    | Technology Center Third Floor Fit-Out .....         | 54,625                | 54,625                 |
| Def-Wide       | Joint Expeditionary Base Little Creek—<br>Story | SOF Seal Team Operations Facility .....             | 37,000                | 37,000                 |
| Def-Wide       | Pentagon  | Heliport Control Tower/Fire Station .....           | 6,457                 | 6,457                  |
| Def-Wide       | Pentagon  | Pentagon Memorial Pedestrian Plaza .....            | 2,285                 | 2,285                  |
| Def-Wide       | Quantico  | Defense Access Road Improvements-Telegraph Rd ..... | 4,000                 | 4,000                  |
| Def-Wide       | Quantico  | Dss Headquarters Addition .....                     | 42,727                | 42,727                 |
|                | Washington                                      |   |                       |                        |
| Def-Wide       | Joint Base Lewis Mcchord                        | Replace Fuel Distribution Facilities .....          | 14,000                | 14,000                 |
| Def-Wide       | Joint Base Lewis Mcchord                        | SOF Company Operations Facility .....               | 21,000                | 21,000                 |
| Def-Wide       | Whidbey Island                                  | Replace Fuel Pipeline .....                         | 25,000                | 25,000                 |
|                | West Virginia                                   |   |                       |                        |
| Def-Wide       | Camp Dawson                                     | Replace Hydrant Fuel System .....                   | 2,200                 | 2,200                  |
|                | Worldwide Unspecified                           |   |                       |                        |
| Def-Wide       | Unspecified Worldwide Locations                 | Contingency Construction .....                      | 10,000                | 10,000                 |
| Def-Wide       | Unspecified Worldwide Locations                 | Defense Access Roads .....                          | 0                     | 40,000                 |
| Def-Wide       | Unspecified Worldwide Locations                 | Energy Conservation Investment Program .....        | 135,000               | 135,000                |
| Def-Wide       | Unspecified Worldwide Locations                 | Exercise Related Construction .....                 | 8,417                 | 8,417                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Minor Construction .....                            | 6,100                 | 6,100                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 31,468                | 31,468                 |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 3,043                 | 3,043                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 52,974                | 52,974                 |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 3,000                 | 3,000                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 8,368                 | 8,368                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 5,277                 | 5,277                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 48,007                | 48,007                 |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 6,000                 | 6,000                  |
| Def-Wide       | Unspecified Worldwide Locations                 | Planning and Design .....                           | 1,993                 | 1,993                  |
| Def-Wide       | Unspecified Worldwide Locations                 | SOF Land Acquisition .....                          | 0                     | 10,000                 |
| Def-Wide       | Unspecified Worldwide Locations                 | Supporting Activities .....                         | 0                     | 0                      |

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(In Thousands of Dollars)

| <b>Account</b>   | <b>State/Country and Installation</b>                     | <b>Project Title</b>                                | <b>Budget Request</b> | <b>House Agreement</b> |
|--|---|---|-----------------------|------------------------|
| Def-Wide   | Unspecified Worldwide Locations                           | Unspecified Minor Construction .....                | 3,000                 | 3,000                  |
| Def-Wide   | Unspecified Worldwide Locations                           | Unspecified Minor Construction .....                | 8,876                 | 8,876                  |
| Def-Wide   | Unspecified Worldwide Locations                           | Unspecified Minor Milcon .....                      | 6,365                 | 6,365                  |
| Def-Wide   | Various Worldwide Locations                               | Planning and Design .....                           | 66,974                | 66,974                 |
| Def-Wide   | Various Worldwide Locations                               | Planning and Design .....                           | 227,498               | 227,498                |
| Def-Wide   | Various Worldwide Locations                               | Unspecified Minor Construction .....                | 6,571                 | 6,571                  |
| <b>Total Military Construction, Defense-Wide .....</b>             |   |   | <b>3,848,757</b>      | <b>3,705,457</b>       |
|  |   |   |                       |                        |
| Chem Demil   | Colorado<br>Pueblo Depot                                  | Ammunition Demilitarization Facility, Ph Xiii ..... | 15,338                | 15,338                 |
| Chem Demil   | Kentucky<br>Blue Grass Army Depot                         | Ammunition Demilitarization Ph Xii .....            | 59,974                | 59,974                 |
| <b>Total Chemical Demilitarization Construction, Defense .....</b> |   |   | <b>75,312</b>         | <b>75,312</b>          |
|  |   |   |                       |                        |
| NATO   | Worldwide Unspecified<br>NATO Security Investment Program | NATO Security Investment Program .....              | 272,611               | 272,611                |
| <b>Total NATO Security Investment Program .....</b>                |   |   | <b>272,611</b>        | <b>272,611</b>         |
|  |   |   |                       |                        |
| Army NG  | Alabama<br>Fort McClellan                                 | Readiness Center Ph2 .....                          | 16,500                | 16,500                 |
| Army NG  | Arizona<br>Papago Military Reservation                    | Readiness Center .....                              | 17,800                | 17,800                 |
| Army NG  | Arkansas<br>Fort Chaffee                                  | Convoy Live Fire/Entry Control Point Range .....    | 3,500                 | 3,500                  |
| Army NG  | California<br>Camp Roberts                                | Tactical Unmanned Aircraft System Facility .....    | 6,160                 | 6,160                  |
| Army NG  | Camp Roberts  | Utilities Replacement Ph1 .....                     | 32,000                | 32,000                 |
| Army NG  | Camp San Luis Obispo                                      | Field Maintenance Shop .....                        | 8,000                 | 8,000                  |
| Army NG  | Colorado<br>Alamosa                                       | Readiness Center .....                              | 6,400                 | 6,400                  |
| Army NG  | Aurora  | Tactical Unmanned Aircraft System Facility .....    | 3,600                 | 3,600                  |
| Army NG  | Fort Carson   | Barracks Complex (Ortc) .....                       | 43,000                | 43,000                 |
| Army NG  | District of Columbia<br>Anacostia                         | US Property & Fiscal Office Add/Alt .....           | 5,300                 | 5,300                  |
| Army NG  | Florida<br>Camp Blanding                                  | Convoy Live Fire/Entry Control Point Range .....    | 2,400                 | 2,400                  |
| Army NG  | Camp Blanding   | Live Fire Shoot House .....                         | 3,100                 | 3,100                  |
| Army NG  | Georgia<br>Atlanta  | Readiness Center .....                              | 11,000                | 11,000                 |
| Army NG  | Hinesville  | Maneuver Area Training & Equipment Site Ph1 .....   | 17,500                | 17,500                 |
| Army NG  | Macon   | Readiness Center Ph1 .....                          | 14,500                | 14,500                 |
| Army NG  | Hawaii<br>Kalaheo   | Readiness Center Ph1 .....                          | 33,000                | 33,000                 |
| Army NG  | Illinois<br>Normal  | Readiness Center .....                              | 10,000                | 10,000                 |
| Army NG  | Indiana<br>Camp Atterbury                                 | Deployment Processing Facility .....                | 8,900                 | 8,900                  |
| Army NG  | Camp Atterbury  | Operations Readiness Training Cmplx 2 .....         | 27,000                | 27,000                 |
| Army NG  | Camp Atterbury  | Operations Readiness Training Complex 1 .....       | 25,000                | 25,000                 |
| Army NG  | Camp Atterbury  | Railhead Expansion & Container Facility .....       | 21,000                | 21,000                 |
| Army NG  | Indianapolis  | JFHQ Add/Alt .....                                  | 25,700                | 25,700                 |
| Army NG  | Maine<br>Bangor   | Readiness Center .....                              | 15,600                | 15,600                 |
| Army NG  | Brunswick   | Armed Forces Reserve Center .....                   | 23,000                | 23,000                 |
| Army NG  | Maryland<br>Dundalk                                       | Readiness Center Add/Alt .....                      | 16,000                | 16,000                 |
| Army NG  | LA Plata  | Readiness Center .....                              | 9,000                 | 9,000                  |
| Army NG  | Westminster   | Readiness Center Add/Alt .....                      | 10,400                | 10,400                 |
| Army NG  | Massachusetts<br>Natick                                   | Readiness Center .....                              | 9,000                 | 9,000                  |
| Army NG  | Minnesota<br>Camp Ripley                                  | Multipurpose Machine Gun Range .....                | 8,400                 | 8,400                  |
| Army NG  | Mississippi<br>Camp Shelby                                | Deployment Processing Facility .....                | 12,600                | 12,600                 |
| Army NG  | Camp Shelby   | Operational Readiness Training Cmplx Ph1 .....      | 27,000                | 27,000                 |
| Army NG  | Camp Shelby   | Troop Housing (Ortc) Ph1 .....                      | 25,000                | 25,000                 |
| Army NG  | Nebraska<br>Grand Island                                  | Readiness Center .....                              | 22,000                | 22,000                 |
| Army NG  | Mead  | Readiness Center .....                              | 9,100                 | 9,100                  |
| Army NG  | Nevada<br>Las Vegas                                       | Field Maintenance Shop .....                        | 23,000                | 23,000                 |
| Army NG  | New Jersey<br>Lakehurst                                   | Army Aviation Suport Facility .....                 | 49,000                | 49,000                 |
| Army NG  | New Mexico<br>Santa Fe                                    | Readiness Center Add/Alt .....                      | 5,200                 | 5,200                  |
| Army NG  | North Carolina  |   |                       |                        |

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| <b>Account</b>  | <b>State/Country and Installation</b> | <b>Project Title</b>                                | <b>Budget Request</b> | <b>House Agreement</b> |
|---|---------------------------------------|---|-----------------------|------------------------|
| Army NG   | Greensboro                            | Readiness Center Add/Alt .....                      | 3,700                 | 3,700                  |
|   | Oklahoma                              |   |                       |                        |
| Army NG   | Camp Gruber                           | Live Fire Shoot House .....                         | 3,000                 | 3,000                  |
| Army NG   | Camp Gruber                           | Upgrade-Combined Arms Collective Training Fac ..... | 10,361                | 10,361                 |
|   | Oregon                                |   |                       |                        |
| Army NG   | the Dalles                            | Readiness Center .....                              | 13,800                | 13,800                 |
|   | Puerto Rico                           |   |                       |                        |
| Army NG   | Fort Buchanan                         | Readiness Center .....                              | 57,000                | 57,000                 |
|   | South Carolina                        |   |                       |                        |
| Army NG   | Allendale                             | Readiness Center Add/Alt .....                      | 4,300                 | 4,300                  |
|   | Utah                                  |   |                       |                        |
| Army NG   | Camp Williams                         | Multi Purpose Machine Gun Range .....               | 6,500                 | 6,500                  |
|   | Virginia                              |   |                       |                        |
| Army NG   | Fort Pickett                          | Combined Arms Collective Training Facility .....    | 11,000                | 11,000                 |
|   | West Virginia                         |   |                       |                        |
| Army NG   | Buckhannon                            | Readiness Center Ph1 .....                          | 10,000                | 10,000                 |
|   | Wisconsin                             |   |                       |                        |
| Army NG   | Camp Williams                         | Tactical Unmanned Aircraft System Facility .....    | 7,000                 | 7,000                  |
|   | Worldwide Unspecified                 |   |                       |                        |
| Army NG   | Unspecified Worldwide Locations       | Maintenance & Production Facilities .....           | 0                     | 10,000                 |
| Army NG   | Unspecified Worldwide Locations       | Maintenance & Production Facilities .....           | 0                     | 20,000                 |
| Army NG   | Unspecified Worldwide Locations       | Operational Facilities .....                        | 0                     | 10,000                 |
| Army NG   | Unspecified Worldwide Locations       | Planning and Design .....                           | 20,671                | 20,671                 |
| Army NG   | Unspecified Worldwide Locations       | Training Facilities .....                           | 0                     | 10,000                 |
| Army NG   | Unspecified Worldwide Locations       | Unspecified Minor Construction .....                | 11,700                | 11,700                 |
|   | Wyoming                               |   |                       |                        |
| Army NG   | Cheyenne                              | Readiness Center .....                              | 8,900                 | 8,900                  |
| <b>Total Military Construction, Army National Guard .....</b>           |                                       |   | <b>773,592</b>        | <b>823,592</b>         |
|   |                                       |   |                       |                        |
| Army Res  | California                            |   |                       |                        |
|   | Fort Hunter Liggett                   | Automated Multipurpose Machine Gun (Mpmg) .....     | 5,200                 | 5,200                  |
|   | Colorado                              |   |                       |                        |
| Army Res  | Fort Collins                          | Army Reserve Center .....                           | 13,600                | 13,600                 |
|   | Illinois                              |   |                       |                        |
| Army Res  | Homewood                              | Army Reserve Center .....                           | 16,000                | 16,000                 |
| Army Res  | Rockford                              | Army Reserve Center/Land .....                      | 12,800                | 12,800                 |
|   | Indiana                               |   |                       |                        |
| Army Res  | Lawrence                              | Army Reserve Center .....                           | 57,000                | 57,000                 |
|   | Kansas                                |   |                       |                        |
| Army Res  | Kansas City                           | Army Reserve Center/Land .....                      | 13,000                | 13,000                 |
|   | Massachusetts                         |   |                       |                        |
| Army Res  | Attleboro                             | Army Reserve Center/Land .....                      | 22,000                | 22,000                 |
|   | Minnesota                             |   |                       |                        |
| Army Res  | Saint Joseph                          | Army Reserve Center .....                           | 11,800                | 11,800                 |
|   | Missouri                              |   |                       |                        |
| Army Res  | Weldon Springs                        | Army Reserve Center .....                           | 19,000                | 19,000                 |
|   | New York                              |   |                       |                        |
| Army Res  | Schenectady                           | Army Reserve Center .....                           | 20,000                | 20,000                 |
|   | North Carolina                        |   |                       |                        |
| Army Res  | Greensboro                            | Army Reserve Center/Land .....                      | 19,000                | 19,000                 |
|   | South Carolina                        |   |                       |                        |
| Army Res  | Orangeburg                            | Army Reserve Center/Land .....                      | 12,000                | 12,000                 |
|   | Wisconsin                             |   |                       |                        |
| Army Res  | Fort McCoy                            | Automated Record Fire Range .....                   | 4,600                 | 4,600                  |
| Army Res  | Fort McCoy                            | Container Loading Facility .....                    | 5,300                 | 5,300                  |
| Army Res  | Fort McCoy                            | Modified Record Fire Known Distance Range .....     | 5,400                 | 5,400                  |
| Army Res  | Fort McCoy                            | Ncoa Phase Iii—Billeting .....                      | 12,000                | 12,000                 |
|   | Worldwide Unspecified                 |   |                       |                        |
| Army Res  | Unspecified Worldwide Locations       | Planning and Design .....                           | 28,924                | 28,924                 |
| Army Res  | Unspecified Worldwide Locations       | Unspecified Minor Construction .....                | 2,925                 | 2,925                  |
| <b>Total Military Construction, Army Reserve .....</b>                  |                                       |   | <b>280,549</b>        | <b>280,549</b>         |
|   |                                       |   |                       |                        |
| N/MC Res  | Pennsylvania                          |   |                       |                        |
|   | Pittsburg                             | Armed Forces Reserve Center (Pittsburgh) .....      | 13,759                | 13,759                 |
|   | Tennessee                             |   |                       |                        |
| N/MC Res  | Memphis                               | Reserve Training Center .....                       | 7,949                 | 7,949                  |
|   | Worldwide Unspecified                 |   |                       |                        |
| N/MC Res  | Unspecified Worldwide Locations       | Mcnr Unspecified Minor Construction .....           | 2,000                 | 2,000                  |
| N/MC Res  | Unspecified Worldwide Locations       | Planning and Design .....                           | 2,591                 | 2,591                  |
| <b>Total Military Construction, Navy and Marine Corps Reserve .....</b> |                                       |   | <b>26,299</b>         | <b>26,299</b>          |
|   |                                       |   |                       |                        |
| Air NG  | California                            |   |                       |                        |
|   | Beale AFB                             | Wing Operations and Training Facility .....         | 6,100                 | 6,100                  |
| Air NG  | Moffett Field                         | Replace Pararescue Training Facility .....          | 26,000                | 26,000                 |
|   | Hawaii                                |   |                       |                        |
| Air NG  | Joint Base Pearl Harbor-Hickam        | TFI—F-22 Combat Aircraft Parking Apron .....        | 12,721                | 0                      |

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|--|---------------------------------------|---|-----------------------|------------------------|
| Air NG   | Joint Base Pearl Harbor-Hickam        | TFI—F-22 Flight Simulator Facility .....            | 19,800                | 19,800                 |
| Air NG   | Joint Base Pearl Harbor-Hickam        | TFI—F-22 Weapons Load Crew Training Facilit .....   | 7,000                 | 7,000                  |
|  | Indiana                               |   |                       |                        |
| Air NG   | Fort Wayne IAP                        | α-10 Facility Conversion—Munitions .....            | 4,000                 | 4,000                  |
|  | Maryland                              |   |                       |                        |
| Air NG   | Martin State Airport                  | TFI—C-27 Conversion - Squadron Operations .....     | 4,900                 | 4,900                  |
|  | Massachusetts                         |   |                       |                        |
| Air NG   | Otis ANGB                             | TFI—CNAF Beddown - Upgrade Facility .....           | 7,800                 | 7,800                  |
|  | Ohio                                  |   |                       |                        |
| Air NG   | Springfield Beckley-Map               | Alter Predator Operations Center .....              | 6,700                 | 6,700                  |
|  | Worldwide Unspecified                 |   |                       |                        |
| Air NG   | Unspecified Worldwide Locations       | Maintenance & Production Facilities .....           | 0                     | 20,000                 |
| Air NG   | Unspecified Worldwide Locations       | Operational Facilities .....                        | 0                     | 10,000                 |
| Air NG   | Various Worldwide Locations           | Minor Construction .....                            | 9,000                 | 9,000                  |
| Air NG   | Various Worldwide Locations           | Planning and Design .....                           | 12,225                | 12,225                 |
| <b>Total Military Construction, Air National Guard .....</b>             |                                       |   | <b>116,246</b>        | <b>133,525</b>         |
|  | California                            |   |                       |                        |
| AF Res   | March AFB                             | Airfield Control Tower/Base Ops .....               | 16,393                | 16,393                 |
|  | South Carolina                        |   |                       |                        |
| AF Res   | Charleston AFB                        | TFI Red Horse Readiness & Trng Center .....         | 9,593                 | 9,593                  |
|  | Worldwide Unspecified                 |   |                       |                        |
| AF Res   | Unspecified Worldwide Locations       | Planning & Design .....                             | 2,200                 | 2,200                  |
| AF Res   | Unspecified Worldwide Locations       | Training Facilities .....                           | 0                     | 10,000                 |
| AF Res   | Unspecified Worldwide Locations       | Unspecified Minor Construction .....                | 5,434                 | 5,434                  |
| <b>Total Military Construction, Air Force Reserve .....</b>              |                                       |   | <b>33,620</b>         | <b>43,620</b>          |
|  | Belgium                               |   |                       |                        |
| FH Con Army  | Brussels                              | Land Purchase for Gfoq (10 Units) .....             | 10,000                | 10,000                 |
|  | Germany                               |   |                       |                        |
| FH Con Army  | Grafenwoehr                           | Family Housing New Construction (26 Units) .....    | 13,000                | 13,000                 |
| FH Con Army  | Illesheim                             | Family Housing Replacement Construc(80 Units) ..... | 41,000                | 41,000                 |
| FH Con Army  | Vilseck                               | Family Housing New Construction (22 Units) .....    | 12,000                | 12,000                 |
|  | Worldwide Unspecified                 |   |                       |                        |
| FH Con Army  | Unspecified Worldwide Locations       | Construction Improvements (276 Units) .....         | 103,000               | 103,000                |
| FH Con Army  | Unspecified Worldwide Locations       | Family Housing P&d .....                            | 7,897                 | 7,897                  |
| <b>Total Family Housing Construction, Army .....</b>                     |                                       |   | <b>186,897</b>        | <b>186,897</b>         |
|  | Worldwide Unspecified                 |   |                       |                        |
| FH Ops Army  | Unspecified Worldwide Locations       | Furnishings Account .....                           | 14,256                | 14,256                 |
| FH Ops Army  | Unspecified Worldwide Locations       | Leasing .....                                       | 204,426               | 204,426                |
| FH Ops Army  | Unspecified Worldwide Locations       | Maintenance of Real Property .....                  | 105,668               | 105,668                |
| FH Ops Army  | Unspecified Worldwide Locations       | Management Account .....                            | 54,728                | 54,728                 |
| FH Ops Army  | Unspecified Worldwide Locations       | Miscellaneous Account .....                         | 605                   | 605                    |
| FH Ops Army  | Unspecified Worldwide Locations       | Privatization Support Costs .....                   | 25,741                | 25,741                 |
| FH Ops Army  | Unspecified Worldwide Locations       | Services Account .....                              | 15,797                | 15,797                 |
| FH Ops Army  | Unspecified Worldwide Locations       | Utilities Account .....                             | 73,637                | 73,637                 |
| <b>Total Family Housing Operation &amp; Maintenance, Army .....</b>      |                                       |   | <b>494,858</b>        | <b>494,858</b>         |
|  | Worldwide Unspecified                 |   |                       |                        |
| FH Con AF  | Unspecified Worldwide Locations       | Classified Improvements .....                       | 50                    | 50                     |
| FH Con AF  | Unspecified Worldwide Locations       | Construction Improvements .....                     | 80,546                | 80,546                 |
| FH Con AF  | Unspecified Worldwide Locations       | Planning and Design .....                           | 4,208                 | 4,208                  |
| <b>Total Family Housing Construction, Air Force .....</b>                |                                       |   | <b>84,804</b>         | <b>84,804</b>          |
|  | Worldwide Unspecified                 |   |                       |                        |
| FH Ops AF  | Unspecified Worldwide Locations       | Furnishings Account .....                           | 35,290                | 35,290                 |
| FH Ops AF  | Unspecified Worldwide Locations       | Housing Privatization .....                         | 47,571                | 47,571                 |
| FH Ops AF  | Unspecified Worldwide Locations       | Leasing .....                                       | 80,775                | 80,775                 |
| FH Ops AF  | Unspecified Worldwide Locations       | Leasing Account .....                               | 122                   | 122                    |
| FH Ops AF  | Unspecified Worldwide Locations       | Maintenance (Rpma & Rpmc) .....                     | 98,132                | 98,132                 |
| FH Ops AF  | Unspecified Worldwide Locations       | Maintenance Account .....                           | 2,001                 | 2,001                  |
| FH Ops AF  | Unspecified Worldwide Locations       | Management Account .....                            | 1,996                 | 1,996                  |
| FH Ops AF  | Unspecified Worldwide Locations       | Management Account .....                            | 55,395                | 55,395                 |
| FH Ops AF  | Unspecified Worldwide Locations       | Miscellaneous Account .....                         | 2,165                 | 2,165                  |
| FH Ops AF  | Unspecified Worldwide Locations       | Services Account .....                              | 13,675                | 13,675                 |
| FH Ops AF  | Unspecified Worldwide Locations       | Utilities Account .....                             | 67,639                | 67,639                 |
| <b>Total Family Housing Operation &amp; Maintenance, Air Force .....</b> |                                       |   | <b>404,761</b>        | <b>404,761</b>         |
|  | Worldwide Unspecified                 |   |                       |                        |
| FH Con Navy  | Unspecified Worldwide Locations       | Design .....  | 3,199                 | 3,199                  |
| FH Con Navy  | Unspecified Worldwide Locations       | Improvements .....                                  | 97,773                | 97,773                 |
| <b>Total Family Housing Construction, Navy and Marine Corps .....</b>    |                                       |   | <b>100,972</b>        | <b>100,972</b>         |



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| Account  | State/Country and Installation        | Project Title                                   | Budget Request | House Agreement |
|--|---------------------------------------|---|----------------|-----------------|
| <i>Worldwide Unspecified</i>   |                                       |   |                |                 |
| FH Ops Navy  | Unspecified Worldwide Locations       | Furnishings Account .....                       | 15,979         | 15,979          |
| FH Ops Navy  | Unspecified Worldwide Locations       | Leasing .....                                   | 79,798         | 79,798          |
| FH Ops Navy  | Unspecified Worldwide Locations       | Maintenance of Real Property .....              | 97,231         | 97,231          |
| FH Ops Navy  | Unspecified Worldwide Locations       | Management Account .....                        | 61,090         | 61,090          |
| FH Ops Navy  | Unspecified Worldwide Locations       | Miscellaneous Account .....                     | 476            | 476             |
| FH Ops Navy  | Unspecified Worldwide Locations       | Privatization Support Costs .....               | 28,582         | 28,582          |
| FH Ops Navy  | Unspecified Worldwide Locations       | Services Account .....                          | 14,510         | 14,510          |
| FH Ops Navy  | Unspecified Worldwide Locations       | Utilities Account .....                         | 70,197         | 70,197          |
| <b>Total Family Housing Operation &amp; Maintenance, Navy and Marine Corps .....</b> |                                       |   | <b>367,863</b> | <b>367,863</b>  |
| <i>Worldwide Unspecified</i>   |                                       |   |                |                 |
| FH Ops DW  | Unspecified Worldwide Locations       | Furnishings Account .....                       | 70             | 70              |
| FH Ops DW  | Unspecified Worldwide Locations       | Furnishings Account .....                       | 19             | 19              |
| FH Ops DW  | Unspecified Worldwide Locations       | Furnishings Account .....                       | 2,699          | 2,699           |
| FH Ops DW  | Unspecified Worldwide Locations       | Leasing .....                                   | 36,552         | 36,552          |
| FH Ops DW  | Unspecified Worldwide Locations       | Leasing .....                                   | 10,100         | 10,100          |
| FH Ops DW  | Unspecified Worldwide Locations       | Maintenance of Real Property .....              | 70             | 70              |
| FH Ops DW  | Unspecified Worldwide Locations       | Maintenance of Real Property .....              | 546            | 546             |
| FH Ops DW  | Unspecified Worldwide Locations       | Management Account .....                        | 347            | 347             |
| FH Ops DW  | Unspecified Worldwide Locations       | Services Account .....                          | 30             | 30              |
| FH Ops DW  | Unspecified Worldwide Locations       | Utilities Account .....                         | 280            | 280             |
| FH Ops DW  | Unspecified Worldwide Locations       | Utilities Account .....                         | 10             | 10              |
| <b>Total Family Housing Operation &amp; Maintenance, Defense-Wide .....</b>          |                                       |   | <b>50,723</b>  | <b>50,723</b>   |
| <i>Worldwide Unspecified</i>   |                                       |   |                |                 |
| HOAP   | Unspecified Worldwide Locations       | Homeowners Assistance Program .....             | 1,284          | 1,284           |
| <b>Total Homeowners Assistance Fund .....</b>  |                                       |   | <b>1,284</b>   | <b>1,284</b>    |
| <i>Worldwide Unspecified</i>   |                                       |   |                |                 |
| FHIF   | Unspecified Worldwide Locations       | Family Housing Improvement Fund .....           | 2,184          | 2,184           |
| <b>Total DOD Family Housing Improvement Fund .....</b>                               |                                       |   | <b>2,184</b>   | <b>2,184</b>    |
| <i>Worldwide Unspecified</i>   |                                       |   |                |                 |
| BRAC 05  | Unspecified Worldwide Locations       | Comm Add 3: Galena Fol, AK .....                | 933            | 933             |
| BRAC 05  | Unspecified Worldwide Locations       | Don-100: Planing, Design and Management .....   | 6,090          | 6,090           |
| BRAC 05  | Unspecified Worldwide Locations       | Don-101: Various Locations .....                | 5,021          | 5,021           |
| BRAC 05  | Unspecified Worldwide Locations       | Don-126: Nscs, Athens, GA .....                 | 325            | 325             |
| BRAC 05  | Unspecified Worldwide Locations       | Don-138: NAS Brunswick, ME .....                | 421            | 421             |
| BRAC 05  | Unspecified Worldwide Locations       | Don-157: Mcsa Kansas City, MO .....             | 1,442          | 1,442           |
| BRAC 05  | Unspecified Worldwide Locations       | Don-158: NSA New Orleans, LA .....              | 2,056          | 2,056           |
| BRAC 05  | Unspecified Worldwide Locations       | Don-172: NWS Seal Beach, Concord, CA .....      | 9,763          | 9,763           |
| BRAC 05  | Unspecified Worldwide Locations       | Don-2: Ns Pascagoula, MS .....                  | 515            | 515             |
| BRAC 05  | Unspecified Worldwide Locations       | Don-84: JRB Willow Grove & Cambria Reg Ap ..... | 196            | 196             |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-106: Kansas Army Ammunition Plant, KS ..... | 45,769         | 45,769          |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-110: Mississippi Army Ammo Plant, MS .....  | 122            | 122             |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-112: River Bank Army Ammo Plant, CA .....   | 320            | 320             |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-117: Deseret Chemical Depot, UT .....       | 34,011         | 34,011          |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-119: Newport Chemical Depot, in .....       | 467            | 467             |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-120: Umatilla Chemical Depot, OR .....      | 9,092          | 9,092           |
| BRAC 05  | Unspecified Worldwide Locations       | Ind-122: Lone Star Army Ammo Plant, TX .....    | 19,367         | 19,367          |
| BRAC 05  | Unspecified Worldwide Locations       | Int-4: NGA Activities .....                     | 1,791          | 1,791           |
| BRAC 05  | Unspecified Worldwide Locations       | Med-2: Walter Reed Nmmc, Bethesda, MD .....     | 18,586         | 18,586          |
| BRAC 05  | Unspecified Worldwide Locations       | Med-57: Brooks City Base, TX .....              | 205            | 205             |
| BRAC 05  | Unspecified Worldwide Locations       | Program Management Various Locations .....      | 32,298         | 32,298          |
| BRAC 05  | Unspecified Worldwide Locations       | Program Management Various Locations .....      | 828            | 828             |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-113: Fort Monroe, VA .....                  | 23,601         | 23,601          |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-121: Fort Gillem, GA .....                  | 8,903          | 8,903           |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-131: USAR Command and Control -Se .....     | 250            | 250             |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-166: USAR Command and Control—Nw .....      | 1,000          | 1,000           |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-167: USAR Command and Control—NE .....      | 250            | 250             |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-168: USAR Command and Control—Sw .....      | 250            | 250             |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-222: Fort Mcpherson, GA .....               | 9,921          | 9,921           |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-223: Fort Monmouth, NJ .....                | 21,908         | 21,908          |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-242: Rc Transformation in NY .....          | 259            | 259             |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-36: Red River Army Depot .....              | 1,207          | 1,207           |
| BRAC 05  | Unspecified Worldwide Locations       | Usa-63: U.S. Army Garrison (Selfridge) .....    | 1,609          | 1,609           |
| <b>Total Base Realignment and Closure Account 2005 .....</b>                         |                                       |   | <b>258,776</b> | <b>258,776</b>  |
| <i>Worldwide Unspecified</i>   |                                       |   |                |                 |
| BRAC IV  | Base Realignment & Closure, Air Force | Base Realignment & Closure .....                | 123,476        | 123,476         |
| BRAC IV  | Base Realignment & Closure, Army      | Base Realignment & Closure .....                | 70,716         | 70,716          |

| SEC. 4601. MILITARY CONSTRUCTION<br>(In Thousands of Dollars) |                                  |                                  |                   |                    |
|---|----------------------------------|----------------------------------|-------------------|--------------------|
| Account   | State/Country and Installation   | Project Title                    | Budget<br>Request | House<br>Agreement |
| BRAC IV   | Base Realignment & Closure, Navy | Base Realignment & Closure ..... | 129,351           | 129,351            |
| Total Base Realignment and Closure Account 1990 .....         |                                  |                                  | 323,543           | 323,543            |
| Total Military Construction .....                             |                                  |                                  | 14,766,047        | 14,766,026         |

# TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

## SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

| SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS<br>(In Thousands of Dollars) |                    |                     |
|---|--------------------|---------------------|
| Program   | FY 2012<br>Request | House<br>Authorized |
| <b>Discretionary Summary By Appropriation</b>   |                    |                     |
| <b>Energy And Water Development, And Related Agencies</b>                               |                    |                     |
| <b>Appropriation Summary:</b>   |                    |                     |
| <b>Energy Programs</b>  |                    |                     |
| ENERGY SECURITY AND ASSURANCE .....   | 6,187              | 6,187               |
| <b>Atomic Energy Defense Activities</b>   |                    |                     |
| <b>National nuclear security administration:</b>  |                    |                     |
| WEAPONS ACTIVITIES .....  | 7,629,716          | 7,629,716           |
| DEFENSE NUCLEAR NONPROLIFERATION .....  | 2,549,492          | 2,549,492           |
| NAVAL REACTORS .....  | 1,153,662          | 1,153,662           |
| OFFICE OF THE ADMINISTRATOR .....   | 450,060            | 450,060             |
| <b>Total, National nuclear security administration .....</b>                            | <b>11,782,930</b>  | <b>11,782,930</b>   |
| <b>Environmental and other defense activities:</b>                                      |                    |                     |
| DEFENSE ENVIRONMENTAL CLEANUP .....   | 5,406,781          | 5,406,781           |
| OTHER DEFENSE ACTIVITIES .....  | 859,952            | 859,952             |
| DEFENSE NUCLEAR WASTE DISPOSAL .....  | 0                  | 0                   |
| Total, Environmental & other defense activities .....                                   | 6,266,733          | 6,266,733           |
| Total, Atomic Energy Defense Activities .....   | 18,049,663         | 18,049,663          |
| <b>Total, Discretionary Funding .....</b>   | <b>18,055,850</b>  | <b>18,055,850</b>   |
| <b>Electricity Delivery &amp; Energy Reliability</b>                                    |                    |                     |
| Infrastructure security & energy restoration .....                                      | 6,187              | 6,187               |
| <b>Weapons Activities</b>   |                    |                     |
| <b>Directed stockpile work</b>  |                    |                     |
| <b>Life extension programs</b>  |                    |                     |
| B61 Life extension program .....  | 223,562            | 223,562             |
| W76 Life extension program .....  | 257,035            | 257,035             |
| <b>Total, Life extension programs .....</b>   | <b>480,597</b>     | <b>480,597</b>      |
| <b>Stockpile systems</b>  |                    |                     |
| B61 Stockpile systems .....   | 72,396             | 72,396              |
| W76 Stockpile systems .....   | 63,383             | 63,383              |
| W78 Stockpile systems .....   | 109,518            | 109,518             |
| W80 Stockpile systems .....   | 44,444             | 44,444              |
| B83 Stockpile systems .....   | 48,215             | 48,215              |
| W87 Stockpile systems .....   | 83,943             | 83,943              |
| W88 Stockpile systems .....   | 75,728             | 75,728              |
| <b>Total, Stockpile systems .....</b>   | <b>497,627</b>     | <b>497,627</b>      |
| <b>Weapons dismantlement and disposition</b>  |                    |                     |
| Operations and maintenance .....  | 56,770             | 56,770              |
| <b>Total, Weapons dismantlement and disposition .....</b>                               | <b>56,770</b>      | <b>56,770</b>       |
| <b>Stockpile services</b>   |                    |                     |
| Production support .....  | 354,502            | 354,502             |
| Research and development support .....  | 30,264             | 30,264              |
| R&D certification and safety .....  | 190,892            | 190,892             |
| Management, technology, and production .....  | 198,700            | 198,700             |
| Plutonium sustainment .....   | 154,231            | 154,231             |
| <b>Total, Stockpile services .....</b>  | <b>928,589</b>     | <b>928,589</b>      |
| <b>Total, Directed stockpile work .....</b>   | <b>1,963,583</b>   | <b>1,963,583</b>    |
| <b>Campaigns:</b>   |                    |                     |
| <b>Science campaign</b>   |                    |                     |
| Advanced certification .....  | 94,929             | 94,929              |
| Primary assessment technologies .....   | 86,055             | 86,055              |
| Dynamic materials properties .....  | 111,836            | 111,836             |
| Advanced radiography .....  | 27,058             | 27,058              |
| Secondary assessment technologies .....   | 86,061             | 86,061              |
| <b>Total, Science campaign .....</b>  | <b>405,939</b>     | <b>405,939</b>      |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|--|----------------------------|-----------------------------|
| <b>Engineering campaign</b>  |                            |                             |
| Enhanced surety .....  | 41,696                     | 41,696                      |
| Weapon systems engineering assessment technology .....   | 15,663                     | 15,663                      |
| Nuclear survivability .....  | 19,545                     | 19,545                      |
| Enhanced surveillance .....  | 66,174                     | 66,174                      |
| <b>Total, Engineering campaign</b> .....   | <b>143,078</b>             | <b>143,078</b>              |
| <b>Inertial confinement fusion ignition and high yield campaign</b>  |                            |                             |
| Ignition .....   | 109,888                    | 109,888                     |
| Diagnostics, cryogenics and experimental support .....   | 86,259                     | 86,259                      |
| Pulsed power inertial confinement fusion .....   | 4,997                      | 4,997                       |
| Joint program in high energy density laboratory plasmas .....  | 9,100                      | 9,100                       |
| Facility operations and target production .....  | 266,030                    | 266,030                     |
| <b>Total, Inertial confinement fusion and high yield campaign</b> .....  | <b>476,274</b>             | <b>476,274</b>              |
| <b>Advanced simulation and computing campaign</b> .....  | <b>628,945</b>             | <b>628,945</b>              |
| <b>Readiness Campaign</b>  |                            |                             |
| Nonnuclear readiness .....   | 65,000                     | 65,000                      |
| Tritium readiness .....  | 77,491                     | 77,491                      |
| <b>Total, Readiness campaign</b> .....   | <b>142,491</b>             | <b>142,491</b>              |
| <b>Total, Campaigns</b> .....  | <b>1,796,727</b>           | <b>1,796,727</b>            |
| <b>Readiness in technical base and facilities (RTBF)</b>   |                            |                             |
| <b>Operations of facilities</b>  |                            |                             |
| Kansas City Plant .....  | 156,217                    | 156,217                     |
| Lawrence Livermore National Laboratory .....   | 83,990                     | 83,990                      |
| Los Alamos National Laboratory .....   | 318,526                    | 318,526                     |
| Nevada Test Site .....   | 97,559                     | 97,559                      |
| Panther .....  | 164,848                    | 164,848                     |
| Sandia National Laboratory .....   | 120,708                    | 120,708                     |
| Savannah River Site .....  | 97,767                     | 97,767                      |
| Y-12 National security complex .....   | 246,001                    | 246,001                     |
| Institutional site support .....   | 199,638                    | 199,638                     |
| <b>Total, Operations of facilities</b> .....   | <b>1,485,254</b>           | <b>1,485,254</b>            |
| Program readiness .....  | 74,180                     | 74,180                      |
| Material recycle and recovery .....  | 85,939                     | 85,939                      |
| Containers .....   | 28,979                     | 28,979                      |
| Storage .....  | 31,272                     | 31,272                      |
| <b>Subtotal, Readiness in technical base and facilities</b> .....  | <b>1,705,624</b>           | <b>1,705,624</b>            |
| <b>Construction:</b>   |                            |                             |
| 12-D-301 TRU waste facilities, LANL .....  | 9,881                      | 9,881                       |
| 11-D-801 TA-55 Reinvestment project, LANL .....  | 19,402                     | 19,402                      |
| 10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....                        | 35,387                     | 35,387                      |
| 09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....                    | 25,168                     | 25,168                      |
| 08-D-802 High explosive pressing facility Panther Plant, Amarillo, TX .....  | 66,960                     | 66,960                      |
| 07-D-140 Project engineering and design (PED) various locations .....  | 3,518                      | 3,518                       |
| 06-D-141 Project engineering & design (PED) Y-12 National Security Complex, Oakridge, TN .....                       | 160,194                    | 160,194                     |
| 04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM ..... | 300,000                    | 300,000                     |
| <b>Total, Construction</b> .....   | <b>620,510</b>             | <b>620,510</b>              |
| <b>Total, Readiness in technical base and facilities</b> .....   | <b>2,326,134</b>           | <b>2,326,134</b>            |
| <b>Secure transportation asset</b>   |                            |                             |
| Operations and equipment .....   | 149,274                    | 149,274                     |
| Program direction .....  | 101,998                    | 101,998                     |
| <b>Total, Secure transportation asset</b> .....  | <b>251,272</b>             | <b>251,272</b>              |
| <b>Nuclear counterterrorism incident response</b> .....  | <b>222,147</b>             | <b>222,147</b>              |
| <b>Facilities and infrastructure recapitalization program</b>  |                            |                             |
| Operations and maintenance .....   | 96,380                     | 96,380                      |
| <b>Total, Facilities and infrastructure recapitalization program</b> .....   | <b>96,380</b>              | <b>96,380</b>               |
| <b>Site stewardship</b>  |                            |                             |
| Operations and maintenance .....   | 104,002                    | 104,002                     |
| <b>Total, Site stewardship</b> .....   | <b>104,002</b>             | <b>104,002</b>              |
| <b>Safeguards and security</b>   |                            |                             |
| <b>Defense nuclear security</b>  |                            |                             |
| Operations and maintenance .....   | 711,105                    | 711,105                     |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>   | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|--|----------------------------|-----------------------------|
| <b>Construction:</b>   |                            |                             |
| 08-D-701 Nuclear materials S&S upgrade project Los Alamos National Laboratory .....                  | 11,752                     | 11,752                      |
| <b>Total, Construction</b> .....   | <b>11,752</b>              | <b>11,752</b>               |
| <b>Total, Defense nuclear security</b> .....   | <b>722,857</b>             | <b>722,857</b>              |
| Cyber security .....   | 126,614                    | 126,614                     |
| <b>Total, Safeguards and security</b> .....  | <b>849,471</b>             | <b>849,471</b>              |
| <b>National security applications</b> .....  | <b>20,000</b>              | <b>20,000</b>               |
| <b>Subtotal, Weapons activities</b> .....  | <b>7,629,716</b>           | <b>7,629,716</b>            |
| <b>Adjustments</b>   |                            |                             |
| Use of prior year balances .....   | 0                          | 0                           |
| <b>Total, Weapons Activities</b> .....   | <b>7,629,716</b>           | <b>7,629,716</b>            |
| <b>Defense Nuclear Nonproliferation</b>  |                            |                             |
| <b>Nonproliferation and verification R&amp;D</b>   |                            |                             |
| Operations and maintenance .....   | 417,598                    | 417,598                     |
| <b>Total, Operations and maintenance</b> .....   | <b>417,598</b>             | <b>417,598</b>              |
| <b>Total, Nonproliferation &amp; verification R&amp;D</b> .....                                      | <b>417,598</b>             | <b>417,598</b>              |
| <b>Nonproliferation and international security</b> .....   | <b>161,833</b>             | <b>161,833</b>              |
| <b>International nuclear materials protection and cooperation</b> .....                              | <b>571,639</b>             | <b>571,639</b>              |
| <b>Fissile materials disposition</b>   |                            |                             |
| <b>U.S. surplus fissile materials disposition</b>  |                            |                             |
| <b>Operations and maintenance</b>  |                            |                             |
| U.S. plutonium disposition .....   | 274,790                    | 274,790                     |
| U.S. uranium disposition .....   | 26,435                     | 26,435                      |
| <b>Total, Operations and maintenance</b> .....   | <b>301,225</b>             | <b>301,225</b>              |
| <b>Construction:</b>   |                            |                             |
| 99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....                             | 385,172                    | 385,172                     |
| 99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC .....                        | 176,000                    | 176,000                     |
| 99-D-141-02 Waste Solidification Building, Savannah River, SC .....                                  | 17,582                     | 17,582                      |
| <b>Total, Construction</b> .....   | <b>578,754</b>             | <b>578,754</b>              |
| <b>Total, U.S. surplus fissile materials disposition</b> .....                                       | <b>879,979</b>             | <b>879,979</b>              |
| Russian surplus materials disposition .....  | 10,174                     | 10,174                      |
| <b>Total, Fissile materials disposition</b> .....  | <b>890,153</b>             | <b>890,153</b>              |
| Global threat reduction initiative .....   | 508,269                    | 508,269                     |
| <b>Total, Defense Nuclear Nonproliferation</b> .....   | <b>2,549,492</b>           | <b>2,549,492</b>            |
| <b>Naval Reactors</b>  |                            |                             |
| <b>Naval reactors development</b>  |                            |                             |
| <b>Operation and maintenance</b>   |                            |                             |
| Operation and maintenance .....  | 1,069,262                  | 1,069,262                   |
| <b>Total, Operation and maintenance</b> .....  | <b>1,069,262</b>           | <b>1,069,262</b>            |
| <b>Construction:</b>   |                            |                             |
| 10-D-903, Security upgrades, KAPL .....  | 100                        | 100                         |
| 10-D-904, NRF infrastructure upgrades, Idaho .....   | 12,000                     | 12,000                      |
| 08-D-190 Expended Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID ..... | 27,800                     | 27,800                      |
| <b>Total, Construction</b> .....   | <b>39,900</b>              | <b>39,900</b>               |
| <b>Total, Naval reactors development</b> .....   | <b>1,109,162</b>           | <b>1,109,162</b>            |
| Program direction .....  | 44,500                     | 44,500                      |
| <b>Total, Naval Reactors</b> .....   | <b>1,153,662</b>           | <b>1,153,662</b>            |
| <b>Office Of The Administrator</b>   |                            |                             |
| Office of the administrator .....  | 450,060                    | 450,060                     |
| Congressionally directed projects .....  | 0                          | 0                           |
| <b>Subtotal, Office of the Administrator</b> .....   | <b>450,060</b>             | <b>450,060</b>              |
| <b>Adjustments:</b>  |                            |                             |
| Use of prior year balances .....   | 0                          | 0                           |
| <b>Subtotal, Office of the Administrator</b> .....   | <b>450,060</b>             | <b>450,060</b>              |
| Transfer of prior year balances (OMB scoring) .....  | 0                          | 0                           |
| <b>Total, Office Of The Administrator</b> .....  | <b>450,060</b>             | <b>450,060</b>              |
| <b>Defense Environmental Cleanup</b>   |                            |                             |
| <b>Closure sites:</b>  |                            |                             |
| Closure sites administration .....   | 5,375                      | 5,375                       |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>  | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|---|----------------------------|-----------------------------|
| <b>Total, Closure sites</b>                                 | <b>5,375</b>               | <b>5,375</b>                |
| <b>Hanford site:</b>  |                            |                             |
| Nuclear facility D&D—remainder of Hanford                   | 56,288                     | 56,288                      |
| Nuclear facility D&D river corridor closure project         | 330,534                    | 330,534                     |
| Nuclear material stabilization and disposition PFP          | 48,458                     | 48,458                      |
| SNF stabilization and disposition                           | 112,250                    | 112,250                     |
| Soil and water remediation—groundwater vadose zone          | 222,285                    | 222,285                     |
| Solid waste stabilization and disposition 200 area          | 143,897                    | 143,897                     |
| <b>Total, Hanford site</b>                                  | <b>913,712</b>             | <b>913,712</b>              |
| <b>Idaho National Laboratory:</b>                           |                            |                             |
| SNF stabilization and disposition—2012                      | 20,114                     | 20,114                      |
| Solid waste stabilization and disposition                   | 165,035                    | 165,035                     |
| Radioactive liquid tank waste stabilization and disposition | 110,169                    | 110,169                     |
| Soil and water remediation—2012                             | 87,451                     | 87,451                      |
| <b>Total, Idaho National Laboratory</b>                     | <b>382,769</b>             | <b>382,769</b>              |
| <b>NNSA sites</b>   |                            |                             |
| Lawrence Livermore National Laboratory                      | 873                        | 873                         |
| Nuclear facility D & D Separations Process Research Unit    | 1,500                      | 1,500                       |
| Nevada  | 63,380                     | 63,380                      |
| Los Alamos National Laboratory                              | 357,939                    | 357,939                     |
| <b>Total, NNSA sites and Nevada off-sites</b>               | <b>423,692</b>             | <b>423,692</b>              |
| <b>Oak Ridge Reservation:</b>                               |                            |                             |
| Nuclear facility D & D ORNL                                 | 44,000                     | 44,000                      |
| Nuclear facility D & D Y-12                                 | 30,000                     | 30,000                      |
| Nuclear facility D & D, E. Tennessee technology park        | 100                        | 100                         |
| OR reservation community and regulatory support             | 3,000                      | 3,000                       |
| Solid waste stabilization and disposition—2012              | 99,000                     | 99,000                      |
| <b>Total, Oak Ridge Reservation</b>                         | <b>176,100</b>             | <b>176,100</b>              |
| <b>Office of River Protection:</b>                          |                            |                             |
| <b>Waste treatment and immobilization plant</b>             |                            |                             |
| ORP-0060 / Major construction Waste treatment plant (WTP)   | 840,000                    | 840,000                     |
| <b>Total, Waste treatment and immobilization plant</b>      | <b>840,000</b>             | <b>840,000</b>              |
| <b>Tank farm activities</b>                                 |                            |                             |
| Rad liquid tank waste stabilization and disposition         | 521,391                    | 521,391                     |
| <b>Total, Tank farm activities</b>                          | <b>521,391</b>             | <b>521,391</b>              |
| <b>Total, Office of River protection</b>                    | <b>1,361,391</b>           | <b>1,361,391</b>            |
| <b>Savannah River site:</b>                                 |                            |                             |
| Nuclear material stabilization and disposition              | 235,000                    | 235,000                     |
| Radioactive liquid tank waste stabilization and disposition | 748,896                    | 748,896                     |
| 05-D-405 Salt waste processing facility, Savannah River     | 170,071                    | 170,071                     |
| SNF stabilization and disposition                           | 40,137                     | 40,137                      |
| Solid waste stabilization and disposition                   | 30,040                     | 30,040                      |
| <b>Total, Savannah River site</b>                           | <b>1,224,144</b>           | <b>1,224,144</b>            |
| <b>Waste Isolation Pilot Plant</b>                          |                            |                             |
| Waste isolation pilot plant                                 | 147,136                    | 147,136                     |
| Central characterization project                            | 23,975                     | 23,975                      |
| Transportation  | 29,044                     | 29,044                      |
| Community and regulatory support                            | 28,771                     | 28,771                      |
| <b>Total, Waste Isolation Pilot Plant</b>                   | <b>228,926</b>             | <b>228,926</b>              |
| Program direction   | 321,628                    | 321,628                     |
| Community, regulatory and program support                   | 91,279                     | 91,279                      |
| <b>Safeguards and Security:</b>                             |                            |                             |
| Oak Ridge Reservation                                       | 17,300                     | 17,300                      |
| Paducah   | 9,435                      | 9,435                       |
| Portsmouth  | 16,412                     | 16,412                      |
| Richland/Hanford Site                                       | 69,234                     | 69,234                      |
| Savannah River Site   | 130,000                    | 130,000                     |
| Waste Isolation Pilot Project                               | 4,845                      | 4,845                       |
| West Valley   | 1,600                      | 1,600                       |
| <b>Total, Safeguards and Security</b>                       | <b>248,826</b>             | <b>248,826</b>              |

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

| <i>Program</i>                                       | <i>FY 2012<br/>Request</i> | <i>House<br/>Authorized</i> |
|--|----------------------------|-----------------------------|
| <i>Technology development .....</i>                  | <i>32,320</i>              | <i>32,320</i>               |
| <b>Subtotal, Defense environmental cleanup .....</b> | <b>5,410,162</b>           | <b>5,410,162</b>            |
| <i>Use of prior year balances .....</i>              | <i>-3,381</i>              | <i>-3,381</i>               |
| <b>Total, Defense Environmental Cleanup .....</b>    | <b>5,406,781</b>           | <b>5,406,781</b>            |
| <br><b>Other Defense Activities</b>                  |                            |                             |
| <b>Health, safety and security</b>                   |                            |                             |
| <i>Health, safety and security .....</i>             | <i>349,445</i>             | <i>349,445</i>              |
| <i>Program direction .....</i>                       | <i>107,037</i>             | <i>107,037</i>              |
| <b>Total, Health, safety and security .....</b>      | <b>456,482</b>             | <b>456,482</b>              |
| <br><b>Office of Legacy Management</b>               |                            |                             |
| <i>Legacy management .....</i>                       | <i>157,514</i>             | <i>157,514</i>              |
| <i>Program direction .....</i>                       | <i>12,586</i>              | <i>12,586</i>               |
| <b>Total, Office of Legacy Management .....</b>      | <b>170,100</b>             | <b>170,100</b>              |
| <br><b>Defense-related activities</b>                |                            |                             |
| <b>Infrastructure</b>                                |                            |                             |
| <i>Idaho sitewide safeguards and security .....</i>  | <i>98,500</i>              | <i>98,500</i>               |
| <b>Total, Defense-related activities .....</b>       | <b>98,500</b>              | <b>98,500</b>               |
| <i>Defense related administrative support .....</i>  | <i>118,836</i>             | <i>118,836</i>              |
| <i>Acquisitions workforce improvement .....</i>      | <i>11,892</i>              | <i>11,892</i>               |
| <i>Office of hearings and appeals .....</i>          | <i>4,142</i>               | <i>4,142</i>                |
| <b>Total, Other Defense Activities .....</b>         | <b>859,952</b>             | <b>859,952</b>              |

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-88 or section 6 of House Resolution 276, and amendments en bloc described in section 3 of that resolution. Each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

All points of order against amendments printed in the report or against amendments en bloc described in section 3 of House Resolution 276 are waived.

It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en bloc pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

AMENDMENT NO. 1 OFFERED BY MR. WITTMAN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-88.

Mr. WITTMAN. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, after line 26, insert the following:  
**SEC. 127. FORD-CLASS AIRCRAFT CARRIER PROCUREMENT.**

(a) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of the Navy may enter into multiyear contracts for the start of major construction of the Ford-class aircraft carriers designated CVN 79 and CVN 80 and for the construction of major components, modules, or other structures related to such carriers.

(b) REQUIREMENTS.—In carrying out this section, the Secretary of the Navy may—

(1) enter into contracts under subsection (a) in a manner that the Secretary determines will result in the lowest cost to the United States given the variability of shipyard industrial capacity and other factors; and

(2) enter into contracts with the prime contractor chosen for major fabrication and construction of the vessels or directly with other contractors to supply materiel and equipments for the construction of the vessels in such a manner as to reduce cost to the United States of such materiel and equipments by purchasing in economic order quantities.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2012 is subject to the availability of appropriations for that purpose for such later fiscal year.

(d) OTHER AUTHORITY.—Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is amended by striking “three fiscal years” and inserting “four fiscal years”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Virginia (Mr. WITTMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. WITTMAN. I yield myself such time as I may consume.

Madam Chairman, I would first like to thank Chairman McKEON for his hard work and leadership on bringing the NDAA to the floor. Thank you so much, we appreciate that. I also want to recognize Ranking Member SMITH for his efforts. This is a long and arduous process, and I know that the hours to come on the floor will be very fruitful, I'm sure, for everybody to have the opportunity to speak on this bill.

I rise today to offer an amendment to address how we build Ford-class aircraft carriers, our Nation's next class of nuclear-powered carriers that will sail throughout the 21st century. This amendment simply grants the Secretary of the Navy the authority for advance purchase of major components for the next two aircraft carriers. This would allow the Navy to achieve cost savings and would ensure critical skills in the aircraft carrier industrial base are maintained.

Furthermore, this amendment ensures that carriers are constructed on a



5-year cycle with continuous and incremental funding for carrier procurement. Given these tight budgetary constraints, we need to be looking for ways to spend taxpayer dollars to support our national defense in the most efficient way possible. Madam Chairman, this amendment allows us to do just that. It allows us to properly space construction, and it allows us to get out in front to purchase materials when we can purchase them in the most cost-effective manner possible.

So I would urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. COURTNEY. Madam Chair, I claim time in opposition to the amendment, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Connecticut is recognized for 5 minutes.

There was no objection.

Mr. COURTNEY. I yield myself such time as I may consume.

Very briefly, I rise in support of the gentleman from Virginia's amendment, which is a smart amendment. It gives the Navy the flexibility it should have to make sure that it gets the best deal for the taxpayer while at the same time providing a mechanism to preserve the industrial base.

My friend from Virginia and I cochair the Shipbuilding Caucus, which is a bipartisan caucus, one of whose main goals is to strengthen and preserve America's shipbuilding industrial base, and that's precisely what this amendment will do. And again, it aligns the construction schedule with the statutory empowerment to the Secretary of Navy to achieve all those goals.

Madam Chair, I yield back the balance of my time.

Mr. WITTMAN. Madam Chairman, I urge my colleagues to adopt this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. WOOLSEY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-88.

Ms. WOOLSEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 34, after line 26, insert the following:

**SEC. 127. ELIMINATION OF AVAILABILITY OF FUNDS FOR PROCUREMENT OF V-22 OSPREY AIRCRAFT.**

Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 101 for aircraft procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$2,224,817,000, with the amount of the reduction to be derived from

Line 009 V-22 (Medium Lift) as set forth in the table under section 4101; and

(2) the amount authorized to be appropriated in section 101 for aircraft procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$339,865,000, with the amount of the reduction to be derived from Line 019 V22-Osprey as set forth in the table under section 4101.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

□ 1510

Ms. WOOLSEY. Madam Chair, in the current budget debate, I often hear from my Republican colleagues that everything should be on the table. By that they usually mean every domestic program that helps working families make ends meet should be on the table.

But if everything is really on the table, that has to include expensive weapons systems that have failed to contribute to our national security, like the V-22 Osprey aircraft. That's why I'm offering this amendment to the National Defense Authorization Act, which will eliminate funding for the V-22 Osprey aircraft.

The Osprey's mishaps have become practically the stuff of legend. It's a poster child for the excesses and inefficiencies of the military industrial complex.

Its safety record is abysmal. Thirty Americans have been killed during V-22 training exercises. Most recently, Madam Chair, during a public demonstration in New York last spring, its prop rotors knocked down tree limbs and injured 10 civilian bystanders.

The Marine Corps itself has even concluded that leaving the engine idling could generate such high temperatures that the entire flight deck could melt in 10 minutes. In 2009, a GAO report gave the Osprey mediocre marks and questioned its ability to perform all of the functions of the helicopter it's supposed to replace. From its ability to operate in high-threat environments to carrying troops and transporting cargo, the Osprey underperformed across the board. I'm still trying to figure out what good it is to have a combat plane that doesn't operate well in high-threat environments. That's like having a coat that doesn't do well in the cold. If you had one, you'd stop wearing it; and you wouldn't spend more and more each year on the same flawed coat.

The V-22 Osprey is a boondoggle. One aspect of its maintenance even includes a special lightweight paint that costs \$75,000 per aircraft—and we thought \$600 toilet seats at the Pentagon were a rip-off. At a time when Americans are being forced to tighten their belts, they don't want to pay

\$75,000 to paint a plane that has done little to keep the country safe.

It's the job of the Pentagon to protect the American people, not to make defense contractors rich by perpetuating systems and programs long beyond the point that they've failed. That's why the cochairs of the Fiscal Commission, Erskine Bowles and former Senator Alan Simpson, recommended canceling the V-22. That's why the most hawkish of any U.S. Government official I can remember, a former Defense Secretary named Dick Cheney, wanted to terminate it at least 20 years ago.

The V-22 Osprey has been given more than enough time to prove its worth. It has been over a quarter of a century. It has cost taxpayers over \$32 billion—money we could have been spending on programs the American people need. And for the sake of our national defense, and in the name of fiscal discipline, this V-22 must go. So I urge my colleagues to support this common-sense amendment.

I reserve the balance of my time.

Mr. THORNBERRY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. I yield myself such time as I may consume.

Madam Chair, Will Rogers was quoted as having said, "It ain't so much what a man doesn't know that causes him so many problems but what he thinks he knows that just ain't so." And there have been so many arguments today and in the past about the V-22 that are just ain't so that I suggest that Members have some responsibility to learn the facts themselves.

Some of those facts are that as of February 2011, V-22 has exceeded 100,000 total flight hours since the program's inception. For the Marines, over the last 10 years the V-22 has the lowest Class A mishap rate of any currently fielded tactical rotor craft. The unrefueled combat radius of the V-22 is more than twice that of the helicopter it's replacing, and it flies at more than 100 miles an hour faster.

On March 22 this year it was V-22s that went in to rescue the Air Force pilot who went down over Libya. And the list goes on and on.

The V-22 is performing very well, previously in Iraq and right now in Afghanistan.

Madam Chair, I don't know if any of the Members are particularly interested in learning the ground truth of what's going on with the V-22 or have talked with marines or Special Operations Forces about how it's performing; but I'd suggest if they want to know the real facts, they ought to go talk to the people who really fly it because that way they will learn about what is really happening.

A month ago, I did have the opportunity to fly in the V-22 in Afghanistan, and I did talk to the pilots about

how it's performing, about any maintenance issues they had, and a whole variety of things—all of which they thought was performing very, very well.

But, Madam Chair, the most memorable exchange I had was talking with a young marine who had lost a buddy of his because the helicopter that was trying to get his buddy to the hospital couldn't make it there to the hospital in that first hour after he was wounded. And that's the critical time. And this young marine told me, he said, I keep thinking that if we'd had the V-22s available at that time, my buddy might have made it there on time.

Now, the bottom line is this aircraft is saving lives; it is enabling our marines and special operators to do the mission that we've asked them to do. It is on-target as far as cost, production schedule, the rest. It is doing more than we expected, and such amendments to remove it at this stage are shortsighted at best.

With that, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chairman, I wouldn't blame the gentleman from Texas for supporting the V-22 when a great bit of it is built in his district and he needs to defend it.

But I'd like to just repeat so that people understand this. So far, the V-22 has cost over \$32 billion. When it was initiated in 1986, it was estimated to cost \$39 billion. Today, it's estimated to cost \$53 billion. Terminating the V-22 would save \$10 billion to \$12 billion over the next 10 years. Actually, it would save \$2½ billion in funding for procurement of the Navy and Air Force just this year alone.

With that, Madam Chair, I'd like to say if you're talking about everything on the table, look at this. It's had its turn, 20, 30 years to prove itself; and it's time that we end this relationship.

I yield back the balance of my time.

Mr. THORNBERRY. Madam Chair, noting that it's not about where it's built, it's about saving lives and completing the mission, I would yield to my colleague from Texas, the ranking member of the Air and Land Subcommittee, Mr. REYES, such time as he would consume.

Mr. REYES. I thank the gentleman for yielding.

Just in fairness, none of the manufacturing of this great aircraft is in my district. So what I'm saying is based on my experience and what I know about the capabilities of this great aircraft.

First and foremost, if we had had the Osprey when we went into combat in Tora Bora, we wouldn't have had the casualties that we suffered there because it's got much better capabilities than even the upgraded CH-47s that we were using at the time.

Secondly, in February, along with the chairman and another member of our committee, we flew the MV-22 in

Afghanistan. I also had an opportunity to talk to the pilots and talk to the crew chief, mainly because that's what I did when I was in the Army. I was in aviation. And I wanted to get a sense from them as to what they felt about the aircraft.

□ 1520

All of them said this was a great aircraft with great capabilities—a technological marvel.

The bottom line is that is it effective. It is not how much have we paid for it but, rather, how many lives have we saved with it, and how many lives will we save because of it.

In closing, Madam Chair, I submit for the RECORD a letter from the Commandant of the U.S. Marine Corps, and I want to read a paragraph from that letter.

It reads, "This aircraft is safe and survivable, effective and efficient. The MV-22 has operated successfully in extreme environmental conditions—extreme environmental conditions like the ones we were in when we were in Afghanistan—during nine combined deployments to Iraq, Afghanistan and aboard amphibious shipping. It has the lowest Class A flight mishap rate of any United States Marine Corps rotorcraft in the past 10 years. In addition to being safe, our Osprey offers a very efficient use of resources. In 2010, the MV-22 had the lowest cost per seat mile of any Department of the Navy rotorcraft. Those figures will only improve as our cost per flight hour continues to decrease and our readiness rates continue to rise."

Vote "no."

FEBRUARY 15, 2011.

Hon. C.W. BILL YOUNG,  
*Chairman, Subcommittee on Defense, Committee on Appropriations, Washington, DC.*

DEAR MR. CHAIRMAN: In light of the current debate regarding the MV-22, I appreciate this opportunity to expound upon this important issue. The effectiveness and survivability of the MV-22 Osprey have been demonstrated repeatedly in combat, from land-based operations in Iraq and Afghanistan to sea-based operations in Haiti and the Horn of Africa. The Osprey is giving our Combatant Commanders unprecedented agility and operational reach. As we remain actively engaged in combat for the foreseeable future, the revolutionary capability of the MV-22 will be a cornerstone of our Marine Air Ground Task Force.

Without a doubt, this great country faces tough challenges in the coming years. Continuous forward engagement, coupled with growing fiscal pressures at home, presents a dilemma in the face of public demands for dramatic action. The MV-22 is the medium lift assault support aircraft for the Marine Corps, and we must have it in sufficient quantities to support our ground forces and ensure robust sustainment from industry. The cost of introducing a second aircraft to make up the difference in medium lift would be extreme. A prudent evaluation of the facts makes it clear that the V-22 Program of Record must be kept intact.

This aircraft is safe and survivable, effective and efficient. The MV-22 has operated

successfully in extreme environmental conditions during nine combined deployments to Iraq, Afghanistan, and aboard amphibious shipping. It has the lowest Class A flight mishap rate of any USMC rotorcraft in the past ten years. In addition to being safe, our Osprey offers a very efficient use of resources. In 2010, the MV-22 had the lowest cost per seat mile of any Department of the Navy rotorcraft. Those figures will only improve as our cost per flight hour continues to decrease and our readiness rates continue to rise.

As we consider the likely challenges of the next two decades and how the Corps will meet them, one thing remains clear: America needs an Expeditionary Force in Readiness that is prepared to respond to any crisis. We are a maritime Nation with global responsibilities requiring ready, agile sea-based forces. These forces are organized, trained and equipped to conduct operations in the littorals—from humanitarian assistance to major combat—and "such other duties as the President may direct." This has been, and will remain, the Marine Corps' primary role in providing for the Nation's defense. The MV-22 serves as a critical linchpin that will enable our Corps to deliver this capability across the spectrum of operations.

Again, I appreciate the opportunity to provide these details, and I stand ready to answer any additional questions you or others on your Committee may have.

Sincerely,

JAMES F. AMOS,  
*General, U.S. Marine Corps,  
Commandant of the Marine Corps.*

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. WOOLSEY. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. MCKEON

Mr. MCKEON. Madam Chairwoman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 3, 4, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 21, 29, 34, 35, and 36 printed in House Report 112-88 and amendment No. 5 as specified by section 6 of House Resolution 276 offered by Mr. MCKEON:

AMENDMENT NO. 3 OFFERED BY MR. TONKO

Page 92, after line 12, insert the following:  
**SEC. 254. APPLICATION OF RNA BIOLOGICAL AND FUNCTIONAL SCIENCE AND TECHNOLOGY.**

In carrying out the medical advanced technology program, the Secretary of Defense shall ensure that, when applicable, RNA biological and functional science and technology are used for research in which RNA may be a translational tool and potentially therapeutic, including—

(1) infectious diseases employed by terrorists or other entities to have a battlefield effect;

- (2) memory disorders;
- (3) rare diseases; and
- (4) other diseases affecting military readiness.

AMENDMENT NO. 4 OFFERED BY MS. HAYWORTH

Page 92, after line 12, insert the following:  
**SEC. 254. SENSE OF CONGRESS ON ACTIVE MATRIX ORGANIC LIGHT EMITTING DIODE TECHNOLOGY.**

It is the sense of Congress that—

(1) active matrix organic light emitting diode (in this section referred to as “OLED”) technology displays have the potential to reduce the size, weight, and energy consumption of both dismounted and mounted systems of the Armed Forces;

(2) the United States has a limited OLED manufacturing industry;

(3) to ensure a reliable domestic source of OLED displays, the Secretary of Defense should use existing programs, including the ManTech program, to support the reduction of the costs and risks related to OLED manufacturing technologies; and

(4) the reduction of such costs and risks of OLED manufacturing has the potential to enable the affordable production and sustainment of future weapon systems, as well as the affordable transition of new technologies that can enhance capabilities of current force systems.

AMENDMENT NO. 7 OFFERED BY MRS. MILLER OF MICHIGAN

At the end of subtitle B of title V, add the following:

**SEC. 515. CHIEF OF NATIONAL GUARD BUREAU.**

(a) **ROLE AS ADVOCATE AND LIAISON.**—Section 10502 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c), the following new subsection:

“(d) **ADVOCATE AND LIAISON FOR STATE NATIONAL GUARDS.**—The Chief of the National Guard Bureau shall serve as an advocate and liaison for the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and inform such National Guards of all actions that could affect their Federal or State missions, including any equipment level or force structure changes.”.

(b) **INCLUSION AS MEMBER OF JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Section 10502 of title 10, United States Code, is further amended by inserting after subsection (d) (as amended by subsection (a) of this section), the following new subsection:

“(e) **MEMBER OF JOINT CHIEFS OF STAFF.**—

“(1) The Chief of the National Guard Bureau shall be a member of the Joint Chiefs of Staff (as described in section 151 of this title).

“(2) As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau has the specific responsibility of advocating for the National Guards of the States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands and coordinating the efforts of the warfighting support and force provider mission of the National Guard with the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard to ensure the National Guard has the resources to perform its multiple missions.

“(3) The Chief of the National Guard Bureau shall consult with the Governors and the Adjutants General of the States before any changes are made in National Guard

force structure or equipment levels (or both) to determine the impact such changes may have on the homeland defense, defense support to civil authorities, and State emergency response missions of the National Guard.”.

(2) **CONFORMING AMENDMENT.**—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”.

AMENDMENT NO. 8 OFFERED BY MR. SCHOCK

At the end of subtitle C of title V, add the following new section:

**SEC. 5 . . . LIMITATION ON SIMULTANEOUS DEPLOYMENT TO COMBAT ZONES OF DUAL-MILITARY COUPLES WHO HAVE MINOR DEPENDENTS.**

(a) **AUTHORITY TO OBTAIN DEFERMENT.**—In the case of a member of the Armed Forces with minor dependents who has a spouse who is also a member of the Armed Forces, and the spouse is deployed in an area for which imminent danger pay is authorized under section 310 of title 37, United States Code, the member may request a deferment of a deployment to such an area until the spouse returns from such deployment.

(b) **APPROVAL OF REQUEST.**—The Secretary of the military department concerned, and the Secretary of Homeland Security in the case of members of the Coast Guard, shall approve a request submitted by a member pursuant to subsection (a).

(c) **REPEAL OF LIMITED AUTHORITY.**—Section 586 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 11-181; 112 Stat. 132; 10 U.S.C. 991 note) is amended by striking the second sentence.

AMENDMENT NO. 9 OFFERED BY MR. BACA

At the end of subtitle C of title V, add the following new section:

**SEC. 5 . . . DEPARTMENT OF DEFENSE SUICIDE PREVENTION PROGRAM.**

(a) **PROGRAM ENHANCEMENTS.**—

(1) **ENHANCEMENT.**—The Secretary of Defense shall take appropriate actions to enhance the suicide prevention program of the Department of Defense through the provision of suicide prevention information and resources to members of the Armed Forces from their initial enlistment or appointment through their final retirement or separation.

(2) **COOPERATIVE EFFORT.**—The Secretary of Defense shall develop suicide prevention information and resources in consultation with—

(A) the Secretary of Veterans Affairs, the National Institute of Mental Health, and the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services; and

(B) to the extent appropriate, institutions of higher education and other public and private entities, including international entities, with expertise regarding suicide prevention.

(b) **SUICIDE PREVENTION TRAINING COMPONENT DURING RECRUIT BASIC TRAINING.**—

(1) **ARMY.**—

(A) **TRAINING REQUIRED.**—Chapter 401 of title 10, United States Code, is amended by inserting after section 4320 the following new section:

**“§ 4320a. Recruit basic training: availability of suicide prevention resources**

“(a) **AVAILABILITY.**—As part of the initial entry training program of the Army that constitutes the basic training of new recruits, the Secretary of the Army shall include a training component on suicide prevention.

“(b) **ELEMENTS.**—The suicide prevention training component shall include the following:

“(1) Methods for recognizing risk factors for suicide.

“(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

“(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

“(4) Information on best practices for suicide prevention.”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4320 the following new item:

“4320a. Recruit basic training: availability of suicide prevention resources.”.

(2) **NAVY AND MARINE CORPS.**—

(A) **TRAINING REQUIRED.**—Chapter 602 of such title is amended by adding at the end the following new section:

**“§ 6933. Recruit basic training: availability of suicide prevention resources**

“(a) **AVAILABILITY.**—As part of the initial entry training program of the Navy and the Marine Corps that constitutes the basic training of new recruits, the Secretary of the Navy shall include a training component on suicide prevention.

“(b) **ELEMENTS.**—The suicide prevention training component shall include the following:

“(1) Methods for recognizing risk factors for suicide.

“(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

“(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

“(4) Information on best practices for suicide prevention.”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“602. Recruit basic training: availability of suicide prevention resources.”.

(3) **AIR FORCE.**—

(A) **TRAINING REQUIRED.**—Chapter 901 of such title is amended by inserting after section 9320 the following new section:

**“§ 9320a. Recruit basic training: availability of suicide prevention resources**

“(a) **AVAILABILITY.**—As part of the initial entry training program of the Air Force that constitutes the basic training of new recruits, the Secretary of the Air Force shall include a training component on suicide prevention.

“(b) **ELEMENTS.**—The suicide prevention training component shall include the following:

“(1) Methods for recognizing risk factors for suicide.

“(2) Protocols for responding to crisis situations involving members who may be at high risk for suicide.

“(3) Information about suicide prevention services available to members, including toll-free hotlines and Internet resources.

“(4) Information on best practices for suicide prevention.”.

(B) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4320 the following new item:

“4320a. Recruit basic training: availability of suicide prevention resources.”.

(c) PRESEPARATION COUNSELING.—Section 1142(b)(8) of such title is amended by inserting before the period the following: “and the availability to the member and the member’s family of the suicide prevention resources described in section 1177(d) of this title”.

(d) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 421 for military personnel, as specified in the corresponding funding table in division D, is hereby increased by \$5,000,000, with the amount of the increase allocated to carrying out this section and the amendments made by this section; and

(2) the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under line 049 Tactical Communications Electronic Equipment, as specified in the corresponding funding table in section 4101.

AMENDMENT NO. 10 OFFERED BY MR. COHEN

At the end of subtitle C of title V, add the following new section:

**SEC. 5. DESIGNATION OF PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS OF MEMBERS OF THE ARMED FORCES.**

Section 1482(c) of title 10, United States Code, is amended—

(1) by striking “Only the” in the matter preceding paragraph (1) and inserting “The”;

(2) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(3) in paragraph (5), as so redesignated, by striking “clauses (1)-(3)” and inserting “paragraphs (1) through (4)”;

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph:

“(1) The person identified by the decedent on the record of emergency data maintained by the Secretary concerned (DD Form 93 or any successor to that form), as the Person Authorized to Direct Disposition (PADD), regardless of the relationship of the designee to the decedent.”.

AMENDMENT NO. 11 OFFERED BY MR. BECERRA

At the end of subtitle E of title V, add the following new section:

**SEC. 5. DIVERSITY RECRUITMENT EFFORTS FOR THE MILITARY SERVICE ACADEMIES.**

(a) FUNDS FOR DIVERSITY RECRUITMENT EFFORTS.—The amounts authorized to be appropriated by section 301 for operation and maintenance for the Army, Navy, and Air Force for officer acquisition, as specified in the corresponding funding table in section 4301, are each increased by \$1,400,000 to expand diversity recruitment efforts for the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

(b) OFFSET FROM JOINT TACTICAL RADIO SYSTEM.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$4,200,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 049 Tactical Communications-Electronic Equipment as set forth in the table under section 4101.

(c) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or

expend funds referred to in subsection (a) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

AMENDMENT NO. 13 OFFERED BY MR. MCNERNEY

At the end of subtitle H of title V, add the following new section:

**SEC. 577. SENSE OF CONGRESS REGARDING FINANCIAL COUNSELING FOR MILITARY FAMILIES.**

It is the sense of Congress that the Secretary of Defense should work with the Consumer Financial Protection Bureau to ensure coordination with the Office of Service Member Affairs to provide financial counseling for members of the Armed Forces and their families.

AMENDMENT NO. 14 OFFERED BY MR. MCNERNEY

Strike section 591 and insert the following new section:

**SEC. 591. AUTHORITY TO PROVIDE SUPPORT AND SERVICES FOR CERTAIN ORGANIZATIONS AND ACTIVITIES OUTSIDE DEPARTMENT OF DEFENSE.**

Section 2012 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(k) LIMITATION ON ANNUAL OBLIGATION OF FUNDS.—Not more than \$20,000,000 may be obligated during fiscal year 2012 or any fiscal year thereafter to provide support and services to non-Department of Defense organizations and activities under this section.”.

AMENDMENT NO. 15 OFFERED BY MR. KING OF NEW YORK

At the end of subtitle J of title V of division A, add the following new section:

**SEC. 598. POSTAL BENEFITS PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the “Supply Our Soldiers Act of 2011”.

(b) POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits shall be provided to qualified individuals in accordance with succeeding provisions of this section.

(2) QUALIFIED INDIVIDUAL.—For purposes of this section, the term “qualified individual” means an individual who is—

(A) a member of the Armed Forces of the United States on active duty (as defined in section 101 of title 10, United States Code); and

(B)(i) serving in Iraq or Afghanistan; or  
(ii) hospitalized at a facility under the jurisdiction of the Armed Forces of the United States as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(3) POSTAL BENEFITS DESCRIBED.—

(A) IN GENERAL.—The postal benefits provided under this section shall consist of such coupons or other similar evidence of credit (whether in printed, electronic, or other format, and hereinafter in this section referred to as “vouchers”) as the Secretary of Defense (in consultation with the Postal Service) shall determine, entitling the bearer or user to make qualified mailings free of postage.

(B) QUALIFIED MAILING.—For purposes of this section, the term “qualified mailing” means the mailing of a single mail piece which—

(i) is described in clause (i) or (ii) of subparagraph (C);

(ii) is sent from within an area served by a United States post office; and

(iii) is addressed to a qualified individual.

(C) MAIL DESCRIBED.—Mail described in this subparagraph is—

(i) any first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence; and

(ii) parcel post not exceeding 15 pounds in weight.

(D) LIMITATIONS.—

(i) NUMBER.—An individual shall be eligible for one voucher for each two-month period in which such individual is a qualified individual.

(ii) USE.—Any such voucher may not be used—

(I) for more than a single qualified mailing; or

(II) after the expiration date of such voucher, as designated by the Secretary of Defense.

(E) COORDINATION RULE.—Postal benefits under this section shall be in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(4) REGULATIONS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense (in consultation with the Postal Service) shall prescribe any regulations necessary to carry out this section, including—

(A) procedures by which vouchers will be provided or made available in timely manner to persons duly identified by qualified individuals to receive those vouchers; and

(B) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with paragraph (3)(D)(i).

(c) FUNDING.—

(1) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2012—

(A) the amount authorized to be appropriated in section 301 for operation and maintenance, Defense-wide, as specified in the corresponding funding table in division D, is hereby increased by \$12,000,000, with the amount of the increase allocated to the Office of the Secretary of Defense, as set forth in the table under section 4301, to carry out this section; and

(B) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$12,000,000 with the amount of the reduction to be derived from the Joint Tactical Radio System, Ground Mobile Radio Program under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

(2) TRANSFERS TO POSTAL SERVICE.—

(A) BASED ON ESTIMATES.—The Department of Defense shall transfer to the Postal Service, out of any amount so appropriated and in advance of each calendar quarter for fiscal year 2012 beginning on or after January 1, 2012, and during which postal benefits under this section may be used, an amount equal to the amount of postal benefits that the Department of Defense estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Department finds that a determination under this subsection for a prior quarter was

greater than or less than the amount finally determined for such quarter.

(B) **BASED ON FINAL DETERMINATION.**—A final determination of the amount necessary to correct any previous determination under this subsection, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of fiscal year 2012.

(3) **CONSULTATION REQUIRED.**—All estimates and determinations under this subsection of the amount of postal benefits under this section used in any period shall be made by the Department of Defense in consultation with the Postal Service.

(d) **DURATION.**—The postal benefits under this section shall apply with respect to mail matter sent during the period beginning on October 1, 2011, and ending on September 30, 2012.

AMENDMENT NO. 16 OFFERED BY MR. RUPPERSBERGER

At the end of subtitle C of title VI, add the following new section:

**SEC. 623. INCLUSION OF MEMBERS OF THE ARMED FORCES ASSIGNED TO EGYPT MULTI-NATIONAL FORCE AND OBSERVERS MISSION IN UNITED STATES CENTRAL COMMAND REST AND RECOVERY ABSENCE PROGRAM.**

(a) **INCLUSION OF MNFOM MEMBERS.**—Subsection (b) of section 705a of title 10, United States Code, as added by section 532 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4216), is amended to read as follows:

“(b) **ELIGIBLE MEMBERS.**—Subject to such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a), the following members of the armed forces are eligible for selection to receive the benefits described in subsection (c):

“(1) A member who is assigned or deployed for at least 270 days in an area or location—

“(A) that is designated by the President as a combat zone; and

“(B) in which hardship duty pay is authorized to be paid under section 305 of title 37.

“(2) A member who is assigned to duty for at least 270 days as a participant in the Egypt Multi-National Force and Observers Mission.”.

(b) **FUNDING SOURCE.**—Notwithstanding the amounts set forth in the funding table in section 4501, the Secretary of Defense may transfer up to \$4,000,000 from the Mission Force Enhancement Transfer Fund established by section 1433 to another account of the Department of Defense to mitigate unfunded requirements for fiscal year 2012 incurred as a result of the amendment made by subsection (a).

(c) **OFFSET.**—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

AMENDMENT NO. 17 OFFERED BY MR. CARTER

At the end of title VI, add the following new section:

**SEC. 662. TREATMENT OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE WHO WERE KILLED OR WOUNDED IN THE NOVEMBER 5, 2009, ATTACK AT FORT HOOD, TEXAS.**

(a) **TREATMENT.**—For purposes of all applicable Federal laws, regulations, and policies,

a member of the Armed Forces or civilian employee of the Department of Defense who was killed or wounded in the attack that occurred at Fort Hood, Texas, on November 5, 2009, shall be deemed as follows:

(1) In the case of a member, to have been killed or wounded in a combat zone as the result of an act of an enemy of the United States.

(2) In the case of a civilian employee of the Department of Defense—

(A) to have been killed or wounded while serving with the Armed Forces in a contingency operation; and

(B) to have been killed or wounded in a terrorist attack.

(b) **EXCEPTION.**—Subsection (a) shall not apply to a member of the Armed Forces whose death or wound as described in that subsection is the result of the willful misconduct of the member.

AMENDMENT NO. 21 OFFERED BY MR. SESSIONS

Page 345, after line 8, insert the following:

**SEC. 731. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.**

(a) **PAYMENT PROCESS.**—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

(b) **CONDITIONS FOR PAYMENT.**—The approval by a Secretary for payment for a treatment pursuant to subsection (a) shall be subject to the following conditions:

(1) Any drug or device used in the treatment must be approved or cleared by the Food and Drug Administration for any purpose.

(2) The treatment must have been approved by an institutional review board operating in accordance with regulations issued by the Secretary of Health and Human Services.

(3) The treatment (including any patient disclosure requirements) must be used by the health care provider delivering the treatment.

(4) The patient receiving the treatment must demonstrate an improvement as a result of the treatment on one or more of the following:

(A) Standardized independent pre-treatment and post-treatment neuropsychological testing.

(B) Accepted survey instruments.

(C) Neurological imaging.

(D) Clinical examination.

(5) The patient receiving the treatment must be receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) **ADDITIONAL RESTRICTIONS PROHIBITED.**—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located

with respect to the receipt of payment under this section.

(d) **PAYMENT DEADLINE.**—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) **PAYMENT AUTHORITY.**—

(1) **DEPARTMENT OF DEFENSE.**—The Secretary of Defense shall make payments under this section for treatments received by members of the Armed Forces using the authority in subsection (c)(1) of section 1074 of title 10, United States Code.

(2) **DEPARTMENT OF VETERANS AFFAIRS.**—The Secretary of Veterans Affairs shall make payments under this section for treatments received by veterans using the authority in section 1728 of title 38, United States Code.

(f) **PAYMENT AMOUNT.**—A payment under this section shall be made at the equivalent Centers for Medicare and Medicaid Services reimbursement rate in effect for appropriate treatment codes for the State or territory in which the treatment is received. If no such rate is in effect, payment shall be made at a fair market rate, as determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, with respect to a patient who is a member of the Armed Forces or the Secretary of Veterans Affairs with respect to a patient who is a veteran.

(g) **DATA COLLECTION AND AVAILABILITY.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and maintain a database containing data from each patient case involving the use of a treatment under this section. The Secretaries shall ensure that the database preserves confidentiality and be made available only—

(A) for third-party payer examination;

(B) to the appropriate congressional committees and employees of the Department of Defense, the Department of Veterans Affairs, the Department of Health and Human Services, and appropriate State agencies; and

(C) to the primary investigator of the institutional review board that approved the treatment, in the case of data relating to a patient case involving the use of such treatment.

(2) **ENROLLMENT IN INSTITUTIONAL REVIEW BOARD STUDY.**—In the case of a patient enrolled in a registered institutional review board study, results may be publically distributable in accordance with the regulations prescribed pursuant to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191) and other regulations and practices in effect as of the date of the enactment of this Act.

(3) **QUALIFIED INSTITUTIONAL REVIEW BOARDS.**—The Secretary of Defense and the Secretary of Veterans Affairs shall each ensure that the Internet Web site of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) **ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.**—

(1) **ASSIGNMENT TO TEMPORARY DUTY.**—The Secretary of a military department may assign a member of the Armed Forces under

the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) **PAYMENT OF PER DIEM.**—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) **GIFT RULE WAIVER.**—Notwithstanding any rule of any department or agency with respect to ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment under this section, or for the provision of such treatment, shall not be subject to or covered by any such rule.

(i) **RETALIATION PROHIBITED.**—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) **TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.**—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) **MEMORANDA OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners under a treatment approved by and under the oversight of civilian institutional review boards that would qualify for payment under this section.

(l) **OUTREACH REQUIRED.**—

(1) **OUTREACH TO VETERANS.**—The Secretary of Veterans Affairs shall notify each veteran with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(2) **OUTREACH TO MEMBERS OF THE ARMED FORCES.**—The Secretary of Defense shall notify each member of the Armed Forces with a service-connected injury or disability of the opportunity to receive treatment pursuant to this section.

(m) **REPORT TO CONGRESS.**—Not later than 30 days after the last day of each fiscal year during which the Secretary of Defense and the Secretary of Veterans Affairs are authorized to make payments under this section, the Secretaries shall jointly submit to Congress an annual report on the implementation of this section. Such report shall include each of the following for that fiscal year:

(1) The number of individuals for whom the Secretary has provided payments under this section.

(2) The condition for which each such individual receives treatment for which payment is provided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this

section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) **TERMINATION.**—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

(p) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—

(1) **IN GENERAL.**—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2012—

(A) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(B) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$10,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System, ground-mobile radio program under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

(2) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

AMENDMENT NO. 29 OFFERED BY MS. WATERS

At the end of title VIII, add the following new section:

**SEC. 845. PREFERENCE FOR POTENTIAL CONTRACTORS THAT CARRY OUT CERTAIN ACTIVITIES.**

In evaluating offers submitted in response to a solicitation for contracts, the Secretary of Defense shall provide a preference to any offeror that—

(1) enhances undergraduate, graduate, and doctoral programs in science, technology, engineering and math (in this section referred to as “STEM” disciplines);

(2) makes investments, such as programming and curriculum development, in STEM programs within elementary and secondary schools;

(3) encourages employees to volunteer in Title I schools in order to enhance STEM education and programs;

(4) makes personnel available to advise and assist faculty at such colleges and universities in the performance of STEM research and disciplines critical to the functions of the Department of Defense;

(5) establishes partnerships between the offeror and historically Black colleges and universities and minority institutions for the purpose of training students in scientific disciplines;

(6) awards scholarships and fellowships, and establishes cooperative work-education programs in scientific disciplines; or

(7) conducts recruitment activities at historically black colleges and universities and other minority-serving institutions or offers internships or apprenticeships.

AMENDMENT NO. 34 OFFERED BY MS. HAYWORTH

Page 429, after line 13, insert the following:

**SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source; and

(3) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature.

(b) **DEFINITION OF INHERENTLY GOVERNMENTAL.**—In this section, the term “inherently governmental” has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

AMENDMENT NO. 35 OFFERED BY MR. CUELLAR

Page 431, line 13, strike “Counter-Drug Activities” and insert “Counter-Drug Activities and Counter Transnational Criminal Activities”.

At the end of subtitle B of title X (page 434, after line 7), add the following new section:

**SEC. 1015. MITIGATION OF NATIONAL SECURITY THREATS ALONG THE BORDER OF THE UNITED STATES AND MEXICO.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Secretary of Defense should continue to increase intelligence and technology sharing information and capability with the Secretary of Homeland Security and other agencies to mitigate national security threats along the international border between the United States and Mexico, including threats of infiltration and border breaches by transnational criminal organizations; and

(2) the Secretary of Defense should strongly consider operationally testing, along the international border between the United States and Mexico, emerging technology capabilities developed for the purposes of detection, intelligence, and surveillance.

(b) **CONGRESSIONAL BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the effectiveness of the ongoing collaborative programs with the Government of Mexico intended to strengthen the capability of Mexican forces to detect and deter infiltration of the United States border and other national security threats by transnational crime organizations.

AMENDMENT NO. 36 OFFERED BY MR. HUNTER

Page 438, after line 2, insert the following:



**SEC. 1022. NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.**

Congress strongly encourages the Secretary of the Navy to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

AMENDMENT NO. 5 OFFERED BY MR. SCHIFF

Page 113, after line 17, insert the following:  
**SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.**

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **HEALTH ASSESSMENT REPORTS.**—Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

“(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

“(2) A copy of the methodology used to determine the health risks described in paragraph (1).

“(3) A copy of the assessment of the operational risks and health risks when making the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.”.

MODIFICATION TO AMENDMENT NO. 5

Mr. McKEON. Madam Chair, I ask unanimous consent that amendment No. 5 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Page 113, after line 17, insert the following:  
**SEC. 317. HEALTH ASSESSMENT REPORTS REQUIRED WHEN WASTE IS DISPOSED OF IN OPEN-AIR BURN PITS.**

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2250; 10 U.S.C. 2701 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **HEALTH ASSESSMENT REPORTS.**—Not later than 180 days after notice is due under subsection (a)(2), the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a health assessment report on each open-air burn pit at a location where at least 100 personnel have been employed for 90 consecutive days or more. Each such report shall include each of the following:

“(1) An epidemiological description of the short-term and long-term health risks posed to personnel in the area where the burn pit is located because of exposure to the open-air burn pit.

“(2) A copy of the methodology used to determine the health risks described in paragraph (1).

“(3) A copy of the assessment of the operational risks and health risks when making

the determination pursuant to subsection (a) that no alternative disposal method is feasible for the open-air burn pit.”.

Mr. McKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the modification is agreed to.

There was no objection.

MODIFICATION TO AMENDMENT NO. 34

Mr. McKEON. I ask unanimous consent that amendment No. 34 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

Page 429, after line 13, insert the following:

**SEC. 965. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector (military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) **DEFINITION OF INHERENTLY GOVERNMENTAL.**—In this section, the term “inherently governmental” has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

Mr. McKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the modification is agreed to.

There was no objection.

MODIFICATION TO AMENDMENT NO. 36

Mr. McKEON. I ask unanimous consent that amendment No. 36 be modified

in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Page 438, after line 2, insert the following:

**SEC. 1022. NAMING OF NAVAL VESSEL AFTER UNITED STATES MARINE CORPS SERGEANT RAFAEL PERALTA.**

Congress strongly encourages the Secretary of the Navy to name the next available Naval vessel after United States Marine Corps Sergeant Rafael Peralta.

Mr. McKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the modification is agreed to.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Madam Chair, I urge the Committee to adopt the amendments en bloc, all of which have been examined by the majority and the minority.

I now yield 2 minutes to my friend and colleague, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Madam Chairman, if you want to be reminded of what an American hero is today, you don't have to search far within the ranks of our military to find one. Today, I'd like to share the story of a couple of such heroes—in fact, a family of them.

Army Specialist Ron Gebur was a 23-year-old sniper who was killed by an IED in Iraq 5 years ago. Ron's wife, Bethany, also served as an Army medic.

At the time of Ron's death, they had a 9-month-old son, Gage, and Bethany had just received orders to deploy to Iraq herself. Her orders would have required her to leave well before Ron was scheduled to return home from his service in Iraq.

Recently, Ron's mother-in-law contacted me. She asked me to stand up for these dual military families to ensure children like Gage don't grow up as orphans or have to go through the experience of seeing both Mom and Dad deployed at the very same time.

Today, I am offering an amendment that would give these dual military families with children some flexibility, knowing that they have an option to defer concurrent deployment into a war zone. We need to ensure that these families don't have to choose between serving their families and serving their country.

Specialist Ron Gebur gave the ultimate sacrifice, and I offer this amendment in his honor.



Mr. SMITH of Washington. Madam Chair, I support the amendment being offered.

With that, I yield 1 minute to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Madam Chair, my amendment encourages the DOD Medical Research Program to use the most advanced research technology possible when researching certain diseases.

The DOD Medical Research Program has made great advances in diagnostics relative to breast cancer and prostate cancer, but traditional drug therapies have had limited success. Recent breakthroughs in RNA-based treatments hold the promise of overcoming major limitations of current medicines which are able to target only a limited number of proteins involved in diseased pathways. This would tremendously increase the effectiveness of drug treatments for these devastating illnesses. Over the past several years, scientific and technical breakthroughs have significantly advanced the field of RNA-based therapeutics. Encouraging DOD to use RNA science and technology would make a profound and viable contribution to the eight current medical research programs.

Finally, Madam Chair, this new technology can help identify different drug candidates to treat memory deficiencies and memory disorders that are a factor in Post-Traumatic Stress Disorder, including depression. With the thousands of young men and women returning home from Iraq and Afghanistan who are experiencing PTSD and depression, we must do everything we can to treat these disorders. We owe it to these brave Americans to use every technology that we can to help ease their transition here at home.

Madam Chair, I ask my colleagues to join me in support of this amendment.

Mr. MCKEON. Madam Chair, I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Currently, private health care providers are treating brain injury patients with new and innovative treatments with remarkable results. Surprisingly, many of these treatments are not currently available within military and veteran medical facilities for our heroes suffering from traumatic brain injuries.

In an effort to fix this delinquency, I introduced the TBI Treatment Act (H.R. 396) in January, and am offering it as an amendment today. The TBI Treatment Act establishes a 5-year "pay-for-performance" pilot program. Private health care providers are authorized and reimbursed to provide proven treatments to active duty soldiers and veterans at no cost to the patient.

My amendment helps expedite these ground-breaking treatments to our Nation's veterans and active duty soldiers who are suffering from traumatic brain

injury. I ask that everyone in this House to join me in supporting this amendment to NDAA.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. I thank the ranking member for yielding, and I thank both the ranking member and the chairman for their work on this particular set of amendments that have been put together en bloc.

I want to just say that I have an amendment here that I hope that we can not only use in the future, but I hope it is one that will help America continue to seek out the best and the brightest to service in our military, both in the ranks of our troops and also as our officers.

As we all know, one of the great privileges we have as Members of Congress is to nominate the future leaders, the officer corps of our military. Through the military academies that we have, we have an opportunity to train young men and women to be our future leaders in our military but, more importantly, our future leaders of America because many go on beyond military service to become future leaders in the civic world. So this amendment makes sure that our military academies have an opportunity to go to every corner of our country to find the best and brightest.

□ 1530

Some areas have been harder to reach out to than others. Working with our Members of Congress through the nominations process, we hope that the Pentagon and military services, with their academies, can reach out to all those young people who are ready to serve.

I thank both the chairman and the ranking member for making this amendment part of the en bloc series of amendments.

Mr. MCKEON. Madam Chair, I yield 1 minute to my friend and colleague, the gentlelady from New York (Ms. HAYWORTH).

Ms. HAYWORTH. Thank you and the committee, Mr. Chairman, for your support of my amendment.

The amendment that I have offered, No. 4, simply adds the sense of Congress that the Federal Government should not be in the business of competing with its citizens in private enterprise. As such, the Federal Government should not carry on activities if they can be procured more economically from a commercial source.

What we are talking about here is insourcing of activities that ordinarily should be available commercially, such as food services, mapping, audio-visual services. And we have an example in our own district in the food services area. Unfortunately, insourcing does not produce net savings in such cases. It is often the case that higher costs,

lower quality, and less support for local businesses are the case.

We want to make sure our Armed Forces have everything they need to be as effective as they can be. Therefore, this amendment specifically exempts positions that are inherently governmental in nature. But I do hope that we will give favorable consideration to our local contractors and our local economies and not have the Federal Government compete with local businesses.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Today and each day, on average, 18 American warriors take their own lives. Over the last 2 years, America has lost more troops to suicide than to combat itself. Yes, you heard me correctly. These painful facts were ignored by the majority last night when they blocked an amendment I offered to this bill.

As I explained to the Rules Committee, this amendment that I offered had passed the House previously, and would have provided badly needed suicide prevention services to over 123,000 Guard and Reserve combat veterans who currently have no established suicide prevention network. My amendment proposed a tested, effective approach to counseling.

The message to these Guard and Reserve combat veterans is unmistakable. If the intrusive memories of the horrors you have witnessed in war are too much for you and you are thinking of ending your own life, you are on your own.

Yes, I am angry. Blocking this amendment is an insult to the servicemembers and the families who have already lost a loved one to suicide. The deliberate exclusion of this badly needed suicide prevention, by itself, is a compelling reason to vote against this bill.

Mr. MCKEON. I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Madam Chair, I rise in support of my amendment, No. 9, to H.R. 1540. I would like to thank Chairman BUCK MCKEON, Ranking Member ADAM SMITH, and the staff for their hard work in adding my Baca amendment to the series.

As a Vietnam veteran, I am very upset with witnessing the alarming rates of suicide amongst our military ranks. In my visit to Walter Reed, I had an opportunity to speak firsthand to many of the soldiers suffering from posttraumatic stress disorder. My amendment enhances the suicide prevention program at the Department of Defense by specifically requiring that each branch of the military include suicide prevention training during recruit training, and pre-separation counseling.

Each suicide prevention training run by the various military services shall include at a minimum: methods for recognizing risk factors for suicide; protocols for responding to crisis situations involving members who may be at high risk; information about suicide prevention services available to members, including a toll free hotline, Internet service; and information for best practices for suicide prevention.

This amendment is strongly supported by the Iraq and Afghanistan Veterans of America and the American Foundation for Suicide Prevention.

I urge my colleagues to vote for this amendment so that it will hopefully reduce the number of military suicides.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Madam Chair, I rise in support of my amendment, No. 35, that directs the Department of Defense to make available for border defense the same technology and intelligence gathering practices it is currently using in conducting war overseas.

The assault on our southern border today by transnational criminal organizations is a national security threat. They dig tunnels under the border, they fly ultralight crafts, and they try to breach our borders. My amendment brings state-of-the-art military technology to bear on this problem.

In fact, also what it does is it looks at the other side of the border to make sure that the Department of Defense evaluates and briefs Congress on our efforts to build Mexico's capacity to combat these organizations. This dual-pronged approach brings our military technological advantage to bear on this southern threat and measures how we are building the Mexican capacity that will put additional constraints on these criminal organizations. Again, this will be a true way to make sure that we face the threat that we face on our border.

I urge my colleagues to support this amendment.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Chair, I rise in support of my amendment, No. 29, which is being offered en bloc by the House Armed Services Committee.

My amendment to H.R. 1540 provides a preference for potential Department of Defense contractors that carry out certain investment and philanthropic activities to bolster education, training, and employment in science, technology, engineering, and mathematics, all of the STEM disciplines.

My amendment is intended to promote enhanced public and private partnerships, civic, and investment activi-

ties to strengthen our Nation's STEM pipeline and ensure that the United States continues to produce highly skilled STEM professionals that are both diverse and innovative.

Waters amendment No. 29 will signal to potential contractors that the Federal Government is serious about improving STEM education and creating a pipeline that will protect the Nation's economic future.

I urge my colleagues to support passage of this amendment.

Mr. RAHALL. Madam Chair, today, I rise on behalf of all of West Virginia's National Guard and proudly support the Miller/Rahall amendment based on my legislation, the Guardians of Freedom Act of 2011—a bill to elevate the Chief of the National Guard Bureau to a position on the Joint Chiefs of Staff.

The body politic of the National Guard—nearly a half-million strong supports this amendment, as does the National Guard Coalition, composed of Adjutants General Association, the National Guard Association, and Enlisted Association of the National Guard.

The National Guard is one of our Nation's longest-standing institutions, empowered by Congress and providing to the States a highly trained and well-equipped force to protect life and property. Over the course of its nearly four-hundred year history, the National Guard has remained a dual State-Federal force, providing security on the home front and fighting threats to our Nation and our freedoms all over the globe.

The National Defense Authorization Act for Fiscal Year 2008 brought about historic empowerment changes for the National Guard, elevating the Chief of the National Guard to the rank of four-star general and providing the Chief a stronger voice inside the Pentagon. This year, the 2012 Defense Authorization bill also adds a vice-chief to assist with the increasing responsibilities of the Chief of the National Guard Bureau. But we must do more in giving the Chief a seat at the negotiating table.

As a member of the Joint Chiefs of Staff, the Chief of the National Guard Bureau would have responsibility and authority to advocate and coordinate the Guard's war fighting support and force provider mission with its homeland security and support missions to ensure the Guard has the resources to perform its multiple missions and fulfill its Constitutional role to our States.

Madam Chair, from the battlefield to the home fields, our National Guard—America's patriots—exemplifies sacrifice and commitment to duty.

West Virginians volunteer for the National Guard at nearly double the national rate. The West Virginia National Guard has 38 units and activities stationed in 22 counties throughout West Virginia, and currently has units deployed in military operations around the world.

The American people owe an enormous debt of gratitude to our nearly 500,000 men and women members of the National Guard in service to these great United States. These extraordinary individuals maintain the Guard's multi-mission role—providing nearly 33 percent of America's combat power globally. Yet, simultaneously and with great skill, from ap-

proximately 3,400 community-based armories they serve their fellow citizens in defense of our homeland, and in support to States and local civil authorities and emergency response needs.

Now more than ever, this Nation is relying upon the Guard to wage combat on foreign soil, straining our resources here on the home front to respond to domestic disasters and the Guard's traditional duties. The training, equipping, and deployment of the Guard, and their budget, ought to be matters decided with input from the National Guard Chief at the highest levels of the military echelon. Now more than ever, the Guard needs a seat at the head table.

Mr. KING of New York. Madam Chair, I rise today in support of my amendment to H.R. 1540, the National Defense Authorization Act, which would provide free postal benefits to active duty soldiers' families.

While our soldiers do not have to pay for the letters they send home, their families often spend hundreds of dollars to send care packages and letters of their own. The program authorized by this amendment would provide soldiers serving active duty in Iraq and Afghanistan with one postal voucher every other month to transfer to their loved ones to send letters and packages to these soldiers at no cost.

I fully support this postal benefits program and urge my colleagues to vote in favor of my amendment. I would like to thank the Members and staff of the House Armed Services Committee for working with me and accepting this amendment.

Mr. RAHALL. Madam Chair, as we approach this Memorial Day holiday, I am humbly reminded of the distinguished service and sacrifice of so many of our fellow Americans, who are proudly serving our country in the armed forces around the world. Many of those men and women are members of the National Guard and Reserve Components. Many are from my home state of West Virginia.

For 35 years, I have been privileged to represent the people of southern West Virginia, and it is with humble sincerity I say, our West Virginia National Guard is a model example of a commitment to excellence, and professional dedication to America's defense. From the home front to the front lines, they are a well-trained, highly dedicated force empowered by Congress to protect life and property.

Since the terrorist attacks on September 11th nearly a decade ago, we have called upon our National Guard and Reserve Components to assume more mission responsibility with far more complexity, not only here at home, but in theaters around the globe.

Our Guardsmen and Reservists are true American patriots. We have asked them time and again to mobilize and deploy with more frequency than any other time in our history.

We call upon our men and women to fulfill missions of public safety and security on and between our borders here at home, and send them to foreign lands to combat terrorism abroad. They are among the first to be called in a domestic disaster and often the last to leave a battlefield. Maintaining this ability—their capability to “turn on a dime”—does not come easy and quite frankly, it comes with much sacrifice.

Madam Chair, the amendment I offer with my colleagues, Mr. MCNERNEY and Mr. YOUNG, would restore \$10 million of critical funding to the Integrated Readiness Training Program and protect what has been proven to be a very effective and very successful training and readiness initiative of the National Guard and Reserves.

This Department of Defense program was established by Congress in 1998 to assist the National Guard in building facilities to train guardsmen, but also to provide an ancillary benefits to the communities where facilities are constructed and available for other purposes. Integrated Readiness Training projects are initiated by nonprofits, community organizations, and state and local governments.

The results are significant and have been above expectation. The cross-purpose projects have honed skills and capabilities of the Army Guard and created excellent partnerships between military branches and local community organizations, without significantly increasing training costs.

The Army National Guard supplemental federal funding requests have consistently surpassed \$10 million annually. Cutting funding by 50 percent, as the underlying bill proposes to do, would drastically jeopardize current IRT commitments to organizations such as the Boy Scouts of America. It would reduce current and future training abilities, and diminish opportunities for our soldiers to interact directly with civilian agencies to provide a service or accomplish a mission.

Changing the process for budgeting for IRT projects at this point would disrupt projects already being negotiated and penalize our National Guard and Reserve Components.

I urge my colleagues to support Amendment 14. We have a responsibility to respectfully and gratefully fulfill our duty to support the integrity and intent of our Guard and Reserve forces, and effectively support and acknowledge the great sacrifice so many willingly make for all of us.

Mr. SMITH of Washington. I have no further requests for time, and I yield back the balance of my time.

Mr. McKEON. I have no further requests for time, I encourage the acceptance of the amendments en bloc, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. McKEON).

The en bloc amendments, as modified, were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CARTER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-88.

Mr. CARTER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 178, after line 8, insert the following new section:

**SEC. 527. PROTECTED COMMUNICATIONS BY MEMBERS OF THE ARMED FORCES AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.**

Section 1034(c)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) Ideologically based threats or actions of another member that the member providing the information reasonably believes could be counterproductive or detrimental to United States interests or security.”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER. Madam Chair, this is an amendment to extend whistleblower protection for American soldiers for the protection of American soldiers both at home and abroad. The bottom line is this amendment would extend protected communications covered under the Whistleblower Protection Acts to include ideologically based threats or actions; that if a servicemember reasonably believes that the actions of an individual could be counterproductive or detrimental to the United States' interests or security, they would be able to report these under the Whistleblower Protection Act.

The Fort Hood shooting, which unfortunately was in my district, taught us that servicemembers are becoming increasingly afraid to report questionable incidents for fear of reprisal. Despite numerous red flags concerning Major Hasan and his dangerous tendencies, no negative personnel action was taken. He was promoted to the rank of major, and he was allowed to provide psychological counseling to battle weary soldiers.

□ 1540

Our military personnel asserted that because of Major Hasan's Muslim heritage, that they feared adverse actions would be held against them and that they would be accused of profiling Major Hasan.

Coming forward about potentially dangerous situations should never be considered profiling. While no one should be targeted solely on their religious affiliation, all servicemembers should feel free and safe to report dangerous behavior.

And I will tell you that it was reported to me by more than a dozen soldiers in the training command and in medical school that this dangerous behavior was discussed constantly, and they were all concerned about reporting it.

The Whistleblower Act already provides for guidance on what should be reported in terms of violations. It extends to military personnel protection from negative reporting. It protects the servicemembers on their ability to communicate dangerous behavior, mismanagement of funds, abuses of authority to Congress and to an IG or to the chain of command.

This amendment would further extend protective communications to include “ideologically based threats or actions” that the reporting service-

member “reasonably believes could be counterproductive or detrimental to the United States' interests or security.”

This amendment does not target any specific belief, religious or otherwise. This amendment seeks to instill the confidence necessary to protect our Armed Forces from further attacks from within.

I reserve the balance of my time.

Mr. SMITH of Washington. I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I do rise to oppose this amendment. I am very sympathetic to the direction that the sponsor is headed—the notion that we need to make sure that if people see something that is a threat to them, or the service, or to our national interests at all, they should feel free reporting it.

The problem I have with this amendment is current law protects that. We have current statute with whistleblower protection that very clearly says that if you have any reason to believe that something is going on that is counterproductive or detrimental to the United States' interests or security, you are free to report that to the appropriate superiors. That law is there and is protected.

Now I will agree with the sponsor that people nonetheless are reluctant to come forward and provide that information. But what we need to do is we need to educate people about that protection being there in the current law.

What this amendment does is broadens that to the point where it's going to sweep a lot of stuff up that we don't want to hear about. It isn't necessarily going to make it any more likely that what we want to hear about is going to be reported by saying “ideologically based threats or actions.” That is beyond broad, it almost is beyond definition. It is the freedom to say anything about anyone any time with this protection, which I don't think we want, which I think would undermine the broader mission.

So the current law makes it clear. If you are a servicemember who sees a threat or perceives a threat for any reason, ideologically based or otherwise, frankly I don't see why it makes any difference whether or not it's ideologically based; we want it reported.

So that is current law, it's protected. We need to make sure that everyone, not just servicemembers, but everyone in society feels free to report such threats to the appropriate authorities.

This amendment is overly broad and would cause more trouble than it would solve. So, therefore, I oppose the amendment and urge the body to do so.

I reserve the balance of my time.

Mr. CARTER. I would point out to my friend that 13 American soldiers died, 13 people died, 12 American soldiers and one civilian, and 43 people

were wounded by an individual whose ideological preaching was well-known in the medical community, in the school community where he studied and at Fort Hood. To almost every soldier that he talked to, he preached his ideological belief about the wrongness of the American action.

But it's clear that each of these servicemembers were concerned enough to talk to other servicemembers about it, but they were afraid to go up the chain of command strictly because of the nature of the environment we function in today, and we need to make it clear to them.

It doesn't matter what the ideological bent of anybody is, if they are talking about things that are detrimental to the American serviceman, they have a duty to report that—and know that the Whistleblower Act will protect them. They knew about the Whistleblower Act, but they were afraid it would not protect them because there happened to be a politically correct, if you will, faction in this whole issue that they were afraid would change the view of their superior officers on their promotions.

I don't like the idea of having to do it this way either, but I also don't like the idea that there are dozens—and I would say more than dozens of American soldiers—that could have prevented this if they had stepped forward. And all of them feared, because of the environment of political correctness that seems to be rampant in this country, they were afraid to come forward.

Therefore, I think we ought to clarify it, and I don't care who you are or what your background is: If you are talking something that's detrimental to the American soldier or his mission, it has to be reported, and there will not be sanctions against you.

That's the purpose of my amendment.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Ladies and gentlemen of the House, I share my friend from Texas' goal, but I don't share his way of meeting that goal.

I certainly think that any uniformed person who reports something that they are reasonably suspicious of should be protected by the Whistleblower Act and should not have to worry about political correctness or any other standard, but I think that's already the law.

The whistleblower law that already exists frankly says if you blow the whistle on someone for doing something wrong, you are protected.

It is wrong to plan to shoot people on a military base or commit treason against the country, but it is not

wrong to look a certain way or be a certain way or think a certain way. So I think that the whistleblower protection, as it exists, protects the situation that my friend from Texas wants to protect, and I believe we all want to protect.

So while I would share his objective in this matter, I think that this amendment is not necessary because present law solves that problem and protects that whistleblower.

Mr. SMITH of Washington. Madam Chair, just to close, I agree with the gentleman's remarks.

Let me just say if I thought that there was the tiniest little bit possibility that this amendment would prevent the type of tragedy that happened at Fort Hood, I would support it unquestionably, but I don't believe it will. The concerns, the back and forth about whether or not to report something that is concerning, they exist, they need to be dealt with. They will exist whether or not this amendment is passed.

We need to work to educate people to report threats, but making it ideologically based, I think, opens up more problems and shifts the focus away from what we need. And what we need is whether the threat is ideological or whatever the cause, we need to encourage people to go to their superiors, report it, and make sure that they are better safe than sorry. I would encourage that, but I don't think this amendment does that. Again, I would urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. HUNTER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-88.

Mr. HUNTER. I have an amendment at the desk, Madam Chair.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title V, add the following new section:

**SEC. 5. PILOT PROGRAM ON SCHOLARSHIPS FOR MILITARY DEPENDENT CHILDREN WITH SPECIAL EDUCATION NEEDS.**

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in conjunction with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of awarding scholarships to military children with special education needs described in subsection (b) in order to cover the costs of such children in attending a school described in subsection (c) for the purpose of ensuring military children with special education needs a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent liv-

ing. Such scholarships shall be known as "academic opportunity scholarships".

(2) PURPOSES.—The purposes of the pilot program shall be as follows:

(A) To identify and assess obstacles faced by military families with children with special education needs in obtaining a free appropriate public education to address such needs.

(B) To develop options for military children with special education needs to attend public or private schools through scholarships.

(C) To identify and assess evidence-based research and best practices for providing special education and related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) for military children with special education needs.

(D) To assess timeliness in obtaining special education and related services described in subparagraph (C).

(E) To identify and document improvements in academic performance of military children with special education needs as a result of the scholarships under the pilot program.

(F) To determine and document the cost associated with obtaining special education and related services described in subparagraph (C) through such scholarships.

(3) CRITERIA.—The Secretary of Defense shall carry out the pilot program based on uniform criteria established by the Secretary, in consultation with the Secretary of Education or the appropriate State government agency.

(4) COMMENCEMENT.—The Secretary of Defense shall commence carrying out the pilot program beginning with the 2012-2013 academic year.

(b) COVERED MILITARY DEPENDENT CHILDREN.—A military dependent child described in this subsection is a child who—

(1) is a dependent of a member of the Armed Forces;

(2) is a member of a family enrolled in the Exceptional Family Member program administered by the Secretary of the military department concerned;

(3) is a child with a disability under section 602 of the Individuals with Disabilities Education Act; and

(4) is covered by a current individualized education program developed and approved in accordance with section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) or has been identified as needing special education and related services.

(c) COVERED SCHOOLS.—A school described in this subsection is any elementary or secondary school as follows:

(1) A private elementary school or secondary school.

(2) A public school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.

(3) A public charter school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.

(d) AMOUNT, PAYMENT, AND USE OF SCHOLARSHIP.—

(1) AMOUNT.—The amount of the scholarship awarded a military dependent child under the pilot program for an academic year may not exceed the lesser of—

(A) the amount required for such academic year for the payment of tuition, fees, transportation, and other expenses in connection

with attendance at a school described in subsection (c) for the purpose specified in subsection (a); or

(B) \$7,500.

(2) **PAYMENT.**—Payment of the amount of a scholarship awarded a military dependent child shall be made to the parent or guardian of the child for an academic year.

(3) **USE.**—Subject to regulations prescribed by the Secretary of Defense for purposes of the pilot program, the amount of the scholarship awarded a military dependent child shall be utilized for the payment of tuition, fees, transportation, and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a).

(e) **EVALUATION OF PERFORMANCE OF RECIPIENT MILITARY DEPENDENT CHILDREN.**—

(1) **IN GENERAL.**—The Secretary of Defense shall conduct an evaluation of the performance of military dependent children awarded scholarships under the pilot program. The evaluation shall address the following:

(A) The progress made by military dependent children awarded scholarships in academic and social performance.

(B) The success of the scholarships in expanding choice in education and related services for military dependent children described in subsection (b).

(C) The success of the scholarships in ensuring timely access of military dependent children described in subsection (b) to special education and related services required under their individualized education programs.

(D) Such other matters as the Secretary considers appropriate.

(2) **COMPLETION.**—The evaluation required by paragraph (1) shall be completed not later than December 31, 2015.

(f) **OPTIONS FOR IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN WITH SPECIAL EDUCATION NEEDS.**—

(1) **DEVELOPMENT OF OPTIONS.**—The Secretary of the Defense shall, in consultation with the Secretary of Education, develop a variety of options for military families with children with special education needs to enhance the benefits available to such families and children under the Individuals with Disabilities Education Act and better assist such families in meeting such needs.

(2) **ACTIONS.**—In developing actions under paragraph (1), the Secretaries shall consider the following:

(A) The feasibility of establishing an individualized education program for military children with special education needs that is applicable across jurisdictions of local educational agencies in order to achieve reciprocity among States in acknowledging such programs.

(B) Means of improving oversight and compliance with the provisions of section 614 of the Individuals with Disabilities Education Act that require local educational agencies to support an existing individualized education program for a military child with special education needs who is relocating to another State pursuant to the permanent change of station of a military parent until an individualized education program is developed and approved for such child in the State to which the child relocates.

(C) The feasibility of establishing an expedited process for resolution of complaints by military parents with a child with special education needs about lack of access to education and related services otherwise specified in the individualized education program of such child.

(D) The feasibility of permitting the Department of Defense to contact the State to

which a military family with a child with special education needs will relocate pursuant to a permanent change of station when the orders for such change of station are issued, but before the family takes residence in such State, for the purpose of commencing preparation for education and related services specified in the individualized education program of such child.

(E) The feasibility of establishing a system within the Department of Defense to document complaints by military parents regarding access to free and appropriate public education for their children with special education needs

(F) Means to strengthen the monitoring and oversight of education and related services for military children with special education needs under the Interstate Compact on Educational Opportunities for Military Children.

(G) Such other matters as the Secretaries jointly consider appropriate.

(g) **REPORTS.**—

(1) **REPORT ON IMPROVEMENTS OF EDUCATIONAL OPPORTUNITIES.**—Not later than September 30, 2013, the Secretary of Defense shall submit to Congress a report setting forth the options developed under subsection (f). The report shall include—

(A) a description of any options developed; and

(B) recommendations for such legislative or administrative action as the Secretary of Defense and the Secretary of Education jointly consider appropriate to implement such options.

(2) **REPORT ON IMPLEMENTATION OF PILOT PROGRAM.**—Not later than September 30, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plans of the Secretary for the award of scholarships under the pilot program, including any regulations prescribed for purposes of subsection (d)(3).

(3) **FINAL REPORT ON PILOT PROGRAM.**—Not later than September 30, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the scholarships awarded under the pilot program. The report shall include—

(A) a description of the scholarships awarded under the pilot program, including the number and amount of scholarships by school year;

(B) the results of the evaluation required by subsection (e); and

(C) such other matters as the Secretary considers appropriate.

(h) **FUNDING FOR SCHOLARSHIPS.**—

(1) **ADDITIONAL, DISCRETIONARY BUDGET AUTHORITY.**—Of the amounts authorized to be appropriated by section 301 for Defense-wide operation and maintenance for family advocacy activities, as specified in the corresponding funding table in division D, the Secretary of Defense shall obligate an additional \$10,000,000 to award scholarships to military dependent children under the pilot program.

(2) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—Not more than five percent of the amount specified in paragraph (1) may be used to cover administrative expenses to carry out the pilot program.

(3) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds made available under paragraph (1) with or to a specific entity or person shall—

(A) be based on merit-based selection procedures in accordance with the requirements

of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(B) comply with other applicable provisions of law.

(i) **SUNSET.**—The pilot program shall expire on September 30, 2016. No scholarship may be awarded under the pilot program for an academic year that begins on or after that date.

(j) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 301 for Defense-wide operation and maintenance, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to carrying out the pilot program; and

(2) the amount authorized to be appropriated in section 1433 for the Mission Force Enhancement Transfer Fund, as specified in the corresponding funding table in division D, is hereby reduced by \$10,000,000.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Madam Chair, this amendment is very simple.

The most important assets we have in our United States military are our personnel, the men and women that we move around. They get moved around, they usually don't have a choice of where they move from base to base and camp to camp, and this amendment specifically covers those ladies and men who protect us that have special needs children, those children that would otherwise be covered under the IDEA, the disability act for kids, ensuring them a good education. However, these parents don't always know where they're going.

□ 1550

What this would do would start a pilot program for up to 250 kids to allow them to choose whatever school fits their needs best, whether it's a private school, a charter school or public school, and to see if that helps alleviate some of the pain that the families face as they travel from base to base, as they go overseas to Iraq and Afghanistan, so we can take care of their kids here at home. It's a pilot program.

I would like to say on our side the only issue that we had with this amendment was its funding source. I have spoken to the chairman from California, the chairman of the Armed Services Committee; and we are going to pull the funding source out of DOD and find another funding stream for this in conference.

So with that taken care of, I would like to yield 2 minutes to my good friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman.

Madam Chair, all of us are grateful to the men and women who put themselves in harm's way between the malevolent and the innocents for the sake

of this country. We need to remind ourselves that they don't fight because they hate the enemy or hate what's in front of them. They fight because they love what's behind them. They love us, they love their country, they love the cause of freedom, and they love their families. They love their families more than anything, Madam Chair; and they want to make sure that their children have the very best future that they can give them.

Madam Chair, this amendment that I am so thankful to Mr. HUNTER for bringing forth would allow parents an extra option for their children, especially when their special needs children, in the midst of all the travel that the armed services people have to make, they need this option, Madam Chair; and I just think it's unbelievable that we wouldn't support them. Because, fundamentally, one of two people will choose the educational values, the educational substance of our children's future. It will be one of two. It will either be a person who doesn't know their name, or a person called a parent who would die for them in a moment.

I would submit, Madam Chair, that that decision is best left to the parents. Notwithstanding the opposition from the teachers unions, the parents are the best ones to be able to choose the school that their children go to. Nothing will shape the future of America more than the values and the academics that are inculcated in the hearts and minds of our children, and that should belong to parents, especially those who are fighting and dying for this country and they have a special needs child. We should give this to them.

I encourage my colleagues to support this amendment.

Mr. SMITH of Washington. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. SMITH of Washington. I yield myself such time as I may consume.

I rise in opposition to this amendment for a couple of reasons. First of all, I'm curious about the "we're not actually going to fund it out of DOD, we will fund the money somewhere else in conference" argument because it's funded out of DOD right now. Unless this is now being offered as a sense of Congress with no money attached to it, in a minute I would be curious to hear exactly how that works.

But beyond that, this is not what is in the best interests of the children of our servicemembers. To give them a \$7,500 voucher to go get special needs education is a license for them not to get the education they need. As everyone in this body knows, the costs of special needs children can sometimes be as much as \$100,000 a year to our

public schools. There are some children out there who have some very, very strong needs.

Fortunately, because of the IDEA, the public schools in this country are 100 percent obligated to meet that need. Talk to any school superintendent who has to deal with this, it's an enormous cost, but it's also an enormous benefit to these children. They have to meet those needs, and if they don't, it is precisely the parent who has the law on his or her side to say the public school must meet that requirement.

If you give them a \$7,500 voucher and send them off to whatever private school is out there, they are not subject to those same requirements. They do not have to meet that same dollar value. What you are doing is you are undermining the education for these special needs children in a way that could be very detrimental to our families.

Now, we had a very long debate on this in the Armed Services Committee. This amendment was defeated on a bipartisan basis in committee for a variety of different reasons. I want to make it clear, it was stated throughout, how can you not care about the children of our servicemembers, and more than one Member on our side said, we do. This is not what this is about. We absolutely care about the children of our servicemembers. We want them to get the best education possible. But taking special needs families, giving them a \$7,500 voucher and sending them out into the public and private school world and saying, good luck, is not what is in the best interests of parents with special needs children. It simply isn't. They are not getting the type of protections that they have under the law if they go out in that situation.

I would strongly urge a "no" vote on this amendment.

With that, I reserve the balance of my time.

Mr. HUNTER. I would like to yield 30 seconds to the distinguished gentleman from California and chairman of the Armed Services Committee, Mr. MCKEON.

Mr. MCKEON. I thank the gentleman for yielding, and I thank him for working with the staff to try to find a way to get this pilot program moving forward to help our parents in the military of those who have special needs. One of the things that is different between the military and other people is they are moved often, and they don't have time to go through all of the process to get all of the help they need. This would help them. It's a pilot program.

I encourage the adoption of the amendment.

Mr. SMITH of Washington. Madam Chair, I yield myself the remainder of my time.

I find that last argument interesting to say that they move around a lot. I think that is very true. I think they do, and that is a challenge. And they don't have time to make all of these decisions. But they do have time to take a \$7,500 voucher and search across all the different schools to see which private schools are going to take it. Because keep in mind, that's another critical aspect of this. Private schools do not have to accept a single solitary student. They don't. You show up with a \$7,500 voucher and they say, we're sorry, your child is going to cost more than that. They just say no and move on.

Public schools do have to accept these children and do have to fund it. I really do believe that this will be a step in the wrong direction. The cost is also going to be an issue. We are going to have to find the money for this somewhere. It's not going to improve the education or the lives of our servicemembers and their families, and it is going to wind up costing money.

Again, I would urge a "no" vote; I reserve the balance of my time.

Mr. HUNTER. Madam Chair, I would like to inquire how much time is remaining.

The Acting CHAIR. The gentleman from California has 2 minutes remaining. The gentleman from Washington has 1½ minutes remaining.

Mr. HUNTER. Madam Chair, I would like to yield the balance of my time to the gentlelady from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. I appreciate the gentleman yielding, and I rise in strong support of Mr. HUNTER's amendment.

Last November, we recognized the 35th anniversary of IDEA, the Individuals With Disabilities Education Act. And prior to IDEA, one out of five children was denied access to a quality education through the public school system because of a disability. IDEA has changed the opportunity for education, but the reality for many special needs students is it still requires an attorney in order to get the education that they need. From the time that a special needs student begins their education, a family needs an attorney. In fact, I was encouraged to hire an attorney to navigate the educational process for my son, Cole.

But picture this scenario: for the men and women who serve our country, many of whom are parents of children with special needs, between deployment and transfers, our servicemen and -women don't have the resources to go through litigation, nor should they.

Most military families do not choose where they live, and they usually don't get the choice when it comes to their schools. But the amendment we are offering today would allow these families to recognize the opportunities of IDEA and authorize scholarships for military



families with special needs to be able to choose the school that best fits the needs of their child, whether it be a public school, a private school, or a charter school.

This initiative will provide valuable information and data for Congress as we move to reform and reauthorize IDEA and address this issue over the long term. There is no doubt that IDEA is flawed. This would help us get the information to make it better for all children with special needs.

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. HUNTER. Madam Chair, I would obviously urge a "yes" vote on this amendment and yield back the balance of my time.

Mr. SMITH of Washington. I yield the remainder of my time to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

I think there's universal agreement that we all want the finest quality education for all children and in this case for special needs children. I actually think that the effect of this amendment is to narrow educational opportunities for special needs children in the following way.

The provision sets up a \$7,500 subsidy each year that the parents can choose to use as they see fit. That, I think, narrows the choices already available under the Individuals With Disabilities Education Act, IDEA. Presently, what happens if a servicemember family is located in a certain community and they have a special needs child, the school district in which that child resides is under a Federal legal obligation to provide the highest quality education, the least restrictive educational environment for that child. And if the parents disagree with the choice that is made by the school system, by the Child Study Team, they frankly have the right through Federal law to appeal it and change it.

□ 1600

So I think what actually happens here is that by limiting the level of financial support for these families, we are limiting the educational opportunities for the child; whereas the IDEA puts the force of Federal law behind the best outcome for that child. So I think we all want to accomplish the same thing. I respectfully believe the present law accomplishes that better than the amendment would, and I urge a "no" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. CARSON OF INDIANA

The Acting CHAIR (Mr. MCCLINTOCK). It is now in order to consider amendment No. 19 printed in House Report 112-88.

Mr. CARSON of Indiana. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 325, after line 9, insert the following:  
**SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) MENTAL HEALTH EXAMINATIONS DURING A DEPLOYMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074i the following new section:

**"§ 1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation**

**"(a) MENTAL HEALTH ASSESSMENTS.—(1)** The Secretary of Defense shall provide a person-to-person mental health assessment for each member of the armed forces who is deployed in support of a contingency operation as follows:

**"(A)** Once during the period beginning 60 days before the date of the deployment.

**"(B)** Once during each 180-day period in which the member is so deployed.

**"(C)** Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

**"(D)** Subject to subsection (d), not later than once during each of—

**"(i)** the period beginning 180 days after the date of redeployment from the contingency operation and ending one year after such redeployment date;

**"(ii)** the period beginning one year after such redeployment date and ending two years after such redeployment date; and

**"(iii)** the period beginning two years after such redeployment date and ending three years after such redeployment date.

**"(2)** A mental health assessment is not required for a member of the armed forces under subparagraphs (C) and (D) of paragraph (1) if the Secretary determines that—

**"(A)** the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

**"(B)** providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or put members or operational objectives at risk.

**"(b) PURPOSE.—**The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, and other behavioral health conditions identified among members of the armed forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

**"(c) ELEMENTS.—(1)** The mental health assessments provided pursuant to this section shall—

**"(A)** be performed by personnel trained and certified to perform such assessments and may be performed—

**"(i)** by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks; and

**"(ii)** by personnel at private facilities in accordance with section 1074(c) of this title.

**"(B)** include a person-to-person dialogue between members of the armed forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

**"(C)** be conducted in a private setting to foster trust and openness in discussing sensitive health concerns;

**"(D)** be provided in a consistent manner across the military departments; and

**"(E)** include a review of the health records of the member that are related to each previous deployment of the member or other relevant activities of the member while serving in the armed forces, as determined by the Secretary.

**"(2)** The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the armed forces, including examinations under section 1074f, as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

**"(d) CESSATION OF ASSESSMENTS.—**No mental health assessment is required to be provided to an individual under subsection (a)(1)(D) after the individual's discharge or release from the armed forces.

**"(e) DIAGNOSES DURING DEPLOYMENT.—(1)** In order to prevent suicide, self-harm, harm to others, and under-performance of members of the armed forces, the Secretary shall, with respect to a member described in paragraph (2)—

**"(A)** retire the member pursuant to section 1201 of this title if such member is otherwise qualified for such retirement; or

**"(B)** redeploy such member from the contingency operation to a location where the member may receive appropriate medical treatment.

**"(2)** A member described in this paragraph is a member of the armed forces who, as a result of a mental health assessment conducted under subsection (a)(1)(B)—

**"(A)** is diagnosed with post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, or other behavioral health condition; and

**"(B)** as part of such diagnosis, is determined to—

**"(i)** require care or monitoring that the Secretary determines cannot be provided while the member is deployed in support of a contingency operation;

**"(ii)** be at risk of self-harm or harming other members of the armed forces; or

**"(iii)** be unable to perform duties assigned during such deployment.

**"(f) SHARING OF INFORMATION.—(1)** The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the armed forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health



assessments and other person-to-person assessments provided before the date of the enactment of this section as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the armed forces during the transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

“(2) Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

“(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note), including section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

“(B) Section 1720F of title 38.

“(3) Before each mental health assessment is conducted under subsection (a), the Secretary of Defense shall ensure that the member of the armed forces is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

“(g) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(h) REPORTS.—(1) Upon the issuance of the regulations prescribed under subsection (g), the Secretary of Defense shall submit to Congress a report describing such regulations.

“(2)(A) Not later than 270 days after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress an initial report on the implementation of the regulations by the military departments.

“(B) Not later than two years after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress a report on the implementation of the regulations by the military departments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the regulations in achieving the purpose specified in subsection (b) for such assessments.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074l the following new item:

“1074m. Mental health assessments for members of the armed forces deployed in support of a contingency operation.”.

(3) REGULATIONS.—The Secretary of Defense shall prescribe an interim final rule with respect to the amendment made by paragraph (1), effective not later than 90 days after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Section 708 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2376; 10 U.S.C. 1074f note) is repealed.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Indiana (Mr. CARSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. I yield myself such time as I may consume.

Mr. Chairman, my amendment seeks to address shortfalls in the current Department of Defense mental health assessment process.

Currently, our servicemembers only receive mental health assessments prior to deployment and after returning home. My amendment simply requires the Department of Defense to provide mental health assessments to our troops during deployment, improving chances that post-traumatic stress disorder, traumatic brain injury, depression, and other mental health issues are detected and treated early.

The amendment also requires that medical records from past unit assignments and the VA be reviewed whenever possible. Currently, these records are rarely considered. As we all well know, our troops are under a constant threat while deployed in Iraq and Afghanistan. Many are injured or see their friends injured or killed. And throughout it all, they perform amazingly and should be commended.

But these are the exact experiences that lead to serious mental health issues. Yet, despite this ongoing exposure, Mr. Chairman, most do not receive a mental health assessment until they return home from combat, often coping with PTSD, TBI, or depression for months without receiving treatment.

By the time they return home, the stigma attached to mental illness keeps many away from pursuing treatment at all. And among those that do, many still fall into drug and alcohol abuse, domestic violence, homelessness, and suicide.

Tragically, the oversights addressed by this amendment have impacted my congressional district. In 2009, Army Specialist Chancellor Keesling committed suicide while deployed in Iraq. His commanders never knew that he had been placed on suicide watch by a previous unit and had been treated for a mental illness by the VA.

Upon reassignment to a new unit and redeployment to Iraq, records from his past tour and from the VA were never reviewed. During deployment, he was never reassessed. Chance's father, Gregg, has recently reviewed my amendment and he believes that it could have saved his son's life had it been in place in 2009.

This is just one example of the tragic implications of mental health issues in the military. There are countless examples from my district and across this great Nation that I could provide as evidence of why this amendment is so critical and necessary. Some of these terrible problems can be avoided, and I believe lives can be saved by comprehensively addressing mental illness in our military at its source during deployment.

Mr. Chairman, I encourage all of my colleagues to support improved mental health for our troops by voting “yes” on the Carson amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition to the amendment, although I am not opposed to the gentleman's amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I reserve the balance of my time.

Mr. CARSON of Indiana. Mr. Chairman, I believe the case for my amendment is very clear. Many of our men and women in uniform are living through months of deployment with mental health issues like PTSD, TBI, and depression going completely undiagnosed.

My amendment simply calls on the DOD to help our servicemembers catch and treat these issues through early assessments during deployment. This is a very important step that will save lives and help our men and women in uniform build productive lives for themselves on returning to civilian lives.

I urge a “yes” vote on this amendment.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I want to commend the gentleman for bringing his very thoughtful amendment to the floor. I think it will be a strong addition to the bill. I encourage also that our colleagues support his amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. CARSON).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR.

MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 44, 45, 51, 52, 58, 68, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 98, and 99 printed in House Report 112-88 offered by Mr. MCKEON:

AMENDMENT NO. 44 OFFERED BY MS. HANABUSA

Page 461, after line 24, insert the following:

**SEC. 1043. PROHIBITION ON UNITED STATES CITIZENSHIP FOR DETAINEES REPATRIATED TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF PALAU, AND THE REPUBLIC OF THE MARSHALL ISLANDS.**

(a) PROHIBITION ON CITIZENSHIP.—Notwithstanding the Compact of Free Association, an individual described in subsection (b) who has been repatriated to the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands may not be afforded the rights and benefits put forth in the Compact of Free Association.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is located at United States Naval Station, Guantanamo Bay, Cuba, on or after September 11, 2001, while—

(A) in the custody or under the effective control of the Department of Defense; or  
(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

AMENDMENT NO. 45 OFFERED BY MS. HANABUSA

Page 507, after line 2, insert the following:

**SEC. 1078. REPORT ON CERTAIN UNNECESSARY OR UNWANTED DEPARTMENT OF DEFENSE PROGRAMS.**

(a) FINDINGS.—Congress makes the following findings:

(1) On March 31, 2011, Secretary of Defense Gates testified before the Armed Services Committee of the House of Representatives that the initial cost of United States operations in Libya was approximately \$550,000,000 and was estimated to cost an additional \$40,000,000 a month after that.

(2) Secretary Gates testified that he was unaware of what the total cost of United States assistance to Japan would be in the aftermath of the earthquake, tsunami, and Fukushima Daiichi incident, but indicated it would be less than \$500,000,000.

(3) Secretary Gates testified that the Department of Defense would not need to ask for more money to cover these costs within the Overseas Contingency Operations accounts because “There’s several billion dollars in there we can move around . . . that would cover these costs . . . things that we don’t need or want.”

(b) DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall determine and make publically available the programs funded through the Overseas Contingency Operations accounts during the five-year period preceding the date of the enactment of this Act that are unnecessary or unwanted.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representative a report that contains the results of the determination required by subsection (b). Such report shall include—

(1) a description of each program that the Secretary determines is unnecessary or unwanted;

(2) a description of the amount authorized to be appropriated and the amount authorized to be appropriated for each fiscal year for each program described under paragraph (1); and

(3) any other information the Secretary considers relevant.

AMENDMENT NO. 51 OFFERED BY MR. ROGERS OF MICHIGAN

Page 531, after line 2, insert the following:

**SEC. 1099C. EXHUMATION AND TRANSFER OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES BURIED IN TRIPOLI, LIBYA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall take whatever steps may be necessary to—

(1) exhume the remains of any deceased members of the Armed Forces of the United States buried at a burial site described in subsection (b);

(2) transfer such remains to an appropriate forensics laboratory to be identified;

(3) in the case of any remains that are identified, transport the remains to a veterans cemetery located in proximity, as determined by the Secretary, to the closest living family member of the deceased individual or at another cemetery as determined by the Secretary;

(4) for any member of the Armed Forces whose remains are identified, provide a military funeral and burial; and

(5) in the case of any remains that are unable to be identified, transport the remains to Arlington National Cemetery for interment at the Tomb of the Unknowns.

(b) BURIAL SITES DESCRIBED.—The burial sites described in this subsection are the following:

(1) The mass burial site containing the remains of five United States sailors located in Protestant Cemetery in Tripoli, Libya.

(2) The mass burial site containing the remains of eight United States sailors located near the walls of the Tripoli Castle in Tripoli, Libya.

(c) EFFECTIVE DATE.—This section takes effect on the date on which NATO’s Operation Unified Protector or any successor operation terminates.

AMENDMENT NO. 52 OFFERED BY MR. CAMPBELL

Page 548, after line 8, add the following new section:

**SEC. 1115. TERMINATION OF JOINT SAFETY CLIMATE ASSESSMENT SYSTEM.**

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the Joint Safety Climate Assessment System of the Department of Defense is terminated.

AMENDMENT NO. 58 OFFERED BY MR. GARRETT

At the end of subtitle C of title XII of division A of the bill, add the following:

**SEC. 12xx. RULE OF CONSTRUCTION RELATING TO SITUATION IN LIBYA.**

Nothing in this Act or any amendment made by this Act shall be construed to authorize military operations in Libya.

AMENDMENT NO. 68 OFFERED BY MR. YOUNG OF ALASKA

At the end of title XXXV add the following:

**SEC. \_\_\_\_ . STRATEGIC PORT ASSESSMENT AND REPORT.**

(a) IN GENERAL.—Not later than six months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment and report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports, regarding the following:

(1) The structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements.

(2) The impact on operational readiness if the improvements are not undertaken.

(3) Identifying, to the maximum extent practical, all potential funding sources for the needed improvements from existing authorities.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and each of the port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

AMENDMENT NO. 73 OFFERED BY MR. MCKEON

Page 712, line 8, strike “SIMULATION TRAINING SYSTEMS” and insert “CIVIL SUPPORT TEAM INFORMATION MANAGEMENT SYSTEMS”.

Page 712, line 13, after “Budget Activity 12” insert “, Line 070, Force Readiness Operations Support”.

Page 712, line 17, strike “simulation training systems” and insert “Civil Support Team Information Management Systems”.

AMENDMENT NO. 74 OFFERED BY MR. AKIN

At the end of title VIII, add the following new section:

**SEC. 845. SENSE OF CONGRESS ON LONG-TERM CONTRACTING FOR ALTERNATIVE FUELS.**

It is the sense of Congress that long-term contracting for alternative fuels is in the best interests of the Department of Defense and is a wise use of taxpayer resources. Long-term contracts provide stability for industry, which allows them to drive the cost down. Long-term contracts also provide some insulation to the Department of Defense from fuel price increases. The Department of Defense has asked for the authority to enter into long-term contracts for alternative fuels, and it is the sense of Congress that this is a valuable proposal and should be supported.

AMENDMENT NO. 75 OFFERED BY MR. BRALEY OF IOWA

Page 594, after line 21, insert the following:

**SEC. 1231. REPORT ON LONG-TERM COSTS OF OPERATION IRAQI FREEDOM, OPERATION ENDURING FREEDOM, AND OPERATION ODYSSEY DAWN.**

(a) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom is reduced from roughly 190,000 in 2011 to 150,000 in 2012, 65,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom rises to approximately 235,000 in 2011, is reduced to 230,000 in 2012, 195,000 in 2013, 135,000 in 2014, 80,000 in 2015, 60,000 in 2016, and remains at 60,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation New Dawn and Operation Enduring Freedom.

(b) ESTIMATES TO BE USED IN PREPARATION OF REPORT.—In preparing the report required by subsection (b), the President shall make estimates and projections through at least fiscal year 2020, adjust any dollar amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for

the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.

(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during service in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq, Afghanistan, and Libya, and the total number of such veterans expected to seek disability compensation from the Department of Veterans Affairs.

(7) The total number of members of the Armed Forces who have been killed or wounded in Iraq, Afghanistan, or Libya, including noncombat casualties, the total number of members expected to suffer injuries in Iraq, Afghanistan, and Libya, and the total number of members expected to be killed in Iraq, Afghanistan, and Libya, including noncombat casualties.

(8) The amount of funds previously appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, including an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to costs associated with such operations.

(9) Current and future operational expenditures associated with Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn including—

(A) funding for combat operations;

(B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);

(C) activation and deployment of members of the reserve components of the Armed Forces;

(D) equipping and training of Iraqi and Afghani forces;

(E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military

security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components to active duty in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Iraq and Afghanistan.

(16) Current and future cost of providing health care for veterans who served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn—

(A) the cost of mental health treatment for veterans suffering from post-traumatic stress disorder and traumatic brain injury, and other mental problems as a result of such service; and

(B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for the lifetime of veterans who incur disabilities while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(18) Current and future cost of providing survivors' benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status, transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment that will be left behind.

(20) Cost to restore the military and military equipment, including the equipment of the reserve components, to full strength after the conclusion of Operation New Dawn or Operation Enduring Freedom.

(21) Amount of money borrowed to pay for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, and the sources of that money.

(22) Interest on money borrowed, including interest for money already borrowed and anticipated interest payments on future borrowing, for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(c) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom is reduced from roughly 190,000 in 2011 to 150,000 in 2012, 65,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation New Dawn and Operation Enduring Freedom rises to approximately 235,000 in 2011, is reduced to 230,000 in 2012, 195,000 in 2013, 135,000 in 2014, 80,000 in 2015, 60,000 in 2016, and remains at 60,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation New Dawn and Operation Enduring Freedom.

AMENDMENT NO. 76 OFFERED BY MR. BISHOP OF UTAH

At the end of subtitle E of title XXVIII, add the following new section:

**SEC. 2852. LAND CONVEYANCE, FORMER DEFENSE DEPOT OGDEN, UTAH.**

(a) CONVEYANCE OF RESIDUAL INTERESTS.—To facilitate the conveyance of a parcel of real property consisting of approximately 2.73 acres at the former Defense Depot Ogden, Utah, from the Weber Basin Disabled Corporation to the Ogden City Redevelopment Authority (in this section referred to as the "Redevelopment Authority"), the Secretary of the Army and the Secretary of Health and Human Services (in this section referred to as the "Secretaries"), may convey, by quit claim deed, all residual right, title, and interest of the United States (including reversionary interests) in and to the property for the purpose of permitting the Redevelopment Authority to take immediate steps to prevent the further deterioration of the building on the parcel and subsequently redevelop the parcel.

(b) CONSIDERATION.—As consideration for the conveyance of residual United States interests in the property described in subsection (a), the Redevelopment Authority shall pay an amount equal to the fair market value of the conveyed interests, as determined by the Secretaries. Amounts received under this subsection shall be deposited in the Department of Defense Base Closure Account 2005. The amounts deposited shall be merged with other amounts in such fund and be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund.

(c) PAYMENT OR COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretaries shall require the Redevelopment Authority to cover costs to be incurred by the Secretaries, or to reimburse the Secretaries for costs incurred by the Secretaries, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. If amounts are collected from the Redevelopment Authority in advance of the Secretaries incurring the

actual costs, and the amount collected exceeds the costs actually incurred by the Secretaries to carry out the conveyance, the Secretaries shall refund the excess amount to the Redevelopment Authority.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretaries.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretaries may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

AMENDMENT NO. 77 OFFERED BY MR. BISHOP OF UTAH

Page 121, after line 10, insert the following:  
**SEC. 328. MODIFICATION OF REQUIREMENTS RELATING TO MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.**

Section 2476 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “maintenance, repair, and overhaul” after “combined”;

(2) in subsection (b), by inserting “facilities,” before “infrastructure”;

(3) in subsection (d), by adding at the end the following new subparagraph:

“(E) A table showing the funded workload performed by each covered depot for the preceding three fiscal years and actual investment funds allocated to each depot for the period covered by the report.”; and

(4) in subsection (e)(1), by adding at the end the following new subparagraph:

“(I) Tooele Army Depot, Utah.”.

AMENDMENT NO. 78 OFFERED BY MR. BISHOP OF NEW YORK

Page 531, after line 2, insert the following:  
**SEC. 1099C. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.**

Congress makes the following findings:

(1) Commencing August 26, 1946, through late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed “Operation Highjump” initiated and undertook the largest ever-to-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad—to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13

ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline known as the Phantom Coast, the PBM-5 Martin Mariner “Flying Boat” “George 1” entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier’s ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell “Bud” Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the “George 1’s” seaplane tender U.S.S. Pine Island.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skua) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the “George 1” survivors forced the abandonment of their crewmates’ bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to the recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: “If the safety, logistical, and operational prerequisites allow a mission in the future, every effort will be made to bring our sailors home.”.

(8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.

(9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.

(10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.

(11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only “medium risk”.

(12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.

(13) The crash site is classified as a “perishable site”, meaning a glacier that will calve into the Bellingshausen Sea.

(14) The National Science Foundation maintains a presence in area of the Pine Island Glacier.

(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barack Obama declared: “. . . the support of our veterans is a sacred trust . . . we need to serve them as they have served us . . . that means bringing home all our POWs and MIAs . . .”.

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) **SENSE OF CONGRESS.**—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams, Aviation Machinist’s Mate 1st Class, Wendell Hendersin, Aviation Radioman 1st Class of the “George 1” explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the “George 1” crew from Antarctica’s Thurston Island.

AMENDMENT NO. 79 OFFERED BY MR. BISHOP OF NEW YORK

Page 345, after line 8, insert the following:  
**SEC. 731. REPORT ON ESTABLISHMENT OF REGISTRY ON OCCUPATIONAL AND ENVIRONMENTAL CHEMICAL HAZARDS.**

(a) **REPORT REQUIRED.**—Not later than March 31, 2012, the Secretary of Defense shall submit to the congressional defense committees a report on establishing an active registry for each incidence of a member of the Armed Forces being exposed to occupational and environmental chemical hazards, including waste disposal, during contingency operations in order to monitor possible health risks and to provide necessary treatment to such members.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include a discussion of each of the following:

(1) Processes in which members of the Armed Forces may be included in the registry described in subsection (a).

(2) Procedures to ensure that members eligible to be included in the registry are provided appropriate medical examinations.

(3) Using existing medical surveillance systems to establish the registry.

AMENDMENT NO. 80 OFFERED BY MR. BISHOP OF NEW YORK

At the end of subtitle D of title X, add the following:

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING THE EFFORTS BY THE DEPARTMENT OF DEFENSE TO KEEP AMERICA SAFE FROM TERRORIST ATTACKS SINCE 9/11.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since September 11, 2001, at least 30 planned terrorist attacks have been foiled and Special Operation forces completed the mission to kill Osama bin Laden.

(2) The Department of Defense and the Armed Services have worked diligently and honorably to protect citizens at home and abroad.

(3) The Department of Defense and the Armed Services are meeting the challenges of the global struggle against terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) we continue to affirm our commitment to support the Department of Defense and the United States Armed Forces;

(2) we recognize that the Department of Defense and the United States Armed Forces have worked diligently and honorably to protect citizens of the United States at home and abroad;

(3) we recognize that the Department of Defense and the United States Armed Forces are meeting the challenges of the global struggle against terrorism;

(4) we commend the men and women of the Department of Defense and the United States Armed Forces for the tremendous commitment to keeping our country safe; and

(5) we honor the Department of Defense and the United States Armed Forces for their success in preventing terrorist attacks on U.S. soil and around the world since 9/11.

AMENDMENT NO. 81 OFFERED BY MR. BLUMENAUER

Page 377, after line 7, insert the following:

**SEC. 845. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following:

**“§ 2335. Reports on use of indemnification agreements**

“(a) IN GENERAL.—Beginning October 1, 2011, not later than 90 days after the date on which any action described in subsection (b)(1) occurs, the Secretary of Defense shall submit to the congressional defense committees and the Committees on the Budget of the House of Representatives and the Senate a report on such action.

“(b) ACTION DESCRIBED.—(1) An action described in this paragraph is the Secretary of Defense—

“(A) entering into a contract that includes an indemnification agreement; or

“(B) modifying an existing indemnification agreement in any contract.

“(2) Paragraph (1) shall not apply to any contract awarded in accordance with—

“(A) section 2354 of this title; or

“(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

“(c) MATTERS INCLUDED.—For each contract covered in a report under subsection (a), the report shall include—

“(1) the name of the contractor;

“(2) the actual cost or estimated potential cost involved;

“(3) a description of the items, property, or services for which the contract is awarded; and

“(4) a justification of the contract including the indemnification agreement.

“(d) NATIONAL SECURITY.—The Secretary may omit any information in a report under subsection (a) if the Secretary—

“(1) determines that the disclosure of such information is not in the national security interests of the United States; and

“(2) includes in the report a justification of the determination made under paragraph (1).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2335. Reports on use of indemnification agreements.”.

AMENDMENT NO. 82 OFFERED BY MR. BLUMENAUER

Page 132, after line 10, insert the following new section:

**SEC. 346. ADDITIONAL MATTERS FOR INCLUSION IN ANNUAL REPORT ON OPERATIONAL ENERGY.**

Section 2529(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by adding at the end the following new subparagraph:

“(E) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.”.

AMENDMENT NO. 83 OFFERED BY MR. BOREN

Page 270, after line 4, insert the following:

**SEC. 598. PROHIBITION ON THE UNAUTHORIZED USE OF NAMES AND IMAGES OF MEMBERS OF THE ARMED FORCES.**

(a) PROHIBITION.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 988. Unauthorized use of names and images of members of the armed forces**

“(a) PROHIBITION.—Except with the permission of the individual or individuals designated under subsection (d), no person may knowingly use the name or image of a protected individual in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to connect the protected individual with that individual's service in the armed forces.

“(b) AUTHORITY TO ENJOIN VIOLATIONS.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other actions as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

“(c) PROTECTED INDIVIDUAL.—For purposes of this section, a protected individual is any person who—

“(1) is a member of the armed forces; or

“(2) was a member of the armed forces at any time after April 5, 1917, and, if not living, has a surviving spouse, child, parent, grandparent, or sibling.

“(d) DESIGNATED INDIVIDUAL OR INDIVIDUALS.—(1) The individual or individuals designated under this subsection, with respect to a protected individual—

“(A) is the protected individual, if living; and

“(B) otherwise is the living survivor or survivors of the protected individual highest on the following list:

“(i) The surviving spouse.

“(ii) The children.

“(iii) The parents.

“(iv) The grandparents.

“(v) The siblings.

“(2) In the case of a protected individual for whom more than one individual is designated under clause (ii), (iii), (iv), or (v) of paragraph (1)(B), the prohibition under subsection (a) shall apply unless permission is obtained from each designated individual.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“988. Unauthorized use of names and images of members of the armed forces.”.

AMENDMENT NO. 98 OFFERED BY MS. DELAUNO

At the end of subtitle C of title XII of division A of the bill, add the following:

**SEC. 12xx. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.**

(a) WAIVER AUTHORIZED.—Subsection (c) of section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3461; 10 U.S.C. 2302 note) is amended to read as follows:

“(c) WAIVER AUTHORIZED.—The Secretary of Defense may waive the limitation on procurement of a good or service under subsection (a) if the good or service is critical to the needs of the Department of Defense and is otherwise unavailable to the Department of Defense and the Secretary submits to the congressional defense committees a report described in subsection (d) not less than 15 days before issuing the waiver under this subsection.”.

(b) REPORT.—Such section is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) REPORT.—The report referred to in subsection (c) is a report that identifies the specific reasons for the waiver issued under subsection (c) and includes recommendations as to what actions may be taken to develop alternative sourcing capabilities in the future.”.

(c) DEFINITION OF COMMUNIST CHINESE MILITARY COMPANY.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking paragraph (1) and inserting the following:

“(1) The term ‘Communist Chinese military company’ means—

“(A) any person identified in the Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990, or PC-1921-57-95, dated October 1995, and any update of those publications for the purposes of this section; and

“(B) any other person that—

“(i) is owned or controlled by, directed by or from, operating with delegated authority from, or affiliated with, the People's Liberation Army or the government of the People's

Republic of China or that is owned or controlled by an entity affiliated with the defense industrial base of the People's Republic of China; and

“(ii) is engaged in providing commercial services, manufacturing, producing, or exporting.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section take effect on the date of the enactment of this Act and apply with respect to contracts and subcontracts of the Department of Defense entered into on or after the date of the enactment of this Act.

AMENDMENT NO. 99 OFFERED BY MR. DONNELLY  
OF INDIANA

Page 364, after line 2, insert the following:

**SEC. 825. QUALITY ASSURANCE SURVEILLANCE PLAN FOR SECURITY CONTRACTORS OPERATING IN AFGHANISTAN AND IN SUPPORT OF OTHER CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—The Secretary of Defense shall establish a plan to be known as a “Quality Assurance Surveillance Plan” setting standards that must be incorporated in Department of Defense oversight plans governing all security contractors operating in Afghanistan, and other future contingency operations, under a contract or subcontract funded by the Department of Defense. The Secretary shall designate a single appropriate official stationed in the country of operations to review each security contract or subcontract involving security contractors funded by the Department of Defense for compliance with the Quality Assurance Surveillance Plan. Such official shall certify that the official has reviewed the oversight plan for that contract, that the oversight plan is appropriate for that contract, that there is an appropriate number of appropriately trained personnel available to oversee that contract, and confirm that any and all licenses and permits required by the security contractor and its employees have been reviewed and verified as current and authentic.

(b) **DEADLINE FOR IMPLEMENTATION.**—These requirements under subsection (a) shall be implemented by not later than six months after the date of enactment of this Act.

(c) **COMPTROLLER GENERAL ASSESSMENT.**—The Comptroller General of the United States shall conduct an assessment the Department of Defense's compliance with this section and, not later than 6 months after the requirements of this section are implemented pursuant to subsection (b), shall submit to Congress a report on such assessment.

MODIFICATION TO AMENDMENT NO. 68

Mr. McKEON. Mr. Chairman, I ask unanimous consent that amendment No. 68 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

At the end of title XXXV add the following:

**SEC. \_\_\_\_ . STRATEGIC PORT ASSESSMENT AND REPORT.**

(a) **IN GENERAL.**—Not later than six months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees an assessment and report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports, regarding the following:

(1) The structural integrity and deficiencies of the port facilities and infrastructure improvements needed directly and indirectly to meet national security and readiness requirements.

(2) The impact on operational readiness if the improvements are not undertaken.

(3) Identifying, to the maximum extent practical, all potential funding sources for the needed improvements from existing authorities.

(4) The authority necessary for the Department of Defense to support section 50302 of title 46, United States Code.

(b) **CONSULTATION.**—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and each of the port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

Mr. McKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

MODIFICATION TO AMENDMENT NO. 73

Mr. McKEON. I ask unanimous consent that amendment No. 73 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of subtitle C of title XII of division A of the bill, add the following:

**SEC. 12xx. REPORT ON EXPANSION OF PARTICIPATION IN EURO-NATO JOINT JET PILOT TRAINING PROGRAM.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of State, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the desirability and feasibility of expanding participation in the Euro-NATO Joint Jet Pilot Training (ENJJPT) program to include additional countries.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(1) A description of the benefits of the ENJJPT program to United States national security.

(2) An assessment of the current participation in the ENJJPT program and whether it fully meets the needs of the program and United States and NATO objectives.

(3) An analysis of whether participation of additional countries in the ENJJPT program would benefit the program and United States national security.

(4) A recommendation of additional countries that could participate in the ENJJPT program, including NATO member nations not currently participating in the program, major non-NATO allies, Partnership for Peace nations, and other countries.

(5) The restrictions or limitations that currently prevent additional countries from participating in the ENJJPT program.

(6) A discussion of the benefits to the United States and other countries of a United States-sponsored scholarship program to assist certain countries to meet the

cost-sharing obligations of participation in the ENJJPT program, and whether authorities currently exist to institute such a scholarship program.

Page 712, line 8, strike “**SIMULATION TRAINING SYSTEMS**” and insert “**CIVIL SUPPORT TEAM INFORMATION MANAGEMENT SYSTEMS**”.

Page 712, line 13, after “Budget Activity 12” insert “, Line 070, Force Readiness Operations Support”.

Page 712, line 17, strike “simulation training systems” and insert “Civil Support Team Information Management Systems”.

Mr. McKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

MODIFICATION TO AMENDMENT NO. 82

Mr. McKEON. Mr. Chairman, I ask unanimous consent that amendment No. 82 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

Page 132, after line 10, insert the following new section:

**SEC. 346. ADDITIONAL MATTERS FOR INCLUSION IN ANNUAL REPORT ON OPERATIONAL ENERGY.**

Section 2925(b)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by adding at the end the following new subparagraph:

“(F) An evaluation of practices used in contingency operations during the previous fiscal year and potential improvements to such practices to reduce vulnerabilities associated with fuel convoys, including improvements in tent and structure efficiency, improvements in generator efficiency, and displacement of liquid fuels with on-site renewable energy generation. Such evaluation should identify challenges associated with the deployment of more efficient structures and equipment and renewable energy generation, and recommendations for overcoming such challenges.”.

Mr. McKEON (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been



examined by both the majority and the minority.

I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO), a member of the committee.

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the underlying bill and in strong support of the en bloc amendment.

Specifically, I want to speak on the Rogers-LoBiondo amendment, No. 51, that helps repatriate the heroes that were killed in 1804 in the fight against piracy in Tripoli, Libya.

□ 1610

They were led by Commander Richard Somers with the Intrepid when he was attempting to fight the pirates at that point in time. They have unceremoniously been buried in mass graves without the formal military tradition that we have in foreign countries.

This amendment seeks to right a wrong that has been in place for more than 200 years. And Somers Point, New Jersey, a town in my district, is where Commander Richard Somers hailed from. So it's extremely important to all of the United States of America. The American Legion of the United States has endorsed this amendment, and I urge all the Members to strongly support it.

Mr. SMITH of Washington. Mr. Chairman, I support the amendment.

I have no speakers at this time; so I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the chairman.

Today, I stand here to introduce this amendment, No. 58, to the National Defense Authorization Act to clearly set out congressional intent with regard to military operations in Libya.

The amendment is simple: it clarifies that this authorization bill does not serve as congressional authorization for any military operation in Libya. The Constitution explicitly grants Congress the sole power to declare war, to authorize it. And we know that the War Powers Resolution was enacted to give the President the ability to commit forces to defend American interests in an expedited manner for up to 60 days before having to seek that congressional authorization. Subsequent military engagement must then, under that act, be authorized by this Congress.

But despite that clear standard, Presidents have routinely disregarded the Constitution and the War Powers Resolution and the role of Congress. As you know, President Obama consulted the U.N. and the Arab League of Nations before engaging in hostilities. However, the whole of Congress was not consulted nor authorized and to

date has not authorized any military action in Libya whatsoever.

I do believe firmly that the President must come to this Congress for authorization to continue any and all U.S. military action. So I encourage Members of this House to support this amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, as I appreciate the cooperation of the ranking member and the Chair on a couple of items that we've placed in this en bloc amendment.

One of them deals with the necessity of providing energy efficiencies that could save billions of dollars. It requires the Department of Defense to value energy efficiency benefits and recommend how to deploy them.

Fuel is carried on expensive supply convoys that often travel through indefensible areas. One out of every 24 fuel convoys represents casualties. We're spending \$24 billion a year to protect convoys to forward operating bases in Afghanistan, and 65 percent of all electricity on bases in Afghanistan is for air conditioning and heating leaky tents. Reducing this fuel use is a simple way to reduce fuel convoys, which reduces costs and casualties. And this amendment requiring a report on energy efficiency and onsite renewable generation will expedite energy efficiency deployment across the armed services.

Additionally, there is an amendment that I have cosponsored with my friend, the gentleman from Oregon (Mr. SCHRADER), that will deal with what happens with contracts that are issued on defense activities where the Federal Government has provided indemnification. We've been dealing with an issue that involves the Oregon National Guard where we really can't understand exactly what elements were related to this indemnification. We can't get the full information. When the government agrees to shoulder financial responsibility for a contractor's risk, it may be necessary, but ambiguities in the current law do not have, I think, the best interests of our troops or taxpayers in mind in terms of making sure that this is very limited in nature.

This amendment would require the Secretary of Defense to notify Congress within 90 days whenever the Department enters into or modifies an indemnification agreement and explain why such provision is necessary.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. I'm happy to yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. Thank you.

The more limited these indemnification provisions can be, the less likely

that we're going to have contractors who don't really have the full financial incentive to make sure that they are acting in the best interests of our troops. I've seen examples that really give me pause. The inclusion of this amendment will help make that less likely, and I appreciate it.

Mr. McKEON. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SMITH of Washington. I have no further requests for time, and I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I encourage Members to support this en bloc amendment. It will make the bill stronger.

Mr. DONNELLY of Indiana. Mr. Chair, on February 19, 2010, a constituent of mine, Marine Lance Corporal Joshua Birchfield of Westville, Indiana, was shot and killed while on patrol by a local Afghan security contractor who had been hired, with six other colleagues, to guard a nearby construction project and road. The construction project and the security contractor were funded by the U.S. Department of Defense. While the shooter was immediately apprehended and would later admit to the shooting and be sentenced to 15 years in prison by an Afghan court, I am deeply troubled by the fact that insufficient contract oversight by our government may have led to this tragedy.

According to NCIS documents obtained by the Birchfield family through a Freedom of Information Act request, the seven Afghan guards taken into custody were found in possession of five ounces of opium and some of them were presenting symptoms of opium withdrawal. Several of the guards admitted that they had little to no training, and most of them stated they had none of the permits required for their jobs. Their employer, a subcontractor providing security for the project, admitted his employees were not properly licensed and that he did not know where he was supposed to obtain licenses.

Last month, the Department of Defense confirmed to me that the project these security guards were subcontracted under was funded by U.S. funds known as Commander's Emergency Response Program funds, or "CERP."

It appears clear that proper oversight of these security contractors paid by our government did not happen. These private security contractors were operating without the licenses that are required of private security contractors in Afghanistan, they were not properly trained, and several of them were drug users. I cannot say that had there been better oversight by our government this tragedy would have been avoided, but we owe it to our service men and women in harm's way to get this right. I believe DoD must significantly improve their oversight of private security contractors.

According to the Congressional Research Service, right now the DoD relies on 19,000 private security contractors in Afghanistan, a force equal to almost 20 percent of all U.S. military personnel in that country. Not only is the ratio of armed contractors to U.S. forces higher in Afghanistan than it ever was in Iraq where we had many more troops, 95 percent



of the security contractors in Afghanistan are Afghans, a much, much higher reliance on local security contractors than Iraq. Meanwhile, the performance and reliability of Afghan security contractors is spotty and continues to be. If we are going to continue to rely on local security contractors in Afghanistan, we must make oversight a top priority. And that means ensuring that rigorous oversight on the ground is getting done.

The Congress and GAO have been critical of DoD's security contract oversight for years. In the 2008 NDAA, Congress directed DoD and the State Department to prescribe regulations for the use of private security contractors in an area of combat operations by May of 2008. In 2009, GAO recommended specific steps that DoD implement to satisfactorily comply with Congress' directive on security contractors, including the screening, training, equipping and oversight of contractors. Currently, the GAO considers all of these recommendations as either only partially implemented or not implemented at all.

Further, the DoD has acted to try to improve oversight, but the fact is, I don't think they are focusing enough properly trained personnel on oversight maintenance. Many contract officers are not even in the same country as the project they are responsible for managing. And often the responsibility for on the ground oversight falls to a service member designated as a Contracting Officer's Representative (COR) whose primary responsibility likely has nothing to do with contracting and who may have had only minimal contract oversight training before arriving in the field. DoD needs to do more than come up with plans and guidance, they need to ensure that sufficient personnel who are adequately trained are in place and actually doing their job, especially when the contracts involve paying and arming Afghan security personnel in a theatre of combat.

My amendment to H.R. 1540 does two things which I believe are crucially important but also should not be difficult for DoD to comply with.

First, my amendment directs the Secretary of Defense to establish a Quality Assurance Surveillance Plan which would set uniform standards for contract oversight plans for all private security contracts funded by DoD in Afghanistan and in any future contingency. Beyond just ensuring that paperwork is in order, all security contracts would require a plan clearly laying out an oversight strategy and designating sufficient personnel to exercise necessary oversight to ensure contract performance and reliability.

Second, my amendment directs the Secretary of Defense to designate a single official in the country of operations with the responsibility of reviewing private security contracts to ensure compliance with the Quality Assurance Surveillance Plan. Further, this official must certify that they have reviewed the oversight plan for a security contract, that the oversight plan is appropriate for that contract, that there is an appropriate number of appropriately trained personnel available to oversee that contract, and confirm that any and all licenses and permits required of a security contractor and its employees have been reviewed and verified as current and authentic.

The Congressional Budget Office has reviewed my amendment and has advised me that it does not affect direct spending or discretionary authorizations.

Mr. Chair, if we have the time, money and resources to bid and hire private security contractors, and if these private security contractors are essential to successfully executing military operations and reconstruction in Afghanistan, then we should make sure that we've clearly planned how we will maximize contract performance and ensure safety and reliability, and make sure someone is held accountable for seeing that this is actually carried out.

Mr. McKEON. I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. McKEON).

The en bloc amendments, as modified, were agreed to.

AMENDMENT NO. 24 OFFERED BY MR. SARBANES

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 112-88.

Mr. SARBANES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 937.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Maryland (Mr. SARBANES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. SARBANES. Mr. Chair, I appreciate the opportunity to speak to this amendment, and I want to thank the cosponsors: Representatives HANABUSA, LANGEVIN, LOEBACK, and REYES.

This amendment is designed to preserve current law with respect to the service contracts and outsourcing activity of the Department of Defense.

Current law now has in place a requirement that before the Department of Defense can do more outsourcing, can do more privatization of service contracts, they have to do an inventory of the contracting activity that's already in place. And this makes perfect sense. This is really a good government proposition if you think about it. It's important enough that it was included in the 2010 Defense Authorization Act; so it is part of current law.

Unfortunately, the proposed bill, the new Defense Authorization Act, would remove this requirement. And if you remove that requirement, you're really undermining the public's stake in making sure that government is functioning in an efficient manner.

Now, the impetus for having this kind of requirement in place—and the amendment that we're putting forward here today would maintain the requirement that's currently in law—the im-

petus came from a lot of research that showed that in many instances the costs to the government and, therefore, to the taxpayer of outsourcing these various services of the Federal Government, particularly within the Department of Defense that this is directed at, the costs did not justify the activity, and in many instances you didn't get better performance when you had this outsourcing. In fact, you got worse performance.

□ 1620

So when those studies were done and that research was done, there was a move to make sure that the Department of Defense would conduct an inventory. The current law says that no further contracting can occur until the Secretary has certified to Congress that a contractor inventory has been developed, reviewed, and integrated into the budget process. That makes a lot of sense. Our amendment would restore this provision and therefore keep current law in place with respect to this contracting activity and inventory.

Mr. Chairman, I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. I yield myself such time as I may consume.

I thank the gentleman for his amendment, but, Mr. Chairman, most of all, I thank the chairman of the committee and the ranking member of the committee for doing what many people often think is impossible in this House, and that is bringing forth a bipartisan bill, 60-1. 60-1, in the committee, this bill passed with this provision in it.

One of the keys with bipartisanship is that the American people realize it's important when we come to national defense that we have both Republicans and Democrats supporting in the same direction. And the key to that oftentimes is the word "balance," which is not always a sexy issue, but it is so important.

Mr. Chairman, I will tell you, when it comes to the workforce, there are some people who don't like the word "balance." They either want every single employee to be a government employee and hired by the government—some on this side, some on this side—but then, Mr. Chairman, there are other people who want everybody to be in the private sector. I think the beauty of this piece of legislation is it struck the right balance for the national defense of this country because it struck a balance. And it said what we realize is from every general, every admiral, everyone who testified: We can no longer do it with just all government employees; we can't do it with all military employees; we can't do it with all contract employees; but every single one of them will tell you we need that mix.

The wonderful thing about this piece of legislation that this amendment tries to take away is that it creates a comprehensive approach to workforce management and a total force management, which is what we need to do, the most important thing this legislation does, which is to defend and protect the people of the United States of America.

So, Mr. Chairman, I hope we will reject this amendment, that we will keep the bipartisan approach that came out of this committee's work, that we will keep the balance, we will not remove this tool from the arsenal that the Department of Defense needs, and we will reject the amendment.

I reserve the balance of my time.

Mr. SARBANES. Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Maryland has 2 minutes remaining; the gentleman from Virginia has 3 minutes remaining.

Mr. SARBANES. Well, I couldn't agree with what my colleague said more. I mean, we do want to have a balanced approach. Nobody's arguing—certainly I'm not arguing that we should eliminate outsourcing or the privatization of certain services where that makes sense. In fact, what the amendment that we're proposing here would do is keep in law a process whereby the Department of Defense looks at its contracting activities through a commonsense lens and determines whether continued outsourcing in some instances makes sense, whether additional outsourcing makes sense.

Right now, there does not exist a comprehensive inventory of these contracting activities, so how are you going to make a commonsense judgment about where to allocate your resources going forward if you don't have that at your disposal? That's why the requirement was put in place. I think it's very bipartisan in that sense because it's saying let's get as much knowledge as we can so the government can run efficiently and make these decisions in an efficient way, which is very much in keeping with what the public wants to see these days.

So this is about good government. It's about having good information at your fingertips.

We think that the requirement to do this kind of inventory ought to stay in place. The underlying bill right now would remove that commonsense requirement, and this amendment would put it back. That is why we are putting forward the amendment today.

I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I yield myself such time as I may consume.

I don't think the gentleman is on the Armed Services Committee so often—times might not have heard so many times the people who meet with us and tell us the importance they need for

this overall comprehensive approach. And I'll just point out to the gentleman, as he mentioned the need for an inventory, it's in the bill.

The second thing I would tell you is the inventory alone doesn't do anything unless we go the next step, which is in this bill, which is to say that we're going to develop a policy from the inventory. We can have all the inventory, all the statistics in the world, but what's wonderful about this bill and what this bill does is it takes all of that information and it creates a total force management approach, which is exactly what we need for the national defense of this country.

Mr. Chairman, for the life of me, I don't know why we would want to try to skew that one way or the other and take away opportunities for the Department of Defense to get the right balance between military, civilian, and contractor personnel.

The bill that came out of the committee—again, 60–1, overwhelmingly supported by the people who have been at all the hearings, heard all the testimony—is a bipartisan approach, strikes the right balance. This amendment would skew that balance.

I hope we will reject the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SARBANES. In closing, let me just say in support of this amendment that I am not on the House Armed Services Committee, but what I understand is the report that was approved last week by the committee criticized the Department of Defense for failing to inventory service contracts, which is what we are trying to accomplish here. That is why we are supporting this amendment.

I yield back the balance of my time.

Mr. FORBES. Mr. Chairman, I would just say to the gentleman, he is right. That's why we have the inventory included in here. That's why we require the policy. All of that is included in here, it's just that the approach that the Armed Services Committee has done is a much more balanced approach. It's one that gives the Department of Defense the tools they need.

Mr. Chairman, I yield back the balance of my time and hope we will defeat this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. SARBANES).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. SARBANES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 25 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in House Report 112–88.

Mr. MURPHY of Connecticut. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title VIII, add the following new section:

**SEC. 845. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.**

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a ‘jobs impact statement’) that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

“(B) The information that may be included in a jobs impact statement may include the following:

“(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

“(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

“(iii) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract.

“(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer and may request further information from the offeror in order to verify the accuracy of any such information submitted.

“(D) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

“(E) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.

“(F) In any contract awarded to an offeror that submitted a jobs impact statement with its offer in response to the solicitation for proposals for the contract, the agency shall track the number of jobs created or retained during the performance of the contract. If the number of jobs that the agency estimates will be created (by using the jobs impact statement) significantly exceeds the number of jobs created or retained, then the agency may evaluate whether the contractor should be proposed for debarment.”.

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Chairman, the amendment before the House now is a relatively simple one. We have, over the last 10 years, lost 42,000 factories in this country. We have lost 5 million jobs in manufacturing. And we've had a long discussion here in this Congress over the past 3 years as to what we can do to stimulate that engine of middle class job growth and security.

This amendment seeks to increase our defense industrial capacity without spending any additional money. What the amendment before us simply allows is for the Federal Government to be able to consider at their leisure the amount of jobs being created here in the United States by a particular bid for U.S. defense work.

Frankly, most of my constituents think this already happens. Most of my constituents think that there is an ability for the Federal Government today to factor in, when awarding a particular bid, which bid is going to create more jobs here in the United States versus overseas. This amendment is purely permissive. Frankly, if it were up to me, I would make it mandatory. But this amendment, which in bill form came out of the Government Oversight Committee last Congress unanimously, allows an individual contractor in their bid submission to state how many American jobs they are going to create, and then simply allows the contracting agency to factor that into their bid award, and then requires a report back to Congress as to how often that information, that job impact statement was used.

This seems like common sense to me. The reason to make sure that our taxpayer dollars are spent through the Defense Department on U.S. jobs is certainly economic in nature. At 9 percent unemployment, we should be better stewards of U.S. taxpayer dollars, on making sure that to the extent possible they are spent on U.S. jobs.

□ 1630

But it is also a very important strategic defense policy for this Nation. As our supply chain for DOD gets internationalized on a daily and weekly basis, we're putting this country at jeopardy. In my own district, I have one of the last—in fact, the last American company that makes copper-nickel tubing for the sub-fleet. Because there is one foreign manufacturer that is on the verge of putting them out of business, we are about to lose our only domestic capability for a critical component of that sub-fleet. It makes sense to give them some capacity to at least make the case to the U.S. contracting agencies that this work should stay here.

I think this is an important amendment for job creation but, frankly, just as important for U.S. strategic purposes.

I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. I do oppose the gentleman from Connecticut's amendment on the grounds that it's really bad policy.

Having spent several years working with the acquisition system, that is relatively complicated throughout the Department of Defense, to add one more layer of considerations to that system is, in my view, wrongheaded.

While the amendment allows this information to be provided, it provides for some punitive teeth in the amendment that should a contractor, either in good faith or bad faith, overstate the number of jobs created or retained, then that contractor would be debarred from being able to participate in the acquisitions process.

At the end of the day, at the beginning of the day, whatever part of the day you want to talk about, acquisition by the Department of Defense should be about something this straightforward. It should be about buying the gear, the equipment, and the goods and services our warfighters need at the time they need it at a price that is appropriate for the taxpayer to pay. And while jobs get created under that circumstance, that should not be a consideration as to what the warfighter needs, how we get it, how it's acquired, and that process.

My colleague has said this is simply a suggestion. That's how you get to mandatory. He already said, if it were up to him, it would be mandatory. We put this in as a "suggestion," and the next step will be for him to ask that it be made mandatory and that we drive higher costs into the systems, because then the criterion for deciding on a contract is not is this the goods and service that we need at a price we can afford, and, oh, by the way, which one of these guys uses the most number of people to do that. That's counter to getting the best deal for the American taxpayer.

I want the contractors to use whatever the appropriate number of people is to build a piece of equipment that we need, provide a good or service that we need at a cost that the American taxpayer can afford.

At a time when we're going to squeeze on the Department of Defense to force higher costs through this policy, in my view, is wrongheaded.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. I will make three quick points in response.

First, the amendment does not require that contractor to be debarred. It just simply allows for the possibility of debarment if they have significantly undersold or oversold, frankly, the amount of jobs that are going to be created. It is just an ability, frankly,

that would exist under current law as to permissive debarment.

Second, I think my constituents are reflective of most people's constituents here. I think they expect that when they send their taxpayer dollars to Washington that there will be a preference for U.S. jobs. Most people I talk to are surprised that it's not a factor.

And third, we have to look at the holistic cost about sourcing to the Federal Government. It may be so that a particular part for a jet engine is 10 percent cheaper to buy it from a Chinese shop than an American shop. But when that American shop goes out of business, it costs the U.S. Government more money, not less, because we then have to pay unemployment compensation. We lose all of the tax revenue. We likely have to pay other social safety net costs.

So we have to start being smart about how we use taxpayer dollars and recognize that when we buy something overseas, the contract price may be 10 percent less, but the overall cost to the U.S. Government is much more.

With that, I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I would just simply respond that, again, the value for the taxpayer at the end of the day is what we need to do.

We're going to have to cut costs across this government, and that's going to mean that people are going to have to do something differently than they have done in the past. And to simply say that the American manufacturing jobs should have absolute preference over getting the best deal for the taxpayer, in my view, doesn't make sense.

We've got a very complicated acquisition process in place right now. And it reminds me of the headlines that were shown in the last couple of days of the number of folks who got money from the vaunted stimulus plan that was—in fact, whose sole purpose was to really create jobs, unlike acquisition for the military and Department of Defense whose sole purpose is to provide the goods and services and equipment needed for our warfighters at the point and time they need it at a cost that makes sense for the taxpayer. The job creation of the stimulus plan, that emphasis was flawed in the extreme. And I don't believe that adding that emphasis to defense acquisition will make for a better acquisition process or will make for a better piece of equipment that we get.

And the analogy that the country that goes out of business costs all of these other kinds of things, that's basically hyperbole. I don't think my good colleague has any of the facts to associate that with.

At the end of the day, it's the private sector that drives this economy. You cannot flourish an economy with growing government jobs. It must be in the

private sector. The private sector does it best, and this would impede that.

I yield back the balance of my time.  
Mr. MURPHY of Connecticut. I think this is a very important debate to have to show who is really focusing on the best use of taxpayer dollars for the creation of U.S. jobs. I appreciate the opportunity to have this debate on the floor of the House.

I yield back the balance of my time.  
The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MURPHY of Connecticut. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

It is now in order to consider amendment No. 26 printed in House Report 112–88.

AMENDMENT NO. 27 OFFERED BY MR. COLE

The Acting CHAIR. It is now in order to consider amendment No. 27 printed in House Report 112–88.

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title VIII, add the following new section:

**SEC. 845. PROHIBITION ON DISCLOSURE OF POLITICAL CONTRIBUTIONS.**

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

**“§ 4712. Prohibition on disclosure of political contributions**

“(a) PROHIBITION.—An executive agency may not require an entity submitting an offer for a Federal contract or otherwise participating in acquisition of property or services by the Federal Government to disclose any of the following information as a condition of submitting the offer or otherwise participating in such acquisition:

“(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

“(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any individual or entity with the intent or the reasonable expectation that the individual or entity will use the funds to make a payment described in paragraph (1).

“(b) NO EFFECT ON OTHER DISCLOSURE REQUIREMENTS.—Nothing in this section may be construed to waive or otherwise affect the application to an entity described in subsection (a) of any provision of law (including the Federal Election Campaign Act of 1971) that requires the entity to disclose informa-

tion on contributions, expenditures, independent expenditures, or electioneering communications.

“(c) DEFINITIONS.—In this section—

“(1) each of the terms ‘contribution’, ‘expenditure’, ‘independent expenditure’, ‘electioneering communication’, ‘candidate’, ‘election’, and ‘Federal office’ has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.); and

“(2) the term ‘acquisition’ has the meaning given that term in section 131 of this title.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for chapter 47 of title 41, United States Code, is amended by inserting after the item relating to section 4711 the following new item:

“4712. Prohibition on disclosure of political contributions.”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Oklahoma (Mr. COLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. COLE. I thank the Chairman.

Mr. Chairman, last month a draft executive order was circulated that would require companies to disclose all Federal campaign contributions as a condition for submitting a bid on a Federal contract. If implemented, this executive order would effectively politicize the Federal procurement process. Companies and their bids would run the risk of being judged on the basis of politics as opposed to their professional capabilities. The danger of that is obvious. It's never a good idea to mix politics and contracting. My amendment would prevent the President from implementing his proposed disclosure requirements.

And it's worth noting for the record, Congress actually considered something similar in the 111th Congress, the so-called DISCLOSE Act, and chose not to pass that particular legislation. This is, in effect, a backdoor effort to implement something that Congress has previously decided not to legislate on.

It's worth also noting that all current Federal campaign requirements and disclosure requirements would remain effective. There is nothing in this amendment that affects current law. However, we do prevent the administration from taking that extra step and chilling the First Amendment rights of companies and corporate executives.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. I claim the time in opposition.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Chairman, I rise in very strong opposition to this amendment. The amendment is nothing more than a legislative attempt to circumvent a draft executive order, which would provide for increased disclosure of political contributions of government contractors.

The draft executive order being developed by the Obama administration would require Federal contractors to disclose more information about their political contributions than they currently provide, particularly those contributions given to third-party entities.

□ 1640

Some have said that they oppose this effort because additional information could be used nefariously to create a “Nixonian type enemies list.” In other words, they argue that companies should not disclose more information because people in power could misuse the information to retaliate against them.

I have a fundamental problem with this premise. Under this logic, all campaign disclosures would be bad, not just the new ones. Government contractors already disclose contributions and expenditures by their PACs and those who contribute to them. Contributions by the officers and directors of government contractors are also required to be disclosed. Should we eliminate those provisions, too? Of course not.

A second argument made by the opponents is that contracting officers might review political contributions in order to reward allies or to punish foes by awarding or withholding government contracts. Again, this could happen now under current disclosure rules, but Federal procurement law prohibits this.

The draft executive order also reiterates “every stage of the contracting process” must be “free from the undue influence of factors extraneous to the underlying merits of the contracting decision-making, such as political activity or political favoritism.”

A third argument that the draft executive order violates the First Amendment is also grossly misplaced. Even in the recent *Citizens United* case, eight of the nine Supreme Court Justices agreed that campaign disclosure rules are consistent with the First Amendment because they do not prohibit contributions and “do not prevent anyone from speaking.”

For all of these reasons, a broad coalition of dozens of open government organizations strongly supports the administration's draft executive order; and more than 30 groups, including nonpartisan, nonprofit organizations like Democracy 21, the Project on Government Oversight, Public Citizen, and many others have concluded that the draft executive order would enhance transparency and decrease—decrease—corruption.

These are not the only groups that support the draft executive order. Two weeks ago, a coalition of institutional investors and investor coalitions, collectively managing \$130 billion in assets, also wrote to express their support. In their letter, they explained,

"Corporate political activity presents significant risks to shareholder value," and "transparency allows investors to put together a more complete picture of the various risks to our investments."

As the Los Angeles Times said in a recent editorial, "Disclosure is the solution, not the problem."

I firmly believe that to be the case, and I urge Members to defeat the amendment.

I reserve the balance of my time.

Mr. COLE. I couldn't disagree more strongly with my friend from Maryland.

Quite frankly, the information that this proposed executive order would extract and require from companies is not necessary to evaluate any bid that they've made. It's a political quest, not a quest for more information, for a better product or a better bid, and it legitimately raises political fear of retaliation. We've seen time and time and time again in history where politics have been linked to contracts. This is yet another effort to do it.

I also dispute my friend about whether or not it is appropriate for the executive branch to even consider this in the first place. It is not the job of the executive branch to legislate. That's actually our job in this body. If we want to add additional requirements, we can do so. We looked at requirements very much like this last year in a Congress which was controlled at both ends of the building by my friends on the other side, and it did not enact such legislation. I think to do so now actually through executive fiat raises even more concerning fears.

All I am asking is that we leave the law as it is, the disclosure requirements as they are, and, frankly, keep the executive branch from engaging in fishing expeditions and from potentially imputative political activity against companies and individuals who are simply exercising their First Amendment rights.

I reserve the balance of my time.

Mr. CUMMINGS. May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. CUMMINGS. Mr. Chairman, I don't know what we're afraid of. What are we afraid of? This is about the American people knowing what these people are spending. That's what it's about. It's not about trying to make decisions on contracting.

I just said, Mr. Chairman, that the law is very clear that they cannot do that. It's about the American people knowing what's going on. I think we have to guard our democracy, and one of the best ways to guard it is through disclosure. If folks aren't doing anything, there's nothing to be afraid of. So why do we want to hide? We need a transparent democracy. That's what this is all about: transparency.

I yield back the balance of my time.

Mr. COLE. Mr. Chairman, if the information isn't necessary for the bid or for the evaluation of the bid, then it's not necessary for the executive branch to have it or for us to run the risk that it might be misused, so I urge the adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT NO. 28 OFFERED BY MR. GARAMENDI

The Acting CHAIR. It is now in order to consider amendment No. 28 printed in House Report 112-88.

Mr. GARAMENDI. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

**SEC. 845. REQUIREMENT TO SET ASIDE WORK FOR LOCAL QUALIFIED SUBCONTRACTORS.**

The Secretary of Defense shall require each contractor of the Department of Defense performing a prime contract at a military installation in the United States to set aside 40 percent, by dollar value, of its subcontracting work under the contract for local qualified subcontractors. For purposes of the preceding sentence, a subcontractor shall be considered local if its headquarters is within 60 miles of the military installation.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. GARAMENDI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARAMENDI. Mr. Chairman, this is a very simple amendment. This is about local jobs for local companies.

Many of us have in our districts military facilities of large and small size. All too often those facilities and the work done on those facilities, performed by contractors, often national contractors, totally ignores and provides little or no opportunity for local subcontractors. This amendment would simply require that for prime contractors on military installations across this Nation they would be required to allow 40 percent of their contracts, by dollar value, to be available for local subcontractors.

Not a bad idea, it seems to me.

I know that, in my area of Travis Air Force Base in Solano County, there are constant—constant—complaints from

local contractors that the big boys come in, hog all the work, and leave nothing behind except a few more burgers bought at McDonald's.

Not good enough.

This amendment deals with that issue by providing local contractors, often Republican contractors, the opportunity to have work in their communities, and "local" is defined as within 60 miles of the base. So I ask for an aye vote.

I reserve the balance of my time.

Mr. CONAWAY. I claim the time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CONAWAY. Mr. Chairman, I have to oppose the gentleman from California's amendment. While it is straightforward, it is bad policy, quite frankly.

At first blush, where is the 60 miles? It just says "military installations." If you go to Fort Hood, there are a lot of places around that are way further than 60 miles away from the west edge on the east side of the State. The amendment doesn't even say from the flagpole or the central location. Where do you measure the 60 miles? It's kind of a straightforward problem there.

It also doesn't provide for historically underutilized businesses. So you've got an historically underutilized business, a HUB, that is 61 miles outside whatever the measurement might be. They would be excluded under this provision from competing for that 40 percent because they would be an arbitrary 61 miles, 60.5 miles, 60 miles and 1 foot—or whatever the criterion is—which is not stated in this amendment.

You can't fence out competition. I understand that folks don't like to compete. This morning at baseball practice for the Republicans, we had a bunch of new guys out of the 87, and the coach said, Folks, all nine positions are up for competition. Well, I'm No. 2 on the depth chart. I'm not real happy about that, but it spurred me to compete better for that position.

Competition works. It works for the big guys, and it works for the little guys. To arbitrarily and capriciously set a 60-mile perimeter around a military base and say 40 percent of everything has to be provided to the folks inside that is wrong-headed, so I oppose this amendment.

I reserve the balance of my time.

□ 1650

Mr. GARAMENDI. I am shocked, absolutely shocked that my Republican friend isn't standing firm for small businesses in their communities. Would you like 61 or 60,000 miles? Whatever it is, we want the small contractors to have a shot at it. Be happy to amend to whatever mileage you would like.

I yield 1 minute to the ranking member of the committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, this may not be the best way to get at this problem, but this is a problem. There is nothing wrong with competition, but what's happening right now with a lot of DOD contracts is not competition. The DOD has gone in, in a very arbitrary way, picked large contractors from a long ways away, and not even allowed, in many instances, local contractors to compete for that work.

This is a very real problem. It's a bipartisan problem. We had a Republican Member testify before the Armed Services Committee about his concerns about this. They are driving work away from local contractors and away from local workers, not allowing them to compete for that work by showing a bias in favor of a large, one-size-fits-all contractor. Not good for the Department of Defense.

Also, with all of our bases, the local community is a critical support structure for that base. Once you take that out, once you take local workers, local contractors out of the equation, it makes it that much more difficult to get the local community to give the base the support that it deserves. This is not competition as it's currently constructed. I applaud the gentleman for offering his amendment. I urge support, and I urge that this committee look more closely at this issue.

Mr. CONAWAY. May I inquire as to how much time is remaining on both sides.

The Acting CHAIR. The gentleman from Texas has 3½ minutes. The gentleman from California has 2¼ minutes.

Mr. CONAWAY. I yield 2 minutes to my colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentleman from Texas, and I rise in opposition to this amendment.

We on this side of the aisle do stand with small business; but this is an arbitrary amendment, sets up arbitrary mileage, dollar amounts that is not going to get at the heart of the problem. I agree with the ranking member that the big boys, one-size-fits-all doesn't always work. But we have to figure out a process and put it in place that is going to streamline the process for small business, not set up, as I said, arbitrary mileage and dollar amounts that are going to, I believe, hurt small business.

There will be small businesses that are outside that 60-mile area that can't come in and compete. And when you reduce competition, you drive up costs. We want to see competition. This amendment, there is no waiver in it to provisions or any consideration for special needs for the DOD, including urgency of mission or direct support to the warfighter.

It adds additional steps in the contracting process. It requires the DOD

to devote additional time and resources to monitoring contracts, once again driving up costs and the complexity. In addition, contractors must devote additional time to comply with the requirements and expand resources on reporting compliance, driving costs further up on these costs.

This is not going to, again, help small businesses. I believe it's going to hurt them. The requirements work against established business practices and programs and will not garner additional benefits to small business, again, driving up costs, stopping small businesses that are 61 or 62 miles outside of that circle. Drives away competition and hurts those folks that could compete that are small businesses.

But I agree with what the ranking member said, and in principle with the gentleman from California. We have got to put processes in place that support small businesses. And I intend to work with the committee, with other members of the committee to try to figure out how we put those in place in a reasonable and sound way that drive costs down and allows our small businesses to participate in the process.

Mr. GARAMENDI. I yield myself such time as I may consume.

I am delighted to hear that my colleagues on the other side of the aisle agree there is a problem. I would suggest to them that we put this amendment into the bill so that we have the opportunity in the weeks ahead, as this bill matures in the two Houses and in the conference committee, that we deal with it.

There is nothing special about 60 or 61 miles, but there is certainly something special about providing local contractors with the opportunity. As I understand, Fort Hood is a very, very big facility. Perhaps you would like 63¾ miles from the outside edge of the perimeter of the facility. Whatever. The problem remains.

I would really urge my colleagues to allow this amendment to go forward so that there is a basis for negotiations in this legislation. Otherwise, we are going to wait a year before we will be able to come back to deal with this. And in that period of time, thousands upon thousands of small businesses will be excluded. There is a problem. We know there is a problem. Move this amendment along, and then spend the next month, 2 months until this bill matures, and then we can work out the appropriate language. But let's all recognize there is a problem and we need to get to it. So let's move the bill.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Texas is recognized for 1½ minutes.

Mr. CONAWAY. Mr. Chair, if I thought there was a mileage issue that made sense, then the proponent's

amendment might make sense. But I quite frankly don't believe that is the case. As my colleague from Pennsylvania said, if we need to streamline the processes within the Department of Defense acquisition to allow small businesses to compete regardless of where they are for some of this work, let's do that.

But quite frankly, there is no—and my colleague made the point by saying, well, is it 60? It could be 60, 70, I mean, went up to 60,000—that would be a bit of a stretch—miles. You can't use a miles fence. And so I am going to oppose the amendment because that's not the way. All of us are for small businesses. There is not anybody in here who is remotely going to stand up and say they are not for small business.

We want small businesses to be able to compete. If there are systemic issues and barriers to them to be able to compete, then let's fix that as opposed to some sort of an artificial cone of protection around a particular set.

The other point I would like to make is what if the subcontracting work that needs to be done is greater than—that would eat into the 40 percent is not available within the 60 miles? And so we just have that work not be done because we couldn't find a contractor. The other thing this would promote is the artificial circumstances where they will set up a shop just inside the 60 miles with a post office box or whatever in order to comply with this artificial restraint of trade, restraint of competition. If we need to fix the way the Department of Defense goes at it, fine. This one is not the way to get at it.

I would urge opposition to this amendment.

The Acting CHAIR. The gentleman from California is recognized for 1 minute.

Mr. GARAMENDI. I think the gentleman from Texas missed the point entirely. It is not about mileage. It is about giving local contractors the opportunity. The offer I made to my colleagues on the right, my Republican colleagues, is put this amendment forward so that we have the opportunity in this legislation to work our way through this. We all understand there is a problem. We all want our local contractors, whatever that means, to have an opportunity at these jobs.

There is a problem. The large national contractors are taking it all. They are coming into our communities and walking away with all of it. That's a problem for all of us who represent any military facility in this Nation. So let's move forward with this, put this amendment in, and then we will work it out. Maybe mileage isn't the best way. Local, maybe that needs to be defined. Forty percent, 39 percent, we can pick a number, or maybe no number at all. But we do know there is a problem, and we ought to be addressing it in this



legislation this year. I would ask for your support. If you care about small businesses, then don't wait another year to solve the problem.

I ask for an "aye" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GARAMENDI).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. GARAMENDI. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. McKEON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. McCLINTOCK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, had come to no resolution thereon.

#### MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 26 TO H.R. 1540

Mr. McKEON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1540 pursuant to House Resolution 276, amendment No. 26 printed in House Report 112-88 may be considered out of sequence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 112-88 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1540.

□ 1701

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with

Mr. McCLINTOCK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 28 printed in House Report 112-88 by the gentleman from California (Mr. GARAMENDI) had been postponed.

#### AMENDMENT NO. 26 OFFERED BY MRS. MALONEY

The Acting CHAIR. Pursuant to the order of the House of today, it is now in order to consider amendment No. 26 printed in House Report 112-88.

Mrs. MALONEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle E of title VIII, add the following new section:

#### SEC. 845. PUBLIC DISCLOSURE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS EMPLOYED WITH DEFENSE CONTRACTORS.

(a) AMENDMENT.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

“(e) PUBLIC AVAILABILITY.—Not later than 30 days after the provision of the written opinion under subsection (a)(3), the Secretary of Defense shall publish on a publicly available website the information submitted under this section, including the names of each official or former official described in subsection (a)(1) and the contractor from whom such official or former official expects to receive compensation.”.

(b) PREVIOUSLY SUBMITTED INFORMATION.—With respect to the publication of information required by subsection (e) of section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 243; 10 U.S.C. 1701 note), as added by subsection (a), for information that was submitted before the date of the enactment of this Act, the Secretary of Defense shall publish such information on a publicly available website not later than 30 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, this amendment would require public disclosure of information submitted under section 847 of this act.

This amendment is about bringing more accountability and sunshine to the \$379 billion average annual defense contracting business by making a revolving door database, which already exists, publicly available. It would allow the public access to important ethics information about some DOD employees who leave to go through the revolving door to jobs in the defense contracting industry, often with companies with whom they have been negotiating billions of dollars in contracts.

Current and former public servants should not be able to use their positions for private gain, and powerful defense contractors should not be able to rig the system.

But, unfortunately, this relationship is not uncommon. One way contractors gain influence in the government is to hire away civil servants and political appointees with access to inside people and information from their government positions. In some cases, highly skilled and well-connected former senior government officials enter the private sector as executives or officers or lobbyists or on the boards of directors of government contractors, a practice known as the revolving door.

It is also widely acknowledged that there are inherent conflicts of interest in the revolving door, potential ethical problems that can lead to the wasteful spending of taxpayers' dollars and worse.

For this reason, DOD currently collects ethics opinions on certain acquisition employees who go to work for contractors within 2 years of leaving DOD. This amendment would simply require this database to be publicly available online.

This amendment would not add any requirements or change the current post-employment restrictions. The law already requires DOD employees who hold a key acquisition position to obtain a written ethics opinion from a DOD ethics counselor before taking a job with a contractor in the 2 years after leaving DOD.

The National Defense Authorization Act for fiscal year 2008 mandated that covered DOD acquisition officials, that would be certain executive schedule, Senior Executive Service, and general or flag officer positions, must obtain a post-employment ethics opinion before accepting a paid position from a DOD contractor within 2 years after they leave DOD service. It also requires that DOD contractors ensure that new hires have an ethics opinion.

The law also requires that each request for a written opinion made pursuant to this section, and each written opinion provided pursuant to such a request, shall be retained by the Department of Defense in a central database for not less than 5 years beginning on the date in which the written opinion was provided.

But these ethics opinions are not currently shared with the public. Why should this information be secret and hidden from public view?

At times the overly cozy relationships between DOD and contractors lead to cost overruns, loose ethical standards, and lack of accountability. This problem is compounded by the dramatic increase in DOD contract spending in recent years. The inability of DOD's acquisition workforce to effectively manage that dramatic growth and increasing industry consolidation



have caused DOD to become too dependent on a handful of companies to provide essential goods and services.

It has become impractical or even outright impossible for DOD to bar any of these companies from contracting or impose punishment more severe than a mere slap on the wrist.

Mr. Chair, the examples of lack of accountability are endless:

**BAE Systems:** Last year, BAE settled an international bribery case in the U.S. and UK for \$450 million and pleaded guilty to criminal charges. But it was allowed to keep doing business with the federal government and has won billions of dollars in contracts since then. Even last week's run-in with the State Department, when BAE paid \$79 million after State discovered they had withheld vital info while negotiating last year's settlement, hasn't hurt it.

**BP:** Last year, the EPA was considering debarring BP for its many environmental and workplace safety violations, but DoD pressured them to back off because BP supplies 80 percent of the fuel to U.S. forces.

**KBR:** Still a key DoD supplier despite a long history of misconduct, including incidents that put the lives of soldiers and employees at risk.

**Charles Tiefer** of the Commission on Wartime Contracting nicknamed five large companies that do business with DoD (KBR, Agility, Louis Berger Group, Tamimi, First Kuwaiti) the "Flagrant Five" for continuing to receive contracts despite claims of fraud, misconduct and poor performance.

At a time when the public is questioning the ethics and integrity of the federal government and its spending of taxpayer dollars, the very least we can do is to shine a little light on the revolving door between the government and large private contractors.

This amendment would do just that.

It would direct DoD to make the information they already collect publicly available online to increase accountability and improve the ethics in relationships between DoD acquisitions and defense contractors. Groups like the non-partisan Project On Government Oversight have urged DoD to make the database public, to no avail. DoD is not prohibited from putting the information online, but clearly has resisted doing so.

There is no public interest in keeping this information secret or hidden from view. The only interest served by keeping this ethics information in the shadows are those of current and former public servants use their positions for private gain means powerful private corporations can rig the system in their favor. This costs taxpayers, limits or eliminates competition from businesses that may be the best for the job, and results in flawed policies and bad procurement decisions. It also harms the public trust.

Public access to the revolving door database represents the kind of open government that the public wants and deserves, especially at this time of ever-escalating spending of taxpayer dollars by the Pentagon. It will improve the integrity of the federal contracting system, shine light on the revolving door between the Pentagon and the defense industry, and act as a deterrent to overly-cozy relationship that could lead to wasted taxpayer dollars.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. McKEON. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Chairman, I will just make three brief points.

Public disclosure of this personal information serves no purpose but to infringe on the rights and the privacy of civil servants.

The second point, the data required is already being reviewed by the DOD Inspector General. There's no oversight value in making it publicly available. This will only hamper the DOD's efforts to recruit talented acquisition personnel.

I yield such time as he may consume to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, in addition, I think it should be pointed out that in the FY 2010 National Defense Authorization Act, the Congress required that the Panel on Contracting Integrity review policies related to post-employment restrictions. Now that report is supposed to be delivered this summer.

□ 1710

It seems to me to be prudent that we listen to what we ordered them to tell us before we start making new restrictions and new requirements without even hearing what their report says.

So I appreciate the concerns that the gentlelady brings up on this issue. But as the chairman indicated, study after study related to our acquisition process talks about the difficulty of attracting top quality acquisition folks and yet the importance of having those very people.

I think it's very important, while we obviously must consider the ethical considerations, we also, just as obviously, have to consider whether we are attracting top quality talent or repelling top quality talent. And it would be very helpful for Congress to hold off and listen to the report that we have ordered them to give us before we start making additional legislation and additional requirements that could have severe adverse consequences in this area.

So, I think we should reject this amendment, listen to the report, see what it says, and see if and when additional action is needed after that.

Mr. McKEON. How much time do I have remaining?

The Acting CHAIR. The gentleman from California has 2¼ minutes remaining.

Mr. McKEON. Mr. Chair, I think one of the things that we do in this bill is look at redundancy and the things that we are trying to make simpler, not more complex. I think, as the gentleman said, we've already asked for a report on this. We will get that report

back, and then there will be time to see if there is any reason to go further in this direction.

I would encourage my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 30 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 112-88.

Mr. HIMES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 414, line 4, strike "and".

Page 414, line 20, strike the period and insert "; and".

Page 414, after line 20, insert the following: (5) by adding at the end the following:

"(h) DIRECTION OF FUNDS.—Any savings realized under this section shall be deposited into the general fund of the Treasury and used for deficit reduction."

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. I yield myself such time as I may consume.

Mr. Chairman, I rise today to speak on behalf of my amendment to H.R. 1540. The underlying text of the National Defense Authorization Act calls for the shift of certain inherently governmental functions, currently being performed by contractors, to civilian employees within the Department of Defense.

My amendment is simple. It requires that any cost savings achieved by this transfer be used for deficit reduction. I'm going to say that again. Any cost savings associated with shifting work from contractors to civilian employees will get used for deficit reduction.

Reaching the debt limit last week was a stark reminder of the consequences of ballooning spending throughout the Federal Government, including defense spending. Committing cost savings to deficit reduction is the first step toward returning to a fiscally sustainable budget. By reducing the deficit with identified savings from the Department of Defense, we will help to ensure that we have enough to

invest in education, infrastructure, and job-creating priorities that we all share while cutting spending to reduce the deficit.

This is a smart and fiscally responsible amendment. I urge my colleagues to adopt it.

I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. First of all, I want to thank the gentleman for bringing this amendment. I know he is sincere in talking about deficit reduction, and I certainly appreciate that. All of us on this side are equally sincere. In fact, I'm one of only 17 Members of this body who voted against every single one of the bailouts and stimulus bills because we realized what it was doing to the deficit in this country.

Secondly, I share the gentleman's concern when he talks about some of DOD's decisions to change from private contractors to civilians because some of those decisions haven't been based on business models. But just because they have not all been correct doesn't mean they have all been wrong. And the problem with this approach is that it's exactly the wrong approach because it will be a disincentive to the Department of Defense to try to reach these efficiencies.

The reason that DOD has an incentive to try to make these efficiencies is so that they can reprioritize and use these dollars for programs that are absolutely vital and important for the national defense of the country. To say that every time they make those savings we are going to take off of the top line of the Department of Defense will be a disincentive for the Department of Defense to make those savings.

And here are the effects that we have. If we don't have civilians doing these jobs, we have had testimony coming before our committee from our generals and our admirals that basically what that means is they have to take military personnel to do that work, which means they don't have the time to do the training that they need to do to be prepared to fight and defend this country.

The other concern we have with some of the reductions that we would be taking out of DOD, in the budget submitted to us this year, they were actually pushing back on facility maintenance that we needed to keep our facilities updated to only 80 percent of the maintenance that was required.

So, Mr. Chairman, I think it's vitally important that we do a lot for deficit reduction. I think it's vitally important that we look at the fact, for example, that on some of our stimulus bills we're talking about \$800 billion. In this, we're talking about several million dollars.

But I think the most important thing, Mr. Chairman, is that we make sure we are giving DOD the incentives they need to make sure they are prioritizing correctly the dollars that they have and that we not take money off of the top line of the defense budget, which I think would be detrimental to us at this time.

With that, Mr. Chairman, I hope we will oppose the amendment, and I reserve the balance of my time.

Mr. HIMES. Mr. Chairman, if I understand the argument of my colleague from Virginia, he is saying that by taking away money for the purposes of debt reduction from the DOD that we will be disincentivizing action, which we all know to be the right thing to do here.

So let me just toss out a couple of facts.

Fact No. 1, Admiral Mullen, Chairman of the Joint Chiefs of Staff, has identified the debt of this country as perhaps the single largest strategic threat to the security of the country.

Fact No. 2, in DOD, we are talking about people who, if anywhere in the government are dedicated to doing the right thing by all of us, sacrificing for the good of this Nation, and their leader said that the single largest strategic threat to this country is our debt, how can you make an argument against this amendment? Think about the words of Admiral Mullen.

The argument seems to me to be an insider Washington argument, which is if you take away their cheese, they're going to be angry. They won't do the right thing because you're taking away their cheese.

I will stop speaking, but I will just ask my colleague from Virginia whether he believes in the context of what Admiral Mullen said about deficit reduction and the debt and whether he really believes that the DOD will do the wrong thing here.

I reserve the balance of my time.

The Acting CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. FORBES. Mr. Chairman, I would be glad to answer my good friend's question by saying I absolutely believe what Admiral Mullen said. When you look at the efficiencies that the Department of Defense has been talking about, we're talking about roughly \$179 million. But I would suggest my friend look at comparing that to the \$800 billion that we spent on a stimulus package which I voted against because I realized what it was doing to the deficit in this country, exactly what the admiral mentioned.

The other thing, Mr. Chairman, that I would suggest to the gentleman is, quite honestly, I will tell him I do not know if the Constitution mandates or gives us the authority to bail out the auto industry or the insurance industry or the banking industry or the mortgage industry or whatever else

we've been bailing out, but one thing I do know is this. When some of the smartest people this Nation has ever birthed came together and agreed on one thing in our Constitution, the thing they mandated that this Congress do is to maintain strong armies and navies and to defend this country. And one of the things I unabashedly will say is that we need to stand firm and make sure the Department of Defense has the dollars that they need to defend and protect freedom and to pass it on to our children and our grandchildren. And I believe this amendment goes a step towards taking that ability away from them.

With that, Mr. Chairman, I hope we will reject the amendment, and I yield back the balance of my time.

The Acting CHAIR. The gentleman from Connecticut has 2¼ minutes remaining.

Mr. HIMES. Mr. Chairman, all I've got to say about that is, wow. Here we are talking about the DOD and what we should do with savings found in the DOD, and the gentleman from Virginia is bringing up stimulus and TARP and \$800 billion, which has absolutely nothing to do with the question at hand, a mechanism that is used all too often by the other side.

The gentleman mentions the Constitution. Nobody in this room is saying that we shouldn't adequately fund the Department of Defense. That's not what this is about any more than this is about TARP or stimulus or any of the other things that my colleague spoke about.

The Constitution also says that it is this body—this body—that will determine how funds are spent. My colleague from Virginia is saying that extra money at the DOD that is saved in a mechanism that we all agree makes sense, that it should be a slush fund, if you will, that the DOD should decide how they use that. The Constitution of the United States is very clear. That's our job.

□ 1720

Nobody is saying that we should underfund defense; that is not what this is about. And I am delighted that the gentleman takes such great pride in having voted against the stimulus and the TARP, which by the way, I would say the day after Chrysler has repaid its government loan 6 years early, the gentleman might revisit his point on that, but that is not what this is about.

This is about good government and deficit reduction and abiding by the spirit of the Constitution that says we decide how money is used, not the agencies.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FORBES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 112-88.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 417, after line 7, insert the following:  
**SEC. 941. ASSESSMENT OF CONTRACTOR PERFORMANCE OF CERTAIN FUNCTIONS ON SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES.**

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an outreach program to benefit small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I thank you very much. I see my good friend from Pennsylvania is on his feet, and I know that he is going to help me help small businesses because that is the simplicity of this amendment.

It is simple. It is engaging, embracing. It is recognizing that all of us have our good neighbors back in our district. It is also an affirmation of the importance of the work of the United States military, and the many, many small businesses who desire to be of service. And so this amendment is simply informational, but it has a basis in success; outreach, to make sure that our small businesses around the Nation have a sense of what available opportunities are there for them.

It calls for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in the increasingly globalized economy.

We also realize, and I always say to my small businesses that they are the job creators of the 21st Century, and they do so in conjunction with the

United States military. It may be janitorial services, painting buildings, mowing lawns, and related activities. Our small businesses can do that.

So this amendment simply asks the Department of Defense, as it outsources its work, to make sure that it reaches out to the small business community so that they will be, if I might use the vernacular, in the mix. They will have the understanding and the opportunity to get jobs, to get business based on their qualifications and based upon their ability to do work.

In addition, might I say that many of us have come across situations where our base leadership is trying to be fiscally responsible and has taken in business that they had heretofore outsourced. My point is that it is important to assess that impact on small businesses.

I heard a discussion earlier on the floor that we want to equalize the playing field for our small businesses. We know that the larger companies, they have got the roadmap. This is simply an opportunity to say to Americans, all of you are taxpayers, all of you have the opportunity to do something for the United States military, and that may be using your talents as a small business to have the opportunity.

Let's outreach so they have the information. Let's make sure that we are engaged. Let's make sure that we create jobs.

Mr. Chair, I rise today in support of my amendment #31 to H.R. 1540, "National Defense Authorization Act For Fiscal Year 2011," which requires the Secretary of Defense to utilize an outreach program to attract small and minority owned businesses prior to the outsourcing of military contracts related to local military bases.

Throughout my tenure in Congress, I have sponsored legislation that promotes diversity. I stand proudly before you today to call for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in an increasingly globalized economy. This amendment will require the Department of Defense to consider the impact that changes to current outsourcing guidelines will have on small minority and women owned business by requiring them to engage with these businesses. Promoting diversity is more than just an idea it requires an understanding that there is a need to have a process that will ensure the inclusion of minorities and women in all areas of American life.

As a practical matter the Department of Defense has the discretion to choose whether a contract should be in-sourced or out-sourced. Since March of 2009 it is understood that certain federal contracts that were formerly completed by civilian employees would be returned to federal employees. It is important to find balance between contracts that should be conducted by the federal government versus civilian contractors. As it stands the policies implemented by the DOD has the unintended

consequence of harming small minority and women owned businesses by taking away civilian contracts that are not inherently serving a federal government purpose such as janitorial services, painting building, mowing lawns and related activities. These service contracts which tend to be the bread and butter for minority and women owned business are slowly being withdrawn and returned to the federal government.

JOHN FREEMAN, PRESIDENT OF HALLMARK

Take for example my constituent John Freeman.

Mr. Freeman operates Hallmark Capitol group, a Houston based small women and veteran owned business which specializes in providing transportation services, vehicle repair, and preventive vehicle maintenance.

Mr. Freeman currently has 14 Department of Defense contracts across the US.

One of Mr. Freeman's contracts is at Patrick Air force base in Florida. The Department of Defense decided to in-source VOM (Vehicle Operation Maintenance). The value of this contract is approximately \$4 million a year and Hallmark employs nearly 40 people on this contract. The government has decided to in-source this contract effective which will result in the loss of nearly 40 jobs. They will be out of a job by the end of the year and will not receive any preferential hiring treatment from the federal government.

Hallmark filed a lawsuit in the court of federal claims to prevent the Air Force from insourcing this federal contract. The Court of Federal claims ruled on May 15th that contractors lack any standing or jurisdiction to question the government's decision to in source contracts. Shortly thereafter, Hallmark filed an Appeal of the Court of Federal claims decision. They are currently awaiting the outcome of the appeal.

We must take a closer look at the impact changes in the new Department of Defense out sourcing and in-sourcing policies are having on small minority, veteran and women owned businesses. The Department of Defense must review their policies to fairly balance the need to return inherently federal operations from those that can be done by civilian contractors.

Frankly, we can all agree that painting the side of a building is not an inherently government function. These service type contracts are mainly conducted by small business who will be at a distinct disadvantage if their contracts are suspended.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration (SBA), a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. My amendment would require the Department of Defense to utilize a similar outreach program prior to outsourcing. The Department of Defense should investigate what impact changes to current outsourcing guidelines will have on minority and women owned small businesses. Outreach is key to developing healthy and diverse small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to the Council on Foreign Relations, there has been an average of between 15,000 and 20,000 private contractors working in Iraq providing a variety of services for the military. These private contractors are hired for everything, from supplying translators, and maintaining surveillance systems to preparing meals and washing uniforms.

The Department of Defense (DOD) estimates that during the Vietnam War, the ratio of contractors to soldiers was 1 in 10. This rate increases to about 1 contractor for every soldier during Operation Iraqi Freedom. These contracts generate billions of dollars in revenue for the companies to which they are awarded.

Women owned businesses were awarded 3.4% of DOD prime contracts in Fiscal Year 2009. Small Disadvantaged Businesses were awarded 7.2%, while Historically Underutilized Businesses got 3.3%.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004, the Small Business Administration (SBA) set goals for small business participation in federal contracts.

It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

I offered two additional amendments that were not made in order that would have re-

quired the Department of Defense to conduct an assessment on the impact changes in their outsource guidelines would have on small minority owned business. The Department of Defense must consider the potential negative impact proposed outsourcing changes would have on small and minority owned businesses.

We need to help small businesses keep up with their big business competition. Right now, the federal marketplace favors big businesses and corporations. Small businesses have lost an estimated \$13.8 billion in business opportunity because they could not fairly compete for federal contracts because larger companies are allowed to bundle contracts—the practice of accepting "mega-contracts" for large jobs that only they have the resources to handle on the condition that they receive smaller contracts that could have been given out to small businesses. For every 100 bundled contracts, 106 individual contracts are no longer available to small businesses. For every \$100 awarded on a "bundled" contract, there is a \$33 decrease to small businesses.

Small businesses deserve a fair shot at federal contracts. They have a chance to compete for overseas contracts with the Department of Defense as well as access to international contracts with the United States Agency for International Development. In addition, I believe that work needs to be done to modernize key contracting developmental programs designed to increase opportunities for women, minorities and low-income individuals. Programs like the Outreach Program that I support through my amendment. These actions will reduce the current barriers and ensure small businesses have access to perform federal contracts. This can save taxpayer dollars, because the increased competition for government contracts will lead to better prices and better quality.

Currently companies that ship jobs to other countries receive federal tax breaks to give them an edge against foreign competition. This means that the current tax code encourages companies to move their production centers out of the U.S. to save money. It also gives them an unfair advantage in competing against small businesses that employ American workers and make their goods here.

I am committed to providing the technical assistance and necessary tools small businesses need to break into new markets and sell their products abroad. By pursuing fair trade strategies that open markets we will ensure a level playing field for American workers and businesses, and strengthen critical domestic industries, such as our manufacturing, intellectual property, and technology sectors. We want fair trade policies that keep jobs here and provide opportunities for American small businesses and their employees.

The vibrancy of our economic prosperity depends on the ability of our nation's small business community to adapt to opportunities at home and abroad. The skill required to navigate the many regulations imposed by the Federal government is essential to maximize any business plan. Alliances made between the private sector and government allows small business owners to be empowered by the Federal regulatory process and not the victim of it. The hearing today will allow for the constructive dialogue needed to ensure that all

Americans continue to prosper in the age of low unemployment and Federal budget surpluses.

Out Reach programs that are properly designed and implemented, strengthen the national community, promote its economic well being, and maximize the benefits of our great diversity. The Department of Defense should be required to reach out to small minority and women owned business to hear their concern and to recognize the important role they play in revitalizing our economy.

I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. I appreciate the gentledady from Texas offering this amendment, and I want to restate what it attempts to do.

It will prohibit outsourcing of DOD functions until the Secretary of Defense conducts an outreach program to benefit women- and minority-owned small businesses. Well, in fact, it is a duplication of what is already in the law. It duplicates section 891 of the fiscal year 2011 National Defense Authorization Act which requires the establishment of an outreach program to firms near DOD installations. This act simply delays allowing for outsourcing to come back in and be part of the benefits that it provides to this Nation, reducing cost, streamlining the process.

So again, this is already in law. As I said, this is nothing more than a delay tactic to stop outsourcing. We need to use outsourcing where it makes sense, to utilize the benefits of reducing cost, which has the potential to help our small businesses, which I think we all support. Whether they are women-owned or minority-owned businesses, small businesses are important, and I think outsourcing does that.

In fact, in my district, Letterkenny Army Depot has public-private partnerships today through outsourcing with small businesses and large alike. The Heritage Foundation did a study commending what is going on at Letterkenny Army Depot utilizing DOD civilians as well as the private sector, coming together where it makes sense, where we can have a tremendously positive impact on the work that goes there. So there is a model out there, and outsourcing is important.

Again, I urge my colleagues to vote "no" on this amendment because again, it already is established in last year's defense authorization bill exactly what the gentledady from Texas wants to be established.

With that, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. How much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. Mr. Chairman, I would like to yield 1

minute to the distinguished ranking member.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of this amendment. I think it is a very reasonable request. I think making sure that minority- and women-owned businesses are protected is an important part of building a strong economy and a strong country, and it is reflected in many different aspects of Federal law, to try and make sure that opportunities are made available for women- and minority-owned businesses.

I will also add that this amendment does not presume that outsourcing is harmful to women and minority-owned businesses; it simply wants to gauge the effect. It is quite possible the effect is positive, and it is going to create an opportunity for them that would not otherwise be created. But in making those decisions, the impact on women- and minority-owned businesses is an important part of that decision, and I believe should be reflected.

So this amendment is not meant in any way to restrict outsourcing. There are a lot of different decisions that have to be made in doing that. It just says that when you do that, keep this important consideration in mind.

I urge support for the amendment. I thank the gentlelady from Texas for bringing it to the committee's attention.

Mr. SHUSTER. I agree with the distinguished ranking member, and I believe that he supported last year in the National Defense Authorization Act section 891, which in fact does what the gentlelady from Texas wants to do.

So again, this is a delay tactic to put outsourcing back on the table, back in play, back in part of our toolbox.

Again, I urge all of my colleagues to vote "no" on this amendment.

I yield back the balance of my time. Ms. JACKSON LEE of Texas. Mr. Chairman, I hope my good friend from Pennsylvania listens to both the distinguished ranking member and myself. This is not an amendment that opposes outsourcing. In fact, it is an amendment that affirms that outsourcing occurs, and to ask that that playing field be even more even by attention being given to our small, minority- and women-owned businesses.

It has been documented that small businesses have lost an estimated \$13.8 billion in business opportunity because they cannot fairly compete for Federal contracts because larger companies are allowed to bundle the contracts, the practice of accepting mega-contracts for large jobs that only they have the resources to handle—under the condition that they receive smaller contracts that could have been given out to small businesses.

□ 1730

I want our small businesses and minority-owned businesses and women-

owned businesses to be in the mix, have an outreach program. There's nothing wrong with added leverage of outreach for all our small businesses.

And let me say something else, Mr. Chairman. It is also to say that if a small business has a contract and it's hauled back in, it's pulled back in, let us assess how that is impacting the loss of jobs. Forty jobs, a constituent that came to our attention, Hallmark, lost by bringing in the business.

So by no means is this an opportunity to block outsourcing, and I call it contracting out. It is the business of supporting our small businesses.

Mr. Chairman, I ask my colleagues to support this very evenhanded, very vigorous amendment to support the hardworking Americans—small, women-owned, and minority-owned businesses. I ask my colleagues to support the amendment.

The Acting CHAIR. The time of the gentlewoman has expired.

The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. ANDREWS

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 112-88.

Mr. ANDREWS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 417, after line 7, insert the following (and conform the table of contents accordingly):

**SEC. 941. TEMPORARY SUSPENSION OF IMPLEMENTATION AND ENFORCEMENT OF WORKFORCE MANAGEMENT AND SOURCING POLICES PURSUANT TO "EFFICIENCY INITIATIVE".**

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of enactment of this Act and ending on the date that is 60 days after the first date on which the Secretary of Defense has submitted to the congressional defense committees both the report required in subsection (b) and the certification required under subsection (c), no workforce management and sourcing policies, directives, guidance, or memoranda issued pursuant to the Department of Defense's "Efficiency Initiative" may be announced, carried out, continued, implemented, or enforced.

(b) REPORT REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall undertake a comprehensive review of the workforce management and sourcing policies announced by the Department of Defense pursuant to the "Efficiency Initiative" and submit to the congressional defense commit-

tees a report that describes alternative policies that—

(1) ensure performance decisions are based on law, risk, policy, and cost;

(2) reflect a total force policy that takes into account the strengths and capacities of active and reserve components, civil servants, contractors, and retired military personnel in achieving national security objectives and missions; and

(3) are consistent with the statutory framework for workforce management and sourcing, including sections 129 and 129a of title 10, United States Code.

(c) CERTIFICATION REQUIRED.—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees a certification that—

(1) the Secretary of Defense has completed and submitted to the congressional defense committees a complete inventory of contracts for services for or on behalf of the Department in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the first date on which both the report required under subsection (b) and the certification required under subsection (c) have been submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the report required under subsection (b), determine whether the Department of Defense is compliant with the certification requirement in subsection (c), and submit to the congressional defense committees a report on the findings resulting from those activities.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. I yield myself such time as I may consume.

One of the questions, Mr. Chairman, that this body and the administration often face is whether a certain task is best performed by employees of the Department of Defense or whether that task is best performed by those working for contractors competing for the right to do that business.

There are two things I know about this issue. The first is that it is one we always debate because it's a very difficult one to resolve. And the second is that I don't think either answer is always the right one. I think any strategy that presupposes that having employees do a job isn't right and a strategy that presupposes having contractors do a job isn't right.

I think we've built a bipartisan consensus around the proposition that, on a case-by-case basis over time, we should collect evidence and decide whether or not a certain function is best performed by employees of the Department of Defense or whether it is best performed on a competitive contracted-out basis.

The purpose of my amendment is to address what I believe is an imbalance in this evidence-gathering process that goes under the name of an efficiency initiative.

I don't think there's a Member on this floor who would oppose an efficiency initiative. But efficiency is not something that presupposes that one answer is always better than the others. And I think the record shows that we're presently living under an initiative that presupposes that contracting out is better than having Federal employees perform that function.

Here's the evidence:

Between fiscal year 2001 and fiscal year 2010, Department of Defense services performed by contracting agencies—that is to say companies—increased from \$73 billion in fiscal 2001 to \$181 billion in fiscal 2010. This is an increase of 147 percent, or about 15 percent per year. During the same period of time, the cost of compensating Department of Defense civilian employees grew from \$41 billion in fiscal 2001 to \$69 billion in fiscal 2010, a 68 percent increase, or just under 7 percent per year.

Now, I am not prejudging as to whether the decisions that make up those aggregate numbers were all right or all wrong. That would be certainly beyond anyone's capability to do. But I think that kind of imbalance shows that we're not conducting the kind of careful, fact-driven, merit-driven evidentiary process that we ought to be following.

So here's what my amendment does. It says that when our bill is signed by the President, that there will be a 60-day period where there will just be a timeout, where we will stop the contracting-out process. We'll ask the Department of Defense, we'll direct the Department of Defense to do two things: to answer the question of whether the decisions it has been taking are truly based on the merits and cost benefit or whether there are other factors involved. It will then ask the Department of Defense to certify that the laws and procedures that we set up in the past to make such decisions have, in fact, been followed. At the conclusion of that 60-day period, reports will be given to the Armed Services Committee and the other defense committees of the Congress, and we will collectively review those reports and make a decision, in time for next year's bill, what to do.

So this is an amendment that does not favor contracting out or keeping work in the hands of Federal employees. This is an amendment that says that we should reflect on the fact that we've had a 147 percent increase in contracted-out services at the time we've had a 68 percent increase in the compensation of civilian employees. We should pause for 60 days after the bill is enacted, reflect the accuracy of that record, and then collectively make a

decision for the future as to what's best for the country.

I think this is a reasonable approach to this issue. I would urge a "yes" vote from both Republicans and Democrats.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FORBES. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Chairman, first of all, I appreciate the gentleman's amendment and I appreciate his work on the Armed Services Committee. He's always very thoughtful and always committed to the national defense of our country.

As I listened to him over and over again, I was agreeing with many of the things that he said. I think oftentimes the decisions that the Department of Defense has made under the guise of efficiencies have not been efficiencies at all. They could have actually cost us more. I think, secondly, they have been made without being well thought out. I think sometimes they have backfilled their analyses after they made those decisions.

But as I read the gentleman's amendment, basically it would suspend all the sourcing and workforce management policies based on all of DOD's efficiency initiatives, which is a wide gamut. Mr. Chairman, I think that, even though, as I mentioned before, I think oftentimes the Department of Defense has been wrong in some of its efficiencies, that doesn't mean they've been wrong in every situation. And one of the things that I think is a vital flaw in the gentleman's amendment is that there's no offset for the amendment to cover the reverse on the planned savings. In fact, according to the information I have been given, the cost of not implementing these efficiencies could be as much as \$3 billion. That is off of the top line of the Defense budget. And I know the gentleman would agree with me that, at this particular point in time, such a huge hit to the Department of Defense would not be in the best interest of the national defense of the country.

So, with that, Mr. Chairman, I hope we will oppose the amendment. I hope that I can work with the gentleman and other members of the committee so we can make sure DOD gets this right as they move down the road. But certainly we don't want to put this kind of impact on our men and women in uniform at this time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 33 OFFERED BY MS. LEE

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 112-88.

Ms. LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle A of title X of division A, add the following new section:

**SEC. 10. LIMITATION IN FUNDING LEVEL TO FISCAL YEAR 2008 FUNDING LEVEL.**

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds are authorized to be made available under this division for any account of the Department of Defense (other than accounts listed in subsection (b)) in excess of the amount made available for such account for fiscal year 2008.

(b) EXEMPTED ACCOUNTS.—The accounts exempted pursuant to this subsection are the following accounts:

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, I do intend to withdraw this amendment, but I'd like to just say why I offered it and why I think this debate is so important.

We're talking about now trying to address a deficit, which we all want to address. We do not want to leave this debt to our children and our grandchildren. That's a given. The big issue I think for many of us is how do we get there and what do we do? And how do we ensure that we have a budget that reflects, yes, our national security priorities, but also a budget that protects the most vulnerable in our country and a budget that ensures that we have priorities to create jobs and to turn this economy around?

And so I believe that we have to talk about not only discretionary spending and entitlement cuts, which the other side is talking about and making such an issue of. We have not really talked about the Pentagon budget. We have not talked about looking at what it would mean if we cut the defense budget back to 2008 as the Republicans want to do with regard to our domestic discretionary spending.

And so what this amendment basically does is just say that if we are going to do this, we need to engage in a debate that is honest and we need to put everything on the table, and that



includes the Pentagon. And in fact, we need to begin to look at how we cut back to 2008 levels.

We all know that there is waste, fraud and abuse in the Pentagon. We still haven't been able to come up with a way to audit the Pentagon funds, and so we need to do that. I think we should actually put a freeze on defense spending until we know where our tax dollars are going and until we know that our tax dollars are being spent in a prudent way. We don't even know that because we can't even get an audit of the Pentagon.

We also need to recognize that there are weapons systems that do not need to be built because they have nothing to do with our national security interests now. I mean, we are out of the Cold War. We are looking at asymmetrical warfare. We need to have a research and development program and a defense budget that reflects this new world that we're in, rather than going back to the Cold War and developing these Cold War-era weapons systems. So there are billions of dollars in those accounts.

And so it is just prudent, I think, upon us to really begin to look at why, if we're going to start cutting food stamps and Community Development Block Grants and housing, and if we start cutting workforce training and Head Start and health care and all of the areas which the majority of the American people rely on as taxpayers, then we need to really look at where a huge portion of our budget falls, and that's within the Pentagon's budget.

Also, we again want to talk about reducing the deficit, cutting the deficit. There is no way we will even touch this unless we begin to look at the defense budget and the Pentagon's budget.

And so basically, once again, this amendment, what it does is it forces us to pause; it forces us to look at what type of savings there would be if we go back to 2008 as we want to do with domestic discretionary spending.

Again, I hope that we can discuss this amendment, have this debate. I know there are not enough votes to get this passed, but I do know that we need to begin this process of looking at and examining the defense budget so that the American people can know where their tax dollars are going and to recognize that there are billions of dollars in waste, fraud and abuse that we need to look at in the Pentagon budget.

And we need to put all of this on hold and go back to 2008 levels, be honest with the American people, and begin to have some real debate about deficit reduction, job creation, and the reduction of spending.

With that, Mr. Chairman, I will withdraw my amendment. Thank you for the time, and let's hope that we can have a debate on the Pentagon budget at some point, a real debate.

The Acting CHAIR. The gentlewoman from California begs leave to withdraw her amendment.

Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 37 OFFERED BY MR. RICHMOND

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 112-88.

Mr. RICHMOND. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 438, after the matter after line 2, insert the following:

**SEC. 1022. PROHIBITION ON PAYMENT OF FUNDS RELATED TO CLOSURE OF CERTAIN SHIPYARD FACILITY.**

The Secretary of Defense may not make any payments pursuant to section 2325 of title 10, United States Code, to a contractor related to the restructuring or closure of the shipyard manufacturing complex located in Avondale, Louisiana.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Louisiana (Mr. RICHMOND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. RICHMOND. I yield myself such time as I may consume.

Mr. Chairman, I rise to ask my colleagues to support an amendment and restore fiscal common sense back to government.

This amendment would save the U.S. taxpayers up to \$310 million, which would be paid to a private company in Avondale, Louisiana for what? For closing. And before we get too far into policy and other things, I want to actually read the language of the amendment so that the American people can understand exactly what we're doing, Mr. Chairman.

The amendment simply says that the Secretary of Defense may not make any payments pursuant to section 2325 of title 10, United States Code, to a contractor related to the restructuring or closure of a shipyard manufacturing complex located in Avondale, Louisiana.

Now, many people may say, well, what am I attempting to stop? Let me just take a minute and say what's going on here. We have a business in Avondale, Louisiana that employs almost 5,000 shipbuilders. They were spun off this year. Northrop Grumman received \$1.4 billion for this company. By the way, Northrop Grumman made \$530 million this quarter. So the new company, Huntington Ingalls, is closing the shipyard. And because they're closing the shipyard, the U.S. Government—the taxpayers of this country—will pay them up to \$310 million for closing.

That's insanity, Mr. Chairman. And as I met with those employees last

week, they said, Congressman, we don't know if you can stop it, but the offensive part, the part that makes this very hard for us, is the fact that our tax dollars are being used to pay our employer who is giving us all pink slips.

So I would just implore my colleagues to save the Federal Government \$310 million in a time when we're cutting Medicare, in a time when we're cutting our children's future, cutting their education, and we're not feeding the hungry. So this is an attempt to save \$310 million.

And I would also add to all of my colleagues who have great ideas and are looking for a pay-for, I am volunteering \$310 million out of my district so that we can put back into the Federal Government so that we can pay down the debt and do other things. But we do not need this \$310 million going to a private company who made \$45 million just this quarter for closing.

Mr. Chairman, I reserve the balance of my time.

Mr. AKIN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, the question involves the Avondale shipyard—which used to be Northrop Grumman, it is now a part of Huntington—and there are essentially three possibilities of what might happen to the shipyard. One possibility is that we leave the shipyard there to build ships for the Navy. The trouble is that we don't have enough demand or we don't have enough money to buy the ships that we would need to keep that shipyard busy, which then means that we are trying to build ships at a lot of locations where we don't have enough ships to get any economic benefits.

The result of that is it is going to cost the taxpayer and the Navy a whole lot more money to keep a shipyard open when we don't really have work for the shipyard. So that's one possibility. You could force it to stay open; it's going to cost the most to the taxpayer.

Another possibility is that the shipyard, because of the many people that work there, could be retooled and redesigned to use it for building other kinds of things other than Navy ships. That would preserve the jobs. And the Navy is willing to invest some money—as long as it is less than what it would cost to keep the thing open. They're willing to invest some money to help with that transition so those people won't be unemployed.

The other thing that could be done is you could just close the shipyard down. Now, what this amendment does is it says, well, we're not going to allow the Navy to invest in retooling. So it's sort of like a dare because it's really begging to have the whole shipyard close



down and not used for anything else. So it's kind of a gamble to try to say, well, we're going to save \$310 million and gamble that that shipyard is going to stay open. Because the possibility is if you say the Navy is not going to invest the money, they may just say, well, close it down. Then you would lose all those jobs. So this amendment may do the exact opposite of what you are trying to do.

I would now yield 1½ minutes to the gentleman from Virginia (Mr. WITTMAN).

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Mr. WITTMAN. Thank you, Mr. Chairman, and I want to also rise in opposition to this amendment.

Passage of this amendment may result in the government being liable for the costs of maintaining these idle facilities. If we're looking at the total picture here, we want to make sure we are making the most efficient decision in right-sizing this industry. And after a thorough review and endorsement by the Department of Defense, the contractor's plans to wind down ship construction were approved back in 2010.

This amendment seeks to prohibit payments under existing Federal law for restructuring costs associated with the transition of the Avondale shipyard. And I want to emphasize "transition" is the key word here because as the law is currently written, it allows the facility in Louisiana to potentially be reconfigured to an alternate use in the future.

So if we want to transition, make sure we are using that yard, using the employees there, if we don't have the capacity needed to build ships, we want to make sure we can transition.

If this amendment were to become law, there is no chance of transitioning the Avondale facility to something other than shipbuilding, and the government may be held liable for the costs of maintaining an idle shipyard. We don't want that. We want to make sure that capacity is used in a productive way.

So simply put, this amendment will not prevent the closure of Avondale. And I urge my colleagues to oppose the amendment.

Mr. AKIN. How much time do I have remaining?

The Acting CHAIR. The gentleman from Missouri has 1½ minutes remaining.

Mr. AKIN. The basic point is that the fact that this is going to save \$310 million is not true. What this in fact is going to do is to force a solution that will be more expensive for the government and not very good for the employees down at Avondale either.

So I have to say along with the Navy and the leadership on the committee that we cannot really support this amendment. I think that the gentleman had very good intentions of

what he's trying to accomplish, but I don't believe it's going to work the way he thinks it's going to. It's going to probably force a closure and a whole lot of layoffs that unnecessarily would not have to happen if we don't pass this amendment. So I'm going to oppose it.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Louisiana has 2½ minutes remaining.

Mr. RICHMOND. Thank you, Mr. Chairman.

I just want to clear up some things.

I don't want this shipyard to close, but I want to be crystal clear about this. The Huntington Eagles just christened a ship a couple of weeks ago; and while they christened the ship with all of their employees there, they took the time to announce to their employees that we are closing. The 3,000 employees that are here, you will no longer be here. We are shutting down. We're closing. It's not personal. It's business.

As much as I don't like it, this is a private business that has decided that they are going to close. What I don't want to do is take those taxpayer dollars and reward them for closing in the process.

So when you talk about they can retool or do something in the future, Mr. Chairman, I don't want to pretend or mislead the American people. They have yet to bid on a shipbuilding contract since they have acquired the yard. They have no intentions to build ships there in the future.

As we talk about what they could do with the yard and this may force a closure, they have decided that they are going to close. They made \$45 million in the first quarter of this year. They announced that they're not going to bid on ships, they're not going to do anything. They're not going to stay open. Why would we give them \$310 million of taxpayer dollars and then pretend that we're fiscally responsible? It's not fiscally responsible.

The good thing for me is I don't have to go back to my district, whether it's Virginia or Missouri, and explain to my constituents why I'm fighting to give a company in Louisiana \$310 million while I'm cutting Medicare, Medicaid, Social Security and all of these other things.

I just wanted to clear up the fact that it's not an assumption that they're going to close. They already have informed their employees that we're closing. Hey, it's been a good ride. Thirty-five hundred employees. See you later. Six thousand indirect jobs. We wish we could stay, but we've made another decision.

It is a private company's right to decide when they want to close. And I disagree with their decision, but I respect that this is America and they have a right to do that. But I have a right to be upset and to try to block Federal dollars going to them, and

that's \$310 million going to a company for quitting. That's not the American way, Mr. Chairman.

And I would just ask my colleagues to support the amendment and not give \$310 million to a company who just made \$45 million in 3 months that's quitting on the American people.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. RICHMOND).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. RICHMOND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

#### AMENDMENT NO. 38 OFFERED BY MR. MICA

The Acting CHAIR. It is now in order to consider amendment No. 38 printed in House Report 112-88.

Mr. MICA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X, add the following new section:

#### SEC. 1085. RULES OF ENGAGEMENT FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN DESIGNATED HOSTILE FIRE AREAS.

The Secretary of Defense shall ensure that the rules of engagement applicable to members of the Armed Forces assigned to duty in any hostile fire area designated for purposes of section 310 or 351(a)(1) of title 37, United States Code—

(1) fully protect the members' right to bear arms; and

(2) authorize the members to fully defend themselves from hostile actions.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Thank you, Mr. Chairman.

First I want to thank the members of the committee for allowing me to bring forth this amendment, also the Rules Committee for allowing me to have it considered by the House.

This is a simple amendment, and this is an amendment that I almost think I'm offering not on behalf of myself but on behalf of our troops. I usually don't get involved in armed services matters, but I did have the opportunity to visit our troops in Afghanistan in March of some weeks past. And I was out in some of the forward operating positions in Afghanistan, and I asked the troops a question—you know, sometimes you get a few minutes of quiet time with our troops that are serving us out there in those dangerous areas out there. And I said, When I return to

Congress, what could I do to help you do a better job? What would assist you?

And every one of them said to me, Mr. MICA, could you change the rules of engagement?

So I'm offering this amendment on their behalf and on behalf of all the servicemen and -women who should be able to defend themselves in hostile areas. I'm not trying to micromanage the military, but I have just a basic provision that says—and let me read it: "The Secretary of Defense shall ensure that the rules of engagement applicable to members of the armed services assigned to duty in any hostile fire area"—and we have a definition for that—"shall," and then "one, fully protect the members' rights to bear arms; and, two, to authorize the members to fully defend themselves from hostile actions." The Secretary would set those parameters.

This is my amendment. I believe that implementing a successful calendar insurgency strategy should not come at the cost of needlessly increasing American or coalition military casualties.

If we ask members of our Armed Forces to risk their lives to protect the home front, we must do all we can to help them with the material and the options and the ability to preserve their lives to fight on our behalf in hostile areas.

Please help me in arming our Armed Forces and also providing them with what I believe is the opportunity to adequately defend themselves in hostile theaters.

I reserve the balance of my time.

Mr. SMITH of Washington. I claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. SMITH of Washington. I will begin by yielding 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

My objection, respectfully, to this amendment is it supplants the decision of the commander in the field with the judgment of the Congress. I frankly agree that there are very, very few circumstances I could imagine where we would not want our troops in the field to be fully armed to their complete comfort and satisfaction level. And so it's hard for me to imagine a circumstance where that's not the case.

But it's easy for me to understand a circumstance where the person in the field who is charged with the responsibility of achieving the mission and achieving maximum protection of his or her troops should have the authority to make that decision.

So my objection to this is not the intent. I think we share it. My objection is the fact that the amendment supplants the judgment of that commander in the field and replaces it with

the judgment we are making here thousands of miles away based on facts that we could not possibly foresee.

So although I share the gentleman's intent, for that reason I would respectfully encourage the Members to vote "no" on the amendment.

□ 1800

The Acting CHAIR. The gentleman from Florida has 2½ minutes remaining.

Mr. MICA. I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself the balance of my time.

Mr. Chair, I rise in opposition for a very simple reason.

As the gentleman said in his opening remarks in favor of the amendment, he does not wish to micromanage what goes on in the field. I think there can be no more blatant micromanaging than this. Having Congress insert itself into the debate about what the rules of engagement should be in the field of operations for the military is micromanaging in the absolute worst way. We should trust our commanders in the field to make those decisions, and those decisions are and always will be controversial, both ways, in terms of what the rules of engagement should be.

I will simply make the very clear statement that I want our trained commanders in the field to make the decision on what the rules of engagement should be in any given environment, not the United States Congress. This is not a debate that we should insert ourselves into, and I believe that we should defeat this amendment and leave the authority with the commanders, where it belongs.

I yield back the balance of my time.

Mr. MICA. Let me say that the United States Congress does set the policy for engaging in war and hostile actions. The Secretary of Defense has clearly given the authority here to provide, again, applicable provisions for how this would apply.

In closing, our troops, our servicemen and -women, should not be used at target practice in any hostile theater. They should be given the basic right to bear arms and defend themselves.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MICA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. BISHOP of Utah) assumed the chair.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1893. An Act to amend the Internal Revenue Code of 1986 to extend the the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The Committee resumed its sitting.

##### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-88 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. WOOLSEY of California.

Amendment No. 12 by Mr. HUNTER of California.

Amendment No. 24 by Mr. SARBANES of Maryland.

Amendment No. 25 by Mr. MURPHY of Connecticut.

Amendment No. 27 by Mr. COLE of Oklahoma.

Amendment No. 28 by Mr. GARAMENDI of California.

Amendment No. 26 by Mrs. MALONEY of New York.

Amendment No. 30 by Mr. HIMES of Connecticut.

Amendment No. 31 by Ms. JACKSON LEE of Texas.

Amendment No. 32 by Mr. ANDREWS of New Jersey.

Amendment No. 37 by Mr. RICHMOND of Louisiana.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

##### AMENDMENT NO. 2 OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

##### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 83, noes 334, not voting 14, as follows:

[Roll No. 343]

## AYES—83

Amash  
Baldwin  
Bass (CA)  
Becerra  
Berman  
Blumenauer  
Campbell  
Capuano  
Clarke (MI)  
Clarke (NY)  
Cohen  
Conyers  
Cooper  
DeGette  
Deutch  
Dingell  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Frank (MA)  
Garamendi  
Gutierrez  
Hastings (FL)  
Hirono  
Holt  
Honda

Keating  
Kind  
Kucinich  
Larson (CT)  
Lee (CA)  
Lewis (GA)  
Lofgren, Zoe  
Lynch  
Maloney  
Markey  
Matsui  
McCollum  
McGovern  
Michaud  
Miller, George  
Moore  
Nadler  
Neal  
Oliver  
Pallone  
Paul  
Payne  
Pingree (ME)  
Polis  
Quigley  
Rangel  
Ribble  
Richmond

Roybal-Allard  
Royce  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schrader  
Serrano  
Slaughter  
Speier  
Stark  
Thompson (CA)  
Tierney  
Tonko  
Towns  
Upton  
Velázquez  
Walden  
Walz (MN)  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOES—334

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clay  
Cleaver

Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeLauro  
Denham  
Dent  
DesJarlais  
Dingell  
Diaz-Balart  
Dicks  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Engel  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Latham

Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Holden  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Latham

LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loeb  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McDermott  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Napolitano  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo

Pascarell  
Pastor (AZ)  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Richardson  
Rigell  
Rivera  
Roby  
Roe (TN)  
Tipton  
Tsongas  
Turner  
Van Hollen  
Visclosky  
Walberg  
Walsh (IL)  
Wasserman  
Schultz  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—14

Berkley  
Braley (IA)  
Costa  
Filner  
Frelinghuysen

Giffords  
Grijalva  
Hastings (WA)  
Jackson (IL)  
Long

□ 1830

Messrs. McDERMOTT, JONES, CLAY, Ms. FUDGE, Mr. McNERNEY, Ms. WASSERMAN SCHULTZ and Mr. FATTAH changed their vote from “aye” to “no.”

Messrs. WU, WALDEN, DINGELL and Ms. CLARKE of New York changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 343, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

Stated against:

Mr. LARSON of Connecticut. Mr. Chair, on Wednesday, May 25, 2011, my vote on rollcall vote No. 343 was incorrectly recorded as “aye”, when I intended to vote “no.”

AMENDMENT NO. 12 OFFERED BY MR. HUNTER

The Acting CHAIR (Mr. BISHOP of Utah). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) on which

further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 213, not voting 15, as follows:

[Roll No. 344]

## AYES—203

Adams  
Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Benishek  
Berg  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
King (NY)  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Clay  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dreier  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gibson

Gohmert  
Gosar  
Gowdy  
Granger  
Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Rigell  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
Lewis (CA)  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem

Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Pence  
Petri  
Pitts  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Renacci  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schilling  
Schmitt  
Schwartz  
Young (IN)

## NOES—213

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Gingrey (GA)   | Payne            |
| Altmire       | Gonzalez       | Pearce           |
| Amash         | Goodlatte      | Pelosi           |
| Andrews       | Graves (GA)    | Perlmutter       |
| Baca          | Graves (MO)    | Peters           |
| Baldwin       | Green, Al      | Peterson         |
| Barrow        | Green, Gene    | Pingree (ME)     |
| Bass (CA)     | Grijalva       | Platts           |
| Bass (NH)     | Gutierrez      | Poe (TX)         |
| Becerra       | Hanabusa       | Polis            |
| Berkley       | Hastings (FL)  | Price (NC)       |
| Berman        | Heinrich       | Quigley          |
| Biggert       | Higgins        | Rahall           |
| Bishop (GA)   | Himes          | Rangel           |
| Bishop (NY)   | Hinchey        | Reichert         |
| Blumenauer    | Hinojosa       | Reyes            |
| Boren         | Hirono         | Ross (AR)        |
| Boswell       | Holden         | Rothman (NJ)     |
| Brady (PA)    | Holt           | Roybal-Allard    |
| Braley (IA)   | Honda          | Rush             |
| Broun (GA)    | Hoyer          | Ryan (OH)        |
| Brown (FL)    | Inslee         | Sánchez, Linda   |
| Butterfield   | Israel         | T.               |
| Campbell      | Jackson Lee    | Sanchez, Loretta |
| Capps         | (TX)           | Sarbanes         |
| Capuano       | Johnson (GA)   | Schiff           |
| Cardoza       | Johnson (IL)   | Schmidt          |
| Carnahan      | Johnson, E. B. | Schock           |
| Carney        | Kaptur         | Schwartz         |
| Carson (IN)   | Keating        | Scott (VA)       |
| Castor (FL)   | Kildee         | Scott, David     |
| Chandler      | Kind           | Sensenbrenner    |
| Chu           | Kissell        | Serrano          |
| Cicilline     | Kucinich       | Sewell           |
| Clarke (NY)   | Langevin       | Sherman          |
| Cleaver       | Larsen (WA)    | Shimkus          |
| Clyburn       | Larson (CT)    | Shuler           |
| Cohen         | LaTourrette    | Simpson          |
| Connolly (VA) | Lee (CA)       | Sires            |
| Cooper        | Levin          | Slaughter        |
| Costa         | Lewis (GA)     | Smith (WA)       |
| Costello      | Lipinski       | Speier           |
| Courtney      | LoBiondo       | Stark            |
| Critz         | Loeb sack      | Stearns          |
| Crowley       | Lofgren, Zoe   | Stutzman         |
| Cuellar       | Lowe y         | Sullivan         |
| Cummings      | Lujan          | Sutton           |
| Davis (CA)    | Lynch          | Terry            |
| Davis (IL)    | Markey         | Thompson (CA)    |
| DeFazio       | Matheson       | Thompson (MS)    |
| DeGette       | Matsui         | Tiberi           |
| DeLauro       | McCollum       | Tierney          |
| Deutch        | McDermott      | Tonko            |
| Dicks         | McGovern       | Towns            |
| Dingell       | McIntyre       | Tsongas          |
| Doggett       | McNerney       | Van Hollen       |
| Dold          | Meeks          | Velázquez        |
| Donnelly (IN) | Michaud        | Visclosky        |
| Doyle         | Miller (FL)    | Walz (MN)        |
| Duffy         | Miller, George | Wasserman        |
| Edwards       | Moore          | Schultz          |
| Ellison       | Moran          | Waters           |
| Engel         | Murphy (CT)    | Watt             |
| Eshoo         | Nadler         | Waxman           |
| Farr          | Napolitano     | Webster          |
| Fattah        | Neal           | Weiner           |
| Flake         | Olver          | Welch            |
| Fleming       | Owens          | Whitfield        |
| Frank (MA)    | Pallone        | Wilson (FL)      |
| Fudge         | Pascrell       | Woolsey          |
| Garamendi     | Pastor (AZ)    | Wu               |
| Gerlach       | Paulsen        | Yarmuth          |

## NOT VOTING—15

|               |               |               |
|---------------|---------------|---------------|
| Clarke (MI)   | Grimm         | Maloney       |
| Conyers       | Hall          | McCarthy (NY) |
| Filner        | Hastings (WA) | Miller (NC)   |
| Frelinghuysen | Jackson (IL)  | Schakowsky    |
| Giffords      | Long          | Schrader      |

□ 1834

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 344, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

Ms. SCHAKOWSKY. Mr. Chair, on rollcall No. 344, had I been present, I would have voted, "no."

AMENDMENT NO. 24 OFFERED BY MR. SARBANES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. SARBANES) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 225, not voting 8, as follows:

[Roll No. 345]

## AYES—198

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Eshoo          | Miller, George   |
| Altmire       | Farr           | Moore            |
| Andrews       | Fattah         | Moran            |
| Baca          | Frank (MA)     | Murphy (CT)      |
| Baldwin       | Fudge          | Nadler           |
| Barrow        | Garamendi      | Napolitano       |
| Bass (CA)     | Gerlach        | Neal             |
| Becerra       | Gonzalez       | Olver            |
| Berkley       | Green, Al      | Owens            |
| Berman        | Green, Gene    | Pallone          |
| Bishop (GA)   | Grijalva       | Pascrell         |
| Bishop (NY)   | Gutierrez      | Pastor (AZ)      |
| Bishop (UT)   | Hanabusa       | Payne            |
| Blumenauer    | Hastings (FL)  | Pelosi           |
| Boren         | Heinrich       | Perlmutter       |
| Boswell       | Higgins        | Peters           |
| Brady (PA)    | Himes          | Peterson         |
| Braley (IA)   | Hinchey        | Pingree (ME)     |
| Brown (FL)    | Hinojosa       | Platts           |
| Butterfield   | Hirono         | Polis            |
| Capito        | Holden         | Price (NC)       |
| Capps         | Holt           | Quigley          |
| Capuano       | Honda          | Rahall           |
| Cardoza       | Hoyer          | Rangel           |
| Carnahan      | Inslee         | Reyes            |
| Carney        | Israel         | Richardson       |
| Carson (IN)   | Jackson Lee    | Richmond         |
| Castor (FL)   | (TX)           | Rogers (AL)      |
| Chandler      | Johnson (GA)   | Ros-Lehtinen     |
| Chu           | Johnson, E. B. | Ross (AR)        |
| Cicilline     | Kaptur         | Rothman (NJ)     |
| Clarke (MI)   | Keating        | Roybal-Allard    |
| Clarke (NY)   | Kildee         | Ruppersberger    |
| Clay          | Kind           | Rush             |
| Cleaver       | Kissell        | Ryan (OH)        |
| Clyburn       | Langevin       | Sánchez, Linda   |
| Cohen         | Larsen (WA)    | T.               |
| Conyers       | Larson (CT)    | Sanchez, Loretta |
| Cooper        | LaTourrette    | Sarbanes         |
| Costa         | Lee (CA)       | Schakowsky       |
| Costello      | Levin          | Schiff           |
| Courtney      | Lewis (GA)     | Schrader         |
| Critz         | Lipinski       | Schwartz         |
| Crowley       | LoBiondo       | Scott (VA)       |
| Cummings      | Loeb sack      | Scott, David     |
| Davis (CA)    | Lofgren, Zoe   | Serrano          |
| Davis (IL)    | Lowe y         | Sewell           |
| DeFazio       | Lujan          | Sherman          |
| DeGette       | Lynch          | Shimkus          |
| DeLauro       | Maloney        | Shuler           |
| Dent          | Markey         | Sires            |
| Deutch        | Matheson       | Slaughter        |
| Dicks         | Matsui         | Smith (NJ)       |
| Dingell       | McCollum       | Smith (WA)       |
| Doggett       | McDermott      | Speier           |
| Donnelly (IN) | McGovern       | Stark            |
| Doyle         | McIntyre       | Sutton           |
| Edwards       | McNerney       | Thompson (CA)    |
| Ellison       | Meeks          | Thompson (MS)    |
| Emerson       | Michaud        | Tierney          |
| Engel         | Miller (NC)    | Tonko            |

Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)

Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner

Welch  
Wilson (FL)  
Wolf  
Woolsey  
Wu  
Yarmuth

## NOES—225

|               |                 |               |
|---------------|-----------------|---------------|
| Adams         | Gohmert         | Nugent        |
| Aderholt      | Goodlatte       | Nunes         |
| Akin          | Gosar           | Nunnelee      |
| Alexander     | Gowdy           | Olson         |
| Amash         | Granger         | Palazzo       |
| Austria       | Graves (GA)     | Paul          |
| Bachmann      | Graves (MO)     | Paulsen       |
| Bachus        | Griffin (AR)    | Pearce        |
| Barletta      | Griffith (VA)   | Pence         |
| Bartlett      | Grimm           | Petri         |
| Barton (TX)   | Guinta          | Pitts         |
| Bass (NH)     | Guthrie         | Poe (TX)      |
| Benishak      | Hall            | Pompeo        |
| Berg          | Hanna           | Posey         |
| Biggert       | Harper          | Price (GA)    |
| Bilbray       | Harris          | Quayle        |
| Bilirakis     | Hartzler        | Reed          |
| Black         | Hayworth        | Rehberg       |
| Blackburn     | Heck            | Reichert      |
| Bonner        | Hensarling      | Renacci       |
| Bono Mack     | Herger          | Ribble        |
| Boustany      | Herrera Beutler | Rigell        |
| Brady (TX)    | Huelskamp       | Rivera        |
| Brooks        | Huizenga (MI)   | Roby          |
| Broun (GA)    | Hultgren        | Roe (TN)      |
| Buchanan      | Hunter          | Rogers (KY)   |
| Bucshon       | Hurt            | Rogers (MI)   |
| Buerkle       | Issa            | Rohrabacher   |
| Burgess       | Jenkins         | Rokita        |
| Burton (IN)   | Johnson (IL)    | Rooney        |
| Calvert       | Johnson, Sam    | Roskam        |
| Camp          | Jones           | Ross (FL)     |
| Campbell      | Jordan          | Royce         |
| Canseco       | Kelly           | Runyan        |
| Cantor        | King (IA)       | Ryan (WI)     |
| Carter        | King (NY)       | Scalise       |
| Cassidy       | Kingston        | Schilling     |
| Chabot        | Kinzinger (IL)  | Schmidt       |
| Chaffetz      | Kline           | Schock        |
| Coble         | Kucinich        | Schweikert    |
| Coffman (CO)  | Labrador        | Scott (SC)    |
| Cole          | Lamborn         | Scott, Austin |
| Conaway       | Lance           | Sensenbrenner |
| Connolly (VA) | Landry          | Sessions      |
| Cravaack      | Lankford        | Shuster       |
| Crawford      | Latham          | Simpson       |
| Crenshaw      | Latta           | Smith (NE)    |
| Cuellar       | Lewis (CA)      | Smith (TX)    |
| Culberson     | Lucas           | Southerland   |
| Davis (KY)    | Luetkemeyer     | Stearns       |
| Denham        | Lummis          | Stivers       |
| DesJarlais    | Lungren, Daniel | Stutzman      |
| Diaz-Balart   | E.              | Sullivan      |
| Dold          | Mack            | Terry         |
| Dreier        | Manzullo        | Thompson (PA) |
| Duffy         | Marchant        | Thornberry    |
| Duncan (SC)   | Marino          | Tiberi        |
| Duncan (TN)   | McCarthy (CA)   | Tipton        |
| Ellmers       | McCaul          | Turner        |
| Farenthold    | McClintock      | Upton         |
| Fincher       | McCotter        | Walberg       |
| Fitzpatrick   | McHenry         | Walden        |
| Flake         | McKeon          | Walsh (IL)    |
| Fleischmann   | McKinley        | Webster       |
| Fleming       | McMorris        | West          |
| Flores        | Rodgers         | Westmoreland  |
| Forbes        | Meehan          | Whitfield     |
| Fortenberry   | Mica            | Wilson (SC)   |
| Fox           | Miller (FL)     | Wittman       |
| Franks (AZ)   | Miller (MI)     | Womack        |
| Gallegly      | Miller, Gary    | Woodall       |
| Gardner       | Mulvaney        | Yoder         |
| Garrett       | Murphy (PA)     | Young (AK)    |
| Gibbs         | Myrick          | Young (FL)    |
| Gibson        | Neugebauer      | Young (IN)    |
| Gingrey (GA)  | Noem            |               |

## NOT VOTING—8

|               |               |               |
|---------------|---------------|---------------|
| Filner        | Hastings (WA) | Long          |
| Frelinghuysen | Jackson (IL)  | McCarthy (NY) |
| Giffords      | Johnson (OH)  |               |

□ 1838

Ms. JACKSON LEE of Texas changed her vote from "no" to "aye."  
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 345, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "aye."

AMENDMENT NO. 25 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. MURPHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 212, not voting 11, as follows:

[Roll No. 346]

#### AYES—208

|               |                |                |
|---------------|----------------|----------------|
| Ackerman      | Dold           | LaTourette     |
| Andrews       | Donnelly (IN)  | Lee (CA)       |
| Baca          | Doyle          | Levin          |
| Baldwin       | Duncan (TN)    | Lewis (GA)     |
| Barrow        | Edwards        | Lipinski       |
| Bass (CA)     | Ellison        | LoBiondo       |
| Becerra       | Emerson        | Loebsock       |
| Berkley       | Engel          | Lofgren, Zoe   |
| Berman        | Eshoo          | Lowe           |
| Bishop (GA)   | Farr           | Lujan          |
| Bishop (NY)   | Fattah         | Lynch          |
| Blumenauer    | Fitzpatrick    | Maloney        |
| Boren         | Frank (MA)     | Manzullo       |
| Boswell       | Fudge          | Markey         |
| Brady (PA)    | Garamendi      | Matheson       |
| Braley (IA)   | Gerlach        | Matsui         |
| Brown (FL)    | Gibson         | McCollum       |
| Butterfield   | Gonzalez       | McCotter       |
| Capps         | Goodlatte      | McDermott      |
| Capuano       | Green, Al      | McGovern       |
| Cardoza       | Green, Gene    | McIntyre       |
| Carnahan      | Griffith (VA)  | McNerney       |
| Carney        | Grijalva       | Meehan         |
| Carson (IN)   | Gutierrez      | Meeks          |
| Castor (FL)   | Hanabusa       | Michaud        |
| Chandler      | Harris         | Miller (NC)    |
| Chu           | Hastings (FL)  | Miller, George |
| Cicilline     | Heinrich       | Moore          |
| Clarke (NY)   | Higgins        | Moran          |
| Clay          | Himes          | Murphy (CT)    |
| Cleaver       | Hinche         | Murphy (PA)    |
| Clyburn       | Hinojosa       | Nadler         |
| Cohen         | Hirono         | Napolitano     |
| Cole          | Holden         | Neal           |
| Connolly (VA) | Holt           | Olver          |
| Cooper        | Honda          | Owens          |
| Costa         | Hoyer          | Pallone        |
| Costello      | Hurt           | Pascarell      |
| Courtney      | Inslee         | Pastor (AZ)    |
| Critz         | Israel         | Paul           |
| Crowley       | Jackson Lee    | Payne          |
| Cuellar       | (TX)           | Pelosi         |
| Cummings      | Johnson (GA)   | Perlmutter     |
| Davis (CA)    | Johnson, E. B. | Peters         |
| Davis (IL)    | Jones          | Peterson       |
| DeFazio       | Kaptur         | Pingree (ME)   |
| DeGette       | Keating        | Platts         |
| DeLauro       | Kildee         | Price (NC)     |
| Dent          | Kind           | Quigley        |
| Deutch        | Kissell        | Rahall         |
| Dicks         | Langevin       | Rangel         |
| Dingell       | Larsen (WA)    | Renacci        |
| Doggett       | Larson (CT)    | Reyes          |

|                   |               |             |
|-------------------|---------------|-------------|
| Richardson        | Scott (VA)    | Tsongas     |
| Richmond          | Scott, David  | Van Hollen  |
| Rogers (KY)       | Serrano       | Velázquez   |
| Ross (AR)         | Sewell        | Visclosky   |
| Rothman (NJ)      | Sherman       | Walz (MN)   |
| Roybal-Allard     | Shuler        | Wasserman   |
| Runyan            | Sires         | Schultz     |
| Ruppersberger     | Slaughter     | Waters      |
| Rush              | Smith (WA)    | Watt        |
| Ryan (OH)         | Speier        | Waxman      |
| Sanchez, Linda T. | Stark         | Weiner      |
| Sanchez, Loretta  | Stivers       | Welch       |
| Sarbanes          | Sutton        | Wilson (FL) |
| Schakowsky        | Thompson (CA) | Woolsey     |
| Schiff            | Thompson (MS) | Wu          |
| Schrader          | Tierney       | Yarmuth     |
| Schwartz          | Tonko         |             |
|                   | Towns         |             |

#### NOES—212

|              |                    |               |
|--------------|--------------------|---------------|
| Adams        | Gosar              | Paulsen       |
| Aderholt     | Govdy              | Pearce        |
| Akin         | Granger            | Pence         |
| Alexander    | Graves (GA)        | Petri         |
| Altmire      | Graves (MO)        | Pitts         |
| Amash        | Griffin (AR)       | Poe (TX)      |
| Austria      | Grimm              | Polis         |
| Bachmann     | Guinta             | Pompeo        |
| Bachus       | Guthrie            | Posey         |
| Barletta     | Hall               | Price (GA)    |
| Bartlett     | Hanna              | Quayle        |
| Barton (TX)  | Harper             | Reed          |
| Bass (NH)    | Hartzler           | Rehberg       |
| Benishek     | Hayworth           | Reichert      |
| Berg         | Heck               | Ribbie        |
| Biggart      | Hensarling         | Rigell        |
| Bilbray      | Herger             | Rivera        |
| Bilirakis    | Herrera Beutler    | Roby          |
| Bishop (UT)  | Huelskamp          | Roe (TN)      |
| Black        | Huizenga (MI)      | Rogers (AL)   |
| Blackburn    | Hultgren           | Rogers (MI)   |
| Bonner       | Hunter             | Rohrabacher   |
| Bono Mack    | Issa               | Rokita        |
| Boustany     | Jenkins            | Rooney        |
| Brady (TX)   | Johnson (IL)       | Ros-Lehtinen  |
| Brooks       | Johnson (OH)       | Roskam        |
| Broun (GA)   | Johnson, Sam       | Ross (FL)     |
| Buchanan     | Jordan             | Royce         |
| Bucshon      | Kelly              | Ryan (WI)     |
| Buerkle      | King (IA)          | Scalise       |
| Burgess      | King (NY)          | Schilling     |
| Burton (IN)  | Kingston           | Schmidt       |
| Calvert      | Kinzinger (IL)     | Schock        |
| Camp         | Kline              | Schweikert    |
| Campbell     | Kucinich           | Scott (SC)    |
| Canseco      | Labrador           | Scott, Austin |
| Cantor       | Lamborn            | Sensenbrenner |
| Capito       | Lance              | Sessions      |
| Carter       | Landry             | Shimkus       |
| Cassidy      | Lankford           | Shuster       |
| Chabot       | Latham             | Simpson       |
| Chaffetz     | Latta              | Smith (NE)    |
| Coble        | Lewis (CA)         | Smith (TX)    |
| Conaway      | Lucas              | Southerland   |
| Conyers      | Luetkemeyer        | Stearns       |
| Cravaack     | Lummis             | Stutzman      |
| Crawford     | Lungren, Daniel E. | Sullivan      |
| Crenshaw     | Mack               | Terry         |
| Culberson    | Marchant           | Thompson (PA) |
| Davis (KY)   | Marino             | Thornberry    |
| Denham       | McCarthy (CA)      | Tiberi        |
| DesJarlais   | McCauley           | Tipton        |
| Dreier       | McClintock         | Turner        |
| Duffy        | McHenry            | Upton         |
| Duncan (SC)  | McKeon             | Walberg       |
| Ellmers      | McKinley           | Walden        |
| Farenthold   | McMorris           | Walsh (IL)    |
| Fincher      | Rodgers            | Webster       |
| Flake        | Mica               | West          |
| Fleischmann  | Miller (FL)        | Westmoreland  |
| Fleming      | Miller (MI)        | Whitfield     |
| Flores       | Miller, Gary       | Wilson (SC)   |
| Forbes       | Mulvaney           | Wittman       |
| Fortenberry  | Myrick             | Wolf          |
| Fox          | Neugebauer         | Womack        |
| Franks (AZ)  | Noem               | Woodall       |
| Gallely      | Nugent             | Yoder         |
| Gardner      | Nunes              | Young (AK)    |
| Garrett      | Nunnelee           | Young (FL)    |
| Gibbs        | Olson              | Young (IN)    |
| Gingrey (GA) | Palazzo            |               |
| Gohmert      |                    |               |

#### NOT VOTING—11

|              |               |               |
|--------------|---------------|---------------|
| Clarke (MI)  | Frelinghuysen | Long          |
| Coffman (CO) | Giffords      | McCarthy (NY) |
| Diaz-Balart  | Hastings (WA) | Smith (NJ)    |
| Filner       | Jackson (IL)  |               |

□ 1842

Mr. HOLT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 346, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "aye."

AMENDMENT NO. 27 OFFERED BY MR. COLE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COLE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 163, not voting 7, as follows:

[Roll No. 347]

#### AYES—261

|             |               |                 |
|-------------|---------------|-----------------|
| Adams       | Cassidy       | Gerlach         |
| Aderholt    | Chabot        | Gibbs           |
| Akin        | Chaffetz      | Gibson          |
| Alexander   | Chandler      | Gingrey (GA)    |
| Altmire     | Coble         | Gohmert         |
| Amash       | Coffman (CO)  | Goodlatte       |
| Austria     | Cole          | Gosar           |
| Bachmann    | Conaway       | Gowdy           |
| Bachus      | Connolly (VA) | Granger         |
| Barletta    | Cooper        | Graves (GA)     |
| Barrow      | Cravaack      | Graves (MO)     |
| Bartlett    | Crawford      | Griffin (AR)    |
| Barton (TX) | Crenshaw      | Griffith (VA)   |
| Bass (NH)   | Cuellar       | Grimm           |
| Benishek    | Culberson     | Guinta          |
| Berg        | Davis (KY)    | Guthrie         |
| Biggart     | Denham        | Hall            |
| Bilbray     | Dent          | Hanna           |
| Bilirakis   | DesJarlais    | Harper          |
| Bishop (GA) | Diaz-Balart   | Harris          |
| Bishop (UT) | Dicks         | Hartzler        |
| Black       | Dold          | Hayworth        |
| Blackburn   | Dreier        | Heck            |
| Bonner      | Duffy         | Hensarling      |
| Bono Mack   | Duncan (SC)   | Herger          |
| Boren       | Duncan (TN)   | Herrera Beutler |
| Boustany    | Ellmers       | Huelskamp       |
| Brady (TX)  | Emerson       | Huizenga (MI)   |
| Brooks      | Farenthold    | Hultgren        |
| Broun (GA)  | Fincher       | Hunter          |
| Buchanan    | Fitzpatrick   | Hurt            |
| Bucshon     | Flake         | Issa            |
| Buerkle     | Fleischmann   | Jenkins         |
| Burgess     | Fleming       | Johnson (IL)    |
| Burton (IN) | Flores        | Johnson (OH)    |
| Calvert     | Forbes        | Johnson, E. B.  |
| Camp        | Fortenberry   | Johnson, Sam    |
| Campbell    | Fox           | Jordan          |
| Canseco     | Franks (AZ)   | Kelly           |
| Cantor      | Fudge         | King (IA)       |
| Capito      | Gallely       | King (NY)       |
| Carnahan    | Gardner       | Kingston        |
| Carter      | Garrett       | Kinzinger (IL)  |

Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Meeks  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

## NOES—163

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison

Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock

Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Waters  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Pallone  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradner  
Schwartz  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter

Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Tierney  
Tonko  
Towns  
Tsongas

Filner  
Frelinghuysen  
Giffords

Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman

## NOT VOTING—7

Hastings (WA)  
Jackson (IL)  
Long

Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

McCarthy (NY)

Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Mulvaney  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Perlmutter

Peters  
Peterson  
Pingree (ME)  
Price (NC)  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Rush  
Ryan (OH)  
Sanchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott, David  
Serrano  
Sewell  
Sires  
Slaughter

## NOES—256

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Andrews  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Biggart  
Billbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Connolly (VA)  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dold  
Dreier  
Duffy

Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham

Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lofgren, Zoe  
Lucas  
Luetkemeyer  
Lungren, Daniel E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney

## □ 1848

Mr. CLEAVER changed his vote from “aye” to “no.”

Ms. WATERS and Ms. SPEIER changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 347, I was away from the Capitol region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, “no.”

## AMENDMENT NO. 28 OFFERED BY MR. GARAMENDI

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GARAMENDI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 256, not voting 7, as follows:

[Roll No. 348]

## AYES—168

Ackerman  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Conyers  
Costa  
Costello

Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Gonzalez  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heck  
Heinrich  
Higgins

Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson Lee  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larsen (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lowey  
Lujan  
Lummis  
Lynch  
Maloney

|               |               |              |                |                |                  |            |               |               |
|---------------|---------------|--------------|----------------|----------------|------------------|------------|---------------|---------------|
| Ros-Lehtinen  | Sherman       | Upton        | Hinojosa       | McNerney       | Sánchez, Linda   | Pence      | Royce         | Terry         |
| Roskam        | Shimkus       | Walberg      | Hirono         | Meeks          | T.               | Petri      | Runyan        | Thompson (MS) |
| Ross (AR)     | Shuler        | Walden       | Holt           | Michaud        | Sanchez, Loretta | Pitts      | Ruppersberger | Thompson (PA) |
| Ross (FL)     | Shuster       | Walsh (IL)   | Honda          | Miller (NC)    | Sarbanes         | Platts     | Ryan (WI)     | Thornberry    |
| Royce         | Simpson       | Watt         | Inslée         | Miller, George | Schakowsky       | Poe (TX)   | Scalise       | Tiberi        |
| Ruppersberger | Smith (NE)    | Webster      | Israel         | Moore          | Schiff           | Pompeo     | Schilling     | Tipton        |
| Ryan (WI)     | Smith (TX)    | West         | Jackson Lee    | Murphy (CT)    | Schrader         | Price (GA) | Schmidt       | Turner        |
| Scalise       | Southerland   | Westmoreland | (TX)           | Nadler         | Schwartz         | Quayle     | Schock        | Upton         |
| Schilling     | Stearns       | Whitfield    | Johnson (GA)   | Napolitano     | Scott, David     | Reed       | Schweikert    | Visclosky     |
| Schmidt       | Stivers       | Wilson (SC)  | Johnson, E. B. | Neal           | Serrano          | Rehberg    | Scott (SC)    | Walberg       |
| Schock        | Stutzman      | Wittman      | Jones          | Oliver         | Sewell           | Reichert   | Scott (VA)    | Walden        |
| Schrader      | Sullivan      | Wolf         | Kaptur         | Owens          | Sherman          | Renacci    | Scott, Austin | Walsh (IL)    |
| Schweikert    | Terry         | Womack       | Keating        | Pallone        | Sires            | Ribble     | Sensenbrenner | Webster       |
| Scott (SC)    | Thompson (PA) | Woodall      | Kildee         | Pascarell      | Slaughter        | Richardson | Sessions      | West          |
| Scott (VA)    | Thornberry    | Yoder        | Kind           | Pastor (AZ)    | Speier           | Rigell     | Shimkus       | Westmoreland  |
| Scott, Austin | Tiberi        | Young (AK)   | Kissell        | Paul           | Stark            | Rivera     | Shuler        | Whitfield     |
| Sensenbrenner | Tipton        | Young (FL)   | Kucinich       | Payne          | Sutton           | Roby       | Shuster       | Wilson (SC)   |
| Sessions      | Turner        | Young (IN)   | Langevin       | Pelosi         | Thompson (CA)    | Roe (TN)   | Simpson       | Wittman       |

## NOT VOTING—7

|               |               |               |
|---------------|---------------|---------------|
| Filner        | Hastings (WA) | McCarthy (NY) |
| Frelinghuysen | Jackson (IL)  |               |
| Giffords      | Long          |               |

□ 1853

Ms. LORETTA SANCHEZ of California and Ms. PELOSI changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 348, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

## AMENDMENT NO. 26 OFFERED BY MRS. MALONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 248, not voting 7, as follows:

[Roll No. 349]

## AYES—176

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Chu           | Donnelly (IN) |
| Andrews     | Cicilline     | Doyle         |
| Baca        | Clarke (MI)   | Duncan (TN)   |
| Baldwin     | Clarke (NY)   | Edwards       |
| Barrow      | Clay          | Ellison       |
| Bass (CA)   | Cleaver       | Engel         |
| Becerra     | Clyburn       | Eshoo         |
| Berkley     | Cohen         | Farr          |
| Berman      | Connolly (VA) | Fattah        |
| Bishop (NY) | Conyers       | Frank (MA)    |
| Blumenauer  | Cooper        | Fudge         |
| Boswell     | Costa         | Garamendi     |
| Brady (PA)  | Courtney      | Gonzalez      |
| Braley (IA) | Crowley       | Green, Al     |
| Brown (FL)  | Cuellar       | Green, Gene   |
| Butterfield | Cummings      | Grijalva      |
| Capps       | Davis (CA)    | Gutierrez     |
| Capuano     | Davis (IL)    | Hanabusa      |
| Cardoza     | DeFazio       | Harris        |
| Carnahan    | DeGette       | Hastings (FL) |
| Carney      | DeLauro       | Heinrich      |
| Carson (IN) | Deutch        | Higgins       |
| Castor (FL) | Dingell       | Himes         |
| Chandler    | Doggett       | Hinchey       |

|              |               |
|--------------|---------------|
| Larsen (WA)  | McCarthy (NY) |
| Larson (CT)  |               |
| LaTourette   |               |
| Lee (CA)     |               |
| Levin        |               |
| Lewis (GA)   |               |
| Loeb         |               |
| Lofgren, Zoe |               |
| Lowe         |               |
| Lujan        |               |
| Lynch        |               |
| Maloney      |               |
| Markey       |               |
| Matsui       |               |
| McCollum     |               |
| McDermott    |               |
| McGovern     |               |
| McIntyre     |               |

|              |                 |                 |
|--------------|-----------------|-----------------|
| Adams        | DesJarlais      | Johnson (IL)    |
| Aderholt     | Diaz-Balart     | Johnson (OH)    |
| Akin         | Dicks           | Johnson, Sam    |
| Alexander    | Dold            | Jordan          |
| Altmire      | Dreier          | Kelly           |
| Amash        | Duffy           | King (IA)       |
| Austria      | Duncan (SC)     | King (NY)       |
| Bachmann     | Ellmers         | Kingston        |
| Bachus       | Emerson         | Kinzing (IL)    |
| Barletta     | Farenthold      | Kline           |
| Bartlett     | Fincher         | Labrador        |
| Barton (TX)  | Fitzpatrick     | Lamborn         |
| Bass (NH)    | Flake           | Lance           |
| Benish       | Fleischmann     | Landry          |
| Berg         | Fleming         | Lankford        |
| Biggart      | Flores          | Latham          |
| Bilbray      | Forbes          | Latta           |
| Bilirakis    | Fortenberry     | Lewis (CA)      |
| Bishop (GA)  | Fox             | Lipinski        |
| Bishop (UT)  | Franks (AZ)     | LoBiondo        |
| Black        | Gallegly        | Lucas           |
| Blackburn    | Gardner         | Luetkemeyer     |
| Bonner       | Garrett         | Lummis          |
| Bono Mack    | Gerlach         | Lungren, Daniel |
| Boren        | Gibbs           | E.              |
| Boustany     | Gibson          | Mack            |
| Brady (TX)   | Gingrey (GA)    | Manzullo        |
| Brooks       | Gohmert         | Marchant        |
| Broun (GA)   | Goodlatte       | Marino          |
| Buchanan     | Gosar           | Matheson        |
| Bucshon      | Gowdy           | McCarthy (CA)   |
| Buerkle      | Granger         | McCaul          |
| Burgess      | Graves (GA)     | McClintock      |
| Burton (IN)  | Graves (MO)     | McCotter        |
| Calvert      | Griffin (AR)    | McHenry         |
| Camp         | Griffith (VA)   | McKeon          |
| Campbell     | Grimm           | McKinley        |
| Canseco      | Guinta          | McMorris        |
| Cantor       | Guthrie         | Rodgers         |
| Capito       | Hall            | Meehan          |
| Carter       | Hanna           | Mica            |
| Cassidy      | Harper          | Miller (FL)     |
| Chabot       | Hartzer         | Miller (MI)     |
| Chaffetz     | Hayworth        | Miller, Gary    |
| Coble        | Heck            | Moran           |
| Coffman (CO) | Hensarling      | Mulvaney        |
| Cole         | Herger          | Murphy (PA)     |
| Conaway      | Herrera Beutler | Myrick          |
| Costello     | Holden          | Neugebauer      |
| Cravaack     | Hoyer           | Noem            |
| Crawford     | Huelskamp       | Nugent          |
| Crenshaw     | Huizenga (MI)   | Nunes           |
| Critz        | Hultgren        | Nunnelee        |
| Culberson    | Hunter          | Olson           |
| Davis (KY)   | Hurt            | Palazzo         |
| Denham       | Issa            | Paulsen         |
| Dent         | Jenkins         | Pearce          |

## NOES—248

|             |
|-------------|
| Waters      |
| Watt        |
| Waxman      |
| Weiner      |
| Welch       |
| Wilson (FL) |
| Woolsey     |
| Wu          |
| Yarmuth     |

|               |               |               |
|---------------|---------------|---------------|
| Filner        | Hastings (WA) | McCarthy (NY) |
| Frelinghuysen | Jackson (IL)  |               |
| Giffords      | Long          |               |

□ 1857

Mr. ROHRABACHER changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 349, I was away from the Capitol region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted, “aye.”

## AMENDMENT NO. 30 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 240, not voting 7, as follows:

[Roll No. 350]

## AYES—184

|             |             |               |
|-------------|-------------|---------------|
| Ackerman    | Brady (PA)  | Cooper        |
| Adams       | Broun (GA)  | Costa         |
| Altmire     | Brown (FL)  | Costello      |
| Amash       | Burgess     | Courtney      |
| Andrews     | Capuano     | Cravaack      |
| Baca        | Cardoza     | Critz         |
| Baldwin     | Carnahan    | Crowley       |
| Barrow      | Carney      | Cuellar       |
| Bartlett    | Carson (IN) | Cummings      |
| Barton (TX) | Cassidy     | DeGette       |
| Bass (CA)   | Castor (FL) | DeLauro       |
| Berman      | Cicilline   | Dent          |
| Bilirakis   | Clarke (MI) | DesJarlais    |
| Bishop (NY) | Clay        | Dingell       |
| Blumenauer  | Coble       | Doggett       |
| Boswell     | Cohen       | Donnelly (IN) |



Doyle  
Duffy  
Duncan (TN)  
Ellison  
Ellmers  
Eshoo  
Farr  
Fattah  
Fitzpatrick  
Fortenberry  
Frank (MA)  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Green, Al  
Griffith (VA)  
Grijalva  
Hastings (FL)  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Holden  
Huizenga (MI)  
Hurt  
Inlee  
Israel  
Jackson Lee  
(TX)  
Johnson (IL)  
Johnson (OH)  
Jones  
Kildee  
Kind  
Kissell  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Levin  
Lewis (GA)  
Lipinski

## NOES—240

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barletta  
Bass (NH)  
Becerra  
Benishek  
Berg  
Berkley  
Biggert  
Bilbray  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brayley (IA)  
Brooks  
Buchanan  
Bucshon  
Buerkle  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Carter  
Chabot  
Chaffetz  
Chandler  
Chu  
Clarke (NY)  
Cleaver  
Clyburn  
Coffman (CO)

LoBiondo  
Lofgren, Zoe  
Lowey  
Lummis  
Lynch  
Maloney  
Markey  
Matheson  
McClintock  
McCormack  
McGovern  
McIntyre  
McNerney  
Meehan  
Mica  
Michaud  
Miller, George  
Murphy (CT)  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Paul  
Paulsen  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Platts  
Polis  
Price (NC)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Renacci  
Ribble  
Richardson  
Richmond  
Roe (TN)  
Rohrabacher  
Rooney

Rothman (NJ)  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schock  
Schradler  
Schwartz  
Scott, David  
Sensenbrenner  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Smith (NJ)  
Smith (WA)  
Speier  
Stivers  
Thompson (MS)  
Tierney  
Tipton  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Waxman  
Weiner  
Welch  
West  
Wilson (FL)  
Yarmuth  
Yoder  
Young (FL)

Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matsui  
McCarthy (CA)  
McCaul  
McCotter  
McDermott  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meeks  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moore  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Pascrell

Filner  
Frelinghuysen  
Giffords

Pastor (AZ)  
Pearce  
Pence  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Rangel  
Reichert  
Reyes  
Rigell  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Roybal-Allard  
Ruppersberger  
Rush  
Sánchez, Loretta  
Scalise  
Schilling  
Schmidt  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Sessions  
Shimkus

## NOT VOTING—7

Hastings (WA)  
Jackson (IL)  
Long

□ 1903

Messrs. HUNTER, CONNOLLY of Virginia, CHANDLER and STARK, Ms. CLARKE of New York and Mrs. SCHMIDT changed their vote from “aye” to “no.”

Messrs. JOHNSON of Ohio, BROUN of Georgia, DOGETT and DUFFY changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 350, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 31 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 232, not voting 8, as follows:

[Roll No. 351]

## AYES—191

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Brayley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez

Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inlee  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCormack  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Payne

Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Renacci  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sánchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Stivers  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Weiner  
Welch  
West  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOES—232

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks

Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Conaway  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz  
Culbertson

Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner

Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta

Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Ribble  
Rigell

Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Southernland  
Stearns  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

The vote was taken by electronic device, and there were—ayes 178, noes 246, not voting 7, as follows:

[Roll No. 352]

AYES—178

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Bowell  
Bradley (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Cohen  
Connolly (VA)  
Conyers  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah

NOES—246

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)

Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Murphy (CT)  
Nadler  
Napolitano  
Neal

Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lowe  
Lucas  
Luetkemeyer  
Lummis

Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Ruppersberger  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Wasserman  
Schultz  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NOT VOTING—7

Filner  
Frelinghuysen  
Giffords

□ 1911

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 352, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 37 OFFERED BY MR. RICHMOND

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. RICHMOND) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

NOT VOTING—8

Filner  
Frelinghuysen  
Giffords

□ 1908

So the amendment was rejected.  
The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair on rollcall 351, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted, "aye."

AMENDMENT NO. 32 OFFERED BY MR. ANDREWS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 8, as follows:

[Roll No. 353]

AYES—177

|               |                 |                  |
|---------------|-----------------|------------------|
| Ackerman      | Gutierrez       | Pelosi           |
| Altmire       | Hanabusa        | Peters           |
| Andrews       | Hastings (FL)   | Peterson         |
| Baca          | Heinrich        | Petri            |
| Baldwin       | Herrera Beutler | Pingree (ME)     |
| Barrow        | Higgins         | Price (NC)       |
| Bass (CA)     | Hinche          | Quigley          |
| Becerra       | Hinojosa        | Rahall           |
| Berkley       | Holden          | Rangel           |
| Berman        | Holt            | Renacci          |
| Bishop (GA)   | Honda           | Richardson       |
| Bishop (NY)   | Hoyer           | Richmond         |
| Boren         | Inslee          | Rothman (NJ)     |
| Boswell       | Israel          | Roybal-Allard    |
| Brady (PA)    | Jackson Lee     | Rush             |
| Braley (IA)   | (TX)            | Ryan (OH)        |
| Brown (FL)    | Johnson (GA)    | Sánchez, Linda   |
| Butterfield   | Johnson, E. B.  | T.               |
| Capps         | Kaptur          | Sanchez, Loretta |
| Capuano       | Keating         | Sarbanes         |
| Cardoza       | Kildee          | Scalise          |
| Carney        | Kind            | Schakowsky       |
| Carson (IN)   | Kissell         | Schiff           |
| Castor (FL)   | Kucinich        | Schwartz         |
| Chandler      | Landry          | Scott, Austin    |
| Chu           | Larson (CT)     | Scott, David     |
| Cicilline     | LaTourette      | Sensenbrenner    |
| Clarke (MI)   | Lee (CA)        | Serrano          |
| Clarke (NY)   | Levin           | Sewell           |
| Clay          | Lewis (GA)      | Sherman          |
| Cleaver       | Loeb            | Shuler           |
| Clyburn       | Lofgren, Zoe    | Shuster          |
| Cohen         | Lowe            | Simpson          |
| Conyers       | Luján           | Sires            |
| Cooper        | Lummis          | Slaughter        |
| Costa         | Lynch           | Smith (WA)       |
| Critz         | Maloney         | Speier           |
| Crowley       | Markey          | Stark            |
| Cummings      | Matsui          | Stearns          |
| Davis (CA)    | McClintock      | Stivers          |
| Davis (IL)    | McCollum        | Sutton           |
| DeFazio       | McDermott       | Thompson (CA)    |
| DeLauro       | McGovern        | Thompson (MS)    |
| Deutch        | McIntyre        | Tierney          |
| Dingell       | McNerney        | Tonko            |
| Doggett       | Meeks           | Towns            |
| Donnelly (IN) | Michaud         | Van Hollen       |
| Doyle         | Miller (NC)     | Velázquez        |
| Ellison       | Miller, George  | Walden           |
| Engel         | Moore           | Wasserman        |
| Eshoo         | Murphy (CT)     | Schultz          |
| Farr          | Nadler          | Waters           |
| Fattah        | Napolitano      | Watt             |
| Fortenberry   | Neal            | Weiner           |
| Frank (MA)    | Olver           | Welch            |
| Fudge         | Owens           | Whitfield        |
| Garamendi     | Pallone         | Wilson (FL)      |
| Gohmert       | Pascarell       | Woolsey          |
| Green, Al     | Paulsen         | Wu               |
| Grijalva      | Payne           | Yarmuth          |

NOES—246

|             |             |               |
|-------------|-------------|---------------|
| Adams       | Bono Mack   | Coffman (CO)  |
| Aderholt    | Boustany    | Cole          |
| Akin        | Brady (TX)  | Conaway       |
| Alexander   | Brooks      | Connolly (VA) |
| Amash       | Broun (GA)  | Costello      |
| Austria     | Buchanan    | Courtney      |
| Bachmann    | Bucshon     | Cravaack      |
| Bachus      | Buerkle     | Crawford      |
| Barletta    | Burgess     | Crenshaw      |
| Bartlett    | Burton (IN) | Cuellar       |
| Barton (TX) | Calvert     | Culberson     |
| Bass (NH)   | Camp        | Davis (KY)    |
| Benish      | Campbell    | DeGette       |
| Berg        | Canseco     | Denham        |
| Biggart     | Cantor      | Dent          |
| Bilbray     | Capito      | DesJarlais    |
| Bilirakis   | Carmahan    | Diaz-Balart   |
| Bishop (UT) | Carter      | Dicks         |
| Black       | Cassidy     | Dold          |
| Blackburn   | Chabot      | Dreier        |
| Blumenauer  | Chaffetz    | Duffy         |
| Bonner      | Coble       | Duncan (SC)   |

|                |                 |               |
|----------------|-----------------|---------------|
| Duncan (TN)    | Kline           | Reyes         |
| Edwards        | Labrador        | Ribbe         |
| Elmiers        | Lamborn         | Rigell        |
| Emerson        | Lance           | Rivera        |
| Farenthold     | Langevin        | Roby          |
| Fincher        | Lankford        | Roe (TN)      |
| Fitzpatrick    | Larsen (WA)     | Rogers (AL)   |
| Flake          | Latham          | Rogers (KY)   |
| Fleischmann    | Latta           | Rogers (MI)   |
| Fleming        | Lewis (CA)      | Rohrabacher   |
| Flores         | Lipinski        | Rokita        |
| Forbes         | LoBiondo        | Rooney        |
| Fox            | Lucas           | Ros-Lehtinen  |
| Franks (AZ)    | Luetkemeyer     | Roskam        |
| Gallegly       | Lungren, Daniel | Ross (AR)     |
| Gardner        | E.              | Ross (FL)     |
| Garrett        | Mack            | Royce         |
| Gerlach        | Manzullo        | Runyan        |
| Gibbs          | Marchant        | Ruppersberger |
| Gibson         | Marino          | Ryan (WI)     |
| Gingrey (GA)   | Matheson        | Schilling     |
| Gonzalez       | McCarthy (CA)   | Schmidt       |
| Goodlatte      | McCaul          | Schock        |
| Gosar          | McCotter        | Schrader      |
| Gowdy          | McHenry         | Schweikert    |
| Granger        | McKeon          | Scott (SC)    |
| Graves (GA)    | McKinley        | Scott (VA)    |
| Graves (MO)    | McMorris        | Sessions      |
| Green, Gene    | Rodgers         | Shimkus       |
| Griffith (AR)  | Meehan          | Smith (NE)    |
| Griffith (VA)  | Mica            | Smith (NJ)    |
| Grimm          | Miller (FL)     | Smith (TX)    |
| Guinta         | Miller (MI)     | Southerland   |
| Guthrie        | Miller, Gary    | Stutzman      |
| Hall           | Moran           | Sullivan      |
| Hanna          | Mulvaney        | Terry         |
| Harper         | Murphy (PA)     | Thompson (PA) |
| Harris         | Myrick          | Thornberry    |
| Hartzler       | Neugebauer      | Tiberi        |
| Hayworth       | Noem            | Tipton        |
| Heck           | Nugent          | Tsongas       |
| Hensarling     | Nunes           | Turner        |
| Hergert        | Nunnelee        | Upton         |
| Himes          | Olson           | Visclosky     |
| Huelskamp      | Palazzo         | Walberg       |
| Huizenga (MI)  | Pastor (AZ)     | Walsh (IL)    |
| Hultgren       | Paul            | Walz (MN)     |
| Hunter         | Pearce          | Waxman        |
| Hurt           | Pence           | Webster       |
| Issa           | Perlmutter      | West          |
| Jenkins        | Pitts           | Westmoreland  |
| Johnson (IL)   | Platts          | Wilson (SC)   |
| Johnson (OH)   | Poe (TX)        | Wittman       |
| Johnson, Sam   | Polis           | Wolf          |
| Jones          | Pompeo          | Womack        |
| Jordan         | Posey           | Woodall       |
| Kelly          | Price (GA)      | Yoder         |
| King (IA)      | Quayle          | Young (AK)    |
| King (NY)      | Reed            | Young (FL)    |
| Kingston       | Rehberg         | Young (IN)    |
| Kinzinger (IL) | Reichert        |               |

NOT VOTING—8

|               |               |               |
|---------------|---------------|---------------|
| Filner        | Hastings (WA) | Long          |
| Frelinghuysen | Hirono        | McCarthy (NY) |
| Giffords      | Jackson (IL)  |               |

□ 1915

Mr. LIPINSKI changed his vote from “aye” to “no.”

Mr. KUCINICH changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 353, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 39 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 112-88.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1085. SENSE OF CONGRESS REGARDING DEPLOYMENT OF NATIONAL GUARD TO SOUTHWESTERN BORDER OF UNITED STATES.**

It is the sense of the Congress that the deployment of National Guard personnel (as defined in section 101(c) of title 10, United States Code) along the southwestern border of the United States for the purposes of assisting United States Customs and Border Protection in securing the international border between the United States and Mexico, should continue through the end of fiscal year 2011.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would simply include sense of Congress language in the bill that would express that Congress supports extending the current deployment of National Guard troops on the border through the rest of the fiscal year.

As many are aware, in October of last year about 1,200 National Guard troops were deployed along the southwestern border. According to the Department of Homeland Security, the presence of National Guard troops is helping to bridge the gap until we train enough border agents to patrol the rest of the border as authorized by Congress.

To be more specific, the Governor of Arizona recently indicated that under this deployment, the Arizona National Guard has been involved in approximately 19,000 observations, 10,000 apprehension assists, 235 drug seizure assists involving about 18 tons of marijuana.

However, unless action is taken, this deployment will end at the end of next month when troops will be coming off the border; they will be coming off the border likely before that as well.

In Arizona, those in the Yuma sector will tell you that the presence of National Guard troops has been instrumental in us achieving actually operational control, which means that if an illegal alien crosses the border in the Yuma sector, you have a reasonable expectation of catching him or her.

So we need that there to maintain operational control, and we also need that presence in the Tucson sector where we have something far from operational control. It would be a step backwards in the Tucson sector which continues to deal with human smuggling and drug smuggling.

Whether we like it or not, the southwestern border is not secure. In February of this year, the GAO testified that “the Border Patrol reported achieving varying levels of operational control—873, 44 percent, of nearly 2,000 southwest border miles by the end of fiscal year 2010.”

□ 1920

So we have a long ways to go, and we certainly need these National Guard troops there. It is not the time to do that. When you talk particularly with the local ranchers, farmers and residents along the border who regularly come in contact with groups coming across the border, many times armed and many times carrying drugs, they certainly support the stay of the National Guard. When I talk to the ranchers, they have particular praise for the actions of the National Guard there. They've done a good job. So, until we can have operational control of more of the border, we've got to ensure that these National Guard troops stay.

My understanding is that the President now supports keeping them there if we can find the resources to do so.

I yield back the balance of my time.

Mr. SMITH of Washington. I rise to claim time in opposition, although I am not in opposition to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. I just want to express my support for the amendment.

Certainly, border security continues to be a challenge and a priority. The National Guard troops are helping. Now, in a bipartisan way, there is agreement on that, so I support Mr. FLAKE's amendment, and I urge the body to support it as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 40 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 112-88.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle I of title X, insert the following:

**SEC. 1099C. CLOSING OF NATIONAL DRUG INTELLIGENCE CENTER.**

Section 9078 of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1919) is amended by striking "There is established" and all that follows through "That section 8083" and inserting "Section 8083".

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is straightforward. It simply seeks to repeal the authorization

for the National Drug Intelligence Center which was included in the 1993 Defense Appropriations Act.

The NDIC is an entity that has received hundreds of millions of taxpayer dollars over the years. This is despite steady criticism that it has been ineffective at accomplishing its mission. This is a mission that has been described as duplicative and ought to be realigned elsewhere.

The Wall Street Journal noted on January 31, "Conservatives have argued the center is a waste of taxpayer money, and critics argue it has never fulfilled its promise to provide high-quality analysis of drug networks."

I have come to this floor many times, seeking to eliminate funding or to otherwise close the NDIC. However, reducing funding or ending funding for the NDIC has been far from a solo mission. Earlier this year, we voted in the CR debate to end funding for the NDIC.

According to Citizens Against Government Waste, President Bush proposed the termination of the NDIC in budget requests for fiscal years 2006, 2007 and 2008.

In 2006, a spokesman for the Department of Justice asserted that the resources of the NDIC should be "re-aligned to support priority counterterrorism and national security initiatives."

Even the current administration's Deputy Attorney General James Cole said that many of the center's functions can be performed elsewhere, as reported in "CQ Today" on February 14 of this year.

As I mentioned, during consideration of H.R. 1, 262 Members of this body voiced their opposition to the NDIC when they voted in favor of an amendment that I offered to strike funding in its entirety for fiscal year 2011. Yet the NDIC still received more than \$34 million in fiscal year 2011, and stands to receive more in fiscal year 2012 unless we do something to stop it.

I reserve the balance of my time.

Mr. CRITZ. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. CRITZ. Mr. Chairman, right now, as we discuss the NDIC once again, I am concerned for the folks who are working at the NDIC, doing the great work, and am worried about them as their work and their jobs are, again, turned into a political football.

As the gentleman from Arizona has said, this is obviously not the first time that he has offered amendments or has offered legislation to close the NDIC. I am a reasonable human being, and at the vote that he referenced earlier this year, I sent Mr. FLAKE a note on February 22, asking him for the information that he was just citing. I want to do good things for this country, and if there had been duplicative

functions and if the NDIC had not been doing the job that they tell me, I wanted to see that information. I did not receive any response to that February 22 information, so I then had my staff do research.

I found that some of the information being referenced was from a GAO report from April 1993. Some of the personal testimonies against the NDIC were from a gentleman who was fired and from another man who hadn't worked there for 16 years.

I then quantified/qualified what NDIC does, and noted that they are the only strategic drug threat assessment organization in the country. Many times, they're compared to the El Paso Intelligence Center, EPIC, which does tactical, "tactical" meaning that they have a 24-hour watch system that is prepared to respond quickly to requests from law enforcement. Many times, they're talked about as the "fusion centers." Well, the fusion centers are operational. They support multi-jurisdictional investigations.

The NDIC is the only strategic drug intelligence center in the country. They offer strategic drug threat assessments, money laundering reporting, issue-based intelligence reports, support to the intelligence community and senior policymakers. They also have a product called DOMEX, Document and Media Exploitation Support.

What's interesting is that the prior amendment talked about the borders of Arizona and how important it was to secure them. DOMEX and the NDIC also have operations in Arizona, and according to the Phoenix DEA, they are doing an incredible job assisting and enhancing the Strike Force investigations being conducted here in Arizona.

The Arizona Attorney General's Office recently sent a letter to NDIC, stating, "I wish to take this opportunity to express the appreciation of this office for all of the work NDIC has done in connection with the investigation of money laundering."

Now, when talking about money laundering and the work the NDIC is doing, the money that is made illicitly through drugs also finds its way into illicit activity and terrorism as well, so the NDIC serves as the center where all the information comes in. They produce the reports and then ship them out to all the agencies. They eliminate redundancy. That's their whole mission.

In fact, on March 31 of this year, Donna Bucella, Assistant Commissioner of Office of Intelligence and Operations Coordination, testified before a Senate committee, and cited NDIC's participation in a weekly briefing, which includes over 290 participants, talking about the illicit drug trafficking across the world. They produce eight analytical mapping products each week that are a key centerpiece of the briefings in the teleconference.

In their budget request, the Department of Justice says that the NDIC “facilitates the development of sound strategies, initiatives, policies, and regulations to counter threats, and promotes effective, intelligence-driven decision-making in support of the Attorney General’s priorities.”

The NDIC is not duplicative. They’ve proven it time and time again. It is time we stopped rehashing information from the mid-1990s to eliminate this center.

Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. NADLER), a member of the Judiciary Committee.

The Acting CHAIR. The gentleman is recognized for 30 seconds.

Mr. NADLER. Mr. Chairman, nowhere in this bill is the National Drug Intelligence Center either authorized or funded at all. That was changed a few years ago. It used to be funded from DOD. It’s now entirely funded and authorized in the Department of Justice. This amendment has no business in this bill. It ought to be in the authorization or in, perhaps, the appropriations bill for the Department of Justice.

The only reason that the parliamentarian might rule this germane is that the rule waives all points of order. Yet this should not be voted on. This should not be considered in this bill. It has nothing to do with this bill. It’s authorized and appropriated in the Department of Justice bill.

□ 1930

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. FLAKE. I yield myself the balance of my time.

Let me just say that two successive administrations, one Republican, one Democrat, have either called for eliminating or severely reducing the funding that goes to the NDIC because, as we have heard before, the programs are duplicative, wasteful. And there is no doubt that some good work goes on there. Nobody is disputing that. But there is also good work that goes on at the ONDCP or the DEA or other drug enforcement agencies or other agencies that have that as part of their portfolio.

That’s the problem here. For years and years, we have been funding programs just because a particular powerful Member of this body or somebody sought an earmark or several earmarks or earmarks over a series of years to fund particular institutions or programs. That’s what we have here. That’s the legacy we are left with here. And we are simply trying to say enough is enough. We have got to save money somewhere. And if we can’t do it with a program like this, where can we do it? When are we going to get se-

rious about this debt and deficit that we have?

So that’s what we’re doing here. The reason we’re doing it on this is because we’re seeking to strike authorization. As we know, if we don’t have authorization for a program, it’s more difficult for that program to be funded. Believe me, we will be back in the appropriations process to go after this funding as well, but we thought we ought to go here. This was ruled in order. It is germane to the bill. And that’s why we are here.

Let me just stress again, we have to get serious about this fiscal situation we are in. If we can’t get serious about a program like this that’s been called duplicative and wasteful, and two successive administrations, one Republican, one Democratic, have urged to either eliminate or severely reduce funding for, and yet Congress keeps coming back and providing far more money than the administration even wants for this because they know there are other programs, other agencies, other institutions that are doing this same work, if we can’t save money here, I don’t know where we’re going to save it, Mr. Chairman.

So I would urge adoption of the amendment. Let’s do something here for the taxpayer and something for our defense and intelligence and our anti-drug efforts by making sure that programs that are not effective end and that funding be placed elsewhere.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CRITZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 41 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. It is now in order to consider amendment No. 41 printed in House Report 112-88.

Ms. SCHAKOWSKY. I would like to speak in favor of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title X, add the following new section:

**SEC. 1068. FREEZE IN BUDGET OF DEPARTMENT OF DEFENSE UNTIL UNQUALIFIED AUDIT OPINIONS ACHIEVED.**

(a) FREEZE.—

(1) IN GENERAL.—Unless and until the requirement specified in paragraph (2) is met for the entire Department of Defense, except as provided in subsection (b), the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense (other

than the functions excluded by subsection (c)) for a fiscal year may not exceed—

(A) in the case of fiscal year 2012, the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense (other than the functions excluded by subsection (b)) for fiscal year 2011; and

(B) in each fiscal year after fiscal year 2012, the aggregate amount of funds appropriated or otherwise made available for such functions for the previous fiscal year.

(2) REQUIREMENT FOR UNQUALIFIED AUDIT OPINION.—The requirement of this paragraph is that the Department of Defense (including every major Pentagon component and every major defense acquisition program of the Department) is certified by the Inspector General of the Department of Defense or an independent public accountant as achieving an unqualified audit opinion.

(b) WAIVER.—The President may waive subsection (a) with respect to a component or program of the Department if the President certifies that applying the subsection to that component or program would harm national security or members of the Armed Forces who are in combat.

(c) EXCLUSION OF OVERSEAS CONTINGENCY OPERATIONS AND MILITARY PERSONNEL PAY AND BENEFITS.—In determining the aggregate amount of funds appropriated or otherwise made available for military functions administered by the Department of Defense for fiscal year 2012 or any subsequent fiscal year for purposes of subsection (a), there shall be excluded all amounts appropriated or otherwise made available—

(1) in any supplemental appropriations Act; or

(2) in any general appropriations Acts for—

(A) overseas contingency operations;

(B) military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense, generally title I of the annual Department of Defense appropriations Act; and

(C) wounded warrior programs of the Department of Defense.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Ms. SCHAKOWSKY. Mr. Chairman, I yield myself as much time as I may consume.

For those who are interested in fiscal responsibility, this amendment would freeze Department of Defense spending until the Pentagon is able to pass an audit—able to pass an audit. This freeze could be waived by the President if it would harm our national security. And my amendment excludes spending for Wounded Warriors and defense personnel accounts as well as for overseas contingency operations.

Though defense spending currently accounts for over 20 percent of our Federal budget, DOD remains one of the few Federal agencies unable to pass an independent audit. This leaves the Pentagon vulnerable to serious waste and fraud. A recent GAO review of selected major weapons systems found that \$70 billion had been lost through waste, mainly due to “poor management and

execution problems." Tens of billions more have been paid to fraudulent contractors.

I remember back in 2002, then-Secretary of Defense Rumsfeld admitted that he could not account for \$2.3 trillion in Pentagon expenditures. For over two decades, the Pentagon has been under obligation to face an audit, and currently it must be auditable by September 2017. But recent status reports have raised serious concerns that this goal will not be met.

Waste and fraud in the Pentagon have serious consequences, both for our fiscal stability and our national security. My amendment provides a real incentive for the Pentagon finally to pass an audit. It is irresponsible to continue what Secretary Gates has called the gusher of defense spending without ensuring that we know where taxpayer dollars are going.

I believe this is a commonsense idea. It is also a bipartisan one. My amendment is very similar to a proposal that Senator COBURN made to the National Commission on Fiscal Responsibility and Reform on which I also served last year. It is a constitutional requirement that "a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." Well, these are very difficult financial times, and we're faced with difficult choices and the prospect of cutting critical government programs. This accounting of funds has become more important than ever, including the Pentagon.

I yield 1 minute of my remaining time to the gentlewoman from California, BARBARA LEE.

Ms. LEE. Mr. Chair, I rise in strong support of this very commonsense amendment. And I want to thank my colleague, Congresswoman JAN SCHAKOWSKY, who has been such a strong leader on sensible and serious deficit reduction efforts.

This amendment is very similar to an amendment that I submitted to Rules. And I want to thank Congresswoman SCHAKOWSKY for continuing to move this forward, because it is just extremely important that the financial statements of the Defense Department be audited.

Where are our defense dollars going? We have no idea. Sadly, the Department of Defense Inspector General and the GAO have documented time and time again the Department's inability to answer this very basic question. Some of my colleagues may make the argument the Department of Defense is making so much progress on this issue in response to congressional engagement requiring the records to be audited by September 2017, but this is too late. Billions of dollars are going out of the door each month.

The American people deserve to know where our defense dollars are going. There can be no more blank

checks and certainly no blank check-book to be handed over to any President.

I thank the gentlelady for yielding and for this very commonsense amendment.

Mr. FORBES. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Chairman, first of all, I want to applaud the gentleladies for the amendment they have brought forward because they have hit a true problem with the Department of Defense. There is a statute requiring that the Department of Defense audit their financial records, and they have failed to do that. They didn't do it in 2007, didn't do it in 2008, didn't do it in 2009, didn't do it in 2010. They are not going to do it this year. But this is part of a bigger problem.

Mr. Chairman, one of the things that we have got to do for the national defense of this country, first of all, is determine what the true threat assessment is without having budgetary influences. The independent panel that reviewed our QDR has said that they are very, very concerned that our QDR, our defense strategies, are dictated more by the budget than they are by risk assessments. And I am proud of the fact that the chairman and the ranking member have fought very hard to make sure in this bill they have moved us in that direction.

Secondly, we've got to determine the true cost of defending the country based on those risk assessments. And thirdly, we've got to determine what the risks are if we don't do it. And the fourth thing, as the gentlelady mentioned, we've got to know where our money is going, and right now we do not know that. But the unfortunate thing is this bill is just a bridge too far. It is a risky situation to begin cutting all of the funding from many of these operations and we are not cutting the missions.

While I agree with the gentlelady's concern and think we need to work towards it, I am proud of the work that we have done in this committee this year to move that forward. I can assure the gentlelady we are going to continue to work to hold DOD's feet to the fire and to make sure they're accountable for the dollars they spend. The American taxpayers deserve that.

But I hope we will reject this amendment because our men and women in uniform and the people of the United States also deserve to make sure we're doing everything possible to defend and protect this country, and I'm afraid this amendment would put that defense in jeopardy. For that reason, Mr. Chairman, I hope we will reject the amendment.

I reserve the balance of my time.

□ 1940

The Acting CHAIR. The gentlewoman from Illinois has 1½ minutes remaining.

Ms. SCHAKOWSKY. Mr. Chairman, it seems to me, since we agree, that the problem is that the Pentagon has never explained where its money is going, and because there are waivers within this, that anything declared in need of national defense, and we certainly take care of our troops, will be excluded from the legislation, that it is time, finally. It's not just the last year, the year before, the year before that. It's been about 20 years before the Pentagon itself has explained where all the money goes.

And being such a huge part of our budget, it seems like now would be a good time, particularly because there are so many open doors left in this so that our national security and our troops are in no way jeopardized by my bill. I would really appreciate all of us being able to work together to make sure that the taxpayers know where this huge amount of money is going. The time is long overdue.

I reserve the balance of my time.

Mr. FORBES. May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Virginia has 3 minutes remaining.

Mr. FORBES. Mr. Chairman, the gentlelady makes a good point, it is past time this happened, but this is a very risky thing to do.

One of the things, these waivers are limited. The second thing is, it's very difficult for the President to come in and make sure he is making all the appropriate waivers. This could jeopardize monies that we are spending for training, money that we are spending for modeling and simulation to forecast risk assessments that may hit the United States and where they hit the United States.

I think we need to be very, very careful before we come in with a sledge hammer and begin hitting all of this funding across the board, that we make sure that we recognize we have a problem. But the key for us, Mr. Chairman, is to make sure we are very, very deliberate and very careful about how we address that problem.

I think we have done it in this bill. I think we have done it in a bipartisan manner. It was 60-1 in the bill, and I think, Mr. Chairman, I hope that we will reject this avenue because I don't think we can afford to just go in and carte blanche cut off all the funding, as much as I may wish we could do that. I think it's dangerous for the American people and for the defense of the country. I hope, once again, we will defeat the amendment.

I reserve the balance of my time.

Ms. SCHAKOWSKY. May I ask how much time remains?

The Acting CHAIR. The gentlewoman from Illinois has 30 seconds remaining.

Ms. SCHAKOWSKY. Vote "yes."

I yield back the balance of my time.

Mr. FORBES. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY).

The amendment was rejected.

AMENDMENT NO. 42 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 42 printed in House Report 112-88.

Mr. SMITH of Washington. I have an amendment at the desk.

Mr. McKEON. I ask unanimous consent that the debate time for consideration of amendment No. 42 be expanded by 10 minutes and that such time shall be equally divided and controlled by the gentleman from Washington (Mr. SMITH) and myself.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 456, line 13, insert before the period at the end the following: " , except for the purpose of prosecuting such individual in a United States court".

Page 456, starting on line 14, strike subsection (b) and insert the following:

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who is not a citizen of the United States or a member of the Armed Forces.

Page 456, after line 23, insert the following:

(c) TRANSFER LIMITATION.—During fiscal year 2012, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (b) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (d).

(d) COMPREHENSIVE PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (b) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum—

(1) an assessment of the risk that the individual described in subsection (b) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (e); and

(7) a certification by the Attorney General that under the plan the individual poses lit-

tle or no security risk to the United States, its territories, or possessions.

(e) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (d)(2) includes transfer to that State, District of Columbia, or territory or possession.

The Acting CHAIR. Pursuant to House Resolution 276, and the previous order, the gentleman from Washington (Mr. SMITH) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Mr. Chairman, I yield myself such time as I may consume.

This amendment has to do with whether or not to try anyone in Guantanamo or any non-U.S. citizen captured abroad going forward in Article 3 courts in the United States. The underlying legislation prohibits anyone currently at Guantanamo or anyone who would be brought there in the future and, for that matter, any non-U.S. citizen captured abroad from being tried in Article 3 courts.

This really grew out of the larger debate over whether or not to close Guantanamo Bay. But one thing I want to make clear, you can support my amendment even if you believe that Guantanamo Bay should remain open. Now, I don't. I believe that we should close it, that we should handle those terrorists, whether we handle them by military commission, by Article 3 court, or by indefinite detention, that they should not be held at Guantanamo. But you can still hold Guantanamo Bay open and support my amendment.

What my amendment says is we want to make sure that Article 3 courts are still a possibility for trying these terrorists. The main problem I have with the underlying bill is it takes that possibility off the table and requires either a military commission or indefinite detention, and I think that is a bad and dangerous policy.

Now, we have to understand that we have already tried and convicted over 400 international terrorists in our Federal courts, in our Article 3 courts. As we sit here right now, or as I stand here right now, we have over 300 convicted terrorists being held in prisons in the United States. There is no question that we can do this, no question that we can do it safely. By going in this bill and taking off the table the option of Article 3 courts, all we are doing is we are tying the hands of our Department of Justice and our President as they seek ways to bring terrorists to justice and take them off the battlefield.

Right now we have over 170 inmates at Guantanamo Bay. We don't know what to do with a fair number of them for a variety of different reasons. That

undermines our ability to fight the terrorism threat that we are trying to confront. It doesn't help it. So I ask simply that we give the President all the tools in his toolbox.

I support military commissions. I support indefinite detention. In certain instances that's going to be necessary, but I also support our Article 3 courts that have over 200 years of history, that are some of the most respected courts in the world for their ability to bring swift and fair justice to all criminals.

We should not undermine our President's ability to make use of those courts in prosecuting our fight against the terrorists and, therefore, I urge you to support this amendment.

I will add one thing, actually. In my amendment, if the President is going to bring people from Guantanamo Bay to be tried here in Article 3 courts, he does have to notify Congress. He does have to establish that he feels that can be done in that particular case safely and fairly. It does require that. But I think more than anything it gives the President the option of Article 3 courts, which he needs in order to properly prosecute the war against terrorism.

I reserve the balance of my time.

Mr. McKEON. I yield myself such time as I may consume.

My good friend and colleague, Ranking Member SMITH, and I and our staffs and others have been working together for a long time to try to come to agreement, and we have come to agreement on many points of this bill, but there are a few little differences here.

His amendment would be a change and a weakening of existing law regarding restrictions relating to Guantanamo detainees. The National Defense Authorization Act of the year 2011, last year, prohibited the transfer of Guantanamo detainees to the United States, prohibited certain detainee transfers to countries overseas and prohibited the construction or modification of facilities in the United States to house Guantanamo detainees. Ranking Member Smith amendment's would relax all of these restrictions. His amendment would allow Guantanamo detainees and other detainees to be transferred to the United States to face prosecution.

I share his goal of seeking justice for victims of terrorism. However, I disagree that it's necessary to bring detainees to the United States to do so.

I feel strongly that many Guantanamo detainees and other law of war detainees overseas should be prosecuted in the military commission system instead of bringing them into the United States. We currently have multimillion-dollar facilities ready to try detainees for their war crimes at Guantanamo that are sitting empty.

Additionally, Guantanamo detainees who already have habeas protection



would likely be granted further constitutional rights if brought onto U.S. soil. I strongly oppose Ranking Member SMITH's amendment. There is no need to bring Guantanamo or other law of war detainees into the United States.

And with our increasing concerns relating to the recidivist rates and activities of Guantanamo detainees, there is also no reason to loosen restrictions on transferring detainees overseas to countries where they are likely to return to the fight and threaten our men and women in uniform, U.S. citizens, or the U.S. homeland.

I strongly oppose this amendment.

I reserve the balance of my time.

□ 1950

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the amendment offered by my colleague and the ranking member, Mr. SMITH of Washington, to strike language in the bill concerning the transfer of detainees to U.S. soil for prosecution.

Mr. Chairman, simply put, this amendment does not require that detainees be transferred to U.S. soil. It simply allows a range of options for prosecution of terror suspects and supports our most sacred national values.

As currently written, this legislation ties our hands at a crucial time in Gitmo's history. It's important to note that, as of today, over 400 terrorism convictions have occurred in U.S. Federal courts since 9/11. Prosecuting terrorists in the U.S. is just one of many options, including military commissions and detainee transfers, which must be available in order to bring these terrorists to justice.

Now, a "yes" vote for the amendment is a vote for our national values, for due process, and for leaving all our prosecutorial options on the table when dealing with the world's most hardened terrorists.

Again, I want to thank the gentleman from Washington for his thoughtful amendment. Again, this does not require that detainees be transferred to U.S. soil. It just leaves that potential option on the table if the President so deems that that would be an option that should be exercised.

Mr. MCKEON. I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I think the bottom line here is that the American people have made their views on this subject quite clear, and their views are they do not want Guantanamo terrorists brought here to our homeland. And that view has been reflected in legislation that was passed

even in an overwhelmingly Democratic Congress during the last term.

And I would suggest that there are good reasons that the American people feel that way, that they don't want terrorists brought here to our homeland. Part of that reason, I would suggest, is that the administration has not done a lot to promote confidence in its ability to handle these situations. They come up with one plan, they get criticism, and they back off. It's back and forth. And so we have had needless delays ever since this administration has been in office because, frankly, they have been inept when it comes to having a plan that deals with terrorists that the American people can trust.

Now, maybe if we had a different history there could be some greater confidence in giving greater options, as the gentleman wants to do, or to having some other possibilities. But we cannot rewrite history, and the trust is simply not there.

Instead, what we have are some rather petulant comments by the Attorney General saying that, well, they still want to close Guantanamo and they still want to try them in Article 3 courts even though the law is the other way and the opinion of the American people is clearly the other way. So I believe that the current law that we had in last year's bill should be the same policy for next year.

I do think it's important to point out that this only applies to the coming fiscal year. This is not a forever thing. But this does continue the ban on bringing terrorists here to our homeland for the coming fiscal year. If you're given the history of where we've been and where we are, that's what the American people want.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Chairman, this amendment is not about closing Guantanamo. As was said before, it does not demand the closing of Guantanamo. It does say that detainees, whether they're held at Guantanamo or held somewhere else, can come to the United States if the administration decides that they should be tried in a regular court or can be tried in the military court at Guantanamo or presumably even in a military court somewhere else.

We keep talking about terrorists. Some of these people are terrorists. Some are accused of being terrorists and are not. Some were simply picked up by some rival group in Afghanistan and sold for \$5,000 for a bounty to American troops and labeled as terrorists. And it may be that the prosecuting authorities, that the military authorities decide that it will be better justice or for the convenience of the Armed Forces to have this person tried in a regular court. Now, we know that

the regular courts have convicted 470, I think, terrorists; whereas, the military courts have convicted all of five or six.

We also know that the statutory underpinnings of the military courts are under challenge and will be under challenge in front of the courts and that anyone convicted there is probably going to go for years before that conviction is affirmed by the Supreme Court. So it may very well be that in some or many cases or a few cases it makes sense from justice and from operational efficiency to try people in a regular court as we have done since the Declaration of Independence.

That's what the gentleman's amendment does. It gives the executive branch the power, the discretion, and the authority to make intelligent decisions. We can all agree or disagree whether the current or next administration makes intelligent decisions. That's what political debate is about. But we shouldn't tie their hands. We should let them use military tribunals; although, I hope they do that very sparingly. We should let them use Article 3 courts as American tradition and justice would normally dictate, and we should stand on our Constitution and our traditions of due process. And, therefore, I support the amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. Thank you, Chairman.

I oppose this amendment for a very simple but serious reason. This amendment seeks to loosen the prohibition on detainee transfers from Guantanamo into the United States. I must strongly oppose it.

The amendment would permit the President to commence detainee transfers merely by producing a plan and receiving certification from the Attorney General. It gives Congress no authority to alter or disapprove such a plan once submitted. This is fundamentally no different from the state of affairs that existed in 2009 when President Obama and Attorney General Holder created a fiasco by trying to bring Khalid Sheikh Mohammed to New York for trial.

By seeking to strike section 1037, this amendment would also pave the way for transfer of detainees to military bases inside of the United States prior to prosecution or civilian facilities like Thompson prison, which is in my home State of Illinois.

There is no reason to bring detainees to the United States of America. I have been to Guantanamo, and the detention facilities there are state-of-the-art facilities. They are safe and humane.

I want to thank our soldiers who stand guard day and night with the worst of the worst.

Mr. SMITH of Washington. Mr. Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I assume we universally share the view that we want those who have committed acts of terrorism against innocent people be brought to justice. And we have entrusted that responsibility to prosecutors in the military, the Justice Department, and to our intelligence community. This amendment lets those prosecutors do their job unimpeded by judgments that we are making without all the facts.

If this amendment doesn't pass, the underlying bill says to those prosecutors, even if you think, as has been the case with over 400 other suspects convicted in Article 3 courts, that an Article 3 trial is the right thing to do, you may not do it. It says to those prosecutors, even if you think live testimony from a Guantanamo detainee in a criminal court in this country in someone else's trial will help you win a conviction, you may not do it. Even if you think that we could gain standing with allies by having such a person tried in another jurisdiction, it would achieve a better result for our country and for an alliance against terrorism, you may not make that choice.

Congress should set broad policy for our country. We should not Monday morning quarterback or backseat drive. By limiting the options of our prosecutors, I believe that's what we're doing, and we are risking the undesired and ironic result that will make it more difficult for those with whom we've entrusted this task to achieve the goal of bringing these people to justice.

Mr. SMITH's amendment is well considered. It broadens the options of those prosecutors and, I think, hastens the day when those who deserve to be brought to justice will, in fact, be brought to justice.

I urge a "yes" vote on Mr. SMITH's amendment.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Virginia (Mr. WITTMAN).

□ 2000

Mr. WITTMAN. Mr. Chairman, I rise in strong opposition to this amendment. As we debate detainee transfer policies today, and we try to determine the appropriate path forward, a picture stands out in my mind from a recent trip to Afghanistan. It is the face of a young marine who had just been killed by insurgents in Kandahar and whose photo was recently displayed on his unit's "Hero Wall."

As I picture his face, I am reminded that the decisions we make here today directly impact our troops serving in Afghanistan and their families, particularly when we make decisions about detainee transfers.

We know that the reengagement rate for former detainees is approximately 25 percent, but percentages are not in-

formative in and of themselves. It helps to understand the facts supporting them.

One fact we should keep in mind that is included in that 25 percent figure is Mullah Abdullah Zakir, internment serial No. 8 who was captured in Afghanistan in 2001, sent to Gitmo and released in 2007. Zakir is one of the most feared insurgents in Afghanistan and directs the Taliban's combat operations throughout the country.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional 30 seconds.

Mr. WITTMAN. It should be no surprise then that he has been targeting U.S. forces in Helmand province and has been directly linked to the deaths of at least 11 marines.

This story highlights why it is time to strengthen the detainee transfer review process, not weaken it. It is time that Congress took a leadership role in shaping how transfers are negotiated and determining whether they are appropriate. This amendment takes away the strength to make sure that we are doing the right thing.

It is time to move forward, not backward, and I hope you join me in opposing this amendment.

Mr. SMITH of Washington. I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, at this time I am happy to yield the balance of my time to my friend and colleague, the gentleman from Virginia (Mr. FORBES).

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FORBES. Mr. Chairman, we stood on this floor about a year ago when the minority was the majority, and the language they want to change now is the language they approved. In fact, the then-chairman of the Armed Services Committee, Mr. Skelton, said this: "... we are in a position to accept this motion. I just wish to point out that there is no difference between the Democrats and the Republicans when it comes to fighting terrorism. I agree with the motion."

But, Mr. Chairman, what a difference a year makes because there is not just some difference; there is a huge gap now between the Democrats and the Republicans on fighting terrorism. And I have never heard so many red herrings, the red herrings of all of these people who have been tried here. Very few of them were detained under the authorization to use military force. Most of them were arrested and detained based on law enforcement, a huge difference.

They raised the questions: Can we hold them here? Sure.

They asked: Can we get a conviction? Possibly.

But the real question is why would we want to bring them here to trial. There is no prosecutor who knows what

he is talking about, no investigator who is going to walk in here today and tell you that it is easier to convict one of these detainees by bringing them to the United States and trying them in an Article III court than it is to do it in a military tribunal.

And the reason is, they ask: Who wants it? I tell you who really wants it, the ACLU. Why do they want it? Because they don't want convictions. They have already said they want all of the detainees released. And they know the moment they hit U.S. soil, they will pick up a host of constitutional rights they don't now have. They know it will be harder to get conviction, and they also know this: that one of the trials that took place in AMF, the defendant was acquitted of over 200 different counts.

When, Mr. Chairman, is someone going to stand up for the rights of the victims of terror here who asked this question: When are we going to start getting prosecutions?

My good friend from New Jersey talked about the fact oh, we want to let our prosecutors make these decisions. We want to let them go forward unfettered. What he didn't point out to you was that was happening. The prosecutors, a special prosecutor working under the current law at that time had worked for over 18 months, over 56 motions. That prosecutor would have told you he would have had guilty pleas in 6 months, and this administration not only stopped him, not only took away his rights, but did away with the entire investigation and started from zero; and they have been 2½ years and haven't prosecuted.

Mr. Chairman, the question for us today is very, very simple. We have got military tribunals. Nobody is truly questioning the constitutionality of those military tribunals. The question for us is when are we going to prosecute them. The other question is let's keep the terrorists out of the United States and let's vote against this amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

The gentleman from Virginia is right, it would be easier to try them under military commissions. In fact, it would be easier not to try them at all. It would be easier just to hold them forever. Why bother with the trials. Why bother with the trials: because in over 200 years of history in this country, we do have a fair justice system and that does matter.

Military generals will tell you that Guantanamo Bay has been a major, major problem for them in the field, a major recruiting tool for our enemies because it undermines our values. Having a justice system that we can depend on matters. I trust everyone on that side would agree on that, that it is not just a matter of what is easiest to

hold them. If that was the case, we wouldn't have courts at all; we wouldn't have military tribunals; we wouldn't have anything. We would just hold them. So it does matter.

I will also point out that, yes, the gentleman was acquitted of a whole bunch of charges. He was also convicted and sentenced to life in our Article III courts. So the system worked in that case. We have over 200 years of history with our Article III courts; and they have worked.

By the way, the Constitution, as ruled by the court, applies in Guantanamo Bay. Habeas corpus was attached. It does apply there. They don't suddenly get constitutional rights coming here that they didn't have before.

I will agree on one point: the scare campaign from last year certainly worked. People are afraid of the notion of bringing Guantanamo Bay inmates to this country. But they shouldn't be. As has been pointed out, over 300 of them, including Ramzi Yousef, the architect of the first attack on the World Trade Centers, is held here in the United States of America safely and without incident.

We are tossing aside 200 years of constitutional and judicial history for no good reason. That is not a good idea. Let's give the President the option he needs to bring terrorists to justice within our system of values. The thing about our system of values, it works. We need to stop implying that somehow our Constitution doesn't work to protect us. It absolutely does. And it has for over 200 years. I urge support for this amendment.

The Acting CHAIR (Mr. WOODALL). The question is on the amendment offered by the gentleman from Washington (Mr. SMITH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

AMENDMENT NO. 43 OFFERED BY MR. BUCHANAN

The Acting CHAIR. It is now in order to consider amendment No. 43 printed in House Report 112-88.

Mr. BUCHANAN. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 461, after line 24, insert the following:  
**SEC. 1043. TRIAL OF FOREIGN TERRORISTS.**

After the date of the enactment of this Act, any foreign national, who—

(1) engages or has engaged in conduct constituting an offense relating to a terrorist attack against persons or property in the

United States or against any United States Government property or personnel outside the United States; and

(2) is subject to trial for that offense by a military commission under chapter 47A of title 10, United States Code; shall be tried for that offense only by a military commission under that chapter.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Florida (Mr. BUCHANAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BUCHANAN. Mr. Chairman, my amendment requires foreign terrorists to be prosecuted and tried in military tribunals.

The current policy, you have the ability to choose between a civilian court and a military tribunal. What my amendment does is it is easier to convict in a military tribunal. It is easier to protect sensitive, classified information. Foreign terrorists can be imprisoned indefinitely. Foreign terrorists are not allowed the same constitutional opportunities as U.S. citizens; and military tribunals have been used since George Washington.

I commend the Obama administration for changing its mind and announcing it will send Khalid Sheikh Mohammed to military tribunals. Let's guard against this so that in the future other White Houses and administrations won't change their mind. This amendment makes it clear, a consistent policy moving forward in terms of prosecuting foreign terrorists.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. SMITH of Washington. I oppose this for many of the same reasons I support the previous amendment. This is simply expanding a bad idea.

I will point out that while it is true that it was contained in last year's National Defense Authorization Act, it is something that I, and a majority of Members on this side, never supported. So last year's law is not something that we wanted to see happen. There was a lot of other things in the National Defense Authorization Act which we did support, so we were forced to accept this not because we liked it, but because that is the way the system works occasionally.

□ 2010

This would simply expand that bad idea and deny an even larger segment of people access to Article 3 courts. And it's arguable whether or not it's constitutional. Because there's a little known fact about the Constitution: It doesn't just apply to U.S. citizens; it applies to persons in the United States. So once somebody from wherever they

are is in the United States, the Constitution applies to them. And simply taking them out of the justice system and putting them in what I presume would have to be the military, since they are the ones that run our military commissions, I believe would violate the Constitution in this instance, taking away the rights from a person within the United States.

But beyond all that, it's just a bad idea for the same reasons that I stated earlier. Our United States Constitution works. It convicts criminal after criminal after criminal and puts them away for a very long period of time. Let's not take it off the table.

Even the majority party, as strongly as they feel about this area, did not include this particular provision in the bill that was before the Armed Services Committee. I think there was a good reason for that. I think we should strongly oppose this amendment.

With that, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Mr. Chairman, I oppose this amendment for the reasons stated, but beyond that this is particularly badly done.

This says that anyone who engages or is engaged in a terrorist attack in the United States is subject to a military commission. Well, anyone arrested in the United States for anything is subject to the Constitution of the United States. The Constitution guarantees an Article 3 trial. Even if someone is accused of terrorism, if this amendment were adopted, you would have to have a trial in an Article 3 court to determine that he was guilty of a terrorist attack before you could then transfer him to the jurisdiction of a military tribunal to try him for that, because until a court convicts him of the act of terrorism, he's simply another criminal defendant and, even under the terms of this amendment, entitled to all the protections that the Constitution gives him.

Either the amendment is read, as it seems to say, that you first have to have an Article 3 trial to determine whether he engaged in conduct constituting a terrorist attack so you could then hand him over to the military tribunal, or it doesn't say that, in which case it's clearly unconstitutional.

So this amendment is either unconstitutional or absurd because if it's unconstitutional—well, it is—but if it isn't unconstitutional, its constitutionality can only be saved by reading it to say first you have an Article 3 court, a regular court trial, to convict him of terrorism so that you can then, instead of sentencing him, send him to a military tribunal to do it all over again.

The amendment makes no sense. I urge its defeat.

Mr. BUCHANAN. I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

I just want to restate the points that were made. I think Mr. NADLER and I both made the arguments that need to be made. This does go outside the Constitution. It is unnecessary. And it, again, further ties the hands of the President and the Department of Justice to adequately deal with the very real threat that we face from terrorism. It would tie that process up even worse. And I wish we would defeat this amendment and give the President and the Department of Justice the authority it needs to try people appropriately, convict them, and put them away and take the terrorists off the battlefield.

I oppose this amendment. I urge the body to do so as well.

I yield back the balance of my time.

Mr. BUCHANAN. Again, I would just remind the gentleman that the Obama administration did make the change in New York in terms of Mohammed, and I just think it's the right amendment in terms of moving forward, and I urge my colleagues to support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. BUCHANAN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BUCHANAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

#### AMENDMENT NO. 47 OFFERED BY MRS. MALONEY

The Acting CHAIR. It is now in order to consider amendment No. 47 printed in House Report 112-88.

Mrs. MALONEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 507, line 21, insert after "department" the following: "that would reveal flight patterns, tactical techniques, or tactical procedures".

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. This amendment is about the need to continue to make information available to the public, to keep our uniformed military safe, and ensure tax dollars are not wasted on aircraft with serious performance and maintenance issues.

It would simply narrow section 1081 of the act under consideration, and this amendment would ensure the military cannot hide subpar maintenance of military aircraft or other preventable shortcomings from disclosure under the guise of keeping important tactical information from our enemies. It ensures an adequate balance between the Defense Department's appropriate need to protect tactical information while ensuring the public can learn, for example, when the military is not putting our pilots in the best maintained aircraft in the world.

Just ask the parents of Jeffrey Smith, with whom I have spoken, one of 45 pilots who died in noncombat accidents in Harrier jets. The Los Angeles Times' reporter Kevin Sack pored through military investigative records obtained under the Freedom of Information Act to show military investigators believe a small shard of plastic clogged the fuel line of Smith's jet as it tore down the runway, leading the jet to crash at the end of the runway. The investigative series used the military's investigative records to show other problems with the Harrier jet, eventually winning a Pulitzer Prize for national reporting. Such reporting does nothing to reveal tactical or strategic advantages to our adversaries, but it could save the lives of our pilots, and it goes a long way to ensure our airmen and women are given the very best equipment to protect our Nation.

This amendment simply allows effective public oversight. And yet H.R. 1540 would allow the military to exempt or hide exactly this kind of information. The exemption to the Freedom of Information Act in section 1081 is extremely broad and would block access to information of public interest unnecessarily.

As in the tragic death of Jeffrey Smith, some of this information is of important public interest. The public also has a vital interest in understanding how well the aircraft their taxpayer dollars buy are performing. The uniformed military also benefits from public scrutiny of complicated multibillion dollar weapons systems in which they trust their lives.

This amendment is supported by many good government groups, and my amendment makes a simple but critically important clarification that the information from the military flight operations quality assurance systems that is exempted is information that would reveal flight patterns, tactical techniques, or tactical procedures. My amendment would exempt the truly sensitive information that allows reconstruction of flights that could reveal detailed flight tactics and the parameters of aircraft flight envelopes to enemies that could adapt accordingly.

It appropriately narrows the exemption to apply particular criteria to strike the right balance between safe-

guarding military flights and tactics and the public's right to know if the equipment is faulty, as was in the case of the Harrier jets.

I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

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Mr. FORBES. Once again the gentlelady raises a couple of very good points. We are all concerned about transparency. And as the chairman of the Subcommittee on Readiness, I can tell you that I live every day examining and being concerned that we have our fleet in a ready state to defend this country.

But, Mr. Chairman, I'm also concerned about this: We fight oftentimes to keep our adversaries from gaining all the information that they try to gain about our military. We fight to protect our computers, and sometimes we don't succeed. But also at times we just have to step back and say we just give away way too much information.

And the gentlelady is right, there is a possibility—however remote it might be—that we could find something in this data that may save a life. That is a possibility, but the far more likely scenario is that we will give away crucial information that could jeopardize our pilots, jeopardize our fleet, and also jeopardize the men and women that they fly to protect. We could jeopardize disclosed fleet readiness rates, critical parts failure rates, and other sensitive logistics and sustainment data that we just shouldn't be giving out.

So, Mr. Chairman, while I wholeheartedly agree with the gentlelady's concern about transparency and readiness, I also realize that to run the greatest military in the world there are some pieces of information, some data points, that we don't want to make available to those who may use them against us. I think this is one of those, and I hope that we will defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY. I appreciate the gentleman's sensitivity. I certainly share his concern in protecting data points that in any way would reveal information about our aircraft and ways that people could combat our aircraft. But the gentlemen represents, I know, many military families, and I'm sure you know as I do many military people who have died in aircraft that had faulty situations. For example, the Harrier aircraft that had 45 crashes because of faulty equipment, that if the public and others had known about, the military I believe would have been brought to stop the use of this and to save their lives.

So I feel that we have the same goal. I certainly want to protect information that is very critical to our flight patterns and our military; but for information that is not such as that, but faulty equipment, that should be made available. And we feel that we have that balance in this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, could I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 3½ minutes remaining.

Mr. FORBES. Once again, I appreciate the gentlelady. And she is absolutely right, I represent a lot of military families. I just got back last week from talking to a lot of men and women in Afghanistan who are serving there; and I can tell you overwhelmingly, when you talk to those families, one of the things that came out just recently as we had the whole situation with the operation that killed bin Laden, over and over and over again those families were telling me the same thing—too many people are giving too much information and saying too much, and they're not protecting the people in our family who are fighting to defend this country.

And I would agree with the gentlelady that we need to be on top of this readiness issue, but it's not just our aircraft. It's our ships and the vessels that we have there. And I can assure her that our subcommittees on the Armed Services Committee, both the chairmen and the ranking members, are doing just that to make sure those vessels are safe, to make sure that information is available when it's needed, but at the same time, Mr. Chairman, to make sure that we're not giving out fleet readiness rates to people who could use them against us, critical parts failures to people who could use them against us, and other sensitive logistics and sustainment data which her amendment does not protect.

Mr. Chairman, once again, I hope we will defeat this amendment and protect this sensitive information.

I reserve the balance of my time.

Mrs. MALONEY. May I inquire as to the time remaining?

The Acting CHAIR. The gentlewoman has 30 seconds remaining.

Mrs. MALONEY. I support this amendment. Instead of blocking access to all of this information, a more reasonable approach is to allow the DOD to perform these missions to maintain a tactical and technical advantage and to maintain effective, efficient, and safe aircraft units and aircraft tactical information without unnecessarily withholding information about the safety—in this case of aircraft—that the public and the pilots and others have a right to know. So I support this amendment, and I urge my colleagues to likewise support it.

Mr. FORBES. Mr. Chairman, I just renew my opposition to the amendment and I hope we will defeat it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

#### AMENDMENT NO. 48 OFFERED BY MR. MACK

The Acting CHAIR. It is now in order to consider amendment No. 48 printed in House Report 112-88.

Mr. MACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title X add the following:

#### SEC. . . . SUNKEN MILITARY CRAFT.

Section 1408(3) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note) is amended—

(1) in subparagraph (A), by inserting “, that was” before “on military noncommercial service”; and

(2) in subparagraph (B), by inserting a comma before “that was owned or operated”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, the purpose of my amendment is a mere clarification of the Sunken Military Craft Act. The fundamental objective of the Sunken Military Craft Act was to protect sunken United States military vessels, aircraft and spacecraft. This technical correction will make clear that the term “sunken military craft” will only include vessels, warships, naval auxiliaries or other vessels on military, noncommercial service at the time they were sunk.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. I thank my friend for offering the amendment.

We are inclined to oppose the amendment on the following grounds: in 2005, Congress enacted the Sunken Military Craft Act and the principal purpose of that law was to preserve U.S. sovereignty and Department of Defense sovereignty over sunken vessels and abandoned aircraft and the like for strategic and economic purposes, and also to protect the remains and property of those who may have perished on those sunken vessels.

It's my understanding that this amendment draws a distinction between such vessels that were in non-commercial service versus commercial service. And although I think I understand the justification for that distinction, here is our concern with the consequence of that.

It is our understanding there is pending litigation between the nation of Spain and a private venture over the disposition of rights to a sunken vessel that at least at one time—I suppose the time it was sunk—may have had some claim in the United States. I don't know if that is the case. Our concern is that by taking statutory action here, we may be in some way interfering with the outcome of that litigation or the process of that litigation.

I would yield to my friend, the author of the amendment, to ask if that is his intention.

Mr. MACK. The amendment is clearly to clarify that we are actually talking about military craft as it is a military craft. In other words, if it's involved in commercial activity, then it wouldn't be regarded as military craft. So it's really to make the distinction, which is why the act was put in place the first time, that it's not for commercial craft—it may at one time have been—but it is for actual military craft when they are sunk.

Mr. ANDREWS. Reclaiming my time, I think the gentleman's distinction makes sense. We have spoken to the Navy about this, and the Navy's objection is predicated upon its concern that there could be an impact on the litigation that is pending that I made reference to and possibly claims of other sovereign nations in similar situations.

So, reluctantly, we would be inclined to oppose the amendment, but obviously be willing to discuss with the gentleman as time goes forward ways that perhaps our concerns could be addressed. So for present purposes, we would be in opposition to the amendment for the reasons that I stated.

I yield back the balance of my time.

Mr. MACK. I want to thank the gentleman for expressing his reservations.

I would tell the gentleman and this body that I think it's clear that the understanding of this act is to protect military craft that has sunk; but when that military craft is no longer involved in the military but now is used for commercial activities, then it's no longer a military craft.

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So the purpose of this amendment is to clarify this distinction.

With that, Mr. Chairman, this is a good amendment. I think the intent here is just to clarify what is military versus commercial. I hope that I can get the support of the Members.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MACK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 49 OFFERED BY MR. LANGEVIN

The Acting CHAIR. It is now in order to consider amendment No. 49 printed in House Report 112-88.

Mr. LANGEVIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title X, add the following new subtitle:

**Subtitle J—Executive Cyberspace Coordination**

**SEC. 1099C. COORDINATION OF FEDERAL INFORMATION POLICY.**

Chapter 35 of title 44, United States Code, is amended by striking subchapters II and III and inserting the following:

**“SUBCHAPTER II—INFORMATION SECURITY**

**“§ 3551. Purposes**

“The purposes of this subchapter are to—

“(1) provide a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets;

“(2) recognize the highly networked nature of the current Federal computing environment and provide effective Governmentwide management and oversight of the related information security risks, including coordination of information security efforts throughout the civilian, national security, and law enforcement communities;

“(3) provide for development and maintenance of minimum controls required to protect Federal information and information infrastructure;

“(4) provide a mechanism for improved oversight of Federal agency information security programs;

“(5) acknowledge that commercially developed information security products offer advanced, dynamic, robust, and effective information security solutions, reflecting market solutions for the protection of critical information infrastructures important to the national defense and economic security of the Nation that are designed, built, and operated by the private sector; and

“(6) recognize that the selection of specific technical hardware and software information security solutions should be left to individual agencies from among commercially developed products.

**“§ 3552. Definitions**

“(a) SECTION 3502 DEFINITIONS.—Except as provided under subsection (b), the definitions under section 3502 shall apply to this subchapter.

“(b) ADDITIONAL DEFINITIONS.—In this subchapter:

“(1) The term ‘adequate security’ means security that complies with the regulations promulgated under section 3554 and the standards promulgated under section 3558.

“(2) The term ‘incident’ means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or avail-

ability of an information system, information infrastructure, or the information the system processes, stores, or transmits or that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies.

“(3) The term ‘information infrastructure’ means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.

“(4) The term ‘information security’ means protecting information and information infrastructure from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

“(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

“(B) confidentiality, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

“(C) availability, which means ensuring timely and reliable access to and use of information; and

“(D) authentication, which means using digital credentials to assure the identity of users and validate access of such users.

“(5) The term ‘information technology’ has the meaning given that term in section 11101 of title 40.

“(6)(A) The term ‘national security system’ means any information infrastructure (including any telecommunications system) used or operated by an agency or by a contractor of an agency, or other organization on behalf of an agency—

“(i) the function, operation, or use of which—

“(I) involves intelligence activities;

“(II) involves cryptologic activities related to national security;

“(III) involves command and control of military forces;

“(IV) involves equipment that is an integral part of a weapon or weapons system; or

“(V) subject to subparagraph (B), is critical to the direct fulfillment of military or intelligence missions; or

“(ii) is protected at all times by procedures established for information that have been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept classified in the interest of national defense or foreign policy.

“(B) Subparagraph (A)(i)(V) does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

**“§ 3553. National Office for Cyberspace**

“(a) ESTABLISHMENT.—There is established within the Executive Office of the President an office to be known as the National Office for Cyberspace.

“(b) DIRECTOR.—

“(1) IN GENERAL.—There shall be at the head of the National Office for Cyberspace a Director, who shall be appointed by the President by and with the advice and consent of the Senate. The Director of the National Office for Cyberspace shall administer all functions designated to such Director under this subchapter and collaborate to the extent practicable with the heads of appropriate agencies, the private sector, and international partners. The Office shall serve as the principal office for coordinating issues relating to cyberspace, including achieving an assured, reliable, secure, and survivable information infrastructure and related capa-

bilities for the Federal Government, while promoting national economic interests, security, and civil liberties.

“(2) BASIC PAY.—The Director of the National Office for Cyberspace shall be paid at the rate of basic pay for level III of the Executive Schedule.

“(c) STAFF.—The Director of the National Office for Cyberspace may appoint and fix the pay of additional personnel as the Director considers appropriate.

“(d) EXPERTS AND CONSULTANTS.—The Director of the National Office for Cyberspace may procure temporary and intermittent services under section 3109(b) of title 5.

**“§ 3554. Federal Cybersecurity Practice Board**

“(a) ESTABLISHMENT.—Within the National Office for Cyberspace, there shall be established a board to be known as the ‘Federal Cybersecurity Practice Board’ (in this section referred to as the ‘Board’).

“(b) MEMBERS.—The Board shall be chaired by the Director of the National Office for Cyberspace and consist of not more than 10 members, with at least one representative from—

“(1) the Office of Management and Budget;

“(2) civilian agencies;

“(3) the Department of Defense;

“(4) the Federal law enforcement community;

“(5) the Federal Chief Technology Office; and

“(6) such additional military and civilian agencies as the Director considers appropriate.

“(c) RESPONSIBILITIES.—

“(1) DEVELOPMENT OF POLICIES AND PROCEDURES.—Subject to the authority, direction, and control of the Director of the National Office for Cyberspace, the Board shall be responsible for developing and periodically updating information security policies and procedures relating to the matters described in paragraph (2). In developing such policies and procedures, the Board shall require that all matters addressed in the policies and procedures are consistent, to the maximum extent practicable and in accordance with applicable law, among the civilian, military, intelligence, and law enforcement communities.

“(2) SPECIFIC MATTERS COVERED IN POLICIES AND PROCEDURES.—

“(A) MINIMUM SECURITY CONTROLS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to minimum security controls for information technology, in order to—

“(i) provide Governmentwide protection of Government-networked computers against common attacks; and

“(ii) provide agencywide protection against threats, vulnerabilities, and other risks to the information infrastructure within individual agencies.

“(B) MEASURES OF EFFECTIVENESS.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to measurements needed to assess the effectiveness of the minimum security controls referred to in subparagraph (A). Such measurements shall include a risk scoring system to evaluate risk to information security both Governmentwide and within contractors of the Federal Government.

“(C) PRODUCTS AND SERVICES.—The Board shall be responsible for developing and periodically updating information security policies, procedures, and minimum security standards relating to criteria for products and services to be used in agency information systems and information infrastructure

that will meet the minimum security controls referred to in subparagraph (A). In carrying out this subparagraph, the Board shall act in consultation with the Office of Management and Budget and the General Services Administration.

“(D) REMEDIES.—The Board shall be responsible for developing and periodically updating information security policies and procedures relating to methods for providing remedies for security deficiencies identified in agency information infrastructure.

“(3) ADDITIONAL CONSIDERATIONS.—The Board shall also consider—

“(A) opportunities to engage with the international community to set policies, principles, training, standards, or guidelines for information security;

“(B) opportunities to work with agencies and industry partners to increase information sharing and policy coordination efforts in order to reduce vulnerabilities in the national information infrastructure; and

“(C) options necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

“(4) RELATIONSHIP TO OTHER STANDARDS.—The policies and procedures developed under paragraph (1) are supplemental to the standards promulgated by the Director of the National Office for Cyberspace under section 3558.

“(5) RECOMMENDATIONS FOR REGULATIONS.—The Board shall be responsible for making recommendations to the Director of the National Office for Cyberspace on regulations to carry out the policies and procedures developed by the Board under paragraph (1).

“(d) REGULATIONS.—The Director of the National Office for Cyberspace, in consultation with the Director of the Office of Management and the Administrator of General Services, shall promulgate and periodically update regulations to carry out the policies and procedures developed by the Board under subsection (c).

“(e) ANNUAL REPORT.—The Director of the National Office for Cyberspace shall provide to Congress a report containing a summary of agency progress in implementing the regulations promulgated under this section as part of the annual report to Congress required under section 3555(a)(8).

“(f) NO DISCLOSURE BY BOARD REQUIRED.—The Board is not required to disclose under section 552 of title 5 information submitted by agencies to the Board regarding threats, vulnerabilities, and risks.

**“§ 3555. Authority and functions of the Director of the National Office for Cyberspace**

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

“(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3558;

“(2) requiring agencies, consistent with the standards promulgated under section 3558 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(A) information collected or maintained by or on behalf of an agency; or

“(B) information infrastructure used or operated by an agency or by a contractor of an

agency or other organization on behalf of an agency;

“(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

“(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3556(b);

“(6) coordinating information security policies and procedures of the Federal Government with related information resources management policies and procedures on the security and resiliency of cyberspace;

“(7) overseeing the operation of the Federal information security incident center required under section 3559;

“(8) reporting to Congress not later than March 1 of each year on agency compliance with the requirements of this subchapter, including—

“(A) a summary of the findings of audits required by section 3557;

“(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3558;

“(C) significant deficiencies in agency information security practices;

“(D) planned remedial action to address such deficiencies; and

“(E) a summary of, and the views of the Director of the National Office for Cyberspace on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

“(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;

“(10) establishing a national strategy not later than 120 days after the date of the enactment of this section;

“(11) coordinating information security training for Federal employees with the Office of Personnel Management;

“(12) ensuring the adequacy of protections for privacy and civil liberties in carrying out the responsibilities of the Director under this subchapter;

“(13) making recommendations that the Director determines are necessary to ensure risk-based security of the Federal information infrastructure and information infrastructure that is owned, operated, controlled, or licensed for use by, or on behalf of, the Department of Defense, a military department, or another element of the intelligence community to—

“(A) the Director of the Office of Management and Budget;

“(B) the head of an agency; or

“(C) to Congress with regard to the reprogramming of funds;

“(14) ensuring, in consultation with the Administrator of the Office of Information

and Regulatory Affairs, that the efforts of agencies relating to the development of regulations, rules, requirements, or other actions applicable to the national information infrastructure are complementary;

“(15) when directed by the President, carrying out the responsibilities for national security and emergency preparedness communications described in section 706 of the Communications Act of 1934 (47 U.S.C. 606) to ensure integration and coordination; and

“(16) as assigned by the President, other duties relating to the security and resiliency of cyberspace.

“(b) RECRUITMENT PROGRAM.—Not later than 1 year after appointment, the Director of the National Office for Cyberspace shall establish a national program to conduct competitions and challenges that instruct United States students in cybersecurity education and computer literacy.

“(c) BUDGET OVERSIGHT AND REPORTING.—

(1) The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(2) The Director shall review and offer a non-binding approval or disapproval of each agency's annual budget to each such agency before the submission of such budget by the head of the agency to the Office of Management and Budget.

“(3) If the Director offers a non-binding disapproval of an agency's budget, the Director shall transmit recommendations to the head of such agency for strengthening its proposed budget with regard to the protection of such agency's information infrastructure.

“(4) Each budget submitted by the head of an agency pursuant to paragraph (1) shall include—

“(A) a review of any threats to information technology for such agency;

“(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

“(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

“(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.

“(5) The Director of the National Office for Cyberspace may recommend to the President monetary penalties or incentives necessary to encourage and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.

**“§ 3556. Agency responsibilities**

“(a) IN GENERAL.—The head of each agency shall—

“(1) be responsible for—

“(A) providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(i) information collected or maintained by or on behalf of the agency; and

“(ii) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;



“(B) complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including—

“(i) the regulations promulgated under section 3554 and the information security standards promulgated under section 3558;

“(ii) information security standards and guidelines for national security systems issued in accordance with law and as directed by the President; and

“(iii) ensuring the standards implemented for information infrastructure and national security systems under the agency head are complementary and uniform, to the extent practicable; and

“(C) ensuring that information security management processes are integrated with agency strategic and operational planning processes;

“(2) ensure that senior agency officials provide information security for the information and information infrastructure that support the operations and assets under their control, including through—

“(A) assessing the risk and magnitude of the harm that could result from the unauthorized access, use, disclosure, disruption, modification, or destruction of such information or information infrastructure;

“(B) determining the levels of information security appropriate to protect such information and information infrastructure in accordance with regulations promulgated under section 3554 and standards promulgated under section 3558, for information security classifications and related requirements;

“(C) implementing policies and procedures to cost effectively reduce risks to an acceptable level; and

“(D) continuously testing and evaluating information security controls and techniques to ensure that they are effectively implemented;

“(3) delegate to an agency official, designated as the ‘Chief Information Security Officer’, under the authority of the agency Chief Information Officer the responsibility to oversee agency information security and the authority to ensure and enforce compliance with the requirements imposed on the agency under this subchapter, including—

“(A) overseeing the establishment and maintenance of a security operations capability on an automated and continuous basis that can—

“(i) assess the state of compliance of all networks and systems with prescribed controls issued pursuant to section 3558 and report immediately any variance therefrom and, where appropriate and with the approval of the agency Chief Information Officer, shut down systems that are found to be non-compliant;

“(ii) detect, report, respond to, contain, and mitigate incidents that impair adequate security of the information and information infrastructure, in accordance with policy provided by the Director of the National Office for Cyberspace, in consultation with the Chief Information Officers Council, and guidance from the National Institute of Standards and Technology;

“(iii) collaborate with the National Office for Cyberspace and appropriate public and private sector security operations centers to address incidents that impact the security of information and information infrastructure that extend beyond the control of the agency; and

“(iv) not later than 24 hours after discovery of any incident described under subparagraph (A)(ii), unless otherwise directed by policy of the National Office for Cyber-

space, provide notice to the appropriate security operations center, the National Cyber Investigative Joint Task Force, and the Inspector General of the agency;

“(B) developing, maintaining, and overseeing an agency wide information security program as required by subsection (b);

“(C) developing, maintaining, and overseeing information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558;

“(D) training and overseeing personnel with significant responsibilities for information security with respect to such responsibilities; and

“(E) assisting senior agency officials concerning their responsibilities under paragraph (2);

“(4) ensure that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) ensure that the Chief Information Security Officer, in coordination with other senior agency officials, reports biannually to the agency head on the effectiveness of the agency information security program, including progress of remedial actions; and

“(6) ensure that the Chief Information Security Officer possesses necessary qualifications, including education, professional certifications, training, experience, and the security clearance required to administer the functions described under this subchapter; and has information security duties as the primary duty of that official.

“(b) AGENCY PROGRAM.—Each agency shall develop, document, and implement an agencywide information security program, approved by the Director of the National Office for Cyberspace under section 3555(a)(5), to provide information security for the information and information infrastructure that support the operations and assets of the agency, including those provided or managed by another agency, contractor, or other source, that includes—

“(1) continuous automated technical monitoring of information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency to assure conformance with regulations promulgated under section 3554 and standards promulgated under section 3558;

“(2) testing of the effectiveness of security controls that are commensurate with risk (as defined by the National Institute of Standards and Technology and the National Office for Cyberspace) for agency information infrastructure;

“(3) policies and procedures that—

“(A) mitigate and remediate, to the extent practicable, information security vulnerabilities based on the risk posed to the agency;

“(B) cost effectively reduce information security risks to an acceptable level;

“(C) ensure that information security is addressed throughout the life cycle of each agency information system and information infrastructure;

“(D) ensure compliance with—

“(i) the requirements of this subchapter;

“(ii) policies and procedures as may be prescribed by the Director of the National Office for Cyberspace, and information security standards promulgated under section 3558;

“(iii) minimally acceptable system configuration requirements, as determined by the Director of the National Office for Cyberspace; and

“(iv) any other applicable requirements, including—

“(I) standards and guidelines for national security systems issued in accordance with law and as directed by the President;

“(II) the policy of the Director of the National Office for Cyberspace;

“(III) the National Institute of Standards and Technology guidance; and

“(IV) the Chief Information Officers Council recommended approaches;

“(E) develop, maintain, and oversee information security policies, procedures, and control techniques to address all applicable requirements, including those issued under sections 3555 and 3558; and

“(F) ensure the oversight and training of personnel with significant responsibilities for information security with respect to such responsibilities;

“(4) ensuring that the agency has trained and cleared personnel sufficient to assist the agency in complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines;

“(5) to the extent practicable, automated and continuous technical monitoring for testing, and evaluation of the effectiveness and compliance of information security policies, procedures, and practices, including—

“(A) management, operational, and technical controls of every information infrastructure identified in the inventory required under section 3505(b); and

“(B) management, operational, and technical controls relied on for an evaluation under section 3556;

“(6) a process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency;

“(7) to the extent practicable, continuous automated technical monitoring for detecting, reporting, and responding to security incidents, consistent with standards and guidelines issued by the Director of the National Office for Cyberspace, including—

“(A) mitigating risks associated with such incidents before substantial damage is done;

“(B) notifying and consulting with the appropriate security operations response center; and

“(C) notifying and consulting with, as appropriate—

“(i) law enforcement agencies and relevant Offices of Inspectors General;

“(ii) the National Office for Cyberspace; and

“(iii) any other agency or office, in accordance with law or as directed by the President; and

“(8) plans and procedures to ensure continuity of operations for information infrastructure that support the operations and assets of the agency.

“(c) AGENCY REPORTING.—Each agency shall—

“(1) submit an annual report on the adequacy and effectiveness of information security policies, procedures, and practices, and compliance with the requirements of this subchapter, including compliance with each requirement of subsection (b) to—

“(A) the National Office for Cyberspace;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Oversight and Government Reform of the House of Representatives;

“(D) other appropriate authorization and appropriations committees of Congress; and

“(E) the Comptroller General;

“(2) address the adequacy and effectiveness of information security policies, procedures, and practices in plans and reports relating to—

“(A) annual agency budgets;

“(B) information resources management of this subchapter;

“(C) information technology management under this chapter;

“(D) program performance under sections 1105 and 1115 through 1119 of title 31, and sections 2801 and 2805 of title 39;

“(E) financial management under chapter 9 of title 31, and the Chief Financial Officers Act of 1990 (31 U.S.C. 501 note; Public Law 101–576) (and the amendments made by that Act);

“(F) financial management systems under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note); and

“(G) internal accounting and administrative controls under section 3512 of title 31; and

“(3) report any significant deficiency in a policy, procedure, or practice identified under paragraph (1) or (2)—

“(A) as a material weakness in reporting under section 3512 of title 31; and

“(B) if relating to financial management systems, as an instance of a lack of substantial compliance under the Federal Financial Management Improvement Act (31 U.S.C. 3512 note).

“(d) PERFORMANCE PLAN.—(1) In addition to the requirements of subsection (c), each agency, in consultation with the National Office for Cyberspace, shall include as part of the performance plan required under section 1115 of title 31 a description of the resources, including budget, staffing, and training, that are necessary to implement the program required under subsection (b).

“(2) The description under paragraph (1) shall be based on the risk assessments required under subsection (a)(2).

“(e) PUBLIC NOTICE AND COMMENT.—Each agency shall provide the public with timely notice and opportunities for comment on proposed information security policies and procedures to the extent that such policies and procedures affect communication with the public.

#### “§ 3557. Annual independent audit

“(a) IN GENERAL.—(1) Each year each agency shall have performed an independent audit of the information security program and practices of that agency to determine the effectiveness of such program and practices.

“(2) Each audit under this section shall include—

“(A) testing of the effectiveness of the information infrastructure of the agency for automated, continuous monitoring of the state of compliance of its information infrastructure with regulations promulgated under section 3554 and standards promulgated under section 3558 in a representative subset of—

“(i) the information infrastructure used or operated by the agency; and

“(ii) the information infrastructure used, operated, or supported on behalf of the agency by a contractor of the agency, a subcontractor (at any tier) of such contractor, or any other entity;

“(B) an assessment (made on the basis of the results of the testing) of compliance with—

“(i) the requirements of this subchapter; and

“(ii) related information security policies, procedures, standards, and guidelines;

“(C) separate assessments, as appropriate, regarding information security relating to national security systems; and

“(D) a conclusion regarding whether the information security controls of the agency

are effective, including an identification of any significant deficiencies in such controls.

“(3) Each audit under this section shall be performed in accordance with applicable generally accepted Government auditing standards.

“(b) INDEPENDENT AUDITOR.—Subject to subsection (c)—

“(1) for each agency with an Inspector General appointed under the Inspector General Act of 1978 or any other law, the annual audit required by this section shall be performed by the Inspector General or by an independent external auditor, as determined by the Inspector General of the agency; and

“(2) for each agency to which paragraph (1) does not apply, the head of the agency shall engage an independent external auditor to perform the audit.

“(c) NATIONAL SECURITY SYSTEMS.—For each agency operating or exercising control of a national security system, that portion of the audit required by this section directly relating to a national security system shall be performed—

“(1) only by an entity designated head; and

“(2) in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(d) EXISTING AUDITS.—The audit required by this section may be based in whole or in part on another audit relating to programs or practices of the applicable agency.

“(e) AGENCY REPORTING.—(1) Each year, not later than such date established by the Director of the National Office for Cyberspace, the head of each agency shall submit to the Director the results of the audit required under this section.

“(2) To the extent an audit required under this section directly relates to a national security system, the results of the audit submitted to the Director of the National Office for Cyberspace shall contain only a summary and assessment of that portion of the audit directly relating to a national security system.

“(f) PROTECTION OF INFORMATION.—Agencies and auditors shall take appropriate steps to ensure the protection of information which, if disclosed, may adversely affect information security. Such protections shall be commensurate with the risk and comply with all applicable laws and regulations.

“(g) NATIONAL OFFICE FOR CYBERSPACE REPORTS TO CONGRESS.—(1) The Director of the National Office for Cyberspace shall summarize the results of the audits conducted under this section in the annual report to Congress required under section 3555(a)(8).

“(2) The Director's report to Congress under this subsection shall summarize information regarding information security relating to national security systems in such a manner as to ensure appropriate protection for information associated with any information security vulnerability in such system commensurate with the risk and in accordance with all applicable laws.

“(3) Audits and any other descriptions of information infrastructure under the authority and control of the Director of Central Intelligence or of National Foreign Intelligence Programs systems under the authority and control of the Secretary of Defense shall be made available to Congress only through the appropriate oversight committees of Congress, in accordance with applicable laws.

“(h) COMPTROLLER GENERAL.—The Comptroller General shall periodically evaluate and report to Congress on—

“(1) the adequacy and effectiveness of agency information security policies and practices; and

“(2) implementation of the requirements of this subchapter.

“(i) CONTRACTOR AUDITS.—Each year each contractor that operates, uses, or supports an information system or information infrastructure on behalf of an agency and each subcontractor of such contractor—

“(1) shall conduct an audit using an independent external auditor in accordance with subsection (a), including an assessment of compliance with the applicable requirements of this subchapter; and

“(2) shall submit the results of such audit to such agency not later than such date established by the Agency.

#### “§ 3558. Responsibilities for Federal information systems standards

“(a) REQUIREMENT TO PRESCRIBE STANDARDS.—

“(1) IN GENERAL.—

“(A) REQUIREMENT.—Except as provided under paragraph (2), the Secretary of Commerce shall, on the basis of proposed standards developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)) and in consultation with the Secretary of Homeland Security, promulgate information security standards pertaining to Federal information systems.

“(B) REQUIRED STANDARDS.—Standards promulgated under subparagraph (A) shall include—

“(i) standards that provide minimum information security requirements as determined under section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(b)); and

“(ii) such standards that are otherwise necessary to improve the efficiency of operation or security of Federal information systems.

“(C) REQUIRED STANDARDS BINDING.—Information security standards described under subparagraph (B) shall be compulsory and binding.

“(2) STANDARDS AND GUIDELINES FOR NATIONAL SECURITY SYSTEMS.—Standards and guidelines for national security systems, as defined under section 3552(b), shall be developed, promulgated, enforced, and overseen as otherwise authorized by law and as directed by the President.

“(b) APPLICATION OF MORE STRINGENT STANDARDS.—The head of an agency may employ standards for the cost-effective information security for all operations and assets within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards—

“(1) contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary; and

“(2) are otherwise consistent with policies and guidelines issued under section 3555.

“(c) REQUIREMENTS REGARDING DECISIONS BY THE SECRETARY.—

“(1) DEADLINE.—The decision regarding the promulgation of any standard by the Secretary of Commerce under subsection (b) shall occur not later than 6 months after the submission of the proposed standard to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).

“(2) NOTICE AND COMMENT.—A decision by the Secretary of Commerce to significantly

modify, or not promulgate, a proposed standard submitted to the Secretary by the National Institute of Standards and Technology, as provided under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), shall be made after the public is given an opportunity to comment on the Secretary's proposed decision.

**“§ 3559. Federal information security incident center**

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall ensure the operation of a central Federal information security incident center to—

“(1) provide timely technical assistance to operators of agency information systems and information infrastructure regarding security incidents, including guidance on detecting and handling information security incidents;

“(2) compile and analyze information about incidents that threaten information security;

“(3) inform operators of agency information systems and information infrastructure about current and potential information security threats, and vulnerabilities; and

“(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

“(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

“(c) REVIEW AND APPROVAL.—In coordination with the Administrator for Electronic Government and Information Technology, the Director of the National Office for Cyberspace shall review and approve the policies, procedures, and guidance established in this subchapter to ensure that the incident center has the capability to effectively and efficiently detect, correlate, respond to, contain, mitigate, and remediate incidents that impair the adequate security of the information systems and information infrastructure of more than one agency. To the extent practicable, the capability shall be continuous and technically automated.

**“§ 3560. National security systems**

“The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

“(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

“(2) implements information security policies and practices as required by standards and guidelines for national security systems, issued in accordance with law and as directed by the President; and

“(3) complies with the requirements of this subchapter.”.

**SEC. 1099D. INFORMATION SECURITY ACQUISITION REQUIREMENTS.**

Chapter 113 of title 40, United States Code, is amended by adding at the end of subchapter II the following new section:

**“§ 11319. Information security acquisition requirements.**

“(a) PROHIBITION.—Notwithstanding any other provision of law, beginning one year after the date of the enactment of the Executive Cyberspace Coordination Act of 2011, no agency may enter into a contract, an order under a contract, or an interagency agreement for—

“(1) the collection, use, management, storage, or dissemination of information on behalf of the agency;

“(2) the use or operation of an information system or information infrastructure on behalf of the agency; or

“(3) information technology;

unless such contract, order, or agreement includes requirements to provide effective information security that supports the operations and assets under the control of the agency, in compliance with the policies, standards, and guidance developed under subsection (b), and otherwise ensures compliance with this section.

**“(b) COORDINATION OF SECURE ACQUISITION POLICIES.—**

“(1) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with the Director of the National Institute of Standards and Technology, the Director of the National Office for Cyberspace, and the Administrator of General Services, shall oversee the development and implementation of policies, standards, and guidance, including through revisions to the Federal Acquisition Regulation and the Department of Defense supplement to the Federal Acquisition Regulation, to cost effectively enhance agency information security, including—

“(A) minimum information security requirements for agency procurement of information technology products and services; and

“(B) approaches for evaluating and mitigating significant supply chain security risks associated with products or services to be acquired by agencies.

“(2) REPORT.—Not later than two years after the date of the enactment of the Executive Cyberspace Coordination Act of 2011, the Director of the Office of Management and Budget shall submit to Congress a report describing—

“(A) actions taken to improve the information security associated with the procurement of products and services by the Federal Government; and

“(B) plans for overseeing and coordinating efforts of agencies to use best practice approaches for cost-effectively purchasing more secure products and services.

**“(c) VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.—**

“(1) REQUIREMENT FOR INITIAL VULNERABILITY ASSESSMENTS.—The Director of the Office of Management and Budget shall require each agency to conduct an initial vulnerability assessment for any major system and its significant items of supply prior to the development of the system. The initial vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach to—

“(A) identify vulnerabilities;

“(B) define exploitation potential;

“(C) examine the system's potential effectiveness;

“(D) determine overall vulnerability; and

“(E) make recommendations for risk reduction.

**“(2) SUBSEQUENT VULNERABILITY ASSESSMENTS.—**

“(A) The Director shall require a subsequent vulnerability assessment of each

major system and its significant items of supply within a program if the Director determines that circumstances warrant the issuance of an additional vulnerability assessment.

“(B) Upon the request of a congressional committee, the Director may require a subsequent vulnerability assessment of a particular major system and its significant items of supply within the program.

“(C) Any subsequent vulnerability assessment of a major system and its significant items of supply shall include use of an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in subparagraphs (A) through (E) of paragraph (1).

“(3) CONGRESSIONAL OVERSIGHT.—The Director shall provide to the appropriate congressional committees a copy of each vulnerability assessment conducted under paragraph (1) or (2) not later than 10 days after the date of the completion of such assessment.

**“(d) DEFINITIONS.—In this section:**

“(1) ITEM OF SUPPLY.—The term ‘item of supply’—

“(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including a spare part or replenishment part; and

“(B) does not include packaging or labeling associated with shipment or identification of an item.

“(2) VULNERABILITY ASSESSMENT.—The term ‘vulnerability assessment’ means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.

“(3) MAJOR SYSTEM.—The term ‘major system’ has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).”.

**SEC. 1099E. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) TABLE OF SECTIONS IN TITLE 44.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapters II and III and inserting the following:

**“SUBCHAPTER II—INFORMATION SECURITY**

“3551. Purposes.

“3552. Definitions.

“3553. National Office for Cyberspace.

“3554. Federal Cybersecurity Practice Board.

“3555. Authority and functions of the Director of the National Office for Cyberspace.

“3556. Agency responsibilities.

“3557. Annual independent audit.

“3558. Responsibilities for Federal information systems standards.

“3559. Federal information security incident center.

“3560. National security systems.”.

(b) TABLE OF SECTIONS IN TITLE 40.—The table of sections for chapter 113 of title 40, United States Code, is amended by inserting after the item relating to section 11318 the following new item:

“Sec. 11319. Information security acquisition requirements.”.

**(c) OTHER REFERENCES.—**

(1) Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(c)(1)(A)) is amended by striking “section 3532(3)” and inserting “section 3552(b)”.

(2) Section 2222(j)(6) of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(3) Section 2223(c)(3) of title 10, United States Code, is amended, by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(4) Section 2315 of title 10, United States Code, is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(5) Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(A) in subsections (a)(2) and (e)(5), by striking “section 3532(b)(2)” and inserting “section 3552(b)”;

(B) in subsection (e)(2), by striking “section 3532(1)” and inserting “section 3552(b)”;

(C) in subsections (c)(3) and (d)(1), by striking “section 11331 of title 40” and inserting “section 3558 of title 44”.

(6) Section 8(d)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7406(d)(1)) is amended by striking “section 3534(b)” and inserting “section 3556(b)”.

(d) REPEAL.—

(1) Subchapter III of chapter 113 of title 40, United States Code, is repealed.

(2) The table of sections for chapter 113 of such title is amended by striking the matter relating to subchapter III.

(e) EXECUTIVE SCHEDULE PAY RATE.—Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Director of the National Office for Cyberspace.”

(f) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

“(7) the Director of the National Office for Cyberspace.”

#### **SEC. 1099F. OFFICE OF THE CHIEF TECHNOLOGY OFFICER.**

(a) ESTABLISHMENT AND STAFF.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Executive Office of the President an Office of the Federal Chief Technology Officer (in this section referred to as the “Office”).

(B) HEAD OF THE OFFICE.—

(i) FEDERAL CHIEF TECHNOLOGY OFFICER.—The President shall appoint a Federal Chief Technology Officer (in this section referred to as the “Federal CTO”) who shall be the head of the Office.

(ii) COMPENSATION.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Federal Chief Technology Officer.”

(2) STAFF OF THE OFFICE.—The President may appoint additional staff members to the Office.

(b) DUTIES OF THE OFFICE.—The functions of the Federal CTO are the following:

(1) Undertake fact-gathering, analysis, and assessment of the Federal Government’s information technology infrastructures, information technology strategy, and use of information technology, and provide advice on such matters to the President, heads of Federal departments and agencies, and government chief information officers and chief technology officers.

(2) Lead an interagency effort, working with the chief technology and chief information officers of each of the Federal departments and agencies, to develop and implement a planning process to ensure that they use best-in-class technologies, share best practices, and improve the use of technology in support of Federal Government requirements.

(3) Advise the President on information technology considerations with regard to Federal budgets and with regard to general coordination of the research and development programs of the Federal Government for information technology-related matters.

(4) Promote technological innovation in the Federal Government, and encourage and oversee the adoption of robust cross-governmental architectures and standards-based information technologies, in support of effective operational and management policies, practices, and services across Federal departments and agencies and with the public and external entities.

(5) Establish cooperative public-private sector partnership initiatives to achieve knowledge of technologies available in the marketplace that can be used for improving governmental operations and information technology research and development activities.

(6) Gather timely and authoritative information concerning significant developments and trends in information technology, and in national priorities, both current and prospective, and analyze and interpret the information for the purpose of determining whether the developments and trends are likely to affect achievement of the priority goals of the Federal Government.

(7) Develop, review, revise, and recommend criteria for determining information technology activities warranting Federal support, and recommend Federal policies designed to advance the development and maintenance of effective and efficient information technology capabilities, including human resources, at all levels of government, academia, and industry, and the effective application of the capabilities to national needs.

(8) Any other functions and activities that the President may assign to the Federal CTO.

(c) POLICY PLANNING; ANALYSIS AND ADVICE.—The Office shall serve as a source of analysis and advice for the President and heads of Federal departments and agencies with respect to major policies, plans, and programs of the Federal Government in accordance with the functions described in subsection (b).

(d) COORDINATION OF THE OFFICE WITH OTHER ENTITIES.—

(1) FEDERAL CTO ON DOMESTIC POLICY COUNCIL.—The Federal CTO shall be a member of the Domestic Policy Council.

(2) FEDERAL CTO ON CYBER SECURITY PRACTICE BOARD.—The Federal CTO shall be a member of the Federal Cybersecurity Practice Board.

(3) OBTAIN INFORMATION FROM AGENCIES.—The Office may secure, directly from any department or agency of the United States, information necessary to enable the Federal CTO to carry out this section. On request of the Federal CTO, the head of the department or agency shall furnish the information to the Office, subject to any applicable limitations of Federal law.

(4) STAFF OF FEDERAL AGENCIES.—On request of the Federal CTO, to assist the Office in carrying out the duties of the Office, the head of any Federal department or agency may detail personnel, services, or facilities of the department or agency to the Office.

(e) ANNUAL REPORT.—

(1) PUBLICATION AND CONTENTS.—The Federal CTO shall publish, in the Federal Register and on a public Internet website of the Federal CTO, an annual report that includes the following:

(A) Information on programs to promote the development of technological innovations.

(B) Recommendations for the adoption of policies to encourage the generation of technological innovations.

(C) Information on the activities and accomplishments of the Office in the year covered by the report.

(2) SUBMISSION.—The Federal CTO shall submit each report under paragraph (1) to—

(A) the President;

(B) the Committee on Oversight and Government Reform of the House of Representatives;

(C) the Committee on Science and Technology of the House of Representatives; and

(D) the Committee on Commerce, Science, and Transportation of the Senate.

#### **SEC. 1099G. AUTHORITY OF SECRETARY.**

(a) IN GENERAL.—The Secretary shall have primary authority, in consultation with the Director of the National Office for Cyberspace and the Federal Cyberspace Practice Board, in the executive branch of the Federal Government in creation, verification, and enforcement of measures with respect to the protection of critical information infrastructure, including promulgating risk-informed information security practices and standards applicable to critical information infrastructures that are not owned by or under the direct control of the Federal Government. The Secretary should consult with appropriate private sector entities, including private owners and operators of the affected infrastructure, to carry out this section.

(b) OTHER FEDERAL AGENCIES.—In establishing measures with respect to the protection of critical information infrastructure the Secretary shall—

(1) consult with the Secretary of Commerce, the Secretary of Defense, the National Institute of Standards and Technology, and other sector specific Federal regulatory agencies in exercising the authority referred to in subsection (a); and

(2) coordinate, through the Executive Office of the President, with sector specific Federal regulatory agencies, including the Federal Energy Regulatory Commission, in establishing enforcement mechanisms under the authority referred to in subsection (a).

(c) AUDITING AUTHORITY.—The Secretary may—

(1) conduct such audits as are necessary to ensure that appropriate measures are taken to secure critical information infrastructure;

(2) issue such subpoenas as are necessary to determine compliance with Federal regulatory requirements for securing critical information infrastructure; and

(3) authorize sector specific Federal regulatory agencies to undertake such audits.

(d) DEFINITIONS.—In this section:

(1) CRITICAL INFORMATION INFRASTRUCTURE.—The term “critical information infrastructure” means the electronic information and communications systems, software, and assets that control, protect, process, transmit, receive, program, or store information in any form, including data, voice, and video, relied upon by critical infrastructure, industrial control systems such as supervisory control and data acquisition systems, and programmable logic controllers. This shall also include such systems of the Federal Government.

(2) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

#### **SEC. 1099H. EFFECTIVE DATE.**

(a) IN GENERAL.—Unless otherwise specified in this section, this subtitle (including the amendments made by this subtitle) shall

take effect 30 days after the date of enactment of this Act.

(b) NATIONAL OFFICE FOR CYBERSPACE.—Section 3553 of title 44, United States Code, as added by section 1099C of this subtitle, shall take effect 180 days after the date of enactment of this Act.

(c) FEDERAL CYBERSECURITY PRACTICE BOARD.—Section 3554 of title 44, United States Code, as added by section 1099C of this subtitle, shall take effect one year after the date of enactment of this Act.

#### SEC. 1099I. FUNDING OFFSETTING REDUCTION.

Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4301 for Operations and Maintenance, as specified in the corresponding funding table in division D, is hereby reduced by \$1,500,000,000.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Rhode Island (Mr. LANGEVIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. LANGEVIN. I rise today to urge my colleagues to join me in support of my amendment to help secure and protect our Nation from cyber attacks. My amendment would basically coordinate Federal information security policy by creating a National Office for Cyberspace, update our Federal information security management practices, and establish measures for the protection of critical infrastructure from cyber attacks.

Mr. Chairman, this amendment passed the House of Representatives last year without objection.

In the intervening year, the threats that we face in cyberspace have clearly multiplied. Three months ago, the director of the CIA told the Congress that the next Pearl Harbor could very well be a cyber attack. Shortly after, the Los Angeles Times reported on a computer hacker who, in a test of a southern California water system, took control of the equipment that added chemicals to the water. The article stated, “with a few mouse clicks, he could have rendered the water undrinkable for millions of homes.”

Mr. Chairman, my amendment would secure our government-owned IT networks against massive data breaches and attacks by implementing recommendations of the CSIS Commission on Cybersecurity, which I cochaired last year’s committee work on Oversight and Government Reform and several recent White House proposals.

Mr. Chairman, my amendment focuses on coordination of efforts to secure our Federal networks, develop smarter cyber policies, and protect critical infrastructure like the power grid. It also establishes a Senate-confirmed National Cyberspace Office in the Executive Office of the President.

This amendment was included in the House-passed fiscal year 2011 National Defense Authorization Act and helped spark renewed action in Congress on this critical issue. Now, with so much

underway in the executive branch and in the other Chamber, I believe it is critical for the House to once again take a stand on this issue and make the investments necessary to protect our networks in cyberspace.

I would note here that my offset is based on previous estimates of the cost of these provisions, which I firmly believe will actually be lowered once it is rescored. However, even this cost is dwarfed by the tremendous cost of inaction, which, if a successful cyber attack were carried out on critical infrastructure, could result in hundreds of billions of dollars in losses.

Last year alone, researchers recorded 662 breaches at large companies or Federal agencies that left 16.2 million records exposed. Now, this data enabled cyber criminals to prey on citizens and companies with some estimates putting the cost of cyber threats to our economy at \$8 billion annually.

But these threats don’t just come from criminals. It’s believed that there are approximately 1.8 billion attacks on our government servers every month. And the cyber incidents have targeted some of the most sensitive national security data, potentially allowing a foreign intelligence agency to gain a “digital beachhead” on our classified and unclassified networks. A larger investment in the security of these networks, which has already been initiated at the direction of the White House, will yield huge efficiencies for our IT systems in the long run while protecting information critical to our security.

Traditionally, no matter how fractious the debate in Washington becomes, Mr. Chairman, we have put aside partisanship when it comes to protecting the American people.

Mr. Chairman, cyber attacks pose a clear and present danger to the national security of the United States, and this legislation takes significant steps toward stopping these threats.

I urge your support of this amendment to keep our Nation safe from cyber attacks.

With that, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. I thank the Chair.

Mr. Chairman, I oppose the amendment because I believe that this is the wrong bill and it’s the wrong time to consider it.

But I should say that there is no one in this House who has more respect from both sides of the aisle on cyber issues than the gentleman from Rhode Island. He and I, I know, started working together on cyber issues as far back as 2003. We continue to work together in leading the Emerging Threats Sub-

committee, as well as both of us being members of the Intelligence Committee. But the gentleman from Rhode Island has clearly been one of the country’s leaders on cyber, as he mentioned, cochairing the CSIS Commission on Cyber, which was a very important contribution to the proposals and the urgency with which this issue must be dealt.

And so I would say that he and I are in total agreement on the importance of this issue and the necessity of this country and this government and this Congress taking action on cyber. I would say he and I are largely in agreement on the things that should be done.

But having said that, I must remind everyone that just a few days ago the White House sent to Congress a substantial list of proposals on what it believes should be done on cybersecurity. I think the thing that makes the most sense is for us to take a little time and look at what the White House proposed, look at what the gentleman from Rhode Island has proposed, and I think there are some other suggestions out there that need to be considered and need to be in the mix.

It is certainly true that some sort of organizational reform may be needed here. But if so, it extends far beyond the Department of Defense, and that is the subject of this bill, which is one of the reasons I believe that this is an inappropriate place to take up the wide-ranging proposals that the gentleman from Rhode Island has put before us today.

As a matter of fact, other than the FISMA language, which I think there is widespread agreement needs to be updated, other than that, most of this other language that the gentleman has proposed is outside the Department of Defense and, therefore, I would suggest is not appropriate for this bill.

The other thing I’ve got to mention is that the gentleman’s amendment does come at a cost and the offset of the amendment is to reduce the O&M funds from the Department of Defense by \$1.5 billion. So, in effect, we are making the Department of Defense be the bill payer for the rest of the government to get its act together. And I think given our serious financial constraints in defense, given the appropriate equities involved, that that would be a mistake.

But I want to be clear that the gentleman from Rhode Island has been a, if not the, leader in the House on putting forward important proposals to improve our cybersecurity. I think his proposals definitely need to be seriously considered. But in this bill, it is inappropriate. And at this time, I also believe it would be premature.

With that, I reserve the balance of my time.

Mr. LANGEVIN. First of all, I want to thank the gentleman from Texas for

his kind comments and supportive comments of the work I've done on cybersecurity. And likewise, I want to acknowledge his leadership and the cooperation that we've had on this issue and many others both on the Armed Services Committee and the House Intelligence Committee. I clearly respect the work the gentleman has done, his passion and hard work on protecting the Nation on cyber, and I look forward to our continued work together.

□ 2040

I would, of course, just respectfully disagree that we should hold off and actually take steps to act on this critical issue now. I have worked on, as the gentleman has noted, and have studied this issue for quite some time. I know that this is a moving target, moving faster than what we are prepared for right now in terms of how we are organized and how we are defending ourselves. We are too vulnerable. Our enemies are too aggressive and too far ahead. We need to get better organized and have a more effective response. This amendment would clearly get us further down the road in terms of where we need to be in terms of protecting ourselves.

With that, I would urge my colleagues to support it, and I yield back the balance of my time.

Mr. CUMMINGS. Mr. Chair, I was pleased to support Mr. LANGEVIN's Amendment #49 to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012 earlier today. In the 111th Congress, I supported substantially similar language, H.R. 4900, offered by Representative Watson and approved by the Committee on Oversight and Government Reform.

I agree with President Obama that the "cyber threat is one of the most serious economic and national security challenges we face as a nation." Given the increasing connectivity between information systems, the Internet, and critical infrastructure such as our electrical grid, telecommunications systems, and financial systems, we must be able to defend these systems against cyber attacks from any origin.

Cyber threats and attacks against information systems have continued to grow in both volume and intensity in recent years. Statistics from the United States Computer Emergency Readiness Team indicate that the number of reported cyber incidents at federal agencies has increased over the last five years from approximately 5,000 in fiscal year 2006 to more than 41,000 in fiscal year 2010.

Mr. LANGEVIN's amendment represents an important step to help secure our nation from cyber attacks by codifying multiple policy recommendations made by the Obama Administration, public-private sector working groups, and the Government Accountability Office. I am pleased to support these efforts, and I look forward to working with Mr. LANGEVIN and the rest of my colleagues in the House and Senate to develop a comprehensive legislative proposal to strengthen our nation's cybersecurity.

I am also pleased that the Obama Administration released its initial legislative proposal

on cybersecurity last week. The proposal represents the start of a serious bipartisan discussion on cybersecurity legislation, and I look forward to participating in those conversations.

Mr. THORNBERRY. Mr. Chairman, I would just say that there are provisions in this bill related to cybersecurity. It is not as if we are doing nothing. Yet, as I noted in the comments I made in the general debate portion of this bill, there is much work ahead. I have no doubt the gentleman from Rhode Island, as well as the other Members interested in cyber, will be participating in that.

As I mentioned at the beginning, however, I believe this is not the proper bill nor the proper time to take up this very comprehensive, 55-page thoughtful amendment that the gentleman has offered.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. LANGEVIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 50 OFFERED BY MR. AMASH

The Acting CHAIR. It is now in order to consider amendment No. 50 printed in House Report 112-88.

Mr. AMASH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 1034 (page 440, line 16 through page 441, line 21).

Mr. McKEON. Mr. Chairman, I ask unanimous consent that the debate time for consideration of amendment No. 50 be expanded by 10 minutes and that such time shall be equally divided and controlled by the gentleman from Michigan and myself.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276 and the previous order, the gentleman from Michigan (Mr. AMASH) and the gentleman from California (Mr. McKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. AMASH. Mr. Chair, my amendment is simple. It deletes section 1034, the new Authorization for Use of Military Force.

Section 1034 contains, perhaps, the broadest authorization for use of military force Congress has ever considered. In doing so, it essentially dele-

gates nearly all of Congress' constitutional war powers to the President. It expands Congress' use of force to include "associated forces," a group the bill does not define. Under section 1034, associated forces don't need to be connected to 9/11. Associated forces don't need to have fought against the United States, and associated forces may even include American citizens.

There is no geographical limit to the authorization. Force may be used worldwide at the President's discretion. Please join me in opposing this broad, new AUMF. Please support amendment No. 50.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume. Section 1034 of the National Defense Authorization Act would affirm the 2001 Authorization for Use of Military Force and the ability to go after terrorists who are part of or substantially supporting al Qaeda, the Taliban or associated forces.

I want to be very clear. This section does not alter the way the war on terror is currently being fought. Our members and staff have spent many weeks and months discussing the proposed text of section 1034 with Ranking Member SMITH, his staff, outside experts, and legal scholars. In the end, we decided to use the same interpretation used by the Obama administration so as not to create any confusion or any doubt as to the legal authorities our military is currently operating under.

That is my priority first and always—to ensure our troops have Congress' express affirmation that they are fighting the war and risking their lives in our defense on solid legal ground.

While courts have accepted the administration's position, this could change any day. I am not willing to take that chance when it comes to something as critical as defending the United States against terrorism. As former CIA Director Michael Hayden said in a letter to me this week, section 1034 "will send a powerful statement to those on whom we depend for our defense. Press on with our support. It also sends a powerful message to our adversaries in this conflict. The American people remain united in their resolve to see this through to success." I stand in strong opposition to this amendment.

I reserve the balance of my time.

Mr. AMASH. I yield 1½ minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise in strong support of this amendment, which strikes the dangerous, far-reaching section 1034 of this Defense bill.

I thank my colleague Mr. AMASH for his leadership and for working with all of us in a bipartisan fashion on this effort.

On September 14, 2001, which was 3 days after the horrific events of 9/11,



the Authorization of Use of Force was brought to the floor. I voted against this because it was overly broad, and it amounted to a blank check to wage war at any time, anywhere and at any place.

It was the most difficult vote that I had cast because I was the only one to vote against this resolution, and I will always remember that sad evening when we returned from the National Cathedral memorial services for the victims and the families of 9/11. The entire country was angry and in mourning for the senseless loss of life and injuries resulting from such a brutal terrorist attack. There was very little debate on this resolution then, which took us to what has become the longest war in American history.

So let's be clear. Section 1034 goes even beyond that original authorization. It amounts to a declaration of war—without end, anywhere in the world, regardless of whether there is a danger to the United States. If the original authorization were a blank check, section 1034 would amount to an entire checkbook of blank checks.

This sweeping provision is dangerous. It should not be included in such a massive bill with, once again, little or no debate. It should be removed. I urge every Member of the House to consider carefully the ramifications of destroying the balance of powers that exist to protect this democracy and our Nation. So I urge an aye vote on this amendment.

I want to thank Mr. AMASH, once again, for trying to strike this so that we can move in the right direction to really begin to end the longest war in American history.

Mr. McKEON. Mr. Chairman, I am happy to yield at this time 2 minutes to my friend and colleague, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise in opposition to this amendment.

I have just five questions. I understand we've got people on both sides of this issue, and I respect them; but if we ask the five questions, I think we'd vote against this amendment.

The first one is this: Do we need to use military force against al Qaeda, the Taliban and the people who are supporting them, or don't we?

There are some in here, as they just talked about, who didn't support using military force at the beginning, and they don't support it now. I respect them. I just think we're not going to defeat these forces through our words or by ignoring them. I think the answer is clear. We need to use all the force that is necessary and appropriate to defeat them. This legislation does that.

Second: Should Congress write the language to authorize that or leave it solely to the executive and judicial branches? I think we ought to do it.

Third: Is this the right language? It is the exact same language that the ex-

ecutive has put forward and that the judiciary has put forward. We are marrying them.

Four: Does it go too far? It doesn't go too far. With all the red herrings that are there, if you go back and read the language, it clearly says it does not supersede or change the War Powers Act. The War Powers Act was violated then, and it is violated now with this language.

The final question, Mr. Chairman, is simple: Should we adopt this amendment? The answer is just as simple: not if we want to do everything necessary to defend and protect the United States of America against terrorist attacks.

□ 2050

Mr. AMASH. Recognizing that this new AUMF goes beyond the original AUMF, at this time I yield 1½ minutes to the distinguished gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I rise today in support of striking section 1034.

I want to thank the gentleman from Michigan for this time. I was so concerned about this provision that I contacted a professor that I know very well, Jules Lobel, a noted constitutional professor at the University of Pittsburgh. And at my request, he has examined this provision and has provided me the following analysis. Again, I cannot give all the analysis because of limited time, but I want to read this point to you:

"Section 1034 authorization for the President to use force against any group or individual that he determines is associated with al Qaeda or the Taliban is overbroad and could potentially permit a President to expansively use force against terrorist groups around the world. Under international law, you cannot kill someone anywhere in the world simply because of their association with an entity against which you are at war, although under certain circumstances, you can detain them, if captured. This authorization is too vague and expansive."

I hope that my colleagues on both sides of the aisle will look at this very carefully and join us in trying to strike this provision. Again, I thank the gentleman from Michigan for this time.

Section 1034 is mixing up two different things—detention authority and the authorization to use force—and could therefore authorize something which the Administration has not yet claimed the power to do. The Administration's March 13 filing in court recognized this distinction, and explicitly limited that filing to its authority to detain people at Guantanamo:

"This position is limited to the authority upon which the Government is relying to detain the persons now being held at Guantanamo Bay. It is not, at this point, meant to define the contours of authority for military operations generally, or detention in other contexts."

But the new authorization, with the Chairman's remarks, takes a government position

that was "limited" to the authority to detain persons at Guantanamo, and uses it "to define the contours of authority for military operations generally", which has potentially expansive and unforeseen consequences in the future. Congress should not be authorizing war against all groups vaguely "associated" with Al Qaeda anywhere in the world, even if, in certain circumstances we can detain persons captured in battle who are associated with the enemy, or persons who are detained by other nations and transferred to us.

Moreover, the Administration's detention authority over persons detained at Guantanamo is subject to habeas review by federal courts. Therefore, a person who the government claims is "associated" with the enemy in such a manner as to justify detention, can challenge the government claim in court. However, a Presidential use of force against associated forces around the world would not likely be subject to judicial review, and therefore Congress could be authorizing essentially unfettered Executive discretion in using force against unnamed and undefined people or groups worldwide, under standards that the Administration has thus far not clearly defined.

Second, even were the provision limited to detention, it would still be problematic. The Obama Administration's claim to detention authority is more limited in some respects than Bush Administration's was, and that some judges of the D.C. Circuit would allow. But there remain disputes over the breadth of the government's power to detain people as enemy combatants who are captured outside of any battlefield or are detained because they are "supporting" or "associated" with the enemy. The Supreme Court has not yet decided these issues. This bill seems to affirm the Obama Administration's and D.C. Circuit view, and apply it to detainees more generally, although it adds vagueness because the chairman says that "this affirmation is not intended to limit or alter the President's existing authority pursuant to the AUMF".

In sum, my main point is that section 1034 is flawed because it is codifies a detention-specific standard to apply to the use of force more generally, including the targeting people living in other nations, with potentially expansive and unforeseen consequences in the future.

Congress should be limiting the President's authority to engage in this limitless, undefined war—not affirming and potentially expanding it.

Mr. McKEON. Mr. Chairman, at this time I would like to insert into the RECORD a letter from former Attorney General of the United States Michael B. Mukasey. Just one short thing. He says, "Your new legislation would not confer new powers, but rather would add order and rationality to what has been an improvisational exercise overseen by judges who do not have the fact-finding."

MAY 20, 2011.

Hon. HOWARD P. "BUCK" McKEON,  
House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: The legislation you have proposed to update and clarify the Authorization for the Use of Military Force ("AUMF"), passed in September 2001 in the



wake of the attacks on the United States that occurred that month, is both timely and constructive.

Since its passage, the AUMF has not been updated to reflect the evolving nature and origin of the Islamist threat against this country. Indeed, there are organizations, including the Pakistani Taliban, that are arguably not within its reach, and although we have fought and detained thousands of enemy fighters captured not only in Afghanistan and Iraq, but also in Somalia, Yemen and Pakistan, and continue to detain hundreds, the AUMF does not even refer to detention, let alone prescribe standards for detention. As a result of this inaction, we have simply allowed policy makers and judges to improvise how we deal with the evolving terrorist threat and how we treat those we encounter on the battlefield. The increased use of remotely piloted aircraft—drones—has allowed us to strike lethally, but because dead men tell no tales and records destroyed in drone attacks cannot be exploited, we may unconsciously be defaulting toward strategies that do not allow us to act as effectively as we might if we captured terrorists instead of killing them.

Your new legislation would not confer new powers, but rather would add order and rationality to what has been an improvisational exercise overseen by judges who do not have the fact-finding resources of Congress, or the accountability that comes from being responsible for protecting the national security.

I cannot for the life of me understand the opposition to this measure that is coming from people who profess to be concerned with civil liberties and the rule of law, and yet seem to prefer an improvisational arrangement that does not make us face up to the fact that we are detaining people. If anything, such a system creates the occasion for offloading our detention responsibility to countries that will treat detainees much less humanely than we would, or killing instead of capturing, which can hardly be said to present a humane alternative or one governed by legal principles.

I would welcome the opportunity to provide whatever help and input I can.

Yours sincerely,

MICHAEL B. MUKASEY.

I yield 1 minute to my friend and colleague, the gentleman from Florida (Mr. WEST).

Mr. WEST. Mr. Chairman, I rise in opposition to this amendment. I think as we look across this Chamber, there are very few Members that have ever served on a 21st century battlefield, a 21st century battlefield that is comprised of nonstate, nonuniform belligerents who have no respect for borders or boundaries.

All this amendment in section 1034 says is that we affirm that we are engaged in an armed conflict. It has a very narrow definition. And it also looks at the global conflagration in which we are in. And it also addresses that we should be seeking to remove these belligerents off of the battlefield.

I have had the experience in 2003 in Iraq. I have had the experience for 2½ years in Afghanistan. And if we allow an amendment such as this to go forth, it would have precluded us from going in and killing the world's number one terrorist, Osama bin Laden. And if this

amendment is allowed to pass, then we will not be able to go after al-Awlaki and al Qaeda in the Arabian Peninsula. We will not be able to go after Mullah Omar, who is the head of the Taliban. We will not be able to go after Gulbuddin Hekmatyar, who is in charge of the Haqqani Islamic terrorist network. It would not allow us to go and deny this enemy sanctuary.

I want to say this one last thing. There are two West Point cadets that are interns that are serving with me. If we do not have the courage to affirm and declare there is an enemy, how can we send them onto the battlefield?

Mr. AMASH. Recognizing that Osama bin Laden was killed under the old AUMF, not the new broader language, I yield 1½ minutes to the distinguished ranking member of the House Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I think the gentleman from Virginia (Mr. FORBES) raises the right questions. And definitely, we do need to go after these folks militarily. Clearly, it would also be better if Congress spoke. But where I disagree with him is on the question of whether or not this goes too far and expands that authority. And I do very strongly disagree with the arguments of Mr. WEST from Florida.

The President does have the authority. He had the authority to do the bin Laden raid, as Mr. AMASH just pointed out, within the existing branch of authority. I do want to compliment the chairman of this committee for his hard work in working on this issue. I think it would be an important thing for the Armed Services Committee, for this Congress to speak on what the authorization of use of military force should be beyond just linking it back to 9/11.

But when you put in associated forces, and when you don't have any end date, it does confer upon the President the potential for a great deal of power over a long period of time. And it is important to point out the President right now, forget the original AUMF, the President under just the interpretation of the Constitution and laws of this country absent of that has a great deal of authority.

Let's remember President Clinton was the first person to take a shot at Osama bin Laden back in 1998, when we launched cruise missiles at a compound where we thought he was in Afghanistan. There was no AUMF at that point. The President has fairly broad authorities conferred by the Constitution and the Court's interpretation of it to prosecute that war in the way that we want it to be done. The question is whether or not this language broadens that authority to the point where we all have to be concerned about the level of power that we are turning over to the Executive. That's really the balance we're trying to strike here.

Yes, Congress should speak. But Congress should also not speak in a way that gives the executive branch too broad authority. I believe the language in the bill goes too far in that direction, and therefore I support the amendment.

Mr. MCKEON. At this time, Mr. Chairman, I would like to insert another letter into the RECORD. This is from General Michael Hayden, former CIA director. I will quote just a part. "Those whom we have charged with protecting us need clarity in both their mission and in the legal underpinning that justifies it. This act does exactly that."

24 MAY 2011.

Hon. HOWARD P. MCKEON,  
House of Representatives, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to offer my support and, frankly, my thanks for the language in the National Defense Authorization Act that reaffirms and updates the language in the 2001 Authorization for Use of Military Force.

In 2007, speaking to the representatives of our European allies, I attempted to outline for them how we at the CIA—and, indeed, how we throughout the American security community—viewed our task operationally, ethically and legally: winning a conflict against al Qaeda and its affiliates, a conflict that was global in its scope and which therefore required us to take the fight to this enemy.

Two Presidents, the Congress and the Courts have affirmed that this is indeed true, but this is a different kind of conflict, against a non-state adversary, and there are those who would cloud this question and claim that the laws at armed conflict do not apply and that we should confine our response to other (e.g., law enforcement) models. As time has passed since 9-11, these arguments have become more commonplace and frankly more confusing to those on whom we depend for our safety.

Those whom we have charged with protecting us need clarity in both their mission and in the legal underpinning that justifies it. This Act does exactly that, in unambiguous language, adding yet another Congressional sanction to Presidential statements that a state of armed conflict exists between the United States and al Qaeda, and its affiliates. The Act also reaffirms that activities routinely incident to such conflicts—like detention of enemy combatants for the duration of the conflict—are inherently justified.

This will send a powerful statement to those on whom we depend for our defense: "Press on with our support!" it also sends a powerful message to our adversaries in this conflict: "The American people remain united in their resolve to see this through to success."

Yours Sincerely,

MICHAEL V. HAYDEN

I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to this amendment. The U.S. has been detaining individuals pursuant to the Authorization for Use of Military Force which was passed by Congress, signed into law. We have been detaining those individuals for almost 10 years now. The U.S. Supreme Court has accepted that the

AUMF provides the authority to detain these individuals. Congress, however, has never explicitly recognized this detention authority.

In a March 13, 2009 memo, the President stated that he has the authority to detain persons who planned, authorized, committed, or aided the terrorist acts that occurred on 9/11, and persons who harbored those responsible. It also stated that the President has the authority to detain persons who were part of or substantially supported the Taliban, al Qaeda, or associated forces.

The affirmation from Congress that section 1034 provides is essential to supporting the President's own interpretation of his detention authority, and will clarify for the courts the legal authority for the detention of these individuals. Congress has been silent for nearly 10 years, silent for too long on specifying the President's authority to detain these individuals.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional 30 seconds.

Mr. GRIFFIN of Arkansas. Congress has left it to the courts to make war-time policy. The military relies on the same interpretation when deciding whom it can lawfully target or detain, and the military deserves a clear and concise interpretation from Congress. It is time that we give them this clear interpretation.

I urge my colleagues to join me in opposing this amendment.

Mr. AMASH. Mr. Chairman, may I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Michigan has 4½ minutes remaining.

Mr. AMASH. I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, we support the authority of our President to relentlessly hunt down those who attacked us on 9/11 anywhere, at any time. But we do not support the right of this or any future President to wage war anywhere, at any time, and I believe that's what the underlying bill does.

The underlying bill says that you can engage in the current armed conflict against a nation that has substantially supported al Qaeda. There is a record that suggests that Iran has substantially supported al Qaeda in Iraq. I don't think the Members of this body think that we have the power to attack Iran without further congressional action.

There is evidence that Hezbollah has supported al Qaeda and similar organizations. I don't think the Members of this body think that we have the right to attack Lebanon and Hezbollah without further action of this Congress.

We should never relent in going after those who attacked us on 9/11, but we should never ignore the constitutional

prerogative of this House and the Senate to engage in the declaration of war.

□ 2100

Mr. McKEON. I reserve the balance of my time.

Mr. AMASH. Mr. Chair, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman. Mr. Chairman, I support this amendment to delete section 1034.

Section 1034 is the equivalent of a new declaration of war, but it contains no clear objective. No longer would we be seeking out those responsible for the attacks of September 11. In fact, all references to September 11 are removed. Instead, it merely affirms that the United States is at war. But it doesn't say why. It doesn't say what we are trying to achieve. It doesn't even mention an identifiable whom, with whom we are at war.

Unlike the 2001 AUMF, it does not contain any description of harm that has occurred or that we are seeking to prevent. How will anyone be able to declare success when the objective itself is so amorphous? How will we know when we have won the war?

Section 1034 expands the targets of military action from those responsible for the September 11 attacks to all members of al Qaeda, the Taliban and "associated forces" and those who "directly support associated forces." But "associated forces" is undefined and so is "directly support."

Does it mean providing a meal to a person who later becomes a suicide bomber, even though they are not affiliated with al Qaeda or the Taliban, and you had no means of knowing that they were a suicide bomber in the future? Does the President have unfettered discretion to take this country to war against any country or any group he deems associated with the Taliban? Under this section, it would seem so.

Mr. Chairman, we must not delegate such power to the President. Indeed, such a broad unlimited delegation is probably unconstitutional. We haven't considered this section in any committee as far as I know, and yet it could profoundly change the scope and duration of our military efforts.

Mr. Chairman, we should pass this amendment, scrap this provision, and send it back to committee to start all over again if we need a redefinition of the existing AUMF.

But this amendment must pass; this section must not pass. The President must not have the total discretion to take this country to war with anybody, at any time, under any circumstances, under his sole discretion.

Mr. McKEON. Mr. Chairman, I would like to insert at this time an editorial from the Los Angeles Times into the RECORD, and I will read just a little bit of it:

"The New York Times sees the term 'associated forces' as so vague that it

could include 'anyone who doesn't like America, even if they are not connected in any way with the 2001 attacks. It could even apply to domestic threats.' That is an exaggerated, if not paranoid, characterization of the language."

[From the Los Angeles Times, May 17, 2011]

A WAR AGAINST ANYONE WHO DOESN'T LIKE THE U.S.?

(By Michael McGough)

Language in a new defense bill could authorize the military "to pursue anyone suspected of terrorism, anywhere on earth, from now to the end of time." So says a New York Times editorial, but the issue is not so-clear cut.

New language contained in a defense bill does tweak the Authorization for Use of Military Force approved by Congress after 9/11, but it does so to shore up existing policies, not to license a broader war on terror.

What's the difference between the two documents?

The AUMF, as it's called, authorized the president to "use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons."

The House Defense Authorization bill says this: "As the United States nears the 10th anniversary of the attacks on September 11, 2001, the terrorist threat has evolved as a result of intense military and diplomatic pressure from the United States and its coalition partners. However, Al Qaeda, the Taliban, and associated forces still pose a grave threat to U.S. national security. The Authorization for Use of Military Force necessarily includes the authority to address the continuing and evolving threat posed by these groups."

The New York Times sees the term "associated forces" as so vague that it could include "anyone who doesn't like America, even if they are not connected in any way with the 2001 attacks. It could even apply to domestic threats." That is an exaggerated, if not paranoid, characterization of the language which seems designed to cover groups like Al Qaeda in the Arabian Peninsula.

There is one problematic section of the authorization: language saying that the president has the authority "to detain certain belligerents until the termination of hostilities." This language is a significant departure from the AUMF, though it comports with President Obama's view of his authority to hold "the worst of the worst" indefinitely.

The real news about the language of the defense bill is that it codifies Obama's view of what he can do.

I reserve the balance of my time.

Mr. AMASH. In closing, Mr. Chair, make no mistake: the power we were asked to give the President is beyond the power Congress gave the President in the wake of the largest terrorist attack in our history. Support amendment No. 50 and turn back this broad delegation of Congress' constitutional authority.

I yield back the balance of my time.

Mr. McKEON. May I ask how much time remains?

The Acting CHAIR. The gentleman from California has 4 minutes remaining.

Mr. McKEON. Mr. Chairman, I yield the balance of my time to my friend and colleague, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, there have clearly been a number of wild exaggerations and mischaracterizations about the effect of section 1034. If Members have any doubt about where the truth lies, I recommend you look at editorials in *The Washington Post*, the *L. A. Times*, *The Wall Street Journal*, all of which support modernizing and updating the authorization for the use of military force. They clearly debunk some of the wild accusations that have been made.

Let's take it back for just a second to the basics here. The current authorization for the use of military force passed this Congress on September 14, 2001. Now, smoke was still rising from the ruins of the Twin Towers in New York. The Taliban was still the Government of Afghanistan at that time. The Madrid train bombing, the London subway bombing, Indonesia nightclub bombing had yet to occur.

But Congress believed that action should be taken giving the President the authority to go after those who perpetrated 9/11, and the AUMF authorized the President to use all necessary and appropriate force against those whom he determines authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored them.

Now it is absolutely true, the gentleman from California (Ms. LEE) voted against that. I believe she was the only one. Everybody else supported that authorization, and that was a decade ago. It has not changed since then.

In the decade since, al Qaeda has changed. As a matter of fact, we have had testimony this year from the Director of the National Counterterrorism Center that the most serious threat to our homeland actually comes from al Qaeda in the Arabian Peninsula headquartered in Yemen. They are the most serious threat now. With the death of Osama bin Laden, al Qaeda will change more. But yet the language that passed September 14, 2001, has not changed.

One article noted that it is increasingly strained and artificial to tie everything the military is doing back to 9/11, and yet that's what the lawyers have to do now. They have to tie it all back to those attacks of September 11, 2001. Doing so depends upon the court interpretation of those lawyers' arguments. That's what our national security authority is dependent on at the moment.

I believe it's clear we have got to update the authority. The question is: How do we update it?

Now, here is one option. The gentleman said you remove all reference

to 9/11. Well, we could add a list of other dates. We could say Congress gives the President the authority to go after those who aided, abetted, or committed the attacks of September 25, 2009, and the attacks of May 1, 2010—Times Square bombing, by the way, and the first one was the underwear bombing in Detroit—and the attacks of October 29, 2010. That was the attempted toner cartridge bombing attack. Most of those, by the way, we think came from AQAP.

The point is I don't think it's a very good way to legislate, to put a bunch of dates in there of the various attacks and the President is authorized to go over who did those various attacks. That's not a good way to do it.

A much better approach is to take the exact arguments this administration is using in court to justify what it's doing right now and saying, yes, we will take that language. It makes it clear. It's what we are doing now, but Congress will do it this time rather than rely on court interpretations of what they are doing.

So, somebody might ask, well, why bother if that's what they are doing now? You know, why do you mess with it? Well, number one, it's less time with the lawyers straining and stretching language to fit back to the attacks of September 11. I would say, number two, nearly everybody in this House is concerned about our relevance in authorizing the use of military force in various engagements.

Now, are we going to sit back there and stick our heads in the sand while the courts do all our work for us, or are we going to take action to reflect what's really happened?

It's time to take action now.

Mr. BERMAN. Mr. Chair, I rise in support of the amendment to strike section 1034 from the bill. Let's be clear what we are debating here today: the bill before us would amend the authorization for the use of military force (AUMF) that Congress passed in the wake of the 9/11 attacks—not just reaffirm the existing authorization.

As a threshold matter, I question the premise for this amendment. Proponents argue that Congress needs to act now lest a court change its interpretation of the AUMF. Proponents also argue that the President has been hamstrung in his ability to detain and target groups linked to al Qaeda, like al Qaida in the Peninsula (AQAP).

Yet Defense Department General Counsel Jeh Johnson made clear in public testimony that DoD has all the authority it needs to fight terror. And I've seen no evidence that the Administration feels any restraints on its ability to target threats like AQAP. In fact, the White House stated yesterday it "strongly objects" to section 1034. If the Administration, which stands to benefit most from the proposed amendment to the AUMF, is arguing against it, I have serious doubts we should proceed.

I support efforts to update the AUMF of 2001. The AUMF should reflect the diffuse terrorist threat faced by the US today and clarify

that the President has the authority to target groups closely linked to al Qaeda and the Taliban that came into being after 9/11 and that pose a direct threat to the United States. We should also update it as a matter of congressional prerogative. Congress should take ownership of the AUMF rather than let the courts and the Executive interpret the 2001 legislation unilaterally.

At some point, congressional failure to update the AUMF could force the President to rely on his Article II authority to target entities increasingly removed from 9/11.

But this provision in the NDAA is no way to do it.

Sec. 1034 was advanced with no hearings in the Foreign Affairs Committee—the principal committee of jurisdiction—and with only a passing mention in an Armed Services Committee hearing.

There's been no floor debate beyond this amendment, and no opportunity for the Administration or outside experts to weigh in.

This is not the way Congress should authorize an expansion of the President's authority to use force.

And make no mistake: that's exactly what we're doing here, even if the proposed authority is consistent with how courts have interpreted the original AUMF.

The 2001 AUMF makes no reference to associated forces, nor does it authorize the President to attack nations, organizations, and persons who are substantially supporting al Qaida or the Taliban.

We need to examine these provisions closely, some of which could have unintended consequences and which remain cutting edge legal theories. For example, Sec. 1034 authorizes the President to use force against "nations who are substantially supporting the Taliban".

Would that allow the President to use force against Pakistan or Iran if they were providing material support to the Taliban?

That isn't what I signed up for when I voted to authorize the President to attack those responsible for 9/11 in the original AUMF.

With adequate due diligence, I would support giving the President authority to target so-called "associated forces". Indeed, the concept of co-belligerency is one well-founded in the laws of war, at least against nations. I could even envision authorizing the detention and targeting of those substantially supporting al Qaeda, as the McKeon provision suggests.

But there should be limits to these authorities. We need to ensure a sufficient link between an associated force and the Taliban or al Qaeda, and that such a group is hostile to the United States. We also need to make sure there are clear ways to determine whether an entity is "substantially supporting" al Qaida. At a minimum, I would urge my colleagues to place a time limit on such authorities. I want to make sure we are not extending a war—something Jihadists might welcome—at the exact time when we should be narrowly focusing our counterterrorism efforts.

I tried to work with my colleagues to find a mutually agreeable text, one that would restrict the proposed text while addressing the proponents' interest in incorporating "associated forces" and detention authority into the 2001 AUMF.

Given the late hour, we could not reach a deal. But I remain willing to work with my counterparts across the aisle to find a mutually agreeable, bipartisan text.

Mr. Chairman, in light of the flawed language in Sec. 1034, and the equally flawed process, I urge my colleagues to support this amendment to strike that section from the bill.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. McKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 53 OFFERED BY MR. CAMPBELL

The Acting CHAIR. It is now in order to consider amendment No. 53 printed in House Report 112-88.

Mr. CAMPBELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 548, after line 8, add the following new section:

**SEC. 1115. TERMINATION OF HUMAN, SOCIAL, AND CULTURE BEHAVIOR (HSCB) MODELING PROGRAM.**

Effective as of October 1, 2011, or the date of the enactment of this Act, whichever is later, the program of the Department of Defense commonly known as the Human, Social, and Culture Behavior (HSCB) Modeling Program is terminated.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

□ 2110

Mr. CAMPBELL. Mr. Chairman, we have a huge deficit. Everybody knows that. We have a terribly enormous debt. Everybody knows that. None other than the Secretary of Defense and the Secretary of State have said that our national debt is, in fact, a national security issue and we need to deal with it. And we are. We are reducing spending in a number of Departments in a number of areas. We're talking about reforming entitlement programs in order to save them. And we are asking lots of Departments and lots of areas to reduce waste and duplication and to operate more efficiently and do the things they are doing with less money.

There is no reason, Mr. Chairman, that we should not look for said duplication, said waste and ask the Department of Defense to do the same so that we can attack this deficit and this debt.

This amendment would terminate the Human Social and Cultural Behav-

ior Modeling program at the Department of Defense. Now as kind of obtuse as the name of that program sounds, I'm actually not going to criticize the value of some of the information in the program of the Defense Department. The reason I'm offering this amendment to terminate this program is because it's entirely duplicative, because these things are done elsewhere and by other people, and we don't need to spend the millions and millions of dollars that we are currently in the Department of Defense on grant programs.

There are currently university research initiatives at the Army, Navy and the Department of the Air Force that are duplicative of this general Defense Department. There are Department events, university and industry research centers which conduct university research which can and do some of this work and are totally duplicative of what this program does.

And I'm going to read you a list of things that this program does research on. And as I read you this list, think about how universities in the normal course of their business know this stuff, research this stuff, figure this stuff out, and we don't have to have a separate program to do it. Topography, that is part of this program, small business innovation, human behavior, socioeconomic, sociocultural response studies, engineering, globalization, population research, morality and values, and the quality of government, politics and education.

Now, these are all things I'm sure the Department of Defense needs to know to do their job, but they can get this information from any number of other programs currently in the Department of Defense or from universities that are doing this research on their own. This will save millions of dollars and help with one of the greatest national security threats we have, which is our deficit and our debt.

I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. I yield myself such time as I may consume.

Mr. Chairman, I certainly appreciate the gentleman from California's commitment to deficit reduction, but I'm afraid that this particular amendment is short-sighted. In Afghanistan and elsewhere, more and more of what our troops are doing is living with, working with, and cooperating with the Afghans or the native peoples wherever they happen to be. Helping those peoples to defend themselves is far better and cheaper for us than having us defend them ourselves.

But a basic tenet to make that work is to understand the culture and the social dynamics of those various populations, which are different, of course,

from one place to another. It is a basic tenet of counterinsurgency that you have to understand the population you are there to protect.

This program that the gentleman wants to eliminate is a significant research program to see if modeling that sort of social dynamics will work. And I would say to the gentleman that the Defense Science Board looked at this very program earlier this year and found that it was one of the emerging technologies where investment is likely to have the highest payoff—the highest payoff.

The report went further to say, consistent to some extent with what the gentleman was saying, that there is other work being done in this area. But the Defense Science Board found there is a major shortfall in the availability and maturity of these capabilities, and these simulations do not generalize to other environments and require further investment to make them useful for the next potential conflict.

So there is work being done in this area in a civilian context, but it does not automatically translate to the military context, and that is why the Defense Science Board says that this emerging technology is one investment likely to have the highest payoff.

And so the bottom line is that we need to pursue this to reduce the danger to our troops and to make sure that their work is more effective. This is a good investment by the Defense Science Board and I believe by other studies as well.

With that, I reserve the balance of my time.

Mr. CAMPBELL. May I inquire as to how much time I have remaining.

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. CAMPBELL. I yield myself as much time as I may consume.

Mr. Chairman, I appreciate my colleague from Texas's remarks. Again, just to reiterate, I am not challenging the value or the use to the Department of Defense of some of the information. What I am challenging is whether we need an entirely separate program. We have been talking about the Department of Education, multiple programs in that Department that do the same thing, the Department of Energy, the Department of Agriculture. All kinds of Departments have duplicative programs because we built these things up over the years.

This is one of those programs. None other than the Heritage Foundation has identified this as a program that is entirely duplicative and that this work is and can be done and is being done through other DOD programs or for private research that doesn't have to be funded by DOD. And I think everyone here knows the Heritage Foundation is not exactly a bastion of anti-defense or weak on our national security.

So my argument here is that if we don't look at this sort of thing in every

Department, including in the Department of Defense, we're never going to get a handle on this deficit. There is waste in Defense too. There is duplication in Defense too. And we need to start to begin to reduce it. I think this is a small step. I would ask for Members' support.

I yield back the balance of my time.

Mr. THORNBERRY. How much time remains for me?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. THORNBERRY. Mr. Chairman, I would yield myself 30 seconds simply to say I understand the gentleman's argument. I would simply say the Defense Science Board has looked at this program, and it comes to a different conclusion. They believe this program has potentially the highest payoff, that it is unique and beyond what is happening in the civilian sector or other defense Departments. And that was February 2011 when the Defense Science Board report came out.

Mr. Chairman, I would yield the remaining time to the ranking member, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I just want to rise to speak on this matter. This is a critically important issue. And I worked with Mr. THORNBERRY on this when I chaired the terrorism subcommittee and he was the ranking member of the subcommittee that has since been renamed and that he now chairs.

This is not duplicative. This is an area where, frankly, we weren't spending enough time early enough in Iraq or in Afghanistan to understand the people that we were working with and to get ourselves into a better position to turn over responsibility for security and governance in Iraq and Afghanistan as quickly as possible. We didn't understand what we were getting into because we didn't have the social and cultural awareness. We need to gain greater understanding in those areas.

And one particularly important aspect of this is as you gather the information, how do you compile it in such a way that's useful. That's what this modeling program is supposed to do. You can gather all kinds of information all over the place, but if nobody knows how to actually use that information, compile it, put it together and pick out what is most important to get the lessons learned out of that, then you're not getting the true benefit of the program, which is a big part of what this does. It uses updated technology and updated software to figure out how to find the patterns that are critical to helping us do our job.

So I would simply agree with the gentleman from Texas and urge a "no" vote on this amendment. It is a relatively small program that makes a very, very big difference and hopefully will save us money by keeping us out

of conflicts that we would rather not get into and enabling us to do this working through the local populations by having a better understanding of them.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 2120

AMENDMENT NO. 54 OFFERED BY MR. CAMPBELL

The Acting CHAIR. It is now in order to consider amendment No. 54 printed in House Report 112-88.

Mr. CAMPBELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 548, after line 8, add the following new section:

**SEC. 1115. REDUCTION IN THE NUMBER OF CIVILIAN POSITIONS WITHIN THE DEPARTMENT OF DEFENSE.**

(a) DEFINITIONS, ETC.—For purposes of this section—

(1) the term "Secretary" means the Secretary of Defense;

(2) the term "civilian position" means a position that is required to be filled by a civilian employee of the Department of Defense;

(3) the term "baseline number" means the number of civilian positions within the Department of Defense as of the last day of the fiscal year in which occurs the date of enactment of this Act; and

(4) the number of civilian positions within the Department of Defense as of any given date shall be determined and expressed on a full-time equivalent basis.

(b) REDUCTIONS.—The Secretary shall take appropriate measures to ensure that the total number of civilian positions within the Department of Defense does not exceed—

(1) at the end of the 1st fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 1 percent;

(2) at the end of the 2nd fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 2 percent;

(3) at the end of the 3rd fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 3 percent;

(4) at the end of the 4th fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 4 percent; and

(5) at the end of the 5th fiscal year beginning after the date of enactment of this Act, the baseline number reduced by 5 percent.

(c) RESTRICTION.—The Secretary shall take appropriate measures to ensure that no increase occurs in the procurement of personal services by contract by reason of the enactment of this section.

(d) REGULATIONS.—Any regulations necessary to carry out this section shall be prescribed by the Secretary.

(e) TERMINATION.—The provisions of this section shall terminate after the end of the 5th fiscal year beginning after the date of enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, as identified during the last amendment, we have debt, we have deficit, we need to look for things in the Department of Defense as well where we can look for efficiencies and expense reductions and still defend the country.

Currently in the Department of Defense, we have somewhere approaching 800,000 civilian employees. Let me repeat that. In the Department of Defense today, we have approximately 800,000 full-time, nonuniformed civilian employees. This does not include the roughly 1.5 million men and women in uniform, and it does not include all of the defense contractors. And I would love to tell you how many of those there are, but because we do not audit the Department of Defense, that information is not available so I don't know.

So we have 800,000 people not uniformed working in the Department of Defense, not doing any of the stuff done by the contractors. Now, I could go through a long analysis of do we really need one nonuniformed person for every two uniformed people in the Department of Defense. Do we really need that many? But this amendment is very small in its scope and very small in what it intends to do.

All it says is let's reduce that 800,000 head count by 1 percent a year for the next 5 years. So all this amendment says is: Next year, can we accomplish the mission of the U.S. military in the Department of Defense without touching anything having to do with a single man or woman in uniform, but with 99 percent of the nonuniformed personnel that we currently have? Somehow, I do not believe that is going to devastate our ability to defend this country. It is 1 percent a year for the next 5 years.

So it is saying, 5 years from now, yes, we will have to do with 95 percent of the nonuniformed personnel. But I think that is something we can do and something, again, where we can begin to save some money and deal with our greatest national security threat, which is our debt.

I reserve the balance of my time.

Mr. FORBES. I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. FORBES. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from Virginia for yielding.

I am entirely sympathetic to my friend from California's view that it is probable, maybe even certain, the Defense Department could function with fewer civilian employees than it does right now. And I think the Secretary of Defense shares our conviction because he has frozen the number of civilian employees at FY 2010 levels.

Now, here is my concern with the gentleman's amendment. The gentleman's amendment makes it the law of the land that the correct number of civilian employees in the Department of Defense 5 years from now should be 40,000 persons, more or less, fewer than we have right now. I don't know if that is the right or the wrong number. And I would suggest, frankly, that none of us here know if that is the right or the wrong number.

The proper way to go about this, which the Secretary has in fact done, is to make an assessment of the needs of the Department and the functions that it serves and then to balance those needs against the three ways you can serve those needs. You can either have civilian employees perform the task, you can hire outside contractors to perform the task, or you can delegate the task to uniformed employees. By choosing an arbitrary number of 40,000 civilian employees fewer than what we have right now, it seems to me that we don't know if that fits the size of the job we have; and if it doesn't fit the size of the job that we have, it necessitates an increase of contracts or an increase of duties for uniformed personnel, the consequences of which none of us, frankly, have the ability to know.

So I share the desire to properly fit the size of the civilian workforce to the job that has to be done. I just can't conclude with any degree of confidence that a workforce that is 40,000 persons fewer is the right fit. My concern is this would have the effect of shifting responsibilities to uniformed personnel when they have more urgent priorities to achieve.

I would urge a "no" vote.

Mr. CAMPBELL. Mr. Chairman, I appreciate my colleague's comments; and, frankly, I don't disagree that it is arbitrary. I would argue that perhaps how we got to this 800,000 was not by anybody doing a great deal of planning either, so perhaps that is arbitrary.

But, you know, if you want someone to start to be more efficient, you have to set some goals. You have to set some targets. This number has been growing, and growing steadily for years. Probably for decades, but it has certainly been growing for years. It has been unchecked. There has been no real review or evaluation of it.

What I am trying to do here, and I am not arguing that there is anything scientific to the 1 percent, but it is to say: Let's start to get this under control. Let's start to evaluate this. And

you know what? If we need to reevaluate it, we can reevaluate it. But let's say to the Department of Defense: You know what? This is a lot of people. We think that you can get by with less.

I have talked to a number of uniformed personnel who believe a lot of these people actually get in their way, and they would much prefer that some of them were not there because they actually create a bureaucracy that interferes with the ability of the uniformed people to accomplish their mission.

So what this amendment is trying to do, it is saying: Let's get into this and let's set a target and let's see if we can't get there, and let's see if we can't save some money along the way.

I reserve the balance of my time.

Mr. FORBES. I yield myself such time as I may consume.

Mr. Chairman, it is a rare opportunity that you get to stand up and agree with two friends that you have on the floor, and the only thing we disagree with is the approach.

I would say to the gentleman from California that he is absolutely right. We do need to start this. We need to set those targets. But the great news is that the chairman and the ranking member have done just that in this bill, because of all of the agencies, of all of the departments that we look at across the government, the one that we absolutely cannot be arbitrary on, the one that we cannot guess about, the target we cannot be off on is the Department of Defense. We have to be right there.

And what we realize is that you cannot do this by setting an arbitrary target and working backwards. That gets you huge problems, exposes us to huge risks. We have to do it the opposite way.

The first thing we have to do is we have to ascertain what the true risk assessment is, the threat assessment we have to this country, which we have not done because, quite honestly, it has been more budget driven than it has been threat assessment driven. But this bill moves us closer to doing that and finding out what that risk assessment is.

The second thing after we do that is we have to determine what does it take to meet that risk, and what do we risk exposing the country to if we don't do it.

The third thing is we have to find out where we are spending our money now and where that money is going, which we don't know. The gentleman is correct. We need to audit the DOD. That is where we are moving in this bill to do.

After we have done those three steps, then we can come back, and the Congress ought to be a part of this, of saying here is the target and the number of employees we think that you need to get that job done.

But, Mr. Chairman, I agree wholeheartedly with my good friend from

New Jersey. This is not the right approach. It is a dangerous approach to arbitrarily look and say we are going to begin cutting these employees. We don't know what that will end up doing to the Department of Defense and to the defense of this country.

So I hope we will reject this amendment, but continue along the line of what the gentleman has talked about, and make sure that we are moving toward defending this country in the most efficient way possible.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I appreciate both gentlemen's comments and their remarks and their tone and their tenor. I respectfully disagree because I think that, again, not a single uniformed person is being affected. This has nothing to do with that. I think 1 percent at least sends a message and is a start. And it is difficult to argue that it is going to devastate anything. I would ask support on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FORBES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 2130

It is now in order to consider amendment No. 55 printed in House Report 112-88.

AMENDMENT NO. 56 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. It is now in order to consider amendment No. 56 printed in House Report 112-88.

Mr. CHAFFETZ. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XII, add the following new section:

**SEC. 1217. SAFE WITHDRAWAL OF UNITED STATES GROUND FORCES FROM AFGHANISTAN.**

(a) COMMENCEMENT OF WITHDRAWAL.—Except as provided in subsection (b), the Secretary of Defense, in consultation with military commanders and the Government of Afghanistan, shall commence a safe, responsible, and phased withdrawal of units and members of the Army and Marine Corps deployed in Afghanistan and military contractors operating in Afghanistan and funded using amounts appropriated to the Department of Defense.

(b) RETENTION OF FORCES FOR COUNTER-TERRORISM OPERATIONS.—The Secretary of



Defense may continue to deploy units and members of the Army and Marine Corps in Afghanistan, and military contractors supporting such forces, to conduct small, targeted counter-terrorism operations.

(c) WITHDRAWAL PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the plan for implementing the withdrawal of United States ground forces, military equipment, and military contractors supporting such forces from Afghanistan as safely and quickly as possible pursuant to subsection (a). The Secretary shall submit additional reports on the progress of implementing the plan every 180 days thereafter.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Utah (Mr. CHAFFETZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Chairman, I would like to yield 2½ minutes to the gentleman from Vermont (Mr. WELCH), and I ask unanimous consent that he be allowed to control that time.

The Acting CHAIR. Without objection, the gentleman from Vermont will control the time.

There was no objection.

Mr. WELCH. I thank the gentleman from Utah.

Members of the Committee, a test of a great democracy is its capacity to make the grave decision to send its citizens to war. Such a decision was made after the attack on September 11 of 2001. It was a bipartisan decision. It was made for the right reasons at the right time and for the right result.

Al Qaeda was in Afghanistan. Osama bin Laden planned and executed the 9/11 mission from Afghanistan. And we sent our soldiers to war. Vermont soldiers and soldiers from all around the country sacrificed bravely and served well.

But an equally grave challenge and test for a democracy is whether once that machinery of war has been put in gear, when circumstances change as the national security requires, can that democracy amend its decision, amend its policy as conditions have changed?

We are at that moment today. It is a bipartisan question that faces us all. And the amendment that Mr. CHAFFETZ and I offer suggests that the policy that we are now pursuing, nation building in Afghanistan, is no longer the policy that is either financially sustainable nor in our best national security interests.

There are three reasons: number one, the threat of al Qaeda has diminished in Afghanistan; the threat of terrorism in the world has not. This is not a nation state-centered threat. It is dispersed and decentralized. Mr. CHAFFETZ and I say let us have a decentralized and dispersed response.

The tactics that were so successful in eliminating Osama bin Laden, excellent and coordinated intelligence and excellent and fierce special forces, was

successful. Mr. CHAFFETZ and I, in our amendment, believe it is time for America to move from nation-state building to counterterrorism.

Second, the situation in Afghanistan with an unreliable partner, incredible corruption that has been going from bad to worse, does not allow our military or our taxpayers to have any confidence that that nation-building strategy can be successful.

So we call upon Congress to face this grave national security question from the perspective of is it time to change.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, at this time I would like to yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I thank the gentleman from New Jersey.

Somebody asked me, as an Iraq war veteran, if I had learned any lessons from that war, and I said, Yes, never do it again.

But I volunteered for Iraq because I believed that once we were involved in the fight that we had to reasonably finish that job. And my concern about Afghanistan is the fact that we are pretty far down this road. We know that the President's going to reduce the conventional footprint in July of this year. The President has already stated, as Commander in Chief, that he expects Afghan security forces to take operational control by 2014.

And let me tell you something that I think we're not thinking about tonight, and that is, as a United States Marine Corps civil affairs officer working in Iraq, part of my job was to convince Iraqis to cooperate and to side with us, knowing that if we left expeditiously before the situation stabilized that they would be killed. And my counterparts, doing the same job in Afghanistan that I did in Iraq, have that challenge of convincing the people, the civilian population, to cooperate and to side with us. And if, in fact, we do an expeditious withdrawal and revert to counterterrorism, there will be many lives lost unnecessarily due to our conduct here tonight.

Mr. CHAFFETZ. Mr. Chairman, I yield myself 2 minutes.

I appreciate Mr. WELCH for doing this in a bipartisan way.

This amendment does a couple of basic things: one, it says we are going to withdraw our troops. It's trying to bring our troops home. Nobody should be disappointed in that. That in many ways is victory.

But, number two, it does give the President and the Secretary of Defense the flexibility to conduct counterterrorism activities.

The reality in today's world is that terrorism is real. There are people that want to kill and destroy the United States of America. And the death of Osama bin Laden, unfortunately, has not put an end to that. In many ways, it is a global war on terror.

We've had 10 years of great success; and what this amendment does, in my opinion, is recognize the success that our troops have had over the last 10 years, the longest war in the history of the United States of America.

Unfortunately, terrorism is not confined to the boundaries of just Afghanistan. We have to have the very best intelligence, both human and electronic. And when we have intelligence that shows that there is a clear and present danger to the United States of America, our special forces need to take out that threat. That requires deadly force. But that does not necessarily require a hundred thousand of our men and women serving in Afghanistan in what I believe has expanded into mission creep that is just allowing people to participate in nation building.

I feel for the people of Afghanistan. They have lived for more than 30 years in war. It is a difficult, difficult situation. But we have the very best fighting force in the world. If we're going to use those men and women and that fighting force in the right way, then we're going to have to deal with it differently.

We should be proud of the fact that bringing our troops home is not putting our tail between our legs. It is victory. It is success. And we will continue to fight the fight.

But it's global in nature. It's time to bring our troops home. Give the President and the Secretary the flexibility to take out the threat as it arrives in Afghanistan, and that's why I think this amendment is so important.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to my friend from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Thank you, Mr. Chairman.

I want to remind folks that we've learned some lessons through these years of conflict. I want to remind folks of what General Petraeus has learned through that process and knowing that counterterrorism has not been successful in the long term in getting us to where we need to be strategically in these areas and that the counterinsurgency strategy has worked. What we are seeing in Afghanistan is just that. Let's make sure that we're allowing that to work.

When I was there recently, we've seen what's happening. We are training the Afghans to be able to take over their country, to make sure that they're going to be successful in maintaining order in that country; making sure that, as we have pushed terrorists out, those terrorists stay out. That is a



long-term successful strategy—to secure, hold, build, and transition. Let's make sure that we allow that to happen.

It's critical that we don't make an arbitrary transition to another strategy that we've seen in the past hasn't worked. And all of us want to make sure that we are getting our troops out of there.

□ 2140

But we also want to make sure that those sacrifices are not in vain. And we can go back and forth about what the end result is, but the end result is that we want to make sure that we're successful there in the long term.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CHAFFETZ. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. CHAFFETZ. Mr. Chairman, we need to understand that we don't need to treat Afghanistan any different than we do the rest of the world. The reality is we have the very best fighting force in the world. We have been highly successful, but let's understand that bringing our troops home is something we should all be proud of.

What we are failing to do right now, what this administration is failing to do—nobody has ever defined success, nobody has ever defined success. Let's bring our troops home. We are doing this in a bipartisan way. It's a reasonable and balanced approach to say, in counterterrorism, let's fight the terrorism that's out there, but let's also bring our troops home.

May God bless the troops, and may God bless the United States of America. I appreciate the opportunity to present this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, may I inquire as to how much time we have remaining on our side?

The Acting CHAIR. The gentleman has 2½ minutes remaining.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the full committee, my friend, Mr. SMITH.

Mr. SMITH of Washington. I want to thank the Members who offered this amendment. I too support a drawdown in Afghanistan. I want to see us get to the point where we can bring our troops home, and I think we're making progress in that direction, but there are two things that I do want to correct. One, it's a little bit of a myth that no one has ever defined success. Success has been defined by the President clearly. We want a government in Afghanistan that can stand so that the Taliban and al Qaeda do not come back to power. That is success—when we are confident that that government can

stand and we can draw down so that we don't go right back to where we were before 9/11. That is what we are trying to accomplish.

And the second thing is, we all want to transition to a lesser mission, to be able to bring our troops home, and counterterrorism is the focus. We would not, however, have been able to run the mission against bin Laden that we did if we didn't have the broader support in Afghanistan. If we pull out and think that we can run a counterterrorism mission with a government that is collapsing around us and that does not support us, then we kid ourselves. That's why it is so important, as Mr. COFFMAN said so well, to make sure that we complete the mission and we have a government that can stand so that we can begin to responsibly draw down. I think it's important we draw down, but we have to do so in a responsible way.

Mr. ANDREWS. Mr. Chairman, I yield the balance of my time to my friend from Virginia (Mr. FORBES).

Mr. FORBES. I thank my friend from New Jersey.

A week ago today I was in Afghanistan, and Mr. Chairman, I can tell you that if you listen to our troops there, if you talk to our general, they don't want us to pull the rug out from under them.

Years ago, there were a group of planes that were lost off the coast of Florida and they were heading back toward the coastline and they lost their communications. Everything within them kept telling them turn around, turn around, you're heading in the wrong direction. Unfortunately, right before they reached the shoreline they did turn around and they ended up going back out to sea and getting lost.

We have a timetable of 2014 that both our troops and the Afghans are working together to make that 2014 deadline. The last thing we want to do is pull that rug out from them now. And I know the temptation to say let's quit, we've put a lot of investment in there, it's too hard, let's turn around, but we need to be cautious that we don't do it too quickly because Afghanistan is different than the rest of the world, because the two greatest dangers we face in the world today are Iran getting nuclear weapons and extremists taking over nuclear weapons in Pakistan. Afghanistan is the bridge that could connect both of those.

It's important, Mr. Chairman, that we not quit. Ask our troops. We have invested too much in lives, time, and money. Let's not turn back now. Let's get the job done—2014 is going to be here soon enough.

Ms. BUEKLE. Mr. Chair, I rise in opposition to the Chaffetz Amendment to H.R. 1540, the Defense Authorization Bill. The amendment, if passed, would require the immediate withdrawal of troops from Afghanistan with certain limited counterterrorism operations permitted to remain on the ground.

I appreciate the motivation behind the amendment because I too question the wisdom of our continued presence in Afghanistan. We are engaged in a protracted war there, and unlike our operations in Iraq, have yet to see stability and a solid foundation for independence emerge from the sacrifice of our men and women serving in Operation Enduring Freedom.

While I believe that it is time to commence a timely discussion regarding Afghanistan, I do not believe that this amendment to the defense bill is the answer. The amendment short circuits the process necessary for thoughtful action and does not regard seriously the impact of the unintended consequences of immediate withdrawal on the stability of the region.

U.S. forces in Afghanistan have made great strides in the last 6 months. In light of the recent death of Osama Bin Laden, the U.S. military must have the opportunity to consider the ramifications of his death on our current Afghanistan strategy. We have a short window in which the intelligence gained in his death can be leveraged successfully.

How successful further action can or will be is unclear. Al-Qaeda may be able to regroup and revitalize. Regardless, immediate withdrawal will bring neither clarity nor stability to a region in which the United States has offered its highest currency, the blood of our young men and women in uniform.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CHAFFETZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 59 OFFERED BY MR. ROHRBACHER

The Acting CHAIR. It is now in order to consider amendment No. 59 printed in House Report 112-88.

Mr. ROHRBACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle C of title XII of division A of the bill, add the following:

**SEC. 12xx. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.**

(a) **AUTHORITY.**—Except as provided in subsection (b) and subject to subsection (d), the President is authorized to remove satellites and related components from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) **EXCEPTION.**—The authority of subsection (a) may not be exercised with respect to any satellite or related component that may, directly or indirectly, be transferred to, or launched into outer space by—

(1) the People's Republic of China, including restrictions contained in the Foreign Relations Authorization Act, Fiscal Years 1990

and 1991 (Public Law 101-246), the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), and the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65); or

(2) Burma, North Korea, Pakistan, or Venezuela or any country that is a state sponsor of terrorism.

(c) DEFINITIONS.—In this section—

(1) the term “state sponsor of terrorism” means any country the government of which the Secretary of State determines has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law; and

(2) the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(d) EFFECTIVE DATE.—The President may not exercise the authority provided in this section before the date that is 90 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, my amendment focuses on an issue that reflects a concern not only for our national security, but also for the prosperity of our country. I would like to thank the chairman and ranking member for agreeing to discuss this important issue with me tonight as part of my time. And I do intend at the end of this discussion, which should be considered a colloquy, my intent is to withdraw my amendment.

What we are talking about is an important issue. We are talking about the President's authority to move satellites and related components from the U.S. Munitions List to the Commerce Control List. And this may sound rather bureaucratic, but it means whether or not there is going to be the transfer and sale of technology that we have developed with billions of dollars of Federal investment that is very important to our technology and the jobs in California, but also very important to our national security if these technologies would be put into the wrong hands.

We have heard expert witness testimony that current regulations are harmful to national security, cost American jobs, and encourage other nations to develop competing technologies. Since Congress placed these items on the U.S. Munitions List—meaning satellites and these other technologies that we're referring to today—our worldwide market share for the manufacture of satellites and components has dropped dramatically.

It has been widely reported that while U.S. firms accounted for 73 percent of the world market for commer-

cial satellites in 1998, that figure has since dropped below 30 percent. Global satellite manufacturers often pursue alternate ITAR-free sources, especially for commodity components and related items, simply to eliminate any risks associated with licensing delays, even if the export license is likely to be approved by U.S. regulators.

The U.S. regulatory environment has particularly affected small U.S. satellite suppliers, which lack the organizational structure, staff, and marketing resources to offset the added burden of export control barriers in such a close, competitive climate in this high-tech business.

Current U.S. satellite export controls are not slowing foreign space capabilities, but encouraging them. Foreign manufacturers now market ITAR-free satellites, and we are encouraging non-U.S. satellite research and development with the controls that are in place. But the national security concerns that led Congress to create the current regulatory wall are still in place, and yet there are significant concerns existing regarding China, Iran, North Korea, Venezuela, and other terrorist-supporting states. We must continue to prohibit the transfer of these technologies to these nations, and we must prohibit U.S. satellite sales, I believe, to China. We especially must not permit U.S. satellites to be launched on Chinese rockets.

Last year, the House endorsed the removal of satellites and components from the Munitions List, but it was clearly stated that there was an exception barring any transfers to generous nations and allowing no launches of American satellites on Chinese rockets. That should remain our position.

At this time, I would yield several minutes to Mr. McKEON, the chairman of the Armed Services Committee.

Mr. McKEON. I thank the gentleman for yielding.

Mr. Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from California has 1 minute remaining.

Mr. McKEON. I thank the gentleman for yielding. There has been no Member of Congress more active in promoting the space enterprise than my friend, Mr. ROHRABACHER. He has also been a leader in ensuring U.S. space technology is not transferred to China. We share the same belief that a strong space industrial base is in the national security and economic interests of the United States, and that there is an opportunity to revise U.S. satellite export control policy. However, space technology is a U.S. technological crown jewel. Any revisions to our satellite export control policy must account for the national security risks of removing satellites and related components from the United States Munitions List.

The Defense Department has begun a risk assessment and about 2 weeks ago provided Congress with an interim report, but their work is not yet complete. The interim report suggests that some satellite components could be removed from the U.S. Munitions List without posing an unacceptable security risk, but it also concludes that several components are critical to U.S. national security and should remain on the U.S. Munitions List.

Before making significant changes in legislation, I would prefer that the committee do its due diligence. We need to allow the department to finish its risk assessment and conduct oversight hearings and briefings on this issue.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. Mr. Chairman, I will claim the time in opposition. I am not opposed, but I am happy to yield 30 seconds of that time to Mr. McKEON to finish his statement.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. I yield 30 seconds to the gentleman from California.

Mr. McKEON. I am committed to working with the gentleman from California and my ranking member to review our Nation's satellite export control policies and identify policy recommendations that would facilitate greater export opportunities for our aerospace companies while also preserving our national security.

□ 2150

Mr. SMITH of Washington. I yield myself such time as I may consume.

As I mentioned, I'm not opposed to this amendment. In fact, I would support Mr. ROHRABACHER's amendment. I understand the concerns of the chairman, but there is one point that I really want to make clear in this.

Throughout this whole process, well over, gosh, I guess it's been 12 years now since we passed this restriction, there has always been this notion that somehow we have to wait in order to be extra cautious—as if there is no risk in waiting. And that is where I think we are completely wrong. Absolutely. There is a risk in selling technology that could wind up in the wrong hands. And in the world we live in today, that's a risk we have to live with and attempt to manage.

But what has never been properly understood in this body, and particularly on the Armed Services Committee, is the risk of excessive restrictions on U.S. companies' ability to export technology. And it is a risk precisely to our national security. It is not just a matter of jobs or business or the economy. This isn't national security versus economic strength.

One of our great strengths as a Nation in terms of our defense is the superiority of our technology companies. We have companies here in the U.S. that we can rely on to give us the best equipment, the best technology to protect us. But, as Mr. ROHRABACHER pointed out, we are losing that edge. We are ceasing to be the leaders in critical areas of technology, and nowhere is this more painfully clear than in the area of satellites. We have lost over 40 percent market share during that period to our competitors.

When I was in Europe visiting some satellite companies 2 years ago, I came across an advertisement, something that was being put out in the trade papers by a European satellite company for an ITAR-free satellite. Well, what is an ITAR-free satellite? It's a satellite that has not one single U.S. component in it. Why? Because if it were ITAR-free, they could much more freely export it and much, much more easily be competitive in selling that satellite technology. We were blocking out all U.S. companies from anything that goes into a satellite. And trust me, I've seen satellites. There is a heck of a lot that goes into them.

Our companies are being severely disadvantaged, and that is undermining our ability to get access to those companies to build technologies we need to defend ourselves. Inaction is not the safe and correct course here.

We have the evidence we need. I believe we need to go forward. And Mr. ROHRABACHER's amendment makes sure that we're not selling this to China and other places we don't want to, but it does free up our companies to begin to compete before it's too late, before we lose that edge.

Now, we've got the interim report. We don't have the final report. We've analyzed this thing for a long period of time. I personally don't think we need to wait for the final report. But I will be optimistic that we will get that final report between now and when we go to conference. And we'll get something done on this critical issue—critical not just for U.S. companies, though certainly jobs and economic strength are matters of national security, but also critical for national security, itself, to make sure that U.S. companies can maintain the leadership role to help provide for our defense, to help work with our Defense Department as they do.

So I would hope that we would adopt this. I know Mr. ROHRABACHER is planning on withdrawing it, but I hope we continue to work on this issue.

Mr. ROHRABACHER. Will the gentleman yield?

Mr. SMITH of Washington. I yield to the gentleman from California.

Mr. ROHRABACHER. I agree with the gentleman's assessment.

Out of respect for the judgment of the chairman and his desire to make

sure that the full interim report that the Congress has on this issue is studied and that the Defense Department finishes that report, I am willing to withdraw my amendment, but I agree with the points that you've made. I have great respect for the chairman and his care and concern about the safety of our country.

I would, at this point, ask unanimous consent to withdraw my amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 60 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 60 printed in House Report 112-88.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XII, add the following new section:

**SEC. 12. REDUCTION IN END STRENGTH LEVEL OF MEMBERS OF THE UNITED STATES ARMED FORCES ASSIGNED TO PERMANENT DUTY IN EUROPE AND CORRESPONDING GENERAL END STRENGTH REDUCTIONS.**

(a) **EUROPEAN END STRENGTH LEVEL.**—Effective September 30, 2012, the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe may not exceed a permanent ceiling of 30,000 in any fiscal year.

(b) **EXCLUSION OF CERTAIN MEMBERS.**—For purposes of this section, the following members of the Armed Forces are excluded in calculating the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe:

(1) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

(2) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of title 10, United States Code.

(c) **EXCEPTIONS; WAIVER.**—This section shall not apply in the event of a declaration of war or an armed attack on any European member nation of the North Atlantic Treaty Organization. The President may waive operation of this section if the President declares an emergency and immediately informs the Congress of the waiver and the reasons therefor.

(d) **REPEAL OF SUPERCEDED END STRENGTH LIMITATION.**—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note) is repealed.

(e) **CONFORMING CHANGES TO OVERALL END STRENGTH LEVELS.**—

(1) **END STRENGTHS FOR ACTIVE FORCES FOR FISCAL YEAR 2012.**—Notwithstanding section 401, the Armed Forces are authorized strengths for active duty personnel as of September 30, 2012, as follows:

(A) The Army, 556,600.

(B) The Navy, 325,239.

(C) The Marine Corps, 202,000.

(D) The Air Force, 328,800.

(2) **CONTINUATION OF REDUCTIONS IN SUBSEQUENT FISCAL YEARS.**—For each of fiscal years 2013 through 2016, the end strength numbers shall be reduced by an additional 10,000 a year, as follows:

(A) 5,400 a year from the Army.

(B) 4,000 a year from the Air Force.

(C) 500 a year from the Navy.

(D) 100 a year from the Marine Corps.

(3) **REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**—Section 691(b) of title 10, United States Code, as amended by section 402, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) For the Army, 535,000.

“(2) For the Navy, 323,239.

“(3) For the Marine Corps, 201,600.

“(4) For the Air Force, 312,800.”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado for 5 minutes.

Mr. POLIS. Thank you, Mr. Chairman.

Given our looming fiscal crisis and record deficits, it's critical that we look at smart spending cuts in a responsible way that doesn't hurt our national security—in fact, the budget deficit and our huge national debt are a threat to national security by making us economically beholden to foreign powers—and I propose an amendment that would do just that.

My amendment would get most of the 80,000 troops, U.S. troops, out of Europe where they're no longer needed. We will save over \$1 billion. My amendment would reduce the total amount of troops stationed in Europe to 30,000 troops from 80,000, which would not affect the troops being used in our wars in the Middle East. That's estimated to be about 12,000 to 15,000 of those troops. We would also leave ample troops to be part of NATO joint exercises and fulfill our obligations to our European allies.

My amendment would allow the Department of Defense to save money by closing bases across Europe that are simply no longer needed. They have no strategic rationale. By pulling some of our troops out of Europe and closing these bases, we can save money and reduce our redundant military force. My amendment would gradually cut the 50,000 troops from our force in Europe, would save over \$1.3 billion over 10 years, reduce overall troop levels in phases so we can responsibly draw down the troops without impacting those who are currently deployed.

On top of the savings by reducing troop level, my amendment allows us to close bases across Europe that are, frankly, relics from World War II and the Cold War and currently serve no strategic purpose for our country. The need for these bases was understandable in the shadow of the threat of the Nazis and when Europe was rebuilding from the devastation from World War II. The presence of the troops was understandable when we faced the menace of the Soviet Union. What is the justification for our ongoing presence now? U.S. taxpayers did not sign up to defend Europe from a nonexistent threat forever at our own expense when we can't afford it.

These bases cost U.S. taxpayers millions upon millions of dollars. On top of that, they're often unpopular with local people in the countries we're protecting. I don't understand why we're wasting so much money to maintain bases where they aren't needed, aren't wanted, and don't fulfill any of our strategic objectives.

Our European allies, Madam Chair, are some of the richest countries in the world. So why are we subsidizing their defense spending? Our European allies have enjoyed a free ride on the American dime for years now. The average American spends over \$2,500 on defense; the average European \$500. If Europe, itself, has made the decision it can afford to spend less on defense, shouldn't we be confident that we can spend less on their defense as well?

Now, I understand that many of the troops in Europe support the operations in Iraq and Afghanistan, and personally, while I hope this won't be an issue soon as we begin to withdraw our troops from Iraq and Afghanistan, my amendment leaves in place enough troops to fully support the ongoing operations even at their current levels in Iraq and Afghanistan.

My amendment does not weaken our commitment to NATO. With modern technology, we can move troops and weapons quickly across the globe. We fulfill our responsibilities with troops stationed at NATO headquarters and fully participate in joint exercises.

My amendment also allows for a war emergency if, for instance, there was really a reason to station troops in Europe. If our European allies were attacked, my amendment allows the President to waive the requirements of the bill.

It's time to think about our priorities in defense spending. We're not under threat, Madam Chair, from the Nazis. We're not under threat, Madam Chair, from the Soviets. We are under threat from a global terrorist threat that is a stateless menace. And, in fact, less of that menace emanates from Europe than it does from Asia and Africa. Maintaining a network of bases across Europe is simply not a sane response to the terrorist threat, nor is it fiscally responsible.

These cuts are based on the recommendations of the Sustainable Defense Task Force, a bipartisan project organized by Congressman FRANK, Congressman PAUL, and Congressman JONES, as well as Senator WYDEN. The Sustainable Defense Task Force brought together defense experts across the ideological spectrum and proposed commonsense recommendations for saving taxpayer money and improving our national security.

I urge a "yes" vote on my amendment, Madam Chair.

I reserve the balance of my time.

Mr. TURNER. I claim the time in opposition.

The Acting CHAIR (Ms. FOXX). The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER. The gentleman is correct that this is a time of deficits and concerns about spending, but he is not correct that this doesn't hurt our national security.

He also states that our troops in Europe are not needed, and that is absolutely not the case. Those troops that are there not only protect us and our European allies, but they also are essential to the operations that we're supporting around the globe, including the important operations in Afghanistan and in Iraq.

□ 2200

He claims this amendment will save money, but in fact, this will increase our costs as we look to how we serve our allies, how we initiate our ongoing operations in Afghanistan and Iraq, and how we support our men and women in uniform.

The essential problem with this amendment is that it's arbitrary. Our troop strengths are based on extensive studies. There are whole books written about how you look to assessing threats, how you look to our overall assets, how you support the capabilities that we have in supporting our national defense. These are just arbitrary numbers that have been picked as to our withdrawal from Europe.

But it goes further.

Besides having the great effect of reducing the reassurance of our allies in the region, this amendment goes further and sets troop limits from 2013 through 2016. It requires that 10,000 of our troops be reduced in end strength numbers a year, and it goes on to say that 5,400 of them are to come from the Army, that 4,000 a year are to come from the Air Force, 500 a year from the Navy, 100 from the Marine Corps. There certainly is not a decreasing threat in our national security; yet there will be decreasing troops, not just those who are in Europe. This means that we will have increased dwell time and an increased greater burden upon the troops who are serving.

As we look to these numbers again being arbitrary, you have to wonder: How was it determined that 5,400 would come from the Army and 4,000 would come from the Air Force and 500 from the Navy? This has no correlation not only to the threat but even to the assets and the capabilities that we need. I think everyone knows that our troops that we have in Europe serve our full national security and are not there for the reasons of defending Europe.

As the gentleman stated, the other thing that is important is that this is something knowable. I mean, you could pick up a Quadrennial Defense Review or threat assessments, from which our troop strengths are based, not these arbitrary numbers from this amendment

which would restrict our ability to respond, greatly impact our national security and would certainly not save money.

I reserve the balance of my time.

Mr. POLIS. I would like to inquire as to how much time remains on both sides.

The Acting CHAIR. The gentleman from Colorado has 1 minute remaining. The gentleman from Ohio has 3½ minutes remaining.

Mr. POLIS. Madam Chair, these specific suggestions that are based on the Sustainable Defense Task Force may not be a book, but it is 30-pages' long, and, without objection, I would like to submit its "Executive Summary" for the RECORD.

The Acting CHAIR. The gentleman's request will be covered under general leave.

#### PARLIAMENTARY INQUIRY

Mr. POLIS. Parliamentary inquiry, Madam Chair.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. POLIS. Would the Chair specify the definition of her last statement.

The Acting CHAIR. All Members were given authority to insert such material by an order of the House.

#### EXECUTIVE SUMMARY

DEBT, DEFICITS, AND DEFENSE: A WAY FORWARD  
[Report of the Sustainable Defense Task Force, 11 June 2010]

At a time of growing concern over federal deficits, it is essential that all elements of the federal budget be subjected to careful scrutiny. The Pentagon budget should be no exception. As Secretary of Defense Robert Gates noted in a recent speech, paraphrasing President Dwight D. Eisenhower, "The United States should spend as much as necessary on national defense, but not one penny more."

This report presents a series of options which, taken together, could save up to \$960 billion between 2011 and 2020. The proposals cover the full range of Pentagon expenditures—procurement, research and development, personnel, operations and maintenance, and infrastructure. Some involve changes in our military posture and force structure; others are more limited in scope, focusing on outdated, wasteful, and ineffective systems that have long been the subject of criticism by congressional research agencies and others. Taken together or in part, they could make a significant contribution to any deficit reduction plan.

There is no doubt that defense expenditure has contributed significantly to our current fiscal burden. This is true even aside from war costs. Today, annual discretionary spending is \$583 billion above the level set in 2001. Overall, the rise in defense spending accounts for almost 65% of this increase. Non-war defense spending is responsible for 37%. These portions are much greater than any other category of discretionary spending. The savings options that we have developed focus mostly on the "base" portion of the Pentagon budget, excluding expenditures slated to support overseas contingency operations. Those that would affect such operations are pegged explicitly to progress in concluding today's wars.

Our recommendations fall in 6 areas: Strategic forces; Conventional force structure;

Procurement, research, and development; Personnel costs; Reform of DoD maintenance and supply systems; Command, support, and infrastructure expenditures.

In developing its options, the Task Force has used a set of criteria to identify savings that could be achieved without compromising the essential security of the United States. We have focused especially on:

Department of Defense programs that are based on unreliable or unproven technologies;

Missions that exhibit a poor cost-benefit payoff and capabilities that fail the test of cost-effectiveness or that possess a very limited utility;

Assets and capabilities that mismatch or substantially over-match current and emerging military challenges, and

Opportunities for providing needed capabilities and assets at lower cost via management reforms.

Table ES-1 (page vi) provides an overview of the savings options we propose. Not all the contributors endorse all the options, but all agree they offer genuine possibilities for resource savings and deserve serious consideration. They are described in more detail below.

The option set could be implemented in whole or part. As an integrated set, it would entail:

Reducing the US nuclear arsenal to 1000 warheads deployed on 160 Minuteman missiles and seven nuclear submarines,

Curtailing nuclear weapons research and the planned modernization of the nuclear weapons infrastructure;

Curtailing national missile defense efforts;

A reduction of approximately 200,000 military personnel, yielding a peacetime US military active-duty end-strength of approximately 1.3 million;

Capping routine peacetime US military presence in Europe at 35,000 and in Asia at 65,000, including afloat;

Reducing the size of the US Navy from its current strength of 287 battle force ships and 10 naval air wings to a future posture of 230 ships and 8 air wings;

Rolling back the number of US Army active-component brigade combat teams from the current 45 to between 39 and 41;

Retiring four of the 27 US Marine Corps infantry battalions along with a portion of the additional units that the Corps employs to constitute air-land task forces;

Retiring three US Air Force tactical fighter wings;

Ending or delaying procurement of a number of military systems—the F-35 Joint Strike Fighter, MV-22 Osprey, KC-X Aerial Refueling Tanker, and the Expeditionary Fighting Vehicle—and fielding less expensive alternatives;

Reducing base budget spending on R&D by \$5 billion annually;

Resetting the calculation of military compensation and reforming the provision of military health care;

Implementing a variety of measures aiming to achieve new efficiencies in DoD's supply and equipment maintenance systems; and

Setting a cost reduction imperative for command, support, and infrastructure expenditures.

#### SUSTAINABLE DEFENSE TASK FORCE OPTIONS

##### *Strategic capabilities*

Our options in this area would save nearly \$195 billion during the next decade. The United States should act now to accelerate the drawdown of nuclear weapons to a level of 1,000 warheads deployed on seven Ohio-

class submarines and 160 Minuteman missiles. This is more than enough to ensure deterrence. Shifting to a nuclear "dyad" of land- and sea-based missiles would provide an optimal balance between efficiency and flexibility.

Missile defense efforts should be curtailed to focus on those systems and those missions most likely to succeed and provide real protection for our troops in the field. And we should roll back nuclear weapons research and limit efforts to modernize the weapon infrastructure. This best accords with a reduced emphasis on nuclear weapons, the smaller arsenal, and the general trend of arms control efforts.

##### *Conventional force structure*

No other nation or likely combination of nations comes close to matching US conventional warfare capabilities. Our options in this area seek to match conventional force capabilities more closely with the actual requirements of defense and deterrence. These are the tasks most appropriate to the armed forces and most essential to the nation. Focusing on them helps ensure that our investments are cost-effective. Our options on conventional forces would save the United States almost \$395 billion from 2011–2020.

Ground forces: We propose capping routine US military presence in Europe at 35,000 personnel and in Asia at 65,000 troops, and then reducing some force structure accordingly. We can rely on our incomparable capacities for rapid deployment to flexibly send more troops and assets to these regions if and when needed.

We also propose rolling back the recent growth in the Army and Marine Corps as progress in winding-down our Iraq and Afghanistan commitments allows. This option views future conduct of protracted, large-scale counterinsurgency campaigns by the United States as strategically unwise and largely avoidable. Certainly, there are better, more cost-effective ways to fight terrorism.

Air forces: The experience of the United States in recent conventional wars, including the first two months of the Iraq conflict, show that we can safely reduce our tactical air power—both Air Force and Navy. The capacity of the US military to deliver weapons by plane or missile substantially over-matches existing and emerging threats. And the gap continues to grow. Also, entirely new capabilities, notably remotely piloted vehicles, are joining our air fleets in growing numbers. This option envisions a future air attack capability comprising between 1,600 and 1,750 Air Force, Navy, and Marine Corps fighter-attack aircraft and bombers in combat squadrons. Remotely-piloted vehicles would be additional.

Sea power: We can reduce the size of our Navy from the current fleet of 287 battle force ships to 230, although this will require using our naval power differently. Included in this fleet would be nine aircraft carriers. This option would keep fewer of our war ships permanently "on station," partly by having them operate in smaller groups. It would put greater emphasis on surging naval power as needed. The firepower of our naval assets has grown dramatically during the past 20 years. In this light, the smaller fleet that we propose can meet America's warfighting needs. The reduction in fleet size also reflects a smaller contingent of nuclear ballistic missile submarines, as proposed in the section on strategic capabilities.

##### *Procurement*

Regarding procurement, our options for saving \$88.7 billion from 2011–2020 focus most-

ly on canceling or reducing systems with long histories of trouble and cost growth, such as the MV-22 Osprey and the Expeditionary Fighting Vehicle. These embody all that is wrong with the acquisition process. We also include the option of canceling the F-35 Lightning and replacing it, for the time being, with advanced versions of aircraft already in service. Development of the F-35 is rapidly going the way of the F-22 Raptor: late, over cost, and less capable than promised. However, even if this aircraft performed according to specifications, it would not be needed in order for us to defeat current and emerging challengers. America's air forces are today the best in the world by a wide margin—not principally due to our technology, but instead due to the combination of technology, skill, training, morale, support, and coordination.

##### *Research and development*

Research and development has experienced more spending growth since 2001 than any other major DoD appropriation category. Today it stands at \$80 billion annually—33% above the Cold War peak in real terms. And yet, today, we face no competitor in military technology comparable to the Soviet Union. We seem increasingly in a race with ourselves. The results have been uneven in terms of producing affordable capabilities that serve the needs of war fighters, however. Individual efforts by the armed services and defense agencies are too often disjointed and seemingly at odds with each other. In our view, DoD needs to exercise more discipline in this area and Congress needs to exercise more oversight. Our modest proposal is that DoD set clearer priorities and seek \$5 billion in savings per year or \$50 billion during the coming decade.

##### *Command, support, and infrastructure*

We propose that DoD seek more than \$100 billion in savings over the next decade in the areas of command, infrastructure, maintenance, supply, and other forms of support. The Congressional Budget Office and the Government Accountability Office have both outlined a variety of measures to achieve savings in these areas by means of streamlining, consolidation, and privatization. Additionally, the reductions we have proposed in force structure and procurement will reduce the demand on support services and infrastructure (albeit not proportionately). The goal we have set for savings in these areas is only 15% as much as what we propose for force structure and procurement. This much should be easily in DoD's reach.

##### *Personnel costs*

Cost growth in military compensation and health care is a serious and increasing concern of military planners and leaders. Over the past decade personnel costs rose by more than 50% in real terms, while health care costs rose 100%. Secretary of Defense Gates recently described the problem as "eating the Defense Department alive."

The Quadrennial Review of Military Compensation has proposed that we recalibrate how military pay raises are set and that we increase health care fees and co-pays for some former military personnel between the ages of 38 and 65. The estimate for potential savings from such measures is \$120 billion over the decade, assuming gradual implementation as the wars wind-down. In our opinion, however, these options involve more than matters of simple economics. They can only go forward as part of a broader program of change.

We are a nation at war and these measures affect those who are making the greatest

sacrifice. We have a responsibility to them and, thus, great care is due. If the rise in personnel costs has been extraordinary, so have been the demands placed on our military personnel. It is not simply war that bears down on them, but also the way we have conducted it. Some force utilization policies have been unwise and some personnel policies have been both unwise and unfair.

If cost growth in this area is to be addressed, it must be addressed as part of a compact that relieves our military personnel of the undue burdens of routine "stop loss" orders and long, repeated war rotations. Compensation levels for those fighting overseas must be protected and health care for the injured improved. Finally, we must accept that if we are to deploy 175,000 active-duty troops to war (as we do today), then we cannot also maintain another 142,000 troops overseas doing other jobs. Fiscal realities and proper treatment of our military personnel demand that we make choices.

#### SYSTEMIC CHANGE

The savings options we have outlined promise to provide immediate fiscal relief. They would help to bring the goal of meaningful deficit reduction within reach.

Nonetheless, they remain ad hoc steps. For the longer term, putting America's defense establishment on a more sustainable path depends on our willingness to:

Rethink our national security commitments and goals to ensure that they focus clearly on what concerns us the most and what we most need in the realm of security;

Reset our national security strategy so that it reflects a cost-effective balance among the security instruments at our disposal and also uses those instruments in cost-effective ways; and

Reform our system of producing defense assets so that it is more likely to provide what we truly need at an affordable cost.

#### Reform efforts

With regard to the third of these systemic goals, there is today renewed interest in reforming the ways we produce and sustain military power. However, those efforts have not yet gone far enough to assuredly deliver the type and degree of change needed. Among the tasks ahead, several imperatives stand out:

Audit the Pentagon: Today, DoD is one of only a few federal agencies that cannot pass the test of an independent auditor. This means that DoD cannot accurately track its assets—a condition that not only opens the door to waste and fraud, but also makes it difficult to gauge progress in other areas of reform, including acquisition. DoD has been under obligation to get its books in order for 20 years, but has enjoyed the benefit of special dispensations and rolling deadlines: Most recently, a new deadline of September 2017 for audit readiness. Given current and emerging fiscal pressures, this is too generous. Moreover, strong incentives for compliance are lacking.

Determine mission costs: Beyond accurately accounting for its assets, the Pentagon needs to provide cost estimates for its core missions and activities, as suggested in 2001 by the Hart-Rudman Commission on National Security. Lawmakers might ask, How much of the defense dollar do we presently invest in counterterrorism, counterproliferation, the defense of Europe, or nuclear deterrence? At present, no one really knows. And until we do know, it will be difficult to make fully rational decisions about the allocation of defense resources.

Strengthen acquisition reform: The finding by the Government Accountability Office

that major weapons programs are suffering \$300 billion in cost overruns has sparked renewed interest in acquisition reform. Defense Secretary Gates and the Obama administration have promised to vigorously pursue such reforms. Congress has responded with the Weapons Systems Acquisition Reform Act of 2009. However, the Act needs to be strengthened if it is to substantially deliver on its promise. It creates the position of Director of Independent Cost Assessment, but there needs to be a mechanism for reconciling differences between the Director's estimates and those of the Pentagon. With regard to competition requirements, it gives DoD too easy recourse to invoking waivers. The bar must be set higher. And there needs to be a simple prohibition on giving an outside contractor responsibility for evaluating the work or managing the contract of any entity with which that contractor is linked.

#### OTHER OPTION SETS

We include in our report two other sets of savings options that reflect different perspectives. Table ES-2 summarizes options developed in 2009 by the Task Force for a Unified Security Budget. These are part of its ongoing efforts to rebalance our security investments, which presently are weighted too heavily to the military side.

Table ES-3 presents a set of options developed by scholars of the Cato Institute. It suggests the budget implications of a shift in US global strategy to a stance of "Offshore Balancing" or what the authors call a "strategy of restraint."

The reductions in military spending summarized in Table ES-3 reflect a security strategy that aims to bring force from the sea to defeat and deter enemies, rather than keeping troops ashore in semi-permanent presence missions or in long-term policing roles.

Mr. POLIS. Madam Chair, even Donald Rumsfeld believes it is time to change this policy.

In his recent book, he wrote, "Of the quarter million troops deployed abroad in 2001, more than 100,000 were in Europe, the vast majority stationed in Germany . . . Those deployments were obviously not taking into account the 21st century reality that Germany was now one of the wealthier nations in Europe . . . I believed our troops had to do more than serve as symbols of security blankets for wealthy allied nations."

Madam Chair, experts across the ideological spectrum agree that the time is right for these smart cuts that will improve our national security, allow us to fulfill all our obligations to NATO, as well as include the 10,000 to 15,000 troops that experts say are necessary to fully support operations at our current levels in the Middle East and Africa.

Again, I express my own personal desire that less is needed in that regard, and it seems to be our direction; but even at those current levels, we would fully support those operations. This is a smart cut, one of the easier ones we could go to. It improves our national security, and I urge a "yes" vote.

I yield back the balance of my time.

Mr. TURNER. Madam Chair, I yield 1½ minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, it is true that the Department of Defense ought to always be examining where we have troops deployed around the world, and that is appropriate for them. It is not appropriate, however, for us to arbitrarily tell them that they will have 30,000 troops in Europe, X number of troops in Asia and so forth.

I think that it is important to emphasize that among the important functions that our troops in Europe perform are joint training—building partnership with our European partnerships. Just a few weeks ago, I was at the NATO SOF Training facility where European allies train with our Special Operations Forces before they have to actually be engaged in the battlefield in Afghanistan and elsewhere. That sort of joint training is made possible because our troops are there.

As the gentleman from Ohio mentioned, direct support of our deployments in Iraq, Afghanistan, Libya incredibly simplifies, or makes easier, our deployments for logistics and other transportation needs when we are able to base things in Europe and go from there rather than having to come all the way from the United States.

Madam Chair, I think we need to remind ourselves that, since 1945, when the U.S. has had substantial troop numbers in Europe, there has not been another general European war. Yet millions upon millions of people died in previous years because of those general European wars.

The other key point is that this amendment decreases end strength over a period of 5 years. That has real consequences for real soldiers and marines and sailors and airmen all across the world. As the gentleman mentioned, it means they are going to have to spend more time in deployments.

Mr. TURNER. Madam Chair, I yield 1 minute to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. I thank the gentleman from Ohio for yielding.

I also thank the gentleman from Colorado for raising this issue and particularly for questioning our military forward-basing in Europe. I think it's certainly time to do that. I'm not sure about the 30,000 number, but I question whether our NATO allies are dedicating the appropriate percentage, in terms of their budgets, towards maintaining defense and not becoming far too reliant upon the United States.

Where I differ in the amendment is with this arbitrary reduction of 10,000 a year for 5 years. The Secretary of Defense, I think, has thoughtfully put forward a plan that would, based on conditions, reduce the United States Army's end strength by 27,000 in FY 2015-2016; and the United States Marine Corps is somewhere between 15,000 and 20,000, in that same fiscal year, based on conditions. So I certainly oppose the amendment.



The Acting CHAIR. The gentleman from Ohio has 1 minute remaining.

Mr. TURNER. Madam Chair, I would like to point out again that these are arbitrary numbers. Our troops in Europe pose an important asset for all of our operations in the protection of national security, including, as has been stated, training troops that go into Afghanistan and Iraq.

This amendment would not save money. It would, in fact, increase our overall cost. It also includes an arbitrary reduction in our overall end strength that would have a negative impact on our national security.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POLIS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

#### AMENDMENT NO. 61 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 61 printed in House Report 112-88.

Mr. CONYERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of title XII, add the following new section:

#### SEC. 12. PROHIBITION ON UNITED STATES GROUND COMBAT PRESENCE IN LIBYA.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for the purpose of—

(1) deploying members of the United States Armed Forces on to the ground of Libya for the purposes of engaging in ground combat operations, unless the purpose of such deployment is limited solely to rescuing members of the United States Armed Forces from imminent danger;

(2) awarding a contract to a private security contractor to conduct any activity on the ground of Libya; or

(3) otherwise establishing or maintaining any presence of members of the United States Armed Forces or private security contractors on the ground of Libya, unless the purpose of such presence is limited solely to rescuing members of the United States Armed Forces from imminent danger.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

□ 2210

Mr. CONYERS. Madam Chair, I rise in support of my amendment, which would prevent funds authorized in the

National Defense Authorization Act from being used to fund any type of ground combat operations in Libyan territory. My amendment would simply codify the policy endorsed by our President and the international community, and thereby ensure that our involvement in Libya remains limited in scope. I am proud to report that this amendment enjoys the support of 16 bipartisan cosponsors.

My proposal would prevent funds from being used to deploy, establish, or maintain a presence of members of the armed services or private security contractors on the ground in Libya. It also contains an exception that would allow for the rescue of members of the Armed Forces participating in the NATO no-fly zone operation.

I yield 1½ minutes to the distinguished gentlelady from California (Ms. LEE).

Ms. LEE. Madam Chairman, let me thank the gentleman for yielding and for his leadership. This is such an important amendment, such an important debate. No one in this House would ever defend the deplorable actions of Colonel Qadhafi and the decades he has spent repressing the Libyan people. But no one should fail to recognize that the actions we have taken in Libya since March 19 amount to a war. Missile strikes, naval attacks, bombing of strategic military targets, all of these actions would be a declaration of war if a foreign country launched such attacks on our soil.

Congress should have debated this prior to any military actions in Libya. While some of us can disagree as to whether or not we should be involved in a military action in Libya, we can all agree that we should prevent mission creep or any military expansion to include combat troops on the ground in Libya.

This simple amendment does exactly that by codifying the President's commitment, as Mr. CONYERS just said, to not put troops on the ground in Libya. So I urge a strong "yes" vote on this amendment. I thank the gentleman for his leadership.

Mr. WITTMAN. Madam Chairman, although I am not opposed to the amendment, I request time in opposition.

The Acting CHAIR. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

Mr. WITTMAN. I yield myself such time as I may consume.

We are certainly in agreement with the intention of this amendment, by requiring appropriations not be authorized for operations on the ground there in Libya. We believe that preventing these funds purposely puts in place Congress as a decision-maker. We believe that that is critical in this situation, and we believe that it's very appropriate that Congress assume its role in decision-making involving U.S. conflict in Libya.

I think that we all know that decisions are difficult with these sorts of conflicts and that Congress does have a very specific role in this effort. So we want to make sure that that's preserved. Certainly this amendment does that. So we are in agreement with the amendment.

I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, how much time have I remaining?

The Acting CHAIR. The gentleman from Michigan has 2¼ minutes remaining.

Mr. CONYERS. I yield as much time as she may consume to the gentlelady from California, the head of the Progressive Caucus for so many years, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. I thank the gentleman from Michigan for yielding time to me.

Madam Chair, more than 2 months after the military campaign in Libya began, it's time to start defining its parameters and its limitations. Most importantly, we must provide assurance that this will not mushroom into a full blown ground war and military occupation. That's why I am proud to cosponsor the amendment offered by my friend from Michigan.

Are two wars not enough? We can't keep doing this. Our military is at a breaking point. The American people's patience is wearing thin. They know the costs in life and tender coming from these wars that we have in Iraq and in Afghanistan; and now what we're doing in Libya comes from important domestic programs right here at home. They don't want to replay Iraq and Afghanistan in Libya.

In fact, we all know that it's time to bring our troops home out of Afghanistan and Iraq, and it is time to engage in smart security for diplomacy, where human and economic assistance are used instead of bombs and weapons, costing us pennies on the dollar. No more wars, no boots on the ground in Libya, and as much as we can do to take care of our business here at home.

Mr. CONYERS. I thank the gentlelady. The time has come for Congress to once again exercise its constitutional authority to place boundaries on the use of our military forces overseas and clearly state that this conflict in Libya will not escalate into an expensive occupation that could strain our resources and harm our national security interests.

I beg the Members of this House to give favorable consideration to our amendment.

Ms. CLARKE of New York. Madam Chair, I rise today in support of the Conyers, Clarke, Cohen, Duncan Amendment, opposing the deployment of ground troops in Libya. It is unconscionable for us to deploy our already strained troops into harm's way again when many of them have served two, three or more tours in Iraq and Afghanistan.

It is also irresponsible for us to spend more money on another open-ended military conflict



without a cogent plan of action and withdrawal. As a Member of Congress, I cannot take part in another act of aggression further straining the budget we are so desperately working to fix and our troops who have answered above and beyond the call of duty.

My constituents and I already feel that the war in Afghanistan has gone on long enough without a clear and sufficient exit strategy. We cannot partake in another fruitless war. We must shift our focus to getting out of Iraq and Afghanistan, stabilizing our economy and creating jobs for the American people. Instead let us focus on securing funding for small businesses rather than spending money on another open-end conflict.

Madam Chair, as a representative of the 11th congressional district of New York, our hearts and minds go out to the people's struggle for freedom in Libya. And as a nation, we should continue our support for their quest for freedom, through NATO forces. However it is our duty as a Members of Congress to protect and serve our fellow Americans first. Therefore, I urge my colleagues to join us and support this amendment.

Ms. MOORE. Madam Chair, I rise reluctantly to oppose the amendment offered by my distinguished colleague and friend, Mr. CONYERS, regarding Libya.

I share the gentleman's concerns about the prospect of U.S. troops being dragged into a third war. Eight years after our ill-advised misadventure in Iraq and a decade after sending our troops to Afghanistan, we have extensive evidence of the many failings of a military only strategy to address the world's ills, including fanatical dictators bent on harming their own citizens as in Libya.

However, while I share the gentleman's concerns, I am also troubled that the amendment, as written, would have unintended consequences and would unnecessarily hamstring the use of the military for a host of non-combat purposes in Libya.

For example, the amendment would prohibit U.S. ground forces from being used to provide humanitarian aid to the Libyan people. Whether we like it or not, one of the things our nation's military is very good at is providing humanitarian aid to people in need around the world. We saw this after the earthquake in Pakistan in 2004 and again when massive floods hit Pakistan in 2010 and again in Haiti after last year's earthquake.

The U.N. has warned of a humanitarian crisis unfolding in Libya with hundreds of thousands of people lacking access or in danger of losing access to basic necessities. Unfortunately, the amendment makes clear that the only authorized reason for U.S. troops in Libya is to rescue U.S. military personnel that are in danger. Such a narrow exception unduly hampers the ability of the President to conduct a range of efforts well short of occupation that our military may be in the best position to undertake.

Additionally, under this amendment, our military could not be used to rescue allied NATO personnel, to help rescue U.S. citizens whose lives may be in danger in Libya or to conduct an airlift of U.S. citizens out of the country, or even to help provide aid to a U.N. or African Union peacekeeping mission should a political solution be found to remove Colonel Qadhafi from power.

Let's be clear. My vote against this amendment is not a vote for sending U.S. troops to Libya to fight a civil war. Having voted a number of times for resolutions and legislation to restrict the use of and/or remove our troops from Iraq and Afghanistan, my record is very clear that I am not in support of occupation of foreign nations. Yet, even those efforts allowed a broad range of commonsense exceptions which I think are missing here.

If the Constitution still lives, the introduction of ground troops for the purposes of combat—which my colleagues are concerned would occur in Libya—in any nation would clearly require an authorization of war by Congress. If that were to occur, Congress should and must hold an up or down vote to either authorize the use of such troops for combat or call for their withdrawal.

The U.N. Resolution authorizing international efforts to protect civilians in Libya explicitly rules out the use of foreign ground troops. The President has made very clear that U.S. ground troops will not be sent to Libya. I will take him at his word.

Mr. WITTMAN. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONYERS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 62 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 62 printed in House Report 112-88.

Mr. FLAKE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 1433, relating to the Mission Force Enhancement Transfer Fund, add the following new subsection:

(h) ELIMINATION OF REMAINING FUNDS.—The amount otherwise authorized to be appropriated for the Mission Force Enhancement Transfer Fund for fiscal year 2012, as specified in the funding table in section 4501, is reduced by \$348,256,000, which represents the amount of funds not needed to carry out projects identified in H.R. 1540 of the 112th Congress, as reported by the Committee on Armed Services of the House of Representatives.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would simply eliminate funding for the Mission Force Enhancement Transfer Fund, which amounts to more than \$348

million. The fund was created in this bill in order to ensure that additional funding remain available for the Secretary of Defense to transfer, if he needed to, to other accounts to "mitigate unfunded requirements" according to the committee report. The report also contains a list of seven priorities that the Secretary can transfer these funds in support of.

I am not sure about this concept myself, particularly in this budget climate, of providing the Pentagon an authorization that essentially amounts to a blank check for a couple of hundred million dollars. It's my understanding that the committee identified \$1 billion in savings in the underlying bill and created the fund using these savings. It's also my understanding, however, that during the full committee markup more than \$650 million of that money was moved out of this fund by members of the committee seeking to increase funding for their own priorities in the bill.

□ 2220

I understand that Members want to retain the ability to move money around to areas they feel are underfunded and that should receive additional funding. However, if the committee was able to identify \$1 billion in savings, I think it ought to put that savings toward decreasing the underlying, or, I am sorry, the cost of the underlying bill. We have to make tough choices all around in this budget, and Americans across the country are making tough choices with their budget.

But to identify a billion dollars in savings, then to move it into a new fund and then allow Members to designate their own priorities and take \$650, I am just not sure what this is all about.

There are some concerns out there, there was a news article a couple of days ago that said that some people think this is some kind of slush fund designed to provide Members with a pot of money from which they can transfer money to fund their own projects. This would be similar to the earmarking culture that we have had around here, a culture that hopefully has ended and that we can move beyond. So I hope this is not what we are seeing here.

I have two amendments that will be considered later, I believe in the en bloc portion, that will seek for more transparency moving ahead to see how these funds are actually used and awarded.

I reserve the balance of my time.

Mr. McKEON. Madam Chair, I rise in strong opposition to Mr. FLAKE's amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. I yield myself such time as I may consume.

The gentleman from Arizona's amendment would eliminate resources for the Mission Force Enhancement Transfer Fund. I commend Mr. FLAKE for taking a serious issue, namely, deficit reduction. However, his amendment could do serious harm to our national security. I believe the Mission Force Enhancement Transfer Fund can be an important tool for the Defense Department to help keep America safe.

We set this fund up at the start of the process so that we wouldn't be tied to the President's budget request so that we could, the members of the committee that have the expertise, move the funding around to more important items. Resources from this fund will be used to power programs vital to our homeland defense such as Navy shipbuilding, strike aircraft, and ballistic missile defense, systems that the members of the Armed Services Committee agreed were not sufficiently funded by the President's budget. As you know, there are no earmarks in this bill.

We have worked very hard to move away from the system that you worked so hard to eliminate, and we have done a great job on that. But we do not feel bound by the President's request that we will just be a rubberstamp committee to just do what he expects us to do.

Madam Chair, I must repeat my concerns about stripping money from our troops and sending it back to the Treasury. I know how important deficit reduction is. We do need to focus on that, but we have stressed very strongly, we will look at everything that the Pentagon spends, we will go through it with a fine-tooth comb, but the money we save we know we will put to areas that the Quadrennial Defense Review and our independent panel showed that we need just to bring us up to what our defense should have been 20 years ago.

I strongly oppose any amendment that would reduce the defense top line. And while I support Mr. FLAKE, as we all endeavor to get our spending under control, I must oppose this amendment, as it would strip our fighting force of the tools they need to get the job done and to keep America safe.

I reserve the balance of my time.

Mr. FLAKE. May I inquire as to how much time remains?

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. I appreciate the gentleman's efforts to get rid of earmarks. I do have some concern about this. The guidance from the HASC, from the committee, says that the request may not direct funds to, or any funds with or to, any entity or locality.

It's been the practice in the past that when Members get their earmarks in a bill, they will take a victory lap, put out a press release. I have seen one of these already, and it says funding for a

nonprofit charitable foundation, Technology Ventures Corporation, TVC, to help expand innovation in New Mexico's emerging satellite industry. This names both an entity and a locality. And this is a Member who got a particular request.

Mr. McKEON. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from California.

Mr. McKEON. This is on page 692, "Merit-Based or Competitive Decisions. A decision to commit, obligate, or expend funds referred to in the second sentence of subsection (a) with or to a specific entity shall

"(1) be based on merit-based selection procedures in accordance with the requirements of" the company's sections and

"(2) comply with other applicable provisions of law."

And if we find any Member pressuring the Department of Defense to use any funds other than to comply with competitive merit-based solutions, we will go after them. We have a strong oversight committee that will do this.

Mr. FLAKE. I appreciate the Member's commitment on that, and I appreciate also—I believe they are accepting the amendments that I have offered later, which would set up a process whereby we can see how these funds were actually disposed of, and that will help a great deal. I appreciate the chairman working on that.

I would just say, in closing, this amendment specifically is to save the money that is still left in that account. If the concern is not to give the President the ability to direct all of these funds or the Secretary of Defense, then this accomplishes it. There is \$350 million left in this account. Let's apply that to pay down the debt and deficit.

That's what this amendment actually does. It takes the remaining money that has not been designated in that fund and applies it to deficit reduction. So that's what this amendment does, and I would appreciate support for it.

I thank the chairman for his comments, and I thank the chairman for his commitment to get away from this earmark culture.

I yield back the balance of my time.

Mr. McKEON. I yield 1 minute to my friend and colleague, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Chairman, I am always reluctant to oppose my good friend from Arizona, even when he is wrong, and he is dead wrong tonight.

As you heard him mention, there was a billion dollar savings. If that billion dollars hadn't been there, he would have been telling us all, can't you find \$100 million, can't you find \$200 million? But they find \$1 billion, and no good deed goes unpunished.

And, basically, Madam Chairman, the purpose of this fund is to make sure we

are doing the tough choices. And he is right; these Members look every day at the priorities we need for the Department of Defense.

Let me just tell you one of those, shipbuilding. You and I today are living in a world for the first time where the Chinese have more ships in their Navy than we have in our Navy. The independent panel says we need 346 ships in our fleet, the Navy says 313, but their plan doesn't even get us there.

And so I am proud of the fact that we come together and say let's find savings in one area so we can put them in priorities such as shipbuilding. We ought not to cut these funds. It will be a disincentive for the Department of Defense to find those savings in the future.

Mr. McKEON. Madam Chairman, may I ask how much time remains?

The Acting CHAIR. The gentleman from California has 2 minutes remaining.

Mr. McKEON. I yield 1½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Thank you, Mr. Chairman.

I have to say that I understand the importance of trying to control spending in this government, and I am very much thankful to the gentleman from Arizona to be wanting to do that.

The concern that we have is that when you take a look at where we are in terms of our military right now, we have some very big problems. Just standing back away from it and looking at it for a little bit, if you say, how many troops do we have, how many ships do we have, how many aircraft do we have, and you compare where we are today with where we were 20 years ago, in 1990, we have half of what we had in 1990.

So we have reduced our military in half. We have the same number of ships today as what we had in 1916.

Now, one of the reasons for paying attention to earmarks was so that we would pay more attention to doing a good job of oversight. This committee has really worked hard at oversight. We have identified areas where we think the Pentagon was wrong, where the President was wrong, and we have taken that money out. Now we are going to be punished for taking it out by having it taken away.

The point of the matter is we are redirecting the money, but we are allowing a certain amount of flexibility. The places where this money has got to be spent are, first, ballistic and cruise missile defense. This is a very, very big deal for the Navy. The Chinese have very high-speed cruise missiles. We have to be able to defend against them.

□ 2230

Navy shipbuilding, we have already talked about that. We have the same number of ships as we had in 1916.

The Acting CHAIR. The time of the gentleman has expired.

The gentleman from California has 30 seconds remaining.

Mr. McKEON. In the time I've been in Congress, as the gentleman said, our military has basically been cut in half, and yet we are fighting two wars and half of a third. And Ronald Reagan said that during his lifetime he never saw us get into a war that we were overprepared for. We cut back after every war. This is the first time I have seen us trying to cut back during wartime.

I ask that we defeat the gentleman's amendment. As well intended as it is, we need the money for the defense of this Nation.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 63 OFFERED BY MR. ELLISON

The Acting CHAIR. It is now in order to consider amendment No. 63 printed in House Report 112-88.

Mr. ELLISON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 616, strike line 18 and all that follows through line 13 on page 617.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from Minnesota (Mr. ELLISON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Madam Chair, I rise to offer an amendment that will cut \$150 million in unnecessary defense funding.

Congress must reassess our budgetary priorities. We should not be in the business of needlessly increasing defense spending while simultaneously cutting spending for critical services that Americans depend upon. Without my amendment, Congress will needlessly approve \$150 million for the LHA 7 amphibious warship program. Now, let me be clear. I'm not against such a program in its own right, but I am against authorizing this funding for FY12 because the Government Accountability Office and the Armed Services Subcommittee on Seapower said we shouldn't do it. And they have very good reasons for coming to that conclusion.

First of all, according to the Government Accountability Office report, which I have in my hand and I intend to submit into the RECORD, these funds

won't even be used in fiscal year 2012. The report states that contractor delays and labor shortages "will likely have implications on the ability of the shipbuilder to start construction of LHA 7 as currently planned."

If we do not authorize these funds, our national security will not be harmed. The GAO reports that FY11 funds already appropriated will be sufficient to cover the costs of the program and expenses for LHA 7 in FY12. As the report makes clear, and I quote again, Madam Chair, "most of the construction costs for LHA 7 will not be incurred until fiscal year 2013."

Given the GAO's recommendation, the Armed Services Subcommittee on Seapower did the right thing. They cut funding for the LHA 7. However, that funding was reinstated in the full committee. Given that the funds will not even be able to be used in FY12 due to contractor delays, why was \$150 million reinstated in the full committee? Well, I can tell you that a Republican gentleman from Mississippi sits on the Armed Services Committee, and he represents a district on the coast with a very large shipbuilder in it.

Let's review momentarily. At a time when Congress is cutting critical heating assistance programs, education, and health care, why should it authorize defense spending for work that military contractors aren't even prepared to do?

Without my amendment, Congress is set to increase funding for the LHA 7 warship at a time when we are slashing critical domestic spending programs that Americans count on.

This is a commonsense amendment, Madam Chair, and it follows that the GAO and the Armed Services Subcommittee on Seapower said we should do. We should cut \$150 million for the LHA 7 warship program. I'll leave it to you and your imagination as to why the funding was reinstated at the full committee.

I urge my colleagues to reassess our budgetary priorities and authorize funds for when they can actually be used. Spending should not be authorized prematurely, especially when Congress is cutting other critical programs.

LHA REPLACEMENT, SHIPBUILDING AND CONVERSION (SCN), FISCAL YEAR 2012—LINE 3041

#### PROGRAM OVERVIEW

The LHA program will provide the functional replacement for the LHA 1 Class ships which are reaching the end of their extended service lives. The program is to ensure that the amphibious fleet remains capable of Expeditionary Warfare well into the 21st century and provide for an affordable and sustainable amphibious ship development program. LHA 6, the lead ship, was authorized in fiscal year 2007. Fabrication of LHA 6 started in January 2008 and it is currently scheduled for delivery in October 2013. The Navy requested funding for the first follow-on ship, LHA 7, in its fiscal year 2011 budget

request and requested an additional \$2018.7 million in fiscal year 2012 to fully fund the ship. The Navy awarded an advance procurement contract for LHA 7 in June 2010, and planned to award the construction contract in November 2010.

[Dollars in millions]

|                           | Fiscal year |         |           |
|---------------------------|-------------|---------|-----------|
|                           | 2010        | 2011    | 2012      |
| Funding/Request .....     | \$169.5     | \$942.8 | \$2,018.7 |
| Potential Reduction ..... |             |         | \$2,018.7 |

Source for Funding/Request: Department of the Navy Fiscal Year 2012 Budget Estimates for Shipbuilding and Conversion programs (P-1); Department of Defense and Full-Year Continuing Appropriations Act, 2011, Pub. L. No. 112-10.

#### REASON FOR REDUCTION

The Navy's fiscal year 2012 shipbuilding and conversion budget request for LHA 7 could be reduced by \$2018.7 million because the funds are premature to program needs. The Navy expected to award a contract for construction of LHA 7 in November 2010—at the start of fiscal year 2011—but the contract award has been delayed and is unlikely to occur until fiscal year 2012. While the Navy currently plans to begin construction of LHA 7 in May 2012, it is likely that construction will be delayed. Ongoing shipyard labor shortages have resulted in schedule delays on LHA 6 and will likely have implications on the ability of the shipbuilder to start construction of LHA 7 as currently planned. Given the delay in contract award and the likelihood that the start of construction may slip, the program will not need the majority of funding until fiscal year 2013. Fiscal year 2011 funding will be available in fiscal year 2012 to ensure that the shipbuilder can purchase materials necessary to meet its build schedule—activities originally scheduled to take place in fiscal year 2011. The National Defense Authorization Act for Fiscal Year 2011 authorized the Navy to split funding for LHA 7 construction over fiscal years 2011 and 2012. Should Congress choose to take the suggested action, LHA may need multiyear contracting authority that includes fiscal year 2013.

The Navy anticipated awarding a contract for LHA 7 construction in November 2010—at the start of fiscal year 2011. To date, the Navy has not yet awarded a contract—a delay of at least five months. According to the Navy, it received the shipbuilder's proposal in April 2011. The program office reported that they would like to award the contract by the end of fiscal year 2011—5 months or less after receiving the shipbuilder's proposal—but acknowledged that they would most likely award a contract in fiscal year 2012. By comparison, the construction contract for LHA 6 was not awarded until over 14 months after receiving the contractor's proposal. Program officials believe that the construction contract for LHA 7 will take less time to negotiate than the lead ship. However, even if the Navy reduced the time to award to 7 months, half the time required to negotiate the LHA 6 contract, the award would still occur in November 2011—in fiscal year 2012 and a full year later than planned.

Further, it is likely that the start of construction for LHA 7 will be delayed past its current estimated date of May 2012 due to ongoing shipyard labor shortages. Delivery of LHA 6 has been delayed twice primarily as a result of labor issues. The most recent delay, announced in the fiscal year 2012 budget, pushed delivery of the ship from April to October 2013. Program officials reported that the shipyard is currently drawing down labor, but will have to increase

labor resources to meet the increased shipyard demand starting in fiscal year 2013. However, the shipbuilder may have difficulty effectively increasing labor resources to meet the needs of Navy programs. In addition to the LHA class, construction of LPD 26 and LPD 27 is expected to begin in late 2011 and 2012. The program office acknowledged that the construction start date for LHA 7 may slip past its current estimate, and some Navy estimates put construction start in early 2013. The actual construction start date will be negotiated as part of the LHA contract award.

Since activities originally planned to take place in 2011 will most likely occur in 2012, 2011 funding should be sufficient for the program through 2012.

#### PROGRAM OFFICE COMMENTS

The Navy indicated that it strongly disagrees with GAO's assessment of the LHA(R) program and the proposed reduction of fiscal year 2012 funding. The Navy believes it can award the contract by the end of this fiscal year, in August or September 2011. According to the Navy, construction will start as currently planned in May 2012, as it has worked with the contractor to mitigate construction schedule risk by using the advance procurement funds to buy long lead time materials. According to the Navy, a reduction to fiscal year 2012 funding would impact the program's ability to procure required Contractor Furnished Equipment, disrupt the ship's engineering and production schedule and cause significant disruption in the industrial base. The Navy believes there is significant risk that fiscal year 2011 funds would not cover required expenditures if the second increment of funds were not appropriated until fiscal year 2013. According to the Navy, failure to procure government furnished equipment systems as planned will negatively affect the unit cost of these systems for LHA 7 and other platforms. The Navy also states that the entire shipbuilding plan for fiscal year 2013 and later years would be impacted by a delay of LHA 7 funding.

#### GAO RESPONSE

Although the Navy believes it can award a construction contract for LHA 7 within four to five months, past experiences negotiating contracts with the shipbuilder have taken considerably longer. As we stated previously, the LHA 6 contract was awarded 14 months after the Navy received the initial proposal from the shipbuilder. While the Navy indicates that it has mitigated construction schedule risk by procuring long lead time materials, there is still significant risk of construction delays associated with ongoing labor shortages and a projected increase in shipyard demand starting in fiscal year 2013 due to construction on multiple ship programs. The shipbuilder has been unable to effectively manage labor resources on LHA 6. Ongoing labor shortages increase the risk that the shipbuilder will remain unable to meet increased shipyard demand in fiscal year 2013, which increases the likelihood that construction start of LHA 7 will also be delayed.

In its comments, the Navy indicated concerns about having enough funding to acquire equipment and materials for LHA 7. However, program officials previously reported to GAO that fiscal year 2011 funding will cover materials and that the program was waiting for the construction contract award before placing some orders for materials. The program has already received \$169.5 million in advance procurement money to acquire long lead time materials, and received \$942.8 million in fiscal year 2011.

The program can use this money to purchase materials as planned. Most of the construction costs for LHA 7 will not be incurred until fiscal year 2013. Accordingly, the fiscal year 2012 budget request could be reduced by \$2018.7 million.

At this time, I would yield 1 minute to the ranking member on the Armed Services Committee, Mr. ADAM SMITH.

Mr. SMITH of Washington. Madam Chair, I support the gentleman's amendment. I think it's really important to understand what's going on here. The gentleman is absolutely correct. The original purpose for this money, it was \$200 million, it was determined to no longer be valid for all the reasons that were stated. They couldn't spend the money. But we had \$200 million floating around, and they hate to give back \$200 million in the Defense Committee, so they grabbed \$150 million of it and simply designated it, broadly speaking, to shipbuilding. We do this a lot. Mr. FLAKE spoke about this in the other amendment. And I understand there are Members who are concerned about the top line within the defense budget and holding it.

I think it's important where we spend the money. We have to have a reason to spend it. We just have to say, well, there's \$150 million. We would kind of like to have it because who knows? We might need it at some point.

We can't afford that in our current deficit environment, to simply set aside \$150 million. I know we're going to talk about shipbuilding. I heard about it a little bit before. Yes, we have fewer ships than we had in 1916. I would submit that our Navy today is vastly more capable than our Navy back in 1916 because our sheer numbers of ships is not the only factor that matters. It kind of matters what their capabilities are.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ELLISON. I yield the gentleman an additional 30 seconds.

Mr. SMITH of Washington. Throughout the bill—and we have an amendment coming up after this that is the same sort of thing. There is a lot of money in the defense budget that gets appropriated, and then for whatever reason we find out we can't actually build what it was intended for, and then we just hold on to the money because we might use it later. That is not an efficient way to spend money.

And I'm sorry. The deficit does matter to our national security. As has been quoted earlier, the Chairman of the Joint Chiefs of Staff said that our deficit, in fact, is the number one threat to our national security. So we have to save money where we can. Clearly, this is a place where we can save money.

I urge support for the gentleman's amendment.

The Acting CHAIR. The time of the gentleman from Minnesota has expired.

Mr. PALAZZO. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. PALAZZO. I yield myself such time as I may consume.

Madam Chair, I rise in opposition to the gentleman from Minnesota's amendment. Put simply, the gentleman's amendment would further delay the funding of a ship that our Navy and Marine Corps wants and needs.

LHA 7 is a part of the next generation of large deck amphibious assault ships, just similar to the USS *Kearsarge*, which just returned after an 8½-month-long deployment to where they participated in strikes in Libya and humanitarian assistance and other missions. This *America* class amphibious assault ship will be serving our country and providing a vital mission capability for years to come.

The President's very own 2012 budget request included \$2 billion for the second year of incremental funding for LHA 7. Previous Congresses have supported this ship and her procurement, and further delays to this funding are opposed by this administration, the Navy, the Marine Corps, and the House Armed Services Committee.

My colleague mentioned, by the way, the GAO report. The Navy strongly disagrees with the GAO report that the gentleman has pointed to. The Navy has the shipbuilder's proposal in hand and at this point is working to complete negotiations to get this ship under contract this year, which may happen as soon as August.

The Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps have all endorsed a minimum naval fleet of 313 ships, of which 33 of those ships are going to be amphibious in nature. If the gentleman's amendment were to become law, the contract for this amphibious ship could be delayed. The ship's delivery to the fleet would be delayed, and the overall cost of the ship would go up.

It seems to me, as a Member of Congress, that we need to support programs and policies that enable our men and women in uniform to get the best possible equipment at the lowest cost to the taxpayer. The gentleman's amendment does just the opposite.

This amendment also jeopardizes American jobs. Nearly 3,500 shipbuilders depend on the ship for work. Cuts to this ship's funding, delays in contracting, and political gamesmanship put these jobs at risk.

□ 2240

Furthermore, the gentleman's amendment provides absolutely no cost savings. It just forces the Navy to budget more for the ship next year, and overall it increases the cost to the taxpayer. This amendment does not just

delay LHA-7; this amendment potentially delays our next aircraft carrier, our next submarine, and our next destroyer.

Finally, the gentleman's amendment is not good for the taxpayer, and it is not good for the Navy or the Marine Corps. Previous Congresses have endorsed the procurement of this ship, the administration and the Navy have endorsed the procurement of this ship, and American jobs depend on the procurement of this ship.

I urge my colleagues in the House to vote "no" on this amendment.

Madam Chair, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN), the chairman of the Seapower and Expeditionary Forces Subcommittee.

Mr. AKIN. As the chairman of the Seapower Subcommittee, we have taken a good look at LHA-7, and this is an absolutely essential ship. Nobody is arguing that point. It is a large deck amphib assault.

What has happened, though, is that the Marine Corps decided that they wanted to put a well deck in the original design, which has caused some additional negotiations and slowed things down a little bit. But the point of this amendment is to strip \$150 million away from this project. That is a very big problem. It is a big problem because next year we have got an aircraft carrier to build, a nuclear-powered submarine, and a destroyer, and this money needs to come from the budget this year in order to keep the LHA-7 on track.

As we have talked about earlier this evening, we are in a bad position in terms of number of ships in the Navy. LHA-7 is critical, it is important, and stripping \$150 million does tend to threaten the project, or at least push it off, and then you have to try and fund it in a year when we don't have the funds because we are building a bunch of other ships. So what this does is it guarantees that LHA-7 is going to proceed, but we have to allow enough time for the negotiations.

Mr. ELLISON. Madam Chair, will the gentleman yield for a question?

Mr. AKIN. No, I don't yield.

The Acting CHAIR. The gentleman from Missouri controls the time.

Mr. AKIN. The point of the matter is that LHA-7 has to go forward, and we have to make sure that we have the funding. As soon as the negotiations are finished between the Navy and the contractor, then we can move ahead on this project. So the \$150 million is important. The exact timing of when it is going to be spent is in question, but the necessity to have the money is not in doubt. That is why we oppose this amendment.

Mr. ELLISON. Would the gentleman yield now for a question?

The Acting CHAIR. The time of the gentleman from Missouri has expired.

The gentleman from Mississippi has 30 seconds remaining.

Mr. PALAZZO. Madam Chair, I would like to yield the 30 seconds to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Madam Chair, I just want to emphasize the need for our amphibious ships. The requirement, the national requirement is 38 ships. The Marine Corps says they can live with 33. We have 28 today.

Mr. ELLISON. Will the gentleman yield?

Mr. WITTMAN. No, I will not yield.

Mr. ELLISON. Will the gentleman yield for a question?

Mr. WITTMAN. The requirement is 33. We have 28.

Mr. ELLISON. Will the gentleman yield for a question, Madam Chair?

Mr. WITTMAN. The math is very, very simple. It is a specific need.

Mr. ELLISON. Madam Chair, will the gentleman yield?

The Acting CHAIR. The gentleman from Virginia controls the time.

Mr. WITTMAN. We have to make sure that we meet that need. Our Marine Corps travels around the world needing this ship capability. It is critical to this Nation, critical to our defense. This must be funded today.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. ELLISON).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. ELLISON. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 64 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 64 printed in House Report 112-88.

Ms. LORETTA SANCHEZ of California. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 708, after line 12, insert the following:  
**SEC. 1699F-1. BUDGET REDUCTION FOR GROUND-BASED MIDCOURSE DEFENSE SYSTEM.**

Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Defense-Wide, as specified in the corresponding funding table in division D, is hereby reduced by \$100,000,000, with the amount of the reduction to be derived from Line 084 Ground-Based Midcourse Defense Segment, PE 0603882C, as set forth in the table under section 4201.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LORETTA SANCHEZ of California. I yield myself such time as I may consume.

Madam Chair, this Congress' number one responsibility is to defend and protect our Nation. As we all know, the United States faces incredible threats within and from abroad, and it is the responsibility of the House Armed Services Committee to assess the threats that we face and to look at the limited resources we have and to allocate them in the most effective way we can.

So in the full committee mark, my Republican colleagues increased the funding of the Ground-based Midcourse Defense system by \$100 million. My amendment would simply take out that \$100 million and give it towards savings for our country to bring down the deficit.

We Democrats support progress on homeland missile defense. We want to see that the technology is proven and reliable, and that it is cost effective. However, additional funds for the GMD are not needed and would be wasteful. The head of the Missile Defense Agency, the director, General O'Reilly, has stated that he does not need the increase in these funds for fiscal year 2012. In fact, in front of the Senate Armed Services Committee at a hearing on April 15, he said: "Right now, sir, I've got the funding I need to address this problem," meaning some of the failure problems we have, "because I've stopped my production line. My production line was stopped not to save money. It is solely driven by what we need to confirm the design works before we go back into production."

So additional funding is not needed, and aside from the GAO saying that Congress should reduce by over \$400 million the budget for this, I am only talking about the \$100 million that in that hearing the General said we don't need it.

Why don't we need it? Because the last two intercept test flights of this system did not work. They failed. And so the agency has gone back to do systems testing. They don't want to produce if it is not working. In fact, they have said that we must fly, i.e. it must work, before we buy.

So, the fiscal year 2011 appropriations has allowed the MDA to focus on resolving the technical challenges from the failed test, and we will proceed with planned projects and avoid delays. Now is the time to get it right. We don't want to build something that just isn't working. I hope that my colleagues will understand that this money is not needed at this time.

I reserve the balance of my time.

Mr. TURNER. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. TURNER. This amendment has been previously debated in committee and was defeated and should be defeated here. There are three reasons why this amendment should be defeated.

This is a program that has had past cuts that have endangered the program. These are dollars that are needed, and the threat that we have is increasing. The Ground-based Midcourse Defense system is the only missile defense system that we have that currently protects the American people from long-range ballistic missile threats, a threat that is increasing.

This is a program that has had successive cuts in the past. In fiscal year 2010, the administration slashed GMD by 35 percent or \$445 million in the same year that program had setbacks. This year's fiscal year 2012 request cuts GMD by 14 percent, or \$185 million. The Department's 5-year spending projection cuts Ground-based Missile Defense by an additional billion, or nearly 20 percent. This is a program that is having setbacks, but it is the only program that we have. We can't cut it and expect to fix it. We can't cut it and expect it get it right.

□ 2250

We can't cut it and expect it to be a system that we can depend on on growing threats.

Now, General O'Reilly has testified that he needs four additional ground-based interceptors and an additional 150 to 200 million would be needed for another flight testing and more ground testing. In fact, he just testified today in front of the Senate Appropriations Committee that proposed cuts could threaten the program and set it back by an additional year.

Secretary Gates has testified repeatedly that if we look to the growing threats from North Korea and Iran, these are threats that must be responded to. Our only system to do that is this ground-based missile defense system. We should not cut it. We did not cut it in committee, and we should not cut it here.

I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), who also sits on our committee.

Mr. ANDREWS. Madam Chairwoman, as we meet tonight in support of the Sanchez amendment, we have 30 ground-based interceptors at Fort Greely and at Vandenberg. We have an *Aegis* Array at sea. We have other radar protections for this country. And we have an effort to give \$100 million to a military leader who said the following in April when he was talking about what he needed, referring to Senator LEVIN in the Senate, "Right now, sir, I've got the funding I need to address the problem of the FTG-06 failure be-

cause I've stopped my production line. That was not to save any money. It was solely driven by the need to confirm the design works before we go back into production."

Let's not give a military leader \$100 million he didn't ask for, for something that doesn't work yet, that isn't needed to defend the country.

Vote for the Sanchez amendment.

Mr. TURNER. I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Chair, I oppose this amendment and consider it harmful to our Nation's defense.

We already know President Obama is no fan of missile defense based on his budget priorities. He cut this same program, Ground Based Midcourse Defense, by \$445 million in fiscal year 2010. His request for 2012 cuts this program by another \$185 million.

Remember, this program is the only defense we have against an intercontinental ballistic missile fired by a rogue country or a terrorist group. On top of Obama's cuts, this amendment would cut another \$100 million. All we have today is a couple of dozen Interceptors on the west coast. We have nothing on the east coast. We should be adding money, not slashing it.

The general in charge of the Missile Defense Agency said in April in a hearing before our subcommittee that he wants more money than what the President requested for testing and additional Interceptors. The Secretary of Defense said in January we have underestimated the threat from North Korea from its missile and nuclear programs. The Director of National Intelligence said in February that Iran's missile technology could be used for ICBMs.

Now is not the time to slash our only defense for intercontinental threats from countries like North Korea or Iran. The threat is real. The consequences would be devastating. We must reject this reckless amendment.

The Acting CHAIR. The gentlewoman from California has 30 seconds remaining.

Ms. LORETTA SANCHEZ of California. Madam Chair, I yield the balance of my time to the ranking member of the Armed Forces Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Madam Chair, this is a very frustrating debate because nobody's questioning the importance of missile defense. There is \$1.1 billion in this bill precisely for this missile defense.

The reason that funds have been cut for this program isn't because it's less of a priority; it's because the program wasn't working as it was intended.

As I have discussed earlier, this happens frequently in the Defense Department. We don't get a program up to where it's supposed to be. We are appropriating money, authorizing money,

in this bill that cannot be spent not because we simply want to cut it because we don't have a priority but because it isn't working at the pace that we expected it to be. We are giving \$100 million that isn't needed even to continue the program. We need to be more fiscally responsible with our money.

We support this program. We support \$1.1 billion.

The Acting CHAIR. The time of the gentleman has expired.

Mr. TURNER. Madam Chair, I yield the balance of my time to the gentleman from Arizona (Mr. FRANKS).

The Acting CHAIR. The gentleman from Arizona is recognized for 1½ minutes.

Mr. FRANKS of Arizona. Madam Chair, I would just seek to put this in some kind of perspective.

Ever since mankind took up arms against his fellow human beings, there has always been an offensive weapon met with some type of defensive weapon. The spear brought the shield. The artillery brought armed battle tanks. And now we face the world's most dangerous weapons in the history of mankind in the form of intercontinental ballistic missiles armed with nuclear warheads that in a blinding flash could kill hundreds of thousands of people in a city. Or over our Nation's continent, an Exo-atmospheric blast could perhaps over time, through destroying our electric infrastructure, kill tens of millions of people. And the only system that we have to defend ourselves against that type of weapon is our Ground Based Midcourse Defense System. And this amendment seeks to cut that another \$100 million on top of the cuts that the administration has constantly done throughout its tenure.

Madam Chair, I would just suggest to you that that is the height of irresponsibility. The fact is when two airplanes hit two buildings, it cost this economy \$2 trillion. This is not the way to have priorities for a budget. Our primary duty in this body is to make sure that we protect the lives and the constitutional rights of Americans, and we must protect our ability to stop intercontinental nuclear-armed missiles. This is the only system that we have to do it.

Vote down this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LORETTA SANCHEZ of California. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.



## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair understands that the proponents of remaining amendments through amendment No. 97 will not individually offer their amendments.

## AMENDMENT NO. 100 OFFERED BY MS. EDWARDS

The Acting CHAIR. It is now in order to consider amendment No. 100 printed in House Report 112-88.

Ms. EDWARDS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 762, line 3, strike “and” and insert the following:

“(3) analyzes the impact of the action on local businesses, neighborhoods, and local governments; and”.

Page 762, line 4, strike “(3)” and insert “(4)”.

The Acting CHAIR. Pursuant to House Resolution 276, the gentlewoman from Maryland (Ms. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland.

Ms. EDWARDS. Thank you, Madam Chair, and thank you to the chairman and the ranking member.

I represent the Fourth Congressional District of Maryland, which is home to Joint Base Andrews. Joint Base Andrews is home to Air Force One, the 11th Wing, and the 113th Wing that supports air sovereignty over the Mid-Atlantic region, including the National Capital region.

Currently, 15,000 personnel work at Joint Base Andrews, including 7,000 active duty servicemembers. When the 2005 BRAC process is complete, an additional 3,000 personnel will work at Joint Base Andrews, bringing the total to 18,000 personnel. Unfortunately, when considering shifting resources, the commission did not account for changes outside the gate required to deliver increased personnel to the installation.

□ 2300

And I refer to the activity at Joint Base Andrews as one of many examples across the country of these significant BRAC impacts on local infrastructure.

The underlying bill goes a long way toward correcting significant transportation infrastructure impacts related to installation realignment. My amendment clarifies that if a significant transportation impact will occur as a result of a realignment action, the action may not be taken unless and until the Secretary analyzes the potential impact of the action on local businesses, neighborhoods, and local government. These can sometimes be quite significant and unaccounted for.

My amendment keeps with the spirit of the bill, addressing transportation infrastructure, and simply ensures that

our constituents and local congressional districts will have the assurance that their livelihoods are kept in mind when realignment activities are taken.

A GAO study published in 2009 found that BRAC growth will result in increased traffic in communities ranging from very large metropolitan areas to small communities, further congesting roads. This has certainly been the case in my community. According to a Department of Defense Office of Economic Adjustment survey, 17 of 18 BRAC growth communities identified transportation as one of their top challenges. The priority is most clear for us around Joint Base Andrews. Traffic entering and exiting the installation contributes to regional congestion, resulting in the average Washington metropolitan region driver wasting almost 70 hours in traffic per year not just at Andrews, but throughout the region.

The Federal Government has provided very limited direct assistance to help communities address BRAC transportation impacts, and State and local governments have adopted strategies to expedite projects within the time frame allowed by BRAC. In years past, this has happened through the earmark process, a process that is no longer available. In other areas, the Department of Defense's Defense Access Roads program has certified transportation projects for funding at three affected communities.

OEA has also provided planning grants and funded traffic studies and local planning positions. And while Federal highway and transit programs can be used for many BRAC-related transportation needs, dedicated funds are not available. Instead, BRAC-related transportation projects must compete with other proposed transportation projects in a given State or community.

By 2009, communities that identified funding for about only \$500 million of the estimated \$2 billion needed to address their near-term project needs. In fact, some States and local governments have adopted strategies to expedite highway projects, such as prioritizing short-term high-impact projects because the time frames for completing BRAC personnel moves are much shorter than the time frames for such projects.

While legislation mandates that BRAC growth be completed by 2011, major highway and transit projects typically take anywhere from 9 to 19 years to complete, and near-term transportation projects to address these challenges could cost about \$2 billion, of which \$1.1 billion is related to projects solely in the Washington metropolitan area.

BRAC-related transportation infrastructure costs are subject to a number of uncertainties. According to the GAO, and I quote: “Not all potential projects are included in the estimate.

Military staffing levels at some growth installations are in flux, and location decisions of military and civilian personnel have not yet been made. And preexisting, nonmilitary community growth makes a direct link between transportation projects to military growth very difficult.”

To complete some critical projects before BRAC growth occurs, State and local officials are reprioritizing planned projects and implementing those projects that can be completed quickly. GAO, in fact, cited projects from Maryland to Texas and all across the country where the States prioritized certain lower cost intersection projects to improve traffic. This takes away from other planned priorities that States may have had on the books.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. EDWARDS. I ask for consideration of the amendment.

Mr. McKEON. Madam Chair, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. When I conclude my remarks, Madam Chair, this will conclude our work for the day. We will come in and, my understanding is, start at 10 in the morning. We have seven more amendments to address in the morning plus four en bloc amendments.

I would just like to, at this time, thank all of those Members who have participated. Especially I want to thank Ranking Member SMITH and all of our staff. They have put in long, hard hours and great work. I think we have come out with, so far, a very good bill. I look forward to finishing it up tomorrow morning.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

The amendment was agreed to.

Mr. McKEON. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Ms. FOXX, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, had come to no resolution thereon.



# HOUR OF MEETING ON TOMORROW

Mr. McKEON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

# TRIBUTE TO THE MAYORS OF THE NORTHERN MARIANAS

(Mr. SABLAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABLAN. Mr. Speaker, in the Northern Mariana Islands, modern-day mayors represent a proud tradition that dates back thousands of years to the maga'lahi who led families, clans, and villages of ancient Chamorro society. These individuals, and their forebears, represent an enduring line of local self-government in our islands. They deserve recognition for the important role they have filled, particularly during the return to local self-government after World War II, which was essential to regaining and preserving our cultural identity. This process began soon after American troops freed our islands in the 1944 Battle for Saipan.

Chamorro and Carolinian survivors of the war elected a high chief, roughly the equivalent of a mayor, in their first exercise of American democracy. The mayor in those days served in a role now customarily identified with the office of the governor. Today, mayors are charged with more traditional responsibilities such as administering government programs, public services, and appropriations in their respective municipalities.

Please join me in honoring the past and present mayors of the Commonwealth of the Northern Mariana Islands, who have contributed greatly to the quality of life in our community.

Mr. Speaker, in the Northern Mariana Islands, the modern-day mayors of our far-flung community represent the democratic embodiment of a proud tradition of local leadership that dates back thousands of years to the maga 'lahi who led families, clans, and villages in ancient Chamorro society. These individuals, and their forebears, represent the most enduring line of local government in our islands and merit recognition for the important roles they have filled historically, and particularly during the return to local self-government during the past 65 years.

Over 3,500 years ago, the Mariana Islands were first discovered by intrepid sailors from elsewhere in Asia. They organized a society at harmony with nature on our islands that thrived for millennia. Beginning in the early 1500s, however, with the arrival of Ferdinand Magellan, the Marianas lost their independence to successive colonizing forces from all corners of the globe. Spanish forces were followed in the Northern Marianas by Germans,

then by the Japanese, and finally—under a United Nations trusteeship—by the United States, until the people of our islands were given the opportunity for self-determination and voted overwhelmingly to adopt a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

During these four centuries of colonialism, our ancestors were told where they could live or not live, their traditional latte stone homes were destroyed, they were forced to adopt foreign customs and religions, and their populations were decimated by foreign diseases and violence at the hands of their colonizers. Although there were titular local leaders, the reestablishment of a substantive government, under the control of the indigenous people, was essential to regaining and preserving cultural identity. This process began approximately five months after American troops wrested control of the Northern Marianas from the Japanese in the 1944 Battle for Saipan.

In December of that year, Chamorro and Carolinian survivors of the war, interned at Camp Chalan Kanoa, elected a high chief in their first exercise of American democracy. The office of high chief was later renamed chief commissioner, after the United States naval government implemented a municipal charter for Saipan during the post-war years. Municipal governments developed in similar fashion on the Northern Islands, Tinian and Aguiuan, and Rota. During the early days of an emerging democracy in the islands, the chief commissioner served as the principal liaison between the local political structure that was being established and the U.S. naval administration, and in a role now more identified with the office of the governor. The chief commissioner was responsible for overseeing the work of the several departments which comprised the executive branch: the treasury, economics, public works, education, public health, and public safety. This official was also responsible for preparing the municipality's annual budget; proposing legislation to the legislature, which at that time was made up of commissioners and councilmen; and serving as the judge of the municipal court.

With the adoption of the Covenant and the formation of a constitutional government, each of the island municipalities has continued to elect a local executive. These mayors are charged with advising the governor on government operations and matters concerning their respective municipalities. They also administer government programs, public services, and appropriations provided by law; conduct public hearings with respect to government operations and local matters; coordinate any provision of federal programs extended to their respective municipalities; act as the principal local official for mobilizing resources and coordinating response and recovery efforts in the face of emergencies; in consultation with the Municipal Council, submit items for inclusion in the proposed budgets for both government operations and capital improvement projects; and, in the case of Rota, and Tinian and Aguiuan, appoint, in consultation with the head of the respective executive branch department, all resident department heads.

In recent years, mayors of the Northern Islands, Saipan, Tinian and Aguiuan, and Rota

have contributed greatly to the quality of life in the Northern Mariana Islands. The mayors have participated in the Commonwealth-wide street naming project, they have hosted cultural and educational symposia, they have spearheaded the development of public lands and coordinated infrastructure improvements, and, on a daily basis, they coordinate the provision of public services to the residents of their islands.

I ask you to join me today in honoring the past and present mayors of the local municipalities that comprise the Commonwealth of the Northern Mariana Islands. The mayors of Saipan, from the dark days of the war to the present include: Gregorio San Nicolas Sablan, Elias Parong Sablan, Ignacio Villagomez Benavente, Vicente Diaz Sablan, Luis Arriola Benavente, Francisco Manibusan Diaz, Jose Santos Rios, Gilbert Castro Ada, Jose Mettao Taitano, Jesus Sablan Guerrero, Jose Camacho Sablan, Juan Borja Tudela, and Donald Glenn Flores.

The mayors of the Northern Islands: Daniel Pangelinan Castro, Vicente Matagolai Aldan, Ambrosio Satur Ruben, Joseph Taman Ogumoro, Valentin Igisaiar Taisakan, and Tobias Dela Cruz Aldan; and before, the District Administrator Representatives Juan Mettao and the long-serving Francisco Borja Kaipat.

The atkadi, commissioners, and mayors of Rota: Carlos Songsong Calvo, Andres Camacho Atalig, Tomas Camacho Mendiola, Melchor Songsong Mendiola, Juan Camacho Diaz, Manuel Ada Manglona, Antonio Camacho Atalig, Prudencio Taisakan Manglona, Joseph Songao Inos, Benjamin Taisakan Manglona, and Melchor Atalig Mendiola.

The commissioners and mayors of Tinian and Aguiuan: Jose Manglona Hocog, Juan Cruz Villagomez, Jose Reyes Cruz, Antonio Simabukuru Borja, Henry Gikibai Hofschneider, William Villagomez Hofschneider, Felipe Camacho Mendiola, Herman Muna Manglona, Ignacio King Quichocho, James Masga Mendiola, Francisco Manglona Borja, Jose Pangelinan San Nicolas, and Ramon Muna Dela Cruz.

# LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JACKSON of Illinois (at the request of Ms. PELOSI) on May 24 after 6 p.m. and for today on account of personal matters.

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today on account of a death in the family.

# ADJOURNMENT

Mr. McKEON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 26, 2011, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1673. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Energy Conservation Standards for Residential Clothes Dryers and Room Air Conditioners [Docket Number: EERE-2007-BT-STD-0010] (RIN: 1904-AA89) received April 21, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1674. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Obstetrical and Gynecological Devices; Classification of the Hemorrhoid Prevention Pressure Wedge [Docket No.: FDA-2011-N-0118] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1675. A letter from the Chairman, Broadcasting Board of Governors, transmitting a report providing information on U.S.-funded international broadcasting efforts in Iran pursuant to the requirements of Section 1264 of the National Defense Authorization Act; to the Committee on Foreign Affairs.

1676. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period December 1, 2010 through January 31, 2011 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

1677. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning proposed amendments to parts 120 and 124 of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. Section 2778 et seq; to the Committee on Foreign Affairs.

1678. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act [Docket No.: 070821475-91169-02] (RIN: 0648-AV15) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1679. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA301) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1680. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA319) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1681. A letter from the Senior Program Analyst, Department of Transportation, trans-

mitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30776; Amdt. No. 3420] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1682. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Creighton, NE [Docket No.: FAA-2010-1170; Airspace Docket No. 10-ACE-13] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1683. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; West Yellowstone, MT [Docket No.: FAA-2010-1209; Airspace Docket No. 10-ANM-10] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1684. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Kahului, HI [Docket No.: FAA-2010-1233; Airspace Docket No. 10-AWP-21] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1685. A letter from the Administrator, Environmental Protection Agency, transmitting the Environmental Protection Agency (EPA)'s Report on the Great Lakes Ecosystem to Congress as required by Section 118 of the Clean Water Act; to the Committee on Transportation and Infrastructure.

1686. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Fiscal Year 2012 General and Legislative Annual Report pursuant to Section 24315(b) of Title 49 U.S. Code and the "Consolidated Appropriations Act, 2010" (P.L. 111-117); to the Committee on Transportation and Infrastructure.

1687. A letter from the Deputy Chief Counsel, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — Reporting of Security Issues [Docket No.: TSA-2009-0014; Amendment No. 1503-4] (RIN: 1652-AA66) received April 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 1315. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to strengthen the review authority of the Financial Stability Oversight Council of regulations issued by the Bureau of Consumer Financial Protection, with an amendment (Rept. 112-89). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. STARK (for himself, Mr. COURTNEY, Mr. PAULSEN, Mr. TIBERI, Mr. CROWLEY, Mr. McDERMOTT, Mr. RANGEL, Mr. HERGER, and Mr. REICHERT): H.R. 1978. A bill to amend the Internal Revenue Code of 1986 to permit the disclosure of certain tax return information for the purpose of missing or exploited children investigations; to the Committee on Ways and Means.

By Mr. ANDREWS: H.R. 1979. A bill to amend title 10, United States Code, to expand eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include additional chapter 61 disability retirees, to coordinate eligibility for combat-related special compensation and concurrent receipt, to eliminate the reduction of SBP survivor annuities by dependency and indemnity compensation, and to enhance the ability of members of the reserve components who serve on active duty or perform active service to receive credit for such service in determining eligibility for early receipt of non-regular service retired pay; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUNYAN (for himself, Mr. WALZ of Minnesota, Mr. GUINTA, Mr. LOBIONDO, Mr. LANCE, Mr. GRIMM, Ms. RICHARDSON, Mr. BACHUS, Mrs. DAVIS of California, Mrs. ELLMERS, Mr. FLORES, Mr. KING of New York, Mrs. McMORRIS RODGERS, Mr. CONAWAY, Mr. BARTLETT, Mr. KISSELL, Mr. GARAMENDI, Mr. TURNER, Mr. CRITZ, Mr. GARRETT, Mr. YOUNG of Indiana, Mr. ISRAEL, Mr. PALLONE, Mr. MCKEON, Mr. GRIFFIN of Arkansas, Mr. ROE of Tennessee, Mr. WILSON of South Carolina, and Mr. McCOTTER): H.R. 1980. A bill to authorize the Gold Star Mothers National Monument Foundation to establish a national monument in the District of Columbia; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself and Ms. WASSERMAN SCHULTZ): H.R. 1981. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; to the Committee on the Judiciary.

By Mr. REICHERT (for himself and Mr. THOMPSON of California): H.R. 1982. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts (for himself, Mr. ROHRBACHER, Mr. STARK, and Mr. POLIS): H.R. 1983. A bill to provide for the rescheduling of marijuana and for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. POLIS (for himself, Mr. STARK, Mr. PAUL, and Mr. FRANK of Massachusetts): H.R. 1984. A bill to amend title 31, United States Code, to allow States to certify a business as legitimate for purposes of a financial institution's suspicious activity reporting requirements, facilitate unambiguous compliance of such businesses with State law, and provide regulatory relief for financial institutions; to the Committee on Financial Services.

By Mr. STARK (for himself, Mr. ROHRBACHER, Mr. POLIS, Mr. PAUL, and Mr. FRANK of Massachusetts):

H.R. 1985. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for expenses in connection with the trade or business of selling marijuana intended for patients for medical purposes pursuant to State law; to the Committee on Ways and Means.

By Mr. DAVIS of Kentucky (for himself, Mr. CHANDLER, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. YARMUTH, Mr. GUTHRIE, Mr. BOUSTANY, and Mr. SCALISE):

H.R. 1986. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. ACKERMAN:

H.R. 1987. A bill to amend the Securities Investor Protection Act of 1970 to provide insurance coverage for certain indirect investors caught in Ponzi schemes, and for other purposes; to the Committee on Financial Services.

By Mrs. DAVIS of California (for herself and Ms. SCHWARTZ):

H.R. 1988. A bill to amend the Internal Revenue Code of 1986 to extend the qualifying therapeutic discovery project credit; to the Committee on Ways and Means, and in addition to the Committees on Appropriations, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 1989. A bill to withdraw certain Federal lands and interests located in Pima and Santa Cruz counties, Arizona, from the mining and mineral leasing laws of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 1990. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 1991. A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 1992. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Ms. BERKLEY, and Mr. MCKINLEY):

H.R. 1993. A bill to amend the Internal Revenue Code of 1986 to modify timing rules for determining gross income with respect to certain construction contracts; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. WU, and Mr. TONKO):

H.R. 1994. A bill to improve foreign language instruction; to the Committee on Education and the Workforce.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. WAXMAN, Mr. BRALEY of Iowa, and Mr. COURTNEY):

H.R. 1995. A bill to establish an Office of Specialized Instructional Support in the Department of Education and to provide grants to State educational agencies to reduce barriers to learning; to the Committee on Education and the Workforce.

By Mrs. LUMMIS (for herself, Mr. BISHOP of Utah, Mr. THOMPSON of

Pennsylvania, Mr. SIMPSON, Mr. CHAFFETZ, Mr. YOUNG of Alaska, Mr. TIPTON, Mr. DENHAM, Mr. CONAWAY, Mr. REHBERG, Mr. COFFMAN of Colorado, Mr. FRANKS of Arizona, Mr. NUNES, Mrs. NOEM, Mr. LAMBORN, Mr. DUNCAN of Tennessee, Mr. PEARCE, Mr. HERGER, and Mr. FLAKE):

H.R. 1996. A bill to amend titles 5 and 28, United States Code, with respect to the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publically available, certain data relating to the Equal Access to Justice Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MILLER of Florida (for himself, Mr. ROSS of Arkansas, Mr. LATTA, and Mr. SHULER):

H.R. 1997. A bill to amend the Land and Water Conservation Fund Act of 1965 to ensure that amounts are made available for projects to provide recreational public access, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 1998. A bill to amend the District of Columbia Home Rule Act to permit the District of Columbia to impose a tax on income earned as a professional athlete by non-residents of the District; to the Committee on Oversight and Government Reform.

By Mr. TURNER:

H.R. 1999. A bill to provide procedures for the selection of the Commandant of the Air Force Institute of Technology, and for other purposes; to the Committee on Armed Services.

By Mrs. McMORRIS RODGERS:

H. Con. Res. 55. Concurrent resolution disapproving of the participation of the United States in the provision by the International Monetary Fund of a multibillion dollar funding package for the European Union, until the member states of the European Union comply with the economic requirements of membership in the European Union; to the Committee on Financial Services.

By Mr. DREIER:

H. Res. 278. A resolution electing Chaplain of the House of Representatives; considered and agreed to.

By Mr. CHANDLER:

H. Res. 279. A resolution raising awareness of the risk of internal bleeding for patients taking anti-coagulant drugs; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

24. The SPEAKER presented a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 2002 urging the United States Congress to take immediate action to delist the gray wolf from the Endangered Species Act; to the Committee on Natural Resources.

25. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1007 urging the Secretary of the United States Department of the Interior to refrain from withdrawing Arizona lands from new mining claims and exploration; to the Committee on Natural Resources.

26. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1005 urging the United States Congress to pass on October 1, 2011, an

amendment to the United States Constitution requiring a balanced budget; to the Committee on the Judiciary.

27. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1024 urging that the Members of the Legislature support the continued sovereignty and jurisdiction of the states to regulate intrastate water resources and oppose any attempt by the federal government to diminish this jurisdiction unnecessarily; to the Committee on Transportation and Infrastructure.

28. Also, a memorial of the Senate of the State of Arizona, relative to Concurrent Resolution No. 1008 urging the United States Congress and appropriate federal government agencies to fully support and fund a federal flood control project for the Lower Santa Cruz River watershed in Pinal County, Arizona; to the Committee on Transportation and Infrastructure.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. STARK:

H.R. 1978.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. ANDREWS:

H.R. 1979.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers."

By Mr. RUNYAN:

H.R. 1980.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, of the Constitution

By Mr. SMITH of Texas:

H.R. 1981.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. REICHERT:

H.R. 1982.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. FRANK of Massachusetts:

H.R. 1983.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. POLIS:

H.R. 1984.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STARK:

H.R. 1985.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. DAVIS of Kentucky:

H.R. 1986.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. ACKERMAN:

H.R. 1987.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause

Art. 1

Sec. 8

Clause 3

By Mrs. DAVIS of California:

H.R. 1988.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. GRIJALVA:

H.R. 1989.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIJALVA:

H.R. 1990.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIJALVA:

H.R. 1991.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate com-

merce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. GRIJALVA:

H.R. 1992.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to the power of Congress to provide for the general welfare of the United States), Clause 3 (relating to the power to regulate commerce among the several states), and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress).

By Mr. HERGER:

H.R. 1993.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. HOLT:

H.R. 1994.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. LOEBSACK:

H.R. 1995.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Mrs. LUMMIS:

H.R. 1996.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

Article 4, Section 3: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. MILLER of Florida:

H.R. 1997.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. NORTON:

H.R. 1998.

Congress has the power to enact this legislation pursuant to the following:

Clause 17 of section 8 of article I of the Constitution.

By Mr. TURNER:

H.R. 1999.

Congress has the power to enact this legislation pursuant to the following:

Military Regulation: Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

Necessary and Proper Regulations to Effectuate Powers: Article I, Section 8, Clause 18  
The Congress shall have Power \* \* \* To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by

the Constitution in the Government of the United States, or in any Department or Officer thereof.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. ALTMIRE.

H.R. 63: Mr. ISRAEL.

H.R. 64: Mr. GRIJALVA, Mr. COSTELLO, Mr. FILNER, Ms. SCHAKOWSKY, and Mr. SHERMAN.

H.R. 66: Mr. MILLER of North Carolina and Mr. SIRES.

H.R. 328: Ms. LEE of California.

H.R. 373: Mr. SCHOCK.

H.R. 402: Mr. LIPINSKI, Mr. HOLT, and Mr. SIRES.

H.R. 420: Mr. TIPTON, Mr. AUSTRIA, Mr. WALBERG, Mr. RUNYAN, Mr. NUNES, and Mr. BOUSTANY.

H.R. 432: Mr. BLUMENAUER.

H.R. 440: Mr. JOHNSON of Ohio and Mr. KILDEE.

H.R. 452: Mr. GUINTA, Mr. WHITFIELD, Ms. LINDA T. SANCHEZ of California, and Mr. SOUTHERLAND.

H.R. 459: Mr. TIBERI.

H.R. 595: Mr. JOHNSON of Ohio.

H.R. 603: Mr. PAYNE.

H.R. 604: Mr. PAYNE.

H.R. 607: Mr. DOGGETT.

H.R. 645: Mr. BOUSTANY and Mr. AUSTRIA.

H.R. 672: Mr. COFFMAN of Colorado.

H.R. 679: Mr. SIRES.

H.R. 680: Mr. GIBBS.

H.R. 683: Mr. RUSH.

H.R. 706: Mrs. LOWEY.

H.R. 709: Ms. ROYBAL-ALLARD and Mr. LUJAN.

H.R. 718: Mr. KINZINGER of Illinois, Mr. GIBSON, Ms. CLARKE of New York, Mr. BACHUS, Mr. ALTMIRE, Mr. HEINRICH, Mr. SESSIONS, and Mr. LOEBSACK.

H.R. 719: Mr. WITTMAN and Mr. CRAVAACK.

H.R. 725: Mr. JOHNSON of Ohio, Mr. KUCINICH, Mr. LATTA, Mr. TIBERI, Mr. JORDAN, Mr. CHABOT, and Mr. STIVERS.

H.R. 733: Ms. CLARKE of New York.

H.R. 735: Mr. LABRADOR and Ms. JENKINS.

H.R. 805: Mr. JONES.

H.R. 812: Mr. CONNOLLY of Virginia, Ms. HIRONO, Mr. ALTMIRE, and Mr. MCNERNEY.

H.R. 814: Mr. BISHOP of New York.

H.R. 822: Mr. SCHRADER and Mr. FINCHER.

H.R. 855: Mr. HIMES.

H.R. 860: Mr. WILSON of South Carolina, Mr. ISRAEL, Mr. LARSEN of Washington, and Mr. WITTMAN.

H.R. 886: Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. BURTON of Indiana, Mr. GOMMERT, and Mr. PITTS.

H.R. 890: Mr. COBLE, Ms. SCHWARTZ, Mr. McCOTTER, Mr. WEINER, Ms. BROWN of Florida, Mr. TOWNS, Mr. ENGEL, Mrs. BLACKBURN, and Mr. CANSECO.

H.R. 894: Mr. TIERNEY.

H.R. 895: Mr. GRIFFIN of Arkansas.

H.R. 949: Mr. MORAN.

H.R. 972: Mr. COBLE.

H.R. 1041: Mr. ROKITA, Mr. ROGERS of Alabama, Mr. LYNCH, and Ms. PINGREE of Maine.

H. R. 1058: Mr. KING of Iowa, Mr. DANIEL E. LUNGREN of California, Ms. HERRERA Beutler, Mr. CULBERSON, and Mr. LUETKEMEYER.

H.R. 1075: Mr. CULBERSON, Mr. LAMBORN, and Mr. FLEMING.

H.R. 1090: Mr. LOEBSACK.

H.R. 1106: Ms. ZOE LOFGREN of California.

H.R. 1121: Mr. KLINE.

H.R. 1173: Mr. ROSS of Florida.

H.R. 1181: Mr. WITTMAN.

H.R. 1182: Mr. HERGER, Mr. SENSENBRENNER, Mr. CANSECO, and Mr. MCHENRY.  
 H.R. 1186: Mr. GRIFFIN of Arkansas.  
 H.R. 1204: Mr. SARBANES, Ms. NORTON, Ms. HIRONO, and Ms. ZOE LOFGREN of California.  
 H.R. 1206: Mr. JOHNSON of Ohio.  
 H.R. 1211: Mr. BROUN of Georgia.  
 H.R. 1236: Mr. MICHAUD, Mr. UPTON, and Ms. PINGREE of Maine.  
 H.R. 1259: Mr. CARTER, Mr. WITTMAN, Mr. GINGREY of Georgia, and Mr. PAUL.  
 H.R. 1262: Mr. ELLISON and Mr. QUIGLEY.  
 H.R. 1265: Mr. LUJÁN.  
 H.R. 1269: Mr. CONNOLLY of Virginia, Ms. FUDGE, Ms. WASSERMAN SCHULTZ, and Mr. BERMAN.  
 H.R. 1283: Mr. HECK.  
 H.R. 1288: Mr. BARTLETT, Mr. ANDREWS, Ms. ROYBAL-ALLARD, Mr. ROHRBACHER, Mr. KISSELL, and Mr. NEAL.  
 H.R. 1297: Mrs. MCCARTHY of New York.  
 H.R. 1327: Mr. ROSS of Arkansas.  
 H.R. 1330: Mr. KING of New York.  
 H.R. 1351: Mr. REYES, Mr. RANGEL, and Ms. BERKLEY.  
 H.R. 1354: Mr. SIRES.  
 H.R. 1370: Mrs. BLACK.  
 H.R. 1386: Mr. RYAN of Ohio, Mr. SARBANES, Mr. JACKSON of Illinois, Mr. BACA, Mr. BARROW, Ms. MOORE, Mr. DOYLE, Mr. RUNYAN, Mr. LUJÁN, Ms. MCCOLLUM, Mr. CARSON of Indiana, and Mr. FILNER.  
 H.R. 1391: Mr. SCHOCK, Mr. CUELLAR, Mr. AUSTRIA, and Mr. CAMP.  
 H.R. 1417: Mr. FARR, Mr. HIMES, and Ms. PINGREE of Maine.  
 H.R. 1418: Mr. LATOURETTE.  
 H.R. 1459: Mr. COBLE.  
 H.R. 1462: Mr. PAYNE.  
 H.R. 1465: Ms. FUDGE.  
 H.R. 1475: Mr. QUIGLEY.  
 H.R. 1479: Mr. MCKINLEY and Mr. LARSON of Connecticut.  
 H.R. 1485: Mrs. LUMMIS.  
 H.R. 1489: Ms. WATERS and Ms. FUDGE.  
 H.R. 1498: Mrs. LOWEY, Mr. RIVERA, and Mrs. NOEM.

H.R. 1499: Mr. LUETKEMEYER.  
 H.R. 1546: Mr. ALTMIRE and Ms. LORETTA SANCHEZ of California.  
 H.R. 1578: Mr. CRITZ.  
 H.R. 1639: Mr. WITTMAN.  
 H.R. 1656: Mr. PASCRELL, Mr. RUNYAN, and Mr. COURTNEY.  
 H.R. 1683: Mr. CASSIDY.  
 H.R. 1723: Mr. BURTON of Indiana, Mr. HARRIS, and Ms. GRANGER.  
 H.R. 1732: Mr. SIRES.  
 H.R. 1735: Mr. BLUMENAUER and Mr. FARR.  
 H.R. 1736: Mr. HOLDEN, Ms. NORTON, and Mrs. MILLER of Michigan.  
 H.R. 1741: Mr. BILBRAY.  
 H.R. 1744: Mr. DAVIS of Kentucky and Mrs. BLACK.  
 H.R. 1748: Mr. MICHAUD.  
 H.R. 1754: Ms. ESHOO and Mr. GALLEGLY.  
 H.R. 1755: Mr. GRAVES of Missouri, Mr. WALBERG, Mr. NEUGEBAUER, and Mr. ROGERS of Michigan.  
 H.R. 1805: Mr. POLIS, Ms. SCHAKOWSKY, Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, and Ms. RICHARDSON.  
 H.R. 1815: Mr. COOPER.  
 H.R. 1817: Mr. POLIS.  
 H.R. 1839: Mr. ROSS of Arkansas and Mr. WELCH.  
 H.R. 1842: Ms. ESHOO and Ms. CASTOR of Florida.  
 H.R. 1848: Mr. WESTMORELAND.  
 H.R. 1852: Mr. TIBERI, Ms. ESHOO, Mr. RANGEL, and Mr. CRENSHAW.  
 H.R. 1856: Mr. GOWDY and Mr. POE of Texas.  
 H.R. 1864: Mr. GOWDY, Mr. CHAFFETZ, and Mr. SESSIONS.  
 H.R. 1878: Mr. TOWNS.  
 H.R. 1897: Ms. LORETTA SANCHEZ of California, Mr. ROSS of Arkansas, Mr. FRANK of Massachusetts, Mr. RYAN of Ohio, Mrs. MALONEY, Mr. BARROW, Ms. MOORE, Mr. GERLACH, Mr. RUNYAN, and Mr. FILNER.  
 H.R. 1901: Mr. LEWIS of Georgia, Mr. SIRES, and Ms. BROWN of Florida.  
 H.R. 1906: Mr. KLINE and Mr. ROE of Tennessee.

H.R. 1912: Mr. FILNER and Ms. SEWELL.  
 H.R. 1917: Mr. YOUNG of Alaska.  
 H.R. 1936: Mr. ROSS of Arkansas.  
 H.R. 1939: Mr. BARTON of Texas.  
 H.R. 1941: Mr. KIND, Mrs. MALONEY, Mr. CRITZ, and Mr. WEST.  
 H.R. 1964: Mr. FORTENBERRY, Mr. HUIZENGA of Michigan, and Mr. WITTMAN.  
 H.J. Res. 42: Mr. AUSTRIA and Mr. MCCAUL.  
 H. Con. Res. 25: Mr. SHUSTER.  
 H. Res. 19: Mr. ELLISON.  
 H. Res. 25: Mr. ENGEL and Mr. PERLMUTTER.  
 H. Res. 134: Mr. DANIEL E. LUNGREN of California.  
 H. Res. 137: Mr. TERRY.  
 H. Res. 241: Mr. LABRADOR.  
 H. Res. 254: Mr. MCCOTTER.  
 H. Res. 256: Mr. HONDA.  
 H. Res. 262: Ms. SPEIER and Mr. HONDA.  
 H. Res. 270: Mr. ROONEY, Mr. LANCE, Mr. NUNNELEE, and Mr. MCKINLEY.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

##### OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 1194, to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

HONORING THE LIFE OF MRS.  
DOROTHY ROTH

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. BOEHNER. Mr. Speaker, I rise today in honor of my friend and my constituent Dorothy Roth, who sadly passed away on Monday. Dorothy's life was a testament to the innate goodness of human nature; a demonstration of the overwhelming positive effect one person can have on the community; and a reflection of the can-do spirit of America. She will be deeply missed by countless people.

Throughout her 81 years, Dorothy lived life to the fullest, with endless enthusiasm, an unmistakable grace, and an unwavering commitment to others. Her leadership challenged others to achieve more. Whether it was her work on behalf of the West Chester Liberty Chamber Alliance, Friends of the West Chester Library, Partners in Prime, The Community Foundation, the West Chester Historical Society, or the local Republican Party, Dorothy always gave more than she ever asked or received.

It is little wonder that in 1999 the West Chester Liberty Chamber Alliance designated its annual award as the Dorothy and Art Roth Citizen of the Year Award, in honor of Dorothy and her late husband Art. And it is also little wonder that in 2005 Dorothy received the Chamber's Lifetime Member Award.

As deserving as the awards and accolades were, the true hallmarks of Dorothy's life were the small things she did day in and day out for people across our community, and for the organizations that work each day to make West Chester a wonderful place to live, work and raise a family. Dorothy's infectious smile in a time of need; her wit and energy to boost one's day; her never-give-up attitude; and her ability to see the best in people changed our community for the better . . . one person, one group, one smile, one laugh, one encouraging comment at a time.

Dorothy Roth's life was a testament to the American ethos, to the spirit of community and of devotion to others. I consider it an honor to have represented Dorothy in Congress. She was a friend and a citizen in the truest sense of the word. Her passing is a loss for our community, but her life is an example for us all to follow so that we can continue the work she so deeply loved. May God watch over my dear friend Dorothy Roth.

ELIZABETH ROHN-NELSON  
TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Elizabeth Rohn-Nelson for her commitment to helping others through her vast experience in public affairs and media relations. Ms. Rohn-Nelson has dedicated herself to dozens of important causes and has been an exemplary volunteer.

Her ability to publicize and popularize a program or issue is a rare talent. If not for Ms. Rohn-Nelson's efforts, the famous "Bells Across America" event would never have been launched, nor a number of other, similar events. She also played an instrumental role in the United States Bicentennial celebration, several political campaigns and many non-profit groups.

Perhaps her most admirable characteristic is her passion for connecting to people. The warmth and care she shows towards all is commendable. It is one of the reasons she has displayed such affluence in public affairs.

She launched campaigns to help the homeless, created volunteer awards, and fought for education across the country.

Mr. Speaker, it is an honor to stand and recognize Elizabeth Rohn-Nelson. She has spent a lifetime helping the less fortunate and I have no doubt that she will continue to provide leadership to communities across the country.

CELEBRATING REPUBLIC OF  
AZERBAIJAN 93RD REPUBLIC DAY

**HON. SUE WILKINS MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mrs. MYRICK. Mr. Speaker, on May 28, the Republic of Azerbaijan will celebrate its 93rd Republic Day, as well as the 20th anniversary of its freedom from the Soviet Union and the start of diplomatic relations with the United States.

Located between Russia and Iran in the strategic region between Europe and Asia, Azerbaijan is a stable and secular country, and is one of the few places in that part of the world where Muslims, Jews and Christians live together in peace.

Additionally, Azerbaijan has always been a great ally of the United States, offering assistance after the attacks on 9/11, and supporting action in the Middle East to protect the United States and the world from the threat of terrorism.

My colleagues are encouraged to join me in honoring Azerbaijan on the occasion of its

93rd Republic Day and celebrating the continuation of the great United States-Azerbaijan relationship.

NATIONAL SMALL BUSINESS  
WEEK

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. BARLETTA. Mr. Speaker, once again, I rise this morning to share with my colleagues in the House what my neighbors at home shared with me during the May Constituent Work Period.

The week at home coincided with National Small Business Week. I was happy to meet with a number of small business owners.

And I participated in the ribbon-cutting of the newest small business in my hometown of Hazleton—a little sandwich shop. Small businesses like that are the lifeblood of this country. More than 50 percent of Americans either work for or own a small business.

And while big business usually gets the press, businesses with more than 100 employees make up less than one half of one percent of all of the businesses in the United States.

I'm a former small business owner. My wife and I started a business with twenty-nine dollars and ninety-five cents. I know what it takes to grow a business.

I know how burdensome overregulation and high taxes cripple small business owners and prevent them from expanding and hiring more people.

We in Congress need to support businesses of all sizes. Back home, I toured the Packerton Yards, a brownfield site in Carbon County.

Local economic developers hope to turn an abandoned railroad station into a 57-acre industrial park that would employ hundreds of people. Of course, one of the things we need to do to grow business in the future is to provide a skilled workforce.

During my week at home, I was privileged to participate in the commencement exercises of about 1,000 students from King's College and Lackawanna College. Some of these students are just starting their professional careers. Some are adults who returned to college to improve their chances at a better career.

All are to be commended for their hard work and dedication, and I know my neighbors back home join me in wishing them luck.

I also had the chance to interact with future graduates at McCann School of Business and Technology in Lackawanna County, and with students who are making the most of their educational opportunity at the Keystone Job Corps Center in Drums, Luzerne County. It was inspiring to talk with them and hear about their hopes for the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And as this Congress continues to debate the future of health care, I toured facilities in my district that help people suffering from the ravages of cancer and from autism. Both the Northeast Regional Oncology Center and the Friendship House of Lackawanna County provide compassionate care, and their employees are to be commended for their work.

Finally, on May 17, thousands of people across Pennsylvania went to the polls and cast their votes for local and county races. I'd like to congratulate all those candidates who were successful in the primary election races, and I'd like to commend everyone who sought public office.

As anyone in this Chamber can attest, running for office is not easy. It requires a tremendous amount of sacrifice, for the candidates and their families.

Public service is a noble cause. It is the cornerstone of our democracy. And as we head into this Memorial Day weekend, we must remember that serving the public—and even voting itself—honor the memories of all those who died defending our freedom.

#### INTRODUCING THE RECOVERING MISSING CHILDREN ACT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. STARK. Mr. Speaker, I rise today with my colleagues and fellow Ways and Means members ERIK PAULSEN (R-MN) and PATRICK TIBERI (R-OH), and my colleague JOE COURTNEY (D-CT), to introduce the Recovering Missing Children Act. Today, May 25th is National Missing Children's Day. This legislation will help state and local law enforcement access the resources they need to bring missing children home safely.

Each year, more than 200,000 children are abducted by family members. These are usually not the stories that make national headlines, but the effects can be just as devastating. Even when there is a happy ending and young people are returned home, challenges remain. As one young woman who experienced a family abduction explains, "I had to get to know my mother from scratch, while at the same time dealing with my own prejudices and fear I had built up toward this stranger from years on the run and the negative messages from my father."

In the case of a missing child, any information that might lead to the child's return is crucial. Recently, the U.S. Treasury Department studied 1,700 parental abductions and found that in over one third of the cases, tax returns were filed using the missing child's Social Security number. Hundreds of those tax returns had a new address for the child and the abductor. Tragically, law enforcement officers were not allowed access to this information.

The Recovering Missing Children Act amends the Internal Revenue Code to add the case of a missing or exploited child to the list of exceptions allowing the release of Internal Revenue Service, IRS, tax return information. The privacy of one's IRS information is vital and must be protected. However, the law

makes exceptions for the release of select information in specific cases, such as for child support enforcement, verifying information for Medicare benefits, or if someone has defaulted on a student loan. The chance to find a missing child and bring him or her home deserves such an exception.

The Recovering Missing Children Act requires a Federal court order for the release of this information to ensure that taxpayers' rights to privacy are respected. It also limits the release of such information to only Federal, state and local law enforcement agents personally and directly involved in the investigation of a missing or exploited child. The vast majority of missing children cases are investigated by state and local law enforcement. They need all possible resources at their disposal to make sure these children are safe and home where they belong.

I urge my colleagues to stand with myself, Mr. PAULSEN, Mr. TIBERI and Mr. COURTNEY on behalf of missing children and the law enforcement officers who diligently work for their safety. I ask for your support of the Recovering Missing Children Act.

#### PAUL SCHAUER TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize University of Colorado Regent Paul Schauer for his lifelong commitment to the state of Colorado and its people. Mr. Schauer has devoted much of his career to serving the citizens of the Centennial state and is one of its proudest residents.

Mr. Schauer was born and raised in DeKalb, Illinois, but it didn't take long for him to make Colorado his permanent home. He attended Doane College, in Nebraska, where he received a bachelor of arts in economics, and finished his post graduate studies at the University of Colorado at Denver.

After graduation, Mr. Schauer became an immensely successful businessman in Centennial and committed himself to public service. In 1979 he was elected to the state legislature and held his seat for nearly 20 years. He was popular among his colleagues at the state Capitol and he focused his efforts on such crucial issues as education, the environment and the state economy.

Following his stint in the Colorado General Assembly, Mr. Schauer became a University of Colorado Regent. He established himself quickly and became the board's chairman for a brief period. His guidance has contributed to the University's tremendous success.

Mr. Speaker, it is an honor to stand and recognize one of Colorado's foremost businessman and public figures. He has spent a lifetime fighting for the issues facing Colorado and its higher education system.

#### HONORING CLOUD, WILD STALLION OF THE ROCKIES

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GRIJALVA. Mr. Speaker, I rise today to honor the wild horse stallion known as Cloud, born May 29, 1995 in the Pryor Mountain Wild Horse Range of Montana.

This majestic stallion has become the most famous wild horse in the world, and serves as the ambassador and emblem of wild horses and burros living free and protected on public lands.

No other wild horse in United States history has had his life story known and shared throughout the world.

Filmed as a tottering newborn foal beside his mother, the citizens of our great nation watched him grow into a bachelor stallion living among other young males, testing his strength, honing the skills he would one day need to start his own family.

Eventually, Cloud became a band stallion, winning mares and fathering his own foals. Cloud's history, captured on film and books by Ginger Kathrens, filmmaker and documentarian, has been shown throughout the United States on Public Broadcasting as part of the Nature Series, and throughout the world on numerous channels and networks.

Cloud symbolizes the spirit of the West and links us with our heritage. The study of his life has brought recognition and appreciation of wild horses and burros on our public lands. Cloud has taught us that what wild horses and burros cherish most is not so different than for all Americans, freedom and family.

#### HONORING ATHENS OLD FIDDLERS CONTEST AND REUNION 80TH ANNIVERSARY

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. HENSARLING. Mr. Speaker, I would like to recognize the 80th Anniversary of the Athens Old Fiddlers Contest and Reunion in Henderson County, Texas.

Founded in 1932 in Bethel, the contest was moved to Athens in 1933 and found a permanent home at the Henderson County Courthouse on the square in downtown Athens.

The Athens Old Fiddlers Reunion is one of the oldest continuous fiddle reunions in the United States, and it is devoted to the preservation of the style of music that once brought courage to our starving troops at Valley Forge, earned devoted admirers like Benjamin Franklin and Thomas Jefferson, and today continues to delight millions.

On behalf of the Fifth Congressional District of Texas, I commend the volunteers who generously donate their time and talents to ensure the future of this festival.



## HONORING JOEL ARNIER

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to recognize the valiant efforts of Joel Arnier, an 18-year firefighter-paramedic from Addison, Illinois.

A few weeks ago, while fishing on the Fox River, Joel heard a woman screaming for help in the distance. Sensing trouble, Joel rushed to the scene and discovered that the woman's infant daughter had fallen into the water. Joel immediately recognized the urgency of the situation and quickly began performing mouth-to-mouth resuscitation. After a few critical minutes of attentive care, Joel was able to successfully revive the infant and save her life.

Although Joel was off-duty that day, he did not hesitate to come to the mother's assistance. Joel's training and expertise allowed him to respond promptly and effectively to such an urgent and terrifying incident. Every day, heroic men and women like Joel keep our communities safe, and they deserve to be recognized.

Mr. Speaker and Distinguished Colleagues, please join me in commending Joel Arnier for his extraordinary effort.

## PERSONAL EXPLANATION

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. LUETKEMEYER. Mr. Speaker, on May 23, 2011, I missed three rollcall votes (Nos. 330–332)—H.R. 1627, H.R. 1383 and H.R. 1657—because of a delayed flight due to inclement weather. Had I been present, I would have voted “yea” on each of the aforementioned rollcall votes.

HONORING MONTGOMERY COUNTY  
PUBLIC LIBRARIES**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize the 60th anniversary of the Montgomery County Public Libraries, a nationally recognized library system that I am proud to have located in Maryland's Eighth Congressional District.

Libraries have provided service to Montgomery County residents for generations. The first private library was established in 1838, stimulating wealthy patrons, clubs, civic associations and municipalities to begin libraries for their own communities. The Montgomery County Public Libraries system began operations in 1951 with the formerly independent libraries in Four Corners, Gaithersburg, Garrett Park, Noyes, Sandy Spring, Silver Spring, and Wheaton.

Today, Montgomery County has one of the leading library systems in the nation. It has grown to 21 branches, reaching every corner of the county. I am proud that these libraries, staffed by a combination of trained and dedicated professionals and volunteers, are able to serve so many people. In fact, two-thirds of the residents of Montgomery County are active library users.

Libraries have changed a great deal over the decades. While books and printed materials are still vitally important, Internet access, e-books and databases are playing an increasingly important role in how libraries serve their communities. The Montgomery County Public Libraries system has adapted well over the last 60 years, and I am confident that it will continue to do so as it enriches the lives of county residents, from the youngest to the oldest, by helping to teach new skills and providing information, education and recreational materials.

Mr. Speaker, I urge my colleagues to join me not only in recognizing the six decades of achievement by the Montgomery County Public Libraries, but of the outstanding achievements of public libraries in each congressional district throughout our Nation.

## PERSONAL EXPLANATION

**HON. JOHN C. CARNEY, JR.**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. CARNEY. Mr. Speaker, on rollcall No. 331, I was present, but I was distracted and missed the second vote in the three vote series. Had I been present, I would have voted “yes.”

HONORING PRIVATE FIRST CLASS  
PHILLIP WYSOCKI**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to recognize and pay tribute to Private Class Phillip Wysocki of Hebron, Kentucky.

Phillip has served honorably with the United States Army's 101st Airborne Division during two deployments to Afghanistan, in support of Operation Enduring Freedom.

He joined the United States Army after graduating from Conner High School in Boone County, Kentucky in 2009. He played Varsity football for the Cougar football team and was a standout athlete. He is also a volunteer firefighter with the Hebron Fire Protection District which he joined during his junior year of high school.

On November 1st, 2010, while serving in Kandahar Province, Afghanistan, Phillip and other members of his unit came under attack from Taliban fighters. An IED exploded, critically injuring several soldiers. Phillip contributed significantly to facilitating the evacuation of casualties under heavy enemy fire and repelling the enemy attack.

In February of 2011, he was awarded the Silver Star for gallantry in this combat action. His actions were in keeping with the proud military heritage of Kentucky and the heroism of Kentuckians in the defense of our Nation for over two centuries.

I ask my colleagues to join me in recognizing the outstanding heroism of Private First Class Phillip Wysocki, Jr. in service to the United States Army and our Nation.

THE DISTRICT OF COLUMBIA TAX  
PARITY FOR NON-RESIDENT  
PROFESSIONAL ATHLETES ACT  
OF 2011**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Tax Parity for Non-Resident Professional Athletes Act of 2011, at the request of the D.C. Council, which unanimously passed a Sense of the Council resolution, introduced by D.C. Council members Jack Evans and Harry Thomas, Jr., calling on me to introduce the bill in Congress. The bill would amend the District of Columbia Home Rule Act to allow the District to impose a tax on income earned in the District by non-resident professional athletes, just as a number of states currently do. For example, California received \$102 million in tax revenue from income earned by non-resident athletes in 2006–2007. Tennessee raised \$1.1 million in tax revenue from visiting athletes, which was used for municipal parks and recreation projects. The bill does not tax the income of citizens of neighboring states. It is those states, not visiting athletes, that Congress intended to protect with the Home Rule Act provision that prohibits D.C. from taxing non-resident income.

The District continues to be responsible for providing state-like services to D.C. residents, in addition to providing services to non-residents and the federal government, despite congressionally imposed restrictions on the District's revenue-raising capacity. The prohibition on taxing non-resident income should not be stretched to cover visiting athletes, a group not intended to be covered by the prohibition in the Home Rule Act. I urge my colleagues to support the bill.

TO HONOR THE TRAGIC PASSING  
OF HECTOR R. CLARK AND  
EDUARDO ROJAS, JR.**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GRIJALVA. Mr. Speaker, I rise to honor U.S. Border Patrol Agents Hector R. Clark and Eduardo Rojas, Jr.

Hector R. Clark and Eduardo Rojas, Jr., agents of the U.S. Border Patrol, sadly lost their lives on Thursday, May 12, 2011 in Gila Bend, AZ.

The agents were out on patrol in this rural area of Southern Arizona when their patrol car was struck by a train.

They were rushing to the aid of fellow agents and, due to the remote nature of the area, there was no warning sign of the incoming train.

Border Patrol Agents put their life on the line every day they report for duty.

It is not an easy job and it takes an honest commitment to the values and ideals that make the United States such a great country.

Each agent exhibits a true sense of patriotism, service and honor.

The work of the Border Patrol is not only vital to the security of the communities adjacent to the border, but also to the nation as a whole.

Without their bravery and dedication, Arizona and the United States would be a less safe place to live. Nothing can prepare us for the tragic passing of those who serve our nation.

Their sacrifice will never be forgotten.

IN MEMORY OF REAR ADMIRAL  
GEORGE STROHSAHL

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GALLEGLY. Mr. Speaker, I rise in memory of an American military icon and my friend, Rear Admiral George Strohshahl (Ret.), who passed away this week after a lifetime of service to his country.

Admiral Strohshahl had a storied career from the time he entered the Naval Academy in 1955 until he retired in 1994. Among his many accomplishments, George Strohshahl flew jet attack aircraft from aircraft carriers in both the Pacific and Atlantic fleets, which included two tours of combat flying in Vietnam and command of an A-6 squadron. He was the Air Boss on USS *Nimitz* and played himself in the popular Kirk Douglas movie *Final Countdown*.

He conducted operational testing of weapons systems at China Lake, California, and was the director of the Tactical Air Analysis office in the Pentagon, which was a part of the McNamara systems analysis team known as the "Whiz Kids." He was Program Manager for the F/A-18 Hornet family of aircraft, which was and still is the largest aircraft acquisition program in the Navy.

From 1988 to 1990, Admiral Strohshahl commanded the Pacific Missile Test Center at Pt. Mugu, in my congressional district. As senior naval officer for the South Central California area, he was active in many civic organizations in Ventura County at that time.

Following Navy retirement, Admiral Strohshahl spent more than seven years in fighter aircraft design, testing, and logistic support management positions at the Boeing Development Center in Seattle, Washington. He provided consulting services to industry and the Navy and contributed as a volunteer to Ventura County organizations involved in community support of Naval Base Ventura County.

I testified with Admiral Strohshahl before the 2005 Base Realignment and Closure Commis-

sion. I believe his testimony was instrumental in minimizing the amount of technical work being moved from the base.

Admiral Strohshahl was married for 44 years to the late Marvalyn Fiske. They raised three children, one of whom resides now in Ventura with her husband and family. After Marvalyn passed away, he married Mary Anne Vernallis, whose late husband, Sam, was a longtime associate of the admiral's in the Navy and a well-respected civic leader in Ventura County. Together, they share five children and eight grandchildren.

Mr. Speaker, I know my colleagues join me in honoring the memory of Rear Admiral George Strohshahl and in offering our condolences to his family.

HONORING PADUCAH MIDDLE  
SCHOOL'S NATIONAL SCIENCE  
BOWL TEAM

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize the team of students from Paducah Middle School who won second place in the U.S. Department of Energy's 21st Annual National Science Bowl. Team members Erin Burba, Reese Butler, Grant Hutcheson, Parker Lloyd, and Palmer Stroup were led by Cindy Glisson and Dianne Cypret in their successful creation of a hydrogen-fueled model car.

After placing first in the regional competition in February, the team of seventh and eighth graders had only 5 weeks to create the hydrogen-fueled vehicle and prepare for competition with 41 middle school teams from across the country. In addition to building the car, the students also prepared for a quick recall competition and wrote a research paper about their project. Energy Secretary Steven Chu noted at the event that our Nation is in need of outstanding young researchers and scientists, and I am extremely proud of these young students for their ingenuity and dedication to scientific knowledge.

The National Science Bowl is the largest academic competition of its kind, and tests students' knowledge in all areas of science, including biology, chemistry, earth science, physics, astronomy, energy, and math. After the day of question and answer rounds, students had the opportunity to race their hydrogen-fueled cars against one another. Through their innovative design, Paducah Middle School's team finished the ten-meter race in a mere 3.84 seconds as the runner-up in the competition.

Congratulations to the Paducah Middle School team members for their accomplishment at the Regional and National Science Bowl competitions, and best wishes for you in your next academic endeavors.

HONORING KEVIN AND SARAH  
DIAMOND

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. ROSKAM. Mr. Speaker, I am pleased to rise today to recognize Kevin and Sarah Diamond of Elmhurst, Illinois, for their outstanding display of service.

On May 5, 2011, Kevin and Sarah were presented with the Elmhurst Jaycees Distinguished Service Award. Each year, this award is given to a resident in recognition of one's dedication to bettering the City of Elmhurst. Typically, the Distinguished Service Award is reserved for a single person, but in this case, both were seen as deserving of this honor.

Kevin and Sarah have been involved with numerous improvement projects in Elmhurst. In particular, Kevin led the passage of a referendum that brought new classrooms to every school in District 205. Kevin is especially active with the Elmhurst Children's Assistance Fund, which provides assistance to families with children impacted by a serious medical or disabling condition. Sarah serves on the board of the local YMCA and has assisted with the organization's fundraising efforts. She previously served on the District 205 Foundation Board, and has recently joined the Hospital Board. In addition to participating in all these volunteer activities, Kevin and Sarah are also busy raising three daughters.

The Diamonds have demonstrated exceptional civic service, and I am proud to represent them. Mr. Speaker and Distinguished Colleagues, please join me in commending Kevin and Sarah Diamond for their extraordinary commitment to their community.

RECOGNIZING PINE FOREST HIGH  
SCHOOL GIRLS' TRACK AND  
FIELD TEAM AS FLORIDA STATE  
CLASS 3A CHAMPIONS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Pine Forest High School girls' track and field team on their recent victory as Florida State Class 3A champions for the second consecutive year.

Bringing home the trophy for the 2011 state championship is an accomplishment these young women earned through their unwavering determination and hard work. Returning to the competition this year, they knew that steadfast commitment to their team, coach and community would be what it would take to win yet another state championship and maintain their title.

Under the leadership of their head coach, Paul Bryan, the true grit and determination it took for these young women to bring home a state championship is inspiring. The victory did not come easily for the Lady Eagles. Once they took flight, they were faced with injuries

and trials; however, just like any great athletes, they overcame these setbacks and soared to 59 points, crossing the finish line as champions. Their dreams of keeping their title became a reality, and the Lady Eagles made history. As the first team from the Pensacola area to win two consecutive state team titles, they made Northwest Florida proud.

On behalf of the United States Congress, I congratulate the Pine Forest High Lady Eagles for their outstanding accomplishments. My wife Vicki joins me in offering our best wishes to the team, coaches, faculty, and students at Pine Forest High School for their continued success.

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COMMENDING THE RESNICK FAMILY OF HUNTERDON COUNTY, NEW JERSEY

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**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. LANCE. Mr. Speaker, I rise today to join the Chabad of Hunterdon County, New Jersey in honoring the Resnick family.

This year, Carl, Ted and Martin Resnick of Flemington, New Jersey will receive the Chabad of Hunterdon County's prestigious Community Leadership Award during a community celebration that will be held on Thursday, June 2 at the Grand Colonial in Hampton, New Jersey.

Each year the Chabad of Hunterdon County presents its Community Leadership Award to recognize individuals, families and businesses who take leadership roles in the community, by giving back to the community and being involved to improve the overall community.

As a lifelong resident of Hunterdon County, I have known Carl, Ted and Martin Resnick and their family for most of my life. In addition to owning the Flemington Department Store—which is a successful family-owned business—the Resnick family have been active members of our community for more than 50 years.

Over the years, the Resnicks have been involved with local sports teams, clubs, service organizations, wildlife refuge efforts, the arts and area first responders. In 2009 the Resnicks deservingly received the Distinguished Citizen Award from the Central New Jersey Council of the Boy Scouts of America for their community involvement.

I am proud to join the Chabad of Hunterdon County in praising Carl, Martin and Ted Resnick for their hard work and devotion to the Hunterdon County community. I am also pleased to praise their accomplishments and share their story with my colleagues in the U.S. House of Representatives and with the American people.

PROCLAMATION FOR CHARLIE SHERMAN FOR HIS TRADITION OF COMMUNITY SERVICE AND DEDICATION TO THE GRANITE STATE

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**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GUINTA. Mr. Speaker, here in New Hampshire, we have a strong tradition of community service and dedication to our fellow Granite Staters, and no one exemplifies this better than my friend Charlie Sherman.

For over 21 years, from radio to television, Charlie has become one of New Hampshire's most recognizable personalities. Whether it has been covering a high school football game on the 11 o'clock news or interviewing a presidential hopeful bright and early on his radio talk show, he has always exhibited an immense passion for the Granite State.

Along with countless hours of bettering our community via the airwaves, Charlie Sherman has devoted his life to helping others through the dozens of charitable causes he has been involved with throughout the years. One such organization, the Special Olympics of New Hampshire, has been the biggest recipient of Charlie's big heart where he has helped raise over a million dollars for the cause through the annual Penguin Plunge.

Charlie Sherman will now continue his commitment to our state through a new phase of his life as Executive Director of New Horizons. The Manchester-based adult homeless shelter and soup kitchen will certainly benefit from Charlie's life-long experience in devoting his life to helping others. Today, we wish him well in his new path and take this moment to thank him for all he has done and will continue to do for New Hampshire.

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RECOGNIZING ANTHONY J. PACK FOR TWENTY-ONE YEARS OF SERVICE TO THE EASTERN MUNICIPAL WATER DISTRICT

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**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. ISSA. Mr. Speaker, I rise today to recognize the civil service of Anthony Pack and commend his tenure of twenty-one years with the Eastern Municipal Water District (EMWD).

Joining the water district team in 1990 as the project coordinator, followed by the role of Deputy General Manager, Mr. Pack was appointed to the post of General Manager on September 4, 2001. Over the last decade, Mr. Pack's management and leadership has been instrumental to EMWD's success on critical projects that have made a tremendous impact throughout the District.

As the General Manager, Mr. Pack introduced the District to the superior principles of the Malcolm Baldrige National Quality Program and the State counterpart, the California Award for Performance Excellence. Under his guidance and expertise, Mr. Pack imple-

mented and administered these principles to ensure they were met at every level. As a result of this rigorous program for performance measurement and continuous improvement, EMWD has attained the highest level of any public agency in the State.

During his tenure with EMWD he has provided assistance to the State, Federal and local legislators in addressing complicated water related issues and worked cooperatively with government agencies in implementing policies and projects.

Among his many roles, Mr. Pack has served as president and vice president of the California Municipal Utilities Association, a statewide association of publicly owned utilities, a board member of the Santa Ana Watershed Project Authority, and currently serves as a board member for the California Council for Excellence.

Prior to joining the District, Mr. Pack served 20 years with the U.S. Marine Corps in posts throughout the United States, Japan and the Middle East, retiring as a Lieutenant Colonel in 1990. I would also like to extend my appreciation for his years of military service.

Through his work at EMWD he has assisted the community and the California water industry. I offer Mr. Pack my congratulations and may he enjoy a rewarding retirement with his wife Kelly, their two sons and four grandchildren.

Mr. Speaker, I ask you to please join me in paying tribute to Mr. Pack's dedicated and loyal service to the Eastern Municipal Water District.

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2011 NATIONAL STROKE AWARENESS MONTH

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**HON. LOIS CAPPS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mrs. CAPPS. Mr. Speaker, I rise in recognition of May as National Stroke Awareness Month, the time each year that we as a nation reaffirm our support in the fight against stroke, a leading cause of death and disability.

National Stroke Awareness Month plays an important role in educating Americans on the warning signs and risk factors for strokes, as well as how the latest neuroscience discoveries enhance our understanding of strokes and lead to new and exciting treatments.

According to the American Stroke Association, a stroke occurs every 40 seconds, affecting roughly 795,000 Americans each year—killing approximately 136,000 people a year, and costing the nation through healthcare services, medications, and missed days of work.

As a co-chair of the Congressional Heart and Stroke Coalition, and through my experience as a nurse and health care advocate, I know firsthand the importance of educating the American people to recognize the warning signs of a stroke and be ready to act fast.

Moreover, the most effective method to combat stroke is to prevent it, and that to do that, we need to place a greater focus on educating the American people on the risk factors associated with an increased risk of stroke:

high blood pressure, atrial fibrillation, diabetes, heightened cholesterol, lack of exercise, and smoking.

Family history of stroke, gender, and place of residence are also factors.

While strokes are one of the major reasons that quality of life can diminish as people get older, they are not inevitable.

The same steps that contribute to keeping physical vigor—regular exercise, a healthy weight, and a balanced diet—can maximize the chances of staying sharp and alert for decades to come.

Mr. Speaker, based on basic science findings, neuroscientists have developed several options for treating stroke, including clot-busting drugs and minimally invasive surgery techniques.

Yet despite numerous advances, the global and national prognosis for stroke is dire.

According to a study by the American Heart Association and the American Stroke Association published earlier this year, stroke prevalence is projected to increase by 25 percent in the U.S. by 2030, and direct medical costs for treating stroke are expected to increase by 238 percent, to \$95.6 billion within the same time period.

This makes continued strong and sustainable funding for the National Institutes of Health even more critical.

By supporting the National Institutes of Health, researchers will be able to discover better ways to protect the brain from potential strokes, minimize the damage that occurs, and develop better ways to repair and reorganize the brain after a stroke.

For all of these reasons, I ask my colleagues to join me in recognizing National Stroke Awareness Month, celebrating the outstanding contributions the field of neuroscience is making to learn more about stroke; the contributions of the American Stroke Association in educating the public about stroke warning signs and treatment; and the investments made in scientific research through the National Institutes of Health to develop treatments for those suffering from this devastating disease.

HONORING MR. RONALD SHELLEY

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. AKIN. Mr. Speaker, I rise today to honor Mr. Ronald Shelley of Boeing Defense, Space & Security. Ron will be retiring this coming June after more than thirty years with the company.

In his more than three decades with Boeing, Ron has held a number of leadership positions; with ever increasing responsibilities. During the development and first flight of the C-17 Globemaster III, today the backbone of our air mobility, Ron served as General Manager, Supplier Management, in Long Beach, California.

Ron also served as program manager for the F/A-18 Super Hornet, responsible for directing, planning, organizing, leading and controlling development, production and cost sup-

port for all Super Hornet programs in St. Louis. Ron clearly knows his business, because the Super Hornet program has consistently delivered aircraft to the United States Navy on time and on budget.

Additionally, Shelley held a number of director-level Supplier Management and Procurement positions in Naval Systems, Production Operations and Phantom Works—the advanced prototyping arm of Boeing Defense, Space & Security.

Today, Ron Shelley serves as vice president of Global Sourcing for The Boeing Company and as vice president of Supplier Management for Boeing Defense, Space & Security, based in St. Louis. He leads an organization of more than 2,800 employees in 30 States and 10 countries; and he's responsible for annual purchases of nearly \$17 billion in products and services. Clearly you don't just put anyone in charge of spending \$17 billion!

My staff and I have had the honor of working with Ron on a number of occasions over the past decade. Through his work on C-17 and Super Hornet, he has contributed much to our national security. His fellow citizens are more secure today because of the contributions Ron Shelley made to these vital defense programs.

Thank you, Ron. I wish you all the best in your retirement and God's blessing.

RECOGNIZING THE 125TH ANNIVERSARY OF ST. PATRICK CATHOLIC CHAPEL OF CLIFFORD, MI

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege to properly acknowledge a special event occurring in the 10th Congressional District. On Sunday, June 5, 2011, St. Patrick Catholic Church of Lapeer County in Clifford, Michigan will celebrate a significant and historic milestone—its 125th Anniversary Celebration. This achievement will begin with a 1 p.m. Celebration Mass presided by special guest, Archbishop Allen H. Vigneron of the Archdiocese of Detroit. Following mass, the celebration will continue with an open house and reception for all to enjoy. Although I will be unable to personally attend this festive occasion, I certainly wanted to recognize this extraordinary accomplishment and offer my heartfelt congratulations.

Mr. Speaker, I believe it would be fitting to share some history about St. Patrick Chapel. However, first let me start with the Archdiocese of Detroit which was formally established in 1833, but can trace its Catholic lineage back to 1701 when the first French traders arrived in the region. The history of St. Patrick Chapel shares a similar story in that the Church was first built in 1886, but Father Clement Krebs started offering masses inside the homes of local residents in 1879—seven prior to the church being constructed.

Despite lacking an official diocese or church, both stories exemplify a Catholic presence and influence which exceeds the creation of physical infrastructure. It is a testa-

ment to an often repeated adage which states that the people inside the church are the church; a church without people is just an empty building.

St. Patrick Catholic Church has been an important resource for Michigan's Thumb Region, and has always worked to improve the community. It has always answered the call of service and almsgiving. And despite the struggles and obstacles faced along the way, St. Patrick has remained steadfast and resilient exhibiting its core values and trust in God.

Currently, over 1.4 million Catholics embody the Archdiocese of Detroit and St. Patrick Church has been a strong part of its history and the history of Lapeer County. Parishioners can be extremely proud of this keystone anniversary and have every reason to celebrate. Reaching this notable achievement is a strong reflection of the faith and commitment of the people who attend religious services and worship every Sunday.

Lastly Mr. Speaker, I commend the leadership, parish staff, event coordinating committee and everyone who had a helping hand in seeing this day come to fruition. Their hard work is recognized and greatly appreciated. I extend my best wishes to St. Patrick Catholic Church on a successful and wonderful celebration.

AMERICAN JEWISH HERITAGE MONTH

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mrs. MALONEY. Mr. Speaker, I rise in honor of American Jewish Heritage Month. For more than 350 years, members of the Jewish faith have lived in this country, built this country and contributed to this country.

From colonial days to the present, the course of American history would be profoundly different if it were not for the contributions of American Jews. The early settlers arrived in New York in 1654 and won official toleration, despite the objections of Peter Stuyvesant, marking America as a place where Jews would be free to practice their religion. America's toleration was unusual. Elsewhere in the world the Spanish Inquisition was in full swing; Italian Jews were confined to ghettos; Jews had not yet officially been readmitted to England or France; and they were banned from Scandinavia. Toleration became accepted practice in New England and the South as well, and Jewish communities began to form in many parts of America. A Jewish doctor, Samuel Nunez Ribiero, kept the settlers of the new colony of Georgia from being ravaged by malaria in 1733, which persuaded the founder of the colony, James Edward Oglethorpe, to allow Jewish people to settle in Savannah.

Jews played an important role in the Revolutionary War and the establishment of the fledgling United States. From the merchants who carried supplies and arms to Hayim Solomon who helped bankroll the new government at a crucial time, Jews contributed to the birth of our country. And, as the country grew,

Jews found opportunities and freedom in the new towns and cities that were built in the West.

Jews began to immigrate to the United States in large numbers during the 1880s. And their language, customs and stories were incorporated into American culture. What could be more American than nosh on a bagel while watching a Woody Allen movie? Thanks to comedians like Milton Berle, Jack Benny, Fanny Brice, Mel Brooks, Carl Reiner, Neil Simon, Phil Silvers, Jerry Seinfeld, Roseanne Barr, Sacha Baron Cohen, Gilda Radner and thousands of others, American comedy often seems to have a distinctly Jewish humor.

Jews have made their mark in American literature, music and the arts. Saul Bellow, Herman Wouk and Michael Chabon are among the 14 percent of Pulitzer Prize winners in literature who are Jewish; Barbara Tuchman, Studs Terkel and Jared Diamond are among the 51 percent of Pulitzer Prize winners for non-fiction who are Jewish. From Leonard Bernstein to Aaron Copeland, some of America's most famous composers are Jewish. And many of the most influential artists of the last 100 years have been Jewish, including Man Ray, Helen Frankenthaler and Mark Rothko.

Jewish scientists have expanded our knowledge of the world and have helped discover new cures. From Albert Einstein to Jonas Salk, Carl Sagan to Mark Zuckerberg, Jews have used their scientific knowledge to change our understanding.

Mr. Speaker, I am pleased to join my colleagues in celebrating Jewish American Heritage Month, and the myriad of ways in which Jewish Americans have influenced our lives.

#### INTRODUCING THE SMALL BUSINESS TAX EQUITY ACT

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. STARK. Mr. Speaker, I rise today with my colleagues Mr. POLIS (D-CO), Mr. FRANK (D-MA), Mr. ROHRBACHER (R-CA), and Mr. PAUL (R-TX) to introduce the Small Business Tax Equity Act.

Our tax code currently undercuts legal medical marijuana dispensaries by preventing them from taking the full range of deductions allowed for other small businesses. While unfair to these small business owners, the tax code also punishes the thousands of patients who rely on them for safe, legal, reliable access to medical marijuana as recommended by a doctor.

The Small Business Tax Equity Act would create an exception to Internal Revenue Code Section 280E to allow businesses operating in accordance with state law to take tax deductions associated with the sale of medical marijuana. This legislation is one in a series of bills being introduced today that would help ensure the fair treatment of medical marijuana businesses and the patients they serve.

Forty years after the start of the War on Drugs, 16 states and the District of Columbia now regulate and allow the sale of marijuana for medical purposes. Our tax laws have not

kept pace with these changes in state law. My legislation would amend a portion of the Internal Revenue Code that was intended to prevent criminal drug dealers from claiming tax benefits. Under this bill, dispensaries operating legally under state law will no longer be prohibited from taking tax deductions and credits attributed to the sale of marijuana to patients.

Medical marijuana dispensaries operate legally in my home state and pay federal, state, and local taxes. California now collects over \$100 million in state taxes annually from these small businesses. They should be able to claim the full range of benefits under the U.S. tax code just like other businesses that operate legally under state law. I urge my colleagues to join us in support of fair tax treatment for the medical marijuana industry and to ensure safe access to the patients it serves.

#### IN MEMORY OF KEN MORGAN

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. MICHAUD. Mr. Speaker, I rise today to pay tribute to a great voice for labor, a great Mainer and most importantly, a great friend, Ken Morgan.

For 35 years, Ken worked at the AFL-CIO fighting for the rights of Maine's hard-working men and women. As a union brother of the International Brotherhood of Electrical Workers Local 1837, Ken believed that united in solidarity, we could all move our society forward.

In the late 1960s, Ken's principles led him to refuse his doctorate from Northwestern University because of a dispute regarding the extension of civil rights based upon sexual orientation. Ken carried this strong commitment to justice and solidarity into all aspects of his life and was a trail blazer in the civil rights community. During his long career, Ken served as a member of the U.S. Commission on Civil Rights, was an award-winning member of the Maine Gay and Lesbian Political Alliance and a member of the Board of Directors of the Maine Center for Economic Policy. These are only a few of the many organizations Ken was involved with, all of which worked to help those who might otherwise be forgotten.

However, Ken is best remembered by his friends and family as a great man, with a mind that was deep, broad and keen. His heart was huge. He was a gentle soul who leaves a huge void and who so richly filled the lives of his many friends and family. Above all, Ken was a loving friend, mentor, brother, son and partner.

On the 40th anniversary of the assassination of Dr. Martin Luther King, President Obama declared, "Dr. King once said that the arc of the moral universe is long but it bends towards justice. It bends towards justice, but here is the thing: it does not bend on its own. It bends because each of us in our own ways put our hand on that arc . . ." Ken's work and life embodied this active engagement with our nation's, and our world's, struggle to be a place of equality and freedom.

Ken leaves behind his partner of more than three decades, Rick Strout, his brother

Charles, his sister-in-law Jerie, and many cousins, nieces and nephews.

Mr. Speaker, please join me in remembering a great American, Ken Morgan.

#### RECOGNIZING NATIONAL SENIOR HEALTH AND FITNESS DAY

#### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of National Senior Health and Fitness Day, the nation's largest annual health promotion event for older Americans.

The contributions and sacrifices made by the senior citizen community are invaluable. Some have proudly served our country overseas and abroad. Others, through their ingenuity and innovations, have paved the way for the United States' leadership in technology. They are the very foundation of this country's evolution.

By the year 2030, approximately one in five U.S. residents will be a member of the senior citizen community and we must ensure that our seniors will have access to resources that will aide them in living strong and healthy lives.

Today, I'm proud to partner with the H. Louis Lake Senior Center, Acacia Adult Day Services and Community SeniorServ to host the National Senior Health and Fitness Day in my district.

In celebration of this important day, seniors in my district will have access to free fitness classes, healthy foods cooking demonstrations and brain stimulating exercises.

In honor of National Senior Health and Fitness Day, I encourage all our seniors to join in on the exciting activities taking place throughout our respective communities and to stay active physically, mentally and spiritually.

#### HAL DAVID'S 90TH BIRTHDAY

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Ms. PELOSI. Mr. Speaker, I rise to celebrate the 90th birthday of a great songwriter, lyricist, advocate, and leading voice of America's artistic community: Hal David.

The child of immigrants blessed with an extraordinary talent, Hal David has lived—and continues to live—the American dream. He used his musical gifts in service of our country as part of the U.S. Army Entertainment Section on the Pacific front during World War II. He returned home to write songs for the nation's top performers; produce Grammy-winning Broadway masterpieces and Oscar-winning lyrics; and partner with great composers to create soundtracks for stage and screen, and popular hits that remain classics to this day.

For his achievements, his success, his creativity, and his contributions to our history and

society, Hal David was inducted into the Songwriters Hall of Fame and the Nashville Songwriters Hall of Fame.

On behalf of his colleagues—whether leaders in the field, famous faces, or those struggling to earn their place in the pantheon of great artists—Hal David has advocated for the rights of all performers and writers in the halls of Congress and in our nation's public discourse.

As President of the American Society of Composers, Authors and Publishers, he focused on key legislative issues facing music creators, led the charge against source licensing efforts, and oversaw the organization's increased presence in the field of country music. As Chairman and CEO of the Songwriters Hall of Fame, he invested in new technologies and an expanded digital presence for the institution, and strengthened the Grammy Museum in Los Angeles.

Hal David has spent his career enriching our music, our culture, our society, and our nation. His story is a tribute to his desire to do what he loved, his willingness to work hard, his ability to succeed and thrive across generations, and his creativity. I join my colleagues in the House of Representatives, and fans of music across the country, in wishing Hal David a happy and healthy 90th birthday.

#### RECOGNIZING THE 175TH ANNIVERSARY OF ATHERTON COMMUNITY SCHOOLS

#### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. KILDEE. Mr. Speaker, Atherton Community Schools will celebrate the 175th anniversary of the school district's start on May 29th in Burton, MI. An All School Class Reunion is planned to celebrate the occasion.

The Atherton Settlement was founded by three brothers: Perus, Shubael and Adonijah. The settlement grew to 30 farming families and the Settlement school was founded in 1836. The first teacher was Adonijah's daughter, Betsey Atherton. She held the teacher's position in the single-room schoolhouse for 20 years. The Atherton Agricultural School, as it was known at the time, remained a 1 room schoolhouse for over 100 years. In 1940, an 8-room schoolhouse was built to accommodate the growing community. In 1946, the Atherton School District combined with the Howe and Casper districts. Until 1954 classes were only offered through the eighth grade. If a student wanted to continue their education beyond that grade level, they had to transfer to Bendle, Flint Central or Davison High Schools. In 1954, Atherton Schools graduated its first high school class of about 18 students.

Currently, the Atherton School District holds classes in the Vern Van Y Elementary School, Atherton Middle School and Atherton High School. Graduates have gone on to fill roles in the spectrum of society including doctors and judges.

Mr. Speaker, I ask the House of Representatives to join me in congratulating the alumni, educators, students, staff, parents and sup-

porters for their commitment to education and community. I commend them for 175 years of continuous education, and I wish them the best in the coming years.

#### PERSONAL EXPLANATION

#### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Tuesday, May 24, 2011. Had I registered my vote, I would have voted:

1. "Nay" on rollcall 333, On Ordering the Previous Question on the Rule—Consideration of H.R. 1216 to amend the Public Health Service Act to convert funding for graduate medical education in teaching health centers from direct appropriations to an authorization of appropriations; consideration of H.R. 1540, the National Defense Authorization Act, FY 2012; and waiving clause 6(a) of rule XIII.

2. "Nay" on rollcall 334, On Agreeing to the Resolution (H. Res. 269)—Consideration of H.R. 1216 to amend the Public Health Service Act to convert funding for graduate medical education in teaching health centers from direct appropriations to an authorization of appropriations; consideration of H.R. 1540, the National Defense Authorization Act, FY 2012; and waiving clause 6(a) of rule XIII.

3. "Nay" on rollcall 335, On Motion that the Committee Rise—To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

4. "Yea" on rollcall 336, On Agreeing to the Amendment—Tonko of New York Amendment No. 2.

5. "Yea" on rollcall 337, On Agreeing to the Amendment—Cardoza of California Amendment No. 9.

#### HONORING CLAUDETTE VIOLETTE

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize Claudette Violette of Lewiston, ME, on her graduation after having earned her GED.

This achievement is a great personal accomplishment for Claudette. She has faced many obstacles in her life, but her work ethic and tenacity allowed her to persevere, raise her family and volunteer thousands of hours for the Lewiston/Auburn community.

She has truly found her voice with her volunteer work. Claudette volunteers for the Good Shepherd Food Bank, Red Cross Blood Drives and Salvation Army fundraising. She delivers promotional posters for L/A Arts and the Public Theatre, and assembles a multi-thousand piece mailing in hours. Claudette also helps organize a monthly French luncheon for the Franco-American Heritage Center,

making 300 plus calls each month to invite attendees.

Claudette is an inspiration to both me and my staff. Her commitment and dedication to completing her high school education speaks to the strength of her character. I am so proud of Claudette's achievement and her personal growth over the 10 years that I have known her. Claudette is a well-known and well-loved member of the community, and I know she will continue to play an active role in the lives of Lewiston/Auburn residents, my staff and myself.

Mr. Speaker, please join me in congratulating Claudette on her outstanding personal achievement.

#### THE CHASE FOR THE CHAMPIONSHIP

#### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. COBLE. Mr. Speaker, inspiration can come in many forms for athletes and teams when they are seeking fame, glory, records and titles. It is rare, however, when a team dedicates its quest for a championship to a teammate who didn't see a single minute of action.

The lacrosse team from Northwest Guilford High School, located in the Sixth District of North Carolina, dedicated its season and its title hopes to a teammate who was tragically killed last fall. On October 29, 2010, Chase Bunting died following a skateboarding accident. Northwest Guilford dubbed its quest for a state title the "Chase for the Championship" in honor of Chase Bunting.

With an ending only Hollywood could have imagined, the Vikings of Northwest Guilford completed their mission for Chase with a 13-9 win over East Chapel Hill High School to capture the 2011 North Carolina High School Athletic Association lacrosse championship.

On May 14, 2011, at the WakeMed Soccer Park in Cary, Northwest Guilford started out strong with a 7-0 lead after the first period of play. The Vikings never let East Chapel Hill within 4 goals to capture their first lacrosse championship. The team knew all along it was playing for more than just themselves. "The death of Chase changed our season in a big way," sophomore starter Robert Lincks told The Northwest Observer. "It brought our team a lot closer together and motivated us even more to win it for him."

The players of the championship team are Captain and tournament MVP Jay Goldsmith, Dre Baskerville, Conner Dillion, Ethan Tingler, Jacob Marrapese, Brian Ha, Braden Payne, Nolan Carper, Travis Price, Robert Lincks, Trenton Ankenbruck, Diego Rengel-Parrish, Kyle Dorr, Reid Baxter, Chase Branting, Conner Burkett, John Pappas, Jon Duncan, Hector De Jesus, Tammer Aboughalyoun, Adam Griffin, Zach Leicht, Cole Anderson, Cole Abourjillie, Parker Scaggs, Brandon Safrit, Will Ross, Payne Dunlap, Grant Simpkins, Brandon Sumner, Nick Nawrocki, Thomas Harris, Zach Sprague, Parker Leonard, Dallas Joyce, and Seth Hendrix.

The Vikings were led by Head Coach Mark Goldsmith. Coach Goldsmith actually captured his second North Carolina high school lacrosse championship. In 2000, he was the head coach when Southeast Guilford captured the state title. With the death of Chase Bunting prior to the start of the season, Coach Goldsmith told the Raleigh News & Observer that his current team had a special mission because of Chase's death. "That brought us together," he told the newspaper, "with one goal in mind. We dedicated the season to Chase. The kids worked so hard for everything we got. I'm just glad we're able to bring home the hardware."

We are sure that Coach Goldsmith would agree that he was ably assisted by Assistant Coach Vern Schmidt, Second Assistant Coach Robbie Innella and managers Tara Murphy, Morgan Eddins, Chamberlain Staub, and Mia Furfaro. In addition, those aiding the title hunt were members of the Northwest Vikings Lacrosse Booster Club, including President Darrel Pappas, Vice President Karen Abourjilie, Trish Hendrix, Robin Lincks, Neil Dorr, Robin Bunting, Marc Dillon, Tim Ankenbruck, Stacy Leicht, Kristin Sprague, and Todd Sprague.

The Vikings finished their magical season with a record of 20-2 and the satisfaction of knowing that they completed their mission. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Northwest Guilford lacrosse team for winning the 2011 state title, but more importantly, for completing the "Chase for the Championship." We know that Chase Bunting is smiling approvingly.

HONORING DONALD G. LEY SR.,  
VETERAN AND WOODBURY  
HEIGHTS FIRE MARSHAL

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Donald G. Ley Sr. for his five decades of service with the Woodbury Heights Fire Department. Currently serving as Fire Marshal and Safety Officer for the borough of Woodbury Heights, Mr. Ley is an inspirational example of American courage and heroism.

Some aspire to retire young from their profession, but not Mr. Ley. At seventy-nine, Mr. Ley is still a firefighter. You will find him at the Woodbury firehouse any time throughout the day. A graduate of Drexel University, Mr. Ley found his calling in serving his community and country. As an Army veteran of the Korean War, Mr. Ley returned to the United States a decorated veteran and continued his tireless public service.

In the Woodbury Heights Fire Department, Mr. Ley fought for the donation of an ambulance to begin emergency life support service in the 1960s. He has held several positions within the company, including assistant chief, deputy chief, safety officer, fire marshal and secretary for relief associations. His public service record includes time as a disaster volunteer with the Red Cross and Mayor of Woodbury Heights.

Over the years, Mr. Ley has been given several awards to recognize his consistent contributions to our community. The awards include the Jaycees Distinguished Service Award, the Certificate of Special Congressional Recognition and Distinguished Citizen Award, the Exceptional Duty Award in Gloucester County Fire Chiefs Association, the Unsung Hero Award—Russell Berrie Foundation and the Lifetime of Service Presidential Award.

It takes tremendous valor to run into a burning building while everyone else is running out. As he begins his fifty-second year at Woodbury Heights Fire Department, let us take a moment to honor the dedication, professionalism and bravery Don demonstrates every day. The core values we aspire to teach our children are all exemplified by his courage and selflessness.

HONORING COLBY HARRISON  
SCROGGINS

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Colby Harrison Scroggins. Colby is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 87, and earning the most prestigious award of Eagle Scout.

Colby has been very active with his troop, participating in many scout activities. Over the many years Colby has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Colby has contributed to his community through his Eagle Scout project. Colby refinished the floor of the Firemen's Memorial in Cameron, Missouri, and also constructed two 8' 10' planters on either side of the memorial.

Mr. Speaker, I proudly ask you to join me in commending Colby Harrison Scroggins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LESTER B. LAVE

**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. DOYLE. Mr. Speaker, I rise today to celebrate the life of Carnegie Mellon University professor Lester B. Lave, who passed away on May 9th at the age of 71.

Dr. Lave spent most of his career at CMU, where he distinguished himself as one of the world's most influential contributors to economics and environmental science. In addition to his title as University Professor, the highest distinction a faculty member can achieve at Carnegie Mellon, Dr. Lave served as the Harry B. and James H. Higgins Professor of Eco-

nomics at the Tepper School of Business, director of the Green Design Initiative, and co-director of the Carnegie Mellon Electricity Industry Center.

In a career that spanned more than 40 years, Dr. Lave tackled some of the most important questions relating to health, safety, energy, and the environment. By applying principles from economics and risk analysis, he performed ground-breaking research on a wide range of topics including global warming, automobile and transportation safety, dam safety, and the environmental effects of fuel additives.

Dr. Lave first gained attention from scholars and policy-makers in the 1970's when he and Eugene Seskin published research showing that air pollution was linked to increased death rates in American cities. Lave and Seskin's work was highly controversial. But it was supported by further research, and we now know that approximately 1 percent of all deaths in the United States stem from small-particle air pollution. This research later served as a basis for EPA clean air regulations.

Among other significant studies he performed throughout his career, Dr. Lave and his colleagues showed in the 1990's that electric cars run on lead-based batteries were actually more harmful to the environment than cars that burned leaded gasoline. In recent years, his work focused on green design and improving the electricity system. Along with his colleagues, he helped found the Carnegie Mellon Electricity Industry Center, which is the largest electric power research group of its kind.

In addition to teaching and researching at CMU, Dr. Lave was a senior fellow at the Brookings Institution. In 1982, he was elected to the Institute of Medicine, and in 1985, he was named president of the Society for Risk Analysis. Dr. Lave served on and chaired numerous committees of the National Academies, where he most recently oversaw a study entitled "Real Prospects for Energy Efficiency in the United States."

As a CMU professor, Dr. Lave served as the economics department chair for eight years and served as the primary mentor to 40 doctoral students.

Dr. Lave is remembered by his colleagues and students as a caring teacher and untiring researcher who was dedicated to objective, thorough analysis. He should be remembered by this nation as a talented researcher whose body of work has improved U.S. public policy markedly and will continue to do so for years to come.

I want to take this opportunity to express both my sincere admiration for Dr. Lave and my condolences to his wife, Judith, and his two children, Jonathan and Tamara.

ALDERMAN MARY ANN SMITH—A  
REMARKABLE RECORD OF  
ACHIEVEMENT

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I would like to honor Alderman Mary Ann Smith, who



represented Chicago's wonderful 48th Ward for 21 years before her retirement this May. Alderman Smith has dedicated over 30 years of her life to public service.

As Alderman, she was especially active in public safety, community-directed development, transit and walkability, lakefront planning, animal rights, health care, seniors' issues, affordable housing and public sector accountability. Her recent groundbreaking advocacy to combat Medicare and Medicaid fraud and the exploitation of the mentally ill has helped make nursing homes and our communities safer.

Alderman Smith was chair of the City Council Committee on Chicago Parks where she worked to restructure the Chicago Park District and its management, improve programming, secure the parks and increase access to recreation for all Chicagoans with an emphasis on teenagers and youth. She was also a member of the City Council Committees on Traffic Control and Safety, Buildings, Rules and Ethics, Budget, Finance, Historical Landmark Preservation, License and Consumer Protection and the Mayoral Task Forces on Lake Michigan and on Transportation. She served on the city's Advisory Council on Chicago "Green" development and as a commissioner of both the Northeastern Illinois Plan Commission and the Chicago Plan Commission.

Mary Ann is extremely proud of the diversity of the 48th Ward. She worked to integrate immigrant groups into the mainstream business, financial and social structure of the neighborhood. An early supporter of the Human Rights Ordinance, she interacted closely with advocacy groups to protect the rights of all people. She served as vice chair of the Illinois Citizens for Better Care, a group which advocates for nursing home residents' rights and was founder of the Committee Against Nursing Home Election Fraud.

Internationally recognized as a leader on building livable communities and protecting the environment, particularly around Chicago's lakefront, Alderman Smith represented the city of Chicago on the International Council on Local Environmental Initiatives. She served as vice-chair of the City Council Subcommittee on the Chicago Lakefront, as a vice-chair of the Lake Michigan Federation (now the Alliance for the Great Lakes), and was a founding member of PCB's Gone. Her leadership on environmental issues earned her a United Nations Environment Programme Award for Citizen Action to Protect the Global Environment and a fellowship from the German Marshall Fund of the United States to study urban planning in several European cities. Alderman Smith's commitment to employ new alternative energy and flood control technologies in the 48th Ward includes the installation of the nation's first water-permeable alley in 2001 and the creation of rain gardens.

Her work on public safety and transportation in the community include unsnarling long-standing traffic and transportation problems. She was instrumental in helping to organize the state's first city/suburban traffic and transportation and in obtaining funding for a project to improve pedestrian safety and neighborhood walkability.

Alderman Smith is a passionate advocate against cruelty to animals, and, in response to

information about the cruel treatment of elephants by trainers, she introduced legislation that would outlaw the use of disciplinary methods that inflict pain and/or cause injury to the animal.

I have had the pleasure of sharing an office with Alderman Smith since 1999, and our offices have collaborated closely on issues and projects including environmental concerns, animal rights, community safety, nursing homes and seniors, education, and youth. I consider her a treasured friend and wish her fulfillment and success as she embarks in a new direction.

Mary Ann and her husband Ronald, a professor at John Marshall Law School who recently served as chairman of the American Bar Association Criminal Justice Section, have lived in the Edgewater and Uptown communities for more than 30 years. They have two sons, Michael, a software engineer in Portland, Oregon, and Matthew, a clinical psychologist who also lives in the 48th Ward, and many beloved pets.

HONORING EDWIN K. "NED"  
ZECHMAN, JR.

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing Edwin K. "Ned" Zechman, Jr. for over 30 years of service, with 16 years as President and CEO, at Children's National Medical Center in Washington, DC, often referred to as Children's Hospital.

Under Mr. Zechman's leadership, Children's Hospital, which serves children from the District of Columbia, this region, and across the country, has become a national and international leader in pediatric care, advocacy, research and education. Children's Hospital is technologically advanced, community oriented, and fiscally responsible.

Mr. Zechman's retirement marks a milestone in the hospital's history of great service and quality healthcare. Last year alone, Children's Hospital had more than 370,000 outpatient visits in 45 specialties. The hospital performed nearly 15,000 surgeries on children of all ages, from babies a few hours old to high school students. Children's Hospital leads the way in developing and providing innovative treatments for childhood illnesses and injuries, with a cardiac intensive care unit, a neuro-intensive care unit, and a Level I pediatric trauma center, as well as with its Research Institute, Heart Institute, and Brain Tumor Institute.

Last fall, Children's Hospital opened a new emergency department at United Medical Center (UMC) in Southeast Washington, DC, staffed by doctors, nurses and clinical team members from Children's Hospital, providing children and families east of the Anacostia River with a full range of emergency care services. Children's Hospital used to see 8,000 to 10,000 emergency visits per year from patients near UMC, but now, these patients can receive the same level of care closer to home, instead of commuting to Northwest, where Children's Hospital is located.

In addition to the commitment and service of all staff and personnel at Children's Hospital, Mr. Zechman's wonderful leadership has taken Children's National Medical Center to the next level of quality healthcare, making it a national and international model for children's hospitals.

I ask the House to join me in congratulating Edwin K. "Ned" Zechman, Jr. on his retirement from Children's National Medical Center and thanking him for his years of commitment and service to the children and families of the District of Columbia.

RECOGNIZING DR. HOWARD ALLEN  
CHUBBS FOR HIS 45 YEARS OF  
SERVICE AS PASTOR OF PROVIDENCE  
BAPTIST CHURCH IN  
GREENSBORO, NORTH CAROLINA

**HON. MELVIN L. WATT**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. WATT. Mr. Speaker, I rise today to recognize the Reverend Howard Allen Chubbs for his 45 years of service as pastor of Providence Baptist Church in Greensboro, North Carolina.

Dr. Chubbs, an excellent leader, has led the church from a small congregation without a building to a six million dollar edifice with a membership of approximately 1300. In addition to his important religious role as the leader of a dynamic congregation, he is recognized as a leader in race and interfaith missions. The members of Dr. Chubbs' congregation always share their expertise with those in need without having to be asked and Dr. Chubbs spends substantial time mentoring young ministers in the community. Under Dr. Chubbs' leadership, Providence Baptist Church has provided opportunities for young people to prepare themselves to become the best that they can be through SAT preparation, Girl Scouts, exercise and other programs. And he has provided adults continuous opportunities to reinforce all the positive attributes needed to be assets to the church, the community, the State of North Carolina and the nation.

Dr. Chubbs is also recognized as an outstanding husband and father and was honored by the National Diabetes Association as a "Father of the Year" recently.

Dr. Chubbs has also been an active force internationally. He has worked diligently with the National Conference of Community and Justice, NCCJ, and the Jewish Federation to promote peace and mutual respect among ethnic groups, cultures and religious groups and travelled to Israel in 1994, 1997, 2000, and 2010.

Mr. Speaker, I ask my colleagues to join me in wishing Reverend Dr. Howard Allen Chubbs and the Providence Baptist Church congregation a great pastoral 45th anniversary and best wishes in the years to come.

## HONORING ERIC BRIAN HALLMARK

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Eric Brian Hallmark. Eric is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop, participating in many Scout activities. Over the many years Eric has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Eric has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Eric Brian Hallmark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## JOYCE ROTHERMEL AND GREATER PITTSBURGH COMMUNITY FOOD BANK

**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. DOYLE. Mr. Speaker, I rise today to announce several milestones in southwestern Pennsylvania.

On June 7, the Greater Pittsburgh Community Food Bank will celebrate its 30th anniversary and observe Hunger Awareness Day. On that day, the Greater Pittsburgh Community Food Bank will also celebrate the important work done by its co-founder and CEO, Joyce Rothermel, who is retiring after 25 years.

Hunger is a widespread problem that affects millions of households across the United States. In 2009, one out of every eight Americans required emergency food assistance, and in 2010, over 40 million people relied on Food Stamps for their daily meals. According to the U.S. Department of Agriculture, approximately 17 million of the nation's hungry are children. In Pennsylvania, roughly one in seven people are not getting enough to eat.

Hunger has a drastic effect on the health of those who suffer from it. Children from food-insecure households are more likely to fall behind in school, show signs of depression, exhibit cognitive disabilities and behavioral problems, and are more likely to be hospitalized with preventable illnesses. Similarly, hungry seniors are also more likely to suffer from poor health compared to food-secure seniors.

That's why it's so important to raise public awareness about the problem of hunger our nation faces today with events like Hunger Awareness Day. It's essential that every community across the country take action to eradicate the scourge of hunger.

I'm proud to say that in our region, a lot of our friends and neighbors have stepped up to

meet this challenge. The Greater Pittsburgh Community Food Bank has tirelessly fought hunger in southwestern Pennsylvania for the past 30 years. With the help of more than 400 affiliate food banks and member agencies, the Greater Pittsburgh Community Food Bank is able to serve more than 122,000 hungry people each month.

The Food Bank has done an outstanding job at providing much-needed healthy food to the hungry of southwestern Pennsylvania. During fiscal year 2009–2010, it distributed more than 22 million pounds of food throughout 11 counties. Despite declining food donations nationwide, the Food Bank has managed to supply more than 50 percent of the food offered by local soup kitchens, 87 percent of the food distributed by the region's food pantries, and 43 percent of the food distributed by local shelters in recent years. I would like to commend the Food Bank for the fantastic work it has done on behalf of southwestern Pennsylvania.

Much of the Food Bank's success can be traced to the work of one person—Joyce Rothermel, who co-founded the Greater Pittsburgh Community Food Bank in 1980 and became its CEO in 1987.

During her 25 year tenure, Joyce oversaw the growth of the Food Bank into one of the most respected non-profit groups in the nation. Among other honors, the Food Bank has won awards from America's Second Harvest, received a four-star rating from Charity Navigator, and obtained the Pennsylvania Association of Nonprofit Organization's Standards of Excellence Certification under Joyce's leadership.

This year, in recognition of her leadership and service, Joyce received both the Dick Goebel Public Service Award from Feeding America and the John E. McGrady Award from the Catholic Youth Association of Pittsburgh. In past years, Joyce's commitment to service has been recognized by a variety of organizations, including the YWCA, the Pennsylvania Hunger Action Center, the Public Relations Society of America, and the United Nations Association.

I can add from personal experience that Joyce has been an effective and tireless advocate on hunger issues with the region's Congressional delegation as well. My staff and I have worked closely with Joyce over many years to support and improve federal anti-hunger programs. It was always a pleasure to work with her, and we will miss her.

I want to commend Joyce Rothermel for her decades of commitment to eliminating hunger in the greater Pittsburgh community, and I want to congratulate her on the beginning of her much-deserved retirement. And in closing, I want to express my sincere appreciation to the Greater Pittsburgh Community Food Bank for the extraordinary work it has done on behalf of the people of southwestern Pennsylvania.

## HONORING WALTER THOMPSON

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 25, 2011*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Walter Thompson. Walter is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 161, and earning the most prestigious award of Eagle Scout.

Walter has been very active with his troop, participating in many scout activities. Over the many years Walter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Walter has contributed to his community through his Eagle Scout project.

Mr. Speaker, I proudly ask you to join me in commending Walter Thompson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 26, 2011 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 7

10 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 512, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and S. 937, to repeal certain barriers to domestic fuel production.

SD-366

## Foreign Relations

To hold hearings to examine the nominations of Geeta Pasi, of New York, to be Ambassador to the Republic of Djibouti, Donald W. Koran, of California, to be Ambassador to the Republic of Rwanda, and Lewis Alan Lukens,

of Virginia, to be Ambassador to the Republic of Senegal, and to serve concurrently and without additional compensation as Ambassador to the Republic of Guinea-Bissau, all of the Department of State, and Ariel Pablos-Mendez, of New York, to be an Assistant Administrator of the United States Agency for International Development.

SD-419

2:30 p.m.

## Foreign Relations

To hold hearings to examine Protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996 (Treaty Doc. 112-01), Protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009, at Luxembourg (the "proposed Protocol") and a related agreement effected by the exchange of notes also signed on May 20, 2009 (Treaty Doc. 111-08), Convention between the Government of the United States of America and the Government of the Republic of Hungary for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on February 4, 2010, at Budapest (the "proposed Convention") and a related agreement effected by an exchange of notes on February 4, 2010 (Treaty Doc. 111-07), Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), and Treaty between the Government of the United States of America and the Government of Bermuda relating to Mutual Legal

Assistance in Criminal Matters, signed at Hamilton on January 12, 2009 (Treaty Doc. 111-06).

SD-419

## JUNE 8

9:30 a.m.

## Foreign Relations

To hold hearings to examine the nomination of Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Afghanistan, Department of State.

SD-419

## Veterans' Affairs

To hold hearings to examine pending calendar business.

SR-418

2:30 p.m.

## Foreign Relations

To hold hearings to examine the nominations of D. Brent Hardt, of Florida, to be Ambassador to the Co-operative Republic of Guyana, James Harold Thessin, of Virginia, to be Ambassador to the Republic of Paraguay, Jonathan Don Farrar, of California, to be Ambassador to the Republic of Nicaragua, and Lisa J. Kubiske, of Virginia, to be Ambassador to the Republic of Honduras, all of the Department of State.

SD-419

## JUNE 9

9:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 963, to reduce energy costs, improve energy efficiency, and expand the use of renewable energy by Federal agencies, S. 1000, to promote energy savings in residential and commercial buildings and industry, and S. 1001, to reduce oil consumption and improve energy security.

SD-366

10 a.m.

## Homeland Security and Governmental Affairs

## Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold hearings to examine border corruption, focusing on assessing customs and border protection and the Department of Homeland Security Inspector General's office collaboration in the fight to prevent corruption.

SD-342

## JUNE 15

10:30 a.m.

## Appropriations

## Department of Defense Subcommittee

To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD-192

## JUNE 16

10:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD-366

## JUNE 29

10 a.m.

## Veterans' Affairs

Business meeting to consider pending calendar business.

SR-418

## SENATE—Thursday, May 26, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Author of life, who puts into our hearts such deep desires that we cannot be at peace until we rest in You, mercifully guide our lawmakers on the path of Your choosing. May Your Holy word be for them a lamp and a light in these challenging times. Lord, keep them mindful of the importance of being men and women of integrity, striving to please You in all of their labors. Make them people of principle who share a strong vision of a godly nation with a promising future. May their humility match Your willingness to help them and their dependence on You liberate them from anxiety about what the future holds.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 26, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which is the legislative vehicle for the PATRIOT Act extension. The filing deadline for all second-degree amendments to the PATRIOT Act is at 9:40 this morning. At 10 a.m. there will be a rollcall vote on the motion to concur with respect to the PATRIOT Act.

We are confident additional rollcall votes in relation to amendments to the PATRIOT Act are possible and likely will occur during today's session.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to concur in the House message to accompany S. 990, which the clerk will report by title.

The assistant legislative clerk read as follows:

A motion to concur in the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with an amendment.

Pending:

Reid motion to concur in the amendment of the House to the bill, with Reid amendment No. 347, of a perfecting nature.

Reid amendment No. 348 (to amendment No. 347), to change the enactment date.

Reid motion to refer the message of the House on the bill to the Committee on Small Business and Entrepreneurship with instructions, Reid amendment No. 349, to change the enactment date.

Reid amendment No. 350 (to the instructions) amendment No. 349), of a perfecting nature.

Reid amendment No. 351 (to amendment No. 350), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I will proceed on my leader time.

As we all know, the war on terror did not end last month when American forces shot and killed Osama bin Laden in Abbottabad.

General Clapper, the Director of National Intelligence, wrote to me yesterday to explain that this is a moment of elevated threat to our country and that the intelligence community is working to analyze the information gained at the Bin Laden compound. Al-Qaida and its associate groups remain a threat to the United States.

And our intelligence community, military and law enforcement professionals still need the tools that enable them to gather and share intelligence in this fight.

That is why all Americans should be reassured today in knowing that these dedicated men and women will continue to have those tools. I have no doubt that the 4-year PATRIOT Act extension that Members of both parties have agreed to will safeguard us from future attacks, and that everything we agreed to in this extension is necessary for this fight.

As FBI Director Bob Mueller has said, all the authorities it contains are critical. Every one requires the prior approval of an independent Federal judge. Nothing in this extension has ever been found to be unconstitutional. And most of these authorities have not even been challenged in court—ever.

The Senate Intelligence Committee has conducted aggressive oversight of the programs authorized by these expiring provisions. Over the past decade, we have seen how terrorists have proved themselves adaptable, how they have altered their tactics and methods to strike us at home. By extending this invaluable terror-fighting tool, we are staying ahead of them.

Now is not the time to surrender the tools authorized by this act, or to make them more difficult to use. It was absolutely imperative that we renew these authorities under the PATRIOT Act. They have enabled others to keep us safe for nearly a decade. Our law enforcement professionals have been able to use tools just like them in traditional criminal cases for years. We should be relieved and reassured to know they won't expire this week.

## A LOOMING CRISIS

Mr. President, last June, the Chairmen of the Joint Chiefs of Staff, ADM Mike Mullen, made an observation that may have surprised some people. A day after Democrats here in the Senate refused to allocate tens of billions of dollars in unemployment assistance unless the costs could be added to an already unsustainable debt—he said that, in his view, the biggest threat to our national security is our debt.

A few months earlier, the President himself identified the debt as a looming crisis. He pointed out that almost all of our long-term debt relates to the cost of Medicare and Medicaid. And he said, “if we don’t get control of that, we can’t get control over our budget.” He was right.

But the co-chair of the President’s debt commission may have put it best just 6 weeks ago. Speaking about the consequences of the fiscal path we’re on, Erskine Bowles said simply:

It’s the most predictable crisis in history. The most predictable crisis in history—and that was a Democrat talking. And yet Democrats in the Senate don’t even want to talk about it.

Yesterday, here in the Senate, Democrats rejected every single proposal we have seen on our Nation’s fiscal future. They took a pass. They have chosen to ignore this crisis just like they ignored the last one.

Three years ago, as the financial crisis approached, the senior Senator from New York was holding press conferences trying to link the war in Iraq to what passed for an economic slowdown at the time. The majority leader was postponing votes that we all knew would fail so Democrats who were running for President could be here to vote on them. Now, in the face of a looming crisis we all admit is coming—they are doing the same thing.

This crisis is staring us right in the face. The Democrats themselves—from the President on down—say they see it. Yet, once again, they are so focused on the next election they refuse to do anything to upset the status quo. They are more concerned about their own jobs than preventing a economic catastrophe that could affect everybody’s job. They want to wait this out—while they hammer anybody who proposes a solution. They rejected their own President’s budget. They rejected three Republican budgets. And they have not even bothered to offer a budget of their own. They’re just marking time, treading water.

So I think Democrats have lost the right to express concern about this crisis. Until they propose some solution of their own, they are part of the problem.

The American people didn’t send us here to hide in a corner until the next election. They sent us here to act on their behalf, and this is their message: If you see a crisis coming, you better do something about it.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## CLOTURE MOTION

By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to S. 990, with amendment No. 347.

Harry Reid, Jack Reed, Carl Levin, Jeanne Shaheen, Mark R. Warner, Richard Blumenthal, Kent Conrad, Kirsten E. Gillibrand, Dianne Feinstein, Bill Nelson, John D. Rockefeller IV, Joseph I. Lieberman, Barbara A. Mikulski, Charles E. Schumer, Debbie Stabenow, Thomas R. Carper, Mark L. Pryor.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that the debate on the motion to concur in the House amendment to S. 990 with amendment No. 347, offered by the Senator from Nevada, Mr. REID, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. SCHUMER) would vote “yea.”

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 79, nays 18, as follows:

[Rollcall Vote No. 81 Leg.]

## YEAS—79

|           |            |           |
|-----------|------------|-----------|
| Akaka     | Blunt      | Carper    |
| Alexander | Boozman    | Casey     |
| Ayotte    | Boxer      | Chambliss |
| Barrasso  | Brown (MA) | Coats     |
| Bennet    | Burr       | Coburn    |

|            |              |             |
|------------|--------------|-------------|
| Cochran    | Isakson      | Nelson (NE) |
| Collins    | Johanns      | Nelson (FL) |
| Conrad     | Johnson (SD) | Portman     |
| Coons      | Johnson (WI) | Pryor       |
| Corker     | Kerry        | Reed        |
| Cornyn     | Kirk         | Reid        |
| Crapo      | Klobuchar    | Risch       |
| DeMint     | Kohl         | Rockefeller |
| Durbin     | Kyl          | Rubio       |
| Enzi       | Landrieu     | Sessions    |
| Feinstein  | Lautenberg   | Shelby      |
| Franken    | Levin        | Snowe       |
| Gillibrand | Lieberman    | Stabenow    |
| Graham     | Lugar        | Thune       |
| Grassley   | Manchin      | Toomey      |
| Hagan      | McCaín       | Vitter      |
| Harkin     | McCaskill    | Warner      |
| Hatch      | McConnell    | Webb        |
| Hoeben     | Menendez     | Whitehouse  |
| Hutchison  | Mikulski     | Wicker      |
| Inhofe     | Moran        |             |
| Inouye     | Murray       |             |

## NAYS—18

|            |           |            |
|------------|-----------|------------|
| Baucus     | Heller    | Sanders    |
| Begich     | Leahy     | Shaheen    |
| Bingaman   | Lee       | Tester     |
| Brown (OH) | Merkley   | Udall (CO) |
| Cantwell   | Murkowski | Udall (NM) |
| Cardin     | Paul      | Wyden      |

## NOT VOTING—3

|            |         |         |
|------------|---------|---------|
| Blumenthal | Roberts | Schumer |
|------------|---------|---------|

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 79, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer the House message falls.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that I be permitted to engage in a colloquy between Senators UDALL, FEINSTEIN, and MERKLEY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I am going to talk for just a couple of minutes about the issue of secret law that Senator UDALL and I, as we are both members of the Intelligence Committee, have been working on for quite some time. Then I am going to yield to our friend, the distinguished chairwoman of the Intelligence Committee, Senator FEINSTEIN, for a colloquy.

What this issue is all about is this: I believe there are two PATRIOT Acts in America. The first is the text of the law itself, and the second is the government’s secret interpretation of what they believe the law means.

As an example, several years ago Americans woke up to learn that the Bush administration had been secretly claiming for years that warrantless wiretapping was legal. This disclosure greatly undermined the public’s trust

in the Department of Justice and our national intelligence agencies, and it took Congress and the executive branch years to sort out the situation.

I believe the American people will also be extremely surprised when they learn how the PATRIOT Act is secretly being interpreted, and I believe one consequence will be an erosion of public confidence that makes it more difficult for our critically important national intelligence agencies to function effectively. As someone who served on the Intelligence Committee for 10 years, sitting right next to Senator FEINSTEIN, I don't want to see that happen.

Let me yield now to Senator UDALL. He will also have brief remarks, and any colleagues who want to speak, and then Senator FEINSTEIN will lead us in the discussion of how we will be moving forward. So I yield to Senator UDALL who has been an invaluable member on the Intelligence Committee. He and I have worked on this since the day he joined our committee, and I am so appreciative of his involvement.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from Oregon for his kind words. I also wish to echo his remarks about the leadership of the chairwoman of the Intelligence Committee and her focus on keeping our country safe and our citizens protected.

I also wish to make the point that, as my colleague from Oregon, I also oppose reauthorization of the expiring provisions in the PATRIOT Act without significant reforms. I believe it is critical that the administration make public its interpretation of the PATRIOT Act so Members of Congress and the public are not kept in the dark.

Mrs. FEINSTEIN. Mr. President, I wish to thank both Senator WYDEN and Senator UDALL for their comments. We did have a meeting last night. We did discuss this thoroughly. The decision was that we would enter into this colloquy, so I will begin it, if I may.

These Senators and I, along with the junior Senator from Oregon, Mr. MERKLEY, the Senator from Colorado, Mr. MARK UDALL, and the Senator from Rhode Island, Mr. WHITEHOUSE met last night to discuss this amendment, the legal interpretation of the Foreign Intelligence Surveillance Act provisions and how these provisions are implemented.

I very much appreciate the strong views Senator WYDEN and Senator UDALL have in this area, and I believe they are raising a serious and important point as to how exactly these authorities are carried out. I believe we are also all in agreement that these are important counterterrorism authorities and have contributed to the security of our Nation.

Mr. WYDEN. Mr. President, I have enormous respect for my special friend

from California, the distinguished chairwoman of the Intelligence Committee. I have literally sat next to her for more than a decade. We agree on virtually all of these issues, but this is an area where we have had a difference of opinion.

I have said I wouldn't support a long-term reauthorization of the PATRIOT Act without significant reforms, particularly in this area. I am especially troubled by the fact that the U.S. Government's official interpretation of the PATRIOT Act is secret, and I believe a significant gap has developed now between what the public thinks the law says and what the government secretly claims it says. That is why I and my colleagues from Oregon and Colorado and New Mexico have proposed an amendment that would make these legal interpretations public.

Mr. UDALL of Colorado. Mr. President, let me say once again, as does my colleague from Oregon, I oppose reauthorization of the existing provisions of the PATRIOT Act that we have been debating on the Senate floor without significant reforms. I also have to say I believe it is critical that the administration make public its interpretation of the PATRIOT Act so Members of Congress and our public are not kept in the dark. That is the important work we have in front of us, and we have a real opportunity to accomplish those goals.

Mrs. FEINSTEIN. Mr. President, if I may respond, I have agreed that these are important issues and that the Intelligence Committee, which is charged with carrying out oversight over the 16 various intelligence agencies of what is called the intelligence community, should be carried out forthrightly. I also believe the place to do it is in the Intelligence Committee itself. I have said to these distinguished Senators that it would be my intention to call together a hearing as soon as we come back from the Memorial Day break with the intelligence community agencies, the senior policymakers, and the Department of Justice to make sure the committee is comfortable with the FISA programs and to make changes if changes are needed. We will do that.

So it would be my intention to have these hearings completed before the committee considers the fiscal year 2012 intelligence authorization bill so that any amendments to FISA can be considered at that time.

The fact is, we do not usually have amendments to the intelligence authorization bill, but I believe the majority leader will do his best to secure a future commitment if such is needed for a vote on any amendment. I have not agreed to support any amendment because at this stage it is hypothetical, and we need to look very deeply into what these Senators have said and pointed out last night with specificity and get the response to it from the in-

telligence committee, have both sides hear it, and then make a decision that is based not only on civil liberties but also on the necessity to keep our country safe. I believe we can do that.

I am very appreciative of their agreement to enter this colloquy.

Mr. WYDEN. Mr. President, I thank the distinguished chairwoman of the Intelligence Committee for proposing this course of action for addressing the secret law issue. Obviously, colleagues would like more information on that, and they are going to be in a position to know that the Intelligence Committee is going to be examining it closely. I will just describe the next steps from there.

Senator UDALL and I have discussed this issue with Senator REID. Senator REID indicated to the chairwoman and myself and Senator UDALL that we would have an opportunity through these hearings—and, of course, any amendments to the bill would be discussed on the intelligence authorization legislation, which is a matter that obviously has to be classified—but if we were not satisfied, if we were not satisfied through that process, we would have the ability to offer an amendment such as our original one on the Senate floor.

Of course, the chairwoman would still retain full rights to oppose it, but we would make sure if this issue of secret law wasn't fixed and there wasn't an improved process to make more transparent and more open the interpretation of the law—not what are called sources and methods which are so important to protect our people—we would have an opportunity, if it wasn't corrected in the intelligence community, to come to the floor.

Senator REID has just indicated to all of us that he would focus on giving us a vote if we believed it was needed on another bill—not the intelligence authorization—before September 30. So there is a plan to actually get this fixed, and that is what is key.

At this time I yield to the Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, as we begin to end this important colloquy, I wish to acknowledge the leadership of Senator WYDEN on this important matter. I also wish to acknowledge the involvement of the Senator from New Mexico, who is presiding at this moment in time, and the Senator from Oregon, Mr. MERKLEY, and the Senator from Rhode Island, Mr. WHITEHOUSE, who has been very involved in bringing this case to the attention of all of us. I wish to also thank my good friend from California, the chairwoman of the committee. She has shown a great willingness to work with everybody and to listen.

I have to say I expect that once the committee examines this issue more closely, I think many more of our colleagues will want to join us in reforming the law in this area. I think this is

important. I do think we can find the right balance between protecting civil liberties and protecting the health and welfare of the American citizens.

Mr. WYDEN. Mr. President, let me just make one last comment. I also wish to express my appreciation to Senator MERKLEY, who has been an extraordinarily outspoken advocate of our civil liberties and our privacy in striking a good balance between fighting terror and protecting the rights of our people, and I have so appreciated his leadership on this issue.

Let me sum up. First, I am very grateful to our chairwoman and pleased with this agreement. The chairwoman has indicated she believes those of us who want to reform secret law have raised a serious and important issue. Those are her words. We are grateful for that because we obviously believe very strongly about it. The chairwoman has said we will hold hearings promptly to examine the secret law issue, give serious consideration to looking at reforms in the fiscal year 2012 intelligence authorization bill, and then, per our conversations with the majority leader, if Senator UDALL and I believed it had not been corrected on the intelligence authorization bill, we would have the right to offer—and certainly the chairwoman could oppose it—an amendment on the floor of the Senate on an unrelated bill. Senator REID, to his great credit, in an effort to try to resolve this and move it along, said to the three of us that he would be working to do that.

Again, our thanks to the chairwoman and all of my colleagues on the floor, including Senator MERKLEY, who is not a member of the committee and knows an incredible amount about it and certainly showed that last night in our discussions and was very helpful. I wish to yield to him.

So with the cooperation the chairwoman has shown all of us who are trying to change this and the efforts of Senator REID to make sure if we didn't work it out we could come back to the floor again, I withdraw the Wyden-Udall amendment for the time being. It ought to be clear to everybody in the Senate that we are going to continue to prosecute the cause of making more open and accountable the way the government interprets this law in making sure that the American people have the confidence that the way it is being interpreted is in line with the text of the legislation.

I withdraw at this time the Wyden-Udall amendment, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I am deeply appreciative of the dialogue that has just taken place. It was William Pitt in England who commented that the wind and the rain can enter my house, but the King cannot.

It captured the spirit and understanding of the balance between per-

sonal privacy, personal freedoms, and issues of the Crown regarding maintenance of security. It was this foundation that came in for our fourth amendment of our Constitution that lays out clear standards for the protection of privacy and freedoms.

So as we have wrestled with the standard set out in the PATRIOT Act, a standard that says the government may have access to records that are relevant to an investigation—now, that term is, on its face, quite broad and expansive, quite a low standard, if you will. But what happens when it is interpreted out of the sight of this Chamber, out of the sight of the American people? That is the issue my colleague has raised, and it is a very important issue.

I applaud the chair of the Intelligence Committee for laying out a process whereby we all can wrestle with this issue in an appropriate venue and have a path for amendments in the committee or possibly here on the floor of the Senate because I do think it is our constitutional responsibility to make sure the fourth amendment of the Constitution is protected, the privacy and freedoms of citizens are protected.

I say thank you to the Senator from Colorado; my senior colleague, who has led this effort from Oregon; my colleague from New Mexico, who is the Acting President pro tempore; and the chairwoman from California.

Mrs. FEINSTEIN. Mr. President, I thank my colleagues very much. I believe this concludes our colloquy.

I thank the Acting President pro tempore, and we yield the floor.

Mr. CARDIN. Mr. President, I rise to explain why I voted against the motion to invoke cloture on S. 990, the legislative vehicle for S. 1038, the reauthorization of the USA PATRIOT ACT. I opposed cloture because I believe the Senate has an obligation to consider substantive amendments to improve the PATRIOT Act.

We are all aware that at the end of this week three provisions of the PATRIOT Act will expire. The three provisions are business records, roving wiretaps, and "lone wolf" terrorists.

I understand there is a delicate balance we must strike here between preventing and disrupting future terrorist attacks in the United States and protecting our cherished constitutional rights and civil liberties. We must make sure that our law enforcement and intelligence professionals have the tools they need at their disposal to stop future terrorist attacks. At the same time, we must insure that our government uses our scarce resources wisely, and that it safeguards the very rights and liberties that are guaranteed by our Constitution to all Americans.

The current legislation before the Senate simply extends the existing PA-

TRIO T Act authorities for 4 more years, until 2015, without any changes to the authorities given to the government or oversight of their use by Congress and the courts.

I think we can improve this legislation, as Congress seeks to strike the proper balance that I have mentioned. I have studied this issue closely as the former chairman of the Terrorism and Homeland Security Subcommittee of the Senate Judiciary Committee. The Judiciary Committee has held numerous hearings on the implementation of the new PATRIOT Act authorities. We have received testimony from government witnesses, including the inspector general of the Justice Department, on the improper use of some of the PATRIOT Act authorities, and recommendations to improve the PATRIOT Act.

Congress put these sunsets into this law for a reason. I have supported these sunsets for the PATRIOT Act and the FISA Amendments Act. A sunset means that a law will not just continue on autopilot without any changes. Congress uses sunsets when giving extraordinary authorities to the executive branch so that we have a check and balance on the use of this power by the government. The separation of powers also gives the courts a large role in reviewing and approving certain government investigatory and surveillance activity under the PATRIOT Act.

A sunset means that the executive branch has to come back to Congress and ask for an extension of authority. Congress then has a responsibility to look at how the law has been carried out, and make any needed improvements in the law, before again extending the authorities in the law.

Without any action by Congress, a sunset leads to the expiration of the law in question, as the authorities in the law will lapse. As a result, when sunsets are involved I have found the executive branch is more forthcoming with Congress in terms of sharing information and providing classified briefings to Congress on how they use the authorities in question.

That is why I voted to oppose cloture. The Senate should have the ability to consider substantive amendments to the PATRIOT Act, and not simply extend the authorities as is, with no changes, for another 4 years.

And the Senate already has a package of reforms ready for consideration, after careful deliberation in committee. Earlier this week, I was pleased to cosponsor an amendment offered by the distinguished chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY. In the 111th Congress, I was also pleased to cosponsor similar legislation offered by Chairman LEAHY. The Senate Judiciary Committee favorably reported this legislation to the full Senate in March 2011, as S. 193, the USA PATRIOT Act Sunset Extension Act of 2011.



Broadly speaking, the Leahy amendment would increase judicial and congressional review of surveillance authorities that sweep in U.S. citizens, and would expand oversight and public reporting to ensure that Americans can monitor the use of these authorities.

The Leahy amendment requires the government to meet a higher burden of proof when seeking business records from Americans, under the so-called section 215 orders. The amendment would require the government to show that the documents sought are relevant to an authorized investigation and are linked to a foreign group or foreign power. Current law merely requires the government to show the records are relevant to an authorized investigation. Under the amendment, the government must meet an even higher burden of proof to obtain bookseller or library records.

The Leahy amendment also makes it easier for Americans to challenge the government when business records are sought. The amendment strikes the 1-year waiting period before a recipient can challenge a nondisclosure order for section 215 orders, and also strikes the conclusive presumption in favor of the government on nondisclosure of such an order.

For the first time, this Leahy amendment would also write into law a sunset provision and greater oversight of the use of national security letters, NSLs, by the government. This would therefore add a fourth sunset to the PATRIOT Act. This provision would shift the burden to the government to seek a court order for an NSL nondisclosure order, and allows the recipient of such an order to challenge it at any time.

Under the Leahy amendment, Congress will require a new series of audits to ensure protection of privacy and vigorous oversight of the new authorities given to the government. The Justice Department inspector general would conduct audits of the use of three surveillance tools: orders for tangible things; pen registers and trap and trace devices; and NSLs. The scope of such audits includes a comprehensive analysis of the effectiveness and use of the investigative authorities provided to the government, including any improper or illegal use of such authorities.

Finally, the Leahy amendment requires enhanced court review and oversight of minimization procedures, which are designed to protect the privacy of innocent and law-abiding Americans. The amendment requires increased public reporting on the use of NSLs and FISA authorities by the government, including an annual unclassified report on how FISA authorities are used and their impact on the privacy of United States persons.

We now approach the 10th anniversary of the 9/11 terrorist attacks on

this Nation. The United States recently conducted a military and intelligence operation which led to the killing of the al-Qaida mastermind of the attacks, Osama bin Laden. America still faces threats to its security every day, and I thank our brave men and women in the United States military and our intelligence community for working tirelessly to keep America safe.

In my view, the Leahy amendment strikes the proper balance of giving our law enforcement and intelligence professionals the tools they need to prevent and disrupt future terrorist attacks, while simultaneously protect our civil liberties. The amendment includes important new protection for law-abiding Americans, and requires more vigorous oversight by Congress and the courts as the government uses these new powers.

Although I hope that the Leahy amendment will still be made in order, it is important that we do not allow the PATRIOT Act authorities to expire. It is important for our law enforcement and intelligence agencies to have these tools at their disposal as they seek to prevent and disrupt future terrorist attacks in the United States.

Mr. RUBIO. Mr. President, the PATRIOT Act has been an indispensable, life-saving tool for the law enforcement and intelligence communities that work tirelessly to protect our Nation from terrorist attacks. In these dangerous times, the PATRIOT Act should give a little more peace of mind to millions of Americans and give those seeking to do us harm good reason to rethink their diabolical plans.

Earlier this year, I voted to extend the PATRIOT Act. Today, I reaffirm my support for reauthorizing key PATRIOT Act provisions for an additional 4 years.

Our Nation's security has and will always be a top priority for me. As a member of the Senate's Select Committee on Intelligence, I am aware of the constant threat our Nation faces from terrorists and individuals who hate us and want to impose their radical view of the world at all costs. Any changes or limits on the PATRIOT Act would only give these extremists an opening to strike us.

While some may disagree on this issue, I simply cannot allow those tasked with protecting our people from being deprived of these vital, lawful means to help prevent an attack.

Mr. LEAHY. Mr. President, I am disappointed that we have not been able to work out an agreement that will allow consideration of my amendment to the pending USA PATRIOT Act sunset extension legislation. I think that a bipartisan majority of the Senate would have supported our improvements. We have missed an opportunity to move forward to help keep our Nation secure while also strengthening

our commitment to our core constitutional principles of individual liberty and privacy.

The amendment I sought to offer represented a commonsense and reasonable package of reforms that would have improved the law, expanded civil liberties and privacy protections, and better ensured proper oversight and accountability. This amendment earned the cosponsorship of Senator PAUL and a dozen others since we began debate on Monday, including Senators CARDIN, BINGAMAN, COONS, SHAHEEN, WYDEN, FRANKEN, GILLIBRAND, HARKIN, DURBIN, MERKLEY, BOXER, and AKAKA. I thank these Senators for recognizing that the Senate should do better than merely extend the expiring provisions of the USA PATRIOT Act for another 4 to 6 years without a single improvement or reform.

Over the past 2 years, the Senate Judiciary Committee has diligently considered how to make improvements to current law. The language in our amendment was the product of more than a year and a half of extensive negotiations with Republicans and Democrats, the intelligence community, and the Department of Justice. The committee reported a bipartisan bill last Congress and another similar bill in the current Congress. The bipartisan amendment that we sought to bring to the Senate preserved the ability of the government to use the PATRIOT Act surveillance tools, while promoting transparency, accountability, and oversight. It was not everything that everyone wanted but it was a commonsense package of improvements that should have been adopted.

The Attorney General and others have repeatedly assured us that the measures to enhance oversight and accountability, such as audits and public reporting, would not sacrifice "the operational effectiveness and flexibility needed to protect our citizens from terrorism" or undermine "the collection of vital foreign intelligence and counterintelligence information." In fact, the Attorney General has consistently said that the Senate Judiciary Committee-passed bill struck "a good balance" by extending PATRIOT Act authorities while adding accountability and civil liberties protections.

One of the improvements we need to make is to repair a constitutional infirmity in the current law. The so-called Doe v. Mukasey fix is needed to address a first amendment problem with the national security letter statutes, and should not have been controversial in any way. Similarly, no one can seriously contend that periodic audits by an inspector general of past operations presented any operational concerns to law enforcement or intelligence gathering. These are vital oversight tools that everyone should have supported.

As it stands now, the extension of the PATRIOT Act provisions does not include a single improvement or reform, and includes not even a word that recognizes the importance of protecting the civil liberties and constitutional privacy rights of Americans. We could have provided the necessary tools to law enforcement and the intelligence community, but could have done so while faithfully performing our duty to protect the constitutional principles and civil liberties upon which all Americans rely.

Today's Washington Post included an editorial that urged the Senate to extend the PATRIOT Act authorities but also to include "additional protections meant to ensure that these robust tools are used appropriately." The editorial observed that the bill "would be that much stronger" if it included the oversight and auditing requirements included in our amendment. That is why Senator PAUL and a dozen other Senators had sponsored the amendment. That is why Senator LEE voted for them this year in the Judiciary Committee. And I would note that Senator KYL and Senator CORNYN supported them in the last Congress.

I ask unanimous consent to have printed in the RECORD a copy of today's editorial from the Washington Post entitled, "A Chance to Put Protections in the PATRIOT Act."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE  
PATRIOT ACT

(By the Editorial Board)

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize "any tangible item" deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government

too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D-Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D-Nev.) and Sen. Rand Paul (R-Ky.) over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

SMALL BUSINESS ADDITIONAL  
TEMPORARY EXTENSION ACT OF  
2011

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1082, introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1082) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1082) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1082

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Additional Temporary Extension Act of 2011".

**SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.**

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended—

(1) by striking "Any" and inserting "Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any"; and

(2) by striking "May 31, 2011" each place it appears and inserting "July 31, 2011".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

**SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.**

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking "TERMINATION.—" and all that follows through "the authorization" and inserting "TERMINATION.—The authorization";

(2) by striking "2008" and inserting "2011"; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking "IN GENERAL.—" and all that follows through "with respect" and inserting "IN GENERAL.—With respect";

(2) by striking "2009" and inserting "2011"; and

(3) by striking clause (ii).

(c) COMMERCIALIZATION PILOT PROGRAM.—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking "2010" and inserting "2011".

**SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures."

SMALL BUSINESS ADDITIONAL  
TEMPORARY EXTENSION ACT OF  
2011—Continued

Mr. WYDEN. Mr. President, I ask unanimous consent that Senator SESSIONS be recognized to speak for up to 20 minutes for debate only.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, we had an unfortunate series of votes last night, in my opinion, because it was all arranged by our leadership in the Senate to have a series of votes to do nothing. That is unfortunate because the United States of America, and the Senate are proceeding with an idea that they do not have to have a budget. In fact, the majority leader, Senator REID, said it would be foolish to pass a

budget. And as one of the staffers said, on background: Well, if we pass a budget, we will have to tell people how much we are going to raise their taxes and talk about spending reductions, and that will not be popular.

What did they do? One of the most incredible things I have ever seen in the Senate. Did they express regret that they could not pass a budget, that they would not state for the American people a vision for spending and the financial future of America? No. What did they do? They have the majority in the Senate. They called up the budget passed by the House of Representatives, which is a really historic budget, an honest budget that deals fairly and objectively with the challenges we are facing, reduces spending, actually was able to reduce some taxes, and proposed, a decade out, that the Congress confront Medicare because it is going broke. So what did they do? They called up that budget. Did they call it up to amend it? Did they call it up to offer us a chance to debate it and offer amendments and fix anything anybody did not like about it? No. That was not what was done. They brought it up only with the most limited debate before all four votes. They stacked all four votes on four different budgets and projections and just voted them down. They voted down every budget that was offered.

I have on my desk in my office the President's budget. It is four volumes, hundreds of pages, and it lays out a budget. Every President submits budgets. They have a 500-person Office of Management and Budget staff. Every year, they produce a budget. The law requires them to produce a budget. This is the Code, the United States Code Annotated, and in this is the law that says a President should submit a budget and the date by which he should do it. It says the U.S. Senate should commence markup in the Budget Committee by April 1 and the Congress should pass a budget by April 15. Last I heard, April 15 is long since passed.

How do you get a budget out of committee and to the floor of the Senate? What are we supposed to do by April 1? The chairman is supposed to call a markup, and he is supposed to bring up the budget he proposes, offer it to the Budget Committee. It is open for amendment, change, and debate, then it is voted on. A budget should then come out of the committee to the floor of the Senate. It has expedited procedures, but you are allowed to offer amendments, and there is 50 hours of debate—not too much. It does not require the normal 60 votes we have to have for legislation here; it only requires a majority, 50 votes.

That is basically designed, frankly—when the people wrote the Budget Act back in the 1970s—to allow the majority party to be able to pass a budget because there were too many filibusters

of budgets and no budgets were getting passed. If you have the majority in the Senate, at least you should be able to produce a budget. So it provides the Democratic majority—the 53 Democratic Senators they have—the opportunity to produce a budget on a partisan basis if it cannot be done on a bipartisan basis. So the normal process is, you work with your colleagues on the other side of the aisle, and if you think a good agreement can be made in a bipartisan fashion, you do so and move a bipartisan budget.

I remember last year when Senator Gregg, our Republican ranking member, talked about his conversation with Senator CONRAD, and he said: He is not letting me see the budget. It is going to be produced the next morning. What that means is, he is going to produce a partisan budget. He does not want our opinion. He is not going to show us what is in his budget until the day of the mark-up.

So this year, we wrote—all the Republican members; I am the ranking member now—we asked the Budget chairman to show us his mark 72 hours before the mark-up because he had not consulted with us and it appeared he was going to produce a partisan budget. Actually, he told me the date the hearing would commence to mark up his budget, but he did decline to give us any advance notice or opportunity to see what was in it.

All I am saying is that the procedure is set up realistically under the Budget Act to allow the majority party to meet its responsibility to pass a budget. They do not need a single Republican vote to pass a budget. I think it is better if you can get a bipartisan agreement. Oftentimes in the past, there have been. But since budgets represent visions for America, oftentimes in recent years they have gone on pretty much a party line but not 100 percent. That is what I would say.

So the President submitted his budget, and it was roundly criticized around the country, and I was a very severe critic of it. So we offered that budget last night. That was one of the four budgets that was offered. We brought it up. It is the only Democratic budget to be produced. I believe the Progressive Caucus produced one in the House, but, of course, it did not pass. It had a lot of tax increases, a lot of spending increases in it. It had no chance whatsoever of being passed. The American people sent us a message last year that they want us to get spending under control. They want us to reduce the size and scope of government. That is what they asked us to do.

So the President's budget came up last night, and, 97 to 0, every Democrat voted against the President's budget. Well, they should because it was unacceptable. I have referred to it as the most irresponsible budget in the history of our country because we are in a

deeper financial hole than we have ever been. That is just a fact, and it is not a short-term, little problem; it is a problem that is getting worse in the years to come.

So the American people have come to the conclusion that we need to change the trajectory of debt that we are piling on year after year, month after month, day after day, by the billions—trillions, really.

The President's budget, as scored by the Congressional Budget Office, would produce uncontrolled debt year after year after year, in amounts never before contemplated in our country, making the debt trajectory of our current baseline spending worse, not better.

I was under the impression everybody understood we had to change and get better. I thought, when we came in with this Congress, the debate would be over how much to change in the right direction, how much could we do to reduce the deficits, put us on the right path. Not the President's budget, which made things worse.

According to the Congressional Budget Office, which analyzed his budget and scored it, as we say, the lowest single deficit that budget would produce is \$748 billion, the lowest deficit to be produced under his 10-year budget. President Bush was criticized for spending. The highest budget deficit he had was \$450 billion. That was the highest President Bush had, and he was criticized for that by many of my Democratic colleagues quite vociferously.

President Obama is now heading to his third trillion dollar budget deficit. This year, it is going to be \$1.5 trillion, it looks like three times the size of President Bush's highest deficit. As I said, the lowest deficit they are projecting is \$748 billion, and then it starts going back up again. In his 10th year, according to the Congressional Budget Office, the deficit will be \$1.2 trillion.

It is an indefensible, irresponsible budget. I am stunned that it was presented here. It has been widely criticized, as well it should be. So it was voted down last night.

If you are going to vote down something, should you not offer something in its place? That is what the fiscal commission that President Obama appointed said. That was their rule. That is what they promoted publicly: If you oppose a budget, you should offer your own. And, in fact, after Congressman RYAN, who served on the fiscal commission with Mr. Bowles and Senator Simpson, the cochairmen, he produced a budget. They gave him great credit. They said it was honest and courageous, and it faced the challenges of America, and it deserved respect, and then said: Anybody who does not agree with that should show what they would do.

So yesterday afternoon, we had the spectacle of Democratic Senators hammering and complaining about the Ryan budget, which in my opinion is the most historic and responsible budget to be produced in decades. No, it is not perfect. It is perfectly acceptable to believe that it ought to be amended. But it was a historic, honest attempt at dealing with the fiscal challenges we face, and would put us on a financial path to solvency and stability and eliminate the risk we are facing. We probably should do more to reduce spending than he proposed. But it was courageous and bold and honest and without gimmicks. I thought a very impressive document. I looked forward to debating parts of it in our Budget Committee.

So what did we have last night? Yesterday? They just brought it up and every Democratic Member voted it down. And why? Because he had the gumption to actually suggest that for people 55 and younger, we should begin to create a Medicare system that would be solvent and effective and save Medicare, because the trustees have reduced the year again at which it goes insolvent. Senator REID and Senator SCHUMER had cleverly thought up this theory and were explicit about it. Their theory was they would not bring up their own budget. They would not tell the American people how much they wanted to increase their taxes. They would not tell the American people they were going to cut anything, because they might make someone unhappy and be unpopular. They would just call up the Ryan budget and attack Republicans as wanting to kill Medicare, and produce nothing in response. They do not have any plan to fix the situation we are in.

I am disappointed about that. It is unthinkable that we would be recessing and going home for a week without commencing markup hearings in the Budget Committee to produce a budget that we are required by law to produce. It is unthinkable we would do that.

I will be presenting to the majority leader a letter today from Senators on our side of the aisle—large numbers of Senators have signed it, saying, we do not need to go home until we have confronted this problem, and you have shown us how we are going to move forward to meet our statutory responsibility to pass a budget.

I think that is reasonable. That is what we are going to be asking today. I am not going to vote to go home without having met our duty. We call up our young men and women in uniform. We say: You will go to Iraq for a year. They say: Well, I would rather not go. It is in your contract. You signed up. You have to go. It is your duty. And they say, yes, sir, and they go.

Many of them have lost lives and limbs and we ought to remember them

this Memorial Day. But do not we have a duty here? I think we do. I think we have a duty to the United States of America to produce a budget, whether or not it is law. But it is law in the United States Code. That is our duty. We do not need to be going home until we fulfill it, and we have a plan to go forward with it. I want to say this is not a little bitty matter with me. We are not going to have four votes—as we did yesterday—and then the majority leader is going to say, see, it is foolish to produce a budget. I told you we could not produce a budget. We are not going to fool with having a budget this year.

It has been 757 days since the Senate has had a budget, because the majority leader did not bring up a budget last year either. Does anybody have any wonder about why we are going to have a \$1.5 trillion deficit this year, why 40 cents of every dollar we spend is borrowed? We spend \$3.7 trillion and we take in only \$2.2 trillion.

Experts and financial wizards all over the world are telling us, what are you doing in the United States? You are about to threaten the world's most prominent economy. It could have worldwide ramifications. Our debt to GDP compares with Portugal and Spain, almost as high as Greece. It will be 100 percent by September 30 of this year.

And we are going away without a budget again. The people who have asked to be given a leadership responsibility in the Congress cannot even comply with the Budget Act. They refuse to stand before the American people and say what they want to tax, what they want to spend, what they want to cut—because it would not be popular. It would be foolish.

I do not think so. It is not acceptable. You asked to be the leader of this Congress. You asked to be the President of the United States. You have a responsibility to submit a responsible budget, an honest budget, a fact-based budget, a budget the American people have an opportunity to understand, to read and study before we vote. And if the American people find we have cast a bad vote, they can cast a good vote to throw some people out of Congress.

They threw some people out last fall. It does not look like we have gotten the message—Business as usual. We are in denial. We do not have to change. Oh, no, you cannot cut this spending program. What do you mean you cannot cut spending programs? Give me a break. The Alabama Governor, Dr. Bentley, had to announce a 15-percent reduction in discretionary spending. Why? He did not have the money. Is that something we have forgotten in Washington—when you do not have money, you should not spend it?

Well, you say, it is all because of this economy, or something else. Look, under President Obama, nondefense

discretionary spending in 2 years went up 24 percent. We are going broke. We are increasing spending on all the government programs. On an average, in the last 2 years that is 12 percent a year. You know, the value of your money will double in 10 years if your interest is 7 percent. At 12 percent, I guess the size of government would increase and double in 6 years.

Great scott. No wonder people are upset with us. We have been spending incredibly recklessly. Also the 12 percent I mentioned—24 percent in 2 years—that does not include the stimulus package, the almost \$900 billion stimulus package that was thrown out the door with almost no oversight. It was just designed to spend. And do you remember, it was supposed to stimulate the economy.

We probably have had the slowest ever rebound from a recession. It has been a very shaky recovery. They will say, well, we should have spent more. But Rogoff and Reinhart, the professors, tell us, when your debt gets as high as that of the United States, then you begin to show a decline in growth. One percent of GDP growth is reduced when your debt reaches 90 percent of GDP. We reached that this year, and we will go over 100 percent by September 30.

This is the budget that the President has submitted to us. He has a large staff over there. They maintain it. A large number of them have been there for many years. The President submitted to us a budget. It was rejected yesterday 97 to 0. It confirms the fact that we do not have a legitimate budget before us. The President's budget has been rejected utterly. The Democrats have refused to produce one.

They say: Why don't you have a mark-up and offer your budget? I cannot call a mark-up. The chairman calls the mark-up. The majority leaders confer and tell the chairmen when to call a mark-up. They decided not to call a budget mark-up. We do not have an opportunity to go to the Budget Committee and pass a budget.

We had such tremendous interest, and a lot of the new people who got elected to the Senate last fall wanted to be on the Budget Committee. They traveled their States. They had heard from their people all over their States that they wanted us to control spending. They wanted to be on the committee. It was the committee which had more interest and more people pushing to be on it than any other committee. We finally selected a fabulous group of people to serve on the committee. And now we do not meet. Now we are not even going to mark up a budget. What a disappointment for those new Members coming here with vim and vigor and ready to do something about the future of the Republic.

You know, one of the things that was interesting about the President's budget is how much praise it got from our

Democratic colleagues who voted it down last night when it came out. This is what Senator SCHUMER said about it: "This is a responsible proposal. I believe this approach should have bipartisan support." Senator BILL NELSON: "I personally think the President's budget is a step in the right direction." Senator MAX BAUCUS: "The President's budget strengthens our economy." Senator BEN CARDIN: "President Obama has given us a credible blueprint." Senator TOM CARPER: "The President's budget is an important step forward." Senator FRANK LAUTENBERG: "President Obama's budget presents a careful evaluation of what our Nation needs."

They all voted no last night. You know, with friends like that, you do not need enemies, as they like to say. But what about Mr. Erskine Bowles, the man President Obama chose to serve as chairman of the debt commission? Mr. Bowles talked about the budget. He was rather stunned actually when it came out. It came out I think on Friday. On Sunday, Mr. Bowles said: "It comes nowhere close to where they will have to go to avoid a fiscal nightmare."

Can you imagine? This is the man President Obama chose to head the deficit commission, and he hammered this budget.

He said it is nowhere close, and it is nowhere close to doing what we have to do. So I believe what we went through yesterday was a sham, a mockery, a joke, and had no meaning. It was nothing but politics, nothing but an avoidance of responsibility to help provide leadership.

We all know some serious choices have to be made, and I will close with these thoughts. We are going to need a partnership in the Senate between our parties. There are going to be some tough choices which have to be made. In my view, we simply cannot continue at our rate of spending. It has to be reduced. But we have people in denial, who don't think it has to be reduced. But when your lowest deficit in 10 years is projected to be \$740 billion, and this year's will be the highest in the history of the Republic, \$1.5 trillion or more—how do we get there?

We are going to have to make some choices. I have saluted the Gang of Six, who have tried. Apparently, they have fallen on hard times and the prospects aren't good for that. Now the Vice President is meeting. There is some excuse, they say, that we don't have to do our business openly and before the public and stand and be accounted for because that would not work. People are afraid to make tough choices and decisions in public.

I believe the American people are not happy with us. I know they are not happy with us. Seventy percent of them believe this country is on the wrong track, and the biggest part of that, surely, is our fiscal management.

They know this debt cannot be sustained. So we need to do something. The best way to do it is to follow the regular order, follow the legally constituted method of budget processing. Let's have a Budget Committee meeting, and if the Gang of Six has ideas, let's have them brought up in the Budget Committee and vote on them. If Vice President BIDEN wants to send something over, I am glad to hear it. If the President wants to send his people over to defend this budget that has been rejected 97 to zero, let them do it.

I will tell you what he and his Budget Director, Mr. Lew, said—can you believe it? They said this budget will allow us to live within our means and not spend money we don't have. That is the way they promoted this budget. It was rejected last night. If it caused us to live within our means and allowed us to pay down our debt then I would vote for it. It did not come close to that. Yet the President talked about it all over the country, and his staff ran around saying this budget will allow us to live within our means. That is totally inaccurate, and that is irresponsible. What the President should have done, and what our Democratic leaders have to help us with, is go to the American people and, with clarity, without equivocation, say we cannot continue. We must tell them big changes have to be made, and we are so sorry this country has gotten in the shape we are in. We must say that we are going to make some changes, and we urge you to help us stick together and do it. We must do this to put the country on the right path.

But what do we have? We have Congressman RYAN, in the Republican House, who had the temerity, the courage, the discipline, and the sense of duty sufficient to pass a budget that would actually do what needs to be done. They called it up and attacked it with everything they had, but they will not produce anything of their own.

It cannot be denied that this is a failure of leadership. I believe the process and path we are on now is dangerous; it is not public, it is secret. They tried to produce a secret plan on comprehensive reform of immigration. The American people heard about it, and down it went. They tried to negotiate in secret this health care reform bill. They were able to hold their votes on a straight party-line vote—60 to 40—but the American people were not happy with the process or results and a lot of people who participated in that spectacle didn't come back after this last election.

That is not the path we are hearing from our constituents. Our constituents are saying: You work for us. We want to see you publicly stand and defend the values we believe in. If you don't do so, we are going to hold you accountable. I think that is democracy in America, and that is healthy. I don't

think there is anything wrong with it. I respect the American people who are watching Congress and demanding that we change the trajectory we are on.

I believe strongly that we need to do better. I believe strongly that this Congress should have in play and commit before we recess—or not recess—a plan to deal with the financial crisis our Nation faces. When we do that, we can feel like we are fulfilling our duty both in law and morally to the people who have given us the honor of serving in this body.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KIRK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RESIGNATION OF DOMINIQUE STRAUSS-KAHN

Mr. KIRK. Mr. President, last week, I spoke on the floor regarding the resignation of Dominique Strauss-Kahn, who is managing director of the International Monetary Fund, due to the serious criminal charges he is now facing in New York.

Mr. Strauss-Kahn has since resigned, but it appears he will now receive at least a \$250,000 taxpayer-funded severance pay package from the IMF and may be eligible for further undisclosed amounts in annual IMF retirement benefits.

Since the United States is the largest contributor to the IMF, we now face the potential share scenario where the American taxpayer is partly underwriting severance payments and retirement packages to a man who is pending a criminal conviction as a felon.

This is clearly unacceptable, and it is my hope that the U.S. executive director to the IMF, Meg Lundsager, advocates that no future benefits pass to Mr. Dominique Strauss-Kahn, if he is convicted of the crimes with which he is charged.

As you know, the IMF is spearheading efforts to manage a very wide and deep European debt crisis. Despite my reservations about U.S. taxpayer bailouts for Greece, Ireland, and Portugal, the institution does play a very critical role in financial leadership. I think it needs to set an example, especially with regard to its now-disgraced leader.

Mr. Strauss-Kahn has failed to live up to the expectations of his institution and what the American taxpayers support.

#### STATE BAILOUTS

Mr. President, the U.S. Treasury is scheduled to borrow over \$1.4 trillion this year, and we have a scheduled interest payment of over \$220 billion. We will pay more in interest this year than we do for the cost of the U.S.

Army. I am very concerned about this situation and also an underreported financial situation developing in American States. The situations in my home State of Illinois and the State of California are the most dire. I would regret any attempt by these States to seek a Federal bailout. To defend the full faith and credit of the United States, I think we should move forward with a resolution that I introduced with a number of other Senators, S. Res. 188, that expresses the sense of the Senate that we should have no Federal bailout for the States.

This is an issue that has concerned the Senate once before. In the 1840s, we faced a funding crisis of the States. The Senate wisely advised then-Secretary of the Treasury Daniel Webster to seek or report on any discussions that he might have had that could have led to guaranteeing State debt. It was the Senate's express resolution that prevented Treasury Secretary Webster from bailing out the State's debt. The crisis at the time was even reflected in Charles Dickens' famous book "A Christmas Carol," in which Scrooge was described as someone who was less than wealthy because he had overinvested in what were called United States sovereigns. In fact, the phrase in the "Christmas Carol" is "not worth a United States sovereign" because of the spend-thrift policies of many State governments at the time.

The Senate at that time took the correct action to prevent the spend-thrift actions of several States from contaminating and ruining the credit rating of the United States itself.

Our credit rating is already under stress with reports, especially by Standard & Poors, that we may face a loss in the AAA credit rating invented to symbolize the strength of the United States if we don't change the spending course soon. A way to accelerate the loss of a AAA credit rating is to guarantee or somehow bail out spend-thrift States such as Illinois or California.

In Illinois, we have a very courageous State treasurer who just took office and made a clear statement. Treasurer Dan Rutherford has told the leaders of my own State they need to stop borrowing, they need to stop spending. He is seeking no Federal bailout for his State. The State situation is quite dire.

By one estimate, the revenues and pensions of the State of Illinois are the worst funded in America. Less than 40 percent of the pensions, by one estimate, have been funded. With this type of track record, you could see a situation in which California or Illinois, in a crisis, would seek a bailout from the Senate and from the House. I think we should repeat the wise precedent set in the 1840s, the advice we sent to Treasury Secretary Daniel Webster to set a clear marker for our own Treasury Secretary to make sure there is no bailout

for the States. To protect our credit rating, I think this action is necessary, especially to reassure the credit rating agencies.

What would happen if we don't? Could we provide temporary benefits to Illinois and California? We could. Could we underwrite their policies of spend-thrift ways? We could. Would we accelerate a loss of the AAA credit rating of the United States? We could. We are already seeing an example of what happens when you drive your national economy off a cliff. Many of us originally hailed from our long-time ancestors who passed from Ireland, and recently the Irish Government finances collapsed as they lost their credit rating. Because interest rates spiked in that country so fast, 53 percent of mortgages in Ireland were foreclosed in a short space of time after the loss of their credit rating.

We need to act to protect the people of the United States from such an economic fate. That is why we need to say no to any State bailouts, why we need to cut spending in Washington, and why we need to make sure that at all costs we defend the credit rating of the United States. It is our sacred duty to make sure that what is befalling the people of Greece and the people of Portugal and the people of Ireland, being misruled by governments that said yes to every special interest spending idea and no to their economic future, does not infect the credit rating of the United States.

That is why this resolution is so needed, and that is why I am so proud to submit it today in the full and complete historic financial tradition of the Senate.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1085 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### COTE D'IVOIRE

Mr. INHOFE. Mr. President, I have made four speeches on the floor in the last month about the disaster, the catastrophe that is taking place in a country in west Africa called Cote d'Ivoire. Cote d'Ivoire is a country whose President, the legitimate President, I might add, is Laurent Gbagbo, with his wife Simone. Someone named Alassane Quattara, from the northern part of Cote d'Ivoire, with a rigged election, came in; it was certified. It was all set up before we knew what was going on.

That individual's name is Quattara. His death squads today, this very mo-

ment as we speak, are roaming the streets of Abidjan in Cote d'Ivoire. He is murdering and he is raping. Right now they have in captivity Laurent Gbagbo, the legitimate President of Cote d'Ivoire. I think they are in the process of perhaps killing him right now. We don't know that. The State Department does not know it. No one knows it.

We had a hearing. The State Department was totally without compassion or concern over what is happening in the streets of Abidjan. We saw, we witnessed on video, the helicopters coming through and destroying that city. We have friends there right now who tell us that even today the death squads of Alassane Quattara are roaming the streets murdering people. No one can say within 10,000 people how many people they murdered.

My concern is it is too late to do anything about that. They rigged the election. I documented it. I sent the documentation to the State Department. They paid no attention to it. France was behind the whole thing. France wants to have as much control as they can of west Africa. They conned the United Nations into it and our State Department went along with it.

What is happening right now is so inhumane. I wish I had the pictures I showed before. The beautiful First Lady, Simone Gbagbo, is a beautiful lady, and they took her into captivity, pulled her hair out by the roots, and ran through the streets of Abidjan, holding up her hair in their hands. They are murdering everyone who is a friend of that administration.

Well, I have one plea right now. There are a lot of options on what they can do. They can murder the President and First Lady—and they are considering that now. They are trying to consider some way to make it look like suicide. I don't know what they are doing. The State Department doesn't know what they are doing. Unfortunately, the State Department doesn't even care what they are doing.

One of the options would be to allow the President and the First Lady and some who are close to go to another country in Sub-Saharan Africa and be able to stay in that country. We have already located host countries to allow that to take place.

So I am making an appeal right now. I can't get the Secretary of State to talk to me about it. I can't get anyone else but just a handful of people, but we need to do something and do something now—today. If we wait until after this recess, I would almost say their blood will be on the hands of the State Department because we can do something about it now. All we have to do is encourage the new, illegitimately elected President of Cote d'Ivoire—Alassane Ouattara—and his administration to give an opportunity for another state to host these two individuals. Quite frankly, I think that would



be a very smart thing politically for him to do because with the other two options, we all know what happens. We know what martyrs are, and that is what would happen.

So this is, I guess, a final appeal to anyone who is sensitive to the torturing, raping, and murdering that is going on today to join me in encouraging the State Department, the United Nations, France, and Alassane Ouattara to turn over President and Mrs. Gbagbo to a host country for their asylum.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Florida.

#### OIL SPECULATION

Mr. NELSON of Florida. Madam President, we have all heard the phrase "drill, baby, drill." Well, it is interesting that the pro-oil company folks think that all of our answers have to do with drilling because, lo and behold, we have actually increased our domestic production. Let me quote from a Reuters story from May 25:

Crude oil production, especially in the deep waters of the Gulf of Mexico, increased by 334,000 barrels per day between 2005 and 2010, which also cut into foreign oil purchases.

As a matter of fact, the article goes on to say:

Imports of crude and petroleum products accounted for 49.3 percent of the U.S. oil demand last year, down from the high of 60.3 percent in 2005. It also marked the first time since 1997 that America's foreign oil addiction fell under the 50 percent threshold.

Now, that is worth noting. That is really something because the trend is reversing. Maybe it is that we are getting more energy conscious. Maybe it is that we are expending less gasoline in our vehicles because of the higher miles-per-gallon standards. Maybe we are remembering to turn off the lights when we leave the room. Maybe we are being a lot more sensitive to how vulnerable we are because we depend—as we have in the past—on upwards of 60 to 70 percent of our daily consumption from foreign shores, places such as Nigeria and the Persian Gulf and Venezuela.

Now, I have just named three very unstable parts of the world that could, at any moment, cut off that production. So maybe America is finally waking up to the fact that, lo and behold, we have to be concerned about our energy sources and not depend so much on foreign production.

The mantra "drill, baby, drill" implies that if we just continue to drill—in places where we can drill domestically—that is going to solve our problem. But that ignores the fact that it takes about 10 years to take an oilfield and get it into production. So that doesn't solve our problem now as we are facing these high gas prices. That is what I want to talk about, the high gas prices.

We ought to drill where we should. A lot of people do not know that of the 37

million acres that are leased in the Gulf of Mexico only 7 million are drilled. There are 37 million acres leased in the Gulf of Mexico, but only 7 million of those 37 million acres are drilled. So let's do drill, baby, drill. Let's drill on all those leases, those 30 million acres in the gulf and elsewhere that are existing leases and that haven't been drilled.

But it is not the world oil market and the U.S. consumption that is causing these gas prices to go up. There are other factors, and I want to talk about that as well. It is true there are new demands on oil consumption from burgeoning countries such as China and India, and that causes more oil to be consumed from the world marketplace. But remember what I just cited; that the United States is lowering its consumption of imported oil. So that is clearly not a factor affecting the price of oil worldwide or the price at the pump we pay for the refined gasoline.

No, there is another reason. That reason happens to be the speculators who are out there running up the price on commodity exchanges for oil futures contracts. Those prices run up until they are ready to dump them, and then suddenly they go down.

I want to call the attention of the Senate to a New York Times story from May 24—just a couple of days ago—entitled "U.S. Suit Sees Manipulation of Oil Trades." Let me quote from the article.

The suit says that in early 2008 they tried to hoard nearly two-thirds of the available supply of a crucial American market for crude oil, then abruptly dumped it and improperly pocketed \$50 million.

So the Federal commodities regulators filed a civil lawsuit against two obscure traders in Australia and California and three American and international firms. This was in the context of 3 years ago, in 2008, when oil prices had surged past \$100 a barrel. There were those suspicions then that traders had manipulated the market, and that ultimately has led to a number of commentaries and investigations.

Well, the regulators at the Commodity Futures Trading Commission have now filed this suit, and they are looking into the fraud being utilized in these oil and gas markets, particularly the commodity futures markets.

In the past months, I have come to the Senate floor several times to discuss the net result of all of this, which is what we pay at the pump, and how it directly links to these oil speculators and the game they play in running up the price of oil. Using the data from the Commodity Futures Trading Commission and price data from the Energy Information Administration, we have shown on this floor in speech after speech—until I am blue in the face—the direct link between the rising level of speculators and their speculation in our energy markets and the skyrocketing oil and gas prices.

When the top executives of the five largest oil companies in the United States testified a week ago in our Senate Finance Committee on what role speculation played in the oil markets, I asked them to please explain why gas prices are remaining so high when oil prices have begun to fall. Madam President, you should have heard the mumbling around that followed. The truth is, speculators, whether they are active traders or passive investors, have hijacked our oil markets in recent years, and the American people are the ones who are suffering the consequences because the price of that gas goes up when we pump it into our cars.

Oil prices are set in futures markets, such as those regulated by the Commodity Futures Trading Commission. Futures contracts—meaning we buy a contract of oil at a specified price to be delivered at a future date—allow oil producers to lock in prices on their future output. Those contracts also allow large consumers of fuel, such as airlines, to lock in a price as a hedge against inflation and that future price swinging way up.

The futures markets were intended to bring actual producers and real consumers of oil together, and, in doing so, the supply would match the demand. Speculators then were allowed to play a limited role to ensure there was sufficient liquidity in the market. But then here is what happens—and this is what happened back in 2008 when the price of gas went so high. Speculators constitute now anywhere from two-thirds to 80 percent of the market. They are no longer a bit player, they are the main player, and this is what we need to end.

In last year's financial reform bill, we directed the Commodity Futures Trading Commission to set hard limits on the speculative positions. We gave them a deadline of last January 21. Now we are here months past the deadline, but the CFTC has not yet finalized a rule.

Why should they do this? If you are a legitimate user of oil—say, an airline—you have every reason to want to hedge against the price of that oil going way up, so you buy a contract for delivery of oil at a specified price at a future date. But if you are a speculator—buying and selling oil futures contracts, having no intention to use the oil, having only to put as a downpayment a bare percentage of the total contract price—you can manipulate that price upwards by buying and selling those contracts. This is exactly what happened back in 2008. It is what is happening again, as we have seen the price of a barrel of oil go up and up.

We passed the law last year. The Commission has the authority. We should not have to pass another law that requires them to do it, but if the CFTC cannot get the job done, then we are going to have to. That is the bottom line.



The American people are outraged. Here America is lowering its consumption of oil, here America is lowering its imports of oil, here we are getting more energy conscious, and yet the price of gas keeps going up. It is time to put an end to this.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. I thank the Chair.

Mr. President, in a few minutes my colleague from Maryland, Senator CARDIN, will be introducing a bill which I am a cosponsor of, along with a large bipartisan group of our colleagues. I wish to emphasize at the outset that some may characterize this legislation as anti-Russian. In fact, I believe it is pro-Russian. It is pro the people of Russia. It is pro the people who stand up for human rights and democracy in that country which, unfortunately, seems to be sadly deprived of.

This legislation, as my colleague and friend Senator CARDIN will describe, requires the Secretary of State, in consultation with the Secretary of the Treasury, to publish a list of each person whom our government has reason to believe was responsible for the detention, abuse, or death of Sergei Magnitsky; participated in efforts to conceal the legal liability for these crimes; committed those acts of fraud that Magnitsky uncovered; is responsible for extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking to expose illegal activities in Russia or exercise other universally recognized human rights.

Second, the individuals on that list would become the target of an array of penalties, among them, ineligibility to receive a visa to travel. They would have their current visas revoked, their assets would be frozen that are under U.S. jurisdiction, and U.S. financial institutions would be required to audit themselves to ensure that none of these individuals are able to bank excess funds and move money in the U.S. financial system.

I guess the first question many people will be asking is who was Sergei Magnitsky? Who was this individual who has aroused such outrage and anger throughout the world? He was a tax attorney. He was a tax attorney working for an international company called Hermitage Capital that had invested in Russia. He didn't spend his life as a human rights activist or an outspoken critic of the Russian Gov-

ernment. He was an ordinary man. But he became an extraordinary champion of justice, fairness, and the rule of law in Russia where those principles, frankly, have lost meaning.

What Sergei Magnitsky did was he uncovered a collection of Russian Government officials and criminals who were associated with the Russian Government officials who colluded to defraud the Russian state of \$230 million. The Russian Government in turn blamed the crime on Hermitage Capital and threw Magnitsky in prison in 2008.

Magnitsky was detained for 11 months without trial. Russian officials, especially from the Interior Ministry, pressured Magnitsky to deny what he had uncovered—to lie and to recant. He refused. He was sickened by what his government had done and he refused to surrender principle to brute power.

As a result, he was transferred to increasingly more severe and more horrific prison conditions. He was forced to eat unclean food and water. He was denied basic medical care as his health worsened. In fact, he was placed in even worse conditions until, on November 16, 2009, having served 358 days in prison, Sergei Magnitsky died. He was 37 years old.

Sergei Magnitsky's torture and murder—let's call it what it really was—is an extreme example of a problem that is unfortunately all too common and widespread in Russia today: the flagrant violations of the rule of law and basic human rights committed by the Russian Government itself, along with its allies.

I note the presence of my colleague and lead sponsor of this important legislation. I hope in his remarks perhaps my friend from Maryland would mention the latest in the last few days which was the affirmation of the incredible sentence on Mr. Mikhail Khodorkovsky and his associate which is, in many ways, tantamount to a death sentence; again, one of these blatant abuses of justice and an example of the corruption that exists at the highest level of government.

I wish to say again I appreciate the advocacy of my colleague from Maryland and his steadfast efforts on behalf of human rights in Russia, Belarus, and other countries. It has been a great honor to work with him and for him in bringing this important resolution to the floor of the Senate.

I ask unanimous consent that at the appropriate time, the Senator from Maryland and I be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator MCCAIN, not just for taking time for this colloquy concerning Mr. Magnitsky but for his longstanding commitment to justice issues, human rights issues, and the

values the United States represents internationally.

We have had a long, proud, bipartisan, and, most importantly, successful record of promoting basic American values such as democratic governance and the rule of law around the world. Engaging the countries of the Eastern Bloc in matters such as respect for human rights was critical to winning the cold war. We will never know how many lives were improved and even saved due to instruments such as the Helsinki Final Act and the Jackson-Vanik amendment. These measures defined an era of human rights activism that ultimately pried open the Iron Curtain and brought down the Wall. Thankfully, the cold war is over and we have a stronger relationship, both at the governmental and societal levels, with countries in Eastern Europe. But, sadly, internationally recognized rights and freedoms continue to be trampled and, in many cases, with absolute impunity.

With the possibility of Russia's accession to the World Trade Organization, and the Presidents of the United States and Russia meeting in France, ours is a timely discussion.

Last week, I joined my distinguished colleague, the Senator from Arizona, and 14 other Senators from both parties to introduce the Sergei Magnitsky Rule of Law Accountability Act—a broad bill to address what the respected watchdog Transparency International dubbed a “systematically corrupted country” and to create consequences for those who are currently getting away with murder.

Actions always speak louder than words. The diplomatic manner of dealing with human rights abuses has frequently been to condemn the abusers, often publicly, with the hope that these statements will be all they need to do. They say oh, yes, we are against these human rights violations. We are for the rule of law. We are for people being able to come forward and tell us about problems and be able to correct things. They condemn the abusers, but they take no action. They think their words will be enough. Well, we know differently. We know what is happening today in Russia.

We know the tragedy of Sergei Magnitsky was not an isolated episode. This is not the only time this has happened. My colleague from Arizona mentioned the Mikhail Khodorkovsky case. Mr. Khodorkovsky is today in prison with even a longer sentence. Why? Because he had the courage to stand up and oppose the corrupt system in Russia and something should be done about it. That is why he is in prison, and that is wrong.

So it is time we do something about this and that we make it clear that action is needed. For too long, the leaders in Russia have said we are going to investigate what happened to Sergei

Magnitsky. We think it is terrible he died in prison without getting adequate medical care. As Senator McCAIN pointed out, here is a person whose only crime was to bring to the proper attention of officials public corruption within Russia. As a result of his whistleblowing, he was arrested and thrown in jail and died in jail. He was tortured. That cannot be allowed, to just say, Oh, that is terrible. We know the people who were responsible. In some cases they have been promoted in their public positions. Well, it is time for us to take action. That is why we have introduced this legislation.

While this bill goes far beyond the tragic experiences of Sergei Magnitsky, it does bear his name, so let me refresh everyone's recollection with some of the circumstances concerning his death. I mention this because some might say, why are we talking about one person? But as the Soviet dictator Joseph Stalin said, "One death is a tragedy; one million is a statistic." I rarely agree with Dictator Stalin, but we have to put a human face on the issue. People have to understand that these are real people and real lives that have been ruined forever as a result of the abuses within Russia.

Sergei was a skilled tax lawyer who was well known in Moscow among many Western companies, large and small. In fact, he even did some accounting for the National Conference on Soviet Jewry. Working at the American law firm of Firestone Duncan, Sergei uncovered the largest known tax fraud in modern Russian history and blew the whistle on the swindling of his fellow citizens by corrupt officials. For that he was promptly arrested by the subordinates of those he implicated in the crime. He was held under torturous conditions in detention for nearly a year without trial or visits from family. He developed severe medical complications which went deliberately untreated, and he died on November 16, 2009, alone in an isolation cell while prison doctors waited outside his door. Sergei was 37 years old. He left behind a wife, two sons, a dependent mother, and so many friends.

Shortly after his death, Philip Pan of the Washington Post wrote:

Magnitsky's complaints, made public by his attorneys as he composed them, went unanswered while he lived. But in a nation where millions perished in the Soviet gulag, the words of the 37-year-old tax lawyer struck a nerve after he died . . . his descriptions of the squalid conditions he endured have been splashed on the front pages of newspapers and discussed on radio and television across the country, part of an outcry even his supporters never expected.

I think Senator McCAIN and I would agree, there is a thirst for democracy around the world. People in Russia want more. They want freedom. They want accountability. They want honest government officials. They are out-

raged by what happened to Sergei Magnitsky.

I would point out just last week I met with a leader of the Russian business community who came here and traveled at some risk, I might say. Just visiting me was a risk. We have people from Russia who are being questioned because they come and talk to us. But he said to me that what happened here needs to be answered by the Russian authorities. He understands why we are introducing this legislation.

A year after his death, and with no one held accountable, and some of those implicated even promoted and decorated, *The Economist* noted:

At the time, few people outside the small world of Russian investors and a few human-rights activists had heard of Mr. Magnitsky. A year later, his death has become a symbol of the mind-boggling corruption and injustice perpetrated by the Russian system, and the inability of the Kremlin to change it.

Regrettably, we know Sergei's case, egregious as it is, is not isolated. Human rights abuses continue unpunished and often unknown across Russia today.

To make this point more clear, let's look at another example far outside the financial districts of Moscow and St. Petersburg in the North Caucasus in southern Russia where Chechen leader, Ramzan Kadyrov, condones and oversees massive violations of human rights, including violations of religious freedom and the rights of women. His militia also violates international humanitarian laws. As of this April, the European Court of Human Rights has ruled against Russia in 186 cases concerning Chechnya, most involving civilians.

So Sergei Magnitsky's case is not an isolated case of abuse by the Russian authorities. There has been a systematic effort made to deny people their basic human rights, including one individual, Natalia Estemirova, who personally visited my office at the Helsinki Commission. She was a courageous human rights defender who was brutally assassinated.

So it is time for Russia to take action. But we cannot wait; we need to take action.

Mr. McCAIN. Will the Senator yield for a question?

Mr. CARDIN. I yield back to my colleague.

Mr. McCAIN. First, I thank my colleague from Maryland for a very eloquent and, I think, very strong statement, to which I can add very little. But isn't it true, I ask my friend, that this Magnitsky case and the Khodorkovsky case, which I would like for us to talk a little bit more about, are not isolated incidents?

In other words, this is the face of the problem in Russia today. As the Senator mentioned, in its annual index of perceptions of corruption, Trans-

parency International ranked Russia 154th out of 178 countries—perceived as more corrupt than Pakistan, Yemen, and Zimbabwe. The World Bank considers 122 countries to be better places to do business than Russia. One of those countries is Georgia, which the World Bank ranks as the 12th best country to do business.

In other words, isn't it true in the Magnitsky case, it is what has been taking place all across Russia, including this incredible story of Khodorkovsky, who was one of the wealthiest men in Russia, one of the wealthiest oligarchs who rebelled against this corruption because he saw the long-term consequences of this kind of corruption and was brought to trial, convicted, and then, when his sentence was completed, they charged him again?

Talk about a corrupt system, isn't it true that Vladimir Putin said he should "sit in jail," and we now know that the whole trial was rigged, as revealed by people who were part of the whole trial? In other words, isn't it true, I would ask my friend from Maryland, that what we are talking about is one human tragedy, but it is a tragedy that is unfolding throughout Russia that we do not really have any knowledge of? And if we allow this kind of abuse to go on unresponded to, then, obviously, we are abrogating our responsibilities to the world; isn't that true?

Mr. CARDIN. I say to Senator McCAIN, you are absolutely right. This is not isolated. Magnitsky is not an isolated case of a lawyer doing his job on behalf of a client and being abused by the authorities. We have a lot of examples of lawyers trying to do their jobs and being intimidated and their rights violated.

But in Mr. Khodorkovsky's case, we have a business leader who was treated the same way just because he was a successful business leader. Even worse, he happened to be an opponent of the powers in the Kremlin.

So we are now seeing, in Russia, where they want to quell opposition by arresting people who are just speaking their minds, doing their business legally, putting them in prison, trying them, and in the Khodorkovsky case actually increasing their sentences the more they speak out against the regime.

That is how authoritarian they want to be and how oppressive they are to human rights. But I could go further. If one is a journalist in Russia, and they try to do any form of independent journalism, they are in danger of being beaten, being imprisoned, being murdered. It is very intimidating. The list goes on and on.

Mr. McCAIN. Could I ask my colleague, what implications, if any, does the Senator from Maryland believe this should have on the Russian entry into the World Trade Organization?

Mr. CARDIN. Well, it is very interesting, I say to Senator McCAIN. I just came from a Senate Finance Committee hearing, and we were talking about a free-trade agreement. I am for free-trade agreements. I think it makes sense. It is funny, when a country wants to do trade with the United States, they all of a sudden understand they have to look at their human rights issues.

I think all of us would like to see Russia part of the international trade community. I would like to see Russia, which is already a member of a lot of international organizations, live up to the commitments they have made in joining these international organizations.

But it is clear to me that Russia needs to reform. If we are going to have business leaders traveling to Russia in order to do business, I want to make sure they are safe in Russia. I want to make sure they are going to get the protection of the rule of law in Russia. I want to make sure there are basic rights that the businesspeople in Russia and the United States can depend upon.

So, yes, I understand that Russia would like to get into the WTO. We have, of course, the Jackson-Vanik amendment that still applies. I understand the origin of that law, and I understand what needs to change in order for Russia to be able to join the World Trade Organization.

But I will tell you this: The best thing that Russia can do in order to be able to enter the international trade regime is to clean up its abuses in its own country, to make clear it respects the rule of law; that businesspeople will be protected under the rule of law and certainly not imprisoned and tortured, as in the cases of Mr. Khodorkovsky and Mr. Magnitsky. We do not want to see that type of conduct.

If Russia would do that, if they would reform their systems, then I think we would be a long way toward that type of integration and trade.

Mr. McCAIN. I thank my colleague from Maryland for an eloquent statement about the situation as regards Russia. I thank him, and I can assure my colleague from Maryland that, as we speak, this will provide—and this legislation which he has introduced, will provide—some encouragement to people who in Russia now, in some cases, have lost almost all hope because of the corruption of the judicial system, as well as other aspects of the Russian nation.

We all know that no democracy can function without the rule of law; and if there are ever two examples of the corruption of the rule of law, it is the tragedy of Sergei Magnitsky and, of course, Mr. Khodorkovsky, who still languishes in prison; who, in his words, believes he—by the extension of his

prison sentence—may have been given a death sentence.

So I thank my colleague from Maryland.

Mr. CARDIN. Will my colleague yield for just one final comment?

I think the Senator is right on target as to what he has said. I appreciate the Senator bringing this to the attention of our colleagues in the Senate.

I will respond to one other point because I am sure my colleague heard this. Some Russian officials say: Why are we concerned with the internal affairs of another country? I just want to remind these Russian officials, I want to remind my colleagues here, that Russia has signed on to the Helsinki Final Act. They did that in 1975, and they have agreed to the consensus document that was issued in Moscow in 1991 and reaffirmed just last year with the heads of state meeting in Astana, Kazakhstan, just this past December. I am going to quote from that document:

The participating States—

Which Russia is a participating state—

emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of international order. They categorically and irrevocably declared that the commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States—

The United States is a participating state—

and do not belong exclusively to the internal affairs of the State concerned.

Mr. McCAIN. That was a statement by the Government of Russia?

Mr. CARDIN. That was a statement made by the 56 states of the OSCE at a meeting of the Heads of State, which happens about every 10 years. It just happened to have happened last year. Russia participated in drafting this statement. Russia was there, signed on to it, and said: We agree on this. It is a reaffirmation as to what they agreed to in 1991 in Moscow where we acknowledged that it is of international interest, and we have an obligation and right to question when a member state violates those basic human dimension commitments. Russia clearly has done that. We have not only the right but the obligation to raise that, and I just wanted to underscore that to my colleagues.

I say to Senator McCAIN, your comments on the Senate floor are so much on point. I think people understand it. They understand the basic human aspect to this. But sometimes they ask: Well, why should America be concerned? Do we have a legitimate right to question this? Russia signed the document that acknowledges our right to challenge this and raise these issues.

I thank my colleague for yielding.

Mr. McCAIN. I thank my colleague from Maryland, and I hope we would

get, very rapidly, another 98 cosponsors.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE BUDGET

Mr. REED. Madam President, we have been engaged in a very important debate on our budget over the last few days, and this debate will continue over the next several weeks, indeed, for probably several months. It is not a new debate. Like past debates, at the heart of it are important programs to middle-income Americans, such as Medicare, Medicaid, and Social Security. In some quarters, they are under attack. This does not have to be the case.

In the 1990s, Democratic majorities in the House and the Senate, with a Democratic President, were able to deal with this issue of deficits while preserving these programs and strengthening, indeed, in many cases, these programs. We were able to also provide the kind of economic growth that generated job creation, not just increased GDP or increased profits on Wall Street, but jobs on Main Street.

Much of these efforts were, frankly, undone, beginning in 2000 with tax cuts that did not, as advertised, produce the kind of private employment growth that was necessary for our economy, that shifted the burden to middle-income taxpayers, while giving the wealthiest Americans extraordinary relief and unfunded entitlement programs, such as Medicare Part D and two major conflicts, none of which were paid for.

So now we, once again, face a situation where we have a significant deficit, and we need to address it. President Obama has begun that process with the same commitment to maintaining Medicare, Medicaid, and Social Security, not without reforms and strengthening, but making sure that middle-income Americans and all Americans can have access to these vital programs.

We have taken significant steps in the long run to reform our health care system with the Affordable Care Act.

We hope that act is implemented efficiently and effectively so we can begin to realize long-term savings to bend the proverbial cost curve of our health programs, not just our Federal health care programs but our health care costs across the board that are borne by private insurers as well as private programs.

In fact, ironically, it seems to me that one of the major accelerators of the Medicare Program is the fact that

so many Americans—about 40 million—do not have access to consistent quality health care now. Yet, when they turn 65, by right they have access to a panoply of services. I have had discussions with doctors, and they will tell me that they say several times a day to their new Medicare patients: I wish I saw you 10 years ago because I would not have to apply the expensive diagnostic and treatment. I could have done something much easier, much less costly if you had coverage and access.

So that is one of the long-term efforts we have underway, but we have to do a lot more to go ahead and deal with the issues before us.

We have seen Republican budget proposals, but frankly I do not think they strengthen the middle class here in the United States, nor do they provide the kind of sensible investment that will lead to job creation and provide the opportunities that are necessary for succeeding generations in America. I think they are more dedicated to an ideological commitment to simply reduce taxes, and that is something that has to be tested and should be tested in the history of the last several years. That was the same argument that was made in 2001, that such tax cuts would generate huge growth in private employment, unleash huge economic forces here in the United States, and frankly, over the last 10 years, that has not been the case.

So I think we have to be sensible. I think we have to address the tax reforms and tax reductions to middle-income Americans, not continue to favor the richest Americans, when it comes to tax proposals. So much of what the Republican budget seems to do is continue what they started in 2001—huge relief for the wealthiest Americans. But it is increasingly putting the burden on Middle America. In fact, it has been estimated that under the Republican budget, individuals making over \$1 million would receive an average tax cut of \$125,000 a year. That is a huge cut relative to whatever a working, middle-income American might receive.

One of the other aspects of this budget is the impact it would have on Medicare. Medicare is central to every family in the country. In fact, look around at not just someone who is earning a wage hour by hour, but look at the small businessperson, a man or a woman. Their retirement plan rests on the assumption that they will have access to Medicare. The Republican's proposal, as I understand it, essentially ends that for individuals who are about 55 years old or younger. Well, in the next 10-plus years or so, they are going to have to come up with a lot of money to pay for the Medicare they assumed they would receive automatically when they retire at 65. That is not just the wage earner, the hourly worker who goes in there; that is the small busi-

nessperson whose postretirement plan rests fundamentally on Medicare and them being able to buy a supplemental health care plan to that.

So these are fundamental and, in fact, earth-shattering proposals, in my view.

Currently, seniors on traditional Medicare pay approximately \$1,700 in annual premiums. They are charged a limited amount for every hospital stay, have a reasonable deductible for every major procedure and treatment, and pay copays for services and prescription drugs. They are even able to buy, as I alluded to, these Medigap plans so they can supplement what Medicare provides with additional resources, and these supplemental plans are very affordable. On average, Medicare then spends \$11,762 on every senior, and that is just an average.

But this would all change, and it would inject a huge amount of uncertainty if the budget that is proposed by Republicans, that is still being debated by the Republicans, that is still being supported in many cases by Republicans is in any way enacted.

In the year 2022, under the proposal, if the Republican budget were enacted, every senior who becomes eligible for what we now call Medicare would be given \$8,000 to address all their health care needs and then sent to the marketplace to buy health care private insurance.

Now, I guess I have reached a point in my life where I can reflect and remember that as a youngster in the 1950s, there was, in practically every one of my friends' homes, a grandparent who was there because they didn't have access to Medicare or Medicaid.

They were in a hospital bed in the living room or in some other room. They were being cared for by typically the mother, who was also trying to care for youngsters such as myself and my contemporaries. The reason was, regardless of how much money you have, at some point, insurance companies will not sell you insurance. You are old. You had health experiences prior to that. You are a bad risk, and they are not in the business of insuring bad risks. That was, as much as anything, the genesis of Medicare—the recognition that the private health care market would not, regardless of the ability to pay, provide adequate coverage. And I think we have forgotten that.

When the Congressional Budget Office, a nonpartisan organization, looked at the proposal, they essentially concluded that with this \$8,000 transfer to a senior in lieu of traditional Medicare, the senior would be on the hook for an additional \$12,500 in health care costs. In fact, it would likely result in some seniors not even getting health care insurance at all, not being able to afford it or at some point, particularly

as they aged, getting to the point where no one would write them health care insurance because of the obvious health risks they were.

So this is a plan that I don't think comports with the reality of Americans who have already planned to have access to Medicare and also the reality that what is proposed—an \$8,000 transfer payment to an insurance company—would be inadequate to provide the kind of minimum coverage we should be providing to our seniors.

We have had examples before where particular Republicans would propose that they had a new, novel way to provide private health care insurance in lieu of traditional Medicare. When Medicare Advantage was established in 2003, seniors had the option of enrolling in private health insurance plans that were argued by their advocates as being cost-effective, as putting pressure on the public health care plan known as Medicaid. Madam President, 60,000 seniors in my State of Rhode Island enrolled. Private Medicare Advantage plans sell consumers on additional benefits and smaller copays. They went out—very selectively, I suspect—recruiting seniors in a way that they hoped attracted the healthiest seniors, not the sickest seniors, to lower their costs. However, in reality, most of these plans tended to cost more than traditional Medicare as the smaller copays were largely offset by higher monthly premiums.

So there are those who are still seriously proposing this Republican approach to Medicare. I think it will be a mistake. I think it would reduce access to health care coverage for seniors. I do not think the private market will jump up with \$8,000. I do not think you will see that Congresses in the future will escalate the cost of these vouchers or transfers to private insurance companies in any way that would be commensurate to the real cost seniors would face.

As a result, I think this proposal will do serious harm to health care and particularly to the middle-income American who, regardless of whether they are running a small business or working for an hourly wage, will now face the prospect of the great uncertainty, the great unknown of no adequate health care coverage when they reach 65. We will go back in time to the period of my youth where, quite frankly, seniors did not have the kind of health care coverage they have today and I believe the kind of health care coverage they deserve.

With respect to Medicaid, there are also proposals here and the thought that Medicaid is just a program for children and poor Americans. But, frankly, if you look at the statistics, there are 26,000 seniors in my State who are on Medicaid, principally because of nursing home care. And we have to ask ourselves, if these plans to

provide block grants to States are enacted under the Republican proposal, whether those seniors still can maintain themselves in these nursing facilities, whether the costs will be so great on the States that they will be unable to keep up the level of effort, the level of support they are today.

What seems to be inherent in all of those proposals is not savings but shifting costs, not reforming the system to be more efficient and more effective but simply shifting the cost onto seniors, shifting the cost onto particularly middle-income Americans.

So, I am pleased that we did not accept these Republican budget proposals, which are the wrong way to address our budget issues.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Indiana.

Mr. COATS. Mr. President, I wish to thank the Senator from North Dakota for allowing me to go first. I will be relatively brief.

I have spoken on the floor on a number of occasions regarding my frustration about the Senate not spending enough time debating what I think is the key, essential issue and challenge facing us, probably greater than any other challenge facing this body in a long time. My frustration only grew yesterday as we voted down four budget proposals.

You know, it has been 757 days since we have passed a budget in this body, and so far, no budget has been proposed this year out of the Budget Committee for us to examine. The President offered up a budget earlier this year that would have spent more, taxed more and borrowed more. It was voted down last night in what I think probably was a historic vote. I did not go back and check the records, but I am not aware of any budget that has ever been presented by the executive branch to the Congress for approval that has not received at least some votes.

The vote last evening was 97 to 0 against the President's budget. It is almost unthinkable that a President—the executive branch—would send a budget to the floor to be debated and voted upon and not achieve one vote. I think what it tells us is that, obviously, that budget was not designed to gain any kind of bipartisan support. But it didn't even obtain any partisan support.

It was not taken seriously, at a time when we need to have in front of us a serious budget to debate and vote on. As I said, there have been 757 days without a budget before us. You cannot run a company, a family, or run anything, unless you prepare a budget and avoid going into debt. That is where we are today.

Republicans did come forward with three proposals. Unfortunately, all of those were voted down. You can argue that none of those three were sufficient

to garner enough support. All three received a significant level of support—particularly two of them. Yet there were not enough votes to pass this body. So while the House has passed a budget, which we voted on yesterday, but unfortunately fell short, these are the only proposals we have had in front of us to debate. These are the only proposals we have had to vote on and set the structure for how we are going to spend the taxpayers' money.

So here we are now approaching the month of June, 5 months into the current calendar year, and 9 months into the fiscal year, and we still don't have a handle on how we are going to spend the taxpayers' money, what restrictions and restraints we will put on that, and how we can live within our means.

This is the debate this Congress should undertake, and it has not been undertaken. Many of us have come to the floor in situations such as this where we have asked for some time to speak, but the issue itself has not been put before us. We know there are negotiations going on relative to how to put a plan into place, but we are a long way from that.

I am here once again to try to urge my colleagues to work together and try to achieve a result—or at least a product on which we can have serious debate to determine the future of how we are going to spend the taxpayers' dollars in a responsible way. The most important factor we have to address is the need, in my opinion, to rein in Washington's excessive spending. The bottom line is that government spending is out of control. The public understands this. I think the response in 2010 to those of us who were running in all the elections sent an unmistakable, long, loud, easily understood signal: We have too much government, we cannot afford the government we have, and we cannot continue to add even more government, which pushes us deeper into debt.

Nearly \$1.4 trillion of our spending is discretionary spending that requires us to borrow money. That borrowed money increases our debt obligation reinforcing the need to rein in our spending. This is something we should debate, something that is part of the responsibility of the Congress and Senate. When we are talking about addressing a national debt of over \$14 trillion, we need to get serious. A little nick here, a little nick there in spending reductions will not solve the problem. We need to look at the larger picture. We are staring down \$14.3 trillion in debt. Credit ratings by Standard & Poor's have downgraded the outlook for the U.S. debt, with a negative warning. Economic growth is sputtering across the country. Unemployment remains high, and States are dipping deeper into the red, zeroing in on billions—which is a lot of money, but it is

only a minuscule amount compared to the trillions we are saddled with in debt that we ought to be addressing. It is time for Congress and the administration to stop ignoring the obvious. The rapid growth of mandatory spending is endangering our financial future.

I point to this chart on my left. It simply points out the dramatic growth that has occurred and will continue to occur over the years in the future. It doesn't take a mathematician—although the math is pretty simple—when you spend \$3.7 trillion a year and take in \$2.2 trillion, that leaves you with a big deficit. But it doesn't take a mathematician or anybody with any sophistication in economics to understand that if we stay on the current path, we are going to continue to see this line escalate. This red on here is red ink. It is net interest we will owe. What does that mean? It means that to continue borrowing in order to finance what we are doing, we are going to have to pay larger and larger rates of interest to the lenders because of the risks associated with our potential inability to pay back the loans we have taken.

This flow of red ink, this red tide—if we don't address this, it is going to make it difficult for Americans to buy cars, pay their mortgages, purchase homes, and buy groceries. The prices of products will go higher because the interest rates will go higher. We are running ourselves into a desperate situation. I think everyone understands that. I think it has been made clear to the American people.

We don't have to spin this whole message here in order to convince the American people we don't have a problem. We do, and they understand that. That is what 2010 was all about. We cannot continue to go forward in 2011 without providing any basis of a real solution to assure the financial world and the people that we are taking steps in order to address this.

I think there is a consensus—and if anybody doesn't understand this, they haven't looked at the problem—that we could tax Americans to death, we can cut discretionary spending by massive amounts, and we won't begin to address the problem we have, unless we address the massive amount of spending on mandatory programs. We don't have control over mandatory programs in terms of budgeting; they are simply there, and if you are eligible, you get to draw from the program. All of that is fine, if you have money to do it. But we are running out of money to pay those recipients who are continuing to receive benefits from these entitlement programs. Unless we address those, we are not going to solve the problem.

Let's take a couple of these, and let's look at Medicare. Everybody says this is a political nonstarter. If you dare talk about it, you are going to get zinged in the next election, and you

will be characterized as taking away benefits from the elderly, when the plans that have been put forward don't do anything of the sort. Nevertheless, it is important to understand the dimensions of the problem we are facing from this one entitlement. Over the next 10 years, Medicare spending—spending on this one entitlement—is expected to double.

A few weeks ago, the Medicare trustees announced that the hospital trust fund would be exhausted by 2024—5 years earlier than estimated in last year's report. Who knows what next year's report is going to tell us.

The bottom line is this program is going to go broke. Failing to restructure Medicare jeopardizes the medical benefits of present and future elderly Americans. So rather than terminating Medicare, as has been charged but is not true, rather than destroying Medicare, which has been charged but is not true, what we are trying to do is find a way to restructure it in a way that Medicare will be viable and solvent so benefits will be available for future retirees.

When Medicare was first enacted in 1967, the program cost \$2.5 billion. At that time, Congress predicted that the program would cost \$12 billion by 1990. That wasn't the case. We underestimated it just a bit—by \$86 billion, which is more than just a bit. When it starts at \$2.5 billion, and you project it will be \$12 billion, and you ended up being off on that estimate by \$86 billion, you have to start asking yourself some questions. You have to start thinking that maybe we got this formula wrong, or maybe our assumptions didn't turn out as we thought they were going to on the cost of Medicare.

Today, Medicare is roughly \$494 billion, with approximately \$89.3 trillion in total unfunded liabilities. These are staggering numbers. They are numbers beyond our ability to comprehend. These numbers are beyond our ability to sustain.

There is no possible way on Earth, no matter how fast or how hard we grow, that we can reach solvency in the Medicare Program without any action. Why? Because after World War II, soldiers came home, and people had deferred having families, and the so-called baby boom generation was born. It has moved through our entire history, over the last 60 years or so, like a pig moves through a python. Early on, there was a rush to provide housing for soldiers and their families. There was a massive infusion of money into baby cribs and the need for hospitals and doctors and nurses to deliver children.

A few years later, all of a sudden, we had to build a massive number of new elementary schools. As this baby boom has moved through their lifespan, we have seen dramatic impacts on the economy—many of them positive. But

the colleges that had to be expanded and built, and universities and training facilities, and the education that had to be provided, the employment that needed to be provided—all of this has had a dramatic impact on our economy. We have known for decades that eventually the pig moving through the python was going to reach the point of retirement, and when it reached the point of retirement, it was going to have an enormous impact on our finances.

Instead of anticipating this coming and putting into place structural plans that would accommodate the needs, legitimate needs of those for retirement income and benefits, we have instead ignored this reality. We have pushed it down the road. Nobody wanted to touch it. Election after election, it was said we better postpone that debate for the next election because it is too hot to deal with now. Well, it is all coming undone. We are at the point almost of no return.

The proposals that have been put forward—you may not agree with every portion of them, and I don't. But the House brought to us a budget plan. You have to give PAUL RYAN a great deal of credit for the extraordinary amount of work and effort he put into it. Maybe you don't like all of it, but it is at least a plan to debate, modify, and adjust; it is something that gives us an opportunity to start down the path of paying off our debt, of maintaining solvency for the Medicare Program.

That is what we ought to be debating instead of saying we are into another cycle of "gotcha," and you have touched the third rail. You made the decision to put Medicare in play and go to the public and tell them we are going to take away their health care benefits when they retire. The opposite is true. We are trying to save that for those who are retiring. We are trying to look at ways to restructure the program so it doesn't break Medicare, or break our entire economy.

Today, the average man is living into his 70s, and an average woman into her 80s, or even 90s. As a result, more elderly Americans are on Medicare than originally anticipated. The Federal Government can no longer continue with business as usual. It is time for some honesty for the American people. Washington is promising to deliver benefits it can't afford. We can no longer nickel and dime doctors and hospitals and force them to pay for the care Washington promised elderly Americans. More and more doctors are forced to turn away Medicare patients. The American Medical Association revealed that 17 percent of the more than 9,000 doctors surveyed are forced to limit the number of Medicare patients they accept. And among primary care physicians, this rate is 31 percent. Why? Because we don't have the money to reimburse them for the cost it takes to provide that care.

The American Osteopathic Association said 15 percent of its members refused Medicare and 19 percent declined to accept new Medicare patients. Physicians and hospitals in my home State of Indiana are feeling the pain from the Congress's inaction as well. Hospitals such as Deaconess Clinic in Evansville, IN, say one-third of their patients are on Medicare. When hospitals and doctors are not receiving the necessary compensation for services conducted on one-third of their patients, it has a devastating impact on their businesses.

If we don't reform Medicare, we lose Medicare. Let me repeat that. If we don't take steps to reform Medicare, we lose Medicare. If we don't restructure the program, more patients will lose the care they desperately need.

Mr. President, a very prominent figure—a leader of this country—made this statement:

Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our Federal debt. And if we don't get control over that we can't get control over our Federal budget.

That defines, in a very basic statement, exactly the challenge that is before us. It gives us the warning we need to heed, and it should spur us into action.

Let me repeat that statement once again.

Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our Federal debt. And if we don't get control over that we can't get control of our Federal budget.

That statement was made by President Barack Obama. It was not made by a Republican. It was not made by an editorial piece in the Wall Street Journal. It was not made by a tea party leader or advocate. It was made by our current President. Our President has said we cannot sustain what we are doing, and we have to address it or it is going to take down our whole budget.

I think that is true—it has been backed up by analysts who have looked at this whole situation, left, right, non-political, political, whatever. Why then are we not going forward with addressing this very question? That is what people sent us here to do in 2010. That is what they are asking us to do now. Yet we are acting as if this statement by the President of the United States has nothing to do with what we need to do, that we can simply ignore this and go forward and just cut a little here and cut a little there but we can't touch the entitlements—we can't touch Medicare.

The papers are full today with headlines saying that the results of the New York special congressional race was because the people have been scared—well, they didn't say "scared," but that it was people saying "don't cut our



Medicare." What it should have said is, those people who are saying "don't cut our Medicare" are basically saying "keep mine going until this thing runs out. I am afraid I might live too long, and then I won't have benefits at the end." But for sure our kids won't have it, for sure our grandchildren won't have it because at its current rate, as the President of the United States has acknowledged, it is unsustainable.

So we have two options here. We can continue with the status quo—we can quibble over how much to cut from our discretionary spending, or that portion of the budget which we have control of—and continue ignoring the entitlement programs or we can make a commitment and have the political will to fulfill that commitment by saving those programs through some sound restructuring. This does not mean current recipients of Medicare are going to be knee-capped or have their benefits dropped. This does not mean that even those nearing retirement are going to face that prospect. What it does mean is, if we don't put the structural reforms in now to address the future problems, we are going to lose the whole program. The gravest threat to Medicare is doing nothing. If we do nothing, not only will Medicare collapse but so will our fiscal house.

In the papers today, a former President—another Democrat, Bill Clinton—has urged his fellow Democrats not to "tippy-toe around" Medicare. Continuing that quote, he said the program "is part of a whole health-care system that has a toxic effect on inflation." He went on to say, "We've got to deal with these things."

Mr. President, I am here not to criticize the Democrats for putting us in this situation. I think we all bear some responsibility. The country does not want us to point fingers at each other, and they do not want us to use this as a political advantage for the 2012 election. They want us to do the right thing, which they all know needs to be done, and I believe they will reward us and recognize us for at least having the courage to step forward and address a real problem that I think everyone now understands and recognizes.

So whether it is the Paul Ryan plan coming out of the House, whether it is a Democratic budget plan coming out of the Budget Committee, whether it is some other plan coming out between the negotiations that are going on—or should go on—between the executive branch and the congressional branch, this is something we have to do. We have simply got to put aside our partisanship and concerns and worry about the 2012 elections and rise above politics. We did that in 1983 when we restructured Social Security. We had a Republican President, a Democratic House leader, and members of the Democratic congressional committee and Senate committee—the political

people—all stood together and said: This rises above the election. It is too important not to address it.

We can just take this one issue and say: Let's take this out of politics. Let's stand together as Republicans and Democrats, along with the President, and do what is right for the country.

The bottom line is that no matter what we do here, if the President doesn't support us in this effort, it will not succeed. He has the veto pen, and he has the ability to lead or not lead. So I guess, as I have before, I am calling on the President and saying this important issue can only be successful if he will engage and lead us and be part of this effort to solve a problem that affects every living American and those yet to be born in this country. It dramatically affects our future but sooner than any of us, I believe, think. It affects our economy and our ability to grow.

All of this has to be coupled with pro-growth policies. We can't cut our way out of all this. We can help restructure, we can help make cuts where necessary, and we can help our economy grow by putting policies in place that will stimulate the economy. That combination, put together in a package, is what we need to support. And I am hoping we will put politics aside for this one issue that is so important to the future of our country.

Mr. President, I have probably said more than I needed to say at this particular point in time. I appreciate the opportunity and again thank the Senator from North Dakota for agreeing to let me go forward here. As chairman of the Budget Committee, I know he is fully cognizant and aware of these issues and is working to try to address them also. I hope we can work together to find a solution to this very urgent problem.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to thank the Senator from Indiana for his thoughtful presentation. There are parts of it with which I disagree, but the overall theme of what he has said is undeniably true.

I believe our country is in deep trouble. At the end of this year, we will have a debt that is 100 percent of the gross domestic product of the United States. We have had two of the leading economists in this country tell us, after a review of 200 years of economic history, that when a country reaches a gross debt of more than 90 percent of its GDP, its future economic prospects are diminished. And that is where we are. So I agree with the Senator from Indiana that this is the time. We must find a way to come together to craft a plan that deals with this debt threat.

Five years ago, the ranking Republican on the Budget Committee, Sen-

ator Gregg, and I came up with the concept of a commission. That effort led to the commission that was in place last year, and it came up with a recommendation to reduce the debt \$4 trillion over the next 10 years, and 11 of 18 commissioners supported it. Senator Gregg and I both supported it. We had five Democrats, five Republicans, and one Independent. That is the only bipartisan plan that has emerged from anywhere. But we needed 14 of 18 to agree for it to come to a vote in Congress.

There were many parts of that plan I didn't like. I would have gone further than that plan. I proposed to the commission that we have a \$6 trillion plan of debt reduction because we could balance the budget in 10 years with that kind of plan. But it was a step in the right direction. It was a big step in the right direction. So I supported it, along with the other 10 commissioners who did.

I want to say to the Senator from Indiana that I respect the presentation he just made because, in larger terms, it says what has to be said. We all have to be truth-tellers. However uncomfortable the truth is, we have to be truth-tellers. I believe the truth is that when the revenue is the lowest it has been in 60 years as a share of GDP and spending is the highest it has been in 60 years as a share of GDP, we have to work both sides of the equation. We are going to have to cut spending, and I believe we are going to have to raise revenue.

None of it is very popular. If you ask the American people, they will say to you: Well, yes, get the deficit and debt under control, but don't touch Social Security, don't touch Medicare, and don't touch defense. And by the way, just those three are about 80 percent of Federal spending if you add up all the mandatory programs and add up defense. That is about 80 percent of Federal spending. And if you ask the American people, they say: Don't touch any of them. On the revenue side, they say: Don't touch that. Well, do you know what is left? Twenty percent of Federal spending.

If you start asking them questions about the elements of that 20 percent, they reject every one except one—foreign aid. They say: Yes, cut foreign aid. A majority supports that. The problem is that is only 1 percent of the budget. Here we are borrowing 40 cents of every dollar we spend, and even if we eliminate all foreign aid, it does not make a material difference.

The other thing the American people support by a majority—the only other thing—is taxing the wealthy. Let me just say that I believe the wealthy are going to have to pay somewhat more. But that won't solve our problem because to solve the problem, you would have to have a top rate of 70 to 80 percent on corporations and individuals.



What would that do to the competitive position of the United States?

So I believe we all are going to have to be truth-tellers, and before we are done, we are going to have to find a way to come together. I was part of that effort on the commission. I was part of that effort in this group of six, which is now a group of five because one of our members left. And there is this other effort under way that is a leadership effort with the White House being involved. At the end of the day, the White House has to be at the table.

What Senator Gregg and I had recommended was that the Secretary of the Treasury be the chairman of the commission and the head of OMB be one of the 18 members. That wasn't adopted by the Congress. We got 53 votes in the Senate for our proposal, but 53 votes doesn't pass things around here. You have to have 60. You have to have a supermajority. So here we are.

Let me just say again that I thank the Senator for his thoughtful presentation because that is what it is going to take. We are going to have to be brave. We are going to have to show some political courage here to do what is right for our country. So I appreciate the thoughtful remarks of the Senator from Indiana.

Let me make a brief review in response to some of what I have heard this morning because I have heard some things with which I strenuously disagree that I believe require a response. We all agree we are on an unsustainable path. We are borrowing 40 cents of every dollar. That cannot be continued.

As I indicated earlier, this is a 60-year look at the spending and revenue of the United States. We can see the spending line is the red line; the green line is the revenue line. The spending of the United States as a share of national income is the highest it has been in 60 years. The revenue is the lowest it has been in 60 years.

Some of our colleagues say it is just a spending problem. Factually, I reject that. The facts show it is not just a spending problem—although it is clear we do have a spending problem. When spending is the highest it has been in 60 years, clearly we have a spending problem. But as this chart reveals, revenue is the lowest it has been in 60 years. So, clearly, we have a revenue problem as well.

Yesterday we voted on the package that came from the House of Representatives. The package that came from the House Budget Committee was passed by the House of Representatives. Even though that package was defeated overwhelmingly and on a bipartisan basis here yesterday, again this morning we had colleagues come and talk about what a great package it was. I do not believe it was a great package. I think it was a terrible package, and here is why—and now I am

quoting former economic adviser to President Reagan, one of President Reagan's economic advisers, Mr. Bartlett. He said, about the House Republican plan, the following:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them. Even as an opening bid to begin budget negotiations with the Democrats, the Ryan plan cannot be taken seriously. It is less of a wish list than a fairytale utterly disconnected from the real world, backed up by make-believe numbers and unreasonable assumptions. Ryan's plan isn't even an act of courage; it's just pandering to the tea party. A real act of courage would have been for him to admit, as all serious budget analysts know, that revenues will have to rise well above 19 percent of GDP to stabilize the debt.

This is a former economic adviser to President Reagan commenting on the House Republican plan that we rejected on a bipartisan basis here yesterday.

Why does he say it is a monstrosity? He says it because even though revenue is the lowest it has been in 60 years, the first thing the Republican budget from the House did was cut taxes further, an overwhelming tax cut for the wealthiest among us after they already enjoyed very significant tax reductions over the last decade.

In fact, the plan that came from the Republican House would have given those who have over \$1 million of income a year on average a tax cut of over \$192,000. For those who are as fortunate as to earn over \$10 million a year, the plan they sent over here would have given them on average a tax cut of \$1,450,000. That is a fact. That is just a fact.

Does that make any sense at all when the revenue of this country is the lowest it has been in 60 years, that the first thing you do is dig the hole deeper, give another \$1 trillion of tax cuts going to the wealthiest among us? It makes no sense.

It did not end there because the plan from the House also would permit a scam that is occurring to continue. The scam I am referring to relates to this little building down in the Cayman Islands, Ugland House. This little five-story building down in the Cayman Islands claims to be the home of 18,857 companies. Really, 18,000 companies are doing business out of this little five-story building down in the Cayman Islands? Please. Mr. President, 18,000 companies are not doing business out of this little five-story building down in the Cayman Islands. The only business that is going on is monkey business, and the monkey business that is going on is avoiding the taxes they legitimately owe to the United States.

You wonder why big companies making billions of dollars a year can announce they owed no taxes to the United States—none? It is because they are operating out of Ugland House down in the Cayman Islands where

there are no taxes, and they show their profits in their companies down in the Cayman Islands.

When I was tax commissioner in my State I found a company that reported all of their earnings down in the Cayman Islands. They did business all across the country, but amazingly enough none of those companies showed any profits in the United States. They showed all their profits in the Cayman Islands where, happily, there are no taxes.

The Republican budget plan said: That is fine. Keep doing it.

That is not fine. It is not fair. We know from our own Permanent Committee on Investigations in the Senate that these offshore tax havens are proliferating. Here is a quote from our Senate Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations:

Experts have estimated that the total loss to the Treasury from offshore tax evasion alone approaches \$100 billion per year, including \$40 to \$70 billion from individuals and another \$30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

The Republican plan from the House says: No problem. Keep on doing it. In fact, we will go you one more. We will give you more tax cuts for the wealthiest among us.

I tell you, that plan cannot stand scrutiny. At the same time it says: You know, because we have the lowest revenue in 60 years, and because we are going to give even more tax preferences, more tax credits, more tax schemes to the wealthiest among us, we are not going to be able to keep Medicare.

I have heard colleagues say that these Draconian cuts to Medicare that are in the House plan are a way of saving Medicare. You don't save Medicare by destroying it. That is what the House plan does, make no mistake. It ends Medicare as we know it. Why do I say that? Let me just show you what it does.

Right now, under traditional Medicare, the individual pays 25 percent of their health care costs. That is how it works today. You pay about 25 percent. A senior citizen eligible for Medicare pays about 25 percent of their costs. Under the House Republican budget plan that they passed and sent to the Senate that we defeated yesterday by a bipartisan vote, they would increase what the individual pays from 25 percent to 68 percent, and they claim they are saving Medicare. It doesn't look to me like they are saving it. It looks to me like they are completely undoing it.

When we add it all up, what is most striking is that the House Republican plan, although it gives massive tax cuts to the wealthiest among us, another \$1 trillion of tax cuts, even though it shreds Medicare and completely undermines Medicaid, which

would mean another 34 million people do not have health care coverage in this country because they completely undo the coverage for health care passed last year so 34 million people are not going to have health care as a result of their plan—even with all of that and the other dramatic cuts—by the way, they cut support for energy programs to reduce our dependence on foreign energy, they cut that 57 percent; they cut education almost 20 percent—even after all that you would think at least they got the debt under control? No.

Amazingly enough their plan, according to their own numbers, would add \$8 trillion to the debt. Wow. They shred Medicare, they cut education dramatically, they cut almost 60 percent of the funding for energy to reduce our dependence on foreign energy—they cut that 57 percent, and they still add \$8 trillion to the debt. That is a good plan? I don't think so. I don't think that is a plan that can stand much scrutiny.

We also heard a lot of complaints from the other side that we have not gone to markup on the budget in the Senate. That is true. The reason we have not is because something is going on in this town that is very unusual. There are high-level bipartisan talks going on with the White House on what the budget plan should be to deal with our debt. This is something I have encouraged for years.

This year I have repeatedly called for a summit to deal with our debt, to get a plan in place to cut spending, and, yes, to raise revenue—hopefully without raising taxes but by eliminating tax expenditures, tax loopholes, this kind of scam we have just talked about of offshore tax havens and abusive tax shelters. That bipartisan leadership effort that is underway deserves a chance to succeed. If they reach a conclusion, they may need a budget resolution. They may need us to have a markup in the Budget Committee to implement their plan.

Some do not want to wait, they do not want a bipartisan agreement. But we simply must have a bipartisan agreement if there is to be any chance for success.

The House is controlled by the Republicans. The Senate is controlled by the Democrats. There is a Democrat in the White House. The only possible way that a plan is actually passed into law and implemented is if we work together. I did it for all last year on the President's commission. I have done it for months of this year with three Democrats, three Republicans, spending hundreds of hours trying to come up with a bipartisan plan to implement the recommendations of the committee. So I don't take a back seat to anybody with respect to being serious about trying to get a plan to get our debt under control because it is a fun-

damental threat to the economic security of the United States.

But here is what the Republican leader himself said about the effort that is underway, the bipartisan leadership effort:

[T]he discussions that can lead to a result between now and August are the talks being led by Vice President Biden . . . that's a process that could lead to a result, a measurable result. . . . And in that meeting is the only Democrat who can sign a bill into law; in fact, the only American out of 307 million of us who can sign a bill into law. He is in those discussions. That will lead to a result. That is why we have not gone to a budget markup, because we have the patience to wait for the outcome of these bipartisan leadership talks. The top Republicans are represented in the Senate, the top Republicans in the House are represented, as are the Democrats in the Senate and the House, led by the White House.

The Republican leader said this as well about the talks:

We now have the most important Democrat in America at the table. That's important. He is the only one of the 307 million of us who can actually sign a bill into law. And I think that's a step in the right direction. And the Biden group is the group that can actually reach a decision on a bipartisan basis. And if it reaches a decision, obviously we will be recommending it to our members.

That is the point. Why would we go to a partisan budget markup and refuse to wait for the leadership negotiation that is underway to succeed, when we know if they do succeed in all likelihood they will need us to do a budget markup to implement what they decide?

I have the patience. I have spent 5 years working, first, with Senator Gregg, the ranking Republican on the Budget Committee, then with all 18 members of the fiscal commission, now with the group of six—three Democrats and three Republicans—trying to put together a plan to implement what the commission recommended to get our debt under control.

I have the patience to wait a few more weeks to see if the combined leadership of this country, Republican and Democrat, working with the President of the United States, can come up with a plan to get our debt under control. We should all have that patience. We should all hope they succeed. But we are not going to be sitting and waiting. While we are hoping for a successful outcome, this Senator will continue to work with Republicans and Democrats to come up with a bipartisan plan to meet our debt threat. All of us have that obligation. All of us have that responsibility.

I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Would the Chair inform me when I have spoken for 5 minutes.

THE PRESIDING OFFICER. The Senator will be notified.

#### FREE TRADE

Mr. GRASSLEY. Mr. President, I have been a long-time supporter of free

trade. I believe it is always a good thing when American businesses, manufacturers, and farmers have more market access for their products.

I have also been a longtime supporter of specific free trade agreements that are waiting to be acted on by the Congress: the South Korea, Colombia, and Panama agreements. We have had too many years of talking about being long-time supporters of free trade agreements. Yet we have not had an opportunity to back up our talk with votes because we can't vote until the President presents them to Congress.

The time to present these free trade agreements is long overdue. The administration needs to stop moving the goal posts every time we are about to kick the ball through.

Take the Panama agreement as an example. The United States and Panama reached an agreement in principle in December of 2006. However, congressional Democrats expressed concern regarding certain labor issues that existed in Panama at the time. The Bush administration negotiated a deal with the congressional Democrats who had newly taken over the Congress in an agreement that was announced on May 10, 2007. As a result, then-President Bush addressed the labor issues in the trade agreement that the United States signed with Panama in late June of 2007.

If there were a big news conference on May 10, 2007 that there has been an agreement reached, wouldn't one think these agreements would be passed by now? Not so 4 years later.

Despite the fact that the demands made by congressional Democrats were incorporated in the signed trade deal, congressional Democrats would not allow a vote on the agreement. Instead, they moved the goal posts by demanding more changes be made by the Panamanian Government.

After President Obama took office, the trade issue was sidelined. Along with others, I made a case that trade agreements needed to be a part of America's economic recovery effort. I got an opportunity to make the case directly to the President in December of 2009. Then in January 2010, the President said in a message to Congress that he wanted to double exports within the next 5 years. That is a very worthy goal.

Well, it is pretty hard to double exports and help employers create jobs while ignoring these trade agreements. Supporters of free trade and the jobs supported by trade average about 15 percent above the national average. We are talking about good jobs, so there are reasons to keep the pressure on.

Finally, after many months of waiting, the trade ambassador went back to work to get the Panamanian Government to agree to meet the additional demands set out by congressional Democrats in the Obama administration. The ambassador also set out to

gain further commitment from South Korea and Colombia.

The Panamanian Government has addressed the additional demands by making the necessary amendments to their laws. The additional concerns the administration had with the South Korean and Colombian deals were addressed as well. Earlier this May, Ambassador Kirk indicated all three trade agreements were ready for Congress to consider. But the Obama administration decided to move the goal posts once again. Instead of moving these agreements forward for swift approval to help the economy move along and the swift approval which I believe they will receive when they get a vote, the administration now has another requirement: approval of trade adjustment assistance.

While U.S. manufacturers and businesses and farmers risk losing more and more market share in these countries, Democrats keep coming up with reasons for holding up these trade agreements by moving the goal posts. There is simply no reason to keep on moving the goal posts. The administration has said these three trade agreements are ready. One of the best things we can do right now for U.S. businesses, farmers, and workers is to implement these trade agreements which will give a much-needed boost to our economy.

I am not suggesting we do nothing on trade adjustment assistance, because I support that 40-year-old program, but reaching an agreement on that program should not be used as another excuse for moving the goal posts. All three of the pending trade agreements need to be sent to Congress without further delay.

I yield back the remainder of my time, and I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is preparing to pass another 4-year extension of the USA PATRIOT Act. I have served on the Intelligence Committee for over a decade and I wish to deliver a warning this afternoon. When the American people find out how their government has secretly interpreted the PATRIOT Act, they are going to be stunned and they are going to be angry. They are going to ask Senators: Did you know what this law actually permits? Why didn't you know before you voted on it? The fact is anyone can read the plain text of the PATRIOT Act. Yet many Members of Congress have no idea how the law is being secretly interpreted by the executive branch because that interpretation is classified. It is almost as if there are two PATRIOT Acts, and many Members of Congress have not read the one that matters.

Our constituents, of course, are totally in the dark. Members of the public have no access to the secret legal

interpretations, so they have no idea what their government believes the law actually means.

I am going to bring up several historical examples to try to demonstrate what this has meant over the years. Before I begin, I wish to be clear I am not claiming any of the specific activities I discuss today are happening now. I am bringing them up because I believe they are a reminder of how the American people react when they learn about domestic surveillance activities that are not consistent with what they believe the law allows. When Americans learn about intelligence activities that are consistent with their understanding of the law, they look to the news media, they follow these activities with interest, and often admiration. But when people learn about intelligence activities that are outside the lines of what is generally thought to be the law, the reaction can get negative and get negative in a hurry.

Here is my first example. The CIA was established by the National Security Act of 1947 and the law stated that the agency was "forbidden to have law enforcement powers or internal security functions." Members of the Congress and legal experts interpreted that language as a clear prohibition against any internal security function under any circumstances. A group of CIA officials had a different interpretation. They decided that the 1947 law contained legal gray areas that allowed the CIA to monitor American citizens for possible contact with foreign agents. They believed this meant they could secretly tap Americans' phones, open their mail, and plant listening devices in their homes, among other things. This secret legal interpretation led the CIA to maintain intelligence files on more than 10,000 American citizens, including reporters, Members of Congress, and a host of antiwar activists.

This small group of CIA officials kept the program and their "gray area" justification to the program a secret from the American people and most of the government because, they argued, revealing it would violate the agency's responsibility to protect intelligence sources and methods from unauthorized disclosure. Did the program stay a secret? It didn't. On December 22, 1974, investigative reporter Seymour Hersh detailed the program on the front pages of the New York Times. The revelations and the huge public uproar that ensued led to the formation of the Church Committee. That committee spent nearly 2 years investigating questionable and illegal activity at the CIA. The Church Committee published 14 reports detailing various intelligence abuses which, in addition to illegal domestic surveillance, included programs designed to assassinate foreign leaders. The investigation led to Executive orders reining in the author-

ity of the CIA and the creation of the House and Senate Intelligence Committees.

In 1947, President Harry Truman and his top military and legal advisers secretly approved a program named PROJECT SHAMROCK. PROJECT SHAMROCK authorized the Armed Forces Security Agency and its successor, the NSA, to monitor telegraphs coming in and out of the United States. At the outset of the program, companies were told that government agents would only read "those telegrams related to foreign intelligence targets," but as the program grew, more telegrams were sent and received by Americans and they were read. During the program's 30-year run, the NSA analysts sometimes reviewed as many as 150,000 telegrams a month.

While the Ford administration said it made all pertinent information about PROJECT SHAMROCK available, the Senate Intelligence Committee and the Justice Department had kept the program secret from the public. They argued that public disclosure was both unjustified and dangerous to national security, and it avoided Congress's questions regarding the legality of the program by stating that the telegrams present somewhat different legal questions from those posed by domestic bugging and wiretapping. That program didn't stay secret either.

The newly formed Senate Intelligence Committee ultimately disclosed the PROJECT SHAMROCK program on November 6, 1975, arguing that public disclosure was needed to build support—build support—for a law governing NSA operations. The resulting public uproar led to a congressional investigation. The NSA's termination of PROJECT SHAMROCK and the passage of the Foreign Intelligence Surveillance Act of 1978, which attempted to subject domestic surveillance to a process of warrants and judicial review.

Years later, during the Reagan administration, senior members of the National Security Council secretly sold arms to Iran and used the funds to arm and train Contra militants to topple the Nicaraguan Government. Selling arms to Iran violated the official U.S. arms embargo against Iran and directly funding the Contras was illegal under the Boland amendment. That was the one Congress passed to limit U.S. Government assistance to the Contras.

But the officials at the National Security Council were convinced they knew better. They were convinced that violating the embargo and illegally supporting the Contra rebels would help free American hostages and help fight communism in Nicaragua. Instead of engaging in a public debate and trying to convince the Congress and the public they were right, they secretly launched an arms program and

hid it from the Congress and the American people. How did that work out for them?

The New York Times published a story of these activities on November 25, 1987. A joint congressional committee was launched to investigate the Iran Contra affair with televised hearings for over a month. The House Foreign Affairs Committee and the House and Senate Intelligence Committees held their own hearings. The first Presidential commission investigating the National Security Council was launched. Multiple reports were published documenting the administration's illegal activities, and the Nicaraguan Government sued the United States. Dozens of court cases were filed and National Security Council officials—including two National Security Advisers—faced multiple indictments.

Finally, following the terrorist attacks of September 11, 2001, a handful of government officials made the unilateral judgment that following U.S. surveillance law, as it was commonly understood, would slow down the government's ability to track suspected terrorists. Instead of working with the Congress, instead of coming to the Congress and asking to revise or update the law, these officials secretly reinterpreted the law to justify a warrantless wiretapping program that they hid from virtually every Member of the Congress and the American people.

It is not clear how long they thought they could hide a large, controversial national security program of this nature, but they kept it so secret that even when it yielded useful intelligence, classification restrictions sometimes prevented the information from being shared with officials who could have used it.

I was a member of the Senate Intelligence Committee at this point—a relatively new member—but the program and the legal interpretations that supported it were kept secret from me and virtually all of my colleagues.

Again, did that program stay secret? The answer is no. After several years, the New York Times published a story uncovering the program. The resulting public uproar led to a divisive congressional debate and a significant number of lawsuits. In my view, the disclosure also led to an erosion of public trust that made many private companies more reluctant to cooperate with government inquiries.

As most of my colleagues will remember, Congress and the executive branch spent years trying to sort out the details of that particular program and the secret legal interpretation—the secret legal interpretation—that was used to justify it. In the process of doing so, Congress also attempted to address an actual surveillance issue. I think all my colleagues who were here for that debate would agree those issues could have been resolved far

more easily, far less contentiously, if the Bush administration had simply come to the Congress in the first place and tried to work out a bipartisan solution to them rather than, in effect, trying to rewrite the law in secret.

When laws are secretly reinterpreted this way, the results frequently fail to stand up to public scrutiny. It is not surprising, if you think about it. The American law-making process is often cumbersome, it is often frustrating, and it is certainly contentious. But over the long run, this process is a pretty good way to ensure that our laws have the support of the American people, since those that do not will actually get revised or repealed by elected lawmakers who follow the will of our constituents. On the other hand, when laws are secretly reinterpreted behind closed doors by a small number of government officials—and there is no public scrutiny, no public debate—you are certainly more likely to end up with interpretations of the law that go well beyond the boundaries of what the American people are willing to accept.

Let me make clear that I think it is entirely legitimate for government agencies to keep some information secret. In a democratic society, of course, citizens rightly expect their government will not arbitrarily keep information from them, and throughout our Nation's history Americans have vigilantly guaranteed their right to know. But Americans do acknowledge certain limited exceptions to the principle of openness. We know, for example, that tax officials have information about all of us from our tax returns. But the government does not have the right or the need to share this information openly. This is essentially an exception to protect personal privacy.

Another limited exception exists for the protection of national security. The U.S. Government has an inherent responsibility to protect our people from threats. To do this effectively, it almost always requires some measure of secrecy. I do not expect General Petraeus to publicly discuss the details of every troop movement in Afghanistan any more than early Americans expected George Washington to publish his strategy for the Battle of Yorktown. By the same token, American citizens recognize that their government may sometimes rely on secret intelligence collection methods in order to ensure national security, in order to ensure the safety of the American people, and they recognize that these methods can often be more effective when specifics are kept secret.

But while Americans recognize that government agencies sometimes rely on secret sources and methods to collect intelligence information, Americans also expect these agencies will cooperate at all times within the boundaries of publicly understood law.

I have served on the Senate Intelligence Committee for a decade, and I

do not take a backseat to anybody when it comes to protecting what are essential sources and methods that are needed to keep the American people safe when intelligence is being gathered. But I do not believe the law should ever be kept secret. Voters have a right and a need to know what the law says and what their government thinks the text of the law means. That is essential so the American people can decide whether the law is appropriately written and they are in a position to ratify or reject the decisions their elected officials make on their behalf.

When it comes to most government functions, the public can directly observe the government's actions and the typical citizens can decide for themselves whether they support or agree with the things their government is doing. Certainly, in my part of the world, American citizens can visit the national forests and decide whether they think the forests are appropriately managed. When they drive on the interstate, they can decide for themselves whether those highways have been properly laid out and adequately maintained. If they see someone punished, they can decide for themselves whether the sentence was appropriate, whether it was too harsh or too lenient.

But Americans generally cannot decide for themselves whether intelligence agencies are operating within the law. That is why the U.S. intelligence community evolved over the past several decades. The Congress set up a number of watchdog and oversight mechanisms to ensure that the intelligence agencies follow the law rather than violate it. That is why the Senate and House each have a Select Intelligence Committee. It is also why the Congress created the Foreign Intelligence Surveillance Court. It is why Congress created a number of statutory inspectors general to act as independent watchdogs inside the intelligence agencies themselves. All these oversight entities were created at least in part to ensure that intelligence agencies carry out all their activities within the boundaries of publicly understood law.

But the law itself must always be public. Government officials must not be allowed to fall into the trap of secretly reinterpreting the law in a way that creates a gap between what the public believes the law says and what the government secretly claims it says. Anytime that happens, it seems to me there is going to be a violation of the public trust. Furthermore, allowing a gap of this nature to develop is simply shortsighted. Both history and logic should make it clear—and that is why I brought these examples to the floor of the Senate—that secret interpretations of the law will not stay secret forever and, in fact, often come to light pretty quickly. When the public eventually

finds out that government agencies have been rewriting surveillance laws in secret, the result, as I have demonstrated, is invariably a backlash and an erosion of public confidence in these government agencies.

I believe this is a big and growing problem.

Our intelligence and national security agencies are staffed by many talented and dedicated men and women. The work they do is very important, and for the most part, they are extraordinarily professional. But when members of the public lose confidence in these agencies, it does not just undercut morale, it makes it harder for these agencies to do their jobs. If you ask the head of any intelligence agency, particularly an agency that is involved in domestic surveillance in any kind of way, he or she will tell you that public trust is the coin of the realm, it is a vital commodity, and voluntary cooperation from law-abiding Americans is critical to the effectiveness of our intelligence agencies.

If members of the public lose confidence in these government agencies because they think government officials are rewriting surveillance laws in secret, it is going to make those agencies less effective. As a member of the Intelligence Committee, I do not want to see that happen.

I wish to wrap up now with one last comment; that is, as you look at these statutes, and particularly the ones I have outlined—where you have so many hard-working lawyers and officials at these government agencies—I wish to make it clear I do not believe these officials have a malicious intent. They are working hard to protect intelligence sources and methods and for good reason. But sometimes they can lose sight of the differences between the sources and methods, which must be kept secret, and the law itself, which should not. Sometimes they even go so far as to argue that keeping their interpretation of the law secret is actually necessary because it prevents our Nation's adversaries from figuring out what our intelligence agencies are allowed to do.

I can see how it might be tempting to latch onto this "Alice in Wonderland" logic. But if the U.S. Government were to actually adopt it, then all our surveillance laws would be kept secret because that would, obviously, be even more useful. When Congress passed the Foreign Intelligence Surveillance Act in 1978, it would have been useful to keep that law secret from the KGB so Soviet agents would not know whether the FBI was allowed to track them. But American laws should not be public only when government officials think it is convenient. They ought to be public and public all the time. The American people ought to be able to find out what their government thinks those laws mean.

Earlier this week, I filed an amendment, along with my colleague from the Intelligence Committee, Senator MARK UDALL, and that amendment would require the Attorney General to publicly disclose the U.S. Government's official interpretation of the USA PATRIOT Act. The amendment specifically states that the Attorney General should not describe any particular intelligence collection programs or activities but that there should be a full description of "the legal interpretation and analysis necessary to understand the . . . Government's official interpretation" of the law.

This morning, Senator MARK UDALL and I—and we had the help of several colleagues: Senator MERKLEY, Senator TOM UDALL—reached an agreement with the chair of the Intelligence Committee, Senator FEINSTEIN. She is going to be holding hearings on this issue next month.

Senator MARK UDALL and I, as members of the committee, will be in a position to go into those hearings and the subsequent deliberations to try to amend the intelligence authorization. If we do not get results inside the committee, because of the agreement today with the distinguished chair of the Intelligence Committee, Senator FEINSTEIN, and the majority leader, Senator REID, we will be in a position to come back to this floor and offer our original amendment this fall.

We are going to keep fighting for openness and honesty. As of today, the government's official interpretation of the law is still secret—still secret—and I believe there is a growing gap, as of this afternoon, between what the public believes that law says and the secret interpretation of the Justice Department.

So I plan to vote no this afternoon on this legislation because I said some time ago that a long-term reauthorization of this legislation did require significant reforms. I believe when more Members of Congress and the American people come to understand how the PATRIOT Act has actually been interpreted in secret, I think the number of Americans who support significant reform and the end of secret law—the end of law that is kept secret from them by design—I think we will see Americans joining us in this cause to ensure that in the days ahead, as we protect our country from the dangerous threats we face, we are also doing a better job of being sensitive to individual liberty. Those philosophies, those critical principles are what this country is all about. And we are going to stay at it, Senator UDALL and I and others, until those changes are secured.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise today in conjunction with

my colleague from Oregon to discuss what is before us here on the floor, which is the extension of the PATRIOT Act.

I rise as well to express my opposition to the extension of the three most controversial provisions in the PATRIOT Act which are before us here today. The process by which we have considered these provisions has been rushed. I believe we have done a disservice to the American people by not having a fuller and more open debate about these provisions.

Along with Senator WYDEN, I want to acknowledge the difficult position the leader of the Senate, Senator REID, has been in. I want to thank him for trying to find an agreement to vote on more amendments. We were very close to reaching that agreement, but even in that context, the debate we have had on this bill has been insufficient.

If you look at what we are about to approve, it is a one-page bill which just changes the dates in the existing PATRIOT Act. This is a lost opportunity.

As a member of the Intelligence Committee, I can tell you that what most people—including many Members of Congress—believe the PATRIOT Act allows the government to do—what it allows the government to do—and what government officials privately believe the PATRIOT Act allows them to do are two different things. Senator WYDEN has been making that case. I want to make it as well.

I cannot support the extension of the provisions we are considering today without amendments to ensure there is a check on executive branch authority. I do not believe the Coloradans who sent me here to represent them would accept this extension either. Americans would be alarmed if they knew how this law is being carried out.

I appreciate the Intelligence Committee chairwoman, DIANNE FEINSTEIN, working with us to hold hearings in the committee to examine how the administration is interpreting the law. I believe that is a critical step forward. However, that addresses only the overarching concern. I still have concerns about the individual provisions we are considering today.

We just voted to invoke cloture to cut off debate on the 4-year extension of provisions that give the government wide-ranging authority to conduct wiretaps on groups and individuals or collect private citizens' records. I voted no because the debate should not be over without a real chance to improve these authorities. I recently supported a 3-month extension so the Senate could take time to debate and amend the PATRIOT Act. We were promised that debate, but that opportunity is literally slipping through our hands. I would like to stay here and continue making the case to the American people that this bill should and could be improved.

While a number of PATRIOT Act provisions are permanent and remain in place to give our intelligence community important tools to fight terrorism, the three controversial provisions we are debating, commonly known as roving wiretap, "lone wolf," and business records, are ripe for abuse and threaten Americans' constitutional freedoms.

I know we must balance the principles of liberty and security. I firmly believe terrorism is a serious threat to the United States, and we must be sharply focused on protecting the American people. In fact, with my seats on the Senate Armed Services Committee and the Senate Intelligence Committee, much of my attention is centered on keeping Americans safe both here and abroad. I also recognize that despite Osama bin Laden's death, we still live in a world where terrorism is a serious threat to our country, our economy, and to American lives. Our government does need the appropriate surveillance and antiterrorism tools to achieve these important goals. However, we need to and we can strike a better balance between protecting our national security and the constitutional freedoms of our people. Let me give you an example. This debate has failed to recognize that the current surveillance programs need improved public oversight and accountability.

I know Americans believe we ought to only use PATRIOT Act powers to investigate terrorists or espionage-related targets. Yet section 215 of the PATRIOT Act, the so-called business records provision, currently allows records to be collected on law-abiding Americans without any connection to terrorism or espionage. If we cannot limit investigations to terrorism or other nefarious activities, where do they end?

Coloradans are demanding that in addition to the review of the Foreign Intelligence Surveillance Court, we place commonsense limits on government investigations and link data collection to terrorist or espionage-related activities. If—or I should say when—Congress passes this bill to extend the PATRIOT Act until 2015, it will mean that for 4 more years the Federal Government will have access to private information about Americans who have no connection to terrorism without sufficient accountability and without real public awareness about how these powers are used.

Again, I underline that we all agree the intelligence community needs effective tools to combat terrorism, but we must provide these tools in a way that protects the constitutional freedoms of our people and lives up to the standard of transparency that democracy demands.

Again, as a member of the Intelligence Committee, while I cannot say how this authority is being used, I be-

lieve it is ripe for potential abuse and must be improved to protect the constitutionally protected privacy rights of individual innocent American citizens. Toward that goal, I have worked with my colleagues to come up with commonsense fixes that can receive bipartisan support. For example, Senator WYDEN and I filed an amendment that would require the Department of Justice to disclose the official legal interpretation of the provisions of the PATRIOT Act. This would make sure the Federal Government is only using those powers in ways the American people believe they are authorizing them to.

While I believe our intelligence practices should be kept secret, I do not believe the government's official interpretation of these laws should be kept secret. This is an important part of our oversight duties, and I look forward to working with Chairwoman FEINSTEIN in the Intelligence Committee to ensure this oversight occurs.

I have also filed my own amendments to address some of the problems I see with the roving wiretap, "lone wolf," and business record provisions. For example, I joined Senator WYDEN in filing an amendment designed to narrow the scope of the business records materials that can be collected under section 215 of the PATRIOT Act. And I just highlighted some of the problems with that provision. Our amendment would still allow enforcement agencies to use the PATRIOT Act to obtain investigation records, but it would also require those entities to demonstrate that the records are in some way connected to terrorism or clandestine intelligence activities.

Today, law enforcement currently can obtain any kind of records. In fact, the PATRIOT Act's only limitation states that such information has to be related to "any tangible thing." That is right. As long as these business records are related to any tangible thing, the U.S. Government can require businesses to turn over information on their customers, whether or not there is a link to terrorism or espionage. I have to say that I just do not think it is unreasonable to ask that our law enforcement agencies identify a terrorism or espionage investigation before collecting the private information of law-abiding American citizens.

These amendments represent but a few of the reform ideas we could have debated this week. But without further debate on these issues, this or any other administration, whether intentionally or unintentionally, can abuse the PATRIOT Act. And because of the need to keep classified material classified, Congress cannot publicly fulfill our oversight responsibilities on behalf of the American people.

So, as I started out my remarks, I plan to vote against the reauthorization of these three expiring provisions

because we fail to implement any reforms that would sensibly restrain these overbroad provisions. In the nearly 10 years since Congress passed the PATRIOT Act, there has been very little opportunity to improve this law, and I, for one, am very disappointed that we are once again being rushed into approving policies that threaten the privacy—which, under one definition, is the freedom to be left alone—of the American people. It is a fundamental element and principle of freedom.

The bill that is before us today, in my opinion, does not live up to the balanced standard the Framers of our Constitution envisioned to protect both liberty and security, and I believe it seriously risks the constitutional freedoms of our people. By passing this unamended reauthorization, we are ensuring that Americans will live with the status quo for 4 more long years. I am disappointed and I know that many of our constituents would be disappointed if they were able to understand the implications of our inaction on these troubling issues.

As I close, I just want to say there is a gravitational pull to secrecy that I think we all have as human beings. It is hard to resist it. And the whole point of the checks and balances our Founders put in place was to ensure that power couldn't be consolidated and that power abused, again whether intentionally or unintentionally. We would all like to be king for a day. We all have ideas about how we could make the world a better place. But we know the dangers in giving that much power to one person or one small group of people.

Ben Franklin put it so well. I can't do justice to his remarks and the way he stated them, but to paraphrase him, he said that a society that would trade essential liberty for short-term security deserves neither. And our job as Senators is to ensure that we actually enjoy both of those precious qualities, security and liberty.

This is an important vote today. This is an important undertaking. I know we can, through the leadership of Senator WYDEN and many of us who care deeply about this, ensure that the PATRIOT Act keeps faith with the principles we hold dear.

I yield the floor, and I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

**Mr. REID.** Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER** (Mrs. McCASKILL). Without objection, it is so ordered.

**Mr. REID.** I appreciate everyone's patience. We are working toward the end, but we are not there yet.



I ask unanimous consent that it be in order for Senator PAUL to offer two amendments en bloc and no other amendments be in order: Amendment No. 363, firearm records, and amendment No. 365, suspicious activity reports; that there be 60 minutes of debate prior to votes in relation to the amendments, with the time equally divided between Senator PAUL and the majority leader or their designees; that neither Paul amendment be divisible; that upon the use or yielding back of time, the majority leader or his designee be recognized for a motion to table; if there are not at least 60 votes in opposition to a motion to table the above amendments, the amendments be withdrawn; further, upon disposition of the two Paul amendments, amendment No. 348 be withdrawn; that all remaining time postcloture be yielded back and the Senate proceed to vote on adoption of the motion to concur in the House amendment to S. 990 with amendment No. 347; that no points of order or motions be in order other than those listed in this agreement and budget points of order and applicable motions to waive.

The PRESIDING OFFICER. Is there objection?

The Senator from Vermont,

Mr. LEAHY. Madam President, reserving the right to object, I ask unanimous consent that the agreement be modified to include the Leahy-Paul amendment with the same time for debate and a vote under the usual procedures.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I proounded this unanimous consent request: I would comment to my friend, the chairman of the Judiciary Committee, this amendment he has suggested has bipartisan support. He has worked very hard on this. It is an amendment that we hope sometime the content of which can be fully brought before the American people because it is something that is bipartisan and timely. I would hope we can get consent to include his amendment.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. I object to the Leahy request.

The PRESIDING OFFICER. Objection is heard.

Is there any remaining objection to the request of the leader?

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator does not have the floor. The leader has the floor.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, I would first ask unanimous consent that an editorial in today's Washington Post in favor of my amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 2011]

A CHANCE TO PUT PROTECTIONS IN THE PATRIOT ACT

Congress appears poised to renew important counterterrorism provisions before they are to expire at the end of the week. That much is welcome. But it is disappointing that lawmakers may extend the Patriot Act measures without additional protections meant to ensure that these robust tools are used appropriately.

The Patriot Act's lone-wolf provision allows law enforcement agents to seek court approval to surveil a non-U.S. citizen believed to be involved in terrorism but who may not have been identified as a member of a foreign group. A second measure allows the government to use roving wiretaps to keep tabs on a suspected foreign agent even if he repeatedly switches cellphone numbers or communication devices, relieving officers of the obligation of going back for court approval every time the suspect changes his means of communication. A third permits the government to obtain a court order to seize "any tangible item" deemed relevant to a national security investigation. All three are scheduled to sunset by midnight Thursday.

House and Senate leaders have struck a preliminary agreement for an extension to June 2015 and may vote on the matter as early as Thursday morning. This agreement was not easy to come by. Several Republican senators originally wanted permanent extensions—a proposition rebuffed by most Democrats and civil liberties groups. In the House, conservative Tea Party members, who worried about handing the federal government too much power, earlier this year bucked a move that would have kept the provisions alive until December. Congressional leaders were forced to piece together short-term approvals to keep the tools from lapsing.

The compromise four-year extension is important because it gives law enforcement agencies certainty about the tools' availability. But the bill would be that much stronger if oversight and auditing requirements originally included in the version from Sen. Patrick J. Leahy (D-Vt.) were permitted to remain. Mr. Leahy's proposal, which won bipartisan approval in the Senate Judiciary Committee, required the attorney general and the Justice Department inspector general to provide periodic reports to congressional overseers to ensure that the tools are being used responsibly. Mr. Leahy has crafted an amendment that includes these protections, but it is unlikely that the Senate leadership will allow its consideration.

At this late hour, it is most important to ensure that the provisions do not lapse, which could happen as a result of a dispute between Senate Majority Leader Harry M. Reid (D-Nev.) and Sen. Rand Paul (R-Ky.)

over procedural issues. If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

Mr. LEAHY. Madam President, further reserving the right to object, I find it extremely difficult—and I have great respect for Senator PAUL as a cosponsor of my amendment—that one more time we have a case where we could have two amendments on the Republican side and we have one that is cosponsored by both Republicans and Democrats on this side, but we can't go forward with it. We have two amendments that have not gotten any committee hearings. We have one on this side that has been voted on by a bipartisan majority, Republicans and Democrats, twice out of committee, twice on the floor, and that can't go forward.

It is my inclination to object further. I realize the difficulty that would put my friend from Nevada in, so I will not object. But I do feel this ruins the chances to make the PATRIOT Act one that could have had far greater bipartisan support, and we have lost a wonderful chance. But I understand we have to do what the Republicans want in this bill, so I will withdraw my objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, in this editorial to which the chairman of the Judiciary Committee refers, there are four very strong paragraphs indicating why his amendment is important and necessary. But in keeping with the kind of Senator we have in the senior Senator from Vermont—the final paragraph is also quite meaningful and it is meaningful because that is the kind of Senator we have from Vermont by the name of PAT LEAHY. This is the last paragraph:

At this late hour, it is most important to ensure that the provisions do not lapse, which would happen as a result of a dispute between Senate Majority Leader Harry Reid and Senator Rand Paul over procedural issues.

Here is the final sentence, which demonstrates why PAT LEAHY is a friend of the United States and is a legend in the Senate:

If time runs out for consideration of the Leahy amendment, Mr. Leahy should offer a stand-alone bill later to make the reporting requirements the law.

So I appreciate very much Senator LEAHY being his usual team player.

Mr. LEAHY. Madam President, if the Senator would yield for a moment, he referred to that last line that this should be offered as a freestanding bill. I assure the leader it will be offered as a freestanding bill and I hope it is one that, because of bipartisan support, could be brought up at some point for a vote.

Mr. REID. Madam President, this is an extremely important plateau we



have reached. It has been very difficult for everyone. But now this bill can go to the President of the United States if these amendments are defeated, which I hope they are. It will go to the President tonight before the deadline of this bill, so this bill will not lapse. Even though the Senator from Kentucky, Mr. PAUL, and I have had some differences, what we have done on this legislation has at least helped us understand each other, which I appreciate very much, and I appreciate his working with us. It has been most difficult for him and for me.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. PAUL. I am pleased today to come to the floor of the Senate to talk about the PATRIOT Act. I am pleased we have cracked open the door that will shed some light on the PATRIOT Act. I wish the door were open wider, the debate broader and more significant, but today we will talk a little bit about the constitutionality of the PATRIOT Act.

I was a cosponsor of Senator LEAHY's amendment, and I think it would have gone many great steps forward to make sure we have surveillance on what our government does. It would have authorized audits by the inspector general to continue to watch over and to make sure government is not invading the rights of private citizens, and I do support that wholeheartedly.

Jefferson said if we had a government of angels, we wouldn't have to care or be concerned about the power that we give to government. Unfortunately, sometimes we don't have angels in charge of our government. Sometimes we can even get a government in charge that would use the power of government in a malicious or malevolent way, to look at the banking records of people they disagree with politically, to look at the religious practices of people they disagree with. So it is important that we are always vigilant, that we are eternally vigilant of the powers of government so they do not grow to such an extent that government could be looking into our private affairs for nefarious reasons.

We have proposed two amendments that we will have votes on today. One of them concerns the second amendment. I think it is very important that we protect the rights of gun owners in our country, not only for hunting but for self-protection, and that the records of those in our country who own guns should be secret. I don't think the government, well intentioned or not well intentioned, should be sifting through millions of records of gun owners. Why? There have been times even in our history in which government has invaded our homes to take things from us. In the 1930s, government came into our households and said give us your gold. Gold was con-

fiscated in this country in 1933. Could there conceivably be a time when government comes into our homes and says, We want your guns?

People say that is absurd. That would never happen. I hope that day never comes. I am not accusing anybody of being in favor of that, but I am worried about a government that is sifting through millions of records without asking: Are you a suspect; without asking, are you in league with foreign terrorists? Are you plotting a violent overthrow of your government? By all means, if you are, let's look at your records. Let's put you in jail. Let's prosecute you. But let's not sift through hundreds of millions of gun records to find out whether you own a gun. Let's don't leave those data banks in the hands of government where someday those could be abused.

What we are asking for are procedural protections. The Constitution gave us those protections. The second amendment gives us the right to keep and bear arms. The fourth amendment is equally important. It gives us the right to be free of unreasonable search. It gives us the right to say that government must have probable cause. There must be at least some suspicion that one is committing a crime before they come into one's house or before they go into one's records, wherever one's records are. The Constitution doesn't say that one only has protection of records that are in one's house. One should have protection of records that reside in other places. Just because one's Visa record resides with a Visa company doesn't make it any less private. If we look at a person's Visa bill, we can find out all kinds of things about them. If we look at a person's Visa bill, we can find out what doctors they go to; do they go to a psychiatrist; do they have mental illness; what type of medications do they take.

If someone looked at my Visa bill, they could tell what type of books or magazines I read. One of the provisions of the PATRIOT Act is called the library provision. They can look at the books someone checks out in the library. People say, well, still, a judge has to sign these warrants. But we changed the standard. The standard of the fourth amendment was probable cause. They had to argue, or at least convince a judge, that you were a suspect, that you were doing something wrong. Now the cause or the standard has been changed to relevance. So it could be that you went to a party with someone who was from Palestine who gives money to some group in Palestine that may well be a terrorist group. But the thing is, because I went to a party with them, because I know that person, am I now somehow connected enough to be relevant? They would say, Well, your government would never do that. They would never go to investigate people. The problem

is, this is all secret. So I do not know if I have been investigated. My Visa bill sometimes has been \$5,000. Sometimes we pay for them over the phone, which is a wire transfer. Have I been investigated by my government? I do not know. It is secret.

What I want is protection. I want to capture terrorists, sure. If terrorists are moving machine guns and weapons in our country, international terrorists, by all means, let's go after them. But the worst people, the people we want to lock up forever—the people all of us universally agree about: people who commit murder, people who commit rape—we want to lock them up and throw away the book, and I am all with you. But we still have the protections of the fourth amendment.

If someone is running around in the streets of Washington tonight—at 4 in the morning—and we think they may have murdered someone, we will call a judge, and we will get a warrant. Just because we believe in procedural protections, just because we believe in the Constitution does not mean we do not want to capture terrorists. We just want to have some rules.

I will give you an analogy. Right now, you have been to the airport. Most of America has been to the airport at some point in time in the last year or two. Millions of people fly every day. But we are taking this shotgun approach. We think everyone is a terrorist, so everyone is being patted down, everyone is being strip-searched. We are putting our hands inside the pants of 6-year-old children. I mean, have we not gone too far? Are we so afraid that we are willing to give up all of our liberty in exchange for security? Franklin said: If you give up your liberty, you will have neither. If you give up your liberty in exchange for security, you may well wind up with neither.

Because we take this shotgun approach, we take this approach that everyone is a potential terrorist, I think we actually are doing less of a good job in capturing terrorists because if we spent our time going after those who were committing terrorism, maybe we would spend less time on those who are living in this country, children and otherwise, frequent business travelers, who are not a threat to our country. Instead of wasting time on these people, we could spend more time on those who would attack us.

I will give you an example—the Underwear Bomber. For goodness' sakes, his dad reported him. His dad called the U.S. Embassy and said: My son is a potential threat to your country. We did nothing. He was on a watch list. We still let him get on a plane. He had been to Nigeria. He had been to Yemen twice. For goodness' sakes, why don't we take half the people in the TSA who are patting down our children and let's have them look at the international

flight manifest of those traveling from certain countries who could be attacking us? For goodness' sakes, why don't we target whom we are looking at?

My other amendment concerns banking records. Madam President, 8 million banking records have been looked at in our country—not by the government. They have empowered your bank to spy on you. Every time you go into your bank, your bank is asked to spy on you. If you make a transaction of more than \$5,000, the bank is encouraged to report you. If the bank does not report you, they get a large fine, to the tune of \$100,000 or more. They could get 5 years in prison. They are over-encouraged. The incentive is for the bank to report everyone. So once upon a time, these suspicious-activity reports were maybe 10,000 in a year. There are now over 1 million of these suspicious-activity reports.

Do I want to capture terrorists? Yes. Do I want to capture terrorists who are transferring large amounts of money? Yes. But you know what. When we are wasting time on 8 million transactions—the vast majority of these transactions being by law-abiding U.S. citizens—we are not targeting the people who would attack us.

Let's do police work. If there are terrorist groups in the Middle East and we know who they are, let's investigate them. If they have money in the United States or they are transferring it between banks, by all means, let's investigate them. But let's have some constitutional protections. Let's have some protections that say you must ask a judge for a warrant.

Some have said: How would we get these people? Would we capture those who are transferring weapons? We would investigate. We have all kinds of tools, and we have been using those tools.

Others have said: Well, we have captured these people through the PATRIOT Act, and we never could have gotten them. The problem with that argument is that it is unprovable. You can tell me you captured people through the PATRIOT Act and I can believe you captured them and you have prosecuted them, but you cannot prove to me you would not have captured them had you asked for a judge.

We have a special court. It is called the FISA Court. The FISA Court has been around since the late 1970s. Not one warrant was ever turned down before the PATRIOT Act. But they say: We need more power. We need more power given to these agencies, and we do not need any constitutional restraint anymore.

But my question is, the fourth amendment said you had to have probable cause. You had to name the person and the place. Well, how do we change, get rid of probable cause and change it to a standard of relevance? How do we do that and amend the Constitution

without actually amending the Constitution? These are important constitutional questions. But when the PATRIOT Act came up, we were so frightened by 9/11 that it just flew through here. There were not enough copies to be read. There was one copy at the time. No Senator read the PATRIOT Act. It did not go through the standard procedure.

Let's look at what is happening now. Ten years later, you would think the fear and hysteria would have gotten to such a level that we could go through the committee process. Senator LEAHY's bill went to committee. It was deliberated upon. It was discussed. It was debated. It was passed out with bipartisan support. It came to the floor with bipartisan support. But do you know why it is not getting a vote now? Because they have backed us up against a deadline.

There have been people who have implied in print that if I hold up the PATRIOT Act and they attack us tonight, then I am responsible for the attack. There have been people who have implied that if some terrorist gets a gun, then I am somehow responsible. It is sort of the analogy of saying that because I believe you should get a warrant before you go into a potential or alleged murderer's house, somehow I am in favor of murder.

I am in favor of having constitutional protections. These arose out of hundreds of years of common law. They were codified in our Constitution because we were worried. We were incredibly concerned about what the King had done. We were concerned about what a far distant Parliament was doing to us without our approval. We were concerned about what James Otis called writs of assistance. Writs of assistance were pieces of paper that were warrants that were written by soldiers. They were telling us we had to house the British soldiers in our houses, and they were giving general warrants which meant: We are just going to search you willy-nilly. We are not going to name the person or the place. We are not going to name the crime you are accused of.

If a government were comprised of angels, we would not need the fourth amendment. What I argue for here now is protections for us all should we get a despot, should we someday elect somebody who does not have respect for rights. We should obey rules and laws.

Is this an isolated episode we are here talking about, the PATRIOT Act, and that there is an insufficient time, that it is a deadline: Hurry, hurry; we must act. It is not an isolated time.

We have had no sufficient debate on the war with Libya. We are now encountered in a war in Libya, so we now have a war in which there has been no congressional debate and no congressional vote. But do you know what

they argue. They say it is just a little war. But you know what. It is a big principle. It is the principle that we as a country elect people. It is a principle that we are restrained by the Constitution, that you are protected by the Constitution, and that if I ask the young men and women here today to go to war and say we are going to go to war, there darn well should be a debate in this body. We are abdicating those responsibilities.

We are not debating the PATRIOT Act sufficiently. We are not having an open amendment process. It took me 3 days of sitting down here filibustering, but I am going to get two amendment votes. I am very happy and I am pleased we came together to do that. I wish we would do more. I wish Senator LEAHY's bill was being voted on here on the floor. I wish there were a week's worth of debate.

The thing is, we come here to Washington expecting these grand debates. I have been here 4 months. I expected that the important questions of the day would be debated back and forth. Instead, what happens so often is the votes are counted and recounted and laboriously counted. When they know they can beat me or when they know they can beat somebody else, then they allow the vote to come to the floor. But some, like Senator LEAHY's bill—I am suspicious that it is not going to be voted on because they may not be able to beat it. I support it.

So the question is, Should we have some more debate in our country? We have important issues pressing on us. I have been here for 4 months, and I am concerned about the future of our country because of the debt burden, because of this enormous debt we are accumulating. But are we debating it fully? Are we talking about ways we could come together, how Republicans and Democrats, right and left, could come together to figure out this crisis of debt? No. I think we are so afraid of debate but particularly with the PATRIOT Act.

The thing with the PATRIOT Act is that it is so emotional because anyone who stands up, like myself, and says we need to have protections for our people, that we should not sift through the records of every gun owner in America, looking and just trolling through records—interestingly, we have looked at 28 million electronic records, when the inspector general looked at this—28 million electronic records. We have looked at 1,600,000 texts. If you said to me: Well, they asked a judge, and they thought these were terrorists, I do not have a problem. The judge gives them a warrant, and they look at these text messages or electronic records. But do you want them trolling through your Facebook? Do you want them trolling through your e-mails? Do you want a government that is unrestrained by law?

This ultimately boils down to whether we believe in the rule of law. So often we give lipservice to it on our side and the other side, and everybody says: We believe in the Constitution and the rule of law. When you need to protect the rule of law is when it is most unpopular. When everybody tells you that you are unpatriotic or you are for terrorism because you believe in the Constitution, that is when it is most precious, that is when it is that you need to stand up and say no.

We can fight. We can preserve our freedoms. We are who we are because of our freedoms and our individual liberty. If we give that up, we are no different from those whom we oppose. Those who wish to destroy our country want to see us dissolved from within. We dissolve from within when we give up our liberties. We need to stand and be proud of the fact that in our country it is none of your darn business what we are reading. It is none of your business where we go to see a doctor, what movie we see, or what our magazines are. It is nobody's business here in Washington what we are doing. If they think it is the business of law enforcement, get a warrant. Prove to somebody—at least have one step that says that person is doing something suspicious.

The thing is, these suspicious-activity reports—8 million of them have been filed in the last 8 years. The government does not have to ask for this; it is sort of like they have deputized the banks. The banks have now become sort of like police agencies. The banks are expected to know what is in the Bank Secrecy Act. They are expected to know thousands of pages of regulations. But do you know what they tell your bank. If you do not report everybody, if you do not report these transactions, we will fine you, we will put you in jail, or we will put you out of business.

That is a problem. It is a real problem that that is what has come of this. I think we need to have procedural protections.

Madam President, if at this point there is a request from the Senator from Illinois to yield for a question or a comment, I would be happy to, if it is about the PATRIOT Act.

OK. The amendments I will be proposing will be about two things, and we will have votes on them. We have been given the time to debate, which I am glad we fought for. We will basically be given a virtually insurmountable hurdle. This will be maybe the first time in recent history I remember seeing this, but they will move to table my amendments. In order for me to defeat the tabling motion, I will have to have 60 votes. It is similar to the votes we have when you have to overcome a cloture vote or you have to overcome a filibuster. But we really are not having any vote where there is a possibility of

me winning. There is really a forgone conclusion. The votes are counted in advance.

I am proud of the fact that I fought for, though, and we got some debate on the floor and that maybe in bringing this fight, the country will consider and reconsider the PATRIOT Act. But we need to have more debate. Senator LEAHY's bill needs to be fully debated and needs to come out. Maybe when there is not a deadline, maybe it will come forward. Maybe we can have some discussion.

But I guess most of my message is that we should not be fearful. We should not be fearful of freedom. We should not be fearful of individual liberty. And they are not mutually exclusive. You do not have to give up your liberty to catch criminals. You can catch criminals and terrorists and protect your liberty at the same time. There is a balancing act. But what we did in our hysteria after 9/11 was we did not do any kind of balancing act. We just said: Come and get it. Here is our freedom, come and get it. We do not care whether there is review in Congress. We do not care whether there is to be an inspector general looking at this.

One of my colleagues today reported: Well, there is no evidence those 8 million banking investigations are bothering or doing anything to innocent people. Well, there is a reason for there being no evidence: They are secret. You are not told if your bank has been spying on you. If your bank has put in a suspicious-activity report, you are not informed of that.

So the bottom line is, just because there is no complaint does not mean there have not been abuses. There is something called national security letters. These are written by officers of the law, by FBI agents. There is no review by judges. There have been 200,000 of these. There has been an explosion of these national security letters, and we do not know whether they are being abused because they are a secret.

In fact, here is how deep the secret goes. When the PATRIOT Act was originally passed, you were not allowed to tell your lawyer. If the government came to you with an FBI agent's request, you could not even tell your lawyer. This, is very disturbing. They finally got around to changing that. But you know what. If I had an Internet service, if I am a server and they come to me with a policeman's request, and they say: Give us your records—if I tell anyone other than my attorney, I can go to jail for 5 years.

What we have is a veil of secrecy. So even if the government is abusing the powers, we will never know. How much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. PAUL. Does the Senator from Illinois wish to interject?

Mr. DURBIN. I understand there is time on the other side as well.

The PRESIDING OFFICER. There is 28 minutes on the majority side.

Mr. DURBIN. I would like to speak on the majority's time.

Mr. PAUL. I will finish up then. As we go forward on these, I would hope there would be some deliberation and that the vote, as it goes forward, people will think about that we need to balance our freedoms with our security. I think we all want security. Nobody wants what happened on 9/11 to happen again.

But I think we do not need to simplify the debate to such an extent that we simply say we have to give up our liberties. For example, I cannot tell you how many times people have come up to me in Washington, unelected officials, and said: We could have gotten Moussaoui, the 19th hijacker, if we had the PATRIOT Act.

The truth is, we did not capture Moussaoui because we had poor police work. Ask yourself: Did we fire anybody after 9/11? We gave people gold medals. We gave them medals of honor for their intelligence work after 9/11. To my knowledge, not one person was fired.

Do you think we were doing a good job before 9/11? We had the 19th hijacker in prison, in custody for a month before 9/11. We had his computer. When they looked at Moussaoui's computer 4 days after 9/11 or the day after 9/11, they connected all of the dots to most of the hijackers and to people in Pakistan.

Why did we not look at his computer? Was it because we did not have the prerogative? They did not ask. An FBI agent in Minnesota wrote 70 letters to his superiors saying: Ask for a warrant. His superiors did not ask for a warrant. Do you think we should have done something about that after 9/11?

We gave everybody in the FBI and the CIA medals. We gave the leaders medals for meritorious service, and no one blinked an eye. What did we do? We passed the PATRIOT Act and said: Come and take our liberties. Make us safe. But to make us safe, we should not give up our rights to protect what we read, to protect what we view, to protect where we go and who we associate with. We should not allow governments to troll willy-nilly through millions of records.

You have heard of wireless wiretaps. A lot of these things are unknown because they are so secret that nobody knows. Even many of us do not even know the extent of these things. But I can tell you, there is a great deal of evidence that we were looking at millions of records and that millions of innocent U.S. citizens are having their records looked at.

Now, are we doing anything? Are we imprisoning innocent folks? No, I do not think we are doing that. I think

they are good people. I think the people I have met in the FBI, the people I have met in our government want to do the right thing. But what I am fearful of is that there comes a time when we have given up these powers—for example, the constitutional discussion over war.

If we say: Well, Libya is just a small war. We do not care. We say Congress has no say in this. What happens when we get a President who decides to send 1 million troops into war and we simply say: Who cares. You know, we let the President do whatever he has to do because he has unlimited powers.

We fought a war, we fought long and hard to restrict—we wanted an Executive that was bound by the chains of the Constitution. We wanted a Presidency, an executive branch that was bound by the checks and balances. That is what our Constitution is about. It is about debate. Debate is important. Amendments are important. Bringing forward something from committee that would have reformed the PATRIOT Act is incredibly important, to have those debates on the floor of the Senate.

That is why there is a certain amount of disappointment to having arrived in Washington and to see the fear of debate of the Constitution, and that we need to be debating these things. We need to have full amendments.

Can there be any excuse why the inspector general should not be reviewing other agencies of government to find out if our rights are being trampled upon.

So I would ask, in conclusion, as these amendments come forward, that people think about it. Think about our constitutional protections. But do not go out and say the Senator from Kentucky does not want to capture terrorists or the Senator from Kentucky wants people to have guns and to attack us because the thing is, we can have reasonable philosophical debates about this, but we need to be having an open debate process. We need to talk about the constitutional protections, the provisions that protect us all, and we need to be aware of that.

I tell people: You cannot protect the second amendment if you do not believe in the fourth amendment. You cannot protect the second amendment if you do not believe in the first amendment. It is all incredibly important.

I hope as we go forward on this vote, and even though I will likely fail, because of the way the rules are set up on the vote, I hope as we go forward that at least somebody will begin to discuss this, somebody will begin to discuss where we should have some constitutional restraint; that Senator LEAHY will have a chance to bring his bill forward, and that there will be a full and open debate.

I hope we have cracked the door open and I have been a small part of that.

I yield back my time.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The Senator from Illinois.

Mr. DURBIN. Madam President, it is my understanding that we have a consent that will allow Senator PAUL to offer two amendments, and then we will go to final passage on this reauthorization of the PATRIOT Act.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I will oppose the amendments offered by Senator PAUL, and then oppose the reauthorization of the PATRIOT Act. I would like to explain in my remarks why.

I voted for the PATRIOT Act in the year 2001. In fact, there was only one Senator on the floor—who no longer serves—who voted against it. It was a moment of national crisis. We were told then by the Bush administration they needed new authorities to make certain that America would be safe and never attacked again.

I want to salute Senator PATRICK LEAHY, as well as his counterparts on both sides of the aisle, who worked night and day to put together a bipartisan version of this PATRIOT Act and had the good sense to include in it a sunset. We knew we were writing a law with high emotion over what had happened to our country. We wanted to make sure it was a good law, but we made certain it would be temporary in nature, for the most part, and we would return and take another look at it. I cannot vote for an extension, a long-term extension, of the PATRIOT Act without additional protections included for the constitutional rights of our American citizens.

It is worth taking a moment to review the history. The PATRIOT Act was passed 10 years ago—almost 10 years ago—while Ground Zero was still burning. Congress responded and passed it with an overwhelming bipartisan vote. It was a unique moment in our history. But even then we were concerned enough to put a sunset and to do our best to review it in the future to determine whether it went too far when it came to our freedoms. I voted for it, but I soon realized that it gave too much power to government without enough judicial and congressional oversight.

So 2 years after the PATRIOT Act became law, I joined a bipartisan group of Senators in introducing the SAFE Act, legislation to reform the PATRIOT Act. The SAFE Act was supported by advocates from the left and right, from the ACLU to the American Conservatives Union. Progressive Democrats and very conservative Republicans came together across the partisan divide understanding Americans can be both safe and free.

We wanted to retain the expanded powers of the PATRIOT Act but place

some reasonable limits to protect constitutional rights. When he joined the Senate in 2005, Senator Barack Obama became a cosponsor of our SAFE Act. Here is what he said as a Senator:

We don't have to settle for a PATRIOT Act that sacrifices our liberties or our safety. We can have one that secures both.

I agree with then-Senator Obama. In 2006, the first time Congress reauthorized the PATRIOT Act, some reforms from the SAFE Act were included in the bill, and I supported it. However, many key protections from the SAFE Act were not included, so there are still significant problems.

The FBI is still permitted to obtain a John Doe roving wiretap that does not identify the person or the phone that will be wiretapped. In other words, the FBI can obtain a wiretap without telling a court who they want to wiretap or where they want to wiretap.

In garden variety criminal cases, the FBI is still permitted to conduct sneak-and-peak searches of a home without notifying the homeowner about the search until a later time. We now know the vast majority of sneak-and-peak searches take place in cases that do not involve terrorism in any way.

A national security letter, or NSL, is a form of administrative subpoena issued by the FBI. We often hear NSLs compared to grand jury subpoenas. But unlike a grand jury subpoena, a national security letter is issued without the approval of a grand jury or even a prosecutor. And unlike the grand jury subpoena, the recipient of an NSL is subjected to a gag order at the FBI's discretion.

The PATRIOT Act also greatly expanded the FBI's authority to issue NSLs. An NSL now allows the FBI to obtain sensitive personal information about innocent American citizens, including library records, medical records, gun records, and phone records even when there is no connection whatsoever to a suspected terrorist or spy.

The Justice Department's inspector general concluded that this standard "can be easily satisfied." This could lead to government fishing expeditions that target innocent people.

For years we have been told there is no reason to be concerned about this broad grant of power to the FBI. In 2003, then-Attorney General Ashcroft testified to our committee that librarians raising concerns about the PATRIOT Act were "hysterics" and that "the Department of Justice has neither the staffing, the time, nor the inclination to monitor the reading habits of Americans." But we now know the FBI has, in fact, issued national security letters for the library records of innocent people.

For years we were told the FBI was not abusing this broad grant of power. But in 2007, the Justice Department's own inspector general has concluded

the FBI was guilty of “widespread and serious misuse” of the national security letter’s authority and failed to report these abuses to Congress and the White House.

The inspector general reported that the number of national security letter requests has increased exponentially from about 8,500 the year before enactment of the PATRIOT Act to an average of more than 47,000 per year, and even these numbers were significantly understated.

We can be safe and free. I think it is important that the measure that passed the Senate Judiciary Committee should have been on the Senate floor. It included an amendment which I offered with Senator LEAHY and other provisions which I think are an improvement over the current bill before us.

I will say one quick word about the amendment by Senator PAUL. I do not believe it is in our Nation’s best interests to exempt gun records from terrorist investigations. For goodness’ sake, when we are dealing with people—terrorists using guns—searching the records to make certain that we know the source of those guns and whether there are any other threats to this Nation is reasonable to do.

These should not be so sacred and sacrosanct that we do not ask the hard questions when our Nation’s security is at risk. I would agree with him that we ought to make certain there is a connection between that request for gun record information and a suspected terrorist or spy. But to say these records cannot be asked for under the PATRIOT Act goes too far. That is why I will oppose his amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. I rise to speak in opposition to Amendment No. 365, Senator PAUL’s amendment concerning suspicious activity reports, or what is referred to as SARS.

This amendment would prevent the Department of Treasury from requiring any financial institution to submit a suspicious activity report unless law enforcement first requests the report. If this amendment should become law, it will effectively take away one of the government’s main weapons in the battle against money laundering and other financial crimes.

It will also negatively impact our efforts to detect and follow the flow of funds to and from international terrorists. It is important to remember that SARS are essentially tips from third-party financial institutions concerning suspicious transactions. Because law enforcement is not watching the financial transaction of every American on a daily basis 24/7, they often have no idea that a person is even engaged in a financial crime until they receive a suspicious activity notification from a

financial institution. In a sense, SARS are not much different than the tips that law enforcement often receives from anonymous sources. These tips or leads can often form the basis for initiating investigations that can be used to neutralize criminal or terrorist activities.

The problem with this amendment is that it would require the government to look into a crystal ball in order to figure out when they should request a SAR. With this logic, we should only allow law enforcement to act on an anonymous tip unless they ask for the tip to be reported first. If a law enforcement or intelligence officer doesn’t get a tip about suspicious activity, how in the world is he going to know when it occurred in the first place? The answer here is simple: They will likely never know it occurred until the criminal activity has occurred, and maybe it will even go undetected.

Look, for example, at the 9/11 hijackers. There was a minimum of 12 to 13 of those individuals who came into and out of the United States over a period of time. Money was transferred to and from those individuals over a period of time. Under the requirements pre-PATRIOT Act, there was no suspicious activity detected. But after the enactment of the PATRIOT Act, there would be reason now for any financial institution to suspect the potential for suspicious activity from those transfers of moneys.

That is exactly why we did what we did in the PATRIOT Act, and that is one of the reasons why we have not seen a subsequent direct attack on U.S. soil from individuals who had been in the United States and have received money through transfers, or whatever it may be. Let’s don’t forget that section 215 business records cannot be obtained in an arbitrary manner. There has to be, first of all, a determination that there is some international connection between the individual whose account has been deemed suspicious by the financial institution, and also there has to be some follow-on procedure to determine that there is reason for the government to get hold of the financial records of this individual.

In my mind, this amendment would put law enforcement in an unacceptable and unreasonable position. At the same time we are asking them to pursue swindlers and money launderers more aggressively, we need to preserve the requirement that financial institutions report suspicious activities. We need to follow up on these leads not just from a criminal law enforcement perspective but from a national security perspective as well.

Since 9/11, I have been involved with the Intelligence Committee all of those years. We do extensive oversight on this particular provision in the PATRIOT Act, as well as other provisions. We have hearings on this from time to

time, and we require the law enforcement officials to come in and talk to us about what they are doing. To my knowledge, there has never been one complaint or abuse that has been shown from the use of this particular provision. This particular provision is working exactly the way we intended it to work. It is a valuable tool for our law enforcement.

Let me speak also about amendment No. 363, which is Senator PAUL’s amendment concerning firearms records. Simply put, this amendment would make it more difficult for national security investigators to prevent an act of terrorism inside the United States. The amendment would prohibit the use of a FISA business records court order to obtain firearms records in the possession of a licensed firearms importer, manufacturer, or dealer. Instead, national security investigators could only obtain such records through a Federal grand jury subpoena during the course of a criminal investigation or with a search warrant issued by a Federal magistrate upon a showing of reasonable cause to believe that a violation of Federal firearms laws has occurred. That might not always be possible.

For example, before MAJ Nidal Hasan began his deadly assault against innocent military and civilian personnel at Fort Hood, TX, in November 2009, there was no evidence that he had violated any criminal or Federal firearms laws. Thus, the FBI could not have relied on title 18 to obtain information about Hasan’s purchase of the firearms used in the attack.

As we have since learned, however, there was likely enough intelligence information to open a preliminary investigation on Hasan because of his contacts with a known al-Qaida member in Yemen, and seek a section 215 order for information about his gun purchases. I don’t understand why we would take this tool away from national security investigators, especially, here again, where there has been no indication of any abuse of this authority with respect to firearms or other sensitive records.

Congress has conducted extensive oversight of the PATRIOT Act and FISA authority, and there have been no reports of any widespread abuse or misuse, and no reports that the government has ever used these authorities to violate second amendment rights.

Moreover, the protections detailed in section 215 ensure that second amendment rights are fully respected in the use of this authority. Unlike in criminal investigations where a Federal grand jury may issue a subpoena for firearms records, any request for records under section 215 must first be approved by the Foreign Intelligence Surveillance Court. As with all other section 215 records, the court must find that such records are relevant to an

authorized national security investigation. This means the FBI cannot use this authority in a domestic terrorism investigation, nor can the FBI randomly decide to see whether an ordinary citizen or even a vocal advocate of the second amendment owns a firearm.

There are two additional oversight safeguards that are built into the section 215 process. First, each request for these sensitive records by the FBI can only be approved by one of three high-level FBI officials—the Director, the Deputy Director, or the Executive Assistant Director for National Security.

Second, there are also specific reporting requirements that are designed to keep Congress informed about the number of orders issued for these types of sensitive records.

One of the big lessons we learned after the 9/11 terrorist attacks was that we needed to make sure national security investigators had access to investigative tools similar to those that have long been available to law enforcement. Section 215 of the PATRIOT Act addresses that need. It provides an alternative way to obtain business records, including firearms records, in situations where there may be a national security threat but not yet a criminal investigation or violation.

I have long been a strong supporter of the second amendment. There is nobody in this body who has a better voting record on the second amendment than I do. Probably nobody here owns as many guns as I own, but I use them for legal and lawful purposes. I will work with the National Rifle Association and any citizen group to make sure that neither this law nor any Federal law is misused to infringe on the second amendment rights of any law-abiding citizen. But this particular amendment would harm legitimate national security investigations.

I want to take a minute to read a letter I received from Chris Cox, executive director of the National Rifle Association:

DEAR SENATOR CHAMBLISS: Thank you for asking about the National Rifle Association's position on a motion to table amendment No. 363 to the PATRIOT Act. The NRA takes a back seat to no one when it comes to protecting gun owners' rights against government abuse. Over the past three decades, we fought successfully to block unnecessary and intrusive compilation of firearms-related records by several Federal agencies, and will continue to protect the privacy of our members and all American gun owners.

While well-intentioned, the language of this amendment, as currently drafted, raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant, or judicial oversight of any kind. Based on these concerns, and the fact that the NRA does not ordinarily take positions on procedural votes, we have no position on a motion to table amendment No. 363.

For those reasons, I intend to vote against both of these amendments.

While I appreciate the intent and the emotion with which my friend Senator PAUL comes to the floor to advocate, we need to make sure we get these extensions in place immediately, so we have no gap in the coverage available to our intelligence community, and that we continue to give them the tools they need to protect America and protect Americans.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. COONS. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 1114, a short-term one-month PATRIOT Act sunset extension bill, which is currently at the desk; that the bill be read the third time, and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COONS. I am disappointed my unanimous consent request was not agreed to. I wish to explain my action here today. The comments I am about to give are an explanation of a vote I intended to take later today.

As Senator CHAMBLISS said just before me, the powers of the PATRIOT Act are too important for us to risk their expiration as this body considers whether to amend them or revise them. I could not agree more.

I offered a 1-month extension in order that this body may take the time that is needed and deserved to seriously debate and conduct oversight over the PATRIOT Act. This is a significant piece of national security legislation that I believe is worthy of further consideration and debate.

Law enforcement agencies—Federal, State, and local—work day in and day out to protect all of us from real threats that go largely unknown and unnoticed by most Americans. I want law enforcement to have all the appropriate tools in their toolbox to accomplish this goal.

Unfortunately, there are also, in my view, legitimate concerns about the legislation on which we are about to vote—concerns that my colleagues and I, including the occupant of the chair, on the Judiciary Committee, reviewed and addressed in detail, and in a bill ultimately passed, S. 193, which forms the core of the Leahy-Paul amendment of which I am a cosponsor. We put those provisions before this Chamber. I am disappointed we don't have consent to move forward in order to have time to debate these reforms to the PATRIOT Act. As Americans, the choice between liberty and safety is not one or the other. We expect and demand both. Balancing the two responsibly requires careful consideration to each.

We must be cognizant of our Nation's very real enemies who intend to do us

harm, just as they did on September 11. It was awareness of this danger in the world that motivated this Congress, as we have heard in previous speeches, to enact the PATRIOT Act, nearly 10 years ago now, in the wake of those attacks. A grave new threat called for bold new authorities. Though I was not then in the Senate, I likely too would have voted for its passage.

But this body's passage of that act did not amount to a permanent choice of security over liberty. Because of the broad scope of the new authorities in the PATRIOT Act, the bipartisan drafters of the bill insisted upon placing key sunset provisions in the bill to ensure that Congress periodically reviewed how they were being used and assessed whether they were still essential to our security.

Even in the unnerving weeks after 9/11—an extraordinary time in the history of this Congress and this Nation—the authors of the PATRIOT Act knew that the powers they were granting needed to be monitored.

Sunsets are critical to ensuring that the PATRIOT authorities are not abused by the government. They are critical.

It's because of sunsets that every 4 years, the FBI must return to Congress and justify its use of the PATRIOT Act overall and three provisions in particular: the roving wiretap, the lone wolf authority, and §215 orders, which allow the government to demand virtually any document or other evidence pertaining to an individual from a third party.

Sunsets only work, however, if we in Congress have the innate courage to ask the difficult questions when they arise. If, instead, Congress shies away from the tough debate and simply extends the sunsets for another 4 years, we surrender our responsibility to consider whether specific provisions should be amended, reauthorized, or allowed to expire.

If the proposed 4-year extension passes without amendment, it will have been 9 years before Congress votes on reforms to PATRIOT—9 years.

What is the point of having sunsets in this bill if we are going to ignore our oversight responsibilities?

Regretfully, I cannot support any measure that extends controversial and searching PATRIOT authorities until 2015 if this body does not first consider whether the act is in need of amendment. And so I must.

The Judiciary Committee did exactly what it is supposed to do and has worked for months on improving the PATRIOT Act ahead of this deadline. It was a difficult, bipartisan debate but the bill we produced is strong and deserved to be considered by the full body. Chairman LEAHY deserves credit for crafting a set of commonsense, responsible amendments.

In each of the last two Congresses, the Judiciary Committee reported a bipartisan PATRIOT reauthorization



bill. In each case, the bills would have made important revisions to PATRIOT without compromising national security. Also in each case, the bills were reported out in plenty of time for this full body to consider them. In each case, no floor action was taken until such a late hour that meaningful debate over the expiring provisions has been precluded.

The Judiciary-reported bill, S. 193, which forms the basis of the Leahy-Paul amendment, deserves consideration. It deserves consideration because our serious consideration of reforms sends the strong message that the PATRIOT authorities are not a blank check, that we in Congress are watching closely to make sure that the use of PATRIOT is consistent with our shared national respect for individual liberty and freedom.

The Leahy-Paul amendment also deserves consideration because the last 5 years have shown us that substantive revisions to PATRIOT are called for and, indeed, necessary. I would like to speak briefly about just one necessary change, those to the national security letter program.

National security letters, or NSLs are administrative subpoenas that allow the government to demand subscriber information from third parties without even having to go to a judge. These orders are also extraordinary in that they prohibit recipients from telling anyone of their existence.

In 2007 and 2008, the Department of Justice inspector general found massive abuses in the NSL Program, with tens of thousands of NSLs issued for purposes that had nothing to do with national security. Further, in 2008, a court found that the gag order in each NSL was unconstitutional.

Plainly, NSLs are in need of revision, both to bring them in line with the Constitution and to guard against abuses that have nothing to do with national security. I support legislation that would require that DOJ maintain sufficient internal guidelines to ensure that NSLs are only issued when the agents issuing them state facts that show relevance to national security. I also favor amending the gag order so that any recipient can immediately challenge it in court.

These simple reforms as well as the others contained in the Leahy-Paul amendment, do not make our Nation more vulnerable to attack. That is why, in 2010, the Attorney General and the Director of National Intelligence sent a letter to Congress expressing the view that legislation almost identical to Leahy-Paul "strikes the right balance by both reauthorizing these essential national security tools and enhancing statutory protections for civil liberties and privacy in the exercise of these and related authorities."

These reforms make our Nation more secure because they strengthen our

place in the world as the cradle of liberty.

I don't want to repeal the PATRIOT Act, but at this moment we have a choice, and a chance—our last chance for 4 years—we can push forward with a bill that does nothing to improve PATRIOT—nothing to factor in everything that is changed in the last 5 years, or we can vote down this long-term extension, vote for a short-term extension and move to debate of the reforms that the Judiciary Committee has already worked up.

The PATRIOT Act is important to our national security, but I cannot support the abdication of Congress's role in strengthening it.

If I might, in summation, simply say this: If we were today to pass a 4-year extension, without amendment or revision, it will have been 9 years that Congress does not act in any substantive way on the amendments. I join Senator LEAHY in intending to vote "no" today, not because I believe the PATRIOT Act is fundamentally flawed or because I believe the United States doesn't face real enemies, but because I think this Congress has not taken seriously its very real oversight responsibilities, its need to strike that balance. The Judiciary Committee did that hard work. For this Congress to not amend this bill with the simple balanced and reasonable amendment offered in the Leahy-Paul amendment, I believe I am compelled to strike the balance between security and liberty on the side of liberty today, by saying this body has failed to act and to appropriately conduct thorough oversight of this bill before we send it 4 years into the future.

I yield the floor.

Mr. LEVIN. Madam President, how much time is left?

The PRESIDING OFFICER. There is 5½ minutes.

Mr. LEVIN. I thank the Chair.

Madam President, I rise in opposition to the amendment of Senator PAUL, No. 365. This amendment would effectively wipe out a critical tool used against terrorists and drug traffickers. I want to explain exactly what these suspicious activities reports are and why they are so essential to the FBI and other law enforcement people.

First of all, who uses them? FBI, organized crime units, drug trafficking task forces, border security, Secret Service, State and local police, and the intelligence community all use these SARs. Second, what are they used for? There was a report from the GAO in 2009 which said the following: How are SARs used? They gave a number of examples:

The FBI includes SAR data in its Investigative Data Warehouse to identify:

financial patterns associated with money laundering, bank fraud, and other aberrant financial activities.

Second, Organized Crime Drug Enforcement Task Force's Fusion Center combines SAR data with other data to: produce comprehensive integrated intelligence products and charts.

Third, the IRS uses SARs to identify: financial crimes, including individual and corporate tax frauds and terrorist activities.

We received a letter just today from the Attorney General of the United States strongly opposing this amendment of Senator PAUL, and this is what the Attorney General says:

SARs are a critical tool for our national security and law enforcement professionals. SARs are used to alert intelligence and law enforcement personnel to issues that warrant further investigation and scrutiny. The purpose of the SAR regime is to require financial institutions to report on suspicious activities based on information that is solely within their possession. Prior to the filing of a SAR, our law enforcement and intelligence analysts often are not aware that a particular bank account or individual may be associated with criminal activity or may be engaged in activities that pose a threat to national security, such as the funding of terrorist activities.

Then the Attorney General goes on:

Conditioning the filing of SARs upon a request from law enforcement would undermine this purpose. By definition, SARs are designed to alert law enforcement to information not otherwise within its possession.

The Paul amendment, No. 365, is very short, but what it does is say you must have a request of an appropriate law enforcement agency for the report before there is a requirement to file a suspicious activity report. As the Attorney General points out in his letter, that would totally undermine the purpose of the SAR requirement.

Finally, the Attorney General points out the following:

How much time do I have remaining, Madam President?

The PRESIDING OFFICER. The Senator has 2 minutes 12 seconds.

Mr. LEVIN. I thank the Chair.

The Attorney General further points out:

It is also important to note that SARs themselves are confidential under law (i.e., not available to the public) and cannot be used as evidence. They contain information that, if used by law enforcement personnel, must be further investigated and proven before adverse action is taken. The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of Federal law.

Madam President, I ask unanimous consent to have printed in the RECORD a copy of the letter from the Attorney General.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE  
ATTORNEY GENERAL,  
Washington, DC, May 26, 2011.

Hon. HARRY REID,  
Hon. MITCH MCCONNELL,  
U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: I understand that Senator Paul may offer an



amendment today to S. 990 which would modify Section 5318(g)(1) of Title 31, United States Code, to allow for the issuance of Suspicious Activity Reports ("SARs") by financial institutions "only upon request of an appropriate law enforcement agency. . . ." I write to express the Department's serious concerns about such an amendment.

SARs are a critical tool for our national security and law enforcement professionals. SARs are used to alert intelligence and law enforcement personnel to issues that warrant further investigation and scrutiny. The purpose of the SAR regime is to require financial institutions to report on suspicious activities based on information that is solely within their possession. Prior to the filing of a SAR, our law enforcement and intelligence analysts often are not aware that a particular bank account or individual may be associated with criminal activity or may be engaged in activities that pose a threat to national security, such as the funding of terrorist activities.

Conditioning the filing of SARs upon a request from law enforcement would undermine this purpose. By definition, SARs are designed to alert law enforcement to information not otherwise within its possession. By placing the onus on law enforcement to request information—about which it is unaware—this amendment would take away from law enforcement a critical building block of financial investigations and terrorist financing intelligence. In this way, the proposed amendment would severely undermine the usefulness of the SAR regime, and eliminate an effective tool in the fight against financial fraud and, critically, terrorism.

It is also important to note that SARs themselves are confidential under law (i.e., not available to the public) and cannot be used as evidence. They contain information that, if used by law enforcement personnel, must be further investigated and proven before adverse action is taken. The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of Federal law.

In sum, the current SARs regime is critical to our national security and law enforcement activities, while also respectful of the privacy interests of Americans.

For these reasons, I urge that the amendment not be adopted.

Sincerely,

ERIC H. HOLDER, JR.,  
*Attorney General.*

Mr. LEVIN. Madam President, the Paul amendment would throw out the window a legitimate and useful law enforcement tool. It has worked effectively. Three courts have said it is constitutional. I hope the Paul amendment is tabled, and I thank the Presiding Officer.

Mr. JOHNSON of South Dakota. Madam President, suspicious activity reports, or SARs, are just what they seem—reports by banks and other financial institutions when they come across obviously suspicious activity by one of their customers. They have been, and continue to be, valuable lead information for law enforcement in investigating and prosecuting terrorism, major money laundering offenses, and other serious crimes.

The Bank Secrecy Act authorizes Treasury to require financial institu-

tions to report suspicious activity to law enforcement. In response, the Treasury Department has created an extensive and effective system for banks, casinos, securities firms, money service businesses, and other financial institutions to file SARs that are regularly reviewed by law enforcement.

SARs are used by the FBI, organized crime units, drug trafficking task forces, border security, Secret Service, State and local police, and more. They have enabled the prosecution of a great number of serious crimes over the years.

Law enforcement agencies use SAR data daily to fight terrorist financing, money laundering, drug trafficking, corruption, financial fraud, mortgage fraud, and illicit money flows of all types. A 2009 GAO report gave these examples of how SARs are used:

FBI includes SAR data in its Investigative Data Warehouse to identify "financial patterns associated with money laundering, bank fraud, and other aberrant financial activities." It uses SAR data to investigate "criminal, terrorist, and intelligence networks."

The Organized Crime Drug Enforcement Task Force's Fusion Center combines SAR data with other data to "produce comprehensive integrated intelligence products and charts."

The IRS uses SARs to identify "financial crimes, including individual and corporate tax frauds, and terrorist activity."

The Secret Service uses SAR data to "map and track trends in financial crimes."

Sharply restricting current law and longstanding practice, this amendment would only authorize the reporting of SARs after a law enforcement agency makes a specific request of a bank, money service business, or other entity, which would in turn require a demonstration that suspicious activity already exists, rendering a SARs filing moot.

It would basically turn SARs reporting upside down by requiring law enforcement to establish the basis for an investigation before requesting a SAR, rather than relying upon a SAR to initiate or supplement an investigation that would then lead to a search warrant or subpoena.

So instead of being used as leads, flagging drug or terrorism-related or money laundering activity for law enforcement, under the amendment SARs would simply confirm suspicious activity. That would severely degrade their value, which is to make law enforcement aware of potential criminal activity.

If the United States were to disable its SAR reporting system by requiring individual requests for SAR reports, it would invite the worst of criminals to misuse U.S. financial institutions for their schemes, knowing their activities would not automatically be reported to law enforcement. It makes no sense, especially in a context where there is no serious claim that these legal authorities have been misused.

How does the system work now, as a practical matter? Let's say a drug dealer comes into a bank with \$9,000 in cash and the cash reeks of marijuana. Under current law, the teller is trained to flag that transaction, and compliance officers in the bank's back office would assess it and likely file a SAR, to be examined by law enforcement.

Let's say that the same person does this in four or five banks in town that same afternoon, with the same amounts, structured to be just below reporting limits, reeking of marijuana. Now he is effectively laundered almost \$50,000 in one day. I would say we at least want to know about that, and the system now enables that. Under this amendment, that would all go by the boards.

Let's say the person is a terrorist conspirator or arms proliferator. Same scenario, only this time with a twist—a series of large structured cash deposits in a series of banks here on the same day, that are then the next day wired to the same overseas account in Pakistan or Afghanistan or Iraq, withdrawn by a coconspirator there, and used to buy IEDs to hit U.S. troops.

Would we not want those transactions at least flagged by responsible bank officials and assessed for patterns? I think so, and I think my colleagues will agree.

If the thresholds in this amendment were implemented, very few SARs would be filed because there would be no reason for law enforcement to request that SARs be filed after identifying suspicious activity by other means. Law enforcement would instead obtain a search warrant to obtain all relevant information—i.e., the underlying bank records—from the financial institution.

The amendment would also cause the United States to be in noncompliance with international anti-money laundering and terrorist financing standards—for instance, the recommendations of the Financial Action Task Force, FATF, which require suspicious activity reporting when a financial institution has reasonable grounds to suspect criminal activity.

This is a very serious problem. For years other countries have looked to us for guidance and best practices on these issues. This amendment would make the United States an outlier bank secrecy jurisdiction.

SARs themselves do not unreasonably impinge on personal privacy. The reports are confidential and cannot be used as evidence. They contain allegations that must be further investigated and proven before adverse action is taken by law enforcement.

The reports are only made available to law enforcement, intelligence, and appropriate supervisory agencies under applicable authorities and are subject to the protections of the Federal Privacy Act.

I urge my colleagues to oppose this unwise and ill-conceived amendment.

Mr. UDALL of New Mexico. Mr. President, today's vote to extend expiring provisions of the so-called PATRIOT Act is not the first time Congress has extended the sunset provisions, nor will it be the last. In 2006, the USA PATRIOT Improvement and Reauthorization Act was passed and, among other things, extended until December 2009 the three provisions we are discussing today. When those provisions were set to expire, a 3-month extension was included in the Department of Defense Appropriations Act. Three months later, Congress passed a 1-year extension until February 2011. As that deadline loomed, and without sufficient time to have a real debate, we passed the extension that expires at midnight tonight.

Immediately after the terrorist attacks of 9/11, it may have been understandable that our emotions made it unlikely that we would have a rationale and deliberative debate about the PATRIOT Act. But at the time, as I voted against the bill, I said on the House floor that "the saving grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle."

But that hasn't happened. Each time a sunset date nears, we hear a lot of highly charged rhetoric from Members in both parties and in both Chambers of Congress about how devastating it will be to our national security if we let the PATRIOT Act expire. I find this to be deeply disturbing because it demonstrates that 10 years after the attacks on 9/11 we are still using fear to prevent an open and honest debate.

Let's put this rhetoric aside and discuss the facts. First, the PATRIOT Act is not about to expire. Three provisions of the law are set to expire, but the vast majority of the authorities contained in the law will remain unchanged.

Two of the expiring provisions were enacted as part of the PATRIOT Act. Section 206 of the act amended FISA to permit multipoint, or "roving," wiretaps. Section 215 enlarged the scope of materials that could be sought under FISA to include "any tangible thing." It also lowered the standard required before a court order may be issued to compel their production. The third provision was enacted in 2004 as part of the Intelligence Reform and Terrorism Prevention Act, IRTPA. This provision changed the rules regarding the types of individuals who may be targets of FISA-authorized searches. Also known as the "lone wolf" provision, it permits surveillance of non-U.S. persons engaged in international terrorism without requiring evidence linking those persons to an identifiable foreign power or terrorist organization.

Let's also be clear about what would happen if these provisions did expire.

The two provisions from the PATRIOT Act that amended FISA authorities would read as they did before the PATRIOT Act was passed in 2001. That means they would not be revoked completely but instead would be more limited in scope. And what would happen if the "lone wolf" provision expired? Not much. In the 7 years since its enactment, it is never been used.

Even if the provisions expire, they contain exceptions for ongoing investigations, and the government can continue to use those provisions beyond the sunset date. This is what a recent CRS report says about this:

A grandfather clause applies to each of the three provisions. The grandfather clauses authorize the continued effect of the amendments with respect to investigations that began, or potential offenses that took place, before the provision's sunset date. Thus, for example, if a non-U.S. person were engaged in international terrorism before the sunset date of May 27, 2011, he would still be considered a "lone wolf" for FISA court orders sought after the provision has expired. Similarly, if an individual is engaged in international terrorism before that date, he may be the target of a roving wiretap under FISA even after authority for new roving wiretaps has expired.

Those are pretty broad exceptions, and I am fairly confident that our ability to protect the Nation would continue even if the three provisions expire. So let's put the hyperbole aside and not stoke irrational fears for political expediency.

I am very disappointed that we couldn't have a candid debate and an opportunity to vote on several amendments. With a decade of hindsight, more voices from very different places on the political spectrum agree that the entire law bears scrutiny and debate. We should no longer neglect our duty to review the full scope of a law with such serious constitutional challenges before rushing to reauthorize it, again.

Mr. GRASSLEY. Madam President, I support a clean reauthorization of the expiring provisions of the USA PATRIOT Act and against Senator PAUL's amendment on firearms records. Over the years, I have always supported and defended the second amendment. I have consistently voted to ensure that the Federal Government does not limit the constitutional rights of the millions of American gun owners. I cannot support the amendment offered today by Senator PAUL because it will damage the prospects of ensuring that critical national security laws are not reauthorized and could potentially hurt the second amendment rights of American citizens. In fact, the National Rifle Association said today in a vote alert, "While well-intentioned, the language of this amendment as currently drafted raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records

without reasonable cause, warrant or judicial oversight of any kind."

Senator PAUL's amendment actually removes protections from firearms owners. Currently, under the PATRIOT Act, in order to obtain firearms records, investigators must first go through a rigorous application process and then seek a Federal judge's approval. Senator PAUL's amendment would remove this judicial review.

If Senator PAUL's amendment became law and removed judicial review, investigators would then use a grand jury subpoena in order to obtain the records. A grand jury subpoena is a process that has neither a rigorous approval process, nor judicial review. Thus, Senator PAUL's amendment, while intending to protect second amendment rights, actually backfires in that effort.

First, let's talk about the rigorous approval process that controls whether firearms records can be obtained under the PATRIOT Act. And remember, this process does not exist under criminal law when using a grand jury subpoena. To obtain gun records under the PATRIOT Act, a section 215 order is used. The use of section 215 orders has been reviewed by the Department of Justice Office of Inspector General, which issued a report in March 2007 that outlined the existing process; that is, the 10 layers of review before it is even sent to a Federal judge are as follows:

No. 1, the FBI field agent.

No. 2, the FBI field office supervisor.

No. 3, the field office's Special Agent in Charge.

No. 4, the field office's District Counsel.

No. 5, it is then forwarded to FBI headquarters, where it is reviewed by a National Security Law Branch lawyer.

No. 6, the National Security Law Branch Supervisor.

No. 7, the request is then sent to the Department of Justice's Office of Intelligence for review by a lawyer.

No. 8, if the request survives these seven approvals, the request is sent back to the field office for an accuracy review.

No. 9, the request is then approved by an Office of Intelligence supervisor.

No. 10, then one of the three highest ranking officials in the FBI must personally approve the request, either the Director, the Deputy Director, or the Executive Assistant Director for National Security.

After approval by the field office, the FBI's National Security Law Branch, the DOJ's Office of Intelligence, the field office again, and finally by one of the three highest officials of the FBI, then an Office of Intelligence lawyer presents the application package to the court for approval.

A federally appointed district judge, serving on the Foreign Intelligence Surveillance Court, FISA, reviews the request and holds a hearing. At this

hearing, the court can ask questions and make any changes the independent judge deems appropriate. If approved, the signed order is then returned to the FBI field office to be served by the agent.

This is a very long process, and it takes, on average, over 140 days to get a section 215 order. It requires 11 separate approvals before any records could be obtained. Yet Senator PAUL's amendment will completely eliminate this investigative tool. A section 215 order provides greater protections of second amendment rights than the alternative, which is a grand jury subpoena as part of a criminal investigation.

The alternative method of obtaining firearms records is a grand jury subpoena. It is rarely used as an alternative in the national security context. First, investigators must have a criminal nexus before it can seek a grand jury subpoena. This means there must be either criminal activity or a Federal firearms violation. Sometimes, when investigating terrorism, no criminal nexus exists. Senator PAUL's amendment would prevent obtaining gun records in foreign intelligence investigations that have no criminal nexus.

More often, a suspected terrorist comes across our radar long before he ever does anything that would rise to the level of a criminal violation. Senator PAUL's amendment would mean that the FBI could not get information that a suspected terrorist is legally buying firearms until after he actually takes the shot or does something else criminal. At this point, it is too late to prevent an act of terrorism from occurring.

It does not make any sense to allow criminal investigators access to firearms records but prohibit terrorism investigators the same access. That scenario is why we in Congress acted to amend the law following 9/11. This is simply another attempt to rebuild "the wall" between intelligence and criminal law that caused the failure connecting the dots prior to 9/11.

Remember, these sorts of records are crucial to the early stages of a terror investigation. It allows the government to connect the dots. This authority can only be used with prior approval from a Senate-confirmed, lifetime-appointed, independent, article 3, Federal district court judge. I am not sure how many more times I need to repeat the fact, that records are only provided after judicial review.

Those who claim that there are no controls have not read or have not understood the law.

I trust an independent judge who can, and will, say no if legal requirements are not met, if a request appears to over-reach, or if the law does not allow it.

Judicial review is one very important safeguard in place every time a section

215 order is requested, which is the tool to request firearms records. This safeguard is over and above those that exist in criminal cases. A vote for the Paul amendment is a vote to take away this judicial review.

No judge reviews a grand jury subpoena before it is issued. Yet, in more serious, national security cases, to obtain firearms records, a judge must approve the request and issue an order. That means it is more difficult to obtain records with a section 215 order in a national security case than it is in a less serious criminal case with a grand jury subpoena.

I don't know why we insist on making it harder to investigate acts of terrorism than to investigate fraud and illegal drugs.

Section 215 orders offer more protection than what the Constitution requires. The Supreme Court, in *U.S. v. Miller*, has held that business records, such as banking deposit slips or car rental records or firearms records, are not subject to fourth amendment protections because the customer has no reasonable expectation of privacy in documents that are in the possession of third parties.

The constitutional argument that a section 215 order is an unreasonable search in violation of the fourth amendment is completely contrary to what the Supreme Court has been saying for over 35 years. Thus, section 215 orders offer greater protection than what the Constitution requires.

There are no reported abuses of section 215 orders. And if this tool was being abused, people know that I would be eager to hold investigators accountable.

In fact, I will pledge to work with all groups and supporters of the second amendment, such as the National Rifle Association, to ensure that PATRIOT Act authorities are not used to circumvent existing prohibitions on obtaining U.S. citizen gun records. I support the goal Senator PAUL is trying to achieve, namely protecting the constitutional rights of all gun owners. However, his amendment goes too far.

I urge my colleagues to oppose amendment 363 and support a clean extension of the expiring PATRIOT Act authorities.

Mr. REID. Madam President, although the PATRIOT Act is not a perfect law, it provides our intelligence and law enforcement communities with crucial tools to keep our homeland safe and thwart terrorism. While I am disappointed we were not able to include any of the sensible oversight and civil liberties protections included in the bill reported by the Judiciary Committee with bipartisan support, I strongly support the Senate's effort to ensure that these important authorities do not expire.

The raid that killed Osama bin Laden also yielded an enormous amount of

new information that has spurred dozens of investigations yielding new leads every day. Without the PATRIOT Act, investigators would not have the tools they need to follow these new leads and disrupt terrorist plots, putting our national security at risk.

Finally, we have worked expeditiously to pass this legislation to reauthorize these critical intelligence tools. If for some reason this bill is not enacted before May 27 and there is a brief lapse in the authorities, there should be no doubt that it is Congress's intent that this bill reauthorizes the authorities in their current form and does so until June 2015.

How much time remains, Madam President?

The PRESIDING OFFICER. There is 1 minute 22 seconds.

Mr. REID. Who controls that time?

The PRESIDING OFFICER. The time is controlled by the majority, and the Senator from Kentucky controls 2 minutes 22 seconds.

Mr. PAUL. Madam President, I am happy to yield back the remainder of my time.

Mr. REID. I yield back the majority time.

#### AMENDMENTS NOS. 363 AND 365 TO AMENDMENT NO. 347

Mr. REID. Madam President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes en bloc amendments numbered 363 and 365.

The amendments are as follows:

#### AMENDMENT NO. 363

(Purpose: To clarify that the authority to obtain information under the USA PATRIOT Act and subsequent reauthorizations does not include authority to obtain certain firearms records)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . FIREARMS RECORDS.

Nothing in the USA PATRIOT Act (Public Law 107-56; 115 Stat. 272), the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (Public Law 109-178; 120 Stat. 278), or an amendment made by any such Act shall authorize the investigation or procurement of firearms records which is not authorized under chapter 44 of title 18, United States Code

#### AMENDMENT NO. 365

(Purpose: To limit suspicious activity reporting requirements to requests from law enforcement agencies, and for other purposes)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SUSPICIOUS ACTIVITY REPORTS.

Section 5318(g)(1) of title 31, United States Code, is amended by inserting before the period at the end the following: " , but only upon request of an appropriate law enforcement agency to such institution or person for such report".

Mr. REID. Madam President, I move to table amendment No. 363 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

Mr. REID. Madam President, I am not sure I was heard earlier. I ask unanimous consent that this vote be 15 minutes and the rest 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 10, as follows:

[Rollcall Vote No. 82 Leg.]

#### YEAS—85

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Gillibrand   | Merkley     |
| Alexander  | Graham       | Mikulski    |
| Ayotte     | Grassley     | Murkowski   |
| Begich     | Hagan        | Murray      |
| Bennet     | Harkin       | Nelson (NE) |
| Bingaman   | Hatch        | Nelson (FL) |
| Blunt      | Hoeven       | Portman     |
| Boozman    | Hutchison    | Pryor       |
| Boxer      | Inhofe       | Reed        |
| Brown (MA) | Inouye       | Reid        |
| Brown (OH) | Isakson      | Risch       |
| Burr       | Johanns      | Rockefeller |
| Cantwell   | Johnson (SD) | Sanders     |
| Cardin     | Johnson (WI) | Sessions    |
| Carper     | Kerry        | Shaheen     |
| Casey      | Kirk         | Snowe       |
| Chambliss  | Klobuchar    | Stabenow    |
| Coats      | Kohl         | Thune       |
| Coburn     | Kyl          | Toomey      |
| Cochran    | Landrieu     | Udall (CO)  |
| Collins    | Lautenberg   | Udall (NM)  |
| Conrad     | Leahy        | Vitter      |
| Coons      | Levin        | Warner      |
| Corker     | Lieberman    | Webb        |
| Cornyn     | Lugar        | Whitehouse  |
| Crapo      | Manchin      | Wicker      |
| Durbin     | McCain       | Wyden       |
| Feinstein  | McCaskill    |             |
| Franken    | McConnell    |             |

#### NAYS—10

|          |        |        |
|----------|--------|--------|
| Barrasso | Heller | Shelby |
| Baucus   | Lee    | Tester |
| DeMint   | Moran  |        |
| Enzi     | Paul   |        |

#### NOT VOTING—5

|            |         |         |
|------------|---------|---------|
| Blumenthal | Roberts | Schumer |
| Menendez   | Rubio   |         |

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 10. Under the previous order, 60 votes not having been cast in opposition to the motion to table, the amendment is withdrawn.

The majority leader.

#### AMENDMENT NO. 365

Mr. REID. Is amendment No. 365 pending?

The PRESIDING OFFICER. That is the pending amendment.

Mr. REID. Madam President, I move to table the pending Paul amendment No. 365, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 4, as follows:

[Rollcall Vote No. 83 Leg.]

#### YEAS—91

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Franken      | Mikulski    |
| Alexander  | Gillibrand   | Moran       |
| Ayotte     | Graham       | Murkowski   |
| Barrasso   | Grassley     | Murray      |
| Baucus     | Hagan        | Nelson (NE) |
| Begich     | Harkin       | Nelson (FL) |
| Bennet     | Hatch        | Portman     |
| Bingaman   | Hoeven       | Pryor       |
| Blunt      | Hutchison    | Reed        |
| Boozman    | Inhofe       | Reid        |
| Boxer      | Inouye       | Risch       |
| Brown (MA) | Isakson      | Rockefeller |
| Brown (OH) | Johanns      | Sanders     |
| Burr       | Johnson (SD) | Sessions    |
| Cantwell   | Johnson (WI) | Shaheen     |
| Cardin     | Kerry        | Shelby      |
| Carper     | Kirk         | Snowe       |
| Casey      | Klobuchar    | Stabenow    |
| Chambliss  | Kohl         | Tester      |
| Coats      | Kyl          | Thune       |
| Coburn     | Landrieu     | Toomey      |
| Cochran    | Lautenberg   | Udall (CO)  |
| Collins    | Leahy        | Udall (NM)  |
| Conrad     | Levin        | Vitter      |
| Coons      | Lieberman    | Warner      |
| Corker     | Lugar        | Webb        |
| Cornyn     | Manchin      | Whitehouse  |
| Crapo      | McCain       | Wicker      |
| Durbin     | McCaskill    | Wyden       |
| Feinstein  | McConnell    |             |
|            | Merkley      |             |

#### NAYS—4

|        |      |
|--------|------|
| DeMint | Lee  |
| Heller | Paul |

#### NOT VOTING—5

|            |         |         |
|------------|---------|---------|
| Blumenthal | Roberts | Schumer |
| Menendez   | Rubio   |         |

The PRESIDING OFFICER. Under the previous order, 60 votes not having

been cast in opposition to the motion to table, the amendment is withdrawn.

Under the previous order, amendment No. 348 is withdrawn.

All postcloture time is yielded back.

The question is on agreeing to the motion to concur with amendment No. 347 to the House amendment to S. 990.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

I further announce that, if present and voting, the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New York (Mr. SCHUMER) would each vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. ROBERTS) and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 84 Leg.]

#### YEAS—72

|            |              |             |
|------------|--------------|-------------|
| Alexander  | Gillibrand   | McCaskill   |
| Ayotte     | Graham       | McConnell   |
| Barrasso   | Grassley     | Mikulski    |
| Bennet     | Hagan        | Moran       |
| Blunt      | Hatch        | Nelson (NE) |
| Boozman    | Hoeven       | Nelson (FL) |
| Boxer      | Hutchison    | Portman     |
| Brown (MA) | Inhofe       | Pryor       |
| Burr       | Inouye       | Reed        |
| Cardin     | Isakson      | Reid        |
| Carper     | Johanns      | Risch       |
| Casey      | Johnson (SD) | Rockefeller |
| Chambliss  | Johnson (WI) | Sessions    |
| Coats      | Kerry        | Shaheen     |
| Coburn     | Kirk         | Shelby      |
| Cochran    | Klobuchar    | Snowe       |
| Collins    | Kohl         | Stabenow    |
| Conrad     | Kyl          | Thune       |
| Corker     | Landrieu     | Toomey      |
| Cornyn     | Levin        | Vitter      |
| Crapo      | Lieberman    | Warner      |
| DeMint     | Lugar        | Webb        |
| Enzi       | Manchin      | Whitehouse  |
| Feinstein  | McCain       | Wicker      |

#### NAYS—23

|            |            |            |
|------------|------------|------------|
| Akaka      | Franken    | Murray     |
| Baucus     | Harkin     | Paul       |
| Begich     | Heller     | Sanders    |
| Bingaman   | Lautenberg | Tester     |
| Brown (OH) | Leahy      | Udall (CO) |
| Cantwell   | Lee        | Udall (NM) |
| Coons      | Merkley    | Wyden      |
| Durbin     | Murkowski  |            |

#### NOT VOTING—5

|            |         |         |
|------------|---------|---------|
| Blumenthal | Roberts | Schumer |
| Menendez   | Rubio   |         |

The motion was agreed to.

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 82, a vote on the motion to table the Paul amendment No. 363 related to firearm records. Had I been present, I would have voted "yea" to the motion to table the amendment.

Mr. President, I was also unavoidably detained for rollcall vote No. 83, a vote

on the motion to table the Paul amendment No. 365 related to suspicious activity reports. Had I been present, I would have voted "yea" to the motion to table the amendment.

Mr. President, further I was unavoidably detained for rollcall vote No. 84, adoption of the motion to concur in the House amendment to S. 990 with the Reid amendment #347, PATRIOT Act extension. Had I been present, I would have voted "yea."

Mr. BLUMENTHAL. Mr. President, I was unavoidably absent during today's vote to extend three expiring provisions of the PATRIOT ACT, due to my son's college graduation. I voted to extend these provisions earlier this year when this legislation was before the Senate Judiciary Committee. Had I been able to attend today's vote, I would have voted again with the majority to extend these provisions.

Additionally, I would have voted to table amendment No. 363, which would have prohibited the use of any PATRIOT Act authorities to investigate or procure records relating to firearms. I would also have voted to table amendment No. 365, which would have sharply curtailed existing rules that help the Treasury track the financial activities of terrorists.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, there will be no more votes today. That was the last vote for this week. We will have a vote on the Monday we get back in the evening at around 5 o'clock.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business until 8 p.m. tonight, with Senators permitted to speak for up to 10 minutes each; further, that Senator MURRAY now be recognized to speak for 4 minutes, and following her remarks, Senator INHOFE be recognized until 6:15 p.m., Senator DURBIN then be recognized for up to 10 minutes, and following that Senator COBURN be recognized for up to 45 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I think that may get us past 8 o'clock. I have not done the math but however long that takes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

#### MEMORIAL DAY

Mrs. MURRAY. Mr. President, I come to the floor to honor and commemorate the men and women who died fighting for our great country.

Memorial Day is a day to honor those American heroes who made the ultimate sacrifice for our Nation. It is because of their sacrifice that we can

safely enjoy the freedoms our great country offers. It is because of their unmatched commitment that America can remain a beacon for democracy and freedom throughout the world.

Memorial Day is a day of remembrance, but it is also a day of reflection. When our brave men and women volunteered to protect our Nation, we promised them we would take care of them and their families when they return home.

On this Memorial Day, we need to ask ourselves: Are we doing enough for our Nation's veterans? Making sure our veterans can find jobs when they come back home is an area where we must do more.

For too long, we have been investing billions of dollars training our young men and women to protect our Nation, only to ignore them when they come home. For too long, we have patted them on the back and pushed them into the job market with no support. That is simply unacceptable, and it does not meet the promise we made to our servicemembers.

Our hands-off approach has left us with an unemployment rate of over 27 percent among young veterans coming home from Iraq and Afghanistan. That is 1 in 5 of our Nation's heroes who cannot find a job to support their family and who do not have an income to provide the stability that is so critical to their transition home.

That is exactly why earlier this month I introduced the Hiring Heroes Act of 2011, which is now cosponsored by 17 Senators and has garnered bipartisan support. This legislation will rethink the way we support our men and women in uniform when they come home to look for a job.

I introduced this critical legislation because I have heard firsthand from so many veterans that we have not done enough to provide them with the support they need to find work.

I have heard from medics who return home from treating battlefield wounds who cannot get certification to be an EMT or drive an ambulance. I have heard from veterans who tell me they no longer write that they are a veteran on their resume because they fear the stigma they believe employers attach to the invisible wounds of war.

These stories are heartbreaking and they are frustrating. But more than anything, they are a reminder that we have to act now.

My legislation will allow our servicemembers to capitalize on their service. For the first time, it will require broad job skills training for anyone leaving the military as part of the military's Transition Assistance Program. Today, over one-third of those leaving the Army do not get any of that training.

My bill will also require the Department of Labor to take a hard look at what military skills and training should be translatable into the civilian

sector and will work to make it simpler to get those licenses and certifications our veterans need.

All of these are real, substantial steps to put our veterans to work. All of them come at a pivotal time for our economic recovery and our veterans.

I grew up with the Vietnam war. I have dedicated much of my Senate career helping to care for the veterans we left behind that time. The mistakes we made then cost our Nation and our veterans dearly. Today, we risk repeating those mistakes. We cannot let that happen again.

Our Nation's veterans are disciplined, they are team players who have proven they can deliver under pressure like no one else. So let's not let another year and another Memorial Day go by without us delivering for them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that my time that would expire at 6:15 be extended to 6:30, and other times adjusted accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ISRAEL'S BORDERS

Mr. INHOFE. Mr. President, a few weeks ago I had the opportunity to visit with one of my true heroes, Benjamin Netanyahu, who was here and graced us with his presence this week. Last March, I was in Jerusalem, had some quality time with him, and we kind of relived the experiences we have had in the past when he was Prime Minister before. That was back in the middle 1990s. I had a chance to talk to him. As I recall, his concern at that time—what he said at that time—two major concerns. One is, what is happening in Iran, and then, of course, making sure that the land in Israel right now will stay there.

Recently, I had a chance to visit with him again. I was quite surprised when he came here and he was met with this suggestion that things are going to change and that maybe we would encourage Israel to go back to their 1967 borders.

I can assure you that we will do everything we can to keep that from happening. I want to make sure we get the message out there, that this may be President Obama talking, it is not the majority of people in America, as was witnessed by the 30 standing ovations that Prime Minister Netanyahu got in his joint speech.

It sounded familiar when we are talking about this, about the land. I remembered that it was 10 years ago—10 years ago right now, 2001—that I made a speech, and it jogged my memory when I heard the President talking about going back to the 1967 borders. So I dug up that speech. I found it, and I found that it is so appropriate today.

This was a speech, by the way—the research done for this speech was done by a guy named Willie George. He was a preacher, a pastor, but a historian. I want to put the same perspective on this we did 10 years ago and see how that applies today.

First of all, I am going to do something that is unusual on the floor of the Senate; that is, I am going quote Ephesians 6. Listen carefully. It says: For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of darkness of this world, against spirit wickedness in high places.

It is significant that we look at that, because make no mistake about it, the war that was started 10 years ago and the war we are in right now, that we are fighting now, is first and foremost a spiritual war, not a political war—never has been a political war. It is not about politics. It is a spiritual war. It has its roots in spiritual conflict. It is a war to destroy the very fabric of our society and the very things for which we stand.

Many of the wars in history are wars where people are trying to take over something another country has. That is not what this is about. Not about getting mineral deposits, not about getting land from other countries. This is a different war.

It is not simple greed that motivates these people to kill. One may ask, what is it about our Nation that makes them—here I am talking about some of the Hamas, Hezbollah, the terrorists—hate us so much? I suggest there are three things. First, in our country we have the freedom and the right to choose the kind of worship we want. I happen to be a Jesus guy, a born-again Christian, all that. I believe the way to the Lord God is through his Son.

While I believe that, I believe every American has the right to choose whether he or she wants to believe that. Some people have the notion that if you are a Christian who believes in the Bible, you are totally intolerant, you do not allow other people to have a choice. Nothing can be further from the truth.

The nations of this world where Christianity is the dominant way of worship, we also find Jewish synagogues, we find Islamic mosques, we find freedom of worship. You will not find the same kind of things in the militant Islamic nations of this world. They do not allow Christian churches. They do not allow synagogues to open freely. They do not allow people the freedom. They persecute people. So one of the reasons America is hated so much is that we have allowed people through the years to choose what they are going to do. It is their choice.

The second reason we are hated so much is we have opened the door for people to achieve their God-given place on this Earth. We have not restrained

people. We have allowed people freedom of expression, the freedom to pursue dreams, the freedom to pursue goals. This is not true in other places in the world. These freedoms are not found in every nation. America is great because we have magnified the rights of individuals, protected the rights of individuals in our culture. We are careful to allow people to have expressions in our society, and we are hated for it.

The third reason we are hated by these people is because we are a nation of laws. We are a people ruled by laws. Lest one think that is common, go around the world and look at these other countries in the world. Most of the world's countries do not have a 200-year-old Constitution. They are ruled by dictators. They are ruled by the whims of those leaders or by political parties as they change. The rule of law is what makes civilization possible. The rule of law is what makes an orderly society work. If there is no rule of law, the strongest, toughest bully on the block is the one who is running the country. America is a country of law and order. Because of this philosophy of the people who founded our Nation, they believed in the rule of law because of what they knew from the Bible. Our Constitution and the constitutions of most governments around the world, similar to ours, are, indeed, based on the Ten Commandments. Our fathers knew the Ten Commandments and the laws of God should be a basis for all laws. They understood the concept of absolute right and absolute wrong. There were not many who believed in what we call today situational ethics or where things change according to our needs. They believed in absolute right and absolute wrong. That is the reason we are hated so much as a nation.

We are hated because we are a beacon of light, a beacon of freedom all the way around the world. We know contemporarily what that means. One of the greatest speeches of all time that I remember is a speech that was made by Ronald Reagan. It is called a *Rendezvous with Destiny*. In this speech he talked about—this was back when Castro had first taken over Cuba. He talked about the atrocities in Communist Cuba, and people were trying to escape. One man escaped in a small boat, as many others did. He lived and reached the coast of Florida. As his boat floated up on the coast, he started telling the people who were there about the atrocities in Communist Cuba. A lady responded and said: Well, I guess we in this country do not know how lucky we are. He said: No. It is how lucky we are, because we had a place to escape to.

What he was saying is we were that beacon of freedom. And we are hated because we are a beacon of freedom. That is the third reason for the rest of the world. We are hated because in

America we have the freedom of choice, the freedom of worship; we have freedom of expression; we are a nation of laws.

Why was America attacked on September 11? Why did they single us out? America was attacked because of our system of values. It is a spiritual war, not just because we are Israel's best friend. We are Israel's best friend in the world because of the character we have as a nation. One of the reasons God has blessed our country is because we have honored His people.

Right up on there on your desk, Mr. President, you have a Bible. Look up Genesis 12:3. It says, "I will bless them that bless you and curse him that curses you."

He was talking about Israel. One of the reasons America has been blessed abundantly over the years is because we as a society have opened our doors to the Jewish people. The Jewish people have been blessed in the United States of America.

When the tiny state of Israel was founded in 1948, we stood in beginning with Israel. We were the first country to stand for Israel. And because we took a stand, other nations in the world took a stand. They followed quickly. The United States made it possible for there to be an Israel. We stood with Israel again and again in its fight to survive. Make no mistake about it, it is not just because of our support of Israel, it is what we believe as a nation that caused us to come under attack.

Israel is under attack in the Middle East because it is the only true democracy that exists in the Middle East. There are more than 20 Arab countries that are in northern Africa and in the Middle East, and nearly every one of those is run by a dictator. Israel is the only true democracy that exists in the Middle East.

Did you know, if you are an Arab in Israel, and you are an Israeli citizen as an Arab, you can vote in the elections? In fact, in the Knesset—that is their Congress—they have a political party that is for Arabs. They have their own party in the Knesset.

Israel is the only true democracy that exists in the Middle East. It has a Western form of government based on the laws we see in the Bible. The laws of God our country is based on are the same laws from which Israel gets its laws—it represents the laws of God. That is the reason it is under attack.

We ought to be Israel's best friend. If we cannot stand for Israel today, can we ever again be counted on as a beacon, a beacon of freedom for the oppressed nations? You may ask, what does this have to do with the attack on America that happened 10 years ago. We are under attack because of our character, and because we have supported the tiny little nation in the Middle East. That is why we are under

attack. If we do not stand for this tiny country today, when do we start standing for tiny little countries in the world?

Many years ago, Yasser Arafat and others did not recognize Israel's right to the land, very much like our President Obama. Even today, many do not recognize Israel's right to exist. There are seven reasons I consider to be indisputable and incontrovertible evidence and grounds to Israel's right to the land. You have heard this before, because you heard it from me 10 years ago. It was similar. It is in the *RECORD* now. I kept it.

Most know this, that they are going to be hit by skeptics who are going to say we are being attacked all because of our support for Israel, and if we get out of the Middle East, all of the problems will go away. That is not so. It is not true. We all know in our hearts it is not true. If we withdraw, it would come to our door. It would not go away.

I have some observations to make about that in a minute. But first, I am going to tell you the seven reasons that Israel has the right to the land. I am saying this because I am still in shock over what happened this last week. But I am relieved from the response we got from this great man, Prime Minister Netanyahu.

Israel has the right to the land—reason No. 1—because of all of the archeological evidence. This is reason No. 1. It supports it. Every time there is a dig in Israel, it does nothing but support the fact that Israelis have had a presence there in that land for over 3,000 years, the coins, the cities, the pottery, the culture. There are other people and other groups there, but there is no mistaking the fact that the Israelis have been present for 3,000 years. It predates any claim any other people in the region might have. Ancient Philistines are extinct. They are not around anymore. Many other ancient people are extinct. They do not have an unbroken line to this day that the Israelis have.

Even the Egyptians of today are not racial Egyptians of 2,000 years ago. They are primarily an Arab people. The land is called Egypt, but they are not the same racial and ethnic stock as old Egyptians of the ancient world. The Israelis are, in fact, descended from the original Israelites. The first proof then is the archeological proof.

The second proof of Israel's right to the land is the historic one. History supports it totally, completely. We know there has been an Israel up until the time of the Roman Empire. The Romans conquered the land. Israel had no homeland. Although Jews were allowed to live there, they were driven from the land and dispersed in 70 AD and 135 AD. But there was always a Jewish presence in the land. The Turks who took over about 700 years ago and ruled the land up until about World

War I had control. Then the land was conquered by the British. The Turks entered World War I on the side of Germany. The British knew they had to do something to punish the Turks and also to break up the empire that was going to be a part of the whole effort of Germany in World War I. So the British sent troops against the Turks in the Holy Land. This is a good one.

Of the generals who led the British into the Holy Land was a guy named Allenby. He was a general. He was a Bible-believing Christian. He carried a Bible with him everywhere he went. He knew the significance of Jerusalem. The flight before the attack against Jerusalem, to drive out the Turks, Allenby prayed that God would allow him to capture the city without doing damage to the holy places.

That day Allenby—this is World War I now, keep in mind. He sent a bunch of biplanes into the Holy Land as a reconnaissance mission. You have to understand, these Turks had never seen a biplane. They had never seen any kind of airplane. They looked up and they saw these cute little machines flying around. They are terrified.

Then they were told that they were being opposed by a man named Allenby. This is a true story. History supports it. Allenby—in their language—means “man sent from God” or “prophet from God.” They dared not fight against a prophet from God. So the next morning, when Allenby went into Jerusalem, he went in, he captured it without firing a shot. And that is history. That is actually what happened. That is the history we are talking about.

Out of gratitude to the Jews, and out of gratitude to the Jewish bankers and the financiers and others who lent the financial help on the homeland, the Jewish people—the homeland that is now Israel, and all of what was then the nation of Jordan, was given to the Jewish people.

The homeland that Britain said it would set aside consisted of what is now Israel and what then was Jordan, the whole thing. That was what the British promised the Jews in 1917. In the beginning, there was some Arab population there and some Arab support for this gift. There was not a huge Arab population in the land at the time. There was a reason for that. The land wasn't able to sustain any kind of a large population. The people didn't have the development needed to handle any kind of population of the land. It wasn't wanted by anyone at that time. Can you believe it wasn't wanted at that time by anyone?

You remember Mark Twain—Samuel Clemens—who wrote “Huckleberry Finn” and “Tom Sawyer.” He took a tour of the Holy Land in 1867. This is what he said about Israel:

A desolate country whose soil is rich enough but is given over wholly to weeds, a

silent mournful expanse. We never saw a human being on the whole route. There was hardly a tree or a shrub anywhere. Even the olive and the cactus, those fast friends of worthless soil, had almost deserted the country.

Where was this great Palestine at that time? It wasn't there. The Palestinians weren't there. Palestine didn't exist. Palestine was a region named by the Romans, but at the time it was under the control of the Turks. There was no population there because the land would not support it. There was the Palestinian Royal Commission that was created by the British. It quotes an account of the conditions on the coastal plain along with the Mediterranean Sea in 1913. This is what they said about Israel at that time:

The road leading from Gaza to the north was only a summer track, suitable for transport by camels or carts. No orange groves, orchards, or vineyards were to be seen until one reached the Yavnev village. Houses were mud. Schools did not exist. The western part toward the sea was almost desert. The villages were few and thinly populated. Many villages were deserted by their inhabitants.

The French author Voltaire described Palestine as “a hopeless, dreary place.”

In short, under the Turks, the land suffered from neglect and low population. It is a historical fact. The nation became populated with both Jews and Arabs. The land came to prosper when Jews came back and began to reclaim it. Historically, they began to reclaim it. Even if there had never been any archeological evidence to support the rights of the Israelis to the territory, it is important to recognize that other nations in the area have no long-standing claim to the country either.

This may surprise you. I will say that Saudi Arabia was not created until 1913, Lebanon, in 1920, and Iraq didn't exist as a nation until 1932, Syria until 1941. The borders of Jordan were established in 1946 and Kuwait in 1961.

Any of these nations that would say Israel is only a recent arrival would have to deny their own rights, as they were recent arrivals as well. They didn't exist as countries. They were all under the control of the Turks. Historically, the land was given to the Israelis in 1917, and then, of course, we know Israel gained its independence in 1948.

So we have the archeological reasons. We have seven reasons. Here is the third reason. The third reason the land belongs to Israel is because of the practical value of the Israelis being there. Israel today is a modern marvel of agriculture. Israel is able to bring more food out of a desert environment than any other country in the world. The Arab nations ought to make Israel their friend and import technology from Israel that would allow all the Middle East, not just Israel, to be exporters of food. So Israel, unarguably, has success in agriculture. They have been able to develop when nobody else has.



The fourth reason I believe Israel has a right to the land is on the grounds of humanitarian concerns. There were 6 million Jews slaughtered in Europe in World War II. The persecution against the Jews was very strong in Russia since the advent of communism. Persecution was against the Jews even before that time under the czars.

These people have a right to their homeland. If we are not going to allow them a homeland in the Middle East, then where? What other nation on Earth is going to cede territory? They are not asking for a great deal. The whole nation of Israel fits into my State of Oklahoma seven times. So on humanitarian grounds alone, Israel ought to have the land.

The fifth reason I disagree with President Obama and think Israel should have the right to the land, without any changes and not going back to 1967, is because it is a strategic ally to the United States. Whether we realize it, Israel is a detriment, an impediment to certain groups hostile to democracies and to those things we believe in, hostile to the very things that make us the greatest Nation in the history of the world. Israel has kept them from taking complete control of the Middle East. If it were not for Israel, they would overrun the region. Israel is our only strategic ally.

It is good to know we have a friend in the Middle East we can count on. They vote with us in the U.N. more than England, Germany, Canada, and France—more than any other country in the world. So they have been our consistent ally for strategic reasons.

The sixth reason Israel should be entitled to the land is that Israel is a roadblock to terrorism. The war we are now facing is not a war against a sovereign nation, it is a fluid group of terrorists moving from one country to another. They are almost invisible. That is whom we are fighting against. We need every ally we can get. If we do not stop terrorism in the Middle East, it will be on our shores. I have said this and said this and said this.

One of the reasons I believe that spiritual door was opened for an attack against the United States is because the policy of our government has been to ask the Israelis, and demand with pressure, that they not retaliate against the terrorist attacks that have been launched against them.

Since its independence in 1948, Israel has fought four wars, and they were not the aggressor in any of them. Some people may argue that they were the first ones there with Egypt. Everybody knew what was going to happen in Egypt. Israel was attacked in all four cases. Israel won all four wars against the impossible odds. They are great warriors. I have spent some time over there. They consider it a level playing field when they are outnumbered 2 to 1. They are great people.

There were 39 Scud missiles that landed on Israeli soil during the gulf war. Our President asked Israel not to respond. Our policy was trying to get them not to respond. We asked them not to respond. In order to have the Arab nations on board, we asked Israel not even to participate in the war. They showed incredible restraint, and they did not. We asked them to stand back and not do anything over these attacks.

We have criticized them. They have been criticized in our media, local people in television and radio offer criticisms of Israel not knowing the true issues. We need to be informed.

Years ago, I was so thrilled when I heard a reporter pose a question to our former Secretary of State, Colin Powell, during the gulf war. He said:

Mr. Powell, the United States has advocated a policy of restraint in the Middle East. We have discouraged Israel from retaliation again and again and again, because we have said that it leads to continued escalation—that it escalates the violence.

He said:

Are we [the United States] going to follow that preaching ourselves?

Mr. Powell indicated we would strike back. In other words, we can tell Israel not to do it, but when it hits us, we are going to do it. That is one of the reasons I believe the door was opened—because we held back our tiny little friend. We have not allowed them to go to the heart of the problem. This was a mistake.

Terrorism is not going to go away. If Israel were driven into the sea tomorrow, if every Jew in the Middle East were killed, terrorism would not end. You know that in your heart. Terrorism would continue.

It is not just a matter of Israel in the Middle East; it is the heart of the very people who are perpetuating this stuff. Should they be successful in overrunning Israel—they will not be—but should they be, it would not be enough. They would never be satisfied. We learned that at Camp David.

The seventh reason—and this will upset some people, but I have to say it, and it is printed up there—that Israel has a right to the land—and this is the most important reason—because God said so. As I said a minute ago, look it up in the book of Genesis. In Genesis 13, verse 14, 15 and 17, the Bible says:

The Lord said to Abram, “Lift up now your eyes, and look from the place where you are northward, and southward, eastward, and westward: for all the land which you see, to you will I give it, and to your seed forever. . . . Arise, walk through the land in the length of it and in the breadth of it; for I will give it to thee.

That is God talking about Israel.

The Bible says that Abram removed his tent and came and dwelt in the plain of Mamre, which is what we call the Hebron, and built there an altar before the Lord. Hebron is in the West Bank, right here on the map. It is this

place where God appeared to Abram and said: “I am giving you this land,” the West Bank.

Everybody will yell and scream because I am quoting the Bible, but that is their problem, not mine.

This is not a political battle at all; it is a contest over whether the Word of God is true.

The seven reasons, I am convinced, clearly establish that Israel has a right to the land.

Years ago on the lawn of the White House, Yitzhak Rabin shook hands with PLO Chairman Yasir Arafat. It was a historic occasion. It was a tragic occasion.

At the time, the official policy of the government of Israel began to be “let us appease the terrorists. Let us begin to trade the land for peace.” They tried. This process continued unabated. Here in our own Nation, at Camp David in the summer of 2000—I remember it so well—then-Prime Minister Ehud Barak offered the most generous concessions to Yasir Arafat that had ever been laid on the table.

He offered him more than 90 percent of all of the West Bank territory, sovereign control of it. There were some parts he didn’t want to offer, but in exchange for that, he said he would give up land in Israel proper that the PLO was not even asking for. He also did the unthinkable—we cannot imagine it today. He even talked about dividing Jerusalem and allowing the Palestinians to have their capital in the east. Arafat stormed out of the meeting. Why would he do that? Everything he asked for was offered to him.

A couple months later, there began to be riots and terrorism. The riots began when Ariel Sharon went to the Temple Mount—and we remember this. This was used as the thing that lit the fire and caused the explosion. This is the excuse the terrorists used.

Did you know Sharon did not go to the Temple Mount unannounced? He contacted the Islamic authorities before he went. He secured their permission. He had permission to be there. It was no surprise. Their response was carefully calculated. They knew they would not pay attention to the details. So they would portray this in the Arab world as an attack on the holy mosque. They would portray it as an attack on that mosque and use it as an excuse to riot. We know what happened since that time. Over the following years, during the time of the peace process, where the Israeli public has pressured its leaders to give up land for peace because they are tired of fighting, there has been increased terror.

It hasn’t helped, hasn’t worked. Nothing worked. It has been greater than at any other time in Israel’s history. Showing restraint and giving in hasn’t produced any kind of peace. It is so much so that the leftist peace movement in Israel didn’t exist because the people felt they were deceived.

They did offer a hand of peace, and it was not taken. That is why the politics of Israel have changed drastically. The Israelis have come to see that "no matter what we do, these people do not want to deal with us. They want to destroy us." That is why even yet today the stationery of the PLO has upon it a map of the entire State of Israel, not just the tiny part they call the West Bank. They want it all.

The unwavering loyalty we have received from our only consistent friend in the Middle East has to be respected and appreciated by us. No longer should foreign policy in the Middle East be one of appeasement. As Hiram Mann said:

No man survives when freedom falls. The best men rot in filthy jails and those who cried "appease, appease" are hanged by those they tried to please.

Islamic fundamentalist terrorism came to America on 9/11. We have to use all our friends and assets, all our resources, to defeat the satanic evil.

Patrick Henry said:

We will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends who will fight our battles with us.

He said:

We are not weak if we make a proper use of those means which the God of nature hath placed in our power. The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Listen to this:

We will not fight our battles alone. There is a just God who reigns over the destiny of nations who will raise up friends who will fight our battles with us.

He was talking about all of our friends, including Israel. That is what is happening. I thank God Israel is in the battle by our side. It is time for our policy of appeasement in the Middle East and appeasement to the terrorists to be over. With our partners, our victory must and will be absolute.

I mentioned that a few weeks ago I was with Prime Minister Netanyahu in Israel. At that time, he had this growing concern for the land. We did not know what was coming. We did not know what was going to happen. We did not know that which did happen just a week ago was going to happen. I quote from the Associated Press. I am so proud of him. Think of the courage it took for Prime Minister Netanyahu to stand next to the most powerful man in the world and make a statement like this. He said:

[He] sat alongside President Barack Obama on Friday and declared that Israel would not withdraw to the 1967 borders to help make way for an adjacent Palestinian state. Obama had called on Israel to be willing to do just that thing a day earlier.

Prime Minister Netanyahu said his Nation could not negotiate with a newly constituted Palestinian unity government that includes the radical Hamas movement, which refuses to recognize Israel's right to exist.

And its commitment to Israel's destruction.

Those are the seven reasons I believe the land belongs to Israel. We need to respect that, and we need to declare: God bless Israel.

#### COTE D'IVOIRE

Mr. INHOFE. Mr. President, I know I have a couple more. I would like to cover one last topic because something is about to happen in the next week. Some people are going to be killed. It has nothing to do with Israel; nothing to do with the subject here. It is very serious.

You might recall six different times on the floor of the Senate I have talked about the problems that are taking place in a country in West Africa called Cote d'Ivoire. The fact is we had a President—his name is Laurent Gbagbo—with his wife Simone. They were ruling when an election came along. It was stolen from him by a man named Alassane Ouattara. He is in the northern part of Cote d'Ivoire.

What I have tried to show—I explained well before this all happened, before we got involved, that France and the United Nations and now our State Department are joining in with them. This picture was in yesterday's paper. This is one of Ouattara's death squads that are killing people in Abidjan, which is the capital.

I show this picture. It is one that shows this is still happening today. Reprisal attacks are still being committed by forces loyal to Alassane Ouattara of Ivory Coast 6 weeks after he came to power vowing peace and reconciliation.

It also said that Alassane Ouattara, championed by the French and the United Nations during a deadly post-election conflict, has failed to condemn atrocities against real or perceived supporters of ousted President Laurent Gbagbo.

Those are the death squads of Ouattara. This is a picture of them. You can identify them. They are in there killing people. We don't know how many tens of thousands of people have been murdered in cold blood. Amnesty International came out the other day and criticized the U.N. mission for ignoring pleas for help and failing to prevent the massacre in the town of Duekoue. That is the town of Duekoue. See the charred bodies. People are saying they actually had hogs eating the bodies. This is what Ouattara did in a little town called Duekoue.

I have another picture of what is happening. It is really criminal. These are all of Ouattara's people. These are the ones our State Department supported, and it is serious. Amnesty reports that a manhunt was launched against Gbagbo loyalists in Abidjan, and several senior officials close to him were beaten in the hours after his arrest.

This is a picture of the Secretary of the Interior. We had a hearing the other day, and our State Department tried to say Ouattara is hiring a lot of the people from the Cabinet of Laurent Gbagbo. There is the Secretary of the Interior. They shot him in the face so it would take a long time to painfully die. He died.

Here is another member of the Cabinet being executed. This is what is going on. Nobody cares. Anyway, I care.

What we are looking at right now is the Ouattaras publicly.

There is a way out of this right now. What has happened is Ouattara is trying to figure out a way to kill the President and the First Lady. I will wind up by letting you know and seeing firsthand what we are talking about.

President Gbagbo is someone I have known quite well. He is a jovial guy. This is a picture as I remember him. I spent a lot of time with him. This is right after his arrest. He was beaten almost to death. We see what has happened to his face.

His wife is a beautiful lady, Simone Gbagbo. I have been with her many times. She is a beautiful lady. She is the First Lady. I first knew her 15 years ago when she was a member of Parliament before they were married. There she is. You will not find a more beautiful lady than that. There she is, after they ravaged their home—Ouattara and the United Nations in agreement with our State Department. This is what she looked like the next day. They went in and grabbed her by the hair and pulled her hair out. You can see other things happened to her.

I hesitate to put up the last photo, but this one you have to put your imagination to work. It takes a lot of imagination to see what is happening. There she is, the beautiful First Lady. You can imagine what happened with all of Ouattara's people around here.

What is the answer? All we have to do is encourage the State Department to take a different stand and say: Let's take the Gbagbos—the President and the First Lady—and allow them to have asylum. I already located a country in Sub-Saharan Africa willing to host them. That is all that needs to happen.

By the time we get back 9 days from now after this recess, both of them will be dead if we do not do something. As we speak right now, they are being tortured.

There we have it. We have an opportunity to do something. We can save not only these people but save those around them who have always loved peace in Cote d'Ivoire.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Illinois.

Mr. DURBIN. Mr. President, first, I thank my colleague from Oklahoma.

He and I share a passion and interest in the continent of Africa. He has traveled there many more times than I have. We have talked about the situation on that continent. I give special accolades to him for continuing to raise questions relative to that continent and the people who live there. It is an important part of the world, and for far too long it has been exploited.

I am glad, on a bipartisan basis, we both believe the United States should focus more attention on that important continent. I thank the Senator.

#### DREAM ACT

Mr. DURBIN. Mr. President, it was 10 years ago I was contacted in my Chicago office by a mom, a Korean American. She had a problem. She had come to this country from Brazil with her young daughter. The family was originally from Korea, but they came to the country from Brazil. Her daughter came at the age of 2 and grew up in Chicago. She was a bright girl with a lot of talent and particularly turned out to be a musical prodigy. By the time she was ready to graduate from high school, she had offers to go to the best music schools—the Manhattan School of Music, the Julliard School of Music.

As she filled out her application forms, there was a little blank that said “citizenship.” She turned to her mom and said: What am I supposed to put here? Her mom said: I don’t know. We never filed any papers. You were brought in here at the age of 2. We better do something.

Her daughter said: What are we going to do?

Her mom said: We are going to call Senator DURBIN.

They called my office hoping to come up with a solution. Unfortunately, I could not. The law is very clear. She not only would have been deported from America, she would have been deported back to Brazil, a place where the little girl had never lived or a language she never mastered. She was supposed to wait there for 10 years and try to get back in the United States.

It struck me that was unfair. That is when I introduced the DREAM Act. The idea behind the DREAM Act is to give young children who are now in young adulthood a chance to become legal in America. I introduced the bill 10 years ago and called it up several times on the Senate floor in the last 10 years. I think on every occasion we had a majority vote. The last time we had 55 votes of 100 in the Senate, but the filibuster rule requires 60. It fell short of passing.

What the bill says is very basic. The DREAM Act would give students a chance to become legal if they came to the United States as children; they are long-term residents of the United States; they have good moral char-

acter; they graduate from high school; and they complete at least 2 years of college or military service in good standing. It is not too much to ask to give these young people a chance.

Two weeks ago, I reintroduced the DREAM Act with 33 of my colleagues. I am going to do everything I can to pass the legislation this year or next year. This is a matter of simple justice. There is not another situation in America where we hold children accountable for the wrongdoing of their parents except in this case. It is just not fair. These children did not have a vote or a voice in coming to America. They were brought here, and they did the right thing once they came.

They went to school. They did well. They got up every morning and pledged allegiance to the only flag they knew. They sang the National Anthem—the only one they knew. They believed they were really Americans, but a rude awakening came when they came to learn they were not. I guess they might have been viewed more as people without a country.

What will the passage of the DREAM Act bring us other than justice? It will bring us some of the most talented people in America who want to make this a better nation. These are young people who really worked hard. Their parents were immigrants to this country and most of the time had to take very difficult jobs and work extra hard so the kids could finish school. Many of these young people turned out to be excellent students—valedictorians of their classes and stars in many other respects. Now some of them just want a chance to serve in our military. That says a lot about them too, that they are willing to risk their lives for America.

Is there any question about their patriotism or their love of this country or they want to finish college so they can use their skills and education to improve their lives and make this a better nation.

We have the support of the Defense Secretary, Robert Gates, for the DREAM Act, GEN Colin Powell—a man I respect very much—Rupert Murdoch, a very conservative Republican businessman supports it, and CEOs of companies such as Microsoft and Pfizer.

Every day I hear from another one of these dreamers. They come up to me sometimes very quietly and sometimes very publicly and tell me their stories. Just the other day a young man came up to me as I was leaving a speech here in Washington, and he said: Senator, I just want to let you know I am finishing law school. I cannot be licensed in America because I am not an American citizen. I will pursue my education until you pass the DREAM Act.

I thought about it. This poor young man deserves a chance to use his education not just to continue it. That gives me more of an incentive to work on this issue.

Let me tell a story tonight in the few minutes I have about two of these dreamers. This is Juan Gomez. This handsome young man was brought to the United States from Colombia in 1990 at the age of 2. He is an academic all-star at Killian Senior High School in Miami, FL. He earned close to 2 years of college credit with high scores on 13 advanced placement exams. He scored 1410 out of 1600 on the SAT, and he finished in the top 20 percent of his class. His economics teacher nicknamed him “President Gomez” and said he is one of the best students ever to graduate from Killian High School.

In 2007, during his senior year in high school, he was placed in deportation proceedings. What happened next is an amazing story.

Scot Elfenbein was the student body President at Juan’s high school. He was also Juan’s best friend. He thought it was basically unfair that this young man would be rooted out of school and tossed back into a country he never remembered. Scott started a Facebook page devoted to stopping Juan’s deportation. Here is what he wrote on the Facebook page:

We need your help in saving Juan from being sent to Colombia—a country he doesn’t even remember. For those of you who know Juan, he is the smartest and most dedicated kid you ever met. He deserves more than to just be deported. Many of us owe him. I know he helped everyone one way or another in school. It’s the least we can do for him.

Thanks to Scott’s initiative, 2,000 people joined Juan’s Facebook page. Then Juan’s friends came here on Capitol Hill to lobby for him. They persuaded Representative Lincoln Diaz-Balart and Senator Chris Dodd to introduce a bill to stop his deportation. Representative Diaz-Balart is a Republican, but he is also one of the lead sponsors of the DREAM Act in the House. My good friend and former Senator Chris Dodd is, of course, a Democrat. So it is obvious this isn’t a partisan issue. Republicans and Democrats should basically come together and agree that to punish this young man because his parents came here illegally is fundamentally unfair.

After his deportation was stayed, Juan was admitted to Georgetown University on a full scholarship. He is going to graduate from Georgetown in May. And thanks to Congressman Diaz-Balart, he has a temporary work permit and has been offered a job at a top financial services firm in New York City. Can we use a person with his skill? Of course we can. Every year we import thousands of foreigners on H-1B visas. Do you know why? Because we say we need these bright minds in America. Well, if we need bright minds in America, why are we exporting those who were raised here and who can bring their skills and talents to a better life for themselves and our Nation?

Let me introduce another person to you. Her name is Ola Kaso. She was

brought to the United States by her mother from Albania in 1998 when she was 5 years old. Ola is a senior in high school in Warren, MI. She is the valedictorian of her class. She has taken every advanced placement class offered by her school. She has a 4.4 grade point average—a very bright young lady. Ola is on the varsity cross-country and tennis teams, she is treasurer of the student council and treasurer of the National Honor Society at her school. She tutors students who are learning English. Ola was also a member of her homecoming court. This is a great picture of her. Here she is at her high school at homecoming.

She sent me a letter. She has been accepted into the honors program at the University of Michigan, where she will be a pre-med student. Here is what her letter said:

I aspire to ultimately becoming a surgical oncologist, but more importantly, I intend to work for patients who cannot afford the astronomical fees accompanying lifesaving surgeries, patients that are denied the medical treatment they deserve. My goal is not to increase my bank account; my goal is to decrease preventable deaths. I wish to remain in this country to make a difference.

Do we need her? You bet we do.

Two months ago, Ola was placed in deportation proceedings. Just like Juan Gomez and many other DREAM Act students, Ola's friends decided to rally behind her. Senator LEVIN, a co-sponsor of the DREAM Act, asked the Department of Homeland Security to reconsider her case. This week, the Department granted a stay of deportation to give her a chance to continue her education. That was the right thing to do. It makes no sense to send someone like Ola, who has so much to contribute to America, to a country she barely remembers.

I introduced the DREAM Act in 2001. Since then, I have met so many of these young immigrant students who are qualified for the DREAM Act. Like Juan Gomez and Ola Kaso, they are Americans in their hearts. They are willing to serve our country and to die for it if we would only give them a chance. Simple justice and fairness requires it.

I ask my colleagues to support the DREAM Act. It is the right thing to do. It will make America a stronger and better nation. One thing I am sure of is that if we give these young dreamers a chance, they won't let us down.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

#### HUBERT HUMPHREY CENTENNIAL

Ms. KLOBUCHAR. Mr. President, I would first like to thank the Senator from Oklahoma, Mr. COBURN, for allowing me to take a few minutes to speak about something very important in my State—the fact that tomorrow would be Hubert Humphrey's 100th birthday.

Hubert Humphrey was our "Happy Warrior" in Minnesota. He was the son of a smalltown South Dakota drugstore owner who lifted himself up through hard work and determination to become the mayor of Minneapolis, a U.S. Senator representing Minnesota, and the 38th Vice President of the United States of America.

I actually have Hubert Humphrey's desk—something I requested when I got to the Senate. It somehow got in a different category, and for the first 2 years I had the desk of the former Senator from New Hampshire, Gordon Humphrey. But then, lo and behold, with the start of this last Congress, I did get Hubert Humphrey's desk.

I was a senior in high school when Hubert Humphrey passed away, and I can still remember standing in line for his funeral in St. Paul. It was January, and it was one of those days where it was below zero—freezing. Yet there we were, standing outside the State capitol, all of us in our puffy winter jackets, 40,000 people waiting to pay our respects. That is how much Hubert Humphrey was loved in our State, loved enough for people to stand outside for hours in the dead cold of a Minnesota winter.

I can honestly say that Humphrey had an enormous impact on my own views of public service. You can go down the list of landmark Federal legislation in the past 60 years, and his fingerprints are all over them—civil rights, Medicare, nuclear arms control, the Peace Corps, the list goes on and on. Hubert Humphrey's impact continues to be felt in our State.

Humphrey was a compassionate man, but he was no pushover. He never backed down from a fight worth fighting. When he was asked to speak at the Democratic National Convention in 1948, he dove headfirst into one of the most controversial topics at the time—racial inequality. It was a gutsy move, especially considering how divisive civil rights issues were for the Democratic Party. And let's not forget that as a 37-year-old mayor of Minneapolis—and the Presiding Officer can relate to this as a former mayor himself—Humphrey's political career was just getting off the ground. He had a lot to lose. But he was convinced that segregation and Jim Crow were hurting our country, and he was determined to challenge the status quo on the national stage even if it meant risking his political career. That was Hubert Humphrey.

I think the last, most important thing to point out about Hubert Humphrey is that he was above all things an optimist. To this day, the Senate, according to our colleagues, has never seen anyone quite like him—bursting with energy, idealism and hopefulness, a happy warrior.

I have a picture of the "Happy Warrior" hanging in my front office, and it

hangs there in a visible place for a good reason. It is because I am convinced that now more than ever our Nation needs a good dose of the hope and optimism that defined Hubert Humphrey's life.

The truth is, we have to go back decades to find a time when we were confronted with so many challenges—two difficult wars, a crushing debt load, and our quest to end our dependence on foreign oil and develop our own homegrown energy. The way we choose to address these challenges will determine the course of our Nation for decades to come. History will tell us whether we are right or wrong, timid or courageous.

I believe we must choose courage, but not only that, we must also choose optimism. We must take a page from Hubert Humphrey's book and strive for that resilience he displayed in public life. I think about the inscription on his gravestone at Lakewood Cemetery in Minneapolis. It is a quote from Humphrey himself:

I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do. And I remain an optimist with joy, without apology, about this country and about the American experiment in democracy.

These are words that resonate today, words that remind us of the amazing life and legacy of a man who did so much for the causes of justice, democracy, and accountability. America is a better place for his leadership, and that is why we honor him today.

Mr. President, I again thank my colleague from Oklahoma for allowing me to put in these good words for Senator Humphrey.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### THE BUDGET

Mr. COBURN. Mr. President, I wish to spend a few minutes this evening talking about where we are as a nation.

I have to say I am discouraged at the work of the Senate. If we look around and take in the whole picture here, there is nobody here, essentially, and they are not going to be here for 9 or 10 more days. The question I put forward is, If your own personal household was in trouble, financially or otherwise; if you knew you weren't going to be able to pay the bills; if you knew your credit cards were maxed out, would you just sit on the couch and do nothing or would you work to protect your family? Would you go out and do whatever you could? Would you take advantage of every opportunity to secure the future for your family?

Well, we have big problems in our country, and it doesn't matter how we got here. The fact is, we are borrowing \$4.3 billion a day. The interest on our

debt is \$2.8 billion a day. We are at a point where if we don't start making the very difficult decisions for our country despite our fear of the political consequences, we will be like the person who, when his family was in trouble, didn't try to solve the problem.

Mr. President, we don't have a budget. Yesterday we had political votes on budgets, but it was a game. For the last 2-plus years, no budget has come through the Senate. There is a reason for that, and the American people need to know it is not because of our great budget chairman, whose name is Senator KENT CONRAD. It is not his fault there is not a budget. It is because of the leadership in the Senate. The leadership does not want the votes that come along with a budget. You see, the political thinking is, we don't want any of our members to have to be recorded on things that might affect the next election. So to hell with the country. What is more important is the next election.

What is happening in the Senate is a complete meltdown of the very purpose the Senate was created. The fact is, we had votes on four separate budgets, and let me tell you, what is most astounding is that nobody voted for President Obama's budget. The President of the United States submits a budget to the Congress, and nobody in the Senate agrees to vote for it. How disconnected could that budget be from the realities of what our country's needs are if even the people of his own party won't vote for it? I was inclined to vote for it just so we could have a debate on his budget. But the fact is, we didn't have a debate on any budget.

So as we sit here, we are borrowing \$4.3 billion a day and running a \$1.6 trillion deficit and mortgaging the very future of our children. The very reason we work so hard and the reason we live is to nurture and support those who come after us, and to ignore that responsibility is absolutely uncalled for. Congress deserves every recognition from the American people for being a farce. You can't have the kinds of problems we have in front of us and not attempt to address them.

I want to spend a minute talking to every Medicare patient in the country. I have practiced medicine for 25 years. I have cared for thousands of Medicare patients. I understand, at 63 years of age, with three pretty significant disease processes going on in my own body, about worrying about one's health. I worry about the security around that health. It is important enough to me to really take the medicines and to follow the diet my doctor is offering me now that I am 63. I probably wouldn't have paid attention 20 years ago, but today I am doing that.

The health care that is available to me is important to me, as I know it is to every Medicare recipient out there. But the facts are the following: Politi-

cians want to use Medicare as a tactic to scare people into not doing what we as a nation are going to ultimately do anyway. We will have to fix Medicare. And we can fix it in a way that assures every senior who absolutely needs the help of Medicare and is dependent on Medicare will have that health care. Anybody who says something other than that either cares a whole lot more about themselves and their political career or they are absolutely dishonest, because it is absolutely impossible for us to raise the money to continue to run Medicare the way it is today. It will change in the next 4 or 5 years no matter what the politicians say, no matter what the next election—it has to change. The good news is we can give as good care or better with fewer dollars if we will make the right changes in Medicare.

What most Medicare patients don't understand is that \$1 out of every \$3 spent on Medicare is not going to help you get better and isn't preventing you from getting sicker. Those are facts. They are backed up by four studies now, four long-term studies. If \$1 out of every \$3 is going into Medicare and it is not effective in actually helping you with health care, and that \$1 out of every \$3 we are borrowing from the Chinese this year to keep Medicare afloat—and that is just the hospital system, that is Part A—why would we not want to make the hard choices and fix it?

The reason you are not seeing that come forth is somebody sees an advantage in an election to game Medicare. The fact is, it is not just Medicare that is broken. The whole entire health care system is broken because we do not allow markets to allocate it in an efficient way and we do not hold physicians such as myself accountable to be very frugal with the tests we order and the treatments we order.

As we continue to think about ourselves and say I do not want any change—and that is the other point I want to make. As I get older, I find I resist change more than anything. But the one absolute that is going to happen is that Medicare is going to change and it does not matter what any politician from Washington tells you, it has to change. Otherwise we will be in an absolute depression. We will not be able to accomplish any of the things we are accomplishing now under Medicare. It will change.

If it is going to change, why don't we change it in a way that continues to guarantee the promise of Medicare and puts more of a burden on those who have more dollars with which to do that and takes care of the sickest and poorest the best and puts a greater load on those who have less of a need for Medicare?

Some would say that is not fair. Let me tell you what is not fair. What is not fair is the average American puts

\$138,000 into Medicare over their working career and takes \$450,000 out. That is what is not fair. What is not fair is for a 5-year-old to complain about something not being fair. To quote P.J. O'Rourke: "You were born in America. That's not fair." Life is not fair.

The fact is, we have a system that is getting ready to crash and we have a political dynamic that people are actually saying we do not care because we want to win the next election more than we want to fix the problem. That does not apply to everybody, but people who are gaming this issue, people who are scaring people who are on Medicare, lack the integrity and courage to talk about what the real problems are in this country.

The real problems are we have made promises without creating the revenues to pay for it. We can tax 100 percent of all the income of everybody above \$100,000 in income in this country and you will not fix the deficit this year—if you took 100 percent of everything everybody earned over \$100,000—that is how great the problem is. We have a \$14.3 trillion debt that, if in fact the debt limit is extended, will be past \$15 trillion by December. When is it going to stop? When are we going to start thinking about the future of our country and the security of our country instead of the next election and how we can look good as the media plays the game on politics?

It is amazing; today most of the stories in the newspaper were about Medicare and the effect of an election up in New York, a congressional election. I don't think that matters a twit on what is going on in this country. What was not said in the papers is that nobody voted for the President's budget. That was not the headline anywhere. It was not the headline that the Congress does not have a budget. The House has passed a budget. You don't have to agree with it but at least they passed one. But you have all this criticism of a proposed plan that came through the House that actually will solve the problem, make sure everybody on Medicare actually gets the care they want and actually will take \$1 of those \$3 that we are wasting, one out of every three, and put it into actually taking care of patients. But the people who are critical of that plan have no plan themselves. And, if you have a plan, the plan is the following—it is the plan that passed, what we know as ObamaCare, but what is the health care bill that was passed in the last Congress. Here is the plan, just so we understand.

According to the President's speech at Washington University, the plan is that if we have to, we have two mechanisms. He mentioned one of them. He didn't mention the other. We have the Independent Payment Advisory Board. Under the Affordable Care Act, the Independent Payment Advisory Board

is mandated to control the growth of Medicare. Here is how it does it. It makes a recommendation on the cutting of payments for Medicare. That recommendation comes before Congress and we either have to accept that or do something similar to that, in terms of the total dollar amounts, to cut back on the payments for Medicare.

What is the No. 1 problem a new Medicare recipient has today? The No. 1 problem new Medicare recipients have today is finding a doctor who will care for them, who will take their Medicare. That is their No. 1 problem. If you think we can take this tremendous unfunded liability and continue to cut—I am not against, as a physician, physicians taking a 5-percent or 6-percent pay cut under Medicare today. I am not against that. But if you think we can continue to do the savings we are going to have to get out of Medicare by doing that, you will not have anybody taking care of Medicare patients because they will not be able to afford to. Those payments to the physicians are less than 30 percent of the total payments of Medicare.

Then they transfer over to the hospitals, so we are going to cut what we pay to the hospitals. Some hospitals can afford that, some cannot. What happens when the hospitals that cannot afford that close? Where do you get your hospital care? Prescription drugs—we are going to cut the price of prescription drugs. Consequently, no new drugs are coming on line because of the rate of return for the billion dollar cost that it is for any new drug just to get it through the FDA. All of a sudden the things you count on are not there.

Let me mention the second way the President would have us control. That is they have what is called an Innovation Council, under the Affordable Care Act. What is that purpose? The purpose of the Innovation Council is to decide whether Medicare can afford new innovation in medicine to be offered to Medicare patients. That is the same thing as saying: Here is a new drug, it will cure your breast cancer, but we don't think we can afford it so therefore it is not available under Medicare. One is direct rationing; the other is indirect rationing. But the fact is we cannot fix Medicare by rationing. You will not fix it that way. What you will do is limit care and limit access—similar to what we have under Medicaid.

If you look at the trustees' report on Medicare, what they are saying will have to happen is that the reimbursement rates under Medicare will end up being lower than the reimbursement rates under Medicaid. That is the answer they have right now.

That is not a good answer. No American thinks that is a good answer. My colleagues on both sides of the aisle do not think that is a good answer. But that is where we are sitting.

I make the point if we do not address Medicare and if we do not address Medicaid and if we do not fix Social Security—and it is true, if Congress had not stolen the \$2.6 trillion from it and it was sitting in an account, we would be in pretty good shape. We would make it another 30 years. But there is a problem in terms of paying back that money. Congress stole the money, spent it, and it is not there. So for us to get the \$2.6 trillion to keep it going until 2036 we have to borrow more money. We have to borrow that \$2.6 trillion. The problem is we are at a debt limit now and we are getting very close to the time when people are going to quit loaning us money.

We can fix Social Security where it is for sure as available as it is today—actually we can make it better for the poorest Americans. We can actually make it better and we can assure that it is going to be working forever. But that requires change. The political dynamic says don't, you can't touch Social Security.

How fair is that? How fair is not fixing Medicare, not fixing Medicaid, and not fixing Social Security to those who follow us? I am the grandfather of five great-grandkids, wonderful kids; I love them to death. I raised three daughters—actually my wife did most of that hard work and that is why they turned out well. But the fact is, the relationship with your children is a special relationship, but it does not get close to comparing to the relationship to your grandkids. There is not anything I wouldn't do for my grandkids and they kind of know it. They have not taken advantage of it yet, but they know it.

What I would ask is, anybody who is on Medicare today who is listening to this, here is what you need to know. No. 1 is there is nobody in Washington who does not want you to have a secure medical health care system. But the problems with it are so severe that it has to be fixed and it cannot wait. And that requires change. The problems of our country as a whole are so severe that we are not going to be able to borrow the money to pay back what we owe Social Security if we do not fix Medicare and Medicaid because nobody is going to loan it. They are going to say you haven't done what you need to do.

What has to happen is we have to think about our grandkids. I don't like going through change very much but I will tell you there is one group of kids that I will go through change for, I will sacrifice for, I will give something up for me. What we are asking you to give up is the comfort of what you know now, and move to the comfort of something that is going to supply the same thing to you, just in a different way. Anybody who games that will not put forward a solution to the very problems that are in front of us.

To the seniors out there who are on Medicare, nobody is proposing any im-

pact on you today for the next 10 years. Any proposal would be for those people who are 55 and less and we are saying we have to change it so we can keep it. If we do not change it, nobody is going to have it. By the way, we are going to have trouble surviving if we don't change it because we are not going to be able to manage this tremendous amount of debt which is over \$55,000 per man, woman, and child in this country today.

We have to think about our grandkids. We have to quit listening to the political shill who says somebody wants to hurt you. Everybody who has put forward ideas on Medicare has a legitimate basis with which to be critical of any other. But any politician in the Senate or the House who has not put forth their solution to get us out of the problems you should give no quarter to. You should not listen to the first word they say because what they are thinking about is the next election. They are thinking how do I take advantage, how do I scare you over the next election? Nobody wants to take away health care for our seniors. What we want to do is ensure it is there in the future, and to put forward the idea that the motivation there is to scare you into thinking that somebody wants to disrupt your care, that is just not true.

There could be a great debate, and I started this talk on the fact that there has not been any debate on the problems that are in front of us. There needs to be a great debate. People need to hear what the options are. We need to put a budget on the floor and have the hard debates on it, and take the hard votes, and then try to mix something with the House; otherwise, here is what is going to happen come September—which is not fair to any Federal employee. We are going to have another continuing resolution. That is what is coming because we refuse to have a budget that allows the people who work for you, through the Federal Government, to plan and efficiently carry out what the Congress directs. We are just going to do a continuing resolution. It is a highly inefficient way to run the Government. As a matter of fact, I will tell you that any family who does not run on a budget is set up for getting in trouble.

We are not running on a budget now. The bills are coming in and we have a continuing resolution until September 30. But we do not have a budget, we have no plan, we don't know what we need to do, what are the changes we need to make. We are not listening to the people running the program. We are not listening to the American people as we do that.

We can fix health care in this country. The problem is the cost of health care. The reason it costs so much is that the vast majority of Americans think somebody else is paying the bill.



I will end with this story. I see my colleague from Alabama is here. I have delivered thousands of babies, but there is a particular group I always enjoyed delivering for because they are unique. They were the best purchasers of health care I have ever encountered. They are from a little town called Inola and another called Chouteau, OK, and they are Amish. When they come to buy health care—they don't have health insurance, by the way. Very few of them have a college education. They work with their hands. They are into dairy or carpentry or farming or something, but they work with their hands. They have lots of good common sense.

I can tell my colleagues without a doubt that of the 500 Amish babies I delivered, they bought that service from the hospital, from me, from the radiologist, and from the labs at 40 percent less than anybody else bought it. Why is that? It is because they were great consumers of health care and the money was coming out of their pockets. They didn't think somebody else was paying for it. They knew they were paying for it, so therefore they asked for a discount. They said: I will pay you cash up front if you give me a discount. By the way, if you want to do this other test, please explain in detail why I should fork out \$100 for another ultrasound. And does my wife absolutely have to have this ultrasound?

When you get questioned that way the doctor says: Well, if you understand that we may miss something but basically everything looks good, then I am fine with that as long as you are fine with that.

The average pregnancy today in the United States has four or five ultrasounds. I was trained without doing any ultrasounds, and I had the same outcomes.

So the point is that we can get better value if we reconnect the purchase of health care with some individual responsibility. If we disconnect that—and that is what we do through private insurance and low deductibles, and that is what we do through Medicare and low deductibles and supplemental policies. We do the opposite of that. Once we have met our deductible, there is no cost. So we are not prudent consumers. As we age, we worry a lot about new symptoms, so we access the health care system. Once you access, the costs just start ticking up.

So the point I make is there are a lot of things we can do better in health care if, in fact, we have market forces and transparency helping us do that. I would suggest we can have a Medicare Program that is efficient, that works, and that doesn't have \$70 billion worth of fraud in it by the end of the year, by the way—\$70 billion, well over 10 percent—and improper payments above 10 percent as well. So \$70 billion in fraud and \$70 billion in improper payments in Medicare. We could solve the problem

right there if Congress would do it. But we don't because we would rather have a political game and game people's fears on health care and Medicare than fix the problem.

What I hope seniors will do over this next year, as they hear the politicians make all these wild claims about people's motivations and the damage to Medicare, is when you hear that, think about that in light of your grandchildren. Think about yourself and what you want versus what you want your grandchildren to have because there is no question that the \$14.2 trillion and under the President's budget the \$23 trillion we are going to have at least in 9 more years is going to be paid back by them, not you. What that really means is they are going to have a far lower standard of living than you do so you don't have to get out of your comfort zone.

I trust America a whole lot more than I trust the U.S. Congress. We have a \$1 trillion deficit of common sense in Washington, and we have an excess of common sense outside of Washington. If you will trust your common sense and look at what we are doing, what you will find is we can solve our problems, we can come together as a nation, we can fix what ails us, and we can do that without destroying the future of our children and grandchildren.

I yield the floor to my colleague from Alabama.

**THE PRESIDING OFFICER.** The Senator from Alabama.

**MR. SESSIONS.** I ask unanimous consent to enter into a colloquy with Senator COBURN, if he has a moment to stay, for up to 10 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**MR. SESSIONS.** Mr. President, Senator COBURN served on the debt commission. Senator COBURN had no burden to run for reelection. I am so glad he did. He is one of the most valuable Members of this Senate.

I have an understanding that the Senator from Oklahoma came here to try to do something about the debt this country faces. Is that fair to say?

**MR. COBURN.** That is correct.

**MR. SESSIONS.** The Senator believes this Congress has a responsibility to confront what Admiral Mullen calls the greatest threat to our national security, which is our debt.

The Senator also has tremendous experience as a practicing physician. The Senator practiced up until the very day he was elected. How many years ago was that?

**MR. COBURN.** Seven years.

**MR. SESSIONS.** Seven years ago. He continued to practice even while in the Senate until the bureaucrats made it impossible, I guess, to do so. So the Senator from Oklahoma comes here with practical experience, a brilliant mind, and a committed vision for America.

I appreciate the Senator sharing his frustration about what has occurred this week.

This is a quote that was in the Wall Street Journal by Democratic Senate strategists about this scheme and plan that was offered in four votes yesterday—votes the majority had conceived in such a way that they were guaranteed to fail and nothing was going to happen. It was a guaranteed plan to ensure nothing would happen. This is what the journal said about it:

As a political matter, Democratic strategists say there may be little benefit in producing a budget that would inevitably include unpopular items.

The Senator is famous for telling the truth. If he would, I would like him to respond to that. What does that say about our Senate, that the Democrats say there would be little political benefit in producing a budget that might include unpopular items? Doesn't a tough budget that gets us on the right path have to have some things in it that some people might not like?

**MR. COBURN.** Well, to my colleague, through the Chair, I would answer, What is our obligation? Is our obligation to win the next election or is our obligation to solve the problems in front of our country? It is not even a matter of having votes. We can't even get bills on the floor for the Members that actually would save some money right now.

Let me give an example. We had the small business bill up—the only thing we have done of significance since we have been back in this session. It took 2 weeks to get a bipartisan amendment that would save \$5 billion out of the duplication that was reported by the Government Accountability Office—hundreds of billions of dollars. It took 2 weeks to finally get a vote on that. My colleague from Virginia and I cosponsored that. It won. That is one of the reasons we didn't finish the bill, is because they don't want to do that. They don't want to make the hard choices. So it is an abrogation of our responsibility to not do the hard part that comes with the job.

The job comes with a whole lot of rasping on your skin. You are going to get criticized. But the ultimate fatal criticism is to make a choice not to get—put yourself in a position to be criticized. So what we are saying is we are going to do nothing. We are not going to do what we are constitutionally supposed to do by April 15 every year; that is, have a budget. We are not going to debate the issues. We are not going to cast our votes because somebody may affect somebody's election outcome. How big of cowards are we that we can't defend the vote we make? I don't have any problem. You throw the hardest vote from the other side at me, and I will make a decision on it, whether I think it is right or wrong, and then I will defend it. But to



not vote at all is an absolute abrogation of our oath, and that is the leadership we are experiencing. It is not just Democratic leadership. We have some on our side who don't want to cast hard votes either.

The point is, the American people need us to be casting hard votes now. Our problems are greater than at any time since World War II. The challenge to our country is greater than World War II. The outcome of our Republic depends on us solving the very real and urgent and difficult problems in front of us and doing so in a way that preserves the future of this country and reestablishes and reforms us to where we get our mojo back so we can start believing in ourselves again. To not do it and to not have the courage to sacrifice your own position for the betterment of this country—that is what we ought to be about, and I don't see that.

Mr. SESSIONS. Let me ask the Senator. The Senator just won an overwhelming reelection. There is not a Senator here, I don't think anybody would dispute, who has been more frank in expressing the need that all of us are going to have to rein in our spending and who shared that directly with his constituents. When they have asked for things, the Senator from Oklahoma has tried to help them, I know, but he is frank with his constituents.

Would the Senator share with us what kind of percentage he got in the last election?

Mr. COBURN. I got 71.8 percent.

Mr. SESSIONS. Seventy-one percent. Does my colleague think perhaps that some of us here in Washington are overly afraid of being frank and truthful with our constituents about the challenges America faces?

Mr. COBURN. Well, I would answer through the Chair that I think we are perplexed. We know intellectually that there is a big problem, and we have this challenge: Do I go down this path and do the best thing for the country or do I go down this path to do the best thing for me?

I look at politics differently than most of our colleagues. To the Senator from Alabama, I would say I don't really care whether I am here; I care whether America is here. But the point ought to be, how do we secure the vote and how do we establish trust with the American people?

If my colleague will go with me—and I know he knows this—look at the confidence in the Congress of the people in this country. Why is there a lack of confidence? Why is it that 80 percent of the people of the United States didn't have any confidence in Congress? I can tell my colleague why. It is because we have milked trust and credibility from those very people.

I get letters all the time from people who disagree with me. They will write me, and I actually—I am involved in

every answer to every inquiry that comes into my office. I actually read them because I want to know what the people from Oklahoma say. But even though they disagree with me, they vote for me because they trust me because I am not gaming them as they have seen with the gaming on Medicare.

Our problems are real. The solutions are difficult. But America can overcome that if we come together. If we stay divided as we have seen here with no budget votes, no hard votes, and we try to game it politically, what we are doing is undermining our country's future. It doesn't matter who wins the next election; what we need to do is save America.

Mr. SESSIONS. Mr. President, the Senator has served on the debt commission. I know there has been a concerted effort to blame and exaggerate and distort the House budget, particularly as it refers to Medicare.

Again, quoting Democratic Senate strategists, this is what the Wall Street Journal said:

Many Democrats believe a recent House GOP proposal to overhaul Medicare is proving to be unpopular and has given Democrats a political advantage. They are loath to give that up by proposing higher taxes.

Which they would prefer as a solution.

Senate Democrats plan to hold a vote on the Ryan plan . . .

Which they did yesterday—

. . . hoping to force GOP Senators to cast a vote on the Medicare overhaul that could prove politically difficult.

I say to Senator COBURN, you served on the debt commission. This is what your commission chairman said in a written statement after PAUL RYAN and the House Republicans produced their budget:

The budget released this morning by the House Budget Committee Chairman PAUL RYAN is a serious, honest, straightforward approach to addressing our nation's enormous fiscal challenges. We applaud him for his work in putting forward a proposal which will reduce the country's deficit by approximately the same amount as the plan of the President's Fiscal Commission.

They also went on to say that if you criticize it, you have a responsibility to offer an alternative.

I say to the Senator, you served with Mr. Bowles. He was a Democratic Chief of Staff to President Clinton and was appointed by President Obama to chair this commission. That does not sound like the things we heard yesterday, attacking the House Ryan budget, does it?

Mr. COBURN. It does not. But it is interesting to note that the President's deficit commission was set up by the President and had six of his nominees on it. It had six Republicans and six Democrats. Five of the six Presidential nominees he nominated agreed with the deficit commission, three of the six

Republicans agreed, and three of the Democrats—a pretty good meeting in the middle. Yet the President did not embrace the results of his own commission, did not embrace the results of the people he appointed. So what was the purpose of that exercise? Was it to make political hay or was it to solve the problems?

The fact is, I have five colleagues in the Senate who have been working hard on that over the past 5 months to try to build a bipartisan agreement out of the basis of that. That is what has to happen—except politics.

I go back and just refer to my colleague, if you look at the history of republics, the track record is not very good. The average age of the world's republics is 207 years. That is our average age. We are 27 years past the average. The question is, Can we cheat history? Can we not fall like the rest of the republics over the very same things? They all fell over fiscal issues. They let their spending get out of control, they let their debt get out of control, and then they could not afford the promises they made.

I will say to my colleague, this is not an issue of the budget chairman. This is an issue of the leadership of the Senate that does not want a budget. We ought to be very clear that the American people know that Congress is not doing its job—this body, for sure—because we are not making the hard choices we were sent up here to make. What we are doing is punting. We are going to come to a crisis, and the crisis is going to be painful, and it is going to be much more painful than had we made the hard choices today.

So I want to thank the ranking member of the Budget Committee for his leadership. We can solve any problem in front of us, Mr. Ranking Member, but we have to do it together, and we cannot deny that the problems exist.

Mr. SESSIONS. I thank Senator COBURN for his leadership. I have watched him with admiration over the years with consistency and fidelity for the national interest to work to bring our spending under control.

I see our colleague, Senator ALEXANDER, in the Chamber, and I will yield the floor. I will just follow up, before I do that, with a quote from Erskine Bowles.

When the President announced his budget not long after the deficit commission he called together had made some pretty good proposals about how to improve fiscal matters in the United States, Mr. Bowles was, obviously, deeply disappointed with what the President submitted and said this plan goes "nowhere near where they will have to go to resolve our [country's] fiscal nightmare."

I think there is a consensus that we are facing a fiscal nightmare. We are going to have to take some serious steps in that regard.

Mr. President, I think there are some other Members who have reserved time. If there are no other Members here who have reserved time after Senator ALEXANDER completes his remarks, I ask unanimous consent that I be recognized at that time.

Mr. ALEXANDER. Mr. President, I will not object. I say to Senator SESSIONS, I think Senator HATCH is expected to come down. That is the only one I know of.

Mr. SESSIONS. As I said, my consent would be that if anyone has reserved time, they would get it before I will speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate Senator SESSIONS and Senator COBURN for their principled remarks about the phenomenon of Washington spending. We are borrowing 40 cents of every dollar we spend. We cannot keep spending money we do not have. And we want to save Medicare. So those two major difficult decisions are things that we need to work on together—to stop spending money we do not have and saving Medicare. We can do both if we put our minds to it.

Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, if you would let me know when 1 minute remains, I would appreciate it.

#### JOB PROTECTION ACT AND THE NLRB

Mr. ALEXANDER. Mr. President, last month the Acting General Counsel of the National Labor Relations Board (NLRB) filed a complaint against the nation's largest exporter, the Boeing company—a company with 170,000-some employees, 150,000 of which in the United States, who sells airplanes around the world and makes them in the United States. The complaint basically said there was *prima facie* evidence of illegal discrimination because Boeing has decided to expand and build a production plant in South Carolina. Boeing's main operation is in Washington State, a State without a right-to-work law. In contrast, South Carolina is a State with a right-to-work law. This is notwithstanding the fact that Boeing has already added 2,000 employees in Washington State since announcing its expansion. At the same time, it has nearly finished this new plant in South Carolina, spending \$1 billion, hiring 1,500 construction workers and over 500 employees to work in the facility. Then, all of a sudden, here comes this complaint.

This is not just a South Carolina matter. It affects the entire country and many of us have spoken out about it. I want to review it just for a moment.

This complaint against Boeing is just one indication of the Administration's anti-business, anti-growth, and anti-jobs agenda. That is why Senators GRAHAM, DEMINT, and I—actually there are 35 Senators who are cosponsoring this bill—have introduced the Job Protection Act, to protect right-to-work states and employers from an independent government body run amok.

Our bill preserves the Federal law's current protection of state right-to-work laws in the National Labor Relations Act and provides necessary clarity to prevent the NLRB from moving forward in its case against Boeing or attempting a similar strategy against other companies.

Now it seems the NLRB wants to change the rules governing how and when a company can relocate from one State to another. According to a May 10 internal memorandum from the NLRB General Counsel's Office, they want to give unions power over major business decisions and require companies, such as Boeing, to collectively bargain if it wants to relocate a facility.

As was explained by James Sherk, a senior policy analyst in labor economics, and Hans A. Von Spakovsky, a senior legal fellow at the Heritage Foundation, in a recent article in *National Review Online*:

NLRB wants to force companies to provide detailed economic justifications (including underlying cost or benefit considerations) for relocation decisions to allow unions to bargain over them—or lose the right to make those decisions without bargaining over them. . . . Either way, businesses would have to negotiate their investment plans with union bosses.

Sherk and von Spakovsky describe this as a “heads I win, tails you lose” scenario for unions. These decisions belong in the corporate boardroom, not at the collective bargaining table.

The goal of this NLRB is to place the interests of organized labor over those of business, shareholders, and economic growth. Their means is to change well-established law governing business decisions under the National Labor Relations Act.

The Supreme Court has reasoned that “an employer must have some degree of certainty beforehand as to when it may proceed to reach decisions without fear of later evaluations labeling its conduct an unfair labor practice. Under the *Dubque Packing* case and subsequent NLRB jurisprudence, a company may make a major business decision, such as relocation, outside of collective bargaining. Accordingly, the burden is initially on the NLRB's General Counsel to establish that an employer's decision to relocate work is unaccompanied by a basic change in the nature of the employer's operation, such as being part of an overarching restructuring plan.

The *Dubque* test was most recently applied by the NLRB in holding that an

employer, Embarq Corporation, did not violate the law by refusing to provide information about or bargain over a planned relocation of its Nevada call center to Florida. Both of those happen to be right-to-work States, as Tennessee is.

In a concurring opinion, NLRB Chairman Liebman expressed her desire to change the rules governing relocation decisions and collective bargaining. The Chairman noted her displeasure that, in her words, “the law does not compel the production of” information fully explaining the underlying cost or benefit considerations of a company's relocation decision. The Chairman then suggested requiring employers to provide unions with economic justification wherever there was a “reasonable likelihood” that labor-cost concessions might affect an impending decision to relocate.

In practice, the burden would shift to the employer, before making its relocation, to advise and explain to its union the basis for its decision, supported by detailed economic justification. Then, if it does turn on labor costs, the employer would be required to provide the union with information supporting the labor cost/savings underlying its decision. If the employer failed to provide such information and labor costs were a factor, it would be precluded from making those decisions without collective bargaining.

Following this decision against Embarq Corporation, the NLRB Associate General Counsel issued an internal memorandum on May 10 suggesting that Chairman Liebman's new test should now be examined and considered in all cases concerning relocations that come before the board.

Now, I am all for requiring employers to provide advance notice to their labor organizations and offering the economic reasons for a proposed relocation, a shutdown, or a transfer of existing or future work. Providing notice and reasoning is already required under existing law and jurisprudence. We included this in our Job Protection Act to make sure the spirit of the law was maintained. But, what the NLRB and Associate General Counsel are now proposing goes much further, changes understood law, and places an unreasonable burden on employers.

As was observed by Sherk and Spakovsky, this new test would raise the costs to businesses by dragging on collective bargaining, by preventing them from legally executing a decision that is in the best interests of their shareholders until bargaining hits an impasse, and by forcing them to provide detailed economic justification and negotiate their investment plans with union bosses before having the right to execute a relocation plan. Effectively, it would give a union a seat at the board of directors through the force of law and tip the scales of justice

in their favor. If employers do not comply, then they will lose the right to later claim their relocation decision did not have to be collectively bargained under the National Labor Relations Act.

So as with the NLRB Acting General Counsel's action against Boeing, this potential new posture by the Office of the General Counsel represents a departure from well-established law. They do not like the outcome, so they want to change the rules and give unions greater leverage over their employers, who provide the jobs in the first place. They are more concerned about producing outcomes that facilitate the collective bargaining process, rather than those that foster economic growth, exports, and jobs.

Those decisions are best left to the owners, officers, shareholders, and directors of businesses, not organized labor or the Federal Government. This potential change in well-established law would be another blow to manufacturing growth and expansion in the United States and further incentive for manufacturers to expand or open a new facility in Mexico, in China, or in India to meet their growing need.

Republicans are not the only ones who are outraged by the direction the NLRB seems to be headed. William Gould, who chaired the NLRB during the Clinton administration, was recently quoted in *Slate* magazine expressing his unease with the board's action. Specifically, he said, "The Boeing case is unprecedented," and he "doesn't agree with what the [Acting] General Counsel has done [by] . . . trying to equate an employer's concern with strikes that disrupt production and make it difficult to meet deadlines . . . with hostility toward trade unionism." That is the Clinton Administration's NLRB General Counsel.

Coming back to the Boeing issue, which is set to be heard by an administrative judge on June 14, recent comments in the press from an NLRB spokeswoman shed further light on how the board's agenda flies in the face of the very concept of capitalism.

On May 19, various press outlets quoted this spokeswoman suggesting that the NLRB Acting General Counsel would drop his case against Boeing if the company agreed to build 10 planes in Washington, rather than 7. Specifically she said:

We are not telling Boeing they can't build planes in South Carolina. We are talking about one specific piece of work: three planes a month. If they keep those three planes a month in Washington, there is no problem.

So they can build planes in South Carolina, just not the three they had planned. So now the Federal Government or the NLRB is sitting on Boeing's board and determining the means of production for American industry while the economy continues to

struggle. In Tennessee, we have had 24 months of 9 percent unemployment.

Our job is to make it easier and cheaper for the private sector to create jobs. The NLRB is not acting in the best interests of American workers through its continued attempts to depart from well-established law and dictate integral business decisions to companies.

I ask unanimous consent to have printed in the RECORD a memorandum from the Associate General Counsel of NLRB, dated May 10, as well as an article from National Review Online, dated May 16.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GENERAL COUNSEL,  
DIVISION OF OPERATIONS-MANAGEMENT  
May 10, 2011.

MEMORANDUM OM 11-58

To: All Regional Directors, Officers-in-Charge, and Resident Officers.

From: Richard A. Siegel, Associate General Counsel.

Subject: Submission to Advice of Information Cases in Relocation Situations.

In *Embarq Corp.*, 356 NLRB No. 125 (2011), the Board held that the Employer did not violate Section 8(a)(5) by refusing to bargain with the Union over its decision to close a call center in Nevada and relocate that work to its call center in Florida. Applying *Dubuque Packing Co.*, 303 NLRB 386 (1981), enforced in pertinent part, 1 F.3d 24 (D.C. Cir. 1993), cert. denied, 511 U.S. 1138 (1994), the Board found that, although the decision did not involve a change in the scope or direction of the enterprise, and labor costs were a factor, the relocation was nevertheless not a mandatory subject of bargaining because the Union could not have offered labor-cost concessions sufficient to alter the Employer's decision. The Board also dismissed an allegation that the Employer had violated Section 8(a)(5) by refusing to provide information relevant to its relocation decision; since the decision was not a mandatory subject of bargaining, there was no obligation to provide information about it.

In a concurring opinion, however, Chairman Liebman suggested that she would consider modifying the *Dubuque Packing* framework with regard to information requests if a party were to ask the Board to revisit existing law in this area. Specifically, she identified an anomaly in present law, which provides somewhat inconsistently that: (1) an employer would enhance its chances of establishing that labor-cost concessions could not have altered the decision, under the *Dubuque Packing* standard, "by describing its reasons for relocating to the union, fully explaining the underlying cost or benefit considerations, and asking whether the union could offer labor cost reductions that would enable the employer to meet its profit objectives," 303 NLRB at 392, and (2) a union is not entitled to such information if the Board determines in hindsight that the union could not have made sufficient concessions to change the decision and therefore that the decision was not a mandatory subject of bargaining. Chairman Liebman would consider modifying the *Dubuque Packing* framework by requiring employers to provide requested information about relocation decisions whenever there is a reasonable likelihood that labor-cost concessions might affect the

decision. She posits that, if the employer provided the information and the union failed to offer concessions, the union would be precluded from arguing to the Board that it could have made concessions. If, on the other hand, the employer failed to provide such information where labor costs were a factor, it would be precluded from arguing that the union could not have made sufficient concessions.

The General Counsel wishes to examine the concerns raised by Chairman Liebman in *Embarq*, and determine whether to propose a new standard in cases involving these kinds of information requests. That determination will be made based upon a case-by-case review of submissions to the Division of Advice. Therefore, Regions should submit to Advice all cases presenting the question of whether an employer violated Section 8(a)(5) by refusing to provide information related to a relocation or other decision properly analyzed under *Dubuque Packing*.

Signed,

R.A.S.

[From the National Review Online, May 16, 2011]

THE NEW NLRB: BOEING IS JUST THE BEGINNING

(By Hans A. von Spakovsky and James Sherk)

The National Labor Relations Board (NLRB) raised a lot of eyebrows by filing a complaint against Boeing for opening a new plant in a right-to-work state. But that action is just the beginning of the board's aggressive new pro-union agenda. An internal NLRB memorandum, dated May 10, shows that the board wants to give unions much greater power over employers and their investment and management decisions.

Under current NLRB rules, companies can make major business decisions (like relocating a plant) without negotiating with their union—as long as those changes are not primarily made to reduce labor costs. For example, a business can unilaterally merge several smaller operations into one larger facility to achieve administrative efficiencies. Companies only have to negotiate working conditions, not their business plans.

The NLRB apparently intends to change that. In the internal memorandum, the board's associate general counsel, Richard Siegel, asks the NLRB's regional directors to flag such business-relocation cases. Siegel explains that the Board is considering "whether to propose a new standard" in these situations because the chairman of the NLRB, Wilma Liebman, has expressed her desire to "revisit existing law in this area" by modifying the rule established in a case called *Dubuque Packing*.

Apparently, Liebman did not like having to apply the *Dubuque Packing* rules in a recent case involving the *Embarq Corporation* and the AFL-CIO. The NLRB decided that under the *Dubuque Packing* rules, *Embarq* did not violate the National Labor Relations Act by refusing to bargain with the union over its decision to close its call center in Las Vegas (a right-to-work state) and relocate that work to its call center in Florida (also a right-to-work state).

Specifically, the NLRB wants to force companies to provide detailed economic justifications (including underlying cost or benefit considerations) for relocation decisions to allow unions to bargain over them—or lose the right to make those decisions without bargaining over them. It is a "heads I win, tails you lose" situation for unions. Either way, businesses would have to negotiate

their investment plans with union bosses. In the concurrence that she wrote in the *Embarq* decision Liebman expressed her displeasure that “the law does not compel the production of” such information to unions.

What Liebman envisions would raise business costs enormously. Current labor law and the attitude of the pro-union NLRB enables unions to drag negotiations on . . . and on . . . and on. Until bargaining hits an “impasse,” employers could not legally make any business changes opposed by their union.

The NLRB's goal is not just to prevent companies from investing in right-to-work states. The board apparently also wants to force employers to make unions “an equal partner in the running of the business enterprise,” something the Supreme Court ruled in *First National Maintenance Corp. v. NLRB* and is specifically not required by the NLRA. But the board wants business decisions made to benefit unions, not the shareholders, owners, and other employees of a business, or the overall economy. The Boeing charges are evidently just a first step toward that goal.

#### EXTENSION OF MORNING BUSINESS

Mr. ALEXANDER. Mr. President, I ask unanimous consent that morning business be extended until 9 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ELECTRIC VEHICLES

Mr. ALEXANDER. Mr. President, Senator CORKER and I had the privilege of being in Chattanooga, Tennessee on Monday for the opening of Volkswagen's North American plant. It was a great day for our country. Here is a major global manufacturer making in the United States what it plans to sell in the United States. We salute Volkswagen. I salute Chattanooga and Tennessee. One-third of the manufacturing jobs in our State are auto jobs. There was a new Volkswagen Passat that gets 43 miles a gallon. That is good news for Americans who are paying \$4 or more a gallon for gasoline.

But as I was there at that celebration for these new fuel-efficient cars, and earlier this week at a hearing of the Energy Committee, I was thinking: What if I were to say to you or to anyone I might see, while you are worrying about \$4 gasoline: Did you know that we have enough unused fuel sitting over here, that is not oil, to power 40 percent of our light cars and trucks at a lower cost?

That is right. We have enough unused power every night to power 40 percent of our light cars and trucks. Every night. We can do that by simply plugging them into the wall. I am talking about electric cars and light trucks that almost every major manufacturer is now beginning to make, and we do not have to build one new powerplant to do it.

Last week Senator MERKLEY and I appeared before the Energy Committee

to talk about our legislation, the Promoting Electric Vehicles Act. I said to the Committee: The main differences between the bill this year and the one the Committee reported last year by a vote of 19 to 4, a good bipartisan vote, is that the price of gasoline is higher than it was last year and our bill costs less than it did last year.

Encouraging electric vehicles is an appropriate short-term role for the Federal Government. Our legislation establishes short-term incentives for the wide adoption of vehicles in 8 to 15 pilot communities. Our legislation advances battery research. The \$1 billion that we save relative to last year's bill, we save by avoiding duplicating other research programs.

Finally, if you believe that the solution to \$4 gasoline and high energy prices is finding more American energy and using less of it, as I do, electric cars and trucks are the best way to use less.

Electrifying half our cars and trucks can reduce the use of our foreign oil by one-third, saving money on how we fuel our transportation system and cutting into the billions of dollars we send overseas for foreign oil. So instead of making the speech for the rest of my time, let me tell a short story. It is a story of Ross Perot, the famous Texan, and how he made his money.

Back in the sixties, he noticed that the big banks down in Dallas were locking their doors at 5 o'clock, and the banks had all of these big computers in the back room, and they were locking them up too. They were not using them at night.

So Mr. Perot made a deal with the banks. He said: Sell me your unused computer time. And they did at cheap rates. Then he went to the States and talked to the Governors—this is before I was a Governor—and he made a deal with the States to use that cheap computer time to manage Medicaid data. He made \$1 billion.

In the same way, we have an enormous amount of unused electricity at night. A conservative estimate is that we have an amount of energy that is unused at night that is equal to the output of 65 to 70 nuclear power plants between 6 p.m. and 6 a.m. If we were to use that resource to plug in cars and trucks at night, we could electrify 43 percent of our cars and trucks without building one new powerplant. It is a very ambitious goal, to imagine electrifying half our cars and trucks. It would take a long time to do it, but it is the best way to reduce our use of foreign oil.

I suspect that is the greatest unused resource in the United States. What if someone proposed building 60 or 65 nuclear powerplants. Actually, I proposed building 100. But if we tried to build 60 or 65 more, it would take us 30 or 40 years and cost us \$½ trillion. That is if we could even do it.

Another reason I think this will work is because it is easy for consumers, and I am one. For 2 years, I drove a Toyota Prius, and it had an A123 battery in it. I increased my mileage to about 80 or 90 miles a gallon. I just plugged it in at night at home. Very simple. I now have a Nissan Leaf. It is all electric. I have an apartment nearby the Capitol. I just plug it in at night. I don't even have a charger. I just plug it into the wall, and I can drive it about 2 hours every day and plug it in at night. I have not bought any gas since January, since I got my Leaf in Washington, DC.

I have had no problems, either with the modified Toyota Prius that I drove for 2 years, or with the Nissan Leaf that I have driven now for about half a year. Almost every car company is making electric cars today or will soon have them on the market.

So if the extra electricity is available—and electric vehicles are easy to use, and car companies are making them, then why do we need for the government to be involved? That is a good question. For one thing, it is the urgency of the problem: \$4 gasoline is killing our economy. It is throwing a big wet blanket over it.

The only solution is find more, use less. This is the best way to use less. To my Republican colleagues, I have said before our Committee, and I would say today what we have been saying for 3 years in our caucus: Find more and use less.

We have criticized Democrats for wanting to use less without really wanting to find more, and we are subject to the same criticism if we want to find more—which I think we should—offshore, on Federal lands, and in Alaska, and then we do not have a credible way to use less. Electric cars and trucks are the best way to use less.

Another criticism is that our bill interferes with the marketplace. It does, but in a short-term and limited way. Short-term incentives for new technologies—to jump-start nuclear energy, to jump-start natural gas truck fleets, to jump-start electric cars and trucks in 4 to 5 years—I think are appropriate, given the urgency of the problem. If I am here in 5 years, I will be the first to say this should be the end of it. If I am not, I will come back and argue for its repeal.

Finally, conservative groups across the country have said national security demands that we do this. Gary Bauer, president of American Values, as well as Richard Land, president of the Ethics and Religious Liberty Commission, endorsed our bill last year, saying that national security concerns overwhelm any opposition to it, and it is the best way to displace our use of oil. That was them talking.

Can we afford it? Well, our proposal is \$1 billion cheaper, it is an authorization bill, and we should be setting priorities.

There is some suggestion that this committee should also appropriate the money. I would respectfully suggest that we are in a 2-year period where we have no earmarks because authorizers didn't like appropriators authorizing. Well, let's be consistent and say to authorizers, "You shouldn't be appropriating." Let's just do the job of authorizing. Senator MERKLEY and I have agreed that we will not try to pass this bill when it comes to the floor unless we can agree to do it in a way that does not add to the debt.

So, in summary, I would say it is time to address \$4 gasoline and high energy prices. To do that, we need to find more American energy—offshore, on Federal lands, and in Alaska—but we also need to use less. The single best way to use less is to jump-start the use of electric cars and trucks. Electricity is just a delivery system. The fuel comes from a whole variety of things: natural gas, coal, and other things.

So we jump-start the use of that huge resource that we have just sitting there unused every single night. Our committee approved this bill once before. The problem is worse today than it was when they approved it last year. The bill costs less than it did when they approved it last year. It is an appropriate role for the Federal Government. We will work to make sure if this body were to pass it that it does not increase the debt.

I urge my colleagues to report the bill to the floor and to consider encouraging electric cars and trucks as the single best way to use less energy and reduce the use and reduce the cost of gasoline.

I thank the Senator from Alabama for his courtesy and for listening to my remarks.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

#### ADJOURNMENT RESOLUTION

Mr. SESSIONS. Mr. President, today the Senate declined to vote on whether to recess. Someone said the Republicans blocked the Senate from recessing. That is not correct. Republicans wrote a letter to the majority leader and said we should not recess until we have plans set forth and begin to take action to deal with the budget that we have not passed that is required by law to be passed.

That is what was done. So when it comes down to the moment to move to recess and vote to recess, as we are required to do to have a recess, a unanimous consent, or an actual vote, the majority leader chose not to vote. I guess he wanted to protect his members from having to actually be recorded voting to recess this body when we have not done our work.

The Budget Act, in the United States Code, in the Code book, the Budget Act

requires that the Senate commence markup hearings in the Budget Committee by April 1 and that a budget be produced by April 15. Congress does not go to jail if it is not passed, I will acknowledge. There is no fine. Perhaps there should have been.

Congress writes laws. I guess they make sure that no consequences occur when they apply to them and they do not comply with their duties.

The majority leader decided to keep us in pro forma session through the week but to do it in a way that guarantees we will take no action on a budget. This is a sad thing. It is not a little bitty matter. Our Congress knows we are in a serious national crisis. I think we can't deny it, and we have to figure out how to respond to it.

I hope this letter—and I will make it a part of the RECORD—to the majority leader will have some impact on our colleagues and cause them to reconsider the actions that have been taken so far. This is what it says:

DEAR MAJORITY LEADER REID: Today marks the 757th day since Congress last adopted a conference report on a budget resolution. But while the Republican House has met its obligations this year, the Democratic Senate remains in open defiance of the law—last year the Senate did not even call up a budget for a vote and this year the Senate Budget Committee has not even marked up a resolution, as required under Sec. 300 of the Congressional Budget Act of 1974.

Despite this dubious distinction, the Senate plans to adjourn for a week-long recess on Friday to coincide with Memorial Day, a holiday that honors our men and women in uniform. As our service members put their lives on the line to defend this nation, surely the least Congress can do is produce a plan to confront the debt that is placing the whole country at risk. House Republicans put forward just such a budget weeks ago—an honest plan for prosperity to overcome this nation's dangerously rising debt, cut wasteful Washington spending, and make our economy more competitive.

But, in this time of economic danger, the Senate continues to stonewall any and all action on a FY2012 budget. For this reason, we respectfully request that you delay any adjournment of this body until you or members of your party in the Senate bring forward a budget resolution and schedule a meeting of the Budget Committee—a power which resides solely with the majority—to work on that budget.

In an interview last week, you stated, "There's no need to have a Democratic budget in my opinion . . . It would be foolish for us to do a budget at this stage." We find these remarks shocking, especially given the state of our fiscal affairs: the co-chairs of President Obama's own fiscal commission recently warned that, if we do not take swift and serious action to address our rising debt, the United States faces "the most predictable economic crisis in its history."

The House completed its work on the FY2012 budget resolution on April 15th. But no budget can become binding until the Senate acts. In our view it would be an astounding abandonment of responsibility for the Senate to go on recess without having taken any steps to produce a budget. We hope that, as required by law and in your capacity as Majority Leader, you change course and fol-

low the example of the Republican-led House and provide the American people with the honest leadership and the honest budget they deserve.

Until a budget plan is made public, and until that plan is scheduled for committee action, on what basis can the Senate justify returning home for a one-week vacation and recess while our spending and debt continue to spiral dangerously out of control?

We appreciate your thoughtful consideration of this request and welcome any questions you might have.

We are out of sorts. The American people are not happy with this Congress. They say our polling numbers are the lowest they can get. In last fall's election, there was a shellacking, particularly of the big spenders, the ones who want to have more government programs and create more debt. There was an accounting and I guess there will be an accounting in the next election and we all better be sure we have tried to respond faithfully to the challenges America faces.

What has happened this week is a mockery, a sham, a joke. We had four votes yesterday. Each one of them was carefully and sophisticatedly structured to fail. The one that failed the biggest was President Obama's budget. It was voted down unanimously by this body, with zero votes. It was all designed to suggest it is impossible for the Senate to pass a budget. But the Senate doesn't even require a supermajority to pass a budget. Under the Budget Act that we have, it provides that it has a preference, has to be brought up properly, and can be passed with a simple majority.

The Democratic majority, similar to Republican majorities in the past, have to choose will they seek to pass a budget that has the broad support of both parties or will they simply use their majority and pass their budget? You should do one or the other. A good, bipartisan budget is always preferable, but sometimes we have different opinions. So if you have a different view from the other party and you can't reach an agreement, you have a majority, you can pass your budget. You know, when you do that, what happens. When you pass your budget, what happens? You lay out for the American people what you believe. It is one thing to criticize someone else, it is another thing to tell the world what you believe. The House has told the world what they think would be an effective budget for the future. What does the Senate say? Nothing. We haven't even commenced a markup in the Budget Committee.

A budget sets forth your vision for the future. It tells how much you want to cut taxes or raise taxes. It tells how much you want to raise spending or reduce spending. It says how much debt you expect to accumulate over the years to come or whether you would reach a surplus or a balanced budget. That is what a budget does. It holds

you accountable. You have to defend it. You have to say what it is.

One thing I have been proud about is that the Republicans over in the House met their duty and produced a budget and they are prepared to defend it. Congressman RYAN knows what he is talking about. He worked on that budget and he is prepared to defend it. It has been terribly misrepresented, but he is prepared to defend it, explain it, and talk to anybody about it.

But if our colleagues in the Senate fail to produce a budget—don't produce one at all—it is kind of hard to hold them to account, isn't it? That is why it is pretty clear that Senator REID said: Why, it is foolish for us to have a budget. It is foolish for us to have a budget because we would then be in a position to be held accountable. Was he talking about foolish for America to have a budget? Was he expressing a view that it is better for America that we have a budget? No. When he said it is foolish for us to produce a Democratic budget, he was talking purely politically. He was saying we think it is smart politics for us not to put our necks on the line to actually expose to the American people what we believe in. We would rather be in a position to criticize those people in the House who actually had the gumption—I guess he would say the foolish sense—to pass a budget and tell the American people what they think.

I have to say that is not a good situation. We didn't have a budget last year. We are not having one this year. Is there any wonder, then, our deficits continue to spiral out of control to a degree that we have never, ever seen before?

Many criticized President Bush—and so did I—for the \$450 billion budget deficit he produced. I thought it was a stunning number. Since President Obama has been President, the budget deficits have been \$1.2 trillion, \$1.3 trillion, and by September 30, it is projected to be about \$1.5 trillion. We will take in \$2.2 trillion this year, we expect, and we will spend \$3.7 trillion. Forty cents-plus of every \$1 we spend is borrowed. We are not confronting that.

So we are taking a recess. When it came time to vote to recess, the majority leader figured out a way to not have to actually vote to go home because, I guess, his Members felt they would be embarrassed if they had to vote to go home after being in violation of the United States Code to produce a budget.

This is not going away. This issue is not going away. Every expert, including the chairman of the fiscal commission formed by President Obama, the chairman of which he appointed Mr. Erskine Bowles, told us in a written statement, delivered by Mr. Bowles and Cochairman Simpson, that this Nation has never faced a more predictable financial crisis. We are heading toward

that wall at warp speed. We can have a financial crisis. In fact, Mr. Bowles was asked by our chairman, Senator CONRAD: When do you think this crisis might occur? He said: Two years, maybe less. Alan Simpson said: I think maybe 1 year.

Surely, we have to get off the debt path we are on, spending so much more than we take in, and 40 cents of every \$1 we spend is borrowed and we pay interest on it. The interest has the potential to damage our economy in a very significant and substantial way. It could put us in another recession. That is what Mr. Bowles was talking about—a debt crisis, another recession. Maybe it could be perhaps worse than the one we are in. Our projection for a fragile growth is not coming back as much as we would like it to. One reason, expert economists tell us, is that we are carrying too much debt and that has the potential to pull down our economy.

I think we are in a crisis. I think the economy is so naturally strong, the American people have so many capabilities and such a good work ethic that if we get the economy under control and our fiscal house in Washington under control, I believe the economy will come back. But we need to do it now, and every day we delay increases the risk that we will have a crisis occur.

I thank the Chair. I saw my colleague, Senator KLOBUCHAR. I know she wants to speak tonight. I will repeat that this matter is not over. We are in a long-term battle for the future of America. We are in a long-term battle for the financial security of our Nation. Yes, it is about our grandchildren. But as Mr. Bowles told us and Alan Simpson told us and Alan Greenspan told us, we could have a debt crisis in just a few years. Would that not be a disaster—because of our failure to respond to the extraordinary debt we are incurring, that we have a financial crisis that could put us back into recession. I hope not. I don't think that is going to happen this year, but I don't know. We have been warned it might. It is scary.

So we are going to continue to talk about this. We are going to continue to use the rules of the Senate to try to force the Senate to comply with the rules of the United States Code that says we should have a budget. We have had 757 days without a budget. How many more will it be before we have a budget? We will continue that battle. It is going to be a battle for the financial future of our country. Hopefully, we will be successful and somehow, somehow, as the pressure builds and the American people continue to have their voices heard, the White House, which today has been oblivious to these challenges, that the Democratic Senate, which has been oblivious to these challenges, will somehow get on board and seriously work with the

House to confront the challenges we face and put us on a sound path to financial security for the future.

#### TRIBUTE TO BRADLEY HAYES

Mr. SESSIONS. Mr. President, I rise today to say a few words on the departure of Bradley Hayes, a valued, longtime member of my Judiciary Committee staff. Although I will feel the loss of his knowledge and enthusiasm, I am pleased that he is moving on to a new phase in his career.

Bradley had a wonderful upbringing in his home town of Mobile, AL, and a stellar academic background. He graduated cum laude with a B.S. in business from Birmingham Southern College. After managing a live music venue in Birmingham for several years, Bradley entered law school at the University of Alabama, where he served as managing editor of the *Journal of the Legal Profession* and was an active member of the moot court board. Immediately after being admitted to the Alabama bar, Bradley joined my staff on the Judiciary Committee.

In the 6 years he was with me, Bradley served at various times as my legislative counsel, senior counsel and deputy chief counsel on the Subcommittee on Administrative Oversight and the Courts. Throughout that time, he has worked to secure our borders, protect our country from the threat of international terrorism, secure the private property rights of artists and inventors in the information age, and eliminate wasteful spending and destructive litigation. Perhaps most importantly, he showed both courage and unwavering leadership during the Senate's debates on comprehensive immigration reform in 2006 and 2007. Bradley's hard work played an important role during the DREAM Act debate last year. Bradley was an effective staffer during debates on the reauthorization of the USA PATRIOT Act in 2005 and 2006. He also participated in the constitutional advice and consent process for four Supreme Court confirmations and countless important executive branch nominations.

I would just conclude by thanking Bradley for his hard work and for his loyalty. He was more than willing to invest the time and effort necessary to handle a breadth of issues, and he did so with great skill, professionalism and integrity. He was with me during some of the most critical times of my career in the Senate thus far, and his insight will be missed. He has been an excellent public servant because he loves his country and understands and defends its exceptional core values. In addition, he is fun to work with. I wish him the best in his new endeavors.

#### TRIBUTE TO LUIS TIGERA

Mr. DURBIN. Mr. President, I would like to take a moment to congratulate



an extraordinary Illinoisan, Luis C. Tigera. After serving with distinction for 26 years with the Illinois State Police, First Deputy Director Tigera is retiring as the highest ranking career member of the organization and the first Cuban American to hold such a position in the agency.

Throughout his time with the Illinois State Police, First Deputy Director Tigera has served in a variety of positions with the organization. He started his career in law enforcement by patrolling the interstate system of the Chicago area suburbs. He worked his way up to overseeing the statewide guns, drugs, gangs and money laundering unit. Mr. Tigera also managed and regulated the operations of the gaming industry in Illinois. And he served as senior policy adviser to the Illinois State police director.

In addition to his extensive experience in law enforcement, First Deputy Director Tigera was selected to attend the FBI National Academy in Quantico, VA, where he successfully completed executive management training. He also holds a masters degree in criminal justice administration from Lewis University.

One of the reasons the Illinois State Police has grown and flourished under First Deputy Director Tigera's leadership is his commitment to community. He led an initiative to work collaboratively with community groups and others within the public safety arena. He has always emphasized the importance of team-building and problem-solving as he served as second-in-command of a full-service police agency of 3,500 employees. In addition to his leadership in the Illinois State Police, First Deputy Director Tigera is a member of the Illinois Terrorism Task Force, the Governor's Interstate Gun Trafficking Task Force, and previously served as the Chairman of the Board of the Chicago High Intensity Drug Trafficking Area.

First Deputy Director Tigera has been married to Ana for 26 years and is the proud father of two sons, Luis, Jr., who has followed in his father's footsteps by becoming an Illinois State Police trooper, and Zachary.

I would like to congratulate First Deputy Director Tigera on his retirement and thank him for his service to the State of Illinois.

#### HONORING OUR ARMED FORCES

Mr. COCHRAN. Mr. President, I rise today to pay tribute to the brave men and women who have made the supreme sacrifice of their lives in defense of our Nation. This Memorial Day, I join all Americans in honoring those brave souls.

Over the past decade since the 9/11 terrorist attacks on the United States, men and women of the U.S. Armed Forces have been deployed to fight on

our behalf in Operation Enduring Freedom and Operation Iraqi Freedom. Thousands of those courageous servicemen and women have lost their lives as part of these ongoing missions. More than 70 of these warriors called Mississippi home, including 7 brave fighters who have been killed in Afghanistan since we last observed this national holiday. These are the sacrifices that we should keep in mind as we commemorate Memorial Day 2011.

I am deeply grateful to the young Mississippians we have lost over the past 12 months, and my heart goes out to the families and friends they leave behind.

For the record, I now cite the names of these fallen heroes from Mississippi: 1SG Robert N. Barton of Roxie, 35, who died June 7, 2010;

PFC Joshua S. Ose of Hernando, 19, who died September 20, 2010;

PFC William B. Dawson of Tunica, 20, who died September 24, 2010;

SGT Eric C. Newman of Waynesboro, 30, who died October 14, 2010;

1LT William J. Donnelly IV of Pica-yune, 27, who died November 25, 2010;

SSG Jason A. Rogers of Brandon, 28, who died April 7, 2011; and

SSG David D. Self of Pearl, 29, who died May 16, 2011.

While their sacrifices will leave a deep void in many lives, I hope their families can find comfort in the fact that they served proudly and will be counted among the multitude of Mississippians who, over the long history of our great Nation, have bravely served and courageously given their lives for their country.

Mississippians traditionally identify themselves with a strong support of our national defense and a willingness to serve in our Armed Forces. We also hold fast to the memory of those lost in battle.

In fact, Columbus, MS, proudly claims to be the birthplace of Memorial Day, which was originally designated as Decoration Day to decorate the graves of Civil War soldiers. This tradition evolved into Memorial Day, which was recognized as a Federal holiday in 1971.

As we again gather to commemorate Memorial Day, people across Mississippi will stop to reflect on all those who have perished protecting our Nation, whether in battles long ago or in the ongoing conflicts. We will also affirm our belief that Congress should ensure that those who join our Armed Forces will be the best equipped and best trained in the world.

As a veteran of the U.S. Navy, I am thankful for the bravery and dedication of those who have fought and died for our country in our defense. They are true heroes, and we owe them our solemn gratitude for their service and sacrifice.

SERGEANT KEN HERMOGINO

Mr. BENNET. Mr. President, today I rise to remember the life and heroic

service of SGT Ken Hermogino, who died on May 10, 2011, in Herat Province, Afghanistan, of injuries sustained when his military vehicle overturned. Fort Carson cannot replace a leader like Sergeant Hermogino. His passing represents a tragic loss for his hometown of Henderson, NV, and for our country.

Sergeant Hermogino's story is uniquely American. Within 2 months of the horrific terrorist attacks of September 11, 2001, that took the lives of nearly 3,000 innocent men, women, and children, Sergeant Hermogino began a military career that would span 10 years and two branches of the armed services. His exceptional character shone in the face of our shared adversity; he chose to serve when his country needed him most.

In 1998, he graduated from Basic High School in Henderson, NV, where he participated in the Marine Corps Junior ROTC program. This experience allowed him to build up the skills and discipline that would become the foundation of his success in the services. Outside of school, Sergeant Hermogino relaxed by skateboarding, BMX racing, and displaying his talent for fixing just about anything.

Sergeant Hermogino enlisted in the Air Force in 2001, and he served for 8 years as a medical administrator based in the U.S. and Manas, Kyrgyzstan. While he assisted fellow servicemembers suffering from life-threatening wounds, Sergeant Hermogino always felt compelled to expand his contribution. His brother, Marvin Jeff, has said, "He wanted to be more involved."

In 2009, Sergeant Hermogino joined the Army and served in support of Operation Enduring Freedom as a member of the 7th Squadron, 10th Cavalry Regiment, based at Fort Carson, CO. Sergeant Hermogino's bravery and exemplary service did not escape the notice of his commanders. He earned, among other decorations, the Air Force and Army Commendation Medals, the National Defense Service Medal, and the Afghanistan Campaign Medal.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Sergeant Hermogino's service was in keeping with this sentiment by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

Today's tribute to the memory of Sergeant Hermogino must also honor his profound love for family. In this spirit, I ask my colleagues to join me in extending our deepest respects and condolences to Norma, his mother, Renato, his father, and to his entire family. Please know that Colorado and Americans across the country are profoundly grateful for Ken's sacrifice. For his bravery in Afghanistan and across the world, he will forever be remembered as one of our country's bravest.



## HONORING OUR SERVICE MEN AND WOMEN THIS MEMORIAL DAY

Mr. CARDIN. Mr. President, I rise today to honor the sacrifice of those to whom we are forever indebted: the brave men and women of our Armed Forces, both past and present, who died in defense of freedom. It has been and continues to be their duty, honor, and privilege to serve. With Memorial Day 2011 approaching, it is our duty to pause and honor those who have sacrificed.

Memorial Day has become the unofficial beginning of summer. Schools are beginning to break for summer vacation, community pools are opening for the season, and friends and family are gathering this weekend for barbecues. It is important that we not lose sight of the true nature of this holiday and I encourage all of us to take time to pause and remember the meaning of Memorial Day.

Memorial Day, originally called Decoration Day, is a day of remembrance for those who have died in our Nation's service. Since 1868, this time of year has been designated as a time to pause and honor our war dead. It was officially designated a Federal holiday in 1971. An often overlooked tradition is to have a moment of remembrance specifically at 3 p.m. local time.

Throughout the Nation over this holiday weekend we will see many American flags and flowers adorning the graves of those who have made the ultimate sacrifice for our Nation. I will remember in particular the 104 Marylanders who have been killed in our most recent conflicts, and I will remind myself that our freedom isn't free. I will remind myself of their ultimate sacrifice and I will remind myself of the ongoing sacrifices their families continue to make each and every day.

I am immensely proud of the men and women—fewer than 1 percent of our population—who serve in our All-Volunteer Force. But there is a drawback, of sorts, to having an All-Volunteer Force: the sacrifices of the few are not felt by the many; therefore, they can be overlooked. We mustn't allow this to happen. This environment is much different than the conflicts of the past where nearly everyone had a friend, neighbor, or loved one who wore the cloth of our Nation.

I call on my colleagues and all Americans to remember the true meaning of Memorial Day and take the time to pause and remember those who have made the ultimate sacrifice in defense of our freedom and for the continued success of this great Nation.

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, as the Senate prepares to adjourn for the Memorial Day recess, I had hoped that we would be allowed to proceed with the consensus judicial nominees ready for

confirmation and who are so needed to fill vacancies on Federal courts around the country. Instead, the Republican leadership's filibuster of the nomination of Goodwin Liu is being supplemented with delays of even those judicial nominations supported by Republican home State Senators and approved by Republicans on the Senate Judiciary Committee. This is too bad.

With judicial vacancies continuing at crisis levels, affecting the ability of courts to provide justice to Americans around the country, I have been urging the Senate to vote on the judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. The Senate is recessing with 19 judicial nominations awaiting final action. Of those, 16 are by anyone's definition consensus nominees. All 16 were unanimously approved by all Republican and all Democratic Senators on the Judiciary Committee. Yet they remain stalled without final Senate action.

We should have regular votes on President Obama's highly qualified nominees, instead of partisan filibusters and more delays. With vacancies still totaling 90 on Federal courts throughout the country with nearly two dozen future vacancies on the horizon, there is no time to delay taking up these nominations. Had we taken positive action on the consensus nominees, vacancies could have been reduced below 80 for the first time in years.

All of the nominations reported by this committee and pending on the Senate's Executive Calendar have been through our Judiciary Committee's fair and thorough process. We review extensive background material on each nominee. All Senators on the Committee, Democratic and Republican, have the opportunity to ask the nominees questions at a live hearing. Senators also have the opportunity to ask questions in writing following the hearing and to meet with the nominees. All of these nominees which the Committee reported to the Senate have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All have the support of their home State Senators, both Republican and Democratic. They should not be delayed for weeks and months needlessly after being so thoroughly and fairly considered by the Judiciary Committee.

They include several nominees to fill judicial emergency vacancies, including Paul Engelmayer and William Kuntz of New York, Michael Simon of Oregon, Richard Brooke Jackson of Colorado, Kathleen Williams of Florida, and Nelva Gonzales Ramos of Texas, as well as Henry Floyd of South Carolina to the Fourth Circuit. The nomination of Professor Liu being filibustered by Republican leadership is also to fill a judicial emergency vacancy.

Those nominees who have the support of home State Republican Senators include Bernice Donald of Tennessee to the Sixth Circuit, Henry Floyd of South Carolina to the Fourth Circuit, Sara Lynn Darrow of Illinois, Kathleen Williams of Florida, Nelva Gonzales Ramos of Texas, John Andrew Ross of Missouri, Timothy Cain of South Carolina, Nannette Jolivet Brown of Louisiana, and Nancy Torresen of Maine. In spite of that support, we are unable to secure consent from the Republican leadership to consider and confirm them.

Of the judicial nominations we have been able to get the Senate to consider this year almost 70 percent were delayed from last year. We have only been able to confirm eight judicial nominees that had hearings and were reported for the first time this year. So when some say we are taking "positive action" on large percentages of nominees, what this shows is how many unobjectionable nominees were stalled last year by objections from the minority.

We could have made significant progress helping Americans seeking justice in our Federal courts before this recess. Sadly, it is a missed opportunity for Senators across the aisle to have joined together with us and worked with the President to provide needed judicial resources.

## 50TH ANNIVERSARY OF PRESIDENT KENNEDY'S CALL TO GO TO THE MOON

Ms. MIKULSKI. Mr. President, May 25, 2011, marked the 50th anniversary of President John F. Kennedy's speech that set the original dream of American exploration with a goal of sending a human to the Moon and returning him safely by the end of the decade.

President Kennedy's speech was more than a call for a Moon shot. It was 17 days after Alan Shepard became the second human in space, and the Nation was still recovering from a recession and recovering from the Cuban missile crisis. That year, President Kennedy took the unusual step of coming to Congress in May to address urgent, "extraordinary" national needs. During his speech, he said, "In a very real sense, it will not be one man going to the Moon . . . it will be an entire Nation. For all of us must work to put him there." He sounded the starting gun of the space race. In that race, the United States and its young President were determined to cross the finish line first.

America is no longer in a space race. We are in a race for our economic future. We are not racing other countries. We are racing ourselves. To win this economic race, we must do as President Obama has urged us. We must work together to out-innovate, out-educate, and out-build our competitors. That is why I fight so hard to

invest in America's exploration and discovery which creates jobs for today and jobs for tomorrow.

As we were 50 years ago, our space program is embarking on a new journey. This year, after 30 years of great service NASA will retire the Space Shuttle with honor and dignity. We will bid goodbye to this workhorse that launched and fixed Hubble and built the International Space Station.

Last year, Congress gave NASA a new path forward. My colleagues and I fought to pass a new authorization bill. It was not easy. There was confusion and chaos about the path forward, and the austere budget environment required tough choices. The authorization law established a balanced space program. It increased investments in Science and Aeronautics so we can explore the universe, protect the planet, and make air travel safer and more reliable. The bill provided for new Space Technology research and development to make exploring space safer and more efficient. Finally, it gave us a sustainable human space flight program that extends the International Space Station lab to 2020, opens low Earth orbit to commercial providers, for cargo first, then crew, and broadens human reach beyond low Earth orbit.

NASA will begin building our next generation vehicles to go beyond low Earth orbit, the heavy lift rocket and the Orion capsule. The private sector will build commercial cargo and crew vehicles, with NASA providing the venture capital to get cargo and astronauts to the International Space Station while building a whole new industry.

The shuttle is retiring, but our missions in space will sail on. It doesn't matter how we get there. We can't be defined by our Space Transportation System. Our future in space will be built on innovation and discovery from commercial rockets taking cargo and someday astronauts to the International Space Station; to the James Webb Space Telescope discovering new galaxies and new frontiers in science; to new technologies to grab and fix damaged satellites in space with robots.

New technologies don't just happen. They come from American ingenuity that is built on discovery and innovation. They have made America great and they have made us a nation worth imitating.

As we look around the world, we see people who yearn to imitate the democracy we have, who brought down dictators and autocrats with American innovations like Twitter. They believe representative, parliamentary bodies can give them an orderly way to move government forward and will give them better lives, helping them compete in the world economy.

Already, emerging nations, like China, are imitating our investments

in discovery and innovation. China is embarking on an ambitious space program that is reaching for the stars with satellites and astronauts. China is increasing its science research budget 20 percent each year, seeking to replicate our National Science Foundation.

I don't worry about being in a race with China or other nations. China can't beat us. We can only beat ourselves by losing our drive to reach for great goals and by failing to invest in the research and development that will help us achieve them. I will keep fighting to for the innovation and discovery that makes America worth imitating.

I believe in the space program. I believe in space technology, in green science that helps us understand and protect the planet, and in heliophysics that studies the Sun so we know when solar storms could knock out the power grid. I believe in the men and women of the space program like the astronauts who risk their lives to extend our human reach in space, the astrophysicists who teach us about dark matter and the origins of the universe, and the machinists who craft the precision robots that explore the universe for us. The men and women of the space program are the best of the American economy, creating jobs for today and jobs for tomorrow.

President Kennedy knew we needed all of the Nation's talents to go safely to the Moon. Fifty years later, we live in different, and more frugal, times. We must not let our urgent, immediate needs keep us from investing in programs that see results well into the future. While looking toward immediate national needs, President Kennedy also urged investments for the long haul. He wanted the United States to take risks on science that changed the world, putting people on the Moon, and on a civilian weather satellite in space.

While America waits on our new crop of innovations to mature, we will keep reaping the harvest of the discoveries and investments made long ago that have become the Internet, medical imaging like MRIs, and countless other products that help American companies invent new products and create new jobs.

In these frugal times, we should all work together to keep alive President Kennedy's spirit of exploration and discovery and win the future.

#### INTENT TO OBJECT

Mr. WYDEN. Mr. President, consistent with Senate Standing Orders and my policy of publishing in the CONGRESSIONAL RECORD a statement whenever I place a hold on legislation, I am announcing my intention to object to any unanimous consent request to proceed to S. 968, the PROTECT IP Act.

In December of last year I placed a hold on similar legislation, commonly

called COICA, because I felt the costs of the legislation far outweighed the benefits. After careful analysis of the Protect IP Act, or PIPA, I am compelled to draw the same conclusion. I understand and agree with the goal of the legislation, to protect intellectual property and combat commerce in counterfeit goods, but I am not willing to muzzle speech and stifle innovation and economic growth to achieve this objective. At the expense of legitimate commerce, PIPA's prescription takes an overreaching approach to policing the Internet when a more balanced and targeted approach would be more effective. The collateral damage of this approach is speech, innovation and the very integrity of the Internet.

The Internet represents the shipping lane of the 21st century. It is increasingly in America's economic interest to ensure that the Internet is a viable means for American innovation, commerce, and the advancement of our ideals that empower people all around the world. By ceding control of the Internet to corporations through a private right of action, and to government agencies that do not sufficiently understand and value the Internet, PIPA represents a threat our economic future and to our international objectives. Until the many issues that I and others have raised with this legislation are addressed, I will object to a unanimous consent request to proceed to the legislation.

#### NRA POSITION

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated May 26, 2011, from the NRA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RIFLE ASSOCIATION

OF AMERICA,

Washington, DC, May 26, 2011.

DEAR SENATOR CHAMBLISS: Thank you for asking about the National Rifle Association's position on a motion to table amendment # 363 to the PATRIOT Act.

The NRA takes a back seat to no one when it comes to protecting gun owners' rights against government abuse. Over the past three decades, we've fought successfully to block unnecessary and intrusive compilation of firearms-related records by several federal agencies, and will continue to protect the privacy of our members and all American gun owners.

While well-intentioned, the language of this amendment as currently drafted raises potential problems for gun owners, in that it encourages the government to use provisions in current law that allow access to firearms records without reasonable cause, warrant, or judicial oversight of any kind.

Based on these concerns and the fact that the NRA does not ordinarily take positions on procedural votes, we have no position on a motion to table amendment # 363.

Sincerely,

CHRIS W. COX.

## 25TH ANNIVERSARY OF THE AU PAIR PROGRAM

Mr. LIEBERMAN. Mr. President, I would like to bring to the attention of my colleagues a milestone that has been reached by an important cultural exchange program administered by the State Department. In 1986, the United States Information Agency, USIA, exercised its authority under the Fulbright/ Hays Act to establish the Au Pair Program on a pilot basis. This initiative was designed to provide opportunities for young Europeans to live with an American family, care for children, and pursue their educational interests.

One of the leaders in developing the concept of the Au Pair Program was the American Institute in Foreign Study, AIFS, located in my hometown of Stamford, CT. AIFS was one of the initial sponsors and worked in connection with the State Department to develop a comprehensive framework that supports American families and foreign nationals.

Over the past 25 years, the Au Pair Program has grown dramatically. Congress assisted in that growth by passing legislation, signed into law by President Clinton in 1997, which gave the Au Pair Program permanent authority under the J-1 visa program. This initiative has proven to be a remarkable success. In fact, over 180,000 au pairs from over 60 countries have lived with an American family for a year since the program's inception.

I can personally attest to the strength and value of the Au Pair Program. When our youngest daughter was growing up, Hadassah and I had several au pairs. They became part of our extended family and we still keep in touch with them today. The exchange experience enriched the lives of our au pair and my family through the sharing of culture, language, and religion.

I am pleased the U.S. State Department is holding a reception on June 9, 2011, to celebrate the 25th anniversary of the Au Pair Program. I commend all those who have made this program so successful, and in particular AIFS, for its vision and leadership.

## TRIBUTE TO STAFF SERGEANT JOSE PEQUENO

Ms. AYOTTE. Mr. President, I rise today in honor of a real American Hero, SSG Jose Pequeno of my home State of New Hampshire, and his steadfast family. After leaving the U.S. Marines, Jose became one of the youngest police chiefs in the State of New Hampshire. After 9/11, he joined the U.S. Army, and heroically volunteered to go to Iraq. Following an IED explosion, Jose was almost mortally wounded, but fought to live. Now, with the help of his mother and family he continues that battle. This coming Memorial Day weekend, I ask all of us to remember

the many servicemen and women and their families who have sacrificed so much for us. As each of our servicemen and women and their families teach us daily about faith and courage, I ask Americans to pray and remember their sacrifice, which continues to ensure our freedom is secure.

Mr. President, I ask unanimous consent that this poem penned by Albert Caswell be printed in the RECORD in honor of all those brave men and women we have lost.

There being no objection, the material was ordered to be printed in the RECORD as follows:

### HEAVEN SO HOLD'S

Jose . . .  
 Heaven . . .  
 Jose, Heaven . . . so hold's . . .  
 Heaven, so hold's your place!  
 For Heaven, is so made . . . so made . . .  
 All for such men as you Jose, of such splendid grace!  
 All for such magnificent men, of 'oh so such courageous faith!  
 Who have such brilliant eyes, which to all hearts such warmth do so bathe . . .  
 Who but once had such strong arms, hands and legs, to protect all of us from such harm . . .  
 Who once, upon them . . . so such great burdens were so placed!  
 Whose entire life has been written with such kindness and courage, that time cannot so erase . . .  
 And so show us all, just what a magnificent heart can so create!  
 Whose whole entire life has but been so dedicated, to but protecting the human race . . .  
 Who so gave, and so marched off to war . . .  
 And came back home to wear a badge, and so much more . . .  
 And then to serve once again, to give it all up again and go back to war . . .  
 To volunteer, and give up all that you so love and so adore!  
 For there can be no greater gift! No greater love than all of this for sure . . .  
 To so leave your loved ones, and give up all that you adore!  
 And yes, Jose, Heaven SO Hold's Your Place!  
 Ah yes Jose, one day you will so see our Lord's face . . .  
 And all of those magnificent families . . . like yours  
 Who had to so worry, and so wait!  
 Quiet heroes, who had to carry on somehow each day . . .  
 Praying, not for that one phone call, did they!  
 Living through, all of that pain and hell and heartache!  
 For all of them, oh yes yours, Heaven So Hold's A Place!  
 For they shall too so see, our Lord's face . . .  
 And, when you came back home Jose, that day . . .  
 And they so looked upon your once golden face . . .  
 And so saw what this war had so made!  
 And they broke down and began to cry!  
 As they so asked our Lord, why so why?  
 As they so wept . . . all on that night  
 But, some things can be only made with faith!  
 Because Jose, you so made the choice . . .  
 As it was you Jose, who so heard that inner voice!  
 As your loved ones too, have so brought their light!

As upon their needs, they asked for courage . . . on high . . .  
 Is that but not what Heaven is for?  
 Is that but not true love for sure?  
 For Heaven So Holds A Place, for all of those who have shown such grace!  
 Who, will not give up, or in . . . even though each day the worst they so face . . .  
 Yes, Heaven Holds Your Place!  
 Amen!

## ADDITIONAL STATEMENTS

### TRIBUTE TO DAVID C. BAILEY

• Ms. AYOTTE. Mr. President, today I recognize and congratulate Chief of Police David C. Bailey of the Bedford, NH, police department for his 40 years of dedicated service to the law enforcement profession, the town of Bedford, and the State of New Hampshire.

Chief Bailey began his law enforcement career in 1971 as a patrol officer with the town of Bedford; was promoted to lieutenant in 1976; deputy chief in 1981; and as the chief of police in 1989. A native of Bedford, NH, Chief Bailey earned his bachelor's degree from the University of New Hampshire in 1969.

During his long tenure as a police chief, David Bailey has been a leader in promoting community oriented policing; in improving public safety within the State of New Hampshire; and in promoting sound public policies and practices, which have helped keep New Hampshire one of the safest States in the Nation. From 2002 to 2003, he served with distinction as the president of the New Hampshire Association of Chiefs of Police. Chief Bailey has worked tirelessly with New Hampshire legislators, and other public safety officials, to better the administration of justice.

As Chief David Bailey celebrates his retirement, I commend him on a job well done, and ask my colleagues to join me in wishing him, his wife Susan, son Nathan, and daughter Jessica, well in all future endeavors.●

### IRON HORSE BICYCLE CLASSIC

• Mr. BENNET. Mr. President, today I recognize the Iron Horse Bicycle Classic in which bicyclists race the steam-powered Durango & Silverton Narrow Gauge Railroad from Durango to Silverton. May 28, 2011 will mark the 40th anniversary of this race which is an institution in my home State of Colorado.

This year's race has attracted some 2,500 racers from 44 States and 5 countries and 3,500 riders participating in all of the weekend's many cycling related events.

This race is the third oldest continuously sanctioned bike race in the United States and probably the most grueling of them all. The Iron Horse Classic is a 50-mile race that takes riders over two beautiful mountain passes

in Colorado's awe inspiring San Juan Mountains. The race course tops out at 10,860 feet and has a vertical climb of some 6,600 feet for every racer.

The race is one that many professional bike racers compete in at some point in their career with many Olympians, National and World Champions riding in the race over the decades.

Organized for decades by cycling legend Ed Zink of Durango, the Iron Horse Classic is a tremendous asset to all of southwest Colorado. The race's economic impact on our economy is around \$2 million each year and it has donated around \$500,000 to local causes over the years.

As I am sure you can imagine, this is a grueling event for which all riders put in many long months of training.

I am proud to recognize all the riders, staff, volunteers and community members from southwest Colorado who have made the Iron Horse Classic into a premier Colorado cycling event on this its 40th anniversary.●

#### REMEMBERING F.T. HOGAN H'DOUBLER, JR., M.D.

● Mr. BLUNT. Mr. President, as the Memorial holiday approaches, and the Nation remembers our brave soldiers who have served and are serving in our military, I ask the Senate to join me in remembering a decorated war hero and a fellow Missourian, F.T. "Hogan" H'Doubler, Jr., M.D., who passed away on November 24, 2010.

Dr. H'Doubler was born in Springfield, MO, on June 18, 1925. In December 1942, at the age of 17, he graduated from high school a semester early to enlist in the Navy. He was assigned to the V-12 training program at Miami University in Oxford, OH. He earned his medical degree from the University of Wisconsin-Madison.

After the conclusion of World War II, F.T. "Hogan" H'Doubler, Jr., M.D. reentered the Navy as a lieutenant junior grade in the Medical Corps. During the Korean war, he volunteered with the Fleet Marines, and while treating a wounded marine, he received multiple gunshot wounds and was evacuated from Korea. Because of these injuries, he received a Purple Heart with the Oak Leaf Cluster and a Bronze Star.

Dr. H'Doubler became a Shriner in 1956 and served as Potentate in 1968. He later became the Imperial Potentate of the Shrine of North America from 1980-1981. He was an Emeritus Trustee of Shriners Hospitals for Children, and served as chairman of both the Medical Research Planning Committee and the Budget Committee. He was also a member of the Finance Committee and an Emeritus Representative of the Shriners International. He is credited with starting the Stop Burn Injury Program, which is still active today.

Dr. H'Doubler belonged to many professional organizations, including the

American Medical Association, Missouri State Medical Society, Greene County Medical Society, American Thyroid Association, and the American Academy of Alternative Medicine, of which he served as president in 1985.

He is survived by his wife Marie, and his four children: daughters Julie Thomas and Sarah Muegge, and sons Kurt and Charles, and six grandchildren.

I would like to pay tribute to this wonderful man who served his Nation and his community with distinction and achieved the Shriners goal of free orthopedic and burn care for all children. Dr. H'Doubler was always a trusted resource on medical issues on whom I could rely at any time. His insight, his compassion, and his willingness to lead on important issues made him a sought after expert. I always enjoyed spending time with Dr. H'Doubler, and he often took time to mentor me on medical and political topics. He was a remarkable man with a full, rich life, and I was glad to call him my friend.●

#### REMEMBERING GENERAL MATTHEW BUNKER RIDGWAY

● Mr. BLUNT. Mr. President, when GEN Matthew Bunker Ridgway passed away on July 26, 1993, he was one of the most decorated soldiers in the U.S. Armed Forces. Members of his family, including some of my constituents from Columbia, MO, gather each year. This year, they will honor General Ridgway's leadership, character, and courage as they celebrate the 60th anniversary of his command as Supreme Commander of the United Nations forces in Korea and Supreme Commander of the U.S. Far East Command during the Korean war.

General Ridgway was born on March 3, 1895, in Fort Monroe, VA, to COL Thomas Ridgway and Mrs. Ruth Ridgway. He went to high school in Boston, MA, and afterward planned to follow in his father's footsteps at West Point. Young Matthew failed the math portion of his entrance exam but was not deterred. He studied harder for his second attempt, passed, and graduated from West Point. In 1917 he was commissioned as second lieutenant. After the disappointment of not being sent into combat during World War I, Lieutenant Ridgway said, "The soldier who has had no share in this last great victory of good over evil would be ruined." After serving on various generals' staffs and commanding the 15th Infantry in Tientsin, China, General Ridgway would get his chance to fight.

In August 1942, General Ridgway succeeded Omar Bradley when he was given command of the 82nd Airborne Division. The 82nd was chosen as one of the Army's five new airborne divisions. The conversion of an entire infantry division to airborne status was an unprecedented and daunting task which

Ridgway successfully accomplished. In 1944, General Ridgway helped plan the airborne operations of Operation Overlord, the Allied invasion of Europe. In Normandy, he courageously jumped with his troops, who fought bravely for 33 days in advancing to Saint-Sauveur-le-Vicomte near Cherbourg, France.

In 1950, as the Korean war raged, General Ridgway was given command of the 8th Army. When Ridgway assumed command the 8th Army was in tactical retreat and suffering from low morale. After a successful reorganization of command structure and service at the front lines, General Ridgway had repaired morale among his soldiers. Ridgway shifted tactics and, relying heavily on coordinated artillery, went on the offensive, helping slow and later stop the Chinese at the battles of Chipyeong-ni and Wonju. When General MacArthur was relieved of command in 1951, General Ridgway took the helm as Supreme Commander of U.N. forces in Korea and Supreme Commander of the U.S. Far East Command. Over the next year, Ridgway was responsible for conduct of the Korean war. He also followed General MacArthur as military governor of Japan, where he oversaw the restoration of Japan's Independence and sovereignty. In 1952, he replaced GEN Dwight D. Eisenhower as the Supreme Allied Commander for the North Atlantic Trade Organization, where he was credited for improvements through command structure, forces, facilities, and training. For his last assignment, General Ridgway served as Chief of Staff of the U.S. Army from 1953 until his retirement in 1955.

In retirement, General Ridgway would serve on boards, write, speak to groups, and advise other leaders, including President Lyndon B. Johnson. In 1986, President Ronald Reagan awarded General Ridgway the Presidential Medal of Freedom.

GEN Matthew Bunker Ridgway passed away at his home outside Pittsburgh at the age of 98, on July 26, 1993. He was buried at Arlington National Cemetery, and during his eulogy Colin Powell said: "No soldier ever upheld his honor better than this man. No soldier ever loved his country more than this man did. Every American soldier owes a debt to this great man."●

#### TRIBUTE TO BERNARD "C.B." KIMMONS

● Mr. CASEY. Mr. President, today I honor Bernard "C.B." Kimmons for his life of service and courageous commitment to preventing gang and drug violence at all costs.

C.B. was born in Atlantic City, NJ, on February 13, 1944. Though he originally hails from the Garden State, he came to spend much of his life within the city of Philadelphia, graduating from three Philadelphia area schools:

Cardinal Dougherty High School, Saint Joseph's University, and Temple University Graduate School.

After earning his teaching degree, he further solidified his commitment to Philadelphia by spending 16 years teaching in Ogontz, at General Louis Wagner Junior High. During his tenure at Wagner, he was disheartened to see that many of his students fell victim to social pressures that led to them join gangs. C.B. quickly became an eyewitness to gang-related violence. He knew that his students needed guidance before they became lost within the harsh realities of gang life. As a leader and a role model within the community, he took it upon himself to fulfill this need. He began to educate his students about the dangers of joining gangs with a simple message of respecting law enforcement, parents, clergy, teachers, adults, and fellow young people. His message quickly caught on, and many of his students still remember his influential teaching style.

It was this innovative approach that caught the attention of the Philadelphia school district, under Superintendent Dr. Constance Clayton. C.B. eventually began teaching in different schools across the district under a special antidrug, antiviolence curriculum, many times teaching in up to 15 different schools a week. His message against bullying, guns, drugs, and violence spread across the city and continues to affect countless lives today.

It was during this time that Bernard was given the nickname of "Cool Bernie" or C.B. within some of the rougher neighborhoods he worked. This nickname has grown to illustrate the close nature of his relationships with his students as well as his acceptance as a role model and community figurehead. He goes by that name to this day.

In addition to his work in the public schools, C.B. was also an active volunteer through numerous activities within Philadelphia. In 1967, he served as a citywide gang control worker under the guidance of Zachary Clayton. He then met Dr. Herman Wrice who became his mentor when he joined Mantua Against Drugs. C.B. and Dr. Wrice traveled around Philadelphia trying to clear the streets of gangs and drug dealers to ensure that young adults had a safe haven from violence and drugs in troubled neighborhoods. C.B.'s commitment to Mantua Against Drugs continues today; he currently serves as the organization's executive director. From his first taste of volunteerism, C.B. knew he found his passion. He wanted to change the world.

In addition to these efforts, C.B. has personally made himself available to children within the city of Philadelphia through numerous activities. He provides free drug counseling and recently started a multitiered program offering computer skills, document

framing, photo-journalism, entrepreneur training, and newsletter creation as an alternative to violent gang behavior. He also leads vigils for young adults who were killed as a direct result of gang related violence.

While C.B.'s efforts to lessen the impact of drug dealers have received considerable praise, they have also attracted the attention of those that would prefer the status quo remain unchanged. On more than one occasion C.B. has had threats against his own life and has been forced to seek police protection. Despite these efforts to undermine his work, C.B. persevered and still today continues to aggressively pursue change within our community.

C.B. has been honored for his work by countless organizations and agencies across the city of Philadelphia and the country. These honors include Time Magazine Local Philadelphia Hero; recognition by the Martin Luther King Center in Atlanta, GA; a 2010 Drum Major Award for Peace given by the Council of Black Clergy of Philadelphia; University of Pennsylvania's Martin Luther King Award for Community Service and Outreach; winner of University of Pennsylvania's Crystal Stair Award; the Hero of Peace Award given by Veterans Against Drugs; and the Humanitarian Award given by the Four Chaplains at the U.S. Naval Base. He has also been featured on CNN for his school-based role model program.

Throughout all of his work, C.B.'s efforts have focused on ensuring that children have a chance to succeed despite the challenges and obstacles they face on a daily basis. C.B. has saved numerous lives and continues to protect children of all ages from the ravages he first saw in his early teaching days. As a result of C.B. Kimmons' hard work, children across Philadelphia are given a chance to succeed and reach their potential.

It is my pleasure to stand today before my colleagues to recognize Bernard "C.B." Kimmons' sacrifices, achievements, and ongoing commitment toward bettering the lives of our youth.●

#### TRIBUTE TO TINE VALENCIC

● Mr. CORNYN. Mr. President, today I wish recognize the achievements of Tine Valencic, a 13-year-old seventh grade student at Colleyville Middle School in Colleyville, TX. Tine recently competed in and won the 2011 National Geographic Bee, held here in Washington, DC. Each year thousands of schools and millions of students in the United States participate in the National Geographic Bee using materials prepared by the National Geographic Society. The contest is designed to encourage teachers to include geography in their classrooms, spark student interest in the subject, and increase public awareness about geog-

raphy. Schools with students in grades four through eight are eligible for this entertaining and challenging test of geographic knowledge.

Out of a field of 54 contestants, one from each of the 50 States and Territories, Tine won the competition and was the only contestant to correctly answer every question in the final round. In recognition of his success, National Geographic will award Tine a college scholarship worth \$25,000, a lifetime membership in the National Geographic Society, and a trip to the Galápagos Islands with his parents.

The winning question was: "Which South American country is home to the volcano, Tungurahua?" The answer, "Ecuador," was given correctly by Tine after the runner-up contestant failed to match Tine for a fourth question in a row. Tine is the second Texan to be named national champion in the competition's 23-year history.

Young Texans, like Tine Valencic, prove that persistence and a thirst for knowledge are the keys to unlocking opportunities for success. I congratulate Tine on this important accomplishment and look forward to seeing his continued achievements.●

#### TRIBUTE TO MICHAEL J. FITZMAURICE

● Mr. JOHNSON of South Dakota. Mr. President, today, with great pride, I pay tribute to Michael J. Fitzmaurice who will be retiring at the end of the month after 24 years of service at the Sioux Falls, SD, VA Medical Center.

Michael entered into service with the U.S. Army in October 1969. After completing his basic training at Fort Lewis, WA, and advanced individual training at Fort Knox, KY, he was deployed to Vietnam with the D-Troop 17th Cavalry, 101st Airborne Division. Michael served with great distinction in Vietnam eventually earning our nation's highest award for valor, the Congressional Medal of Honor, for his heroic actions at Khe Sanh, Vietnam.

Michael received an honorable discharge from the Army on April 7, 1972. In addition to the Medal of Honor, which he was awarded by President Nixon in November 1973, Michael received several other decorations for his uncommonly brave service to our Nation; including the Vietnam Service Medal with Bronze Star, Vietnam Campaign Medal, and the Purple Heart, among others. In recognition of his service, the South Dakota State Veterans Home in Hot Springs was renamed the Michael J. Fitzmaurice State Veterans Home in October 1998.

Following his return from Vietnam, Michael met Patty Dolan, whom he married in July 1973. Michael and Patty would raise two sons, Michael Jr. and Brian. Eager to continue his service to our country after returning

home, Michael joined the South Dakota Army National Guard 153rd Engineering Battalion in Huron, SD, in April 1973. Michael continued his service with the South Dakota Army National Guard until his discharge in April 1990. He joined the South Dakota Air National Guard in May 1990 and retired from military service in May 1992 after 23 dedicated years of service to his country.

In addition to serving his country for 23 years in the military, Michael has dedicated his life to the service of his fellow veterans in South Dakota. He is retiring after 24 years of service as a plumber at the Sioux Falls VA Medical Center. He is a lifelong member of the Congressional Medal of Honor Society, Disabled American Veterans, Veterans of Foreign Wars, American Vets, and the 101st Airborne Association.

Michael is a humble man. He is never one to flaunt his heroic actions, nor bring attention to his decorated military service. He would likely rather blend in the crowd with his fellow veterans than be singled out; however, on the occasion of his retirement from the Sioux Falls VA Medical Center, it is appropriate that he be publicly recognized. I commend Michael J. Fitzmaurice for his many years of dedicated service to the State of South Dakota and our nation. Michael, a grateful nation thanks you for your service. Best wishes on your retirement.●

#### TRIBUTE TO PETER HENRY

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize the career of a dedicated public servant. Peter P. Henry is retiring as director of the Black Hills VA Health Care System in early July, concluding a career in Federal service that spans 41 years in the Department of Veterans Affairs. Peter has spent two lengthy stints at the helm of the Black Hills VA, totaling 16 years of service.

I commend Peter for his dedication, professionalism and steadfast commitment to veterans and their families. I have always appreciated the efforts of the men and women who work in the Black Hills VA Health Care System and exemplify the VA's "Veterans Come First" mission. Patient satisfaction numbers have remained high during Peter's leadership at the Black Hills VA, a testimony to the dedicated work of the staff and administrators at the Hot Springs and Fort Meade facilities.

Over his career, Peter has witnessed a number of changes in the VA system and has deftly guided and implemented these changes within the Black Hills VA. He worked to merge the Hot Springs VA and Fort Meade VA systems into one collective organization, the Black Hills VA health care system. This action provided a number of challenges including condensing dual mis-

sions at two campuses into one mission spanning two facilities.

During his many years of service in the Black Hills, Peter has worked diligently to provide VA services to South Dakota veterans who would otherwise not receive such important care. The number of community based outreach clinics, CBOCs, in the Black Hills VA system has increased during Peter's tenure. Veterans living in rural and reservation areas of South Dakota have much better access to VA health care and specialty services through the CBOCs. The needs of rural and reservation veterans must continue to be addressed so that access to quality VA care is preserved and maintained.

In 1995, Peter provided key leadership with the opening of the Rapid City Community Based Outreach Clinic, CBOC, at a small facility on the South Dakota National Guard's Camp Rapid campus. In a joint agreement between the Guard and the VA, veterans in Rapid City were able to save on mileage and receive routine levels of care. It wasn't long before VA officials realized that the facility was too small to meet the growing demands of veterans in the Rapid City area. A larger facility was opened near private community-based medical facilities. As Peter's career comes to a close, he continues to work to improve the Rapid City CBOC.

Like many agencies, the VA has been asked to do more with less over the years. The Black Hills VA continues to face challenges as it works to meet the complex needs of our ever growing veterans population, including women veterans, younger veterans, veterans with traumatic brain injuries, post traumatic stress disorder and other illnesses. I commend Peter's ability to address these challenges and ensure that South Dakota's veterans are provided the quality care they deserve.

I have always appreciated Peter's insight and input on issues impacting the VA Health Care System, the Black Hills VA, and veterans in general. I congratulate Peter on his many years of federal service and applaud him for his passionate work on behalf of veterans and their families. I wish Peter and his wife Sharon all the best in his retirement.●

#### WATERTOWN BENEDICTINE SISTERS OF THE MOTHER OF GOD MONASTERY

● MR. JOHNSON of South Dakota. Mr. President, with great honor, today I congratulate the Watertown Benedictine Sisters of the Mother of God Monastery in their celebration of providing 50 years of faith-based service.

Founded in 1961, the Watertown Benedictine Sisters have served in hospitals, schools, prisons, parishes, reservations, and nursing homes in communities throughout South Dakota.

Originally the Watertown Benedictine Sisters focused on serving in elementary and secondary Catholic schools in North Dakota and South Dakota. Many of the children that the sisters have helped can still recount their fond memories of the important and caring deeds that the Sisters preformed.

Today the Sisters work for parish ministries, schools, pastoral care, hospitals, and care facilities. The Sisters, through their 50 years of service, have developed strong ties with the Watertown community and have always offered a hand to those in need.

In honor of this momentous occasion the Sisters plan to host an interfaith discussion of Judaism, Christianity, and Islam, and to create a book detailing the rich history of the Watertown Benedictine Sisters of the Mother of God Monastery.

I am proud to have this opportunity to honor the Watertown Benedictine Sisters of the Mother of God Monastery for their outstanding service. It is an honor for me to share with my colleagues the strong commitment the Sisters have for relentlessly caring for those in need. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

#### YANKTON, SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I recognize the 150th anniversary of the founding of one of South Dakota's great cities, Yankton. Located along the Missouri River, Yankton serves as the county seat of Yankton County and is a source of great history.

Yankton, founded in 1861 and incorporated on May 8, 1862, was the original capital of Dakota Territory. The founders of Yankton derived the city's name from the Sioux expression E-hank-ton-wan, which means "people of the end village." Yankton College, founded in 1881, was the first liberal arts college in Dakota Territory, providing the community with rich opportunities through higher education, continued today through Mount Marty College.

Riverboat Days and the Summer Arts Festival are held every August in Yankton and bring visitors from all over the state to enjoy the scenic beauty and relaxing atmosphere the city has to offer. Yankton is an outdoor enthusiast's dream, offering access to hunting, fishing, golfing, parks, hiking trails, kayaking and canoeing, and other water recreation sports. The Gavins Point Dam makes the city's water recreation possible along with providing hydroelectric power. Yankton is home to the Dakota Territorial museum, which provides a glimpse of the rich history of the Dakota Territory and the events that shaped the Midwest itself. Yankton is



also the hometown of perhaps South Dakota's most famous resident, Tom Brokaw, former anchor of the NBC Nightly News, a graduate from Yankton High School.

Yankton is celebrating its sesquicentennial with a variety of artists playing a diverse selection of music. This three day concert event will honor the people that have made Yankton their home, from the first rugged settlers to the children of today.

Yankton continues to be a vibrant community and a great asset to South Dakota. Yankton boasts a thriving economy, various tourist destinations, and tremendous opportunities for outdoor recreation. I am pleased to recognize the achievements of Yankton, and to offer my congratulations to the residents of the city on this historic milestone.●

#### TRIBUTE TO RANDY SCHOEN

● Mr. MERKLEY. Mr. President, today I wish to honor the work of Medford Chief of Police Randy Schoen, and all the officers, citizens, dispatchers, and volunteers being recognized at the Medford Police Awards Banquet.

The Medford Police Department is doing its community a great service in holding the annual Medford Police Awards Banquet, acknowledging and encouraging the kind of work that keeps our citizens safe and makes our communities great.

Chief Schoen has contributed much to his department and to the city of Medford, OR. He developed the department's first K9, SWAT, and drug and gang enforcement units. He has used technology to make the department more effective and responsive. He has rolled out programs that have increased the Medford Police Department's efficiency, community involvement, and clearance rates. Chief Schoen is a terrific example of what it means to be a public servant. He is now retiring after 25 years of meritorious service. His hard work will be missed.

Also worthy of praise are the many other individuals being honored at the Medford Police Awards Banquet. These citizens and officers are receiving awards for Outstanding Achievement, Meritorious Lifesaving, and Citizen Recognition. Many of these individuals have risked personal harm to save the life of another, or ensure that justice is done. I thank the Medford Police Department for honoring them.

I join the Medford Police Department and the people of Medford in commemorating the great work of Chief Schoen and all those receiving awards at this banquet. These individuals represent the ideals of civil service, personal heroism, and a just society. I thank them for their service and wish them all the best in their endeavors to come.●

#### TRIBUTE TO LINDA CANNON

● Mrs. MURRAY. Mr. President, today I honor Linda Cannon, deputy director of intergovernmental relations for the city of Seattle, who is retiring after serving over 35 years with the city.

Ms. Cannon's legacy can be seen throughout the city. She has served for many years as the city's primary contact with the U.S. military as it relates to the base realignment and closure process. The most significant of these projects was her work on the ongoing redevelopment of Sand Point, a former Naval Air Station and later Support Activity Center for the Navy, closed in 1991. Linda served as the key staff person coordinating with the Navy, community members, Native American tribes, and a host of interest groups over the redevelopment of this significant resource. Linda worked to balance all these interests while ensuring that the values of the community were also upheld. The crown jewel of this redevelopment is Warren G. Magnuson Park which honors Washington State's late great Senator Magnuson. Her leadership throughout this process has been critical to its success.

Ms. Cannon also served as a mentor and trusted colleague to hundreds of city staff through the years. She is known for her grace under pressure, her clearheaded approach to problems, and keeping everything in perspective. Her attitude and work ethic always served as a model for those around her.

Ms. Cannon represents the best of public service in this country. Her professionalism, integrity, institutional knowledge, and understanding of the role of public employees in serving the people have been a huge asset to the city and will be sorely missed. There are hundreds of thousands of public servants around the country like Ms. Cannon who are quietly serving their communities every day. We all should be grateful for their dedication and service. I would like to wish Ms. Cannon the best in her retirement and a heartfelt thank you.●

#### RECOGNIZING BIOVATION, LLC

● Ms. SNOWE. Mr. President, for 25 years, the Smaller Business Association of New England, SBANE, has been recognizing the accomplishments and innovations of small businesses throughout the Northeast with its innovation awards. The Rising Star category is reserved for those small businesses that will have a significant impact in their industry or sector in the near future.

Today I rise to recognize Biovation LLC, a small manufacturing firm in the coastal Maine town of Boothbay that creates antimicrobial chemical and nonwoven fiber products for both food packaging and wound care. Biovation beat out nearly 200 nominees and 20 finalists to win the coveted Rising

Star category of the SBANE's Innovation Awards, a truly worthy and aptly named recognition for this up-and-coming firm.

The company was nominated for the SBANE award by the Maine Manufacturing Extension Partnership, MEP, with which it has worked to increase efficiency, productivity and competitiveness. Rosemary Presnar of the Maine MEP has noted that Biovation possesses "a rare combination of engineering capability and entrepreneurial zeal; and they're visionary in applying their technology to develop new products and create new market opportunities." This commitment to improvement is a source of inspiration, and is an example of the blossoming technological and R&D sector that is transforming Maine. Biovation received the award at SBANE's annual gala dinner on May 11 in Massachusetts, joining Maine companies such as Tom's of Maine and Wright Express, which have been recognized in previous years.

Biovation aspires to become a worldwide leader in the product safety and wound care sectors within the next decade, and the company is off to a resounding start. Biovation has developed a process where textile fibers are infused with antimicrobial chemical formulations; these fibers can be used for bandages and dressings to prevent the spread of disease by inhibiting the growth of bacteria and fungi. Clearly, this is a perfect tool for use in hospitals and medical facilities worldwide in efforts to eradicate the transmission of infections between patients.

In April of this year, Biovation shipped out its first orders of food safety products, and by this time next year, it expects to complete contract negotiations with a medical company for its wound care products. Additionally, the U.S. Marines have expressed interest in acquiring absorbent liners to keep soldier's boots dry. Because countries like Iraq and Afghanistan lack the proper infrastructure, it is difficult to use electric dryers for such tasks. Biovation's unique products can provide an affordable, lightweight pad to help our troops stay comfortable during their critical missions in extreme temperatures and conditions.

It will take America's nearly 30 million small businesses working to out-innovate and out-produce the rest of the world to provide for a lasting economic recovery. With companies like Biovation leading the way, I am confident that we are well-poised to move our economy forward. I thank everyone at Biovation for their dedication and forward-thinking, and congratulate them on their success.●

#### TRIBUTE TO TOM McAVOY

● Mr. UDALL of Colorado. Mr. President, today I recognize a native Puebloan, sometimes critic, and staple



of Colorado's political journalism, Tom McAvoy.

Tom McAvoy has been with the Pueblo Chieftain newspaper in Colorado for over three decades, including 21 years of covering the Colorado statehouse. For the past 7 years, he has served as the Chieftain's editorial research director and a member of its editorial board. He will retire at the end of May, but I hear he will continue to make an occasional appearance in the editorial section.

Tom graduated from Pueblo's Central High School in 1964 and from the Southern Colorado State College in 1968, before going on to earn a master's degree in journalism from Ohio State University. He served in the National Guard after college and went on to work for the Associated Press, joining the Chieftain in 1977.

Coloradans have truly benefited from Tom's canny political analysis over the years. He set the standard for reporters covering State government and politics for regional papers, keeping in mind the big picture for the State even as he paid special attention to what was important from the local angles.

In particular, he has been a faithful fighter for shedding light and stimulating public discourse about the lifeblood of the West: water. In numerous articles and editorials, he has outlined for his readers the issues surrounding and complicating water use in the agricultural heartland that is southern Colorado and served as a megaphone for their interests to legislators.

Tom wrote in an editorial last year, "Our obligation is to the public, not the office-holder." To recognize his committed coverage of the Colorado statehouse, the Colorado Press Association awarded Tom its inaugural Shining Star in 1995 for being the best all-around reporter.

Many reporters who cut their teeth on Colorado politics will tell you that Tom's example and mentorship helped them become better eyes and ears for their own communities.

He also proved that showing up is half the story: there is a legend that the only time Tom ever took a leave of absence is when he came down with the West Nile virus. That dedication to his work speaks of a deep love and sense of responsibility for his hometown community, and it earned him the respect of his peers and his subjects alike.

Southern Colorado will miss Tom McAvoy's voice on the issues that matter to the region, but I have a feeling his wife Sue and their three children will have to share him in retirement with his continued service to his community.●

#### OIT WOMEN'S SOFTBALL TEAM

● Mr. WYDEN. Mr. President, Oregon Institute of Technology in Klamath Falls has long been a leader in Amer-

ica's effort to develop geothermal energy, and it's also a power in men's basketball, winning national titles in 2004 and 2008.

Now, it is the national champion in women's softball. It is the first women's team to win a national championship at OIT, but I am sure it won't be the last.

The Hustlin' Owls entered the national tournament ranked 18th in the Nation. They came out 1st in the Nation. They were led by a stellar performance from their pitcher and MVP, Jackie Imhof. In the final game, she pitched a shutout, allowing only four hits and striking out seven. Through the tournament, Imhof was 6-1 with an amazing earned run average of 0.59. Imhof and two other teammates, catcher Kayde Schaefer and shortstop Shauna Collins, made the all tournament team.

Congratulations to coach Greg Stewart and the Hustlin' Owls of OIT. Clearly, they are doing something right at Oregon Institute of Technology.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:27 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1216. An act to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

At 8:00 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1216. An act to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations; to the Committee on Health, Education, Labor, and Pensions.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1873. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Fire-Resistant Fiber for Production of Military Uniforms" ((RIN0750-AH22) (DFARS Case 2011-D021)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Armed Services.

EC-1874. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Eric T. Olson, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-1875. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan for Fiscal Year 2012 and the succeeding 4 years, Fiscal Years 2013-2016; to the Committee on Armed Services.

EC-1876. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Requests for Modification or Revocation of Toxic Substances Control Act Section 5 Significant New Use Notice Requirements; Revision to Notification Regulations" (FRL No. 8858-1) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1877. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Alabama, Georgia, and Tennessee; Chattanooga; Determination of Attaining Data for the 1997 Annual Fine Particulate Standard" (FRL No. 9312-5) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1878. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration" (FRL No. 9311-9) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1879. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determination of Attainment for the Pittsburgh-Beaver Valley 8-Hour Ozone Nonattainment Area" (FRL No. 9313-1) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1880. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Extension of Attainment Date for the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Moderate Nonattainment Area" (FRL No. 9312-9) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1881. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Flat Wood Paneling Surface Coating Process" (FRL No. 9312-7) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Environment and Public Works.

EC-1882. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts" (5 CFR Part 1653) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1883. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2011" (Rev. Rul. 2011-13) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 968. A bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

\*Timothy G. Massad, of Connecticut, to be an Assistant Secretary of the Treasury.

By Mr. LEAHY for the Committee on the Judiciary.

John Andrew Ross, of Missouri, to be United States District Judge for the Eastern District of Missouri.

Timothy M. Cain, of South Carolina, to be United States District Judge for the District of South Carolina.

Nannette Jolivet Brown, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Nancy Torresen, of Maine, to be United States District Judge for the District of Maine.

William Francis Kuntz, II, of New York, to be United States District Judge for the Eastern District of New York.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1081. A bill to amend titles 23 and 49, United States Code, to streamline the environmental review process for highway projects, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LANDRIEU:

S. 1082. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1083. A bill to amend the National Trails System Act to designate the route of the Smoky Hill Trail, an overland trail across the Great Plains during pioneer days in Kansas and Colorado, for study for potential addition to the National Trails System; to the Committee on Energy and Natural Resources.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 1084. A bill to amend the National Trails System Act to designate the routes of the Shawnee Cattle Trail, the oldest of the major Texas Cattle Trails, for study for potential addition to the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Ms. MURKOWSKI, Mr. HATCH, Mr. HELLER, and Mr. ENZI):

S. 1087. A bill to release wilderness study areas administered by the Bureau of Land Management that are not suitable for wilderness designation from continued management as de facto wilderness areas and to release inventoried roadless areas within the National Forest System that are not recommended for wilderness designation from the land use restrictions of the 2001 Roadless Area Conservation Final Rule and the 2005 State Petitions for Inventoried Roadless Area Management Final Rule, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early retirees program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 1090. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER:

S. 1091. A bill to amend the National Flood Insurance Act of 1968 to include a system for indeterminate loss insurance claims, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CARPER (for himself and Mr. BROWN of Massachusetts):

S. 1092. A bill to address aviation security in the United States by bolstering passenger and air cargo screening procedures, to ensure that purchases of screening technologies are thoroughly evaluated for the best return on investment of the taxpayer's money, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. ENZI, Mr. DURBIN, and Mr. BROWN of Massachusetts):

S. 1094. A bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416); to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of "primary health services" under the National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

By Mr. KYL (for himself, Mr. SESSIONS, Mr. MCCAIN, Mr. CORNYN, Mr. WICKER, Mr. VITTER, Mr. INHOFE, Mr. CORNER, and Mr. PORTMAN):

S. 1097. A bill to strengthen the strategic force posture of the United States by implementing and supplementing certain provisions of the New START Treaty and the Resolution of Ratification, and for other purposes; to the Committee on Armed Services.

By Mr. HATCH (for himself and Mr. RUBIO):

S. 1098. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. BLUNT (for himself and Mr. KIRK):

S. 1099. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNIS, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT):

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1101. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. CASEY:

S. 1104. A bill to require regular audits of, and improvements to, the Transition Assistance Program; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Ms. CANTWELL, Mrs. SHAHEEN, and Mr. MERKLEY):

S. 1105. A bill to provide a Federal tax exemption for forest conservation bonds, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 1107. A bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BOOZMAN, and Mr. BINGAMAN):

S. 1108. A bill to provide local communities with tools to make solar permitting more efficient, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. DURBIN, Mr. SCHUMER, Mr. LEAHY, Mr. AKAKA, Mr. BENNET, Mrs. GILLIBRAND, and Mr. INOUE):

S. 1109. A bill to authorize the adjustment of status for immediate family members of individuals who served honorably in the Armed Forces of the United States during the Afghanistan and Iraq conflicts, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI (for himself and Mr. CASEY):

S. 1110. A bill to amend the Small Business Act to permit agencies to count certain contracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, Mr. BURR, Mr. TESTER, Mr. VITTER, Mr. CHAMBLISS, and Mr. BLUNT):

S. 1111. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. MERKLEY):

S. 1112. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. NELSON of Nebraska, Mr. WEBB, Mr. RISC, Mrs. HAGAN, Mr. BLUNT, Mr. BARRASSO, Mr. ENZI, Mr. CONRAD, Mr. COCHRAN, Mr. BEGICH, Mr. HELLER, Mr. CRAPO, Ms. STABENOW, Mr. HOEVEN, Mrs. MCCASKILL, and Mr. MANCHIN):

S. 1113. A bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COONS:

S. 1114. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention

Act of 2004 until May 31, 2011, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. WHITEHOUSE, and Mr. CARDIN):

S. 1115. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. WICKER, Mr. COCHRAN, Mr. INHOFE, Mr. LEE, Mr. MCCAIN, Mr. COATS, and Mr. THUNE):

S. 1116. A bill to merge the Department of Labor, the Department of Commerce, and the Small Business Administration to establish a Department of Commerce and the Workforce, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. CORNYN, Mr. WICKER, Ms. KLOBUCHAR, Mr. ALEXANDER, Mr. ENZI, Mr. FRANKEN, Mr. PORTMAN, Mr. JOHANNIS, and Mr. SESSIONS):

S. 1118. A bill to authorize the construction and maintenance of levees on property acquired under hazard mitigation grant programs of the Federal Emergency Management Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. ENZI):

S. 1121. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to loans made from a qualified employer plan, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1122. A bill to amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings; to the Committee on Environment and Public Works.

By Mr. BROWN of Ohio:

S. 1123. A bill to amend title 38, United States Code, to improve the provision of benefits and assistance under laws administered by the Secretary of Veterans Affairs to veterans affected by natural or other disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONRAD:

S. 1124. A bill to amend title 38, United States Code, to improve the utilization of teleconsultation, teleretinal imaging, telemedicine, and telehealth coordination services for the provision of health care to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. WYDEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. DURBIN, Mr. AKAKA, Mr.

FRANKEN, Mr. BINGAMAN, Mrs. BOXER, Mr. COONS, and Mr. CARDIN):

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes; read the first time.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:

S. 1127. A bill to amend title 38, United States Code, to establish centers of excellence for rural health research, education, and clinical activities and to recognize the rural health resource centers in the Office of Rural Health, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ:

S. 1128. A bill to establish a National Autism Spectrum Disorder Initiative and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BARRASSO (for himself, Mr. ENZI, Mr. CRAPO, Mr. RISCH, Mr. THUNE, Mr. HELLER, and Mr. HATCH):

S. 1129. A bill to amend the Federal Land Policy and Management Act of 1976 to improve the management of grazing leases and permits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

By Mrs. HAGAN (for herself, Mr. BROWN of Ohio, Ms. LANDRIEU, and Mr. CONRAD):

S. 1131. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1132. A bill to establish programs to provide services to individuals with autism and the families of such individuals and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. McCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. KOHL, Mr. JOHNSON of Wisconsin, and Mr. FRANKEN):

S. 1134. A bill to authorize the St. Croix River Crossing Project with appropriate mitigation measures to promote river values; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 1136. A bill to amend Public Law 106-206 to direct the Secretary of the Interior and

the Secretary of Agriculture to require annual permits and assess annual fees for commercial filming activities on Federal land for film crews of 5 persons or fewer; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 1137. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1138. A bill to de-link research and development incentives from drug prices for new medicines to treat HIV/AIDS and to stimulate greater sharing of scientific knowledge; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself, Mr. INHOFE, Mr. BENNET, Mr. COONS, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. BAUCUS, Mr. FRANKEN, and Mr. UDALL of Colorado):

S. 1139. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. INOUE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

By Mr. TESTER (for himself, Ms. MURKOWSKI, and Mr. REID):

S. 1142. A bill to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. INOUE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID):

S. Res. 200. A resolution recognizing the significance of the designation of the month of May as Asian/Pacific American Heritage Month; to the Committee on the Judiciary.

By Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA):

S. Res. 201. A resolution expressing the regret of the Senate for the passage of discriminatory laws against the Chinese in America, including the Chinese Exclusion Act; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. DURBIN):

S. Res. 202. A resolution designating June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day"; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. CARDIN, Mr. BEGICH, Mr. AKAKA, Mr. COCHRAN, Ms. COLLINS, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERRY, Mr. INHOFE, Ms. SNOWE, and Mr. CASEY):

S. Res. 203. A resolution recognizing "National Foster Care Month" as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system; considered and agreed to.

By Mr. CASEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. LUGAR, Mr. MORAN, Mr. LEAHY, and Mr. BROWN of Ohio):

S. Res. 204. A resolution designating June 7, 2011, as "National Hunger Awareness Day"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 311

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 341

At the request of Mr. BROWN of Massachusetts, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 341, a bill to require the rescission or termination of Federal contracts and subcontracts with enemies of the United States.

S. 394

At the request of Mr. KOHL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 483

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 483, a bill to amend title XVIII of the Social Security Act to provide for the treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 501

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. BROWN), the Senator from Vermont (Mr. SANDERS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 699

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 699, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 738

At the request of Ms. STABENOW, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator

from Delaware (Mr. COONS) were added as cosponsors of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 756, a bill to amend title XI of the Social Security Act to provide for the public availability of Medicare claims data.

S. 757

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 757, a bill to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies.

S. 792

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 792, a bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 857

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 857, a bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted.

S. 868

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 868, a bill to restore the long-standing partnership between the States and the Federal Government in managing the Medicaid program.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms.

SNOWE) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 895

At the request of Mr. BEGICH, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 895, a bill to amend the Elementary and Secondary Education Act of 1965 to invest in innovation for education.

S. 906

At the request of Mr. WICKER, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 948

At the request of Mr. MERKLEY, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 948, a bill to promote the deployment of plug-in electric drive vehicles, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 952

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 952, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 958

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 968

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 972

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 972, a bill to amend titles

23 and 49, United States Code, to establish procedures to advance the use of cleaner construction equipment on Federal-aid highway and public transportation construction projects, to make the acquisition and installation of emission control technology an eligible expense in carrying out such projects, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Delaware (Mr. COONS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1042

At the request of Ms. MURKOWSKI, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1042, a bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1043

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1043, a bill to amend the Energy Independence and Security Act of 2007 to promote energy security through the production of petroleum from oil sands, and for other purposes.

S. 1048

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1048, *supra*.

S. 1049

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1049, a bill to lower health premiums and increase choice for small business.

S. 1059

At the request of Mr. THUNE, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. ISAKSON) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1059, a bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act.

S. 1064

At the request of Mr. REED, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1064, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. RES. 150

At the request of Mr. INHOFE, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 162

At the request of Mr. MENENDEZ, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 162, a resolution expressing the sense of the Senate that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 172

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 172, a resolution recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for

cancer, and designating May 2011, as "National Cancer Research Month".

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. Res. 185, *supra*.

S. RES. 188

At the request of Mr. KIRK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 188, a resolution opposing State bailouts by the Federal Government.

AMENDMENT NO. 360

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 360 intended to be proposed to S. 990, a bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself and Ms. SNOWE):

S. 1085. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, and environmental goals; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I have introduced a bill, S. 1085. I have some cosponsors, including Senator SNOWE from Maine. The bill addresses something that has become very controversial. It is certainly not partisan in any way. It is more geographical; that is, I have been one who has been opposed to the corn ethanol mandates ever since they first came out. I opposed the 2007 Energy bill because it doubled the corn-based ethanol mandates, despite the mounting questions surrounding ethanol's compatibility with existing

engines, its environmental sustainability, as well as transportation infrastructure needs. I can remember back when they first did it, all the environmentalists were saying corn ethanol will be the answer. They were all for it, but they are against it now. They all recognize that corn ethanol is bad for the environment.

Now, the three areas I personally have a problem with are, No. 1, the environment; No. 2, you have a compatibility situation. You talk to any of the farmers, any of the marine people, they will tell you it is very destructive to the small engines. Thirdly, everyone is concerned with the high price of fuel, with the fact that corn ethanol is not good for your mileage. Kris Kiser of the Outdoor Power Equipment Manufacturers testified before the Environment and Public Works Committee on ethanol's compatibility or lack of compatibility with more than 200 million legacy engines across America which are not designed to run on certain blends of ethanol. I will quote her testimony before our committee. She said:

In the marine industry, if your machine fails or your engine fails and you are 30 miles offshore, this is a serious problem. If you are in a snow machine and it fails in the wilderness this is a serious problem.

Consumers complain about the decreasing fuel efficiency around corn ethanol, containing 67 percent of the Btu of gasoline. We call it clear gas. This is a good time to say we are not talking about biomass. We are only talking about corn ethanol. Another problem I have in my State of Oklahoma is we are a big cattle State and that has driven up the cost of feedstock to a level that is not acceptable. According to the EPA, vehicles operating on E85 ethanol experience a 20-percent to 30-percent drop in miles per gallon due to ethanol's lower energy content. Consumer reports found that E85 resulted in a 27-percent drop in fuel.

As a result, you drive around Oklahoma—first of all, we are in Washington. It is my understanding there is no choice in Washington or Virginia or in Maryland and those areas. In my State of Oklahoma, we still have a choice, and the choice is very clear. The problem is the way this is set up, we will run into a barrier where they will no longer have clear gas available under the current formulas. For that reason, we have people who—at almost every station you see, the majority of the stations you see in Oklahoma, you have signs such as this: Ethanol free. 100 percent gasoline. This is all over the State of Oklahoma.

There is a solution to this problem, and it is one I have introduced in this bill. Before describing that, I think the most pressing issue of this so-called blend wall is that EISA mandated 15 billion gallons of corn-based ethanol by 2015, but today it is readily apparent

that the country cannot physically absorb this much corn ethanol. It is too much, too fast. In Oklahoma, ethanol's blend wall has nearly eliminated consumer choice. The fuel blenders and gas station owners have little option but to sell ethanol-blended gasoline, despite strong consumer demand for clear gas. There is the consumer demand all over the State of Oklahoma.

What is the solution? I introduced a very simple, five-page bill. The bill would allow individual States to opt out of the mandate. It would require their State legislature wants this and they pass a resolution, it is signed by the governor, and they would be able to opt out. The State would pass a bill. It is signed by the Governor, stating its election to exercise this option. The Administrator of the EPA would then reduce the amount of the national corn ethanol mandate by the percentage amount of the gasoline consumed by this State.

This option nonparticipation would only apply to the corn portion of the RFS and would not affect any of the volumetric requirements of advanced biofuels. We are big in advanced biofuels in my State of Oklahoma, the various foundations, Oklahoma State University. We have switchgrass we are working on, and it is something we are all for. The bill actually redefines cellulosic biofuels as next generation biofuel. The previously defined cellulosic biofuel carveout is expanded to include algae and any nonethanol renewable fuel derived from renewable biomass. So this is something that is not going to be incompatible. It is going to be very compatible with our interest here. So for those people who say: We demand to have corn-based ethanol, you can have it. All this is is choice, and if we and the people of my State of Oklahoma want a choice of clear gas or corn ethanol, they should be able to do it. I honestly don't think there is a legitimate argument against that. I plan to try to get some cosponsors. I think my good friend from Florida might be interested in cosponsoring something such as this because this gives choice to the people of his State as well as my State.

By Mr. HARKIN (for himself and Mr. BLUNT):

S. 1086. A bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have come to the floor, today, to introduce the Eunice Kennedy Shriver Act. I am very pleased that Senator BLUNT has joined me in introducing this legislation; he and I are both long-time supporters of the Special Olympics and

Best Buddies programs authorized in this legislation. Equally importantly, we are continuing the bipartisan support that this legislation has historically enjoyed.

The Special Olympics program is respected around the world as a model and leader in using sport to end the isolation and stigmatization of individuals with intellectual disabilities. For more than 40 years, Special Olympics has encouraged skill development, sharing, courage and confidence through year-round sports training and athletic competition for children and adults with intellectual disabilities. Through their programs, Special Olympics has helped to ensure that millions of individuals with intellectual disabilities are assured of equal opportunities for community participation, access to appropriate health care, and inclusive education, and to experience life in a nondiscriminatory manner. Special Olympics gives athletes with intellectual disabilities the tools they need to be included in society, and it gives society the understanding and tools it needs to include them.

I can speak first-hand about what a rewarding experience it is for all of us who have been involved in Special Olympics. In 2006, my state of Iowa hosted the first USA National Summer Games. Thousands of athletes, volunteers, coaches, and families attended our Games, in addition to 30,000 fans and spectators. Ames, IA, was transformed into an Olympic Village, and it was thrilling to experience.

Similarly, the Best Buddies program is dedicated to ending the social isolation of people with intellectual disabilities by promoting peer support and friendships with their peers without disabilities. The aim is to increase the self-esteem, confidence and abilities of people with and without intellectual disabilities. Equally important, the Best Buddies program has provided opportunities for integrated employment for individuals with intellectual disabilities.

Research shows that participation in activities involving both people with intellectual disabilities and people without disabilities results in more positive support for inclusion in society, including in schools.

This bill is named in honor of Eunice Kennedy Shriver, who devoted her life to improving the lives of people with intellectual disabilities around the world. Mrs. Shriver founded and fostered the development of Special Olympics and Best Buddies, both of which celebrate the possibilities of a world where all people, including those with disabilities, have meaningful opportunities for participation and inclusion.

In addition to reauthorizing the former Special Olympics Sports and Empowerment Act and providing an



authorization for the Best Buddies program, this bill will also allow the Department of Education to award competitive grants to support increased opportunities for inclusive participation by individuals with intellectual disabilities in sports and recreation programs.

I am pleased to be the chief sponsor of this legislation, which will continue our support for these important programs that promote the extraordinary gifts and contributions of people with intellectual disabilities as well as broader community inclusion.

I urge all my colleagues to join with me and Senator BLUNT in supporting this very worthy bill.

By Mr. KERRY (for himself, Ms. STABENOW, Mr. BLUMENTHAL, and Mr. CARDIN):

S. 1088. A bill to provide increased funding for the reinsurance for early program; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, today I am introducing the Retiree Health Coverage Protection Act to provide an additional \$5 billion for the Early Retiree Reinsurance Program, EERP, to allow more employers to participate in the program. It will also further reduce the cost of retiree coverage.

I worked with Sen. STABENOW to include the EERP program in the Affordable Care Act due to the erosion of employer-sponsored retiree coverage across the country. The percentage of large firms providing workers with retiree health coverage dropped from 66 percent in 1988 to 29 percent in 2009.

The ERRP helps to control health care costs and preserve coverage for early retirees and their families and has been remarkably successful in making retiree health insurance coverage more stable and affordable.

Employers who participate in the program can receive a reinsurance reimbursement of up to 80 percent of catastrophic medical claims between \$15,000 and \$90,000 for their early retiree enrollees. The reimbursement is used to reduce the employer's health care costs and to lower premiums to retirees and their families. A study from Hewitt Associates estimates that the program will reduce the cost of retiree coverage from 25 to 35 percent, anywhere from \$2,000 to \$3,000 per retiree, per year.

The program has garnered robust participation among a wide range of retiree health plan sponsors from all major sectors of our economy. Earlier this month, it was announced that 5,515 plan sponsors have been approved to participate in the program and nearly \$2.5 billion reinsurance reimbursements have been paid to 1,728 participating retiree plans.

The ERRP has been so successful that the Centers for Medicare and Medicaid Services, CMS, announced it

could no longer accept applications for the program after May 6 because the overwhelming response would exhaust the \$5 billion in appropriated program funding. Until additional insurance market reforms are enacted in 2014, we should build on the demonstrated success of ERRP.

Senator STABENOW, Senator BLUMENTHAL, and I are working together to preserve insurance coverage for millions of retirees who rely on health coverage through their former employers before they become eligible for Medicare. That is why we are introducing legislation, the Retiree Health Coverage Protection Act, to provide an additional \$5 billion in ERRP funding. This additional funding could be used to allow more employers to participate in the program and to further reduce the cost of retiree coverage.

Over 180 employers who offer retiree health benefits in Massachusetts have taken advantage of this program. These public and private sector employers in the Commonwealth represent various entities, including: city governments, hospitals, colleges, and financial service institutions.

I would like to thank a number of organizations who have been integral to the development of the Retiree Health Coverage Protection Act and who have endorsed our legislation today, including the American Federation of Labor and Congress of Industrial Organizations, AFL-CIO, the Alliance for Retired Americans, the American Federation of State, County, and Municipal Employees, AFSCME, Families USA, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, and the National Education Association, NEA.

I look forward to working with my colleagues in the Senate to protect and stabilize retiree health coverage by ensuring the ERRP has adequate funding. I ask my colleagues to cosponsor this important legislation.

By Mr. MCCONNELL:

S. 1089. A bill to provide for the introduction of pay-for-performance compensation mechanisms into contracts of the Department of Veterans Affairs with community-based outpatient clinics for the provision of health care services, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCONNELL. Mr. President, I rise today to introduce the Veterans Health Care Improvement Act of 2011.

As we all know, the Department of Veterans Affairs strives to provide the best possible health care for our nation's heroes. However, it has come to my attention that the quality of care provided to our nation's veterans remains inconsistent among community-based outpatient clinics. Some of these clinics are operated by private health

care providers under VA contracts. These VA-contracted health care providers are compensated for their work at community-based outpatient clinics on a capitated basis, which means they are essentially paid based on how many new veterans they see during a pay period. These firms are therefore rewarded for the number of veterans they sign up, not for the quality of treatment provided to our veterans. While I am not opposed to capitation per se, I am concerned current VA policy provides contractors with the wrong incentives. Contracted health care providers should have incentives to provide the best possible care for veterans, not simply get as many veterans as possible through their doors.

As a result of the capitated system, it has been reported that too many of our nation's heroes have faced difficulties at these clinics in scheduling appointments, have suffered from neglect or have received substandard health care. This occurred under the last administration and I am concerned it may be continuing in the current one.

As such, I am reintroducing the Veterans Health Care Improvement Act, which attempts to fix the way VA-contracted health care providers are compensated at clinics. This bill would require the VA to begin to introduce a pay-for-performance compensation plan for contractors, thereby gradually incentivizing a higher quality of care for veterans seen at privately-administered community-based outpatient clinics.

This bill gives the VA the flexibility to begin to implement such a system through a pilot program and leaves the VA the discretion as to how to adopt and best implement the pay-for-performance standards. In this respect, the bill defers to the VA on how best to execute these changes. It is my hope that my colleagues will support this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1089

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Improvement Act of 2011".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans of the Armed Forces have made tremendous sacrifices in the defense of freedom and liberty.

(2) Congress recognizes these great sacrifices and reaffirms America's strong commitment to its veterans.

(3) As part of the on-going congressional effort to recognize the sacrifices made by America's veterans, Congress has dramatically increased funding for the Department of Veterans Affairs for veterans health care in the years since September 11, 2001.

(4) Part of the funding for the Department of Veterans Affairs for veterans health care is allocated toward community-based outpatient clinics (CBOCs).

(5) Many CBOCs are administered by private contractors.

(6) CBOCs administered by private contractors operate on a capitated basis.

(7) Some current contracts for CBOCs may create an incentive for contractors to sign up as many veterans as possible, without ensuring timely access to high quality health care for such veterans.

(8) The top priorities for CBOCs should be to provide quality health care and patient satisfaction for America's veterans.

(9) The Department of Veterans Affairs currently tracks the quality of patient care through its Computerized Patient Record System. However, fees paid to contractors are not currently adjusted automatically to reflect the quality of care provided to patients.

(10) A pay-for-performance payment model offers a promising approach to health care delivery by aligning the payment of fees to contractors with the achievement of better health outcomes for patients.

(11) The Department of Veterans Affairs should begin to emphasize pay-for-performance in its contracts with CBOCs.

**SEC. 3. PAY-FOR-PERFORMANCE UNDER DEPARTMENT OF VETERANS AFFAIRS CONTRACTS WITH COMMUNITY-BASED OUTPATIENT HEALTH CARE CLINICS.**

(a) **PLAN REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to introduce pay-for-performance measures into contracts which compensate contractors of the Department of Veterans Affairs for the provision of health care services through community-based outpatient clinics (CBOCs).

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) Measures to ensure that contracts of the Department for the provision of health care services through CBOCs begin to utilize pay-for-performance compensation mechanisms for compensating contractors for the provision of such services through such clinics, including mechanisms as follows:

(A) To provide incentives for clinics that provide high-quality health care.

(B) To provide incentives to better assure patient satisfaction.

(C) To impose penalties (including termination of contract) for clinics that provide substandard care.

(2) Mechanisms to collect and evaluate data on the outcomes of the services generally provided by CBOCs in order to provide for an assessment of the quality of health care provided by such clinics.

(3) Mechanisms to eliminate abuses in the provision of health care services by CBOCs under contracts that continue to utilize capitated-basis compensation mechanisms for compensating contractors.

(4) Mechanisms to ensure that veterans are not denied care or face undue delays in receiving care.

(c) **IMPLEMENTATION.**—The Secretary shall commence the implementation of the plan required by subsection (a) unless Congress enacts an Act, not later than 60 days after the date of the submittal of the plan, prohibiting or modifying implementation of the plan. In implementing the plan, the Secretary may initially carry out one or more pilot programs to assess the feasibility and advisability of mechanisms under the plan.

(d) **REPORTS.**—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter, the Secretary shall submit to Congress a report setting forth the recommendations of the Secretary as to the feasibility and advisability of utilizing pay-for-performance compensation mechanisms in the provision of health care services by the Department by means in addition to CBOCs.

By Mr. UDALL of Colorado:

S. 1093. A bill to amend the Internal Revenue Code of 1986 to provide that solar energy property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, I rise to speak about a bill that is born from the forward-thinking ideas of my constituents, a bill that will help spur our Nation's new energy economy and create jobs: the Solar Uniting Neighborhoods Act, or SUN Act.

Over the last three years, I have been travelling across Colorado as part of a work force tour to talk directly to Coloradans and hear their innovative policy ideas to create jobs. The SUN Act comes directly from visiting with Coloradans.

This bill will help bring common-sense to our tax code, get government out of the way of developing solar energy, and spur job growth in every community across the United States.

I installed solar panels on my own home several years ago to take advantage of the strong Colorado sun. However, I understand this option is not available for all American families who want to receive their home's energy needs from solar power. There can be difficulties attaching solar panels to your home, which is why more and more neighborhoods and towns are creating so called "community solar" projects.

Instead of affixing solar panels to every roof on the block, an increasing number of Americans have decided to place those same solar panels all together in one open and unobstructed sunny area near their homes. By grouping solar panels together, it reduces the cost by up to 30 percent compared to installing each panel on every roof separately. Whether used by neighbors living at the end of a cul-de-sac or developed by our rural energy cooperatives, creating these group solar projects to share energy is a great way to lower the cost of developing solar energy.

But there is a problem: our tax code is getting in the way. It discourages neighborhood solar projects by requiring that solar panels must actually be on your property instead of allowing neighbors and others to partner on community solar projects. This discourages innovation and slows the growth of solar power as an alternate energy source.

The SUN Act would make a small change to the tax code that would no longer constrain this innovative solar energy development. By eliminating the requirement that solar panels be on one individual's property, it allows Americans to work together on community projects where each individual can claim a tax credit. This simple solution makes it easier to adopt and use clean, renewable energy.

What excites me about this bill is that it will create jobs for Americans in every neighborhood where these community solar projects are developed. This bill reduces barriers that currently prevent Americans from adopting solar energy, opens up new markets, and creates a simple structure to allow people to utilize clean energy for their home.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1093

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Solar Uniting Neighborhoods (SUN) Act of 2011".

**SEC. 2. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR ELECTRIC PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 25D(d) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) **QUALIFIED SOLAR ELECTRIC PROPERTY EXPENDITURE.**—

“(A) **IN GENERAL.**—The term ‘qualified solar electric property expenditure’ means an expenditure for property which uses solar energy to generate electricity—

“(i) for use in a dwelling unit located in the United States and used as a residence by the taxpayer, or

“(ii) which enters the electrical grid at any point which is not more than 50 miles from the point at which such a dwelling unit used as a residence by the taxpayer is connected to such grid, but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

“(B) **RECAPTURE.**—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (ii) of subparagraph (A) which ceases to satisfy the requirements of such clause.”.

(b) **LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.**—Subsection (b) of section 25D of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.**—In the case of any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed \$50,000.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

**SEC. 3. CLARIFICATION WITH RESPECT TO LOCATION OF SOLAR WATER HEATING PROPERTY.**

(a) IN GENERAL.—Section 25D(d)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “The term” and inserting the following:

“(A) IN GENERAL.—The term”, and

(2) by adding at the end the following new subparagraph:

“(B) OFF-SITE PROPERTY.—

“(i) IN GENERAL.—Such term shall include an expenditure for property described in subparagraph (A) notwithstanding—

“(I) whether such property is located on the same site as the dwelling unit for which the energy generated from such property is used, and

“(II) whether the energy generated by such property displaces the energy used to heat the water load or space heating load for the dwelling, so long as any such displacement from such property occurs not more than 50 miles from such dwelling unit,

but only if such property is not used in a trade or business of the taxpayer or in an activity with respect to which a deduction is allowed to the taxpayer under section 162 or paragraph (1) or (2) of section 212.

“(ii) RECAPTURE.—The Secretary may provide for the recapture of the credit under this subsection with respect to any property described in clause (i) which ceases to satisfy the requirements of such clause.”.

(b) LIMITATION WITH RESPECT TO OFF-SITE SOLAR PROPERTY.—Paragraph (3) of section 25D(b) of the Internal Revenue Code of 1986, as added by section 2, is amended to read as follows:

“(3) MAXIMUM CREDIT FOR OFF-SITE SOLAR PROPERTY.—In the case of—

“(A) any qualified solar electric property expenditure which is such an expenditure by reason of clause (ii) of subsection (d)(2)(A), and

“(B) any qualified solar water heating property expenditure which is such an expenditure by reason of subparagraph (B) of subsection (d)(1),

the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year with respect to all such expenditures shall not exceed \$50,000.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 4. EXCLUSION OF INCOME FROM QUALIFYING SALES.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by inserting before section 140 the following new section:

**“SEC. 139F. INCOME FROM QUALIFYING SALES OF SOLAR ELECTRICITY.**

“For any taxable year, gross income of any person shall not include any gain from the sale or exchange to the electrical grid during such taxable year of electricity which is generated by property with respect to which any qualified solar electric property expenditures are eligible to be taken into account under section 25D, but only to the extent such gain does not exceed the value of the electricity used at such residence during such taxable year.”.

(b) TECHNICAL AMENDMENT.—The Internal Revenue Code of 1986 is amended by redesignating the section added to such Code by section 10108(f) of the Patient Protection and Affordable Care Act as section 139E, and by locating such section immediately after section 139D of such Code (as added by section

9021(a) of such Act) and immediately before section 139F of such Code (as added by this section).

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking all that follows after the item relating to section 139C and inserting the following items:

“Sec. 139D. Indian health care benefits.

“Sec. 139E. Free choice vouchers.

“Sec. 139F. Income from qualifying sales of solar electricity.

“Sec. 140. Cross references to other Acts.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. BOXER (for herself, Ms. COLLINS, Mr. KOHL, and Mr. SANDERS):

S. 1095. A bill to include geriatrics and gerontology in the definition of “primary health services” under the National Health Service Corps program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we recognize Older Americans Month this May it is important that we commit to meeting the needs of older Americans to live longer and healthier lives.

Our aging population is expected to almost double in number, from 37 million people in 2009 to about 72 million by 2030. We must start now if we are going to adequately train the health care workforce to meet the needs of an aging America. If we fail to prepare, our Nation will face a crisis in providing care to these older Americans.

Health care providers with the necessary training to give older Americans the best care are in critically short supply. In its landmark report, *Retooling for an Aging America*, the Institute of Medicine concluded that action must be taken immediately to address the severe workforce shortages in the care of older adults.

According to the Institute of Medicine, in 2009 only about 7,100 U.S. physicians were certified geriatricians; 36,000 are needed by 2030. In addition, just 4 percent of social workers and only 3 percent of advanced practice nurses specialized in geriatrics in 2009. Recruitment and retention of direct care workers is also a looming crisis due to low wages and few benefits, lack of career advancement, and inadequate training.

Preparing our workforce for the job of caring for older Americans is an essential part of ensuring the future health of our nation. Right now, there is a critical shortage of health care providers with the necessary training and skills to provide our seniors with the best possible care. This is a tremendously important issue for American families who are concerned about quality of care and quality of life for their older relatives and friends.

It is clear that there is a need for federal action to address these issues, and that is why I am joined today by Sen-

ators COLLINS, KOHL and SANDERS in reintroducing the Caring for an Aging America Act. This legislation would help attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans by providing them with loan forgiveness and career advancement opportunities through the National Health Service Corps.

Specifically, for health professionals with training in geriatrics or gerontology—including physicians, physician assistants, advance practice nurses, social workers, and psychologists—the legislation would link educational loan repayment to a commitment to serve in areas with a shortage of these important health professionals.

Ensuring we have a well-trained health care workforce with the skills to care for our aging population is a critical investment in America's future. This legislation offers a modest but important step toward creating the future health care workforce that our Nation so urgently needs.

I look forward to working with my colleagues to ensure that we meet our obligations to the seniors of our Nation to improve their care.

By Ms. SNOWE (for herself, Ms. STABENOW, Ms. MIKULSKI, Mr. CARDIN, and Mr. WICKER):

S. 1096. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to join with Senator STABENOW of Michigan to introduce The Preservation of Access to Osteoporosis Testing for Medicare Beneficiaries Act of 2011. The companion bill in the U.S. House of Representatives is being introduced by Representative MICHAEL BURGESS with Representative SHELLEY BERKLEY.

Since 1997, Congress has recognized the necessity of osteoporosis prevention by standardizing coverage for bone mass measurement under the Medicare program. At that time, I actively pursued inclusion of the language in the Medicare Bone Mass Measurement Standardization bill as part of the Balanced Budget Act of 1997. Later, with the passage of health care reform legislation, Congress enacted a temporary solution to the problem caused by Medicare cuts in reimbursement rates for osteoporosis screening tests through bone mass measurements. The osteoporosis screening provision in the Patient Protection and Affordable Care Act returned the Medicare reimbursement level to 70 percent of the 2006 Medicare reimbursement rate.

Regrettably, this provision will expire at the end of the calendar year. For Medicare beneficiaries, this sunset means that access to osteoporosis diagnosis, prevention, and treatment will once again be in jeopardy as Medicare reimbursement rates for osteoporosis screening will plummet by about 50 percent on January 1, 2012. Moreover, without adequate Medicare reimbursement rates, we most certainly risk losing the battle for improving access to bone density testing as well as preventing debilitating and costly bone fractures—an outcome we can ill afford.

A disease of reduced bone mass that ultimately results in bones becoming brittle and fracturing more easily, osteoporosis constitutes a major public health threat, affecting 44 million Americans who either have the disease or are at risk for developing it due to low bone density. Osteoporosis is especially prevalent among women, who represent an incredible 71 percent of all cases. In fact, in their lifetime, one in two women and as many as one in four men over the age of 50 will fracture a bone due to osteoporosis. Amazingly, a woman's risk of an osteoporotic fracture is greater than her annual combined incidence of breast cancer, heart attack, and stroke, making access and affordability absolutely imperative.

I want to stress to my colleagues that while there is no cure for osteoporosis, it is largely preventable and thousands of fractures could be avoided through early detection and treatment of low bone mass. New drug therapies have been proven to reduce fractures and to rebuild bone mass. At the same time, a bone mass measurement is necessary prior to initiating any form of osteoporosis therapy or prophylaxis.

Bone mass measurements can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate, and quick. DXA, dual energy x-ray absorptiometry, is recognized by the World Health Organization, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services as the "gold standard" for diagnosing osteoporosis.

A technique called vertebral fracture assessment or VFA can identify spinal fractures and show abnormally shaped vertebra. Bone density screenings have been shown to result in 37 percent reduction in hip fracture rates according to a 2008 study by Kaiser in Southern California. Reimbursement under the Medicare program for DXA screening is scheduled to be reduced by 62 percent by 2013 and VFA will be reduced by 30 percent by 2013. The reduction in Medicare reimbursement will almost certainly discourage physicians from continuing to provide convenient access to DXA screening or VFA in their offices.

Since ⅔ of all DXA scans are performed in non-facility settings, such as

physician offices, patient access to bone mass measurement will continue to be severely compromised if DXA scans are not readily available to all patients. Our bill would renew the current Medicare levels for reimbursement relief to preserve access to DXA screenings, improve patient care, and prevent unnecessary costs to the Medicare program through reduced expenditures on fractures.

Osteoporosis, which is responsible for more than two million fractures annually, is a silent disease that often goes undetected until a fall or an injury results in a broken bone. Our senior population is at greatest risk, with 89 percent of fracture costs attributed to individuals who are 65 years of age or older. Perhaps the most tragic consequences occur with elderly individuals who fall and suffer osteoporotic hip fractures.

Of those senior citizens suffering hip fractures, 12–13 percent will die within 6 months following the injury and 20 percent will require nursing home care . . . often for the rest of their lives. Moreover, the Medicaid budget bears the cost of nursing home admissions for hip fractures for low-income Americans. In general, osteoporotic fractures result in an estimated annual cost of \$19 billion to our health care system.

I remain hopeful that one day researchers will discover a cure for this silent and debilitating disease. In the meantime, early detection continues to be our best weapon against osteoporosis, because it is through early detection that we can best thwart the progress of osteoporosis by initiating preventive measures to combat bone loss.

Continuing our current Medicare reimbursement rate for osteoporosis screening tests satisfies the triple aim of better care, improved health, and lower costs. I hope that our colleagues will join Senator STABENOW and me in supporting this bill.

By Ms. COLLINS (for herself, Mr. MCCONNELL, Mr. KYL, Mr. ALEXANDER, Mr. PORTMAN, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. MORAN, Mr. HATCH, Mr. GRASSLEY, Mr. ENZI, Mr. CORNYN, Mr. BURR, Mr. ISAKSON, Mr. VITTER, Mr. THUNE, Mr. BARRASSO, Mr. WICKER, Mr. JOHANNIS, Mr. COATS, Ms. AYOTTE, and Mr. BLUNT)

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce the Keeping Politics

Out of Federal Contracting Act of 2011. This bill would prohibit Federal agencies from collecting or using information about political contributions made by businesses or individuals that seek to do business with the Federal Government. My bill would keep politics out of Federal contracting.

I am pleased to be joined in this effort by Minority Leader MITCH MCCONNELL, Republican Whip JON KYL, Rules Committee Ranking Member LAMAR ALEXANDER, Subcommittee on Contracting Oversight Ranking Member ROB PORTMAN, as well as our colleagues Senators SCOTT BROWN, RON JOHNSON, JERRY MORAN, ORRIN HATCH, CHUCK GRASSLEY, MIKE ENZI, JOHN CORNYN, RICHARD BURR, JOHNNY ISAKSON, DAVID VITTER, JOHN THUNE, JOHN BARRASSO, ROGER WICKER, MIKE JOHANNIS, DAN COATS, ROY BLUNT, and KELLY AYOTTE.

We learned in April that the Obama administration was seriously considering requiring Federal agencies to collect information about campaign contributions by companies, some of their employees, and even their directors as a condition of competing for Federal contracts. This is simply shocking. It amounts to intentionally injecting political considerations into the Federal contracting process. What possible good can come from linking political information to a process which must be grounded solely and unequivocally on providing the very best value to American taxpayers?

The trust of the American people in the integrity of our Federal contract award process depends on ensuring that the government's "best value" determination is free from political bias. It is unfathomable that this administration would even consider a move that would inject politics into the process, or create a perception that politics is something to be considered in selecting the winners and losers among businesses vying for Federal contracts.

In addition to threatening the integrity of the procurement process, the draft Executive Order would also chill the First Amendment rights of individuals to contribute to the political causes or candidates they choose.

Were the President to issue such an order, undoubtedly we would see a chilling effect on political activity. Many contractors would fear that the success or viability of their business could be threatened if they support the causes or candidates opposed by the administration.

If the collection of such data were required, American businesses would be forced to think twice before contributing to political candidates or causes.

In true Orwellian fashion, the draft executive order suggests that the only way to keep politics out of the contracting process is to include political information with every contract offer.

If the White House gets its way, Federal agencies would have to collect information about the campaign contributions and other political expenditures of potential contractors before any contract could be awarded.

This EO would be far reaching and would apply not only to contributions made by the contracting company but also to those made by its directors, officers, and affiliates.

These requirements would also apply retroactively to contributions made two years before the submission of an offer. Just think about—political donations made years before a contract is even contemplated would have to be shared with government officials.

By contrast, my bill reaffirms the fundamental principle that federal contracts should be awarded free from political considerations and be based on the best value to the taxpayers. Specifically, the bill would prohibit a Federal agency from collecting the political information of contractors and their employees as part of any type of request for proposal in anticipation of any type of contract.

It would prohibit the agency from using political information received from any source as a factor in the source selection decision process for new contracts, or in making decisions related to modifications or extensions of existing contracts; and prohibit databases designed to be used by contracting officers to determine the responsibility of bidders from including political information, except for information on contractors' violations already permitted by law.

Whether or not a prospective contractor agrees with the political views of this or any other administration should be completely irrelevant.

Businesses that have supported conservative causes or whose directors have contributed to Republican candidates should not have to fear that bidding for Federal work would be a waste of their effort.

Similarly, in the next Republican administration, contributors to Democratic causes and candidates should not be intimidated from competing for contracts. The result of such considerations would be less competition for Federal contracts and thus higher prices for goods and services procured by the Federal Government.

The President and the Federal contracting system must not discourage businesses from competing for government contracts. At a time when the budget is under severe constraints, the administration should be seeking to expand the pool of bidders, not shrink it.

In April, 27 Senators wrote to the President to express our opposition to this ill-conceived proposal. We pointed out that "political activity would obviously be chilled if prospective contractors have to fear that their livelihood could be threatened if the causes they

support are disfavored by the Administration. No White House should be able to review your political party affiliation or the causes you support before deciding if you are worthy of a government contract. And no American should have to worry about whether his or her political activities or support will affect the ability to get or keep a federal contract \* \* \*"

I also joined three other colleagues in a bipartisan letter to the President in May stressing the Executive Order's impact on the Federal contracting process and the already stretched-thin Federal acquisition workforce.

I have not received a response to either letter.

It simply doesn't pass the straight face test for this administration to suggest that this dramatic change in federal contracting is needed to remove politics from the contracting process. In fact, even the administration's chief procurement official recently admitted at a House hearing that there was no evidence of any problem of political corruption in the contracting process that would warrant correction with this type of new Executive Order.

The reality is just the opposite: requiring disclosure of one's political activities and leanings as part of that process would likely ensure that politics would play a role in the award of federal contracts.

If more transparency is truly the goal, why don't these requirements also apply to organizations receiving Federal grants?

In fact, campaign contributions to candidates and political committees already are required to be reported to the Federal Election Commission, and with a click of a mouse, can be viewed on FEC.gov.

Americans should get the best value in the marketplace and not a partisan policy that stifles First Amendment rights, politicizes the contracting process, and reduces competition in Federal contracting. I am pleased to note that my colleagues in the House of Representatives, Representatives DARRELL ISSA, TOM COLE, and SAM GRAVES agree. Today they have introduced an identical measure in that chamber. And last night, the House adopted an amendment to the defense authorization bill that would prohibit Federal agencies from requiring contractors to reveal contributions to political campaigns.

Keep politics out of Federal contracting. I urge my colleagues to support this bill.

By Mr. BOOZMAN (for himself and Mr. PRYOR):

S. 1101. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain re-

tirement communities; to the Committee on Finance.

Mr. BOOZMAN. Mr. President, it has been brought to my attention that certain Continuing Care Retirement Communities and Life Care Communities are required to pay a provider tax despite the fact that they provide no beds and no services that are certified under the Medicaid program. Thus, these facilities are paying a tax and receiving no benefit. The Department of Health and Human Services currently provides a waiver for this fee, but the approval for the waiver is not a foregone conclusion. This is costly to those communities who provide for themselves and who do not depend on government programs at all. For these reasons, Senator MARK PRYOR and I are introducing this legislation requiring the Secretary of Health and Human Services to approve waivers sought by states in relation to Continuing Care Retirement Communities and Life Care Communities which have no beds that are certified to provide medical assistance under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Provider Tax Administrative Simplification Act of 2011".

#### SEC. 2. PROVIDER TAX RULE EXEMPTION FOR CERTAIN CONTINUING CARE RETIREMENT COMMUNITIES.

In the case of a State that has a provider tax that does not apply to continuing care retirement communities or life care communities (as such terms are used for purposes of section 1917(g) of the Social Security Act (42 U.S.C. 1396p(g)) that have no beds that are certified to provide medical assistance (as such term is defined under section 1905(a) of such Act) under title XIX of the Social Security Act or that do not provide services for which payment may be made under title XIX of the Social Security Act, the Secretary of Health and Human Services shall approve a waiver under section 433.68(e)(2)(iii) of title 42 of the Code of Federal Regulations regardless of whether the Secretary determines that the State satisfies the requirements of section 433.68(e)(2)(iii)(B) of such title.

By Mr. DURBIN (for himself, Mr. FRANKEN, and Mr. WHITEHOUSE):

S. 1102. A bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, over the past year, students in Illinois have told me their stories of leaving some for-profit colleges with mountains of student loan debt and no job prospects.

The students who find themselves in this terrible situation often end up defaulting on their loans. One quarter of students who took out Federal loans to attend for-profit colleges defaulted within three years of starting repayment. Compare that to 11 percent at public colleges and 8 percent at private nonprofit colleges.

The situation for students who take out private student loans to attend for-profit schools can be even worse. A study by the College Board found that students at for-profit schools, unable to get enough government aid to pay their tuition turn to private loans much more than students at traditional schools.

Many large for-profit colleges have begun making loans directly to their students. This private lending can be a boon for the schools. It keeps students in school. It helps the college meet its "90/10" requirement, which keeps the student aid flowing.

Disturbingly, some of the for-profit colleges making these loans do not expect to collect them easily. Corinthian Colleges Executive Vice President and Chief Financial Officer Ken Ord stated in the February 2010 investor call that they anticipate a 56 percent to 58 percent default rate on an estimated \$150 million in internal student lending. Just last month, Ken Ord stated that Corinthian Colleges will seek to nearly double this loan volume.

For-profit colleges like Corinthian are making private loans to students knowing that a majority of the students will struggle to make payments. These companies make significant profits from federal financial aid programs and are able to write off these loans.

This is a disaster for students. These are private student loans with interest rates and fees that can be as onerous as credit cards. There are reports of private loans with variable interest rates reaching 18 percent. Unlike Federal student loans, there are few consumer protections available for private student loans. Some students who take out private loans find themselves trapped under an enormous amount of debt that they cannot escape. Because of a 2005 change to the bankruptcy law, they are stuck with this debt for the rest of their lives.

Today, along with Senator FRANKEN and Senator WHITEHOUSE, I am introducing a bill that will restore fairness for these students and others who find themselves buried in private student loan debt. Our bill, the Fairness for Struggling Students Act, will allow borrowers of private student loans to discharge those loans in bankruptcy, just as other types of private debt can be discharged. Representatives COHEN and DAVIS are introducing a similar bill in the House.

Before 2005, private student loans issued by for-profit lenders were appro-

priately treated like credit card debt and other similar types of unsecured consumer debt in bankruptcy. In 2005, a provision was added to law to protect the investments of private lenders that extend private credit to students. The industry has boomed over the past decade. Private student loan volume last year was \$8.5 billion.

Today, I am pleased to introduce a bill that will give students who find themselves in dire financial straits a chance at a new beginning. My bill restores the bankruptcy law, as it pertains to private student loans, to the statute in place before the law was amended in 2005. Under this legislation, privately issued student loans will once again be dischargeable in bankruptcy.

The bankruptcy law was designed to give debtors in severe financial distress a chance for meaningful relief. The current bankruptcy law unjustly punishes men and women who have tried to improve their lives by pursuing a higher education and all too often became victims of predatory private student lenders or predatory for-profit colleges. It is time to restore fairness for student borrowers. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1102

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Struggling Students Act of 2011".

#### SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a)(8) of title 11, United States Code, is amended by striking "dependents, for" and all that follows through the end of subparagraph (B) and inserting "dependents, for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit or made under any program funded in whole or in part by a governmental unit or an obligation to repay funds received from a governmental unit as an educational benefit, scholarship, or stipend";

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, and Mr. CHAMBLISS):

S. 1103. A bill to extend the term of the incumbent Director of the Federal Bureau of Investigation; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, earlier this month, the President requested that Congress provide a limited exception to the statutory limit on the service of the FBI Director in order to allow Robert Mueller to continue his service for up to two additional years, until September 2013. I spoke with the President about his request, and understand his desire for continuity and stability in our national security leadership team at a time of great challenge and heightened threat concerns.

On May 12, the President explained in a statement: "Given the ongoing threats facing the United States, as well as the leadership transitions at other agencies like the Defense Department and Central Intelligence Agency, I believe continuity and stability at the FBI is critical at this time." It is for that reason, along with his confidence in Director Mueller, that the President has made this request of us. The President has asked us "to join together in extending that leadership for the sake of our nation's safety and security."

Since the attack on September 11, 2001, I have spoken often of the need for us all to join together. When I spoke to the Senate about the successful operation against Osama bin Laden, I urged all Americans to support our President in his continuing efforts to protect our Nation and keep Americans safe. I reiterated my hope that Americans would stand shoulder-to-shoulder, as we did in the weeks and months immediately following the September 11 attacks, unified in our resolve to keep our Nation secure. And I urged Congress to join together for the good of the country and all Americans. This is one of those times that we must join together.

We face a time of heightened threats, particularly when experts are so concerned about possible reprisal attacks by al Qaeda. Indeed, most Americans share a concern that al Qaeda will try to strike back. So now is not a time for obstruction or delay in considering the President's request to maintain continuity and stability in his national security team.

We have an opportunity now to set aside partisanship and come together to work with our President to keep America safe. While the threat from al Qaeda continues, and as the President makes necessary shifts in his national security team, I appreciate why President Obama has proposed that we continue the service of President Bush's appointee to the important leadership position of Director of the FBI. I appreciate Director Mueller's willingness to continue in service to the Nation. This was not Bob Mueller's idea or request. This is the President's request and, as a patriotic American, Director Mueller is willing to give another two years in service to a grateful Nation.

The Bureau has seen significant transformation since September 11, 2001. Director Mueller has handled this evolution with professionalism and focus. The FBI plays a critical role in our efforts to protect national security. Attorney General Holder said recently: "The United States faces ongoing threats from terrorist intent on attacking us both at home and abroad, and it is crucial that the FBI have sustained, strong leadership to confront that threat." He is right.

I was encouraged to see the reports that Senator MCCONNELL, the Senate



Republican leader, supports the President's request. I appreciate the comments by Chairman LAMAR SMITH of the House Judiciary Committee, supporting the President's decision, and stating his agreement that "it is important to maintain continuity for our intelligence community during this transition period."

I am pleased that Senator GRASSLEY, our ranking Republican on the Senate Judiciary Committee, has joined as a cosponsor of a bill to extend the service of Director Mueller, who Senator GRASSLEY said has "proven his ability to run the FBI" in these "extraordinary times." I am also pleased that Senators FEINSTEIN and CHAMBLISS, the Chairman and Vice Chairman of the Senate Intelligence Committee, are joining as cosponsors of the bill. We recognize the extraordinary circumstances confronting the President, and support his request for a short extension of Director Mueller's service. But we also all agree that this needs to be a one-time exception and this measure we join together to introduce today is intended to be a one-time exception and not a permanent extension.

I chaired the Senate Judiciary Committee in the summer of 2001 when President Bush nominated Bob Mueller. The President nominated him on July 18; the Judiciary Committee received his paperwork on July 24; and we held two days of hearings on July 30 and July 31. The Judiciary Committee voted on his nomination on August 2 and the Senate confirmed him that same day. It is already as long from the day that President Obama made his request for the short extension of his term of service as it took us in 2001 to hold hearings and for the Senate to confirm Bob Mueller to a 10-year term as FBI Director. We must not delay action any longer.

Bob Mueller served for three years in the United States Marine Corps; led a rifle platoon in Vietnam; and earned a Bronze Star, two Navy Commendation Medals, the Purple Heart, and the Vietnamese Cross of Gallantry. This is a man who served as the United States Attorney in both Massachusetts and Northern California, as the Assistant Attorney General for the Criminal Division at the Justice Department, and the acting Deputy Attorney General at the beginning of the George W. Bush administration. This is a man who left a lucrative position in private practice to return to law enforcement after he had served in higher positions, by joining the U.S. Attorney's office in the District of Columbia as a line prosecutor in the homicide section.

The President could have nominated the next director of the FBI, someone who could serve for the next 10 years, until 2021. That is someone who would serve through the presidential elections in 2012, 2016 and 2020, and into the period long after his own presidency.

Instead, he has chosen to ask Congress to extend the term of service of a proven leader for a brief period, given the extenuating circumstances facing our country.

I emphasize that this is not Bob Mueller's request, it is the President's. Bob Mueller has served tirelessly and selflessly for 10 years, and is undoubtedly ready to begin the next phase of his life. But Bob has characteristically answered duty's call and indicated his willingness to continue his service. We should fulfill our duty, as well, and join together without delay to secure the continuity and stability that is demanded at this time, and that is needed to keep our country safe. It is time for us to join together and act on the President's request.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1103

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF THE TERM OF THE INCUMBENT DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.**

Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 (28 U.S.C. 532 note) is amended by adding at the end the following:

"(c) With respect to the individual who is the incumbent in the office of the Director of the Federal Bureau of Investigation on the date of enactment of this subsection—

"(1) subsection (b) shall be applied —

"(A) in the first sentence, by substituting '12 years' for 'ten years'; and

"(B) in the second sentence, by substituting '12-year term' for '10-year' term; and

"(2) the third sentence of subsection (b) shall not apply."

Mr. GRASSLEY. Mr. President, the Federal Bureau of Investigation is on the front line in defending our country from terrorists, spies, and criminals. The FBI has a long history dating back over 100 years. The FBI started as an agency formed during President Theodore Roosevelt's administration when seven Secret Service agents were sent to the Justice Department to create a new investigative bureau. Since that start, the FBI has developed into a cadre of talented agents who have pioneered new investigative tools advancing law enforcement across the country.

For example, the Bureau agents developed advancements in forensic science, such as fingerprint technology and DNA analysis, now utilized to build investigations from the smallest of clues obtained at crime scenes. Such advancements have allowed the FBI to combat organized crime and international terrorists across the country and around the globe.

Despite these successes, the FBI has also had its share of failures. These in-

clude maintaining secret files on elected officials, the investigation of civil rights leaders, the tragedies at Ruby Ridge and Waco, missing internal spy Robert Hanssen, the corruption and misuse of mob informants in the Boston field office, and the failure to connect the dots leading up to the 9/11 attacks. The FBI has also had problems in failing to manage high-profile projects, such as the procurement of information technology upgrades. They have failed to address personnel problems, such as the double standard for discipline that the Justice Department inspector general found agents believe exists. And there were the serious issues that required reform at the FBI crime lab. These are black marks on the history of the FBI.

I have been an outspoken critic of the FBI's culture for many years because of its unwillingness to own up to mistakes. Too often, officials sought to protect the agency's reputation at the expense of the truth. My concerns are magnified by the way the FBI treats internal whistleblowers who come forward and report fraud and abuse. All too often, instead of owning up to problems and fixing them, they circle the wagons and shoot the messenger. The FBI is all too often the exact opposite of an agency that can accept constructive criticism, from both those inside and out.

That said, I must give credit to the FBI when it is due. Following the tragedy of 9/11, the FBI has worked to fix the problems that have occurred. There has been a top-to-bottom transformation at the FBI moving it from a pure law enforcement agency to a national security agency. Chief among those lending this transformation has been FBI Director Robert Mueller. Sworn in as Director just 1 week prior to 9/11, Director Mueller has led the charge to ensure that the FBI is updated into a modern national security agency. This transformation includes upgrading the workforce from an agent-driven model to one that includes an ever-increasing number of intelligence analysts. Director Mueller has taken the transformation head-on and has done an admirable job. I applaud the hard work that has been done, but more work remains. That is why we are here today introducing legislation that will extend the term of FBI Director Mueller for 2 additional years. I join my colleagues from the Judiciary and Select Intelligence Committees in introducing a one-time statutory exemption that will extend the term of FBI Director Mueller's term by 2 years. I do this recognizing the good work of Director Mueller and against a backdrop of heightened alert to terrorist attack following the death of Osama bin Laden. However, I do this with a heavy heart because I believe the 10-year term is a good thing for both the FBI and the country.



Currently, the law requires that the FBI Director be limited to one single 10-year term. This limitation was put in place in 1976 following a 1968 change in the law making the Director a Presidential appointment. Congress included this term for two main reasons: one, to ensure that the Director was insulated from political influence of the President; two, to ensure that no one individual serves as FBI Director for such a long period of time to amass too much power. The inclusion of a term was part of a series of reforms to government agencies following the Watergate scandal and following the death of former Director J. Edgar Hoover, who had served a 48-year term.

The current term limit has been in place for 35 years. In that time, no Director of the FBI has ever served an entire 10-year term and no President has ever suggested the term limit should be extended. However, on September 4, 2011, FBI Director Mueller would be the first to reach the 10-year mark. President Obama has indicated it is his desire to have Director Mueller stay on for an additional 2 years and has asked us to extend the term.

While I join my colleagues in introducing this extension, I have also asked that we have a hearing in the Senate Judiciary Committee to address this extension. There are significant constitutional concerns that must be addressed, such as whether Congress has the authority to extend the term of a sitting appointee. A concern of this magnitude needs to be discussed in a formal hearing. Additionally, this would be the first time the Congress will be extending the term of the Director in over 35 years and nearly 37 years since a hearing was held on the term of the Director in the Judiciary Committee.

Director Mueller has done an admirable job of reforming an agency under difficult circumstances. While I have my concerns with the precedent that this will set for future Directors—namely, that the term can be extended—I do think that making a one-time exception is warranted in this limited case and with the current existing threats. But I do not want this to become a regular occurrence. This legislation is narrowly tailored to ensure that the intent of Congress is to create only a one-time exception. Further, we will be holding a Judiciary Committee hearing in the near future to address this important, limited, one-time extension. Against that backdrop, I support this extension and look forward to an open debate and discussion surrounding this legislation.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 1106. A bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces; to the Committee on Armed Services.

Mr. KOHL. Mr. President, I rise today with Senator GRAHAM to introduce the Justice for Troops Act. This legislation offers a simple solution to a serious problem that affects the well-being of our troops and their families. Today, when service men and women face civil legal problems they often have no access to legal assistance. When these troops face such problems, like child custody issues, complications with leases, mortgage payments or credit card debt that should be protected under the Servicemembers Civil Relief Act, or disputes over a bank account, they often have no access to legal assistance.

Without representation, troops run the risk of losing custody of their children, being evicted from their home, or facing financial ruin. This is unjust, especially when there are many lawyers willing to volunteer their services for free. The Justice for Troops Act would solve this problem by connecting service men and women with pro bono lawyers. It would do so by authorizing the Department of Defense, DoD, to use up to \$500,000 of funds already appropriated for operation and maintenance to support programs that make these connections and ensure that our troops have access to the legal representation they need.

All branches of the military provide our service men and women with basic legal services on-base through legal assistance officers, Judge Advocate Generals, JAGs, but they generally cannot represent service members in court or provide legal assistance in other parts of the country. When troops encounter legal problems that JAGs are not able to handle, they are left on their own to find a lawyer. This burden can arise if a service member is stationed in one state, but his or her home, family, or bank accounts are located in another. On-base JAG officers are unable to help with bankruptcy, child support issues, and other legal challenges that arise in a different state. As the number of deployed troops has increased since 2001, the gap between their legal needs and the offerings of JAG offices has widened. In some cases, JAG officers have referred troops who cannot afford a lawyer to programs that connect them with pro bono lawyers. Other cases have been left unresolved, to the detriment of our troops, their families, and the readiness of our armed forces.

Today, there are limited services available to help troops with legal problems that cannot be handled by JAGs, but they are unable to fully meet the growing need. Some law school clinics, state bar associations, and the American Bar Association's Military Pro Bono Project connect active-duty military personnel and their families to free legal assistance beyond what military legal offices can offer. They maintain lists of attorneys who are willing to provide their services

free of charge to service members and, in conjunction with the DoD, reach out to on-base JAG offices to encourage them to refer troops to their programs.

Unfortunately, these programs have a long way to go to meet the increasing demand for their pro bono legal services, and too many troops still go without legal help. Furthermore, existing programs are limited in their ability to connect troops with pro bono lawyers because funding to support them is scarce. With access to only \$500,000, pro bono projects would be able to build more connections, ensure that every JAG office knows how to refer service members to the programs, and grow their databases of pro bono lawyers. This small investment would be leveraged into providing free legal assistance to countless men and women who serve our country. We will no doubt enhance our military readiness by eliminating the stress and anxiety caused by legal problems.

The Justice for Troops Act is supported by the Department of Defense, the Military Officers Association of America, the Southern Wisconsin Chapter of the Military Officers Association of America, the National Military Family Association, the National Guard Association of the United States, the Wisconsin National Guard Association, the Association of the US Army, the Air Force Association, and the Gold Star Wives of America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1106

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Troops Act".

#### SEC. 2. DEPARTMENT OF DEFENSE SUPPORT FOR PROGRAMS ON PRO BONO LEGAL ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) SUPPORT AUTHORIZED.—The Secretary of Defense may provide support to one or more public or private programs designed to connect attorneys who provide pro bono legal assistance with members of the Armed Forces who are in need of such assistance.

(b) FINANCIAL SUPPORT.—

(1) IN GENERAL.—The support provided a program under subsection (a) may include financial support of the program.

(2) LIMITATION ON AMOUNT.—The total amount of financial support provided under subsection (a) in any fiscal year may not exceed \$500,000.

(3) FUNDING.—Amounts for financial support under this section shall be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

By Mr. ENZI (for himself and Mr. CASEY):

S. 1110. A bill to amend the Small Business Act to permit agencies to

count certain contracts toward contracting goals; to the Committee on Small Business and Entrepreneurship.

Mr. ENZI. Mr. President, I rise today to introduce the Small Business Fairness Act. I want to first thank my colleague Senator CASEY from Pennsylvania for cosponsoring this important legislation with me. Promoting small business is not a Republican or a Democrat issue; it is an economic issue that is of even more importance as we consider ways to help improve our Nation's job situation. This bill is just one of many efforts that I hope Congress can consider this year that will help promote the needs of our small businesses on Main Street.

This particular issue involves a rule currently in place that prevents agencies from counting their government procurement contracts toward their statutory obligations if a small business is a member of a cooperative or association of other small businesses. While the rule was well intended when it was written, it likely never anticipated the growth of small businesses that pool their resources into teaming agreements to compete for large government contracts.

This bill, the Small Business Fairness Act, helps address this issue. The Internet and other resources in recent years have helped small businesses identify and partner with other businesses to make competitive bids for government contracts. Not every small business can meet the contracting needs of federal agencies, however, as a group they can often offer competitive bids for some of the largest government contracts being offered. We know that the Federal Government is one of the largest consumers of products and it is only right to make sure our small businesses can group with other small businesses for their own mutual benefit. The bill is specifically designed to ensure that agencies can do business through teaming agreements with small businesses that qualify through the Small Business Administration as socially or economically disadvantaged firms. This includes businesses owned by service-disabled veterans, women-owned small businesses and firms located in qualified HUBZones. Without this bill, an agency can do business with a small entity through a teaming agreement but cannot count that business towards its statutory obligations for small business set-asides.

As a former small business owner and a member of the Small Business Committee, I am a firm believer that small businesses should be able to access government contracts. These contracts help businesses diversify and offer new opportunities for their products. That is why for over 9 years I have helped to host a Procurement Conference in Wyoming where contractors can meet with our State's small businesses to ensure the Federal Government gets the goods and services they need.

This bill is a step in the right direction to help our small businesses and I look forward to opportunities to discuss this and other efforts that help our small businesses succeed.

By Mr. ROCKEFELLER (for himself, Ms. STABENOW, and Mr. BROWN of Ohio):

S. 1117. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, when Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs due to trade policy will not equal the loss of health care coverage. The health coverage tax credit, HCTC, was designed to help American workers retain health insurance coverage when their jobs are displaced by outsourcing—and it has been a lifeline for these middle-class families who simply cannot afford coverage on their own. In 2010, an Internal Revenue Service survey found that 90 percent of HCTC participants are very satisfied with the program.

However, despite the high satisfaction rate among participants, far too many trade-displaced workers are not able to take advantage of this important program. Historically, fewer than 30,000 of the hundreds of thousands of potentially eligible individuals each year have participated in the HCTC. These hundreds of thousands of laid-off workers and retirees have been left uninsured because the program still has several barriers to enrollment, and despite the 65 percent subsidy provided by the program, the premiums are prohibitively high for some workers.

I have heard from steel retirees and widows in my state about how unaffordable the TAA health care tax credit is. I have been very frustrated, just as I was when this bill passed, that we have not been able to make the credit as affordable and accessible as possible for people who need it the most—laid-off workers and retirees who have very limited income.

The Government Accountability Office, GAO, and several consumer advocacy groups and research organizations have cited affordability as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is simply not enough for many to afford the high cost of health insurance premiums. The American Recovery and Reinvestment Act of 2009, which reauthorized the Trade Adjustment Assistance Act, made several temporary changes to expand eligibility for and benefits of the HCTC program. These changes included an increase in the tax credit's subsidy rate from 65 percent to 80 percent of the health insurance premium, and expanded TAA eligibility to additional

workers. The GAO released a report last year on the credit and found that HCTC participation increased after these key Recovery Act changes took effect. As a result of the Recovery Act, many more people eligible for the program felt they could afford a qualified health plan and afford to pay their share of monthly premiums. However, 33 percent still could not afford their share of monthly premiums, even with the credit and these expanded provisions expired on February 13, 2011.

As our economy continues its recovery, it is critical to build on this program to help more Americans secure health coverage. The TAA Health Coverage Improvement Act would extend the Recovery Act's temporary provisions, and it would also address the issues of affordability by increasing the subsidy amount from 65 percent to 95 percent, retroactive to the date the Recovery Act expired.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, non-group coverage policy 30 days prior to separation from employment. However, states have been allowed by prior Administrations to create state-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment. As a result, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one state GAO reviewed for its report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost six times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that states can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits.

The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan, FEHBP, as a qualified group option in every State, so that displaced workers nationwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the three month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain three months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this three month period to be counted as the three months prior to separation from employment. However, the Administration has interpreted the three month requirement as three months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily-provided consumer protections. This legislation corrects this problem by clarifying that three months of continuous coverage means three months prior to separation from employment.

Fourth, this bill allows spouses and dependents to maintain eligibility for the health coverage tax credit if the worker or retiree becomes eligible for Medicare. Younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include a complicated and fragmented enrollment process and the inability of workers to pay 100 percent of the premium during the 3 to 6 months they are waiting to enroll in advance payment. This legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin. This

legislation allows workers to be eligible for the HCTC even if they are not receiving training, an important provision that was included in the Recovery Act. The current training requirement subjects families to a loss of health coverage when transportation, relocation, or childcare issues interfere with an individual's ability to participate in training.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed to help American workers retain health insurance coverage during this very difficult transition.

Since 2002, the HCTC program has been a lifeline for tens of thousands of participants. But for many others who face barriers to participation, the HCTC program is not living up to its potential. The GAO has given us a very specific diagnosis of the problems, and the Recovery Act has shown us that the situation can improve for trade-displaced workers. The TAA Health Coverage Improvement Act builds upon the Trade Act of 2002 and the lessons we have learned since in order to make the health coverage tax credit workable for eligible individuals and their families. I look forward to working with my colleagues to pass this important legislation.

By Mr. INOUE (for himself, Mr. ROCKEFELLER, Mr. BEGICH, Ms. SNOWE, and Ms. MURKOWSKI):

S. 1119. A bill to reauthorize and improve the Marine Debris Research, Prevention, and Reduction Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUE. Mr. President, I am pleased to introduce the Trash Free Seas Act of 2011, a bill to reauthorize and strengthen the Marine Debris Research, Prevention, and Reduction Act, MDRPRA. This act, of which I am proud to have been the original sponsor, was first passed in 2006 to address the pervasive issue of marine debris which is found in myriad forms throughout our oceans. It created programs in both the National Oceanic and Atmospheric Administration, NOAA, and the U.S. Coast Guard that research, track, and work to mitigate and remove marine debris and its associated impacts. The Trash Free Seas Act would update these programs to incorporate advances in our understanding of the issue and allow for greater regional and international coordination in our mitigation efforts.

Marine debris is a catch-all term that encompasses everything from floating refuse to lost fishing nets and pieces of micro-plastic. In all its forms, however, it is something that was once manufactured and has since been lost at sea through accident, intent, or act of nature. Once at sea, the impacts of marine debris may reach unintended shores as it drifts on ocean currents and harms our ecosystems and economies. This harm may come from direct interactions such as physical damage to a coral reef or fishing vessel; through indirect impacts such as the concentration of harmful chemicals in floating plastics; or from a reduction in tourism due to the unsightliness of a littered beach. In every case we should be responding by working to reduce the overall problem on a global scale and by striving to mitigate specific impacts.

As an island State, Hawaii is particularly susceptible to the impacts of marine debris and, all the more so, because we are located near the center of a great network of ocean currents in the Pacific that tend to concentrate debris into a wide region known as the "garbage patch". For this reason, our State has long been at the forefront in dealing with this issue and in fact we have recently become the first State to develop and implement a comprehensive marine debris action plan. This Plan, along with the programs at NOAA and the Coast Guard, are likely to be even more valuable to us in the coming years as recent research suggests that the tragic Great East Japan Earthquake and Tsunami that struck in March, resulted in a tremendous amount of lost infrastructure that may reach our shores as debris in as little as 1 to 2 years.

The Trash Free Seas Act of 2011 would strengthen our ability to respond to the pervasive problem of marine debris by incorporating marine debris removal as an explicit purpose of the programs; clarifying research and assessment and reduction, prevention, and removal as two distinct components of the NOAA program; and including tool development, regional coordination, and promoting international action as explicit program functions.

I ask that my colleagues join me in supporting this important legislation.

By Mr. CARDIN (for himself, Mr. BLUNT, and Ms. STABENOW):

S. 1120. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to introduce the Propane Green Autogas Solutions Act of 2011. I am pleased to note that the junior Senators from Missouri, Mr. BLUNT, and Michigan, Ms. STABENOW, are original cosponsors of this measure. Our bill extends for five years Federal Alternative

Fuel Tax Credits for Propane Used as a Motor Fuel, Propane Vehicles, and Propane Refueling Infrastructure.

Propane “autogas” is a reliable, domestically produced alternative fuel with lower greenhouse gas, GHG, emissions than gasoline. Sixty percent of propane, also known as liquefied petroleum gas, LPG, derived from natural gas processing and 40 percent is a by-product of crude oil refining. Since LPG is derived from fossil fuels, burning it releases carbon dioxide, CO<sub>2</sub>. The advantage is that LPG releases less CO<sub>2</sub> per unit of energy than oil and burns cleanly with regard to particulates.

At present, one propane-powered light-duty vehicle, LDV, and several heavy-duty vehicle, HDV, propane engines and fueling systems are available from U.S. original equipment manufacturers, OEM. Because other countries offer more OEM options in propane vehicles, thorough testing to compare emissions with reformulated gasoline has been conducted on these vehicles and engines in Europe. Two of these tests were combined and the results are promising with respect to lower particulate matter, PM, nitrogen oxides, NO<sub>x</sub>, carbon monoxide, CO, and total hydrocarbon, THC, emissions, as the chart below details:

To augment LPG’s generally cleaner combustion properties, propane engines can be calibrated to choose between pollutants, making the engine additionally useful in achieving regional or local pollution-reduction targets. A rich calibration reduces nitrogen oxides, NO<sub>x</sub>, at the expense of increasing CO and non-methane hydrocarbons and a lean calibration does just the opposite.

Propane is in surplus worldwide with 93 percent of U.S. propane produced domestically when combined with supply from Canada. A national infrastructure of pipelines, processing facilities, and storage, i.e., 59 million barrel capacity in Texas alone, already exists for the efficient distribution of propane and there are roughly 3,200 propane dispensing stations across the U.S. Propane supply is expected to increase over the next several decades, which means more consumer availability and price stability.

Commercial fleets are the propane autogas vehicle target market. The Energy Policy Act of 2005 (EPACT 2005) and the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, SAFETEA-LU, transportation reauthorization established significant tax incentives for propane autogas to stimulate its use in motor vehicles to reduce U.S. dependence on foreign oil and reduce environmental impacts associated with gasoline and diesel fuel use. The 2005 legislation provided the following alternative fuel tax credits that benefit propane autogas, all of which would be ex-

tended under the legislation Senators BLUNT and STABENOW and I are introducing today.

Propane Fuel Credits—SAFETEA-LU included a 50 cent per gallon credit for propane sold for use in motor vehicles. This credit expires at the end of 2011.

Propane Vehicle Credits—EPACT 2005 included a tax credit to consumers who purchase OEM propane vehicles or convert gasoline or diesel engines. The amount of credit the consumer receives varies depending on vehicle weight and emissions. This credit is currently expired.

Propane Infrastructure Credits—EPACT 2005 provided a tax credit amounting to 30 percent of the cost of a fueling station, not to exceed \$30,000 per station. This credit expires at the end of 2011.

The Propane Act would extend these three tax credits for 5 years. For the credits to have a meaningful effect in firmly establishing a robust propane autogas market, they should be in place for a defined period of time, not extended from year-to-year in a haphazard fashion. Congress should not wait to act until the credits are about to expire because market uncertainty regarding the credits undermines the effectiveness of the incentives and discourages the kind of investment that Congress wants the private sector to make in alternative fuels. The Propane Green Autogas Solutions Act, if enacted, would offer the long-term policy commitment necessary to continue building essential alternative fuel infrastructure and bolster a burgeoning autogas market. Private investment is much more likely to occur when the availability of the tax credits is assured in the long-term so the propane industry can create the economies of scale necessary to make propane autogas a viable and competitive alternative fuel.

There is no score for the bill yet. The National Propane Gas Association, NPGA, has retained an economic research firm to perform a comprehensive economic review that will look at costs and offsetting benefits, job creation, economic growth, etc.; foreign petroleum gallons displaced; and the positive environmental impact of extending the tax credits. The study will be available shortly and will share it with my colleagues when it becomes available.

Recent rapid price increases for gasoline and diesel fuel have hurt Americans families and businesses. This weekend is Memorial Day weekend, the unofficial beginning of the summer and the summer driving season. Our Nation needs to come to grips with a few fundamental facts. We have 2-3 percent of the world’s oil reserves. We account for about 5 percent of the world’s population. We currently produce 11 percent of the world’s oil, up 11 percent over the last 2 years, in large part because

we have more drilling rigs in operation right now than the rest of the world combined—by 50 percent. We account for 25 percent of the world’s oil consumption. “Drill here, drill now, pay less” is a catchy slogan, but it’s not a solution to our energy woes. As T. Boone Pickens himself has said, we cannot drill our way out of this problem. The best way for the United States to put downward pressure on gasoline and diesel prices is through demand reduction since we are the world’s biggest consumers of petroleum products by far. The Propane Green Autogas Solutions Act offers one way to reduce our demand—by substituting propane for gasoline or diesel fuel. Propane is a domestic transportation fuel. It is less expensive than gasoline and diesel fuel. It burns more cleanly. These are all good things. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1120

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Propane Green Autogas Solutions Act of 2011”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

#### SEC. 2. MODIFICATION AND EXTENSION OF ALTERNATIVE FUEL CREDIT.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by inserting “, and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas)” after “hydrogen”.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by inserting “, and December 31, 2016, in the case of any sale or use involving liquefied petroleum gas)” after “hydrogen”.

(c) PAYMENTS RELATING TO ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.—Paragraph (6) of section 6427(e) is amended—

(1) in subparagraph (C)—

(A) by striking “subparagraph (D)” in subparagraph (C) and inserting “subparagraphs (D) and (E)”, and

(B) by striking “and” at the end thereof,

(2) by striking the period at the end of subparagraph (D) and inserting “, and”, and

(3) by adding at the end the following:

“(E) any alternative fuel or alternative fuel mixture (as so defined) involving liquefied petroleum gas sold or used after December 31, 2016.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to liquefied petroleum gas sold or used after the date of the enactment of this Act.

#### SEC. 3. EXTENSION AND MODIFICATION OF NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by inserting “(December

31, 2016, in the case of a vehicle powered by liquefied petroleum gas)" before the period at the end.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 4. EXTENSION OF ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY CREDIT.**

(a) **IN GENERAL.**—Subsection (g) of section 30C is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) in the case of property relating to liquefied petroleum gas, after December 31, 2016, and".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. WHITEHOUSE (for himself, Mr. ALEXANDER, and Mr. UDALL of Colorado):

S. 1126. A bill to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to insure loans for financing of renewable energy systems leased for residential use, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Renewable Energy Access through Leasing Act of 2011 or the REAL Act of 2011. I'd like to thank Senator LAMAR ALEXANDER and Senator MARK UDALL for joining in this bipartisan effort.

Many homeowners would like to install solar panels or other renewable energy systems, but face the daunting challenge of paying the upfront cost for the technology. To purchase and install a new solar energy system, for example, can cost between \$20,000 and \$30,000. This is a significant and often prohibitive cost, even when more than justified by long-term savings.

A promising option to promote residential use of renewable energy is leasing. Here is how it works: A company pays to purchase and install the system and the homeowner pays a fixed monthly fee to lease the renewable energy system from the company. It is easy for the homeowner, often requires no upfront cost, and can even save them money on electricity bills. Leasing has been successfully used for everything from satellite TV dishes to car. Why not solar panels too?

One of the problems has been that renewable energy system leasing does not have a well-established financial market. Investors are reluctant to pursue these opportunities, in large part because of the uncertain lifespan of the renewable energy systems. The REAL Act would address that problem by having the Department of Energy insure the value of the lease. This would help create a secondary market for renewable energy system leases to residential customers, freeing up additional capital to invest in these programs.

The benefits of renewable energy are manifold and well-documented. Renewable energy creates jobs. From the engineers who design the systems to the technicians who install them, this industry has the potential to support thousands of new jobs.

Renewable energy promotes energy independence. Oil still accounts for approximately 40 percent of our total energy needs, and seventy percent of this oil is imported from foreign countries, many of whom, to put it mildly, are not committed to our best interests. We are sending \$1 billion per day overseas to fund this addiction.

Renewable energy reduces harmful pollution. Many of our current dirty sources of energy are significant contributors to air pollution, leading to increased cases of asthma, respiratory diseases, and birth defects. Moreover, these energy sources are significant contributors to global climate change, harming our communities through sea level rise and increased extreme weather. Rapidly rising greenhouse gas concentrations are also putting severe strain on our oceans through acidification and temperature change, creating conditions not seen for millions of years. In my home state of Rhode Island, the Narragansett Bay has witnessed a 4 degree increase in average annual temperature, causing what amounts to a full ecosystem shift.

It is hard to disagree that renewable energy offers solutions to many of the problems facing our country. But there is often disagreement about the best way forward to promote renewable energy. Some are concerned about the budget impact of promoting renewable energy, some are concerned about government mandates, and some are concerned about government subsidies. While we may disagree on other means to promote renewable energy, I am hoping that we can all agree on this bipartisan proposal.

The REAL Act would not add a dime to the budget deficit. The Congressional Budget Office scored similar legislation last Congress as having no budget impact. It achieves this goal because the insurance program is paid for entirely through premiums. The bill also protects the taxpayer in the case of a default because the government has the right to collect revenues directly from the renewable energy system.

The REAL Act is not a subsidy and requires no appropriation. It relies on the value of the renewable energy system itself to provide the basis for the insurance.

The REAL Act is also not a mandate. It has no requirement to use the leasing mechanism, but merely facilitates the expansion of renewable energy leasing to homeowners.

While this bill is only one piece of the puzzle to solving our overall energy problem, I hope that it is a piece we

can all agree on. Providing additional options to lease renewable energy systems is a win for our homeowners, our economy, and our environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1126

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Renewable Energy Access through Leasing Act of 2011" or the "REAL Act of 2011".

**SEC. 2. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.**

Subtitle A of title IV of the Energy Independence and Security Act of 2007 is amended by inserting after section 413 (42 U.S.C. 17071) the following:

**"SEC. 414. LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.**

"(a) **PURPOSES.**—The purposes of this section are—

"(1) to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of those systems to homeowners;

"(2) to reduce carbon emissions and the use of nonrenewable resources;

"(3) to encourage energy-efficient residential construction and rehabilitation;

"(4) to encourage the use of renewable resources by homeowners;

"(5) to minimize the impact of development on the environment;

"(6) to reduce consumer utility costs; and

"(7) to encourage private investment in the green economy.

"(b) **DEFINITIONS.**—In this section:

"(1) **AUTHORIZED RENEWABLE ENERGY LENDER.**—The term 'authorized renewable energy lender' means a lender authorized by the Secretary to make a loan under this section.

"(2) **RENEWABLE ENERGY SYSTEM LEASE.**—The term 'renewable system energy lease' means an agreement between an authorized renewable energy system owner and a homeowner for a term of not less than 5 years, under which the homeowner—

"(A) grants an easement to the renewable energy system owner to install, maintain, use, and otherwise access the renewable energy system; and

"(B) agrees to—

"(i) lease the use of the system from the renewable energy system owner; or

"(ii) a power purchase agreement.

"(3) **RENEWABLE ENERGY MANUFACTURER.**—The term 'renewable energy manufacturer' means a manufacturer of renewable energy systems.

"(4) **RENEWABLE ENERGY SYSTEM.**—The term 'renewable energy system' means a system of energy derived from—

"(A) a wind, solar (including photovoltaic and solar thermal), biomass (including biodiesel), or geothermal source; or

"(B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).

"(5) **RENEWABLE ENERGY SYSTEM OWNER.**—The term 'renewable energy system owner' means a homebuilder, a manufacturer or installer of a renewable energy system, or any

other person, as determined by the Secretary.

“(c) AUTHORITY.—

“(1) IN GENERAL.—The Secretary may, on application by an authorized renewable energy system owner, insure or make a commitment to insure a loan made by an authorized renewable energy lender to a renewable energy system owner to finance the acquisition of a renewable energy system for lease to a homeowner for use at the residence of the homeowner.

“(2) TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions for insurance under paragraph (1) as are consistent with the purposes of this section.

“(d) LIMITATION ON PRINCIPAL AMOUNT.—

“(1) LIMITATION.—The principal amount of a loan insured under this section shall not exceed the residual value of the renewable energy system to be acquired with the loan.

“(2) RESIDUAL VALUE.—For purposes of this subsection—

“(A) the residual value of a renewable energy system shall be the fair market value of the future revenue stream from the sale of the expected remaining electricity production from the system, pursuant to the easement granted in accordance with subsection (e); and

“(B) the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system shall be determined based on the net present value of the power output production warranty for the renewable energy system provided by the renewable energy manufacturer and the forecast of regional residential electricity prices made by the Energy Information Administration of the Department.

“(e) EASEMENT.—

“(1) IN GENERAL.—The Secretary may not insure a loan under this section unless the renewable energy system owner certifies, in accordance with such requirements as the Secretary shall establish, consistent with the purposes of this section, that the renewable energy system financed will be leased only to a homeowner that grants an easement to install, maintain, use, and otherwise access the renewable energy system that includes the right to sell electricity produced during the life of the renewable energy system to a wholesale or retail electrical power grid.

“(2) ASSUMABLE LEASE.—The renewable energy system lease shall specify that the renewable energy system lease can be assumed by new homeowners.

“(f) DISCOUNT OR PREPAYMENT.—

“(1) IN GENERAL.—To encourage the use of renewable energy systems, the Secretary shall ensure that a discount given to a homeowner by a renewable energy system owner or other investor or prepayment of a renewable energy system lease by a renewable energy system owner does not adversely affect the mortgage requirements of the homeowner.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary may consult with agencies and entities involved in oversight of home mortgages.

“(g) ELIGIBILITY OF LENDERS.—The Secretary may not insure a loan under this section unless the lender making the loan is an institution that meets such requirements as the Secretary shall establish for participation of renewable energy lenders in the program under this section.

“(h) CERTIFICATE OF INSURANCE.—

“(1) IN GENERAL.—The Secretary shall issue to a lender that is insured under this section

a certificate that serves as evidence of insurance coverage under this section.

“(2) CONTENTS OF CERTIFICATE.—The certificate required under paragraph (1) shall describe the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system.

“(3) FULL FAITH AND CREDIT.—The certificate required under paragraph (1) shall be backed by the full faith and credit of the United States.

“(i) PAYMENT OF INSURANCE CLAIM.—

“(1) FILING OF CLAIM.—The Secretary shall provide for the filing of claims for insurance under this section and the payment of the claims.

“(2) PAYMENT OF CLAIM.—A claim under paragraph (1) may be paid only on a default under the loan insured under this section and the assignment, transfer, and delivery to the Secretary of—

“(A) all rights and interests arising under the loan; and

“(B) all claims of the lender or the assigns of the lender against the borrower or others arising under the loan transaction.

“(3) LIEN.—

“(A) IN GENERAL.—On payment of a claim for insurance of a loan under this section, the Secretary shall hold a lien on the underlying renewable energy system assets and any associated revenue stream from the use of the system, which shall be superior to all other liens on the assets.

“(B) RESIDUAL VALUE.—The residual value of the renewable energy system and the revenue stream from the use of the system shall be not less than the unpaid balance of the loan amount covered by the certificate of insurance.

“(C) REVENUE FROM SALE.—The Secretary shall be entitled to any revenue generated by the renewable energy system from selling electricity to the grid when an insurance claim has been paid out.

“(j) ASSIGNMENT AND TRANSFERABILITY OF INSURANCE.—A renewable energy system owner or an authorized renewable energy lender that is insured under this section may assign or transfer the insurance, in whole or in part, to another owner or lender, subject to such requirements as the Secretary may prescribe.

“(k) PREMIUMS AND CHARGES.—

“(1) INSURANCE PREMIUMS.—

“(A) IN GENERAL.—The Secretary shall fix and collect premiums for insurance of loans under this section, that shall be—

“(i) paid by the applicant renewable energy system owner at the time of issuance of the certificate of insurance to the lender; and

“(ii) adequate, as determined by the Secretary, to cover the expenses and probable losses of administering the program under this section.

“(B) DEPOSIT OF PREMIUM.—The Secretary shall deposit any premiums collected under this subsection in the Renewable Energy Lease Insurance Fund established by subsection (1).

“(2) PROHIBITION ON OTHER CHARGES.—Except as provided in paragraph (1), the Secretary may not assess any other fee (including a user fee), insurance premium, or charge in connection with loan insurance provided under this section.

“(1) RENEWABLE ENERGY LEASE INSURANCE FUND.—

“(1) FUND ESTABLISHED.—There is established in the Treasury of the United States the Renewable Energy Lease Insurance Fund (referred to in this subsection as the ‘Fund’), which shall be available to the Secretary without fiscal year limitation, for the pur-

pose of providing insurance under this section.

“(2) CREDITS.—The Fund shall be credited with—

“(A) any premiums collected under subsection (k)(1);

“(B) any amounts collected by the Secretary under subsection (i)(3); and

“(C) any associated interest or earnings.

“(3) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary for—

“(A) fulfilling any obligations with respect to insurance for loans provided under this section; and

“(B) paying administrative expenses in connection with this section.

“(4) EXCESS AMOUNTS.—The Secretary may invest in obligations of the United States any amounts in the Fund determined by the Secretary to be in excess of amounts required at the time of the determination to carry out this section.

“(m) INELIGIBILITY FOR PURCHASE BY FEDERAL FINANCING BANK.—Notwithstanding any other provision of law, no debt obligation that is insured or committed to be insured by the Secretary under this section shall be subject to the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.).

“(n) REGULATIONS.—

“(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to carry out this section.

“(2) MULTIFAMILY HOUSING.—In issuing the regulations, the Secretary shall ensure that multifamily housing units are eligible for programs established by this section.

“(3) TIMING.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue interim or final regulations.

“(o) TERMINATION OF AUTHORITY.—The authority of the Secretary to insure and make commitments to insure new loans under this section shall terminate on the date that is 10 years after the date of enactment of this section.”.

By Mr. ROCKEFELLER:

S. 1130. A bill to strengthen the United States trade laws and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing the Strengthening America's Trade Laws Act, legislation that will protect American businesses and workers by ensuring that they can compete on a level playing field with foreign companies.

The legislation I am introducing today should be viewed as a placeholder for a more comprehensive updated bill that I plan on introducing after the recess. Given the potential for legislative action at any time on Trade Adjustment Assistance, the three pending Free Trade Agreements, and the continuing harm caused by illegally dumped foreign goods, I thought it was imperative that I introduce this bill today and move the discussion of our country's trade policy forward.

The Strengthening America's Trade Laws Act allows the government to live up to its commitment to protect American businesses by allowing the businesses being harmed by unfairly subsidized imports to have a seat at the table in trade dispute proceedings. It also strengthens countervailing duty



laws that are used to impose tariffs on goods from countries like China that are being unfairly subsidized.

Importantly, my bill would prevent the World Trade Organization, WTO, from dictating American policy by mandating that Congress must approve of any regulatory change to American law that is meant to conform with an adverse WTO decision.

This bill goes after countries that use currency manipulation to keep their prices artificially low by allowing the American government to treat this manipulation as an unfair subsidy that can be responded to with countervailing duties.

My bill also allows a panel of judicial experts to review recent adverse WTO decisions to ensure that they were made correctly and that obligations are not being imposed on the United States that our government has not previously agreed to.

These steps are important because businesses like those in my home state of West Virginia face a constant threat from foreign made goods that are being sold at prices well below cost in an effort to drive American businesses out of the marketplace altogether. In West Virginia, we know all too well the impact these unfair practices can have, as numerous manufacturing businesses have closed in recent years in response to these challenges.

I have worked through the system to try to protect our employers, testifying numerous times before the International Trade Commission on behalf of West Virginia businesses, including our steel industry, in an effort to get the government to counter unfair subsidies and give American manufacturers a fighting chance in the global marketplace. It has become clear to me through the years though that the current protections are not strong enough and that more must be done to allow our businesses to compete. That is what I hope to accomplish with this bill. I am not asking for any unfair advantages for American businesses. I just want to allow them the opportunity to succeed on the merits of their ideas and their hard work.

I ask my colleagues to join me in supporting this important legislation and thank the chair for allowing me to speak on this issue.

By Mr. WYDEN (for himself, Ms. SNOWE, Mrs. MCCASKILL, Mr. BLUNT, Mr. BROWN of Ohio, Mr. PORTMAN, and Mr. SCHUMER):

S. 1133. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, President, I rise today to introduce the Enforcing Orders and Reducing Circumvention and Evasion Act, or the ENFORCE Act, of 2011.

For almost a century, Democratic and Republican Administrations have

promoted and protected America's anti-dumping and countervailing duty laws. These laws recognize the reality that foreign competitors don't always play by the rules. Some employ unfair and unscrupulous trade practices that put American businesses at a serious disadvantage. So, when it comes to ensuring that American businesses and workers have a level playing field to compete, anti-dumping and countervailing duty laws are the first line of defense.

But it is not enough to just pass these laws; they need to be enforced. Duties don't work unless they are assessed and collected. But just like some people cheat their way out of taxes, the same is true for foreign supplies and dishonest importers who evade and flout the anti-dumping and countervailing duties that protect American business and workers from grievous economic harm.

These suppliers and importers are what I call trade cheats.

You see, under U.S. trade laws, when a certain import is found to be unfairly traded, that is, it benefits from government subsidies or is sold below market prices, the U.S. Department of Commerce imposes additional duties on these imports. These duties, we call them anti-dumping and countervailing duties, or AD/CVD, ensure that American producers are only asked to compete on a playing field that is level.

But we have these trade cheats out there. They cheat American taxpayers out of the revenue that is supposed to be collected on imports, and which is needed to reduce the budget deficit, and they cheat American producers out of business that may otherwise be theirs. In short, the trade cheats steal American jobs and America's treasure.

The trade cheats are increasingly, and brazenly, employing a variety of schemes to evade AD/CVD orders. Sometimes, they hustle their merchandise through foreign ports to claim that it originates from somewhere it doesn't. Other times, the trade cheats will provide fraudulent information to government authorities at American ports of entry, or they engage in schemes to mislabel and misrepresent imports.

In recognizing this problem, I convened a hearing in the subcommittee on international trade, customs and global competitiveness entitled "Enforcing America's Trade Laws in the Face of Customs Fraud and Duty Evasion" in May of this year. At this hearing we heard from Senators of both political parties and companies from across this nation about their concerns regarding this lack of enforcement. Others launched their own investigation into the matter.

My own staff on the Finance Subcommittee on Trade, Customs and Competitiveness learned that if often takes Customs and Border Protection,

CBP, nearly a year to ask its sister agencies for investigatory help when it is needed and when CBP does refer a case to an outside agency they don't follow-up to ensure that it gets handled. It generally takes several years for the government to conclude an investigation into evasion and reassess the appropriate duties that should have been collected.

Customs and Border Protection, is the nation's frontline defense against unfair trade and is responsible for enforcing U.S. trade remedy laws and collecting AD/CV duties. Yet, if you listen to the concerns of domestic producers, like those who testified at my hearing, timely and effective enforcement of AD/CVD orders remains problematic and AD/CV duty evasion continues, seemingly unabated.

While Immigration and Customs Enforcement, or ICE, and CBP are dragging their feet to enforce our trade laws, this country's domestic manufacturers are being hammered by foreign trade cheats. It is not like the cheaters wait around to get caught and pay their fines, they disappear long before the so called government watchdogs arrive. ICE and CBP are the two principal American government agencies that are supposed to police this beat. In my view, one of them, CBP, treats allegations of duty evasion like junk mail. The other, Immigration and Customs Enforcement, has been more visible on the issue of alleged illegal movie downloads than taking steps to protect tens of thousands of manufacturing jobs that are threatened by unfair trade.

Such lollygagging is not only hurting our domestic producer, it is hurting our country's treasury. U.S. industry sources estimate that approximately \$91 million in AD/CV duties that were supposed to be applied to just four steel products went uncollected as a result of evasion in 2009. This is an amount equal to 30 percent of all AD/CV duties CBP collected that year. With 300 current AD/CVD orders in place on countless products from over 40 countries, the potential for AD/CV duty evasion is vast, and hundreds of millions of AD/CV duties may be unaccounted for. Every penny counts and we have an obligation to the American businesses, and the workers they rely on, to do a better job.

The bill I am introducing today, with Senators SNOWE, MCCASKILL, BLUNT, BROWN from Ohio, PORTMAN, and SCHUMER, will go a long way toward empowering the federal government to do a better job to combat the trade cheats and enforce U.S. trade laws. I would like to highlight just a few of the main provisions.

First, the ENFORCE Act would formalize a process by which allegations of evasion are acted on. Because CBP primarily relies on the private sector



to identify evasion of AD/CVD, the ENFORCE Act would formalize that process by allowing stakeholders to file a petition alleging evasion and require CBP to initiate an investigation pursuant to the petition within 10 days.

Second, our bill would establish a rapid-response timeline by which CBP would investigate allegations of evasion. The ENFORCE Act would give the CBP 90 days, after an investigation of evasion begins, to make a preliminary determination into whether there is a reason to believe an importer is evading an AD/CVD order. So if an affirmative preliminary determination is made, AD/CV duties would be required to be collected in cash until the investigation is concluded and any entries of subject merchandise would not be liquidated by CBP in order to ensure that the correct amount of duties owed can be collected. CBP would also be required to make a final determination as to whether merchandise subject to an investigation under the bill entered into the U.S. through an evasion scheme within 120 days after CBP has issued a preliminary determination. Flexibilities are added to these timelines for cases that are complex. All of this would put an end to the lollygagging that our domestic producers would desperately like to see ended.

Third, the ENFORCE Act would help facilitate information sharing. Our bill would establish clear instruction and guidelines to promote appropriate information sharing among the various agencies to better combat evasion and protect consumers from unsafe goods. Everyone knows that the more information law enforcement agencies have, the better they are able to do their jobs.

Last and certainly not least, our bill would establish accountability. CBP's broad mandate to facilitate trade, enforce trade remedy laws, and protect national security often leads to inconsistent efforts to combat evasion of the trade remedy laws. The ENFORCE Act would require CBP to provide annual reports to us here in Congress about the effectiveness of its enforcement efforts and the job it is required to do to protect American producers from the harm of unfairly traded imports.

As you can see, this bill presents a common-sense strategy to combat trade cheating and the evasion of antidumping and countervailing duty collection. Enforcing U.S. trade laws and combating unfair trade practices must be a central pillar of an economic and trade policy that is designed to promote economic growth and job expansion, especially as we continue to recover from a recession.

I want to take a moment to recognize and thank some terrific colleagues of mine in the Senate that are joining me in introducing this legislation. I thank you, and your staff, for your help and

for your efforts. I would also like to thank the Retail Industry Leaders Association, the Committee to Support U.S. Trade Laws, and the Coalition to Enforce Antidumping & Countervailing Duty Orders for their valuable input. I look forward to more of their input going forward.

I look forward to working with my colleagues in the Senate and with my friends in the House of Representatives to build support for this initiative and to take action on behalf of American producers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1133

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Enforcing Orders and Reducing Customs Evasion Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—PROCEDURES

Sec. 101. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.

Sec. 102. Application to Canada and Mexico.

#### TITLE II—OTHER MATTERS

Sec. 201. Definitions.

Sec. 202. Allocation of U.S. Customs and Border Protection personnel.

Sec. 203. Regulations.

Sec. 204. Annual report on prevention of evasion of antidumping and countervailing duty orders.

Sec. 205. Government Accountability Office report on reliquidation authority.

#### TITLE I—PROCEDURES

#### SEC. 101. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—The Tariff Act of 1930 is amended by inserting after section 516A (19 U.S.C. 1516a) the following:

#### “SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTERING AUTHORITY.—The term ‘administering authority’ has the meaning given that term in section 771(1).

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Finance and the Committee on Appropriations of the Senate; and

“(B) the Committee on Ways and Means and the Committee on Appropriations of the House of Representatives.

“(3) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner responsible for U.S. Customs and Border Protection.

“(4) COVERED MERCHANDISE.—The term ‘covered merchandise’ means merchandise that is subject to—

“(A) an antidumping duty order issued under section 736;

“(B) a finding issued under the Anti-dumping Act, 1921; or

“(C) a countervailing duty order issued under section 706.

“(5) ENTER; ENTRY.—The terms ‘enter’ and ‘entry’ refer to the entry, or withdrawal from warehouse for consumption, in the customs territory of the United States.

“(6) EVADE; EVASION.—The terms ‘evade’ and ‘evasion’ refer to entering covered merchandise into the customs territory of the United States by means of any document or electronically transmitted data or information, written or oral statement, or act that is material and false, or any omission that is material, and that results in any cash deposit or other security or any amount of applicable antidumping or countervailing duties being reduced or not being applied with respect to the merchandise.

“(7) INTERESTED PARTY.—The term ‘interested party’ has the meaning given that term in section 771(9).

“(b) PROCEDURES FOR INVESTIGATING ALLEGATIONS OF EVASION.—

“(1) INITIATION BY PETITION OR REFERRAL.—

“(A) IN GENERAL.—Not later than 10 days after the date on which the Commissioner receives a petition described in subparagraph (B) or a referral described in subparagraph (C), the Commissioner shall initiate an investigation pursuant to this paragraph if the Commissioner determines that the information provided in the petition or the referral, as the case may be, is accurate and reasonably suggests that covered merchandise has been entered into the customs territory of the United States through evasion.

“(B) PETITION DESCRIBED.—A petition described in this subparagraph is a petition that—

“(i) is filed with the Commissioner by any party who is an interested party with respect to covered merchandise;

“(ii) alleges that a person has entered covered merchandise into the customs territory of the United States through evasion; and

“(iii) is accompanied by information reasonably available to the petitioner supporting the allegation.

“(C) REFERRAL DESCRIBED.—A referral described in this subparagraph is information submitted to the Commissioner by any other Federal agency, including the Department of Commerce or the United States International Trade Commission, indicating that a person has entered covered merchandise into the customs territory of the United States through evasion.

“(2) DETERMINATIONS.—

“(A) PRELIMINARY DETERMINATION.—

“(i) IN GENERAL.—Not later than 90 days after the date on which the Commissioner initiates an investigation under paragraph (1), the Commissioner shall issue a preliminary determination, based on information available to the Commissioner at the time of the determination, with respect to whether there is a reasonable basis to believe or suspect that the covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) EXTENSION.—The Commissioner may extend by not more than 45 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a preliminary determination under that clause is not available within that time period or the inquiry is unusually complex.

“(B) FINAL DETERMINATION.—

“(i) IN GENERAL.—Not later than 120 days after making a preliminary determination under subparagraph (A), the Commissioner

shall make a final determination, based on substantial evidence, with respect to whether covered merchandise was entered into the customs territory of the United States through evasion.

“(ii) EXTENSION.—The Commissioner may extend by not more than 60 days the time period specified in clause (i) if the Commissioner determines that sufficient information to make a final determination under that clause is not available within that time period or the inquiry is unusually complex.

“(C) OPPORTUNITY FOR COMMENT; HEARING.—Before issuing a preliminary determination under subparagraph (A) or a final determination under subparagraph (B) with respect to whether covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(i) provide any person alleged to have entered the merchandise into the customs territory of the United States through evasion, and any person that is an interested party with respect to the merchandise, with an opportunity to be heard;

“(ii) upon request, hold a hearing with respect to whether the covered merchandise was entered into the customs territory of the United States through evasion; and

“(iii) provide an opportunity for public comment.

“(D) AUTHORITY TO COLLECT AND VERIFY ADDITIONAL INFORMATION.—In making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner—

“(i) shall exercise all existing authorities to collect information needed to make the determination; and

“(ii) may collect such additional information as is necessary to make the determination through such methods as the Commissioner considers appropriate, including by—

“(I) issuing a questionnaire with respect to covered merchandise to—

“(aa) a person that filed a petition under paragraph (1)(B);

“(bb) a person alleged to have entered covered merchandise into the customs territory of the United States through evasion; or

“(cc) any other person that is an interested party with respect to the covered merchandise; or

“(II) conducting verifications, including on-site verifications, of any relevant information.

“(E) ADVERSE INFERENCE.—

“(i) IN GENERAL.—If the Commissioner finds that a person that filed a petition under paragraph (1)(B), a person alleged to have entered covered merchandise into the customs territory of the United States through evasion, or a foreign producer or exporter, has failed to cooperate by not acting to the best of the person's ability to comply with a request for information, the Commissioner may, in making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), use an inference that is adverse to the interests of that person in selecting from among the facts otherwise available to determine whether evasion has occurred.

“(ii) ADVERSE INFERENCE DESCRIBED.—An adverse inference used under clause (i) may include reliance on information derived from—

“(I) the petition, if any, submitted under paragraph (1)(B) with respect to the covered merchandise;

“(II) a determination by the Commissioner in another investigation under this section;

“(III) an investigation or review by the administering authority under title VII; or

“(IV) any other information placed on the record.

“(F) NOTIFICATION AND PUBLICATION.—Not later than 7 days after making a preliminary determination under subparagraph (A) or a final determination under subparagraph (B), the Commissioner shall—

“(i) provide notification of the determination to—

“(I) the administering authority; and

“(II) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(ii) provide the determination for publication in the Federal Register.

“(3) BUSINESS PROPRIETARY INFORMATION.—

“(A) ESTABLISHMENT OF PROCEDURES.—For each investigation initiated under paragraph (1), the Commissioner shall establish procedures for the submission of business proprietary information under an administrative protective order that—

“(i) protects against public disclosure of such information; and

“(ii) for purposes of submitting comments to the Commissioner, provides limited access to such information for—

“(I) the person that submitted the petition under paragraph (1)(B) or the Federal agency that submitted the referral under paragraph (1)(C); and

“(II) the person alleged to have entered covered merchandise into the customs territory of the United States through evasion.

“(B) ADMINISTRATION IN ACCORDANCE WITH OTHER PROCEDURES.—The procedures established under subparagraph (A) shall be administered—

“(i) to the maximum extent practicable, in a manner similar to the manner in which the administering authority administers the administrative protective order procedures under section 777;

“(ii) in accordance with section 1905 of title 18, United States Code; and

“(iii) in a manner that is consistent with the obligations of the United States under the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (referred to in section 101(d)(8) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(8)) (relating to customs valuation).

“(C) DISCLOSURE OF BUSINESS PROPRIETARY INFORMATION.—The Commissioner shall, in accordance with the procedures established under subparagraph (A) and consistent with subparagraph (B), make all business proprietary information presented to, or obtained by, the Commissioner during an investigation available to the persons specified in subparagraph (A)(ii) under an administrative protective order, regardless of when such information is submitted during an investigation.

“(4) REFERRALS TO OTHER FEDERAL AGENCIES.—

“(A) AFTER PRELIMINARY DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative preliminary determination under paragraph (2)(A), the Commissioner shall, at the request of the head of another Federal agency, transmit the administrative record to the head of that agency.

“(B) AFTER FINAL DETERMINATION.—Notwithstanding section 777 and subject to subparagraph (C), when the Commissioner makes an affirmative final determination under paragraph (2)(B), the Commissioner shall, at the request of the head of another Federal agency, transmit the complete administrative record to the head of that agency.

“(C) PROTECTIVE ORDERS.—Before transmitting an administrative record to the head of another Federal agency under subparagraph (A) or (B), the Commissioner shall verify that the other agency has in effect with respect to the administrative record a protective order that provides the same or a similar level of protection for the information in the administrative record as the protective order in effect with respect to such information under this subsection.

“(c) EFFECT OF DETERMINATIONS.—

“(1) EFFECT OF AFFIRMATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend the liquidation of each unliquidated entry of the covered merchandise that is subject to the preliminary determination and that entered on or after the date of the initiation of the investigation under paragraph (1);

“(B) review and reassess the amount of bond or other security the importer is required to post for each entry of merchandise described in subparagraph (A);

“(C) require the posting of a cash deposit with respect to each entry of merchandise described in subparagraph (A); and

“(D) take such other measures as the Commissioner determines appropriate to ensure the collection of any duties that may be owed with respect to merchandise described in subparagraph (A) as a result of a final determination under subsection (b)(2)(B).

“(2) EFFECT OF NEGATIVE PRELIMINARY DETERMINATION.—If the Commissioner makes a preliminary determination in accordance with subsection (b)(2)(A) that there is not a reasonable basis to believe or suspect that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall continue the investigation and notify the administering authority pending a final determination under subsection (b)(2)(B).

“(3) EFFECT OF AFFIRMATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was entered into the customs territory of the United States through evasion, the Commissioner shall—

“(A) suspend or continue to suspend, as the case may be, the liquidation of each entry of the covered merchandise that is subject to the determination and that enters on or after the date of the determination;

“(B) notify the administering authority of the determination and request that the administering authority—

“(i) identify the applicable antidumping or countervailing duty assessment rate for the entries for which liquidation is suspended under paragraph (1)(A) or subparagraph (A) of this paragraph; or

“(ii) if no such assessment rates are available at the time, identify the applicable cash deposit rate to be applied to the entries described in subparagraph (A), with the applicable antidumping or countervailing duty assessment rates to be provided as soon as such rates become available;

“(C) require the posting of cash deposits and assess duties on each entry of merchandise described in subparagraph (A) in accordance with the instructions received from the administering authority under paragraph (5);

“(D) review and reassess the amount of bond or other security the importer is required to post for merchandise described in

subparagraph (A) to ensure the protection of revenue and compliance with the law; and

“(E) take such additional enforcement measures as the Commissioner determines appropriate, such as—

“(i) initiating proceedings under section 592 or 596;

“(ii) implementing, in consultation with the relevant Federal agencies, rule sets or modifications to rules sets for identifying, particularly through the Automated Targeting System and the Automated Commercial Environment, importers, other parties, and merchandise that may be associated with evasion;

“(iii) requiring, with respect to merchandise for which the importer has repeatedly provided incomplete or erroneous entry summary information in connection with determinations of evasion, the importer to submit entry summary documentation and to deposit estimated duties at the time of entry;

“(iv) referring the record in whole or in part to U.S. Immigration and Customs Enforcement for civil or criminal investigation; and

“(v) transmitting the administrative record to the administering authority for further appropriate proceedings.

“(4) EFFECT OF NEGATIVE FINAL DETERMINATION.—If the Commissioner makes a final determination in accordance with subsection (b)(2)(B) that covered merchandise was not entered into the customs territory of the United States through evasion, the Commissioner shall terminate the suspension of liquidation pursuant to paragraph (1)(A) and refund any cash deposits collected pursuant to paragraph (1)(C) that are in excess of the cash deposit rate that would otherwise have been applicable the merchandise.

“(5) COOPERATION OF ADMINISTERING AUTHORITY.—

“(A) IN GENERAL.—Upon receiving a notification from the Commissioner under paragraph (3)(B), the administering authority shall promptly provide to the Commissioner the applicable cash deposit rates and antidumping or countervailing duty assessment rates and any necessary liquidation instructions.

“(B) SPECIAL RULE FOR CASES IN WHICH THE PRODUCER OR EXPORTER IS UNKNOWN.—If the Commissioner and administering authority are unable to determine the producer or exporter of the merchandise with respect to which a notification is made under paragraph (3)(B), the administering authority shall identify, as the applicable cash deposit rate or antidumping or countervailing duty assessment rate, the cash deposit or duty (as the case may be) in the highest amount applicable to any producer or exporter, including the ‘all-others’ rate of the merchandise subject to an antidumping order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921, or any administrative review conducted under section 751.

“(d) SPECIAL RULES.—

“(1) EFFECT ON OTHER AUTHORITIES.—Neither the initiation of an investigation under subsection (b)(1) nor a preliminary determination or a final determination under subsection (b)(2) shall affect the authority of the Commissioner—

“(A) to pursue such other enforcement measures with respect to the evasion of antidumping or countervailing duties as the Commissioner determines necessary, including enforcement measures described in clauses (i) through (iv) of subsection (c)(3)(E); or

“(B) to assess any penalties or collect any applicable duties, taxes, and fees, including pursuant to section 592.

“(2) EFFECT OF DETERMINATIONS ON FRAUD ACTIONS.—Neither a preliminary determination nor a final determination under subsection (b)(2) shall be determinative in a proceeding under section 592.

“(3) NEGLIGENCE OR INTENT.—The Commissioner shall investigate and make a preliminary determination or a final determination under this section with respect to whether a person has entered covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

“(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

“(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.”.

(b) TECHNICAL AMENDMENT.—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

“(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.”.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(III), by striking “or” at the end;

(B) in clause (ii), by adding “or” at the end; and

(C) by inserting after clause (ii) the following:

“(iii) the date of publication in the Federal Register of a determination described in clause (ix) of subparagraph (B);”;

(2) in subparagraph (B), by adding at the end the following new clause:

“(ix) A determination by the Commissioner responsible for U.S. Customs and Border Protection under section 516B that merchandise has been entered into the customs territory of the United States through evasion.”.

(d) FINALITY OF DETERMINATIONS.—Section 514(b) of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended by striking “section 303” and all that follows through “which are reviewable” and inserting “section 516B or title VII that are reviewable”.

#### SEC. 102. APPLICATION TO CANADA AND MEXICO.

Pursuant to article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this title shall apply with respect to goods from Canada and Mexico.

### TITLE II—OTHER MATTERS

#### SEC. 201. DEFINITIONS.

In this title, the terms “appropriate congressional committees”, “Commissioner”, “covered merchandise”, “enter” and “entry”, and “evade” and “evasion” have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 101 of this Act).

#### SEC. 202. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) REASSIGNMENT AND ALLOCATION.—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) COMMERCIAL ENFORCEMENT OFFICERS.—Not later than September 30, 2011, the Secretary of Homeland Security, the Commissioner, and the Assistant Secretary for U.S. Immigration and Customs Enforcement shall assess and properly allocate the resources of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement—

(1) to effectively implement the provisions of, and amendments made by, this Act; and

(2) to improve efforts to investigate and combat evasion.

#### SEC. 203. REGULATIONS.

(a) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Commissioner shall issue regulations to carry out this title and the amendments made by title I.

(b) COOPERATION BETWEEN U.S. CUSTOMS AND BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not later than 240 days after the date of the enactment of this Act, the Commissioner, the Assistant Secretary for U.S. Immigration and Customs Enforcement, and the Secretary of Commerce shall establish procedures to ensure maximum cooperation and communication between U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the Department of Commerce in order to quickly, efficiently, and accurately investigate allegations of evasion under section 516B of the Tariff Act of 1930 (as added by section 101 of this Act).

#### SEC. 204. ANNUAL REPORT ON PREVENTION OF EVASION OF ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.

(a) IN GENERAL.—Not later than February 28 of each year, beginning in 2012, the Commissioner, in consultation with the Secretary of Commerce, shall submit to the appropriate congressional committees a report on the efforts being taken pursuant to section 516B of the Tariff Act of 1930 (as added by section 101 of this Act) to prevent the entry of covered merchandise into the customs territory of the United States through evasion.

(b) CONTENTS.—Each report required under subsection (a) shall include—

(1) for the fiscal year preceding the submission of the report—

(A) the number and a brief description of petitions and referrals received pursuant to section 516B(b)(1) of the Tariff Act of 1930 (as added by section 101 of this Act);

(B) the results of the investigations initiated under such section, including any related enforcement actions, and the amount of antidumping and countervailing duties collected as a result of those investigations; and

(C) to the extent appropriate, a summary of the efforts of U.S. Customs and Border Protection, other than efforts initiated pursuant section 516B of the Tariff Act of 1930 (as added by section 101 of this Act), to prevent the entry of covered merchandise into

the customs territory of the United States through evasion; and

(2) for the 3 fiscal years preceding the submission of the report, an estimate of—

(A) the amount of covered merchandise that entered the customs territory of the United States through evasion; and

(B) the amount of duties that could not be collected on such merchandise because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

**SEC. 205. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON RELIQUIDATION AUTHORITY.**

Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees, and make available to the public, a report estimating the amount of duties that could not be collected on covered merchandise that entered the customs territory of the United States through evasion during fiscal years 2009 and 2010 because the Commissioner did not have the authority to reliquidate the entries of such merchandise.

By Mr. MCCONNELL (for himself and Mr. PAUL):

S. 1135. A bill to provide for the reenrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting reenriched uranium, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1135

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Energy and Revenue Enrichment Act of 2011”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **ENRICHMENT PLANT.**—The term “enrichment plant” means a uranium enrichment plant owned by the Department of Energy with respect to which the Nuclear Regulatory Commission has made a determination of compliance under section 1701(b)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(b)(2)).

(3) **QUALIFIED OPERATOR.**—The term “qualified operator” means a company that has experience in operating an enrichment plant under Nuclear Regulatory Commission authorization and has the ability and workforce to enrich the depleted uranium that is owned by the Department of Energy.

(4) **REENRICHMENT.**—The term “reenrichment” means increasing the weight percent of U-235 in uranium in order to make the uranium usable.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

**SEC. 3. REENRICHMENT CONTRACT.**

(a) **IN GENERAL.**—

(1) **REQUIREMENT.**—The Secretary shall enter into a contract with a qualified operator for a 24 month pilot program for the reenrichment at an enrichment plant of the depleted uranium described in section 2(3) that

the Secretary finds economically viable. The Secretary shall seek to maximize the financial return to the Federal Government in negotiating the terms of such contract.

(2) **AMOUNT OF ENRICHMENT.**—The Secretary shall, during each year of the pilot program under this subsection, conduct uranium reenrichment under such program in an amount (measured in separative work units) equal to approximately 25 percent of the aggregate uranium enrichment conducted in the United States during calendar year 2010.

(3) **ECONOMIC VIABILITY.**—For purposes of paragraph (1), uranium shall be considered economically viable if the cost to the United States of the reenrichment thereof, including the costs of the contract entered into under paragraph (1), are less than the revenue anticipated from the sale of the reenriched uranium.

(b) **COMMENCEMENT OF REENRICHMENT ACTIVITIES.**—Reenrichment activities under the contract entered into under subsection (a) shall commence as soon as possible, but no later than June 1, 2012.

(c) **SALE OF REENRICHED URANIUM.**—The Secretary may from time to time sell the reenriched uranium generated pursuant to the contract entered into under subsection (a).

(d) **ALLOCATION AND USE OF PROCEEDS.**—Any funds received by the Secretary from the sale of reenriched uranium generated pursuant to the contract entered into under subsection (a) shall be allocated as follows:

(1) First, such funds shall be available to the Secretary, without further appropriation and without fiscal year limitation, to carry out this section, including amounts required to be paid under the contract entered into under subsection (a).

(2) Any amounts not required for the purposes described in paragraph (1) shall be transferred to the Uranium Enrichment Decontamination and Decommissioning Fund established in section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g), to be available for use, without further appropriation and without fiscal year limitation.

**SEC. 4. DEPLETED URANIUM.**

(a) **TITLE AND RESPONSIBILITY FOR DISPOSITION.**—The Secretary shall assume title to, and responsibility for the disposition of, all depleted uranium generated pursuant to the contract entered into under section 3(a).

(b) **FUNDING FOR REENRICHMENT.**—To provide funding for payments under the contract entered into under section 3(a), the Secretary may—

(1) assume title to, and responsibility for the disposition of, depleted uranium in addition to the depleted uranium specified in subsection (a); and

(2) transfer to the qualified operator title to uranium generated as a result of the reenrichment pursuant to the contract entered into under section 3(a).

**SEC. 5. LIMITATION ON FEDERAL URANIUM SALES.**

(a) **INITIAL PERIOD.**—Notwithstanding section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h—10(d)), during the 24 month pilot program and the subsequent 24 months after that program is complete, the Secretary may not during any calendar year sell an amount of uranium that exceeds 15 percent of the United States’ domestic uranium supply for that year.

(b) **SUBSEQUENT PERIOD.**—After the expiration of the 48 month period described in subsection (a), the Secretary may not during any calendar year sell an amount of uranium that exceeds 10 percent of the United States’ domestic uranium supply for that year, except to the extent that the Secretary deter-

mines that such sales will have no significant effect on uranium markets.

By Mr. ROCKEFELLER:

S. 1140. A bill to provide for restoration of the coastal areas of the Gulf of Mexico affected by the Deepwater Horizon oil spill, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise today to reintroduce legislation previously sponsored by a Member of the Commerce Science and Transportation Committee in the 111th Congress that would direct funds from the administrative, civil, and criminal penalties stemming from the Deepwater Horizon oil spill to fund coastal and marine restoration, research and education, as well as promote tourism and economic development in the coastal Gulf states. The bill that I introduce today, the Gulf Coast Restoration Act, is identical to the bill by the same name introduced in the 111th Congress and referred to the Commerce, Science, and Transportation Committee.

To remind my colleagues, under Senate Rule XXV(f), the Commerce Committee possesses broad jurisdiction, including over “Coast Guard . . . coastal zone management . . . interstate commerce . . . marine and ocean navigation, safety and transportation, including navigational aspects of deepwater ports . . . marine fisheries . . . merchant marine and navigation . . . oceans . . . regulation of consumer products and services including testing related to toxic substances . . . science, engineering, and technology research and development and policy . . . transportation, and the transportation and commerce aspects of Outer Continental Shelf Lands.” As Chairman of the Committee I am well aware that individual Members of my Committee have strong views on all of these issues.

In the coming weeks, the Commerce Committee will be reviewing and considering a legislative package in a renewed effort to respond the Gulf oil spill. My introduction of the bill today is intended to clearly establish that the Commerce Committee continues to hold strong views about how to direct funding from the assessed penalties back to restoring the Gulf economy and environment. It is also intended to assert the Commerce Committee will conduct its oversight over the promotion of commerce, as well as over ocean and coastal programs, and reserve its rights to review and consider the authorization of programs needed to support the economic recovery of the Gulf, and the long term restoration of Gulf ecosystems. Finally, introduction of this bill is intended to provide Commerce Committee Members with the opportunity to ensure that needed baseline science is put in place, along with emergency response technology and programs, to support improved offshore energy decisions in the future. I

look forward to revising this bill following introduction to reflect the views of the Committee.

By Mr. AKAKA (for himself, Mr. INOUE, and Mr. MENENDEZ):

S. 1141. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

Mr. AKAKA. Mr. President, I rise today to speak about legislation that would remove the obstacles preventing Filipino veterans of World War II from being united with their children, a situation whose roots reach back almost eight decades.

The Philippine Independence Act of 1934 established the Philippines, a U.S. possession since 1898, as a commonwealth with certain powers over its internal affairs but with sovereign power retained by the United States. The Act also established a ten-year timetable for the commonwealth to achieve independence from the United States.

In early 1941, in the face of Japan's military aggression in Asia, President Franklin D. Roosevelt invoked his authority, based on the retention of U.S. sovereign power over the Philippines to "call and order into the service of the Armed Forces of the United States all of the organized military forces of the Government of the Commonwealth of the Philippines."

In January of 1942, a month after it attacked Pearl Harbor, Japan invaded the Philippines and occupied the commonwealth until August 1945.

Two months later, in March of 1942, Congress and President Roosevelt enacted the Second War Powers Act, which included the Nationality Act of 1940 that authorized the naturalization of all aliens serving in the U.S. armed forces.

The 200,000 Filipinos that served in the U.S. armed forces were critical to the Philippine resistance and to the island's liberation in August 1945. Approximately 7,000 Filipinos who served outside the Philippines were naturalized pursuant to the Nationality Act of 1940 while another 4,000 who served inside the Philippines were naturalized between the liberation of the Philippines in August 1945 and the expiration of the Act on December 31, 1946.

In 1990, my distinguished colleague Senator DANIEL K. INOUE was instrumental in enacting the Immigration Act of 1990. This law offered Filipino veterans who had not been naturalized pursuant to the Nationality Act of 1940, the opportunity to obtain U.S. citizenship.

Of the Filipino veterans who were naturalized for their service in the U.S. armed forces, many chose to become U.S. residents. Because the offer of naturalization did not extend to their children, these men filed permanent resident status petitions for their children

who remained in the Philippines. Sadly, those children, now adults, have languished on the visa waiting list for decades because of backlogs and visa limits.

My bill, the Filipino Veterans Family Reunification Act of 2011, would exempt the children in question from the numerical limitation on visas. Family unification has been the centerpiece of U.S. Immigration policy for more than a half century, and my bill would reunite the Filipino veterans, now in their 80s and 90s, with their children at long last.

The Filipino veterans and their children have been kept apart for far too long, and I urge my colleagues to join me in making their long-awaited reunion possible.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, and Mr. DURBIN):

S.J. Res. 17. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today, I rise along with my colleagues, Senators FEINSTEIN, MCCAIN and DURBIN, to introduce renewal of sanctions against the military junta in Burma.

The casual observer could be excused for thinking that things have changed for the better in Burma over the past year. After all, elections were held last fall, a "new" regime took office earlier this year, Aung San Suu Kyi was freed and the lead Burmese general Than Shwe seemed to retire from political life. However, in Burma as is so often the case, things are not what they seem. And that is certainly the case here.

First, the elections that were held in November took place without the benefit of international election monitors. All reputable observers termed the elections not to be free or fair. This was in large part because the National League for Democracy, NLD, Suu Kyi's party and the overwhelming winner of the last free elections in the country in 1990, was effectively banned by the junta and could not participate in the election. There were restrictions placed on how other political parties could form and campaign. No criticism of the junta could be voiced. And the results were unsurprising: the regime's handpicked candidates won big and the democratic opposition was largely sidelined.

Second, the new regime is essentially the junta with only the thinnest democratic veneer pulled over it. The Constitution, which places great power in the military as it is, cannot be amended without the blessing of the armed forces. Those in parliament are limited in how they can criticize the regime. Moreover, sitting atop these new institutions is rumored to be a shadowy

panel known as the State Supreme Council, which is nowhere mentioned in the Constitution, and which is led by, you guessed it, the military.

The only legitimately good news of late was the freeing of Suu Kyi. I was fortunate enough to be able to speak with her for the first time earlier this year. Yet, the extent of her freedom remains open to question. She was, of course, freed only following the sham election. She and her party have also been publicly threatened by the regime; thus, the extent to which she can move about the country or travel overseas remains unclear. Further, more than 2,000 other political prisoners remain behind bars in Burma; they are no better off than before. Neither are the hundreds of thousands of refugees and displaced persons who are without a home due to the repressive policies of the junta.

Finally, it is worth noting that there are growing national security factors that cause one to be even more reluctant than ever to remove sanctions and reward bad behavior. The junta's increasingly close bilateral military relationship with North Korea is a source of much concern in this vein.

For all of these reasons, I believe the sanctions that are in place should remain until true democratic reform has been instituted. That is the position of Suu Kyi herself and of the NLD. It is also the position of the Obama administration. In a State Department letter dated April 27, the State Department states that "in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma." As Suu Kyi herself recently stated, "[s]o far" there hasn't been "any meaningful change" since the November elections.

We should not be fooled by the transparent efforts of the regime. It is merely trying to get out from under the international cloud of sanctions, without making true changes in how it governs itself, treats its people and interacts with the rest of the world.

It is my hope that my colleagues will once again renew this bipartisan measure that in 2010 enjoyed the support of 68 Senate cosponsors and was adopted 99-1. The bill is identical to last year's in that it does the following: continues the ban on imports from Burma into the U.S., including products containing rubies and jadeite; authorizes the freezing of assets against a number of Burmese leaders; prevents the U.S. from supporting loans for Burma in international financial institutions; prohibits the issuance of visas to junta officials; and limits the use of correspondent accounts that may facilitate services for the regime's leaders. These measures would remain in place until the regime undertakes meaningful steps toward democratization and reconciliation.

Mr. President, I ask unanimous consent that the text of the joint resolution and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 17

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.*

U.S. DEPARTMENT OF STATE,  
Washington, DC, April 22, 2011.

Hon. MITCH MCCONNELL,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for your letter of March 29 regarding sanctions and the nomination of a Special Representative and Policy Coordinator for Burma.

On April 14, President Obama nominated Derek Mitchell as the Special Representative and Policy Coordinator for Burma. Currently serving as the Defense Department's Principal Deputy Assistant Secretary for Defense for Asian and Pacific Security Affairs, Derek Mitchell has both the regional expertise and diplomatic acumen to successfully enhance our coordination of Burma policy. We will be submitting his nomination shortly for your advice and consent.

As you note, Burma's elections were neither free nor fair and the regime continues its repressive policies and human rights abuses. We agree with you and the National League for Democracy's conclusions that, in the absence of meaningful reforms, the U.S. government should maintain its sanctions on Burma. We look forward to soon having Mr. Mitchell as the Special Representative in place to coordinate multilateral sanctions as called for by Section 7 of the Tom Lantos Block JADE (Junta's Anti-Democratic Efforts) Act.

We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,

JOSEPH E. MACMANUS,  
Acting Assistant Secretary,  
Legislative Affairs.

Mrs. FEINSTEIN. Mr. President, I rise again today with my friend and colleague from Kentucky, Senator MCCONNELL, to submit the joint resolution to renew the import ban on Burma for another year.

We are proud to be joined in this effort by two champions for democracy, human rights, and the rule of law in Burma, Senators MCCAIN and DURBIN, and we look forward to swift action by the Congress and the President on this important matter.

Congressman JOSEPH CROWLEY and Congressman PETER KING are introducing this resolution in the House and I appreciate their leadership and support.

Since we last debated the import ban on the Senate floor, we have received one bit of good news, but also, sadly, more confirmation on the urgent need to keep the pressure on the ruling military regime.

On November 13, 2010, Nobel Peace Prize laureate and leader of the democratic opposition, Aung San Suu Kyi, was released from house arrest.

While her latest detention lasted more than 7½ years, she had spent the better part of the past 20 years in prison or under house arrest.

Her release was wonderful news for those of us who have been inspired by her courage, her dedication to peace and her tireless efforts for freedom and democracy for the people of Burma.

Yet our joy was tempered by the fact that her release came just days after fraudulent and illegitimate elections for a new parliament based on a sham constitution.

The regime's intent was clear: keep the voice of the true leader of Burma silent long enough until they could solidify their grip on power using the false veneer of a democratic process.

Neither I, the people of Burma, nor the international community were fooled.

We all know that the last truly free parliamentary elections were overwhelmingly won by Suu Kyi and her National League for Democracy in 1990 but annulled by the military junta.

This new constitution was drafted in secret and without the input of the democratic opposition led by Suu Kyi and her National League for Democracy.

It set aside 25 percent of the seats in the new 440 seat House of Representatives for the military.

This would be in addition to the seats won by the "Union Solidarity and Development Party" founded by the military junta's Prime Minister Thein Sein and 22 of his fellow cabinet members who resigned from the army to form the "civilian" political party.

It barred Suu Kyi from running in the parliamentary elections.

And it forced the National League for Democracy to shut its doors because it would not kick Suu Kyi out of the party.

It should come as no surprise that the military backed party won nearly 80 percent of the seats in the new parliament.

In addition to preventing Suu Kyi and the National League for Democracy from competing in the elections, the regime ensured that no international monitors would oversee the elections and journalists would be prohibited from covering the election from inside Burma.

President Obama correctly stated that the elections "were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections."

The National League for Democracy described the elections and the formation of a new government as reducing "democratization in Burma to a parody."

Indeed, the new parliament elected Thein Sein, the last prime minister of

the junta's State Peace and Development Council, as Burma's new president.

He is reported to be heavily influenced by Burma's senior military leader and former head of state, General Than Shwe.

So, the names change—the State Law and Order Restoration Council, the State Peace and Development Council, the Union Solidarity and Development Party—but the faces, and the lack of democracy, human rights, and the rule of law, remain the same.

So, while we celebrate the release of Aung San Suu Kyi, we recognize that Burma is not yet free and the regime has failed to take the necessary actions which allow for the import ban to be lifted.

As called for in the original Burmese Freedom and Democracy Act, we must stand by the people of Burma and keep the pressure on the military regime to end violations of internationally recognized human rights; release all political prisoners; allow freedom of speech and press; allow freedom of association; permit the peaceful exercise of religion; and bring to a conclusion an agreement between the military regime and the National League for Democracy and Burma's ethnic minorities on the restoration of a democratic government.

Until the regime changes its behavior and embraces positive, democratic change, we have no choice but to press on with the import ban as a part of a strong sanctions regime.

This also includes tough banking sanctions.

I would like to take this opportunity to once again urge the administration to put additional pressure on the ruling military junta by exercising the authority for additional banking sanctions on its leaders and followers as mandated by section 5 of the Tom Lantos Block Burmese Junta's Anti-Democratic Efforts Act.

Some of my colleagues may be concerned about the effectiveness of the import ban and other sanctions on Burma and the impact on the people of Burma.

I understand their concerns. I am disappointed that we have not seen more progress towards freedom and democracy in Burma.

But let us listen to the voice of the democratic opposition in Burma about the sanctions policy of the United States and the international community.

A paper released by Aung San Suu Kyi and the National League for Democracy argues that these sanctions are not targeted at the general population and are not to blame for the economic ills of the country.

Rather, the economy suffers due to mismanagement, cronyism, corruption and the lack of the rule of law.

The best way for the Burmese government to get the sanctions lifted, the



paper argues, is to make progress on democracy, human rights, and the rule of law.

It concludes:

Now more than ever there is an urgent need to call for an all inclusive political process. The participation of a broad spectrum of political forces is essential to the achievement of national reconciliation in Burma. Progress in the democratization process, firmly grounded in national reconciliation, and the release of political prisoners should be central to any consideration of changes in sanctions policies.

I agree.

So, let us once again do our part and stand in solidarity with Aung San Suu Kyi and the people of Burma.

I urge my colleagues to support this important legislation.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 200—RECOGNIZING THE SIGNIFICANCE OF THE DESIGNATION OF THE MONTH OF MAY AS ASIAN/PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA (for himself, Mr. INOUE, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. REID of Nevada) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 200

Whereas each May, the people of the United States join together to pay tribute to the contributions of the generations of Asian-Americans and Pacific Islanders who have enriched the history of the United States;

Whereas the history of Asian-Americans and Pacific Islanders in the United States is inextricably tied to the history of the United States;

Whereas as of 2011, according to the United States Census Bureau, the Asian-American and Pacific Islander community is 1 of the fastest growing and most diverse populations in the United States and is comprised of more than 45 distinct ethnicities and more than 28 language groups;

Whereas the 2010 United States Census estimates that there are—

(1) 17,300,000 United States residents who identify themselves as Asian alone or in combination with 1 or more other races; and

(2) 1,200,000 United States residents who identify themselves as Native Hawaiian and other Pacific Islander alone or in combination with 1 or more other races;

Whereas the United States Census Bureau projects that by the year 2050—

(1) there will be 40,600,000 United States residents identifying themselves as Asian alone or in combination with 1 or more other races, comprising 9 percent of the total population of the United States; and

(2) there will be 2,600,000 United States residents identifying themselves as Native Hawaiian and other Pacific Islander alone or as Native Hawaiian and other Pacific Islander in combination with 1 or more other races, comprising 0.6 percent of the total population of the United States;

Whereas the month of May was selected for Asian/Pacific American Heritage Month due to the facts that on May 7, 1843, the first

Japanese immigrants arrived in the United States, and on May 10, 1869, the first transcontinental railroad was completed, with substantial contributions from Chinese immigrants;

Whereas Asian-Americans and Pacific Islanders have faced injustices throughout the history of the United States, including the Act of May 5, 1892 (27 Stat. 25, chapter 60) (commonly known as the “Geary Act” or the “Chinese Exclusion Act”), the internment of Japanese-Americans during World War II, unpunished hate crimes, such as the murder of Vincent Chin, and other events;

Whereas section 102 of title 36, United States Code, officially designates May as Asian/Pacific American Heritage Month and requests the President to issue an annual proclamation calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities;

Whereas Asian-Americans and Pacific Islanders, such as Yuri Kochiyama, a civil rights activist, Herbert Pillilau, recipient of the Medal of Honor, Dalip Singh Saund, the first Asian-American Congressman, Patsy T. Mink, the first Asian-American Congresswoman, and Norman Y. Mineta, the first Asian-American member of a presidential cabinet, have made significant strides in the political and military realms;

Whereas the Presidential Cabinet of the Obama Administration includes a record 3 Asian-Americans, including Secretary of Energy Steven Chu, Secretary of Commerce Gary Locke, and Secretary of Veterans Affairs Eric Shinseki;

Whereas in 2011, the Congressional Asian Pacific American Caucus, a bicameral caucus of Members of Congress advocating on behalf of Asian-Americans and Pacific Islanders, includes 30 Members of Congress;

Whereas Asian-Americans and Pacific Islanders have made history by assuming office in a number of new and historically significant positions, including Nikki Haley, the first Asian-American and first female Governor of the State of South Carolina, Edwin M. Lee, the first Asian-American Mayor of San Francisco, California, and Jean Quan, the first Asian-American and first woman to serve as Mayor of Oakland, California;

Whereas as of the date of approval of this resolution, Asian-American and Pacific Islander leaders are serving in State legislatures across the United States in record numbers, including in the States of Alaska, Arizona, California, Connecticut, Georgia, Hawaii, Idaho, Iowa, Maryland, New Jersey, New York, Ohio, Pennsylvania, Texas, Virginia, Utah, and Washington;

Whereas Asian-Americans and Pacific Islanders have risen to some of the highest staff levels in the Obama Administration, including Pete Rouse, who is the first Asian-American to serve as White House Chief of Staff, Tina Tchen, Chief of Staff to First Lady Michelle Obama, Chris Lu, White House Cabinet Secretary, Neal Katyal, Acting Solicitor General of the United States, Rajiv Shah, Administrator of the United States Agency for International Development, L. Tammy Duckworth, Assistant Secretary for Public and Intergovernmental Affairs of the Department of Veterans Affairs, Anthony M. Babauta, Assistant Secretary for Insular Areas of the Department of Interior, and many others;

Whereas the commitment of the United States to judicial diversity has been demonstrated through the nomination of high caliber Asian-Americans and other minority jurists at all levels of the Federal bench;

Whereas significant outreach efforts to the Asian-American and Pacific Islander community have been made through the reestablishment of the White House Initiative on Asian-Americans and Pacific Islanders to coordinate multiagency efforts to ensure more accurate data collection and access to services for the community;

Whereas even with the exceptional milestones achieved by the Asian-American and Pacific Islander community, there remains much to be done to ensure that linguistically and culturally isolated Asian-Americans and Pacific Islanders have access to resources, a voice in the Federal Government, and continue to advance in the political landscape of the United States; and

Whereas celebrating Asian/Pacific American Heritage Month provides the people of the United States with an opportunity to recognize the achievements, contributions, and history of Asian-Americans and Pacific Islanders and to appreciate the challenges faced by Asian-Americans and Pacific Islanders: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significance of the designation of the month of May as Asian/Pacific American Heritage Month;

(2) encourages the celebration during Asian/Pacific American Heritage Month of the significant contributions Asian-Americans and Pacific Islanders have made to the United States; and

(3) recognizes that the Asian-American and Pacific Islander community strengthens and enhances the rich diversity of the United States.

#### SENATE RESOLUTION 201—EXPRESSING THE REGRET OF THE SENATE FOR THE PASSAGE OF DISCRIMINATORY LAWS AGAINST THE CHINESE IN AMERICA, INCLUDING THE CHINESE EXCLUSION ACT

Mr. BROWN of Massachusetts (for himself, Mrs. FEINSTEIN, Mr. HATCH, Mrs. MURRAY, Mr. CARDIN, Mr. RUBIO, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 201

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life for themselves and their families;

Whereas the contributions of persons of Chinese descent in the agriculture, mining, manufacturing, construction, fishing, and canning industries were critical to establishing the foundations for economic growth in the Nation, particularly in the western United States;

Whereas United States industrialists recruited thousands of Chinese workers to assist in the construction of the Nation's first major national transportation infrastructure, the Transcontinental Railroad;

Whereas Chinese laborers, who made up the majority of the western portion of the railroad workforce, faced grueling hours and extremely harsh conditions in order to lay hundreds of miles of track and were paid substandard wages;

Whereas without the tremendous efforts and technical contributions of these Chinese immigrants, the completion of this vital national infrastructure would have been seriously impeded;



Whereas from the middle of the 19th century through the early 20th century, Chinese immigrants faced racial ostracism and violent assaults, including—

(1) the 1887 Snake River Massacre in Oregon, at which 31 Chinese miners were killed; and

(2) numerous other incidents, including attacks on Chinese immigrants in Rock Springs, San Francisco, Tacoma, and Los Angeles;

Whereas the United States instigated the negotiation of the Burlingame Treaty, ratified by the Senate on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and accorded to China the status of “most favored nation”;

Whereas before consenting to the ratification of the Burlingame Treaty, the Senate required that the Treaty would not permit Chinese immigrants in the United States to be naturalized United States citizens;

Whereas on July 14, 1870, Congress approved An Act to Amend the Naturalization Laws and to Punish Crimes against the Same, and for other Purposes, and during consideration of such Act, the Senate expressly rejected an amendment to allow Chinese immigrants to naturalize;

Whereas Chinese immigrants were subject to the overzealous implementation of the Page Act of 1875 (18 Stat. 477), which—

(1) ostensibly barred the importation of women from “China, Japan, or any Oriental country” for purposes of prostitution;

(2) was disproportionately enforced against Chinese women, effectively preventing the formation of Chinese families in the United States and limiting the number of native-born Chinese citizens;

Whereas, on February 15, 1879, the Senate passed “the Fifteen Passenger Bill,” which would have limited the number of Chinese passengers permitted on any ship coming to the United States to 15, with proponents of the bill expressing that the Chinese were “an indigestible element in our midst . . . without any adaptability to become citizens”;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty, which declared that “Chinese subjects visiting or residing in the United States, shall enjoy the same privileges . . . in respect to travel or residence, as may there be enjoyed by the citizens and subjects of the most favored nation”;

Whereas in the aftermath of the veto of the Fifteen Passenger Bill, President Hayes initiated the renegotiation of the Burlingame Treaty, requesting that the Chinese government consent to restrictions on the immigration of Chinese persons to the United States;

Whereas these negotiations culminated in the Angell Treaty, ratified by the Senate on May 9, 1881, which—

(1) allowed the United States to suspend, but not to prohibit, the immigration of Chinese laborers;

(2) declared that “Chinese laborers who are now in the United States shall be allowed to go and come of their own free will”; and

(3) reaffirmed that Chinese persons possessed “all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation”;

Whereas, on March 9, 1882, the Senate passed the first Chinese Exclusion Act, which purported to implement the Angell Treaty but instead excluded for 20 years both skilled and unskilled Chinese laborers, re-

jected an amendment that would have permitted the naturalization of Chinese persons, and instead expressly denied Chinese persons the right to be naturalized as American citizens;

Whereas, on April 4, 1882, President Chester A. Arthur vetoed the first Chinese Exclusion Act as being incompatible with the terms and spirit of the Angell Treaty;

Whereas, on May 6, 1882, Congress passed the second Chinese Exclusion Act, which—

(1) prohibited skilled and unskilled Chinese laborers from entering the United States for 10 years;

(2) was the first Federal law that excluded a single group of people on the basis of race; and

(3) required certain Chinese laborers already legally present in the United States who later wished to reenter to obtain “certificates of return”, an unprecedented requirement that applied only to Chinese residents;

Whereas, in response to reports that courts were bestowing United States citizenship on persons of Chinese descent, the Chinese Exclusion Act of 1882 explicitly prohibited all State and Federal courts from naturalizing Chinese persons;

Whereas the Chinese Exclusion Act of 1882 underscored the belief of some Senators at that time that—

(1) the Chinese people were unfit to be naturalized;

(2) the social characteristics of the Chinese were “revolting”;

(3) Chinese immigrants were “like parasites”; and

(4) the United States “is under God a country of Caucasians, a country of white men, a country to be governed by white men”;

Whereas, on July 3, 1884, notwithstanding United States treaty obligations with China and other nations, Congress broadened the scope of the Chinese Exclusion Act—

(1) to apply to all persons of Chinese descent, “whether subjects of China or any other foreign power”; and

(2) to provide more stringent requirements restricting Chinese immigration;

Whereas, on October 1, 1888, the Scott Act was enacted into law, which—

(1) prohibited all Chinese laborers who would choose or had chosen to leave the United States from reentering;

(2) cancelled all previously-issued “certificates of return,” which prevented approximately 20,000 Chinese laborers abroad, including 600 individuals who were en route to the United States, from returning to their families or their homes; and

(3) was later determined by the Supreme Court to have abrogated the Angell Treaty;

Whereas, on May 5, 1892, the Geary Act was enacted into law, which—

(1) extended the Chinese Exclusion Act for 10 years;

(2) required all Chinese persons in the United States, but no other race of people, to register with the Federal Government in order to obtain “certificates of residence”; and

(3) denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus;

Whereas, on an explicitly racial basis, the Geary Act deemed the testimony of Chinese persons, including American citizens of Chinese descent, per se insufficient to establish the residency of a Chinese person subject to deportation, mandating that such residence be established through the testimony of “at least one credible white witness”;

Whereas, in the 1894 Gresham-Yang Treaty, the Chinese government consented to a pro-

hibition of Chinese immigration and the enforcement of the Geary Act in exchange for the readmission of previous Chinese residents;

Whereas in 1898, the United States—

(1) annexed Hawaii;

(2) took control of the Philippines; and

(3) excluded thousands of racially Chinese residents of Hawaii and of the Philippines from entering the United States mainland;

Whereas on April 29, 1902, Congress—

(1) indefinitely extended all laws regulating and restricting Chinese immigration and residence; and

(2) expressly applied such laws to United States insular territories, including the Philippines;

Whereas in 1904, after the Chinese government exercised its unilateral right to withdraw from the Gresham-Yang Treaty, Congress permanently extended, “without modification, limitation, or condition”, all restrictions on Chinese immigration and naturalization, making the Chinese the only racial group explicitly singled out for immigration exclusion and permanently ineligible for American citizenship;

Whereas between 1910 and 1940, the Angel Island Immigration Station implemented the Chinese exclusion laws by—

(1) confining Chinese persons for up to nearly 2 years;

(2) interrogating Chinese persons; and

(3) providing a model for similar immigration stations at other locations on the Pacific coast and in Hawaii;

Whereas each of the congressional debates concerning issues of Chinese civil rights, naturalization, and immigration involved intensely racial rhetoric, with many Members of Congress claiming that all persons of Chinese descent were—

(1) unworthy of American citizenship;

(2) incapable of assimilation into American society; and

(3) dangerous to the political and social integrity of the United States;

Whereas the express discrimination in these Federal statutes politically and racially stigmatized Chinese immigration into the United States, enshrining in law the exclusion of the Chinese from the political process and the promise of American freedom;

Whereas wartime enemy forces used the anti-Chinese legislation passed in Congress as evidence of American racism against the Chinese, attempting to undermine the Chinese-American alliance and allied military efforts;

Whereas, in 1943, at the urging of President Franklin D. Roosevelt, and over 60 years after the enactment of the first discriminatory laws against Chinese immigrants, Congress—

(1) repealed previously-enacted anti-Chinese legislation; and

(2) permitted Chinese immigrants to become naturalized United States citizens;

Whereas, despite facing decades of systematic, pervasive, and sustained discrimination, Chinese immigrants and Chinese-Americans persevered and have continued to play a significant role in the growth and success of the United States;

Whereas 6 decades of Federal legislation deliberately targeting Chinese by race—

(1) restricted the capacity of generations of individuals and families to openly pursue the American dream without fear; and

(2) fostered an atmosphere of racial discrimination that deeply prejudiced the civil rights of Chinese immigrants;

Whereas diversity is one of our Nation's greatest strengths, and, while this Nation

was founded on the principle that all persons are created equal, the laws enacted by Congress in the late 19th and early 20th centuries that restricted the political and civil rights of persons of Chinese descent violated that principle;

Whereas although an acknowledgment of the Senate's actions that contributed to discrimination against persons of Chinese descent will not erase the past, such an expression will acknowledge and illuminate the injustices in our national experience and help to build a better and stronger Nation;

Whereas the Senate recognizes the importance of addressing this unique framework of discriminatory laws in order to educate the public and future generations regarding the impact of these laws on Chinese and other Asian persons and their implications to all Americans; and

Whereas the Senate deeply regrets the enactment of the Chinese Exclusion Act and related discriminatory laws that—

- (1) resulted in the persecution and political alienation of persons of Chinese descent;
- (2) unfairly limited their civil rights;
- (3) legitimized racial discrimination; and
- (4) induced trauma that persists within the Chinese community; Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges that this framework of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the basic founding principles recognized in the Declaration of Independence that all persons are created equal;

(2) acknowledges that this pattern of anti-Chinese legislation, including the Chinese Exclusion Act, is incompatible with the spirit of the United States Constitution;

(3) deeply regrets passing 6 decades of legislation directly targeting the Chinese people for physical and political exclusion and the wrongs committed against Chinese and American citizens of Chinese descent who suffered under these discriminatory laws; and

(4) reaffirms its commitment to preserving the same civil rights and constitutional protections for people of Chinese or other Asian descent in the United States accorded to all others, regardless of their race or ethnicity.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleague, Senator SCOTT BROWN, in submitting a resolution that expresses the regret of the U.S. Senate for the passage of discriminatory laws against Chinese immigrants. These laws are no longer in effect today. However, I believe it is important for Congress to express regret for the many injustices that were experienced by Chinese immigrants as a result of these policies, and for all of us as Americans to learn from this difficult chapter in our Nation's past.

Let me begin by offering a brief history of the Chinese Exclusion Act. In the 1870s, an economic downturn created political pressure to slow the growing population of Chinese immigrants who were coming to the United States to pursue a better way of life. In California, State laws and local ordinances were enacted that denied the Chinese basic rights and privileges such as the right to own land and the ability to access public schools.

At the urging of some California lawmakers, the U.S. Congress subsequently passed laws that further denied

the rights of Chinese immigrants. The harshest of those measures was the Chinese Exclusion Act of 1882 that explicitly prohibited all State and Federal courts from naturalizing Chinese persons. This legislation was the first federal law ever enacted to exclude a group of immigrants solely on the basis of race or nationality.

The Chinese Exclusion Act was followed by the passage of the Geary Act in 1892, which extended the Chinese Exclusion Act for 10 years and required all Chinese persons in the United States to register with the Federal Government to obtain certificates of residence to prove their right to be in the U.S.

In order to fully understand this Nation's deep-rooted hostility toward the Chinese during this time period, it is important to contrast the U.S. Government's vastly different treatment of European immigrants who entered the United States through Ellis Island. European immigrants were not subjected to the same burdensome and humiliating screening requirements as the Chinese.

Most are familiar with the stories of those coming to Ellis Island and seeing the Statute of Liberty in New York Harbor. However, often forgotten are the experiences of Chinese immigrants who made it to America by way of Angel Island in California.

In 1910, the U.S. Government opened the Angel Island Immigration Station as a way to isolate Chinese immigrants from the city of San Francisco and the remainder of the bay area in northern California. These immigrants were brought to Angel Island Station where they were separated from family members, subjected to embarrassing medical examinations and grueling interrogations, and detained for months or sometimes years.

Despite these hardships, Chinese immigrants persevered, and they continue to make invaluable contributions to the development and success of our Nation. The enactment of Chinese exclusionary laws is a shameful part of our history that must not be forgotten. It is my hope that this resolution will serve to enlighten those who may not be aware of this regrettable chapter in our Nation's history. In addition, I hope the resolution will help heal and bring some closure for those who lived through this difficult time and are still with us today.

I urge my colleagues to support this bipartisan resolution.

SENATE RESOLUTION 202—DESIGNATING JUNE 27, 2011, AS “NATIONAL POST-TRAUMATIC STRESS DISORDER AWARENESS DAY”

Mr. CONRAD (for himself, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. DURBIN) submitted the following resolution;

which was referred to the Committee on the Judiciary:

S. RES. 202

Whereas the brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every reasonable resource to ensure their lasting physical, mental, and emotional well-being;

Whereas 2.4 percent of servicemembers returning from deployment to Operation Enduring Freedom or Operation Iraqi Freedom are clinically diagnosed with post-traumatic stress disorder (referred to in this preamble as “PTSD”) and up to 17 percent of Operation Enduring Freedom and Operation Iraqi Freedom veterans exposed to sustained ground combat report PTSD symptoms;

Whereas up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD;

Whereas the Department of Veterans Affairs reports that more than 438,000 veterans were treated for PTSD in 2010 alone;

Whereas many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues;

Whereas PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated;

Whereas the Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain; and

Whereas the establishment of a National Post-Traumatic Stress Disorder Awareness Day will raise public awareness about issues related to PTSD and help ensure that those suffering from the invisible wounds of war receive proper treatment: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 27, 2011, as “National Post-Traumatic Stress Disorder Awareness Day”;

(2) urges the Secretary of Veterans Affairs and the Secretary of Defense to continue working to educate servicemembers, veterans, the families of servicemembers and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Veterans Affairs and the Secretary of Defense.

Mr. CONRAD. Mr. President, today I am introducing for the second year in a row a Senate resolution to designate June 27 as National Post-Traumatic Stress Disorder Awareness Day. That date was inspired by the birthday of North Dakota National Guard Staff Sergeant Joe Biel. Staff Sergeant Biel served two tours of duty in Iraq as a Trailblazer, part of a unit responsible for route clearance operations. Each day, Joe's mission was to go out with his unit to find and remove Improvised Explosive Devices and other dangers from heavily traveled roads to make it safe for coalition forces and Iraqi civilians to travel. As a result of those experiences, Joe suffered from PTSD and,

tragically, took his own life in April 2007. There is absolutely no doubt that Joe Biel is a hero who gave his life for our country.

I learned of Joe's story because friends from his platoon, the 4th Platoon, A Company, of the North Dakota National Guard's 164th Combat Engineer Battalion, have organized an annual motorcycle ride across the state of North Dakota in his memory. The Joe Biel Memorial Ride serves as a reunion for the 164th, a memorial for a lost friend, and a beacon to those suffering from PTSD and other mental issues across the region. The key point made to me by the event's organizer, Staff Sergeant Matt Leaf, is that we have to raise awareness of this disease so that the lives of servicemembers, veterans, and other PTSD sufferers can be saved by greater awareness of and treatment for this disorder.

For many, the war does not end when the warrior comes home. All too many servicemembers and veterans face PTSD symptoms like anxiety, anger, and depression as they try to adjust to life after war. We cannot sweep these problems under the rug. PTSD is real. The Department of Defense and the Department of Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and its symptoms, but many challenges remain. More must be done to inform and educate veterans, families and communities on the facts about this illness and the resources and treatments available.

That is why SSG Leaf and his fellow Trailblazers started the Joe Biel Memorial Bike Ride. That is why I began the effort to create a National PTSD Awareness Day last year. It is why I am introducing this Resolution once again. Actions like this may not seem that important to some, but they are. They garner attention, raise awareness, and help to eliminate the stigma surrounding mental health issues. These efforts are about letting our troops, past and present, know it is okay to come forward and say they need help. It's a sign of strength, not weakness, to seek assistance. It is my hope that this message will be heard. In the words of SSG Leaf, "maybe if we all take a minute to listen, we can stop one more tragedy from ever happening again."

**SENATE RESOLUTION 203—RECOGNIZING "NATIONAL FOSTER CARE MONTH" AS AN OPPORTUNITY TO RAISE AWARENESS ABOUT THE CHALLENGES OF CHILDREN IN THE FOSTER CARE SYSTEM, AND ENCOURAGING CONGRESS TO IMPLEMENT POLICY TO IMPROVE THE LIVES OF CHILDREN IN THE FOSTER CARE SYSTEM**

Ms. LANDRIEU (for herself, Mr. GRASSLEY, Mrs. GILLIBRAND, Mr.

FRANKEN, Mr. CARDIN, Mr. BEGICH, Mr. AKAKA, Mr. COCHRAN, Ms. COLLINS, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KERRY, Mr. INHOFE, Ms. SNOWE, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas "National Foster Care Month" was established more than 20 years ago to bring foster care issues to the forefront, to highlight the importance of permanency for every child, and to recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 420,000 children living in foster care;

Whereas there are 115,000 children in foster care awaiting adoption;

Whereas 57,000 children are adopted out of foster care each year;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas the number of available foster homes is declining, and there are only 2.8 foster homes for every 10 children in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines, and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas more than 29,000 youth "age out" of foster care without a legal permanent connection to an adult or family;

Whereas the number of youth who "age out" of foster care has steadily increased for the past decade;

Whereas children who "age out" of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) provides for new investments and services to improve

the outcomes of children and families in the foster care system; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes "National Foster Care Month" as an opportunity to raise awareness about the challenges that children in the foster care system face;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as "National Foster Care Month";

(4) acknowledges the special needs of children in the foster care system;

(5) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(6) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to help children in the foster care system reunite with their biological parents or, if the children cannot be reunited with their biological parents, find permanent, safe, and loving homes.

**SENATE RESOLUTION 204—DESIGNATING JUNE 7, 2011, AS "NATIONAL HUNGER AWARENESS DAY"**

Mr. CASEY (for himself, Mr. BOOZMAN, Mr. DURBIN, Mr. LUGAR, Mr. MORAN, Mr. LEAHY, and Mr. BROWN of Ohio) submitted the following resolution; which was considered and agreed to:

S. RES. 204

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that approximately 50,200,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 33,000,000 are adults and 17,200,000 are children;

Whereas the Department of Agriculture data also show that households with children experience nearly twice the rate of food insecurity as those households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled "Household Food Security in the United States, 2009" and published by the Economic Research Service of the Department of Agriculture found that in 2009, the most recent year for which data exist—

(1) 14.7 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 21.3 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.5 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban,

and urban portions of the United States, touching nearly every community of the United States;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 50,000 local, community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 7, 2011, as “National Hunger Awareness Day”; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 386. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table.

SA 387. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, supra; which was ordered to lie on the table.

SA 388. Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concur-

rent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

#### TEXT OF AMENDMENTS

SA 386. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 3. GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

#### “§ 922A. Attorney General’s discretion to deny transfer of a firearm

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

#### “§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the same meaning as in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”;

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3) or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;

“(B) the license”;

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(1)(C), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”;

(3) by inserting after paragraph (3) the following:

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism,”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”;

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”;

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents ex parte and in camera. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following: “925A. Remedies.”.

(k) PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,” after “is ineligible to receive a firearm”;

(B) by inserting “except any information for which the Attorney General has determined that disclosure would likely compromise national security,” after “reasons to the individual,”; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting “or if the Attorney General has made a determination pursuant to sec-

tion 922A or 922B of title 18, United States Code,” after “or State law,”; and

(ii) by inserting “, except any information for which the Attorney General has determined that disclosure would likely compromise national security” before the period at the end; and

(B) by adding at the end the following: “Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

(l) UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; or”;

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(m) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by inserting “; or” at the end; and

(2) by inserting after paragraph (7) the following:

“(8) who has received actual notice of the Attorney General’s determination made pursuant to subsection (j) or (d)(1)(B) of section 843 of this title.”.

(n) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “Upon” and inserting “Except as provided in subsection (j), upon”;

(2) by adding at the end the following:

“(j) The Attorney General may deny the issuance of a permit or license to an applicant if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(o) ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(d)”;

(2) by striking “if in the opinion” and inserting the following: “if—

“(A) in the opinion”;

(3) by striking “. The Secretary’s action” and inserting the following: “; or

“(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

“(2) The Attorney General’s action”.

(p) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection

(j) or (d)(1)(B), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (j) or (d)(1)(B), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) **ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.**—Section 843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “or in subsection (j) of this section (on grounds of terrorism)” after “section 842(i)”;

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i)”;

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

(r) **CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.**—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

(s) **GUIDELINES.**—

(1) **IN GENERAL.**—The Attorney General shall issue guidelines describing the circumstances under which the Attorney General will exercise the authority and make determinations under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act.

(2) **CONTENTS.**—The guidelines issued under paragraph (1) shall—

(A) provide accountability and a basis for monitoring to ensure that the intended goals for, and expected results of, the grant of authority under subsections (d)(1)(B) and (j) of section 843 and sections 922A and 922B of title 18, United States Code, as amended by this Act, are being achieved; and

(B) ensure that terrorist watch list records are used in a manner that safeguards privacy and civil liberties protections, in accordance with requirements outlined in Homeland Security Presidential Directive 11 (dated August 27, 2004).

**SA 387.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 347 proposed by Mr. REID to the bill S. 990, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 3. PROTECTIONS FOR BOOKSTORES AND LIBRARIES.**

(a) **EXEMPTION OF BOOKSTORES AND LIBRARIES FROM ORDERS REQUIRING THE PRODUCTION OF ANY TANGIBLE THINGS FOR CERTAIN FOREIGN INTELLIGENCE INVESTIGATIONS.**—Section

501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following new subsection:

“(i) **PROHIBITION ON SEARCHING FOR OR SEIZING MATERIAL FROM A BOOKSELLER OR LIBRARY.**—

“(1) **IN GENERAL.**—No application may be made under this section with either the purpose or effect of searching for, or seizing from, a bookseller or library documentary materials that contain personally identifiable information concerning a patron of a bookseller or library.

“(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed as precluding a physical search for documentary materials referred to in paragraph (1) under other provisions of law, including under section 303.

“(3) **DEFINITIONS.**—In this subsection:

“(A) **BOOKSELLER.**—The term ‘bookseller’ means any person or entity engaged in the sale, rental or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) **DOCUMENTARY MATERIALS.**—The term ‘documentary materials’ means any document, tape or other communication created by a bookseller or library in connection with print or digital dissemination of a book, journal, magazine, newspaper, or other similar form of communication, including access to the Internet.

“(C) **LIBRARY.**—The term ‘library’ has the meaning given that term under section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination or circulation.

“(D) **PATRON.**—The term ‘patron’ means any purchaser, renter, borrower, user or subscriber of goods or services from a library or bookseller.

“(E) **PERSONALLY IDENTIFIABLE INFORMATION.**—The term ‘personally identifiable information’ includes information that identifies a person as having used, requested or obtained specific reading materials or services from a bookseller or library.”.

(b) **NATIONAL SECURITY LETTERS.**—Section 2709(f) of title 18, United States Code, is amended to read as follows:

“(f) **EXCEPTION FOR LIBRARIES AND BOOKSELLERS.**—

“(1) **IN GENERAL.**—A library or a bookseller is not a wire or electronic communication service provider for purposes of this section, regardless of whether the library or bookseller is providing electronic communication service.

“(2) **DEFINITIONS.**—In this subsection:

“(A) **BOOKSELLER.**—The term bookseller means any person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

“(B) **LIBRARY.**—The term library has the meaning given that term in section 213(1) of the Library Services and Technology Act (20 U.S.C. 9122(1)).”.

**SA 388.** Ms. KLOBUCHAR (for Mrs. MURRAY) proposed an amendment to the concurrent resolution S. Con. Res. 4, expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States; as follows:

In the resolving clause, insert before the period at the end the following: “and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the ‘Commemorative Works Act’)”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on May 26, 2011, at 10:15 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “The U.S.-Korea Free Trade Agreement.”

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the



Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on May 26, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing entitled "In Our Way: Expanding the Success of Native Language & Culture-Based Education."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on May 26, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 26, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on May 26, 2011, from 2-4 p.m. in Dirksen 106.

The PRESIDING OFFICER. Without objection, it is so ordered.

### PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be temporarily granted to Kyle Parker, a staff member of the Commission on Security and Cooperation in Europe, which I cochair, during the pendency of this colloquy in which I am engaging with Senator MCCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EXECUTIVE SESSION

#### NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

Ms. KLOBUCHAR. Mr. President, I move to proceed to executive session to consider Calendar No. 118, and I send a cloture motion to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The motion is agreed to.

The clerk will report the nomination. The bill clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

Patrick J. Leahy, Kent Conrad, John F. Kerry, Sheldon Whitehouse, Amy Klobuchar, Benjamin L. Cardin, Jeff Bingaman, Barbara Boxer, Jeff Merkley, Ron Wyden, Robert Menendez, Jeanne Shaheen, Bernard Sanders, Frank R. Lautenberg, Jack Reed, Patty Murray, Richard J. Durbin

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that on Monday, June 6, 2011, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 118; that there be 1 hour for debate equally divided in the usual form prior to the cloture vote; further, that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

### LEGISLATIVE SESSION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 56, H.R. 754.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 754) to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, I am very pleased that the Senate will be passing the fiscal year 2011 intelligence authorization bill today.

This is now the second year in a row that we have been able to pass an authorization bill, after 6 years without doing so.

The bill authorizes funding for fiscal year 2011 for the 16 different agencies across the U.S. Government that make up the intelligence community. Unlike the fiscal year 2010 bill, which was enacted last October, this bill also contains a classified annex, which is the main mechanism the Intelligence Committee has to set the level of intelligence spending and direct how it is used.

The bill adds hundreds of millions of dollars above the President's request for intelligence activities for fiscal year 2011. However, in anticipation of tighter future budgets, the bill also takes some initial steps to prepare the intelligence community for likely smaller budgets and personnel decreases in the coming years.

The bill includes a number of legislative provisions, including:

A section requiring the intelligence community to prevent another security disaster, such as the recent leaks of classified information to Wikileaks, through the implementation of automated information technology threat detection programs that must be fully operational by the end of 2013;

A provision improving the ability of government agencies to detail personnel to needed areas of the intelligence community;

A commendation of intelligence community personnel for their role in bringing Osama bin Laden to justice and reaffirming the commitment of the Congress to use the capabilities of the intelligence community to disrupt, dismantle, and defeat al-Qaida and affiliated organizations.

With the passage of this legislation, I believe we have restored the committee's ability to do oversight, and we are now on track to pass intelligence authorization bills each year.

I very much appreciate the close collaboration of Senator CHAMBLISS, the vice chairman of the committee, in this effort. We have worked closely together to craft this legislation, and to secure its passage.

I also thank Chairman ROGERS and Ranking Member RUPPERSBERGER for their efforts on the House Permanent Select Committee on Intelligence. We worked well together on the fiscal year 2011 legislation to bring forward coordinated bills to the House and the Senate, and I look forward to continue to work together to enact the fiscal year 2012 intelligence authorization bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.



The bill (H.R. 754) was passed.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FASTER FOIA ACT OF 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 31, S. 627.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 627) to establish the Commission on Freedom of Information Act Processing Delays.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

[Omit the parts in boldface brackets and insert the part printed in italic.]

S. 627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) **SHORT TITLE.**—This Act may be cited as the “Faster FOIA Act of 2011”.

(b) **ESTABLISHMENT.**—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the “Commission”) for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of [16] 12 members of whom—

(A) [3] 2 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) [3] 2 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) [3] 2 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) [3] 2 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) **QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.**—Of the [3] 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least [2] 1 shall have experience [in academic research] as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) **TIMELINESS OF APPOINTMENTS.**—Appointments to the Commission shall be made as

expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) **STUDY.**—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; [and]

(D) [make] any recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited[.]; and

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups; (ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) **STAFF AND ADMINISTRATIVE SUPPORT SERVICES.**—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.]

(f) **STAFF AND ADMINISTRATIVE SUPPORT SERVICES.**—

(1) **IN GENERAL.**—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) **PAYMENT OF EXPENSES.**—

(A) **STAFF SALARIES.**—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for sal-

aries of the National Archives and Records Administration.

(B) **ADMINISTRATIVE SUPPORT SERVICES.**—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) **APPROPRIATIONS REQUESTS.**—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) **INFORMATION.**—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) **COMPENSATION OF MEMBERS.**—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.]

(i) **TRAVEL EXPENSES.**—

(1) **IN GENERAL.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) **PAYMENT OF EXPENSES.**—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) **APPROPRIATIONS REQUESTS.**—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) **TRANSPARENCY.**—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) **TERMINATION.**—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I commend the Senate for unanimously passing the Faster FOIA Act of 2011. This important bill will establish a bipartisan commission to examine the root causes of agency delays in processing Freedom of Information Act—FOIA—requests, and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator CORNYN and I first introduced this bill in 2005, because we were concerned about the growing problem of excessive FOIA delays within our

Federal agencies. During the intervening years, the problem of excessive FOIA delays did not go away. That is why in 2010, we reintroduced this bill and the Senate unanimously passed it last year. After the Judiciary Committee's hearing in March on FOIA, we reintroduced this bill yet again—with the hope that the Congress will finally enact this good government legislation. Today, the Senate is doing its part to achieve that goal.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A recent report released by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of these reforms. These delays are simply unacceptable. The bipartisan FOIA commission established by this bill will help to reverse this trend.

The commission created by the Faster FOIA Act will make key recommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The commission will also study why Federal agencies are more and more relying on FOIA exemptions to withhold information from the public. In addition, the commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will also be made up of government and non-governmental representatives with a broad range of experience related to handling FOIA requests.

I have said many times over the years that open government is neither a Democratic issue, nor a Republican issue—it is truly an American value and virtue that we all must uphold. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senator WHITEHOUSE who has cosponsored this bill.

In addition, I thank the Judiciary Committee's ranking member, Senator GRASSLEY, for working with me on this bill and his help in securing its passage in the Senate. I commend and thank the many open government and FOIA advocacy groups that have supported this bill, including OpenTheGovernment.org, the Project on Government Oversight and the Sunshine in Government Initiative.

I hope that the House of Representatives will promptly pass this good government legislation, so that the Commission on Freedom of Information Act Processing Delays can begin its work.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no in-

tervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 627), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Faster FOIA Act of 2011”.

(b) **ESTABLISHMENT.**—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the “Commission”) for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of 12 members of whom—

(A) 2 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 2 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 2 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 2 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) **QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.**—Of the 2 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 1 shall have experience as a FOIA requestor, or in the fields of library science, information management, or public access to Government information.

(3) **TIMELINESS OF APPOINTMENTS.**—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) **STUDY.**—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5,

United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful;

(D) any recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited; and

(E)(i) whether any disparities in processing, processing times, and completeness of responses to FOIA requestors have occurred based upon political considerations, ideological viewpoints, the identity of the requestors, affiliation with the media, or affiliation with advocacy groups;

(ii) if any disparities have occurred, why such disparities have occurred; and

(iii) the extent to which political appointees have been involved in the FOIA process.

(e) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) **STAFF AND ADMINISTRATIVE SUPPORT SERVICES.**—

(1) **IN GENERAL.**—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(2) **PAYMENT OF EXPENSES.**—

(A) **STAFF SALARIES.**—The Archivist of the United States shall pay staff expenses relating to salaries under this subsection from available appropriations in the applicable account for salaries of the National Archives and Records Administration.

(B) **ADMINISTRATIVE SUPPORT SERVICES.**—Except as provided under subparagraph (A), the Archivist of the United States shall pay staff and administrative expenses under this subsection from available appropriations in the operating expenses account of the National Archives and Records Administration.

(3) **APPROPRIATIONS REQUESTS.**—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(g) **INFORMATION.**—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) **COMPENSATION OF MEMBERS.**—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) **TRAVEL EXPENSES.**—

(1) **IN GENERAL.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at

rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) PAYMENT OF EXPENSES.—The Administrator of General Services shall pay travel expenses under this subsection from available appropriations in the operating expenses account of the General Services Administration.

(3) APPROPRIATIONS REQUESTS.—Expenses paid under this subsection shall not form the basis for additional appropriations requests from the National Archives and Records Administration in the future.

(j) TRANSPARENCY.—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (e).

#### APPROPRIATE SITING ON CHAPLAINS HILL IN ARLINGTON CEMETERY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. Con. Res. 4 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A resolution (S. Con. Res. 4) expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. MURRAY. Mr. President, I would like to take a moment to speak on the passage of S. Con. Res. 4, as amended, which would allow for the establishment of a Jewish Chaplains Memorial on Chaplains Hill in Arlington National Cemetery.

Since their inclusion in the Chaplain Corps in 1862, Jewish Chaplains have played a vital role in supporting members of the Armed Forces. In Arlington National Cemetery, Chaplains Hill serves as a memorial for military chaplains who have died in service to their country.

Chaplains play a critical role in the lives of our Nation's soldiers, providing spiritual guidance and emotional support in their times of need. In addition to their spiritual role, chaplains still remain a part of the military and give their lives in the line of duty.

Mr. President, in particular, one story poignantly tells of the service and sacrifice that chaplains make on behalf of their fellow servicemembers. On January 23, 1943, the USAT *Dorchester* was attacked by an enemy submarine while off the coast of Newfoundland. Four Army chaplains remained on the sinking vessel ensuring that surviving crew members would be able to reach the lifeboats, even surrendering their own lifejackets to crewmembers in need. As the ship began to sink, the chaplains banded together to pray for the safety of the crew. In honor of that selfless act, Congress created the Chaplain's Medal of Honor, also known as the Four Chaplains Medal. One of the chaplains was Rabbi Alexander D. Goode, a lieutenant in the Army, who is one of the 13 Jewish Chaplains who would be honored by the memorial that this Resolution would establish.

I would like to thank the many groups and individuals involved in this project. Specifically, I would like to acknowledge the efforts of Rabbi Harold Robinson, RADM CHC USN Retired, Kenneth Kraetzer, Mr. Sol Moglen and Ms. Shelley Rood. Without the work of these dedicated individuals, the sacrifice Jewish Chaplains have made on behalf of this Nation would remain unmemorialized in Arlington National Cemetery.

Ms. KLOBUCHAR. I ask unanimous consent that the Murray amendment, which is at the desk, be agreed to, the concurrent resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 388) was agreed to as follows:

(Purpose: To express the sense of Congress on the establishment of an advisory commission on memorials at Arlington National Cemetery and facilitate evaluation and approval of future monuments and memorials at the cemetery)

In the resolving clause, insert before the period at the end the following: "and that, in order to preserve, protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act')".

The concurrent resolution (S. Con. Res. 4), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, as amended with its preamble, reads as follows:

S. CON. RES. 4

Whereas 13 Jewish chaplains have died while on active duty in the Armed Forces of the United States;

Whereas Army Chaplain Rabbi Alexander Goode died on February 3, 1943, when the USS *Dorchester* was sunk by German torpedoes off the coast of Greenland;

Whereas Chaplain Goode received the Four Chaplains' Medal for Heroism and the Distinguished Service Cross for his heroic efforts to save the lives of those onboard the *Dorchester*;

Whereas Army Chaplain Rabbi Irving Tepper was killed in action in France on August 13, 1944;

Whereas Chaplain Tepper also saw combat in Morocco, Tunisia, and Sicily while attached to an infantry combat team in the Ninth Division;

Whereas Army Chaplain Rabbi Louis Werfel died on December 24, 1944, at the young age of 27, in a plane crash while en route to conduct Chanukah services;

Whereas Chaplain Werfel was known as "The Flying Rabbi" because his duties required traveling great distances by plane to serve Army personnel of Jewish faith at outlying posts;

Whereas Army Chaplain Rabbi Meir Engel died at the Naval Hospital in Saigon on December 16, 1964, after faithfully serving his country during World War II, the Korean War, and the Vietnam War;

Whereas Army Chaplain Rabbi Morton Singer died on December 17, 1968, in a plane crash while on a mission in Vietnam to conduct Chanukah services;

Whereas Army Chaplain Rabbi Herman Rosen died in service of his faith and his country on June 18, 1943;

Whereas Chaplain Rabbi Herman Rosen's son, Air Force Chaplain Solomon Rosen, also died in service of his faith and his country, on November 2, 1948;

Whereas Army Chaplain Rabbi Nachman Arnoff died in service of his faith and his country on May 9, 1946;

Whereas Army Chaplain Rabbi Frank Goldenberg died in service of his faith and his country on May 22, 1946;

Whereas Army Chaplain Rabbi Henry Goody died in service of his faith and his country on October 19, 1943;

Whereas Army Chaplain Rabbi Samuel Hurwitz died in service of his faith and his country December 9, 1943;

Whereas Air Force Chaplain Rabbi Samuel Rosen died in service of his faith and his country on May 13, 1955;

Whereas Air Force Chaplain Rabbi David Sobel died in service of his faith and his country on March 7, 1974;

Whereas Chaplains Hill in Arlington National Cemetery memorializes the names of 242 chaplains who perished while on active duty in the Armed Forces of the United States; and

Whereas none of the 13 Jewish chaplains who have died while on active duty are memorialized on Chaplains Hill: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker, to be paid for with private funds, to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States, so long as the Secretary of the Army has exclusive authority to approve the design and site of the memorial marker and that, in order to preserve,

protect, and maintain the limited amount of space available at Arlington National Cemetery and ensure that future proposals for commemorative works are appropriately designed, constructed, and located and reflect a consensus of the lasting national significance of the subjects involved, the President of the United States, as Commander in Chief, should establish an Arlington National Cemetery Memorial Advisory Commission and procedures for the evaluation and approval of new monuments and memorials comparable to those in chapter 89 of title 40, United States Code (commonly referred to as the "Commemorative Works Act").

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL CANCER RESEARCH MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 172 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 172) recognizing the importance of cancer research and the contributions made by scientists and clinicians across the United States who are dedicated to finding a cure for cancer, and designating May 2011, as "National Cancer Research Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that Senator CARDIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 172) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 172

Whereas in 2011, cancer remains one of the most pressing public health concerns in the United States, with 1,500,000 Americans expected to be diagnosed with cancer and more than 500,000 expected to die from the disease;

Whereas the term "cancer" refers to more than 200 diseases that collectively represent

the leading cause of death for Americans under age 85, and the second leading cause of death for Americans overall;

Whereas the national investment in cancer research has yielded substantial returns in research advances and lives saved, with a scholarly estimate that every 1 percent decline in cancer mortality saves the United States economy \$500,000,000,000;

Whereas advancements in the understanding of the causes, mechanisms, diagnosis, treatment, and prevention of cancer have led to cures for many types of cancers and have converted other types of cancers into manageable chronic conditions;

Whereas the 5-year survival rate for all cancers has improved during the 30 years prior to the date of approval of this resolution to more than 65 percent, and as of 2011, there are more than 12,000,000 cancer survivors living in the United States;

Whereas partnerships with research scientists and the general public, survivors and patient advocates, philanthropic organizations, industry, and Federal, State, and local governments have led to advanced breakthroughs, early detection tools that have increased survival rates, and a better quality of life for cancer survivors; and

Whereas advances in cancer research have had significant implications for the treatment of other costly diseases such as diabetes, heart disease, Alzheimer's disease, HIV/AIDS, and macular degeneration: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the importance of cancer research and the invaluable contributions of the researchers in the United States and worldwide and who are dedicated to reversing the cancer epidemic;

(2) designates May 2011 as "National Cancer Research Month"; and

(3) supports efforts to make cancer research a national and international priority so that one day the more than 200 diseases known as cancer are eliminated.

#### NATIONAL FOSTER CARE MONTH

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 203, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 203) recognizing "National Foster Care Month" as an opportunity to raise awareness about the challenges of children in the foster care system, and encouraging Congress to implement policy to improve the lives of children in the foster care system.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas "National Foster Care Month" was established more than 20 years ago to bring foster care issues to the forefront, to highlight the importance of permanency for every child, and to recognize the essential role that foster parents, social workers, and advocates have in the lives of children in foster care throughout the United States;

Whereas all children deserve a safe, loving, and permanent home;

Whereas the primary goal of the foster care system is to ensure the safety and well-being of children while working to provide a safe, loving, and permanent home for each child;

Whereas there are approximately 420,000 children living in foster care;

Whereas there are 115,000 children in foster care awaiting adoption;

Whereas 57,000 children are adopted out of foster care each year;

Whereas children of color are more likely to stay in the foster care system for longer periods of time and are less likely to be reunited with their biological families;

Whereas the number of available foster homes is declining, and there are only 2.8 foster homes for every 10 children in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 2 years;

Whereas children in foster care experience an average of 3 different placements, which often leads to disruption of routines, and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas more than 29,000 youth "age out" of foster care without a legal permanent connection to an adult or family;

Whereas the number of youth who "age out" of foster care has steadily increased for the past decade;

Whereas children who "age out" of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas on average, 8.5 percent of the positions in child protective services remain vacant;

Whereas due to heavy caseloads and limited resources, the average tenure for a worker in child protection services is just 3 years;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and post-permanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; 122 Stat. 3949) provides for new investments and services to improve the outcomes of children and families in the foster care system; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes “National Foster Care Month” as an opportunity to raise awareness about the challenges that children in the foster care system face;

(2) encourages Congress to implement policy to improve the lives of children in the foster care system;

(3) supports the designation of May as “National Foster Care Month”;

(4) acknowledges the special needs of children in the foster care system;

(5) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system; and

(6) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed to help children in the foster care system reunite with their biological parents or, if the children cannot be reunited with their biological parents, find permanent, safe, and loving homes.

#### NATIONAL HUNGER AWARENESS DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 204, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 204) designating June 7, 2011, as “National Hunger Awareness Day.”

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 204

Whereas food insecurity and hunger are a fact of life for millions of individuals in the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that approximately 50,200,000 individuals in the United States live in households experiencing hunger or food insecurity, and of that number, 33,000,000 are adults and 17,200,000 are children;

Whereas the Department of Agriculture data also show that households with children experience nearly twice the rate of food insecurity as those households without children;

Whereas 4.8 percent of all households in the United States (approximately 5,600,000 households) have accessed emergency food from a food pantry 1 or more times;

Whereas the report entitled “Household Food Security in the United States, 2009” and published by the Economic Research Service of the Department of Agriculture found that in 2009, the most recent year for which data exist—

(1) 14.7 percent of all households in the United States experienced food insecurity at some point during the year;

(2) 21.3 percent of all households with children in the United States experienced food insecurity at some point during the year; and

(3) 7.5 percent of all households with elderly individuals in the United States experienced food insecurity at some point during the year;

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the United States;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, many Americans remain vulnerable to hunger and the negative effects of food insecurity;

Whereas the people of the United States have a long tradition of providing food assistance to hungry individuals through acts of private generosity and public support programs;

Whereas the Federal Government provides nutritional support to millions of individuals through numerous Federal food assistance programs, including—

(1) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(2) the child nutrition program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(4) the emergency food assistance program established under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(5) food donation programs;

Whereas there is a growing awareness of the important role that community-based organizations, institutions of faith, and charities play in assisting hungry and food-insecure individuals;

Whereas more than 50,000 local, community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people; and

Whereas all people of the United States can participate in hunger relief efforts in their communities by—

(1) donating food and money to hunger relief efforts;

(2) volunteering for hunger relief efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 7, 2011, as “National Hunger Awareness Day”; and

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States.

#### MEASURE READ THE FIRST TIME—S. 1125

Ms. KLOBUCHAR. Mr. President, I understand that S. 1125, introduced

earlier today by Senator LEAHY, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1125) to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

Ms. KLOBUCHAR. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, after consultation with the Chairman of the Select Committee on Intelligence of the Senate, and pursuant to the provisions of Public Law 107-306, as amended by Public Law 111-259, announces the appointment of the following individual to serve as a member of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community: John H. Young, of Virginia.

The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106-286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Honorable SUSAN COLLINS of Maine, and the Honorable JAMES E. RISCH of Idaho.

#### APPOINTMENT AUTHORITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that from Friday, May 27, through Friday, June 3, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SIGNING AUTHORITY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that from Thursday, May 26, through Friday, June 3, the majority leader, Senator KLOBUCHAR, and Senator WEBB be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 49, 97, 106, 107, 111, 121, 122, 123, 124, 125, 126, 127, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168; and nominations placed on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy, and Public Health Service, with the exception of: Kenia P. Altamirano, Rebecca M. Kibel, Timothy N. Onserio, Justin R. Plott, Brandy Torres; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc as follows:

#### DEPARTMENT OF DEFENSE

Jo Ann Rooney, of Massachusetts, to be Principal Deputy Under Secretary of Defense for Personnel and Readiness.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. David L. Goldfein

#### DEPARTMENT OF VETERANS AFFAIRS

Allison A. Hickey, of Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs.

Steve L. Muro, of California, to be Under Secretary of Veterans Affairs for Memorial Affairs.

#### DEPARTMENT OF JUSTICE

Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance.

#### DEPARTMENT OF THE TREASURY

Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

#### EXPORT-IMPORT BANK OF THE UNITED STATES

Wanda Felton, of New York, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2013.

Sean Robert Mulvaney, of Illinois, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2015.

#### DEPARTMENT OF STATE

George Albert Krol, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Daniel Benjamin Shapiro, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Henry S. Ensher, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Stuart E. Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Hashemite Kingdom of Jordan.

#### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

Sim Farar, of California, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

William J. Hybl, of Colorado, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012.

#### NATIONAL SCIENCE FOUNDATION

Cora B. Marrett, of Wisconsin, to be Deputy Director of the National Science Foundation.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Martha Wagner Weinberg, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Paula Barker Duffy, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Cathy N. Davidson, of North Carolina, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Constance M. Carroll, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Albert J. Beveridge III, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

#### NATIONAL COUNCIL ON DISABILITY

Clyde E. Terry, of New Hampshire, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

Janice Lehrer-Stein, of California, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

#### UNITED STATES INSTITUTE OF PEACE

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring September 19, 2011.

Judith A. Ansley, of Massachusetts, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years. (Reappointment)

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring September 19, 2011.

John A. Lancaster, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

#### NATIONAL SECURITY EDUCATION BOARD

Michael E. Guest, of South Carolina, to be a Member of the National Security Education Board for a term of four years.

Ana Margarita Guzman, of Texas, to be a Member of the National Security Education Board for a term of four years.

Christopher B. Howard, of Virginia, to be a Member of the National Security Education Board for a term of four years.

#### IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

#### *To be lieutenant general*

Maj. Gen. Brooks L. Bash

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### *To be brigadier general*

Col. David E. Deputy

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### *To be major general*

Brig. Gen. James D. Demeritt  
Brig. Gen. Joseph K. Martin, Jr.

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

#### *To be major general*

Brigadier General Mark A. Atkinson  
Brigadier General William J. Bender  
Brigadier General Brian T. Bishop  
Brigadier General Christopher C. Bogdan  
Brigadier General Michael J. Carey  
Brigadier General John B. Cooper  
Brigadier General Samuel D. Cox  
Brigadier General Barbara J. Faulkenberry  
Brigadier General Russell J. Handy  
Brigadier General Michael A. Keltz  
Brigadier General Steven L. Kwast  
Brigadier General Frederick H. Martin  
Brigadier General Thomas J. Masiello  
Brigadier General Earl D. Matthews  
Brigadier General Robert P. Otto  
Brigadier General John W. Raymond  
Brigadier General Darryl L. Roberson  
Brigadier General Anthony J. Rock  
Brigadier General Jay G. Santee  
Brigadier General Rowayne A. Schatz, Jr.  
Brigadier General John F. Thompson  
Brigadier General Thomas J. Trask  
Brigadier General Joseph S. Ward, Jr.  
Brigadier General Jack Weinstein  
Brigadier General Robert E. Wheeler  
Brigadier General Martin Whelan  
Brigadier General Stephen W. Wilson  
Brigadier General Tod D. Wolters  
Brigadier General Timothy M. Zadalis

#### IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:



*To be vice admiral*

Rear Adm. David H. Buss

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. David J. Buck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Gilmary M. Hostage III

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Mark F. Ramsay

## IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Mark W. Palzer

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Gerald E. Lang

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

*To be brigadier general*

Col. Charles R. Bailey

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Omer C. Tooley, Jr.

*To be brigadier general*

Col. Brian R. Carpenter

## IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Charles G. Chiarotti

Colonel David W. Coffman

Colonel Thomas A. Gorry

Colonel Paul J. Kennedy

Colonel Joaquin F. Malavet

Colonel Niel E. Nelson

Colonel Loretta E. Reynolds

Colonel Russell A. Sanborn

Colonel George W. Smith, Jr.

Colonel Craig Q. Timberlake

Colonel Mark R. Wise

Colonel Daniel D. Yoo

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Richard P. Mills

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. George J. Flynn

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under the title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. John R. Allen

The following named officer for appointment as Commander, Marine Forces Reserves to the grade indicated in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5144:

*To be lieutenant general*

Maj. Gen. Steven A. Hummer

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Read Adm. Kendall L. Card

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Robert S. Harward, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Vice Adm. Mark D. Harnitchek

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN222 AIR FORCE nominations (12) beginning MICHAEL D. DIETZ, and ending DOREEN F. WILDER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN367 AIR FORCE nominations (516) beginning JAY O. AANRUD, and ending SCOTT C. ZIPPWALD, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN436 AIR FORCE nominations (3) beginning MATTHEW J. BRONK, and ending JOY C. TABER, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN437 AIR FORCE nomination of Paul L. Dandrea, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN493 AIR FORCE nomination of Jeffrey A. Bailey, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN494 AIR FORCE nomination of James A. Mace, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN495 AIR FORCE nominations (24) beginning BERNADETTE A. ANDERSON, and ending DWAYNE B. WILHITE, which nomi-

nations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN496-1 AIR FORCE nominations (85) beginning JEFFERY D. AEBISCHER, and ending KURT V. WOYAK, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN498 AIR FORCE nominations (112) beginning LA RITA S. ABEL, and ending MICHAEL J. ZENK, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN519 AIR FORCE nomination of Peter J. Avalos, which was received by the Senate and appeared in the Congressional Record of May 9, 2011.

## IN THE ARMY

PN438 ARMY nominations (14) beginning KEITH W. ALFEIRI, and ending DIANA TORRES, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN460 ARMY nominations (6) beginning MARK J. BERGLUND, and ending MICHAEL S. SARVER, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN499 ARMY nomination of Michael P. Harry, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN500 ARMY nominations (989) beginning JOSEPH L. AARON, JR., and ending JOSEPH V. ZULKEY, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN521 ARMY nominations (679) beginning CHARLES M. ABEYAWARDENA, and ending G001231, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

PN522 ARMY nominations (565) beginning LISA M. ABEL, and ending CODY L. ZACH, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

## IN THE COAST GUARD

PN419 COAST GUARD nomination of William C. Dwyer, which was received by the Senate and appeared in the Congressional Record of April 8, 2011.

PN420 COAST GUARD nominations (5) beginning Jessica L. Bohn, and ending Jeremy A. Weiss, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2011.

## IN THE FOREIGN SERVICE

PN308 FOREIGN SERVICE nominations (9) beginning Carmine G. D'Aloisio, and ending James F. Sullivan, which nominations were received by the Senate and appeared in the Congressional Record of March 4, 2011.

PN405 FOREIGN SERVICE nominations (99) beginning Patricia M. Aguilo, and ending Michelle Zjhra, which nominations were received by the Senate and appeared in the Congressional Record of April 6, 2011.

## IN THE MARINE CORPS

PN179 MARINE CORPS nomination of Angella M. Lawrence, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN192 MARINE CORPS nomination of Michael R. Cirillo, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN236 MARINE CORPS nominations (328) beginning CARLTON W. ADAMS, and ending WAYNE R. ZUBER, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.



## IN THE NAVY

PN152 NAVY nomination of James P. McGrath, III, which was received by the Senate and appeared in the Congressional Record of January 26, 2011.

PN199 NAVY nomination of Steven M. Wechsler, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN200 NAVY nomination of Fernando Harris, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN205 NAVY nomination of Stephen K. Revelas, which was received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN240 NAVY nomination of Bradley S. Hawksworth, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN288 NAVY nomination of Douglas L. Edson, which was received by the Senate and appeared in the Congressional Record of February 28, 2011.

PN329 NAVY nomination of Stephen J. Parks, which was received by the Senate and appeared in the Congressional Record of March 9, 2011.

PN330 NAVY nomination of Hung Cao, which was received by the Senate and appeared in the Congressional Record of March 9, 2011.

PN425 NAVY nomination of Tracy T. Skipton, which was received by the Senate and appeared in the Congressional Record of April 8, 2011.

PN439 NAVY nomination of David T. Carpenter, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN440 NAVY nomination of Brent J. Kyler, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN441 NAVY nomination of Peter W. Ward, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN442 NAVY nomination of Pablito V. Quiatchon, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN443 NAVY nomination of Robert H. Buckingham, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN445 NAVY nomination of Bryan F. Butler, which was received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN459 NAVY nominations (31) beginning WILLIAM H. ALBERT, and ending MICHAEL WITHERILL, which nominations were received by the Senate and appeared in the Congressional Record of May 2, 2011.

PN501 NAVY nomination of Valerie R. Overstreet, which was received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN502 NAVY nominations (4) beginning NADESIA V. HENRY, and ending JOHN A. SALVATO, which nominations were received by the Senate and appeared in the Congressional Record of May 4, 2011.

PN536 NAVY nomination of Thomas P. Fantes, which was received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN537 NAVY nomination of Cynthia E. Wilkerson, which was received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN538 NAVY nominations (2) beginning DAVID T. CARPENTER, and ending TIM-

OTHY M. CHEN, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN539 NAVY nominations (3) beginning ROBERT D. PAVEL, and ending SHAUN C. SHILLADY, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN560 NAVY nomination of Kendall C. Jones, Jr., which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN561 NAVY nomination of Kirk R. Parsley, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN562 NAVY nomination of Christian F. Jensen, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

PN563 NAVY nomination of Joseph M. Holt, which was received by the Senate and appeared in the Congressional Record of May 18, 2011.

## PUBLIC HEALTH SERVICE WITH EXCEPTIONS

PN527 PUBLIC HEALTH SERVICE nominations (68) beginning Manisha Patel, and ending Christopher M. Sheehan, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

PN528 PUBLIC HEALTH SERVICE nominations (258) beginning Alice Y. Guh, and ending Ukegbu J. Ugochi, which nominations were received by the Senate and appeared in the Congressional Record of May 11, 2011.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR FRIDAY, MAY 27; TUESDAY, MAY 31; FRIDAY, JUNE 3; AND MONDAY, JUNE 6, 2011

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, May 27, for a pro forma session only, with no business conducted; that when the Senate adjourns on Friday, May 27, it stand adjourned until 10 a.m. on Tuesday, May 31, for a pro forma session only, with no business conducted; that when the Senate adjourns on Tuesday, May 31, it stand adjourned until 10:30 a.m. on Friday, June 3, for a pro forma session only, with no business conducted; and that when the Senate adjourns on Friday, June 3, it stand adjourned until 2 p.m. on Monday, June 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; finally, that at 4:30 p.m., the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Ms. KLOBUCHAR. Mr. President, the first rollcall vote when we return will be at 5:30 p.m. on Monday, June 6. That vote will be on the motion to invoke cloture on the nomination of Donald Verrilli to be Solicitor General of the United States.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. KLOBUCHAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Friday, May 27, 2011, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF DEFENSE

LEON E. PANETTA, OF CALIFORNIA, TO BE SECRETARY OF DEFENSE, VICE ROBERT M. GATES.

## UNITED STATES TAX COURT

KATHLEEN KERRIGAN, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS, VICE HARRY A. HAINES, TERM EXPIRED.

ALBERT F. LAUBER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS, VICE STEPHEN J. SWIFT, RESIGNED.

## NATIONAL SCIENCE FOUNDATION

ARNOLD F. STANCELL, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2014, VICE BARRY C. BARISH, TERM EXPIRED.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2012, VICE ANDREW SAUL, RESIGNED.

RONALD DAVID MCCRAY, OF TEXAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2016. (RE-APPOINTMENT)

## CENTRAL INTELLIGENCE AGENCY

DAVID H. PETRAEUS, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, VICE LEON E. PANETTA.

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. MERLE D. HART

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JEFFREY R. MACRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

TOBY C. SWAIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

DANIEL J. HERNANDEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

RAYMOND R. DELGADO III

HENRY A. MILLER  
JOHN A. OKON  
STEVEN P. SPOKO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JOHN S. CRAWMER  
BRIAN K. JACOBS  
JAMES M. PARISH  
TIMOTHY H. PFANNENSTEIN  
JOSEPH A. RODRIGUEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

CLIFFORD W. BEAN III  
HEIDI K. BERG  
MICHAEL A. CONNER  
WILLIAM J. DIEHL  
JEFFREY S. SCHEIDT  
ANDREW D. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

STEVEN J. AVERETT  
JAMES H. DARENKAMP  
JAMES A. IMANIAN  
THOMAS W. LECHLEITNER, JR.  
WILLIAM G. RHEA  
JOHN A. WATKINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

LOUIS W. ARNY IV  
REGINALD BAKER  
CARLOS S. GUZMAN  
JAMES L. MCREYNOLDS  
WILLIAM G. MILLER  
GREGORY H. MOLINARI  
BRIAN A. TREAT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

CHRISTOPHER D. BOWNDS  
CHRISTOPHER A. HARRIS  
JANET E. LOMAX  
CATHERINE M. MASAR  
ROMUEL B. NAFARRETTE  
JULIE J. ONEAL  
STUART C. SATTERWHITE  
KARIN A. VERNAZZA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JAMES T. DENLEY  
JOHN D. DENTON  
FRANCIS P. FOLEY  
TERRY C. GORDON  
JEROME A. HINSON  
FREDERICK A. MCGUFFIN  
PATRICK J. MCCLAUGHLIN  
JOHN M. SHIMOTSU  
THOMAS B. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ELIZABETH J. FRENCH  
ROSANNE I. HARTLEY  
GLORIA S. KASCAK  
CATHY M. MCCRARY  
FRITZI J. McDONALD  
MICHELLE L. MCKENZIE  
JULIE C. McNALLY  
JOY L. MURRAY  
YVONNE TAPIA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

THOMAS W. ARMSTRONG  
GUNTER I. BRAUN  
BRUCE L. DESHOTEL  
HORACIO FERNANDEZ  
PIERRE A. FULLER  
RAYMOND D. GOYET, JR.  
PAUL HARVEY  
JOHN P. NEWCOMER  
MICHAEL J. SINGLETON  
JAMES S. TALBERT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JOHN W. CARSON III  
MARC R. DELAO  
STEPHEN J. DONLEY  
MARK T. GERONIME  
GLENN W. HUBBARD  
NICHOLAS L. MERRY  
ALEX D. STITES  
DEAN A. VANDERLEY  
STANLEY W. WILES  
CHARLES S. WILLMORE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

KARL A. ANDINA  
BRADY J. BARTOSH  
RONALD M. BISHOP, JR.  
MARK C. BRUINGTON  
STEPHEN J. COMSTOCK  
ANDREW C. EST  
JOHN B. GAILLEY  
KYLE G. KARSTENS  
JASON K. LOPEZ  
ANGELO R. L. SMITHA  
CHARLES M. STUART  
NORMAN M. TOBLER II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

SYED N. AHMAD  
GREGORY R. BART  
WILLIAM M. BOLAND  
JEFFREY C. CASLER  
ROBERT J. CROW  
KRISTA J. DELLAPINA  
DANIEL E. ELDREDGE  
CAREN L. MCCURDY  
ANN K. MINAMI  
JILLIAN L. MORRISON  
GREGORY J. SMITH  
LISA B. SULLIVAN  
SCOTT F. THOMPSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

THOMAS J. ANDERSON  
MICHAEL J. BARETELA  
SCOTT M. BROWN  
JOHN A. CHRISTENSEN  
SCOTT A. DAVIS  
GARRETT J. FARMAN  
JAMES K. KALOWSKY  
KEITH W. LEHNHARDT  
JOHN J. LUND  
WILLIAM B. MCNEAL  
CASEY J. MOTON  
MARK H. OESTERREICH  
DOUGLAS B. OGLESBY  
ROBERT D. PHILLIPS  
DARREN R. PLATH  
JOHN J. SZATKOWSKI  
ALLAN R. WALTERS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

KYLE B. BECKMAN  
CHRISTOPHER C. BONE  
STEVEN V. BROCK  
GARY M. BRUCE  
ROBIN A. Y. DAHLIN  
ROBERT J. ENGELHARDT  
WILLIAM P. GARRITY, JR.  
STEVEN L. HORRELL  
DAVID M. HOUFF  
GREGORY A. HUSMANN  
DARRYL F. JACKSON  
JAMES H. LEWIS III  
SHERYL S. RICHARDSON  
KELLY A. ROBINSON  
STEVEN B. SHEPARD  
MICHAEL J. VERNAZZA  
TRACY A. VINCENT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

TIMOTHY A. ACKERMAN  
MARC E. A. ARENA  
WILLIAM C. BEUTEL  
FRANK A. BIVINS  
PETER C. COLELLA  
KARINE M. CURETON  
NADJMEH M. HARIRI  
DONALD A. LONERGAN  
DAVID A. LOWREY  
KAREN M. LYNCH  
BRETT T. METCALF  
JOSEPH B. MICHAEL  
JOSEPH D. MOLINARO

CHARLES W. I. PADDOCK  
KEVIN T. PRINCE  
BRIAN K. RITTER  
IVAN ROMAN  
WILLIAM G. SHOEMAKER  
JONATHAN M. STAHL  
JERRY TORRES  
RANDALL J. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ANTHONY A. ARITA  
REBECCA L. BATES  
DAVID N. BREIER  
MARQUEZ F. CAMPBELL  
DAVID C. COLLINS  
CATHLEEN M. DONOHUE  
KIMBERLY A. FERLAND  
TONYA A. HALL  
GARY B. HOYT  
CHRISTOPHER J. IRWIN  
CHRISTINE W. MANKOWSKI  
SCOTT A. MCCLELLAN  
BRUCE M. MILLER  
JULIE K. MILLER  
ALAN F. NORDHOLM  
PATRICK W. PAUL  
LYNDA M. RACE  
STEVEN E. RANKIN  
PHILLIP M. SANCHEZ  
TODD C. SANDER  
MARY S. SEYMOUR  
RITA G. SIMMONS  
PAULINE M. TAYLOR  
RUBY M. TENNYSON  
PETER P. TOLAND, JR.  
JONATHAN P. WILCOX

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

RAYMOND W. BICHARD  
PAUL J. BOURGEOIS  
ROBERT A. BROOKS, JR.  
JOHN D. CASSANI  
KURT M. CHIVERS  
WILBURN A. CLARKE  
RACHEL M. FANT  
MARK R. GOODRICH  
JAMES C. GOUDREAU  
PHILIPPE J. GRANDJEAN  
ARISTIDES ILIAKIS  
KEVIN M. JONES  
BERNARD D. KNOX  
JAMES A. LAPOINTE  
KYLE P. LUKSOVSKY  
PATRICK J. MCCLANAHAN  
THOMAS J. MOREAU  
DANIEL J. NOLL  
PATRICK J. OCONNOR  
GARY J. POWE  
MICHAEL L. RENEGAR  
JEFFREY A. SCHMIDT  
JOHN D. SORACCO  
KURT J. WENDELKEN  
MARK S. WHEELER  
EDWARD L. ZAWISLAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

KARLYNA L. D. ANDERSEN  
ADAM W. ARMSTRONG  
ANTHONY G. BATTAGLIA  
CHARLES R. BENSON  
DAVID T. BEVERLY IV  
MICHAEL A. BIDUS  
STEVEN J. BLIVIN  
DAVID C. BLOOM  
KEVIN D. BUCKLEY  
RONALD B. BURBANK  
LLOYD G. BURGESS  
TIMOTHY H. BURGESS  
EDWARD G. BUTLER II  
DONALD R. CARR  
WILLIAM R. CARTER  
TIMOTHY L. CLENNEY  
PATRICK W. CLYDE  
EUGENIO G. CONCEPCION II  
SCOTT A. COTA  
JOHN G. CRABILL  
NANCY R. DELANEY  
PAUL J. DEMIERI  
DARIN L. DINELLI  
RICHARD R. DOBHAN  
BARBARA J. DROBINA  
THEODORE D. EDSON  
KURT R. EICHENMULLER  
KATHRYN ELLIOTT  
ERIC A. ELSTER  
BRIAN T. FITZGERALD  
KIM M. FORMAN  
KIRK P. GASPER  
ERIC M. GESSLER  
MARK M. GOTO  
JONATHAN C. GROH

TIMOTHY W. HALENKAMP  
JOHN V. HARDAWAY  
JAMES F. HARRIS  
STELLA M. HAYES  
RUSSELL B. HAYS, JR.  
ROBERT D. JACKSON  
CHRISTINE L. JOHNSON  
LORI M. KREVETSKI  
THOMAS R. LATENDRESSE  
CHRISTOPHER T. LEWIS  
MATTHEW L. LIM  
ROBERT J. LIPSITZ  
JOHN W. LOVE  
SCOTT A. LUZI  
LISA M. MCGOWAN  
JEFFREY D. MCGUIRE  
DAVID B. MCLEAN  
JOANNE F. MCMANAMAN  
DEANA J. MILLER  
DIPAK D. NADKARNI  
LORRAINE S. NADKARNI  
JOHN W. NELSON  
THOMAS J. NELSON  
WILLIAM S. PADGETT  
SHELLEY K. PERKINS  
KYLE PETERSEN  
CHRISTOPHER H. REED  
EDWARD A. REEDY  
ROBERT D. RUEER  
ALLISON J. ROBINSON  
THOMAS D. ROBINSON  
ANDREW A. RUSNAK  
MCHUGH L. A. SAVOIA  
ERIK J. SCHWEITZER  
GEORGE J. SEMPLE  
ERIC M. SERGIENKO  
ERIC S. SHERCK  
WILLIAM T. SHIMEALL  
ALFRED F. SHWAYHAT  
CLIFFORD L. SMITH  
BRETT V. SORTOR  
FREDERIC R. SYLVIA  
DAVID A. TARANTINO, JR.  
JAMES E. TOLEDANO  
THERON C. TOOLE  
JACK W. L. TSAO  
ANDREW F. VAUGHN  
TODD L. WAGNER  
GRANT C. WALLACE  
ROLAND O. WILLOCK  
JEFFREY WINEBRENNER  
KIMBERLY S. WYATT  
JAMES C. YOUNG  
CRAIG M. ZELIG  
TARA J. ZIEBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

LYNN ACHESON  
EDWARD L. ANDERSON  
ERIC J. ANDERSON  
WILLIAM S. ANDERSON  
MONTY G. ASHLIMAN, JR.  
SEAN R. BAILEY  
CARROLL W. BANNISTER  
MICHAEL W. BAZE  
ROBERT E. BEAUCHAMP  
PAUL A. BECKLEY  
MARK D. BEHNING  
ROBERT W. BODVAKE  
BRENT M. BREINING  
JODY G. BRIDGES  
PUTNAM H. BROWNE  
DANIEL J. BRUNK  
DANIEL W. BRYAN II  
WILLIAM A. BULIS  
WARREN R. BULLER II  
KENNETH B. CANETE  
HERBERT E. CARMEN  
FRANCIS X. I. CASTELLANO  
WYATT N. CHIDESTER  
HEEDONG CHOI  
JAMES L. CHRISTIE  
ROBERT J. CLARK  
VINCENT T. CLARK  
KENNETH M. COLEMAN  
CHRISTOPHER M. CORGNATTI  
MICHAEL R. COUGHLIN  
MARK A. CREASEY  
DENNIS R. CREWS  
JEFFREY R. CRONIN  
JAMES E. CROSLY  
GORDON A. CROSS  
ROGER L. CURRY, JR.  
JEFFREY J. CZEREWKO  
RICHARD J. DAVIS  
RICHARD W. DAVIS  
EDWARD W. DEVINNEY II  
NICHOLAS J. DIENNA  
THOMAS C. DISY  
THAD J. DOBBERT  
CRAIG M. DORRANS  
ALAN D. DORRBECKER  
RICHARD J. DROMERHAUSER  
MARK A. EDWARDS  
CHRISTOPHER M. ENGDAHL  
ERIK O. ETZ  
MATTHEW G. FLEMING  
PETER G. GALLUCH  
EDWARD M. GALVIN

JAMES R. GARNER  
BRIAN M. GARRISON  
DAVID T. GLENISTER  
STEVEN A. GLOVER  
GREGORY W. GOMBERT  
BRIAN J. GOSZKOWICZ  
DALE F. GREEN  
JEFFREY M. GRIMES  
WILLIAM R. GROTEWOLD  
WILLIAM J. GUARINI, JR.  
MARK D. HAMILTON  
SAM R. HANCOCK, JR.  
MARTIN H. HARDY  
STEVEN M. HARRISON  
CHRISTOPHER H. HEANEY  
RICHARD B. HENCKE  
RAYMOND J. HESSER  
KYLE P. HIGGINS  
LYLE E. HOAG  
TERENCE A. HOEFT  
BRIAN A. HOYT  
MICHAEL P. HUCK  
JEFFREY D. HUTCHINSON  
BURCHARD C. JACKSON  
TROY S. JACKSON  
KRISTIN E. JACOBSEN  
GLENN R. JAMISON  
CHARLES A. JOHNSON  
STANLEY C. JONES  
FREDERICK W. KACHER  
MICHAEL I. KATAHARA  
DAVID D. KINDLEY  
JAMES A. KIRK  
SCOTT L. KNAPP  
KEITH A. KNU'TSEN  
TIMOTHY J. KOTT  
JEFFREY R. KRUSLING  
TRENTON S. LENNARD  
KEVIN P. LENOX  
GLEN S. LEVERETTE  
ROBERT W. LYONNAIS  
SHAWN P. MALONE  
PETER M. MANTZ  
WESLEY R. MCCALL  
JEFFREY W. MCCAULEY  
MICHAEL J. MCCLINTOCK  
RICHARD C. MCCORMACK  
RUSSELL S. MCCORMACK  
DOUGLAS A. MCGOFF  
KEVIN MCGOWAN  
JOHN P. MCGRATH  
WILLIAM C. MCKINNEY  
BRENDAN R. MCLANE  
MICHAEL M. MCMILLAN, JR.  
JOHN V. MENONI  
DAVID J. MERON  
JAMES R. MIDKIFF  
GERALD N. MIRANDA, JR.  
TROY E. MONG  
KEITH G. MOORE  
MICHAEL R. MOORE  
BRIAN C. MOUM  
SCOTT W. MURDOCK  
GERALD D. MURPHY  
FRANK W. NAYLOR III  
KENNETH A. NIEDERBERGER  
DONALD A. NISBETT, JR.  
NORBERTO M. D. NOBREGA  
RICHARD F. O'CONNELL  
ROBERT R. OSTERHOUDT  
MATTHEW D. OVIOS  
DAVID M. PADULA  
ENRIQUE N. PANLILIO  
ROBERT E. PAULEY  
STEVEN PETROFF  
JESSICA PFEFFERKORN  
CHRISTOPHER T. PHILLIPS  
CURTIS K. M. PHILLIPS  
JOSEPH N. POLANIN  
MATTHEW S. PREGMON  
MARK A. PROKOPUS  
FRED I. PYLE  
CARL S. REED  
LEONARD E. REED  
FERDINAND A. REID  
BARON V. REINHOLD  
CURT A. RENSHAW  
TIMOTHY A. REXRODE  
GARY J. RICHARD  
MICHAEL B. RILEY  
KEVIN M. ROBINSON  
JON P. RODGERS  
MALACHY D. SANDIE  
GREGORY M. SANDWAY  
CARLOS A. SARDIELLO  
LOUIS J. SCHAGER, JR.  
THEODORE H. SCHROEDER  
TRAVIS C. SCHWEIZER  
VINCENT W. SEGARS  
GREGORY M. SHEAHAN  
TODD M. SIDDALL  
ANTHONY L. SIMMONS  
COURTNEY B. SMITH  
JOHN J. SNEGOWSKI  
PAUL C. SPEDERO, JR.  
TIMOTHY S. STEADMAN  
LEIF E. STEINBAUGH  
MICHAEL J. STEVENS  
JAMES G. STONEMAN  
STEPHEN R. TEDFORD  
THOMAS R. TENNANT  
JACK S. THOMAS

MARVIN E. THOMPSON  
MONTE L. ULMER  
MATTHEW R. VANDERSLUIS  
MICHAEL S. VARNEY  
PETER G. VASELY  
DARRYL L. WALKER  
DOUGLAS H. WALKER  
HOWARD WANAMAKER  
CARDEN F. WARNER  
MARK W. WEISGERBER  
ANDREW N. WESTERKOM  
CRAIG M. WEVLEY  
ERIC S. WIESE  
GEORGE M. WIKOFF  
RICHARD A. WILEY  
CHRISTOPHER T. J. WILSON  
HAROLD T. WORKMAN  
GREGORY J. ZACHARSKI  
JOHN M. ZUZICH

## CONFIRMATIONS

Executive nominations confirmed by the Senate, May 26, 2011:

### DEPARTMENT OF DEFENSE

JO ANN ROONEY, OF MASSACHUSETTS, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

### *To be lieutenant general*

MAJ. GEN. DAVID L. GOLDFEIN

### DEPARTMENT OF VETERANS AFFAIRS

ALLISON A. HICKEY, OF VIRGINIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS.

STEVE L. MURO, OF CALIFORNIA, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.

### DEPARTMENT OF JUSTICE

DENISE ELLEN O'DONNELL, OF NEW YORK, TO BE DIRECTOR OF THE BUREAU OF JUSTICE ASSISTANCE.

### DEPARTMENT OF THE TREASURY

DANIEL L. GLASER, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY.

### EXPORT-IMPORT BANK OF THE UNITED STATES

WANDA FELTON, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013.

SEAN ROBERT MULVANEY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015.

### DEPARTMENT OF STATE

GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

DANIEL BENJAMIN SHAPIRO, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

HENRY S. ENSHER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

STUART E. JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012.

WILLIAM J. HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012.

### NATIONAL SCIENCE FOUNDATION

CORA B. MARRETT, OF WISCONSIN, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARTHA WAGNER WEINBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

PAULA BARKER DUFFY, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

CATHY N. DAVIDSON, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

CONSTANCE M. CARROLL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

ALBERT J. BEVERIDGE III, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

#### NATIONAL COUNCIL ON DISABILITY

CLYDE E. TERRY, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

#### UNITED STATES INSTITUTE OF PEACE

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011.

JUDITH A. ANSLEY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 19, 2011.

JOHN A. LANCASTER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

#### NATIONAL SECURITY EDUCATION BOARD

MICHAEL E. GUEST, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

ANA MARGARITA GUZMAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

CHRISTOPHER B. HOWARD, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. BROOKS L. BASH

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be brigadier general*

COL. DAVID E. DEPUTY

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### *To be major general*

BRIG. GEN. JAMES D. DEMERITT  
BRIG. GEN. JOSEPH K. MARTIN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be major general*

BRIGADIER GENERAL MARK A. ATKINSON  
BRIGADIER GENERAL WILLIAM J. BENDER  
BRIGADIER GENERAL BRIAN T. BISHOP  
BRIGADIER GENERAL CHRISTOPHER C. BOGDAN  
BRIGADIER GENERAL MICHAEL J. CAREY  
BRIGADIER GENERAL JOHN B. COOPER  
BRIGADIER GENERAL SAMUEL D. COX  
BRIGADIER GENERAL BARBARA J. FAULKENBERRY  
BRIGADIER GENERAL RUSSELL J. HANDY  
BRIGADIER GENERAL MICHAEL A. KELTZ  
BRIGADIER GENERAL STEVEN L. KWAST  
BRIGADIER GENERAL FREDERICK H. MARTIN  
BRIGADIER GENERAL THOMAS J. MASIELLO  
BRIGADIER GENERAL EARL D. MATTHEWS  
BRIGADIER GENERAL ROBERT P. OTTO  
BRIGADIER GENERAL JOHN W. RAYMOND  
BRIGADIER GENERAL DARRYL L. ROBBERSON  
BRIGADIER GENERAL ANTHONY J. ROCK  
BRIGADIER GENERAL JAY G. SANTEE  
BRIGADIER GENERAL ROWAYNE A. SCHATZ, JR.  
BRIGADIER GENERAL JOHN F. THOMPSON  
BRIGADIER GENERAL THOMAS J. TRASK  
BRIGADIER GENERAL JOSEPH S. WARD, JR.  
BRIGADIER GENERAL JACK WEINSTEIN  
BRIGADIER GENERAL ROBERT E. WHEELER  
BRIGADIER GENERAL MARTIN WHELAN  
BRIGADIER GENERAL STEPHEN W. WILSON  
BRIGADIER GENERAL TOD D. WOLTERS  
BRIGADIER GENERAL TIMOTHY M. ZADALIS

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be vice admiral*

REAR ADM. DAVID H. BUSS

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COL. DAVID J. BUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be general*

LT. GEN. GILMARY M. HOSTAGE III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. MARK F. RAMSAY

#### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. MARK W. PALZER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be major general*

BRIG. GEN. GERALD E. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### *To be brigadier general*

COL. CHARLES R. BAILEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be major general*

BRIG. GEN. OMER C. TOOLEY, JR.

##### *To be brigadier general*

COL. BRIAN R. CARPENTER

#### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COLONEL CHARLES G. CHIAROTTI  
COLONEL DAVID W. COFFMAN  
COLONEL THOMAS A. GORRY  
COLONEL PAUL J. KENNEDY  
COLONEL JOAQUIN F. MALAVET  
COLONEL NIEL E. NELSON  
COLONEL LORETTA E. REYNOLDS  
COLONEL RUSSELL A. SANBORN  
COLONEL GEORGE W. SMITH, JR.  
COLONEL CRAIG Q. TIMBERLAKE  
COLONEL MARK R. WISE  
COLONEL DANIEL D. YOO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. RICHARD P. MILLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. GEORGE J. FLYNN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. JOHN R. ALLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE TO THE

GRADE INDICATED IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

##### *To be lieutenant general*

MAJ. GEN. STEVEN A. HUMMER

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be vice admiral*

REAR ADM. KENDALL L. CARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be vice admiral*

VICE ADM. ROBERT S. HARWARD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be vice admiral*

VICE ADM. MARK D. HARNITCHEK

#### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL D. DIETZ AND ENDING WITH DOREEN F. WILDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JAY O. AANRUD AND ENDING WITH SCOTT C. ZIPPWALD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW J. BRONK AND ENDING WITH JOY C. TABER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

AIR FORCE NOMINATION OF PAUL L. DANDREA, TO BE MAJOR.

AIR FORCE NOMINATION OF JEFFREY A. BAILEY, TO BE COLONEL.

AIR FORCE NOMINATION OF JAMES A. MACE, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH BERNADETTE A. ANDERSON AND ENDING WITH DWAYNE B. WILHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFERY D. AEBISCHER AND ENDING WITH KURT V. WOYAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH LA RITA S. ABEL AND ENDING WITH MICHAEL J. ZENK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

AIR FORCE NOMINATION OF PETER J. AVALOS, TO BE MAJOR.

#### IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH KEITH W. ALFEIRI AND ENDING WITH DIANA TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

ARMY NOMINATIONS BEGINNING WITH MARK J. BERGLUND AND ENDING WITH MICHAEL S. SARVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

ARMY NOMINATION OF MICHAEL P. HARRY, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOSEPH L. AARON, JR. AND ENDING WITH JOSEPH V. ZULKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

ARMY NOMINATIONS BEGINNING WITH CHARLES M. ABEYAWARDENA AND ENDING WITH G001231, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

ARMY NOMINATIONS BEGINNING WITH LISA M. ABEL AND ENDING WITH CODY L. ZACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

#### IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ANGELLA M. LAWRENCE, TO BE MAJOR.

MARINE CORPS NOMINATION OF MICHAEL R. CIRILLO, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH CARLTON W. ADAMS AND ENDING WITH WAYNE R. ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

#### IN THE NAVY

NAVY NOMINATION OF JAMES P. MCGRATH III, TO BE CAPTAIN.

NAVY NOMINATION OF STEVEN M. WECHSLER, TO BE CAPTAIN.

NAVY NOMINATION OF FERNANDO HARRIS, TO BE COMMANDER.

NAVY NOMINATION OF STEPHEN K. REVELAS, TO BE CAPTAIN.

NAVY NOMINATION OF BRADLEY S. HAWKSWORTH, TO BE COMMANDER.

NAVY NOMINATION OF DOUGLAS L. EDSON, TO BE CAPTAIN.

NAVY NOMINATION OF STEPHEN J. PARKS, TO BE COMMANDER.

NAVY NOMINATION OF HUNG CAO, TO BE COMMANDER.

NAVY NOMINATION OF TRACY T. SKIPTON, TO BE COMMANDER.

NAVY NOMINATION OF DAVID T. CARPENTER, TO BE CAPTAIN.

NAVY NOMINATION OF BRENT J. KYLER, TO BE CAPTAIN.

NAVY NOMINATION OF PETER W. WARD, TO BE COMMANDER.

NAVY NOMINATION OF PABLITO V. QUIATCHON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF ROBERT H. BUCKINGHAM, TO BE CAPTAIN.

NAVY NOMINATION OF BRYAN F. BUTLER, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH WILLIAM H. ALBERT AND ENDING WITH MICHAEL WITHERILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 2, 2011.

NAVY NOMINATION OF VALERIE R. OVERSTREET, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH NADESIA V. HENRY AND ENDING WITH JOHN A. SALVATO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 4, 2011.

NAVY NOMINATION OF THOMAS P. FANTES, TO BE CAPTAIN.

NAVY NOMINATION OF CYNTHIA E. WILKERSON, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH DAVID T. CARPENTER AND ENDING WITH TIMOTHY M. CHEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

NAVY NOMINATIONS BEGINNING WITH ROBERT D. PAVEL AND ENDING WITH SHAUN C. SHILLADY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

NAVY NOMINATION OF KENDALL C. JONES, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF KIRK R. PARSLEY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTIAN F. JENSEN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH M. HOLT, TO BE LIEUTENANT COMMANDER.

#### IN THE COAST GUARD

COAST GUARD NOMINATION OF WILLIAM G. DWYER, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATIONS BEGINNING WITH JESSICA L. BOHN AND ENDING WITH JEREMY A. WEISS, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2011.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CARMINE G. D'ALOISIO AND ENDING WITH JAMES F. SULLIVAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 4, 2011.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PATRICIA M. AGUILO AND ENDING WITH MICHELLE ZJHRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 6, 2011.

#### PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MANISHA PATEL AND ENDING WITH CHRISTOPHER M. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH ALICE Y. GUH AND ENDING WITH UKEGBU J. UGOCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 11, 2011. WITH THE FOLLOWING EXCEPTIONS: KENIA P. ALTAMIRANO, REBECCA M. KIBEL, TIMOTHY N. ONSERIO, JUSTIN R. PLOTT, AND BRANDY TORRES.

## HOUSE OF REPRESENTATIVES—Thursday, May 26, 2011

The House met at 10 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, Father Patrick J. Conroy, offered the following prayer:

Almighty God of the universe, we give You thanks for giving us another day. We thank You that You give us a share in Your creative work, having endowed each with unique and important talents.

On this day we ask Your blessing on the men and women of the people's House, who have been entrusted with the care of this great Nation's people and, because of the great blessings You have bestowed on our Nation, the opportunity to build a better world beyond our borders as well.

Please teach each Member to be generous with the gifts You have given and the opportunities with which they have been presented. May they give and not count the cost; fight for the greater good and not count the wounds; toil in their efforts and not seek to rest; labor and not ask for reward, other than to know that they are doing Your will.

May all that they do this day be for Your greater honor and glory. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### HONORING LOCAL HERO ABBY BERANEK FOR FIRE SAFETY PREPAREDNESS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate a local hero from my home district. At just 7 years old, Abby Beranek of Lemont, Illinois, demonstrated quick thinking and courage when a fire broke out in her home, utilizing the fire safety skills she learned as a Girl Scout to keep her family safe.

When she realized her home was on fire, first-grader Abby Beranek remained calm and immediately put in action the lessons she learned when her troop visited the Lemont fire station. Because of Abby's courage and quick thinking, she was able to help her mom and keep her 18-month-old brothers and 3-month-old sister safe.

I also want to commend the Lemont Fire Protection District, especially Jeff Hawthorne and Chief Carl Churulo, for offering lifesaving educational safety courses for our children. Their hard work and willingness to reach out to the community has clearly made a difference and saved lives.

Mr. Speaker, I urge my colleagues to join me in recognizing a local hero, Abby Beranek of Lemont, Illinois, who has made her community and her family very proud.

### JUST THE FACTS: REPUBLICANS WANT TO END MEDICARE AS WE KNOW IT

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, you know, we have all heard the jokes about how many people does it take to screw in a lightbulb? Well, I have a variation on that this morning.

How many seniors have to lose their Medicare in order to provide a \$104,000 tax cut per year for every millionaire? The answer is 17.

Seventeen seniors will see a reduction in their Medicare or an additional cost of \$6,000 a year in order to pay for the millionaire tax cut of \$104,000.

Mr. Speaker, even The Wall Street Journal, the conservative Wall Street Journal, has said the House Republican plan will likely result in higher out-of-pocket costs and greater limits to coverage for all Americans.

House Budget Committee Chairman PAUL RYAN's solution is to end the current Medicare program for people.

### CONGRATULATING MAJOR GENERAL VINCENT BROOKS ON PROMOTION TO THREE-STAR GENERAL

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, I have the honor and privilege of representing Fort Riley, home of the 1st Infantry Division, or the Big Red One, which has been under the command of Major General Vincent Brooks since April of 2009, a term that included a yearlong deployment to Iraq.

General Brooks is being promoted to a three-star general and will be moving on from Fort Riley. In his short time in Kansas, he has been a tremendous asset to Fort Riley, a devoted member of our community, and a wonderful adviser to me personally, and we are sad to see him go.

While I could not be in the district to attend the change of command ceremony, I wanted to take a moment and thank General Brooks for his dedication and service to our country, congratulate him on his promotion, and let him know that he will be truly missed at Fort Riley, Kansas.

### REMEMBER THOSE WHO LAID DOWN THEIR LIVES IN SERVICE TO OUR COUNTRY

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Mr. Speaker, this Monday, Memorial Day, will give citizens from around the country the opportunity to come together and remember those who have laid down their lives in defense of our freedom. The debt we owe our Nation's servicemembers and veterans is immeasurable. Therefore, it's fitting to honor those heroes by renewing our commitment in this House to caring for those servicemembers both while they are in the military and after they return home.

As a 24-year veteran of our armed services, I am proud of the work we have done in Congress to support our veteran servicemembers: Passed landmark budgets worthy of our veterans; made sure the VA health care budget

was delivered a year in advance; expanded VA health care access for returning combat veterans; increased support for veteran caregivers; passed a 21st century GI bill and continue to improve upon it; and enhanced employment opportunities.

Although we have come a long way, our work is never done. We must make sure that our returning troops do not fall through the cracks and that they make the transition to civilian life with the full support of this Nation.

On behalf of that grateful Nation, we thank our current servicemembers, our veterans, and their families for their service.

#### HONORING AMERICANS WHO MADE THE ULTIMATE SACRIFICE

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Mr. Speaker, as you know, this Monday is Memorial Day, and Memorial Day reminds us that the most fundamental right of Americans, the one we cherish most, is to be free. But that freedom is purchased at a dear price.

I rise in gratitude to the millions of Americans who have made the sacrifice, the ultimate sacrifice, and to their family members. I remember in particular Private David R. Fahey of Yorktown Heights, New York, from our own District 19, who made the ultimate sacrifice this year.

Thanks to all of our veterans and all of our families who do so much to assure that we enjoy the freedoms that we cherish every day.

#### TRUE COSTS OF REPUBLICANS' MEDICARE PLAN

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, my colleagues across the aisle have recently claimed that current seniors won't be impacted by their plan to end Medicare as we know it. This simply is not true.

From day one their plan would force seniors to pay more for prescription drugs and health services because the doughnut hole will be reopened and free wellness visits under Medicare would be eliminated. As a consequence of the reopening of the doughnut hole in my State of New Jersey alone, an estimated 142,800 seniors will pay \$80 million more for prescription drugs in 2012. Additionally, the majority's plan to rescind the ban on copays for wellness visits for seniors would force at least 30,000 New Jersey seniors to pay over 3 million more for annual wellness visits next year.

Once the plan takes effect in 2022, out-of-pocket expenses for seniors will soar. A typical 65-year-old in New Jer-

sey would pay \$7,060 more in 2022 for health care costs, more than double the cost under current law.

Mr. Speaker, the majority's plan for Medicare does not preserve the program as we know it. Rather, it takes money from seniors' pockets and places them at the mercy of rising insurance costs.

□ 1010

#### BILL JACKSON RETIREMENT SPEECH

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Mr. Speaker, this week, my district is losing one of its very best agricultural reporters to retirement. Bill Jackson will be leaving the Greeley Tribune, and in his place will be a big hole in coverage of agricultural issues in the Fourth Congressional District of Colorado.

He spent his entire childhood and early years in Fort Morgan but ultimately moved to my hometown of Yuma, Colorado, where he graduated high school. He served in the Navy, and after that he went to Arizona and Sterling before joining the Greeley Tribune in 1977, where he has spent the last many years.

In 2004, Bill was inducted into the Colorado Agricultural Hall of Fame. Mike Peters, one of Bill's colleagues at the Greeley Tribune, wrote a speech about Bill for his retirement, and it was so funny that I would like to share some of those excerpts with you today.

You know you're Bill Jackson if you go to cover a water meeting and you know what the heck they're talking about.

You know you're Bill Jackson if, when someone mentions Charlie or Dick Monfort, instead of talking Rockies baseball, you tell them how you changed their diapers when they were little.

You know you're Bill Jackson if you know every single farmer, rancher, milker, ditch rider, beet picker, cowboy, cowgirl, and rainmaker in Weld County.

You know you're Bill Jackson if the term "NISP" not only makes sense, but it also makes your heart race.

You know you're Bill Jackson if you know the path of a snowflake from the point it falls from the sky onto the mountain, it goes into a river and then a reservoir and down a river until it reaches your water cup.

We're going to miss Bill Jackson. I thank him for his service to Colorado and to Colorado agriculture.

#### INDIANAPOLIS MOTOR SPEEDWAY

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Mr. Speaker, throughout its illustrious history, the Indianapolis Motor Speedway has served as the proving ground for many innovations that have become mainstays in automotive production and at raceways around the world. But it is the 500-mile race that is conducted at the end of May that makes the Indianapolis Motor Speedway so special. Every Memorial Day weekend, 300,000 fans from across the world gather at the historic track for "The Greatest Spectacle in Racing," the Indianapolis 500.

This year, I, along with motor sports fans from around the world, am excited to be celebrating the 100th anniversary of this famous race. For 100 years now, legions of fans have traveled to the town of Speedway, Indiana, to witness the premier motor sports event in the world and to see which driver's likeness will be added to one of the most coveted trophies in the world of sports—the Borg-Warner Trophy.

As the largest single-day sporting event in the world, the Indianapolis 500 remains a great source of pride for my constituents in the Seventh Congressional District and for Hoosiers all across the United States.

#### WAITING FOR ICE

(Mr. BARLETTA asked and was given permission to address the House for 1 minute.)

Mr. BARLETTA. Mr. Speaker, 3 weeks ago Tuesday, a police chief in my district stopped a man for speeding. The driver was an illegal alien. He didn't speak English, so a translator was called. The man had been in the United States for 6 years. He had been arrested before. He had no job. He didn't know where he lived. He had \$3,000 cash in his pockets, and he had two public benefit access cards. When the police chief called Immigration and Customs Enforcement, ICE said, "Let him go."

At a time when our Nation is broke and when programs for our elderly are being cut, ICE must not allow people like this to defraud the American taxpayers.

Mr. Speaker, 3 weeks ago I asked ICE to explain this decision and put in writing the policy regarding the detention of illegal aliens found by local law enforcement. Why was this man let go? Three weeks later and I am still waiting. I demand an answer. My constituents deserve an answer, and millions of Americans deserve an answer. We're all still waiting.

#### MEMORIAL DAY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to remind Americans that on Monday we will commemorate those men and women that



have fallen in battle. This morning we are laying a wreath in the Arlington Cemetery in reflection and remembrance of women who have fallen on behalf of their country.

We want to say to all those families, those mothers, fathers, and extended family members, we offer our deepest gratitude and sympathy, and as well to the Blue Star and Gold Star mothers who remain active in serving this country.

As a member of the Military Families Caucus, I'm delighted to be able to say that we will stand for our families. And our promise is to those who still live and still fight that we will fight for more resources for you, and we will fight for more opportunities that you will have when you return home: a good paying job, educational opportunities, and the ability to heal and mend and to provide for your families.

We mourn those who have been lost. We pay tribute to them. But we say that the Nation will never stop being grateful for those who have fallen in battle and who, in fact, have sacrificed their life for us for freedom, democracy, and justice. We pay tribute on this Memorial Day.

#### MAKING IN ORDER CONSIDERATION OF AMENDMENT NO. 55 TO H.R. 1540

Mr. McKEON. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1540 in the Committee of the Whole pursuant to House Resolution 276, amendment No. 55 in House Report 112-88 may be considered out of sequence.

The SPEAKER pro tempore (Mr. GARDNER). Is there objection to the request of the gentleman from California?

There was no objection.

#### GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1540.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

The SPEAKER pro tempore. Pursuant to House Resolution 276 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1540.

□ 1016

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, with Mr. WOMACK in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, May 25, 2011, proceedings on amendment No. 100 printed in House Report 112-88, offered by the gentlewoman from Maryland (Ms. EDWARDS), had been disposed of.

The Chair understands that the proponents of amendment Nos. 101 through 109 will not individually offer their amendments.

AMENDMENT NO. 110 OFFERED BY MR. INSLEE

The CHAIR. It is now in order to consider amendment No. 110 printed in House Report 112-88.

Mr. INSLEE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 345, after line 8, insert the following:

#### SEC. 731. PROVISION OF REHABILITATIVE EQUIPMENT UNDER WOUNDED WARRIOR ACT.

Section 1631 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by adding at the end the following:

“(c) REHABILITATIVE EQUIPMENT FOR MEMBERS OF THE ARMED FORCES.—

“(1) IN GENERAL.—Subject to the availability of appropriations for such purpose, the Secretary of Defense may provide an active duty member of the Armed Forces with a severe injury or illness with rehabilitative equipment, including recreational sports equipment that provide an adaptation or accommodation for the member, regardless of whether such equipment is intentionally designed to be adaptive equipment.

“(2) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding similar programs carried out by the Secretary of Veterans Affairs.”.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chair, we're offering a simple amendment that will make it much easier for our wounded warriors to obtain access to adaptive recreational equipment. We have these proud men and women coming back from the field of battle with obviously very, very severe wounds; and what we have found is some of the best things they could do to get back with their lives and professional development is to have access to adaptive recreation, both services and equipment. And I know some of these folks do incredible things with paralysis skiing, with severe injuries riding adaptive bicycles,

people who have lost their vision, wounded warriors getting back up on the slopes, and it has been a tremendous thing for these men and women to help restore their confidence, rebuild their strength, and get back into the swing of things.

Research has shown this works not only from a psychological but also from a physical standpoint. But we have a little glitch that, whereas our veterans through the Veterans Administration can have access to this adaptive equipment, such as monoskis and adaptive hand-cranked bikes, our wounded warriors haven't necessarily had the authorization to be provided that equipment who are on active duty. So my amendment would simply authorize the Department of Defense to make that available.

And I have been inspired by Lieutenant Colonel Daniel Dudek, who until today has been the commanding officer of the Warrior Transition Battalion at Joint Base Lewis-McChord in Tacoma. He is moving on to continue this work here at the Pentagon. He lost some function in his limbs and has done a tremendous job helping wounded warriors get back going.

We'd like to extend this systemwide now, and this would authorize the DOD to do that.

□ 1020

So we would commend this as one step forward to helping our proud men and women regain their confidence, enjoy life and professional abilities. We commend this.

For the young men and women who return from overseas with a severe injury or disability, recreational activities—spending time outdoors skiing or on the basketball court shooting hoops with friends—offer them a chance to forget their disability and focus on doing the things they love. Research has shown that engaging in physical activity regularly benefits wounded warriors' confidence and overall quality of life. Thanks to the incredible equipment available to these wounded warriors—such as “mono-skis” or sport wheelchairs that have been adapted to fit their disability—participating in outdoor recreation is a real possibility. At this time, service-disabled veterans may receive such adaptive recreation equipment through the Department of Veterans Affairs. For the wounded warriors who remain on active duty, however, access to the rehabilitative equipment that can get them outdoors and active may be more difficult. Lieutenant Colonel Daniel Dudek, who until today served as the commanding officer of the Warrior Transition Battalion at Joint Base Lewis McChord, in Tacoma, WA, is one of these brave wounded warriors. My amendment would authorize the Secretary of Defense to provide wounded warriors who remain on active duty the same recreational equipment that their retired comrades receive through the Department of Veterans Affairs. This amendment will open the door to daily exercise and friendly athletic competition with friends, and will give them independence to pursue the recreational activities that give them the most joy.

## BRIEF BACKGROUND

After a scathing Washington Post investigation of their wounded warrior programs at Walter Reed, the Department of Defense and the Department of Veterans Affairs overhauled their wounded warrior transition care programs. While I applaud the steps they have taken, I am introducing this amendment to fill a remaining benefit gap.

Previously, when a member of the Armed Services was found "unfit to serve" because of a disability—a process that included an appearance before a MedBoard—they were automatically retired and began receiving care through the VA. Now, you can apply to remain on active duty.

Active duty members, who have been declared unfit for duty and cannot transition back into, stay on in service of their country in other capacities. Many of these men, such as Lieutenant Colonel Daniel Dudek (who I mentioned earlier), are serving as inspirational mentors to other wounded warriors who are undergoing a difficult transition. Though they are not serving on the battlefield, they are providing our country a valuable service by assisting with this transition.

To account for the benefit gap that prevents active duty wounded warriors from receiving recreational equipment through TRICARE, the DoD has worked with VA to see that some active-duty members received assistance through the VA. However, this was inefficient and many active duty wounded warriors were still without the equipment they wanted. Further, the VA's authority to help active duty members is set to expire on December 31, 2012.

Beginning in 2008, the DoD developed a pilot program to provide rehabilitative equipment to active duty service members. However, the definition of rehabilitative equipment was restricted to simply provide "hand bicycles." My amendment would give the DoD flexibility, and allow wounded warriors independence to choose the type of recreational rehab they want to pursue.

My amendment in no way abridges the rights or services currently enjoyed by wounded warriors. It simply gives them expanded access to rehabilitative, recreational equipment.

Lieutenant Colonel Daniel Dudek (Commanding Officer of Joint Base Lewis-McChord's Warrior Transition Battalion)—paralyzed from the feet down after an IED attack. Stayed in the service working with other wounded warriors as they transitioned back to active duty or retired. LTC Dudek wanted a "mono-ski," but was unable to receive one through the DoD. Had he retired, he could have been provided a "sit-ski" by the Department of Veterans Affairs. Under my amendment, the Secretary of Defense will be authorized to provide this equipment.

I have spoken with another Army Colonel who is 100 percent disabled but was approved to stay on active duty. However, when he tried to get adaptive sporting equipment—in this case a mono-ski—through the caregivers at the DoD health facility Walter Reed, he was unable to get it as it wasn't covered through TRICARE. Again, the VA could have purchased it if he was a veteran, but since he had not yet retired he did not have access to the same equipment that he otherwise would have.

## TESTIMONIALS FROM WOUNDED WARRIORS

"All the training and dedication pays off when you have crossed the finish line, you're standing completely exhausted next to your fellow service member, and for that moment, completely forgetting about your disabilities."—Jose Ramos, Hospital Corpsman 3rd Class, U.S. Navy, Above Elbow Amputation, Iraq War Veteran

"Six months after my injury I was skiing again. You can't imagine the confidence that gives you and so you start seeing yourself doing things in life again . . . knowing that you're going to get a job, knowing that you're going to go to school because you're out there tearing up the slopes. It's just a super family here. It's a great experience, it's a family experience, and the whole community just gives its all to give you a group hug and I love coming here."—Dennis Walburn, U.S. National Guard LTC, Wounded Warrior, Above Knee Amputee, Iraq War Veteran

"It was amazing, I was out there on the water, hearing everyone cheer me on. I was waterskiing! It's something I never thought I would be able to do again."—Joey Bozik, U.S. Army SGT, Triple amputee, Iraq War Veteran

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I don't oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I commend the gentleman on his amendment. It think it will make the bill stronger. We should be doing all we can to help our wounded warriors. This is something that, fortunately, he picked up on. I think it is an exceptional idea. I thank him for it.

I yield back the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 111 OFFERED BY MS. JACKSON LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 111 printed in House Report 112-88.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 531, after line 2, insert the following:  
**SEC. 1099C. PROCLAMATION FOR NATIONAL DAY OF HONOR TO CELEBRATE MEMBERS OF THE ARMED FORCES RETURNING FROM IRAQ, AFGHANISTAN, AND OTHER COMBAT AREAS.**

The President shall designate a day entitled a National Day of Honor to celebrate members of the Armed Forces who are returning from deployment in support of Iraq, Afghanistan, and other combat areas.

The CHAIR. Pursuant to House Resolution 276, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, earlier this morning, in fact just a few minutes ago, I spoke on the tribute that Americans will give to their fallen this coming Monday, sadly so, but with joy and appreciation for the bravery of those who sacrificed their lives and their families.

Today I rise with an amendment supported by my colleague and a member of the Armed Services Committee, Mr. JOHNSON, to ask support for an amendment that can bring all us together, the designation of a national day of honor to celebrate the members of the Armed Services who will be returning from deployment in Iraq and Afghanistan and other combat areas. This national day of honor would recognize the enormous sacrifice and invaluable service that those phenomenal men and women have undertaken to protect our freedom and share the gift of democracy in other parts of the world.

How many of us have stopped to say "thank you" to a soldier walking alone in an airport, maybe having made a travel of millions of miles, thousands upon thousands of miles, to find himself or herself in their rural hamlet or urban center coming home. They have come home over the years, and they have come home not seeking glory or appreciation. That's our men and women. The men and women of the United States military and intelligence community who helped bring Osama bin Laden didn't ask for applause and appreciation.

My amendment will give all Americans, no matter what your political views, religion, ethnicity, gender or background, the chance to be able to say "thank you." It is reminiscent of times that some of us did not live through. I am reminded of the pictures that I saw of those celebrating in the streets during World War II.

My uncle served in World War II. My grandmother sent her sons to war. She watched them one by one, and proudly so. As an immigrant American, she was glad to be able to send them to fight our battles.

Now, as we make our decisions to bring our troops home, to be able to provide them the opportunity of economic enhancement such as jobs and education, let's have a day where all of us will be able to be in the streets, if you will, to simply say "thank you;" and job well done!

So I ask my colleagues to join me to say "thank you" to one of the most diverse exhibitions of American bravery and courage, and that is the United States military. As you can see, here they are, without fanfare, fighting for us in the midst of battle. And all I want to do is say "thank you."

Mr. Chair, I rise today offering my amendment No. 111 to H.R. 1540, "National Defense Authorization Act For Fiscal Year 2011," which

HANK JOHNSON the gentleman from Georgia has joined me in offering as a Cosponsor. I thank Representative JOHNSON for his support. My amendment will designate a National Day of Honor to celebrate members of the Armed Services who are returning from deployment in Iraq, Afghanistan, and other combat areas. This National Day of Honor would recognize the enormous sacrifice and invaluable service that these phenomenal men and women have undertaken to protect our freedoms and share the gift of democracy to other parts of the world.

My amendment provides an opportunity for all Americans, regardless of political views, religion, ethnicity, gender, or background to come together, and to recognize and honor our nation's heroes. I believe the paramount and overwhelming conclusion is that our freedom is intertwined with the sacrifices of our Veterans, whose devotion to our way of life is unparalleled. I am privileged to honor their sacrifices and the role they play in our nation.

We are in the midst of ongoing conflict and warfare. We must show continued support of our troops and increase their moral. What better way to demonstrate our support than by celebrating their return from deployment with a National Day of Honor. Though we may be divided by our positions on the war in Iraq, Afghanistan and other combat areas, we stand together to support our veterans.

Currently, there are close to 100,000 troops serving in Afghanistan. And even in the aftermath of the death of Osama bin Laden, troops remain in Afghanistan to protect against retaliatory attacks and to help rebuild the country.

As of April 2011, close to 46,000 American troops are serving in Iraq. At the height of the Iraqi dispute, close to 170,000 U.S. troops were stationed in Iraq. These courageous men and women are mothers and fathers, husbands and wives, yet they have risked their lives and left their families to fight for what they believe in which is freedom, equality, and all the like principles that America stands on. The courage and sacrifice of the men and women are certainly well deserving of celebration. Their service is an extraordinary act of patriotism for which we should all be thankful.

Our nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this country. We must be united in seeing that every soldier, sailor, airman, and marine is welcomed back with all the care and compassion this grateful nation can bestow.

The military represents America's diversity. A National Day of Honor will celebrate men and women of all races and backgrounds. There are 2.4 million African American, 1.1 million Hispanic, 320,000 Asian American and Pacific Islanders and 169,000 American Indians and Alaska Natives who are honored veterans of our nation's military. Nearly 266,000 African Americans, 157,000 Hispanic Americans, 44,000 Asian Americans and Pacific Islanders, and more than 18,500 American Indians and Alaska Natives have served are nation in Iraq and Afghanistan.

A National Day of Honor will welcome home the diverse group of soldiers upon their return from deployments. Currently there are more than 44,500 African Americans, 31,000 Hispanic Americans, 10,000 Asian Americans and

Pacific Islanders, nearly 4,000 American Indians and Alaska Natives deployed in Iraq and Afghanistan. When they return home they will find waiting for them a universal welcome and celebration of their service.

A designated National Day of Honor will bring Americans together to celebrate those who have returned from serving our country around the world in the name of freedom and democracy. The debt that we owe to them is immeasurable. Their sacrifices and those of their families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, marines and Coast Guardsmen and their families, our country would not live so freely.

As we continue to be engaged in hostilities in Iraq and Afghanistan, our young men and women will pay the ultimate price while wearing the uniform of our nation. Let us honor the memory of the 4,400 Americans who have died in Iraq and more than 1,300 who have died in Afghanistan. We also honor the sacrifices of our wounded: nearly 32,000 U.S. troops in Iraq and 9,000 in Afghanistan. And we must not forget all the lives lost on battle fields as our troops stood to support our democracy. Remember the average age of the 58,148 men and women who gave their lives in Vietnam was 23 years old.

As we remember their patriotic sacrifices, we must renew our commitment to keep our promises to the nation's 3 million troops. A National Day of Honor is the perfect medium to welcome home troops.

I represent a district that is home to one of the largest populations of military servicemembers and their families in the nation. There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from Iraq and Afghanistan. They should return home to banners and to a community that recognizes their service after years of combat.

In the words of President John F. Kennedy, "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." It is not simply enough to sing the praises of our nation's great veterans; I firmly believe that we must demonstrate by our actions how proud we are of our American heroes.

There are 23 million veterans in the United States. Currently, more than 1,626,000 veterans are living in Texas and more than 32,000 veterans live and work in my Congressional district alone.

It is my hope that by having a National Day of Honor we will take the time to show appreciation to those who have answered the call to duty upon their return home. As the great British leader Winston Churchill famously stated, "Never in the field of human conflict was so much owed by so many to so few."

I firmly believe that we should celebrate our veterans after every conflict, and I remain committed to both meeting the needs of veterans of previous wars, and to provide a fitting welcome home to those who are now serving. Veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

We promise to leave no soldier or veteran behind. Politics and partisanship should never

be a factor in our support for American veterans or troops. On the battlefield, the military pledges to leave no soldier behind. As a nation, let it be our pledge that when they return home, we leave no veteran behind. Celebrate their return home with a National Day of Honor. This day and every day, let us honor their service with actions that fulfill our commitment to our troops, their families, and our veterans—and that are worthy of our grateful nation.

Our nation is founded on the principles, laid out in the Declaration of Independence, that "all men are created equal," "that they are endowed by their Creator with certain unalienable Rights," and "that among these are Life, Liberty, and the pursuit of Happiness." At various points in our history as a nation, we have found need to send our sons and daughters, our most precious resources, overseas to fight in defense of these great principles. At times when the need is greatest, America's soldiers have always stepped up to protect our nation.

And so, today, I hope we will all take time from our daily lives to reflect upon the sacrifices made by those who serve in our armed forces, and to resolve together that we will provide returning veterans with the welcome, services, care, and compassion that they deserve. We should celebrate throughout the country to the sacrifices made by our men and women returning from their deployment to Iraq, Afghanistan, and other combat areas. Let us all remember that one of the things that makes our nation truly great are the young men and women willing to fight to defend it, to defend us, and to defend our way of life.

I reserve the balance of my time.

Mr. McKEON. Mr. Chairman, I rise to claim the time in opposition to the amendment, although I don't oppose the amendment.

The CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentlelady for doing this. I think she is exactly right on. I think everything that we can do to honor these warriors who are out there fighting for our freedoms and freedoms of those around the world we should do.

I thank you for this amendment.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. I thank the chairman very much for his kind words.

Mr. Chairman, I am delighted to yield 1 minute to the ranking member, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I want to thank the gentlelady for bringing this very, very important amendment forward. I think the most important thing that we can do for those who serve in the military is show them our support in every conceivable way, and especially when they come home from service. Iraq and Afghanistan have been very, very difficult fights. The men and women in

our military have fought bravely and amazingly. Every time I meet one of them, I am just in awe of how great our military is, how brave they are, and what a tremendous job they have done for us; but it is really important that we don't forget that here at home.

A statistic that I have heard over and over again is that it is really only 1 percent of the population in the United States who is actually participating in this war. It is critically important that the rest of us remember it, support those who fought in every way possible. I can think of no better way to help make sure that happens than the amendment offered by the gentlelady from Texas, to give them a day when we all think about it and we all remember what they have done. It is critical that we do that every single day. This will help in that process.

I thank the gentlelady for offering the amendment, and I urge support.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, let me first of all thank the chairman of the full committee and the ranking member of the full committee. Although this is not an amendment that pertains only to my district, I want you to know that I represent a district that is home to one of the largest populations of military service-members and their families in the Nation. There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan wars. They should return home to banners and to communities that recognize their service after years of combat. I might say that the State of Texas, along with all of the States, claim to have their wonderful share of our men and women of the United States military.

Mr. Chairman, I offer this amendment so the children of America can likewise be with us as they wave their flags and welcome our men and women home.

As President John F. Kennedy said: As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them.

Let us live and act on our gratitude, and celebrate on this national day of honor the men and women who have served us so gallantly and bravely. I ask my colleagues to join me and Mr. JOHNSON in support of this amendment, to honor our returning troops by a national expression of thank you, again, for a job well done.

I yield back the balance of my time.

Mr. McKEON. Mr. Chairman, I yield myself the balance of my time.

Again, I want to thank the gentlelady for her amendment. We have a good bill, this National Defense Authorization Act of 2012. It is a very good bill. We have a lot of good things

in it; but this amendment, this amendment alone is reason to vote for the bill. I think we should all, on Memorial Day, on the day that you are requesting, and throughout the year, honor those who are willing to lay their lives on the line every day for us.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that the proponents of amendment Nos. 112 through 133 will not individually offer their amendments.

#### AMENDMENT NO. 134 OFFERED BY MR. RUNYAN

The CHAIR. It is now in order to consider amendment No. 134 printed in House Report 112-88.

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 364, after line 2, insert the following:

#### SEC. 825. COMPETITION AND REVIEW OF CONTRACTS FOR PROPERTY OR SERVICES IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CONTRACTING GOALS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) establish goals for competition in contracts awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation; and

(2) shall develop processes by which to measure and monitor such competition, including in task-order categories for services, construction, and supplies.

#### (b) ANNUAL REVIEW OF CERTAIN CONTRACTS.—

(1) REVIEW REQUIRED.—For each year the Logistics Civil Augmentation Program contract, or other similar omnibus contract awarded by the Secretary of Defense for the procurement of property or services to be used outside the United States in support of a contingency operation, is in force, the Secretary shall require a competition advocate of the Department of Defense to conduct an annual review of each such contract.

(2) COMPETITIVE AWARDS.—Based on the findings of a review conducted under paragraph (1), the Secretary shall identify subcontracts that may reasonably be treated as prime contract for purpose of a competition and take such steps as may be necessary to establish a competitive award basis for such a contract in a timely manner.

(c) ANNUAL REPORT ON CONTRACTING IN IRAQ AND AFGHANISTAN.—Section 863(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (110-181; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subparagraphs (F) through (H) as subparagraphs (H) through (J), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraphs:

“(F) Percentage of contracts awarded on a competitive basis as compared to established goals for competition in contingency contracting actions.

“(G) Justification for any non-competitively awarded contingency contracts that are not otherwise deemed to be not suitable for competition”.

The CHAIR. Pursuant to House Resolution 276, the gentleman from New Jersey (Mr. RUNYAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

□ 1030

Mr. RUNYAN. Thank you, Chairman McKEON and Ranking Member SMITH, for your leadership and for working with me on this amendment. It, again, is an honor working with the both of you.

Mr. Chairman, the Commission on Wartime Contracting is an independent, bipartisan legislative commission established to study wartime contracting in Iraq and Afghanistan. This eight-member commission was mandated by Congress to study Federal agency contracting for reconstruction logistical support of coalition forces and the performance of security functions in support of Operation Iraqi Freedom and Operation Enduring Freedom.

In their latest report, the CWC found that, as contingency operations have stabilized, agencies have not shifted contracting approaches to introduce the much needed competition into long-term support contracts. Competition is the key in order to get our warfighters what they need through a fair and transparent contracting process and at the best value for taxpayers' money. I know this is something that we can all agree on.

My amendment would require the DOD to establish goals for competition and contracts awarded in support of a contingency operation and would require an annual review of omnibus contingency contracts to identify any subcontracts that can be completed as a standalone contract. It would also amend section 863 of the fiscal year 2008 NDAA to increase reporting requirements to competition in contingency contracting.

I urge my colleagues to support this critical amendment in support of the men and women serving in Iraq and Afghanistan and in support of the American taxpayer.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. I thank Mr. RUNYAN for bringing this to our attention. He has explained it very well,

and I think this body should support the amendment.

I yield back the balance of my time.  
Mr. RUNYAN. I thank the gentleman for his support, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that the proponents of amendment Nos. 135 through 140 will not individually offer their amendments.

AMENDMENT NO. 141 OFFERED BY MR. THOMPSON OF PENNSYLVANIA

The CHAIR. It is now in order to consider amendment No. 141 printed in House Report 112-88.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 332, after line 24, insert the following:  
**SEC. 713. EXPANSION OF STATE LICENSURE EXCEPTION FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs need to renew and improve efforts to reach out to rural America, which has less access to care;

(2) behavioral health services for active duty members of the Armed Forces, members of the reserve components, members of the National Guard, and veterans need to be more easily and readily accessible; and

(3) medical records and records of deployment need a “warm transition” and better collaboration between the Department of Defense and the Department of Veterans Affairs.

(b) EXPANSION.—Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “at any location” before “in any State”; and

(B) by striking “regardless” and all that follows through the end and inserting “regardless of where such health-care professional or the patient are located, so long as the practice is within the scope of the authorized Federal duties.”; and

(2) in paragraph (2), by striking “member of the armed forces” and inserting “member of the armed forces, civilian employee of the Department of Defense, personal services contractor under section 1091 of this title, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary for this purpose”.

(c) REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress separate reports on each of the following:

(1) The plans to develop and expand programs to use new Internet and communication technologies for improved access to care and resources, including telemedicine, telehealth care services, and telebehavioral health programs that ensure patient privacy.

(2) Any plans to improve the transition of health and battlefield deployment records to better assist and care for veterans.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the amendments made by this section.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Pennsylvania (Mr. THOMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I thank the chairman and ranking member of this committee.

Mr. Chairman, I rise in support of the Thompson-Berkley amendment, which is nearly identical to H.R. 1832, the bipartisan Servicemembers’ Telemedicine and E-Health Portability Act, or STEP Act. This amendment will bring essential reforms to how our servicemembers and veterans access care, and will bring commonsense, no-cost changes to how the Department of Defense administers health care.

Currently, the Department of Defense has a limited ability to allow its health care professionals to provide care when a patient is in a different State. The Department of Defense’s hands are also tied when it comes to civilians or contractors who have stepped up to fill shortages in desperately needed positions, especially mental health.

As a result, many in the military are required to travel long distances in order to access care. This can add undue stress and financial burdens to the everyday lives of our service men and women. Too often these circumstances contribute to those going without who need help the most and, in some cases, contribute to their falling through the cracks.

By removing location requirements, this amendment will allow the Department of Defense qualified and credentialed health care professionals, including contractors and civilians, to get to their core mission of helping their compatriots in need.

This will allow our National Guard, Reserves, veterans, and retirees quicker and more efficient access to care, and will open the door to allow for the modernization of Department of Defense health care delivery.

This amendment will allow for new technologies in telephone and Internet communications to expand into the Department of Defense, which will greatly expand access, especially in rural America. It will also allow more specialists to be involved in providing care.

When it comes to behavioral health, the Guard and Reserves have been hit especially hard. This amendment will allow for the Guard and Reserves to access behavioral health care right from their homes, immediately, when they need it the most.

This has been a very important issue to me. I’ve met with our military and veterans over the past several months and have closely examined the behav-

ioral health issues affecting our young men and women.

Recently, Vice Chief of Staff of the Army, General Peter Chiarelli, said, “The Army, like the larger American society, is suffering from a shortage of behavioral health specialists, and that is, in fact, a national crisis. Efforts in tele-behavioral health—allowing specialists to meet with patients through teleconferencing technology, for instance—could increase the effectiveness and reach of a limited number of providers.” But the general then said, “There are challenges regarding the credentialing and licensing of specialists to work across State lines.”

Mr. Chairman, this amendment will directly address this issue and has the means to dramatically improve and change how our Nation’s warriors access care. With these restrictions removed, it opens new doors to how the Department of Defense can administer and expand its health care programs. To be clear, there is nothing in this amendment that is intended to change or to be the basis for any future change to the Department of Defense or State-based scope of practice laws or regulations.

Ultimately, this amendment is about technology and modernization. It is about new ways for servicemembers and veterans to access care. It is about fulfilling a pledge to take care of our veterans, regardless of where they live, at no new cost to the taxpayers.

This bipartisan amendment has broad support from the Pentagon and military community. Some of the most notable groups include the Air Force Association, the American Legion, the Association of the United States Navy, the Enlisted Association of the National Guard, Iraq and Afghanistan Veterans of America, Mental Health America, Military Officers Association of America, National Guard Association of the United States, Reserve Enlisted Association, and the Veterans of Foreign Wars.

I ask my colleagues on both sides of the aisle to support this commonsense, bipartisan, no-cost amendment. As Memorial Day approaches, we owe our veterans and servicemembers as much.

I reserve the balance of my time.

Mr. SMITH of Washington. I rise in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Washington. I thank the gentleman for offering the amendment. I have no opposition. I support it, and I appreciate his bringing it to our attention on the committee. I urge the body to pass the amendment.

I yield back the balance of my time.

Ms. BERKLEY. Mr. Chair, I rise today in support of the Thompson/Berkley amendment.

This amendment would expand the DoD state licensure exception to allow health care

professionals to practice across state borders—as long as they are qualified and practicing within regulations of their authorized federal duties. It would change the definition of these exempted health care professionals to include qualified civilians and contractors. However, nothing in this amendment is intended to change state-based scope of practice laws or regulations nor is it intended to be used as the basis for any future scope of practice changes through DoD regulations. This amendment also removes cumbersome location requirements, promoting increased use of tele-medicine, tele-healthcare services, and tele-behavioral health programs.

One of my long-standing goals in Congress has been to expand the availability of mental health services for our brave men and women in uniform. Increasing servicemembers' treatment options by eliminating outdated restrictions on well-qualified health care professionals is an important step toward meeting that goal. This amendment addresses the changing medical needs of America's men and women in uniform and reduces barriers to ensure full access to quality health care—regardless of their location. This amendment is based on H.R. 1832, the Portability (STEP) Act, which has the support of the Air Force Association (AFA), American Servicemembers' Telemedicine & E-Health Legion, the Association of the United States Navy (AUSN), the Enlisted Association of the National Guard (EANGUS), Iraq and Afghanistan Veterans of America (IAVA), Mental Health America, Military Officers Association of America (MOAA), National Guard Association of the United States (NGAUS), Reserve Enlisted Association (REA), and Veterans of Foreign Wars (VFW).

This amendment addresses DoD's limited ability to allow its health care professionals to provide care when the patient is in a different state while adhering to DoD's current system of core and supplemental privileges for each respective specialty, ensuring high quality care and patient safety. It also unties the hands of the DoD when it comes to civilians or contractors who have stepped up to fill shortages in desperately needed positions—especially mental health. Many in the military will no longer have to travel long distances to get help, relieving financial burdens and stress. We must honor the dedication and sacrifice of our troops by making sure DoD has the resources and qualified treatment providers needed to care for our heroes in Nevada and across the nation. That includes even more assistance for our troops who are coping not only with physical injuries, but with the challenges of PTSD and other mental health issues we are still working to better understand. This amendment recommitments us as a nation to honoring the service of America's military, modernizing DoD for the 21st Century and increasing the quality and convenience of support and services for our returning servicemembers.

I want to thank Representative THOMPSON for his dedication to this very important issue and I urge my colleagues to support our amendment.

Mr. THOMPSON of Pennsylvania. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. THOMPSON).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that the proponents of amendment Nos. 142 through 147 will not individually offer their amendments.

AMENDMENT NO. 148 OFFERED BY MR. TURNER

The CHAIR. It is now in order to consider amendment No. 148 printed in House Report 112-88.

Mr. TURNER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle F of title III, add the following new section:

**SEC. 3. LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR MIGRATION OF MANAGEMENT OF AIR FORCE ENTERPRISE LOGISTICS SYSTEMS PROGRAM EXECUTIVE OFFICE PENDING COST-BENEFIT ANALYSIS.**

Of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2012 for procurement or operation and maintenance for the migration to management for the Enterprise Logistics System Program Executive Office by the Department of the Air Force, not more than 10 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Air Force submits to the congressional defense committees a report on the cost-benefit analysis of migrating the management headquarters for the Enterprise Logistics System Program Executive Office. The report shall address each of the following:

- (1) The business case analysis supporting the decision.
- (2) An analysis of alternatives to the decision that were considered.
- (3) An economic analysis (including a life-cycle cost analysis) of the proposed transition, including a cost-benefit analysis and assessment of sustainment costs.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Ohio (Mr. TURNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. TURNER. Mr. Chairman, this amendment is really very simple. We've had a recent election where the tide of the taxpayers has spoken where they want this House and they want Congress to start making decisions and the government to start making decisions to address this issue of our debt and the existential threat that we have to our country of out-of-control spending.

We have an issue where the Enterprise Logistics Directorate is being moved by the Air Force without any analysis as to what is good for the taxpayers. It is an arbitrary decision that appears to have been made somewhere in the bureaucracy but needs the accountability of the taxpayers. Congress has to have the effective oversight to ensure that the taxpayers' dollars are being spent effectively.

What's interesting about this is that the Air Force first said, We're not going to move anybody. Then they said, We're going to move everybody to Ohio. Then they said, We're going to move everybody to Alabama. Then they said, We're not going to move anybody. Now they're back to moving everybody to Alabama. And when you ask them, they don't have one analysis or one scrap of paper that says what's best for the taxpayers. This is based on personalities and arbitrary actions.

This is an important directorate. This directorate mission is to empower the warfighter to leverage information as an effective weapon anywhere, anytime. It develops fields, sustains and operates worldwide communications, computer systems and capabilities for the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the unified combatant commanders, services and specified Department of Defense agencies. It contracts with the procurement of information technology systems and services supporting DOD-wide customers.

□ 1040

This should not be a parochial issue. This should not be a parochial fight. This should be an issue of what is best for the taxpayers. There has been no analysis done.

My amendment does not step in place of the decision-making of the Air Force. In fact, what it says is let's do a cost-benefit analysis and then the Air Force gets to decide. But it requires that that cost-benefit analysis be done before anybody moves.

You know, again, remember the Air Force has said leave everybody in place; move them all to Ohio; move them all to Alabama; leave them in place; now move them to Alabama. This should not happen until we have a cost-benefit analysis where we can spend all this money, move all of these people, find out in fact that it costs more after the move. We could even have made a situation where we have to move everybody back.

We're just saying let's do a cost-benefit analysis. This is an amendment for the taxpayers. This amendment needs to pass.

I reserve the balance of my time.

Mrs. ROBY. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentlewoman from Alabama is recognized for 5 minutes.

Mrs. ROBY. Mr. Chairman, I stand before you today to urge my colleagues to vote "no" on this amendment, very respectfully, from the gentleman from Ohio.

I would like to thank Chairman MCKEON and his staff for agreeing to allow me and others the opportunity to debate this specific amendment.

The Air Force recently made a decision to combine two programs that fall under the Air Force Program Executive Office. EIS, currently located at



Gunter Annex, Alabama, and ELS, located at Wright-Paterson Air Force Base, would be consolidated at Gunter.

Basically, the job of EIS is to design, acquire, install, and maintain operation support systems for the Air Force and the Department of Defense. And the job of the ELS is to empower the warfighter to leverage information as an effective weapon.

It makes good common sense for the management of these functions to be consolidated. Additionally, Air Force Materiel Command has approved this decision, and Congress should allow this decision to move forward.

My understanding is that no jobs from Wright-Paterson would be transferred, only the management of Air Force Logistics Systems would be removed from Wright-Paterson, where it has been for only 2 years.

This management role of acquiring and sustaining enterprise-wide logistics systems would return to Gunter, where it had been located for more than 20 years. However, the Turner amendment would require a cost-benefit analysis of the consolidation that would then need to be approved by the House Armed Services Committee, and this action would be costly and further bind the hands of our military commanders.

It is very important to note that the 2005 BRAC Commission Report showed that doing these operations at Gunter is more cost effective than at Wright-Paterson. Therefore, there is no need for another costly, drawn-out study.

It is important for us to allow our military commanders to make decisions that help the warfighter by increasing efficiencies when completing their mission. If we adopt this amendment, it will represent congressional interference in a decision that our commanders and the United States Air Force have already made.

I encourage my colleagues to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, many times we talk about the taxpayers and saving the taxpayers money, but, unfortunately, sometimes when it comes down to parochial interests we get to the point where we say it doesn't really matter what's in the best interest of the taxpayers as long as it's coming my way or as long as it's my State.

All this amendment says is let's look at what's best for the taxpayers. That's all it requires is analysis of cost benefit. In fact, this issue was looked at by the 2005 BRAC process. The Air Force looked at merging these functions at Wright-Pat and Gunter, at Hanscom and then Wright-Pat and Gunter. In both cases, in both the 2005 and the 1995 BRAC process, this was rejected. This is going outside of BRAC.

Mr. Chairman, I yield 2 minutes to my colleague from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I want to thank Mr. TURNER for yielding and offering this very important amendment.

You know, it's especially critical, as we continue our work in the House of cutting unnecessary spending and bringing transparency and accountability for taxpayer dollars, that we have an amendment like this in place. And this amendment, again, simply asks the Department of Defense and the Air Force to provide that same transparency.

The Air Force is merging, as we heard, two important areas of logistics with the Enterprise Logistics Systems, ELS, and the Enterprise Information Systems, EIS, into a new portfolio known as the Business Enterprise Systems Portfolio. Again, this amendment is simply saying, as you make this merger, as you combine these two different portfolios, do a cost-benefit analysis.

EIS, which includes activities such as ECSS and others, has been shown to be cost efficient and much needed to modernize the Air Force's logistics and information technology systems and services. ELS currently manages some very large programs at Wright-Paterson Air Force Base and Gunter Annex. There are approximately 1,000 jobs, including military, civilians, and contractor employees within the Enterprise Logistic Directorate. Asking the Department of Defense to provide a cost-benefit analysis of their decision to combine these portfolios makes sense.

To respond to the comment of this being a costly study, this study will provide Congress the same transparency and accountability of taxpayer dollars that we here in Congress are being asked. And I support the Air Force's plan to become more efficient, but we need to make sure that there is a good business case and that these moves actually are efficient and are in the best interest of the taxpayers.

Mrs. ROBY. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Chairman, I rise in opposition to this amendment.

First, I want to thank Chairman TURNER for his hard work and dedication when it comes to the national defense and well-being of our warfighters. I am privileged to be able to serve on the House Armed Services with my friend.

With that said, I disagree with my friend on this amendment. I believe this amendment calls for an unnecessary report to Congress meant to delay the Air Force's decision to consolidate and move the Program Executive Office for Enterprise Information Systems. This consolidation is at no cost to the Air Force.

Adequate cost studies already exist as a part of the 2005 BRAC Commission

Report. Those reports show that executing these operations at Gunter Annex in Montgomery, Alabama, is more cost effective than at either Hanscom Air Force Base, Massachusetts, or Wright-Paterson Air Force Base in Ohio. The Air Force chain of command supports the decision to consolidate and relocate.

In short, Mr. Chairman, I believe that this amendment is an example of one of the ways that we can save money and make efficient choices when it comes to the Defense Department that doesn't come at the expense of the warfighter. At a time when our Nation is facing its dire fiscal situation, these are the types of small cost-saving decisions that add up over time.

I would also like to thank my colleague from Alabama, Mrs. MARTHA ROBY, for her leadership on this issue. She is a strong advocate for our brave warfighters, and I would like to associate myself with her remarks.

Mr. Chairman, I urge my colleagues to vote against this amendment.

Mr. TURNER. Mr. Chairman, may I inquire as to how much time I have remaining.

The CHAIR. The gentleman from Ohio has 15 seconds remaining.

Mr. TURNER. Mr. Chairman, the 2005 BRAC Commission actually rejected this consolidation and it was proposed at that time for Massachusetts. In 1995, it was proposed. We should not keep moving these jobs around until we have a cost-benefit analysis. All we're asking for is just the cost-benefit analysis to determine where they should be. This decision was just made last week. It needs to be reviewed.

Mrs. ROBY. Mr. Chairman, in closing, I would just like to say, again, that I urge my colleagues to vote "no." The Air Force has made it clear that this is the consolidation that they want, that it is efficient for their operations at Gunter Annex.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. TURNER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. ROBY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

ANNOUNCEMENT BY THE CHAIR

The Chair understands that the proponents of amendment Nos. 149 through 151 will not individually offer their amendments.

AMENDMENT NO. 152 OFFERED BY MR. CRAVAACK

The CHAIR. It is now in order to consider amendment No. 152 printed in House Report 112-88.

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.



The text of the amendment is as follows:

At the end of subtitle C of title XII of division A of the bill, add the following:

**SEC. 12xx. REPEAL OF UNITED STATES INSTITUTE OF PEACE ACT.**

Effective as of the date of the enactment of this Act, the United States Institute of Peace Act (title XVII of Public Law 98-525; 22 U.S.C. 4601 et seq.) is repealed.

The CHAIR. Pursuant to House Resolution 276, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I yield myself 3 minutes.

I rise in support of my amendment. After years of excessive spending, the United States is facing difficult economic and fiscal straits, Mr. Chairman. Presently, our country is suffering under \$14.39 trillion of national debt, and roughly 40 cents of every dollar that we spend must be borrowed and placed on the backs of our children. Make no mistake, funding for government programs and nonprofit organizations that are not critical to the functioning of core government services must be considered for cuts.

With an extensive lobbying effort to portray the Institute for Peace as incredibly important to our Nation's work on the ground in Iraq and Afghanistan, a few U.S. officials have signed letters in its support.

□ 1050

While I have seen evidence to the contrary, I will, for the sake of argument and respect for the handful of generals that support the Institute for Peace cede their point.

However, I will note that the United States Institute for Peace grant program is entirely duplicative of existing grant programs of the United States, the private sector, and nonprofit organizations.

At a time when the government must do more with less, I remain convinced the research, training, workshop holding, and humanitarian work of the United States Institute for Peace, its small staff in Afghanistan and Iraq, can be replicated by divisions or offices with the Department of Defense, the State Department, or through entities like the Peace Corps and USAID. It must.

We are a Nation teetering on the edge of insolvency. Admiral Mike Mullen recently stated, The most significant threat to our national security is our debt.

Now is the time to make the tough calls, Mr. Chairman, and the United States Institute for Peace is a program that our children and our grandchildren should not be funding at the sake of their futures.

Mr. Chairman, therefore in close, I'd like to urge my colleagues to support amendment 152.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Washington. I do oppose the amendment, and I will yield to my colleagues to explain our side.

I will begin by yielding 1 minute to the ranking member of the House Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I have to say it boggles my mind how we can argue one minute about whether to withdraw troops from Afghanistan or authorize the use of force in Libya and in the next minute seek to eliminate the one U.S. government institution that is dedicated to resolving such conflicts peacefully.

No other institution can accomplish the mission Congress gave the USIP. No other agency has this peace-building mandate. General Petraeus called USIP's work invaluable, a potential key to the success in the enormous challenge we face; Under Secretary of Defense Flournoy, talking about one specific example in Iraq where "The USIP helped tribal and local government leaders forge a groundbreaking agreement viewed by local leaders and military officials as a turning point toward peace and stability in one of Iraq's most violent regions."

I fail to understand what national interests could possibly be served by reducing the number of tools at our disposal. I urge my colleagues to oppose this amendment.

Mr. CRAVAACK. Mr. Chairman, I yield 1 minute to my esteemed colleague from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. I rise in support of this amendment. I do believe we should defund the United States Institute of Peace.

In contrary to the comments from the gentleman from California, I believe every department, every agency in the United States of America stands for and fights for peace. We don't have to have some separate organization that is just built on peace. No. It is the Department of Defense. It is the State Department. In fact, it is every agency within the United States of America that fights for peace. That's what our country stands for. We don't need a separate organization.

We have spent over \$700 million on this think tank that, while their intentions are good, quite frankly we can't afford and we don't need. It is the primary mission of the State Department and the Department of Defense to achieve the peace. It's not something we dole off to some separate agency in a fancy building kitty-corner to the State Department.

And if the State Department and the Department of Defense aren't fighting for peace, then maybe that's a discus-

sion we should have. But it is not the sole and only agency that fights for peace. We all fight for peace. And I encourage my Members to support this amendment.

Mr. SMITH of Washington. Mr. Chair, I am pleased to yield 1 minute to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. I thank my colleague and friend for yielding.

Mr. Chairman, I oppose this amendment, and I urge every single one of my colleagues to vote "no."

Every single one of the last five Presidents—including President Reagan and Bush—understood the importance of the United States Institute of peace. USIP is not a think tank. They don't sit in the clouds shouting recommendations. They jump into the conflicts and work side-by-side with DOD and with the Department of State in Afghanistan and Iraq.

Listen to the generals and the commanders who are telling us that USIP saves the life of our soldiers in Iraq and Afghanistan. USIP saves American taxpayers dollars around the world. This is not a partisan issue. It is not hawk versus dove. This is basic, common sense—prevent and stop conflict, promote dialogue, build bridges, and save lives.

I ask all of my colleagues to vote "no." It moves us away from peace, this amendment. Give peace a chance. Give peace a chance.

Mr. CRAVAACK. Mr. Chairman, as a 24-year naval veteran, there is no one that wants peace more than me. But I also want to leave a future for my children. And we cannot do that by mounting debt upon them. And though the U.S. Institute for Peace may be a good program, unfortunately it's a duplicative program that other programs can do that are already being paid for.

So, Mr. Chairman, I say once again, this program needs to be eliminated so that we can maintain the savings.

I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I cannot imagine anything more shortsighted than cutting off funding for the U.S. Institute of Peace.

Since 2001, we've taken the militaristic approach to protecting America. And guess what? It has not worked. It's killed thousands of our people. It's cost us hundreds of billions of dollars. And it has not made us any safer.

For pennies on the dollar, we can have what I call "smart security," investing in programs like USIP that use time-tested conflict prevention and resolution techniques. From Kosovo to Sudan to Iraq and Afghanistan, USIP personnel have been laying the building blocks of peace and stability. Created by Ronald Reagan's presidential signature, it has been called "a striking success story" by General

Petraeus. It does extraordinary work that has earned praise from leaders across the ideological spectrum.

USIP saves lives. It's up to us to save USIP. Vote "no" on this misguided amendment.

Mr. CRAVAAK. Mr. Chairman, once again, I'd just like to remind the speaker that the U.S. Institute For Peace has been in existence since 1985 and spent \$720 million, and we have had many conflicts since then. So the United States Institute for Peace is not the critical factor when we're talking about peace or war.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I now yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I couldn't help but note my colleague from Minnesota's last comment. He seems to imply that because there have been wars since 1985 that somehow that is an indictment of the U.S. Institute of Peace. That's absurd and ridiculous.

But it always seems that we can find more money for defense spending but not for peace. It's a question of priorities.

Last night I was here trying to argue that when the GAO and the Subcommittee on Sea Power says that we don't need to spend \$150 million on the LHA-7, friends on the other side of the aisle leaped to their feet and declared, "We've got to have this." Well, the GAO doesn't think so.

But yet we're trying to zero out the U.S. Institute of Peace which can keep us out of conflict and is on the ground in Baghdad, Kosovo, Haiti, all kinds of places, trying to keep people safe and alive.

So faulty logic, poor argumentation won't justify this bad amendment. I urge a "no" vote.

Mr. CRAVAAK. Mr. Chairman, just a reminder that this is a duplicative program that other agencies can do.

When I was in high school, I wrestled. And on the wrestling mat up on the ceiling there was a sign. It said, "If not you, who? If not now, when?"

Now's the time to start cutting programs that are duplicative and programs that go ahead and continue to spend our country's futures away.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I now yield 1 minute to the gentleman from California (Mr. FARR).

The CHAIR. The gentleman has 45 seconds remaining.

Mr. SMITH of Washington. I have only been yielding 1 minute at a time. I had 5; I yielded 4. How do I get down to 45 seconds?

The CHAIR. The gentleman's opening statement consumed time.

Mr. SMITH of Washington. I didn't make an opening statement.

The CHAIR. The gentleman's opening statement consumed time. The gentleman has 45 seconds remaining.

Mr. SMITH of Washington. I disagree with that but I'll live with it.

The CHAIR. The gentleman from California is recognized for 45 seconds.

□ 1100

Mr. FARR. I can't believe what a stupid amendment this is because of the message it sends. The majority party whacked the hell out of the Peace Corps in your H.R. 1, and now you want to whack the heck out of the Institute of Peace. What message are you sending to the world? We can't put a price tag on peace. But we certainly can put a price tag on war. Try \$6.7 billion. That's what we spend every month in Afghanistan. That amounts to \$260 million a day. What a misguided amendment before us.

To eliminate the Institute of Peace only spends the equivalent of 5 hours, 5 hours in Afghanistan. Come on. You are surrounded by peace givers in this room. Look at the law givers. They are not warriors; they are people that tried to make peace. You are not going to win the war in Afghanistan militarily. You are going to win it through peace.

Mr. CRAVAAK. Mr. Chairman, everybody wants peace, I above all people. But the Department of Defense—we have plenty of agencies within the Federal Government that will go ahead and search for peace. We do not need another program to do it that we just cannot afford.

With that, sir, I would like to urge my colleagues to support this amendment.

Mr. BERMAN. Mr. Chair, I rise in opposition to amendment No. 92, which would eliminate the U.S. Institute of Peace.

Mr. Chair, the law creating the U.S. Institute of Peace was passed by a Republican-controlled Senate and signed into law by President Reagan.

That law cited a "deep public need for the Nation to develop fully a range of effective options, in addition to armed capacity, that can leash international violence and manage international conflict."

Is there anyone here who doubts that we still need a range of effective alternatives to armed conflict?

It boggles my mind how we can argue one minute about whether to withdraw troops from Afghanistan or to authorize the use of force in Libya, and the next minute seek to eliminate the one U.S. government institution that is dedicated to resolving such conflicts peacefully.

The State Department, USAID and the Defense Department each have their own important roles to play in preventing and resolving conflict. But none of them have the capacity to do what the U.S. Institute of Peace does: working "outside the wire" with all parties to conflict; acting as a bridge between governmental and non-governmental actors; conducting cutting-edge research and developing innovative peacebuilding tools; and training soldiers, diplomats, and aid workers prior to deployment in conflict zones.

No other institution can accomplish the mission Congress gave to USIP. No other agency has this peacebuilding mandate.

Under Secretary of Defense Michele Flournoy says that "our long-term success in Iraq and Afghanistan, as well as overall U.S. efforts to prevent conflict and strengthen peace-building globally, depend in part on USIP experts and programs in the field."

She specifically cites an example in Iraq, where "the USIP helped tribal and local government leaders forge a groundbreaking agreement, viewed by local leaders and military officials as "a turning point" toward peace and stability in one of Iraq's most violent regions."

General Anthony Zinni writes in the New York Times, "Congress would be hard-pressed to find an agency that does more with less. The institute's entire budget would not pay for the Afghan war for three hours, is less than the cost of a fighter plane, and wouldn't sustain even 40 American troops in Afghanistan for a year."

General Petraeus calls USIP's work "invaluable" and a "potential key to success in the enormous challenges we face."

According to General Wesley Clark, "Eliminating USIP funding is a jaw-dropping, backward step. Although other national security contributors can perform some of USIP's functions, none can perform them all in unity or has such convening power. More important, none can perform them as effectively."

And the Deputy Commanding General of the NATO Training Mission in Afghanistan says, "USIP is at the center of work on doctrine, interagency cooperation, military-NGO relations, and cutting edge efforts on rule of law, reconciliation, minority rights in conflict zones, and democratization—all at the heart of what the military needs to succeed in complex operations."

Mr. Chair, I fail to understand what national interest could possibly be served by reducing the number of tools at our disposal for preventing and resolving conflicts without putting the lives of our troops on the line. I urge my colleagues to oppose this amendment.

Mr. CRAVAAK. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAAK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT NO. 55 OFFERED BY MCGOVERN

Mr. McKEON. Mr. Chairman, I ask unanimous consent that the debate for consideration of amendment No. 55 be expanded by 10 minutes, and that such time shall be equally divided and controlled by the gentleman from Massachusetts (Mr. MCGOVERN) and myself.

The CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR (Mr. LATOURETTE). The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. PLAN WITH TIMEFRAME FOR ACCELERATED TRANSITION OF UNITED STATES FORCES FROM AFGHANISTAN AND PLAN WITH TIMEFRAME FOR ACCELERATED TALKS WITH THE GOVERNMENT OF AFGHANISTAN.**

(a) **PLAN WITH TIMEFRAME FOR ACCELERATED TRANSITION OF U.S. FORCES FROM AFGHANISTAN.**—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress a plan with a timeframe and completion date for the accelerated transition of United States military and security operations in Afghanistan to the Government of Afghanistan (including operations involving military and security-related contractors).

(b) **PLAN WITH TIMEFRAME FOR ACCELERATED TALKS WITH THE GOVERNMENT OF AFGHANISTAN.**—Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress a plan with a timeframe to pursue and conclude negotiations leading to a political settlement and reconciliation of the internal conflict in Afghanistan. Such negotiations will include the Government of Afghanistan, all interested parties within Afghanistan, and with the observance and support of representatives of donor nations active in Afghanistan.

(c) **NATIONAL INTELLIGENCE ESTIMATE ON AL-QAEDA.**—The Director of National Intelligence shall submit to the President and Congress a new National Intelligence Estimate on the leadership, locations, and capabilities of al-Qaeda and its affiliated networks and cells. Such National Intelligence Estimate shall be submitted as soon as is practicable, but not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed so as to limit or prohibit any authority of the President to—

(1) attack al Qaeda forces wherever such forces are located;

(2) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan; or

(3) modify the military strategy, tactics, and operations of the United States Armed Forces as such Armed Forces redeploy from Afghanistan pursuant to the accelerated transition timeframe and completion date developed under subsection (a).

The Acting CHAIR. Pursuant to House Resolution 276, and the previous order, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 2 minutes.

Too many people have died in Afghanistan. Since January, I have attended three funerals in my district alone of young men who have sacrificed their lives there. Tens of thousands more have been wounded. And the suicide rate among our veterans from Afghanistan and Iraq is soaring. There is no clear mission. The Karzai government is corrupt. We continue to borrow money to pay for this war. We need to

rethink what we're doing in Afghanistan. It's time to define the plan to bring our uniformed men and women home to their families and to their communities, where they belong.

Mr. Chairman, this is the longest war in our Nation's history. It's no longer about al Qaeda. I've met with our troops in Afghanistan. I've met with them after they have come home. They are incredible. Politicians put them into harm's way. And we now have an obligation to get them safely home.

President Obama has promised a drawdown of U.S. troops in July. Now we hear that might just be a token drawdown. This amendment, Mr. Chairman, and the vote on this amendment can send the President a clear signal of support for a meaningful drawdown of troops. Help him do what the American people want him to do: bring our troops home and invest in America.

We need to safeguard our national security. We all agree with that. But many of our greatest problems aren't halfway around the world; they are halfway down the block. And rather than nation building in Afghanistan, we need to do some more nation building right here in the United States.

Mr. Chairman, this is not a partisan issue. It's about doing what's right for our troops and for the Nation. If you have ever once thought that we need to do something different in Afghanistan, that it's time to rethink our policy, that we need to bring our troops home to their loved ones, then this is the amendment that you need to support. I ask my colleagues to vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN of Colorado. Mr. Chairman, I rise in opposition to the McGovern amendment. I would certainly agree that we have gone beyond our security objectives in Afghanistan by building the economy that they never had at U.S. taxpayers' expense, by trying to restructure their society, and giving them a government that doesn't reflect the political culture of the country. But at the same time, we have legitimate security objectives in Afghanistan to keep the Taliban out, to keep it from taking over the country, to keep al Qaeda out, and to have a permissive environment in which to conduct strikes into Pakistan at targets such as Osama bin Laden, or al Qaeda and Taliban leaders as they present themselves.

But this amendment speaks to an expeditious withdrawal of U.S. forces from Afghanistan at a time when we are very far down the path of a current strategy for which the President says that we will already reduce our footprint in Afghanistan this summer, as well as shift operational control to Af-

ghan security forces by 2014. This would pull the rug out under that entire strategy. I would urge a "no" vote from my colleagues.

Mr. MCGOVERN. Mr. Chairman, I am very proud to yield 2 minutes to the cosponsor of this amendment, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, on May 9 this year in an article in *The Wall Street Journal*—the title is "Mission Accomplished"—the article stated al Qaeda is no longer based there in Afghanistan and the Taliban must be beaten by Afghans themselves. This is why it is the right time to support the McGovern amendment. It's a reasonable, balanced plan to bring our troops home from Afghanistan.

Mr. Chairman, 2 weeks ago Lieutenant Colonel Benjamin Palmer and Sergeant Kevin Balduf, two Marines from my district, were shot and murdered by an Afghan officer while trying to train the Afghans. Here are these two great men, fathers, trying to train the Afghans, and somebody within the training area kills them, murders them. Yes, let's keep staying there. It's all worthwhile.

Mr. Chairman, the reason this amendment is so important is because Secretary Gates back in February at the Armed Services Committee made this statement. I am going to paraphrase it. That is why we believe that beginning in 2015—2015—the United States can, with minimal risk, begin reducing active duty end strength. 2015.

To quote the retired Marine Corps general that I respect so much, and I didn't serve in the military, and I quote him, "What do we say to the mother and father, the wife, of the last Marine or soldier killed to support a corrupt government and a corrupt leader?" The American people are tired and fed up. But let me say more importantly than the American people are our military; they are tired and fed up.

The wife of this sergeant who was murdered trying to train the Afghans, he had emailed her the day before. And I read the email. "I don't trust them. I don't trust them for anything. Not for anything at all." And he died the next day, leaving two little girls. God bless our men and women in uniform.

Support the McGovern amendment.

Mr. MCKEON. Mr. Chairman, the last time I was in Afghanistan a little over a month ago, I had a chance to visit with our Marines and troopers. They were so animated about their mission, so filled with the idea that they were able to fight for freedom.

They told me the thing that the people are asking them is when are you leaving now? They need to have the understanding that we're there to finish the mission, to be successful in the mission.

I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. CONAWAY).

□ 1110

Mr. CONAWAY. Thank you, Mr. Chairman, for yielding the time.

I have just recently gotten back from Afghanistan, and it is hard doing what we're trying to get done there, but the narrative we have in place today is better than at any point in time since I've been going to Afghanistan, and I've been going since 2005.

I've visited the Arghandab Valley, I've visited Marja, I've visited in Helmand Province, Kandahar Province, and seen with my own eyes the successes that last year's very difficult work done by the Marine Corps, done by the Army, has done in pushing the Taliban out of the settled areas and back into the desert and protecting the citizens of Afghanistan, to give them the breathing space they need to take over for themselves.

The work being done to establish the Afghan local police, that third layer of defense, that security by the Afghans, is in place and is working. The Special Forces teams that are co-located with those Afghan local police, particularly in the Arghandab Valley, have settled that and the Taliban has not come back this fighting season, as they expected them to do.

We have hard work to do. I understand the emotions, I understand the heartfelt tug that the previous speaker has brought to us, Mr. Chairman. It's hard not to listen to that and not make decisions, but decisions can't be made just simply on those emotions. You cannot separate what's going on in Afghanistan with Pakistan. We have to look at the entire package of that part of the world and our national security interests there, which are linked inexorably together with the interests in Afghanistan and Pakistan.

I rise to respectfully disagree with my colleagues on this amendment. There are better ways to elicit these kind of forward-looking plans than this amendment. I ask my fellow colleagues to vote against the McGovern amendment.

Mr. MCGOVERN. Mr. Chairman, I am proud to yield 2 minutes to the ranking Democrat on the Armed Services Committee, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I rise in strong support of the McGovern amendment, because I believe it puts us on the best path to successfully completing our mission in Afghanistan. I think it is very reasoned and very well thought out.

One of the keys to successfully completing this mission is to hand over responsibility to the Afghan people for their security and for their government. The McGovern amendment does not say pull all the troops out now at the end of the month or at the end of the year. It says we must begin, we must put in place a plan for drawing down so we can shift that responsibility.

I also agree with some of my colleagues who oppose the amendment. I think our men and women in the Armed Forces in the last 6 months to a year have made enormous progress in Afghanistan. The surge of troops that President Obama called for has made a big difference and has put us in a better position to be successful in Afghanistan. But the genius of the McGovern amendment is to recognize that there is also a trap in that, because if we stay too long, the Afghan Government becomes dependent upon us in a way that stops them from being independent.

Our goal, our mission in Afghanistan, is clear, despite many who say it isn't. We want a government in Afghanistan that can stand so that the Taliban and al Qaeda are not able to come back into that country. That is our goal, we're making progress towards it, but we will not complete that mission until the responsibility for that is turned over to the Afghan people. To do that, we need a plan and we need to recognize that that is the goal.

That is why the McGovern amendment calls for that plan, calls for us to step up negotiations with folks on the other side, between the Afghan Government and some of the Taliban leaders, which have been bearing fruit of late, so that we can begin that transition and bring our troops home and recognize the success that they've had.

A permanent or even lengthy occupation of a Muslim nation with U.S. troops is not going to work. We need a plan to properly disengage. That is how we will achieve what I think we all agree is the mission in Afghanistan.

I urge support for the McGovern amendment, and I thank him for bringing it. I think we need a plan for making that transition so we can have the success that we all want in Afghanistan.

Mr. McKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. I thank the gentleman for yielding.

We all know this: Every great champion knows that he hears from the sideline those voices who are constantly screaming for him to quit, those voices who tell him the race is just too tough, the finish line just too far away, just quit.

Mr. Chairman, when I listen to what I'm hearing today and I realize that both sides now in Afghanistan are working for a 2014 timetable, they're both serious about it, they're both pursuing it, I think, who would love this amendment?

Well, I've heard a lot about our troops, but I just got back last week and I talked to a lot of troops across Afghanistan, and I will tell you, I don't think there was a one of them that I

talked to that would have supported this amendment.

The second thing is, I talked to young individuals who were elected to the Parliament in Afghanistan who were talking about concepts of freedom for the first time and transparency and who were working to change that government in Afghanistan. Not one of those individuals that I spoke to would have supported this amendment.

I saw young children for the first time in Afghanistan beginning to flood into school every day. Not one of them would have looked and supported this amendment.

I talked to Afghan soldiers who were being trained and who realize the importance they have of reaching that 2014 time period and taking over the reins, and not one of them would have supported this amendment. But I tell you who would have. The Taliban and al Qaeda would love any glimpse of hope that we're going to get out of there before we get the job done.

Mr. Chairman, I want to finish with this. I heard my friend from North Carolina talk about the price tag we pay. Let there be no question that we know the price tag we pay, that our men and women fighting over there know the price tag they are paying, but they also know that our failure to win in Afghanistan and meet the goals we have is a far greater price tag for us to pay. That is why we should defeat this amendment.

Mr. MCGOVERN. Mr. Chairman, I yield 3 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I ask the previous speaker to go in his community to all those same institutions and see what they say.

I rise in support of this amendment as one who has supported this effort for all 10 years that we have been at it. In 2001, in response to the attacks of 9/11, the United States began a war in Afghanistan that targeted Osama bin Laden, al Qaeda, and the Taliban, which provided bin Laden with sanctuary and aid. I supported that effort.

We have been pursuing this conflict for nearly a decade now. The death of Osama bin Laden was a landmark moment in our ongoing struggle to disrupt, dismantle, and defeat the terrorist networks that intend to do Americans harm, and that struggle has not ended with bin Laden's death. But his death is a moment for reflection on that struggle and how we can best equip ourselves to win it. Many of the terrorists against which we are fighting are no longer located in Afghanistan but are in disparate locations, from Yemen to Somalia to southeast Asia. And bin Laden was found in Pakistan.

I support this amendment, because it focuses upon adjusting to a world of

changing threats. It is essential that we fight the smartest war possible against terrorists—but it is fair to ask how a massive troop presence in Afghanistan continues to help us accomplish that goal.

We must plan to transfer responsibility for security in Afghanistan to the Afghan people and government after 10 years' presence there, and it is important to make an assessment of how that best can be done. That's what the McGovern amendment does.

Therefore, this amendment requires a national intelligence estimate of al Qaeda's current leadership, locations, and capabilities. It requires the President to convey to Congress how he intends to meet the goal he stated in December 2009 of a transition for lead security responsibility to the Afghan people, where it belongs. It also asks the President to clarify plans for advancing a political solution in Afghanistan, which all of our military leaders have said is the only ultimate solution.

Finally, nothing in this amendment limits or prohibits the President's authority to attack al Qaeda or gather or share intelligence, nor does it require the administration to modify its military strategy, as it should not. This amendment, however, helps to meet our shared goal of defeating terrorists who wish us harm.

I have no doubt that President Obama and every Member of this House believes that their very first duty is to keep our Nation safe. We must constantly challenge one another and our Nation to fight smarter and harder to ensure victory in this broader struggle.

I rise in support of this amendment and urge its adoption.

□ 1120

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Oversight and Investigations Subcommittee of the Armed Services Committee, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I too was recently in Afghanistan there visiting our troops, visiting the folks on the ground there, getting briefings about what's going on. This amendment assumes that they are sitting there twiddling their thumbs saying, you know something, we really want to stay here for a long period of time.

Folks, that is not the case. They are doing everything as quickly as they can. I was there where they were training Afghans to be able to take control of that country while I was there. They turned over control of seven regions in that country.

To somehow believe that nothing is going on, that we need to accelerate is just ludicrous. They are going as fast as they can, but they are going at a rate to ensure that we are going to be there and be there successfully in helping the Afghan Government do what

they need to do to make sure they assume control of the country and that they can maintain control and can make sure that they are there to defeat the Taliban. That's what the focus is.

That's what this mission is, and they are there doing that in a tremendous way. Somehow saying that we are going to go ahead and accelerate this, create artificial time frames without being aware of what's going on on the ground and saying somehow our military leaders aren't doing things as quickly and efficiently as they should, I think denies the reality of what they are doing, which is going as quickly as they can and doing a fantastic job of doing that.

Also, if you look at the requirements of the bill about determining time frames for negotiations, to me, requiring time frames on negotiations creates weakness in negotiations. I think you ought to make sure that it's the back and forth with the Taliban and the Afghan Government that determines where the negotiations are going, not artificial time frames. I think that creates, unfortunately, an imbalance in those deliberations, getting to what I believe is a satisfactory completion to the conflict there, but also to having an outcome that's satisfactory to the country, not just in the short term, but in the long term.

So I believe strongly that this amendment is not what we need to be doing there. Our effort needs to be left in the hands of our military leaders there and they are going as quickly as they can in their responsible way.

Mr. MCGOVERN. Mr. Chairman, for the sake of our troops and our country, I urge support of this amendment.

I yield 1 minute to the minority leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding and thank him for his leadership and working with Congressman WALTER JONES on this bipartisan amendment, which has been brought to the floor. They have worked again in a bipartisan way, in a patriotic way, to ensure that U.S. troops are brought home from Afghanistan safely and expeditiously.

Listening to the debate, it's interesting because I don't know that we are that far apart because we all want to ensure the national security of our country. We all respect our men and women in uniform and the job that they are doing to keep us the land of the free and the home of the brave.

We respect them when they come home as our veterans, but we have to know that involvement of nearly 10 years has serious consequences for our country.

I told the President of Afghanistan on my recent visit this spring that each time I go there I say the American people are growing tired of war; we are weary of war. We went into Af-

ghanistan in the fall of 2001. For about 7 years, there was no plan. There was no plan on how we would execute what we went to do and how we would leave.

When President Obama became President, many of us who were eager to bring our troops home gave him a chance to put forth a plan, which he did, which calls for the drawdown of troops in July 2011, and drawing down more completely by 2014.

President Obama himself had said earlier this month, I have already made a commitment that starting in July of this year we are drawing down troops and we are transitioning. We are training Afghan forces so they can start securing their own country.

The President went on to say we don't need to have a perpetual footprint of the size we have now. So, therefore, I think it's really important for us to know what this amendment does that I think reflects the mood of the American people.

It requires within 60 days of enactment, a plan and time frame for the accelerated transition of military and security operations to the Government of Afghanistan; within 60 days of enactment, a plan and time frame for negotiations leading to a political solution and reconciliation in Afghanistan, and within 90 days of enactment, a National Intelligence Estimate on leadership, location and capabilities of al Qaeda and affiliated networks and cells.

Who can be against that? Who can be against that? We are talking about 60 days a plan for transition, and 60 days a plan for negotiations.

I appreciate the efforts of this amendment, as it underscores the importance of having a plan and a time frame for a transition of responsibility, a transition of responsibility for security and stability to the Afghans so that we can bring our troops home.

The National Intelligence Estimate on al Qaeda that is called for in the plan will also help ensure our policymakers that they have updated information on the threat posed by al Qaeda and its affiliates who remain a threat even following the death of Osama bin Laden. Careful intelligence analysis is essential to keeping the American people safe.

So as I salute our men and women in uniform, I also want to salute our men and women in the intelligence community who are an important part of keeping the American people safe. I commend them and CIA Director Panetta for his leadership in the Osama bin Laden operation.

But back to the specific point of this amendment. I have gone to Afghanistan year after year after year, never thinking that we would be engaged in the longest war in America's history. The first 7 years, not even a plan; but now the President has put into motion how we make judgments about how we stay and how we leave.

If you visit the women in Afghanistan, as many women in the Congress have done and some of our male colleagues as well, they will tell you whether you are talking to educated women in Kabul, but really more relevant to me, poor, poor women in the provinces, they are all saying the same thing.

I visited a group of women in the province of Zabul, just as I have visited a number of provinces and spoken to the women across Afghanistan. The women in Zabul said we really want to educate our daughters, we want to have access to health care clinics and the rest, but we can't have that until we have security, and we can't have security until we end corruption.

There are many things going on in Afghanistan that must change. There will be a better chance for change if we make an investment in the civilian side of this transition, whether it's diplomacy, whether it's part of the construction. They tell me not to say reconstruction because not much was there before. Construction there includes building schools. We visited little schools and schools in different parts of Afghanistan. It's very encouraging.

Our troops know that we have to leave, that we have to transition out. But as I told President Karzai also, we didn't come here, and we are not staying here 10 years so that when we leave women return to the subjugated position they were in under the Taliban.

So the answer to that is women must be at the table when you have the negotiations for reconciliation of the leadership of the Taliban, and reintegration of rank-and-file members of the Taliban. As we move toward more stability in Afghanistan, women must play a role. Women in America, women throughout the world care about how this all turns out there.

So here we are, almost 10 years later in a situation where we just want to have some management of this issue.

□ 1130

Let's have a plan for how negotiations will take place. Let's have a plan after we see the National Intelligence Estimate based on what the al Qaeda threat is.

This is a very wise amendment. I thank Mr. MCGOVERN and Mr. JONES for how they put it together because it is very reasonable. It has a goal in sight. It has a reasonable approach as to how we get there. But make no mistake: in overwhelming numbers, the American people think we have done our job there in terms of helping the Afghan people. Our purpose there was to protect the American people. We can do both by focusing more on the civilian side of governance issues and how Afghanistan is governed on anti-corruption issues. And our initiatives that I have seen there on this recent trip

are an improvement over the past, by training the national security forces of Afghanistan, be it police or the military, so they can maintain their own security, and by diplomatically enlisting other countries in the region because they all have a vested interest in the stability of Afghanistan.

But an open-ended, unending war there, which is costly but is nothing compared to the cost of the loss of our young men and women, that's our first and foremost concern. But there is also the cost in dollars, the cost in opportunity and in military strength. This involvement and engagement in Afghanistan is not strengthening our military.

So Americans are paying a big price. We want to make sure we are getting a return on that investment, and time is a very important factor. It's time for our troops to come home. And I thank Mr. MCGOVERN and Mr. JONES for their leadership.

Mr. McKEON. Mr. Chairman, might I inquire as to the time remaining.

The Acting CHAIR. The gentleman from California has 2¼ minutes remaining. The time of the gentleman from Massachusetts has expired.

Mr. McKEON. Mr. Chairman, I yield the balance of my time to my friend and colleague, the vice chairman of the Armed Services Committee and chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Thank you, Mr. Chairman.

It is always tempting to say we ought to have a plan, but I think the purpose of this amendment is clear. It is to drive us out of Afghanistan on an accelerated time frame without regard for the conditions on the ground. And that is not only a mistake in strategy and detrimental to our security interests; it actually increases the danger to our troops and to coalition troops as well.

Timelines undermine their efforts. It discourages your friends, because they know you're not going to be there very long, it encourages your enemies because that helps them plan their assault against you, and it ensures that anybody on the fence hedges their bets because they know that you're not going to be around for very long.

And, Mr. Chairman, it occurs to me at a time when our government is wanting President Karzai to make difficult decisions, it is not particularly helpful for the minority leader to go over there and tell him how tired we are. Is that persuasive? Does that help him make the tough decisions to end corruption and to stand up the Afghan police? Somehow I don't think so.

Mr. Chairman, I want our troops to come home as soon as they possibly can too, but I do not want the considerable sacrifice of blood and treasure that they have expended to be thrown

away because of political impatience. That was the exact concern that numerous servicemen voiced to me when I was there with Speaker BOEHNER last month. They worry that Washington would throw away the important progress they have fought and died for.

Last Saturday, Mr. Chairman, in my district was a banquet to honor Armed Services Day. There were more than 1,200 veterans, people who are serving, the people who have served and their families. And numerous Gold Star families were there. The theme of the night was persistence. And you can tell from those families that have suffered the most and from those veterans that they did not want to have their sacrifice squandered away because of some Washington political compromise.

Mr. Chairman, I would suggest we need to learn from them and be inspired from them and reject this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCGOVERN. On that I ask for a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. McKEON

Mr. McKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 3 consisting of amendment Nos. 70, 85, 86, 87, 88, 90, 91, 92, 93, 94, 95, 97, 101, 102, 103, 104, and 105 printed in House Report 112-88 offered by Mr. McKEON of California:

AMENDMENT NO. 70 OFFERED BY MR. PETRI

Page 775, line 8, insert “, including electricity and direct use” after “Solar”.

AMENDMENT NO. 85 OFFERED BY MR. BOUSTANY

Page 507, after line 2, insert the following:  
**SEC. 1078. IMPLEMENTATION PLAN FOR WHOLE-OF-GOVERNMENT VISION PRESCRIBED IN THE NATIONAL SECURITY STRATEGY.**

(a) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees an implementation plan for achieving the whole-of-government integration vision prescribed in the President's National Security Strategy of May 2010. The implementation plan shall include—

(1) a description of ongoing and future actions planned to be taken by the President and the Executive agencies to implement organizational changes, programs, and any other efforts to achieve each component of the whole-of-government vision prescribed in the National Security Strategy;

(2) a timeline for specific actions taken and planned to be taken by the President and the Executive agencies to implement



each component of the whole-of-government vision prescribed in the National Security Strategy;

(3) an outline of specific actions desired or required by Congress to achieve each component of the whole-of-government vision prescribed in the National Security Strategy, including suggested timing and sequencing of actions proposed for Congress and the Executive agencies;

(4) any progress made and challenges or obstacles encountered in implementing each component of the whole-of-government vision prescribed in the National Security Strategy; and

(5) such other information as the President determines is necessary to understand progress in implementing each component of the whole-of-government vision prescribed in the National Security Strategy.

(b) **ANNUAL UPDATES.**—Not later than December 1 of each subsequent year, the President shall submit to the appropriate congressional committees an update of the implementation plan required under subsection (a). Each such update shall include an explanation of—

(1) progress made in achieving each organizational goal; and

(2) modifications necessary to the implementation plan.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations, Select Committee on Intelligence, Committee on Homeland Security and Government Affairs, Committee on the Budget, Committee on the Judiciary, and Committee on Appropriations in the Senate; and

(C) the Committee on Foreign Affairs, Permanent Select Committee on Intelligence, Committee on Homeland Security, Committee on the Budget, Committee on the Judiciary, Committee on Oversight and Government Reform, and Committee on Appropriations in the House of Representatives.

(2) The term “Executive agency” has the meaning given that term by section 105 of title 5, United States Code.

AMENDMENT NO. 86 OFFERED BY MR. CARNAHAN

Page 612, after line 11, insert the following:

(c) **LIMITATION.**—Notwithstanding any other provision of this section, 25 percent of the funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2012 may not be used to carry out contracts unless the Secretary of Defense certifies to Congress that the Department of Defense has sufficient management and oversight mechanisms on such contracts.

AMENDMENT NO. 87 OFFERED BY MR. COFFMAN OF COLORADO

At the end of subtitle G of title X, add the following new section:

**SEC. 1078. REPORT ON A DEPARTMENT OF DEFENSE RECYCLING PROGRAM FOR RARE EARTH MATERIALS.**

(a) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prepare and submit to the congressional defense committees a report on the feasibility and desirability of recycling, recovering, and reprocessing rare earth elements, including fluorescent lighting in Department of Defense facilities and neodymium iron boron magnets used in weapon systems and commercial off-the-shelf items such as computer hard drives.

(b) **REPORT.**—The report required in subsection (a) shall contain, at minimum, the following information:

(1) **AMOUNT AND FORM OF CERTAIN MATERIALS.**—The amount and form of fluorescent lighting materials containing rare earth phosphors, such as terbium, europium, and yttrium, and the amount of neodymium iron boron magnets containing neodymium and dysprosium, currently being disposed of by or on behalf of the Department of Defense.

(2) **ESTIMATE OF AMOUNTS.**—An estimate of the amount of rare earth phosphors contained in such lighting materials and rare earth metal, alloy, and magnet material that is potentially available for recycling but is not currently recovered, using data from the most recent year for which a reasonable estimate can be made.

(3) **FEASIBILITY OF RECOVERY.**—The feasibility and desirability of recovering such rare earth phosphors and magnet materials and making this material available for reprocessing back into separated rare earth elements or reused as rare earth magnet materials by private-sector entities.

(c) **DEFINITION.**—For purposes of this section, the term “rare earth” means any of the following chemical elements in any of their physical forms or chemical combinations:

- (1) Scandium.
- (2) Yttrium.
- (3) Lanthanum.
- (4) Cerium.
- (5) Praseodymium.
- (6) Neodymium.
- (7) Promethium.
- (8) Samarium.
- (9) Europium.
- (10) Gadolinium.
- (11) Terbium.
- (12) Dysprosium.
- (13) Holmium.
- (14) Erbium.
- (15) Thulium.
- (16) Ytterbium.
- (17) Lutetium.

AMENDMENT NO. 88 OFFERED BY MR. COFFMAN OF COLORADO

Page 203, after line 12, insert the following:

**SEC. 547. REPORT ON TUITION ASSISTANCE PROGRAM FOR OFF-DUTY TRAINING OR EDUCATION.**

Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on methods to increase the efficiency of the tuition assistance program under section 2007 of title 10, United States Code. Such report shall include—

(1) a description of the effect of the program on recruiting and retention within the Armed Forces;

(2) an analysis of other programs that provide benefits similar to those provided through the program, including the use of educational assistance programs under chapters 30 and 33 of title 38, United States Code, for education and training pursued by members of the Armed Forces serving on active duty while they are off-duty; and

(3) a description of the effects of modifying the program to require members of the Armed Forces participating in the program to pay for 25 percent of their education expenses and the Secretary concerned to pay the remaining 75 percent of such expenses.

AMENDMENT NO. 90 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of subtitle F of title XXVIII add the following new section:

**SEC. 2864. REPORT ON THE HOMEOWNERS ASSISTANCE PROGRAM.**

Not later than 180 days after the date of enactment of this Act, the Secretary of De-

fense shall submit to Congress a report on the Homeowners Assistance Program under the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374). The report shall include the following:

(1) The estimated cost if eligibility were expanded to include permanent change of station applicants who purchased a home after July 1, 2006, and before July 1, 2008.

(2) The estimated cost if eligibility were expanded to include members of the Armed Forces under paragraph (1) and permanent change of station applicants who received permanent change of station orders after September 30, 2010, and before September 30, 2011.

(3) The estimated number of members of the Armed Forces who received permanent change of station orders after September 30, 2010, and before September 30, 2011, and who suffered a decline of at least a 10 percent in home value from the date of purchase to the date of sale.

AMENDMENT NO. 91 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of title VIII, add the following new section:

**SEC. 8. ACQUISITION WORKFORCE IMPROVEMENTS.**

(a) **WORKFORCE IMPROVEMENTS.**—Section 1704(b) of title 41, United States Code, is amended—

(1) by inserting after the first sentence the following: “The Associate Administrator shall be chosen on the basis of demonstrated knowledge and expertise in acquisition, human capital, and management.”;

(2) by striking “The Associate Administrator for Acquisition Workforce Programs shall be located in the Federal Acquisition Institute (or its successor).” and inserting “The Associate Administrator shall be located in the Office of Federal Procurement Policy.”;

(3) in paragraph (4), by striking “; and” and inserting a semicolon;

(4) by redesignating paragraph (5) as paragraph (6); and

(5) by inserting after paragraph (4) the following new paragraph:

“(5) implementing workforce programs under subsections (f) through (k) of section 1703 of this title; and”.

(b) **FEDERAL ACQUISITION INSTITUTE.**—

(1) **IN GENERAL.**—Division B of title 41, United States Code, is amended by inserting after chapter 11 the following new chapter:

**“CHAPTER 12—FEDERAL ACQUISITION INSTITUTE**

“Sec.  
“1201. Federal Acquisition Institute.

**“§ 1201. Federal Acquisition Institute**

“(a) **IN GENERAL.**—There is established a Federal Acquisition Institute (FAI) in order to—

“(1) foster and promote the development of a professional acquisition workforce Government-wide;

“(2) promote and coordinate Government-wide research and studies to improve the procurement process and the laws, policies, methods, regulations, procedures, and forms relating to acquisition by the executive agencies;

“(3) collect data and analyze acquisition workforce data from the Office of Personnel Management, the heads of executive agencies, and, through periodic surveys, from individual employees;

“(4) periodically analyze acquisition career fields to identify critical competencies, duties, tasks, and related academic prerequisites, skills, and knowledge;



“(5) coordinate and assist agencies in identifying and recruiting highly qualified candidates for acquisition fields;

“(6) develop instructional materials for acquisition personnel in coordination with private and public acquisition colleges and training facilities;

“(7) evaluate the effectiveness of training and career development programs for acquisition personnel;

“(8) promote the establishment and utilization of academic programs by colleges and universities in acquisition fields;

“(9) facilitate, to the extent requested by agencies, interagency intern and training programs; and

“(10) perform other career management or research functions as directed by the Administrator.

“(b) BUDGET RESOURCES AND AUTHORITY.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget and the Administrator of General Services shall provide the Federal Acquisition Institute with the necessary budget resources and authority to support government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce.

“(2) ACQUISITION WORKFORCE TRAINING FUND.—Subject to the availability of funds, the Administrator of General Services shall provide the Federal Acquisition Institute with amounts from the acquisition workforce training fund established under section 1703(i) of this title sufficient to meet the annual budget for the Federal Acquisition Institute requested by the Administrator for Federal Procurement Policy.

“(c) FEDERAL ACQUISITION INSTITUTE BOARD OF DIRECTORS.—

“(1) REPORTING TO ADMINISTRATOR.—The Federal Acquisition Institute shall report through its Board of Directors directly to the Administrator for Federal Procurement Policy.

“(2) COMPOSITION.—The Board shall be composed of not more than 8 individuals from the Federal Government representing a mix of acquisition functional areas, all of whom shall be appointed by the Administrator.

“(3) DUTIES.—The Board shall provide general direction to the Federal Acquisition Institute to ensure that the Institute—

“(A) meets its statutory requirements;

“(B) meets the needs of the Federal acquisition workforce;

“(C) implements appropriate programs;

“(D) coordinates with appropriate organizations and groups that have an impact on the Federal acquisition workforce;

“(E) develops and implements plans to meet future challenges of the Federal acquisition workforce; and

“(F) works closely with the Defense Acquisition University.

“(4) RECOMMENDATIONS.—The Board shall make recommendations to the Administrator regarding the development and execution of the annual budget of the Federal Acquisition Institute.

“(d) DIRECTOR.—The Director of the Federal Acquisition Institute shall be appointed by, and report directly to, the Administrator.

“(e) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs

and expense plans of the Federal Acquisition Institute to fulfill its mandate.”.

(2) CONFORMING AMENDMENT.—Section 1122(a)(5) of such title is amended to read as follows:

“(5) providing for and directing the activities of the Federal Acquisition Institute established under section 1201 of this title, including recommending to the Administrator of General Services a sufficient budget for such activities.”.

(c) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—Section 1703 of title 41, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking “The Administrator shall” and inserting the following:

“(A) IN GENERAL.—The Administrator shall”; and

(B) by adding at the end the following:

“(B) GOVERNMENT-WIDE TRAINING STANDARDS AND CERTIFICATION.—The Administrator, acting through the Federal Acquisition Institute, shall provide and update government-wide training standards and certification requirements, including—

“(i) developing and modifying acquisition certification programs;

“(ii) ensuring quality assurance for agency implementation of government-wide training and certification standards;

“(iii) analyzing the acquisition training curriculum to ascertain if all certification competencies are covered or if adjustments are necessary;

“(iv) developing career path information for certified professionals to encourage retention in government positions;

“(v) coordinating with the Office of Personnel Management for human capital efforts; and

“(vi) managing rotation assignments to support opportunities to apply skills included in certification.”; and

(2) by adding at the end the following new subsection:

“(1) ACQUISITION INTERNSHIP AND TRAINING PROGRAMS.—All Federal civilian agency acquisition internship or acquisition training programs shall follow guidelines provided by the Office of Federal Procurement Policy to ensure consistent training standards necessary to develop uniform core competencies throughout the Federal Government.”.

(d) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 1703(i) of such title is amended—

(1) in paragraph (2), by striking “to support the training of the acquisition workforce of the executive agencies” and inserting “to support the activities set forth in section 1201(a) of this title”; and

(2) in paragraph (6), by striking “ensure that amounts collected for training under this subsection are not used for a purpose other than the purpose specified in paragraph (2)” and inserting “ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title”.

(e) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

AMENDMENT NO. 92 OFFERED BY MR. CONNOLLY OF VIRGINIA

At the end of title XI, add the following new section:

## SEC. 11. . FEDERAL INTERNSHIP PROGRAMS.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 5, United States Code, is amended by inserting after section 3111 the following:

### “§ 3111a. Federal internship programs

“(a) INTERNSHIP COORDINATOR.—The head of each agency operating an internship program shall appoint an individual within such agency to serve as an internship coordinator.

“(b) ONLINE INFORMATION.—

“(1) AGENCIES.—The Office of Personnel Management shall make publicly available on the Internet—

“(A) the name and contact information of the internship coordinator for each agency; and

“(B) information regarding application procedures and deadlines for each internship program.

“(2) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management shall make publicly available on the Internet links to the websites where the information described in paragraph (1) is displayed.

“(c) CENTRALIZED DATABASE.—The Office shall establish and maintain a centralized electronic database that contains the names, contact information, and relevant skills of individuals who have completed or are nearing completion of an internship program and are currently seeking full-time Federal employment.

“(d) EXIT INTERVIEW REQUIREMENT.—The agency operating an internship program shall conduct an exit interview, and administer a survey (which shall be in conformance with such guidelines or requirements as the Office shall establish to ensure uniformity across agencies), with each intern who completes such program.

“(e) REPORT.—

“(1) IN GENERAL.—The head of each agency operating an internship program shall annually submit to the Office a report assessing such internship program.

“(2) CONTENTS.—Each report required under paragraph (1) for an agency shall include, for the 1-year period ending on September 1 of the year in which the report is submitted—

“(A) the number of interns who participated in an internship program at such agency;

“(B) information regarding the demographic characteristics of interns at such agency, including educational background;

“(C) a description of the steps taken by such agency to increase the percentage of interns who are offered permanent Federal jobs and the percentage of interns who accept the offers of such jobs, and any barriers encountered;

“(D) a description of activities engaged in by such agency to recruit new interns, including locations and methods;

“(E) a description of the diversity of work roles offered within internship programs at such agency;

“(F) a description of the mentorship portion of such internship programs; and

“(G) a summary of exit interviews conducted and surveys administered by such agency with respect to interns upon their completion of an internship program at such agency.

“(3) SUBMISSION.—Each report required under paragraph (1) shall be submitted to the Office between September 1 and September 30 of each year. Not later than December 30 of each year, the Office shall submit to Congress a report summarizing the information submitted to the Office in accordance with paragraph (1) for such year.

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘internship program’ means—  
“(A) a volunteer service program under section 3111(b);

“(B) the Student Educational Employment Program (hereinafter ‘SCEP’), as established under section 213.3202 of title 5 of the Code of Federal Regulations (as in effect on January 1, 2009); and

“(C) a program operated by a nongovernment organization for the purpose of providing paid internships in agencies pursuant to a written agreement comparable to an SCEP agreement under section 213.3202(b)(12) of title 5 of the Code of Federal Regulations (as in effect on January 1, 2009);

“(2) the term ‘intern’ means an individual participating in an internship program; and

“(3) the term ‘agency’ means an Executive agency.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 5, United States Code, is amended by inserting after the item relating to section 3111 the following:

“3111a. Federal internship programs.”.

AMENDMENT NO. 93 OFFERED BY MR. CONNOLLY OF VIRGINIA

Page 46, after line 8, insert the following:

**SEC. 147. PROCUREMENT OF TENTS OR OTHER TEMPORARY STRUCTURES.**

(a) IN GENERAL.—In procuring tents or other temporary structures for use by the Armed Forces, and in establishing or maintaining an alternative source for such tents and structures, the Secretary of Defense shall award contracts that provide the best value to the United States. In determining the best value to the United States under this section, the Secretary shall consider the total life-cycle costs of such tents or structures, including the costs associated with any equipment or fuel needed to heat or cool such tents or structures.

(b) INTERAGENCY PROCUREMENT.—The requirements of this section shall apply to any agency or department of the United States that procures tents or other temporary structures on behalf of the Department of Defense.

AMENDMENT NO. 94 OFFERED BY MR. CARSON OF INDIANA

At the end of subtitle H of title V, add the following new section:

**SEC. 5. MATTERS COVERED BY PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES.**

Section 1142(b) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking “job placement counseling for the spouse” and inserting “inclusion of the spouse, at the discretion of the member and the spouse, when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense or the Secretary of Veterans Affairs”;

(2) in paragraph (9), by inserting before the period the following: “, including information on budgeting, saving, credit, loans, and taxes”;

(3) in paragraph (10), by striking “and employment” and inserting “, employment, and financial”;

(4) by striking paragraph (16) and inserting the following new paragraph:

“(16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.”; and

(5) in paragraph (17), by inserting before the period the following: “, and information regarding the means by which the member can receive additional counseling regarding the member’s actual entitlement to such benefits and apply for such benefits”.

AMENDMENT NO. 95 OFFERED BY MR. COURTNEY

At the end of subtitle E of title V, add the following new section:

**SEC. 547. TROOPS-TO-TEACHERS PROGRAM.**

(a) TRANSFER OF FUNCTIONS.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program is transferred from the Secretary of Education to the Secretary of Defense.

(b) ENACTMENT AND MODIFICATION OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program**

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i).

“(3) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified teacher’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense may carry out a program (to be known as the ‘Troops-to-Teachers Program’)—

“(1) to assist eligible members of the armed forces described in subsection (c) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or public charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families;

“(ii) experiencing a shortage of highly qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers; or

“(iii) a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); and

“(B) in elementary schools or secondary schools, or as vocational or technical teachers.

“(c) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on

which the member submits an application to participate in the Program; or

“(iii) transfers to the Retired Reserve.

“(B) Any member who, on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011—

“(i)(I) is separated or released from active duty after 4 or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least ten years of active duty service, 10 years of service computed under section 12732 of this title, or 10 years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than 3 years under paragraph (5)(B).

“(C) Any member who, on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMITTAL OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary. An application shall be in such form and contain such information as the Secretary may require.

“(B) An application may be considered to be submitted on a timely basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later than 2 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B)(i) If a member of the armed forces is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(ii) If a member of the armed forces is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—

“(I) to have received the equivalent of one year of college from an accredited institution of higher education and have 3 or more years of military experience in a vocational or technical field; or

“(II) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(C) A member of the armed forces is eligible to participate in the Program only if the member’s last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member’s last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary shall give priority to members who—

“(A) have educational or military experience in science, mathematics, special education, or vocational or technical subjects; and

“(B) agree to seek employment as science, mathematics, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency.

“(5) OTHER CONDITIONS ON SELECTION.—(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (d) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).

“(d) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (c) and receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher, and to become a highly qualified teacher; and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than three school years with a local educational agency receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6311 et seq.), a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 11 2021)), or a public charter school.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines the waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (e), for failure to meet the three-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed 3 years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

“(F) satisfies such other criteria as may be prescribed by the Secretary.

“(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may pay to a participant in the Program selected under this section a stipend in an amount of not more than \$5,000.

“(B) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.

“(B) The total number of bonuses that may be paid under subparagraph (A) in any fiscal year may not exceed 3,000.

“(C) For purposes of subparagraph (A), the term ‘high-need school’ means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:

“(i) At least 50 percent of the students enrolled in the school were from low-income families (as described in subsection (b)(2)(A)(i)).

“(ii) The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et. seq.).

“(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

“(e) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under subsection (d) shall be required to repay the stipend or bonus under the following circumstances:

“(A) The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (d)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (c)(5)(B) to serve as a member of a reserve component of the armed forces for a period of 3 years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (d) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion

of required service bears to the three years of required service. Any amount owed by the participant shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary under this subsection.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this subsection (d) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(g) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following new item:

“1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program.”.

(3) CONFORMING AMENDMENT.—Section 1142(b) (4)(C) of such title is amended by striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and inserting “under sections 1152, 1153, and 1154 of this title”.

(4) TERMINATION OF ORIGINAL PROGRAM.—

(A) TERMINATION.—

(i) Chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(ii) The table of contents in section 2 of part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of such Act.

(B) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the validity or terms of any agreement entered into before

the date of the enactment of this Act under chapter A of subpart 1 of part C of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before such repeal.

(c) **ADVISORY BOARD.**—

(1) **ESTABLISHMENT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Education, shall establish an Advisory Board composed of—

(A) a representative from the Defense Activity for Non-Traditional Education Support Division of the Department of Defense;

(B) a representative from the Department of Innovation and Improvement of the Department of Education;

(C) a representatives from three State offices that operate to recruit eligible members of the Armed Forces for participation in the Troops-to-Teachers Program and facilitating the employment of participants in the Program as elementary school teachers, secondary school teachers, and vocational or technical teachers; and

(D) a representative from each of three veteran service organizations.

(2) **DUTIES.**—The Advisory Board established under this subsection shall—

(A) collect, consider, and disseminate feedback from participants and State offices described in paragraph (1)(C) on—

(i) the best practices for improving recruitment of eligible members of the Armed Forces in States, local educational agencies, and public charter schools under served by the Troops-to-Teachers Program;

(ii) ensuring that high-need local educational agencies and public charter schools are aware of the Program and how to participate in it;

(iii) coordinating the goals of the Program with other Federal, State, and local education needs and programs; and

(iv) other activities that the Advisory Board deems necessary; and

(B) not later than one year after the date of the enactment of this Act, and annually thereafter, prepare and submit a report to the appropriate committees of Congress, which shall include—

(i) information with respect to the activities of the Advisory Board;

(ii) information with respect to the Troops-to-Teachers Program, including—

(I) the number of participants in the Program;

(II) the number of States participating in the Program;

(III) local educational agencies and schools in where participants are employed;

(IV) the grade levels at which participants teach;

(V) the academic subjects taught by participants;

(VI) rates of retention of participants by the local educational agencies and public charter schools employing participant;

(VII) other demographic information as may be necessary to evaluate the effectiveness of the Program; and

(VIII) a review of the stipend and bonus available to participants under the Program; and

(iii) recommendations for—

(I) improvements to local, State, and Federal recruitment and retention efforts;

(II) legislative or executive policy changes to improve the Program, enhance participant experience, and increase participation in the program; and

(III) other changes necessary to ensure that the Program is meeting its purposes.

(d) **DEFINITIONS.**—In this section

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Health, Education, Labor, and Pensions of the Senate; and

(B) the Committees on Armed Services and Education and Labor of the House of Representatives.

(2) The term “Troops-to-Teachers Program” means the Troops-to-Teachers Program under section 1154 of title 10, United States Code (as added by subsection (b)), as authorized before October 1, 2011, by chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

(e) **EFFECTIVE DATE.**—Subsection (a) and the amendments made by subsection (b) shall take effect on October 1, 2011.

**AMENDMENT NO. 97 OFFERED BY MR. DENT**

Page 46, after line 18, insert the following:

**SEC. 147. STUDY ON DOMESTIC CAPACITY FOR MANUFACTURE OF SHIP SHAFTS AND OTHER FORGED COMPONENTS.**

The Secretary of Defense shall conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and sub-surface vessels of the Navy.

**AMENDMENT NO. 101 OFFERED BY MR. ELLISON**

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. REPORT ON UNITED STATES MILITARY STRATEGY IN AFGHANISTAN IN LIGHT OF THE DEATH OF OSAMA BIN LADEN.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the United States military strategy in Afghanistan, including the extent to which the strategy has changed or is anticipated to change in light of the death of Osama bin Laden.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex if necessary.

**AMENDMENT NO. 102 OFFERED BY MR. FLAKE**

At the end of title X, add the following new section:

**SEC. 1099C. REQUIREMENT THAT WRITTEN COMMUNICATIONS FROM CONGRESS BE MADE PUBLIC BY DEPARTMENT OF DEFENSE.**

Any written communication from Congress, including a committee of the Senate or the House of Representatives, a member of Congress, an officer of Congress, or a congressional staff member, recommending that funds be committed, obligated, or expended on any project within a program element set forth in the funding tables in division D of this Act shall be made publicly available on the Internet by the receiving entity of the Department of Defense, not later than 30 days after receipt of such communication.

**AMENDMENT NO. 103 OFFERED BY MR. FLAKE**

Page 708, after line 12, insert the following:

**SEC. 1699F-1. REPORTS ON INCREASED BUDGET ITEMS.**

(a) **REPORTS.**—

(1) **IN GENERAL.**—For each program described in subsection (b), the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) a justification of the use of the total amount appropriated for the program for fiscal year 2012; and

(B) the process by which such amounts were awarded.

(2) **SUBMISSION.**—The Secretary shall submit each report under paragraph (1) by not later than the date that is 180 days after the date on which the funds for the program for fiscal year 2012 have been allocated.

(b) **PROGRAM DESCRIBED.**—A program described in this subsection is a program element funded—

(1) with amounts authorized to be appropriated by section 201; and

(2) in an amount that is more than the amount requested by the President in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2012.

**AMENDMENT NO. 104 OFFERED BY MR. FRANKS OF ARIZONA**

At the end of title XXVIII, add the following new section:

**SEC. 28. TRANSFER OF THE AIR FORCE MEMORIAL TO THE DEPARTMENT OF THE AIR FORCE.**

(a) **TRANSFER OF MEMORIAL TO SECRETARY OF THE AIR FORCE.**—Administrative jurisdiction, custody, and control of the Air Force Memorial (as defined in section 9784(d) of title 10, United States Code, as added by subsection (b)) is hereby transferred to the Secretary of the Air Force.

(b) **OPERATION, MAINTENANCE, AND MANAGEMENT OF MEMORIAL.**—

(1) **AUTHORITY OF SECRETARY OF THE AIR FORCE.**—Chapter 949 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 9784. Air Force Memorial**

“(a) **RESPONSIBILITY.**—The Secretary of the Air Force has jurisdiction, custody, and control of the Air Force Memorial and is responsible for the operation, maintenance, and management of the Memorial.

“(b) **COOPERATIVE AGREEMENT FOR OPERATION AND MAINTENANCE OF THE MEMORIAL.**—The Secretary of the Air Force may enter into a cooperative agreement with the Air Force Memorial Foundation or any other suitable entity to assist with the operation and maintenance of the Air Force Memorial.

“(c) **DISPOSITION OF CONTRIBUTIONS.**—Any contribution made for the purpose of assisting in the operation and maintenance of the Air Force Memorial that is deposited into the Department of the Air Force General Gift Fund pursuant to section 2601 of this title shall be available only for the purpose of the operation and maintenance of the Air Force Memorial.

“(d) **DEFINITION.**—In this section, the term ‘Air Force Memorial’ means the memorial established pursuant to Public Law 103-163 to honor the men and women who have served in the United States Air Force and its predecessor organizations and that area of land occupied by that memorial, along with any facilities constructed thereon, and consisting of approximately three acres in Arlington, Virginia, made available by the Secretary of Defense for use as the location of the Air Force Memorial pursuant to section 2863(b)(1) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1330).”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“9784. Air Force Memorial.”

(c) **REPEAL.**—Section 2872 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 562) is repealed.

AMENDMENT NO. 105 OFFERED BY MR.  
GARAMENDI

Page 835, after line 10, insert the following:

**SEC. 3125. NATIONAL ACADEMY OF SCIENCES REVIEW OF NUCLEAR WASTE REPROCESSING AND NUCLEAR REACTOR TECHNOLOGY.**

(a) **STUDY.**—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences to conduct a study on waste reprocessing and Generation IV nuclear reactor technology.

(b) **ELEMENTS.**—The study required under subsection (a) shall include—

(1) a review of previous studies related to the subject of nuclear waste reprocessing as a point of reference;

(2) a determination of the feasibility of using nuclear reactor technology, particularly proven Generation IV nuclear reactor technology, created at the national labs at a site charged with meeting international agreements to dispose or decommission nuclear weapons which has substantial legacy waste in order to reprocess and reuse the materials in a proliferation-resistant process that will generate electricity;

(3) a determination of the resulting waste streams;

(4) an analysis of the nuclear proliferation risks, including effects on the nuclear non-proliferation efforts of the United States;

(5) a comparison to nuclear waste reprocessing technologies used in other countries and a comparison to the direct disposal of nuclear waste; and

(6) a detailed analysis of the feasibility of large-scale deployment of such technology at military installations.

(c) **REPORTS.**—

(1) **NNSA.**—The National Academy of Sciences shall submit to the Administrator for Nuclear Security a report containing the results of the study and any recommendations resulting from the study.

(2) **CONGRESS.**—Not later than 18 months after the date on which the contract is awarded under subsection (a), the Administrator for Nuclear Security shall submit to the appropriate congressional committees the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

(3) **FORM.**—The report under paragraph (2) shall be submitted to the appropriate congressional committees in unclassified form, but may include a classified annex.

(4) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Foreign Affairs of the House of Representatives.

(B) The Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Foreign Relations of the Senate.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) for the purpose of a colloquy.

Mr. YOUNG of Alaska. I thank the gentleman for yielding. I rise to express my concerns about our strategic ports. First, I want to thank the chairman and the ranking member, Mr. SMITH, and members of the Armed Services Committee for supporting an amendment that I offered with Ms. BORDALLO that would direct specific study and analysis of critical infrastructure needs at our Nation's DOD-designated strategic seaports. I think the chairman would agree that understanding and addressing vital infrastructure needs at our strategic seaports is of major importance.

Mr. McKEON. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. McKEON. I do agree that assessing and correcting infrastructure problems at the Nation's strategic seaports, which are an integral part of our national defense readiness, is of vital importance.

Mr. YOUNG of Alaska. I thank the gentleman.

Since 1958, the strategic seaport program has facilitated the movement of military forces securely through U.S. ports. Each strategic seaport has individual capabilities that provide the Department of Defense with the port facilities and services that are critical in maintaining the operational flexibility and redundancy needed to meet a wide range of national security missions and timelines.

However, the existing infrastructure at many of the strategic ports may no longer be adequate to meet the needs of our military. Language included in the bill will help us identify the infrastructure improvements necessary to ensure our strategic ports remain accessible to our military, as well as determine whether existing authorities and funding sources are adequate to facilitate making the necessary infrastructure improvements.

This study is an important first step. I look forward to working with the Armed Services Committee on ways to improve our strategic ports to guarantee that they remain capable of supporting our military's operational needs.

Mr. McKEON. As the gentleman knows, this committee has had a long-standing interest in our strategic ports, and I will be happy to work with the gentleman from Alaska and the gentlewoman from Guam to consider the appropriate measures to address the critical infrastructure needs of our strategic seaports.

Mr. YOUNG of Alaska. Thank you, sir. I appreciate it.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member. I rise to support the en bloc amendments and to add my understanding and support for the McGovern-Jones and a number of other Members' amendments.

Let me first make it clear that this is a bipartisan amendment, and there was a great deal of collaboration and sensitivity to formulating a structure that would be respectful of the men and women who serve us today. But I rise to support this amendment because I can clearly see the human and financial costs which have been so high—\$10 billion a month, which in this climate where we are addressing franchise terrorism, where individuals can rise up and do harm to the United States at any time, it is time now to plan a time frame for accelerated transition for our troops to come home from Afghanistan, to find a political solution with diplomacy, to be able to deal with al Qaeda in a manner that will allow—

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman 30 additional seconds.

Ms. JACKSON LEE of Texas. This amendment does not stop the reassessing of how al Qaeda is now functioning with its titular head, its inspirational head no longer, and whether or not the remaining members of al Qaeda will seep and spread into other places where we have to address this question, and, of course, the amendment does not limit existing authority on ongoing al Qaeda efforts by sharing intelligence or changing military strategy, tactics or operations on the ground in Afghanistan. This amendment helps to bring our troops home. Remember Pakistan, how we have to work with them and try to help the Pakistan people, we need to focus broadly to help secure the homeland.

This is an important amendment. I support the en bloc amendment, and I support the McGovern amendment. Let us find a way to bring our troops home.

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Mr. McKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN), my friend and colleague.

Mr. COFFMAN of Colorado. Thank you, Mr. Chairman.

I rise today in support of H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012. I would like to thank the chairman and the ranking member for their leadership on this committee and in particular their support for the issues I have been pursuing.

Including in this en bloc package are two amendments of mine, which I wanted to speak on briefly.

Amendment 48 requires the Secretary of Defense to submit a report to the Congress on the feasibility of recycling

rare earth elements used by the Department. This amendment, along with a provision in the chairman's mark requiring a Rare Earth Inventory Plan, are important steps in reconstituting the Nation's ability to access secure, reliable, and competitive market for rare earth products used to support our national security.

I have been particularly troubled by reports from the Department of Defense indicating that they are not concerned about our Nation's near total reliance on China for access to these critical materials. Last September's rare earth embargo of Japan by the Chinese should serve as an important reminder that this dependence leaves our military vulnerable to supply disruptions should a foreign nation choose to take advantage of its dominance in the market.

Our nation does not need to accept this dependence. With ample reserves in the United States, including Alaska, Colorado and California, we have the potential to meet our own demand for these materials, but steps must be taken in Congress to level the playing field in this market.

This amendment will require the Department of Defense to examine the feasibility of recycling rare earth materials that are currently disposed of. This is not only good stewardship, it is an important part of a complete plan to reconstitute our domestic rare earth industry and to meet our national security needs.

I have also introduced an amendment that will pave the way for meaningful reform of the Department of Defense Tuition Assistance program. This is an excellent program that provides educational opportunities to our servicemembers. When I was a young enlisted infantryman in the Army, I took advantage of this program.

The Acting CHAIR. The time of the gentleman has expired.

Mr. McKEON. I yield the gentleman an additional minute.

Mr. COFFMAN of Colorado. When I was a young enlisted infantryman in the Army, I took advantage of this program to begin my own college education, but it has room to be perfected.

A change in cost sharing has caused funding for the Tuition Assistance program to increase from \$157 million in FY 2001 to \$531 million in FY 2010. Cost per credit hour of distance education, for instance, has risen dramatically since 2001. The services have had to deny tuition assistance benefits to some servicemembers because of the growing cost of this program.

My amendment calls for a study by the Department of Defense on ways to reform this program, including reinstating the 25/75 percent cost share. I believe that with "skin in the game" servicemembers will have incentives for high academic performance and that more servicemembers will be eligible for tuition assistance benefits.

I urge my colleagues to support H.R. 1540.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I particularly want to thank Chairman McKEON and Ranking Member SMITH for their wonderful cooperation in putting together this en bloc set of amendments.

Mr. Chairman, I want to just highlight several with which I am associated.

Amendment 93, cosponsored by Mr. BLUMENAUER, Mr. HINCHEY, Mr. WELCH, and Mrs. CAPPS, will reduce fuel convoy deaths in Iraq and Afghanistan. Mr. Chairman, we have lost 3,000 lives trying to protect fuel convoys in those two countries. So we can actually save money and save lives with this amendment.

Amendment 91, cosponsored by Mr. PLATTS of Pennsylvania, improves the Federal Acquisition Institute. This is legislation also introduced by our Republican friend in the U.S. Senate, SUSAN COLLINS, and it has bipartisan support, makes the Federal Government a lot more efficient and will not build new bureaucracy or add expenses.

Amendment 92, cosponsored by Mr. BILBRAY of California, will actually try to systemize and make more effective the internship programs in the Federal Government so that we are taking advantage of those opportunities and making sure they also serve a better purpose for interns who sign up with the Federal Government.

Amendment No. 90, cosponsored by Mr. KISSELL, directs the Pentagon to report to Congress on the estimated cost of expanding the Homeowners Assistance Program. A lot of our active duty military, when they are called up or transferred, find themselves in enormous distress given the housing crisis. This amendment will help them and their families by extending their ability to try to manage that situation.

Mr. Chairman, I very much appreciate, as I said, the cooperation of the chairman and his staff, and the ranking member and his staff.

Mr. McKEON. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

I want to read a sentence from a report that was recently released. It is something for us to think about: "We are in uncharted territory here," says the Army Vice Chief of Staff. "We have never fought for this long. In the history of the Republic, we have never fought for this long with an all-volunteer force that is only 1 percent of the population."

Mr. Chairman, we see what is the result of this war. Tens of thousands of

our young soldiers are maimed with life-altering conditions, complete loss of limbs, devastating head wounds which will change their lives forever, many younger than 20 years old.

Osama bin Laden has been captured and dealt with. That was the reason for us going in the first place. Only Congress, only Congress can stop this. We are so open ended. We have talked here today about how we can't leave until the Afghans say we are ready. That may be 50 years from now, Mr. Chairman, and it is time that we really got serious about what we are doing here, not only to the young men and women who go but for the \$10 billion per month it adds to our deficit.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

Ms. SLAUGHTER. I see them at the airport every week. I see them, some of them on their fourth deployment, and they beg me, they beg me to come down here and try to get this to stop. They have literally said to me that they will send me back until I am dead, and I come home in a box. How dare we do this? It is time; it is time for us to face up to the fact that what we could do there has been done and that we need a definite timetable as quickly as possible to stop this war in Afghanistan.

I thank the gentleman for yielding me this time.

Mr. PETRI. Mr. Chair, the Department of Defense, DOD, has a statutory goal that 25 percent of the energy procured or produced for its facilities must come from renewable sources by 2025. My amendment would simply clarify that direct use solar energy is considered a renewable energy source for the purposes of this requirement.

Direct use solar energy technology channels solar energy—in the form of sunlight—into a building to provide interior lighting that is similar to traditional electrically-powered lighting. It can result in tremendous energy savings because it allows much of a building's internal lighting to come from sunlight, relying on electric lighting only in the off-peak evening hours or when sunlight is diminished. It is considered direct use because the sunlight is not converted to electricity prior to being utilized.

It is similar to other types of direct use renewable energy technology—geothermal heat pumps and solar thermal devices, for example—that DOD can already use to meet its renewable energy statutory goal. This amendment simply clarifies that direct use solar is considered a renewable source of energy.

These changes will provide DOD with the flexibility to meet its energy requirements more quickly and in a more cost-effective way. I respectfully request that my colleagues support this amendment.

Mr. CARNAHAN. Mr. Chair, I rise today in strong support of this amendment, which conditions funding of the Afghanistan Security Forces Fund, ASFF, on assurance from the Secretary of Defense that sufficient management and oversight mechanisms on contracts are in place.



The proper accounting of U.S. funds and programs in Afghanistan is vital to operational effectiveness and is particularly poignant as Americans across this country face ongoing economic hardships. I offered this amendment because we have a responsibility to our military personnel and the American tax payers to ensure that U.S. resources are being effectively and efficiently utilized in Afghanistan, so we can quickly and responsibly bring our military and civilian personnel home.

As the primary means for training and equipping the Afghan National Security Forces, ANSF, the ASFF is a critical component of our overall strategy to build Afghan capacity and transition to an Afghan-led mission. Unfortunately, however, instances of mismanagement and lacking oversight of the ASFF point to another example of insufficient accounting over Department of Defense contracts. Specifically, failure to construct long-term plans and several occasions of corruption and poor oversight on contracts have been cited—not only putting the billions of dollars in ASFF programs at risk but threatening the operational success of ANSF training and overall accomplishment of strategic objectives.

While specific amounts of waste, fraud, and abuse related to DOD contracts for ASFF are incompletely documented, the Special Inspector General for Afghanistan Reconstruction has estimated overall mismanagement of Afghanistan reconstruction funds as ranging anywhere from 10 percent to 100 percent. Using conservative estimates for anticipated levels of waste, fraud, and abuse, this amendment withholds 25 percent of ASFF funds until the Secretary of Defense certifies to Congress that proper accounting mechanisms are in place.

Throughout hearings on the foreign affairs committee's oversight panel, we have consistently heard issues of contracting mismanagement to the tune of billions of unaccounted for dollars. The safety of our personnel, the integrity of tax payer dollars, and the overall achievement of our missions depend on the effectiveness of our management and oversight institutions. In short—our troops deserve better; the American people deserve better, and I urge my colleagues to support this amendment.

Mr. DENT. Mr. Chair, I rise this evening to express support for the Dent Amendment offered to the National Defense Authorization Act for Fiscal Year 2012. The purpose of this amendment is to analyze the current manufacturing capabilities available in the United States to support a Nuclear Powered Navy. More specifically, this provision would require the Secretary of Defense to conduct a study to measure the domestic capacity in accordance with the Defense Acquisition Regulations System to manufacture ship shafts and other forged components used by surface and subsurface vessels of the U.S. Navy. On the issue of "Forgings," the Defense Acquisition Regulations System restricts the production of ship propulsion shafts, periscope tubes and other forgings to domestic sources. Furthermore, this study will ensure that the Department of Defense has identified the domestic entities with the infrastructure and industrial resources to contribute to our national defense.

The Commonwealth of Pennsylvania continues to anchor this vital manufacturing sector. Lehigh Heavy Forge, headquartered in Bethlehem, Pennsylvania, is a final remnant of the Bethlehem Steel Corporation. Today, the Forge is integral to the production of components needed for building U.S. Naval vessels. The ArcelorMittal Steelton Plant—located approximately 100 miles to the west of Bethlehem in Steelton, Pennsylvania—produces the steel ingots processed by Lehigh Heavy Forge to produce Navy ship shafts. In total, these two facilities provide over 700 jobs for Pennsylvanians, not to mention the additional 450 jobs at additional facilities across the Commonwealth with the infrastructure to meet this national need. While I am proud of the manufacturing tradition woven throughout Pennsylvania, I believe it is imperative for the Department of Defense to measure whether we have the domestic capacity to ultimately meet the challenges in the most treacherous corners of the world.

To that end, I am pleased that the underlying bill, H.R. 1540, authorized Navy shipbuilding as a permissible use of the Mission Enforcement Transfer Fund by the Secretary of Defense in FY 2012. The United States Navy is vital to our national security mission, including ongoing counterterrorism operations and irregular warfare. We need to ensure that the domestic capacity is in place to provide American sailors with the assets they need to succeed in our littoral zones, as well as on the high seas.

Mr. Chair, I ask my colleagues to support the Dent Amendment.

Mr. PETRI. Mr. Chair, the Courtney/Petri/Matsui amendment would transfer the successful Troops to Teachers Program back to the Department of Defense and make important changes to the program to ensure it will continue to provide opportunities for veterans to transition into second careers as educators.

I have been a supporter of the Troops to Teachers program since its authorization in the 1994 Defense Authorization Act, and I am proud of its success in placing over 12,000 veterans in our nation's classrooms. Troops to Teachers is a unique program that provides veterans with a \$5,000 stipend to help cover the costs of obtaining a teaching certification in exchange for three years service in an eligible school. An additional bonus of \$5,000 is available for teaching in a "high need school."

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: eighty percent are male, over one-third are ethnic minorities, and a majority bring an expertise in science and math to the classroom. Furthermore, these troops also bring valuable life experience and character traits that are uncommon in our nation's classroom.

However, the success of this program is in jeopardy without the needed changes that are included in the Courtney/Petri/Matsui amendment. When the program was transferred to the Education Department, a simple drafting error in the 2002 No Child Left Behind Act resulted in a Education Department ruling restricting the number of school districts in which veterans can fulfill their teaching requirement.

Since the implementation of this ruling in September 2005, retiring military have found the number of schools at which they would be eligible to teach drastically reduced.

The Department's new interpretation locks out schools in many rural areas and small communities. This is a shame, especially given the success of this program and its ability to meet some of our nation's greatest teaching needs. In my own state of Wisconsin, only 11 out of 395 school districts qualify for participants to fulfill their teaching requirements. A 2006 Government Accountability Report, GAO, of the program found that the 2005 ruling had reduced interest and participation in the program, as schools in regions where troops lived were no longer considered eligible.

Our amendment would correct this ruling and ensure that veterans participating in the Troops to Teachers program receive a \$5,000 stipend for teaching three years in any school that is in a district receiving Title 1 funds. This would more than double the number of schools eligible under the program. The amendment does not change the criteria for the additional \$5,000 bonus, maintaining the incentive for troops to teach in the highest need schools.

The amendment also makes the Troops to Teachers Program more accessible by reducing the length of service requirements for active military. The make-up of our military has drastically changed since this program was first authorized sixteen years ago. Many of our young men and women returning from service in Iraq and Afghanistan who would like to pursue teaching careers are currently ineligible for the program.

Third, to ensure continued success of the program the amendment creates an advisory board charged with improving awareness, increasing participation and ensuring the program meets the needs of schools and veterans.

This week I, along with Representatives COURTNEY and MATSUI, introduced the Post 9/11 Troops to Teachers Enhancement Act, that contains these needed improvements to the program. This bill has the support of both military and educational organizations. These include: the American Legion, National Education Association, Military Order of the Purple Heart, Military Officers Association of America, National Association of the State Boards of Education and many more.

Finally, our amendment transfers the Troops to Teachers Program back to the Department of Defense. Currently, the program is operated by the Defense Activity for Non-Traditional Education Support (DANTES). The Department of Education simply transfers funds to DANTES. Both the Department of Defense and the Department of Education support this transfer, which is reflected in the Administration's Fiscal Year 2012 budget request.

I want to thank Representative COURTNEY and Representative MATSUI for their work on this amendment. I urge my colleagues to support the amendment.

Ms. MATSUI. Mr. Chair, I rise today in support of the Courtney, Petri, Matsui Amendment, to expand and improve our Nation's existing Troops to Teachers program.



I am pleased to introduce this amendment with my colleagues, with whom I also sponsored the Post 9/11 Troops to Teachers Enhancement Act of 2011. Our amendment would make the program more accessible to veterans returning from Iraq and Afghanistan by reducing the military service requirement from 6 years to 4 years.

It would also expand the number of school districts eligible to participate, and create an advisory board to increase awareness about, and participation in the program.

Finally, this amendment transfers the program from the Department of Education to the Department of Defense.

Currently, the program is operated by the Department of Defense, but funded through the Department of Education. By housing the administration and funding of Troops to Teachers in the same Department, we will be able to streamline this program for the benefit of all of its participants and the students it serves.

With their proven service, diverse backgrounds, and leadership traits our Nation's veterans can serve their country again, by serving as teachers in our country's most vulnerable schools. With more veterans returning home from overseas we need to support programs such as Troops to Teachers that successfully transition them from the military back into civilian life.

I have seen firsthand the success of this program by visiting teachers in my district who returned from service and used the program's stipend to help pay for teaching certification classes and exams. This amendment is a win-win for our veterans and our students.

I urge my colleagues to vote in support of this bipartisan amendment.

Mr. CARSON of Indiana. Mr. Chair, every year, thousands of troops return home from deployments in Iraq and Afghanistan prepared to separate from military service and begin their civilian lives. Many of these service members enlisted right out of high school or college and have spent their brief military service in the structured atmosphere of a military base or deployment operation. They have trained and disciplined themselves to become members of the greatest military the world has ever seen and have protected our nation diligently.

Yet, while serving our nation at home and abroad many have missed the opportunity to find reasonably priced housing, manage day-to-day bills associated with living on a civilian income, or have yet to start saving for their futures. These skills are absolutely critical for a smooth transition back to civilian life. For these service members, proper training can mean the difference between financial stability and long-term growth and foreclosure and unmanageable debt.

I believe that every service member, including those whose short careers have kept them from basic financial opportunities, deserves to leave military service with a full understanding of important financial principles. The Carson amendment seeks to add a personal finance component to the Department of Defense's mandatory pre-separation counseling program, which is already helping separating service members and their spouses become familiar with important VA programs and preparing them to seek an education and start a civilian career.

This amendment expands the current program to include training on saving, budgets, credit, taxes, mortgages and other important financial concepts. It also recognizes the important role spouses play in the financial health of families by ensuring that they are able to participate in counseling sessions as well. With this amendment, military families will leave the service with the type of knowledge that they need in order to adjust to civilian life.

The men and women of our armed services have put their lives on the line to protect our great nation. They deserve access to all the information they need to provide for themselves and their families after their transition to civilian life. I encourage all of my colleagues to support En Bloc Amendment No. 3, which contains the Carson amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. I encourage all Members to support the en bloc amendments.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 4, consisting of amendment Nos. 106, 107, 108, 109, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, and 126 printed in House Report 112-88 offered by Mr. MCKEON of California:

AMENDMENT NO. 106 OFFERED BY MS. HANABUSA

Page 325, after line 9, insert the following:

**SEC. 705. TRICARE STANDARD FOR CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE.**

(a) COVERAGE FOR CERTAIN IRR MEMBERS.—

(1) IN GENERAL.—Subsection (a) of section 1076e of title 10, United States Code, is amended to read as follows:

“(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), the following individuals are eligible for health benefits under TRICARE Standard as provided in this section:

“(A) A member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title but has not attained the age of 60.

“(B) A member of the Individual Ready Reserve described in subsection 10144(b) of this title who served on active duty for an aggregate of not less than one year beginning on or after September 11, 2001.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.”

(2) TERMINATION.—Subsection (b) of such section is amended—

(A) in the subsection heading, by striking “STANDARD”;

(B) by striking “the member becoming” and inserting “a member described in subsection (a)(1)(A) becoming”; and

(C) by inserting before the period at the end the following: “or a member described in

subsection (a)(1)(B) becoming eligible for TRICARE coverage under any other section of this chapter”.

(3) SECTION HEADING.—The heading of such section is amended by striking “WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60” and inserting “AND INDIVIDUAL READY RESERVE”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by striking the item relating to section 1076e and inserting the following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve and Individual Ready Reserve.”.

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$5,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out the amendments made by this section; and

(2) the amount authorized to be appropriated in section 101 for other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

AMENDMENT NO. 107 OFFERED BY MR. HASTINGS OF WASHINGTON

Page 825, after line 2, insert the following new section:

**SEC. 3114. HANFORD WASTE TANK CLEANUP PROGRAM REFORMS.**

Section 4442 of the Atomic Energy Defense Act (50 U.S.C. 2622) is amended—

(1) in subsection (b)(2), by striking “, consistent with the policy direction established by the Department, all aspects of the River Protection Project, Richland, Washington” and inserting “all aspects of the River Protection Project, Richland, Washington, including Hanford Tank Farm Operations and the Waste Treatment Plant”;

(2) by amending subsection (d) to read as follows:

“(d) NOTIFICATION.—The Assistant Secretary of Energy for Environmental Management shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notification detailing any changes in the roles, responsibilities and reporting relationships that involve the Office.”; and

(3) by striking subsections (e) and (f) and inserting the following new section:

“(e) TERMINATION.—The Office shall terminate on September 30, 2019. The Office may be extended beyond that date if the Assistant Secretary of Energy for Environmental Management determines in writing that termination would disrupt effective management of the Hanford Tank Farm operations.”.

AMENDMENT NO. 108 OFFERED BY MR. HASTINGS OF FLORIDA

At the end of title X, add the following:

**SEC. 1099C. SENSE OF CONGRESS REGARDING DEPLOYMENT OF ARMED FORCES WITHOUT CONSIDERABLE DELIBERATION.**

It is the sense of the Congress that before voting begins with respect to funding of any deployment of the Armed Forces, Members of the Congress—

(1) should designate a time period in which Members consider the cultures, religions, ethnicities, geographies, histories, and politics of nations and regions in which the Armed Forces are engaged or are proposed to engage in military action;

(2) should be given access to in-depth briefings on the information described in paragraph (1); and

(3) fully consider and appreciate the enormous complexities and uncertainties inherent in the military engagements of the United States in certain regions, in particular the Middle East.

AMENDMENT NO. 109 OFFERED BY MR. HECK

At the end of subtitle B of title III, insert the following:

**SEC. 3. FIRE SUPPRESSION AGENTS.**

Section 605(a) of the Clean Air Act (42 U.S.C. 7671d(a)) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding the following new paragraph after paragraph (3):

“(4) is listed as acceptable for use as a fire suppression agent for nonresidential applications in accordance with section 612(c).”.

AMENDMENT NO. 112 OFFERED BY MS. JACKSON  
LEE OF TEXAS

Page 345, after line 8, insert the following:  
**SEC. 731. SENSE OF CONGRESS ON POST-TRAUMATIC STRESS DISORDER.**

It is the sense of Congress that—

(1) post-traumatic stress disorder is an increasingly common disease suffered by returning members of the Armed Forces; and

(2) access to treatment for members with post-traumatic stress disorder should be expanded to include local and community medical facilities.

AMENDMENT NO. 113 OFFERED BY MR. KIND

At the end of title III, add the following new section:

**SEC. 3. ASSISTANCE FOR HOMELAND DEFENSE MISSION TRAINING.**

(a) ASSISTANCE AUTHORIZED.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section: “§ 909. Training assistance

“(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units and Federal agencies performing homeland defense activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

“(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“909. Training assistance.”.

AMENDMENT NO. 114 OFFERED BY MR. KINZINGER  
OF ILLINOIS

Page 92, after line 12, insert the following:  
**SEC. 254. PROHIBITION ON USE OF FUNDS FOR NEWLY DESIGNED FLIGHT SUIT.**

None of the funds authorized to be appropriated by this Act may be used to research, develop, manufacture, or procure a newly designed flight suit for members of the Armed Forces.

AMENDMENT NO. 115 OFFERED BY MR. LANGEVIN  
Page 92, after line 12, insert the following:

**SEC. 254. NATIONAL DEFENSE EDUCATION PROGRAM.**

If the total amount authorized to be appropriated by this Act for the National Defense Education Program for fiscal year 2012 is less than the amount requested by the President for such program in the budget submitted to Congress under section 1105 of title 31, United States Code, for such fiscal year, the Secretary of Defense may not derive the difference between such amounts from the K-12 component of such program.

AMENDMENT NO. 116 OFFERED BY MR. LARSEN OF  
WASHINGTON

At the end of subtitle A of title XII of division A of the bill, add the following:

**SEC. 12xx. GLOBAL SECURITY CONTINGENCY FUND.**

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to establish a fund, to be known as the Global Security Contingency Fund, which shall consist of such amounts as may be contributed under paragraph (2) to the fund, to provide assistance to a foreign country described in subsection (b) for the purposes described in subsection (c). The program authorized under this subsection shall be jointly financed and carried out by the Department of State and the Department of Defense in accordance with the requirements of this section.

(2) CONTRIBUTIONS TO FUND.—

(A) IN GENERAL.—For each of fiscal years 2012 through 2015, the Secretary of State and the Secretary of Defense may contribute not more than \$300,000,000 of amounts made available to carry out the provisions of law described in subsection (d).

(B) AVAILABILITY.—Notwithstanding any other provision of law, amounts contributed under this paragraph to the fund shall be merged with amounts in the fund and shall be available for purposes of carrying out the program authorized under this subsection.

(3) LIMITATION.—The authority of this subsection may not be exercised with respect to a fiscal year until—

(A) the Secretary of State contributes to the fund not less than one-third of the total amount contributed to the fund for the fiscal year; and

(B) the Secretary of Defense contributes to the fund not more than two-thirds of the total amount contributed to the fund for the fiscal year.

(4) RULE OF CONSTRUCTION.—The ratios of contributions described in paragraph (3) shall be determined at the beginning of a fiscal year and may not be determined on a project-by-project basis.

(b) ELIGIBLE FOREIGN COUNTRIES.—A foreign country described in this subsection is a country that is designated by the Secretary of State, with the concurrence of the Secretary of Defense, and is eligible to receive assistance under one or more of the provisions of law described in subsection (d).

(c) PURPOSE OF PROGRAM.—The program authorized under subsection (a) may provide

assistance to enhance the capabilities of military forces, and other security forces that conduct border and maritime security, and counterterrorism operations, as well as the government agencies responsible for such forces, in order to strengthen a foreign country's national and regional security interests consistent with United States foreign policy interests.

(d) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this subsection are the following:

(1) Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456; relating to program to build the capacity of foreign military forces).

(2) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881; relating to authority to provide additional support for counterdrug activities of other countries).

(3) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide activities, and available for the Defense Security Cooperation Agency for the Warsaw Initiative Funds (WIF) for the participation of the North Atlantic Treaty Organization (NATO) members in the exercises and programs of the Partnership for Peace program of the North Atlantic Treaty Organization.

(4) Section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to foreign military financing program).

(5) Section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291; relating to international narcotics control and law enforcement).

(6) Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training program).

(7) Chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.; relating to antiterrorism assistance).

(e) FORMULATION AND EXECUTION OF PROGRAM.—

(1) IN GENERAL.—The program authorized under subsection (a)—

(A) shall be jointly formulated by the Secretary of State and the Secretary of Defense; and

(B) shall, prior to its implementation, be approved by the Secretary of State, with the concurrence of the Secretary of Defense.

(2) REQUIRED ELEMENTS.—The program authorized under subsection (a) shall include elements that promote—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority.

(f) RELATED AUTHORITIES.—

(1) IN GENERAL.—The program authorized under subsection (a) shall be—

(A) jointly financed by the Secretary of State and the Secretary of Defense through amounts contributed to the fund under subsection (a)(2) from one or more provisions of law described in subsection (d) under which the foreign country is eligible to receive assistance; and

(B) carried out under the authorities of such provisions of law and the authorities of this section.

(2) ADMINISTRATIVE AUTHORITIES.—Funds made available under a program authorized under subsection (a) shall be subject to the same administrative authorities as apply to funds made available to carry out the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(3) LIMITATION ON ELIGIBLE COUNTRIES.—The program authorized under subsection (a)

may not include the provision of assistance to—

(A) any foreign country that is otherwise prohibited from receiving such assistance under any other provision of law; or

(B) Iraq, Afghanistan, or Pakistan.

(g) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not less than 15 days before implementing an activity under the program authorized under subsection (a), the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the congressional committees specified in paragraph (2) a notification of—

(A) the name of the country with respect to which the activity will be implemented; and

(B) the budget, implementation timeline with milestones, and completion date for the activity.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to constitute an authorization or extension of any of the provisions of law described in subsection (d)

(i) TERMINATION OF PROGRAM.—The authority to carry out the program authorized under subsection (a) terminates at the close of September 30, 2015. An activity under the program directed before that date may be completed after that date, but only using funds made available for fiscal years 2012 through 2015.

AMENDMENT NO. 117 OFFERED BY MS. LEE

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON FUNDS TO ESTABLISH PERMANENT MILITARY INSTALLATIONS OR BASES IN IRAQ AND AFGHANISTAN.**

(a) NO PERMANENT MILITARY BASES IN IRAQ.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(b) NO PERMANENT MILITARY BASES IN AFGHANISTAN.—None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

AMENDMENT NO. 118 OFFERED BY MR. LIPINSKI

Page 531, after line 2, insert the following:

**SEC. 1099C. SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF A KOREAN WAR NATIONAL MUSEUM.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Korean War was fought between the Republic of Korea, with the assistance of 16 different nations including the United States, and the Democratic People's Republic of Korea and People's Republic of China from June 1950 to July 1953.

(2) This conflict was prompted by the invasion of the Republic of Korea by the communist Democratic People's Republic of Korea.

(3) 5,700,000 Americans served during the war and 36,574 died in the conflict, making it

the fifth deadliest war in United States history.

(4) 133 Congressional Medals of Honor were awarded for service during the conflict.

(5) The first integration of black and white American members of the Armed Forces in combat occurred during the Korean War.

(6) The first use of helicopters and the first air-to-air combat between modern jets occurred during the Korean War.

(7) There are currently an estimated 2,440,000 living American veterans of the Korean War.

(8) The United Nations deployed troops into combat for the first time during the Korean War.

(9) The conflict marked the first armed struggle between democracy and communism, as well as the first time the advance of communism was halted.

(10) After the signing of the Armistice Agreement on July 27, 1953, ending hostilities, there was established the Demilitarized Zone, which has allowed the Republic of Korea to grow into a dynamic and stable democracy while situated on the border of one of the least free countries in the modern world.

(11) An official national museum honoring the conflict and all those who served does not currently exist.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) efforts to increase education and public awareness of the Korean War and to honor and promote gratitude for those who served in the Korean War should be encouraged;

(2) the people who have demonstrated leadership and spearheaded the development of a museum to promote awareness of the Korean War and honor those who served in it should be commended; and

(3) a national museum, to be located in Chicago, Illinois, should be established to—

(A) educate visitors on the service, sacrifices, and contributions of those who fought in Korea;

(B) honor Korean War veterans;

(C) preserve the legacy and history of the Korean War conflict; and

(D) celebrate the advances in democracy and freedom made by the people of the Republic of Korea.

AMENDMENT NO. 119 OFFERED BY MR. LO BIONDO

Page \_\_\_, after line \_\_\_, insert the following:

**SEC. 355. MODIFICATION OF REPORT ON SEAD/DEAD MISSION REQUIREMENTS OF THE AIR FORCE.**

Section 334 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4188) is amended—

(1) in subsection (a)—

(A) by striking “120 days after the date of the enactment of this Act” and inserting “August 1, 2011”;

(B) by striking “designating” and inserting “expanding the role of the Air National Guard in conducting”;

(C) by striking “as a responsibility of the Air National Guard”;

(2) in subsection (b)(2), by adding at the end the following:

“(D) The capacity and capability of the Air National Guard to assume an increased level of the Department's SEAD/DEAD mission responsibilities.”.

AMENDMENT NO. 120 OFFERED BY MR. LUETKEMEYER

At the end of title V, add the following new section:

**SEC. 5 \_\_\_\_ REVIEW REGARDING AWARD OF MEDAL OF HONOR TO JEWISH AMERICAN WORLD WAR I VETERANS.**

(a) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Navy shall review the service records of each Jewish American World War I veteran described in subsection (b) to determine whether that veteran should be posthumously awarded the Medal of Honor.

(b) COVERED JEWISH AMERICAN WAR VETERANS.—The Jewish American World War I veterans whose service records are to be reviewed under subsection (a) are the following:

(1) Any Jewish American World War I veteran who was previously awarded the Distinguished Service Cross, the Navy Cross, or other military decoration for service during World War I.

(2) Any other Jewish American World War I veteran whose name is submitted to the Secretary concerned for such purpose by the Jewish War Veterans of the United States of America before the end of the one-year period beginning on the date of the enactment of this Act.

(c) CONSULTATIONS.—In carrying out the review under subsection (a), the Secretary concerned shall consult with the Jewish War Veterans of the United States of America and with such other veterans service organizations as the Secretary considers appropriate.

(d) RECOMMENDATION BASED ON REVIEW.—If the Secretary concerned determines, based upon the review under subsection (a) of the service records of any Jewish American World War I veteran, that the award of the Medal of Honor to that veteran is warranted, the Secretary shall submit to the President a recommendation that the President award the Medal of Honor posthumously to that veteran.

(e) AUTHORITY TO AWARD MEDAL OF HONOR.—A Medal of Honor may be awarded posthumously to a Jewish American World War I veteran in accordance with a recommendation of the Secretary concerned under subsection (a).

(f) WAIVER OF TIME LIMITATIONS.—An award of the Medal of Honor may be made under subsection (e) without regard to—

(1) section 3744, 6248, or 8744 of title 10, United States Code; and

(2) any regulation or other administrative restriction on—

(A) the time for awarding the Medal of Honor; or

(B) the awarding of the Medal of Honor for service for which a Distinguished Service Cross, Navy Cross, or other military decoration has been awarded.

(g) DEFINITIONS.—In this section:

(1) The term “Jewish American World War I veteran” means any person who served in the Armed Forces during World War I and identified himself or herself as Jewish on his or her military personnel records.

(2) The term “Secretary concerned” means—

(A) the Secretary of the Army, in the case of the Army; and

(B) the Secretary of the Navy, in the case of the Navy and the Marine Corps.

(3) The term “World War I” means the period beginning on April 6, 1917, and ending on November 11, 1918.

AMENDMENT NO. 121 OFFERED BY MRS. MALONEY

Beginning on page 513, line 17, strike section 1091 and insert the following:

**SEC. 1091. TREATMENT UNDER FREEDOM OF INFORMATION ACT OF CERTAIN DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.**

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding after section 130e, as added by section 1055, the following new section:

**“§ 130f. Treatment under Freedom of Information Act of critical infrastructure security information**

“(a) EXEMPTION.—Department of Defense critical infrastructure security information that, if disclosed, may result in the disruption, degradation, or destruction of operations, property, or facilities of the Department of Defense, shall be exempt from disclosure pursuant to section 552(b)(3) of title 5, if the Secretary of Defense determines that the public interest consideration in the disclosure of such information does not outweigh preventing the disclosure of such information.

“(b) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—Department of Defense critical infrastructure security information obtained by a State or local government from a Federal agency shall remain under the control of the Federal agency, and a State or local law authorizing or requiring such a government to disclose information shall not apply to such critical infrastructure security information.

“(c) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION DEFINED.—In this section, the term ‘Department of Defense critical infrastructure security information’ means sensitive but unclassified information related to critical infrastructure information owned or operated by or on behalf of the Department of Defense that could substantially facilitate the effectiveness of an attack designed to destroy equipment, create maximum casualties, or steal particularly sensitive military weapons including information regarding the securing and safeguarding of explosives, hazardous chemicals, or pipelines.

“(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. Such regulations shall ensure the consistent application of the exemption in subsection (a) across the military departments and that specifically identify officials in each military department who shall be delegated the Secretary’s authority under this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“130f. Treatment under Freedom of Information Act of certain critical infrastructure security information.”

AMENDMENT NO. 122 OFFERED BY MS. MCCOLLUM

At the end of subtitle J of title V of Division A, add the following new section:

**SEC. 598. LIMITATION ON MILITARY MUSICAL UNITS.**

Amounts appropriated pursuant to the authorization of appropriations in this Act for military musical units (as defined in section 974 of title 10, United States Code) may not exceed \$200,000,000.

AMENDMENT NO. 123 OFFERED BY MRS. MILLER OF MICHIGAN

At the end of title X, add the following:

**SEC. . INTERAGENCY COLLABORATION.**

The Assistant Secretary of Defense for Research and Engineering shall collaborate with the Under Secretary for Science and

Technology of the Department of Homeland Security to identify equipment and technology used by the Department of Defense that could be used by U.S. Customs and Border Protection to improve the security of the international borders between the United States and Mexico, and the United States and Canada, by—

- (1) detecting anomalies such as tunnels and breaches in perimeter security;
- (2) detecting the use of unauthorized vehicles;
- (3) enhancing wide-area surveillance;
- (4) using autonomous vehicles for security; and
- (5) otherwise improving the enforcement of such borders.

AMENDMENT NO. 124 OFFERED BY MR. MORAN

At the end of title XXVII, add the following new section:

**SEC. 2707. LIMITATION ON BRAC 133 PROJECT IMPLEMENTATION.**

The Secretary of Defense may not use more than 1,000 parking spaces provided by the combination of spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project until both of the following occur:

- (1) The Secretary of Defense documents either a Record of Environmental Consideration or a Supplemental Environment Assessment for the finding in the 2008 BRAC 133 Environmental Assessment of no significant impact.
- (2) The Secretary of Defense certifies that all defense access road-certified mitigation projects related to the BRAC 133 project have been constructed.

AMENDMENT NO. 125 OFFERED BY MR. MURPHY OF PENNSYLVANIA

At the end of subtitle G of title VI (page 319, after line 3), add the following new section:

**SEC. 662. REPORT ON INCENTIVES FOR RECRUITMENT AND RETENTION OF HEALTH CARE PROFESSIONALS FOR RESERVE COMPONENTS.**

Not later than 90 days after the date of the enactment of this Act, the Surgeons General of the Army, Navy, and Air Force shall submit to Congress a report on their staffing needs for health care professionals in the active and reserve components of the Armed Forces. Such report shall—

- (1) identify the positions in most critical need for additional health care professionals, including—

- (A) the number of physicians needed; and
- (B) whether additional behavioral health professionals are needed to treat members of the Armed Forces for post traumatic stress disorder and traumatic brain injury; and
- (2) recommend incentives for healthcare professionals with more than 20 years of clinical experience to join the active or reserve components, including changes in age or length of service requirements to qualify for partial retired pay for non-regular service.

AMENDMENT NO. 126 OFFERED BY MR. MURPHY OF CONNECTICUT

At the end of subtitle E of title VIII, add the following new section:

**SEC. 845. ADDITIONAL INFORMATION ON WAIVERS UNDER THE BUY AMERICAN ACT BY DEPARTMENT OF DEFENSE REQUIRED TO BE INCLUDED IN ANNUAL REPORT.**

Section 812 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 2501 note) is amended in subsection (c)(2)(A) by striking clause (vi) and inserting the following:

“(vi) An itemized list of all waivers granted with respect to such articles, materials,

or supplies under chapter 83 of title 41 (commonly referred to as the Buy American Act), including—

“(I) an analysis of the domestic capacity to supply the articles, materials, or supplies; and

“(II) an analysis of the reasons for an increase or decrease in the number of waivers granted from fiscal year to fiscal year.”

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes on the amendments en bloc.

The Chair recognizes the gentleman from California.

Mr. McKEON. Mr. Chairman, I urge the Committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, I support this en bloc amendment, but I would like to speak on behalf of one of the amendments included in it. I greatly thank the chairman and the ranking member for including it.

This fall, 6,400 Department of Defense employees are scheduled to occupy an office complex less than 5 miles from the U.S. Capitol. It is known as the Mark Center. It is on U.S. Route 395 and Seminary Road.

□ 1150

According to five separate transportation studies, including the Army’s own Transportation Management Plan and a highly critical Department of Defense Inspector General report, this location was improperly chosen and inadequately designed to handle the traffic it will create. It will, thus, result in severe congestion on 395 and on all of the roads surrounding the site. The problem is that about 200,000 commuters use 395 every day. We estimate it will cause a 1- to 2-hour additional delay for those commuters.

The National Academy of Sciences looked at it. They said, if this goes through in the fall, it will compromise the military mission that is the responsibility of the Washington Headquarters Services people who would occupy the building, and it will cause severe damage to the regional economy. What this amendment does is to simply limit the number of vehicles that can come to this site to no more than 1,000 until traffic mitigation measures are in place.

The Department of Defense has finally reprogrammed \$20 million for some of the needed improvements. Governor McDonnell of Virginia has allocated \$80 million for a ramp that would come off the HOV lanes onto the site. But, the Pentagon’s money won’t be in place for another couple of years. Governor McDonnell’s project will not

be completed for 5 years. This limits the number of vehicles that can drive to this site until these improvements are in place. It needs to be included on behalf of those 200,000 commuters, and the surrounding residents.

Again, I want to greatly thank the chairmen of the full committee and the subcommittee and the ranking member for including the amendment.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I rise in support of these en bloc amendments.

The Korean War is often referred to as "the Forgotten War," but the toll it took on those who served and the mark it left on America, American veterans, Korea, and the world is indelible. A group of dedicated individuals, led by Korea veteran Denis Healy, has begun work on the Korean War National Museum to be located in Chicago.

This amendment, which I introduced with my colleague from Illinois, PETER ROSKAM, supports increased efforts to educate and raise public awareness of the Korean War and of the establishment of such a museum. This museum will preserve the legacy and history of the war, commemorate the sacrifices made by those who served, and celebrate the advances in freedom and democracy made by the Republic of Korea.

The veterans of this important conflict deserve our recognition, honor, and appreciation. A national museum will ensure that what they accomplished will be remembered.

I thank Chairman McKEON and Ranking Member SMITH for supporting this amendment.

Mr. McKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. Mr. Chairman, I am proud to rise in support of an amendment that would allow for the review of service records of eligible Jewish American veterans from World War I.

I want to thank Chairman McKEON and Ranking Member SMITH, along with my colleagues who sponsored this legislation, for their support of this important issue.

We owe much to the patriotic Americans who have worn and are wearing the uniforms of our Nation's Armed Forces. Our country has been blessed to have citizens who have selflessly volunteered to defend our Nation and our freedom. Unfortunately, due to discrimination, qualified soldiers have not been considered for the Medal of Honor, which is the highest military decoration awarded by our government.

In 2001, Congress passed the Leonard Kravitz Jewish War Veterans Act,

which had broad bipartisan support. This important piece of legislation presented Jewish soldiers the opportunity to receive the Medal of Honor for their service in World War II. However, Jewish veterans of World War I faced similar discrimination, and have not yet been afforded the opportunity to receive recognition for their service.

Last Congress, this amendment was included as part of an en bloc group of amendments that was agreed to by the House by a vote of 416-1. We urge its adoption.

Mr. SMITH of Washington. I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I rise to support the en bloc amendments and particularly my amendment dealing with post-traumatic stress disorder.

My amendment sends a clear and resounding message that we take all wounds endured by our veterans seriously. Although their wounds may be invisible, we recognize that they should be properly treated. One of the best ways to increase the treatment of post-traumatic stress disorder is to access treatment and to increase treatment in a number of local and community medical facilities.

I want to thank the chairman and the ranking member for accepting this amendment and for recognizing the enormous burden that has come about through PTSD.

According to the Defense Medical Epidemiology Database, the number of hospitalizations and outpatient visits in which PTSD was a primary diagnosis between 2000 and 2009 was 5,307 hospitalizations and 578,120 outpatient visits.

I also rise today in honor of my friend and late colleague, Congressman John Murtha, who worked with me to establish an outsourcing clinic in the Houston area at the Riverside Hospital. What a difference it makes. If proper medical care is given, about 40 percent to 60 percent of people who develop PTSD can get better care.

How many of us can even talk about this experience short of our Members who have experienced combat who are here in the United States Congress? The average American who has not does not know the trauma of experiencing danger every day in protecting themselves and their comrades.

They come home. They deserve not only our celebration of their return but to be treated so that they can go on with their lives. Since October 2004, approximately 1.64 million U.S. troops have been deployed for the OEF and OIF in Afghanistan and Iraq. Let's say to our soldiers: You are deserving of our care.

Let us provide more access to care for post-traumatic stress disorder. I appreciate your support for this en bloc amendment.

Mr. Chair, I rise today in support of my amendment #112 to H.R. 1540, "National De-

fense Authorization Act For Fiscal Year 2011," as it will send a clear message on the importance of increasing access to treatment for those suffering from post traumatic stress disorder (PTSD). As a Member of Congress from Texas, a state which has sustained more casualties in the ongoing conflicts in Afghanistan and Iraq than all but one other state, I am pleased to offer this amendment.

My amendment is intended to address the urgent need for access to post traumatic stress disorder (PTSD) treatment and counseling facilities servicing veterans. This includes veterans living in some of the more distressed areas of our country.

We must encourage the establishment of innovative public-private partnerships for the treatment and research of PTSD in teaching hospitals across the country by placing a focus on the importance of caring for those who live with post traumatic stress disorder.

We can never do enough to honor our wounded veterans. The Congressional Research Service puts the number of troops deployed since 2000 suffering from post traumatic stress disorder (PTSD) at nearly 67,000.

Post traumatic stress disorder is one of the most prevalent and devastating psychological wounds suffered by the brave men and women fighting in far off lands to defend the values and freedom we hold dear. This country has the necessary resources to provide Veterans and members of the Armed Forces with world class care.

I represent a district that is home to one of the largest populations of military service members and their families in the nation. There are over 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from the Iraq and Afghanistan. For the brave men and women who have been wounded in combat, help is on the way.

Mr. Chair, my amendment sends the clear and resounding message that we take all wounds endured by our veterans seriously. Although a soldier's wounds are invisible to the naked eye; they are still wounds that should be properly treated. One of the best ways to increase access to treatment is to increase the number of medical facilities specializing in post traumatic stress disorder located in underserved urban areas. Access to post traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post traumatic stress disorder.

In Houston the Veterans Affairs Medical Center (VAMC) is the primary point of care for most returning veterans. It serves over 6,000 veterans in the area. 90% of those served at the VAMC are men, and 21% have been diagnosed with some form of depression or PTSD. We need to include community based health care providers to reach veterans living in underserved urban areas. The treatment of PTSD should be community based.

As a senior member of the Judiciary and the Homeland Security Committees, I agree with President Obama and the Administration in reaffirming our commitment to supporting our veterans and military warriors. The \$1,000,000 Department of Defense (DOD) awarded grant recognized the importance of expanded efforts in diverse communities around the country, as

the government seals its promise to ensure our Military Personnel and Veterans have the best medical care available.

It has been a long fought battle, as I have worked tirelessly with the late John Murtha, Chairman of the Subcommittee on Defense, of the House Appropriations Committee and Senior Leaders from DOD for more than four years to secure \$1,000,000 in federal funding in the 2010 Defense Appropriations Bill for Riverside General Hospital. These funds provided facilities and services to treat Post Traumatic Stress Disorders (PTSD) for National Guardsmen, Reservists and Veterans discharged and/or on leave.

These funds represented a major step towards providing expanded resources in the heart of the city of Houston for those suffering from Post Traumatic Stress Disorders.

The DOD awarded grant recognized the importance of expanded efforts in diverse communities around the country, as the government seals its promise to ensure our veterans and warriors in uniform have the best medical care available.

These funds provided trained experienced physicians, nurses, therapists and other healthcare professionals the necessary services to treat Post Traumatic Stress Disorders for Military Personnel and Veterans discharged and/or on leave of duty. In addition, Riverside General Hospital is now able to provide psychiatric, medical emergency medical inpatient, and outpatient services.

There are currently close to 200,000 military and civilian personnel in the state of Texas, many living in the Houston area. Riverside General Hospital, located in the 18th Congressional District, is the only hospital in Texas privately owned by African-Americans.

Riverside General Hospital was founded due to the heroic efforts of veterans in the First World War. Riverside General Hospital, formerly the Houston Negro Hospital, was erected in 1926 in memory of Lieutenant John Halm Cullinan, US Army. Riverside General Hospital is the only private African-American-owned hospital in the state of Texas that is contracted to provide inpatient psychiatric and inpatient detoxification services to TRICARE beneficiaries.

#### POST TRAUMATIC STRESS DISORDER

I have always been a supporter of the men and women in the military, visiting every combat zone, including Bosnia, Kosovo, Albania, with numerous visits to Afghanistan and Iraq. After interacting with our deployed warriors, I began to understand the actual devastation caused by PTSD, which fueled my passion to help create a facility to help and provide care for those military members and veterans affected.

There have been several reports of Military Personnel to include National Guardsman, Reservists and Veterans suffering from PTSD-like symptoms for well over 100 years. Some examples are veterans of the US Civil War, who suffered emotional problems and were said to be afflicted with "soldier's heart" or "Da Costa's Syndrome"; veterans of World War I was diagnosed as "shell Shocked"; and veterans of World War II were classified with "battle fatigue" or "combat fatigue". Other terms used to describe military-related mood disturbances include "nostalgia", "not yet di-

agnosed nervousness", "irritable heart", "effort syndrome", "war neurosis" and "operational exhaustion".

War veterans are the most publicly-recognized victims of PTSD; long-term psychiatric illness was formally observed in World War I and the syndrome entered public consciousness after the Vietnam War.

#### TREATING THE "INVISIBLE WOUNDS OF WAR"

According to the Defense Medical Epidemiology Database, the number of hospitalizations and outpatient visits in which PTSD was the primary diagnosis between 2000 and 2009 were:

5,307 Hospitalizations  
578,120 outpatient visits

Military Personnel and Veterans with PTSD have lived through traumatic events, causing many of them to fear for their lives, bear witness to horrible things, and feel helpless and hopeless. PTSD symptoms usually start soon after the traumatic event, but they may not appear until months or years later. If provided proper medical care, about half (40% to 60%) of people who develop PTSD get better at some time.

Since October 2001, approximately 1.64 million U.S. troops have been deployed for Operations Enduring Freedom and Iraqi Freedom (OEF/OIF) in Afghanistan and Iraq. Early evidence suggests that the psychological toll of these deployments—many involving prolonged exposure to combat-related stress over multiple rotations—may be disproportionately high compared with the physical injuries of combat.

In the face of mounting public concern over post-deployment health care issues confronting OEF/OIF veterans, several task forces, independent review groups, and a President's Commission have been convened to examine the care of the war wounded and make recommendations. Many recent reports have referred to PTSD as the signature wound of the Afghanistan and Iraq conflicts. With the increasing incidence of suicide and suicide attempts among returning veterans, concern about depression is also on the rise. PTSD impacts not only the service member as the aftershock of this invisible wound victimizes the families as well feel.

The Army says that for the first time the rate of suicide in the military exceeded that of the general population last year—20.2 per 100,000 people in the military, compared with the civilian rate of 19.5 per 100,000. (The Centers for Disease Control say the overall civilian suicide rate was 11 per 100,000 for 2005—the most recent year available—but the Army adjusts the figure to reflect the military's younger and much more heavily male demographics.) The Army's suicide rate was 12.7 per 100,000 in 2005, 15.3 in 2006 and 16.8 in 2007.

Although veterans who served in combat are most frequently afflicted by PTSD, events such as the Fort Hood shooting highlight the physical and psychological dangers facing military personnel in all roles.

Consequently, I believe it is extremely vital to extend to our civilian personnel the same benefits and support that we give to our active duty military. Civilians and military members on Fort Hood have equal responsibility to protect our nation and, as such, it is morally imperative that we work to honor these civilians

by providing them with equal support in the aftermath of such traumatic incidents.

As our nation continues to fight injustices at home and abroad, we must remain committed to caring for those who give life and limb, so that we can enjoy our daily freedoms.

According to a National Vietnam Veterans Readjustment Study there are differences among Hispanic, African American, and White Vietnam Theater Veterans in terms of readjustment after military service. Both Hispanic and African American male Vietnam theater Veterans had higher rates of PTSD than Whites. Rates of current PTSD in the 1990 study were 28% among Hispanics, 21% among African Americans, and 14% among Whites.

African Americans had greater exposure to war stresses and had more predisposing factors than Whites, which appeared to account for their higher rate of PTSD. After controlling for these factors, the differences in PTSD rates between Whites and African Americans largely disappeared. On the other hand, the difference in rates of PTSD between Hispanics and Whites remained even after controlling for the fact that Hispanics had greater exposure to war stresses. African Americans and Hispanics often live in communities that do not have adequate access to health care services. I again stress that veterans who live in underserved areas should have adequate access to services.

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war see on a daily basis. In an instant a suicide bomber, an IED, or an insurgent can obliterate your best friend and right in front of your face. Yet, you are trained and expected to continue on with the mission, and you do . . . you do this for your country.

Mr. Chair, according to surveys conducted of troops in Iraq, 15–20% of Army soldiers have demonstrated signs of post traumatic stress. Symptoms of this serious disorder include nightmares, flashbacks, emotional detachment, dissociation, insomnia, loss of appetite, memory loss, clinical depression, and anxiety. One year after returning from combat, approximately 35% of soldiers are seeking some kind of mental health treatment. Among soldiers still stationed in Iraq and Afghanistan, many incidents of abuse, including killings and rapes by U.S. soldiers, have been attributed to ethics lapses caused by the strain of combat.

Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares when they sleep. These are called flashbacks. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again.

The current conflicts in Afghanistan and Iraq are the most continuous combat operations since Vietnam. Soldiers in Iraq are at risk for being killed or wounded themselves, are likely to have witnessed the suffering of others, and may have participated in killing or wounding others as part of combat operations. All of these activities have a demonstrated association with the development of PTSD. One study



published in the American Journal of Medicine indicated that 94% of soldiers in Iraq reported receiving small-arms fire. In addition, 86% of soldiers in Iraq reported knowing someone who was seriously injured or killed, 68% reported seeing dead or seriously injured Americans, and 51% reported handling or uncovering human remains. The majority, 77%, of soldiers deployed to Iraq reported shooting or directing fire at the enemy, 48% reported being responsible for the death of an enemy combatant, and 28% reported being responsible for the death of a noncombatant. (Hoge et al., 2004).

For those of us whose daily existence is not lived in harm's way, it is difficult to imagine the horrific images that American servicemen and women deployed in Iraq, Afghanistan, and other theaters of war have faced. At the height of the insurgency, the Congressional Research Service places the number of attacks against American and coalition forces at 1,400 per day. The Armed Forces reports over 4,000 troops have died and tens of thousands have been wounded in Operations Enduring Freedom and Iraqi Freedom. According to the Department of Defense (DOD), 36,471 military personnel were medically evacuated from Iraq between 2003 and 2007 alone.

My amendment recognizes that these soldiers are first and foremost, human. They carry their experiences with them. In order to increase access we must first increase the number of medical facilities specializing in PTSD that are located in underserved urban areas, and conducting a concurrent study on increasing access to PTSD treatment at these facilities and that those soldiers will never feel forgotten or taken for granted. These soldiers can be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one.

As the war in Iraq continues to drag on, and with our country continuing to send military personnel to Afghanistan, the military has been overwhelmed with returning soldiers suffering from mental health problems.

I am committed to improving the lives of thousands of veterans who have risked their lives for our nation, and I believe my amendment plays a crucial role in ensuring that veterans suffering from post traumatic stress disorder receive the medical treatment they desperately need.

Mr. McKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the chairman of the Oversight and Investigations Subcommittee, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Chairman, I rise to speak in favor of the en bloc amendments, specifically amendment No. 124, introduced by my colleague Mr. MORAN of Virginia.

I think it is absolutely critical that this gets passed. Mr. MORAN knows the potential problems with the BRAC facility there in Alexandria if we don't limit the number of parking spaces there. He knows clearly there are a number of challenges that if not addressed in a timely fashion are going to create unacceptable traffic problems in the region.

We have worked with the Governor, and we have worked with the Congress to make sure that resources are flowing in a proper way and to make sure that we have a breather by which to put in the infrastructure to make sure that traffic can efficiently get in and out of that facility. If we're going to be creating bigger problems than what we're trying to solve with this, then we are not going to be doing what is in the best interest of the public.

Limiting the spaces there to 1,000 gives us that breathing space as well as makes sure that the Federal Government and the State government put in the necessary traffic infrastructure improvements there to make sure we can accommodate that traffic and to make sure we aren't interfering with what is happening elsewhere.

Again, I urge my colleagues to support the amendment.

Mr. SMITH of Washington. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, my amendment would basically ensure that the total cut to the National Defense Education Program does not come from its K-12 education program, which links DOD scientists and engineers with students and teachers in the Science, Technology, Engineering, and Mathematics, or STEM, fields. We know that our Nation is woefully behind in these subject matters. If we don't engage future generations to excel in these fields, it will hurt both our capability for innovation and our national security.

NDEP supports national competitions to create locally based, content-rich environments and robust learning opportunities for students and teachers with an understanding of the real-world application of the STEM fields. Just last year, 1,750 DOD scientists and engineers from 48 DOD laboratories in 26 States engaged more than 180,000 students and 8,000 teachers in outreach and informal education initiatives.

□ 1200

So, Mr. Chairman, I believe that we actually have to make investment in these STEM programs, and I encourage my colleagues to support this amendment.

Mr. McKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. I thank the chairman for yielding.

I rise today in support of amendment No. 114.

A few months ago, the DOD awarded a \$99 million contract for the redesign of the flight suit. While the intentions are definitely good, at a time when we find ourselves in fiscal strains and finding ways to spend money most efficiently, I believe this isn't it.

As an Air Force pilot, somebody that wears the current flight suit, I believe—and I've talked to many of my colleagues in the military, as I currently serve, that believe the current flight suit works just fine. It serves the purpose that it was designed for and in fact does a very good job.

So again, while we're looking at ways to have efficiencies and ways to spend our money most wisely, I ask that you adopt amendment No. 114, which would stop this \$99 million redesign of the flight suit worn by only a few thousand people.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. First, let me thank Chairman McKEON and also Ranking Member SMITH for agreeing to include my amendment in this en bloc amendment for consideration. I urge support for these en bloc amendments and specifically for my amendment, 117, which prohibits funding to construct permanent military bases in Iraq and Afghanistan.

I have consistently, and we have successfully, worked to include this prohibition of funding for permanent bases in Iraq and Afghanistan since 2001. Due to our efforts and the support of all of our colleagues here on a bipartisan basis who understand the importance of prohibiting permanent bases in these countries, this language has historically been included in the Defense authorization and appropriations bills and signed into law by President Bush and President Obama. In fact, in working with our colleagues, we were successful in placing the same language in the continuing resolution which was passed by the House and signed into law by President Obama in April of 2011.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman 1 additional minute.

Ms. LEE. By including this language in this bill, we are absolutely being clear that the policy of the United States in Afghanistan and Iraq has never included permanent bases and will never include permanent bases.

However, I'm disappointed that we didn't go one step further today by considering my amendment to begin a sizeable and significant reduction of our Armed Forces beginning this July so that we can begin to end the longest war in American history.

But I am urging our colleagues to support the amendment prohibiting permanent military bases in Iraq and Afghanistan. It's critical in fighting the perception held by many in Iraq and Afghanistan that we are an occupying army or that we intend to remain as an occupying force. That perception fuels the insurgency and the Taliban and makes our troops more vulnerable and further threatens our national security.



So I want to thank the chairman again and our ranking member for the time and for including this amendment in the en bloc package of amendments.

Mr. MCKEON. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I stand in support of the amendment and the passage of the bill, but I want to raise a point which is of great concern to me as an appropriator and as a fiscal conservative, and that is the Pentagon's practice—and it's being practiced by the Obama administration as it was by the Bush administration—of putting the war on terrorism money for Afghanistan and Iraq and other places around the globe off the military budget.

We are debating a budget today which is about \$550 billion, but there is another \$120 billion which goes under Overseas Contingency Operations which we do not debate or scrutinize nearly as much as we should. What that money does is actually brings us to a military spending bill that is not in the 500 billions but is \$670 billion.

A lot of that money is not going to emergency spending but ongoing operations. Did anybody last year think we were going to be out of Afghanistan or Iraq this year? No. That money should be in their base budget.

As a member of the Defense appropriations committee, I have submitted language on our bill to straighten this out, and I hope that Congress will take a look at it down the road. I do support this amendment, however, and I thank the gentleman from California for the time.

Mr. LARSEN of Washington. Mr. Chair, I rise today to speak about my amendment to the Defense Authorization bill.

This amendment establishes a Global Contingency Security Fund, jointly administered by the Department of State and Department of Defense.

This fund is meant to build the capacity of foreign nations to combat terrorist organizations and to stabilize their regions, goals consistent with U.S. national security interests. The defense and security infrastructure of foreign nations varies and this fund provides State and DOD the flexibility necessary to provide training and equipment to our foreign partners where it will have the best effect.

My amendment spends no new money—rather, it allows resources to be pooled from existing monies available to State and DOD.

Additionally, it requires that human rights and legitimate civilian authority and governments are respected in every activity and use of the fund.

The best thing we can do to stabilize and strengthen volatile regions of the globe is to build partner capacity, something my amendments aims to achieve.

I thank Armed Services Committee Chair MCKEON and Ranking Member SMITH and Foreign Affairs Committee Chair ROS-LEHTINEN and Ranking Member BERMAN for their support and cosponsorship of the amendment.

Mr. SMITH of Washington. Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. I ask my colleagues to support these amendments, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. MCKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 5 OFFERED BY MR. MCKEON

Mr. MCKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 5 consisting of amendment Nos. 127, 128, 129, 130, 131, 132, 133, 135, 136, 137, 138, 139, 140, 142, 46, 143, 144, 145, 146, and 147 printed in House Report 112-88 offered by Mr. MCKEON:

AMENDMENT NO. 127 OFFERED BY MR. NUGENT

At end of subtitle C of title V, add the following new section:

**SEC. 527. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.**

(a) **AUTHORITY TO AWARD.**—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600-05-1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) **PROCUREMENT OF BADGE.**—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 128 OFFERED BY MR. PEARCE

At the end of title VIII, add the following new section:

**SEC. 845. ASSESSMENT OF DEPARTMENT OF DEFENSE CONTRACTING ACTIONS AND THE IMPACT ON SMALL BUSINESSES.**

(a) **ASSESSMENT REQUIRED.**—The Inspector General of the Department of Defense shall conduct an assessment of consolidated contracting actions of the Department of Defense relating to base services and construction activities from October 2009 through October 2011 to ensure the Department's compliance with the provisions of the Small Business Jobs Act of 2010 (Public Law 111-240). The assessment shall, at a minimum, examine—

(1) compliance with the Small Business Jobs Act of 2010 (Public Law 111-240), the Small Business Reauthorization Act of 1997 (Public Law 105-135), the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) and all relevant provisions in the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement;

(2) justification for contract consolidation;

(3) scope of services provided by category, contract award ceiling, and period of performance;

(4) identification of any shortages in trained acquisition personnel that may have contributed to a determination to consolidate contracting actions;

(5) potential for alternative contracting approaches that would increase small business participation;

(6) any negative impact by such contract consolidations on contracting with small business concerns; and

(7) recommendations to improve or enhance Department of Defense policy, guidance, or execution of contracting actions to ensure compliance with the Small Business Jobs Act of 2010.

(b) **BRIEFING.**—The Inspector General shall brief the congressional defense committees on the findings of the assessment required under subsection (a) not later than April 1, 2012.

AMENDMENT NO. 129 OFFERED BY MR. POMPEO

At the end of title V, add the following new section:

**SEC. 5 \_\_\_\_ . AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO EMIL KAPAUN FOR ACTS OF VALOR DURING THE KOREAN WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor posthumously under section 3741 of such title to Emil Kapaun for the acts of valor during the Korean War described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then Captain Emil Kapaun as a member of the 8th Cavalry Regiment during the Battle of Unsan on November 1 and 2, 1950, and while a prisoner of war until his death on May 23, 1951, during the Korean War.

AMENDMENT NO. 130 OFFERED BY MR. POMPEO

At the end of subtitle C of title V, add the following new section:

**SEC. 5 \_\_\_\_ . NOTIFICATION REQUIREMENT FOR DETERMINATION MADE IN RESPONSE TO REVIEW OF PROPOSAL FOR AWARD OF MEDAL OF HONOR NOT PREVIOUSLY SUBMITTED IN TIMELY FASHION.**

Section 1130(b) of title 10, United States Code, is amended by adding at the end the following new sentence: "If the determination includes a favorable recommendation for the award of the Medal of Honor, the Secretary of Defense, instead of the Secretary concerned, shall make the submission under this subsection."

AMENDMENT NO. 131 OFFERED BY MR. REED

At the end of title X of division A, insert the following:

**SEC. 1099C. DESIGNATION OF "TAPS" AS NATIONAL SONG OF REMEMBRANCE.**

(a) **DESIGNATION.**—Chapter 3 of title 36, United States Code, is amended by adding at the end the following new section:

**"§ 306. National Song of Remembrance**

"(a) **DESIGNATION.**—The bugle call commonly known as 'Taps', consisting of 24 notes sounded on a bugle or trumpet performed by a solo bugler or trumpeter without accompaniment or embellishment, is the National Song of Remembrance.

"(b) **CONDUCT DURING SOUNDING.**—

“(1) IN GENERAL.—During a performance of ‘Taps’ at a military funeral, memorial service, or wreath laying—

“(A) all present, except persons in uniform, should stand at attention with the right hand over the heart;

“(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

“(C) persons in uniform should stand at attention and give the military salute at the first note of ‘Taps’ and maintain that position until the last note.

“(2) EXCEPTION.—Paragraph (1) shall not apply when ‘Taps’ is sounded as the final bugle call of the day at a military base.

“(C) DEFINITION OF MILITARY BASE.—In this section, the term ‘military base’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 3 of title 36, United States Code, is amended to read as follows:

“CHAPTER 3—NATIONAL ANTHEM, MOTTO, AND OTHER NATIONAL DESIGNATIONS”.

(2) TABLE OF CHAPTERS.—The item relating to chapter 3 in the table of chapters for such title is amended to read as follows:

“3. National Anthem, Motto, and Other National Designations ..... 301”.

(3) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“306. National Song of Remembrance.”.

Amend the table of contents in section 2(b) by inserting after the item relating to section 1099B the following new item:

Sec. 1099C. Designation of “Taps” as National Song of Remembrance.

AMENDMENT NO. 132 OFFERED BY MS. RICHARDSON

Page 531, after line 2, insert the following:  
SEC. 1099C. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PREPAREDNESS.

It is the sense of the Congress that—

(1) the United States Northern Command plays a crucial role in providing additional response capability to State and local governments in domestic disaster relief and consequence management operations;

(2) the United States Northern Command must continue to build upon its current efforts to develop command strategies, leadership training, and response plans to effectively work with civil authorities when acting as the lead agency or a supporting agency; and

(3) the United States Northern Command should leverage whenever possible training and management expertise that resides within the Department of Defense, other Federal agencies, State and local governments, and private sector businesses and academic institutions to enhance—

(A) its Defense Support to Civil Authorities and incidence management missions;

(B) relationships with other entities involved in disaster response; and

(C) its ability to respond to unforeseen events.

AMENDMENT NO. 133 OFFERED BY MR. RIGELL

Page 377, after line 7, insert the following:

#### SEC. 845. DEPARTMENT OF DEFENSE OPERATIONAL CONTRACT SUPPORT PLAN.

The Secretary of Defense shall develop and implement a plan to address shortfalls in operational contract support requirements determination, management, oversight, and administration. The plan shall include each of the following:

(1) The provision of operational contract support training and information-sharing roadmaps, including a description of the roles and responsibilities of the Office of the Secretary of Defense, the Joint Staff, the military departments, and defense agencies.

(2) The identification and development of training venues to incorporate appropriate operational contract support training and education for all operational contract support functions in both acquisition and non-acquisition roles.

(3) The integration of operational contract support into Department of Defense exercises and experiments.

(4) Updating and aligning Department of Defense policy, doctrine, joint capability area definitions, corresponding universal joint task lists, and agreements to address shortfalls as discrepancies in areas of operational contract support.

(5) A method of ensuring that sufficient capacity and capability to conduct operational contract support missions is addressed in the total workforce plan required by section 129a of title 10, United States Code, as amended by this Act.

AMENDMENT NO. 135 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Page 825, after line 2, insert the following:  
SEC. 3114. ADDITIONAL BUDGET ITEM RELATING TO GLOBAL THREAT REDUCTION INITIATIVE.

(a) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 3101 for defense nuclear nonproliferation, as specified in the corresponding funding table in division D, is hereby increased by \$20,000,000, with the amount of the increase allocated to the global threat reduction initiative as set forth in the table under section 4701; and

(2) the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$20,000,000, with the amount of the reduction to be derived from the Aerostat Joint Project Office as set forth in the table under section 4201.

(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in subsection (a)(1) with or to a specific entity shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

AMENDMENT NO. 136 OFFERED BY MR. SHUSTER

At the end of subtitle A of title XII of division A of the bill, add the following:

SEC. 12xx. THREE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) AUTHORITY.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Pub-

lic Law 109-364; 120 Stat. 2412), as amended by section 1203(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4386), is further amended—

(1) in paragraph (1), by striking “Iraq or”; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “Iraq or”; and

(B) in subparagraph (C), by striking “Iraq, Afghanistan, or” and inserting “Afghanistan or”.

(b) EXPIRATION.—Subsection (e) of such section, as amended by section 1204(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4623), is further amended by striking “September 30, 2011” and inserting “September 30, 2014”.

AMENDMENT NO. 137 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Page 594, after line 21, insert the following:  
SEC. 1231. REPORT ON RUSSIAN NUCLEAR FORCES.

(a) REPORT.—Not later than March 1, 2012, the Secretary of Defense, in coordination with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the nuclear forces of the Russian Federation and the New START Treaty (as defined in section 1229(d)).

(b) MATTERS INCLUDED.—The report under section (a) shall include an assessment of the following:

(1) The assessed number of nuclear forces by category of nuclear warheads and delivery vehicles relative to New START levels by 2017 and by 2022, including potential shifts of such numbers during such periods.

(2) Options with respect to the size and composition of Russian nuclear forces that Russia is considering, including decreases below the New START levels and plans for maintaining New START levels, including options related to developing and deploying a new heavy intercontinental ballistic missile and multiple independently targetable reentry vehicle capability.

(3) Factors that are likely to influence the number and composition of Russian nuclear forces.

(4) Effects of shifts in the number and composition of Russian nuclear forces on strategic stability.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

AMENDMENT NO. 138 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Page 835, after line 18, insert the following:  
SEC. 3202. ADDITIONAL FUNDING FOR DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) FUNDING INCREASE.—The amount set forth in section 3201 for the operation of the Defense Nuclear Facilities Safety Board is hereby increased by \$2,500,000.

(b) OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 101 for

other procurement, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$2,500,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 039 Joint Tactical Radio System as set forth in the table under section 4101.

AMENDMENT NO. 139 OFFERED BY MR. SMITH OF WASHINGTON

At the end of subtitle D of title X, insert the following:

**SEC. 1043. NATIONAL SECURITY PLANNING GUIDANCE TO DENY SAFE HAVENS TO AL-QAEDA AND ITS VIOLENT EXTREMIST AFFILIATES.**

(a) PURPOSE AND FINDINGS.—

(1) PURPOSE.—The purpose of this section is to improve interagency strategic planning and execution to more effectively integrate efforts to deny safe havens and strengthen at-risk states to further the goals of the National Security Strategy related to the disruption, dismantlement, and defeat of al-Qaeda and its violent extremist affiliates.

(2) FINDINGS.—Congress makes the following findings:

(A) In Iraq, Afghanistan, and other areas where stabilization operations are carried out, the lack of an integrated, coordinated planning effort in which the goals, objectives, and priorities of the United States effort and the roles and missions of the various agencies of the United States were clearly delineated has hampered the efforts of the United States in such operations and may have contributed to increased costs in funding, time, effort, and other terms.

(B) The fight against al-Qaeda and its violent extremist affiliates, and the threat to the United States by transnational terrorism, will continue for the foreseeable future.

(C) A key component of success in the struggle against al-Qaeda and its violent extremist affiliates is the ability to deny safe havens to al-Qaeda, its violent extremist affiliates, and other violent extremist organizations, and United States national security interests will sometimes require the United States to assist in building the capabilities of other countries and entities to deny such violent extremist organizations safe havens and to participate in regional efforts to deny such violent extremist organizations safe havens.

(b) NATIONAL SECURITY PLANNING GUIDANCE.—

(1) GUIDANCE REQUIRED.—The President shall issue classified or unclassified national security planning guidance in support of objectives stated in the national security strategy report submitted to Congress by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) to deny safe havens to al-Qaeda and its violent extremist affiliates and to strengthen at-risk states. Such guidance shall serve as the strategic plan that governs United States and coordinated international efforts to enhance the capacity of governmental and non-governmental entities to work toward the goal of eliminating the ability of al-Qaeda and its violent extremist affiliates to establish or maintain safe havens.

(2) CONTENTS OF GUIDANCE.—The guidance required under paragraph (1) shall include each of the following:

(A) A prioritized list of specified geographic areas that the President determines are necessary to address and an explicit discussion and list of the criteria or rationale used to prioritize the areas on the list, including a discussion of the conditions that

would hamper the ability of the United States to strengthen at-risk states or other entities in such areas.

(B) For each specified geographic area, a description, analysis, and discussion of the core problems and contributing issues that allow or could allow al-Qaeda and its violent extremist affiliates to use the area as a safe haven from which to plan and launch attacks, engage in propaganda, or raise funds and other support, including any ongoing or potential radicalization of the population, or to use the area as a key transit route for personnel, weapons, funding, or other support.

(C) A list of short-term, mid-term, and long-term goals for each specified geographic area, prioritized by importance.

(D) A description of the role and mission of each Federal department and agency involved in executing the guidance, including the Departments of Defense, Justice, Treasury, and State and the Agency for International Development.

(E) A description of gaps in United States capabilities to meet the goals listed pursuant to subparagraph (C), and the extent to which those gaps can be met through coordination with nongovernmental, international, or private sector organizations, entities, or companies.

(3) REVIEW AND UPDATE OF GUIDANCE.—The President shall review and update the guidance required under paragraph (1) as necessary. Any such review shall address each of the following:

(A) The overall progress made toward achieving the goals listed pursuant to paragraph (2)(C), including an overall assessment of the progress in denying a safe haven to al-Qaeda and its violent extremist affiliates.

(B) The performance of each Federal department and agency involved in executing the guidance.

(C) The performance of the unified country team and appropriate combatant command, or in the case of a cross-border effort, country teams in the area and the appropriate combatant command.

(D) Any addition to, deletion from, or change in the order of the prioritized list maintained pursuant to paragraph (2)(A).

(4) SPECIFIED GEOGRAPHIC AREA DEFINED.—In this subsection, the term “specified geographic area” means any country, sub-national territory, or region—

(A) that serves or may potentially serve as a safe haven for al-Qaeda or a violent extremist affiliate of al-Qaeda—

(i) from which to plan and launch attacks, engage in propaganda, or raise funds and other support; or

(ii) for use as a key transit route for personnel, weapons, funding, or other support; and

(B) over which one or more governments or entities exert insufficient governmental or security control to deny al-Qaeda and its violent extremist affiliates the ability to establish a large scale presence.

(5) SUBMITTAL TO CONGRESS.—Not later than 15 days after the President issues the guidance required under paragraph (1) or reviews or updates such guidance under paragraph (3), the President shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a copy of such guidance.

(c) IMPLEMENTATION.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—The head of each agency listed in the national security planning guidance required under subsection (b) shall enter into a

memorandum of understanding regarding matters related to the implementation of such guidance.

(2) MATTERS COVERED.—The memorandum of understanding required by paragraph (1) shall include each of the following:

(A) An identification of the positions supplied by each department or agency to country teams or teams and the appropriate combatant command in each specified geographic area that are critical for carrying out the national security planning guidance.

(B) The criteria used by each department or agency for the selection of appropriate personnel to fill the positions identified as critical pursuant to subparagraph (A), including the manner of soliciting the input from other departments and agencies regarding appropriate personnel and expertise.

(C) The manner in which performance in furtherance of the national security planning guidance shall be considered in evaluating the performance of personnel designated to fill the positions identified as critical pursuant to subparagraph (A), including the consideration of input from personnel from other departments and agencies who filled senior positions on the country team or relevant combatant command, in particular the appropriate United States ambassador.

(D) The manner for implementing lessons learned in the course of reviewing the performance of a country team or multiple country teams and relevant combatant command in the course of reviewing the national security planning guidance under subsection (b)(3).

(E) The manner in which disputes related to carrying out the national security planning guidance between members of the country team, the relevant combatant command, or departments and agencies shall be handled.

(3) IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING.—Not later than 120 days after the memorandum of understanding required by paragraph (1) is signed, the heads of those departments and agencies listed in the national security planning guidance shall issue such policies and guidance and prescribe such regulations as are necessary to implement the memorandum of understanding for the relevant matters pertaining to their respective departments and agencies.

(4) UPDATE AND REVIEW.—The memorandum of understanding as required under paragraph (1) shall be updated and reviewed as necessary, but at a minimum shall be reviewed with each review of the national security planning guidance under subsection (b)(3).

AMENDMENT NO. 140 OFFERED BY MR. SMITH OF WASHINGTON

Page 345, after line 8, insert the following:

**SEC. 731. REPORT ON RESEARCH AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER.**

(a) FINDINGS.—Congress finds the following:

(1) The high-incidence rate of neurological trauma in members of the Armed Forces needs to be addressed.

(2) Critical research using neuroimaging that is concentrated on post-traumatic stress disorder offers great hope in identifying conditions allowing for a separate and distinct classification of post-traumatic stress disorder.

(3) The Telemedicine and Advanced Technology Research Center within the Army Medical Research and Materiel Command

has engaged the National Resources for Neuroscience and Neuroimaging to develop collaborative and inter-agency research linking the Department of Defense and the Department of Veterans Affairs with appropriate and established university-affiliated partnerships.

(b) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the benefits of neuroimaging research in an effort to identify and increase the diagnostic properties of post-traumatic stress disorder.

AMENDMENT NO. 142 OFFERED BY MR. THORNBERRY

Page 429, after line 13, insert the following:  
**SEC. 965. CLARIFICATION OF STATUS OF PARTICIPANTS OF DEFENSE INDUSTRIAL BASE ACTIVE CYBER DEFENSE PILOT PROJECT.**

Notwithstanding any other provision of law, any non-Government entity or personnel participating in the 90-day Defense Industrial Base Active Cyber Defense pilot project shall not be considered an agent of any local or State government or the Federal Government by reason of such participation.

AMENDMENT NO. 46 OFFERED BY MR. TIERNEY

Add at the end of subtitle I of title X the following (and conform the table of contents accordingly):

**SEC. 1099C. OFFICIAL RECOGNITION OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 1629, Captain John Endicott organized the first militia in the Massachusetts Bay Colony in Salem.

(2) The colonists had adopted the English militia system, which required all males between the ages of 16 and 60 to possess arms and participate in the defense of the community.

(3) In 1636, the Massachusetts General Court ordered the organization of three militia regiments, designated as the North, South, and East regiments.

(4) These regiments drilled once a week and provided guard details each evening to sound the alarm in case of attack.

(5) The East Regiment, the predecessor of the 101st Engineer Battalion, assembled as a regiment for the first time in 1637 on the Salem Common, marking the beginning of the Massachusetts National Guard and the National Guard of the United States.

(6) Since 1785, Salem's own Second Corps of Cadets (101st and 102nd Field Artillery) has celebrated the anniversary of that first muster.

(7) As the policy contained in section 102 of title 32, United States Code, clearly expresses, the National Guard continues its historic mission of providing units for the first line defense of the United States and current missions throughout the world.

(8) The designation of the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States will contribute positively to tourism and economic development in the city, create jobs, and instill pride in both the local and State communities.

(b) **RECOGNITION.**—Section 102 of title 32, United States Code, is amended—

(1) by striking “In accordance” and inserting “(a) STATEMENT OF POLICY.—In accordance”; and

(2) by adding at the end the following new subsection:

“(b) **RECOGNITION OF SALEM, MASSACHUSETTS, AS NATIONAL GUARD BIRTHPLACE.**—The City of Salem, Massachusetts, the site of the first muster of a militia regiment in 1637 in what became the United States, is hereby recognized as the Birthplace of the National Guard of the United States.”.

AMENDMENT NO. 143 OFFERED BY MR. TIERNEY

At the end of subtitle I of title X, add the following new section:

**SEC. 1099C. REPORT ON THE MANUFACTURING POLICY OF THE UNITED STATES.**

(a) **FINDINGS.**—Congress finds the following:

(1) For many years, manufacturing has been the backbone of the United States economy, leading to good jobs, technological innovation, and the production of high quality commodities.

(2) In addition, the superiority of the United States manufacturing industry ensured a reliable supply of raw and finished goods to support the defense and security operations of the United States Government.

(3) Over the past few decades, the manufacturing industry of the United States and the jobs associated with it have suffered a dramatic decline as manufacturing processes have been outsourced to foreign nations.

(4) This decrease in domestic manufacturing capability has forced the Department of Defense to acquire supplies and materials necessary for the national defense from foreign companies and governments, thereby subjecting the critical defense needs of the United States to geopolitical forces beyond its control.

(b) **SUBMISSION TO CONGRESS OF REPORT ON THE MANUFACTURING INDUSTRY OF THE UNITED STATES.**—

(1) **SUBMISSION REQUIRED.**—The Secretary of Defense shall submit to Congress a report on the manufacturing industry of the United States. Such report shall be submitted as soon as is practicable, but not later than the end of the 180-day period beginning on the date of the enactment of this Act.

(2) **NOTICE OF SUBMISSION.**—If before the end of the 180-day period specified in paragraph (1) the Secretary determines that the report required by that paragraph cannot be submitted by the end of such period as required by such paragraph, the Secretary shall (before the end of such period) submit to Congress a report setting forth—

(A) the reasons why the report cannot be submitted by the end of such 180-day period; and

(B) an estimated date for the submission of the report.

(3) **FORM.**—The report under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the report may be submitted.

(4) **ELEMENTS.**—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs.

(B) An assessment of tax, trade, and regulatory policies as they impact the growth of the manufacturing industry in the United States.

(C) An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.

(D) An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain, and an assessment of the

vulnerabilities and weak points of that supply chain.

(E) An analysis of the capacity of the civilian manufacturing industry to fulfill defense manufacturing needs when necessary.

(F) An analysis of the ability of the United States to access necessary raw materials for the defense industry, including rare earth minerals.

(G) A quantitative analysis of the position of the United States relative to the global defense market.

(H) An analysis of the changes in supply-side economics resulting from shifts in globalization trends.

(I) An analysis of the vulnerability of the United States defense products that could potentially be corrupted by malicious software, such as spyware, malware, and viruses.

(J) A quantitative analysis of the risk facing the defense supply chain of the United States and the processes currently in place to manage such risk.

(c) **PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING THE UNITED STATES MANUFACTURING INDUSTRY.**—

(1) **REPORT REQUIRED.**—As soon as is practicable, but not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on—

(A) the objectives of United States policy regarding the manufacturing industry of the United States; and

(B) the strategy for achieving those objectives.

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) **ELEMENTS.**—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to the manufacturing industry of the United States for which funds are provided by Congress; and

(B) summarize United States planning regarding the range of possible United States actions in support of United States policy objectives with respect to the manufacturing industry of the United States.

AMENDMENT NO. 144 OFFERED BY MR. TIERNEY

At the end of subtitle A of title XII of division A of the bill, add the following:

**SEC. 12xx. INTERAGENCY WORKING GROUP ON FOREIGN POLICE TRAINING.**

(a) **ESTABLISHMENT; DUTIES.**—There is established an interagency working group to monitor the foreign police training programs, projects, and activities of the various Federal departments and agencies and coordinate and unify such programs, projects, and activities under a single strategic framework.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the interagency working group should establish a strategy to specify the goals of the foreign police training programs, projects, and activities described in subsection (a), the strategies for achieving such goals, and quantifiable metrics for measuring success. The strategy should also include an interagency mechanism to coordinate the actions of the Federal departments and agencies carrying out such programs, projects, and activities.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The interagency working group shall consist of representatives from the Departments of Defense, State, Justice, Homeland Security, Treasury, and Energy, the United States Agency for International Development, and the Millennium Challenge Corporation.

(2) CHAIRPERSON.—The representative from the Department of Defense shall serve as the chairperson of the interagency working group.

(d) REPORT.—The interagency working group shall submit to Congress an annual report on the activities of the interagency working group for the preceding year.

AMENDMENT NO. 145 OFFERED BY MR. TIERNEY

At the end of subtitle F of title IX, add the following new section:

**SEC. 965. EXPANSION OF OVERSIGHT OFFICES IN DEPARTMENT OF DEFENSE.**

(a) ASSISTANT SECRETARY OF DEFENSE FOR CONTINGENCY CONTRACTING.—Section 138(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

“(7) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Contingency Contracting. The Assistant Secretary of Defense for Contingency Contracting is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to planning, funding, staffing, and managing contingency contracting of the Department of Defense.”.

(b) REQUIREMENT TO ESTABLISH OFFICE OF CONTINGENCY CONTRACTING.—The Secretary of Defense shall rename and expand the Office of Program Support in the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics as the Office of Contingency Contracting. The Office of Contingency Contracting shall be headed by the Assistant Secretary of Defense for Contingency Contracting and shall be responsible for planning, funding, staffing, and managing contingency contracting in the Department of Defense.

AMENDMENT NO. 146 OFFERED BY MR. TURNER

Page 473, line 23, insert “or (4)” after “(2)”.

Page 476, after line 8, insert the following:

(4) EXCEPTION.—The limitation in paragraph (1)(A) shall not apply with respect to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

Page 477, strike line 14 and all that follows through line 17 and insert the following:

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply with respect to—

(A) the dismantlement of legacy warheads that are awaiting dismantlement on the date of the enactment of this Act or have been designated for retirement by the date of the enactment of this Act; or

(B) activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.

Page 478, line 3, strike “The” and insert “Except as provided by subsection (c), the”.

Page 478, line 21, strike the closed quotation mark and second period.

Page 478, after line 21, insert the following:

“(c) EXCEPTION.—Subsection (a) shall not apply with respect to activities determined by the Secretary of Defense to be necessary to ensure the continued safety, security, and reliability of the nuclear weapons stockpile.”.

AMENDMENT NO. 147 OFFERED BY MR. TURNER

Page 593, line 3, strike “or”.

Page 593, line 15, strike the period and insert “; or”.

Page 593, after line 15, insert the following:

(3) the reduction, consolidation, or withdrawal of such nuclear forces is—

(A) pursuant to a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

(B) specifically authorized by an Act of Congress.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. McKEON. I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman from California.

Mr. Chairman, I rise in support of my revised amendment, No. 128, which will address concerns I have regarding the DOD contract bundling process.

The current DOD process encourages wrapping together projects for bid proposals. This process unfairly distributes DOD resources and often allows outside companies to get contracts on bases where local businesses have better regional and technical knowledge to perform the service. The winning bidder then subcontracts with the local businesses, often underfunding the subcontractor and pocketing the rest. The local companies in the State where the base is housed lose out on significant revenue and job opportunities.

An example of this was recently in my district. A man that makes radios and radio antennas was called by DOD, asked if he could make a radio antenna that would fit in the pocket like a cigarette package. While they were speaking on the phone, he actually built one of these. The DOD contractor asked him how much it would be. He said somewhere between \$1.50 and \$3. DOD said the lowest bid they had had for the same antenna was over \$150,000.

We run into this all of the time. At a time when we have deficits soaring, I think it's time for us to spend our money wisely and efficiently and use local contractors.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I rise in support of this amendment, which incorporates four of my amendments as part of the en bloc, and I want to therefore thank Chairman McKEON and Ranking Member SMITH for the bipartisan approach in which they have dealt with these amendments today.

One of my amendments officially recognizes Salem, Massachusetts, as the birthplace of the National Guard. Salem was the site where the country's first military regiment mustered in 1637. The militia was the foundation of

what would become the National Guard.

It is in commemoration of the celebration of the men and women who serve our country and those Salem residents who came together almost 375 years ago to protect our Nation that I urge my colleagues to support this amendment. Next year will be the 375th anniversary of the first muster, and so it's particularly pleasing to see this matter passed in time to celebrate that.

In my limited time, I also want to touch on the other three amendments that are included in the en bloc. Those are good government amendments, which were the result of oversight work done by the Subcommittee on National Security which I chaired in the last two Congresses, but which reflect a good bipartisan oversight effort. These amendments will be seeking to strengthen our manufacturing and defense industrial base, will be increasing coordination of foreign police training programs which currently involve efforts by no less than seven different United States Government departments and agencies, and we will be creating a new leadership position within the Pentagon to ensure appropriate oversight on wartime contracting.

At a time when every line item in the budget is being scrutinized, these amendments are intended to make our country stronger, to make systems work better, and to make sure taxpayer dollars are spent wisely.

□ 1210

Mr. McKEON. I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 1 minute to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the ranking member for his leadership, I thank him and Chairman McKEON for the bipartisan approach of including amendments in the en bloc, and I thank you for including my amendment in en bloc No. 4.

My amendment, No. 121, would narrow an overly broad exemption under FOIA.

We must protect certain critical security infrastructure information to keep our defense operations, properties, and facilities safe from terrorists. But we must not be overly broad in our definition. My amendment strikes a balance between safeguarding our critical infrastructure security information and the public's right to know.

Withholding certain information could endanger the public. And to give one example is the case of the Marine Corps Camp Lejeune water contamination tragedy. For three decades, thousands of marines and their families consumed tap water contaminated with chemicals, the likely cause of their cancers.

Led by Members of Congress, victims and supporters have blamed Marine Corps leadership for hiding the problem and for failing to act.

My amendment would prevent another Camp Lejeune from happening. I thank the chairman and ranking member for including it in en bloc No. 4.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Ranking Member.

There are three amendments on this en bloc that I have submitted and that the majority and the minority have agreed to.

The first one, No. 137, is a report on the Russian nuclear forces, and this amendment requires a report on what the Russians are doing with respect to their nuclear forces in relation to the New START, or the New Strategic Arms Reduction Treaty.

We are told that Russia will be taking a look at some of its older weapons and probably be decommissioning them, and there might be an opportunity in the coming couple of years to maybe bring down the stockpile of nuclear weapons even more below some of those limits with respect to the New START Treaty.

So this report will help to inform Congress on the opportunities and the challenges for further verifiable nuclear weapon reductions, which I believe would strengthen strategic stability, maintain a strong nuclear non-proliferation treaty, as well as enable progress on preventing the spread of nuclear weapons and nuclear bomb-grade materials. I think this is one of the biggest areas where we have a chance to make the world safer.

The second amendment that I have on this en bloc is for the Global Threat Reduction initiative, and I would like to thank the chairman for including amendment No. 135, which would increase funding for Global Threat Reduction initiative by \$20 million. Again, supported by both sides. This also will help to reduce the risk of nuclear terrorism.

The danger that nuclear materials or weapons might spread to countries hostile to the United States or to terrorists represents one of the gravest dangers that we have here to the United States. So I believe that nonproliferation programs are critical to our national security and that they must be a top priority.

This funding specifically supports securing vulnerable nuclear material around the world in the next 4 years in order to prevent such deadly material from falling into the hands of the terrorists.

Again, I believe that nonproliferation programs are the most cost-effective

way to achieve these goals. And that's also mirrored in the 9/11 Commission report, as well as our nuclear posture commission, which says the urgency arises from the imminent danger of nuclear terrorism if we pass a tipping point in nuclear proliferation.

The third amendment, No. 138, that I have in this en bloc is for the Defense Nuclear Facilities Safety Board, or this amendment provides for an increase of \$2.5 million for the DNFSB. Now, this funding is important because fiscal year appropriations cut it by nearly 20 percent.

So, again, I think these three are very important. I thank both the chairman and the ranking member for putting them in this en bloc.

Ms. RICHARDSON. Mr. Chair, I rise today in support of En Bloc Amendment 5 to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

I thank the Rules Committee for making my amendment in order and the Armed Services Committee for its work on this important legislation.

Among the reasons why I support the En Bloc Amendment is because it includes an amendment that I offered to increase the effectiveness of the Northern Command ("NORTHCOM").

NORTHCOM was created on 1 October 2002 in the aftermath of the 11 September 2001 attacks, its mission is to protect the United States homeland and support local, state, and federal authorities.

In case of national emergencies, natural or man-made, which are happening all too frequently these days, its Air Forces Northern National Security Emergency Preparedness Directorate will take charge of the situation or event.

My amendment expresses the Sense of Congress that NORTHCOM: Develop and have in place a leadership strategy that will strengthen and foster institutional and interpersonal relationships with state and local governments and; utilize training programs to teach key personnel how to lead effectively in the event of a disaster and during uncertain times.

The purpose for NORTHCOM's existence is to bring the capabilities and the resources of the U.S. military to the assistance of the American people during a catastrophic disaster.

NORTHCOM leaders will be much more effective in saving lives, protecting assets, and enhancing resilience after the disaster has occurred if they are trained in the techniques of effective engagement with civilian leadership. My amendment represents Congress's support for such training.

I am disappointed that another amendment I offered to this bill was not made in order. This amendment would have instructed the TRANSPORTATION COMMAND (TRANSCOM) to update and expand the PORT LOOK 2008 Strategic Seaports study. Although this amendment was not made in order, I will continue to work with my colleagues to ensure that port infrastructure receives the programmatic support it deserves.

Finally, let me note my strong opposition to Section 1034 of the bill. Section 1034 is a

broad and unwarranted expansion of executive power and an ill-considered enlargement of the "War on Terror."

This expansive new definition for the use of force is both unnecessary and potentially dangerous, particularly since Section 1034 does not require the President to obtain the express approval of Congress prior to using military force. I support efforts to strike this provision as the bill moves forward.

For these reasons, I urge my colleagues to support En Bloc Amendment 5 to the Defense Authorization bill.

Mr. NUGENT. Mr. Chair, in keeping with the spirit of the Warrior Ethos, on May 2, 2005, the Department of the Army authorized the creation of the Combat Action Badge. The Combat Action Badge provides special recognition to Soldiers who personally engaged the enemy, or are engaged by the enemy during combat operations.

The bayonet and grenade on the badge are associated with active combat. The oak wreath on the badge signifies strength and loyalty.

Unfortunately, current Army policy limits eligibility to those individuals who meet the criteria of the Combat Action Badge after September 18, 2001. In doing so, it overlooks the thousands of veterans who made similar sacrifices in previous wars.

This legislation would expand the eligibility for the Combat Action Badge to include those who served honorably from December 7, 1941 to September 18, 2001.

Additionally, in accordance with the wishes of those veterans who first pursued this legislation, the costs of the Combat Action Badge would be borne by these individuals, not the military. Therefore, this measure costs American taxpayers nothing.

In closing, it is important to mention that our nation's veterans have made tremendous sacrifices in defense of our freedom. As a nation, we owe our veterans a debt that can never fully be repaid.

Mr. SMITH of Washington. I have no further requests for time, and I yield back the balance of my time.

Mr. McKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from California (Mr. McKEON).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 6 OFFERED BY MR. MC KEON

Mr. McKEON. Mr. Chairman, pursuant to H. Res. 276, I offer amendments en bloc.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 6 consisting of amendment Nos. 18, 20, 84, 22, 23, 57, 72, 96, 150, 151, and 149 printed in House Report 112-88 offered by Mr. McKEON of California:

AMENDMENT NO. 18 OFFERED BY MR. BOSWELL

Page 316, line 15, in section 646 relating to the enhanced commissary stores pilot program, strike "(e)" and insert the following:

"(e) SUBSTANCE ABUSE PREVENTION PROGRAMS.—On account of the types of merchandise authorized to be sold in an enhanced commissary store, the Secretary of Defense



may use amounts retained under subsection (d)(1) for the enhanced commissary store to support substance abuse prevention programs for patrons of the store while ensuring that the store receives necessary operating funds.

“(f)”.

AMENDMENT NO. 20 OFFERED BY MR. BOSWELL

Page 345, after line 8, insert the following:

**SEC. 731. STUDY ON BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.**

(a) **STUDY.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on the incidence of breast cancer among members of the Armed Forces (including members of the National Guard and reserve components) and veterans. Such study shall include the following:

(1) A determination of the number of members and veterans diagnosed with breast cancer.

(2) A determination of demographic information regarding such members and veterans, including—

- (A) race;
- (B) ethnicity;
- (C) sex;
- (D) age;

(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(F) the locations of duty stations that such member or veteran was assigned;

(G) the locations in which such member or veteran was deployed; and

(H) the geographic area of residence prior to deployment.

(3) An analysis of breast cancer treatments received by such members and veterans.

(4) Other information the Secretaries consider necessary.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).

(c) **FUNDING INCREASE AND OFFSETTING REDUCTION.**—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by \$10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section;

(2) the amount authorized to be appropriated in section 101 for other procurement, Navy, as specified in the corresponding funding table in division D, is hereby reduced by \$8,800,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 075 Shipboard Tactical Communications as set forth in the table under section 4101; and

(3) the amount authorized to be appropriated in section 101 for other procurement, Air Force, as specified in the corresponding funding table in division D, is hereby reduced by \$1,200,000, with the amount of the reduction to be derived from Joint Tactical Radio System Maritime-Fixed radios under Line 049 Tactical Communications-Electronic Equipment as set forth in the table under section 4101.

AMENDMENT NO. 84 OFFERED BY MR. BOSWELL

Page 113, after line 17, insert the following:

(g) **SENSE OF CONGRESS.**—It is the sense of Congress that favorable consideration of en-

ergy-efficient or energy reduction technologies or processes under this section should include a focus on alternative, self-sufficient energy sources that reduce costs in the long term.

AMENDMENT NO. 22 OFFERED BY MR. PASCRELL

Page 345, after line 8, insert the following:

**SEC. 731. TRANSFER OF DEFENSE CENTERS OF EXCELLENCE FOR PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.**

(a) **IN GENERAL.**—The Secretary of Defense shall develop a plan to transfer the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury from the TRICARE Management Activity to a military department, as determined by the Secretary.

(b) **NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify the congressional defense committees of the plan under subsection (a), including the military department determined by the Secretary.

AMENDMENT NO. 23 OFFERED BY MR. PASCRELL

Page 345, after line 8, insert the following:

**SEC. 731. REPORT ON MEMORANDUM REGARDING TRAUMATIC BRAIN INJURIES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the Secretary will identify, refer, and treat traumatic brain injuries with respect to members of the Armed Forces who served in Operation Enduring Freedom or Operation Iraqi Freedom before the date in June, 2010, on which the memorandum regarding using a 50-meter distance from an explosion as a criterion to properly identify, refer, and treat members for potential traumatic brain injury took effect.

AMENDMENT NO. 57 OFFERED BY MRS. DAVIS OF CALIFORNIA

At the end of subtitle B of title XII of division A of the bill, add the following:

**SEC. 12xx. LIMITATION ON AMOUNTS FROM AFGHANISTAN INFRASTRUCTURE FUND.**

Not more than 75 percent of amounts made available to the Afghanistan Infrastructure Fund for fiscal year 2012 may be used to provide assistance to the Government of Afghanistan unless the Secretary of Defense, in consultation with the Secretary of State, determines and certifies to Congress that women in Afghanistan are an integral part of the reconciliation process between the Afghan Government and the Taliban.

AMENDMENT NO. 72 OFFERED BY MRS. DAVIS OF CALIFORNIA

At the appropriate place in the bill, insert the following:

**SEC. \_\_\_\_\_. MAINTENANCE, REPAIR, AND OVERHAUL CAPABILITY OF NAVY UNMANNED AERIAL SYSTEMS.**

(a) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the efforts being made to establish maintenance, repair, and overhaul capability for Navy unmanned aerial systems.

AMENDMENT NO. 96 OFFERED BY MRS. DAVIS OF CALIFORNIA

Page 345, after line 8, insert the following:

**SEC. 731. FREQUENCY OF REPORTS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.**

Section 711(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Pub-

lic Law 110–181; 10 U.S.C. 1073 note) is amended in the matter preceding subparagraph (A) by striking “bi-annual” and inserting “biennial”.

AMENDMENT NO. 150 OFFERED BY MR. YOUNG OF INDIANA

**SEC. \_\_\_\_\_. REAUTHORIZATION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**

(a) **AUTHORITY.**—Subsection (a) of section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392) is amended by striking “fiscal year 2011” and inserting “fiscal year 2012”.

(b) **EXPIRATION.**—Subsection (e) of such section is amended by striking “December 31, 2011” and inserting “December 31, 2012”.

AMENDMENT NO. 151 OFFERED BY MR. WALZ OF MINNESOTA

Page 507, after line 2, insert the following:

**SEC. 1078. REPORT ON THE NATIONAL GUARD AND RESERVE COMPONENTS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the National Guard and the reserve components of the Armed Forces.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include a plan to—

(1) ensure that each military department has access to trained, experienced, and ready members of the National Guard and reserve components of the Armed Forces for any mission less than war;

(2) capitalize on the gains made in the readiness of the National Guard and the reserve components during the previous 10-year period; and

(3) ensure the total force is able to sustain commitments throughout the world using the unique skills and capabilities of the National Guard and the reserve components in a predictable and consistent manner.

AMENDMENT NO. 149 OFFERED BY MR. TURNER

Strike section 911 and insert the following new section:

**SEC. 911. HARMFUL INTERFERENCE TO DEPARTMENT OF DEFENSE GLOBAL POSITIONING SYSTEM.**

(a) **IN GENERAL.**—The Federal Communications Commission shall not lift the conditions imposed on commercial terrestrial operations in the Order and Authorization adopted on January 26, 2011 (DA 11-133), or otherwise permit such operations, until the Commission has resolved concerns of widespread harmful interference by such commercial terrestrial operations to the Global Positioning System devices of the Department of Defense.

(b) **NOTICE AND COMMENT ON WORKING GROUP REPORT.**—Prior to permitting such commercial terrestrial operations, the Federal Communications Commission shall make available the final working group report mandated by such Order and Authorization and provide all interested parties an opportunity to comment on such report.

(c) **NOTICE TO CONGRESS.**—

(1) **IN GENERAL.**—At the conclusion of the proceeding on such commercial terrestrial operations, the Federal Communications Commission shall submit to the congressional committees described in paragraph (2) official copies of the documents containing the final decision of the Commission regarding whether to permit such commercial terrestrial operations. If the decision is to permit such commercial terrestrial operations,



such documents shall contain or be accompanied by an explanation of how the concerns described in subsection (a) have been resolved.

(2) CONGRESSIONAL COMMITTEES DESCRIBED.—The congressional committees described in this paragraph are the following:

(A) The Committee on Energy and Commerce and the Committee on Armed Services of the House of Representatives.

(B) The Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate.

#### MODIFICATION TO AMENDMENT NO. 18

Mr. MCKEON. Mr. Chairman, I ask unanimous consent that amendment No. 18 be modified in the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

At the end of section 646 (page 316, after line 21), relating to the enhanced commissary stores pilot program, add the following new subsection:

(c) SUBSTANCE ABUSE PREVENTION PROGRAMS.—

(1) AVAILABILITY OF FUNDS.—The amounts authorized to be appropriated by section 301 for operation and maintenance for Defense-wide activities, as specified in the corresponding funding table in section 4301, is increased by \$1,000,000 to support substance abuse prevention programs for patrons of enhanced commissary stores.

(2) FUNDING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by \$1,000,000, with the amount of the reduction to be derived from the Aerostat Joint Project Office as set forth in the table under section 4201.

Mr. MCKEON (during the reading). I ask unanimous consent that the reading of the modification be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 276, the gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I'd like to thank our chairman and ranking member for including amendment No. 149 and my ranking member of the Strategic Forces Subcommittee, LORETTA SANCHEZ, for joining me in an important amendment. We are deeply concerned about a commercial company,

LightSquared, that is developing a communications service that will harm our GPS system and interfere with the military's use of GPS.

The military is heavily reliant on GPS. The potential GPS interference would also affect first responders, air traffic management and safety, and commercial GPS users. The Deputy Secretary of Defense wrote to the FCC chairman that there is a "strong potential for interference to critical national security systems." We need the Federal Communications Commission to ensure that the Defense Department's concerns about GPS interference are resolved before it moves ahead with the final decision on LightSquared.

This is a bipartisan and bicameral concern.

The defense bill contains a provision addressing this concern, and the amendment I and my ranking member Ms. SANCHEZ offered strengthens this position by saying that the FCC shall not permit LightSquared operations until the commission has resolved concerns of widespread harmful interference to GPS devices used by the Department of Defense.

I also thank our colleagues on the Energy and Commerce Committee for working with us.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. I thank the ranking member and the chairman for their work on this important piece of legislation.

In this en bloc amendment, I have an amendment that identified by DOD some important goals in maintaining the operational force of our Reserve and National Guard. These current conflicts have shown the Nation the incredible professionalism and the transformation from a strategic reserve to an operational reserve; and the three things that DOD identified are ensure that the armed services have access to trained, experienced, and ready Guard forces for missions short of war; capitalize on the gains made in readiness in the Reserve component; and ensure that the total force is able to sustain commitments around the world utilizing the unique skills and capabilities of the Reserve component.

What this does is it gives DOD—and it is a very limited scope—the ability to be able to access under title 10 those National Guard and Reserve forces for missions short of war at the end of the conflicts or as we wind down these conflicts.

My experience with this was after the first gulf war as our artillery units—and some of them were coming back—in training them, we ended up with no pieces of equipment and ended up taking tape and marking on the floor what a Howitzer looked like and using toilet paper rolls as the training aid for that.

That is no way to maintain the incredible professionalism that we have in this force. It's no way to use the investment that we've made in this force in the proper manner. I'm very pleased that the ranking member and the chairman have agreed to put this in. I think it's the right thing to do for our security.

□ 1220

Mr. MCKEON. I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself the balance of my time to close. I believe, if I am correct, this is the last amendment in the process.

I just want to thank Chairman MCKEON, his staff, for their outstanding leadership. As has been said many times but cannot be emphasized enough, this committee prides itself on being bipartisan, and Mr. MCKEON and his staff have more than upheld that tradition. We appreciate that.

We have worked together on a large number of issues, also worked together with Members of the Congress not just on the committee, as we have seen with many of the amendments processed. We have been able to include the ideas from a great many Members, both Republican and Democrat, from across this House. And I feel we have produced an outstanding product as a result.

I also want to take a moment to recognize this is the last markup or last House Defense bill we will be sending with Secretary Gates as our Secretary of Defense. And I want to honor him for his service. He has served seven, maybe eight Presidents, both Republicans and Democrats, has done an outstanding job for this country in all of those roles, and in particular as Secretary of Defense for the last 5 years. His leadership has been outstanding for this country. I will also note that he is retiring to the State of Washington. So that, too, shows great judgment on his part. We appreciate it's been great working with him. He will be missed.

We are excited to start working with the new Secretary of Defense, Mr. Panetta, as soon as he gets confirmed and moves into that role.

So I thank the chairman. And I guess I want to conclude by thanking my staff. This is my first time as the ranking member on this committee. It is a great honor that the caucus gave me, and I absolutely could not have gotten it done without the help of the staff that we have on the Armed Services Committee, both minority and majority for that matter. So I thank them for their help and their assistance.

I urge support for the bill, and I again thank the chairman. It has been great working with him on this.

I yield back the balance of my time. Mr. MCKEON. I yield myself the balance of my time.

I want to thank my good friend. And, you know, we use that word a lot

around here, but I really feel that Ranking Member SMITH is my friend. And we have worked well together on this bill. I really appreciate his seriousness, the effort that he has put in to working, his staff. They have done an outstanding job.

I also want to echo your remarks about Secretary Gates—many, many years of outstanding dedication, devotion, of service to his Nation. I asked him what he was going to do. He said he had a long honey-do list. He was going to be working on that and probably a book.

I also want to welcome Mr. Panetta, Director Panetta, and wish him all the best on confirmation in the Senate. I look forward to working with him here as the new Secretary of Defense.

I want to thank the vice chairman of the committee, Mr. THORNBERRY, who has been a great right-hand man through all of this process, as well as all of the subcommittee chairs and ranking members for their hard work at the subcommittee level, and then helping out through this whole process.

I want to thank our staff director, Bob Simmons, and the minority staff director, Paul Arcangeli. They have been just magnificent through this process, as well as all of the staff here on the floor and those working back in their offices who worked so tirelessly on behalf of our troops, the men and women serving throughout the world in various uniforms of the service.

Mr. Chairman, I encourage all to support the bill.

Mr. PASCRELL. Mr. Chair, as Co-Chair of the Congressional Brain Injury Task Force, for the last ten years I have fought for patients with brain injuries. Traumatic brain injury (TBI) is the signature wound of the conflicts in Iraq and Afghanistan. While we made great progress on ensuring our soldiers have the best care, today we must make two corrections to better identify and treat our service members with brain injuries.

My first amendment addresses a February GAO report which found major problems in the management of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury (DCOE) by TRICARE. My amendment would require the Secretary to transfer this agency to another appropriate branch in order for it to be more effectively managed.

My second amendment will help identify the soldiers with brain injuries who have slipped through the cracks as they returned home from the battlefield. Prior to June 2010, the Department had a disjointed screening system in which a pre-deployment service member received a computerized test, but post-deployment they filled out a paper questionnaire. My amendment today would require the Department to come up with a plan to identify, refer, and treat service members that did not benefit from the new policy that was implemented in June 2010.

We have made a promise to our men and women in uniform that we would take care of them when they returned from the battlefield. In order to do so, we need to at least identify

these service members. This Memorial Day weekend we must honor our veterans by protecting the benefits they have earned and deserve. I ask that my colleagues support these amendments for their service members who are struggling with invisible wounds.

Mr. McKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc, as modified, offered by the gentleman from California (Mr. McKEON).

The en bloc amendments, as modified, were agreed to.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-88 on which further proceedings were postponed, in the following order:

Amendment No. 38 by Mr. MICA of Florida.

Amendment No. 40 by Mr. FLAKE of Arizona.

Amendment No. 42 by Mr. SMITH of Washington.

Amendment No. 43 by Mr. BUCHANAN of Florida.

Amendment No. 47 by Mrs. MALONEY of New York.

Amendment No. 48 by Mr. MACK of Florida.

Amendment No. 49 by Mr. LANGEVIN of Rhode Island.

Amendment No. 50 by Mr. AMASH of Michigan.

Amendment No. 53 by Mr. CAMPBELL of California.

Amendment No. 54 by Mr. CAMPBELL of California.

Amendment No. 56 by Mr. CHAFFETZ of Utah.

Amendment No. 60 by Mr. POLIS of Colorado.

Amendment No. 61 by Mr. CONYERS of Michigan.

Amendment No. 62 by Mr. FLAKE of Arizona.

Amendment No. 63 by Mr. ELLISON of Minnesota.

Amendment No. 64 by Ms. LORETTA SANCHEZ of California.

Amendment No. 111 by Ms. JACKSON LEE of Texas.

Amendment No. 148 by Mr. TURNER of Ohio.

Amendment No. 152 by Mr. CRAVAACK of Minnesota.

Amendment No. 55 by Mr. MCGOVERN of Massachusetts.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 38 OFFERED BY MR. MICA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 160, not voting 11, as follows:

[Roll No. 354]

#### AYES—260

|               |                 |               |
|---------------|-----------------|---------------|
| Adams         | Garrett         | McMorris      |
| Aderholt      | Gerlach         | Rodgers       |
| Akin          | Gibbs           | Meehan        |
| Alexander     | Gibson          | Mica          |
| Altmire       | Gingrey (GA)    | Michaud       |
| Amash         | Gohmert         | Miller (FL)   |
| Austria       | Goodlatte       | Miller (MI)   |
| Bachmann      | Gosar           | Miller, Gary  |
| Bachus        | Gowdy           | Mulvaney      |
| Barletta      | Granger         | Murphy (PA)   |
| Barrow        | Graves (GA)     | Myrick        |
| Bartlett      | Graves (MO)     | Neal          |
| Barton (TX)   | Green, Gene     | Neugebauer    |
| Bass (NH)     | Griffin (AR)    | Noem          |
| Benishek      | Griffith (VA)   | Nugent        |
| Berkley       | Grimm           | Nunes         |
| Biggert       | Guinta          | Nunnelee      |
| Bilbray       | Guthrie         | Olson         |
| Bilirakis     | Hall            | Palazzo       |
| Bishop (GA)   | Hanna           | Paulsen       |
| Bishop (UT)   | Harper          | Pearce        |
| Black         | Harris          | Pence         |
| Blackburn     | Hartzler        | Peterson      |
| Bonner        | Hayworth        | Pitts         |
| Bono Mack     | Heinrich        | Platts        |
| Boren         | Hensarling      | Poe (TX)      |
| Boswell       | Herger          | Pompeo        |
| Brady (TX)    | Herrera Beutler | Posey         |
| Brooks        | Holden          | Price (GA)    |
| Broun (GA)    | Huelskamp       | Quayle        |
| Buchanan      | Huizenga (MI)   | Rahall        |
| Bucshon       | Hultgren        | Reed          |
| Buerkle       | Hunter          | Rehberg       |
| Burgess       | Hurt            | Reichert      |
| Burton (IN)   | Inslee          | Renacci       |
| Calvert       | Issa            | Ribble        |
| Camp          | Jenkins         | Rigell        |
| Campbell      | Johnson (IL)    | Rivera        |
| Canseco       | Johnson (OH)    | Roby          |
| Cantor        | Johnson, Sam    | Roe (TN)      |
| Capito        | Jones           | Rogers (AL)   |
| Carter        | Jordan          | Rogers (KY)   |
| Cassidy       | Kaptur          | Rogers (MI)   |
| Chabot        | Keating         | Rohrabacher   |
| Chaffetz      | Kelly           | Rokita        |
| Chandler      | Kind            | Rooney        |
| Coble         | King (IA)       | Ros-Lehtinen  |
| Coffman (CO)  | King (NY)       | Roskam        |
| Cole          | Kingston        | Ross (AR)     |
| Connolly (VA) | Kissell         | Ross (FL)     |
| Cooper        | Kline           | Royce         |
| Costa         | Labrador        | Runyan        |
| Costello      | Lamborn         | Ruppersberger |
| Cravaack      | Lance           | Ryan (OH)     |
| Crawford      | Landry          | Scalise       |
| Critz         | Langevin        | Schilling     |
| Crowley       | Lankford        | Schmidt       |
| Cuellar       | Latham          | Schock        |
| Davis (KY)    | LaTourette      | Schrader      |
| DeFazio       | Latta           | Schweikert    |
| Denham        | Lewis (CA)      | Scott (SC)    |
| Dent          | Lipinski        | Scott, Austin |
| DesJarlais    | LoBiondo        | Sessions      |
| Diaz-Balart   | Loeb sack       | Shimkus       |
| Dicks         | Lucas           | Shuler        |
| Donnelly (IN) | Luetkemeyer     | Shuster       |
| Dreier        | Lummis          | Simpson       |
| Duncan (SC)   | Lungren, Daniel | Smith (NE)    |
| Duncan (TN)   | E.              | Smith (NJ)    |
| Ellmers       | Lynch           | Smith (TX)    |
| Emerson       | Mack            | Southerland   |
| Engel         | Manzullo        | Stearns       |
| Farenthold    | Marchant        | Stivers       |
| Fincher       | Marino          | Stutzman      |
| Fitzpatrick   | Matheson        | Sullivan      |
| Fleischmann   | McCarthy (CA)   | Terry         |
| Flores        | McCauley        | Thompson (PA) |
| Forbes        | McClintock      | Tiberi        |
| Fortenberry   | McCotter        | Tierney       |
| Fox           | McHenry         | Tipton        |
| Franks (AZ)   | McIntyre        | Upton         |
| Gallegly      | McKinley        | Walberg       |
| Gardner       |                 | Walden        |

Walsh (IL)  
West  
Westmoreland  
Whitfield  
Wilson (SC)

Wittman  
Wolf  
Womack  
Woodall  
Wu

Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## AMENDMENT NO. 40 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 172, not voting 13, as follows:

[Roll No. 355]

## AYES—246

## NOES—160

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berg  
Berman  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Conaway  
Conyers  
Courtney  
Crenshaw  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Doggett  
Dold  
Doyle  
Duffy  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Fleming  
Frank (MA)  
Frelinghuysen  
Fudge  
Garamendi  
Gonzalez

## NOT VOTING—11

Boustany  
Dingell  
Filner  
Flake

□ 1251

Ms. MCCOLLUM, Messrs. COHEN, ISRAEL, MARKEY, VISCLOSKY, and AL GREEN of Texas changed their vote from “aye” to “no.”

Mr. FORBES, Mrs. HARTZLER, Mrs. BACHMANN, Ms. BERKLEY, Messrs. CARTER, INSLEE, NEAL, SESSIONS, CROWLEY, and PALAZZO changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 354, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “no.”

Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (WI)  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tonko  
Towns  
Tsongas  
Turner  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Austria  
Bachmann  
Bachus  
Bartlett  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Benishek  
Berg  
Biggett  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Buchson  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
DesJarlais  
Doggett  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellmers  
Emerson  
Eshoo

Farenthold  
Farr  
Fincher  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxo  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffith (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Insee  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kind  
King (IA)  
Kingston  
Kinzinger (IL)  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham

LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Loeb sack  
Lucas  
Luetkemeyer  
Lummis  
Lynch  
Mack  
Manzullo  
Marchant  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Myrick  
Nadler  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peters  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rehberg  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher

Rokita  
Rooney  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Sarbanes  
Scalise  
Schakowsky  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions

Shimkus  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stearns  
Stivers  
Sullivan  
Terry  
Thompson (CA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tsongas  
Turner

Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (FL)  
Young (IN)

## NOES—172

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barletta  
Barrow  
Becerra  
Berkley  
Berman  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Cleaver  
Clyburn  
Connolly (VA)  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Donnelly (IN)  
Doyle  
Ellison  
Engel  
Fattah  
Fitzpatrick  
Fudge  
Garamendi  
Gerlach  
Gonzalez

Green, Al  
Green, Gene  
Grijalva  
Grimm  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Hinchey  
Hinojosa  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly  
Kildee  
King (NY)  
Kissell  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Luján  
Lungren, Daniel E.  
Maloney  
Marino  
Markey  
McCollum  
McDermott  
McGovern  
McIntyre  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Murphy (PA)  
Napolitano  
Neal  
Pallone  
Pascarell  
Pastor (AZ)

Pelosi  
Peterson  
Pingree (ME)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Reichert  
Reyes  
Richardson  
Richmond  
Rivera  
Holt  
Ros-Lehtinen  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda T.  
Sanchez, Loretta  
Schiff  
Schradner  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Shuster  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (MS)  
Thompson (PA)  
Tonko  
Towns  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NOT VOTING—13

Boustany  
Conyers  
Dingell  
Filner  
Flake

□ 1257

Mr. SIMPSON changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 355, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

AMENDMENT NO. 42 OFFERED BY MR. SMITH OF WASHINGTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 253, not voting 13, as follows:

[Roll No. 356]

AYES—165

|               |                |                |
|---------------|----------------|----------------|
| Ackerman      | Grijalva       | Pelosi         |
| Amash         | Gutierrez      | Perlmutter     |
| Andrews       | Hanabusa       | Peterson       |
| Baca          | Hastings (FL)  | Pingree (ME)   |
| Baldwin       | Heinrich       | Polis          |
| Bass (CA)     | Higgins        | Price (NC)     |
| Becerra       | Himes          | Quigley        |
| Berman        | Hinchey        | Rangel         |
| Bishop (NY)   | Hinojosa       | Reyes          |
| Blumenauer    | Hirono         | Richardson     |
| Brady (PA)    | Holt           | Richmond       |
| Braley (IA)   | Honda          | Rothman (NJ)   |
| Brown (FL)    | Hoyer          | Roybal-Allard  |
| Butterfield   | Inslee         | Ruppersberger  |
| Capps         | Israel         | Rush           |
| Capuano       | Jackson Lee    | Ryan (OH)      |
| Cardoza       | (TX)           | Sánchez, Linda |
| Carnahan      | Johnson (GA)   | T.             |
| Carney        | Johnson, E. B. | Sarbanes       |
| Carson (IN)   | Jones          | Schakowsky     |
| Castor (FL)   | Kaptur         | Schiff         |
| Chu           | Keating        | Schrader       |
| Ciulline      | Kildee         | Schwartz       |
| Clarke (MI)   | Kind           | Scott (VA)     |
| Clarke (NY)   | Kucinich       | Scott, David   |
| Clay          | Langevin       | Serrano        |
| Cleaver       | Larsen (WA)    | Sewell         |
| Clyburn       | Larson (CT)    | Sherman        |
| Cohen         | Lee (CA)       | Shuler         |
| Connolly (VA) | Levin          | Sires          |
| Conyers       | Lewis (GA)     | Slaughter      |
| Cooper        | Loebach        | Smith (WA)     |
| Costa         | Lofgren, Zoe   | Speier         |
| Costello      | Lowey          | Stark          |
| Courtney      | Lujan          | Sutton         |
| Critz         | Maloney        | Thompson (CA)  |
| Crowley       | Markey         | Thompson (MS)  |
| Cummings      | Matsui         | Tierney        |
| Davis (CA)    | McCollum       | Tonko          |
| Davis (IL)    | McDermott      | Towns          |
| DeFazio       | McGovern       | Tsongas        |
| DeGette       | McNerney       | Van Hollen     |
| DeLauro       | Meeks          | Velázquez      |
| Deutch        | Michaud        | Visclosky      |
| Dicks         | Miller (NC)    | Walz (MN)      |
| Doggett       | Miller, George | Wasserman      |
| Doyle         | Moore          | Schultz        |
| Edwards       | Moran          | Waters         |
| Ellison       | Murphy (CT)    | Watt           |
| Engel         | Nadler         | Waxman         |
| Eshoo         | Napolitano     | Weiner         |
| Farr          | Neal           | Welch          |
| Fattah        | Pallone        | Wilson (FL)    |
| Garamendi     | Pascarell      | Woolsey        |
| Gonzalez      | Pastor (AZ)    | Wu             |
| Green, Al     | Paul           | Yarmuth        |

|               |                 |
|---------------|-----------------|
| Adams         | Gibson          |
| Aderholt      | Gingrey (GA)    |
| Akin          | Gohmert         |
| Alexander     | Goodlatte       |
| Altmire       | Gosar           |
| Austria       | Gowdy           |
| Bachmann      | Granger         |
| Bachus        | Graves (GA)     |
| Barletta      | Graves (MO)     |
| Barrow        | Green, Gene     |
| Bartlett      | Griffin (AR)    |
| Barton (TX)   | Griffith (VA)   |
| Bass (NH)     | Grimm           |
| Benishek      | Guinta          |
| Berg          | Guthrie         |
| Berkley       | Hall            |
| Biggert       | Hanna           |
| Bilbray       | Harper          |
| Billakis      | Harris          |
| Bishop (GA)   | Hartzler        |
| Bishop (UT)   | Hayworth        |
| Black         | Heck            |
| Blackburn     | Hensarling      |
| Bonner        | Herger          |
| Bono Mack     | Herrera Beutler |
| Boren         | Holden          |
| Boswell       | Huelskamp       |
| Brady (TX)    | Huizenga (MI)   |
| Brooks        | Hultgren        |
| Broun (GA)    | Hunter          |
| Buchanan      | Hurt            |
| Bucshon       | Issa            |
| Buerkle       | Jenkins         |
| Burgess       | Johnson (IL)    |
| Burton (IN)   | Johnson (OH)    |
| Calvert       | Johnson, Sam    |
| Camp          | Jordan          |
| Campbell      | Kelly           |
| Canseco       | King (IA)       |
| Cantor        | King (NY)       |
| Capito        | Kingston        |
| Carter        | Kinzinger (IL)  |
| Cassidy       | Kissell         |
| Chabot        | Kline           |
| Chaffetz      | Labrador        |
| Chandler      | Lamborn         |
| Coble         | Lance           |
| Coffman (CO)  | Landry          |
| Cole          | Lankford        |
| Conaway       | Latham          |
| Cravaack      | LaTourette      |
| Crawford      | Latta           |
| Crenshaw      | Lewis (CA)      |
| Cuellar       | Lipinski        |
| Culberson     | LoBiondo        |
| Davis (KY)    | Lucas           |
| Denham        | Luetkemeyer     |
| Dent          | Lummis          |
| DesJarlais    | Lungren, Daniel |
| Diaz-Balart   | E.              |
| Dold          | Lynch           |
| Donnelly (IN) | Mack            |
| Dreier        | Manzullo        |
| Duffy         | Marchant        |
| Duncan (SC)   | Marino          |
| Duncan (TN)   | Matheson        |
| Emerson       | McCarthy (CA)   |
| Farenthold    | McCaul          |
| Fincher       | McClintock      |
| Fitzpatrick   | McCotter        |
| Fleischmann   | McHenry         |
| Fleming       | McIntyre        |
| Flores        | McKeon          |
| Forbes        | McKinley        |
| Fortenberry   | McMorris        |
| Fox           | Rodgers         |
| Fox           | Meehan          |
| Franks (AZ)   | Mica            |
| Frelinghuysen | Miller (FL)     |
| Fudge         | Miller (MI)     |
| Gallegly      | Miller, Gary    |
| Gardner       | Mulvaney        |
| Garrett       | Murphy (PA)     |
| Gerlach       | Myrick          |
| Gibbs         | Neugebauer      |

#### NOT VOTING—13

|               |            |
|---------------|------------|
| Giffords      | Oliver     |
| Hastings (WA) | Payne      |
| Jackson (IL)  | Smith (TX) |
| Long          |            |
| McCarthy (NY) |            |

NOES—253

|                  |
|------------------|
| Noem             |
| Nugent           |
| Nunes            |
| Nunnelee         |
| Olsen            |
| Owens            |
| Palazzo          |
| Paulsen          |
| Pearce           |
| Pence            |
| Peters           |
| Petri            |
| Pitts            |
| Platts           |
| Poe (TX)         |
| Pompeo           |
| Posey            |
| Price (GA)       |
| Quayle           |
| Rahall           |
| Reed             |
| Rehberg          |
| Reichert         |
| Renacci          |
| Ribble           |
| Rigell           |
| Rivera           |
| Roby             |
| Roe (TN)         |
| Rogers (AL)      |
| Rogers (KY)      |
| Rogers (MI)      |
| Rohrabacher      |
| Rokita           |
| Rooney           |
| Ros-Lehtinen     |
| Roskam           |
| Ross (AR)        |
| Ross (FL)        |
| Royce            |
| Runyan           |
| Ryan (WI)        |
| Sanchez, Loretta |
| Scalise          |
| Schilling        |
| Schmidt          |
| Schock           |
| Schweikert       |
| Scott (SC)       |
| Scott, Austin    |
| Sensenbrenner    |
| Sessions         |
| Shimkus          |
| Shuster          |
| Simpson          |
| Smith (NE)       |
| Smith (NJ)       |
| Southerland      |
| Stearns          |
| Stivers          |
| Stutzman         |
| Sullivan         |
| Terry            |
| Thompson (PA)    |
| Thornberry       |
| Tiberi           |
| Tipton           |
| Turner           |
| Upton            |
| Walberg          |
| Walden           |
| Walsh (IL)       |
| Webster          |
| West             |
| Westmoreland     |
| Whitfield        |
| Wilson (SC)      |
| Wittman          |
| Wolf             |
| Womack           |
| Woodall          |
| Yoder            |
| Young (AK)       |
| Young (FL)       |
| Young (IN)       |

□ 1300

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 356, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "yes."

AMENDMENT NO. 43 OFFERED BY MR. BUCHANAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. BUCHANAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 246, noes 173, not voting 12, as follows:

[Roll No. 357]

AYES—246

|              |               |                 |
|--------------|---------------|-----------------|
| Adams        | Crawford      | Hayworth        |
| Aderholt     | Crenshaw      | Heck            |
| Akin         | Culberson     | Hensarling      |
| Alexander    | Davis (KY)    | Herger          |
| Altmire      | Denham        | Herrera Beutler |
| Austria      | Dent          | Holden          |
| Bachmann     | DesJarlais    | Huelskamp       |
| Bachus       | Diaz-Balart   | Huizenga (MI)   |
| Barletta     | Donnelly (IN) | Hultgren        |
| Barrow       | Dreier        | Hunter          |
| Bartlett     | Duffy         | Hurt            |
| Barton (TX)  | Duncan (SC)   | Issa            |
| Bass (NH)    | Duncan (TN)   | Jenkins         |
| Benishek     | Ellmers       | Johnson (IL)    |
| Berg         | Emerson       | Johnson (OH)    |
| Biggert      | Farenthold    | Johnson, Sam    |
| Bilbray      | Fincher       | Jordan          |
| Billakis     | Fitzpatrick   | Kelly           |
| Bishop (UT)  | Fleischmann   | King (IA)       |
| Black        | Fleming       | King (NY)       |
| Blackburn    | Flores        | Kingston        |
| Bonner       | Forbes        | Kinzinger (IL)  |
| Bono Mack    | Fortenberry   | Kline           |
| Boren        | Fox           | Labrador        |
| Brady (TX)   | Franks (AZ)   | Lamborn         |
| Brooks       | Frelinghuysen | Lance           |
| Broun (GA)   | Gallegly      | Landry          |
| Buchanan     | Gardner       | Lankford        |
| Bucshon      | Garrett       | Latham          |
| Buerkle      | Gerlach       | LaTourette      |
| Burgess      | Gibbs         | Latta           |
| Burton (IN)  | Gibson        | Lewis (CA)      |
| Calvert      | Gingrey (GA)  | Lipinski        |
| Camp         | Gohmert       | LoBiondo        |
| Campbell     | Goodlatte     | Lucas           |
| Canseco      | Gosar         | Luetkemeyer     |
| Cantor       | Gowdy         | Lummis          |
| Cardoza      | Granger       | Lungren, Daniel |
| Carter       | Graves (GA)   | E.              |
| Cassidy      | Graves (MO)   | Mack            |
| Chabot       | Green, Gene   | Manzullo        |
| Chaffetz     | Griffin (AR)  | Marchant        |
| Chandler     | Griffith (VA) | Marino          |
| Coble        | Grimm         | Matheson        |
| Coffman (CO) | Guinta        | McCarthy (CA)   |
| Cole         | Guthrie       | McCaul          |
| Conaway      | Hall          | McClintock      |
| Cooper       | Hanna         | McCotter        |
| Costa        | Harper        | McHenry         |
| Costello     | Harris        | McIntyre        |
| Cravaack     | Hartzler      | McKeon          |

McKinley Ribble  
McMorris Rigell  
Rodgers Rivera  
Mica Roby  
Miller (FL) Roe (TN)  
Miller (MI) Rogers (AL)  
Miller, Gary Rogers (KY)  
Mulvaney Rogers (MI)  
Murphy (PA) Rohrabacher  
Myrick Rokita  
Neugebauer Rooney  
Noem Ros-Lehtinen  
Nugent Roskam  
Nunes Ross (AR)  
Nunnelee Ross (FL)  
Olson Royce  
Owens Runyan  
Palazzo Ryan (WI)  
Paulsen Sanchez, Loretta  
Pearce Scalise  
Pence Schilling  
Pitts Schmidt  
Platts Schock  
Poe (TX) Schweikert  
Pompeo Scott (SC)  
Posey Scott, Austin  
Price (GA) Sensenbrenner  
Quayle Sessions  
Reed Shimkus  
Rehberg Shuler  
Reichert Shuster  
Renacci Simpson

## NOES—173

Ackerman Grijalva  
Amash Gutierrez  
Andrews Hanabusa  
Baca Hastings (FL)  
Baldwin Heinrich  
Bass (CA) Higgins  
Becerra Himes  
Berkley Hinchey  
Berman Hinojosa  
Bishop (GA) Hirono  
Bishop (NY) Holt  
Blumenauer Honda  
Boswell Hoyer  
Brady (PA) Inslee  
Braley (IA) Israel  
Brown (FL) Jackson Lee  
Butterfield (TX)  
Capito Johnson (GA)  
Capps Johnson, E. B.  
Capuano Jones  
Carnahan Kaptur  
Carney Keating  
Carson (IN) Kildee  
Castor (FL) Kind  
Chu Kissell  
Cicilline Kucinich  
Clarke (MI) Langevin  
Clarke (NY) Larsen (WA)  
Clay Larson (CT)  
Cleaver Lee (CA)  
Clyburn Levin  
Cohen Lewis (GA)  
Connolly (VA) Loeb sack  
Conyers Lofgren, Zoe  
Courtney Lowey  
Critz Luján  
Crowley Lynch  
Cuellar Maloney  
Cummings Markey  
Davis (CA) Matsui  
Davis (IL) McCollum  
DeFazio McDermott  
DeGette McGovern  
DeLauro McNerney  
Deutch Meehan  
Dicks Meeks  
Doggett Michaud  
Dold Miller (NC)  
Doyle Miller, George  
Edwards Moore  
Ellison Moran  
Engel Murphy (CT)  
Eshoo Nadler  
Farr Napolitano  
Frank (MA) Neal  
Fudge Pallone  
Garamendi Pascrell  
Gonzalez Pastor (AZ)  
Green, Al Paul

Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Rokita  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Berkley  
Schiff  
Schrader  
Braley (IA)  
Capps  
Capuano  
Cardoza  
Carson (IN)  
Chu  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Clyburn  
Cohen  
Conyers  
Critz  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
Deutch  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOT VOTING—12

Boustany  
Dingell  
Fattah  
Filner  
Flake  
Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Oliver  
Payne

□ 1304

So the amendment was agreed to.  
The result of the vote was announced as above recorded.  
Stated for:  
Ms. CAPITO. Mr. Chair, on rollcall No. 357 change my vote to an “aye.” Had I been present, I would have voted “aye.”

Stated against:  
Mr. FILNER. Mr. Chair, on rollcall 357, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “no.”

## AMENDMENT NO. 47 OFFERED BY MRS. MALONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 329, not voting 11, as follows:

[Roll No. 358]

## AYES—91

Ackerman  
Andrews  
Baldwin  
Bass (CA)  
Berkley  
Berman  
Braley (IA)  
Capps  
Capuano  
Cardoza  
Carson (IN)  
Chu  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Clyburn  
Cohen  
Conyers  
Critz  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
Deutch  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Grijalva  
Gutierrez  
Hastings (FL)  
Higgins  
Hinchey  
Hirono  
Holt  
Honda  
Kaptur  
Kildee  
Kissell  
Kucinich  
Lee (CA)  
Lewis (GA)  
Lofgren, Zoe  
Maloney  
Markey  
Matsui  
McClintock  
McDermott  
McGovern  
Michaud  
Miller, George  
Moore  
Nadler  
Pallone  
Pascrell  
Pelosi

Pingree (ME)  
Polis  
Rangel  
Richardson  
Roybal-Allard  
Rush  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Schakowsky  
Schrader  
Serrano  
Sewell  
Slaughter  
Speier  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Velazquez  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOES—329

Adams  
Aderholt  
Akin  
Alexander  
Almire  
Amash  
Austria  
Baca  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Becerra  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis

Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boswell  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carnahan  
Carney  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Cicilline  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Davis (CA)  
Davis (KY)  
DeLauro  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Napolitano  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Hinojosa  
Holden  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Keating  
Kelly  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loeb sack  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McCollum  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pastor (AZ)  
Paul  
Paulsen  
Pearce  
Pence  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sarbanes  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton

Turner  
Upton  
Van Hollen  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)

Wasserman  
Schultz  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman

Wolf  
Womack  
Woodall  
Wu  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Hastings (FL)  
Hayworth  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kline  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Lummis  
Lungren, Daniel  
E.

McCotter  
McHenry  
McIntyre  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Noem  
Nugent  
Nunes  
Nunnelee  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Perlmuter  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Renacci  
Ribble  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
McClintock

Ross (FL)  
Royce  
Runyan  
Rush  
Ryan (WI)  
Sánchez, Linda  
T.  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Tiberi  
Tipton  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wolf  
Womack  
Yoder  
Young (FL)

Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Richmond  
Rigell  
Roe (TN)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz

Scott (VA)  
Scott, Austin  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tierney  
Tonko  
Towns  
Tsongas  
Turner

Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Wittman  
Woodall  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (IN)

## NOT VOTING—11

Boustany  
Dingell  
Filner  
Flake

Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Oliver  
Payne

□ 1309

Ms. BROWN of Florida and Mr. LOEBSACK changed their vote from “aye” to “no.”

Ms. WILSON of Florida changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 358, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 48 OFFERED BY MR. MACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 193, not voting 11, as follows:

[Roll No. 359]

## AYES—227

Adams  
Aderholt  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggert  
Bilbray  
Bilirakis  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp

Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Clarke (MI)  
Coble  
Cohen  
Cole  
Cooper  
Costa  
Crenshaw  
Cuellar  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dold  
Donnelly (IN)  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson

Engel  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gallely  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Hartzler

Ackerman  
Akin  
Amash  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauber  
Boswell  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Carter  
Chandler  
Chu  
Ciilline  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Coffman (CO)  
Conaway  
Connolly (VA)  
Conyers  
Costello  
Courtney  
Cravack  
Crawford  
Critz  
Crowley  
Culberson  
Cummings

## NOES—193

Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Doggett  
Doyle  
Dreier  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Flores  
Forbes  
Frank (MA)  
Fudge  
Garamendi  
Gardner  
Gonzalez  
Granger  
Green, Al  
Green, Gene  
Griffin (AR)  
Grijalva  
Gutierrez  
Hanabusa  
Harris  
Heck  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Keating

Kildee  
Kind  
Kinzing (IL)  
Kissell  
Kucinich  
Labrador  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebuck  
Lofgren, Zoe  
Lowey  
Luetkemeyer  
Luján  
Maloney  
Markey  
McCollum  
McDermott  
McGovern  
McKeon  
McNerney  
Meeks  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Neugebauer  
Olson  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Pelosi  
Peters  
Peterson  
Pingree (ME)  
Platts  
Polis

## NOT VOTING—11

Boustany  
Dingell  
Filner  
Flake

Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Oliver  
Payne

□ 1312

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 359, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “no.”

AMENDMENT NO. 49 OFFERED BY MR. LANGEVIN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 246, not voting 13, as follows:

[Roll No. 360]

## AYES—172

Ackerman  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Ciilline

Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Doggett  
Donnelly (IN)  
Doyle  
Duncan (TN)  
Edwards

Ellison  
Emerson  
Engel  
Farr  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel

Jackson Lee (TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lowey  
Luján  
Lummis  
Lynch  
Maloney  
Markey  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore

## NOES—246

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggart  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Buchson  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
DeFazio  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dold  
Dreier

Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler

Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Shuler  
Sires  
Slaughter  
Stark  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Wolf  
Woolsey  
Wu  
Yarmuth

Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Stivers  
Stutzman  
Sullivan  
Runyan  
Ryan (WI)

Boustany  
Dingell  
Fattah  
Filner  
Flake  
Giffords  
Hastings (WA)  
Payne  
Sutton  
Long  
McCarthy (NY)

## NOT VOTING—13

□ 1316

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 360, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

## AMENDMENT NO. 50 OFFERED BY MR. AMASH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. AMASH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 10, as follows:

[Roll No. 361]

## AYES—187

Ackerman  
Amash  
Andrews  
Baca  
Baldwin  
Bartlett  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Campbell  
Capps

Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Coble  
Cohen  
Conyers  
Costello  
Courtney  
Crowley  
Cummings  
Davis (CA)

Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez

Green, Al  
Griffith (VA)  
Grijalva  
Gutierrez  
Hanabusa  
Hanna  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchee  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Huelskamp  
Inslee  
Israel  
Jackson Lee (TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Labrador  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney

Markey  
Matsui  
McClintock  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Pearce  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Posey  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rohrabacher  
Rokita  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)

## NOES—234

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggart  
Billbray  
Bilirakis  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Buchson  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chandler  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz

Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Peters  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woodall  
Woolsey  
Wu  
Yarmuth

Herger  
Herrera Beutler  
Holden  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)



Miller (MI) Rivera  
 Miller, Gary Roby  
 Mulvaney Roe (TN)  
 Murphy (PA) Rogers (AL)  
 Myrick Rogers (KY)  
 Neugebauer Rogers (MI)  
 Noem Rooney  
 Nugent Ros-Lehtinen  
 Nunes Roskam  
 Nunnelee Ross (AR)  
 Olson Ross (FL)  
 Palazzo Royce  
 Paulsen Runyan  
 Pence Ryan (WI)  
 Peterson Scalise  
 Petri Schilling  
 Pitts Schmidt  
 Platts Schock  
 Poe (TX) Schweikert  
 Pompeo Scott (SC)  
 Price (GA) Scott, Austin  
 Quayle Sensenbrenner  
 Rahall Sessions  
 Reed Shimkus  
 Rehberg Shuler  
 Reichert Shuster  
 Renacci Simpson  
 Ribble Smith (NE)  
 Rigell Smith (NJ)

## NOT VOTING—10

Boustany Hastings (WA) Olver  
 Filner Jackson (IL) Payne  
 Flake Long  
 Giffords McCarthy (NY)

## □ 1321

Mr. YOUNG of Indiana changed his vote from “aye” to “no.”

Messrs. LYNCH and ROHRABACHER changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 361, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 53 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 63, noes 354, not voting 14, as follows:

[Roll No. 362]

AYES—63

Amash Coffman (CO) Graves (GA)  
 Benishek Cooper Griffith (VA)  
 Bishop (UT) Davis (IL) Hensarling  
 Blackburn DeFazio Huelskamp  
 Bono Mack Duncan (TN) Huizenga (MI)  
 Burgess Edwards Jenkins  
 Campbell Gingrey (GA) Johnson (IL)  
 Chaffetz Gohmert Johnson (OH)  
 Clarke (NY) Goodlatte Johnson, Sam  
 Coble Gowdy Kingston

Smith (TX) Kucinich  
 Southerland Labrador  
 Stearns Landry  
 Stivers Lummis  
 Stutzman Mack  
 Sullivan McClintock  
 Terry Mica  
 Thompson (PA) Miller (FL)  
 Thornberry Mulvaney  
 Tiberi Myrick  
 Tipton Paul

Ackerman Denham  
 Adams Dent  
 Aderholt DesJarlais  
 Akin Deutch  
 Alexander Diaz-Balart  
 Altmire Dicks  
 Andrews Dingell  
 Austria Doggett  
 Baca Dold  
 Bachmann Donnelly (IN)  
 Bachus Doyle  
 Baldwin Dreier  
 Barletta Duffy  
 Barrow Duncan (SC)  
 Bartlett Ellison  
 Bass (CA) Ellmers  
 Bass (NH) Emerson  
 Becerra Engel  
 Berg Eshoo  
 Berkley Farenthold  
 Berman Farr  
 Biggert Fattah  
 Bilbray Fincher  
 Bilirakis Fitzpatrick  
 Bishop (GA) Fleischmann  
 Bishop (NY) Fleming  
 Black Flores  
 Blumenauer Forbes  
 Bonner Fortenberry  
 Boren Foss  
 Boswell Frank (MA)  
 Brady (PA) Franks (AZ)  
 Brady (TX) Frelinghuysen  
 Braley (IA) Fudge  
 Brooks Gallegly  
 Broun (GA) Garamendi  
 Brown (FL) Gardner  
 Buchanan Garrett  
 Bucshon Gerlach  
 Buerkle Gibbs  
 Burton (IN) Gibson  
 Butterfield Gonzalez  
 Calvert Gosar  
 Camp Granger  
 Canseco Graves (MO)  
 Capito Green, Al  
 Capps Green, Gene  
 Capuano Griffin (AR)  
 Cardoza Grimm  
 Carnahan Guinta  
 Carney Guthrie  
 Carson (IN) Gutierrez  
 Carter Hall  
 Cassidy Hanabusa  
 Castor (FL) Hanna  
 Chabot Harper  
 Chandler Harris  
 Chu Hartzler  
 Cicilline Hastings (FL)  
 Clarke (MI) Hayworth  
 Clay Heck  
 Cleaver Heinrich  
 Clyburn Herger  
 Cohen Herrera Beutler  
 Cole Higgins  
 Conaway Himes  
 Connolly (VA) Hinchey  
 Costa Hinojosa  
 Costello Hirono  
 Courtney Holden  
 Cravaack Holt  
 Crawford Honda  
 Crenshaw Hoyer  
 Critz Hultgren  
 Crowley Hunter  
 Cuellar Hurt  
 Culberson Inslee  
 Cummings Israel  
 Davis (CA) Issa  
 Davis (KY) Jackson Lee  
 DeGette (TX)  
 DeLauro Johnson (GA)

## NOES—354

Denham Johnson, E. B.  
 Dent Jones  
 DesJarlais Jordan  
 Deutch Kaptur  
 Diaz-Balart Keating  
 Dicks Kelly  
 Dingell Kildee  
 Doggett Kind  
 Dold King (IA)  
 Donnelly (IN) King (NY)  
 Doyle Kinzinger (IL)  
 Dreier Kissell  
 Duffy Kline  
 Duncan (SC) Lamborn  
 Ellison Lance  
 Ellmers Langevin  
 Emerson Lankford  
 Engel Larsen (WA)  
 Eshoo Larson (CT)  
 Farenthold Latham  
 Farr LaTourette  
 Fattah Latta  
 Fincher Lee (CA)  
 Fitzpatrick Levin  
 Fleischmann Lewis (CA)  
 Fleming Lewis (GA)  
 Flores Lipinski  
 Forbes LoBiondo  
 Fortenberry Loebsock  
 Foss Lofgren, Zoe  
 Frank (MA) Lowey  
 Franks (AZ) Lucas  
 Frelinghuysen Luetkemeyer  
 Fudge Luján  
 Gallegly Lungren, Daniel  
 Garamendi E.

Johnson, E. B.  
 Jones  
 Jordan  
 Kaptur  
 Keating  
 Kelly  
 Kildee  
 Kind  
 King (IA)  
 King (NY)  
 Kinzinger (IL)  
 Kissell  
 Kline  
 Lamborn  
 Lance  
 Langevin  
 Lankford  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lungren, Daniel  
 E.

Johnson, E. B.  
 Jones  
 Jordan  
 Kaptur  
 Keating  
 Kelly  
 Kildee  
 Kind  
 King (IA)  
 King (NY)  
 Kinzinger (IL)  
 Kissell  
 Kline  
 Lamborn  
 Lance  
 Langevin  
 Lankford  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lungren, Daniel  
 E.

Johnson, E. B.  
 Jones  
 Jordan  
 Kaptur  
 Keating  
 Kelly  
 Kildee  
 Kind  
 King (IA)  
 King (NY)  
 Kinzinger (IL)  
 Kissell  
 Kline  
 Lamborn  
 Lance  
 Langevin  
 Lankford  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lungren, Daniel  
 E.

Johnson, E. B.  
 Jones  
 Jordan  
 Kaptur  
 Keating  
 Kelly  
 Kildee  
 Kind  
 King (IA)  
 King (NY)  
 Kinzinger (IL)  
 Kissell  
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 Lamborn  
 Lance  
 Langevin  
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 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lungren, Daniel  
 E.

Johnson, E. B.  
 Jones  
 Jordan  
 Kaptur  
 Keating  
 Kelly  
 Kildee  
 Kind  
 King (IA)  
 King (NY)  
 Kinzinger (IL)  
 Kissell  
 Kline  
 Lamborn  
 Lance  
 Langevin  
 Lankford  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lipinski  
 LoBiondo  
 Loebsock  
 Lofgren, Zoe  
 Lowey  
 Lucas  
 Luetkemeyer  
 Luján  
 Lungren, Daniel  
 E.

Paulsen  
 Pelosi  
 Perlmutter  
 Peterson  
 Pingree (ME)  
 Pitts  
 Platts  
 Polis  
 Price (NC)  
 Quayle  
 Quigley  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Ribble  
 Richardson  
 Richmond  
 Rigell  
 Rivera  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (AR)  
 Ross (FL)  
 Rothman (NJ)  
 Roybal-Allard  
 Runyan  
 Ruppersberger  
 Ryan (OH)  
 Ryan (WI)

Paulsen  
 Pelosi  
 Perlmutter  
 Peterson  
 Pingree (ME)  
 Pitts  
 Platts  
 Polis  
 Price (NC)  
 Quayle  
 Quigley  
 Rahall  
 Rangel  
 Rehberg  
 Reichert  
 Reyes  
 Ribble  
 Richardson  
 Richmond  
 Rigell  
 Rivera  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (AR)  
 Ross (FL)  
 Rothman (NJ)  
 Roybal-Allard  
 Runyan  
 Ruppersberger  
 Ryan (OH)  
 Ryan (WI)

Barton (TX)  
 Boustany  
 Cantor  
 Conyers  
 Filner

Sánchez, Linda  
 T.  
 Sanchez, Loretta  
 Sarbanes  
 Scalise  
 Schakowsky  
 Schiff  
 Schilling  
 Schmidt  
 Schwartz  
 Scott (VA)  
 Scott, Austin  
 Scott, David  
 Serrano  
 Sessions  
 Sewell  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Slaughter  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Southerland  
 Speier  
 Stark  
 Stearns  
 Stivers  
 Sullivan  
 Sutton  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)

## NOT VOTING—14

Flake  
 Giffords  
 Grijalva  
 Hastings (WA)  
 Jackson (IL)  
 Long  
 McCarthy (NY)  
 Olver  
 Payne

## □ 1324

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 362, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “no.”

AMENDMENT NO. 54 OFFERED BY MR. CAMPBELL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 321, not voting 12, as follows:

[Roll No. 363]

AYES—98

Amash Bono Mack Chabot  
 Bartlett Brady (TX) Chaffetz  
 Barton (TX) Broun (GA) Coble  
 Benishek Burgess Coffman (CO)  
 Biggert Burton (IN) Conyers  
 Black Campbell Culberson

Davis (KY)  
Dent  
Dold  
Duffy  
Duncan (SC)  
Duncan (TN)  
Emerson  
Farr  
Fitzpatrick  
Frank (MA)  
Garamendi  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Cowdy  
Graves (GA)  
Griffith (VA)  
Guinta  
Huelskamp  
Huizenga (MI)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones

## NOES—321

Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barletta  
Barrow  
Bass (CA)  
Bass (NH)  
Becerra  
Berg  
Berkley  
Berman  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Bonner  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brooks  
Brown (FL)  
Buchanan  
Buchson  
Buerkle  
Butterfield  
Calvert  
Camp  
Canseco  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello

Jordan  
Kingston  
Kline  
Labrador  
Landry  
Lofgren, Zoe  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
McClintock  
McHenry  
Mica  
Miller (FL)  
Mulvaney  
Nadler  
Neugebauer  
Nunnelee  
Paul  
Paulsen  
Pence  
Peters  
Pitts  
Poe (TX)  
Polis  
Posey

Price (GA)  
Quayle  
Quigley  
Reed  
Rehberg  
Renacci  
Rogers (KY)  
Rokita  
Royce  
Rush  
Schock  
Scott (SC)  
Sensenbrenner  
Shimkus  
Smith (NE)  
Southernland  
Stark  
Stearns  
Stivers  
Stutzman  
Tiberi  
Walden  
Walsh (IL)  
Westmoreland  
Whitfield  
Woodall  
Yoder

Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kucinich  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebsack  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lynch  
Maloney  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McKeon

McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Murphy (PA)  
Myrick  
Napolitano  
Neal  
Neom  
Nugent  
Nunes  
Olson  
Owens  
Palazzo  
Pallone  
Pascrell  
Pastor (AZ)  
Pearce  
Pelosi  
Perlmutter  
Peterson  
Petri  
Pingree (ME)  
Platts  
Pompeo  
Price (NC)  
Rahall  
Rangel  
Reichert  
Reyes  
Ribble  
Richardson  
Richmond  
Boustany  
Cantor  
Filner  
Flake

## NOT VOTING—12

Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Olver  
Payne  
Wolf

## □ 1328

Messrs. WELCH and GRIFFIN of Arkansas changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 363, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “no.”

AMENDMENT NO. 56 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. CHAFFETZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 294, not voting 14, as follows:

[Roll No. 364]

## AYES—123

Amash  
Baldwin  
Bass (CA)  
Bass (NH)  
Benishek  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Campbell  
Capuano  
Carson (IN)  
Chaffetz  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Coble  
Cohen  
Conyers  
Costello  
Courtney  
Crowley  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Dicks  
Doggett  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Frank (MA)  
Fudge  
Garamendi  
Green, Gene  
Grijalva  
Gutiérrez  
Heinrich  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Inslee  
Jackson Lee  
(TX)  
Johnson (IL)  
Jones  
Kaptur  
Kucinich  
Labrador  
Larson (CT)  
Lee (CA)  
Lewis (GA)  
Lofgren, Zoe  
Lummis  
Lynch  
Maloney  
Markey  
Matsui  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller, George  
Moore  
Moran  
Mulvaney  
Nadler  
Napolitano  
Neal  
Pallone  
Pastor (AZ)  
Paul  
Pelosi  
Pingree (ME)  
Polis  
Posey  
Quigley  
Rahall  
Rangel  
Richardson  
Rohrabacher  
Roybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schrader  
Scott (VA)  
Serrano  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (NJ)  
Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Olver  
Payne  
Wolf  
Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Becerra  
Berg  
Berkley  
Berman  
Biggert  
Billbray  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Brady (TX)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Buchson  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Canseco  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carter  
Cassidy

## NOES—294

Castor (FL)  
Chabot  
Chandler  
Clyburn  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (CA)  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dingell  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Engel  
Farenthold  
Fattah  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Holden  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jordan  
Keating  
Kelly  
Kildee

Kind Neugebauer  
King (IA) Noem  
King (NY) Nugent  
Kingston Nunes  
Kinzinger (IL) Nunnelee  
Kissell Olson  
Kline Owens  
Lamborn Palazzo  
Lance Pascrell  
Landry Paulsen  
Langevin Pearce  
Lankford Pence  
Larsen (WA) Perlmutter  
Latham Peters  
LaTourette Peterson  
Latta Petri  
Levin Pitts  
Lewis (CA) Platts  
Lipinski Poe (TX)  
LoBiondo Pompeo  
Loeb sack Price (GA)  
Lowey Price (NC)  
Lucas Quayle  
Luetkemeyer Reed  
Luján Rehberg  
Lungren, Daniel Reichert  
E. Renacci  
Mack Reyes  
Manzullo Ribble  
Marchant Richmond  
Marino Rigell  
Matheson Rivera  
McCarthy (CA) Roby  
McCaul Roe (TN)  
McClintock Rogers (AL)  
McCollum Rogers (KY)  
McCotter Rogers (MI)  
McHenry Rokita  
McIntyre Rooney  
McKeon Ros-Lehtinen  
McKinley Roskam  
McMorris Ross (AR)  
Rodgers Ross (FL)  
Meehan Rothman (NJ)  
Mica Royce  
Miller (FL) Runyan  
Miller (MI) Ruppersberger  
Miller (NC) Ryan (WI)  
Miller, Gary Scalise  
Murphy (PA) Schakowsky  
Myrick Schiff

## NOT VOTING—14

Barrow Giffords  
Boustany Hastings (WA)  
Cantor Jackson (IL)  
Filner Long  
Flake McCarthy (NY)

□ 1331

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 364, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 60 OFFERED BY MR. POLIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 323, answered "present" 1, not voting 11, as follows:

[Roll No. 365]

## AYES—96

Amash  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Benish  
Blumenauer  
Braley (IA)  
Campbell  
Capuano  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Conyers  
Cooper  
Davis (IL)  
DeFazio  
Deutch  
Doggett  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Green, Gene  
Grijalva  
Gutierrez  
Hinchey  
Hinojosa  
Holt  
Honda  
Jackson Lee (TX)  
Jones  
Keating  
Kind  
Kingston  
Kucinich  
Larson (CT)  
Lee (CA)  
Lewis (GA)  
Lofgren, Zoe  
Luján  
Lummis  
Markey  
McClintock  
McCollum  
McDermott  
McGovern  
Miller, George  
Moran  
Nadler  
Napolitano  
Pallone  
Paul  
Peters  
Petri

## NOES—323

Ackerman  
Adams  
Aderholt  
Alkin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Berg  
Berkley  
Berman  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Canseco  
Capito  
Capps  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costa  
Costello  
Courtney  
Cravack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (KY)  
DeGette  
DeLauro  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dingell  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Engel  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner

Kaptur  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loeb sack  
Lowey  
Lucas  
Luetkemeyer  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Marino  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pascrell  
Pastor (AZ)  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peterson  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Visclosky  
Walberg  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Wu  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## ANSWERED "PRESENT"—1

Moore

## NOT VOTING—11

Boustany Giffords  
Cantor Hastings (WA)  
Filner Jackson (IL)  
Flake Long

□ 1336

Mr. WATT changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 365, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 61 OFFERED BY MR. CONYERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 5, not voting 10, as follows:

[Roll No. 366]

## AYES—416

|              |               |                 |
|--------------|---------------|-----------------|
| Ackerman     | Connolly (VA) | Guinta          |
| Adams        | Conyers       | Guthrie         |
| Aderholt     | Cooper        | Gutierrez       |
| Akin         | Costa         | Hall            |
| Alexander    | Costello      | Hanabusa        |
| Altmire      | Courtney      | Hanna           |
| Amash        | Cravaack      | Harper          |
| Andrews      | Crawford      | Harris          |
| Austria      | Crenshaw      | Hartzler        |
| Baca         | Critz         | Hastings (FL)   |
| Bachmann     | Crowley       | Hayworth        |
| Bachus       | Cuellar       | Heck            |
| Baldwin      | Culberson     | Heinrich        |
| Barletta     | Cummings      | Hensarling      |
| Barrow       | Davis (CA)    | Herger          |
| Barrett      | Davis (IL)    | Herrera Beutler |
| Barton (TX)  | Davis (KY)    | Higgins         |
| Bass (CA)    | DeFazio       | Himes           |
| Bass (NH)    | DeGette       | Hinchey         |
| Becerra      | DeLauro       | Hinojosa        |
| Benishek     | Denham        | Hirono          |
| Berg         | Dent          | Holden          |
| Berman       | DesJarlais    | Holt            |
| Biggert      | Deutch        | Honda           |
| Bilbray      | Diaz-Balart   | Hoyer           |
| Bilirakis    | Dicks         | Huelskamp       |
| Bishop (GA)  | Dingell       | Huizenga (MI)   |
| Bishop (NY)  | Doggett       | Hultgren        |
| Bishop (UT)  | Dold          | Hunter          |
| Black        | Donnelly (IN) | Hurt            |
| Blackburn    | Doyle         | Inslee          |
| Blumenauer   | Dreier        | Israel          |
| Bonner       | Duffy         | Issa            |
| Bono Mack    | Duncan (SC)   | Jackson Lee     |
| Boren        | Duncan (TN)   | (TX)            |
| Boswell      | Edwards       | Jenkins         |
| Brady (PA)   | Ellison       | Johnson (GA)    |
| Brady (TX)   | Ellmers       | Johnson (IL)    |
| Braley (IA)  | Emerson       | Johnson (OH)    |
| Brooks       | Engel         | Johnson, E. B.  |
| Brown (GA)   | Eshoo         | Johnson, Sam    |
| Brown (FL)   | Farenthold    | Jones           |
| Buchanan     | Farr          | Jordan          |
| Bucshon      | Fattah        | Kaptur          |
| Buerkle      | Fincher       | Keating         |
| Burgess      | Fitzpatrick   | Kelly           |
| Burton (IN)  | Fleischmann   | Kildee          |
| Butterfield  | Fleming       | Kind            |
| Calvert      | Flores        | King (NY)       |
| Camp         | Forbes        | Kingston        |
| Campbell     | Fortenberry   | Kinzinger (IL)  |
| Canseco      | Fox           | Kissell         |
| Cantor       | Frank (MA)    | Kline           |
| Capito       | Franks (AZ)   | Kucinich        |
| Capps        | Frelinghuysen | Labrador        |
| Capuano      | Fudge         | Lamborn         |
| Cardoza      | Gallely       | Lance           |
| Carnahan     | Garamendi     | Landry          |
| Carney       | Gardner       | Langevin        |
| Carson (IN)  | Garrett       | Lankford        |
| Carter       | Gerlach       | Larsen (WA)     |
| Cassidy      | Gibbs         | Larson (CT)     |
| Castor (FL)  | Gibson        | Latham          |
| Chabot       | Gingrey (GA)  | LaTourette      |
| Chaffetz     | Gohmert       | Latta           |
| Chandler     | Gonzalez      | Lee (CA)        |
| Chu          | Goodlatte     | Levin           |
| Cicilline    | Gosar         | Lewis (CA)      |
| Clarke (MI)  | Gowdy         | Lewis (GA)      |
| Clarke (NY)  | Granger       | Lipinski        |
| Clay         | Graves (GA)   | LoBiondo        |
| Cleaver      | Graves (MO)   | Loeb sack       |
| Clyburn      | Green, Al     | Lofgren, Zoe    |
| Coble        | Green, Gene   | Lowey           |
| Coffman (CO) | Griffin (AR)  | Lucas           |
| Cohen        | Griffith (VA) | Luetkemeyer     |
| Cole         | Grijalva      | Lujan           |
| Conaway      | Grimm         | Lummis          |

|                    |                   |               |
|--------------------|-------------------|---------------|
| Lungren, Daniel E. | Platts            | Shuler        |
| Lynch              | Poe (TX)          | Shuster       |
| Mack               | Polis             | Simpson       |
| Maloney            | Pompeo            | Sires         |
| Manzullo           | Posey             | Slaughter     |
| Marchant           | Price (GA)        | Smith (NE)    |
| Marino             | Price (NC)        | Smith (NJ)    |
| Markey             | Quayle            | Smith (TX)    |
| Matheson           | Quigley           | Smith (WA)    |
| Matsui             | Rahall            | Southerland   |
| McCarthy (CA)      | Rangel            | Speier        |
| McCaul             | Reed              | Stark         |
| McClintock         | Rehberg           | Stearns       |
| McCollum           | Reichert          | Stivers       |
| McCotter           | Renacci           | Stutzman      |
| McDermott          | Reyes             | Sullivan      |
| McGovern           | Ribble            | Sutton        |
| McHenry            | Richardson        | Terry         |
| McIntyre           | Richmond          | Thompson (CA) |
| McKeon             | Rigell            | Thompson (MS) |
| McKinley           | Rivera            | Thompson (PA) |
| McMorris           | Roby              | Thornberry    |
| Rodgers            | Roe (TN)          | Tiberi        |
| McNerney           | Rogers (AL)       | Tierney       |
| Meehan             | Rogers (KY)       | Tipton        |
| Meeks              | Rogers (MI)       | Tonko         |
| Mica               | Rokita            | Towns         |
| Michaud            | Rooney            | Tsongas       |
| Miller (FL)        | Ros-Lehtinen      | Turner        |
| Miller (MI)        | Roskam            | Upton         |
| Miller (NC)        | Ross (AR)         | Van Hollen    |
| Miller, Gary       | Ross (FL)         | Velázquez     |
| Miller, George     | Rothman (NJ)      | Visclosky     |
| Mulvaney           | Roybal-Allard     | Walberg       |
| Murphy (CT)        | Royce             | Walden        |
| Murphy (PA)        | Runyan            | Walsh (IL)    |
| Myrick             | Ruppersberger     | Walz (MN)     |
| Nadler             | Rush              | Wasserman     |
| Napolitano         | Ryan (OH)         | Schultz       |
| Neal               | Ryan (WI)         | Waters        |
| Neugebauer         | Sánchez, Linda T. | Watt          |
| Noem               | Sanchez, Loretta  | Waxman        |
| Nugent             | Sarbanes          | Webster       |
| Nunes              | Scalise           | Weiner        |
| Nunnelee           | Schakowsky        | Welch         |
| Olson              | Schiff            | West          |
| Owens              | Schilling         | Westmoreland  |
| Palazzo            | Schmidt           | Whitfield     |
| Pallone            | Schock            | Wilson (FL)   |
| Pascarell          | Schrader          | Wilson (SC)   |
| Pastor (AZ)        | Schwartz          | Witman        |
| Paul               | Schweikert        | Wolf          |
| Paulsen            | Scott (SC)        | Womack        |
| Pearce             | Scott (VA)        | Woodall       |
| Pelosi             | Scott, Austin     | Woolsey       |
| Pence              | Scott, David      | Wu            |
| Perlmutter         | Sensenbrenner     | Yarmuth       |
| Peters             | Serrano           | Yoder         |
| Peterson           | Sessions          | Young (AK)    |
| Petri              | Sewell            | Young (FL)    |
| Pingree (ME)       | Sherman           | Young (IN)    |
| Pitts              | Shimkus           |               |

## NOES—5

|           |       |             |
|-----------|-------|-------------|
| Berkley   | Moore | Rohrabacher |
| King (IA) | Moran |             |

NOT VOTING—10

|               |       |
|---------------|-------|
| Hastings (WA) | Olver |
| Jackson (IL)  | Payne |
| Long          |       |
| McCarthy (NY) |       |

□ 1339

Ms. HAYWORTH and Mr. HIGGINS changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 366, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

AMENDMENT NO. 62 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 269, noes 151, not voting 11, as follows:

[Roll No. 367]

## AYES—269

|               |                 |                    |
|---------------|-----------------|--------------------|
| Ackerman      | Emerson         | Lowey              |
| Aderholt      | Engel           | Lujan              |
| Altmire       | Eshoo           | Lummis             |
| Amash         | Farr            | Lungren, Daniel E. |
| Baca          | Fitzpatrick     | Lynch              |
| Barton (TX)   | Frank (MA)      | Mack               |
| Bass (CA)     | Garamendi       | Maloney            |
| Bass (NH)     | Gardner         | Manzullo           |
| Becerra       | Garrett         | Marchant           |
| Benishek      | Gibbs           | Markey             |
| Berman        | Gingrey (GA)    | Matheson           |
| Bishop (GA)   | Gonzalez        | Matsui             |
| Bishop (NY)   | Goodlatte       | McCarthy (CA)      |
| Black         | Gosar           | McClintock         |
| Blumenauer    | Gowdy           | McCollum           |
| Bonner        | Graves (GA)     | McCotter           |
| Bono Mack     | Graves (MO)     | McDermott          |
| Boren         | Green, Al       | McGovern           |
| Boswell       | Green, Gene     | McHenry            |
| Brady (TX)    | Griffith (VA)   | McIntyre           |
| Braley (IA)   | Grijalva        | McMorris           |
| Brown (GA)    | Guinta          | Rodgers            |
| Bucshon       | Gutierrez       | McNerney           |
| Burgess       | Harris          | Meehan             |
| Burton (IN)   | Hastings (FL)   | Meeks              |
| Butterfield   | Hayworth        | Mica               |
| Camp          | Heinrich        | Michaud            |
| Campbell      | Hensarling      | Miller (MI)        |
| Capito        | Herrera Beutler | Miller (NC)        |
| Capps         | Higgins         | Miller, George     |
| Capuano       | Himes           | Moore              |
| Cardoza       | Hinchey         | Moran              |
| Carnahan      | Hinojosa        | Mulvaney           |
| Carney        | Hirono          | Murphy (CT)        |
| Carson (IN)   | Holt            | Nadler             |
| Cassidy       | Honda           | Napolitano         |
| Castor (FL)   | Hoyer           | Neal               |
| Chabot        | Huelskamp       | Nugent             |
| Chaffetz      | Huizenga (MI)   | Nunes              |
| Chandler      | Hurt            | Nunnelee           |
| Chu           | Inslee          | Pascarell          |
| Cicilline     | Israel          | Pastor (AZ)        |
| Clarke (MI)   | Jackson Lee     | Paul               |
| Clay          | (TX)            | Paulsen            |
| Cleaver       | Jenkins         | Pearce             |
| Coble         | Johnson (GA)    | Pelosi             |
| Coffman (CO)  | Johnson (IL)    | Pence              |
| Cohen         | Johnson (OH)    | Perlmutter         |
| Connolly (VA) | Jones           | Peters             |
| Conyers       | Jordan          | Peterson           |
| Cooper        | Keating         | Petri              |
| Costa         | Kildee          | Pingree (ME)       |
| Costello      | Kind            | Pitts              |
| Courtney      | King (IA)       | Poe (TX)           |
| Cravaack      | Kingston        | Polis              |
| Crowley       | Kissell         | Pompeo             |
| Cuellar       | Kucinich        | Price (GA)         |
| Davis (CA)    | Labrador        | Price (NC)         |
| DeFazio       | Lance           | Quayle             |
| DeLauro       | Landry          | Quigley            |
| Deutch        | Langevin        | Rahall             |
| Dicks         | Lankford        | Reed               |
| Dingell       | Larsen (WA)     | Rehberg            |
| Doggett       | Larson (CT)     | Renacci            |
| Donnelly (IN) | LaTourette      | Reyes              |
| Duffy         | Lee (CA)        | Richardson         |
| Duncan (SC)   | Levin           | Richmond           |
| Duncan (TN)   | Lewis (GA)      | Rogers (MI)        |
| Edwards       | Lipinski        | Rohrabacher        |
| Ellison       | Loeb sack       |                    |
| Ellmers       | Lofgren, Zoe    |                    |

Rokita  
Ross (AR)  
Roybal-Allard  
Royce  
Ruppersberger  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sherman

## NOES—151

Adams  
Akin  
Alexander  
Andrews  
Austria  
Bachmann  
Bachus  
Baldwin  
Barletta  
Barrow  
Bartlett  
Berg  
Berkley  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Brady (PA)  
Brooks  
Brown (FL)  
Buchanan  
Buerkle  
Calvert  
Canseco  
Carter  
Clarke (NY)  
Clyburn  
Cole  
Conaway  
Crawford  
Crenshaw  
Critz  
Culberson  
Cummings  
Davis (IL)  
Davis (KY)  
DeGette  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Doyle  
Dreier  
Farenthold  
Fattah  
Fincher  
Fleischmann  
Fleming  
Flores

## NOT VOTING—11

Boustany  
Cantor  
Filner  
Flake

□ 1344

Mr. GRIFFIN of Arkansas and Mr. ROONEY changed their vote from “aye” to “no.”

Ms. HAYWORTH, Mr. RICHMOND, Mr. GARRETT, and Ms. WATERS changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 367, I was away from the Capital region attending the

Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wilson (FL)  
Woodall  
Woolsey  
Wu  
Yarmuth  
Yoder

Palazzo  
Platts  
Posey  
Rangel  
Reichert  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Rothman (NJ)  
Runyan  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda T.  
Scalise  
Schilling  
Schmidt  
Scott, Austin  
Sewell  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Terry  
Thompson (PA)  
Thornberry  
Tipton  
Towns  
Tsongas  
Turner  
Wasserman  
Webster  
West  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Young (AK)  
Young (FL)  
Young (IN)

McCarthy (NY)  
Oliver  
Payne  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene

Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted “aye.”

## AMENDMENT NO. 63 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 241, not voting 14, as follows:

[Roll No. 368]

## AYES—176

Ackerman  
Amash  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Campbell  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Cooper  
Costa  
Crowley  
Cuellar  
Davis (IL)  
DeFazio  
DeGette  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Culberson  
Cummings  
Davis (CA)  
Davis (KY)  
DeLauro  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Eilmers  
Emerson  
Engel  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach

Bishop (GA)  
Boustany  
Cantor  
Filner  
Flake

## NOES—241

Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Himes  
Holden  
Huelskamp  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Kelly  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Landry  
Lankford  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lungrun, Daniel E.  
Mack  
Manzullo  
Marino  
McCarthy (CA)  
McCaul  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Murphy (CT)  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent

## NOT VOTING—14

Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
Marchant

□ 1347

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 368, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 64 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 234, not voting 13, as follows:

[Roll No. 369]

AYES—184

|               |               |                  |
|---------------|---------------|------------------|
| Ackerman      | Fattah        | Michaud          |
| Amash         | Frank (MA)    | Miller (NC)      |
| Andrews       | Fudge         | Miller, George   |
| Baca          | Garamendi     | Moore            |
| Baldwin       | Gonzalez      | Moran            |
| Bass (CA)     | Goodlatte     | Murphy (CT)      |
| Becerra       | Graves (GA)   | Nadler           |
| Berkley       | Green, Al     | Napolitano       |
| Berman        | Green, Gene   | Neal             |
| Bishop (GA)   | Griffith (VA) | Owens            |
| Bishop (NY)   | Grijalva      | Pallone          |
| Blumenauer    | Hastings (FL) | Pascarell        |
| Boswell       | Heinrich      | Pastor (AZ)      |
| Brady (PA)    | Higgins       | Paul             |
| Braley (IA)   | Himes         | Pelosi           |
| Brown (FL)    | Hinchey       | Perlmutter       |
| Butterfield   | Hinojosa      | Peters           |
| Capps         | Hirono        | Peterson         |
| Capuano       | Holden        | Petri            |
| Carnahan      | Holt          | Pingree (ME)     |
| Carney        | Honda         | Polis            |
| Castor (FL)   | Hoyer         | Price (NC)       |
| Chu           | Inslee        | Quigley          |
| Cicilline     | Israel        | Rahall           |
| Clarke (MI)   | Jackson Lee   | Rangel           |
| Clarke (NY)   | (TX)          | Renacci          |
| Clay          | Johnson (GA)  | Reyes            |
| Cleaver       | Johnson (OH)  | Richardson       |
| Clyburn       | Keating       | Richmond         |
| Cohen         | Kildee        | Rush             |
| Connolly (VA) | Kind          | Roybal-Allard    |
| Conyers       | Kingston      | Ruppersberger    |
| Cooper        | Kucinich      | Ryan (OH)        |
| Costello      | Langevin      | Sánchez, Linda   |
| Courtney      | Larsen (WA)   | T.               |
| Critz         | Larson (CT)   | Sanchez, Loretta |
| Crowley       | Lee (CA)      | Sarbanes         |
| Cuellar       | Levin         | Schakowsky       |
| Cummings      | Lewis (GA)    | Schiff           |
| Davis (CA)    | Lipinski      | Schrader         |
| Davis (IL)    | Loebach       | Schwartz         |
| DeFazio       | Lofgren, Zoe  | Scott (VA)       |
| DeGette       | Lowey         | Scott, David     |
| DeLauro       | Lujan         | Sensenbrenner    |
| Deutch        | Lynch         | Serrano          |
| Dicks         | Maloney       | Sherman          |
| Dingell       | Markey        | Sires            |
| Doggett       | Matheson      | Slaughter        |
| Doyle         | Matsui        | Smith (WA)       |
| Duncan (TN)   | McClintock    | Speier           |
| Edwards       | McCollum      | Stark            |
| Ellison       | McDermott     | Sutton           |
| Emerson       | McGovern      | Thompson (CA)    |
| Engel         | McIntyre      | Thompson (MS)    |
| Eshoo         | McNerney      | Tierney          |
| Farr          | Meeks         | Tonko            |

Towns  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Capito  
Cardoza  
Carson (IN)  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs

Boustany  
Brady (TX)  
Cantor  
Filner  
Flake

Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner

#### NOES—234

Gibson  
Gingrey (GA)  
Gohmert  
Gosar  
Gowdy  
Granger  
Graves (MO)  
Griffin (AR)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Kelly  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent

#### NOT VOTING—13

Giffords  
Gutierrez  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Oliver  
Payne

Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

□ 1350

Mrs. SCHMIDT changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 369, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

AMENDMENT NO. 111 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 0, not voting 12, as follows:

[Roll No. 370]

AYES—419

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Butterfield   | DeLauro       |
| Adams       | Calvert       | Denham        |
| Aderholt    | Camp          | Dent          |
| Akin        | Campbell      | DesJarlais    |
| Alexander   | Canseco       | Deutsch       |
| Altmire     | Capito        | Diaz-Balart   |
| Amash       | Capps         | Dicks         |
| Andrews     | Capuano       | Dingell       |
| Austria     | Cardoza       | Doggett       |
| Baca        | Carnahan      | Dold          |
| Bachmann    | Carney        | Donnelly (IN) |
| Bachus      | Carson (IN)   | Doyle         |
| Baldwin     | Carter        | Dreier        |
| Barletta    | Cassidy       | Duffy         |
| Barrow      | Castor (FL)   | Duncan (SC)   |
| Bartlett    | Chabot        | Duncan (TN)   |
| Barton (TX) | Chaffetz      | Edwards       |
| Bass (CA)   | Chandler      | Ellison       |
| Bass (NH)   | Chu           | Ellmers       |
| Becerra     | Cicilline     | Emerson       |
| Benishke    | Clarke (MI)   | Engel         |
| Berg        | Clarke (NY)   | Eshoo         |
| Berkley     | Clay          | Farenthold    |
| Berman      | Cleaver       | Farr          |
| Biggert     | Clyburn       | Fattah        |
| Bilbray     | Coble         | Fincher       |
| Bilirakis   | Coffman (CO)  | Fitzpatrick   |
| Bishop (GA) | Cohen         | Fleischmann   |
| Bishop (NY) | Cole          | Fleming       |
| Bishop (UT) | Conaway       | Flores        |
| Black       | Connolly (VA) | Forbes        |
| Blackburn   | Cooper        | Fortenberry   |
| Blumenauer  | Costa         | Foxy          |
| Bonner      | Costello      | Frank (MA)    |
| Bono Mack   | Courtney      | Franks (AZ)   |
| Boren       | Cravaack      | Frelinghuysen |
| Boswell     | Crawford      | Fudge         |
| Brady (PA)  | Crenshaw      | Gallegly      |
| Brady (TX)  | Critz         | Garamendi     |
| Braley (IA) | Crowley       | Gardner       |
| Brooks      | Cuellar       | Garrett       |
| Broun (GA)  | Culberson     | Gerlach       |
| Brown (FL)  | Cummings      | Gibbs         |
| Buchanan    | Davis (CA)    | Gibson        |
| Bucshon     | Davis (IL)    | Gingrey (GA)  |
| Buerkle     | Davis (KY)    | Gohmert       |
| Burgess     | DeFazio       | Gonzalez      |
| Burton (IN) | DeGette       | Goodlatte     |

Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack

Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Pollis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)

Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schradler  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stark  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Weiner  
Buchanan  
Welch  
West  
Westmoreland  
Buerkle  
Burgess  
Camp  
Canseco  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Woolsey  
Carter  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Clarke (MI)

Boustany  
Cantor  
Conyers  
Filner

## NOT VOTING—12

Flake  
Giffords  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
Oliver  
Payne

□ 1354

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 370, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

## AMENDMENT NO. 148 OFFERED BY MR. TURNER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TURNER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 300, noes 120, not voting 11, as follows:

[Roll No. 371]

## AYES—300

Ackerman  
Akin  
Altmire  
Andrews  
Austria  
Baca  
Bachmann  
Baldwin  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Berkley  
Berman  
Bilbray  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Camp  
Canseco  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Woolsey  
Carter  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaever  
Coble  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Cravaack  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeLauro  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Edwards  
Ellison  
Emerson  
Engel  
Esch  
Fattah  
Fitzpatrick  
Fleischmann  
Flores  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Griffith (VA)  
Grimm  
Guinta  
Gutierrez  
Hall  
Bono Mack  
Brady (TX)  
Brooks  
Broun (GA)  
Burton (IN)  
Butterfield  
Calvert  
Campbell  
Capito  
Cardoza  
Cassidy  
Cicilline  
Clyburn  
Coffman (CO)  
Cooper  
Crawford  
Crenshaw  
DeGette  
Denham  
DesJarlais  
Doggett  
Dold  
Duncan (TN)  
Ellmers  
Farenthold

Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kissell  
Kucinich  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Lujan  
Lummis  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McIntyre  
McKeon  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)

Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Neal  
Neugebauer  
Nunes  
Olson  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Pearce  
Pelosi  
Pence  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Pollis  
Pompeo  
Price (GA)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Rigell  
Rogers (MI)  
Rohrabacher  
Rokita  
Roskam  
Ross (AR)  
Rothman (NJ)  
Royce  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Schakowsky

## NOES—120

Adams  
Aderholt  
Alexander  
Amash  
Bachus  
Bass (CA)  
Becerra  
Biggert  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Bono Mack  
Brady (TX)  
Brooks  
Broun (GA)  
Burton (IN)  
Butterfield  
Calvert  
Campbell  
Capito  
Cardoza  
Cassidy  
Cicilline  
Clyburn  
Coffman (CO)  
Cooper  
Crawford  
Crenshaw  
DeGette  
Denham  
DesJarlais  
Doggett  
Dold  
Duncan (TN)  
Ellmers  
Farenthold  
Farr  
Fincher  
Fleming  
Fortenberry  
Frank (MA)  
Gardner  
Gingrey (GA)  
Gohmert  
Graves (GA)  
Griffin (AR)  
Grijalva  
Guthrie  
Hanabusa  
Harper  
Harris  
Heck  
Hensarling  
Herrera Beutler  
Huelskamp  
Johnson, E. B.  
Keating  
Kind  
Kinzinger (IL)  
Kline  
Labrador  
Landry  
Lee (CA)  
Lewis (CA)  
Luetkemeyer  
Lungren, Daniel  
E.  
Mack  
McCarthy (CA)  
McCaul  
McHenry  
McKinley  
McMorris  
Rodgers  
Napolitano  
Noem  
Nugent  
Nunnelee  
Palazzo  
Perlmutter  
Posey  
Quayle  
Reed  
Rehberg  
Richmond  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rooney  
Ros-Lehtinen  
Ross (FL)  
Roybal-Allard  
Runyan  
Ruppersberger  
Rush  
Sarbanes  
Scalise  
Scott (SC)  
Scott, Austin  
Luetkemeyer  
Scott, David  
Serrano  
Sewell  
Smith (NE)  
Southernland  
Terry  
Thompson (MS)  
Tipton



Towns  
Velázquez  
Walden  
West

## NOT VOTING—11

Boustany  
Cantor  
Filner  
Flake

□ 1357

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 371, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

## AMENDMENT NO. 152 OFFERED BY MR. CRAVAACK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 11, as follows:

[Roll No. 372]

## AYES—226

|             |               |                 |
|-------------|---------------|-----------------|
| Adams       | Coble         | Griffith (VA)   |
| Aderholt    | Coffman (CO)  | Grimm           |
| Akin        | Conaway       | Guinta          |
| Alexander   | Cooper        | Guthrie         |
| Altmire     | Cravaack      | Hall            |
| Amash       | Crawford      | Hanna           |
| Austria     | Crenshaw      | Harper          |
| Bachmann    | Culberson     | Harris          |
| Bachus      | Denham        | Hartzler        |
| Barletta    | DesJarlais    | Hensarling      |
| Bartlett    | Dingell       | Herger          |
| Barton (TX) | Dold          | Herrera Beutler |
| Bass (NH)   | Dreier        | Huelskamp       |
| Benishkek   | Duffy         | Huizenga (MI)   |
| Berg        | Duncan (SC)   | Hultgren        |
| Biggert     | Duncan (TN)   | Hunter          |
| Bilbray     | Ellmers       | Hurt            |
| Bilirakis   | Emerson       | Issa            |
| Bishop (UT) | Fincher       | Jenkins         |
| Black       | Fleischmann   | Johnson (IL)    |
| Blackburn   | Fleming       | Johnson (OH)    |
| Bonner      | Flores        | Johnson, Sam    |
| Bono Mack   | Forbes        | Jordan          |
| Boren       | Fox           | Kelly           |
| Brady (TX)  | Franks (AZ)   | Kind            |
| Brooks      | Frelinghuysen | King (IA)       |
| Broun (GA)  | Gallely       | King (NY)       |
| Buchanan    | Gardner       | Kingston        |
| Bucshon     | Garrett       | Kline           |
| Buerkle     | Gerlach       | Labrador        |
| Burgess     | Gibbs         | Lamborn         |
| Burton (IN) | Gibson        | Lance           |
| Calvert     | Gingrey (GA)  | Landry          |
| Camp        | Gohmert       | Lankford        |
| Campbell    | Goodlatte     | Latham          |
| Canseco     | Gosar         | Latta           |
| Capito      | Gowdy         | Lewis (CA)      |
| Carter      | Graves (GA)   | LoBiondo        |
| Cassidy     | Graves (MO)   | Lucas           |
| Chabot      | Green, Gene   | Luetkemeyer     |
| Chaffetz    | Griffin (AR)  | Lummis          |

Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen

## NOES—194

|               |                 |
|---------------|-----------------|
| Ackerman      | Engel           |
| Andrews       | Eshoo           |
| Baca          | Farenthold      |
| Baldwin       | Farr            |
| Barrow        | Fattah          |
| Bass (CA)     | Fitzpatrick     |
| Becerra       | Fortenberry     |
| Berkley       | Frank (MA)      |
| Berman        | Fudge           |
| Bishop (GA)   | Garamendi       |
| Bishop (NY)   | Gonzalez        |
| Blumenauer    | Granger         |
| Boswell       | Green, Al       |
| Brady (PA)    | Grijalva        |
| Braley (IA)   | Gutierrez       |
| Brown (FL)    | Hanabusa        |
| Butterfield   | Hastings (FL)   |
| Capps         | Hayworth        |
| Capuano       | Heck            |
| Cardoza       | Heinrich        |
| Carnahan      | Higgins         |
| Carney        | Himes           |
| Carson (IN)   | Hinchee         |
| Castor (FL)   | Hinojosa        |
| Chandler      | Hirono          |
| Chu           | Holden          |
| Ciциlline     | Holt            |
| Clarke (MI)   | Honda           |
| Clarke (NY)   | Hoyer           |
| Clay          | Inslee          |
| Cleaver       | Israel          |
| Clyburn       | Jackson Lee     |
| Cohen         | (TX)            |
| Cole          | Johnson (GA)    |
| Connolly (VA) | Johnson, E. B.  |
| Conyers       | Jones           |
| Costa         | Kaptur          |
| Costello      | Keating         |
| Courtney      | Kildee          |
| Critz         | Kinzingler (IL) |
| Crowley       | Kissell         |
| Cuellar       | Kucinich        |
| Cummings      | Langevin        |
| Davis (CA)    | Larsen (WA)     |
| Davis (IL)    | Larson (CT)     |
| Davis (KY)    | LaTourette      |
| DeFazio       | Lee (CA)        |
| DeGette       | Levin           |
| DeLauro       | Lewis (GA)      |
| Dent          | Lipinski        |
| Deutch        | Loeb            |
| Diaz-Balart   | Lofgren, Zoe    |
| Dicks         | Lowe            |
| Doggett       | Lujan           |
| Donnelly (IN) | Lynch           |
| Doyle         | Maloney         |
| Edwards       | Markey          |
| Ellison       | Matsui          |

Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Thompson (MS)  
Thornberry  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez

## NOT VOTING—11

|          |               |               |
|----------|---------------|---------------|
| Boustany | Giffords      | McCarthy (NY) |
| Cantor   | Hastings (WA) | Oliver        |
| Filner   | Jackson (IL)  | Payne         |
| Flake    | Long          |               |

□ 1401

Mr. ROSS of Arkansas changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 372, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "no."

## AMENDMENT NO. 55 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 215, not voting 12, as follows:

[Roll No. 373]

## AYES—204

|             |               |                |
|-------------|---------------|----------------|
| Ackerman    | Cleaver       | Garamendi      |
| Amash       | Clyburn       | Garrett        |
| Andrews     | Coble         | Gonzalez       |
| Baca        | Cohen         | Green, Al      |
| Baldwin     | Connolly (VA) | Green, Gene    |
| Bartlett    | Conyers       | Grijalva       |
| Bass (CA)   | Cooper        | Gutierrez      |
| Bass (NH)   | Costa         | Hanabusa       |
| Becerra     | Costello      | Hastings (FL)  |
| Berkley     | Courtney      | Heinrich       |
| Berman      | Critz         | Higgins        |
| Bishop (GA) | Crowley       | Himes          |
| Bishop (NY) | Cuellar       | Hinchee        |
| Blumenauer  | Cummings      | Hinojosa       |
| Boswell     | Davis (CA)    | Hirono         |
| Brady (PA)  | Davis (IL)    | Holden         |
| Braley (IA) | DeFazio       | Holt           |
| Brown (FL)  | DeGette       | Honda          |
| Butterfield | DeLauro       | Hoyer          |
| Campbell    | Deutch        | Inslee         |
| Capps       | Dicks         | Israel         |
| Capuano     | Dingell       | Jackson Lee    |
| Cardoza     | Doggett       | (TX)           |
| Carnahan    | Doyle         | Johnson (GA)   |
| Carney      | Duncan (TN)   | Johnson (IL)   |
| Carson (IN) | Edwards       | Johnson, E. B. |
| Castor (FL) | Ellison       | Jones          |
| Chaffetz    | Emerson       | Kaptur         |
| Chandler    | Engel         | Keating        |
| Chu         | Eshoo         | Kildee         |
| Ciциlline   | Farr          | Kind           |
| Clarke (MI) | Fattah        | Kucinich       |
| Clarke (NY) | Frank (MA)    | Labrador       |
| Clay        | Fudge         | Langevin       |

Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Nugent  
Owens  
Pallone  
Pascarell  
Pastor (AZ)

Paul  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Polis  
Posey  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rigell  
Rohrabacher  
Rokita  
Rothman (NJ)  
Roybal-Allard  
Royce  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano

Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Stearns  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Whitfield  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

Ross (AR)  
Ross (FL)  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus

Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southernland  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Walberg

Walden  
Webster  
West  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—12

Boustany  
Filner  
Flake  
Giffords  
Hanna  
Hastings (WA)  
Jackson (IL)  
Long  
McCarthy (NY)  
McHenry  
Olver  
Payne

□ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 373, I was away from the Capital region attending the Civil Rights Freedom Riders' 50th Anniversary Celebration. Had I been present, I would have voted "aye."

Stated against:

Mr. MCHENRY. Mr. Chair, on rollcall No. 373, I was unavoidably detained. Had I been present, I would have voted "no."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. LATOURETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes, and, pursuant to House Resolution 276, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute reported from the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. SCHRADER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SCHRADER. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Schrader moves to recommit the bill H.R. 1540 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of subtitle B of title VI, add the following new section:

**SEC. 617. INCREASE IN MAXIMUM AMOUNT OF SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.**

(a) HOSTILE FIRE OR IMMINENT DANGER PAY UNDER EXISTING SPECIAL PAY AUTHORITY.—Section 310(b)(1) of title 37, United States Code, is amended by striking "\$225 a month" and inserting "\$325 a month".

(b) IMMINENT DANGER PAY UNDER CONSOLIDATED SPECIAL PAY AUTHORITIES.—Section 351(b)(3) of such title is amended by striking "\$250 per month" and inserting "\$325 per month".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on October 1, 2011, and apply with respect to months beginning on or after that date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon is recognized for 5 minutes in support of his motion.

Mr. SCHRADER. Mr. Speaker, my colleagues in the House, we have come here today to fulfill our constitutional duty and provide for the common defense of this great country.

As we finish consideration of the National Defense Authorization Act for FY 2012, I believe we have one more duty to fulfill. Mr. Speaker, my final amendment to this bill offers an opportunity for all of us to come together and recognize the supreme sacrifice our fellow citizens populating our armies and Navy make on our behalf.

Regardless of how one feels about the underlying bill or the mission of our troops in Iraq or in Afghanistan, we can all agree, I hope, on the valor, the sacrifice, that we see in our soldiers, marines, airmen, and sailors who put themselves in harm's way for our protection. They have been sent overseas to face hostile fire and imminent danger to themselves in service to the Constitution of this great United States. They do an extraordinary job and, I believe, are deserving of our utmost support.

My amendment proposes an additional authorization for an increase in combat pay for troops deployed in the field to be added to the underlying bill. In the coming months, we are going to debate appropriations for FY 2012 and beyond. I hope this body will engage in a successful debate to put the United States on a fiscally responsible path, but budgets should not be balanced on the backs of our troops.

Our fiscal situation is well-known to each and every Member of this body.

## NOES—215

Adams  
Aderholt  
Akin  
Alexandere  
Altmire  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Barton (TX)  
Benishak  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Farenthold  
Fincher

Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Landry  
Lankford  
Latham

LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam

□ 1410

We all know the task before us will be very, very difficult. We know that fiscal decisions we make in the coming months will determine our ability to provide for the defense and security of the United States. And without question, the Federal deficit and national debt are national security concerns. This issue before us at this moment does not go against that recognition.

This body has already recognized the need to look at defense and security spending in order to meet fiscal objectives. I believe we can find enough savings within the Department of Defense to make a few necessary reinvestments like this. If we do our job well enough this summer, my amendment will allow us to put a small portion of the savings we find into an increase in the maximum amount of special pay we make available to our troops facing hostile fire or imminent danger in 2012 by a mere \$100 a month.

I have the distinct honor of representing thousands of Oregon National Guard troops and veterans who serve bravely in Iraq and Afghanistan. They have left their families and their jobs to face death, injury, and combat. They deserve our support.

Current compensation levels for special combat pay were set back in 2003. This was before “insurgency” and “IEDs” were commonly understood terms. For 10 years, we have asked men and women of our Armed Forces to face great danger. It’s time we provide them with more for the risks they’re willing to take on all our behalves.

Voting “yes” for this final amendment will not change the fate of the underlying bill or increase Federal spending. It simply offers us all the option of giving ourselves a chance to do the right thing and support our troops.

I urge a “yes” vote on this final amendment to the National Defense Authorization Act for 2012.

I yield back the balance of my time.

Mr. McKEON. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. McKEON. Mr. Speaker, I rise in opposition to the motion to recommit on H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

The authorizing language we have before us is a result of extensive bipartisan collaboration and unprecedented transparency, and to offer this motion at this time and on this very important bill is poor form and smacks of pure politics. It pains me that after such an effort on our part to work across the aisle, the Democrats have offered this motion. I fail to see where there’s not been ample time and opportunity for input, discussion, debate, and resolution prior to this moment. I am dismayed that they would deem it necessary and prudent to play politics with this very important bill.

I need not remind all here that we’re a Nation at war with troops in harm’s way in combat every day fighting for our security and the future of our Nation.

During full committee markup, a total of 281 amendments were filed with 224 adopted. This compares to 172 filed and 137 adopted the year before.

This process, throughout, has been historically collaborative and resulted in the legislation being passed overwhelmingly 60–1 out of committee. We had all kinds of time to bring an amendment that would be helpful like this, then they bring this one. There’s no offset. This would just put us again above the allocation from the chairman. This is really more Democrat increasing spending.

I oppose this motion and ask my colleagues to stand with me.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. SCHRADER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 233, not voting 13, as follows:

[Roll No. 374]

AYES—185

|               |               |                |
|---------------|---------------|----------------|
| Ackerman      | Copper        | Hinchey        |
| Altmire       | Costa         | Hinojosa       |
| Andrews       | Costello      | Hirono         |
| Baca          | Courtney      | Holden         |
| Baldwin       | Critz         | Holt           |
| Barrow        | Crowley       | Honda          |
| Bass (CA)     | Cuellar       | Inslee         |
| Becerra       | Cummings      | Israel         |
| Berkley       | Davis (CA)    | Jackson Lee    |
| Berman        | Davis (IL)    | (TX)           |
| Bishop (GA)   | DeFazio       | Johnson (GA)   |
| Bishop (NY)   | DeGette       | Johnson, E. B. |
| Blumenauer    | DeLauro       | Jones          |
| Boren         | Deutch        | Kaptur         |
| Boswell       | Dicks         | Keating        |
| Brady (PA)    | Dingell       | Kildee         |
| Braley (IA)   | Doggett       | Kind           |
| Brown (FL)    | Donnelly (IN) | Kissell        |
| Butterfield   | Doyle         | Kucinich       |
| Capps         | Edwards       | Langevin       |
| Capuano       | Ellison       | Larsen (WA)    |
| Cardoza       | Engel         | Larson (CT)    |
| Carnahan      | Eshoo         | Lee (CA)       |
| Carney        | Farr          | Levin          |
| Carson (IN)   | Fattah        | Lewis (GA)     |
| Castor (FL)   | Frank (MA)    | Lipinski       |
| Chandler      | Fudge         | Loeback        |
| Chu           | Gonzalez      | Lofgren, Zoe   |
| Cicilline     | Green, Al     | Lowe           |
| Clarke (MI)   | Green, Gene   | Lujan          |
| Clarke (NY)   | Grijalva      | Lynch          |
| Clay          | Gutierrez     | Maloney        |
| Cleaver       | Hanabusa      | Markey         |
| Clyburn       | Hastings (FL) | Matheson       |
| Cohen         | Heinrich      | Matsui         |
| Connolly (VA) | Higgins       | McCollum       |
| Conyers       | Himes         | McDermott      |

|                |                  |               |
|----------------|------------------|---------------|
| McGovern       | Rangel           | Smith (WA)    |
| McIntyre       | Reyes            | Speier        |
| McNerney       | Richardson       | Stark         |
| Meeks          | Richmond         | Sutton        |
| Michaud        | Ross (AR)        | Thompson (CA) |
| Miller (NC)    | Rothman (NJ)     | Thompson (MS) |
| Miller, George | Roybal-Allard    | Tierney       |
| Moore          | Ruppersberger    | Tonko         |
| Moran          | Rush             | Towns         |
| Murphy (CT)    | Ryan (OH)        | Tsongas       |
| Nadler         | Sánchez, Linda   | Van Hollen    |
| Napolitano     | T.               | Velázquez     |
| Neal           | Sanchez, Loretta | Visclosky     |
| Owens          | Sarbanes         | Walz (MN)     |
| Pallone        | Schakowsky       | Wasserman     |
| Pascarell      | Schiff           | Schultz       |
| Pastor (AZ)    | Schrader         | Waters        |
| Pelosi         | Schwartz         | Watt          |
| Perlmutter     | Scott (VA)       | Waxman        |
| Peters         | Scott, David     | Weiner        |
| Peterson       | Serrano          | Welch         |
| Pingree (ME)   | Sewell           | Wilson (FL)   |
| Polis          | Sherman          | Woolsey       |
| Price (NC)     | Shuler           | Wu            |
| Quigley        | Sires            | Yarmuth       |
| Rahall         | Slaughter        |               |

## NOES—233

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Foxx            | Marino        |
| Aderholt     | Franks (AZ)     | McCarthy (CA) |
| Alexander    | Frelinghuysen   | McCaul        |
| Amash        | Galleghy        | McClintock    |
| Austria      | Gardner         | McCotter      |
| Bachmann     | Garrett         | McHenry       |
| Bachus       | Gerlach         | McKeon        |
| Barletta     | Gibbs           | McKinley      |
| Bartlett     | Gibson          | McMorris      |
| Barton (TX)  | Gingrey (GA)    | Rodgers       |
| Bass (NH)    | Gohmert         | Meehan        |
| Benishek     | Goodlatte       | Mica          |
| Berg         | Gosar           | Miller (FL)   |
| Biggart      | Gowdy           | Miller (MI)   |
| Bilbray      | Granger         | Miller, Gary  |
| Bilirakis    | Graves (GA)     | Mulvaney      |
| Bishop (UT)  | Graves (MO)     | Murphy (PA)   |
| Black        | Griffin (AR)    | Myrick        |
| Blackburn    | Griffith (VA)   | Neugebauer    |
| Bonner       | Grimm           | Noem          |
| Bono Mack    | Guinta          | Nugent        |
| Brady (TX)   | Guthrie         | Nunes         |
| Brooks       | Hall            | Nunnelee      |
| Broun (GA)   | Hanna           | Olson         |
| Buchanan     | Harper          | Palazzo       |
| Bucshon      | Harris          | Paul          |
| Buerkle      | Hartzler        | Paulsen       |
| Burgess      | Hayworth        | Pearce        |
| Burton (IN)  | Heck            | Pence         |
| Calvert      | Hensarling      | Petri         |
| Camp         | Herger          | Pitts         |
| Campbell     | Herrera Beutler | Platts        |
| Canseco      | Huelskamp       | Poe (TX)      |
| Cantor       | Huizenga (MI)   | Pompeo        |
| Capito       | Hultgren        | Posey         |
| Carter       | Hunter          | Price (GA)    |
| Cassidy      | Hurt            | Quayle        |
| Chabot       | Issa            | Reed          |
| Chaffetz     | Jenkins         | Rehberg       |
| Coble        | Johnson (IL)    | Reichert      |
| Coffman (CO) | Johnson (OH)    | Renacci       |
| Cole         | Johnson, Sam    | Ribble        |
| Conaway      | Jordan          | Rigell        |
| Cravaack     | Kelly           | Rivera        |
| Crawford     | King (IA)       | Roby          |
| Crenshaw     | King (NY)       | Roe (TN)      |
| Culberson    | Kingston        | Rogers (AL)   |
| Davis (KY)   | Kinzinger (IL)  | Rogers (KY)   |
| Denham       | Kline           | Rogers (MI)   |
| Dent         | Labrador        | Rohrabacher   |
| DesJarlais   | Lamborn         | Rokita        |
| Diaz-Balart  | Lance           | Rooney        |
| Dold         | Landry          | Ros-Lehtinen  |
| Dreier       | Lankford        | Roskam        |
| Duffy        | Latham          | Ross (FL)     |
| Duncan (SC)  | LaTourette      | Royce         |
| Duncan (TN)  | Latta           | Runyan        |
| Ellmers      | Lewis (CA)      | Ryan (WI)     |
| Emerson      | LoBiondo        | Scalise       |
| Farenthold   | Lucas           | Schilling     |
| Fincher      | Luetkemeyer     | Schmidt       |
| Fitzpatrick  | Lummis          | Schuck        |
| Fleischmann  | Lungren, Daniel | Schweikert    |
| Fleming      | E.              | Scott (SC)    |
| Flores       | Mack            | Scott, Austin |
| Forbes       | Manzullo        | Sensenbrenner |
| Fortenberry  | Marchant        | Sessions      |

Schakowsky  
Schrader  
Serrano  
Sherman  
Slaughter  
Speier  
Stark  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Van Hollen  
Velázquez  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Woolsey  
Wu  
Yarmuth

DeFazio  
DeGette  
DeLauro  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Frank (MA)

On May 26, 2011, I was absent and unable to vote on the PATRIOT Act. Had I been present; I would have voted "nay."

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1540, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. GRIFFIN of Arkansas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1380

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 1380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1845

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 6 o'clock and 45 minutes p.m.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 26, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules

of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2011 at 2:50 p.m.:

That the Senate passed S. 1082.

That the Senate agreed to S. Con. Res. 13. Appointments:

Advisory Committee on the Records of Congress.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

MAY 26, 2011.

Hon. JOHN A. BOEHNER,

*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 26, 2011 at 6:25 p.m.:

That the Senate concur in House amendment with an amendment S. 990.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## REPORT ON H.R. 1017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS BILL, 2012

Mr. ADERHOLT, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-91) on the bill (H.R. 1017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO S. 990, PATRIOT SUNSETS EXTENSION ACT OF 2011

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-92) on the resolution (H. Res. 281) providing for consideration of the Senate amendment to the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## HOUR OF MEETING ON TOMORROW

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the

House adjourns today, it adjourn to meet at 10 a.m. tomorrow; and further, when the House adjourns on that day, it adjourn to meet at noon on Tuesday, May 31, 2011, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## PATRIOT SUNSETS EXTENSION ACT OF 2011

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 281 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 281

*Resolved*, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendment to the House amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend from Boulder, Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. All time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DREIER. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, we have before us a hard-fought compromise for a 4-year extension of the Patriot Act. We know that there are two priority items that need to be addressed here: Number one, ensuring that we do not face another terrorist attack against the United States or our interests; and number two—equally important—to preserve the civil liberties and the constitutional protections that the American people have. This compromise does just that.

□ 1850

We had a 3-month extension, the House Judiciary Committee, and specifically Mr. SENSENBRENNER's subcommittee, had three hearings. We see a bipartisan and bicameral compromise before us, and I urge my colleagues to support the rule and the underlying legislation.

With that, I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, there has been a major development in the war on terror in the last few weeks with the successful defeat of Osama bin Laden, striking a major blow to al Qaeda. At a time like this, we should reexamine the restoration of our constitutional protections. There's no reason to continually extend these Patriot Act provisions without taking a close look at them.

My colleague from Michigan (Mr. CONYERS) put forward an excellent proposal that's an example of the many thoughtful bipartisan proposals that would improve the Patriot Act, keep the American people safe, and protect our constitutional rights. Unfortunately, discussion of that proposal and debate, and a vote on that proposal, is not allowed under this rule. Therefore, I'm opposed to the rule and the underlying bill.

Mr. Speaker, this bill would specifically reauthorize three provisions: sections 215, 206, and 6001 of the Intelligence Reform and Terrorism Prevention Act.

Section 215 allows the government to capture any tangible thing that might be relevant to a terrorist investigation. That could include medical records, your diary, even what books you've checked out at a library. Now, in the past, these orders were limited to narrow classes of businesses and records, but the Patriot Act has stripped away these basic requirements and continues to violate a basic American principle of privacy.

Section 206, the second provision of the bill, allows the government to conduct roving wiretaps. This allows the government to obtain surveillance warrants that don't specify the person or the object to be tapped. It could be an entire neighborhood. So much for the Fourth Amendment of the Constitution, which states that warrants must specify the person and place to be seized and searched with "particularity." This is to make sure the executive branch doesn't have the unfettered powers that this version of the Patriot Act would continue to give them for 4 years.

The final section that would be reauthorized under this bill, section 6001, deals with the "lone wolf" provision. This allows secret surveillance of non-citizens in the U.S. even if they're not connected to any terrorist group or foreign power. This authority is only

granted in secret courts and threatens our understanding of the limits of our own government's investigatory powers within our own country's borders.

Now, we're told that government has never used this power, so I ask my colleagues, why should we reauthorize? If it hasn't even been used, shouldn't it be allowed to expire, particularly in light of our recent successes in the war on terror and the defeat of Osama bin Laden?

My friends on the other side of the aisle say they're worried about the growth of the government. Yet in spite of the rhetoric, this bill grows government and takes away privacy and respect for our private lives. This is the type of government intrusion which the Bill of Rights was designed to prevent.

The provisions in the Patriot Act continue to be an affront to our most basic liberties as American citizens. I urge anyone who's worried about the unchecked growth of the State to think twice about this bill, perhaps look at a short-term extension, and have a real discussion of restoring the balance between individual rights and security. I urge a "no" vote on the rule and the underlying bill.

I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say that this is a hard-fought compromise. This is a 4-year extension. We've had exhaustive hearings on this issue. We need to ensure our security, number one, and we also need to ensure our civil liberties, and I believe that this measure does just that. It passed the Senate by a vote of 72-23. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 281, I call up the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, with the Senate amendment to the House amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment.

The text of the Senate amendment to the House amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "PATRIOT Sunset Extension Act of 2011".*

**SEC. 2. SUNSET EXTENSIONS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of

the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended by striking "May 27, 2011" and inserting "June 1, 2015".

**MOTION TO CONCUR**

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Smith of Texas moves that the House concur in the Senate amendment to the House amendment to S. 990.

The SPEAKER pro tempore. Pursuant to House Resolution 281, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Texas (Mr. SMITH) and the gentleman from New York (Mr. NADLER) each will control 20 minutes. The gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. SMITH of Texas. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 4 months from now, America will mark the 10-year anniversary of the worst terrorist attack in U.S. history. Tonight at midnight, three national security provisions that have helped prevent another 9/11 attack will expire. Congress must do its job and approve this legislation to reauthorize them before time runs out.

Some argue that since we haven't had a major terrorist attack since September 11, we no longer need these laws. Others argue that the death of Osama bin Laden brought an end to al Qaeda and the war on terror, but both of these claims lack merit.

The Patriot Act provisions continue to play a vital role in America's counterterrorism efforts not only to prevent another large-scale attack but also to combat an increasing number of smaller terrorist plots.

Earlier this year, a 20-year-old student from Saudi Arabia was arrested in my home State of Texas for attempting

to use weapons of mass destruction. Khalid Aldawsari attempted to purchase chemicals to construct a bomb against targets including the Dallas residence of former President George W. Bush, several dams in Colorado and California, and the homes of three former military guards who served in Iraq. Information obtained through a section 215 business records order was essential in thwarting this plot.

Make no mistake, the threat from terrorists and spies is real. These provisions are vital to our intelligence investigations, and they are effective.

□ 1900

We also have heard repeatedly from the Obama administration about the critical importance of extending these laws. S. 990, the Patriot Sunsets Extension Act of 2011, is a bipartisan, bicameral compromise to reauthorize the existing Patriot Act provisions for another 4 years. By doing so, Congress is ensuring that critical intelligence will be collected and terrorist plots will be disrupted.

In February, Congress approved a 90-day extension of these provisions. During the last 3 months, the House Judiciary Committee has thoroughly reviewed the Patriot Act and how its provisions are used in national security investigations. The Crime Subcommittee has held three hearings specifically on the Patriot Act, the full committee held oversight hearings of the FBI and the Department of Justice, and all committee members were provided a classified briefing by the administration. Attorney General Eric Holder told the committee that he supports these provisions and encouraged Congress to reauthorize them for as long of a period of time as possible.

The roving wiretap provision allows intelligence officials, after receiving approval from a Federal court, to conduct surveillance on terrorist suspects, regardless of how many communication devices they may use. We know terrorists use many forms of communication to conceal their plots, including disposable cell phones and free email accounts. Roving wiretaps are nothing new. Domestic law enforcement agencies have had roving wiretaps for criminal investigations since 1986. If we can use roving wiretaps to track down a drug trafficker, why shouldn't we also use it to prevent a terrorist attack?

The business records provision allows the FBI to access third-party business records in foreign intelligence, international terrorism, and espionage cases. Again, this provision requires the approval of a Federal judge. That means the FBI must prove to a Federal judge that the documents are needed as part of a legitimate national security investigation. These two provisions have been effectively used for the last 10 years without any evidence of misuse or abuse.

Our national security laws allow intelligence gathering on foreign governments, terrorist groups, and their agents. But what about a foreign terrorist who either acts alone or cannot be immediately tied to a terrorist organization? The lone wolf definition simply brings our national security laws into the 21st century to allow our intelligence officials to answer the modern-day terrorist threat.

Since 9/11, we have seen terrorist tactics change. In addition to coordinated attacks by al Qaeda and other groups, we face the threat of self-radicalized terrorists who are motivated by al Qaeda but may not be directly affiliated with such groups. The lone wolf definition ensures that our laws cover rogue terrorists even if they aren't a card-carrying member of al Qaeda or another terrorist organization.

The terrorist threat will not sunset at midnight and neither should our national security laws. The Patriot Act is an integral part of our offensive against terrorists and has proved effective at keeping Americans safe from terrorist attacks.

Mr. Speaker, I urge my colleagues to support this reauthorization.

I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to this extension of the three expiring provisions of the USA PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act. When we last considered these expiring provisions, it was to extend them temporarily so that the House could review them and consider whether to improve them or allow them to expire. Many Members on both sides of the aisle objected to extending these provisions without so much as a hearing or an opportunity to debate changes to the law. In fact, the extension was rejected the first time with the votes of both Democrats and Republicans.

Since that debate, Chairman SENSENBRENNER did in fact hold a series of hearings in which members of the Judiciary Committee were able to consider the issues and hear from many thoughtful experts who were able to make helpful suggestions. These three provisions dealing with roving wiretap authority, expansion of the definition of an agent of a foreign power to include so-called lone wolves, and section 215, which allows the government to obtain business and library records using an order from the Foreign Intelligence Surveillance Court instead of the normal methods have aroused a great deal of controversy and concern, and rightly so.

Section 215 authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the thing pertains to suspected terrorists or terrorist activities. Section 215 is

sweeping in its scope, and the government is not required to show reasonable suspicion or probable cause before undertaking an investigation that infringes upon a person's privacy. Congress should either ensure that things collected with this power have a meaningful nexus to suspected terrorist activity or should allow this provision to expire.

Section 206 provides for roving wiretaps, which permit the government to obtain intelligence surveillance orders that identify neither the person to be tapped nor the facility to be tapped. There is virtually no particularity required. This seems a clear violation of the Fourth Amendment. There are almost no limits on this authority and no requirement that the government name a specific target, either a person or a location.

Section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004, the so-called lone wolf provision, permits secret intelligence surveillance of non-U.S. persons who are not affiliated with a foreign government or organization. According to government testimony, this provision has never been used; yet we are told it is vital that it remain on the books.

Surveillance of an individual who concededly is not working with a foreign government or with a terrorist organization is not normally what we understand as foreign intelligence. There may be many good reasons for government to keep tabs on such an individual, but there is no reason to suspend all our normal laws under the pretext that this is a foreign intelligence operation.

We are now told we must simply punt for a few years. No need, we have been told, to consider any of the many improvements that many Members believe are important. No need, in fact, even to have a debate or a vote on those changes. It's another "my way or the highway" vote. That is no way to protect our Nation from terrorism while protecting our fundamental liberties from government intrusion.

I realize that the Republican majority has the votes to extend these expiring authorities, but I am proud to stand with my colleagues of both parties in opposition to the flippant and reckless way in which our liberties are being treated today.

I urge my colleagues to reject this dangerous legislation and demand that the House have a serious debate on the important issues impacted by this legislation affecting our security and our liberty.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

I rise today to support a 7-day extension, which means I believe that we can fix these problems. And I am disappointed that we again, having been



given the responsibility of oversight, now rush for a two-page document, a two-page document that is now the essence of the Patriot Act, which in fact will provide some challenge to the civil liberties of all Americans. I highlight just one or two.

The business records applies to citizens and noncitizens alike, where law enforcement or government authorities can come and take items, no matter what their relevance, if they think that they might have some relevance to terrorism. Any tangible thing. Restaurants, where you are going to a restaurant. They can ask for what you ate. A hotel, your records. Libraries, your records.

Why couldn't we do this with a 7-day review time? Extend it for 7 days today and allow us from New Hampshire to Texas to California to be able to say that we stand with our soldiers in securing the Nation, but we also believe in civil liberties.

Let me remind my colleagues, 9/11 and the terrorists that we were shocked that could find their way to lift off and not take off, that was a question of not connecting the dots. Not that we didn't have the information; we didn't connect the dots of information that were sitting on the desks of an agent in the Midwest and information that was somewhere else. Intelligence, getting information, analyzing it is part of securing the homeland, not violating the rights of Americans.

So here we go again. Business records with no restraint, not adding the civil liberties and oversight provisions that were found in JOHN CONYERS' legislation, the ranking member on Judiciary, and as well the chairman of the Judiciary Committee in the Senate, Senator LEAHY.

What is the rush to protect those who are in fact citizens of the United States—what is the rush not to protect them? Support a 7-day extension. Don't vote for legislation that violates the civil liberties of Americans.

As a member of the Homeland Security Committee, I understand the importance of national security, and the challenges we face as we strive to protect our nation from foreign threats. I appreciate the need to ensure that the law enforcement and intelligence communities are equipped with the tools necessary to carry out investigations. And with certain improvements to protect individuals' privacy rights and civil liberties, I believe the PATRIOT Act can continue to achieve that goal.

However, as members of Congress, we have the role of oversight, and I am deeply concerned when our Constitutional rights run the risk of being infringed upon, even if it is in the name of national security.

This bill would extend three provisions of the USA PATRIOT Act, commonly known as the business records, lone wolf, and John Doe roving wiretap provisions, for four years to June 1, 2015, with no changes, alterations, or considerations of the constant concerns about privacy rights and civil liberties.

This bill is reflective of a deal between Senate Leadership and Republican House Leadership, however, it does not contain any of the considerations and meaningful improvements which were included Senator LEAHY's version of the PATRIOT Act Sunset extension bill that passed the Senate Judiciary Committee with bipartisan support and the backing of the intelligence community. It makes no improvements to the PATRIOT Act. It includes no new protections for privacy. It requires no reporting to Congress.

Nor does this bill take into account any of the meaningful improvements or additions which were included in H.R. 1805, Representative CONYERS' House counterpart to Senator LEAHY's Senate Bill.

The proposals introduced by Senator LEAHY and Representative CONYERS make meaningful improvements to the PATRIOT Act and related authorities, and have the support of the Obama Administration and the intelligence community.

They reauthorize the Business Records, Lone Wolf, and Roving Wiretaps provisions for two and a half years—until December 2013—allowing for greater Congressional oversight, which was the original intent of Congress when it originally included sunsets in these provisions. For the first time, a sunset was included on the use of National Security Letters. Finally, it moves the sunset on the FISA Amendments Act from the end of 2012 to 2013 so that all these inter-related surveillance authorities can be considered together in a non-election year to avoid reconsideration in the midst of a politicized environment.

This proposal modifies the standard for obtaining a FISA court order to obtain business records by eliminating the overbroad presumption of relevance in these cases, and requires the Government to provide a written statement of the facts and circumstances that justify the applicant's belief that the tangible things sought are relevant. Furthermore, these bills contain additional protections for bookseller or library records.

Additionally, these proposals would have made a number of changes to NSL practices and procedures, in response to the numerous abuses of this tool, including clarifying the standards for including a gag order, significantly improving the process for challenging gag orders, and adding a factual basis requirement.

Furthermore, the Leahy and Conyers bill would have eased the concerns of many Americans by enhancing public reporting and requiring audits.

The bill before us now, which was rushed through at the final hour despite multiple extensions, includes none of the thoughtful enhancements and improvements which have been carefully considered and crafted over the past several months. It ignores the results of countless oversight hearings, legislative hearings, and committee markups. It completely ignores the concerns that many Americans have voiced and continue to raise.

These three provisions of the PATRIOT Act extend overstep the bounds of the government investigative power set forth in the Constitution.

The "roving wiretap" provision allows a roving electronic surveillance authority, allowing

the government to obtain intelligence surveillance orders with not particularity, that identify neither the person nor the facility to be tapped.

The "business records" provision authorizes the government to obtain "any tangible thing" relevant to a terrorism investigation, even if there is no showing that the "thing" pertains to suspected terrorists or terrorist activities. This provision, which was addressed in the Judiciary Committee during the 111th Congress, runs afoul of the traditional notions of search and seizure, which require the government to show "reasonable suspicion" or "probable cause" before undertaking an investigation that infringes upon a person's privacy. Congress must ensure that things collected with this power have a meaningful nexus to suspected terrorist activity.

The "lone wolf" provision permits secret intelligence surveillance of non-US persons who are not affiliated with a foreign organization. This type of authorization, which is only granted in secret courts, is subject to abuse, and threatens our longtime understandings of the limits of the government's investigatory powers within the borders of the United States.

This bill fails to address National Security Letters (NSLs) all together. NSLs permit the government to obtain the communication, financial and credit records of anyone deemed relevant to a terrorism investigation, even if that person is not suspected of unlawful behavior. I repeat, even if that person is NOT suspected of unlawful behavior.

Issues surrounding these particular provisions are not a stranger to us, for we have been dealing with them since 2001 when the PATRIOT Act was introduced. It has been examined in the Judiciary Committee numerous times. I, along with other Members of the Judiciary Committee like Mr. CONYERS and Mr. NADLER, offered multiple amendments that not only addressed the three provisions, but also National Security Letters and the lax standards of intent.

We must ensure that our intelligence professionals have the tools that they need to protect our Nation, while also safeguarding the rights of law-abiding Americans.

To win the war on terror, the United States must remain true to the founding architects of this democracy who created a Constitution which enshrined an inalienable set of rights. These Bills Of Rights guarantee certain fundamental freedoms that cannot be limited by the government. One of these freedoms, the Fourth Amendment, is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. We do not circumvent the Fourth Amendment, or any other provision in the United States Constitution, merely because it is inconvenient.

There is nothing more important than providing the United States of America, especially our military and national security personnel, the right tools to protect our citizens and prevail in the global war on terror. Holding true to our fundamental constitutional principles is the only way to prove to the world that it is indeed possible to secure America while preserving our way of life.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from

Wisconsin (Mr. SENSENBRENNER), the current chairman of the Crime Subcommittee of the Judiciary Committee and a former chairman of the Judiciary Committee.

□ 1910

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of S. 990, to reauthorize the three expiring provisions of the PATRIOT Act for 4 years. This legislation provides much-needed certainty to our intelligence officials, who rely on these tools to prevent terrorist attacks, monitor foreign spies, and prevent espionage.

Unfortunately, this bill does not go as far as legislation reported by the Judiciary Committee earlier this month. H.R. 1800, the bill I sponsored along with Judiciary Chairman SMITH, Intelligence Chairman ROGERS, and House Administration Chairman LUNGREN, permanently reauthorizes the lone wolf definition and extends section 206 roving authority and section 215 business records authority for 6 years.

The PATRIOT Act has been plagued by myths and misinformation for 10 years. We've heard some of those tonight, and we'll probably hear more. In the last 3 months, myths have become even more outlandish—claims of warrantless wiretapping, monitoring entire neighborhoods, and blatant constitutional violations. Make no mistake: Each and every one of these claims are patently false, and if Congress fails to reauthorize these laws before they expire, America's national security and that of its citizens will be the most vulnerable in a decade.

The lone wolf definition closes a gap in FISA by allowing the government to track a foreign national, not a U.S. person, who engages in acts to prepare for a terrorist act against the United States but is not affiliated, or cannot immediately be shown to be affiliated, with a foreign terrorist organization. The lone wolf definition is in fact quite narrow. It cannot be used to investigate U.S. persons and only applies in cases of suspected international terrorism. The government cannot use this provision to investigate domestic terrorism.

Although the lone wolf provision has yet to be used, it is an important provision that recognizes the growing threat of individuals who may subscribe to radical and violent beliefs, but do not clearly belong to a specific terrorist group. The recent death of Osama bin Laden only strengthens its importance, as the fear of individual retaliatory acts increases.

Section 206 of the PATRIOT Act authorizes the use of "roving" or multipoint wiretaps for national security and intelligence investigations. This allows the government to use a single wiretap order to cover any communications device that the target is

using or is about to use. Without roving wiretap authority, investigators must seek a new court order each time a terrorist or spy changes cell phones or computers. In today's world of disposable cell phones, free e-mail accounts, and prominent social media, roving authority is a crucial tool.

Section 215 allows the FISA Court to issue orders granting the government access to business records in foreign intelligence, international terrorism, and clandestine intelligence cases. This authority is similar to the widely accepted grand jury subpoena in criminal investigations.

There are numerous protections written into the law to ensure that the authority is not misused. Under section 215, only an article III FISA judge can issue an order for business records; an investigation of a U.S. person cannot be based solely on activities protected by the First Amendment; the records must be for a foreign intelligence or international terrorism investigation; and minimization procedures must be utilized.

In addition, requests for records of library circulation, book sales, firearms sales, and the like must first be approved by the FBI director, his deputy, or head of the FBI's national security division. By contrast, a grand jury subpoena can obtain all of these records in a criminal investigation with simply the signature of a line prosecutor. Finally, business records, which by definition reside in the hands of a third party, do not—and I repeat, do not—implicate the Fourth Amendment.

Since this law was first enacted over 10 years ago, these provisions have been scrutinized to the fullest extent of the law and have been either unchallenged or found constitutional. The lone wolf definition has never been challenged. Section 206 roving wiretaps have never been challenged. But four appellate courts, including the Ninth Circuit, have upheld criminal roving wiretap authority under the Fourth Amendment.

Section 215 business records were challenged, but after Congress made changes to that provision in the 2006 reauthorization, which many people who are complaining about this bill voted against, the lawsuit was withdrawn.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. SENSENBRENNER. These three provisions have stopped countless potential attacks and play a critical role in helping ensure law enforcement officials have the tools they need to keep our country safe.

The death of Osama bin Laden proves that American intelligence gathering is vital to our national security. The fight against terrorism, however, did not die with bin Laden, and neither did the need for the PATRIOT Act.

I urge my colleagues to support this legislation.

Mr. NADLER. I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to another abdication of our constitutional duty to conduct oversight and protect our most basic civil liberties. This bill extends through June 1, 2015, three provisions contained in the Intelligence Reform and Terrorism Prevention Act and the USA PATRIOT Act that, at the time of their passage, constituted an unprecedented expansion of government power and infringement on the American people's privacy.

Earlier this month, the Department of Justice released its annual report on surveillance activities for 2010. The report reveals that the government quadrupled its use of section 215 orders, named after one of the provisions, poised to extend until 2015 with no reform. Section 215, also known as the business records provision, allows the FBI to order any person, any business, to turn over any tangible things as long as it specifies it's for an authorized investigation. Orders executed under section 215 constitute a serious violation of Fourth Amendment and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records or medical records.

The other amendments to be extended include section 601, the lone wolf surveillance provision, contained in the Intelligence Reform and Terrorism Prevention Act of 2004, which authorizes the government to conduct investigations of non-U.S. individuals not connected to any foreign power or terrorist group. It effectively allows the government to circumvent the standards that are required to obtain electronic surveillance orders from criminal courts.

Lastly, section 206, known as the John Doe wiretap, allows the FBI to obtain an order from the Foreign Intelligence Surveillance Court to wiretap a target without having to specify the target or the device. These provisions were given a sunset for a reason.

There's an abundance of evidence over the last 10 years that these powers have given the government license to infringe on constitutionally protected privacy of the American people with no accountability. It's time we stop rubber-stamping these provisions, reform the PATRIOT Act, and stop Big Government from reaching into people's private lives.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas has 9 minutes remaining, and the gentleman from New York has 12½ minutes remaining.

Mr. SMITH of Texas. I reserve the balance of my time.

Mr. NADLER. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, the House is once again in an unexamined rush to make semi-permanent the government's ability to seek all matter of records on citizens without having to demonstrate to a court that citizens under suspicion are actually engaged in terrorist activities.

The power of government for surveillance and enforcement are among the most important but also the most fearsome. We know these authorities and others have been abused, because the Department of Justice Inspector General has told us so. I know it, because for 8 years I served on the House Permanent Select Committee on Intelligence. Let me tell you, American freedom and security are not well-served by the excessive secrecy imposed on our society and government by this legislation.

The Foreign Intelligence Surveillance Court, which is responsible for approving government surveillance requests under the PATRIOT Act, is the kind of court that should be used only rarely and in the most special circumstances. Instead, it has become part of a kind of routine clandestine government.

□ 1920

Treating some Americans as above suspicion and others as suspect without cause has made us a less just and also a less secure society.

The PATRIOT Act was originally passed at a time of high emotion in this country. Nearly a decade at the PATRIOT Act enactment, the death of Osama bin Laden has provided us with an opportunity to stop and reflect on all that has transpired over the last 10 years. It is past time for us to pause and reexamine the validity of the assumptions that led to the passage of the PATRIOT Act and the validity of its current application.

But, you say, we cannot debate the validity of its current application because those applications are classified at a very high level. That is precisely one of the points we should be debating thoroughly before any reauthorization.

Sitting on the House Permanent Select Committee on Intelligence for 8 years, let me tell you, that secrecy does not serve America well.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), chairman of the House Administration Committee and also a senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I know we want to get to a vote very, very soon and normally I would refrain from speaking on this except that because this is such an

important issue and some of the things that have been stated on the floor are so patently untrue, there is an obligation for those of us who have been working on this issue for some period of time to make sure that the public is not misled by statements that have been made here on the floor.

Number one, the Fourth Amendment is not implicated.

We have heard statements on this floor that are absolutely not true. They are the same statements that were made the last time we had this on the floor, the same statements that were made when we reauthorized this a few years ago. And one of the most amazing things is there is a continuation of this argument that we haven't done proper oversight. I don't know where you have been, but many of us on this side of the aisle have been in briefings and on hearings on these very issues seeking out the truth on these things.

The canard that somehow we are tearing the Constitution up just does not stand any kind of inquiry whatsoever. The suggestion that somehow we are invading the civil liberties of citizens is negated by the language in the three sections of the bill that we have before us. And the argument that somehow, since we got rid of Osama bin Laden, we don't need this, is the most absurd at all.

One of the lessons of our successful mission being executed against Osama bin Laden is that you need actionable intelligence over a long range of time that you can connect together with analysis to give you the information that you need. It doesn't fall from heaven. It doesn't come like manna. You have to go get it. We have carefully constructed these provisions to allow us to do the kind of work that is necessary not to collect the bodies after a successful terrorist attack has occurred but, rather, to prevent these terrorist attacks.

One of the things people should keep in mind is that we have the intervention of Federal judges in these three different areas of the law. It is not something where the executive branch is allowed to go unfettered into looking for this information. Rather, they must justify it to an independent Federal court; and some say, oh my gosh, it is a secret court. It is a secret court because, in fact, there are certain secrets that must be maintained as we attempt as best we can to save this Nation and our citizens from those who would attack us.

One wonders at times whether we have the sense of urgency that is necessary to continue with the efforts to make us safe. The fact that we have thwarted successfully terrorist attacks is not a reason to dismantle the means which allowed us to do that. It is, in fact, a reason why we should continue this.

Any honest examination of the history of this Judiciary Committee and the Crime Subcommittee will reveal that we have done the oversight necessary to ensure that we have the tools to fight the threat of terrorism and at the same time preserve the civil liberties of American citizens.

To suggest otherwise is to ignore the record. To suggest it's unconstitutional is to somehow ignore the decisions made by every Federal court that has looked at this.

But you can continue to make these statements, you can continue to confuse the public, you can continue to raise alarm where alarm ought not to be raised.

With all due respect, while everybody is entitled to their opinions, they are not entitled to their own facts. They must take the facts as they are. And the facts are this is constitutional, it is workable, it is necessary. We have to do it, and we have to do it now.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise in support of S. 990. These three provisions of the PATRIOT Act provide important tools that help keep America safe.

I am pleased that this bill includes sunsets. Our Founding Fathers created a system of government that included checks and balances among the three branches of government: the legislative, executive and judicial. Sunsets allow for the legislative branch to conduct meaningful oversight on an ongoing basis.

I will support this extension because I believe that these provisions are consistent with the Constitution and provide the tools the government needs to keep us safe while protecting civil liberties.

Mr. SMITH of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that we have heard all these arguments before many times on this floor. It's hard for me to believe that a proper investigation and proper procedures would not have been able to improve these provisions in any way, that all the hearings, all the suggestions that were made came to no changes at all.

I am not going to debate for the fifth time with Mr. LUNGREN his statements. I do not believe they are accurate. He does not believe what I said is accurate. We are on similar ground there.

Let me just say that I believe that these provisions should be amended, they should be changed. They are an overbroad violation of our rights and leave it at that and, therefore, I will oppose it.

Before we conclude, I want to recognize Judiciary Committee counsel Sam Sokol, who is leaving the committee

tomorrow for what I know is a bright future. I know that I speak for every member of the committee in thanking Sam for his wise counsel, his prodigious capacity for work, and his friendship. He has been a valued member of our team, and we will miss him greatly. We wish you the best of luck, Sam.

With that, I urge the defeat of this bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania (Mr. MARINO), a member of the Judiciary Committee Crime Subcommittee. He is also both a former U.S. Attorney and district attorney.

Mr. MARINO. Mr. Speaker, it's incredulous what I am hearing here today from my friends on the other side of the aisle. I was a U.S. Attorney and used the PATRIOT Act. I debated it, I lectured it, and I put a terrorist away by using the PATRIOT Act.

I was also a district attorney, and it was easier for me to get a warrant for documents as a district attorney than it was for me to get documents pursuant to the PATRIOT Act.

I just could not sign a document and go get papers and have a wiretap. I had to go through a FISA judge. It had to go through my first assistant, myself, the Justice Department, a judge, and then back to the office for a signature.

□ 1930

There are absolutely no circumstances where I could get information from a citizen who we believed to be a terrorist or to be involved in terrorism by not getting a warrant.

An example is the roving wiretap. The roving wiretap was designed for one specific reason. Wiretaps, when the wiretap law went into effect, were based on a phone being on a wall in a particular location. Over the years, because of cell phones, terrorists, criminals, and drug dealers were buying—and are still buying—cell phones in the 5, 10, and 20 batches, using them for several minutes, dropping them, continuing the same crime, and just switching to a new cell phone. The law allowed us not to have to go after a new warrant for each cell phone. That was logical because the phone was not attached to a wall in a particular location; they were roving. It has done its job not only in drug work but terrorism work as well.

The same thing for documents and information from business records and bank records. In some instances, as a district attorney, I didn't even need a warrant. All I had to do was subpoena those documents. That is not possible under the Federal system. We have to go through a FISA court to get those warrants. I've done that for 6 years as a U.S. attorney and for 12 years as a district attorney. What we are hearing

from the other side is absolutely not true about warrantless searches.

Earlier today, the Senate approved Senate 990 by a vote of 72-23, with overwhelming bipartisan support. It is time for the House to do the same thing. Time is of the essence. We have until midnight tonight to help keep America safe because the terrorists are out there continually working. They aren't taking breaks.

These are commonsense provisions that have worked effectively for 10 years to prevent terrorists attacks, protect the American people, and preserve civil liberties. They need to be extended for another 4 years.

The terrorist threat we face as a Nation has not expired. Neither should these important provisions that have helped keep us safe from terrorist attacks.

I urge my colleagues to vote "yes" on this critical national security bill.

Mr. BECERRA. Mr. Speaker, we can defeat our enemies without surrendering the rights and freedoms that are the foundation of our republic.

Our men and women in uniform put their lives on the line every day to defend the liberties that we hold dear. In light of their bravery and commitment to the highest standards of human rights—even in war—we must ask ourselves if, through this vote on S. 990, the PATRIOT Sunsets Extension Act of 2011, we are willing to freely give up those very rights for which they are willing to die.

The PATRIOT Act can be a law worth preserving. Many of its provisions have enhanced our security. But several of its prescriptions would undermine our cherished protections of civil liberties and American freedom. That is not the American way.

As we approach Memorial Day, a day when we reflect on the sacrifices made by our fallen warriors, let us give them and the defenders of our security the legal tools they need to protect us all and to seek out and descend upon those who would do us harm. But let us sensibly discard those provisions of law which do not uphold those standards and would instead give away the precious liberties which millions of Americans have died defending throughout the history of our country.

Mr. Speaker, today I vote against S. 990 because this Congress did not move sensibly to amend the PATRIOT Act to bolster our security while respecting our civil liberties and freedoms.

Mr. VAN HOLLEN. Mr. Speaker, in February of this year, I voted to support a three-month extension of the PATRIOT Act provisions in today's underlying legislation in order to give Congress time to build a consensus around necessary, common sense reform. Today, it is with great reluctance that I must stand in opposition to an additional extension of these provisions, as Congress has failed to make reforms to safeguard civil liberties.

This is a missed opportunity. Senators LEAHY and PAUL offered a bipartisan amendment that included a sunset date for National Security Letters, enhanced oversight of PATRIOT Act authorities, and more focused standards of relevance for business record re-

quests—changes that would provide meaningful improvements to the balance between national security and civil liberties. However, this proposal was not given a vote on the floor of the Senate.

I believe there are important provisions in this bill that should be extended. However, there is also a clear need for improved oversight and privacy protections. We must not be stampeded into continuing to pass bad policy, especially when credible solutions are well within reach. I voted to give Congress time to responsibly reform these provisions. But I cannot in good conscience support a four-year extension that makes no effort to ensure that the authorities under this law are being exercised responsibly.

Mr. Speaker, I have always been prepared to support a balanced PATRIOT Act that defends Americans without eroding our freedom. Unfortunately, S. 990 is not that legislation.

Ms. SCHAKOWSKY. Mr. Speaker, I do not support S. 990, which extends three controversial PATRIOT Act provisions. There is a much better way to safeguard our national security without jeopardizing the privacy and civil liberties of American citizens. This legislation reauthorizes these sections of the PATRIOT Act without making necessary improvements, and it fails to even address other problematic practices, including the use of National Security Letters.

Among the provisions included in this extension is Section 215, which expands the government's ability to private, confidential records, without showing probable cause or direct connection to a foreign power or agent. This includes library, and bookstore records, as well as highly personal information such as medical records.

In addition to my concerns about what is in this bill, I am concerned about what is not in it. Instead of engaging in a real debate about reforming the PATRIOT Act, we are simply continuing the bad policies of the past. Tonight's bill fails to address the widespread use (and abuse) of National Security Letters. The National Security Letters provisions of the PATRIOT Act, which drastically expand government authority to demand private records without prior court approval, have been used hundreds of thousands of times since 2001.

There is another way to protect our citizens, without treading on their rights. Congressman CONYERS has offered an alternative proposal, H.R. 1805, laying out a compromise approach to improving the PATRIOT Act. I am a co-sponsor. Congressman CONYERS' legislation, which has the support of the Obama Administration and the intelligence community, as well as bipartisan Senate support, reauthorizes the three expiring provisions for two and a half years, rather than the six-year extension in S. 990. It makes critical improvements to prevent the abuse of fundamental civil liberties, including tightening the requirements on roving wiretaps (and eliminating the so-called "John Doe Roving Wiretap," under which the government can obtain surveillance orders that identify neither the person nor the facility to be tapped).

In addition, for the first time, Congressman CONYERS' bill sunsets the use of National Security Letters (NSL) and makes a number of changes to abusive NSL practices. H.R. 1805 strengthens the factual basis required for use

of an NSL, clarifies the standards for including a gag order in an NSL, and improves public reporting on the number of NSLs issued each year.

I do not believe that these invasive authorities should be extended in the absence of real improvement in the civil liberties protections. As a member of the Intelligence Committee, I know that we can protect our citizens without treading on their rights. We do not have to choose between our security and our values. Instead, we should pass legislation that grants the intelligence community the tools they require while also protecting the rights and liberties of all Americans.

Mr. BLUMENAUER. Mr. Speaker, today I will vote against an extension of the PATRIOT Act because Congress should be refining and narrowing the scope of the Act, not extending it as-is, until 2015.

There are real concerns on both sides of the aisle about granting the federal government too much power with little to no mechanisms for oversight by Congress. We are missing an opportunity in the House for bipartisan reform by rushing this extension to the floor. It's time for a more accountable approach that balances individual privacy with our national defense.

Our intelligence community has the tools necessary to keep us safe without compromising our privacy. This hasty four-year extension is disappointing because the Act could be more effective if it included the auditing requirements for which many in Congress have advocated.

Mr. WEST. Mr. Speaker, deep within my heart I have a mistrust of the Obama Administration when it comes to the PATRIOT Act. However, I do have a greater trust in the law enforcement and judges on the FISA court to keep Americans safe.

I support the work that law enforcement does around the nation each and every day in order to protect our citizens and apprehend individuals who want to kill innocent people and try to destroy our way of life.

The PATRIOT Act was enacted shortly after September 11 to deal with the threat of international terrorism. Indeed, we are engaged in a global conflict against radical Islam. Those who are captured on this truly global battlefield should be treated as non-state, non-uniform belligerents, not as common criminals.

As you are well aware, I spent 22 years in the United States Army—the tip of the spear tasked with protecting the citizens of this great nation. As a Member of the House of Representatives, I have taken an oath to protect the constitutional rights of the citizens of the 22nd Congressional District of Florida and all Americans.

Benjamin Franklin, one of the founders of our nation wrote “They who can give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety.”

For many weeks I have reflected on this quote as I have studied this issue to make a decision on how I should cast my vote on the reauthorization of provisions of the PATRIOT Act. I have spoken with numerous individuals, including my fellow colleagues in the House of Representatives, the Director of the Federal Bureau of Investigation, Robert Mueller, and the Chairman of the House Intelligence Com-

mittee, MIKE ROGERS in order to try to understand the facts.

I have spoken to numerous constituents who are both experts on this issue and constituents who, while not experts, have a concern about these provisions. I reviewed testimony to Congressional Committees and have studied many documents in order to determine the proper balance between individual's rights and the responsibility of the Federal Government to protect Americans.

I have done what I was sent to Capitol Hill to do, to make an informed decision based on the facts and represent the people of the 22nd Congressional District of Florida. I have determined that the most important constitutional right, one which I have taken an oath to protect, is the right to life for all Americans. We must do whatever is necessary to prevent another terrorist attack on our soil and how to do this must be fully and openly debated.

When we killed Osama bin Laden, we may have killed the face of evil and the mastermind of numerous terrorist attacks, however, we face an emboldened enemy who now operates on a 21st century battlefield. The perpetrators of September 11th lived in South Florida and planned their attacks upon our nation there. And just this month, individuals were arrested in South Florida sending funds to terrorists in Pakistan.

The complexities of the 21st Century Battlefield require us to reassess and redefine how we confront our enemy. The men and women who serve in law enforcement throughout our country today face this non-state, non-uniform belligerent who has no regard for international borders or boundaries, to include our homeland. As we have seen by the terrorist attacks in Little Rock and Fort Hood, our fight against radical Islam is not just against the Taliban in Afghanistan or al Qaida in Iraq, but against a global movement who has infiltrated our borders.

We are at war with a radical ideology that has brought the fight to us time and time again. From Fort Hood, Texas, to Little Rock, Arkansas, Islamists have targeted American citizens. After each of these brutal attacks, I, like many Americans, was shocked at how this could happen on American soil. Political Correctness allowed Major Nidal Hassan to have so-called “spiritual conversations” with a radical element who preached and advocated violence against American citizens. Under the protection of the First Amendment, Carlos Bledsoe was able to travel overseas, become radicalized, return home to purchase weapons, plan and execute an attack against a Little Rock Army Recruiting Depot.

As I outlined to a letter I sent to FBI Director Robert Mueller earlier this month, I believe the execution of these provisions should be moved to the Counter Terrorism Division instead of the Criminal Division. Further, I do not support the extension of these provisions for four years and I am gravely disturbed that we did not allow an open process to review the extension of these provisions.

We must clearly focus on the enemy, not permit political correctness to drive our domestic security policy. No one recognizes the security situation better than I. However, I have not been fully persuaded that these provisions make us safe . . . as opposed to the illusion of feeling safe.

Based upon my research, I shall not vote for extending these provisions for four years. The most integral part of our focus on security against radical Islamic terrorism is to recognize and confront this enemy. And to do this we must openly debate the best way for this to be accomplished.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 281, the previous question is ordered.

The question is on the motion offered by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 153, not voting 28, as follows:

[Roll No. 376]

YEAS—250

|              |                |                |
|--------------|----------------|----------------|
| Adams        | Dicks          | Kline          |
| Aderholt     | Dold           | Lamborn        |
| Alexander    | Donnelly (IN)  | Lance          |
| Altmire      | Dreier         | Landry         |
| Andrews      | Duffy          | Langevin       |
| Austria      | Ellmers        | Lankford       |
| Bachmann     | Emerson        | Latham         |
| Bachus       | Farenthold     | LaTourette     |
| Barletta     | Fincher        | Latta          |
| Barrow       | Fleischmann    | Levin          |
| Barton (TX)  | Fleming        | Lewis (CA)     |
| Bass (NH)    | Flores         | Lipinski       |
| Benishek     | Forbes         | LoBiondo       |
| Berg         | Fortenberry    | Lowe           |
| Berkley      | Fox            | Lucas          |
| Biggart      | Franks (AZ)    | Luetkemeyer    |
| Bilbray      | Frelinghuysen  | Lummis         |
| Billirakis   | Gallagher      | Lunnen, Daniel |
| Bishop (GA)  | Gardner        | E.             |
| Bishop (NY)  | Garrett        | Marchant       |
| Black        | Gerlach        | Marino         |
| Blackburn    | Gibbs          | Matheson       |
| Bonner       | Gingrey (GA)   | McCarthy (CA)  |
| Boren        | Gohmert        | McCaul         |
| Boswell      | Goodlatte      | McCotter       |
| Brady (TX)   | Gosar          | McHenry        |
| Brooks       | Gowdy          | McIntyre       |
| Brown (FL)   | Granger        | McKinley       |
| Bucshon      | Graves (MO)    | McMorris       |
| Buerkle      | Griffin (AR)   | Rodgers        |
| Burgess      | Grimm          | Meehan         |
| Burton (IN)  | Guinta         | Mica           |
| Butterfield  | Guthrie        | Miller (FL)    |
| Calvert      | Hall           | Miller (MI)    |
| Camp         | Harper         | Miller (NC)    |
| Canseco      | Hartzler       | Miller, Gary   |
| Cantor       | Hayworth       | Mulvaney       |
| Capito       | Heck           | Murphy (PA)    |
| Cardoza      | Hensarling     | Neugebauer     |
| Carney       | Herger         | Noem           |
| Carter       | Higgins        | Nugent         |
| Cassidy      | Hinojosa       | Nunes          |
| Chabot       | Holden         | Nunnelee       |
| Chandler     | Hoyer          | Olson          |
| Coble        | Huizenga (MI)  | Palazzo        |
| Coffman (CO) | Hultgren       | Pascarell      |
| Cole         | Hunter         | Paulsen        |
| Conaway      | Hurt           | Pearce         |
| Cooper       | Israel         | Pence          |
| Costa        | Issa           | Peters         |
| Cravaack     | Jenkins        | Peterson       |
| Crawford     | Johnson (OH)   | Petri          |
| Crenshaw     | Johnson, E. B. | Pitts          |
| Critz        | Johnson, Sam   | Platts         |
| Cuellar      | Jordan         | Poe (TX)       |
| Culberson    | Keating        | Price (GA)     |
| Davis (CA)   | Kelly          | Quayle         |
| Davis (KY)   | Kind           | Quigley        |
| Denham       | King (IA)      | Rahall         |
| Dent         | King (NY)      | Reed           |
| DesJarlais   | Kingston       | Reichert       |
| Deutch       | Kinzing (IL)   | Renacci        |
| Diaz-Balart  | Kissell        | Reyes          |

Ribble  
Rigell  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Ryan (WI)  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock

Schwartz  
Schweikert  
Scott (SC)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns  
Stivers  
Stutzman  
Terry  
Thompson (PA)

Thornberry  
Tiberi  
Tsongas  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Wasserman  
Schultz  
Webster  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (FL)  
Young (IN)

## NAYS—153

Ackerman  
Amash  
Baldwin  
Bartlett  
Bass (CA)  
Bishop (UT)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Campbell  
Capps  
Capuano  
Carnahan  
Carson (IN)  
Chaffetz  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Costello  
Courtney  
Crowley  
Cummings  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Doggett  
Doyle  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Fitzpatrick  
Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Graves (GA)  
Green, Al  
Griffith (VA)

Grijalva  
Gutierrez  
Hanabusa  
Hanna  
Harris  
Hastings (FL)  
Heinrich  
Herrera Beutler  
Himes  
Hinchey  
Hirono  
Holt  
Honda  
Inslee  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Jones  
Kaptur  
Kildee  
Kucinich  
Labrador  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lewis (GA)  
Loebach  
Lofgren, Zoe  
Lujan  
Lynch  
Mack  
Maloney  
Manzullo  
Markey  
Matsui  
McClintock  
McCollum  
McDermott  
McGovern  
McNerney  
Meeke  
Michaud  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Pallone  
Pastor (AZ)  
Paul

Payne  
Pelosi  
Perlmutter  
Pingree (ME)  
Polis  
Posey  
Price (NC)  
Rangel  
Rehberg  
Richardson  
Richmond  
Roe (TN)  
Rohrabacher  
Rokita  
Roybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schrader  
Scott (VA)  
Serrano  
Sherman  
Slaughter  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tipton  
Tonko  
Towns  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Waters  
Watt  
Waxman  
Weiner  
Welch  
West  
Wilson (FL)  
Woodall  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NOT VOTING—28

Akin  
Baca  
Becerra  
Berman  
Bono Mack  
Boustany  
Buchanan  
Castor (FL)  
Conyers  
Dingell

Filner  
Flake  
Giffords  
Green, Gene  
Hastings (WA)  
Huelskamp  
Jackson (IL)  
Long  
McCarthy (NY)  
McKeon  
Miller, George  
Myrick  
Olver  
Owens  
Pompeo  
Sanchez, Loretta  
Sires  
Sullivan

□ 1956

Mr. CONNOLLY of Virginia changed his vote from “yea” to “nay.”

Messrs. YODER, SCOTT of South Carolina, and POE of Texas changed their vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 376, Consideration of PATRIOT Act Extension, had I been present, I would have voted “nay.”

Mr. BECERRA. Mr. Speaker, I was unable to cast my floor vote on rollcall vote 376.

Had I been present for the votes, I would have voted “nay” for rollcall vote 376.

Mr. JACKSON of Illinois. Mr. Speaker, I was unavoidably detained for personal reasons, and missed a recorded vote for S. 990, the PATRIOT Sunsets Extension Act of 2011. If present, I would have recorded my vote as “nay” for rollcall vote 376.

Mr. FILNER. Mr. Speaker, on rollcall 376, I was away from the Capital region attending the Civil Rights Freedom Riders’ 50th Anniversary Celebration. Had I been present, I would have voted “nay.”

#### APPOINTMENT OF MEMBER TO UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore (Mr. BROOKS). Pursuant to 22 U.S.C. 1928a, clause 10 of rule I, and the order of the House of January 5, 2011, the Chair announces the Speaker’s appointment of the following Member of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. LARSON, Connecticut

#### FAREWELL, TOM MCAVOY

(Mr. GARDNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARDNER. Mr. Speaker, times have been hard for the newspaper business; but this week, the Pueblo Chieftain experienced an especially tough loss—the retirement of its editorial research director, Tom McAvoy.

Tom is a native of Pueblo, Colorado. He graduated from Central High School in 1964 and from CSU-Pueblo. After receiving a master’s degree in journalism from Ohio State University in 1969, he spent a year working in the AP’s Denver bureau until he accepted a teaching position at his alma mater back in Pueblo, Colorado.

During the summers, he worked part time in the Chieftain’s newsroom; and in 1977, the position became full time. When Tom began his career, these were the days of Woodward and Bernstein, Hunter S. Thompson, and Gloria Steinem. Investigative reporting and gonzo journalism just don’t exist like that anymore. These were also the days before emails and cell phones, and

stories were literally filed over the wires. Tom is, without a doubt, what one would consider “old school.”

In 1983, Tom took over as the political beat reporter for the Chieftain, working out of its Denver bureau for the next 21 years. He covered the State capitol, three Governors; and he remembers what the Colorado legislature was like before term limits.

I’ve had the opportunity to work with Tom not only at the State capitol in Denver, Colorado, but at the Chieftain. He knows a great deal and cares a great deal about Colorado, southeastern Colorado, and the water law that has made Colorado the great State that it is today. Not only am I going to miss Tom McAvoy, but I know the people of Pueblo and the people of southeastern Colorado will as well.

Tom, thank you for your service to the people, and I look forward to working with you because I know, in retirement, you’re still not going away.

□ 2000

#### MEMORIAL DAY: REMEMBERING OUR WAR HEROES

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Veterans Day is the day we honor our veterans who go overseas and they return. Memorial Day is the day we honor our soldiers, our sailors, our airmen who go overseas and they don’t return. Monday is Memorial Day, and all Americans should give homage and honor, praise and prayers for those that served and gave up their lives for the rest of us. They gave their youth for our future.

Not far from where we are today, right down The Mall, is the newest memorial on The Mall; it’s the World War II Memorial. It’s a massive memorial to those World War II—the “Greatest Generation”—veterans that served. On the back wall there it looks like a bronze plate. And if you get closer, Mr. Speaker, you notice that it’s not a bronze plate at all, but there are thousands of stars; 400,000 stars on the World War II Memorial, and each one of those represents a young American that went overseas in the great World War II and did not return; 400,000 Americans. Those are just a few that have served and given their lives.

Patriotism is a good thing. This Memorial Day we praise those who served, and we praise the families of those who served.

And that’s just the way it is.

#### PAYING TRIBUTE TO RUSSELL SKINNER

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)



Mr. BRADY of Texas. Our postman is retiring this weekend. Normally that wouldn't be national news, but this is no ordinary man. Russell Skinner has been serving our community and our neighborhood for more than 30 years. He's more than that; he's an entrepreneur. He has his own flooring company. You'll see him on evenings and weekends working to try to provide not just good service to his customers, but to take care of his family as well. He runs a Christian gospel singing group. You will see him in our local churches around the region bringing God's songs and music across our region.

Russell Skinner loves his country, he loves our soldiers, he loves his family, and he loves his God. And he is just part of the American dream, living it, working it, fighting it. Russell Skinner will be missed in our community. He is what's great about America.

#### THE PATRIOT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it's my honor to be recognized to address you here on the floor of the United States House of Representatives and this great deliberative body that we have, and especially immediately in the aftermath of this historic vote that has just gone up on the Patriot Act.

As we have debated this and worked with an amendment process and negotiations that took place in the Senate, we got down to the last minutes here. And I presume final passage of the Patriot Act is now on its way to the President's desk to be signed tonight so that there's not a window of vulnerability with regard to the intelligence that we can gather against our enemies that are evermore coming into the United States and plotting against us globally.

This is an issue that emerged when we saw our vulnerabilities in the immediate aftermath of September 11. And as that was dealt with here in this Congress—and I will say that of pieces of legislation that have been passed in a relative emergency situation, the Patriot Act among them stands out as something that came together with—it was clearly a bipartisan effort to put the Patriot Act language together; it was done so with the information that we had at the time. Some of that information was gathered in a hasty fashion—the smoke was certainly rolling up out of Ground Zero in New York while the Patriot Act was passed here in the House of Representatives.

It was also passed with the idea that it had sunsets on it so it required reauthorization so that Congress would come back and have oversight over the authority that was granted in the Pa-

triot Act to do surveillance. For example, roving wire taps. Clear back in the 1980s it was understood with cell phones that when investigators were investigating organized crime, for example, the Mob had it figured out where they could pick up a cell phone, use it for a while, dispose of it, go grab another cell phone, use it for a while and dispose of it. The old wiretap laws that would allow for a judge to grant a warrant to tap a land line at, say, a residence or a business of the suspected mobster were archaic in the 1980s because of cell phone emergence, and so Congress acted and provided for the roving wiretap for investigations domestically. But it didn't cover the investigations that had to do with non-citizens and terrorist activities, and so that's something that the Patriot Act addressed.

As I look at the components of the Patriot Act one after another, it comes down to this: That the constitutional protections that are there for the individuals that are being investigated are equal to or greater than those protections for American citizens in domestic investigations unrelated to terrorist charges. So the roving wiretap is a piece that was a natural, that had to be part of the Patriot Act, and it is. And we also have the FISA courts, the special courts that evaluate the investigations and yield a judgment as to whether they're in compliance. The national security letters, of which there have only been about 300 requested national security letters—yes, there is a confidentiality that's attached to that. If a Federal agent goes into an entity and issues a national security letter, first of all, that's reported later on to the court, and the individual or the company that's required to produce that information is bound by confidentiality for obvious reasons. If Osama bin Laden or Zarqawi or any of the plotting terrorists were planning against the United States, the subject of the investigation, they would be tipped off. They would be tipped off on the national security letter request, which means the investigation would be blown up by that lack of confidentiality, the lone wolf piece of this.

So there is piece after piece of the Patriot Act that has stood up very well. And one of the people that has stood up on this issue that understands this very thoroughly, and one of the people who is on the Select Committee on Intelligence—which will prevent her from talking about some of the things that are confidential because of the deep intelligence knowledge that goes on in a secure room in this Capitol—is my friend from Minnesota whom I would like to yield to, MICHELE BACHMANN.

Mrs. BACHMANN. I thank the gentleman from Iowa for yielding.

This is a very important issue and a very important vote that we have just

taken here in the House Chamber. It is dealing with the Patriot Act. We have had calls, we have had requests on our Facebook, Twitter, and in our emails urging a "no" vote tonight on the Patriot Act. I cast a "yes" vote on this act. The Patriot Act did pass. This is why. This is an authorization for the next several years in three areas. One is the lone wolf exception. We have a new war, a new enemy, new tactics. The lone wolf is one actor acting alone. And if we get a tip, it may be at the last minute, and we've got to go in for national security reasons and find that actor. That is an appropriate use of gaining this intelligence and information.

Number two, roving wiretaps. We have changed from the days of telephones being wired into the walls; now we use a cell phone. A lot of modern terrorists will buy a thousand "go" phones. They'll make one call, use a cell phone, throw it away like it's a disposable phone, pick up another cell phone, make another call. So we have to have the ability to be able to go to whichever phone a potential alleged terrorist may be using.

Now the third exception is the business records section; this is section 215. This is the section that most people have the greatest worries about. They worry about the infringement of Fourth Amendment rights. I worry about that too. I spent all week this week going to Members who I felt would oppose the Patriot Act. I went to people who are national voices who oppose the Patriot Act to find out what their concerns were, because I'm a lawyer. I genuinely am concerned about making sure that we never cross the line as a Federal Government.

□ 2010

Why? Because I think government is too big. I think we intervene too much in people's lives. I certainly don't want to give the government the unfettered right to go in and access my personal private records. This is what I know to be true about section 215 and why I could vote for it.

Number one, no right of gaining access to records can be given unless a Federal agent goes to a judge first. They have to go to the FISA court. Also, there has to be a connection to national security interests or to a foreign government. We've got that level of protection. When they go and make these requests, of which there have been 300-some requests, then they can go and they can gain access to a record.

Now, these are business records. These aren't records in my basement or your basement. These are records that a company has, like a phone company or a bank, but they're used in only the limited case where a judge first grants permission.

So what does that mean?



That means that it is constitutional in that the individual American's due process rights are observed because a Federal agent first has to go to a judge, a judge has to apply due process to that request, and then from there then access can be given to records, not in an individual's house but from a business. And then during the course of investigation—again, remembering, this is if there is a threat of a national security incident only.

Then during the course of an investigation, it's well understood if we're investigating a terrorist, if we get a lead that Khalid Sheikh Mohammed has a phone, we get his information, we are able to access records that are somehow connected to an alleged terrorist—or now an admitted terrorist, Khalid Sheikh Mohammed—we have to be able to have the means. Do we tip off someone like a Khalid Sheikh Mohammed that we're looking at his records? Of course not. That would be absurd.

So, it's a very different time and a very different war and we're observing Fourth Amendment rights. Now, Khalid Sheikh Mohammed is not an American. He is not an American citizen. He is not an American. But for Americans, when we are seeking a request for a record of an American, the Federal agent first has to go and get this approved by a judge.

I urge people, Mr. Speaker, go to my Facebook site. We have all of the documents up to verify and show all of the reasoning behind the Patriot Act.

And again, this is a very important discussion this evening. I want to thank my colleague STEVE KING for bringing this to people's attention. It's a very important vote. I've spent all week trying to get the basis for whether the vote should be "yes" or the vote should be "no," and I have confidence this evening that it was the right vote to cast a "yes" vote.

And again, I encourage anyone who is interested to go to my Facebook site and get all of this documentation. Read for yourselves. Make up your mind. But in my opinion, this passes constitutional muster. And I can assure every American I would not vote for this bill unless I thought it did pass constitutional muster.

Mr. KING of Iowa. Reclaiming my time, and thanking the gentlelady from Minnesota for coming to the floor on short notice to add clarity to this discussion and this debate and having the courage to stand up on these constitutional principles.

I have had it pointed out to me that the Fourth Amendment of the Constitution limits the Patriot Act. It's the protection against unreasonable search and seizure. Unreasonable. And these searches and seizures that have been found to be reasonable, in many cases by our Supreme Court across this land, are very well settled law, and the

Patriot Act fits within the parameters of existing domestic surveillance.

And I would add that this Congress has protected itself in this fashion: that the major components of this Patriot Act that have been extended are extended for 4 years. That means that this Congress comes back again and evaluates the Patriot Act for constitutional and functionality within this 4-year period of time, and it will require reauthorization again. So we're carefully walking down this path making sure that the abuses do not take place.

And I, as a member of the Judiciary Committee and as one who has gone up to the secure room and gone through a number of secure briefings that had to do with the functionality of the Patriot Act—it's a requirement on some of our parts here in this Congress to do that. I have also made a pledge to a number of other Members that I'll keep an eye on these constitutional functions and the respect for this statute that's given by the Federal agents that are allowed to utilize the Patriot Act. And that will be a never-ending vigilance here in this Congress. It always is. And protecting constitutional rights is a never-ending vigilance.

One of the people who is very duly vigilant who, when the rest of us take a little break and catch some sleep at night, is back keeping his eye on the functions of government, one of the relentless and incessant providers of protection of liberty and constitutional protection and one of the scholars on the Constitution here is the gentleman from Texas.

I'd be happy to yield such time as he may consume to Mr. LOUIE GOHMERT.

Mr. GOHMERT. I thank my friend from Iowa, my very dear friend.

As my friend knows, he and I've both been extremely vigilant in following up on these issues. But I wanted to point out, there is a lot of confusion. There are people on television that are just making these claims that the Constitution has been thrown away, and they haven't looked at how these three provisions that have been extended for 4 years were being used.

Now, my first year here, 2005, we were taking up the Patriot Act, and I had concerns then. I still have concerns, because these things, these powers, these three have been held constitutional, and I think they are. The problem comes in the potential for abuse.

And the reason I ended up catching a lot of grief from some of the leaders in our party back in 2005 as a freshman was I wanted to have sunsets on some provisions so that we could get leverage, because as we saw from Attorney General Gonzales, when he was head of the Justice Department, and as we have seen with Attorney General Holder, Departments of Justice are not very forthcoming no matter what party they are when the Congress asks for in-

formation. Now, they will say, Oh, yeah, we'll give you whatever you need, but they're not very forthcoming.

And it's not until powers that they want to keep come up for sunset, that they could go away and they need them renewed, and they know they need them renewed because they are helpful in keeping the country safe, but it's only then that they come forward and say, Oh, by the way, what was it that you made in your request a year ago that we never did provide you? And that basically happened back in 2004 and 2005.

And that was one of the reasons I was pushing we've got to have sunsets, because the only way to deal with these issues and make sure the abuses are not occurring of these constitutional powers is to put sunsets, and that way they come forward with the information and those of us that have the security clearances can go in. Now, not everybody who has security clearances has enough interest to go wading through this material like my friend from Iowa and I have.

But I think part of the problem has been people have been confused with the abuses that occurred, the outrageous abuses that occurred with the national security letter power, which has been reined in some, still not enough for my liking. And I really would like to rein in the national security letter power even further because it is not required to go before a district judge like these powers that we extended tonight for 3 years. That's where the abuses were. That's where the IG report said they were. And so that's where a tremendous amount of vigilance needs to be placed in making sure that the Justice Department does adequate vigilance themselves in not abusing the power they have.

And I'm sure I didn't make the Director of the FBI very happy when I pointed this out to him in committee, but it's what I believe, and that is that this Director came in to the FBI and eventually implemented—he called it a 5-year up-or-out policy. So that if you were a supervisor in the FBI, of a field office anywhere in the country, and you did 5 years in that location, at the end of 5 years, you had to either move to Washington, move up to Washington, or get out of the FBI. Move out, basically.

□ 2020

We have lost thousands of years of experience from our FBI. Now, I know what it is to be an aggressive prosecutor, young, out of law school. Had a little more hair back then. And boy, we are going to get the bad guys. There's something to be said for experience.

So it's not been uncommon to have FBI field offices around the country go, for example, from having a supervisor with 25 years of experience, he or she had seen it, done it, been there, and

able to learn from mistakes, make wise decisions, and yet because of the 5-year up-or-out policy, they end up having to leave because they're not moving to Washington. And when they do, we have had offices, for example, come in and the new supervisor has 5 or 6 years' experience, the head supervisor. We go from 25, 26 years to 5 or 6; it's not good for the FBI. These are fantastic agents. Take nothing away from their knowledge and ability, but there is something to be said for 25 years of experience as a law enforcement officer. We lost that.

As we lost that, we began to see these vast abuses of the National Security Letters. And people need to know that the National Security Letter power was not up for renewal tonight. It is something I would like to address further because it has such tremendous potential for abuse. I am hoping we can deal with that. I also further hope that those who were really upset or concerned will not just take demagogued statements, but will actually look into this, as I have.

And I have spent no telling how many hours pouring through material, classified material, pouring through the laws, the interpretation of the laws. These powers are basically the same powers the FBI has, these three that we renewed tonight, basically the same powers the FBI has to go after organized crime; and now they're allowed to do it with terrorism.

They pertain to terrorists, or agents, foreign agents of foreign powers. So if they're properly supervised, as I know my friend from Iowa and I will do unless we get kicked off of the Judiciary Committee, but as long as we're allowed to be there, and as unpleasant as some people find our positions at times, we want to make sure there's adequate supervision.

That's what I intend to do. That's what I know my friend from Iowa intends to do. That is what our friend MICHELLE BACHMANN from Minnesota will do. That's one of the most diligent people I have ever seen in anything. And I'm not sure there is another Member of Congress or the Senate that has a master's in any area of law. She has a master's in law.

So you have got people that are diligent, that understand the law, have studied it, and are looking into the allegations. I am comfortable with what we did tonight only to the extent that I know that there will be an awful lot more nights like I have had the last two nights where I get 1½, 2 hours sleep because there is so much to review, so much to cover, so much to read because of this important responsibility we have been handed.

But I hope people understand National Security Letters have been the area where there has been great abuse. Supposedly that's been reined in. But the reason some of us on the Repub-

lican side demanded sunsets on these is not because we think they are unconstitutional, but because we have got to have leverage to use with the Justice Department, no matter which party is in power in the White House, to make sure that our freedoms are preserved and Congress can use its power, have power, have leverage that gets respected by the Justice Department.

I appreciate my friend for yielding.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Texas, Judge GOHMERT, who does do due diligence in this Congress, it occurs to me as I listen to the discussion here and participate in it, that there was a decided lack of enthusiasm for the Patriot Act on the part of Barack Obama when he was a partisan Senator. The most liberal Senator by voting record out of the 100 Senators in the United States Senate, and that includes BERNIE SANDERS, the self-professed socialist who voted somewhat to the right of Barack Obama when they were in the Senate together.

This candidate for President then, Barack Obama, had a position that was less than favorable towards this Patriot Act, but as he became President, sat down with his briefings, which I presume and hope are daily briefings, and he began to understand the threat against the United States that exists domestically and abroad. His position on the Patriot Act began to migrate. And perhaps as we speak now he is picking up his pen to sign the Patriot Act, the extensions of the three provisions that were approved here tonight that extends them for a 4-year period of time.

That, Mr. Speaker, brings this back before this Congress. And it means also that all of the people that are utilizing the Patriot Act within the sections 206, the roving wiretap; and 215, the business records component of this; and section 6001(a), the lone wolf component, each of which were extended here by this Congress for 4 years, all of the Federal agents that would be utilizing these provisions will be very well aware that Congress will be reviewing these provisions within 4 years of today. So they will be very careful I think to comply with the law. And I think this is a prudent extension rather than the effort to make it permanent. I think it's prudent to temporarily extend these provisions of the Patriot Act.

As the gentleman from Texas alluded, and I will just say I would like to reiterate and emphasize this point, of all of the things that we have heard and the things that we have heard up in the secure room from the classified standpoint, the things that we have heard before the Judiciary Committee and the many hearings that we have had, the challenge that was put out towards President Bush in a partisan effort, I think, to undermine the Patriot

Act before the last Presidential election in November of 2008, all of those efforts, not one individual was produced who had had their constitutional rights usurped. Not one. Not one had lost their constitutional rights under the Patriot Act.

It would seem to me that of all of the encounters that have taken place under the Patriot Act for all these years, if there had been serious abuses of people's constitutional rights, we would have heard from an individual. And then a statement is made that, well, we won't know because we don't have access to these records, that they are all secret. Well, but the records are reported to the FISA court, and the FISA court evaluates them. And the reason we know that those records exist is because there is a requirement of the court reporting. But still, not an individual has come forward who has had their constitutional rights and their civil rights abused.

Now, that doesn't mean I am not taking a position here, Mr. Speaker, that it has not happened. And I am not taking the position that it could not happen. My position is that if it had been endemic, if it had been something that was systematically grinding through the civil rights of Americans or individuals that are in the United States and under the protections of our laws and our Constitution, we would know some of those names, we would know some of those faces, we would understand those incidents.

And one of the hardest things you can do in this business is to try to explain something that is law without putting a face on it; to try to explain a flaw that they argue might exist within the Patriot Act without being able to give an example or an anecdote to put that face on it so people can see by example how things work.

We are only dealing with data here. We are dealing with data here because we don't have the individual examples. They have not come forward. They have not been identified, however mightily some have tried to produce them. So I support the extensions that we passed here tonight. It is something that I have worked with here in this Congress into my ninth year. It's very much something we have examined, I think, very thoroughly with hearing after hearing, and intense debate, and amendments that were offered, as well as the secure briefings that take us much deeper into the practices of the Patriot Act.

So the three components that were extended here tonight for 4 years, the roving wiretaps, which are just absolutely necessary. If you can imagine Khalid Sheikh Mohammed running around, or Moussaoui running around the United States with a gym bag full of disposable cell phones, using one for a little while and tossing it in the trash, and then another and another

and another, you have got to be able to switch and have the roving wiretap follow the individual rather than follow a single land line that might be there.

□ 2030

It just makes simple sense. It existed since the eighties for domestic investigations of crime, including organized crime.

We have the business records component of this, also extended for 4 years, that allows those business records to be accessed, to be able to look for patterns, patterns that would indicate the acts, the planning of terrorism against the American people.

We have the lone wolf provision, which says an agent of a foreign power, if that agent of a foreign power is operating, under the suspicion that that's the case, they can go in and do investigations, that also is extended for 4 years.

It was a difficult negotiation here in the House and in the Senate. It did come down to the last minute. Sometimes here in Congress we can only do things at the last minute.

I would like to, Mr. Speaker, transition this subject matter into another subject matter that I understand the gentleman from Texas is prepared to discuss. In this brief segue, and I expect to yield so the gentleman from Texas can take this subject matter up, but in this transition and in this week, I think it's important that the House of Representatives and the American people consider what has happened with regard to especially the Middle East. Having come back from a trip through that area of the world and been briefed on a lot of our national security issues over in that part of the world, it comes to mind as I watched President Obama's speech last week about the Global War on Terror and about his efforts from a tactical, a geopolitical and a diplomatic effort in the Middle East, naming country after country that have gone through the Arab spring, as we now call it, the unrest in places like Egypt and Tunisia, and the list goes on. Certainly Libya is part of this. As I read carefully through President Obama's speech that I understand he delivered at the State Department about a week ago or so, if you take Israel out of the speech, the rest of it read like George W. Bush delivering the Bush Doctrine. A lot of that philosophy I support, that if you give people an opportunity to grasp and achieve and succeed with the beginnings of freedom, they'll turn their focus from hatred and from terrorism towards building their communities, their families and their countries and towards commerce. That philosophy is beginning to emerge with a level of success in Iraq, for example. It has been a belief of George Bush and known as the Bush Doctrine for a long time. As I listened to President Obama, who

was critical of that approach and that doctrine and our involvement in places like Iraq and Afghanistan, I would point out that he gave a Bush Doctrine speech, with the exception of Israel. There, President Obama, I'll say, broke the mold and went down a new path, a bit of a surprising path, unless you are reading between the lines on his position on Israel in prior times, to make the argument that there would be a two-state solution between Israel and the Palestinians, that the Palestinians would have a single contiguous country. Right now it's either two pieces, West Bank and Gaza, or three pieces, West Bank, Gaza and whatever their claim might be to the Golan Heights. If you look at the map, it's not possible to tie together a contiguous Palestinian state without severing Israel from its components.

It was interesting, also, that President Obama said, well, this is how we want to do this, a contiguous Palestinian state, a two-state solution, and the issue of Jerusalem, we'll just set that aside for now but they have to go back to the '67 borders. That had to have caused a lot of Israelis and American Jewish people and those of us who have a strong support and affinity for Israel to take a deep breath and gasp and wonder what did the President mean? Why did he throw all that confusion into the situation in Israel? And the statement that he made resulted in putting Israel at even greater risk, undermining their security, making their negotiating position less stable and encouraging more pushback from the Palestinian effort and their sympathizers and the terrorists that are part of the government, the Palestinians, who refuse to acknowledge Israel's right to exist. You cannot negotiate with people who are determined to annihilate you, and as Binyamin Netanyahu said, they're not going to concede the strategic locations that allow Israel to defend itself.

When Prime Minister Netanyahu spoke behind where I stand right now a couple of days ago, I think it was an historic speech, I think that he laid out the parameters that can allow the Jewish State of Israel to survive and defend itself against its enemies—and there are many—and I think he went about as far as he could without openly challenging the President of the United States who, by the way, had to walk back some of his comments a few days after his speech. So I'm happy with what has happened in the aftermath of President Obama's speech that I believe erroneously said that Israel would have to go back to the pre-'67 war boundaries.

But I want to, Mr. Speaker, as I turn this floor over to the gentleman from Texas, say to you and here before the American people that that speech took place here in the United States Congress because of the activism and the

foresight and the effort of Congressman GOHMERT who put that request together and got a lot of us to sign the letter of invitation and with that support took it to Speaker BOEHNER who, as I understand it, issued the invitation, and the timing of it was impeccable timing in the aftermath of President Obama's speech, and at the time that there are critical issues taking place in the world, the Prime Minister of Israel, Binyamin Netanyahu, stepped here on the floor of the United States Congress and spoke before a joint session of Congress, and the joint session of Congress that received him as a representative of Israel with the warmest of welcomes that anyone could ask for, with instantaneous and spontaneous standing ovations, two or three of those before a word was uttered and several more before there was any word of substance uttered, the warmth and the bond and the commitment to stand up and support Israel not just in spirit, not just politically, but tactically and monetarily as well, was clearly demonstrated here in the joint session of Congress. That is thanks to the gentleman from Texas.

And so, Mr. Speaker, as I wrap this up, I would thank you for your attention and your indulgence, and I would yield back the balance of my time.

#### ISRAEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) will control the remainder of the hour.

Mr. GOHMERT. Thank you, Mr. Speaker, and I am so grateful that I have such a dear friend from Iowa as Mr. STEVE KING. There's no price you can put on a dear friend like that. Thank you.

I would like to continue on in this discussion about the President's speech. I'm not quite sure what the President had in mind when he decided to rush over to the State Department and make a speech, when he knew the Prime Minister of our dear ally, Israel, was traveling to come to the United States. He knew that when he gave the speech that the Prime Minister would be at a great disadvantage. It was a speech, as I understand it, that wasn't run by the Prime Minister, was quite a surprise to him, and, in fact, when there were hints that the President might make the statements he did, there was a pleading not to do so.

□ 2040

I don't know if those are stories or, actually, how it occurred. That's no way to carry on international relations. It's certainly no way to treat our friends. It's not hard to understand that when it comes to international relations, if you treat your enemies better than you treat your friends, then

your friends will desire to be your enemies, and you will get what you desire.

I don't know what the people in the White House are thinking; this is a friend. You don't do this to friends. So he jumps out and goes to the State Department where he has got a captive audience. Well, I say captive, apparently from what's on statements that have been made, the president of the Islamic Society of North America, which is a listed coconspirator in the Holy Land Foundation trial for funding Hamas, a terrorist organization, this president of the listed coconspirator of funding, or in the Holy Land Foundation trial for funding Hamas, made comments about the speech because he had been invited to be in the inner sanctum of our State Department by this administration.

This administration, this President, chose to make a speech, basically slapping a friend in the face, and at the same time invite the president of a listed coconspirator for funding terrorism to be in attendance so he could talk about how wonderful the speech was. The same Imam Majid, the president of the Islamic Society of North America that we find from reading the transcript of the speech that the number two person in the National Security Administration, the deputy National Security Adviser, said this spring, as he addressed the All Dulles Area Muslim Society, which they like to call ADAMS, for short, he thanked Imam Majid, the president, this listed coconspirator, for his remarks and also to talk about how wonderful his prayer was at the White House Iftar celebration last year, which is the celebration in Islam that marks the end of the fasting of Ramadan.

And in the remarks, the deputy National Security Adviser of the United States commented on the President noting that this was really a continuation of the Iftar celebration that Thomas Jefferson had, once again, marking that the President is not getting good information about our Nation's history.

There are not 57 States; we are not, as the President said, producing more oil now than we ever have. You don't have to go back that far. We were producing 9.6 million billion barrels a day, and now we are producing 5.5. Do the math, if somebody will be honest enough to give the President the right information.

He says we never had more people on the border than we do right now. Somebody show the history of 1916 when a President—who I don't have a great deal of admiration for, Woodrow Wilson—knew that it was wrong to have a Mexican bandit, or a bandit group led by Pancho Villa come into the United States and be responsible for killing a handful of American citizens.

That was enough to motivate the President at that time to call up some-

thing new called the National Guard and to send General Pershing down there with over 10,000 troops to go into Mexico, root out the troublemakers—many were killed even though he didn't catch Pancho Villa, but the murders stopped. The intrusions into the United States across our sovereign border stopped. The 100,000-plus National Guard troops that were placed on our border in 1916 made sure that the intrusions stopped.

And by General Pershing going in, they made sure that they were not going to want to come try that again. That's how you deal with domestic or foreign terrorism. You can't try to love people and you can love your enemies and in Christianity we are taught to do that. And as individual Christians, that's what we are supposed to do.

But when we take an oath to defend this Constitution, when we have the responsibility of an oath to defend this Nation, to provide for the common defense, then it is incumbent upon us to provide for the common defense, and we have a different standard for which we have to answer.

So, yes, Christians are supposed to love one another. But the government's responsibility, as noted in Romans 13, is, as the scripture tells, someone tempted to do evil. If you do evil, be afraid, because God does not give the government the sword in vain.

We have a responsibility to provide for a free society and a safe society where people will be free to love each other and to make free choices. And, yes, when there is a religion that has been hijacked by radicals that says you give people freedom of choice, that's wrong, we need to have a caliphate. We need to have a religious leader that tells everybody what they can do. That way we avoid all the debauchery that you can see on any evening news in America.

The trouble is, God gave us freedom of choice. We can choose well or we can choose poorly, and the government ought to ensure, any government ought to ensure that people have that opportunity to do that as well.

So, after the President's speech, which basically amounted to a slap in the face of the leader of our friend, Israel, after the inaccurate representation by the White House that, gee, this is where all the talks have always started, well, not exactly. That was the point to which the Clinton administration pushed Prime Minister Barak, when he was the Prime Minister of Israel and, who knows, God knows, I think God hardened Arafat's heart so that when the Clinton administration had pushed Prime Minister Barak, what I think was far too far, which would have made Israel indefensible by any conventional means when Arafat had basically everything that he wanted, except the extinction of Israel, Arafat's heart was hardened and he said,

no, I am not entering the deal, thank goodness for Israel. So Israel remained a defensible Nation.

Now, when the White House, when the President tried to walk back his comments and explain—and as someone besides me has said before, when you hear someone say what I said was, it normally means that it isn't what they said. It's them trying to get a better twist than actually was the words that were said.

But in the President's speech, where he tried to massage the words that he had given on Thursday, the President's word, and I have got a transcript of his speech here, President Obama said, "The United States believes that negotiations should result in two states, with permanent Palestinian borders with Israel, Jordan, and Egypt, and permanent Israeli borders with Palestine."

He goes on and says, "The Palestinian people must have the right to govern themselves and reach their potential in a sovereign and contiguous state."

So this is the President's speech after he has been chastised by so many in his own party and so many across America who apparently are better friends to Israel than our President. He has had time to think about it, to pour over and make sure he doesn't make a mistake of saying something this time that he doesn't mean.

□ 2050

So if we want to give the President the benefit of the doubt that he made mistakes on what he said Thursday, then let's look at what he said this past weekend, and that should be what he really meant because he had time to massage the words he said.

I think it is helpful to look at a map of Israel right now. This is the West Bank where Palestinians are located, but it's under the control, ultimately, of Israel right now. This was originally Israel's territory after 1967. This down here is the Sinai Peninsula where Egypt is now.

After Israel was attacked unprovoked, Israel defended itself and took the Sinai Peninsula, took over the West Bank, took over Jerusalem, and took over the Golan Heights up here. And that was a defensible state. But Israel—and I didn't really understand it fully until I went to Israel for the first time. I couldn't understand. Why do you guys not get it, that when you unilaterally give away land trying to buy peace, you lose the land and you provide a staging area from which you are ultimately attacked again?

But once I had been in Israel and I saw locations of families and friends being blown up by suicide bombers, saw the location of children and families that were killed, terrorized by rockets, now about 12,000 of them, I understood a little better. They are so tired of

being terrorized and losing friends and family that they're willing to say, Look, we'll give you this area up here in Lebanon that we were able to control after the '67 war when you attacked us, we will give it back to you if you'll just leave us alone.

Patrick Henry said, People cry, peace, peace, but there is no peace. Israel wanted peace, so they gave away northern Israel, what's now colored as part of Lebanon. And so it wasn't but a few years ago Lebanon starts attacking, comes across the border, takes hostages, attacks Israel from the very area which Lebanon had been given in Israel's unilateral quest for peace.

Now, during the times before they controlled the Golan Heights, this area is quite high. It overlooks the Sea of Galilee and the Jordan River. And it was real easy to just lob artillery shells from the Golan Heights into Israel, terrorizing farmers and killing. It was indefensible. So by the grace of God, after they were attacked, they took the Golan Heights, and they still hold them. And it is an area that by holding they can avoid having cheap mortars that are a lot cheaper than rockets just being lobbed over into their settled areas, their civilized areas, killing and terrorizing all the more.

The West Bank—my hats go off to Prime Minister Fayyad for the efforts he has made in trying to bring up the West Bank and the Palestinian areas. I was critical because Palestinians have received billions of dollars, and yet they have not been building homes for the rank-and-file refugees, which seems to indicate to me they wanted to keep fomenting hatred toward the Jews, toward the Israelis.

Now let's take the President's words that he had time to massage. He learned from his mistake on Thursday, supposedly. He says that it should result in two states with permanent Palestinian borders with Israel, Jordan, and Egypt. Well, you've got the Gaza Strip that Israel unilaterally gave back, and now they have suffered thousands and thousands of rockets, terrorism, and death as a result of that generous gift of the Gaza Strip back. If you'll just leave us alone, we'll give you this wonderful strip. They gave it back. People cried peace, peace, but there was no peace. There is no peace now. They're still ready—if you'll just leave us alone—to make peace.

But under the President's words, gee, he uses the statement, in a sovereign contiguous state. Well, Palestinians have the Gaza Strip and they are occupying the West Bank. For that to be contiguous, there's only one of two things that can happen, and that is, if you cut Israel up, or you give all of this area to the Palestinians that are now completely in signed agreement with a terrorist group, Hamas, then you give all of this for the use of a ter-

rorist group, Hamas. And so then that would fulfill the President's desire as he had time to massage it and think about it, giving all of this land to Hamas, Palestinians, all of this area up here.

Well, but wait a minute. He said that after he described the borders that we would demand for the Palestinians, he said they would have a border with Egypt and with Jordan, comes clear up here, and that Israel would have permanent Israeli borders with Palestine. Well, he described the borders he wanted for the Palestinians. So his massage words, it seems, would mean that for Israel to only have borders with the Palestinians, you also have to give Palestine up here into Lebanon so that you have this little area, this little strip left for Israel, because that's what the President said.

After he had days to think about his mistake on Thursday, this is the best that he can do? We're going to give Israel a little strip?

And, by the way, can you imagine if Canada or Russia or China, one of their leaders, made a speech and said, United States, by the way, we think you ought to give away Arizona? You know, you've got drug smugglers up there; it would be a lot safer. You basically let them have it anyway. Why don't you just give it to the drug smugglers?

Can you imagine that? Well, that's the interdiction of a meddling President. He is trying to tell another sovereign state where they can have their borders and where they can't. That is not what you do to a friend.

And I know that we're winding down to the minutes, and I know that some people have been taught or miseducated about our history. Well, we are not going to be in session here on June 6. June 6 is the anniversary of D-day, when we lost thousands and thousands of Americans who were trying to retake a beachhead in Europe and eliminate the horrible force that was taking away freedoms and killing 6 million Jews.

And so to conclude tonight, Mr. Speaker, I want to read a prayer. Since we are not going to be in session on June 6, I want to read the prayer that Franklin Delano Roosevelt read live on national radio on June 6, 1944.

President Roosevelt said these words:

"My fellow Americans, last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far. And so, in this poignant hour, I ask you to join with me in prayer."

And then Roosevelt's prayer begins:

"Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suf-

fering humanity. Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

"They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph. They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

□ 2100

"For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

"Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom. And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

"Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

"Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces. And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

"And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

"With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

"Thy will be done, Almighty God, Amen."

The words of Franklin D. Roosevelt on D-day, June 6, 1944.

Mr. Speaker, with that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. OWENS (at the request of Ms. PELOSI) for today after 2:30 p.m. on account of a family emergency.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 13. Concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; to the Committee on Armed Services; in addition, to the Committee on Veterans' Affairs for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 990. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on April 15, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1473. Making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Karen L. Haas, Clerk of the House further reports that on May 2, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 1308. To amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 4 minutes p.m.), under its previous order, the House ad-

journed until tomorrow, Friday, May 27, 2011, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1688. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Closure of the Penaeid Shrimp Fishery Off South Carolina [Docket No.: 930792-3265] (RIN: 0648-XA305) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1689. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No.: 001005281-0369-02] (RIN: 0648-XA01) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1690. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA362) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1691. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trip Limit Adjustments for the Common Pool Fishery [Docket No.: 0910051338-0151-02] (RIN: 0648-XA304) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1692. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA347) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1693. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 101029427-0609-02] (RIN: 0648-XA338) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1694. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Limited Access for Guided Sport Charter Vessels in Alaska [Docket No.: 110325225-1224-02] (RIN:

0648-BA96) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1695. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #1, #2, #3, and #4 [Docket No.: 100218107-0199-01] (RIN: 0648-XA293) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1696. A letter from the Management and Program Analyst, Department of Homeland Security, transmitting the Department's final rule — Documents Acceptable for Employment Eligibility Verification [CIS No.: 2441-08; Docket No.: USCIS-2008-0001] (RIN: 1615-AB69) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1697. A letter from the Deputy Assistant Administrator, office of Diversion Control, Department of Justice, transmitting the Department's final rule — Self-Certification and Employee Training of Mail-Order Distributors of Scheduled Listed Chemical Products [Docket No.: DEA-347I] (RIN: 1117-AB30) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1698. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2010-1200; Directorate Identifier 2010-NM-136-AD; Amendment 39-16647; AD 2011-07-10] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1699. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. (Type Certificate Previously Held by The New Piper Aircraft, Inc.) Models PA-46-310P, PA-46-350P, and PA-46R-350T Airplanes [Docket No.: FAA-2010-1295; Directorate Identifier 2010-CE-060-AD; Amendment 39-16635; AD 2011-06-10] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1700. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Series Turbofan Engines [Docket No.: FAA-2010-0452; Directorate Identifier 98-ANE-80-AD; Amendment 39-16639; AD 2011-07-02] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1701. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0256; Directorate Identifier 2010-NM-114-AD; Amendment 39-16645; AD 2011-07-08] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1702. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2010-1304; Directorate



Identifier 2010-NM-254-AD; Amendment 39-16644; AD 2011-07-07] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1703. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model EC130 B4 Helicopters [Docket No.: FAA-2011-0212; Directorate Identifier 2010-SW-055-AD; Amendment 39-16632; AD 2011-06-07] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1704. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes, CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, CL-600-2D15 (Regional Jet Series 705) Airplanes, and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0703; Directorate Identifier 2010-NM-040-AD; Amendment 39-16633; AD 2011-06-08] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1705. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes, and Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F airplanes (Collectively Called A300-600 Series Airplanes) [Docket No.: FAA-2010-1162; Directorate Identifier 2010-NM-099-AD; Amendment 39-16634; AD 2011-06-09] (RIN: 2120-AA64) received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALL: Committee on Science, Space, and Technology. H.R. 1425. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; with an amendment (Rept. 112-90, Pt. 1). Ordered to be printed.

Mr. ADERHOLT: Committee on Appropriations. H.R. 2017. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-91). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 281. Resolution providing for consideration of the Senate amendment to the House amendment to the bill (S. 990) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes (Rept. 112-92). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHULER (for himself, Mr. ALT-MIRE, Mr. KISSELL, Mr. ROSS of Arkansas, Mr. BILBRAY, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. COFFMAN of Colorado, Mr. DAVIS of Kentucky, Mr. DUNCAN of Tennessee, Mr. GERLACH, Mr. GINGREY of Georgia, Mr. JONES, Mr. MARCHANT, Mr. MCCAUL, Mrs. MYRICK, Mr. GARY G. MILLER of California, Mr. ROYCE, Mr. YOUNG of Florida, Mr. ROE of Tennessee, Mr. LEWIS of California, Mr. GUINTA, Mr. MCINTYRE, Mr. CARTER, Mr. CALVERT, Mr. YOUNG of Alaska, Mr. ROHRBACHER, Mr. MANZULLO, Mr. SESSIONS, Mr. LAMBORN, Mr. VISCLOSKEY, Mr. FORTENBERRY, Mr. BACHUS, Mr. MCHENRY, Mr. BARLETTA, Mr. MATHE-SON, and Mr. NUNNELEE):

H.R. 2000. A bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program; to the Committee on Homeland Security, and in addition to the Committees on the Judiciary, Ways and Means, Education and the Workforce, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 2001. A bill to amend the Internal Revenue Code of 1986 to prevent the payment of unemployment compensation to individuals discharged for drug or alcohol use; to the Committee on Ways and Means.

By Mr. CHAFFETZ:

H.R. 2002. A bill to amend title 38, United States Code, to permit disabled or injured members of the Armed Forces to transfer Post 9/11 Educational Assistance benefits after retirement, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEFAZIO (for himself, Mr. BRALEY of Iowa, and Mr. HOLT):

H.R. 2003. A bill to amend the Internal Revenue Code of 1986 to impose a tax on transactions in oil futures, options, and swaps, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN:

H.R. 2004. A bill to authorize the President to control the transfer of goods, services, technology, and software to protect the national security, and to promote the foreign policy of the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2005. A bill to reauthorize the Combating Autism Act of 2006; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2006. A bill to establish a National Autism Spectrum Disorders Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 2007. A bill to establish programs to provide services to individuals with autism and the families of such individuals, and to increase public education and awareness of autism, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. COLE, Mr. GRAVES of Missouri, Mr. AMASH, Mr. GOWDY, Mr. LANKFORD, Mr. ROSS of Florida, Mr. MCHENRY, Mr. WALBERG, and Mr. KELLY):

H.R. 2008. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. ISSA, Mr. MORAN, Mr. BOREN, and Mr. HUNTER):

H.R. 2009. A bill to amend the Clean Air Act to define next generation biofuel, and to allow States the option of not participating in the corn ethanol portions of the renewable fuel standard due to conflicts with agricultural, economic, energy, or environmental goals; to the Committee on Energy and Commerce.

By Mr. PAULSEN (for himself, Mr. TIBERI, Ms. GRANGER, Mr. CULBERSON, Mr. BURTON of Indiana, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. FLEMING, Mr. GARRETT, Mr. GOHMERT, Ms. HERRERA BEUTLER, Mr. LUETKEMEYER, Mr. DANIEL E. LUNGREN of California, Mr. MANZULLO, Mr. PEARCE, Mr. CHAFFETZ, Mr. PAUL, Mr. ROSKAM, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. WESTMORELAND, Mr. BRADY of Texas, Mr. DENT, Mrs. BIGGERT, Mr. LANCE, and Mr. ROONEY):

H.R. 2010. A bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself, Mr. HASTINGS of Washington, Mr. GOHMERT, Mr. BISHOP of Utah, Mr. FLEMING, Mr. MCCLINTOCK, Mr. THOMPSON of Pennsylvania, Mr. RIVERA, Mr. GOSAR, Mr. TIPTON, Mr. HARRIS, Mr. FLEISCHMANN, Mr. BENISHEK, Mr. JOHNSON of Ohio, Mr. BOREN, Mr. SIMPSON, Mr. GALLEGLY, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. MATHESON, Mr. YOUNG of Alaska, and Mr. DUNCAN of Tennessee):

H.R. 2011. A bill to require the Secretary of the Interior to conduct an assessment of the capability of the Nation to meet our current and future demands for the minerals critical to United States manufacturing competitiveness and economic and national security in a time of expanding resource nationalism, and for other purposes; to the Committee on Natural Resources.

By Ms. BASS of California (for herself and Mr. CROWLEY):

H.R. 2012. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for



a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 2013. A bill to empower States with programmatic flexibility and financial predictability to improve their Medicaid programs and State Children's Health Insurance Programs by ensuring better health care for low-income pregnant women, children, and families, and for elderly individuals and disabled individuals in need of long-term care services and supports, whose income and resources are insufficient to meet the costs of necessary medical services; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, House Administration, Natural Resources, the Judiciary, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARTER (for himself, Mr. BOREN, and Mr. ROGERS of Alabama):

H.R. 2014. A bill to encourage greater use of propane as a transportation fuel, to create jobs, and for other purposes; to the Committee on Ways and Means.

By Mr. FATTAH:

H.R. 2015. A bill to establish the Commission on American Discoveries and American Jobs to study and recommend improvements to the federal funding of research; to the Committee on Science, Space, and Technology.

By Mrs. MALONEY (for herself, Mr. DUNCAN of Tennessee, Mr. COSTA, Mr. MCGOVERN, Mr. GRIJALVA, and Mrs. MCCARTHY of New York):

H.R. 2016. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking; to the Committee on Education and the Workforce.

By Mr. MICA (for himself, Mr. RAHALL, Mr. SHUSTER, Mrs. CAPITO, Mr. COBLE, Mr. BARLETTA, Mr. LANDRY, Mr. DUNCAN of Tennessee, Mr. BUCSHON, Mr. CRAWFORD, Mr. GRAVES of Missouri, Mr. GIBBS, Mr. CRITZ, Mr. ALTMIRE, Mr. HOLDEN, Mr. HUNTER, Mr. GARY G. MILLER of California, Mr. YOUNG of Alaska, Mrs. SCHMIDT, and Mr. ROGERS of Kentucky):

H.R. 2018. A bill to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. RICHARDSON (for herself, Mr. CONYERS, Mr. NADLER, Mr. SERRANO, Ms. NORTON, Ms. LEE of California, Mr. FILNER, Ms. SLAUGHTER, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Mr. CLEAVER, Mr. STARK, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. DEFALZIO, Mr. CUMMINGS, Mr. TOWNS, Ms. CLARKE of New York, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. SABLON, Mrs. NAPOLITANO, Ms. CHU, Ms. BASS of California, Mr. CAPUANO, Ms. FUDGE, Ms. ROYBAL-ALLARD, Mrs. MALONEY, Mr. ELLISON, Mr. SIREN, Mr. BUTTERFIELD, Ms. BROWN of Florida, Mr. COHEN, Ms. SCHAKOWSKY, Mr. PAYNE, Mr. RANGEL, Mr. BACA, Ms. MOORE, Mr. MEEKS, and Mrs. CHRISTENSEN):

H.R. 2019. A bill to prevent and remedy discrimination with respect to federally funded transportation projects, programs, and activities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Ms. BERKLEY, Mrs. MYRICK, Ms. SCHWARTZ, Mr. SESSIONS, Mr. RANGEL, Mr. GENE GREEN of Texas, and Mrs. MCMORRIS RODGERS):

H.R. 2020. A bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARDNER (for himself, Mr. GENE GREEN of Texas, Mr. POMPEO, Mr. SHIMKUS, Mr. SCALISE, Mr. BURGESS, Mr. TERRY, Mr. PITTS, Mr. KINZINGER of Illinois, Mr. GRIFFITH of Virginia, Mr. OLSON, and Mrs. MCMORRIS RODGERS):

H.R. 2021. A bill to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities; to the Committee on Energy and Commerce.

By Ms. BASS of California:

H.R. 2022. A bill to authorize the Secretary of Health and Human Services to conduct a study on the recruitment and retention of foster parents in the United States; to the Committee on Ways and Means.

By Mr. BURTON of Indiana (for himself, Mr. LAMBORN, Mr. FORBES, Mr. JONES, Mr. WESTMORELAND, Mr. TERRY, Mr. MCCOTTER, Mr. FRANKS of Arizona, Mr. SIMPSON, Mr. GARRETT, and Mr. BARTON of Texas):

H.R. 2023. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that exerts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. BUTTERFIELD:

H.R. 2024. A bill to amend title 39, United States Code, to provide that the procedures governing the closure or consolidation of postal branches and stations shall be the same as those applicable in the case of post offices; to the Committee on Oversight and Government Reform.

By Mr. CARTER (for himself, Mr. JONES, Mr. GOSAR, and Mr. GOHMERT):

H.R. 2025. A bill to amend title 32, United States Code, to require the Secretary of Defense to provide funds to support the use by a State of the National Guard, State defense forces, and law enforcement agencies in securing an international border that forms part of the border of the State, and for other purposes; to the Committee on Armed Services.

By Mr. CICILLINE (for himself, Mr. KEATING, Mr. LANGEVIN, Mr. BOREN, Mr. LUJÁN, Mr. COURTNEY, Mr. DEFALZIO, Ms. SLAUGHTER, Mr. HIGGINS, and Ms. JACKSON LEE of Texas):

H.R. 2026. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. CICILLINE:

H.R. 2027. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island; to the Committee on Natural Resources.

By Mr. COHEN (for himself, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Mr. ACKERMAN, Mr. BERMAN, Mr. TOWNS, Ms. MOORE, Mr. BISHOP of New York, Mr. DOYLE, Mr. STARK, Mr. JOHNSON of Georgia, Mr. RYAN of Ohio, Mr. WATT, Ms. CHU, and Mr. POLIS):

H.R. 2028. A bill to amend title 11 of the United States Code to modify the dischargeability of debts for certain educational payments and loans; to the Committee on the Judiciary.

By Ms. DELAULO (for herself, Mr. BARROW, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BUTTERFIELD, Mrs. CAPPS, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. DEGETTE, Mr. ENGEL, Ms. ESHOO, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HALL, Mr. HINCHY, Mr. JACKSON of Illinois, Mr. KING of New York, Mr. LANCE, Ms. LEE of California, Mr. MATHESON, Ms. MATSUI, Mr. MARKEY, Mr. MCCAUL, Mr. McDERMOTT, Mrs. MCMORRIS RODGERS, Mr. MILLER of North Carolina, Ms. MOORE, Mr. MURPHY of Connecticut, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SESSIONS, Ms. SLAUGHTER, Ms. SUTTON, Mr. TOWNS, Mr. WEINER, and Mr. WELCH):

H.R. 2029. A bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program; to the Committee on Energy and Commerce.

By Ms. EDWARDS (for herself, Mr. CARNAHAN, Ms. LEE of California, Mr. GRIJALVA, Ms. HIRONO, Mr. STARK, Ms. MOORE, Mr. MORAN, Mr. CLEAVER, Mr. TONKO, Ms. PINGREE of Maine, Mr. HOLT, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, and Mr. MCGOVERN):

H.R. 2030. A bill to establish centers of excellence for green infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FINCHER:

H.R. 2031. A bill to amend the Plant Protection Act to expedite the process for approval of certain biotechnology products, and for other purposes; to the Committee on Agriculture.

By Mr. FRANK of Massachusetts (for himself, Mr. GOODLATTE, Ms. WASSERMAN SCHULTZ, Mr. CULBERSON, Mr. PAYNE, Mr. MORAN, Mr. RUSH, Mrs. MCMORRIS RODGERS, Mr. MANZULLO, and Mr. FILNER):

H.R. 2032. A bill to protect the interests of each resident of intermediate care facilities

for the mentally retarded in class action lawsuits by federally-funded entities involving such residents and in Department of Justice actions that could result in an agreement to move such a resident from that resident's facility; to the Committee on the Judiciary.

By Mr. GERLACH (for himself and Mr. GONZALEZ):

H.R. 2033. A bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GERLACH:

H.R. 2034. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to include fire police officers in the list of officers who are eligible for public safety officers' death benefits; to the Committee on the Judiciary.

By Mr. GRIFFIN of Arkansas:

H.R. 2035. A bill to amend the Patient Protection and Affordable Care Act to provide for greater disclosure in the process for waiving annual limitation requirements under that Act; to the Committee on Energy and Commerce.

By Mr. GRIFFITH of Virginia (for himself, Mr. GONZALEZ, Mr. REHBERG, Mr. WHITFIELD, and Mr. SHIMKUS):

H.R. 2036. A bill to repeal certain barriers to domestic fuel production, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Armed Services, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 2037. A bill to establish the Santa Cruz Valley National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. HIGGINS:

H.R. 2038. A bill to amend the Federal Election Campaign Act of 1971 to provide for limitations on expenditures in elections for the House of Representatives; to the Committee on House Administration.

By Mr. ISRAEL:

H.R. 2039. A bill to suspend temporarily the duty on nightlights of plastic; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. DUNCAN of South Carolina, Ms. FOXX, Mr. GARY G. MILLER of California, and Mr. PAUL):

H.R. 2040. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Mr. KINGSTON (for himself, Mr. JORDAN, Mr. FLAKE, and Mr. GRAVES of Georgia):

H.R. 2041. A bill to reduce Federal spending in a responsible manner; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. HERGER, Mr. CROWLEY,

Mr. BRADY of Texas, and Mr. DANIEL E. LUNGREN of California):

H.R. 2042. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. MEEKS:

H.R. 2043. A bill to amend the Revised Statutes of the United States to authorize vicarious liability in certain civil actions dealing with the deprivation of rights; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 2044. A bill to amend the Federal Food, Drug, and Cosmetic Act concerning claims about the effects of foods and dietary supplements on health-related conditions and disease, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 2045. A bill to amend the Federal Trade Commission Act concerning the burden of proof in false advertising cases involving dietary supplements and dietary ingredients; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 2046. A bill to amend title 10, United States Code, to ensure that members of the Armed Forces who are being separated from active duty receive comprehensive employment assistance, job training assistance, and other transitional services; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself,

Mr. SIREN, Mr. MACK, Mr. RIVERA, Mr. WEST, Mr. CONNOLLY of Virginia, Mr. BUCHANAN, and Mr. DIAZ-BALART):

H.R. 2047. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to exclude from the United States aliens who contribute to the ability of Cuba to develop petroleum resources located off Cuba's coast and to provide for the imposition of sanctions and prohibition on facilitation of development of Cuba's petroleum resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H.R. 2048. A bill to expand the eligibility for the provision of Government headstones, markers, and medallions for veterans buried at private cemeteries; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H.R. 2049. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses to \$10,500 and to index such limitation to inflation; to the Committee on Ways and Means.

By Mr. SIMPSON:

H.R. 2050. A bill to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. TIBERI (for himself and Mr. STIVERS):

H.R. 2051. A bill to direct the Secretary of Veterans Affairs to assist in the identification of unclaimed and abandoned human re-

mains to determine if any such remains are eligible for burial in a national cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TONKO:

H.R. 2052. A bill to direct the Secretary of Veterans Affairs to establish a registry of certain veterans who were stationed at Fort McClellan, Alabama, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ of Minnesota (for himself and Mr. KING of New York):

H.R. 2053. A bill to amend title 38, United States Code, to improve the efficiency of processing certain claims for disability compensation by veterans; to the Committee on Veterans' Affairs.

By Mr. WHITFIELD:

H.R. 2054. A bill to provide for the re-enrichment of certain depleted uranium owned by the Department of Energy, and for the sale or barter of the resulting re-enriched uranium, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. KING of New York, Mr. BOUSTANY, Mr. BERMAN, Mr. MANZULLO, Mr. CAPUANO, Mr. PITTS, Mr. HOLT, Mr. ROHRBACHER, Mrs. MALONEY, Mr. MCCOTTER, and Mr. ENGEL):

H.J. Res. 66. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Ways and Means.

By Mr. FLORES:

H. Con. Res. 56. Concurrent resolution expressing the sense of Congress that Members of Congress, the President, and the Vice President should donate their salaries to the Treasury for reducing the national debt if members of the Armed Forces do not receive pay or allowances because of a shutdown of the Federal Government or because the Government is unable to fund such pay and allowances because the public debt limit has been reached; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM:

H. Res. 280. A resolution amending the Rules of the House of Representatives to prevent any Member, Delegate, Resident Commissioner, officer, or employee of the House from benefitting financially from a vote to change the statutory limit on the public debt; to the Committee on Ethics.

By Ms. CHU (for herself, Mrs. BIGGERT, Mr. COFFMAN of Colorado, and Mr. ROHRBACHER):

H. Res. 282. A resolution expressing the regret of the House of Representatives for the passage of discriminatory laws against the Chinese in the United States, including the Chinese Exclusion Act; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. CARSON of Indiana, Mr. ELLISON, Ms. CLARKE of New York, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. HONDA, Ms. WOOLSEY, Ms. BALDWIN, Mr. TOWNS, Ms. CHU, Mr. SCOTT of Virginia, Mr. STARK,

Mr. JACKSON of Illinois, Mr. RANGEL, Mr. MORAN, Ms. ZOE LOFGREN of California, Mr. POLIS, Mr. RUSH, Mr. AL GREEN of Texas, Mr. CUMMINGS, Mr. TONKO, and Mr. FILNER):

H. Res. 283. A resolution expressing the sense of the House of Representatives that the Federal Government should take steps to counter the growth in anti-Muslim sentiments, targeted rhetorical attacks, and violence against the Muslim, Arab, Sikh, and South Asian American communities; to the Committee on the Judiciary.

By Mr. GRIJALVA:

H. Res. 284. A resolution honoring wild horses and burros as important to our national heritage; to the Committee on Natural Resources.

By Mr. MARKEY (for himself and Mr. DOYLE):

H. Res. 285. A resolution expressing support for designation of June 2011 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of rule XXII,

29. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6008 memorializing the Congress to impose a moratorium on promulgation of any new air quality regulation by the EPA; to the Committee on Energy and Commerce.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SHULER:

H.R. 2000.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have power to establish a Rule of Naturalization, and uniform laws the subject of Bankruptcies throughout the United States.

By Mr. BILIRAKIS:

H.R. 2001.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution, which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. CHAFFETZ:

H.R. 2002.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to article 1, section 8, clauses 11-14 of the U.S. Constitution.

By Mr. DEFazio:

H.R. 2003.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1.

By Mr. BERMAN:

H.R. 2004.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 2, Clause 3.

By Mr. SMITH of New Jersey:

H.R. 2005.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause 1 of the Constitution.

By Mr. SMITH of New Jersey:

H.R. 2006.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause 1 of the Constitution.

By Mr. SMITH of New Jersey:

H.R. 2007.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill is based is Congress's power under Article I, Section 8, Clause 1 of the Constitution.

By Mr. ISSA:

H.R. 2008.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18. "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . ."

By Mr. BILBRAY:

H.R. 2009.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. PAULSEN:

H.R. 2010.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. LAMBORN:

H.R. 2011.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3

By Ms. BASS of California:

H.R. 2012.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 1

By Mr. NUNES:

H.R. 2013.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 18 grant Congress broad financial powers, including the power to tax and spend for the general welfare and to impose conditions on the receipt of federal monies by the states.

By Mr. CARTER:

H.R. 2014.

Congress has the power to enact this legislation pursuant to the following:

"Article(s) I, Section 8, Clause 1, Article I, Section 8, Clause 3 of the United States Constitution and the Sixteenth Amendment of the United States Constitution."

By Mr. FATTAH:

H.R. 2015.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, which states the Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. MALONEY:

H.R. 2016.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18, which reads: The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. ADERHOLT:

H.R. 2017.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. MICA:

H.R. 2018.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 (related to regulation of Commerce among the several States).

By Ms. RICHARDSON:

H.R. 2019.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BURGESS:

H.R. 2020.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Congress' legislative powers under Article I, Section 8, of the Constitution. Under this provision, Congress has the authority to regulate "commerce among the several states" "To lay and collect Taxes, Duties, Imposts and Excises," and "To make Rules for the Government."

By Mr. GARDNER:

H.R. 2021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

By Ms. BASS of California:

H.R. 2022.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BURTON of Indiana:

H.R. 2023.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 9 and Article 1, Section 8, Clause 18

By Mr. BUTTERFIELD:

H.R. 2024.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

Mr. CARTER:

H.R. 2025.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: To Provide for the common defence; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.

By Mr. CICILLINE:

H.R. 2026.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. CICILLINE:

H.R. 2027.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COHEN:

H.R. 2028.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 4 of the United States Constitution

By Ms. DELAURO:

H.R. 2029.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution and Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. EDWARDS:

H.R. 2030.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. FINCHER:

H.R. 2031.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 1.

By Mr. FRANK of Massachusetts:

H.R. 2032.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution.

By Mr. GERLACH:

H.R. 2033.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution.

By Mr. GERLACH:

H.R. 2034.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18.

By Mr. GRIFFIN of Arkansas:

H.R. 2035.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Commerce Clause.

By Mr. GRIFFITH of Virginia:

H.R. 2036.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3 of the United States Constitution.

By Mr. GRIJALVA:

H.R. 2037.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating

to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. HIGGINS:

H.R. 2038.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1 of the Constitution.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but Congress may at any time make or alter such Regulations, except as to the Place of choosing Senators.

By Mr. ISRAEL:

H.R. 2039.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the Constitution of the United States.

By Mr. KING of Iowa:

H.R. 2040.

Congress has the power to enact this legislation pursuant to the following:

This Act erases the forced-dues clauses in the National Labor Relation Act (NLRA) and Railway Labor Act (RLA). It does not add a single letter to federal law. As such, this bill makes specific changes to existing law in a manner that returns power to the States and to the people, in accordance with Amendment X of the United States Constitution.

By Mr. KINGSTON:

H.R. 2041.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which states: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. LARSEN of Washington:

H.R. 2042.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established

by the Constitution and precedent, can determine the Constitutionality of this authority.

By Mr. MEEKS:

H.R. 2043.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PAUL:

H.R. 2044.

Congress has the power to enact this legislation pursuant to the following:

The Health Freedom Act is justified by the First Amendment to the United States Constitution, which, by protecting the people's right of free speech, clearly gives Congress the power to stop the executive branch from censoring speech related to the health benefits of foods and dietary supplements.

By Mr. PAUL:

H.R. 2045.

Congress has the power to enact this legislation pursuant to the following:

The Health Freedom Act is justified by the First Amendment to the United States Constitution, which, by protecting the people's right of free speech, clearly gives Congress the power to require federal agencies to bear the burden of proof when bringing legal actions to restrict the dissemination of information related to the health benefits of foods and dietary supplements.

By Mr. RANGEL:

H.R. 2046.

Congress has the power to enact this legislation pursuant to the following:

Congress is given the power under the Constitution "To raise and support Armies," "To provide and maintain a Navy," and "To make Rules for the Government and Regulation of the land and naval Forces." Art. I, §8, cls. 12-14. See also: *ROSTKER V. GOLDBERG*, 453 U.S. 57 (1981)

By Ms. ROS-LEHTINEN:

H.R. 2047.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution.

By Mr. RYAN of Ohio:

H.R. 2048.

Congress has the power to enact this legislation pursuant to the following:

"The Congress enacts this bill pursuant to Clause 18 of Section 8 of Article I of the United States Constitution."

By Mr. SENSENBRENNER:

H.R. 2049.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. SIMPSON:

H.R. 2050.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. TIBERI:

H.R. 2051.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. TONKO:

H.R. 2052.

Congress has the power to enact this legislation pursuant to the following:

Section 1 of article 1 of the Constitution, which states, "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. WALZ of Minnesota:

H.R. 2053.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Section 8 of Article I of the United States Constitution.

By Mr. WHITEFIELD:

H.R. 2054.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. CROWLEY:

H.J. Res. 66.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. BOREN and Mr. HASTINGS of Washington.

H.R. 23: Mr. LATOURETTE.

H.R. 58: Mr. AUSTRIA, Mr. TIPTON, and Mr. WALBERG.

H.R. 91: Mr. TURNER, Mr. SMITH of New Jersey, Mr. DUNCAN of South Carolina, Mr. MCKEON, Mr. HERGER, Mr. GIBSON, Mr. GARRETT, and Mrs. NOEM.

H.R. 114: Mr. COBLE.

H.R. 135: Mr. HANNA.

H.R. 139: Mr. ISRAEL, Mr. YARMUTH, Ms. TSONGAS, Ms. SLAUGHTER, Mr. INSLEE, Mr. TONKO, Mr. WEINER, Mr. McDERMOTT, Mr. COHEN, Mr. SERRANO, and Mrs. MALONEY.

H.R. 152: Mr. TIBERI.

H.R. 153: Mrs. BLACK.

H.R. 157: Mr. MATHESON.

H.R. 290: Mr. MCCOTTER.

H.R. 298: Ms. GRANGER, Mr. GOHMERT, Mr. OLSON, Mr. POE of Texas, Mr. MARCHANT, Mr. SMITH of Texas, Mr. FLORES, and Mr. CUELLAR.

H.R. 304: Mr. SCHIFF.

H.R. 333: Ms. HIRONO and Mr. CUMMINGS.

H.R. 371: Mr. AUSTRIA.

H.R. 376: Mr. RANGEL.

H.R. 436: Mr. LABRADOR, Mrs. MYRICK, and Mr. QUAYLE.

H.R. 440: Mr. RIGELL.

H.R. 451: Ms. NORTON.

H.R. 458: Ms. EDWARDS.

H.R. 501: Mr. FARR and Mr. TIERNEY.

H.R. 507: Mr. HOLT, Mr. PAUL, Ms. BALDWIN, and Mr. POLIS.

H.R. 515: Mr. PALLONE.

H.R. 605: Mr. SIMPSON, Mrs. NOEM, Mr. BILBRAY, Mr. SULLIVAN, Mr. JOHNSON of Ohio, and Mr. QUAYLE.

H.R. 607: Mr. FORBES.

H.R. 616: Mr. JACKSON of Illinois.

H.R. 654: Mr. HOLT, Mr. GRIJALVA, and Mr. LIPINSKI.

H.R. 674: Mrs. ELLMERS, Ms. HERRERA BEUTLER, Mr. SCOTT of South Carolina, Mr. LUJÁN, Ms. DELAULO, and Mr. DIAZ-BALART.

H.R. 694: Mr. WITTMAN.

H.R. 704: Mr. HURT.

H.R. 721: Mr. BONNER and Ms. PINGREE of Maine.

H.R. 735: Mr. POE of Texas.

H.R. 756: Mr. BACA and Mr. BOSWELL.

H.R. 757: Mr. MARINO.

H.R. 787: Mr. MCCLINTOCK, Mr. UPTON, and Mr. WITTMAN.

H.R. 789: Mr. SIREs, Mr. PAYNE, Mr. LANCE, and Mr. PALLONE.

H.R. 808: Mrs. DAVIS of California and Mr. FILNER.

H.R. 822: Ms. SEWELL, Mr. KING of Iowa, and Mr. MCCARTHY of California.

H.R. 886: Mr. ROGERS of Kentucky, Mr. BILBRAY, Mr. HANNA, Mr. WILSON of South Carolina, Mr. JOHNSON of Ohio, Mr. WEST, Mr. LANDRY, Ms. HAYWORTH, Mr. SULLIVAN, Mr. DUNCAN of Tennessee, Mr. BARLETTA, Mr. NUGENT, Mr. ROGERS of Michigan, Mr. FORBES, Mr. AUSTRIA, Mr. KELLY, Mr. GIBBS, Mr. SIMPSON, Mr. CANSECO, Mr. DENT, Mr. KING of New York, Mr. QUAYLE, Mr. YODER, Mr. BONNER, Mr. ROSKAM, Mr. FLEISCHMANN, Mr. CONAWAY, Mr. FARENTHOLD, Mr. MARCHANT, and Mr. MICA.

H.R. 894: Mr. CAPUANO.

H.R. 905: Ms. SCHWARTZ.

H.R. 911: Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Mississippi, Mr. BOREN, and Ms. WASSERMAN SCHULTZ.

H.R. 923: Mr. MCCAUL, Mrs. McMORRIS RODGERS, Ms. MOORE, Mr. GUTIERREZ, and Mr. HIGGINS.

H.R. 935: Mr. SHUSTER and Ms. JENKINS.

H.R. 942: Mr. NEAL.

H.R. 965: Ms. DEGETTE.

H.R. 984: Mr. GERLACH.

H.R. 998: Mr. DICKS.

H.R. 1001: Mr. YARMUTH and Mr. ROTHMAN of New Jersey.

H.R. 1002: Mr. GARDNER, Mr. GIBSON, Mr. HUIZENGA of Michigan, Ms. HERRERA BEUTLER, Mr. AUSTRIA, Ms. WILSON of Florida, Mr. YODER, Mr. HURT, Mr. AL GREEN of Texas, Mr. DOLD, Mr. SCHRADER, Mr. SOUTHERLAND, Mr. REYES, Mr. BISHOP of Georgia, and Mr. THORNBERRY.

H.R. 1005: Mr. HINCHERY.

H.R. 1041: Mr. HIMES, Mr. MILLER of Florida, and Mr. RIVERA.

H.R. 1048: Mr. PAYNE.

H.R. 1063: Mr. YOUNG of Alaska and Mr. COURTNEY.

H.R. 1070: Mr. QUAYLE and Mr. CULBERSON.

H.R. 1082: Mr. MANZULLO.

H.R. 1119: Ms. LORETTA SANCHEZ of California.

H.R. 1124: Mr. BRALEY of Iowa, Mr. HOLT, and Ms. HIRONO.

H.R. 1147: Mr. GUTHRIE.

H.R. 1150: Mr. LABRADOR, Mr. SIMPSON, Mrs. EMERSON, Mr. VISCLOSKEY, and Mr. GINGREY of Georgia.

H.R. 1161: Mr. LIPINSKI, Mr. HUIZENGA of Michigan, and Mr. REHBERG.

H.R. 1186: Mr. BRADY of Texas.

H.R. 1195: Mr. JOHNSON of Ohio and Mr. COLE.

H.R. 1208: Mr. PETERS.

H.R. 1219: Mr. COSTELLO and Mr. STIVERS.

H.R. 1236: Mr. LUETKEMEYER and Ms. DEGETTE.

H.R. 1240: Mr. SIREs.

H.R. 1244: Mr. CLEAVER, Mr. LOEBSACK, Mr. MANZULLO, and Mr. WELCH.

H.R. 1259: Mr. ROKITA, Mr. ROE of Tennessee, Mr. SULLIVAN, Mr. LATHAM, Mr. GOWDY, Mr. GRIMM, Mr. CHABOT, Mr. FITZPATRICK, Mr. COBLE, Mrs. CAPITO, Mr. ROONEY, Mr. ROSS of Florida, Mr. PALAZZO, and Mr. MCINTYRE.

H.R. 1262: Mr. GENE GREEN of Texas, Ms. JACKSON LEE of Texas, and Mr. FILNER.

H.R. 1265: Mr. FITZPATRICK.

H.R. 1269: Ms. CASTOR of Florida.

H.R. 1288: Ms. CASTOR of Florida, Ms. FOXX, and Mr. SCHIFF.

H.R. 1299: Mr. TIBERI.

H.R. 1311: Mr. MORAN.

H.R. 1342: Mr. RUNYAN.

H.R. 1350: Mr. GRIJALVA and Mr. WU.

H.R. 1351: Ms. SCHWARTZ, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. CARTER, Mr. SMITH of New Jersey, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. KISSELL, Mr. LUJÁN, Mr. CICILLINE, and Mr. SMITH of Washington.

H.R. 1370: Mr. TIBERI, Mr. BURGESS, and Mr. ROSKAM.

H.R. 1380: Mr. FITZPATRICK.

H.R. 1391: Mr. ROSS of Florida and Mr. KIND.

H.R. 1397: Mr. TONKO and Mr. DICKS.

H.R. 1406: Mr. SENSENBRENNER.

H.R. 1418: Mr. BURTON of Indiana.

H.R. 1427: Ms. HIRONO, Ms. BERKLEY, and Mr. GIBSON.

H.R. 1429: Mr. FILNER.

H.R. 1432: Mr. MCHENRY.

H.R. 1440: Ms. WOOLSEY.

H.R. 1449: Mr. MILLER of North Carolina.

H.R. 1465: Mr. FILNER.

H.R. 1466: Mr. QUIGLEY.

H.R. 1489: Mr. SCHRADER.

H.R. 1505: Mrs. LUMMIS, Mr. CHAFFETZ, Mrs. McMORRIS RODGERS, Mr. ROYCE, Mrs. MILLER of Michigan, and Mr. BROUN of Georgia.

H.R. 1515: Mr. CARNEY and Mr. LATOURETTE.

H.R. 1523: Mr. BRADY of Pennsylvania and Mr. REICHERT.

H.R. 1527: Mr. CONAWAY.

H.R. 1537: Mr. SCOTT of Virginia.

H.R. 1538: Mrs. MILLER of Michigan.

H.R. 1551: Mr. KINZINGER of Illinois, Mr. LATTI, Mr. MARINO, Mr. TURNER, Mr. YOUNG of Indiana, and Mr. ROE of Tennessee.

H.R. 1558: Mr. COBLE.

H.R. 1565: Mr. THOMPSON of Pennsylvania.

H.R. 1580: Mr. POSEY, Mr. SAM JOHNSON of Texas, Mrs. BLACK, Ms. JENKINS, and Mr. MATHESON.

H.R. 1588: Mr. SMITH of Texas.

H.R. 1596: Ms. ESHOO.

H.R. 1616: Mr. PAYNE, Mr. BACA, Mr. SCHIFF, and Mr. SIREs.

H.R. 1635: Mr. COBLE.

H.R. 1642: Mr. FILNER.

H.R. 1645: Ms. VELÁZQUEZ.

H.R. 1648: Mr. QUIGLEY, Mr. REYES, and Mr. DICKS.

H.R. 1681: Ms. ROS-LEHTINEN.

H.R. 1683: Mr. COBLE.

H.R. 1703: Mr. LIPINSKI and Mr. HOLDEN.

H.R. 1704: Ms. BASS of California, Ms. MOORE, Mr. JACKSON of Illinois, Mr. MCNERNEY, and Mr. BERMAN.

H.R. 1706: Mr. PETERS, Mr. SHULER, Mr. MICHAUD, and Mr. DREIER.

H.R. 1716: Mr. CICILLINE.

H.R. 1720: Ms. WOOLSEY.

H.R. 1723: Mr. BROUN of Georgia.

H.R. 1724: Ms. MCCOLLUM, Mr. ISRAEL, and Mr. DEFAZIO.

H.R. 1738: Ms. BERKLEY.

H.R. 1744: Mr. POE of Texas, Mr. ROSS of Florida, Mr. SCHOCK, Mr. REICHERT, Mr. GOHMERT, Mr. CULBERSON, Mrs. LUMMIS, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. LUETKEMEYER, and Mr. PAUL.

H.R. 1747: Mr. DUFFY.

H.R. 1753: Mr. NADLER.

H.R. 1756: Mr. GRIMM, Mr. WEINER, and Mr. MICHAUD.

H.R. 1758: Mr. GRIJALVA.

H.R. 1802: Mr. LOBIONDO.

H.R. 1803: Mr. WESTMORELAND.

H.R. 1805: Mr. NADLER.

H.R. 1815: Mrs. MALONEY, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. SARBANES, Mr. KISSELL, Mr. YARMUTH, Mr.

ENGEL, Mr. COBLE, Mr. RIVERA, Mr. MORAN, Mr. PENCE, Ms. VELÁZQUEZ, Mr. HINOJOSA, and Ms. PINGREE of Maine.

H.R. 1819: Mr. GOSAR.

H.R. 1832: Mr. JOHNSON of Ohio.

H.R. 1839: Mr. WITTMAN, Mr. BACHUS, and Mr. COBLE.

H.R. 1845: Mr. THOMPSON of Mississippi, Mr. LUJÁN, Mr. FITZPATRICK, and Mr. NEAL.

H.R. 1852: Mr. TOWNS, Mrs. MCMORRIS RODGERS, Mr. ENGEL, Mr. BISHOP of Utah, Mr. WITTMAN, Mr. MATHESON, and Mr. DINGELL.

H.R. 1861: Mr. LATOURETTE.

H.R. 1865: Mr. BUCSHON, Mrs. SCHMIDT, and Mr. RENACCI.

H.R. 1872: Mr. JONES, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. JOHNSON of Ohio, and Ms. HERRERA BEUTLER.

H.R. 1873: Mr. WAXMAN and Mr. CLAY.

H.R. 1880: Ms. FUDGE.

H.R. 1901: Mr. GONZALEZ and Ms. WILSON of Florida.

H.R. 1903: Ms. MOORE.

H.R. 1904: Mr. TIPTON and Mr. MANZULLO.

H.R. 1905: Mr. ANDREWS, Mr. BACA, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BRADY of Pennsylvania, Mr. BROOKS, Ms. BROWN of Florida, Mr. BUCHANAN, Mr. CANSECO, Mr. CARDOZA, Mr. CARNEY, Mr. CLARKE of Michigan, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CONNOLLY of Virginia, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DOLD, Mrs. ELLMERS, Mr. ENGEL, Mr. GALLEGLY, Mr. GARRETT, Mr. GOODLATTE, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HECK, Mr. HOLDEN, Mr. HUELSKAMP, Mr. KEATING, Mr. KING of New York, Mr. KLINE, Mr. LAMBORN, Mr. LOBIONDO, Mrs. MALONEY, Mrs. MCCARTHY of New York, Mr. MCKINLEY, Mr. NADLER, Mr. NEAL, Mr. PALLONE, Mr. PAULSEN, Mr. PETERS, Mr. PLATTS, Mr. POLIS, Mr. REICHERT, Ms. RICHARDSON, Mr. ROE of Tennessee, Mr. ROTHMAN of New Jersey, Ms. LINDA T. SÁNCHEZ of California, Mr. SCALISE, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHOCK, Ms. SCHWARTZ, Mr. SCHWEIKERT, Mr. TOWNS, Mr. UPTON, Mr. WALBERG, Mr. WOLF, Mrs. MILLER of Michigan, Mr. HULTGREN, Mr. BARLETTA, Mr. LANCE, and Mrs. CAPITO.

H.R. 1906: Mr. COBLE.

H.R. 1908: Mr. BARTLETT and Mrs. ELLMERS.

H.R. 1912: Mr. PETERS.

H.R. 1938: Mrs. BLACKBURN, Mr. BURGESS, Mr. FLORES, Mr. KING of Iowa, Mr. LATTA,

Mrs. ELLMERS, Mr. CHAFFETZ, Mr. BROUN of Georgia, Mr. BOREN, Mr. DANIEL E. LUNGREN of California, and Mr. SHIMKUS.

H.R. 1941: Mr. LUJÁN, Mr. KILDEE, Ms. BROWN of Florida, Mr. VISLOSKEY, Ms. WASSERMAN SCHULTZ, Mr. HEINRICH, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. AL GREEN of Texas, Mr. MANZULLO, Mr. WESTMORELAND, Mr. SHULER, Ms. BERKLEY, Mr. MARKEY, and Mr. SMITH of Washington.

H.R. 1953: Ms. MCCOLLUM.

H.R. 1955: Mr. BOUSTANY, Mr. STARK, Mr. JACKSON of Illinois, and Mr. HONDA.

H.R. 1966: Mr. PRICE of North Carolina and Ms. SCHAKOWSKY.

H.R. 1980: Mr. JONES.

H.R. 1996: Mr. WALDEN.

H.R. 1997: Mr. KIND.

H.J. Res. 56: Mr. GOODLATTE.

H. Con. Res. 25: Mr. WITTMAN and Mr. CHAFFETZ.

H. Res. 13: Mr. HARRIS and Mr. RUPPERSBERGER.

H. Res. 16: Mr. RIGELL.

H. Res. 47: Mr. CONYERS.

H. Res. 111: Mr. ISRAEL.

H. Res. 137: Mr. RUSH, Mr. SMITH of New Jersey, Mr. CICILLINE, Mr. SHULER, Mr. LUJÁN, Mr. WITTMAN, and Ms. JACKSON LEE of Texas.

H. Res. 231: Mr. BURTON of Indiana, Mr. CALVERT, Mr. COBLE, Mr. SCHOCK, Mr. PERLMUTTER, Mr. WESTMORELAND, and Mr. ROSS of Florida.

H. Res. 268: Mrs. ADAMS, Mr. ANDREWS, Mrs. BACHMANN, Mr. BACHUS, Mr. BISHOP of New York, Mr. BUCHANAN, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. CULBERSON, Mr. DENT, Mr. DIAZ-BALART, Mr. GALLEGLY, Mr. GARDNER, Mr. GIBBS, Ms. HERRERA BEUTLER, Mr. HOLDEN, Mr. HUELSKAMP, Ms. JENKINS, Mr. KINZINGER of Illinois, Mr. KISSELL, Mr. KLINE, Mr. LAMBORN, Mr. LANKFORD, Mr. LOBIONDO, Mr. MCKINLEY, Mr. PAULSEN, Mr. PENCE, Mr. PLATTS, Mr. POMPEO, Mr. ROE of Tennessee, Mr. BARTLETT, Mr. ROSKAM, Mr. ROTHMAN of New Jersey, Mr. SCALISE, Mr. SCHWEIKERT, Mr. TERRY, Mr. TIBERI, Mr. UPTON, Mr. WALBERG, Mr. WALDEN, Mr. WOLF, Mr. YOUNG of Indiana, Mr. BISHOP of Utah, Mr. GERLACH, Mr. ACKERMAN, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. CARDOZA,

Mr. CICILLINE, Mr. COSTA, Mr. CROWLEY, Mr. CUELLAR, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. KEATING, Mr. LEVIN, Mrs. MCCARTHY of New York, Mr. NADLER, Mr. NEAL, Mr. PALLONE, Mr. PETERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Ms. SEWELL, Mr. TOWNS, Mr. BONNER, Mr. RIGELL, Mr. SENSENBRENNER, Mr. NUNES, Mr. GOODLATTE, Mr. HIMES, Mr. REICHERT, Mr. SCHOCK, Mr. MCCOTTER, Mr. GARRETT, Mr. MEEHAN, Mr. HULTGREN, Mr. HURT, and Mr. SMITH of Texas.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY DAVE CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 1194 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined clause 9 of rule XXI.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1380: Mr. THOMPSON of Pennsylvania and Mr. GRIFFIN of Arkansas.

## PETITIONS, ETC.

Under clause 3 of rule XII,

3. The SPEAKER presented a petition of the California State Lands Commission, relative to supporting the San Francisco Bay Restoration Act (Senate Bill 97); which was referred to the Committee on Transportation and Infrastructure.

## EXTENSIONS OF REMARKS

### RECOGNIZING MAY AS NATIONAL CANCER RESEARCH MONTH

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. HIGGINS. Mr. Speaker, I rise today in strong support for May as National Cancer Research Month. Cancer research is a vital part of our Nation's biomedical research enterprise, and this research both improves the quality of life of our Nation's citizens and generates new economic investment. Cancer research is vital to the community I serve in western New York, home to our country's first comprehensive cancer center, Roswell Park Cancer Institute.

The classic view of innovation is that government funds basic science while industry comes up with new and innovative products based on that science. To make this model work best, it requires a sustained commitment to cancer research at the National Institutes of Health and National Cancer Institute. When federal cancer research funding is cut or not sustained over the long term, we lose promising cancer research and talented cancer researchers. After doubling funding between the years 1998 and 2003, research funding has flat-lined, and it has decreased substantially if you take into account medical inflation.

By and large, our country's investment in innovation in biomedical research has worked well. Over the past 40 years, 153 new FDA approved drugs and vaccines have been discovered through research carried out at public institutions with federal funds. In the last 20 years alone, one out of every five important medical advances approved by the Food and Drug Administration was invented in a federally funded laboratory. Those inventions, which included 40 new drugs for cancer, are currently generating more than \$100 billion a year in sales for drug and biotechnology firms.

The only failure in research is when you quit or are forced to quit due to lack of funding. National Cancer Research Month provides us a reminder of those risks, and also the immense reward that arrives when promising research alleviates the suffering of cancer patients.

### A CALL FOR TRANSPARENCY IN THE DEFENSE BUDGET

#### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. KINGSTON. Mr. Speaker, I submit the following for the RECORD.

[From Forbes Magazine, Mar. 28, 2011]

WHAT'S THE REAL DEFENSE BUDGET?

(By Mallory Factor)

The new Congress won the election by promising to cut spending, and unsurprisingly the defense budget is on the table for the first time in more than a decade.

Secretary of Defense Robert Gates recently announced \$78 billion in defense spending cuts over the next five years, including reductions in troop levels for the Army and Marine Corps. These types of cuts suggest that the military is working to become leaner and more efficient. Still, many Americans and congressmen are calling for deeper cuts.

Not counting the cost of the wars in Afghanistan and Iraq, the Defense budget is expected to be \$553 billion in 2012, up from \$549 billion in 2011. That outlay currently represents 19% of the entire federal budget and over 50% of U.S. discretionary spending; cutting it would go a long way toward reining in government spending. But before further slicing the military budget, Congress must reconsider the military's mission and what activities it should undertake.

The purpose of a large standing army is to provide for our national defense. In essence, the defense budget is an insurance policy that protects the U.S. against threats from other nations and groups. But in recent years a growing percentage of that budget has been spent on activities that don't involve traditional national defense. These include nation-building, policing foreign nations, humanitarian missions and ferrying executive- and legislative-branch leaders and their attendants around the globe. While these activities may be tangentially related to our standing in the world, they do not enhance our war-fighting capabilities; rather they relate more to the success of our foreign policy than to our national defense.

This increase in nondefense missions has been accompanied by a dramatic shift from war-fighting to nation-building. The official White House website now describes the function of the Department of Defense as to "protect national interests through war-fighting, providing humanitarian aid and performing peacekeeping and disaster relief services." Is war-fighting just one among the many functions we want our military to perform?

Rightly or wrongly, we give our military these various assignments because we don't want to pay someone else to do them, and other government entities currently can't. Yet just because our military can do these jobs doesn't mean that it should. Indeed, these assignments shift focus away from the military's core missions: keeping America safe and winning wars.

Right now it is difficult for Congress to determine how much money is spent on protecting the U.S. The "military" budget gives an exaggerated impression of the cost of our national defense. When Congress adds burdens to the military, direct costs like fuel, food and relief supplies may be calculated and expressed in the budget.

But these items are just a small part of these missions, and the larger costs get bur-

ied. These hidden costs include recruiting and training extra troops, purchasing and servicing additional equipment, additional layers of bureaucracy, and maintaining and enlarging bases, none of which are separated out in the budget as relating to nondefense missions.

The military's nondefense activities may or may not be warranted, but their total costs must be transparent. If Congress does not consider these costs separately, traditional defense missions and essential equipment upgrades will be crowded out.

America is a compassionate nation and would surely engage in humanitarian activities even if their true costs were known. But why charge these costs to the defense budget and then hide them? Only by demanding that the military budget be limited to legitimate defense activities can Americans know how many dollars we are actually devoting to our national security.

Some military leaders have privately estimated that if these nondefense-related activities were eliminated or given a separate budget, defense spending could be substantially reduced and at the same time the military's war-fighting capabilities increased. Given this uncertainty, before any additional cuts are made to military spending, Congress must demand transparency with respect to the different roles of our military.

### RECOGNIZING LIEUTENANT COLONEL GLENN SANDERS ON THE OCCASION OF HIS FAREWELL FROM THE HOUSE DIVISION OF THE ARMY OFFICE OF LEGISLATIVE LIAISON

#### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. ISSA. Mr. Speaker, I rise today to recognize the honorable public service of Lieutenant Colonel Glenn Sanders as he leaves his post at the House Division of the Army Office of Legislative Liaison.

Lieutenant Colonel Sanders was commissioned as a Field Artillery Officer in the United States Army in 1990 at California State University, San Bernardino.

His first assignment was as a platoon leader in a Lance Missile Battery in Germany. His platoon performed one of the last Lance training missions in Europe prior to the nuclear missile system being decommissioned as part of nuclear weapons reductions agreements.

LtCol Sanders then served with the First Cavalry Division at Fort Hood, Texas. After reassignment to the Second Armored Cavalry Regiment in Fort Polk, Louisiana, he deployed to Haiti in support of Operation Uphold Democracy. His unit helped lay the groundwork for a return to democracy by ensuring security during several key elections.

Among his many duties, LtCol Sanders has also served as a Battalion Training Officer in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



the 420th Movement Control Battalion, an Assistant Professor of Military Science at North Dakota State University, and the Chief of the Mobilization Division at the Army's Training and Doctrine Command.

In 2009, LtCol Sanders served as a Congressional Fellow with the House Committee on Oversight and Government Reform. During this time I had the pleasure of working with him as he played a pivotal role in supporting the Committee staff on a broad range of national security related issues. Following his fellowship, LtCol Sanders has served as the Executive Officer in the Army House Liaison Division since January 2010.

LtCol Sanders holds a BA in Political Science from the University of California, Riverside, and a Masters in Public Administration from the California State University, Northridge. He is currently enrolled in the United States Army War College. LtCol Sanders and his wife Kari have been married for over twenty years with two daughters, Kira and Kelli.

It is an honor to recognize LtCol Sanders on the occasion of his farewell from the House Division of the Army Office of Legislative Liaison and his years spent in public service. Mr. Speaker, I ask you to please join me in recognizing LtCol Sander's dedicated service to the United States Army and the U.S. House of Representatives.

IN HONOR OF CHIEF JOSEPH C.  
KOCAB

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Chief Joseph C. Kocab of the Brooklyn Heights Police Department and his well-deserved retirement. As an officer of the law, Chief Kocab has served the people of the greater Cleveland area with honor and professionalism for 31 years.

Chief Kocab is a lifelong resident of Brooklyn Heights and attended Cuyahoga Heights High School. He graduated from Kent State University with a major in law enforcement administration. While studying at Kent State, Chief Kocab met his wife Dianne; the two were married in 1979. They have two daughters and two grandchildren.

Chief Kocab was first appointed to the Brooklyn Heights Police Department on March 17, 1980. In 1985, he was promoted to sergeant and on June 1, 1999 made Chief of Police for the Brooklyn Heights Police Department. After completing a professional program, in 2004, Chief Kocab became a Certified Law Enforcement Executive. While serving as Chief of Police, he was an active member and would serve as a board member, Chaplain and president of the Cuyahoga County Police Chiefs Association. Chief Kocab was also a member of the Ohio Association of Chiefs of Police and acted as district representative, treasurer and president of the organization.

Throughout his career, Chief Kocab was instrumental in providing vital programs to the

youth of Brooklyn Heights. He assisted in the creation of the Cuyahoga Heights Safety Town Program in 1982, and in 1988, was one of Ohio's first officers selected to participate in the Drug Abuse Resistance Education (DARE) Program. Additionally, in 1996, he was trained to teach the Gang Resistance Education and Training (GREAT) program. Chief Kocab taught the GREAT program and served as a DARE Officer in Cuyahoga Heights Schools until 1999. He is also an Ohio Peace Officers Training Commission Police Academy Instructor and teaches police cadets at the Cleveland Heights Police Academy and Cuyahoga Community College.

As a result of his dedication to protecting and educating the citizens of Brooklyn Heights, Chief Kocab is a highly decorated officer. He is the recipient of multiple unit commendations as well as awards for meritorious service, distinguished service, and life saving. He has twice been named both the Mothers Against Drunk Driving officer of the year and Ohio Auto Theft Investigator's "Top Cop."

In addition to his career as a police officer, Chief Kocab is an active member of his community. Since 1976 he has been a member of the executive board of the Brooklyn Heights Men's Service Club. He is also a volunteer with the Cuyahoga Heights Schools and has been awarded with the PTA Life Member and Cuyahoga Heights Golden Apple Achievement awards.

Mr. Speaker and colleagues, please join me in honor of Chief Joseph C. Kocab for his exemplary service on behalf of his community. Chief Kocab has served and protected the people of Brooklyn Heights with courage for 31 years.

CONGRATULATING ALDERMAN VI  
DALEY

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Vi Daley, Alderman of Chicago's 43d Ward. After twelve years serving Lincoln Park and the Near North area, Alderman Daley retired this year.

Even before her election, Alderman Daley was extremely involved in the Lincoln Park community for nearly thirty-two years and brought many great improvements to it. She redeveloped the Cummings Playground across the street from the Lincoln Park Zoo, which is now the most frequently used park in the Chicago-land area. She also worked with schools and residents of the 43d Ward to promote more participation in local school activities and create early childhood education programs.

Alderman Daley also focused on improving communication between the residents and city council representatives. She provided better street-cleaning schedules and pedestrian friendly streets. Alderman Daley voted to keep her residents safe, such as restricting petitioners from harassing women who enter family planning clinics in Chicago. She also promoted preservation of unique and old buildings within the 43d Ward.

Mr. Speaker, Alderman Vi Daley has brought great improvements and wise decisions to the city of Chicago and the 43d Ward. I would like to commend and thank Alderman Daley for her hard work and concern for the residents of her Ward. I wish her well in her retirement as she spends time with her husband Vince and two daughters Kathleen and Colleen.

A BRUTAL CRACKDOWN AGAINST  
IRAN'S BAHAI'S

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. WOLF. Mr. Speaker, I would like to bring to my colleagues' attention some extremely disturbing news coming out of Iran. Just this past weekend, a coordinated series of raids have been carried out on the homes of several Iranian Baha'is. An estimated 14 Baha'is have been arrested thus far.

According to a representative of the Baha'i International Community to the United Nations in Geneva, "All of the targets were homes of individuals closely involved with the operations of the Baha'i Institute for Higher Education." This institution was created to provide young Baha'is an opportunity to pursue higher education after being systematically denied access to higher learning institutions by the Iranian government.

These attacks—and Iran's general policy of suppressing religious freedom—are unacceptable and must stop. The U.S. and the international community must vigorously speak out against these acts of injustice facing the nearly 300,000 Baha'is living in Iran today—a community which, according to the recently published report of the U.S. Commission on International Religious Freedom, "has long been subject to particularly severe religious violations in Iran."

We must not allow such atrocities to continue unnoticed.

TRIBUTE TO RONALD SHUGART  
BARBRE

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor a constituent and patriot, Ronald Shugart Barbre who passed away peacefully at his home on May 15, 2011 after a brave battle with cancer. He was 76 years old.

Ron was born December 20, 1934 at Queen of Angels Hospital in Los Angeles. His father, Thomas Russell Barbre, was the 39th captain in the history of the Los Angeles County Fire Department and his mother, Sarah Shugart Barbre, was a homemaker. He grew up in the Athens District of Los Angeles and graduated from Washington High School.

He attended the University of Southern California (USC) on a naval ROTC scholarship

and graduated with a degree in International Relations. Even though she was a graduate of cross town rival UCLA, he married the love of his life, Nancy on June 23, 1957 while on active naval duty. They initially lived in Bremerton, WA while he finished his active duty, and upon honorable discharge, moved to Balboa Island before settling in Fullerton, CA. In 1969, Ron and Nancy moved to the new community of Yorba Linda, CA where they raised their family and were active members of Rose Drive Friends Church.

After his active duty military service, he earned his MBA from USC and embarked upon a successful sales career in the publishing business. He carried the first issue of Electronic Component News (ECN) and helped develop this publication in the burgeoning electronics industry for Chilton Publishing. By the time he retired in 1998, he had risen to the role of regional vice president for Chilton-ABC Publishing.

Ron helped form the Orange County chapter of the Business and Professional Advertising Association (BPAA) where he annually organized the annual tennis tournament. He became a Certified Business Communicator (CBC) through the organization and assisted countless students interested in the advertising and publishing business. He also became known as "Mr. Closer" and developed the art of the "power lunch".

Ron led a very active life as a competitive tennis player and indefatigable hiker & biker. He was an avid reader who loved history and biographies, and was always a faithful and active member of his church.

Following the loss of his first wife, Nancy, to cancer in 1993, he moved from the hills of Yorba Linda to the coastal community of San Clemente where he married his second wife, Joyce. His dream retirement was one in which he could play as much tennis as he wished, ride his bike in flat areas, and walk on the beach every day. With Joyce, Ron joined the San Clemente Presbyterian Church where they each found a new life together.

In retirement he spent time volunteering at the San Diego Air & Space Museum, as a docent at the Ocean Institute in Dana Point, and travelling the world with Joyce and many friends. He also consistently spent time with his family on both coasts and with Joyce's family of 4 children and 9 grandchildren.

Ron is survived by his wife Joyce of San Clemente; son Brian (Birgit) of Gloucester, MA; his son Brett (Jean) of Yorba Linda; his grandson Daniel of Gloucester, MA; his sister Josephine Cullen of Rolling Hills Estates; his sister Jeanette Pickering of Ventura; numerous cousins, nieces, nephews, step-children & step-grandchildren, and friends and colleagues coast to coast. He was predeceased by his first wife Nancy, his parents Tom Sr. and Sarah; his sister June Wagner and his brothers Tom Barbre, Jr. and Robert Shugart.

A memorial service celebrating Ron's extraordinary life will be held in June. Ron will always be remembered for his incredible work ethic, generosity, athleticism, and love of family. His dedication to his family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Ron's family and friends; although Ron may be gone, the light and goodness he

brought to the world remain and will never be forgotten.

#### TRIBUTE TO MARINE PRIVATE FIRST CLASS TED DENNIS BRITT

#### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. LEWIS of Georgia. Mr. Speaker, I rise to honor and commemorate Marine Private First Class Ted Dennis Britt, who gave his life at Khe Sanh, on March 30th, 1968.

Ted grew up in my district; in Decatur, Georgia. He was born into a military family—His father was a Navy veteran of two wars, and his brother served in Afghanistan as a Brigadier General in the Georgia Army National Guard. Ted grew up playing baseball and joined the Marine Corps not long after graduating from Southwest Dekalb High School in 1967. It's hard to believe that he was already engaged to be married when he enlisted at only 18 years of age.

Mr. Speaker, in 1968, PFC Ted D. Britt, was one of many Marines serving in harm's way. Far from home, his family, and from everything he knew, Ted served gallantly and gave everything. Our country can never repay our debt to him or his family, but I wish to join with his friends and family in spirit, as they honor and remember him this week.

Mr. Speaker, as you would imagine, our military has already posthumously awarded PFC Britt the appropriate medals and ribbons for his bravery under fire. But I wish to add my voice to their chorus. I wish to help ensure that Ted's sacrifice is not lost to history—but remembered, honored and understood. I never knew Ted Britt, but his selflessness is what I will never forget.

To this young man's family, and to those who called him friend, I offer my thoughts and prayers. May God bless them and keep them in their moment of remembrance.

#### IN HONOR OF SENATOR JOHN GLENN

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. KUCINICH. Mr. Speaker, I rise today to honor soldier, pilot, astronaut, and former U.S. Senator, John Glenn. His dedication to Ohio and the country has inspired the Great Lakes Science Center to honor him at their Reach for the Stars Benefit.

John Glenn was born in Cambridge, Ohio in 1921. He attended Muskingum College, where he earned his pilot's license. Before he had the chance to graduate, the United States entered the Second World War. He enlisted as a U.S. Navy aviation cadet in 1942 and was reassigned to the Marine Corps in 1943. During World War II, he flew 59 missions in the South Pacific and he flew 90 combat missions in the Korean War. In the late 1950s, he returned to the United States and served as a

test pilot, and completed the first supersonic transnational flight in 1957.

In 1959, Glenn was assigned to NASA, and on February 20, 1962 he became the fifth person in space and the first American to orbit the earth. This marked only one aspect of his illustrious career at NASA, which honored him with the NASA Distinguished Service Medal. Three decades later, in 1998, John Glenn became the oldest person to ever go into space, at the age of 77, in order for NASA to study the effects of space travel on seniors.

John Glenn also served as U.S. Senator from 1974 until 1999. He served as chair of the Committee on Government Affairs, sat on the Foreign Affairs and Armed Services committees, and was the chief author of the 1978 Nonproliferation Act. His exemplary public service was recognized by the Woodrow Wilson International Center for Scholars, which awarded him the Woodrow Wilson Award for Public Service in 2004. He has also received the Congressional Space Medal of Honor and the Congressional Gold Medal. In 1998 he founded The Ohio State University's John Glenn Institute for Public Service and Public Policy, now known as the John Glenn School of Public Affairs.

Mr. Speaker and colleagues, please join me in honor and recognition of a national hero, John Glenn. His dedication to education and country serve as an inspiration to us all.

#### CONGRATULATING ALDERMAN HELEN SHILLER

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Helen Shiller, Alderman of Chicago's 46th Ward. After 24 years of hard work and great service, she has decided to retire.

As Alderman, Helen was very responsive to the community she represented and worked continually to improve life in the 46th Ward. She introduced recycling programs to residential and commercial high-rises, helped foster economic and job growth, assisted senior citizens by placing CTA shelters near their buildings and simplified the application process for senior sewer rebates. She strived to make Chicago an easier place to live by creating affordable housing programs.

Alderman Shiller welcomed the diversity that makes up the 46th Ward and worked hard to make sure all aspects of her constituency were represented in City Council. In 1990, she passed an anti-apartheid ordinance and in 1992, tripled the City's funding budget for those living with HIV/AIDS. Alderman Shiller believed the best way to govern was to listen, and by doing so she was able to fairly represent her residents.

Mr. Speaker, it is a privilege to recognize Alderman Helen Shiller for her 24 years of dedicated service to the 46th Ward of Chicago. I thank Alderman Shiller and wish her luck on all her future endeavors.

HONORING LEROY EDWARD HART  
OF NAPA COUNTY, CALIFORNIA

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of community member Lee Hart, for his outstanding work in Napa County, California.

Mr. Hart was born in San Francisco in 1940 and moved to Yountville at the age of 3. He is the great-grandson of a Yountville pioneer, Mr. Mathias Van de Leur, who was a Napa County Supervisor and a mason who built the St. Helena Catholic Church, several stone bridges and the Manor House at Stagg's Leap Winery.

Lee Hart has been on the Board of the Yountville Cemetery Association for 46 years and has been the President and proven leader since 1967. His love of Napa moved him to shift careers, from the banking world to serving as a police officer with the Napa Police Department, from where he retired after 26 years of service. Mr. Hart was recognized as "Police Officer of the Year;" he also taught self-defense at the Napa Valley College, and was an instructor for the Napa Police Academy. After retiring from the police force, he was a Marshall for the Napa Sheriff's Department for another 10 years.

Mr. Hart has been a lifelong member of Toastmasters, Ducks Unlimited, the California Waterfowl Association, and is the founding member of the George Yount Mountainmen organization. He has been known to participate in the Yountville Parade and dress as

George Yount. Mr. Hart has been involved in martial arts since 1964, and is a 9th Degree Black Belt, having won several competitions with gold, silver and bronze medals.

"Anything done in moderation is boring," is one of Mr. Hart's favorite sayings and he can always be found sharing a good story and showcasing his duck decoy collection. Mr. Hart is fortunate to be surrounded by a large circle of loving family and life-long friends. He married Chrissy Hart in 1991. He has three children: Elizabeth, Victoria and Leroy-Mathias, and 10 grandchildren.

Mr. Speaker, it is appropriate at this time that we acknowledge Leroy Edward Hart for his decades of devoted service to the Napa Valley community on this Memorial Day.

CONGRATULATIONS TO  
AZERBAIJAN

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Ms. WOOLSEY. Mr. Speaker, in October, 2011, Azerbaijan will celebrate 20 years of independence as a democratic republic, since the collapse of the Soviet Union in 1991. However, Azerbaijan's desire for independence dates back much further to the collapse of Imperial Russia in 1918. On May 28, 2011, Azerbaijan will be celebrating the 93rd anniversary of the establishment of the Azerbaijan Democratic Republic, the first Muslim democracy. Azerbaijan also gave women the right to vote in 1918, over 2 years before the ratification of the 19th Amendment to the United States

Constitution made women's suffrage a reality in our country.

Unfortunately, Azerbaijan's independence was short-lived, and was snuffed out by the Bolshevik Revolution and the crushing takeover by Soviet Russia. Many Azerbaijanis lost their lives in 1920, trying to keep their independence alive. After years of living under Soviet rule, in 1991, Azerbaijan regained its independence following the collapse of the Soviet Union.

Azerbaijan is a secular, modern, Muslim, country, which practices broad religious tolerance. Religion does not play any role in the Government. The capital city of Baku has five Jewish synagogues and Christian churches abound. The country has a close relationship with Israel. Azerbaijani teams, this year, flew to Israel and helped the Israelis fight large wildfires. State visits, back and forth between the two countries, are common. They are strong trading partners.

Azerbaijan is a strong ally of the United States in a very important and very uncertain region of the world with Russia to the north and Iran to the south. Yet, not only is Azerbaijan stable, politically and economically, it was also the first Muslim nation to offer troops to support the United States in the wars in Afghanistan and Iraq. Air fields in Azerbaijan continue to provide logistics support for American troops in both theatres.

Mr. Speaker, I commend Azerbaijan as it moves forward on the path to democracy and thank them for their strong support of the United States. My congratulations to the people of Azerbaijan on the anniversary of Republic Day, which symbolizes the universal quest for freedom and democracy.

**SENATE—*Friday, May 27, 2011***

The Senate met at 9:30 and 9 seconds a.m., and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

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**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, May 27, 2011.*

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

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**ADJOURNMENT UNTIL 10 A.M.,  
TUESDAY, MAY 31, 2011**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m., Tuesday, May 31, 2011.

Thereupon, the Senate, at 9:30 and 34 seconds a.m., adjourned until Tuesday, May 31, 2011, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Friday, May 27, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 27, 2011.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray for the gift of wisdom to all with great responsibility in this House for the leadership of our Nation.

May all the Members have the vision of a world where respect and understanding are the marks of civility and where honor and integrity are the marks of one's character.

Raise up, O God, women and men from every nation who will lead toward the paths of peace and whose good judgment will heal the hurt between all peoples.

Bless us this day and every day, and may all that is done within these hallowed halls this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
May 27, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 27, 2011 at 9:10 a.m.:

That the Senate passed without amendment H.R. 754.

Appointments:  
Congressional-Executive Commission on the People's Republic of China.

National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
May 27, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 27, 2011 at 9:23 a.m.:

That the Senate passed S. 627

That the Senate agreed to S. Con. Res. 4

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 627. An act to establish the Commission on Freedom of Information Act Processing Delays, to the Committee on Oversight and Government Reform.

S. Con. Res. 4. Concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on ac-

tive duty in the Armed Forces of the United States; to the Committee on Veterans' Affairs; in addition, to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 4 minutes a.m.), under its previous order, the House adjourned until Tuesday, May 31, 2011, at noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1706. A letter from the Chief, Planning & Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Food Distribution Program on Indian Reservations: Amendments Related to the Food, Conservation, and Energy Act of 2008 [FNS-2009-0006] (RIN: 0584-AD95) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1707. A letter from the Director of Legislative Affairs, NRCS, Department of Agriculture, transmitting the Department's final rule — Wetland Conservation [Docket No.: NRCS-2011-0010] (RIN: 0578-AA58) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1708. A letter from the Deputy Secretary, Department of Defense, transmitting Annual Report on the Activities of the Western Hemisphere Institute for Security Cooperation (WHINSEC); to the Committee on Armed Services.

1709. A letter from the Chief Counsel, United States Mint, Department of the Treasury, transmitting the Department's final rule — Prohibition on the Exportation, Melting, or Treatment of 5-Cent and One-Cent Coins received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1710. A letter from the Chief Counsel, United States Mint, Department of the Treasury, transmitting the Department's final rule — Assessment of Civil Penalties for Misuse of Words, Letters, Symbols, and Emblems of the United States Mint (RIN: 1506-AA58) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1711. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Corporate Credit Unions, Technical Corrections (RIN: 3133-AD58) received May 3,

2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1712. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report prepared in accordance with section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. No. 107-174; to the Committee on Oversight and Government Reform.

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#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 1667. A bill to postpone the date for the transfer of functions to the Bureau of Consumer Financial Protection if the

Bureau does not yet have a Director in place (Rept. 112-93). Referred to the Committee of the Whole House on the State of the Union.

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#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

30. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution 73 encouraging the members of the Illinois congressional delegation to vote against the F-35 alternate engine appropriations measure; to the Committee on Appropriations.

31. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution 10 urging Congress to enact legislation that creates a mortgage foreclosure moratorium to allow a thorough review of foreclosure actions; to the Committee on Financial Services.

32. Also, a memorial of the Legislature of the State of North Dakota, relative to House Concurrent Resolution No. 3015 reaffirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States; to the Committee on the Judiciary.

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#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1195: Mr. LANGEVIN, Mr. STIVERS, and Mr. WITTMAN.

H.R. 1996: Mr. RIBBLE, Mr. STUTZMAN, Mr. MARCHANT, Mr. PETERSON, Mr. COSTA, and Mr. CARDOZA.

H.R. 2018: Mr. LANKFORD, Mr. FARENTHOLD, Mr. CRAVAACK, and Mr. JOHNSON of Ohio.

## EXTENSIONS OF REMARKS

## NATIONAL POLICE WEEK

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. POE of Texas. Mr. Speaker, last week was National Police Week honoring the service and sacrifice of U.S. law enforcement, especially those that paid the ultimate sacrifice.

Every day peace officers put themselves in harm's way to protect the citizens of this great country.

Peace officers are the last strand of wire in the fence between good and evil.

They are what separate us from the anarchy of the lawless.

They are real life heroes in our midst.

One of these heroes is Officer Timothy Abernethy who lived and died serving the people of Texas and the City of Houston.

Fighting crime was a personal calling for Timothy, not just an occupation.

Officer Abernethy worked hard to protect the citizens of Houston, working overtime, all while earning a degree, and providing for his family.

He was killed in the line of duty, defending his community, in 2008.

We reflect on the sacrifice of Officer Abernethy, as well as other fallen peace officers, not only during National Police Week, but every day.

And that's just the way it is.

IN REMEMBRANCE OF MR.  
HARLELL X. JONES

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Harlell X. Jones, a civil rights leader and community activist whose determination and leadership helped strengthen the Cleveland community.

Prime Minister Jones devoted his life towards his community at a young age, helping African American youth to develop an individual identity within the community and foster a more peaceful neighborhood. He encouraged African American youth to demand economic empowerment by boycotting Cleveland stores to secure private ownership. He also led a movement to increase community safety by securing a truce and cease fire between police and Black Nationalists.

Harlell Jones spearheaded voter registration and get out the vote campaigns that resulted in the election of Carl Stokes as Mayor of Cleveland, as well as his brother, Louis Stokes, as a Congressman in the U.S. House of Representatives. He also worked with Lutheran Metropolitan Ministries and prominent

civil rights leaders Malcolm X and Martin Luther King, Jr.

Mr. Speaker and colleagues, please join me in honor and remembrance of Mr. Harlell X. Jones, whose life is worthy of celebration and emulation. I offer my heartfelt condolences to Prime Minister Jones' family and friends. Although he will truly be missed, his unwavering devotion to both African American youth and the Cleveland community will not be forgotten.

TRIBUTE TO DR. HARRY  
COURNIOTES

## HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. NEAL. Mr. Speaker, I rise today to pay tribute to a friend and fellow educator, Dr. Harry Courniotes. Dr. Courniotes served as a visionary in the advancement of my alma mater, American International College, throughout his unprecedented fifty-eight years in academia and thirty-five years as AIC's President.

Attached is a copy of the eulogy of Dr. Courniotes delivered by Richard Sprinthall at a memorial service on March 15, 2011:

First, I want to thank you for taking the time out of your busy schedules to be here with us today to honor President Courniotes, and I know right now Harry is thanking you too. Over the years I have had the honor of introducing Harry Courniotes many times, but today we are not here to introduce Harry but bid him a farewell.

Harry was a member of what Tom Brokaw called the "Greatest Generation" who fought their way through the Great Depression and World War II. Harry served his country in WWII and for those of you who were at the cemetery, you know that he was buried with full military honors.

Several years ago, Sherriff Ashe introduced me to ex-Governor Michael Dukakis and when I told him I was from AIC he lit up and said "my father graduated from AIC" Then he told me had he been elected President, Harry Courniotes might have become Secretary of Education.

Harry was a superb teacher and academic administrator, he embodied that formula for success: a high IQ and a strong work ethic. Harry was a relentless worker, and totally dedicated to the college. He was there morning, noon, and night. Let me illustrate with a tad of hyperbole. Joe Ramah story.

Many of us have the ability to think critically, but very few of us have his astonishing memory and his ability to stay focused. And I know I speak for many of you when I tell you that he both encouraged me with support, and sometimes intimidated me with his unwavering sense of ethical certainty. And once committed to a goal, Harry could stay on task like no one I've ever known. He could hold a strategy in his memory, but then be flexible enough to revise it when he

got new input. He told me what he was going to do, and equally important, he told me what he wouldn't do, clearly and with finality. Ask Harry a question and he gave you a straight answer . . . no bluntness, not without support . . . but honestly and directly. Not only did he ever tell me an untruth, he never misled me by omission. Unlike some leaders, Harry Courniotes never poured ambiguity over his intentions.

I have never been more flattered than to have Harry Courniotes asked me to assist him on some project, such as the athletic control board or to help him prepare for an accreditation visit.

And as you all know, he didn't hand out complements as part of some facile social pleasantry. When you received a complement from Harry, he meant it and you could luxuriate in it.

Ted Byrne, former Professor of economics here at AIC and now the editor of a major financial newspaper in Pennsylvania, wrote to me last week and said, "Harry Courniotes saved AIC. I watched him do it up close and personal." And those words have been echoed by many of you sitting with us today—Congressman Richard Neal, former board member William A. Collins, and former board member Peter Novak to name a few.

Harry was a great man. Too often those words are banded about and are not really earned. In Harry's case they were earned. He was a great family man, husband, father, grandfather, and great grandfather. And to us at college he was a great leader and to me a great friend.

For me life has suddenly become less full, knowing that his wise counsel is no longer possible.

HONORING THE MINNESOTA  
NATIONAL GUARD'S 34TH INFANTRY  
DIVISION

## HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Ms. MCCOLLUM. Mr. Speaker, today I rise to honor the highly capable and courageous men and women of the Minnesota Army National Guard's 34th Infantry Division, known as the Red Bulls, as they prepare for their third deployment overseas, and to commemorate the 150th anniversary of their predecessor, the First Minnesota Infantry. This May, the Red Bulls will begin their deployment to Iraq in support of Operation New Dawn, the draw-down phase of U.S. military operations in Iraq.

Since September 11, 2001, the Red Bulls have been called to duty three times to join U.S. military forces in Iraq. During their current mission, their responsibilities will include providing convoy security, route protection and base defense as other troops leave the war zone in Iraq. The Red Bulls have made tremendous contributions to our nation with their honorable military service.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



The men and women of the Red Bulls comprise a highly skilled force which routinely accomplishes critical missions both on a federal and state level. During deployment from March 2006 to July 2007, they served in Operation Iraqi Freedom. The Minnesota Army National Guard's 1st Brigade Combat Team, 34th Infantry Division holds the record for the longest serving unit in Operation Iraqi Freedom.

During the spring of 2009, more than one thousand Red Bulls were again tapped for deployment to Iraq. On this mission, the Division and their leaders were in charge of 16,000 multinational forces. The Division's leadership abilities were proven as they commanded all the coalition military operations in nine of Iraq's 18 provinces and had a direct partnership with more than 40,000 Iraqi Security Forces. They continue to display their excellence with their readiness and preparation for new missions.

Each deployment of the 34th Infantry Division has provided an opportunity for the men and women to share their knowledge and leadership to other troops and help lead operational trainings. The Red Bulls have proven themselves again and again to be an essential part of the Total U.S. Army. Their dedication to United States is always evident through their selfless service and courage in undertaking each mission.

It is a fitting historical coincidence that the current deployment coincides with the 150th anniversary of their predecessors, the First Minnesota Infantry, which heroically supported the Union Army at the battle of Gettysburg. The First Minnesota's great contributions and sacrifices during the Civil War were exemplary. They have helped to shape the men and women from our state and throughout the United States who choose to serve our great nation in the U.S. Armed Forces. The Red Bulls continue to carry on this sterling example of leadership and commitment to our nation.

Mr. Speaker, please join me in rising to honor the commitment and dedication of the men and women of the 34th Infantry Division, the Red Bulls, as they prepare for their next deployment.

### 375TH ANNIVERSARY OF THE FOUNDING OF THE CITY OF SPRINGFIELD, MASSACHUSETTS

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. NEAL. Mr. Speaker, it is my honor to enter into the CONGRESSIONAL RECORD an article that appeared in The Reminder newspaper last week commemorating the 375 anniversary of the founding of the City of Springfield, Massachusetts.

This was truly a joyous occasion, and this article does an excellent job of recording what a wonderful event this was. Congratulations Springfield!

[From The Reminder, May 18, 2011]

CITY CELEBRATES 375 YEARS OF HISTORY,  
INNOVATION

(By G. Michael Dobbs)

SPRINGFIELD.—For Congressman Richard Neal, Saturday's events to acknowledge the

375th anniversary of the founding of Springfield had a *d j v u* quality.

Speaking on the steps of City Hall, Neal recalled that he stood on the small spot 25 years ago as Springfield's mayor during the 350th celebrations.

Neal was part of the thousands of people who attended the day's activities, from the annual pancake breakfast, to the kick-off event at City Hall with the chorus comprised of Springfield school children to the parade that went through downtown to the fireworks that ended the day at Blunt Park.

Neal, whose fondness for history is well known, noted, "The city has given great moments to the country and to the world."

He read a letter of congratulations from President Barack Obama that said in part, "You've written your own chapter in the narrative of the United States."

Mayor Domenic Sarno told the crowd, "You know, we are a good city."

He then said, "We need each and every one of you to be ambassadors for the city of Springfield." The children's chorus clearly moved the audience with its rendition of "The Springfield Song," written by Springfield School music teacher Diane Rodriguez.

Even after the ceremony at City Hall concluded, the pancake breakfast was still being served to hundreds of people.

Sarno and his family led the parade, which started at the Springfield Technical Community College campus and went down State Street to Main Street and concluded at Mill Street in the South End neighborhood. Organizations, businesses and representatives all marched in the parade, which was a little more than an hour in length.

Although the weather didn't give the giant Cat in the Hat balloon any difficulty, the new traffic lights along the route had the balloon skimming the street.

For many people, "Springfield" is the name of the Simpson's hometown in the popular animated series.

For those who know a little about the history of this country, "Springfield" has a different meaning.

Springfield, Mass., the oldest and the largest city with that name, is known as the "City of Firsts" for a reason—actually many reasons. Springfield is where basketball was invented. It's where the Duryea Brothers built and tested the first American gasoline powered car. It's the community where the first and perhaps most beloved American motorcycle—they spelled it without the "r"—the Indian was developed and manufactured.

It is the city where the first American armory was built and where the Springfield Rifle was made.

And it was the insurrection by Revolutionary War veterans led by Daniel Shays on that armory that led to the creation of the United States Constitution.

Clarence Birdseye chose Springfield as his test market in the 1930s for something truly radical: frozen vegetables.

A group of brothers, the Granvilles, literally off of the farm picked Springfield to be their headquarters in the 1920s and '30s where they would design and build the GeeBee racing planes that still awe aviation enthusiasts.

The city was the home of Milton Bradley, who revolutionized the toy industry with board games. The city's streets, schools and parks gave hometown boy Theodor Gelsel, better known as Dr. Seuss inspiration for later books and illustrations.

All of these accomplishments happened at a place where an English businessman named William Pynchon, the founder of Springfield, sensed potential in the mid-1600s.

According to historian Ernest Newton Bagg, Pynchon, who was a patentee and magistrate to the Massachusetts Bay Colony, was attracted to the Connecticut River Valley as a place rich with fur animals, especially beaver.

After a long voyage from England in 1630, Pynchon began trading goods he had brought from England with native people for furs. What attracted him to Western Massachusetts was the possible encroachment of Dutch traders who had established a trading post along the Connecticut River in what is now Hartford, Conn.

Some of the Dutch traders even came to Springfield, but disease and hunger compelled them back to the relative safety of the Hartford establishment.

Pynchon wanted to succeed where the Dutch had failed and began planning an effort to build a settlement in what is now Springfield in 1635. Using a "shallop," a light single-mast vessel, Pynchon and his expedition sailed up the Connecticut River. He made a camp in what is now West Springfield and his men used the boat's lumber for their new home.

The native people seemed friendly and Pynchon was impressed with the virgin forests with large and small game, a river teeming with shad and salmon and lands ready for agriculture.

Pynchon left his men and returned to the settlement of Roxbury by foot. When he returned the next spring, he was told the relationship between the natives and Pynchon's men had deteriorated and Pynchon was forced to move his operation to the eastern side of the river.

Despite the problems, caused in part by the damage to the natives' cornfields by the settlers' free-range hogs, Pynchon was able to come to an agreement on July 15, 1636, to acquire the desired Agawam land. Further negotiations gave him the control of an area from the Chicopee River to the Mill River.

Trouble with crops, a narrowly averted war with the native people and even an earthquake were some of the challenges early settlers faced. Pynchon was right, though, about the richness of the area for furs.

Bagg noted in his 1936 history of Springfield that although there was no record of just how well Pynchon fared during his 15 years of trading furs in the area, his son John continued the business after his father returned to England and regularly shipped 2,000 beaver skins annually to merchants in his native country.

Pynchon has the additional distinction of being the author of the first book "banned in Boston." His 1650 book, "The Meritorious Price of a Man's Redemption," took exception to Puritan theology. The colony's General Court condemned the book and copies were burned on Boston Common.

Pynchon was under great pressure to recant and after one appearance before the Court, he decided to transfer all of his holdings to his son John and return to England before he was forced to appear before the General Court once more. He left the colony in 1652. His death at age 72 in 1662 closed the first chapter in the city's history.

Pynchon's legacy was that his purchase of land just didn't create one community, Springfield, but the following towns and cities as well: Agawam, Chicopee, East Longmeadow, Hampden, Holyoke, Longmeadow, Ludlow, Southwick, Westfield, West Springfield, Wilbraham and Enfield, and Suffield, Conn.

No less a person than General George Washington had a hand in the next major development of the community. In February

1777, Washington authorized an "establishment of the laboratory at Springfield."

The armory became known as a center for technological innovation in manufacturing and undoubtedly led to Springfield becoming a center for skilled manufacturing.

Another famous gun maker, Smith & Wesson, made the city its home and is still in business today.

Early in its history, the Armory attracted the attention of a group of farmers enraged at the taxation tactics of the Massachusetts state government. In February 1787 as part of a series of armed protests, Daniel Shays, a Revolutionary War veteran and farmer from Pelham, led a group of men to capture the armory. Although Shays failed at the armory, his protest succeeded in showing the weakness of the Articles of Confederation and in May 1787 the Constitutional Convention was convened to re-shape federal government.

Thomas Jefferson expressed his reaction to Shay's Rebellion previous to the attack on the Armory in a letter to James Madison on Jan. 30, 1787. Jefferson wrote, "I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical. Unsuccessful rebellions, indeed, generally establish the encroachments on the rights of the people, which have produced them. An observation of this truth should render honest republican governors so mild in their punishment of rebellions as not to discourage them too much. It is a medicine necessary for the sound health of government."

The armory inspired another kind of reaction from American poet Henry Wadsworth Longfellow. Longfellow and his second wife Frances visited Springfield and the Armory in 1845. The tour inspired what was considered to be Longfellow's most effective anti-war poem, "The Arsenal at Springfield."

The first two stanzas are:

"This is the Arsenal. From floor to ceiling,  
Like a huge organ, rise the burnished arms;  
But from their silent pipes no anthem, pealing

Startles the villages with strange alarms.

"Ah! What a sound will rise, how wild and drear,

When the death-angel touches those swift keys!

What a loud lament and dismal Miserere  
Will mingle with their awful symphonies!"

In the book "Springfield Memories," published in 1876, Mason Green wrote about the development of the city: "Modern Springfield was born with the peace of the War of 1812. In the re-action from embargoes and war from 1814 to 1825 there was a general housecleaning and business re-adjustment. The old tavern site was cleared off for a Common, a church and court-house was built by the side of it and another church (Unitarian) down Main Street, Union and Court Streets were opened, the river bridge, that was swept away by a flood was restored (1818), a line of boats was established between the village and Hartford, connecting with Boston and New York schooners, neighboring water powers were utilized, many mechanics and artisans were called in, who became residents, and the Weekly Springfield Republican was started, which insured the place a future."

In 1936 when the city was celebrating its 300th anniversary, the unaccredited author of one of the commemorative booklets wrote, "Varied are the products of Greater Springfield: Intricate machines, radios and electrical appliances, tires, motorcycles, garments, arms, games and school materials,

books and magazines, newspapers, wire, chains, machine tools, cigars, chemicals and medicines, valves, oil pumps, fine paper, jute boxes, clocks and leather goods. Here once were the pioneers in the manufacture of automobiles. Across the river are the railroad shops."

The first American-made gasoline powered car was built and tested in Springfield by Charles and Frank Duryea on Sept. 20, 1893. The city would later be the site for a factory producing Duryea cars. The Knox Automobile Company produced cars from 1900 to 1914 in Springfield and stayed in business with tractors until 1924. And the city was picked by Rolls Royce as the site for its only American automobile 28 manufacturing plant. The Springfield Rolls Royce facility opened in 1920 and closed in 1931 and the cars made there are sought after by collectors.

Also still highly prized are the Indian Motocycles made in the city from 1901 to 1954. The brainchild of engineer Oscar Hedstrom, the "motocycles" were the first ones made in this country and were well-known for their power and durability.

Brought to the city by bicycle racer George Hendee, Hedstrom developed a motorcycle that he tested publicly on May 25, 1901 on Cross Street hill. Newspaper reporter R.D. Pepin wrote about the test on its 25th anniversary.

"Hedstrom bravely climbed the old hill and forcefully demonstrated to the residents of Springfield the first step towards an industry destined to fill a long place in the field of industry, utility and sport."

Pepin noted that Hendee had featured motor-drive bicycles made in Europe at his bicycle-racing track. "The uncertainty of these motors was a source of great anxiety to the management and of dissatisfaction to the patrons of the track," Pepin wrote.

With Springfield a growing center of transportation technology, it's little wonder that a group of brothers came off of the family farm to Springfield to pursue their dream of developing faster and more powerful airplanes. Although the Granville brothers were in business for only five years from 1929 to 1934 and built just 24 aircraft, their revolutionary designs created a legend among aviators.

Springfield was also a city of ideas as well as industry and technology. Abolitionist John Brown made the city his headquarters in 1846 when he established a business to represent wool producers to the New England mill owners. Later, the city was a stop on the Underground Railroad.

G & C Merriam, Company, was founded in 1831 as printers and booksellers and the pair of brothers—George and Charles—purchased the rights to the name and all copyrights to the best-seller dictionary written by Noah Webster in 1843. Since that time, the nation's best-known reference book has been written and published in Springfield.

When stumped about how to excite his winter physical fitness class, a young Canadian attending the International Y.M.C.A. Training School remembered Duck on a Rock, a game from his youth. Taking a soccer ball and a peach basket, James Naismith developed the game of basketball in 1891, quite possible the most popular indoor sport.

The Naismith Memorial Basketball Hall of Fame draws more than 250,000 visitors a year to its Springfield shrine to the game.

A number of people prominent in show business and the arts are natives of the city. During the 1920s and 30s, Broadway and radio star Julia Sanderson was a popular performer.

The classic movie musicals "Born to Dance" and "Broadway Melody of 1940" feature another Springfield native Eleanor Powell. The beautiful and athletic dancer was a star at MGM. She was married to actor Glenn Ford for a number of years and by the end of her life she turned her energies to religion.

Lawrence O'Brien, Kennedy family supporter, postmaster general, head of the Democratic Party and commissioner of the National Basketball Association, was another well known Springfield resident. His father had a tavern where the MassMutual Center now stands and he received his law degree from Western New England College.

Perhaps the most interesting favorite daughter is June Foray, whose family left their home on Orange Street and traveled to California where she eventually became one of the most highly regarded voice actresses in animation providing the voice for Rocky in "Rocky and Bullwinkle," Granny in the Tweety cartoons and many other characters.

Students at the former Classical High School could still find evidence of that school's most controversial graduate, Dr. Timothy Leary. His name could be seen carved into at least one desk. Leary was one of the prominent leaders of the counter culture in the 1960s who urged people to "turn on, tune in and drop out."

Springfield's most beloved native was Theodore Geisel better known to generations of American as Dr. Seuss. The author and illustrator took inspiration from the city of his birth from the names of streets—"And to Think that I Saw it on Mulberry Street"—to his father's position as superintendent of the city's parks—"If I Ran the Zoo."

The Dr. Seuss National Memorial Sculpture Garden at the Springfield Museum complex pays tribute to the innovative storyteller.

Springfield's latest burst of national publicity came in 2007 with a contest that asked fans of "The Simpsons" to pick the Springfield that is actually home to the best known dysfunctional family. Although Springfield Mass., didn't win in a surprising upset to Springfield, Vt., the producers of the animated series and film knew better. They had prepared a special poster before the contest's final results that declared the movie was filmed in Springfield, Mass.

A community of rich diversity and history, Springfield today is the home of national companies, three colleges and a law school. It was named the fourth "greenest" city in the nation and was recognized as one of the greatest centers of small business and entrepreneurship in the country. Its best days are not behind it.

HONORING THE LIFE OF SERGEANT MICHAEL TOUSSAINT-HYLE WASHINGTON, A UNITED STATES MARINE KILLED IN THE LINE OF DUTY

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. SMITH of Washington. Mr. Speaker, I rise today to honor the life of Sergeant Michael Toussaint-Hyle Washington, a United States Marine who was killed with three other Marines while supporting combat operations in the Farah Province in Afghanistan when an

improvised explosive device struck their Humvee on June 14, 2008.

Michael T. Washington was born on October 6, 1987 at Camp Pendleton where his father Michael Washington Senior served also as a Marine. Michael would follow in his father's and his grandfather's footsteps to become his family's third generation to serve in the United States Marine Corps.

Early on, young Michael Washington had a strong sense of faith and duty. As a student at Stadium High School in Tacoma, Washington, Michael enjoyed playing soccer, reading, playing practical jokes on his family, and was a member of Stadium's ROTC program.

While listening to a story on the radio with his father, Michael heard a journalist speak highly of the Marines after returning from Iraq. The journalist spoke of the Marines' virtues and bravery on and off the battlefield. Michael Senior knew his son was destined to become a Marine when his son turned to him and said, "I want to defend people who can't defend themselves. It takes a lot for people to stand up and do this."

Michael Washington did just that, joining the Marine Corps at age 17. On March 11, 2007, a year before his death, then-Corporal Washington's squad was ambushed in Iraq. Washington provided the support fire necessary to enable his fellow endangered Marines to escape the kill zone and return to safety. He received commendations from the 2nd Battalion, 7th Marines for Outstanding Achievement in the performance of his duties as Fire Team Leader of the 3rd Platoon, Golf Company. Washington was promoted to Sergeant soon after to become squad leader in the 1st Platoon at only the age of 20.

Sergeant Washington died a proud Marine while serving in the 2nd Battalion, 7th Marines, 1st Marine Division, I Marine Expeditionary Forces. Michael is survived by his father Michael Washington Senior—a Seattle firefighter and former United States Marine, his mother Grace Washington—an artist, community activist, and teacher at Salhalie Middle School, and his sister Aja Collins—an Army veteran whose husband Erik recently returned from Afghanistan where he served with the 101st Airborne.

Mr. Speaker, I ask that my colleagues in the House of Representatives please join me in paying tribute to Sergeant Michael Toussaint-Hyle Washington in honor of his love and sacrifice for our Nation.

In honor of Michael, I also ask that this poem, penned by Mr. Albert Caswell, be placed in the RECORD.

#### HIS PARENT'S SON!

His, Parent's Son!  
This, most magnificent of all ones!  
This, United States Marine . . .  
So brilliant there . . . all in your most heroic shades of green!  
His Father's Son, who had so learned from his Father's Father . . .  
And, all of these ones!  
As all three were but United States Marines!  
As you Michael so watched your Father, growing up to be . . .  
Just like him, as will be done!  
Oorah. . . three generations of United States Marines . . .  
As all were but our America's very best, her cream!

As To Strength In Honor Michael, your fine heart would so convene!

As They Will Be Done, on earth as in Heaven . . . you now rein!

As Michael, you were but one . . .

Who so died and bled, one of our Nation's most golden of all sons!

Such selfless sacrifice, and such brilliance. . . Which shines so bright, is so hard to explain!

Dying, for your fellow woman, child, and man. . . As seen!

As you so stood so very grand, all in those magnificent shades of green!

Teaching us so all about. . . What the word love so truly means!

As a Freedom Fighter, who so shined so bright there in heroic shades of green!

As Michael, you live on. . . all in our hopes and dreams!

Just, like the morning sun. . . to you, our hearts so run!

Moments, are all we have!

To bring the light!

To fight the darkness!

To worship the good, and win that fight!

As you so boldly marched off to war!

All because of your most magnificent soul. . .

As why for you Michael, we so mourn!

All at the loss of you, and for all of yours!

Is but just that high price of freedom, that for us Michael you so paid!

And we so too suffer, living without you no more!

And across Washington on this night, as you so lay your head down and begin to cry. . .

And but our Lord's tears, for you Michael. . . As he now so weeps!

Knowing, of your most sacred gift. . . And of your most devout life so lived!

To ease your pain. . .

So have a most gentle sleep, let not your hearts so weep. . .

For Michael is an Angel now, as ever with you to keep!

And you shall see him again. . .

Enlisted, In the Army of our Lord. . . Across the heavens he so reaches. . .

All because of Michael, what your fine life so meant!

Making A Difference With It All, as was how your precious time was spent!

As you so lived and died, so benevolent!

Answering, that call to arms. . . Your fine life so spent!

For, no greater pain can so be felt!

Then, to lose your only wonderful son, as before our Lord you've cried and knelt!

As, I pray your most broken heart will heal! Because, your fine son. . . Your Marine Michael, so died for what is right!

And what is real!

As you must remember, one day in Heaven. . .

Your son's arms around you, you shall feel! And if ever I have a son,

I but hope and pray, he could be like your fine one!

Michael, His Father's Son!

And Mother's only most brilliant one!

Amen!

#### CONGRATULATING ALDERMAN BRIAN DOHERTY

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of the City of Chicago 41st Ward Alderman Brian Doherty. After twenty years of dedicated service, Alderman Doherty has decided to retire, and I wanted to thank him for his work.

Elected to the City Council in 1991, Alderman Doherty represented the City of Chicago's Northwest Side, including O'Hare International Airport. Brian always fought for strong ethics reforms and government transparency, two issues very important to me. He voted for a sunshine ordinance that makes it much easier to determine how taxpayer dollars are spent on Tax Increment Financing Districts.

During Alderman Doherty's time in office, he worked to bring economic opportunities to his communities and make his constituents safer. Since many 41st Ward residents are part of the city's enormous work force, such as police officers, firefighters and employees of Streets and Sanitation, we applaud his efforts for serving those who serve us.

Mr. Speaker, I am honored to recognize Alderman Brian Doherty of the 41st Ward of Chicago. I appreciate his twenty years of hard work as Alderman and I wish him, his wife Rose and his two children Katie and Kevin all the best.

#### HONORING ANNIE KLEIN

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. ENGEL. Mr. Speaker, Annie Klein was born on May 22, 1921 to Dora and Samuel Ratick in Maynard, Massachusetts. Her parents were both immigrants of Warsaw, Poland. She was born into a family of three sisters and four brothers and her mother still had another daughter, at the age of 50.

The family moved from small town Maynard to The Bronx in New York City. Early in her life, Annie lost her father to a heart attack, leaving her mother sole survivor and sole responsible parent for her 9 children.

Annie was a graduate of Morris High School in 1940. On December 7, 1941 she got engaged to David Klein, a soldier in the U.S. Army. They moved from The Bronx to Hereford, Texas. While there, they had a son, Sam, in August 1944. Even though they were offered a "Hereford Cow" every year while they stayed in Texas by a local rancher, they decided instead to move back to the South Bronx with Annie's mom.

While developing skills that would enable David to get a job, he developed health issues. At the age of 41, David had a massive heart attack that made him a 100 percent totally disabled veteran.

With David unable to work and the addition of her young son, Les, Annie had to find a

job. She worked for the Social Security Office for 5 years. After that, she found a job at City College of New York and worked as a College Office Assistant.

In 1968, her son Sammy married Sandy Desio. While tending to her husband David and son, Les, she managed to work, as well as help care for her mother who had become disabled with Parkinson's disease.

In 1972, her husband David passed away, leaving Annie to once again be the sole caregiver of Les. In 1980, Les married Gail Labita and Annie became a mother-in-law once again. Annie finally decided to retire in the early 1980s.

Annie became grandmother to Sammy and Sandy's children, David and Dena's as well as great-grandmother to David's son Jake and Dena's children Gia, Rocco and Sammi. She is also grandmother to Les and Gail's children Douglas and Allison.

Sadly in her lifetime she had had the misfortune of burying 7 of her brothers and sisters who meant the world to her. Above all, in 2007 Annie received the greatest blow of her life, when her son, Sam passed away. Most people would have crumbled and given up but Annie, with her customary grace and dignity raised her head high and with the help of her family, continued on.

Annie Klein is a Woman of Valor who has shown us all how to live with love and grace even through life's most challenging times. I join with her family and friends and thank her for her dignity and courage. As said in the Bible: "Who can find a virtuous woman for her price is far above rubies?" Well, that woman is Annie Klein.

IN HONOR OF JOHN SHEPHERD  
AND THE AMERICAN SOLDIER

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of John Shepherd, the longest-living veteran of the American Revolution, and all of our soldiers and veterans. This Memorial Day, the city of North Royalton will celebrate the life and patriotism of Mr. Shepherd, who lived to be 117 years, 9 months, and 18 days old.

John Shepherd was born near Philadelphia, Pennsylvania in 1729. He was a brave patriot and served in both the French and Indian War and the American Revolution. In 1817, Mr. Shepherd moved to Royalton Township in the present-day North Royalton, Ohio, where he spent the remainder of his long life as a farmer. At the time of his death, he was the last survivor of Braddock's Defeat, and he was the longest-living veteran of the American Revolution. He was buried in the municipal cemetery of Royalton Township.

This Memorial Day, the city of North Royalton will honor Mr. Shepherd, as well as all American soldiers and veterans, with a pancake breakfast, parade, and memorial service. The Cleveland Shrine Band, the United States Army Color Guard, the Boy Scouts of America, the Sons of the American Revolution, and

a number of other organizations will be on hand to mark this special occasion. This will be a fitting celebration to commemorate Mr. Shepherd, and all veterans who have served their country.

Mr. Speaker and Colleagues, please join me in honor and recognition of John Shepherd, the longest living veteran of the American Revolution. His spirit lives on through all soldiers and veterans that we proudly recognize, honor, and thank this Memorial Day.

HONORING THE 150TH ANNIVERSARY OF JEWISH FAMILY SERVICE OF METRO WEST

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Jewish Family Service of Metro West, based in Morris County, New Jersey, on the occasion of its 150th Anniversary.

Jewish Family Service (JFS) began its community assistance during the 1860s as the Hebrew Benevolent and Orphan Asylum dedicated to helping orphans and the needy in Newark, New Jersey. Over the past 150 years, JFS has become a well known, comprehensive, social service agency which reaches more than 3,500 families each year. JFS proudly serves Essex, Morris, Sussex, Union and Hudson Counties with offices located in Florham Park, Livingston and Jersey City.

JFS is an inclusive, non-discriminatory agency offering more than 40 wide-ranging programs including, counseling, support groups and eldercare. Counseling is provided for individuals or families who are struggling with communication difficulties, life transitions, loss or abuse. Support groups for eldercare, those with Aspergers and those facing parenting issues and divorce are also available. All services are preformed by highly skilled staff members consisting of clinical social workers, case managers, psychologists and psychiatrists. The dedication of the JFS staff is continually affirmed through their prompt and compassionate support.

JFS promotes family relationships with services such as family play therapy, parenting workshops and adoption services. Putting their clients and families at the center of their team-based approach helps strengthen positive family values. JSF also supplies a 24-hour crisis response line, offers financial assistance, debt management and volunteer services.

As one of New Jersey's oldest and well-respected family service agencies, the Jewish Family Service of Metro West clinical social work team offers the experience, expertise and compassion that deserves to be recognized.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Jewish Family Service of Metro West as it celebrates its 150th Anniversary.

HONORING THE 100TH ANNIVERSARY OF HUNTINGDON VALLEY FIRE COMPANY #1

**HON. ALLYSON Y. SCHWARTZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Ms. SCHWARTZ. Mr. Speaker, I rise today to honor and congratulate the Huntingdon Valley Fire Company #1 as they celebrate their 100th anniversary.

One does not need to look far to see signs of the distinguished history of Huntingdon Valley Fire Company. After their founding the company used a local barn to store their equipment; that barn still stands just up the road from the current firehouse. After struggling to raise funds for equipment, a locomotive tire was donated to the company to be used as an alarm bell. The tire is currently hanging in front of the firehouse. The fire company's website shows pictures of every major piece of equipment the company has owned in its century long history.

In addition to the ties to their founding, the fire company also has a consistent record of being strongly supported by the community. The use of the old barn to store their first pieces of equipment in 1911 was volunteered by a local resident. To raise funds for their first fire wagon in 1911 the company held carnivals, dances, and minstrel shows for the community. Their first make-shift fire alarm, the locomotive tire, was donated by the Midvale Steel Company. In 1912 the four wheeled fire cart was pulled by the closest two horses available. When the fire company needed to build a new addition to their garage it was built and paid for by members of the company. In 1929 the residents contributed the funds necessary to purchase a piece of modern fire equipment. With the growth in population of the 1940's it became clear that the fire company needed additional funds to continue to provide fire protection. A question was raised and the community agreed that a fire tax was necessary to ensure that the company had the funds needed to purchase and maintain modern firefighting equipment.

Over the 100 years that Huntingdon Valley fire company has been protecting its residents they have upgraded their equipment, modernized their operation, and expanded their services. Through the decades, the fire company has never lost sight of their original goal of fulfilling the time honored tradition of volunteers risking their lives to protect their neighbors.

Mr. Speaker, I ask that my colleagues join me in congratulating the Huntingdon Valley Fire Company as they mark their 100th year of protecting the community.

CONGRATULATING AZERBAIJAN ON TWENTY YEARS OF INDEPENDENCE

**HON. ED PASTOR**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. PASTOR of Arizona. Mr. Speaker, I rise today to congratulate an important ally of ours

in the South Caucasus region, Azerbaijan, which is celebrating the 20th anniversary of its independence as a democratic nation. Despite the global recession, Azerbaijan has experienced strong economic growth in each of the past three years, in part due to increased immigration as people from surrounding nations have found that Azerbaijan affords the greatest opportunity for employment, stability and security for working families in the region.

Azerbaijan continues to face unique challenges that it must overcome to maintain the promise of its independent democratic principles. This country of eight million people occupies the Western shore of the Caspian Sea, bordering Russia to the North and Iran to the South. This region contains vast oil and gas resources equivalent to those of Saudi Arabia, with Azerbaijan owning one-third of these valuable deposits, but it must be vigilant in maintaining independence of action regarding the use and distribution of its extracted resources. Their main oil pipeline runs from the capital city, Baku, through Georgia and Turkey, and out to the Turkish port of Ceyhan on the Mediterranean Sea.

In the early 1990's, Azerbaijan was involved in a brutal conflict with its neighbor to the West, Armenia, and the repercussions from atrocities committed during that time still impact diplomatic and economic relations today. Since a cease-fire was negotiated in 1994, these two nations have been locked in a dispute over the Nagorno-Karabakh region, located within Azerbaijan but occupied by Armenian forces. The Minsk Group of the Organization for Security and Cooperation in Europe, of which the United States is a co-chair, was created to encourage a peaceful, negotiated resolution to this conflict, yet work remains in reaching this goal.

Azerbaijan is a secular, modern, Muslim nation that has practiced complete religious tolerance for hundreds of years, with some five Jewish synagogues in Baku alone. Israel is an important oil customer of theirs, and in the past year, honored Azerbaijani teams that worked alongside Israelis in fighting large wildfires that ravaged northern Israel. And of major importance, Azerbaijan bolsters U.S. efforts in Afghanistan through troops and airfields that provide logistical support.

It is important that America continue to encourage Azerbaijan in its democratic and economic growth, and highlight the progress made in these last twenty years. Congratulations, Azerbaijan.

NATIONAL MISSING CHILDREN'S  
DAY OMS

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. POE of Texas. Mr. Speaker, yesterday was National Missing Children's Day, a reminder that although progress has been made, child protection must remain a national priority.

Each day, in the United States, more than 2,185 children are reported missing and approximately 800,000 children are reported missing each year.

This past April marked one year since Ali Lowitzer of Spring, Texas went missing.

Ali's plans were to ride the school bus and go straight to work after school at the local burger shop.

She did not come home after work though, and Mrs. Lowitzer put in a call to the police when she could not get in touch with her daughter.

The search began soon after and continues today.

We cannot give up hope and must continue to be vigilant to guard our children and bring Ali and all other missing children back home.

Congress has passed significant laws to keep children safe, but must always be looking to what we can do to further ensure the security of the most innocent.

And that's just the way it is.

IN HONOR OF REVEREND ROMAN  
MISIEWICZ

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Reverend Roman Misiewicz, who is celebrating his 50th anniversary of his ordination to the Priesthood. Reverend Misiewicz's continued dedication to serving God, his students, and his parishioners have made him a pillar of the community.

Reverend Misiewicz was born in Drohobycz, Poland shortly before the Second World War. After the war, during which his town was repeatedly bombed, he and his family moved to Chorzow, where he graduated from high school. He went on to attend Jagiellonian University in Krakow, where he enrolled in the seminary and was ordained into the priesthood in 1961. During his time at Jagiellonian University, one of Reverend Misiewicz's professors was Karol Wojtyla, who later became Pope John Paul II.

During the reign of Communism in Poland, Reverend Misiewicz served as a parish priest and as an academic chaplain. In addition, he lectured clandestinely on human rights despite the danger it posed to him. In 1970, he moved to America and began working as a pastor at St. Mary's Church in Lublin, Wisconsin. In 1971 he married Jolanta Machnik in Chicago, Illinois, and soon moved to Cleveland.

Fr. Roman Misiewicz served as the pastor of Holy Trinity Church in Cleveland from 1972 until the close of the parish in 2003. At that time, he became the pastor of St. Mary's Church in Parma, where he continues to preach. In addition to his priestly duties, Reverend Misiewicz teaches Information Technology and has served as a Dean of Education at a variety of institutions of higher learning in the Cleveland area.

Mr. Speaker and Colleagues, please join me in honoring Reverend Roman Misiewicz, as he celebrates his Golden Jubilee. I extend my sincerest congratulations to Fr. Roman and look forward to his exemplification of faith and service in our community.

INTRODUCTION OF SENSE OF CONGRESS THAT FEDERAL GOVERNMENT SHOULD TAKE STEPS TO COUNTER ANTI-MUSLIM SENTIMENT

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. CONYERS. Mr. Speaker, I am pleased to introduce this resolution expressing the sense of Congress that the federal government should take steps to counter anti-Muslim sentiment, along with additional cosponsors. Over the last decade, the American Muslim community has confronted a festering level of suspicion which has manifested itself in hostile government policies and bias from the general public. A CBS/New York Times poll released in mid-September showed that as many as 20 percent of Americans said they have negative feelings toward Muslims because of the September 11th terrorist attacks. While Congress has confronted some of the more violent manifestations of this bias, the general climate faced by the community has continued to create barriers to full participation in public life that should be addressed by official government policy.

As a member who represents a district with one of the greatest concentrations of American Muslims in the nation, I believe that this sense of Congress is a logical step toward sending the message that this group of proud citizens should be able to enjoy the rights guaranteed under the Constitution to the same extent as all other Americans. Throughout diverse cities and small towns across the country, American Muslims have a long history of playing crucial roles in law enforcement and the armed forces, and as business leaders, doctors, lawyers, and teachers. However, there exists in our nation today a disturbing and dangerous trend of anti-Muslim rhetoric and bigotry, evidenced by attacks against individuals, religious institutions and entire communities.

The United States is a country founded on the principles of tolerance and religious freedom, as embodied in the First Amendment of the Constitution. The protection of these principles is vital to the ongoing sense of community shared by the diverse peoples and religious groups of this nation. Targeting American Muslims for scrutiny based on their religion goes against the core principles of religious freedom and equal protection under the law. Moreover, the practice erodes trust in government and law enforcement at all levels, which, in turn, undermines public safety.

The American Muslim community should be able to rely on the federal government to lead the effort in fostering an open climate of understanding and cooperation. These communities must be shielded from the threat of violence and suspicion that was at the heart of last January's thwarted attack against the Islamic Center of America in Dearborn, Michigan. They should also be able to rely on law enforcement's fundamental integrity and respect for First Amendment protected rights. Only through a balanced examination of the challenges facing the nation will we establish

a strong policy framework for protecting security, while respecting the Constitution and the interests of affected communities.

This sense of Congress is an attempt to set the record straight and counter the perception of growing anti-Muslim rhetoric. Congress has a solemn duty to ensure that its actions do not fuel misconceptions about, and prejudices toward, any faith community, including the American Muslim community and Islam. Scores of religious, civil rights, law enforcement, and national security leaders and organizations representing diverse Americans and areas of expertise are concerned about messages which appear to target the American Muslim community, sending counterproductive messages both domestically and internationally. It is essential that the federal government send the message that we all must work together to guarantee the security of our country and that no community should be singled out for suspicion.

CONGRATULATING ALDERMAN  
EUGENE SCHULTER

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. QUIGLEY. Mr. Speaker, today I rise in recognition of Eugene Schuler, Alderman of Chicago's 47th Ward. Alderman Schuler retired this year, and his dedication to his ward and the City of Chicago will be missed.

As Alderman for thirty-six years, Gene's accomplishments and contributions to Chicago were numerous and helped make Chicago the world class city it is today. He was a great policymaker, but he also understood the importance of focusing on his constituents' needs by keeping the neighborhoods safe and improving community schools. Gene was committed to making the 47th Ward family-friendly, and he did so by creating after-school programs, building parks and playlots, and sponsoring concerts, festivals and farmer's markets. Additionally, he helped foster small businesses and economic growth.

Another one of Alderman Schuler's achievements was affordable housing programs to keep longtime residents in the ward. Along with the Community Partnership for Affordable Neighborhoods (C-PAN) program, Alderman Schuler developed the Northcenter Senior Campus (NSC), which provides hundreds of rental condominiums for constituents above the age of fifty-five. He wanted to make sure every resident was happy with their neighborhood.

Mr. Speaker, I am honored to recognize Alderman Eugene Schuler of the 47th Ward of Chicago. Thank you Alderman Schuler for truly providing a community that Chicagoans are proud to call "home." I wish him, his wife Rosemary, and his children Monica and Phillip all the best on their future endeavors.

## INTRODUCING HEALTH FREEDOM LEGISLATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. PAUL. Mr. Speaker, I rise to introduce two pieces of legislation restoring the First Amendment rights of consumers to receive truthful information regarding the benefits of foods and dietary supplements. The first bill, the Health Freedom Restoration Act, codifies the First Amendment by ending the Food and Drug Administration (FDA)'s efforts to censor truthful health claims. The second bill, the Freedom of Health Speech Act, codifies the First and Fifth Amendment by requiring the Federal Trade Commission (FTC) to prove that health claims are false before it takes action to stop manufacturers and marketers from making the claims.

The American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA and the FTC continue to engage in heavy-handed attempts to restrict such access. The FDA continues to frustrate consumers' efforts to learn how they can improve their health even after Congress, responding to a record number of constituents' comments, passed the Dietary Supplement and Health and Education Act of 1994 (DSHEA). FDA bureaucrats are so determined to frustrate consumers' access to truthful information that they are even evading their duty to comply with four federal court decisions vindicating consumers' First Amendment rights to discover the health benefits of foods and dietary supplements.

FDA bureaucrats have even refused to abide by the DSHEA section allowing the public to have access to scientific articles and publications regarding the role of nutrients in treating diseases by claiming that every article concerning this topic is evidence of intent to sell an unapproved and unlawful drug.

Because of the FDA's censorship of truthful health claims, millions of Americans may suffer with diseases and other health care problems they may have avoided by using dietary supplements. For example, the FDA prohibited consumers from learning how folic acid reduces the risk of neural tube defects for four years after the Centers for Disease Control and Prevention recommended every woman of childbearing age take folic acid supplements to reduce neural tube defects. This FDA action contributed to an estimated 10,000 cases of preventable neural tube defects.

The FDA also continues to prohibit consumers from learning about the scientific evidence that glucosamine and chondroitin sulfate are effective in the treatment of osteoarthritis; that omega-3 fatty acids may reduce the risk of sudden death heart attack; that calcium may reduce the risk of bone fractures; and that vitamin D may reduce the risk of osteoporosis, hypertension, and cancer.

The Health Freedom Restoration Act will force the FDA to at last comply with the commands of Congress, the First Amendment, numerous federal courts, and the American people by codifying the First Amendment prohibi-

tion on prior restraint. Specifically, the Health Freedom Restoration Act stops the FDA from censoring truthful claims about the curative, mitigative, or preventative effects of dietary supplements. The Health Freedom Restoration Act also stops the FDA from prohibiting the distribution of scientific articles and publications regarding the role of nutrients in protecting against disease. The FDA has proven that it cannot be trusted to protect consumers' rights to make informed choices. It is time for Congress to stop the FDA from censoring truthful health information.

The Freedom of Health Speech Act addresses the FTC's violations of the First Amendment. Under traditional constitutional standards, the federal government bears the burden of proving an advertising statement false before censoring that statement. However, the FTC shifted the burden of proof to industry. The FTC presumes health advertising is false and compels private parties to prove the ads (and everything the regulators say the ads imply) to be true to a near conclusive degree. This violation of the First and Fifth Amendments is harming consumers by blocking innovation in the health foods and dietary supplement marketplace.

The Freedom of Health Speech Act requires the government actually prove that speech is false before the FTC acts against the speaker. This is how it should be in a free society where information flows freely in order to foster the continuous improvement that benefits us all. The bill also requires that the FTC warn parties that their advertising is false and give them a chance to correct their mistakes before the FTC censors the claim and imposes other punishments.

Mr. Speaker, if we are serious about putting people in charge of their health care, then shouldn't we stop federal bureaucrats from preventing Americans from learning about simple ways to improve their health. I therefore call on my colleagues to stand up for good health and the Constitution by cosponsoring the Health Freedom Restoration Act and the Freedom of Health Speech Act.

## HONORING THE REPUBLIC OF AZERBAIJAN ON ITS 93RD ANNI- VERSARY OF "REPUBLIC DAY"

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. BOREN. Mr. Speaker, as the co-chairman of the Congressional Azerbaijan Caucus, I ask my colleagues to join me today in honoring the Republic of Azerbaijan as it celebrates its 93rd Republic Day on May 28, 2011. Later this year, Azerbaijan will also celebrate the 20th anniversary of its freedom from the Soviet Union and the establishment of diplomatic relations with the United States. These events both represent important milestones in Azerbaijan's history.

Azerbaijan has progressed over twenty years to become a key ally to the United States in a strategically important region. Azerbaijan is located between Russia and Iran in the geopolitically dynamic region between

Europe and Asia. It is a secular democracy with a predominantly Muslim population that has been home to vibrant Christian and Jewish communities for over a millennium.

Azerbaijan continues to offer multi-faceted support for U.S. and NATO operations in Afghanistan, in part by providing medical services for injured Afghans and training for Afghan Security Forces. As highlighted by Secretary of Defense Robert Gates, Azerbaijan plays a key role in supporting the Northern Distribution Network, which provides passage for Coalition supplies bound for Afghanistan. Finally, Azerbaijan provides vital support to U.S. nonproliferation efforts.

In addition to supporting U.S. security interests in the region, Azerbaijan serves a paramount role in supplying the United States and Europe with oil and gas. It is the only secular Muslim country that maintains close ties with Israel, supplying roughly a quarter of Israel's oil.

Again, as the co-chairman of the Congressional Azerbaijan Caucus, it is my pleasure to honor the Republic of Azerbaijan on the occasion of its 93rd Republic Day. For my colleagues who are interested in supporting Azerbaijan, I encourage them to consider joining the Congressional Azerbaijan Caucus, which works to strengthen and grow the valuable partnership between the United States and Azerbaijan.

### 30 YEARS OF DEDICATED WORK BY THE GREAT SWAMP WATERSHED ASSOCIATION

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Great Swamp Watershed Association (GSWA) located in Morris County, New Jersey, which is celebrating 30 years of successful natural resource protection in the Great Swamp Wildlife Refuge.

Thousands of years ago, the melting waters of large retreating glaciers formed a massive glacial lake called Glacial Lake Passaic. Over the years, the lake drained to leave wetlands, which form a part of the Great Swamp in New Jersey. This federally-protected land is home to a large variety of plants, animals, and humans, as well as several federally-designated threatened species.

After the creation of the Great Swamp National Wildlife Refuge in 1964, a small group of citizens became concerned with protecting and improving water resources in the ten municipalities that bordered the Great Swamp. In 1981, this grass-roots group created the GSWA in order to protect the land and water in these towns. Through its efforts, the organization has acquired fifty-three acres of property in the area surrounding the Refuge, while working to preserve local streams and maintain local water quality.

The GSWA has grown from its roots to include 2,200 members in over 40 New Jersey municipalities. Today, the organization continues to protect environmentally sensitive land through land acquisition and promoting the

strengthening of environmental regulations in New Jersey. With the support of its staff, trustees, and many valuable volunteers, the Association helped develop the first-ever water quality standards for the Great Swamp Watershed, which aid scientists, policy makers and local officials in protecting water resources from further degradation and in restoring those resources that have been harmed. Although the GSWA's work is centered primarily within the towns directly served by the Great Swamp Watershed, the results of its persistence extend to the more than one million people in Northern New Jersey who obtain their drinking water from the Passaic River.

In addition, the GSWA fosters environmental awareness and provides environmental education for children and adults throughout the state. Over 1,500 students have benefitted from its three-dimensional watershed model that illustrates how individual and group actions affect water quality in the local area. The organization invites teachers to participate in programs that show them how to use their own school grounds as areas for environmental education. The GSWA also offers several family programs within the watershed that introduce area residents to the natural history in their own backyards. In providing these programs, the GSWA teaches communities of the ecological value of the Great Swamp watershed, as well as the importance of restoring the property and protecting it from land development.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Great Swamp Watershed Association for its 30 years of dedicated work on behalf of the great State of New Jersey.

**HONORING RABBI JUDITH S.  
LEWIS**

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. ENGEL. Mr. Speaker, Rabbi Judith S. Lewis became the rabbi of Riverdale Temple in the summer of 2006, after having served for 14 years as the Senior Rabbi of Temple Israel of the City of New York. She began her tenure at Temple Israel as the Director of Education for six years.

In 2005 she earned an honorary Doctor of Divinity degree from the Hebrew Union College—Jewish Institute of Religion, where she was ordained in 1980. She was part of the first generation of women rabbis, ordained at a time when there were fewer than a dozen women in the Reform rabbinate. Her undergraduate degree was in Philosophy, from Oberlin College in Ohio.

Rabbi Lewis was born and raised in Rochester, New York where her extended family participated in congregations of every denomination. A favored childhood recollection is the successive observance of Jewish holidays at each congregation. Once services ended at her family's Reform synagogue, they would often go to join her grandparents in their Conservative congregation, and finally join aunts and uncles at the Orthodox synagogue to finish the celebration of the holiday.

Rabbi Lewis says she has enjoyed directing the religious school this year calling the students are among the most delightful young people she has ever met. Jewish education has been a life-long passion for her and she has the rare ability to inculcate her students with that passion and enthusiasm.

Rabbi Lewis is being honored at the Riverdale Temple's Annual Student Scholarship breakfast. I join with the Temple in honoring this wonderful teacher as she completes her 30th year in the rabbinate, and thank her for her many contributions to the Temple, its students, and the community.

**CONGRATULATING MAYOR  
RICHARD M. DALEY**

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Chicago's "idea a minute" Mayor Richard M. Daley. On September 7, 2010, Mayor Daley announced that after his 22 years in office, he would not seek re-election. But during those 22 years, Chicagoans were privileged to be served by a man with such vision, passion, and inimitable love for our city.

Mayor Daley not only improved the quality of life in Chicago, but also made it one of the most environmentally friendly cities in the world. He did so by encouraging businesses to use green technology and helping companies save money by becoming more sensitive to the environment. Mayor Daley directed the planting of thousands of trees, the building of green roofs, and construction of nearly one-hundred square miles of landscaped medians. Mayor Daley also built and improved infrastructure, such as the 1996 revamp of State Street and the 2002 rebuilding of Wacker Drive.

Many new tourist attractions were overseen by Mayor Daley during his time in office, as he was committed to ensuring Chicago remained a world-class city. In 1998, the Museum Campus opened to the public. The campus formed an uninterrupted, pedestrian-friendly green space for Chicago's three natural science museums. Later, in 2004, he unveiled Millennium Park. Continuing Chicago's tradition of sculpture and architecture, the park includes Anish Kapoor's "Cloud Gate", also known as "The Bean," an interactive multimedia fountain of faces created by Jaume Plensa. He has a beautiful garden designed by Kathryn Gustafson. Mayor Daley also played an instrumental role in the renovation and transformation of Navy Pier into Chicago's most popular tourist attraction.

Along with beautifying the City, Mayor Daley made Chicago a safer place for our children and families. From creating the City's first community policing programs to installing safety cameras outside schools to working closely with Mayors Against Illegal Guns, Mayor Daley has made fighting neighborhood crime and education a priority. He has improved the performance of Chicago's public schools by enhancing school safety and creating after-school and early childhood education programs. Because of Mayor Daley's



focus on education, fewer students are dropping out of school and more are moving on to higher education.

Our city's outgoing mayor was also a good friend to the LGBT community and a national trailblazer for equality, because it was the right thing to do. He formed an LGBT Advisory Council for the city, and Chicago remains the only city in the country to recognize the civic contributions of the LGBT community in an annual ceremony recognizing our LGBT Hall of Fame, into which Mayor Daley was inducted in 2006.

Mr. Speaker, I am honored to recognize Mayor Richard M. Daley, 45th mayor of the City of Chicago. I commend him for his 22 years of service on the fifth floor and throughout the neighborhoods that make our home the best city in the world. He leaves a legacy of service and passion for preserving and improving the city we all know and love, Chicago. Thank you, Mr. Mayor, for everything. I wish you, Maggie, and your entire family nothing but the best.

#### PERSONAL EXPLANATION

##### HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. GRIMM. Mr. Speaker, on rollcall No. 344, I was unavoidably detained and the amendment was gavelled closed before I could cast my vote. Had I been present, I would have voted "aye."

#### THANKING AL POWERS FOR HIS SERVICE TO THE HOUSE

##### HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on the occasion of his retirement on June 2nd 2011, we rise to thank Mr. Al Powers for his more than twenty-nine years of distinguished service to the United States House of Representatives.

Al began his career with the House working in the office of Representative Bob Whittaker as an Office Assistant, and when the Member retired, he was the office Press Assistant. Time spent handling press issues led to the idea for the House Enterprise Facsimile Service which he was instrumental in helping to develop when he joined House Information Resources (HIR) in the Office of the Chief Administrative Officer (Office of the CAO) as a Systems Engineer. This service is currently used by the House. Al was also instrumental in the inception of many services that are critical to the House today—including the current E-mail system.

Al's knowledge, experience, dedication and consistently outstanding performance in his daily tasks has set a fine example in providing superior customer service and has earned the respect of his co-workers.

On behalf of the entire House community, we extend congratulations to Al Powers for his

many years of dedication, outstanding contributions and service to the United States House of Representatives.

We wish him many wonderful years in fulfilling his retirement dreams.

#### PERSONAL EXPLANATION

##### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. WOLF. Mr. Speaker, I missed the vote on Campbell amendment #54 to H.R. 1540, National Defense Authorization Act for Fiscal Year 2012. Had I voted, I would have voted "no" on the amendment.

#### TRIBUTE TO KATE SWIFT

##### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. COURTNEY. Mr. Speaker, I rise today to pay tribute to Kate Swift, a recently deceased Connecticut writer who is best known for her tireless work to end sexism in the English language. Kate, a resident of East Haddam, died of abdominal cancer on May 14 at the age of 87.

Born in Yonkers, NY, Kate attended Connecticut College in New London, CT. She graduated from the University of North Carolina at Chapel Hill in 1944 with a degree in journalism and spent the next two years in the Women's Army Corps serving as an information and education specialist before being honorably discharged. In 1965 she made her way back to Connecticut to enter the news bureau at Yale University's School of Medicine.

She began her writing career in the 1970s with her companion, Casey Miller, also a writer, who spent some of her career working in naval intelligence. While working with Casey to edit materials for a junior high school sex education program, the two noticed the dominance of male pronouns and references to men. They changed the language in the program to give girls a more prominent role and followed up by publishing their first article on the topic of gender-neutral language.

Kate's proposals gained a great deal of traction over time. Newspapers, textbooks, and public speakers continue to avoid sexist language like "firemen" and "stewardess", instead preferring more gender-neutral references. Articles by Kate and Casey have been published in the New York Times, the Washington Post, and New York magazine on a wide variety of topics relating to sexism in language.

Since moving to East Haddam in 1972, Kate, a sharp intellect and incredibly talented writer, simply couldn't sit still. She was an activist heavily invested in women's rights and gay rights. She was a vocal advocate for Connecticut's marriage equality legislation and worked hard to help bring about its passage into law. She served on the Council of the Rathbun Free Memorial Library, the first Town

Charter Commission, as well as the committee of the Connecticut Trails Council of Girl Scouts, and the East Haddam Democratic Town Committee for seventeen years. She traveled all over the world including to China for the UN's Fourth World Conference on Women.

Kate Swift, through her push to end gender discrimination in the English language and tireless activism, demonstrated that she was a true visionary. She was, in many respects, ahead of her time. Kate left her mark by forever changing how we use language and by fighting hard to root out injustice where she found it in the world. I ask my colleagues to join me in praising the efforts and honoring the life of this remarkable woman.

#### INTRODUCTION OF THE CAMPUS SAVE ACT

##### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mrs. MALONEY. Mr. Speaker, today I am proud to introduce important bipartisan legislation, the Campus Sexual Violence Elimination (SaVE) Act, which would close a serious gap in the law by requiring colleges and universities to clearly spell out their policies regarding domestic violence, dating violence, sexual assault and stalking, and will increase awareness and prevention of these acts by requiring transparency of information, prevention programs and assistance for victims. Senator BOB CASEY recently introduced the Senate companion bill (S. 834).

Sexual violence and violence in dating relationships are a serious problem on college campuses across the country. More than one in five female undergraduates will be victims of sexual assault or attempted sexual assault during their time on a campus; only a fraction of incidents are reported and many victims go without adequate institutional support.

The Campus SaVE Act would increase the transparency of reports of sexual violence by institutions to include in their annual security reports statistics on domestic violence, dating violence and stalking that were reported to campus police authorities or local police agencies; promote prevention and bystander responsibility by requiring colleges and universities to develop clear statements of policy regarding domestic violence, dating violence, sexual assault and stalking prevention programs; ensure victims get the help they need by requiring colleges and universities to provide clear statements regarding their procedures followed when a case of domestic violence, dating violence, sexual assault or stalking is reported and provide victims an explanation of their rights in writing; and requires clear procedures for institutional disciplinary proceedings and provides assistance to institutions to implement these requirements.

This legislation will help ensure our college campuses and universities are safe. I urge my colleagues to support it.

TWENTIETH ANNIVERSARY OF  
ILLYRIA

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. ENGEL. Mr. Speaker, this month marks the 20th anniversary of the establishment of Illyria, the Albanian-American newspaper. Illyria has been in the forefront of supporting the aspirations of the Albanian people in The Balkans for 20 years.

As the Albanian people of Kosova in the former Yugoslavia emerged from the domination of Serbia, and Albania emerged from the shadow of communism in 1991, Albanian-Americans were in need of information about their homeland, and a common voice to bring their community together. In that time of great transition, Harry Bajraktari, an Albanian immigrant from Kosova who had built a successful real estate business from scratch in the Bronx, founded and published Illyria, and published it twice weekly in both English and Albanian.

From the beginning, Illyria provided a valuable bridge among Albanians in the U.S. and abroad, and our leaders in the United States. Through the dedication and passion of Mr. Bajraktari and his colleagues, Illyria championed the causes of human rights, democracy and freedom for the people of Albania, Macedonia, Monte Negro and for a free and independent Republic of Kosova. During the Yugoslav wars and the struggles of Albanians in Kosova against the regime of Slobodon Milosevic, Illyria promoted peaceful solutions for Albanians and their neighbors. Diplomats at the United Nations, members of Congress, officials at the State Department, the White House and think tanks in Washington were among those who used Illyria as a resource.

Now in more peaceful times for Albanians, Illyria, true to its immigrant roots, continues to build ties between the Albanians and the United States, promoting friendship between our countries and highlighting the contributions of Albanian immigrants to the United States. The long list of distinguished Albanian-Americans introduced to readers by Illyria includes a Nobel-Prize winner, an engineer who oversaw the flight of the Apollo 11 mission to the moon, a former NASA astronaut who flew into space on the Space Shuttle Endeavour, famous actors, directors and TV personalities, and successful professionals of various fields.

The torch of owning and publishing Illyria was passed from Mr. Bajraktari to Ekrem Bardha, a successful Albanian-American businessman from Michigan and then to Vehbi Bajrami, a dedicated publisher. Through two decades and three owners, Illyria has been a consistent voice for tolerance and truth. As Ismail Kadare, the internationally-renowned Albanian writer said, Illyria has kept "only one passion as sacred: its dedication to the freedom and the happiness of the Albanian people." Mr. Speaker, these are two of the principles that have made this country the greatest democracy in the world, and which unite Albania and the United States in friendship today.

With thousands of readers from New York to Alaska, Illyria newspaper is truly an Amer-

ican institution—politically independent and true to the best values of American journalism. In short, Illyria embodies the American dream. I join with Harry Bajraktari and with Albanian-Americans in the United States and around the world, in wishing a happy 20th anniversary to Illyria newspaper.

HONORING THE 60TH ANNIVERSARY OF THE FLORHAM PARK MEMORIAL FIRST AID SQUAD, INC.

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Florham Park Memorial First Aid Squad of Florham Park, New Jersey on celebrating their 60th Anniversary as of May 30th, 2011.

On May 30th, 1951 the Florham Park Memorial First Aid Squad was dedicated in fond tribute to those who served or gave their all in our defense.

The all-volunteer Florham Park Memorial First Aid Squad provides service 24 hours a day, seven days a week, 365 days a year. They cover 7½ square miles and service 12,600 residents along with businesses, schools, colleges, assisted living facilities, local streets and highways, as well as provide mutual aid to neighboring towns.

The Florham Park Memorial First Aid Squad is a non-profit organization financially supported only by donations; comprised 100 percent of volunteers. Students, professionals and retirees from all walks of life lend time to serve their community. Auxiliary members also volunteer on committees to preserve the house and grounds, as well as organize special social events.

The Florham Park Memorial First Aid Squad handles approximately 1,200 calls per year. A typical crew includes an experienced chief, an EMT-B and driver, and a probationary member (who has served less than 6 months on the squad). Responsibilities of the crew on call include, remaining in town during the shift, inspecting ambulance and equipment, and responding to 911 calls, along with drills and instruction.

Aside from time responding to calls, volunteers of the first aid squad complete numerous hours of rigorous training preparing for any situation that may arise. Their selfless donation of their time, tireless commitment to service and compassion for others sets these volunteers apart from others.

Mr. Speaker, I ask you and my colleagues to join me in congratulating the Florham Park Memorial First Aid Squad as they celebrate their 60th Anniversary.

HONORING THE BIRTHDAY OF  
TURKEY'S FOUNDER

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. POE of Texas. Mr. Speaker, on May 19, while Congress was in recess, the Republic of Turkey and Friends of Turkey commemorated the 92nd anniversary of the launching of Turkey's national campaign to establish an independent nation by Mustafa Kemal Atatürk, the founder of modern Turkey. Turkey also celebrates May 19 as the birthday of Atatürk.

During his life time Atatürk was able to lift a country from the ashes of the Ottoman Empire and build a secular democratic nation located at the crossroads of Europe and the Middle East. His reforms were widespread including political, social, legal, educational, and economic. Some were monumental such as abolishing the caliphate and the sultan, recognizing equal rights for men and women, adopting a new alphabet and adopting secular law. Atatürk had a vision for the country, one of a pro-western secular and democratic state in which the rule of law would prevail. He swiftly but steadily advanced toward that goal with the confidence of a born leader and the support of the Turkish nation.

Atatürk championed women's rights, and believed that education and scientific training was the key to advancement not only for the individual, but also for the country. During his tenure, women were encouraged to become doctors, lawyers, engineers, scientists, and enter into politics.

The legacy of Atatürk is even more evident today, as the Arab Spring leads to dramatic changes in the Middle East and North Africa. There are lessons in Turkey's history which can be applied to the current situation around the world. With the right leadership and determination, democracy can take root and lay the foundations for a prosperous future in the region.

HONORING ADOLFO ALVAREZ, SR.

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Former Frio County Commissioner Adolfo Alvarez, Sr. to honor his contributions to South Texas. On May 28, 2011, Mr. Alvarez celebrates his 80th birthday and a lifetime of achievements as a Veteran and Former County Commissioner.

Mr. Alvarez was born May 27, 1931, in Harlingen, Texas, to the parentage of Gernaro and Dominga Alvarez. He attended Harlingen High School in 1950 and served his country in the Korean War upon graduation. Mr. Alvarez returned from battle and married Guadalupe Morales Alvarez soon after. The couple has been happily married for 55 years and their union produced 9 children, 19 grandchildren, and 1 great-grandchild.

Mr. Alvarez began working in the auto repair industry and has been the proud owner of A

and A Auto Parts retail stores in Pearsall, Dilley and Cotulla, Texas since 1973. In 1980, he was elected Frio County Commissioner and devoted himself to the people for 20 years. In addition to his post as Commissioner, Mr. Alvarez also served on the State Democratic Executive Committee for the 21st Senatorial District, was an active member of the Mexican American Democrats, and was appointed to the Commission on Aging by Gov. Ann Richards during her time in office.

Residing in Pearsall, TX, Mr. Alvarez spends his days as the city's first life member of VFW Post 9185, a life member of the Knights of Columbus, and a member of the League of United Latin American Citizens. He remains spiritually active as a parishioner of Immaculate Heart of Mary Catholic Church in the city in which he resides. As a former County Commissioner, he remains devoted to his community through his volunteer activities, church involvement, and interests.

Former Commissioner Alvarez has lived in Pearsall, Texas for over 30 years and served Precinct 3 for 16 years beginning in 1980 and ending in 2000. In addition, he is a Korean War Veteran and founding member of the VFW post in Pearsall, Texas.

Mr. Speaker, I am honored to have had the opportunity to recognize the remarkable life of Mr. Adolfo Alvarez, Sr. and his 80th birthday celebration. Thank you.

CONGRATULATING ALDERMAN  
PATRICK J. LEVAR

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise to congratulate Alderman Patrick J. Levar on his recent retirement from his position as Alderman of the 45th Ward of the City of Chicago.

For the last 24 years, Alderman Levar represented the residents of the 45th Ward and worked to bring many improvements to the schools, businesses, and safety of his constituency. One of his many accomplishments as Alderman was the building of a new police station for the 16th District—Chicago Police Department to ensure that the 45th Ward was one of the safest in Chicago. He brought over \$7 million in improvements to local neighborhood schools and built the first new library on Chicago's northwest side. He returned over \$1 million to the 45th Ward by improving parks, playgrounds, and local streets.

He also wanted to make sure his ward thrived economically and worked tirelessly to rejuvenate businesses and create jobs by helping build shopping complexes and business structures. His dedication to his job and the city he loves is an example of why Chicago is known as "The City That Works."

Alderman Levar is very proud of the northwest side of Chicago, the area he has called home for his entire life, and of the Jefferson Park neighborhood, the area where he and his wife have raised their family.

Pat would be the first to tell you that his family is his first priority, and they have provided support for his entire career. He has

been happily married for 37 years to his wonderful wife, Mary Ann. His family also includes his son, Patrick, Jr., and his wife, Jeanene, his daughters, Michelle and Julie, his son, Ryan, and his grandchildren, Patrick, Clare, and Maeve.

Mr. Speaker, I ask my colleagues to join me in applauding Alderman Levar's years of service to the City of Chicago. I hope that his dedication and hard work inspire us all to see the difference we can make by serving our local communities. I wish him a happy and successful retirement and all the best in the future.

A TRIBUTE TO ALEX MICHAEL  
JAGIM

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Alex Michael Jagim for the rank of an Eagle Scout. Alex is a junior at Waukee High School.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement whose standards have been well-maintained over the years. To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Alex's service project was to install a video capture system which required raising more than \$6,000 in addition to physically installing the new system. Alex also went above and beyond the requirements by completing more than the minimum required number of merit badges, a total of 33, as well as serving in a variety of leadership roles throughout his time in Boy Scouts.

In addition to his commitments as a Boy Scout, Alex is also a member of Waukee High School's Marching Band, Show Choir, Jazz Choir, National Honor Society, Tennis team, and drama department. After high school Alex plans to pursue a career in either Aerospace or Computer Engineering.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Alex Jagim and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on earning an Eagle Scout ranking and will wish him continued success in his future education and career.

CONGRATULATING AND  
RECOGNIZING SUSAN EGAN

**HON. JOHN F. TIERNEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. TIERNEY. Mr. Speaker, I rise today to recognize the accomplishments of Susan E. Egan and congratulate her on her forthcoming

retirement. For the past 38 years, Mrs. Egan has served as the Head of Harborlight Montessori School, which she co-founded in 1973. She has served as an active leader of the school and has made numerous contributions to the school's development as well as to the community.

Under her leadership, Harborlight grew from a 27-student, one-room school located in the basement of the First Baptist Church in Beverly, Massachusetts, to a model Montessori school enrolling more than 250 students in 17 classes. With the addition of several wings for a preschool, an expansive school library, and additional rooms for art, music and language lessons, Susan's vision of making the Montessori method of teaching accessible to all children of the North Shore continues today.

An active member of the community, Susan serves on the Board of Symphony by the Sea as well as the Lynch Park Advisory Committee. Her dedication to service is instilled in the fabric of Harborlight, where students are involved in community service projects that partner with local organizations.

Prior to serving as the Head of Harborlight, Susan earned a master's degree in education and completed post-graduate work in counseling psychology. She is a licensed Mental Health Counselor and a Marriage and Family Therapist, as well as a licensed teacher, school director and Registered Nurse.

As she concludes her tenure as the Head of Harborlight Montessori School, I wish to recognize Susan Egan for her remarkable achievements as a teacher and mentor and wish her all the best in her retirement.

HONORING CHARLES D. "RUSTY"  
FLACK, JR.

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. BARLETTA. Mr. Speaker, I rise today with a heavy heart because Northeastern Pennsylvania has lost a truly great man.

Earlier today, Charles D. "Rusty" Flack, Jr., passed away after a long and courageous battle with cancer. Rusty leaves behind his wife, Kathi Stine Flack; his eldest son and namesake, Chad; and twins Jamie and Alex. Rusty was only 56 years old.

Rusty was a tremendous civic leader who tirelessly strived to ensure the organizations he treasured thrived. He directed a number of non-profit organizations and took many leadership roles in the community. He served as chairman of the board of Wyoming Seminary Preparatory School and the Luzerne Foundation. Previously, he served as chairman of the board of trustees at Misericordia University and Wyoming Valley Health System.

Rusty was driven to serve his community, and he found his true calling by following in his father's footsteps as a pioneer in the business world. When his father, Charles D. Flack, Sr., died in 1979, Rusty and his brother, Hal, took charge of Diamond Manufacturing Co., a fourth-generation family-owned business that has manufactured and sold perforated metal, plastic, and other materials in West Wyoming,

Pennsylvania, since 1915. Rusty and Hal rescued the company from financial difficulties and subsequently built it into the largest supplier of perforated metal in North America. The company's products are seen in industrial, architectural, and design applications around the world. The Flack brothers sold the company just last year, but they remained connected to the company, and Rusty stayed on as chief executive officer.

On a personal note, I've had the privilege of knowing Rusty for almost a decade. He was a kind and generous man who loved his family, his community, and his business. I truly admire all that he was able to accomplish in both his personal and his professional lives. I am honored to have had an opportunity to know Rusty, and I will treasure his loyal friendship.

Mr. Speaker, Rusty Flack served Northeastern Pennsylvania with distinction. He leaves a remarkable legacy as a businessman, a civic leader, a patriot, and a family man.

Mr. Speaker, today, I ask my colleagues to join me in marking the passing of Charles D. "Rusty" Flack, Jr.

HONORING ANGELA Z.  
MCCOLLOUGH

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to pay tribute to Angela Z. McCollough, an employee of the Congressional Budget Office who is retiring next month after nearly 40 years of exemplary public service. In August of 1975, after spending three years at the Environmental Protection Agency, Angie started her career at the Congressional Budget Office—just a few months after CBO was founded. From 1975 until 2008, she served as the secretary and administrative assistant to the Assistant Director of the Natural Resources and Commerce Division (since renamed the Microeconomic Studies Division). In October of 2008, Angie was promoted to Executive Assistant to the CBO Director.

Angie has been an invaluable member of the CBO team and over the years has exemplified the very best qualities of public service upon which the Congress and the Nation so heavily depend. Angie received two CBO Director's Awards—in 1984 and again in 2003. She has also received several STAR awards for her work in the Microeconomic Studies Division and the Office of the CBO Director. Angie was honored in 2001 for her role in re-creating CBO's timekeeping and payroll system and for ensuring that CBO's employees were paid during that difficult period in the Fall of 2001 when the Ford House Office Building was closed for the anthrax investigation in the weeks following the tragic events of 9/11.

Angie is one of the longest serving employees in the history of the Congressional Budget Office. Her tenure at CBO spans the agency's lifetime. She has served under all 8 CBO Directors. And throughout her time at CBO Angie has set the standard for dedicated public servants throughout the Federal Govern-

ment. Mr. Speaker, it is my honor today to acknowledge Angie's time at CBO, to thank her on behalf of the Congress and the Nation for her years of dedicated service, and to wish her all the best in what we hope and trust will be many years of a well-deserved and fruitful retirement.

#### PERSONAL EXPLANATION

**HON. BRUCE L. BRALEY**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Wednesday, May 25, 2011. Had I registered my vote, I would have voted:

"Nay" on rollcall 338, On Agreeing to the Amendment—Foxx of North Carolina Amendment No. 7.

"Yea" on rollcall 339, On Motion to Recommit with Instructions—To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

"Nay" on rollcall 340, Final Passage of H.R. 1216—To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

"Nay" on rollcall 341, On Ordering the Previous Question—Providing for further consideration of H.R. 1540, The National Defense Authorization Act for Fiscal Year 2012.

"Nay" on rollcall 342, On Agreeing to the Resolution—Providing for further consideration of H.R. 1540, The National Defense Authorization Act for Fiscal Year 2012.

"Yea" on rollcall 343, On Agreeing to the Amendment—Woolsey of California Amendment No. 2.

#### A TRIBUTE TO DR. JERRY MILLER

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize the career and retirement of the Interim Vice President for Extension and Outreach at Iowa State University, Dr. Jerry Miller.

Dr. Miller is a professor of agronomy and is well known in the soil and conservation community for his numerous contributions to enhancing water quality and soil conservation. Dr. Miller has given 35 years of his life to Iowa agriculture and in the process has given Iowa greater clarity in a subject we hold very dear.

In addition to his illustrious career at ISU, Dr. Miller also served Iowa in an entirely different way through his efforts in the Iowa Army National Guard. Dr. Miller retired from service several years ago as the Commanding General of the 34th Infantry Division.

Mr. Speaker, it is my honor to represent Dr. Jerry Miller in the United States Congress. Dr. Miller is a true testament to Iowa's reputation

of service and commitment. I know my colleagues in the House will join me in congratulating Dr. Miller and I wish him the best of luck in the future.

#### VIOLENCE AGAINST COPTIC CHRISTIANS IN EGYPT

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. PETERS. Mr. Speaker, since the start of the Egyptian unrest earlier this year, religious minorities have been specifically targeted by Muslim extremists. Taking on the brunt of the attacks are Coptics, Christians who have lived peacefully in this part of the world for millennia. Recently, terrorists burned two Coptic Churches to the ground, killing 16 and injuring over 300. Coptic churches—rich in culture and architecture—were destroyed forcing innocent Christians to flee their home communities in order to protect their lives. This comes only a few months after twenty-four Christians were killed in yet another church bombing.

I am proud to represent a vibrant Coptic community in southeast Michigan and privileged to consider the clergy of St. Mark's Church in Troy, Michigan as my friends. I rise today to share their concerns—and the concerns of Coptics across our nation—about the future of their community and the desire to preserve their ancestral homeland.

For millennia, Coptic Christians have lived and worshipped in Egypt but some extremists are attempting to capitalize on the political vacuum created by the uncertainty in the country to drive them out of their homes and places of worship. While we are hopeful for democratic change in Egypt, it is imperative that we maintain support for religious minority communities such as the Coptics and seek to preserve and allow for the continuity of their community.

As a member of the Religious Minorities in the Middle East Caucus, I ask my colleagues to join me in being mindful of these Christian minorities that need a voice and demand an end to extremist violence that is destroying this peace loving community.

#### THANKING MR. ALI QURESHI FOR HIS SERVICE TO THE HOUSE

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. BRADY of Pennsylvania. Mr. Speaker, we rise today to commend a loyal and valued House employee on the occasion of his departure.

Ali Qureshi joined the Office of the Chief Administrative Officer in February of 2003 in the House Information Resources Unit. His hard work and diligence were quickly acknowledged and he rapidly rose within the organization, finally achieving the position of Senior Deputy Chief Administrative Officer where he served as a senior advisor to the Chief Administrative Officer. In this role, he has overseen

House operations and maintained direct oversight of House Information Resources; Administrative and Financial Services; Strategic Initiatives and Assets, Furnishings and Logistics.

Prior to joining the House, Mr. Qureshi served as a consultant in the private sector. He has a graduate degree from the Wharton School of Business and University of Pennsylvania School of Engineering and a bachelor's degree in environmental engineering from Wilkes University in Pennsylvania.

Mr. Speaker, every day we go about conducting the business of the American people. We are able to do this because of the tremendous men and women that support our efforts. Staffers in our personal offices, House Committees and the House Officers work tirelessly and with dedication. They perform a tremendous service for us and for the American people. Mr. Qureshi is an example of that commitment, dedication to excellence and loyal service that allows us to do what we do every day. I wish him all the best as he transitions to a new and exciting chapter in his life and sincerely thank him for his years of service to the House. He will be missed.

ANGELA Z. MCCOLLOUGH

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. HOYER. Mr. Speaker, I rise to honor Angela Z. McCollough, an employee of the Congressional Budget Office, who is retiring on June 3, 2011 after nearly 40 years of service to the Federal government. Angie started her federal career in 1972 when she began working for the Environmental Protection Agency. In August of 1975, Angie joined the Congressional Budget Office, just a few months after CBO was founded. From 1975 until 2008, she served as the secretary and administrative assistant to the Assistant Director of the Natural Resources and Commerce Division (since renamed the Microeconomic Studies Division). In October of 2008, Angie was promoted to Executive Assistant to the CBO Director.

Angie has been an invaluable member of the CBO team. She received two CBO Director's Awards—in 1984 and again in 2003. She has also received several STAR awards for her work in the Microeconomic Studies Division and the Office of the CBO Director. Angie was honored in 2001 for her role in recreating CBO's timekeeping and payroll system and for ensuring that CBO's employees were paid during that difficult period in the Fall of 2001 when the Ford House Office Building, where CBO is located, was closed for the anthrax investigation in the weeks following the tragic events of 9/11.

Angie is one of the longest serving employees in the history of the Congressional Budget Office. Her tenure at CBO spans the agency's lifetime. She has served under all 8 CBO Directors. And throughout her time at CBO, Angie has exemplified the highest standards of dedicated public service. I thank her for her service and wish her all the best in her retirement.

### IN SUPPORT OF PROTECTING CONSTITUTIONAL RIGHTS

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. STARK. Mr. Speaker, I rise once again in opposition to the reauthorization of PATRIOT Act provisions. While it will come as no surprise to my colleagues that I find the PATRIOT Act objectionable in its entirety, the roving wiretap, "any tangible thing," and lone wolf provisions of the law are by far the most toxic to our civil liberties.

Nothing has changed that makes the extension of wiretapping of citizens, searches of our private records and information, or warrantless surveillance of individuals not connected to terrorism more acceptable. Now is the time to end what was supposed to be a temporary, state-of-emergency response to the events of 9/11. Over a decade later, organizations from the Cato Institute to the American Civil Liberties Union have documented abuses of the law, and Osama bin Laden has been killed—though there is no evidence that the PATRIOT Act helped to find him.

The government's extension of the PATRIOT Act is hypocrisy, pure and simple. Republicans support smaller government but want continued warrantless searches of their constituents. President Obama campaigned on the promise of abandoning the PATRIOT Act, calling it a "dangerous and shoddy" law, yet has done nothing to make good on that pledge. Let's end this duplicity.

The importance of empowering our intelligence agencies to help protect us does not supersede the importance of preserving our civil liberties. Until a balance is reached, I will continue to vote against the PATRIOT Act and its provisions and I encourage my colleagues to do the same.

### A TRIBUTE TO LEROY AND LOUISE CHRISTIANSSEN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize LeRoy and Louise Christiansen of Pocahontas and commend them on their upcoming 65th wedding anniversary.

Mr. and Mrs. Christiansen were married on June 16th, 1946 in Pomeroy, IA and have since helped bring three children, ten grandchildren and seven great-grandchildren into this world.

Prior to their wedding, LeRoy was a proud Iowa farmer before he was asked to put his career on hold and defend his country in the Second World War. LeRoy served his country honorably as an Army Air Corp nose gunner in Italy before being discharged with honors and returning to Iowa.

LeRoy and Louise were born, educated and have now retired in Iowa out of love for a state that has given them so many joys and blessings.

Mr. Speaker, it is my honor to represent LeRoy and Louise in the United States Congress. Mr. and Mrs. Christiansen are a true testament to Iowa's reputation of service and commitment. I know my colleagues in the House will join me in congratulating them and I wish them continued happiness in the years ahead.

### RECOGNIZING THE 36TH ANNUAL CAPITAL PRIDE CELEBRATION

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the 36th annual Capital Pride, a celebration of the national capital area's gay, lesbian, bisexual and transgender (GLBT) communities and their families and friends.

In 1975, Deacon MacCubbin, owner of the Lambda Rising Bookstore in Dupont Circle, launched the first Capital Pride. It began as a block party on 20th Street, between R and S Streets, NW. By 1980, the festival had outgrown being a block party and moved to Francis Junior High School in 1981, with the Pride Parade becoming an annual part of the festivities. As Capital Pride continued to grow, it moved to Freedom Plaza in 1990 and then onto Pennsylvania Avenue in 1997. Today, Capital Pride consists of more than 10 days of events, including Trans Pride and Latino Pride, organized by the Capital Pride Planning Committee and dozens of local community partners.

Capital Pride's 2011 theme, "Celebration and Opportunity, Paving the Way," acknowledges the many successes of the GLBT community and the work that still needs to be done to ensure equality.

This year, Capital Pride culminates with what has been declared D.C.'s best parade, the Capital Pride Parade, on June 11, and "The Main Event," a street fair on Pennsylvania Avenue in the shadow of the U.S. Capitol, on June 12. Capital Pride's producer, the Capital Pride Alliance, Inc., predicts an attendance of 250,000, making Capital Pride one of the largest GLBT festivals in the United States.

I have marched in Pride parades since coming to Congress to emphasize universal human rights and the importance of enacting federal legislation to secure those rights for the GLBT community. Congress has much work to do. We must pass the Employment Non-Discrimination Act, the Respect for Marriage Act, the Safe Schools Improvement Act, and the Uniting American Families Act.

I ask the House to join me in recognizing the 36th annual Capital Pride and to welcome its attendees.

THE INTRODUCTION OF THE BIRTH DEFECTS PREVENTION, RISK REDUCTION, AND AWARENESS ACT OF 2011

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Ms. DELAURO. Mr. Speaker, I rise today to introduce the Birth Defects Prevention, Risk Reduction, and Awareness Act of 2011, which will help provide accurate, evidence-based information to pregnant and breast-feeding women about medications, chemical exposures, foodborne illness, and other exposures associated with birth defects or health risks to a breastfed infant.

This bill would establish a grant program to revitalize the national network of pregnancy risk information services, more than half of which have closed over the last decade due to lack of funding. Over 70,000 women seek information from these essential services each year. It would also establish a national information campaign to help increase public awareness among health providers and at-risk populations.

The legislation has been endorsed by the Allergy and Asthma Network, American Academy of Allergy, Asthma, and Immunology, American Academy of Pediatrics, American Congress of Obstetricians and Gynecologists, March of Dimes Foundation, Mothers of Asthmatics, Organization of Teratology Information Specialists, Spina Bifida Association, and the Zero to Three National Center for Infants, Toddlers, and Families. I hereby submit for the record letters of support from these organizations.

There is nothing more important than protecting our children, and this legislation will help expectant and breast-feeding mothers to obtain clear, accurate information about the potential risks of medications, illnesses, and other exposures during pregnancy and breastfeeding, helping them to both avoid risks and improve healthy behaviors like taking folic acid. This legislation will help mothers and health care professionals access critical information to help ensure their babies are healthy, and I urge my colleagues to support our efforts.

AMERICAN ACADEMY OF ALLERGY,  
ASTHMA, & IMMUNOLOGY,  
Washington, DC,  
April 11, 2011.

Hon. ROSA DELAURO,  
House of Representatives,  
Washington, DC.

DEAR MS. DELAURO: On behalf of the American Academy of Allergy, Asthma, and Immunology, I write to express strong support for the Birth Defects Prevention, Risk Reduction, and Awareness Act. This legislation will fund the national network of pregnancy risk information services that are currently severely underfunded. These services counsel pregnant and breast-feeding women on exposures to medications, chemicals, infections, and other risks to healthy pregnancy and healthy infants.

A pregnant or breast-feeding woman lives in fear of any exposure that might pose a risk to her pregnancy or her baby. This is because of the paucity of information on the

impact of exposures to medications, chemicals, infections and illnesses during pregnancy and nursing. Some exposures can be avoided, but for women with chronic diseases such as asthma, epilepsy, hypertension, or depression, continued use of medication may be essential to the health of both the woman and her infant. Asthma affects about 8% of pregnant women—over 300,000 women per year. Some women simply discontinue their asthma medications during pregnancy out of fear of a potential birth defect. However, uncontrolled asthma may pose a greater risk of complicating the pregnancy. Our organization has initiated a major study of asthma drugs in pregnancy in collaboration with the nation's pregnancy risk information services. This study simply could not be done without the resources available through these services. Unfortunately, more than half of the pregnancy risk information services in the country have closed over the past decade, and those that remain have sustained severe funding cuts. The legislation you are introducing will increase support for these important programs and assure that the vitally important counseling and research services they provide can be reinvigorated.

The American Academy of Allergy, Asthma, and Immunology is the largest professional medical specialty organization in the United States representing allergists, asthma specialists, clinical immunologists, allied health professionals, and others dedicated to improving the treatment of allergic diseases through research and education. We thank you for your leadership in support of prevention and research related to birth defects and are pleased to offer the Academy's support for your legislation.

Sincerely,

DENNIS K. LEDFORD, M.D.,  
President, American Academy of  
Allergy, Asthma, and Immunology.

SPINA BIFIDA ASSOCIATION,  
Washington, DC, May 5, 2011.

Hon. ROSA DELAURO,  
House of Representatives, Rayburn House Office  
Building, Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of the Spina Bifida Association (SBA), the only national voluntary health organization working on behalf of the estimated 166,000 individuals who live with all forms of Spina Bifida and their families, I am writing to express our support to you and the Birth Defects Prevention, Risk Reduction and Awareness Act. This legislation will provide much-needed support to pregnancy risk information services, which play a crucial role in educating women on how to reduce the risk of preventable birth defects, including Spina Bifida.

One of the primary goals of SBA is to increase awareness of the importance of folic acid consumption among the 65 million women in the United States of child-bearing age. The risk of Spina Bifida and other serious birth defects can be reduced by up to 70%, if women of childbearing age consume 400 micrograms (400 mcg) of folic acid (a B-vitamin) every day. Grants funded under the Birth Defects Prevention, Risk Reduction and Awareness Act will help ensure that women who are considering becoming pregnant have access to information on the importance of folic acid supplementation, as well as other key steps they can take to ensure a healthy pregnancy.

SBA thanks you for recognizing the importance of pregnancy risk information services. If we can be of any assistance, please

feel free to contact me at 202-944-3285, Ext. 14.

Sincerely,

CINDY BROWNSTEIN,  
President and Chief Executive  
Officer, Spina Bifida Association.

AMERICAN ACADEMY OF PEDIATRICS,  
April 20, 2011.

Hon. ROSA DELAURO,  
Rayburn House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE DELAURO: on behalf of the American Academy of Pediatrics (AAP), a non-profit professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I would like to share our support for the Birth Defects Prevention, Risk Reduction, and Awareness Act.

Each year, about one in every 33 babies in our nation is born with a birth defect. Birth defects can be caused by genetic factors, environmental exposures, or a combination of the two. For the vast majority of birth defects, however, the cause remains unknown. Research continues to reveal important new information about the causes and prevention of birth defects.

The Birth Defects Prevention, Risk Reduction, and Awareness Act seeks to provide a resource for pregnant women who have questions about whether certain medications, infections, or chemical or environmental exposures might cause or increase the risk of a birth defect, or pose a risk to a breastfeeding baby. This bill would support the provision of pregnancy and breastfeeding information services to women and health care providers seeking information about known or suspected risks. Breastfeeding mothers will receive information about how potential risks should be weighed against the significant benefits of breastfeeding. These services will address an important need as our understanding of birth defects and their prevention continues to evolve.

The AAP appreciates your commitment to preventing birth defects and educating the public about potential risks. We are pleased to support the Birth Defects Prevention, Risk Reduction, and Awareness Act, and we look forward to continuing to work with you to improve the health of all our nation's children.

Sincerely,

O. MARION BURTON, MD FAAP,  
President.

OTIS,  
April 13, 2011.

Hon. ROSA DELAURO,  
House of Representatives,  
Washington, DC.

DEAR MS. DELAURO: on behalf of the Organization of Teratology Information Specialists, I write to express strong support for the Birth Defects Prevention, Risk Reduction, and Awareness Act. Our organization is made up of physicians, genetic counselors, nurses, researchers, and educators interested in the study and prevention of birth defects, and we fully support the goals of your legislation.

Many of our members work in pregnancy risk information services across the country. These programs provide accurate evidence-based, clinical information to patients and health care professionals about exposures during pregnancy or breast-feeding to medications, chemicals, infections, and illnesses

and whether there is a risk of birth defects or harm to an infant. Pregnant or breastfeeding women with chronic diseases, such as asthma, epilepsy, diabetes, or depression are counseled by these services about how to properly treat their disease and minimize the risk of birth defects. Pregnancy risk information services provided invaluable assistance to women and providers during the H1N1 immunization effort as both pregnant women and providers sought information as to whether the vaccine was safe during pregnancy.

At one time, there were over 30 such services in the United States. Cuts in state budgets have forced more than half of these to close, and the remaining 13 services are operating under significantly reduced budgets. Decreases in staffing, hours of operation, and community outreach efforts have compromised patient and health care provider access to information needed to assure healthy pregnancy and risk-free breastfeeding. The bill you are introducing would reverse this trend. As an organization committed to the prevention of birth defects, we wholeheartedly endorse your legislation and thank you for your leadership.

Sincerely,

LORI WOLF, M.S., C.G.C.,  
*President.*

THE AMERICAN CONGRESS OF  
OBSTETRICIANS AND GYNECOLOGISTS,  
*Syracuse, NY, April 15, 2011.*

Hon. ROSA DELAURO,  
*Rayburn House Office Building,  
Washington, DC.*

DEAR CONGRESSWOMAN DELAURO, on behalf of the American Congress of Obstetricians and Gynecologists (ACOG), representing 54,000 physicians and partners in women's health, thank you for introducing the Birth Defects, Prevention, Risk Reduction, and Awareness Act of 2011. Your bill will strengthen much-needed research on birth defects and breast-feeding, and help educate women on ways to reduce risks to their babies and have healthy pregnancies.

There is an alarming gap in research on exposures to chemicals, medicines, and everyday behaviors and their link to birth defects, both during pregnancy and breast-feeding. This bill takes important steps to address the gaps, calling for research on maternal exposures that may adversely affect a pregnancy or cause harm to a breast-feeding infant. Equally as important, providing information to women and taking steps to increase awareness about pregnancy and breast-feeding will help ensure women have the information they need to make healthy choices during pregnancy and afterwards.

Again, thank you for introducing this bill to help pregnant and breast-feeding women. We look forward to working with you on this important legislation. Please do not hesitate to contact ACOG's Department of Government Affairs if we can be of assistance in any way.

Sincerely,

RICHARD N. WALDMAN, MD, FACOG,  
*President.*

MARCH OF DIMES FOUNDATION,  
*Washington, DC, April 11, 2011.*

Hon. ROSA DELAURO,  
*Rayburn House Office Building,  
Washington, DC.*

DEAR REPRESENTATIVE DELAURO: on behalf of more than 3 million volunteers and 1,200 staff of the March of Dimes Foundation, I am writing to express support for the "Birth Defects Prevention, Risk Reduction and Awareness Act of 2011."

As currently drafted, this bill authorizes funding to conduct a national media campaign, enhance surveillance and research on exposures that may lead to adverse birth outcomes such as birth defects or prematurity. It also authorizes funding to develop best practice guidelines to improve infant health.

Each year, an estimated 120,000 infants are born with major structural birth defects. One in five infant deaths is due to birth defects, making them the leading cause of infant mortality and a major cause of childhood and adult disability. It is critically important that the public—especially women of childbearing age—and health care professionals have access to clinical and evidence based information about potential risks of medications, illnesses, and other exposures during pregnancy and breast-feeding.

Readily accessible and accurate information holds the potential to decrease the incidence of birth defects and improve infant health. Unfortunately, studies show that up to half of pregnant women are not counseled by their health care providers about the potential teratogenic effects of prescription drugs that they are taking.

Thank you for your leadership on this very important issue, Senator Hagan, we look forward to working with you on this and other issues central to the health and wellbeing of children in communities across the nation and around the world.

Sincerely,

DR. MARINA L. WEISS,  
*Senior Vice President, Public Policy  
and Government Affairs.*

ZERO TO THREE,<sup>®</sup>  
*Washington, DC, May 20, 2011.*

Hon. ROSA DELAURO,  
*2413 Rayburn House Office Building,  
Washington, DC.*

DEAR REPRESENTATIVE DELAURO: on behalf of ZERO TO THREE: National Center on Infants, Toddlers, and Families, I am writing to express our support for the Birth Defects Prevention, Risk Reduction, and Awareness Act. ZERO TO THREE is a national non-profit organization whose mission is to promote the health and development of our nation's youngest children. We translate scientific research and knowledge about the unique needs of infants and toddlers for parents, early childhood practitioners, and policymakers.

In the United States, approximately one in every eight babies is born preterm; one in every 12 is born with low birth weight; and one in every 33 is born with a birth defect. Exposure to environmental toxins while in the womb contributes to all three of these statistics. Babies' development is particularly vulnerable during the prenatal period, when cells are rapidly differentiating, organs are forming, and the brain is undergoing a crucial phase of maturation. Environmental toxins are hazardous to these processes, especially because of the underdevelopment of fetal immune systems.

Prenatal and early exposures yield grave results. Birth defects are the leading cause of infant mortality, and babies born preterm are more than 15 times as likely to die in their first year of life. Low birth weight babies are more likely to require neonatal intensive care for problems like respiratory distress, bleeding in the brain, and dangerous heart and intestinal problems. Later in life, babies exposed to environmental toxins are more likely to develop childhood cancer, asthma and obesity, and infertility. Their exposure places them at heightened risk for

an array of physical and developmental disorders that diminish their capacity for healthy development, school success, and productive contribution to society and the workforce. In addition, treatment of diseases and disorders caused by exposure raises health care costs.

This Act takes an important step towards decreasing early exposure to environmental toxins by establishing a federal grant program to fund Pregnancy Risk Information Services (PRIS) throughout the country. PRIS provide pregnant and breastfeeding women and their physicians with evidence-based information about exposure to medications, chemicals, illicit drugs, alcohol, infections, and illnesses that may pose a risk to the healthy development of a fetus or breastfeeding baby. They also fill critical knowledge gaps by recruiting women for surveillance and research projects that study the effects of toxins on babies' development. Mothers are hungry for medically-grounded advice to guide their actions while pregnant and breastfeeding. This bill would provide them with access to the information they need to make healthy, responsible choices for their children.

On behalf of ZERO TO THREE and the four million babies born each year in the United States, thank you for your steadfast work to defend children's health and development. We are pleased to support the Birth Defects Prevention, Risk Reduction, and Awareness Act and look forward to continuing to work together to improve the lives of infants and toddlers.

Sincerely,

MATTHEW E. MELMED, JD,  
*Executive Director.*

#### A TRIBUTE TO BRANDON SCHRAUTH

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize a very special teacher from Waukee, IA. His name is Brandon Schrauth and he was recently selected to receive the 2010 Presidential Award for Excellence in Mathematics and Science Teaching.

This program recognizes our nation's most outstanding teachers for their contribution to the teaching and learning of math and science. For his exemplary achievement, Brandon has received both a \$10,000 award from the National Science Foundation as well as a signed certificate from President Obama.

President Obama named only 85 teachers across the country to be worthy of this prestigious award saying that its recipients "demonstrate uncommon skill and devotion in the classroom, nurturing the young minds of tomorrow's science and math leaders."

Mr. Speaker, it is my honor to represent Brandon and his students in the United States Congress. Brandon is a true testament to Iowa's reputation of a strong work ethic and world class education. I know my colleagues in the House will join me in congratulating Brandon and I wish him the best of luck in the future.



# HONORING THE CHILDREN OF THE TRAGEDY ASSISTANCE PROGRAM FOR SURVIVORS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor America's greatest resource—our children and in particular those of the Tragedy Assistance Program for Survivors, our Gold Star children, who are the loved ones of our fallen heroes. This Memorial Day and every day, I ask all Americans to keep a special place in their hearts for these wonderful and brave children. As with each coming year, we see in each child's face the image of their parents and we are continually reminded of their heroism and selflessness and that freedom certainly does not come without a price. May these children of those who have given the ultimate sacrifice in the defense of our great nation always know that while their loved ones are up guarding Heaven's gates, their spirit will continue to live on inside of each of them. I ask that the poem Albert Caswell penned in their honor, *The Best Part of Them*, be placed in the CONGRESSIONAL RECORD:

## THE BEST PART OF THEM

My child, I know you heard the news today. . . .  
I'm going so far away. . . .  
I'm so sorry I can't be here to stay. . . .  
But, heaven for me could not wait. . . .  
But, remember you carry, Me In You in your heart each day. . . .  
My Little boys and little girls, it's for you I now so pray. . . .  
Teenagers and new born's who have so lost your best friends have they. . . .  
Your Daddy and Mommy, aren't coming home. . . . as it's up to heaven they have flown. . . .  
And you will never see them again. . . .  
As you have all just lost your best friends!  
As up towards Heaven they have flown . . . to Heaven sent. . . .  
As Angels in The Army of Our Lord, to defend. . . .  
And as you lay your precious heads down to sleep. . . .  
I pray to the Lord, the strength that he will give to you to keep. . . .  
But remember this, so very deep. . . .  
Inside of you, Is The Best Part of Me, your Mothers and Fathers hearts to so keep!  
For The Best Part of Them, Is Part of You. . . . as inside of your fine hearts, they so beat. . . .  
And I know that you will never hear them say your name again. . . .  
All in their most special ways, as you have but all but lost your best friends. . . .  
I'm so sorry that in such pain you must now so live. . . .  
And I know it's so unfair, that little soldiers you became. . . .  
My little girls and boys, as when all of the tears began. . . .  
Oh children, I know how bad that you so wish to hear that voice. . . .  
I know it's so unfair, and for you had no choice. . . .  
As you but wish for just that one last long hug. . . .  
All from your greatest Heroes, your greatest of all loves. . . .

Take heart now my child, for they are but with our Lord high up above. . . .  
The ones who all so taught you the very meaning of love. . . .  
Who in the middle of the night, when you were scared. . . . would hold you tight!  
Yea, I know it makes you cry. . . . it makes me cry too. . . .  
Whenever, I think of them. . . . and I think of you. . . .  
But, they died. . . . but, for The Greater Good. . . .  
All for what is right and what is true. . . .  
All for Freedom, they so gave That Last Full Measure all for us and you!  
Moments, are all we have upon this earth. . . .  
Just seconds, to but show our Lord God all in our worth. . . .  
And though they will not be here on Christmas or Hanukkah mourns. . . .  
With all of their smiles and hugs, so very warm.  
And they will not be able to tuck you in at night. . . .  
And watch you all grow up to be their hearts delight!  
And walk you down that aisle, with smiles so very bright. . . .  
But, remember this my child each morning as you awake. . . .  
I pray to you. . . . that this to all of your souls to so take. . . .  
That the greatest day of their short lives, was but that one when you arrived!  
And The Greatest Wish, all in their hearts. . . . that they so prayed for and so cried. . . .  
Was that you would all so grow up to have but the greatest of all lives. . . .  
So when you wake in the middle of the night, all in your tears of fright. . . .  
Missing all of your loved ones, that which you now so wish to hold onto tight. . . .  
Remember this, your Mothers. . . . your Fathers, are but Angels now in flight. . . .  
And this morning when you awoke, could you but not feel their arms around you so close. . . .  
As now they watch over you every moment, and hour. . . .  
Listen for them on the wind, for you will hear them now. . . .  
And yes they will be with you as you walk down that aisle. . . .  
And see you graduate, as up in Heaven they wear their smiles. . . .  
Take heart, because part of them is now part of you!  
For The Best Part of Them, all in your fine hearts beats inside of you. . . .  
So now you must find the same such courage, as once they had so too!  
To march on, as we watch you all grow up. . . . as we see your parents faces all in you. . . .  
So, ever remember this my child. . . .  
The Best Part of Them, is now part of you. . . .  
As their fine hearts so beat so all inside of you so true!  
So now you know what you must do!  
Lift up your heads, and make all of their wishes so come true!  
Find The Strength, all with what their fine hearts so meant that which beat so all inside of you!  
And one day up in Heaven, you'll will once again all be together so too!  
Because, The Best Part of Them. . . . Is what is inside of You!  
Amen. . . .

# OPPOSING POLITICAL KILLINGS BY THE GOVERNMENT OF RWANDA

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Ms. McCOLLUM. Mr. Speaker, I rise today in strong opposition to the current campaign of extra-judicial killing being waged by the government of Rwanda. Political assassination has no role to play in the twenty first century. It must be condemned and it must cease. The government of Rwanda should understand that the large amounts of aid that Rwanda receives through America's generosity can not and will not be given to a state that kills its own citizens overseas and at home for political ends.

The government of Rwanda is conducting a campaign of terror and murder against those it sees as enemies. On May 19, 2011 the New York Times reported that Rwandan dissidents in London had been warned by Scotland Yard that the Rwandan government "was plotting to kill them." The BBC reported on May 21st that British police had told the men that "The Rwandan government poses an immediate threat to your life."

These are not just empty threats. The British police prevented a Rwandan assassin from entering the UK. In June 2010, former Rwandan Chief of Staff, Lt. Gen Faustin Kayumba Nyamwasa, survived a botched assassination attempt in South Africa. Later that same month, Rwandan journalist, Jean-Leonard Rugabage, working on a story on the attack on Mr. Nyamwasa, was himself shot dead in Kigali.

The Government of Rwanda is using every means at its disposal to harass those it sees as enemies but whom are merely exercising their democratic rights. In January 2011, four former top officials—including Gen Nyamwasa—who have fallen out with President Kagame and gone into exile were sentenced in absentia to long terms in prison for threatening state security and promoting ethnic divisions. My own constituent, American citizen and distinguished human rights lawyer and campaigner, Paul Erlinder, was detained on bogus charges for several weeks in Kigali.

Rwanda's recent history has been tragic, but a stable and prosperous country has been born from the ashes of the 1994 genocide. However, this tragic history does not give the current government the right to commit murder. The United States currently gives Rwanda over \$200 million per year in aid. This generosity must surely be reexamined if the government continues to attack and kill those it disagrees with.

[From the BBC News, Africa]

RWANDAN EXILES IN LONDON "THREATENED BY HITMAN"

TWO RWANDAN EXILES LIVING IN LONDON WERE WARNED LAST WEEK BY UK POLICE THAT THEY FACED THE THREAT OF ASSASSINATION.

It has emerged that the men were visited by officers who told them they were in danger of being killed by a hitman sent by the Rwandan government.

Shortly before the warning was issued, a Rwandan man suspected of involvement was prevented from entering the UK.

The Rwandan High Commission in London has denied involvement in any alleged plot to kill the two exiles.

"The government of Rwanda does not threaten the lives of its citizens wherever they live," High Commissioner Ernest Rwamucyo said.

The government later said that the Metropolitan police had not approached it with evidence of the allegations.

"We are ready as always to work with them to ensure that nobody, be they Rwandan or not, is the victim of violence on British soil," a statement said, quoted by the New Times website in Kigali.

#### "SCARED"

The two men—Rene Mugenzi and Jonathan Musonera—have both been involved in political groups opposed to the ruling party of Rwanda's President Paul Kagame.

A week ago, UK police officers knocked on their doors and told them that they could not guarantee their safety. They advised them to increase the security around their homes or move away.

The police gave them written statements saying: "The Rwandan government poses an immediate threat to your life. The threat could come in any form."

It is understood that shortly before visiting the two men, counter-terrorism officers had stopped a Rwandan man as he tried to enter the country at Folkestone.

They questioned the unidentified man and turned him away.

Mr. Musonera said he and his family were very scared.

"I was not surprised, because this is not the first time they've tried to disturb the opposition," he told the BBC's Focus on Africa programme after learning about the death threat.

"I take this problem very seriously. I used to drive my car. Right now I stopped because the police told me to use limited movement or go out with friends.

"My wife, she is scared. We have cut off the home phone. The children now they stay at home, they can't go out. They can't go out with friends. I stopped visitors coming to our home."

#### OPPOSITION MEETING

BBC Africa analyst Martin Plaut says it is not the first time there have been reports of threats to Rwandan exiles living in the UK.

The UK's Security Service (MI5) has apparently been attempting to prevent an assassination campaign for some time, he adds.

In April, it was reported that MI5 had warned Mr. Rwamucyo to halt an alleged campaign of harassment against critics of his country's government.

The police's warning was issued just prior to a meeting in London of exiles last weekend that brought together Tutsi and Hutu opposition politicians.

The meeting heard from a former Rwandan chief of staff, Lt Gen Faustin Kayumba Nyamwasa, who addressed the gathering by videolink from South Africa, where he survived an assassination attempt in June 2010.

The Rwandan government has denied any links to the shooting of Gen Nyamwasa, who was a close ally of Mr. Kagame before fleeing to South Africa last year.

The party representing the imprisoned Hutu politician, Victoire Ingabire, was also at the meeting.

The possibility that Hutu and Tutsi political parties could begin working together would be worrying for the Rwandan government, our correspondent says.

In January, four former top officials—including Gen Nyamwasa—who have fallen out

with Mr. Kagame and gone into exile were sentenced in absentia to long terms in prison for threatening state security and promoting ethnic divisions.

President Kagame's Rwandan Patriotic Front came to power in 1994, ending the genocide in which some 800,000 ethnic Tutsis and moderate Hutus were killed.

He was re-elected last year with 93% of the vote, amid opposition claims of harassment.

[From the New York Times, May 19, 2011]

#### BRITISH POLICE WARN RWANDAN DISSIDENTS OF THREAT

(By Josh Kron and Jeffrey Gettleman)

KAMPALA, UGANDA.—The British police have warned two outspoken Rwandan dissidents living in London that their lives are in danger because the Rwandan government may be plotting to kill them, according to British officials and documents.

In hand-delivered letters dated May 12, the Metropolitan Police Service warned the dissidents that the threat on their lives "could come in any form" and that "unconventional means" had been used before.

"Reliable intelligence states that the Rwandan government poses an imminent threat to your life," the warning letters read. They added, "Although the Metropolitan Police Service will take what steps it can to minimize the risk, the police cannot protect you from this threat on a day-by-day, hour-by-hour basis."

British officials confirmed the documents' authenticity on Thursday.

Human rights groups have increasingly criticized the Rwandan government as being repressive and intolerant of any dissent, and several Rwandan dissidents living abroad have been mysteriously killed.

Last year, a former Rwandan general who had broken with the government was shot in South Africa, and assailants later tried to kill him while he was recovering in the hospital. Western diplomats contended that was evidence of a government plot to kill him.

The Rwandan government has rejected such accusations, including any threats in London.

"The government of Rwanda does not threaten the lives of its citizens wherever they live," it said in a statement. "The Metropolitan Police have not approached us with evidence of allegations, but we are ready, as always, to work with them to ensure that nobody, be they Rwandan or not, is the victim of violence on British soil."

The form letters, signed by a member of the Metropolitan Police Service, did not vouch for the accuracy of the threat but said it came from a source whose account the police had "no reason to disbelieve."

One of the recipients of the warning, Rene Claudel Mugenzi, has been actively working with Rwandan opposition groups in London and said he was contacted by the British police late on May 12. "They said it was important," Mr. Mugenzi said, "that I should not leave home."

Mr. Mugenzi, 35, said he was aware that the Rwandan government did not appreciate his political views. But when two police officers showed up at his door in east London around 10:30 p.m. and told him and his wife of a threat to his life, he said he was speechless. "I did not think they could think to kill me here in the U.K.," he said.

Mr. Mugenzi says that in March he asked a pointed question to Rwanda's president, Paul Kagame, during a BBC call-in show about whether Mr. Kagame believed an Egypt-style revolution could happen in Rwanda.

He also helped organize a recent meeting of exiled Rwandans in London. The Rwandan

government has accused many opposition officials of working with a rebel group in eastern Congo that has been classified as a terrorist group by the United States and linked to the 1994 Rwandan genocide.

Mr. Mugenzi, who says he holds British as well as Rwandan citizenship, also works as a director at the London Center for Social Impact. He ran with the Liberal Democrats in local London elections last year and lost.

He has been living in Britain since 1997 and has frequently criticized Rwanda's government for rights abuses.

"Take such remedial action as you see fit to increase your own safety measures, e.g., house burglar alarms, change of daily routines, always walk with an associate," said the warning letter. "It may even be that you decide that it is more appropriate for you to leave the area for the foreseeable future."

He said he had no plans to leave, but he was not ruling it out.

The other recipient of the warning, Jonathan Musonera, said he was a former Rwandan Army captain who fled to Britain in 2001 after defecting while the army was fighting in Congo. He said he was subsequently tortured by the Rwandan government. Now a critic of the government, he said the British police visited his home about an hour before the visit to Mr. Mugenzi.

"They told me about the Rwandan government," Mr. Musonera said, "that they put my life in danger and they were trying to kill me."

Critics of the Rwandan government have been killed or have simply vanished. Seth Sendashonga, a former member of the governing party, was fatally shot in Kenya in 1998. Augustin Cyiza, a former vice president of Rwanda's Supreme Court, disappeared and is believed to have been killed in 2003. Leonard Hitimana, an opposition politician, disappeared the same year.

A Rwandan journalist covering the apparent assassination attempt of the general in South Africa was shot dead the day his story was published. The shooting strained relations between South Africa and Rwanda, with South Africa recalling its ambassador in August.

Last month, The Independent, a British newspaper, reported that Britain's domestic intelligence service, MI5, had warned Rwanda's high commissioner in London that a harassment campaign against Rwandan dissidents must be stopped or more than \$100 million in foreign aid to Rwanda could be cut.

The Rwandan government has repeatedly denied that it represses its citizens or has had a hand in any of the attacks on high-profile dissidents.

MR. DOUGLAS RAY BARR—IN MEMORY OF HIS MORE THAN 32 YEARS OF SERVICE

#### HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I have the privilege of recognizing Douglas Ray Barr for his more than 32 years as a veteran of the fire service and 21 years as a veteran of the Violet Township Fire Department, and honoring his many accomplishments prior to his passing on February 27 of this year.

Douglas Ray Barr was born to Daniel and Julia Barr on July 20, 1958, in Pleasantville, Ohio where he grew up with his two younger brothers Keith and Brad. A gifted athlete, he played multiple sports at Fairfield Union High School as well as collegiate baseball at Otterbein University. After college, Douglas followed his love of working with kids by teaching students with learning disabilities at his alma mater, Fairfield Union High School, and P.E. at Pleasantville Elementary School before entering the fire service in 1978.

Doug began his firefighting career with the Pleasantville Fire Department and the Newark Air Force base where he volunteered for 12 years. He began working at the Violet Township Fire Department in 1990 where he was promoted to Lieutenant in 1996, and Assistant Chief in 2008.

Doug was extremely active in the community as well. He was very active in organizations such as the United Way, Big Brothers Big Sisters, Pickerington Area Chamber of Commerce and the Central Ohio Fire Chiefs Association, the International Association of Fire Chiefs, and the Fairfield Union Local School District board of education where he served as a member from 2002 to 2009. He was also an instructor for the Ohio Fire Academy and Eastland Vocational School for fire and EMS training.

Among his numerous achievements, Douglas received the American Red Cross Safety Hero award in 2006 and was a two-time recipient of the Knights of Columbus Blue Coat Award for his invaluable contributions.

On Sunday, February 27, 2011, Douglas Barr passed away at the age of 52, at Fairfield Medical Center surrounded by family and friends. We are all eternally grateful for the countless hours he spent during his 24 years of service.

Douglas Barr was a man dedicated to his friends, family and community. His family remembers him as always putting others first and for the pride he took in his job as Assistant Fire Chief.

Douglas Barr has been regarded as selfless, courageous, driven and flexible by his friends and co-workers. It is these attributes that make Douglas Barr truly representative of America.

Douglas Barr will be remembered for his selflessness, his bravery and for his life of service to his community.

#### PERSONAL EXPLANATION

#### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to explain my absence from votes cast on the evening of May 25, 2011. My voting percentage is 97.5 percent for the 112th Congress, and I rarely miss votes, but due to a prior commitment scheduled before we knew the House would be in session late tonight, I was required to fly back to Houston and miss the vote to concur with Senate amendments to the PATRIOT Act.

On the vote I missed:

To approve and concur with the Senate amendments on the PATRIOT Act, had I been present, I would have voted "no."

And on final passage of the PATRIOT Act, had I been present, I would have voted "no."

#### RECOGNIZING BEVERLY MAYO AS THE 2011 FLORIDA BIG SISTER OF THE YEAR

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Ms. Beverly Mayo as the 2011 Florida Big Sister of the Year. For ten years, Ms. Mayo has been an inspiration to young women, her colleagues, and the Northwest Florida community. I am honored to recognize her achievements.

The children of today are the leaders of tomorrow, and these young men and women look to the adults in their lives for support and guidance. Ms. Mayo understands how vital it is for children to have positive role models in their lives. Her solid character, invaluable advice and kind heart exemplify the characteristics of a Big Sister. Through her tireless dedication, Beverly Mayo has made an incredible impact on the lives of these young women, providing them a strong foundation for their future success. I am confident that her influence will continue to inspire them to achieve excellence as they grow to lead and serve our great nation.

Volunteers of Big Brothers Big Sisters play an integral role in the lives of all the young men and women of whom they mentor. Every year, thousands of people volunteer their service to this important organization. Last year, in Florida alone, over 15,000 men and women served as Big Brothers or Big Sisters, and from this exemplary group Beverly Mayo was selected as the Florida Big Sister of the Year. This honor is a reflection of the enduring impact Ms. Mayo has made in the lives of her Little Sisters, and Northwest Florida is blessed to have her a part of its community.

Mr. Speaker, on behalf of the United States Congress, I am proud to honor Beverly Mayo for her accomplishments and her continuing commitment to the youth of Florida.

#### PERSONAL EXPLANATION

#### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. JACKSON of Illinois. Mr. Speaker, on Tuesday, May 24 at 6 p.m. through the morning of Wednesday, May 25, I was unavoidably detained in Chicago, Illinois for personal reasons, resulting in my absence from recorded votes for H.R. 1216, to amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.

If present I would have recorded my votes as the following: on rollcall vote 335 "aye"; on

rollcall vote 336 "aye"; on rollcall vote 337 "aye"; on rollcall vote 338 "no"; on rollcall vote 339 "aye"; on rollcall vote 340 "no."

#### IN HONOR OF AVA BERRY TURNER ON THE OCCASION OF HER RETIREMENT

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a dedicated individual, a proud veteran, and an exemplary civil servant, Ms. Ava Berry Turner. She is retiring after almost thirty-five years of dedicated service to her country.

Ms. Turner has served her country in a number of ways over the last four decades. In 1974, she enlisted in the U.S. Army, where she rose through the ranks to serve as a Supply Sergeant. She honed her excellent communication skills in the Army and became an Army communications specialist. She was honorably discharged in 1980, and then went on to pursue academic endeavors, utilizing benefits under the GI bill.

In 1982, she enrolled at the North Carolina Central University in Durham. She graduated Magna Cum Laude in 1985, majoring in Public Administration, with a minor in Business Administration, and then began work at the Internal Revenue Service. She rose through the ranks of the IRS, starting her career as a Revenue Officer and advancing to the position of Bankruptcy Specialist. From there, she became Assistant Problem Resolution Officer, then Problem Resolution Officer. She was appointed to serve as the Local Taxpayer Advocate for the State of Arizona, then promoted to the national headquarters of the Taxpayer Advocate Office in Washington, DC, where she was the Manager in Systemic Advocacy, followed by appointment as the Manager in the office of Low Income Tax Payer Clinics.

Using her exceptional communication and management skills, she now serves as a Senior Program Analyst in Technical Analysis and Guidance. Her colleagues describe her work as outstanding, and her accomplishments are the result of years of hard work and dedication to her chosen profession.

There is no doubt that her service will continue, even into her retirement. She will be greatly missed by her colleagues at the Internal Revenue Service. It will be difficult to replace her, but her incredible work ethic is an inspiration to those who have served with her.

Mr. Speaker, it is my honor to stand before you today to congratulate Ms. Ava Berry Turner on her retirement and to thank her for her many years of distinguished service to our nation.

#### PERSONAL EXPLANATION

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Ms. RICHARDSON. Mr. Speaker, I am recorded as voting "aye" on rollcall vote No.

344; this was inadvertent. I intended to vote "no," as I do not support Congressman HUNTER's amendment (#12) to H.R. 1540. Amendment #12 would create a five-year pilot program to provide school vouchers set at \$7,500.00 to dependent children with special needs for the purpose of attending a public, private, or charter school of choice.

Because I oppose this initiative, I ask the record to reflect my intention to vote as follows:

1. On rollcall No. 344, I intended to vote "no." Hunter Amendment (#11) to H.R. 1540.

#### INTRODUCTION OF THE EXPEDITING AGRICULTURE THROUGH SCIENCE (EATS) ACT

##### HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. FINCHER. Mr. Speaker, I rise today to discuss an issue of great importance to family farmers and agricultural businesses. The world's population is predicted to be 9.1 billion by 2050, greatly straining the world's food supply. Family Farmers across this country will lead the world in the production of a safe, secure food supply. In order for tomorrow's agriculture community to meet the need of an ever growing population, we must have a clearly defined timetable for agriculture's biotechnology approval process, while ensuring the safety of our environment. This reason for this is simple; it is the law of supply and demand. As demand for food rises, more efficient, higher yielding crops, which are more resistant to weeds and pests will be needed to feed 9.1 billion people. Providing a defined timetable for the approval process of agriculture biotechnology will provide certainty to make decisions and encourage companies to make investments in biotechnology products, which in turn will create jobs and provide the United States with the ability to meet the world's food needs.

The Plant Protection Act of 2000 (7 U.S.C. §7701 et seq.) as amended, directs the Animal Plant and Health Inspection Service (APHIS) to regulate biotech organisms and plants in order to ensure no biotech product poses a risk to the environment. However, the regulatory uncertainty created by APHIS not following their own timetable hinders job creation and stifles innovative agriculture breakthroughs that will lead to a safer, more secure food supply. That is why I am proud to introduce the Expediting Agriculture Through Science Act, otherwise known as the EATS Act, which clearly defines the amount of time to approve or deny a petition for non-regulated status for biotech crops. Countries throughout the world are developing and implementing biotech crops that produce more and cost less. In today's global economy, Congress must act quickly to ensure family farmers in the United States maintain their superiority in the biotech field and continue to compete globally.

A clearly defined timetable to approve a petition for biotech crops allows businesses to plan and invest in the biotech field while main-

taining the protections needed to ensure any biotech product introduced into the environment poses no threat to the environment. The EATS Act will simply codify the current time limit in §340.6 of the Federal Code of Regulations, which is currently 180 days. Under current agency practice, APHIS is not following the 180 day time limit for approval or denial of the petition. The EATS Act gives APHIS 180 days to approve or deny a petition for non-regulated status with an additional 60 days if needed to ensure the safety of our environment and compliance is met before deeming the petition approved.

Mr. Speaker, I urge my colleagues in the House (and Senate) to support me in passing the EATS Act in order to ensure the agricultural community can compete globally and meet the food supply needs of the world.

#### 100TH ANNIVERSARY OF FIRST HOSPITAL IN JOHNSON CITY, TENNESSEE

##### HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. ROE of Tennessee. Mr. Speaker, I rise to commemorate the 100th anniversary earlier this month of the construction of the first hospital in Johnson City, Tennessee. Johnson City Memorial Hospital opened on May 10, 1911, as a 10-bed facility in a white, wooden-framed house. High demand for medical care would lead to larger facilities, culminating with Johnson City Medical Center.

Today, JCMC serves 29 counties and a population of more than 1.1 million people in four states with its Level 1 trauma program, the region's top heart program, a comprehensive cancer center, the region's state-designated perinatal center, and Wings Air Rescue.

This facility, and the evolution of health care in Northeast Tennessee, illustrates the effect of consumer demand on health care, and its power to improve it. It did not take a 2,000 page bill for this network to evolve. Instead, medical professionals and members of the local community did what was necessary to meet changing needs. I congratulate Johnson City Medical Center on its 100 year anniversary, and wish it further success in the years to come.

#### PERSONAL EXPLANATION

##### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mr. JACKSON of Illinois. Mr. Speaker, from Wednesday, May 25 until Thursday, May 26 at 3 p.m., I was unavoidably detained in Chicago, Illinois for personal reasons, and missed recorded votes for H. Res. 276, and H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012.

If present, I would have recorded my votes as the following: on rollcall vote 341 "no"; on

rollcall vote 342 "no"; on rollcall vote 343 "aye"; on rollcall vote 344 "no"; on rollcall vote 345 "aye"; on rollcall vote 346 "aye"; on rollcall vote 347 "no"; on rollcall vote 348 "aye"; on rollcall vote 349 "aye"; on rollcall vote 350 "aye"; on rollcall vote 351 "aye"; on rollcall vote 352 "aye"; on rollcall vote 353 "aye"; on rollcall vote 354 "no"; on rollcall vote 355 "no"; on rollcall vote 356 "aye"; on rollcall vote 357 "no"; on rollcall vote 358 "aye"; on rollcall vote 359 "no"; on rollcall vote 360 "aye"; on rollcall vote 361 "aye"; on rollcall vote 362 "no"; on rollcall vote 363 "no"; on rollcall vote 364 "aye"; on rollcall vote 365 "aye"; on rollcall vote 366 "aye"; on rollcall vote 367 "aye"; on rollcall vote 368 "aye"; on rollcall vote 369 "aye"; on rollcall vote 370 "aye"; on rollcall vote 371 "aye"; on rollcall vote 372 "no"; on rollcall vote 373 "aye"; on rollcall vote 374 "aye"; on rollcall vote 375 "no."

#### HONORING GEORGE H. STROHSAHL

##### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 26, 2011

Mrs. CAPPS. Mr. Speaker, I rise today to honor the memory of an American hero and my friend, Rear Admiral George H. Strohsahl. RADM Strohsahl passed away on Sunday, May 22, 2011. Over the course of his life, his vision and dedication to Naval Base Ventura County (NBVC) and the Ventura County community at large were greatly inspiring. It is truly an honor to pay tribute to him today.

Admiral Strohsahl's Navy career spanned 39 years starting as a Midshipman at the Naval Academy in 1955 and finishing as the Commander for the Naval Air Warfare Center, the Research, Development, Test and Evaluation organization of Naval Aviation with 10 installations across the country and over 25,000 employees. During his career he flew jet attack aircraft from aircraft carriers in both the Pacific and Atlantic fleets which included two tours of combat flying in Vietnam and command of an A-6 squadron. He was the Air Boss on USS *Nimitz* and played himself in the popular Kirk Douglas movie "Final Countdown."

He was the director of the Tactical Air Analysis office in the Pentagon which was part of the McNamara systems analysis team known as the "Whiz Kids." He was Program Manager for the F/A-18 Hornet Family of aircraft which was and still is the largest aircraft acquisition program in the Navy. He commanded the Pacific Missile Test Center at Point Mugu from 1988 to 1990 and as senior Naval officer for the South Central California area was active in many civic organizations in Ventura County at that time.

Over the years, I have worked with RADM Strohsahl on many issues that affect Naval Base Ventura County. I particularly appreciated his leadership during our fight against the Base Realignment and Closure Commission process. His testimony before the 2005 Commission was instrumental in minimizing the amount of technical work being removed

and job loss from our base. He was a steadfast advocate for the Navy and worked endlessly to ensure others understood the importance of our military.

RADM Strohsahl was married for 44 years to the late Marvalyn Fiske. They raised three children, one of whom resides now in Ventura with her husband and family. He is blessed today to be married to Mary Anne Vernallis of Newbury Park whose late husband, Sam, was a long-time associate of George's in the Navy and a well-respected civic leader in Ventura County. Together, George and Mary Anne share 5 children and 8 grandchildren.

I know I speak on behalf of the entire Ventura County community when I say RADM Strohsahl will be greatly missed. His commitment and hard work on behalf of NVBC and our community at large will be felt for generations to come. While his resume is tremendously impressive, he might best be known by his family, friends and co-workers as a generous, patriotic and altruistic man. It is a great honor to pay tribute to his life.

#### HONORING THE REPUBLIC OF AZERBAIJAN ON "REPUBLIC DAY"

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. TOWNS. Mr. Speaker, I ask my colleagues to join me in honoring the Republic of Azerbaijan in celebration of the 93rd anniversary of Republic Day on May 28th. Later this year, Azerbaijan will also celebrate the 20th anniversary of its freedom from the Soviet Union and the beginning of diplomatic relations with the United States.

Located at the crossroads of Western Asia and Eastern Europe, Azerbaijan was established in 1918 becoming the first democratic and secular republic in the Muslim world before being incorporated into the Soviet Union in 1920. The country regained its independence in 1991.

The U.S. and Azerbaijan have developed a strong relationship through the opening of Caspian energy sources for development by American companies, which has also allowed the country to emerge as an essential player in global energy security. The Baku-Tbilisi-Ceyhan pipeline project has become a vital part of delivering Caspian Sea resources to the U.S. and our partners in Europe, and serves as a prime example of the development of the South Caucasus region. Most notably, in 2009 nearly one quarter of all crude oil supplies to Israel were provided by Azerbaijan, and the country emerged as a leading potential natural gas provider for the U.S. supported Nabucco pipeline.

Azerbaijan has continually assisted the United States on matters of international security, supporting and participating in operations in both Kosovo and Iraq as well as being actively engaged in Afghanistan. In addition to recently doubling its military presence in Afghanistan, Azerbaijan has regularly facilitated landing and refueling operations for U.S. and NATO forces in the region. Furthermore, Azerbaijan offered strong and immediate aid to the

United States directly following the devastating events of 9/11.

Again, it is my distinct pleasure to honor the Republic of Azerbaijan in celebration of the 93rd anniversary of Republic Day, and to recognize the valuable bilateral relationship between the United States and Azerbaijan.

#### CELEBRATING THE 100TH ANNIVERSARY OF THE FIRST INDIANAPOLIS 500

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. PENCE. Mr. Speaker, Memorial Day Weekend means many things to Americans. It is a time to remember those who have taken up arms on our behalf and did not make it home. It is also the unofficial start of summer. But to Hoosiers and race fans across the country, this weekend also means that it is time to head to the Indianapolis Motor Speedway for this year's Indianapolis 500.

For just over one hundred years, the center of the auto racing world has been located in central Indiana. The Indianapolis Motor Speedway has been the testing ground that has led to the development of many of the technologies that we see in today's passenger vehicles.

This weekend marks the 100th anniversary of the Speedway's premier event: The Indianapolis 500 Mile Race. Over the last century, race fans from all walks of life have been treated to some of the most compelling stories ever seen in the sporting world.

The winner of the 1911 race completed the 500 miles with an average speed of 75 miles per hour, while the racers attempting to make history this weekend will circle the 2.5 mile track at speeds well in excess of 200 miles per hour.

Like many Hoosiers, I look forward to the Race, one of our proudest traditions each and every year. We have come to know the names of Harroun, Foyt, Unser and Andretti in the time since Carl Fisher, Arthur Newby, Frank Wheeler and James Allison helped found the Speedway back in 1909.

Following World War II, Indiana businessman Tony Hulman purchased the track from then-owner, World War I flying ace Eddie Rickenbacker. Since that time, the Speedway has been owned by the Hulman-George family.

The stewardship of Mari Hulman and Tony George, along with entire the Indianapolis Motor Speedway Board of Directors has helped the 500 Mile Race become the world's largest single day sporting event, and you can bet that the more than a quarter of a million seats at the Speedway will be packed with race fans this weekend from Indiana and beyond.

So, this weekend my family and I will once again return to the Speedway to see history made at amazing speeds and I am eager to once again be Back Home Again in Indiana for the Greatest Spectacle in Racing.

#### HONORING BRIDGEPORT HIGH SCHOOL GRADUATING CLASS OF 2011

#### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. INSLEE. Mr. Speaker, I rise today to honor the graduating Class of 2011 from Bridgeport High School in Bridgeport, Washington. These students were finalists in President Obama's Commencement Challenge, and because of their inspiring story, deserve to be recognized.

Bridgeport is a public school in eastern Washington State where students are forging a way to bring energy and talent to a small, rural orchard community. Most of the students I recognize today have overcome incredible challenges in order to graduate this June. Many of them will be among the first in their families to do so and all of them are on free or reduced lunch plans, an indicator of the difficult economic circumstances overcome by these students and their families.

Only two students in the class have parents that graduated from high school. Yet, 90 percent of the students will receive their diplomas and 82 percent of the students are college-bound. This is a remarkable accomplishment and something for which all schools should strive.

The principal, teachers, students, and families of Bridgeport High School should be commended for their success. They have demonstrated that by working together, we can close the academic achievement gap, improve graduation rates, and most of all, help students realize their dreams.

Congratulations to the exemplary graduating class at Bridgeport:

Adriana Gomez Saucedo—Valedictorian; Ana Berta Soto Mendez—Salutatorian; Javier Aguilar; Elivis Alcaraz; Michael Baca; Norma Camacho; Brooke Desjardins; Fredy Eduardo Flores; Elizabeth Gameros Garcia; Maria Elizabeth Garcia Gomez; Miranda Garza Trevino; Alejandro Jr. Gomez Camacho; Irma Gomez Garcia; Nadia Natasha Gonzalez; Lizbet Lopez Casillas; Maria Alexis Macedo Ruiz; Baltazar Muñoz Perez; Mauro Efrain Mosqueda; Marisol Vanessa Valdovinos Aleman; Carina Ochoa Valdovinos; Christian Perales Barboza; Ricardo Perez Rojas; Miguel Angel Ramos Parbol; Paige Leone Rodriguez; Rosendo Rodriguez Hernandez Jr.; Erika Berenice Saucedo Rubio; Samuel Soto Rojas; Alfredo Ubaldo Rosas; Joaquin Valdovinos Infante; Xenia Valdovinos Perez; Daniel Velasco Velasco; Jasmine Mogollan Roa; Olivia Silva Dominguez; Veronica Nicole Saucedo; Elodia Isabel Jimenez Valdovinos; Carina Velasquez.

#### VICKI GOTTLICH; A TRUE ADVOCATE FOR SENIOR CITIZENS

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to thank Vicki Gottlich for her more than

three decades of advocacy on behalf of senior citizens and their families. She has been a treasured resource for all of us concerned about protecting and strengthening Medicare and Medicaid and improving the wellbeing of older Americans. Along the way, she has also worked on issues that affect persons with disabilities and working families.

Vicki is leaving the Center for Medicare Advocacy, where she has served as Senior Policy Attorney since January 2000. Before that, she worked as staff attorney for the National Senior Citizens Law Center, the managing attorney for the Prince George's County Senior Citizens Law Project, and the associate director of the National Law Center's Institute of Law and Aging at George Washington University.

In each of those roles, Vicki demonstrated her absolute commitment to improving the lives of senior citizens. In my work as co-chair of the Seniors Task Force and a member of the House Energy and Commerce's Subcommittee on Health, I am able to work with many skilled policy analysts. Vicki is certainly one of the very best. She has provided my office with in-depth and cogent analyses of legislative proposals and regulations for years. We have come to rely heavily on Vicki's knowledge and experience and she has always been available to answer questions, provide recommendations or undertake research.

Vicki, though, brings more than policy astuteness to her work. She always keeps her eye on the real-life impacts that policies have on our constituents and their families. A typical conversation with Vicki will include plenty of discussion about legal points and policy precedents, but it will also include numerous examples of the specific problems facing actual people and how solutions can be crafted to solve those problems.

I want to thank Vicki for sharing her wisdom and skills over the past years. I wish her well in her new role at the Center for Consumer Information and Insurance Oversight at CMS, where she will continue to work to improve access to affordable health care for all Americans.

#### REMEMBERING MEMORIAL DAY

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. PENCE. Mr. Speaker, Memorial Day has significant meaning to so many Americans. Unlike the day every fall when we thank those who fought and came home, Memorial Day is that day every spring when we remember those who didn't make it back.

In a tradition that began just three years after the end of the Civil War, Americans set aside the 30th day of May each year to remember the sacrifice made by our service men and women who lost their lives in defense of freedom. Each one of those brave souls answered the call to duty, offering to give whatever it would take to keep us safe.

On May 30, 1868, flowers were placed on the graves of both Union and Confederate soldiers at Arlington National Cemetery. This tra-

dition continues to this day, as millions of Americans have continued to take part in this humble offer of thanks.

It is our duty to make sure those who served and their families who endure the many stresses of military life know that we appreciate their willingness to sacrifice for our cause that is freedom. We can never repay the debt we owe, but we will continue to honor their service and sacrifice.

I urge all Hoosiers to take time on Memorial Day to attend a local service remembering our fallen heroes and the families who have made freedom possible. We must mourn those who have fallen and pray for those who stand firmly in the face of unspeakable horrors at this very hour in places like Iraq and Afghanistan.

As Americans, we inherit what Lincoln called in his first inaugural address the "mystic chords of memory stretching from every patriot grave." They bind us to the great and the humble, the known and unknown, of Americans past.

The brave men and women of the United States Armed Forces, both past and present, it was their duty to serve. As proud Americans, let this Memorial Day serve as a reminder that it is our duty to always remember those soldiers who have laid down such a sacrifice on our behalf.

#### SIXTH DISTRICT CHEERS AMERICAN IDOL SCOTTY MCCREERY

#### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. COBLE. Mr. Speaker, for years, the sounds and drama of American Idol have captivated the eyes and ears of Americans, gluing them to their TVs to find out who the next great singing star would be. Over the 11 seasons of American Idol mania, the state of North Carolina and the Sixth District have been well represented in the finals of this singing competition. This season's American Idol competition was no different, ending with 17-year-old Scotty McCreery, from Garner, North Carolina, crowned as the latest American Idol.

Scotty has strong connections to the Sixth District, as well. Several members of Scotty's family live in our area. His grandmother and grandfather, Paquita and Bill McCreery, reside in the Moore County town of Aberdeen, while his aunt and uncle, Tina and Billy Creech, live just down the road in Pinehurst.

The members of Scotty's family, however, are just some of a long line of connections to the Sixth District of North Carolina. We have been home to two previous finalists in the American Idol competition, Fantasia Barrino and Chris Daughtry. Fantasia, from High Point, won the American Idol competition during its third season. Daughtry, from McLeansville, though he did not win the competition, has gone on to become a successful recording artist, releasing several multi-platinum albums.

North Carolina is one of only two states that can boast more than three finalists over the competition's history; the other is Alabama. North Carolina has had a total of seven finalists over the years.

Joining Barrino, Daughtry and McCreery as American Idol finalists are four other proud North Carolinians. Clay Aiken of Raleigh, Bucky Covington of Rockingham, Kellie Pickler of Albermarle, and Anoop Desai of Cary, a UNC-Chapel Hill alumnus, all represented North Carolina in the finals of the competition, as well.

Even Scotty McCreery's grandmother, Paquita, got some face time on American Idol. Like any proud grandmother would do, she used her chance at the microphone to tell the world, "That's my Scotty."

On behalf of the residents of the Sixth District, we offer our congratulations to Scotty and his family who live in the Sixth District. And from the state of North Carolina, we say again, congratulations, "That's our Scotty."

#### IN HONOR OF MASTER GUNNERY SERGEANT (RET) LEWIS JAY STACK

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor an American hero, MGy Sgt (Ret) Lewis Jay Stack. Mr. Stack is being honored by his church, the Avalon United Methodist Church in Albany, Georgia this Sunday. Master Gunnery Sergeant Stack was born on April 21, 1914, and recently celebrated his 97th birthday.

Spurred by a love of country and selfless sacrifice, Master Gunnery Sergeant Stack joined the United States Marine Corps on February 28, 1937 at the age of 23. He served admirably with the 1st Marine Division for several campaigns in World War II, which included Guadalcanal, Cape Gloster, Piliieu and Okinawa. Master Gunnery Sergeant Stack also served one tour with 1st Marine Air Wing in Japan.

He was stationed at Intin during the Korean War and later served a tour in Vietnam. His final station in the military was at Marine Corps Logistics Base in Albany, Georgia on March 1, 1971. For his service to our country, he was awarded the Purple Heart, the Vietnam Service Medal, the Combat Action Ribbon, the Meritorious Unit Citation, the Navy Achievement Medal, Nine Good Conduct medals, and the Vietnam Cross of Gallantry.

He has been married to the lovely Ruth Stack for 65 years. They have four children, eight grandchildren and four great grandchildren. He has been a member of the Avalon United Methodist Church for almost 47 years.

GEN Douglas MacArthur once said that: "Duty, Honor, Country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be." Master Gunnery Sergeant Stack did his duty by serving his country, and he did it with honor and dignity because of his deep and unwavering love of his country.

Because of him and thousands of brave men and women like him, millions of Americans and billions more around the world are able to taste the fruits of freedom. God Bless

Master Gunnery Sergeant Stack and God Bless the greatest country in the world, the United States of America.

# RECOGNIZING THE 21ST ANNUAL DC BLACK PRIDE CELEBRATION

## HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the 21st annual DC Black Pride celebration, to be held in Washington, DC on May 26–30, 2011.

The DC Black Pride celebration is a multi-day festival featuring music, dance, films, a poetry slam, a church service, community town hall meetings, and a health and wellness expo, among other things. The DC Black Pride celebration is widely considered to be one of the world's preeminent Black Pride celebrations, drawing more than 30,000 people to the Nation's capital from across the United States as well as from Canada, the Caribbean, South Africa, Great Britain, France, Germany, and the Netherlands.

The DC Black Pride celebration has deep roots in the DC community, dating back to 1975. It grew out of the Club House's annual Memorial Day weekend celebration, called the Children's Hour. After the Club House closed in 1990, local individuals and groups kept the tradition alive by organizing the first DC Black Pride celebration on May 25, 1991, at Banneker Field. The celebration has grown from a few hundred people to the thousands expected for the 2011 celebration.

The DC Black Pride celebration fostered the beginning of the International Federation of Black Prides and the "Black Pride Movement," which now consists of 40 Black Pride celebrations on three continents.

Fittingly, the DC Black Pride celebration's organizing body, Black Lesbian and Gay Pride Day, Inc., a local affiliate of the International Federation of Black Prides, chose "21 Years and Legal!" as the theme for this year's celebration. The theme reflects the 21 years DC Black Pride has fulfilled its mission to increase awareness of and pride in the diversity of the lesbian, gay, bisexual and transgender African-American community, as well as support for organizations that focus on health disparities, education, youth and families.

DC Black Pride is led by a volunteer Board of Directors, which coordinates this annual event and smaller events throughout the year. We are pleased to also recognize DC Black Pride 2011 board members: George Birdson, Jimma Elliott-Stevens, Earl Fowlkes, Jr., and Danielle King.

I ask the House to join me in recognizing the 21st annual DC Black Pride celebration, and to welcome its attendees.

# RECOGNIZING THE 30TH ANNIVERSARY OF THE MASSACHUSETTS SENIOR ACTION COUNCIL

## HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. TIERNEY. Mr. Speaker, I rise today to recognize the 30th anniversary of the Massachusetts Senior Action Council (MSAC). For the past 30 years, the MSAC has served as a champion for low- and moderate-income seniors, achieving gains in promoting the rights and well-being of seniors.

Since its first meeting in April 1981, the MSAC has brought together thousands of area seniors to participate in public meetings, rallies and government hearings and has succeeded in bringing necessary services to seniors in need.

Shortly after its inception, the MSAC restored local bus routes, established medical and transportation services, and ensured the improvement of maintenance at local subsidized housing complexes. It has won hard-earned victories in creating low-cost drug programs for seniors, passing legislation to provide home care as an alternative to institutional care, and ending "balance billing" for Medicare patients.

Today, the MSAC has over 1,000 active members of all ages working at the grassroots level to continue to ensure that seniors have access to the resources they need most. Seven chapters throughout Massachusetts provide support, leadership training, and opportunities to advocate for those members of the senior community who otherwise would have no voice.

I join my friends in the North Shore chapter and so many others in congratulating the Massachusetts Senior Action Council on 30 successful years. I wish them the best as they continue to serve as a voice for all vulnerable residents of Massachusetts.

## PERSONAL EXPLANATION

## HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 27, 2011*

Mr. BOUSTANY. Mr. Speaker, I was unable to cast my vote on rollcall 376. Had I cast my vote, I would have voted "yea" for rollcall 376. I am proud to support the intelligence community, as well as local, state, and federal law enforcement agencies in their efforts to protect our homeland and combat global terrorism.

# CONGRATULATIONS TO AZERBAIJAN ON THEIR 93RD REPUBLICAN DAY

## HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 27, 2011*

Mrs. CAPITO. Mr. Speaker, I rise today to honor the Republic of Azerbaijan on the 93rd

anniversary of Republic Day on May 28. Additionally, the Republic of Azerbaijan will be celebrating the 20th anniversary of its independence from the Soviet Union.

Azerbaijan has become a critical ally of the United States due both to its location in the Caucasus Region and its access to rich energy sources in the Caspian Sea. Additionally, Azerbaijan has been an example of religious and ethnic tolerance. As a predominantly Muslim country, Azerbaijan has maintained strong and active Jewish and Christian communities.

Azerbaijan was one of the first nations to offer the United States support in the aftermath of 9/11. They have participated in many joint military efforts since their independence and recently doubled their military presence in Afghanistan. They have also offered logistical support for our efforts in Afghanistan, offering refueling stations and over-flight permission.

Once again, I am happy to honor and congratulate Azerbaijan on their 93rd Anniversary of Republic Day. Azerbaijan has been a great ally to the United States, and I think it is important that we highlight all the efforts they have made to support efforts to bring peace and freedom to parts of the world that have known nothing but tyranny.

# OPPOSING REPUBLICAN EFFORTS TO ELIMINATE MEDICARE AS WE KNOW IT

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 27, 2011*

Mr. REYES. Mr. Speaker, I rise today to strongly oppose the Republican's plan to eliminate Medicare as we know it. The Republican budget ends the Medicare benefits guarantee and replaces it with an inadequate voucher system where seniors will have to buy their own health insurance in 2022. These actions will fulfill Republicans' longtime goal of privatizing Medicare. Their plan eliminates critical provisions of the Affordable Care Act, including those that provide no-cost preventative screenings for all seniors and eliminates a 50 percent discount for brand-name drugs for seniors in the 'donut hole.' Above all, the Republican plan increases the age eligibility for Medicare from 65 to 67, raising health care costs for millions of seniors who will have to wait longer to gain access to Medicare.

The plan to dismantle Medicare will have a devastating impact in my district. There are over 76,000 seniors in El Paso, and over 2.4 million seniors in Texas according to the most recent U.S. Census 2010 numbers. Based on Congressional Budget Office (CBO) analysis, the Republican plan would more than double a senior's out-of-pocket health care spending in 2022, compared to what their costs would be under traditional Medicare—increasing their out-of-pocket costs by more than \$6,000 annually. By 2030, the GOP plan would nearly triple this cost to seniors.

These drastic changes to Medicare are a clear reflection of continued efforts to cut vital services for hardworking families to subsidize tax breaks for millionaires. It is simply irresponsible to balance the budget on the backs



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of seniors, while millionaires who can afford the high cost of health care, benefit from more tax breaks. Republicans are wrongly targeting vulnerable seniors, many of whom survive on limited incomes. Their plan will undoubtedly place additional burdens not only on seniors, but on their children, who will bear more costs

to help meet the health care needs of their parents. This plan will also have a disproportionate impact on low income communities, such as those in the district that I represent, that will be overburdened with uninsured patients who will use public hospitals to meet their health care needs.

We have an obligation to protect our seniors and ensure they continue to have access to Medicare and receive the health care they need in the years ahead. That is why I will strongly oppose any effort to privatize Medicare and to increase health care costs for seniors.

**SENATE—Tuesday, May 31, 2011**

The Senate met at 10 and 32 seconds a.m., and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

—

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 31, 2011.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

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**ADJOURNMENT UNTIL 10:30 A.M.,  
FRIDAY, JUNE 3, 2011**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10:30 a.m. on Friday, June 3, 2011.

Thereupon, the Senate, at 10:01 and 14 seconds a.m., adjourned until Friday, June 3, 2011, at 10:30 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, May 31, 2011

The House met at noon and was called to order by the Speaker pro tempore (Mr. GRIFFIN of Arkansas).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 31, 2011.

I hereby appoint the Honorable TIM GRIFFIN to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

### ALFALIT: EMPOWERING INDIVIDUALS THROUGH LITERACY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize an amazing organization headquartered in my south Florida district, Alfalit International.

Alfalit is a faith-based nonprofit organization that provides education for the world's poorest people. Alfalit offers many programs—basic education, preschool, nutrition, microcredit, and community development—but its core mission is to eliminate the human suffering caused by illiteracy. Alfalit is active in 24 countries, in Latin America, the Caribbean, Africa, and in Portugal. As you would see from these posters here, Mr. Speaker, these are the volunteers and the many participants in Alfalit literacy programs throughout the world.

Since its founding in 1961, 7 million individuals have had their lives transformed by Alfalit because it also provides comprehensive health programs that focus on HIV/AIDS, tuberculosis, malaria, and cholera prevention. This

year marks its 50th year of service to the world's most vulnerable population, 50 years of empowering individuals through literacy. It is an impressive achievement, and yet Alfalit knows that there is still much more to be done.

Worldwide, 774 million adults lack the ability to read and write. Think of that staggering number—774 million adults. That is one in five adults throughout the world who are illiterate, with two-thirds of them being women. In addition, 75 million children have never had the opportunity to go to school, and many attend infrequently or they decide to drop out.

As a former Florida certified teacher, I know the importance of a quality education. It is one of the best ways to ensure that a child will have a stable and productive future. Literacy helps bring communities together, and it helps prevent violence and poverty. Last year, Alfalit had over 120,000 students enrolled in its programs, students like the ones that we see here in these posters.

Alfalit is always striving to reach more people, and that is why it has started an adult and youth education program in Liberia. They have opened facilities in 10 of Liberia's 15 counties, quite an impressive achievement. Liberia's President, Ellen Johnson Sirleaf, has become involved with Alfalit's program. Program participants in Liberia say that Alfalit has taken them from darkness to light. They say that before, they could not read a simple street sign or know what a danger sign meant. But now they truly see everything.

The Women in Peace Building of Liberia have been active participants in the program that Alfalit offers them. It is a group of Christian women activists that formed during the Liberian civil war. They come together to pray and discuss issues of concern for their fellow Liberians. Alfalit has provided them with the know-how and with the confidence to continue their work.

After 50 years of service and dedication, Alfalit has built a legacy that is truly impressive.

Mr. Speaker, I commend Alfalit for all that it has done to fight illiteracy and ignorance throughout our world. Let's hear it for Alfalit and 50 years more of service.

### THE MCGOVERN-JONES AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from

North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, like most of my colleagues, I had the opportunity to speak to a number of veteran groups on Memorial Day in my district. As always, I was very humbled when I stand before those who have fought for this Nation and the families whose loved ones did not come back from wars.

I would like the House to know that when I talked about the McGovern-Jones amendment to get our troops out of Afghanistan, the statement received very strong applause, showing the very strong support of the veterans of the Third District for getting our troops home from Afghanistan. After my comments, I had many of these veterans come up individually who wanted to talk to me, expressing their support and telling me that they agree with MCGOVERN and myself.

Mr. Speaker, I would like to thank the 26 Republicans who voted in favor of the McGovern-Jones amendment last week. I believe we came within 11 votes of passage. Mr. MCGOVERN and I will continue to fight until there's a definite plan to bring our troops home before 2015.

Bin Laden is gone, and there is zero al Qaeda presence in Afghanistan. We have done our job.

In closing, I would like to quote Leslie Gelb from his May 9 article in The Wall Street Journal: "Afghanistan is no longer a war about vital American security interests. It is about the failure of America's political elites to face two plain facts: The al Qaeda terrorist threat is no longer centered in that ancient battleground, and the battle against the Taliban is mainly for Afghans themselves."

Mr. Speaker, I have with me, as I have many times—the true cost of war is those who die, and those who lose their arms and legs, and those who are paralyzed and blind for the rest of their life. Beside me is a very, very frank picture of war. It is an Air Force honor guard at Dover Air Force Base with the officer in charge saluting the transfer case that is covered with the American flag.

I would say, Mr. Speaker, to both parties, how many more have to die in the next 4 or 5 years before we as a Nation and we as a Congress wake up to the fact that Karzai is a corrupt leader? He has a corrupt government. We are spending \$8.2 billion a month to prop him up. And yet, Mr. Speaker, on this floor of this House, I've been part of many, many debates where people

are saying, well, we've got to cut the senior citizens, we can't keep their programs going; we've got to cut the children so they can't get milk in the morning at school.

We make sure that Karzai gets his \$8.2 billion every month in Afghanistan for what we can't even account for.

Mr. Speaker, Mr. MCGOVERN and I will again this summer have an amendment on the floor to bring our troops home from Afghanistan. And I will say to the moms, the dads, the wives, and the husbands who have lost loved ones in Afghanistan, you have won the war. The war is over. Bin Laden is dead, and al Qaeda does not exist in Afghanistan anymore.

So, Mr. Speaker, before I close, as I do always on the floor, as I look at this poster with the flag-draped coffin, I will ask God to please bless our men and women in uniform. I will ask God to please bless the families of our men and women in uniform. I will ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I will ask God to please bless the House and Senate, that we will do what is right in the eyes of God for His people and this great Nation. I will ask God to please give wisdom, strength, and courage to President Obama, that he will do what is right in the eyes of God for this Nation.

And I will say three times, God please, God please, God please continue to bless America.

#### RECESS

The SPEAKER pro tempore (Ms. FOX). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 10 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Almighty God of the universe, we give You thanks for giving us another day.

We pray in thanksgiving for the thousands of men and women our Nation honored this past weekend who have given so much of themselves to the service of our Nation. Grant them, living and dead, the peace of Your presence.

We ask Your blessing as well upon the men and women of this, the people's House. May they strive with all

their energy and good will to serve our Nation, to work on legislative solutions to the challenges we face in this time, always mindful that they are entrusted especially with the well-being of so many who are powerless. We know, O God, these little ones are of special interest and concern for You.

Bless us this day and every day. And may all that is done within these hallowed Halls be done for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. CRAVAACK) come forward and lead the House in the Pledge of Allegiance.

Mr. CRAVAACK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### REPORT ON H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS BILL, 2012

Mr. CULBERSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-94) on the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

#### HOUSTON POLICE OFFICER KEVIN WILL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, peace officers are the last strand of wire in the fence between the law and the lawless. They go forward each day to protect the people and risk their own lives doing so.

Very early Sunday morning, one of Houston's finest, Officer Kevin Will, was investigating a hit-and-run accident when he was run over and killed by a speeding vehicle that had blazed past police barriers. Immediately be-

fore being struck, Officer Will yelled for an accident witness to jump out of the way, thus saving the citizen's life just before the officer's life was stolen from him.

Officer Will was 38 years of age and had been a Houston police officer 2 years. He leaves behind a pregnant wife and two step-children.

The driver of the speeding vehicle ignored the safety lights of police cruisers at the accident scene. He was drunk, charged with intoxication, manslaughter of a police officer, evading arrest, and possession of cocaine. The accused killer was in the United States illegally, having been deported at least once before returning to become one of the lawless.

And that's just the way it is.

#### OUR PRESENT MONETARY SYSTEM: WORKING FOR A FEW AT THE EXPENSE OF THE MANY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Why are we in debt? We borrow trillions for wars in Afghanistan and Iraq, trillions for tax cuts for the rich. We borrow billions from China and Japan.

We have plenty of money for war, Wall Street, and welfare for the wealthy; but when millions of honest Americans need jobs, need wage increases, need health care, need education, need retirement security, they're told no, we don't have the money.

How is it that the Fed can create trillions of dollars to give to the banks but the U.S. can't meet its needs without going into debt to banks? The financial system works for a few at the expense of the many.

The Founders did not intend for America to be run by big banks and Wall Street. The Constitution put the ability to create money in the hands of Congress. The Fed took away that power in 1913. We need to get that power back to invest in our economy, to create jobs, to put America back to work, to rebuild America without going into debt. We must reclaim our destiny by reclaiming control over the money system.

#### THE FUTURE OF MEDICARE

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Many people didn't notice that a little over 3 weeks ago, the Medicare Trustees Report came out and advised that the Medicare program would in be serious difficulty in the year 2023.

Now you might ask, What is Congress doing about this? We have well over 10 years to react. The Republican budget

that was passed a few weeks ago did indeed lay out a pathway for dealing with the problems in the future. Unfortunately, the Democratic leadership in the other body has decided not to take up any type of roadmap or pathway that may lead to a resolution of this problem.

So we are left with the program that was essentially laid out by the President in the Affordable Care Act, and this program relies heavily upon a group called the Independent Payment Advisory Board: 15 people, not elected but appointed by the President, well paid to sit on a board and to deliver to Congress every year a menu of cuts in the amount of money that Medicare may spend.

Now, Congress, true enough, has the ability to accept or reject this menu of cuts, but if Congress rejects it, it must come up with its own plan. If Congress does not agree—and when has that ever happened?—the Secretary of Health and Human Services will have the ability to institute those cuts as planned.

#### RECOGNIZING CONNOR GUNSBURY

(Mr. CRAVAACK asked and was given permission to address the House for 1 minute.)

Mr. CRAVAACK. Madam Speaker, I rise today to give recognition to an extraordinary young man from my district, Connor Gunsbury, an eighth grader from Forestview Middle School in Brainerd, Minnesota.

Connor has advanced to compete this week in the Scripps National Spelling Bee here in Washington, D.C., after passing an extensive writing exam and winning two spelling bees. He will join 257 students from around the country to vie for the honor of being named the country's greatest young speller.

Connor spends 4 hours a day studying his spelling while still remaining active at his church, various sports, playing the trombone in the All-Minnesota Honors Band, and serving his community participating in the Builders Club with his Kiwanis.

Madam Speaker, Connor Gunsbury is a shining example of what young people today can accomplish, and I wish the best as he moves forward in the competition.

#### MEDICARE

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Madam Speaker, over the past couple weeks, we've seen an increase in the false attacks on this House's plan to save Medicare for future generations and prevent America from falling into an abyss of debt and deficits. These falsehoods represent a new low in political attacks. And to those of you who are trying to scare

this country's seniors, I say, Shame on you. America deserves better.

Before coming to Congress this year, I spent 25 years as a physician treating patients in northern Michigan, many of whom were on Medicare. I find it ridiculous that some on the other side of the aisle accuse us of wanting to hurt seniors. The fact is we put forth a plan that ensures our children and grandchildren will have access to Medicare and doesn't change benefits for those at or near retirement. These false attacks are nothing more than a smoke screen from the other side.

The Democrats' plan, ObamaCare, calls for bankruptcy and rationing.

I ask my colleagues on the other side to stop playing politics and do what the American people sent us here to do, work together and face reality.

□ 1410

#### BORDER SECURITY

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Madam Speaker, the Federal Government's highest obligation is to provide for the physical and financial security of the people of the United States. Physical security begins with border security. And the people of Houston have just suffered the loss and tragic death of another Houston police officer, Officer Kevin Will, the sixth Houston police officer to lose his life at the hands of an illegal alien.

I will not rest, the Texas delegation will not rest until the southern border is secure to protect the people of Texas, the people of this Nation, from the drugs, the violence, the gangs, the guns. The criminal element coming across the border has got to be stopped. This is not complicated. It begins with enforcing existing law, with using the resources we have at our disposal to open up sufficient beds to lock up every illegal alien that crosses the border. With the full support of the people that live along the border, with zero tolerance, we can do this. It's being done in Del Rio. It needs to be done up and down the river.

This Congress, this Appropriations Committee, and the new Republican conservative majority in the House is staying focused on this vital mission of national security, beginning with border security, to ensure that no more law officers like Officer Will, no more Americans lose their lives at the hands of illegal aliens.

#### RECESS

The SPEAKER pro tempore (Ms. FOXX). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1645

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 4 o'clock and 45 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

#### INCREASING STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1954) to implement the President's request to increase the statutory limit on the public debt.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1954

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDING.

The Congress finds that the President's budget proposal, Budget of the United States Government, Fiscal Year 2012, necessitates an increase in the statutory debt limit of \$2,406,000,000,000.

#### SEC. 2. INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "\$16,700,000,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. I yield myself such time as I may consume.

Mr. Speaker, last December, the President's own Fiscal Commission offered a plan to rein in our budget deficits and debt. While I did not support the final package—especially the tax increases it proposed—it did contain several meaningful suggestions for ways to get our Federal spending under control. Yet last February, when the President submitted his budget for 2012, he ignored their advice and provided no plan to rein in deficits and debt. Last month, Standard and Poor's

downgraded the outlook for the U.S. credit rating because Washington appeared to have no plan to rein in our budget deficits and debt.

In recent weeks, many congressional Democrats were proving them right when over 100 of them called for an unconditional increase in the U.S. debt limit. They signed a letter calling on their colleagues to establish "the Democratic position in favor of a clean extension of the debt ceiling," something Secretary Geithner has also repeatedly called for.

It's time to come clean with the American people about our deficits and debt. At over \$14 trillion, our debt is as large as the entire U.S. economy and is putting the American Dream at risk for future generations. It has become an anchor on economic growth, costing us 1 million jobs at a time when the unemployment rate has not been this high for this long since the Great Depression.

Erskine Bowles, who chaired President Obama's Fiscal Commission and served as Chief of Staff to President Clinton, has said that the era of debt denial is over. While it doesn't appear that all of his Democrat colleagues have gotten the message, with today's vote this House will declare to the American people and to the credit rating agencies that business as usual in Washington is over. Not only is the era of debt denial over, but so is Washington's out-of-control spending.

Today, we are making clear that Republicans will not accept an increase in our Nation's debt limit without substantial spending cuts and real budgetary reforms. This vote, a vote based on legislation I have introduced, will and must fail. Now, most Members aren't happy when they bring a bill to the floor and it fails, but I consider defeating an unconditional increase to be a success because it sends a clear and critical message that the Congress has finally recognized we must immediately begin to rein in America's affection for deficit spending.

Research by international experts clearly demonstrates that spending reforms, not tax increases, are the most effective path to fiscal consolidation. That means that together we must look for responsible ways to tackle our runaway spending. And though it's difficult and not always popular, it requires us to deal with entitlement reforms that are the largest driver of America's deficits, including health care spending programs like Medicare.

We all know that failing to act and address our debt head-on would be very similar to defaulting on our debt. In both cases, we would experience a significant downgrade in our credit rating, which increases interest rates, making payments for things like a car and home loans more expensive. It would also increase the cost of imports, meaning higher gas prices. And it

would make an already shaky economy even worse, leading to less job creation.

□ 1650

The greatest threat to the U.S. economy and to international financial markets would be simply increasing the debt limit without cutting a penny of spending. This vote makes clear that deficit reduction will be part of any bill to increase the debt limit and is a necessary part of this process.

A "no" vote today is a vote to put us on the path toward exactly what the markets and the American people are demanding, an America that is a strong, reliable, and secure financial investment for the future. I urge all my colleagues to vote "no" on this unconditional increase.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself 1 minute.

Bringing up this bill in this fashion is a ploy so egregious the Republicans have had to spend the last week pleading with Wall Street not to take it seriously and risk our economic recovery.

If Republicans were being truthful, they'd admit they're looking for political cover. But in their doing so, they risk blowing a hole in our Nation's economy. They'd acknowledged that their timing is an effort to change the subject less than a week after their plan to end Medicare was dealt a major setback by voters in a New York special election whose democratic winner will be sworn in tomorrow.

To act in good faith to solve our Nation's fiscal problems, the Republicans should focus not on this ploy but on the budget negotiations being led by the Vice President. Our Nation's debt is indeed a problem that requires serious solutions—not ploys that risk another global financial crisis.

I reserve the balance of my time.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL), a member of our committee.

Mr. PASCRELL. Mr. Speaker, we better not forget how we got here in the first place. The President, when he raised his hand in January of 2009, inherited a \$10.6 trillion debt. Let us not forget history. I know this is like a Kabuki dance today.

You're not only not sincere about this, but this is all process. The American people, the folks in my district, are not interested in process. They're interested in results. What are the results? How does this help the guy or gal on Main Street? That's what we should be talking about.

This bill we know is going to fail. You already told your Wall Street friends, "Don't worry about it. Don't take it serious." That's just like a reality show. The Republicans have

warned their Wall Street friends, and as The Wall Street Journal said today, they are in on this "joke." But as in poker, they're not all in.

Alexander Hamilton, who founded my city of Paterson, New Jersey, understood that good credit is integral to being a world power. It is by no means a joke.

Failure to act will have immediate and dire consequences. Now, the world is not going to collapse this afternoon or tomorrow when this legislation goes down in a few hours. The majority is willing to risk all of that in order to play political games to force their failed economic policies. It didn't work in the last 10 years. It's not going to work now.

Mr. Speaker, this is serious business. This is not a joke.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I yield 1½ minutes to another member of the Ways and Means Committee, Mr. BLUMENAUER of Oregon.

Mr. BLUMENAUER. There's no more important agenda item currently facing Congress than ensuring America pays its bills and honors its obligations. The accumulated choices of Congresses and administrations, past and present, have created the debt and the need to honor the obligations—like an unfunded war in Iraq that's going to cost trillions of dollars, or an unfunded Medicare prescription drug program both from our Republican friends.

We're not going to default on our debt. With over a hundred of my colleagues, I signed a letter calling for a clean extension and offering to work with the Republican leadership so they wouldn't be held hostage to the most extreme members of their party in order to push through draconian proposals that have no chance of being passed, which would unsettle the markets and do damage to things that Americans care about, like the reckless proposal for ending the Medicaid guarantee to seniors and additional tax cuts that are unaffordable.

Unfortunately, the Republican leadership decided not to treat this seriously. They're bringing a bill to the floor which they're not supporting. They put it on the suspension calendar so it had no chance of passage, and they think somehow this is constructive. Well, it's not.

Mr. Speaker, it's time for us to be serious, to avoid taking legislative hostages. Maybe the Chamber of Commerce thinks that Wall Street is in on the joke that is represented by their legislative ploy here today, but I'm not certain the American public is. It's time to stop the games.

Mr. CAMP. I yield myself such time as I may consume.

I would just say during the 8 years of the Bush administration, the debt limit was raised seven times for a total

of \$5.365 trillion. According to the CBO, the Congressional Budget Office, the nonpartisan CBO, the scorer of President's Obama's fiscal year 2012 budget, the debt limit will have to be raised a total of \$5.385 trillion during the 4 years he's President. So 8 years versus 4 years. That means that President Obama will have raised the debt limit at twice the pace that President Bush did.

I reserve the balance of my time.

Mr. LEVIN. I yield myself 10 seconds.

I think, Mr. CAMP, Standard and Poor's did not downgrade. They threatened. Let's be accurate.

I now yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I think those of us who are Members of Congress or within the Beltway understand that this is a political thing that's going on at one of the most serious financial times that our Nation is facing.

I only wonder whether or not our friends and creditors abroad, or those that respect the United States and even try to follow our fiscal ways in thinking that this is the strongest country in the entire world—for them to follow what we are doing, it is an embarrassment to the House, as well as the Senate, that the President of the United States of America would ask that our country be safe from a fiscal point of view by allowing the traditional increase in the debt ceiling. Notwithstanding the political differences we had, we come together as a Nation, not to play games on each other for political reasons, but we come together as a symbol for the free world to understand that if it's the United States of America, you can depend on us.

But now on the suspension calendar—which is an insult to those people who have studied the Constitution—in the House of Representatives, which is reserved for noncontroversial issues, when the whole world knows that this is controversial and is certainly not a subject that should be on a calendar called the suspension calendar.

So we still have some time to rehabilitate ourselves. I don't know how more ridiculous we can get, but I do hope that we avoid this in the future.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the chairman of the Trade Subcommittee, Mr. BRADY from Texas.

□ 1700

Mr. BRADY of Texas. Mr. Speaker, Members, America is undergoing a terribly subpar recovery, one of the worst we've seen; three times worse of an economic recovery than under President Reagan, a worse recovery than even what President Obama promised us when he spent all those hundreds of billions of dollars of the stimulus

money. We have 13 million Americans out of work. Our unemployment rate is sky high. And the only reason it's come down a little is that we have fewer people working in the workforce than we have had for a quarter of a century.

One of the strongest signals we can send to consumers and families and to businesses to restore their confidence is to make sure they understand America is going to get its financial house in order. Republicans in Congress are going to send a statement today that America will get its house in order. This vote today basically says we're not going to grant the President an unconditional increase in how much America can borrow. Here is a good reason why.

We took a look at who ran up the debt for America over the years. This chart shows we basically said, Who controls the purse strings? Congress. We took a look at all the debt that's been incurred since World War II, and what it shows is that the debt held by the public, that's by people, by countries like China, like firms in the Federal Reserve Board, 90 percent of the debt that's been run up since World War II has been accrued by Democrats, 10 percent by Republicans.

Now, that doesn't leave us, as Republicans, off the hook. As a matter of fact, we're committed to lowering this debt and getting control of spending. But there is a special obligation by our Democrat friends and the President to get this spending under control, to put discipline on the size of government, to restore some financial soundness, to, in effect, cut up the credit cards. That's what Republicans are committed to do. That's what Americans, poll after poll, say we need to do as a Nation. That's why a "no" vote on this unconditional debt increase is the right vote, not just for the country but for our future.

Mr. LEVIN. How much time is there on each side, please?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 14½ minutes. The gentleman from Michigan (Mr. CAMP) has 13 minutes.

Mr. LEVIN. I yield 3 minutes to the gentleman from Maryland, the ranking member on the Budget Committee, Mr. VAN HOLLEN.

Mr. VAN HOLLEN. I thank my colleague for yielding.

Ladies and gentlemen, this is a political stunt. I just heard my friend from Texas on the Republican side say Republicans wanted to tear up the credit card. It was just a few weeks ago when the Republican budget passed this House. All but four Republicans voted for it. Let me show you what that did to our credit card.

Here it is. We are at about \$14 trillion in debt. The budget all but four Republicans voted for takes us up toward \$23 trillion, \$24 trillion in debt. An \$8 trillion increase in the national debt by

passing the Republican budget, so that clearly this isn't about tearing up the credit card.

What is this about? This is about threatening to default on the full faith and credit of the United States unless we put into place the Republican budget, including their plan to end the Medicare guarantee and to slash Medicare benefits. That's what this is all about. They've said, Whoa, we're going to hold this whole thing up until we get our way.

Let me tell you what their way would do to seniors. And we've seen it before on the floor of the House. What it means is that seniors will be paying thousands and thousands of dollars more for Medicare or getting their benefits slashed beginning in 2012. And it gets worse and worse and worse, so that by the year 2030 you're talking about seniors having to pay \$12,000 more for their Medicare because the support they're getting is going down, while the costs in the private market, which the Republican plan forces them to go into, go up and up and up. So while the costs they face go up and up and up, the help they get under Medicare goes down, down, down, and they're left holding the bill.

What's been interesting in the last couple weeks in connection with this debt ceiling debate is to hear these Republican proposals that say, Hey, don't worry about it. You know what? We'll pay China. We'll pay our overseas foreign creditors on our bonds. We'll take care of them. But guess what? We don't have to pay our full faith and credit on our obligations to America's seniors. We don't have to pay Medicare. We don't have to pay Social Security. Pay off the bond holders. Take care of them. But let's follow through on this plan to decimate Medicare. And at the end of the day, that's what this is all about.

Because we all understand that we've got to get the deficit under control. We're having negotiations with the Vice President to come up with a responsible, balanced plan. But you're trying to force the Republican plan, which Newt Gingrich just the other day acknowledges was a radical right-wing piece of social engineering, until of course he was bludgeoned by the right wing to withdraw his statement. He was calling the shots as they were. He was saying, You know what? This isn't such a good idea.

And what's really outrageous about this charade is you are now threatening the entire U.S. economy in order to get your way on a radical right-wing Medicare plan that's bad for America's seniors.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Mr. Speaker, I came to Washington because I knew that we



had a debt problem. But you know what? Once I got here and I started getting all the facts, I realized that we didn't have a debt problem. We have a debt crisis. We are \$14.2 trillion in debt. And you know what? That number is even hard to comprehend, it's so large.

Over and over we hear from economists, both conservative and liberal, that we've got less than 5 years to turn things around or the United States is going to sink under all this debt. We've seen what has happened in Greece and Ireland, and I reject that future for the United States.

The time is now to fix this, because we're out of time and we have an opportunity to change for the good the way Washington is spending. But it doesn't seem the other end of Pennsylvania Avenue thinks that we should change anything. They're happy to keep kicking the can down the road. But you know what? The road has run out. In fact, the administration and over 100 Democrats in this Congress want a straight up or down vote on the debt ceiling. Well, that's what we're going to get today.

And when this measure to raise the Nation's debt limit fails on the House floor tonight, we will be sending the White House a message loud and clear: You will not get another blank check from us, Mr. President. That's because I and 87 of my freshman colleagues were sent here to Washington with strict marching orders to change the borrow-and-spend cycle that is bringing our country down.

Tonight, the people back home can see that we listened to them and that we are acting for them.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CAMP. I yield the gentlewoman an additional 30 seconds.

Mrs. BLACK. The American people reject the idea of a clean debt limit vote and so will the House tonight. Enough is enough.

The gig is up, Mr. President. So now is the time to get serious: Get serious about ending this debt; get serious about ending Washington's spending addiction; and get serious about getting this country back on track.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to address their comments to the Chair and not to others in the second person.

Mr. LEVIN. I yield 1½ minutes to the gentleman from California (Mr. BECERRA), a member of our leadership and a member of the Ways and Means Committee.

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Speaker, the last thing that we need right now is for our Republican colleagues to play Russian roulette with a recovering economy by threatening to default on America's bills and triggering an escalation of interest

rates and mortgage rates that will have repercussions on every single American family, and certainly on every sector of our economy. Yet that's what we have today.

Republicans have presented a bill that they've said they're going to vote against. So this whole charade, which is costing taxpayers money because we have to pay for the lights, for the printing, for all the Members of Congress and our staffs who are working, we have to pay for this so we can simply send a message that we're going to vote "no."

□ 1710

The New York Times further tells us today that Republican leaders have "privately assured Wall Street executives that this [vote] is a show." Furthermore, they cite that an executive from the U.S. Chamber of Commerce tells us that "Wall Street is in on the joke."

The reality is that what our colleagues on the Republican side are trying to do is furiously try to deflect the public's attention from what they recklessly tried to do to Medicare by ending it, because that is in their proposal in their budget. They are doing everything they can to try to get people to stop focusing on the fact that seniors are being asked to pay for this debt by getting less when it comes to Medicare and certainly every single American as they age into seniority as well.

Mr. Speaker, every family in America has to balance its checkbook. They have to do so responsibly. They have to pay the mortgage and pay the credit card bills. This Congress should do the same. This is not the time to play jokes. I urge my colleagues to vote "no" on this resolution.

Mr. CAMP. I yield myself such time as I may consume.

I would say that the Medicare trustees have said that Medicare goes broke in 2024.

So if you support an unconditional debt limit increase, as 100 Democrats wrote to their leaders and asked to be made a position of the Democrat Caucus, that does nothing about preserving and protecting Medicare for the future.

Mr. VAN HOLLEN. Will the gentleman yield?

Mr. CAMP. No, I will not yield.

So I would say that by supporting an unconditional increase in the debt limit, as more than 100 wrote in a letter to their leaders, again, it would do nothing about preserving that program for the future.

At this time I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman for yielding.

In my district people ask, what is this vote about, this debt ceiling vote, and so I have created a simple chart

that just says it as plainly as we can. We are spending \$3.5 trillion in the country each year, and we are bringing in 2.2 trillion.

It doesn't work for your family, it doesn't work for your business, and it's not working for the country. In order to make up the difference, we have to borrow that money except that our bankers are saying no more, just as your bankers would say no more. So we are printing the money to make this system work. It's a scheme that's not working.

This chart in the upper right-hand corner says that the whole economy collapses about 2038 so OMB and CBO both are saying that we must take care of the spending problem that we have in this country; that's what the debt ceiling is about. We have a law that says we can't borrow more than a certain amount of money.

If we just extend with no provisions for reform, then we are going to continue to spend this much money every year that we don't have. So let's take care of the problems; let's do structural reforms in the way that we are spending our money. Let's do structural reforms on our budget; let's get it under control so that we don't give our kids a failed economy.

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 1½ minutes to a member of our committee, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. Thank you very much, Mr. LEVIN.

The gentleman just raised the issue in question. He said, let me tell you what this is about. Well, let me tell you what this is about. I just came from the Holyoke Soldiers Home this morning; 287 veterans. I represent the North Hampton veterans hospital. That's what this vote is about.

The gentlelady from Tennessee, I wish she was here on January 20 of 2001 when that political party spent their day and night saying, yes, Mr. President, to George Bush. They went along with everything he said. They never even bothered to read article I of the Constitution.

This vote is about one thing and one thing only: paying your bills. They ran up the debt, and now they don't want to pay their bills.

January 19, 2001, Bill Clinton said goodbye to the country, a \$5.7 trillion surplus on hand, \$2.3 trillion in tax cuts, a war in Iraq over weapons of mass destruction, a drug prescription benefit called part D, and they are talking about who owes the bill? This is about responsibility. This is about those VA centers. This is about those men and women in Iraq that need to be equipped with the best possible weaponry. This is about paying the credit card bill that has come in from what they did for all of those years.

I would debate any member of the Republican Party—you choose the

forum—in the House or the Senate, and we will go through what those 8 years were about. Count me in.

Mr. CAMP. I yield myself such time as I may consume.

I am certainly concerned about the last 8 years, but I am more concerned about the last 2. I think we have got the third year in a row of trillion dollar deficits, a Presidential budget that doubled the debt in 5, tripled it in 10.

I quote from the Standard and Poor's report on the United States debt:

"Because very large deficits and rising government indebtedness and the path to addressing these is not clear to us, we have revised our outlook on the long-term rating to negative from stable."

The path to addressing these is not clear. We think it absolutely essential that we not have an unconditional increase in the debt limit, that we have the spending reductions, that we have the structural reforms that we so desperately need in this country.

We have 110 Members of the other party who wrote a letter saying we want an unconditional increase in the debt; just keep spending. Don't bring in any spending reductions, don't bring any long-term reforms; just keep going the way we have been going.

Well, Standard and Poor's says that if we don't address this issue—and what does that mean that "we have revised our outlook on the long-term rating to negative from stable"? It means buying a house is more expensive; buying a car is more expensive. Certainly our ability to sell our bonds around the world will be very difficult to do and make it that much more expensive.

A downgrade in our debt limit would have the same impact as not increasing the debt limit at all. Financial markets would be disrupted, borrowing costs would skyrocket, the dollar would plunge, driving up the cost of imports like gasoline and causing higher inflation. It would wreak havoc on our economy.

RESEARCH UPDATE: UNITED STATES OF AMERICA "AAA/A-1+" RATING AFFIRMED; OUTLOOK REVISED TO NEGATIVE

#### OVERVIEW

We have affirmed our "AAA/A-1+" sovereign credit rating on the United States of America.

The economy of the U.S. is flexible and highly diversified, the country's effective monetary policies have supported output growth while containing inflationary pressures, and a consistent global preference for the U.S. dollar over all other currencies gives the country unique external liquidity.

Because the U.S. has, relative to its "AAA" peers, what we consider to be very large budget deficits and rising government indebtedness and the path to addressing these is not clear to us, we have revised our outlook on the long-term rating to negative from stable.

We believe there is a material risk that U.S. policymakers might not reach an agreement on how to address medium- and long-term budgetary challenges by 2013; if an

agreement is not reached and meaningful implementation does not begin by then, this would in our view render the U.S. fiscal profile meaningfully weaker than that of peer "AAA" sovereigns.

#### RATING ACTION

On April 18, 2011, Standard & Poor's Ratings Services affirmed its "AAA" long-term and "A-1+" short-term sovereign credit ratings on the United States of America and revised its outlook on the long-term rating to negative from stable.

#### RATIONALE

Our ratings on the U.S. rest on its high-income, highly diversified, and flexible economy, backed by a strong track record of prudent and credible monetary policy. The ratings also reflect our view of the unique advantages stemming from the dollar's pre-eminent place among world currencies. Although we believe these strengths currently outweigh what we consider to be the U.S.'s meaningful economic and fiscal risks and large external debtor position, we now believe that they might not fully offset the credit risks over the next two years at the "AAA" level.

The U.S. is among the most flexible high-income nations, with both adaptable labor markets and a long track record of openness to capital flows. In addition, its public sector uses a smaller share of national income than those of most "AAA" rated countries—including its closest peers, the U.K., France, Germany, and Canada (all AAA/Stable/A-1+)—which implies greater revenue flexibility.

Furthermore, the U.S. dollar is the world's most used currency, which provides the U.S. with unique external flexibility; the vast majority of U.S. trade flows and external liabilities are denominated in its own dollars. Recent depreciation of the currency has not materially affected this position, and we do not expect this to change in the medium term (see "Après Le Déluge, The U.S. Dollar Remains The Key International Currency," March 10, 2010, RatingsDirect).

Despite these exceptional strengths, we note the U.S.'s fiscal profile has deteriorated steadily during the past decade and, in our view, has worsened further as a result of the recent financial crisis and ensuing recession. Moreover, more than two years after the beginning of the recent crisis, U.S. policymakers have still not agreed on a strategy to reverse recent fiscal deterioration or address longer-term fiscal pressures.

In 2003–2008, the U.S.'s general (total) government deficit fluctuated between 2% and 5% of GDP. Already noticeably larger than that of most "AAA" rated sovereigns, it ballooned to more than 11% in 2009 and has yet to recover.

On April 13, President Barack Obama laid out his Administration's medium-term fiscal consolidation plan, aimed at reducing the cumulative unified federal deficit by US\$4 trillion in 12 years or less. A key component of the Administration's strategy is to work with Congressional leaders over the next two months to develop a commonly agreed upon program to reach this target. The President's proposals envision reducing the deficit via both spending cuts and revenue increases, and the adoption of a "debt failsafe" legislative mechanism that would trigger an across-the-board spending reduction if, by 2014, budget projections show that federal debt to GDP has not yet stabilized and is not expected to decline in the second half of the current decade.

The Obama Administration's proposed spending cuts include reducing non-security

discretionary spending to levels similar to those proposed by the Fiscal Commission in December 2010, holding growth in base security (excluding war expenditure) spending below inflation, and further cost-control measures related to health care programs. Revenue would be increased via both tax reform and allowing the 2001 and 2003 income and estate tax cuts to expire in 2012 as currently scheduled—though only for high-income households. We note that the President advocated the latter proposal last year before agreeing with Republicans to extend the cuts beyond their previously scheduled 2011 expiration. The compromise agreed upon in December likely provides short-term support for the economic recovery, but we believe it also weakens the U.S.'s fiscal outlook and, in our view, reduces the likelihood that Congress will allow these tax cuts to expire in the near future. We also note that previously enacted legislative mechanisms meant to enforce budgetary discipline on future Congresses have not always succeeded.

Key members in the U.S. House of Representatives have also advocated fiscal tightening of a similar magnitude, US\$4.4 trillion, during the coming 10 years, but via different methods. House Budget Committee Chairman Paul Ryan's plan seeks to balance the federal budget by 2040, in part by cutting non-defense spending. The plan also includes significantly reducing the scope of Medicare and Medicaid, while bringing top individual and corporate tax rates lower than those under the 2001 and 2003 tax cuts.

We view President Obama's and Congressman Ryan's proposals as the starting point of a process aimed at broader engagement, which could result in substantial and lasting U.S. government fiscal consolidation. That said, we see the path to agreement as challenging because the gap between the parties remains wide. We believe there is a significant risk that Congressional negotiations could result in no agreement on a medium-term fiscal strategy until after the fall 2012 Congressional and Presidential elections. If so, the first budget proposal that could include related measures would be Budget 2014 (for the fiscal year beginning Oct. 1, 2013), and we believe a delay beyond that time is possible.

Standard & Poor's takes no position on the mix of spending and revenue measures the Congress and the Administration might conclude are appropriate. But for any plan to be credible, we believe that it would need to secure support from a cross-section of leaders in both political parties.

If U.S. policymakers do agree on a fiscal consolidation strategy, we believe the experience of other countries highlights that implementation could take time. It could also generate significant political controversy, not just within Congress or between Congress and the Administration, but throughout the country. We therefore think that, assuming an agreement between Congress and the President, there is a reasonable chance that it would still take a number of years before the government reaches a fiscal position that stabilizes its debt burden. In addition, even if such measures are eventually put in place, the initiating policymakers or subsequently elected ones could decide to at least partially reverse fiscal consolidation.

In our baseline macroeconomic scenario of near 3% annual real growth, we expect the general government deficit to decline gradually but remain slightly higher than 6% of GDP in 2013. As a result, net general government debt would reach 84% of GDP by 2013. In our macroeconomic forecast's optimistic

scenario (assuming near 4% annual real growth), the fiscal deficit would fall to 4.6% of GDP by 2013, but the U.S.'s net general government debt would still rise to almost 80% of GDP by 2013. In our pessimistic scenario (a mild, one-year double-dip recession in 2012), the deficit would be 9.1%, while net debt would surpass 90% by 2013. Even in our optimistic scenario, we believe the U.S.'s fiscal profile would be less robust than those of other "AAA" rated sovereigns by 2013. (For all of the assumptions underpinning our three forecast scenarios, see "U.S. Risks To The Forecast: Oil We Have to Fear Is . . ." March 15, 2011, RatingsDirect).

Additional fiscal risks we see for the U.S. include the potential for further extraordinary official assistance to large players in the U.S. financial or other sectors, along with outlays related to various federal credit programs. We estimate that it could cost the U.S. government as much as 3.5% of GDP to, appropriately capitalize and relaunch Fannie Mae and Freddie Mac, two financial institutions now under federal control, in addition to the 1% of GDP already invested (see "U.S. Government Cost To Resolve And Relaunch Fannie Mae And Freddie Mac Could Approach \$700 Billion," Nov. 4, 2010, RatingsDirect). The potential for losses on federal direct and guaranteed loans (such as student loans) is another material fiscal risk, in our view. Most importantly, we believe the risks from the U.S. financial sector are higher than we considered them to be before 2008, as our downward revisions of our Banking Industry Country Risk Assessment (BICRA) on the U.S. to Group 3 from Group 2 in December 2009 and to Group 2 from Group 1 in December 2008 reflect (see "Banking Industry Country Risk Assessments," March 8, 2011, and "Banking Industry Country Risk Assessment: United States of America," Feb. 1, 2010, both on RatingsDirect). In line with these views, we now estimate the maximum aggregate, up-front fiscal cost to the U.S. government of resolving potential financial sector asset impairment in a stress scenario at 34% of GDP compared with our estimate of 26% in 2007.

Beyond the short- and medium-term fiscal challenges, we view the U.S.'s unfunded entitlement programs (such as Social Security, Medicare, and Medicaid) to be the main source of long-term fiscal pressure. These, entitlements already account for almost half of federal spending (an estimated 42% in fiscal-year 2011), and we project that percentage to continue increasing as long as these entitlement programs remain as they currently exist (see "Global Aging 2010: In The U.S., Going Gray Will Cost A Lot More Green," Oct. 25, 2010, RatingsDirect). In addition, the U.S.'s net external debt level (as we narrowly define it), approaching 300% of current account receipts in 2011, demonstrates a high reliance on foreign financing. The U.S.'s external indebtedness by this measure is one of the highest of all the sovereigns we rate.

While thus far U.S. policymakers have been unable to agree on a fiscal consolidation strategy, the U.S.'s closest "AAA" rated peers have already begun implementing theirs. The U.K., for example, suffered a recession almost twice as severe as that in the U.S. (U.K. GDP declined 4.9% in real terms in 2009, while the U.S.'s dropped 2.6%). In addition, the U.K.'s net general government indebtedness has risen in tandem with that of the U.S. since 2007. In June 2010, the U.K. began to implement a fiscal consolidation plan that we believe credibly sets the country's general government deficit on a medium-term downward path, retreating below 5% of GDP by 2013.

We also expect that by 2013, France's austerity program, which it is already implementing, will reduce that country's deficit, which never rose to the levels of the U.S. or U.K. during the recent recession, to slightly below the U.K. deficit. Germany, which suffered a recession of similar magnitude to that in the U.K. (but has enjoyed a much stronger recovery), enacted a constitutional limit on fiscal deficits in 2009 and we believe its general government deficit was already at 3% of GDP last year and will likely decrease further. Meanwhile, Canada, the only sovereign of the peer group to suffer no major financial institution failures requiring direct government assistance during the crisis, enjoys by far the lowest net general government debt of the five peers (we estimate it at 34% of GDP this year), largely because of an unbroken string of balanced-or-better general government budgetary outturns from 1997 through 2008. Canada's general government deficit never exceeded 4% of GDP during the recent recession, and we believe it will likely return to less than 0.5% of GDP by 2013.

#### OUTLOOK

The negative outlook on our rating on the U.S. sovereign signals that we believe there is at least a one-in-three likelihood that we could lower our long-term rating on the U.S. within two years. The outlook reflects our view of the increased risk that the political negotiations over when and how to address both the medium- and long-term fiscal challenges will persist until at least after national elections in 2012.

Some compromise that achieves agreement on a comprehensive budgetary consolidation program—containing deficit reduction measures in amounts near those recently proposed, and combined with meaningful steps toward implementation by 2013—is our baseline assumption and could lead us to revise the outlook back to stable. Alternatively, the lack of such an agreement or a significant further fiscal deterioration for any reason could lead us to lower the rating.

Standard & Poor's will hold a global teleconference call and Web cast today—April 18, 2011—at 11:30 a.m. New York time (4:30 p.m. London time). For dial-in and streaming audio details, please go to [www.standardandpoors.com/cmlive](http://www.standardandpoors.com/cmlive).

#### RELATED CRITERIA AND RESEARCH

Sovereign Credit Ratings: A Primer, May 29, 2008.

#### RATINGS LIST

*Ratings Affirmed; Outlook Action*

United States of America (Unsolicited Ratings) (To—From) Sovereign Credit Rating (AAA/Negative/A-1+) (AAA/Stable/A-1+)

*Ratings Affirmed*

United States of America (Unsolicited Ratings) Senior Unsecured (AAA)

United States of America (Unsolicited Ratings) Transfer & Convertibility Assessment (AAA)

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fected by this rating action can be found on Standard & Poor's public Web site at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

I reserve the balance of my time.

Mr. LEVIN. I yield myself 5 seconds.

Mr. CAMP, you were the ones who said just keep spending. We don't say that.

I now yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Today's vote represents just one more step in the Republican effort to dismantle Medicare. This contrived procedure, demanding an extraordinary two-thirds vote, right after the Republican majority announces they won't vote for it, is just a gimmick. You don't have to be much of a math whiz to know if you don't have half the votes in this body, you probably are not going to get two-thirds of the vote.

But it's not about the vote. It's about Republicans, who are withholding their support of an eventual necessary increase in the limit, by demanding that any agreement on that include a weakening of Medicare by imposing something like the Ryan Republican Medicare voucher plan that they all voted for, or some other scheme, to just let Medicare wither on the vine.

Republicans are willing to jeopardize the full faith and credit of the United States of America, exposing us to great potential economic harm. They think the President will once again yield to their ransom demands, as he did last December, by yielding on more tax breaks for billionaires.

Don't yield to this maneuver, Mr. President. Say "no" to gimmicks and say "yes" to Medicare, one of the best programs ever initiated by this Congress to ensure a little retirement security.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair and not to others in the second person.

Mr. CAMP. I yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Michigan for yielding.

Mr. Speaker, we are here today, not talking about something as the other side would contend is a joke. This is a very serious issue, and I rise in opposition to an increase in the debt ceiling that would just give the President another couple of trillion dollars to keep spending the way he has been spending for the last 2 years.

I think Americans across the country recognize that this wild spending spree the President has been on the last 2 years has to come to an end, and it's going to start here on this House floor where we are going to finally invoke fiscal discipline. And, of course, over 100 Members of the other side have asked for a clean vote. They want another trillion to keep going along,

maybe 2 trillion, to keep spending money that we don't have.

Mr. HOYER. Will the gentleman yield?

Mr. SCALISE. In fact, if you look at their plan, their plan not only will double the national debt in 5 years, which I guess they are okay with, but it also allows Medicare to go bankrupt. We are not going to sit by and let Medicare go bankrupt. We are not going to sit by and let them keep spending money that we don't have.

We are finally going to say enough is enough.

Mr. HOYER. Will the gentleman yield?

Mr. SCALISE. We are going to put spending controls in place. Frankly, it would be irresponsible to increase the debt ceiling without reforms that actually start cutting spending and putting our country back on a path to a balanced budget.

□ 1720

Now maybe some on the other side don't want to see us get to a balanced budget, which is why they've dramatically increased spending over the last 4 years up until when Speaker PELOSI was fired. But, frankly, the American people have said, enough is enough, stop the spending binge, enough of giving the President this uncontrolled use of the American credit card. Let's start reining in spending. Let's put those controls in place. Let's get our country back on a path of fiscal sanity so we don't have these groups like S&P saying that they will downgrade the bond rating of the United States of America. That's not something we can tolerate.

Mr. HOYER. Will the gentleman yield?

Mr. SCALISE. Maybe the gentleman on the other side might want to, and I'm sure during your time you'll have the opportunity to address that, but, frankly, what we've got to do is start installing fiscal discipline back in this House, and we're going to start doing it now. It means no more blank checks and no more unbridled spending. The President is going to have an opportunity to join us in that debate. But, frankly, it starts tonight, and we say we're not going to keep giving that credit card limit to the President without real reforms.

Mr. LEVIN. It is now my pleasure to yield 3 minutes to the whip, Mr. HOYER from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

Unfortunately, this is a serious issue on which serious time has not been allotted because you put this on suspension. This is a serious issue. Our country is in crisis from a fiscal standpoint.

Now I wanted the gentleman to yield because I don't think the gentleman has any idea what the facts are. Eighty-nine percent increase in the debt under Ronald Reagan. He could

have vetoed every one of those bills. Under George Bush, 115 percent increase in the debt. Under Bill Clinton, less than 40.

Ladies and gentlemen, this issue is an important issue that is being treated not as an adult. This is not the adult moment of which Speaker BOEHNER spoke. And you didn't mention that the budget you voted for, I presume, I'm not sure, increased the debt by \$1.9 trillion between now and October 1 of this year.

Ladies and gentlemen, this is not an honest debate. This is not an honest proposal. This is a serious issue. TARP was a serious issue, and the American public didn't want to see it passed. And had it not passed, we would have gone into depression. Who said that? George Bush, Hank Paulson, the Republican Secretary of the Treasury, and Ben Bernanke, the Republican appointed head of the Federal Reserve. It was a tough vote.

And so what did we do for America? We came together, Republicans and Democrats, more Democrats supporting the Republican President's request than his own party, to save America from depression.

We need to deal with this issue, ladies and gentlemen, of America seriously, not in 20-minute debates on each side, not as a simplistic suggestion that somehow President Obama caused this. One point three trillion in wars we haven't paid for, a drug prescription bill we haven't paid for, tax cuts that your party voted for—not mine—that we didn't pay for. Should we have tax cuts? That's fine. But we ought to pay for them, not have my great-grandson, who was just born a week ago, pay for it. That's what you're doing.

Ladies and gentlemen, I'm going to vote "no" on this. We ought to vote for this. We ought to have a clean bill. And we ought to have both sides coming together and saying America needs this for debts that we have incurred. What I tell town meetings is, it's like you go to Macy's, you take out your credit card, and you charge \$200 worth of goods. And then you go home that night, your husband or your wife and you sit down and say, look, we've got too much debt, we need to have a debt limit. Put a \$100 debt limit on us. And then Macy's sends you a bill, and you send them back a letter and say, no, I've got a debt limit. It's 100 bucks. So you send them a check for \$100. They send back a letter saying, hey, no more credit, and guess what? We're suing you.

This debt limit extension is for what we have already incurred. This debt limit extension vote is about whether or not we are going to pay our bills. But I will tell you this, we'll see how many of your folks vote for paying our bills.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. The whip is so eloquent, I yield the gentleman another 30 seconds.

Mr. HOYER. I'm looking forward to seeing how many of your folks are going to say, yes, we need to pay our bills, America. We need to be a good debtor as well as a good creditor. We're going to see how many of your folks vote. I've got just a sneaking suspicion it's not going to be very many, if any. It's a good demagogue vote, frankly, ladies and gentlemen. And if we vote for it, guess what? Oh, you're for raising the debt limit without any fiscal discipline.

Well, when we were in charge, when the President of the United States wouldn't let you do some of the things you wanted to do, Bill Clinton was there to veto things, we had a surplus for 4 years in a row, and we didn't increase the debt once.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HOYER. Under George Bush, we increased it seven times. I urge a "no" vote on this irresponsible piece of legislation that should have been handled in a bipartisan fashion.

Mr. CAMP. I yield myself such time as I may consume.

One hundred fourteen members of the other party signed a letter to the leader who just spoke and asked for an unconditional increase in the debt limit. I know that's not maybe a fact they want to acknowledge now, but it is so important that we have a clear path forward on this given what the rating agencies are saying about our debt. They're saying it's not clear how we are going to deal with our indebtedness.

It is so important that we set forward that when we address this issue, there are going to be the kind of spending reductions and structural reforms we need. That is going to have to be part of this discussion. We can't continue to have it clouded with this idea that we might have a debt limit increase without any of those. That's why it is so important to send this very strong signal today.

I hope all of the members of your party join me in voting "no" on this bill.

At this time, I yield 1 minute to the distinguished gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I appreciate the chairman for yielding me this moment to address the American people and the students that might be watching on TV or here in the gallery.

Once again, you see the problem that we have here in Washington. We cannot have a fact-based conversation with the American people, which they desperately want. I talked to a lot of students back at home, and I said, how many of you are going to have a summer job? A lot of them raised their hands. I said, okay, we're going to say

you're going to make \$220 a week. But you've got a problem. We're going to take your credit card, and you're going to spend \$370 a week. How long do you think you can do that as you're saving up for college, as you're saving for that car or that piece of computer equipment? Can you do that all summer? The kids look at me and say, of course not. Don't be dumb. You can't do that.

Then I say, do you know what? Add 10 zeros to it. Add 10 zeros to that, and that's exactly what we are doing here in the United States Congress, what we have been doing repeatedly, both sides of the aisle, with both administrations. It doesn't matter. We have got to get this under control. Because when you add those 10 zeros, just like my friend from New Mexico was talking about, we take in \$2.2 trillion a year, we spend \$3.7 trillion a year.

It's time to tear up that credit card, Mr. Speaker.

Mr. LEVIN. How much time remains from our minimum 20 minutes?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 3½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 4½ minutes remaining.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from North Dakota (Mr. BERG).

Mr. BERG. Mr. Speaker, every time I talk to North Dakotans, one message is clear: Washington is on an unsustainable path, and it needs change. Out-of-control spending is unacceptable. A rising debt is unacceptable. And allowing this debt to grow without reform is unacceptable.

This country borrows \$4 billion a day. Fixing this mess will require real reforms. It requires a serious, honest conversation about where this country stands today and how we want to leave this country for the next generation. It's irresponsible to leave our children with a Nation that has a mountain of debt.

□ 1730

It is unacceptable to increase our debt without making any attempt to reduce it. We cannot continue to do the same thing over and over and expect different results.

I've heard the North Dakota people, and I will not support any debt limit increase that does not contain significant spending cuts and budgetary reforms. It's time to stop the reckless spending. It's time to reduce the size of government. It's time to enact policies that will put America back on track.

Mr. LEVIN. Mr. Speaker, I yield 1½ minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman. Mr. Speaker, I signed that letter, I led that letter, and I will tell you why

I did. America faces two challenges. One is we must pay our bills. Whether those bills were incurred for a war that you supported or you opposed; whether those bills were incurred by a Congress you served in or you didn't; whether it was for a prescription drug program that you were for or against, a bill incurred, an obligation incurred, is an obligation that must be paid. That is the fundamental responsibility that I acknowledge as a citizen, that I acknowledge as an American, that I acknowledge as a Congressman.

Second, this question of a long-term deficit reduction plan, we need it. You are right. We understand that.

Where is it?

You have the opportunity in this legislation to present your plan that will get us on a glide path to fiscal balance. It's not here, suggesting either you don't have a plan or the plan you want to present doesn't have the support of the American people.

We are playing Russian roulette with a loaded gun in the American economy, and the deficit clock is ticking. This requires a substantial response. The approach taken, a suspension vote, trivializes both our short-term obligation to pay our bills and our long-term obligation to have a long-term deficit reduction plan.

And the fact that this is done, being sponsored by folks who immediately say they are against what they proposed and then quietly making phone calls to Wall Street saying they are for what they just voted against, is what is Washington business as usual that people are tired of and is not solving our problem.

The default clock is ticking.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 2 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 3 minutes remaining.

Mr. LEVIN. I would ask the gentleman from Michigan, do you have other speakers?

Mr. CAMP. Not at this time.

Mr. LEVIN. I now yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, if the Treasury had a dollar for every time someone says they want to cut the deficit, we wouldn't have one. So let's stop talking about cutting the deficit and talk about how we can cut the deficit.

Let's let Medicare negotiate the price of prescription drugs, rather than pay whatever the drug companies demand, and save \$300 billion over 10 years.

Let's stop occupying Iraq and Afghanistan and paying their bills, to the tune of \$110 billion a year, and bring the troops home.

Let's stop giving \$80 billion in tax breaks to the oil companies that made record profits last year.

Let's require people who make more than \$1 million a year to pay just a little bit more to help reduce this problem.

And let's have sensible reductions in other departments of government.

This is not a time for us to be providing cover to a political party. It is a time for us to cover the obligations to our seniors, not by abolishing Medicare but by improving it, to cover obligations to our veterans, and cover obligations to the country. We will come back in a couple of weeks and do what we should be doing tonight, which is to raise this debt ceiling and protect this country.

Mr. CAMP. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LEVIN. I yield our final minute to our leader, who will close on our behalf, Ms. PELOSI, from the great State of California.

Ms. PELOSI. Thank you, Mr. LEVIN, for your compliment to my great State of California.

Mr. Speaker, when I first heard this legislation was coming to the floor, I anticipated with some positive thoughts of, yes, this is the right thing to do. America must pay its bills. We know how to do that. We want to go forward, assuring the American people that, when we decide not to default on our debt, we are showing our strength, even though it may be difficult for people to support that.

Then I heard that it was going to come up like this. On Sunday, they told us it would be up on Tuesday and that the bill is predicated on a false premise. It says the Congress finds that the President's budget proposal, Budget of the United States Government, Fiscal Year 2012, necessitates an increase in the statutory debt of \$2.4 trillion.

Well, that is just absolutely not the case. First of all, that bill never passed the House and it never passed the United States Senate. What did pass the House, though, was the Republican budget plan, which abolishes Medicare, gives tax increases to Big Oil, gives tax breaks to corporations sending jobs overseas, weakens the middle class, and does not create jobs. And, in fact, increases the deficit by \$1.9 trillion. It increases the deficit by \$1.9 trillion.

So what are we doing here today? What are we doing? The Republicans have introduced a bill which they have now resoundingly said that they will oppose. So where is the good-faith effort here? We are, I believe, in a good-faith effort, in a bipartisan way, House and Senate, Democrats and Republicans, working with Vice President BIDEN to find ways to make sure we don't find ourselves in this situation again.

As a mother and as a grandmother, I have absolutely no intention of passing any bills, personal or official, on to my

children or grandchildren. And let me say, the Democrats know how to clean up the debt. We have had to do it before. The Reagan-Bush debt that President Clinton inherited was a massive debt, and because we took the vote for the economic plan in 1993, we were on a path to fiscal soundness. The last four budgets of the Clinton administration were in balance or in surplus. I believe the Democratic whip, Mr. HOYER, addressed these numbers earlier, and I associate myself with his remarks and his passion on this subject.

Coming into the Bush years, President Clinton put us on a path of \$5.6 trillion, a trajectory of \$5.6 trillion in surplus. One of the biggest turnarounds in the fiscal situation in our country happened under President Bush. So all of this talk about deficits and their immorality and the rest, I agree. But where was everybody when President Bush was giving tax breaks to the wealthiest people in our country, which did not create jobs, giving away the store to the pharmaceutical industry in the Medicare part D bill, at a tremendous cost to the deficit, and not paying for the wars?

Again, we place our men and women in uniform in harm's way. They make us the home of the brave and the land of the free. We want them to have what they need. They want us to pay for it. We owe them an obligation to build a future worthy of their sacrifice, and that future does not contain unlimited growing debt, unlimited growing debt.

Never before in the history of our country have we lowered taxes for the rich while we were at war. This is an all-time first. So here we are. We inherit this debt of the Bush administration. That's why we are in the situation we are in.

So as our colleagues try to characterize this as we're raising the debt limit so there can be more spending, no, we're not. We're avoiding default of the massive debt accrued during the Bush administration. That's why we are here.

So to predicate this legislation, which I really, coming out of last week, thought maybe it was something I would support, unencumbered legislation so that we would pay our bills and not be a deadbeat nation, instead they predicate it again on a false premise.

The facts are these: The Republican budget did pass this House; the Republican budget. They just want to change the subject from Medicare. That's all. They just want to change the subject from Medicare, so let's just bring this up at the drop of a hat in the first hours back from Memorial Day. They want to change the subject from Medicare.

But the facts are these: In their Republican budget, which is the predicate for this legislation, they abolish Medicare. Not only that, they make prescription drugs more expensive for seniors.

□ 1740

They eliminate prevention services for seniors, services which make them healthier and lower costs to us. They do all of this while also, as far as the children are concerned, cutting education for our children, the reading teachers for our children, making college more expensive for nearly 10 million young adults—all of this a travesty in terms of our hopes and aspirations of middle-income families in our country.

Then to add insult to that injury, they come in here with a bill that they have to bring up immediately so that they can oppose it. Well, even the Chamber of Commerce has said, We're all in on the joke, but it just isn't that funny if you're a struggling family in America, hoping to keep your job, your home, to be able to send your children to college, save for the future, have some confidence about your economic security. If you're a senior or others who depend on Medicare, to have it abolished hurts your economic as well as your health security.

So this is about priorities. A budget should be a statement of our national values, what is important to us as a country: the education of our children, the respect of the dignified retirement for our seniors, job creation, in that we have a moral obligation to create jobs so we have jobs for our workers and so they can have better futures, as well as to make our country more competitive, reducing the deficit. We've done it once, the Democrats did. We can do it again, hopefully in a bipartisan way under the auspices that have been created for this purpose. We are right in the middle of it. We come in and say, Okay, let's introduce a bill based on a false premise, and then let's all oppose it. Well, I'm glad you're opposing it, because you're opposing the false premise that you have in this bill.

Let's get serious. Let's get serious about this. The American people are crying out for help.

Do you know that the tax cuts on which this deficit has grown, the tax cuts to the wealthy, did not create jobs? They increased the deficit. They did not create jobs. More jobs were created in the second year of the Obama administration in the private sector than in the 8 years of the Bush administration. So this talk that tax cuts to the high end were going to create jobs just didn't happen. We don't want to talk about the past. We want to know what we're going to do in the future, but it's important to learn from the past so we don't do it again, so we're not in this situation again.

As I said, as to the thought of an unencumbered bill that would come to the floor, if that would be the case, I looked favorably upon that until I saw what was in here, which isn't right. I'm glad that, hopefully, it will have a big, strong vote against it.

I want to commend my colleague, Congressman WELCH. In his letter, he is not demanding anything. He is saying let's get together and talk about how we can pass a bill that is a clean debt limit bill. That's what he is talking about. Why don't we follow his lead on that and get together and talk about how we can do this in a way that is clean and/or at the same time has a bipartisan plan to reduce the deficit so that we can do just that as we increase jobs and strengthen the middle class.

Thank you, Mr. WELCH, for your leadership in that regard. I know that it has been mischaracterized here, but I salute you for your leadership on that score.

So, my colleagues, you'll vote the way you'll vote, but the fact is what is happening on this floor is not serious. It's not serious, but the subject it addresses is serious. It is time for this Congress of the United States to get serious about debt reduction, job creation, and to stop this assault on Medicare, which is the basis for this legislation today.

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 1954.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. I yield myself such time as I may consume.

Last February, when the President submitted his budget for 2012, he did not provide any plan for reining in deficits and debt. The administration called for a clean increase in the debt limit, or an increase in the debt limit that was unconditional, one that had no spending reductions or structural reforms to try to address the problem that we face, and it assumed \$2.4 trillion in borrowing authority, or an increase in the debt limit of about \$2.4 trillion. One hundred fourteen Democrats have asked the leadership of their party for an unconditional vote on the debt limit.

My colleagues on the other side have been very reminiscent about the Bush years, and I would just say that, in 4 years, the debt under the Obama administration will exceed that of the Bush administration's in 8 years; or another way of putting that is the debt under this President is going up at twice the rate it did under President Bush.

So it is important that we send a clear signal that there is not going to be an unconditional increase in the debt limit and that we are serious about addressing our debt and deficit problems as a country. We've seen the signals that we've gotten from the financial markets, and we've heard what our constituents have said. It is very



important that we bring the kinds of spending reductions and reforms to this debate that we need to, so I urge a "no" vote.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1954, the Debt Limit Extension. For weeks, Congressional Democrats and Republicans and the Obama Administration have been engaged for weeks in bipartisan deficit reduction talks. Today's vote on the debt limit extension brought to the floor despite House Republicans promotion to vote against the bill is a dangerous stunt of political theatrics that could jeopardize those serious bipartisan negotiations. Our country cannot afford to take the debt limit negotiations lightly. It is reckless for Republicans to send confusing signals to international markets that could jeopardize our own fragile economic recovery. This bill is a gimmick, by Republican leadership and something as serious as our country's debt limit should not be part of political games. I stand with my fellow Congressional Democrats and remain committed to responsible deficit reduction.

We must protect our citizens. Medicare guarantees a healthy and secure retirement for Americans who have paid into it for their entire working lives. Protecting Medicare represents the basic values of fairness and respect for our seniors that all Americans cherish. I am committed to addressing the budget deficit by putting America's working families first. We should not be cutting programs that protect the everyday lives of Americans.

An attack on Medicare and Medicaid are examples of wrong priorities and are wrong choices for seniors and middle class families.

#### Facts About Medicare and Medicaid:

Medicare covers a population with diverse needs and circumstances. While many beneficiaries enjoy good health, a quarter or more have serious health problems and live with multiple chronic conditions, including cognitive and functional impairments. Most people with Medicare live on modest incomes. Today, 43% of all Medicare beneficiaries are between 65 and 74 years old and 12% are 85 or older. Those who are 85 or older are the fastest-growing age group among elderly Medicare beneficiaries. With the aging and growth of the population, the number of Medicare beneficiaries more than doubled between 1966 and 2000 and is projected to grow from 45 million today to 79 million in 2030.

Medicaid is the nation's largest health coverage program measured by enrollees (53 million). Through its 40 year history, the program has transformed from a welfare-based health coverage program to a health insurance and long-term care program serving both low income individuals and families and providing long-term care services for individuals with disabilities and the low-income elderly. Because Medicaid has such a diverse set of obligations and is run jointly by federal and state governments there is much misunderstanding about facts related to the program.

Managed care is an example of an innovation that became a standard option—about 60 percent of beneficiaries are in managed care. A current innovation that several states are experimenting with is moving long-term care services towards a home and community based setting. Additionally, Medicaid's struc-

ture has allowed it to expand and readily adapt to emerging issues in the American health system like the HIV/AIDS crisis.

Sixty percent of nursing home residents are not on Medicaid at the time of their admittance into a facility. With the average annual cost of nursing home care being \$60,000, the longer an individual remains in a facility, the more likely they are to deplete their financial resources and qualify for Medicaid coverage. Even after individuals deplete their assets, they are still required to apply their income, including Social Security and pension checks, towards their care costs, except for an average monthly \$30 personal needs allowance.

Compared to private health programs, Medicaid has lower administrative costs per claims paid when compared to private sector plans. Medicaid per capita growth has been consistently about half the rate of growth in private insurance premiums. Both of these factors show that despite program growth, Medicaid is an efficient program.

Mr. Speaker, not only will allowing America to default on its debt wreak havoc and chaos on financial markets around the world, but it will also be damaging to the most vulnerable members of our society. In essence it takes a hatchet to the programs Americans truly care about. In my district in Houston, Texas, there are 190,035 people living under the poverty line as well as 82,272 seniors and over 58,500 seniors. If House Republicans' self destructive economic policies are allowed to play out it will threaten the viability of the programs that our Nation's seniors, children, and poor depend on for health and well being.

Despite countless warnings from economists, business leaders, and Wall Street executives about the economic consequences, House Republicans are still holding the economy hostage by threatening to default on our debt and are putting the economy at risk by suggesting America might not pay its bills.

Federal Reserve Chairman Ben Bernanke said defaulting on our debt would "at minimum" lead to "an increase in interest rates, which would actually worsen our deficit and would hurt all borrowers in the economy."

Additionally, a coalition of 62 of the nation's largest business groups urged Congress to raise the debt limit: "With economic growth slowly picking up we cannot afford to jeopardize that growth with the massive spike in borrowing costs that would result if we defaulted on our obligations."

But in case that isn't convincing enough, Third Way, a well respected moderate think tank, released a report outlining the consequences of not paying America's bills:

642,500 jobs lost

GDP would decrease by 1%

Every mortgage would increase by \$19,175

Stocks would fall, the S&P dropping 6.3%

And every 401(k) holder would lose \$8,816

The House Republican majority needs to stop threatening the American people and get to work to increase the debt ceiling so that our country can pay its bills. The real issue that we should be focusing on is that we must raise revenues while also reducing spending. They must complement each other. Congressional Republicans must accept the challenge that everything must be on the table, including ending the tax cuts to the top 2% of the wealthiest people in our country.

We need a serious debt ceiling increase bill so that we can have deliberative discussion on how to cut spending without cutting Medicare and Medicaid. We do not need to hold the American economy hostage, and we need to begin these discussions in order to show the world that we are fiscally responsible.

If not, the failure to extend our Nation's debt limit would have harmful effects on job creation and the programs necessary to ensure the health and safety of our constituents. I support a clean bill that is not layered down with Republican Christmas tree ornaments that are made for special interests. This will raise our debt. We must pay our bills otherwise this will be detrimental to our Nation and that I will not support.

Mr. WEST. Mr. Speaker, when the United States Congress was faced with raising the debt ceiling in 2006 Senator Barack Obama stated "The fact that we are here today to debate raising America's debt limit is a sign of leadership failure. It is a sign that the U.S. Government can't pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our Government's reckless fiscal policies."

I will not be party to a failure of leadership when it comes to the debt ceiling. Today, I will do what I stated when I ran for the House of Representatives, I will vote against increasing a debt ceiling absent of spending control measures to right our fiscal ship of state.

This resolution would increase the current statutory debt limit by \$2.406 trillion, from \$14.294 trillion \$16.7 trillion. The 16.8 percent increase would be the fourth time the debt ceiling has been increased since February 2009.

Over the past two years, President Obama and congressional Democrats have overseen the largest budget deficits in the history of the United States. Senate Majority Leader HARRY REID chastised the Republicans and President George W. Bush in 2006 when he stated "Why is it right to increase this Nation's dependence on foreign creditors? They should explain this. Maybe they can convince the public they are right. I doubt it, because most Americans know that increasing the debt is the last thing we should be doing. After all, I repeat, the baby boomers are about to retire. Under the circumstances, any credible economist would tell you we should be reducing debt, not increasing it."

The American people have sent a Republican majority to the House of Representatives to reduce spending and put our country on a sustainable financial footing. If I were to close my eyes and abandon my principles, and vote yes to raising the debt limit I would allow Congress to continue to spend the taxpayers' money with no clear plan to reduce our long term debt. The problem in Washington is we do not have a revenue problem—the facts are clear we have a spending problem in Washington.

Mr. Speaker, I will not vote for this debt increase and I will not vote for a debt limit increase unless all of the following criteria are met, or included in the final bill that would aim to raise the debt limit:

The United States Congress must pass a Balanced Budget Amendment to the Constitution of the United States.



A failsafe trigger mechanism must be put in place that would automatically cut spending if we reached a set percentage limit towards hitting the debt ceiling. In other words, as Federal spending approached the debt ceiling, once a certain level was reached, automatic cuts in spending to Federal programs would be triggered, ensuring that future Congresses and Administrations would not have to consider raising the debt ceiling in the future.

Capping federal spending as part of the GDP at 18–20%.

The U.S. corporate tax rate is 35% at the federal level and 39% when the average state corporate tax is included. The average rate in the other industrial countries of the Organization for Economic Cooperation and Development (OECD) is just 25%. Only Japan has as high a rate. Businesses and corporations in the United States cannot succeed in an environment where they are among the highest taxed in the entire world. It is paramount that Congress lowers the corporate tax rate for American businesses by at least 10% before any vote on raising the debt limit is considered.

On May 14, 2011, the Wall Street Journal in article entitled “What if the U.S. Treasury Defaults?” interviewed Mr. Stanley Druckenmiller, the onetime fund manager for George Soros, regarding whether Congress should immediately raise the federal debt. Mr. Druckenmiller pointed out the grave danger if politicians give the government authority to borrow beyond the current \$14.3 trillion without any conditions to control spending. He further went on to state that he was willing to accept a temporary delay in the interest payments he is owed on his United States Treasury Bonds “if the results in a Washington deal to restrain runaway entitlement costs.”

I cannot, and will not, be part of President Obama's, and more than 100 of my Democrat colleagues in the House of Representatives, mantra that we need to raise the debt ceiling as a “clean” bill without any fiscal reform. For without making meaningful attempts to reduce on every increasing national debt, this would be a vote not on a debt ceiling but more a debt recommendation.

The Congress would find themselves voting to increase the debt ceiling again, and again, and again. Enough is enough! Washington needs to stop spending money we do not have and not make our children and grandchildren pick up the tab for our reckless financial behavior.

I am even pleased that then Senator JOE BIDEN agrees with my thoughts, for in 2006, he stated: “This is a record of utter disregard for our Nation's financial future. It is a record of indifference to the price our children and grandchildren will pay to redeem our debt when it comes due. History will not judge this record kindly. My vote against the debt limit increase cannot change the fact that we have incurred this debt already, and will no doubt incur more. It is a statement that I refuse to be associated with the policies that brought us to this point.”

Vice President BIDEN, I stand with you and refuse to be associated with the policies your Administration help precipitate, by spending beyond our means, and will not vote to raise the debt ceiling.

Mr. DEFAZIO. Mr. Speaker, today's debt limit vote will fail to pass because neither Republicans nor Democrats have made meaningful progress on balancing the federal budget. The Republican 2012 budget makes devastating cuts to transportation, education, ends Medicare as we know it. Despite these cuts, they fail to balance the budget for three decades. The Democratic 2012 budget would take even longer to restore balance. Neither is a serious long term plan to restore fiscal sanity.

Today's vote was necessary to conclude the debt limit theatrics and bring us closer to negotiating a comprehensive budget. Neither party has the necessary votes to extend the debt ceiling without a bi-partisan deal on the budget.

We need to pay our debts and obligations and I will be urging the Republican leadership to tie future debt ceiling legislation to a balanced budget amendment. I have long supported a balanced budget amendment and had it passed in 1995, we wouldn't be in this mess. A balanced budget amendment would force both sides to make some tough decisions on both budget cuts and raising revenue.

Balancing the budget does not need to be a partisan issue. For example, in his second term President Reagan increased taxes several times to reduce the massive deficits created by the failure of supply side trickle-down policies. Again in the late 1990s, Clinton and a Republican Congress balanced a budget from 1998 to 2001 because they compromised on both spending cuts and increased taxes.

With adoption of a balanced budget amendment Congress could balance the budget in ten years. This begins with repealing the Bush tax cuts, cutting the deficit in half. To reduce federal spending, Congress should bring our troops home from Iraq and Afghanistan, cut antiquated cold war weapons systems, and cut agriculture subsidies. Further cuts can be made by eliminating special interest tax breaks and subsidies for ethanol, big oil, and prescription drug companies. Finally, Congress should continuously scrub the rest of the budget for further reductions to ensure a balanced budget in ten years.

Mr. TERRY. Mr. Speaker, I rise today to oppose this legislation raising our nation's debt ceiling by \$2.5 trillion without any spending cuts or attempt to balance our nation's budget.

The fact that we have reached the \$14 trillion debt ceiling should concern every American. Congress has to get our fiscal house in order and everything needs to be on the table.

If we are going to have this debate, then let's bring everything to the table. Any discussion concerning raising our debt ceiling needs to include significant spending cuts, fiscal reforms to reduce the debt we are leaving our children, and a balanced budget amendment.

We can't afford to continue the same path of spending more and more taxpayer dollars and hoping our nation's debt will somehow go down. And we certainly cannot afford another blind increase in America's debt limit.

It is a fact of life. When you max out your credit card, you cut spending and pay down your debt. It is time Congress does the same.

We have the chance to do the right thing, but this measure—raising the debt ceiling without any attempt to curb spending—fell far short.

Mr. PRICE of North Carolina. Mr. Speaker, I rise in support of H.R. 1954, a clean up-or-down vote on extending the debt limit, refusing to hold this critical measure hostage to other economic and political objectives.

I must confess that I am perplexed to see the majority bring an utterly vital bill to the floor that it has no intention of passing—and is actually urging its members to vote against. I must also note that it contains a poison pill: a hypocritical and deceptive clause that seeks to lay full blame on President Obama for the need for a debt limit increase.

Mr. Speaker, how many members of Congress have voted for a tax cut or an appropriations bill over the past few Congresses? The answer is nearly all. While we may debate the merits of each of those past proposals and reach different conclusions on their merit, the bill for these prior legislative acts is now due. Not paying it would be reckless, and you don't have to be an economist to figure that out. Every American family knows that you must pay your bills when those bills come due. The United States can be no different.

Passage of a clean debt ceiling bill would affirm that America always pays her bills. This isn't about authorizing new spending; it's just ensuring that we can pay for what we have already bought. Whether Congress is paying for tax cuts, tanks, or teachers, there's no free lunch.

As troubling as the motivations behind this vote are, more troubling still is the majority's willingness to put the full faith and credit of the United States at risk to gain leverage over economic policy. Republicans should not be holding the economy hostage to advance their ideological agenda, especially when the economic recovery is still fragile.

Earlier this year, I joined with my colleagues in asking House Republicans to support a clean debt limit increase, but today it's clear they will not. In short, the majority is playing with fire. Remember this: default would set off a catastrophic chain of economic consequences, putting not just the economic recovery at risk, but risking a new, deeper recession. It would affect every single American family, every single worker and every single retiree. There is no reason to manufacture a crisis, but we have seen this play before from the majority, who manufactured a crisis over funding the government in the 2011 fiscal year: a crisis that ended up costing taxpayers more money and realizing none of the promised savings this year.

The majority can do better than partisan posturing, and it must. There are many members—on both sides of the aisle—who I suspect share this conviction. I have long advocated a comprehensive approach to deficit reduction. I believe any serious approach puts all the options—revenue, as well as domestic, defense and entitlement spending, carefully targeted in all cases—on the table as we chart a course back to fiscal balance. But where we cut and of whom we ask additional sacrifice should be consistent with our priorities and values.

If we consider all the options, we can chart a course to fiscal balance, one that invests in the things that ensure our economic success: education, innovation, and infrastructure. If we consider all the options, we can safeguard our

commitment to seniors instead of undermining it by turning Medicare into a voucher program. Congress must do better than a budget that ends Medicare as we know it to pay for tax cuts to oil companies and wealthy individuals, and at the same time sinks the country \$1.9 trillion further into debt. Not long ago, many responsible members of the majority party favored a comprehensive approach. As we move forward, I urge them not to wilt on the vine in the face of pressure from those on the far right.

Congress must come together and negotiate in good faith if we are going to do the two critical things required of us: to put the American people back to work in a fully recovered economy, and to chart a course back to fiscal balance. I will vote for this legislation today, because America must pay its bills. But this Republican move is far more symbolic than serious, harnessing only Congress' power as an instrument of partisan politics, and not its power as an instrument to answer the country's problems.

Mr. HOLT. Mr. Speaker, I voted against allowing the United States to default on its debt.

Although the preamble of the bill took a gratuitous poke at the President by stating erroneously that it is the President's budget for Fiscal Year 2012 that makes it necessary to increase the debt ceiling, this statement was insignificant in relation to the effective part of the bill.

For more than two centuries, the United States has been a trustworthy creditor. In previous years, members of both parties have set aside their policy disagreements to ensure the United States fulfills its obligations to creditors and maintains its credit rating.

Unfortunately, the Republicans didn't want Tuesday's vote on the debt ceiling to be about maintaining our creditworthiness. Instead, it was the latest in a series of reckless political games being played by my colleagues who brought this bill to the floor to have it fail. Even the author of this bill voted against it.

We saw this brand of economic brinkmanship just last month, when Congressional Republicans brought the federal government to within minutes of a shutdown. While these actions may please some narrow ideological constituency, they endanger needlessly the financial security of the United States and the economic security of the American people.

Whether one blames the debt on unpaid bills of the Reagan defense buildup, food stamps and other social programs, the Bush tax cuts and two wars not paid for, or any other action of government over the past decade or past century, this was not the place for that argument.

Whether you think taxes are too low or spending is too high, this was not the occasion to try to impose one's own idea of a correction.

This was not the occasion to reshape our economy or score ideological points. If House Republicans were serious about improving the nation's fiscal outlook, then they would have voted in favor of this measure so we could move on to legislation that will help Americans get back to work.

I acted responsibly so the United States can continue to fulfill its financial obligations by voting in favor of this clean debt ceiling bill.

Mr. CAMP. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 1954.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds not being in the affirmative, the yeas have it.

Mr. CAMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### VETERANS APPEALS IMPROVEMENT ACT OF 2011

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1484) to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs and to establish a commission to study judicial review of the determination of veterans' benefits, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1484

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Appeals Improvement Act of 2011".

#### SEC. 2. WAIVER OF REGIONAL OFFICE JURISDICTION OVER INCORPORATION OF SUPPLEMENTAL EVIDENCE INTO PREVIOUSLY SUBMITTED CLAIMS.

(a) WAIVER.—Section 7104 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(f) If a claimant or the claimant's representative submits new evidence in support of a case for which a substantive appeal has been filed, such evidence shall be submitted to the Board directly and not to the agency of jurisdiction, unless the claimant or the claimant's representative requests that the evidence be reviewed by the agency of jurisdiction before being submitted to the Board."

(b) EFFECTIVE DATE.—Subsection (f) of section 7104 of title 38, United States Code, as added by subsection (a) of this section, shall apply with respect to evidence submitted on or after the date that is 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of the manager's amendment to H.R. 1484, the

Veterans Appeals Improvement Act of 2011.

This legislation is a product of the committee's continued oversight of the disability claims process. We continue to look for ways to improve this laborious process and ensure that veterans receive their disability claims, and the decisions, in a timely and accurate fashion. Now, under current law, veterans who disagree with their initial claims decisions by the VA can appeal to the VA's Board of Veterans' Appeals. But if a veteran submits additional evidence before the board in support of his claims, it automatically goes back to the very beginning of the process.

The legislation before us would stop the shuffling of veterans back to the end of the line. It would direct that evidence submitted by a veteran in support of an appeal before the Board of Veterans' Appeals be considered by the board unless the veteran, himself or herself, elects to send it back to the very beginning of the process. This provision has garnered wide support from veterans' service organizations and the Department of Veterans Affairs. I believe it will reduce the frustration that many of our veterans face when appealing a ratings decision and that it will also reduce processing times.

□ 1750

I want to thank the ranking member, Mr. FILNER, for introducing this legislation, and I do urge all Members to vote in support of the manager's amendment to H.R. 1484.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

I want to say first that I appreciate the chairman's cooperation in bringing these bills to the floor. We're a day after Memorial Day, but these are important to honor our veterans. I thank him and also urge that his manager's amendment, which took care of a funding issue, be approved.

So I am in strong support of this bill, and I thank the members of the Subcommittee on Disability Assistance and Memorial Affairs who have worked very hard in moving this bill forward. It's been quite a long time coming to fruition, and I know that many of our stakeholders look forward to its passage today.

In the last Congress and this one, the Committee on Veterans' Affairs held a multitude of hearings on the language that is in the bill today. It was developed as a result of vigorous oversight hearings and meetings conducted in the past two Congresses. We received expert input from many of our stakeholders on the myriad systemic and vexing issues surrounding the whole process of claims appeals.

As such, section 2 of the bill would allow the Board of Veterans Appeals to review evidence submitted directly to it by the veteran or a survivor without

issuing often unnecessary supplemental statements of the case that serve only to delay and to deny. I know that many stakeholders are anxious to see this provision enacted, including the VA itself.

Section 3 of the bill would have established a judicial review commission that would have been made up of 11 expert members to tackle other long-standing appellate review issues facing our veterans and survivors.

These issues have included whether to continue Federal Circuit Court review of the decisions of the Court of Appeals of Veterans Claims, whether to grant class action and associational standing to the Veterans Court, and whether to require decision on all issues raised on appeal, just to name a few.

The commission would have been required at that time to report on its findings and recommendations to Congress, and it would not sunset until 2 years after that time. However, we were not able to move this section forward because of certain de minimus costs associated with operating the commission, and I know that we all have a bit of "commission fatigue" anyway. But at some point, this is an unexamined area with divergent and broad concepts that are in dire need of concentrated and expert attention.

So I hope, Mr. Speaker, that we find a way to fund this commission in the near future, and I look forward to working with Mr. MILLER in a bipartisan manner to make this a reality. I ask all my colleagues to support the bill in its amended form.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield as much time as he may consume to the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, the gentleman from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. I thank the chairman for the time.

I rise today in support of the manager's amendment to H.R. 1484, as amended, and the Veterans Appeals Improvement Act of 2011.

The veterans disability claims policy is very complex, and all of us on the Veterans' Affairs Committee are constantly seeking ways to improve the process for both our veterans and the VA. This bill is a good first step in accomplishing the goal by improving upon the current process. Specifically, section 2 will work to simplify the process for submitting evidence to the Board of Veterans Appeals by allowing veterans to keep their place in line at the Board of Appeals for Veterans Claims when they submit new evidence in support of their claim.

Under current law, if a veteran submitted new evidence to their case with the intention of expediting their adjudication, they may have actually made the adjudication take longer due to the

VA's archaic rules that require the agency to resubmit the claim back to the regional offices. This bill corrects that problem.

While I'm hopeful that the VA's new electronic processing system, which is currently being developed, will alleviate the backlog, we must do right by our veterans by continually improving the claims process and continuing to make changes, no matter how small, to help our veterans who are currently stuck in a failed paper-based system.

This bill is one of many steps my subcommittee will take in this Congress to address the backlog of veteran disability claims. On Thursday, the subcommittee will be holding a hearing on underperforming regional offices, and my staff is currently working on ways to improve training and accountability at all VA regional offices. Every veteran has the right to have their claim adjudicated in a prompt and accurate fashion.

I am proud that many veteran service organizations, as well as the VA, have expressed support for H.R. 1484, as amended; and I urge all Members to support H.R. 1484, as amended.

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, I just want to point out to the chair of the subcommittee—and I guess the chair of the committee also—we're taking an important step today, but it is a small step. And the chair, the gentleman from New Jersey, mentioned other small steps. We aren't going to clean up this backlog, which approaches 1 million cases, without a major step, a major blowing up of the whole way we do this stuff. We just hired 10,000 new people, and the number of claims doubled. So we're not getting anywhere with this brute force kind of thing.

I have suggested many times to just cut out the red tape completely, at least in the short term, to clean up the backlog, to say to those who have submitted claims that are backed up both by the medical evidence and with help from veteran service officers—of which we have thousands certified across the Nation—that we ought to accept those claims and honor the service of our veterans. Until we get to a mindset that says blow up the bureaucracy in this thing, we're not going to solve the problem.

So all these small steps will be taking forever. Let's pass this small step today, but let us take on a much bigger honoring of our veterans as we just talked about on Memorial Day by saying, you know, some of you have died while waiting for this process to continue, some of you have lost your homes because you didn't get a disability check. Let's really honor our veterans this Memorial Day and say let's change the whole system that we have and stop trying to fool around with these small steps.

Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Mr. MILLER of Florida. I associate myself with the remarks of my colleague, the ranking member. This issue of the disability claims backlog has haunted this Congress and this committee for many, many years; but nobody is more haunted by it than the veterans who have to go through that process. We, together, in a bipartisan way are looking for a way to try to solve this issue, and it's obvious that money and bodies are not the way to do it.

So together, Mr. FILNER and I and the members of our committees will work together and try to bring a reasonable solution to this Congress that will help resolve the million veterans that are out there right now in backlog waiting for their disability claims.

#### GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and submit extraneous material on the manager's amendment to H.R. 1484, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Once again, I encourage all Members to support the manager's amendment to H.R. 1484, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 1484, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### □ 1800

#### ESTABLISHING VETSTAR AWARD PROGRAM

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 802) to direct the Secretary of Veterans Affairs to establish a VetStar Award Program, as amended. The Clerk read the title of the bill.

The text of the bill is as follows:

#### H.R. 802

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. VETSTAR AWARD PROGRAM.**

(a) *IN GENERAL.*—Section 532 of title 38, United States Code, is amended—

(1) by striking “The Secretary may” and inserting “(a) **ADVERTISING IN NATIONAL MEDIA.**—The Secretary may”; and

(2) by adding at the end the following new subsection:

“(b) **VETSTAR AWARD PROGRAM.**—(1) The Secretary shall establish an award program, to be known as the ‘VetStar Award Program’, to annually recognize businesses for their contributions to veterans’ employment.

“(2) The Secretary shall establish a process for the administration of the award program, including criteria for—

“(A) categories and sectors of businesses eligible for recognition each year; and

“(B) objective measures to be used in selecting businesses to receive the award.”.

(b) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended by adding at the end the following: “; **VETSTAR AWARD PROGRAM**”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 532 and inserting the following new item:

“532. Authority to advertise in national media; VetStar Award Program.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. FILNER) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 802, as amended, a bill introduced by Ranking Member Mr. FILNER to direct the Secretary of Veterans Affairs to establish a “VetStar Award Program.”

Mr. Speaker, the VetStar Award Program would recognize private sector businesses which excel in promoting the hiring of veterans.

In the tough economy that we’re in, unemployment among veterans is too high. According to the Department of Labor, 11 percent of veterans from the conflicts in Iraq and Afghanistan were unemployed during the month of April. I’m confident that you and all of the Members would agree that we need to use every tool at our disposal to bring that number down.

Our Nation’s veterans bring a unique set of qualifications and skills to any job. And while many in the private sector understand their value, more must be done. H.R. 802, as amended, would recognize businesses who have done their part and promoted veterans for employment. This is a great no-cost way of recognizing those employers who have already stepped up to the plate and helped our veterans.

I want to thank the ranking member, Mr. FILNER, for this bill and urge all of my colleagues to support H.R. 802, as amended.

I reserve the balance of my time.

Mr. FILNER. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank the chair of our VA Committee for the incredible

cooperative effort we have devoted so far in this Congress. He mentioned on the last bill that we are united to try to find a way to cut through these intolerable and inexcusable delays in the disability claims process. And we are working together as a top priority to make sure that those who have served this Nation have a job when they get back because that, of course, leads to everything else good in our society. A good job is what is needed, and we are united in saying to our veterans this is going to be our top priority.

What we have done here in H.R. 802 is again a small step which will highlight efforts and create an incentive for businesses to hire veterans by directing the VA to develop a very low-cost annual award program to recognize businesses who contribute to veterans’ employment, the award to be displayed by business owners as a recognition of the business owner’s commitment to the veteran community.

I think the First Lady and the Second Lady of this country are doing much to promote what our Nation is doing for families of veterans. The White House might convene a summit of those who are both helping and will pledge to help hire veterans and highlight this issue more for all Americans.

This bill would authorize the VA to advertise the program in the national media and allow the public to be educated on those businesses that support the employment of veterans.

Again, I thank the chairman for scheduling the bill. It’s part of our Memorial Day tribute to our veterans. I ask that our colleagues support the legislation.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I am happy to yield as much time as he may consume to the chairman of the Subcommittee on Economic Opportunity, Mr. STUTZMAN from the great State of Indiana.

Mr. STUTZMAN. I thank the chairman.

Mr. Speaker, I rise today in strong support of H.R. 802, as amended, as this bill would require the Department of Veterans Affairs to establish an award program to recognize businesses that excel in hiring veterans.

We all know the unemployment problems facing many of our veterans. Our youngest groups of veterans have the highest unemployment rates among all the veterans, while older veterans between the ages of 35 and 64 make up two-thirds of the unemployed veteran population.

As we look for ways to increase veteran employment rates, it is absolutely appropriate that we honor those businesses that make the effort to hire veterans and to emphasize and to recognize their efforts. This award not only highlights employers who currently hire veterans, but it is my hope that it will also serve as an incentive for other

employers to hire more veterans as well.

At the Subcommittee on Economic Opportunity legislative hearing on the bill, some witnesses suggested that the program would be appropriately sponsored by the Veterans Employment and Training Service. While not required by the bill, I hope that the VA will consult with the Department of Labor during the selection process.

I can tell you as a small business owner and one that highly values the service of our veterans to our country, I believe that this is a wonderful measure to recognize those businesses that not only go out of their way but make it a priority to hire veterans to work at their businesses.

So, Mr. Speaker, highlighting businesses for their support of veterans seeking employment is the right thing to do, and I urge my colleagues to support Ranking Member Mr. FILNER’s bill, and I appreciate him bringing the bill forward.

Mr. FILNER. I would again urge support of the bill, and I yield back the balance of my time.

Mr. MILLER of Florida. Again, I thank the ranking member for bringing this bill to the floor. I would add that tomorrow morning the full committee will be having a hearing at 10 a.m. entitled: “Putting American Veterans Back to Work.”

I would also please ask my friend, the ranking member, not to give all of the good ideas to the White House because you and I are going to be working together on a summit that will bring together those individuals who are wanting good employees to hire and highlight the veterans community to them for employment in their companies.

**GENERAL LEAVE**

Mr. MILLER of Florida. Once again, I ask unanimous consent that all Members have 5 legislative days to revise and extend and add any extraneous material on H.R. 802, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I encourage all Members to support H.R. 802, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 802, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

# SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

Mr. GRAVES of Missouri. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1082) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1082

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Additional Temporary Extension Act of 2011”.

## SEC. 2. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 112-1 (125 Stat. 3), is amended—

(1) by striking “Any” and inserting “Except as provided in section 3 of the Small Business Additional Temporary Extension Act of 2011, any”; and

(2) by striking “May 31, 2011” each place it appears and inserting “July 31, 2011”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 30, 2011.

## SEC. 3. EXTENSION OF SBIR AND STTR TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking “TERMINATION.—” and all that follows through “the authorization” and inserting “TERMINATION.—The authorization”;

(2) by striking “2008” and inserting “2011”; and

(3) by striking paragraph (2).

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking “IN GENERAL.—” and all that follows through “with respect” and inserting “IN GENERAL.—With respect”;

(2) by striking “2009” and inserting “2011”; and

(3) by striking clause (ii).

(c) COMMERCIALIZATION PILOT PROGRAM.—Section 9(y)(6) of the Small Business Act (15 U.S.C. 638(y)(6)) is amended by striking “2010” and inserting “2011”.

## SEC. 4. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

### GENERAL LEAVE

Mr. GRAVES of Missouri. I ask unanimous consent that all Members shall have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself such time as I may consume.

The legislation we have before us is a short-term extension of programs that helps our Nation’s small businesses. Last week, the House passed the bill by voice vote to extend these programs for 4 months until the end of the fiscal year. Unfortunately, that bill was used as a vehicle to pass the PATRIOT Act authorization. So we have a new bill before us today.

Like the bill the House passed last week, this legislation extends the authorization of the Small Business Innovative Research and Small Business Technology Transfer programs until the end of the fiscal year. These two programs provide R&D dollars to small businesses to create jobs, spur innovative ideas to the market, and solve Federal agency problems, all at no additional cost to the government.

Secondly, the bill extends for 2 months, until July 31, 2011, the authorization of several other programs of the Small Business Administration. Among them is the pre-disaster mitigation program that provides loans to small businesses so they can implement technology that will reduce the impact of disasters on their operations.

□ 1810

With the recent devastation we have seen in the Midwest, including in my home State of Missouri, and with the hurricane season right around the corner, it’s imperative that this program continue for small firms who wish to bolster their disaster plans.

Mr. Speaker, this is bipartisan legislation that has the support of the administration, as well as the leadership of both parties on the other side of the Capitol. It is important that we do not let these programs lapse, because they will expire if we do not pass this legislation today. This is the last day.

I urge my colleagues to support our Nation’s small businesses and vote “yes” on S. 1082.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I may consume.

The role of small businesses in moving the economy forward has never been more important. Making up over 99 percent of all U.S. firms, they are critical to innovation, wealth creation,

and, most importantly, employment gains. Many look to the SBA for assistance, using its loan, contracting, and training programs to start up or expand.

Unfortunately, the legislation before us, while seemingly uncontroversial, could make it harder for small businesses to access these very tools and resources. This bill, if passed, will break with long-standing House precedent and choose winners and losers among SBA programs. By doing so, it will create confusion among small firms seeking to use the agency’s initiatives.

As many of you know, since September 30, 2006, the SBA has been operating under a series of 12 temporary extensions. While these extensions have varied in length, they have always treated all of the agency’s programs and initiatives equally. This has resulted in all of the SBA’s programs operating unimpeded, ensuring that small businesses have ready access to the tools and resources they need.

Unfortunately, S. 1082 takes the unprecedented step of setting different authorization periods for certain SBA programs, creating a maze of confusing dates and deadlines for small businesses. During a time when efforts are being made to reduce regulatory burden, Congress should make certain that it is not adding to it by its own unnecessary actions.

Given the extraordinary nature of S. 1082, it should not be considered and fast-tracked on the suspension calendar, which is typically reserved for uncontroversial measures. Instead, such a unique and precedent-setting measure should go through regular order, where Members will have an opportunity to amend this unexpected and highly unusual piece of legislation. At a minimum, this would enable Members to have more time to understand the detrimental impact this legislation could have on small businesses. Small businesses, such as those represented by the U.S. Women’s Chamber of Commerce, also oppose this legislation.

Voting against this extension will not affect any agency program in a meaningful way. Small businesses will still be able to secure financing, receive contracts, and access training through the agency’s initiatives. What a vote against this legislation will do, however, is ensure that we produce a more equitable piece of legislation that treats all agency initiatives fairly. If parties are serious about helping small businesses, they will reject this measure and work expeditiously to approve a more responsible extension.

I urge my colleagues to vote “no.”

Mr. Speaker, I yield back the balance of my time.

Mr. GRAVES of Missouri. I thank the ranking member.

In closing, just let me reiterate this is a simple, short-term extension of

programs that are very important to our Nation's small businesses. We aren't changing any policy here. We are just extending them until hopefully we can work out the differences with the other body on the other side of the Capitol.

Again, I urge my colleagues to vote "yes" on S. 1082 and keep these programs running so we can hopefully work out these differences.

Mr. MARKEY. Mr. Speaker, I rise in support of S. 1082, and in strong support of the Small Business Innovation and Research program. I urge my colleagues to vote yes, and send this extension to the President to prevent this crucial program from lapsing.

This is a short term extension, coming on the heels of 10 short term extensions in the past 3 years.

While I urge my colleagues to vote yes, I also urge members on both sides to continue working on a long term reauthorization that brings certainty to this program while at the same time preserving the initial intent of SBIR: the nurturing of bona fide and innovative small businesses. As of 2010, SBIR had granted 88,651 awards, totaling over \$28 billion, to Small Businesses around the country.

This program supports two of the things that I've spent my 35 years in Congress fighting hard to advance: innovation and small businesses.

Nationally, the program is an unparalleled success. Even though SBIR only accounts for 2.5% of the Research and Development extramural budget, SBIR has provided 25% of the 100 most important innovations as reported by R&D Magazine.

SBIR is the nation's largest source of early-stage research and development funding. This program has provided for more than 50,000 patents since its inception, successfully harnessing the proven innovative power of small, technology-based businesses to meet the nation's technology needs.

On average, SBIR generates seven new patents per day—which is far more than all U.S. universities combined—at less than one-twelfth their level of federal research and development funding.

In Massachusetts, we know about innovation and energy. We might not be blessed with Oil, or Natural gas, but we are blessed with a different kind of energy.

My state of Massachusetts is not just "The Bay State"—it's also the Brain State.

Since its inception, over 12,500 awards have gone to Massachusetts, totaling almost \$4 billion. One need not travel far in my district to see the affects of the SBIR program. Whether it is the development of rapid, painless bedside muscle evaluation of children in Woburn, or the study of Oral antibody therapy for Celiac disease in Wayland, this program pushes small business, the engine of our economy, into new levels of discovery and success.

I thank the Speaker for my time, and urge a yes vote on S. 1082. Let's stand alongside Small Business, and save this crucial and innovative program from lapsing.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of S. 1082, the Small Business Additional Temporary Extension Act of 2011.

I commend this legislation, which will provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, including the SBIR and STTR programs.

We all recognize the important role that small businesses play in fueling technological innovation and creating jobs in the United States. That being the case, we should be doing what we can to foster a vibrant small business community and give our small businesses the tools that they need to succeed. The SBIR and STTR programs are such tools—they have been critically important programs for fostering innovation by small businesses.

Through these two competitive programs, the Small Business Administration ensures that the nation's small, high-tech, innovative businesses are a significant part of the federal government's research and development efforts.

Providing more than 50,000 patents since its inception, the SBIR is the nation's largest source of early stage research and development funding.

Unfortunately, the SBIR and STTR programs are set to expire tonight. This short-term extension of the SBIR and STTR programs will provide for the continuation of these important programs as we continue our efforts to enact a comprehensive, long-term reauthorization. Extending the programs by four months will give us the time we need to resolve the few remaining issues, including the establishment of a formal outreach program for women and minority-owned small businesses. Increasing participation is one of the stated goals of the SBIR program, and one for which the National Academies found a decidedly mixed track record.

As we continue our efforts to keep our economy on the path to recovery, it is more important than ever that we recommit ourselves to these programs and get a comprehensive reauthorization bill enacted. In the meantime, I urge my colleagues to support the Small Business Additional Temporary Extension Act of 2011.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in support of S. 1082, "Small Business Additional Temporary Extension Act of 2011," which temporarily extends from May 31, 2011 through July 31, 2011 certain authorities of the Small Business Administration and its programs under the Small Business Act and Small Business Investment Act of 1958. S. 1082 further amends the Small Business Act to reauthorize through Fiscal Year 2011 the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs of the Small Business Administration (SBA), as well as the SBA's commercialization pilot program.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Through a bipartisan effort, Congress created SBIR in 1982 and STTR in 1992. Comprehensive extensions for the programs were

made in 2000 and 2001, respectively. The programs have received numerous temporary extensions since they expired in 2008.

In particular, the SBIR and STTR programs technological innovation in small, high technology firms to meet federal research and development needs while increasing private sector commercialization and helping the government solve its problems. Today, 11 Federal agencies (DoD and NIH to USDA) allocate a portion of their research and development budgets to projects with small businesses.

Studies show SBIR-backed firms have been responsible for roughly 25% of the nation's most crucial innovations over the past decade and account for 38% of America's patents. Among other things, SBIR/STTR technology is used in the military's Bradley tank, the B-2 Bomber, communication antennas for first responders in disaster zones, vehicles for fire fighters combating wildfires, sensors used to detect brain injuries sustained by high school athletes, and electric toothbrushes.

The SBIR/STTR awards have produced returns on investments. For example, some of the firms have paid more in taxes than they received under the SBIR program, have employed thousands of employees, and saved state governments millions of dollars.

Furthermore, small business in Texas would be at risk of losing millions in SBIR/STTR awards, ranking 7th in the nation to receive awards. In 2009 alone, small business in Texas received 278 awards totaling \$89.5 million.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services. The Small Business Administration (SBA), a federal organization that aids small businesses with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated \$1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, "Starting in 2004,



the Small Business Administration (SBA) set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses."

Women and minority owned businesses generate billions of dollars and employ millions of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

FACTS, small business are important because they:

- (1) Represent 99.7 percent of all employer firms,
- (2) Employ just over half of all private sector employees,
- (3) Pay 44 percent of total U.S. private payroll,
- (4) Generated 64 percent of net new jobs over the past 15 years,
- (5) Create more than half of the nonfarm private gross domestic product (GDP),
- (6) Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers), are
- (7) Are 52 percent home-based and 2 percent franchises
- (8) Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007,
- (9) Produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Mr. GRAVES of Missouri. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill, S. 1082.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. VELÁZQUEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### AUTHORIZING USE OF EMANCIPATION HALL TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 16) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### S. CON. RES. 16

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 5, 2011, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentlewoman from Hawaii (Ms. HANABUSA) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support this resolution authorizing the use of Emancipation Hall on June 5 to celebrate the birthday of King Kamehameha of Hawaii.

King Kamehameha, often called Kamehameha the Great, is a legendary figure in Hawaiian history and culture, and rightly so. He fought heroically for its unity and independence at the end of the 18th and beginning of the 19th centuries.

His law, or Rule of the Splintered Paddle, protecting noncombatants during wartime has been commended for its justness and established a human rights benchmark that would later be built upon in the Geneva Conventions.

An illustrious statue of King Kamehameha is part of the National Statuary Hall Collection, and it now sits in the Capitol Visitor Center, visible to millions of our fellow citizens.

On June 11, the people of Hawaii will celebrate the 95th annual King Kamehameha Day in Hawaii. In adopting the resolution, the Members of the House will join our colleagues in the Senate in authorizing the use of the Capitol Visitor Center for a similar celebration here in Washington, D.C.

I urge my colleagues to join me in support of this resolution.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,

Washington, DC, May 27, 2011.

Hon. JOHN BOEHNER,  
*Speaker of the House, House of Representatives, The Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER: I write to formally notify you that the Committee on House Administration hereby waives further committee consideration of S. Con. Res. 16, a concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha, in order that the legislation may proceed expeditiously to the House floor for consideration.

Sincerely,

DANIEL E. LUNGREN,  
*Chairman.*

I reserve the balance of my time.

Ms. HANABUSA. Mr. Speaker, I yield myself as much time as I may consume.

Senate Concurrent Resolution 16 is entitled, "Authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha." It speaks to authorizing the use on June 5, 2011, and states that the preparations for the ceremony shall be carried out with such conditions as may be prescribed by the Architect of the Capitol. This is not an unusual event. This will be the 42nd time such a celebration has taken place within the Capitol.

This is Hawaii's way to share its most unique history with all. June 11, the day of celebration, is the birthday of King Kamehameha the great. He was born around 1758 and is credited with unifying the eight major islands by the year 1810. Of course, the islands of Kauai and Niihau claim that they eluded him.

This holiday was first decreed in 1871, when Hawaii was still a kingdom, by Kamehameha V, his great grandson. It was the first holiday proclaimed by the Governor and legislature when Hawaii became a State in 1959.

The celebration in his honor is about 140 years old this year. And what we identify with the celebration, the statue of King Kamehameha and the traditional lei draping, is over 100 years old itself.

□ 1820

The American sculptor, Thomas R. Gould, was commissioned by the Kingdom of Hawaii to create the statue. He did so in 1879 from his studio in Rome. It was completed in 1880, but the ship that was transporting it from Germany sank. It was in 1883 when the second statue made its way to Hawaii.

It stands 8½ feet tall with the king in his royal garb. The helmet is depicted to reflect that it is made out of red, very rare feathers, as is his cloak. The spear in his left hand is the symbol that his kingdom is willing to defend itself, and yet his right hand is extended in the gesture of aloha, to welcome, that gesture which is synonymous with Hawaii.



The statue that stands here is the mold of the second statue which stands in front of Aliʻioli Hale, the home of the Hawaii Supreme Court. Many, actually, would recognize it as the new headquarters of “Hawaii Five-0.” This was dedicated as a gift to the National Statuary Hall from Hawaii in the year 1969.

Of note is the first statue was found and brought to the Big Island of Hawaii, the birth isle of King Kamehameha I. The tradition of the lei draping dates back to 1901, when Hawaii was still a territory. I personally recall it as a child with firefighters draping the leis on the statue using their very long ladders. We remember it clearly with the longest strands of the yellow plumeria blossoms being the flower of choice. These lei drapings take place on the Big Island as well and have for 42 years also taken place in the Capitol.

On June 20, 2010, President Obama issued Proclamation 8534 in honor of the bicentennial of the unification of Hawaii. The President, who like me and others who were born in Hawaii, recognizes the significance of King Kamehameha to our history. A relevant part of his statement is, “On this bicentennial King Kamehameha Day, we celebrate the history and heritage of the Aloha State, which has immeasurably enriched our national life and culture. The Hawaiian narrative is one of both profound triumph and, sadly, deep injustice. It is the story of Native Hawaiians oppressed by crippling disease, aborted treaties, and the eventual conquest of their sovereign kingdom. These grim milestones remind us of an unjust time in our history, as well as the many pitfalls in our Nation’s long and difficult journey to perfect itself. Yet, through the peaks and valleys of our American story, Hawaii’s steadfast sense of community and mutual support shows the progress that results when we are united in a spirit of limitless possibility.”

I would like to also add, as Chairman LUNGREN pointed out, what King Kamehameha is also known for is creating the law of the land, the law, as we call it, the Law of the Splintered Paddle. In Hawaii we also call it Ke Kanawai Mamalahoe. This is an interesting story, and one that people may not believe. It is really the story of a warrior king and his humanity. It was a law to protect the civilians at a time of war. It is a lesson in human life because the king, warrior king, decreed that any human life was precious, and it was wrong for the powerful to mistreat the weaker.

Though many of us think of it as a celebration with parades and, as we call it at home hoolauleas, festivities, and parties, it is more importantly a symbol of that which is Hawaii, that which makes us so unique.

I would like to express my appreciation on behalf of the people of Hawaii,

to Speaker BOEHNER, Chairman LUNGREN, the architect of the Capitol, the Capitol Police, and all others who assist in this event.

I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, in closing, I would just say that it gives me great pleasure to join my colleague from Hawaii in bringing this resolution to the floor, particularly because my daughter, who was married in this town on Sunday, is on her way to Hawaii to celebrate her honeymoon and I believe will actually still be there on the 5th of June, so that she will see that up close and personal.

I would urge all my colleagues to support this resolution.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of S. Con. Res. 16, legislation to authorize the use of the Emancipation Hall in the Capitol Visitor Center for the Lei Draping Ceremony to celebrate the birthday of King Kamehameha on June 5, 2011. The concurrent resolution, already passed in the Senate, is cosponsored by the two Senators and my good friends from the State of Hawaii, Senator AKAKA and Senator INOUE. And I wish to thank all the Hawaiian congressional delegation for their support of this resolution to commemorate this historical event.

Mr. Speaker, the Kamehameha Lei Draping Ceremony in the Statuary Hall of the U.S. Capitol has been hosted by the Hawaii congressional delegation and Hawaii State Society of Washington, D.C. since 1969. For more than 40 years now we have conducted this ceremony each year on or about the second week of June to coincide with the celebration of King Kamehameha Day in the State of Hawaii.

Mr. Speaker, the King Kamehameha statue has now been moved to Emancipation Hall of the U.S. Capitol Visitor Center, and in doing so, under section 103 of Public Law 110–437, it requires the enactment of a congressional resolution to authorize this annual celebration—hence, the resolution before the House floor today.

Mr. Speaker, King Kamehameha was one of the greatest Hawaiian warrior kings known among the Polynesian people. After some 2,000 years of tremendous rivalries among the warring chiefs of the Hawaii Islands, it was prophesied among the Hawaiian priests that there will one day be born a high chief who will be a slayer of other high chiefs and he will unite all of the Hawaiian Islands under one rule. King Kamehameha fulfilled that prophecy, after almost 10 years of fighting against other rival chiefs of the Hawaiian Islands.

Mr. Speaker, King Kamehameha was about 6 feet, 8 inches and weighed almost 300 pounds. He learned the ancient martial arts, known among the Hawaiian people as lua. He also learned military tactics and the art of warfare from his warrior chief, Kekuhaupio. He was able to lift the ancient Naha Stone, which weighed 4,500 pounds. One of his favorite sports to prove agility and combat readiness involved the ability to dodge spears thrown at him simultaneously. King Kamehameha was able to do this with six spears—he would grab two, parry two more, and let the last two go by.

Mr. Speaker, King Kamehameha unified the islands and established peace and stability. He was shrewd in building prosperity for his people by encouraging agricultural development and promoting commercial trade in Europe and even with the United States. While he was open to new ideas, he was cautious and circumspect in the old way. He instituted the Law of the Splintered Paddle, or Mamalahoe as known among the Hawaiian people, which protected elderly men and women and children from any harm as they’d travel along the roadside.

Mr. Speaker, S. Con. Res. 16 reaffirms that the United States is built upon diversity, and we all share the same ideals of freedom and democracy and a commitment to justice for all people. These ideals embody the legacy of King Kamehameha the Great. It is only fitting that we not only honor the birth date of this great Hawaiian warrior king, but we continue to have the special ceremony of draping hundreds of flower leis on his statue that now stands prominently in the Emancipation Hall of the U.S. Capitol Visitor Center.

I urge my colleagues to support S. Con. Res. 16.

Ms. HIRONO. Mr. Speaker, aloha. I rise today in support of S. Con. Res. 16, which authorizes the use of Emancipation Hall in the Capitol Visitor’s Center for the 42nd Annual Kamehameha Day Lei Draping.

I would like to thank Speaker BOEHNER, Chairman LUNGREN, and Ranking Member BRADY for their support of this bill. The location of the Kamehameha statue in Emancipation Hall requires that a concurrent resolution be passed to authorize the use of the space for this event.

The Kamehameha Day Lei Draping has been hosted by the Hawaii Congressional Delegation and the Hawaii State Society of Washington D.C. since 1969. The event has been held on or about June 11th to coincide with the celebration of Kamehameha Day, a state holiday in Hawaii. This year, the event will be held on Sunday, June 5.

Born in 1758, Kamehameha was the first monarch to unify the Hawaiian Islands and is fondly remembered as a leader who was daring, strong, and courageous.

As King of all Hawaii, Kamehameha appointed governors for each island, made laws for the protection of all his people, planted taro, built houses and irrigation ditches, restored important cultural sites, encouraged industries like farming and fishing, managed the island’s natural resources, and entered into trading agreements with other nations. The flag design he ordered for his kingdom later became the Seal of the State of Hawaii. He would rule the islands until his death in 1819.

I would like to close by thanking the staff of the Committee on House Administration, the Office of the Architect of the Capitol, and the Office of the Sergeant At Arms who each year help make this event possible. I urge my colleagues support of S. Con. Res. 16.

Mahalo nui loa (thank you).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

DANIEL E. LUNGREN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 16.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1484, by the yeas and nays;

S. 1082, by the yeas and nays;

H.R. 1954, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### VETERANS APPEALS IMPROVEMENT ACT OF 2011

The SPEAKER pro tempore (Mr. GARDNER). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1484) to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs and to establish a commission to study judicial review of the determination of veterans' benefits, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 11, as follows:

[Roll No. 377]

YEAS—419

|             |             |               |
|-------------|-------------|---------------|
| Ackerman    | Bishop (NY) | Capps         |
| Adams       | Bishop (UT) | Capuano       |
| Aderholt    | Black       | Cardoza       |
| Akin        | Blackburn   | Carnahan      |
| Alexander   | Blumenauer  | Carney        |
| Altmire     | Bonner      | Carson (IN)   |
| Andrews     | Bono Mack   | Carter        |
| Austria     | Boren       | Cassidy       |
| Baca        | Boswell     | Castor (FL)   |
| Bachmann    | Boustany    | Chabot        |
| Bachus      | Brady (PA)  | Chaffetz      |
| Baldwin     | Brady (TX)  | Chandler      |
| Barletta    | Brooks      | Chu           |
| Barrow      | Broun (GA)  | Cicilline     |
| Bartlett    | Brown (FL)  | Clarke (MI)   |
| Barton (TX) | Buchanan    | Clarke (NY)   |
| Bass (CA)   | Bucshon     | Clay          |
| Bass (NH)   | Buerkle     | Cleaver       |
| Becerra     | Burgess     | Clyburn       |
| Benishkek   | Burton (IN) | Coble         |
| Berg        | Butterfield | Coffman (CO)  |
| Berkley     | Calvert     | Cohen         |
| Berman      | Camp        | Cole          |
| Biggert     | Campbell    | Conaway       |
| Bilbray     | Canseco     | Connolly (VA) |
| Bilirakis   | Cantor      | Conyers       |
| Bishop (GA) | Capito      | Cooper        |

|                 |                 |                |
|-----------------|-----------------|----------------|
| Costa           | Hinojosa        | Mulvaney       |
| Costello        | Hirono          | Murphy (CT)    |
| Courtney        | Holden          | Murphy (PA)    |
| Cravaack        | Holt            | Nadler         |
| Crawford        | Honda           | Napolitano     |
| Crenshaw        | Hoyer           | Neal           |
| Critz           | Huelskamp       | Neugebauer     |
| Crowley         | Huizenga (MI)   | Noem           |
| Cuellar         | Hultgren        | Nugent         |
| Culberson       | Hunter          | Nunes          |
| Cummings        | Hurt            | Nunnelee       |
| Davis (CA)      | Inslee          | Olson          |
| Davis (IL)      | Israel          | Olver          |
| Davis (KY)      | Issa            | Owens          |
| DeFazio         | Jackson (IL)    | Palazzo        |
| DeGette         | Jackson Lee     | Pallone        |
| DeLauro         | (TX)            | Pascarell      |
| Denham          | Jenkins         | Pastor (AZ)    |
| Dent            | Johnson (GA)    | Paul           |
| DesJarlais      | Johnson (IL)    | Paulsen        |
| Deutch          | Johnson (OH)    | Payne          |
| Diaz-Balart     | Johnson, E. B.  | Pearce         |
| Dicks           | Johnson, Sam    | Pelosi         |
| Dingell         | Jones           | Pence          |
| Doggett         | Jordan          | Perlmutter     |
| Dold            | Kaptur          | Peters         |
| Donnelly (IN)   | Keating         | Peterson       |
| Doyle           | Kelly           | Petri          |
| Dreier          | Kildee          | Pingree (ME)   |
| Duffy           | Kind            | Pitts          |
| Duncan (TN)     | King (IA)       | Platts         |
| Edwards         | King (NY)       | Poe (TX)       |
| Ellison         | Kingston        | Polis          |
| Elmiers         | Kinzinger (IL)  | Pompeo         |
| Emerson         | Kissell         | Posey          |
| Engel           | Kline           | Price (GA)     |
| Eshoo           | Kucinich        | Price (NC)     |
| Farenthold      | Labrador        | Quayle         |
| Farr            | Lamborn         | Quigley        |
| Fattah          | Lance           | Rahall         |
| Filner          | Landry          | Rangel         |
| Fincher         | Langevin        | Reed           |
| Fitzpatrick     | Lankford        | Rehberg        |
| Flake           | Larsen (WA)     | Reichert       |
| Fleischmann     | Larson (CT)     | Renacci        |
| Fleming         | Latham          | Reyes          |
| Flores          | LaTourette      | Ribble         |
| Forbes          | Latta           | Richardson     |
| Fortenberry     | Lee (CA)        | Richmond       |
| Fox             | Levin           | Rigell         |
| Frank (MA)      | Lewis (CA)      | Rivera         |
| Franks (AZ)     | Lewis (GA)      | Roby           |
| Frelinghuysen   | Lipinski        | Roe (TN)       |
| Fudge           | LoBiondo        | Rogers (AL)    |
| Galleghy        | Loeb            | Rogers (KY)    |
| Garamendi       | Lofgren, Zoe    | Rogers (MI)    |
| Gardner         | Long            | Rohrabacher    |
| Garrett         | Lowe            | Rokita         |
| Gerlach         | Luetkemeyer     | Rooney         |
| Gibbs           | Lujan           | Ros-Lehtinen   |
| Gibson          | Lummis          | Roskam         |
| Gingrey (GA)    | Lungren, Daniel | Ross (AR)      |
| Gohmert         | E.              | Ross (FL)      |
| Gonzalez        | Lynch           | Rothman (NJ)   |
| Goodlatte       | Mack            | Roybal-Allard  |
| Gosar           | Maloney         | Royce          |
| Gowdy           | Manzullo        | Runyan         |
| Granger         | Marchant        | Ruppersberger  |
| Graves (GA)     | Marino          | Rush           |
| Graves (MO)     | Markey          | Ryan (OH)      |
| Green, Al       | Matheson        | Ryan (WI)      |
| Green, Gene     | Matsui          | Sánchez, Linda |
| Griffin (AR)    | McCarthy (CA)   | T.             |
| Griffith (VA)   | McCarthy (NY)   | Sarbanes       |
| Grijalva        | McCaul          | Scalise        |
| Grimm           | McClintock      | Schakowsky     |
| Guinta          | McCollum        | Schiff         |
| Guthrie         | McCotter        | Schilling      |
| Gutierrez       | McDermott       | Schmidt        |
| Hall            | McGovern        | Schock         |
| Hanabusa        | McHenry         | Schrader       |
| Hanna           | McIntyre        | Schweikert     |
| Harper          | McKeon          | Scott (SC)     |
| Harris          | McKinley        | Scott (VA)     |
| Hartzler        | McNerney        | Scott, Austin  |
| Hastings (FL)   | Meehan          | Scott, David   |
| Hastings (WA)   | Meeks           | Sensenbrenner  |
| Hayworth        | Mica            | Serrano        |
| Heck            | Michaud         | Sessions       |
| Heinrich        | Miller (FL)     | Sewell         |
| Hensarling      | Miller (MI)     | Sherman        |
| Herger          | Miller (NC)     | Shimkus        |
| Herrera Beutler | Miller, Gary    | Shuler         |
| Higgins         | Miller, George  | Shuster        |
| Himes           | Moore           | Simpson        |
| Hinche          | Moran           | Sires          |

|               |            |              |
|---------------|------------|--------------|
| Slaughter     | Tiberi     | Webster      |
| Smith (NE)    | Tipton     | Weiner       |
| Smith (NJ)    | Tonko      | Welch        |
| Smith (TX)    | Towns      | West         |
| Smith (WA)    | Tsongas    | Westmoreland |
| Southerland   | Turner     | Whitfield    |
| Speier        | Upton      | Wilson (FL)  |
| Stark         | Van Hollen | Wilson (SC)  |
| Stearns       | Velázquez  | Wittman      |
| Stivers       | Visclosky  | Wolf         |
| Stutzman      | Walberg    | Womack       |
| Sullivan      | Walden     | Woodall      |
| Sutton        | Walsh (IL) | Woolsey      |
| Terry         | Wasserman  | Wu           |
| Thompson (CA) | Schultz    | Yoder        |
| Thompson (MS) | Waters     | Young (AK)   |
| Thompson (PA) | Watt       | Young (FL)   |
| Thornberry    | Waxman     | Young (IN)   |

NAYS—1

Amash

NOT VOTING—11

|             |                  |           |
|-------------|------------------|-----------|
| Braley (IA) | McMorris         | Schwartz  |
| Duncan (SC) | Rodgers          | Tierney   |
| Giffords    | Myrick           | Walz (MN) |
| Lucas       | Sanchez, Loretta | Yarmuth   |

□ 1852

Messrs. LABRADOR and HINOJOSA, Mrs. CAPPS, and Ms. HERRERA BEUTLER changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs."

A motion to reconsider was laid on the table.

#### SMALL BUSINESS ADDITIONAL TEMPORARY EXTENSION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1082) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. GRAVES) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 33, not voting 11, as follows:

[Roll No. 378]

YEAS—387

|           |             |             |
|-----------|-------------|-------------|
| Ackerman  | Barrow      | Bilirakis   |
| Adams     | Bartlett    | Bishop (GA) |
| Aderholt  | Barton (TX) | Bishop (NY) |
| Akin      | Bass (CA)   | Bishop (UT) |
| Alexander | Bass (NH)   | Black       |
| Altmire   | Becerra     | Blackburn   |
| Austria   | Benishkek   | Blumenauer  |
| Baca      | Berg        | Bonner      |
| Bachmann  | Berkley     | Bono Mack   |
| Bachus    | Berman      | Boren       |
| Baldwin   | Biggert     | Boswell     |
| Barletta  | Bilbray     | Boustany    |

Brady (PA)  
 Brady (TX)  
 Brooks  
 Brown (FL)  
 Buchanan  
 Busch  
 Buerkle  
 Burgess  
 Burton (IN)  
 Butterfield  
 Calvert  
 Camp  
 Canseco  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardoza  
 Carnahan  
 Carney  
 Carson (IN)  
 Carter  
 Cassidy  
 Castor (FL)  
 Chabot  
 Chandler  
 Chu  
 Cicilline  
 Clarke (MI)  
 Clarke (NY)  
 Clay  
 Cleaver  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cohen  
 Cole  
 Conaway  
 Connolly (VA)  
 Cooper  
 Costa  
 Costello  
 Courtney  
 Cravaack  
 Crawford  
 Crenshaw  
 Critz  
 Crowley  
 Cuellar  
 Culberson  
 Davis (CA)  
 Davis (IL)  
 Davis (KY)  
 DeFazio  
 DeGette  
 DeLauro  
 Denham  
 Dent  
 DesJarlais  
 Deutch  
 Diaz-Balart  
 Dicks  
 Dingell  
 Doggett  
 Dold  
 Donnelly (IN)  
 Doyle  
 Dreier  
 Duffy  
 Edwards  
 Ellmers  
 Emerson  
 Engel  
 Eshoo  
 Farenthold  
 Farr  
 Fattah  
 Filner  
 Fincher  
 Fitzpatrick  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foxx  
 Frank (MA)  
 Franks (AZ)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Garamendi  
 Gardner  
 Garrett  
 Gerlach  
 Gibbs

Gibson  
 Gingrey (GA)  
 Gohmert  
 Gonzalez  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (MO)  
 Green, Al  
 Green, Gene  
 Griffin (AR)  
 Griffith (VA)  
 Grijalva  
 Grimm  
 Guinta  
 Guthrie  
 Gutierrez  
 Hall  
 Hanabusa  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (WA)  
 Hayworth  
 Heck  
 Heinrich  
 Hensarling  
 Herger  
 Herrera Beutler  
 Higgins  
 Himes  
 Hinchey  
 Holden  
 Holt  
 Hoyer  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Inslee  
 Israel  
 Issa  
 Jackson (IL)  
 Jackson Lee  
 (TX)  
 Jenkins  
 Johnson (GA)  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, E. B.  
 Jones  
 Jordan  
 Kaptur  
 Keating  
 Kelly  
 Kildee  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kissell  
 Kline  
 Kucinich  
 Labrador  
 Lamborn  
 Lance  
 Landry  
 Langevin  
 Lankford  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Latta  
 Lee (CA)  
 Levin  
 Lewis (CA)  
 Lipinski  
 LoBiondo  
 Loeb  
 Lofgren, Zoe  
 Long  
 Lowey  
 Luetkemeyer  
 Lujan  
 Lummis  
 Lungren, Daniel  
 E.  
 Lynch  
 Mack  
 Manzullo  
 Marchant

Marino  
 Markey  
 Matheson  
 Matsui  
 McCarthy (CA)  
 McCarthy (NY)  
 McCaul  
 McCollum  
 McCotter  
 McDermott  
 McGovern  
 McHenry  
 McIntyre  
 McKeon  
 McKinley  
 McMorris  
 Rodgers  
 McNeely  
 Meehan  
 Meeks  
 Mica  
 Michaud  
 Miller (FL)  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Moran  
 Mulvaney  
 Murphy (CT)  
 Murphy (PA)  
 Nadler  
 Neal  
 Neugebauer  
 Noem  
 Nugent  
 Nunes  
 Nunnelee  
 Olson  
 Olver  
 Owens  
 Palazzo  
 Pallone  
 Pascrell  
 Pastor (AZ)  
 Paulsen  
 Pearce  
 Pelosi  
 Pence  
 Perlmutter  
 Peters  
 Peterson  
 Petri  
 Pingree (ME)  
 Pitts  
 Platts  
 Polis  
 Pompeo  
 Posey  
 Price (GA)  
 Price (NC)  
 Quayle  
 Quigley  
 Rahall  
 Reed  
 Rehberg  
 Reichert  
 Renacci  
 Ribble  
 Richardson  
 Richmond  
 Rigell  
 Rivera  
 Roby  
 Roe (TN)  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Rokita  
 Rooney  
 Ros-Lehtinen  
 Roskam  
 Ross (AR)  
 Ross (FL)  
 Rothman (NJ)  
 Roybal-Allard  
 Royce  
 Runyan  
 Ruppersberger  
 Rush  
 Ryan (OH)  
 Ryan (WI)  
 Sánchez, Linda  
 T.  
 Sarbanes  
 Scalise

Schakowsky  
 Schiff  
 Schilling  
 Schmidt  
 Schock  
 Schweikert  
 Scott (SC)  
 Scott (VA)  
 Scott, Austin  
 Scott, David  
 Sensenbrenner  
 Sessions  
 Sewell  
 Sherman  
 Shimkus  
 Shuler  
 Shuster  
 Simpson  
 Sires  
 Smith (NE)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)

Southerland  
 Speier  
 Stearns  
 Stivers  
 Stutzman  
 Sullivan  
 Sutton  
 Terry  
 Thompson (CA)  
 Thompson (MS)  
 Thompson (PA)  
 Thornberry  
 Tiberi  
 Tipton  
 Tonko  
 Tsongas  
 Turner  
 Upton  
 Van Hollen  
 Visclosky  
 Walberg  
 Walden  
 Walsh (IL)

Wasserman  
 Schultz  
 Waters  
 Waxman  
 Webster  
 Welch  
 West  
 Westmoreland  
 Whitfield  
 Wilson (FL)  
 Wilson (SC)  
 Wittman  
 Wolf  
 Womack  
 Woodall  
 Woolsey  
 Wu  
 Yarmuth  
 Yoder  
 Young (AK)  
 Young (FL)  
 Young (IN)

NAYS—33

Hastings (FL)  
 Hinojosa  
 Honda  
 Lewis (GA)  
 Maloney  
 McClintock  
 Moore  
 Napolitano  
 Paul  
 Payne  
 Poe (TX)

Amash  
 Andrews  
 Broun (GA)  
 Campbell  
 Chaffetz  
 Conyers  
 Cummings  
 Duncan (TN)  
 Ellison  
 Flake  
 Graves (GA)

Amash  
 Andrews  
 Broun (GA)  
 Campbell  
 Chaffetz  
 Conyers  
 Cummings  
 Duncan (TN)  
 Ellison  
 Flake  
 Graves (GA)

## NOT VOTING—11

Braley (IA)  
 Duncan (SC)  
 Giffords  
 Hirono  
 Johnson, Sam  
 Lucas  
 Myrick  
 Sanchez, Loretta

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining to vote.

□ 1901

Messrs. CONYERS and RANGEL changed their vote from “yea” to “nay.”

Mr. JACKSON of Illinois and Ms. WATERS changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 378, had I been present, I would have voted “yea.”

## INCREASING STATUTORY LIMIT ON THE PUBLIC DEBT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1954) to implement the President's request to increase the statutory limit on the public debt, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 97, nays 318,

answered “present” 7, not voting 9, as follows:

[Roll No. 379]

YEAS—97

Berman  
 Blumenauer  
 Brady (PA)  
 Capuano  
 Carson (IN)  
 Clarke (MI)  
 Jackson Lee  
 Clarke (NY)  
 Clay  
 Cleaver  
 Cohen  
 Connolly (VA)  
 Cooper  
 Davis (IL)  
 DeGette  
 Dicks  
 Dingell  
 Doyle  
 Edwards  
 Ellison  
 Engel  
 Eshoo  
 Farr  
 Fattah  
 Filner  
 Frank (MA)  
 Fudge  
 Garamendi  
 Gonzalez  
 Green, Al  
 Grijalva  
 Gutierrez  
 Hanabusa  
 Heinrich

Himes  
 Hirono  
 Holt  
 Honda  
 Jackson (IL)  
 Jackson Lee  
 (TX)  
 Johnson, E. B.  
 Kildee  
 Kucinich  
 Larsen (WA)  
 Larson (CT)  
 Lee (CA)  
 Lofgren, Zoe  
 Lowey  
 Lujan  
 Lynch  
 Maloney  
 Markey  
 Matsui  
 McCarthy (NY)  
 McCollum  
 McDermott  
 McGovern  
 Miller (NC)  
 Moore  
 Moran  
 Murphy (CT)  
 Nadler  
 Neal  
 Olver  
 Pascrell  
 Pastor (AZ)

Payne  
 Perlmutter  
 Pingree (ME)  
 Price (NC)  
 Quigley  
 Richmond  
 Rothman (NJ)  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Sánchez, Linda  
 T.  
 Sarbanes  
 Schakowsky  
 Scott (VA)  
 Serrano  
 Sewell  
 Sherman  
 Sires  
 Speier  
 Stark  
 Thompson (MS)  
 Tonko  
 Tsongas  
 Velázquez  
 Waters  
 Watt  
 Waxman  
 Weiner  
 Welch  
 Wilson (FL)  
 Woolsey  
 Yarmuth

NAYS—318

Adams  
 Aderholt  
 Akin  
 Alexander  
 Altmire  
 Amash  
 Andrews  
 Austria  
 Baca  
 Bachmann  
 Bachus  
 Baldwin  
 Barletta  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bass (CA)  
 Bass (NH)  
 Becerra  
 Benishek  
 Berg  
 Berkley  
 Biggert  
 Bilbray  
 Bilirakis  
 Bishop (GA)  
 Bishop (NY)  
 Bishop (UT)  
 Black  
 Blackburn  
 Bonner  
 Bono Mack  
 Boren  
 Boswell  
 Boustany  
 Brady (TX)  
 Brooks  
 Broun (GA)  
 Brown (FL)  
 Buchanan  
 Bucshon  
 Buerkle  
 Burgess  
 Burton (IN)  
 Butterfield  
 Calvert  
 Camp  
 Campbell  
 Canseco  
 Cantor  
 Capito  
 Capps  
 Cardoza  
 Carnahan  
 Carney

Carter  
 Cassidy  
 Castor (FL)  
 Chabot  
 Chaffetz  
 Chandler  
 Cicilline  
 Gossar  
 Clyburn  
 Coble  
 Coffman (CO)  
 Cole  
 Conaway  
 Conyers  
 Costello  
 Courtney  
 Cravaack  
 Crawford  
 Crenshaw  
 Critz  
 Crowley  
 Cuellar  
 Culberson  
 Cummings  
 Davis (CA)  
 Davis (KY)  
 DeFazio  
 DeLauro  
 Denham  
 Dent  
 DesJarlais  
 Deutch  
 Diaz-Balart  
 Dold  
 Donnelly (IN)  
 Dreier  
 Duffy  
 Duncan (TN)  
 Ellmers  
 Emerson  
 Farenthold  
 Fincher  
 Fitzpatrick  
 Flake  
 Fleischmann  
 Fleming  
 Flores  
 Forbes  
 Fortenberry  
 Foxx  
 Franks (AZ)  
 Frelinghuysen  
 Gallegly  
 Gardner  
 Garrett

Gerlach  
 Gibbs  
 Gibson  
 Gingrey (GA)  
 Gohmert  
 Goodlatte  
 Gosar  
 Gowdy  
 Granger  
 Graves (GA)  
 Graves (MO)  
 Green, Gene  
 Griffin (AR)  
 Griffith (VA)  
 Grimm  
 Guinta  
 Guthrie  
 Hall  
 Hanna  
 Harper  
 Harris  
 Hartzler  
 Hastings (FL)  
 Hastings (WA)  
 Hayworth  
 Heck  
 Hensarling  
 Herger  
 Herrera Beutler  
 Higgins  
 Hinojosa  
 Holden  
 Hoyer  
 Huelskamp  
 Huizenga (MI)  
 Hultgren  
 Hunter  
 Hurt  
 Inslee  
 Israel  
 Issa  
 Jenkins  
 Johnson (IL)  
 Johnson (OH)  
 Johnson, Sam  
 Jones  
 Jordan  
 Keating  
 Kelly  
 Kind  
 King (IA)  
 King (NY)  
 Kingston  
 Kinzinger (IL)  
 Kissell

|                    |              |               |
|--------------------|--------------|---------------|
| Kline              | Olson        | Schrader      |
| Labrador           | Owens        | Schweikert    |
| Lamborn            | Palazzo      | Scott (SC)    |
| Lance              | Pallone      | Scott, Austin |
| Landry             | Paul         | Scott, David  |
| Langevin           | Paulsen      | Sensenbrenner |
| Lankford           | Pearce       | Sessions      |
| Latham             | Pelosi       | Shinkus       |
| LaTourette         | Pence        | Shuler        |
| Latta              | Peters       | Shuster       |
| Levin              | Peterson     | Simpson       |
| Lewis (CA)         | Petri        | Slaughter     |
| Lewis (GA)         | Pitts        | Smith (NE)    |
| Lipinski           | Platts       | Smith (NJ)    |
| LoBiondo           | Poe (TX)     | Smith (TX)    |
| Loeback            | Polis        | Smith (WA)    |
| Long               | Pompeo       | Southerland   |
| Luetkemeyer        | Posey        | Stearns       |
| Lummis             | Price (GA)   | Stivers       |
| Lungren, Daniel E. | Quayle       | Stutzman      |
| Mack               | Rahall       | Sullivan      |
| Manzullo           | Rangel       | Sutton        |
| Marchant           | Reed         | Terry         |
| Marino             | Rehberg      | Thompson (CA) |
| Matheson           | Reichert     | Thompson (PA) |
| McCarthy (CA)      | Renacci      | Thornberry    |
| McCaul             | Reyes        | Tiberti       |
| McClintock         | Ribble       | Tipton        |
| McCotter           | Richardson   | Towns         |
| McHenry            | Rigell       | Turner        |
| McIntyre           | Rivera       | Upton         |
| McKeon             | Roby         | Van Hollen    |
| McKinley           | Roe (TN)     | Visclosky     |
| McMorris           | Rogers (AL)  | Walberg       |
| Rodgers            | Rogers (KY)  | Walden        |
| McNerney           | Rogers (MI)  | Walsh (IL)    |
| Meehan             | Rohrabacher  | Wasserman     |
| Mica               | Rokita       | Schultz       |
| Michaud            | Rooney       | Webster       |
| Miller (FL)        | Ros-Lehtinen | West          |
| Miller (MI)        | Roskam       | Westmoreland  |
| Miller, Gary       | Ross (AR)    | Whitfield     |
| Miller, George     | Ross (FL)    | Wilson (SC)   |
| Mulvaney           | Royce        | Wittman       |
| Murphy (PA)        | Runyan       | Wolf          |
| Napolitano         | Ryan (OH)    | Womack        |
| Neugebauer         | Ryan (WI)    | Woodall       |
| Noem               | Scalise      | Wu            |
| Nugent             | Schiff       | Yoder         |
| Nunes              | Schilling    | Young (AK)    |
| Nunnelee           | Schmidt      | Young (FL)    |
|                    | Schock       | Young (IN)    |

## ANSWERED "PRESENT"—7

|          |              |       |
|----------|--------------|-------|
| Ackerman | Hinchey      | Meeks |
| Chu      | Johnson (GA) |       |
| Doggett  | Kaptur       |       |

## NOT VOTING—9

|             |                  |           |
|-------------|------------------|-----------|
| Brale (IA)  | Lucas            | Schwartz  |
| Duncan (SC) | Myrick           | Tierney   |
| Giffords    | Sanchez, Loretta | Walz (MN) |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1911

Messrs. HASTINGS of Florida and CROWLEY changed their vote from "aye" to "no."

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Tuesday, May 31, 2011. Had I registered my vote, I would have voted:

"Yea" on rollcall 377, On motion to suspend the rules and pass H.R. 1484—Veterans Appeals Improvement Act, as amended;

"Yea" on rollcall 378, On motion to suspend the rules and pass S. 1082—Small Business Temporary Extension Act of 2011;

"Nay" on rollcall 379, On motion to suspend the rules and pass H.R. 1954—Debt Limit Extension.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

## RENEWING AUTHORITY FOR STATE CHILD WELFARE DEMONSTRATION PROGRAMS

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1194) to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1194

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. RENEWAL OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS DESIGNED TO TEST INNOVATIVE STRATEGIES IN STATE CHILD WELFARE PROGRAMS.

Section 1130 of the Social Security Act (42 U.S.C. 1320a-9) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "1998 through 2003" and inserting "2011 through 2016";

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "or kinship guardianship" after "placements";

(ii) in subparagraph (C), by striking "address kinship care" and inserting "provide early intervention and crisis intervention services that safely reduce out-of-home placements and improve child outcomes"; and

(iii) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

"(C) If an appropriate application therefor is submitted, the Secretary shall consider authorizing a demonstration project which is designed to identify and address domestic violence that endangers children and results in the placement of children in foster care.";

(C) in paragraph (4), by inserting "or kinship guardianship" after "assistance"; and

(D) in paragraph (5), by inserting "and the ability of the State to implement a corrective action approved under section 1123A" before the period;

(2) in subsection (e)—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "and"; and

(C) by adding at the end the following:

"(8) an accounting of any additional Federal, State, local, and private investments

(other than those with respect to which matching funds were provided under part B or E of title IV) made, during the 2 fiscal years preceding the application to provide the services described in paragraph (1), and an assurance that the State will provide an accounting of that same spending for each year of an approved demonstration project.";

(3) in subsection (f)(1)—

(A) in subparagraph (B), by striking "and" and inserting "including all children and families under the project who come to the attention of the State's child welfare program, either through a report of abuse or neglect or through the provision of services described in subsection (e)(1) to the child or family"; and

(B) by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following:

"(C) a comparison of the amounts of Federal, State, local and private investments in the services described in subsection (e)(1), by service type, with the amount of the investments during the period of the demonstration project; and"; and

(4) by adding at the end the following:

"(h) INDIAN TRIBES CONSIDERED STATES.—An Indian tribe (as defined in section 479B(a)) shall be considered a State for purposes of this section."

## SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. DAVIS) and the gentleman from Washington (Mr. McDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

## GENERAL LEAVE

Mr. DAVIS of Kentucky. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

I rise tonight in support of H.R. 1194, a bill to extend the child welfare waiver authority for States.

This bill will allow States to test innovative approaches to improve the way we protect children from abuse and neglect. In doing so, it extends authority that was in place between 1994 and 2006 but has since lapsed.

Since 2006, the Department of Health and Human Services has not had the authority to approve new efforts by States to test better ways of helping children at risk of abuse or neglect. The bill before us today would simply

allow HHS to approve new waivers once again so States can test new ways of better serving children and families.

As the current chairman of the Ways and Means Human Resources Subcommittee, which has jurisdiction over child welfare programs, I'm pleased to cosponsor this legislation with my friend, Mr. McDERMOTT, a current member of the subcommittee, as well as its prior chairman.

The Human Resources Subcommittee held a hearing on child welfare waivers last year, which showed the value of State flexibility in this area. Since 1994, 23 States have run waiver programs that helped inform the child welfare policy debate and, more importantly, improve the lives of children and families. Seven States have been granted extensions and have continued their waiver programs approved before 2006. This bipartisan bill before us today will allow such current waiver programs to continue, while importantly providing the Secretary of HHS with authority to approve up to 10 new waivers a year.

The bill before us is identical to legislation the House approved unanimously on September 23, 2010. However, the Senate did not act on that legislation before conclusion of the last Congress.

This bill is supported by the National Conference of State Legislatures, as well as groups active in promoting effective child welfare programs.

I would like to insert in the RECORD following my remarks copies of their letters in support of H.R. 1194.

Especially in challenging financial times, we must be sure that taxpayer dollars are well spent. The original 1994 law required rigorous evaluations of each waiver program, and this bill continues that requirement. This means States will have the flexibility to test new ideas, but the American people and the Congress will know if these ideas have made a difference. And because these waiver programs must be cost neutral to be approved in the first place, the Congressional Budget Office has assured us that this legislation as a whole is cost neutral.

I would like to include the CBO analysis to that effect in the RECORD as well.

It is fitting we are debating this measure in May, which is National Foster Care Month. National Foster Care Month is a time to celebrate the great work done by thousands of foster parents across the Nation, and also a time to raise awareness of the hundreds of thousands of children in foster care who need a permanent home. This

legislation will let States test better ways of helping these young people, including by working with families to keep kids from entering foster care in the first place.

So as we recognize National Foster Care Month, this bill is a great way to work towards solutions that ensure that each child has a permanent home. Child welfare legislation has often been an area of bipartisanship in this Chamber, and I'm grateful that we can continue that tradition with the bill before us today.

I thank Mr. McDERMOTT for his extensive work on this bill and look forward to continuing to work with him and all our colleagues as this legislation moves forward. I urge support for this legislation.

NATIONAL CONFERENCE OF  
STATE LEGISLATURES,  
Washington, DC, April 13, 2011.

Hon. JOHN BOEHNER,  
*Speaker of the House, Longworth HOB, Wash-  
ington, DC.*

Hon. NANCY PELOSI,  
*House Minority Leader, Cannon HOB, Wash-  
ington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the National Conference of State Legislatures (NCSL), we urge you to support H.R. 1194, a bill to renew the authority of the Secretary of the Department of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs. Congressman Jim McDermott and Congressman Geoff Davis have fashioned bipartisan legislation that helps create opportunities to enhance the state/federal partnership to assist our nation's most vulnerable children.

NCSL supports reinstating and expanding federal waiver authority so that states can test the results of increased funding flexibility on the development of service alternatives and on the overall delivery of child welfare services, targeting programs to address the needs of their children. By renewing Title IV-E waiver authority from 2011 through 2016, H.R. 1194 will give states an enhanced ability to provide early intervention and crisis intervention services that will safely reduce out-of-home placements and improve child outcomes.

H.R. 1194 will allow states to improve the quality of their child welfare interventions and reinvest savings in their programs. It will also provide both state and federal legislators more information on what innovations are effective to transform the lives of children who are at risk of abuse and neglect. We applaud Congressmen McDermott and Davis for crafting this legislation.

Sincerely,

HON. MARY JANE WALLNER,  
*New Hampshire House  
of Representatives,  
Chair, NCSL Stand-  
ing Committee on  
Human Services and  
Welfare.*

HON. WES KELLER,

*Alaska House of Rep-  
resentatives, Chair,  
NCSL Standing  
Committee on  
Human Services and  
Welfare.*

YOUTH VILLAGES,  
Arlington, VA, May 24, 2011.

Chairman GEOFF DAVIS,  
*Ways and Means Subcommittee on Human Re-  
sources, Longworth House Office Building,  
Washington, DC.*

Congressman JIM McDERMOTT,  
*Ways and Means Subcommittee on Human Re-  
sources, Longworth House Office Building,  
Washington, DC.*

DEAR CHAIRMAN DAVIS AND CONGRESSMAN McDERMOTT: On behalf of Youth Villages, I am writing in support of your bill, H.R. 1194, and to thank you for your leadership on this issue. This legislation provides critical authority for the Department of Health and Human Services to extend the Title IV-E waiver program, which has demonstrated substantial impact since creation in 1994. These waivers provide states with greater flexibility in the use of Federal funds for alternative services and supports that promote safety, permanency and well-being for children in the child protection and foster care system.

Youth Villages is a leader in innovative and effective services for troubled youth and their families. Since 2008, Youth Villages has had the opportunity to work collaboratively with several local, privatized child welfare organizations, known as Community Based Care agencies in implementing Florida's Title IV-E waiver. Youth Villages has three offices in Florida and is working with local entities to implement our intensive in-home Intercept services, identify and serve underserved or "stuck" populations, and provide them with outcome data to support the impact of their waiver effort.

As a result of the flexibility afforded by the Title IV-E waiver, intensive reunification and targeted prevention services are given greater focus in the state's child welfare service approach. Without the award of the waiver, it would have been difficult for Youth Villages to expand its Intercept program into the state to serve the child welfare population. In the three years that Youth Villages has been operating in Florida, we have served over 300 children and families across the Central and Southern regions of the state. Over 70% at six months post-discharge are still living at home or in a home-like environment. The savings associated with serving these 300 children through Intercept instead of congregate, out-of-home placements amounts to roughly \$23 million when considering recidivism rates associated with both Intercept and non-Intercept placements.

Youth Villages pledges its full support of H.R. 1194, as this legislation has the ability to transform the child welfare system from one that incentivizes out-of-home placement to a system that promotes in-home treatment and family unification.

Regards,

PATRICK LAWLER,  
*CEO, Youth Villages.*

|                                | By fiscal year, in millions of dollars— |      |      |      |      |      |      |      |      |      |      |           |           |
|--------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
|                                | 2011                                    | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2011–2016 | 2011–2021 |
|                                | NET INCREASE IN THE DEFICIT             |      |      |      |      |      |      |      |      |      |      |           |           |
| Statutory Pay-As-You-Go Impact | 0                                       | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0         | 0         |

Note: H.R. 1194 would renew Section 1130 of the Social Security Act for the 2011–2016 period. Section 1130 allows for demonstration projects related to child welfare to be operated by the states. Those projects are required to be cost-neutral, and the Department of Health and Human Services has mechanisms in place to ensure that this requirement is met. As such, there would be no costs associated with the renewal of Section 1130.  
Source: Congressional Budget Office.

I reserve the balance of my time.

□ 1920

Mr. McDERMOTT. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1194, a bill that would reinstate authority within the Department of Health and Human Services to allow up to 10 States and Native American tribes a year to conduct demonstration projects that test ways to improve child welfare programs.

I want to thank the chairman of the Human Resources Subcommittee, Mr. DAVIS, for following in the tradition of the previous chairman, Mr. Linder. He was the one who worked with us last year in putting this through. It's good to have that same thing going through. This is a rare bill. It's actually a bipartisan bill.

This bill reinstates the waiver authority to allow the States and tribes to implement and evaluate innovations to improve outcomes for at-risk families and children. The legislation is cost neutral and renews waiver authority for the next 6 years.

Twenty-three States and jurisdictions received waivers under the previous authority, which began in 1997 and ended in 2006. Although the authority for new waivers has expired, a handful of States and counties have continued demonstration projects, including Florida, Ohio, and Los Angeles County, California.

The legislation also includes a new emphasis on the Federal side of supporting waivers that identify and address domestic violence and related problems, which lead to children being placed in foster care. It emphasizes early intervention and crisis intervention services that safely reduce out-of-home placements.

The waiver authority requires States to report on the Federal, State, local, and private funding sources that support various services under the demonstration project. This additional information will increase our understanding of waiver policies and increase accountability. The innovative strategies successfully tested in States under the previous waiver authority taught us some lessons at the national level that were helpful because it made child welfare policy more effective.

One of the most successful demonstration projects provided support to grandparents and other relative caregivers who became the guardians of

young relatives in foster care. This became Federal policy when it was incorporated into the Fostering Connections Act, which passed in 2008.

Since the waiver authority expired, States, service providers, and foster care experts have called for it to be renewed, to allow continued innovation and evaluation of strategies to address the complex needs of children and families in our 21st-century communities. Many States, like my State of Washington, can do more with limited funds than they have if they have well-defined waivers.

Following a hearing last year in the Ways and Means Committee, I introduced legislation with John Linder, as I mentioned before, to reinstate the waiver authority. We did it late in the session; and a short time later, the legislation passed the House. Unfortunately, it was late in the session, as I said, and the Senate was unable to take up the bill. So we thought if we put it over early this time, maybe it will be dealt with before the end of the 112th. The legislation before us is identical to the bill introduced last year and passed in this House unanimously.

Mr. Speaker, my support for restoring this waiver authority is not meant to suggest that traditional Federal investments are not needed in the child welfare system. We need to fully fund our child welfare programs. These child welfare waivers simply give the States more flexibility in developing innovations. Waivers are not a panacea. They are not a substitute for comprehensive solutions for the problems that remain in the child welfare system.

I also want to point out that the authority provided by this bill in no way affects a child's entitlement for assistance under Federal foster care and adoption assistance programs. This is important to remember for anyone comparing the waiver authority in this bill to proposals for much broader waivers in other safety-net programs. Reinstating the child welfare waiver authority will allow States to continue developing strategies to improve the lives of children and families, who are some of the most vulnerable in our midst.

I urge a "yes" vote on this legislation.

Mr. Speaker, I now yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank Dr. McDERMOTT, first of all, for

his consistent, years-long support of our children that are in foster care. And I thank the manager and the Representative of the majority for their hard work.

This bill was introduced in the 111th Congress. It was passed by voice vote. It is an important amendment to the Social Security Act to renew through FY 2016, where it authorizes up to 10 States and tribes to conduct demonstration projects that serve as tests for methods to improve child welfare programs.

As a cochair of the Congressional Children's Caucus, we have worked on a number of issues through the years. We have been privileged to deal with the question of mentoring, the question of bullying, the question of dealing with the disabled child, and, yes, the question of dealing with foster parenting. In fact, some years ago I served as a cochair with then-Congressman Mike Andrews to provide relief to foster parents by finding a process that would provide vacation time for them. I have gone to meetings dealing with grandparents who have become foster parents. So it is important to be able to find the best practices.

The waivers that will come about are designed to afford more flexibility to States in determining how to use Federal funding for child welfare and foster care. The program gave more discretion to the State Departments that administer child welfare programs aimed to foster innovative and effective child welfare programs.

One of the issues in the State of Texas is the age-old issue of aging out. What do you do with the 18- or 19-year-old who had lived in foster care, ages out, and has no place to go? I hope in the course of this legislation we will find that creative thinking.

This bill, of course, addresses delays to guardianship for children in foster care, provides early crisis intervention programs that are so important to improve the outcomes of the foster care system, and addresses domestic violence that results in placement in foster care.

To the late Congressman Mickey Leland, I am reminded that we had a facility called the Mickey Leland refuge or relief area in our district, the 18th Congressional District, that provided an emergency placement for children that had to be taken out of the home immediately. We cradled children from

zero to toddler age. Our children need us, and those who are in fact taking care of foster children need us as well.

There are 423,000 children living in foster care; 26,000 of these children are from my home State of Texas. I frankly believe those numbers are even higher. But this legislation will continue a unique opportunity for States granted waivers to address the diverse needs of the cities and regions of the particular States.

I can't think of a more precious resource than our children. I am very glad to be part of the Congressional Children's Caucus; and I deeply believe this particular legislation, Mr. Speaker, provides a safety net for our children. I ask my colleagues to support it.

Mr. Speaker, I rise today in support of H.R. 1194, a bill to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in state child welfare programs. My colleague, JIM McDERMOTT, introduced this bill in the 111th Congress, and it was passed by a voice vote. This legislation, which amends Title XI of the Social Security Act to renew through FY2016, authorizes up to ten states and tribes to conduct demonstration projects that serve as tests for methods to improve child welfare programs.

Under the previous authority, which began in 1997 and ended in 2006, 23 states and tribal jurisdictions received waivers to certain provisions of the Social Security Act. These waivers are designed to afford more flexibility to states in determining how to use federal funding for child welfare and foster care. The program gave more discretion to the state departments that administer child welfare programs, and aimed to foster innovative and effective child welfare programs.

The waiver authority in this legislation requires states to report on Federal, state and local funding sources that support all services under a demonstration project, increasing our knowledge of waiver policies and allow for successful implementation of similar programs in the future.

Under the previous waiver authority, many innovative and effective demonstration projects were successfully tested in States, providing the Department of Health and Human Services with new ideas for implementation at the national level. This legislation does not seek to reduce funding or services for child welfare at any level, but rather seeks to improve these services by allowing states the flexibility to test programs.

The bill introduced by my colleague from Washington addresses delays to guardianship for children in foster care, provides early and crisis intervention programs to improve the outcomes of the foster system, and addresses domestic violence that results in placement in foster care.

The Administration for Children and Families (ACF) reports that at the end of 2009, there were 423,000 children living in foster care. 26,600 of those children were from my home state of Texas. In fact, the Texas Department of Family and Protective Services estimates that as of February 2011, 3,726 children in Houston were living in foster care. As the

Representative for Texas' 18th Congressional District in Houston, I am committed to increasing the efficiency and improving the outcomes of foster care and other child welfare systems.

This legislation would continue a unique opportunity for states granted waivers to address the diverse needs of the cities and regions in that particular state. Of the 3,726 children in foster care throughout Houston, nearly 2,000 of those children are African American. While foster care disproportionately affects African Americans in Houston, these demographics change throughout the state. This program encourages innovation based on the needs of states, and will certainly contribute to national initiatives.

Child welfare is a deeply important issue for this country. The Department of Health and Human Services estimates the 2010 Census will show the number of children in foster care is over half a million and will only continue to rise. It is our responsibility to take any possible measure to improve the outcomes of foster care, and renewing the authority granted to Health and Human Services under H.R. 1194 is essential to that goal.

Mr. DAVIS of Kentucky. I continue to reserve the balance of my time, Mr. Speaker.

Mr. McDERMOTT. Mr. Speaker, in conclusion, I simply want to say again "thank you" to my colleague from Kentucky. This working relationship on behalf of children is one that has never gotten really political, and it is one of the nicest things about serving in Congress. So I appreciate having GEOFF come on as the new chairman of the committee.

I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Speaker, I am grateful again to acknowledge my colleague Mr. McDERMOTT and his many years of work on this issue. The staff in both the majority and minority on the subcommittee have worked very hard through time on this issue to bring this bipartisan measure to the floor today.

Passage of H.R. 1194 will renew child welfare waiver authorities so States can again test new ways of helping at-risk youth. These waivers will let States develop new ideas, and allow them to spend money on what we know is most effective, which is working to keep children safely together with their families.

I urge passage of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. QUAYLE). The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 1194.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1930

#### HONORING MOUNTAIN HOME RESIDENT SERGEANT AUGIE HELD

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, on Thanksgiving Day 1944, current Mountain Home, Arkansas, resident Sergeant Augie Held took a bullet in his left shoulder. Held was 22 years old at the time and a member of 84th Infantry Division, Bravo Company. That was how Sergeant Held received his first Purple Heart. He was back to battle a mere 3 weeks later.

On December 19, 1944, during the Battle of the Bulge, Sergeant Held earned his second Purple Heart. Members of his company tried to take shelter from the cold in a barn, where they were attacked. Bullets and shrapnel went flying, and Sergeant Held took a piece of shrapnel to his left wrist.

Just 2 months later Sergeant Held was caught in mortar fire. Mortar hit so close to him it knocked him unconscious and a piece of shrapnel was embedded in his cheek, and that shrapnel stayed with him until he went state-side, and that was how Sergeant Held earned his third Purple Heart.

Sergeant Held is one of many First District residents in my home district in Arkansas who selflessly fought for America. Our district has an amazing group of veterans from World War I to the current War on Terror who put America first and their own lives second. These are the people that make this country great.

Yesterday was Memorial Day, a day to honor those who fought for our country and also remember the fallen soldiers who made the ultimate sacrifice. My family and I spent this weekend honoring all who served, not only in the First District of Arkansas but all across America.

I want to thank the troops and their families for the shared sacrifice they make to our country. And a special thank you to Sergeant Augie Held, who is a living reminder of why I am so proud to be an American.

#### REMEMBERING RICHARD "PINKY" McNAMARA

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise to honor the memory of Richard "Pinky" McNamara, entrepreneur, philanthropist, and former college athlete.

Pinky passed away last week at the age 78 after a battle with Alzheimer's disease. He attended the University of Minnesota on an athletic scholarship, eventually earning three varsity letters as halfback for the Golden Gophers.



Shortly after his graduation in 1956, Pinky embarked on a successful career in business, buying struggling companies and turning them around.

Over the years, Pinky McNamara would donate millions of dollars to his alma mater's liberal arts and athletic departments. Along with his brother, Bob, another former Golden Gopher, Pinky helped raise the funds to bring football back to the university's campus that he loved.

His philanthropic efforts will leave a lasting and permanent mark on campus, with the university's McNamara Alumni Center named in his honor. Pinky may be gone, but his legacy will always live on at the campus he loved.

#### NATO ASSEMBLY IN BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today I return from a meeting of the NATO Parliamentary Assembly in Varna, Bulgaria, where the U.S. delegation was chaired by Congressman MIKE TURNER, accompanied by MIKE ROSS, JO ANN EMERSON, and JEFF MILLER. We were welcomed by the former Mayor of Varna, Hristo Kirchev, who is a champion of freedom and democracy in a nation which, since 1990, has evolved from the chains of communist totalitarianism to being a vibrant free market democracy today.

Parliamentarians from NATO's 28 member nations and delegations, from Russia to Montenegro, were briefed on issues critical to promoting democracy in the world. Secretary General Anders Rasmussen presented a clear report on NATO's progress in Iraq and Afghanistan, while encouraging civil society movements in North Africa. Prime Minister Boyko Borisov of Bulgaria gave a stirring promotion of a missile defense system for Europe. Bulgaria is a valued partner of America.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### MEDICARE

(Mrs. BLACK asked and was given permission to address the House for 1 minute.)

Mrs. BLACK. I have been doing town hall meetings for the last 4 months, and up to this point I have had about 12. When Medicare comes up, people tell me, Don't touch my Medicare. Hands off my Medicare.

And you know what I tell them? There is a dirty little secret that the Democrats in Congress and the President don't want them to know, and that is their Medicare is already changed. Because last Congress, when this House passed ObamaCare, they robbed \$500 billion from Medicare to

pay for their government takeover of health care.

Not only that, but ObamaCare set up an Independent Payment Advisory Board, or an IPAB, and you know what those 15 unelected, unaccountable bureaucrats will do? They are going to ration your Medicare to cut the costs and limit seniors' access to Medicare.

You know what else happens under this plan in a decade? There is no Medicare because the program will become bankrupt.

Now, the truth about the Republican plan and the Path to Prosperity: Under our plan we save Medicare. We address the unsustainable growth rate of Medicare so the program doesn't go bankrupt in 10 years. The Democrats have no plan to stop Medicare's descent into bankruptcy, but the Republicans do. And unlike ObamaCare, where you have no choice, the Republicans give you a choice.

Now the dirty little secret is out there, and the real choice is in front of us. The choice is easy.

#### SETTING THE RECORD STRAIGHT ON MEDICARE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the CMS actuary just came out with the grim news. Apparently the insolvency date of Medicare was just moved up 5 years to 2024—that is only 12 years from now—and will probably move up further before we get there.

Furthermore, this is after one-half trillion dollars has been shaved from current Medicare to extend the life of Medicare, and, as we all know, that money is already infamously booked twice: once for middle class insurance subsidies and the other to extend the life of Medicare.

The 2012 budget that passed the House with bipartisan support is the beginning to the solution for this problem. It preserves Medicare for those 55 and over and reforms it to a market-based system with lots of choices for those under 55 today. Meanwhile, Democrats simply play "mediscare" on this issue and insist on doing nothing.

#### HONORING OUR SERVICEMEMBERS AND VETERANS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, a lot of times our constituents are confused about the processes of this House. The one thing that we are not confused about is when we all join together in unity, our patriotism, our respect, affection, and admiration for the United States military.

Yesterday, many of us interfaced with families, Gold Star Mothers and

Blue Star Mothers, families who had experienced a wounded soldier or one who had lost their life in battle. It was a serious time, and I, too, commemorated and celebrated with my fellow Houstonians and Texans, even those who came up to me and said veterans can't get jobs.

And so for me to come today and to participate in a mockery of a placed-on-the-floor vote on the debt ceiling when everyone knew, and our good friends on the Republican side, that it was a joke, but it was not a joke for me. I voted "yes" because the responsible position is to ensure that America pays her bills, not to leave soldiers on the battlefield with no equipment, no shelter, no food, and certainly not to take away veterans benefits, Medicare, Medicaid.

Let us be responsible, and let us stand for the American people. I did that today.

□ 1940

#### GOP DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Tennessee (Mr. ROE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROE of Tennessee. Mr. Speaker, we're going to spend the next hour tonight discussing basically the health care debate and what has occurred in the past 2 years here in Congress. And we have asked our physician colleagues and Health Caucus to come down and spend this hour discussing this issue.

Now, I think before we start, what we need to do is talk about why we're having this debate. Obviously, we needed health care reform in America. And one of the frustrations at least I've had since I was here was during our last Congress, we had nine physicians in the Physicians Caucus, M.D.s and then 13 people total in that caucus, and none of us was consulted about the health care bill.

And when I came to Congress, I asked myself the question, just as I was seeing a patient, what's wrong with the American health care system? And the problem with the American health care system is today still, and getting worse, is that it costs too much money to go to the doctor and go to the hospital. So when I would see patients in my office, I could see the costs ever rising. Back in the eighties, we tried plans called managed care capitation. In our State, we tried to reform our Medicaid program. All failed to hold the costs down.

The second problem I saw with the American health care system is that there are a group of our citizens who didn't have access to affordable health insurance coverage. If it was affordable, we would all have it. As an example, let's say a sheetrock worker or a

carpenter that puts up studs in a house or a homebuilder may not have a business big enough to afford health insurance coverage. And maybe this person's wife worked at a local diner, and together they make \$40,000 a year. In our area you can get along just fine making that amount a year. They couldn't afford \$12,000 premiums.

And the third problem I saw, which is a liability issue, is that we see ever-escalating health care costs, and I see Dr. GINGREY is here with us, a fellow OB/GYN as I am, and we saw costs from the time I began my practice from \$4,000 in 1977, which is what the malpractice insurance was at that time, to over \$70,000 today. Who bears those costs? Our patients.

Again, back to number one. We began this debate on what I think was a false premise. Basically, the health care bill was to cover those people who didn't have insurance. And this particular bill, the Affordable Care Act, so-called ObamaCare, did do a couple of things. One, it has done nothing so far—it is beginning to be initiated, as far as lowering the health care costs—it has done nothing. If you look at every business around, those rates are skyrocketing and making it less affordable for us.

Number two, it did increase access. And how did it increase access? At least it appears so far that it increased access by massively expanding Medicaid. And the one thing about the bill I do like is allowing young people to stay on their parents' health coverage until they are 26.

In a committee hearing we had the other day with HHS Director Sebelius, I asked her how many people would this bill cover, this 2,500-page bill? And she estimated a number, 30 million or 32 million more American citizens. The CMS's own actuary estimates, the Congressional Budget Office estimates it will add 15 million more people to Medicaid, a system that's already bankrupt in the States. The CMS actuary actually believes it will be 24 million more people on Medicaid, and you add 6 million more young people to that, and really without this incredibly complicated bill, in two paragraphs you could have done exactly what they did with this bill without all this complicated issue that we're going to talk about later tonight.

So we did nothing to lower costs. We did increase access by increasing Medicaid and potentially exchanges. And we can talk about that later. And then lastly, liability, which there is nothing in the Affordable Care Act for that.

The other thing that is not in the bill, glaringly not in this bill, which is incredibly important, is the so-called doc fix. And so our viewers can understand what that is, as a physician, when I see Medicare patients, the Federal Government pays a certain amount with Medicare part D and the person getting the care pays for those premiums also.

In 1997, to help hold health care costs down, there was a formula put in so that if the costs went above a certain amount, the doctors were, the providers were cut. Right now, if we hadn't passed a temporary fix of this, the doctors would have had a 26 percent decrease, and in 2 years that's going to be a 30 percent decrease in their payments. So what difference does that make if you're out there and you're a Medicare-age patient, as I became last summer? So I can speak from some experience. I signed up for Medicare last July.

The problem with it is there's a cost to the physician opening and practicing in their office. And we don't pay the cost of the care. And we are already seeing in our area where very fine physicians are no longer accepting Medicare patients. We believe this could get much, much worse under the Affordable Care Act.

And as the two past speakers brought out, what this bill also did, and what we're going to discuss tonight in more detail, is not just the entire health care bill, but it's going to be Medicare and one specific part of it called the Independent Payment Advisory Board. But to get to that, we have to explain the problem and why we're having this discussion.

One of the charts I want to show you is this and why we're having the discussion right here is because right now we're looking at a budget that if we do nothing at all—and I'll use President Obama as an example. President Obama just turned 50 years of age. In 2025, he'll be Medicare age. And guess what? Four things will make up the entire budget of this country: Medicaid, Medicare, Social Security and interest on the national debt. And that could come even sooner where those things make up all, depending on certain economic factors. So this is the reason we're having this discussion.

And I had a person come up to me this weekend at a Memorial Day event and said, Dr. ROE, I'm concerned that my children and grandchildren will not have Medicare. And I said, that is exactly the reason we are having this discussion. I have that same concern. We want to save this program for future generations. And he said, well, why don't we just cut foreign aid? And I said that's fine. And last year we cut earmarks. That makes up only 2 percent of our budget. If we completely did away with all foreign aid, which some people I think would agree we need to do, but if we did that, it would only cover, it would take 15 years of no foreign aid to take care of Medicare for 1 year at today's dollar expenditures.

Let me give just a little bit of history on the Medicare program, which has been very successful and very popular in this country. In 1965 it came out. It was a \$3 billion program, and the reason it was is because we had

seniors that didn't have a way to put money back and to take care of their health care after they had retired from their work. So this program was started, Medicare part A, which is the hospitalization part, and Medicare part B, which is the physician part. It was a \$3 billion program at that point. The government estimator said in 25 years, in 1990, this will be a \$15 billion program. The real number was over \$100 billion. And today, just 20 short years later, it's over \$500 billion. So this is a totally unsustainable growth rate that we have to deal with.

Now, in passing, as our two previous speakers mentioned, we've cut, this bill cut \$500 billion out of Medicare. This one little thing that was left out of those talks, though, this year, beginning in January 2011, our baby boomers hit retirement age, age 65, Medicare age at 3 million per year, approximately 10,000 a day. And guess what? In 10 years, we're going to have 500 billion less dollars to spend on Medicare and 35 million more people to take care of. And so you do the math. How are we going to control this? How are we going to control these costs?

Well, the President suggests a plan called the IPAB. Right now in Medicare we have MedPAC, a Medicare advisory board which gives advice to this body right here, the Congress, about how we are going to spend our Medicare dollars and suggestions. And the Congress has the right to make those decisions.

Well, this Medicare board, this IPAB board that's going to be in effect in 2014, starts this year with some funding; 2014, 15 bureaucratically appointed people will make decisions based on nothing but cost. Let's say we spend \$500 billion on Medicare, and the actual cost of providing the care to our citizens is \$550 billion. We've lost our ability in this body right here to say how those dollars are spent. That board will make a decision to cut the spending to \$500 billion based on nothing but cost, not quality and not access.

And I can assure you, if you have 35 million more people or 36 million more people chasing 500 billion less dollars, three things happen. One is access to your doctor goes down, costs will go up, and essentially you will have, with this board, rationing of care.

□ 1950

I have several of my colleagues here. There are many more things we can talk about. We have the next hour. I want to recognize my colleague, Dr. HAYWORTH from New York, for some comments.

Ms. HAYWORTH. I thank my colleague from Tennessee, Dr. ROE, for yielding me this time.

In New York's District 19, I have been sharing a headline with our seniors and with all of our citizens, which is that the Affordable Care Act ends Medicare

as we know it. It ends Medicare as our seniors know it. And you, sir, have stated the reason exactly. The Independent Payment Advisory Board, which was written into law and passed by the 111th Congress, signed into law by President Obama, the Independent Payment Advisory Board, will assure that our seniors, starting in 2015, when they have to make a 0.5 percent cut in Medicare's budget, our seniors will stop having the access to care that they are accustomed to. And they will not be happy about it.

And then in every successive year, in 2016 it will be 1 percent; 2017, 1.25 percent; 2018, 1.5 percent, if I have done that math right, Dr. ROE. Our seniors will find that their access to the doctors they know, the doctors they prefer, will not be the same.

So when we talk about what we need to do as a Nation, we in the House majority have pledged to our seniors that we will keep the promises that America has made to them, to make sure that Medicare benefits remain secure and safe for as long as they need them, which is why in the budget that we passed in April, the Path to Prosperity Budget, we guaranteed that seniors 65 and above, and in fact our citizens age 55 and above, will not see changes to Medicare as they know it. That gives Americans 10 years at least to prepare for a more secure future for Medicare for exactly the reason that you have talked about, Dr. ROE, which is we do have many blessings in this extraordinary country, and one of them is that we do continue to make wonderful advances in medical science. They do come at a certain cost. So we have a challenge that we need to face together. There are certainly ways in which we can, together as a Nation, figure out how we make our health care more cost effective, and there are lots of opportunities.

It is true, there is waste, fraud, and abuse in the system. That needs to be addressed. There are also ways we can protect our health better in our youth that Americans haven't necessarily had to think about nearly as much in the past couple of decades, but that they are starting to think about. So we need to make sure that we are making those advances together and that our seniors and all Americans who need advanced care will be able to get it, that the sickest among us will not be deprived of care because of the arbitrary decisions of a board that has to cut budgets. Again, that is the headline. The Affordable Care Act ends Medicare as you know it, but what the budget that the House Republican majority passed in April does is to restore Medicare as our seniors know it and allow all Americans time to prepare for a better future for Medicare.

Mr. ROE of Tennessee. I thank the doctor for being here. And just for the viewers today, I want to thank all of

my colleagues for being here, and all of you are health professionals, not career politicians. I want to point out that Dr. HAYWORTH just joined us in the Congress. I am a one-term congressman. I practiced medicine for 31 years. I know you did for a long time. We have OB-GYN doctors, ophthalmologists, family practice, cardiovascular surgeons, and nurses, in the well tonight. These are not long-term politicians. These are practicing health care providers who have been out there.

I think the question I always ask myself when I look at legislation, having just left the examining room, how does this legislation affect the care that I can give my patient. I think that is the one that we all worry about. We worried about it with insurance companies. All of us have fought with insurance companies about providing care. I believe at some point in time—we all do this—that care is going to be rationed. The question is: who is going to do it? Is it going to be a Federal bureaucrat and a Federal nameless, faceless panel here in Washington, D.C.? Or is that decision going to be made between a patient, a doctor, and their family? I believe that is who should be making health care decisions in America. It should be made in the examining room in the doctor's office with consultation, not by some nameless bureaucrat up here in Washington, D.C.

I thank you for being here, Dr. HAYWORTH, and I now yield to Dr. GINGREY, my good friend from Georgia, and a fellow OB-GYN.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I thank him for leading this hour on such an important discussion. And of course I thank all of my colleagues on the floor here tonight.

I understand that Dr. ROE has authored the repeal legislation of IPAB, this Independent Payment Advisory Board, created under ObamaCare.

Dr. ROE, Mr. Speaker, just said that the doctor-patient relationship, the provider-patient relationship, be that provider an advanced practice nurse or psychologist, a physician, even the hospitals, of course, are huge providers of health care, and who should we be concerned with as Members of Congress. Well, it is those 700,000 people that each of us represent all across this country and that doctor-patient, provider-patient relationship that is most important. Cost, of course, is important. But, first and foremost, is the sanctity of that care, and that is exactly what Dr. ROE is speaking of, Mr. Speaker, and why it is so important that we do vote to pass his bill, and we do it as quickly as possible to repeal this very bad decision.

In fact, Mr. Speaker, back I think in December of 2009, almost 2 years ago now, our colleague on the other side of the aisle, a senior member of the Appropriations Committee, the gen-

tleman from Massachusetts, RICHARD NEAL, offered a letter that many of us in a bipartisan way cosigned. I think there were over 100 signatories to that letter literally begging the President and the administration to forget this idea of creating this exact same board that Dr. ROE is talking about and my colleagues will be talking about tonight. It was called something different then in the construction phase of ObamaCare.

But whatever you call it, today of course we understand it as IPAB. IPAB, Independent Payment Advisory Board; I call it IBAD, Independent Bureaucratic Absolute Dictators, these unelected 15 people that can literally, and will, as the gentlewoman from New York just said, Dr. HAYWORTH, they will have the ability come 2014 to start making these cuts and to make them where the biggest growth area and cost is.

Well, Mr. Speaker, we all know, they say that there will be no rationing. Well, you can say it is not rationing, but if it walks like a duck and quacks like a duck and looks like a duck, it's a duck. And it is rationing. What will happen, and we know it, we health care providers that have spent, what, 500 years of clinical experience in the aggregate, we know exactly what these bureaucrats will do. They'll say if someone is above a certain age, let's pick one, say if you're 65 years old and you come down with leukemia, lymphoma, and what you desperately need when that chemotherapy has failed to keep you in remission is a bone marrow transplant, but because that is so expensive, the decision will be made that no, nobody over a certain age, nobody over a certain age will be eligible for a transplant of a kidney, of a lung, of a liver, of a heart, indeed. This is something that is absolutely unacceptable to us. It is unconscionable.

So, Mr. President, and I say this through you, Mr. Speaker, please, listen to us. Listen to us. We have another letter coming. It is going to be signed by all 21 of the members of the House GOP Doctor's Caucus. I wish we had some Democratic members as a part of this group, but hope springs eternal and maybe they will. But listen to us because we know of what we speak. Don't make this mistake. Don't go down this road. This is not the way to solve the Medicare crisis and the insolvency that is coming very quickly by 2024.

□ 2000

You say you can't accept the House Republican budget, the so-called "Ryan budget," the path to prosperity that includes some, I think, significant and very thoughtful, adult, mature decisions regarding what we need to do on Medicare. All right. Let's get together. Let's get in a room and let's talk about

it. But you want to kick the can down the road and do nothing except slash Medicare to pay for your new signature issue, ObamaCare—slash it by \$500 billion. Don't put it back into Medicare, but create this whole new program and force more people on to Medicaid, weaken Medicare and then just hope for the future. Well, I think the American people have seen enough of that.

I know there are a number of my colleagues here tonight who need time, but I thank the gentleman from Tennessee, and I will close with this:

On the House GOP Doctors Caucus Web site, Mr. Speaker, folks, my colleagues, you can go to that Web site, and your constituents can go to that Web site.

It's DoctorsCaucus.Gingrey.house.gov or DoctorsCaucus.Murphy.house.gov. The reason for the "Gingrey" and the "Murphy" is that we just happen to be the co-chairs now of the House GOP Doctors Caucus. That, obviously, will change in future Congresses, but that's the way to go to the Web site. We are going to ask you to sign a petition: Oppose the Democrats' Medicare cut board, because that's what it is, a "cut board." Visit the GOP Doctors Caucus Web site. Sign the online petition: Oppose the Democrats' Medicare cut plan.

Mr. ROE of Tennessee. I thank the gentleman.

I would like to point out to our viewing audience tonight that when the House version of this bill was discussed through three committees, when this was debated 2 years ago, this was not in the House version of the bill. This was not there. This independent payment advisory board did not exist. When this bill the House passed through three committees and then here as debated on the House floor went to the Senate, we knew that bill couldn't pass over there, so they brought one out that didn't go through a single committee hearing with this IPAB in it. We have right here the letter that many, many bipartisan Members—Dr. FLEMING is here. Dr. GINGREY, myself, and others—signed along with many people. BARNEY FRANK signed this, opposing this bill, as well as BOB FILNER, Dr. MCDERMOTT, JIM MCGOVERN, and on and on and on. They all think this is a bad idea.

Why do we think this is a bad idea?

We believe as the people's representatives—that would be us—that if there is going to be a cut in Medicare that some faceless, nameless board shouldn't have the right to do that and that the Congress would advocate its, I believe, constitutional right to control spending. So that's the reason we are having this debate now. This should never have been in the health care bill.

Before I yield to my friend from Louisiana, with regard to this right here, President Obama said on Medicare reform: Now, we believe the reforms we propose strengthen Medicare.

That would be taking \$500 billion out. I have a hard time believing that's going to strengthen it when we've got 35 million more people going into it.

It will enable us to keep these commitments to our citizens.

If we are wrong and if Medicare costs rise faster than we expect, this approach—that's this IPAB—will give the independent commission, which is this 15 bunch of bureaucrats that are going to make \$165,000 a year, I might add, the authority to make additional savings. "Savings" means we cut the money so you don't get care. Let me interpret this for you: by further improving Medicare. You tell me how that improves Medicare if you cut services to people and if they don't get the care they need.

I would now like to yield to my friend from Louisiana, Dr. JOHN FLEMING, a family practice doctor.

Mr. FLEMING. I thank the gentleman, my colleague, my fellow classmate, Dr. ROE from Tennessee.

What I thought I would do is take just a moment and discuss the historical aspect of Medicare and how we got to where we are today.

I began medical school only 7 years after Medicare began. In fact, my colleague, Dr. ROE, I think you're probably of similar age and station in life and also Dr. GINGREY who is here, and some of us may even remember before that.

I watched Medicare grow, and the promise to physicians and patients at that time was that government, if this is passed, would not mess with anything. It would all be between doctors and patients. However, by the time we got to the '80s, we found that couldn't be true. The costs were exploding far beyond inflation, so the government—Congress, in fact—began to go through a number of calisthenics in order to make it work.

One was RBRVS, which was a formula by which doctors would get paid rather than by what their costs were—then DRGs, diagnosis related groups, to tell hospitals exactly what they're going to be paid regardless of their costs, then CLIA, and then finally SGR, sustained growth rate, which we're struggling with now.

It basically means, if we miss budget targets, doctors get across-the-board cuts, which would be up to 25 to 30 percent today. Of course, Congress keeps kicking the can down the road because Congress knows that, if we were to actually implement the cuts that are required by law, physicians would stop taking Medicare patients, and we'd have a serious, serious problem.

So, if we fast-forward to today, why is it that we can't control the costs to Medicare? I just have to bring it down to the bottom line here. You control health care costs by one of two methods:

One is a market-based, patient-centered method in which the patient is in

the driver's seat, working in partnership with his or her health care provider, making the decisions, but also having a responsibility to control costs, which means the patient has skin in the game, meaning through health savings accounts and things of that sort. They have an investment in controlling costs for them. Therefore, they control costs for the rest of the system. Fraud, waste and abuse is taken care of by the user, the consumer in that case, making, in fact, the patient a savvy consumer.

On the other hand, you've got a command and control, top to bottom, which is what ObamaCare is. The only way that you can control costs, Mr. Speaker, by doing that is to use a system like IPAB, this independent payment advisory board—15 appointed officials who have absolutely no accountability to anyone. They are unelected and unknown, for the most part; and if you have a problem with their decision, there is nobody to go to. No one is going to answer the phone.

So what does this relate to ultimately?

We get an inkling of where we're going with this through funds going into this comparative effectiveness board, where studies will be determined to see how effective various treatments are and for whom. This comes down to what is already implemented in Great Britain, NICE, which stands for the National Institute of Clinical Excellence. For a lot of people, it's not so nice.

So how does it work? It goes like this:

There is a certain number of procedures, diagnostic-or treatment-wise, and there is so much money that can be spent on those. Then there are the needs, the people who actually need these. So a determination is made based on a graph, if you will, or on a matrix as to someone's value to society, as to the value of one's life. In fact, they actually have a numerical value each year for what one's life is worth. They go to this matrix, and they determine in Great Britain whether or not it's worth that investment for them. That may mean a hip replacement, it may mean renal dialysis, or it may mean that your cancer doesn't get treated.

In fact, if you look at the comparative statistics between the survival rates of prostate and breast cancer, which are two of the main cancers we deal with in this country, against Canada, which also has socialized medicine—and Great Britain—there is absolutely no comparison. The death rates are much higher in those countries.

So today I would submit to you, Mr. Speaker, that if we continue down the ObamaCare road, the implementation of IPAB, which is controversial even among the left of the left and is very concerning for everyone, I think this is sort of the last shoe to drop when it

comes to the creating of a government-run, socialized health care system in which bureaucrats, rather than you and your physician, will be making decisions about your individual life.

We very much want to repeal ObamaCare; but even if for some reason we can't or until we do that, we desperately want to get rid of this IPAB, which we view to be toxic for our health care system and for our culture in general.

With that, I want to thank the gentleman for having this discussion tonight, and I look forward to many more.

□ 2010

Mr. ROE of Tennessee. I thank the gentleman.

We are blessed to have not only physicians in our Health Caucus but registered nurses with years of experience in health care.

I would like to now yield to the gentlelady from North Carolina for her comments.

Mrs. ELLMERS. Thank you, Dr. ROE. My comments are coming to you as a nurse in health care. And, Mr. Speaker, I know you understand the situation that we're discussing tonight as well.

The situation at hand tonight, there are so many to choose from. We are all vehemently against ObamaCare, and we know that it must be taken down. We voted to repeal it only to fall on the steps of the Senate with nothing forward, so we are taking it apart piece by piece.

This Independent Payment Advisory Board, let's think about that for a moment. One of the points that my colleagues have made is that this is an independent board that is going to make decisions about your health care, the American people's health care. If they receive Medicare, a board somewhere in this country—I guess I would imagine here in Washington—will come together. Your situation, your diagnosis will be sent in, and they will convene and they will decide whether or not you're going to receive the procedure that's being put forward or whether your physician will actually get paid for that procedure. So not only does this limit the health care that you might be able to receive, but it also dictates to physicians what they can and cannot do.

Imagine a physician sitting down with a patient and discussing the possibility of hip surgery after a broken hip only to find out a day later that that surgery cannot be done because this independent board has decided that that patient's age is too progressed, or maybe the patient takes too many medications, or they just feel that this isn't going to be a positive outcome. Imagine that patient, imagine that family looking into that doctor's eyes and saying, You cannot do my surgery? You cannot fix my hip? I was a normal

functioning individual 2 days ago, and now I cannot have surgery? This is what ObamaCare has put in place. It has cut \$500 billion out of Medicare, and it's going to put a panel in place to limit the amount that can be spread around. \$500 billion, that is an incredible amount of money.

I just want to elaborate on my comments. The board, itself, is just unbelievable. But let's face it. Right now in America, physicians are closing their doors. Physicians are dropping patients with Medicare because they simply cannot afford to do business any longer. All of these things that we're facing right now—we talked about the SGR. We talked about how physicians are being paid. There is so much uncertainty in the health care world directly because of ObamaCare. Hospitals are scrambling to figure out and crunch the numbers on how they're going to be able to continue to provide care throughout the years moving forward.

We must follow through on this legislation because it is going to affect every American; it doesn't matter how old you are. This is just a start. This is just a foot in the door. A board like this is dangerous beyond all imagination. I applaud you, Dr. ROE, for all of the work that you have done because this is the right step to take, and I thank you.

Mr. ROE of Tennessee. Before the gentlelady leaves, let me just point a couple of things out that concern me about this bill, and again, back to my premise that health care decisions should be made between patients and their doctor.

I have had patients in my practice who have been in their seventies or eighties who are much healthier than someone who may be 40 years of age. I have seen them. As a matter of fact, at home, one of the folks who helps cut wood and clean and take care of the Appalachian Trail, does trail maintenance, is 92 years old. And he's out hiking on the trail, a very healthy gentleman. And we see this over and over.

This Independent Payment Advisory Board—and I'm going to run down it real quickly just to let you know what authority this U.S. Congress right here, and I think this is a bipartisan agreement that we're doing away with—it's created under ObamaCare. The Senate version. Not from the House of Representatives, remember. It creates targets, and it requires Medicare to make those cuts when those targets are reached not based on quality and access but just a specific number. And it targets only senior benefits and providers.

And here's the other little thing that's not known that we haven't even talked about tonight. This IPAB will start out for the first 5 years affecting prescription drugs and physician providers, but at the 5-year mark, your hospital is also included in that. That

means that they can cut the payments to hospitals, and maybe many rural hospitals—we fear, where I live in a very rural area in America—may close because of this very provision right here. And it's targeted at high-growth areas.

Seniors are shut out when IPAB selects Medicare cuts. And there is no one they can go to to even complain about this. They can't go to their doctor, and they can't go to their Congressman because the Congress gave up its ability to control those decisions.

So one of my great frustrations is this Congress right here is giving up its constitutional authority. And we are beholden to the people who elect us to do what's right, not some nameless bureaucratic board.

I would now like to yield to the gentleman from Indiana, our new Member here, Dr. LARRY BUCSHON, who is a cardiovascular surgeon. He brings great expertise in cardiovascular surgery.

Welcome to the floor tonight, Dr. BUCSHON.

Mr. BUCSHON. Thank you, Dr. ROE, for yielding.

I was a cardiothoracic surgeon just recently, last year, prior to coming to Congress. I helped patients and their families make informed decisions regarding the care they needed or the care their loved ones needed. I provided a professional opinion based on the facts and sometimes had to convey information and news to patients and their families that they didn't want to hear.

Mr. Speaker, I came here to tell the American people the truth that sometimes can be difficult to hear, but the American people deserve the truth about what's happening with health care in this country.

The majority of my patients were Medicare patients. We know that Medicare is one of the main drivers of our long-term systemic debt.

I want to reiterate that on May 13 the Medicare Board of Trustees released their annual report on the program's financial status. In it, the Medicare Trustees stated that the Hospital Insurance Trust Fund will become insolvent in 2024. That's within 13 years, Mr. Speaker, 5 years sooner than last year was predicted.

And from a physician's standpoint, according to the American Medical Association, one in three primary care doctors is currently limiting Medicare patients in their practice, and one in eight physicians is forced to refuse Medicare patients altogether due to the cuts already that have been made in the Medicare program. And with the Medicare population estimated to double by 2030 to approximately 70 million Americans, imagine the access problems we're going to have then.

Today, the average couple that turns 65 has paid in over \$100,000 to the Medicare program but is receiving over

\$300,000 in benefits. Mr. Speaker, this is not a sustainable model. Without significant reforms, beneficiaries in the future are going to be at risk for limited access to quality care they deserve and they count on, and ultimately face rationing of care, waiting lists, and dramatic cuts to current seniors based only on the cost, not based on what Dr. ROE has said, the quality of care or what type of care they need, but based on the money alone.

Anyone promoting the status quo is dooming Medicare to failure, and soon. It's coming up in 2024. Our plan doesn't affect any American over age 55. They have counted on these benefits. But what it does is preserves the program for future Americans. Again, the status quo is dooming Medicare to failure, and soon.

Congressional Democrats and the current administration have offered no plan to date except the Independent Payment Advisory Board that Dr. ROE and others have been talking about in the ObamaCare bill; again, I want to say again, 15 unelected Washington, D.C., bureaucrats making decisions about Medicare, making decisions about the future of health care for our seniors.

IPAB was thought to be maybe the silver bullet—if you listen to them tell the story—to control costs. But what IPAB really will do is will recommend cuts be made to the program—not savings, cuts, we're talking about here. CMS will then make those recommendations to Congress unless we get a two-thirds vote. They go in play. They start to happen. We have given up, as Dr. ROE said, our congressional authority to do something about the future of health care for our citizens.

This is a misguided approach that will, again, empower this group of unaccountable bureaucrats to determine the type of health care you may receive based on your age and your health. Health care decisions are best made when left up to the patient and their doctor.

□ 2020

You and your doctor and your family know what's best for you, not the government.

And I want to finish by saying, for me, personally, Mr. Speaker, this is about the future of health care for the American people. I fear for what the future may hold—access problems, waiting lists, rationing of care. Look at other countries that have socialized medicine. All of these things are occurring. This may be based on your age, based on your health. We don't know what they're going to be based on in the future. It could be based on other factors.

Do we really want this type of health care for the American citizens? I would answer “no” on behalf of my patients and on behalf of all Americans and, es-

pecially in the case of IPAB, on behalf of our American seniors.

Mr. ROE of Tennessee. Dr. BUCSHON, let me throw this question at you a little bit.

When you are seeing patients in your practice and basically those health care decisions are made between you and them, when you look at their relevant clinical data and their symptoms and you can see that there is a lesion, maybe a heart surgery that you can do to help them, and it's based on what their needs are—and I have never understood since I have been in this Congress why health care has ever been a partisan issue—have you ever seen a Republican or a Democratic heart attack in your life? No. And I've never operated on a Republican or Democratic pelvic cancer in my life.

Why in the world—so this is one where there is bipartisan support because both sides of the aisle understand this is a very bad idea to get on this slippery slope where you allow Washington bureaucrats, and they can be called “experts” if they want to be, but they're going to be making clinical decisions for people they never have placed an eye on or a stethoscope on their chest.

And I, for one, am going to go down swinging on this because I believe this affects all the people in this country, and potentially in a very negative way, including the President, because he will be under this same plan.

And, unfortunately, many people will probably try to opt out. We're already seeing all of the opts out for the private health insurance plans. But I, as a 65-year-old, can't opt out. I'm in. I'm going to be part of this. And I know what my patients have wanted. And I just wondered if you feel the same way I do about that.

Mr. BUCSHON. I feel exactly the same way, Dr. ROE.

For me, again, I've never seen a Democrat or a Republican patient. I see a patient. In fact, in my practice as a heart surgeon, frequently, I didn't even know what type of health care coverage that patients had.

For a doctor, like you or me, for any health care professional, what matters is what's the right type of health care to provide for that patient regardless of ability to pay. And what we're looking at here is the potential where these bureaucrats may tell you, Dr. ROE, that you cannot treat this patient based on their decision about whether or not it's affordable for the American people. They're going to make decisions based on money, not based on what needs to be done.

Mr. ROE of Tennessee. What I believe will happen in that situation is that the Federal Government will have overpromised, and what we, as physicians, will do is provide that care and shift that cost somewhere else until there is nowhere else to shift it; be-

cause I know how if I see a patient that needs care and they are 75 years old, let's say, and they have needed surgery and I can improve the quality of their life with that, we're going to do it in some kind of way. And you know; you've done it. We just figure out later how to pay for it. That's not the way to do this.

I thank the gentleman.

I'd now like to yield to the gentleman, my colleague and good friend from Tennessee, Dr. SCOTT DESJARLAIS, also a new Member of Congress. Welcome to the House floor tonight.

Mr. DESJARLAIS. Thank you, Dr. ROE. I appreciate you leading this discussion.

I rise tonight in support of my many physician and other health care colleagues that are in the Chamber tonight to discuss what I agree should be a bipartisan issue. It has been so disturbing to me after being in Congress just 5 months to see some of the disrespect that goes on across the aisle on the floor back and forth. But when it comes to our seniors' health care and health care in general, it's something I take very personally.

I think I can speak for all of my physician colleagues, nursing colleagues, our dental colleagues, that are in the Doctors Caucus, that none of us went to medical school or nursing school or dental school to become politicians. We went into those fields because we care about people, and we're now here for that exact same reason. And to sit in this Chamber and listen to accusations about this plan of PAUL RYAN's to help save Medicare is just more than I can stand to not get up and at least share my thoughts. Because the bottom line is, as some of my colleagues have mentioned tonight, the CBO states that the cost of doing nothing is that Medicare will be broke in 9 years.

We've also heard that 10,000 new Medicare recipients are entering the pool each and every day. We also have talked about the fact that the average age of a Medicare recipient in 1965 in terms of life expectancy was 68. So, at that time, you were expected to be on Medicare, Dr. ROE, for approximately 3 years. Well, thankfully, due to advances in medicine, men and women are both living on average at least 10 years longer.

And I think Dr. BUCSHON mentioned that the average couple pays in about 100,000, or 109,000 into Medicare taxes but are extracting 343,000. So it doesn't take a mathematician or CPA to figure out that this program has been severely mismanaged.

So when we step up as a conference and as conservatives to help save the Medicare program but yet we watch, one after another, Members from the other side of the aisle get up and use scare tactics on our seniors saying that this plan is cutting their Medicare, that's just simply untrue, and I think



that we need—and we need to set the record straight and people deserve to hear the truth as has been spoken here tonight.

So I join you in my concerns that these are patients we're talking about. These are people. And seniors deserve to know the truth that if they are 55 and older, this plan does not affect their Medicare.

I know that the message has been unclear because I conducted a tele-town hall just last week before the Memorial Day weekend, and we had over 20,000 people call in. And the majority of the questions that we were asked was, Why is my Medicare being cut?

So I think that we need to reiterate the fact that, if you're 55 and older, there are no changes. If you're under 54, we're taking steps to make sure that your Medicare will be preserved and saved and protected for future generations. Anything else would be simply irresponsible.

Another claim that was disturbing to me was the special election in New York. Some claim that the reason that the conservative candidate lost was because of our attempt to save Medicare. And it was spun as that cutting Medicare is something you just don't touch politically. But I know a lot of us, including yourself, Dr. ROE, didn't come here to play politics. We came here to do the right thing, and the right thing is to tell the American people the truth. And what we're trying to do is protect that plan.

The plan that is going to cut Medicare that has been mentioned already is the ObamaCare plan. And that seems to have been pushed to the back burner, and that's a dangerous thing. The IPAB bill that you sponsored, and I'm proud to cosponsor, is a great example of that.

So we need to speak boldly and let the people know the truth so our seniors are not afraid and scared by political tactics. I'm proud to join you tonight in this discussion.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. DESJARLAIS. Yes, sir.

Mr. ROE of Tennessee. Let's go back to what you were saying, Dr. DESJARLAIS, just a moment ago. We've discussed tonight this Independent Payment Advisory Board in some detail, about what it does. We've also discussed the Ryan plan, about what is in the future.

Well, why are we having that discussion? Well, we're having that discussion because we see Medicare as it is being unfundable in 2024, 13 years from now, and that could be a moving target and change. So we want to sustain this—I think both sides want to sustain Medicare as it is.

So we know that people are 55 and older—if you're 70 years old now, nothing changes. My mother is 88 years old and nothing will change for her. But if

you're 54, what happens to you? And why do we think that will work?

Well, what happens to you at 54 is you're offered exactly the same health care plan that I have and you have right now. Maybe you have. I have Medicare part A. I would like to still have the plan I had. But you'll have exactly the same plan that Dr. DESJARLAIS has. And what plan is that?

Well, basically what the premium support is is that a person just looks—when you turn 65, you'll look at your health care plan as if—say the Federal Government is your employer. They pay that part of your premium and you pay some other. Now, a higher-income senior like you or myself, we're going to get a bigger chunk of that. So it's going to be indexed based on what your income is. If you're 65 years of age and you're—let's say you have multiple health problems and you're going to have a more expensive plan, you'll pay less than that.

□ 2030

If you are a low income senior, you will pay less than that. Why do we think that will work? We've heard all these things about insurance companies. Why do we think that will work? Well, the one single plan that has ever come in under budget that the Federal Government runs that I know of in health care is Medicare part D.

Now, whether you believe in doughnut holes or not doughnut holes, but in the 10-year budget estimate, Medicare part D, which is the prescription drug plan, was estimated to cost about \$630 billion or \$640 billion over 10 years. It came in about \$337 billion, a 41 percent decrease. So when patients have choices, and people can go and it is not one shoe fits all, one size fits all, people have choices to be able to go out and pick out what kind of health care plan is best for them—for me, I like a health savings account. Someone else may pick another plan with a 20 percent copay. But those patients, those Medicare recipients at age 65 will be able to make that choice, not some nameless board deciding what kind of care you get.

Now, I will say that we do need to help control the costs. That's why we're having this discussion. But again, I believe who should be making those decisions are patients and their families and their doctors.

I want you to stick around for a minute because I've got some more questions. But right now I would like to yield to ANN MARIE BUERKLE, a great new member of our Health Caucus, a nurse, and an attorney. I won't hold that against her. She is from New York, and welcome to the meeting tonight.

Ms. BUERKLE. And I thank you. Thank you for this time.

Mr. Speaker, I rise here tonight, along with my colleagues and other

members of the Doctors Caucus, with such concern about what is being proposed in the health care bill and what is now law. I think we need to have a frank discussion with the seniors, Mr. Speaker, because of the demagoguing and the fearmongering that has gone on by proponents of this health care bill.

The fact is this health care bill, Mr. Speaker, is law. If it goes on without being interfered with, Medicare as we know it will be decimated. Five hundred billion dollars in cuts. That's going to affect the seniors. That's the law, and that's what's in place right now.

What we are proposing on the Republican side is that: it is a proposal. But it is a place to begin the discussion about how we are going to save Medicare. And we must say over and over again to our seniors this bill will not affect you if you are 55 years and older. You will retain the exact same benefits that you have now. But we as health care providers, we as those who went into health care as advocates because we care about people, we want to protect and preserve Medicare. That's what this proposal is that the Republicans put forth in the budget.

I think, Mr. Speaker, the irony in all of this is those who pushed this health care bill, organizations who pushed it on seniors and said this is a great bill, and vote for this health care bill, they now have waivers from the health care bill. They now are saying, well, it's good for all of you folks, but it's not so good for us. That should raise red flags.

So I am so pleased to be here tonight with my colleagues to be able to have this conversation with the seniors, Mr. Speaker. They need to know the truth. They need to know that we want to preserve Medicare. We want to make Medicare better for us, for our children, and their children. And that's what this is about.

I thank you for this time.

Mr. ROE of Tennessee. I thank the gentlelady.

Who more than anyone than the Health Caucus and the physicians caucus wouldn't want to maintain Medicare? And one of my frustrations that I have had in this body is, how can you solve a problem if you can't discuss it? And right now we're not even able to discuss in a logical way how we reform Medicare. And those Medicare changes, we've only mentioned a few of them I might add. There are many others in here. In 2012, that will be just next year, there will be Medicare cuts to dialysis treatment. Medicare cuts to hospice begin in 2012. And on and on.

And it's one thing to have a problem. It's quite another to not even be able to discuss the problem. So let's just summarize it briefly here, and then I will yield to you that are still here. We had a problem in this country with health care costing too much and a



group of people that couldn't have access to care and a liability crisis. We did nothing with this ObamaCare bill to curb the costs.

How we helped pay for the Affordable Care Act is we took money out of Medicare. And to control spiraling Medicare costs, we set up a board, this bill set up—not we, but this bill set up a board called the Independent Payment Advisory Board. Most people, including many physician friends of mine, don't have any idea what this is. It is a very bad idea. It's not a good idea in England, where it's being used. That's where the group that wrote this bill got it.

And you know why they want this? Why the people that signed this, the Senate and others? Because they don't have to be accountable. They can blame somebody else when needed care isn't given. Oh, it isn't my fault. This board did it. Well, it is our fault. If we give up that right, it's our fault if those cuts occur to our seniors and we cannot provide the care that they need.

So why we are having this discussion is we have got a budget problem. We have got a \$1.6 trillion budget deficit in this country we have to close. And how do we do that? We look forward and see where are the costs going forward? As I mentioned, when the President of the United States is 65 years of age, 15 years from now, four things will take up every tax dollar that we take in. So it's mandatory that we begin now solving this problem.

I think the plan is a great plan, the Ryan plan. It allows people to plan. It also, I believe, will allow you more choices. And I believe that that's exactly what the American people want in health care, is not someone up here in Washington making those choices for us and our patients, but the patients and the doctors making those choices.

I will yield to the gentleman, Dr. DESJARLAIS, if you would like to have some comment about that.

Mr. DESJARLAIS. You are correct, and I agree with everything you said. The point that a lot of folks made on the campaign trail is there is simply too much government medicine. There are unsustainable costs. I know our colleague from New York, ANN, as an RN, probably recalls the day where she spent more time on patient care than documentation. And now most nurses will acknowledge that it's just the reverse; they spend much more time on paperwork and bureaucratic issues than taking care of patients.

And I think that it's important that we remember that just a short time ago, when the Affordable Health Care Act, more commonly known as ObamaCare, was being pushed forward, Americans vehemently opposed this bill. I don't want them to forget all the reasons why they opposed it. They didn't ask for it. We can't afford it. And we don't need it.

There were approximately 30 million uninsured people, according to the President, at the time. But yet up to 75 percent of people rated their health care as good or excellent. So we're taking a system that has flaws and excessive costs, and trying to completely turn it upside down with this Affordable Health Care Act, which we all know is going to lead to rationing of care, decreased quality of care, and increased costs. You can't add people to a system and decrease costs without rationing care.

So I think it's important that the people stay engaged and speak out and acknowledge that they want the relationship to be between themselves and their doctors, and not between Washington bureaucrats such as what the IPAB is proposing. That's exactly what we're going to see. And we need to stand firm. The American people don't need to forget why they were opposed to the ObamaCare bill in the first place.

Mr. ROE of Tennessee. I thank the gentleman.

I yield now to Congresswoman BUEKLE from New York for closing comments.

Ms. BUEKLE. Thank you very much.

I think it's so important to have this conversation with the seniors. We want to preserve your relationship with your physician. There is nothing more sacred than that relationship. This IPAB panel will disrupt that. It will come right between you and your physician.

It's so important that we get the facts out, that we have this conversation with seniors, that you understand that we are fighting to preserve Medicare, fighting to preserve Medicare as we know it, and Medicare and the patient-physician relationship.

With that, I thank you for this opportunity.

Mr. ROE of Tennessee. I thank the gentlelady.

I will finish by saying that I know that the Health Caucus and the physicians caucus are totally committed to this bipartisan bill, this repeal of this IPAB.

Again just to summarize what it is, it is 15 bureaucratically appointed people approved by the Senate, submitted by the administration. I don't want a Republican President or a Democrat President appointing these people. What they will do is make a decision based totally on cost. The Congress then requires a two-thirds override to change or they have to make the cuts, we have to make the cuts someplace else. CMS will be in charge of how those cuts are taken care of.

□ 2040

I think that responsibility, that fiduciary responsibility, is right here in the elected body that meets with the people.

I thank the gentleman for being here tonight, I thank the gentlelady for being here, and I yield back the balance of my time.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate are properly addressed to the Chair and not to a viewing audience.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

Mr. REED (during the Special Order of Mr. ROE of Tennessee), from the Committee on Rules, submitted a privileged report (Rept. No. 112-95) on the resolution (H. Res. 287) providing for consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### MAKE IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Rhode Island (Mr. CICILLINE) is recognized for 60 minutes as the designee of the minority leader.

Mr. CICILLINE. Mr. Speaker, I would like to begin our remarks today which will focus on our Make It in America agenda, the agenda that we put together to put the American people back to work to really support manufacturing, and we are going to have a good discussion about that.

I would like to yield first to the gentlewoman from Alabama (Ms. SEWELL) who has some important remarks to share.

Ms. SEWELL. Thank you so much for yielding.

I rise before you today to discuss the recent disasters, natural disasters, that have affected families, businesses and communities across this Nation. In the aftermath of such disasters, there must be a shared commitment to rebuilding communities across this Nation.

My thoughts and prayers are with the people of Joplin, Missouri, who suffered the most recent wrath of nature. We in the Seventh Congressional District of Alabama suffered massive devastation during the April tornados. Nine out of 12 counties in my district suffered tremendous damage. These pictures only show part of the story. Homes were destroyed. Schools, churches, businesses, and communities were destroyed; and many of my constituents lost the lives of their friends and loved ones.

I want to thank the President and the First Lady for visiting my district and seeing the devastation firsthand. Mr. President, you told us then that you had not seen such devastation before. You also said that you would make sure that we were not forgotten.

Thank you, Mr. President, for your commitment to rebuilding Alabama. I want to thank your administration for responding so quickly.

Within hours, FEMA administrator Craig Fugate was on the scene to survey the widespread damage. The emergency disaster declaration and the major disaster declaration were approved within hours.

I also want to thank Homeland Security Secretary Janet Napolitano, HUD Secretary Shaun Donovan, Agriculture Secretary Tom Vilsack and SBA Administrator Karen Mills for traveling to my district days later.

As a result of the April tornados, 67 lives were lost in my district alone; and in the State of Alabama, 238 people lost their lives. I want to extend my deepest condolences to those who have lost their loved ones. I want to thank all of the first responders who were on the scene to help so many of the victims.

I also want to thank the volunteers who continue to work tirelessly to restore the lives of families who lost all that they had. The destruction and loss of lives has been absolutely heartbreaking. But out of this tragedy, we will triumph. We will recover, rebuild, and restore our communities. We will be better and stronger than before. I am inspired every day by the resilience that my district in the State of Alabama and the people have shown. Neighbor helping neighbor.

The response by the State and local government has been tremendous. I want to thank Governor Bentley of Alabama for his leadership and timely response. The coordinated efforts of my local mayors have been amazing. I would like to thank Mayor William Bell of Birmingham, Mayor Walt Maddox of Tuscaloosa, Mayor Cunningham of Geiger. Your leadership and tireless efforts have been commendable.

I also would like to commend the Alabama Emergency Management Agency under the leadership of Art Faulkner. I would be remiss if I did not mention the incredible support and help of my colleagues within the Alabama delegation.

What we have learned is that what affects one of us indeed affects all of us. Together, I know we will work to rebuild Alabama.

Mr. CICILLINE. I thank the gentlewoman, and I know we all stand in strong support of the work that is under way in your district and all across this country and our hearts and prayers continue to go to the families who have suffered such tragic losses during those terrible, terrible inci-

dents. We compliment the first responders and the mayors and all those you have recognized tonight.

I would like now, Mr. Speaker, to turn to the agenda that we announced several weeks ago that involves really comprehensive pieces of legislation to really support American manufacturing.

Our country has a proud tradition of making things. We built the world's strongest middle class because, in large part, so much of what the world needed, we made here in America. And for millions of Americans, our tradition of making things here has been a source of opportunity and great pride. Today, with millions of Americans still out of work and with an economy which is still struggling, it's time to draw from that tradition to build a positive, job-creating agenda.

The American Dream used to mean something, that if you put in a hard day's work you could expect good American wages, benefits, and a better life for your family. It meant that when products said "Made in America," people knew that they were getting the highest quality manufactured goods money could buy. It's time working Americans used our strength in numbers to reclaim the American Dream. Working people deserve a voice at the table; and if we lose that voice, we will lose what our grandparents fought so hard to leave us.

We should start with manufacturing. The number of Americans involved in producing goods is still near its lowest point since World War II. Manufacturing is central to our economy. The National Association of Manufacturers tells us that manufacturing stimulates more economic activity than any other sector. It's time we started expanding opportunity and stopped shrinking the middle class.

So this effort is to really understand that we have to start making things again, that manufacturing matters. My friend, Mr. GARAMENDI, certainly our leader in this Make It in America agenda, is someone who has spoken so passionately and so forcefully about our ability again to lead the world in making goods so that we can start shipping goods that are made in this country all over the world. Instead of exporting jobs, let's export American-made goods.

I tell my constituents—I hear from them all the time—go into a store and try to find something made in America. It's almost impossible, and it doesn't have to be that way. We still have the best workers in the world, we still make the best products in the world, and what we need are good public policies that support American manufacturing, that support job growth in American manufacturing to give fair trade and tax policies that give American manufacturers a fighting chance to compete in a global econ-

omy and efforts to be sure that our trading partners like the Chinese stop cheating and play by the rules and are held accountable when they do.

So we put together an ambitious agenda to really make things again in this country. Because when we make things in America, families can make it in America.

We have a series of bills we want to talk about tonight, but think of those days when you would go into a store and you would pick up an item and it said "Made in the USA" and the kind of pride we felt because we knew that was a product that was made well, built well, that would stand the test of time, and we could sell it all over the world. We can do that again.

We are doing it. We have some great manufacturing in this country. We are seeing a real growth, particularly in new manufacturing, high-tech manufacturing, which requires innovation and entrepreneurship and the kinds of investments in technology that will help us lead the world in this new knowledge-based economy. So this effort is to really understand this is part of our history, it's part of the present day, and it is part of our future as a great economic power.

I yield to the gentleman from California (Mr. GARAMENDI) who has been such an important voice on the importance of rebuilding and strengthening manufacturing in this country.

Mr. GARAMENDI. Mr. CICILLINE, it does not surprise me at all that you have a passion for this issue. You come from a part of the United States that really started the industrial revolution, the Northeast, and your State in particular, the industrial revolution started there.

And over the years it gave great strength to this Nation, and it was the manufacturing that provided the economic underpinnings for the growth of the American economy. Unfortunately, your part of the State, perhaps for a variety of reasons, some of them having to do with national policies, began to lose its industrial base.

But with your representation and your passion for this issue, I have absolutely no doubt that once again the Northeast will find the resiliency and the right national policies to rebuild the manufacturing base there and across the rest of the Nation.

We are already beginning to see it as a result of the stimulus program, and some of the specific laws that were built into that program are now rebuilding the manufacturing base in the Midwest.

□ 2050

Specifically, a requirement that for the high-speed rail systems and the rebuilding of the American intercity rail programs, those goods, trains, rails, electronic systems, control systems, have to be built in America. And guess

what? International companies are establishing, reestablishing, and building manufacturing facilities in America to take advantage of that money that was in the stimulus bill. Simple, little things, not an increase, but rather using our Federal money wisely. We can do it. We must do it. We will make it in America once again, and it will be the great American manufacturing sector. And when we do this, America will make it.

There has been a lot of discussion here on the floor today about deficits. What are we going to do about the deficits? Are we going to raise the debt limit? Of course we're going to raise the debt limit. We have to. America stands behind its debts. We will pay. It will engender a debate. Fine. Let's make this part of the debate. Let's make this part of the debate.

In dealing with America's deficit, are we willing to put in place the policies that will rebuild the American manufacturing sector? And I know it is the Democratic agenda to do just that, that we will rebuild the American manufacturing sector. And in doing so, we will rebuild the American economy and provide one of the critical bricks in solving the deficit problem. Without a growing economy, without a strong middle class, the deficit will never be solved. So we ought to do it.

How can we do it? Well, how about our legislative agenda? Why don't you start us off on a couple of the bills and see where it takes us?

Mr. CICILLINE. I thank the gentleman.

I think one of the important investments that we need to make in supporting manufacturing that you just referenced is infrastructure. And one of the parts of the Make It in America agenda is the making of a national infrastructure bank which will create a public-private partnership to finance the construction of roads, bridges, transit, and the ability to move information, goods, and services in the 21st century.

If we're going to successfully compete in the manufacturing sector, we need to have an infrastructure that has the ability to move goods, services, and information to be competitive and succeed in the 21st century economy.

When you look at what other nations who are investing in manufacturing, are investing in their infrastructure to support manufacturing, in roads, in bridges, in transit, in information technology, and the ability to move goods and services competitively, they are racing by us, literally and figuratively. And what we need is an infrastructure that will support this growth in manufacturing, an infrastructure that will really allow American manufacturers to compete successfully in the 21st century.

Mr. GARAMENDI. If you would yield, the infrastructure bank is a great idea,

and it is one which allows us to build immediately. And over time, as those projects pay off, they repay the loans. It is a very, very wise investment to create an infrastructure bank. Other countries have it. And in the United States, there are certain localities and States that also have it.

Another piece of legislation dealing with infrastructure actually is a bill that I put together that says, we spend a lot of money. It's part of the excise tax money that goes out to build highways, to pay for buses, trains, light rails and the like. And my bill is pretty simple. It's our tax money. Use that tax money to buy American-made equipment. Why would we send our tax money off to China to buy a Chinese bus? Hey, we make great buses. We make a great bus in the Bay Area. The GILLIG Corporation makes a bus that is a superb bus. And we need to spend our taxpayer money buying American-made buses, trains, light rails and the like.

We're going to spend billions. Is the money going to be spent in America or is the money going to be spent overseas? My legislation says buy American-made equipment. Pretty simple. After all, it's our tax money. One of several bills—the infrastructure bank and this particular bill—in building the American infrastructure.

I notice one of our colleagues here from the State of Hawaii.

Mr. CICILLINE. Yes, I know she, I'm certain, is going to join the conversation.

I think the point you made, Mr. GARAMENDI, is an important one. These are not always pieces of legislation that require additional investments of resources. It's also about ensuring that the resources that we're expending are used in ways that support the growth of American jobs and American manufacturing, and your bill is an excellent example of that.

I think we also have, as part of this package, kind of as a beginning point, the development of a national manufacturing strategy, a legislation that would direct the President to convene the stakeholders in industry, in labor, and manufacturers to really develop a national manufacturing strategy with benchmarks and with ways to hold ourselves accountable to meeting those benchmarks; because, again, all of our competitors who are serious about growing manufacturing are doing it pursuant to a well-conceived and developed manufacturing strategy.

We need to put the same kind of thoughtful consideration in the development of that strategy and then really hold ourselves accountable with good benchmarks. And I think that's a great other piece. Of course, my favorite in the package is my very own Make It in America block grants.

Mr. GARAMENDI. It's always good to talk about your legislation. This is

a great way to get things started. This is a great way to do it. It came from a fellow from the East Coast, the great State of Rhode Island, and it basically is a block grant program to jump-start the infrastructure programs all across the Nation.

The thing that's really good about this is it's a competitive block grant. You're just not going to go out with earmarks because somebody has seniority, but it's going to be based on the quality of the program, the jobs that are brought, the necessity of moving people. I think it must have been a genius out of Rhode Island. Was it you, Mr. CICILLINE, who came up with that idea?

Mr. CICILLINE. I thank the gentleman for that excellent question. But this legislation really grew out of my visits to manufacturers in Rhode Island, some who have been very successful, some that are growing, some that have not been growing. And I said, What are the impediments? What would allow you to grow? What do you need as an American, as a Rhode Island manufacturer? And developed this idea of the Make It in America block grant that would provide resources in a competitive process as you described, for manufacturers to retrofit their factories to make energy improvements in their plants, to train workers on new equipment, to buy new equipment, to engage in activities which will allow them to increase their exports, but really a shot in the arm to help manufacturers to compete successfully in the 21st century by identifying what they need.

And, look, we invest lots of resources in other areas of our economy. We don't do enough for American manufacturing. This would respond to many of the urgent issues that Rhode Island manufacturers, American manufacturers are facing, do it in a competitive way with real measurement of outcomes, but really invest again in making things in this country.

I know the gentlelady from Hawaii has now joined us, who has also been an important part of the Make It in America agenda.

I would like to yield to Congresswoman HANABUSA.

Ms. HANABUSA. Thank you very much. It's very fascinating to watch the both of you go back and forth on this.

Hawaii doesn't have manufacturing like the traditional form of manufacturing. However, there is one part of our economy that is very critical, and it's under fire. And I would like to discuss that, because I have some statistics as to how, when we protect what is made in America, we are able to actually see the results.

And I'm talking about the Jones Act, which has different ramifications for all over, but for Hawaii, because we are in the middle of the Pacific, what we

tend to forget is that our oceans are our highways. And what people think is that, gee, if we had ships coming in from foreign-flagged vessels, we might have a reduction in the costs. And that is exactly where we do not want to go.

Let's talk about manufacturing and how it affects us. First of all, shipbuilding, the gentleman from California and I sit on the Armed Services Committee, and tomorrow in one of the subcommittees, they're going to discuss the 30-year plan of shipbuilding in the military. And the military, I know from conversations with my own hometown people who are in the maritime industry that they have been called to Washington because the NAVSEA component wants them to continue to build in America. They want them to build the ships because we can't, the military can't continue to keep this industry alive. They need help from the private sector. So let's look at: Why wouldn't the private sector do this?

And one of the pieces of legislation that has been there to keep the private sector in the manufacturing of ships has been the Jones Act.

Now, let's understand what it means for a State like Hawaii, and then maybe we can, by going through that, understand what the ramifications are when we talk about Make It in America, because people may not see that actual connection to how we benefit from it.

We have, for example, in my district alone, 16,494 domestic maritime industry jobs. This is the second highest of all congressional districts. This is according to a PricewaterhouseCoopers Transportation Institute survey or statistic that they did.

□ 2100

Now, the total gross economic output from domestic maritime activity is \$3.389 billion annually for the State of Hawaii. Gross output is defined as the sum of receipts or sales and other gross income generated in this maritime sector. Executives and other workers related to the domestic maritime industry receive total compensation of \$785.9 million annually. The total value added for goods and services moving by domestic waterborne transportation is \$1.24 billion annually.

The State of Hawaii is a top contributor to the domestic maritime industry, ranking basically in the top eight of four categories, top eight. Think about how small we are: jobs, economic output, labor compensation, and value added. There are over 23,000 domestic maritime jobs in the State of Hawaii, and the total gross economic output for the State is well over \$4.7 billion annually. And the related labor compensation is \$1.1 billion annually, and the annual value added is about \$1.7 billion.

Now, nationally, the domestic maritime industry accounts for about

499,676 jobs; \$29.1 billion in labor compensation; \$100.3 billion in economic output; \$45.9 billion in value added; and \$11.4 billion in taxes. There are more than 40,000 vessels in America's domestic fleet, one of the largest in the world. But remember something, and one of my Senators made the statement—and I was stunned by it—he said after World War II in terms of ruling the high seas, America had over 90 percent, over 90 percent; and we are now in the low 20s.

What does that mean for us? Think about the industry. Think about the manufacturing. Think about the high-quality jobs that the maritime industry represents, and what are we doing about it. We know trade. We also know in terms of the military that the maritime industry is critical, but the military alone cannot keep that industry alive.

That is why—let us not forget the Jones Act comes from the Merchant Marine Statute. And what has been done in the past? In the Persian Gulf war, for example, and in other types of areas where we don't have enough ships, we go to the private sector; and we are able to do that because they are American flagged, American owned, and American manned—manned, not to be referencing other than man or woman.

But that's what it is all about. We are, no matter what, the greatest power in the world. That's what we are. That's what we represent. And why would we not recognize that there are many things that we do best and we rule the high seas, as they said. And now we are willing to sacrifice that to other countries? That should not be the case because trade, maritime, is a major component of our success and our ability to continue to be independent.

And we know, the gentleman from California and I as we sit through many of our hearings, that the new military is looking at a marriage with the commercial areas, a marriage with using all of the different ships, plus airlines, to transport things. You know, that is the future; but to make that future a viable future and a cost-efficient future, we have got to continue to make it in America.

Mr. CICILLINE. I thank the gentleman.

I think the other very important part of that conversation has to be a continued investment in science and research and innovation. A lot of the things you are talking about, kind of new manufacturing, we are going to continue to rely on the knowledge economy and the brilliant new innovators and the great new scientists and the great new technologies and research. We need to be sure that even in these difficult budget times, we are making investments in science and research that will help protect those jobs of the 21st cen-

tury so we can not only develop the ideas, but then manufacture the products. I think that is an additional important point.

Mr. GARAMENDI. I only want to take a second here. I notice one of our colleagues from Texas has joined us. She is a strong advocate of returning American manufacturing.

I want to thank our colleague from the great State of Hawaii for bring to our attention the critical importance of transportation on the sea and in the American flag. Just for a moment, she caused in my mind a memory to return about an article that I read about where the ship is flagged. That is where it is licensed. I recall that I think it is from Florida, the Carnival Cruise lines, a billion-dollar operation with the ships actually flagged, I believe, in Panama. Interestingly, the tax that they pay to the U.S. Government, that is their corporate income tax—zero, nada, nothing—largely because they are able to avoid the American laws by flagging their ship offshore.

We need these ships flagged in America for many reasons, and certainly the issue that she raised about national defense. Corporate tax policy, the R&D tax credit, another one of the bills that the Democratic Caucus has put forward to permanently put in place the research and development tax credits so that we can expand the genesis, the beginning of tomorrow's manufacturing, which actually comes through the research. I can go on and on about that. Representing California, we think research is really, really important. That is why we supported, without any Republican support, the STEM program, science and technology, which is research and also the education that goes with.

One of the things that I found so disturbing was the effort by our Republican colleagues to back off the research, to reduce the research in America, when in fact that is where the future comes from.

Mr. CICILLINE. I thank the gentleman from California.

I think that point cannot be stated often enough, that part of our ability to make it in America, not only manufacture but invent and create and make the new discoveries, is understanding that we need to maintain our investment in science and research to compete in this global economy. I thank you for raising it.

I am delighted that we are joined by our colleague from the great State of Texas, someone who has been a very forceful and strong advocate for manufacturing and making it in America.

I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman.

It is my privilege to be able to join the gentleman from Rhode Island, a former mayor of one of our great cities, who understands when he looks at his

constituents in city government that job creation and manufacturing churns the economy of local government as well.

I am delighted to say to my friend from California, Texas is right with you. I don't think any State can reject the value of research. We have the Texas Medical Center. It has research in many different components, but they all come together to generate jobs and a better quality of life.

And I am amazed at how astutely correct the gentlelady from Hawaii was on this whole idea of shipbuilding and the flags that ships fly under and the loss of income.

But more importantly, most of us grew up, young as we are, with this country being the grand shipbuilder. We were proud of that. We loved those christenings; but, more importantly, to see those great ships.

So I rise today to support you and to join also, if I might, with my colleague from Alabama, having had the opportunity to join her there in Birmingham and Tuscaloosa. Let me say to her and to those who have lost so much in Alabama and throughout the areas surrounding Alabama, and certainly to our dear friends in Missouri, and the tragedy of such a high cost of life, let me say to them that we will never give up on helping you.

My point is this: it is interesting that today we had an example of the lack of seriousness that my Republican friends have regarding job creation.

□ 2110

No matter how we voted—I voted “aye” on the debt relief, or the debt increase—we all know that our commitment is to save Medicare and Medicaid, and that it is also to generate revenue.

How do we generate revenue? We put the punch back in manufacturing. We manufacture and we create jobs. How did FDR do it? He put people to work. Eventually, the government got out of putting people to work, and you saw this big manufacturing boom—shipbuilding, building homes. We all remember the massive homebuilding that President Eisenhower engaged in—manufacturing, making a whole bunch of things.

Let me tell you why this is so important and how sad I was that the debt relief was, in fact, a mockery, because, if you commemorated soldiers yesterday, let me tell you what the unemployment rate is for veterans: 7.7 percent. The unemployment rate for those Afghanistan veterans—and I would include Iraq—is 10.9 percent.

How do you put these folks to work? You put a boost and a punch in manufacturing. You let these guys come back and use the skills that they've gained in working—or soldiering, if you will—in Iraq, in fighting for our freedom in Afghanistan and other places. You say to these guys, I don't just

mourn the loss of your comrades on Memorial Day; I listen to the voices of your families and yourselves. When you come back, I've got jobs for you.

Let me tell you how you do it, because I am big on making things. Here we go. Here is one of our bills that we are very interested in, H.R. 613. We build airports. We refurbish airports. We make them better. We fix our highways. We build or we engage in high-speed rail—trains, transit—and we make it in America. Let me say this: we make sure that trains are made here in America, are assembled here in America. We go back to making the same trains that we had to make when everyone said, Go west, young man. Go west, young woman. That's how Texas got here. That's how California got here.

So it saddens me that instead of spending the time today in looking at H.R. 1730, which will be discussed, or H.R. 613 or the research tax or the ability to give incentives for research or to help the Texas Medical Center or Silicon Valley, we did something that we didn't take seriously—the need of America to pay her bills.

Then, of course, what does it mean when we talk about “making it in America”? Boy, this is exciting to me. We begin to appreciate chemistry and physics because we are in the business of inventing and therefore of making. This picture shows research and what happens when you get through with research. It is extremely important that we, in essence, show the importance of what happens to Americans. They get to work.

My point is that there are a lot of Americans who can be helped if we engage in job creation by making it in America. As we have all committed to do, I am beginning to go around to my district and am excited about all the manufacturers I am finding. I'll tell you, you just go around to say “thank you” to these manufacturers, “thank you” to what's happening. If we were to invest in America and make it in America, it would be a better deal not only for America and those Americans here but for our young people graduating from college and for our soldiers coming back.

So I want to thank the gentleman for, I think, the right approach, which comes right after the mockery of a debt relief that was not serious. For those of us who believed it was important to be serious and who may have voted “aye,” we really wanted to be discussing job creation, and we really wanted to be discussing having jobs, as well as providing for those who are ready to work. Let's see if we can get something done, so I join with the gentleman in working on these important issues.

I close by simply saying: what an excitement to make ships again, to build the trains for high-speed rail, to make

America's infrastructure in such a way of using our manufactured products. What a way to put America back to work.

I hope we will continue to press this issue. I believe the Democrats are going to be able to get this done—to make it in America, which will create more jobs for America and will generate the revenue that will really bring down the deficit.

Mr. CICILLINE. I thank the gentlelady for her passion, and I am really hopeful that this is an issue on which we can really build some bipartisan support.

We put forth from the Democratic Caucus a very ambitious and detailed agenda on how we can make things again in this country and on how we can rebuild manufacturing and can really lead the world in the manufacturing sector again. I hope it's not a Republican or a Democratic issue. I hope people understand this is good for our country, is good for America, is good for American workers, is good for our economy; and I hope we will be able to find some support on the other side of the aisle for making it a reality.

I know a big piece of this is also supporting small businesses, which are an important part of the manufacturing sector. I would like to welcome the gentlelady from Alabama again and thank her for being part of this discussion.

Ms. SEWELL. Thank you so much for allowing me to be a part of the Make It in America Special Order hour.

I want to acknowledge the importance of small businesses in making it in America. Small businesses play a critical role in our economy. They provide jobs, they spur innovation, and they strengthen our economy. Small businesses are responsible for generating half of our Nation's gross national product and for employing half of its workforce. That is why I have introduced the Small Business Start-Up Savings Account Act. More folks would benefit if they were provided incentives to allow them to save money to start up a business.

On average, an entrepreneur who wants to launch a new business spends \$80,000 in first-year start-up costs. Entrepreneurs often go into large amounts of debt to start their businesses. They may even try to save money ahead of time in order to start these businesses. Many even use their savings from their retirement accounts to build the capital they need to run their businesses.

This bill would allow entrepreneurs to save money tax free so that they could start their small businesses. Similar to the retirement accounts, this bill would allow entrepreneurs to save up to \$10,000 per year and to grow that amount tax free. Once people start their small businesses, funds from their savings accounts can be used for operating expenses.

In his State of the Union address, President Obama charged America once again to spark its creativity and imagination. He reminded us that we are the Nation that put cars in drive-ways, computers in offices, the Nation of Edison and the Wright Brothers, of Google and Facebook. In America, innovation doesn't just change our lives; it is how we make our living.

The government can't guarantee a company's success, but it can knock down barriers that prevent hard-working Americans from starting their very own small businesses. Innovation is the key to keeping America number one, and small businesses have always been at the forefront of American innovation. We can't expect to stay competitive in a global market without making the creation of small businesses a centerpiece in our playbook.

In the Seventh Congressional District of Alabama and throughout this country, the number one issue is job creation. Ordinary Americans with dreams of starting their own businesses will create most of the jobs that will employ the workers in America. In fact, over the past decade and a half, America's small businesses have created 65 percent of all jobs in this country. As we continue to build our economy, we must again build things in America, and we can do that through innovation and job creation through small businesses right here in America.

I look forward to working with my colleagues on both sides of the aisle to pass this legislation and to help make things right here in America. I want to again applaud the gentleman from Rhode Island for leading us in this discussion tonight. It is critically important to the people of Alabama, whom I represent, and this Nation that we make things right here in America.

Mr. CICILLINE. I thank the gentleman.

I think this is one of those issues where the American people are well ahead of the elected officials because I think most Americans recognize the importance of our making things again in this country. This agenda, this Make It in America agenda, is really about two things: one, rebuilding our manufacturing sector so that we can make products here in America and can sell them from here all over the world; and, second, creating good jobs so that more families are able to make it in America.

Americans inherently know that manufacturing is critical to our Nation. It is not just that manufacturing creates good-paying middle class jobs and fosters innovation but that we've also been incredibly proud as a country about the fact that we make things and that we make the best products in the world.

□ 2120

We need and want more success stories like General Motors' recent an-

nouncement that they will be adding and preserving over 4,000 jobs across the United States, or Ford's decision to move 2,000 jobs back to the United States from Japan, Mexico, and India. In fact, Ford is planning to add another 7,000 jobs here in the United States. We need more stories like that that recognize that we make the best products and we have the best workers in the world.

I yield to the gentleman from California.

Mr. GARAMENDI. I was just listening to you discuss the situation with General Motors and Chrysler. That was a very courageous move that the Democratic Congress, together with President Obama, made when they made a decision to save the American automobile industry.

Many people, particularly the Republicans here in this House, said don't do it, government shouldn't interfere with business, let the good go and the bad die. Well, this was several hundred thousand small businesses across the Nation that are supply chains that would have died. But the decision was made—a very courageous decision by the President—to support the foundation of one of the great industries in this world and one of the great industries in America. And so General Motors and Chrysler did receive a bailout. And here we are today with two companies back at it, making cars, making it in America, and by golly, we're going to "Import from Detroit." You know, that was one of the greatest advertisements there ever was. But that's what this is all about, that's what this Make It in America agenda really is.

There is another piece of this agenda that we really must pay attention to, and that is the future energy sources of America are going to be renewables, together with gas and nuclear, but these new industries need support in their early days. And this is a tax policy. There has been in place for about 7 or 8 years now a very robust tax policy to support the new renewable industries. The production tax credit. When you put a solar panel up on your roof and you draw down the energy, there is a tax credit available to homeowners. Those are very, very good. We need one more little twist to it. I saw this in my own district with those wind turbines down there. They were being made offshore, and yet our tax money was—appropriately—supporting the energy, but if you add to it one additional fact, and that is the tax policy that supports a wind turbine made in America so that our tax money uses American-made equipment.

Another piece of legislation I have simply says, in the green technologies, wonderful, we need to do it, but let's make sure that those solar panels, those wind turbines are made in America.

Mr. CICILLINE. One of the most frustrating parts of that is when you look

at the technology that forms the basis of those products, they were developed in large part—sometimes exclusively—by the great scientists and researchers at our great universities, and then they are manufactured outside the United States, and we're using public money to make those purchases. So you're absolutely right, having that requirement that it be manufactured in the United States is a critical part of it.

Mr. GARAMENDI. A pretty basic thought for me is that it's our tax money; spend it on American-made equipment.

The other piece of this is that these tax policies, these subsidies really work. And I want to give you an example. About a century ago, nearly a century ago America decided it needed a new energy source called oil. Over the years, subsidies were put in place to encourage investment in the oil industry and it worked, it worked phenomenally, created the best, most profitable industry in America, the petroleum industry; \$970 billion—just slightly short of \$1 trillion—of profit after taxes for the petroleum industry. And after a century of being subsidized by taxpayers, it's time for those to end. Let that industry help us with the deficit.

End the subsidy for Big Oil. Return the money to the American Treasury. Bring down our deficit. There's a lot of money here. Depending on how you count it, it's somewhere between \$2 billion, \$3 billion, or \$12 billion a year in subsidies for this industry. Let's end that. But unfortunately, we're involved in a debate here in Congress over whether we keep the tax subsidy for Big Oil and shift the burden of solving the deficit to seniors, an incredible policy put forth by our Republican colleagues that would force seniors to pay more for their medical insurance and literally terminate, end Medicare for everyone that's not yet 55 years of age. Terminate Medicare, shift the tax burden to them, and keep the tax subsidy for Big Oil. Hello? What's that all about? Big Oil doesn't need any more help. The deficit needs the help. Don't give the tax breaks to Big Oil. And for heaven sakes, don't terminate Medicare and force today's seniors and tomorrow's seniors to add the burden while keeping the benefit to Big Oil.

This is about choices here. This is about choices. How do we use our tax money? For the future energy industries? Do we use our tax money to benefit Big Oil and force seniors and nursing homes to pay more? That's not out there 10 years from now, that's right now, because the Republican budget reduces Medicaid. The biggest single part of Medicare is to subsidize seniors and nursing homes. So seniors and nursing homes, their families would pay more while Big Oil is protected.

Mr. CICILLINE. I thank you for raising that point.

This is a very, very important question that we have to decide in this Congress: What are our priorities? What investments are we going to make both to rebuild our economy and get people back to work, but also to keep our commitment of promising aid to our seniors. This proposal that was made by the Republicans in this very Chamber to end Medicare to people 55 and under, end Medicare, and at the same time to reestablish the doughnut hole today so it would make prescription drugs more expensive for seniors, make nursing home care unavailable to many seniors, slash funding for Medicare, and really shift control to the private insurance companies to make health care decisions for our seniors—a terrible idea. And at the same time, as you pointed out, preserving tens of billions of dollars in subsidies to the Big Oil companies that have record profits, that don't need a check from the taxpayers that adds to our debt, and at the same time not making investments in the kinds of things we need to rebuild manufacturing and to make it in America.

It's the wrong priorities. We've got to protect our seniors, keep the promise we made to them, make the right investments here, and get rid of tax subsidies for Big Oil, get rid of the waste and fraud. Make cuts the right way, but make the right investments at the same time.

Mr. GARAMENDI. We heard a debate here earlier, and while we're on Make It in America, this kind of moves us a little bit away, but they were saying earlier that in the health care reform, the Affordable Care Act, money was taken out of Medicare. Not true. Money was taken out of the pockets of the insurance industry who were given, back in the Bush era, an additional subsidy. It terminated a subsidy of \$500 million that the insurance companies had to participate in Medicare. Why in the world we would subsidize the health insurance companies who this year are showing record profits, I don't know, but the Republicans perhaps want to keep that subsidy there for the health insurance companies just as they want to keep a subsidy there for Big Oil, rather than taking care of our seniors, shifting the subsidies to tomorrow's energy sources.

These are policy choices. And the policy choice of the Democratic Party is to protect seniors, to make sure that Medicare is there today, tomorrow, and forevermore. Let me be very clear about this. If you want to have a fight on this floor, then you fight with us over Medicare. We will not tolerate the termination of Medicare, period. And we don't want to shift costs to seniors. We want to make sure that those companies that are profitable, the oil industry, pays its fair share and terminate the subsidies to them.

Mr. CICILLINE. I thank the gentleman.

I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. There is just a whole litany of things that I think have been mentioned today that are so very important.

One, I want to again emphasize when you invest in America, you create jobs. Look at what is happening to the auto industry. And I am far away from the auto industry. I happen to be in Texas. But I can assure you that I can point to an auto dealership that is alive today because we said "yes" to manufacturing and owning businesses and keeping the doors open. Now this same auto dealership—which, by the way, is in American-made cars, GM—is expanding, is refurbishing, will be hiring new people, will be selling more cars because we were engaged.

□ 2130

And I think the point that we have to create jobs to reinvest in this community points again to preserving Medicare, which is not being done by our friends—certainly the vote that we had today had nothing to do with the debt ceiling, had nothing to do preserving Medicare and Medicaid. And I truly believe there is a nexus, there is a connection—invest in America, create jobs, have revenue returned back to the economy, bring down the debt, and watch America churn like an engine that is purring and doing better.

We can make it in America. We can applaud our manufacturers. We can grow them. And I think the investment in America's auto industry is evident by all of the jobs being brought back home.

Let me end by saying to all of those who can hear us: American manufacturers, American corporations, bring your jobs back home and participate with Democrats in their serious effort to enhance making it in America and creating more opportunity. You are better off here. You can watch your company grow, and you can support the continued growth of America and opportunities for small businesses and the young people who are now coming out of our many colleges and schools ready to work.

Mr. CICILLINE. I thank the gentlelady, and I thank you for your passion on this issue and again for restating the urgency of job creation and getting the American people back to work as our number one priority.

The Make It in America agenda will help do that by restoring making things again and understanding it has to have a central place in rebuilding our economy, by building an environment in which American manufacturers can grow and create jobs and making sure our businesses are competitive all across the world.

Many of our Make It in America bills have won bipartisan support, and now we can win bipartisan support in the new Congress when we work for strong-

er job training partnerships, fight for a fair playing field for American exporters, and hold China and our other trading partners accountable for currency manipulation and unfair trade practices.

Make It in America also means recommitting ourselves to the future of America's middle class by ensuring that we are out-educating, out-innovating and out-building our competitors. We, of course, have to cut wasteful spending and restore fiscal responsibility by making priority investments that are necessary to keep our Nation competitive.

As the gentleman from California has just put forth, that board which really does describe the issues that are part of the Make It in America agenda: focusing on fair trade policies; tax policies which support job creation in American manufacturing, that give American manufacturing the tools they need to succeed; energy policies that will increase investments in renewable energy, clean energy to make American manufacturers more competitive; labor policies; educational investments, educational investments; protection of intellectual property; and investments in infrastructure. Those are really the outlines of what we know we have to do to really support making it in America, to support manufacturing, and to support rebuilding and strengthening the middle class of this country.

I yield to the gentleman from California.

Mr. GARAMENDI. If anyone understands the history and the importance of manufacturing, it's the gentleman from Rhode Island. The Black River down through Rhode Island was the very first place that America started its manufacturing base, using water as a source.

And today, as we look to the future of American manufacturing, we do have to deal with the energy issues. And we probably should take a full night here and just talk about how the American economy can benefit from a new energy strategy.

Tax policies we've discussed here a little bit.

One of the things we didn't discuss here on tax policy was we put forth a bill last year that took away \$12 billion of subsidies that American corporations had when they shipped jobs offshore. I have no idea how such an incredibly stupid policy got into the Tax Code, but it did. It's gone. It was a Democrat agenda to eliminate those tax subsidies that shipped jobs offshore. Unfortunately, not one Republican joined us in eliminating that crazy tax subsidy. That money is now back to help deal with the deficit.

Labor policies, education—another full night can be taken on just education. We talked a little bit about science, technology, engineering, and mathematics, the STEM programs. But



it's much, much more. It's the reeducation of our workforce. Intellectual property, research, how you protect that, critically important. We did have a good discussion about infrastructure.

This is our agenda. This is the American agenda. This is the agenda about the future. And it is so much an important part of dealing with the deficit. There is not an economist out there that tells us we can actually deal with the deficit unless we get people back to work. And the people that we want to get back to work is American middle class. The American middle class needs to be rebuilt along with our manufacturing base, and we can do it with the set of policies that we're putting forth here.

We ask for our Republican colleagues to join us on these smart pieces of legislation.

Mr. CICCILLINE, this is your night. You've led us in this. I yield back my remaining time for your closure.

Mr. CICCILLINE. I thank the gentleman from California for your leadership on this and your participation tonight. I thank the gentleladies from Alabama and from Hawaii and from Texas for joining us as well.

I'll just end by saying you're right. Rhode Island was really the birthplace of the industrial revolution. And when you look at the role manufacturing played in the early days of our country's economy of the industrial age, Rhode Island played a really important role; and from Woonsocket to Providence to Newport to Pawtucket, we have examples of great manufacturing facilities. And what we need to do is put in place the tools and the policies that can rebuild that strength—and not only in Rhode Island but all across this country—that takes advantage of the great American ingenuity, of the great American innovation and the great American entrepreneurship to make the best products to solve the new challenges of the 21st century, to build products and to sell them all over the world, to create jobs as we sell American-made products all across the world.

And we can do it. We have the best workers. We make the best products. What we need are policies at the national level that recognize this is a key part to rebuilding our economy, a key part to the American—the rebuilding of the American economy, and understanding that we can make things again in this country. And by doing so, we can make sure that American families make it again in America.

Thank you, Mr. Speaker.

I yield back the balance of my time.

#### AMERICA'S DEBT CRISIS

The SPEAKER pro tempore (Mr. DUFFY). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Alabama (Mrs. ROBY) is recognized for 23 minutes.

#### GENERAL LEAVE

Mrs. ROBY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Alabama?

There was no objection.

Mrs. ROBY. We face a budget crisis in this country. America is broke. Without bold action, our budget situation will get worse, not better. We also face a severe economic recession. The current national unemployment rate is 9.0 percent, and it has been as high as 10.1 percent back in April of 2009.

With so many Americans out of work, the Federal Government should be doing everything in its power to encourage economic growth—not discourage it.

Cutting spending is critical to creating a pro-growth environment. Cutting spending is essential to free market job creation. House Republicans are the only group in Washington showing leadership on this issue. We have voted repeatedly to cut spending in the short term, and we have passed a budget that would reduce spending by \$6.2 trillion over 10 years.

By contrast, it has been more than 750 days since Senate Democrats have even passed a budget. Recently, Senator REID said: "There's no need to have a Democratic budget, in my opinion. It would be foolish for us to do a budget at this stage."

That is a breathtaking statement for two important reasons: First, the Senate is required by law under the Congressional Budget Act to pass a budget. Second, working families all across America live within their means every single day by following a family budget. It's simple. They don't spend what they don't have. So I ask: Why shouldn't Democrats in the Senate live by the same rule?

Now the White House is asking us to raise the debt limit and Secretary Geithner wrote, "Never in our history has Congress failed to increase the debt limit when necessary." The White House wants a clean increase in the debt limit. That means they want Congress to approve more debt without cutting back on any spending. That is a failed policy.

The vote we took tonight is a clear indicator that House Republicans reject that approach. Our message is clear. We will not vote to raise the debt limit without significant reforms to change the culture of spending in Washington. If the White House wants us to consider raising the debt limit, they should be at the table proposing significant reforms that yield trillions, not billions, in savings to the American people. So far, that has not happened.

□ 2140

Tomorrow, the President has invited House Republicans to the White House to discuss the debt ceiling. His request for a clean increase in the debt limit was rejected tonight. I hope that tomorrow the President will offer serious proposals to cure Washington's addiction to spending. No lip service. No gimmicks. No smoke and mirrors. The American people don't want more political posturing. Real spending cuts. A true commitment to that is what will spur job creation and get our economy back on track.

I now yield to the gentleman from Colorado for as much time as he may consume.

Mr. GARDNER. I thank the gentle lady from Alabama for her leadership on this issue, and the time tonight to be able to talk about an issue that's very important to my constituents in Colorado, the Fourth Congressional District, and around this country. There hasn't been a town meeting gone by where somebody hasn't stood up and said, "Congressman GARDNER, what do you think about the debt ceiling? What's going to happen to this country? What happens if we continue to spend the kind of money that this Congress, this Nation has seen over the past decade?"

As we turn our focus and continue to focus on jobs and growing our economy, the only way that this Nation is going to be able to create long-term jobs and job growth is if we do everything we can to make sure we are cutting spending and reducing the size of government.

In 2006, President Obama talked about a failure of leadership, a failure of leadership to increase the debt ceiling, and that he would vote against it. He did vote against it because he believed to continue to kick the can down the road, to continue to spend money without a plan to reduce our debt, address the deficit, he believed was failure of leadership.

Tomorrow we have an opportunity to visit the President at the White House. And I hope we hear from him why he believed that in 2006 an \$8.4 trillion debt was too much, why it was a failure of leadership to go beyond \$8.4 trillion in debt. Because the President is now asking us to go beyond \$14 trillion in debt, to pass a debt ceiling that would allow Congress to spend even trillions more than the \$14 trillion debt that we have today. The people in my district are concerned that there is no stop sign in place for the fiscal recklessness that this Nation has seen. The failure of leadership continues from one Congress to another without a plan in place.

I have had the opportunities over the past several years to attend high school financial literacy classes, where we're teaching our 8th-, 9th-, 10th-, 11th-, 12th-graders what it means to

balance a checkbook, what it means to make sure that they are keeping their records straight. Unfortunately, this Congress has failed to learn those same lessons that our high school students are being taught in Colorado, what it means to be able to say “no” to spending, what it means to be able to say “no” to spending money that we don’t have.

Mr. Speaker, I can’t think of anything more pressing facing this country at the moment than to make sure we send a strong message to the rest of this country that we have learned a lesson, that we will create jobs in this Nation, and we will do it because we said enough is enough when it comes to reckless spending. That we have put in place policies that will make sure we stop the runaway debt and deficit.

The House took a stand today. We drew a line in the sand with a vote 97–318 that this House rejected the President’s request to increase the debt ceiling.

I yield the balance of my time to the gentleman from Illinois.

Mr. DOLD. I appreciate that. I appreciate the gentleman yielding. It is indeed an honor to be down on the floor with you talking about something that is certainly near and dear to my heart, and that’s jobs. That’s going to be reinforcing in the out of control debt that we’ve got going on in our country today. The thing that I think is important that my colleague pointed out, and something that I want to make sure we emphasize is this is a Washington problem.

Mr. Speaker, this has been going on on both sides of the aisle for a long time. Republicans had deficit spending. The Democrats’ answer was to spend more. It’s about time that we stand up and say, “Enough is enough.” Back in 2006, the President actually said, “Leadership means that the buck stops here. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. America and Americans deserve better.”

Well, I couldn’t agree more. We cannot continue to shift this burden onto our children and grandchildren. A \$14 trillion debt. I went down, actually, today and saw the debt auction. In just a matter of minutes, we saw them in essence auction off another \$50 billion of U.S. Treasuries. Most of that was auctioned off in under 2 minutes. We cannot continue to spend the amount of money that we are spending and still expect that we are going to provide the American dream for our children and grandchildren.

To me, I think that’s the American compact that those I think on both sides of the aisle can agree upon; that we here in the Congress have to step up and provide leadership so that our children and grandchildren will have op-

portunities greater than the ones that you and I know today. Unfortunately, I fear that if we continue down the path that we go down, that we are heading down right now, we may be the first generation of Americans that leave our country actually worse.

We are looking for leadership. I am here on the floor reaching out and telling the President that we want to see a plan. Not that we want to reject a plan; we want to see a plan. Tell us why we need to raise the debt ceiling. Tell us what spending constraints are going to be put in place in Washington.

Both sides of the aisle need to just basically change the way that we’re doing things so that we can provide some fiscal discipline for future generations. When I look at it, and I know we have got some other small business men that are up here with me today, I look at it like we’ve just purchased a small business. Well, actually it’s a big business in the United States of America. It’s also the greatest business on the face of the Earth. It has some debt. We know we are obligated to pay that debt. But we also know that we have to restructure how the company, in essence the United States of America, is taking on that debt. And until we are prepared to do that, we can’t expect that we’re just going to continue to run the organization, the company, the United States of America, the same way it’s been run.

There is plenty of blame to go around. The time for leadership is now. And I welcome the opportunity to sit down with those colleagues on the other side of the aisle to come up with a solution so we can all march forward together and solve the big problems of our time.

With that, I will yield at least temporarily to my friend from New York.

Mr. REED. I appreciate the gentleman yielding, but I believe the gentlelady from Alabama controls the time.

Mrs. ROBY. Thank you.

I yield to the gentleman from New York as much time as he would like to consume, but we do have to be done in about 10 minutes.

Mr. REED. I appreciate that. I appreciate the gentlelady yielding. And I appreciate joining my colleagues, fellow freshman members of the Republican class who have come here to Washington, D.C., with the same philosophy that I believe I bring to the table. And that is exactly the point that we have been articulating here tonight. We need to get our fiscal house in order.

So many people ask me why is that so critical to our future? And when I go to my town hall meetings, and I go and talk to my constituents back in New York, I tell them there are two reasons. One, we all know that if you run a business at the debt levels that we run this government at, it will go bankrupt. And we are talking about

the bankruptcy of America. That is not acceptable to me. It’s not acceptable to my colleagues here tonight. And we’re going to work day in and day out to prevent that.

But second, and more in the short term, we need to get our fiscal house in order so that we send a message to all of the world markets that the American market is alive and well. And you can invest your capital, you can invest your millions of dollars back here in America and put people back to work. It’s not about creating jobs that are government jobs. It’s about creating wealth. It is about creating a private sector that is strong, that is putting people to work day in and day out, putting food on their tables, feeding their families, providing for their education, and giving that way of life that we here have enjoyed to their children, to our grandchildren, and to generations that have not even seen the face of the Earth.

So for those two reasons, it is time that we honor Senator Barack Obama’s quote that we need to stop shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt problem and a failure of leadership. Americans deserve better. I call on the President to put forth a plan to deal with this problem once and for all.

□ 2150

Mrs. ROBY. I thank the gentleman.

I yield to the gentleman from Illinois for such time as he may consume.

Mr. SCHILLING. I would like to thank the gentlelady from Alabama for giving me the opportunity to speak here tonight.

As a small businessman and a new Member of Congress, I believe that the people did not send us here to raise the debt limit without a clear path to fix this huge mess that we have. It’s an honor to represent the people of the 17th District in Illinois. It’s with great honor, of course, that even greater expectations come.

Future generations are depending upon us to get it right. You know, they didn’t send us here to bury our heads in the sand and continue this path that we have been going on.

As one of the new 87 freshmen who was sent here to deliver a message from America that enough is enough, when it comes to the failed policies of the past, I will continue to persuade my colleagues that we must get this under control. We reached the statutory debt limit on May 16 of 2011. Secretary Geithner has said we have enough borrowing to get us through August 2 of 2011. After that, if the debt ceiling is not raised, then America will default on its obligations.

Secretary Geithner has said that it would be insane not to raise the debt limit. I believe the definition of insanity is doing the same thing over and

over again and expecting different results. The debt limit has been raised 51 times since 1978. Today we are facing a crushing debt of more than \$14 trillion. The insanity must stop here.

Mrs. ROBY. I thank the gentleman.

I now yield to the gentleman from Arkansas as much time as he may consume.

Mr. GRIFFIN of Arkansas. Thank you very much. I am glad to be able to join you here on the floor tonight to ultimately talk about jobs. I have heard some folks mention debt and some other issues, but it all relates to jobs.

I hear folks from the other side of the aisle say, when are you going to have a jobs bill? And what I try to convey to my constituents and to my colleagues here is that when we are talking about the debt and getting our spending under control, we are talking about jobs.

This country has not seen job loss like we will see if we have a debt crisis. And if we want to be the country like many of us grew up in, a country that is innovative and leads the world in technology and advancement, then we have to deal with our crushing debt.

What has been striking on the issue of the debt here tonight is I have been listening to colleagues from the other side of the aisle and I have heard about all these plans. I have heard about plans to pay down the debt, plans to deal with the deficit. I have heard about their Medicare plan.

The bottom line is, they don't have a plan. This President, in the Senate controlled by Senator REID, they don't have a plan. They don't have a plan for Medicare, they don't have a plan in the form of a budget, they don't have a plan to get the debt under control, they don't have a plan. Their only plan is to let the House lead.

They will let us be bold while they are politically timid. They have no plan. It would be easy to have a debate between our plan and their plan, but they don't have a plan.

So we are left with a situation, for example, on Medicare, something that we want to preserve, something that is a big driver of our debt. On the issue of Medicare, the other side of the aisle likes to compare our plan, which reforms and saves Medicare, they like to compare our plan to the current plan.

Well, that's fiscal fantasy, folks. Why? Because the current plan goes away. The status quo goes bankrupt. So the idea that they can adopt the current plan status quo as their plan is nonsense; it's nonsense. We see it with Medicare; we see it with the debt.

I, like my colleagues here, simply call on the Democrats and the President to propose something, something that we can discuss, something that addresses our problems. I can tell you, I can only speak for me and my constituents, but unless we see some seri-

ous structural changes to the spending, the out-of-control spending in this town, the "no" that I voted on raising the debt limit tonight will be the same "no" over and over again until this President and the Senate get their act together and give us a real plan.

Mrs. ROBY. I thank the gentleman.

I yield to the gentleman from Illinois.

Mr. DOLD. I appreciate the gentlelady for yielding.

I was just struck by something that the gentleman from Arkansas said. It is about jobs and that I think is something that we focused on here this evening, but there are 29 million small businesses in our Nation. And the thing that I hear from small businesses and businesses all around my district is the uncertainty. Uncertainty out there is causing, in essence, paralyzing businesses and preventing them from moving forward. If we can create an environment here in Washington that allows half of those companies to create a single job, think about the job growth we will have then.

I am just wondering if the gentlemen from Arkansas or from Colorado or the gentlelady from Alabama has heard some of the same things back in their districts about uncertainty.

Mrs. ROBY. Absolutely. You know, everywhere we go we hear about this job-killing legislation that is keeping small business owners, even those that have the ability to create jobs, fearful to do so because they don't know which regulation they are going to be hit from next, what legislation we are going to pass to find out what's in it is coming their way. So I hear it all the time. It is stifling to our economy.

We need to create, we need to make sure that we are creating an environment so that the private sector can create the jobs and not rely on the government.

I yield to the gentleman from Arkansas.

Mr. GRIFFIN of Arkansas. You make a good point. I tell you, the stark contrast between what we are talking about here and from what I hear on the other side of the aisle is this: our colleagues, our Democrat colleagues talk about the government creating jobs. They say we need to create jobs.

I understand, and I think we understand that the private sector creates jobs. Small businesses create jobs. Individuals create jobs. People pursuing their dreams and exercising economic freedom, that's who creates jobs.

It's our job to help create an environment where individuals and businesses can flourish and continue to lead the world. It is not the government's job to create jobs. We are here to create an environment for businesses and individuals and small businesses so they can flourish.

Mrs. ROBY. I will now yield to the gentleman from New York, and then we're going to wrap this up.

Mr. REED. I thank the gentlelady from Alabama.

I was struck by something my colleague from Arkansas said about a plan. Let's be clear about the proposed plans that have been allegedly floated by our President up to this date and what we voted on today.

You know, we get knocked a lot for not engaging in a bipartisan practice, but let's be clear what the record showed and in this Chamber today and in the Senate last week. President Obama put forth and requested a clean debt ceiling, an unconditional debt ceiling, just raise it \$2 trillion.

Bipartisan support tonight rejected that proposal. That's the status quo proposal that we can no longer afford. Last week, President Obama's budget, 97-0 in the Senate, was soundly rejected. I believe President Obama's quote from 2006 is completely accurate. His words predicted exactly where he is at. America has a failure of leadership. Americans deserve better.

Mrs. ROBY. Thank you so much to all of my colleagues.

Mr. Speaker, I just want to say that allowing the Federal Government to take on more debt without cutting up our credit cards is irresponsible.

I am Margaret and George's mom, and I know you represent families here tonight. We all have a responsibility, to my children, to your children, to future generations of this country to leave this country better off than the way we found it. It all starts with cutting spending and getting our economy back on track.

Mr. Speaker, we face a budget crisis in this country.

America is broke. Without bold action, our budget situation will get worse—not better.

We also face a severe economic recession. The current national unemployment rate is 9.0 percent, and it has been as high as 10.1 percent back in April 2009.

With so many Americans out of work, the federal government should be doing everything in its power to encourage economic growth, not discourage it.

Cutting spending is critical to creating a pro-growth environment. Cutting spending is essential to sustained, free-market job creation.

House Republicans are the only group in Washington showing leadership on this issue.

We have voted repeatedly to cut spending in the short term. And we have passed a budget that would reduce spending by \$6.2 trillion over ten years.

By contrast, it has been more than 750 days since Senate Democrats even passed a budget.

Recently, Sen. REID said: "There's no need to have a Democratic budget in my opinion. It would be foolish for us to do a budget at this stage."

That is a breathtaking statement for two reasons.

First, the Senate is required by law under the Congressional Budget Act to pass a budget.

Second, working families across America live within their means everyday by following a

family budget. It's simple: they don't spend what they don't have.

So I ask: Why shouldn't Democrats in the Senate live by the same rule?

Now the White House is asking us to raise the debt limit. Secretary Geithner wrote, "Never in our history has Congress failed to increase the debt limit when necessary."

The White House wants a clean increase in the debt limit. That means they want Congress to approve more debt without cutting back on any spending.

That is a failed policy. The vote we took tonight is a clear indicator that House Republicans reject that approach.

Our message is clear: We will not vote to raise the debt limit without significant reforms that change the culture of spending in Washington.

The American people already owe more than \$14 trillion in debt. Much of it is owed to foreign nations, some of whom are hostile to American interests.

Allowing the government to take on more debt without cutting back on spending is simply irresponsible. Doing so would continue to erode America's financial strength and threaten the prosperity for future generations of Americans.

Raising the debt ceiling without spending cuts—akin to simply printing more money—would likely cause the value of the dollar to plunge and the cost of imports, especially gas and oil, to increase.

This would result in a significant increase to the cost of running a household or a business. The volatility and uncertainty would cause businesses to delay investing, growing, and creating new jobs.

The statutory debt limit was intended as a check on government spending. But what good is a debt limit that is always increased?

Instead of addressing the root cause of the growing debt, past Congresses have raised the limit ten times in the last ten years.

I, like many of my colleagues, were sent to Congress to put an end to that.

Our vote tonight is a tangible sign of the commitment we made to our constituents.

But the truth is that Democrats spent this money. They made this mess. They should help clean it up.

If the White House wants us to consider raising the debt limit, they should be at the table proposing significant reforms that yield trillions—not billions—in savings to the American people.

So far, that hasn't happened.

Tomorrow, the President has invited House Republicans to the White House to discuss the debt ceiling.

His request for a clean increase in the debt limit was rejected tonight. I hope that tomorrow President Obama will offer serious proposals to cure Washington's addiction to spending.

No lip service.

No gimmicks.

No smoke and mirrors.

The American people don't want more political posturing. They want transformational reform. They want commonsense leadership. They want discipline and fiscal responsibility.

I hope that is what the President proposes tomorrow. I look forward to evaluating his ideas.

With that, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DUNCAN of South Carolina (at the request of Mr. CANTOR) for today on account of account of serving as pallbearer for State Representative David Umphlett.

#### ADJOURNMENT

Mrs. ROBY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 1, 2011, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1713. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Aluminum tris(O-ethylphosphonate), Butylate, Chloroethoxyfos, Clethodim, et al.; Tolerance Actions [EPA-HQ-OPP-2010-0490; FRL-8869-6] received April 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1714. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Carbon Dioxide; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-1077; FRL-8873-1] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1715. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2008-0771; FRL-8873-3] received May 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metarhizium anisopliae strain F52; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0194; FRL-8872-3] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1717. A letter from the Chairman and CEO, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Governance and Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Risk-Based Capital Requirements (RIN: 3052-AC51) received May 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1718. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received May 2, 2011,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1719. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-B-1180] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1720. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1183] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1721. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1722. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1186] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1723. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Race to the Top Fund [Docket ID: ED-2010-OESE-0005] (RIN: 1810-AB10) received May 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1724. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — New Formulas for Calculating the Basetime, Overtime, Holiday, and Laboratory Services Rates; Rate Changes Based on the Formulas; and Increased Fees for the Accredited Laboratory Program [FDMS Docket Number: FSIS-2006-0025] (RIN: 0583-AD40) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1725. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing, and Handling of Food [Docket No.: FDA-1998-F-0072] (Formerly 98F-0165) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1726. A letter from the Inspector General, Department of Health and Human Services, transmitting Fiscal year 2010 Office of Inspector General Medicaid Integrity Report; to the Committee on Energy and Commerce.

1727. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Northern Sonoma County Air Pollution Control District (NSCAPCD) and Mendocino County Air Quality Management District (MCAQMD) [EPA-R09-OAR-2011-0302; FRL-9292-6] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1728. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems [EPA-HQ-OAR-2009-0923; FRL-

9299-1] received April 26, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1729. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois [EPA-R05-OAR-2010-0946; FRL-9294-7] received April 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1730. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Nuclear Power Plant Simulation Facilities for Use in Operator Training, License Examinations, and Applicant Experience Requirements, Regulatory Guide 1.149, Revision 4 received April 15, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1731. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-036, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1732. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-029, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1733. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-022, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1734. A letter from the Deputy Secretary, American Battle Monuments Commission, transmitting the Commission's FY 2010 Annual Report pursuant to Section 203, Title II of the Notification and Federal Antidiscrimination and Retaliation (No FEAR) Act of 2002; to the Committee on Oversight and Government Reform.

1735. A letter from the Deputy Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's annual report for FY 2010 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1736. A letter from the Acting Staff Director, Federal Election Commission, transmitting the Commission's annual report for FY 2010 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. 107-174; to the Committee on Oversight and Government Reform.

1737. A letter from the Assistant Attorney General, Department of Justice, transmitting The Activities of the Department of Justice in Relation to the Prison Rape Elimination Act, pursuant to 42 U.S.C. 15604 Public Law 108-79, section 5(b)(1); to the Committee on the Judiciary.

1738. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from Linde Ceramics Plant in Tonawanda, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program

Act of 2000 (EEOICPA); to the Committee on the Judiciary.

1739. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Non-immigrants Under the Immigration and Nationality Act, as Amended (RIN: 1400-AC87) received May 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1740. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report entitled, "Report on Denial of Visas to Confiscators of American Property", pursuant to 22 U.S.C. 1182d Public Law 105-277, section 2225(c); to the Committee on the Judiciary.

1741. A letter from the Office of Government Contracting and Business Development, Small Business Administration, transmitting the annual report on Minority Small Business and Capital Ownership Development, pursuant to 15 U.S.C. 636(j)(16)(B); to the Committee on Small Business.

1742. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Remove Obsolete References to Non-Automated Carriers from Electronic Cargo Manifest Regulations and to Update Terminology (CBP Dec. 11-10) received May 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1743. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Eliminating the Decision Review Board (RIN: 0960-AG80) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1744. A letter from the Assistant Secretary, Department of Defense, transmitting three legislative proposals to be a part of the National Defense Authorization Bill for Fiscal Year 2012; jointly to the Committees on Armed Services, the Judiciary, and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CULBERSON: Committee on Appropriations. H.R. 2055. A bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-94). Referred to the Committee of the Whole House on the state of the Union.

Mr. REED: Committee on Rules. House Resolution 287. Resolution providing for consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-95). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WESTMORELAND (for himself, Mr. DAVID SCOTT of Georgia, Mr.

BROWN of Georgia, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. MARCHANT, and Mr. MACK):

H.R. 2056. A bill to instruct the Inspector General of the Federal Deposit Insurance Corporation to study the impact of insured depository institution failures, and for other purposes; to the Committee on Financial Services.

By Mr. BARLETTA:

H.R. 2057. A bill to prohibit the receipt of Federal financial assistance by sanctuary cities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY:

H.R. 2058. A bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands, and for other purposes; to the Committee on Ways and Means.

By Mrs. ELLMERS:

H.R. 2059. A bill to prohibit funding to the United Nations Population Fund; to the Committee on Foreign Affairs.

By Mr. WALDEN:

H.R. 2060. A bill to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. HANNA (for himself, Mr. HINCHY, Mr. FARR, and Mr. BARTLETT):

H.R. 2061. A bill to authorize the presentation of a United States flag at the funeral of Federal civilian employees who are killed while performing official duties or because of their status as a Federal employee; to the Committee on Oversight and Government Reform.

By Mr. KEATING (for himself, Mr. TIERNEY, Mr. CAPUANO, Mr. MCGOVERN, Mr. LYNCH, Mr. FRANK of Massachusetts, Mr. MARKEY, Mr. NEAL, Mr. OLVER, and Ms. TSONGAS):

H.R. 2062. A bill to designate the facility of the United States Postal Service located at 45 Meetinghouse Lane in Sagamore Beach, Massachusetts, as the "Matthew A. Pucino Post Office"; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Ms. BERKLEY, and Mr. STARK):

H.R. 2063. A bill to eliminate the requirement that, to be eligible for foster care maintenance payments, a child would have been eligible for aid under the former program of Aid to Families with Dependent Children at the time of removal from the home; to the Committee on Ways and Means.

By Mr. MARCHANT:

H.R. 2064. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to allow employers to verify the identity and employment eligibility of an employee from the time of application for employment; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H. Res. 286. A resolution recognizing, on the occasion of the 52nd annual meeting of the Canada-United States Inter-Parliamentary Group in September, 2011 in St. John's,

Newfoundland and Labrador, Canada, the immeasurable assistance Gander International Airport, the Government of Canada, and the citizens of Gander, Newfoundland and Labrador, provided to the United States immediately following the terrorist attacks on the United States on September 11, 2001; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

33. The SPEAKER presented a memorial of the House of Representatives of the State of Colorado, relative to House Joint Resolution 11-1005 designating January 23 of each year as "U.S.S. Pueblo Day"; to the Committee on Armed Services.

34. Also, a memorial of the Senate of the State of Washington, relative to Substitute Senate Joint Memorial No. 8004 urging the Congress and the National Park Service with Washington state to ensure that all citizens have the continued opportunity to access the upper Stehekin Valley; to the Committee on Natural Resources.

35. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Resolution No. 8 opposing the designation by the National Oceanic and Atmospheric Administration of 3016 square miles of upper Cook Inlet and Kachemak Bay as critical habitat for beluga whales; to the Committee on Natural Resources.

36. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4013 urging Congress to adopt a federal balanced budget amendment; to the Committee on the Judiciary.

37. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution H.P. 1079 memorializing the sovereignty of the State of Maine under the Tenth Amendment; to the Committee on the Judiciary.

38. Also, a memorial of the House of Representatives of the State of North Dakota, relative to House Concurrent Resolution No. 3048 urging the Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a "runaway convention"; to the Committee on the Judiciary.

39. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4007 urging for an amendment to the Constitution of the United States; to the Committee on the Judiciary.

40. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution H.P. 1090 urging the Congress and the President to amend the federal Immigration and Nationality Act; to the Committee on the Judiciary.

41. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial No. 8008 requesting that the Department of Labor provide federal unemployment tax relief to Washington State unemployment tax paying employers; to the Committee on Ways and Means.

42. Also, a memorial of the Senate of the State of Idaho, relative to Senate Joint Memorial No. 101 urging the Congress to pass the Secure Rural Schools and Community Self-Determination Reauthorization Act of 2012; jointly to the Committees on Agriculture and Natural Resources.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CULBERSON:

H.R. 2055.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States. . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. WESTMORELAND:

H.R. 2056.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. BARLETTA:

H.R. 2057.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the U.S. Constitution clause 18.

By Mr. BOUSTANY:

H.R. 2058.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 7: All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Article I, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Amendment XVI (16th Amendment): The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mrs. ELLMERS:

H.R. 2059.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 and 3 and implied powers to not act in these areas.

By Mr. WALDEN:

H.R. 2060.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. HANNA:

H.R. 2061.

Congress has the power to enact this legislation pursuant to the following:

"The Congress enacts this bill pursuant to Section 8 of Article I of the United States Constitution."

By Mr. KEATING:

H.R. 2062.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. LEWIS of Georgia:

H.R. 2063.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MARCHANT:

H.R. 2064.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as related to the following clauses in Article I, Section 8 of the Constitution:

Clause 4: The Congress shall have Power To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. COFFMAN of Colorado.  
H.R. 96: Mr. NUNNELEE.  
H.R. 104: Mr. GERLACH.  
H.R. 114: Mr. POE of Texas.  
H.R. 143: Mr. MCHENRY.  
H.R. 157: Mr. BURGESS.  
H.R. 178: Mr. POE of Texas.  
H.R. 198: Mrs. BIGGERT.  
H.R. 300: Mr. POLIS.  
H.R. 376: Mr. GRIMM.  
H.R. 452: Ms. ROS-LEHTINEN and Mr. GOWDY.  
H.R. 456: Mr. ACKERMAN.  
H.R. 466: Mr. HOLT, Mr. LOEBSACK, Mr. WITTMAN, Mr. COBLE, and Mr. JONES.  
H.R. 502: Mr. LIPINSKI and Mr. SIRES.  
H.R. 546: Mr. GOODLATTE and Mr. LIPINSKI.  
H.R. 574: Mr. STARK.  
H.R. 607: Mr. ROTHMAN of New Jersey and Ms. LORETTA SANCHEZ of California.  
H.R. 615: Mr. WALBERG, Mr. TIPTON, Mr. AUSTRIA, Mr. HURT, and Mr. ALTMIRE.  
H.R. 645: Mr. HURT and Mr. TIPTON.  
H.R. 674: Mr. FLEMING, Mr. OWENS, Mrs. BLACK, Mr. RAHALL, Mr. MURPHY of Pennsylvania, and Mr. DENT.  
H.R. 676: Ms. FUDGE.  
H.R. 709: Mr. STARK.  
H.R. 733: Mr. MURPHY of Pennsylvania and Mr. PASTOR of Arizona.  
H.R. 735: Mr. NUNNELEE and Mr. NUNES.  
H.R. 795: Mr. FITZPATRICK.  
H.R. 854: Mr. FITZPATRICK.  
H.R. 864: Mr. POLIS.  
H.R. 891: Mr. BRALEY of Iowa.  
H.R. 931: Mr. AMASH.  
H.R. 942: Mrs. BIGGERT.  
H.R. 959: Mr. MURPHY of Connecticut and Mrs. NAPOLITANO.  
H.R. 972: Mr. CALVERT.  
H.R. 991: Mr. MILLER of Florida, Mr. PALAZZO, Mr. BISHOP of Utah, Mr. LABRADOR, Mr. SOUTHERLAND, Mrs. LUMMIS, and Mr. COSTA.  
H.R. 998: Mr. LYNCH.  
H.R. 1002: Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. ROKITA, Mr. PAYNE, and Ms. SEWELL.



H.R. 1004: Mr. AUSTRIA.  
 H.R. 1006: Mr. LANCE.  
 H.R. 1009: Mr. BARTON of Texas.  
 H.R. 1041: Mr. BONNER and Mrs. MCCARTHY of New York.  
 H.R. 1058: Mr. KIND.  
 H.R. 1082: Mr. NUNNELEE.  
 H.R. 1119: Mr. DEFazio.  
 H.R. 1173: Mr. NUNNELEE.  
 H.R. 1195: Mr. AUSTRIA.  
 H.R. 1236: Ms. HIRONO, Mr. LAMBORN, Mr. WELCH, and Mr. RANGEL.  
 H.R. 1249: Mr. DUNCAN of Tennessee.  
 H.R. 1259: Mr. GUTHRIE and Mr. MCHENRY.  
 H.R. 1260: Ms. ROYBAL-ALLARD.  
 H.R. 1285: Mr. MICA.  
 H.R. 1286: Ms. JENKINS, Mr. PALAZZO, Mr. POSEY, and Mr. LANDRY.  
 H.R. 1297: Mr. FITZPATRICK, Mr. BRALEY of Iowa, and Mr. HINCHEY.  
 H.R. 1309: Ms. ESHOO.  
 H.R. 1317: Mr. POLIS.  
 H.R. 1327: Mr. WITTMAN.  
 H.R. 1331: Mr. ALTMIRE.  
 H.R. 1350: Mr. STARK and Mr. FILNER.  
 H.R. 1358: Mr. NUNNELEE and Mr. PENCE.  
 H.R. 1375: Ms. ZOE LOFGREN of California, Mr. WATT, Ms. NORTON, Ms. CLARKE of New York, Ms. ROYBAL-ALLARD, Mr. TOWNS, and Mr. LEWIS of Georgia.  
 H.R. 1386: Mr. TIERNEY, Mr. TONKO, Mrs. NAPOLITANO, and Mr. COLE.  
 H.R. 1394: Mr. QUIGLEY.  
 H.R. 1397: Mrs. MCCARTHY of New York, Mr. CLEAVER, Mr. PASTOR of Arizona, Mr. DEFazio, Ms. MATSUI, and Ms. SLAUGHTER.  
 H.R. 1404: Mr. SMITH of Washington.  
 H.R. 1462: Mr. BRADY of Pennsylvania.  
 H.R. 1475: Mr. HONDA.  
 H.R. 1479: Mr. COBLE.  
 H.R. 1489: Mr. DAVIS of Illinois and Mr. BARTLETT.  
 H.R. 1523: Mrs. LOWEY.  
 H.R. 1551: Mr. LANKFORD.  
 H.R. 1574: Mr. SMITH of Washington.  
 H.R. 1588: Mr. WITTMAN.  
 H.R. 1607: Mr. DESJARLAIS.  
 H.R. 1612: Mr. WHITFIELD.  
 H.R. 1614: Mr. RANGEL.  
 H.R. 1672: Ms. ROYBAL-ALLARD, Mr. ROTHMAN of New Jersey, and Mr. CROWLEY.  
 H.R. 1681: Ms. SCHAKOWSKY and Mr. CICILLINE.  
 H.R. 1686: Mr. COSTELLO.  
 H.R. 1695: Mr. HONDA.  
 H.R. 1734: Mr. HULTGREN, Mr. BARLETTA, and Mr. GUINTA.  
 H.R. 1744: Mr. NUNNELEE, Mr. FITZPATRICK, Mr. STIVERS, Mr. MCKINLEY, and Mr. GARDNER.  
 H.R. 1747: Mr. KISSELL.  
 H.R. 1754: Mr. FARR.  
 H.R. 1755: Mr. MCINTYRE, Mr. BILBRAY, and Mr. WESTMORELAND.  
 H.R. 1756: Mr. WITTMAN.  
 H.R. 1775: Mr. DANIEL E. LUNGREN of California.  
 H.R. 1776: Mr. MICHAUD, Mr. HOLDEN, and Mr. STARK.  
 H.R. 1794: Mr. MEEKS.  
 H.R. 1798: Mr. HIGGINS, Mr. TOWNS, Mr. OWENS, and Mr. TONKO.  
 H.R. 1803: Mr. FILNER and Mr. PASTOR of Arizona.  
 H.R. 1805: Mr. JACKSON of Illinois.  
 H.R. 1815: Mr. MCNERNEY.  
 H.R. 1839: Mr. DOGGETT.  
 H.R. 1856: Mr. FORBES.  
 H.R. 1867: Mr. MANZULLO and Mr. FILNER.  
 H.R. 1895: Ms. SCHAKOWSKY.  
 H.R. 1901: Mr. STARK and Mr. FILNER.  
 H.R. 1902: Mr. COHEN.  
 H.R. 1904: Mr. CHAFFETZ and Mr. BISHOP of Utah.

H.R. 1905: Mr. BARROW, Mr. CLAY, Mr. COHEN, Ms. DEGETTE, Mr. HEINRICH, Mr. HURT, Mr. MCCOTTER, Mr. OWENS, Mr. POE of Texas, Mr. RIVERA, Mr. ROSS of Florida, Mr. SHULER, Mr. SIRES, Ms. SPEIER, and Mr. YODER.  
 H.R. 1910: Mr. BRADY of Pennsylvania.  
 H.R. 1932: Mr. ROSS of Florida, Mr. ROHR-ABACHER, Mr. BARTLETT, Mr. ROYCE, and Mr. MILLER of Florida.  
 H.R. 1938: Mr. REHBERG.  
 H.R. 1941: Mr. PAYNE, Mr. DEUTCH, Mr. SCOTT of Virginia, Ms. RICHARDSON, and Ms. SEWELL.  
 H.R. 1964: Mr. KLINE.  
 H.R. 1969: Mr. GRAVES of Missouri.  
 H.R. 1980: Mr. MCGOVERN and Mr. BURTON of Indiana.  
 H.R. 2008: Mrs. ELLMERS.  
 H.R. 2018: Mr. MCKINLEY and Mr. GUINTA.  
 H.R. 2026: Mr. FILNER.  
 H.R. 2031: Mr. BUCSHON.  
 H.R. 2033: Mr. WU, Mr. KING of New York, and Mr. BUTTERFIELD.  
 H. Con. Res. 51: Ms. LEE of California.  
 H. Res. 13: Mr. SARBANES.  
 H. Res. 16: Mr. POE of Texas.  
 H. Res. 25: Mr. GARDNER, Mr. INSLEE, Mr. PETRI, Mr. SCHILLING, and Mr. WITTMAN.  
 H. Res. 60: Mr. HIGGINS, Mr. RIVERA, and Mrs. CHRISTENSEN.  
 H. Res. 111: Mr. BARTLETT and Mr. LUETKEMEYER.  
 H. Res. 134: Ms. SLAUGHTER and Mr. BERMAN.  
 H. Res. 180: Mr. MCINTYRE.  
 H. Res. 258: Mr. POLIS, Mr. AL GREEN of Texas, and Mr. RANGEL.  
 H. Res. 270: Mr. PETERS.

## PETITIONS, ETC.

Under clause 3 of rule XII,

4. The SPEAKER presented a petition of Miami-Dade Board of County Commissioners, Florida, relative to Resolution No. R-210-11 urging the Congress to pass legislation opposing cultural and commercial exchange between Cuba and the United States; which was referred to the Committee on Foreign Affairs.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2017

OFFERED BY: MR. CARTER

AMENDMENT No. 1: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the Climate Change Adaptation Task Force of the Department of Homeland Security.

H.R. 2017

OFFERED BY: MR. ROYCE

AMENDMENT No. 2: Page 2, line 10, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 16, line 24, after the dollar amount, insert "(increased by \$1,000,000)".

Page 17, line 10, after the dollar amount, insert "(increased by \$1,000,000)".

H.R. 2017

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT No. 3: Page 50, line 13, after the dollar amount, insert "(increased by \$75,000,000)".

Page 50, line 14, after the dollar amount, insert "(increased by \$37,500,000)".

Page 50, line 15, after the dollar amount, insert "(increased by \$37,500,000)".

Page 64, line 2, after the dollar amount, insert "(reduced by \$75,000,000)".

Page 64, line 4, after the dollar amount, insert "(reduced by \$75,000,000)".

H.R. 2017

OFFERED BY: MR. BISHOP OF NEW YORK

AMENDMENT No. 4: Page 64, line 2, after the dollar amount, insert "(reduced by \$75,000,000)".

Page 64, line 4, after the dollar amount, insert "(reduced by \$75,000,000)".

Page 92, line 7, after the dollar amount, insert "(increased by \$75,000,000)".

H.R. 2017

OFFERED BY: MR. HIGGINS

AMENDMENT No. 5: Page 47, beginning at line 14, strike "Provided further, That funds provided under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) shall only be provided to the top 10 highest risk urban areas:".

H.R. 2017

OFFERED BY: MR. LATHAM

AMENDMENT No. 6: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. It is the sense of Congress that—

(1) it is essential for Federal agencies to find and implement efficiencies in their operations in order to be successful in setting and meeting performance goals;

(2) the use of continuous process improvement methods to find such efficiencies, commonly referred to as "lean six sigma", can reduce unnecessary costs and improve the effectiveness of Federal agencies; and

(3) the Secretary of Homeland Security should consider the use of such management methods within the Department of Homeland Security.

H.R. 2017

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 7: Page 3, line 9, after the dollar amount, insert the following: "(reduced by \$100,000,000)".

Page 16, line 24, after the dollar amount, insert the following: "(increased by \$100,000,000)".

Page 18, line 23, after the dollar amount, insert the following: "(increased by \$100,000,000)".

H.R. 2017

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 8: Page 3, line 9, after the dollar amount insert "(reduced by \$10,000,000)".

Page 12, line 6, after the dollar amount insert "(increased by \$10,000,000)".

H.R. 2017

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 9: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to provide assistance to a State or local government entity or official that is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 2017

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 10: At the end of the bill (before the short title), insert the following: SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).



H.R. 2017

OFFERED BY: MR. BROUN OF GEORGIA

AMENDMENT NO. 11: Page 2, line 10, after the dollar amount insert “(reduced by \$600,000)”.

Page 92, line 7, after the dollar amount insert “(increased by \$600,000)”.

H.R. 2017

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 12: Page 3, line 9, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 24, line 23, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 25, line 6, after the dollar amount, insert “(reduced by \$2,500,000)”.

H.R. 2017

OFFERED BY: MS. JACKSON LEE OF TEXAS

AMENDMENT NO. 13: Page 25, line 25, insert before the period the following: “: *Provided*, That the Secretary of Homeland Security enhances the coverage of inbound high-risk flights in accordance with the Department’s risk models”.

H.R. 2017

OFFERED BY: MR. AMASH

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for any action by a political appointee (as that term is defined in section 106 of title 49, United States Code) to vacate, reverse, or otherwise overrule any decision by an employee in the civil service of the executive branch implementing section 552 of title 5, United States Code, popularly known as the Freedom of Information Act.

## EXTENSIONS OF REMARKS

## PERSONAL EXPLANATION

## HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 2011

Mr. CARNAHAN. Mr. Speaker, due to an incorrectly recorded vote on the Cole Amendment #27 to H.R. 1540, the National Defense Authorization Act for Fiscal Year 2012, the RECORD reflects a misrepresentation of my position. I would like the RECORD to show that I firmly oppose this amendment which would exempt federal contractors from campaign disclosure requirements.

I was disappointed by the Supreme Court's January, 2010, ruling on *Citizens United v. the Federal Election Commission*, which overturned provisions of the Bipartisan Campaign Reform Act of 2002 making it easier for big business and special interests to secretly finance political campaigns. As such, last year I cosponsored and voted in favor of H.R. 5175, the Democracy is Strengthened by Casting Light on Spending in Elections (DISCLOSE) Act, which would promote transparency and disclosure in federal elections and counteract some of the most detrimental impacts of the *Citizens United* decision.

I believe that Congress must address the unsustainable demands of campaign fundraising and enact tougher laws governing the actions of both legislators and special interests. In keeping with my views on campaign finance reform, please let the RECORD show my opposition to this amendment.

## HONORING COLONEL JAMES SUMMERS

## HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 2011

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to congratulate Colonel James Summers on his retirement from the Arkansas Air National Guard. Col. Summers served as the Commander of the 189th Airlift Wing in the Arkansas Air National Guard at Little Rock Air Force Base in Little Rock, Arkansas from November of 2007 until his retirement on March 15, 2011.

Col. Summers joined the Armed Forces as a Marine Officer in 1979. During his time in the Marine Corps, he served as a flight line division officer for the Marine Medium Helicopter Squadron 268, a United States Marine Corps helicopter squadron consisting of CH-46E Sea Knight transport helicopters. After his release from the Marine Corps in 1985, Col. Summers was commissioned into the United States Coast Guard where he flew a variety of aircraft, including the C-130, on training and operational missions.

Col. Summers joined the Arkansas Air National Guard in 1991 as an instructor pilot for C-130Es in the 154th Training Squadron. Throughout his 20-year service in the Arkansas Air National Guard, Col. Summers has been a tremendous leader. His successor Col. Steve Eggenberger, who served under Col. Summers as the 189th's Operation Group Commander, stated that "Col. Summers was truly the Top Gun Pilot of the 189th Airlift Wing. Not only did he have vast flying experience and great stick and rudder skills, but he was a decisive leader who was respected by everyone in Team Little Rock, active duty and guard alike."

During the recent tragic and destructive storms in Arkansas, Col. Summers and other members of the Arkansas Air National Guard responded to the call of their communities to help with search and rescue, security, transportation, and road clearing. I thank Col. Summers for his hard work and leadership during this time when the Arkansas Air National Guard was seamlessly assisting with the needs of our State while also deploying Airmen overseas to support the war effort.

On behalf of all Arkansans, I thank Col. Summers for his service to our nation and to our great State. Col. Summers's leadership and experience were vital to the 189th Airlift Wing, and I know that he will be missed. I wish him and his family—his wife, Tina, and their three children Matt, Meredith, and Andrew—well in his retirement.

## NUCLEAR AGE PEACE FOUNDATION'S SANTA BARBARA DECLARATION

## HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 2011

Mrs. CAPPS. Mr. Speaker, I rise to enter into the CONGRESSIONAL RECORD the Nuclear Age Peace Foundation's Santa Barbara Declaration, drafted February 17, 2011.

The Nuclear Age Peace Foundation, a non-profit and non-partisan organization based in Santa Barbara that has worked for peace and the abolition of nuclear weapons since 1982, hosted a conference in February 2011 on the dangers of nuclear deterrence. The statement, drafted by experts from around the world, outlines many reasons to work toward the eradication of nuclear weapons.

I urge my colleagues to read the Santa Barbara Declaration and strive to build a more peaceful world.

## REJECT NUCLEAR DETERRENCE: AN URGENT CALL TO ACTION

Nuclear deterrence is a doctrine that is used as a justification by nuclear weapon states and their allies for the continued possession and threatened use of nuclear weapons.

Nuclear deterrence is the threat of a nuclear strike in response to a hostile action. However, the nature of the hostile action is often not clearly defined, making possible the use of nuclear weapons in a wide range of circumstances.

Nuclear deterrence threatens the murder of many millions of innocent people, along with severe economic, climate, environmental, agricultural and health consequences beyond the area of attack.

Nuclear deterrence requires massive commitments of resources to the industrial infrastructures and organizations that make up the world's nuclear weapons establishments, its only beneficiaries.

Despite its catastrophic potential, nuclear deterrence is widely, though wrongly, perceived to provide protection to nuclear weapon states, their allies and their citizens.

Nuclear deterrence has numerous major problems:

1. Its power to protect is a dangerous fabrication. The threat or use of nuclear weapons provides no protection against an attack.

2. It assumes rational leaders, but there can be irrational or paranoid leaders on any side of a conflict.

3. Threatening or committing mass murder with nuclear weapons is illegal and criminal. It violates fundamental legal precepts of domestic and international law, threatening the indiscriminate slaughter of innocent people.

4. It is deeply immoral for the same reasons it is illegal: it threatens indiscriminate and grossly disproportionate death and destruction.

5. It diverts human and economic resources desperately needed to meet basic human needs around the world. Globally, approximately \$100 billion is spent annually on nuclear forces.

6. It has no effect against non-state extremists, who govern no territory or population.

7. It is vulnerable to cyber attack, sabotage, and human or technical error, which could result in a nuclear strike.

8. It sets an example for additional countries to pursue nuclear weapons for their own nuclear deterrent force.

Its benefits are illusory. Any use of nuclear weapons would be catastrophic.

Nuclear deterrence is discriminatory, anti-democratic and unsustainable. This doctrine must be discredited and replaced with an urgent commitment to achieve global nuclear disarmament. We must change the discourse by speaking truth to power and speaking truth to each other.

Before another nuclear weapon is used, nuclear deterrence must be replaced by humane, legal and moral security strategies. We call upon people everywhere to join us in demanding that the nuclear weapon states and their allies reject nuclear deterrence and negotiate without delay a Nuclear Weapons Convention for the phased, verifiable, irreversible and transparent elimination of all nuclear weapons.

Blase Bonpane, Ph.D.\*, Director, Office of the Americas; Theresa Bonpane\*, Founding Director, Office of the Americas; John Burroughs, Ph.D.\*, Executive Director, Lawyers Committee on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Nuclear Policy; Jacqueline Cabasso\*, Executive Director, Western States Legal Foundation; Ben Cohen, Co-Founder, Ben & Jerry's; Kate Dewes, Ph.D.\*, Co-Director, Disarmament and Security Centre, New Zealand; Bob Dodge, M.D.\*, Coordinator, Beyond War Nuclear Weapons Abolition Team; Dick Duda, Ph.D.\*, founding member, Nuclear Age Peace Foundation—Silicon Valley; Denise Duffield\*, Associate Director, Physicians for Social Responsibility—Los Angeles; Richard Falk, J.S.D.\*, Chair, Nuclear Age Peace Foundation; Commander Robert Green (Royal Navy, ret.)\*, Co-Director, Disarmament and Security Centre, New Zealand; David Krieger, Ph.D.\*, President, Nuclear Age Peace Foundation; Robert Laney, J.D.\*, Secretary, Nuclear Age Peace Foundation; Kayo Maeta, Chair, Women's Peace Committee, Soka Gakkai; Kenji Shiratsuchi, Chair, Youth Peace Conference, Soka Gakkai; Diane Meyer Simon, Founder and President Emeritus, Global Green USA; Dr. Jennifer Allen Simons, C.M., Founder and President of The Simons Foundation; Steven Starr\*, Senior Scientist, Physicians for Social Responsibility; Hirotugu Terasaki, Executive Director, Peace Affairs, Soka Gakkai International; Rick Wayman\*, Director of Programs, Nuclear Age Peace Foundation; Bill Wickersham, Ph.D.\*, Adjunct Professor of Peace Studies, University of Missouri.

\*Initial signer from The Dangers of Nuclear Deterrence Conference, hosted by the Nuclear Age Peace Foundation, Santa Barbara, February 16-17, 2011.

#### WILLIAM COORS TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize one of Colorado's most successful businessman, William Coors. A native of Colorado, Mr. Coors took the small brewery that his grandfather founded and turned it into a nationwide product and one of the largest beer producers in the world.

Mr. Coors earned his bachelors and masters degrees in chemical engineering at Princeton University. Following his graduation, he returned to Colorado and joined Coors' management team, rising quickly through the ranks. He eventually became Chairman and CEO of the company and led it through its greatest period of growth.

What is now the Molson-Coors Brewing Company, has been one of the great success stories among Colorado businesses. The company, nestled in the city of Golden, employs thousands of workers and has led the industry in innovation. Bill Coors is proud to mention that he oversaw the invention of the recyclable aluminum can, which is now a staple among all beer producers. He is also intensely proud that a relatively small, specialty brewery could grow to its current size and lead the industry for so long.

Mr. Speaker, it is truly an honor to stand and pay tribute to a man who revolutionized

business in Colorado, and the country at large. Bill Coors was an exemplary leader, and I admire his business acumen. I have no doubt that Colorado will feel the imprint left by Mr. Coors for many years and that his company will continue to thrive under his blueprint.

IN RECOGNITION OF MRS. CAROLYN PRICE'S HONOR OF RECEIVING THE 2011 COMMUNITY SERVICE AWARD FROM THE LAMBDA RHO ZETA CHAPTER OF ZETA PHI BETA

#### HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. PETERS. Mr. Speaker, I rise today to recognize Mrs. Carolyn Price, my friend of many years, who is being honored by the Lambda Rho Zeta Chapter of Zeta Phi Beta with the 2011 Community Service Award for her decades of volunteer work with the residents of Pontiac, Michigan.

Carolyn's professional career has been marked by scores of years of service—service to Pontiac and to residents across southeast Michigan. As an employee of the United States Postal Service for 39 years, Carolyn spent much of her day-to-day work directly assisting residents. Following her work with the Postal Service, Carolyn worked with the Equal Employment Opportunity Commission (EEOC) as a regional investigator, working to ensure fair treatment for federal employees across the thirteen States in the region. Through her hard work and dedication, Carolyn eventually rose to become the manager of the EEOC's Detroit district. After her work with the EEOC, Carolyn continued to work with residents in Michigan, working as a community organizer in 2010 for the U.S. Census Bureau in Pontiac, creating a dialogue with area residents to ensure maximum participation in the Census.

Carolyn's service in her professional work is mirrored in her volunteer commitment to the residents of Pontiac. Carolyn, herself an 8 year survivor of breast cancer, serves as Coordinator of survivor participation for the American Cancer Society's Relay for Life in Pontiac and Auburn Hills. Carolyn also volunteers a significant amount of time volunteering on behalf of the Pontiac Osteopathic Hospital's Riley Foundation Sister and Sister Free Mammogram program, which educates minority communities on the importance of early detection in maintaining good health. In addition, Carolyn also served as a tutor for the Oakland County Literacy Program and as board member for Jay Shop, an organization dedicated to assisting persons with disabilities with rehabilitation. One area where Carolyn has left a profound mark is in her work with area seniors, as President of the Pontiac Golden Opportunities Club, which provides programming and events tailored to seniors.

Mr. Speaker, I ask my colleagues to join me today in recognizing Mrs. Carolyn Price's unique and substantive contributions to the residents of Southeast Michigan. Her passion for advocacy on breast cancer awareness and her spirit of giving to the residents of Pontiac

have undoubtedly touched the lives of so many area residents. I wish Carolyn many years of continued service to the Pontiac community.

HONORING OHIO NORTHERN UNIVERSITY PRESIDENT DR. KENDALL L. BAKER

#### HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. JORDAN. Mr. Speaker, I am honored to commend to the House the outstanding contributions of Dr. Kendall L. Baker. Dr. Baker is retiring after more than 11 years as president of Ohio Northern University.

Dr. Baker was chosen to serve as Ohio Northern's tenth president in 1999. From the earliest days of his tenure, he earned the respect of students, faculty, and staff for his dedication to their success. In the last 11 years, he has overseen the addition of several academic degree programs, implemented plans that have resulted in steady enrollment increases, and helped undertake a \$100 million construction and renovation campaign. ONU has benefited greatly from his passion and his managerial skills.

Prior to his time at ONU, Kendall Baker was president of the University of North Dakota for 7 years. Previously, he served as dean of the College of Arts and Sciences at Ohio's Bowling Green State University and subsequently as provost and vice president for academic affairs at Northern Illinois University. A graduate of the University of Maryland and Georgetown University, he began his teaching career as a political science professor and department head at the University of Wyoming.

Dr. Baker's commitment to academics and collegiate athletics is a shining example to everyone in the field of higher education. He is past chairman of the board of the Association of Independent Colleges and Universities in Ohio, current president of the Ohio Athletic Conference, and co-chairman of the Ohio Foundation for Independent Colleges' Marketing Committee.

Ken has long been recognized as an expert in the field of comparative politics. He is the author of several books and papers on German politics during the Cold War. Additionally, he has moderated televised political debates for a local network station.

Mr. Speaker, on behalf of the people of Ohio's Fourth Congressional District, I offer my congratulations to Dr. Kendall Baker on a long and distinguished academic career. I wish him and his family every success as they move to a new chapter in their lives.

HONORING DR. ADELE T. MACULA ON THE OCCASION OF HER RETIREMENT

#### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to recognize Dr. Adele T. Macula,

a lifelong resident of Jersey City, New Jersey, for three decades of devoted service as an educator. Dr. Macula is retiring as Associate Superintendent of Curriculum and Instruction for the Jersey City Public School District after having touched the lives of countless students and colleagues throughout her tenure.

Adele Macula was born and raised in Jersey City, where she would go on to earn a Bachelor of Arts in Elementary Education from Jersey City State College (now known as New Jersey City University) and a Master of Arts in Education in Computer Science/Data Processing from Saint Peter's College. She also earned her doctorate in Educational Administration from Seton Hall University. Dr. Macula began her career as an elementary school teacher in the Jersey City Public School District in 1978, was promoted to District Supervisor for Programs that Maximize Potential in 1993, then to Special Assistant for the Department of Curriculum and Instruction in 1999, and finally to Associate Superintendent in 2000. She has also taught as an adjunct professor at Fairleigh Dickinson University in the Masters in Teaching Program, and at Seton Hall University in the Executive Doctorate in Education Program. Dr. Macula has served on many district and state-wide education committees and has presented at local, state, national, and international conferences.

Dr. Macula has developed and implemented award-winning programs which have received recognition from the State of New Jersey as a Best Practice and national recognition by the American Association of School Administrators. She has also created collaborative professional learning programs for teachers and administrators, serving as a co-designer of the ECLIPSE! (Educational and Collaborative Leadership Institute for Principals and Supervisors Extraordinaire!) Program for new and aspiring administrators. Dr. Macula has written State and Federal grants which resulted in the Jersey City Public School District being awarded over \$10 million.

For her career-long dedication to education in Jersey City, Dr. Macula has received numerous prestigious awards. She was the recipient of the Boys and Girls Club of Hudson County's Brian C. Doherty Community Service Award for 2011. The New Jersey Association for Supervision and Curriculum (NJASCD) awarded her the Dr. Ernest L. Boyer 2009 Outstanding Educator Award. In 2007, she was presented with both the "Service Above Self" Community Service Award by the Rotary Club of Jersey City Daybreak, and the Women's History Month "Award for Contributions to Multicultural Education" by the Jersey City Public Schools. In 2004, New Jersey City University granted Dr. Macula its Distinguished Education Alumni Award, making her the first-ever recipient of this honor.

Mr. Speaker, today I rise to congratulate Dr. Adele Macula on an impressive career, to honor her many achievements in the field of education, and to thank her for her many years of hard work on behalf of the students and teachers of Jersey City.

## RECOGNIZING THE CONTRIBUTIONS OF PETER G. LEFEVRE

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. SMITH of Texas. Mr. Speaker, I would like to take this opportunity to recognize Peter G. LeFevre. Mr. LeFevre has served in the Office of the Law Revision Counsel for 30 years, and has spent the past 7 years as the head of that Office. He will retire on June 1, 2011.

The job of the Law Revision Counsel primarily involves two tasks. The first is maintaining the United States Code. Mr. LeFevre determines what part of the legislation that Congress enacts every year is law of a general and permanent nature that should be written into the Code, finds the best place in the Code to put each enactment, and accurately restates the legislation as part of the Code. The second task is to revise the existing titles of the Code. Mr. LeFevre takes out obsolete provisions, corrects errors, clears up ambiguities, improves the structure, and prepares codification bills for the Judiciary Committee to enact the old titles as new positive law titles of the Code.

Mr. LeFevre's leadership has earned him regard by his colleagues as the master of the Code. His great attention to detail, ability to retain detailed information, and long experience have given Mr. LeFevre an encyclopedic knowledge of the Code. While being respectful of the practices of the Office, he has simultaneously encouraged his staff to rethink the way things are done in order to streamline the work without sacrificing accuracy. He has fostered a collegial atmosphere in the Office, where new ideas are welcomed and given thoughtful and fair consideration. Mr. LeFevre's dedication to the Office of the Law Revision Counsel and its staff has earned him the admiration of all who know him.

Mr. Speaker, I sincerely thank Mr. LeFevre for his important contributions to the work of the House and wish him many happy and fulfilling years of retirement.

## TRIBUTE TO CHIEF RANDY SCHOEN

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. WALDEN. Mr. Speaker, I rise today to honor the career of Randy Schoen, chief of police for the City of Medford, Oregon. Upon his upcoming retirement from the Medford Police Department on June 20, 2011, I want to thank Chief Schoen for his service to the state of Oregon as he begins a new chapter of his life.

Chief Schoen began his law enforcement career in 1978 with the Grants Pass Department of Public Safety and later joined the Medford Police Department in 1984, where he earned the rank of chief in 2007. Throughout his career, Chief Schoen worked tirelessly to implement cost-effective police services, stand

as a steward for public resources, and serve and protect the citizens of Oregon.

As chief of police he often referred to the police department as "the only 24 hour broker of social services," and throughout his police career he operated under the motto that no call is too small.

Chief Schoen's career has been a history full of force improvements and innovative practices that improved the efficiency of the force. As a sergeant early in his career, he observed that sworn police officers were delivering court documents, enforcing minor city ordinances, and serving subpoenas. To better allow sworn police officers to focus on fighting crime, he began Medford's Community Service Officer, CSO. The CSO program primarily hires college students who aim to become police officers. This program provides an opportunity for the police department to review, monitor, and train a potential police officer's commitment to service, character, and work ethic.

In addition, then-Sergeant Schoen also developed Medford's first K9 and SWAT programs. Over the years, the K9 team has grown to five dogs and the SWAT team has developed into an interagency squad. Both programs have won numerous awards and have been recognized as among Oregon's premier policing practices.

In 1999, Schoen was promoted to deputy chief of operations, where he worked on a strategic plan to shape the future of the Medford Police Department. His plan improved service, saved money, and created an environment in which officers were encouraged to pursue excellence and continued professional improvement.

Among the successful programs in Chief Schoen's plan was the Medford Volunteer Program, which now has over 40 volunteers. In 2009, the labor provided by these volunteers was conservatively valued at \$100,000.

Within the police department, Chief Schoen has improved the evaluation process and the availability of career resources. Officers can now refer to a career guide to help them set goals towards achieving their desired position within the department. In addition, the department now has a mentoring program available to any employee committed to self improvement. Chief Schoen strongly believes if you recognize and celebrate great performances, it encourages others to improve themselves. For this reason, he has also instituted a rewards program that includes a payday bulletin highlighting outstanding performances, an awards banquet, and the Master Police Officer program, which rewards an exemplary patrol officer to serve as an assistance supervisor to the sergeant.

In 2007, Randy Schoen was appointed chief of police and has continued his distinguished career with the Medford Police Department. While the City of Medford and the department will surely miss his leadership, Chief Schoen has helped build the Medford Police Department into a stronger organization that will continue to improve thanks, in no small measure, to the strong foundation he leaves behind.

Mr. Speaker, on June 20, 2011, Chief Randy Schoen will retire from the Medford Police Department after 33 years of exemplary public service. I invite my colleagues to join

me in wishing Chief Schoen all the best as he begins retirement.

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PERSONAL EXPLANATION

**HON. TREY GOWDY**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. GOWDY. Mr. Speaker, on rollcall 338, I was unavoidably detained. Had I been present I would have voted, "yes."

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PERSONAL EXPLANATION

**HON. CHRISTOPHER S. MURPHY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, on rollcall No. 364, I was unavoidably detained. Had I been present, I would have voted "yes."

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IN RECOGNITION OF DR. PATRICIA DOLLY AS ZETA PHI BETA'S LAMBDA RHO ZETA CHAPTER 2011 WOMAN OF THE YEAR

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. PETERS. Mr. Speaker, I rise today to recognize Dr. Patricia Dolly who is being honored as the 2011 Woman of the Year by the Lambda Rho Zeta Chapter of Zeta Phi Beta for her many accomplishments in the community.

Dr. Dolly boasts an impressive resume of both professional and volunteer accomplishments over the breadth of her career. In her current role as President of Oakland Community College's (OCC) Auburn Hills campus, she has invested considerable resources into working with local school districts to bring the Achieving the Dream program to her campus. This program offers students in nearby school districts the opportunity to earn up to 35 college credit hours before graduating high school, giving them a competitive advantage as they seek higher education. During her tenure, Dr. Dolly has continued her successful track record of grant writing, which has resulted in 19 grants and over \$11.7 million brought in to the institutions where she has worked. Included in this accomplishment is a \$1.9 million grant she secured from the U.S. Department of Labor to fund new equipment, implement additional job training for 400 employees, curriculum development for OCC's nanotechnology program and faculty, which has improved the quality of the education of the over 8,000 students who walk through the doors of OCC's Auburn Hills campus each semester.

As a leader, Dr. Dolly has been involved in a number of community focused volunteer programs. In addition to her work at OCC, Dr.

Dolly also serves as chairperson of the Auburn Hills Chamber of Commerce; working to provide local businesses the tools they need to thrive and become engaged participants within their community. Dr. Dolly also serves on the Board of Directors for Oakland Family Services providing crucial support to at-risk youth and families. As an ever ready advocate, Dr. Dolly has devoted significant energy and focus to advancing the principles of diversity and inclusion in the workplace, a topic on which she has written several papers and spoken at many events.

Mr. Speaker, I ask my colleagues to join me today in recognizing Dr. Dolly's profound impact on the communities she has served. Her commitment to providing leadership and service are outstanding virtues which have impacted the lives of so many. I wish her many years of continued service to the community and many great family moments to come.

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HONORING THE REPUBLIC OF AZERBAIJAN ON THE ANNIVERSARY OF ITS FOUNDING

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. WHITFIELD. Mr. Speaker, I rise today to honor the people of the Republic of Azerbaijan, a strong strategic partner and ally of the United States, and congratulate them on celebrating their Republic Day on May 28. As co-chair of the Congressional Caucus on Turkey, I have been particularly interested in the development of nations in the Middle East and Central Asia.

On May 28, 1920, Azerbaijan declared its independence from the rapidly disintegrating Russian Empire. In doing so, Azerbaijan not only adopted a democratic form of government, but it also granted women the right to vote and embraced many other integral cornerstones of democracy.

Sadly, their independence was cut tragically short when the Soviet Union invaded the nation in 1920 and ended Azerbaijan's dream of democracy in the 20th Century. That dream re-emerged in 1991 with the disintegration of the Soviet Union, and Azerbaijan declared its independence yet again and rejoined the world's community of democratic Nations. Having lived under Soviet rule, the people of Azerbaijan appreciate their role in a democratic civil society.

Azerbaijan's geographical location has made it a crossroads for interaction between a number of diverse nations and religious traditions. This position has given it a unique ability to serve as a cultural and political bridge between traditionally Western and Eastern viewpoints. It also has a proud history of influential writers and artists, and its people have made a tremendous impact on the rich cultural framework of the South Caucasus region.

I congratulate the people of Azerbaijan, and commend them on their continued efforts and commitment to build a strong and vibrant democracy in the critically important region of the South Caucasus.

PERSONAL EXPLANATION

**HON. MIKE POMPEO**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. POMPEO. Mr. Speaker, on May 26th, I missed rollcall vote No. 376 because I was in Kansas for a funeral.

Rollcall No. 376 was a vote on the Small Business Additional Temporary Extension Act of 2011. Had I been present, I would have voted, "yes."

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DON'T DELAY REPEAL OF "DON'T ASK, DON'T TELL"

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. ISRAEL. Mr. Speaker, last year, the House of Representatives approved historic legislation that repealed the Defense Department policy known as "Don't Ask, Don't Tell." For too long, this discriminatory policy forced many patriotic Americans who wanted to serve their nation to decide against military service, lie about their sexual orientation, or leave the military against their will. It was shameful that Don't Ask, Don't Tell was allowed to continue for so many years, and it gave me tremendous pride to support the policy's repeal last year.

I am very disappointed that H.R. 1540, the Fiscal Year 2012 National Defense Authorization Act, included section 533, which would add a further step on the path to final repeal of Don't Ask, Don't Tell. It requires that each of the Armed Forces service chiefs approve repeal. While I believe that the input of the military is critical to a smooth transition to open military service, the current process that is already underway to repeal Don't Ask, Don't Tell includes significant input from the uniformed military personnel and Defense Department leadership. In fact, under current law, the policy only ends 60 days after the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff approve a Defense Department report confirming that the repeal of Don't Ask, Don't Tell will not harm military readiness. Section 533 is nothing more than an attempt to delay final repeal.

I supported final passage of H.R. 1540 because I strongly believe that the overwhelming majority of the provisions and policies in the legislation are good for our men and women in uniform and for the national security of the United States. However, I oppose the inclusion of section 533 or any other provision to delay the repeal of Don't Ask, Don't Tell in a final conference report on the Fiscal Year 2012 Defense Authorization Act. At a time of global military engagement, we simply cannot afford to tell patriotic men and women that they are unfit to serve because of who they love.

NATIONAL CRITICAL CARE  
AWARENESS AND RECOGNITION  
MONTH

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Ms. BALDWIN. Mr. Speaker, today, I rise in support of National Critical Care Awareness and Recognition Month and applaud the work of the nation's critical care medical professionals, including the doctors, nurses, respiratory therapists and pharmacists, among others, who provide care to the nearly five million Americans admitted into traditional, surgical, pediatric or neo-natal intensive care units each year. These patients require a specialized level of care that is technology-intensive, requires continuous monitoring, and involves a high use of tests, medications and procedures.

Critical care medicine consumes a significant proportion of our health care expenditures, representing 13 percent of all hospital costs, with the total costs of critical care services in the U.S. exceeding \$80 billion annually.

Despite the significant role critical care medicine plays in providing high quality health care and its impact on health care costs, it is often not understood as a distinct specialty posing intense challenges in the health care system—from workforce shortages, poorly coordinated outcomes research and challenges in providing appropriate care at the end of a patient's life.

If we are to reduce costs and improve the quality of medical care, it is also important to consider and assess the unique demands of critical care medicine. That is why I have introduced the Critical Care Assessment and Improvement Act of 2011, which would ensure our critically ill and injured patients continue to receive the highest quality care by identifying gaps in the current critical care delivery model and bolstering capabilities to meet future demands.

I urge my colleagues to join me in paying special tribute to the dedicated professionals who care for the sickest patients and their families, and commemorate Critical Care Awareness and Recognition Month by cosponsoring the Critical Care Assessment and Improvement Act.

TRIBUTE TO CEDRIC ALLEN

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Cedric Allen, a leader in helping to support struggling families and an instrumental person in the battle against premature births, birth defects, and unhealthy pregnancies. Cedric lives in Allen, Texas, a suburb just north of Dallas, and serves as a security officer at the Trammel Crow Center in downtown Dallas.

During his high school years in Mansfield, Louisiana, Cedric had a brief interaction with

the March of Dimes. Throughout the progression of his adulthood he saw many people that he knew personally have premature births. It was then that Cedric knew that he had to make a difference. He rose to become an advocate for the March of Dimes. Raising over \$250,000 for the March of Dimes foundation, Cedric has become the top individual fundraiser for the March of Dimes Dallas Division for the past 14 years. Cedric has also been ranked as the no. 4 walker in the state of Texas and ranks 12th in the nation.

Cedric understands the importance of research for pregnancies and infant health. Prematurity is the leading cause of death before one year of age. 1 out of 7 babies are born prematurely in Texas each year compared to 1 out of 8 babies throughout the U.S.

Premature birth can have lifelong consequences including cerebral palsy, hearing, vision and breathing problems.

Cedric continues to work towards advancing research and community programs belonging to the March of Dimes. Hundreds have benefited from Cedric's tireless efforts at fundraising and his many other contributions.

Mr. Speaker, I take great pride in joining his friends and colleagues to salute an extraordinary leader, Cedric Allen.

IN MEMORY OF LAURA  
KAVAZANJIAN

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. BISHOP of New York. Mr. Speaker, I rise to mourn the passing of an outstanding young woman in my congressional district whose life was cut short in a tragic car accident on May 28th. Laura Kavazanjian of East Setauket, New York, was only 27 years old but already she was committed to making a difference in the lives of others.

Laura had recently completed a master's degree in international education policy at the Harvard Graduate School of Education that focused on access to education for marginalized girls. She valued her own education and was passionate about creating opportunities for young women in the developing world to have the same access to learning.

After earning her undergraduate degree from Brown University, Laura worked as a program officer for the Clinton Foundation HIV/AIDS Initiative in Mumbai, India designing and implementing a care and support program for more than 4,000 children living with HIV. She also conducted research in Malawi and worked for Save the Children and CARE for the Power to Lead Alliance, a program aimed at developing leadership among adolescent girls in six countries. Laura was on her way home from her five-year reunion at Brown with her fiancé, David Reidy, when the car accident occurred.

In addition to her academic prowess, Laura was also a leader on the athletic fields, and played field hockey at Ward Melville High School and at Brown. I had the pleasure of meeting her when she worked in my district office as an intern and later on my campaign

for re-election to Congress in New York's first district.

Indeed, Laura was a young woman of great promise with the motivation and the ability to realize her laudable goals. She had accomplished much in her short life, and I am sure she would have realized many other achievements.

Mr. Speaker, on behalf of New York's first congressional district, I express my heartfelt sorrow to Laura's family, fiancé and friends following this tragic loss. We will always remember Laura Kavazanjian with love and appreciation, and her memory will live on in our hearts.

CONGRATULATING DECA CON-  
FERENCE CHAMPIONS FROM  
LIMA SENIOR HIGH PERFORM-  
ANCE BASED SCHOOL

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. JORDAN. Mr. Speaker, I am honored to commend to the House the outstanding achievements of three high school students from my congressional district.

Earlier this month, Lima Senior High Performance Based School seniors Michael Fisher, Casey Reed, and John Willamowski won first place in the Financial Literacy category at the 2011 DECA International Career Development Conference. They joined more than 15,000 DECA students, advisors, and alumni at this four-day international competition—DECA's highest level of competition—in Orlando, Florida.

Their team project, Common Cents, was judged the best from among 160 entrants in that category. As part of their project, they partnered with Lima's Superior Federal Credit Union to teach financial literacy to area kindergarteners. They also coordinated financial education activities at their high school. Their project earned second place in statewide competition, qualifying the team for the international contest.

Michael, who serves as state DECA president, will attend the University of Mount Union in the fall to study sports medicine. Casey plans to continue his education at The Ohio State University, where he will major in business. John looks forward to studying political science and history at Ohio Northern University. I wish them every success in the future and commend them for their hard work—and salute the efforts of their advisor, Chrissy Frobose, who helped them prepare for the national competition.

Mr. Speaker, all of Ohio can take great pride in the performance of these three scholars, who are excellent role models for their peers. They are ideal examples of all that is right in our educational system today, and are to be commended for their outstanding achievement.

## OPPOSING THE PATRIOT ACT

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Ms. McCOLLUM. Mr. Speaker, I firmly believe the United States can secure our communities without sacrificing the rights and liberties that generations of Americans have fought so hard to protect. The PATRIOT Act fails this common sense test, which is why I have consistently opposed it and will vote against the extension of its provisions again today.

The reauthorization of the USA PATRIOT Act under consideration by the House today extends provisions that give the Federal Government sweeping authority to spy on United States citizens. One such provision allows the government to obtain "any tangible thing" in its anti-terrorism investigation—including library or bookstore records—regardless of its relevance to the case. Another provision allows Federal law enforcement to obtain wiretaps without being required to identify the person, building, or business being spied upon to a secret court. During the Bush Administration, the Justice Department used this authority to illegally wiretap American citizens. Evidence of past abuses demand that the Patriot Act be reformed with stricter oversight and better safeguards to ensure security does not come at the cost of our Constitutional freedoms. Regrettably, the legislation on the floor today does not fix these problem provisions.

The threat of terrorism is real and persistent. My first priority as a Member of Congress is to keep America safe. Be assured I will continue working with President Obama and my colleagues in Congress to ensure that all levels of law enforcement have the tools and flexibility they require.

## IN RECOGNITION OF AND APPRECIATION FOR MICHIGAN'S COMMUNITY ACTION AGENCIES

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. PETERS. Mr. Speaker, I rise today to ask my colleagues to salute the dedication, hard work and tremendous service provided by Michigan's community action agencies throughout our state to its most needy citizens.

Community action agencies were created in 1964 through the Federal Economic Opportunity Act. In the past 47 years, community action agencies have promoted self-sufficiency and work to reduce the causes and effects of poverty. Annually, community action agencies serve more than 11.5 million low income, elderly and persons with disabilities. There are 1,100 community action agencies throughout the United States.

Michigan is home to thirty different community action agencies. One of these agencies, serving thousands annually in my congressional district, is the Oakland Livingston

Human Services Agency. As one of the oldest community action agencies in Michigan, OLHSA provides crucial services to the citizens and communities of southeast Michigan since the enabling legislation was passed 47 years ago. OLHSA provides educational and economic resources to increase client self-sufficiency while advocating on its clients' behalf to provide more opportunities and fewer barriers. Additionally, OLHSA works with communities to foster citizen participation to initiate programs and improve existing service based upon local community needs.

Michigan and indeed our entire nation must continue to fight poverty by providing support and opportunities for all citizens in need of assistance. Community action agencies are the nation's largest network of organizations whose sole purpose is to eliminate the causes and conditions of poverty. They have played a vital role in the lives of countless individuals and families of limited means in Michigan by providing innovative and cost-effective programming to improve their lives and their living conditions and ensuring that all citizens live with dignity and respect.

Mr. Speaker, I am honored to recognize our nation's community action agencies and the dedicated individuals who engage to see their important mission fulfilled. In particular, I wish to recognize Michigan's thirty agencies, and OLHSA, for their commitment to working for a better tomorrow for Michigan's most needy citizens.

## FINANCIAL STATEMENT

**HON. F. JAMES SENSENBRENNER, JR.**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2011, a matter of public record. I have filed similar statements for each of the thirty-two preceding years I have served in the Congress.

## ASSETS

| Real Property   | Value          |
|---|----------------|
| Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at \$1,350,288). Ratio of assessed to market value: 100% (Unencumbered) .....       | \$1,350,288.00 |
| Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered) .....   | 140,200.00     |
| Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of \$1,535,400. .... | 872,386.36     |
| Total Real Property .....   | \$2,362,874.36 |

## 2011 DISCLOSURE

| Common & Preferred Stock              | # of shares | \$ per share | Value      |
|---------------------------------------|-------------|--------------|------------|
| Abbott Laboratories, Inc. ....        | 12200       | 49.05        | 598,410.00 |
| Alcatel-Lucent .....                  | 135         | 5.81         | 784.35     |
| Allstate Corporation .....            | 370         | 31.78        | 11,758.60  |
| AT&T .....                            | 6377.278845 | 30.61        | 195,208.51 |
| JP Morgan Chase .....                 | 4539        | 46.10        | 209,247.90 |
| Benton County Mining Company .....    | 333         | 0.00         | 0.00       |
| BP PLC .....                          | 3604        | 44.14        | 159,080.56 |
| Centerpoint Energy .....              | 300         | 17.56        | 5,268.00   |
| Chenequa Country Club Realty Co. .... | 1           | 0.00         | 0.00       |

## 2011 DISCLOSURE—Continued

| Common & Preferred Stock                      | # of shares | \$ per share | Value          |
|---|-------------|--------------|----------------|
| Comcast .....                                 | 634         | 24.72        | 15,672.48      |
| Darden Restaurants, Inc. ....                 | 2160        | 49.13        | 106,120.80     |
| Discover Financial Services .....             | 156         | 24.12        | 3,762.72       |
| Dun & Bradstreet, Inc. ....                   | 1250        | 80.24        | 100,300.00     |
| E.I. DuPont de Nemours Corp. ....             | 1200        | 54.97        | 65,964.00      |
| Eastman Chemical Co. ....                     | 270         | 99.32        | 26,816.40      |
| Eastman Kodak .....                           | 1080        | 3.23         | 3,488.40       |
| El Paso Corp. ....                            | 150         | 18.00        | 2,700.00       |
| Exxon Mobil Corp. ....                        | 9728        | 84.13        | 818,416.64     |
| Frontier Comm. ....                           | 424.058978  | 8.22         | 3,485.76       |
| Gartner Inc. ....                             | 651         | 41.67        | 27,127.17      |
| General Electric Co. ....                     | 15600       | 20.05        | 312,780.00     |
| General Mills, Inc. ....                      | 11520       | 36.55        | 421,056.00     |
| GenOn Energy .....                            | 236         | 3.81         | 899.16         |
| Hospira .....                                 | 1220        | 55.20        | 67,344.00      |
| Imation Corp. ....                            | 99          | 11.14        | 1,102.86       |
| Kellogg Corp. ....                            | 3200        | 53.98        | 172,736.00     |
| Merck & Co., Inc. ....                        | 16624       | 33.01        | 548,758.24     |
| 3M Company .....                              | 2000        | 93.50        | 187,000.00     |
| Medco Health Solutions, Inc. ....             | 8218        | 56.16        | 461,522.88     |
| Monsanto Corporation .....                    | 2852.315    | 72.26        | 206,108.28     |
| Moody's .....                                 | 5000        | 33.91        | 169,550.00     |
| Morgan Stanley .....                          | 312         | 27.32        | 8,523.84       |
| NCR Corp. ....                                | 68          | 18.84        | 1,281.12       |
| Newell Rubbermaid ....                        | 1676        | 19.13        | 32,061.88      |
| JP Morgan Cash .....                          | 96567.41    | 1.00         | 96,567.41      |
| PG & E Corp. ....                             | 172         | 44.18        | 7,598.96       |
| Pfizer .....                                  | 30415       | 20.31        | 617,728.65     |
| Qwest .....                                   | 571         | 6.83         | 3,899.93       |
| Sandusky Voting Trust .....                   | 26          | 1.00         | 26.00          |
| Solutia .....                                 | 82          | 25.40        | 2,082.80       |
| Tenneco Inc. ....                             | 182         | 42.45        | 7,725.90       |
| Unisys, Inc. ....                             | 16          | 31.22        | 499.52         |
| US Bancorp .....                              | 3081        | 26.43        | 81,430.83      |
| Verizon .....                                 | 1704.427159 | 38.54        | 65,688.62      |
| Vodafone Group PLC .....                      | 323         | 28.75        | 9,286.25       |
| Wisconsin Energy .....                        | 2044        | 30.50        | 62,342.00      |
| Total Common & Preferred Stocks & Bonds ..... |             |              | \$5,899,213.42 |

## 2011 DISCLOSURE

| Life Insurance Policies                      | Face Value | Surrender Value |
|--|------------|-----------------|
| Northwestern Mutual #4378000 .....           | 12,000.00  | \$91,934.38     |
| Northwestern Mutual #4574061 .....           | 30,000.00  | 221,133.26      |
| Massachusetts Mutual #4116575 .....          | 10,000.00  | 14,154.47       |
| Massachusetts Mutual #4228344 .....          | 100,000.00 | 365,289.27      |
| American General Life Ins. #5-1607059L ..... | 175,000.00 | 42,282.09       |
| Total Life Insurance Policies .....          |            | \$734,793.47    |

## 2011 DISCLOSURE

| Bank & IRA Accounts  | Balance      |
|--|--------------|
| JP Morgan Chase Bank, checking account .....                 | \$2,811.49   |
| JP Morgan Chase Bank, savings account .....                  | 17,356.15    |
| M&I Bank, Hartland, WI, checking account .....               | 7,390.76     |
| M&I Bank, Hartland, WI, savings account .....                | 367.74       |
| Burke & Herbert Bank, Alexandria, VA, checking account ..... | 1,699.55     |
| JP Morgan, IRA accounts .....                                | 147,287.42   |
| Total Bank & IRA Accounts .....                              | \$176,913.11 |

## 2011 DISCLOSURE

| Miscellaneous  | Value           |
|--|-----------------|
| 2007 Chevrolet Impala .....  | \$10,005.00     |
| 1994 Cadillac Deville—retail value .....                                   | 2,050.00        |
| 1996 Buick Regal—retail value .....  | 2,000.00        |
| Office furniture & equipment (estimated) .....                             | 1,000.00        |
| Furniture, clothing & personal property (estimated) .....                  | 180,000.00      |
| Stamp collection (estimated) .....   | 140,000.00      |
| Deposits in Congressional Retirement Fund .....                            | 205,215.81      |
| Deposits in Federal Thrift Savings Plan .....                              | 400,604.17      |
| Traveler's checks .....  | 7,800.00        |
| 17 ft. Boston Whaler boat & 70 hp Johnson outboard motor (estimated) ..... | 5,200.00        |
| 20 ft. Pontoon boat & 40 hp Mercury outboard motor (estimated) .....       | 9,000.00        |
| Total Miscellaneous .....  | \$962,874.98    |
| Total Assets .....   | \$10,136,669.34 |

## 2011 DISCLOSURE

| Liabilities             |                 |
|-------------------------|-----------------|
| None .....              |                 |
| Total Liabilities ..... | \$0.00          |
| Net Worth .....         | \$10,136,669.34 |



## 2011 DISCLOSURE

## Statement of 2010 Taxes Paid

|  |              |
|--|--------------|
| Federal Income Tax .....               | \$125,502.00 |
| Wisconsin Income Tax .....             | \$43,290.00  |
| Menomonee Falls, WI Property Tax ..... | \$2,506.00   |
| Chenequa, WI Property Tax .....        | \$22,406.00  |
| Alexandria, VA Property Tax .....      | \$13,335.00  |

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of five trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son.

Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

# PAYING TRIBUTE TO COLONEL ROBERT KIRK LAWRENCE'S 30 YEARS OF SERVICE TO OUR NA- TION

## HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 2011

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Colonel Robert "Kirk" Lawrence for his extraordinary dedication to duty and service to the United States of America. Colonel Lawrence will retire from active military duty in May 2011 after 30 distinguished years of service to the United States Army.

Colonel Lawrence was commissioned as a Second Lieutenant in the Air Defense Artillery following his graduation from the United States Military Academy at West Point in 1981. He has served in the 82nd Airborne Division, the United States Army Air Defense Artillery School, 1st Cavalry Division, 4th Infantry Division, III Corps, V Corps, United States Army Europe and the North Atlantic Treaty Organization. Colonel Lawrence assumed command of the 69th Air Defense Artillery Brigade in Giebelstadt, Germany in 2003. In 2005, he was hand selected to serve as the Executive Officer to the Commander, Allied Land Component Command of the North Atlantic Treaty Organization, in Heidelberg. Afterwards, Colonel Lawrence was assigned as the Deputy Chief of Staff to the United States Army European Command. In 2008, he was assigned as the Executive Officer to the Deputy Commanding General of the United States Army European Command. Within these assignments, Colonel Lawrence has successfully commanded every unit from a Battery to a Brigade in the United States Army. He is a decorated combat veteran and has been awarded the Defense Superior Service Medal, Legion of Merit and the Bronze Star Medal.

Mr. Speaker, It has been a pleasure to work with Colonel Lawrence over the last decade. Twice he has served as the United States Army Congressional Budget Liaison Chief. Both times while in this position, Colonel Lawrence has served the Army and Nation excep-

tionally well during a time of protracted war. He served first in 2002, after the initial attacks on September 11th 2001, Colonel Lawrence labored to man, arm and equip our Army Soldiers from one at peace to one committed in two separate wars. In January of 2009, he returned to this strategic assignment and has been instrumental in significantly improving our Armed Forces equipment modernization efforts and funding critical systems affecting the Department of Defense and the Combatant Commanders everyday.

As the Congressional Budget Liaison Chief, Colonel Lawrence gathered information, prepared strategies and recommended Army positions for corresponding with Congress on all appropriations issues. Additionally, he organized briefings and responded to requests for information across all appropriations for Congressional Members, their staff and the Committee Staff Directors and Professional Staff Members. Colonel Lawrence coordinated and traveled with Congressional delegations for fact-finding opportunities and education on a multitude of Army programs. The impact of his efforts will benefit the United States Army for decades to come. Throughout his time in the Capitol, Colonel Lawrence has been a trusted liaison to myself and my colleagues on the Appropriations Committee and has worked tirelessly to ensure that the Army had the resources it needed to fight and win our nation's wars.

This Commissioned Officer has continued the traditions of the United States Army and is an American hero who has been selfless in his service to the Nation through war, peace, and personal trial. When history looks back at this leader and his legacy it will be clear that his abilities as a trainer, leader, advisor, Commander and Soldier produced the best Army in the world.

Mr. Speaker, On behalf of a grateful Nation, I join my colleagues today in saying thank you to Colonel Robert "Kirk" Lawrence for his extraordinary dedication to duty and service to this country throughout his distinguished career in the United States Army and we wish him, his wife Lisa and two sons, Jake and Adam, all the best in his well-deserved retirement.

## VOTE ON H.R. 1954, THE DEBT LIMIT EXTENSION

## HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 2011

Mr. BRALEY of Iowa. Mr. Speaker, I was disappointed when the Majority moved up the vote on the debt ceiling limit. I was in my hometown today, serving as a pallbearer for my uncle, Lyle Nesselroad, a Navy veteran of World War II. I grew up next door to Lyle, and he was like a second father to me.

While I regret missing this important vote, I don't regret my decision to be there with my family. Had I been present, I would have voted against the Debt Limit Extension.

I'm reluctant to raise the debt ceiling when we have no fiscally responsible plan to address our national debt. The American people

have spoken loudly and clearly—they want us to take immediate action to rein in spending and find new revenues to get our deficit under control. Congress must develop a fiscally responsible plan that makes tough choices and reduces our debt.

## HONORING GOVERNOR BILL CLEMENTS

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 31, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the late Governor Bill Clements. Governor Clements leaves behind a deep legacy as an entrepreneur, leader, and public servant. A true Texan, Governor Clements was known for his direct style, dedication and drive.

A native of Dallas, Governor Clements was a graduate and great supporter of Southern Methodist University (SMU). A proud Texan and patriot, he proudly served his country during World War II in the Army Corps of Engineers. In the 1940s, he helped found SEDCO, which at the time was one of the biggest oil drilling contractors in the world.

Governor Clements began his political career serving as Deputy Secretary of Defense from 1971–1977. Thought of as the father of Texas conservatism, Bill Clements became the first Republican Governor of Texas since Reconstruction when elected in 1978. He went on to serve a total of 8 years as the Governor of Texas. An indelible personality, Governor Clements certainly left his mark on Texas politics. He did what he felt was right for the State, and stood by those convictions.

Governor Clements never forgot his roots and remained dedicated to the Dallas community throughout his life. In 2009, he donated \$100 million to the University of Texas Southwestern Medical Center. This represents the largest civic donation in Dallas history.

Governor Clements passed away this weekend at the age of 94. He is survived by his wife Rita, and his daughter. I offer my condolences to them, and his many friends and family. His many contributions to the State of Texas and to America will not be forgotten.

RECOGNIZING ON THE OCCASION OF THE 52ND ANNUAL MEETING OF THE CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP IN SEPTEMBER, 2011 IN ST. JOHN'S NEWFOUNDLAND AND LABRADOR, CANADA, THE IMMEASURABLE ASSISTANCE GANDER INTERNATIONAL AIRPORT, THE GOVERNMENT OF CANADA, AND THE CITIZENS OF GANDER, NEWFOUNDLAND AND LABRADOR, PROVIDED TO THE UNITED STATES IMMEDIATELY FOLLOWING THE TERRORIST ATTACKS ON THE UNITED STATES ON SEPTEMBER 11, 2011

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Ms. SLAUGHTER. Mr. Speaker, I am proud to rise today to introduce a resolution recognizing and thanking Gander International Airport, the citizens of Gander, Newfoundland and Labrador and the people and Government of Canada for the immeasurable assistance they provided to the United States on September 11, 2001.

Following the terrorist attacks and the closure of U.S. airspace, flights en route to the United States were rerouted to airports across Canada. The Canadian government instituted Operation Yellow Ribbon, closing their own airspace along with the U.S. for the first time in the history of both countries and safely landing 239 aircraft destined for the U.S. and Canada at 17 airports across Canada.

Gander International Airport, located in Gander, Newfoundland and Labrador, Canada, was one such airport to welcome flights bound for the U.S. The small community of Gander has a population of less than 10,000, and Gander International Airport was only scheduled to receive a total of eight flights that day. Yet it received the second most number of flights, 38, and the second most number of passengers, 6,600, out of all the Canadian airports during Operation Yellow Ribbon. What transpired over the course of the next three days in that small community will forever stand as an inspirational story of kindness and generosity during a time of enormous adversity.

As stranded passengers waited for the U.S. to reopen its airspace, the people of Gander responded by donating food, clothing, shelter and medicine. Citizens of Gander welcomed stranded passengers into their homes, held sightseeing and whale watching trips, and or-

ganized impromptu concerts to strengthen morale and provide emotional support. No request was too large and no call for help went unanswered.

The outpouring of kindness and support from the people of Gander was so remarkable and memorable for everyone involved that the stranded passengers have since sponsored scholarships for Newfoundlanders, donated computer equipment to area communities, financed a new conference room for the Gander area community of Lewisporte and held annual reunions to show their appreciation for the goodwill of the citizens of Gander.

The September 11, 2001 terrorist attacks on the United States are well documented. However we must also officially recognize and acknowledge the tremendous assistance we received that day from the citizens of Gander, Newfoundland and Labrador, Gander International Airport and the entire nation of Canada.

Mr. Speaker, I urge my colleagues to join me in recognizing and thanking the citizens of Gander, Newfoundland and Labrador for their kindness and generosity during the most devastating terrorist attack in American history. We owe an enormous debt of gratitude to the people of Gander as well as the entire nation of Canada.

### AMERICA'S YOUNG HEROES WINNERS

### HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Mr. DEUTCH. Mr. Speaker, I rise today to recognize the twenty-six students from Florida schools that have been named winners in the America's Young Heroes contest to promote respect and prevent bullying. These students have admirably put forth concrete, practical, and creative solutions to prevent bullying in America's schools. However, even more important than the proposals is the contest's climate of acceptance and respect that is being spread to schools across Florida through the America's Young Heroes Program.

Founded by Vera Hirschhorn, the America's Young Heroes contest was created in 1999 to improve students' self-esteem through the submission of original stories, poems, music, short films, and artwork about their experiences with bullying. The America's Young Heroes contest has dedicated itself to remedying the bullying epidemic facing our schools by placing an emphasis on positive thoughts and actions to solve bullying situations.

I congratulate Vera Hirschhorn, the America's Young Heroes contest, and the twenty-six Florida students for their great work to end bullying in our schools. Their great work and advocacy on behalf of respect and acceptance is truly making Florida schools a safer place for our children.

IN SUPPORT OF H.R. 1627

### HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 31, 2011*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of H.R. 1627, which establishes a new process for the placement of monuments at Arlington National Cemetery.

In particular, I am so pleased that this legislation contains the formal Congressional approval for a monument to Jewish military chaplains for Chaplains Hill.

For years, Arlington National Cemetery has showcased memorials for Catholic and Protestant chaplains, yet there has never been a monument for the Jewish chaplains who served in our military and made the ultimate sacrifice.

Last year, a dedicated group of Jewish war veterans set out to make sure that the Jewish spiritual leaders were similarly honored in our Nation's military cemetery, and it is vital that Congress pass this legislation to make this memorial a reality.

In particular, I want to highlight the story of the U.S.A.T. *Dorchester* in World War II.

The ship suffered an explosion at sea while carrying more than 1,000 soldiers and workers, including four Army chaplains.

These four brave men, two Protestant, one Catholic, and one Jewish, gave up their life jackets to soldiers on board the ship.

They stood strong, sharing words of healing and peace with those on board, and they resolutely held hands until the ship went down.

This is a true story of faith and courage, and now, all four of these men will be honored together on Chaplains Hill.

It could not be more fitting that Congress has taken up this legislation during Jewish American Heritage Month, a time to celebrate the contributions of American Jews to the dynamic cultural fabric of the United States.

Honoring these Jewish military chaplains this week, in time for Memorial Day, is a meaningful way to show our appreciation for the commitment and sacrifice of our brave and dedicated veterans.

## HOUSE OF REPRESENTATIVES—Wednesday, June 1, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WESTMORELAND).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 1, 2011.

I hereby appoint the Honorable LYNN A. WESTMORELAND to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### CHINESE EXCLUSION ACT OF 1882

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. CHU).

Ms. CHU. Mr. Speaker, I rise today to announce an action to address an injustice carried out on this very floor that Congress has never atoned for, the Chinese Exclusion Act of 1882.

A century ago, the Chinese came here in search of a better life; but they faced harsh conditions, particularly in the Halls of Congress. Congress passed numerous laws to restrict Chinese Americans, starting from the 1882 Chinese Exclusion Act, to stop the Chinese from immigrating, from becoming naturalized citizens, and from ever having the right to vote.

These were the only such laws to target a specific ethnic group. The Chinese were the only residents that had to carry papers on them at all times. They were often harassed and detained. If they couldn't produce the proper documents, authorities threw them into prison or out of the country, regardless of their citizenship status. Political cartoons and hateful banners like these were hung in towns and cities and printed in papers. At that time

of this hateful law, the Chinese were called racial slurs, were spat upon in the streets, and even brutally murdered.

Only after China became an ally of the U.S. in World War II was this law repealed in 1943, 60 years after its passage. It has never been formally acknowledged by Congress as incompatible with America's founding principles.

That is why, as the first Chinese American woman elected to Congress, and whose grandfather was a victim of this law, I stand on the very floor where the Chinese Exclusion Act was passed and announce that I have introduced a resolution calling for a formal acknowledgment and expression of regret for the Chinese exclusion laws.

When the exclusion laws were first introduced, there was a great deal of debate in Congress over their merits. The U.S. had just abolished slavery. The 14th and 15th Amendments had recently been ratified. Slavery had been defeated, and freedom seemed more certain. The national atmosphere led many in Congress to stand up against the discriminatory anti-Chinese laws. But over the years, those standing for justice almost all disappeared. By the time 1882 came around, Members of Congress were fighting over who deserved the most credit for getting the most discriminatory laws passed and standing against the "Mongolian horde."

Representative Albert Shelby Willis from Kentucky pushed relentlessly for the exclusion laws, lambasting the Chinese. Standing in the same spot where I am now, he said the Chinese were "an invading race" and called them "alien with sordid and un-republican habits." He declared the "U.S. was cursed with the evils of Chinese immigration" and that they disturbed the "peace and order of society."

But there were a brave few, a small minority who fought hard against prejudice and principles of freedom. One such man was Senator George Frisbie Hoar, whose statue now stands proudly in the Capitol. He stood up to all of the Chinese exclusion laws and voted against each. He said in 1904 when the laws were made permanent, "I cannot agree with the principle that this legislation or any legislation on the subject rests. All races, all colors, all nationalities contain persons entitled to be recognized everywhere as equals of other men. I am bound to record my protest, if I stand alone."

And stand alone he did. The final vote against the Chinese in the Senate

was 76-1. What Senator Hoar stood up for is what I am asking Congress to stand up for today: that all people, no matter the color of their skin, or the nation of origin, are the equals of every other man or woman.

America came to be what it is today through immigrants who came from all corners of the world. Chinese immigrants were amongst them. They sought a place to live that was founded upon liberty and equality. They came in search of the American Dream—that if you worked hard, you could build a good life. It is why my grandfather came to the United States.

But when the Chinese Exclusion Act was passed, the truths that this Nation holds as self-evident—that all are endowed with the inalienable rights of life, liberty and the pursuit of happiness—were discounted by the very ones elected to uphold them.

And so for a generation of our ancestors, like my grandfather, who were told for six decades by the U.S. Government that the land of the free wasn't open to them, it is long past time that Congress officially and formally acknowledges these ugly laws that targeted Chinese immigrants, and express sincere regret for these actions.

With my resolution, Congress will acknowledge the injustice of the Chinese Exclusion Act, express regret for the lives it destroyed, and make sure that the prejudice that stained our Nation is never repeated again. And it will demonstrate that today is a different day and that today we stand side by side for a stronger America.

### AUTHORIZING MORE WARFARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, last week this body passed the National Defense Authorization Act. In doing so, yet again, it put a stamp of approval on a more violent, belligerent, and militaristic defense policy.

While my friends in the majority continue to posture about Federal spending, they are eager to authorize billions and billions on military programs and policies that don't make America safer.

During last week's debate over the Defense bill, they voted down an amendment that would have brought the Department of Defense funding levels down to the same 2008 levels they want to impose on domestic discretionary spending. Obviously, the Republicans believe in a blank check for

the Pentagon, but austerity for everyone else.

They rejected my amendment to eliminate the V-22 Osprey, a multibillion-dollar aircraft with a performance and safety record so shoddy that even Dick Cheney tried to eliminate it when he was Secretary of Defense. They also rejected an amendment that would have prohibited the use of funds for permanent bases in Iraq and Afghanistan, despite the fact that an anonymous officer in Afghanistan was quoted in yesterday's Washington Post as saying, "We've become addicted to building." That officer added that supplemental appropriations, with its billions of dollars for construction, "have been like crack cocaine for the military."

It gets worse, Mr. Speaker. The Defense bill includes a radically expanded authorization for the use of military force. It completely undermines the War Powers Act, empowering the President, whichever President, whomsoever is in that office, to declare war regardless of whether an attack against the United States is imminent, regardless of whether our national security has been threatened. The language doesn't even specify any geographic limitation.

□ 1010

The Republican majority couldn't even bring themselves to support an amendment that called simply for a plan within 60 days to transfer responsibility for Afghanistan's security to Afghanistan—a plan—so we can begin the process of redevelopment. Just a plan within 60 days. As our distinguished Democratic leader said here on the floor last week when we were debating this, who could be against that?

Well, apparently the overwhelming majority of House Republicans could be against it and are against it and voted against it. Then they topped it off by voting to eliminate the modest public investment in the U.S. Institute of Peace, an institute that carries out real, well-respected, lifesaving work on peaceful conflict resolution around the world.

Last night the majority played a game of chicken with the global financial credibility of the United States, holding a vote on the debt ceiling that was designed to fail.

I challenge them: You want meaningful spending cuts as a condition for a debt ceiling increase? Then stop giving the Pentagon unlimited use of the taxpayers' ATM card. Stop putting the full faith and credit of the United States on the line in order to wage more war.

You believe in fiscal discipline, and you think everything should be on the table? Then let's talk about saving \$10 billion a month by ending the war in Afghanistan, and let's bring our troops home from Iraq and Afghanistan.

#### HONORING JACK SUTHERLIN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. CAPPS) for 5 minutes.

Mrs. CAPPS. Mr. Speaker, today I rise to honor a constituent of mine from the 23rd District of California. His name is Mr. Jack Sutherlin.

Mr. Sutherlin, of Santa Maria, California, served honorably in the Coast Guard during World War II. He was stationed off the California coast. Mr. Sutherlin's brave actions on December 25, 1943, resulted in the safe passage of two escort carriers down the Pacific, along the coast, and into San Diego Bay.

I am very proud to represent Mr. Sutherlin, an example to us all for his dedication to our country and for his lifetime of serving our community.

Mr. Speaker, the debt we owe to our Nation's veterans is immeasurable, and Mr. Sutherlin is no exception. In fact, he's an example of those of that Greatest Generation who served nobly during the Second World War. His actions in 1943 leave me humbled and honored by his sacrifices. We can never repay his service, but we can act honorably on his behalf and behave in a way that is indicative of a grateful Nation.

Singling out events like these are important to remind us that acknowledging our veterans' bravery and sacrifice is never done. Despite the decades that have passed, our country remains indebted to the heroic actions of Mr. Sutherlin and his many brothers in arms.

It's also imperative to remember that we are still a Nation at war and that veterans who served decades ago or just months ago or are serving today deserve our support, our appreciation, and our profound gratitude. Mr. Sutherlin waited too long to be officially recognized, and I'm sure he would agree that all veterans deserve timely and genuine acknowledgements of their service.

I am proud of the work my staff completed to assist Mr. Sutherlin achieve a formal recognition from the commandant of the United States Coast Guard. Just a few days ago, the veterans clinic in Santa Maria, California, hosted a reception and a ceremony where the letter of recognition from the commandant was read and where many of the Coast Guard on active duty stationed at Morro Bay, California, were present to see someone of the generation preceding them being acknowledged.

I consider my work on behalf of veterans to be one of my most sacred responsibilities as a Member of Congress. Veterans like Mr. Sutherlin represent the best this country has to offer, and ensuring his work is recognized is of paramount importance. It's an honor to represent a man of such integrity, conviction, and dedication to his country. I'm proud to include his service in

the CONGRESSIONAL RECORD of the United States Congress.

#### MEETING THE NEEDS OF ENGLISH LANGUAGE LEARNERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, the 2010 census confirmed that Hispanics are a growing part of the American family. There are now more than 50 million Latinos in the United States, accounting for more than half of the Nation's population growth between 2000 and 2010. Today, one in six Americans is Hispanic.

This tremendous growth adds to our country's rich diversity, but it also brings challenges. The number of English language learners in our Nation's schools has increased by 50 percent over the past decade. English learners are found in States with traditionally large Hispanic populations, like Texas and New Mexico, and in States that have experienced a recent influx of immigrants, like Colorado and Indiana. And English learners are found in large numbers in the U.S. territory of Puerto Rico.

How well our schools educate those students will determine the future success of our Nation. And providing a quality education means ensuring that they graduate from high school with proficiency in English. The benefits of learning English are clear for students living in the 50 States where it is difficult to obtain most jobs without being fluent in the language.

But learning English is also vital for students in Puerto Rico. In my life I have visited many countries around the world; and everywhere I have traveled, I have seen young people studying English with passion and determination. Puerto Rico's sons and daughters, particularly as American citizens living in a U.S. territory, simply must be proficient in English to compete effectively in the modern globalized world.

Yet for too many years, some politicians in Puerto Rico sought to limit the teaching of English in our local schools in a misguided effort to influence the debate over Puerto Rico's political status. This cynical approach has harmed our children and our island. Regardless of one's views on Puerto Rico's status, there can be no question that proficiency in English, as well as in Spanish, is in the best interest of Puerto Rico's youth. To deny our children the opportunity to learn English is to deny them the countless opportunities that come with being bilingual.

Accordingly, since arriving in Congress, one of my primary goals has been to improve English language instruction in Puerto Rico schools. That is why I have introduced a bill to raise

a cap that restricts the amount of Federal funds the island can receive to strengthen its English language programs. In order to ensure that the children of Puerto Rico have the same opportunities as children in the States, it is imperative that the island be treated fairly when it comes to allocating Federal funding for English language programs.

Moreover, our schools' success in teaching English learners in Puerto Rico and in the States will depend on the number of well-prepared bilingual teachers available to instruct these students. In Puerto Rico the challenge has been to find enough teachers who are sufficiently proficient in English to effectively teach the language. At the same time, the increased number of English learners in the States has left school districts scrambling to find enough teachers who are fluent in foreign languages, such as Spanish and Mandarin, as well as in English.

In both cases, schools are asking themselves, How can I find an experienced teacher to meet this need? One answer: teacher exchanges.

I recently introduced legislation that would fund teacher exchanges between school districts in different regions of the United States. Under my bill, for example, a teacher in Puerto Rico could improve her English ability by spending a year in the States trading places with a native English-speaking instructor who seeks to improve her Spanish language skills. Through this exchange the teachers and, more importantly, the students in each community would benefit. No wonder that organizations representing English teachers, foreign language instructors, principals, and school boards have all endorsed my bill.

□ 1020

As Congress works to reform the Elementary and Secondary Education Act, I urge my colleagues to address the needs of English language learners, whether those students are located in Santa Fe, San Antonio, or San Juan. Our goal should be as simple as it is ambitious: to ensure that every student in our Nation has the opportunity to graduate from high school as a fluent English speaker.

#### BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFazio) for 5 minutes.

Mr. DEFazio. Well, yesterday the House resoundingly rejected a so-called "clean" increase in the debt limit, as it should have. But different people are going to draw different conclusions from this vote. The Republicans will say this means unlimited spending cuts, that's how we'll balance the budget. And on my side of the aisle, there will be those who say this puts reve-

nues back into play. Actually, both should be right.

There is no way, no way to deal with a \$1.7 trillion deficit—I guess we're down to \$1.4 trillion this year; money is coming in a little better than expected—to deal with that without dealing with both sides of the equation, that is, revenues and cuts in spending.

Now, unfortunately, around here it seems that coming together for the problems of the Nation is somewhat quaint and old fashioned. I've been here long enough to remember when we used to do those things, when we had the surtax on millionaires back when Bush I was President and brought back some fiscal sanity, before my time when Ronald Reagan raised taxes three times because he realized that supply-side economics didn't work. Well, we're now back to supply-side economics over here. It doesn't work. And more tax cuts, they're proposing more tax cuts in the face of deficit. Absurd.

So how are we going to force that discussion? I believe we need a balanced budget amendment to the Constitution. We actually passed one when I was here in 1995. I voted for it. It failed by one vote in the Senate. Now, just think, had that been in place when, in the last 2 years of the Clinton Presidency, we not only balanced the budget, we began to pay down debt for the first time since 1969. Then came Bush II, and he said we're going to give that money back to the people. And even when we went into deficit, he said, well, we need more tax cuts. That's what we need is more tax cuts, because we're running a deficit now and that's how you deal with deficits is to cut taxes because then people will—whatever. Somehow that creates more money. If we had had the balanced budget amendment to the Constitution in place, Bush couldn't have gotten away with that. He couldn't have launched an unnecessary war in Iraq and cut taxes at the same time; the first time our Nation has gone to war while cutting taxes. And he managed to double the debt in 8 short years, ending with the spectacular crash on Wall Street and the TARP bailout, which many forget was the Bush TARP bailout—I voted against that, too—not the Obama bailout; although Obama continued those same Wall Street friendly policies, to his discredit.

And then the Obama stimulus. Forty percent of that was Bush tax cuts. What is it? What is it we don't get that cutting taxes in the way that George Bush wanted to do and did do with trickle-down economics and piling up more debt does not put people back to work? It's not investment. It doesn't generate economic activity and jobs.

The theory is, oh, the rich people have so much money, they'll invest it in meaningful ways. Corporations are sitting on \$2 trillion in cash. Wall Street billionaire hedge fund managers

pay a 15 percent rate of tax, half that of an Army captain. Are they investing in a meaningful way to put people back to work? No. They're speculating and driving up the price of gas and screwing the American people and depressing the economy.

It's time to get real around here. I believe a balanced budget amendment would focus the minds and deal with this deficit and debt in a way that is serious, both with dealing with revenues and dealing with spending cuts. I voted against extending all the Bush cuts in December—not just the ones on the rich people, all of them, a little bit of shared sacrifice. That would have cut the deficit in half—by \$5 trillion—over 10 years. Then we wouldn't have been screaming in January after everybody—many people on that side of the aisle—voted for extending the Bush tax cuts. They were shocked, shocked, shocked that we had a record deficit this year. Huh? You just voted to reduce revenues by \$400 billion and you're shocked that that increased the deficit? And has it been putting people back to work? Not much that I've seen in my district, I'll tell you that.

Then comes the Ryan budget. A serious budget. Destroys Medicare. Ends Medicare as we know it. Cuts Medicaid. Most people just think that's for poor people. Well, actually, most of the money goes to either kids or seniors in nursing homes. So that's going to be kind of a tough one. So, huge, devastating cuts. More tax cuts. More of the joke economic policies. Let's cut taxes and that will help us deal with the deficit. More tax cuts for rich people and big corporations. And he doesn't balance the budget—even under his rosy scenario written by the Heritage Foundation—until 2040. That's a serious attempt at dealing with our debt and deficit? That's the Ryan budget. The Obama budget is even worse. I don't know if it gets there by 2050.

Neither side is dealing seriously with these issues. We need to focus people's minds, and a balanced budget amendment to the Constitution is the best way to do that.

#### RAISING THE DEBT LIMIT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, it's important to be able to discuss with my colleagues just what we're doing in this House and what is considered important and urgent and what is the impact on what we're doing.

As my friends, the Republicans on the other side of the aisle, are now spending time with the President, I hope they will have visions of President Ronald Reagan, because in 1983 Ronald Reagan begged and asked the Congress at that time to raise the debt

limit. This is not a 2011, 21st century phenomenon never to be heard of in the history of this country. Raising the debt limit, my friends, is not evil or sin. It is an actuality that requires us to be responsible adults.

I want you to eye this picture and to continue to keep your eyes on it continuously as I explain to you what we are doing when we ask for the debt limit to be raised.

Does anyone care about our men and women on the front lines? Do we care about their families? Do we care about veterans? Oh, we wave the flag, and many of us emotionally were drawn to commemorate and honor those who had fallen this past Monday. We inter-related with families, some of whom came up to me and asked me why veterans are discriminated against and can't get work or disabled veterans are chastised by their employer. And I made a commitment to them that we will work to have jobs and end the discrimination, and that the soldiers who are coming back to 10 percent unemployment—do you realize that, that there is a 10 percent unemployment among Iraq and Afghanistan returning soldiers, soldiers who are in their twenties and thirties or maybe forties, soldiers who may be disabled, who may have come back from a catastrophic injury but they want to work and support their families? These very men and women, do you know what the debt limit not being lifted will do?

And so, yes, this was put on the floor of the House to make a mockery and a joke, but I came here to be a serious legislator and I voted "yes" because it was a serious statement on behalf of my constituents and the American people, and I could not, within 24 hours of being around military families, abandon them with the frivolity and the foolishness of putting something up on the floor just to put it in the eye of the President.

Let me tell you why it partly was done as trickery. Listen to the words of a bond dealer: "I didn't even know they had a vote tonight, to be honest with you," a senior government bond strategist at CRT Capital Group in Stamford, Connecticut said. "The only real event that the market is focused on is the point at which they run out of money and have to shut down the government."

Well, let me tell you the reason why this was just a joke, since those of us who voted "yes" didn't take it as a joke. Because the Secretary of the Treasury has extended the time to August 2. But if we do not raise the debt limit, like Ronald Reagan asked and other Republican Presidents asked with no fanfare, let me tell you what will happen to our soldiers. It will be 20 percent unemployment.

What will happen to Medicare? We won't be making it solvent. We'll just end it and implode it like the Ryan

budget wants to do. We will eliminate Medicare for disabled persons and children and seniors in nursing homes.

No, we won't have any veterans benefits, but our cities that now are grappling with disaster, that funding will dry up as well. And we are the rainy day umbrella for the American people.

But you know what else? Summer jobs for our young people who are struggling to get themselves back in school in the fall. In the city of Houston, how—I don't know—unthinking can you be when you close down city pools, the meager opportunity for recreation that a child has in the inner city area or maybe a rural area.

□ 1030

Summer pools totally closed down. And parks. So what are they supposed to do besides having one person that can monitor the pool? You just have them running the streets. What sense does that make?

Or the school districts in the State of Texas now losing \$4 billion. HISD, the Houston Independent School District, one of the largest in the Nation, \$200 million, or AISD, \$30 million.

It's time to wake up and understand that we must recognize the responsibility we have, Mr. Speaker. We can end the war in Afghanistan, bring them home from Iraq, and we can do our job and raise the debt ceiling. This is ridiculous, but I'm not going to be part of it.

#### DEBT LIMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Lost in the hyperbolic statements and calls of doom—"if Congress does not raise the current debt ceiling"—is the real problem that our Nation faces: the out-of-control spending that has become epidemic here in Congress. No doubt a technical default in August surely would be problematic. But much worse would be the results if Republicans caved to Democrats and no significant spending reforms are implemented.

Today, my colleagues, 68 cents of every dollar is spent on entitlement programs. By the year 2025, the government will spend 100 percent of every dollar of revenues on entitlements.

The United States is over \$14 trillion in debt, and without spending cuts in the deficit, our national debt will continue to grow. We must begin to rein in spending and bring about the fiscal changes to protect our children from this growing burden of debt.

Mr. Speaker, importantly, markets understand the difference between a technical default in which investors may have to wait a short period of time for an interest payment and an actual default in which a country is unable to repay its debt. If Congress

does not act appropriately now, very soon the country will not face merely a technical default, but instead a real default. Then the calls of doom will be appropriate.

Investors have every incentive to want Congress to balance its budget and get its house in order finally. If this means investors will have to wait a few days for an interest payment to be repaid, then so be it. Because fixing the real problem now guarantees to investors that this government can make its payments 10 years from now, a realization that will comfort investors much more than preventing a mild delay—particularly if that mild delay means future delays, future debt limit debates, and future possible defaults.

The best solution, of course, is no default at all, not technical and not actual. Congress must quickly come together and make some tough decisions that will forever affect the future of our country. But we will not be coerced into a position that fuels the spending addiction that has landed us in this situation where we stand today. We will not succumb to a vote to increase the debt limit if we are not compensated with significant spending cuts.

As our Speaker JOHN BOEHNER has said, "It's true that allowing America to default would be irresponsible, but it would be more irresponsible to raise the debt ceiling without simultaneously taking dramatic steps to reduce spending and reform the budget process" itself. And it can be done.

We can look back to understand what will happen next. Several years back, Russia had a real default, yet within 2 or 3 years they reached all-time low interest rates. Earlier this year, the House passed a budget resolution for fiscal year 2012 which set non-security discretionary spending to below 2008 funding levels. It calls upon repealing the costly and burdensome health care law and envisions reforming some entitlement programs to contain costs and pay down the national debt.

My colleagues across the aisle have criticized portions of this legislation. But the question is asked, where is their alternative? There can be no debate if the other side cannot produce a logical document that seriously sets out to solve our Nation's crisis, the real crisis. Just like the solution to a drug addiction is not to increase one's intake, the solution to our Nation's spending addiction is not to increase one's capacity to continue to accumulate debt.

The time is now for real reform. Only after we have curbed the trillions of dollars of debt that we continue to pile up can we then consider raising the debt limit.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until noon today.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day. We pause now in Your presence and acknowledge our dependence on You.

We ask Your blessing upon the men and women of this, the people's House. Keep them aware of Your presence as they face the tasks of this day that no burden be too heavy, no duty too difficult, and no work too wearisome.

Help them, and indeed help us all, to obey Your law, to do Your will, and to walk in Your way. Grant that they might be good in thought, gracious in word, generous in deed, and great in spirit.

Make this a glorious day in which all are glad to be alive, eager to work, and ready to serve You, our great Nation, and all our fellow brothers and sisters. May all that is done this day be done for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### RAISING THE DEBT CEILING MEANS SERIOUS CHANGES

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over 750 days have passed since the Senate passed a budget. Now, liberals in Congress are leading the charge to increase the current debt limit. The Federal Government officially reached its \$14.3 trillion debt limit in May. America's finances are now borrow, tax, and spend—killing jobs.

Congress should not raise the debt limit without making serious changes in the way the Federal Government spends money. Recklessly raising the debt ceiling without exercising fiscal restraint will lead to a lower international credit rating, higher borrowing costs, and an increase in the cost of the Nation's imports.

This is a threat to senior citizens by risking the value of the dollar. It's a threat to young people, saddling them with overwhelming debt.

Washington must change its way, which is now killing jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### A TRIBUTE TO DENISON DOVER GARRETT

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise to pay tribute to Denison Dover Garrett, a towering giant who has passed away at the age of 97. A lifelong resident of Greenville, North Carolina, we affectionately referred to Mr. Garrett by his initials, D.D.

D.D. Garrett was a man of great courage who led by example. He worked tirelessly to ensure that the African American community had a voice in public policy. Through his work in the AME Zion Church and the Pitt County Branch of the NAACP, D.D. constantly exposed injustice. He insisted that the American Dream must be a reality to every American regardless of their station in life.

As the first African American county commissioner, D.D. led the way in African American political participation in his community. As the founder of a substantial insurance and real estate firm, D.D. was a successful businessman and mentor to many.

Mr. Speaker, I ask my colleagues to join me in recognizing this great life. We extend condolences to his wife, Mrs. Clotea Williams Garrett; their sons, D.D., Jr., and Michael; and the entire Greenville community.

Greenville, North Carolina, is a better place to live and work because of the enormous contribution of Denison D. Garrett.

#### CONGRATULATING THE MARIETTA COLLEGE BASEBALL TEAM

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Ohio. Mr. Speaker, the economy, the national debt, high gas prices, and the need for jobs, those are still the important issues to the people in my district in southeastern Ohio; but today, I rise to congratulate the Marietta College baseball team for winning their record fifth Division III College World Series title yesterday. Our people have something to cheer about.

The Pioneers, led by coach Brian Brewer, won the deciding game in convincing fashion with an 18-5 victory over Chapman University.

The 'Etta Express was led defensively by a strong pitching performance from All-American honorable mention pitcher Austin Blaski. Blaski pitched a nearly perfect six innings, allowing only two hits and one earned run.

On the offensive side, the Pioneers were led by right-fielder Aaron Hopper, who had four hits, four RBIs, and a stolen base. All-American senior center fielder John Snyder added three hits, two runs scored, and an RBI to end his college career.

The Pioneers finished the season with an amazing record of 47 wins and 4 losses on their way to a record fifth national title.

Congratulations to the 'Etta Express.

#### RECOGNIZING MIKE CONNOLLY

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, I rise today to recognize Mike Connolly, an educator at the Charles E. Shea Senior High School in Pawtucket, Rhode Island, for his leadership in launching the Voters in the Classroom initiative. Voters in the Classroom is a statewide mock election initiative involving nearly 25 percent of public high schools across the State of Rhode Island.

Mr. Connolly's Voters in the Classroom initiative is an effective classroom-based program helping to prepare students to be engaged public citizens. Students in the Voters in the Classroom program participate in mock statewide referendums on important topics, establish voting procedures through classroom discussions and assemblies, and staff polling places at their schools.

I recently visited the students and educators at Shea High School and have seen firsthand the importance of this program. Civic education programs like this are key to the success of our democracy because they increase the likelihood that young people will engage in the election process when they become of age.



I congratulate Mike Connolly on this achievement and thank him for his forward-thinking commitment to Rhode Island's students and the preservation of our democracy.

#### DEBT LIMIT VOTE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, since this President has taken office, we have had the failed stimulus, omnibus, TARP II, Government Motors, the government takeover of health care. Well, the buck stops here. Literally, House Republicans refuse to give the spender-in-chief a blank check to pay for his reckless ways.

If the President even wants to think about moving forward with the debt limit increase, he needs to know that Americans want Congress to drastically cut spending.

Across the Nation, people have cut back and stretched their hard-earned dollars in order to make it through these tough times. The government must do the same. We're facing a debt crisis because Washington spends too much and wastes too much.

Raising the debt limit without a deep spending cut amounts to a Barack Obama big-government bailout. Enough is enough. Stop the Obama bailout now.

□ 1210

#### VETERANS' UNEMPLOYMENT RATE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, before I comment on why I am standing next to the brave and the true of our United States military, let me give a message to Syria and express my outrage over the heinous killing of a 13-year-old boy. President Assad should be held accountable now. And the United Nations needs to voice its opposition. As the Secretary of State has indicated, we need to be standing alongside those seeking freedom in Syria.

And to our allies in Bahrain, where our fleet of Navy personnel are, what a disgrace that they have imploded and blown up mosques because they disagree with their particular faith. This is the Arab Spring, but it will end in devastation if we don't stand for truth and human rights and compassion.

Now, Mr. Speaker, I think it is important, as I stand next to the brave men and women, some who have fallen, and those who now still fight, to ask my Republican friends do you understand that there is a 10 percent unemployment among those who are coming

back from Iraq and Afghanistan? Yes, troops who are fighting for us and fighting on our behalf. Yet it has been 21 weeks and the Republicans have no jobs agenda. We need jobs. Create jobs! If you believe in these troops, build jobs for the American people.

#### UNFAITHFUL ALLY?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the more we learn about Pakistan, the more they sound like the Benedict Arnold nation in the list of countries we call allies. First, it was Osama bin Laden, the world's number one outlaw, living comfortably in a mansion in Pakistan for years, but Pakistan claims no knowledge of that.

Now, a reporter in Pakistan, Syed Saleem Shahzad, has been murdered. He has been critical of the Pakistani Government. He reported that the naval base in Karachi that was attacked was done so by al Qaeda members of the Navy of Pakistan. Human Rights Watch says Shahzad was assassinated by members of the Pakistan intelligence agency, who previously had threatened him.

Meanwhile, Pakistan is chumming up to the Chinese. Sounds like Pakistan is playing both sides in the war on terror. Seven in 10 Americans believe we need to stop or decrease foreign aid to Pakistan. We should stop foreign aid to Pakistan until we know whose side they're on. We don't need to pay them to be unfaithful. They will do it for free.

And that's just the way it is.

#### SENIOR SAFETY NET

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, after a lifetime of service to their families and our Nation, America's seniors deserve the security of a basic safety net like Medicare and Social Security. Sadly, the Republican budget that the House approved in April puts fundamental programs at risk. The Republican budget will end guaranteed Medicare coverage for seniors, I state, end guaranteed Medicare coverage for seniors; cut benefits and turn control over to the insurance industry; and double out-of-pocket costs for seniors over the next decade.

From day one, the Republican plan to end Medicare will toss 4 million seniors into the prescription drug doughnut hole. And from day one, seniors across the Nation will have their copays reinstated for their annual wellness visit.

Seniors in my district understand that we must lower the deficit, but it should not be on the backs of the poor

or the disadvantaged. But they also know that it is wrong to end Medicare so we can extend the tax breaks for the millionaires and billionaires. Let's work together on a real budget and lower the deficit.

#### ENDEAVOUR AND SENATOBIA MIDDLE SCHOOL

(Mr. NUNNELEE asked and was given permission to address the House for 1 minute.)

Mr. NUNNELEE. Mr. Speaker, at 2:35 a.m., *Endeavor* landed safely following its final trip into space. As *Endeavor* retires after its 25th mission, it lives on with a unique legacy: the only space shuttle named by children.

In 1989, Senatobia, Mississippi, Middle School was the national winner in a competition to name a new spacecraft. Their mission? To come up with a name that captured the spirit of America's mission in space.

On May 16, two decades later, as *Endeavor* launched its final mission, those elementary children are now adults, and the spirit and excitement of that final flight was felt most in Senatobia, Mississippi. As the Senatobia-1, a balloon built and flown by students, was launched, it was filled with signatures wishing Congresswoman GIFFORDS a speedy recovery and captured beautiful images of their beloved spaceship as it took to the skies for one last time.

#### ATTEMPTS TO DISTRACT ATTENTION FROM MEDICARE PLAN

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, last night we saw once again a great display of political theater. My friends across the aisle scheduled a vote on raising the Nation's debt limit, knowing that it would fail. The vote occurred specifically after the stock market closed because they knew the harsh effect that this game could have on the market. This was simply an effort to distract the public away from the disastrous attempt to end Medicare as we know it.

Under their plan, from day one seniors will see an increase in the cost of prescription drugs and preventive health care. They no longer want to discuss the vote they took to end Medicare and force seniors to pay more for less.

We all agree that smart, responsible budget cuts are needed. That is why Democrats and Republicans from the House, the Senate, and the administration are working together on a plan. We should allow the negotiators to continue their work in good faith with open discussions on the future of our economy and how to decrease our deficit.

Mr. Speaker, now is not the time to play games with the American public.

We must focus on creating jobs, jobs, and more jobs, and move our economy forward.

#### ROBERT F. ELLSWORTH TRIBUTE

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, I rise today to pay tribute to a former Congressman from Kansas's Third Congressional District who recently passed. Robert F. Ellsworth served Kansas in the United States Congress for three terms during the 1960s. He was a proud Jayhawk, graduating from the University of Kansas, and he served our country admirably in both World War II and the Korean War as an officer in the United States Navy.

He was known as a candid and independent-minded legislator during his tenure in Congress. A personal adviser to President Richard Nixon and a confidant of Kansas Senator Bob Dole, he also served as an ambassador to NATO and as the Deputy Secretary of Defense under President Gerald Ford. After leaving politics, he founded Hamilton BioVentures, a company focusing on investment in emerging life science technologies.

He is survived by his wife, Eleanor; children William and Anne; as well as stepchildren John, Sarah, and William. My heart, and the heart of the Third District, is with him and his family during this difficult time.

#### HOMELAND SECURITY APPROPRIATIONS

(Mr. SABLAN asked and was given permission to address the House for 1 minute.)

Mr. SABLAN. Mr. Speaker, it's "getting ridiculous." That's what Saipan Chamber of Commerce President Doug Brennan said about the Department of Homeland Security's failure to issue regulations implementing Federal immigration in the Northern Mariana Islands. And I agree, it is getting ridiculous.

Three years since the law was enacted, 18 months since it took effect, two oversight hearings, letters from congressional leaders, meeting after meeting, and still no regulations. Workers don't know what their status will be 5 months from now. Businesses can't plan for the future. "It's putting the brakes on the economy," the chamber president says. And what does DHS say? The regulations will be released when the regulations are released.

That is no way for a Federal agency to fulfill its responsibilities. We will get to it when we get to it? Federal immigration was supposed to benefit the Marianas, improve the economy. Instead, it's making things worse. As we think about funding Homeland Security today, Homeland Security should

be explaining why it isn't doing its job issuing these long-overdue regulations for the Northern Mariana Islands.

#### DEBT LIMIT VOTE AS POLITICAL STUNT

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, last night our Republican colleagues scheduled an empty vote on the debt ceiling, a political stunt with no serious plan. Last week, the majority leader tried to use a natural disaster as political leverage in their ideological fight over the budget. And last month and again today, Republicans propose ending Medicare as we know it to pay for tax giveaways for millionaires and giant oil companies.

I'm holding another town hall meeting tomorrow, telephone town hall, with my constituents to talk about these issues and what our national priorities should be. The Republican extreme ideological war is a disturbing trend, using national emergencies, the full faith and credit of the United States, and our seniors' health care as if they're bargaining chips. The American people and the Missourians I represent deserve better.

It's time to come together like adults to find serious solutions to our complex problems. And it's time to stop threatening Medicare, important institutions, our national credit, and the national commitment to lend a hand to those in need, and especially those suffering through natural disasters. We can solve this without trying to scare markets or scare seniors. Let's get serious about reducing our deficit and growing jobs.

□ 1220

#### BLAME EVERYTHING FOR DEBT

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, listening to some of the Republicans that were speaking here earlier today, they want to blame Medicare, early childhood education, grants to firefighters for the debt that we have when everybody knows that at the end of the Clinton administration, this country was running a surplus.

Then we had Bush tax cuts; that's about a trillion dollars. Then we have a couple wars; that's a trillion dollars. Then there is a collapse on Wall Street under the Bush administration. That's \$2 trillion. That will turn anybody's budget upside down.

But the Republicans want to take it out of Medicare. They want to dismantle Medicare. They have never liked Medicare to begin with because it really works for middle America, for

our seniors. We can't let that happen. We cannot allow them to dismantle Medicare just because of these other things. They want to protect millionaires, billionaires and oil companies. We are not going to let them do that.

#### REPUBLICANS HAVE VIVID IMAGINATION

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we have heard a lot in the media about the political tea party. You know, there is another kind of tea party; that's where children play with their imaginary friends.

We saw an example of that kind of imagination last night in this Chamber. We saw Republicans bring a bill to the floor and then vote to defeat it, not to raise the debt ceiling in spite of the fact that they passed a budget that will raise the national debt by \$8 trillion over the next 10 years. They imagine that that \$8 trillion will magically disappear.

Another example of their vivid imagination is believing that the American people will sit back while they end Medicare, turn over seniors' health care to insurance companies and ask them to pay up to 70 percent of the cost of their health care.

This is not an imaginary world. These are real people with real problems, and the American people are not going to sit back while the Republican Party plays with their imaginary friends.

#### JOBS WITHOUT CREDIT CHECKS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, on Sunday the New York Times editorially commended bills that give people an opportunity to get jobs without having credit checks run on them. In this country today, credit checks are run on almost 65 percent of all job applicants, and sometimes they are used to deny people jobs.

The fact is, even the industry lobbyist said in Oregon last year that credit checks have no correlation to fraud in the workplace or a person's ability to perform a job. Yet because of the credit industry, credit checks are still required.

We have a bill in Congress, the Equal Employment for All bill, that would outlaw such a practice. Five States have outlawed such a practice and 20 States are considering it. We need to create jobs and give everybody a chance. Many people have bad credit because of this economy, because of the recession, because of health care costs that almost forced them into bankruptcy or have, or divorces. They

should not be denied the chance to have a job, a second chance.

We should pass the Equal Employment for All bill and give all Americans a chance for employment.

#### AMERICANS AT RISK

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, Americans are at risk. They are at risk of having their homes and their businesses demolished, of being injured and even killed, either by a natural disaster such as the tornados that have hit us recently or through a terrorist attack that will more likely come from within the United States.

This is not the time to cut the Homeland Security budget, and that's why today I propose taking military aid to Afghanistan and redirecting it to better equip and to hire more firefighters, more police officers, more emergency medical providers. State and local governments don't have the money to provide these resources because our home values have plummeted due to the foreclosure crisis, which this Congress has failed to address effectively.

There is one responsibility, though, that this Congress must honor, our duty to protect the American people. We, who live in this country, deserve to be safe.

Restore the cuts to the Homeland Security budget, and redirect the money from Afghanistan to protect Americans.

#### CONDEMNING GOVERNMENT OF VIETNAM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to condemn, yes, condemn, the Government of Vietnam for continuing its appalling human rights record by conducting unjust trials, sham trials of seven citizens who asked for land reform.

This past week, the people's court of Ben Tre unfairly convicted seven land rights activists to years of imprisonment and probation.

Ms. Tran Thi Thy was sentenced to 8 years, Pastor Duong Kim Khai was imprisoned for 6 years, and Mr. Pham Van Thong received a 7-year sentence simply for asking for their land back from the Communist Government of Vietnam. This recent trial was no different than Vietnam's past trials where there is no due process.

I hope that my colleagues will look at the record of human rights with respect to Vietnam and join me in urging the Government of Vietnam to drop these false charges.

#### COMMENDING MINNEAPOLIS EMERGENCY RESPONDERS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, I represent Minneapolis, Minnesota. Recently, my district was hit by a tornado. That tornado caused damage to well over 535 houses and took the lives of two of my constituents.

I just want to commend all those people who stepped forward to do the right thing for the people who were victims. Whether you were serving meals for people who were put out of their homes; whether you were making games for the children of the displaced to be able to have some joy in their lives after such a difficult period; or whether you were an emergency responder, police, fire, emergency, medical; or whether you were a member of our local government, I want everyone in my district to know, everyone in the Fifth Congressional District to know, that I am so proud of the work that you did.

I want folks to know that it is times of crisis like this tornado in which the best of us comes out, when we find our charitable spirit, when we find our courage, when we find all those things that sometimes are lacking in everyday life. I want to let you know that on the faces of the children who have had a warm place to stay after their own homes were knocked to the ground and trees went through people's roofs, that I want to thank all those first responders, all those public servants, all those volunteers who stepped up and made a very difficult situation just a little bit better for everyone who was involved.

Of course, Mr. Speaker, we could never forget those two citizens who lost their lives when they were hit by this tornado. It was a tragedy for them and their families, and we will keep them in our thoughts and in our hearts and in our minds as we move forward.

#### DEBT RESOLUTION

(Mr. DEUTCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTCH. Mr. Speaker, the partisan debt resolution was dead on arrival yesterday. But what really should have been DOA is the Republican plan to end Medicare and turn seniors over to private insurance companies.

Today, despite the outright rejection of this plan from south Florida to western New York and all across America, Republicans will try to deem and pass the reckless Ryan budget. That's right: those who decried "deem and pass" during the health care reform debate now seek to use it to end Medicare.

In fact, it was the distinguished chairman of the Rules Committee who, in an effort to stoke fear over the Af-

fordable Care Act, derisively labeled deem and pass the Slaughter Solution. Apparently using deem and pass to help insure 150 million Americans is an abomination but using it to end Medicare, that's courageous.

What would truly be courageous is if my Republican colleagues abandoned their plan to gut Medicare and Medicaid and instead supported deficit reduction that ends giveaways to Big Oil and more \$100,000 tax cuts for millionaires.

□ 1230

#### RAISING THE DEBT CEILING

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Last night's vote on raising the debt ceiling is further proof that the Republican majority plans to hold the full faith and credit of the United States hostage while they demand as ransom extreme cuts to Medicare and Medicaid.

News flash: The American people simply won't sacrifice Medicare and Medicaid and the guaranteed benefits they provide.

Seniors across the country are speaking out: Hands off Medicare, and, Don't slash Medicaid's health and long-term care benefits to pay for tax breaks to millionaires and billionaires, Big Oil and companies that offshore jobs.

Unlike the Republicans, Democrats are serious about responsible and real deficit reduction.

The Republican plan actually increases unemployment and the deficits, ends Medicare, further erodes our middle class and hurts poor children, all to increase the fortunes of oil companies, millionaires and billionaires. This is a plan that goes against the majority of Americans, and we won't have it.

#### PROVIDING FOR CONSIDERATION OF H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

Mr. REED. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 287 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 287

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled

by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 536. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2012, the provisions of House Concurrent Resolution 34, as adopted by the House, shall have force and effect (with the modification specified in subsection (c)) in the House as though Congress has adopted such concurrent resolution. The allocations printed in the report of the Committee on Rules accompanying this resolution shall be considered for all purposes in the House to be the allocations under section 302(a) of the Congressional Budget Act of 1974 for the concurrent resolution on the budget for fiscal year 2012.

(b) The chair of the Committee on the Budget shall adjust the allocations referred to in subsection (a) to accommodate the enactment of general or continuing appropriation Acts for fiscal year 2011 after the adoption of House Concurrent Resolution 34 but before the adoption of this resolution.

(c) For provisions making appropriations for fiscal year 2011, section 3(c) of House Resolution 5 shall have force and effect through September 30, 2011.

#### POINT OF ORDER

Mr. ELLISON. Mr. Speaker, I raise a point of order against H. Res. 287 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Minnesota makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden under the rule, and the gentleman from Minnesota and a Member opposed each will control 10 minutes of debate on the question of consideration. Following debate, the Chair will put the question of consideration as the statutory means of disposing of the point of order.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in the underlying bill, H.R. 2017, because the bill

slashes funding for our State and local governments as they prepare against homeland security threats and respond to natural disasters.

#### PARLIAMENTARY INQUIRIES

Mr. ELLISON. Before I begin, Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the parliamentary inquiry.

Mr. ELLISON. The rule states, "House Concurrent Resolution 34, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution."

Does this mean that the rule deems that the Senate will have passed H. Con. Res. 34?

The SPEAKER pro tempore. The content of the rule will be subject to debate.

Mr. ELLISON. I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the inquiry.

Mr. ELLISON. So voting "yes" on the rule is voting "yes" for H. Con. Res. 34, the Ryan budget, which ends Medicare; is that right?

The SPEAKER pro tempore. The gentleman from Minnesota is making a point for debate.

Mr. ELLISON. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the inquiry.

Mr. ELLISON. Mr. Speaker, doesn't the Ryan budget end Medicare as we know it?

The SPEAKER pro tempore. The gentleman from Minnesota is not stating a proper parliamentary inquiry.

The gentleman is recognized.

Mr. ELLISON. Thank you, Mr. Speaker.

I raise this point of order because I think it's important to discover whether or not the underlying rule for the Homeland Security appropriations bill also deems the Republican plan to end Medicare as we know it. It's the only vehicle we've got to actually talk about this rule and this bill and how we are being denied the ability to actually offer amendments that we would like to, to illuminate what's actually happening in the bill.

Mr. Speaker, we have a responsibility to address our deficit. But cutting the lifeline for our seniors is not an act of courage; it's actually cowardly. Claiming to reduce the budget deficit on the backs of Americans who have paid into their retirement their entire lives not only harms American seniors but goes against the basic values of fairness and security that Americans cherish.

Medicare guarantees a healthy and secure retirement for Americans who pay into it their whole lives. It represents the basic American values of fairness and respect for those seniors which Americans cherish. Siding with

lobbyists to give insurance company bureaucrats control of Medicare does nothing to address the deficit, but it does a great deal to reduce health care for our seniors.

Let's put America back to work, and let's reject the rule and underlying bill by voting "no" on this motion to consider.

I now yield 2 minutes to Mr. CICILLINE of the great State of Rhode Island.

Mr. CICILLINE. I thank the gentleman for yielding.

I rise today in opposition to this rule which allows for debate on the fiscal year 2012 Homeland Security appropriations bill.

This bill makes dangerous cuts to the Urban Areas Security Initiative, or UASI, a program critical to the security of our country's urban areas that have been deemed at high risk of terrorist attacks. One of those urban areas is Providence, Rhode Island, in my congressional district, along with many other communities.

Just last year, the greater Providence area was one of 64 cities that was identified either because of their capital or their critical assets or their geography as being areas at most risk of being targeted by terrorists.

As a result of those designations, Providence has been receiving critical funding from the Federal Government under the UASI program to support efforts to prevent and respond to terrorist attacks and other emergencies. And Providence, under the leadership of Colonel Pete Gaynor, became the first city in America to have an accredited Department of Emergency Management and Homeland Security. However, the funding cuts to UASI that are contained in this bill will cripple the ability of key urban areas like Providence to effectively ensure public safety should a terrorist attack occur.

□ 1240

How?

The loss of funds will limit the ability of Providence and other communities to address cyber-terrorism and to communicate with first responders in an emergency, among many other critical emergency functions.

Mr. Speaker, our Nation's defense must come first. We cannot in good conscience spend billions of dollars protecting people all over the world at the expense of our own national security. I urge my colleagues to vote in favor of restoring funding for the Urban Areas Security Initiative and against this rule.

Mr. ELLISON. I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I thank the gentleman from Minnesota for yielding.

Will the assault on the well-being and the health care of America never end? Look over the last 5 months as to

what has happened here. This bill takes it one more step.

First is the repeal of the Affordable Health Care Act with provisions in it to protect Americans from the rapacious appetite of the health insurance companies. Providing protections, Republicans would repeal that. Then the next step, which we saw just recently in the Republican budget, is the termination of Medicare for those who are under 55 years of age. What are they to do? Then, for those who are already on Medicare, there will be a significant, serious reduction in the Medicaid program, which provides essential funding for those seniors in nursing homes.

Will the assault never end?

Here in this bill, to protect the American homeland is a deeming of the Republican budget, which clearly terminates Medicare. Is it never going to end? Are we never going to step forward to actually put in place legislation that will assist Americans in getting the health care that they need?

Step one, way back: Repeal the Affordable Health Care Act. Give limitless opportunities to the insurance companies to go after the men and women of this Nation—terminating Medicare. Here, coming back in a Homeland Security bill, slipping in by sleight of hand a repeal, once again, of health care.

By the way, how is it going to be paid for? You're going to take it out of seniors' pockets, but you're not going to go after the oil companies? Come on now. The oil companies, the richest industry in the world, not paying their fair share and at the same time getting subsidies from the American taxpayers?

It is time for that to end. There are ways to pay for the deficit and to bring it down. One of the ways not to do it is to go after seniors.

Mr. ELLISON. Mr. Speaker, may I inquire as to how much time is remaining on our side?

The SPEAKER pro tempore. The gentleman from Minnesota has 4¼ minutes remaining.

Mr. ELLISON. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized.

Mr. REED. Mr. Speaker, the question before the House is: Should the House now consider House Resolution 287?

While the resolution waives all points of order against consideration of the bill, the committee is not aware of any points of order. The waiver is prophylactic in nature. Specifically, the Committee on Rules is not aware of any violation of the Unfunded Mandates Reform Act nor has the Congressional Budget Office notified the Rules Committee of any violation of the act. Additionally, the open rule before the House today allows any Member of Congress to amend or strike any provision of the bill, which is the ultimate failsafe.

In order to allow the House to continue its scheduled business for the day, I urge Members to vote "yes" on the question of consideration of the resolution.

I reserve the balance of my time.

Mr. ELLISON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. There is a lot of talk and legalese about what is going on today, but the reality is what the Republicans are trying to do underneath all of that legalese language is to enshrine in law the Republican Ryan budget. By voting for the rule, what you do is to put into force that budget.

What does that budget do? It ends Medicare.

Now, there are people who resent that term—that oh, no, we're really going to save it. Well, I'm going to tell you, when you take away the guaranteed benefits of Medicare—that's what seniors get right now—for people 55 and under, they are thrown into the not-so-loving arms of the insurance companies, and their costs will increase out of their own pockets by about \$6,000. That's what the bill does.

The bill also turns Medicaid upside down, which is not only the health care plan for poor children in the United States but also the largest payer for nursing homes and home health care. That is the single biggest part of Medicaid—paying for nursing home care and home health care. So it's another slap at the seniors.

The other thing that the legislation does is to offer more tax breaks for the wealthiest Americans. It lowers the tax rates for corporation, many of which aren't even paying any taxes right now, a couple of which got tax refunds from the government. You've got major companies paying fewer taxes than ordinary Americans. That's what this does.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ELLISON. I yield the lady an additional 15 seconds.

Ms. SCHAKOWSKY. The American people aren't stupid. They will understand that this is another doubling down on cutting Medicare. It will be apparent by the end of this day.

Mr. REED. I continue to reserve the balance of my time.

Mr. ELLISON. I yield myself the remaining time.

Mr. Speaker, we should be creating jobs, not destroying Medicare. We should be preserving what has made America great, which is the basic sense that we are all in this thing together.

Yes, it is absolutely true that people should go out into the private sector and try their luck in the free market—skill, ingenuity and all that—but America has always had a strong public sector, which has been essential to the survival and the success of that private sector: fair rules, good infrastruc-

ture, good jobs, times in America, like during the Depression, when Eisenhower led us to build and create that infrastructure. Then in 1968, when we created Medicare, this country has been at its best. Yes, a private sector but also a strong, vibrant public sector.

We are at a point in American history today when at least the Republican caucus believes we don't need a public sector. We just don't need one. We may need one, maybe, for military stuff, but beyond that, they just don't see a purpose for it. I believe Americans think that things like Medicare, infrastructure development, Social Security, and things like the GI Bill are important parts of what make America "America" because they are how we recognize as Americans that we are all in this thing together, that our senior citizens will not be abandoned, that our GIs coming back will not be left behind, that communities which need police, fire and EMT services will not just be left to the ravages of others.

We need an American commitment to Social Security and Medicare, and that's what we're going to be arguing for today. The American people can count on the Democratic Caucus to never abandon our seniors even as Republicans want to take Medicare apart as a program that has served so many people so well. You want to do something to change Medicare? Why don't we let Medicare negotiate drug prices. That could probably save us several billion dollars a year, as much as \$53 billion a year. Republicans don't want to do that because they've got their interests to protect.

I yield back the balance of my time.

Mr. REED. Mr. Speaker, I will note that each of the comments that have been offered from the other side are not relevant to the point of order.

Yet, in response to the comments that have been tendered by my colleagues from the other side of the aisle, I would say that Republicans are not here to destroy Medicare. They are here to save Medicare.

We have put forth a responsible plan that has been openly and continuously debated in the public forum and in this Chamber about how we're going to move forward with the problem that we have in Medicare. It is a problem we cannot deny. Both sides of the aisle know that Medicare is on a path to bankruptcy. We have put forth a plan. We have put forth a plan that guarantees that we can deal with the problem in such a way that those who are on Medicare are not impacted and that those within a generation of retiring into Medicare are not impacted. Yet we're villainized by the other side for allegedly throwing grandma off the cliff—for taking away Medicare.

□ 1250

That is not being honest with the American public. We will be honest

with the American public. We recognize the problem in Medicare. We put forth a plan. My colleagues on the other side of the aisle have not put forth a plan to deal with the problem. They want to engage in electioneering, politicking, and looking at the reelection efforts for 2012.

Well, we are here as members of this caucus and as Members of this body to deal with the problems of America in an honest and open fashion, and that is what we will do.

The House-passed budget guarantees that seniors will have coverage that is affordable. The House-passed budget guarantees seniors will be able to find a plan. It does not end Medicare as we know it. It does not throw our seniors off the cliff. It is a responsible plan that leads us to a situation that deals with the problem of Medicare that is a known problem. If we want to continue to live in denial and not be honest with the American public, then I tell the American people: follow the Democratic proposal of engaging in name-calling rather than sitting down and engaging in problem-solving. That's what we're about.

At this point in time, I urge my colleagues to continue the consideration of the underlying rule and reject this point of order.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ELLISON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 183, not voting 14, as follows:

[Roll No. 380]

YEAS—234

|             |              |               |
|-------------|--------------|---------------|
| Adams       | Calvert      | Fitzpatrick   |
| Aderholt    | Camp         | Flake         |
| Akin        | Campbell     | Fleischmann   |
| Alexander   | Canseco      | Fleming       |
| Amash       | Cantor       | Flores        |
| Austria     | Capito       | Forbes        |
| Bachmann    | Carter       | Fortenberry   |
| Bachus      | Cassidy      | Fox           |
| Barletta    | Chabot       | Franks (AZ)   |
| Bartlett    | Chaffetz     | Frelinghuysen |
| Barton (TX) | Coble        | Galleghy      |
| Bass (NH)   | Coffman (CO) | Gardner       |
| Benishke    | Cole         | Garrett       |
| Berg        | Conaway      | Gerlach       |
| Biggert     | Cravaack     | Gibbs         |
| Bliley      | Crawford     | Gibson        |
| Bilirakis   | Crenshaw     | Gingrey (GA)  |
| Bishop (UT) | Culberson    | Goodlatte     |
| Black       | Davis (KY)   | Gosar         |
| Blackburn   | Denham       | Gowdy         |
| Bonner      | Dent         | Granger       |
| Bono Mack   | DesJarlais   | Graves (GA)   |
| Boustany    | Diaz-Balart  | Graves (MO)   |
| Brady (TX)  | Dold         | Griffin (AR)  |
| Brooks      | Dreier       | Griffith (VA) |
| Brown (GA)  | Duncan (SC)  | Grimm         |
| Buchanan    | Duncan (TN)  | Guinta        |
| Bucshon     | Ellmers      | Guthrie       |
| Buerkle     | Emerson      | Hall          |
| Burgess     | Farenthold   | Hanna         |
| Burton (IN) | Fincher      | Harper        |

|                 |              |               |
|-----------------|--------------|---------------|
| Harris          | McCotter     | Ross (FL)     |
| Hartzler        | McHenry      | Royce         |
| Hastings (WA)   | McKeon       | Runyan        |
| Hayworth        | McKinley     | Ryan (WI)     |
| Heck            | McMorris     | Scalise       |
| Hensarling      | Rodgers      | Schilling     |
| Herger          | Meehan       | Schmidt       |
| Herrera Beutler | Mica         | Schock        |
| Huelskamp       | Miller (FL)  | Schweikert    |
| Huizenga (MI)   | Miller (MI)  | Scott (SC)    |
| Hultgren        | Miller, Gary | Scott, Austin |
| Hunter          | Mulvaney     | Sensenbrenner |
| Hurt            | Murphy (PA)  | Sessions      |
| Issa            | Neugebauer   | Shimkus       |
| Jenkins         | Noem         | Shuster       |
| Johnson (IL)    | Nugent       | Simpson       |
| Johnson (OH)    | Nunes        | Smith (NE)    |
| Johnson, Sam    | Nunnelee     | Smith (NJ)    |
| Jones           | Palazzo      | Smith (TX)    |
| Jordan          | Paul         | Southerland   |
| Kelly           | Paulsen      | Stearns       |
| King (IA)       | Pearce       | Stivers       |
| King (NY)       | Pence        | Stutzman      |
| Kingston        | Petri        | Sullivan      |
| Kinzinger (IL)  | Pitts        | Terry         |
| Kline           | Platts       | Thompson (PA) |
| Labrador        | Poe (TX)     | Thornberry    |
| Lamborn         | Pompeo       | Tiberi        |
| Lance           | Posey        | Tipton        |
| Landry          | Price (GA)   | Turner        |
| Lankford        | Quayle       | Upton         |
| Latham          | Reed         | Walberg       |
| LaTourette      | Rehberg      | Walden        |
| Latta           | Reichert     | Walsh (IL)    |
| Lewis (CA)      | Renacci      | Webster       |
| LoBiondo        | Ribble       | West          |
| Long            | Rigell       | Westmoreland  |
| Luetkemeyer     | Rivera       | Whitfield     |
| Lummis          | Roby         | Wilson (SC)   |
| Lungren, Daniel | Roe (TN)     | Wittman       |
| E.              | Rogers (AL)  | Wolf          |
| Mack            | Rogers (KY)  | Womack        |
| Manzullo        | Rogers (MI)  | Woodall       |
| Marchant        | Rohrabacher  | Yoder         |
| Marino          | Rokita       | Young (AK)    |
| McCarthy (CA)   | Rooney       | Young (FL)    |
| McCaul          | Ros-Lehtinen | Young (IN)    |
| McClintock      | Roskam       |               |

NAYS—183

|               |                |                |
|---------------|----------------|----------------|
| Ackerman      | Davis (IL)     | Kildee         |
| Altmire       | DeFazio        | Kind           |
| Andrews       | DeGette        | Kissell        |
| Baca          | DeLauro        | Kucinich       |
| Baldwin       | Deutch         | Langevin       |
| Barrow        | Dicks          | Larsen (WA)    |
| Bass (CA)     | Dingell        | Larson (CT)    |
| Becerra       | Doggett        | Lee (CA)       |
| Berkley       | Donnelly (IN)  | Levin          |
| Berman        | Doyle          | Lewis (GA)     |
| Bishop (GA)   | Edwards        | Lipinski       |
| Bishop (NY)   | Ellison        | Loebach        |
| Blumenauer    | Engel          | Lofgren, Zoe   |
| Boren         | Eshoo          | Lowey          |
| Boswell       | Farr           | Lujan          |
| Camp          | Fattah         | Lynch          |
| Brady (PA)    | Filner         | Maloney        |
| Brown (FL)    | Frank (MA)     | Markey         |
| Butterfield   | Fudge          | Matheson       |
| Capps         | Garamendi      | Matsui         |
| Capuano       | Green, Al      | McCarthy (NY)  |
| Cardoza       | Green, Gene    | McCollum       |
| Carnahan      | Grijalva       | McDermott      |
| Carney        | Gutierrez      | McGovern       |
| Carson (IN)   | Hanabusa       | McIntyre       |
| Castor (FL)   | Hastings (FL)  | McNerney       |
| Chandler      | Heinrich       | Meeks          |
| Chu           | Higgins        | Michaud        |
| Cicilline     | Himes          | Miller (NC)    |
| Clarke (MI)   | Hinchey        | Miller, George |
| Clarke (NY)   | Hinojosa       | Moore          |
| Clay          | Hirono         | Moran          |
| Cleaver       | Holden         | Murphy (CT)    |
| Clyburn       | Holt           | Nadler         |
| Cohen         | Honda          | Napolitano     |
| Connolly (VA) | Hoyer          | Neal           |
| Conyers       | Inslee         | Oliver         |
| Cooper        | Israel         | Owens          |
| Costa         | Jackson (IL)   | Pallone        |
| Costello      | Jackson Lee    | Pascarell      |
| Courtney      | (TX)           | Pastor (AZ)    |
| Critz         | Johnson (GA)   | Payne          |
| Crowley       | Johnson, E. B. | Pelosi         |
| Cuellar       | Kaptur         | Perlmutter     |
| Cummings      | Keating        | Peters         |
| Davis (CA)    |                |                |

|                |                  |               |
|----------------|------------------|---------------|
| Peterson       | Sanchez, Loretta | Thompson (CA) |
| Pingree (ME)   | Sarbanes         | Thompson (MS) |
| Polis          | Schakowsky       | Tonko         |
| Price (NC)     | Schiff           | Towns         |
| Quigley        | Schrader         | Tsongas       |
| Rahall         | Scott (VA)       | Van Hollen    |
| Rangel         | Scott, David     | Velázquez     |
| Reyes          | Serrano          | Visclosky     |
| Richardson     | Sewell           | Watt          |
| Ross (AR)      | Sherman          | Waxman        |
| Rothman (NJ)   | Shuler           | Weiner        |
| Roybal-Allard  | Sires            | Welch         |
| Ruppersberger  | Slaughter        | Wilson (FL)   |
| Rush           | Smith (WA)       | Woolsey       |
| Ryan (OH)      | Speler           | Wu            |
| Sanchez, Linda | Stark            | Yarmuth       |
| T.             | Sutton           |               |

NOT VOTING—14

|             |          |           |
|-------------|----------|-----------|
| Braley (IA) | Lucas    | Tierney   |
| Duffy       | Myrick   | Walz (MN) |
| Giffords    | Olson    | Wasserman |
| Gohmert     | Richmond | Schultz   |
| Gonzalez    | Schwartz | Waters    |

□ 1316

Mr. REICHERT changed his vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. REED. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. REED. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED. House Resolution 287 provides for an open rule for consideration of H.R. 2017.

Mr. Speaker, I rise today in support of House Resolution 287, to provide the rule for H.R. 2017, the Homeland Security Appropriations Act for fiscal year 2012. I am proud to be managing this rule, the first truly open rule since July 31, 2007, an Agriculture appropriations bill in the 110th Congress. The 112th Congress has made it clear that it supports an open process, and this rule exemplifies this initiative. For 119 Members of the 112th Congress, this is their first experience with an open rule, including six members of the Rules Committee. I am proud to be part of this body and this conference that is engaged in this transparency in government and this open process. Throughout the entire 111th Congress, only 810 amendments were considered. Only 6 months into this, the 112th Congress, 437 amendments have been considered.

The leadership of this Congress is directly listening to the American people

and their call for an open and transparent process. In addition, this bill also follows the promise that we have made to the American people in that it does not include any earmarks either in the underlying bill or in the conference report. This commitment is what Americans desire and deserve, and this will continue the process in this Congress that we have committed ourselves to the American people to do.

I reserve the balance of my time.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, not only does this rule before the House drastically short-change Homeland Security priorities, but this rule puts into force by deeming and passing the Republican budget resolution.

This rule, section 2, states very clearly that the Republican budget resolution shall have force and effect. That is the traditional language of a deem and pass. Yes, this budget deems passed the elimination of Medicare in order to keep in place tax cuts for the highest earners and tax breaks for oil.

□ 1320

And while I do thank the majority for offering up the first open rule during my tenure in the House, I ask at what price. Well, I think there would be broad bipartisan support for an open rule. I, for one, cannot support a rule that deems passed the elimination of Medicare. Americans resoundingly opposed the approach of dismantling Medicare. They want us to put our economy on more secure fiscal footing and do it while strengthening our economy, creating jobs and mending, not ending, Medicare.

I would like to quote former Minority Leader JOHN BOEHNER in reference to the approach of "deem and pass" that was considered by the then-majority Democrats with regard to the health care bill. Then-Minority Leader BOEHNER said, "This legislative trick has been around for a long time, but it's never been used for a bill so controversial and so massive in scope."

Mr. DREIER. Will the gentleman yield?

Mr. POLIS. I will not yield.

What could be more massive than an elimination of Medicare contained in a rule rather than approach a simple vote on appropriations with regard to Medicare, cutting Medicare, bills with regard to Medicare reform?

This is the most sweeping rule that I've certainly ever faced in my time in the House of Representatives, and I think many of my colleagues agree.

The passage of this rule alone would simply end Medicare as we know it by construing in the deem and pass of the bill itself the operative language. And let me explain how this works for some of our colleagues.

Rules have broad authority. And I know the chairman of the Rules Com-

mittee, Mr. DREIER, will on his own time be able to talk of it. The Rules Committee, by the good graces of the House with our rules passing the House, has the ability to accomplish whatever the House allows us to through a rule.

So in this rule, the House will deem under section 2 that the Ryan budget, the budget that ends Medicare, the Republican budget, shall have force and effect until a conference report passes and that will likely not occur unless the Republicans alter their negotiating position vis-à-vis the Senate and vis-à-vis the President.

I strongly urge a "no" vote on eliminating Medicare contained in section 2 of this rule.

I reserve the balance of my time.

Mr. REED. Mr. Speaker, I yield as much time as he may consume to the chairman of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me say at the outset that I'm particularly glad that you're in the chair because it was a speech that you delivered last September in which you said that we were going to, in fact, if we won the majority, put into place an entire new structure that we had seen under neither political party over the preceding years, that is, the kind of openness, transparency, and accountability that the American people have said overwhelmingly that they want.

And so, Mr. Speaker, let me just say to you personally how much I appreciate the stellar leadership that you've provided us on this very important issue.

It is extraordinarily ironic that we last night saw the minority members of the Rules Committee actually vote "no" on the first open rule to be considered here in the House of Representatives. And yet over the past several months, they've been offering amendment after amendment in the Rules Committee calling for open rules. And so we report one out, and they vote "no."

Now, the other thing that I think is very important for us to recognize is that we have important challenges that are ahead of us as it relates to Homeland Security. My colleague managing this rule who, by the way, is one of the two floor managers, neither of whom has been able to see an open rule in the House of Representatives up to this moment, my friend didn't even mention the very important underlying legislation that is before us.

The distinguished chair of the Committee on Appropriations, my friend, Mr. ROGERS, is here. He and Mr. ADERHOLT, Mr. PRICE, and others on that subcommittee have worked very hard to deal with this priority item. Mr. ROGERS had served in the leadership on this subcommittee in the past and continues to have a great interest in it.

And we should note that as we look at this new procedure that hasn't been considered since, as my friend from Corning said, July 31 of 2007, what we have is a structure whereby Members will have the opportunity to stand up and offer amendments.

And I listened to my friend from Providence, our new colleague, Mr. CICILLINE, who said that he opposes this bill because of the fact that it makes a cut that he didn't like. Well, Mr. Speaker, as you know very well, under this rule Mr. CICILLINE or any other Member of this House will be able to stand up and if they can find offsets, they can have a vote on the amendment addressing their particular priority.

I also have to say that in the Rules Committee our good friend from North Carolina (Mr. PRICE) was before us talking about his concerns. And he asked for a waiver from the Rules Committee, nearly unprecedented, that would have gone beyond the standard definition of an open rule and provided him extraordinary protection for a priority which he thinks needs to be addressed. Well, Mr. Speaker, under this open amendment process, Mr. PRICE will again be able to offer an amendment that he will be able to, if he can find an offset, have a vote on here in the House.

Now I want to talk about this issue that my friend from Boulder addressed just a few moments ago and that we continue to hear over and over and over again. This so-called "deem and pass." This is not, Mr. Speaker, a deem-and-pass provision. I will remind my colleagues on both sides of the aisle we have already passed, with a very rigorous debate here on the House floor, the budget. We've passed it already.

Now, so that we are able to move ahead with the important appropriations work with the 302 allocations that need to be done, it is essential that we deem this budget because we have yet to have a conference report. We've yet to see our friends in the other body pass out a budget. And so it is essential that we deem, which has been done since virtually the beginning of time, to make sure that we can proceed with our very important work.

Tough decisions need to be made. Under the leadership of Speaker BOEHNER, we are poised to make those tough decisions. Mr. Speaker, it's important that we have a strong, bipartisan vote for the first of what will be more and more open rules in the 112th Congress. I urge my colleagues to support this.

I look forward to sitting where Speaker BOEHNER is right now to preside over the first appropriation bill that will be considered under an open amendment process, and I look forward to a very rigorous debate.

Mr. POLIS. I yield myself 30 seconds.



Of course while the underlying merits of the Department of Homeland Security appropriations bill are critical, and if the rule passes they'll be debated under the underlying rule, eliminating Medicare as we know it is even more important to the American people. Hence the discussion under this rule as well.

I should point out that while this is an open rule, again as a member of the minority I'm deeply appreciative for the chance to amend the provisions of the Department of Homeland Security bill. If this rule passes, it will be too late to save Medicare under the bill. The very passage of this rule itself will deem passed the budget that contains the elimination of Medicare.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan, the ranking member of the Ways and Means Committee, Mr. LEVIN.

Mr. LEVIN. This is indeed an open rule in the sense it's so open that if you vote for the rule, you're voting to end Medicare.

Republicans have done this once. If you vote for this, you're going to do it twice. And the gentleman who is handling this for the majority earlier talked about Medicare and said the Republicans are trying to save it. You don't save something by ending it. Purely and simply. And to come to this floor and say you're saving it when you're ending it, that kind of talk is a big lie.

We heard this with Social Security some years ago when the effort to privatize it was said to be an effort to save it. The public caught on. And the public said no. The public has now said "no" to ending Medicare. But, essentially, you're tone deaf.

Now, you're doubling down on your plan to end it, a plan that would force seniors to pay twice as much for their health care, a plan that increases seniors' drug costs, and a plan that puts insurance companies in charge of seniors' health care.

□ 1330

Mr. REED. Will the gentleman yield?

Mr. LEVIN. I will finish.

So instead of a bipartisan effort to save it, by this rule you are essentially deeming the budget that you passed that ended Medicare, period.

So don't come and say you're saviors when you're eliminating a program. Stand up and be honest and say you want to replace it with something else. That something else is not Medicare. It's turning it over to the private insurance industry and saying to seniors who become eligible, who would be, instead, you are going to see double your costs. That's not forthright.

If you vote "yes" on the rule, you are the second time voting to end Medicare.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will remind Members that their remarks should be addressed to the Chair.

Mr. REED. Mr. Speaker, before I yield to the gentleman from New York, I would just like to make it clear that in our House-passed budget, on page 58, lines 8 and 9, it is clearly articulated there that current Medicare benefits are preserved for those in and near retirement without changes.

I would also note for the record, to clarify and make sure the record is very clear, that the budget that we are talking about is not going to be presented to the President and enacted into law. What we are talking about here is nothing about ending Medicare as we know it.

At this point in time, I yield 2 minutes to my good friend, the chairman, Mr. KING from New York.

Mr. KING of New York. I thank the gentleman for yielding.

At the outset, let me say I am proud to vote for this rule because it is an open rule, and I commend the Speaker for doing this. It's really an important step forward, I believe, in the history of this House.

Let me say also that, very reluctantly, in its current form, I will have to vote against final passage of this bill. I say this because we are at a stage now where the threat level, the homeland security threat level is the highest it's been since September 11. The killing of bin Laden has only made that worse. We know also from bin Laden's own records that he is aiming at maritime, he is aiming at mass transit, and he is aiming at our major cities. Yet we are cutting each of those programs by 50 percent, a fifty percent cut.

Now, I can speak for New York in that I can tell you we have a thousand police officers. We have a Lower Manhattan security initiative. We have radiation detection. I can go through a whole list of programs. Every dollar in those programs can be accounted for. And I just cannot see why, at a time when the threat level is the highest it's been since September 11, that we are reducing Homeland Security grants by 50 percent.

The Department was set up in the aftermath of September 11 to fight terror, yet those grants are being reduced. And I know there is anecdotal evidence that this program isn't working, that isn't working. I would say specify what's not working, but don't take a meat axe. Don't cut across the board the way it's being done here. We're talking about human life. We're talking about just a terrible threat to our cities, terrible threat to our ports, terrible threat to mass transit.

And for those—and I understand the need to cut. I understand that need tremendously. Having said that, even from my strictly budgetary point of view, you have one dirty bomb go off in one subway in Boston, New York, or Chicago, and apart from the tragic loss of human life, apart from the tragic

loss of human life there will be incalculable economic devastation, which will also cost billions and billions of dollars of lost revenue and jobs and have a terrible impact.

I lived through September 11. I know what it did to New York. I know the impact it had then. I don't want any other city, any other area in the country to go through that again. And yet we're reducing our defenses at a time when they are most needed.

So with that, I would just ask all the Members to give Chairman ROGERS the credit, give Chairman ADERHOLT the credit, but unfortunately I have to vote against this.

Mr. POLIS. Mr. Speaker, again, while the majority is claiming this to be an open rule, the very passage of the rule itself deems passed the Republican budget that ends Medicare. That will not be amendable in any way, shape, or form in the general debate. All that will be amendable are provisions relating to the Department of Homeland Security.

I yield 2 minutes to the gentleman from Maryland, the ranking member of the Budget Committee, Mr. VAN HOLLEN.

Mr. VAN HOLLEN. I thank my colleague.

Mr. Speaker, this is not an ordinary House rule we will be voting on today. The resolution deems the provisions of the Republican budget to have "full force and effect." In other words, a vote on the rule today is essentially another vote on the Republican budget plan that protects subsidies for the Big Oil companies, while ending the Medicare guarantee and slashing investments in education. Those wrong-headed priorities were thoroughly rejected in the recent special election in New York.

The American people clearly oppose a one-sided plan that would immediately reopen the prescription drug doughnut hole and tells seniors that in 10 years they will pay \$9,000 more for their current set of benefits or take deep cuts in those benefits.

Ladies and gentlemen, the median income of seniors on Medicare is less than \$21,000 a year. What kind of budget says we're going to require seniors with median incomes of \$21,000 a year to pay \$9,000 more in just 10 years while cutting the rate for millionaires, the top marginal tax rate for millionaires by 30 percent? What kind of budget would do it? Well, the budget that was passed by the Republicans a few months ago and the one they're doubling down on today.

We have to have a balanced budget plan. We have to have a plan that addresses this from all aspects, not a plan that the former Speaker of the House described as a radical plan that was driven by right-wing social engineering.

It is very ironic that on the very day we will be swearing in the next Member

of Congress from New York's 26th District that we will be voting again on a budget that the people of that district, like people around the country, rejected because—the former Speaker of the House had it right—it was radical and right wing and not the right plan for America.

The SPEAKER. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 15 seconds.

Mr. VAN HOLLEN. I thank my colleague.

The question we're facing here is what is the best way forward. We all understand we have to have a budget deficit plan that's predictable and addresses that issue, but why in the world would we adopt a one-sided approach that has those priorities, that says we're going to slash Medicare and give tax cuts for the wealthy?

Mr. REED. Mr. Speaker, I would just like to remind my colleagues from the other side of the aisle that the budget that they so referenced went through an open process. It was subject to debate. It was amended in this Chamber and passed by this body. And if they are so disinclined to approve that budget or stand with that budget, I would ask them to reach out to their colleagues in the opposing Chamber over in the Senate who have not passed a budget for the last 762 days and take the matter up with them.

At this point in time, Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. RYAN), chairman of the Budget Committee.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

I understand why this might be confusing to my friends on the other side of the aisle. After all, they didn't bother to pass a budget last year. Our friends on the other side of the Rotunda in the Senate didn't bother to pass a budget this year. We have a budget crisis. We've got a \$1.5 trillion deficit. We've got a debt that is getting out of our control. And what do you do when you have a problem like that? You pass a budget.

The reason we're doing what we're doing today is because our partners on the other side of the Rotunda in the Senate didn't pass a budget. House Republicans did. We passed a budget. And we're acknowledging and living within that budget. If our friends on the other side of the aisle bothered to pass a budget, we wouldn't be in the situation where we are today.

Now, let's discuss about what our budget does and what it does not do. Number one, because we have a debt crisis, we think we have a moral obligation to our constituents, our children, and our grandchildren to put our budget on a path to balance and to pay off our national debt. We also think we need to put our economy on a path to prosperity so we can get job creation.

Let's, for a moment, talk about Medicare. Medicare as we know it is already gone. Our friends on the other side of the aisle, when they passed the Affordable Care Act, they stopped the Medicare status quo. Under the President's new health care law, that ends Medicare as we know it. It does two things: It raids Medicare, and it rations Medicare. It takes \$500 billion from Medicare to spend on the President's new health care law. It doesn't take that money to extend its solvency.

Just like people have complained for years we're raiding the Social Security trust fund and we should stop doing that, the President's health care law does that to Medicare now.

□ 1340

The second thing it does, starting next year, the President will appoint 15 unelectable, unaccountable bureaucrats to put in charge of Medicare, to price control and to ration Medicare for current seniors. What's worse is the President and the Senate still have yet to put out a plan to save Medicare to prevent it from going bankrupt.

We stop the raid of Medicare in our budget and make sure that half a trillion dollars stays in Medicare to advance its solvency.

Mr. GARAMENDI. Will the gentleman yield?

Mr. RYAN of Wisconsin. I will not yield.

Number two, we repeal the rationing board so that we don't put bureaucrats in charge of determining what kind of health care benefits seniors do or do not get; and, number 3, we save Medicare.

The way in which we do this is this. We say that if you are on Medicare, if you are 10 years away from retiring at 55 and above, government already made a promise to you. We want government to keep that promise.

So under our budget we keep that promise. We stop the raid, we repeal the rationing board. And for those of us who are 54 and below, who have a bankrupt system that we right now cannot count on, we reform it so that it works like the system Members of Congress and Federal employees have. It's a system that looks like Medicare Advantage or the drug benefit that works today, where seniors get a choice of plans offered to them by Medicare, guaranteed coverage options from which they can choose, and Medicare subsidizes that plan. It doesn't subsidize people as much if they are wealthy, and it subsidizes them a lot more if they are low income, if they are sick.

This saves Medicare. This puts Medicare on a path to solvency and, more importantly, by saving it for future generations we can keep the promise to the current generation. We repeal the rationing board, we stop the raid, and we save the program.

That's what our budget proposed to do, but with respect to this rule, we are talking about discretionary spending. We are talking about paying the bills this year for all those different government agencies.

We simply think Congress should function the way the Founders envisioned it where we actually pass budgets, we actually scrutinize spending, and we actually finance government's functions and its agencies. We are not dunking our responsibility; we are passing our budgets. Because we are deeming those numbers in this year's bill, it is simply because of the fact that nobody else around here seems to be bothered with passing budgets.

The President hasn't put out a plan to fix the problem and the Senate has, for a second year in a row, failed to even pass a budget. We are leading, we are saving Medicare, we are getting the debt under control, and we are working to create jobs in this economy and we are governing by actually paying the bills and passing our appropriation bills.

REVISIONS TO THE ALLOCATIONS OF THE FISCAL YEAR 2012 BUDGET RESOLUTION RELATED TO LEGISLATION REPORTED BY THE COMMITTEE ON APPROPRIATIONS

Mr. Speaker, pursuant to sections 301 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the budget allocations set forth pursuant to the budget for fiscal year 2012. The revision is for new budget authority and outlays reported by the Committee on Appropriations, Subcommittee on Homeland Security, which are designated for the Global War on Terrorism. A corresponding table is attached.

This revision represents an adjustment pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised allocations are to be considered as allocations included in the budget resolution, pursuant to section 301 of H. Con. Res. 34.

PAUL RYAN,  
Chairman, House Budget Committee.

ALLOCATION OF SPENDING AUTHORITY TO HOUSE  
COMMITTEE ON APPROPRIATIONS  
(In millions of dollars)

|  |    | 2012      |
|--|----|-----------|
| Discretionary Action .....                         | BA | 1,019,402 |
|  | OT | 1,224,119 |
| Adjustment for Global War on Terrorism .....       | BA | 258       |
| Reported by Subcommittee on Homeland Security .... | OT | 206       |
| Total Discretionary Action .....                   | BA | 1,019,660 |
|  | OT | 1,224,325 |
| Current Law Mandatory .....                        | BA | 745,700   |
|  | OT | 734,871   |

Mr. POLIS. I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much.

I rise in opposition to this Republican attempt to deem their budget passed, just deem it passed so that we can begin with this process. It's just wrong. It's not the way we should be conducting business, but it's the way they have been operating all year.

Recently, radio evangelist Harold Camping calculated that the world would end at precisely 6 p.m. on May 21. Well, he was wrong. But much like Harold Camping's wildly inaccurate predictions, the House Republicans have come up with their own apocalyptic vision, the Republican Rapture. This budget decides who gets lifted up into the economic stratosphere and who gets left behind.

Under this scheme, if you are a millionaire or a billionaire, you get raptured into heaven with all of your tax breaks remaining intact. But if you are Grandma and Grandpa, and you are dependent upon Medicare in order to take care of your health care needs, you get moved to political purgatory. That's their plan.

Now, if you are one of the big five oil companies that are reporting record profits, you get raptured with all of your tax breaks left intact in this budget, which we are debating here today. You keep all of your tax breaks.

But if you are a college kid hoping to get a Pell Grant, no, ladies and gentlemen, you are back in political purgatory. Your educational future is in question.

Now, if you are an insurance company executive and you are now really rapturously happy because of the privatization of Medicare and the incredibly increased profits for the insurance industry, you are up here in heaven. You get raptured. This is the budget we are debating right now. Good news for all these wealthy people.

But if you have Alzheimer's or cancer and you are hoping to find medical breakthroughs, they are cutting the NIH budget, the national institutes of hope budget, to find a cure for those diseases. Your hopes and dreams go to political purgatory.

And if you have any hopes at all of having Medicare be saved, well, their budget guarantees that Medicare gets privatized, that Medicare is ended as we know it.

The SPEAKER. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. MARKEY. And that Medicare budget is completely and totally smashed.

So there is your debate here today, ladies and gentlemen. Are you with billionaires, Big Insurance, Big Oil? Are you with Grandma and Grandpa, making sure that Medicare remains intact for the years ahead, honoring the promise that we made to them for giving us this great country that we live in today. That's the vote today.

Vote "yes" or "no" on Grandma, vote "no" on that Republican budget, and protect Grandma's health care into the future.

Mr. REED. I would like to submit section 501 of House Concurrent Resolution 34 for the RECORD as we seem to

be commenting about it to a great extent this afternoon. I just want the record to be clear.

#### SEC. 501. POLICY STATEMENT ON MEDICARE.

(a) FINDINGS.—The House finds the following:

(1) More than 46 million Americans depend on Medicare for their health security.

(2) The Medicare Trustees report has repeatedly recommended that Medicare's long-term financial challenges be addressed soon. Each year without reform, the financial condition of Medicare becomes more precarious and the threat to those in and near retirement becomes more pronounced. According to the Congressional Budget Office—

(A) the Hospital Insurance Trust Fund will be exhausted in 2020 and unable to pay scheduled benefits; and

(B) Medicare spending is growing faster than the economy. Medicare outlays are currently rising at a rate of 7.2 percent per year, and under CBO's alternative fiscal scenario, mandatory spending on Medicare is projected to reach 7 percent of GDP by 2035 and 14 percent of GDP by 2080.

(3) Failing to address this problem will leave millions of American seniors without adequate health security and younger generations burdened with enormous debt to pay for spending levels that cannot be sustained.

(b) POLICY ON MEDICARE REFORM.—It is the policy of this resolution to protect those in and near retirement from any disruptions to their Medicare benefits and offer future beneficiaries the same health care options available to Members of Congress.

(c) ASSUMPTIONS.—This resolution assumes reform of the Medicare program such that:

(1) Current Medicare benefits are preserved for those in and near retirement, without changes.

(2) For future generations, when they reach eligibility, Medicare is reformed to provide a premium support payment and a selection of guaranteed health coverage options from which recipients can choose a plan that best suits their needs.

(3) Medicare will provide additional assistance for lower-income beneficiaries and those with greater health risks.

(4) Medicare spending is put on a sustainable path and the Medicare program becomes solvent over the long-term.

Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I would like to thank my friend from New York (Mr. REED), also a Rules Committee member that I serve with, for the opportunity to support this rule and support the underlying legislation, H.R. 2017, which appropriates funds for our Nation's Homeland Security operations for 2012.

Just a comment: I thought that's what we are here to talk about, and so we are going to go back on track in regards to where we should be. As a member of the Rules Committee, I am proud of this rule. It is the first open rule in 4 years, Mr. Speaker, and that's because of you.

It's a continuation of our promise to the American people that we are committed to bringing openness and free-flowing debate to this Chamber as a service to the American public. And just like the rule keeps our promises to the American people, so does the underlying legislation.

It keeps our promise to reduce spending, to narrow the size and scope of the Federal Government. It also keeps our promise to provide those men and women who work day in and day out to keep our Nation safe with the tools and the resources they need.

I have heard a lot about local first responders in connection with this bill. Mr. Speaker, I spent my entire career in law enforcement. I spent the last 40 years as a cop, and the last 10 of those years I served as a sheriff of a county in Florida.

You don't need to tell me about what our local first responders need. I know it firsthand, I have lived it. And I can tell you this: We need to follow the local example that those folks in Florida and across this Nation and States have shown us. Our local police and firefighters know how to do more with less, one thing the Federal Government has never quite grasped.

Would you like to have more money? Sure we would. But they understand our Nation is in a dire fiscal situation, and what they want more than anything else is for America to be here for their future and their children and grandchildren's future.

□ 1350

When I was sheriff, I was faced with budget shortages, and I made tough cuts. I eliminated programs I'm sure that I would have loved to have kept in place, but they didn't meet the core mission that I was elected to do. That's how local government works, Mr. Speaker, and Washington needs to learn from local governments in regards to how to get their act together as it relates to spending.

Mr. Speaker, H.R. 2017 is a good bill, and I applaud the Appropriations Committee for their commitment to our homeland security. I encourage my colleagues on both sides of the aisle to support this legislation and support the open rule.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, the ranking member on Homeland Security, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in opposition to the rule for H.R. 2017, the Department of Homeland Security Appropriations Act of 2012.

This year marks the 10th anniversary of the September 11 terrorist attacks. As Americans began to process the carnage inflicted by Osama bin Laden on our soil, then-President Bush challenged us as a nation to "confront every threat from any source that could bring sudden terror and suffering to America." For nearly 10 years, we've done just that. We've made major investments in intelligence, border security, transportation security, and emergency preparedness.

H.R. 2017 suddenly veers away from these incremental efforts and, as a result, sets our Nation on a dangerously

wrong path. To cut homeland security preparedness grants by \$2.1 billion at a time when DHS is calling for a period of heightened alert because of our successful action against bin Laden is deplorable and reckless.

How we can continue these efforts with an appropriation bill that funds DHS at 7 percent below what President Obama tells us that DHS needs is beyond me.

The probability of a terrorist attack on a major domestic transit system has not subsided, nor has Mother Nature relented and softened the barrage of punishing blows to our communities, including much of my own congressional district. This bill sacrifices the security of our communities just to save a penny here and a penny there.

Our first responders must not be treated as pawns to the political ideology of the day. It is the decimation of the first responder grant programs, at the hands of the Republican leadership, that, by far, is the most offensive aspect of this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman 30 additional seconds, Mr. Speaker.

Mr. THOMPSON of Mississippi. The second most offensive aspect of this bill is the shenanigans surrounding the funding of disaster emergencies. Lastly, ending Medicare in this rule makes absolutely no sense.

For these reasons, I oppose H.R. 2017 and ask my colleagues to join me in voting against the rule and the underlying bill.

Mr. REED. I yield 3 minutes to the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Speaker, as a member of the Rules Committee and the Budget Committee, I'm excited to be down here today. You told us, Mr. Speaker, when this Congress began that we were going to witness one of the most open Congresses in this country's history, and you have delivered on that each and every day.

Now, I'm one of the new guys in Congress. I've only been here about 125 days, but what I saw—we're talking about budgets here today. What I saw in the budget process was a leadership team and the chair of the Rules Committee who said, Bring me a budget, any budget. I don't care who you are, whether you're the most senior Member of this body or the most junior Member of this body, bring me a budget, and we will consider it on the floor of the United States House of Representatives. Come all. Come all. Give us your ideas, and we will consider them.

Well, we had that process. I voted for two budgets on that budget voting day. I voted for the Republican Study Committee budget, which I thought was a great budget, and I voted for the Budget Committee's budget.

I sit on the Budget Committee with PAUL RYAN, and the Budget Committee put in a tremendous amount of work, and that was the budget that ended up carrying the day. And so that's the budget we're operating under right here today.

The Homeland Security appropriations bill, the first bill out of the chute. And what did you do, Mr. Speaker? You said, Come one, come all. If you have an idea about how to improve this appropriations bill, bring it to the floor of the House and we'll consider it. Bring it to the floor of the House and we'll consider it.

Now, you might think, if you don't know as much about this House, if you're a newcomer like me, you might think it goes on that way all the time. But it doesn't because it's hard. It's hard.

I can only imagine, Mr. Speaker, what you get from folks back home, because they probably say to you, close down the process. Push your conservative agenda. Do it your way and make people fall in line. And you said no. You said the House works best when the House works its will. You said any Member of the House that can find 218 Members to agree with him can work their will on the floor.

And that's the process that we're opening up. Not a Republican process, not a Democratic process, but an American process where the power of the ideas are what rules the day.

Now, that's taken a huge commitment from the Speaker and a huge commitment from the Rules Committee chairman to make this process happen and a huge commitment from the Appropriations chairman to make this happen. But I'll tell you, for anybody out there who is thinking in partisan terms, it takes a commitment from both sides of the aisle. Open rules break down when we can't make those open rules work together.

I see my friend, Mr. POLIS, from the Rules Committee, who is a strong advocate of the open rules process, and here we are for the first time since July of 2007. And we're going to find out if we can make this work together—a new crowd on your side of the aisle; a new crowd on my side of the aisle. We're going to find out if we can make it work together. Golly, I hope we can.

I hope we can, because it's the right thing to do, because I only have a voice in this body when I can bring my amendments to the floor. I only have a voice in this body when I can represent the 921,000 people back home. Mr. Speaker, you have given that to us over and over again, and I thank you.

Mr. POLIS. The Democrats have no problem with the open rule. What the Democrats have a problem with is the elimination of Medicare, which is deemed and passed in the language of the rule itself and cannot be amended after the passage of the rule.

It is my honor to yield 1 minute to the gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the rule that is on the floor today because voting for this rule is a vote to abolish Medicare.

Here we are, once again, after the public has spoken so clearly on this subject of wanting to have Medicare as a pillar of health and economic security for our seniors, the Republicans saying we're going to double down. Not only did we vote to abolish Medicare, increasing costs for seniors, lowering benefits while giving tax breaks to oil companies and corporations for shipping jobs overseas, not only have we done that once, but we're going to do it again today, on a day that we're going to swear in a new Member of Congress, a reminder that all of us takes an oath of office to protect and defend.

And this bill, the bill that this rule comes up on, Homeland Security, undermines the ability to protect and defend the American people.

So, this is a double whammy. It's a threat, again, to the health and economic security of our seniors and those who depend on Medicare, and it is a threat to the safety of the American people.

I heard my colleague, Mr. MARKEY, talk about purgatory and rapture and the rest in his original and effective presentation, and it reminded me what we always say when we talk about a budget: that it should be a statement of our values. What is important to us should be reflected there.

Our budget proposals—we had one under the leadership of CHRIS VAN HOLLEN that was heard and voted on by the floor a number of weeks ago; a Republican budget that is on the floor today in the form of this rule—are windows to the soul of whom we are as public officials. And this rule today which deems passage of the Republican budget is a window to the soul of the Republican Party and this House of Representatives.

Giving tax subsidies to Big Oil would benefit corporations that shift jobs overseas and would give tax cuts to the wealthiest people in our country while it says to seniors, No more Medicare for you. You're going to pay more, get less, and weaken the middle class at the same time, weakening the middle class because of abolishing Medicare and weakening the middle class because of what it does to education for our young children and making college more expensive for nearly 10 million young people in our country.

□ 1400

Is that an investment in the future? I don't think so.

But it's really important when we talk about our soul and our values and what our priorities are that we note that a vote for this bill is a really serious assault on the middle class. People

are concerned about the dignity and retirement of our seniors. They are concerned about the education of our children. They want to reduce the deficit. We must create jobs. Growth in our economy will help reduce the deficit. This bill does none of the above.

So, again, it's about what we believe in.

Mr. Speaker, I have to give you credit for this, that the Republicans are true to what they believe in. They do not believe in Medicare, and they are voting today to honor their beliefs to abolish Medicare. That has been a consistent message over time. It is reinforced here today.

I urge my colleagues to vote "no" on the rule and "no" on the underlying bill.

Mr. REED. Mr. Speaker, I feel it is necessary to again correct the record that what we have done in the proposal that has just been referenced by my colleague from California is not to destroy Medicare; it is to save Medicare. In an open and honest way, it's to deal with the problem that we all know Medicare faces. It clearly states in the document, in the resolution that was passed, that any senior who is in Medicare, on Medicare or within a generation of retiring into Medicare will not be impacted by anything that we do in that budget.

I would also remind my colleague from California that we stand here today under a proposed open rule, where this body, this Chamber, will be able to express its will in an open and traditional process of open amendments.

Let me make clear to the American people what that means. That means that any elected Member of this Congress can come down and speak the voice of his or her constituents and offer amendments that can be debated on the floor of this House in an open and transparent manner—on TV, in their living rooms—so that the American people know what we are doing in this Chamber.

I applaud you, Mr. Speaker, for honoring that commitment that you set forth when you assumed that chair.

At this point in time, Mr. Speaker, I yield 1 minute to my good friend, the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I thank the gentleman from New York for yielding.

I will tell you, I've been here for 5 months; and a few moments ago I was as angry as I've been in a long time because, this afternoon, we heard the injection of a Judeo-Christian event that I was taught as a little boy is precious to my faith and to the tenets of Judeo-Christians around this world.

I cannot sit and not rise and object and ask everyone in this body: Please let's identify limits to what we will say and where we will go, because what we say here the world listens to; but more

importantly, the God that we pray to listens, too.

So it bothers me greatly. I am angered—angered—at what I heard and what I witnessed. In trying to be in control of my emotions, I would just ask everyone: Please let's not inject religious events that many of us are looking forward to in our futures.

#### PARLIAMENTARY INQUIRY

Mr. POLIS. A point of parliamentary inquiry.

The SPEAKER. The gentleman may state his inquiry.

Mr. POLIS. If this rule is passed, would an amendment be germane that would restore Medicare under the budget?

The SPEAKER. The Chair does not respond to hypothetical questions.

Mr. POLIS. Mr. Speaker, it is my honor to yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. LORETTA SANCHEZ of California. So 5 months. One of my freshman colleagues said 125 days in the Republican majority and no jobs bill.

In fact, all you've tried to do is change Medicare as we know it to make vulnerable seniors pay more and get less. Oh, then you're also making education cuts to go after the dreams and aspirations of our young people. That's the Republican way.

Today, we consider this rule and the Homeland Security's appropriations bill where you actually cut 60 percent of the moneys that the Federal Government sends to our local cities—yes, those cities that are struggling, those cities that protect us. We don't protect the American people from the Capitol. It's the local law enforcement, the local fire department, the local hospitals. If a terrorist attack or a natural disaster happens, the local responders are the ones who first help the American people, and you're cutting the money. They're already under attack at the local level. They have already let firemen and policemen go, and now you're taking away 60 percent of the moneys that we send to protect the American people. What is troubling is that you're limiting the cities where we send some of this money, like under the Urban Areas Security Initiative.

The SPEAKER. The time of the gentlewoman has expired.

Mr. POLIS. I yield the gentlewoman an additional 15 seconds.

Ms. LORETTA SANCHEZ of California. You're cutting moneys to places like Las Vegas and Orlando and my hometown of Anaheim, California, where Disneyland is. The American people deserve to be protected, and this Congress should get its priorities straight.

Mr. REED. I reserve the balance of my time.

Mr. POLIS. I yield 1½ minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. In just moments from now, we will have a new Democratic

colleague from my home State of New York. The Democratic Congresswoman-elect hails from the most Republican district in my State, a district that JOHN MCCAIN won in 2008.

Just one week ago, voters in her conservative-leaning district resoundingly rejected the Republican plan to end Medicare. Apparently, the Republican majority here in Washington didn't get the message. Voting to end Medicare once was not enough for them. The rule vote that we are about to take will, once again, deem the Ryan plan to end Medicare as enacted and will put us on a road to ruin where seniors will see out-of-pocket expenses skyrocket by at least \$6,000 every year as Medicare is ended so as to continue the handouts of tens of billions of dollars to oil companies.

In a few moments, after they've finished voting to end Medicare again, I hope that as my Republican colleagues congratulate our New York colleague on her election they will see her as yet another face and as yet another voice, an outspoken voice, to save Medicare.

Mr. REED. I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, if this rule passes, an amendment will not be in order to restore Medicare under the bill. Again, while this claims to be an open rule—and it is for purposes of Department of Homeland Security amendments—it cannot be amended to undo the budget that is deemed passed in the rule, itself.

With that, I yield 1½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership and for yielding.

Mr. Speaker, I rise in opposition to the rule, which will end Medicare as we know it, and also to the underlying bill, which reduces Homeland Security grants by 50 percent to our cities, to our ports, to our transit.

Is there any reason to believe, I ask my Republican colleagues, that there is a 50 percent reduction in threat?

If anything, law enforcement tells us that the number of threats is up since the death of Osama bin Laden. Police Commissioner Kelly, in New York City, tells me that since 9/11 there have been 13 serious terrorist attempts, and six of these were focused on mass transit, which has been cut by 50 percent.

We need to remember what law enforcement has told us: that our antiterrorist efforts have to be right every day, every hour, every second, every time. Yet terrorists just have to be lucky once.

I ask my Republican colleagues: What would be the impact on the loss of lives and on our economy if we were attacked again as they are trying to do? The chatter is up. Law enforcement tells us the threat is up, not down. So why are we cutting it 50 percent?

□ 1410

My Republican colleagues, I say to you that you are not just gambling with dollars; you are gambling with lives. It is not a gamble Democrats are willing to take.

I urge a "no" vote.

Mr. REED. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. YODER).

Mr. YODER. I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of the rule that we are debating here today so that we can debate a bill on homeland security. Now, that might come as a surprise to many who are watching this debate, or to the Speaker or anyone else in this Chamber today, that we are actually debating a rule that deals with homeland security.

Now, the fantasy discussion going on on the left right now on any topic that comes to mind might be entertaining to some, but for the rest of this country, they would love to see this body actually debate issues that are on topic, and that issue is homeland security. Agencies like Border Patrol, ICE agents, Coast Guard personnel, the Secret Service, funding for all sorts of agencies, \$1 billion for FEMA disaster relief fund, are these not issues important enough to discuss on the floor today?

The bill prohibits the use of funds to move detainees at Guantanamo Bay, Cuba, into the United States and denies them immigration benefits such as visas, admission into the United States, and classification as refugees, all sorts of things that are critical to homeland security, to protecting Americans from terrorism, keeping Americans safe.

And we are doing it under an open rule, and that is the issue on this rule debate. For the first time in 4 years, we are debating an appropriations bill that affects hundreds of millions of Americans related to homeland security, and we are allowing every side to bring amendments down to the floor and to discuss those issues.

This is a critical moment. No matter how many times the folks on the left want to come forward and obfuscate or change the subject, that's fine, we can have those debates. And we will continue to have those debates. But we are debating today a rule that will allow this body, in an open fashion for the first time in anyone's memory, to debate an open rule on homeland security. If you have an amendment that is germane to the bill, bring it. If it is found worthy, it will pass. This is the process that we used in committee, and it worked. We produced a good piece of legislation that will provide for the security of the homeland.

We have an opportunity today to seriously debate the topic that is before us on homeland security. No matter

how many times the left attempts to change the subject from what we are talking about, we know that the homeland security of our country, protecting us from terrorism, is a critical issue and we will debate it, no matter how many times the left tries to stop us.

Mr. POLIS. The gentleman mentioned the open rule. The open rule itself is largely noncontroversial with strong support from both sides of the aisle.

What is contained in this rule is the broadest sweeping policy change in recent history, namely, the elimination of Medicare. That is the controversial element of this rule, which is deemed and passed by the rule itself.

With that, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, for years, working Americans, paycheck after paycheck, week after week, have paid taxes into the Medicare trust fund. And after they paid those taxes, this country made a promise to them that Medicare's guaranteed benefits would be there for them for the rest of their life. The issue before the House today is whether we honor or dishonor that promise.

The Republican plan to abandon Medicare abandons those guaranteed benefits. The Republican plan to abandon Medicare says that rather than seniors and their doctors deciding what care the seniors should get, private health insurance companies make that decision.

Part of the promise of Medicare was that health care would be reasonably affordable to our seniors and retirees. The Republican plan to abandon Medicare violates that promise. It raises the out-of-pocket cost of health care for our seniors by \$6,000 a year.

We agree that Medicare needs improvement and that Medicare outlays need to be restrained. That's why we support giving the Medicare administration the same authority to negotiate prescription drug prices that the VA has, instead of just paying whatever the drug companies demand.

The issue in this vote is not simply the value of Medicare; the issue in this vote is whether Americans can value the promise that we made to them in the future. Vote against this rule; vote to honor the promise of Medicare.

Mr. REED. Mr. Speaker, I would like to clarify for the record again that this proposed resolution that we are debating, this rule on Homeland Security appropriations, that is Homeland Security funding, it is but a simple resolution. It is not law. It will not become law. That is clearly articulated in the parliamentary guide entitled "How Our Laws Are Made" on pages 8 and 9.

So I again feel compelled to clarify the record to assure that this rule will not end Medicare. And even as our

budget clearly states, Medicare under our budget will be saved. Not one senior on Medicare will be impacted by any action in that budget.

I reserve the balance of my time.

Mr. POLIS. Again, I have to disagree with my friend from New York. I have never seen in my 3 years on the Rules Committee such a broad and sweeping deem-and-pass under a rule. Section 2 of the rule clearly states that the House Concurrent Resolution 34 shall have force and effect. Again "force and effect," the traditional language of something that is deemed and passed under a rule. The mere passage of this rule will deem and pass the end of Medicare as we know it as contained in House Concurrent Resolution 34, the Republican budget.

I yield 1½ minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished manager of this rule, and I certainly thank Members who are on the floor of the House.

Mr. Speaker, we are in the baseball season and you can imagine a throng of teeming audience, and they are watching pitch one, pitch two, pitch three; and it is strike one, strike two and strike three.

The winning side, the Republicans, of course, cheer; but the American people lose. They're out. They're struck out. Medicare is gone as we know it. Let's not fool around. Let's not try to have smoke and mirrors.

This rule ends Medicare as we know it. We don't have to play games. The debt relief that was put on the floor ends Medicare as we know it. And this bill on homeland security is tone deaf to the words of the late Osama bin Laden who said that we're looking at your airports, we're looking at your airlines, and we're looking at your rail. This Homeland Security appropriations bill cuts all of the necessary security that is necessary to protect the American people.

First we throw out the seniors on Medicare; then we don't allow for TSO inspectors. We cut FEMA dollars in the face of Joplin and Birmingham and Tuscaloosa. In my own State, there are fires that are burning right now, and we're telling FEMA that we don't have enough money to provide for you. Did you see the story on the news that indicated that firefighters were left watching a man drown—drown—because they had to cut the rescue team of that community? People were crying. Firefighters, whose first job is to be a first responder, denied because they don't have the funding to be able to help the people that they serve.

I tell you to vote "no" on this rule. Strike out those folks, and let the American people win.

Mr. REED. Mr. Speaker, may I inquire of the Chair how much time both sides have.

The SPEAKER. The gentleman from New York has 4 minutes remaining.



The gentleman from Colorado has 5½ minutes remaining.

Mr. REED. I yield 1 minute to my good friend, the gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Speaker, I just wanted to say that this is a serious topic that we are talking about here today, the Homeland Security appropriations bill. When you pass a responsible budget, as we did here in the House, you've got to make tough choices. I learned here as a freshman that we do these 10-year budget plans, but only year one matters because then the next Congress comes back and does year two and year three and year four. So the only serious decisions that we are making in this budget is what happens in year one, and that's the Homeland Security appropriations bill that is before us here today. How are we going to fund Homeland Security for year one?

And we are down here talking about all of these ancillary issues; and I tell you, this one's important. This one's important. This one's happening. This isn't smoke and mirrors 10 years down the road. This is happening today. The Appropriations Committee has worked long and hard to craft the best delicate balance that they could.

Mr. Speaker, 42 cents out of every dollar we're borrowing. Folks talk about we don't have any money. That's not a state of mind; that's a fact.

□ 1420

It's a fact. And we cannot afford to shortchange the work that we're doing on the Homeland Security appropriations bill on these—I can't think of a kind word to say.

I'm not going to say anything at all, Mr. Speaker.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentleman from Colorado.

Mr. Speaker, I rise in strong opposition to this rule.

From the retirees that I serve in south Florida to the middle class families of western New York, the American people have overwhelmingly rejected the reckless Republican budget.

The Republican budget ends Medicare and replaces it with a coupon, a coupon that fails to even approach the cost of private health insurance. It guts Medicaid, depended on by millions of impoverished children, nursing home patients, seniors who need home health services, and disabled Americans. Its hatchet job on our budget will destroy 2.1 million jobs when we cannot afford higher unemployment.

This plan is opposed by the Senate, the President, and, most importantly, the American people. Yet today Republicans will vote to deem and pass the Ryan budget.

The distinguished Rules Committee chairman, who decried deem and pass

during the health care reform debate and claimed "process is substance," has apparently had a stunning change of heart. We were told that using deem and pass to extend health care coverage to the uninsured is an abomination. Apparently, we learned today it should be reserved for slashing benefits to seniors.

I urge my colleagues to vote "no" on this rule. The American people want a bipartisan budget that responsibly reduces the deficit, creates new jobs, and protects Medicare and Medicaid for disabled and elderly Americans. Not this Republican budget.

Mr. REED. I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. The distinguished chair of the Budget Committee spoke here a few minutes ago. He spoke about a moral obligation.

An interesting definition of "moral obligation": An obligation to maintain the benefits that the insurance industry has; an obligation to maintain the subsidy that the American taxpayers give to the richest industry in this world, the oil industry, billions of dollars a year; an obligation to maintain the tax benefits to the wealthiest millionaires and billionaires in the world. Apparently, that's his definition of a moral obligation.

We have a different definition on our side of the aisle. We have a definition on our side of the aisle that says it is the obligation of this society to provide medical care to our seniors. Our Republican colleagues see their moral obligation as terminating, ending, Medicare for all Americans who are not yet 55 years of age.

Say it any way you want, but that's precisely what your budget does. It terminates Medicare. Is that your moral obligation?

It's not ours on our side. Our side is to maintain the promise that when a senior in the United States becomes 65 years of age, they will have Medicare.

Our good chairman comes and he says we're not cutting benefits for seniors. That's not true. In fact, you're cutting \$700 billion out of the Medicaid—Medicaid—program, a program where two-thirds of the money goes to seniors who are in nursing homes.

The SPEAKER pro tempore (Mr. SCHOCK). The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 15 seconds.

Mr. GARAMENDI. Thank you.

You say it's a moral obligation to cut \$500 billion out of the health care bill? No way. That was money that came out of a subsidy to the insurance companies. And you say it's a moral obligation to leave the insurance companies alone so they can continue their rapaciousness against the people of America.

Mr. REED. I continue to reserve the balance of my time, Mr. Speaker.

Mr. POLIS. I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 2¼ minutes.

Mr. POLIS. Thank you, Mr. Speaker.

In addition to moving forward the Homeland Security bill under an open rule—which would have strong bipartisan support, and I praise my colleagues on the Rules Committee and hope that this is the first of many open rules. In addition to moving forward the Homeland Security bill under the rule, this rule includes language "deeming" the Ryan budget passed. That's right. We're voting once again on the same plan that the American people resoundingly rejected in last week's special election in New York.

If this rule passes, the Ryan budget, which ends Medicare, will become the final, enforceable budget on the House side until a conference report is adopted, which is unlikely to happen in this Congress, especially if the House Republicans continue to insist on the end of Medicare as a condition of passing a final budget. A "yes" vote on this rule is a "yes" vote on the Ryan plan and a "yes" vote to eliminate Medicare.

Now, this is the sixth time in 36 years that the House and Senate will fail to adopt a budget, and the House has used deeming resolutions in the past. However, never has a deeming resolution been used for such a tremendous policy change, namely, the elimination of Medicare.

As then-Minority Leader JOHN BOEHNER said, "This legislative trick has been around for a long time, but it's never been used for a bill so controversial and so massive in scope."

Now that, Mr. Speaker, was in reference to the Democratic efforts last session to pass the Affordable Care Act. The deem and pass was not used at the end of the day to pass that bill; yet here we are in the 112th Congress with the Republicans seeking to use it to end Medicare. And, yes, no bones about it, we are talking about ending Medicare.

According to the Congressional Budget Office, and our bipartisan study group has confirmed, a typical beneficiary would spend more for health care under the proposal than under the Congressional Budget Office's long-term scenarios. Second, the government's contribution would grow more slowly than health care costs, leaving more for beneficiaries to pay.

Yes, Mr. Speaker, we are talking about the elimination of Medicare under this rule. Not even under a bill with debate on both sides. Not even amendable. A rule is not amendable. Although this rule provides for debate of the Homeland Security bill, which will be fair and allow amendments to be put forth by both parties under it,



the rule itself, Mr. Speaker, is not amendable. It's immutable, unchangeable, and, if passed by this body of the House of Representatives, will deem a budget passed that eliminates Medicare for the American people.

I urge a "no" vote on the rule, and I also will be opposing the underlying bill.

I yield back the balance of my time.

Mr. REED. Mr. Speaker, I yield myself the balance of my time.

We have had a spirited debate on the floor of this Chamber over this rule. I applaud that debate because that's what the American people sent us here to do, which is to have the debate in an open process on TV in front of the American people. And that's what this rule does.

□ 1430

This rule is a true open rule where any Member of this Chamber—Democrat or Republican—can come down and submit an amendment, debate it in front of the American people, and have it voted on by each and every Member of this House so that this House will speak its will. I applaud our Speaker for accomplishing that clear goal he set out.

But as we have this debate, Mr. Speaker, I remind all my colleagues that America also sent us a message last November that we need to be honest with the American people. It means that we do not play games in this Chamber. And nothing could be further from the truth than the constant arguments that we had to stand up and clarify that this rule kills Medicare as we know it.

This rule has no legal effect. This rule will not be presented to the President for signature and become law of the land. And mind you, the reference to the House Republican budget, the "Paul Ryan" budget, the provision that has been talked about here to great extent clearly states that it is the policy of this Chamber, the policy as set forth in that budget, that all those on Medicare will not be impacted by that budget. All those seniors who are within 10 years of retiring and becoming eligible for Medicare will not be impacted by that budget.

We are acting in a responsible manner on this side of the aisle. And we are dealing with dire times. I was a little disappointed that we didn't have a more spirited debate on the actual substance of the rule that guides the bill upon which it applies, and that is the Homeland Security appropriations bill.

We live in dire fiscal times in the United States of America. And we're going to be honest with the American people: We have to make some tough choices. But this should send a message to every man, woman, and child in America that the days of reckless spending have caught up to us because we do have to have the debate of where

we're going to cut. And we are talking about cuts in the areas of homeland security. We better wake up as a body and as a Chamber and recognize that if we don't get our fiscal house in order not only will we jeopardize our national security, we will go bankrupt. That ends America as we know it. And also, it will destroy the American market that we are trying to ignite in our private sector because if we do not send a message that we've got our fiscal house in order, then people are not going to invest in America, and that will not put people back to work and put people back onto a payroll.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### COMMUNICATION FROM LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from Peter G. LeFevre, Law Revision Counsel:

OFFICE OF THE LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES,

Washington, DC, May 23, 2011.

Hon. JOHN A. BOEHNER,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: After 30 years of service in the Office of the Law Revision Counsel and over 34 years with the Federal Government, I have decided it is time to retire. With your approval, my last day as Law Revision Counsel will be June 1, 2011.

I started with the Office just seven years after it was established as part of the Bolling Committee reforms in 1974. The Office was given the functions of classifying new laws to the United States Code, preparing and publishing the Code, and drafting legislation to enact titles of the Code into positive law. Over the years, I have had the privilege of working on each of these functions, and my career has given me a unique perspective on the content and codification of Federal law.

I have had at least a technical familiarity with practically every law enacted during the past 25 years and have worked my way through thousands of laws, including countless appropriations, defense authorizations, tax and health reforms, and omnibus reconciliations. We, in the Office of the Law Revision Counsel, regard the text of these laws with a certain reverence. As we incorporate new laws into the Code, every effort is made to ensure that each word, each punctuation

mark, and each directive they contain is given the effect intended by Congress. With the systems and excellent staff we have in place in the Office, I feel confident that the Code is being maintained with the high degree of accuracy and reliability that is required for the official Code.

While accuracy has always been our highest priority, we have also been working on improving the timeliness and usability of the Code. Since 2005, the time it takes to do an annual update of the Code has been reduced by more than 18 months, and last year we introduced the USCprelim on the U.S. Code website to allow even quicker, albeit preliminary, updates of selected Code titles. As to usability, the Code is about to get a lot better. In a matter of days, we will release a new U.S. Code website featuring a new sophisticated search engine, improved interface, and materials to help the public understand and use the Code. The release will soon be followed by further improvements, including hyperlinks to referenced Code and statute provisions and integration of the USCprelim and prior versions of the Code into the new website. Conversion of the Code data into XML is another ongoing project which should bear fruit in the near future.

The overall organization of the Code remains a concern for me, but significant progress was made during the last several years. The codification of title 46, Shipping, was completed with the enactment of Public Law 109-304, and in just the past six months, Law Revision Counsel bills to enact title 41, Public Contracts, and title 51, National and Commercial Space Programs, became law. Each new positive law title is a major accomplishment, but the time and effort it took to get these three titles enacted indicates the huge task that remains before the goal of an entirely enacted Code is realized.

It has been a pleasure to work for the House of Representatives throughout my career. I have especially enjoyed my association with the other staff members in my office and have a deep appreciation of their expertise and dedication and the fine work they do every day. I am also grateful for the support and cooperation of your office, the Committees on the Judiciary and Appropriations, the Government Printing Office, and the other officers of the House.

Respectfully Yours,

PETER G. LEFEVRE,  
Law Revision Counsel.

The SPEAKER pro tempore. Without objection, statements by the Speaker and the Minority Leader are inserted into the RECORD at this point.

There was no objection.

Mr. BOEHNER. Mr. Speaker, I would like to recognize and thank Peter G. LeFevre, Law Revision Counsel of the House of Representatives, who will retire on June 1, 2011, after 30 years of distinguished service to the House and 34 years with the Federal government.

Throughout his years with the Office of the Law Revision Counsel, Peter has worked tirelessly to ensure the accuracy and reliability of the United States Code. Peter has technical familiarity with practically every law enacted by Congress over the past quarter century. His expertise, hard work, integrity, and commitment to quality have benefitted the House and earned him the deep regard of his colleagues.

As Law Revision Counsel, Peter has significantly improved the procedures for preparing and publishing the Code. He has been instrumental in upgrading the technology used to

produce and access the Code. During his tenure, the Office website has been revitalized and the Code has become much more current in its annual supplement updates. The recent introduction of USCprelim, an advance posting of selected Code titles, has further improved public access to codified Federal legislation. Peter has also been responsible for overseeing the enactment of several non-positive law titles into positive law, a significant accomplishment enhancing the quality and organization of the Code.

On behalf of the House, I would like to commend Peter for his years of dedication and his many contributions to the Federal government, and in particular to the House of Representatives. Peter's diligent service day after day will be an example to those who serve after him. Peter has been a valuable asset to this institution and to his country. We will miss him.

Ms. PELOSI. Mr. Speaker, I rise today to honor our Law Revision Counsel, Peter G. LeFevre, for his contributions to our Nation's laws, for his commitment to the House of Representatives, and for his service to the American people.

Peter's actions and achievements rarely receive the recognition he and his colleagues deserve; too few know the significance of his accomplishments behind the scenes. But legislators, litigators, lawyers, and anyone interested in the laws of our land rely on his work each and every day.

Since joining the office of the Law Revision Counsel 30 years ago, Peter has been a key member of the dedicated team of non-partisan professionals and experts who revise, prepare, and publish the U.S. Code. He has served under seven successive Speakers of the House of both parties, maintaining the Code, updating it, and drafting legislation to improve the codification of federal law.

Over the past seven years, Peter has led the office, appointed as the Law Revision Counsel by Speaker Dennis Hastert. During his tenure, he oversaw all aspects of the preparation and publication of the Code, ensuring its accuracy and reliability. He has worked on thousands of public laws, including appropriations, defense authorizations, tax and health reforms, and omnibus reconciliations, and guided the Office of the Law Revision Counsel through the many challenges brought on by changes in personnel and technological innovations.

Those of us who are fortunate enough to have known and worked with Peter are grateful for his leadership.

Peter G. LeFevre has left his mark on our laws, on the Congress, on our country's history. For today's lawmakers, his contributions have been invaluable; for generations yet to come, his work will provide an unbroken link to the debates and legislation of the last 30 years.

Peter's many years of dedication to the federal government and to the House of Representatives should be a source of pride to him and his family. We thank and commend Peter for his service, and wish him well in his retirement.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings

will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 287, by the yeas and nays; adoption of House Resolution 287, if ordered; and the motion to suspend the rules on H.R. 802, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROVIDING FOR CONSIDERATION OF H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 287) providing for consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 235, nays 186, not voting 10, as follows:

[Roll No. 381]

YEAS—235

|              |               |                 |
|--------------|---------------|-----------------|
| Adams        | Conaway       | Grimm           |
| Aderholt     | Cravaack      | Guinta          |
| Akin         | Crawford      | Guthrie         |
| Alexander    | Crenshaw      | Hall            |
| Amash        | Culberson     | Hanna           |
| Austria      | Davis (KY)    | Harper          |
| Bachmann     | Denham        | Harris          |
| Bachus       | Dent          | Hartzler        |
| Barletta     | DesJarlais    | Hastings (WA)   |
| Bartlett     | Diaz-Balart   | Hayworth        |
| Barton (TX)  | Dold          | Heck            |
| Bass (NH)    | Dreier        | Hensarling      |
| Benishke     | Duffy         | Henger          |
| Berg         | Duncan (SC)   | Herrera Beutler |
| Biggett      | Duncan (TN)   | Huelskamp       |
| Bilbray      | Ellmers       | Huizenga (MI)   |
| Bilirakis    | Emerson       | Hultgren        |
| Bishop (UT)  | Farenthold    | Hunter          |
| Black        | Fincher       | Hurt            |
| Blackburn    | Fitzpatrick   | Issa            |
| Bonner       | Flake         | Jenkins         |
| Bono Mack    | Fleischmann   | Johnson (IL)    |
| Boustany     | Fleming       | Johnson (OH)    |
| Brady (TX)   | Flores        | Johnson, Sam    |
| Brooks       | Forbes        | Jones           |
| Broun (GA)   | Fortenberry   | Jordan          |
| Buchanan     | Fox           | Kelly           |
| Bucshon      | Franks (AZ)   | King (IA)       |
| Buerkle      | Frelinghuysen | King (NY)       |
| Burgess      | Gallely       | Kingston        |
| Burton (IN)  | Gardner       | Kinzinger (IL)  |
| Calvert      | Garrett       | Kline           |
| Camp         | Gerlach       | Labrador        |
| Campbell     | Gibbs         | Lamborn         |
| Canseco      | Gibson        | Lance           |
| Cantor       | Gingrey (GA)  | Landry          |
| Capito       | Goodlatte     | Lankford        |
| Carter       | Gosar         | Latham          |
| Cassidy      | Gowdy         | LaTourette      |
| Chabot       | Granger       | Latta           |
| Chaffetz     | Graves (GA)   | Lewis (CA)      |
| Coble        | Graves (MO)   | LoBiondo        |
| Coffman (CO) | Griffin (AR)  | Long            |
| Cole         | Griffith (VA) | Luetkemeyer     |

|                    |               |               |
|--------------------|---------------|---------------|
| Lummi              | Platts        | Sessions      |
| Lungren, Daniel E. | Poe (TX)      | Shimkus       |
| Mack               | Pompeo        | Shuster       |
| Marchant           | Posey         | Simpson       |
| Marino             | Price (GA)    | Smith (NE)    |
| McCarthy (CA)      | Quayle        | Smith (NJ)    |
| McCaul             | Reed          | Smith (TX)    |
| McClintock         | Rehberg       | Southerland   |
| McCotter           | Reichert      | Stearns       |
| McHenry            | Renacci       | Stivers       |
| McKeon             | Ribble        | Stutzman      |
| McKinley           | Rigell        | Sullivan      |
| McMorris           | Rivera        | Terry         |
| Rodgers            | Roby          | Thompson (PA) |
| Meehan             | Roe (TN)      | Thornberry    |
| Mica               | Rogers (AL)   | Tiberi        |
| Miller (FL)        | Rogers (KY)   | Tipton        |
| Miller (MI)        | Rogers (MI)   | Turner        |
| Miller, Gary       | Rohrabacher   | Upton         |
| Mulvaney           | Rokita        | Walberg       |
| Murphy (PA)        | Rooney        | Walden        |
| Neugebauer         | Ros-Lehtinen  | Walsh (IL)    |
| Noem               | Roskam        | Webster       |
| Nugent             | Ross (FL)     | West          |
| Nunes              | Royce         | Westmoreland  |
| Nunnelee           | Runyan        | Whitfield     |
| Olson              | Ryan (WI)     | Wilson (SC)   |
| Palazzo            | Scalise       | Wittman       |
| Paul               | Schilling     | Wolf          |
| Paulsen            | Schmidt       | Womack        |
| Pearce             | Schock        | Woodall       |
| Pence              | Schweikert    | Yoder         |
| Petri              | Scott (SC)    | Young (AK)    |
| Pitts              | Scott, Austin | Young (FL)    |
|                    | Sensenbrenner | Young (IN)    |

NAYS—186

|               |                |                   |
|---------------|----------------|-------------------|
| Ackerman      | Engel          | McNerney          |
| Altmire       | Eshoo          | Meeks             |
| Andrews       | Farr           | Michaud           |
| Baca          | Fattah         | Miller (NC)       |
| Baldwin       | Filner         | Miller, George    |
| Barrow        | Frank (MA)     | Moore             |
| Bass (CA)     | Fudge          | Moran             |
| Becerra       | Garamendi      | Murphy (CT)       |
| Berkley       | Green, Al      | Nadler            |
| Berman        | Green, Gene    | Napolitano        |
| Bishop (GA)   | Grijalva       | Neal              |
| Bishop (NY)   | Gutierrez      | Olver             |
| Blumenauer    | Hanabusa       | Owens             |
| Boren         | Hastings (FL)  | Pallone           |
| Boswell       | Heinrich       | Pascarell         |
| Brady (PA)    | Higgins        | Pastor (AZ)       |
| Braley (IA)   | Himes          | Payne             |
| Brown (FL)    | Hinchey        | Pelosi            |
| Butterfield   | Hinojosa       | Perlmutter        |
| Capps         | Hirono         | Peters            |
| Capuano       | Holden         | Peterson          |
| Cardoza       | Holt           | Pingree (ME)      |
| Carnahan      | Honda          | Polis             |
| Carney        | Hoyer          | Price (NC)        |
| Carson (IN)   | Inslee         | Quigley           |
| Castor (FL)   | Israel         | Rahall            |
| Chandler      | Jackson (IL)   | Rangel            |
| Chu           | Jackson Lee    | Reyes             |
| Ciilline      | (TX)           | Richardson        |
| Clarke (MI)   | Johnson (GA)   | Richmond          |
| Clarke (NY)   | Johnson, E. B. | Ross (AR)         |
| Clay          | Kaptur         | Rothman (NJ)      |
| Cleaver       | Keating        | Roybal-Allard     |
| Clyburn       | Kildee         | Ruppersberger     |
| Cohen         | Kind           | Rush              |
| Connolly (VA) | Kissell        | Ryan (OH)         |
| Conyers       | Kucinich       | Sanchez, Linda T. |
| Cooper        | Langevin       | Sanchez, Loretta  |
| Costa         | Larsen (WA)    | Sarbanes          |
| Costello      | Larson (CT)    | Schakowsky        |
| Courtney      | Lee (CA)       | Schiff            |
| Critz         | Levin          | Schrader          |
| Crowley       | Lewis (GA)     | Scott (VA)        |
| Cuellar       | Lipinski       | Scott, David      |
| Cummings      | Loebach        | Serrano           |
| Davis (CA)    | Lofgren, Zoe   | Sewell            |
| Davis (IL)    | Lowey          | Sherman           |
| DeFazio       | Lujan          | Shuler            |
| DeGette       | Lynch          | Sires             |
| DeLauro       | Maloney        | Slaughter         |
| Deutch        | Markey         | Smith (WA)        |
| Dicks         | Matheson       | Speier            |
| Dingell       | Matsui         | Stark             |
| Doggett       | McCarthy (NY)  | Sutton            |
| Donnelly (IN) | McCollum       | Thompson (CA)     |
| Doyle         | McDermott      | Thompson (MS)     |
| Edwards       | McGovern       | Tonko             |
| Ellison       | McIntyre       |                   |

Towns  
Tsongas  
Van Hollen  
Velázquez  
Weiner  
Visclosky

Waters  
Watt  
Waxman  
Weiner  
Welch

Wilson (FL)  
Woolsey  
Wu  
Yarmuth

MAY 27, 2011.

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Robert Brehm and Ms. Kimberly Galvin on behalf of Mr. Todd Valentine, Co-Executive Directors, New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held May 24, 2011, the Honorable Kathy Courtney Hochul was elected Representative to Congress for the Twenty-Sixth Congressional District, State of New York.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk.*

STATE OF NEW YORK,  
STATE BOARD OF ELECTIONS,  
*Albany, NY, May 27, 2011.*

Hon. KAREN L. HAAS,  
*Clerk, House of Representatives,*  
*Washington, DC.*

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election

held on Tuesday, May 24, 2011, for Representative in Congress from the Twenty-Sixth Congressional District of New York, show that Kathy Courtney Hochul received 50,890, Jane Corwin received 45,501, Jack Davis received 9,658 and Ian L. Murphy received 1,128 of the total number of votes cast for that office.

It would appear from these unofficial results that Kathy Courtney Hochul was elected as Representative in Congress from the Twenty-Sixth Congressional District of New York.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as official results are certified to this office by all county boards in the Twenty-Sixth Congressional District in New York involved, an official Certification of Election will be prepared for transmittal as required by law.

Sincerely,

ROBERT A. BREHM,  
KIMBERLY GALVIN.

#### NOT VOTING—10

Giffords  
Gohmert  
Gonzalez  
Lucas

Manzullo  
Myrick  
Schwartz  
Tierney

Walz (MN)  
Wasserman  
Schultz

□ 1510

Mr. BRADY of Pennsylvania and Ms. SEWELL changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

#### 28th CONGRESSIONAL DISTRICT—UNOFFICIAL RESULTS

[Recap]

| PARTY | CANDIDATE             | Part of Erie | Genesee | Livingston | Part of Monroe | Part of Niagara | Part of Orleans | Wyoming | Total  |
|-------|-----------------------|--------------|---------|------------|----------------|-----------------|-----------------|---------|--------|
| DEM   | Kathy Courtney Hochul | 20,953       | 3,052   | 3,016      | 8,018          | 7,495           | 1,269           | 1,993   | 45,796 |
| WOR   | Kathy Courtney Hochul | 2,083        | 325     | 396        | 891            | 1,056           | 124             | 219     | 5,094  |
| TOTAL |                       | 23,036       | 3,377   | 3,412      | 8,909          | 8,551           | 1,393           | 2,212   | 50,890 |

| PARTY | CANDIDATE      | Part of Erie | Genesee | Livingston | Part of Monroe | Part of Niagara | Part of Orleans | Wyoming | Total  |
|-------|----------------|--------------|---------|------------|----------------|-----------------|-----------------|---------|--------|
| REP   | Jane L. Corwin | 13,226       | 2,903   | 2,956      | 6,293          | 5,340           | 1,269           | 2,405   | 34,392 |
| CON   | Jane L. Corwin | 2,815        | 786     | 707        | 2,288          | 1,363           | 280             | 592     | 8,831  |
| IND   | Jane L. Corwin | 781          | 178     | 205        | 479            | 412             | 77              | 146     | 2,278  |
| TOTAL |                | 16,822       | 3,687   | 3,868      | 9,060          | 7,115           | 1,626           | 3,143   | 45,501 |

| PARTY | CANDIDATE     | Part of Erie | Genesee | Livingston | Part of Monroe | Part of Niagara | Part of Orleans | Wyoming | Total |
|-------|---------------|--------------|---------|------------|----------------|-----------------|-----------------|---------|-------|
| GRE   | Ian L. Murphy | 167          | 106     | 206        | 376            | 140             | 49              | 84      | 1,128 |
| TEA   | Jack Davis    | 2,801        | 1,277   | 673        | 1,681          | 2,167           | 384             | 675     | 9,658 |

#### 26th CONGRESSIONAL DISTRICT—Unofficial Results

| PARTY  | CANDIDATE             | 100%<br>Part of Erie | 100%<br>Genesee | 100%<br>Livingston | 100%<br>Part of Monroe | 100%<br>Part of Niagara | 100%<br>Part of Orleans | 100%<br>Wyoming | Total   |
|--------|-----------------------|----------------------|-----------------|--------------------|------------------------|-------------------------|-------------------------|-----------------|---------|
| DEM    | Kathy Courtney Hochul | 20,953               | 3,052           | 3,016              | 8,018                  | 7,495                   | 1,269                   | 1,993           | 45,796  |
| REP    | Jane L. Corwin        | 13,226               | 2,903           | 2,956              | 6,293                  | 5,340                   | 1,269                   | 2,405           | 34,392  |
| CON    | Jane L. Corwin        | 2,815                | 786             | 707                | 2,288                  | 1,363                   | 280                     | 592             | 8,831   |
| WOR    | Kathy Courtney Hochul | 2,083                | 325             | 396                | 891                    | 1,056                   | 124                     | 219             | 5,094   |
| IND    | Jane L. Corwin        | 781                  | 178             | 205                | 479                    | 412                     | 77                      | 146             | 2,278   |
| GRE    | Ian L. Murphy         | 167                  | 106             | 206                | 376                    | 140                     | 49                      | 84              | 1,128   |
| TEA    | Jack Davis            | 2,801                | 1,277           | 673                | 1,681                  | 2,167                   | 384                     | 675             | 9,658   |
|        | BLANK & VOID          | 53                   | 22              | 4                  | 22                     | 0                       | 5                       | 0               | 106     |
|        | SCATTERING            | 65                   | 53              | 26                 | 76                     | 33                      | 13                      | 15              | 281     |
| TOTALS |                       | 42,944               | 8,702           | 8,189              | 20,124                 | 18,006                  | 3,470                   | 6,129           | 107,564 |

#### SWEARING IN OF THE HONORABLE KATHLEEN C. HOCHUL, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the gentleman from New York, the Honorable KATHLEEN COURTNEY HOCHUL, be permitted to take the oath of office today.

As pointed out, her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will Representative-elect HOCHUL and the members of the New York delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise her right hand.

Ms. HOCHUL appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 112th Congress.

**WELCOMING THE HONORABLE KATHLEEN C. HOCHUL TO THE HOUSE OF REPRESENTATIVES**

The SPEAKER. Without objection, the gentleman from New York is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Mr. Speaker, I ask that the gentleman from New York, PETER KING, join with me at this time.

It is a great honor for us at this time to present to you a young lady who did it the hard way. She's earned it. She's here with her husband, Bill, her mother, Pat, her dad, Jack, Bill and Katie, the children, are here. And symbolic of what a great country that we have during this time, a person with her credentials can go to the voters, and show that in this great country of ours, the people govern.

In order to give her the bipartisan support that she truly deserves, I would like to yield at this time to my friend, PETER KING.

Mr. KING of New York. I thank the gentleman for yielding. Let me just join all of you in welcoming Ms. HOCHUL to the House of Representatives.

Congresswoman, we look forward to working with you on behalf of our Nation and our State, and on behalf of all the Republicans in our delegation, we wish you the very best of luck.

Mr. RANGEL. I present to you Congresswoman KATHLEEN COURTNEY HOCHUL.

The SPEAKER. The gentlewoman from New York is recognized.

Ms. HOCHUL. Thank you, Mr. Speaker, Mr. RANGEL and Mr. KING.

It is truly an honor and a privilege to be here on the floor of the U.S. House of Representatives where I will serve the people of the 26th District of the State of New York. I promise to work for them tirelessly every single day, and I will continue to fight for them with every breath I have.

And I look forward to working with each of you in the spirit of bipartisanship and cooperation as we work toward a brighter future and a stronger America.

This is a proud day for my family and for me as we begin this new chapter in our lives, a chapter I hope to fill with accomplishments that will serve the people of my district as well as all of your districts.

But before I begin this journey, I must thank the people who helped me get where I am today.

To the people of the 26th Congressional District, I am humbled by your support and the faith that you have placed in me. To my family—my husband of 27 years, Bill, you are my rock and my inspiration, honey; to my son, Billy; my daughter, Katie; my parents, Jack and Pat Courtney; my brothers and my sister, Sheila, who worked tirelessly throughout this entire campaign.

A special thanks to the New York congressional delegation, both our Senators and the dozens of Congressmen who supported us throughout this election.

Thanks go to my incredible campaign team and thousands and thousands of supporters and volunteers who worked tirelessly throughout this election, and to one of my great mentors, John LaFalce, whom I was honored to serve many years ago.

Today I enter this Chamber confident that we can tackle the challenges that are presented to us. We can and must find commonsense solutions to the problems facing each of our districts and our country. As we have learned, our constituents expect and deserve no less.

Thank you very much.

**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from New York (Ms. Hochul), the whole number of the House is 433.

**PROVIDING FOR CONSIDERATION OF H.R. 2017, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012**

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The unfinished business is the question on adoption of the resolution (H. Res. 287) providing for consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, which the Chair will put de novo.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

**RECORDED VOTE**

Mr. POLIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 187, not voting 14, as follows:

[Roll No. 382]

**AYES—231**

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Austria  
Bachmann  
Bachus  
Barletta

Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Blibray  
Bilirakis  
Black

Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon

Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaca  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Hayworth

Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourrette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)

Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

**NOES—187**

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)

Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro

Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins

|                |                |                  |                |              |                  |               |
|----------------|----------------|------------------|----------------|--------------|------------------|---------------|
| Himes          | McCarthy (NY)  | Ruppersberger    | [Roll No. 383] | Owens        | Ross (AR)        | Stutzman      |
| Hinchey        | McCollum       | Rush             | YEAS—408       | Palazzo      | Ross (FL)        | Sullivan      |
| Hinojosa       | McDermott      | Ryan (OH)        |                | Pallone      | Rothman (NJ)     | Sutton        |
| Hirono         | McGovern       | Sánchez, Linda   |                | Pascarell    | Roybal-Allard    | Terry         |
| Hochul         | McIntyre       | T.               |                | Pastor (AZ)  | Royce            | Thompson (CA) |
| Holden         | McNerney       | Sanchez, Loretta |                | Paulsen      | Runyan           | Thompson (MS) |
| Holt           | Meeks          | Sarbanes         |                | Payne        | Ruppersberger    | Thompson (PA) |
| Honda          | Michaud        | Schakowsky       |                | Pearce       | Rush             | Thornberry    |
| Hoyer          | Miller (NC)    | Schiff           |                | Pelosi       | Ryan (OH)        | Tiberi        |
| Inslee         | Miller, George | Schrader         |                | Pence        | Sánchez, Linda   | Tipton        |
| Israel         | Moore          | Scott (VA)       |                | Perlmutter   | T.               | Tonko         |
| Jackson (IL)   | Moran          | Scott, David     |                | Peters       | Sanchez, Loretta | Towns         |
| Jackson Lee    | Murphy (CT)    | Serrano          |                | Peterson     | Sarbanes         | Tsongas       |
| (TX)           | Nadler         | Sewell           |                | Petri        | Scalise          | Turner        |
| Johnson (GA)   | Napolitano     | Sherman          |                | Pingree (ME) | Schakowsky       | Upton         |
| Johnson, E. B. | Neal           | Shuler           |                | Pitts        | Schiff           | Van Hollen    |
| Jones          | Oliver         | Sires            |                | Platts       | Schilling        | Velázquez     |
| Kaptur         | Owens          | Slaughter        |                | Poe (TX)     | Schmidt          | Visclosky     |
| Keating        | Pallone        | Smith (WA)       |                | Polis        | Schock           | Walberg       |
| Kildee         | Pascarell      | Speier           |                | Pompeo       | Schrader         | Walden        |
| Kind           | Pastor (AZ)    | Stark            |                | Posey        | Schweikert       | Walsh (IL)    |
| Kissell        | Paul           | Sutton           |                | Price (GA)   | Scott (SC)       | Waters        |
| Kucinich       | Payne          | Thompson (CA)    |                | Price (NC)   | Scott (VA)       | Watt          |
| Langevin       | Pelosi         | Thompson (MS)    |                | Quayle       | Scott, Austin    | Waxman        |
| Larsen (WA)    | Perlmutter     | Tonko            |                | Quigley      | Scott, David     | Webster       |
| Larson (CT)    | Peters         | Towns            |                | Rahall       | Sensenbrenner    | Weiner        |
| Lee (CA)       | Peterson       | Tsongas          |                | Rangel       | Serrano          | Welch         |
| Levin          | Pingree (ME)   | Van Hollen       |                | Reed         | Sessions         | West          |
| Lewis (GA)     | Polis          | Velázquez        |                | Rehberg      | Sewell           | Westmoreland  |
| Lipinski       | Price (NC)     | Visclosky        |                | Reichert     | Sherman          | Whitfield     |
| Loebach        | Quigley        | Waters           |                | Renacci      | Shimkus          | Wilson (FL)   |
| Lofgren, Zoe   | Rahall         | Watt             |                | Reyes        | Shuler           | Wilson (SC)   |
| Lowey          | Rangel         | Waxman           |                | Ribble       | Shuster          | Wittman       |
| Lujan          | Reyes          | Weiner           |                | Richardson   | Simpson          | Wolf          |
| Lynch          | Richardson     | Welch            |                | Richmond     | Sires            | Womack        |
| Maloney        | Richmond       | Wilson (FL)      |                | Rigell       | Slaughter        | Woodall       |
| Markey         | Ross (AR)      | Woolsey          |                | Rivera       | Smith (NE)       | Woolsey       |
| Matheson       | Rothman (NJ)   | Wu               |                | Roby         | Smith (NJ)       | Wu            |
| Matsui         | Roybal-Allard  | Yarmuth          |                | Roe (TN)     | Smith (TX)       | Yarmuth       |
|                |                |                  |                | Rogers (AL)  | Smith (WA)       | Yoder         |
|                |                |                  |                | Rogers (KY)  | Southerland      | Young (AK)    |
|                |                |                  |                | Rohrabacher  | Speier           | Young (FL)    |
|                |                |                  |                | Rooney       | Stark            | Young (IN)    |
|                |                |                  |                | Ros-Lehtinen | Stivers          |               |
|                |                |                  |                | Roskam       |                  |               |

## NOT VOTING—14

|             |          |           |
|-------------|----------|-----------|
| Bishop (UT) | Gohmert  | Schwartz  |
| Brown (FL)  | Gonzalez | Tierney   |
| Cantor      | Lucas    | Walz (MN) |
| DeFazio     | Manzullo | Wasserman |
| Giffords    | Myrick   | Schultz   |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND) (during the vote). There is 1 minute left in the vote.

□ 1526

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 382, had I been present, I would have voted “no.”

## ESTABLISHING VETSTAR AWARD PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 802) to direct the Secretary of Veterans Affairs to establish a VetStar Award Program, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 11, not voting 13, as follows:

|               |                 |                 |
|---------------|-----------------|-----------------|
| Ackerman      | DeFazio         | Jackson Lee     |
| Adams         | DeGette         | (TX)            |
| Aderholt      | DeLauro         | Jenkins         |
| Akin          | Denham          | Johnson (GA)    |
| Alexander     | Dent            | Johnson (IL)    |
| Altmire       | DesJarlais      | Johnson (OH)    |
| Andrews       | Deutch          | Johnson, E. B.  |
| Austria       | Diaz-Balart     | Johnson, Sam    |
| Baca          | Dicks           | Jones           |
| Bachmann      | Dingell         | Jordan          |
| Bachus        | Doggett         | Kaptur          |
| Baldwin       | Dold            | Keating         |
| Barletta      | Donnelly (IN)   | Kelly           |
| Barrow        | Doyle           | Kildee          |
| Bartlett      | Dreier          | Kind            |
| Barton (TX)   | Duffy           | King (IA)       |
| Bass (CA)     | Duncan (SC)     | King (NY)       |
| Bass (NH)     | Edwards         | Kinzing (IL)    |
| Becerra       | Ellison         | Kissell         |
| Benishhek     | Ellmers         | Kline           |
| Berg          | Emerson         | Kucinich        |
| Berkley       | Engel           | Labrador        |
| Berman        | Eshoo           | Lamborn         |
| Biggart       | Farenthold      | Lance           |
| Bilbray       | Farr            | Landry          |
| Bilirakis     | Finer           | Langevin        |
| Bishop (GA)   | Fincher         | Lankford        |
| Bishop (NY)   | Fitzpatrick     | Larsen (WA)     |
| Bishop (UT)   | Fleischmann     | Larson (CT)     |
| Black         | Fleming         | Latham          |
| Blackburn     | Flores          | LaTourette      |
| Blumenauer    | Forbes          | Latta           |
| Bonner        | Fortenberry     | Lee (CA)        |
| Bono Mack     | Fox             | Levin           |
| Boren         | Frank (MA)      | Lewis (CA)      |
| Boswell       | Franks (AZ)     | Lewis (GA)      |
| Boustany      | Frelinghuysen   | Lipinski        |
| Brady (PA)    | Fudge           | LoBiondo        |
| Brady (TX)    | Gallegly        | Loebach         |
| Braley (IA)   | Garamendi       | Lofgren, Zoe    |
| Brown (FL)    | Gardner         | Long            |
| Buchanan      | Garrett         | Lowe            |
| Buchon        | Gerlach         | Luetkemeyer     |
| Buerkle       | Gibbs           | Lujan           |
| Burgess       | Gibson          | Lummis          |
| Burton (IN)   | Gingrey (GA)    | Lungren, Daniel |
| Butterfield   | Goodlatte       | E.              |
| Calvert       | Gosar           | Lynch           |
| Camp          | Gowdy           | Mack            |
| Canseco       | Granger         | Maloney         |
| Cantor        | Graves (MO)     | Marchant        |
| Capito        | Green, Al       | Marino          |
| Capps         | Green, Gene     | Markey          |
| Capuano       | Griffin (AR)    | Matheson        |
| Cardoza       | Griffith (VA)   | Matsui          |
| Carnahan      | Grijalva        | McCarthy (CA)   |
| Carney        | Grimm           | McCarthy (NY)   |
| Carson (IN)   | Guinta          | McCaul          |
| Carter        | Guthrie         | McClintock      |
| Cassidy       | Gutierrez       | McCollum        |
| Castor (FL)   | Hall            | McCotter        |
| Chabot        | Hanabusa        | McDermott       |
| Chaffetz      | Hanna           | McGovern        |
| Chandler      | Harper          | McHenry         |
| Chu           | Harris          | McIntyre        |
| Cicilline     | Hartzler        | McKeon          |
| Clarke (MI)   | Hastings (FL)   | McKinley        |
| Clarke (NY)   | Hastings (WA)   | McMorris        |
| Clay          | Hayworth        | Rodgers         |
| Cleaver       | Heck            | McNerney        |
| Clyburn       | Heinrich        | Meehan          |
| Coble         | Hensarling      | Meeks           |
| Coffman (CO)  | Herger          | Mica            |
| Cohen         | Herrera Beutler | Michaud         |
| Cole          | Higgins         | Miller (FL)     |
| Conaway       | Himes           | Miller (MI)     |
| Connolly (VA) | Hinchey         | Miller (NC)     |
| Conyers       | Hinojosa        | Miller, Gary    |
| Cooper        | Hirono          | Miller, George  |
| Costa         | Hochul          | Moore           |
| Costello      | Holden          | Moran           |
| Courtney      | Holt            | Murphy (CT)     |
| Cravaack      | Honda           | Murphy (PA)     |
| Crawford      | Hoyer           | Nadler          |
| Crenshaw      | Huelskamp       | Napolitano      |
| Critz         | Huizenga (MI)   | Neal            |
| Crowley       | Hultgren        | Neugebauer      |
| Cuellar       | Hunter          | Noem            |
| Culberson     | Hurt            | Nugent          |
| Cummings      | Inslee          | Nunes           |
| Davis (CA)    | Israel          | Nunnelee        |
| Davis (IL)    | Issa            | Olson           |
| Davis (KY)    | Jackson (IL)    | Oliver          |

## NAYS—11

|            |             |          |
|------------|-------------|----------|
| Amash      | Duncan (TN) | Mulvaney |
| Brooks     | Flake       | Paul     |
| Broun (GA) | Graves (GA) | Rokita   |
| Campbell   | Kingston    |          |

## NOT VOTING—13

|          |             |           |
|----------|-------------|-----------|
| Fattah   | Manzullo    | Tierney   |
| Giffords | Myrick      | Walz (MN) |
| Gohmert  | Rogers (MI) | Wasserman |
| Gonzalez | Ryan (WI)   | Schultz   |
| Lucas    | Schwartz    |           |

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1533

Ms. BASS of California changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program.”

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. ADERHOLT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2017, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

# DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2017.

□ 1535

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Alabama (Mr. ADERHOLT) and the gentleman from North Carolina (Mr. PRICE) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. ADERHOLT. Mr. Chairman, I yield myself such time as I may consume.

It is my honor to present the fiscal year 2012 appropriations bill for the Department of Homeland Security.

This bill before us today, perhaps more than any other bill, exemplifies the difficult choices that need to be made in order to address our Nation's fiscal crisis.

This bill demonstrates how we can fully fund vital security programs while also reducing spending overall. Furthermore, this bill does not represent a false choice between fiscal responsibility and security. Both are national security priorities, and both are vigorously addressed in this bill.

I am under no illusion that everyone here in this Chamber will agree with the spending reductions included in this legislation; but now, more than ever, our government needs fiscal discipline, and this bill takes the necessary steps toward that goal.

The bottom line: more money and more government do not equal more security. So in this time of skyrocketing debt and persistent threats, we must get our homeland security priorities right.

The bill before us today provides \$40.6 billion in discretionary funding, or almost \$3 billion, which is 7 percent below the request, and \$1.1 billion, or almost 3 percent below the fiscal year 2011 level. In addition, the bill also includes \$1 billion in offset, emergency

supplemental funding for FEMA's disaster relief fund immediately upon enactment. There are no earmarks that are set out in this bill or the accompanying report.

The bill places priority on funding our Nation's greatest security needs—fully funding all frontline personnel such as Border Patrol, CBP officers, ICE officers, Coast Guard military personnel, and Secret Service agents, and fully funding all intelligence, watchlisting, and threat targeting functions.

In addition, the bill provides funding where the administration and the Department of Homeland Security have failed. This bill makes up for the nearly \$650 million shortfall handed to us by the Department through phony, unauthorized fee collections. It is irresponsible for the administration to submit a budget based on the illusion that Congress is going to raise taxes or fees in this current economy.

This bill also addresses the wholly inadequate request for disaster relief funding and provides the resources to help our communities recover from natural disasters, like the unprecedented flooding across the Mississippi River Valley; the tornadoes that devastated my home State of Alabama a few weeks ago; and the horrific tornado that destroyed much of Joplin, Missouri, just a little over a week ago.

However, programs that have been underperforming and failing to execute their budgets or which have repeatedly ignored congressional directives to measure their results are significantly reduced.

In short, this bill places a priority on the taxpayers' limited dollars towards the security programs that will have an immediate impact upon our national security and responsibly reduces spending wherever possible.

The bill is constructed around three core priorities: number one, fiscal discipline; number two, targeted investments in security operations and disaster relief; and, number three, meaningful, hard-hitting oversight.

First on fiscal discipline. The bill goes further than simply cutting spending. This bill insists upon real reform—reform in how the Department justifies its budget; reform on how FEMA manages its first responder grants; and reform on how FEMA, the Department, and the administration budget for the costs of disaster relief.

□ 1540

Number two, on security, the bill includes nearly \$150 million worth of targeted investments above the budget request for security operations—the frontline programs that are among the most critical at keeping our Nation secure and these activities that directly countered recent terrorist attacks and address known threats.

On disaster relief, I have seen firsthand what natural disasters can do

over the past few weeks, and I can tell you that my constituents in Alabama are expecting FEMA to get it right. So this bill picks up from where we left off in FY 2011 and provides an increase of \$850 million above the request and within the budget for FEMA's disaster relief fund to address the known and expected cost of disasters in FY 2012. And as we added unanimously in our full committee markup of the bill last week, \$1 billion in offset, emergency supplemental funding is provided to FEMA to ensure that disaster relief efforts stay on track this year and well into 2012.

And, three, finally, is oversight. Our subcommittee has a long tradition of insisting upon results for each and every taxpayer dollar that is appropriated. This is a testament to the previous leadership on this subcommittee that was exhibited by our founding chairman of this subcommittee, Chairman ROGERS, and also my predecessor and now the subcommittee's ranking member, Mr. PRICE.

This bill continues the dedication to frontline security programs and robust oversight by including numerous spend plan requirements, reporting requirements, and operational requirements, such as border patrol staffing levels and an increase to ICE's detention capacity.

Now, I know there has been some criticism on the funding level this bill is recommending for FEMA's first responder grants. Let me emphasize that there is more than \$13 billion in the pipeline that has not been spent, but FEMA has yet to establish a credible method for measuring the impact of these grants.

So this bill takes bold steps to get FEMA's fiscal house in order—requiring accountability for every dollar spent, requiring a plan for drawing down the enormous unexpended balances, consolidating duplicative grant programs, putting priority on high-risk needs, and rewarding programs like the Emergency Management Performance Grants that actually spend their funds wisely and are willing to measure their results.

I know how important first responders are to this Nation. We see it every day. But we simply cannot keep on throwing money into a clogged pipeline when our debt is soaring out of control. I believe it's our duty to reform these grant programs.

Mr. Chairman, this bill is about putting a priority on limited dollars and robustly supporting the most essential functions. The Department of Homeland Security, with all its critical missions, is not immune from fiscal discipline. That means the Department has to find the most cost-effective way to meet its mission requirements. The American people are demanding no less.

In closing, let me thank Ranking Member PRICE. Although we have certainly had a turbulent year, he has been a statesman and a true partner as we worked on this vital bill. I sincerely thank him for his input and his contributions that he has made on this bill.

In addition, I would like to thank the distinguished chairman and ranking member of the full committee, Chairman HAL ROGERS and Ranking Member NORM DICKS. As much as we have had to make difficult choices and tradeoffs at subcommittee level, I know that both of these gentlemen have had to make much more difficult decisions dealing with all 12 subcommittee budgets.

Finally, I would like to take a moment to thank the committee staff for their hard work on this bill, namely: Stephanie Gupta and Paul Cox on the minority staff; and Jeff Ashford, Kris Mallard, Kathy Kraninger, Miles Taylor, Rebecca Ore, Brian Rell, Mark Dawson, Anne Marie Malecha, and Ben Nicholson, who is the clerk of this committee, on the majority side.

I believe this bill reflects our best efforts to address our Nation's most urgent needs: security and fiscal discipline. I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may utilize.

Mr. Chairman, I am pleased that we're considering the fiscal year 2012 Department of Homeland Security appropriations bill in a timely fashion and under an open rule. Chairman ADERHOLT has been a true professional in the drafting of this bill, and I appreciate his willingness to include input from our side all along the way. And I certainly want to share in his commendation of all of our staff on both sides of the aisle.

For the second year in a row, overall funding for the Department of Homeland Security will drop. The bill decreases funding for Homeland Security by 6.8 percent below the President's request and essentially returns funding to the 2009 level, which is concerning to many people, including myself.

This allocation has required Chairman ADERHOLT to make some tough decisions. He has been able to retain adequate funding for the frontline employees of the Department of Homeland Security to continue conducting critical operations along our borders, to protect our Nation's airports and seaports, and to respond to the wave of natural disasters that our country has experienced this spring.

The same, however, is not true, unfortunately, of Homeland Security grant programs, which are cut radically. Providing a total of \$1 billion for all State and local grants, or 65 percent below the President's request, and pro-

viding \$350 million for firefighter assistance grants—that's almost 50 percent below an already reduced request—breaks faith with the States and localities that depend on us as partners to secure our communities. These cuts will be especially harmful as many of our States and municipalities are being forced to slash their own budgets.

For example, according to the International Association of Fire Fighters, 1,600 fewer local firefighters will be on the job if the cuts in this bill are enacted. I can't conceive of any defensible argument for cuts of this magnitude, cuts that come on top of cuts to grants already made in the fiscal 2011 appropriations. They will do great damage to local preparedness, to emergency response in our communities, and to the recovering economy.

These grant programs equip our State and local partners to be ready for a disaster so they can mitigate its impact and respond effectively. While this bill rightly seeks to help States and localities rebuild after a disaster strikes, it decimates the work required to prepare for a disaster before it happens. That exposes our communities to greater risk, and it potentially raises the cost of attacks and disasters when they do occur. And we shouldn't ignore the impact of first responder layoffs on our economic recovery.

This bill recommends other drastic reductions, for example, by cutting research funding in half. At this level, the Science and Technology Directorate informed us that it would concentrate its remaining resources on aviation security and explosive detection devices and on two cutting-edge, near-term research projects. But other critical research underway, including research on cyber security, disaster resiliency, and detection of chemical and biological threats, this research simply wouldn't be funded in 2012, if ever.

The bill also greatly reduces funds for information technology needs and construction activities. It includes no funding for the new DHS headquarters that are already under construction and the related lease consolidation efforts. We've been told repeatedly by the administration that deferring these investments will ultimately affect frontline operations and cost us more money in the future, and I believe that they are absolutely correct.

□ 1550

Now, I recognize that the administration's budget left Chairman ADERHOLT some holes to fill, but the real problem here is the bill's allocation in the budget resolution. That's thanks to a completely unrealistic spending cap set by the House Republican budget. We are now seeing the real implications of that deeply flawed plan. It simply leaves no room to keep departmental operations strong, and at the same

time to fund our dual responsibility to prepare for and respond to all hazards.

The majority further exacerbated the allocation's inadequacy by adding \$850 million in disaster relief beyond the President's request to respond to recent flooding and tornado emergencies. Now, that's fine; that's important to do. But contrary to bipartisan tradition, the additional spending was not designated as an emergency for budget purposes, and as a result these disaster funds come out of the hide of first responder funding.

We gave the majority two chances to correct this flaw by designating the funding increase, that is, the increase beyond the President's request, as an emergency, once in last week's appropriation committee markup and yesterday in the Rules Committee. Unfortunately, the majority refused and passed up the opportunity to get us to a point where both parties might be able to support this bill.

I want to close by reiterating my appreciation for the chairman's efforts, for the staff's efforts to work with us on many, many issues in this bill, and for their valiant efforts to sustain our frontline Federal homeland security operations; but the bill does fall short of our obligations in critical aspects. The inadequate allocation makes it difficult to repair this bill, but I and other Members will be offering amendments to move it in a positive direction.

I reserve the balance of my time.

Mr. ADERHOLT. I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Alabama about some concerns about the Chemical Facilities Antiterrorism Standards, known as CFATS.

The Committee on Energy and Commerce has voted by more than two-thirds to favorably report to the House a bill to extend authorization for CFATS through fiscal year 2017. Our bill also contains authorizations for appropriations for the full 7 years, and that provision conforms to the majority leader's CutGo protocols. I recognize the need to fund the CFATS program for the next fiscal year, but I'm hoping that the gentleman will provide me with an indication of his support for the authorizing committee to get its job done on this matter.

Mr. ADERHOLT. I would be happy to. And I congratulate the Energy and Commerce Committee on pursuing the CFATS authorization on an expedited basis this year. We do hope and expect that CFATS will be authorized under regular order prior to the start of the new fiscal year. However, it was important that we include funding for the 2012 appropriation bill for CFATS, and



we do not want that line item to appear to be in conflict with the currently enacted sunset date of October 4, 2011.

I look forward to a long-term authorization extension so that these chemical facilities and the people that work in them can have a long-range certainty with respect to antiterrorism plans and investments. We look forward to a good authorizing bill becoming law in time to guide our final 2012 agreements on the CFATS funding.

Mr. MURPHY of Pennsylvania. I thank the chairman for his support.

Mr. PRICE of North Carolina. Mr. Chairman, I am pleased to yield 3 minutes to the ranking member of our full committee, the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. I thank my friend, Ranking Member PRICE, for yielding.

I would like to express my appreciation to Chairman ROGERS, Chairman ADERHOLT and Ranking Member PRICE for their work on this bill, and to the committee staff that has worked long days and many late nights to produce the bill for our consideration today. I would also like to commend the majority's effort to accommodate many of the concerns of Members on the Democratic side. And I would also like to thank Chairmen ROGERS and ADERHOLT for bringing this bill to the floor through the regular order and working with us to bring it to the floor with a rule that allows Members to offer their amendments.

At the outset, let me state for the record that I believe the allocation for this bill is too low. The bill is about \$1.1 billion below the FY11 enacted level and \$2.9 billion below the President's request, and it would represent the second straight year of a declining Homeland Security budget.

Some parts of this bill are very good, and I commend the chairman for providing adequate funding for the frontline employees of the Department of Homeland Security to continue to conduct critical operations along our borders, protect our airports and seaports, and to respond to the series of natural disasters we have experienced this spring. However, some serious gaps remain. My colleague, Mr. PRICE, has already described in great detail the dangerous reductions in our support for the Nation's first responders.

Also slashed in this bill is the budget for research and development activities at the Department. The bill approved by the full committee provides less than \$400 million for the Science and Technology Directorate's Research, Development, Acquisition and Operations account, a cut of more than 40 percent. At this level for 2012, S&T has informed us that many critical research efforts already under way on cybersecurity, disaster resiliency, and detection of chemical and biological threats would be halted. America's

technological edge is one of our great assets, and in the fight against terrorism I believe that it would be a mistake to retreat from the aggressive pursuit of new solutions.

I also want to bring my colleagues' attention to another disturbing precedent-setting provision of this bill. It would require the President to submit a budget amendment for additional disaster relief funding 3 months before the balance of available funds reaches \$800 million, and it would require these additional funds to be fully offset from discretionary budget accounts. Certainly, Democrats as well as Republicans would like to see less reliance on supplemental appropriations to fund known disaster relief needs. But when disasters strike, victims need help and they need help quickly. We should not risk delaying disaster relief because of partisan battles over proposed offsets; nor should we create a mechanism that would tie up the relief process because a disaster did not do us the courtesy of providing 3 months' notice.

During our consideration of the bill, we will have the opportunity to address these and other serious flaws, and I am hopeful that we will be able to do so.

Mr. ADERHOLT. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the full Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank Chairman ADERHOLT for the time; but, more importantly, I thank him for the great work that he has done in perfecting this bill and bringing it to the floor, along with the accolades that have already been said about the staff and the other members of the subcommittee.

Mr. Chairman, I, of course, rise in support of this bill. When I became chairman of this committee, I promised to return to regular order, open rules, and the completion of as many appropriations bills as possible prior to the August recess; and I intend to stick by that promise. And I appreciate the cooperation of my ranking member, Mr. DICKS, who has been very, very helpful in this process already. I look forward to an open amendment process and lively debate over the next several months.

I also vowed, Mr. Chairman, that we would cut spending wherever possible to help balance our budgets. The Appropriations Committee is dedicated to the careful stewardship of taxpayer dollars, and you will see that in each of the 12 bills we put out this year that will be a hallmark, careful stewardship of money.

We have had to make the most of our very limited resources in all areas of government, and that includes the Department of Homeland Security. We began this year with the Homeland Security appropriations bill because we can all agree that our national security

is a number one priority. Every day our citizens worry about constant terrorist threats, the security of our air and seaports, and the defense of our borders; but we also face the very real dangers of uncontrolled spending and skyrocketing debt.

Americans deserve to live and work in a country that will protect not only their physical safety, but also their economic livelihood. This bill maintains the crucial measures that keep our citizens safe while also reining in out-of-control, dangerous deficit spending, providing \$40.6 billion in total emergency spending for the various programs within DHS. This is a decrease of \$1.1 billion below last year's level.

It funds the critical frontline personnel, operations and programs needed to uphold the highest levels of national security. Within this bill, we have bolstered our immigration and border security efforts, funded the maritime and security activities of the Coast Guard, and boosted security efforts to address air cargo threats.

□ 1600

The bill also addresses the President's overtly inadequate request for known disaster relief costs. It can be nearly impossible, in fact it is impossible, to plan for acts of God. But over the past few weeks, Mother Nature has wreaked havoc across our Midwest and South and other parts of the country, demonstrating the need for sufficient disaster relief funding.

I'm proud that we have added a billion dollars to the disaster relief fund while completely offsetting this increase by taking unused funding from the Department of Energy.

We've significantly reduced or eliminated ineffective and wasteful programs while requiring reforms in underperforming programs through heightened oversight to get the most out of each and every tax dollar. This includes long overdue reform on the State and local grant program under the Federal Emergency Management Agency, which has been plagued by inefficiency. These grants often remain in Federal coffers for years to come. Right now, as you've heard, there is a backlog of more than \$13 billion in unspent grant funds. Why should we pack a clogged pipe, as Chairman ADERHOLT has said, at a time when we are strapped for money as we are.

This bill reduces funding for that program by \$2.1 billion, changing the structure and requiring increased measurement and reporting, and getting the money out of the pipeline and into the hands of our first responders and our local communities and States.

The CHAIR. The time of the gentleman has expired.

Mr. ADERHOLT. I yield the gentleman an additional 30 seconds.

Mr. ROGERS of Kentucky. There is no money for advanced inspection technology body scanners or the staff. It

prohibits funds to transfer, release, or assist in the transfer of Guantanamo detainees to or within the U.S., and in accordance with the House rules, there are no earmarks in this bill.

The misleading budget request from the President for DHS included undefined and unspecified administrative savings and relied on \$650 million of revenue from fees Congress has not approved. This bill follows both the spirit and the letter of the law that we must make real budget cuts, and that's what we do in this bill.

Mr. PRICE of North Carolina. I yield 3 minutes to one of our fine subcommittee members from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong opposition to this bill which irresponsibly slashes over \$1 billion from programs that protect and support the ability of our local police, firefighters, and emergency medical personnel to quickly and adequately respond to a disaster or a terrorist attack.

The destructive flooding across the Mississippi Basin and the devastating tornadoes in Alabama and Missouri have demonstrated the need for a rapid and effective response to save lives. This is true of other parts of our country, like my home city of Los Angeles, which is vulnerable to fires and earthquakes and is one of the top 10 targets for a terrorist attack.

My police departments, firefighters, and first responders have said that the cuts in this bill will delay their implementation of a badly needed interoperable communications system, which is critical to their emergency coordination efforts.

It was the lack of this kind of technology during the 9/11 attacks that contributed to hundreds of deaths. The cuts in this bill also jeopardize the security of our Nation's ports—the Port of Los Angeles, Long Beach, for example, tells us that the cuts to port security grants would seriously threaten their ability to protect the port and to continue critical security training programs. An attack on this complex alone would have devastating consequences on our economy.

FEMA director Craig Fugate testified before our subcommittee that degrading the capabilities of State and local governments would likely magnify the impact of a disaster and ultimately increase the total costs to taxpayers.

This bill turns a blind eye to these realities. It is a dangerous bill that weakens our national security and undermines the ability of our first responders to safely meet the dangerous challenges they face every day.

America cannot cut its way to greater security. Today's realities require that our first responders and our Department of Homeland Security receive funding commensurate with the scale and the severity of the threats America faces.

I ask my colleagues to join me in opposing H.R. 2017.

Mr. ADERHOLT. I yield 2 minutes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I rise today in support of the fiscal year 2012 Department of Homeland Security Appropriations Act. This bill cuts \$1.1 billion from last year's level and \$3 billion from the President's request while still providing the resources needed to ensure that our borders are safe and secure and our homeland is safe and secure.

All frontline defenders, including the Border Patrol, Immigration and Customs Enforcement agents, Coast Guard, military personnel, and Secret Service agents are fully funded. In fact, this measure substantially increases funding for many of these frontline defenders over the President's budget request while eliminating waste in other areas.

It ensures our borders will be secure by providing both CBP and ICE with all necessary resources. It ensures our homeland will be protected from terrorist threats by giving TSA additional funds to conduct air cargo screening. It ensures that the Federal Emergency Management Agency, FEMA, will have the flexibility of funds needed to respond to disasters, including the floods along the Mississippi River Valley, the tornados that have swept the Nation, and the ongoing wildfires that have devastated my home State of Texas.

This bill also includes 169 oversight actions which will force the Obama administration to be accountable to the Congress and ultimately to the people of the United States.

At a time when China owns \$1.1 trillion of our publicly held debt, we must make hard choices on spending here in D.C. during these difficult economic times, just like families across this country do every day.

I would like to commend Chairman ADERHOLT and Ranking Member PRICE for their leadership on this critical measure, and I urge my colleagues to join in supporting this very important bill.

Mr. PRICE of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. ADERHOLT. I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. I rise in support of the Homeland Security appropriations bill.

As a member of the committee from a 9/11 State, I work daily to ensure that our State and Nation are prepared to meet any and all potential Homeland Security threats, whether those threats come from natural events or from activities of violent international extremists.

One month after Osama bin Laden was brought to justice, we cannot ignore the fact that terrorists are plotting

and planning at this very moment to harm Americans everywhere. They're waiting for us to let down our guard so they can attack our communities and our neighbors.

Mr. Chairman, it remains a dangerous world. We must remain vigilant.

However, we must also remember that one of the greatest threats to our national security is our growing \$14.3 trillion national debt. We've heard that from our civilian and military leaders. Consequently, our subcommittee has carefully examined the President's \$43.5 billion request, and we have had to make some hard choices. I congratulate Chairman ADERHOLT and Mr. PRICE for making those choices.

□ 1610

In this context, I must say for the record I am concerned about the extent of the reductions to FEMA's State and local grant programs included in the bill. With that said, and a lot more could be said, I also recognize that we have already made substantial investments in these important areas for over 9 years.

Mr. Chairman, I support the chairman's intent to force the Department to make tough decisions on spending. It's imperative that a Department with over 230,000 employees and dozens of agencies and directorates under its jurisdiction, that they make the hard choices. This bill will ensure that the Department is accountable for taxpayers' dollars. We have witnessed the infusions of many millions of taxpayers' dollars over the last 9 years.

And, lastly, as one of the three appropriators that are liaisons to the Intelligence Committee, I note that the bill fully funds the President's requested funding increases for intelligence gathering activities at the Department of Homeland Security. I support the bill.

Mr. PRICE of North Carolina. Mr. Chairman, I continue to reserve the balance of my time.

Mr. ADERHOLT. I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise today in support of H.R. 2017, the Homeland Security appropriations bill for fiscal year 2012. As we all know, we are closing in on the 10th anniversary of the September 11 attacks, and this week marks one month since the death of Osama bin Laden. Communities across the country, particularly in Alabama, as ably represented by the chairman of this subcommittee, and Missouri, are reeling from some of the most devastating storms and tornadoes in their history.

I am pleased that the Homeland Security funding bill is the first of the FY12 appropriations bills to be considered on the floor this afternoon. H.R. 2017, this legislation, tackles both fiscal discipline and national security,

both of critical importance to the American public.

With regard to fiscal responsibility, H.R. 2017 provides \$40.6 billion in discretionary funding, or almost \$3 billion, or 7 percent, below the request, and \$1.1 billion, or 3 percent, below the fiscal year 2011 level.

As for our national security, all of our front line personnel, including Border Patrol agents, CBP officers, ICE agents, and Coast Guard military personnel are fully funded to sustain their forces and meet mission objectives. Obviously, we wish we could do more in this legislation, but I think this is a very important start that should move this process forward.

Furthermore, this bill, 2017, does not shy away from oversight to ensure the Federal Government is a good steward of the American public's tax dollars. For instance, the Transportation Security Administration, TSA, will be required to cap their full-time screeners and generate a plan to improve the integration of screening technology and the deployment of its existing workforce. Having served on the authorizing committee for 6 years, I very much appreciate this initiative and have paid very close attention to these TSA issues over the years.

I do believe this bill we are considering today is timely and specifically targets our Nation's security needs. I know that we are going to have a robust debate on some of these amendments that can further enhance this legislation.

Finally, I want to thank Chairman ADERHOLT for his hard work and his leadership, as well as the minority staff.

Mr. ADERHOLT. I yield 2 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman from Alabama for yielding.

Let me just at the outset commend him for his professionalism and his courtesy throughout this entire process, and also for the effort that he made to preserve the Secure the Cities program in the Homeland Security bill. Having said that, I must reluctantly oppose the bill in its current form.

Mr. Chairman, the threat level is the highest in our country since 9/11. That has only been increased since the death of Osama bin Laden. Osama bin Laden specifically stated, we find in his documents, that he wanted to attack mass transit, wanted to attack maritime shipping. Yet we are reducing our mass transit security funding by 50 percent. We are reducing our port security funding by 50 percent. We are reducing overall aid for Homeland Security grants, which was the purpose for which the Department was created. We are reducing that by 50 percent. This, I believe, is putting us at risk.

I can speak, for instance, for New York. We have 5 million people, 5 mil-

lion passengers every day on our subway system, hundreds of thousands on the commuter lines; yet we are cutting security by 50 percent. We have a thousand police officers working on counterterrorism, carrying out a Federal purpose, doing not what they were doing before September 11, but working entirely on counterterrorism and intelligence. Yet their funding will be significantly cut.

We have the Lower Manhattan Security Initiative, which is going to provide a camera system of protection in the Lower Manhattan area. And I can go through program after program. Every penny is accounted for. And I would say that as we go forward, as we look to the future, it's important that cities and governments have some sense of continuity of where the funding will come from as they put their programs in place. To have a 50 percent cut this year is going to put us at a severe disadvantage.

And as we do approach the 10th anniversary of September 11, do we really want to cut our police departments, our counterterrorism units, our intelligence units, our mass transit security, our port security by 50 percent? To me, this is an invitation to an attack. We cannot put ourselves in that position. Because of that, despite my great regard for the chairman, I must reluctantly oppose this legislation.

Ms. HIRONO. Mr. Chair, I rise today in support of increased funding for important state and local grant programs which have been irresponsibly slashed in this bill.

This bill consolidates nine distinct grant programs into one and cuts the overall funding level by 55 percent from FY 2011 levels.

This bill cuts programs that our communities rely on to detect and prevent terrorism, train emergency responders, secure transit and ports, and address other critical needs.

Have the threats our communities face diminished by 55 percent in the past year?

No.

In fact, in the past few months we have dealt with numerous natural disasters—tsunamis, tornadoes, and floods.

Early today, 40 Honolulu Firefighters were called to extinguish a fire that damaged three businesses in Hawaii—which they did successfully.

And even with the death of Osama bin Laden, we all know that we must remain vigilant against the likelihood of possible terrorist attacks.

If anything, we should be increasing funding for detecting, preventing, and responding to these types of threats.

Instead, the majority's cut and consolidate proposal will undermine Hawaii's preparedness. This bill will prevent Hawaii from receiving Urban Area Security Initiative funds, which have been crucial to our ability to detect and guard against terrorist attacks, and prepare for natural and man-made disasters.

Additionally, port and transit security funds received a combined \$500 million in FY 2011. Under this "cut and consolidate" proposal, these programs now must compete with seven

other programs for a total allocation of \$1 billion.

This bill as written fails to adequately address a key objective of the Department of Homeland Security—ensuring that our nation is prepared for unforeseen emergencies.

The National Association of Counties also opposes this "cut and consolidate" approach. I request that a letter I received from the Association outlining its concerns be included in the RECORD.

I hope my colleagues will join me in supporting amendments like this one and providing adequate resources to keep our communities safe.

NATIONAL ASSOCIATION OF COUNTIES,  
May 25, 2011.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.  
Hon. ERIC CANTOR,  
*Majority Leader, House of Representatives,*  
Washington, DC.  
Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives,*  
Washington, DC.  
Hon. STENY HOYER,  
*Minority Whip, House of Representatives,*  
Washington, DC.

DEAR MEMBERS: On behalf of National Association of Counties (NACo) and the elected and appointed officials we represent from our nation's 3068 counties, we write to urge you to protect essential public safety funding for our communities as you debate the FY2012 Department of Homeland Security (DHS) appropriations bill on the House floor soon. Specifically, we strongly urge you to fund DHS State and Local Programs, Fire Grants, SAFER Grants at FY 2010 or even 2011 levels. Additionally, we ask that you oppose efforts to consolidate DHS State and local programs into a single line item and allow future grant awards to be distributed at the discretion of the DHS Secretary.

Currently, these programs assist States, local governments and public safety agencies in securing our borders, enforcing our immigration laws, improving our nation's preparedness, prevention, response, and recovery from all hazard threats. Furthermore, these programs have assisted in expanding regional collaboration at all levels of government and public safety disciplines, strengthening information sharing, enhancing interoperable communications capabilities, supporting medical surge and mass prophylaxis capabilities and increasing citizen preparedness.

Since September 11, all communities—of all sizes have had to enhance their level of preparedness to deal with all hazards threats, including potential nuclear, chemical, and/or biological attacks. This effort has continued and requires a great deal of state and local planning, coordination and investment by all stakeholders. Recent and past natural catastrophic disasters affecting our states and local communities and intelligence that showcases foreign terrorists' willingness to target both large and small communities further strengthens our resolve that now is not the time to reduce or consolidate these critical programs.

While we understand the severity of the federal budget challenges that must be addressed, we strongly believe it is imperative that we remain vigilant about meeting our public safety commitments to our nation's citizens. States and local governments can only achieve the highest level of preparedness, response and recovery if the federal

government properly continues to fund these critical programs. Preserving these funds will continue to aid state and local governments in our efforts to implement statewide and regional strategies, provide necessary resources to our first responders, and enhance basic levels of prevention and preparedness across the nation. Thank you for your consideration, and we again urge you to protect essential public safety funding for our communities as you begin deliberations.

Sincerely,

B. GLEN WHITLEY,  
*President, National  
Association of Counties.*

LARRY E. NAAKE,  
*Executive Director,  
National Association  
of Counties.*

Ms. CLARKE of New York. Mr. Chair, I rise in opposition to H.R. 2017—the Department of Homeland Security FY12 Appropriations Act.

As we come upon the 10-year anniversary of the 9/11 terrorist attacks, the House should not be voting to reduce funding in homeland security, mass transit, and port security grants. These grant programs would receive a 50-percent cut in funding if this bill were passed. Investments in these critical areas are needed as we remain vigilant. Terrorist events around the world have shown that mass transit systems, like other modes of transportation, are often targets of attack. New York City has one of the largest subway systems in the world. Millions of people ride the system every day. A plot to attack the New York City subway system was thwarted in September 2009. The Metropolitan Transportation Authority in New York City has worked hard to keep the passengers safe. Our Nation's first responders deserve more.

Finally, this bill proposes an appropriation of \$891.24 million in net discretionary spending for Infrastructure Protection and Information Security, which is a decrease of \$45.25 million below the President's FY 2012 budget request. Increasing funding to the Administration's request will help to prevent attacks against U.S. information networks. Our safety and our way of life depend upon our critical infrastructure as well as the strength of our economy. Our critical infrastructure—such as the electricity grid, financial sector, and transportation networks that sustain our way of life—have suffered repeated cyber intrusions, and cyber crime has increased dramatically over the last decade. It has become clear that our Nation cannot fully defend against these threats unless certain parts of Cybersecurity efforts are updated. Congress needs to focus on improving cybersecurity for the American people, our Nation's critical infrastructure, and the Federal Government's own networks and computers.

As a New York City Member on the House Homeland Security Committee, I will work to ensure that our Nation is better prepared to prevent terrorist attacks. This appropriations bill is a statement of our values. We need to adequately invest in our response capacities to safeguard our citizens. At a time when our Nation is dealing with the emergency management of natural disasters that ravaged the Midwest and South and is working to prevent potential bio-terrorism attacks, this is not the time to make drastic cuts to our Homeland Security Appropriations.

I urge my colleagues to oppose this bill.

Mr. CROWLEY. Mr. Chair, I rise today to strongly oppose the Gosar and Scalise amendments to the 2012 Homeland Security Appropriations bill.

Not only do these amendments threaten the stability and well-being of our Nation's construction industry, they would seriously undermine the wages and benefits of hard-working construction workers across the United States.

It's no secret that since November 2010, many conservative leaders have sought to crack down on the rights of public sector workers across America. From Wisconsin to Indiana to Ohio, public sector workers like teachers, police officers, firefighters and other middle-class Americans are seeing their right to participate in labor unions and collectively bargain taken away.

However, what is less known is that many conservatives are simultaneously working, through measures like these two amendments, to drive down the wages and benefits of workers in a major private sector section of our economy: construction. The workers who would be severely hurt by these two amendments are not even employed by the federal government, but by private businesses. This means that federal law would be responsible for reducing the wages of private sector employees at a time when they can least afford it.

The Gosar amendment would eliminate important protections guaranteed by the Davis-Bacon Act, one of our Nation's oldest and most important labor laws, which requires payment of local prevailing wages on federal construction projects. The Scalise amendment would prohibit funds from being used to implement Executive Order 13502, a measure which encourages executive agencies to enter into project labor agreements on large-scale federal construction projects. Project labor agreements, like Davis-Bacon, are a cornerstone of the American construction industry and give cost and wage certainty to all parties involved in a construction project. Davis-Bacon and project labor agreements not only help hard-working construction workers make ends meet, they create a more skilled workforce that results in projects being completed with a high degree of quality and safety.

At a time when we face unprecedented threats from abroad and are working hard to create good American jobs, removing these two mainstays of the American construction industry makes no sense at all. The men and women who build our Nation's roads, bridges and buildings have the right to make a decent living instead of facing deliberate attempts to not only undermine their wages and benefits, but drag the entire construction industry into a race to the bottom.

I urge my colleagues to vote no on these two amendments.

Ms. McCOLLUM. Mr. Chair, I rise today in opposition to the Fiscal Year 2012 Homeland Security appropriations bill, H.R. 2017 brought to the House floor by the Republican majority.

The problems with H.R. 2017 began even before the legislation was considered by the House. The rule to allow debate on H.R. 2017 enacts the House Republican's highly controversial budget plan to end Medicare as we know it. I voted with every Democratic Mem-

ber of the House to oppose this rule—H. Res. 287—and to protect tomorrow's seniors from being forced to pay an average of \$6,000 in additional health care costs every year. My Republican colleagues should be admonished for their decision to begin debate on a bill intended to safeguard American citizens with a rule that undermines the health and economic security of every American senior.

The Fiscal Year 2012 Homeland Security appropriations measure fails to meet the public safety needs of communities in Minnesota and across the country. H.R. 2017 undermines support for our local law enforcement partners by slashing funding for firefighter assistance grants and State Homeland Security Grants, which are used primarily for training and equipping first responders. The International Association of Firefighters (IAFF) said of the legislation: "At a time when state and local public safety budgets are shrinking, it is unconscionable to implement cuts of this magnitude." The National Association of Counties is opposing H.R. 2017, arguing that reductions in critical grant programs cripple the ability of communities of all sizes to prepare for a range of threats, including potential nuclear, chemical, and biological attacks.

Moreover, H.R. 2017 does not include sufficient funding for transit agencies to hire additional law enforcement officers, acquire bomb sniffing dogs, or install explosive screening devices. Funding to states and localities to secure sensitive tunnels and bridges and install surveillance systems in other high-risk areas is significantly reduced. This bill does not provide sufficient funds to protect harbors from terrorist threats or train maritime law enforcement personnel to safeguard U.S. ports.

Even, however, with cuts this extreme, the Republicans fund discredited projects. The notorious "287(g)" program founded by the Bush administration, and abused by such anti-immigrant zealots as Arizona Maricopa County Sheriff Joe Arpaio had its funding increased by millions of dollars. Sheriff Arapaio is under investigation for discrimination and illegal searches and seizures during his so-called "immigration sweeps" using the 287(g) program.

This bill undercuts federal partnerships with local law enforcement and reduces America's capacity to respond to natural disasters, criminal actions and potential terrorist attacks. And the rule for this bill forces enactment of a reckless Republican budget that breaks faith with America's seniors and forces unnecessary cuts to education, innovation and infrastructure to pay for another tax cut for the wealthiest Americans. I will vote no on H.R. 2017 and urge my colleagues to do the same.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to the FY12 Homeland Security Appropriations Act.

The bill makes severe cuts to the funding available to front line employees of the Department of Homeland Security for critical operations along our borders, at our nation's airports and seaports, and for responding to natural disasters. The bill also reduces funding for state and local preparedness grant programs.

The bill provides a total of \$1 billion for all State and local grants and \$350 million for Firefighter Assistance Grants. Respectively,

these figures are 65 percent and 50 percent below an already reduced request. Given the budgetary challenges already faced by our states, these cuts, if permitted to survive through the legislative process, could be devastating. According to the International Association of Fire Fighters, 1,600 fewer local firefighters will be on the job if the cuts in this bill are enacted into law. Such deep cuts will damage local preparedness, emergency response and the economic recovery.

I was happy to vote for an amendment offered by Ranking Member PRICE that permits states and local governments to rehire laid-off firefighters and to prevent others from being laid off. The amendment also waives certain budgetary requirements local fire departments have to fulfill to qualify for a grant. But, even with the addition of this important amendment, I cannot support a Homeland Security funding bill that ultimately makes the homeland less secure.

The House voted to include on the floor an amendment offered by Representative MICA that stripped hundreds of millions of dollars out of the Transportation Security Administration's budget and an amendment offered by Representative ROKITA that limits the collective bargaining rights of TSA employees. These amendments will devastate morale among the TSA workforce and, by slashing TSA's resources, will make Americans less safe.

I will monitor the progress of this bill in the Senate and conference. I am hopeful that future changes and improvements will give me a chance to vote on a more acceptable alternative.

Ms. RICHARDSON. Mr. Chair, I rise in opposition of H.R. 2017, the FY 2012 Homeland Security Appropriations Bill. As a member of the House Homeland Security Committee, I cannot stress enough the importance of ensuring state and local officials have the resources they need in order for them to efficiently and effectively respond to national and local emergencies. This bill breaks faith with first responders, who are essential to our national security, by significantly underfunding them.

In particular, this bill proposes to cut firefighter assistance grants by more than fifty percent. The Assistance to Firefighter Grant program (FIRE) focuses on equipping firefighters with the necessary resources they need to respond to any national or local emergency in a post 9/11 environment. The Staffing for Adequate Fire and Emergency Response Grant program is designed to allow fire departments to increase their training and hiring of more firefighters. By cutting FIRE grants by 51 percent, from \$405 million in FY 2011 to \$200 million in FY 2012 and SAFER grants by 63 percent, from \$405 million in FY 2011 to \$150 million in FY 2012, we ultimately risk jeopardizing the safety of our communities. In addition, this bill takes away direct funding for nine key state and local security grants (including State Homeland Security Grants, Urban Area Security Initiative, Transit Security Grants, and Port Security Grants), combines them into a separate block grant, and slashes the funding of the block grant by 55 percent—from \$2.2 billion in FY 2011 to \$1 billion in FY 2012. By requiring all of these critical programs to compete against one another for essentially half the funding they each

received the previous year, this bill will force many of these programs to be underfunded or zeroed out entirely.

This bill also significantly cuts Homeland Security Research and Development projects by 42 percent—from \$688 million in FY 2011 to \$398 million in FY 2012. By implementing these cuts, this bill would force us to eliminate more than 144 research projects in areas such as biological and explosives detection, advanced cyber security, and interoperability. In a time when our nation remains highly vulnerable to terrorism, we cannot afford to lose these essential counterterrorism research projects.

In response to our troubling debt, many cuts were already made to H.R. 1473, the FY 2011 Full-Year Continuing Appropriations Act (P.L. 102–10). For example, State Homeland Security Grants were cut from \$950 million in FY 2010 to \$725 million in FY 2011; the Urban Area Security Initiative was cut from \$887 million in FY 2010 to \$725 million in FY 2011; Transit Security grants were cut from \$300 million in FY 2010 to \$250 million in FY 2011; Port Security Grants were cut from \$300 million in FY 2010 to \$250 million in FY 2011; and SAFER grants were cut from \$420 million in FY 2010 to \$405 million in FY 2011. By continuing to make substantial cuts, this bill will undoubtedly hinder the capabilities of our nation's first responders.

According to The International Association of Firefighters (IAFF) these cuts would have disastrous effects on the safety of our communities. They have stated that "[a]t a time when state and local public safety budgets are shrinking, it is unconscionable to implement cuts of this magnitude. Make no mistake, if this proposal is enacted, it would devastate local fire department budgets and threaten public safety nationwide." In addition to the cutting of research programs, this bill also makes a foolish mistake of preserving a cap on the total number of TSA screeners at 46,000—which will prevent the additional hiring of personnel needed to staff new security technology.

There will be a number of other troubling consequences if this bill is to pass:

Transit agencies would not have funding to hire additional law enforcement officers, acquire bomb sniffing dogs, or install explosive screening devices at a time when open source media reports indicate that Al Qaeda may be attempting a major attack on the U.S. rail system.

States and localities would receive greatly reduced funding (or be denied funding entirely) to harden tunnels and bridges or install surveillance systems at high-risk areas.

Ports would not have funds for vessels to protect harbor waterways from a terrorist threat or for maritime training of law enforcement personnel at the ports.

According to the National Association of Counties, a reduction in grant programs and the combining of funding would result in communities of all sizes not being able to enhance their level of preparedness to deal with all hazards, including potential nuclear, chemical, and biological attacks.

As a member of the House Homeland Security Committee, I refuse to stand by this bill. We as members of Congress have a responsi-

bility to protect our communities from any possible danger. For this reason, there is no higher priority than to adequately fund our homeland security, particularly our first responders such as firefighters. It makes no sense to weaken our Homeland Security program by cutting their resources in a time when terrorist threats continue to put our nation at risk. We as members of Congress must unite and assist our brave first responders in their efforts to help contain any threats by providing them with all necessary resources, rather than turn our backs and leave them without sufficient funding. This bill not only undermines our nation's security, it also undermines our allegiance to the American people who look up to us in this particular time to protect them from any possible danger, whether it is an act of terrorism or a natural disaster. For this reason, I oppose H.R. 2017, the FY 2012 Homeland Security Appropriations Bill.

Mr. PRICE of North Carolina. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ADERHOLT. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2017

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, namely:

#### TITLE I

#### DEPARTMENTAL MANAGEMENT AND OPERATIONS

#### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$126,700,000: *Provided*, That not to exceed \$60,000 shall be for official reception and representation expenses, of which \$20,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: *Provided further*, That consistent with the requirements specified within Presidential Policy Directive-8, dated March 30, 2011, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives not later than October 15, 2011, the National Preparedness Goal and not later than January 15, 2012, the National Preparedness System: *Provided further*, That of the amount made available under this heading, \$63,350,000 may not be obligated until

the Committees on Appropriations of the Senate and the House of Representatives receive (1) the National Preparedness Goal and the National Preparedness System consistent with Presidential Policy Directive-8, and (2) the Secretary's determination on implementation of biometric air exit.

AMENDMENT OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, after the dollar amount, insert "reduced by \$63,350,000".

Page 3, line 9, after the dollar amount, insert "reduced by \$117,470,000".

Page 4, line 5, after the dollar amount, insert "reduced by \$139,180,000".

Page 4, line 6, after the dollar amount, insert "reduced by \$55,672,000".

Page 4, line 7, after the dollar amount, insert "reduced by \$83,508,000".

Page 50, line 13, after the dollar amount, insert "increased by \$320,000,000".

Page 50, line 14, after the dollar amount, insert "increased by \$135,000,000".

Page 50, line 15, after the dollar amount, insert "increased by \$185,000,000".

Mr. LATOURETTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered read.

The CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIR. The gentleman from Ohio is recognized for 5 minutes in support of his amendment.

Mr. LATOURETTE. First of all, I want to indicate that I am offering this amendment with my friend and neighbor. Actually, he is in the office next door, Mr. PASCRELL of New Jersey. And this deals with the Fire and the SAFER grant programs. I also want to indicate that I have nothing but respect for the full committee chairman and the subcommittee chairman, who have been dealt a difficult hand with the 302(b) allocations made in front of them, and as they face the awesome responsibility of funding the programs that defend our country.

However, the Chair I think may remember during the discussion of the continuing resolution in H.R. 1 that there was some discussion about what funding levels were appropriate for fiscal year 2011 for these two grant programs which aid our first responders. In the one iteration of H.R. 1, there was something along the lines of a 75 percent reduction from these funds. Those funds, however, were restored by overwhelming votes of the whole body. Over 300 Members supported Mr. PASCRELL's amendment to put the level back up at \$820 million for fiscal year 2011, and just shy of 260 Members supported Mr. PRICE of North Carolina's amendment that dealt with how those funds could be utilized and spent.

□ 1620

Now, again, faced with the difficult decisions that the chairs find them-

selves in, the average reduction, and this isn't a bill that came to the floor with across-the-board cuts, but the average reduction in spending is about 14 percent for the bills that the Appropriations Committee is considering. Yet these funds have gone from \$820 million to \$350 million, which is on the order of about a, well, 60 percent reduction.

The amendment that I offer with Mr. PASCRELL would transfer funds out of the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, and the Office of the Chief Information Officer to restore those funds not to the \$820 million that 300 Members of the House indicated should be spent in the last fiscal year, but restores them to \$670 million equally divided between the two programs that I have indicated.

Now, at that level, these funds will still receive a 19 percent reduction from fiscal year 2011 and, again, citing my great respect for the chairs of the committee, on more than one occasion I have heard it remarked that this is a national Homeland Security bill and there needs to be some nexus between this funding and a national purpose, that we should not be in the business of funding every local and/or volunteer fire department in the Nation, and I agree with that sentiment.

However, I can just tell you that faced with amazing budget pressures back in our local communities, when the Grand River in Painesville, Ohio, flooded a couple of years ago, it wasn't FEMA, it wasn't the Coast Guard, it wasn't the National Guard that plucked these folks out of their homes and plucked them out of the river and saved their lives and saved their properties. It was our firefighters and our police officers.

So if we make a determination as a Congress that we are in the FEMA business—that is, emergency management business—and we will provide funds to help rebuild and reshape and fortify and all the other things, then we need to be in all parts of the emergency management business, and that includes the first responder portion of that.

Therefore, I know that we have attempted to come to some agreement on this amendment to try and get all parties on board. Sadly, we haven't been able to do that, not for lack of trying on the part of the chairman. But we find ourselves now with this simple amendment that transfers funds from the bureaucracy of the Department of Homeland Security and restores it to our local communities and our first responders.

Again, I want to thank Mr. PASCRELL for his cosponsorship. I urge support of the amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise to reluctantly oppose the amendment.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. As I mentioned, I reluctantly rise to oppose this amendment, which would slash the funding for the Department's management functions below what is responsible for the Nation's security and move funding to the grants.

I was hoping that we would be able to work something out on this, but it was not possible. The committee has already cut the Department's headquarters management at historic levels. In fact, the bill reduces the funding for these activities 21 percent below what the President requested himself.

This includes zeroing out the Department's new headquarters in Washington, D.C., zeroed out the funding for data center migration, and we have slashed other initiatives we cannot afford at this time. Many of these cuts were unavoidable because the President's budget request for the Department of Homeland Security was filled with phony offsets.

Since 9/11, Congress has provided \$6.7 billion for this program and for the last 3 years has included a waiver for the cost share requirements with local governments. Given our Nation's dire fiscal situation, we must take a stand that it's not the Federal Government's job to bail out every municipal budget or to serve as a fire marshal for every city and town across the Nation. In today's fiscally constrained environment, the 350 million that we have included in here is a lot of money.

Again, while I support the gentleman's intentions, I would urge my colleagues to vote "no" on this amendment.

I yield back the balance of my time. Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PASCRELL. First, I want to thank Mr. LATOURETTE for, as usual, taking on a very, very exquisite subject here and not coming late to the fight. So I am proud to rise in strong support of this bipartisan amendment. I want to thank my good friend from Ohio for his leadership and willingness to work across the aisle on this important issue.

To those who say that the Federal Government bears no responsibility about public safety, they are absolutely wrong. On one side of our mouth we say that we must protect and defend our first responders; on the other side of our mouth we say that we have no responsibility whatsoever in talking about our firefighters and our police officers. And that is why, just a short period of time ago in the 2011 CR, both sides came together. The majority of both parties supported putting money back into the budget.



We are debating a bill called the Department of Homeland Security appropriations bill. It's an ironic title because this legislation, as written, fails the American people and fails the very people who are on front lines of our homeland security. It is our firefighters and our police officers who will respond to a national tragedy before the Federal Government. This is what we said in 9/11. This is what we said in every year since 9/11, and it has not changed.

We understand the financial realities this country faces, and I am prepared to work across the aisle to find common solutions as we did 6 months ago. But what we cannot afford is to sacrifice our country's security at the altar of spending cuts, and that's precisely what the bill, as written now, does.

The FIRE and SAFER programs, these programs, supported by both Democrats and Republicans, reached across the lines, across that center aisle that goes down between us, and said let's work together on the national security of this country. Remember, the FIRE Act was written before 9/11 when places in the far west had to push their equipment to a fire. Simply put, that's not acceptable in the United States of America, the greatest country in the world.

And when we ask our first responders to be ready, to protect us, to protect the community, we need to know that they have the resources necessary. And, as you know, not only in the past several years have our local communities been unable, small and large communities, to have all of those resources at their hands, now it's even more difficult. What you are asking here is a cut of 57 percent compared to the 2010 and 2011 budget. Unacceptable.

I support adequate funding for all of the agencies funded in this bill, but we are shortchanging the very people who ran into the burning buildings on September 11. You can't tell me those folks weren't on the front lines that day. I don't believe you if that's what you are telling me, and I know you don't mean that, but then don't say it.

The FIRE Act was signed by President Clinton before September 11. We are talking about basic equipment needs for our fire departments to protect all of our constituents, and hasn't that changed since 9/11. What their responsibilities are and what they need to respond to is much different than 9/11.

September 11 changed the relationship we had with our first responders, solidified our decision that no longer would this funding be a solely local issue. Firefighters and police officers are an integral part of homeland security, and ensuring they are well staffed and equipped would be partly a Federal responsibility.

□ 1630

Since they were originally authorized back in 2000, these programs have provided nearly \$7 billion to our local fire departments in nearly every congressional district in this country. The fact is that our firefighters rely on this funding for the equipment, for the training and for the personnel, especially in these tough economic times.

An independent evaluation of the FIRE program, Mr. Chairman, published by the U.S. Fire Administration, concluded it was highly effective in improving the readiness. And this is the most efficient Federal program in the entire Federal budget. Hear me.

The CHAIR. The time of the gentleman has expired.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in qualified support of the LaTourette-Pascarell amendment. The bill before us more than halves the total amount of funding for firefighter assistance grants compared to 2011 and 2010.

If this bill is adopted as written, the hiring grants known as SAFER grants are going to be cut by 63 percent below 2011, and equipment grants will be cut by 51 percent. That is simply unacceptable. These cuts would result in thousands of fewer firefighters on the job. It would leave fewer departments able to maintain safe staffing levels. It would prevent many fire departments from purchasing equipment, purchasing breathing apparatus and protective gear that our firefighters depend on during a time of emergency.

This bipartisan amendment provides \$320 million to restore this funding to the President's requested level. Mind you, that's still below the 2011 level, but it comes at least to the President's requested level. And it would divide the funds between SAFER and equipment grants as we've been urged to do by the various fire associations.

Retaining this funding when local governments are cutting firefighter budgets will help preserve public safety and security. This amendment will help keep thousands of firefighters on the job.

And the notion that we are talking here about some kind of Federal takeover of local security responsibilities, I think everyone in this Chamber knows that that is not an accurate characterization of what's going on here. Of course, these expenditures are still mainly occurring at the local level, but we're in a world where our fire departments are being asked to equip themselves in new ways, to train themselves in new ways, to meet new kinds of threats and hazards, and these FIRE grants—the personnel grants and the equipment grants—have been a critical

way of establishing a partnership whereby our local fire departments can do what they need to do in this new era when they confront all kinds of new hazards.

Now, I don't believe the offsets in this amendment are workable at the end of the day. I want to acknowledge that. But the inadequate Republican budget allocation, combined with the decision to transfer \$850 million from first responder grants to disaster relief and to refuse emergency designation for disaster relief leaves my colleagues no good place to cut and no good options to find offsets for the absolutely essential restoring of these grants to firefighters.

So I support the amendment, but I will work diligently to restore these funding cuts as the bill progresses; and we will get down, at the end of day, I trust, to responsible budget negotiations with the Senate and the White House.

With that, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, I rise to support the LaTourette-Pascarell amendment, and I too recognize the challenges that Mr. ADERHOLT and Mr. PRICE faced in the confines of trying to address some difficult times. But as a Member of the Homeland Security Committee, I believe it is imperative that we look at the reality of the world in which we live. In an article dated April 24, 2011, out of the State of Texas, reads: hundreds of weary firefighters were racing against the clock on Sunday, pushing back massive brush fires that have destroyed near-record swatches of Texas countryside. Firefighters were hoping to make as much progress as possible before low humidity and strong winds set the stage for more potential flare-ups late Monday and Tuesday.

Fires were still burning in Texas. Firefighters are still being called upon. Cities and States across America are laying off firefighters. And we are reminded of the needs, if you will, that were addressed on 9/11 when firefighters from the City of New York rushed in to save their fellow New Yorkers and others, and many of them, many of them perished.

They are, in fact, first responders. And I believe it is important that we make the sacrifice, we find the adequate offset, and we support this amendment. I'm also reminded of a story that many of you may have heard, the sad story, it aired on local television, where firefighters from some locality watched while a man drowned and could not save him. The reasoning was that the particular team that would have had the skills and the



equipment to save this drowning man in what has been called the most powerful Nation in the world, was fired, laid off, eliminated. And, therefore, from the shoreline many looked in horror as this particular man drowned.

Is this what America has come to?

I believe this amendment is extremely important, one, to be able to show appreciation to the firefighters across America who come to the aid of those in need from different States when a crisis or tragedy occurs.

I heard someone mention, it might have been Mr. LATOURETTE, but who is it that plucks you out of a burning house or rescues, when they do have the resources or the team, out of a predicament where you are stranded in some crisis, whether it is drowning, whether it's a fire, whether it is an emergency health condition or whether or not they are confronting a terrorist act? Firefighters are truly our first responders.

In the City of Houston they are considering closing out or shutting down 600-plus police officers. And firefighters have the same concerns.

So I think it is very important that we own up to our duties. And as I mentioned in a metaphor before, let the American people be winners today. Let the firefighters be present and accounted for. And let us be reminded of their great heroic acts of 9/11. This 10th year anniversary, let us not say thank you in the way that we deny them funding, but let us say thank you in the way that we provide them with the funding that they need.

I ask my colleagues to support this amendment.

Mr. CLARKE of Michigan. I move to strike the last word, Mr. Chair.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Mr. Chairman, I support this amendment, as well, for several reasons. Number one, it's very obvious that our first responders, our firefighters, they are the first there to take care of the public when a natural disaster such as these tornadoes that have hit our country demolish homes and injure people.

But most importantly it is this: our local units of government right now don't have the money to properly equip and staff their firefighters. And here's why: their property values that they have depended on for their funding, well, they've been diminished because of the foreclosure crisis, a crisis that this Congress has failed to effectively address.

So there's one duty, however, that we can't turn our back on. And that's the safety of the American people. And that's why I urge you to at least partially restore funding for these important firefighter grants.

And while I may have a problem with the funding source of this amendment, I will tell you the appropriate way to

fund our first responders, firefighters, police officers and emergency medical providers, take a share of the military aid that's going to Afghanistan right now; bin Laden is gone. We need to reassess our mission in Afghanistan and redirect some of that money to protect Americans right here at home. Let's put some of that money in the Homeland Security budget. It's our firefighters that are our first defense against a terrorist attack.

I support this amendment. We have the money. We just need to allocate it right. We've done enough in Afghanistan. Let's take some of that money and put it right here to protect the American people. Support homeland security, because the next threat that we likely will get from a terrorist will come from within our borders. Let's take care of our people right now.

□ 1640

I yield back the balance of my time. Mr. ALTMIRE. I move to strike the last word.

The CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. Mr. Chairman, I rise in support of the LaTourette-Pascrell amendment to the Homeland Security appropriations bill to restore funding for the Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response grant programs.

The AFG and SAFER programs are essential to our public safety and security. These programs improve the readiness of our Nation's firefighters, ensuring that the brave men and women who put their lives on the line every day for the safety of our communities are prepared with the capabilities they need to continue protecting and serving our communities safely and effectively.

These grants provided by the AFG and SAFER programs are the single most important source of Federal assistance to volunteer fire departments. They help fire departments equip, train and maintain their personnel so they are prepared to respond to all emergencies. These programs are able to address the immediate and individualized needs of fire departments efficiently and effectively because funding is awarded directly to fire departments instead of being funneled through other layers of government bureaucracies.

As a result of the recent economic downturn and budget constraints at all levels of government, many fire departments have been forced to cut personnel and services. Without adequate funding for AFG and SAFER, thousands of firefighters could be laid off, and communities across the country could be put further at risk.

There are more than 150 fire departments in my district alone, and each one plays a critical role in keeping local communities safe. Many of these

fire departments have benefited from AFG funding. Beaver Falls, Hanover, New Brighton, and Raccoon Township fire departments are just a few of the many that have used the grants to purchase new equipment or to train additional personnel.

Just this year, Berkley Hills Fire Department used an AFG grant to purchase an aerial ladder fire truck that will help the department better protect the numerous multistory apartment complexes, retirement homes and businesses in Ross Township. The West Deer Township Volunteer Fire Company also received an AFG grant this year that allowed the fire company to replace outdated equipment with new portable radios and automated external defibrillators. These upgrades will not only increase firefighter safety; they will also improve the services provided to the communities those fire departments serve.

Enacting the cuts to the AFG and SAFER programs in the underlying legislation will only make it harder for fire departments to avoid layoffs and protect our communities. By adequately funding AFG and SAFER programs, we can help volunteer fire departments nationwide obtain the equipment and personnel they need to effectively respond to emergencies. According to the International Association of Firefighters, over 1,600 firefighters could lose their jobs as a result of the funding cuts that are in this bill.

I urge all Members to support firefighters in their districts and vote in favor of increased funding for firefighters and to support the amendment of Mr. LATOURETTE and Mr. PASCRELL.

I yield back the balance of my time.

Ms. RICHARDSON. I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. I thank the Chair for allowing me to speak in support of the LaTourette-Pascrell amendment to restore funding for FIRE and SAFER grants.

I would like to thank Congressman LATOURETTE and Congressman PASCRELL for offering this amendment that enjoys bipartisan support and which I strongly support.

The onslaught of natural disasters that we have seen all across the country has shown that the need for first responders has increased, not decreased. Many of us have been strong advocates for this program and recognize the inherent value of making sure our Nation's first responders have the people and the equipment they need in order to ensure our safety in all of our local communities.

I support these programs. Why? Because they work.

After an independent evaluation of the FIRE grant program was implemented by the Department of Agriculture, the Department of Agriculture

concluded that this program was “highly effective in improving the readiness and capabilities of firefighters across the Nation.”

Additionally, at a time when many local and State governments have been forced to make drastic cuts to their emergency staff and personnel, the SAFER program has been the only resource fire departments have had to ensure that their communities would be ready if they needed to respond.

In the Appropriations Committee report, it mentions that FEMA should maintain an “all hazards focus” in order to ensure that FEMA concentrates its efforts on where it is needed most. I strongly agree with this sentiment, which is why I think this amendment is critical to achieving our goals.

As the Representative of the 37th Congressional District and as the ranking member of the Homeland Security Subcommittee on Emergency Preparedness, Response, and Communications, I understand the importance of having a fully staffed and equipped fire department. The San Miguel fire, the worst wildfire in California's history, burned through 90,000 acres of land and cost \$15.6 million. However, thanks to prior planning and fire prevention education efforts made possible by this critical grant program, not a single life was lost in this devastation. Therefore, I urge my colleagues to support this amendment.

Unfortunately, with firefighters, we cannot always plan ahead. We have to be ready to respond, to do the rescue and then to do the recovery. This amendment should be made in order so as to eliminate the burden that our local and State governments and the firefighters feel of having to do more with less.

I yield back the balance of my time.

Mr. GRIMM. Mr. Chair, I wish to strike the last word.

I rise today in support of an amendment to restore \$320 million in funding to the Department of Homeland Security's FIRE/SAFER grant programs that help provide firefighter jobs, equipment, and training for local fire departments.

Yesterday, I attended a rally in my district on Staten Island to save one of our fire companies, Engine 157. As it stands, New York City's proposed budget will cut twenty fire companies from New York City—three from my district in Staten Island and Brooklyn.

While I have no vote on the City's budget, I do have vote in Congress, and I will not let the federal government turn its back on our nation's firefighters.

As a first responder during 9/11, I worked beside these brave and selfless first responders on the bucket brigade. I know how important it is to have well-equipped and well-trained firefighters when it comes to saving lives—whether they're saving victims from a major disaster or rescuing someone from a burning building.

As our nation remains on high alert, and as New York remains the number one terror tar-

get in the nation, we must remain vigilant and prepared to respond to any situation. Cutting FIRE/SAFER grants will only make that task more difficult.

Our nation's firefighters work tirelessly around the clock for our safety and protection.

They deserve our full gratitude and support, and that is why I stand today in support of restoring funding to the FIRE/SAFER grants program and urge my colleagues to do the same.

Mr. HOYER. Mr. Chair, I understand the importance of cutting low-priority spending to get our budget under control. But there is nothing low-priority about the firefighters who protect our communities, our families, and our homes. Unfortunately, this appropriations bill shows badly misplaced priorities by cutting funding for the firefighters who keep us safe. Those cuts—\$320 million below the president's request—are shortsighted and reckless. They will take firefighters off the streets and put our communities at higher risk. So I support the amendment offered by Mr. LATOURETTE and Mr. PASCRELL, which will restore funding for the successful FIRE and SAFER grant programs to the level requested by the president.

FIRE and SAFER help fire departments across America recruit, train, and retain skilled firefighters. They help fire departments equip themselves with the up-to-date tools they need to protect property and save lives. What do we cut when we cut FIRE and SAFER? We cut protective equipment that helps brave men and women enter burning buildings. We cut power generators that keep fire stations running and providing vital services during emergencies. We cut staffing, so that fire stations are more likely to be sitting empty or underprepared when disasters strike. Independent observers have found that FIRE and SAFER work: an independent study from the U.S. Fire Administration found that grants like these are making our fire departments more prepared and better equipped to protect our communities.

I want to make clear that I am not pleased with the offsets being used to restore this funding. However, I recognize that my colleagues were left with very few opportunities given the significant cuts made to the overall bill. I am hopeful that this will be addressed in conference with the Senate.

I urge my colleagues to support this amendment, fund FIRE and SAFER at the level requested by the president, and protect these vital investments in public safety.

Mr. REYES. Mr. Chair, I rise to support the amendment offered by Mr. LATOURETTE and Mr. PASCRELL to restore funds for FIRE and SAFER Grants in the FY2012 Homeland Security Appropriations Bill.

The Assistance to Firefighters (FIRE) and Staffing for Adequate Fire and Emergency Response (SAFER) grant programs provide much needed support to local fire departments to help them afford critically-needed equipment and training as well as to hire additional firefighters. Funds from the FIRE and SAFER grants can be used by local fire departments to equip, train and maintain personnel, as well as to prepare them to respond to emergencies from natural disasters to terrorist attacks. These programs address the immediate, individualized needs of departments efficiently and effectively.

Unfortunately, the FY2012 Homeland Security Appropriations Bill slashes these critical programs by almost 50 percent the amount requested in the President's budget, an amount that was already lower than previous year's funding. I concur with Mr. PRICE's sentiments that these cuts “break faith with the states and localities that depend on us as partners to secure [and protect] our communities.” In fact on Sunday alone, the Texas Forest Service responded to 20 fires consuming over 1,370 acres. This is in addition to three large ongoing fires that have consumed over 1,000 acres across Texas.

While our State and Federal agencies are working together to battle this inferno, we need to ensure that fire fighters have the equipment and resources that they need.

As local governments continue to face difficult times, these Federal grants help ensure that our communities continue to have the funds to hire and retain firefighters and purchase the equipment necessary to keep our communities safe. The FIRE grant program has provided over \$7 billion in funding to local fire departments across the country since it's authorization in FY2001. One of the most recent grants awarded to El Paso, Texas, which I represent, was over \$1 million to help offset the costs of constructing new fire stations across our quickly expanding city which has welcomed over 20,000 additional soldiers.

Indeed, the FIRE and SAFER grants are a critical piece to our security efforts, and I'm proud to say that I have supported legislation to strengthen these programs to ensure that communities facing financial hardship are able to apply for funds.

The LaTourette/Pascrell Amendment restores funding to the FIRE and SAFER Grants, and the spending increase is offset by cutting other funding.

I urge my colleagues to support our fire fighters by voting in favor of this amendment.

Mr. CONNOLLY of Virginia. Mr. Chair, I move to strike the last word.

Mr. Chair, this bill represents a gross abdication of our shared responsibility with our state and local governments to provide for the safety and security of our constituents and our communities.

Cuts to the Staffing for Adequate Fire and Emergency Response, or SAFER, grants and the Assistance to Firefighters, or FIRE, grants will be devastating for communities in each of our home states. In addition, changes to the Urban Areas Security Initiative will put our high-risk communities at further risk.

As we prepare to mark the 10th anniversary of the attacks of 9/11 later this year, the wounds are still fresh in the memory in my home community of Northern Virginia. This bill will actually cut by more than 50 percent the very public safety assistance Congress deemed essential, on a bipartisan basis, to address public safety and security concerns in our communities as a result of those terrorist attacks.

How is that providing for the homeland security? I would argue that we're actually putting it at risk.

The threat of a terrorist attack has not dissipated. In fact, it probably has increased since U.S. forces killed Osama bin Laden earlier this spring.

In the wake of 9/11, we identified significant shortfalls in our public safety capabilities. Congress created these grant programs to help our cities and counties meet the demands for interoperable communication, hazardous materials response and other recommendations from local, state and federal threat assessments, including the 9/11 commission.

Still today, thousands of fire stations, both career and volunteer, across the country do not have sufficient staffing to adequately protect their communities. Many still do not have the ability to respond to all-hazards emergencies or communicate with one another.

The SAFER and FIRE grants help provide staffing, training and equipment to public safety agencies in every state. As the former Chairman of the largest local government in the National Capital Region and the Chairman of the region's Emergency Preparedness Council, I know firsthand how critical these funds are to ensure the safety of our communities.

Even before the recession, local governments had difficulties meeting their public safety needs, and now many have been forced to cut back on those services as their budgets are still reeling from the affects of the Great Recession. The reductions proposed by this legislation will only exacerbate the problem and further delay, if not gravely harm, our preparedness efforts.

Mr. Chair, we came together in a bipartisan fashion to turn back similar cuts in the Continuing Resolution for the current fiscal year, and I urge my colleagues to once again stand alongside our firefighters and public safety personnel in support of this critical funding.

Mr. PASCRELL and Mr. LATOURETTE are once again offering a bipartisan amendment that would restore most of the requested grant funding. While the amendment does not preserve the entire funding request, it ensures that our local and state partners do not bear a further undue burden because the federal government is not living up to its own responsibility.

If this bill is supposed to represent our Homeland Security values, then it's done a pretty poor job by turning its back on those sworn to protect us on the front lines, namely the firefighters, police officers and other first responders in our communities. I urge my colleagues to either restore this funding or reject this attack on our basic public safety.

Mr. CARNAHAN. Mr. Chair, I rise today in strong support of this amendment, which restores critical funding for local first responders and public safety officials. Specifically, it ensures adequate funding for the Assistance to Firefighters Grant Program (FIRE) and the Staffing for Adequate Fire and Emergency Response Grant Program (SAFER), which improve the readiness of our nation's heroic firefighters and emergency service providers, and help them protect and serve our local communities.

My home state was recently impacted by the horrific tornados that struck St. Louis and Joplin, Missouri. We saw firsthand the vital role that local first responders play in the wake of horrific disaster—searching for and rescuing survivors, clearing debris, and providing much needed support to a community suffering from heart-wrenching loss and destruction.

FIRE and SAFER Grants help local fire departments equip, train, and maintain their personnel, preparing them to respond to all forms of emergencies, from natural disasters to terrorists attacks. The city of St. Louis recently was awarded a SAFER grant that was instrumental in saving up to 30 firefighter jobs during tough economic times in our city. These programs are vitally important to firefighters serving in large towns, small cities and rural areas across America, as they are able to address the immediate, individualized needs of departments efficiently and effectively.

The underlying bill would dangerously cut funding for the FIRE and SAFER grants by nearly 60 percent compared to FY 2010 and FY 2011, and putting at least 1,600 firefighters' jobs in jeopardy. At a time when local fire departments and other first responders already face significant budgetary challenges, these cuts irresponsibly threaten our economic recovery and the safety of our communities.

Our local firefighters and first responders are the backbone of safe communities across this country, which is why I have consistently advocated for sufficient funding of FIRE and SAFER grants in requests to House appropriators. These brave Americans and their critical work deserve our full support, and I urge my colleagues to vote in favor of this amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

#### AMENDMENT OFFERED BY MR. CICILLINE

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, after the dollar amount insert "(reduced by \$1,000,000)".

Page 12, line 6, after the dollar amount insert "(reduced by \$336,000,000)".

Page 45, line 18, after the dollar amount insert "(increased by \$337,000,000)".

Mr. CICILLINE (during the reading). Mr. Chairman, I ask unanimous consent that we suspend the reading of the amendment.

The CHAIR. Without objection, the amendment will be considered as having been read.

There was no objection.

The CHAIR. The gentleman from Rhode Island is recognized for 5 minutes in support of his amendment.

Mr. CICILLINE. This amendment is offered by me, along with my colleagues Mr. LANGEVIN of Rhode Island, Ms. MATSUI of California, Ms. BERKLEY of Nevada, and Mr. ELLISON of Minnesota.

I rise to offer this amendment that restores funding for State and local grants, which includes funding for the Urban Areas Security Initiative, which is referred to as UASI.

This bill makes dangerous cuts to the Urban Areas Security Initiative, the UASI program, which is a program critical to the security of cities that have been deemed at high risk of terrorist attack. One of those cities is Providence, Rhode Island, in my congressional district, along with more than 50 other urban areas in our country.

Just last year, the Providence area was one of 64 cities with either critical assets or geography that was identified by Homeland Security experts as being most at risk of being targeted by terrorists. As a result, the city of Providence and other communities across this country have received critical Federal funding under UASI to support efforts to prevent and respond to terrorist attacks and other emergencies. Providence also became the first city in America to have an accredited Department of Emergency Management and Homeland Security.

However, the cuts that are proposed in this legislation will cripple the ability of cities to effectively ensure proper safety should an attack occur. The elimination of the UASI program means that staff will not be able to attend critical training, maintain certifications or purchase the equipment necessary to be prepared. Thousands of devices, like security cameras and radios and projects such as port sirens and watercraft, will not be able to be maintained. Emergency Operations Centers will not be able to be constructed or maintained.

□ 1650

These are urgent, urgent priorities for America's cities. Mr. Chairman, we cannot in good conscience spend billions of dollars protecting people all over the world at the expense of our own national security.

I urge Members to adopt this amendment.

I yield to my colleague from Rhode Island.

Mr. LANGEVIN. I thank the gentleman for yielding, and I want to echo his sentiments. I rise in support of my joint amendment with Congressman CICILLINE to restore \$337 million to the Urban Areas Security Initiative grants program, which would fund the program at the FY 2010 level.

In my home State of Rhode Island, a counterterrorism fusion center, regional cyber defense measures, and chemical, biological, and nuclear detection assets support response efforts across southern New England. A Level I trauma center and the Port of Providence are also critical assets for the region. These homeland defense capabilities are in jeopardy, however, due to the cuts to the Urban Areas Security Initiative grant program in this bill.

The UASI grants were specifically designed to make sure that densely populated areas with critical assets were

adequately funded and protected. Now, because of the cuts in this program, this is an example of what I believe are an irresponsible and arbitrary approach to budget cutting that jeopardizes safety throughout the region in case of an attack or natural disaster.

So I applaud my colleague and look forward to working with him on this issue. I urge my colleagues to support the Cicilline-Langevin amendment.

Mr. CICILLINE. I yield to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentleman for yielding.

Mr. Chair, I rise in support of the amendment offered by Mr. CICILLINE of Rhode Island, which I am a proud cosponsor. This amendment will help protect our nation's most vulnerable cities and help effectively prevent and manage emergency situations in cities around the country.

Funding for Urban Area Security Initiative helps cities prevent, protect against, respond to, and recover from disasters, including terrorism.

My district in Minnesota has benefitted greatly from the assistance of UASI. My district includes Minneapolis, a city that has been listed as one of the 31 most vulnerable cities by the UASI grant program and has received funding for projects to improve safety and response.

UASI Grant program funding has been essential to the ability of the City of Minneapolis to manage events such as the 35W Bridge collapse, the 2008 Republican National Convention and the response to the 2009 and 2011 Minneapolis tornados.

The UASI program has secured the metropolitan area's water supply, improved its emergency dispatch system, and provided protective gear for first responders. It also created special response teams for emergencies involving hazardous materials, the collapse of buildings and advanced bomb squads.

UASI grant dollars have paid for much of the technology associated with the city's new combined Emergency Operations Center (EOC) and first responder training facility providing real time situational awareness and communication capabilities that did not exist before.

Without these operations, the recent tornados in my district would have created confusion and chaos in the aftermath. The speedy and effective response by the city is directly related to the funding they have received through UASI grants.

Without these important investments, public warnings and communications, disaster response, and first responder training will be compromised.

I urge my colleagues to support this amendment so that all American cities with real security needs continue to have access to UASI funding.

Mr. CICILLINE. Mr. Chairman, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, the bill before us today was born out of the

need for reform. It consolidates various grant programs and provides discretion to the Secretary. These reforms include funding reductions, requirements for measurement, and requirements for spending languishing dollars.

In total, this bill provides \$1.7 billion for Homeland Security first responder grants. However, as we are all aware, not all programs are funded at the previous year's level.

The consolidation in this bill requires the Secretary to examine the intelligence and risk and put scarce dollars where they are most needed, whether it is a port, rail, surveillance, or access and hardening projects—or whether it is to high-risk urban areas or to States—as opposed to reverse engineering projects to fill the amount designated for one of many programs.

Additionally, as noted by the gentleman from Rhode Island, the bill limits the Urban Areas Security Initiative grants to the top 10 highest cities. Again, this puts scarce dollars where they are most needed. This does not mean lower risk cities will lose all funding; it just means the funds will come from other programs such as State Homeland grants that are risk and formula based.

These cuts will not be easy, but they are long overdue and necessary to address our out-of-control Federal spending.

Furthermore, the offset proposed by the gentleman is unacceptable. A reduction to the Border Security Fencing, Infrastructure, and Technology account would: impact operations and maintenance on the border fence; reduce investments in critical border security communications; and affect the Border Patrol's ability to procure proven technologies to increase border security immediately.

I urge my colleagues to support fiscal discipline, and I urge a “no” vote on this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, let me state it very plainly: We need to increase funding for Urban Areas Security Initiative grants, UASI grants, to a minimum of the 2011 level of \$725 million. I offered amendments in full committee and asked for a waiver from the Rules Committee in order to do just that.

Now, the majority has taken over \$2.2 billion appropriated for these grant programs in 2011 and has consolidated them into a block grant of \$1 billion. If you take that \$1 billion, which includes all of these State and local grants, and then you reduce this for the statutory carve-outs, and then you reduce it again, assuming the minimum statu-

tory funding for the States, what is going to be left? There is going to be half a billion dollars for UASI, for ports, for rail, for transit, and for other key grants all together. This is simply not enough.

Unfortunately, the proposed offset is also unacceptable. This bill, just like the 2011 final CR, greatly reduced fencing, infrastructure, and technology projects to secure our borders. While some of this reduction is due to a termination of the SBInet contract, this proposed additional cut would prevent CBP from acquiring off-the-shelf technology to support our Border Patrol along the southwest border, as well as to conduct pilot projects on our northern border. So the offset would be a damaging reduction.

But this simply illustrates the impossible dilemma posed by this bill. The root problem is an inadequate allocation, and it is compounded by the majority's refusal to call an emergency an emergency.

So I commend the gentleman from Rhode Island for his initiative to address the dangerous gap left by the majority's bill when it comes to protecting our Nation's urban areas.

I yield back the balance of my time.

Ms. MATSUI. Mr. Chairman, I rise to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. MATSUI. Mr. Chairman, I rise in support of the amendment.

The intention of this amendment is to restore funding to the Urban Areas Security Initiative, or as we call it, UASI.

In my district of Sacramento, California, funding from the UASI program has gone to critical counterterrorism initiatives, giving law enforcement officials and first responders the tools and training to protect our community.

Sacramento is the capital of California, the most populous State in the Union and the seventh largest economy in the world. It is critical to continue to support the antiterrorist work being done there, and it is unacceptable to leave this region without appropriate funds for protection. With potential targets like the Folsom Dam, which is upstream of the city of Sacramento, key transportation systems, and numerous State and Federal facilities, UASI funding for the Sacramento region ensures protection from attacks and cooperation among local, State, and Federal agencies.

Not receiving UASI funds would devastate one of the Nation's most proficient counterterrorist and readiness task forces, located at the former McClellan Air Force Base in my district. This facility creates greater collaboration and communication among State and Federal law enforcement and first responders.

Mr. Chairman, this amendment will bolster our Nation's security by giving

our communities the tools and training necessary to keep us safe. I urge my colleagues to vote in support of this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 10, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 16, line 24, after the dollar amount, insert "(increased by \$1,000,000)".

Page 17, line 10, after the dollar amount, insert "(increased by \$1,000,000)".

The CHAIR. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. ROYCE. Mr. Chairman, this is an amendment supported by Chairman LAMAR SMITH, chairman of the Judiciary Committee. The reason he and I are in support of this is because this amendment reduces the Office of the Secretary and Executive Management account by \$1 million and increases funding for immigration and customs enforcement by \$1 million in order to facilitate new agreements under the 287(g) program. This bill, this amendment, will provide for better enforcement of our immigration laws.

□ 1700

287(g) has been very successful. It allows State and local law enforcement agencies to cooperate with the Department of Homeland Security to enforce immigration law. It was enacted back in 1996, and Congress implemented this program to give local communities help with illegal immigration in their area.

A couple of points I would like to make, Mr. Chairman. There are maybe 5,000, 6,000 ICE agents in the United States. There are 650,000 State and local law enforcement officers—650,000. So the 10 million to 12 million illegal aliens in the country are much more likely to come into contact with local law enforcement than they are with an ICE agent. And for local law enforcement, it's important that they be properly trained so that they don't profile, don't discriminate, but properly identify those here illegally who are breaking our laws.

Now, there is a backlog of cities that want 287(g) agreements, and what this

legislation does is assist in covering that problem. One of the reasons so many cities want to be involved in this is because criminal alien gangs generally victimize people in the cities, often are victimizing other immigrants, often victimize legal immigrants. And, frankly, law enforcement should be trained in how to identify and remove criminal aliens, and this assists in that.

It's a great force multiplier for ICE. It provides ICE with assistance such as following up on leads and performing investigative research and surveillance. It's had a positive effect on the workload for ICE by identifying removable aliens, and it gives ICE greater flexibility in directing its immigration law enforcement resources.

Now, I want to make another point here. The CBO scores this amendment as costing zero in budget authority. Also, I think we should reflect on the fact that given that one of the 9/11 hijackers, Mohammed Atta, was pulled over in traffic 2 days before the 9/11 attack, there is a significant benefit to checking the immigration status of all individuals who are arrested. Had the officer inquired about Atta, he then could have found out that Atta was in the country illegally and may well have prevented his participation in the attacks. That is one of the benefits of having local law enforcement trained in this area.

I also want to make an additional point. This brings tens of thousands of local law enforcement to help enforce our immigration laws. There are now 70 jurisdictions with these agreements, but many more communities want help. The 287(g) program also provides training to State and local police, giving them additional tools that they can use to prosecute crimes committed by illegal immigrants, especially gang violence and document fraud.

Over the last few years, the open borders lobby has been successful in getting the administration to curtail the use of this program. Well, the 287(g) program is a solid improvement in terms of enforcing immigration laws. Particularly with the gang activity that we have today, with the drug lords sending local gangs across the border in order to participate in crimes here, it is very clear that we need this kind of a program.

Before it was created, many illegal immigrants stopped by State and local law enforcement went free. Immigration laws were not enforced. Since the program was developed, it's helped the State and local law enforcement not only fight crime, as I've indicated, but get the gang leaders, get the serious criminals off the streets and enforce our laws.

So instead of curtailing the program, we should be promoting the expansion of it. I urge my colleagues to support this amendment and help local communities to enforce our immigration laws.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment.

The bill before us provides full funding for the Department's request for the 287(g) program, and \$1 million more simply is not needed.

The increase proposed by the gentleman comes at the expense of the Secretary for Homeland Security, an account which is already significantly reduced in this bill and will likely be reduced further, based on amendments that we have seen already. Further cuts in these accounts would eliminate key staffing positions, limiting the Department's ability to respond to national emergencies and to provide for stable leadership in the event of a large disaster or a terrorist attack.

I should also note that while this bill slashes funding for many worthwhile and needed Homeland Security programs that support first responders, it cuts Homeland Security research, much-needed research. But the bill piles more funding onto immigration enforcement. In fact, it adds \$28 million in unrequested funding for immigration detention and removal.

Now, the bill provides full funding for the Secure Communities program to continue expanding this program across the country, allowing Immigration and Customs Enforcement, or ICE, to identify criminal aliens who are in local custody. I bring up the Secure Communities program because it accomplishes the objectives of the 287(g) program but much more efficiently and without deputizing local police to enforce immigration law, a proposition that is rife with complications and potential abuses. So if we were really serious about deficit reduction and efficiency, we would tell ICE to transition out of this duplicative program, 287(g), and to concentrate on making Secure Communities work efficiently and fairly and well to identify and remove convicted criminal aliens.

I'd also like to note for my colleagues that GAO and the Inspector General have reviewed the 287(g) program, in some cases at our subcommittee's request; and they found serious flaws in the implementation of this program and in ICE's ability to oversee its operation in local communities. The IG found 33 major deficiencies in 287(g) last year and then found 16 more when it recently reassessed the program.

So this is an unwise and unneeded amendment, and I urge its rejection.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR  
MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$234,940,000, of which not to exceed \$3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, \$5,000,000 shall remain available until September 30, 2016, solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$16,686,000 shall remain available until September 30, 2014, for the Human Resources Information Technology program.

AMENDMENT NO. 12 OFFERED BY MS. JACKSON  
LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 9, after the dollar amount, insert "(reduced by \$2,500,000)".

Page 24, line 23, after the dollar amount, insert "(increased by \$5,000,000)".

Page 25, line 6, after the dollar amount, insert "(reduced by \$2,500,000)".

Mr. ADERHOLT. Mr. Chairman. I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentlewoman is recognized for 5 minutes in support of her amendment.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have served on the Homeland Security Committee, tragically, since the formation of the select committee and then ultimately the full committee.

For many of us who were here in the United States Congress and watched the plane attack the Pentagon and ultimately visited Ground Zero in the early stages are well aware of the need to protect America. As the ranking member of the Transportation Security Committee, working with my colleague from Alabama, the chairman, we well recognize the importance of transportation facilities and modes.

For some reason, terrorists are attracted to airlines and freeways and trains. So this amendment is a very simple amendment that I believe provides security to the American public.

□ 1710

It was no doubt that after the killing of Osama bin Laden discovered papers

suggested that al Qaeda operatives were considering attacking the U.S. rail system on the 10-year anniversary of the September 11 attacks. Yes, it was 2010, but if we recall, we were unaware that we were going to be attacked on 9/11. Los Angeles MTA planned security upgrades in response to bin Laden's killing and the discovery of rail attack plans. That is the American public's sensitivity, that we must protect our modes of transportation.

My amendment is a simple amendment that restores \$5 million to the Transportation Security account at the President's submitted request by reducing the Office of the Under Secretary for Management and Transportation Threat Assessment and Credentialing.

Since the demise of Osama bin Laden, it has come to light that al Qaeda had ambitious plans to launch an attack against our Nation's mass transit system and their riders, our constituents. Now more than ever we must ensure that our mass transit and surface transportation is secure by developing risk-based policies and programs that devote appropriate resources to securing these systems against a terrorist attack. This amendment would increase the surface transportation security account at TSA by \$5 million, bringing the account in line with the President's request for FY 2012. In Washington terms, \$5 million may not sound like much, but it is a critical increase to the Surface Transportation Security account at TSA, which has historically been underfunded. This account funds frontline homeland security personnel in the form of surface transportation inspectors who, in addition to reviewing regulatory compliance, consult with transit agencies and rail companies in improving security infrastructure and operational protocols.

The American public, whether it's Amtrak or long-distance rail, need our involvement. We cannot afford to diminish the protection of our rail lines that grandmothers and grandchildren, college students and commuters use. This is a smart investment at a critical time. Be reminded, we got no notice about 9/11, and we will get no notice about attacks on our rail system.

To fund this increase, my amendment simply reduces \$2.5 million from two different accounts. This is a wise decision at this time to help our communities and mitigate the terrorist threat to our local transit systems, as well as to improve security for passenger and freight rail. Just be the community that would be impacted by a horrific terrorist act. Whether it is through the neighborhoods of Houston, whether it's in Los Angeles or the Midwest, all of our communities and constituents are serviced by some form of surface transportation or mass transit,

and as we have seen abroad, this mode of transportation is vulnerable to terrorist attack. From Spain to London, they know the truth, and we must stand vigilant. Providing this increased funding for our surface transportation inspectors is a wise investment on behalf of the American people, and I ask my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I withdraw my reservation, but I rise in opposition to the amendment.

The CHAIR. The gentleman withdraws his reservation.

The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, the bill already reduces the Office of Under Secretary substantially, 6 percent below the request and 26 percent below the FY11 CR, reflecting the fact that the bill includes no funding to continue the construction of the Department of Homeland Security headquarters. The bill has reduced management to a bare minimum, with reduction of 29 percent to leadership and management offices.

The Department of Homeland Security is an agency of 230,000 employees. The number of employees in OSEM is 700, or less than one-third of 1 percent, and funding provided is also one-third of 1 percent for the total DHS budget. This is extremely small for assets needed to manage a major security department. Additional reductions would prevent filling key staffing positions and thus limit the ability of the Department to respond to national emergencies and provide stable leadership to the public and the Nation in the event of a large disaster or terrorist event.

These reductions are not compatible with running a Cabinet agency. No other Federal department is asked to manage such large responsibilities and operating components with such a small and stretched headquarters element. Therefore, I urge the Members to oppose this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I would like to yield to my colleague from Texas so that she can respond to the last speaker.

Ms. JACKSON LEE of Texas. I thank the ranking member.

I think it's important; I listened to the gentleman, Mr. ADERHOLT, list a lot of numerical and factual points about personnel. Let me be very clear, as Senator LIEBERMAN said, all of our systems need to be on high alert and all of our citizens need to be on high alert as we approach the 10th anniversary of 9/11.



It is clear, Mr. Chairman, and my colleagues, that something is awry with al Qaeda. Al Qaeda is interested in transportation modes, and they're interested in our rail systems. They have already done Mumbai, they have done London, and they have done Madrid; and therefore, they are looking at the United States. No, we don't have specifics, but we do have the potential of our rail lines crossing America being ripe targets for al Qaeda. This is a very small amount that would allow us to have surface inspectors who are truly crucial to the protection of the Nation's mass transit, freight, and long-distance rail.

Every State is impacted, from New Hampshire to Florida, from the Midwest to the West, Texas. Houston has as its city insignia a rail. Why? Because trains crisscross our community. Therefore, I think it behooves us to be bipartisan and to actually support an amendment that provides a cushion of protection and a cushion and an armor, if you will, against the thoughts and the mindsets of al Qaeda. Yes, they are franchised, they are splintered, but that makes it all the easier for them to find their way here to the United States.

I remind my colleagues that an ounce of prevention is worth a pound of cure. I ask my colleagues to consider the small investment it would take to be able to secure the Nation's railways. And as a member of the Homeland Security Committee, the authorizing committee, I can assure you that we are seeing these kinds of threats in terms of the vastness of our system, and we need to be able to protect our system.

I ask my colleagues to support this amendment.

Mr. Chair, I rise before you and my colleagues to take the opportunity to explain my amendment to H.R. 2017, "Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes." My amendment would increase the Transportation Security Administration's (TSA) Surface Transportation Security's account by \$5 million and restore funding for this account at the President's submitted request, offset by reducing the Office of the Under Secretary for Management, and Transportation Threat Assessment and Credentialing (TTAC).

Since the demise of Osama bin Laden, it has come to light that al-Qaeda had ambitious plans to launch an attack against our Nation's mass transit systems and their riders, our constituents.

Now more than ever, we must ensure that our mass transit and surface transportation is secure by developing risk-based policies and programs that devote appropriate resources to securing these systems against terrorist attack.

This amendment would increase the Surface Transportation Security account at TSA by \$5 million, bringing the account in line with the President's request for FY 2012.

In Washington terms, \$5 million may not sound like much, but it is a critical increase to the Surface Transportation Security account at TSA, which has historically been underfunded.

This account funds front line homeland security personnel in the form of surface transportation inspectors who, in addition to reviewing regulatory compliance, consult with transit agencies and rail companies in improving security infrastructure and operational protocols.

Surface inspectors also help disseminate best practices to transit and rail entities across the Nation.

This is a smart investment at a critical time for surface transportation security.

To fund this increase, my amendment reduces \$2.5 million from the Transportation Threat and Credentialing program and \$2.5 million from the Office of the Under Secretary for Management at the Department of Homeland Security. Both of these programs are well funded—TTAC at \$183 million and the Under Secretary's office at \$234 million.

This is a wise decision at this time to help our communities address and mitigate the terrorist threat to our local transit systems, as well as for improving security for passenger and freight rail.

All of our communities and constituents are serviced by some form of surface transportation or mass transit, and as we have seen abroad, this mode of transportation is vulnerable to terrorist attack.

We must be vigilant in recognizing the threat, make wise investment in security, and collaborate with industry stakeholders to secure this transportation mode that is essential to our economy and way of life.

Mr. Chair, I ask my colleagues to support my amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE). The amendment was rejected.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount insert "(reduced by \$600,000)".

Page 92, line 7, after the dollar amount insert "(increased by \$600,000)".

Mr. BROUN of Georgia (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The CHAIR. Without objection, the amendment will be considered as having been read.

There was no objection.

The CHAIR. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. BROUN of Georgia. Mr. Chairman, I rise today to offer my amendment to H.R. 2017. My amendment simply cuts \$600,000 from the Office of the Under Secretary in the Department of Homeland Security and places those funds in the deficit reduction account.

During this economic emergency, we must find cuts wherever we can, especially when a Department is not being a good steward of the funding that Congress provides it.

If you look at this bill, the Secretary is being allocated nearly \$127 million, of which \$6 million goes to the Office of Legislative Affairs. I think the American people would agree with me that \$6 million is a lot of money for political appointees who refuse to do their job and participate in the oversight process.

On several occasions this year, Mr. Chairman, the Department has either refused to sit on the same panel as other witnesses or has outright refused to appear before various House committees and subcommittees. In fact, as chairman of the House Science Subcommittee on Investigations and Oversight, I held a hearing on behavioral science and security with the goal of understanding how science informed the development of TSA's SPOT program.

□ 1720

The Department refused my request for a witness from TSA for their own program, and I'm not the only chairman who has received such shabby and unacceptable treatment. This pattern of arrogance makes fulfilling our oversight responsibilities of the executive branch very difficult, if not impossible.

In the end, it's the American people, Mr. Chairman, who lose if its government cannot perform its most basic constitutional responsibilities. If the Department is not going to meet its obligations of appearing before Congress when requested, it is prudent to apply the funds rescinded in this, my amendment, to more constructive uses such as reducing our deficit.

If 10 percent is good enough for the Lord, I think the Office of Legislative Affairs can part with 10 percent of their funding to aid in our efforts of reducing the burden of debt on our children and grandchildren.

I can think of no higher priority than reducing the deficit and creating jobs in America. I would urge all of my colleagues to support this amendment today.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we accept the gentleman from Georgia's amendment.

Mr. PRICE of North Carolina. I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I will not go on at length.

I simply don't think the case has been made for a further reduction. The suspicious passenger, the observation techniques programs that have been cited aren't even under the jurisdiction of the Under Secretary being cut. And the bill already cuts \$4,993,000 off of the



fiscal year 2011 level for the Office of Under Secretary for Management; and it cuts \$14,118,000 off of the administration's request.

Now, Mr. Chairman, I know this is an easy target. Who knows even what under Secretary for Management does. It's a very common technique around here to go after these accounts, these administrative and front office accounts, just for the sake of cutting or maybe to pay for something else that sounds good. But I don't think it's wise. I don't think it's responsible. And I would urge rejection of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 9, after the dollar amount insert "(reduced by \$10,000,000)".

Page 12, line 6, after the dollar amount insert "(increased by \$10,000,000)".

The CHAIR. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. POE of Texas. I thank the Chairman.

This amendment takes \$10 million from the Office of the Under Secretary for Management of DHS and moves it to the Border, Security, Fencing, Infrastructure, and Technology account with the purpose of being used for border cell phone communications to help border residents disseminate border security-related information to Border Patrol and law enforcement for the protection of their lives and our border.

I appreciate the support of Congressman ALTMIRE from Pennsylvania in this bipartisan amendment.

This amendment really is the idea of Congresswoman GABBY GIFFORDS from Arizona. After having been to the border of Arizona with her staff, I learned firsthand the problems that not only Texas and other States but Arizona specifically has with communication when ranchers are on their property.

On March 27, 2010, rancher Bob Krentz of Arizona was murdered 20 miles north of the border from Mexico in an isolated area of Arizona. The lack of communications capability made Krentz more vulnerable than he would have been otherwise and complicated the search for the assailants. His wife believes it was in a cell phone dead zone where he was killed and that he was trying to call for help, but his cell phone would not work.

Since that time, Congresswoman GIFFORDS has been working diligently on

this issue, and I have had the opportunity to work with her on other border security issues as well as this one.

These dead zones are so common that often times border ranchers in Arizona and Texas rely on shortwave radios to communicate and call for help when they are in trouble or they see illegal crossings into their property.

The inability of the U.S. Government to secure the U.S.-Mexico border creates public safety hazards for residents of border areas and the law enforcement agents who patrol them. Many border areas are rural and lack wireless communication capabilities like phone service, and they exacerbate the border-related public safety concern.

Once again, I want to thank Congresswoman GIFFORDS and her staff for this legislation.

I yield to the gentleman from Pennsylvania.

Mr. ALTMIRE. I thank the gentleman from Texas, and we are joining the Office of Congresswoman GIFFORDS in offering this amendment.

I had the opportunity last week to travel to Congresswoman GIFFORDS' district and the 114-mile border that she has along the Mexican border and her district. And when you see, as my colleague from Texas knows, these ranchers and the territory that they have to cover—and we have a national community campaign now: "If you see something, saying something." Well, these are areas where you don't have the communications. Even if you see something, there's no one to tell. There's no way to get that message out.

So what the gentleman from Texas is trying to do with this amendment is trying to make sure that the equipment is there so that these ranchers and community citizens, if they see somebody coming across the border, if they see something that is alarming to them, they're able to communicate it. Right now that technology does not exist. They are literally in the dark as far as communicating it. There is a public safety aspect to this amendment. And there is a Border Patrol aspect—the ability of our law enforcement personnel to communicate with each other and communicate with the local citizens who, in some cases, are out miles and miles away from any form of mobile communications.

So I strongly support this amendment. I thank the gentleman from Texas for his leadership in offering it, and I thank Congresswoman GIFFORDS and her office for leading the charge on this very important technology.

Mr. POE of Texas. This money is necessary so that people who live in border areas can communicate with law enforcement. Cell phone service is a basic necessity for security. It is a national security issue. It is a homeland security issue, and it is a border security issue. I urge adoption of this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. I reluctantly rise in opposition to this amendment.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Again, this proposal would further create cuts to the Department's management functions below what is responsible for the Nation's security. The committee has already cut the Department's headquarters and management at historic levels.

As I had mentioned earlier, they include the zoning act, the zeroing out of the funding for the Department's new headquarters. It zeroes out funding for the data center migration. It slashes other activities we cannot afford at this time.

The Department must still have robust funding to manage the many organizations under its authority. The Department was created from nearly two dozen agencies and still faces challenges in achieving the unified homeland security enterprise.

More importantly, the gentleman's amendment proposes that the Department pay for cell towers to provide phone services to the general public.

I'm very sympathetic to the needs of rural communities. I'm from a rural community, and certainly I'm sympathetic to remote ranchers as well. But this is not a cause that the Homeland Security can bear at this time, especially under the constraints that we have. Therefore, I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

□ 1730

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 19, after the period insert "In addition, for necessary expenses of the Office of the Under Secretary for Management to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities for the consolidation of the Department of Homeland Security headquarters, \$500,673,000."

Ms. NORTON (during the reading). Mr. Chairman, I ask unanimous consent to waive the reading of the amendment.

The CHAIR. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman reserves a point of order.

The gentleman is recognized for 5 minutes.

Ms. NORTON. Mr. Chairman, this amendment would restore \$500,673,000 to the Department of Homeland Security that has been cut entirely from this appropriation. This is the most important construction, private or public, ongoing in our country today, because it involves a secure facility that the Congress has voted to consolidate in order to protect the United States of America in the homeland.

This entire appropriation cuts billions of dollars in order to reduce spending. I wager that there is no cut quite like this one, because this cut guarantees that the taxpayers will be charged more precisely because of this cut. Already, the reduction in funding to the 2011 appropriation for consolidation of the Department of Homeland Security has cost taxpayers \$69 million. Increased costs for this construction of Federal property come from, in this case, lease holdovers, short-term lease extensions, and horrific inefficiencies now imposed because the integration of construction of this mammoth facility will be delayed and interrupted. Any further reduction in funding will substantially increase even more the total costs of this huge project, the largest since the Pentagon. Until now, it was on budget and on time.

Remember why Congress voted to consolidate these 22 agencies in the first place. Congress has never formed one agency of 22 different agencies. They are spread all over this region. That is why the Bush and the Obama administrations and the Congress have pursued a consistent program to consolidate critical elements of the Department of Homeland Security.

These DHS tenants now reside in the most expensive lease space in the United States, because that's what it is in this region, barring none except perhaps New York City. DHS spends hundreds of millions of dollars on leases throughout the entire region. The rapid consolidation of the Department of Homeland Security now underway will save billions, that's B, billions, in real estate costs, in addition to directing lease revenue to the GSA Federal Buildings Fund, which instead of using appropriated taxpayer dollars, uses agency rental payments to fund the construction and maintenance of Federal real estate giving taxpayers added savings.

Currently, DHS is scheduled for full occupation by 2017. Every day of delay costs the taxpayers thousands of dollars. This is no way to do budget cutting. You don't cut what then costs

you more in the short term and in the long term.

Significant progress has already been made. Forty-five percent of the construction is complete, including the Coast Guard National Operations Center and the Coast Guard headquarters. You just don't interrupt a massive, complex building like this unless you want to spend more money than was anticipated.

The timing of this amendment is critical to ensure that the project does not increase costs further. The continued dispersal of vital elements of this critically important agency, necessary for our security, undermines the DHS mission by impeding its operations here and throughout the country. We need quickly to fund this project.

Mr. Chair, I rise to offer an amendment to restore funding for the consolidation of the Department of Homeland Security (DHS) headquarters construction at St. Elizabeths in the District of Columbia. This amendment would restore \$500,673,000 to the DHS management and operations appropriations account for the project. The amendment would fully fund the President's fiscal year 2012 DHS request for the project, as well as fund the outstanding balance of the President's fiscal year 2011 DHS request.

The reduction in funding in fiscal year 2011 is expected to increase the total project cost by \$69 million because of the loss of integrated construction sequencing and efficiencies between the U.S. Coast Guard building and the adjacent DHS Operations Center construction, in addition to the costs caused by lease holdovers and the short-term lease extensions for the delay for Mission Support consolidation. Any further reduction in funding will substantially increase the total cost of this huge project, which, until the cuts began, was on budget and on time.

The benefits of the consolidation of the DHS headquarters at St. Elizabeths are twofold. First, Congress voted to consolidate the location of 22 DHS agencies because of the urgent need to improve the management of the agencies in the DHS, which are currently scattered in 40 different locations in the Washington metropolitan region. Consequently, the Bush and Obama Administrations and the Congress have pursued a program to consolidate critical elements of DHS on the federally-owned St. Elizabeths Campus. The DHS components identified for consolidation at the headquarters include the Office of the Secretary of the Department of Homeland Security, the Transportation Security Administration, Customs and Border Protection, Immigration and Customs Enforcement, the Federal Emergency Management Agency, the U.S. Coast Guard (USCG) and liaisons for agencies not being relocated there.

Second, the General Services Administration (GSA) will relocate DHS tenants currently in expensive leased space to federally-owned space. DHS annually spends hundreds of millions of dollars for leases throughout the Washington region. The rapid consolidation of DHS, which is now underway, will allow the federal government to save billions of dollars in real estate costs, in addition to directing

lease revenue to the GSA Federal Buildings Fund, which, instead of using taxpayer dollars, uses agency rental payments to fund the construction and maintenance of the federal real estate portfolio, an additional saving to taxpayers. The consolidation on St. Elizabeths is expected to include 4.5 million gross square feet of office space, with 3.5 million square feet on the West Campus and 750,000 square feet on the East Campus. Currently, the St. Elizabeths site is scheduled for full occupation in 2017.

The DHS headquarters consolidation is expected to cost a total of \$3.6 billion, with \$2.2 billion coming from GSA and \$1.4 billion from DHS. To date, the project has received \$1.24 billion and there has been significant progress, including the groundbreaking for the first building on the site, a 1.2 million square foot project that includes a central utility plant and two seven-story parking garages, that will house the USCG headquarters. There has also been significant investment in the infrastructure of the campus, including construction of a perimeter fence and adaptive reuse of historic buildings. As of March 31, 2011, the USCG headquarters is 45% complete.

Full funding of the FY 2012 request would ensure complete funding for, and allow occupation and use of, the USCG headquarters. My amendment is critical to ensure that the cost of the project does not increase because of delays. The continued dispersal of vital components of DHS, a critically important department, undermines its mission by seriously impeding its operations here and throughout the country. As ranking member of the subcommittee with jurisdiction over GSA and this project, I have held nearly half a dozen hearings and roundtables on the co-location and consolidation of DHS at St. Elizabeths. I am anxious to move forward with this project and look forward to the completion of the consolidation so that DHS can turn its full attention to its core mission.

Unless somebody wants to speak on my amendment, I am prepared to withdraw it.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to briefly address the amendment.

Mr. ADERHOLT. I continue to reserve a point of order.

The CHAIR. The gentleman from Alabama continues to reserve his point of order.

The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to commend our colleague from the District of Columbia for her persistent advocacy for this headquarters consolidation and construction, and also for the history she has recounted for us today. I think it's time well spent to understand how both the Bush and Obama administrations and the Subcommittee on Homeland Security Appropriations, through both parties' leadership, have until now supported this project.

The bill before us, however, provides no funding for the new DHS headquarters or for the consolidation of leased property in 2012. That's a penny-

wise and pound-foolish decision. Already based on the delay in finalizing the 2011 bill and the reduced resources provided in that bill for DHS headquarters construction activities, the cost of the headquarters project has grown. It's grown by \$200 million, from a total cost of \$3.4 billion to \$3.6 billion.

The decision to deny an additional \$159.6 million in 2012 to finalize construction of the first phase of the headquarters project and to begin construction of the second phase will result in yet higher costs in the out-years, and will delay by at least 2 years when the Coast Guard can move into its new headquarters facility, which is already under construction.

Similarly, the bill doesn't provide \$55.6 million requested for lease consolidation activities. Last year, this subcommittee held a very informative hearing with DHS and the General Services Administration on this activity. We heard testimony about the significant financial benefits of reducing the number of leases DHS has from 70 buildings across 46 locations in the greater D.C. area to six to eight buildings. Witnesses testified that this massive footprint disrupts the effectiveness and the cohesiveness of departmental operations and adds needless layers of costs and complexities to facilities management. Additionally, the leases will consume an increasingly larger share of the Department's budget through overhead costs in the coming years.

In a time of fiscal constraint, the Department will not have extra dollars to pay for all of these lease increases without shortchanging frontline and mission-essential programs.

So, Mr. Chairman, at a time when real estate prices continue to be low in the greater Washington area and construction and material costs are relatively low as well, this is the time to make this kind of investment. Funding this activity would save taxpayers money for years to come.

With that, I again commend the gentlewoman for her passionate and effective argument on this point.

I yield back the balance of my time.

Ms. NORTON. I appreciate the opportunity to speak, and I withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1740

AMENDMENT NO. 7 OFFERED BY MR. POE

Mr. POE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 9, after the dollar amount, insert the following: "(reduced by \$100,000,000)".

Page 16, line 24, after the dollar amount, insert the following: "(increased by \$100,000,000)".

Page 18, line 23, after the dollar amount, insert the following: "(increased by \$100,000,000)".

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. POE of Texas. Mr. Chairman, this bill has to do with enough housing for people who are illegally in this country in order to be detained and deported back to where they came from.

This past Sunday morning in Houston, Texas, police officer Kevin Will was on patrol. He was working an accident scene, talking to a witness at that accident scene, when a person comes barreling through the police barricade, in spite of the warning lights that were on top of the police cruisers.

When Kevin Will saw that the car was coming towards him, he told this witness to jump out of the way. The witness jumps out of the way, and this individual runs over and kills Officer Kevin Will. He was charged with evading arrest, he was charged with possession of cocaine, and he was charged with intoxication manslaughter of a police officer, and he was in this country illegally. He had previously been deported twice.

The district attorney's office said this individual is a member of the MS-13 gang, and now he is still in the United States committing crimes.

There are not enough places to house these people like this criminal after they serve their time and house them so that they can be deported back where they came from.

What this bill does is allocate more money for detention beds so that we can detain these people while we are awaiting to deport them back where they came from so that we can have a safer community, so that these people aren't running loose somewhere in the United States.

I yield to the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, I rise in strong support of this amendment.

I thank the chairman of the subcommittee and their very capable staff in putting strong language in the bill and encouraging the Immigration and Customs Enforcement office to fill as many beds as possible. We have given the agency an unprecedented amount of money and leeway and guidance in this bill to fill every available bed, public, private, county, State bed with individuals who cross the border illegally, with individuals who are released from county and State prisons that are supposed to be deported criminally.

The solution to the problem of illegals crossing the border, the guns,

the gangs, the drugs, the crime, is not complicated. It is called law enforcement. We want to enforce existing law with the support of the local community. We have very strong support from the communities on the border and, in fact, we are enforcing existing law, which is 6 months in jail if you cross the border illegally, with great success in the Del Rio sector, and it is being rolled out in the Laredo sector.

We are working together with my good friend, my colleague, HENRY CUELLAR, TED POE, and I with the support of the local community, the local prosecutors, the Border Patrol, the prosecutors, with great success.

If I could, I would like to yield briefly to my friend from Texas (Mr. CUELLAR).

The CHAIR. The gentleman from Texas (Mr. POE) controls the time.

Mr. POE of Texas. I yield to the gentleman from Texas.

Mr. CUELLAR. I want to thank both of my colleagues from Texas. It is a program that does work. We have sat down, we have gone to Laredo. We have seen it work in the Del Rio area. We are now working in Laredo.

In fact, the last time we sat with Chief Harris we talked about how we can make this work. They do need some space, and so I certainly want to work with both of my colleagues to make sure we get more of that space, more of the beds to make sure it works.

All we are doing is enforcing a 1954 law that is on the books already, nothing new except enforcing the law. I support what you are doing.

Mr. POE of Texas. I would urge this amendment be adopted. What it does is provide more space so that we can detain people and deport them back where they came from.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Texas proposes a net increase in the level of outlays in the bill, as argued by the chairman of the subcommittee, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

AMENDMENT OFFERED BY MR. MCCAUL

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert "(reduced by \$50,000,000)".

Page 7, line 13, after the first dollar amount, insert "(increased by \$50,000,000)".

Page 7, line 21, after the dollar amount, insert "(increased by \$50,000,000)".

Mr. MCCAUL (during the reading). Mr. Chairman, I ask to dispense with the reading.

The CHAIR. Without objection, the amendment will be considered as having been read.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order.

The CHAIR. The gentleman from Alabama reserves a point of order.

Mr. PRICE of North Carolina. Mr. Chairman, we have not seen the amendment.

The CHAIR. Is the gentleman objecting to the unanimous consent request propounded by the gentleman from Texas that the amendment be considered as having been read?

Mr. PRICE of North Carolina. Yes, I am. We have not seen the amendment.

The CHAIR. Objection is heard.

The Clerk will continue to read the amendment.

The Clerk continued to read.

The CHAIR. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. Mr. Chairman, my amendment will increase spending by \$50 million for Customs and Border Protection's Air and Marine operations. It will include funding for at least 2 UAV systems, as well as much needed helicopters and marine vessels to assist CBP operations along the border.

This amendment will provide the resources to increase the number of flight crews, training, and ground operations needed to support the mounting requests for aerial surveillance missions and boat crews to patrol the rivers and lakes along our border.

CBP air marine support supplements our agents on the ground, allowing CBP to deploy fewer agents in a specific area. CBP air marine currently operates 7 UAVs and intends to grow the fleet to a total of 18 to 24 by 2016.

I have seen the benefits of these missions personally, along with my good friend and colleague from the Homeland Security Committee, Mr. CUELLAR, to whom I yield at this time.

Mr. CUELLAR. I want to thank my good friend from Texas. I also want to thank the chairman and the ranking member for everything they have done for border security. We really appreciate it.

We just feel that we ought to put a little bit of money to have the OM and,

of course, the UAVs. We have gone down to Corpus. We have been there with General Kostelnik, who I think is doing a great job.

What they do is provide ICE, in the sky, flying at 19,000 feet, they can see what is happening, and it provides the intelligence to the State, Federal and local. It is certainly something I support.

I want to thank again my friend, Mr. MCCAUL, for the work that you have done on this particular amendment.

Mr. MCCAUL. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist upon my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to be recognized on the point of order?

If not, the Chair is prepared to rule.

Similar to the last ruling, to be considered en bloc pursuant to clause 2(f) of rule XXI an amendment must not propose to increase the levels of budget authority or outlays in the bill.

Because the amendment offered by the gentleman from Texas proposes a net increase in the level of outlays in the bill as argued by the chairman of the subcommittee, it may not avail itself of clause 2(f) to address portions of the bill not yet read. The point of order is sustained.

□ 1750

AMENDMENT OFFERED BY MR. MCCAUL

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 45, line 18, after the dollar amount, insert "(increased by \$10,000,000)".

Page 47, line 10, after the dollar amount, insert "(increased by \$10,000,000)".

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman reserves a point of order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. Mr. Chairman, this amendment will increase funding for Operation Stonegarden by \$10 million. And while the underlying bill increases funding from \$50 million to \$55 million, it is not enough.

Operation Stonegarden is a grant program that provides funding to county-level governments along the border to prevent, protect against, and re-

spond to border security issues as well as enhance cooperation and coordination between Federal, State, and local agencies.

At the last House Homeland Security Emergency Communications, Preparedness, and Response Subcommittee hearing, Sheriff Gonzalez of Zapata County and Sheriff Larry Dever of Arizona explained the need for drastic increases in this funding. While \$55 million is woefully inadequate when spread around, I believe an additional \$10 million would advance the cause.

With that, I yield again to my good friend from Texas.

Mr. CUELLAR. Again, I want to thank the gentleman from Texas. I want to thank the chairman and the ranking member for the work that they have done for border security.

Again, both Mr. MCCAUL and I feel that we ought to add a little bit more help to the local sheriffs and the police that get this assistance.

One of the things that we've seen is, of course, making sure that we don't have that spillover coming in from the Republic of Mexico. And by giving this assistance, whether it's the sheriff down there in Brownsville or going all the way up to El Paso, it's something that's needed, and I certainly support my friend to make sure we increase the funding for Stonegarden by the amount he has asked for.

Again, thank you for your leadership, and again, thank you to the chairman and ranking member for the work they have done on border security.

Mr. MCCAUL. I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Does any Member seek to speak on the point of order?

Mr. MCCAUL. Mr. Chairman, this is just a question for my good friend from Alabama.

It's my understanding that these moneys are actually offset by the Under Secretary of Management's office. There is not an increased outlay.

The CHAIR. Does the gentleman from Alabama wish to be heard further?

The gentleman is recognized.

Mr. ADERHOLT. The amendment proposes to increase the level of outlays in the bill.

I insist on my point of order.

The CHAIR. Does any other Member seek to be heard on the point of order? If not, the Chair is prepared to rule.

For the reasons stated by the Chair in the previous ruling, the amendment

may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The point of order is sustained.

AMENDMENT OFFERED BY MR. MCCAUL

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$10,000,000)”.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. Mr. Chairman, this amendment will increase funding for Immigration and Customs Enforcement, the salaries and expenses in order to increase the number of Border Enforcement Security Task Force teams.

I, along with Mr. CUELLAR, have been down to the border and seen the direct benefits of the BEST teams in terms of interdicting the southbound flow of cash and weapons. It's my sincere hope that with additional resources we could stop the flow of weapons going south into Mexico, but also seize the cash and asset forfeiture money that could then, in turn, help pay for our border security operations.

With that, I yield to my good friend from Texas.

Mr. CUELLAR. Again, I want to thank my colleague from Texas. And again, I want to thank the chairman and the ranking member for all the work that they have done for border security.

The BEST program is the program that works. Basically what it does is it coordinates State, Federal, local and also our international partners, both Canadians and Mexicans, to work together to make sure that they are able to focus on the same thing, and that is fight transnational crime. It's an idea that worked very well—in fact, it got started in Laredo, Texas. It expanded now to both the northern and southern part of the United States.

And I certainly support my friend to make sure that we work and make sure that the BEST program gets stronger.

Mr. MCCAUL. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to speak to the point of order? If not, the Chair is prepared to rule.

For the reasons stated by the Chair in the previous rulings, the amendment may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The point of order is sustained.

AMENDMENT OFFERED BY MR. MCCAUL

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 7, line 13, after the first dollar amount, insert “(increased by \$10,000,000)”.

Page 12, line 6, after the dollar amount, insert “(increased by \$10,000,000)”.

The CHAIR. The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. Mr. Chairman, this amendment will increase funding by \$10 million for border security fencing, infrastructure and technology. Secretary Napolitano's cancellation of the Secure Border Initiative delays the deployment of technology to secure the border.

Mr. ADERHOLT. I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman's reservation is not timely.

The gentleman from Texas has been recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. Thank you, Mr. Chairman.

The backbone of the new proposed system, integrated fixed towers, will not be in place until January 2013. In place of SBInet, a new border surveillance technology plan has been developed that abandons the fixed sensor tower nature of the original SBInet plan and replaces it with multiple technologies. As a result, the new plan consists of a reduced number of sensor towers envisioned in the SBInet plan, and in their place, lower cost technologies such as mounted radar and camera systems, portable and imaging systems, and thermal imaging devices.

The Secretary said that technology will not be deployed to cover the entire southern border until the year 2025. I believe that is unacceptable. This amendment provides funding for readily available technology that we can deploy quickly to secure the border before that timeframe.

With that, I yield back the balance of my time, Mr. Chairman.

Mr. ADERHOLT. I rise in opposition to the amendment.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, this will breach our outlays, and I oppose the amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I simply want to back my chairman in this instance and also urge a rejection of the amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. MCCAUL).

The amendment was rejected.

□ 1800

AMENDMENT OFFERED BY MR. MCCAUL

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 18, line 23, after the dollar amount, insert “(increased by \$10,000,000)”.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. This amendment will increase funding for the Immigration and Customs Enforcement Office of Detention and Removal. While the underlying bill does increase funding by \$26 million, we need more.

DRO is the primary enforcement arm within ICE for the identification, apprehension and removal of illegal aliens from the United States. DRO is severely underresourced. It is overwhelmed and does not have the resources to do its job. ICE has stated repeatedly that they simply don't have the manpower and resources to deport illegal aliens, even criminal aliens identified through the 287(g) program. The Federal Government has its responsibility, and it needs to step up to the plate.

With that, I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist upon my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. For the reasons stated by the Chair in the previous rulings, the amendment may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The point of order is sustained.

AMENDMENT OFFERED BY MR. MCCAUL

Mr. MCCAUL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 17, line 10, after the dollar amount, insert “(increased by \$10,000,000)”

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. MCCAUL. This amendment will nearly triple the amount of funding for the popular 287(g) program, which authorizes the Secretary of Homeland Security to permit specially trained State and local law enforcement officers to apprehend, investigate or detain aliens during a predetermined time frame and under Federal supervision by ICE.

It is an important force multiplier for ICE in allowing for enhanced capabilities to detain and remove illegal aliens identified by local law enforcement during the course of their duties.

With that, I yield back the balance of my time.

#### POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist upon my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIR. Once again, for the reasons stated by the Chair in the previous rulings, the amendment may not avail itself of clause 2(f) of rule XXI to address portions of the bill not yet read.

The point of order is sustained.

#### AMENDMENT OFFERED BY MR. CUELLAR

Mr. CUELLAR. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 9, after the dollar amount, insert “(reduced by \$16,000,000)”.

Page 14, line 22, after the dollar amount, insert “(increased by \$32,000,000)”.

Page 63, line 17, after the dollar amount, insert “(reduced by \$16,000,000)”.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. CUELLAR. I want to thank the chairman and, of course, our ranking member, Mr. PRICE, for all the work that they have done for border security.

This is an amendment similar to Mr. MCCAUL's. It adds \$32 million to the CBP Air/Marine Interdiction, Operations, Maintenance, and Procurement. It takes \$60 million away from the Office of Under Secretary for Management, another \$60 million from the Science and Technology Management Administration. Again, this is to purchase at least two additional UAVs and to make sure that they have the operations and maintenance.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I withdraw my reservation, and I rise in opposition to the amendment.

The CHAIR. The reservation of the point of order is withdrawn.

The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, we oppose the amendment because we have already added \$30 million above the request. Therefore, we believe this is sufficient funding for this portion of the bill.

I yield back the balance of my time.

Mr. PRICE of North Carolina. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I would like to underscore what our chairman has said about the generous addition in this bill for this function. These offsets, again, may be easy for Members for whom this looks like just an abstract, front office expenditure; but in fact, they carry real costs. I urge rejection of the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CUELLAR. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$50,860,000.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$261,300,000, of which \$105,500,000 shall be available for salaries and expenses; and of which \$155,800,000, to remain available until September 30, 2014, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That the Chief Information Officer shall submit to the Committees on Appropria-

tions of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that are funded under this heading or are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include, for each project funded, the name of the project, its key milestones, all funding sources, detailed annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for all information technology acquisition projects that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities that are proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) a current acquisition program baseline for each project, that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) aligns the acquisition programs covered by the baseline to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) defines life-cycle costs for such programs.

#### ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$344,368,000, of which not to exceed \$5,000 shall be for official reception and representation expenses; and of which \$58,757,000 shall remain available until September 30, 2013.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$124,000,000, of which not to exceed \$300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

#### ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An Amendment by Mr. LATOURETTE of Ohio.

An Amendment by Mr. CICILLINE of Rhode Island.

Amendment No. 2 by Mr. ROYCE of California.

Amendment No. 8 by Mr. POE of Texas.

An Amendment by Mr. CUELLAR of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. LATOURETTE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 87, not voting 12, as follows:

[Roll No. 384]

#### AYES—333

|             |               |                 |
|-------------|---------------|-----------------|
| Ackerman    | Clarke (NY)   | Gardner         |
| Adams       | Clay          | Garrett         |
| Akin        | Cleaver       | Gerlach         |
| Alexander   | Clyburn       | Gibbs           |
| Altmire     | Coble         | Gibson          |
| Andrews     | Coffman (CO)  | Gingrey (GA)    |
| Austria     | Cohen         | Goodlatte       |
| Baca        | Cole          | Granger         |
| Bachus      | Connolly (VA) | Graves (MO)     |
| Baldwin     | Conyers       | Green, Al       |
| Barletta    | Cooper        | Green, Gene     |
| Barrow      | Costa         | Griffin (AR)    |
| Bartlett    | Costello      | Griffith (VA)   |
| Barton (TX) | Courtney      | Grijalva        |
| Bass (CA)   | Cravaack      | Grimm           |
| Bass (NH)   | Crawford      | Guinta          |
| Becerra     | Critz         | Guthrie         |
| Berg        | Crowley       | Gutierrez       |
| Berkley     | Cuellar       | Hall            |
| Berman      | Cummings      | Hanabusa        |
| Biggett     | Davis (CA)    | Hanna           |
| Bilirakis   | Davis (IL)    | Harper          |
| Bishop (GA) | Davis (KY)    | Harris          |
| Bishop (NY) | DeFazio       | Hastings (FL)   |
| Black       | DeGette       | Hayworth        |
| Blackburn   | DeLauro       | Heck            |
| Blumenauer  | Denham        | Heinrich        |
| Bonner      | Dent          | Herrera Beutler |
| Bono Mack   | DesJarlais    | Himes           |
| Boren       | Deutch        | Hinchey         |
| Boswell     | Dicks         | Hinojosa        |
| Boustany    | Dingell       | Hirono          |
| Brady (PA)  | Doggett       | Hochul          |
| Braley (IA) | Dold          | Holden          |
| Brooks      | Donnelly (IN) | Holt            |
| Brown (FL)  | Doyle         | Honda           |
| Buchanan    | Duffy         | Hoyer           |
| Buchson     | Duncan (TN)   | Hultgren        |
| Buerkle     | Edwards       | Hurt            |
| Burgess     | Ellison       | Inslee          |
| Burton (IN) | Emerson       | Israel          |
| Butterfield | Engel         | Jackson (IL)    |
| Camp        | Eshoo         | Jackson Lee     |
| Canseco     | Farenthold    | (TX)            |
| Capito      | Farr          | Johnson (GA)    |
| Capps       | Fattah        | Johnson (IL)    |
| Capuano     | Filner        | Johnson (OH)    |
| Cardoza     | Fincher       | Johnson, E. B.  |
| Carnahan    | Fitzpatrick   | Jones           |
| Carney      | Fleischmann   | Kaptur          |
| Carson (IN) | Fleming       | Keating         |
| Cassidy     | Forbes        | Kelly           |
| Castor (FL) | Fortenberry   | Kildee          |
| Chabot      | Frank (MA)    | Kind            |
| Chandler    | Frelinghuysen | King (NY)       |
| Chu         | Fudge         | Kinzinger (IL)  |
| Cicilline   | Gallely       | Kissell         |
| Clarke (MI) | Garamendi     | Kline           |

|                    |                   |               |
|--------------------|-------------------|---------------|
| Kucinich           | Olver             | Schrader      |
| Lance              | Owens             | Scott (VA)    |
| Landry             | Pallone           | Scott, David  |
| Langevin           | Pascrell          | Sensenbrenner |
| Larsen (WA)        | Pastor (AZ)       | Serrano       |
| Larson (CT)        | Paul              | Sessions      |
| Latham             | Paulsen           | Sewell        |
| LaTourette         | Payne             | Sherman       |
| Lee (CA)           | Pelosi            | Shimkus       |
| Levin              | Perlmutter        | Shuler        |
| Lewis (GA)         | Peters            | Shuster       |
| Lipinski           | Peterson          | Simpson       |
| LoBiondo           | Petri             | Sires         |
| Loeb sack          | Pingree (ME)      | Slaughter     |
| Lofgren, Zoe       | Platts            | Smith (NE)    |
| Lowey              | Poe (TX)          | Smith (NJ)    |
| Luetkemeyer        | Polis             | Smith (TX)    |
| Lujan              | Price (GA)        | Smith (WA)    |
| Lungren, Daniel E. | Price (NC)        | Speier        |
| Lynch              | Quigley           | Stark         |
| Maloney            | Rahall            | Stearns       |
| Marchant           | Rangel            | Stivers       |
| Marino             | Reed              | Sutton        |
| Markey             | Rehberg           | Terry         |
| Matheson           | Reichert          | Thompson (CA) |
| Matsui             | Renacci           | Thompson (MS) |
| McCarthy (NY)      | Reyes             | Tiberi        |
| McCaul             | Ribble            | Tipton        |
| McClintock         | Richardson        | Tonko         |
| McCollum           | Richmond          | Towns         |
| McCotter           | Rigell            | Tsongas       |
| McDermott          | Rivera            | Turner        |
| McGovern           | Roe (TN)          | Upton         |
| McHenry            | Rogers (AL)       | Van Hollen    |
| McIntyre           | Rogers (MI)       | Velázquez     |
| McKinley           | Rooney            | Visclosky     |
| McNerney           | Ros-Lehtinen      | Walberg       |
| Meehan             | Ross (AR)         | Walden        |
| Meeks              | Rothman (NJ)      | Waters        |
| Michaud            | Roybal-Allard     | Watt          |
| Miller (MI)        | Runyan            | Waxman        |
| Miller (NC)        | Ruppersberger     | Weiner        |
| Miller, George     | Rush              | Welch         |
| Moore              | Ryan (OH)         | West          |
| Moran              | Sanchez, Linda T. | Whitfield     |
| Murphy (CT)        | Sanchez, Loretta  | Wilson (FL)   |
| Murphy (PA)        | Sarbanes          | Wittman       |
| Nadler             | Scalise           | Womack        |
| Napolitano         | Schakowsky        | Woodall       |
| Neal               | Schiff            | Woolsey       |
| Noem               | Schilling         | Wu            |
| Nugent             | Schmidt           | Yarmuth       |
| Nunes              | Schock            | Young (AK)    |
|                    |                   | Young (FL)    |

#### NOES—87

|               |               |               |
|---------------|---------------|---------------|
| Aderholt      | Huelskamp     | Pence         |
| Amash         | Huizenga (MI) | Pitts         |
| Bachmann      | Hunter        | Pompeo        |
| Benishke      | Issa          | Posey         |
| Bilbray       | Jenkins       | Quayle        |
| Bishop (UT)   | Johnson, Sam  | Roby          |
| Brady (TX)    | Jordan        | Rogers (KY)   |
| Broun (GA)    | King (IA)     | Rohrabacher   |
| Calvert       | Kingston      | Rokita        |
| Campbell      | Labrador      | Roskam        |
| Cantor        | Lamborn       | Ross (FL)     |
| Carter        | Lankford      | Royce         |
| Conaway       | Latta         | Ryan (WI)     |
| Crenshaw      | Lewis (CA)    | Schweikert    |
| Culberson     | Long          | Scott (SC)    |
| Diaz-Balart   | Lummis        | Scott, Austin |
| Dreier        | Mack          | Southerland   |
| Duncan (SC)   | McCarthy (CA) | Stutzman      |
| Elmiers       | McKeon        | Sullivan      |
| Flake         | McMorris      |               |
| Flores        | Rodgers       | Thompson (PA) |
| Fox           | Mica          | Thornberry    |
| Franks (AZ)   | Miller (FL)   | Walsh (IL)    |
| Gosar         | Miller, Gary  | Webster       |
| Gowdy         | Mulvaney      | Westmoreland  |
| Graves (GA)   | Neugebauer    | Wilson (SC)   |
| Hartzler      | Nunnelee      | Wolf          |
| Hastings (WA) | Olson         | Yoder         |
| Hensarling    | Palazzo       | Young (IN)    |
| Herger        | Pearce        |               |

#### NOT VOTING—12

|          |          |           |
|----------|----------|-----------|
| Chaffetz | Lucas    | Walz (MN) |
| Giffords | Manzullo | Wasserman |
| Gohmert  | Merrick  | Schultz   |
| Gonzalez | Schwartz |           |
| Higgins  | Tierney  |           |

□ 1838

Messrs. MCCARTHY of California, PEARCE, PENCE, WESTMORELAND, MACK, and Mrs. McMORRIS RODGERS changed their vote from “aye” to “no.”

Messrs. SERRANO, SCHOCK, BECERRA, NUNES, SESSIONS, FLEISCHMANN, SCALISE, FARENTHOLD, SHIMKUS, WITTMAN, FORBES, WOODALL, GARRETT, GALLEGLY, KLINE, HULTGREN, RIGELL, BONNER, MARCHANT, CRAWFORD, GRIFFIN of Arkansas, GUTHRIE, WOMACK, KELLY, BURGESS, ROGERS of Michigan, ALEXANDER, FLEMING and COLE, and Mrs. EMERSON, Mrs. BLACKBURN, Mrs. BLACK, Ms. GRANGER, and Ms. BUECKLE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CICILLINE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 266, not voting 12, as follows:

[Roll No. 385]

#### AYES—154

|               |               |                |
|---------------|---------------|----------------|
| Ackerman      | DeGette       | Jackson Lee    |
| Andrews       | DeLauro       | (TX)           |
| Baca          | Denham        | Johnson (GA)   |
| Baldwin       | Deutch        | Johnson, E. B. |
| Bass (CA)     | Dingell       | Jones          |
| Becerra       | Doggett       | Kaptur         |
| Berkley       | Doyle         | Keating        |
| Berman        | Edwards       | Kildee         |
| Blumenauer    | Ellison       | King (NY)      |
| Brady (PA)    | Engel         | Lance          |
| Braley (IA)   | Eshoo         | Langevin       |
| Brown (FL)    | Farr          | Larson (CT)    |
| Burgess       | Fattah        | Lee (CA)       |
| Butterfield   | Filner        | Levin          |
| Capps         | Frank (MA)    | Lewis (GA)     |
| Capuano       | Fudge         | Lipinski       |
| Carnahan      | Garamendi     | Lofgren, Zoe   |
| Carney        | Green, Al     | Maloney        |
| Carson (IN)   | Grijalva      | Markay         |
| Cassidy       | Grimm         | Matsui         |
| Castor (FL)   | Gutierrez     | McCarthy (NY)  |
| Chu           | Hanabusa      | McCollum       |
| Cicilline     | Hanna         | McDermott      |
| Clarke (MI)   | Hastings (FL) | McGovern       |
| Clarke (NY)   | Higgins       | Meeks          |
| Clay          | Himes         | Michaud        |
| Cleaver       | Hinchey       | Miller, George |
| Cohen         | Hirono        | Moore          |
| Connolly (VA) | Hochul        | Moran          |
| Cooper        | Holt          | Murphy (CT)    |
| Courtney      | Honda         | Nadler         |
| Crowley       | Hoyer         | Napolitano     |
| Cuellar       | Israel        | Neal           |
| Cummings      | Jackson (IL)  |                |
| Davis (IL)    |               |                |



Olver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paul  
Payne  
Pelosi  
Perlmutter  
Pingree (ME)  
Polis  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard

Rush  
Sánchez, Linda T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton

Thompson (CA)  
Thompson (MS)  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Waters  
Watt  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland

Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Waxman

Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Hochul  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham

LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Loebach  
Long  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Mack  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Pascrell  
Paul  
Paulsen  
Pearce  
Pence  
Peters  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera

Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (OH)  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Wu  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—266

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Capito  
Cardoza  
Carter  
Chabot  
Chandler  
Chandler  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Conyers  
Costa  
Costello  
Cravaack  
Crawford  
Crenshaw  
Critz  
Culberson  
Davis (CA)  
Davis (KY)  
DeFazio  
Dent  
DesJarlais  
Diaz-Balart  
Dicks  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher

Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzer  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Hinojosa  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inslee  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
Kind  
King (IA)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Landry  
Lankford  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Loebach  
Long  
Luetkemeyer  
Luján

Lummis  
Lungren, Daniel E.  
Lynch  
Mack  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Scalise  
Schilling  
Schmidt

Cantor  
Chaffetz  
Giffords  
Gohmert  
Gonzalez

## NOT VOTING—12

Lucas  
Manzullo  
Myrick  
Schwartz  
Tierney

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1844

Messrs. RUPPERSBERGER and KUCINICH changed their vote from “aye” to “no.”

Mr. SCHIFF changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 2 OFFERED BY MR. ROYCE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 151, not voting 13, as follows:

[Roll No. 386]

## AYES—268

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Bass (NH)  
Benishkek  
Berg  
Berkley  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany

Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carney  
Carson (IN)  
Carter  
Chabot  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costello  
Cravaack

Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Davis (KY)  
DeFazio  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Cassidy  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Costa

## NOES—151

Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Himes  
Hinchey

Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markley  
Matsui  
McCollum

|                |                  |               |
|----------------|------------------|---------------|
| McDermott      | Polis            | Sherman       |
| McGovern       | Price (NC)       | Sires         |
| McNerney       | Quigley          | Speier        |
| Meeks          | Rangel           | Stark         |
| Miller (NC)    | Reyes            | Sutton        |
| Miller, George | Richardson       | Thompson (CA) |
| Moore          | Richmond         | Thompson (MS) |
| Moran          | Rothman (NJ)     | Tonko         |
| Murphy (CT)    | Roybal-Allard    | Towns         |
| Nadler         | Ruppersberger    | Tsongas       |
| Napolitano     | Rush             | Van Hollen    |
| Neal           | Sánchez, Linda   | Velázquez     |
| Olver          | T.               | Visclosky     |
| Owens          | Sanchez, Loretta | Waters        |
| Pallone        | Sarbanes         | Watt          |
| Pastor (AZ)    | Schakowsky       | Waxman        |
| Payne          | Schiff           | Weiner        |
| Pelosi         | Schrader         | Welch         |
| Perlmutter     | Scott (VA)       | Wilson (FL)   |
| Peterson       | Serrano          | Woolsey       |
| Pingree (ME)   | Sewell           | Yarmuth       |

## NOT VOTING—13

|             |           |           |
|-------------|-----------|-----------|
| Barton (TX) | Lucas     | Tierney   |
| Chaffetz    | Manzullo  | Walz (MN) |
| Giffords    | Myrick    | Wasserman |
| Gohmert     | Schwartz  | Schultz   |
| Gonzalez    | Slaughter |           |

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute is remaining in this vote.

□ 1848

Messrs. PALLONE and SCHIFF changed their vote from “aye” to “no.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 8 OFFERED BY MR. POE OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 327, noes 93, not voting 12, as follows:

[Roll No. 387]

AYES—327

|             |             |              |
|-------------|-------------|--------------|
| Ackerman    | Blackburn   | Capps        |
| Adams       | Blumenauer  | Carney       |
| Akin        | Bono Mack   | Carson (IN)  |
| Alexander   | Boren       | Carter       |
| Altmire     | Boswell     | Cassidy      |
| Andrews     | Boustany    | Chabot       |
| Austria     | Brady (PA)  | Chandler     |
| Bachmann    | Brady (TX)  | Cicilline    |
| Bachus      | Braley (IA) | Clarke (MI)  |
| Barletta    | Brooks      | Clay         |
| Barrow      | Broun (GA)  | Cleaver      |
| Bartlett    | Brown (FL)  | Coble        |
| Barton (TX) | Buchanan    | Coffman (CO) |
| Bass (NH)   | Bucshon     | Cohen        |
| Benishek    | Buerkle     | Cole         |
| Berg        | Burgess     | Conaway      |
| Berkley     | Burton (IN) | Cooper       |
| Berman      | Calvert     | Costello     |
| Biggart     | Camp        | Courtney     |
| Bishop (GA) | Campbell    | Cravaack     |
| Bishop (UT) | Canseco     | Crawford     |
| Black       | Capito      | Critz        |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Crowley         | King (IA)       | Rahall           |
| Cuellar         | King (NY)       | Rangel           |
| Culberson       | Kingston        | Rehberg          |
| Davis (CA)      | Kinzinger (IL)  | Reichert         |
| Davis (KY)      | Kissell         | Renacci          |
| DeFazio         | Kline           | Reyes            |
| DeGette         | Kucinich        | Ribble           |
| DeLauro         | Labrador        | Rigell           |
| Dent            | Lamborn         | Roe (TN)         |
| DesJarlais      | Landry          | Rogers (MI)      |
| Dicks           | Langevin        | Rohrabacher      |
| Doggett         | Lankford        | Rokita           |
| Dold            | Larson (CT)     | Rooney           |
| Donnelly (IN)   | Latham          | Roskam           |
| Doyle           | LaTourrette     | Ross (AR)        |
| Dreier          | Latta           | Ross (FL)        |
| Duffy           | Lee (CA)        | Rothman (NJ)     |
| Duncan (SC)     | Levin           | Royce            |
| Duncan (TN)     | Lewis (CA)      | Runyan           |
| Ellmers         | Lewis (GA)      | Ruppersberger    |
| Emerson         | Lipinski        | Rush             |
| Engel           | LoBiondo        | Ryan (OH)        |
| Farenthold      | Loeb sack       | Ryan (WI)        |
| Fattah          | Lofgren, Zoe    | Sanchez, Loretta |
| Fincher         | Long            | Sarbanes         |
| Fitzpatrick     | Lowey           | Scalise          |
| Flake           | Luetkemeyer     | Schakowsky       |
| Fleischmann     | Luján           | Schiff           |
| Fleming         | Lummis          | Schilling        |
| Flores          | Lungren, Daniel | Schmidt          |
| Forbes          | E.              | Schock           |
| Fortenberry     | Lynch           | Schweikert       |
| Frank (MA)      | Mack            | Scott (SC)       |
| Franks (AZ)     | Maloney         | Scott (VA)       |
| Fudge           | Marchant        | Scott, Austin    |
| Gallegly        | Marino          | Scott, David     |
| Gardner         | Markey          | Sensenbrenner    |
| Garrett         | Matheson        | Serrano          |
| Gerlach         | Matsui          | Sessions         |
| Gibbs           | McCarthy (CA)   | Sewell           |
| Gibson          | McCarthy (NY)   | Sherman          |
| Gingrey (GA)    | McCaul          | Shimkus          |
| Goodlatte       | McClintock      | Shuler           |
| Gosar           | McCotter        | Shuster          |
| Gowdy           | McGovern        | Simpson          |
| Granger         | McHenry         | Sires            |
| Graves (GA)     | McIntyre        | Smith (NJ)       |
| Green, Gene     | McKeon          | Smith (TX)       |
| Griffin (AR)    | McKinley        | Smith (WA)       |
| Griffith (VA)   | McMorris        | Southerland      |
| Guinta          | Rodgers         | Speier           |
| Guthrie         | McNerney        | Stearns          |
| Hall            | Meehan          | Stivers          |
| Hanabusa        | Mica            | Stutzman         |
| Hanna           | Michaud         | Sullivan         |
| Harper          | Miller (FL)     | Sutton           |
| Harris          | Miller (MI)     | Thompson (CA)    |
| Hartzler        | Miller (NC)     | Thornberry       |
| Hayworth        | Miller, Gary    | Tiberi           |
| Heck            | Moore           | Tipton           |
| Heinrich        | Mulvaney        | Tonko            |
| Hensarling      | Murphy (CT)     | Tsongas          |
| Herger          | Murphy (PA)     | Turner           |
| Herrera Beutler | Neugebauer      | Upton            |
| Higgins         | Noem            | Van Hollen       |
| Hinojosa        | Nugent          | Velázquez        |
| Hirono          | Nunes           | Visclosky        |
| Hochul          | Olson           | Walberg          |
| Holden          | Olver           | Walden           |
| Huelskamp       | Palazzo         | Walsh (IL)       |
| Huizenga (MI)   | Pascrell        | Waters           |
| Hultgren        | Paulsen         | Watt             |
| Hunter          | Pearce          | Webster          |
| Hurt            | Pelosi          | Weiner           |
| Inslee          | Pence           | Welch            |
| Issa            | Perlmutter      | West             |
| Jackson Lee     | Peters          | Westmoreland     |
| (TX)            | Petri           | Whitfield        |
| Jenkins         | Pingree (ME)    | Wilson (FL)      |
| Johnson (OH)    | Pitts           | Wilson (SC)      |
| Johnson, E. B.  | Platts          | Womack           |
| Johnson, Sam    | Poe (TX)        | Woodall          |
| Jones           | Polis           | Wu               |
| Jordan          | Pompeo          | Yarmuth          |
| Kaptur          | Posey           | Yoder            |
| Kelly           | Price (GA)      | Young (AK)       |
| Kildee          | Price (NC)      | Young (FL)       |
| Kind            | Quayle          | Young (IN)       |

## NOES—93

|           |             |             |
|-----------|-------------|-------------|
| Aderholt  | Becerra     | Butterfield |
| Amash     | Bilbray     | Cantor      |
| Baca      | Bilirakis   | Capuano     |
| Baldwin   | Bishop (NY) | Cardoza     |
| Bass (CA) | Bonner      | Carnahan    |

|               |                |                |
|---------------|----------------|----------------|
| Castor (FL)   | Hastings (FL)  | Payne          |
| Chu           | Hastings (WA)  | Peterson       |
| Clarke (NY)   | Himes          | Quigley        |
| Clyburn       | Hinchey        | Reed           |
| Connolly (VA) | Holt           | Richardson     |
| Conyers       | Honda          | Richmond       |
| Costa         | Hoyer          | Rivera         |
| Crenshaw      | Israel         | Roby           |
| Cummings      | Jackson (IL)   | Rogers (AL)    |
| Davis (IL)    | Johnson (GA)   | Rogers (KY)    |
| Denham        | Johnson (IL)   | Ros-Lehtinen   |
| Deutch        | Keating        | Roybal-Allard  |
| Diaz-Balart   | Lance          | Sánchez, Linda |
| Dingell       | Larsen (WA)    | T.             |
| Edwards       | McCollum       | Schrader       |
| Ellison       | McDermott      | Smith (NE)     |
| Eshoo         | Meeks          | Stark          |
| Farr          | Miller, George | Terry          |
| Filner        | Moran          | Thompson (MS)  |
| Fox           | Nadler         | Thompson (PA)  |
| Frelinghuysen | Napolitano     | Towns          |
| Garamendi     | Neal           | Waxman         |
| Graves (MO)   | Nunnelee       | Wittman        |
| Green, Al     | Owens          | Wolf           |
| Grijalva      | Pallone        | Woolsey        |
| Grimm         | Pastor (AZ)    |                |
| Gutierrez     | Paul           |                |

## NOT VOTING—12

|          |           |           |
|----------|-----------|-----------|
| Chaffetz | Manzullo  | Walz (MN) |
| Giffords | Myrick    | Wasserman |
| Gohmert  | Schwartz  | Schultz   |
| Gonzalez | Slaughter |           |
| Lucas    | Tierney   |           |

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1851

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. CUELLAR

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CUELLAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 256, not voting 14, as follows:

[Roll No. 388]

AYES—162

|             |              |               |
|-------------|--------------|---------------|
| Ackerman    | Braley (IA)  | Cummings      |
| Adams       | Brooks       | DeFazio       |
| Andrews     | Broun (GA)   | Deutch        |
| Bachmann    | Burgess      | Doggett       |
| Barletta    | Burton (IN)  | Donnelly (IN) |
| Barrow      | Butterfield  | Doyle         |
| Barton (TX) | Calvert      | Duffy         |
| Bass (NH)   | Camp         | Duncan (SC)   |
| Benishek    | Campbell     | Engel         |
| Berg        | Canseco      | Farenthold    |
| Berkley     | Castor (FL)  | Fattah        |
| Bilbray     | Chabot       | Fitzpatrick   |
| Bishop (UT) | Chandler     | Flake         |
| Blackburn   | Clarke (MI)  | Fudge         |
| Bono Mack   | Coble        | Garamendi     |
| Boren       | Coffman (CO) | Gardner       |
| Boswell     | Conaway      | Gibson        |
| Boustany    | Critz        | Granger       |
| Brady (PA)  | Cuellar      | Graves (GA)   |
| Brady (TX)  | Culberson    | Green, Gene   |

Hall  
Hanna  
Harris  
Hartzler  
Herger  
Herrera Beutler  
Higgins  
Hinojosa  
Hochul  
Holden  
Huelskamp  
Hunter  
Inslee  
Israel  
Issa  
Kaptur  
Keating  
Kelly  
Kind  
King (IA)  
King (NY)  
Larsen (WA)  
Larson (CT)  
Latham  
Lewis (CA)  
Loeback  
Lynch  
Mack  
Marchant  
Marino  
Matheson  
McCarthy (NY)  
McCauley  
McClintock  
McIntyre

McKeon  
McMorris  
Rodgers  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moore  
Murphy (PA)  
Neugebauer  
Nugent  
Nunes  
Olson  
Pallone  
Pascarella  
Pearce  
Pelosi  
Perlmutter  
Peters  
Petri  
Pitts  
Platts  
Poe (TX)  
Price (GA)  
Quayle  
Rahall  
Rehberg  
Reichert  
Renacci  
Reyes  
Richardson  
Rogers (AL)  
Rogers (MI)  
Rohrabacher  
Ross (AR)

Ross (FL)  
Rothman (NJ)  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta  
Sarbanes  
Schiff  
Schmidt  
Schradler  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Sherman  
Shimkus  
Shuler  
Sires  
Smith (TX)  
Southernland  
Stearns  
Sullivan  
Sutton  
Thornberry  
Thorn  
Towns  
Upton  
Webster  
Weiner  
West  
Young (AK)  
Young (FL)  
Young (IN)

Napolitano  
Neal  
Neom  
Nunnelee  
Oliver  
Owens  
Palazzo  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Peterson  
Pingree (ME)  
Polis  
Pompeo  
Posey  
Price (NC)  
Quigley  
Rangel  
Reed  
Ribble  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (KY)  
Rokita

Rooney  
Ros-Lehtinen  
Roskam  
Roybal-Allard  
Runyan  
Rush  
Sanchez, Linda  
T.  
Scalise  
Schakowsky  
Schilling  
Shock  
Scott (SC)  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Stivers  
Stutzman  
Terry  
Thompson (CA)  
Thompson (MS)

Thompson (PA)  
Tiberi  
Tipton  
Tonko  
Tsongas  
Turner  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Watt  
Waxman  
Welch  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Wu  
Yarmuth  
Yoder

# DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2017.

□ 1858

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. DOLD (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose earlier today, the amendment offered by the gentleman from Texas (Mr. CUELLAR) had been disposed of, and the bill had been read through page 6, line 22.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Alabama for the purpose of a colloquy.

Mr. ROGERS of Alabama. I want to thank Chairman ADERHOLT, my good friend from Alabama, for yielding.

Mr. Chairman, I commend you for bringing this important legislation to the floor and for your hard work during these difficult budget times. As chairman of the subcommittee with sole authorizing jurisdiction over the Transportation Security Administration in the House, I welcome our continued collaboration on transportation security issues.

Specifically today, I want to discuss with you the need to increase the number of explosive detection canines within TSA for aviation and surface transportation security. Within the area of passenger screening, we all know that explosive detection canines are one of the most effective screening means, and they do it without many of the concerns and costs of other types of detection technology.

□ 1900

They do not impede the flow of traffic, and they avoid privacy concerns because they do not come into direct contact with passengers.

We know that the military canine units in Iraq and Afghanistan can detect improvised explosive devices with an 80 percent rate, much higher than the 50 percent expected from those units with other technologies.

And for all the good that canines do, they do it at a better price than other technologies. If there is a better, more

NOES—256

Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Baca  
Bachus  
Baldwin  
Bartlett  
Bass (CA)  
Becerra  
Berman  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blumenauer  
Bonner  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Cantor  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Cicilline  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Crowley  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeGette  
DeLauro  
Denham  
Dent

DesJarlais  
Diaz-Balart  
Dicks  
Dingell  
Dold  
Dreier  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Eshoo  
Farr  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Long  
Lowey  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
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McNerney  
Meehan  
Meeks  
Mica  
Miller (NC)  
Miller, George  
Moran  
Mulvaney  
Murphy (CT)  
Nadler

Jackson (IL)  
Jackson Lee  
Dicks  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kildee  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Long  
Lowey  
Luetkemeyer  
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McKinley  
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Meehan  
Meeks  
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Miller, George  
Moran  
Mulvaney  
Murphy (CT)  
Nadler

NOT VOTING—14

Chaffetz  
Chu  
Giffords  
Gohmert  
Gonzalez

□ 1855

Mr. NEAL and Mrs. MALONEY changed their vote from “aye” to “no.” Messrs. ROGERS of Michigan and BROOKS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FLEISCHMANN) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-97) on the resolution (H. Res. 288) providing for consideration of the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

cost-efficient option to increasing canines, I am open to any suggestion.

In fact, according to published reports, the elite Navy SEAL team that killed Osama bin Laden likely carried at least one canine with them on that mission into Pakistan. Surely, then, canines can and do provide invaluable bomb detection services here at home.

Especially in these times of heightened terrorist threats, along with the information that we gathered from killing bin Laden, we need to prudently increase the number of detection canines in TSA.

Mr. ADERHOLT. Chairman ROGERS, I too look forward to continuing to work with you on this issue involving the TSA. I completely agree that the explosive detection canines are a cost-effective, proven critical part of the TSA security. As we continue to work together on both appropriations and your efforts on reauthorizing and transforming TSA, I look forward to exploring all of the potential options to utilize detection canines to patrol our transportation systems.

Thank you for your work in making our transportation systems more secure.

Mr. ROGERS of Alabama. Thank you, Chairman ADERHOLT. I also want to thank my colleague, Representative JASON CHAFFETZ, for his work on this issue and my friend and colleague, Representative SHEILA JACKSON LEE, for her dedication to it as well.

The Acting CHAIR (Mr. BASS of New Hampshire). The Clerk will read.

The Clerk read as follows:

#### TITLE II

#### SECURITY, ENFORCEMENT, AND INVESTIGATIONS

#### U.S. CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 8,000 (7,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,769,518,000, of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$287,901,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for

solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2012, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for Inspection and Detection Technology that identifies for each technology—

(1) the inventory of Inspection and Detection Technology by location and date of deployment;

(2) the proposed appropriations included in the budget subdivided by the proposed appropriations for procurement, including quantity, deployment, and operations and maintenance;

(3) projected funding levels for procurement in quantity, deployment, and operations and maintenance for each of the next three fiscal years; and

(4) a current acquisition program baseline that—

(A) aligns the acquisition of each technology to mission requirements by defining existing capabilities of comparable legacy technology assets, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps;

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology; and

(C) includes a phase-out and decommissioning schedule delineated by fiscal year for existing legacy technology assets that each technology is intended to replace or recapitalize.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 13, after the first dollar amount, insert the following: “(reduced by \$1,000,000) (increased by \$1,000,000)”.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. KING of Iowa. Mr. Chairman, my amendment goes in and strikes out a million dollars and inserts that million dollars back in again and directs that, in our dialogue here in the CONGRESSIONAL RECORD, for the purpose of taking out the lookout points, the spotter locations that have been formed by the drug smugglers on the U.S. side of the

border between primarily Arizona and Mexico.

A number of times I have been down to the border to review these lookout posts, these spotter locations, and on certain occasions I have climbed to the top of those small mountains where they overlook the transportation links that we have the intersections, and the drug smugglers have actually taken paramilitary positions on top of these mountains overlooking U.S. transportation for the purposes of being able to warn their drug and people smugglers when the Border Patrol and other law enforcement are coming along the way. I have gone to the top of these mountains with Border Patrol and with the Shadow Wolves down there on the border and flown to the top of some of these mountains to take the positions that are taken by the spotters.

This is something that this Congress has spoken to before. This amendment has passed in the past, and what it does is it directs the Border Patrol and their security personnel to take those locations out, not to concede these tactical locations inside the United States that go as far up as Tucson and on north towards Phoenix.

And, in fact, about 4 years ago, I and a couple of others put together a map of these locations. I stood with some of our law enforcement personnel, and I said, Show me where on the map. They started drawing X's on the map. I took it along the Arizona border, and when we were done, I had over 75 locations of mountaintops that were manned by drug smuggling personnel. They are supplied and resupplied, Mr. Chairman.

This Congress can't tolerate those kinds of locations here in the United States, and I urge the adoption of my amendment, which simply directs the law enforcement personnel to use that million dollars to take out the spotters on the lookouts on the mountains that control the transportation and let smuggling happen within the United States.

I urge adoption.

I yield back the balance of my time.

The Acting CHAIR. Does any Member seek recognition?

Mr. ADERHOLT. I have no objection and accept the gentleman's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$334,275,000, to remain available until September 30, 2014, of which not less than \$140,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on

Appropriations of the Senate and the House of Representatives, not later than 60 days after the date of enactment of this Act, an expenditure plan for the Automated Commercial Environment program including results to date, plans for the program, and a list of projects with associated funding from prior appropriations and provided by this Act: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the funds made available under this heading that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) current acquisition program baselines for the Automated Commercial Environment and TECS Modernization respectively, that—

(A) note and explain any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) align these acquisition programs to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) define life-cycle costs for these programs.

#### BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$500,000,000, to remain available until September 30, 2014: *Provided*, That of the total amount made available under this heading, \$150,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a detailed expenditure plan prepared by the Secretary of Homeland Security, and submitted not later than 90 days after the date of enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of fencing, tactical infrastructure, and technology: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the Border Security Fencing, Infrastructure, and Technology account, that includes for each tactical infrastructure and technology deployment—

(1) the funding level in that budget and projected funding levels for each of the next three fiscal years, including a description of the purpose of such funding levels;

(2) the deployment plan, by border segment, that aligns each deployment to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated

mission requirements related to achieving operational control, and explaining how each tactical infrastructure or technology deployment will address such known capability gaps; and

(3) a current acquisition program baseline that—

(A) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the most recent acquisition program baseline approved by the Department of Homeland Security Acquisition Review Board;

(B) includes a phase-out and life-cycle recapitalization schedule delineated by fiscal year for existing and new tactical infrastructure and technology deployments that each deployment is intended to replace or recapitalize; and

(C) includes qualitative performance metrics that assess the effectiveness of new and existing tactical infrastructure and technology deployments and inform the next multi-year investment and management plan related to achieving operational control of the Northern and Southwest borders of the United States.

#### AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$499,966,000, to remain available until September 30, 2014: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2012 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 90 days after the date of enactment of this Act, on the update to the five-year strategic plan for the air and marine program directed in conference report 109-241 accompanying Public Law 109-90 that addresses missions, structure, operations, equipment, facilities, and resources including deployment and command and control requirements, and includes a recapitalization plan with milestones and funding, and a detailed staffing plan with associated costs to achieve full staffing to meet all mission requirements.

#### CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, furnish, operate, manage, oversee, administer, and maintain buildings and facilities and to provide facilities solutions and related infrastructure along with program management support necessary for the administration and enforcement of the laws relating to customs,

immigration, and border security, \$234,096,000, to remain available until September 30, 2016: *Provided*, That the Commissioner of U.S. Customs and Border Protection shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act for the projects funded under this heading: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, an inventory of the real property of the U.S. Customs and Border Protection and a plan for each activity and project proposed for funding under this heading that includes the full cost by fiscal year of each activity and project proposed and underway in fiscal year 2013.

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. Does the gentleman from Michigan seek unanimous consent to have his amendment considered out of order at this point?

Mr. CLARKE of Michigan. Yes.

The Acting CHAIR. Is there objection?

Mr. ADERHOLT. I object.

The Acting CHAIR. Objection is heard.

The Clerk will read.

The Clerk read as follows:

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,522,474,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography pipeline and activities to counter child exploitation; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,600,000,000

shall be available to identify aliens convicted of a crime who may be deportable and aliens who may pose a serious risk to public safety or national security who may be deportable, and to remove them from the United States once they are judged deportable, of which \$194,064,000 shall remain available until September 30, 2013: *Provided further*, That the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make such progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That the funding made available under this heading shall maintain a level of not less than 34,000 detention beds through September 30, 2012: *Provided further*, That of the total amount provided, not less than \$2,750,843,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, \$10,300,000 shall remain available until September 30, 2013, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

Mr. KING of Iowa. Mr. Chairman, I had an amendment on page 12.

The Acting CHAIR. The gentleman from Iowa should be advised that the reading has progressed beyond that point in the bill.

Does the gentleman have an amendment to this portion of the bill?

Mr. KING of Iowa. Mr. Chairman, I ask unanimous consent to take up the amendment on page 12.

Mr. DICKS. I object.

The Acting CHAIR. The Chair hears objection.

Does the gentleman have an amendment to this portion of the bill?

Mr. KING of Iowa. No, sir.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 24, after the dollar amount, insert the following: "(reduced by \$1,000,000) (increased by \$1,000,000)".

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. KING of Iowa. Mr. Chairman, this amendment is an amendment that strikes \$1 million and puts a million back in. It's an amendment that has been before this Congress before. It's one that supports the Shadow Wolves, and the Shadow Wolves are a part of CBP. They are stationed at Sells, Arizona. They are within, mostly the Tohono O'odham reservation.

They are Native Americans that defend our border and interact culturally and regionally in that area. They have been very, very effective. Their numbers have gone up, approaching 20, but their numbers have diminished now down to only five Shadow Wolves left. They have been excellent about tracking smugglers through the desert.

They have been very effective in law enforcement, and they have been shifted back and forth out of Border Patrol into Customs and Border Protection in the past, but still their numbers are reduced, and this is \$1 million that directs them to go forward and expand the Shadow Wolves again, to sustain them.

I think it's a compliment to the Native Americans all across this country, the effectiveness the Shadow Wolves have provided on the border. Again, I have been down to visit them a number of times, watched them in action, participated with them in action.

□ 1910

Actually with Shadow Wolves, we did a one-strut landing of a Blackhawk on top of those lookout points that were my previous amendment.

And so I urge this Congress to take action today to preserve what's left of the Shadow Wolves, the five that are there, and encourage and direct that there be the employees added to those works. If we let that funding reduce any further, the Shadow Wolves are gone probably forever, and their effectiveness has been something that's been a challenge to the rest of law enforcement along the border.

I urge the adoption of my amendment, and I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I withdraw the point of order and accept the gentleman's amendment.

The Acting CHAIR. The reservation is withdrawn.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BARROW

Mr. BARROW. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 24, after the dollar amount insert "(reduced by \$5,000,000) (increased by \$5,000,000)".

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes in support of his amendment.

Mr. BARROW. Mr. Chairman, I recently returned from a trip to our southern border at the invitation of our colleague, GABRIELLE GIFFORDS. While I think it's fair to say that advances have been made since my most recent trip to the border in 2007, I feel it's also necessary to report that significant challenges remain.

Successful border security requires a multi-pronged strategy. We need the physical presence of boots on the ground. We need to enforce the laws on the books to deny benefits to those who are here illegally, and we need to identify illegal immigrants who may pose a serious risk to public safety or national security and deport them.

One of our main tools in identifying those public safety risks is the Law Enforcement Support Center, or the LESC. The LESC serves as a clearinghouse for local law enforcement officials, providing real-time information and help on immigration status of illegal immigrants suspected, arrested, or convicted of criminal activity.

In fiscal year 2010, the LESC fielded over 1 million requests for information from local law enforcement, and recent changes to State law will surely increase those requests. My amendment expresses the intent of Congress to prioritize LESC funding, and I urge my colleagues to support it.

With that, I yield back the balance of my time.

Mr. ADERHOLT. I have no objection and accept the gentleman's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$23,860,000, to remain available until September 30, 2016: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for funds made available under this heading that includes—

(1) the proposed appropriations included for each project and activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered;

(2) the total estimated cost and projected timeline of completion for all multi-year enhancements, modernizations, and new capabilities proposed in such budget or underway;

(3) a detailed accounting of operations and maintenance and contractor services costs; and

(4) current acquisition program baselines for Atlas and TECS Modernization respectively, that—

(A) note and explain any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline;

(B) align these acquisition programs to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how each increment will address such known capability gaps; and

(C) define life-cycle costs for these programs.

#### TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,224,556,000, of which \$1,692,000,000 shall be available until September 30, 2013, and of which not to exceed \$10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed \$4,155,813,000 shall be for screening operations, of which \$555,003,000 shall be for explosives detection systems; of which \$181,285,000 shall be for checkpoint support; and not to exceed \$1,068,743,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, \$222,738,000 shall be available for the purchase and installation of such systems, of which not less than 10 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, for fiscal year 2012 any funds in the Aviation Security Capital Fund established by section 44923(h) of title 49, United States Code, may be used for the procurement and installation of explosives detection systems or for the issuance of other transaction agreements for the purpose of funding projects described in section 44923(a): *Provided further*, That none of the funds made available in this Act may be used for any recruiting or hiring of personnel into the Transportation Security Administration that would cause the agency to exceed a staffing level of 46,000 full-time equivalent screeners: *Provided further*, That the preceding proviso shall not apply to personnel hired as part-time employees: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a detailed report on—

(1) the Department of Homeland Security efforts and resources being devoted to develop more advanced integrated passenger screening technologies for the most effective security of passengers and baggage at the lowest possible operating and acquisition costs;

(2) how the Transportation Security Administration is deploying its existing passenger and baggage screener workforce in the most cost effective manner; and

(3) labor savings from the deployment of improved technologies for passenger and

baggage screening and how those savings are being used to offset security costs or reinvested to address security vulnerabilities:

*Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received in fiscal year 2012, so as to result in a final fiscal year appropriation under this heading from the general fund of not more than \$3,194,556,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall be available for fiscal year 2013: *Provided further*, That Members of the House of Representatives and the Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the Attorney General, Deputy Attorney General, Assistant Attorneys General, and United States Attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget shall not be exempt from Federal passenger and baggage screening.

#### SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, \$129,748,000, to remain available until September 30, 2013.

#### TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$183,954,000, to remain available until September 30, 2013.

#### TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$1,032,790,000, to remain available until September 30, 2013: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, checkpoint support, and explosives detection systems procurement, refurbishment, and installation on an airport-by-airport basis for fiscal year 2013: *Provided further*, That these plans shall be submitted not later than 60 days after the date of enactment of this Act.

#### FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$961,375,000.

#### COAST GUARD

##### OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, purchase or lease of

not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and repairs and service-life replacements, not to exceed a total of \$28,000,000; purchase or lease of boats necessary for overseas deployments and activities; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$7,071,061,000, of which \$598,278,000 shall be for defense-related activities, of which \$258,278,000 is designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress); of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed \$20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from owners of yachts and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, \$75,000,000 shall be withheld from obligation for Coast Guard Headquarters Directorates until (1) a revised future-years capital investment plan for fiscal years 2012 through 2016, as specified under the heading "Coast Guard, Acquisition, Construction, and Improvements" of this Act, that is reviewed by the Comptroller General of the United States; (2) the fiscal year 2012 second quarter acquisition report; and (3) the polar operations high latitude study are submitted to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading designated as being for the global war on terrorism pursuant to section 301 of H. Con. Res. 34 (112th Congress) may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$10,198,000, to remain available until September 30, 2016: *Provided*, That an expenditure plan that itemizes the costs associated with each project identified in the Coast Guard's Environmental Compliance and Restoration backlog report dated April 11, 2011, shall be included at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

#### RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the Coast Guard reserve program; personnel and training costs; and equipment and services; \$131,778,000.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of



aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$1,151,673,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$427,691,000 shall be available until September 30, 2016, to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment; of which \$328,900,000 shall be available until September 30, 2014, to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability; of which \$171,140,000 shall be available until September 30, 2014, for other equipment; of which \$116,000,000 shall be available until September 30, 2016, for shore, infrastructure, military housing, and aids to navigation facilities, including waterfront facilities at Navy installations used by the Coast Guard, of which \$14,000,000 may be derived from the Coast Guard Housing Fund, established under section 687 of title 14, United States Code; and of which \$107,942,000 shall be available for personnel compensation and benefits and related costs: *Provided*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each requested capital asset—

(1) the proposed appropriations included in that budget;

(2) the total estimated cost of completion, including and clearly delineating the costs of associated major acquisition systems infrastructure and transition to operations;

(3) projected funding levels for each fiscal year for the next five fiscal years or until acquisition program baseline or project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) a current acquisition program baseline for each capital asset, as applicable, that—

(A) includes the total acquisition cost of each asset, subdivided by fiscal year and including a detailed description of the purpose of the proposed funding levels for each fiscal year, including for each fiscal year funds requested for design, pre-acquisition activities, production, structural modifications, missionization, post-delivery, and transition to operations costs;

(B) includes a detailed project schedule through completion, subdivided by fiscal year, that details—

(i) quantities planned for each fiscal year; and

(ii) major acquisition and project events, including development of operational requirements, contracting actions, design reviews, production, delivery, test and evaluation, and transition to operations, including necessary training, shore infrastructure, and logistics;

(C) notes and explains any deviations in cost, performance parameters, schedule, or estimated date of completion from the original acquisition program baseline and the most recent baseline approved by the Department of Homeland Security's Acquisition Review Board, if applicable;

(D) aligns the acquisition of each asset to mission requirements by defining existing capabilities of comparable legacy assets,

identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each asset will address such known capability gaps;

(E) defines life-cycle costs for each asset and the date of the estimate on which such costs are based, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the asset;

(F) includes the earned value management system summary schedule performance index and cost performance index for each asset, if applicable; and

(G) includes a phase-out and decommissioning schedule delineated by fiscal year for each existing legacy asset that each asset is intended to replace or recapitalize:

*Provided further*, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of Public Law 110-28 shall apply with respect to the amounts made available under this heading.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$12,779,000, to remain available until September 30, 2016, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation: *Provided further*, That a detailed expenditure plan for the amount requested under this heading shall be included with the President's annual budget submission.

#### RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,440,157,000, to remain available until expended.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as

may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in cases in which a protective assignment on the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,666,451,000, of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to investigations of missing and exploited children and shall remain available until September 30, 2013: *Provided*, That up to \$18,000,000 for protective travel shall remain available until September 30, 2013: *Provided further*, That up to \$12,307,000 for National Special Security Events shall remain available until September 30, 2013: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, for personnel receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to provide such protection on a fully reimbursable basis: *Provided further*, That of the total amount made available under this heading, \$43,843,000, to remain available until September 30, 2014, is for information integration and transformation: *Provided further*, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriation of the Senate and the House of Representatives certifying that all plans for such integration and

transformation are consistent with Department of Homeland Security enterprise architecture requirements: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

#### ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$6,780,000, to remain available until September 30, 2016.

#### TITLE III

#### PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

#### NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

#### MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, \$42,511,000: *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses.

#### INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$891,243,000: *Provided*, That of the amount made available under this heading, \$219,420,500 may not be obligated for the National Cyber Security Division program and \$148,639,500 may not be obligated for the Office of Infrastructure Protection until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the programs, the specific goals and milestones set for the programs, and the funds allocated to achieving each of those goals and milestones: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, (1) an expenditure plan for the Office of Infrastructure Protection and the National Cyber Security Division that describes the strategic context of the programs, the specific goals and milestones set for the programs, and the funds allocated to achieving each of those goals and milestones for the fiscal year being appropriated; and (2) a multi-year investment and management plan for the National Cybersecurity Protection System that identifies—

- (1) the inventory of nests and sensors by location and date of deployment;
- (2) the proposed appropriations included in that budget for each increment sub-divided by procurement, including quantity, deployment, and operations and maintenance;
- (3) projected funding levels for procurements including quantity, deployment, and operations and maintenance for each increment for each of the next five fiscal years; and
- (4) a current acquisition program baseline that—

(A) aligns the acquisition to mission requirements by defining existing capabilities, identifying known capability gaps between such existing capabilities and stated mission requirements, and explaining how the acquisition of each technology will address such known capability gaps; and

(B) defines life-cycle costs for each technology, including all associated costs of major acquisitions systems infrastructure and transition to operations, delineated by purpose and fiscal year for the projected service life of the technology.

#### FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of Federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Director of the Federal Protective Service shall include with the submission of the fiscal year 2013 budget a strategic human capital plan that aligns fee collection to personnel requirements based on the current threat assessment; *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2013 shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

#### UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the United States Visitor and Immigrant Status Indicator Technology program, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$297,402,000: *Provided*, That of the total amount made available under this heading, \$194,295,000 is to remain available until September 30, 2014: *Provided further*, That of the total amount provided, \$50,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology program until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act, that meets the statutory conditions specified under this heading in Public Law 110-329: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, a multi-year investment and management plan for the United States Visitor and Immigrant Status Indicator Technology program that includes—

- (1) the proposed appropriations for each activity tied to mission requirements and outcomes, program management capabilities, performance levels, and specific capabilities and services to be delivered, noting any deviations in cost or performance from the prior fiscal year expenditure or investment and management plan;
- (2) the total estimated cost, projected funding by fiscal year, and projected

timeline of completion for all enhancements, modernizations, and new capabilities proposed in such budget and underway, including and clearly delineating associated efforts and funds requested by other agencies within the Department of Homeland Security and in the Federal Government, and detailing any deviations in cost, performance, schedule, or estimated date of completion provided in the prior fiscal year expenditure or investment and management plan; and

(3) a detailed accounting of operations and maintenance, contractor services, and program costs associated with the management of identity services.

#### OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$165,949,000; of which \$30,171,000 is for salaries and expenses and \$115,164,000 is for BioWatch operations: *Provided*, That \$45,615,000 shall remain available until September 30, 2013, for biosurveillance, BioWatch Generation 3, chemical defense, medical and health planning and coordination, and workforce health protection: *Provided further*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That an expenditure plan for program, project, and activity and by objective for fiscal year 2012 shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program, project, and activity and by objective for each fiscal year shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$707,298,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295): *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses: *Provided further*, That the Secretary of Homeland Security shall submit an expenditure plan detailed by office for the Federal Emergency Management Agency to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: *Provided further*, That of the total amount made available under this heading, not to exceed \$5,863,000 shall remain available until September 30, 2013, for capital improvements at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available under this heading, \$35,250,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; and \$5,493,000 shall be for the

Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of the Homeland Security Act of 2002 (Public Law 107-296).

STATE AND LOCAL PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$1,000,000,000, which shall be distributed at the discretion of the Secretary of Homeland Security based on the following authorities:

(1) The State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605).

(2) The Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), notwithstanding subsection (c)(1) of such section, funds provided under this paragraph may be used for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary to be at high risk of a terrorist attack.

(3) The Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(4) The Citizen Corps Program, notwithstanding the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.).

(5) The Public Transportation Security Assistance and Railroad Security Assistance, under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1135 and 1163): *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) Over-the-Road Bus Security Assistance under section 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1182).

(7) Port Security Grants in accordance with 46 U.S.C. 70107.

(8) The Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(9) The Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

*Provided*, That of the amount provided under this heading, \$55,000,000 shall be for Operation Stonegarden and \$192,663,000 shall be for training, exercises, technical assistance, and other programs, of which \$107,000,000 shall be for training of State, local, and tribal emergency response providers: *Provided further*, That funds provided under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) shall only be provided to the top 10 highest risk urban areas: *Provided further*, That notwithstanding subsection (c)(4) of section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), for fiscal year 2012, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under the State Homeland Security Grant Program in accordance with subsection (c)(1) of such section 2004: *Provided further*, That 10 percent of the amounts provided under this heading shall

be transferred to "Federal Emergency Management Agency, Management and Administration" for program administration, and the Secretary of Homeland Security shall provide an expenditure plan for program administration to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: *Provided further*, That the Secretary shall provide a detailed expenditure plan for program administration for each fiscal year to the Committees on Appropriations of the Senate and the House of Representatives at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than five percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (4), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants awarded under paragraphs (5) through (9), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan to expend by the end of fiscal year 2012 all unexpended balances of funds appropriated for fiscal years before fiscal year 2008 under this heading.

AMENDMENT OFFERED BY MS. RICHARDSON

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 10, after "heading" insert the following: "at least \$10,000,000 shall be for Buffer Zone Protection Plan Grants, \$50,000,000 shall be for Port Security Grants, \$100,000,000 shall be for public Transportation Security Assistance and Railroad Security Assistance, \$50,000,000 shall be for interoperable emergency communications, \$42,337,000 shall be for the Metropolitan Medical Response System."

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The Chair recognizes the gentleman from California for 5 minutes in support of her amendment.

Ms. RICHARDSON. Mr. Chairman, as former chair and current ranking member on the Homeland Security Emergency Preparedness Subcommittee and member of the Transportation and Infrastructure Committee, I offer this amendment in good faith to save lives and to protect American citizens.

Like my Republican colleague, Chairman KING, I have a strong concern with the current appropriations bill in its current form which in and of itself could potentially cause dangerous threats to our national security by drastically cutting vital response and prevention programs, leaving Americans and their visitors vulnerable when we are most in time of need.

My amendment will make great strides to remedy this danger by ensuring that the Department of Homeland Security allocates \$50 million for the Port Security program, \$100 million for the Public Transportation Security Assistance and Railroad Security Assistance program, \$50 million for Interoperable Emergency Communications Grant program, \$10 million for the Buffer Zone Protection program, and \$42.3 million for the Metropolitan Medical Response System.

The Richardson amendment dedicates \$252 million of the \$1 billion authorized, all while still preserving the chairman's original intent by allowing 50 percent of those dollars to remain flexible under the direction of what the committee had originally provided and also still maintaining the \$247 million that the committee designated for Stonegarden and for training.

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Mr. Chairman, each and every day, America faces threats to our national security. Certainly, the most well-known are the threats to our ports and our transit systems, which I have particularly been focused on given the fact that my district covers two of the largest ports in the entire United States.

However, these programs that I've mentioned so far go beyond the LA area. When you consider the recent tornadoes in Alabama and Missouri, the floods in Tennessee, other natural disasters, and other large-scale emergency situations facing our Nation, strong

and effective security and response programs are vital to the lives of all Americans coast to coast. It therefore seems counterintuitive and shortsighted to undermine port and rail security, medical response and communication efforts by cutting the grant programs, or should I say, by not ensuring that these particular categories have sufficient funds in them. My amendment ensures that the funds will be available for port and rail security assistance grant programs.

Now, despite the recent strides that we have made in the war on terror, when we found bin Laden's diary, we learned that he was already in the process of having discussions about attacking our transportation infrastructure system.

At the heart of American infrastructure and fundamental to the success of our economy is clearly protecting our ports and our rail system. These systems have been known to be targeted in the past. All we have to think of is Madrid, London and Tokyo. Across the country, port and transit security forces are already stretched to the limit, and thanks to the substantial cuts that were already made via the end-of-the-year appropriations bill for fiscal year 2011, their jobs were made even more difficult as they were expected to do more with less. The same is true for other important State and local grant programs, like the Metropolitan Medical Response System, which aids emergency medical first responders and interoperable communications grants that are so important to our first responders.

Finally, I also want to talk about the buffer zone grants that are available, which are important for people to understand. When you think "buffer," you think maybe a sea area. Actually, they are regional assessments that are done to determine if critical infrastructure is properly protected. If it is not, those grants go out of that particular area to fix it.

Thus, while prioritizing and dedicating 25 percent of the funds to fund port and rail transit grants, medical response programs and emergency communication efforts, my amendment preserves the Secretary's flexibility to allocate funding as the committee had initially directed.

Therefore, I urge my colleagues to please withdraw their points of order, and I ask the Chair to find my amendments in order where they are not cutting other programs or adding to the deficit. I ask my colleagues to vote "yes" on this amendment and provide these key elements of national security the funding that they need.

I yield back the balance of my time.

POINT OF ORDER

Mr. CARTER. Mr. Chairman, I understand the gentlelady's argument, and I am sympathetic; but I must insist upon my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. CARTER. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

"An appropriation . . . may not be in order as an amendment . . . , for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. The amendment proposes to earmark certain funds in the bill. Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing authorization in law rests with the proponent of the amendment. Finding that this burden has not been carried, the point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. RICHARDSON

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 10, after "Stonegarden" insert ", \$50,000,000 shall be for Interoperable Emergency Operations Grants,".

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes in support of her amendment.

Ms. RICHARDSON. I thank the Chair for allowing me to explain my amendment to H.R. 2017. The Richardson amendment directs \$50 million in funding for the Interoperable Emergency Communications Grant Program.

While the amendment is simple, it is important to keep in mind that being able to connect is a matter of life and death. In this information age, it seems inconceivable that this bill is suggesting that we would not invest in the technology to allow our first responders to communicate with one another.

How many lives would have been saved on 9/11 had New York firefighters and police officers been able to communicate? In Joplin, Missouri, and in Alabama, every day that passes without interoperable communications we put American lives at risk—those who are serving and those who are being served. Now is the time for this investment. We simply can't afford to delay.

My amendment will help ensure that public safety officials across the United States would have the resources needed to communicate with one another across jurisdictions and across disciplines, hence, being able to pre-

vent the unnecessary loss of life and property in the event of a disaster whether it's natural or manmade. My amendment recognizes the immense importance of the Interoperable Emergency Communications Grant Program and the work that is still required to establish a nationwide infrastructure for reliable emergency communications.

Mr. Chairman, when I talk about interoperable equipment, I am looking to preserve that when we have a first responder who picks up a radio that he or she will be able to get in touch with the appropriate people to gain critical information when it matters the most. Throughout the United States, public safety agencies—law enforcement, firefighters, emergency technicians, public health officials, and others—often cannot communicate effectively with one another even within the same jurisdiction or with other public safety agencies at the Federal, State and local levels when responding to emergencies.

As the ranking member of the Subcommittee on Emergency Preparedness, Response, and Communications, I have worked tirelessly to ensure that our communities' first responders are equipped with the best possible equipment. Interoperable communications allow our Nation's first responders to communicate in realtime during an emergency. It has been well-documented, including in the 9/11 Commission Report, that the lack of sufficient handheld communications devices may have contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with firefighters prior to the collapse of the Twin Towers. Similarly, the lack of adequate equipment exacerbated the difficulties in evacuating people during Hurricane Katrina, where many could have been saved if effective communications equipment were available not only to public safety workers but to transit authorities and others who were involved in that evacuation. More recent national catastrophes, including the floods, tornadoes, tsunamis, and beyond, clearly continue to make that argument.

I ask of the chairman to find our amendment in order, and I urge my colleagues to join me in putting public safety first over politics and to support this amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. CARTER. Mr. Chairman, I must insist upon my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. CARTER. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

"An appropriation . . . may not be in order as an amendment . . . for an expenditure not previously authorized by law . . ."

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized by law. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling of the Chair.

The Acting CHAIR. The Chair finds that the proponent of the amendment has not carried the burden of establishing that the appropriation in the amendment is specifically authorized by law.

The point of order is sustained.

□ 1930

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 18, after "\$1,000,000,000," insert "and in addition \$2,000,000,000 which is hereby transferred from unobligated amounts provided under the heading 'Afghanistan Security Forces Fund' under title IX of Public Law 112-10,".

Mr. CLARKE of Michigan (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. CLARKE of Michigan. Mr. Chair, this amendment provides \$3 billion to the State and local Homeland Security grant program. The effect of this amendment would be to fully restore the funding of this program to fiscal year 2010 levels. We have got to do this. American families are at risk right now. They are at risk of having their homes and their businesses demolished, of being injured or even killed, either by a natural disaster as occurred in the past few weeks as a tornado swept across this country, or by a terrorist attack, which is more likely to come from within our borders.

So we need this funding to hire new firefighters, police officers, emergency medical providers and to properly equip them, and to provide the radio and communication systems that allow our first responders to communicate with their counterparts in other jurisdictions.

The problem is this: our local governments and our State governments don't have the money to fund home-

land security investments. It is in part because this Congress chose not to effectively address the foreclosure crisis. The property values upon which our locals are depending to fund first responders have fallen so dramatically, they really don't have the resources to do this. It's up to us. This Congress, it is our duty to secure the safety of the American people.

My amendment will do so by taking a portion of the money, the billions of dollars we spend overseas in Afghanistan to provide that country's security. I say let's take a portion of that and redirect it back home to protect Americans right here in our country because it is American tax dollars in the first place.

Mr. Chair, I appreciate your support, and I urge this Committee to support this amendment.

I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I continue to reserve my point of order.

The Acting CHAIR. The gentleman continues to reserve his point of order. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, in total, this bill provides \$1.7 billion for Homeland Security first responder grants. Of that, the bill provides \$1 billion for the Secretary to provide a program that addresses the highest need and risk. However, as we are all aware, not all programs are funded at the previous year's level.

Several issues drove these reductions. First, as of today, almost a decade after the establishment of DHS, there is no method of measuring what our Nation is receiving for the \$38 billion investment in DHS grants. There are no metrics that indicate how much safer we are today or how much safer we will be if we provide additional funds. This lack of quantitative measurement is intolerable, particularly in today's tight economic times.

Second, grant recipients are not spending the funds that have been provided. Of the \$38 billion provided for the first responder grants, \$13 billion remained unspent. In these trying times, we cannot afford to leave funds sitting on the table when other programs need additional resources and the debt skyrockets.

These cuts will not be easy, but they are long overdue and necessary to address the out-of-control Federal spending. I urge my colleagues to oppose this amendment.

POINT OF ORDER

Mr. CARTER. I must insist upon my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. CARTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule

states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law.

This amendment constitutes a transfer not permitted under rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Mr. CLARKE of Michigan. I would like to address the point of order.

The Acting CHAIR. The gentleman from Michigan is recognized on the point of order.

Mr. CLARKE of Michigan. Mr. Chair, what I heard is my amendment may not be in accordance with the rule; but I know one thing, it's in accordance with what we need in this country.

We need to take a share of that money that we are spending in Afghanistan to secure those people to secure our people here back home. That money that you say is not being spent, give it to me. The city of Detroit, we'll spend that money. We need the police officers, the firefighters, the emergency medical providers and radios to talk to each other.

The Acting CHAIR. The gentleman must confine his remarks to the point of order.

Mr. CLARKE of Michigan. I will do so, Mr. Chair, and to that end, I ask unanimous consent to withdraw my amendment and will offer separate legislation to protect the American people. We need to redirect that money from Afghanistan and bring it back home. Our people need it. It is our money in the first place.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chair, I offer an amendment.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, beginning at line 14, strike "Provided further, That funds provided under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) shall only be provided to the top 10 highest risk urban areas:".

Mr. CLARKE of Michigan (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. CLARKE of Michigan. Mr. Chairman, what this amendment does is remove the restriction that the Urban

Areas Security Initiative funding should be restricted to the top 10 urban areas by risk. You see, there are other metropolitan areas in this country that I believe are at similar or even higher risk of terrorist attack or damage through any other type of catastrophe.

The metro Detroit area is one of those. That area, the area that I represent, has the busiest border crossing in all of North America and has an international airport. It has a huge metropolitan population center. It has the world headquarters of General Motors. We are at high risk of an attack; but yet right now, according to the Homeland Security risk metrics, we are not rated in the top 10. We should be eligible for this funding, as well as other metropolitan areas.

Here's the point: even though bin Laden is now gone, we are still at risk of a terrorist attack in this country. But it is more than likely that terrorists will likely come from within the borders. So the first defense we have against terrorism or any other natural disaster is our first responders. We need more firefighters, more police officers, more emergency medical providers. They need to be properly trained and have the equipment, the radios and communication devices to communicate with each other.

The best way to protect our citizens, it is not spending it only overseas, all of our tax dollars, but investing it right here at home. This amendment will make sure that urban areas that are at high risk of an attack, such as metro Detroit, get the funds that they need.

The bottom line point is this: the reason we should step in and support our local units of government is because this Congress in the past did not effectively address the foreclosure crisis which has really robbed local units of government of their power to fund their first responders. The property values have dropped so low the money isn't even there.

I am asking Congress now: don't turn your back on this obligation to the American people. Let's redirect money to the Homeland Security budget, to our first responders, our people there at the first line of defense against an attack from a terrorist or any type of natural disaster that could impact our people.

Mr. Chairman, I urge this committee's support for this amendment, and I yield back the balance of my time.

□ 1940

Mr. CARTER. Mr. Chairman, I withdraw my reservation on the point of order, and I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. The bill before us today is born out of the need for re-

form. It consolidates disparate grant programs and provides discretion to the Secretary. These reforms include funding reductions, requirements for measurement, and requirements for spending languishing dollars.

The consolidation of this bill forces the Secretary to examine the intelligence and risk and put scarce dollars where they're needed most, whether it's a port, rail, surveillance, or access and hardening of projects, or whether it is to high-risk urban areas or to States, as opposed to reverse engineering projects to fill the amount designated for many programs or granting funds to lower risk.

Additionally, as noted by the gentleman, the bill limits Urban Area Security Initiative grants to the top 10 highest cities. Again, this puts scarce dollars to where they are needed most. That means that cities like New York are funded at significantly higher levels than other cities because they are the highest-rent urban areas. I don't think anyone here can argue with that. This does not mean lower-risk areas will lose all funding. It just means that funds will come from other programs such as State homeland grants that are risk and formula based.

I strongly urge my colleagues to support fiscal discipline by aligning funding with the areas of highest risk and vote "no" on this amendment.

I yield back the balance of my time.

Mr. HIGGINS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Mr. Chairman, our amendment would enhance public safety in communities across the country by striking the provision in the bill that would limit participation in the Urban Area Security Initiative program to just 10 cities.

Homeland Security Secretary Napolitano has said that the architecture of homeland security begins in the homeland. The Urban Area Security Initiative program protects the hometown by allowing first responders and emergency officials to practice coordinating response scenarios across jurisdictional lines. Until recently, the program supported these crucial activities in 64 communities, including my own, judged by the Department of Homeland Security to be vulnerable to terrorist attack. That was until we decimated the program by cutting 20 percent of its funding in the continuing resolution.

Rather than allow all communities to suffer cuts proportionately, the Department made matters worse by deciding to eliminate half of the 64 communities from the program, including all four communities in upstate New York. Let us not make a third mistake this year by limiting participation in this important program to even fewer urban areas.

Mr. Chairman, my community of western New York includes four international bridge crossings and the busiest passenger crossing at the northern border; the largest electricity producer in New York State; and the homegrown al Qaeda terrorist cell, the Lackawanna Six. It sits along two Great Lakes which contain the largest freshwater supply in the world, and it is within a 500-mile radius of 55 percent of the American population and 62 percent of the Canadian population.

For 8 years the Department evaluated western New York to be a highly vulnerable area and thus eligible for the Urban Area Security Initiative. Now, this year the Department wants to eliminate us from the program, and this bill would codify that decision. Why? What has changed? We are still vulnerable, according to the Department's own assessment, and we will still need the resources to prevent and respond to attacks.

Mr. Chairman, this body should not prevent my community, or the other 54 communities the Department has judged to be vulnerable, from this essential Homeland Security program. I oppose this provision of the bill, and I urge adoption of our amendment.

Mr. Chairman, finally, I would like to thank the cosponsors of this amendment: Representatives BERKLEY, TONKO, ELLISON, MOORE, WASSERMAN SCHULTZ, CAPPS, SLAUGHTER, CUELLAR, FUDGE, and WILSON.

Now I would like to yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Thank you, Mr. HIGGINS.

Mr. Chairman, I rise in support of the Higgins amendment to eliminate a provision in this bill that would harm Las Vegas, Phoenix, Denver, Miami, Atlanta, Baltimore, Detroit, and dozens more cities around the country.

This bill before us would eliminate any funding for the Urban Area Security Initiative for all but the top 10 highest-risk urban areas, leaving over 50 U.S. cities off the list, including my own city of Las Vegas, one of the greatest tourist destinations in the world with over 37 million visitors a year.

For almost a decade, the UASI program has worked to help cities prevent and protect themselves from threats and acts of terrorism. Not too long ago, over 60 U.S. cities received funding to help them purchase equipment, develop recovery plans, and implement counterterrorism strategies.

In my home city of Las Vegas, for example, we've created the Southern Nevada Counter Terrorism Center, where 18 State, local, and Federal agencies all work together to detect and prevent terrorists and other homeland security-related events. This kind of fusion center is based on the recommendations of the 9/11 Commission to help law enforcement agencies communicate more effectively so they can put



the pieces together that could prevent attacks. UASI funding has been an essential part of that center, and cutting off funding to that center now would put their excellent and possibly lifesaving work at risk.

Southern Nevada is home to Nellis Air Force Base and Hoover Dam and some of the largest hotels on the planet. We know that some of the 9/11 terrorists visited Las Vegas before the horrific attack on our Nation.

Mr. Chairman, after the capture and killing of Osama bin Laden, we also know that terrorists are increasingly focusing their interests on mid-sized cities rather than large cities. Many of those would now not be receiving Federal funding were this provision to become law. This is being done when the risk of retaliation by both homegrown terrorists and al Qaeda and al Qaeda affiliates is very high. I implore my colleagues not to leave some of America's greatest cities vulnerable and without the necessary funding to protect themselves.

At a time when States and local governments are struggling to balance their budgets, we need help more than ever to prevent and prepare against terrorist attacks. This provision would be salt to the wounds.

I urge support for this amendment.

The Acting CHAIR. The time of the gentleman from New York has expired.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment.

While I have serious misgivings about the funding levels for FEMA first responder grants, restoration of the Urban Area Security Initiative to its intended purpose is good policy. By limiting UASI recipients to the 10 highest-risk cities, Chairman ADERHOLT would ensure that UASI is focused on addressing the unique planning, equipment, and training needs of high-threat, high-density urban areas in order to prevent, respond to, and recover from acts of terrorism against the highest-risk American targets.

Originally distributed to seven metropolitan areas, UASI ballooned to 64 regions in FY10, many of which were neither high threat nor high density. By increasing the number of UASI recipients without additional funding, this amendment would deplete resources for cities most at risk for terrorist attacks.

□ 1950

With intelligence about intent to attack the United States around the 10th anniversary of September 11—which is fast approaching—now is the time to focus our resources where they are most needed, not spread the wealth.

Every region, however—I want to make it clear to my colleague—every

region is entitled to Federal security resources, and that's why the State Homeland Security Grant program provides funding to each State and territory. However, in addition, Congress has the responsibility to allocate funding to address unique needs, and UASI was intentionally designed to protect those densely populated areas most at risk.

The 9/11 Commission said it best, "Federal Homeland Security assistance should not remain a program for general revenue sharing; it should supplement State and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel."

I want to make a couple of other points, and I urge my colleagues to oppose this amendment for the following reasons. For example, based on projections recently released by FEMA for FY 2011, New York State will receive more than \$141 million in DHS funds separate from UASI. Buffalo will be one of five cities in New York to receive funding from the Metropolitan Medical Response System; that's \$1.4 million for these cities. Further, Buffalo is scheduled to receive more than \$1.4 million from the Port Security Grant program. In FY 2010, Erie County also received \$940,000 from the Interoperable Emergency Communications Grant program, a program which I had a little bit to do to create. Lastly, the Robert Moses Power Plant was previously awarded a buffer zone protection grant in FY 2007, only 58 percent of which has been spent.

So I want to make it very clear—I can go on. Michigan got \$21,468,166, and we have a whole list of what other cities have gotten and States because they deserve that money. Every State, region, and community is entitled to Federal resources for homeland security. However, UASI was a program that was not intended to spread the wealth among every region. And other DHS initiatives better address the needs of most areas of the country.

So I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

Mr. TONKO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. TONKO. Mr. Chairman, I rise in support of the amendment offered by my colleague regarding the Urban Area Security Initiative.

As New Yorkers, we know firsthand the absolutely critical role that our State and local police and firefighters play in preventing and responding to attacks on the American homeland. The Urban Area Security Initiative, or UASI, administered by the Department of Homeland Security, is a program focused on enhancing regional prepared-

ness in high-risk areas by fostering better communication and collaboration amongst local fire responders. Given the struggles we have faced since the crisis on Wall Street, these are communities that increasingly cannot afford to provide their citizens—our citizens—with the same level of protection that UASI enables.

This bill, as written, arbitrarily restricts UASI to allow only 10 urban areas to be eligible for the program, and its funding, down from more than 60 in previous years. No one here today would argue that Manhattan and Los Angeles are undeserving of priority assistance. However, with this arbitrary cap, we will endanger the progress that many other high-risk urban areas have made to protect our citizens from attacks and crises. We will threaten the ability of these communities—including my community in upstate New York—to safeguard our citizens.

We are making these cuts at home while we pay hundreds of billions of dollars each year for our military-industrial complex to fight an incredibly expensive war in Afghanistan with the aim of preventing terror attacks in America. We are going to spend more than \$12 billion this year to build up Afghan security forces while our own security forces in Albany and the Capital Region and 50 other cities across America are stripped of their funding under UASI. Is our strategic thinking that backwards, or is it just more lucrative to build a multibillion-dollar army halfway around the world than to help our police and firefighters here at home protect and defend our constituents?

I would propose to take \$1 billion of that \$12 billion and put it back into a deserving and necessary program like UASI, but according to the rules set by the Republican leadership, that is not allowed. So I stand here today in support of this amendment and in support of New York.

In my home district in upstate New York, the Albany Urban Area Working Group has used UASI grants to make great strides forward in boosting local cooperation and collaborative planning. This group unites participants from Albany, Rensselaer, Saratoga, Schenectady, and Schoharie Counties around a common goal of protecting a region critical to the security of New York State and the stability of America.

From building a truly interoperable regional communications network to securing the Capital Region's critical infrastructure, the work of this group is absolutely vital to protecting the Empire State. Whether threatened by natural or manmade disasters, it is clear that New York is and should be at the top of our priority list to protect.

I represent New York's Capital Region, an area that bears tremendous economic and symbolic importance.



Thirty-five million people live within a 200-mile radius of our State capital in Albany. Albany also houses New York's most vital State government facilities and more than 11,000 State government employees that keep the Empire State up and running. These functions are vital not only to our area, but also to our fellow New Yorkers downstate and across our State, and to Americans across this country who do business in, with, and through New York.

The Capital Region is also home to the third-fastest-growing hub for science and technology jobs in our Nation. That projected clustering, alongside high-profile research and development centers in our Tech Valley corridor, add to the vital importance of this region to an American economy that needs more leaders in innovation.

In Albany, we host the world-renowned Nanotechnology Research Center where 250 industry leaders partner with the United States Army to push us past the current bounds of science. In Schenectady, we host GE's renewable energy global headquarters. In Schoharie, our reservoir provides a significant portion of New York City's water supply. In Watervliet, we have a one-of-a-kind Army arsenal. And just a few miles away we host an atomic power laboratory doing world class R&D for the United States Naval Nuclear Propulsion program. Nearby in Malta is a facility that will soon be the most advanced chip fabrication plant in the world. The hometown heroes who protect all of these facilities and more will lose their funding through UASI entirely if this bill passes in its current form.

And so in support of New York's Capital Region and similar areas across this country, I stand in support of this amendment, this amendment that will remove an arbitrary 10-city restriction on the UASI program from this bill, this amendment, that will not add \$1 to the debt or deficit, this amendment that will not cost us one single dollar but rather will provide us a commonsense approach.

Mr. Chairman, I yield back the balance of my time.

Mr. STIVERS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. STIVERS. Mr. Chairman, I rise to support the amendment offered by the gentleman from Michigan (Mr. CLARKE).

I represent Columbus, Ohio, which in the past has been one of the Tier II cities that has received Urban Security Initiative funds. The current version of this bill would restrict Urban Security Initiative funds to only Tier I cities, which would be the top 10 riskiest cities. The problem is the risks don't stop at number 10, and it's not clear that there is any significant reduction in risk between the tenth-riskiest city

and the 11th-riskiest city. This is an arbitrary decision, and the Clarke amendment ends the arbitrary 10-city restriction and allows the Department of Homeland Security to have discretion in funding risks. It does not increase funding one cent.

I urge adoption of the Clarke amendment. And I would just like to make it clear that the whole point of this amendment is to remove an arbitrary restriction and give the Department of Homeland Security the ability to fund where the risks are. This amendment does not add a dime to the cost. It increases flexibility. And it won't necessarily cost cities like New York or any other city any funds. All it does is allow cities to be eligible so that if there is real risk there and the Department of Homeland Security chooses to fund that city, then they can fund it. So it's a commonsense approach.

I ask my colleagues to support the Clarke approach.

I yield back the balance of my time.

Ms. MATSUI. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. MATSUI. Mr. Chairman, I rise today in support of the amendment offered by my colleague regarding UASI.

This amendment will better ensure that all cities and localities will be eligible for critical UASI funding, not just those under the arbitrary caps that are in the underlying bill.

UASI funding is critical to my district of Sacramento, California, and a number of other major American cities. It has helped create and develop one of the Nation's foremost counterterrorism and readiness task forces located at the former McClellan Air Force Base in my district. This facility has greatly enhanced the collaboration and communication amongst local, State, and Federal law enforcement agencies and first responders. From there, officials are better able to prevent attacks by training, sharing information, and coordinating investigations. And in the unthinkable scenario in which an attack does occur, this facility, funded by UASI dollars, will better able the region's law enforcement and first responders to react and respond to an attack.

□ 2000

The coordination and collaborative efforts at this facility are critical and will help limit further harm. Limiting or cutting UASI funding could devastate this counterterrorism and readiness task force and negatively impact the work they have undertaken to ensure the better coordination and communication amongst law enforcement officials and emergency responders.

One compelling lesson learned from the terrorist attacks on 9/11 was that emergency responders and law enforce-

ment officials need to have streamlined communication and command and control infrastructures. This facility is the embodiment of that lesson.

The threat to Sacramento should not be taken lightly. Sacramento is the capital of California, the most populous State in the Union, and the seventh largest economy in the world. It is critical to continue to support the anti- and counterterrorism work being done there. It is unacceptable to leave this region without appropriate funding to ensure its protection, as Sacramento and the region have important security needs.

A mere 30-minute drive upstream from Sacramento along the American River lies the Folsom Dam, which holds water back from hundreds of thousands of homes, the State capitol building, State and local agencies, and thousands of small businesses. A terrorist attack there has the potential to devastate Sacramento and much of the surrounding region through massive flooding.

Beyond the human toll, which is unthinkable, this would have a crippling effect on California and on the country as a whole. Sacramento is home to numerous State and Federal agencies and facilities. Government buildings and facilities are high-profile targets and require vigilant protection and further highlight the need for UASI funding in my district.

My district is also the home to a number of transportation systems, from light rail to passenger rail to commercial freight rail. An attack could, again, aside from the human toll, greatly hamper nationwide commerce and impair the national economy.

Mr. Chairman, this amendment will bolster our Nation's security by better providing more communities across the Nation with the tools and training necessary to keep us safe.

I urge my colleagues to vote in support of this amendment.

I yield back the balance of my time.

Mr. SCALISE. I move to strike the last word.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. I rise in support of the Clarke amendment. In fact, I have a similar amendment filed at the desk that I won't need to bring forward because this amendment accomplishes the same thing.

What the amendment says is that all of those cities, the 54 cities that were arbitrarily removed from eligibility, should have that same opportunity to compete for these Homeland Security grants. It doesn't increase funding at all but says: Why are we limiting our threat assessment cities to 10 cities when, in fact, many other cities have exposure to risks?

And if we just look at what we found so far from the raid of Osama bin

Laden's compound, they looked through and found some of the things that these terrorist cells may be going after. And, in fact, some of the very terrorist threats were targeting areas that are included in some of these cities that have arbitrarily been removed from eligibility for these Homeland Security grants.

So all we're saying is, in cities like New Orleans, and if you just look at the corridor between New Orleans and Baton Rouge—and both cities, both New Orleans and Baton Rouge were arbitrarily removed from eligibility. Between the Port of New Orleans and all the shipping transport that's done there, as well as all of the oil and gas infrastructure for our country that's located in that region, all of the chemical plants that are located in that region, they are part of that terrorist assessment that were determined in the data that we've retrieved from Osama bin Laden's compound, including the threat to oil tankers and ships, some of the very commerce that moves through the Port of New Orleans, and yet the Port of New Orleans is removed from eligibility.

So this amendment doesn't guarantee that they will get any of these—any access to these grants, but what it does say is they've got the ability to compete if the terrorist threat is determined to be high enough to where they should be able to get the funding from those grants, because our terrorist threats change from day to day, from year to year. We get more information, just as we've recently gotten a treasure trove of new information on where those threats are. Why should we arbitrarily remove some of the very cities that may rise to the top of that list?

So this gives the flexibility back to the Department of Homeland Security to allow those other cities to compete where there are real terrorist threats. So that's what this amendment does.

I support the amendment, and hopefully we will be able to get this language added back in.

Ms. FUDGE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. FUDGE. I rise in support of the amendment offered by my colleague regarding UASI.

This amendment corrects a provision that arbitrarily limits UASI eligibility to the top 10 high-risk cities. This limitation would reduce locales eligible for UASI grants by more than 50 cities as compared to just last year, excluding cities such as Cleveland from receiving these grants.

The UASI grant program provides unique equipment planning and training to help local authorities, first responders, law enforcement, and agencies. This program specifically addresses the needs in high-threat urban areas to help these communities prepare,

prevent, and protect and recover from a terrorist attack and other disasters.

Large cities are not the only targets for terrorist attacks. We know now Osama bin Laden urged his followers to plot attacks in smaller U.S. cities. Smaller cities were to be used as staging grounds to plan and test attacks in larger cities. That is why UASI is so important.

UASI funding has been utilized to equip, train, and exercise first responders and safety personnel for improvised explosive devices and WMD-specific events. If funding is completely cut, the lives of first responders and the public will be placed in grave danger due to the lack of equipment, training, and exercises.

The City of Cleveland launched the public safety systems automation project utilizing UASI funding to enhance the Cleveland Department of Public Safety information systems. This effort aided the city in its modernization of public safety systems. The new information systems include mobile computing systems that connect public safety officers to Federal, State, and county information in their vehicles, and computer-aided dispatch which facilitates the transmission of fire/EMF and police and automated vehicle location. These systems assist in mitigating emergencies, protecting safety personnel, and improving the protection of life and property.

Cleveland has applied its allotted portion of Department of Homeland Security money to: 1,400 personal protective equipment items; WMD training to over 1,700 safety personnel; NIMS/ICS training, Homeland Security planning personnel; surveillance equipment for areas of critical infrastructure; computer-aided dispatch for police, fire, and EMS; and the Northeast Ohio Regional Fusion Center.

Homeland Security planning personnel are essential to strengthening the City of Cleveland's preparedness planning activities. They have outlined the downtown Cleveland emergency evacuation plan, inclement weather plan, emergency operations plan, and the continuity of operations plan, which provide important support to citizens during the event of a disaster. Without the planning personnel, the city's emergency management response capabilities would be severely limited, and the lives of first responders and the public would be in severe danger.

Mr. Chair, these funds are necessary to address the security needs of our Nation. I support this amendment and urge my colleagues to vote in favor of it.

Ms. MOORE. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized 5 minutes.

Ms. MOORE. I rise to support this amendment. In fact, I had an identical

amendment to strike this restrictive language with respect to the Urban Area Security Initiative.

In fiscal year 2010, over 60 urban areas, including my own City of Milwaukee, were eligible for formula assistance under this grant because they met the Department of Homeland Security's risk assessment analysis. But the legislation before us would arbitrarily tie the Secretary's hands from distributing these funds to any cities that fall outside the top 10 so-called most vulnerable.

□ 2010

Since 2004, the city of Milwaukee and the surrounding counties that surround Milwaukee, Ozaukee, Racine, Washington, and Waukesha have obtained nearly \$400 million in this UASI funding to enhance the safety of over 2 million residents. And even though this assistance has been small, we are very, very proud of what we have been able to accomplish in terms of securing the area.

For example, in Milwaukee, my constituents are safer because we have used this assistance to train emergency medical teams, train and equip hazardous material and bomb squads, create continuity of operations plans, and to analyze intelligence. It also helps to fund our Intelligence Fusion Center, a place to collect and exchange information from government, public safety, private sector, and all levels of enforcement. And I have heard concerns from our mayor, police chief, fire chief about whether or not we could continue to manage disaster funding without this funding.

And the concerns aren't just limited to being prepared for acts of terrorism. The loss of this funding would disable us from being prepared to respond to large-scale emergencies such as flooding or tornadoes. I can tell you that it is pennywise and pound foolish to simply arbitrarily limit this funding. It just doesn't make any sense to go backwards.

You've heard here already on this floor that officials have reported that Osama bin Laden's documents even schooled his followers to avoid U.S. counterterrorist defenses. He said don't limit attacks to New York City. Consider other areas, or smaller cities. Spread out the targets. We just might as well fax al Qaeda the list of urban areas that will lose Federal support, areas like Phoenix, Anaheim/Santa Ana, Riverside, Denver, Miami-Dade/Fort Lauderdale/Palm Beach, Orlando, Tampa, Atlanta, Baltimore, Detroit, Twin Cities, St. Louis, Las Vegas, Charlotte, Cincinnati, Cleveland, Portland, Pittsburgh, Norfolk, Seattle, Tucson, Bakersfield, Oxnard, Sacramento, Bridgeport, Hartford, Jacksonville, Honolulu, Indianapolis, Louisville, Baton Rouge, New Orleans, Kansas City, Omaha, Albany, Buffalo, Syracuse, Rochester, Columbus, Toledo,

Oklahoma City, Tulsa, San Juan, Providence, Memphis, Nashville, Austin, El Paso, San Antonio, Salt Lake City, Richmond, and Milwaukee.

This amendment is simple, budget neutral, and gives the administrative power back to the experts who are there solely to keep our cities and country safe.

I yield back the balance of my time.

Mr. HIMES. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. HIMES. Mr. Chair, I rise in support of the amendment offered today by the gentleman from New York. At its core, this amendment is simple, but its impact is significant. The bill we are currently debating contains a provision that would arbitrarily limit UASI eligibility for 2012 to areas within the country deemed to be the top 10 high-risk cities. If passed as it is, this bill would reduce the number of communities eligible for UASI grants by more than 50 cities, many of them named by my colleague from Wisconsin, among them, the Bridgeport/Stamford metropolitan area, which includes the majority of the cities and towns in my district.

I strongly support this amendment, which removes the language from the bill that illogically restricts UASI funding to just 10 cities. Since its creation in 2003, the intent of the UASI program has been to enhance regional preparedness in and around major metropolitan areas, and to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response, and recovery.

Setting an arbitrary limit on the number of locations eligible to receive funding under this program is contrary to the intent of the program and contrary to our efforts to address the growing and evolving threats of homegrown terrorism. Moreover, this restriction is dangerous. Localities with the highest risk of being attacked are often not the locality where those attacks are being planned and can be stopped.

In my district, the loss of UASI funding would completely derail a major interagency communications project. In addition, much of the counterterrorism work underway in Fairfield County has been implemented in phases. A reduction in funds at this point will effectively waste the work that has already been done.

The risks to my constituents are very real. My district's proximity to New York City not only increases the likelihood of a terrorist attack, but also increases the potential that someone in our area will plan an attack with the intention of inflicting the attack on New York City. We have seen this time and time again.

After local law enforcement officials from Fairfield County helped to cap-

ture Faisal Shahzad, the Times Square bomber last year—Faisal Shahzad who had operated in my district—it is unfathomable to think that their work would be deemed nonessential in the fight against terrorism. And just 2 weeks ago, on May 19, a Bridgeport resident accused of making and selling pipe bombs was arrested after allegedly attempting to sell eight of these explosive cylinders in the Bronx.

While we can all agree that shared sacrifice is required to bring our Federal deficit under control, I cannot support cuts to a national security program which has proven to be not just effective, but also essential to our safety. This is a time for our communities to stay vigilant. Without the proper resources, our communities cannot maintain the proper level of readiness and cannot ensure that they are properly secured.

I strongly urge my colleagues on both sides of the aisle to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mrs. LOWEY. I thank the gentleman for yielding.

I rise for clarification. With great respect for my colleagues, and understanding the importance of Homeland Security dollars, I am very concerned that there seems to be a misunderstanding. I would like to read again the quote from the 9/11 Commission. "Federal Homeland Security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks of vulnerability that merit additional support. Congress should not use this money as a pork barrel."

I would also like to remind my good friends that under the Homeland Security grant program, there are many other sources of funding for these communities. California, for example, is getting \$153,953,988. Connecticut is getting over \$12 million. Nevada is getting over \$10 million, et cetera, et cetera. So there seems to be some misunderstanding that the UASI program should cover all the Homeland Security funding for these States.

We believe strongly that there are reasons for funding, certainly by formula—and that's the way this bill is written—almost every city, over 50 cities in the United States. But the UASI funding is specifically targeted to those areas such as New York that are pointed to by the terrorists. I don't want to mention bin Laden, but others, they clearly are the most at risk. And if you're number one, there clearly should be a rationale for getting the funding. So those 10 cities will be get-

ting the funding because they're most at risk. But the other Homeland Security funding will be divided by formula to all the other Representatives of States that are here today. So I respect your needs. I think it's very important. And there is money in this bill that would cover the needs which you so articulately discussed today.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chair, I rise in support of the amendment offered by the gentleman from New York, Congressman HIGGINS. The Urban Area Security Initiative is administered by the Department of Homeland Security. It's a critical program focused on enhancing regional preparedness in high-risk areas by fostering better communication and collaboration among local first responders. These grants provide local authorities, first responders, and law enforcement with the resources they need to prepare for, prevent, and recover from attacks and other disasters impacting communities across America.

□ 2020

This Homeland Security appropriations bill is dangerous as it restricts the initiative to allow only 10 urban areas to be eligible for the program and its funding. This would cause more than 50 cities, including Atlanta, to lose funds.

Mr. Chair, as we all know, terrorists do not limit their attack to only 10 cities. We should not leave Americans who do not live in these 10 cities unnecessarily and arbitrarily vulnerable to disaster. My home State of Georgia greatly benefits from the Urban Area Security Initiative grants.

In 2010, the Atlanta urban area received \$13.5 million in grants. Atlanta, one of the most populous and fast-growing cities in the region and home to the world's busiest airport, and already the scene of one terrorist attack during the 1996 Olympics, would lose critical funding under this bill.

The Fusion Center in Atlanta not only benefits the metropolitan area, but the entire State of Georgia. The Fusion Center is an information hub for the State. Local law enforcement and officials collect suspicious activity reports and send them to Federal law enforcement officials.

In the Fourth District of Georgia, the DeKalb County Fire Rescue Corps recently received an Urban Area Security Initiative grant from FEMA, which will enable it to operate a mobile can-teen rehab unit that supplies food and beverages for firefighters and emergency responders during lengthy emergency incidents. The funds have also been used to support citizens corps and

community efforts towards preparedness and community response efforts.

These funds are critical to helping Georgia develop a regional exercise plan, develop annexes to include tactical operations for use during an evacuation and for emergency public information.

Mr. Chairman, I stand here in support of this bipartisan amendment that would remove this arbitrary restriction on this program from this bill.

I urge all my colleagues to support this commonsense amendment, which would not add one penny to the debt or deficit.

I yield back the balance of my time. Mrs. CAPPS. Mr. Chair, I rise to support the Clarke-Higgins-Reichert-Capps Amendment.

This bipartisan effort will ensure funding for the country's urban areas involved in preventing and responding to natural disasters and acts of terrorism.

The Urban Area Security Initiative focuses on enhancing preparedness in urban areas.

It does so by directing federal funds to places deemed to be at the highest risk for man-made or natural disasters.

For example, metropolitan Oxnard—located in my congressional district—has been included several times in recent years due to the strategic assets located in the area.

However, the underlying bill would arbitrarily limit eligibility to 10 urban areas total.

This would eliminate the Oxnard's ability to access the funds necessary to prevent and prepare for all types of hazards.

Mr. Chair, the Oxnard metropolitan area has just as much need to protect its citizens from terrorist threats as any other large city in the U.S.

For example, Oxnard is home to Naval Base Ventura County. This strategic military installation supports ongoing military operations in Afghanistan and Iraq, as well as important D.O.D. weapons testing programs.

The Port of Hueneme—the only deepwater harbor between Los Angeles and the San Francisco Bay area—serves international businesses and ocean carriers from the Pacific Rim and Europe.

The Oxnard coastline is dotted with offshore oil and gas platforms, power plants and chemical facilities.

And Oxnard is located alongside U.S. Highway 101—the only north-south evacuation route on California's Central Coast.

That's why the Department of Homeland Security has granted millions of dollars to the Oxnard UASI over the years.

It's recognized the need to support this community's efforts to: train and equip first responders, improve interoperable communications, establish fusion centers, and protect critical infrastructure.

It knows it must enhance the capacity to respond to all-hazard events, including tsunamis, wildfires, mudslides or earthquakes.

And it understands that investing in local programs, like "Ventura Get Ready," will help ensure the safety and security of our citizens.

Mr. Chair, we all know this is a tough budget environment and that we need to make targeted investments.

But making more than 50 cities ineligible for UASI funds—regardless of threat and vulnerability levels—is shortsighted and wrong.

These communities contain numerous assets, resources and critical infrastructure that are vulnerable to attack and that are tremendously important to the nation.

Now is not the time to eliminate the eligibility of our threatened urban areas from UASI funding.

We cannot lay the entire financial burden of securing our cities on local authorities, first responders, and law enforcement and expect to adequately protect our citizens and make our cities safe.

Let's remove this harmful UASI language from the bill and ensure our cities have the necessary capabilities to safeguard our communities.

Vote "yes" on the bipartisan Clarke-Higgins amendment.

Ms. SLAUGHTER. Mr. Chair, I rise to support the amendment offered by the gentleman from Michigan, which would strike language from this legislation that would restrict Urban Area Security Initiative (UASI) funding to only 10 urban areas across the country.

Last year, as a result of Republican-led cuts, the number of urban areas eligible to receive funding in UASI to assist local law enforcement deal with the threat of terrorist attacks was dropped from 64 to 31. Last week those cuts hit home, when two cities in my district were unjustly removed from the list of areas that received federal funding as part of this grant program. While we in Western New York appreciate the many national security needs across the country, it made me question our security priorities when two cities in an international border were denied funding only to have funding allocated to smaller cities in our nation's interior. I think that if you ask law enforcement officials in Buffalo, Rochester, Syracuse and Albany, they'll tell you that denying this small amount of funding to Upstate does not mean we are less at risk. Rather we've shifted the financial burden of security on them. In turn we may all be less safe.

Should this amendment fail to pass, it will effectively prevent cities like Rochester and Buffalo from competing for UASI grants in the future thanks to the plans of the majority to reduce funding even more in future years. At a time when the threat of terrorist attacks is high, we cannot lay the entire financial burden of securing our cities on local authorities, first responders, law enforcement and agencies and expect to adequately protect our citizens and make our cities safe.

Mr. PIERLUISI. Mr. Chair, I rise to support the various amendments offered by my colleagues to either increase funding for the Urban Areas Security Initiative or to maintain current funding levels but ensure that they are more fairly distributed among U.S. cities.

The amendment would strike a provision in the bill that would make more than 50 cities ineligible to receive funding under the Urban Areas Security Initiative. This discretionary grant program provides federal funding to metropolitan areas to purchase equipment, conduct exercises, develop plans, and train and compensate first responders. The funds are allocated to high-risk urban areas based on vulnerability and threat assessments conducted by DHS.

In the case of Puerto Rico, the City of San Juan received \$3.1 million in funding through

this program in 2010. These resources have allowed law enforcement and emergency responders in San Juan to prepare for national security incidents, without compromising other parts of their missions. If San Juan loses access to these funds, it may be forced to shift money that it had allocated to combat crime to address its counter-terrorism needs instead. This is a choice that the City should not be compelled to make.

Indeed, it is illogical to eliminate funding for certain high risk urban areas, like San Juan, just because other cities have a higher risk. All high risk urban areas should receive funding proportional to their relative risk assessment. And this is exactly how funding for the Urban Areas Security Initiative is currently divided. In 2011, the 11 highest risk urban areas were eligible for \$540 million, while the next 20 highest risk urban areas were eligible for \$122 million. This allocation—where the very highest risk areas receive greater funding than other high risk areas—makes sense and should be continued.

To leave San Juan, San Antonio, and Syracuse to their own devices, while devoting all funding under this program to larger cities that already receive robust federal and local support is not prudent.

For these reasons, I urge my colleagues to vote in favor of this bipartisan, budget-neutral amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CLARKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CLARKE of Michigan. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

#### AMENDMENT OFFERED BY MR. HECK

Mr. HECK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 17, strike "10" and insert "25".

The Acting CHAIR. The gentleman from Nevada is recognized for 5 minutes.

Mr. HECK. I am offering this amendment to restore funding to the top 25 cities under the Urban Area Security Initiative.

This issue is personal to me. I spent a great deal of my career in the anti-terrorism field. I have developed threat assessments and plans for terrorism countermeasures and prevention on the local, State and Federal levels.

I oversaw medical response operations to the embassy bombings in East Africa in 1998 and the bombing of the USS *Cole* in 2000, and I was a first responder to the World Trade Centers. I felt the heat from the rubble pile as it melted firefighters' boots. I breathed the dust and chaos into my lungs as we worked around the clock.

I have seen terrorism firsthand; and I will, we must, do everything possible to prevent another attack on this U.S. homeland.

One of the failures identified after the 9/11 attacks was the lack of coordination between local first responders and Federal counterterrorism specialists. The UASI grant fills this vacuum. If this amendment doesn't pass, key areas' terrorism readiness funding will go away.

I understand the need to prioritize dollars and scarce resources, but limiting funding to a cap of 10 cities threatens our overall national preparedness. This amendment does not increase costs, but expands the total number of cities under consideration to at least 25.

Let me tell you about my district, my area, Las Vegas and Clark County. According to the Department of Homeland Security, we have 221 elements of critical infrastructure and key resources. These include the Hoover Dam, which supplies power to over 500 million homes and the new dam bypass bridge, which is the second highest bridge in the United States. We have Nellis Air Force Base and the world famous Las Vegas Strip. The Las Vegas area is also home to 17 of the world's 20 largest hotels, with almost 149,000 rooms.

At the corner of Las Vegas Boulevard and Tropicana Boulevard, there are more hotel rooms than in the entire City of San Francisco. And we have seen that the hospitality and tourism industry has become the soft target of choice since 9/11 with nine attacks against international hotel resorts over the last 9 years, including the coordinated attacks in Mumbai in 2008.

Two weeks ago, I toured the Southern Nevada Counterterrorism Fusion Center, our State's primary fusion center. These centers facilitate greater cooperation between local first responders and Federal counterterrorism specialists and are supported by UASI funding.

Now is not the time to recreate the vacuum that existed prior to the UASI program. Now is the time to stand behind those who stand on the front lines providing the blanket of protection under which we rest at night. It is for these reasons that I offer this reasonable and measured amendment that increases the number of eligible cities to 25.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. The bill before us today was born out of the need for reform. It consolidates various grant programs and provides discretion to the

Secretary. These reforms include funding reductions, requirements for measurement and requirements for spending languishing dollars.

The consolidation of this bill forces the Secretary to examine the intelligence and risk and puts scarce dollars where they are needed most, whether it is port, rail, surveillance or whether it is high-risk urban areas or to States, as opposed to reverse engineering projects to fill the amount designated for one of the many programs or granting funds to lower-risk areas.

Additionally, as noted by the gentleman, the bill limits Urban Area Security Initiative grants to the top 10 highest cities. Again, this puts scarce dollars to where they are most needed.

That means cities like New York are funded at the significantly higher levels than other cities because they are the highest threat to urban areas. I don't think anyone here can argue that.

This does not mean lower-risk areas will lose all funding. It would just mean the funds will come from other programs such as State homeland grants that are risk and formula based.

I strongly urge my colleagues to support fiscal discipline by aligning funding with areas of highest risk and vote "no" on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HECK).

The amendment was rejected.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, as we approach the 10th anniversary of the 9/11 attacks, we are reminded that a key recommendation of the 9/11 Commission is still not completely addressed, that is, the security of the most commonly used form of identification in the United States, the driver's license.

All but one of the 9/11 hijackers carried some form of government-issued ID, mostly State driver's licenses, many of which were obtained in fraudulent manners. During the planning stages of the attacks, these documents were used to rent vehicles, evade law enforcement officials, enroll in flight school and board airplanes.

In 2005, Congress passed, and the President signed, the REAL ID Act to address the security gap and require States to meet certain security standards for the issuance of driver's licenses and identification cards. Despite that action 6 years ago, REAL ID has yet to be fully implemented.

My distinguished colleague, the chairman of the Judiciary Committee, Mr. SMITH, has some views to offer on this important topic.

I yield to the gentleman from Texas.

Mr. SMITH of Texas. I thank the gentleman from Alabama for yielding.

He is absolutely correct. On September 11, 2001, Americans were attacked by foreign nationals who were able to exploit our laws and live unnoticed in the United States. The 19 hijackers obtained 17 driver's licenses from Arizona, California, and Florida and 13 State-issued IDs from Florida, Virginia, and Maryland.

□ 2030

With these licenses and identification cards, they boarded the planes they used to murder over 3,000 innocent Americans.

The 9/11 Commission recommended that "the Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists."

Congress paid attention and passed the REAL ID Act. The law is critical to national security. This administration has undermined the REAL ID Act at every turn. They extended the compliance deadline two times, most recently last March, so now States do not have to be REAL ID-complaint until January 1, 2013. That is 11½ years after the 9/11 attacks.

And Secretary Napolitano consistently pushes for repeal of REAL ID instead of compliance. Most recently, before a March 9, 2011, Senate Judiciary hearing, she urged Congress to take a fresh look at legislation that would actually repeal the REAL ID Act.

States are making progress on REAL ID. In fact, as of March 29, 2011, Maryland, Tennessee, Connecticut, South Dakota, and Delaware have submitted full compliance certification packages to DHS. Twenty-three other States are compliant and/or are issuing compliant documents. Four additional States have enhanced driver's license programs comparable to REAL ID guidelines.

For these reasons, congressional support, including funding, is critical to REAL ID implementation. I am concerned that H.R. 2017's grant reform initiative may give the impression that Congress no longer supports REAL ID funding.

So I ask the gentleman from Alabama: How do you respond to that concern?

Mr. ADERHOLT. Mr. Chairman, I strongly support the REAL ID implementation.

REAL ID is the law. The Department has an obligation to support the States in moving forward toward full compliance with enhanced driver's license security. Congress has appropriated a

steady stream of funding for REAL ID since 2006—\$295 million, to be exact.

Additionally, driver's license security is an allowable expense under the State Homeland Security Grant Program. So the actions taken in this bill should in no way be taken as a sign of diminishing support for REAL ID implementation.

Mr. SMITH of Texas. I thank the gentleman for that statement, and I ask him if he would further yield.

Mr. ADERHOLT. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the remarks of the gentleman from Alabama and his endorsement of the REAL ID Act. The risk to not implementing REAL ID is great. Perhaps most recently this was evidenced by the facts surrounding the February arrest of Khalid al-Dawsari in Texas on a Federal charge of attempted use of a weapon of mass destruction. According to the arrest affidavit, when the FBI searched his residence, they found his journal in which he wrote of the need to obtain forged U.S. birth certificates, multiple driver's licenses, and a U.S. passport. He planned to use those driver's licenses to rent several cars, each with a different license specifically to avoid detection.

So terrorists are still planning to exploit the weaknesses in our driver's license issuance processes in order to attack us. If we don't do everything in our power to prevent that from happening by fully implementing REAL ID, we set ourselves up for another attack.

Mr. Chairman, I look forward to working with the gentleman from Alabama as this bill moves forward and on future appropriation bills to support States as they move toward full implementation of REAL ID.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$350,000,000, of which \$200,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$150,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2013: *Provided*, That not to exceed 10 percent of the amount available under this heading shall be transferred to "Federal Emergency Management Agency, Management and Administration" for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program administration shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

#### AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 9, before the period insert "*Provided further*, That an additional \$1,229,500,000 is available for State and Local Programs with this amount designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress)."

Page 51, line 5, before the period insert "*Provided further*, That an additional \$460,000,000 is available for Firefighter Assistance Grants with this amount designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress)."

Page 91, line 20, after the dollar amount insert "(increased by \$1,500,000,000)".

Mrs. LOWEY (during the reading). I ask unanimous consent to waive the reading.

The Acting CHAIR. Without objection, the reading of the amendment is waived.

Mr. ADERHOLT. Mr. Chairman—

The Acting CHAIR. The gentleman will suspend.

The gentlewoman's amendment falls within the previous paragraph.

Mrs. LOWEY. I ask unanimous consent to return to the previous paragraph.

The Acting CHAIR. Is there objection to the request of the gentlewoman from New York?

Mr. ADERHOLT. I object.

The Acting CHAIR. Objection is heard.

Mrs. LOWEY. I move to strike the last word, then.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Chairman, my amendment would address two critical shortfalls in the fiscal year 2012 Homeland Security appropriations bill: inadequate funding for communities devastated by recent disasters, and for first responder and antiterror programs.

We have a responsibility to help rebuild homes and businesses following disasters throughout the South and Midwest where communities are reeling and families are mourning and rebuilding.

Chairman ADERHOLT, whose Alabama district was devastated by tornadoes, took the first step in committee by increasing disaster relief funding, and I supported his efforts. My amendment builds upon his work to provide an additional \$1.5 billion in disaster relief to help FEMA respond to needs that far exceed funding levels in this bill.

Just as we have a responsibility, however, to help communities rebuild from natural disasters, we must help them prepare for and prevent manmade ones.

Funding for FEMA's first responder grants as well as the proposed block grant structure provide inadequate lev-

els to protect and prepare the top terror targets in the Nation or to keep our communities safe from fire hazards.

The State Homeland Security Urban Area Security Initiative, Transit Security, Port Security, and additional grant programs will be forced to compete against each other for only two-thirds of the \$1 billion provided for first responder grants, which is a cut of roughly \$1.5 billion to the program.

Further, by dramatically reducing funding for firefighter grants, the Republican majority would shift a tremendous burden to local communities to either slash services or increase taxes to ensure adequate fire coverage.

My amendment would increase funding for disaster relief by an additional \$1.5 billion, while also bringing first responder and fire grant programs back to their fiscal year 2011 levels.

Now, some of my colleagues across the aisle object to funding recovery efforts without offsets. Those from areas affected by recent disasters, including Republican Senator ROY BLUNT, understand that the overwhelming recovery need must be prioritized. And all of us know the repercussions of allowing our first responders to go unprepared or untrained in this dangerous world.

Earlier this year, even before the death of Osama bin Laden increased our state of alert, Secretary Napolitano testified that we were at our most heightened state of terrorist threat since September 11.

If this bill is adopted without my amendment, hundreds of millions of dollars in antiterror funds will be taken from our most targeted regions. Just weeks after intelligence gathered at Osama bin Laden's compound indicates a clear intent to strike the Nation coinciding with the 10th anniversary of the 9/11 attacks, such reductions would be unconscionable.

I urge my colleagues to support the amendment.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to express my support, Mr. Chairman, for the intent of my colleague from New York in calling attention to the major deficiency in this bill.

But, Mr. Chairman, I feel compelled also to express my extreme disappointment about what has just occurred on this floor. Our colleague was on her feet ready to offer her amendment. She was on her feet ready to offer this amendment. Somebody may have thought that she was a couple of seconds late in doing that. But even if that were true, we expect the basic comity that a colleague who has been waiting here for an hour to offer this amendment, has been waiting in turn, that we would have the basic comity to allow her to offer that amendment.



□ 2040

I can't believe what we've just witnessed.

Mr. ADERHOLT. Will the gentleman yield?

Mr. PRICE of North Carolina. I would be happy to yield to the gentleman from Alabama.

Mr. ADERHOLT. If you would give us just a minute, we are trying to see if we can work something out on this.

Mr. PRICE of North Carolina. I certainly hope so.

That's good, Mr. Chairman. I am very pleased to hear that.

Let me go ahead and say something about my colleague's intent, because there is a major deficiency in this bill, and we need to address this, although it's extremely hard to address without the presence of viable offsets.

State and local grants in this legislation are 55 percent below the enacted 2011 level. They are 70 percent below the enacted 2010 level. Moreover, these State and local grants are block granted. Individual programs, such as State grants and urban area grants and port grants and transit and rail grants, could be cut even farther because at the Secretary's discretion she is going to have to choose within this block grant as to what kind of money goes to individual programs.

At the full committee markup of this bill, Congressman LATOURETTE and I offered a very similar amendment to what Mrs. LOWEY has put forward to restore funding to these programs. Now, we're not talking about lavish funding here. By no means would the funding be lavish. In fact, it would simply be equal to the already reduced fiscal year 2011 levels; but we, unfortunately, were not allowed to move forward with the offset that I earlier discussed which had to do with correcting the mislabeling, we believe, of emergency funds.

In any case, we are faced with the threat of terrorism looming larger and massive cuts to first responders and to State and local preparedness. We are ignoring key investments in this bill that would make our communities safer. Local governments are our first response to terrorist attacks, to natural disasters and to other emergencies. Local law enforcement, fire, emergency medical, as well as county public health and other public safety personnel, are responsible for on-the-ground response and recovery action. Local communities, in addition, own, operate and secure essential aspects of our Nation's infrastructure, such as our ports, transit systems, water supplies, schools, and hospitals.

Plainly put, Mr. Chairman, these cuts are shortsighted. I am very, very pleased that our subcommittee colleague Mrs. LOWEY has made such persistent efforts to correct this bill's deficiencies and to keep faith with the parts of our country that we know are in the greatest peril.

With that, I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, we are trying to work out an agreement with the gentlelady from New York.

If you will give us a minute to work this out, we will try to find something that can be accommodating to both parties.

Mrs. LOWEY. I appreciate it. You have been very, very helpful. Thank you.

Mr. ADERHOLT. I yield back the balance of my time.

Mrs. LOWEY. I now ask unanimous consent to consider my amendment out of order.

The Acting CHAIR. Without objection, the Committee will return to that point in the reading first addressed in the amendment of the gentlewoman from New York (Mrs. LOWEY).

There was no objection.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order against the gentlelady's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I would like to make a few additional points because, previously, I did discuss the amendment in greater detail, and I thank the chairman for his consideration. There are a couple of important things. As to the \$1 billion to the block grant funding, I think it is important that we look at the breakdown:

\$192.6 million for law enforcement training and exercises; \$55 million for Operation Stonegarden grants, which is overtime costs; and \$85 million for FEMA to administer the grant programs, which is the Department of Homeland Security estimate. This brings the funding total down to \$667.1 million before the block grant even begins to be distributed to the State Homeland Security Grant Program, UASI, the Metropolitan Medical Response System, Interoperability, Port Security, Transit Security, and Citizen Corps.

SHSGP is written in such a way that it doesn't have to even be funded; but if it is, there are minimum funding requirements for each State and territory—.35 percent of total funds for FY12. Given that SHSGP provides funding to each State, there is no scenario under which the Secretary does not fund this program. That is mandatory. So the minimum funding level that can be provided for SHSGP and that can comply with the statutory requirement is \$125.4 million. This would leave just \$551.7 million remaining for UASI, MMRS, Interoperability, Port Security, Transit Security, Citizen Corps.

Now, I discussed previously when I introduced my amendment that there are tremendous needs for responding to the recent disasters all around this country that are really unheard of—the tornadoes, the floods, the loss of life. People have to rebuild their homes, rebuild their lives. It is essential that we appropriate that additional money, and it is also essential that we respond to the threats which are still out there. People will say bin Laden is gone, but there is an entire network that we have to be concerned about. So, Mr. Chairman, I hope that we can respond adequately to both disaster needs and the needs of our UASI areas with regard to terrorist response for the grants.

Let me conclude by thanking you, after sitting here for 6 hours, maybe 8 hours today, for allowing me to offer this amendment after being late for 10 seconds. I appreciate your consideration. I appreciate the support, and I do hope we can pass it and respond to the real needs out there for both disasters and the terrorism threats that are within our communities.

I yield back the balance of my time.

Mr. REYES. Mr. Chair, I rise to support the amendment offered by Mrs. LOWEY to restore funds to the State and Local Grant Programs account in the FY2012 Homeland Security Appropriations Bill.

As you know, various programs under the Department of Homeland Security such as the Urban Areas Security Initiative, Operation Stonegarden, and FIRE and SAFER grants, provide communities across the country with the resources and tools necessary to keep us safe.

Unfortunately, the FY2012 Homeland Security Appropriations Bill funds the State and Local Grant programs almost 65 percent below the President's request. And, while I appreciate the Committee's efforts to consolidate and streamline the process, I concur with Mr. PRICE's sentiments when he says that these cuts "break faith with the states and localities that depend on us as partners to secure [and protect] our communities."

These steep reductions have prompted President Obama to release a Statement of Administration Policy expressing great concern regarding the insufficient amount of funds that are critical to support ongoing homeland security prevention and preparedness programs to ensure that all levels of government have the capacity to respond to threats. As our local governments continue to face financial challenges, these federal grants help ensure that our communities have the resources they need to stay safe.

As I have mentioned before, El Paso, Texas, the city which I represent, sits on the U.S.-Mexico border across from what is arguably one of the most violent cities in Mexico—Ciudad Juarez. Yet, despite this, El Paso has continued to rank as one of the safest cities in the country. Indeed, in 2010 it was ranked the safest large city. I attribute this to the great work of law enforcement in our community which is supported by the resources from programs funded through the State and Local Grants account.



With the continued violence in Mexico and other potential security threats in our area, funding for the State and Local Grants accounts is especially critical. These federal grants help ensure that our local law enforcement agencies have the resources they need to ensure that El Paso remains the safest city in the U.S.

As former Chairman of the House Permanent Select Committee on Intelligence, I know very well the importance of providing our cities with adequate resources to prepare, prevent, and protect against attacks. This is a time for our communities to remain vigilant, and it is unwise to cut off resources in such a drastic way—especially as some of my colleagues seek to paint the border as violent and lawless.

Mrs. LOWEY's amendment provides necessary increases for disaster relief, police department anti-terror programs, and firefighter grant programs—restoring the latter two to their 2011 levels. If this amendment does not pass, the Republican Homeland Security Appropriations bill would dramatically reduce support for police and fire departments. This shifts the costs to local communities, forcing them to slash jobs and services, or increase taxes.

I urge my colleagues to support the Lowey Amendment to ensure that our communities remain safe.

Mr. CROWLEY. Mr. Chair, I rise today to support the Lowey-Crowley-King-Israel-Royal-Allard amendment to restore funding to critical Homeland Security programs. Passage of this amendment is vital to sustaining our efforts to keep every U.S. city, state and landmark vulnerable to a terrorist attack safe and secure.

The Homeland Security bill, which was passed out of committee without a single Democratic vote, slashes support for many of our Nation's most important safety and protection programs, including initiatives recommended by the 9/11 Commission.

In particular, I am deeply concerned about the Republicans' cuts to the Urban Area Security Initiative (UASI). After the attacks on New York and Washington, DC on September 11, 2001, I spearheaded an effort to create a new program, the High Threat Urban Area Account Program, mostly commonly referred to as UASI.

The establishment of this program was important because at the time, there was not a single Federal program designed to provide support to the areas in this country that are most at risk of a terror attack. The reality is that while terrorists may want to strike the entire United States, their efforts often target major cities like New York where they can inflict damage on the maximum number of people.

We have UASI for a reason—to make sure that the states that are most threatened by terrorism have the tools they need to prevent and deter attacks before they take place. In New York, grant monies are used to train and better equip first responders and provide them with communication systems to assure preparedness, in addition to improving the monitoring of key infrastructure that is more likely to be targeted, including bridges, subways, skyscrapers and tourist sites. Multiple attempts

to attack New York underscore the severity of the threat faced by urban areas, and we cannot diminish our commitment to protecting the American people.

In the days following 9/11, I stood here with Democrats and Republicans alike as we pledged to do everything in our power to make sure that an attack like the one on 9/11 never happens again.

Yet, here we are today looking at cuts to the very programs intended to keep us safe.

The threat of terrorism remains very real, making it essential for cities that face the greatest risk to have the resources necessary to prevent attacks. I strongly urge the House to reverse these damaging cuts.

Mr. ISRAEL. Mr. Chair, the Federal Emergency Management Agency's homeland security grant programs are dangerously underfunded in the legislation we are considering today. I rise in support of the amendment I have joined my friend and colleague from New York in offering which would restore funding to these critical programs.

When we debate and pass bills that fund the functions of the federal government, we have to make real decisions about what we believe are the priorities of our nation. In this bill, we see where funding for critical homeland security programs fall. In this bill, House Republicans have decided to cut more than \$1 billion from current funding from programs that go toward rail security, port security, and the Urban Areas Security Initiative. In this bill, House Republicans cut \$420 million for grants to firefighters and first responders.

Mr. Chair, I agree that we have to make tough decisions when it comes to funding the federal government. But balancing the budget on the backs of our nation's firefighters and first responders and at the expense of the security of our communities is irresponsible.

So, what are the Republicans' priorities? They choose to eviscerate funding for critical homeland security programs in order to fund tax cuts for big oil companies. They tell local fire departments that the federal government just can't afford to support them anymore, but then turn around and make sure that oil companies, who could collectively make more than \$140 billion in profits this year, are protected from paying their fair share.

Mr. Chair, those might be the priorities of the House Republicans, but they are not the priorities of the American people. I urge my colleagues to join me in supporting this important amendment and letting our nation's firefighters and first responders know that we are standing up for them here in Washington while they are standing up to protect our communities back home.

#### POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. The amendment proposes to amend portions of the bill not yet read. Section 17, Chapter 2 of the House Practice book states, in part: It is not in order to strike or otherwise amend portions of a bill not yet read for amendment.

I ask for a ruling from the Chair.

The Acting CHAIR. To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentlewoman from New York proposes only to increase certain accounts in the bill, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is sustained.

□ 2050

The Clerk will read.

The Clerk read as follows:

#### EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: *Provided*, That not to exceed 10 percent of the amount available under this heading shall be transferred to "Federal Emergency Management Agency, Management and Administration" for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives not later than 60 days after the date of enactment of this Act: *Provided further*, That an expenditure plan for program administration shall be submitted at the time that the President's budget is submitted each year under section 1105(a) of title 31, United States Code, to the Committees on Appropriations of the Senate and the House of Representatives.

#### RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2012, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2012, and remain available until expended.

#### UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$42,538,000.

#### DISASTER RELIEF

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$2,650,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an

expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support not later than 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That not later than 60 days after the date of enactment of this Act, \$105,600,000 shall be transferred to "Federal Emergency Management Agency, Management and Administration" for management and administration functions: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit the monthly "Disaster Relief" report, as specified in Public Law 110-161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall submit quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives providing estimates of funding requirements for "Disaster Relief" for the current fiscal year and the succeeding three fiscal years which shall include—

(1) an estimate, by quarter, for the costs of all previously designated disasters;

(2) an estimate, by quarter, for the cost of future disasters based on a five-year average, excluding catastrophic disasters;

(3) an estimate, by quarter, for the costs of catastrophic disasters excluded from the five-year average subdivided by disaster and shall include the amount already obligated and the remaining estimated costs; and

(4) an estimate of the date on which the "Disaster Relief" balance will reach \$800,000,000: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall develop a policy and provide a report on such policy that defines the five-year average used to develop the budget estimates for disaster relief not later than 60 days after the date of enactment of this Act that shall include a clear and reproducible definition of the five-year average used as a basis for the request, the responsible official who develops the average, and the data source(s) used: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall include in the fiscal year 2013 budget submission for disaster relief a clear statement of the five-year average used as a basis for the request, the fiscal years included in the average, a list of the obligations for each of the five fiscal years, and all adjustments made to the gross obligation total for each of the five fiscal years, including a record of which catastrophic disasters are excluded from each year's obligation total and the associated amount excluded; inflation adjustments; and the amount and source of recoveries applied against the obligation total: *Provided further*, That the President shall submit an offset budget amendment from within discretionary funds not later than three months prior to the date that the Administrator of the Federal Emergency Management Agency estimates that the total amount remaining unallocated in "Disaster Relief" will reach

\$800,000,000, and that the request shall account for all estimated funding requirements for that fiscal year: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of the Department policies on—

(A) the detailed information required in supporting documentation for reimbursements; and

(B) the necessity for timeliness of agency billings.

AMENDMENT OFFERED BY MS. RICHARDSON

Ms. RICHARDSON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 53, line 5, after the dollar amount, insert "(reduced by \$100,000,000) (increased by \$100,000,000)".

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes in support of her amendment.

Ms. RICHARDSON. Thank you, Mr. Chairman, for allowing me to speak on my amendment about disaster relief funding. My amendment is designed to support response, rescue, and recovery. In fiscal year 2011, the Disaster Relief Fund was funded at \$2.65 billion. I was pleased to see only, finally after great embarrassment, that we restored the funding of what it was previously in full year 2011 after the disaster we had in Joplin, Missouri. This amount of funding is not enough, and we should just be honest with the American public in terms of the budget of what the real costs are.

Hurricane season has not started yet, but FEMA has already made 37 major disaster declarations, seven emergency declarations, and 54 fire management assistance declarations already this year.

Just over the last few days, 142 people were killed in Joplin, Missouri, during the tornado that struck the city on May 22, 2011. This disaster is the highest recorded death toll from a tornado in U.S. history. The Joplin tornado destroyed an estimated 2,500 homes and damaged 10,000 others. In May, flooding in Memphis, Tennessee, devastated 1,300 homes and caused thousands to be displaced. In April, a powerful storm system spawned tornadoes across seven southern States, resulting in over 300 deaths in Alabama, Mississippi, Georgia, Arkansas, Virginia, and Kentucky.

Without disaster relief funding, or not having a sufficient amount of it, many of these communities would not be safe. These funds are used to be able to rebuild lives and communities. The Disaster Relief Fund is managed through FEMA. We need to ensure that people who are in need of assistance are not waiting on Congress to debate;

but, in fact, Congress is responding with the appropriate resources.

This other approach is wrong. We should never hold relief funds hostage and allow citizens to suffer from a disaster while Congress debates. I think it is unconscionable that we would not immediately allow FEMA the ability to provide the assistance that is needed to help rebuild our communities.

Now, let me show you a more recent picture of what happened in Joplin. You'll see in this picture that it appears a man is holding a child who doesn't even have socks and shoes. So when we talk about whether it is ideologically we believe in cutting the budget, we need to make sure that we are cutting in the right places and not in places like this.

Since full year 1989, Congress has appropriated roughly \$292 billion for disaster assistance in 35 appropriations bills, primarily as supplementals, two significant catastrophes that have occurred. The mean annual range that we have had to do as a supplemental is anywhere between \$8.3 billion and \$13.3 billion. Today we are considering only \$2.65 billion. Clearly, history tells us it is not enough, and the American public should not have to wait each time that we debate when we know that what we are looking at today is not enough.

Mr. Chairman, I urge the committee chair and my colleagues to support the Richardson amendment.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I accept the gentlelady's amendment. However, I must clarify that the base bill includes \$2.65 billion and includes an additional \$1 billion in supplemental funds, and that is a total of \$1.8 billion above the request. So I would like to point that out to the gentlelady, but we will accept her amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

DISASTER ASSISTANCE DIRECT LOAN PROGRAM  
ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$296,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS  
PROGRAM

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968

(42 U.S.C. 4101), \$102,712,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed three percent of the total amount appropriated under this heading.

#### NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$171,000,000, which shall remain available until September 30, 2013 and shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available for salaries and expenses associated with flood mitigation and flood insurance operations; and flood plain management and flood mapping: *Provided*, That not to exceed \$22,000,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations: *Provided further*, That not less than \$149,000,000 shall be available for flood plain management and flood mapping: *Provided further*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2012, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$132,000,000 for operating expenses; (2) \$1,007,571,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$50,000,000, which shall remain available until expended for flood mitigation actions, of which \$10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding section 102(f)(8) of the Flood Disaster Protection Act of 1973, section 1366(i) of the National Flood Insurance Act of 1968, and paragraphs (2) and (3) of section 1366(5) of the National Flood Insurance Act of 1968: *Provided further*, That total administrative costs shall not exceed four percent of the total appropriation.

#### NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$40,000,000, to remain available until expended: *Provided*, That the total administrative costs associated with such grants shall not exceed three percent of the total amount made available under this heading.

#### EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$120,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

#### TITLE IV

#### RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

#### UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$132,361,000 for immigration verification programs, including the E-Verify Program, as authorized by section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce; and of which none of the funds may be used for grants for immigrant integration: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment.

#### AMENDMENT OFFERED BY MR. HONDA

Mr. HONDA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, beginning on line 15, strike “; and of which none of the funds may be used for grants for immigrant integration”.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. HONDA. Mr. Chairman, my amendment is a straightforward amendment that would remove language in the bill that targets immigrant integration grants.

What are immigrant integration grants, and why are they important?

Every year, immigrant integration grants provide funding to local churches, schools, and community centers across the Nation, from Catholic Charities in Dallas to the Ukrainian Community Center of Washington State to West Georgia Technical College to prepare legal permanent residents for citizenship.

Let me repeat, Mr. Chairman: these grants are for legal permanent residents, or citizens in waiting, like many of our parents and grandparents who came to America not speaking a word of English or knowing the great history and civics of our country.

Citizenship instruction through these grants must include U.S. history and government lessons and civics-focused English lessons. We often hear from the other side that immigrants coming to

this country should learn English, and they should. These grants provide a way for immigrants to do exactly that. It is perhaps fortuitous—and that is spelled F-O-R-T-U-I-T-O-U-S, fortuitous—that we are debating this amendment as the 2011 Scripps National Spelling Bee begins its annual competition this week.

As one goes down the list of the 275 young student spellers, it is worth noting and pointing out that many of them have parents who are immigrants or are immigrants themselves. Eight of the past 12 champions of the Scripps National Spelling Bee were foreign born or had parents who were foreign born.

Renowned linguist Ben Zimmer points out the connection between immigrant families and the spelling bee in this week's NPR story. On the topic Mr. Zimmer tells NPR: “These kids are spending sometimes a few hours a day going through word lists to learn the most difficult words in English. Very often, they are youngsters coming from immigrant families that really prize learning English as part of becoming assimilated into American culture. So, my hat's off to all these young spellers.”

Mr. Chairman, the immigrants who rely on integration grants are often the parents of these success stories. They are the mother at the Hebrew Immigrant Aid Society in New York, or the father at the Lutheran Social Services of South Dakota who, after working two jobs in a day, still find the energy to make it to a night class where they can learn English and learn about our Nation's history and government.

The energy that drives these parents is the same energy that drove our immigrant parents and grandparents—the idea that their hard work would give their children a chance to a better life in America.

And while the English language learner population is often characterized as solely immigrant, the reality is that the native born, U.S.-born English language learner population nearly doubled between the year 2000 and 2005 and is increasing at a higher rate than the immigrant population.

□ 2100

Between 2010 and 2030, these first- and second-generation immigrants are projected to account for all growth in the U.S. labor force. Better preparing this workforce will unite and strengthen our country.

The notion that we as a Nation shouldn't fund programs like integration grants flies in the face of what our country is all about. These new Americans are not looking for an easy ride. They're simply looking for the chance to learn English, learn about the history of their new home, learn about the history of their adopted home, their choice of a new home, and integrate

into the fabric of America. There should be a direct source of appropriations for immigrant integration grants, which this bill takes away. At the very least, there should not be restrictions on how USCIS can fund these important grants in this bill.

So I ask my colleagues to support this straightforward amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I appreciate the gentleman from California's views, and we accept this amendment.

However, I would like to state for the record that the \$132 million of appropriated funds provided in this bill would not fund immigrant integration grants. They are provided for verification programs, both E-Verify and SAVE, and these are critical programs to the fund.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I rise merely to express my support also for Mr. HONDA's amendment. I think it is entirely appropriate to permit appropriated funds to be used for immigration integration, and that, indeed, has been our past practice.

I yield back the balance of my time.

Ms. CHU. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. CHU. I stand in strong support of this amendment, which strikes language prohibiting direct appropriations funding for immigration integration grants.

Integrating immigrants into our society makes us a stronger Nation and a more united Nation. Having Federal policies in place to quickly integrate new citizens into our national fabric is and should remain an important priority for our government.

This should not be a solely Republican or Democratic priority. This is not a partisan issue. In fact, it has had strong support from leaders on both sides of the aisle. President George Bush created the Office of Citizenship during his Presidency because he recognized the importance of helping new citizens embrace their new home. The Office of Citizenship plays a key role in immigration integration by leading initiatives to promote citizenship awareness; providing grants to national and community-based organizations that prepare immigrants for citizenship; preparing educational materials for citizens and trying to expand integration and citizenship resources in communities.

And President Obama has picked up the torch from his predecessor, committing direct appropriations to an integration grant program that helps

green card holders, who are all legal immigrants, get ready to become active participants in our democracy. These grants help legal residents navigate through the naturalization process, teach them about our Nation's history and government, and teach them English.

These programs benefit real people, immigrants who came to America for a better life. Immigrants like Phyllis, a 74-year-old grandmother who took a citizenship class in Maryland. Once a week for 8 weeks, she and her classmates, 20 of them, in fact, spent 2 hours learning the basics of American history and government and interview skills for a naturalization test. Phyllis moved to the U.S. from Sri Lanka to take care of her three grandsons. Being a citizen, knowing our laws, and speaking English will help her ensure those young boys grow up to be strong Americans themselves.

Immigrants who integrate into U.S. society go on to become informed voters, active community members, innovators, entrepreneurs, and future job creators. Whether they come on family or employment visas, through the asylum or refugee program, or through other smaller legal immigration programs, legal permanent residents come to this country with the dream of becoming U.S. citizens and giving back to their adopted home.

In the last 2 fiscal years, Congress has directly appropriated \$11 million for integration grants. But this bill doesn't provide direct appropriations. Instead, it pulls the funds out of the examination fees account. And it goes a step further, expressly prohibiting direct funding for immigration integration grants.

But I think we should provide direct appropriations for these grants because immigration assimilation should be a national priority. Both sides agree that legal immigrants that want to become part of society and learn our laws and our language should be able to become citizens, and that's exactly what these funds do.

I urge all my colleagues to support this amendment to help our Nation and all its citizens, no matter where they were born, so that we can boost human potential and make this a stronger Nation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HONDA).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not

to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$238,957,000, of which up to \$48,978,000 shall remain available until September 30, 2013, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation; and of which not to exceed \$12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended by Public Law 111-83 (123 Stat. 2166), is further amended by striking "December 31, 2012" and inserting "December 31, 2014": *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

#### ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$35,456,000, to remain available until September 30, 2016: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

#### SCIENCE AND TECHNOLOGY

##### MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$140,565,000: *Provided*, That not to exceed \$10,000 shall be for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects, development, test and evaluation, acquisition, and operations as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), and the purchase or lease of not to exceed five vehicles, \$398,213,000, of which \$196,713,000, to remain available until September 30, 2014; and of which \$201,500,000, to remain available until September 30, 2016, solely for operation and construction of laboratory facilities.

#### DOMESTIC NUCLEAR DETECTION OFFICE MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office, as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, \$40,000,000: *Provided*, That not to exceed \$3,000 shall be for official reception and representation expenses.

#### RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$245,194,000, to remain available until September 30, 2014.

#### SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$52,000,000, to remain available until September 30, 2014: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of advanced spectroscopic portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of advanced spectroscopic portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

#### TITLE V

#### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that re-

main available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, office, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2012 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2012, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or reduces the numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed five percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

(e) The notification thresholds and procedures set forth in this section shall apply to any use of deobligated balances of funds provided in previous Department of Homeland Security Appropriations Acts.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356

(31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2012: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2012 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That the Working Capital Fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2012 from appropriations for salaries and expenses for fiscal year 2012 in this Act shall remain available through September 30, 2013, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of an Act authorizing intelligence activities for fiscal year 2012.

SEC. 507. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used to—

(1) make or award a grant allocation, grant, contract, other transaction agreement, task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of \$1,000,000;

(2) award a task order requiring an obligation of funds in an amount greater than \$25,000,000 from multi-year Department of Homeland Security funds or a task order that would cause cumulative obligations of multi-year funds in a single account to exceed 50 percent of the total amount appropriated; or

(3) announce publicly the intention to make or award items under paragraphs (1) or (2), including a contract covered by the Federal Acquisition Regulation.

(b) The Secretary of Homeland Security may waive the prohibition under subsection (a) if the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance of making an award or issuing a letter as described in that subsection.

(c) If the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification, then the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than five full business

days after such an award is made or letter issued.

(d) A notification under this section—

(1) may not involve funds that are not available for obligation; and

(2) shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn.

(e) The Administrator of the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives five full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2042 et seq.) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

□ 2110

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR (Ms. Foxx). The Clerk will report the amendment.

The Clerk read as follows:

Strike section 514.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Madam Chairman, according to recent media reports, the Department of Homeland Security is the top civilian agency conducting insourcing, which is converting private contractor services to government employees.

My amendment would strike section 514 of this legislation which, as drafted, would prevent any funds in this bill from being used to conduct public-private competitions or to direct A-76 conversions for any program, project, or activity within the Department of Homeland Security.

The A-76 process has been in existence since 1966. The original intent was to require the government to use private-sector services when obtaining goods or services and assist with services from within the government. I believe that the A-76 produces quality competition that leads to great service and a more cost-efficient result for the taxpayer. The bottom line, Madam Chairman, is that the government does not need to perform all the goods and services that might be in the Yellow Pages; that is for the private sector to do.

A-76 cost competitions between the public and private sector brings the best value to the taxpayer. According to Americans for Tax Reform, the average cost of each new Federal employee for salary, benefits, and pensions totals \$4.27 million. Without competition, government-run monopolies of commercial activities duplicate and price out the private sector, resulting in inefficient expenditures of taxpayer money.

The Heritage Foundation has reported that subjecting Federal employee positions which are commercial in nature to a public-private cost comparison generates on average a 30 percent cost savings regardless of which sector wins the competition. Even a recent Office of Management and Budget study states that the act of public-private competition generates cost savings from 10 to 40 percent on average.

During this time of stretched budgets and bloated Federal spending, Congress should do all that it can do to find taxpayer savings that reduce the cost of services provided by the Federal Government. I urge all of my colleagues to support this commonsense, taxpayer-first amendment and to ensure cost-saving competition is available through the Department of Homeland Security.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, Mr. SESSIONS' amendment

frankly has been known to us only a short period of time, and we are not certain that all Members who might have an interest in this have been alerted. I wonder if the gentleman would yield for a question or two on this.

Mr. SESSIONS. would you be willing to yield?

Mr. SESSIONS. I will yield to the gentleman.

Mr. PRICE of North Carolina. My recollection is that this amendment was placed in the bill some years ago when there was an active dispute about contracting out some services at CIS.

Could you tell us, what precipitates your trying to remove this language now? As I understand it, your amendment would not require the contracting out, but it would simply remove the prohibition. Is that right?

Mr. SESSIONS. That is correct. The gentleman is correct. Today it is prohibited that this may be allowed in favor of the government hiring services through a Federal Government employee. What drives me to once again come on the floor as I have done for 15 years is that I believe that there are inherently governmental functions that a government employee must perform. However, when there is something like changing oil for a fleet of trucks, mowing grass, coming in and cleaning a building, performing functions that can be done more efficiently—perhaps it's with computers, perhaps it's with data systems, perhaps it's professional services that can be done better, rather than flying employees in from the Federal Government, but when they can be more cost effective, then a process is gone through. This process is called the A-76 process, and it's where the local management would look at the functions up to and including loaded costs for what it takes to perform the duties that might be done. And generally speaking, there is a 30 percent cheaper value or cost to the government when it's done by an outside contractor as opposed to a Federal Government employee.

Mr. PRICE of North Carolina. Reclaiming my time, I understand the operation of the A-76 process. And I also understand that there are times when contracting out makes sense and other times when it does not. But given the fact that the gentleman is not mandating any particular approach to any particular jobs but is simply removing the prohibition, leaving this essentially to the judgment of the Department, I will not object to this. I do wish that there had been a better opportunity for Members who had an interest in this, possibly had a stake in this, to be here and respond, but with the gentleman's explanation, I will not object.

Madam Chairman, I yield back the balance of my time.



The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated for or transferred to "Transportation Security Administration, Aviation Security", "Transportation Security Administration, Administration", and "Transportation Security Administration, Transportation Security Support" for fiscal years 2004, 2005, 2006, 2007, 2008, 2009, and 2010 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are so recovered or deobligated.

SEC. 517. Any funds appropriated to "Coast Guard, Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2010" and inserting "2012".

SEC. 519. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 520. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under sec-

tion 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than five days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract to which the waiver applies and an explanation of why the waiver authority was used: *Provided*, That the Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 6, 2012.

SEC. 521. None of the funds provided in this Act or any previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, or successor position, for any event that is declared a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. et seq.).

SEC. 522. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of the Intelligence Reform and Terrorism Prevention Act (Public Law 108-458; 118 Stat. 3724) unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 523. None of the funds made available in this Act may be used to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 524. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 525. None of the funds made available in this or any other Act for fiscal year 2012

and hereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 526. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2011," and inserting "Until September 30, 2012,"; and

(2) in subsection (d)(1), by striking "September 30, 2011," and inserting "September 30, 2012,".

SEC. 527. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 528. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 529. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 530. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, United States Code (as added by Public Law 102-393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 531. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 532. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the E-Verify Program established under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.



SEC. 533. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date on which the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 534. (a) Notwithstanding any other provision of law during fiscal year 2012 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets that support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of any sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security “Science and Technology, Research, Development, Acquisition, and Operations” account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.

SEC. 535. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 536. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109-295; 6 U.S.C. 121 note) is further amended by striking “2011” and inserting “2012”.

SEC. 537. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions, including detaining, accepting custody of, or extending immigration benefits to, Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 538. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 539. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 540. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 541. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled “Risk Management Guide for Information Technology Systems”;

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations”; and

(3) any supplemental standards established by the Assistant Secretary of Homeland Security (Transportation Security Administration) (referred to in this section as the “Assistant Secretary”).

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Assistant Secretary shall require any company covered by subsection (a) to provide, not later than 30 days after the date of enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

(d) Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that includes a description of—

(1) the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) the status of any certifications required to be submitted by subsection (c).

SEC. 542. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory per-

formance or performance that does not meet the basic requirements of a contract.

SEC. 543. (a) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Assistant Secretary shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 544. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that all such processes take into consideration such passengers’ and crews’ privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 545. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall each be amended by striking “September 30, 2011” and inserting “September 30, 2012”.

SEC. 546. (a) Notwithstanding section 1356(n) of title 8, United States Code, of the funds deposited into the Immigration Examinations Fee Account, \$8,500,000 is available to United States Citizenship and Immigration Services in fiscal year 2012 for the purpose of providing an immigrant integration grants program.

(b) None of the funds made available to United States Citizenship and Immigration Service for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

SEC. 547. (a) The Secretary of Homeland Security may transfer to the Secretary of the Interior amounts available for environmental mitigation requirements for “U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology” for fiscal years 2009, 2010, 2011, and 2012, for use by the Secretary of the Interior under laws administered by such Secretary to mitigate adverse environmental impacts, resulting directly from construction, operation, and maintenance activities by the Department of Homeland Security related to border security.

(b) Uses of funds authorized by this section include minimal, necessary acquisition of land or interests in land that will, in the judgment of the Secretary of the Interior, mitigate or offset such adverse impacts.

(c) Any funds transferred under this section shall be used in accordance with a written agreement between the Secretaries.

(d) The Secretary of the Interior, in consultation with the Secretary of Homeland Security, shall submit to the Committees on Appropriations of the Senate and the House of Representatives, by not later than 15 days before any proposed transfer under this section, an expenditure plan that describes in detail the actions proposed to be taken with amounts transferred under this section.

(e) Concurrent with submittal of the expenditure plan, the Secretary of Homeland Security shall submit a certification that the actions outlined in the expenditure plan cannot be legally executed under the authorities of U.S. Customs and Border Protection or any other component of the Department of Homeland Security and are determined to be necessary for mitigation of construction, operation, and maintenance activities related to border security.

□ 2120

AMENDMENT OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 89, beginning at line 14, strike section 547.

The Acting CHAIR. The gentlewoman from Wyoming is recognized for 5 minutes.

Mrs. LUMMIS. Thank you.

My amendment would strike section 547, which would devote border security dollars to environmental mitigation along this country's southern border.

The Border Patrol has unlimited access to private property, but the Border Patrol cannot always patrol Federal land, even if it is a known corridor for illegal traffic, including trafficking of humans and trafficking of drugs.

Some permits, which are required to be issued by the Department of the Interior to the Department of Homeland Security for Border Patrol, take months to approve. Others are not granted at all. But when the Department of Homeland Security, our Border Patrol, is given access, Federal land managers force the Border Patrol to fork over money for environmental projects that may or may not have anything to do with the constitutional obligations of our Border Patrol.

Madam Chairman, these are American taxpayer dollars. And more than that, they're dollars for border security, which I again repeat is a constitutionally delineated function of the Federal Government. But under section 547, these tax dollars are paying for the unreasonable demands placed on the Border Patrol by Federal land managers—one Department of the government, the Department of the Interior, taking dollars from another, the Department of Homeland Security, for a function that is required in the Constitution by the Border Patrol.

I appreciate the chairman's staff taking time to try to work this out with my office and with the Natural Resources Committee, the standing committee that is responsible for super-

visory control of the Department of the Interior. I regret that we were not able to come to resolution of this issue before floor consideration.

So I'm moving to strike this provision with the hope that we can continue to work with Chairman SIMPSON, who is the subcommittee chairman of the Appropriations Committee on Interior and the Environment, and Chairman HASTINGS, who is the chairman of the Natural Resources Committee in the House, to come up with a better approach to solving this problem of Border Patrol access to Federal lands.

Madam Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, the gentlewoman's amendment strikes language permitting the use of previously appropriated and specifically designated DHS funds for land acquisition along the southwest border for environmental mitigation.

□ 2130

I feel I need to take a moment just to provide a bit of context. Since 2006, our subcommittee, which I chaired from 2007 to 2010, has increased funding for border security by over \$2 billion annually. We invested well over a billion for fencing and other tactical infrastructure alone during this period.

Now, responding to concerns about possible environmental problems associated with such a massive construction undertaking, much of which has taken place on environmentally sensitive lands, Congress provided modest amounts to mitigate these potential environmental consequences: \$50 million in fiscal 2009 and \$40 million in fiscal 2010. Some of this mitigation effort involves acquiring land from willing sellers for buffer zones to protect fragile habitats, principally along the Rio Grande Valley in Texas.

Since the Department doesn't have the statutory authority to acquire land for the purpose of environmental mitigation, we came to an agreement among Democrats and Republicans last year in the context of negotiations over an omnibus 2011 bill to grant the limited authority to transfer these specific funds to the Department of Interior for land acquisition. Obviously, Interior has the statutory authority to acquire land for this purpose.

So let me, Madam Chairman, read the section of the chairman's report so everyone knows how noncontroversial this provision is that Mrs. LUMMIS seeks to strike. And I am quoting, "In order for the Department to execute interdepartmental agreements with the U.S. Department of the Interior to complete environmental mitigation activities, the committee includes a gen-

eral provision, section 547 in the bill, permitting the transfer of previously appropriated environmental mitigation funds under BSFIT to the U.S. Department of Interior to carry out this purpose. The authority is narrowly tailored and controlled to ensure that funds will only be transferred: in accordance with a written agreement between the Secretaries of Homeland Security and the Interior; where the Secretary of the Interior has submitted an expenditure plan 15 days in advance of the proposed transfer, detailing the actions proposed to be taken with amounts transferred; where the Secretary of Homeland Security has certified that the actions outlined in the expenditure plan cannot be legally executed under the authorities of CBP or any other component of the Department of Homeland Security and the actions are determined to be necessary for mitigation of construction, operation, and maintenance activities related to border security."

Madam Chairman, as a government we have many responsibilities and priorities. These include, of course, securing our borders, something I have worked on a lot in these past 4 years. It also includes protecting our natural and cultural resources. The sort of interagency agreement that Homeland Security and Interior have entered into for environmental mitigation is exactly what we should be encouraging, especially because this arrangement is explicit that Interior cannot take any action that CBP does not first agree to. Let me repeat: Interior cannot take any action that CBP does not approve.

I urge my colleagues to honor this agreement, a reasonable arrangement, and defeat this amendment.

I yield back the balance of my time.

Mr. DICKS. I rise in opposition to the amendment, and I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I want to commend the gentleman from North Carolina for his work during the years when he was chairman of this committee, and also this year on this bill and this provision. I have been down to the border and have seen these very large fences that we have created there which do have an adverse effect on some of the species in that area which in the past would go back and forth from Texas or Arizona into Mexico.

The Department of the Interior could have raised objections to this project and required detailed environmental assessments, and possibly could have brought actions under the Endangered Species Act. But because this was worked out between the Department of Homeland Security and the Department of the Interior, that was avoided so that we could go ahead and build the fences in a very timely way.

So I think that taking this amendment out is a mistake. It is not considerate of the environment, which we should be trying to protect. And there are many problems down on the border because of these fences.

I urge that we defeat the Lummis amendment and go along with what the committee has artfully worked out. It's a good compromise, and should remain in the bill.

I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. Madam Chair, most people are clearly not aware that national security on our borders is compromised on public lands by Federal land managers who have the authority to deny the Border Patrol access to those Federal lands. Most people are not aware that we put money into this budget thinking it is going for Homeland Security, only to see it mysteriously transferred over to another agency without Congress ever understanding or authorizing where that transfer is or what that transfer may be.

It is estimated that we have had direct transfers of at least \$9 million, although the numbers are not clear. If you add up what the Department of Homeland Security spends on their own part that is not a direct transfer, we may be in the neighborhood of \$50 million that is spent on this particular program. This money can be used for land acquisition.

If we really want land acquisition, we put this money in the Interior budget, where it belongs, so we know what it is, we know why it is there, and we can track for what it is used. This becomes simply a secret slush fund from Homeland Security to Interior, and Congress has no idea or clue on how this money we are putting into Homeland Security's budget is being used.

Let me give you a specific example. Border Patrol wanted to put surveillance towers on a strategic location on the Arizona border. Unfortunately, the land manager would not allow them in a particular area, so they had to be moved at least 4 miles away, creating specific blackout areas on that particular land situation. Security gaps. It was 4 miles of heavily trafficked area. Then, because there happened to be a bat in that area, of their own sources Homeland Security still had to monitor the amount of bats who may accidentally fly into those towers for 5 years after those towers were put in there, at the cost of hundreds of thousands of dollars to monitor and count bats. And if they came across a pronghorn antelope while they were doing it, Homeland Security had to back away, without turning its back on the pronghorn, at a speed no greater than 15 miles an hour until it was a

certain distance away from that situation.

We have already been told of situations where mitigation funds have been spent on a species that has not existed in that area for the last decade. What we are trying to do is spend our money wisely. We need to curtail this practice until at least Congress has the ability of completely understanding where this mitigation money is going and can approve it ahead of time.

Madam Chairman, most of the environmental degradation that is taking place on our southern border, especially in the State of Arizona, is not being done by the Border Patrol; it's being done by illegal immigrants the drug cartels, the human traffickers, potential terrorists who are coming in here with no design and no care about the ecology of the area, or endangered species, or anything else.

If we truly want to improve the ecology and improve our environmental quality on that border, you put every dime you can into Border Patrol, you let the Border Patrol have the access that they need to do their jobs, because stopping the illegal bad guys coming across is the only way, the only way we will ever have a true environmental solution on that particular border. So far we do not know how this money is spent. It is wrong. This is indeed the right approach to take on this particular problem.

Mr. PRICE of North Carolina. Will the gentleman yield?

Mr. BISHOP of Utah. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. The gentleman has raised the issue of accountability, so I would like to call his attention to section D on page 90, and ask him for his assessment of this. We worked this out carefully, as I said earlier, worked it out with the chairman in a cooperative way. And it addresses directly the question of accountability. The Secretary of the Interior, in consultation with the Secretary of Homeland Security, shall submit to the Committee on Appropriations of the Senate and the House of Representatives not later than 15 days before any proposed transfer under this section, an expenditure plan that describes in detail the actions proposed to be taken with the amounts transferred.

□ 2140

Does that not meet the gentleman's standards of accountability?

Mr. BISHOP of Utah. It sounds nice on paper, but it doesn't work in reality. You do not know where that money is being spent. The mitigation money is not going to the area where the mitigation needs to be done.

Once again, I will tell you, if you care about that environment and you want to solve the mitigation effort, put the money into the Border Patrol, not into this slush fund to move money

from Homeland Security into Interior for the acquisition of land and property.

It is unrealistic.

Mr. DICKS. Will the gentleman yield?

The Acting CHAIR. The time of the gentleman from Utah has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. BISHOP of Utah was allowed to proceed for 1 additional minute.)

Mr. DICKS. Will the gentleman yield?

Mr. BISHOP of Utah. No.

Mr. DICKS. I got you an additional minute.

Mr. BISHOP of Utah. Okay. You got 30 seconds. Go for it.

Mr. DICKS. Here is what I think we should do. Why not do both: Stop all the illegal immigrants coming across, which would make a big improvement in the environment of the area, but also do the mitigation to protect the species in that part of the country.

We can do them both. We don't have to be limited to one or the other. The gentleman raises a false choice.

Mr. BISHOP of Utah. Reclaiming my time, I will try to do this as quickly as I can.

That should be the role of the Interior appropriations, because there is no oversight that takes place here. We have already been berated on how little we are spending on Homeland Security.

Spend Homeland Security money on Homeland Security. Do not create a slush fund that we have created in the past so money goes to Interior. If you want to do it, go to Interior, where the money should be spent in the first place, and do it the right way.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I want to thank the gentlewoman from Wyoming for working with us on this issue, and I appreciate the concerns that she has raised and also that the gentleman from Utah has raised.

The committee has attempted to address both the requests of the Department of Homeland Security and the interests of Members on both sides of the aisle in drafting section 547. It was narrowly tailored to address only the most necessary environmental mitigation activities directly related to border security construction, operations, and maintenance.

It included strict controls on the transfer of funds from the Department of Homeland Security to the Department of the Interior, only where the Secretary of Homeland Security certifies that the transfer is absolutely necessary for border security and that the Department of Homeland Security does not have the authority to carry out the necessary activities.

Further, the Secretary of the Interior must provide a detailed spend plan with advance notification, allowing the committee to reject the plan.

The committee's interest was border security. Unfortunately, we were not able to balance the various viewpoints and the concerns to find the compromise in this process. For that reason, I support the Lummis amendment.

I yield back the balance of my time.

Mr. POE of Texas. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. POE of Texas. Madam Chair, Federal public lands have become the chosen path for drug smugglers and illegals entering our United States of America. The Government Accountability Office has confirmed that certain environmental laws, such as the Wilderness Act and Endangered Species Act, limit the Border Patrol's access and expose great areas of the border to significant environmental damage due to the illegal traffic coming into the United States.

In certain areas, Border Patrol agents are limited to patrolling on foot or on horseback even if the drug runners have ATVs, 4x4 trucks, or even Humvees.

A recent GAO report revealed that the Department of the Interior is taking months to approve simple permits that are necessary for the Border Patrol to do its job to protect the border. The GAO report also revealed that some permits are never granted at all.

When permits are given to the Border Patrol for such things as placing monitor equipment, the Department of the Interior negotiates mitigation packages with the Border Patrol. But these mitigation packages are forcing the Border Patrol to fork over money for environmental activities. The obvious is being missed by the Department of the Interior that the illegal activity itself destroys the environment they are trying to preserve.

I recommend adoption of the Lummis amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wyoming (Mrs. LUMMIS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wyoming will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 548. Of the funds transferred to the Department of Homeland Security when it was created in 2003, the following funds are hereby rescinded from the following ac-

counts and programs in the specified amounts:

(1) \$20,997,225 from "U.S. Immigration and Customs Enforcement, Salaries and Expenses"; and

(2) \$594,945 from "Violent Crime Reduction Programs".

SEC. 549. Of the following unobligated balances available for "Department of Homeland Security, U.S. Immigration and Customs Enforcement, Construction", \$11,300,000 is rescinded.

AMENDMENT OFFERED BY MR. RICHMOND

Mr. RICHMOND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 91, after line 10, insert the following: SEC. \_\_\_\_\_. (a) In this section, the term "covered assistance" means assistance provided—

(1) under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174); and

(2) in relation to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the period beginning on August 28, 2005 and ending on December 31, 2010.

(b) The Administrator of the Federal Emergency Management Agency—

(1) subject to paragraph (2), shall waive a debt owed to the United States relating to covered assistance provided to an individual or household if—

(A) the covered assistance was distributed based on an error by the Federal Emergency Management Agency; and

(B) there was no fault on behalf of the debtor; or

(C) the collection of the debt will create a demonstrable financial burden on the debtor; and

(2) shall not waive a debt under paragraph (1) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

Mr. RICHMOND (during the reading). I ask unanimous consent that we suspend the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ADERHOLT. Madam Chair, I respectfully reserve a point of order on this amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Madam Chair, what this amendment would do is, under the provisions of the Stafford Act, the Disaster Relief and Emergency Assistance Act, there are approximately 160,000 American citizens across this country who, in the aftermath of Hurricanes Katrina, Rita, Ike, and Gustav, received disaster benefits through an error by our Federal Emergency Management Agency.

What the government is attempting to do now, almost 5½, 6 years later, is to go back and recoup those funds

which were not gained by any American citizen through fraud or theft or deceit. It was a valid application on their part on which our FEMA agency made a mistake.

Madam Chair, just in these economic times we ought not, as government, go back and penalize citizens 6 years after government made an error that gave them disaster relief funds in the aftermath of the worst natural disaster that we faced in this country's history.

□ 2150

So what this amendment does is it simply says that the government should not do it and that we will not go back and try to recoup from the 160,000 American citizens that are spread out through Texas, through Louisiana, through Alabama and through Mississippi those funds. That is simply all it does, and I would ask that we support it.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Madam Chairman, I insist upon my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states, in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law gives affirmative action in effect.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

TITLE VI

EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 601. Effective on the date of the enactment of this Act, of the unobligated balances remaining available to the Department of Energy pursuant to section 129 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329), \$500,000,000 is rescinded and \$1,000,000,000 is hereby transferred to and merged with "Department of Homeland Security—Federal Emergency Management Agency—Disaster Relief": *Provided*, That the amount transferred by this section is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

TITLE VII

SPENDING REDUCTION ACCOUNT

SEC. 701. The amount by which the applicable allocation of new budget authority made

by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

AMENDMENT NO. 1 OFFERED BY MR. CARTER

Mr. CARTER. Madam Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the Climate Change Adaptation Task Force of the Department of Homeland Security.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Madam Chairman, I rise today to offer an amendment which would strip funds allowed to the Department of Homeland Security Climate Change Adaptation Task Force. The U.S. Government has no shortage of agencies dedicated to studying global climate change and its impact.

For fiscal year 2011, the Environmental Protection Agency, or EPA, has a budget of \$6.6 billion and identifies taking action on climate change as their number one goal in its fiscal year 2011 through 2015 strategic plan. The National Oceanic and Atmospheric Administration, NOAA, which among other things is charged with climate monitoring, has a budget of \$5.6 billion for fiscal year 2011.

So why is Secretary Napolitano—why, at a time when our Nation is running a public debt of over \$14 trillion, should the Department of Homeland Security be spending money on a Climate Change Adaptation Task Force?

Millions of pounds of illegal drugs are trafficked across our border each year. On May 9, 12 suspected members of the infamous Zeta drug cartel and one Mexican marine were killed in a shootout on Falcon Lake along the Texas-Mexico border, the same lake where a U.S. citizen was shot and killed by pirates while boating last September.

An untold number of men, women, and children are trafficked across our border for both sexual and labor exploitation, which is equivalent to modern-day slavery. Additional intelligence recovered from Osama bin Laden's compound in Abbottabad, Pakistan, revealed that al Qaeda was considering launching attacks on U.S. trains and subway stations.

Last October, two packages containing explosives were shipped from Yemen addressed to Chicago-area synagogues, and they were discovered on an air cargo plane. A vast network of computers and operating systems which our government and economy relies on to operate every day is under threat from cyberattacks originating from countries such as Russia and China.

These are the priorities that the Secretary should be focusing on, not wast-

ing time duplicating the work of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration.

The Secretary's Climate Change Adaptation Task Force is a waste of time and resources. And those resources should be devoted to securing our borders and ensuring the safety of our homeland.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, I was intrigued with this amendment. I didn't quite understand the import of it. So I have done a little research, talked to the Department of Homeland Security about the extent of their activities with this task force and what the affect of this amendment might be. So I would like to offer a little reality check here and suggest that this amendment is not merited.

This amendment, for starters, will not save any money. It simply prohibits the Department of Homeland Security and its employees from, in any way, planning for the effects of climate change.

Now the debate isn't about whether or not one believes that climate change is being caused by human beings. The fact is that whatever the cause, climate change is occurring in certain parts of the world. Both the U.S. Coast Guard and the Navy have testified before congressional committees that their operations are greatly affected, particularly in the Arctic region.

The Department of Homeland Security has identified other specific climate change-related impacts on DHS missions. These include, as you might expect, disaster response activities and the protection of critical infrastructure.

Now given the historic flooding that's occurred along the Mississippi as well as the worst tornado season we've experienced since 1950 with over 1,200 tornadoes and 500 deaths, it's understandable that DHS might just want the best available information on climate change.

Now I want to clarify any misinformation here. There are no DHS employees nor are any DHS funds dedicated full-time to climate change. One person at the department has spent a limited amount of time representing DHS at these task force meetings and activities—one person. So prohibiting funds going toward this effort is not going to save any money.

But there are several DHS components, including FEMA and the Coast Guard, that have been able to leverage cross-government expertise from the task force on both climate issues and

on long-range planning generally. I would think that's exactly what they should do.

So what this amendment would do, rather than saving any money, it would simply prevent DHS persons from meeting or even talking to each other regarding the task force.

Now it's prudent and necessary for DHS to be able to work with its partner agencies to plan for the effects of climate change on their missions, and it's proper and important that our government agencies be able to talk to each other about the changes they are witnessing and the accommodations to their missions that might need to be made.

So, Madam Chairman, again, the Carter amendment will not save one dollar. Instead, it will prevent DHS from engaging in contingency planning with partner agencies across government. This is a debate, if it's about anything, it's about ensuring good government and intelligent planning and responsible coordination.

I urge my colleagues to vote against the amendment.

I yield back the balance of my time.

□ 2200

Mr. DICKS. I rise in opposition to the amendment, and move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I again want to compliment the ranking member for his lucid description of the Department of Homeland Security's work on climate change.

We have had a weather season that has been extraordinary. Whether this climate change that we're experiencing is caused by humans or if it's just happening, either way, the Department of Homeland Security should be engaged in the interagency efforts to find out what we can do to minimize and adapt to the climate change. This affects weather. We've seen the storms that have been mentioned. It also affects the northern latitudes where we are seeing the polar ice melting, so the Coast Guard is going to have more responsibility to go into those areas because other countries are trying to exploit this.

I would just say to the gentleman, if there is only one person working part time on this, I don't see a reason to prohibit it, and I would urge the gentleman to withdraw his amendment.

Mr. CARTER. Will the gentleman yield?

Mr. DICKS. Certainly, I yield to the gentleman from Texas.

Mr. CARTER. I may have misunderstood Mr. PRICE; but I believe he said there was one person who had gone to the meeting of the task force, which included FEMA and the Coast Guard.

Is that what you said?

Mr. PRICE of North Carolina. Yes, FEMA and the Coast Guard.

Mr. CARTER. Aren't FEMA and the Coast Guard part of the Department of Homeland Security?

Mr. PRICE of North Carolina. Yes.

Mr. CARTER. So there is more than one person for sure, and if it is so negligible and of no consequence—

Mr. DICKS. Then why bar it?

Mr. CARTER. I don't understand why you won't accept the amendment.

Mr. DICKS. Because it would bar the department from even discussing it with anybody. I think it is so shortsighted. This is a national security issue.

The Navy is now looking at the coastal areas. As the seas rise, it's going to affect Navy installations all over this country. I brought in the Park Service when I was chairman of the Interior. I brought in the Forest Service, the Fish and Wildlife Service. They all see the effects. We have a longer fire season.

This is something you can't ignore. This is a national issue that is significant, so to have a Department of Homeland Security that isn't going to look at the consequences of climate change after what we've seen this year is just ridiculous on the face of it.

Mr. CARTER. Let me point out that I did not ask that the department not look into climate change. I asked that we take any funds that are allocated to the Department of Homeland Security's Climate Change Adaptation Task Force. If there is no such task force, there is none. I believe there is, but if there is none, then there is none. I'm not saying they can't talk about climate change.

In addition, I named two agencies that are spending close to \$15 billion in studying climate change. You, in addition, named the Navy, and you named other agencies that are looking into it. All of these agencies are spending tons of money. So why can't we get information from those people? Why do we have to go off and spend money, which we desperately need on our borders in order to protect ourselves from the real terrible violence that is slaughtering people on the Mexican border, on something for which you named five different groups that are studying it and for which I named two additional? Explain that to me.

Mr. DICKS. Why can't Homeland Security, with the Coast Guard and FEMA and all of these organizations, be part of the interagency effort? They're not wasting money on this. This is important research.

Mr. PRICE of North Carolina. Will the gentleman yield?

Mr. DICKS. Yes, I yield to the gentleman.

Mr. PRICE of North Carolina. Is it actually less efficient to shut off this kind of interagency discussion and to say that the representative from

FEMA or the Coast Guard simply can't participate and that they have to reinvent the wheel? I simply don't understand the rationale, when interagency work is going on and when it has the potential to inform Homeland Security's work, why they shouldn't take advantage of that.

Mr. DICKS. Again, FEMA responds to weather disasters, so they have got to be involved in the task force that is looking at climate change. I just can't believe that the gentleman really wants to do this.

Mr. CARTER. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. CARTER. NOAA is the Weather Bureau. They're the weather folks who are studying this thing. They've got \$5.6 billion to study it. I'm not asking for the world. If you'll recall, the last time you all were in charge, you took a spy satellite or two, moved them out of Afghanistan, and put them over the roles in order to study the roles.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

#### AMENDMENT NO. 9 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to provide assistance to a State or local government entity or official that is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. ADERHOLT. Madam Chair, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. Madam Chair, it has recently come to light that, according to the U.S. Citizenship and Immigration Services, the Department of Homeland Security granted deferred action to over 12,000 illegal aliens in FY 2010. "Deferred action" is a technical term which means that a person is subject to deportation but that our Federal Government, the administration, decides not to deport them at all, calling it "deferred action."

This number is a dramatic increase from previous years. It's much higher than the less than 900 number that was recently quoted by Secretary Napolitano in testimony during a Senate Judiciary hearing. These numbers also seem to drastically contradict statements made by the administration that deferred action would not be used to provide a backdoor amnesty to illegal immigrants.

In short, deferred action is an exercise of prosecutorial discretion, and that discretion is not to pursue removal from the United States of a particular individual for a specific period of time. It is only intended to be used on very special occasions; but now over 12,000 people a year are given this deferred action.

Our broken immigration system in this country continues to allow hundreds of thousands of illegal immigrants in each year. Increasingly, deferred action is being used as an easy way for the Federal Government to avoid enforcing the law for people who are arrested and caught in the United States illegally. Quite simply, it is illegal to be in this country without permission, and it is the responsibility of the Federal Government to enforce the immigration laws of this country at all times, not to pick and choose when to enforce certain laws, especially immigration laws.

This amendment states that no money from this bill can be used to grant deferred action or parole to an illegal in the United States for any other reason than a case-by-case basis for one of two reasons: one, urgent humanitarian reasons or, two, significant public benefit.

Bottom line, this amendment prevents the administration from going around Congress and the will of the American people by granting administrative amnesty called "deferred action."

I yield back the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. ADERHOLT. Parliamentary inquiry, Madam Chair.

The Acting CHAIR. The gentleman will state his inquiry.

Mr. ADERHOLT. We would like to clarify which amendment is currently being considered.

The Acting CHAIR. Amendment No. 9.

Mr. ADERHOLT. I ask unanimous consent that the Clerk read the amendment.

The Acting CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

□ 2210

#### POINT OF ORDER

Mr. ADERHOLT. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: an amendment to a general appropriation bill shall not be in order if changing existing law imposes additional duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the gentleman's point of order?

Mr. POE of Texas. Madam Chair, I wish to be heard.

The Acting CHAIR. The gentleman from Texas is recognized on the point of order.

Mr. POE of Texas. Madam Chair, this is the amendment that I mentioned to the majority that I was going to introduce at this time, and it is in order because it is No. 9, which was stated to me by the Clerk as No. 9. So it is in order.

The Acting CHAIR. The Clerk has read amendment No. 9, and the Chair will rule on amendment No. 9.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 10 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chair, I have an amendment at the desk. The title of the amendment is Sanctuary Cities amendment. I have it as No. 10.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

Mr. POE of Texas. I would like the amendment read.

The Acting CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. Madam Chair, over the past years, the number of aliens who unlawfully reside in the United States has grown significantly, from an estimated 3 million in 1986, to about 11 million in 2005; and some put those estimates today in 2010 at 20 million.

It is estimated that 400,000 illegal immigrants entered our country last year. Even modest estimates put the cost of illegal immigration to just the Federal Government at over \$29 billion each year. That is roughly the annual budget for the entire Department of

Justice, and we cannot afford to have this continue.

Some jurisdictions have assisted Federal authorities in apprehending and detaining unauthorized aliens pursuant to agreements called the 287(g) agreements, with Federal immigration authorities enabling respective State or local law enforcement agencies to carry out various immigration enforcement functions, and I commend these jurisdictions.

However, there are some jurisdictions that continue to mandate that their employees not communicate with ICE when they come across someone that is in the country illegally. These jurisdictions are known as sanctuary cities and are located throughout the United States. This practice is against the law, and it is in violation of current law which is 8 U.S.C. 1373.

However, despite the law, many cities and localities still place these restrictions on law enforcement officers and other employees. 8 U.S.C. 1373 states: notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service, now called ICE, information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

Once again, Madam Chair, this is current U.S. Federal law. This amendment is simple. It says that no funds from this act can be used to contradict current U.S. law, which I just read.

This amendment should pass unanimously because it already is against the law for cities and other jurisdictions to prevent law enforcement officers and other employees from sharing information with ICE. All this amendment is doing is saying that no money from this act can go to support an already illegal activity. It is a common-sense amendment. I urge support of the amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Madam Chair, I appreciate the concerns of the gentleman from Texas. This amendment supports existing law, and we accept this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RICHMOND

Mr. RICHMOND. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Any appropriation for fiscal year 2011 for disaster assistance that includes an emergency designation pursuant to section 3(c) (1) of H. Res. 5 (112th Congress) shall not

be required by any rule or policy to be accompanied by a budgetary offset.

Mr. RICHMOND (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ADERHOLT. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Louisiana is recognized for 5 minutes.

Mr. RICHMOND. Madam Chair, to my colleagues on the other side of the aisle and on the same side of the aisle, I rise today to do two things. One is to thank the American people, thank Congress, and thank two Presidents for the assistance that they gave to the gulf coast after Hurricanes Katrina and Rita, and even after the BP oil spill.

But at the same time, I rise because just in the last 2 months, President Obama has issued 27 disaster and emergency declarations across 18 States. And the fact that this Congress and the last Congress was able to help the citizens of the gulf coast gave great comfort to Americans to know that this government would not let them fend for themselves when a natural disaster hits.

However, under the policies of this Congress, we have decided that any disaster assistance would require a pay-for. That would leave a large number of our American taxpaying citizens out to fend for themselves when they simply cannot do it.

So when we look at the tornadoes and we look at the flooding that has occurred in the last 2 months—and we are talking about States like Minnesota, Tennessee, Arkansas, Georgia, Missouri, Mississippi, Louisiana—I think it should be the policy of this body that we are going to be wherever our citizens need us.

If you look at the fund which FEMA uses to pay for disaster response recovery and mitigation projects, it is facing a \$1 billion shortfall this fiscal year. If you look at the entire hole, the hole is much bigger. You are talking at least a \$3 billion hole for the fiscal year 2012. That does not even include estimates of the incidents and the disasters that I talked about earlier, the mini-tornadoes and the massive flooding that we have incurred in the last 2 months. That is worrisome, but let's take it a step forward.

Let's assume, or even not assume, but there is a possibility that we would see another event similar to the flooding, similar to a hurricane. Hurricane season started June 1, and I think that it is absolutely irresponsible for us to tell the American people, it is disingenuous, it is wrong, it is sinful to say we are not going to help you if we



don't cut the budget somewhere else. We have not done that in the past, and I don't think we should do it now.

The great thing for me today, I get to stand up here as a person whose district benefited tremendously from the fact that we have water diversions on the Mississippi. And in order to save Baton Rouge, Louisiana, and New Orleans, Louisiana, we opened those diversions which flooded small towns and small farmers, and that happened up and down the Mississippi River.

So I stand here today as a beneficiary of other people's flooding and other people's destruction that they suffered. And I stand here today as someone who has not suffered a lot saying that the government was there for me when Katrina and Rita hit, and the government should be there for the people of Mississippi, Minnesota, Georgia, Missouri, Texas, Louisiana, and everywhere that the tornadoes hit.

□ 2220

So this amendment simply does what I think is the fair thing to do, a consistent thing to do, and something that's deeply rooted in our American history, and that is to help people that can't help themselves.

And I would just simply ask both sides of the aisle to join together in unity and let the people of this country know that if a tornado knocks down your house through no fault of your own, we're going to be there to help you. No matter if other administrations have squandered and spent money that has left us in a deficit, we will still be there to help you.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Madam Chair, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if it changes the application of existing law. The amendment changes the application of existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment changes the application of existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to to parole an alien into the United States, or grant deferred action of a final order of removal, for any reason other than on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. POE of Texas. Madam Chairman, what is taking place is under the guise of granting deferred action. Deferred action is a procedure, an administrative procedure by the administration that is used when a person is detained who is illegally in the United States and the action to deport that individual is deferred to some unknown date. The person is released, and what occurs is that person is never deported and never has a hearing.

This procedure started years ago with a few hundred people a year. But last year, in 2010, over 12,000 people had their immigration deportation hearings deferred to an unknown date, and what occurred was they were released and their action against them will never be taken. Some call this a form of amnesty, administrative amnesty. You can call it whatever you want, but those people stay in the United States.

What this amendment does is prohibit the administration from using, under the guise of deferred action, this procedure to not have hearings on individuals, which allows them to end up staying in the United States. And no funds can be used to implement the verdict action except in two cases: One is under humanitarian reasons, and the second would be some significant public benefit to the United States. Otherwise, no deferred action, no get-out-of-jail-free card for people on a discriminatory basis done by the administration or any of its agencies.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Madam Chairman, we accept the gentleman from Texas's amendment.

Mr. PRICE of North Carolina. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, I support this amendment because it restates the Department's broad discretionary authority to grant relief or deferred action to deserving individuals.

The authority of law enforcement agencies to exercise discretion in deciding what cases to investigate and prosecute under existing civil and criminal law, including immigration law, is fundamental to the American legal system. And since this amendment recognizes this essential executive authority, especially when it comes to relief for humanitarian pur-

poses or when it serves the public's interest, I recommend that my colleagues support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PRICE OF NORTH CAROLINA

Mr. PRICE of North Carolina. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

Mr. PRICE of North Carolina (during the reading). I ask unanimous consent that the reading be dispensed with, Madam Chairman.

The Acting CHAIR. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, my amendment would waive certain requirements attached to the Fire Grants and the SAFER grants, and this amendment is necessitated by the amendment passed earlier this evening.

Members are aware that H.R. 2017 reduced funding for firefighter hiring grants, also known as SAFER grants, by \$255 million, or 63 percent below 2011. Fortunately, the House resoundingly overturned that ill-advised move earlier today and adopted an amendment by Mr. LATOURETTE and Mr. PASCRELL to restore the funding to the President's requested level.

But my colleagues should also be aware that funding is only part of the problem with this bill when it comes to the SAFER program. The underlying bill also neglects to maintain provisions enacted in fiscal years 2009 through 2011 that allowed fire departments to use these grants to hire laid-off firefighters and to prevent others from being laid off in the first place.

The law traditionally permits SAFER grants only to be used to hire new staff. Now, that provision makes sense when our economy is booming and local governments are in a position to hire new workers. But when the recovery is still fragile and local budgets are actually contracting and workers are being laid off, FEMA needs the flexibility to use these grants to keep

firefighters from being cut in the first place. Secretary Napolitano and Administrator Fugate both testified to this need earlier this year during our appropriations hearings. So I am proposing a waiver amendment which would save thousands of firefighter jobs.

Right now the real challenge to community safety is not the reluctance of local governments to hire new fire personnel. It's the potential and actual layoffs of public safety personnel, which means fewer first responders, longer response times, and more lives being put at risk.

This amendment also contains a provision that waives certain budgetary requirements local fire departments have to fill in order to receive a grant. These include not allowing a fire department's overall budget to drop below a certain level, not reducing staff over a number of years even if budgets continue to suffer, and providing local matching funds. Again, these provisions are fine when local coffers are healthy, but we all know how strapped our cities and counties are right now. So in the current economic environment, very few municipalities would be able to meet these requirements, jobs would go unfilled, and firefighter and public safety would be placed at greater risk.

Finally, to address concerns that these waivers have gone on well beyond what was originally anticipated, the fire organizations tell me that 2012 will be likely the last year that they will need these waivers.

When colleagues are weighing this amendment, Madam Chairman, I encourage them to consider the intent of the SAFER program, ensuring we have a safe level of staffing of our Nation's preeminent first responders, the firefighters.

□ 2230

We have already overwhelmingly supported funding for the firefighter jobs by adding funding back to the SAFER program. So if Members really support these jobs, they need to take this additional step. We should vote to allow these funds to be used in the most flexible way possible, the best way possible to keep firefighters on staff.

So I urge support of this amendment. I yield back the balance of my time. Mr. ADERHOLT. Madam Chair, I rise to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, I rise in strong opposition to this amendment.

SAFER was originally authorized for the purpose of increasing the number of new firefighters in local communities—a hand up, not a handout. SAFER was not intended to rehire or

retain firefighters, and certainly was not intended to serve as an operating subsidy for what is unquestionably a municipal responsibility.

The Federal Fire Prevention and Control Act contains very specific requirements that local communities have to meet in order to obtain funds; however, those requirements have been waived for the last 3 years. When initially proposed by the Democrats in 2009, Mr. PRICE, who was chairman of this subcommittee, acknowledged that these waivers were just a short-term, temporary effort that would expire at the end of FY10. Yet, here we are today debating the continuation in FY12 of a subsidy that our country cannot afford.

Under these costly waivers, there are no controls, there are no salary limits, and there are no local commitments. These proposed waivers totally undermine the original purpose and intent of the SAFER program by forcing the taxpayers to subsidize the everyday operating expenses of the local first responders.

Given our Nation's dire fiscal situation today, we must take a stand that it is not the Federal Government's job to bail out every municipal budget or serve as a fire marshal for every city and town across this country. Therefore, Madam Chair, I would strongly urge my colleagues to support fiscal discipline and to vote "no" on this amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to require an approved Transportation Worker Identification Credential (TWIC) applicant to personally appear at a designated enrollment center for the purpose of TWIC issuance, renewal, or activation.

The Acting CHAIR. The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Madam Chair, the amendment I bring forward right now in this bill is really directed at addressing a bureaucratic red tape inefficiency

that is causing over 1 million American workers to make multiple trips to get a document that they are required to have, the Federal Government requires them to have. It's a transportation worker identification credential, and it's an important document to have. But it was created back in 2007, and it has a 5-year limitation and it has to be renewed. And a worker has to go into a registered TWIC office, and they have to go and get their fingerprint taken. They've got to get their picture taken and present credentials to get the card.

The problem with the implementation is that the Department has been requiring these workers to go back multiple times to get the card when, in fact, if you look at how a passport, for example, is issued, you can go in and you can fill out the paperwork and then they send you the passport. It works that way for most forms of identification, but for whatever reason, in this TWIC program, the Department has been requiring multiple trips.

The reason that this is a big issue for all of these workers is there are 1.8 million Americans who are required to have a TWIC card in order to do their jobs. And so under these current rules, they have to go and make multiple trips. And in some cases, this isn't an office right down the street; this is an office over 100 miles away.

I have a letter from the Passenger Vessel Association in support of this amendment, and they point out frequently that the TWIC enrollment center is hundreds of miles away from a mariner's home, necessitating two round trips of many hours in duration. It is not uncommon for the mariner to be forced to stay overnight during each round trip. And, of course, the employee has to pay for these round trips, has to pay for the overnight, has to be away from their job, and for no valid reason. In fact, the Department hasn't even implemented rules to properly utilize these TWIC cards; yet they're still making the employees go and have these multiple trips.

If you imagine a State like Alaska where you might have to spend days to go get the card, and you have to first go spend days to go file for the card, then you have to go spend days to go get the card, this is unnecessary. It's an incredible burden on our workforce, and it's something that we can address by preventing the funds from being used for implementing this policy. It still gives them broad discretion to implement a successful TWIC program, but again, just like passports or other forms of identification, our over 1.8 million American workers shouldn't be forced to jump through all of these bureaucratic red tape hoops that are actually costing them money that they should be able to spend on their families.

I ask for support of the amendment.

I yield back the balance of my time.

Mr. ADERHOLT. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I will yield to the gentleman and ask if he can confirm that this amendment still requires applicants to biometrically enroll in person.

Mr. SCALISE. Yes. They would still have to go to the center and have to apply. In fact, in the language of the amendment, it refers to an approved transportation worker identification credential. So they would have to actually go and be approved. Because even if they went and let's say they were rejected, then they wouldn't be able to get the card. But if they went to the center and got approved, then they shouldn't have to go back again to get the card.

So it does require that they would have to still go in person, take the photo ID, and implement the biometric data, but it just makes sure that they don't have to go through these continuous bureaucratic hurdles to go and get the card.

Mr. ADERHOLT. Madam Chair, I thank the gentleman. And based on the requirement that the applicants biometrically enroll, we will accept the amendment.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHERMAN

Mr. SHERMAN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et. seq.).

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. SHERMAN. I had the Clerk read the whole amendment because it's just one sentence, and it's very simple. It says none of the money in this act can be used deliberately by the President to violate the law—in particular, the war powers resolution often referred to as the War Powers Act, which is found in title 50 of the United States Code.

Why is this amendment necessary? Because so many administrations have embraced the idea of an imperial Presidency, have embraced the idea that a United States President can send our forces into battle for an unlimited duration, unlimited in scope, and for whatever purposes the executive branch finds worthy.

The War Powers Act is the law of this land, and it says that a President may

indeed commit our forces but must seek congressional authorization and must withdraw in 60 days if that authorization is not provided by the vote of both Houses of Congress.

□ 2240

But this President, like some others, believes that he doesn't have to follow the law. And in fact in this case in Libya, we and our allies were not attacked but rather a very important purpose—or thought to be important by the President—presented itself and so he committed our forces.

Now, the respect that the executive branch has for Congress has called upon them to hide their contempt for the law. And so they've implied without really stating it that there are substitutes for a congressional authorization. They've implied that resolutions by the United Nations, the Arab League, or NATO is a substitute for congressional action. And they've implied that consulting with congressional leaders, a lunch with leadership, is a substitute for an affirmative vote on the floors of both Houses.

It is time for us to stand up and say, No, Mr. President, you actually have to follow the law.

Now, why am I amending this bill? Obviously, this amendment is even more apropos to the Defense appropriations bill, but we'll be dealing with that many weeks from now. And the President has been in violation of the War Powers Act for several weeks now. And so we should try to act now.

But in addition, this amendment ought to be put on every appropriations bill that we pass this year. Otherwise, we invite a President who sees this amendment only on the Defense appropriations bill to try to find creative ways to transfer money from the Coast Guard account to the Navy or transfer a ship from the Navy to the Coast Guard to the Navy, one way or the other. We should not invite an unproductive loophole hunt. We should have the same restriction on every appropriations bill.

Now, if we can pass this amendment by a significant vote, the President will, I hope, request an authorization for the action he wants to take in Libya. And he will have to accept an authorization that I hope will be limited in time and scope. Perhaps it will be limited to air forces and not ground forces. Perhaps it will require renewal every 6 months rather than being permanent. There may be conditions such as why are we funding this out of taxpayer money and not the \$33 billion of Qadhafi money that he was stupid enough to invest in the United States in ways that we could find out about and freeze.

And why has the transitional government in Benghazi refused to disassociate itself from the al Qaeda fighters and the Libyan Islamic fighting group

fighters in their midst? Why will they not remove from their government those who support those who have American blood on their hands from Iraq and Afghanistan?

This is not just an issue of an aggrandizing President. It is also an issue of dereliction in Congress because, yes, we would like to avoid tough votes, particularly those that divide our constituents and even the constituents that we have from within our own party. But this is our constitutional duty. The War Powers Resolution is the law of the land. Whatever your views are on our activities in Libya, you ought to support this resolution.

I for one could support an authorization to use force that was carefully tailored and severely limited.

This amendment vote is not about democracy and the rule of law in Libya. We all long to see democracy and the rule of law in Libya. This vote is about democracy and the rule of law in the United States.

The Acting CHAIR. The time of the gentleman has expired.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, I rise in opposition to the amendment. This amendment is not germane to the Department of Homeland Security appropriations bill. This amendment is better addressed within the National Defense Authorization Act or the Defense appropriations bill.

I yield back the balance of time.

Mr. PRICE of North Carolina. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to join Chairman ADERHOLT in urging rejection of this nongermane amendment. Members of course would not want to vote against contravening the law in anything that we do, but we have to acknowledge that this amendment is not germane to this bill.

And the rhetoric that has attended the introduction of this amendment contains, just to put it mildly, insinuations and charges that this Member finds unacceptable.

This is not the place, however, Madam Chairman, to engage in a full debate of our Libyan operations or our foreign policy in general. So I will restrict myself to simply saying that I do think this amendment is inappropriate for this bill.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I'll be happy to yield.

Mr. DICKS. I rise in opposition to the Sherman amendment.

Mr. PRICE of North Carolina. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. SHERMAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. SHERMAN. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Madam Chair, I have an amendment at the table.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to comply with subchapter IV of chapter 31 of title 40, United States Code, popularly known as the Davis-Bacon Act.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. I rise in support of my amendment that would exempt all construction projects authorized under this act from the inflationary and unwise Davis-Bacon Act.

As Members of Congress, we are stewards of the public treasury. We have an obligation to spend taxpayer money wisely. The government does not earn money. The government does not generate wealth. The government takes money from those who work hard for a living. In order to justify that act, we have an obligation at a minimum to spend this money wisely.

The Davis-Bacon Act adds unnecessary costs. Research shows that the Davis-Bacon Act imposes costs that average 22 percent above market wages. This is unacceptable. Every dollar wasted is a dollar we can't use on other projects.

In most cities, the Davis-Bacon Act imposes wages that bear no resemblance to prevailing market wages. In some cities, the rates are more than double the market wages.

I ask for everyone's support in stopping this wasteful use in taxpayer money.

I yield back the balance of my time.

Mr. PRICE of North Carolina. I rise in opposition to the amendment and move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Madam Chairman, I rise in opposition to this amendment which will preclude the Department of Homeland Security or any entity that receives funding from the Department of Homeland Security, such as State and local governments, from insisting on fair labor standards for construction contracts, also known as the Davis-Bacon Act standards.

Davis-Bacon is a pretty simple concept and a fair one. It requires that workers on federally funded construction projects be paid no less than the wages paid in the community for similar work. According to the Economic Policy Institute, the differences in labor costs that this makes are insignificant. Average labor costs, including benefits and payroll taxes, are roughly one-quarter of construction costs. Thus, if there's an increase in overall contract costs due to higher wages, it likely would be modest to the point in many cases of being virtually undetectable.

And in fact, Davis-Bacon, in ensuring that fair wages attract skilled workers, this might actually mean that the work is completed at a higher quality and in less time.

This amendment flouts the basic concept of wage fairness. At the exact time we're trying to get people back to work across the country, is this House going to vote to drive down the wages of workers who do business with the government on the theory that it might cost a little less money on construction projects?

□ 2250

Are we going to strong-arm the States and say they can't uphold the labor standards they've adopted in their own right?

I strongly recommend a "no" vote. The House has spoken repeatedly on this issue this year. We've taken two votes on this, during H.R. 1 and during the FAA reauthorization, and both times amendments to strike Davis-Bacon standards failed. We don't need to revisit this again here tonight.

I yield to the gentleman from Washington.

Mr. DICKS. I rise in strong support of the gentleman's position and against this amendment. By the way, Davis and Bacon were two Republicans. So they knew what they were doing.

Mr. PRICE of North Carolina. I thank the ranking member. I yield back the balance of my time.

Mr. KING of Iowa. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Madam Chair, I rise in support of the Gosar amendment, the amendment that eliminates a requirement for Davis-Bacon within the funds of this appropriations bill. I don't know another Member of Congress that has lived under Davis-Bacon. I have. I have lived underneath it for more than 30 years. I have received Davis-Bacon wages when I was working for other contractors, and I paid a lot of Davis-Bacon wages as an owner-operator of a construction company that I operated for over 28 years.

I can tell you that the Federal Government interfering with a contractual relationship between an employer and

an employee is the wrong thing to do. It does drive up the costs. The gentleman's opening remarks were spot on. My own construction records show that the costs go up between 8 and 35 percent; hardly insignificant. And it scrambles the relationship between employers and employees, who are always jockeying for the highest paid Federally designated scale.

I have seen wages change, double, from just going across the road because the Federal Government has designated a different wage scale for one division rather than another. We know this is union scale. Nobody said that. This is government-imposed union scale. And I am not going to stand here to protect and defend those Republicans. They did it to protect the unions in New York. And we know that, because the labor from Alabama was going to New York in 1931 to construct a Federal building, and they wanted to lock the black construction workers that were coming from Alabama out of the trade unions in New York. That was the motive. And now today the motive is to protect union scale.

If we want to build 4 miles of road or 5, we go without Davis-Bacon and we build 5. If we stay with Davis-Bacon, we will build 4. If we want to build five schools, we can do so with merit shop. If we only want to build four, we stick with Davis-Bacon.

If you want to do, as many Democrats have said on this floor, and that is that any relationship between two consenting adults the Federal Government shouldn't be involved in, well, this is a relationship the Federal Government should not be involved in. For the Federal Government to tell me that I can't say to my own son I would like to climb in the seat of your excavator and sit there for \$10 an hour—Federal Government says I can't. He has got to pay me some \$28 rate or whatever that is. The government has no business interfering and no business driving up these costs.

We must go through this period of austerity. That requires that we not impose Federal union scale on Federal construction projects. This amendment that blocks the requirement for that funding, it saves the taxpayers money. And by the way, we've done a lot of quality work over the decades that I have been in the business. And I would match the work of our merit shop employees up against any union workers out there, who do good work too. And I have worked with them, and I have worked alongside them on projects. But the quality of merit shop work cannot be challenged.

We do it according to the specifications and according to the plans, according to the architect, and according to the engineer. If we didn't meet those specifications, they would reject the work, and we would pay the penalty.

My company doesn't pay penalties. We do quality work, and so do the people I associate and bid with. So I get a little worn down on that quality of workmanship. I am real proud of the merit shop work in the United States. And I think the free market should set the wages.

Labor is a commodity, just like corn, or beans, or oil, or gold, and the value of it needs to be determined by the competition, supply and demand in the workplace. I urge the adoption of the Gosar amendment. I will certainly support it. And I will be happy to carry this on all throughout this whole appropriation process.

Mr. DICKS. Will the gentleman yield? Can I get the address of merit-based construction?

Mr. KING of Iowa. I will be happy to yield to the gentleman, if the time allows.

Mr. DICKS. I just want to know if I could get the address, you didn't mention that, where it's located, your company.

Mr. KING of Iowa. It's in Kiron, Iowa. It's been there since 1975. And we are a second-generation company.

Mr. DICKS. Thank you.

Mr. KING of Iowa. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

#### AMENDMENT OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following new section:

#### USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used for the construction, modification, maintenance, or repair of vehicle or pedestrian fencing along the southern border unless all of the iron, steel, and manufactured goods used in the construction, modification, maintenance, or repair are produced in the United States.

Mr. ADERHOLT. Madam Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. Madam Chair, I rise in support of American steel and maintaining security along our southern

border. This amendment is actually very simple. I am offering it because it requires that any repairs, modifications, maintenance, or construction of new portions of the fence along our southern border be made with American steel, American iron, and American-manufactured steel goods.

Now, as I am sure my colleagues are aware, the Buy American Act, which was enacted in 1933, already requires the government to purchase domestic goods for a direct Federal procurement. And for some particularly important areas critical to our national security, such as nearly all defense projects and spending, the requirements for our government to buy American goods are even stronger.

I believe that the steel used in the fence along our southern border should be included in that category. And that is simply what this amendment does. I can't imagine that there would be opposition in this Chamber to the use of American-made steel in the construction of our border fence along our southern border.

Many of my colleagues, I am sure, remember in 2007 when it came to our attention that we were in some cases using Chinese-made steel in construction of the Mexican border fence. We were all equally outraged by that. We were able to encourage, and finally, through hard work and bipartisanship, encourage successfully the Department of Homeland Security to use American-made steel. This amendment gives that the force of law, as I said, under the Buy American Act, which already applies to many American-made goods in the defense industry. So that's the purpose of this amendment.

I yield back the balance of my time.

#### POINT OF ORDER

Mr. ADERHOLT. Mr. Chair, I insist on my point of order.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI. The rule states in pertinent part, "An amendment to a general appropriation bill shall not be in order if changing existing law requires a new determination."

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? The Chair will rule.

The Chair finds that this amendment includes language requiring a new determination of where certain items are produced. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

#### AMENDMENT OFFERED BY MR. SCALISE

Mr. SCALISE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement or enforce Executive Order 13502, the FAR Council supporting regulations FAR Rule 2009-005, or any agency memorandum, bulletin, or contracting policy that derives its authority from Executive Order 13502 or FAR Rule 2009-005.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment.

The Acting CHAIR. A point of order is reserved.

□ 2300

The gentleman from Louisiana is recognized for 5 minutes.

Mr. SCALISE. Mr. Chairman, I bring the amendment because what we are trying to do is prevent the Department from implementing or using taxpayer money to implement Executive Order No. 13502. And the effect of that executive order has been to mandate project labor agreements on projects that are worth \$25 million or more.

What we are talking about here is a requirement that is increasing the cost dramatically of projects similar to the debate we had a little earlier. If you look at—there have been a number of studies done. There was a 2009 Beacon Hill study that looked at the impact that if this type of policy was in effect in 2008, which fortunately it wasn't, but if this executive order was being implemented in 2008, all of the projects that were done that had a value of \$25 million or more, it would have increased the cost to the Federal taxpayer by between \$1.6 billion and \$2.6 billion. That's billions more that would be spent to carry out a project rather than having a just pure and open competition. We should be allowing free and open competition on projects and not artificially increasing the cost to taxpayers to carry out public projects.

If you look at The Wall Street Journal, they specifically address the executive order that we are trying to prevent funds from being spent to carry out. The Wall Street Journal actually criticized the executive order and called these handouts "a raw display of political favoritism at the expense of an industry experiencing 27 percent unemployment," and they also called this a rotten deal for taxpayers.

We should be trying to save every dollar we can. We should be trying to promote fair and open competition. That's why the Associated Builders and Contractors support this amendment. To go further on, there was an investigation done by the Washington Examiner regarding a project labor agreement on a Federal building here in Washington, DC. that one project, one project, because of the PLA requirement, the taxpayers ended up having to foot an additional \$3.3 million for that

one project, the building here in Washington, DC. And I just want to go on a little bit further regarding the number of studies that have been done regarding PLAs. But they showed that it increases construction costs by 12 to 18 percent.

So ultimately what we are saying is, look, if a PLA wins the day, wins the bid, that's their prerogative; but you shouldn't be mandating these increased costs. You shouldn't be shutting out those open shop companies. And, by the way, the open shop companies represent about 87 percent of the U.S. construction workforce.

So why would we be shutting out 87 percent of the people out there who want to compete for these jobs, for these construction projects, and why should we be adding over a billion dollars to \$2 billion in increased costs to the American taxpayer? We can stop it, we can save that taxpayer money and do a much better job of stewarding for the American people and allow more people to go back to work in a fair and open way.

I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. Does the gentleman reserve his point of order or withdraw his point of order?

Mr. DICKS. I withdraw my point of order.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in strong opposition to the gentleman's amendment.

Executive Order 13502 gives Federal officials the option to determine if it is right for a particular construction project. There is no mandate. And if the gentleman has read the legislation, he will recognize there is no mandate.

Mr. SCALISE. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Louisiana.

Mr. SCALISE. The reason I used the term "mandate" is because the practical implementation of this, when you look at how the Department has implemented—

Mr. DICKS. Reclaiming my time, I think it's fairly clear that the gentleman knows that the executive order is only to promote efficiency in Federal procurement. A project labor agreement is a pre-hire agreement that establishes the terms and conditions of employment for a specific construction project.

There is, and the gentleman is part of this, a PLA mandate myth that has been floating around since the executive order was issued that the Federal Government mandates project labor agreements. Actual language from the executive order says, and I quote: "This order does not require an executive agency to use a project labor agreement on any construction

project." I am sure the gentleman will be pleased to hear that.

Let me explain what the executive order does do. It asks the Federal agencies to submit a quarterly report identifying all contracts awarded for large-scale construction projects and whether or not a PLA was used on the project; allows all contractors and subcontractors to compete for contracts and subcontracts; contains guarantees against strikes, lockouts in similar job disruptions and provides binding procedures for solving labor disputes that may arise during the terms of the project labor agreement; provides mechanism for labor and management cooperation on matters of mutual interest and concern such as productivity, quality of work, safety and health; and includes any additional requirements that an agency deems necessary.

Including this language would be a mistake since this executive order ensures construction projects are built correctly first time, on time and, as a result, on a budget for the end user.

In addition, this executive order prevents costly delays that usually result from an unskilled workforce's lack of knowledge regarding the use of building materials or tools, as well as job site safety measures.

I urge all Members to vote "no" on this amendment.

I will yield to the gentleman if he wants to make a comment as I mentioned him directly.

Mr. SCALISE. I appreciate the gentleman yielding because, as I said earlier, the language and, as you know, you are correct in reading the language of the executive order, the problem we have had is that the White House political appointees are requiring PLAs.

Mr. DICKS. Well, let me just say something to the gentleman. I had an example in my own State, a very significant project. I urged the project labor agreement, and they turned me down. This is not the kind of project that we do project labor agreements on it.

I was impressed that they made a decision, you know, and I didn't like the answer; but they said we have discretion to either do this or not do this, which is what I think we would want them to do because there are some situations where these agreements do add for stability between management and labor if you have things like, I think, the cleanup site down at Hanford in DOC HASTINGS' district has a project labor agreement. There was no strike so we could move forward and do this waste cleanup work that's so important.

So I just say to the gentleman, I will hope that in the future he will recognize that there is no legal requirement, and they are not requiring people to do it and agencies are saying "no" when they think it's inappropriate.

I don't think the gentleman's amendment is necessary and I hope that it will be defeated.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Both gentlemen speaking here are right. This requirement, the executive order, does not mandate the use of PLAs. However, some agencies have taken it and interpreted it as such that it should mandate it.

Let me give you one example here. On October 15, 2010, just a few months ago, the Army Corps of Engineers issued PIL 211-1 to all Army Corps contracting offices providing implementing guidance for the use of PLAs on Army Corps construction contracts. The following are major PIL elements.

Here it is, requires the project delivery team, PDT, to consider the use of the PLA on a project-by-project basis by conducting a PLA labor market survey during acquisition planning.

Mr. DICKS. Did I hear "consider"?

Mr. FLAKE. Yes. But then it goes further so there was a complaint because some people didn't want that in. The complaint came back and the Army Corps came back and said that they should receive additional consideration if they do use a PLA and that should be strictly forbidden.

And so there is—there is a problem here. We do have a problem here with the agencies interpreting this in a way that would require the use of the PLA or give added weight to the use of a PLA.

Now, when the gentleman says this amendment is not required because it's not prescriptive, the current law without the executive order is the same thing.

□ 2310

They can consider the use of a PLA. Nothing prohibits that now. So all the Executive order is doing is giving some agencies reason to maybe mandate the use of a PLA. And that's why we're trying to strike the Executive order. The scenario that the gentleman from Washington describes where nobody is requiring or mandating anything, that exists without the Executive order. So that's what we're trying to do here is remove that Executive order that gives added weight to PLAs.

Now, in Arizona, for example, 90-some percent of workers there are not union workers. They don't want a PLA. And if you have a project that gives added weight to PLAs, that disenfranchises a lot of people in Arizona, more than 90 percent of the population. So we just can't do that. We shouldn't do that. And so the gentleman's amendment should be accepted.

We did a similar one. It was accepted in the Appropriations Committee with regard to the MilCon budget, the

MilCon appropriation bill. And so that will come to the floor with this amendment already in it.

I would suggest to the gentleman from Washington and others who oppose this that we're simply trying to get back to a time where PLAs can be considered but they aren't construed as being necessary or mandated by the agencies.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Washington.

Mr. DICKS. The Executive order requires all contractors and subcontractors to compete for contracts and subcontracts. And also, the quid pro quo here for the government is they get a guarantee against strikes, lockouts and similar job disruptions, and provides binding procedures for resolving labor disputes that may arise during the term of the PLA. So as long as there's no mandatory requirement, sometimes a project labor agreement is a positive thing.

Mr. FLAKE. It might be. And without the Executive order, they can consider that. Nothing prohibits that. But the problem is that the Executive order has led to a situation where some agencies interpret that as requiring a PLA, and that's what we're trying to get away from.

And so the amendment is a good one. I would urge its adoption, and I thank the gentleman for bringing it forward.

This will be consistent with another appropriation bill that is coming to the floor with this already in, already having been accepted by the Appropriations Committee.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Homeland Security to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

The gentleman from New York is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, last week, President Obama issued a Presidential Memorandum on Federal Fleet Performance, which would require all new light-duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas, or biofuel, by December 31 of 2015.

My amendment echos the Presidential Memorandum on Federal Fleet Performance by prohibiting funds in the DHS appropriation bill from being used to lease or purchase new light-duty vehicles except in accordance with the President's May 24 memorandum.

Our transportation sector is by far the biggest reason we send \$600 billion per year to hostile nations, such as Venezuela and others, to pay for oil at ever-increasing costs. But America does not need to be dependent on foreign sources of oil for transportation fuel. Alternative technologies exist today that, when implemented broadly, will allow any alternative fuel to be used in America's automotive fleet.

The Federal Government operates the largest fleet of light-duty vehicles in America. According to the GSA, there are 662,154 vehicles in the Federal fleet with 54,972 belonging to the Department of Homeland Security.

By supporting the diverse array of vehicle technologies in our Federal fleet, we'll encourage development of domestic energy resources, including biomass, natural gas, coal, agricultural waste, hydrogen, and renewable electricity.

Expanding the role these energy sources play in our transportation economy will help break the leverage over Americans held by foreign government-controlled oil companies, increasing our Nation's domestic security and protecting consumers from price spikes and shortages in the world oil markets. I have been pushing to use and have in America alternative fuels. Tomorrow I'm holding a press conference with Mr. SHIMKUS and Mr. BARTLETT. Three of us are supporting a bill, and this goes in line with that.

So I would urge my colleagues on both sides of the aisle to support and accept my amendment.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I withdraw my point of order.

The Acting CHAIR. The gentleman withdraws his point of order.

Mr. ADERHOLT. We accept the amendment.

The Acting CHAIR. Is there further discussion?

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. We, too, would like to accept the amend-

ment and commend the gentleman from New York for offering the amendment. He's bringing Federal practice into line with the Presidential memorandum of a few days ago, and this will promote the use of alternative fuel vehicles—hybrids, electrics, natural gas, and biofuels—by 2015. It will be a positive step to reduce our dependence on foreign oil, to develop alternative energy sources, and to make of the Federal Government and its fleet an example that the rest of the country can look to.

So we urge adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Of the funds made available by this Act under the heading "Border Security Fencing, Infrastructure, and Technology", \$50,000,000 shall be for carrying out section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

Mr. ADERHOLT. Mr. Chair, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. The gentleman from Alabama reserves a point of order.

Mr. PRICE of North Carolina. Mr. Chairman, we have not seen this amendment.

The Acting CHAIR. A copy will be distributed.

Mr. DICKS. I want to reserve a point of order, too.

The Acting CHAIR. The gentleman from Washington reserves a point of order.

The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, the amendment that I offer is an amendment that directs that, of the funds made available in the bill, there's a \$150 million category, roughly, well, one-third of it, or, specifically, \$50 million, shall be used to carry out section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act, which is the governing statute that directs that a fence be built on our southern border.

We've watched as the Congress has directed that the Secure Fence Act be passed, that the fence be built, and we've watched the last two administrations be less than enthusiastic about its construction.

We heard President Obama standing within about, let's say, 220 yards of the Rio Grande River in El Paso a month or more ago saying that he believed



that the fence was basically complete, to quote the President.

□ 2320

"Basically complete," by his definition, would mean this: Of the 700 miles directed by this Congress, that's 14.3 miles only of tertiary fencing. That's three fences, which, as far as I know, is the most effective way. We only have 36.3 miles of secondary, or double fencing, Mr. Chairman. Then if you want to really stretch this out and give them a lot of credit for building something, they have about 350 miles of primary fencing. That's less than half the minimum amount of secure fence, which takes, I believe, double fencing. The vehicle fence is 299 miles.

They haven't done what was directed by Congress. This amendment sets aside \$50 million, which is only going to build about 25 more miles of good fencing, but it sends the right message, and it keeps them from going off and spending all of it on the other categories that are made available within this bill. The bill is fine with the money that's there, but the definition is too broad, and it allows the administration to slide away. My amendment, Mr. Chairman, directs that the \$50 million be spent on the fence.

I think it's ironic that the President, himself, when standing down in El Paso that five or so weeks ago when he gave the speech, said that the fence is basically complete. He said some people are going to want a moat; some people are going to want a moat with alligators. He ridiculed the effectiveness of the fence. The irony, Mr. Chairman, is that 220 yards away was the Rio Grande River and the canal; and if you count the fences in El Paso where they've given us the effectiveness of the secure fence that is built there, there is a fence, the Rio Grande River, another fence, a patrol road full of Border Patrol, another fence, a fast-moving canal with a concrete bottom and sides, and another fence. So, if you're going to get into the United States in El Paso, you've got to get over four fences and swim two moats to get there; and the President was making fun of it 220 yards away. I think his staff served him poorly that day. They should have flown Air Force One over that.

We know that fences work, but they must be maintained—and yes, we need the technology on them. This directs that the resources be used, at least for the \$50 million of the money made available, to build an actual fence; and it references section 102, which is the governing section.

By the way, before we argue the parliamentary inquiry, I do have other language I will be happy to offer if we are unsuccessful in the parliamentary argument that is bound to ensue.

I urge the adoption of my amendment, and I yield back the balance of my time.

#### POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and violates clause 2 of rule XXI. Clause 2 of rule XXI states in pertinent part:

"An appropriation . . . may not be in order as an amendment . . . , for an expenditure not previously authorized by law."

Mr. Chairman, the amendment proposes to appropriate funds for a program that is not authorized. The amendment therefore violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I would point out that I reference specifically the "authorized by law" program, and that's section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. According to the leg counsel, section 102 governs everything related to the border fence. So I took care to draft this amendment to directly address the objection that was raised by the gentleman from Alabama, whom I greatly respect. This reinforced fencing act, again, goes directly to section 102. It's an authorized section. It's governing. It's governing in the code, and that's from leg counsel.

So, Mr. Chairman, I would conclude my argument by saying this is drafted specifically to address the objection I've just heard, and I am hopeful that I will receive a positive result from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment proposes to earmark certain funds in the bill.

Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law.

The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained. The amendment is not in order.

#### AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either of such laws.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. The gentleman from Washington reserves a point of order.

The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. This amendment is an amendment that, I think, everybody is going to understand. It just clarifies that none of the funds made available in this bill shall be used to carry out the provisions of what is commonly referred to as "ObamaCare." That's the two sections of Public Law that are referenced in the amendment that we heard the Clerk just read.

The argument will be made that this is unnecessary because the bill doesn't specifically go to appropriations to the Health Care Act that carries the President's name. I would argue that we don't know. There are 2,600-plus pages. No one understands it, and we're finding new regulations on a regular basis.

A couple of things that might be under the appropriations that we are discussing here: It's possible that DHS could be participating in exchanges for immigrant health care or perhaps they could be auditing companies and helping to enforce the compliance with ObamaCare. Those are a couple of things that come to mind for me.

I think this is very important. This Congress has a number of times voted to repeal and to defund ObamaCare. So, for us to inadvertently allow the appropriations that could be utilized to carry out the provisions of it, I think, would be an unforgivable omission on the part of this Congress. So I urge the adoption of this amendment.

I yield back the balance of my time.

#### POINT OF ORDER

Mr. DICKS. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DICKS. Mr. Chairman, I make a point of order against the amendment because it violates clause 5(a)(2) of rule XXI. The amendment prohibits the use of funds for implementing the Patient Protection and Affordable Care Act. It is, thus, proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff in violation of the rule.

The Acting CHAIR. Does any Member wish to be heard on this point of order?

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, with regard to the rule referenced by the gentleman from Washington, we have many limitations on funds in our appropriations bills. If the decision comes down to whether there is a parliamentary objection or not, I think I could go back through many of these appropriations bills and find limitation after limitation after limitation. The practice of this Congress has been to do so, and there will be other amendments

that have not been objected to that limit the utilization of funds within this bill and every other. I would simply make that argument to the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Washington makes a point of order against the amendment offered by the gentleman from Iowa on the ground that it carries a tax measure on a bill reported by a committee, in this case, the Committee on Appropriations, not having jurisdiction to report tax measures, in violation of clause 5(a) of rule XXI.

In clause 5(a) of rule XXI, the phrase "tax or tariff measure" expressly includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.

The amendment offered by the gentleman from Iowa is in the form of a limitation on the funds in the pending general appropriation bill. That is, it proposes a negative restriction on those funds for a specified purpose. The purpose specified in the amendment offered by the gentleman from Iowa is the execution of the laws comprising the Affordable Care Act.

The Chair takes notice that the Affordable Care Act involves sundry provisions of Federal tax law. The amendment therefore proposes to limit funds for the administration of a tax. As such, it constitutes a violation of clause 5(a) of rule XXI.

The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN COMMUNITY LABOR ORGANIZING CENTER, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Development Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois,

Acorn Housing Corp. of Missouri, New Jersey ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research Project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troop, Clean Government Pac, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN, New York Communities for Change, Affordable Housing Centers of America, Action Now, Pennsylvania Communities Organizing for Change, Arkansas Community Organizations (ACO), The Alliance of Californians for Community Empowerment, New England United for Justice, Texas Organizing Project, Minnesota, Neighborhoods Organizing for Change, Organization United for Reform, Missourians Organizing for Reform and Empowerment, A Community Voice, Community Organizations International, Applied Research Center, or the Working Families Party.

□ 2330

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

Mr. PRICE of North Carolina. I object. We don't have a copy of the amendment.

The Acting CHAIR. Objection is heard.

POINT OF ORDER

Mr. DICKS. Point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from Washington may state his point of order.

Mr. DICKS. We cannot function if the majority is not going to give the minority a copy of these amendments. I would think the process here should stop until we have a copy of the amendment.

The Acting CHAIR. The Clerk is reading the amendment, after which it will be distributed.

The Clerk will continue to read.

The Clerk continued to read.

Mr. KING of Iowa (during the reading). I ask unanimous consent that the amendment be considered as having been read.

Mr. PRICE of North Carolina. I object, Mr. Chairman.

The Acting CHAIR. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this is the amendment that prohibits any of the funds made available in this act to go to these associations that are in the list of this amendment.

We would like to have been able to just simply define ACORN and their affiliates, but because the definition of "affiliates" created some problems, we had to go with the actual list of the affiliates that has been compiled in large part by the Government Oversight Committee and in another part by the contributions of the astute media that has done some research on this.

This is similar to the effect of the language that we passed in previous Congresses under the Democrat majority. We have seen what ACORN has done and attempted to do to undermine the legitimate election process in the United States. The things that we saw with the video and the film that were going on inside the offices of ACORN, I believe, and there is under-oath testimony before this Congress of at least one ACORN, former ACORN employee, who testified that she believed that what we saw in the film that came forward on YouTube and was posted in other media outlets actually reflected the culture inside the ACORN offices and was reflective of their offices around the country. And we saw that in five or six offices around the country.

Therefore, this Congress, we must not forget that our Constitution's foundation is set upon legitimate elections; and to subsidize the people that are in the business of undermining it would be the wrong thing to do.

This amendment shuts off the funding to the organizations that have a record of doing so, ACORN and their affiliates. It's a list of over 300. And I would just say over 300 sprouts from one large oak tree grew. These are the associates, the successors, and the affiliates of the larger and now some-disbanded organization known as ACORN.

So I urge the adoption of my amendment.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment, and I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this is an extraordinary amendment, a listing of over 3 pages of organizations by name, singled out on the floor of the House of Representatives for this kind of negative treatment, this kind of legislation that would simply render them ineligible for any kind of activity under this legislation, under this appropriations bill.

Now, I seriously doubt that there is money in the Homeland Security bill that would go to any of these organizations; but still, the principle is very troubling.

So I want to ask the gentleman, the offerer of the amendment, just about a few of these organizations and ask him to document whatever information he has about this specific organization that would justify their being included on this kind of list, being singled out in this way. What does the gentleman have, what kind of information does the gentleman have on the Arkansas Community Housing Corporation?

Mr. KING of Iowa. Does the gentleman yield?

Mr. PRICE of North Carolina. Yes, I would be glad to yield.

Mr. KING of Iowa. I would tell you, as I said in my opening remarks, this list has been in large part compiled by the Government Oversight Committee.

Mr. PRICE of North Carolina. Does the gentleman have documentation as to what kind of problems he is alleging with the Arkansas Community Housing Corporation that would warrant their inclusion on a list of this sort?

Mr. KING of Iowa. I am confident that I can produce that information for you. I do not have it here.

Mr. PRICE of North Carolina. Don't you think you should produce it before you ask Members to vote on the amendment?

Mr. KING of Iowa. I referenced the Government Oversight Committee as the source for most of this list.

Mr. PRICE of North Carolina. Can you produce that information tonight before you ask us to vote on this amendment?

Mr. KING of Iowa. I'm sure that is going to come up a little sooner and I would be able to leave this floor and do that. So the answer to that is logistically no. But I can produce that information for you.

Mr. PRICE of North Carolina. What about the American Environmental Justice Project? Does the gentleman have information on that organization?

Mr. KING of Iowa. It would fit in the same category.

Mr. PRICE of North Carolina. Well, you're asking your colleagues here tonight, before the entire Nation, to stigmatize these organizations, to slay these organizations.

□ 2340

You have information, you're claiming, about these organizations that would warrant this kind of treatment, this kind of blackballing of these organizations with respect to any ability to compete legitimately for governmental funds. Don't you think you should have brought with you to the floor documentation of the problems with these organizations that would warrant this kind of treatment?

Let me ask you about the Agape Broadcast Foundation. What kind of information do you have about the Agape Foundation?

Mr. KING of Iowa. Will the gentleman will yield?

Mr. PRICE of North Carolina. I yield to the gentleman.

Mr. KING of Iowa. I won't be speaking directly to that foundation, but I will again reiterate the source of this information—

Mr. PRICE of North Carolina. But you are singling out that foundation. You are singling out that foundation.

Mr. KING of Iowa. If the gentleman yielded, I will say that I don't recall this objection when a large majority of this House under the Democrat majority voted to cut off the funds to ACORN and their affiliates. So that principle applies yet today, in my view.

Mr. PRICE of North Carolina. How about the Affiliated Media Foundation Movement? Does the gentleman have documentation of why that organization should be included here tonight?

Mr. KING of Iowa. If the gentleman will yield, I would submit that we could reiterate this same question over 300 times over this amendment, and I will tell you the source of this information is primarily the Government Oversight Committee. The minutes of that committee and their record is there and it's available, and there will be resources that go below into the depth of the committee report. Some of this also comes from media reports. I want to make sure that—

Mr. PRICE of North Carolina. Reclaiming my time, I guess this would appear to be some kind of guilt by association, but I'm not sure it even rises to that level. Do we know about the associations of these organizations that would warrant their being tarred by this treatment here tonight?

Wouldn't the gentleman have the respect for his colleagues to bring to the floor the documentation that leads him to smear these organizations and include them on this extraordinary amendment? You're expecting us to vote on this.

What about the Affiliated Media Foundation Movement? Does the gen-

tleman have information about that organization?

Mr. KING of Iowa. As I said to the gentleman, we could go through this over 300 times, and you could ask the same question over 300 times, and it's substantially the same answer. This primary component of this list came from the Government Oversight Committee. We can go get the records from the committee, and we could produce those, but I don't think this Congress is interested in holding up this process while I go contact the chairman and the staff to pull that information.

Mr. PRICE of North Carolina. Well, the gentleman has been planning to offer this amendment. Why didn't you have the basic respect for this body to gather this documentation, knowing that these questions would be raised by anyone who wants conscientiously to vote on this amendment?

Mr. KING of Iowa. If the gentleman will yield, doesn't the converse of that also apply, that there's an implication of disrespect for the Government Oversight Committee and the legitimacy of their findings?

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. I rise in opposition to the amendment, and I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I hope that the chairman will object to this amendment and ask the gentleman to withdraw it.

I think this is an extraordinary attack on all of these groups. We have no evidence. We have no information whatsoever to base a decision on here. I mean, you can say that—the Government Oversight didn't write you a letter and ask you to offer this amendment, did they? You have no official relationship with the Government Oversight Committee, do you?

Mr. KING of Iowa. I'm not on the committee, if that's the gentleman's question.

Mr. DICKS. Well, so who went and put this list together?

Mr. KING of Iowa. The Government Oversight Committee put the majority of this list together. I want to emphasize some also come from media reports. So I don't challenge the legitimacy of the Government Oversight conclusion, and I don't have reason to believe that the analysis of this is illegitimate.

Mr. DICKS. Reclaiming my time, did you check the media reports to see if they were accurate? We've all heard of media reports that are inaccurate.

I mean, you're casting aspersions on groups here from all over the country, and none of us here have any indication of the basis. And you're saying some of these came from media attacks. Did you check and verify that these media attacks were accurate?

Mr. KING of Iowa. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Iowa.

Mr. KING of Iowa. Let me just take your argument, then, down to the conclusion, which will be, if I respond to your question, you'll ask me another and another and another, and it will get down to have they been convicted in a court of law and are you sure that it was a legitimate case and is it under appeal and has it gone to the Supreme Court? We can never reach a conclusion on this. The gentleman knows that. So we have to make a judgment call and that's—

Mr. DICKS. Reclaiming my time, I remember a Senator from Wisconsin in the 1950s who did just about the same kind of thing and was rebuked by the other body for casting aspersions on innocent people. I'm just telling you, you are asking this House to vote on something and you haven't verified it. You don't know what these groups are all about. And it's a disgrace to even offer this amendment.

Mr. KING of Iowa. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman.

Mr. KING of Iowa. I just ask, since the gentleman has raised the issue of the Senator from Wisconsin, if he could name any individual who was unjustly charged by the Senator from Wisconsin.

Mr. DICKS. I'm not going to get into that tonight. I will be glad to send you a list when you verify the media reports and can come up with a list and talk about these organizations in a meaningful way instead of just putting a list here together and expecting us to vote on this thing. It's ridiculous.

#### ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair reminds Members to address their remarks to the Chair.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I'm not going to prolong this, but I do want to plead with my colleagues.

This is something that this body simply, simply should not be a party to. Bringing in three pages-plus of organizations that many of us, most of us, have never heard of, have no knowledge of. They may be on somebody's list somewhere. We have no knowledge of the basis for inclusion on that list. There may have been media reports about them. Whatever there is that would back up this kind of list, at a minimum it should be provided to us tonight. Anyone offering an amendment of this sort ought to provide the basic documentation for the kind of stigmatizing, the kind of exclusion that is being proposed here of these or-

ganizations from any ability to compete for funding in this bill.

I hope it's obvious—I hope it's obvious to everybody here, no matter what their political persuasion, that this is simply unacceptable and must be rejected.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

#### AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

□ 2350

Mr. CRAVAACK. Mr. Chairman, this amendment stipulates that none of the funds of this bill may be used in violation of section 236(c) of the Immigration and Nationality Act.

Practically speaking, my amendment would prohibit the United States Immigration and Custom Enforcement, ICE, from using taxpayer dollars to process the release, or to administer alternative forms of detention to illegal immigrants who committed a crime which mandates their incarceration under section 236(c) of the Immigration and Nationality Act.

Importantly, section 236(c) requires the U.S. Government to detain illegal aliens who have committed any one of the serious crimes detailed in section 236(c) until that illegal alien is deported to their home country. For example, section 236(c) would require ICE to detain an alien that committed arson until that alien is deported. I think this is a very commonsense provision. In fact, in my opinion, criminal illegal aliens shouldn't be in the United States in the first place, but that is a debate for another day.

Make no mistake, I want to state that I think the vast majority of ICE employees are great Americans, and I personally appreciate the work that they do to ensure our Nation remains a nation founded under the rule of law. Nevertheless, ICE does not always operate in accordance with section 236(c).

For example, ICE has allowed criminal illegal aliens who are waiting for a deportation hearing to leave Federal detention facilities and reenter the general public if the criminal illegal alien is fitted with a GPS tracking device or regularly checks in with their ICE supervisor. This is very troubling to me, Mr. Chairman.

In August, 2010, ICE's policy of releasing dangerous criminal aliens proved deadly. According to the Freedom of Information Act, which I have, illegal alien Carlos Montano was sentenced to over 1 year in jail for his second DWI and was released from ICE custody wearing only a GPS tracking device. This is in direct violation to section 236(c). Tragically, on August 1, Montano got drunk, got behind a wheel, and collided head on with a vehicle carrying three nuns. This head-on collision killed 66-year-old Sister Jeanette Mosier of Virginia.

To protect innocent citizens from criminal illegal aliens, I firmly believe we need to enforce immigration laws, especially section 236(c) that mandates the detention of dangerous criminal illegal aliens. Therefore, I urge my colleagues to support this amendment to prohibit taxpayer funds from being used in violation of section 236(c).

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, we accept the gentleman's amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CRAVAACK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

#### AMENDMENT OFFERED BY MR. AMASH

Mr. AMASH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to purchase new advanced imaging technology machines.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. AMASH. Mr. Chairman, I offer this amendment on behalf of the distinguished gentleman from Utah (Mr. CHAFFETZ). My constituents and I share the concerns of the distinguished gentleman from Utah and his constituents and millions of Americans regarding the use of advanced imaging technology machines, also known as full body scanners, at airports.

We are concerned not only about the efficacy and safety of such machines, but also about the serious violations of privacy and our rights as protected by the Fourth Amendment to the Constitution resulting from the government's use of such machines. It is in that spirit that I offer this amendment.

I ask my colleagues for your support.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to the amendment. The amendment is unnecessary. The bill includes no funding for new advanced imagery technology systems. This is because we could not afford 275 new AITs, as requested. We had to fill a \$590 million hole left by the budget request gimmick—unauthorized aviation fees. It is not because we oppose technology. In fact, AIT systems offer an alternative to pat downs at airport checkpoints where non-metallic threats are a great concern.

In addition, the deployment of new advanced target recognition capability will make the AIT systems less objectionable as they display avatar figures, not actual images of screened individuals. Because this amendment is unnecessary and needlessly limits discretion for security screening, I would urge the Members to reject this amendment.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I wish to join the chairman of our subcommittee in opposing this amendment—not because there are any funds in this bill for these advanced imaging machines, this particular technology. There is no funding in this bill for this purpose, but on principle, this amendment is objectionable. It could be very damaging.

I won't dwell on the privacy safeguards. I think they've been debated in this body before, and we're well aware that privacy safeguards surrounding the use of this equipment are extensive—the face is blurred, there is no storage of the images, the operator of the machine is off the premises. And as the chairman just said, the technology is constantly being improved to protect privacy further.

But the point also needs to be made that an amendment like this, if it were implemented—not just with respect to the current year funding, but with ongoing acquisition of these machines—this amendment would reduce our ability to find non-metallic explosives and weapons or bombs carried on a person's body. That's the fact of the matter.

These advanced imaging machines are better able to detect a wide variety of threats that metal detectors simply cannot pick up. So adopting this amendment would put our citizens at risk. It's a step backwards in our security provisions and it should be rejected.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. AMASH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

#### AMENDMENT OFFERED BY MR. AMASH

Mr. AMASH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to operate or maintain existing advanced imaging technology machines as mandatory or primary screening devices.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. AMASH. Mr. Chairman, I again offer this amendment on behalf of the distinguished gentleman from Utah (Mr. CHAFFETZ).

As I mentioned previously, millions of Americans have serious concerns regarding the use of advanced imaging technology machines, also known as full body scanners, at airports. In light of our serious concerns about efficacy, safety, and privacy, and the violation to our liberty, we ask that these machines not be funded for use as mandatory or primary screening devices. I ask my colleagues for your support.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise in opposition to this amendment. As we stated earlier, the amendment is unnecessary. The bill includes no funding for new advanced imagery technology systems. This is because we could not afford 275 new AITs requested. We had to fill a \$590 million hole left by the budget request gimmick, which was the unauthorized aviation fees. It is not because we oppose technology. In fact, AIT systems offer an alternative to pat-downs at airport checkpoints where non-metallic threats are a great concern.

In addition, the deployment of new advanced target recognition capability will make the AIT systems less objectionable as they display avatar figures and not actual images of screened individuals. Because this amendment is unnecessary and needlessly limits the discretion for security screening, I would urge my fellow Members to reject this amendment.

I yield back the balance of my time.

□ 0000

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Once again, I want to join the chairman in urging rejection of this amendment. The reasoning that I applied to the previous amendment applies with equal force to this amendment.

We're talking here about the need in our airports to employ the best and latest possible technology to save lives, and we're not doing this without knowledge of emerging threats. And the ability of different technologies to pick up more sophisticated threats, more difficult threats to detect, that's what these machines are all about.

It's most unwise, I think, most irresponsible on the floor of this House to make judgements about this that actually could compromise our security in very, very serious ways. I urge rejection of this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

#### AMENDMENT OFFERED BY MR. AMASH

Mr. AMASH. I have one final amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for any action by a political appointee (as that term is defined in section 106 of title 49, United States Code) to delay, vacate, or reverse any decision by an employee in the Privacy Office of the Department of Homeland Security to make records available pursuant to section 552 of title 5, United States Code, popularly known as the Freedom of Information Act.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. AMASH. My amendment prohibits political meddling in the Department's compliance with the Freedom

of Information Act, commonly known as FOIA.

FOIA gives citizens the right to know what their government is doing. As President Obama stated shortly after taking office, "In our democracy, the Freedom of Information Act, which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open government."

Countless instances of waste, fraud, and abuse have been exposed by using FOIA. In September 2009, political appointees in DHS implemented an unprecedented policy to review FOIA requests and documents proposed to be released.

The current DHS political review process of FOIA is extraordinary. Chairman ISSA and Senator GRASSLEY wrote to 29 offices of inspectors general to request that they determine whether and to what extent political appointees have a role in responding to FOIA requests. According to the IGs surveyed, the level of involvement of DHS's political staff in the FOIA response process is uniquely high.

While it is the case that political staff at a very small number of agencies have prior notice of newsworthy releases, at no other agency do front office staff have the opportunity to withhold or otherwise delay such releases to avoid embarrassment or for political reasons.

FOIA is vital to our democracy. It is the most powerful single tool citizens and the press have to discover what our government is doing. And the law has a long track record of exposing corruption and inefficiency to improve government for all Americans.

My amendment protects FOIA from politicization at DHS. It prohibits DHS political appointees from improperly blocking the release of FOIA documents. My amendment allows DHS political appointees to continually be aware of FOIA requests in documents proposed to be released, but it prevents the political appointees from interfering with the public's right to know.

I ask for your support.

I yield back the balance of my time.

Mr. ADERHOLT. I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I think the gentleman from Michigan makes some very good points, and, therefore, we are prepared to accept this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I rise to oppose this amendment.

I want to deal just for a moment, though, with some of the accusations

that have surrounded this proposal and others like it. In fact, the House Oversight Committee conducted an investigation concerning allegations that Homeland Security improperly politicized the Freedom of Information Act process by allowing political appointees to review documents before they were released to the public.

The committee's lengthy investigation and a corresponding review by the inspector general found no evidence that the documents were edited, prior to release, for political reasons. According to the IG, "During our review, we learned that the Office of the Secretary was involved in examining several hundred FOIA requests prior to disclosure. This process was created so the Department would be aware of certain FOIA requests that it deemed to be significant. After reviewing information and interviewing FOIA experts, we determined that the significant request review process of DHS did not prohibit the eventual release of information."

Now, to be clear, both the IG and the committee found the process to be inefficient and cumbersome. But I understand from the committee that it has since been modified to address these concerns.

Now, on the amendment, I think it's a bad idea and perhaps counterproductive. It could lead to the exact opposite of the gentleman's intended result. Let me explain what I mean. In some cases, political review and decision-making will allow the Department to be more proactive in disclosing information to the public.

Under this amendment, the head of the agency or another political appointee could not override an arbitrary decision by a bureaucrat to withhold documents that should be released. That bureaucrat could be protecting himself and his colleagues or those documents should be released. There could be a perverse result, I think, if this amendment were adopted.

And at least under the reading of our oversight committee colleagues, the amendment might prevent the agency from faithfully carrying out its responsibility to comply with FOIA requests. That's because, technically, the agency head is in charge of ensuring the process is completed. If they're taken out of the mix, it really calls into question who's accountable and whether the FOIA process would operate as intended.

So we better be careful in treading on this ground. We could have exactly the opposite results from what is intended. And for that reason, I oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. PRICE of North Carolina. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. ROKITA

Mr. ROKITA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Each amount made available by this Act (other than an amount required to be made available by a provision of law, amounts made available for U.S. Customs and Border Protection, and amounts made available for U.S. Immigration and Customs Enforcement) is hereby reduced by 10 percent.

□ 0010

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I want to thank the gentleman from Alabama and I want to thank the minority party. It is 12:10 by the clock of the House, and I know this is a long process. We have more to do tomorrow. I appreciate all parties allowing the House to work its will.

I rise to offer an amendment tonight on behalf of the Republican Study Committee and myself to reduce the overall funding levels contained in the Homeland Security bill by 10 percent, with the exception of funds for ensuring the security of our Nation's borders. This would save, Mr. Chairman, \$2.5 billion.

Our country is on the brink of a fiscal crisis. As the chairman of the Joint Chiefs of Staff has stated repeatedly, our debt is the greatest threat to our national security. Not citizens going through our airports, not what appears to be three wars now we have involved ourselves in; our debt is the greatest threat to our national security.

We need to ensure that our tax dollars are spent wisely and efficiently, especially when it comes to protecting our Nation. Unfortunately, the Department of Homeland Security is not an exception when it comes to examples of government waste. The Department of Homeland Security must focus its resources more effectively. In their short history they have become inherently wasteful, creating programs that do not make our Nation any more secure. And they're not unlike any bureaucracy that's come before it.

A recent audit by the Defense Contract Audit Agency found 32 contracts collectively worth \$34.3 billion that have been plagued by waste, abuse, or mismanagement from 2001 through 2006. If we pass this amendment and force an across the board cut, DHS will be forced to analyze its programs more



effectively and become a more efficient agency as a result.

Mr. Chairman, I don't speak tonight out of mere opinion. I speak tonight out of experience. You see, I used to run a bureaucracy. I used to run a bureaucracy that ran on 1987 dollars, unadjusted for inflation. And we had good results. In my former securities division alone, because of great people, we got 300 years of jail time awarded and over \$52 million of restitution.

The government can do more with less on all levels, and that includes the Department of Homeland Security. DHS funding needs to be reconfigured, focusing on protecting targets that are legitimate terrorist threats, rather than disbursing funds on a per capita basis. That's a wasteful, inefficient, and ineffective way to do things. Secondly, DHS must redefine its mission and focus on what its original purpose was: protecting the homeland from terrorist attacks.

As we approach its 10th anniversary, no longer does DHS focus solely on homeland security. They focus on mass casualty events, totally unrelated to terrorism, like natural disasters. Firefighter and cops funding, once funded locally on the State and local level, is funded through grants by the Federal Government. And while no Member of this body will contend they are not vital to our communities, these programs that Federal tax dollars are paying for are not Federal responsibility under our Constitution, and for a very good reason.

We need to start making tough decisions, Mr. Chairman. This amendment builds upon the work of the Appropriations Committee in reducing spending, but I believe it can go further.

I yield back the balance of my time. Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I appreciate the intent of the gentleman from Indiana's amendment. I think it is very well intended. I think he makes some valid points in his argument. However, I am going to have to reluctantly oppose the amendment.

The bill that we have before us tonight strikes the right balance between funding priority programs that are essential to our Nation's security and keeping discretionary spending in check. The bill cuts nearly \$3 billion, or 7 percent, from the request. That does not take into account the internal cuts taken to address the \$650 million shortfall for aviation security and customs due to the phony fee offset used by the administration. It also does not reflect the significant increase provided to ensure robust funding for disaster relief.

The committee has cut underperforming and ill-managed programs.

We've made difficult choices on priorities for the bill. Significant cuts in this bill include \$215 million from headquarters consolidation, then an additional \$69 million from the Department of Management Operations, an additional \$81 million from the Transportation Security Support, an additional \$629 million from Science and Technology Research Development, and more than \$2 billion from FEMA's First Responder Grants. Deeper cuts will serve no other purpose than endangering critical security operations from our frontline agencies, such as the Coast Guard, the Secret Service, FEMA, and TSA, that conduct daily operations to make our land secure.

This past year we have seen intensified terrorist activity, including new threats to aviation, and several home-grown plots. As I have mentioned before, we have endured a near constant occurrence of natural disasters across this Nation, which require robust response capabilities and recovery investments. In light of all these challenges, the importance of the Department's work cannot be overemphasized. This is especially true as we approach the 10th anniversary of September 11. Because of these reasons, I urge my colleagues to oppose this amendment.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, our chairman has expressed very well the reasons for opposing this amendment. It simply would weaken our security dangerously. And we are talking here not just about first responders and firefighters, we are also talking about frontline DHS personnel in a number of our agencies. I join him in urging rejection of this amendment.

I yield back the balance of my time. Mr. JORDAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. JORDAN. Let me thank the committee, particularly the subcommittee chair, for their hard work on this legislation and the number of bills that will come from the Appropriations Committee. We do appreciate that.

Look, the gentleman from Indiana is right. Let's just remember some of the numbers: \$14 trillion national debt; \$1.6 trillion deficit this year. That's following 2 previous years of running record annual deficits. A \$220 million deficit for the month of February we had earlier this year, a record monthly deficit. And over \$200 billion we pay in interest each year just to service that record debt built up by these record deficits. And most importantly, just remember 6 weeks ago Standard & Poor's said the future credit rating, the out-

look for America's credit, is now negative for the first time in 70 years.

So something's got to give here, guys. We can't keep doing the same old, same old, and expect some different result. We are spending way more than we're taking in. Every family, every small business owner, everyone in America knows you can't do that. We've got to stop.

The Federal Government is doing the equivalent of a family making \$50,000 spending \$85,000 a year. Making \$50,000 a year, spending \$85,000. And we're not just doing it one time because we're investing in something that's going to have a return. We are not just doing it one time for starting a business or putting a kid through school. We're doing it year after year after year, and somehow we think that's all going to work out. It's not going to work out. And the American people understand it. And they expect tough decisions. They expect the kind of thing that Mr. ROKITA is bringing forward in his amendment today. And that's why I rise to support this amendment.

What this would do is actually consistent with what the Republican Study Committee budget brought in front of this body earlier this year. We think it makes sense. And if you remember, that budget that we brought forward actually gets to balance within the budget window. The only budget brought forward that actually balances within the 10-year timeframe, something the American people expect of their Members of Congress. Something the American people expect Congress to do.

So I applaud the gentleman from Indiana for his amendment, and would urge a "yes" vote.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ROKITA).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. ROKITA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

□ 0020

AMENDMENT OFFERED BY MR. ROKITA

Mr. ROKITA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to implement the determination of the Administrator of the Transportation Security Administration regarding transportation security officers and collective bargaining as described in the decision memorandum dated February 4, 2011.



The Acting Chair. The gentleman from Indiana is recognized for 5 minutes.

Mr. ROKITA. Mr. Chairman, I rise tonight to offer an amendment that would safeguard America's air travel by restricting funding in this bill for any collective bargaining by the Transportation Security Administration.

Recently, President Obama's administration announced a decision to allow the Transportation Security Administration, TSA, the unions, to enter into collective bargaining agreements. This would restrict our ability to meet ever-changing dangers and will add to Federal spending, which in our time of Federal deficits would be irresponsible.

Since the creation of TSA 10 years ago, its unions have been prohibited from collective bargaining and for good reason. This ban comes from former TSA Administrator Loy determining that collective bargaining agreements would hamper the critical nature of TSA agents' national security responsibilities.

TSA agents are no different than FBI, CIA and Secret Service agents. We do not negotiate collective bargaining agreements with security personnel, and TSA clearly falls, Mr. Chairman, within that category. We witnessed the necessary flexibility of the TSA.

In 2006 after a British airliner bombing plot was discovered, TSA was able to overhaul its policies within 12 hours. If unionization occurs, TSA will be less flexible and less efficient in doing their business to protect America.

Contracts and demands of collective bargaining are complex and they are cumbersome. They are less flexible than is needed in national security situations. The union demands will unquestionably make our transportation security more costly and less efficient, and certainly let's not ignore the fact that the recourse that citizens have when they are mistreated, illegally groped or otherwise not served will be reduced if it has not been made nonexistent with a union.

I will work to ensure that collective bargaining does not impact the safety of any American travelers or needlessly subjects our rights or personal space to a union or its leaders.

I yield back the balance of my time. Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. PRICE of North Carolina. It is premature; there has not yet been a completed election for union representation at TSA. Moreover, it is unwise. The TSA administrator has made a modest and limited proposal to allow limited collective bargaining for transportation security officers. I think that is in the best interests of TSA, and it has been restricted to nonsecurity issues.

So it is a wise proposal and a modest one, and we should allow it to go forward.

I yield to our colleague, the gentleman from Mississippi (Mr. THOMPSON) who is the ranking member of the authorizing committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

I have been on the Committee on Homeland Security since its inception.

We have gone through hearing after hearing looking at this issue of collective bargaining for TSA employees. I might add that the rationale for offering this amendment has been completely refuted by every hearing we have ever had in the committee.

I am convinced that our men and women who work for TSA do a good job. However, the documentation is clear, they need additional training; they need a number of other items that collective bargaining can get them.

For instance, they have a different personnel system than other fellow employees. They have a different salary schedule than other employees. All those things lead to reduced morale for the employee.

More importantly, we have collective bargaining rights for Customs and Border Protection employees, the Federal Protective Service, and nowhere have we ever found where our good men and women in uniform cannot perform admirably in any situation.

The record is clear: where our union employees are federalized, they do a good job. So this notion that somehow collective bargaining is incorrect or improper should not go unopposed.

Apart from that, this is a heightened awareness situation. The men and women at TSA deserve the right to collective bargaining. For the record, Mr. Chairman, let me say that they are halfway there. They are 40,000 employees. They have already had an election; three unions sought representation. We are now down to the runoff for two.

Let the men and women do their job. Collective bargaining is not a bad thing for our men and women at TSA.

Lastly, let me say that Administrator Pistole has it right. His record with the FBI is impeccable. He looked at the situation, made a decision that had been kicked around for too many years at the Department.

Let's give the men and women at TSA the right to choose a collective bargaining unit if they so choose to decide on a collective bargaining unit.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise in opposition to the Rokita amendment (#2) to H.R. 1017, "Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes." This amendment only hinders future progress in decreasing TSA's current attrition rates.

As you may already know, this February, John Pistole, TSA's Administrator, who has

performed 20 years of distinguished service with the FBI, came to the conclusion that allowing the transportation security workforce to collectively bargain would not result in lessening in the quality of security operations.

As the Ranking Member of the Subcommittee on Transportation, I am keenly aware that over the years, the Committee on Homeland Security has conducted thorough and extensive oversight into the cause for attrition within the TSA workforce. The attrition rate at TSA was high enough that it caught the attention of our committee.

Consistently, TSA personnel who decided to leave the agency criticized the availability of security training and responsiveness of line supervisors to workplace concerns. We must protect the tens of millions of dollars that American taxpayers have invested in hiring, training, and deploying TSA staff.

I strongly believe that Administrator Pistole's decision was the right one and his decision must be supported. TSA can be strengthened by providing their workers with a personnel system that is fair, credible and transparent, and with a voice in the development of workplace quality standards that will make the traveling public even safer.

There are currently a number of examples, throughout the federal government, where the conferring of collective bargaining rights have helped to secure the Nation. From the Customs and Border Protection to the Federal Protective Service, we see that collective bargaining rights can be made available in furtherance of security.

TSA employees have already begun to assert their right to collective bargaining. This amendment comes at the worst time, when TSOs are currently voting on selecting union representation. With our Nation and our transportation, in particular, facing serious and credible terrorist threats, this is not the time to punish our frontline homeland security personnel. We must give them the tools and resources to effectively perform their duties.

The Pistole decision cleared the way for an election and, in April, the Federal Labor Relations Authority tallied the votes. While neither of the competing unions won the vote outright, the message that the 40,000 Transportation Security Officers sent was unequivocal—they want to be unionized. There is a run-off underway.

This amendment would recklessly bring all the progress to a halt and unnecessarily damage morale within the TSA when the nation is at a state of "heightened alert."

Mr. PRICE of North Carolina. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. ROKITA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. ROKITA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JORDAN of Ohio) having assumed the chair, Mr. BISHOP of Utah, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LUCAS (at the request of Mr. CANTOR) for May 31 and today on account of medical reasons.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 754. An act to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### ADJOURNMENT

Mr. ADERHOLT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 30 minutes a.m.), under its previous order, the House adjourned until today, Thursday, June 2, 2011, at 10 a.m. for morning-hour debate.

#### OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, A B, do solemnly swear (or affirm) that I will support and defend

the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

KATHLEEN C. HOCHUL, New York, Twenty-Sixth.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1745. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerance [EPA-HQ-OPP-2010-0938; FRL-8872-6] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1746. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-1009; FRL-8873-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1747. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Saflufenacil; Pesticide Tolerances [EPA-HQ-OPP-2010-0755; FRL-8872-7] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1748. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's 2011 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix, in accordance with section 1206 of the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989; to the Committee on Agriculture.

1749. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1750. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Rules of the Armed Services Board of Contract Appeals, received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1751. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Consumer Leasing [Regulation M;

Docket No.: R-1400] (RIN: No. 7100-AD60) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1752. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No.: R-1399] (RIN: No. 7100-AD59) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1753. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the 2010 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications and Corrections to the EAR [Docket No.: 110106012-1013-01] (RIN: 0694-AF04) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1754. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1181] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1755. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1191] received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1756. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the state of North Dakota since April 5, 2011, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

1757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Adoption of Control Techniques Guidelines for Large Appliance Coatings [EPA-R03-OAR-2011-0142; FRL-9304-2] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Modification of the Significant New Uses of 2-Propen-1-one, 1-(4-morpholinyl) — [EPA-HQ-OPPT-2009-0669; FRL-8871-5] (RIN: 2070-AB27) received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1759. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, California Air Resources Board — Consumer Products [EPA-R09-2010-0906; FRL-9278-9] received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1760. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Modifications; Submission Period Suspension [EPA-HQ-OPPT-2009-0187; FRL-8874-2] (RIN: 2070-AJ43) received May 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1761. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Notification of the intention to exercise the authority under Section 552(c)(2) of the Foreign Assistance Act of 1961, to authorize the drawdown to support efforts to protect civilians and civilian-populated areas under threat of attack in Libya; to the Committee on Foreign Affairs.

1762. A communication from the President of the United States, transmitting a letter regarding the United States involvement in Libya; to the Committee on Foreign Affairs.

1763. A letter from the Secretary, Department of Labor, transmitting pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), the Department's annual report for FY 2010; to the Committee on Oversight and Government Reform.

1764. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Bycatch Reduction in the Gulf of Mexico Pelagic Longline Fishery [Docket No.: 101029546-1208-02] (RIN: 0648-BA39) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1765. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA337) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1766. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Annual Quota Harvested [Docket No.: 100201058-0260-02] (RIN: 0648-XA333) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1767. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Octopus in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA322) received May 2, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1768. A letter from the Auditor, Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 2010, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

1769. A letter from the Administrator, Department of Transportation, transmitting the Transportation Statistics Annual Report 2010, pursuant to 49 U.S.C. 111(f); to the Committee on Transportation and Infrastructure.

1770. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 118 Clean Coal (Rev. Proc. 2011-30) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1771. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— User Fees Relating to Enrolled Agents and Enrolled Retirement Plan Agents [TD 9523] (RIN: 1545-BJ65) received April 20, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1772. A letter from the Assistant Secretary, Department of Defense, transmitting eight legislative proposals to be a part of the National Defense Authorization Bill for Fiscal Year 2012; jointly to the Committees on Oversight and Government Reform, Financial Services, Education and the Workforce, Intelligence (Permanent Select), Armed Services, Foreign Affairs, Veterans' Affairs, Small Business, House Administration, Energy and Commerce, Natural Resources, Transportation and Infrastructure, and the Budget.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Kentucky: Committee on Appropriations. Report on the Suballocation of the Budget Allocations for Fiscal Year 2012 (Rept. 112-96). Referred to the Committee of the Whole House on the State of the Union.

Mr. WEBSTER: Committee on Rules. House Resolution 288. Resolution providing for consideration of the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-97). Referred to the House Calendar.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1249. A bill to amend title 35, United States Code, to provide for patent reform; with an amendment (Rept. 112-98, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on the Budget discharged from further consideration. H.R. 1249 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. COHEN, Mr. STARK, Mr. HASTINGS of Florida, Ms. BASS of California, Ms. BROWN of Florida, Mr. TOWNS, Mr. LEWIS of Georgia, and Ms. SCHAKOWSKY):

H.R. 2065. A bill to permit the expungement of records of certain non-violent criminal offenses; to the Committee on the Judiciary.

By Mr. ROSS of Florida:

H.R. 2066. A bill to amend title 5, United States Code, to require that the Office of Personnel Management submit an annual report to Congress relating to the use of official time by Federal employees; to the Committee on Oversight and Government Reform.

By Mr. BILIRAKIS:

H.R. 2067. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation ex-

penditures; to the Committee on Ways and Means.

By Mr. KINZINGER of Illinois (for himself, Mr. ROSS of Arkansas, Mrs. MYRICK, Mr. BILBRAY, Mrs. MCMORRIS RODGERS, Mr. MCKINLEY, Mr. BARTLETT, Mr. TERRY, Mr. RUPPERS-BERGER, Ms. JACKSON LEE of Texas, Mr. ALTMIRE, Mr. LATTI, Mr. CRAWFORD, Mr. TOWNS, Mr. HARPER, Mr. RUSH, and Mr. OWENS):

H.R. 2068. A bill to permit a Commissioner of the Nuclear Regulatory Commission to continue to serve on the Commission if a successor is not timely appointed and confirmed; to the Committee on Energy and Commerce.

By Mr. DIAZ-BALART (for himself, Mr. SIRE, and Mr. HANNA):

H.R. 2069. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JOHNSON of Ohio (for himself, Mr. STIVERS, and Mr. RYAN of Ohio):

H.R. 2070. A bill to direct the Secretary of the Interior to install in the area of the World War II Memorial in the District of Columbia a suitable plaque or an inscription with the words that President Franklin D. Roosevelt prayed with the nation on June 6, 1944, the morning of D-Day; to the Committee on Natural Resources.

By Mr. REICHERT (for himself, Mr. BLUMENAUER, and Mr. WALDEN):

H.R. 2071. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California (for himself, Mr. BACHUS, Mr. FRANK of Massachusetts, and Mrs. MCCARTHY of New York):

H.R. 2072. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. BRALEY of Iowa:

H.R. 2073. A bill to require the Secretary of Energy to implement country-of-origin disclosure requirements with respect to motor vehicle fuels, and for other purposes; to the Committee on Energy and Commerce.

By Ms. BUERKLE (for herself and Mr. MILLER of Florida):

H.R. 2074. A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself, Mr. MARKEY, Ms. BERKLEY, and Mrs. LOWEY):

H.R. 2075. A bill to require that spent nuclear fuel be stored in certified dry cask storage, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOWDY:

H.R. 2076. A bill to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Georgia (for himself and Mrs. MCMORRIS RODGERS):

H.R. 2077. A bill to repeal medical loss ratio requirements for health insurance; to the Committee on Energy and Commerce.

By Mr. LOEBSACK:

H.R. 2078. A bill to amend the National Flood Insurance Act of 1968 to provide for greater notification of flood insurance rate map changes and the appeals process, extensions of the appeals process, reimbursement for successful map change petitions outside of the standard appeals process, and removal of certain properties from flood insurance rate maps; to the Committee on Financial Services.

By Mrs. MCCARTHY of New York:

H.R. 2079. A bill to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the "John J. Cook Post Office"; to the Committee on Oversight and Government Reform.

By Mr. PAUL:

H.R. 2080. A bill to amend the Internal Revenue Code of 1986 to allow individuals either a credit against income tax or a deduction for expenses paid or incurred by reason of a voluntary or mandatory evacuation; to the Committee on Ways and Means.

By Mr. RENACCI (for himself, Mrs. CAPITO, Mr. GARRETT, Mr. NEUGEBAUER, Mr. ROYCE, Mr. CAMPBELL, Mr. CANSECO, Mr. GRIMM, Mr. HUIZENGA of Michigan, Mr. PEARCE, Mr. STIVERS, and Mr. WESTMORELAND):

H.R. 2081. A bill to amend the Federal Deposit Insurance Act to replace the Director of the Bureau of Consumer Financial Protection with the Chairman of the Board of Governors of the Federal Reserve System as a member of the Board of Directors of the Federal Deposit Insurance Corporation; to the Committee on Financial Services.

By Mr. SCHOCK (for himself and Mr. RANGEL):

H.R. 2082. A bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 2083. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park; to the Committee on Natural Resources.

By Mr. ROONEY (for himself, Mr. MILLER of Florida, Mr. NUGENT, Mr. ROSS of Florida, Mr. COLE, Mr. SENSENBRENNER, Mr. WEST, Mr. COFFMAN of Colorado, Mr. SHUSTER, Mr. ISSA, Mr. LATOURETTE, Mr. HUNTER, Mr. CAMP, and Mr. WESTMORELAND):

H. Con. Res. 57. Concurrent resolution expressing the sense of Congress that the President is in violation of the War Powers Resolution regarding the use of United States Armed Forces in Libya, and for other purposes; to the Committee on Foreign Affairs.

By Ms. LEE (for herself, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Ms. MOORE, Mr. RUSH, Mr. SABLAN, Mr. SERRANO, Mr. TOWNS, Ms. CLARKE of New York, Mr. MEEKS, Ms. WILSON of Florida, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. PAYNE, Mr. RANGEL, and Ms. RICHARDSON):

H. Res. 289. A resolution recognizing the significance of National Caribbean-American Heritage Month; to the Committee on Oversight and Government Reform.

By Mr. FATTAH:

H. Res. 290. A resolution expressing the sense of the House of Representatives that it

is imperative that the United States creates a clear vision and goal to be the world leader in innovation, science, technology, engineering, and math to ensure the continued strength, growth, and vitality of this Nation; to the Committee on Science, Space, and Technology.

By Mr. LAMBORN:

H. Res. 291. A resolution urging the expedient relocation of the United States Embassy in Israel to Jerusalem; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

43. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to Joint Resolution H.P. 1034 urging the Congress and the Secretary of Education to continue to rely on formula allocations that recognize the obligation to educate all our children regardless of where they live; to the Committee on Education and the Workforce.

44. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4016 recognizing the importance of public awareness of multiple sclerosis and proclaiming the week of March 14-20, 2011, "MS Awareness Week"; to the Committee on Energy and Commerce.

45. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 40 recognizing the many contributions of the thousands of volunteers and paid staff at pregnancy care centers in West Virginia and across the United States; to the Committee on Energy and Commerce.

46. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution 6025 supporting continued jurisdiction of the states to conserve and properly regulate oil and gas production; to the Committee on Energy and Commerce.

47. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 46 requesting the federal government to take steps to ensure the rights of property owners in New Mexico and neighboring states are protected; to the Committee on Natural Resources.

48. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution 270 expressing serious concern about the scope, justification, and substance of the OSMRE's stream protection rule; to the Committee on Natural Resources.

49. Also, a memorial of the House of Representatives of the State of Tennessee, relative to House Resolution 60 opposing any reduction of funding for the National Fish Hatchery Operations that would result in the closing of the Erwin National Fish Hatchery; to the Committee on Natural Resources.

50. Also, a memorial of the House of Representatives of the State of North Dakota, relative to House Concurrent Resolution No. 3048 urging the Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

51. Also, a memorial of the Legislature of the State of Nevada, relative to Assembly Joint Resolution No. 9 urging the Congress to enact the Unemployment Insurance Solvency Act of 2011; to the Committee on Ways and Means.

52. Also, a memorial of the House of Representatives of the Commonwealth of Penn-

sylvania, relative to House Resolution No. 264 commending the United States military and other involved United States intelligence and strategic agencies for their service in this near decade-long manhunt for Osama bin Laden; jointly to the Committees on Armed Services and Intelligence (Permanent Select).

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. RANGEL:

H.R. 2065.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8. The Congress shall have the Power . . . To define and punish Piracies and Felonies committed on the high Seas, and offenses against the Law of Nations;

By Mr. ROSS of Florida:

H.R. 2066.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BILIRAKIS:

H.R. 2067.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 of the United States Constitution, which grants Congress the power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. KINZINGER of Illinois:

H.R. 2068.

Congress has the power to enact this legislation pursuant to the following:

According to clause 7 of Section 8 of Article I of the Constitution, Congress has the authority to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

By Mr. DIAZ-BALART:

H.R. 2069.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. JOHNSON of Ohio:

H.R. 2070.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Article I, Section 1, clause 18 and pursuant to Article I, section 8, clause 18 and of the United States Constitution.

By Mr. REICHERT:

H.R. 2071.

Congress has the power to enact this legislation pursuant to the following:

"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power

to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. GARY G. MILLER of California:

H.R. 2072.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. BRALEY of Iowa:

H.R. 2073.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. BUERKLE:

H.R. 2074.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. ENGEL:

H.R. 2075.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Mr. GOWDY:

H.R. 2076.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, of the Constitution

By Mr. PRICE of Georgia:

H.R. 2077.

Congress has the power to enact this legislation pursuant to the following:

The repeal of this provision is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

By Mr. LOEBSACK:

H.R. 2078.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1; and Article I, section 8, clause 3.

By Mrs. MCCARTHY of New York:

H.R. 2079.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 7 of the United States Constitution.

By Mr. PAUL:

H.R. 2080.

Congress has the power to enact this legislation pursuant to the following:

This act is justified by sixteenth amendment which, by granting Congress the power to lay and collect taxes allows Congress to provide tax relief to Americans forced to leave their homes because of a natural disaster.

By Mr. RENACCI:

H.R. 2081.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution, which grants Congress the power

to regulate Commerce amongst the several states.

By Mr. SCHOCK:

H.R. 2082.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8 of the United States Constitution.

By Mr. THOMPSON of Mississippi:

H.R. 2083.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 Section 3 of Article IV of the Constitution: The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or any other particular State.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. REICHERT.

H.R. 25: Mr. GRAVES of Missouri.

H.R. 31: Mr. CANSECO.

H.R. 85: Mr. YOUNG of Alaska and Mr. ROTHMAN of New Jersey.

H.R. 91: Mr. GRIFFITH of Virginia.

H.R. 153: Mr. BENISHEK.

H.R. 177: Mr. FRELINGHUYSEN.

H.R. 190: Mr. LEVIN.

H.R. 198: Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. JACKSON LEE of Texas, and Mr. JACKSON of Illinois.

H.R. 303: Mr. KISSELL.

H.R. 320: Mr. KISSELL.

H.R. 365: Mr. SHERMAN.

H.R. 409: Mr. KISSELL.

H.R. 436: Mr. FORTENBERRY.

H.R. 451: Mr. HINCHEY, Mr. SMITH of Washington, and Mr. DEFazio.

H.R. 520: Mr. LIPINSKI and Mrs. CAPPS.

H.R. 605: Mr. WEST, Mr. FLEMING, Ms. HAYWORTH, and Mr. AUSTIN SCOTT of Georgia.

H.R. 640: Mr. COHEN, Mr. BRALEY of Iowa, and Ms. FUDGE.

H.R. 642: Mr. DENT.

H.R. 706: Mr. HINCHEY.

H.R. 709: Mr. PRICE of North Carolina.

H.R. 721: Mr. RYAN of Ohio, Mr. THOMPSON of California, and Ms. RICHARDSON.

H.R. 733: Mr. MURPHY of Connecticut, Mr. BURGESS, and Mr. HONDA.

H.R. 735: Mr. FLAKE.

H.R. 740: Mr. OWENS.

H.R. 757: Mr. HIMES.

H.R. 808: Ms. MCCOLLUM.

H.R. 883: Mr. ISRAEL.

H.R. 886: Mr. ROGERS of Alabama, Mr. SHULER, Mr. BILIRAKIS, and Mr. WOLF.

H.R. 894: Mr. SMITH of Washington and Ms. ZOE LOFGREN of California.

H.R. 900: Ms. RICHARDSON.

H.R. 904: Mr. RUNYAN.

H.R. 973: Mr. COFFMAN of Colorado.

H.R. 992: Mr. GARAMENDI.

H.R. 1006: Mr. DEUTCH and Mrs. SCHMIDT.

H.R. 1028: Mr. BLUMENAUER.

H.R. 1044: Mr. GOWDY, Mr. BACHUS, and Mr. DESJARLAIS.

H.R. 1057: Mr. LIPINSKI, Ms. FUDGE, and Mr. RYAN of Ohio.

H.R. 1058: Mr. FARENTHOLD.

H.R. 1063: Ms. SPEIER, Mr. BOSWELL, and Mr. LANGEVIN.

H.R. 1084: Mr. HIGGINS, Mr. SERRANO, Ms. ZOE LOFGREN of California, Ms. SLAUGHTER,

Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. LIPINSKI, and Mr. RAHALL.

H.R. 1121: Mr. ROSS of Florida.

H.R. 1149: Mr. HANABUSA.

H.R. 1172: Ms. FUDGE.

H.R. 1174: Mr. GRIMM, Mr. SMITH of Washington, Mr. CONNOLLY of Virginia, and Mr. COURTNEY.

H.R. 1193: Mr. CICILLINE.

H.R. 1206: Mr. SCHWEIKERT, Mr. THORNBERRY, Mr. FORTENBERRY, Mr. LATTA, and Mr. CANSECO.

H.R. 1218: Mr. GUTHRIE and Mr. REED.

H.R. 1227: Mr. CANSECO.

H.R. 1236: Mr. REICHERT, Mr. WU, Mr. DOYLE, and Mr. McDERMOTT.

H.R. 1259: Mr. DUNCAN of Tennessee, Mr. BURTON of Indiana, Mr. QUAYLE, Mr. SCHWEIKERT, Mrs. McMORRIS RODGERS, and Mr. HUIZENGA of Michigan.

H.R. 1269: Mr. MCGOVERN and Mr. PETERSON.

H.R. 1277: Mr. ALTMIRE.

H.R. 1284: Mr. SABLAN, Mr. DEUTCH, and Mr. GARAMENDI.

H.R. 1311: Ms. FUDGE.

H.R. 1327: Mr. CASSIDY.

H.R. 1328: Ms. ZOE LOFGREN of California.

H.R. 1331: Mr. BROUN of Georgia.

H.R. 1351: Ms. ESHOO, Mr. PALLONE, Ms. HANABUSA, and Mr. INSLEE.

H.R. 1379: Ms. ZOE LOFGREN of California.

H.R. 1426: Mr. LATOURETTE, Mr. JOHNSON of Ohio, Ms. LORETTA SANCHEZ of California, and Mr. BRALEY of Iowa.

H.R. 1488: Mrs. LOWEY, Mr. AL GREEN of Texas, and Mr. BLUMENAUER.

H.R. 1498: Ms. ESHOO, Mr. McNERNEY, and Mr. UPTON.

H.R. 1501: Mr. LABRADOR.

H.R. 1505: Mrs. BLACKBURN, Ms. JENKINS, Mr. KING of Iowa, Mr. FLEMING, and Mrs. ELLMERS.

H.R. 1506: Mr. MCGOVERN.

H.R. 1514: Mr. BURTON of Indiana.

H.R. 1515: Mr. QUIGLEY.

H.R. 1533: Ms. PINGREE of Maine and Ms. SLAUGHTER.

H.R. 1545: Mr. HALL.

H.R. 1547: Mr. CICILLINE.

H.R. 1558: Mr. FLORES.

H.R. 1574: Ms. SLAUGHTER.

H.R. 1585: Mr. GUINTA and Mr. WESTMORELAND.

H.R. 1592: Mr. BURTON of Indiana.

H.R. 1625: Mr. KLINE.

H.R. 1629: Mr. WALBERG.

H.R. 1633: Mr. JOHNSON of Illinois, Mr. WALDEN, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. LUCAS, Mr. SCHOCK, Mr. LANKFORD, Mr. LABRADOR, Mr. GIBBS, Mr. POMPEO, Mr. JOHNSON of Ohio, Mr. NUNNELEE, Mrs. HARTZLER, Mr. WITTMAN, Mr. HUIZENGA of Michigan, and Mr. FRANKS of Arizona.

H.R. 1639: Mr. DIAZ-BALART and Mr. YODER.

H.R. 1666: Mr. PERLMUTTER.

H.R. 1672: Mrs. CHRISTENSEN, Mr. HIGGINS, Mr. HINCHEY, and Mr. KING of New York.

H.R. 1683: Mr. MILLER of Florida.

H.R. 1687: Mr. JOHNSON of Georgia and Mr. COLE.

H.R. 1694: Mrs. LOWEY.

H.R. 1706: Mr. DEFazio.

H.R. 1723: Mr. FARENTHOLD and Mr. COLE.

H.R. 1724: Ms. WOOLSEY, Mr. LANGEVIN, Mr. HINCHEY, Mr. MCGOVERN, Mrs. MALONEY, Mr. BERMAN, Mr. FILNER, and Ms. BERKLEY.

H.R. 1734: Mr. LANDRY and Mr. MEEHAN.

H.R. 1735: Mr. PASTOR of Arizona, Mr. BRALEY of Iowa, Mr. HASTINGS of Florida, and Mr. YARMUTH.

H.R. 1744: Mr. LANDRY, Mr. CANSECO, and Mr. SCHWEIKERT.

H.R. 1748: Mr. OLVER.  
H.R. 1756: Mrs. MALONEY and Mr. SERRANO.  
H.R. 1775: Mr. BROOKS, Mr. KISSELL, and Mr. LABRADOR.

H.R. 1791: Mr. SOUTHERLAND.  
H.R. 1796: Mr. HEINRICH, Mr. WU, and Mr. KUCINICH.

H.R. 1799: Mr. CROWLEY, Mr. ACKERMAN, and Mrs. MALONEY.

H.R. 1803: Ms. RICHARDSON and Mr. YOUNG of Alaska.

H.R. 1815: Mr. YOUNG of Florida, Mr. ADERHOLT, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. CHANDLER, and Ms. SPEIER.

H.R. 1848: Mr. BENISHEK, Mr. DUNCAN of South Carolina, Mr. SOUTHERLAND, Mr. RIVERA, and Mr. LANDRY.

H.R. 1852: Mr. TERRY, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. NEAL, Mr. LARSON of Connecticut, Mr. AUSTRIA, Mr. MCGOVERN, and Ms. MOORE.

H.R. 1856: Ms. LORETTA SANCHEZ of California and Mr. FORTENBERRY.

H.R. 1861: Mr. MCKINLEY.

H.R. 1872: Mr. ROSS of Florida, Mr. LATTA, and Mr. SCHOCK.

H.R. 1873: Mr. INSLEE.

H.R. 1878: Mr. KUCINICH.

H.R. 1932: Mr. WESTMORELAND, Mr. SIMPSON, and Mr. MARCHANT.

H.R. 1938: Ms. JENKINS and Mr. HUELSKAMP.

H.R. 1941: Mr. RAHALL, Mr. LARSEN of Washington, Mr. PLATTS, Mr. WITTMAN, Mr. MICHAUD, Mr. BRADY of Pennsylvania, Mr. JOHNSON of Georgia, Mr. FARR, and Mr. GARAMENDI.

H.R. 1946: Mr. PAUL.

H.R. 1964: Mr. SCHOCK.

H.R. 1970: Mr. HINCHEY and Ms. BROWN of Florida.

H.R. 1976: Ms. JENKINS, Mr. HURT, Mr. CULBERSON, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. KING of Iowa, Mrs. BLACK, Mr. PAUL, Mr. MARCHANT, Mr. GRIFFIN of Arkansas, Mrs. ELLMERS, Mr. CANSECO, Mr. BURTON of Indiana, and Mr. WESTMORELAND.

H.R. 1980: Mr. LAMBORN.

H.R. 1987: Ms. SPEIER and Mr. DEUTCH.

H.R. 1997: Mr. ROSS of Florida.

H.R. 2000: Mr. MILLER of Florida.

H.R. 2008: Mr. LABRADOR.

H.R. 2010: Mr. MARCHANT and Mr. LATTA.

H.R. 2023: Mr. CALVERT.

H.R. 2026: Mr. MCGOVERN.

H.R. 2033: Mr. HOLT.

H.R. 2040: Mr. MARCHANT.

H.R. 2061: Ms. NORTON, Mr. WITTMAN, Ms. BORDALLO, Mr. WOLF, Mr. OWENS, Mr. REYES, Mr. CONNOLLY of Virginia, Mr. HARRIS, and Mr. GRIJALVA.

H.R. 2063: Mr. McDERMOTT and Ms. MOORE.

H.J. Res. 62: Mr. LABRADOR.

H. Con. Res. 25: Mr. WEST.

H. Con. Res. 39: Mr. FRANK of Massachusetts.

H. Con. Res. 51: Mr. JOHNSON of Illinois.

H. Con. Res. 53: Mr. GOHMERT, Mr. PITTS, Mr. CULBERSON, Mrs. LUMMIS, Mr. McCLINTOCK, Mr. PEARCE, Mr. POSEY, Mr. GRAVES of Georgia, and Mr. CHAFFETZ.

H. Res. 19: Mr. RANGEL.

H. Res. 20: Mr. PRICE of North Carolina.

H. Res. 34: Mr. CALVERT.

H. Res. 137: Ms. LINDA T. SANCHEZ of California.

H. Res. 156: Mr. JACKSON of Illinois.

H. Res. 157: Mr. JACKSON of Illinois.

H. Res. 177: Mrs. MYRICK.

H. Res. 220: Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. MORAN, Mr. RYAN of Ohio, and Mr. CASSIDY.

H. Res. 226: Mr. ROSS of Florida.

H. Res. 266: Mr. HUELSKAMP and Mr. FRANKS of Arizona.

H. Res. 267: Mr. HUELSKAMP.

H. Res. 283: Mr. CLARKE of Michigan.

### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

5. The SPEAKER presented a petition of the City of Lauderhill, Florida, relative to Resolution No. 11R-03-41 requesting affirmative action to at least maintain the present level of funding for the community development block grant; to the Committee on Financial Services.

6. Also, a petition of City of Atlanta, Georgia, relative to Resolution 11-R-0768 supporting the deepening of the port of the Savannah River; to the Committee on Transportation and Infrastructure.

7. Also, a petition of the Niagara County Legislature, New York, relative to Resolution No. IL-030-11 declaring opposition to H.R. 1555; to the Committee on Homeland Security.

8. Also, a petition of State Lands Commission, California, relative to Resolution supporting the Lake Tahoe Restoration Act of 2011; jointly to the Committees on Transportation and Infrastructure, Natural Resources, and Agriculture.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2017

OFFERED BY: Ms. SPEIER

AMENDMENT No. 15: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used by the Department of Homeland Security to award a follow-on contract to a sole-source contract awarded noncompetitively on the basis of urgency unless the Department has developed a competitive acquisition strategy containing a plan to obtain competition following completion of the sole-source contract.

H.R. 2017

OFFERED BY: Ms. SPEIER

AMENDMENT No. 16: Page 88, line 21, after "that" insert "(1)".

Page 88, line 23, before the period insert "; and (2) the image retention capabilities of all deployed advanced imaging technology utilized by the Transportation Security Administration to screen passengers and crews at checkpoints in airports in the United States have been disabled".

H.R. 2017

OFFERED BY: Ms. SPEIER

AMENDMENT No. 17: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, or to make a grant to, any corporation that was convicted of a felony criminal violation under any Federal or State law within the preceding 24 months.

H.R. 2017

OFFERED BY: Ms. SPEIER

AMENDMENT No. 18: At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to award a non-

competitively bid contract to an Alaska Native Corporation, Indian Tribe, or Native Hawaiian Organization in an amount in excess of the competitive bidding threshold.

H.R. 2017

OFFERED BY: Ms. SPEIER

AMENDMENT No. 19: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used by the Transportation Security Administration to purchase clothing that is not 100 percent domestic in origin.

H.R. 2017

OFFERED BY: Ms. JACKSON LEE OF TEXAS

AMENDMENT No. 20: At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to limit the discretion of the Secretary of Homeland Security to enhance the use of Federal Air Marshals on inbound international flights considered to be high risk by the Department of Homeland Security.

H.R. 2017

OFFERED BY: Mr. POLIS

AMENDMENT No. 21: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to detain any alien pending a decision on whether the alien is to be removed from the United States, or an alien ordered removed, if the alien has never been charged with a felony in the United States.

H.R. 2017

OFFERED BY: Mr. POLIS

AMENDMENT No. 22: Page 17, beginning on line 10, strike "of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g));".

H.R. 2017

OFFERED BY: Mr. POLIS

AMENDMENT No. 23: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

H.R. 2017

OFFERED BY: Mr. BARLETTA

AMENDMENT No. 24: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act for "U.S. Immigration and Customs Enforcement—Salaries and Expenses" for official reception and representation expenses shall be available until every deportable alien convicted of a crime in the United States has been removed from the United States.

H.R. 2017

OFFERED BY: Mr. ROGERS OF ALABAMA

AMENDMENT No. 25: Page 3, line 9, after the dollar amount insert "(reduced by \$5,000,000)".

Page 21, line 16, after the dollar amount insert "(increased by \$5,000,000)".

H.R. 2017

OFFERED BY: Mr. DENT

AMENDMENT No. 26: Page 2, line 10, after the dollar amount, insert "reduced by \$63,000,000".

Page 3, line 9, after the dollar amount, insert "reduced by \$112,000,000".

Page 50, line 13, after the dollar amount, insert "increased by \$175,000,000".



Page 50, line 14, after the dollar amount, insert “increased by \$62,500,000”.

Page 50, line 15, after the dollar amount, insert “increased by \$112,500,000”.

H.R. 2017

OFFERED BY: MR. CRAVAACK

AMENDMENT No. 27: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)).

H.R. 2017

OFFERED BY: MR. BARROW

AMENDMENT No. 28: Page 2, line 10, after the dollar amount insert “(reduced by \$5,000,000)”.

Page 16, line 24, after the dollar amount insert “(increased by \$5,000,000)”.

H.R. 2017

OFFERED BY: MR. CHAFFETZ

AMENDMENT No. 29: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to operate or maintain existing advanced imaging technology machines as mandatory or primary screening devices.

H.R. 2017

OFFERED BY: MR. CHAFFETZ

AMENDMENT No. 30: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to purchase new advanced imaging technology machines.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 31: Page 7, line 13, after the first dollar amount, insert the following: “(reduced by \$1,000,000) (increased by \$1,000,000)”.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 32: Page 16, line 24, after the dollar amount, insert the following: “(reduced by \$1,000,000) (increased by \$1,000,000)”.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 33: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to delay compliance with title II of the REAL ID Act of 2005 (49 U.S.C. 30301 note) beyond the January 15, 2013, deadline.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 34: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out the provisions of Public Law 111-148, Public Law 111-152, or any amendment made by either of such laws.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 35: At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 36: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act shall be made available to the Association of Community Organizations for Reform Now, Acorn Beneficial Assoc., Inc., Arkansas Broadcast Foundation, Inc., Acorn Children's Beneficial Assoc., Arkansas Community Housing Corp., Acorn Community Land Assoc., Inc., Acorn Community Land Assoc. of Illinois, Acorn Community Land Association of Louisiana, Acorn Community Land Assoc. of Pennsylvania, ACORN COMMUNITY LABOR ORGANIZING CENTER, ACORN Beverly LLC, ACORN Canada, ACORN Center for Housing, ACORN Housing Affordable Loans LLC, Acorn Housing 1 Associates, LP, Acorn Housing 2 Associates, LP, ACORN Housing 3 Associates LP, ACORN Housing 4 Associates, L.P., ACORN International, ACORN VOTES, Acorn 2004 Housing Development Fund Corporation, ACRMW, ACSI, Acorn Cultural Trust, Inc., American Environmental Justice Project, Inc., ACORN Fund, Inc., Acorn Fair Housing Organization, Inc., Acorn Foster Parents, Inc., Agape Broadcast Foundation Inc., Acorn Housing Corporation, Arkansas Acorn Housing Corporation, Acorn Housing Corp. of Arizona, Acorn Housing Corp. of Illinois, Acorn Housing Corp. of Missouri, New Jersey ACORN Housing Corporation, Inc., AHCNY, Acorn Housing Corp. of Pennsylvania, Texas ACORN Housing Corporation, Inc., American Institute for Social Justice, Acorn law for Education, Rep. & Training, Acorn Law Reform Pac, Affiliated Media Foundation Movement, Albuquerque Minimum Wage Committee, Acorn National Broadcasting Network, Arkansas New Party, Arkansas Acorn Political Action Committee, Association for Rights of Citizens, Acorn Services, Inc., Acorn Television in Action for Communities, Acorn Tenants' Union, Inc., Acorn Tenant Union Training & Org. Project, AWA, Baltimore Organizing Support Center, Inc., Bronx Parent Leadership, Baton Rouge ACORN Education Project, Inc., Baton Rouge Assoc. of School Employees, Broad Street Corporation, California Acorn Political Action Committee, Citizens Action Research Project, Council Beneficial Association, Citizens Campaign for Fair Work, Living Wage Etc., Citizens Consulting, Inc., California Community Network, Citizens for April Troope, Clean Government Pac, Chicago Organizing and Support Center, Inc., Council Health Plan, Citizens Services Society, Campaign For Justice at Avondale, CLOC, Community and Labor for Baltimore, Chief Organizer Fund, Colorado Organizing and Support Center, Community Real Estate Processing, Inc., Campaign to Reward Work, Citizens Services Incorporated, Elysian Fields Corporation, Environmental Justice Training Project, Inc., Franklin Acorn Housing Corporation, Flagstaff Broadcast Foundation, Floridians for All PAC, Fifteenth Street Corporation, Friends of Wendy Foy, Greenwell Springs Corporations, Genevieve Stewart Campaign Fund, Hammurabi Fund, Houston Organizing Support Center, Hospitality Hotel and Restaurant Org. Council, Iowa ACORN Broadcasting Corp., Illinois Home Day Care Workers Association, Inc., Illinois Acorn Political Action Committee, Illinois New Party, Illinois New Party Political Committee, Institute for Worker Education, Inc., Jefferson Association of Parish Employees, Jefferson Association of School Employees, Johnnie Pugh Campaign Fund, Louisiana ACORN, New York Communities for Change, Affordable Housing Centers of America, Action Now, Pennsylvania Communities Organizing for Change, Arkansas Community Organizations (ACO), The Alliance of

Californians for Community Empowerment, New England United for Justice, Texas Organizing Project, Minnesota, Neighborhoods Organizing for Change, Organization United for Reform, Missourians Organizing for Reform and Empowerment, A Community Voice, Community Organizations International, Applied Research Center, or the Working Families Party.

H.R. 2017

OFFERED BY: MR. CICILLINE

AMENDMENT No. 37: Page 2, line 10, after the dollar amount insert “(reduced by \$1,000,000)”.

Page 12, line 6, after the dollar amount insert “(reduced by \$336,000,000)”.

Page 45, line 18, after the dollar amount insert “(increased by \$337,000,000)”.

H.R. 2017

OFFERED BY: MR. STEARNS

AMENDMENT No. 38: Page 2, line 10, after the dollar amount insert “(reduced by \$6,335,000)”.

Page 92, line 7, after the dollar amount insert “(increased by \$6,335,000)”.

H.R. 2017

OFFERED BY: MR. PRICE OF NORTH CAROLINA

AMENDMENT No. 39: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enforce the requirements in—

(1) section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)(1)(A));

(2) section 34(a)(1)(B) of such Act;

(3) section 34(c)(1) of such Act;

(4) section 34(c)(2) of such Act;

(5) section 34(c)(4)(A) of such Act; and

(6) section 34(a)(1)(E) of such Act.

H.R. 2017

OFFERED BY: MR. ROYCE

AMENDMENT No. 40: Page 2, line 10, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 17, line 10, after the dollar amount, insert “(increased by \$1,000,000)”.

H.R. 2017

OFFERED BY: MR. SHERMAN

AMENDMENT No. 41: At the end of the bill (before the short title), insert the following:

LIMITATION ON USE OF FUNDS TO INTRODUCE UNITED STATES ARMED FORCES INTO HOSTILITIES OR OTHER SIMILAR CIRCUMSTANCES

SEC. 7XX. (a) LIMITATION.—None of the funds made available to carry out this Act may be used to introduce United States Armed Forces—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances,

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces, or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation, for a period longer than 60 days from the date a report is required to be submitted under section 4 of the War Powers Resolution (50 U.S.C. 1543), unless Congress has declared war or has enacted a specific authorization for such use of the Armed Forces, has extended by law such 60-day period, or is physically unable to meet as a result of an armed attack upon the United States, as



specified under section 5 of the War Powers Resolution (50 U.S.C. 1544).

(b) EXTENSION.—Such 60-day period shall be extended for not more than an additional 30 days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such Armed Forces in the course of bringing about a prompt removal of the Armed Forces.

H.R. 2017

OFFERED BY: MR. COLE

AMENDMENT No. 42: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.

H.R. 2017

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 43: Page 2, line 10, after the dollar amount, insert “reduced by \$63,350,000”.

Page 3, line 9, after the dollar amount, insert “reduced by \$117,470,000”.

Page 4, line 5, after the dollar amount, insert “reduced by \$139,180,000”.

Page 4, line 6, after the dollar amount, insert “reduced by \$55,672,000”.

Page 4, line 7, after the dollar amount, insert “reduced by \$83,508,000”.

Page 50, line 13, after the dollar amount, insert “reduced by \$320,000,000”.

Page 50, line 14, after the dollar amount, insert “reduced by \$135,000,000”.

Page 50, line 15, after the dollar amount, insert “reduced by \$185,000,000”.

H.R. 2017

OFFERED BY: MRS. LOWEY

AMENDMENT No. 44: Page 50, line 9, before the period insert “: *Provided further*, That an additional \$1,229,500,000 is available for State and Local Programs with this amount designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).”

Page 51, line 5, before the period insert “: *Provided further*, That an additional \$460,000,000 is available for Firefighter Assistance Grants with this amount designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).”

Page 91, line 20, after the dollar amount insert “(increased by \$1,500,000,000);;.”

H.R. 2017

OFFERED BY: MS. MCCOLLUM

AMENDMENT No. 45: At the end of the bill (before any short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with or to make a grant to any corporation for which any unpaid Federal tax liability has been assessed, all judicial and administrative remedies have been exhausted or have lapsed, and such liability is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting such liability.

H.R. 2017

OFFERED BY: MS. MCCOLLUM

AMENDMENT No. 46: At the end of the bill (before any short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with or to make a grant to any corporation that was convicted (or had an officer or agent of such corporation

acting on behalf of the corporation convicted) of a felony criminal violation under any Federal or State law within the preceding 24 months.

H.R. 2017

OFFERED BY: MR. ROKITA

AMENDMENT No. 47: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement the determination of the Administrator of the Transportation Security Administration regarding transportation security officers and collective bargaining as described in the decision memorandum dated February 4, 2011.

H.R. 2017

OFFERED BY: MR. ROKITA

AMENDMENT No. 48: At the end of the bill (before the short title) insert the following:  
SEC. \_\_\_\_\_. None of the funds made available in this Act may be used for official receptions or representations.

H.R. 2017

OFFERED BY: MR. JORDAN

AMENDMENT No. 49: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_\_. Each amount made available by this Act (other than an amount required to be made available by a provision of law, amounts made available for U.S. Customs and Border Protection, and amounts made available for U.S. Immigration and Customs Enforcement) is hereby reduced by 10 percent.

H.R. 2017

OFFERED BY: MR. GOSAR

AMENDMENT No. 50: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to pay any damage award or civil compensation to any person who has obtained a judgment against the United States for any act or omission by the Department of Homeland Security agency or an employee of such department if the claimant is not a citizen of the United States.

H.R. 2017

OFFERED BY: MR. GOSAR

AMENDMENT No. 51: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to comply with subchapter IV of chapter 31 of title 40, United States Code, popularly known as the Davis-Bacon Act.

H.R. 2017

OFFERED BY: MR. GOODLATTE

AMENDMENT No. 52: At the end of the bill (before the short title), insert the following:  
SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to prepare for the fiscal year 2012 allotment of diversity immigrant visas under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

H.R. 2017

OFFERED BY: MR. MCCAUL

AMENDMENT No. 53: Page 3, line 9, after the dollar amount, insert “(reduced by \$50,000,000)”.

Page 7, line 13, after the first dollar amount, insert “(increased by \$50,000,000)”.

Page 7, line 21, after the dollar amount, insert “(increased by \$50,000,000)”.

H.R. 2017

OFFERED BY: MR. MCCAUL

AMENDMENT No. 54: Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 45, line 18, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 47, line 10, after the dollar amount, insert “(increased by \$10,000,000)”.

H.R. 2017

OFFERED BY: MR. MCCAUL

AMENDMENT No. 55: Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 18, line 23, after the dollar amount, insert “(increased by \$10,000,000)”.

H.R. 2017

OFFERED BY: MR. MCCAUL

AMENDMENT No. 56: Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$10,000,000)”.

H.R. 2017

OFFERED BY: MR. MCCAUL

AMENDMENT No. 57: Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 17, line 10, after the dollar amount, insert “(increased by \$10,000,000)”.

H.R. 2017

OFFERED BY: MR. MCCAUL

AMENDMENT No. 58: Page 3, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 7, line 13, after the first dollar amount, insert “(increased by \$10,000,000)”.

Page 12, line 6, after the dollar amount, insert “(increased by \$10,000,000)”.

H.R. 2017

OFFERED BY: MS. RICHARDSON

AMENDMENT No. 59: Page 47, line 10, after “heading” insert the following: “at least \$10,000,000 shall be for Buffer Zone Protection Plan Grants, \$50,000,000 shall be for Port Security Grants, \$100,000,000 shall be for public Transportation Security Assistance and Railroad Security Assistance, \$50,000,000 shall be for interoperable emergency communications, \$42,337,000 shall be for the Metropolitan Medical Response System.”.

H.R. 2017

OFFERED BY: MS. RICHARDSON

AMENDMENT No. 60: Page 47, line 10, after “Stonegarden” insert “, \$50,000,000 shall be for Interoperable Emergency Operations Grants,”.

H.R. 2017

OFFERED BY: MS. RICHARDSON

AMENDMENT No. 61: Page 2, line 10, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 53, line 5, after the dollar amount, insert “(increased by \$100,000,000)”.

H.R. 2017

OFFERED BY: MR. KING OF IOWA

AMENDMENT No. 62: Page 12, line 17, insert the following after “technology”: “: *Provided further*, That of the total amount made available under this heading, \$50,000,000 shall be for carrying out section 102 of the Illegal Immigration and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note)”.

H.R. 2017

OFFERED BY: MR. CUELLAR

AMENDMENT No. 63: Page 3, line 9, after the dollar amount, insert “(reduced by \$16,000,000)”.

Page 14, line 22, after the dollar amount, insert “(increased by \$32,000,000)”.

Page 63, line 17, after the dollar amount, insert “(reduced by \$16,000,000)”.

H.R. 2017

OFFERED BY: MR. CLARKE OF MICHIGAN

AMENDMENT No. 64: Page 12, line 6, after the dollar amount, insert the following: “(reduced by \$50,000,000)”.

Page 45, line 18, after the dollar amount, insert the following: “(increased by \$50,000,000)”.

H.R. 2017

OFFERED BY: MR. SCALISE

AMENDMENT No. 65: Page 25, line 7, insert before the period “: *Provided*, That none of the funds made available under this heading may be used to require an approved Transportation Worker Identification Credential (TWIC) applicant to personally appear at a designated enrollment center for the purpose of TWIC issuance, renewal, or activation.”.

H.R. 2017

OFFERED BY: MR. SCALISE

AMENDMENT No. 66: Page 47, line 14, strike “*Provided further*” and all that follows through “urban areas:” on line 17.

H.R. 2017

OFFERED BY: MR. SCALISE

AMENDMENT No. 67: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement or enforce Executive Order 13502, the FAR Council supporting regulations FAR Rule 2009-005, or any agency memorandum, bulletin, or contracting policy that derives its authority from Executive Order 13502 or FAR Rule 2009-005.

H.R. 2017

OFFERED BY: MR. BARROW

AMENDMENT No. 68: Page 16, line 24, after the dollar amount insert “(reduced by \$5,000,000) (increased by \$5,000,000)”.

H.R. 2017

OFFERED BY: MR. CLARKE OF MICHIGAN

AMENDMENT No. 69: Page 47, beginning at line 14, strike “*Provided further*, That funds provided under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604) shall only be provided to the top 10 highest risk urban areas:”.

H.R. 2017

OFFERED BY: MR. CLARKE OF MICHIGAN

AMENDMENT No. 70: Page 45, after “\$1,000,000,000,” insert “and in addition \$2,000,000,000 which is hereby transferred from unobligated amounts provided under the heading ‘Afghanistan Security Forces Fund’ under title IX of Public Law 112-10.”.

H.R. 2017

OFFERED BY: MR. AMASH

AMENDMENT No. 71: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for any action by a political appointee (as that term is defined in section 106 of title 49, United States Code) to delay, vacate, or reverse any decision by an employee in the Privacy Office of the Department of Homeland Security to make records available pursuant to section 552 of title 5, United States Code, popularly known as the Freedom of Information Act.

H.R. 2017

OFFERED BY: MR. SCALISE

AMENDMENT No. 72: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to require an approved Transportation Worker Identification Credential (TWIC) applicant to personally appear at a designated enrollment center for the purpose of TWIC issuance, renewal, or activation.

H.R. 2017

OFFERED BY: MR. SHERMAN

AMENDMENT No. 73: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

H.R. 2017

OFFERED BY: MRS. LUMMIS

AMENDMENT No. 74: Page 89, beginning at line 14, strike section 547.

H.R. 2017

OFFERED BY: MR. ALTMIRE

AMENDMENT No. 75: At the end of the bill (before the short title), insert the following new section:

USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used for the construction, modification, maintenance, or repair of vehicle or pedestrian fencing along the southern border unless all of the iron, steel, and manufactured goods used in the construction, modification, maintenance, or repair are produced in the United States.

H.R. 2017

OFFERED BY: MR. GOHMERT

AMENDMENT No. 76: At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the new construction, purchase, or lease of any building or space in the District of Columbia for any branch of the United States Government except if a contract for the construction, purchase, or lease was entered into before the date of the enactment of this Act.

## EXTENSIONS OF REMARKS

COMMENDING MR. CLARENCE  
OWEN BROWN

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise to commend Mr. Clarence Owen Brown, who is being honored tonight for 50 years of teaching excellence. He has influenced and inspired hundreds of students in Central Louisiana, and his exemplary contributions and dedication to enhancing the countless young minds should be celebrated.

Born January 19, 1936 in Ball, La., to Clarence Walter and Hazel Elba Bailey Brown, he is the brother of Howell Brown, Aubrey Brown and Norma Brown Simpkins.

He attended grades 1–12 at the “old” Tioga High School, where he later returned to instruct. Mr. Brown continued his education at Louisiana College graduating with a Bachelor of Arts degree with a minor in music. He then received a Master of Science degree in biology from Northwestern State University (NSU), as well as post-graduate degrees from NSU, Louisiana State University and Louisiana Tech University.

Mr. Brown has devoted half a century to educating students in Central Louisiana. His lengthy service includes teaching high school in Rapides Parish Public Schools for 30 years with 28 years at Tioga High School, one year each at Cheneyville High School and Peabody High School. Since 1991, he has been an educator at Alexandria Country Day School.

Beyond the classroom, Mr. Brown has been the director of television ministries at First United Methodist Church from 1983 to present, and has served as interim music director on several occasions.

In addition to his professional and service contributions, Mr. Brown is a caring husband, father and grandfather. He and his lovely wife, Miriam Jordan Brown, are the proud parents of Paul David Brown and Stacy Brown Wolf and grandparents to Mary Rose and Owen Hayes Wolf.

With 50 years of teaching underneath his belt, Mr. Brown has definitely left his fingerprint on the world. Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Clarence Owen Brown for the indelible impact he has had on his students' lives.

IN RECOGNITION OF STEVE  
SIMMONS

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. BURGESS. Mr. Speaker, I rise today to honor Steve Simmons for his years of service to the State of Texas.

Mr. Simmons worked as the Deputy Executive Director for the Texas Department of Transportation since 2001. After earning his degree in civil engineering from the University of Houston in 1981, he began his career with TxDOT as a project manager in 1982. He then went on to serve as the deputy district engineer for TxDOT's Houston District and was named the Fort Worth district engineer in 1998. During this time he also served on the Regional Transportation Council of the North Texas Council of Governments. Under Mr. Simmons' leadership, the Fort Worth District received the Design Excellence Award for a Metropolitan District in 1998, 1999 and 2000.

Mr. Simmons' service also includes time on the civil engineering advisory boards for the University of Houston and the University of Texas at Arlington.

Mr. Simmons received the University of Houston's Engineering Alumni Association's Distinguished Young Engineering Alumnus Award in 1997 and the Distinguished Engineering Alumnus Award in 2005, making him the first University of Houston graduate to attain both awards. He was one of the university's inaugural inductees into the Cullen College of Engineering's Academy of Distinguished Civil and Environmental Engineers. His ability to help make projects a success dates back to his youth when he earned the rank of Eagle Scout.

There are numerous transportation projects in the 26th District and I have been grateful for the efforts of Mr. Simmons. Whether weighing in on a highway in need of expansion or coming to North Texas to update my constituents on the state of our transportation system, his willingness to serve has equaled his professionalism.

It is with great honor that I recognize Steve Simmons for his years of hard work and dedication given to the citizens of Texas.

CONGRATULATORY REMARKS FOR  
THE SAFE RETURN OF SPACE  
SHUTTLE “ENDEAVOUR”

**HON. SANDY ADAMS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mrs. ADAMS. Mr. Speaker, I would like to welcome home the Space Shuttle *Endeavour* and its crew of six from the STS-134 mission. The Space Shuttle *Endeavour* landed safely in the early morning hours today at Kennedy Space Center located in Florida's 24th Congressional District. The astronauts of STS-134 spent a total of 16 days in space and delivered the Alpha-magnetic Spectrometer-2 to the International Space Station, which will be a critical tool for analyzing cosmic particles traveling through space.

This is the final flight of the Space Shuttle *Endeavour* and now with its 25th successful

mission since 1992, including the first servicing mission for the Hubble Space Telescope, numerous Space Station assembly missions, and the delivery of the AMS-2, the orbiter will be retired to the California Science Center. *Endeavour* has carried over 170 courageous astronauts to space and honorably fulfilled the legacy of its namesake, the 18th century ship chartered by explorer James Cook to travel throughout the south pacific.

I offer my congratulations on a job well done to Commander Mark Kelly, Pilot Greg Johnson, Mission Specialists Mike Fincke, Drew Feustel, Greg Chamitoff, and European Space Agency Mission Specialist Roberto Vittori.

They are heroes and courageous explorers for all of humanity. Welcome home team.

HONORING MR. KENNETH  
AHLSTROM

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. HIGGINS. Mr. Speaker, I rise today to commemorate the death of United States Navy veteran Mr. Kenneth Ahlstrom.

Mr. Ahlstrom served in the Navy during World War II aboard the USS *Phoenix* in the southwest Pacific, and participated in 25 landings in New Guinea, New Britain, the Philippines, and Borneo.

Mr. Ahlstrom was devoted to his local Buffalo community, and held offices in the American Legion, the Dunkirk High School Maudrauder Booster Club, and Willowbrook Cemetery.

Mr. Ahlstrom was also a family man. He leaves behind a widow, Mrs. Nancy Ahlstrom, 8 children, 17 grandchildren, and several great-grandchildren.

It is with great pride that I rise today to remember Mr. Kenneth Ahlstrom, a veteran of our Nation's armed forces, and a proud member of my own Buffalo community.

STATEMENT IN OPPOSITION TO  
THE PATRIOT SUNSETS EXTENSION  
ACT OF 2011

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mrs. MALONEY. Mr. Speaker, I rise in opposition to the PATRIOT Sunsets Extension Act of 2011.

The bill that is under consideration today would again extend authorities under the USA PATRIOT Act known as the “roving wiretap” provision, the business records, or “library,” provision, which provides authority to compel

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

production of business records or "any tangible thing" deemed related to a terrorism investigation, and the so-called "lone wolf" provision.

These provisions continue to raise serious privacy concerns and potential threats to our civil liberties, which is why I have voted against extending these provisions in the past. We simply cannot continue to forgo Congressional oversight and simply extend these authorities, without amendment or debate, because we are told that these provisions are critical to our national security. It is incumbent on Members of Congress to consider the potential overreach of these provisions and the potential threat to our most basic freedoms.

In the wake of the attacks of September 11th, we rightfully committed to do what we must to protect ourselves from future terror attacks. But we must balance our security with the need to protect ourselves against unnecessary federal intrusion into our private lives, which is an essential part of what it means to be an American and must not be sacrificed.

Simply reauthorizing these provisions, without careful and deliberate debate about their potential impact, is a disservice to the American people and threatens our fundamental liberties.

That is why I vote against the extension before us today.

#### JANET ROUNTREE TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Janet Rountree for her lifelong commitment to community service and activism. From a young age, Ms. Rountree has played an integral role in young, conservative groups in Colorado, and in a number of state offices. Her devotion to public television, education and curing disease is a truly exemplary trait.

Among many other pursuits, Ms. Rountree currently serves as a precinct committee woman in Arapahoe County, is a member of the Cherry Creek Republican Women's Club, and the Colorado Lincoln Club. Since Ronald Reagan, she has volunteered on every Republican Presidential campaign and several Senate, Congressional and local races. For a decade, she was a legislative aid in state Senator Paul Schauer's office and ran numerous fundraisers for the state Republican Party.

Ms. Rountree is also immensely dedicated to the education and health of children in Colorado. She is a volunteer Trail Guide for the Denver Aquarium, a special events coordinator at Colorado's Museum of Nature and Science and has volunteered at several fundraising events for the state's Children's Hospital. She also has volunteered over 5,000 hours to the Rocky Mountain PBS Television station.

Mr. Speaker, it is an honor to stand and pay tribute to Janet Rountree. Her dedication and service to public office in Colorado is admirable. The time she has given to volunteer efforts throughout the state is equally commendable. I am grateful for her commitment to the

people of Colorado and her community and have no doubt that her impact will be felt for many years.

#### IN RECOGNITION OF MS. HELEN GOTTlieb

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Ms. Helen Gottlieb, Chairwoman of the Middlesex County Democratic Organization in New Jersey, upon the occasion of her retirement. Chairwoman Gottlieb is a strong Democratic leader in Middlesex County who has made immeasurable contributions to her community and the Democratic Party. Ms. Gottlieb's service is undoubtedly deserving of this body's recognition.

In addition to her public service, Chairwoman Gottlieb has amassed an impressive professional resume. Helen served as a dedicated teacher of English as a Second Language with the South Plainfield school district from 1970 through 1994. Beginning in 1980, as a member of the Edison Township Board of Adjustments, Helen faithfully served the local residents. She later served as President of the Edison Menlo Oaks Democratic Club and was a member of the Edison Township Planning Board. Her outstanding mentoring and leadership led to her appointment as Assistant Principal of South Plainfield High School in 1994, where she served for ten years. Helen also served as co-chair of the Middlesex County Clinton/Gore Presidential Campaign and Edison, New Jersey Democratic Vice-Chair. She currently serves as New Jersey State Committee Member and Middlesex County Democratic Chair, having previously serving as Vice Chair. I commend Helen for her continued service on behalf of the residents of Middlesex County.

As a result of her exceptional work, Helen has received countless awards and honors for her achievements. She was awarded the "Woman of Achievement" Award and Commendation from the New Jersey General Assembly, 18th District, in 1999 and 1997, respectively. Helen was also the recipient of the Middlesex County Woman of Excellence Award in Education in 1993. She was featured in The News Tribune "Applause" Section in 1991 and was the New Jersey ESL Teacher of the Year in 1990, and most recently was the recipient of the Federation of Democratic Women's Peg Roberts Award. Helen currently resides in Edison, New Jersey with her husband, Judge Joel Gottlieb. They have two children and two grandsons.

Mr. Speaker, once again I would like to extend my gratitude to Chairwoman Helen Gottlieb for her exceptional contributions to the residents of my district and wish her well in her retirement.

#### A TRIBUTE TO THE CITY OF BURBANK

### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the City of Burbank upon its 100th anniversary.

The land occupied by the present City of Burbank was part of two colossal Spanish land grants—the Rancho San Rafael and Rancho La Providencia. In 1867, Dr. David Burbank, who was extraordinarily active in Los Angeles real estate, purchased segments of both ranchos, and merged them to create a large ranch where he built a ranch house, raised sheep and sporadically sold off diminutive portions of land.

In the late 1800s, Dr. Burbank sold a stretch of right-of-way to the Southern Pacific Railroad, and subsequently sold his property to a group of land speculators, which led to the establishment of the Providencia Land, Water and Development Company. As speculators designed a business district and subdivided the property into residential lots and small farms, the formation of the City of Burbank began.

The City of Burbank flourished over the years, and its continuous progress has been extraordinary. In the 1920s, the real estate market boomed, the Magnolia Park sector was developed, and the area boasted a shopping center, a bank, and Burbank's very own radio station. Burbank's sought after location and available space also attracted the aviation and entertainment industries. In the mid-1920s, the Lockheed Aircraft Company purchased a portion of Burbank farmland, and built a plant for the production of its planes. Lockheed employed 94,000 individuals by the time the United States entered World War II. As a testament to their success, Lockheed's Burbank-built aircraft helped win the Battle of Britain. Additionally, the motion picture business moved to Burbank in the 1920s. A 78-acre site was originally home to First National Pictures, and later to the Warner Bros. Following its footsteps were Columbia Pictures and the Walt Disney Company.

The year of 1943 marked the opening of the new Burbank City Hall, which has been named to the National Register of Historic Buildings. In the 1960s and 1970s, Burbank attracted more key players of the Hollywood entertainment industry. By 1962, Burbank became the permanent home of the National Broadcasting Company. In 1978, the airport was purchased from Lockheed, and today, the Bob Hope Airport, governed by the Burbank-Glendale-Pasadena Airport Authority, is the largest privately owned community airport in the country. The 1980s highlighted the revitalization and evolution of Burbank's downtown area, with its collection of numerous restaurants and multi-screen movie theatres. In the 1990s, the Burbank Recycle Center and the Regional Intermodal Transportation Center were opened.

I am honored to represent the great City of Burbank, which is thriving with multi-dimensional industries, and yet has not lost its

small-town atmosphere. I ask all Members to join me in congratulating the residents of Burbank on its centennial anniversary.

HONORING DR. ROBERT CARR

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Dr. Robert Carr. A long-time leader, activist and researcher in the prevention of HIV/AIDS and the promotion of human rights, Dr. Carr's prolific work benefited communities all over the world, including in Jamaica and the Caribbean. In his most recent role as Director of Policy and Advocacy at the International Coalition of AIDS Services Organizations (ICASO) in Toronto, Canada, Dr. Carr was a dynamic and effective leader. The global AIDS movement is devastated by the untimely loss of one of their most beloved colleagues. With his passing, we look to Dr. Carr's continued legacy and the outstanding quality of his life's work.

Dr. Carr became active in the field of HIV/AIDS over a decade ago, when he began to research stigma and discrimination against people living with HIV in Jamaica. In 2002, he became Executive Director of Jamaica AIDS Support for Life, a national NGO serving Jamaican society's most disenfranchised populations, including prisoners, the hearing impaired, people who use drugs, sex workers, transgender people, and gay and other men who have sex with men. In response to a lack of access to HIV and health services in Jamaica, he co-founded and was first Executive Director of the Caribbean Vulnerable Communities Coalition (CVC), one of the first Caribbean organizations to focus on issues related to the rights and needs of sexual minorities.

As a result of his intellect, passion and talent for collaboration, Dr. Carr began a fast ascent to leadership positions within the AIDS movement and his work quickly took on a global scope. The author of several books, Dr. Carr wrote extensively on human rights and HIV, as well as on the social context that drives stigma and discrimination. From 2006 to 2008, he taught at the University of the West Indies, serving as the Coordinator of the Graduate Programmes Unit at the Caribbean Institute of Media and Communication. In recent years, Dr. Carr served on the NGO delegation to the UNAIDS Programme Coordinating Board (PCB) and joined with other global advocates to found the Global Forum on MSM & HIV (MSMGF). He acted as a panelist for numerous Congressional Briefings in Washington D.C., worked with the LGBT Caucus and assisted with high-level meetings at the U.N., as well as countless other global policy arenas.

In these myriad roles, Dr. Carr was universally recognized for his unrelenting principles, his powerful mentorship, his unfailing efforts to build bridges across the broad HIV movement, and his larger-than-life presence. He insisted, unequivocally, that no marginalized community be left behind in the fight for social justice and the end of the HIV/AIDS epidemic. As a social

worker and an academic, an attentive listener and an articulate public speaker, Dr. Carr's charming sense of humor, warmth and integrity were at the core of his dedication to activism.

Today, California's Ninth Congressional District salutes and honors Dr. Robert Carr. Our global community is indebted to his life's contribution in countless ways. Dr. Carr will always be remembered as a pioneer in advancing the health and human rights of marginalized groups, while going the extra mile to help them form an empowered, unified front. We extend our deepest condolences to Dr. Carr's family and his extended group of loved ones and colleagues. He will be deeply missed.

GEORGE WHITTEN TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize George Whitten for his service to the United States of America. He is one of the many men and women who put themselves in harm's way to protect our country and its values.

Mr. Whitten, now a rancher in Saguache, Colorado, enlisted during World War II. He was an exemplary soldier and his efforts contributed to the United States' success in the Pacific Theater. Towards the end of the war, he was one of the soldiers who saw the American flag raised at Iwo Jima. The victories, and struggles, he saw are humbling to contemplate. We owe a debt of gratitude to the servicemen of his generation, and to all who have bravely served our country.

Mr. Speaker, it is truly an honor to stand and pay tribute to George Whitten. His dedication to our country is immense, and for that I am grateful.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CHILDREN'S FREE WARD ASSOCIATION

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. KILDEE. Mr. Speaker, I rise today to congratulate the Children's Free Ward Association for 100 years of caring for the needs of poor, sick children in the Saginaw Michigan area. The Association will celebrate this milestone at St. Mary's of Michigan Hospital on June 2 in Saginaw.

The Children's Free Ward Association was started in 1911 by a group of women dedicated to assisting the poor in the Saginaw community. It grew out of the women's sewing circle, hospital volunteers that devoted hours to sewing and repairing patient garments and linens. In the beginning the Association rented one bed from St. Mary's Hospital for \$12 a week. The physicians and surgeons donated their services to care for the children and the

Association was soon able to increase their commitment to more beds and cribs. Upon discharge from the hospital every sponsored child was given a new outfit made by the volunteers. Over the years they have advocated and worked to improve pediatric healthcare in the Saginaw area. They purchased the first incubator and oxygen therapy unit in Saginaw for premature babies. The members of the Association also volunteered their time to entertain and comfort the children.

In the last year the Association has supported new medical equipment benefitting 17,000 children in the Saginaw Valley region including: pediatric crash carts, pediatric attachments for glidescopes, medical trays for emergency care, educational and entertainment items for the patients' use. They funded a grief camp for children, Asthma Camp, and the GreenHouse Center for HOPE expansion project.

Mr. Speaker, I ask the House of Representatives to join me in applauding the work of the Children's Free Ward Association. Through their efforts countless children have been given the gifts of health and life. Conceived with the idea of helping the smallest and poorest in our midst receive quality healthcare, the Children's Free Ward Association has proven over the last century that with charity, determination and a willingness to work, we can accomplish great things. I commend the volunteers, healthcare providers and supporters for their vision, commitment and enthusiasm to provide hope and health to the children and families of Saginaw and I wish them continued success through the next 100 years.

PERSONAL EXPLANATION

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. GEORGE MILLER of California. Mr. Speaker, I was unable to be present for the vote on May 26, 2011, to temporarily reauthorize expiring provisions of the Patriot Act. Had I been present I would have voted against S. 990, the legislative vehicle for the PATRIOT Act, because I believe that law fails to provide for the adequate protection of our freedoms and liberties.

CODIFICATION OF LAWS RELATING TO NATIONAL PARK SYSTEM AS TITLE 54, UNITED STATES CODE, NATIONAL PARK SYSTEM

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. SMITH of Texas. Mr. Speaker, Ranking Member JOHN CONYERS and I have introduced a bill to enact title 54, United States Code, "National Park System". The bill restates provisions relating to the National Park System as part of a new positive law title of the United States Code. The new positive law provisions replace the existing provisions, which are repealed by the bill.

The bill was prepared by the Office of the Law Revision Counsel of the House of Representatives as part of its ongoing responsibility under 2 U.S.C. §285b to prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

All changes in existing law made by the bill are purely technical in nature. The bill was prepared in accordance with the statutory standard for codification legislation. The restatement of existing law conforms to the understood policy, intent, and purpose of Congress in the original enactments. Amendments and corrections, as necessary, will remove ambiguities, contradictions, and other imperfections.

The bill is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel internet site at <http://uscode.house.gov/cod/t54>. Interested parties are invited to submit comments, no later than August 31, 2011, to Ken Paretzky, Senior Counsel, or Tim Trushel, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2-308 Ford House Office Building, Washington, DC 20510, (202) 226-9061. Mr. Paretzky's telephone number is (202) 226-9061 and his email address is [Ken.Paretzky@mail.house.gov](mailto:Ken.Paretzky@mail.house.gov). Mr. Trushel's telephone number is (202) 226-9058 and his email address is [Tim.Trushel@mail.house.gov](mailto:Tim.Trushel@mail.house.gov).

#### INTRODUCTION OF THE EVACUEES TAX RELIEF ACT OF 2011

##### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. PAUL. Mr. Speaker, I rise to introduce the Evacuees Tax Relief Act of 2011, legislation providing tax relief to those forced to abandon their homes because of a natural disaster. This legislation provides a tax credit or a tax deduction, depending on the wishes of the taxpayer, of up to \$5,000 for costs incurred because of a government-ordered mandatory or voluntary evacuation. Evacuees could use the credit to cover travel and lodging expenses associated with the evacuation, lost wages, property damages not otherwise compensated, and any other evacuation-related expenses. The tax credit is refundable up to the amount of income and payroll taxes a person would otherwise pay, thus ensuring working people who pay more in payroll than in income taxes are able to benefit from this tax relief. The credit is available retroactive to December of 2010, so it is available to those who were evacuated because of this spring's wildfires, tornadoes, and floods.

Having lived in the Gulf Coast of Texas for almost 50 years, I have firsthand experience

with the burdens faced by those forced to uproot themselves and their families because of a natural disaster. Evacuees incur great costs in getting to safety, as well as loss from the storm damage. It can take many months, and even years, to fully recover from the devastation of a natural disaster. Given the unpredictable nature of natural disasters such as hurricanes and tornadoes, it is difficult for most families to adequately budget for these costs. The Evacuees Tax Relief Act helps Americans manage the fiscal costs of a natural disaster.

Mr. Speaker, with the 2011 hurricane season now upon us, it is hard to think of a more timely and more compassionate tax relief proposal than one aimed at helping families cope with the costs associated with being uprooted from their homes, jobs, and communities by a natural disaster. I hope all my colleagues will show compassion for those forced to flee their homes by cosponsoring the Evacuees Tax Relief Act.

#### JEWISH AMERICAN HERITAGE MONTH

##### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. HONDA. Mr. Speaker, this May, I am honored to join my friends in the Jewish community in celebration of Jewish American Heritage Month, and to recognize the many contributions Jewish Americans have made to our country.

Jewish immigrants came to our country inspired by the promise of cultural and religious tolerance and socioeconomic mobility. For more than 350 years, Jewish Americans have enriched American society by placing a strong value on education, community and culture.

They have also contributed to the economic vitality of our Nation, particularly California's 15th Congressional District, through their innovations in technology. Thanks to their entrepreneurial spirit, Jewish Americans have become the leaders in renewable energy development and high technology in my district. Without question, Silicon Valley would not be the hub of innovation it is today without the contributions of Jewish Americans.

The Jewish American community in my district serves as a shining example of what makes Silicon Valley a global leader. I am privileged to represent a community of Jewish Americans whose contributions in the fields of technology, business, and education, among many others, have served as a testament to America's promise as a land of opportunity.

#### URGING CITIZENS TO ENSURE DISASTER PREPAREDNESS

##### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. BILIRAKIS. Mr. Speaker, the 2011 hurricane season begins today.

As Chairman of the Subcommittee on Emergency Preparedness, Response, and Commu-

nications, I regularly meet with emergency managers to ensure they are ready to respond to a hurricane or other disaster.

Citizens must do their part as well. Make sure you have an emergency kit and develop an emergency plan. Be aware of evacuation routes in your area. Resources are available at [bilirakis.house.gov](http://bilirakis.house.gov) to help you with these efforts.

Disasters can strike at any time, often with little warning. Our hearts and support go out to the victims of disasters our Nation has faced as they work to recover.

Mr. Speaker, we must work to create a culture of preparedness. Taking these small steps now can make a huge difference when disaster strikes.

#### PERSONAL EXPLANATION

##### HON. TIM HUELSKAMP

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. HUELSKAMP. Mr. Speaker, on May 26th, I missed rollcall vote numbered 376 because I was travelling to Kansas for a family funeral.

Had I been present I would have voted "yes."

#### CORNELIA HEERSINK TRIBUTE

##### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Cornelia Heersink for her dedication to the American Red Cross and the people of Colorado's San Luis Valley.

As an original member of the Red Cross Gray Ladies, Mrs. Heersink volunteered for 45 years at the San Luis Valley Regional Medical Center. The devotion she showed to helping the people of her community is truly admirable. Her continual presence provided comfort to patients and families at the southern Colorado hospital. Patients, and members of the surrounding community, always appreciated the years of service she gave to the area's health.

Mr. Speaker, it is an honor to stand and pay tribute to Cornelia Heersink today. She has given a lifetime of service to the health and rehabilitation of Colorado. I have no doubt that her impact will be felt for many years.

#### TRIBUTE TO RICHIE CRISAFULLI

##### HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. REHBERG. Mr. Speaker, I pay tribute today to an act of heroism.

In Glendive, Montana, just about as far east as the state stretches, a young woman is alive today, just as all the hopes and dreams for

her future still are, because a firefighter by the name of Richie Crisafulli risked his life to save hers.

Richie Crisafulli is the Assistant Fire Chief for the West Glendive Fire Department, but he is more than a firefighter. He is a father, a husband, an EMT, a coach, and a community leader.

In the early morning hours of March 25th, a fire broke out in the home of a Glendive family. Smoke alarms went off and three of the four family members home at the time made it outside. But a teen girl lay sleeping in a basement bedroom.

Assistant Chief Crisafulli, who lived a few blocks away from the fire, heard the call come in, and though he had no rescue gear, responded immediately.

When Crisafulli arrived the family directed him to the room where the young woman was still inside. Richie attempted to enter the house, but the smoke from a fire in the laundry room was overwhelming without the proper equipment and he was forced to retreat.

Undeterred, and inspired by an idea from another one of Montana's finest, Dawson County Sheriff Deputy Ross Canen, who had just arrived at the scene, Crisafulli took Canen's stocking cap, filled it with snow, covered his mouth and nose with it and headed back inside. The make-shift respirator worked. Crisafulli located the girl, and led her through the blazing, smoke-filled home to safety.

West Glendive Fire Chief Tim Mort had this to say: "He's an absolute hero. There is little doubt in my mind that young woman is alive today because of the actions of Richie Crisafulli."

To Richie Crisafulli's credit, he has remained humble in the face of the ensuing praise, saying the story was not about him, but more about the department and the people he both serves and serves with: "My grandfather was a part of this fire department from the beginning. I'm proud to be able to follow in my family's footsteps and honored to serve with my fellow firefighters. If it would have been one of my four kids, I'm sure someone else would have done the same."

Fearless in response and humble in praise—Richie Crisafulli went above and beyond the call of duty and I applaud him today. May he and his family be blessed, just as I know the grateful family of the young woman he rescued are, now that their daughter and sister is alive today to love and be loved by her family and friends.

#### PERSONAL EXPLANATION

### HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Ms. FUDGE. Mr. Speaker, I inadvertently cast a "no" vote during the rollcall vote No. 356 on amendment 42 to "H.R. 1540—The National Defense Authorization Act for Fiscal Year 2012." I would like to change my vote on the amendment to "yea."

#### MEDIA IGNORE STUDY SHOWING STIMULUS FAILED

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. SMITH of Texas. Mr. Speaker, a recent study found that the Obama Administration's so-called stimulus plan destroyed American jobs.

Economists from Ohio State University and the University of Western Ontario determined that the stimulus caused a net loss of over a half-million jobs from April 2009 to September 2010, including a loss of more than one million private-sector jobs.

If you didn't hear about this study, you're not alone—the national media largely ignored it.

Investor's Business Daily and Fox News covered the study, but most other national outlets were predictably silent.

It's no wonder only 1 in 10 Americans trust the media, according to a recent public opinion poll.

The national media should give Americans the facts, not ignore them to protect the Obama Administration.

#### IN RECOGNITION OF MR. STEVEN DAVIES

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Steven Davies who retires this year after completing thirty-five years of teaching visual arts and photography at Westlake High School.

Mr. Davies graduated from Bowling Green University with a Bachelor of Science degree in Education and received his Masters degree in the Art of Teaching from Marygrove College.

Mr. Davies has been teaching visual arts and photography at Westlake High School for thirty five years. Among art forms which interest him most are drawing, wood, sculpture and photography. During his long career at Westlake High School, Mr. Davies served as the Art Department Chairman and as a member of the Building Leadership Team. He has coached football and baseball and was senior class advisor.

Mr. Davies approaches his teaching profession with diligence and a serious commitment. "I will do anything in my power to help your child reach his or her full potential. My mission, as a teacher, is to make the learning process a thrilling life-long endeavor. I will promote the concepts of trust and respect within my classroom. And, I will establish high expectations for the students and hold them accountable to fulfill these expectations."

Mr. Speaker and colleagues, please join me in recognition of Mr. Steven Davies as he retires after thirty five years of teaching.

#### PERSONAL EXPLANATION

### HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent on May 24, 2011. Had I been present, I would have voted on the following:

Rollcall No. 333—On Ordering the Previous Question—"nay."

Rollcall No. 334—On Agreeing to the Resolution—"no."

Rollcall No. 335—On Motion that the Committee Rise—"no."

Rollcall No. 336—On Agreeing to the Amendment (Tonko No. 2)—"aye."

Rollcall No. 337—On Agreeing to the Amendment (Cardoza No. 9)—"aye."

#### HONORING RANDALL D. BYRNE

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. KILDEE. Mr. Speaker, I rise today to honor Randall D. Byrne as he retires as City Manager of the City of Grand Blanc, Michigan, after nearly 30 years of service. His retirement is planned for June 3.

Randy Byrne served as the Village Manager of Almont Village before accepting the post of Grand Blanc City Manager. During his tenure with the City of Grand Blanc he served with 6 Mayors and 24 City Council members and has accomplished numerous major projects. These include the construction of the City Hall, the Water Softening Project, the Grand Oak Subdivision Sanitary Sewer Project, expansion of Rust Park, creation of the Downtown Development Authority, expansion of the Gordon Mancour Fire Hall, the Jack Kipps Public Works Building, and construction of the Grand Blanc Senior Center, street and infrastructure projects and \$12 million worth of grant projects.

In addition to his work for the City, Randy Byrne served as President of the Grand Blanc Rotary Club twice, Vice President of the Genesee County 911 Executive Board, President of the Michigan Local Government Management Association, and Board Member of the Grand Blanc Chamber of Commerce. He was named the 1999 Citizen of the Year by the Grand Blanc Chamber of Commerce. He earned his Bachelor's Degree from Central Michigan University, his Master's Degree from Oakland University, received Credential Manager Status from the International City Management Association and attended the Senior Executive Institute at the University of Virginia. Randy and his wife Patricia have 3 sons, Phil, Kevin, and Chris.

Mr. Speaker, I ask the House of Representatives to join me in applauding the public service career of Randall Byrne. Through his hard work, and perseverance the City of Grand Blanc is a thriving community. The residents, staff, and elected officials have all benefitted from his expertise and enthusiasm and his



leadership will be missed. I wish him the best as he enters the next phase of his life.

HONORING CHUCK APPLEBY ON HIS RETIREMENT FROM THE CENTRAL AND EASTERN CONNECTICUT CARPENTER'S UNION LOCAL 24

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. COURTNEY. Mr. Speaker, I rise today to recognize Chuck Appleby of Waterford, Connecticut upon his retirement as the President and Business Manager of the Central and Eastern Connecticut Carpenter's Union Local #24.

For 31 years, Chuck has been an active member of Local 24, the last 11 of which he has served as the President and Business Manager. In communities across Connecticut, Chuck has led the fight for fair wages, good jobs and equal treatment for his fellow carpenters and those in the labor fight. Chuck also served in leadership positions for the Southeast Connecticut Labor Council and the New England Regional Council of Carpenters Executive Board.

Chuck is also an active member of his community. From the Gemma Moran food bank to Three Rivers Community College to the Fallen Veterans Foundation and the Ocean Beach Boardwalk rehabilitation project, Chuck has volunteered his time, his talents, and his treasure to make a difference in the region.

For those who know him, Chuck has always been a staunch Democrat, serving previously on the Waterford Democratic Town Committee and as a delegate to the state Democratic convention. There is not a Democratic office holder or candidate in our region that has not been helped by Chuck in his or her quest for victory on Election Day. As I can attest, he has personally crafted and assembled thousands of campaign signs in every nook and cranny of eastern Connecticut on behalf of the candidates he has supported. Most famously, Chuck has organized pre-debate rallies at the Garde Theater in New London, Connecticut, now a rite of passage for any Democrat whose name appears on the ballot in our state. Chuck's service to working families is based on a much deeper and caring basis than simply party loyalty. I will always remember Chuck's passionate speech at a Chamber of Commerce breakfast that, "The best social program ever devised is a job—a job with decent wages and benefits!" As our Nation grapples with the enormous challenges ranging from health care, the deficit, the environment and the strains of family life, Chuck's shrewd wisdom offers a beacon of hope and success.

While Chuck may be retiring from his post as President and Business Manager of Local 24, I imagine his retirement will not be one of quiet solitude or rest. Chuck is the embodiment of the men and women who make up America's labor movement—dedicated, hard working and always looking forward to the next fight to improve the lives of the American middle class. Mr. Speaker, I ask that my col-

leagues join me in congratulating my friend and great American Chuck Appleby on a lifetime of service.

IN HONOR OF SUDHA DAVID-WILP

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. CARNAHAN. Mr. Speaker, I rise today to recognize Sudha David-Wilp, and to honor her and the work she has done on behalf of the Association of Former Members of Congress.

Many of my colleagues and I have had the pleasure to see her work first-hand, both here in Congress, and abroad.

My work with Sudha began five years ago when I first joined the Congressional Study Group on Germany.

Sudha's mastery of the issues, keen intellect, and diligent work ethic were always obvious, no matter the time or place.

So much of the success of the Study Group is attributed to Sudha's hard work and dedication to German-American relations.

I have always been struck by how quintessentially German-American Sudha's life and work has been.

From her work in Germany and the U.S., to her family being raised with the values and traditions of both countries, it is fitting that she is heading to Germany with her husband and children for the next chapter in her life.

Sudha will be dearly missed here, but I know she will be successful back in Germany.

I thank her for everything she has done, and ask my colleagues to join me in honoring her outstanding work.

IN HONOR OF SUSAN ROSS

**HON. JAMES A. HIMES**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. HIMES. Mr. Speaker, I rise today in honor of my dear friend Susan Ross, who is stepping down from her role as President and CEO of the Fairfield County Community Foundation, a position she has held for the last 15 years. Since 1992, the Fairfield County Community Foundation has promoted philanthropy to build and sustain a vital and prosperous community where all have the opportunity to participate and thrive. Susan became the President and CEO of the Foundation in 1996 and, along with her first-rate staff, is responsible for the Foundation's increasing visibility, growth and relevance to donors and the community.

Fairfield County includes populations of immense wealth as well as communities of significant challenge, disenfranchisement and poverty. Susan's tireless efforts to educate and to bridge these communities have proven invaluable and have changed many lives for the better. During her tenure, the Foundation has awarded more than \$115 million in grants. Last year alone, the Foundation gave away

782 grants in Fairfield County totaling roughly \$6.4 million.

Under Susan's leadership, tens of thousands of Fairfield County children, adults and families have had the opportunity to achieve their potential. Susan's leadership and tenure at the Fairfield County Community Foundation embody the right answer to that ancient question: "Am I my brother's keeper?"

IN REMEMBRANCE OF PAUL R. KING

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Paul R. King, beloved husband, father, grandfather, great-grandfather, whose generosity and kindness will be remembered.

Mr. King was born in Olney, Illinois where at the age of 15 he first realized his passion for radio announcing. He was a high school sports correspondent and he worked at the campus station while attending the University of Illinois. Mr. King started his professional career at WPEO in Peoria and went on to Wichita where he met and married Sue Ann in 1963.

Mr. King came to Cleveland in 1966 as one of the WHK radio "Good Guys" hosting mornings and then afternoons as the top-40 station switched to pop standards. He left in 1973 to form Commercial Recording Studios in Independence with engineer George Gates where he created and produced radio commercials and other innovative presentations.

Mr. King did commercial voiceovers and announcing work for clients that included the May Co., the Cleveland Browns, the Ohio Lottery, WJW-TV, "Academic Challenge" on WESS-TV, Forest City, Sherwin-Williams, Goodyear and Ohio Bell, and he was the voice of ABC-TV's Saturday morning cartoon lineup for five years. He served a term as local president of the American Federation of Television & Radio Artists (AFTRA) and was a National Guard Veteran.

Mr. King was involved in figure skating through one of his sons. He emceed many competitions, arranged music for skaters and was president of the Winterhurst Figure Skating Club.

He was called "King of Voiceovers." In 1984 when Cleveland Magazine named him one of its 84 Most Interesting People, being a humble man, he jokingly claimed to a reporter that he was number 84.

Mr. King's greatest source of joy and strength was his family. For forty eight years, he was the devoted husband of Sue Ann. Together they raised four children: Kathleen, Kelly, John and the late Scott. His devotion to his wife and children, then later to his grandchildren and great-grandchildren was unwavering. He was the treasured grandfather of Shannon and Sean. He was the devoted great-grandfather of Dakota, Lillian, Isabelle, Kevin and Andrew. He was the beloved brother of Richard and the late Ronald. Mr. King was a devoted friend and mentor to many.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Paul R. King, whose life will be framed by love for family. I offer my condolences to his family, friends and to everyone who knew him well. Mr. King lived his life with a generous heart and love for family and friends.

RECOGNIZING DR. AAGE R.  
MØLLER

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 1, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize one of my constituents, Dr. Aage Møller, a distinguished lecturer, professor, and neuroscience researcher at the University of Texas at Dallas (UTD). Dr. Møller, an international authority on brain plasticity and sensory systems is known for his cutting-edge and innovative research, but on the campus of UTD, he is known to many students simply as a terrific educator.

Dr. Møller is a dedicated educator—empowering his students in the classroom and neuroscience laboratories so that they can grow academically and professionally. His belief in the importance of education has also led him and his wife, Margareta, to create the Aage and Margareta Møller Scholarship for veterans of the wars in Iraq and Afghanistan. On May 13, 2011, Dr. Møller received the President's Teaching Excellence Award for Tenure-Track Faculty from UTD. Dr. Møller was selected from among more than 100 faculty members nominated by students. This award speaks loudly of the respect and high regard his students have for him. I know his work has touched countless lives. In fact, among Dr. Møller's most important contributions to the field is his development of a technique known as intraoperative neurophysiological monitoring. Surgeons around the world use Dr. Møller's method to reduce the risk of serious complications from brain surgery.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Møller on receiving this prestigious award and for his many years of educating and inspiring the next generation of educators and scientists.

RECOGNIZING THE HONORABLE  
MILITARY SERVICE OF SER-  
GEANT MAJOR JEFFREY H.  
DIXON

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 1, 2011

Mr. ISSA. Mr. Speaker, I rise today to honor the distinguished career of Sergeant Major Jeffrey H. Dixon on the occasion of his retirement from the United States Marine Corps. I offer SgtMaj Dixon my sincerest thanks for his 33 years of dedicated service in protecting our nation and safeguarding its future.

SgtMaj Dixon joined the Marine Corps in 1978 at Parris Island, South Carolina. On four

separate occasions, SgtMaj Dixon was meritoriously promoted through the ranks with participation in the evacuation of a U.S. embassy, the Palestine Liberation Organization, and subsequent combat operations in Beirut, Lebanon—all within the first five years of his career.

In 1983, SgtMaj Dixon reported to 2/1 and completed a deployment as a Platoon Sergeant to Okinawa, Japan as well as a western Pacific deployment. During this tour, SgtMaj Dixon's exceptional skills were set apart when his squad won the First Marines Rifle Squad competition. Shortly following, SgtMaj Dixon was selected along with nine other Marines to form what became the Combat Assault Training Section where he designed and instructed multiple courses that are utilized to this day.

SgtMaj Dixon's additional tours of duty include Operation Desert Shield and Desert Storm, the 11th and 15th MEU, Operations Desert Thunder and Desert Fox, Task Force 58 in Afghanistan and Operation Iraq Freedom I & II. Throughout these deployments, SgtMaj Dixon distinguished himself by extraordinary acts of leadership time and again. Among his many accomplishments, his decorations include Meritorious Service Medals, a Navy Commendation Medal, Navy Achievement Medals and a Combat Action Ribbon. These recognitions are a true testament of SgtMaj Dixon's dedication, leadership and commitment to our country.

In 2007 SgtMaj Dixon was assigned as the SgtMaj for Marine Corps Base Camp Pendleton where in 2008, as a reflection of his work, the Base won the Commander and Chiefs Installation Excellence award. Moreover, SgtMaj Dixon's service in his current position as the Sergeant Major for the Marine Corps Installations West has truly been the capstone of a remarkable military career.

SgtMaj Dixon's demonstrated leadership, dedication and expertise has inspired countless fellow Marines. As he enters this new stage of his life, I hope that SgtMaj Dixon will benefit from his years of work, just as the United States Marine Corps has benefited. I offer him my congratulations and may he enjoy a rewarding retirement.

Mr. Speaker, I ask you to please join me in honoring all the brave men and women who have served in the United States Armed Forces, and the admirable service of Sergeant Major Jeffrey Dixon.

HONORING THE ARLINGTON FOOD  
ASSISTANCE CENTER'S (AFAC)  
PERMANENT HOME CAPITAL  
CAMPAIGN, AND KELLER WIL-  
LIAMS, ARLINGTON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 1, 2011

Mr. MORAN. Mr. Speaker, I rise today to recognize the Arlington Food Assistance Center's (AFAC) Permanent Home Capital Campaign, and Keller Williams, Arlington, both of which are located in Virginia's Eighth Congressional District.

AFAC's Permanent Home Campaign was launched in 2008. The goals of the campaign

are to pay off the mortgage of their new building, establish a capital needs fund, and pay back AFAC's modest endowment fund from which the downpayment on the building purchase was borrowed.

The Arlington Food Assistance Center has many generous and faithful friends who have assisted them in the campaign effort. They have raised \$760,000 so far, moving closer toward their \$1 million goal.

No community partner has worked as tirelessly on this effort as the Community Outreach Committee of Keller Williams, Arlington. Keller Williams has graciously hosted fundraisers for AFAC and their Permanent Home Campaign, and is now the largest donor to the Campaign—having raised over \$100,000 in 3 years.

I would like to commend the Arlington Food Assistance Center for their work on behalf of the less fortunate in Arlington County and recognize Keller Williams, Arlington, for partnering with them in support of their Permanent Home Campaign and overall mission to feed the hungry in our region.

HONORING CLEM ROY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 1, 2011

Mr. LARSON of Connecticut. Mr. Speaker, the passing of Clem Roy—an old friend of mine—happened so abruptly, and struck at the core of the notion we all have of our brief time on this planet, and the importance of friends and family, and what we mean to one another.

Faith teaches us that Clem is in a better place: at peace and without suffering, while we scramble to fill the void left by his passing with stories and memories of the friend we laughed with, argued and debated with, and with whom we shared in the ups and downs of the human comedy that is life.

Two Connecticut writers—both contemporaries of Clem's—Kevin Rennie of The Hartford Courant, and Mark Pazniokas of the CT Mirror, wrote excellent pieces about Clem that I am proud to submit for the CONGRESSIONAL RECORD at the same time that a flag will fly over the United States Capitol in Clem Roy's memory. These writers captured his essence.

The following are the articles as they appeared in The Hartford Courant and CT Mirror:

LOBBYIST CLEM ROY: A SHARP OPERATOR  
WITH A LOT OF HEART

(By Kevin Rennie—The Hartford Courant)

"You can read a bill and you can vote for a bill, but you shouldn't do both." So goes the wisdom of an original in Connecticut politics, Clem Roy.

A lobbyist for more than 30 years, Clem has been struck by an aggressive brain tumor diagnosed a few weeks ago. In those decades bivouacking in the Capitol village, he has fashioned a distinct, colorful legacy in the gray world of state politics.

You could tell the future by watching Clem. He was what consumer analysts call an early adopter. The first cellphones were bigger than bricks. Clem made his look like a natural accoutrement to his careful look.

Hard frame briefcases were at the end of their run when Clem began carrying a Coach leather backpack. He was right that keys and a thick wallet wreck the drape of an elegant suit.

You could live by his compendium of aphorisms, which his legion of friends have been sharing as they buck up each other's flagging spirits. That is usually Clem's job.

Born in 1946 and raised in Bristol, Clem served in Vietnam from 1966 into 1967. Really served, not just told people he did on the way to a seat in the U.S. Senate. (Don't get him started on that.) He returned to the United States and worked for Robert Kennedy's 1968 presidential campaign.

He worked for a legislative committee in the late 1970s and then, without a client, became a lobbyist. His foresight expanded beyond technology and fashion. In 1981, he managed Thurman Milner's successful campaign for mayor of Hartford, helping Milner become the first black mayor of a New England city.

For more than 30 years, Clem has been a source of pungent opinions, smart insights and surprises. He represented tobacco companies at a time when the same people who gasped at the lighting of a cigarette supported making taxpayers give drug addicts free needles. He brought a sense of proportion to human weakness in its struggle against tiresome Utopians.

He has had many clients and he can argue most briefs. He knows how to create a diversion that unbalances an adversary on one issue while working with them on a different one. In a place where a governor's repetitive green ties pass for fashion, Clem Roy does it all with high style, often purchased from swank Louis, Boston.

Lobbying has been good to Clem. He can employ a gruff demeanor and a memory for slights (not the worst thing), but he has a secret. Shouldn't everyone? He is a secret Samaritan.

When a friend was celebrating a milestone and her newly married daughter could not afford to fly to Connecticut from California, Clem bought her a ticket so she could surprise her mother. The halls of government and Hartford Hospital, where he now is, reverberate with such stories.

Clem believes mixing in mannered company can help lift one's lot. A few years ago, he sent the residents of a women's shelter to a salon, told them to get dolled up and had them delivered to his favorite haunt, Max Downtown. There, compliments of Clem, they learned about what was once called deportment while the staff raised their spirits and enriched their knowledge of another part of the world.

A successful lobbyist needs a vigilant eye for detail and relentless focus. Clem possesses those attributes and his perceptions extend beyond the matter of the moment. He had an urge to lift in ways that would escape others. An advancing brain tumor did not keep him from doing one more good work.

A friend visited him in the hospital last week and thought Clem might be fading in and out of lucidity when he started going on about the women not having stools to sit on. Stools were his final mission in the service of good works in unexpected places.

It bothered him that the cashiers in the cafeteria at the Legislative Office Building had to stand all day at their registers. He wanted them to have stools. It's only fair. In his personal distress, he would not let it go. On Friday, stools were delivered to the LOB. He is, according to his closest friend, at peace.

CLEM ROY, LOBBYIST AND BON VIVANT, DIES  
AT 65

(By Mark Pazniokas—The Connecticut Mirror)

Clem Roy, one of most delightfully idiosyncratic characters ever to grace the halls of the state Capitol, died today at Hartford Hospital, just weeks after being diagnosed with a brain tumor.

Roy, 65, was a successful lobbyist with a largely business clientele, but a much, much broader portfolio of interests and causes.

He managed the 1981 mayoral campaign of Thurman Milner, the first black mayor of Hartford. He was deeply interested in the arts. He gambled, golfed and enjoyed cigars. Women tended to find him charming, and not only the three he married.

The staff on the second floor of the Conklin Building at Hartford Hospital had to wonder just whom they had as their guest for the past few weeks. The stream of visitors included legislators, a former governor and a prominent restaurant owner.

The latter brought Roy's favorite steak, along with a favorite waitress to serve it. As was his habit at the restaurant, Roy was gracious to the wait staff, then crabbled at the owner about how the meal was prepared. The owner was delighted.

Roy grew up in Bristol. He served in Vietnam with the U.S. Army, then got involved in politics, volunteering for Bobby Kennedy's campaign in 1968. He was a committee clerk at the Capitol more than 30 years ago, then became a lobbyist in an era where the ethical and cultural norms were a tad more relaxed.

His first lobbying client was a bank sent his way by the chairman of the banks committee.

In later years, his business partner was Craig LeRoy, a buttoned-down yin to Roy's yang. LeRoy is married with three children, who saw their father's partner as an impossibly colorful uncle. Roy and LeRoy each seemed to live a little vicariously through the other.

Conversations with Roy were wild rambles. Topics might include his system at slots, his vote for Barack Obama in 2008, or his resolve not to vote for him in 2012 over Obama's absence from Arlington National Cemetery one Memorial Day. Unforgivable in Roy's view.

He took no offense, however, when it once was noted in a news story that Roy's clients included Big Tobacco and the funeral industry. He repeated the line often.

Roy insisted he didn't talk to reporters. He did lobbying, not PR. He reminded me of that every time we talked.

#### IN RECOGNITION OF SAYREVILLE EMERGENCY SQUAD'S 75TH ANNIVERSARY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the Sayreville Emergency Squad as its members celebrate the organization's 75th Anniversary. Sayreville Emergency Services faithfully serves local residents, businesses and visitors throughout Sayreville, New Jersey. Their honorable actions are undoubtedly deserving of this body's recognition.

The Sayreville Emergency Squad is an all volunteer organization founded in 1936 to

serve the emergency medical needs of the residents of Sayreville. Many of the services provided by the Emergency Squad, which include emergency medical services, low angle rope rescue, and water/boat rescue, are free of charge to the residents. All operating costs are paid for through the generous donations of Sayreville residents. The formidable men and women of this organization are New Jersey State EMT Certified and respond to over 3,500 calls for assistance each year. Volunteers sacrifice holidays and time with their family to assist those in need of emergency medical assistance, many times in harsh weather conditions. This non-profit volunteer organization continues to provide superior quality emergency medical and technical support and is a shining example of what steadfast commitment and dedication can accomplish.

Mr. Speaker, please join me in honoring the Sayreville Emergency Services on its 75th Anniversary in thanking the men and women who have faithfully served and protected the Borough of Sayreville.

#### A MEMORIAL TRIBUTE TO JOSEPH W. AIDLIN

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the memory of Joseph W. Aidlin of Los Angeles County, California, who was a pioneer in the geothermal industry and development of law for geothermal resources, and institutional matters related to development and use.

Born on April 28, 1910 in Chicago, Illinois, the son of Russian immigrants, Joseph's family moved to California in the 1920's, settling in the Los Angeles area. When the Aidlin family moved to Long Beach, the Signal Hill oil field was being developed and it was there—watching oil wells being drilled—that Joseph became fascinated with oil and other mineral exploration, a life-long interest. Despite a love of science and an inclination to attend Caltech, Mr. Aidlin majored in economics at UCLA, receiving his B.A. in Economics with honors in 1930. He received his law degree from UC Berkeley, Boalt School of Law in 1933 and was admitted to the California State Bar, after which he began practicing law. His practice included divorces, wills, and taxes and a particular case involving an oil company and tideland boundaries that sparked his life-long interest in land titles and natural resources.

Along with his law practice, where his most recognized accomplishments had been in land titles and natural resources, especially geothermal, Mr. Aidlin influenced geothermal activities fundamentally in numerous other ways for many years. In 1954, he and his partners, B.C. McCabe and Robert Bering, co-founded Magma Power Company which "created modern geothermal development at the Geysers Geothermal Field, which is to say geothermal development in California, the United States and the Americas." Joseph served as Vice

President, Secretary, General Counsel and Member of the Board of Directors of Magma Power Company until 1987. Mr. Aidlin co-founded the Geothermal Resources Council (GRC), and he was the first recipient of a prestigious award given to the person contributing most to the geothermal industry, the Joseph W. Aidlin Award. A leader in writing national and state legislation relating to geothermal resources, Mr. Aidlin drafted the world's first geothermal lease, contributed to having the Geothermal Resources Act being made a part of California's Resources Code in 1968 and participated substantially in developing provisions of the Federal Geothermal Steam Act of 1970. He was a member of the National Geothermal Advisory Committee of the Department of Energy and Chairman of its Legal and Institutional Subcommittee, and a member of the Geothermal Energy Panel of the Energy Research Advisory Board of the Department of Energy.

Joseph and his wife Mary were married for 63 years. After Mary's death in 1997, Joseph continued to work at his law practice beyond his one-hundredth birthday on April 28, 2010, making him the oldest active lawyer in California. Mr. Aidlin died peacefully in his sleep on September 30, 2010. A pioneer and a man of great principles, I ask all members to join in me in remembering Joseph W. Aidlin.

“ENDEAVOUR”—IN HONOR OF HER  
FINAL MISSION THE ENDEAVOUR  
STS-134

### HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 1, 2011

Mr. OLSON. Mr. Speaker, I rise today in honor and in gratitude of the brave men and women of NASA, and the Shuttle program. On this, *Endeavour's* last and final mission, and to the crew of Kelly, Johnson, Fincke, Chamitoff, Feustel, Vittori, we say God Speed. Our prayers are with you and your families. I ask that this poem penned in honor of them by Albert Caswell be placed in the RECORD.

#### ENDEAVOUR

When . . . Whenever . . . Whenever, We  
Endeavour!  
And go forth! All out upon our most heroic  
course \* \* \* and reach for the stars!  
To new heights, all in our hopes and dreams  
. . . This Flight . . . This Force, that  
only hearts can so ignite!  
Burning bold and burning bright, all out  
upon our most heroic ways!  
To strive for such lofty goals, and dreams!  
All out towards new worlds to explore, such  
magnificence . . . such themes!  
To soar to, where none before have gone!  
As ever onward, we speed . . . to far off and  
most distant shores . . .  
'As all in this, it so surely seems . . .  
That this force, these golden dreams . . . but  
can only come from, from within . . .  
the bravest of all hearts, convene!  
Only with such shining hopes and dreams,  
will we reach this end!  
As we Endeavour, to go forth to see what  
must be seen!  
Armed with but only our hearts of courage  
full, as we so dare to dream, time and  
time again!

As all ahead full, we proceed!  
To take us out of earth's surly bonds, all out  
upon our most historic course . . .  
To new worlds, so far beyond . . . this force!  
All in our search for the truth . . .  
To Discovery and beyond, all in the pursuit  
of knowledge . . . all in our hearts of  
youth!  
As we are gone! As to new world's we ex-  
plore!  
But, for Man and Womankind's very exist-  
ence to so insure!  
Above and beyond! To Reach For and  
Achieve, all in what we believe!  
As our hearts take flight, to plant these  
seeds!  
To meet Woman and Mankind's, needs!  
While, all out there on the edge of death . . .  
hurdling, through space . . . at speed!  
As these bravest of all hearts so crest, and so  
rapidly so beat . . . all in this their  
race against time, we so see!  
Right to the very edge of death, all in these  
their most heroic quests!  
All for our world to so bless! This need!  
To find the answers that we must know! But,  
to Endeavour there so!  
While, all of their precious lives but lie in  
their hands . . .  
The men and women Omission control, who  
now so stand!  
Who so tirelessly work, all on their watch  
. . . who plan . . .  
As life and death, but hangs on a strand!  
For you are worth your weight in gold, as  
this we all so understand!  
As you too have chose to Endeavour, as so  
much is owed!  
As through these journeys we continue to  
learn, and grow!  
All out upon our course! So that in the end,  
Woman and Mankind may ascend!  
To new heights and so go forth!  
And so Endeavour, as you take your last and  
final mission . . .  
and final visions, and blast off to this final  
ignition!  
All in your most magnificent of quests, and  
celestial visions . . .  
A prayer, a wish . . . to all of you, but come  
our blessings!  
As you hurdle through space, on the very  
edge of death!  
For all of us to bless! God Speed, and safe  
journey on that edge!  
You most heroic champions of space, as said  
. . .  
The ones who so dare to dream, as now up to  
new worlds you so speed!  
And to all those who over the years, who too  
have so Endeavored here . . .  
With tears, as you rode upon her historic  
wings . . .  
As to your most courageous hearts, her  
songs to you did sing!  
As you so brought back to our world, many  
a splendid thing!  
All within the light of the knowledge, that  
you so carried back with you all upon  
her golden wings . . .  
All because you all so chose, To Endeavour!  
—Albert Caswell

### CARIBBEAN-AMERICAN HERITAGE MONTH RESOLUTION

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 1, 2011

Ms. LEE. Mr. Speaker, today I introduced a resolution recognizing the significance of Na-

tional Caribbean-American Heritage month. This resolution acknowledges the important contributions Caribbean-Americans have made to our nation's history and culture.

Let me begin by thanking my esteemed colleagues Representative DONALD PAYNE, Chair of the Caribbean Caucus, Congresswomen DONNA CHRISTENSEN and FEDERICA WILSON, my esteemed friend Representative JOHN CONYERS, Congressman ED TOWNS, and many others who have joined me in introducing this resolution today, the first day of Caribbean-American Heritage Month.

I am also pleased that the President issued a Proclamation on May 31, 2011, declaring June 2011 to be Caribbean-American Heritage Month, as has been the practice since Congress unanimously passed House Concurrent Resolution 71 in February 2006. As a long-time supporter of the Caribbean and a frequent visitor to the region, I was very proud to see us celebrate this important commemorative month for the fifth straight year.

I would also like to acknowledge Dr. Claire Nelson and the Institute of Caribbean Studies as well as all the other Caribbean American organizations in Washington, my home state of California, and across the country that have worked and continue to work to make Caribbean-American Heritage Month a great success.

As the President said in his proclamation, "Immigrants from Caribbean countries have come to America for centuries. Some came through the bondage of slavery.

Others willfully left behind the world they knew in search of a better life. Regardless of the circumstances of their arrival, they had faith their descendants would have a chance to realize their greatest potential."

Throughout the history of the United States, this nation has been fortunate to benefit from countless individuals of Caribbean descent who have contributed to American government, politics, business, arts, education, and culture—including one of my personal mentors, the Honorable Shirley Chisholm.

Shirley Chisholm was a woman of Ba-jan and Guyanese descent, who never forgot her Caribbean roots. She was the first African American woman elected to Congress and the first woman to run for the Democratic presidential nomination.

My political involvement began as a volunteer for her historic presidential campaign in 1972. Through her mentorship, she strengthened my interest in issues important to the African Diaspora both here in the U.S. and abroad.

During Caribbean American Heritage Month, we recognize the important contributions of people like Shirley Chisholm, as well as Alexander Hamilton, Hazel Scott, Sidney Poitier, Wyclef Jean, Eric Holder, Colin Powell, Harry Belafonte, Roberto Clemente, Celia Cruz—and yes, Representatives DONNA CHRISTENSEN, SHEILA JACKSON LEE, YVETTE CLARKE, FEDERICA WILSON, NYDIA VELÁZQUEZ, PEDRO PIERLUISI—and many other persons of Caribbean descent who have helped shape this country.

Caribbean American Heritage Month reminds us of the large and diverse constituencies of Caribbean Americans in our nation,

and provides us with an opportunity to celebrate and share in the rich culture of the Caribbean American community through showcases of Caribbean art, festivals, concerts, and film.

In my own district of Oakland, California, individuals and organizations celebrate the rich heritage of people of Caribbean descent through musical concerts and family picnics.

In addition to presenting us with an occasion to celebrate the legacy of Caribbean Americans, this month also provides us an opportunity to strengthen our long-term partnership with nations of the Caribbean community.

From trade, energy, and immigration to disaster preparedness and the challenging issues around HIV/AIDS, we have critical challenges we must face with our Caribbean neighbors. These challenges are regional in nature, so we must confront them together and in partnership.

One issue of the region which continues to deserve special mention is last year's earthquake in Haiti. At the international donors' conference in March 2010, fifty-eight donors pledged over \$5.5 billion to support Haiti's Action Plan for Recovery and Development. According to the United Nations, as of March of this year, only about 37 percent of these funds have been disbursed. This is unacceptable. If we are to break the cycle of disaster—emergency relief—disaster in which Haiti has been trapped for many years, we must act with the same sense of urgency in reconstruction as we did immediately following the quake.

It is critical that any long-term reconstruction and development agenda is Haitian-led, that Haitian civil society and the Haitian Diaspora play a central role, and that such an agenda focuses on building the capacity of the Haitian Government to provide basic services and protect the social, civil, and political rights of its people.

Only by empowering Haitians to rebuild their own lives and their own country will we truly "rebuild differently."

I would like to end by stating that although the Caribbean faces many challenges, we understand that we must face them together. Despite the often turbulent history between the United States and Caribbean countries, our ties cannot be pinned down to geography alone, or economics alone, or even history alone. The region continues to shape us as Americans as much as we here continue to shape the Caribbean.

So I ask all of my colleagues to join me in supporting this measure to honor our nation's Caribbean American community and the rich gifts that they have given and continue to give this country.

Let us continue to celebrate the rich diversity of this nation of immigrants and recognize

that it will forever be the great blessing and strength of our country.

**RECOGNIZING GRADUATING HIGH SCHOOL SENIORS FOR ENLISTING TO SERVE OUR COUNTRY AS MEMBERS OF THE UNITED STATES ARMED FORCES**

**HON. JON RUNYAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Mr. RUNYAN. Mr. Speaker, I rise today in recognition of fifty-one high school seniors in Camden County for their admirable decision to enlist in the United States Armed Forces.

Of these fifty-one seniors, twenty one have joined the Marine Corps. They are Nicholas Iezzi, Ryan Bordi, Edwin Rivera, Alexander Bonilla, Alan Rivas, Michael Colman, Brandon Piazza, Skipper Schilling, Steven Sermo, Carlos Rivera, Alexander Benitez, Khiry Rowley, John Gibson, Danielle Gregg, Matt Falcone, Tim Anstotz, Ricky Chan, Kianyha Eldridge, John Hines, Allison Wright and Andrew Cipolone.

Thirteen have joined the Army. They are Christopher Gunning, Sean Barger, Eric Martinez, Joshua Ryan, Daniel Buscio, Raven Minerva, Jamir Taylor, Christopher Robinson, Dominic Massimo, Derek Hoinakis, Aaron Brown, Stephen Gracia and Indeo Ragsdale.

Six have joined the Navy. They are Taylor Cocuzza, Michael Papapietro, John Feldman, Reinaldo Pacheco, Redman Miles-Ruiz, and Shawn Daley.

Five have joined the New Jersey Army National Guard. They are Matthew Krevetski, Valerie Kibler, Desmond Taylor, Luis Barats and Scott Arons.

Four have joined the Air Force. They are Patrick Covalleski, Destern Winkler, Steven Deleon and Brian Jurek.

Two have joined the New Jersey Air National Guard. They are Shaun Feuson and Francisco Moran.

All of the fifty-one seniors will be recognized at the "Our Community Salutes of South Jersey" ceremony on the evening of June 2nd, 2011.

As June unfolds, these young men and women will celebrate graduation with their fellow classmates. While many of their peers will prepare to move onto college, vocational school and other endeavors, the aforementioned young men and women will enter a life of service to defend our Nation and its ideals.

I would like to offer my personal thanks to these brave young men and women. They have chosen a commendable path of service

to our Nation, and with excellent education and steady encouragement, they will be able to successfully meet any challenges they face in the field, and in life.

Mr. Speaker, please join me in celebrating the remarkable dedication to our country these young adults have shown by their decision to enlist in our Armed Services. We owe all of our service members—past, present and future—our deepest gratitude; and we must never forget to recognize the courage and valor of those who choose to serve our Nation and who are committed to freedom.

**HONORING LINDY BOGGS ON HER 95TH BIRTHDAY**

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 1, 2011*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the legacy of an exceptional public servant, Lindy Boggs. The former Congresswoman and Ambassador celebrated her 95th birthday earlier this year.

As the first women elected to Congress from Louisiana, Lindy Boggs served as a Member of the House of Representatives for 17 years. However, her political involvement and dedication to public service began long before that election. Lindy Boggs was greatly involved in the political campaigns and Congressional work of her late-husband, Hale Boggs. Following his presumed death in 1973, Lindy Boggs was elected to his seat and went on to represent the 2nd Congressional District of Louisiana with distinction. Congresswoman Boggs helped cofound the Congressional Women's Caucus and played an instrumental role in creating the Select Committee on Children, Youth, and Families. Known for compassion and kindness, Lindy Boggs was a leader in the halls of Congress, and served as a strong proponent of economic and social equality for women and girls.

Following her retirement from Congress, Lindy Boggs went on to serve as Ambassador to the Vatican. Throughout her career, Lindy Boggs has remained extremely dedicated to her family. The success of her children is a testament to that dedication.

Although I did not have the honor of serving in the House with Congresswoman Boggs, her leadership and legacy have left their mark for every woman in Congress. Lindy Boggs has served this country with honor and I wish her well on the occasion of her 95th birthday.

## HOUSE OF REPRESENTATIVES—Thursday, June 2, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WESTMORELAND).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 2, 2011.

I hereby appoint the Honorable LYNN A. WESTMORELAND to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### PRESIDENT'S DEBT CEILING REQUEST FAILS

The Chair recognizes the gentleman from South Carolina (Mr. WILSON) for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday night, the people's House spoke loud and clear: No debt limit increase without real spending cuts to promote job growth. Liberals wanted to increase the debt limit by \$2.4 trillion with no meaningful reforms. At a time when the Federal Government is borrowing 42 cents of every dollar it spends, the last thing Americans want to do is raise the government's borrowing limit recklessly killing jobs. Liberals in Congress need to attach real cuts to any increases they are seeking. That means for every dollar proposed to increase the debt limit, there should be one dollar in cuts. It makes sense.

Tuesday night's vote of 318-97-7 shows that the House is overwhelmingly in agreement with this debt limit increase being denied. Over 80 Democrats joined with the 237 Republicans to vote against the President's debt ceiling request. Adding more debt to our economy handicaps small business

job creation and aggravates our country's debt crisis even further. This is a direct risk to senior citizens with the value of the dollar being put at risk. It's a threat to students who could be faced with overwhelming debt in the future.

In conclusion, God bless our troops and we will never forget September 11th in the global war on terrorism.

### MINE SAFETY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. GEORGE MILLER) for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, a little more than a year ago, 29 coal miners lost their lives in the Upper Big Branch mine in West Virginia. Our Nation watched with sadness as a small community felt the lash of the worst coal mining tragedy in this country in four decades.

Shortly after the tragedy, our Nation promised these families to get to the bottom of what happened and we promised to make sure that something like this would never happen again.

The good news is that we learned a lot about what caused this tragedy in the last year. Last month, an independent panel of experts appointed by the Governor of West Virginia released the results of a 13-month-long investigation. They concluded that the explosion was preventable. The panel said that the warning signs about dangerous conditions in the mine were ignored leading up to the tragedy. They found that the Massey Energy Company ignored basic safety precautions that the mining industry has recognized for more than a century. Repeated violations had become business as usual, something which the investigation called "a normalization of deviance," where unsafe behavior and conditions became normal at Upper Big Branch mine.

The report lays out how this tragedy unfolded. It may have ended with a sudden explosion, but it was a slow-motion disaster.

The company's inadequate ventilation system allowed explosive gases to build up. Workers were slogging in neck-deep water that obstructed the air currents needed to ventilate methane gas. The mine's owners routinely illegally changed ventilation plans and used faulty engineering.

In the months before the explosion, miners asked Massey management 561

times to quench the explosive potential of coal dust by applying rock dust, yet Massey only took action 65 times, or 11 percent of the time they were requested to do so.

Water sprays on a mining machine were not properly maintained and failed to extinguish sparks, which allowed a fire to ignite.

Coal dust provided the fuel that allowed a localized fire to trigger a massive explosion that ripped through miles of underground tunnels where miners were working.

Finally, the report found intimidation. Miners were afraid to speak out about their safety concerns. They dared not stop coal production. Anyone who challenged management was considered a nuisance or a threat and their jobs were on the line.

These conclusions are chilling. This report makes it clear that the failure to effectively deal with a reckless operator occurred at many levels:

Our Nation's health and safety protections failed these 29 miners because of the many loopholes in the law that were exploited by the mine industry.

Regulators allowed the mine to operate in a badly engineered ventilation system and failed to force operators to use modern technology to prevent coal dust explosions.

And the mining industry failed these workers because they repeatedly refused to speak out against some of the worst actors within their industry, and have opposed legislation to curtail their misconduct.

The State investigation is also a call to action. The panel urges Congress to enact reforms to modernize mine safety technology, give regulators better tools, strengthen criminal provisions, and improve the rights of miners.

Mr. Speaker, with this report and its recommendations, Congress has been warned. We cannot abide by the status quo any longer. We cannot let Washington's pay-to-play politics paralyze legislative action once again. Congress has been warned. We cannot let mine operators game mine safety enforcement by paying lawyers instead of fixing chronic safety problems.

Congress has been warned. We cannot let miners live in fear of being fired for speaking out on behalf of their safety. Their voices save lives.

Congress has been warned. We cannot let decisions made in the boardrooms to put production over safety go unchallenged any longer.

There are responsible mining companies that operate without an avalanche

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of violations. There are operators who do not make deviant behavior a part of their corporate culture. We want these mine operators to join us to rework the rules that govern this industry.

In the end, though, getting mine reform done depends upon Congress. The responsibility rests squarely here. These disasters are preventable. This report is a very clear warning. We should not—we must not—wait for another tragedy before Congress owns up to its responsibility.

□ 1010

#### IN MEMORY OF PRIVATE FIRST CLASS WILLIAM "SETH" BLEVINS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Mrs. SCHMIDT) for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, it is a sad day for my district because today we're going to lay an American hero to rest, Private First Class William "Seth" Blevins. He was only 21.

Just before Christmas in 1989, on December 22, Steven and Trish Wagoner Blevins got the best gift of all—a beautiful, healthy little boy. They lived in rural America, Sardinia, Brown County, Ohio. They were small business owners, working hard to make a living and working harder to make sure that their children achieve the American Dream. And they did their job with Seth. You see, Seth was a wonderful young man, a young man who loved our country so much he put the cloth of his country, a uniform, on and decided to protect our freedom no matter what cost or peril it was to him.

In 2008, he graduated from Eastern High School in Brown County. He played soccer, basketball, participated in the band, and was a member of the Eastern High School chapter of the National Honor Society, clearly a winning individual. He attended Ohio University and took courses at the University of Cincinnati prior to enlisting in the Army. He was a member of the Peace Lutheran Church in Arnheim.

His parents now feel an unbearable sorrow with the loss of their wonderful son, Seth, but so does his sister, Paige Blevins, his mother's fiancée, Brandon Black, his maternal grandparents, Will and Shirley Wagoner, and all of the aunts and uncles and cousins and friends, everyone in the community.

Seth was a member of the U.S. Army, 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, Schofield Barracks in Hawaii—commonly referred to as the Wolfhounds—and he loved what he did. Unfortunately, on May 23, 2011, while so many Americans were planning their celebrations for Memorial Day, he was the victim of an improvised explosive device in Kunar Province, Afghanistan, participating in Operation Enduring Freedom.

Mr. Speaker, we must never forget the bravery of our men and women in uniform that continue to serve our country and continue to serve it in harm's way. These are true American heroes—so many who have died, so many continue in the battlefield, so many that are injured. But today, I ask this Chamber and America to recognize Seth Blevins' family and pray for them so that they can endure this heartache and find a way to overcome it.

Mr. Speaker, may Seth Blevins rest in peace, and may his family find peace.

#### WELCOMING PRESIDENT WALLACE LOH TO UNIVERSITY OF MARYLAND

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, as you know, I am a very proud alumnus of the University of Maryland. For more than a century and a half, the University of Maryland has represented the best of American ideals of public education. Now I am very proud to say that the University of Maryland tradition is in the capable hands of our new President, Dr. Wallace Loh, who was inaugurated this spring.

Wallace Loh came to the United States at the age of 15, alone, without family, with \$300 in his pocket, his parents' life savings. Wallace Loh was born in Shanghai, China. His father, a diplomat, fled the Communist regime to Lima, Peru when Wallace was a very young man. He grew up in Lima until the age of 15, but it was here in this country that he pursued the education that would ultimately make him one of our most respected academic leaders.

President Loh comes to College Park from the University of Iowa, where he served as Provost and Executive Vice President. He brings to the University of Maryland more than three decades of hard work and accomplishment in higher education. His successful career as a scholar and administrator has taken him to Seattle University, the University of Washington, the University of Colorado-Boulder, Beijing University in China, and more. He also served as a top policy adviser to Governor Gary Locke, who will be our ambassador in China. Gary Locke, of course, was the Governor of Washington State. In that capacity, he led the State's effort to expand access to higher education for low- and middle-income students.

As a leading scholar in the legal field, Dr. Loh has also been elected President of the Association of American Law Schools. Wallace Loh holds a law degree from Yale University, a Ph.D from the University of Michigan, a master's from Cornell University, and a bachelor's from Grinnell College in Iowa.

I believe that the University of Maryland could not have chosen a more qualified leader to take our university into this century. Throughout his diverse career, President Loh has built a strong track record of creating academic excellence at every stop. What an extraordinary background Wallace Loh has for this increasingly integrated world, particularly as it relates to our relations with China, one of the world's largest nations both in terms of people and its economy.

In his inaugural address, President Loh reflected on Barack Obama's statement that America has reached a "sputnik moment," a moment when our place as a world economic and innovative leader is increasingly challenged. Institutions like the University of Maryland are critical to our continued leadership in the world. As President Loh said, and I quote, "The American research university—a crowning achievement of American civilization—must respond to this sputnik moment. We are a premier research university"—speaking of the University of Maryland. He went on to say that "we must also become a premier innovation and entrepreneurial university."

I have no doubt, Mr. Speaker, that the University of Maryland is well-equipped to fill that role and do its part for our State and our Nation. And I have no doubt that Wallace Loh was exactly the right person to choose to lead the university at this time.

I want to wish Dr. Loh and the university the very best as it works with so many other extraordinary universities and colleges and educational institutions in the United States of America to make sure that we "make it in America." That is to say that we out-educate, we out-build, we out-innovate our competitors so that we can provide the kind of quality of life, the jobs that our people need, a growing economy for the future, for our children.

#### THANKING 26 REPUBLICANS WHO VOTED FOR MCGOVERN-JONES AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, like most of my colleagues in the House, on Memorial Day I had the privilege to speak to two different groups down in the Third District of North Carolina, which I represent. One of the events comes to mind down in Beaufort, North Carolina. There were well over 150 people there—most of them obviously were veterans or family of veterans, and a couple of families whose loved ones didn't come home from previous wars.

That brings me to the point that last week JIM MCGOVERN and I offered an amendment to create a formula to



bring our troops home from Afghanistan, and I want to thank the 26 Republicans who voted for that amendment. We came within six votes of creating a formula for the President to bring our troops home before 2015.

Mr. Speaker, at these two events down in my district, I had veterans line up when I finished to come up to say, "We agree with you on your position to bring our troops home from Afghanistan." And even at one event I got a very strong applause when I mentioned the McGovern-Jones amendment and how close we came to create a formula to bring our troops home.

Mr. Speaker, they said to me, well, why did we go into Afghanistan? Bin Laden, he was responsible for 9/11, he's dead now. Al Qaeda, which had a large presence back in 2003, 2004 in Afghanistan, is now diminished. Now these are the veterans talking to me. I'm not a veteran. But my statement was, you're right. Our country is financially broke, we've spent over \$8 billion, we can't pay our bills, and yet Mr. Karzai—who's corrupt to begin with, the leader of Afghanistan—we always seem to find \$8 billion a month to send to him. It makes no sense.

So Mr. MCGOVERN and I and people on my side and his side, we're going to continue to work to create an atmosphere and environment to encourage President Obama not to wait until 2015.

□ 1020

That's exactly what Secretary Gates said to the Armed Services Committee, on which I serve: "In February of 2015, we will start bringing home our troops." Well, then, Mr. Speaker, how many more will have to die, lose their legs and their arms in the next 4 years? It's only 2011, and we're talking about 2015?

I can tell you our military has won the war many, many times. As you can see, this is a paper not even in my district, Greensboro, North Carolina, where Mr. HOWARD COBLE is from. This is an editorial a few weeks ago and it says, "Get Out," and there's a flag-draped coffin/transfer case being carried off the plane by soldiers or airmen.

So it is time that this Congress come together in a bipartisan way and bring our troops home.

I see the families down at Camp Lejeune, which is in my district. I talk to them. I listen to them. They think they have done their job. They think it's time to come home.

So, Mr. Speaker, as I do all the time on the floor of the House when I'm closing, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to please bless the House and Senate that we will do what is right in the

eyes of God for His people in this great Nation. I will ask God to give wisdom, strength, and courage to Mr. Obama that he will do what is right in the eyes of God for this great Nation.

And I will ask three times: God please, God please, God please continue to bless America.

#### TRIBUTE TO REVEREND DR. DOROTHY SHARPE JOHNSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. BUTTERFIELD) for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise this morning to pay tribute to a lifelong friend, the Reverend Dr. Dorothy Sharpe Johnson, an accomplished pastor, educator and author who passed from labor to reward on 31 May 2011 after a long illness, a long illness that did not curtail her work.

A native of Wilson County, North Carolina, Dr. Johnson resided in Matthews, North Carolina, which is near the City of Charlotte, with her beloved husband of more than 50 years, Retired AME Zion Bishop Joseph Johnson.

Mr. Speaker, Dr. Johnson was the fifth of eight children born to Mark Benjamin and Clara Farmer Sharpe. After finishing Speight High School at the age of 15, she went on to earn her bachelor's degree from North Carolina Central University, known at that time as North Carolina College at Durham. Later in life, she earned a master's degree in religious education and a Doctor of Divinity degree from the James Walker Hood Theological Seminary in Salisbury, North Carolina, on the campus of historic Livingstone College, and she received a Doctor of Ministry degree from Gordon-Conwell Theological Seminary in Charlotte.

Over the years, Dr. Johnson found many ways to serve her community as a public school teacher, school administrator, social worker, and even a seamstress. She was particularly devoted to her faith and church. In 1979, Dr. Johnson was elected by the AME Zion General Conference to oversee the youth mission. During her 8-year tenure, she worked to build a youth retreat that was eventually named in her honor and today serves as many as 575 youth at a time.

Dr. Johnson was a missionary supervisor with the AME Zion Church and was pastor of Indian Hill AME Zion Church in Fort Mill, South Carolina. Her work with the AME Zion Church took her around the world working in England and Puerto Rico, the Bahamas and across America as an outreach to her ministry. She published a great number of books that were inspired by her life experience and devotion to God. In addition to all of this, she was a devoted member of the Delta Sigma Theta Sorority and the NAACP.

Mr. Speaker, one of most profound statements I can make about this great

American is that despite having a medical condition known as systemic lupus erythematosus for more than 40 years, including many surgeries and hospitalizations, she lived a productive life that cannot be surpassed by anyone. She was a good wife, mother, grandmother, sister, aunt, cousin, pastor, and friend. Dr. Johnson distinguished herself in so many ways and made a difference in this world.

The Johnsons are the proud parents of two adult sons, the Reverend Anthony Johnson, pastor of St. Matthew AME Zion Church of Rock Hill, South Carolina; and Timothy Johnson, a civil engineer in our great State. And they are the grandparents of two grandchildren, Angelica and Derrick, both of whom are honor students.

Dr. Johnson is also survived by four sisters, Barbara Jones, Trumilla Jones, Ernestine Wright, and Betty Coley; three brothers, Rudolph Sharpe, Eugene Sharpe, and a very good friend of mine, David Sharpe of Phoenix, Arizona.

Mr. Speaker, I ask my colleagues to join me in recognizing this great life. We extend condolences to her husband, Bishop Joseph Johnson, their sons, and all of their family and friends.

#### DEBT CEILING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Mr. Speaker, on Tuesday, the House overwhelmingly defeated by a vote of 318-97 a blank check on spending. We stopped the unconditional raising of the debt ceiling. The fact remains, we are in a debt crisis because Washington spends too much, not because it taxes too little.

America is drowning in debt, and we need to significantly reduce spending and make long-term reforms that encourage private sector job creation and move toward a balanced budget. Raising the debt limit without restoring financial accountability was unacceptable, and that's why I voted against this irresponsible debt limit increase.

I can't comprehend why this administration continues to push the same dangerous failed strategy that got us into this economic mess. The failure to increase the debt limit on the floor Tuesday would be enough evidence for the White House and Washington Democrats to conclude that Americans want Washington to stop signing a blank check, spending money we don't have and sending the bill to our children and our grandchildren—grandchildren that I personally have an opportunity every time I open my BlackBerry to see their faces and be reminded that it's for them that I speak and this House spoke on Tuesday evening.

Yet more than 100 House Democrats signed on to a letter publicly advocating for a debt limit increase without

spending cuts and reforms. And unfortunately after meeting with the President yesterday, I'm not sure he's heard the people on this issue either.

According to the latest evidence, only 11 percent of Americans support a blank check raising of the debt limit and more spending. This vote demonstrates that President Obama and the House Democrats are far out of step with the rest of America and should join House Republicans in working to cut spending. The American people have said "no" to the Democrats and they're not going to take it anymore, not another blank check of more spending and more debt for the Obama administration.

It's the time now to think of the next generation and not the next election and take time to rip up a blank check of defeat for our country.

#### PENNY-WISE AND POUND-FOOLISH ON AMERICAN SECURITY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, we've learned a lot over the last several days about the Republican commitment to both national security and fiscal responsibility. Last week, after the party of limited government spending passed the \$690 billion defense authorization bill loaded with Pentagon pork, they jammed through a 4-year extension of key provisions of the USA PATRIOT Act. With a last-minute rushed vote with virtually no debate, the party of small government authorized more wiretapping and more poking through Americans' personal records.

□ 1030

Now today, our ongoing debate over fiscal year 2012 Homeland Security appropriations shows us that the majority's penny-wise, pound-foolish approach is in all of its glory. This bill breaks faith with first responders, underfunding key firefighter assistance grants and State Homeland Security grants that primarily train and equip first responders. Important programs will be rolled into a block grant so that localities will be competing for dwindling Federal Homeland Security grants, this and more undermining our communities' ability to deal with all kinds of hazards, including potential nuclear, chemical, and biological attacks.

The bill cuts Homeland Security research and development programs by 40 percent, Mr. Speaker. So while terrorist organizations are busily mastering technologies, we will be eliminating very important research projects in biological and explosives detection and advanced cybersecurity. Shame on us.

Homeland Security already took a hit in fiscal year 2011. The majority,

which claims to care about nothing more than the safety and security of the American people, wants to cut more than a billion dollars from last year's funding levels, and provides \$2 billion less than what the President has proposed.

Meantime, while we are nickel and diming our first responders, we are throwing \$10 billion every month, \$10 billion every month at a war in Afghanistan that is killing Americans, while doing very little, if anything, to advance our national security. Where are the budget cutters when it comes to appropriating that money? Where are all the hard questions and the tough scrutiny when it comes to funding a decade-long military occupation of Afghanistan that has failed in every conceivable way? Ten billion dollars a month on Afghanistan. For the price of about 6 days of fighting the war in Afghanistan, we could make up the difference between the President's Homeland Security request and the allocation in this bill. Six days.

The majority clearly has one set of standards for important domestic programs and quite another for military adventures abroad. If you want to wage a war, no questions asked. But if you want to support first responders, or educate small children, or preserve Medicare, you better duck, because the budget axe is aimed at the people's priorities.

I remind my friends in the majority that terrorists would strike us here on our shores, in our homeland, in our capital. An enormous military footprint that is stomping down in a sovereign country thousands of miles away, a country where Osama bin Laden wasn't hiding and al Qaeda is barely active, is not where we need to be putting our efforts.

Let's do the smart thing. Let's fully fund Homeland Security and let's save money and lives by bringing our troops home.

#### AMERICA'S CREDIT RATING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, this week the United States House sent a clear message to the White House that it's time to address our Nation's growing debt crisis and get serious with real budgetary reforms so that America can meet its budget and credit obligations at home and around the world. There's good reason why the dollar is still the world's gold standard when it comes to credit ratings and that the U.S. is seen as a wise investment around the world.

A first-rate credit rating, which the United States currently has, means there is nothing for lenders to worry about. It lets investors know how like-

ly a borrower can pay back a loan, and that they will receive a good return on their investment. That's why I can't emphasize enough the importance of our Nation's credit rating. A downgraded credit rating would erode confidence in our economy and reduce certainty for businesses, investors at home, and abroad. We must work to ensure that this never happens by reforming spending and fixing our debt problem. Make it so that there is not one doubt when it comes to the creditworthiness of the United States.

In April, Standard & Poor's lowered the outlook on the United States' credit to negative. S&P's rationale: the U.S. has a large debt and deficit compared with other highly rated nations, and unlike with those other nations, "the path to addressing the debt and the deficit is not clear to us."

To be clear, this warning from the S&P was not over the debt limit debate, but because Washington has no plan to tackle its massive debt. Since 1975, there have been at least nine examples when clean debt limit bills have failed to pass in either the House or the Senate. And remember, in 2006 then-U.S. Senator Obama voted against a clean increase of \$781 billion. In each case, days, weeks, or months later a debt limit was ultimately enacted.

So again, it's not about the debate. We've seen this discussion many times over the last several decades. But it is about world markets losing confidence in our ability to implement those needed reforms and address our growing \$14 trillion debt.

Over the past 2 years, we have seen the largest budget deficits in the history of the United States. This, along with our structural deficits due to insolvent entitlement programs and the rising cost of health care, is the reason we face serious issues regarding the confidence in our ability to make good on our commitments. In April, the United States kept its AAA rating. Unfortunately, as S&P warned, if we fail to act on these reforms, this could happen.

Raising the debt ceiling without significant structural spending reforms would send a signal to the world that America lacks the political will to restore fiscal sanity and meet our obligations. Unfortunately, many of our Democratic colleagues have continued to ask for a clean up-or-down vote on raising the debt limit, including most recently when more than 100 Democrats sent a letter to House leadership requesting an up-or-down vote on the issue. Earlier this week, that request was granted, and the legislation's failure demonstrates that any plan to raise the debt limit without dramatic steps to reduce spending and reform the budget process is unacceptable to the American people.

With any hope, we sent a clear message that it's time to stop with the political pandering and get serious about

bringing about real budgetary reforms. It's unfortunate, however, Mr. Speaker. The problem has been identified. While tough decisions must be made, the solution is in our reach. What we lack is the political will to lead and take action.

Mr. Speaker, if we don't act boldly now, the markets will act for us very soon. The world is watching, and we can no longer afford to kick this can down the road. Our Nation's debt crisis offers us the political will to act, for the greatest threat to our economy and our children's future is doing nothing.

#### MOMS FOR THE 21ST CENTURY ACT INTRODUCTION

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, for 5 months this Congress has debated how best to address the looming crisis of our national deficit. While the debate has often been partisan and polarized, one thing we Democrats and Republicans agree on is that addressing our national health care expenditures is a critical part of the solution.

A major component of the escalating health care costs in this country is maternity care. The cost of maternity care for mother and child in the U.S. is more than double that of any country in the world. But despite the exorbitant amount of money we spend on maternity care, the U.S. ranks far behind nearly all developed countries in maternal and infant outcomes.

Sadly, childbirth continues to have significant risks for mothers and babies, especially in communities of color. Many factors contribute to these poor outcomes and high costs. The most disturbing by far is the fact that there is a vast body of knowledge regarding best evidence-based maternity care, yet current U.S. practice does not follow that research. This results in the widespread overuse of maternity procedures, including cesarean sections and scheduled inductions, which credible evidence tells us are beneficial only in limited situations.

Unfortunately, the overuse of these practices results in longer maternity hospital stays and multiple costly procedures that contribute to making combined mother and infant childbirth charges our most costly hospital and Medicaid expenditures.

To address these poor outcomes and high costs, today I am introducing the Maximizing Optimal Maternity Services for the 21st Century Act. The MOMS for the 21st Century Act will create a national focus on optimal maternity care by establishing an inter-agency coordinating committee to ensure Federal agencies are promoting the best evidence-based maternity practices in their programs.

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The bill also authorizes an extensive media campaign to educate consumers on how to achieve the healthiest maternity outcomes, including the importance of maternity practices such as smoking cessation programs in pregnancy and group model prenatal care.

These and other noninvasive practices have been shown to produce considerable improvement in outcomes with no detrimental side effects but, regrettably, they are significantly underused in this country.

Furthermore, the bill will expand research on best maternity practices and will direct collection of data on maternity shortage areas. It will also facilitate the development of more interdisciplinary maternity care workforce by bringing together maternity care providers to develop core curricula across maternity professional disciplines, and it establishes a loan repayment program for maternity care providers who commit to work in underserved areas.

Finally, the MOMS for the 21st Century Act will support the education of a more culturally and linguistically diverse workforce by authorizing grant programs for maternity professional organizations to recruit and retain minority providers.

Mr. Speaker, we can and we must do better for mothers and newborns. As a country, we must reach beyond our self-imposed boundaries to embrace and prioritize an evidence-based model of maternity care that will save lives and save money.

I urge my colleagues to join me in this effort by cosponsoring and helping to pass the MOMS for the 21st Century Act.

#### HONORING PRIVATE JEREMY FAULKNER

The SPEAKER pro tempore (Mr. THOMPSON of Pennsylvania). The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I come to the floor this morning with sadness but with great pride to honor one of Georgia's proud sons who gave his life, the ultimate sacrifice, on March 29 in Kunar province, Afghanistan, in support of operation Enduring Freedom.

Private Jeremy Faulkner was a man known for having a huge heart and always sticking up for the underdog. Jeremy grew up in Stockbridge, Georgia, and joined the Army after attending Griffin High School. This is a time in life when many young men struggle with their future, but Private Faulkner answered the call and chose a life of service in the United States Army to make a difference in the world and to keep our Nation safe.

He gave up his red Dodge Ram for a new kind of vehicle with the U.S. Army

101st Airborne and learned a whole new meaning of the word "mudding" at basic training. Private Faulkner had already earned a combat ribbon, was an expert marksman, and had discussed with his mother, Judy, the possibility of making a career out of military service.

Private Faulkner was in his 11th month of deployment and days away from promotion to Private First Class when his unit was ambushed. Just a few short weeks before his anticipated return home, he had expressed a desire to join the Wings in the Wind Christian ministry upon his return as a way to share his testament from the seat of a motorcycle.

In perhaps a prophetic phone call to his stepfather, Private Faulkner mentioned to his stepfather, Tony Berry, his request that if anything should happen to him that the Wings in the Wind and Patriot Guard Riders would be present at his procession. No one expected just how soon that procession would be needed.

Through three counties, crowds of strangers lined the streets escorting Private Faulkner home as a testament to the community's support of Jeremy and his family. As Jeremy requested, the Wings in the Wind and Patriot Guard Riders roared to accompany dozens of police and fire department vehicles in an inspiring procession fit for such a young hero.

As former Rhodes scholar Elmer Davis put it so simply, "The Nation will remain the land of the free only so long as it is the home of the brave."

Our Nation owes Private Jeremy Faulkner a debt of gratitude for his bravery, and I am proud to stand here and thank him for sacrificing his life for strangers like me and my family as well as the rest of the United States of America.

So to Jeremy's family and especially to Jeremy, thank you.

#### HUMAN RIGHTS ABUSE IN SYRIA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. Mr. Speaker, I rise today to stand shoulder to shoulder with the legitimate aims of Syrian people in their quest for freedom and democracy.

Ever since the Syrian people rose up to demand their rights and dignity from the Assad regime, they have faced brutal repression. Their nonviolent protest movement has been met with repressive force, and this has been a disgrace on the world scene.

The human rights abuses of the Assad regime are unthinkable, and they are historic and generational. It is torturing its own people at this time, including even children.

I was shocked and outraged by the story of Hamza al-Khatib. He was a 13-

year-old boy who was killed and tortured and his body was returned to his family on May 25 with clear signs of torture and brutality. He had a broken hand; his genitals were cut off and severed. This young man, only 13 years old, will never see his family again because he has gone on.

But what happened to him the Syrian people can't forget, and his example has inspired people to stand up for democracy. Over the past 3 months, a familiar pattern has emerged. People organize public demonstrations to demand their God-given rights. Inevitably, the government forces overreact and kill peaceful protesters. Funerals for the deceased garner even larger demonstrations, which are then repressed ever more brutally by the government.

The emergency situation in Syria today reached a new level when tanks rolled into Daraa. Since that time, hundreds of peaceful demonstrators have been killed. Just this morning, this very morning, Syrian forces killed 15 people when they shelled the town of Rastan. Fifty-eight people have been killed there in the past 3 days alone. Over a thousand have been killed since democracy protests began.

Mr. Speaker, it's truly unfortunate that the Assad regime missed the historic opportunity that it had right before it to set a new pattern in the Arab Spring, a pattern that above all respects human rights. Instead, it chose to become an enemy of its own people.

By murdering its own people and violating their fundamental right to security and liberty, the Assad regime has lost any and all legitimacy to govern. Legitimacy is gained through the consent of the governed, not brutal repressive crackdowns, jailings, and torturing.

While we don't know yet how events will ultimately unfold in Syria, I want to commend the activism of Syrian Americans. Syrian Americans are doing everything they can to support their friends and their families. For example, just last week the Syrian American Council organized a day of action to support freedom and democracy in Syria. Some 400-plus Syrian Americans came all across the country to come to Washington, D.C., to lobby their Representatives in Congress, to demonstrate at the Syrian Embassy, and to organize committees to plan future initiatives.

That's how democracy works, Mr. Speaker; people coming together with their common concerns to peaceably petition their government. That's what makes America great, and that's what sets us apart from places like Syria under the Assad regime. Syria could be a great bastion of liberty, but not with this illegitimate regime.

I stand with the patriotic Americans in steadfast opposition to the grotesque human rights abuses of the

Assad regime and once and for all call upon it to respect the rights, dignity, and democratic aspirations of its people. The world will not forget Hamza al-Khatib, Mr. Speaker. We won't forget the legitimate yearnings for liberty and justice from the people of Syria or anywhere in the world.

□ 1050

#### AMERICANS HAVE SPENDING FATIGUE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, the Congressional Quarterly today has a headline that says, "Some House Republicans Showing Signs of War Fatigue." Unfortunately, this headline comes just the day after the Appropriations Defense Subcommittee has approved another \$119 billion for our overseas wars in Iraq, Afghanistan and Libya. That's \$10 billion a month and \$2.3 billion each week.

By the most conservative estimates, we have now spent over \$2 trillion in direct and indirect costs in Iraq and Afghanistan. Most of this money has gone into nation building rather than stopping or defending against any real threat. We have turned the Department of Defense into the Department of Foreign Aid, and the American people are tired of it. They want us to stop rebuilding Iraq and Afghanistan and start taking care of our own people. We are spending billions and billions that we do not have—that we are having to borrow—on people who do not appreciate it unless they are on our payroll.

Alfred Regnery, publisher of the conservative American Spectator magazine, wrote last October that "Afghanistan has little strategic value" and "the war is one of choice rather than necessity." He added that it has been "a wasteful and frustrating decade."

The American people do not want, nor can we afford, endless, permanent wars. Nor do they want 11 or 12-year wars that last about three times as long as World War II.

You can never satisfy governments' appetite for money or land. They always want more.

Every gigantic bureaucracy always wants to expand its mission so it can get more funding. Every government agency always exaggerates the threats or problems it is confronting so it can get more money.

The Pentagon is a gigantic bureaucracy that will do everything within its tremendous power to keep getting more and more money from the taxpayers. But there have to be limits somewhere, and fiscal conservatives should be the ones most horrified by all the hundreds of billions we have poured, and continued to pour, down these Iraqi, Afghan, Libyan rat holes.

The American people and conservative Republicans all over this country are saying enough is enough. They want us to stop rebuilding Iraq and Afghanistan and paying for a useless war in Libya and start rebuilding the United States of America.

We are almost \$14 trillion in debt and headed much, much higher very, very soon. Soon, we will be printing so much money that our Social Security and other pensions will be worth very little. We have got to get our fiscal house in order. We have got to stop spending hundreds of billions all over the world and start taking care of our own people.

Georgie Anne Geyer, the conservative foreign policy columnist, wrote a few months after the Iraqi war started many years ago that "Americans will inevitably come to a point where they have to choose between a government that provides services at home or one that seeks empire across the globe."

Mr. Speaker, the American people reached that point a long time ago. Hopefully, the Congress will soon follow their lead.

#### AMERICA'S HOUSING CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, in 2008, gas prices that rose above \$4 a gallon triggered the Wall Street meltdown and housing crisis that continue to plague our country. We're in the same boat today again with gas prices going over \$4 a gallon, so be prepared.

I rise today to talk about that housing crisis that is devaluing our housing stock across our country and destroying neighborhoods and communities across the Nation.

Last week, the New York Times ran a piece I wish to place in the RECORD highlighting one more twist in this crisis. According to their front page expose, the big banks and mortgage companies have profited even more from the foreclosure crisis by amassing giant "real estate empires" that span across our country. So not only do six banks now control two-thirds of the banking system of this country, they've also become real estate magnates, too. When is too much too much?

The impact on communities has been devastating. The numbers are simply shocking. In my community alone, over 6,700 more homes are in some type of foreclosure filings. While thousands of America's families are being thrown out on the street, the big Wall Street banks have nearly doubled the number of houses they've taken through foreclosure since the crisis began 5 years ago. That represents nearly 900,000 homes. That's 900,000 more families whose American Dream ended in foreclosure.

Sadly, this doesn't include those who are barely hanging on. Approximately one in four mortgaged homes are still underwater, where families owe more than the home is worth.

After taking billions of dollars from our taxpayers, we might expect that the Wall Street banks would want to help people stay in their homes and help more vacant properties be taken off the market. Well, that's not what I'm hearing from local realtors. I spoke with a group of them over a week ago. They keep running up against a brick wall any time they even try to do a workout with one of these banks. They continue to have difficulty accessing credit for qualified, willing buyers. More and more, I hear how it's only our local banks and our credit unions that are making any effort to make this troubled housing market function.

Wall Street walked away with billions in bailout money, and then walked away from the housing mess they created. But they want even more. All the while they are sitting on top of huge profits and taking enormous tax breaks. The six largest banks in the country, including Wells Fargo, Bank of America and JPMorgan Chase, together paid an approximate tax rate of only 11 percent of their pretax U.S. earnings in 2009 and 2010, less than half of what other businesses pay. I wish someone in this place could explain why this is allowed to go on.

We need to understand that this foreclosure crisis is far from over. In the first quarter of this year alone, approximately 215,000 more properties were in foreclosure across our country, and another 700,000 properties were either in foreclosure filings, received default notice, bank repossession or scheduled auction. As these banks continue to agglomerate these properties that are becoming vacant, neighborhoods across our country are being devalued and continue to disintegrate. Every Member here knows what I'm talking about.

There are some signs that our economy is slowly improving. But, boy, we aren't out of the woods yet. Moody's is predicting that housing prices across our Nation will continue to fall by as much as 5 percent by this year's end—I should say 5 percent more. We cannot sit on our hands and hope the situation gets better. Revival of the housing sector and the jobs it creates has always played a crucial and leading role in any economic recovery. We need to work to help struggling families stay in their homes, protect neighborhoods from being riddled with vacant structures and get our economy moving again by arresting the continuing decline in our vital housing assets built up over decades coast to coast.

Importantly, revitalizing and reoccupying the troubled housing stock would put millions of Americans to work. And isn't it over time to do exactly that?

[From the New York Times, May 22, 2011]  
AS LENDERS HOLD HOMES IN FORECLOSURE,  
SALES ARE HURT  
(By Eric Dash)

EL MIRAGE, AZ.—The nation's biggest banks and mortgage lenders have steadily amassed real estate empires, acquiring a glut of foreclosed homes that threatens to deepen the housing slump and create a further drag on the economic recovery.

All told, they own more than 872,000 homes as a result of the groundswell in foreclosures, almost twice as many as when the financial crisis began in 2007, according to RealtyTrac, a real estate data provider. In addition, they are in the process of foreclosing on an additional one million homes and are poised to take possession of several million more in the years ahead.

Five years after the housing market started teetering, economists now worry that the rise in lender-owned homes could create another vicious circle, in which the growing inventory of distressed property further depresses home values and leads to even more distressed sales. With the spring home-selling season under way, real estate prices have been declining across the country in recent months.

"It remains a heavy weight on the banking system," said Mark Zandi, the chief economist of Moody's Analytics. "Housing prices are falling, and they are going to fall some more."

Over all, economists project that it would take about three years for lenders to sell their backlog of foreclosed homes. As a result, home values nationally could fall 5 percent by the end of 2011, according to Moody's, and rise only modestly over the following year. Regions that were hardest hit by the housing collapse and recession could take even longer to recover—dealing yet another blow to a still-struggling economy.

Although sales have picked up a bit in the last few weeks, banks and other lenders remain overwhelmed by the wave of foreclosures. In Atlanta, lenders are repossessing eight homes for each distressed home they sell, according to March data from RealtyTrac. In Minneapolis, they are bringing in at least six foreclosed homes for each they sell, and in once-hot markets like Chicago and Miami, the ratio still hovers close to two to one.

Before the housing implosion, the inflow and outflow figures were typically one-to-one.

The reasons for the backlog include inadequate staffs and delays imposed by the lenders because of investigations into foreclosure practices. The pileup could lead to \$40 billion in additional losses for banks and other lenders as they sell houses at steep discounts over the next two years, according to Trepp, a real estate research firm.

"These shops are under siege; it's just a tsunami of stuff coming in," said Taj Bindra, who oversaw Washington Mutual's servicing unit from 2004 to 2006 and now advises financial institutions on risk management. "Lenders have a strong incentive to clear out inventory in a controlled and timely manner, but if you had problems on the front end of the foreclosure process, it should be no surprise you are having problems on the back end."

A drive through the sprawling subdivisions outside Phoenix shows the ravages of the real estate collapse. Here in this working-class neighborhood of El Mirage, northwest of Phoenix, rows of small stucco homes sprouted up during the boom. Now block after block is pockmarked by properties with

overgrown shrubs, weeds and foreclosure notices tacked to the doors. About 116 lender-owned homes are on the market or under contract in El Mirage, according to local real estate listings.

But that's just a small fraction of what is to come. An additional 491 houses are either sitting in the lenders' inventory or are in the foreclosure process. On average, homes in El Mirage sell for \$65,300, down 75 percent from the height of the boom in July 2006, according to the Cromford Report, a Phoenix-area real estate data provider. Real estate agents and market analysts say those ultra-cheap prices have recently started attracting first-time buyers as well as investors looking for several properties at once.

Lenders have also been more willing to let distressed borrowers sidestep foreclosure by selling homes for a loss. That has accelerated the pace of sales in the area and even caused prices to slowly rise in the last two months, but realty agents worry about all the distressed homes that are coming down the pike.

"My biggest fear right now is that the supply has been artificially restricted," said Jayson Meyerovitz, a local broker. "They can't just sit there forever. If so many houses hit the market, what is going to happen then?"

The major lenders say they are not deliberately holding back any foreclosed homes. They say that a long sales process can stigmatize a property and ratchet up maintenance and other costs. But they also do not want to unload properties in a fire sale.

"If we are out there undercutting prices, we are contributing to the downward spiral in market values," said Eric Will, who oversees distressed home sales for Freddie Mac. "We want to make sure we are helping stabilize communities."

The biggest reason for the backlog is that it takes longer to sell foreclosed homes, currently an average of 176 days—and that's after the 400 days it takes for lenders to foreclose. After drawing government scrutiny over improper foreclosures practices last fall, many big lenders have slowed their operations in order to check the paperwork, and in two dozen or so states they halted them for months.

Conscious of their image, many lenders have recently started telling real estate agents to be more lenient to renters who happen to live in a foreclosed home and give them extra time to move out before changing the locks.

"Wells Fargo has sent me back knocking on doors two or three times, offering to give renters money if they cooperate with us," said Claude A. Worrell, a longtime real estate agent from Minneapolis who specializes in selling bank-owned property. "It's a lot different than it used to be."

Realty agents and buyers say the lenders are simply overwhelmed. Just as lenders were ill-prepared to handle the flood of foreclosures, they do not have the staff and infrastructure to manage and sell this much property.

Most of the major lenders outsourced almost every part of the process, be it sales or repairs. Some agents complain that lender-owned home listings are routinely out of date, that properties are overpriced by as much as 10 percent, and that lenders take days or longer to accept an offer.

The silver lining for home lenders, however, is that the number of new foreclosures and recent borrowers falling behind on their payments by three months or longer is shrinking.

"If they are able to manage through the next 12 to 18 months," said Mr. Zandi, the Moody's Analytics economist, "they will be in really good shape."

#### UNCERTAINTY AND UNEMPLOYMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. CANSECO) for 5 minutes.

Mr. CANSECO. Mr. Speaker, tomorrow the Department of Labor will release the monthly jobs report for May. While I am hoping to be surprised that we get news that massive job creation got underway in May, I'm not going to get my hopes up. I'm not getting my hopes up because economic growth is being restrained. It is being restrained because there is still too much uncertainty in the economy. And greater uncertainty in the economy means less job creation in the economy.

Uncertainty exists because of the threat posed to job creators by the taxes, the mandates and the government takeover of private industry. Uncertainty exists because of the 24-month spending binge of President Obama, NANCY PELOSI and HARRY REID. Job creators see the future tax increases that will be needed if we continue spending money we don't have to the tune of approximately 40 cents out of every dollar.

Uncertainty exists because of the Obama administration's decision that restricts exploration for and the production of American energy both on land and from deepwater sources.

That's why the House of Representatives has spent the first 5 months of the 112th Congress passing legislation to rid the economy of this uncertainty and create private sector jobs. The House has passed legislation to repeal the government takeover of health care. It has passed a budget resolution that puts our Nation on a fiscally sustainable path while saving and strengthening important programs like Medicare and Social Security for future generations—which if they are left alone, if they are left unreformed, they will go bankrupt. And the House has passed several pieces of legislation aimed at overturning the Obama administration's actions that block production of American energy.

□ 1100

Mr. Speaker, we have tried it President Obama's way, attempting to spend and regulate our way to economic prosperity. And what have the American people gotten in return? They have gotten a national debt of \$14.2 trillion, and 26 straight months of unemployment at 8 percent or higher.

The American people know you cannot purchase prosperity; you must create it. That's what the people of Texas sent me here to do, to get our economy back on track.

#### JOB CREATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. STIVERS) for 5 minutes.

Mr. STIVERS. Mr. Speaker, I rise today to discuss some of the major challenges that face our Nation. We face a spending crisis, a debt crisis, a jobs crisis; and in order to solve those, the best thing we can do is focus on jobs because creating jobs will empower families, it will increase our economic power, and it will improve our government budget situation.

From my many travels around my district in Ohio, from Franklin County to Madison County to Union County, it has become clear that both individuals and businesses need more certainty when it comes to health care costs, energy costs, taxes, and regulation.

I visited Stanley Electric in London, Ohio, and they would like to expand. They have temporary workers they would like to make permanent full-time workers, but government regulations out of Washington are preventing them from doing that.

I held a jobs roundtable in Hilliard with small businesses, and from those small businesses I heard that we need Congress to get out of the way of job creators. We need to bring more certainty to the banking system so that they will start lending to small businesses. Capital and credit need to be available if small businesses are going to create jobs.

They asked us to change the culture in Washington so that people here understand that government does not create jobs; small business owners and entrepreneurs create jobs. We need to allow those local employers to focus their resources on hiring and to growing their businesses. If we allow them, business can and will create jobs. We just need to give them the incentives, and innovation will be there. Business owners need the flexibility to invest back in their businesses, and they need the ability to keep more of what they have earned if they do well.

I held a jobs forum in my district at Ohio State University's Fisher College of Business to discuss with central Ohio job creators what they need to invest and create jobs. A number of good ideas came out of that forum.

Dwight Smith, who is with Sophisticated Systems in Columbus, Ohio, said that Ohio and the Nation need to do a better job of putting together job training with unemployment. He said whole categories of jobs are being eliminated in this economy, and we need to make sure that the people that are out there are looking for jobs that are here today and are going to be here tomorrow. I think that is a great idea. We need to focus on training and preparing our workforce for jobs that are here today and here tomorrow. We need to tie our workforce development dollars together with our unemployment programs so they work together well.

Kathy Ivan, the owner of Fabric Farms, a small business owner in my district, was very concerned about the onerous small business regulation of the 1099 provisions that were in the health care bill. I am glad to say that particular portion of the health care bill has been repealed, but we have to take further steps to make sure that business owners have certainty with regard to health care costs and energy costs so that they will be willing to hire new employees.

John Ness of ODW Logistics shared that government "has stepped on the hands and needs to stay out of the way" of small business owners. We need to remove the obstacles for these business owners, and the United States Government needs to make tax rates competitive with the rest of the world. John Ness is in a global business, and America's tax rates are making him less competitive.

Dr. Michael Camp, who is with the OSU Center for Entrepreneurship, spoke about the importance of accelerator projects, and how collaboration with Ohio's Third Frontier can yield positive results.

We have a lot of work to do; but if we can stay focused on getting government out of the way and giving businesses more certainty, you'll see businesses creating a lot of jobs. Those are just a few of the great ideas that were shared at my jobs forum, and I will continue to work on those ideas and other ideas and reach out so that we can grow our economy because the best way to solve our problems is through creating jobs.

#### CONGRATULATIONS TO OAK POINT INTERMEDIATE SCHOOL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. PAULSEN) for 5 minutes.

Mr. PAULSEN. Mr. Speaker, I rise to congratulate the students at Oak Point Intermediate School in Eden Prairie, Minnesota, for collecting an impressive \$42,474.24 for the Leukemia and Lymphoma Society's Pennies for Patients program this year. That's more than any other school in the country.

Every year, Mr. Speaker, elementary and secondary school students bring their spare change to the Leukemia and Lymphoma Society's Pennies for Patients program, and they donate them as a part of that program to find a cure for leukemia, lymphoma, and other blood cancers. Leukemia causes more deaths than any other cancer in children and young adults under the age of 20. Thanks to this program, schools across the country have been collecting important resources to fund valuable research and provide patient care.

Programs like Pennies for Patients teach young students how they can impact the lives of their peers and the communities they live in.

I am incredibly proud of the students at Oak Point for all of their hard work and their service, and I congratulate them. I hope they have a great time at their much-deserved pizza party next week.

#### TACKLING THE DEBT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. BROUN) for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, the United States is the greatest Nation ever in the history of mankind—a Nation that many countries look to as a leader, a leader in strength, in security, in success. But, Mr. Speaker, we cannot lead from behind. We are behind on repaying our debts in a major way, all the while creating even more debt.

Rather than focusing on raising the debt ceiling, Mr. Speaker, we should be putting all of our energy into reducing the debt. These overdue bills are bad for job creation and bad for our economy. As Admiral Mullen recently said: Our debt is the most dangerous threat to our national security. I could not agree more.

If Congress continues to spend money as it has in the past, we will only become more reliant upon foreign countries to buy up our debt, making our economy secondary to theirs. It is dangerous. It is irresponsible. It is unforgivable.

Mr. Speaker, this administration has taken our already weakened economy and turned it completely upside down, while allowing for the largest budget deficit in the history of the United States. The great cost of the stimulus bill, multiple government bailouts, and ObamaCare have pushed our country over the edge. I beg of my colleagues to not let this great Nation hit rock bottom before we make tackling the debt our first and foremost priority. Jobs, our economy, and our future depend upon it.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 9 minutes a.m.), the House stood in recess until noon.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Dr. John Sloop, First Presbyterian Church, Harrisonburg, Virginia, offered the following prayer:

Heavenly Father, we come in prayer knowing that You love us and are very much concerned about what goes on in this Chamber today as these Members seek to be good stewards of the trust placed in them by "we the people."

We confess our human frailty and pray to be delivered from taking up today's agenda out of pure self-interest or peer pressure, but rather lead us, Lord, "to do justice, to love mercy, and to walk humbly with our God."

Father, grant each Member wisdom in their thinking on the issues, courage in their convictions, and above all, grace in their attitudes toward one another.

And when this day is done, may each one hear the Master say, "Well done, good and faithful servant."

Now, Father, with deep respect for the faith traditions of all Members, I offer this prayer in the name of my Lord and Savior, Jesus Christ.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### HONORING REVEREND DR. JOHN SLOOP

The SPEAKER. Without objection, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 1 minute.

There was no objection.

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce and welcome the Reverend Dr. John Sloop, Senior Pastor of First Presbyterian Church in Harrisonburg, Virginia, a church that has grown to over 1,100 members and over 500 attendees for Sunday services. Dr. Sloop has served the First Presbyterian Church and the Harrisonburg community since he received his calling in 1986.

Dr. Sloop is passionate about seeing the Presbyterian Church renewed and growing again, and he has been actively involved in Presbyterian for Re-

newal, the Presbyterian Coalition, the Confessing Church movement, and has served on the board of the Presbyterian Outreach Foundation.

Dr. Sloop and his wife of 41 years, Gwen, are the proud parents of three children and two sons-in-law and have been blessed by five grandchildren. We welcome Dr. Sloop's family and other guests who join us today.

And I am honored to call Dr. Sloop a constituent and a friend, and I offer the thanks of this entire body today for his delivering the opening prayer.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WESTMORELAND). The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### OFFICER KEVIN WILL PAGE II

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, while Washington lives on in ignorant bliss regarding immigration, the American border remains wide open for the good, the bad, and the ugly. Often, outlaws that enter our country illegally are criminals with no respect for the law of any nation.

This past Sunday, hours before the crack of dawn, twice-deported illegal Johoan Rodriguez drove through a police barricade and ran over and killed Houston Police Officer Kevin Will while he was working an accident scene.

Rodriguez's immigration status was far from the only crime he committed that day. Rodriguez, a purported member of the MS-13 gang, was driving three times the legal limit drunk and was charged with driving while intoxicated, possession of cocaine, evading arrest, and manslaughter. The crime was so violent that Officer Will's body was dragged down the road before the killer stopped and was apprehended.

Deportation is no deterrent to criminals like Rodriguez, because as long as our border remains wide open in both directions, criminals will simply return to the United States and kill Americans. Meanwhile, Officer Will will be buried today.

And that's just the way it is.

#### LEAVE MEDICARE ALONE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, when it comes to their idea of eliminating Medicare as we know it, the Republicans are holding a bad hand. But instead of folding like a smart card player would, they have decided to go all in.



Yesterday, the Republican majority voted to deem their radical Medicare plan as passed into law, despite the fact that the overwhelming majority of Americans oppose them. At a time when Big Oil is making record profits and gouging consumers at the pump, the Republican majority has voted to balance the budget on the backs of the most vulnerable people in America: our children, our seniors, our students, and our disabled.

At a time when millions of Americans are struggling to just get by, the Republican majority has voted to provide massive tax cuts for the very rich. It's not fair and it's not right.

The American people are paying attention, Mr. Speaker. They are making their voices heard, including at the ballot box. I urge my Republican colleagues to listen and to abandon their reckless policies. Leave Medicare alone.

#### HONORING SERGEANT FIRST CLASS CLIFF BEATTIE

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today, just days after Memorial Day, to pay tribute to a brave man from Medical Lake Washington, who lost his life defending our country. Thirty-seven-year old Sergeant First Class Cliff Beattie was killed in Baghdad on May 22 when he was attacked by an improvised explosive device.

He died supporting Operation New Dawn in Iraq. He died protecting our country. He died fighting for a better, freer, safer America.

While we mourn the loss of this American patriot, I rise today to remind everyone that his memory will never be forgotten. We shall remember his legacy, his love and patriotism today and every day.

Sergeant First Class Beattie leaves behind his parents; his wife, Karen, who is also in the Army; his 17-year old daughter and 13-year-old son, who loved their father deeply. But he also leaves behind something that is more intangible: a legacy of honor for the bravery he displayed and the life he gave in the name of America.

May God bless Sergeant Beattie's family and all of our brave men and women who have answered America's call to freedom.

□ 1210

#### COMMENDING CHICAGO HOUSE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today to commend the work of Chicago

House, an organization in my district that provides housing support services and job training to people affected by HIV/AIDS.

I commend Chicago House not just for saving the lives of thousands of Chicagoans and pulling them out of poverty, but also for saving money. Chicago House is a perfect example of the type of program we should be investing in.

Yes, we have to make a small investment up front, but programs like Chicago House take these funds and use them to train the jobless and provide employment rather than simply giving them a handout. Training individuals and securing employment for them is a double win, because not only do they no longer need subsidies, but they are also contributing to the tax base.

We have to make a distinction between spending and investing. Yes, we have to cut spending but we must be careful to maintain our investments and programs like Chicago House that save lives and dollars.

#### RECOGNIZING THE PASSING OF GOVERNOR BILL CLEMENTS

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, I rise today to join fellow Texans and Americans all across this great country in mourning the loss of a true conservative icon, former Texas Governor Bill Clements. As those of us who were touched by the Governor join together today in his honor to celebrate his life, may we all reflect on his many achievements and generosity as a dedicated entrepreneur, philanthropist, and public servant for the great State of Texas.

Governor Clements was the first Republican to serve as Texas governor since Reconstruction when he took office in 1979. His skillful leadership attracted Texans to the modern Republican party and modern day conservatism, paving the way for large Republican gains across my State in the following years. Governor Clements also laid the groundwork for Texas' economic viability by recruiting business and international trade to diversify our State's economy.

I am deeply saddened by the passing of Governor Bill Clements; however, his life is being celebrated today. My thoughts and prayers are with his wife, Rita, and all of his family and friends as they celebrate his life's accomplishments and mourn this great loss, not only to America but to the great State of Texas.

God bless Texas.

#### GOP NO JOBS AGENDA

(Mr. PAYNE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, the Republican leadership has ignored the need for a strong jobs agenda and, worse, they have pushed budget plans that would only further depress the economy and harm the unemployed.

My constituents need a real job agenda in Washington now. Yet my Republican colleagues continue to promote efforts to do the opposite. On May 11, the Committee on Ways and Means approved a Republican bill that would end employment as we know it, deceptively calling it the JOBS Act. This act would eliminate the guarantee of Federal payment for temporary extended unemployment benefits on July 6.

This plan would take \$32 billion now in the Federal unemployment trust funds intended for extended unemployment benefits and ship the money to the States in block grants. It would also set unreasonable qualifying requirements to receive benefits and allow for the permanent diversion of regular unemployment funds with waivers.

More than 4 million Americans could lose extended benefits under this plan? This is unacceptable.

I assume that the floor vote on this was postponed because my colleagues on the other side of the aisle received a message of disapproval from the American people. But more than abandoning this misguided bill, we need a stronger effort to increase jobs and improve our economy. The American taxpayers want and deserve more now.

#### SUPPORT WAR POWERS RESOLUTION

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. We will soon vote on an amendment which I offered last night. It simply says that none of the funds in this appropriations bill can be used in contravention of the War Powers Resolution, which is the law of the land, Public Law 93-148. The law of the land states that the President can deploy troops but then must seek congressional authorization and must withdraw within 60 days if he doesn't get it.

Why do we need to add to this bill a provision that says the President can't spend money in violation of existing law? Because the President has asserted that resolutions of the United Nations or discussions with Members of Congress substitute for congressional authorization.

Why are we voting on this now? It has been ruled by the parliamentarian to be germane. We are voting now because Congress should take a stand before we take our 1-week break.

Even if you agree with everything that is happening in Libya, and we all

long for democracy and the rule of law in Libya, this is a vote about democracy and the rule of law in the United States. This is our chance to simply say the President, even the President, must follow law.

Please join with me, Mr. KUCINICH, and Mr. MCGOVERN in supporting the Sherman amendment.

#### DON'T GUT HOMELAND SECURITY FUNDING FOR NEW YORK

(Mr. MEEKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS. The Homeland Security appropriations bill, which will be on the floor in just a few minutes, is a bad bill for America and an especially bad bill for New York, but it cuts funding for New York substantially.

Almost 10 years after the attack on New York, we tracked down and killed Osama bin Laden, but the threat to the city of New York has not dissipated. New York is a prime target for terrorists because of what it symbolizes, a vibrant economic atmosphere where entrepreneurs can flourish, and a land of opportunity and freedom that serves as a gateway for the "poor and the huddled masses." Unfortunately, this bill takes a hacksaw to the city's counterterrorism and security efforts.

According to Mayor Bloomberg, this bill would jeopardize the continuity and operations of counterterrorism programs in New York City that New York City has under way. Cutting more than \$100 million in Homeland Security funding for New York is not only nonsensical, it is dangerous. As my friend PETER KING has said, this bill puts New York "at risk."

These cuts place an unconscionable burden on New York, and I will therefore vote against the bill.

#### NEGATIVE IMPACT OF DODD-FRANK

(Mr. YODER asked and was given permission to address the House for 1 minute.)

Mr. YODER. Mr. Speaker, I rise today to discuss yet another negative impact the Dodd-Frank Act is having on the U.S. economy and job growth.

As agencies here in the United States are scrambling to meet the unrealistic deadlines proposed by this act, and as community banks struggle under a mountain of new regulations that strangle our economic recovery, we have also done great damage to the competitiveness of the United States in the international financial marketplace.

Other nations have yet to even consider the stringent regulations similar to the ones proposed in Dodd-Frank. Most important are the new proposed regulations that will require over-the-

counter derivatives to be traded and cleared on exchanges.

G-20 nations have stated a goal for the end of 2012 as the implementation date of any global derivative reforms. Our earlier upcoming deadline of July 16, 2011, for U.S. implementation of the derivatives reforms, puts the U.S. financial market at a significant global disadvantage and will further disrupt our economic recovery and job growth.

Let's repeal these damaging economic provisions and let's get America back to work again.

#### FEMA SAFER GRANTS

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Speaker, I rise today because I am deeply concerned about my community's ability to address its emergency response needs.

FEMA SAFER grants are designed to assist cities with maintaining first responders on the street. The challenge is that FEMA has a stipulation that cannot have employees in layoff status.

The cities that are most in need of these funds are financially challenged. It is difficult for them to avoid laying off employees when they have no funds in the budget to retain them, as required by the FEMA grants.

This is a situation that people in my community are being confronted with. The city of Cleveland applied for and received two grants from FEMA.

Due to State-level budget cuts, Cleveland needs these FEMA grants now more than ever. FEMA should be granted the authority to waive the no-layoff clause. This way the funding system would be better able to live up to the intent of the grant, and our streets and communities would be safer.

#### SUPPORT MEDICARE

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Mr. Speaker, today I rise in support of Medicare. It's a decades-old promise that my grandmother made to my mother and that I make to my son. For the last 5 months Republicans have played political theater with our Nation's most pressing issues, putting tax breaks for millionaires and oil companies ahead of the health care of our seniors.

Just yesterday, in procedural silliness, it was yet another act by the Republican majority's quest to end Medicare and jeopardize the health of our seniors. Yet again Republicans told our seniors loudly and clearly that they are willing by any means necessary to end Medicare, and that's just wrong.

They have also tried to trick our seniors into believing that their budget

plan wouldn't affect them today, but that's wrong too. The fact is the end of Medicare would mean that our seniors and individuals with disabilities would pay \$12,500 in health care costs. The plan would force seniors to pay nearly \$6,800 out of their own pockets in the first year alone.

So I am going to urge all of us and our colleagues on the other side to stop the political theater, to stand with the American people, to stop their quest to end Medicare and support our seniors.

How about creating jobs instead of ending Medicare?

□ 1220

#### AMERICA'S FISCAL CHALLENGES

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, this Congress and this country face two great fiscal challenges. One is long term, and one is urgent and immediate. Long term, we know we have to restore balance to our budget, and negotiations are under way in an effort to accomplish that.

There are significant differences in approach. Do you follow the outlines of the Ryan budget, which basically cut taxes for very wealthy Americans in the hope that will create jobs and pay for that by slashing or ending Medicare? Or do you proceed along the outline in the Obama budget which essentially would put everything on the table, including the Pentagon and including revenues?

But either way, the urgent and immediate responsibility is that we pay our bills. And either side that engages in a game of chicken with the obligation of this country to maintain its full faith and credit is playing with fiscal fire and using a loaded gun for a game of Russian roulette. That gun is pointed at the heart of the American economy.

America pays its bills. We must do that and do whatever is required in order to maintain our reputation for doing so.

#### THE CONSUMER FINANCIAL PROTECTION BUREAU

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to join with my colleagues of the Congressional Progressive Caucus to ask the President to appoint a Presidential appointee to the Consumer Financial Protection Bureau, which is law. It is to protect the American people. That nominee so far has been Professor Elizabeth Warren who has acted as an adviser. The CFPB has earned praise from the banking

community for working to simplify and improve mortgage foreclosure forms. This consumer protection board will protect the American people from predatory lending, from foreclosures, and from excessive rates on your credit card.

But, yet, Republicans in the Senate, in the other body, want to make ridiculous accusations to hold the hostage position and take this individual into a hostage position and to suggest that she could not counsel with a State attorney general to help that State attorney general fight against mortgage foreclosures.

When have you forbidden a Federal representative, a Federal representative of the United States Government, from talking to the States to be helpful? What is the purpose of the Federal Government other than to be helpful?

It is time to stop the charade and stand with the American people. Get someone working on that consumer board to protect the American people from reckless and unfair mortgage practices.

#### MISSOURI RIVER FLOODING

(Mrs. NOEM asked and was given permission to address the House for 1 minute.)

Mrs. NOEM. Mr. Speaker, I rise today to empathize and to stand with those in my home State of South Dakota who are experiencing flooding along the Missouri River. Up and down the Missouri River, people continue to hope for the best and to prepare for the worst as floodwaters continue to rise, and are going to rise, to record levels over the coming days and weeks.

I was in our State capital of Pierre and in the Fort Pierre area this past weekend with residents helping sandbag with my family and surveying the looming damage. While the forecasts for flooding grow grim, neighbors continue to help neighbors, and an unshakeable sense of community remains strong. I also commend the hard work of the South Dakota National Guard for swiftly responding to the call of those that are in need.

Many of those affected have worked tirelessly over the past week on short notice to protect their homes. Even so, thousands could be displaced for months until the water recedes, not knowing if they'll even have a home they can go back to.

Mr. Speaker, I would ask that our thoughts and that our prayers would be with all of those who have been affected by these floodings and natural disasters in South Dakota and across our great country.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore (Mr. YODER). Pursuant to House Resolution

287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2017.

□ 1225

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. WESTMORELAND (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, June 2, 2011, a request for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROKITA) had been postponed and the bill had been read through page 92, line 7.

#### AMENDMENT OFFERED BY MS. BALDWIN

Ms. BALDWIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to design, develop, or procure any vessel of the Coast Guard Offshore Patrol Cutter class of ships unless the main propulsion diesel engines of the vessel are manufactured in the United States by a domestically operated entity, except that the Secretary of Homeland Security may waive the application of this section if only one domestically operated entity exists to design, develop, or procure the main propulsion diesel engines.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. BALDWIN. Mr. Chairman, my amendment is simple. It would prohibit funds from being used to design, develop or procure Coast Guard Offshore Patrol Cutters unless the main diesel engines are manufactured in the United States and made by American workers. To address any concerns that this could be a single-source contract, this provision may be waived to ensure competition and best value to the American taxpayer.

The Coast Guard plans to build and procure 25 or more Offshore Patrol Cutters in the coming years. And I fully support this acquisition program. However, I believe that the Coast Guard should be required to purchase engines manufactured in the United States made by American workers.

For some reason, though, the Coast Guard has a history of buying ship engines from foreign manufacturers. We also know that the Coast Guard has a

history of designing ship platforms which give preference to overseas manufacturers, resulting in major contracts going to foreign manufacturers.

This practice is driving American manufacturers out of business.

Although Congress required that vessels for the Coast Guard be manufactured in the United States starting back in 1993, in recent years, the Coast Guard has continued to procure vessel engines from foreign manufacturers.

Mr. Chairman, this is just plain wrong. The Offshore Patrol Cutter is a 25-ship class, one of the Coast Guard's largest cutter classes. Making these ships here in America would generate a lot of U.S. manufacturing jobs for many years to come. But absent some direction from this Congress, I believe that the Coast Guard will continue to send American manufacturing jobs overseas. With unemployment at 9 percent, Mr. Chairman, we can no longer tolerate this situation. Let's bring these jobs back home. Let U.S. manufacturers compete for taxpayer dollars.

I want to offer at least one specific example of the Coast Guard's current shortsighted procurement policy—the contract that they gave to MTU, a German manufacturer, for the May propulsion diesel engine of the first National Security Cutter.

This vessel, the US CGC *Bertholf*, suffered a catastrophic failure, including an explosion and destruction of the piston and connecting rod that had to be replaced. Now, in its solicitation for this replacement, the Coast Guard noted that “a number of the critical parts are only currently available from the MTU factory in Germany, where these engines are manufactured. These critical parts must be specifically manufactured and have a lead time of 6 to 8 weeks from receipt of order. In addition, these parts must pass through U.S. Customs, which may entail additional delays.”

□ 1230

The Coast Guard purchased these repairs on a sole-source basis from Germany at an estimated cost to the taxpayer of \$265,000. U.S. manufacturers never had a chance to compete for these engines and any repair work necessary down the road.

Again, Mr. Chairman, this is just plain wrong.

Getting Americans back to work is my number one priority, and I believe my colleagues would agree with me on this. I know full well these are challenging economic times in my home State of Wisconsin and across the Nation.

Recently, I visited a manufacturing plant located in my district. Workers there are confused. They don't understand why any branch of the Federal Government, much less a branch of homeland defense, would choose to give a major contract to a foreign competitor. The workers I spoke with share

the worries of working families across the country: Will they be able to support their families? Will their children have the same opportunities they had, or will they see their jobs shipped overseas?

At the end of the day, this is about doing what is right by our fellow Americans.

Mr. Chairman, isn't keeping capable, hardworking Americans working the essence of homeland security?

In matters of national security in particular, I believe we should ensure that American workers build what we need to keep America safe.

My amendment is a small, but very needed change to the current Coast Guard procurement process. It will strengthen the U.S. diesel manufacturing base and create many well-paying American jobs.

Mr. Chairman and my fellow colleagues, we have a choice. We can continue funneling good-paying jobs overseas, or we can allow my amendment to move forward, putting the best interests of America's working families and our national security first.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law modifies existing powers and duties.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 19 OFFERED BY MS. SPEIER

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used by the Transportation Security Administration to purchase clothing that is not 100 percent domestic in origin.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Mr. Chairman, we have all witnessed an absolute employment disaster in this country. Last month, we found that the manufacturing sector slowed again. In fact, the number of Americans involved in producing goods is near its lowest point since World War II.

Meanwhile, we have some things that we can do to change that, and I have a great example to share with you today. This is a TSA uniform. This uniform is manufactured in Mexico. Imagine that, manufactured in Mexico. A company in the United States, VF Imagewear, got a contract last February 2010 for \$98 million. It promptly outsourced the sewing of this uniform to Mexico.

So how many jobs were lost in this particular undertaking? It is estimated that 465 jobs for Americans was lost because this contract was outsourced to Mexico.

This amendment is really quite simple. It basically will demand that the Transportation Security Administration purchase clothing manufactured here in the United States. It is, therefore, our economic security. It is also important for our national security.

This, Mr. Chairman, is a nonpartisan issue. It's pretty darn simple, and I urge my colleagues to support it.

I yield back the balance of my time.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if a change in existing law requires a new determination.

I would ask for a ruling from the Chair.

The Acting CHAIR. Does anyone wish to speak on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes language requiring a new determination. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 18 OFFERED BY MS. SPEIER

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to award a non-

competitively bid contract to an Alaska Native Corporation, Indian Tribe, or Native Hawaiian Organization in an amount in excess of the competitive bidding threshold.

Mr. ADERHOLT. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Mr. Chairman, in 1949 over disputes on land grants, the Congress decided to create what are called Alaska Native Corporations. There are some 200 of them that exist today. When they started out, they received moneys that were small in nature, but nonetheless helpful.

Over the course of decades, what has happened here is an abuse by our Federal employees by using this particular technique, contracting with the Alaska Native Corporation, in order not to competitively bid contracts. They are sole-source contracts. So as a result, by not competitively bidding these contracts, the taxpayers are the big losers. Let me give you just one example.

There was a contract let to the Alaska Native subsidiary that shared the lead on a \$1.1 billion contract to manage missile and weapons research in Huntsville, Alabama. Two other inexperienced subsidiaries received contracts without competition worth nearly a billion dollars to provide guards to Army bases. Now, this is pretty simple, colleagues. A billion dollar contract, you run it through the ANC. The result is you don't have to competitively bid it. And what happened here is the work was passed on to Wackenhut, and they overpaid by 25 percent on the contract compared with deals for the same work awarded through competitive bids, auditors later found.

So here is a billion dollar contract; you run it through the ANC; you spend 25 percent more of taxpayer dollars. This is real money. We are talking \$250 million overspent because the ANC was used.

Now, you may say, but at least it is going to Alaska Natives. Well, my friends, it is not going to Alaska Natives. What happens, for the most part, is the Alaska Native shareholders receive about \$305 per year as a result.

Now, let's look at just one contract for the Sitnasuak. There was a contract for \$220 million. There was \$14 million worth of profits. Each of the shareholders received \$305. But guess what? The people that received most of the money were the nonnatives that were hired. In fact, the consulting firm based in the Bethesda home of James Nunes, a nonnative hired to help run the corporation, he received the tidy sum of \$6.4 million last year; his CFO, \$1 million; his executive vice president, \$470,000; and his COO, \$430,000. So that's where the money went.

□ 1240

My amendment would level the playing field and essentially treat all section 8(a) businesses the same. My amendment would prohibit the use of funds in this act to be used to award noncompetitively bid contracts to ANCs, Indian tribes or Native Hawaiian organizations in an amount in excess of the competitive bidding threshold that other section 8 participants are subject to. That is for a \$6.5 million manufacturing contract. If it's under 6.5, you don't have to competitively bid. If it's over 6.5, you would have to.

Again, Members, this is an affront to the American taxpayers. I urge my colleagues on both sides of the aisle to support this amendment.

I yield back the balance of my time.

## POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. I make a point of order against the amendment because it proposes to change existing law, and constitutes legislation on an appropriation bill. It therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law requires a new determination.

I request a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 44917 of title 49, United States Code.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. I thank the chairman of the committee and the ranking member.

Mr. Chairman, this is a very challenging process that we are going through. It is challenging because we are addressing homeland security in the backdrop of the crisis in Libya, of the Arab Spring, of the demise and end of Osama bin Laden by the brilliance of the Navy SEALs, of the intelligence community, of President Obama, and

of course in the backdrop of domestic disasters: from Texas fires to tornadoes from New England to Alabama to Missouri.

But there is something that we can do.

We can recognize that there was no appointment made for 9/11. No notice was given to us on 9/11. There were indicators of individuals learning to fly or to take off but not landing. So post-9/11 we came up with the enhanced concept of ensuring that we had Federal Air Marshals. I'm glad for that. Yet I think it is important now, in the neighborhood that we're living in, in the climate that we're living in and in the interests of terrorists—lone wolves, franchise terrorists—to attack our mobility or transit systems, which include aviation, for us to focus on ensuring that there is no undermining of the utilization strategically of air marshals to protect the American public. I can just cite, Mr. Chairman, the incidences that have occurred in the backdrop of Libya: individuals domestically charging the pilot door, passengers having to bring down disturbed individuals. The air skyways, if you will, are both exciting and potentially troubling and dangerous.

My amendment ensures that the Federal Air Marshals are effectively using their funds to deploy personnel on inbound flights that are considered high risk by the Department of Homeland Security and that there is no limitation on that ability. They are one of our first lines of defense in defending the cockpit and aircraft cabin against terrorist attacks. As the ranking member on a Transportation subcommittee, I have worked over the years and have sponsored legislation to see that we have enough air marshals and that they will receive all the requisite training to effectively secure aircraft.

Make no mistake, the threat to our aviation system from aircraft inbound to the United States from foreign airports is serious and dangerous just as it is on our rail system. On Christmas Day 2009, we saw the underwear bomber try to ignite PETN and destroy a plane over Detroit. We need air marshals. As I indicated, the demise of Osama bin Laden has caused many to rise up and to begin to think: What is their next effort in attack, if you will, on the issue of aviation security?

While my amendment deals with the threat on inbound aircraft to the U.S., its ultimate impact will be to ensure that air marshals are assigned to the highest risks. I also intend to move forward on my FAMs legislation, which will provide training and increased productivity but also personnel. Yet this clearly goes to the heart of the problem: Protect the American public. Protect them as they travel domestically. Protect them as they travel internationally.

If you ever for a moment doubt the potential of havoc, then you just need

to look to that Christmas Day—to that unexpected act of the so-called “underwear bomber,” or, if you will, of the shoe bomber, of some years past. Then, if you want to bring it closer to home, you go back 3 or 4 weeks ago and see the series of incidences that required passengers and flight attendants to be engaged.

I ask my colleagues to support this amendment. It is in the form of a limitation that no funds should be used to limit the enhanced utilization, which will require creative thinking and the ability to use resources effectively. The bill actually says that we should have two FAMs inbound: two undesignated, unnoted individuals who can provide a cover and a buffer from what has to be a very bad climate.

Let me thank the Federal Air Marshals as well for their service. Let me thank those under Homeland Security for their service, including my friends at the Transportation Security Administration. They are in a tough, tough neighborhood.

I close by simply saying there will be an amendment on the floor dealing with collective bargaining for TSOs. In my capacity on that committee, let me say that collective bargaining has no impact on the great work of the TSOs. So I ask my colleagues to support my amendment.

Mr. Chair, I rise before you and my colleagues to take the opportunity to explain my amendment to H.R. 1717, “Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.” Mr. Chair, I am offering a limitation amendment that prohibits any funds in the Homeland Appropriations Act from being used to interfere with the deployment of federal air marshals.

My amendment would ensure that the federal air marshals are effectively using their funds to deploy personnel on inbound flights that are considered high-risk by the Department of Homeland Security's risk models.

Mr. Chair, I believe that federal air marshals are the last line of defense in defending the cockpit and aircraft cabin against terrorist attack.

As a Member of the Transportation Security Subcommittee of the Committee on Homeland Security, I have worked over the years and sponsored legislation to ensure that we have enough air marshals and that they receive all the requisite training to effectively secure aircraft.

On January 5, 2011, I introduced House Resolution 71, the Federal Air Marshals Augmentation Act of 2011. A measure that directs the Assistant Secretary of Homeland Security (DHS) for the Transportation Security Administration (TSA) to increase the number of federal air marshals by at least an additional 1,750 above the number of such marshals as of January 31, 2010, to ensure increased transportation security for inbound international flights.

This bill doubles the number of inbound international flights with air marshals onboard, without reducing domestic coverage. Makes criminal investigator training mandatory for all

air marshals. Codifies the FAMS Office of the Ombudsman, and directs the Ombudsman to implement personnel policies as previously recommended by the DHS OIG and the GAO. This bill also requires semiannual reports to Congress on this augmentation implementation and on personnel incidents and issues.

Make no mistake—the threat to our aviation system from aircraft inbound to the United States from foreign airports is serious and dangerous.

On Christmas Day 2009, we saw the underwear bomber try to ignite P–E–T–N and destroy a plane over Detroit.

And following the demise of Osama bin Laden, there were numerous suspicious activities even on domestic aircraft where passengers were attempting to open cabin doors in flight or otherwise disrupt flights.

Are we sufficiently prepared for addressing the terrorist threat to aviation?

While my amendment deals with the threat on inbound aircraft to the U.S., its ultimate impact will be to ensure that air marshals are assigned to the highest-risk flights.

It simply directs the Secretary of Homeland Security to enhance air marshal coverage on inbound high-risk flights in accordance with the Department's risk model.

This is an allocation of people issue, not a funding issue, and this amendment is budget neutral.

Mr. Chair, I ask my colleagues to support amendment 130 to the Homeland Security Appropriations bill for fiscal year 2012.

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I am prepared to accept the gentlelady's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. I want to commend our colleague from the authorizing committee, a leader of the authorizing committee, for focusing on the deployment of air marshals to maximum effect. I want to offer support for her amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

Mr. CLEAVER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. CLEAVER. Mr. Chair, I rise in support of striking language that would limit UASI funds to the top 10 cities at risk.

Since 2003, Missouri-05, my district, has received over \$70 million in UASI funding. Recently, I was informed by DHS that due to the fiscal year 2011 budget cuts, which I did not support, half of the cities that received UASI funding, including Kansas City, Missouri, would lose their funding. This means that Kansas City will not be re-

ceiving the funding that we have relied on for the last 7 years.

Limiting FY12 UASI funding to the top 10 cities would, again, detrimentally harm my district. UASI funding in Kansas City has been used for equipment and vehicles to support six rescue teams in four area fire departments. Vehicles and equipment have also been used to support special tactical law enforcement teams, allowing for the response to events where chemicals or special hazards are present as well as a regional multi-band emergency radio that allows for interoperability.

□ 1250

Funding has been used for a regional patient tracking system that enables hospitals and EMS agencies to manage multiple victims from an emergency event. The funding also allows for special mobile units that allow local public health agencies to transport equipment and set up medicine dispensing sites.

Yesterday, The Kansas City Star ran an op-ed I wrote decrying the devastating impact the loss of UASI funds will have not only on Kansas City but the entire State of Missouri. Kansas City has relied on these funds to prevent, protect, and respond to both manmade and natural disasters. Eliminating these funds would greatly hinder the region's ability to continue to enhance these preparedness capabilities. Just 2 weeks ago, three UASI-funded search and rescue vehicles were sent from my community, Kansas City, Missouri, to Joplin, Missouri, to search for survivors after the devastating tornado. Sadly, to date, as of this morning, 134 Missourians have lost their lives to this devastating disaster. However, due to the hard work of Missouri first responders, 144 missing individuals were located. We put the safety and security of our constituents in the hands of first responders, and it would be unconscionable for us to take away the tools they need to continue to save lives.

As the Representative of the Missouri Fifth District, it is my job to work to protect the citizens of my district, and it is my goal to ensure that first responders in Kansas City are given the resources they need to keep our homes secure. As I have said many times, the U.S. budget is a moral document, a bold testimony to our national priorities. It is my priority to fight to provide UASI funding to the Kansas City area. This is why I stand in support of UASI funds and the amendment to restore this funding to more than the top 10 cities that has been offered by the gentleman from New York (Mr. HIGGINS).

Mr. Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will

now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. CLARKE of Michigan.

An amendment by Mr. SESSIONS of Texas.

An amendment by Mrs. LUMMIS of Wyoming.

An amendment by Mr. CARTER of Texas.

An amendment by Mr. PRICE of North Carolina.

An amendment by Mr. SHERMAN of California.

An amendment by Mr. GOSAR of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CLARKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 150, not voting 9, as follows:

[Roll No. 389]

AYES—273

|             |               |                 |
|-------------|---------------|-----------------|
| Adams       | Cassidy       | Ellison         |
| Akin        | Castor (FL)   | Emerson         |
| Alexander   | Chabot        | Farenthold      |
| Altmire     | Chandler      | Farr            |
| Amash       | Cicilline     | Finer           |
| Andrews     | Clarke (MI)   | Fincher         |
| Austria     | Clay          | Fleischmann     |
| Baca        | Cleaver       | Fleming         |
| Bachmann    | Clyburn       | Forbes          |
| Baldwin     | Coffman (CO)  | Fortenberry     |
| Barrow      | Cohen         | Fudge           |
| Bass (NH)   | Cole          | Gallegly        |
| Benishek    | Cooper        | Garamendi       |
| Berkley     | Costa         | Gardner         |
| Bilbray     | Costello      | Gibson          |
| Bilirakis   | Courtney      | Gohmert         |
| Bishop (GA) | Cravaack      | Gonzalez        |
| Bishop (UT) | Crawford      | Goodlatte       |
| Black       | Crenshaw      | Gosar           |
| Blackburn   | Critz         | Gowdy           |
| Blumenauer  | Cuellar       | Graves (GA)     |
| Bonner      | Cummings      | Graves (MO)     |
| Boren       | Davis (CA)    | Green, Al       |
| Boswell     | Davis (IL)    | Griffin (AR)    |
| Boustany    | Davis (KY)    | Griffith (VA)   |
| Braley (IA) | DeFazio       | Grijalva        |
| Broun (GA)  | DeGette       | Guthrie         |
| Brown (FL)  | DeLauro       | Hall            |
| Buchanan    | Denham        | Hanabusa        |
| Buerkle     | DesJarlais    | Hanna           |
| Burton (IN) | Deutch        | Harris          |
| Butterfield | Diaz-Balart   | Hartzler        |
| Camp        | Dicks         | Hastings (FL)   |
| Campbell    | Dingell       | Heck            |
| Canseco     | Doggett       | Heinrich        |
| Capito      | Donnelly (IN) | Herrera Beutler |
| Capps       | Doyle         | Higgins         |
| Cardoza     | Duncan (SC)   | Himes           |
| Carnahan    | Duncan (TN)   | Hinchee         |
| Carson (IN) | Edwards       | Hirono          |

Hochul  
Holden  
Holt  
Hoyer  
Huizenga (MI)  
Hurt  
Insolee  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Jones  
Kaptur  
Kildee  
Kind  
King (IA)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Landry  
Langevin  
Lankford  
Larson (CT)  
Latham  
LaTourette  
Latta  
Levin  
Lewis (GA)  
LoBiondo  
Loeb sack  
Lucas  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Mack  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McMorris  
Rodgers

Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Moore  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Noem  
Nugent  
Nunnelee  
Oliver  
Owens  
Pascrell  
Pastor (AZ)  
Paul  
Paulsen  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (NC)  
Quayle  
Quigley  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Richmond  
Rigell  
Rivera  
Roe (TN)  
Rogers (AL)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Ross (AR)  
Ross (FL)  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Sanchez, Loretta

Sarbanes  
Scalise  
Schmidt  
Schradler  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sewell  
Shimkus  
Shuler  
Simpson  
Slaughter  
Smith (TX)  
Smith (WA)  
Southerland  
Stark  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tipton  
Tonko  
Tsongas  
Turner  
Upton  
Van Hollen  
Walberg  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Webster  
Welch  
West  
Westmoreland  
Wilson (FL)  
Wittman  
Wu  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—150

Ackerman  
Aderholt  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (CA)  
BeCerra  
Berg  
Berman  
Biggert  
Bishop (NY)  
Bono Mack  
Brady (PA)  
Brady (TX)  
Brooks  
Bucshon  
Burgess  
Calvert  
Cantor  
Capuano  
Carney  
Carter  
Chu  
Clarke (NY)  
Coble  
Conaway  
Connolly (VA)  
Conyers  
Crowley  
Culberson  
Dent  
Dold  
Dreier  
Duffy  
Ellmers  
Engel  
Eshoo  
Fattah  
Fitzpatrick

Flake  
Flores  
Foxy  
Frank (MA)  
Franks (AZ)  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Granger  
Green, Gene  
Grimm  
Guinta  
Gutierrez  
Harper  
Hastings (WA)  
Hayworth  
Hensarling  
Herger  
Hinojosa  
Honda  
Huelskamp  
Hultgren  
Hunter  
Israel  
Issa  
Jenkins  
Johnson, Sam  
Jordan  
Keating  
Kelly  
King (NY)  
Kingston  
Kinzinger (IL)  
Lance  
Larsen (WA)  
Lee (CA)  
Lewis (CA)  
Lipinski  
Long

Lowey  
Lummis  
Lynch  
Maloney  
Marchant  
Marino  
Markley  
McCarthy (NY)  
McClintock  
McKeon  
McKinley  
McNerney  
Meehan  
Meeks  
Miller, George  
Moran  
Nadler  
Napolitano  
Neugebauer  
Nunes  
Olson  
Palazzo  
Pallone  
Payne  
Pearce  
Pelosi  
Pence  
Pitts  
Price (GA)  
Rangel  
Ribble  
Richardson  
Roby  
Rogers (KY)  
Rogers (MI)  
Rokita  
Roskam  
Rothman (NJ)  
Roybal-Allard  
Runyan

Sánchez, Linda  
T.  
Schakowsky  
Schiff  
Schilling  
Schock  
Serrano  
Sessions  
Sherman  
Shuster  
Sires

Smith (NE)  
Smith (NJ)  
Speier  
Sullivan  
Thompson (PA)  
Thornberry  
Tierney  
Towns  
Velázquez  
Visclosky  
Walden

Walsh (IL)  
Waxman  
Weiner  
Whitfield  
Wilson (SC)  
Wolf  
Womack  
Woodall  
Woolsey

## NOT VOTING—9

Chaffetz  
Frelinghuysen  
Giffords

Lofgren, Zoe  
Manzullo  
Myrick

Neal  
Rush  
Schwartz

□ 1329

Mr. SIREs, Ms. ROYBAL-ALLARD, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, Ms. BASS of California, Ms. HAYWORTH, Ms. CLARKE of New York, Mrs. BONO MACK, Messrs. MEEKS, PITTS, SERRANO, Ms. LEE, Messrs. GEORGE MILLER of California, WAXMAN, Ms. ESHOO, Ms. WOOLSEY, Messrs. PAYNE and CARNEY changed their vote from “aye” to “no.”

Messrs. COURTNEY, LARSON of Connecticut, WESTMORELAND, TERRY, GRIFFIN of Arkansas, COFFMAN of Colorado, TIPTON, Mrs. CAPPS, Mrs. BLACK, Mrs. NOEM, Messrs. HALL, DESJARLAIS, MULVANEY, ROSS of Arkansas, WEBSTER, CHANDLER, Ms. MCCOLLUM, Messrs. ELLISON, UPTON, BUCHANAN, ROE of Tennessee, BENISHEK, COLE, MACK, Ms. JACKSON LEE of Texas, Messrs. PETERSON, BURTON of Indiana, BROUN of Georgia, HANNA, NUNNELEE, PAULSEN, WALBERG, DUNCAN of South Carolina, CRAWFORD, LABRADOR, FLEMING, CRAVAACK, GOSAR, AMASH, QUAYLE, CASSIDY, LUCAS, PAYNE, RYAN of Wisconsin, Ms. SEWELL, Messrs. GOHMERT, GUTHRIE, KLINE, FARENTHOLD, Mrs. BACHMANN, Messrs. MCCOTTER, HARRIS, JONES, GALLEGLY, Mrs. McMORRIS RODGERS, Messrs. SMITH of Texas, HURT, RIGELL, DAVIS of Kentucky, REHBERG, ROHRABACHER, CRENSHAW, ALEXANDER, BOREN, ALTMIRE, CAMPBELL, BOUSTANY, MCINTYRE, SHIMKUS, VAN HOLLEN, WALZ of Minnesota, JACKSON of Illinois, BONNER, POE of Texas, YOUNG of Indiana, GRAVES of Missouri, MICA, GOWDY, SCOTT of South Carolina, Mrs. CAPITO, Messrs. AUSTIN SCOTT of Georgia, SIMPSON, LATTA, BISHOP of Utah, LAMBORN, and HUIZENGA of Michigan changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. SESSIONS

The Acting CHAIR (Mr. THORNBERRY). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 204, not voting 10, as follows:

[Roll No. 390]

## AYES—218

Adams  
Aderholt  
Alexander  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert

Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Landry  
Lankford  
Latham  
Latta  
Lewis (CA)  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson

Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)



## NOES—204

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Gerlach        | Olver            |
| Altmire       | Gonzalez       | Owens            |
| Andrews       | Green, Al      | Pallone          |
| Baca          | Green, Gene    | Pascrell         |
| Baldwin       | Grijalva       | Pastor (AZ)      |
| Barrow        | Gutierrez      | Paul             |
| Bartlett      | Hanabusa       | Payne            |
| Bass (CA)     | Hastings (FL)  | Pelosi           |
| Becerra       | Heinrich       | Perlmutter       |
| Berkley       | Higgins        | Peters           |
| Berman        | Himes          | Peterson         |
| Bishop (GA)   | Hinchey        | Pingree (ME)     |
| Bishop (NY)   | Hinojosa       | Platts           |
| Blumenauer    | Hirono         | Polis            |
| Boren         | Hochul         | Price (NC)       |
| Boswell       | Holden         | Quigley          |
| Brady (PA)    | Holt           | Rahall           |
| Braley (IA)   | Honda          | Rangel           |
| Brown (FL)    | Hoyer          | Reyes            |
| Butterfield   | Inslee         | Richardson       |
| Capps         | Israel         | Richmond         |
| Capuano       | Jackson (IL)   | Roskam           |
| Cardoza       | Jackson Lee    | Ross (AR)        |
| Carnahan      | (TX)           | Rothman (NJ)     |
| Carney        | Johnson (GA)   | Roybal-Allard    |
| Carson (IN)   | Johnson, E. B. | Ruppersberger    |
| Castor (FL)   | Jones          | Ryan (OH)        |
| Chandler      | Kaptur         | Sánchez, Linda   |
| Chu           | Keating        | T.               |
| Cicilline     | Kildee         | Sanchez, Loretta |
| Clarke (MI)   | Kind           | Sarbanes         |
| Clarke (NY)   | Kissell        | Schakowsky       |
| Clay          | Kucinich       | Schiff           |
| Cleaver       | Lance          | Schrader         |
| Clyburn       | Langevin       | Scott (VA)       |
| Cohen         | Larsen (WA)    | Scott, David     |
| Conyers       | Larson (CT)    | Serrano          |
| Cooper        | LaTourette     | Sewell           |
| Costa         | Lee (CA)       | Sherman          |
| Costello      | Levin          | Shuler           |
| Courtney      | Lewis (GA)     | Sires            |
| Critz         | Lipinski       | Slaughter        |
| Crowley       | LoBiondo       | Smith (NJ)       |
| Cuellar       | Loeback        | Smith (WA)       |
| Cummings      | Lowey          | Speier           |
| Davis (CA)    | Lujan          | Stark            |
| Davis (IL)    | Lynch          | Sutton           |
| DeFazio       | Maloney        | Thompson (CA)    |
| DeGette       | Markey         | Thompson (MS)    |
| DeLauro       | Matheson       | Tierney          |
| Dent          | Matsui         | Tonko            |
| Deutch        | McCarthy (NY)  | Towns            |
| Dicks         | McCollum       | Tsongas          |
| Dingell       | McCotter       | Van Hollen       |
| Doggett       | McDermott      | Velázquez        |
| Donnelly (IN) | McGovern       | Visclosky        |
| Doyle         | McIntyre       | Walz (MN)        |
| Edwards       | McNerney       | Wasserman        |
| Ellison       | Meehan         | Schultz          |
| Emerson       | Meeks          | Waters           |
| Engel         | Michaud        | Watt             |
| Eshoo         | Miller (NC)    | Waxman           |
| Farr          | Miller, George | Weiner           |
| Fattah        | Moore          | Welch            |
| Filner        | Moran          | Wilson (FL)      |
| Fitzpatrick   | Murphy (CT)    | Woolsey          |
| Frank (MA)    | Murphy (PA)    | Wu               |
| Fudge         | Nadler         | Yarmuth          |
| Garamendi     | Napolitano     |                  |

## NOT VOTING—10

|               |              |          |
|---------------|--------------|----------|
| Akin          | Lofgren, Zoe | Rush     |
| Chaffetz      | Manzullo     | Schock   |
| Frelinghuysen | Myrick       | Schwartz |
| Giffords      | Neal         | Sullivan |

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1332

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MRS. LUMMIS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS) on which further proceedings

were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 177, not voting 17, as follows:

[Roll No. 391]

## AYES—238

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Fox             | McHenry       |
| Aderholt     | Franks (AZ)     | McKeon        |
| Akin         | Gallagher       | McKinley      |
| Alexander    | Gardner         | McMorris      |
| Altmire      | Garrett         | Rodgers       |
| Amash        | Gibbs           | Meehan        |
| Austria      | Gibson          | Mica          |
| Bachmann     | Gingrey (GA)    | Miller (FL)   |
| Bachus       | Gohmert         | Miller (MI)   |
| Barletta     | Goodlatte       | Miller, Gary  |
| Bartlett     | Gosar           | Mulvaney      |
| Barton (TX)  | Gowdy           | Murphy (PA)   |
| Bass (NH)    | Granger         | Neugebauer    |
| Benishek     | Graves (GA)     | Noem          |
| Berg         | Graves (MO)     | Nugent        |
| Biggart      | Griffin (AR)    | Nunes         |
| Bilbray      | Griffith (VA)   | Nunnelee      |
| Bilirakis    | Grimm           | Olson         |
| Bishop (UT)  | Guinta          | Palazzo       |
| Black        | Guthrie         | Paul          |
| Blackburn    | Hall            | Paulsen       |
| Bonner       | Harper          | Pearce        |
| Bono Mack    | Harris          | Peterson      |
| Boren        | Hartzler        | Petri         |
| Boustany     | Hastings (WA)   | Pitts         |
| Brady (TX)   | Hayworth        | Poe (TX)      |
| Brooks       | Heck            | Pompeo        |
| Brown (GA)   | Hensarling      | Posey         |
| Buchanan     | Herger          | Price (GA)    |
| Bucshon      | Herrera Beutler | Quayle        |
| Buerkle      | Holden          | Reed          |
| Burgess      | Huelskamp       | Rehberg       |
| Burton (IN)  | Huizenga (MI)   | Reichert      |
| Calvert      | Hultgren        | Renacci       |
| Camp         | Hunt            | Ribble        |
| Campbell     | Hurt            | Rigell        |
| Canseco      | Issa            | Rivera        |
| Cantor       | Jenkins         | Roby          |
| Capito       | Johnson (IL)    | Roe (TN)      |
| Cardoza      | Johnson (OH)    | Rogers (AL)   |
| Carson (IN)  | Johnson, Sam    | Rogers (KY)   |
| Carter       | Jones           | Rogers (MI)   |
| Cassidy      | Jordan          | Rohrabacher   |
| Chabot       | Kelly           | Rokita        |
| Coble        | King (IA)       | Rooney        |
| Coffman (CO) | King (NY)       | Ros-Lehtinen  |
| Conaway      | Kingston        | Roskam        |
| Costa        | Kinzing (IL)    | Ross (AR)     |
| Cravaack     | Kline           | Ross (FL)     |
| Crawford     | Labrador        | Royce         |
| Crenshaw     | Lamborn         | Runyan        |
| Culberson    | Lance           | Ruppersberger |
| Davis (KY)   | Landry          | Ryan (WI)     |
| Denham       | Lankford        | Scalise       |
| Dent         | Latham          | Schilling     |
| DesJarlais   | LaTourette      | Schmidt       |
| Diaz-Balart  | Latta           | Schweikert    |
| Dold         | Lewis (CA)      | Scott (SC)    |
| Dreier       | LoBiondo        | Scott, Austin |
| Duffy        | Long            | Sensenbrenner |
| Duncan (SC)  | Lucas           | Sessions      |
| Duncan (TN)  | Luetkemeyer     | Shimkus       |
| Ellmers      | Lummis          | Shuster       |
| Emerson      | Lungren, Daniel | Simpson       |
| Farenthold   | E.              | Smith (NE)    |
| Fincher      | Mack            | Smith (NJ)    |
| Fitzpatrick  | Marchant        | Smith (TX)    |
| Flake        | Marino          | Southerland   |
| Fleischmann  | Matheson        | Stearns       |
| Fleming      | McCarthy (CA)   | Stivers       |
| Flores       | McCauley        | Stutzman      |
| Forbes       | McClintock      | Terry         |
| Fortenberry  | McCotter        | Thompson (PA) |

Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden

Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman

Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—177

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Gonzalez       | Owens            |
| Baca          | Green, Al      | Pallone          |
| Baldwin       | Green, Gene    | Pascrell         |
| Barrow        | Grijalva       | Pastor (AZ)      |
| Becerra       | Gutierrez      | Payne            |
| Berkley       | Hanabusa       | Pelosi           |
| Berman        | Hanna          | Perlmutter       |
| Bishop (GA)   | Hastings (FL)  | Peters           |
| Bishop (NY)   | Heinrich       | Pingree (ME)     |
| Blumenauer    | Higgins        | Platts           |
| Boswell       | Himes          | Polis            |
| Brady (PA)    | Hinchey        | Price (NC)       |
| Braley (IA)   | Hinojosa       | Quigley          |
| Brown (FL)    | Hirono         | Rahall           |
| Butterfield   | Hochul         | Rangel           |
| Capps         | Holt           | Reyes            |
| Capuano       | Honda          | Richardson       |
| Carnahan      | Hoyer          | Richmond         |
| Carney        | Inslee         | Rothman (NJ)     |
| Castor (FL)   | Israel         | Roybal-Allard    |
| Chandler      | Jackson (IL)   | Ryan (OH)        |
| Chu           | Jackson Lee    | Sánchez, Linda   |
| Cicilline     | (TX)           | T.               |
| Clarke (MI)   | Johnson (GA)   | Sanchez, Loretta |
| Clarke (NY)   | Johnson, E. B. | Sarbanes         |
| Clay          | Kaptur         | Schakowsky       |
| Cleaver       | Keating        | Schiff           |
| Clyburn       | Kildee         | Schrader         |
| Cohen         | Kind           | Scott (VA)       |
| Connolly (VA) | Kissell        | Scott, David     |
| Conyers       | Kucinich       | Serrano          |
| Cooper        | Langevin       | Sewell           |
| Costello      | Larsen (WA)    | Sherman          |
| Courtney      | Larson (CT)    | Sires            |
| Critz         | Lee (CA)       | Slaughter        |
| Crowley       | Levin          | Smith (WA)       |
| Cuellar       | Lewis (GA)     | Speier           |
| Cummings      | Lipinski       | Stark            |
| Davis (CA)    | Loeback        | Sutton           |
| Davis (IL)    | Lowey          | Thompson (CA)    |
| DeFazio       | Lujan          | Thompson (MS)    |
| DeGette       | Lynch          | Tierney          |
| DeLauro       | Maloney        | Tonko            |
| Deutch        | Markey         | Towns            |
| Dicks         | Matsui         | Tsongas          |
| Dingell       | McCarthy (NY)  | Van Hollen       |
| Doggett       | McDermott      | Velázquez        |
| Donnelly (IN) | McGovern       | Visclosky        |
| Doyle         | McIntyre       | Walz (MN)        |
| Edwards       | McNerney       | Wasserman        |
| Ellison       | Meeks          | Schultz          |
| Engel         | Michaud        | Waters           |
| Eshoo         | Miller (NC)    | Watt             |
| Farr          | Miller, George | Waxman           |
| Fattah        | Moore          | Weiner           |
| Filner        | Moran          | Welch            |
| Frank (MA)    | Murphy (CT)    | Wilson (FL)      |
| Fudge         | Nadler         | Woolsey          |
| Garamendi     | Napolitano     | Wu               |
| Gerlach       | Olver          | Yarmuth          |

## NOT VOTING—17

|               |              |          |
|---------------|--------------|----------|
| Andrews       | Lofgren, Zoe | Rush     |
| Bass (CA)     | Manzullo     | Schock   |
| Chaffetz      | McCollum     | Schwartz |
| Cole          | Myrick       | Shuler   |
| Frelinghuysen | Neal         | Sullivan |
| Giffords      | Pence        |          |

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1336

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. PENCE, on rollcall No. 391 I was inadvertently detained. Had I been present, I would have voted "yea."

## AMENDMENT OFFERED BY MR. CARTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CARTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 180, not voting 10, as follows:

[Roll No. 392]

## AYES—242

|              |                 |                 |
|--------------|-----------------|-----------------|
| Adams        | Fincher         | Latta           |
| Aderholt     | Fitzpatrick     | Lewis (CA)      |
| Akin         | Flake           | LoBiondo        |
| Alexander    | Fleischmann     | Long            |
| Altmire      | Fleming         | Lucas           |
| Amash        | Flores          | Luetkemeyer     |
| Austria      | Forbes          | Lummis          |
| Bachmann     | Fortenberry     | Lungren, Daniel |
| Bachus       | Fox             | E.              |
| Barletta     | Franks (AZ)     | Mack            |
| Barrow       | Galleghy        | Marchant        |
| Bartlett     | Gardner         | Marino          |
| Barton (TX)  | Garrett         | Matheson        |
| Bass (NH)    | Gerlach         | McCarthy (CA)   |
| Benishke     | Gibbs           | McCaul          |
| Berg         | Gibson          | McClintock      |
| Biggert      | Gingrey (GA)    | McCotter        |
| Bilbray      | Gohmert         | McHenry         |
| Bilirakis    | Goodlatte       | McKeon          |
| Bishop (UT)  | Gosar           | McKinley        |
| Black        | Gowdy           | McMorris        |
| Blackburn    | Granger         | Rodgers         |
| Bonner       | Graves (GA)     | Meehan          |
| Bono Mack    | Graves (MO)     | Mica            |
| Boren        | Griffin (AR)    | Miller (FL)     |
| Boustany     | Griffith (VA)   | Miller (MI)     |
| Brady (TX)   | Grimm           | Miller, Gary    |
| Brooks       | Guinta          | Mulvaney        |
| Brown (GA)   | Guthrie         | Murphy (PA)     |
| Buchanan     | Hall            | Neugebauer      |
| Bucshon      | Harper          | Noem            |
| Buerkle      | Harris          | Nugent          |
| Burgess      | Hartzler        | Nunes           |
| Burton (IN)  | Hastings (WA)   | Nunnelee        |
| Calvert      | Hayworth        | Olson           |
| Camp         | Heck            | Palazzo         |
| Campbell     | Hensarling      | Paul            |
| Canseco      | Herger          | Paulsen         |
| Cantor       | Herrera Beutler | Pearce          |
| Capito       | Holden          | Pence           |
| Carter       | Huelskamp       | Peterson        |
| Cassidy      | Huizenga (MI)   | Petri           |
| Chabot       | Hultgren        | Pitts           |
| Chandler     | Hunter          | Platts          |
| Coble        | Hurt            | Poe (TX)        |
| Coffman (CO) | Issa            | Pompeo          |
| Cole         | Jenkins         | Posey           |
| Conaway      | Johnson (IL)    | Price (GA)      |
| Cravaack     | Johnson (OH)    | Quayle          |
| Crawford     | Johnson, Sam    | Rahall          |
| Crenshaw     | Jones           | Reed            |
| Culberson    | Jordan          | Rehberg         |
| Davis (KY)   | Kelly           | Renacci         |
| Denham       | King (IA)       | Ribble          |
| Dent         | King (NY)       | Rigell          |
| DesJarlais   | Kingston        | Rivera          |
| Diaz-Balart  | Kinzing (IL)    | Roby            |
| Dold         | Kline           | Roe (TN)        |
| Dreier       | Labrador        | Rogers (AL)     |
| Duffy        | Lamborn         | Rogers (KY)     |
| Duncan (SC)  | Lance           | Rogers (MI)     |
| Duncan (TN)  | Landry          | Rohrabacher     |
| Ellmers      | Lankford        | Rokita          |
| Emerson      | Latham          | Rooney          |
| Farenthold   | LaTourette      | Ros-Lehtinen    |

|               |
|---------------|
| Roskam        |
| Ross (AR)     |
| Ross (FL)     |
| Royce         |
| Runyan        |
| Ryan (WI)     |
| Scalise       |
| Schilling     |
| Schmidt       |
| Schock        |
| Schweikert    |
| Scott (SC)    |
| Scott, Austin |
| Sensenbrenner |
| Sessions      |
| Shimkus       |
| Shuster       |
| Simpson       |
| Smith (NE)    |
| Smith (NJ)    |
| Smith (TX)    |
| Southerland   |
| Stearns       |
| Stivers       |
| Stutzman      |
| Sullivan      |
| Terry         |
| Thompson (PA) |
| Thornberry    |
| Tiberi        |
| Tipton        |
| Turner        |
| Upton         |
| Walberg       |

## NOES—180

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Garamendi      | Owens            |
| Andrews       | Gonzalez       | Pallone          |
| Baca          | Green, Al      | Pascarell        |
| Baldwin       | Green, Gene    | Pastor (AZ)      |
| Bass (CA)     | Grijalva       | Payne            |
| Becerra       | Gutierrez      | Pelosi           |
| Berkley       | Hanabusa       | Perlmutter       |
| Berman        | Hanna          | Peters           |
| Bishop (GA)   | Hastings (FL)  | Pingree (ME)     |
| Bishop (NY)   | Heinrich       | Polis            |
| Blumenauer    | Higgins        | Price (NC)       |
| Boswell       | Himes          | Quigley          |
| Brady (PA)    | Hinchey        | Rangel           |
| Braley (IA)   | Hinojosa       | Reichert         |
| Brown (FL)    | Hirono         | Reyes            |
| Butterfield   | Hochul         | Richardson       |
| Capps         | Holt           | Richmond         |
| Capuano       | Honda          | Rothman (NJ)     |
| Cardoza       | Hoyer          | Roybal-Allard    |
| Carnahan      | Inslee         | Ruppersberger    |
| Carney        | Jackson (IL)   | Ryan (OH)        |
| Carson (IN)   | Jackson Lee    | Sanchez, Linda   |
| Castor (FL)   | (TX)           | T.               |
| Chu           | Johnson (GA)   | Sanchez, Loretta |
| Cicilline     | Johnson, E. B. | Sarbanes         |
| Clarke (MI)   | Kaptur         | Schakowsky       |
| Clarke (NY)   | Keating        | Schiff           |
| Clay          | Kildee         | Schrader         |
| Cleaver       | Kind           | Scott (VA)       |
| Clyburn       | Kissell        | Scott, David     |
| Cohen         | Kucinich       | Serrano          |
| Connolly (VA) | Langevin       | Sewell           |
| Conyers       | Larsen (WA)    | Sherman          |
| Cooper        | Larson (CT)    | Shuler           |
| Costa         | Lee (CA)       | Sires            |
| Costello      | Levin          | Slaughter        |
| Courtney      | Lewis (GA)     | Smith (WA)       |
| Critz         | Lipinski       | Speier           |
| Crowley       | Loeb sack      | Stark            |
| Cuellar       | Lowe y         | Sutton           |
| Cummings      | Luján          | Thompson (CA)    |
| Davis (CA)    | Lynch          | Thompson (MS)    |
| Davis (IL)    | Maloney        | Tierney          |
| DeFazio       | Markey         | Tonko            |
| DeGette       | Matsui         | Towns            |
| DeLauro       | McCarthy (NY)  | Tsongas          |
| Deutch        | McCollum       | Van Hollen       |
| Dicks         | McDermott      | Velázquez        |
| Dingell       | McGovern       | Visclosky        |
| Doggett       | McIntyre       | Walz (MN)        |
| Donnelly (IN) | McNerney       | Wasserman        |
| Doyle         | Meeks          | Schultz          |
| Edwards       | Michaud        | Waters           |
| Ellison       | Miller (NC)    | Watt             |
| Engel         | Miller, George | Waxman           |
| Eshoo         | Moore          | Weiner           |
| Farr          | Moran          | Welch            |
| Fattah        | Murphy (CT)    | Wilson (FL)      |
| Filner        | Nadler         | Woolsey          |
| Frank (MA)    | Napolitano     | Wu               |
| Fudge         | Oliver         | Yarmuth          |

## NOT VOTING—10

|               |
|---------------|
| Chaffetz      |
| Frelinghuysen |
| Giffords      |
| Israel        |

|              |
|--------------|
| Lofgren, Zoe |
| Manzullo     |
| Myrick       |
| Neal         |

|          |
|----------|
| Rush     |
| Schwartz |

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1340

Ms. HAYWORTH changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 264, noes 157, not voting 11, as follows:

[Roll No. 393]

## AYES—264

|               |                 |                |
|---------------|-----------------|----------------|
| Ackerman      | Cravaack        | Hinchey        |
| Alexander     | Critz           | Hinojosa       |
| Altmire       | Crowley         | Hirono         |
| Andrews       | Cuellar         | Hochul         |
| Baca          | Cummings        | Holden         |
| Baldwin       | Davis (CA)      | Holt           |
| Barletta      | Davis (IL)      | Honda          |
| Barrow        | Davis (KY)      | Hoyer          |
| Bartlett      | DeFazio         | Hultgren       |
| Bass (CA)     | DeGette         | Inslee         |
| Bass (NH)     | DeLauro         | Israel         |
| Becerra       | Dent            | Jackson (IL)   |
| Berg          | DesJarlais      | Jackson Lee    |
| Berkley       | Deutch          | (TX)           |
| Berman        | Diaz-Balart     | Johnson (GA)   |
| Biggert       | Dicks           | Johnson (IL)   |
| Bilirakis     | Dingell         | Johnson, E. B. |
| Bishop (GA)   | Doggett         | Jones          |
| Bishop (NY)   | Dold            | Kaptur         |
| Bishop (UT)   | Donnelly (IN)   | Keating        |
| Black         | Doyle           | Kelly          |
| Blackburn     | Edwards         | Kildee         |
| Blumenauer    | Ellison         | Kind           |
| Boren         | Emerson         | King (NY)      |
| Boswell       | Engel           | Kissell        |
| Brady (PA)    | Eshoo           | Kucinich       |
| Braley (IA)   | Farr            | Lance          |
| Brown (FL)    | Fattah          | Langevin       |
| Buerkle       | Filner          | Lankford       |
| Butterfield   | Fincher         | Larsen (WA)    |
| Camp          | Fitzpatrick     | Larson (CT)    |
| Capito        | Fleischmann     | Latham         |
| Capps         | Fleming         | LaTourette     |
| Capuano       | Forbes          | Lee (CA)       |
| Cardoza       | Frank (MA)      | Levin          |
| Carnahan      | Fudge           | Lewis (GA)     |
| Carney        | Garamendi       | Lipinski       |
| Carson (IN)   | Gerlach         | LoBiondo       |
| Castor (FL)   | Gibbs           | Loeb sack      |
| Chandler      | Gibson          | Lowe y         |
| Chu           | Gohmert         | Luján          |
| Cicilline     | Gonzalez        | Lynch          |
| Clarke (MI)   | Green, Al       | Maloney        |
| Clarke (NY)   | Green, Gene     | Marino         |
| Clay          | Grijalva        | Markey         |
| Cleaver       | Grimm           | Matheson       |
| Clyburn       | Gutierrez       | Matsui         |
| Coble         | Hanabusa        | McCarthy (NY)  |
| Cohen         | Hanna           | McCollum       |
| Connolly (VA) | Hastings (FL)   | McCotter       |
| Conyers       | Hayworth        | McDermott      |
| Cooper        | Heinrich        | McGovern       |
| Costa         | Herrera Beutler | McHenry        |
| Costello      | Higgins         | McIntyre       |
| Courtney      | Himes           | McKinley       |

McNerney  
Meehan  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (PA)  
Nadler  
Napolitano  
Olver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Platts  
Poe (TX)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg

Reichert  
Reyes  
Ribble  
Richardson  
Richmond  
Rivera  
Rogers (AL)  
Rogers (MI)  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schmidt  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Shuster  
Simpson  
Sires

Slaughter  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NOES—157

Adams  
Aderholt  
Akin  
Amash  
Bachmann  
Bachus  
Barton (TX)  
Benishek  
Bilbray  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Calvert  
Campbell  
Canseco  
Cantor  
Carter  
Cassidy  
Chabot  
Coffman (CO)  
Cole  
Conaway  
Crawford  
Crenshaw  
Culberson  
Denham  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Farenthold  
Flake  
Flores  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner  
Garrett  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)

## NOT VOTING—11

Austria  
Burton (IN)  
Chaffetz  
Frelinghuysen

Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck  
Hensarling  
Herger  
Huelskamp  
Huizenga (MI)  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (OH)  
Johnson, Sam  
Jordan  
King (IA)  
Kingston  
Kinzinger (IL)  
Labrador  
Lamborn  
Landry  
Latta  
Lewis (CA)  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Marchant  
McCarthy (CA)  
McCaul  
McClintock  
McKeon  
McMorris  
Rodgers  
Meeks  
Miller (FL)  
Miller, Gary  
Mulvaney  
Murphy (CT)  
Neugebauer  
Noem  
Nugent  
Nunes

Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Pitts  
Pompeo  
Posey  
Price (GA)  
Quayle  
Renacci  
Rigell  
Rohrabacher  
Rokita  
Rooney  
Ross (FL)  
Royce  
Ryan (WI)  
Schilling  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Smith (NE)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Thompson (PA)  
Thornberry  
Tipton  
Walberg  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (IN)

Neal  
Rush  
Schwartz  
Dent

ANNOUNCEMENT BY THE ACTING CHAIR  
The Acting CHAIR (during the vote).  
There is 1 minute remaining in this vote.

□ 1344

Mr. WITTMAN changed his vote from  
“aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. AUSTRIA. Mr. Chair, on rollcall No. 393,  
I was unavoidably detained. Had I been  
present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. SHERMAN

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from California (Mr. SHER-  
MAN) on which further proceedings  
were postponed and on which the noes  
prevailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 208, noes 213,  
not voting 11, as follows:

[Roll No. 394]

AYES—208

Adams  
Akin  
Amash  
Andrews  
Baca  
Bachmann  
Baldwin  
Bartlett  
Bass (CA)  
Bass (NH)  
Becerra  
Benishek  
Berg  
Bilirakis  
Brady (PA)  
Brady (IA)  
Brooks  
Broun (GA)  
Buchanan  
Burgess  
Burton (IN)  
Camp  
Campbell  
Capuano  
Carnahan  
Carson (IN)  
Cassidy  
Castor (FL)  
Chabot  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Coffman (CO)  
Cohen  
Connolly (VA)  
Conyers  
Costello  
Cummings  
Davis (IL)  
Davis (KY)  
DeFazio  
Dent

Doggett  
Dold  
Doyle  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Emerson  
Farr  
Finer  
Fincher  
Fitzpatrick  
Flake  
Forbes  
Foxy  
Frank (MA)  
Franks (AZ)  
Gallegly  
Garamendi  
Garrett  
Gerlach  
Gibson  
Gingrey (GA)  
Gohmert  
Lynch  
Goodlatte  
Gowdy  
Graves (GA)  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Guthrie  
Gutierrez  
Harris  
Hartzler  
Heinrich  
Hensarling  
Herrera Beutler  
Hinche  
Hinojosa  
Hirono  
Holt  
Honda  
Huelskamp  
Huizenga (MI)  
Inslee

Pearce  
Peters  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Quayle  
Quigley  
Rangel  
Reichert  
Renacci  
Ribble  
Richardson  
Rigell  
Roe (TN)  
Rohrabacher  
Rooney  
Ross (FL)  
Royce  
Ryan (OH)  
Ryan (WI)

Ackerman  
Aderholt  
Alexander  
Altmire  
Austria  
Bachus  
Barletta  
Barrow  
Barton (TX)  
Berkley  
Berman  
Biggart  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonner  
Bono Mack  
Boren  
Boustany  
Brown (FL)  
Bucshon  
Buerkle  
Butterfield  
Calvert  
Canseco  
Cantor  
Capito  
Capps  
Cardoza  
Carney  
Carter  
Chandler  
Clyburn  
Coble  
Cole  
Conaway  
Cooper  
Costa  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Davis (CA)  
DeGette  
DeLauro  
Denham  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Donnelly (IN)  
Dreier  
Ellmers  
Engel  
Eshoo  
Farenthold  
Fattah  
Fleischmann  
Fleming  
Flores

Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schmidt  
Schrader  
Scott (VA)  
Scott, Austin  
Sensenbrenner  
Serrano  
Sherman  
Slaughter  
Smith (NJ)  
Smith (WA)  
Southernland  
Speier  
Stearns  
Stutzman  
Sutton  
Terry  
Tierney  
Tonko  
Towns  
Tsongas

## NOES—213

Fortenberry  
Fudge  
Gardner  
Gibbs  
Gonzalez  
Gosar  
Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Grimm  
Guinta  
Hall  
Hanabusa  
Hanna  
Harper  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Herger  
Higgins  
Himes  
Hochul  
Holden  
Hoyer  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (GA)  
Johnson, E. B.  
Johnson, Sam  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Lamborn  
Lance  
Lankford  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lungren, Daniel  
E.  
Marchant  
Marino  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McKeon  
McKinley

McMorris  
Rodgers  
Meehan  
Meeks  
Mica  
Miller (NC)  
Miller, Gary  
Miller, George  
Moran  
Murphy (CT)  
Murphy (PA)  
Neugebauer  
Noem  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pascarell  
Pelosi  
Pence  
Perlmutter  
Peterson  
Polis  
Pompeo  
Price (NC)  
Rahall  
Reed  
Rehberg  
Reyes  
Richmond  
Rivera  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ruppersberger  
Lance  
Sanchez, Loretta  
Scalise  
Schiff  
Schilling  
Schock  
Schweikert  
Scott (SC)  
Scott, David  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (TX)  
Stark  
Stivers  
Sullivan  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi

Tipton Wasserman Weiner  
Van Hollen Schultz Woodall  
Walz (MN) Waters Young (FL)  
Waxman

## NOT VOTING—11

Brady (TX) Lofgren, Zoe Payne  
Chaffetz Manzullo Rush  
Frelinghuysen Myrick Schwartz  
Giffords Neal

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are reminded they have 1 minute remaining in this vote.

□ 1347

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. GOSAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 234, not voting 15, as follows:

[Roll No. 395]

## AYES—183

Adams Davis (KY) Huizenga (MI)  
Aderholt Denham Hunter  
Akin Dent Hurt  
Amash DesJarlais Issa  
Austria Dreier Jenkins  
Bachmann Duffy Johnson (OH)  
Bachus Duncan (SC) Johnson, Sam  
Bartlett Duncan (TN) Jones  
Barton (TX) Ellmers Jordan  
Bass (NH) Fincher King (IA)  
Benishek Flake Kingston  
Berg Fleischmann Kline  
Bilbray Fleming Labrador  
Bilirakis Flores Lamborn  
Bishop (UT) Forbes Landry  
Black Fortenberry Lankford  
Blackburn Foxx Latham  
Bonner Franks (AZ) Latta  
Bono Mack Gallegly Lewis (CA)  
Boustany Gardner Long  
Brady (TX) Garrett Lucas  
Brooks Gibbs Luetkemeyer  
Broun (GA) Gingrey (GA) Lummis  
Buchanan Gohmert Lungren, Daniel  
Bucshon Goodlatte E.  
Buerkle Gosar Mack  
Burgess Gowdy Marchant  
Burton (IN) Granger McCarthy (CA)  
Calvert Graves (GA) McCaul  
Camp Griffin (AR) McClintock  
Campbell Griffith (VA) McHenry  
Canseco Guinta McIntyre  
Cantor Guthrie McKeon  
Carter Hall McMorris  
Cassidy Harper Rodgers  
Chabot Harris Mica  
Coble Hartzler Miller (FL)  
Coffman (CO) Hastings (WA) Miller, Gary  
Cole Hayworth Mulvaney  
Conaway Hensarling Neugebauer  
Crawford Herger Noem  
Crenshaw Herrera Beutler Nugent  
Culberson Huelskamp Nunes

Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Renacci  
Ribble  
Rigell  
Roby  
Rohrabacher  
Rokita  
Rooney  
Ross (FL)  
Royce  
Scalise  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Simpson  
Smith (NE)  
Smith (TX)  
Southernland

## NOES—234

Ackerman  
Alexander  
Altmire  
Andrews  
Baca  
Baldwin  
Barletta  
Barrow  
Becerra  
Berkley  
Berman  
Biggart  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Cravaack  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Fitzpatrick  
Frank (MA)  
Fudge  
Garamendi  
Gerlach  
Gibson  
Gonzalez  
Graves (MO)  
Green, Al  
Green, Gene  
Grijalva  
Grimm  
Gutierrez  
Hanabusa  
Hanna  
Hastings (FL)  
Heck  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Hoyer  
Hultgren  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (NY)  
Kinzinger (IL)  
Kissell  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
LaTourette  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lowe  
Lujan  
Lynch  
Maloney  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McCotter  
McDermott  
McGovern  
McKinley  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Moran

Stearns  
Stutzman  
Sullivan  
Thompson (PA)  
Thornberry  
Tipton  
Walberg  
Webster  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (FL)  
Young (IN)

Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz

Waters  
Watt  
Waxman  
Weiner  
Welch

Wilson (FL)  
Woolsey  
Wu  
Yarmuth  
Young (AK)

## NOT VOTING—15

Bass (CA) Honda Neal  
Chaffetz Lofgren, Zoe Pingree (ME)  
Courtney Manzullo Rush  
Frelinghuysen Moore Schwartz  
Giffords Myrick West

□ 1350

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WEST. Mr. Chair, on rollcall No. 395, had I been present, I would have voted "aye."

Stated for:

Mr. FARENTHOLD. Mr. Chair, on rollcall No. 395, I intended to vote "yea." After the time to change my vote had expired I noticed my vote had been recorded as "nay."

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY of Georgia) having assumed the chair, Mr. THORNBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

# PROVIDING FOR CONSIDERATION OF H.R. 2055, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 288 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 288

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the

Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except: (1) proceedings under section 2 of this resolution; and (2) one motion to recommit with or without instructions.

SEC. 2. The proceedings referred to in the first section of this resolution are as follows: (a) after disposition of any amendments reported from the Committee of the Whole, the Chair shall put the question on retaining the title beginning on page 25, line 14 (Department of Veterans Affairs); and (b) after disposition of the question under subsection (a), the Chair shall put the question on engrossment and third reading of the text comprising those portions of the bill (as perfected) (1) retained by the House pursuant to subsection (a) and (2) not subject to proceedings under subsection (a).

SEC. 3. In the engrossment of H.R. 2055, the Clerk shall conform title and section numbers and make related corrections to cross-references in the event a portion of the bill is not retained pursuant to section 2 of this resolution.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. WEBSTER. For the purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bill. House Resolution 288 provides for an open rule for consideration of H.R. 2055, the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act for 2012. This rule provides for ample debate and opportunities for the Members of the minority and majority party to participate in that debate. The rule places no limitation on the number of amendments that may be considered as long as they comply with the House rules.

Similar to the open rule that was passed yesterday on the Department of Homeland Security appropriations bill, the only differences are in section 2 of this rule: it does allow for a separate vote on a title addressing the Department of Veterans Affairs. In doing so, we are delivering on the Speaker's promise to reduce the so-called omni-

bus bill and give Members the opportunity to have an up-or-down vote on Cabinet-level Departments contained in the bill.

Part of the Speaker's and Rules Committee chairman's commitment is to have a more open and transparent process. In the end, that is what this does. This is an open rule that allows for debate and for amendments.

I think every Member of the Congress was elected by a group of people in their district, citizens in their district, and they assumed that that Member would be able to come and debate and offer amendments to bills at will. Sometimes that is not the case, but it is the case this particular time. Every one of us who comes here, Republican or Democrat, liberal, moderate or conservative, comes with a desire of affecting public policy in a real way. The only way that can happen is when the process is more open and more honest and more transparent, and that is what this rule does for this particular bill. It has been a long time, yesterday being one of the first times, but a long time since we have considered an appropriations bill with an open rule.

This bill has truly been, I would say, a bipartisan effort. It is one of the first times, and I am very delighted to present the underlying bill through this rule because it is such a bipartisan effort. Even the rule itself was adopted by unanimous consent by the Rules Committee, which is something I have not experienced in my first 5 months here. So that, too, is something very, very different.

I think that is the way the process should work. I think we have got to work together. We have problems in this country, and they are deep problems. If we don't work together, we will never solve them. I think this may be a start of something that might be a little different than the way it has been.

The Democrats on the Appropriations Committee said these things about this bill: the bill sufficiently funds critical military construction, family housing and quality-of-life improvements for our brave men and women in uniform and their families. The bill meets the needs of our military veteran communities for the coming year.

That really states the purpose of this bill, and so to me, it has met the needs not only in the eyes of Democrats but also Republicans.

□ 1400

Further, the care for our veterans and service men and women is not a partisan issue. It's not. It's proven out in this particular rule and this bill.

I would like to stress that there are many programs funded at previous levels or above previous levels that have kept the promise made to our men and women in uniform. It increases the

Veterans Affairs budget for things like veterans' benefits and health programs by \$8.7 billion to \$127.7 billion. It includes the full funding for VA compensation and benefits: education benefits, vocational rehabilitation, and housing programs. It contains \$52 billion in advance funding for the VA. The same level passed in the House budget resolution for medical services, medical support, and compliance and medical facilities. This advance funding will ensure that our veterans have full access to their medical care needs regardless of where we stand in our annual appropriations process.

Once again, Mr. Speaker, I rise in support of this rule and the underlying legislation. The Appropriations Committee has worked to provide us with a fiscally responsible appropriations bill that promises to meet the needs of our military construction and our promises to the American veterans. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

I thank my good friend from Florida (Mr. WEBSTER) for yielding the customary time.

Mr. Speaker, as he has said, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2012 provides \$144 billion in appropriations for veterans' programs, military construction projects, and other agencies and programs.

This bipartisan effort—and Mr. WEBSTER underscored that, and I echo his sentiments in that regard—brought Democrats and Republicans together to craft legislation that provides the necessary funds for important military construction projects as well as improves the quality of life for veterans and military families.

One of our colleagues who no longer serves here would be very proud of this measure. He and Mr. DICKS and others worked together for years. I know Ike Skelton spent the greater portion of his career working to improve the quality of life for veterans and military families, so I pay homage to him that I have the privilege of presenting this measure on the floor.

This measure increases overall funding for veterans' health and benefits programs, ensuring that servicemen and -women who have dedicated themselves to our country will continue to receive the benefits they deserve.

This legislation provides \$14 billion in military construction for a wide range of new, upgraded and improved housing projects for members of the military and their families. This funding also includes important upgrades for military medical facilities and Defense Department education facilities located both here at home and on bases around the world.

The Department of Veterans Affairs is provided a total of \$128 billion in

budget authority, an increase of almost \$9 billion over last year. This legislation ensures full funding for essential VA compensation and benefits programs in areas like education, vocational training and housing assistance. It also includes \$52 billion in advance funding for the VA, ensuring that veterans will continue to have full access to their medical care needs regardless of where Congress stands in the annual appropriations process. This underlying legislation includes funding for important national programs and activities, such as Arlington National Cemetery, the American Battle Monuments Commission, the U.S. Court of Appeals for Veterans Claims, and the Armed Forces Retirement Home.

However, Mr. Speaker, I am a little disappointed to see that the majority included, unfortunately, a political and possibly divisive amendment regarding project labor agreements.

In February 2009, President Obama issued an executive order to allow Federal agencies to consider requiring the use of project labor agreements in connection with large-scale construction projects. This executive order did not mandate the use of these agreements. In fact, the order explicitly states that Federal officials have the option to determine if these agreements are right for a project.

Unfortunately, the committee adopted an amendment to the underlying legislation that prohibits funds from being used to implement this order, effectively blocking agencies from even considering such labor agreements. These labor agreements are useful to promote the economy and efficiency in Federal procurement practices. A project labor agreement is a pre-hire agreement that establishes the terms and conditions of employment for a specific construction project, and it can be a useful tool to ensure coordination on large-scale projects involving multiple employers.

The executive order still allows for competition in contracts and subcontracts, contains guarantees against strikes and similar job disruptions and provides mechanisms for management and labor cooperation; but while the executive order does not mandate the use of project labor agreements, the language adopted by the committee rules out that possibility altogether. The executive order ensures that construction projects are built correctly the first time, on time and, as a result, on budget.

Frankly, this is an inappropriate and unnecessary politicization of this appropriations bill, and I believe, in the end, it will simply add cost to the taxpayer through a less efficient procurement process.

At this time, Mr. Speaker, I would like to point out that I am also troubled by the provision regarding Guantanamo Bay detainees. This legisla-

tion—indeed, all of the appropriations bills—are going to include provisions to prohibit funds to renovate, expand or construct facilities in the United States in order to house Guantanamo Bay detainees. Let me say the same thing I said during last year's appropriations cycle when similar language was included:

The language in this bill is not going to solve the problem of what to do with the indefinite detention of individuals at Guantanamo Bay. The debate over Guantanamo is missing the larger picture, and that is the need to reform our entire detention policy.

As I have maintained, the problem is the policy, not the place. Without a system of justice to deal with suspected terrorists wherever they are held, we are left with a broken system that has been a significant recruiting tool for al Qaeda and other groups which threaten our security. We need to deny them that image of America. We need a judicial process that accomplishes three things: one, protects our national security by holding and prosecuting those who have committed crimes or who pose a threat to our country; two, upholds international standards of human rights; and three, strengthens our Nation's image as a country that upholds the rule of law and does not resort to arbitrary justice even while under threat.

The underlying legislation is the second appropriations bill this cycle to contain provisions relating to Guantanamo. I expect that the remaining bills will also include this language. At some point soon, we are going to need to move beyond trying to legislate this matter into appropriations bills and, instead, deal with establishing new and appropriate policies and guidelines to bring our national security needs in line with our historic national values.

Mr. Speaker, the underlying legislation contains essential funding for critical military construction programs and for our Nation's veterans. It is fitting that we consider this legislation so soon after Memorial Day when the sacrifices made by so many servicemen and -women are still on our minds. Veterans deserve our thanks and our admiration, and we owe them the necessary resources to meet their health care, education and housing needs.

I reserve the balance of my time.

□ 1410

Mr. WEBSTER. I yield 5 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I thank my friend, my fellow Floridian and Rules member, Mr. WEBSTER, for the opportunity to speak in support of this rule and also in support of the underlying legislation, H.R. 2055, which appropriates funds for military construction and for our Nation's veterans.

Mr. Speaker, Florida's Fifth Congressional District, which I represent, is

home to over 116,000 veterans, one of the highest veteran populations of any district in America. The funds we're talking about here today have a direct effect on the lives of the men and women who have proudly served our Nation in uniform. This bill provides full funding for VA and health and educational benefits. It also funds vocational rehabilitation training for those troops who come home from war with service-connected disabilities.

Thanks to programs like VetSuccess, these veterans can work with job counselors to develop the skills necessary to find meaningful civilian employment. These programs also help connect veterans who are unable to work and give them additional training to allow them to be independent living in America.

Given the number of veterans living in my district, I'm lucky enough to have visited a large number of VA health and benefits facilities throughout my district. During these trips, I have had the opportunity to see and visit with a number of physicians, nurses, and staff which these funds help keep on the mission of protecting and taking care of our veterans on a daily basis. I've also had the opportunity to speak with the true American heroes, those who answered the call of duty and put their lives on the line to protect our country, our way of life, and our freedoms.

Mr. Speaker, we as a Nation owe our veterans a debt that can never be repaid. However, as Members of Congress, we can ensure that we keep our promises to our troops. H.R. 2055 fully funds the benefits that give our veterans back a small measure of what they truly deserve.

As a member of the Rules Committee, I am proud of this rule. We are continuing to make the 112th Congress the most open, transparent Congress the American people have seen in years. In fact, this may be the first rule that I've seen that was a voice vote unanimously approving the rule. I would like to thank the Appropriations Committee for their hard work on this underlying legislation that this rule will bring to the House floor.

I spoke about visiting hospitals within my district. At Haley Hospital, the VA hospital in Tampa, I've had the opportunity to meet a number of those who have had serious traumatic brain injuries, amputees, those that have the ability to try to get their lives back on track after giving so much to this Nation.

I had them point to the stars on my chest here that indicate that I have three sons serving, and they were more concerned about me as a dad than their own physical infirmities that they're fighting to try to overcome. As the father of three sons who are currently serving in the United States Army, we've been blessed as a family and as a

Nation, and as my oldest son came back from 15 months in Afghanistan in combat, but for the grace of God he came back whole, not like so many others who have served this country and given so much.

H.R. 2055 is a good bill, and this rule is a good rule. I encourage my colleagues on both sides of the aisle to support them both.

Mr. HASTINGS of Florida. Mr. Speaker, I would like to point out that during the Rules Committee hearing, Mr. SANFORD BISHOP, the ranking member of the subcommittee, raised a concern about the consequence of requiring separate votes on various parts of the bill. We feel that this is a serious issue, and we intend to continue to monitor the process closely as we consider the remaining appropriations bills.

I am very pleased at this time to yield 3 minutes to my good friend, the distinguished gentleman from Washington (Mr. DICKS), the ranking member of the Appropriations Committee.

Mr. DICKS. Mr. Speaker, I rise in reluctant opposition to this rule and need to take a moment to explain why, because I know many Members, especially Members of the minority, appreciate the openness of the amendment process. My concerns lie elsewhere with this rule; namely, that this rule for the first time requires a separate vote in the House on title II instead of following the regular order process.

Mr. Speaker, I believe this procedural change sets a very bad precedent for the Appropriations Committee and for the House as a whole. Our committee currently has 12 subcommittees which cover every agency and program we fund through discretionary appropriations. Over the years that I have served on this committee, those jurisdictions have been changed—broadened, narrowed, switched places. And we have even created new subcommittees to address a current need, such as the Homeland Security subcommittee following the terrible events of 9/11.

There have also been realignments based on political dynamics, such as the abolition of the old VA-HUD subcommittee which had forced veterans, housing, and NASA programs to all compete within the same bill and same allocation for annual funding. We now fund Veterans Affairs with Military Construction.

If the majority is unhappy with the current subcommittee makeup, or believes an agency should stand alone for individual approval, they have every tool available to them to change the jurisdictions. We need not change the way we consider these bills on the floor and complicate a fairly straightforward process Members are already familiar with.

As ranking member of this committee, I must also focus on the impact this change would have on our entire

process, especially our process of reconciling these bills with the other body. The theoretical defeat of a title compromises the position of the House in conference committee negotiations. Now I don't think that will happen on the MilCon-VA bill.

However, in some instances, the House may reject a title. In that circumstance, how does the House proceed to conference with the Senate on that particular bill? We cannot just decline to fund an entire title and then go on to negotiate its terms with the Senate. Striking a title of an appropriations bill will limit the House's ability to negotiate anything in that title by limiting the scope of that conference to only measures approved by both Chambers.

Mr. Speaker, I am grateful for the open amendment process this rule provides but do wish that we would stick to true regular order for consideration of this bill.

I want to just also add that this is a good bill. It could be a little better, but I think this is a bill that should be passed overwhelmingly.

Mr. WEBSTER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

□ 1420

Mr. HASTINGS of Florida. I yield myself the balance of my time.

Mr. Speaker, so soon after commemorating Memorial Day and honoring our Nation's veterans, we all can be pleased by the level of bipartisan support provided in this legislation for essential veterans programs. We all know that they deserve the very best support our Nation has to offer, and I am pleased to note that Democrats and Republicans came together to craft legislation that provides the necessary resources for veterans and their families.

As I pointed out, I wish that the language relating to project labor agreements was not in this bill. I believe that President Obama's executive order gives, rightly, Federal officials flexibility in determining the most cost-efficient method of completing large-scale construction projects. The executive order simply provides options, and the language in the bill by the majority closes those options off. This is going to be, in my view, inefficient and costly and shouldn't be included in the underlying legislation.

So, too, must this Congress deal reasonably with the issues that I spoke of regarding Guantanamo Bay. Congress has a responsibility to ensure that the United States upholds the rule of law, remains true to the great foundational ideals of our democracy, and has flexibility in its counterterrorism policies to ensure an effective national security strategy.

I urge my colleagues to vote "yes" on the rule.

I yield back the balance of my time.

Mr. WEBSTER. Mr. Speaker, as you heard me say earlier, my Republican colleagues and I are committed to providing a more open, transparent and accountable process here. Today's bill is a monumental step towards that right direction, and it's an example of a big desire within our own Speaker's heart to change the way things work here in Washington.

The underlying bill has bipartisan support. It went through the regular order; it provided an open rule to allow Republicans and Democrats alike to bring up their ideas and debate them; and even some that have been brought up by the minority here, those are brought up in a way that we will have an opportunity to amend at a later date.

Mr. DICKS. Will the gentleman yield?

Mr. WEBSTER. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

Can the gentleman explain why all of a sudden the new majority has decided to have a separate vote on one Department and risk the possibility of going to conference, say, with Military Construction but not with the Veterans Affairs? What is the purpose for this, especially with an open rule when you can vote on any provision in the bill?

Mr. WEBSTER. In doing so, we are delivering on the Speaker's promise to reduce so-called "omnibus" bills to a smaller, more understandable bill that gives Members the opportunity to have an up-or-down vote on Cabinet-level Departments contained in the bill.

I will tell you that I experienced the same thing. I used to be a leader of a group in Florida which was known as the House of Representatives. And as Speaker there, we did the same thing. It was the first time ever, and I always knew, a lot of people with questions, can you divide up the different appropriations and send them to a Senate who may have a smaller—yes, you can. And basically all we did was break up the conferences. The conferences stayed exactly the same. The Members were appointed, and two bills, let's say, instead of one were sent to a particular conference while the Senate added their one. And then they were combined at a later date and passed as a general appropriation act.

So it can work, I promise you. I know it's new; I know it's different. You probably would question that there is something behind it—

Mr. DICKS. Do you think it's a good idea?

Mr. WEBSTER. I do believe it's a good idea. And the reason I believe it's a good idea is because I think there was some angst about looking at a large package at one time, and this is just an opportunity to break it up. I don't think it changes anything. I think it gives us an opportunity to actually scrutinize in a better way.



Mr. DICKS. Well, you could have another subcommittee. You could have a subcommittee do Veterans Administration and one do Military Construction. Anybody thought about that?

Mr. WEBSTER. I don't know.

Mr. DICKS. I appreciate the gentleman yielding.

Mr. WEBSTER. Reclaiming my time, I will start where I left off.

The vote on the rule, which provides an open and transparent process, which makes no limitations on amendments, where ideas and policies will rise and fall on their merits and their bases and debate and so forth, is an awesome opportunity for this House to speak its will, not just an up-or-down vote on one bill, but an up-or-down vote on amendment after amendment in order to perfect the bill.

The clash of ideas is a good thing. And as we debate these ideas and we hear them on the floor of the House and then we have an opportunity to vote on them, it makes a good bill a better bill. This is what the American people expect from their elected officials. It is an expectation that is fulfilled by the rule and produced in the underlying bill. I encourage all my colleagues to join me in supporting passage of this bill.

For over two centuries, our U.S. military has protected America from both our enemies and the enemies of our friends. The valor and dignity and courage of our men and women in uniform remain strong. From Valley Forge to Desert Storm, from San Juan Hill to Operation Enduring Freedom, the fighting spirit of American soldiers shines throughout history.

It is due to the lives selflessly lived and lost in defense of our country that we have the privilege to stand here today free and grateful. So thank you, veterans. And I, too, am glad that this happened just a few days after Memorial Day because it is a great way to remember the people that have given their lives for our country.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore (Mr. GOHMERT). Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2017.

□ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the further consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. GINGREY of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Texas (Ms. JACKSON LEE) had been disposed of and the bill had been read through page 92, line 7.

AMENDMENT NO. 42 OFFERED BY MR. COLE

Mr. COLE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the date of enactment of this Act.

The Acting CHAIR. The gentleman from Oklahoma is recognized for 5 minutes.

Mr. COLE. Mr. Chairman, in April, a draft executive order was circulated that would force companies as a condition of applying for a Federal contract to disclose all Federal campaign contributions. In my view, if implemented, this executive order would lead to a significant politicization of the Federal procurement process. Instead of a company being evaluated and judged on its merits, their past work experience, their ability to complete the government contract in question, this executive order would introduce the potential that they would be evaluated politically as opposed to professionally.

It's never a good idea, Mr. Chairman, in my view, to mix politics with contracting. My amendment would prevent the President from implementing the proposed disclosure requirements.

Congress actually considered something similar to what the President is proposing in the 111th Congress, the so-called DISCLOSE Act. It's instructive to me that that Congress—the majority of which in both Houses was controlled by our friends on the other side—decided not to implement such a requirement. Frankly, I think doing so now by executive order is effectively legislating through the executive branch.

The executive order in question that's being considered would not in fact lead to more objectivity in the bidding process, and it could potentially chill the constitutionally protected right of people to donate politically to whatever candidate, political party, or cause that they chose to do so.

It's worth noting that nothing in this amendment would affect the current Federal disclosures under the law. We're not trying to change things; we're not trying to let people do something they can't do now. We're simply trying to make sure that political contributions and political activities never move into the contracting process. Pay-to-play has no place in the Federal contracting process, and requiring the disclosure of campaign contributions for government contracts does just that.

□ 1430

Mr. Chairman, I would respectfully urge that the amendment be adopted.

I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Cole amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. The amendment before us is a legislative attempt to circumvent a draft Executive order which would provide for increased disclosure of the political contributions of government contractors.

The draft Executive order being developed by the Obama administration would require Federal contractors to disclose more information about their political contributions than they currently provide. Particularly, those contributions given to third-party entities.

Some have said they oppose this effort because additional information could be used nefariously to create some kind of enemies list. In other words, they argue that companies should not disclose more information because people in power could misuse that information to retaliate against them.

I just think there are fundamental problems with this premise. Under this logic, all campaign disclosures would be bad, not just the new ones. Government contractors already disclose contributions and expenditures by their PACs and those who contribute to them. Contributions by the officers and directors of government contractors are also required to be disclosed. Should we eliminate those provisions, too? Of course not. The information is required to be provided already in law, and the Executive order that the amendment would circumvent simply enhances the quality of that information.

More than 30 groups, including non-partisan, nonprofit organizations like Democracy 21, the Project on Government Oversight, Public Citizen, many others have concluded that the draft Executive order would enhance transparency and decrease corruption. And these aren't the only groups that support the Executive order.

Two weeks ago, a coalition of institutional investors and investor coalitions

collectively managing more than \$130 billion in assets also wrote to express their support. In their letter, they explained that corporate political activity presents significant risks to shareholder value. And transparency allows investors to put together in a more complete picture the various risks to our investments.

So, Mr. Chairman, as the Los Angeles Times said in a recent editorial, disclosure is the solution, not the problem. I believe that is the case.

I urge Members to defeat this amendment.

I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I rise in support of the Cole amendment, and the reason why I do is twofold.

Number one, I do think there are some questions about what are the motives. Why should you have to tell the Federal Government absolutely everything in our society today when you're just bidding on a contract? I see some good in it, and the gentleman mentioned the L.A. Times article. I think it makes some good points. But I also see how there is a double-edged sword, that there's too much information that's out there.

But the other thing is this is a major change and a possible encroachment on your constitutional right of First Amendment freedom of speech as to whom you give.

So if we are going to make this the law of the land, public policy, it really should go through the legislative process—hearings and testimony—and let everybody have something to say about it instead of just one more Executive order from the administration.

So I think we should adopt the Cole amendment.

Mr. DICKS. I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I too am concerned about this amendment, especially when these campaign contributions are given secretly. You know, our system has been improved by having public disclosure of political contributions. I think the more the public knows about where the money is coming from, the better off the citizenry is.

So I just support the ranking member, Mr. PRICE, who gave a very complete description of why we're against this amendment, and I urge its defeat.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COLE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. COLE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

AMENDMENT OFFERED BY MR. GOHMERT

Mr. GOHMERT. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the new construction, purchase, or lease of any building or space in the District of Columbia except where a contract for the construction, purchase, or lease was entered into before the date of the enactment of this Act.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. Under this amendment, no funds would be made available by this act for the new construction, purchase, or lease of any building or any space in the District of Columbia except where a contract was entered into before the date of the enactment.

Now, in the District of Columbia right now, the Federal Government had exactly 304 leases at the start of this year. These leases cover more than 23.6 million square feet. This bureaucracy has grown beyond the bounds of being reasonable.

The Federal Government, in addition to the 23.6 million square feet that it leases, also owns 109 buildings in the District of Columbia, and that doesn't even include all of the Department of Defense buildings because those are administered by other than the GSA. The 23.6 million square feet come at a cost of around a billion dollars every year to the taxpayer.

Here we are in financially troubling times, and we need to send a message back to America we know you're tightening your belts. We know that States and municipalities are having to tighten their belts, and we get it here, also.

The Appropriations Committee and the chair is to be applauded. They have done a wonderful job on this bill. There is an amount zeroed out for new building space in a specific area of this bill. It takes that good step and goes one step further and says no funds made available in this act can be used in any way for construction, for lease or building out any space in the District of Columbia.

It also should be noted that every cubicle, every desk we add in the District of Columbia ends up requiring States and municipalities to add space there. They have to put somebody in that space, because every time we add a desk with a bureaucrat behind it in the District of Columbia, they have to justify their existence. They have to cre-

ate requirements for people back in the States or in the municipalities to respond so that they can justify their existence in the District of Columbia.

The Federal funds that might be used for new construction or new leases to add to the 23.6 million square feet of space already under lease and the 109 buildings, not even including the Department of Defense buildings, that money could be better spent reducing the Federal deficit or protecting our homeland in other ways.

□ 1440

Let's let America rebound. Let's let America build back before we build or lease one more square foot in Washington, DC.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, this amendment would prohibit any funds in this bill to be used for new construction, purchase, or lease of a new building or space in Washington, D.C., in fiscal year 2012, the life of this bill. If adopted, this amendment, as I read it, would or could do several things.

First of all, it would not allow DHS to renew leases in the Washington, D.C., area, which means the leases would lapse, leaving DHS employees without offices to work in, and subjecting the Federal Government to lawsuits because the lessors would have no choice but to begin litigation for damages, to include costs to evict and lost rent.

The amendment might require DHS to break current construction contracts due to a lack of funds if a new purchase or lease is required. It would not permit the GSA to condemn facilities that the DHS occupies if that were necessary. Therefore, it would force DHS to maintain occupancy until follow-on leases might be executed in 2013, or further down the road, or alternative space could be identified and prepared for use.

The amendment, as I read it, might not permit DHS even to reconfigure its current facility space to provide seats for the new staff being hired, particularly for some of these new functions that are going to require reconfiguring, such as cybersecurity and intelligence missions.

And then we need to ask, Mr. Chairman, what happens if a DHS facility in D.C. has a fire or a flood and we can't use it? This amendment would prevent, as I read it, rebuilding if a new construction contract was required as part of that rebuilding, as of course it might well be.

So the questions just go on and on. This is not a well-advised or wise

amendment. It's far-reaching. It has negative implications. I urge its rejection.

I yield back the balance of my time.

Mr. DICKS. I move to strike the last word.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. If I could ask the gentleman from Texas (Mr. GOHMERT), the sponsor of the amendment, a question.

Why just the District of Columbia? You know, there are Federal buildings in Virginia and Maryland, surrounding the whole area. Why just the District of Columbia?

Mr. GOHMERT. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Texas.

Mr. GOHMERT. Well, the intent is that since this is where so much construction and leasing has been done, that that's where it needs to stop, that the bureaucracy here in Washington has expanded to the point that this was a good place to draw the line. If the gentleman is wishing to extend that across the country, you know—

Mr. DICKS. I am not interested in that. I just want to make that clear. But I was interested why just the District of Columbia when this whole area here has many different government buildings, both in Maryland and in Virginia, which are proximate to the District of Columbia?

Mr. GOHMERT. If the gentleman would like to add those to this amendment, I would be glad to accept that.

Mr. DICKS. Let me also ask the gentleman on the point that Mr. PRICE made about leases: Do you see that a situation would occur that if a lease is expired once this amendment was enacted and signed into law—I doubt that it will be—but that an agency couldn't redo a lease? And what would you do in that situation if you couldn't build office space or you couldn't lease office space? You would have to leave the District of Columbia.

Mr. GOHMERT. If the leases were appropriately drafted, then normally they would have an option for additional time. That under this amendment would mean that that was a contract entered into prior to the enactment of this bill. So that wouldn't be a problem. If it is a major lease expiring, then heaven forbid but they would actually have to come back to Congress, and it would be a form of sunset, for them to justify why they need to have a new lease. I think it's a great way of having oversight over groups that don't have their own building. We've leased a massive 23.6 million square feet of space. Let's sunset some of that or otherwise justify why you need another lease.

Mr. DICKS. Reclaiming my time, I feel that Mr. PRICE has the better argument here, and I urge defeat of this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. GOHMERT. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. ISSA

Mr. ISSA. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to promulgate regulations that will result in private sector job losses to United States companies.

Mr. ADERHOLT. I reserve a point of order on the gentleman's amendment.

The CHAIR. A point of order is reserved.

The gentleman from California is recognized for 5 minutes.

Mr. ISSA. This is a critical amendment. If not now, then when? If not on this bill, then when are we going to get to looking at American job creators in a positive way? There is no question if this amendment is held to a point of order that it will be seen again and again by those of us who care about jobs in America.

The Web site that my committee launched, AmericanJobCreators.com, has already seen countless examples, in the thousands now, of different ways in which regulatory excesses have in fact cost jobs. Moreover, what we're seeing is a pattern of no cost-benefit analysis being done in any way, shape, or form on new regulations.

Promulgating regulations if they don't cost jobs, if they are a net benefit to the economy, wouldn't be a problem, at least not overall. But in fact, we have had the EPA administrator, the former Minerals Management Service, now Ocean Energy, the Assistant Secretary of the Interior, and countless more before our committee, each of whom seems to be muddled about cost-benefit on the regulations they create. They often say, of course we do cost-benefit. Then if you say, well, what do the cost-benefits show on a particular regulation, they are never familiar with it.

It is in fact very clear that we know that we're costing jobs. The estimate by the Small Business Administration, I repeat the estimate by the U.S. Small Business Administration is that regulations cost \$1.75 trillion, or about \$8,000 per employee, perhaps as much as \$10,000 per employee.

Not every regulation that costs money needs to in fact not happen. But

it certainly should be a decision of the Congress, and not an unelected individual somewhere in a well-windowed office with beautiful carpeting deciding on their own to have guidance or rule-making that costs American jobs.

The Department of Homeland Security is in fact one of the most insular organizations. They have proven not to know or care what America needs, only that they must do what they choose to do. This is an agency that is so, so, so excessive that they even found that sending FOIA requests to political appointees who redacted or simply didn't send them out was okay. That's the kind of thing that we need to deal with here in appropriations, and if not in appropriations, in broader legislation.

My amendment simply seeks to force back to Congress the responsibility for regulations that cost jobs. If a study is done and it doesn't cost jobs, it would go forward. The fact is that most of our laws require some cost-benefit analysis. But since they're able to do it without ever formalizing it, or waive it because they say they don't believe it would happen, we don't have that kind of fact. An amendment like this simply says if you're going to cost American jobs, come back to Congress.

With that, I urge passage of this amendment. I strongly believe that with 9 percent unemployment, and in California 11 percent, and more in other areas, it's time for us to say don't pass a new regulation that costs jobs unless you're willing to bring it back to Congress.

I yield back the balance of my time.

□ 1450

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. ADERHOLT. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rules state, in pertinent part: An amendment to a general appropriation bill shall not be in order if it changes an existing law. The amendment requires a new determination.

I ask for a ruling from the Chair.

The CHAIR. Does any other Member wish to be heard on the point of order?

Mr. ISSA. I do.

The CHAIR. The gentleman from California is recognized.

Mr. ISSA. Mr. Chairman, I believe that, in fact, you will rule, if allowed to, on this point of order. It is unfortunate that our rules allow appropriators to legislate when they want to but don't allow us to bring sensible reform when we believe it is necessary. I am not legislating; I am limiting.

But I recognize that the ruling is inevitably going to go against us. I will

endeavor to bring this to the attention of the body at every opportunity and will be drafting a bill that would change the whole regulatory format.

I would hope those who say on a technical basis they cannot support us today, even though they know that regulations are costing American jobs every day, will support legislation that would change this across government.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Nebraska (Mr. FORTENBERRY) to talk about an important immigration enforcement program.

Mr. FORTENBERRY. I thank the gentleman for yielding.

Mr. Chairman, I rise to ensure that appropriate funds are provided for the 287(g) program in this bill. The Federal Government must have well-equipped partners to address interior enforcement concerns.

However, the bill does not state specifically all funds for the 287(g) program, which would allow for robust law enforcement capacity.

I want to ensure the record reflects that the administration's request is \$68,321,000 and that this bill supports the President's request.

Citizens nationwide are rightfully demanding secure U.S. borders and enforcement of our immigration laws. The desire, Mr. Chairman, in many places across the country to strengthen interior enforcement points to an overwhelming perception throughout the Nation that the Federal Government is not as effectively as possible addressing serious security concerns such as the pernicious criminal activity related to illegal immigration in the border region.

We need to better empower States and local law enforcement, and the 287(g) is a very important program.

In 1996, Congress enacted section 287(g) as an amendment to the Immigration and Nationality Act to provide necessary immigration enforcement assistance to State and local law enforcement entities. It authorizes the Department of Homeland Security to enter into agreements with State and local law enforcement, equipping them through thorough training to perform important immigration enforcement functions.

Local law enforcement agencies are often closest to the problem. To date, Immigration and Customs Enforcement has trained more than 1,240 State and local officers nationwide pursuant to section 287(g) programs. Since 2006, the 287(g) program, according to ICE, has resulted in the identification of more

than 200,300 "potentially removable aliens—mostly at local jails." Sixty-nine separate local law enforcement agencies participate in the program in 24 States, including Colorado, Connecticut, Delaware, Florida, Georgia, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Virginia; and ICE, it appears, has worked very diligently since 2009 to fix concerns with the program by strengthening public safety and improving consistency.

In my home State of Nebraska, there is interest at the local level. The City of Fremont, in particular, has voiced enthusiasm for this program and could directly be impacted by an increase of funds available to help secure their community.

Ensuring full funding for the 287(g) programs preserves a high spirit of federalism in empowering States to work together with the Federal Government on a critical homeland security matter.

Mr. Chairman, America has been, for a long, long time, a just and generous Nation in regards to immigration policy, opening her arms to persons, particularly those facing social, economic or even political persecution, who wish to come here and make a new contribution in a new community to the well-being of their own lives. This should remain the hallmark and spirit of sound immigration policy, but uncontrolled borders are a serious threat to the United States' national security; and with lax interior enforcement authority, we risk our ability to remain a just and generous Nation in regards to immigration policy. So section 287(g) plays a critical role in this process and should be funded at the administration's request.

Mr. ADERHOLT. Reclaiming my time, the gentleman from Nebraska raises some excellent points, and I strongly support robust enforcement of our Nation's immigration laws. That includes partnership with the States and local law enforcement through the 287(g) program.

As the gentleman from Nebraska noted, 287(g) is an important tool among many and gives ICE a force multiplier for immigration enforcement.

I thank the gentleman from Nebraska for his attention to this important program, and I will continue to work with him as we move this bill forward.

I yield back the balance of my time. Mr. MICA. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. MICA. Mr. Chairman, at this point I was planning to offer to the House and to the committee for its consideration, as we consider one of the most important appropriations

measures that the House will consider, and that's for our homeland security, I was prepared to offer an amendment here at this juncture to limit some of the funds that are made available to the Transportation Security Administration.

My intent is, I think, well founded in having had the opportunity to review TSA's operations, actually one of the individuals responsible for creating TSA back after the events of 9/11, when we had to put in place a transportation security measure and operation for the Nation which we didn't have prior to that.

When we set up TSA, and particularly where we provided for a new way of aviation passenger screening, we actually created two models: one, a private sector model, which is the Federal setting of guidelines and all of the rules for conducting screening and then Federal operation of the screening; but also a second model, which was Federal Government setting the rules and the protocols for operation but using private screeners.

We set up five models of different-sized category airports to test this and see how it would work, testing the all-Federal model against the Federal model with private operators. I can tell you that after testing this several years, after operational testing not by me but by the Government Accountability Office, they found, in fact, that the private screeners performed statistically significantly better than the other screeners.

TSA wasn't happy with these findings, and it captured a great deal of the market and activity, so they did everything they could to distort some of the findings and change the way the airports were tested.

□ 1500

Even so, about 16 airports now operate with private screeners under Federal supervision. Tomorrow our committee, and this is the Transportation Committee, our Investigations and Oversight Committee will reveal the most comprehensive report of looking at these operations, and we are comparing apples and apples to see which one runs better and more cost effectively for the taxpayer.

Without a doubt, this report will show the substantial savings. In fact, within 5 years, if we converted 38 of the top airports to Federal operations, again, Federal oversight with private screening, we could save \$1 billion.

And I was prepared to try to transfer earlier in the bill double the amount of money. There's \$144 million in here for private screening operations under Federal supervision that we currently have, and double that amount of money which could have gotten us much more passenger screening and do it much more cost effectively for the taxpayers. And actually most of our

initiatives, positive initiatives, have come from these private screening models. In any event, that was my intent.

At this point in the bill, I can only take money from the overall screening activity or limit it. It's my understanding that after I strike the last word, I'll have an opportunity to offer an amendment that will, in fact, limit the amount of money for the all-Federal screening model—not taking it out of TSA, but giving discretion to the administrator and hopefully applying it. Once again, we restart the private screening under Federal supervision. Actually, as I speak, all 16 airports continue, but we restart opening it to other airports.

I want to make certain that we have the funds available to accomplish that goal. And that's the purpose of my amendment. So I'm not taking away from the overall money to TSA. I'm limiting the amount of money that can be used. And now we have a Federal screening force, I'm told, of some 41,000, give or take 500, screeners. This bill authorizes up to 46,000 I'm told. So we stay within the caps.—

The CHAIR. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. I have an amendment at the desk.—

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, insert the following: SEC. \_\_\_\_\_. Of the amount made available for screening operations under the heading: "Transportation Security Administration—Aviation Security", not more than \$2,760,503,458 may be used for screener personnel, compensation, and benefits.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Florida has not been recognized on his amendment yet. The Chair will recognize an opponent following that debate.

Mr. PRICE of North Carolina. My understanding, Mr. Chairman, maybe the gentleman can clarify, but my understanding was that the 5-minute address we had just heard was addressing the amendment.

The CHAIR. No, the gentleman rose to strike the last word. After yielding back, he then offered his amendment. So the gentleman from Florida will be recognized now on his amendment. He had not offered it before.

Mr. DICKS. Mr. Chairman, I reserve a point of order.

The CHAIR. A point of order is reserved.

The gentleman from Florida is recognized for 5 minutes in support of his amendment.

Mr. MICA. Mr. Chairman, I do want to apologize to the members of the committee because we want to make certain that if we offer the amendment

that it was in the proper form as originally drafted. It was on a previous page. And I understand from the Parliamentarian that we could only do a limitation at this particular stage. So that's why I had the time to explain and striking the last word, my position and some of the history of my involvement with this. It's not that I'm just a Johnny-come-lately on the floor to do some mischief with TSA. It's that I helped to actually create the agency. I want it to be effective. I want taxpayer money to be properly expended.

But when I see the results—and I've seen the way the TSA operates. They started with 16,500 screeners on 9/11. And what failed on 9/11 was not the private screeners. It was the Federal Government, because the Federal Government failed to put in place the rules, the protocols, the standards and the levels of operation. They were stalling for years, I found out, and never put them in place. And that's something we had to do.

But what we did is, again, we set up two models. And airports have had the right to opt out from the very beginning and go to private screening under Federal supervision. Now, we've been there. We've seen how it works. We have entire States that have said that they want the opportunity to have the second model, which has proven to be most cost effective, not just from dollars and cents, but also from efficiency and effectiveness in operation.

This is all about the performance of TSA, and the models that have been independently tested will show you that private screeners, under Federal supervision, again, proper oversight, setting the rules, they perform better.

So the purpose of this is to set aside some of that money. TSA came in, and I think that the administrator, while well intended, was kept in the dark and fed a lot of mushrooms on what happens with these programs.

And in order to justify 3,700 positions, administrative positions in Washington, D.C., just in Washington, D.C., 3,700 positions making on average \$105,000 a person—imagine that, what we've created—and another 8,000-plus administrators out in the field, but to justify those positions, what they did was they fudged—and GAO has also confirmed this—the facts on the cost of the private operation, again, under Federal supervision of passenger screening.

So all this does—it doesn't take any money out of TSA—is it gives the administrator the discretion to have that money, and he can use it for screening. And we believe that with the pending applications, which this bill and your bill helps open up, we want to make certain that there are adequate funds available to do it in the most cost-effective manner. And that's what my amendment provides for.

So, again, the whole point of this is doing the best possible job for security.

And stop and think about this: this bill provides \$3 billion-plus just for screening, 3 billion. I think the total of this bill is, what, \$8 billion, staff? The entire bill is 46.

But just for TSA is how much? 7.8, close to \$8 billion for TSA's operation. And I wouldn't begrudge them a penny if it, in fact, were used properly for the security of our Nation to make certain that people are safe in the skies.

But I'm saying that this amendment does make certain that for a very cost-effective means of providing passenger screening, we can do a better job. We'll have the money available, and we won't rely on just the all-Federal model.

So I urge support for this amendment and your consideration.

I yield back the balance of my time.

Mr. DICKS. Mr. Chair, I withdraw my point of order.

The CHAIR. The point of order is withdrawn.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I've been listening carefully to the gentleman as he described his intentions in offering this amendment, and all I can do, I think all any of us can do, is react to the amendment before us, not to hypothetical future amendments or future administrative actions. And on the face of it, I oppose this amendment.

The bill provides \$3.03 billion for screeners. This amendment would cut funding by \$270 million.

□ 1510

If this amendment is accepted, TSA would need to lay off 5,000 screeners. That's 10 percent of the current screener workforce. It would also eliminate nearly all of the new screeners hired over the past 12 months. These are screeners that are needed to support, to operate new security equipment.

Mr. Chairman, there's no way around it: this would decrease security. It would lead to longer wait lines just at a time when passenger growth is rebounding at our country's airports. We continue to hear from the intelligence community about aviation threats. These threats are becoming more and more ominous, more diversified. Why on earth would we want to cut back our screener force at this point?

Now, the gentleman has talked about giving the Secretary discretion to somehow make up for this cut in the private screener force. But there is really nothing in this amendment that grants such discretion. There is not any augmenting in this amendment of the private screener account, nor is there any assurance that even if that account were to be augmented, that the people that could be hired would

replace, one for one, the 5,000 we are talking about laying off.

So just taking this amendment on the face of it, I think it is an amendment that would lessen aviation security and, particularly, undo a lot of the additional protections that have been put in place in the last year or so. So I think it is a most unwise amendment, and I urge rejection.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Again, this amendment comes to us late. The gentleman from Florida happens to be the chairman of the Transportation Committee. He could write a bill to change this. All of these things that he has bemoaned here on the floor, he could fix. He could bring the bill to the floor, and we could have a debate and a discussion. But instead, he comes here with a meat ax approach, 10 percent reduction in screeners.

Also, I think the gentleman's figure of 3,700 people, I think, are not screeners here in the Nation's capital.

So again, I just wish the gentleman would use his jurisdiction and his committee, hold the hearings, bring TSA up here and do the job that the chairman of the Transportation Committee should do and get this thing fixed. If it's so good, why don't you fix it?

I yield back the balance of my time.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. I yield to the gentleman from Florida.

Mr. MICA. I thank the chairman for yielding to me.

Let me just try to clarify the record. The information I have on the number of screeners from our investigative staff director is 49,553 screeners. That is the figure given to us by TSA. The number of screeners is 49,553.

The other point, too, when I said 3,700 administrative personnel, I'm talking about TSA bureaucrats here. I'm not talking about screening force. Not one screener am I including in that. I'm just talking about TSA headquarters or TSA administrative personnel making, on average, \$105,000 a year. Now I'm not talking about the screeners. These poor screeners, some of the screeners are starting at the lowest wage. The money isn't going for professional screeners, although this bill, I understand the average pay is about, if you calculate \$3 billion divided by 49,000, you come close to \$60,000, and there are costs for benefits and all that, I grant you. But let me just try to make the record clear, again: We have 3,700 administrative TSA people in the headquarters or associated here in the Washington area, not screeners.

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. I understand that the gentleman from Florida's amendment wouldn't do anything about those managers because it is aimed at the screeners themselves. And, also, the bill already reduces screeners to 46,000.

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Florida.

Mr. MICA. Well, again, the justification of most of the 3,700 who fed the administrator mushrooms and kept him in the dark was in fact you had someone to supervise all of these people. We have another 8,000 supervisors out in the field.

When you go through the airport line sometime, I challenge you to ask some of these people what they are doing standing around, the thousands standing around. The whole point of this is there is another model, and we created that in 2001. We have 16 airports, five initially. The biggest one is in the minority leader's district, Ms. PELOSI. It set the standards, the example for the rest of us. And tomorrow, we will show a report, and we have examined position by position with San Francisco airport against LAX because we want to compare apples to apples. You will see the incredible savings. You'll see the efficiency, which is like twice as much with private screeners.

So I am taking the money and the positions out of the all Federal and making them available to the discretion of the administrator to use them hopefully for this SBP program, which is private screeners under Federal supervision, which worked so well.

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. Again, the gentleman is the chairman of the Transportation Committee. You are the one who helped create this bureaucracy. Why don't you fix it and bring a bill to the floor so we can have a chance to vote on it? If it is so good, why do you come here at the last moment and cut screeners?

Mr. ADERHOLT. Reclaiming my time, I yield to the gentleman from Florida.

Mr. MICA. Again, I would love nothing more than to have the jurisdiction. I do not have the jurisdiction. I do have jurisdiction for some oversight, which we have assumed.

Mr. DICKS. Oh, Homeland Security does. I get that.

Mr. MICA. Yes, they do. So I will be here when Homeland Security cows come marching through the pasture here and try to make the changes that are necessary. We have discussed with your staff the changes that we believe are necessary. But I don't have that ju-

risisdiction; I wish I did. But I am doing all I can to work with the Appropriations Committee. Your professionals are doing all they can within the limitations of your jurisdiction. I am doing my little oversight bit, and then we have the Homeland Security Committee that will march forward with their authorization. And I will be here for that parade.

Mr. ADERHOLT. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MICA. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MICA) having assumed the chair, Mr. DREIER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1611

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ADERHOLT) at 4 o'clock and 11 minutes p.m.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 287 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2017.

□ 1612

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the

further consideration of the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on an amendment offered by the gentleman from Florida (Mr. MICHAEL) had been postponed and the bill had been read through page 92, line 7.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, as we had talked earlier about this legislation, this bill is about putting priority on limited dollars and robustly supporting the most essential functions of the Department of Homeland Security and to make sure that our homeland is safe.

The Department of Homeland Security, with all of its critical missions, is not immune from fiscal discipline. That has been the theme that we have been talking about since we started the bill yesterday afternoon. That means that the Department has to find the most cost-effective way to meet its mission requirements.

The American people, quite honestly, are demanding no less in this regard.

Again, we started yesterday afternoon at around 3:30, we went until about 12:30 this morning, we started again about 12:30 today, this afternoon, and we are continuing with this legislation. It will probably take us a couple of more hours this evening before we finish. A lot of people have done a lot of work to make this bill happen and for it to take place.

I just again would want to thank each of them for their hard work.

Again, the ranking member, Mr. PRICE, has been a true partner in this as we have worked together, and I want to thank him for his contribution that he has made.

Also, I would like to thank the full committee chairman and the ranking member, Mr. HAL ROGERS and Mr. DICKS, for their support. They have both been very helpful as we have gone through this process, and they have had to make some very difficult choices as they have to work with all 12 subcommittees. I want to congratulate them, as we have kicked off the start of a new appropriations season, and we have nearly the first appropriation bill to come to the floor.

But I do want to take a moment and thank the committee staff for their hard work, namely, I want to thank Stephanie Gupta and Paul Cox on the minority side; and, of course, the majority staff has worked very, very closely with the minority, and we do appreciate their hard work.

But on the majority staff, Jeff Ashford, Kris Mallard, Kathy Kraninger, Miles Taylor, and Rebecca Ore have all done a tremendous job in their work and, of course, last but not least, Ben Nicholson. Ben Nicholson serves as the clerk of the Homeland Security Subcommittee on Appropriations and Ben has done a tremendous job as he has helped me up here as I have managed the time on this particular piece of legislation.

□ 1620

Also, on the appropriations staff, Jennifer Miller and Mike Robinson have done a great job, and also Jim Kulikowski. They have been very helpful in making sure this process moves forward. As you can imagine, there's a lot of moving parts. And so I do want to thank Mike, Jennifer, and Jim for their hard work.

I yield back the balance of my time.

Mr. PRICE of North Carolina. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I appreciate the chance as we enter the homestretch of this debate to also express my appreciation to the many colleagues and staff members who have brought us to this point.

I want to commend Chairman ADERHOLT for this first voyage that he has taken as the subcommittee chairman and for the professional approach that he has brought to this, the careful process, the inclusive process. We are very grateful to him.

We had a good, full season of hearings and an open process in the Appropriations Committee, at markup, and we've had an open process here on the floor. That's the way Appropriations is supposed to work. And so I do commend the chairman and the leadership for that.

We have had a good, robust debate here. I certainly wish that we were in closer agreement on this bill. I have always believed that on Appropriations we should look out for the institutional role of this House in holding the executive accountable, on a bipartisan basis, no matter which party is in charge either here or in the White House.

And so when the partisan divisions that inevitably characterize our work here, when those partisan divisions are evident on Appropriations, we try our best to overcome them. Historically, we have tried our best to overcome them. That has been very difficult this year, and we have a bill that we are divided on—but not on the entire bill by any means. As I said in my opening statement yesterday, the chairman and the majority have done a good job in keeping the frontline operations of the Homeland Security Department intact, keeping those operations strong.

Where they've fallen down is, I believe, to pass a budget resolution that

contains a Homeland Security allocation that is simply inadequate. That has been compounded by the treatment of disaster funds beyond the President's request, a refusal to designate those as emergency funds. And so we are left with a bill that's severely squeezed. I won't elaborate except to say that this is the bigger picture we are dealing with, the radical shortfall in the State and local grants, a challenge we will have to continue to work on.

We will move on from this point today and be working with our colleagues in the other body and with the White House to come up with a final product that hopefully keeps faith with the States and local communities who depend on us for a reliable partnership.

Mr. DICKS. Will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. One of the things that worries me about this bill is the role that the Department of Homeland Security plays in cybersecurity, and the fact that we have cut the S&T budget worries me because there were a number of projects, science and technology projects, underway to help us deal with this great threat to our country.

I serve on the Defense Subcommittee. I have served on the Intelligence Committee. Cybersecurity gives an asymmetrical advantage to others—China, Russia, and Iran—penetrating the networks of our major defense companies. We've had stories just this week about Lockheed. They say this has been going on since the nineties, and this issue worries me. And I am concerned. You have bioterrorism, you have the threat of nuclear weapons, and you have the threat of cyber attacks. And this last one is where we're most vulnerable.

And we have critical infrastructure in this country where homeland security is supposed to be taking care of it. The Defense Department has a Cyber Command. NSA has signed an agreement between the Defense Department and Homeland Security about sharing people so we get some of the expertise from the NSA over in Homeland Security.

My concern is that we still don't have a real plan for our utilities and our critical infrastructure in this country. This is something that Homeland Security has to be involved in. And, as I said, they support the rest of the government.

The CHAIR. The time of the gentleman from North Carolina has expired.

(On the request of Mr. DICKS, and by unanimous consent, Mr. PRICE of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. PRICE of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. Regarding this cybersecurity vulnerability, I think our financial institutions make a major effort



at trying to protect themselves. But I have been told that our corporate intellectual property, over the last few years, \$1 trillion has been stolen through these cyber attacks from the free world to others. Some of these people are simply criminals. Some of them are acting under state authority. This is one of those issues that we are still vulnerable to. I just hope that these dramatic cuts in science and technology won't undermine our ability to come up with solutions on this cyber issue.

I also believe the administration, the President, his people and the Department of Homeland Security have a responsibility to make certain that we have a plan and we have an approach and we work with the private sector in a way that will make sure that we are protecting our critical infrastructure.

So I just urge you, Mr. PRICE, as the ranking member, and the chairman, Mr. ADERHOLT, to see if we can't make certain that, in conference, we keep some of this money in there for the cybersecurity programs that I know Dr. O'Toole is concerned about.

And I appreciate the gentleman yielding.

Mr. PRICE of North Carolina. I thank the gentleman for his comments. I certainly share the commitment to developing a more comprehensive approach to cybersecurity, in particular, and to the research and development budget, in general.

With that, let me reiterate my thanks for all who have brought us to this point on both sides of the aisle, for our fine staff whom we always depend on, and the way the staff has scrambled with this amendment process—

The CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. PRICE of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. PRICE of North Carolina. At a time like this floor debate when we've had such a flurry of amendments from all sorts of sources, we realize anew how dependent we are on our staff for staying on top of all this and helping guide us, and we are very grateful to our staff on both sides of the aisle.

With that, we are ready to proceed, Mr. Chairman.

I yield back the balance of my time.

AMENDMENT NO. 23 OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to carry out section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)).

□ 1630

The CHAIR. The gentleman from Colorado is recognized for 5 minutes.

Mr. POLIS. Mr. Chairman, I thank the Rules Committee for allowing an open rule, including the offering of my commonsense amendment which would save millions of dollars by cutting funding to 287(g), something that is called an immigration enforcement program which actually increases crime by expanding the mandate of our local crime-fighting officials.

This program effectively adds responsibilities, which should be Federal responsibilities, to local law enforcement so that they effectively engage in Federal immigration enforcement. So instead of keeping serious criminals from threatening our communities, the 287(g) program forces police to waste their time trying to figure out the immigration status of noncriminals, as well as opening them up to charges of racial profiling which can be expensive to defend.

Instead of using our precious national security dollars on these kinds of programs, this bill has estimated savings of \$6.4 million for the next year alone. The inspector general found this program cost \$68 million.

These programs force local law enforcement officers to follow and enforce Federal laws even though they are not trained to do so. That is why law enforcement officers from across the country have spoken out against it. The IG found 33 problems the first time they investigated 287(g) last year. The biggest problem was that they found the program did not focus on noncitizens who actually pose a threat to public safety. Instead, it focused on noncitizens who pose no threat to public safety.

Mr. Chairman, 287(g) forces police officers to enforce laws that they are not trained to do, which is why law enforcement leaders across the board tend to oppose this law. Chief Acevedo from Austin said: "It's a matter of resources and priority. My priority is dealing with criminals and terrorism issues, not dealing with civil matters."

I would point out that the failure to enforce our Federal immigration laws is a Federal failure. It is a national failure. It is a national disgrace. But the answer is not to add an additional burden to our hardworking men and women who are working at local law enforcement to keep our communities safe at a time when their budgets are being constrained, both the money they receive from Washington as well as their local and State revenue.

Why are we not listening to our local law enforcement officials? Instead of cutting funding for firefighters and police, we should stop wasting taxpayer funds on failed programs like 287(g).

I would like to show the detrimental effect of the 287(g) program. You can see across Arizona, Statewide, incidents of violent crime went down 12 percent in the last 10 years. But they have one particular sheriff who does a

particularly bad job of protecting his community. His name is Sheriff Arpaio. He is one of the notorious abusers of the 287(g) program. In his community, Maricopa County, crime went up 58 percent. So you have a 12 percent decrease, and then you have this incompetent sheriff who has a 58 percent increase. Now he might be incompetent in other areas as well, but one of the main reasons crime has gone up in Maricopa County is because he has diverted law enforcement resources to try to enforce Federal laws that we in this body are irresponsibly ignoring day in and day out and that this bill does nothing to fix.

In recent years, local law enforcement has increased community policing efforts, working with our residents, both documented and undocumented, to finally defeat violent crime and keep our communities safe. This is the reason why law enforcement officers across my community, including sheriffs and police chiefs, are strongly opposed to 287(g), which stretches local police forces beyond the breaking point, hinders law enforcement, and causes real harm and danger to American citizens living in our communities.

I call on Congress to fix our broken immigration system. We need to enforce our Federal laws. We need better border security. Nobody from either side of the aisle disagrees with that. But it is time to stop playing politics with this issue and stop trying to foist a Federal responsibility into our already overtaxed local community law enforcement efforts, increasing crime and putting innocent Americans in harm's way at the risk of violent crime. I strongly urge a "yes" vote on my amendment.

I yield back the balance of my time.

Mr. CARTER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CARTER. Mr. Chairman, I strongly endorse robust enforcement of our Nation's immigration laws. I happen to be from the State that has more of the Mexican border than any other State in the union. We are very familiar with that border. We have been living with it for our entire lives, and for the life of our State, from before the time when it was a State when it was a republic.

Our law enforcement officers see an epidemic of lawlessness flowing across the southern border of the United States, and our law enforcement officers in our area want to be involved in protecting the life, liberty, and property of Texans, and they are perfectly willing to be involved in protecting the life, liberty, and property of every American citizen. They are deeply concerned with what is going on at the border, and they want to be involved.

They have volunteered to go into the 287(g) program, which gives them the kind of training which this Congress believes, and has made it a point to believe, that they should have, to know how to deal with immigrants who are looked upon as having special law enforcement needs.

The best I've been able to figure, I don't know who's imposing this on the people of Boulder, Colorado, but it is not being imposed on anybody else that I know of. It's a volunteer program. Law enforcement officers go and seek 287(g) training so that they can meet the standards that those who deal in immigration issues want them to know and understand. That's why we created 287(g), to make knowledgeable law enforcement officers at the local level who could be effective in assisting those who have the Federal requirement and the Federal duty to protect our borders.

I only agree with one thing that I have heard from my colleague: I agree we are failing at protecting our borders. And I would argue that this committee has done everything and continues to do everything that we can do to protect our borders, and this bill does everything it can do and does not short the people who protect our borders any because of the dangerousness that we are aware of on our southern border.

I don't understand why enlisting volunteers to assist in law enforcement would be offensive to anyone. Now if the folks in Colorado don't want to be part of the 287(g) program, don't volunteer. This is not hard stuff. But, you know, if you are one or two lone border patrolmen out in the middle of Brewster County in Texas, you've got a lonely, dangerous job. You've got some people coming through for economic reasons, and other people coming through who are clearly violators of the laws of the State of Texas and the laws of the United States, and our law enforcement officers who believe in their oath of office to protect people that they are there to protect. They volunteer for this program so that they can assist the border patrolmen in the effort both of the economic immigrants and the criminal immigrants that come across our border.

And don't tell a law enforcement officer that he's not happy to see a sheriff when he sees a body of armed men packing packs across open country in Texas.

This is a good program. It is a program that has effectively trained law enforcement to understand the rules that Federal agents have to play by, and still gives them the authority to assist people who need their assistance.

I would argue that the safest part of the Texas border is the part of the border where local law enforcement and local sheriffs and Operation Stonegarden in other areas—the safest

part is where local law enforcement has joined with Federal law enforcement to enforce the laws of this land. I think anything short of that is leaving resources on the table that will protect the United States of America.

So I very much oppose this gentleman's amendment, and I very much hope that our colleagues will realize that we need every resource available, and in my opinion even troops, to protect the American border and make sure Americans citizens and their property and their lives are safe. So I urge my colleagues to not support this gentleman's amendment, to oppose this gentleman's amendment.

I yield back the balance of my time.

□ 1640

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I want to commend our colleague from Colorado for offering this amendment and for calling attention to some of the deficiencies in the 287(g) program and some of the ways that we need to do things better. I would have wished for an amendment, though, that would have given the Department of Homeland Security more direction.

If not 287(g), then what should immigration enforcement look like, and what should the interface between the Federal Government and local authorities look like?

I'm afraid the amendment doesn't really address that very conclusively, but I want to offer just a few reflections on the 287(g) program and the ways in which I think we might transition to something more positive in the area of immigration enforcement.

The gentleman from Colorado has already described the 287(g) program. It delegates Federal immigration authority to local law enforcement in many respects, supposedly to identify criminals in their communities. At the end of the fourth quarter of fiscal year '10, the 287(g) program had established partnerships with 72 local jurisdictions; but both the DHS Inspector General and the GAO have raised serious concerns about the 287(g) program, particularly related to the lack of oversight by Immigration and Customs Enforcement and the fact that it was not really living up, in many cases, to its stated goal of focusing on serious criminals who pose a threat to the community. The Inspector General found 33 major deficiencies in the program last year, and found 16 more when he recently reassessed the program. Based on these concerns, I believe we do need to take a hard look at 287(g) and make sure that that authority is being exercised properly before we simply appropriate more money for the program.

Now, Mr. Chairman, when I chaired the Appropriations Subcommittee on Homeland Security, we pushed ICE to place a much greater emphasis on the identification and removal of criminal aliens. Part of ICE's response has been the Secure Communities Program, which we fully supported and continue to do so in this bill. Since 2008, resources have consistently grown for ICE to make progress in finding aliens in local and State custody and in removing them at the completion of their criminal sentences.

This bill supports the continued expansion of Secure Communities, which already covers many more prisons than 287(g). Now, Secure Communities isn't perfect either, by any means, but at least it does draw that bright line between the Federal role and the local role in immigration enforcement. It sorts that role out much more effectively than the 287(g) program. I think we should concentrate on making the Secure Communities Program work well. It accomplishes the objectives of 287(g) but much more efficiently, much less problematically, and without deputizing local police to enforce immigration law. That is a proposition that is rife with complications and potential abuses.

So I believe—and our subcommittee determined last year—that it is desirable to transition from 287(g) into the Secure Communities format. As it stands now, it's a duplicative program. It is a program that is highly problematic. If we work on Secure Communities—make sure it works responsibly and monitor it carefully—I believe it can accomplish the task more efficiently to identify and remove dangerous criminals from our communities, which I think we very widely agree should be the main priority of immigration enforcement.

With that, I yield back the balance of my time.

Mr. ROGERS of Kentucky. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, for those who want to be sure that we send away from our borders illegal aliens who are criminals, they surely would understand that the 287(g) program gives us a hugely better opportunity to do that.

We've got a few thousand ICE agents, Border Patrol agents, doing a wonderful job, and they are dedicated public servants; but there are so few of them, relatively speaking, to deal with the millions of illegals crossing our borders, many of whom are here in a criminal nature. A few thousand Federal agents. By working with local law enforcement, we can multiply that by hundreds of thousands of enforcers of America's laws, and we can get rid of the criminal aliens in this country. That's what 287(g) empowers localities to do.

Now, it is entirely up to the local communities. If they don't want to participate in the 287(g) program and receive funds from the Federal Government to train their local officials on how to enforce the Federal law, it's their choice. They don't have to do it. We don't make them do it. It's purely a local option. Many communities have. However, if they want to and if they decide to seek Federal assistance, it is there for them through this program to help train their local officials. We need to better empower States and localities, and through this program, that's exactly what we do.

Everyone admits we are failing to protect our borders. There is a consensus around that. We have not protected America's borders yesterday, today or probably tomorrow. The reason we can't do it is that we are outnumbered, and there is just not the Federal manpower to stop it. If you're going to want to try to stop it, particularly keep criminal aliens out, I don't understand why you would not want to gain some extra help from the local law enforcement officers, properly trained under this program and financed. I don't understand that.

In 1996, this section was added as an amendment to the Immigration and Nationality Act for the express purpose to provide necessary immigration enforcement assistance to State and local law enforcement entities. It authorizes the department to enter into agreements with State and local law enforcement, equipping them through thorough training to perform important immigration enforcement functions. Local law enforcement agencies that are closest to the problem are more threatened by the criminality involved, and have more motivation to try to stop the criminal activity flowing across the border.

To date, the ICE agency has trained more than 1,240 State and local officers nationwide pursuant to this program. Since 2006, the 287(g) program has, according to ICE, resulted in the identification of more than 200,300 potentially removable aliens, mostly at local jails. Law enforcement agencies participate in the program in 24 different States: Colorado, Connecticut, Delaware, Florida, Georgia, Maryland, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, and Virginia. Those States say to keep this program in place because it's helping us keep criminal aliens out of our local communities—no longer selling drugs to our kids, no longer engaging in any criminal activity in their communities.

So I urge the defeat of this amendment. This program works. It is the only program that has allowed us to engage tens of thousands of local law enforcement officers to help with this

consuming problem we have with criminal aliens.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

□ 1650

Mr. ELLISON. I move to strike the last word.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. Mr. Chair, I rise today to shed some light on an amendment that was offered by the gentleman from Iowa (Mr. KING) last night which the House will vote on later today.

The gentleman from Iowa came to the floor at approximately 11:30 p.m. last night and under the open rule offered an amendment prohibiting any funds from the Homeland Security bill to be used for ACORN and ACORN-affiliated community organizations. Besides the fact is that it is clear that ACORN or ACORN-affiliated community organizations are not eligible for funds from the Homeland Security appropriations bill, because as far as I know, ACORN is not in the business of homeland security.

In addition to going after ACORN, the gentleman from Iowa in his amendment goes after 300 organizations. Let me quote from Ranking Member NORM DICKS' eloquent words during debate last night:

You're asking this House to vote on something that you haven't verified, and you don't know what these groups are all about.

The gentleman from North Carolina (Mr. PRICE), ranking member of Homeland Security appropriations, also asked a good question when he asked for specific information on what was the wrongdoing of these organizations. The gentleman from Iowa's response was that he didn't know.

So, Mr. Chair, to highlight the ridiculous nature of this amendment, the gentleman from Iowa is asking this body to vote on an amendment to beat up on ACORN and ACORN-affiliated organizations and cannot produce a single item of evidence for the record of wrongdoing by these organizations in his amendment.

Mr. Chair, one of the organizations listed, and the reason I take certain umbrage to this amendment is that it's an organization in my own district, is known as Minnesota Neighborhoods Organizing for Change. Minnesota Neighborhoods Organizing for Change are people who are known to me. They

work hard every day. They work on foreclosure. They work on trying to get people to vote. They work with poor people in particular.

Let me read from their Web site to describe to you what they actually do:

Minnesota Neighborhoods Organizing for Change is a new nonprofit committed to building power in low-income and moderate-income neighborhoods through community organizing, civic engagement, political mobilization, and education. NOC is a member-funded and member-run organization that takes on the social and economic justice issues that impact our community the most. Whether it's huge issues like health care and bank reform or a small neighborhood concern like getting a stop sign installed at a dangerous intersection, NOC members work together to apply their collective strength and get things done.

This is a good, decent civic service organization, Mr. Chair, and I resent them being slandered in the way they were last night.

So how did Minnesota Neighborhoods Organizing for Change get on the gentleman from Iowa's hit list? Well, they used to be an affiliate of ACORN. Now they're an independent organization. So I guess there is guilt by association.

Also, Mr. Chair, since the gentleman from Iowa wants this body to talk about ACORN, a community organizing group, on the Homeland Security bill, I think it's fair to talk about ACORN.

The House, in 2009, voted to defund ACORN. I voted against that defunding amendment because it was unconstitutional and based on politics of fear and guilt by association. It was a good vote, and I'm proud I voted that way, because a Federal court, Mr. Chair, in December 2009, found the House ban on ACORN grants unconstitutional, and I'm proud I was not on the side of that unconstitutional vote.

Finally, the GAO, in a study released in June 2010, found, quote, no evidence of ACORN mismanaging Federal funds. Again, we held this organization up for ridicule and destruction, and we, the Congress, were wrong.

Mr. DICKS. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman. I hope other Members who are watching this tonight will look at this amendment that the gentleman from Iowa offered last evening. There are over 300 organizations. And what the gentleman has said here is why the gentleman from North Carolina and I so vehemently opposed this amendment.

This is guilt by association; there is no question about it. These various groups, some of which were just mentioned in the media, the author of this amendment said repeatedly when asked about some of these groups by Mr. PRICE:

I have no facts; I have no information. The Government Oversight Committee put together this list and we added some more names that we found in the media.

And he couldn't describe one of these groups that had had a problem.

So I hope that the Members will carefully look at this list.

The CHAIR. The time of the gentleman from Minnesota has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. ELLISON was allowed to proceed for 1 additional minute.)

Mr. ELLISON. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

Again, this is a very serious amendment. I hope it will be defeated. I appreciate the gentleman rising to tell us about this group in Minnesota, and I am sure that there are other groups here that are doing good work, helping people, and that would hurt them, I think, in other areas. I think people would say, You're banned from being able to get a contract at Homeland Security even if you're doing good work helping people. That, I think, is a serious mistake.

Mr. ELLISON. Let me say quickly, I pulled some articles about this whole thing:

"House Ban on ACORN Grants is Ruled Unconstitutional."

"ACORN Workers Cleared of Illegality by Outside Probe."

"ACORN Did Nothing Wrong," is another headline.

"All You Need to Know About the ACORN Scandal and Who is Behind It."

Who was behind it? A young man named James O'Keefe, who was found guilty of a Federal crime.

[From NY Times.Com., Dec. 11, 2009]

#### HOUSE BAN ON ACORN GRANTS IS RULED UNCONSTITUTIONAL

(By Janie Lorber)

WASHINGTON.—The federal government must continue to provide grant money to the national community organizing group Acorn, a federal court ruled Friday, saying that the House violated the Constitution when it passed a resolution barring the group from receiving federal dollars.

A judge at the United States District Court in Brooklyn issued a preliminary injunction that nullifies the resolution and requires the government to honor existing contracts with the group and review its applications for new grants unless the Obama administration appeals the decision.

The court ruled that the resolution amounted to a "bill of attainder," a legislative determination of guilt without trial, because it specifically punishes one group.

That provision plays a crucial, but rarely necessary, role in maintaining the balance of powers, said Eric M. Freedman, a professor of constitutional law at Hofstra Law School. "It says that the Congress may not act as judge, jury and executioner. That is precisely what the Congress sought to do in this case, and the district court was entirely right to enjoin it."

In the opinion, Judge Nina Gershon wrote of Acorn, "They have been singled out by

Congress for punishment that directly and immediately affects their ability to continue to obtain federal funding, in the absence of any judicial, or even administrative, process adjudicating guilt."

The Justice Department said it was still reviewing the ruling Friday night.

Judge Gershon's opinion made a point of separating the court's ruling from the controversy surrounding Acorn, which is short for Association of Community Organizations for Reform Now.

The House acted after the organization came under fire for a series of embarrassing scandals, most notably the disclosure by conservative activists of videotape showing Acorn counselors giving mortgage advice to people posing as a pimp and a prostitute interested in setting up a brothel. Even before that, Republicans attacked the group, accusing it of voter registration fraud in 2008.

Jules Lobel, a lawyer at the Center for Constitutional Rights, which brought the suit on behalf of Acorn, said the resolution was the first time Congress had ever singled out one group for punishment. "Whenever you challenge a statute of Congress, it's always a significant political battle," Mr. Lobel said.

The chief executive of Acorn, Bertha Lewis, issued a statement calling the ruling a victory for the group and "the citizens who work through Acorn to improve their communities and promote responsible lending and homeownership."

In a lawsuit filed last month, Acorn that it was penalized by Congress "without an investigation" and had been forced to cut programs that counsel struggling homeowners and to lay off workers.

[From The Two-Way—NPR's News Blog, Dec. 7, 2009]

#### (ACORN WORKERS CLEARED OF ILLEGALITY BY OUTSIDE PROBE)

(By Frank James)

ACORN, the community organizing group which found itself embroiled in the latest of several controversies after some of its workers were recorded providing advice to a couple posing as a pimp and prostitute, was cleared of illegality in the matter by the former Massachusetts attorney general.

But Scott Harshbarger, the lawyer ACORN hired to conduct a review, criticized the organization for bad management which it said contributed to the ACORN's problems. A major problem, he said, was that the organization grew too quickly, neglecting training of its workers and other essentials.

An excerpt of Harshbarger's report:

The serious management challenges detailed in our report are the fault of ACORN's founder and a cadre of leaders who, in their drive for growth, failed to commit the organization to the basic, appropriate standards of governance and accountability. As a result, ACORN not only fell short of living its principles but also left itself vulnerable to public embarrassment. This hidden camera controversy is an apt example.

While some of the advice and counsel given by ACORN employees and volunteers was clearly inappropriate and unprofessional, we did not find a pattern of intentional, illegal conduct by ACORN staff; in fact, there is no evidence that action, illegal or otherwise, was taken by any ACORN employee on behalf of the videographers. Instead, the videos represent the byproduct of ACORN's longstanding management weaknesses, including a lack of training, a lack of procedures, and a lack of on-site supervision.

Harshbarger provided ACORN with nine recommendations:

1. ACORN should return its organizational focus to its core competency—community organizing and citizen engagement empowerment, with related services—and transition away from the provision of services that may be provided more effectively and efficiently by others.

2. ACORN should consolidate, simplify and centralize its local and national organizational staffing, monitoring and supervision.

3. ACORN should develop a simplified national organization and board structure consisting of just two entities—a 501(c)(3) for charitable, non-profit fundraising, advocacy and education with a majority of independent members, and a 501(c)(4) for support of ACORN community organization and political activity, with at least one-third independent members.

4. ACORN should continue to implement the comprehensive internal governance program and strategy, including internal controls, compliance and codes of ethics, designed to educate and guide staff, volunteers and board members, that was recommended and has been adopted within the past year.

5. ACORN should recruit an independent ethics officer and/or independent inspector general to oversee and implement the governance and compliance program at the national level, and an independent member of the national board should chair a board-level ethics and governance committee.

6. ACORN should hire an appropriately qualified and experienced chief operating and financial officer, comptroller and in-house auditing staff.

7. ACORN should continue to strengthen its legal capacity to guide its governance reforms, coordinate the dissolution of all extraneous ACORN organizations and represent the organization's interests in litigation and investigations.

8. ACORN should require all of its state and local affiliates to agree to oversight by the national staff and board, and to adhere to appropriate national standards, including financial audits, training and supervision.

9. ACORN should formalize a strong, independent national advisory group and charge it with the responsibility to report within six months, and thereafter annually for two years, to the national board on the progress of the reform action plan.

After the videos by a conservative videographer went viral on the Internet, Congress passed legislation to prevent ACORN from receiving federal funding. ACORN is suing the federal government on the grounds that the legislation is an unconstitutional "bill of attainder" since it targets for punishment an individual group. ACORN fired some of the workers caught on video.

ACORN welcomed the report as an important step in its redemption. In a statement, ACORN CEO Bertha Lewis is quoted as saying:

"The report is part vindication, part constructive criticism and 100% roadmap to the future," ACORN CEO Bertha Lewis said.

"ACORN's leadership is pleased that this evaluation shows even the low-level employees portrayed in the videos did not engage in any illegal activity or seek to encourage it," Lewis continued. "Mr. Harshbarger was tough but fair in examining where ACORN has been and what we still need to accomplish in having the most effective possible organization to represent the interests of the communities we represent—low and moderate income, African American and Latino families across America."

It's unlikely the Harshbarger report will silence the group's conservative critics, however.

[From the NJ.com, June 15, 2010]

ACORN DID NOTHING WRONG. SO SAYS THE  
CONGRESSIONAL WATCHDOG OFFICE  
(By John D. Atlas/NJ Voices)

On Monday, June 14, a preliminary probe by the U.S. Government Accountability Office (GAO) of ACORN has found no evidence the association or related organizations mishandled the \$40 million in federal money they received in recent years.

A review of grants by nine federal agencies found no problems with ACORN's grants. In my book *Seeds of Change* I document how ACORN, the largest most successful national anti-poverty organization in America, was forced to close its door.

The GAO interviewed and obtained documentation from grant program managers and staff from nine agencies; NeighborWorks, the Election Assistance Commission (EAC), the Corporation for Public Broadcasting (CPB), the Environmental Protection Agency (EPA), the Department of the Treasury (Treasury), and the National Endowment for the Arts (NEA), Department of Homeland Security and (DHS), the Department of Justice (DOJ), and the Department of Housing and Urban Development (HUD). Most of the grants were for housing-related purposes during fiscal years 2005 through 2009.

The GAO, an independent, nonpartisan agency that works for Congress, is often called the "congressional watchdog." It investigates how the federal government spends taxpayer dollars. Nearly two dozen members of Congress requested an investigation after a series of complaints against ACORN and its affiliates. The complaints included an embezzlement matter, several cases of voter registration fraud, and the release of edited and misleading videotapes, secretly made by conservative activists that appeared to implicate ACORN workers in several offices facilitating prostitution. In fact the staff in most of ACORN's offices turned the pair away, reported the couple to the police, refused to provide them any aid, and in one case tried to convince the phony prostitute to get counseling. In no ACORN office did employees file any paperwork or do anything illegal on the duo's behalf.

But Fox News broadcasted the deceptive tapes nearly around the clock for several days defaming ACORN.

While Republicans in Congress, who for years had accused ACORN of corruption, used the phony tapes to lead an effort to successfully strip the group of federal funding in 2009. Months later the group was exonerated from any wrongdoing by every official and independent investigation.

After the broadcast of the videotapes on Fox and CNN, the New York Times and Washington Post inaccurately reported that the ACORN workers in several offices facilitated prostitution. The papers also reported that O'Keefe was dressed up in a cartoonish pimp garb when he entered the ACORN offices, when he actually wore a dress shirt and slacks and identified himself as a student or friend of the young woman who posed as a prostitute. As a result of the conservative's smear campaign and the media's erroneous reporting of the smears as true, the U.S. Congress defunded ACORN, which led to many of its funders and allies to withdraw their support.

An independent investigation by the Brooklyn District Attorney's office and the Attorney General of California vindicated ACORN of any wrongdoing. A federal judge ruled that the law barring the group's receipt of federal funds was unconstitutional.

Although Acorn had internal problems, it has never been convicted of wrongdoing. I capture the story of this incident as well as the history of ACORN, in my new book, *Seeds of Change, The Story of ACORN*, America's most controversial anti-poverty community organizing group. What happened to Acorn is one of the most bizarre incidents in recent history.

One of the activists, James O'Keefe recently pleaded guilty to charges of entering federal property under false pretenses when he attempted to embarrass Senator Mary Landrieu because of her support for national health care legislation. Acorn has never been convicted of a crime. But the right wing activist trying to entrap Acorn into committing an unlawful act, becomes a criminal.

[From the Huffingtonpost.com, Oct. 22, 2009]

ALL YOU NEED TO KNOW ABOUT THE ACORN  
SCANDAL AND WHO IS BEHIND IT  
(By Mike Stark)

Andrew Breitbart says he cares a lot about the truth, but it appears that's only true when he isn't the one being questioned.

You remember Breitbart as Matt Drudge's junior partner, the proprietor of BigGovernment.com, and, apparently, babysitter for juvenile delinquents James O'Keefe and Hannah Giles, the conservative, hidden-camera-wielding duo that went undercover to obtain footage of low-level ACORN staffers.

They continued their media assault yesterday at the National Press Club. With assists from Republican Congressmen Steve King and Thad McCotter, Fox News and the aforementioned Andrew Breitbart, O'Keefe and Giles unleashed their most recent attack.

Let's review their story:

O'Keefe, dressed as a pimp, and Giles, disguised as a prostitute, visited ACORN offices where they asked for assistance purchasing a home. They claimed to have difficulty documenting income derived from the streets. But they had so much money! In fact, it wasn't just the two of them—they had a whole crew of underage girls from El Salvador turning tricks for them. Hell, they had so much money, they needed help laundering it for the pimp's run for Congress.

Now let's tell the truth.

The truth is that O'Keefe never wore the pimp outfit into an ACORN office. Instead, he posed as a candidate for Congress that wanted to help a young woman caught in the trappings of prostitution. Supposedly, he wanted to help her, and her fellow prostitutes, escape the clutches of a brutal pimp by finding a place for them to live.

Look, the ACORN personnel aren't blameless. Some did and said some pretty stupid things and deserved to be fired. But the world in which they work is vastly different from the world most readers of this blog post recognize. CNN, Desperate Housewives, even *The Wire* aren't going to begin to convey the social chaos that defines the neighborhoods ACORN often serves.

Breitbart and his crew would have you believe that the ACORN staffers should have called the police when confronted with a prostitute.

I hope the staffers, at first, were celebrating. It's not often you see a prostitute assert control over her life and try to break free from a pimp. The idea that this one was trying to take a whole crew of vulnerable underage women with her must have been amazing!

In the first video below, Breitbart asks me if I'm disturbed by what I saw in the videos.

If he had let me answer, I would have told him that I perceive ACORN's mission to be

helping the underserved. That I don't understand how helping women out of sexual slavery is something that deserves to be condemned. That what I'm disturbed by is the behavior being demonstrated by those up on the stage that would demonize people trying to make a real difference in people's lives.

In the end, I think I ruined their little press conference.

Evidently, it hadn't occurred to them that they might face serious scrutiny. Why, for example, does O'Keefe dress up in the ridiculous pimp garb for the bumpers of the video when he didn't wear that costume into the ACORN offices? Why is Breitbart attaching his name and credibility to someone that was kicked out of his Rutgers dorm for refusing to cease his use of racial slurs? Exactly why would Breitbart expect an ACORN staffer to call the police on a Congressional candidate trying to rescue a young prostitute from her vicious pimp?

Finally, in the second video, we learn all we need to know

After hiding behind the lawsuit and using it as a shield to deflect questions they did not want to answer, they refuse to commit to releasing every full and unedited tape they have in exchange for ACORN dropping all of its lawsuits.

If they really wanted the truth out there, why do they need to edit these tapes in the first place? Why aren't the unedited videos already in the public domain?

UPDATE: I've been questioned regarding my sourcing for the claim that O'Keefe was kicked out of his Rutgers dorm for frequently using racial slurs.

After checking with my sources, neither of which were James O'Keefe or any of his public comments, writings or other communication regarding the matter, I do not feel compelled to change anything about my post.

You may believe I should have informed my readers that Mr. O'Keefe denies the allegations, but frankly, as a matter of my own personal judgment, Mr. O'Keefe is not credible. As such, it would be irresponsible for me to report what I consider to be O'Keefe's prevarications, in the business of reporting the truth as best as I know it. "Balancing" the truth with lies is not a practice I subscribe to.

[From Nola.com, May 25, 2011]

JAMES O'KEEFE DENIED PERMISSION TO  
TRAVEL OUTSIDE NEW JERSEY  
(By The Associated Press)

A federal magistrate in New Orleans has refused to let conservative activist James O'Keefe make several trips outside New Jersey while he's on probation for a case in which he was accused of trying to tamper with the phones in Sen. Mary Landrieu's office.

Last week, O'Keefe asked for permission from Magistrate Daniel Knowles III to attend a conference in Washington, travel to Charleston, S.C., and Baltimore for paid speeches and make several personal trips to Maryland.

Knowles, who denied that request Monday without explanation, had approved several previous requests by O'Keefe to travel outside New Jersey. O'Keefe's attorney, Michael Madigan, said in court papers that prosecutors and his client's probation officer didn't object to his latest request.

On Tuesday, Madigan said he hadn't seen Monday's order.

"All his prior travel had been approved," Madigan said. "Obviously, the young man needs to travel to make a living."

O'Keefe and three others pleaded guilty last year to misdemeanor charges of entering federal property under false pretenses.

The FBI has said O'Keefe used his cell phone to try to capture video of two others who posed as telephone repairmen and asked to see the phones at Landrieu's office. O'Keefe has said the group was trying to investigate complaints that constituents calling Landrieu's office couldn't get through to criticize the Democrat's support of a health care reform bill.

O'Keefe is famous for wearing a pimp costume in a video that embarrassed the community organizing group ACORN. Knowles sentenced him last May to three years of probation, 100 hours of community service and a \$1,500 fine.

[From Scoop.co.nz, June 2, 2011]

FEDERAL JUDGE DENIES FIRST AMENDMENT IN  
ACORN WORKER LAWSUIT

(By Brad Friedman)

Rightwing activists and propagandists James O'Keefe and Hannah Giles, employees of con-artist and propagandist Andrew Breitbart, may not use the First Amendment as an excuse for breaking the law in California, according to a federal judge's ruling this week.

Judge M. James Lorenz rejected the defendants' argument and motion for summary judgment in federal court, as part of the civil lawsuit filed against them by former San Diego ACORN worker Juan Carlos Vera.

Giles had previously thrown O'Keefe under a bus by arguing that she should not be held accountable at all for violating California's Invasion of Privacy Act [CA Penal Code §632], since he, not she, was actually wearing the hidden video camera used to secretly tape their conversations with Vera, even after they had asked if their meeting would be kept confidential.

For his part, O'Keefe, a convicted federal criminal, argued that he was allowed to violate the law because the U.S. Constitution's First Amendment protected him as a "journalist". The judge ruled against the defendants on all points. . . .

According to Maria Dinzeo of Courthouse News Service:

Juan Carlos Vera claimed James O'Keefe III and Hannah Giles visited his office in August 2009, and conspired to create video and audio tapes of him, even after asking him if their conversation would be confidential.

[Lorenz ruled] that the law "is directed to the surreptitious recording of confidential communications and not the manner or method of recording the conversation." Given the meaning of the word "record," Lorenz found Giles equally responsible.

Lorenz also rejected O'Keefe's motion for judgment on the pleadings, in which he argued that First Amendment protections for journalists supersede the California Privacy Act. Since there was a mutual understanding that the conversation was confidential, Lorenz found that the privacy law "is not an overbroad intrusion on expose newsgathering in which O'Keefe participates."

"Exposé newsgathering" is not what O'Keefe traffics in, as demonstrated again most recently by, ironically enough, the "news" website of Fox "News" host Glenn Beck after a similarly deceptive and secretly video taped smear of an NPR employee by O'Keefe last March.

But O'Keefe's long track record of deceptive video hit-jobs was not at issue in this particular legal argument.

In his ruling [PDF], Judge Lorenz highlighted specific portions of the CA law which is violated by "Every person who, intentionally and without the consent of all parties to a confidential communication, by

means of any electronic amplifying or recording device, eavesdrops upon or records the confidential communication."

The ruling goes on to further cite the statute which reads "The term 'confidential communication' includes any communication carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto."

"California's law is quite clear," Lorenz wrote in response to the First Amendment arguments by O'Keefe and Giles, "that persons who engage in news gathering are not permitted to violate criminal laws in the process."

O'Keefe and Giles were sued by Vera last summer, after an investigation by California's Attorney General found that the pair had likely violated the CA Privacy Act by secretly taping workers at ACORN. The duo were spared criminal charges for violation of the same law after bargaining for immunity in exchange for finally providing law enforcement with the unedited videos of their secretly taped meetings with ACORN employees.

After examining the unedited video tapes, the CA AG echoed all other independent investigations of the tapes published by Breitbart, to determine that they had been "severely edited" to present a false portrait of ACORN and of the meetings with workers there.

The AG found the CA ACORN workers "committed no violation of criminal law." Previously, a New York District Attorney investigation also found "no criminality" in the "highly edited" video tapes of ACORN workers there.

Similarly findings were also offered by a former Massachusetts attorney general and an investigation by the Congressional Research Service.

Vera, however, and other ACORN employees across the country, were fired by the organization shortly after Breitbart's publication of the falsely edited video tapes on his Rightwing political websites.

No employees of ACORN have been charged with any crimes in relation to the O'Keefe/Giles/Breitbart hit-jobs carried out during the summer of 2009 in which Breitbart and O'Keefe had purported to the media that he had played a pimp during meetings with ACORN to Giles, who was dressed as a prostitute during those encounters. In fact, ACORN workers had been told that O'Keefe, playing her conservatively dressed boyfriend, was hoping to rescue Giles from an abusive pimp who had been threatening her life and stealing her money. (One of the videos was deceptively edited to make it appear that ACORN workers had told Giles to bury her money in the backyard, so the government couldn't get at it for tax purposes. In fact, as the actual transcripts revealed, the worker was advising her on how to keep the abusive pimp from stealing it from her. Giles blatantly lied about that point on Fox "News.")

Their hoax was successful, however, resulting in the loss of federal funding for ACORN which led to a loss of private donations, eventually forcing the four-decade-old community organization to close its doors.

ACORN had long been targeted by Right-wingers due largely to their years-long success in legally registering millions of legal low- and middle-income citizens to vote. Most such voters tend to vote for Democrats.

Despite persistent, yet evidence-free, claims by the Right over many years that ACORN participated in "voter fraud," there

is no known evidence of even a single fraudulent vote ever having been cast in any election due to an improper registration by any ACORN worker.

The BRAD BLOG spent a fair portion of 2010 demonstrating to the New York Times and other media outlets that they had repeatedly misreported the story of the hoax carried out by O'Keefe, Giles and Breitbart. In fact, O'Keefe neither dressed as a "pimp" nor represented himself as one in the secretly-taped meetings with ACORN workers, even as he famously lied to the public and media about having done so.

Following our numerous exposés, the NY Times was eventually forced to issue corrections for some of their reporting after their Public Editor admitted both he and the paper had been "wrong" about O'Keefe's version of the story which they had reported uncritically.

In addition to the civil lawsuit O'Keefe and Giles are facing in San Diego, O'Keefe's high-powered Republican attorneys were able to obtain a plea deal for him in another case, in which felony counts were lowered to misdemeanor charges in exchange for his guilty plea.

That case involved a scam similar to the one carried out against ACORN. O'Keefe and his fellow conspirators were caught secretly taping federal employees at the New Orleans office of Sen. Mary Landrieu (D-LA) after entering the property under false pretenses and attempting to access her phone system.

For his part, admitted liar Breitbart is busy defending himself against a lawsuit brought by former USDA official Shirley Sherrod. She was fired after Breitbart published yet another deceptively edited video, purporting to serve as evidence that the African-American Sherrod was discriminating against white farmers in her role as a federal worker.

The unedited version of the tape demonstrated that Sherrod had been doing the complete opposite of what Breitbart attempted to illustrate her as doing.

Though an apology was quickly issued to Sherrod by the White House, they have never apologized for having defunded ACORN under the fraudulent pretenses knowingly presented to the public by O'Keefe, Giles and Breitbart.

I yield back the balance of my time.

AMENDMENT OFFERED BY MS. ESHOO

Ms. ESHOO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to enter into a contract with a corporation or other business entity that does not disclose its political expenditures.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIR. The gentleman reserves a point of order.

The gentlewoman from California is recognized for 5 minutes in support of her amendment.

Ms. ESHOO. I thank the Chairman.

Mr. Chairman, I rise today to speak about what I think is a very, very important undertaking. It deals with our democratic system and what works against it.



My amendment would require that anyone that receives an appropriation, a contract, doing business with the Federal Government produce full disclosure relative to political expenditures.

I raised this because I think there is a dark corner of our system that is not being addressed, and it is an issue that is as much about deficit reduction as it is about our democracy. We know that there are political expenditures that are made. Some are disclosed; some aren't. I think it's important to state that I think, I really believe, that this could have been a bipartisan agreement. It's important to remember that our Republican colleagues were for disclosure before they were against it.

In 2000, Senator MITCH MCCONNELL asked, "Why would a little disclosure be better than a lot of disclosure?"

In 2007, on Meet the Press, Speaker JOHN BOEHNER said, we need "full disclosure of all the money that we raise and how it's spent. And I think sunlight is the best disinfectant."

I agree with what the Speaker said in 2007, but since then our colleagues have changed their minds. Not a single Republican voted for the DISCLOSE Act. And when I offered an amendment similar to this one in February, it wasn't even allowed to be brought up for a vote. Since then, Republicans have gone on high alert at the news that the President is considering an Executive order to create the same kind of disclosure they used to favor.

□ 1700

I know that the National Chamber of Commerce has weighed in, and they've raised First Amendment. I'm really interested in this new effort and interest of the National Chamber of Commerce, and I hope they'll come to my office and talk to me about forming a coalition on First Amendment rights. This is not about that. This is not about that, and no one can say that with a straight face.

My constituents are very smart; they can think for themselves. But even the smartest people can't make a decision without critical information, and today's broken system leaves millions of Americans in the dark. They don't know who's paying for what; they don't know who is being paid to say what because there is not disclosure at the Federal level.

So this levels this out. It very simply says that we're on the side of taxpayers, that we are going to make sure that whether it's procurement or contracts or appropriations, that we want to be on the side of the taxpayer, on the side of the taxpayer having full disclosure so that they not only know who's doing business with the Federal Government, but where these tax dollars are going.

There's a requirement at the SEC, Mr. Chairman, where boards of direc-

tors, who essentially are the congress of a corporation, must disclose their financial interests. Why? So that shareholders know. Well, guess who the shareholders are in the country? The taxpayers, the citizens. This is in many ways a backdoor earmark, and we need to get rid of it.

So I hope that this will be made in order. And I also think that this is a very important effort for full disclosure at the Federal level, whoever does business with the Federal Government, that they disclose. It's a fair requirement, it's a simple requirement, and I think it's something we should all agree on: disclosure, disclosure, disclosure.

Mr. Chairman, I yield back the balance of my time.

#### POINT OF ORDER

Mr. CARTER. Mr. Chairman, I insist on my point of order.

The CHAIR. The gentleman will state his point of order.

Mr. CARTER. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law and it requires a new determination.

I ask for a ruling from the Chair.

The CHAIR. Does any Member seek to speak on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination of whether a corporation discloses certain contributions. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I believe this bill would be improved by an amendment similar to that which Ms. ESHOO just offered, and here's why. Justice Brandeis said sunlight is the great antiseptic of democracy, and we have followed his teaching to a great extent in conducting our democracy.

Mr. Chairman, you and I and every other Member on this floor must disclose every dollar we raise and every dollar we spend in the pursuit of our politics, so must the National Republican Campaign Committee, so must the Democratic Congressional Campaign Committee, so must people running for the United States Senate and for the Office of Presidency. And I think our democracy is strengthened by this.

Now, we have a disagreement over whether there should be limitations on

what people may spend. I, frankly, believe that limitations are appropriate, but I know that some of our colleagues who follow the libertarian principle believe that limitations on what someone may spend is a violation of someone's right of free speech. I respectfully disagree, but I understand it. There should be no disagreement, though, over a universal requirement to disclose who has spent what.

If you're proud of what you say, then you ought to let people know who it was that said it. But instead we have, as my friend from California said, a dark corner of American politics where people who wish to manipulate the outcome of elections and influence legislation have a special privilege that Republicans and Democrats in this House do not have, that Members of the Senate do not have, that the Presidential candidates do not have. They can say what they want to say but not say who they are. They can hide behind corporate veils and within corporate shadows to fail to disclose who they are. Now, I find this to be puzzling.

I think the Members of this House are proud of what we say. I think the Members of this House want the public to know whom we support and whom we oppose because we believe in what we say. Who are these people who want to spend hundreds of millions, maybe billions, of dollars to influence elections but are afraid the public will find out who they are? And why should they enjoy this special privilege?

So I think we do need an amendment like that that Ms. ESHOO put forward that says that if you want the privilege of doing business with the United States Government, then one of the conditions is to participate in a healthy democracy that runs that United States Government. And that healthy democracy would include a requirement that people winning business with our government meet the same level of disclosure that every single one of us does.

I'm proud of the things that my party and my friends say on the floor; and I'm, frankly, proud of what our adversaries say on the floor because they believe in good faith that what they say is right for the country. And they don't hide a thing—maybe the public thinks we should hide sometimes when we say the things we do, but we don't hide a thing. Why should there be a special class of Americans who have the prerogative of free speech, but not the obligation to identify themselves when they speak?

This is an insipid, insidious threat to the free exchange of ideas. We should use every tool within our constitutional purview to stop this threat. I think Ms. ESHOO has a great idea, and I hope that under a truly open rule the day will come when we can consider her idea.

Mr. Chairman, I yield back the balance of my time.



## ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. SCALISE of Louisiana.

An amendment by Mr. KING of Iowa.

An amendment by Mr. CRAVAACK of Minnesota.

Amendment No. 1 by Mr. AMASH of Michigan.

Amendment No. 2 by Mr. AMASH of Michigan.

Amendment No. 3 by Mr. AMASH of Michigan.

Amendment No. 1 by Mr. ROKITA of Indiana.

Amendment No. 2 by Mr. ROKITA of Indiana.

Amendment No. 42 by Mr. COLE of Oklahoma.

An amendment by Mr. GOHMERT of Texas.

An amendment by Mr. MICA of Florida.

Amendment No. 23 by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

## AMENDMENT OFFERED BY MR. SCALISE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. SCALISE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 213, not voting 12, as follows:

[Roll No. 396]

AYES—207

|             |              |              |
|-------------|--------------|--------------|
| Adams       | Buchanan     | Dreier       |
| Aderholt    | Bucshon      | Duffy        |
| Akin        | Buerkle      | Duncan (SC)  |
| Alexander   | Burgess      | Duncan (TN)  |
| Amash       | Burton (IN)  | Ellmers      |
| Austria     | Calvert      | Farenthold   |
| Bachmann    | Camp         | Fincher      |
| Bachus      | Campbell     | Fitzpatrick  |
| Barletta    | Canseco      | Flake        |
| Bartlett    | Cantor       | Fleischmann  |
| Barton (TX) | Capito       | Fleming      |
| Bass (NH)   | Carter       | Flores       |
| Benishek    | Cassidy      | Forbes       |
| Berg        | Chabot       | Fortenberry  |
| Bilbray     | Coble        | Fox          |
| Bilirakis   | Coffman (CO) | Franks (AZ)  |
| Bishop (UT) | Cole         | Gallegly     |
| Black       | Conaway      | Gardner      |
| Blackburn   | Cravaack     | Garrett      |
| Bonner      | Crawford     | Gerlach      |
| Bono Mack   | Crenshaw     | Gibbs        |
| Boren       | Culberson    | Gibson       |
| Boustany    | Davis (KY)   | Gingrey (GA) |
| Brady (TX)  | Denham       | Gingrey (GA) |
| Brooks      | Dent         | Goodlatte    |
| Broun (GA)  | DesJarlais   | Gosar        |

|                 |                 |               |
|-----------------|-----------------|---------------|
| Gowdy           | Lungren, Daniel | Rogers (AL)   |
| Granger         | E.              | Rogers (KY)   |
| Graves (GA)     | Mack            | Rogers (MI)   |
| Graves (MO)     | Marchant        | Rohrabacher   |
| Griffin (AR)    | Marino          | Rokita        |
| Griffith (VA)   | McCarthy (CA)   | Rooney        |
| Guinta          | McCaul          | Ross (FL)     |
| Guthrie         | McClintock      | Royce         |
| Hall            | McHenry         | Ryan (WI)     |
| Hanna           | McKeon          | Scalise       |
| Harper          | McMorris        | Schilling     |
| Harris          | Rodgers         | Schweikert    |
| Hartzler        | Meehan          | Scott (SC)    |
| Hastings (WA)   | Mica            | Scott, Austin |
| Hayworth        | Miller (FL)     | Sensenbrenner |
| Heck            | Miller (MI)     | Sessions      |
| Hensarling      | Miller, Gary    | Shuster       |
| Herger          | Mulvaney        | Simpson       |
| Herrera Beutler | Neugebauer      | Smith (NE)    |
| Huelskamp       | Noem            | Smith (TX)    |
| Huizenga (MI)   | Nugent          | Southerland   |
| Hultgren        | Nunes           | Stearns       |
| Hunter          | Nunnelee        | Stivers       |
| Hurt            | Olson           | Stutzman      |
| Issa            | Palazzo         | Sullivan      |
| Jenkins         | Paul            | Terry         |
| Johnson (OH)    | Paulsen         | Thompson (PA) |
| Johnson, Sam    | Pearce          | Thornberry    |
| Jordan          | Pence           | Tiberi        |
| Kelly           | Pitts           | Tipton        |
| King (IA)       | Platts          | Walberg       |
| Kingston        | Poe (TX)        | Walden        |
| Kinzinger (IL)  | Pompeo          | Webster       |
| Kline           | Poser           | West          |
| Labrador        | Price (GA)      | Westmoreland  |
| Lamborn         | Quayle          | Wilson (SC)   |
| Landry          | Reed            | Wittman       |
| Latham          | Rehberg         | Wolf          |
| Latta           | Renacci         | Womack        |
| Lewis (CA)      | Ribble          | Woodall       |
| Long            | Rigell          | Yoder         |
| Lucas           | Rivera          | Young (FL)    |
| Luetkemeyer     | Roby            | Young (IN)    |
| Lummis          | Roe (TN)        |               |

## NOES—213

|               |                |                |
|---------------|----------------|----------------|
| Ackerman      | Deutch         | Kind           |
| Altmire       | Diaz-Balart    | King (NY)      |
| Andrews       | Dicks          | Kissell        |
| Baca          | Dingell        | Kucinich       |
| Baldwin       | Doggett        | Lance          |
| Barrow        | Dold           | Langevin       |
| Bass (CA)     | Donnelly (IN)  | Larsen (WA)    |
| Becerra       | Doyle          | Larson (CT)    |
| Berkley       | Edwards        | LaTourette     |
| Berman        | Ellison        | Lee (CA)       |
| Bigert        | Emerson        | Levin          |
| Bishop (GA)   | Engel          | Lewis (GA)     |
| Bishop (NY)   | Eshoo          | Lipinski       |
| Blumenauer    | Farr           | LoBiondo       |
| Boswell       | Fattah         | Loeb           |
| Brady (PA)    | Filner         | Lowey          |
| Braley (IA)   | Frank (MA)     | Lujan          |
| Brown (FL)    | Fudge          | Lynch          |
| Butterfield   | Garamendi      | Maloney        |
| Capps         | Gonzalez       | Markey         |
| Capuano       | Green, Al      | Matheson       |
| Cardoza       | Green, Gene    | Matsui         |
| Carnahan      | Grijalva       | McCarthy (NY)  |
| Carney        | Grimm          | McCollum       |
| Carson (IN)   | Gutierrez      | McCotter       |
| Chandler      | Hanabusa       | McDermott      |
| Chu           | Hastings (FL)  | McGovern       |
| Cicilline     | Heinrich       | McIntyre       |
| Clarke (MI)   | Higgins        | McKinley       |
| Clarke (NY)   | Himes          | McNerney       |
| Clay          | Hinche         | Meeks          |
| Cleaver       | Hinojosa       | Michaud        |
| Clyburn       | Hirono         | Miller (NC)    |
| Cohen         | Hochul         | Miller, George |
| Connolly (VA) | Holden         | Moore          |
| Conyers       | Holt           | Moran          |
| Cooper        | Honda          | Murphy (CT)    |
| Costa         | Hoyer          | Murphy (PA)    |
| Costello      | Inslee         | Nadler         |
| Courtney      | Israel         | Napolitano     |
| Critz         | Jackson (IL)   | Oliver         |
| Crowley       | Jackson Lee    | Owens          |
| Cuellar       | (TX)           | Pallone        |
| Cummings      | Johnson (IL)   | Pascarell      |
| Davis (CA)    | Johnson, E. B. | Pastor (AZ)    |
| Davis (IL)    | Jones          | Payne          |
| DeFazio       | Kaptur         | Pelosi         |
| DeGette       | Keating        | Perlmutter     |
| DeLauro       | Kildee         | Peters         |

|                  |               |             |
|------------------|---------------|-------------|
| Peterson         | Sarbanes      | Tonko       |
| Petri            | Schakowsky    | Towns       |
| Pingree (ME)     | Schiff        | Tsongas     |
| Polis            | Schmidt       | Turner      |
| Price (NC)       | Schock        | Upton       |
| Quigley          | Schrader      | Van Hollen  |
| Rahall           | Scott (VA)    | Velázquez   |
| Rangel           | Scott, David  | Visclosky   |
| Reichert         | Serrano       | Walsh (IL)  |
| Reyes            | Sewell        | Walz (MN)   |
| Richardson       | Sherman       | Wasserman   |
| Richmond         | Shimkus       | Schultz     |
| Ros-Lehtinen     | Shuler        | Waters      |
| Roskam           | Sires         | Watt        |
| Ross (AR)        | Slaughter     | Waxman      |
| Rothman (NJ)     | Smith (NJ)    | Weiner      |
| Roybal-Allard    | Smith (WA)    | Welch       |
| Runyan           | Speier        | Whitfield   |
| Ruppersberger    | Stark         | Wilson (FL) |
| Ryan (OH)        | Sutton        | Woolsey     |
| Sánchez, Linda   | Thompson (CA) | Wu          |
| T.               | Thompson (MS) | Yarmuth     |
| Sanchez, Loretta | Tierney       | Young (AK)  |

## NOT VOTING—12

|               |              |          |
|---------------|--------------|----------|
| Castor (FL)   | Johnson (GA) | Myrick   |
| Chaffetz      | Lankford     | Neal     |
| Frelinghuysen | Lofgren, Zoe | Rush     |
| Giffords      | Manzullo     | Schwartz |

□ 1735

Messrs. SIRE, CARNEY, ROSKAM, HOLT, FATTAH, TURNER and PETRI changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. BISHOP of Utah was allowed to speak out of order.)

## FAREWELL TO THE PAGES

Mr. BISHOP of Utah. Fellow Members of the House, if you would turn your attention to the back rail there, you will see the pages who have served us for this past semester.

Thank you. You are supposed to applaud after I speak.

These are the kids who still get up in the middle of the night—at times which I thought was only a rumor—so they can go to an accredited high school in the Library of Congress and complete a full day of studies before they are here at 10 o'clock to serve us.

They have learned the process of government by watching us, which is a scary thought, but in the process of doing that, they have gained a healthy respect for our system, and they have learned lessons that they will take with them and made friendships they will take with them through the rest of their lives, and they have served this body well.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I would like to take this opportunity to express my personal gratitude to all of the pages for what they have done to serve this House of Representatives.

These groups of young people who come from all across the Nation represent what is good about our country. To become a page, Mr. Chairman, these young people have proven themselves to be academically qualified. They have ventured away from the security

of their homes and families to spend time in an unfamiliar city. Through this experience, they have witnessed a new culture, made new friends and learned the details of how our government operates.

As we all know the job of congressional page is not an easy one. Along with being away from home, the pages must possess the maturity to balance competing demands for their time and their energy. In addition, they must have the dedication to work long hours and the ability to interact with people at a personal level. At the same time they face a challenging academic schedule of classes in the House page school.

The pages have witnessed the House debate issues of war and peace, hunger and poverty, justice and civil rights. You have lived through history. You have seen Congress at moments of greatness, and you have seen Congress with its frailties. You have witnessed the workings of an institution that has endured well over 200 years.

No one has seen Congress and Members of Congress as close up as have you, and I am sure that you will consider your time spent in Washington, D.C., to be one of the most valuable and exciting experiences of your lives. With this experience, you will all move ahead to lead successful and productive lives.

I would like to thank the members of the House Page Board, who provide such a service to this body: Congressman ROB BISHOP, not only a member of the board but a dear friend; DIANA DEGETTE, also a very good friend; and my good friend on the other side of the aisle, VIRGINIA FOXX.

I don't think we have ever had a disagreement in the page board. We reach unanimity there.

□ 1740

I also thank the Clerk of the House, Karen Haas; the Sergeant at Arms, Bill Livingood; and Ms. Lynn Silversmith Klein. I want to thank them for their service on the House Page Board. And I thank all our departing pages.

#### SPRING 2011 PAGE CLASS

|                      |                       |
|----------------------|-----------------------|
| Daniel Ryan          | Olivia Campbell, CA   |
| Ackerman, MI         | Wesley Lanier         |
| Aram                 | Colston, GA           |
| Ambartsumyan, WA     | D'ymond Shanty'l      |
|                      | Dantzler, MD          |
| Dina Asfaha, CA      | Stephen Delahunt,     |
| Thomas B. Ashe, MA   | WI                    |
| Jihad Barnes, PA     | Timothy Desmarais,    |
| Ryan Andrew Beeson,  | RI                    |
| NC                   | Anna Dietderich, WA   |
| Eliana Marie         | William Powell        |
| Bencosme, MA         | Eddins, NC            |
| Annabelle Boyd, IL   | Jeremy-Clay           |
| Erin Brewer, TX      | Fauchier, CA          |
| Michael S. Brinkley, | Brad Fingeroot, MI    |
| GA                   | Maria G. Garcia, CA   |
| Emily M. Bull, PA    | Christopher W.        |
| Ashley Burke, VA     | Gardner, CA           |
| Edgar Byrum Davis    | Kari Ellen Gibson, IL |
| Camacho, II, TX      | Therese Gildea, CT    |

|                    |                       |
|--------------------|-----------------------|
| Julian Alexander   | Dante Michael         |
| Gilyard, NC        | Procopio, RI          |
| Micah C. Goodman,  | Brendan Coltrane      |
| NC                 | Browner               |
| Neshaun Grady, IN  | Pulsford, KY          |
| Lauren Harper, OH  | Natalie Queally, CA   |
| Branden Haynes, VA | Kiwanda Robinson,     |
| Sophia Hoog, SC    | MD                    |
| P.K. Isacs, CT     | Molly Rose, IL        |
| Aminata Jamina, MA | Shayna Saliman, CA    |
| Stella Joh, CA     | Jack Sanders, IA      |
| Alia Khan, IL      | Sarah Suchower, WA    |
| Anna Mather, WA    | Shayna Talbott, FL    |
| Giovana Meza, CA   | Adriana Threlkeld,    |
| Thomas McKee, NC   | CA                    |
| Andrew Robert      | Daisy Torres, CA      |
| Mumford, MI        | Julie Towbin, FL      |
| Alexander Murphy,  | Amanda Trosen, MO     |
| NY                 | Allie Vreeman, MN     |
| Nicholas Jacob     | Ervis Vukaj, CT       |
| Ensign Murphy, NY  | Kel Walters, TX       |
| Frances Diane      | Scott Weber, OH       |
| Murray, WY         | Avery Weisel, NC      |
| Imani Nicole       | Conor Winters, NC     |
| Phillips, CT       | Allison Zwierlein, CA |

Mr. BISHOP of Utah. Reclaiming my time, I would like to yield to the gentlewoman from North Carolina, who is also a member of the Page Board.

Ms. FOXX. Mr. Chairman, I simply want to add my congratulations to the pages and my great thanks to them for their service to us. They really do a tremendous amount to help this House work effectively. And I also want to say a thank you to the page coordinators, Ms. Keating and Ms. Sampson who are with them, who help facilitate their activities here. They also do a tremendous job and work long hours. And I'm very grateful to them.

Mr. BISHOP of Utah. Mr. Chairman, once again, we thank the pages who will be having their graduation ceremony tomorrow and then leaving us. We wish you very well on your further endeavors. Thank you very much.

#### AMENDMENT OFFERED BY MR. KING OF IOWA

The CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 168, answered “present” 1, not voting 12, as follows:

[Roll No. 397]

AYES—251

|       |           |          |
|-------|-----------|----------|
| Adams | Alexander | Austria  |
| Akin  | Altmire   | Bachmann |

|               |                 |               |
|---------------|-----------------|---------------|
| Bachus        | Graves (GA)     | Olson         |
| Barletta      | Graves (MO)     | Palazzo       |
| Barrow        | Griffin (AR)    | Paul          |
| Bartlett      | Griffith (VA)   | Paulsen       |
| Bass (NH)     | Grimm           | Pearce        |
| Benishek      | Guinta          | Pence         |
| Berg          | Guthrie         | Peters        |
| Biggart       | Hall            | Peterson      |
| Bilbray       | Hanna           | Petri         |
| Bilirakis     | Harper          | Pitts         |
| Bishop (UT)   | Harris          | Platts        |
| Black         | Hartzler        | Poe (TX)      |
| Blackburn     | Hastings (WA)   | Pompeo        |
| Bonner        | Hayworth        | Posey         |
| Bono Mack     | Heck            | Price (GA)    |
| Boren         | Hensarling      | Quayle        |
| Boustany      | Herger          | Reed          |
| Brady (TX)    | Herrera Beutler | Rehberg       |
| Brooks        | Hochul          | Reichert      |
| Broun (GA)    | Holden          | Renacci       |
| Buchanan      | Huelskamp       | Ribble        |
| Bucshon       | Huizenga (MI)   | Rigell        |
| Buerkle       | Hultgren        | Rivera        |
| Burgess       | Hunter          | Roby          |
| Burton (IN)   | Hurt            | Roe (TN)      |
| Calvert       | Issa            | Rogers (AL)   |
| Camp          | Jenkins         | Rogers (KY)   |
| Campbell      | Johnson (IL)    | Rogers (MI)   |
| Canseco       | Johnson (OH)    | Rohrabacher   |
| Cantor        | Johnson, Sam    | Rokita        |
| Capito        | Jones           | Rooney        |
| Cardoza       | Jordan          | Ros-Lehtinen  |
| Carnahan      | Kelly           | Roskam        |
| Carter        | King (IA)       | Ross (AR)     |
| Cassidy       | King (NY)       | Ross (FL)     |
| Chabot        | Kingston        | Royce         |
| Chandler      | Kinzing (IL)    | Runyan        |
| Coble         | Kissell         | Ryan (WI)     |
| Coffman (CO)  | Kline           | Scalise       |
| Cole          | Labrador        | Schilling     |
| Conaway       | Lamborn         | Schmidt       |
| Cooper        | Lance           | Schock        |
| Costa         | Landry          | Schweikert    |
| Costello      | Lankford        | Scott (SC)    |
| Cravaack      | Latham          | Scott, Austin |
| Crawford      | LaTourrette     | Sensenbrenner |
| Crenshaw      | Latta           | Sessions      |
| Culberson     | Lewis (CA)      | Shimkus       |
| Davis (KY)    | Lipinski        | Shuler        |
| Denham        | LoBiondo        | Shuster       |
| Dent          | Long            | Smith (NE)    |
| DesJarlais    | Lucas           | Smith (NJ)    |
| Diaz-Balart   | Luetkemeyer     | Smith (TX)    |
| Dold          | Lummis          | Southerland   |
| Donnelly (IN) | Lungren, Daniel | Stearns       |
| Dreier        | E.              | Stivers       |
| Duffy         | Mack            | Stutzman      |
| Duncan (SC)   | Marchant        | Sullivan      |
| Duncan (TN)   | Marino          | Terry         |
| Ellmers       | Matheson        | Thompson (PA) |
| Emerson       | McCarthy (CA)   | Thornberry    |
| Farenthold    | McCaul          | Tiberi        |
| Fincher       | McClintock      | Tipton        |
| Fitzpatrick   | McCotter        | Turner        |
| Flake         | McHenry         | Upton         |
| Fleischmann   | McIntyre        | Walberg       |
| Fleming       | McKeon          | Walden        |
| Flores        | McKinley        | Walsh (IL)    |
| Forbes        | McMorris        | Webster       |
| Fortenberry   | Rodgers         | West          |
| Fox           | McNerney        | Westmoreland  |
| Franks (AZ)   | Meehan          | Whitfield     |
| Gallegly      | Mica            | Wilson (SC)   |
| Gardner       | Miller (FL)     | Wittman       |
| Garrett       | Miller (MI)     | Wolf          |
| Gerlach       | Miller, Gary    | Womack        |
| Gibbs         | Mulvaney        | Woodall       |
| Gibson        | Murphy (PA)     | Yoder         |
| Gingrey (GA)  | Neugebauer      | Young (AK)    |
| Gohmert       | Noem            | Young (FL)    |
| Goodlatte     | Nugent          | Young (IN)    |
| Gowdy         | Nunes           |               |
| Granger       | Nunnelee        |               |

#### NOES—168

|             |             |
|-------------|-------------|
| Bishop (NY) | Carson (IN) |
| Blumenauer  | Castor (FL) |
| Boswell     | Chu         |
| Brady (PA)  | Cicilline   |
| Braley (IA) | Clarke (MI) |
| Brown (FL)  | Clarke (NY) |
| Butterfield | Clay        |
| Capps       | Cleaver     |
| Capuano     | Clyburn     |
| Carney      | Cohen       |

Connolly (VA) Johnson (GA) Reyes  
Conyers Johnson, E. B. Richardson  
Courtney Kaptur Richmond  
Critz Keating Rothman (NJ)  
Crowley Kildee Roybal-Allard  
Cuellar Kind Ruppersberger  
Cummings Kucinich Ryan (OH)  
Davis (CA) Langevin Sánchez, Linda  
Davis (IL) Larsen (WA) T.  
DeFazio Larson (CT) Sanchez, Loretta  
DeGette Lee (CA) Sarbanes  
DeLauro Levin Schakowsky  
Deutch Lewis (GA) Schiff  
Dicks Loeb sack Schrader  
Dingell Lowey Scott (VA)  
Doggett Lujan Scott, David  
Doyle Lynch Serrano  
Edwards Maloney Sewell  
Engel Markey Sherman  
Farr Matsui Simpson  
Fattah McCarthy (NY) Sires  
Filner McCollum Slaughter  
Frank (MA) McDermott Smith (WA)  
Fudge McGovern Speier  
Garamendi Meeks Stark  
Gonzalez Michaud Sutton  
Gosar Miller (NC) Thompson (CA)  
Green, Al Miller, George Thompson (MS)  
Green, Gene Moore Tierney  
Grijalva Moran Tonko  
Gutierrez Murphy (CT) Towns  
Hanabusa Nadler Tsongas  
Hastings (FL) Napolitano Van Hollen  
Heinrich Oliver Velázquez  
Higgins Owens Visclosky  
Himes Pallone Walz (MN)  
Hinchey Pascrell Wasserman  
Hinojosa Pastor (AZ) Schultz  
Hirono Payne Waters  
Holt Pelosi Watt  
Honda Waxman  
Hoyer Pingree (ME) Weiner  
Inslee Polis Welch  
Israel Price (NC) Wilson (FL)  
Jackson (IL) Quigley Woolsey  
Jackson Lee Rahall Wu  
(TX) Rangel Yarmuth

## ANSWERED "PRESENT"—1

Amash

## NOT VOTING—12

Barton (TX) Frelinghuysen Myrick  
Chaffetz Giffords Neal  
Ellison Lofgren, Zoe Rush  
Eshoo Manzullo Schwartz

□ 1747

Mr. HIGGINS changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. ESHOO. Mr. Chair, on rollcall No. 397, had I been present, I would have voted "no."

Mr. ELLISON. Mr. Chair, on rollcall No. 397 I put my card in the slot, but didn't check whether my vote registered. It so happens that the vote was not recorded. Had I been present, I would have voted "no."

## ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair wishes to remind Members this is a series of 2-minute votes.

## AMENDMENT OFFERED BY MR. CRAVAACK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 131, not voting 12, as follows:

[Roll No. 398]

## AYES—289

Adams Flores Lungren, Daniel  
Aderholt Forbes E.  
Akin Fortenberry Lynch  
Alexander Foxx Mack  
Altmire Franks (AZ) Marchant  
Amash Gallegly Marino  
Austria Gardner Markey  
Baca Garrett Matheson  
Bachmann Gerlach McCarthy (CA)  
Bachus Gibbs McCaul  
Barletta Gibson McClintock  
Barrow Gingrey (GA) McCotter  
Bartlett Gohmert McHenry  
Barton (TX) Goodlatte McIntyre  
Bass (NH) Gosar McKeon  
Benishak Gowdy McKinley  
Berg Granger McMorris  
Berkley Graves (GA) Rodgers  
Biggart Graves (MO) McNeerney  
Bilbray Griffin (AR) Meehan  
Bilirakis Griffith (VA) Mica  
Grimm Grimm Michaud  
Guinta Guinta Miller (FL)  
Guthrie Guthrie Miller (MI)  
Hall Hall Miller (NC)  
Hanna Hanna Miller, Gary  
Harper Harper Moran  
Harris Harris Mulvaney  
Hartzler Hartzler Murphy (PA)  
Hastings (WA) Neugebauer  
Hayworth Noem  
Heck Nugent  
Heinrich Nunes  
Hensarling Nunnelee  
Herger Olson  
Herrera Beutler Owens  
Higgins Palazzio  
Hochul Paul  
Holden Paulsen  
Hoyer Pearce  
Huelskamp Pence  
Huizenga (MI) Perlmutter  
Hultgren Hultgren Peters  
Hunter Peterson  
Hurt Petri  
Israel Pitts  
Issa Platts  
Jackson Lee Poe (TX)  
(TX) Pompeo  
Coffman (CO) Jenkins  
Cole Johnson (IL) Price (GA)  
Conaway Johnson (OH) Price (NC)  
Connolly (VA) Johnson, Sam Quayle  
Cooper Jones Reed  
Costello Jordan Rehberg  
Cravaack Kaptur Reichert  
Crawford Keating Renacci  
Crenshaw Kelly Ribble  
Critz Kind Richardson  
Cuellar King (IA) Rigell  
Culberson King (NY) Rivera  
Davis (KY) Kingston Roby  
DeFazio Kinzinger (IL) Roe (TN)  
Denham Kissell Rogers (AL)  
Dent Kline Rogers (KY)  
DesJarlais Labrador Rogers (MI)  
Diaz-Balart Lamborn Rohrabacher  
Dicks Lance Rokita  
Dold Landry Rooney  
Donnelly (IN) Lankford Ros-Lehtinen  
Dreier Latham Roskam  
Duffy LaTourette Ross (AR)  
Duncan (SC) Latta Ross (FL)  
Duncan (TN) Lewis (CA) Royce  
Ellmers Lipinski Runyan  
Emerson LoBiondo Ruppersberger  
Farenthold Loeb sack Ryan (WI)  
Fincher Long Sarbanes  
Fitzpatrick Lowey Scalise  
Flake Lucas Schiff  
Fleischmann Luetkemeyer Schilling  
Fleming Lummis Schmidt

Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland

Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Tsongas  
Turner  
Upton  
Van Hollen  
Walberg  
Walden  
Walsh (IL)

Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Wu  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—131

Ackerman  
Andrews  
Baldwin  
Bass (CA)  
Becerra  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Conyers  
Costa  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah

Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hanabusa  
Hastings (FL)  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Inslee  
Jackson (IL)  
Johnson (GA)  
Johnson, E. B.  
Kildee  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lujan  
Maloney  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Meeks  
Moore  
Murphy (CT)  
Nadler  
Napolitano  
Oliver  
Pallone  
Pascrell  
Pastor (AZ)

Payne  
Pelosi  
Pingree (ME)  
Polis  
Quigley  
Rahall  
Rangel  
Reyes  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Schakowsky  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sires  
Slaughter  
Speier  
Stark  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Towns  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—12

Canseco  
Chaffetz  
Frelinghuysen  
Giffords

Lofgren, Zoe  
Manzullo  
Miller, George  
Myrick

Neal  
Rush  
Schwartz  
Sutton

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1750

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. AMASH

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Michigan (Mr. AMASH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 127, noes 295, not voting 10, as follows:

[Roll No. 399]

## AYES—127

|               |                 |               |
|---------------|-----------------|---------------|
| Adams         | Guthrie         | Paul          |
| Amash         | Gutierrez       | Payne         |
| Baldwin       | Hall            | Pearce        |
| Bartlett      | Harper          | Petri         |
| Barton (TX)   | Harris          | Pingree (ME)  |
| Benishek      | Hartzler        | Poe (TX)      |
| Bishop (UT)   | Heck            | Polis         |
| Black         | Herrera Beutler | Pompeo        |
| Broun (GA)    | Holt            | Posey         |
| Buerkle       | Huelskamp       | Price (GA)    |
| Burgess       | Huizenga (MI)   | Quayle        |
| Calvert       | Hultgren        | Reichert      |
| Camp          | Hunter          | Ribble        |
| Campbell      | Hurt            | Rigell        |
| Cardoza       | Issa            | Roe (TN)      |
| Cassidy       | Johnson (IL)    | Rooney        |
| Chabot        | Jones           | Roskam        |
| Chu           | Jordan          | Roybal-Allard |
| Coble         | Kingston        | Ryan (WI)     |
| Coffman (CO)  | Kinzinger (IL)  | Scalise       |
| DesJarlais    | Kucinich        | Schmidt       |
| Duffy         | Labrador        | Schweikert    |
| Duncan (SC)   | Lamborn         | Scott (SC)    |
| Duncan (TN)   | Landry          | Scott, Austin |
| Farenthold    | Lankford        | Sensenbrenner |
| Filner        | Lee (CA)        | Smith (NE)    |
| Fincher       | Mack            | Smith (NJ)    |
| Flake         | Marchant        | Speier        |
| Fleming       | McCaul          | Stearns       |
| Forbes        | McClintock      | Stutzman      |
| Fortenberry   | McGovern        | Sullivan      |
| Gardner       | McKeon          | Terry         |
| Garrett       | McMorris        | Tipton        |
| Gibbs         | Rodgers         | Tonko         |
| Gibson        | Mica            | Turner        |
| Gohmert       | Michaud         | Upton         |
| Goodlatte     | Miller (FL)     | Walsh (IL)    |
| Gosar         | Miller, Gary    | Webster       |
| Gowdy         | Miller, George  | Wilson (SC)   |
| Graves (GA)   | Mulvaney        | Wu            |
| Griffith (VA) | Nunnelee        | Young (AK)    |
| Grijalva      | Pallone         |               |
| Quinta        | Pastor (AZ)     |               |

## NOES—295

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Burton (IN)   | Davis (IL)    |
| Aderholt    | Butterfield   | Davis (KY)    |
| Akin        | Canseco       | DeFazio       |
| Alexander   | Cantor        | DeGette       |
| Altmire     | Capito        | DeLauro       |
| Andrews     | Capps         | Denham        |
| Austria     | Capuano       | Dent          |
| Baca        | Carnahan      | Deutch        |
| Bachmann    | Carney        | Diaz-Balart   |
| Bachus      | Carson (IN)   | Dicks         |
| Barletta    | Carter        | Dingell       |
| Barrow      | Castor (FL)   | Doggett       |
| Bass (CA)   | Chandler      | Dold          |
| Bass (NH)   | Cicilline     | Donnelly (IN) |
| Becerra     | Clarke (MI)   | Doyle         |
| Berg        | Clarke (NY)   | Dreier        |
| Berkley     | Clay          | Edwards       |
| Berman      | Cleaver       | Ellison       |
| Biggart     | Clyburn       | Ellmers       |
| Bilbray     | Cohen         | Emerson       |
| Bilirakis   | Cole          | Engel         |
| Bishop (GA) | Conaway       | Eshoo         |
| Bishop (NY) | Connolly (VA) | Farr          |
| Blackburn   | Conyers       | Fattah        |
| Blumenauer  | Cooper        | Fitzpatrick   |
| Bonner      | Costa         | Fleischmann   |
| Bono Mack   | Costello      | Flores        |
| Boren       | Courtney      | Foxx          |
| Boswell     | Cravaack      | Frank (MA)    |
| Boustany    | Crawford      | Franks (AZ)   |
| Brady (PA)  | Crenshaw      | Fudge         |
| Brady (TX)  | Critz         | Gallely       |
| Braley (IA) | Crowley       | Garamendi     |
| Brooks      | Cuellar       | Gerlach       |
| Brown (FL)  | Culberson     | Gingrey (GA)  |
| Buchanan    | Cummings      | Gonzalez      |
| Bucshon     | Davis (CA)    | Granger       |

|                 |               |                  |
|-----------------|---------------|------------------|
| Graves (MO)     | Marino        | Ruppersberger    |
| Green, Al       | Markey        | Ryan (OH)        |
| Green, Gene     | Matheson      | Sánchez, Linda   |
| Griffin (AR)    | Matsui        | T.               |
| Grimm           | McCarthy (CA) | Sanchez, Loretta |
| Hanabusa        | McCarthy (NY) | Sarbanes         |
| Hanna           | McCollum      | Schakowsky       |
| Hastings (FL)   | McCotter      | Schiff           |
| Hastings (WA)   | McDermott     | Schilling        |
| Hayworth        | McHenry       | Schock           |
| Heinrich        | McIntyre      | Schrader         |
| Hensarling      | McKinley      | Scott (VA)       |
| Herger          | McNerney      | Scott, David     |
| Higgins         | Meehan        | Serrano          |
| Himes           | Meeks         | Sessions         |
| Hinchey         | Miller (MI)   | Sewell           |
| Hinojosa        | Miller (NC)   | Sherman          |
| Hochul          | Moore         | Shimkus          |
| Holden          | Moran         | Shuler           |
| Honda           | Murphy (CT)   | Shuster          |
| Hoyer           | Murphy (PA)   | Simpson          |
| Inslie          | Nadler        | Sires            |
| Israel          | Napolitano    | Slaughter        |
| Jackson (IL)    | Neugebauer    | Smith (TX)       |
| Jackson Lee     | Noem          | Smith (WA)       |
| (TX)            | Nugent        | Southerland      |
| Jenkins         | Nunes         | Stark            |
| Johnson (GA)    | Olson         | Stivers          |
| Johnson (OH)    | Olver         | Sutton           |
| Johnson, E. B.  | Owens         | Thompson (CA)    |
| Johnson, Sam    | Palazzo       | Thompson (MS)    |
| Kaptur          | Pascrell      | Thompson (PA)    |
| Keating         | Paulsen       | Thornberry       |
| Kelly           | Pelosi        | Tiberi           |
| Kildee          | Pence         | Tierney          |
| Kind            | Perlmutter    | Towns            |
| King (IA)       | Peters        | Tsongas          |
| King (NY)       | Peterson      | Van Hollen       |
| Kissell         | Pitts         | Velázquez        |
| Kline           | Platts        | Viscosky         |
| Lance           | Price (NC)    | Walden           |
| Langevin        | Quigley       | Walz (MN)        |
| Larsen (WA)     | Rahall        | Wasserman        |
| Larson (CT)     | Rangel        | Schultz          |
| Latham          | Reed          | Waters           |
| LaTourette      | Rehberg       | Watt             |
| Latta           | Renacci       | Waxman           |
| Levin           | Reyes         | Weiner           |
| Lewis (CA)      | Richardson    | Welch            |
| Lewis (GA)      | Richmond      | West             |
| Lipinski        | Rivera        | Westmoreland     |
| LoBiondo        | Roby          | Whitfield        |
| Loeb sack       | Rogers (AL)   | Wilson (FL)      |
| Long            | Rogers (KY)   | Wittman          |
| Lowey           | Rogers (MI)   | Wolf             |
| Lucas           | Rohrabacher   | Womack           |
| Luetkemeyer     | Rokita        | Woodall          |
| Lujan           | Ros-Lehtinen  | Woolsey          |
| Lummis          | Ross (AR)     | Yarmuth          |
| Lungren, Daniel | Ross (FL)     | Yoder            |
| E.              | Rothman (NJ)  | Young (FL)       |
| Lynch           | Royce         | Young (IN)       |
| Maloney         | Runyan        |                  |

## NOT VOTING—10

|               |              |          |
|---------------|--------------|----------|
| Chaffetz      | Lofgren, Zoe | Rush     |
| Frelinghuysen | Manzullo     | Schwartz |
| Giffords      | Myrick       |          |
| Hirono        | Neal         |          |

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1753

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. AMASH

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Michigan (Mr. AMASH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 300, not voting 9, as follows:

[Roll No. 400]

## AYES—123

|               |                 |                  |
|---------------|-----------------|------------------|
| Amash         | Heck            | Polis            |
| Baldwin       | Heinrich        | Pompeo           |
| Bartlett      | Herrera Beutler | Posey            |
| Barton (TX)   | Holt            | Price (GA)       |
| Benishek      | Huelskamp       | Quayle           |
| Bishop (UT)   | Huizenga (MI)   | Reichert         |
| Black         | Hultgren        | Ribble           |
| Broun (GA)    | Hunter          | Rigell           |
| Buchanan      | Hurt            | Roe (TN)         |
| Buerkle       | Issa            | Rogers (AL)      |
| Burgess       | Johnson (IL)    | Rooney           |
| Calvert       | Johnson, Sam    | Roskam           |
| Camp          | Jones           | Roybal-Allard    |
| Campbell      | Jordan          | Ryan (WI)        |
| Cardoza       | Kingston        | Sanchez, Loretta |
| Cassidy       | Kinzinger (IL)  | Scalise          |
| Chabot        | Kucinich        | Schmidt          |
| Clarke (MI)   | Labrador        | Schweikert       |
| Crenshaw      | Lamborn         | Scott (SC)       |
| DesJarlais    | Landry          | Sensenbrenner    |
| Duffy         | Lankford        | Slaughter        |
| Duncan (SC)   | LaTourette      | Smith (NE)       |
| Duncan (TN)   | Lee (CA)        | Smith (NJ)       |
| Farenthold    | Lipinski        | Southerland      |
| Filner        | Marchant        | Stark            |
| Flake         | McClintock      | Stearns          |
| Fleming       | McKeon          | Terry            |
| Forbes        | McMorris        | Tiberi           |
| Fortenberry   | Rodgers         | Tipton           |
| Garrett       | Mica            | Tonko            |
| Gibson        | Michaud         | Tsongas          |
| Gingrey (GA)  | Miller (FL)     | Turner           |
| Gohmert       | Miller, Gary    | Upton            |
| Goodlatte     | Mulvaney        | Walsh (IL)       |
| Gowdy         | Murphy (CT)     | Webster          |
| Graves (GA)   | Pallone         | Wilson (SC)      |
| Griffith (VA) | Paul            | Wu               |
| Harris        | Pearce          | Yarmuth          |
| Hartzler      | Petri           | Young (AK)       |
|               | Pingree (ME)    | Young (FL)       |
|               | Platts          |                  |
|               | Poe (TX)        |                  |

## NOES—300

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Butterfield   | Davis (KY)    |
| Adams       | Canseco       | DeFazio       |
| Aderholt    | Cantor        | DeGette       |
| Akin        | Capito        | DeLauro       |
| Alexander   | Capps         | Denham        |
| Altmire     | Capuano       | Dent          |
| Andrews     | Carnahan      | Deutch        |
| Austria     | Carney        | Diaz-Balart   |
| Baca        | Carson (IN)   | Dicks         |
| Bachmann    | Carter        | Dingell       |
| Bachus      | Castor (FL)   | Doggett       |
| Barletta    | Chandler      | Dold          |
| Barrow      | Chu           | Donnelly (IN) |
| Bass (CA)   | Cicilline     | Doyle         |
| Bass (NH)   | Clarke (NY)   | Dreier        |
| Becerra     | Clay          | Edwards       |
| Berg        | Cleaver       | Ellison       |
| Berkley     | Clyburn       | Ellmers       |
| Berman      | Coble         | Emerson       |
| Biggart     | Coffman (CO)  | Engel         |
| Bilbray     | Cohen         | Eshoo         |
| Bilirakis   | Cole          | Farr          |
| Bishop (GA) | Conaway       | Fattah        |
| Bishop (NY) | Connolly (VA) | Fincher       |
| Blackburn   | Conyers       | Fitzpatrick   |
| Blumenauer  | Cooper        | Fleischmann   |
| Bonner      | Costa         | Flores        |
| Bono Mack   | Costello      | Foxx          |
| Boren       | Courtney      | Frank (MA)    |
| Boswell     | Cravaack      | Franks (AZ)   |
| Boustany    | Crawford      | Fudge         |
| Brady (PA)  | Critz         | Gallely       |
| Brady (TX)  | Crowley       | Garamendi     |
| Braley (IA) | Cuellar       | Gardner       |
| Brooks      | Culberson     | Gerlach       |
| Brown (FL)  | Cummings      | Gibbs         |
| Bucshon     | Davis (CA)    | Gonzalez      |
| Burton (IN) | Davis (IL)    | Gosar         |

Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Grijalva  
Grimm  
Hall  
Hanabusa  
Hanna  
Harper  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Hensarling  
Herger  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kissell  
Kline  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Levin  
Lewis (CA)  
Lewis (GA)  
LoBiondo  
Loeb sack  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack

Maloney  
Marino  
Markley  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McIntyre  
McKinley  
McNerney  
Meehan  
Meeks  
Miller (MI)  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (PA)  
Nadler  
Napolitano  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Oliver  
Owens  
Palazzo  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Pitts  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Renacci  
Reyes  
Richardson  
Richmond  
Rivera  
Robby  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Ros-Lehtinen  
Ross (AR)  
Ross (FL)

Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schilling  
Schock  
Schneider  
Scott (VA)  
Scott, Austin  
Scott, David  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (TX)  
Smith (WA)  
Speier  
Stivers  
Stutzman  
Sullivan  
Sutton  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tierney  
Towns  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (IN)

## NOT VOTING—9

Chaffetz  
Frelinghuysen  
Giffords

Lofgren, Zoe  
Manzullo  
Myrick

Neal  
Rush  
Schwartz

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in the vote.

□ 1757

Mr. HIGGINS and Ms. HOCHUL changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. AMASH

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from Michigan (Mr. AMASH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 257, noes 164, not voting 11, as follows:

[Roll No. 401]

AYES—257

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggett  
Bilbray  
Bilirakis  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Doggett  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Gallegly  
Gardner

Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry

McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry

Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)

Waters  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf

## NOES—164

Ackerman  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Calvert  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Grijalva  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Loeb sack  
Lowey  
Lujan  
Maloney  
Markley  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano

Oliver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Pelosi  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

## NOT VOTING—11

Bishop (UT)  
Chaffetz  
Frelinghuysen  
Giffords

Lofgren, Zoe  
Manzullo  
Myrick  
Neal

Rush  
Schilling  
Schwartz

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1800

Mr. LYNCH changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. ROKITA

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Indiana (Mr. ROKITA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

# RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 110, noes 312, not voting 10, as follows:

[Roll No. 402]

# AYES—110

|               |               |               |
|---------------|---------------|---------------|
| Amash         | Hensarling    | Pitts         |
| Bartlett      | Herger        | Poe (TX)      |
| Barton (TX)   | Huelskamp     | Pompeo        |
| Benishek      | Huizenga (MI) | Posey         |
| Bishop (UT)   | Hunter        | Price (GA)    |
| Bono Mack     | Hurt          | Quayle        |
| Brady (TX)    | Inslee        | Renacci       |
| Brooks        | Issa          | Ribble        |
| Broun (GA)    | Johnson (IL)  | Rigell        |
| Buchanan      | Johnson, Sam  | Rohrabacher   |
| Burgess       | Jordan        | Rokita        |
| Burton (IN)   | Kingston      | Rooney        |
| Butterfield   | Labrador      | Roskam        |
| Campbell      | Lamborn       | Ross (FL)     |
| Canseco       | Landry        | Royce         |
| Chabot        | Lankford      | Ryan (WI)     |
| Coble         | Latta         | Scalise       |
| Coffman (CO)  | Lummis        | Schmidt       |
| Conaway       | Marchant      | Schweikert    |
| Duffy         | McCarthy (CA) | Scott (SC)    |
| Duncan (SC)   | McClintock    | Sensenbrenner |
| Duncan (TN)   | McHenry       | Sessions      |
| Farenthold    | McKeon        | Shuster       |
| Flake         | McMorris      | Smith (NE)    |
| Flores        | Rodgers       | Southerland   |
| Foxx          | Mica          | Stearns       |
| Gardner       | Miller (FL)   | Stutzman      |
| Garrett       | Miller, Gary  | Sullivan      |
| Gohmert       | Mulvaney      | Terry         |
| Goodlatte     | Neugebauer    | Thornberry    |
| Gosar         | Nugent        | Tipton        |
| Gowdy         | Nunes         | Walberg       |
| Graves (GA)   | Nunnelee      | Walsh (IL)    |
| Griffin (AR)  | Paul          | Westmoreland  |
| Griffith (VA) | Pearce        | Wilson (SC)   |
| Hall          | Pence         | Yoder         |
| Harris        | Petri         | Young (AK)    |

# NOES—312

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Calvert       | Davis (CA)    |
| Adams       | Camp          | Davis (IL)    |
| Aderholt    | Cantor        | Davis (KY)    |
| Akin        | Capito        | DeFazio       |
| Alexander   | Capps         | DeGette       |
| Altmire     | Capuano       | DeLauro       |
| Andrews     | Cardoza       | Denham        |
| Austria     | Carnahan      | Dent          |
| Baca        | Carney        | DesJarlais    |
| Bachmann    | Carson (IN)   | Deutch        |
| Bachus      | Carter        | Diaz-Balart   |
| Baldwin     | Cassidy       | Dicks         |
| Barletta    | Castor (FL)   | Dingell       |
| Barrow      | Chandler      | Doggett       |
| Bass (CA)   | Chu           | Dold          |
| Bass (NH)   | Cicilline     | Donnelly (IN) |
| Becerra     | Clarke (MI)   | Doyle         |
| Berg        | Clarke (NY)   | Dreier        |
| Berkley     | Clay          | Edwards       |
| Berman      | Cleaver       | Ellison       |
| Biggert     | Clyburn       | Ellmers       |
| Bilbray     | Cohen         | Emerson       |
| Bilirakis   | Cole          | Engel         |
| Bishop (GA) | Connolly (VA) | Eshoo         |
| Bishop (NY) | Conyers       | Farr          |
| Black       | Cooper        | Fattah        |
| Blackburn   | Costa         | Filner        |
| Blumenauer  | Costello      | Fincher       |
| Bonner      | Courtney      | Fitzpatrick   |
| Boren       | Cravaack      | Fleischmann   |
| Boswell     | Crawford      | Fleming       |
| Boustany    | Crenshaw      | Forbes        |
| Brady (PA)  | Critz         | Fortenberry   |
| Braley (IA) | Crowley       | Frank (MA)    |
| Brown (FL)  | Cuellar       | Franks (AZ)   |
| Bucshon     | Culberson     | Fudge         |
| Buerkle     | Cummings      | Gallely       |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Garamendi       | Lowey           | Ross (AR)        |
| Gerlach         | Lucas           | Rothman (NJ)     |
| Gibbs           | Luetkemeyer     | Roybal-Allard    |
| Gibson          | Lujan           | Runyan           |
| Gingrey (GA)    | Lungren, Daniel | Ruppersberger    |
| Gonzalez        | E.              | Ryan (OH)        |
| Granger         | Lynch           | Sánchez, Linda   |
| Graves (MO)     | Mack            | T.               |
| Green, Al       | Maloney         | Sanchez, Loretta |
| Green, Gene     | Marino          | Sarbanes         |
| Grijalva        | Markey          | Schakowsky       |
| Grimm           | Matheson        | Schiff           |
| Guinta          | Matsui          | Schilling        |
| Guthrie         | McCarthy (NY)   | Schock           |
| Gutierrez       | McCaul          | Schrader         |
| Hanabusa        | McCollum        | Scott (VA)       |
| Hanna           | McCotter        | Scott, Austin    |
| Harper          | McDermott       | Scott, David     |
| Hartzler        | McGovern        | Serrano          |
| Hastings (FL)   | McIntyre        | Sewell           |
| Hastings (WA)   | McKinley        | Sherman          |
| Hayworth        | McNerney        | Shimkus          |
| Heck            | Meehan          | Shuler           |
| Heinrich        | Meeks           | Simpson          |
| Herrera Beutler | Michaud         | Sires            |
| Higgins         | Miller (MI)     | Slaughter        |
| Himes           | Miller (NC)     | Smith (NJ)       |
| Hinchee         | Miller, George  | Smith (TX)       |
| Hinojosa        | Moore           | Smith (WA)       |
| Hirono          | Moran           | Speier           |
| Hochul          | Murphy (CT)     | Stark            |
| Holden          | Murphy (PA)     | Stivers          |
| Holt            | Nadler          | Sutton           |
| Honda           | Napolitano      | Thompson (CA)    |
| Hoyer           | Noem            | Thompson (MS)    |
| Johnson (OH)    | Olson           | Thompson (PA)    |
| Johnson, E. B.  | Olver           | Tiberi           |
| Jones           | Owens           | Tierney          |
| Kaptur          | Palazzo         | Tonko            |
| Keating         | Pallone         | Towns            |
| Kelly           | Pascarell       | Tsongas          |
| Kildee          | Pastor (AZ)     | Turner           |
| Kin             | Paulsen         | Upton            |
| King (IA)       | Payne           | Van Hollen       |
| King (NY)       | Pelosi          | Velázquez        |
| King (NY)       | Perlmutter      | Visclosky        |
| Kinzie          | Peters          | Walden           |
| Kissell         | Peterson        | Walz (MN)        |
| Kline           | Pingree (ME)    | Wasserman        |
| Kucinich        | Platts          | Schultz          |
| Lance           | Kinzie          | Waters           |
| Langevin        | Kissell         | Watt             |
| Larsen (WA)     | Kline           | Waxman           |
| Larson (CT)     | Kucinich        | Webster          |
| Latham          | Lance           | Weiner           |
| LaTourette      | Langevin        | Welch            |
| Lee (CA)        | Larsen (WA)     | West             |
| Levin           | Rehberg         | Whitfield        |
| Lewis (CA)      | Reichert        | Wilson (FL)      |
| Lewis (GA)      | Reyes           | Wittman          |
| Lipinski        | Richardson      | Wolf             |
| LoBiondo        | Richmond        | Womack           |
| Loeback         | Rivera          | Woodall          |
| Long            | Robby           | Woolsey          |
|                 | Roe (TN)        | Wu               |
|                 | Rogers (AL)     | Yarmuth          |
|                 | Rogers (KY)     | Young (FL)       |
|                 | Rogers (MI)     | Young (IN)       |
|                 | Ros-Lehtinen    |                  |

# NOT VOTING—10

|               |              |          |
|---------------|--------------|----------|
| Chaffetz      | Jackson Lee  | Myrick   |
| Frelinghuysen | (TX)         | Neal     |
| Giffords      | Lofgren, Zoe | Rush     |
|               | Manzullo     | Schwartz |

# ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1803

So the amendment was rejected.

The result of the vote was announced as above recorded.

# AMENDMENT OFFERED BY MR. ROKITA

The CHAIR. The unfinished business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Indiana (Mr. ROKITA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

# RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 205, not voting 9, as follows:

[Roll No. 403]

# AYES—218

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Gosar           | Nunnelee      |
| Aderholt     | Gowdy           | Olson         |
| Akin         | Granger         | Palazzo       |
| Alexander    | Graves (GA)     | Paul          |
| Amash        | Graves (MO)     | Paulsen       |
| Austria      | Griffin (AR)    | Pearce        |
| Bachmann     | Griffith (VA)   | Pence         |
| Bachus       | Guinta          | Pitts         |
| Bartlett     | Guthrie         | Platts        |
| Barton (TX)  | Gutierrez       | Poe (TX)      |
| Bass (NH)    | Hall            | Pompeo        |
| Benishek     | Hanna           | Posey         |
| Berg         | Harper          | Price (GA)    |
| Biggert      | Harris          | Quayle        |
| Bilbray      | Hartzler        | Rehberg       |
| Bilirakis    | Hastings (WA)   | Renacci       |
| Bishop (UT)  | Hayworth        | Ribble        |
| Black        | Heck            | Rigell        |
| Blackburn    | Hensarling      | Rohrabacher   |
| Bonner       | Herger          | Rokita        |
| Bono Mack    | Herrera Beutler | Rooney        |
| Boustany     | Huelskamp       | Roskam        |
| Brady (TX)   | Huizenga (MI)   | Ross (FL)     |
| Brooks       | Hultgren        | Royce         |
| Broun (GA)   | Hunter          | Runyan        |
| Buchanan     | Hurt            | Ryan (WI)     |
| Bucshon      | Issa            | Scalise       |
| Buerkle      | Jenkins         | Schilling     |
| Burgess      | Johnson (IL)    | Schmidt       |
| Burton (IN)  | Johnson (OH)    | Schock        |
| Calvert      | Johnson, Sam    | Schweikert    |
| Camp         | Jordan          | Scott (SC)    |
| Campbell     | Kelly           | Scott, Austin |
| Canseco      | King (IA)       | Sensenbrenner |
| Cantor       | King (NY)       | Sessions      |
| Carter       | Kingston        | Shuster       |
| Cassidy      | Kinzie          | Simpson       |
| Chabot       | Kline           | Smith (NE)    |
| Coble        | Labrador        | Smith (TX)    |
| Coffman (CO) | Lamborn         | Southerland   |
| Cole         | Lance           | Stearns       |
| Conaway      | Landry          | Stivers       |
| Cravaack     | Lankford        | Stutzman      |
| Crawford     | Latham          | Sullivan      |
| Crenshaw     | Latta           | Terry         |
| Culberson    | Lewis (CA)      | Thompson (PA) |
| Davis (KY)   | LoBiondo        | Thornberry    |
| Denham       | Long            | Tiberi        |
| Dent         | Lucas           | Tipton        |
| DesJarlais   | Luetkemeyer     | Upton         |
| Dold         | Lummis          | Walberg       |
| Dreier       | Lungren, Daniel | Walden        |
| Duffy        | E.              | Walsh (IL)    |
| Duncan (SC)  | Mack            | Webster       |
| Duncan (TN)  | Marchant        | West          |
| Ellmers      | Marino          | Westmoreland  |
| Farenthold   | McCarthy (CA)   | Whitfield     |
| Fincher      | McCaul          | Wilson (SC)   |
| Flake        | McClintock      | Wittman       |
| Fleischmann  | McCotter        | Wolf          |
| Fleming      | McHenry         | Womack        |
| Flores       | McKeon          | Woodall       |
| Forbes       | McMorris        | Yoder         |
| Fortenberry  | Rodgers         | Young (AK)    |
| Foxx         | Meehan          | Young (FL)    |
| Franks (AZ)  | Mica            | Young (IN)    |
| Gallegly     | Miller (FL)     |               |
| Gardner      | Miller (MI)     |               |
| Garrett      | Miller, Gary    |               |
| Gerlach      | Mulvaney        |               |
| Gibbs        | Neugebauer      |               |
| Gingrey (GA) | Noem            |               |
| Gohmert      | Nugent          |               |
| Goodlatte    | Nunes           |               |

## NOES—205

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Garamendi      | Pascarell        |
| Altmire       | Gibson         | Pastor (AZ)      |
| Andrews       | Gonzalez       | Payne            |
| Baca          | Green, Al      | Pelosi           |
| Baldwin       | Green, Gene    | Perlmutter       |
| Barletta      | Grijalva       | Peters           |
| Barrow        | Grimm          | Peterson         |
| Bass (CA)     | Hanabusa       | Petri            |
| Becerra       | Hastings (FL)  | Pingree (ME)     |
| Berkley       | Heinrich       | Polis            |
| Berman        | Higgins        | Price (NC)       |
| Bishop (GA)   | Himes          | Quigley          |
| Bishop (NY)   | Hinchey        | Rahall           |
| Blumenauer    | Hinojosa       | Rangel           |
| Boren         | Hirono         | Reed             |
| Boswell       | Hochul         | Reichert         |
| Brady (PA)    | Holden         | Reyes            |
| Braley (IA)   | Holt           | Richardson       |
| Brown (FL)    | Honda          | Richmond         |
| Butterfield   | Hoyer          | Ros-Lehtinen     |
| Capito        | Insee          | Ross (AR)        |
| Capps         | Israel         | Rothman (NJ)     |
| Capuano       | Jackson (IL)   | Roybal-Allard    |
| Cardoza       | Jackson Lee    | Ruppersberger    |
| Carnahan      | (TX)           | Ryan (OH)        |
| Carney        | Johnson (GA)   | Sánchez, Linda   |
| Carson (IN)   | Johnson, E. B. | T.               |
| Castor (FL)   | Jones          | Sanchez, Loretta |
| Chandler      | Kaptur         | Sarbanes         |
| Chu           | Keating        | Schakowsky       |
| Cicilline     | Kildee         | Schiff           |
| Clarke (MI)   | Kind           | Schrader         |
| Clarke (NY)   | Kissell        | Scott (VA)       |
| Clay          | Kucinich       | Scott, David     |
| Cleaver       | Langevin       | Serrano          |
| Clyburn       | Larsen (WA)    | Sewell           |
| Cohen         | Larson (CT)    | Sherman          |
| Connolly (VA) | LaTourette     | Shimkus          |
| Conyers       | Lee (CA)       | Shuler           |
| Cooper        | Levin          | Sires            |
| Costa         | Lewis (GA)     | Slaughter        |
| Costello      | Lipinski       | Smith (NJ)       |
| Courtney      | Loeb sack      | Smith (WA)       |
| Critz         | Lowey          | Speier           |
| Crowley       | Luján          | Stark            |
| Cuellar       | Lynch          | Sutton           |
| Cummings      | Maloney        | Thompson (CA)    |
| Davis (CA)    | Markey         | Thompson (MS)    |
| Davis (IL)    | Matheson       | Tierney          |
| DeFazio       | Matsui         | Tonko            |
| DeGette       | McCarthy (NY)  | Towns            |
| DeLauro       | McCollum       | Tsongas          |
| Deutch        | McDermott      | Turner           |
| Diaz-Balart   | McGovern       | Van Hollen       |
| Dicks         | McIntyre       | Velázquez        |
| Dingell       | McKinley       | Visclosky        |
| Doggett       | McNerney       | Waltz (MN)       |
| Donnelly (IN) | Meeks          | Wasserman        |
| Doyle         | Michaud        | Schultz          |
| Edwards       | Miller (NC)    | Waters           |
| Ellison       | Miller, George | Watt             |
| Emerson       | Moore          | Waxman           |
| Engel         | Moran          | Weiner           |
| Eshoo         | Murphy (CT)    | Welch            |
| Farr          | Murphy (PA)    | Wilson (FL)      |
| Fattah        | Nadler         | Woolsey          |
| Filner        | Napolitano     | Wu               |
| Fitzpatrick   | Olver          | Yarmuth          |
| Frank (MA)    | Owens          |                  |
| Fudge         | Pallone        |                  |

## NOT VOTING—9

|               |              |          |
|---------------|--------------|----------|
| Chaffetz      | Lofgren, Zoe | Neal     |
| Frelinghuysen | Manzullo     | Rush     |
| Giffords      | Myrick       | Schwartz |

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1806

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 42 OFFERED BY MR. COLE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. COLE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 170, not voting 10, as follows:

[Roll No. 404]

## AYES—252

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Forbes          | McCarthy (CA) |
| Aderholt     | Fortenberry     | McCaul        |
| Akin         | Fox             | McClintock    |
| Alexander    | Franks (AZ)     | McCotter      |
| Altmire      | Galleghy        | McHenry       |
| Amash        | Gardner         | McIntyre      |
| Austria      | Garrett         | McKeon        |
| Bachmann     | Gerlach         | McKinley      |
| Bachus       | Gibbs           | McMorris      |
| Barletta     | Gibson          | Rodgers       |
| Barrow       | Gingrey (GA)    | Meehan        |
| Bartlett     | Gohmert         | Mica          |
| Barton (TX)  | Goodlatte       | Miller (FL)   |
| Bass (NH)    | Gosar           | Miller (MI)   |
| Benish       | Gowdy           | Miller, Gary  |
| Berg         | Granger         | Mulvaney      |
| Biggart      | Graves (GA)     | Murphy (PA)   |
| Bilbray      | Graves (MO)     | Neugebauer    |
| Bilirakis    | Green, Gene     | Noem          |
| Bishop (UT)  | Griffin (AR)    | Nugent        |
| Black        | Griffith (VA)   | Nunes         |
| Blackburn    | Grimm           | Nunnelee      |
| Bonner       | Guinta          | Olson         |
| Bono Mack    | Guthrie         | Owens         |
| Boren        | Hall            | Palazzo       |
| Boustany     | Hanna           | Pastor (AZ)   |
| Brady (TX)   | Harper          | Paul          |
| Brooks       | Harris          | Paulsen       |
| Broun (GA)   | Hartzler        | Pearce        |
| Buchanan     | Hastings (WA)   | Pence         |
| Buchson      | Hayworth        | Petri         |
| Buerkle      | Heck            | Pitts         |
| Burton (IN)  | Hensarling      | Platts        |
| Calvert      | Herger          | Poe (TX)      |
| Camp         | Herrera Beutler | Pompeo        |
| Campbell     | Hochul          | Posey         |
| Canseco      | Holden          | Price (GA)    |
| Cantor       | Huelskamp       | Quayle        |
| Capito       | Huizenga (MI)   | Rahall        |
| Carter       | Hultgren        | Reed          |
| Cassidy      | Hunter          | Rehberg       |
| Chabot       | Hurt            | Reichert      |
| Chandler     | Issa            | Renacci       |
| Coble        | Jenkins         | Ribble        |
| Coffman (CO) | Johnson (IL)    | Rigell        |
| Cole         | Johnson (OH)    | Rivera        |
| Conaway      | Johnson, Sam    | Roby          |
| Cooper       | Jordan          | Roe (TN)      |
| Cravaack     | Kelly           | Rogers (AL)   |
| Crawford     | King (IA)       | Rogers (KY)   |
| Crenshaw     | King (NY)       | Rogers (MI)   |
| Critz        | Kingston        | Rohrabacher   |
| Cuellar      | Kinzinger (IL)  | Rokita        |
| Culberson    | Kline           | Rooney        |
| Davis (KY)   | Labrador        | Ros-Lehtinen  |
| DeFazio      | Lamborn         | Roskam        |
| Denham       | Lance           | Ross (AR)     |
| Dent         | Landry          | Ross (FL)     |
| DesJarlais   | Lankford        | Royce         |
| Diaz-Balart  | Latham          | Runyan        |
| Dold         | LaTourette      | Ruppersberger |
| Dreier       | Latta           | Ryan (WI)     |
| Duffy        | Lewis (CA)      | Scalise       |
| Duncan (SC)  | LoBiondo        | Schilling     |
| Duncan (TN)  | Long            | Schmidt       |
| Ellmers      | Lucas           | Schock        |
| Emerson      | Luetkemeyer     | Schweikert    |
| Farenthold   | Lummis          | Scott (SC)    |
| Fincher      | Lungren, Daniel | Scott, Austin |
| Fitzpatrick  | E.              | Sensenbrenner |
| Flake        | Mack            | Sessions      |
| Fleischmann  | Marchant        | Shuler        |
| Fleming      | Marino          | Shuster       |
| Flores       | Matheson        | Simpson       |

|               |              |
|---------------|--------------|
| Smith (NE)    | Thornberry   |
| Smith (NJ)    | Tiberi       |
| Smith (TX)    | Tipton       |
| Southerland   | Turner       |
| Speier        | Upton        |
| Stearns       | Walberg      |
| Stivers       | Walden       |
| Stutzman      | Walsh (IL)   |
| Sullivan      | Webster      |
| Terry         | West         |
| Thompson (PA) | Westmoreland |

## NOES—170

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Gonzalez       | Pallone          |
| Andrews       | Green, Al      | Pascarell        |
| Baca          | Grijalva       | Payne            |
| Baldwin       | Gutierrez      | Pelosi           |
| Bass (CA)     | Hanabusa       | Perlmutter       |
| Becerra       | Hastings (FL)  | Peters           |
| Berkley       | Heinrich       | Peterson         |
| Berman        | Higgins        | Pingree (ME)     |
| Bishop (GA)   | Himes          | Polis            |
| Bishop (NY)   | Hinchey        | Price (NC)       |
| Blumenauer    | Hinojosa       | Quigley          |
| Boswell       | Hirono         | Rangel           |
| Brady (PA)    | Holt           | Reyes            |
| Braley (IA)   | Honda          | Richardson       |
| Brown (FL)    | Hoyer          | Richmond         |
| Butterfield   | Insee          | Rothman (NJ)     |
| Capps         | Israel         | Roybal-Allard    |
| Capuano       | Jackson (IL)   | Ryan (OH)        |
| Cardoza       | Jackson Lee    | Sánchez, Linda   |
| Carnahan      | (TX)           | T.               |
| Carney        | Johnson (GA)   | Sanchez, Loretta |
| Carson (IN)   | Johnson, E. B. | Sarbanes         |
| Castor (FL)   | Jones          | Schakowsky       |
| Chu           | Kaptur         | Schiff           |
| Cicilline     | Keating        | Schrader         |
| Clarke (MI)   | Kildee         | Scott (VA)       |
| Clarke (NY)   | Kind           | Scott, David     |
| Clay          | Kissell        | Serrano          |
| Cleaver       | Kucinich       | Sewell           |
| Clyburn       | Langevin       | Sherman          |
| Cohen         | Larsen (WA)    | Shimkus          |
| Connolly (VA) | Larson (CT)    | Sires            |
| Conyers       | Lee (CA)       | Slaughter        |
| Costa         | Levin          | Smith (WA)       |
| Costello      | Lewis (GA)     | Stark            |
| Courtney      | Lipinski       | Sutton           |
| Crowley       | Loeb sack      | Thompson (CA)    |
| Cummings      | Lowey          | Thompson (MS)    |
| Davis (CA)    | Luján          | Tierney          |
| Davis (IL)    | Lynch          | Tonko            |
| DeGette       | Maloney        | Towns            |
| DeLauro       | Markey         | Tsongas          |
| Deutch        | Matsui         | Van Hollen       |
| Dicks         | McCarthy (NY)  | Velázquez        |
| Dingell       | McCollum       | Visclosky        |
| Doggett       | McDermott      | Walz (MN)        |
| Donnelly (IN) | McGovern       | Wasserman        |
| Doyle         | McNerney       | Schultz          |
| Edwards       | Meeks          | Waters           |
| Ellison       | Michaud        | Watt             |
| Engel         | Miller (NC)    | Waxman           |
| Eshoo         | Miller, George | Weiner           |
| Farr          | Moore          | Welch            |
| Fattah        | Moran          | Wilson (FL)      |
| Filner        | Murphy (CT)    | Woolsey          |
| Fitzpatrick   | Nadler         | Wu               |
| Frank (MA)    | Napolitano     | Yarmuth          |
| Fudge         | Olver          |                  |

## NOT VOTING—10

|               |              |          |
|---------------|--------------|----------|
| Burgess       | Lofgren, Zoe | Rush     |
| Chaffetz      | Manzullo     | Schwartz |
| Frelinghuysen | Myrick       |          |
| Giffords      | Neal         |          |

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1810

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## Stated for:

Mr. SHIMKUS. Mr. Chair, on rollcall No. 404 I inadvertently voted “no” when I intended to vote “yes.”

## AMENDMENT OFFERED BY MR. GOHMERT

The CHAIR. The unfinished business is the demand for a recorded vote on



the amendment offered by the gentleman from Texas (Mr. GOHMERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 224, not voting 9, as follows:

[Roll No. 405]

## AYES—199

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Graves (MO)     | Pearce        |
| Akin         | Green, Gene     | Pence         |
| Alexander    | Griffin (AR)    | Petri         |
| Austria      | Griffith (VA)   | Pitts         |
| Bachmann     | Grijalva        | Platts        |
| Bachus       | Grimm           | Poe (TX)      |
| Barletta     | Guinta          | Pompeo        |
| Bartlett     | Guthrie         | Posey         |
| Barton (TX)  | Hall            | Price (GA)    |
| Benishek     | Hanna           | Quayle        |
| Berg         | Harper          | Rehberg       |
| Bilirakis    | Harris          | Reichert      |
| Bishop (UT)  | Hartzler        | Renacci       |
| Black        | Hastings (WA)   | Ribble        |
| Blackburn    | Hayworth        | Rivera        |
| Bonner       | Heck            | Roby          |
| Bono Mack    | Herger          | Roe (TN)      |
| Boustany     | Herrera Beutler | Rogers (AL)   |
| Brady (TX)   | Huelskamp       | Rogers (KY)   |
| Broun (GA)   | Huizenga (MI)   | Rogers (MI)   |
| Buchanan     | Hultgren        | Rohrabacher   |
| Buerkle      | Hunter          | Rokita        |
| Burgess      | Hurt            | Rooney        |
| Burton (IN)  | Issa            | Ros-Lehtinen  |
| Camp         | Jenkins         | Roskam        |
| Campbell     | Johnson (IL)    | Ross (FL)     |
| Canseco      | Johnson (OH)    | Royce         |
| Capito       | Johnson, Sam    | Ryan (WI)     |
| Carter       | Jones           | Scalise       |
| Cassidy      | Jordan          | Schilling     |
| Chabot       | Kelly           | Schmidt       |
| Coble        | King (IA)       | Schock        |
| Coffman (CO) | Kingston        | Schweikert    |
| Cole         | Kline           | Scott (SC)    |
| Conaway      | Labrador        | Scott, Austin |
| Cravaack     | Lamborn         | Sensenbrenner |
| Crawford     | Landry          | Sessions      |
| Crenshaw     | Lankford        | Shimkus       |
| Culberson    | Latta           | Shuster       |
| Davis (KY)   | LoBiondo        | Smith (NE)    |
| DesJarlais   | Long            | Smith (NJ)    |
| Dreier       | Lucas           | Smith (TX)    |
| Duffy        | Luetkemeyer     | Southerland   |
| Duncan (SC)  | Lummis          | Stearns       |
| Duncan (TN)  | Mack            | Stivers       |
| Ellmers      | Marchant        | Stutzman      |
| Farenthold   | Marino          | Sullivan      |
| Fincher      | Matheson        | Terry         |
| Fitzpatrick  | McCarthy (CA)   | Thompson (PA) |
| Flake        | McClintock      | Thornberry    |
| Fleischmann  | McCotter        | Tiberi        |
| Fleming      | McHenry         | Tipton        |
| Flores       | McMorris        | Turner        |
| Foxx         | Rodgers         | Upton         |
| Franks (AZ)  | Mica            | Walberg       |
| Gallegly     | Miller (FL)     | Walden        |
| Gardner      | Miller (MI)     | Walsh (IL)    |
| Garrett      | Miller, Gary    | Webster       |
| Gerlach      | Murphy (PA)     | West          |
| Gibbs        | Neugebauer      | Westmoreland  |
| Gibson       | Noem            | Whitfield     |
| Gingrey (GA) | Nunes           | Wilson (SC)   |
| Gohmert      | Nunnelee        | Womack        |
| Goodlatte    | Olson           | Yoder         |
| Gosar        | Palazzo         | Young (AK)    |
| Granger      | Paul            | Young (IN)    |
| Graves (GA)  | Paulsen         |               |

## NOES—224

|               |                 |                  |
|---------------|-----------------|------------------|
| Ackerman      | Filner          | Murphy (CT)      |
| Aderholt      | Forbes          | Nadler           |
| Altmire       | Fortenberry     | Napolitano       |
| Amash         | Frank (MA)      | Nugent           |
| Andrews       | Fudge           | Oliver           |
| Baca          | Garamendi       | Owens            |
| Baldwin       | Gonzalez        | Pallone          |
| Barrow        | Gowdy           | Pascarell        |
| Bass (CA)     | Green, Al       | Pastor (AZ)      |
| Bass (NH)     | Gutierrez       | Payne            |
| Becerra       | Hanabusa        | Pelosi           |
| Berkley       | Hastings (FL)   | Perlmutter       |
| Berman        | Heinrich        | Peters           |
| Biggert       | Hensarling      | Peterson         |
| Bilbray       | Higgins         | Pingree (ME)     |
| Bishop (GA)   | Himes           | Polis            |
| Bishop (NY)   | Hinche          | Price (NC)       |
| Blumenauer    | Hinojosa        | Quigley          |
| Boren         | Hirono          | Rahall           |
| Boswell       | Hochul          | Rangel           |
| Brady (PA)    | Holden          | Reed             |
| Braley (IA)   | Holt            | Reyes            |
| Brooks        | Honda           | Richardson       |
| Brown (FL)    | Hoyer           | Richmond         |
| Bucshon       | Inslee          | Rigell           |
| Butterfield   | Israel          | Ross (AR)        |
| Calvert       | Jackson (IL)    | Rothman (NJ)     |
| Cantor        | Jackson Lee     | Roybal-Allard    |
| Capps         | (TX)            | Runyan           |
| Capuano       | Johnson (GA)    | Ruppersberger    |
| Cardoza       | Johnson, E. B.  | Ryan (OH)        |
| Carnahan      | Kaptur          | Sánchez, Linda   |
| Carney        | Keating         | T.               |
| Carson (IN)   | Kildee          | Sanchez, Loretta |
| Castor (FL)   | Kind            | Sarbanes         |
| Chandler      | King (NY)       | Schakowsky       |
| Chu           | Kinzing (IL)    | Schiff           |
| Cicilline     | Kissell         | Schrader         |
| Clarke (MI)   | Kucinich        | Scott (VA)       |
| Clarke (NY)   | Lance           | Scott, David     |
| Clay          | Langevin        | Serrano          |
| Cleaver       | Larsen (WA)     | Sewell           |
| Clyburn       | Larson (CT)     | Sherman          |
| Cohen         | Latham          | Shuler           |
| Connolly (VA) | LaTourette      | Simpson          |
| Conyers       | Lee (CA)        | Sires            |
| Cooper        | Levin           | Slaughter        |
| Costa         | Lewis (CA)      | Smith (WA)       |
| Costello      | Lewis (GA)      | Speier           |
| Courtney      | Lipinski        | Stark            |
| Critz         | Loeb sack       | Sutton           |
| Crowley       | Lowe            | Thompson (CA)    |
| Cuellar       | Lujan           | Thompson (MS)    |
| Cummings      | Lungren, Daniel | Tierney          |
| Davis (CA)    | E.              | Tonko            |
| Davis (IL)    | Lynch           | Towns            |
| DeFazio       | Maloney         | Tsongas          |
| DeGette       | Markey          | Van Hollen       |
| DeLauro       | Matsui          | Velázquez        |
| Denham        | McCarthy (NY)   | Visclosky        |
| Dent          | McCaul          | Walz (MN)        |
| Deutch        | McCollum        | Wasserman        |
| Diaz-Balart   | McDermott       | Schultz          |
| Dicks         | McGovern        | Waters           |
| Dingell       | McIntyre        | Watt             |
| Doggett       | McKeon          | Waxman           |
| Dold          | McKinley        | Weiner           |
| Donnelly (IN) | McNerney        | Welch            |
| Doyle         | Meehan          | Wilson (FL)      |
| Edwards       | Meeks           | Wittman          |
| Ellison       | Michaud         | Wolf             |
| Emerson       | Miller (NC)     | Woodall          |
| Engel         | Miller, George  | Woolsey          |
| Eshoo         | Moore           | Wu               |
| Farr          | Moran           | Yarmuth          |
| Fattah        | Mulvaney        | Young (FL)       |

## NOT VOTING—9

|               |              |          |
|---------------|--------------|----------|
| Chaffetz      | Lofgren, Zoe | Neal     |
| Frelinghuysen | Manzullo     | Rush     |
| Giffords      | Myrick       | Schwartz |

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1813

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. MICA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. MICA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 204, not voting 9, as follows:

[Roll No. 406]

## AYES—219

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Gallegly        | McHenry       |
| Akin         | Gardner         | McKeon        |
| Alexander    | Garrett         | McKinley      |
| Amash        | Gerlach         | McMorris      |
| Austria      | Gibbs           | Rodgers       |
| Bachmann     | Gibson          | Mica          |
| Bachus       | Gingrey (GA)    | Miller (FL)   |
| Barletta     | Gohmert         | Miller (MI)   |
| Bartlett     | Goodlatte       | Miller, Gary  |
| Barton (TX)  | Gosar           | Mulvaney      |
| Bass (NH)    | Gowdy           | Neugebauer    |
| Benishek     | Granger         | Noem          |
| Berg         | Graves (GA)     | Nugent        |
| Biggert      | Graves (MO)     | Nunes         |
| Bilirakis    | Griffin (AR)    | Nunnelee      |
| Bishop (UT)  | Griffith (VA)   | Olson         |
| Black        | Grimm           | Palazzo       |
| Blackburn    | Guinta          | Paul          |
| Bonner       | Guthrie         | Pearce        |
| Bono Mack    | Hall            | Pence         |
| Boustany     | Hanna           | Petri         |
| Brady (TX)   | Harper          | Pitts         |
| Brooks       | Harris          | Platts        |
| Broun (GA)   | Hartzler        | Poe (TX)      |
| Buchanan     | Hastings (WA)   | Pompeo        |
| Bucshon      | Hayworth        | Posey         |
| Buerkle      | Heck            | Price (GA)    |
| Burgess      | Hensarling      | Quayle        |
| Burton (IN)  | Herger          | Reed          |
| Calvert      | Herrera Beutler | Rehberg       |
| Camp         | Huelskamp       | Renacci       |
| Campbell     | Huizenga (MI)   | Ribble        |
| Canseco      | Hultgren        | Rigell        |
| Cantor       | Hunter          | Rivera        |
| Capito       | Hurt            | Roby          |
| Carter       | Issa            | Roe (TN)      |
| Cassidy      | Jenkins         | Rogers (KY)   |
| Chabot       | Johnson (IL)    | Rogers (MI)   |
| Coble        | Johnson (OH)    | Rohrabacher   |
| Coffman (CO) | Johnson, Sam    | Rokita        |
| Conaway      | Jones           | Rooney        |
| Cravaack     | Jordan          | Roskam        |
| Crawford     | Kelly           | Ross (FL)     |
| Crenshaw     | King (IA)       | Royce         |
| Culberson    | Kingston        | Runyan        |
| Denham       | Kinzing (IL)    | Ryan (WI)     |
| DesJarlais   | Kline           | Scalise       |
| Diaz-Balart  | Labrador        | Schilling     |
| Dold         | Lamborn         | Schmidt       |
| Dreier       | Lance           | Schock        |
| Duffy        | Landry          | Schweikert    |
| Duncan (SC)  | Lankford        | Scott (SC)    |
| Duncan (TN)  | Latham          | Scott, Austin |
| Ellmers      | LaTourette      | Sensenbrenner |
| Emerson      | Latta           | Sessions      |
| Farenthold   | LoBiondo        | Shuster       |
| Fincher      | Long            | Simpson       |
| Fitzpatrick  | Luetkemeyer     | Smith (NE)    |
| Flake        | Lummis          | Smith (NJ)    |
| Fleischmann  | Mack            | Smith (TX)    |
| Fleming      | Marchant        | Southerland   |
| Flores       | Marino          | Stark         |
| Forbes       | McCarthy (CA)   | Stearns       |
| Fortenberry  | McCaul          | Stivers       |
| Foxx         | McClintock      | Stutzman      |
| Franks (AZ)  | McCotter        | Sullivan      |

Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Wilson (SC)  
Walberg  
Wittman

## NOES—204

Ackerman  
Aderholt  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
Davis (KY)  
DeFazio  
DeGette  
DeLauro  
Dent  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge

## NOT VOTING—9

Chaffetz  
Frelinghuysen  
Giffords

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1817

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman

Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Paulsen  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reichert  
Reyes  
Richardson  
Richmond  
Rogers (AL)  
Ros-Lehtinen  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.

Sánchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shimkus  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speer  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth  
Young (FL)

## NOES—313

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Andrews  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishke  
Berg  
Berkley  
Berman  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn

## AMENDMENT NO. 23 OFFERED BY MR. POLIS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. POLIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 313, not voting 12, as follows:

## [Roll No. 407]

## AYES—107

Ackerman  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Blumenauer  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Carnahan  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (NY)  
Clay  
Cleaver  
Cohen  
Courtney  
Crowley  
Cummings  
Davis (CA)  
DeGette  
DeLauro  
Deutch  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Gonzalez  
Grijalva  
Gutierrez  
Hanabusa

Hastings (FL)  
Heinrich  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Jackson (IL)  
Johnson (GA)  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lewis (GA)  
Lowe  
Luján  
Maloney  
Markey  
Matsui  
McCollum  
McDermott  
McGovern  
Meeks  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Oliver  
Pelosi  
Perlmutter  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Roybal-Allard  
Ruppersberger  
Sánchez, Linda  
T.  
Sánchez, Loretta  
Sarbanes  
Schakowsky  
Scott (VA)  
Serrano  
Slaughter  
Speier  
Stark  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Wilson (FL)  
Woolsey

Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frank (MA)  
Franks (AZ)  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Hochul  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Inlee  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)

## NOT VOTING—12

Camp  
Canseco  
Chaffetz  
Frelinghuysen

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1821

Ms. TSONGAS changed her vote from “no” to “aye.”

So the amendment was rejected.

King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Loebach  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Pascarelli  
Paul  
Paulsen  
Pearce  
Pence  
Peters  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richardson

## NOT VOTING—12

Giffords  
Lofgren, Zoe  
Manzullo  
Myrick

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1821

Ms. TSONGAS changed her vote from “no” to “aye.”

So the amendment was rejected.

## NOT VOTING—12

Neal  
Rush  
Schwartz  
Smith (NJ)

## ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1821

Ms. TSONGAS changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2012".

Mr. ADERHOLT. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY of Georgia) having assumed the chair, Mr. DREIER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2017) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes, reported the bill back to the House with sundry amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 287, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. BISHOP of New York. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of New York. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BISHOP of New York moves to recommit the bill H.R. 2017 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 45, line 18, after the dollar amount insert "(increased by \$75,000,000)".

Page 64, lines 2 and 4, after each of the dollar amounts insert "(reduced by \$75,000,000)".

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in support of his motion.

Mr. BISHOP of New York. Mr. Speaker, I rise in support of this final amendment, the Bishop-Holt motion to recommit, in order to increase funding for grants for transportation security and counterterrorism.

Intelligence seized from Osama bin Laden's compound indicates that al Qaeda was targeting America's railroads on the 10th anniversary of the 9/11 attacks. Earlier, in 2009, the FBI disrupted a plot to blow up trains in New York City and in Washington, D.C.

The 9/11 Commission placed some of the blame for the intelligence breakdown before the 9/11 attacks on a failure of imagination; but today, we don't have to imagine the damage a terrorist could do on a rush-hour commuter train. That is evident from the tragedies in Madrid, London, and Mumbai. An even more deadly attack could occur on a train carrying hazardous chemicals through a major city, including trains that pass regularly only a stone's throw from the U.S. Capitol.

While airline security upgrades over the past 10 years can help prevent another 9/11, we still face an evolving threat to multiple modes of transportation. In fact, trips by rail exceed air travel by 18 times. Yet air travel receives over 200 times more Federal security funding per passenger than rail.

Still, the bill before us today makes deep cuts to rail security. It provides no specific funding for transit, rail, or bus security grants in 2012. Instead, it rolls nine grant programs together to compete for funding that has already been cut 55 percent. That's not a failure of imagination; that's a dereliction of duty.

In response, the Bishop-Holt amendment would increase funding for grants for transportation security and counterterrorism by \$75 million, fully offset with a reduction in funding for the National Bio and Agro-defense facility, otherwise known as NBAF.

While DHS insists that a new billion-dollar animal disease research lab in the heart both of cattle country and tornado alley is completely safe, both the GAO and the National Academy of Sciences have found many faults in safety and in cost overruns. In fact, most of us agree with the National Academy of Sciences that the risk of a release of foot-and-mouth disease in America's heartland must be better addressed before DHS proceeds with construction. We have much higher homeland security priorities than beginning a new billion-dollar facility that will replicate many of the existing functions already conducted at our Federal labs.

Fourteen million Americans ride mass transit every day in our Nation's urban areas, with millions more riding commuter or passenger rail each year. If we understand the clear threat to these passengers and accepted efforts to protect them are underfunded, we must do more to keep them safe.

Mr. Speaker, I urge my colleagues to make the right choice and support this final amendment to increase funding for grants for transportation security and terrorism.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, this proposed amendment has a simple purpose: to prevent the reckless cuts to passenger rail security.

Mr. Speaker, you probably read that at the time the al Qaeda leader bin Laden was killed he was planning attacks on U.S. passenger rail systems. Even as we debate this bill, our intelligence and law enforcement communities are running to ground leads about these and other potential terrorist plots. This discovery underscores the need to sustain, not to cut, transit security funding.

Following the terrible events of 2001, our Nation took unprecedented steps to secure our Nation's airlines—appropriately so. However, transit security grant programs remain badly underfunded. We need these funds to field canine teams, install surveillance cameras and security fencing, provide the resources for incident response training, and a host of other mission-critical activities that are required to help secure our trains and buses.

Transit provides 18 times as many passenger trips as aviation, but receives 12 times less security funding. In other words, aviation security receives 215 times as much Federal funding per passenger as land transit. We have to do much, much better because the threat is real. In 2004, terrorist cells conducted successful and deadly bombings in Spain; the next year in the U.K.; in India; in Belarus, hundreds of people killed, thousands of people wounded. Let's not put off the necessary rail security steps until after the tragedy here. Let's thwart bin Laden's plans.

I urge support for this amendment.

Mr. BISHOP of New York. Mr. Speaker, I yield back the balance of my time.

Mr. ADERHOLT. Mr. Speaker, I rise in opposition to the gentleman's motion.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, this bill is about priorities, fiscal discipline priorities as our Nation grapples with a genuine budget crisis, and security priorities in the aftermath of Osama bin Laden's death and as we approach the 10th anniversary of the 9/11 attacks.

This bill includes robust spending reductions on bureaucracy and on programs that are not producing, cutting waste, reducing spending, and instilling genuine budget discipline.

□ 1830

In addition, this bill puts money where it matters: frontline operations, intelligence, counterterrorism, and disaster relief.

Mr. Speaker, the gentleman's motion is simply a political ploy at the end of an open process on a bill that delivers

the Nation's spending restraints and robust security that our Nation needs.

And furthermore, under Speaker BOEHNER's leadership, as executed by Chairman DREIER and Chairman ROGERS, we have just completed 2 days of floor debate under a completely open rule. It is the most open possible debate before the people's House.

We have repeatedly addressed the issues that the gentleman is raising with this motion and thoroughly debated the merits of this shortcoming of his points.

In short, it is time to vote, Mr. Speaker. It's time to deliver fiscal discipline, and it's time to deliver robust security. The American people are demanding no less.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. BISHOP of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 11, as follows:

[Roll No. 408]

#### AYES—187

|               |               |                |
|---------------|---------------|----------------|
| Ackerman      | Courtney      | Hochul         |
| Altmire       | Critz         | Holden         |
| Andrews       | Crowley       | Holt           |
| Baca          | Cuellar       | Honda          |
| Baldwin       | Cummings      | Hoyer          |
| Barrow        | Davis (CA)    | Inslee         |
| Bass (CA)     | Davis (IL)    | Israel         |
| Berkley       | DeFazio       | Jackson (IL)   |
| Berman        | DeGette       | Jackson Lee    |
| Bishop (GA)   | DeLauro       | (TX)           |
| Bishop (NY)   | Deutch        | Johnson (GA)   |
| Blumenauer    | Dicks         | Johnson, E. B. |
| Boren         | Dingell       | Kaptur         |
| Boswell       | Doggett       | Keating        |
| Brady (PA)    | Donnelly (IN) | Kildee         |
| Braley (IA)   | Doyle         | Kind           |
| Brown (FL)    | Edwards       | King (NY)      |
| Butterfield   | Ellison       | Kissell        |
| Capps         | Engel         | Kucinich       |
| Capuano       | Eshoo         | Langevin       |
| Cardoza       | Farr          | Larsen (WA)    |
| Carnahan      | Fattah        | Larson (CT)    |
| Carney        | Filner        | Lee (CA)       |
| Carson (IN)   | Frank (MA)    | Levin          |
| Castor (FL)   | Fudge         | Lewis (GA)     |
| Chandler      | Garamendi     | Lipinski       |
| Chu           | Gonzalez      | Loeb           |
| Ciilline      | Green, Al     | Lowe           |
| Clarke (MI)   | Green, Gene   | Lujan          |
| Clarke (NY)   | Grijalva      | Lynch          |
| Clay          | Gutierrez     | Maloney        |
| Cleaver       | Hanabusa      | Markey         |
| Clyburn       | Hastings (FL) | Matheson       |
| Cohen         | Heinrich      | Matsui         |
| Connolly (VA) | Higgins       | McCarthy (NY)  |
| Conyers       | Himes         | McCollum       |
| Cooper        | Hinchey       | McDermott      |
| Costa         | Hinojosa      | McGovern       |
| Costello      | Hirono        | McIntyre       |

|                |                  |               |
|----------------|------------------|---------------|
| McNerney       | Reyes            | Stark         |
| Meeks          | Richardson       | Sutton        |
| Michaud        | Richmond         | Thompson (CA) |
| Miller (NC)    | Ross (AR)        | Thompson (MS) |
| Miller, George | Rothman (NJ)     | Tierney       |
| Moore          | Roybal-Allard    | Tonko         |
| Moran          | Ruppersberger    | Towns         |
| Murphy (CT)    | Ryan (OH)        | Tsongas       |
| Nadler         | Sánchez, Linda   | Van Hollen    |
| Napolitano     | T.               | Velázquez     |
| Oliver         | Sanchez, Loretta | Visclosky     |
| Pallone        | Sarbanes         | Walz (MN)     |
| Pascarell      | Schakowsky       | Wasserman     |
| Pastor (AZ)    | Schiff           | Schultz       |
| Payne          | Schrader         | Waters        |
| Pelosi         | Scott (VA)       | Watt          |
| Perlmutter     | Scott, David     | Waxman        |
| Peters         | Serrano          | Weiner        |
| Peterson       | Sewell           | Welch         |
| Pingree (ME)   | Sherman          | Wilson (FL)   |
| Polis          | Shuler           | Woolsey       |
| Price (NC)     | Sires            | Wu            |
| Quigley        | Slaughter        | Yarmuth       |
| Rahall         | Smith (WA)       |               |
| Rangel         | Speier           |               |

#### NOES—234

|              |                 |               |
|--------------|-----------------|---------------|
| Adams        | Fortenberry     | Marino        |
| Aderholt     | Fox             | McCarthy (CA) |
| Akin         | Franks (AZ)     | McCauley      |
| Alexander    | Gallegly        | McClintock    |
| Amash        | Gardner         | McCotter      |
| Austria      | Garrett         | McHenry       |
| Bachmann     | Gerlach         | McKeon        |
| Bachus       | Gibbs           | McKinley      |
| Barletta     | Gibson          | McMorris      |
| Bartlett     | Gingrey (GA)    | Rodgers       |
| Barton (TX)  | Gohmert         | Meehan        |
| Bass (NH)    | Goodlatte       | Mica          |
| Benish       | Gosar           | Miller (FL)   |
| Berg         | Gowdy           | Miller (MI)   |
| Biggart      | Granger         | Miller, Gary  |
| Bilbray      | Graves (GA)     | Mulvaney      |
| Bilirakis    | Graves (MO)     | Murphy (PA)   |
| Bishop (UT)  | Griffin (AR)    | Neugebauer    |
| Black        | Griffith (VA)   | Noem          |
| Blackburn    | Grimm           | Nugent        |
| Bonner       | Guinta          | Nunes         |
| Bono Mack    | Guthrie         | Nunnelee      |
| Boustany     | Hall            | Olson         |
| Brady (TX)   | Hanna           | Owens         |
| Brooks       | Harper          | Palazzo       |
| Broun (GA)   | Harris          | Paul          |
| Buchanan     | Hartzler        | Paulsen       |
| Bucshon      | Hastings (WA)   | Pearce        |
| Buerkle      | Hayworth        | Petri         |
| Burgess      | Heck            | Pitts         |
| Burton (IN)  | Hensarling      | Platts        |
| Calvert      | Herger          | Poe (TX)      |
| Camp         | Herrera Beutler | Pompeo        |
| Campbell     | Huelskamp       | Posey         |
| Canseco      | Huizenga (MI)   | Price (GA)    |
| Cantor       | Hultgren        | Quayle        |
| Capito       | Hunter          | Reed          |
| Carter       | Hurt            | Rehberg       |
| Cassidy      | Issa            | Reichert      |
| Chabot       | Jenkins         | Renacci       |
| Coble        | Johnson (IL)    | Ribble        |
| Coffman (CO) | Johnson (OH)    | Rigell        |
| Cole         | Johnson, Sam    | Rivera        |
| Conaway      | Jones           | Roby          |
| Cravaack     | Jordan          | Roe (TN)      |
| Crawford     | Kelly           | Rogers (AL)   |
| Crenshaw     | King (IA)       | Rogers (KY)   |
| Culberson    | Kingston        | Rogers (MI)   |
| Davis (KY)   | Kinzing         | Rohrabacher   |
| Denham       | Kline           | Rokita        |
| Dent         | Labrador        | Rooney        |
| DesJarlais   | Lamborn         | Ros-Lehtinen  |
| Diaz-Balart  | Lance           | Roskam        |
| Dold         | Landry          | Ross (FL)     |
| Dreier       | Lankford        | Royce         |
| Duffy        | Latham          | Runyan        |
| Duncan (SC)  | LaTourette      | Ryan (WI)     |
| Duncan (TN)  | Latta           | Scalise       |
| Ellmers      | Lewis (CA)      | Schilling     |
| Emerson      | LoBiondo        | Schmidt       |
| Emmer        | Long            | Schrock       |
| Fincher      | Lucas           | Schweikert    |
| Fitzpatrick  | Luetkemeyer     | Scott (SC)    |
| Flake        | Lummis          | Scott, Austin |
| Fleischmann  | Lungren, Daniel | Sensenbrenner |
| Fleming      | E.              | Sessions      |
| Flores       | Mack            | Shimkus       |
| Forbes       | Marchant        | Shuster       |

|               |              |             |
|---------------|--------------|-------------|
| Simpson       | Thornberry   | Whitfield   |
| Smith (NE)    | Tiberi       | Wilson (SC) |
| Smith (NJ)    | Tipton       | Wittman     |
| Smith (TX)    | Turner       | Wolf        |
| Southerland   | Upton        | Womack      |
| Stearns       | Walberg      | Woodall     |
| Stivers       | Walden       | Yoder       |
| Stutzman      | Walsh (IL)   | Young (AK)  |
| Sullivan      | Webster      | Young (FL)  |
| Terry         | West         | Young (IN)  |
| Thompson (PA) | Westmoreland |             |

#### NOT VOTING—11

|               |              |          |
|---------------|--------------|----------|
| Becerra       | Lofgren, Zoe | Pence    |
| Chaffetz      | Manzullo     | Rush     |
| Frelinghuysen | Myrick       | Schwartz |
| Giffords      | Neal         |          |

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1853

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 188, not voting 13, as follows:

[Roll No. 409]

#### YEAS—231

|              |                 |                 |
|--------------|-----------------|-----------------|
| Adams        | Diaz-Balart     | Issa            |
| Aderholt     | Dold            | Jenkins         |
| Akin         | Donnelly (IN)   | Johnson (OH)    |
| Alexander    | Dreier          | Johnson, Sam    |
| Altmire      | Duffy           | Jordan          |
| Austria      | Duncan (SC)     | Kelly           |
| Bachmann     | Ellmers         | King (IA)       |
| Bachus       | Emerson         | Kingston        |
| Barletta     | Farenthold      | Kinzing (IL)    |
| Barrow       | Fincher         | Kline           |
| Bass (NH)    | Fitzpatrick     | Labrador        |
| Benish       | Fleischmann     | Lamborn         |
| Berg         | Fleming         | Lance           |
| Berkley      | Flores          | Landry          |
| Biggart      | Forbes          | Lankford        |
| Bilbray      | Fortenberry     | Latham          |
| Bilirakis    | Fox             | LaTourette      |
| Bishop (UT)  | Franks (AZ)     | Latta           |
| Black        | Gallegly        | Lewis (CA)      |
| Blackburn    | Gardner         | Long            |
| Bonner       | Garrett         | Lucas           |
| Bono Mack    | Gerlach         | Luetkemeyer     |
| Boren        | Gibbs           | Lummis          |
| Boustany     | Gibson          | Lungren, Daniel |
| Brady (TX)   | Gingrey (GA)    | E.              |
| Brooks       | Gohmert         | Mack            |
| Buchanan     | Gosar           | Marchant        |
| Bucshon      | Gowdy           | Marino          |
| Buerkle      | Granger         | Matheson        |
| Burton (IN)  | Graves (GA)     | McCarthy (CA)   |
| Calvert      | Graves (MO)     | McCauley        |
| Camp         | Griffin (AR)    | McCotter        |
| Canseco      | Griffith (VA)   | McHenry         |
| Cantor       | Guinta          | McIntyre        |
| Capito       | Guthrie         | McKeon          |
| Carter       | Hall            | McKinley        |
| Cassidy      | Hanna           | McMorris        |
| Chabot       | Harper          | Rodgers         |
| Chandler     | Hartzler        | Meehan          |
| Coble        | Hastings (WA)   | Mica            |
| Coffman (CO) | Hayworth        | Miller (FL)     |
| Cole         | Heck            | Miller (MI)     |
| Conaway      | Hensarling      | Miller, Gary    |
| Cravaack     | Herger          | Murphy (PA)     |
| Crawford     | Herrera Beutler | Neugebauer      |
| Crenshaw     | Holden          | Noem            |
| Critt        | Huelskamp       | Nugent          |
| Culberson    | Huizenga (MI)   | Nunes           |
| Davis (KY)   | Hultgren        | Nunnelee        |
| Denham       | Hunter          | Olson           |
| Dent         | Hurt            | Owens           |
| DesJarlais   | Inslee          | Palazzo         |

Paulsen  
Pearce  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Riggell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen

Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sessions  
Sewell  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Stearns

Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner  
Upton  
Walberg  
Walden  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—13

Becerra  
Chaffetz  
Conyers  
Frelinghuysen  
Giffords  
Lofgren, Zoe  
Manzullo  
Markey  
Myrick  
Neal  
Pence  
Rush  
Schwartz

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1859

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Chair, I missed a series of votes today because of a family medical issue. If I had been here, I would have voted "yea" on rollcall No. 389; "yea" on rollcall No. 390; "yea" on rollcall No. 391; "yea" on rollcall No. 392; "no" on rollcall No. 393; "no" on rollcall No. 394; "yea" on rollcall No. 395; "yea" on rollcall No. 396; "yea" on rollcall No. 397; "yea" on rollcall No. 398; "no" on rollcall No. 399; "no" on rollcall No. 400; "yea" on rollcall No. 401; "yea" on rollcall No. 402; "yea" on rollcall No. 403; "yea" on rollcall No. 404; "yea" on rollcall No. 405; "no" on rollcall No. 406; "no" on rollcall No. 407; "no" on rollcall No. 408; and "yea" on rollcall No. 409.

## ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

## H. RES. 293

*Resolved*, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

(1) COMMITTEE ON HOMELAND SECURITY.—Ms. Hochul.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

Mr. ISSA. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, on amendment No. 1 offered

by the gentleman from Indiana (Mr. ROKITA), I was unavoidably detained. Had I been present, I would have voted "no."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 771

Mr. CUELLAR. I ask for unanimous consent, Mr. Speaker, to remove Representative PAUL RYAN as a cosponsor of H.R. 771.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2055 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2055.

□ 1903

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. CULBERSON) and the gentleman from Georgia (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. I yield myself such time as I may consume.

Mr. Chairman, it's my privilege to lay out tonight for the House for consideration the appropriations bill for Military Construction and Veterans Affairs, and my good friend, Mr. SANFORD BISHOP of Georgia, we have worked together arm in arm in this committee to make sure that our men and women in

## NAYS—188

Ackerman  
Amash  
Andrews  
Baca  
Baldwin  
Bartlett  
Barton (TX)  
Bass (CA)  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boswell  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Brown (FL)  
Burgess  
Butterfield  
Campbell  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Flake  
Frank (MA)  
Fudge

Garamendi  
Gonzalez  
Goodlatte  
Green, Al  
Green, Gene  
Grijalva  
Grimm  
Gutierrez  
Hanabusa  
Harris  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchee  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
King (NY)  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebbeck  
Lowey  
Lujan  
Lynch  
Maloney  
Matsui  
McCarthy (NY)  
McClintock  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)

Nadler  
Napolitano  
Oliver  
Pallone  
Pascarelli  
Pastor (AZ)  
Paul  
Payne  
Pelosi  
Perlmuter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Scott (VA)  
Scott, David  
Sensenbrenner  
Serrano  
Sherman  
Sires  
Slaughter  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Weiner  
Welch  
Wilson (FL)  
Woolsey  
Wu  
Yarmuth

uniform have everything they need to do their job. We on this committee think of our job as sort of we are the peace of mind committee for the United States military and for our veterans.

We have an obligation—this Congress, this government—has an obligation, first and foremost, to provide for national security, to make sure that our men and women in uniform, not only here at home, but overseas have everything they need to do their job.

The scope of our appropriations bill today includes construction, of course, of all the military bases here and overseas. We have fully funded in this bill all the requests of the branches of the military for our men and women in uniform on active duty. We've made sure that all the retired men and women who have served this Nation have everything they need when it comes to the veterans hospitals, the Department of Veterans Affairs.

We are laying before the House tonight this funding bill as a part of our Nation's—I like to also think of it as part of our Nation's mortgage payment. This is one of those fundamental obligations that we have as a government to ensure that our military is fully funded, that they've got the equipment, the logistical support that they need, that their housing is the best it can be, that the facilities are the very best they can be, and this is one of those fundamental obligations we've absolutely got to take care of.

In this bill and in all the appropriations bills, Mr. Chairman, brought to the House for the first time, this new Republican majority, this conservative majority is for the first time—money that has been left in the Treasury unspent in previous years was just spent in other areas. For the first time under the leadership of Chairman HAL ROGERS of Kentucky, our committee, the other subcommittees of Appropriations, are returning that unspent money back to taxpayers to reduce the deficit.

Chairman ROGERS and the leadership of the House, Speaker BOEHNER, our Republican leadership, all of us are committed to bringing the Nation—doing everything in our power to get back to a balanced budget, to reduce Federal spending, to bring the size, scope, and cost of the Federal Government back under control.

While we recognize our responsibility to fully fund and take care of our troops in military construction, of our veterans in the Veterans Affairs, the hospitals, through the VA, we also have an obligation to manage the money in a way that's fiscally sound. So we've identified rescissions, or returned money, unspent money, to taxpayers in the amount of \$388 million, again, the first time that's ever been done.

Again, these savings don't impact in any way the level of services provided

to our veterans. This in no way impacts or diminishes the quality of housing or the level of service necessary on bases here in the United States or overseas.

But we have found savings. For example, \$100 million in planning and design money that was left over from previous years. We found \$100 million in unspent funds from the BRAC, the Base Realignment and Closure Commission in 1990, money that was unspent and left over. We found money in a variety of accounts, Mr. Chairman, that in previous years would have been respent elsewhere.

And under the leadership of Chairman ROGERS and Speaker BOEHNER, our subcommittee, every subcommittee of the Appropriations Committee is committed to return that money to taxpayers and to find savings everywhere we can that will not diminish, again, the level of service provided to our military because we want to make sure they have absolutely no worries as they stand on the wall defending our freedom every night, every day, 24/7.

We have also incrementally funded, Mr. Chairman, five projects and found savings of \$304 million that we have been able to return to taxpayers. In three cases, we found there's three projects which we did not fund for the F-35 aircraft facility at the Nellis Air Force Base in Nevada because that aircraft is not ready to be fully deployed. There is a central distribution facility in Germany, a commissary building, a variety of savings that we've looked for, not just unspent money but looking for ways we can save money for taxpayers while maintaining that very high level of service for our men and women in uniform while being good stewards of the public's precious tax dollars.

In the areas of Veterans Affairs, Mr. Chairman, we were able to find savings of \$25 million in the general administration of the VA. We also found savings of \$136 million in information technology. And in a whole separate category of accounts for minor construction, we saved about \$75 million there. All of this money has been returned to taxpayers to reduce the deficit, to do everything we can within our power to reduce the level of obligation that our children and grandchildren are going to inherit.

Finally, I want to point out we also found savings—the U.S. Court of Appeals for Veterans Claims had asked for a new courthouse. And in light of the unprecedented size of the debt and the deficit, we did not recommend to the House that that new courthouse be built. That resulted in a \$25 million savings. The Court of Appeals for Veteran Claims does a great job. They're working in a leased facility right now, and we recommend that that be continued.

Mr. Chairman, the situation the Nation faces today is truly unprece-

dented. We calculated that about \$2.2 trillion in revenue comes into the Treasury every year, yet the existing obligations of the Federal Government to pay the current liability of Social Security, Medicare, Medicaid, interest on the national debt, and our veterans benefits are all programs that have to be funded upfront. That is sort of our national mortgage payment. And those programs alone consume \$2.3 trillion.

So if you just look at the math, right out of the gate, the Nation begins the year, at the stroke of midnight on the first day of the year, American taxpayers are already \$105 billion in debt.

□ 1910

So every dollar the Appropriations Committee spends all year is borrowed. This is why you see fiscal conservatives, all of us, constitutional conservatives in this new majority are so passionate, so determined to get us back on path to a balanced budget, to do everything we can within each one of these subcommittees to find savings. I am so grateful to Chairman ROGERS and Speaker BOEHNER for the first time returning unspent money to reduce the deficit.

We have had to reduce the overall amount of money available to every sector of the government dramatically. And it is tough. We have a lot of tough savings. But in the area of supporting our military, when it comes to making sure that they have got the best equipment, that they have got the absolute best in their housing and their hospital care, whether you are active duty military or if you are retired and in the care of the Veterans Administration, you can be sure that the United States Congress stands behind you. We are immensely proud of you. We have made sure that we have fully funded every need that you have got, and we have made sure that you are given the absolute best medical care.

All of the family members out there who have sons or daughters or fathers or mothers serving in the U.S. military need to know that, despite this tough budget environment, this Congress stands behind your father, your mother, your brother, your sister who serves in the military, and we are absolutely committed to ensuring that they have the very best equipment possible on the face of the Earth, that they have got everything they need to do their job, to stand on the wall defending this great Nation 24 hours a day, 7 days a week, as they do so beautifully.

We are very fortunate on this subcommittee, Mr. Chairman. We have an extraordinary group of people working behind the scenes—we have had for years—to make sure that this subcommittee has produced a bill that this House can support in a bipartisan way with great pride.

I want to make sure to thank our extraordinary staff: Tim Peterson who is

our chief clerk of the subcommittee and has served with the Appropriations Committee for 22 years and served on the staff of the Secretary of the Navy for 9 years. Tim has done an extraordinary job, and I am very grateful to him for the time and effort he has put into this bill. I want to thank Sue Quantius for her work on the committee and her expertise when it comes to veterans affairs. To Sarah Young who has done such an extraordinary job as well and has been such a great asset. They have all done a magnificent job, and we are lucky to have them.

On the minority side, Matt Washington has just done an extraordinary job, as has Danny Cromer. All of us have worked together, arm in arm. My good friend, Mr. BISHOP from Georgia.

This is one bill, Mr. Chairman, that I know that Members of the House will be able to support in a bipartisan way with great pride because our subcommittee has produced this bill in a bipartisan way without regard to party label. Our entire focus has been: How can we make sure that our men and women in uniform, active duty and retired, have got everything they need? How can we be better stewards of the taxpayers' precious dollars?

We identified things, for example, we share a concern for money that was unspent. Veterans hospitals and the giant facilities like the new one in Denver that I understand had \$978 million unspent for years, and we put language in this bill telling them they are going to lose that money after 5 years unless they make sure that they get it obligated and get these hospitals built.

We had great support from Mr. BISHOP on ensuring that our veterans who have valid claims for disabilities get those disability claims handled in an expeditious way.

We worked together arm in arm not just to find savings, but to make sure we identify efficiencies. How can we make sure that our men and women in uniform not only have the best housing, but veterans who are retired are given the best possible service?

We have, on every occasion throughout the year working on this bill, found that we have areas of agreement in this bill, and we produce it in a way that is really unanimous. It is a real privilege for me to work with Mr. BISHOP and with our ranking member from Washington State, Mr. DICKS. It has been a real privilege to work with him.

But above all, I am extraordinarily proud to serve as the subcommittee chairman under my chairman, HAL ROGERS of Kentucky, who I count as a role model and as a mentor to me. Mr. ROGERS has been a very good friend and a great leader for this committee and is a stalwart fiscal conservative, committed to making sure that our men and women in uniform continue to be the very best military in the world.

It is my privilege to be here tonight to present this bipartisan bill to the House.

I reserve the balance of my time.

Mr. BISHOP of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to join Chairman CULBERSON as the House takes up the fiscal year 2012 appropriations bill for Military Construction, Veterans Affairs, and related agencies. The MilCon-VA bill is critically important to the strength and the well-being of our military, our veterans, and the families who sacrificed so much to defend our country.

Working with Chairman CULBERSON and the members of the subcommittee, we have crafted a bill that will address the funding needs for military construction and family housing for our troops and for their families, as well as other quality of life construction projects.

In addition, it will provide funding for many important VA programs as well as agencies like the Veterans Court of Appeals and the American Battle Monuments Commission.

The bill before us today touches every soldier, every sailor, every marine, and every airman. In addition, this bill will also impact military spouses, their children, and every veteran that participates in veterans programs.

I want to commend Chairman CULBERSON for his hard work. He has done his best to hold hearings that he believes are important to the work of the subcommittee. Together we sat through 12 hearings, gaining valuable insight into the working of all of the agencies under the subcommittee's jurisdiction.

I would like to thank all of the subcommittee members and recognize them for their hard work on the bill.

I believe that the minority was treated fairly during this process, and I want to thank Chairman CULBERSON for that. We worked very well in a very collegial fashion, and I think that is the way that this institution should work.

Chairman CULBERSON has already provided the funding highlights in the bill, and I won't repeat them all, but I want to point out a few items that I think are extremely important.

The Department of Defense schools. The bill before us today includes \$483 million for the renovation and replacement of 15 Department of Defense schools. Six schools here in the United States and nine schools at overseas installations will be refurbished with this funding. Mr. Chairman, I believe that providing the funds for DOD schools will not only help our servicemembers' children get a quality education in a safe facility, but it will also give our servicemembers some peace of mind.

Medical center replacement. Mr. Chairman, I was pleased that the bill

includes \$1.1 billion for the medical center replacement in Germany. As you know, a large proportion of the serious casualties from the Iraq and Afghanistan theaters are treated there in Landstuhl, and I am pleased to see we are making this very, very important investment.

Regarding veteran affairs, the bill contains \$52.5 billion for advance appropriations for medical services, for medical support and compliance, and medical facilities at the VA, which is \$1.8 billion above the amount that was included in the FY 2011 continuing resolution.

Mr. Chairman, I strongly believe that advance funding provides timely and predictable funding for the veterans health care system. For example, during the delay in the FY 2011 funding, veterans health care funding was already in place and the veterans health care programs were not subject to the continuing resolution process and our veterans did not have to go without their health care.

Mr. Chairman, overall the bill provides adequate funding for programs included in this bill. However, I am troubled by one item. Unfortunately, during the full committee markup, an amendment was adopted to eliminate funding to implement Executive Order 13502, which was issued in February 2009, which addresses project labor agreements, PLAs. Now, if you are opposed to that Executive Order, that's fine; but using the MilCon-VA bill to address this issue, I believe, is the wrong place.

□ 1920

This language is purely an ideological and political provision that really is beyond the scope of this bill.

If we want to deal with this issue, we should deal with it on a labor bill and not on the Military Construction-VA bill. The MilCon-VA bill has always enjoyed broad bipartisan support, and has avoided divisive issues like this no matter which party has held the gavel. I believe including this language only causes unnecessary complications and does nothing to help our servicemembers or our veterans.

Mr. Chairman, please know that as we continue through the process, I will work to address this issue because an item like this really has no place in a bill that has always placed our troops, their families and our veterans above ideology.

Before I close, I would like to recognize the staff for all of the work and the time that they have put into this bill. From the minority committee staff, I would like to thank Matt Washington and Danny Cromer as well as Michael Reed and Greg Browder from my personal office. From the majority committee staff, I would like to thank Tim Peterson, Sue Quantius, Sarah Young, and Tracey Russell as well as



Alec Fritchie and Evan Ewachiw from the chairman's personal office.

I would also like to thank the gentleman from Washington (Mr. DICKS), our ranking member; and the gentleman from Kentucky (Mr. ROGERS), who set the standard for the committee and for the subcommittees with their collegial relationship in their ability to work together and in their efforts to make sure that we move these appropriations bills through regular order. I appreciate that very much.

I reserve the balance of my time.

Mr. CULBERSON. Mr. Chairman, it is my privilege to yield such time as he may consume to the distinguished chairman of the full committee, the gentleman from Kentucky, Congressman HAL ROGERS.

Mr. ROGERS of Kentucky. I thank the chairman for yielding me this time.

I want to, at the outset, congratulate him on a great job on this bill. He and his terrific staff have worked long and hard, along with the subcommittee members, to produce, I think, a star of a bill.

So, on your maiden voyage, Mr. Chairman, congratulations on a good job.

To Mr. BISHOP and the minority members of the subcommittee, including my distinguished cohort, Mr. DICKS, the ranking on the full committee, we've all worked together on this, and we appreciate the collegial atmosphere, as Mr. BISHOP has said, that has governed this proceeding.

I rise in support of this act. Colleagues on both sides of the aisle agree that our Nation's servicemembers, their families and our veterans deserve the greatest quality of care and support for their service and their sacrifices. This bill funds their most pressing needs in a timely manner while also acknowledging the urgent need to rein in Federal spending at a time of historically high and dangerous deficits.

This legislation provides \$72.5 billion in discretionary funding for military construction projects, veterans' programs and other agencies that support the quality of life of our warfighters, veterans and families. This funding level represents a \$615 million cut from last year's level and a \$1.2 billion reduction from the budgetary request.

The bill fully funds the construction of Department of Defense hospitals and clinics, schools and family housing, providing our military personnel with the resources to effectively advance U.S. missions abroad and the support they need here at home. The bill also protects the health and well-being of our veterans, funding medical care, disability benefits and education benefits.

But in addition to adequately funding these programs, the subcommittee also made difficult but responsible choices that eliminate excess spending

wherever appropriate. Much of the reduction in this bill comes from savings related to the BRAC process and from rescissions of previous year funding left over from lower-than-estimated construction costs. The bill also includes provisions for strong oversight overspending.

Mr. Chairman, cleaning up the way we spend taxpayer dollars will help balance our Nation's budgets, and will show the American taxpayers that we can be trusted with their hard-earned money. We can't restrict cuts to only some areas of government. All agencies and programs must be held accountable to tighter budgets with more stringent supervision.

Chairman CULBERSON and members of this subcommittee have shown great fiscal restraint and a commitment to real savings in reducing the discretionary spending in this bill below the 2011 levels while providing the resources our troops and our vets deserve.

So, again, I want to congratulate Chairman CULBERSON, Ranking Member BISHOP, all the members of the subcommittee, and my ranking partner, Mr. DICKS, for their great work on this bill. Of course, I want to again say how much we appreciate the work of this fine staff, both on the minority and majority levels. Great work.

Mr. Chairman, I believe this bill is an excellent representation of the good work that we can do in Congress when we work together, both as we support our troops and our veterans and as we work in regular order to fund our government responsibly. I urge my colleagues to support the bill.

Mr. BISHOP of Georgia. Mr. Chairman, I am delighted to yield 4 minutes to the distinguished ranking member of the Defense Subcommittee and of the full Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I thank the gentleman for yielding.

Mr. BISHOP, I want to congratulate you on being the new ranking member on MilCon-VA. I also congratulate Chairman CULBERSON, who has, I think, done an outstanding job, and of course my good friend and colleague, HAL ROGERS, the chairman of our committee. I want to also congratulate the staff. The staff has done an amazing job considering we had to go through the 2011 episode and then come right back and get the 2012 bill out.

The MilCon-VA Subcommittee has always had a strong reputation for common ground and bipartisanship as members traditionally work together to fund the construction of military facilities and strive to improve the quality of life and care afforded to our veterans and military families.

Many years ago, during the Reagan administration, we got David Stockman to allow us and Cap Weinberger to

do incremental funding on military hospitals, and I'm glad the committee has gone back to an incremental funding approach. I think it's the only way we can do these major projects.

We all acknowledge the challenges facing the Nation today with respect to the debt and deficit, and I believe this bill has done a commendable job in addressing these fiscal challenges while ensuring that we are not impacting the level of care and benefits that our servicemembers have so rightfully earned.

Military construction is funded at \$14 billion, which is \$2.6 billion below the FY11 enacted amount and \$752 million below the President's request. The subcommittee achieved these cuts through the incremental funding of projects and by eliminating funding for several projects that were ahead of need. As Ranking Member BISHOP noted, this bill makes a strong investment into Defense Department schools by investing \$483 million for the construction and replacement of substandard facilities. I have been a strong advocate for the modernization of schools serving the children of our Nation's servicemembers, and I commend the chairman and ranking member on their commitment to this effort.

The Department of Veterans Affairs would be funded at \$58.3 billion in discretionary spending, which is \$1.85 billion above the fiscal year 2011 enacted level and \$476 million below the President's request. Most of this funding is for veterans' medical services. The recommendation provides the full funding of \$69.5 billion for the mandatory VA programs providing compensation and pensions, educational benefits, vocational rehabilitation, life insurance, and housing loan programs.

I would like to commend the chairman and ranking member for their efforts to ensure that our Nation's veterans are well taken care of by maintaining adequate funding for veterans' health care and other benefits on which so many have come to count on.

Again, I am pleased overall with the funding levels proposed in this bill today, and I am pleased that during the full committee markup we were able to remove a contentious and divisive restriction on the implementation of Davis-Bacon wage requirements; but unfortunately, there is one item that I believe will complicate the passage of this bill.

□ 1930

I am troubled by the inclusion of a provision that prohibits the use of project labor agreements for any project in this bill. This divisive policy rider should not be included in an appropriations bill, and the decision to implement PLAs should remain at the discretion of the agency as to whether it is appropriate for an individual project. The inclusion of this provision unnecessarily complicates the support

for a bill that would otherwise pass with wide bipartisan support. I expect an amendment to be offered that would remove this restriction on PLAs and would further improve the bill. I would like to urge my colleagues on both sides of the aisle to support the amendment.

The CHAIR. The time of the gentleman has expired.

Mr. BISHOP of Georgia. I yield the gentleman an additional 30 seconds.

Mr. DICKS. Regardless, I remain committed to working with my colleagues to respectfully work out any differences on the floor so that we may pass a bipartisan bill that adequately provides for our troops, veterans, and military families.

Again, I intend to support this bill. I wish we could finish tonight, but I understand we can't. I look forward to seeing this bill done. I commend, again, the chairman and ranking member for their good work.

Mr. CULBERSON. I yield myself such time as I may consume.

Mr. Chairman, I want to say very briefly, again, truly how much I appreciate working with all the members of this committee, including the gentleman from Washington (Mr. DICKS) and the gentleman from Georgia (Mr. BISHOP). All of us have worked with one goal in mind, and that is to ensure the peace of mind of our men and women in uniform and our retired military members, to ensure that no matter where they go, no matter what they're doing, they don't have a worry in the world. We want to make sure they are taken care of. And we've done so in a way that is fiscally responsible. We've done so in a way ever mindful of the record debt, the record deficit, of the inability of many of the projects the VA has worked on before getting done on time or, frankly, even getting started, making sure that disability claims are paid on time.

We are also presenting the bill tonight, Mr. Chairman, giving any Member of the House an opportunity to come down and file an amendment and be heard in an open and transparent way, something that we in the new majority committed to do, that every American would have an opportunity to read the bill online at least 72 hours in advance. It is vitally important that we, doing the Nation's business, do so in a way that's absolutely transparent and open and straightforward, especially when it comes to supporting our men and women in uniform. When it comes to making sure they are taken care of and have no worries, there are no party labels. It's really been a privilege to work with each and every one of you on this committee.

I see my good friend Mr. FARR of California is here. He's been a particularly valuable member of the subcommittee. He has brought great expertise to the committee. I look forward

ward to hearing from him tonight as well.

I reserve the balance of my time.

Mr. BISHOP of Georgia. Mr. Chairman, I am delighted to yield 2½ minutes to the gentleman from California (Mr. FARR), ranking member of the Agriculture Subcommittee of Appropriations but who is a longtime member of this MilCon-VA subcommittee.

Mr. FARR. I thank the gentleman from Georgia for yielding.

It is a pleasure to serve on this committee. I might be the longest serving member on the committee, but I'm a ranking member on another committee. It's a pleasure to serve. I welcome the gentleman from Texas (Mr. CULBERSON) to his new role as chair of the committee. And it's always a pleasure to serve with the gentleman from Washington (Mr. DICKS) and the gentleman from Kentucky (Mr. ROGERS), the ranking and chair of the major committee.

This committee is unique in Congress. It's the only committee where both active duty military and veterans are dealt with from the same policy. There's no other committee in this House or in the Senate that has the one-stop that this committee has. It's a pleasure to be focused on the continuum of care for active duty and reservists and veterans.

This past weekend, we remembered the patriotic sacrifice of those who have lost their lives in service to our country, and today we renew our commitment to keep our promise to our Nation's more than 2 million troops and reservists, their families, and 23 million veterans.

This committee has a strong history of working in a bipartisan way to produce a bill that supports our active duty servicemembers and our veterans. I am proud to support some much needed increases for the Veterans Affairs Department, and I would note that while this bill is \$1.4 billion above last year's level, it is also \$1.2 billion less than what the President requested.

Additionally, I am pleased to see that this bill emphasizes the needs of our veterans in rural areas. The National Cemetery Administration anticipates that 10 percent of all veterans will not receive access to a burial option in a national, State, or tribal cemetery within 75 miles of their home. I am pleased that this bill directs the National Cemetery Administration to develop a strategy to serve our rural veterans.

This language is important because it recognizes that veterans who live in rural communities should be treated on par with veterans who live in urban areas in all services provided by the VA. In my rural district, the central coast of California, veterans are moving a step closer to achieving a dream of a veterans cemetery at the former Fort Ord military base.

I commend the chairman and ranking member for their hard work in ensuring that this bill is another significant step in fulfilling the promise our country has made to leave no veteran behind.

I urge support for this bill on one condition. The condition is that the language against project labor agreements needs to be taken out.

Mr. BISHOP of Georgia. I have no further requests for time, and I yield back the balance of my time.

Mr. CULBERSON. I yield myself such time as I may consume.

Mr. Chairman, I want to say very briefly that one of the reasons we're trying to move expeditiously on this is we want to make sure our men and women in uniform have everything they need as soon as possible. We're trying to get this bill through to ensure that we not only get it, but that we get it done in an expeditious fashion.

We are waiting for an amendment to be completed drafting, but it's important, I think, to reemphasize, if I could, in the time I have remaining, the scale of the problem the Nation faces. This is not just a record deficit and record debt we face. It's actually a whole lot bigger than that.

As we make sure that our men and women in uniform are taken care of with their housing, we've made sure that, for example, all the BEQs, the bachelor enlisted quarters, are fully funded; that the Army, the Navy, the Air Force is fully funded; our veterans are fully funded. We've had to do this in a way that is fiscally responsible because we are ever mindful of the scale of the problem the Nation faces financially.

It is difficult to even begin to comprehend how huge the problem is that has been created by so many years of previous Congresses, of previous administrations, too many promises to too many people on too many occasions on money that was borrowed from future generations. The result has been that today, the unfunded liabilities facing the taxpayers of the Nation are about \$49.6 trillion. Those are liabilities at present value.

For example, the publicly held debt, military and civilian pensions, retiree health benefits and other explicit, direct liabilities of about \$16.9 trillion. The entire U.S. economy is about \$13 trillion. Our gross domestic product is, I think, right at about \$13 trillion. So just the explicit liabilities that we have to pay already exceed the size of the entire U.S. economy.

We've got long-term contingencies and implicit liabilities. For example, the future cost of Social Security benefits is \$31 trillion.

□ 1940

Future Medicare benefits under part A, part B, and part D all added together create—and this is unfunded liability for which there is no source or

revenue lined up to pay for this—about \$50 trillion, \$49.6 trillion. And to give you an idea of how big that number is, in order to pay that liability off, every living American would have to write a check tonight for \$159,000 to pay off that future unfunded liability. I've had constituents ask me if they just write that check, can they be done? Is that it? They're done? I wish it were that simple. But we, on the Appropriations Committee, this vast amount of money that we spend every year, this extraordinary responsibility with which we have been entrusted by our constituents, the amount of money we spend every year pales in significance to the size of the unfunded liabilities in the future.

The amount of money that we spend every year on the Appropriations Committee—a little over \$1 trillion, an extraordinary amount of money, \$1,000 billion—is dwarfed by the size of the unfunded liability that we face in the future.

And it's important for everyone, Mr. Speaker, listening to this debate tonight to remember that the money we spend here tonight in support of our troops, the money we spend on Homeland Security, to build highways, to pay for all the things the Federal Government does, it's all borrowed. The hole is so deep that's been dug by our predecessors, and again, too many promises to too many people on too many occasions, too many Big Government promises—I'm still wondering about Lyndon Johnson's war on poverty, that is, how many trillions of dollars later and that still hasn't worked out.

We, in the new constitutional conservative majority, are absolutely committed to getting us back on track to a balanced budget because we recognize the scale of the problem, the urgency of these impending unfunded liabilities, this massive bill that's going to come due to our children and grandchildren. In fact, the Joint Chiefs of Staff do an analysis about every 5 years on the strategic threats facing the United States. And analyzing all the threats facing our Nation, the Joint Chiefs concluded that one of the greatest strategic threats America faces is our national debt, this unfunded liability, these crushing obligations that our kids are going to inherit if we as a Congress don't work—as we have on this subcommittee in a way without regard to party for the benefit of the Nation—to find ways to make sure that Social Security and Medicare are solvent, that we get the entitlement programs under control because they're going right off a cliff unless we make sure we rescue them and make sure they're solvent and there for our kids. But we've got to make sure that we are doing everything within our power in the annual appropriations process to save every single dollar that we can.

There has been some debate, Mr. Chairman, some Members of Congress in the past have said, well, we just need to raise taxes. My predecessor, Bill Archer, who was chairman of the Ways and Means Committee, had an analysis done that showed that even if you were to confiscate all of the corporate income—100 percent of the corporate income in America—that would generate about \$1.3 trillion. If the government were to confiscate 100 percent of all individual income, over \$200,000, that would generate about \$2.1 trillion. So you can see that it isn't possible to solve this problem by raising taxes. And that is something that we also understand instinctively as conservatives; if you just simply get the government out of our lives, out of our pocket, out of our way, and leave us alone to raise our kids, to run our businesses, to run our lives—let Texans run Texas, let Georgians run Georgia. If you unleash the entrepreneurial creativity of the American people, the economy will grow, people will invest and save their own money far wiser than the government will, and we will begin to dig out of this hole that we're in.

We're committed not just to saving money year to year through the appropriations process, we're committed to ensuring that Medicare, Social Security, that these social safety net programs that are so essential to our Nation are there for the future, for our children and our grandchildren. We're going to do everything in our power to make sure that we have done our job in a fiscally responsible way this year. When it comes to Military Construction and Veterans Affairs, or Homeland Security, or Transportation, or Labor, Health and Human Services, all the various subcommittees of appropriations, that's year-to-year dollars that we have direct control over right now, but we're also thinking long term.

We also want to eliminate that threat that the Joint Chiefs of Staff identified, the greatest threat to our long-term national security they identified as the national debt—much of which is held by nations hostile to the United States. Deeply, deeply disturbing, Mr. Chairman, that the Communist Chinese Government buys so much of our debt. They're the largest purchaser today of gold. The Chinese economy is thundering. They have a very aggressive campaign underway to acquire as much intellectual property as they can through espionage and acquisition. We have, as a Nation, in allowing this debt to be created and allowing so many nations that are hostile to the United States to buy our debt, have placed too much power in the hands of the Chinese, of sovereign wealth funds.

And we here tonight, when it comes to supporting our military, through this construction bill, through the Vet-

erans Affairs, we've made sure our men and women in uniform have everything they need in a fiscally responsible way. And this is just a first step of many that we will take on this committee to get America back on track to a balanced budget.

Mr. Chairman, the Members of the minority and our staff have been working to put together an en bloc amendment so we can attempt to continue to expedite this process and ensure that this bill is done as quickly as possible in order that, again, our men and women in uniform can have the peace of mind of knowing they're taken care of—there is no bubble in the logistical supply chain. And they are not going to have to worry about disability claims if they go to a veterans hospital, or make sure their housing needs are taken care of on bases.

We have an en bloc amendment, Mr. Chairman, that should be on the brink of being ready for consideration so that we can move very rapidly to passage of this bill and get it over to the Senate—because we know how long it sometimes takes the Senate to get things done.

I yield to my good friend from Georgia.

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

We have, I think, presented a good bill, with the caveats that have been expressed by Ranking Member DICKS and myself, along with Mr. FARR. At this time, we are prepared to entertain the amendments. I think the chairman has some en bloc amendments that he would like to offer. We are happy to entertain those and move forward at this time.

Mr. VAN HOLLEN. Mr. Chair, I thank Chairman CULBERSON and Ranking Member BISHOP for bringing the FY 2012 Military Construction and Veterans Affairs Appropriations bill to the floor today. This bill provides funding that is critical to the strength and the well-being of our military, and supports the education and training of our veterans, construction of Department of Defense hospitals, schools and family housing.

The bill provides a total of \$143.9 billion in FY 2012, of which \$69.5 billion is mandatory funding for pensions and other benefits administered by the Veterans Benefit Administration. This funding will support service-connected compensation programs that help an estimated 4 million veterans, survivors and dependents and makes pension payments to 507,000 veterans and survivors.

The bill also provides \$60.2 billion in discretionary funding for the Department of Veterans Affairs and \$14 billion for military construction and family housing. This includes funds for inpatient care and treatment of beneficiaries in 152 hospitals, 101 domiciliary residential rehabilitation treatment programs, 133 nursing homes, 300 Vet Centers, 50 mobile Vet Centers and 807 outpatient clinics, which include independent, satellite, community-based and rural outreach clinics.

Our nation's servicemembers and veterans and their families deserve the best quality care

and support available. This measure helps to fund the programs and benefits they have earned for their service and sacrifice.

I encourage my colleagues to join me in support of the bill.

Ms. WATERS. Mr. Chair, I want to thank Chairman CULBERSON and Ranking Member BISHOP for agreeing to offer my amendment en bloc to H.R. 2055—Military Construction and Veterans Affairs and Related Agencies Appropriations Act. My amendment simply removes funding from the VA Medical Support and Compliance Account and replaces it back in the very same account. My intent in doing this is to highlight an issue for my colleagues and for the Department of Veterans Affairs (VA).

I believe that the VA needs to comprehensively examine its wait times for processing requests for mental health services from veterans and that the VA should submit a report to Congress no later than January 1 of 2012 on changes they intend to make to ensure that veterans needing mental health services receive those services in a timely and efficacious manner.

Veterans in my district often wait years for a resolution of their cases with the VA. My office works closely with veterans, assisting many of them in expediting their requests for the benefits to which they are entitled, including mental health benefits. Unfortunately, many of these veterans still wait years for a resolution of their cases. This is simply unacceptable. These men and women have sacrificed their health, well-being, and, in some cases, their livelihoods, for this country.

The excessively long wait times at the VA are unjust and un-American. The wait times for veterans who are suicidal or suffering from mental health illnesses, including Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), are especially troubling.

I strongly urge my colleagues to support timely mental health services for our veterans by voting "yes" on this amendment.

Ms. HIRONO. Mr. Chair, I rise in support of H.R. 2055, the Military Construction-Veterans Affairs Appropriations Act for Fiscal Year 2012. This bipartisan bill passed the Appropriations Committee by unanimous voice vote, and I urge my colleagues to support it on the House floor today.

To support those who have put their lives on the line for our country, this bill provides disability payments, pensions, survivors' benefits, and education benefits under the Post-9/11 G.I. Bill.

The war in Iraq and Afghanistan have taken a major toll on our brave men and women in uniform. We must take care of our veterans' mental and physical health needs as they return home and transition to civilian life.

Today's bill provides \$129.7 billion for the Veterans Affairs Department for Fiscal Year 2012. The Veterans Health Administration serves over 4 million patients. Continuing the practice the Democratic Congress started in 2009, the bill provides advance appropriations for VA medical accounts for both the next and the following fiscal years. Our veterans deserve the certainty of knowing there will be enough funds, in advance, for the care they have earned and deserve.

Of the more than 50,000 veterans in my district—rural Oahu and the Neighbor Islands—

many live in rural areas. The veterans I have met with cite difficulty in getting to medical care in Honolulu from the Neighbor Islands, as well as not enough services on their own islands. Today's bill includes \$250 million for innovations to improve health care access for rural veterans. These include providing VA outpatient care through community-based outpatient clinics and completing a feasibility study on mobile health services, home-based care, and telemedicine.

Today's bill also provides \$11.5 billion for military construction, a 4 percent increase over current levels. Hawaii has many military bases, and this bill will support the construction of housing and other facilities on our bases, sending a positive ripple effect throughout Hawaii's economy.

Today I am voting for the LaTourette amendment on Project Labor Agreements. This amendment would restore President Obama's executive order encouraging Federal agencies to consider requiring Project Labor Agreements for construction contracts. Project Labor Agreements are short-term agreements for the length of a project that can reduce projects' costs and duration. Project Labor Agreements strengthen project quality by helping the Federal Government specify the project requirements in advance. This is the third time this year that this Congress has tried to undermine Project Labor Agreements. Fortunately, amendments to preserve Project Labor Agreements passed the last two times; I hope the LaTourette amendment will also pass.

I am opposing the Amash amendment that would try yet again to eliminate Davis-Bacon prevailing wage protections. This is yet another attack on working families. The Davis-Bacon Act prevents contractors from driving down wages and benefits in an area. Amendments to eliminate Davis-Bacon protections have failed again and again this year, and I hope the Amash amendment will meet the same fate.

Overall, the underlying bill supports our veterans and military construction in Hawaii, and I urge my colleagues to support it.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 2055, the fiscal year 2012 Military Construction and Department of Veterans Affairs (VA) Appropriations Act. This legislation, which provides \$129.7 billion in funding for the VA, is critical for our veterans returning from multiple tours of duty in Iraq, Afghanistan, and around the world, and all those who have so bravely and honorably served our nation in the Armed Forces, including the 46,370 veterans living in the 15th district of Michigan.

There are a number of provisions in this bill with which I am pleased. First, it continues the Democratic-initiated effort to provide advance appropriations for the Veterans Health Administration so the VA may adequately plan for our veterans medical needs. Second, it builds on the previous Democratic Congresses' commitment to our veterans by providing funding to reduce the VA claims backlog, allow for quality medical care, and ensure the promise of a college education.

I am particularly pleased efforts to weaken workers' rights were defeated during consideration of this legislation. Both a proposed ban on implementation of Project Labor Agreement

requirements as well as a proposal to bar VA and the Department of Defense from enforcing the Davis-Bacon prevailing wage requirement on contracts would have unjustly harmed middle class working families and led to poor construction on VA and DoD facilities.

Mr. Chair, this legislation continues the Democrats tradition of caring for our veterans. This job is never done and at a time when we are engaged in conflicts around the world, it is imperative our current and former military men and women know that their government supports them.

I urge my colleagues to join me in supporting our veterans by voting "yes" on H.R. 2055.

Mr. CULBERSON. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2055

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE  
MILITARY CONSTRUCTION, ARMY  
(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$3,141,491,000, to remain available until September 30, 2016: *Provided*, That of this amount, not to exceed \$255,241,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the unobligated balances available for "Military Construction, Army" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$100,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE  
CORPS  
(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent

public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$2,461,547,000, to remain available until September 30, 2016: *Provided*, That of this amount, not to exceed \$84,362,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the unobligated balances available for "Military Construction, Navy and Marine Corps" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$25,000,000 are hereby rescinded.

**MILITARY CONSTRUCTION, AIR FORCE  
(INCLUDING RESCISSION OF FUNDS)**

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,279,358,000, to remain available until September 30, 2016: *Provided*, That of this amount, not to exceed \$81,913,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the unobligated balances available for "Military Construction, Air Force" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$32,000,000 are hereby rescinded.

**MILITARY CONSTRUCTION, DEFENSE-WIDE  
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)**

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,665,157,000, to remain available until September 30, 2016: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$454,602,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount appropriated, notwithstanding any other provision of law, \$24,118,000 shall be available for payments to the North At-

lantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: *Provided further*, That of the unobligated balances available for "Military Construction, Defense-Wide" in prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$131,400,000 are hereby rescinded.

**MILITARY CONSTRUCTION, ARMY NATIONAL  
GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefore, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$773,592,000, to remain available until September 30, 2016: *Provided*, That of the amount appropriated, not to exceed \$20,671,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, AIR NATIONAL  
GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefore, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$116,246,000, to remain available until September 30, 2016: *Provided*, That of the amount appropriated, not to exceed \$9,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, ARMY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$280,549,000, to remain available until September 30, 2016: *Provided*, That of the amount appropriated, not to exceed \$28,924,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, NAVY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$26,299,000, to remain available until September 30, 2016: *Provided*, That of the amount appropriated, not to exceed \$2,591,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, un-

less the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, AIR FORCE RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$33,620,000, to remain available until September 30, 2016: *Provided*, That of the amount appropriated, not to exceed \$2,200,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$272,611,000, to remain available until expended.

**FAMILY HOUSING CONSTRUCTION, ARMY**

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$186,897,000, to remain available until September 30, 2016.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, ARMY**

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$494,858,000.

**FAMILY HOUSING CONSTRUCTION, NAVY AND  
MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$100,972,000, to remain available until September 30, 2016.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$367,863,000.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$84,804,000, to remain available until September 30, 2016.

**FAMILY HOUSING OPERATION AND  
MAINTENANCE, AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and

insurance premiums, as authorized by law, \$404,761,000.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$50,723,000.

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,184,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

#### HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended, \$1,284,000, to remain available until expended.

#### CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives Program.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$373,543,000, to remain available until expended.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

##### (INCLUDING RESCISSION OF FUNDS)

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$258,776,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code: *Provided further*, That of the unobligated balances available under this heading from prior appropriation Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$50,000,000 are hereby rescinded, which represent savings resulting from favorable bids.

#### ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries within the United States Central Command Area of Responsibility, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in

the Pacific and on Kwajalein Atoll, or in countries within the United States Central Command Area of Responsibility, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of



Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by subsection (d) of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under subsection (a)(1)(A) of such section 1013. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construc-

tion, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510: 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report of the Committee on Appropriations of the House of Representatives to accompany this bill and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14 — R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

(RESCISSION OF FUNDS)

SEC. 126. Of the unobligated balances available for "Base Realignment and Closure Account, 1990" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), \$100,000,000 are hereby rescinded.

SEC. 127. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project.

SEC. 128. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 129. None of the funds made available by this Act may be used by the Secretary of the Army to relocate a unit of the Army that would impact more than 200 personnel, calculated as the sum of impacted members of the regular or reserve components of the Army, civilian employees of the Department of the Army, and Army contractor personnel, unless the Secretary certifies to the congressional defense committees that the Secretary complied with Army Regulation 5-10 relating to the policy, procedures, and responsibilities for Army stationing actions.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$58,067,319,000, to remain available until expended: *Provided*, That not to exceed \$32,187,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses, Veterans Benefits Administration", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$11,011,086,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.



## VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$100,252,000, to remain available until expended.

## VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2012, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$154,698,000.

## VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$19,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,019,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$343,000, which may be paid to the appropriation for "General operating expenses, Veterans Benefits Administration".

## NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,116,000.

VETERANS HEALTH ADMINISTRATION  
MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note) \$41,354,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: *Provided*, That, of the amount made available under this heading \$1,000,000,000 shall remain available until September 30, 2014: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any

other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That of the funds provided in Public Law 112-10 for "Department of Veterans Affairs, Medical services" for fiscal year 2012, \$664,000,000 shall be available only in the fourth quarter of the fiscal year upon approval of the Committees on Appropriations of both Houses of Congress of a request from the Secretary of Veterans Affairs to release such funding due to unanticipated needs related to economic conditions.

## MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): \$5,746,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: *Provided*, That, of the amount made available under this heading \$100,000,000 shall remain available until September 30, 2014.

## MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,441,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: *Provided*, That, of the amount made available under this heading, \$100,000,000 shall remain available until September 30, 2014.

## MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$508,774,000, plus reimbursements, shall remain available until September 30, 2013.

## NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law;

purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$250,934,000, of which not to exceed \$25,100,000 shall remain available until September 30, 2013: *Provided*, That no funds shall be made available to any project associated with the National Cemetery Administration's Urban Initiative program until a strategy to serve rural veterans is finalized and operational.

DEPARTMENTAL ADMINISTRATION  
GENERAL ADMINISTRATION  
(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$422,500,000, of which not to exceed \$22,144,000 shall remain available until September 30, 2013: *Provided*, That \$20,000,000 shall be used to increase the Department's acquisition workforce capacity and capabilities and may be transferred by the Secretary to any other account in the Department to carry out the purposes provided therein: *Provided further*, That funds provided under this heading may be transferred to "General operating expenses, Veterans Benefits Administration".

GENERAL OPERATING EXPENSES, VETERANS  
BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$2,020,128,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed \$105,856,000 shall remain available until September 30, 2013: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

## INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$3,025,000,000, plus reimbursements, shall remain available until September 30, 2013: *Provided*, That none of the funds made available

under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$109,391,000, of which \$6,000,000 shall remain available until September 30, 2013.

#### CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$589,604,000, to remain available until September 30, 2016, of which \$5,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2012, for each approved project shall be obligated: (1) by the awarding of a construction documents

contract by September 30, 2012; and (2) by the awarding of a construction contract by September 30, 2013: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$475,091,000, to remain available until September 30, 2016, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

#### GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$46,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2012 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before such transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under

the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: *Provided*, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations made available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new Department of Veterans Affairs hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2011.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2012, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of

title 38, United States Code, reimburse the "General operating expenses, Veterans Benefits Administration" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2012 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2012 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$42,904,000 for the Office of Resolution Management and \$3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General administration" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than \$1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived

from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until September 30, 2016 for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses, Veterans Benefits Administration", "General administration", and "National Cemetery Administration"

accounts for fiscal year 2012, may be transferred to or from the "Information technology systems" account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued or absent a response, a period of 30 days has elapsed.

SEC. 222. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2012, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2012 for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems", up to \$241,666,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts available in this title for "Medical services", "Medical support and compliance", and "Medical facilities", a minimum of \$15,000,000, shall be

transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSION OF FUNDS)

SEC. 226. (a) Of the funds appropriated in title X of division B of Public Law 112-10, the following amounts which become available on October 1, 2011, are hereby rescinded from the following accounts in the amounts specified:

(1) "Department of Veterans Affairs, Medical services", \$1,000,000,000.

(2) "Department of Veterans Affairs, Medical support and compliance", \$100,000,000.

(3) "Department of Veterans Affairs, Medical facilities", \$100,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified, to remain available until September 30, 2013:

(1) "Department of Veterans Affairs, Medical services", \$1,000,000,000.

(2) "Department of Veterans Affairs, Medical support and compliance", \$100,000,000.

(3) "Department of Veterans Affairs, Medical facilities", \$100,000,000.

SEC. 227. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of entering into a contract: *Provided further*, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 228. The scope of work for a project included in "Construction, major projects" may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 229. (a) Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(1)(1) The Secretary shall disclose to a State controlled substance monitoring program, including a program under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3), the name and address of a veteran or a dependent of a veteran to the extent necessary to prevent misuse and diversion of prescription medicines.

"(2) In this subsection, the terms 'State' and 'controlled substance' have the meaning given such terms in section 3990(m) of the Public Health Service Act (42 U.S.C. 280g-3(m))."

(b) Section 7332(b)(2) of title 38, United States Code is amended by adding at the end the following new subparagraph:

"(G)(i) To a State controlled substance monitoring program, including a program under section 3990 of the Public Health Service Act (42 U.S.C. 280g-3), to the extent necessary to prevent misuse and diversion of prescription medicines.

"(ii) In this subparagraph, the terms 'State' and 'controlled substance' have the meanings given such terms in section 3990(m) of the Public Health Service Act (42 U.S.C. 280g-3(m))."

SEC. 230. Not more than \$250,000 may be used by the Department of Veterans Affairs to conduct any single national outreach and awareness marketing campaign, including motorsports sponsorship, prior to submitting

a request to the Committees on Appropriations of both Houses of Congress and an approval is issued or absent a response, a period of 30 days has elapsed.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION  
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$61,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR  
VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$30,770,000: *Provided*, That \$2,726,363 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$1,000 for official reception and representation expenses, \$45,800,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the "Lease of Department of Defense Real Property for Defense Agencies" account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$67,700,000, of which \$2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Re-

tirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 403. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, or for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 404. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 405. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 406. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 407. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 408. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

SEC. 409. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal

investigations, prosecution, or adjudication activities.

SEC. 410. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 411. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take private property for public use) without the payment of just compensation.

SEC. 412. None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to renovate, expand, or construct any facility in the continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 413. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order 12989.

Mr. CULBERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 60, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. CULBERSON

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

On page 29, line 16, after the dollar amount, insert "(reduced by \$20,000,000) (increased by \$20,000,000)".

Page 31, line 2, after the dollar amount, insert "(reduced by \$100,000) (increased by \$100,000)".

Page 32, line 7, after the dollar amount, insert "(increased by \$22,000,000)".

Page 33, line 12, after the dollar amount, insert "(reduced by \$22,000,000)".

Page 34, line 4, after the dollar amount, insert the following: "(reduced by \$100,000) (increased by \$100,000)".

Page 35, line 4, after the dollar amount, insert "(reduced by \$70,000,000) (increased by \$70,000,000)".

Mr. CULBERSON. Mr. Chairman, I ask unanimous consent that debate on this amendment, and any amendments thereto, be limited to 10 minutes, to be equally divided and controlled by myself and the ranking member.

The CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1950

The CHAIR. The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. This is an amendment which we've worked hard again to come up with arm in arm in a cooperative, bipartisan way to increase, for example—we're making sure we've got \$20 million set aside for suicide preven-

tion outreach. A terrible, terrible problem among veterans and a high priority for us to do everything we can to help prevent suicide, that amendment offered by Congressmen HOLT and RUNYAN.

Also, this is another amendment we are submitting to attempt to reduce wait times for mental health services, also to increase research funding by \$22 million offset by a reduction in general administration. And also, Mr. Chairman, to set aside \$100,000 for the purpose of a study of Veterans Affairs, VA historic properties.

I reserve the balance of my time.

The CHAIR. The Chair recognizes the gentleman from Georgia.

Mr. BISHOP of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman, and I appreciate that this bipartisan amendment offered by my colleague Representative RUNYAN of New Jersey has been accepted by the majority, and I thank Chair CULBERSON and Ranking Member BISHOP and their staffs for making this possible.

As you may know, Mr. Chairman, last month the Federal Ninth Circuit Court sided with two veterans groups that sued the Department of Veterans Affairs for failing to provide timely care to veterans at risk of suicide. The court noted that on average, 18 veterans per day take their own lives. I'll repeat. On average, 18 veterans per day take their own lives. We must end this suicide epidemic.

This amendment is one important step in that process. Our amendment is simple. It fences \$20 million of the billion dollars in advance funding for the VA for fiscal years 2013 and 2014 and dedicates these funds to suicide prevention outreach. Specifically, our intention is to use television ads and social media. We know that when veterans are made aware of the national suicide prevention number, which is 1-800-273-TALK, they use it. And lives are saved. 1-800-273-TALK. Indeed, in the State of New Jersey, we have our own veteran counseling hotline, the Vet-to-Vet Program run by the University of Medicine and Dentistry in New Jersey.

Since it went live a half dozen years ago, no New Jersey Guard member who has used its services has taken his or her own life. It is a successful program. We want to see this expanded. When we get the word out about these counseling services, we save lives. It's past time that we push the VA to do the advertising and the outreach that's necessary to reach the people who need it.

This amendment is budget neutral, it's vitally needed, and I thank my colleagues for carrying it forward.

Mr. CULBERSON. Mr. Chairman, I am pleased at this time to yield such time as he may consume to my colleague from New Jersey (Mr. RUNYAN).

Mr. RUNYAN. Thank you for the time.

I thank my colleague from New Jersey (Mr. HOLT) for his work on this amendment.

Mr. Chair, I rise today in support of the Holt-Runyan amendment, which takes further steps towards keeping veterans alive by dedicating \$20 million of suicide prevention outreach within the VA for fiscal year 2012.

Suicide is always tragic, but suicide by a veteran, especially young veterans of Iraq and Afghanistan, is especially troubling. VA officials tell us that one in five suicides in America is a veteran, and that the suicide rate of male veterans is twice that of the general population. While most of these are older veterans, young male veterans are still more likely to commit suicide than those who have never served in Iraq or Afghanistan.

When the suicide rate of veterans of Iraq and Afghanistan spiked in 2004, Congress responded by increasing VA's budget for mental health by nearly a third. This allowed VA to create a veterans crisis line and place suicide prevention coordinators in every medical center.

But if any veteran who needs help cannot get help or does not know it is available, the program is a failure. As I said before, every suicide is tragic. And more must be done.

This is why I strongly support this amendment which would give the VA the necessary additional resources to let veterans know, through TV and social media, to reach out to our veterans. I hope all of my colleagues will stand with me and my colleague, Mr. HOLT, in support of this amendment.

Mr. BISHOP of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Ms. MOORE).

Ms. MOORE. Thank you so much to the gentleman from Georgia.

I rise to support this omnibus amendment and for the purpose of directing the Department of Veterans Affairs to examine its practices on how it plans to rehabilitate and reuse national landmarks that are aging, outdated, or in obsolete condition within the VA infrastructure and issue a report to Congress no later than January 1, 2012, on any actions taken or planned to be taken to rehabilitate and use these national landmarks, to fulfill its responsibilities under section 106 of the National Historic Preservation and to our veterans.

An example of these landmarks is the Milwaukee Soldier's Home, built in 1867, one of the original soldier's homes established by congressional legislation and approved by President Abraham Lincoln on March 3, 1865. The soldier's home reflects how our forefathers chose to care for and honor the soldiers who fought to keep the country united as one Nation.

I say forefathers because it was the ladies of Milwaukee's West Side Soldiers Aid Society whose tenacity and

dedication made it possible to raise the funds necessary to create the Milwaukee Home for Disabled Volunteer Soldiers which they generously gifted to the soldier's home system, a forerunner of the Department of Veterans Affairs.

This summer, on the 150th anniversary of the Civil War, the soldier's home will hopefully be dedicated as a national historic landmark.

I urge the Department of Veterans Affairs to send a report to Congress.

Mr. CULBERSON. Mr. Chairman, I would note we're pleased to support this amendment. As the gentlewoman has just pointed out, this Veterans Hospital was created, I think she said March 30 of 1865. That would have been one of the last acts on Earth of President Abraham Lincoln. So we're pleased to accept her amendment to ensure the preservation of this very historic and important piece of American history.

Mr. BISHOP of Georgia. We want to commend the gentlelady for her amendment and her compassion in offering it.

While I have the time, let me discuss the Altmire amendment which has been offered, and Mr. ALTMIRE, I believe, is on his way to the floor. This amendment will move \$22 million from the Veterans Administration's general administration account to the medical and prosthetic research account.

A recent Senate Committee on Veterans' Affairs heard testimony from wounded soldiers about the disparity of prosthetics technologies between the Department of Defense and the veterans health care. This amendment will restore some of the funding that was cut from the medical and prosthetic research account by taking a small dollar amount from the VA general administration account.

Wounded warriors are deserving of no less than this Nation's full commitment. I rise in strong support of this amendment.

I reserve the balance of my time.

□ 2000

Mr. CULBERSON. Mr. Chairman, I do support Mr. ALTMIRE's amendment.

Obviously, we are all committed to supporting prosthetics research. Our military doctors have done an extraordinary job of saving the lives of these young men and women who are wounded in combat, and we want to make sure we are giving them all the support they need.

I am glad Mr. ALTMIRE has brought this amendment to us. I understand he is on the way to the floor because he would like to speak on his amendment.

I reserve the balance of my time.

Mr. BISHOP of Georgia. I yield back the balance of my time.

Mr. CULBERSON. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, in an effort to expedite consideration of this bill and ensure our men and women in uniform get all the help they need as soon as possible, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RUNYAN) having assumed the chair, Mr. TERRY, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2055) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

#### SECURING OUR SOUTHERN BORDER

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, I want to take 1 minute to address, tonight, an important bill the House passed on Homeland Security, funding all the agencies of Homeland Security.

In addition to funding our military, the Military Construction bill which we have just done, for Veterans Affairs, we also have a fundamental obligation to secure our borders. And the Homeland Security bill that we just passed does that in a number of important ways, most importantly, for the people of Texas.

I want to reassure everyone listening tonight that the Texas delegation and this Congress, this majority, will not rest until the southern border is secure, until we, with the full support of the people that live along the border, secure the border with zero tolerance, using existing law, which means 6 months in jail for crossing the border illegally, as we are doing in Del Rio with the full support of the local community, arresting everybody that crosses the border and throwing them in jail for up to 6 months, with the obvious exception of women and children. But we are enforcing the law in Texas, in Del Rio and in Laredo.

With the help of my friend HENRY CUELLAR and the local community, we are working in this majority to expand that zero tolerance program from Brownsville to San Diego. And I want to thank the Homeland Security Committee, Mr. ADERHOLT, for allowing us, through language in the bill, to expand rapidly the use of available empty bed space for illegal aliens so there are no more police officers like we just lost, another police officer in Houston, Texas, to an illegal alien. And we are not going to rest until that border is secured, Mr. Speaker.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 292, REGARDING DEPLOYMENT OF UNITED STATES ARMED FORCES IN LIBYA, AND PROVIDING FOR CONSIDERATION OF H. CON. RES. 51, LIBYA WAR POWERS RESOLUTION

Mr. SCOTT of South Carolina, from the Committee on Rules, submitted a privileged report (Rept. No. 112-99) on the resolution (H. Res. 294) providing for consideration of the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes, and providing for consideration of the concurrent resolution (H. Con. Res. 51) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya, which was referred to the House Calendar and ordered to be printed.

□ 2010

#### THE FUTURE OF MEDICARE

The SPEAKER pro tempore (Mr. TERRY). Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 20 minutes as the designee of the minority leader.

Mr. TONKO. Mr. Speaker, I look forward to the next 20 minutes where we can discuss the future of Medicare. It is being addressed in this House during this 112th session of Congress. We have seen many statements made about Medicare in the last weeks.

I can tell you, a sign like this is greeting many colleagues as they return to their districts every weekend or during the recess that we have, the district work periods that we might have, signs such as this, "Hands off my Medicare," greeting us as we return to our districts, and rightfully so.

Medicare has been a program that has served our senior population for quite some time. Seniors and those living with disabilities have really found life to be far more doable with Medicare assistance.

It was in the sixties when the debate began, and it was President Lyndon Johnson who had been there to sign the measure into law. And at that point in time, our senior population, our senior community across these great United States, had a great concern. They were finding it unaffordable and inaccessible to search for health care insurance coverage.

There was cherry-picking going on. There were those with the preexisting conditions that were denied any opportunity, and I think it's fair to state that the economic stability of those who had retired at that point of retirement, they usually found that that stability had dwindled, had gone south



simply because of the medical expenses that they required, and oftentimes with underinsurance or no insurance as a scenario, they were seeing their lifetime worth of savings dwindle because of that dynamic in their lives.

Now, in this four-and-a-half decade stretch forward, many have suggested that their economic consequences have stayed fairly stable, that they have enjoyed a better retirement because of the addition of Medicare to their outcome.

However, this Medicare program has been under attack. It's been under attack. There has been a Republican budget that has come forth and been produced in this House by the majority party, and they have voted on that measure to end Medicare, end the Medicare that would shift risk from government to the pockets of seniors in this country. It would take a given situation where they would be asked to shop, shop in the private sector. This could be a 70-year-old; it could be an 80-85-year-old that might be asked to shop in that private sector market.

Well, the egregious notion is that the value of that coupon they are given to go shop for new insurance holds a value of about 32 cents for every \$1 of premium that would be paid on insurance costs. That means that they are tremendously drained economically. It means that 6,000 more dollars would come out of the pockets of our senior citizens individually for the cost of this insurance coverage.

Well, that is an unacceptable outcome. It's one that really makes it difficult for our senior community to be covered for health care purposes and to remain somewhat economically stable in their retirement years. And by the year 2030, it's suggested that the costs would triple for our seniors. By the year 2022, it would at least double.

These are frightening statistics. These are unacceptable notions for our senior community, all of whom need to be responded to with respect and sensitivity and with the utmost compassion.

This does not show compassion; this shows disinterest. It shows an insensitivity to the struggle that many would make and the correlation of the need for health care services.

With age as a factor, it is an understandable partnership. It's one that would mimic and trace each other's curves, because as you grow older, the propensity to require services of health care delivery would naturally grow. And so we do not want to put at risk our senior population.

Now, I think what is quite interesting is that, as we talk about the doubling and the tripling to seniors for this program, just recently a study came out that said that those who are age 55 today should have to save about 185, \$182,000 additional for their medical expenses without the efforts made by Medicare as it exists today. And

then the numbers simply escalate. I believe it's in the \$400,000 realm if you are in your thirties. So this is going to put a huge hardship onto our American working families, onto our senior community of today and certainly of tomorrow.

Now, what I found most generous is the statements made by seniors who are eligible for Medicare today, speaking in a way that is not self-centered but really speaks to the future. They have said that they have enjoyed Medicare as a program. It has provided economic stability. It has provided health care quality of services, and they want that to be preserved for the next generation and the generation to follow. They want their children and grandchildren to enjoy the same order of benefits that they have enjoyed.

So while there might have been this idea that if we safety net somehow a certain given population currently enjoying Medicare and suggest that most of that could maybe be kept intact, well, there was a far broader sense of concern expressed by our senior community. It was not a selfish order of self-centered reflection that some might have anticipated but, rather, the seniors showed that they are truly concerned about generations to come, which I think is a magnanimous statement for our senior population in this country.

When it comes to messaging, it's important, I think, to know, to take lessons from the most recent congressional district election that was held just about a week ago. Last week the voters of the 26th Congressional District in the State of New York, in a rather Republican area, in fact, the ninth most difficult district in this Nation for a Democrat to win in—it was there that a Democrat by the name of KATHY HOCHUL was running. She was successful in that she was able to bring to the attention of the electorate in that district the facts as to the Republican plan, the Republican budget.

And it was more than just Medicare. She talked about the end of Medicare but then related it to the dollars, the savings accrued from that elimination going toward other spending. Just what was and what is that other spending proposed? It would be handouts, mindless handouts to the oil industry sitting on a profit rich situation, perhaps the most profitable situation that they have known in their history. To date, this calendar year, the industry is sitting on a \$36 billion profit margin, \$36 billion.

What they are asking here is that some \$44 billion worth of handouts, mindless handouts that have continued through the decades, nearly a century now, be continued. And how do we pay for that but by ending Medicare, ending Medicare to take care of the profit rich oil industry. The same is true of millionaire, billionaire tax cuts. You

see the savings that can accrue by ending Medicare would then be slid over to provide for millionaire and billionaire tax cuts.

Well, middle-class America is not ready for that sort of assault. They are going to let their feelings be known. And it's why messages like this, "Hands off my Medicare" are greeting myself and colleagues across this country. They are concerned. They are concerned. They are letting their legislators know that this is not an acceptable thing to do.

Now, look at the track record where, with Medicare, we have avoided administrative costs to the nth degree; we have avoided marketing budgets; we have avoided all sorts of external costs that don't go to the health care delivery of patients but, rather, are the externals.

□ 2020

Avoiding those dollars has kept down the price tag on Medicare.

When we look at that same stretch from the beginning of Medicare to today, it's been an excess of a 5,000 percent increase in premiums that have risen from that point in 1965 to today. So it tells us one thing. It tells us that there is this tremendous growth from the private sector in comparison to what the Medicare track record has been.

And we have spent time with the Affordable Care Act to strengthen Medicare. We have made certain that where there were overpayments to the insurance industry for certain services, those dollars were reduced. We made a major effort to go after fraud, abuse, and inefficiency. That strengthens the program. We provide for more dollars for primary care physicians who can be networked into the Medicare formula so that we can provide contact for administering the services. All of this has a growth factor so as to strengthen the Medicare concept as we know it.

But people are concerned. Their health care situation has been addressed in very magnanimous terms by the Medicare program. People fought for years to get this developed, and they have maintained and strengthened it over the decades. And for people to come in and assume that they are going to end the Medicare program simply to pay for oil handouts and millionaire and billionaire tax cuts is just not going to be well received by America's working families, by her middle class that has seen this assault where it's their turn now to get better treatment, not worsened treatment, from the halls of government here in Washington.

The Medicare situation is one that has really defined a stronger sense of quality of life for our senior community and has enabled them to have good coverage.

What we also did in the Affordable Care Act is begin to close, and will



close completely by the year 2020, the doughnut hole that existed for pharmaceutical purposes for those on Medicare part D. Well, again, we saw what happened, that we needed to come forward with an improvement in a program that would assist people. And so we closed that doughnut hole eventually. I can tell you of so many seniors who have approached my office, who have seen me in the district, telling me of how difficult it is for them to absorb the doughnut hole concept. Within a few months within any given calendar year, they fall into the doughnut hole where they need to dig into their own pocket to pay for the cost of many pharmaceutical requirements that they have in their medical agenda to stay well or to be healed. So it is a very pricey situation for them, and we want to make certain that those improvements stay intact.

We have also removed copayments and deductibles for the annual check-ups and for various medical screenings that are available to our senior population. These are the source of responses that are compassionate, that are speaking to the quality of services and certainly to the dignity factor for our senior population. These are improvements. These are ways to stretch the budget and enable our senior community to be all the more intact and connected with community.

While we had worked with the Medicare issue in the Affordable Care Act, we want to make certain we also strengthen the trust fund. So there are things that have been done along the way. And now to just come in and say, look, this is more business for the private sector, this is a way to drive all the accounts of individuals who are enjoying a Medicare program, a concept that has worked well for four-and-a-half decades is now deemed to be ended simply now because of the desire of those who are in the majority in this House to pay for benefits to the oil industry and to continue millionaire and billionaire tax cuts.

Just on the heels of this victory in a congressional district I mentioned earlier, in the 26th District of New York, we took yet another vote in this House to deem the Republican budget a budget from which we'll work. That includes the end to Medicare. So just this week, with another vote right in the shadows of that victorious Democratic win in the 26th Congressional District of New York, we are again at it, putting a close to the Medicare concept in this country. Unacceptable outcomes. People will not tolerate that outcome.

In a CNN poll of recent measurement, there was a huge response in the negative to the Republican plan. Seventy-four percent of Americans are saying, leave the Medicare situation alone or improve it. Build upon it, strengthen it, prepare it to have even stronger values and concepts, and also provide for

the trust fund that will be all the more secure to give it the stability, the underpinnings of support, not to end it. People have seen what it meant to them. They have seen what it meant to be able to enjoy the economic relief that is so important, especially as we age as a population.

The life expectancy growing higher with time is an important factor that really underscores the need for Medicare as a model, as a concept in this Nation.

There are many who have been speaking out against this proposal. There are many who understand that it's provided a great deal of stability. It has provided families, working families, with the relief of knowing that the senior members of their family are in good hands with a Medicare program that enables them to have more independence, to have more preventative services, to have more acute care delivery with an affordable outcome for their given family situation. This is an important measurement that needs to be kept in mind. It's an important effort to keep our economic situation in this country all the more doable and all the more viable.

There's an opportunity for many seniors to be involved and invested in community. Medicare enables them to be that more vibrant citizen, to respond to the economy in positive contributory terms. And I think that that is very important.

With the Medicare situation in this country, we have watched the quality of life of our senior population grow and grow exponentially. And for those forces to come here before this House to express this desire to end a concept for which people fought for many years, where there was a documented need for this sort of advice and this sort of concept, and now to watch it at risk where it could fold and not continue, where we could have a situation where the concept is ended, is unacceptable.

There are those in selling this package that suggest that the legislators here in Washington have the same sort of opportunity. It's akin to what we're offering the senior community. Nothing could be farther from the truth. On average, the benefit for a congressional Representative is about 72 cents on the dollar, meaning that every 28 cents worth of coverage would be absorbed by the individual legislator. For the senior population, we're looking at 32 cents, a 40-cent difference, meaning that the gross majority of that premium would be paid for by senior citizens.

That is where the economic consequences become very, very real. That is where the shifting of risk from government to the senior citizen would be a real dynamic. It would be an unbelievably painful outcome for those who perhaps would struggle to find insur-

ance. We would be asking people to shop in a marketplace, asking them to deal with a profit-rich industry, to deal with situations that might return cherry-picking and that might return inaccessible, unaffordable notions when it comes to health care coverage.

We've seen it repeatedly. We know that there were populations that were underserved as we began the debate on affordable care that was completed in the 111th session of Congress, and we certainly don't want that to come back and be the issue for the most senior elements in our society again. This was a victory that was hard fought. It's been a concept that has only been strengthened through the years. And like any good program, it gets adjusted as we move with time.

Fix Medicare is the message. Strengthen Medicare is the appeal, not end it. And the advice for those who want to end it is very basic: Hands off my Medicare. It's the advice that's given, it's the chant that's repeated over and over again across this Nation. And it's been such for quite some time.

□ 2030

This is part of a plan that the Republican budget, introduced by the Budget Committee in this House, has dubbed itself as a Path to Prosperity.

My friends, it is so obvious that this is the road to ruin, not the path to prosperity. You are taking the vulnerable and making them pay more. This is about tough choices. We have seen where people don't have insurance; they have to make tough choices.

There is nothing tough—people have said, Oh, this is a tough choice that people have made. They have gone forward and taken a situation that they think is not affordable and they are going to make a tough choice and remove it. There is nothing tough about asking the weak or the poor to pay more so that oil as an industry can get more benefits and millionaires and billionaires can draw down a larger tax cut. There is nothing tough about that.

What it is is insensitive. It is un-American. It is immoral to have such an outcome after so much success with a program that has proven itself time and time again to be a great friend to the senior community.

There are those who have spent countless hours and effort to put together a plan that would respond to this Nation's seniors with respect and dignity. And we can simply not afford to walk away from this concept in the very calloused manner that we are asked to. I was proud when I saw so many people stand up and say "no" to this vote. Unfortunately, it passed in this House. If this budget had its way to the finish line, it would end Medicare at the expense of so many of our Nation's seniors.

They have enjoyed this benefit. They have prospered from this benefit. They

have realized a great sense of dignity with this effort, and we must maintain it. We must continue the fight to preserve a program that has served this Nation very well.

With that, Mr. Speaker, I yield back the balance of my time.

#### THE PEOPLE'S HOUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. RICHMOND) is recognized for 30 minutes.

Mr. RICHMOND. Thank you, Mr. Speaker, for recognizing me and presiding over these affairs tonight.

I yield to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I appreciate the gentleman from Louisiana yielding his time as he prepares his remarks, which I look forward to hearing.

Earlier this afternoon and into the evening, this House considered an appropriations bill related to Veterans Affairs and Military Construction. At that point I asked my colleagues to support an amendment that I offered for the FY 2012 Military Construction-Veterans Affairs appropriations bill, and that amendment I am thankful to say was accepted. It was bipartisan acceptance. Both the majority and minority agreed it should be added to the bill, and I just wanted to tell the gentleman and my colleagues that amendment is very straightforward. It moves \$22 million from the VA general administration to solve a dramatic cut in medical and prosthetic research.

This bill that we are talking about, the VA-Military Construction account, as it was written, funds medical and prosthetic research at \$509 million in FY 2012, but that is a \$72 million cut over last year. But the amendment that I offered restores funding to an account that directly impacts treatment of amputees and other wounded veterans.

Like all of my colleagues, I want to do everything I possibly can to support our veterans and to promote these programs. And like many of us, I have visited the facilities for amputees at Walter Reed Army Medical Center right here in Washington, DC, and I have spoken with those disabled wounded warriors who have lost limbs in the line of duty.

Through technological and medical improvements at that facility, the DOD has demonstrated its ability to improve world-class health care to amputees and other wounded servicemembers. The VA must have the funding necessary to carry on that mission after veterans leave the service.

Just last week, the Senate Committee on Veterans' Affairs held a hearing entitled: "Seamless Transition—Meeting the Needs of Servicemembers and Veterans." During the

hearing, multiple wounded warriors testified about the difficulty of transferring between DOD and VA care.

In particular, one witness, Lance Corporal Tim Horton from Oklahoma, highlighted the disparity between health care he received as he sought out prosthetics that help him go about his everyday life.

Lance Corporal Horton said: "I know other veterans who live in close proximity to Walter Reed who are able to walk in and out with the services and equipment they need within the same day, all without ever needing to go through their local VA. While waiting weeks for an appointment might seem like a minor inconvenience, for a warrior like myself, spending weeks without necessary prosthetics equipment, or sometimes even worse, equipment that causes extreme discomfort and other medical issues, can be wholly disruptive to our daily lives. The timeliness and consistency of care should not be a function of where warriors happen to live."

I have spoken with amputees with similar stories from my district in western Pennsylvania who have expressed their dissatisfaction with the medical care they receive after retiring from the military. I am sure all of my colleagues would agree, we can never repay America's veterans for the sacrifice that they have made for our country. What amount of money could replace an arm or a leg lost in the line of duty?

I firmly believe, as I am sure we all believe, that we need to get our fiscal house in order, but in this extreme time of fiscal restraint and prioritization of appropriations, I believe that no one should stand ahead of our Nation's veterans when making these difficult funding decisions. I believe that medical and prosthetic research is a higher priority than bureaucratic administration.

CBO has scored my amendment as having no impact on budget authority, and it would actually reduce FY 2012 outlays by \$5 million.

This amendment helps direct the priorities of the VA towards the veterans that deserve its funding and support, and I want to thank the American Legion for its support in helping craft this amendment because it is good for veterans, and I am so happy that my colleagues have agreed to accept this amendment as part of the bill. Hopefully, it will survive in the Senate and become law.

I greatly appreciate the gentleman from Louisiana yielding me some time to allow me to discuss this.

Mr. RICHMOND. Mr. Speaker, I thank the gentleman so much.

Several weeks ago I had the opportunity to come down to the floor of the House and start something that I think is very significant. Mr. Speaker, I can't directly can't talk to the American

people. I have to address you. But if I could talk to the American people, I would remind them that a couple of weeks ago, when I came down here, I was inviting them to participate in what I am now calling "The People's House" so that ordinary people can have a say in what we do and make sure that their opinions are heard. So again, I would invite anyone and everyone to join me in this conversation to make sure that everyday people have a voice and have a way to contact me. So, again, you can reach me at myidea@mail.house.gov or you can find me on Facebook or you can find me on Twitter.

What I want to remind everyone of is the fact that it is very clear that many of us know a lot of things, but the most important thing we need to know is that we don't know it all. That is why I am soliciting, Mr. Speaker, the help of the American people, so they can give us their ideas.

When I started this the last time, I was asking them to send me their ideas on ways to cut spending and ways to save money. I also was asking for ideas on how to raise some revenue, how to make this country the great country that it used to be.

Well, the good thing, Mr. Speaker, is that we had people who took me up on this idea and to say that they thought that this was a good idea and they wanted to participate. They wanted to make sure that people heard their voice. They sent me a number of ideas, and we are going to talk about some of those ideas and those comments today.

So my goal here is to again have and initiate a conversation with the American people, because this is truly "The People's House." The United States House of Representatives, you cannot be appointed to it. You have to be elected. And the history behind it is because we are the closest to the American people. So now, in this day of new technology and all of the outlets and social media that we have in order to strike up conversations in different ways, we should do that. This is not the day when the only thing we have is the United States Postal Service or slower means of communication.

□ 2040

Today, we can communicate in seconds if not nanoseconds. So I want to make sure that we use all of this new medium in order to expand this conversation to everyone who is concerned. These are some of the people who responded last week and some of the people whose ideas we will talk about. Mr. Speaker, I was very happy to get such a large response, and these are some of the people I wanted to point out.

We had Sheila Baker who responded; Robert Becker from New Orleans, who also responded; Mary Anne Lawrence Cazaubon responded several times

through several different media outlets, and had some very interesting things to say, as well as Micah Hill, Barbara Olinger from Folsom, and Freddy Vazquez, Jr. Then, through Facebook, we had Adam Haney, Anthony Sadler from Tennessee, Phil Schlittler, and Deloris Wilson, all of whom participated and gave me some of their thoughts about what they thought should be going on.

I want to make sure that at least the people back in the Second Congressional District of Louisiana understand that they are more than welcome to participate in this conversation but that this conversation is open to the American people. There is no monopoly on good ideas. Although I respect and value the opinions of the people from Louisiana in the Second Congressional District, we want to hear from everybody. So let's just start talking about some of the ideas. I will tell you before I start that I may or may not agree with all of the ideas, and some of my colleagues from the Republican side or the Democratic side may or may not agree.

The one thing I think both sides will agree on is that this is America and that this is what makes America the great place that it is. This is the place where we can provide kids with a free quality public education, which will prepare them for the future. This is the place where we strive to get the sick the health care that they need even if they can't afford it. This is the great country where we take care of our seniors and our disabled with Medicare, Medicaid and Social Security. This is the country where we care for our fellow man and strive to feed the hungry, clothe the naked and shelter the homeless. Tonight, I am sharing recommendations on how we as Americans get back to that great place of humanity, of sacrifice and of prosperity.

Now, Micah Hill's comments were very, very interesting. Micah's frustration was the fact that Congress should address underachievement in our grade schools. He wanted us to address that underachievement by holding parents accountable for their children's performance. I'll give you an excerpt from his letter.

Micah's response was: Children who are not doing well in their studies are children who are constantly in trouble. Their parents should be investigated. The students' homes should be investigated to see if the parents are abusing substances or anything else. If young students, like those in grade school and freshmen in high school, are having problems, then the parents should be investigated. That will help educate our children who are not getting their educational needs met because of their home fronts. Find out the child's educational strengths, and find out what is lacking in the home.

Now, Micah, that is a very creative idea, and I think that that conversa-

tion has started numerous times back in my State legislature. It is a conversation that we should be having at the Federal level because, when we talk about our children's success, when we talk about their education, the one thing that everyone agrees on is the fact that parental responsibility and parental involvement is the single biggest indicator of that child's success. So, as government, if we can help to do anything to make sure that that home life is safe and secure and that that child can succeed, then we absolutely should do it, and I look forward to continuing that conversation with you.

I will now touch for a second on Mary Anne Lawrence Cazaubon, who, by the way, is 72, and is a retired teacher. Before her teaching career, she worked more than the required quarters in order to draw Social Security. Between the two lives that she lived and the two jobs that she worked, she now lives on less than \$1,150 per month. If there were a flat tax of only 10 percent, it would cost her, roughly, \$115 per month. She says, even though she would have to spend every dime of her check every month, she would just have to do that. She also mentions, some months, she has to go without food, but she always makes sure that she gets her medicine for her heart and her osteoporosis.

That's the type of sacrifice, that's the type of predicament a lot of our families are in.

Ms. Mary Anne went further as she talked about tax and fiscal issues, and she was very clear to write this, a statement that I absolutely agree with: Congressman, I hope you appreciate the fact that many of your constituents do support limited government and fiscal sanity. Our country is in real danger of economic collapse. Please don't just toe the party line and reject solutions to this crucial issue. Our Nation's fate depends on it.

I want to say, Mr. Speaker, that I think Ms. Mary Anne is absolutely right. I think that everyone in the country is calling for limited government and fiscal sanity. Also, I think that we have to recognize at the same time that as we cut and make very prudent decisions to restore our fiscal sanity that we have to invest in this next generation, that we have to invest in the future, that we have to invest in those things that spur our entrepreneurial spirit and our innovation, and in those things that are going to continue to make sure that we are the leader in every industry and in every category that we used to be the leader in.

After Ms. Mary Anne talked about the limited government and fiscal sanity, she also volunteered that she would like to see an indexed income tax without any exceptions for individuals or families and no incentives or exemptions to any industry or com-

pany, large or small. Here is the recommendation that Ms. Mary Anne came up with:

She would recommend a 0 percent tax for anyone with an income of less than \$20,000, 5 percent for anyone with income from \$20,000 to \$40,000, 10 percent for any of those from \$40,000 to \$60,000, 15 percent for those from \$60,000 to \$80,000, 20 percent for those from \$80,000 to \$100,000, 25 percent for those from \$100,000 to \$150,000, 30 percent for those from \$150,000 to \$200,000, and 35 percent for all incomes over \$200,000.

I think, Mr. Speaker, that this is very interesting because we're talking about a 72-year-old lady who survives on \$1,150 per month, and she has taken the time not only to watch C-SPAN but to join in the conversation with me and the people's House to say that she understands that people who make more should pay a little bit more.

On that note, I'll go to Sheila Baker, whose quote, I think, is directly applicable to what Ms. Mary Anne was saying. Ms. Baker says: I pay my taxes responsibly with the understanding that I must pay more than those who earn an income less than mine.

Ms. Baker is clearly saying that she makes a little bit, and she understands that she pays more than the person who does not make what she makes and who is not as fortunate as she is; but her next sentence is the most important one. She says she also expects and demands that those who earn more than she should do the same and that those who make more than Ms. Baker should also pay their fair share, hence the concept of a fair shared burden of taxes.

So I want to thank Ms. Baker, one, for acknowledging that she is doing better than other people and that she has to pay a little bit more, and I want to thank her for participating in the people's House and in expressing her concerns and her opinions about where she thinks we should be as a country.

□ 2050

The next person I want to talk about, Mr. Speaker, is Freddy Vazquez, Jr. He has concerns about our spending; he has concerns about foreign aid; and he has concerns about the war that we are fighting. And he writes, "We spend billions on helping others, and that's fine when we have the means. Libya, Pakistan, Iraq and Afghanistan, they take our money, then they stab us in the back. America can and will go bankrupt. Our government is acting like a teenager who just received a credit card." He then goes on to quote 2pac, where 2pac said, "They got the money for war, but they can't feed the poor." And he closes with, "That's not right—that's not America."

And I would just say that the frustration that Mr. Vazquez is expressing here is a frustration that we're hearing all across the country, the fact that

we're fighting so many wars on foreign soil, the fact that our humanity goes far out immediately. People are wondering, does humanity start at home? Do we have obligations to take care of on the home front before we go across the globe doing the same? Mr. Speaker, I would just chime in here and add my personal opinion that we're America, we can do both; we can provide here at home, and we can continue to be the world leader, spreading democracy around this world to make sure that the world is just as great as the free country that we live in.

Now, what is it going to take to do that? It's going to take a shared sacrifice. In the last People's House we talked about, American people, give what you can give—if you're a high school student, mentor an elementary kid; if you're a college student, help out at a senior citizens home; if you're a millionaire, then contribute to a charity. What makes America great is the fact that we are willing to give what we have to give. So I would just implore everyone, Mr. Speaker, to give what it is you have the ability to give because that's what made this country what it is today and allowed us to achieve what we were able to achieve.

Mr. Speaker, I would also add that Anthony Sadler wrote in to say that he believes we should buy more products from local businesses, especially minority businesses. Anthony, I just want you to know that down here today I don't have our minority whip, Mr. STENY HOYER, but I will tell you that you and STENY HOYER are a match made in heaven. STENY and our Democratic Caucus are pushing what we call "Make It in America." And if STENY was down here today, he would go on and on and really get excited about the fact that we will make it in America. That's what we do—we make it in everything we do.

Another part of that Make It in America, we need to make more products in America. That's what we do—we manufacture things, we build things, we have the best innovation, but we need to make sure that we have a focus, a commitment, and an investment in the American people so that they can make it here in America. So that goes right with what you're saying, Mr. Sadler. Because as Steny will push that we make it in America, you're pushing that we buy American products, and those two things go hand in hand. So Mr. Sadler, I just want to thank you for chiming in. And I'm sure that my minority whip, STENY HOYER, is somewhere right now very appreciative of the fact that you also recognize the importance of making it in America.

Now we have Ms. Deloris Wilson and Phil Schlittler, who posted on my Facebook. And both of them didn't post very long messages, they both posted the same thing at different

times, and they simply said that they agree with the President's rationale not to release the pictures of Osama bin Laden's body. And I just want to say to Ms. Wilson and to Phil that I agree with both of you. I think the President made the right decision. But it's very comforting to know that we have citizens like you all that are at home, paying attention, and simply are not voicing an opinion to get attention, but simply a heartfelt belief. And it just so happens that I agree with your opinion. But even when we don't agree, I want to hear from you. I want to make sure that we keep this conversation going.

Now, the next person is Adam Haney, who I did not know before the first time I did the People's House, but he was watching and this is what he wrote, "Saw you on C-SPAN, good job. Those maniacal Republicans want to kill my hopes for class mobility. Save the safety nets Republicans used to get into Congress for those of us who want to benefit from those same programs that they did." And I would just add, Adam, that there are a bunch of programs out there, and those programs are what make this country great. And I don't have to talk about the obvious—Social Security, Medicaid, Medicare—we can talk about Head Start, that gives our toddlers the ability to start school and give them a head start on their future.

As a country, we invest in things. We should look at what return do we get on our dollar. When we invest in early childhood education, we get a 9-1 return. For every dollar that we invest in that child, we get \$9 back. Those are the types of programs that Adam is referring to when he said that the majority would prefer to cut all of those programs now that they have received it and they've been the beneficiary of it.

Also, we can go back to free and reduced lunch in our public schools. We can talk about public school education, period, the fact that many of us that are lucky enough and honored enough to be Members of the United States Congress in this 112th Congress came from public schools with public school teachers funded by the American people. We should hold that very high, the privilege that we were able to do that, but at the same time we should recognize that that was a sacrifice by generations before us to make sure that it was fully funded. We had the quality teachers that we needed so that we could be prepared, so that we could prosper and that we could be successful. It would be a sin and shameful for us not to invest that same energy, same money, same commitment into our next generation, and I'm afraid that that's the route that we're taking. So Adam, I just want to say I agree with you wholeheartedly.

The second to last one is Robert Becker from New Orleans who wrote

me with an idea about Social Security and retirement security. He said, "We should increase the amount that is deducted from paychecks to pay into the trust fund and increase the amount employers contribute to the fund. It is in America's best interest not to have a great portion of elderly Americans living on the edge of poverty." Not only is it in America's interest, Robert, I will tell you it's the right thing to do. And at some point we have to remember that while we're here on Earth, it's for a purpose, and that's to make the world a better place. And what you're advocating for absolutely is the right thing to do. It makes this country the special country that it is.

And our last person is Barbara Olinger from Folsom. She is from Louisiana, not in my district, but she wrote, urging Congress to act on Social Security and related issues. Specifically, she was requesting that we as Congress reconsider the Social Security Fairness Act of 2009, which would repeal rules related to the Government Pension Offset and the Windfall Elimination Provision. She says this reduces her income during tough times. She wrote, "Saddest of all is I am a retired social studies teacher, American history, civics. I am so distraught. We only ask for what is right and just. If I had not ever paid a dime, I would not be asking for a dime." Well, Ms. Barbara, you're absolutely right; you paid into it, you should get it, you shouldn't be penalized. I'm not too big, too arrogant to say sometimes government gets it wrong, and government has it dead wrong on this issue, and it's something that we should address. So I want to thank those people for writing in.

And now I just want to turn for a second to something that is absolutely the climax of foolishness. See, I have a shipyard in my district called Avondale Shipyard. It used to be Northrop Grumman, then Northrop Grumman spun it off, got a \$1.5 billion credit for the asset, and they spun it off to a new company that they made, Huntington Ingalls Shipyard. Well, Huntington Ingalls, in just the first quarter this year, made \$45 million, but they decided that they're going to close that shipyard in my district. Now that's almost 5,000 direct workers that work for Huntington Ingalls, 6,000 indirect jobs. Well, it's every American company's right to decide when they want to close a business. They can decide it's just not profitable. They can decide that the heat in Louisiana and the humidity and the mosquitos are too much for them, that they can quit, that they're going to shut their plant down. That is their right and that's what we fight for in this country, to give people the right to do what they want to do. It doesn't mean I have to like it. But government should not be a coconspirator in that company's quitting on the American people.

So what I have here today, I have all of these petitions—and they're not signed by the workers. It would have been far too easy to come in here with a big box of 5,000 signatures from people who depend on Huntington Ingalls for a paycheck. This is from businesses in the community that are saying that it's just not right for Huntington Ingalls to just abandon the community.

Here's the part that rises to the level of the climax of foolishness. Now that Huntington Ingalls has decided to close, they have applied for the Federal Government to reimburse them the cost of closing. So the Federal Government is contemplating giving Huntington Ingalls \$310 million to pay for their cost of ramping down and laying off almost 5,000 people. To me, that just doesn't make good sense. We can take that \$310 million, we can put it in an economic development fund for any other business that wants to come along and create thousands of jobs. We can put it in education for those 5,000 employees so that they can be competitive in another occupation. We can take that \$310 million and pay down the debt. We can take that \$310 million and do a number of things, but I would submit to you that we don't take that \$310 million and reward a company for closing.

I offered that amendment on a bill just a few days ago, and some of my Republican colleagues supported the idea that we should not reward a company for quitting on 5,000 employees, and my Democratic colleagues overwhelmingly supported the same amendment. I would just tell you that in these tough economic times it is unconscionable to reward a company for quitting.

For those people who voted against that amendment, I would hate to have to go back to Montana, Minnesota—somewhere—and say not only did I have an opportunity to take \$310 million and give it to paying down the debt or doing something productive with it, or even doing something in my district, I decided to give \$310 million to a company that is going to make \$180 million this year. And why are we giving them \$310 million? Because they're closing. They're still going to own the property; they're still going to have the asset; they won't have the employees.

Mr. Speaker, in closing, I just wanted to quickly touch on one thing, and that is, on the last district workweek, I had the opportunity to go to the Second Harvest Food Bank of Greater New Orleans. They are leading the fight in eradicating hunger. Last year, they served 262,800 people, including 82,000 children and 40,000 seniors. I just want everyone to know that the problem of hunger, homelessness, and all of those things in our community is real. So as we cut, we need to remember to invest.

Again, I look forward to continuing this conversation on the next People's House. And you can email us at [myidea@mail.house.gov](mailto:myidea@mail.house.gov).

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRELINGHUYSEN (at the request of Mr. CANTOR) for today after noon and tomorrow on account of a family funeral.

Mr. CICILLINE (at the request of Ms. PELOSI) for today until 3 p.m. on account of attending a funeral in district.

#### ADJOURNMENT

Mr. RICHMOND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Friday, June 3, 2011, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1773. A letter from the Under Secretary, Department of Defense, transmitting the Department's quarterly report entitled, "Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account", for the period ending March 31, 2011; to the Committee on Armed Services.

1774. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-8177] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1775. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

1776. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1777. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Fluorescent Lamp Ballasts [Docket No.: EERE-2009-BT-TP-0016] (RIN: 1904-AB99) received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1778. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Rate Increase Disclosure and Review (RIN: 0938-AQ68) received May 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1779. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Animal Drugs, Feeds, and Related Products; Withdrawal of Approval of New Animal Drug Applications; Aklomide; Levamisole Hydrochloride; Nitromide and Sulfantran; Roxarsone; Correction [Docket No.: FDA-2010-N-0002] received May 5, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1780. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised Carbon Monoxide Maintenance Plan for Lowell [EPA-R01-OAR-2010-0445; A-1-FRL-9305-1] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1781. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2010-0999; FRL-9304-8] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1782. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision [EPA-R03-OAR-2010-1028; FRL-9305-2] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1783. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kahuku and Kualapuu, Hawaii) [MB Docket No.: 09-189] received May 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1784. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Electric Reliability Organization Interpretations of Interconnection Reliability Operations and Coordination and Transmission Operations Reliability Standards [Docket No.: RM10-8-000] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1785. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Version One Regional Reliability Standards for Facilities Design, Connections, and Maintenance; Protection and Control; and Voltage and Reactive [Docket No.: RM09-9-000] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1786. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Version One Regional Reliability Standard for Transmission Operations [Docket No.: RM09-14-000] received May 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1787. A communication from the President of the United States, transmitting notification that the national emergency declared

with respect to Burma is to continue beyond May 20, 2011, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112—32); to the Committee on Foreign Affairs and ordered to be printed.

1788. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-032, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1789. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-015, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1790. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-038, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1791. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-011, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1792. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-025, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1793. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-009, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1794. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-017, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1795. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 11-008, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1796. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2010 on Voting Practices in the United Nations, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

1797. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

1798. A letter from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1799. A letter from the Office of Human Resources, Environmental Protection Agency,

transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1800. A letter from the Chairman, Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2011, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

1801. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting the Commission's audited Seventieth Financial Statement for the period of October 1, 2009 to September 30, 2010 pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

1802. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska License Limitation Program [Docket No.: 0912021424-1182-03] (RIN: 0648-AY42) received May 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1803. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Pueblo, CO [Docket No.: FAA-2010-1246; Airspace Docket No. 10-ANM-17] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1804. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Taylor, AZ [Docket No.: FAA-2010-1189; Airspace Docket No. 10-AWP-19] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1805. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kenton, OH [Docket No.: FAA-2010-1054; Airspace Docket No. 10-AGL-23] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1806. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Terre Haute, IN [Docket No.: FAA-2010-1034; Airspace Docket No. 10-AGL-22] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1807. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Raton, NM [Docket No.: FAA-2010-1239; Airspace Docket No. 10-ASW-17] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1808. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Indianapolis Executive Airport, IN [Docket No.: FAA-2010-1027; Airspace Docket No. 10-AGL-15] received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1809. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Depart-

ment's final rule — Railroad Safety Appliance Standard, Miscellaneous Revisions [Docket No.: FRA-2008-0116; Notice No. 2] (RIN: 2130-AB97) received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1810. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Intermediary Lending Pilot Program [Docket No.: SBA-2011-0002] (RIN: 3245-AG18) received May 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1811. A letter from the Director, Office of Management and Budget, transmitting a draft bill "Civilian Property Realignment Act"; jointly to the Committees on Transportation and Infrastructure, Oversight and Government Reform, Financial Services, Natural Resources, the Judiciary, and Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SCOTT of South Carolina: Committee on Rules. House Resolution 294. Resolution providing for consideration of the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes, and providing for consideration of the concurrent resolution (H. Con. Res. 51) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya (Rept. 112-99). Referred to the House Calendar.

Mr. DANIEL E. LUNGREN: Committee on House Administration. H.R. 672. A bill to terminate the Election Assistance Commission, and for other purposes; with an amendment (Rept. 112-100, Pt. 1). Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Science, Space, and Technology discharged from further consideration. H.R. 672 referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAVIS of California:

H.R. 2084. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; to the Committee on House Administration.

By Ms. SLAUGHTER (for herself, Mrs.

LOWEY, Ms. LEE of California, Mrs. DAVIS of California, Ms. DEGETTE, Mrs. MALONEY, Mr. GRIJALVA, Ms. MATSUI, Mr. HINCHEY, Mr. ENGEL, Ms. WOOLSEY, Ms. EDWARDS, Mr. NADLER, Mr. TOWNS, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. WAXMAN, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. STARK, Mrs. CAPPS, Ms. BROWN of Florida, Mr.



MORAN, Ms. FUDGE, Ms. MOORE, Mr. LOEBSACK, Mr. ACKERMAN, Mr. HOLT, Mr. ROTHMAN of New Jersey, Mr. OLVER, Mr. PALLONE, Ms. DELAURO, Mr. ELLISON, Mr. QUIGLEY, Ms. SPEIER, Ms. BERKLEY, Ms. PINGREE of Maine, Mr. CONYERS, Ms. ZOE LOFGREN of California, and Mr. HASTINGS of Florida):

H.R. 2085. A bill to amend title 10, United States Code, regarding restrictions on the use of Department of Defense funds and facilities for abortions; to the Committee on Armed Services.

By Mr. SHULER (for himself, Mr. MANZULLO, Ms. VELÁZQUEZ, and Mr. HALL):

H.R. 2086. A bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGELL:

H.R. 2087. A bill to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; to the Committee on Natural Resources.

By Mr. MCDERMOTT (for himself, Mr. HANNA, Ms. HAYWORTH, and Mr. BLUMENAUER):

H.R. 2088. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees; to the Committee on Ways and Means.

By Mr. GUINTA (for himself, Mr. PETRI, Mr. SIRES, Mr. SHULER, Mr. COHEN, and Mr. CARNAHAN):

H.R. 2089. A bill to amend title 23, United States Code, to encourage the use of advanced technologies with respect to transportation projects that receive Federal funding, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HULTGREN (for himself, Mrs. BIGGERT, and Mr. LIPINSKI):

H.R. 2090. A bill to improve assessments of and research about energy critical elements, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 2091. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Ways and Means.

By Mr. GRIMM (for himself, Mr. YOUNG of Indiana, Mr. GUINTA, Mr. STIVERS, Mr. WALBERG, Mr. MCCOTTER, Mr. TIBERI, Mr. STUTZMAN, Mrs. BLACKBURN, Mr. GUTHRIE, Mr. CHAFFETZ, Mr. WESTMORELAND, Mr. HUELSKAMP, Mr. HANNA, Mr. YODER, Mr. POMPEO, Ms. JENKINS, Mr. HUIZENGA of Michigan, Mr. RIBBLE, Mr. TERRY, Mr. ROE of Tennessee, Mr. GRAVES of Missouri, Mr. CRAWFORD, Mr. DENHAM, and Mr. ROGERS of Michigan):

H.R. 2092. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 2093. A bill to establish the Fannie Mae and Freddie Mac Investigative Commission to investigate the policies and practices engaged in by officers and directors at Fannie Mae and Freddie Mac responsible for making the decisions that led to the enterprises' financial instability and the subsequent Federal conservatorship of such enterprises; to the Committee on Financial Services.

By Mr. LARSEN of Washington (for himself, Mr. HASTINGS of Washington, Mr. SMITH of Washington, Mrs. MCMORRIS RODGERS, Mr. DICKS, Mr. GONZALEZ, Mr. INSLEE, Mr. MORAN, Ms. HIRONO, Ms. HANABUSA, Mr. KISSELL, and Mr. MCDERMOTT):

H.R. 2094. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years; to the Committee on Education and the Workforce.

By Mr. MATSUI:

H.R. 2095. A bill to establish a grant program to assist retail power providers with the establishment and operation of energy conservation programs using targeted residential tree-planting, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCCAUL (for himself and Mr. LIPINSKI):

H.R. 2096. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. OWENS:

H.R. 2097. A bill to amend the Internal Revenue Code of 1986 to expand the military housing allowance exclusion for purposes of determining area gross income in determining whether a residential rental property is a qualified residential rental property for purposes of the exempt facility bond rules, and for other purposes; to the Committee on Ways and Means.

By Mr. PAYNE (for himself, Mr. HONDA, and Mr. SCOTT of Virginia):

H.R. 2098. A bill to support Promise Neighborhoods; to the Committee on Education and the Workforce.

By Mr. ROONEY (for himself, Mr. THOMPSON of Mississippi, Mr. WEST, and Mr. BONNER):

H.R. 2099. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for natural disaster mitigation expenditures; to the Committee on Ways and Means.

By Mr. ROONEY (for himself and Mr. WEST):

H.R. 2100. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Ways and Means.

By Mr. ROONEY (for himself and Mr. WEST):

H.R. 2101. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 2102. A bill to permit each commissioner of the Federal Communications Commission to appoint an electrical engineer or computer scientist to provide technical con-

sultation; to the Committee on Energy and Commerce.

By Ms. TSONGAS (for herself, Mr. PETRI, Ms. SCHAKOWSKY, Mr. TOWNS, Ms. WILSON of Florida, Mr. MCDERMOTT, and Mr. ELLISON):

H.R. 2103. A bill to modify certain requirements for countable resources and income under the Supplemental Security Income program, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself, Mr. BARROW, Mr. BOSWELL, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. DUNCAN of Tennessee, Mr. GUTHRIE, Mr. HALL, Mr. HARPER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES, Mr. KILDEE, Mr. KIND, Mr. LANCE, Mr. HEINRICH, Mr. MCINTYRE, Mrs. MYRICK, Ms. RICHARDSON, and Mr. RUSH):

H.R. 2104. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER (for himself, Mr. FORBES, Mr. HARRIS, Mr. GARRETT, Mr. BRADY of Pennsylvania, Mr. DUNCAN of South Carolina, Mrs. LUMMIS, Mr. WOODALL, Mr. GARY G. MILLER of California, Mr. WILSON of South Carolina, Mr. SCHILLING, Mr. GERLACH, Mr. PITTS, Mr. SMITH of New Jersey, Mr. FITZPATRICK, Mr. DAVIS of Kentucky, Mrs. BACHMANN, Mr. BOUSTANY, Mr. ISSA, Mr. RIGELL, Mr. WALSH of Illinois, Mr. COLE, Mr. HECK, Mr. MCCLINTOCK, Mr. TERRY, Mr. WEST, Mr. MILLER of Florida, Mr. NUGENT, Mr. ROONEY, Mr. YOUNG of Indiana, Mr. BURTON of Indiana, Mr. JOHNSON of Ohio, Mr. BILIRAKIS, Mr. TIBERI, Mr. JORDAN, Mr. LABRADOR, Mr. ROGERS of Alabama, Mr. ALEXANDER, Mr. STIVERS, Mr. SHUSTER, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. FARENTHOLD, Mr. ADERHOLT, Mr. PETRI, Mr. GIBBS, Mr. FLEMING, Mr. BROWN of Georgia, Mr. KUCINICH, Mr. SULLIVAN, Mr. POSEY, Mr. PAUL, Mr. BROOKS, Mrs. EMERSON, Mr. SENSENBRENNER, Mr. JONES, Ms. FOXX, Mr. PALAZZO, Mr. LANDRY, Mr. CHAFFETZ, Mr. BASS of New Hampshire, Mr. BARLETTA, Mr. BISHOP of Utah, Mr. CONYERS, Mr. POE of Texas, Mr. YOUNG of Alaska, Mr. GOODLATTE, Mr. FLAKE, Ms. HERRERA BEUTLER, Mr. GRIFFITH of Virginia, and Mr. HUNTER):

H. Con. Res. 58. Concurrent resolution expressing disapproval of United States intervention in Libya; to the Committee on Foreign Affairs.

By Mr. BOEHNER:

H. Res. 292. A resolution declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined



by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H. Res. 293. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Ms. GRANGER (for herself, Mr. GONZALEZ, and Mr. RUPPERSBERGER):

H. Res. 295. A resolution promoting increased awareness, diagnosis, and treatment of atrial fibrillation to address the high morbidity and mortality rates and to prevent avoidable hospitalizations associated with this disease; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of rule XXII,

53. The SPEAKER presented a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 104 designating the month of May 2011 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. DAVIS of California:

H.R. 2084.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1

By Ms. SLAUGHTER:

H.R. 2085.

Congress has the power to enact this legislation pursuant to the following:

the constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18).

By Mr. SHULER:

H.R. 2086.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 3—The Congress shall have power \* \* \* To regulate commerce with foreign nations and among the several states, and with the Indian tribes.

By Mr. RIGELL:

H.R. 2087.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. McDERMOTT:

H.R. 2088.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. GUINTA:

H.R. 2089.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution, specifically Clause 7 and Clause 18

By Mr. HULTGREN:

H.R. 2090.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. BOSWELL:

H.R. 2091.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 3 of the United States Constitution

By Mr. GRIMM:

H.R. 2092.

Congress has the power to enact this legislation pursuant to the following:

Sixteenth Amendment

Congress shall have power to levy, or repeal, taxes on incomes, from whatever source derived, without apportionment among the several States

By Ms. KAPTUR:

H.R. 2093.

Congress has the power to enact this legislation pursuant to the following:

Article. I. Section. 8.

More specifically,

Article. 1. Section 8. Clause 3.

Article I. Section. 8. Clause 18.

By Mr. LARSEN of Washington:

H.R. 2094.

At Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

By Ms. MATSUI:

H.R. 2095.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3

By Mr. MCCAUL:

H.R. 2096.

Congress has the power to enact this legislation pursuant to the following:

This legislation is authorized by the United States Constitution under Article I, Section 8, "Congress shall have the power To

... provide for the common Defense and general Welfare of the United States" and "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

By Mr. OWENS:

H.R. 2097.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress held in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. PAYNE:

H.R. 2098.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROONEY:

H.R. 2099.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROONEY:

H.R. 2100.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. ROONEY:

H.R. 2101.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STEARNS:

H.R. 2102.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 12: The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. TSONGAS:

H.R. 2103.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8, Clause 1.

By Mr. WHITFIELD:

H.R. 2104.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 3, which grants Congress the power to regulate commerce with foreign nations, among the several States, and within the Indian tribes.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. SHUSTER.

H.R. 85: Mr. HINCHEY.

H.R. 91: Mr. SMITH of Nebraska.

H.R. 218: Mr. OLVER, Ms. LEE, and Mr. JACKSON of Illinois.

H.R. 321: Ms. LORETTA SANCHEZ of California, Mr. CONYERS, and Mr. BUTTERFIELD.

H.R. 343: Ms. BORDALLO.

H.R. 370: Ms. CLARKE of New York.

H.R. 421: Ms. HAYWORTH.

H.R. 452: Mr. MANZULLO and Mr. YOUNG of Florida.

H.R. 459: Mr. HULTGREN and Mr. KISSELL.  
 H.R. 466: Mr. HIGGINS.  
 H.R. 478: Mr. YOUNG of Florida.  
 H.R. 481: Mr. YOUNG of Florida.  
 H.R. 575: Ms. ZOE LOFGREN of California.  
 H.R. 623: Ms. MOORE and Ms. LEE of California.  
 H.R. 640: Mr. LATHAM.  
 H.R. 642: Mr. HUIZENGA of Michigan.  
 H.R. 674: Mr. GIBBS, Mr. LUETKEMEYER, Mr. HARPER, Mrs. BIGGERT, Mr. POMPEO, Mr. BROUN of Georgia, and Mr. LANCE.  
 H.R. 721: Mr. POSEY, Mr. POMPEO, Mr. YOUNG of Alaska, Ms. KAPTUR, and Mr. ROSS of Arkansas.  
 H.R. 733: Mr. BRADY of Pennsylvania.  
 H.R. 740: Mr. YOUNG of Florida.  
 H.R. 756: Mr. RYAN of Ohio, Mr. ISRAEL, and Mr. HOLDEN.  
 H.R. 763: Mr. SCHOCK.  
 H.R. 820: Mr. SCHIFF, Mrs. LOWEY, and Mr. LYNCH.  
 H.R. 831: Mr. YARMUTH.  
 H.R. 853: Ms. BROWN of Florida.  
 H.R. 854: Ms. LINDA T. SÁNCHEZ of California.  
 H.R. 883: Mr. ROTHMAN of New Jersey.  
 H.R. 972: Mr. ROGERS of Kentucky.  
 H.R. 973: Mr. YOUNG of Florida.  
 H.R. 998: Mr. GARAMENDI and Mr. SMITH of Washington.  
 H.R. 1006: Mr. RUNYAN and Mr. BISHOP of Utah.  
 H.R. 1031: Mr. HERGER.  
 H.R. 1041: Mr. STUTZMAN.  
 H.R. 1057: Mr. BERMAN, Ms. ZOE LOFGREN of California, Mr. GARAMENDI, and Mr. PASTOR of Arizona.  
 H.R. 1140: Mr. YOUNG of Florida.  
 H.R. 1154: Mr. YOUNG of Florida.  
 H.R. 1164: Mr. COBLE.  
 H.R. 1172: Ms. NORTON.  
 H.R. 1173: Mr. POSEY.  
 H.R. 1190: Ms. FOXF and Mr. TIBERI.  
 H.R. 1206: Mr. ALTMIRE.  
 H.R. 1219: Mr. SCHIFF.  
 H.R. 1222: Mr. CANSECO.  
 H.R. 1224: Mr. CANSECO.  
 H.R. 1225: Mr. CANSECO.  
 H.R. 1259: Mr. HECK, Mr. REED, Mr. GRAVES of Missouri, Mrs. BIGGERT, Mr. HALL, Mr. WALBERG, Mrs. BLACKBURN, Mr. BACHUS, and Mr. SHIMKUS.  
 H.R. 1262: Mr. ROTHMAN of New Jersey and Mr. ANDREWS.  
 H.R. 1281: Mr. COBLE.  
 H.R. 1283: Mr. POE of Texas.  
 H.R. 1288: Mr. FATTAH.  
 H.R. 1297: Mr. LATTI.  
 H.R. 1309: Mr. SESSIONS.  
 H.R. 1317: Mr. RANGEL.  
 H.R. 1338: Mr. DEFazio and Mr. ELLISON.  
 H.R. 1386: Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mr. CLAY, Ms. CASTOR of Florida, Mr. FORTENBERRY, and Mr. GARAMENDI.  
 H.R. 1390: Mrs. SCHMIDT, Mr. ISRAEL, and Ms. JACKSON LEE of Texas.  
 H.R. 1394: Mr. TONKO.  
 H.R. 1404: Mr. PRICE of North Carolina and Mr. MCGOVERN.  
 H.R. 1418: Mr. BILIRAKIS.  
 H.R. 1449: Mr. FRANK of Massachusetts.  
 H.R. 1451: Mr. FILNER.  
 H.R. 1462: Mr. COHEN, Ms. FUDGE, Ms. JACKSON LEE of Texas, Mr. CLAY, Mr. SERRANO, Ms. BROWN of Florida, and Mr. BUTTERFIELD.  
 H.R. 1465: Mr. SCHRADER.  
 H.R. 1474: Mr. BROUN of Georgia.  
 H.R. 1488: Mr. BISHOP of New York.  
 H.R. 1497: Mr. KISSELL.  
 H.R. 1498: Mr. YOUNG of Florida.  
 H.R. 1506: Mr. BLUMENAUER.  
 H.R. 1514: Mr. WALSH of Illinois.  
 H.R. 1525: Mr. SCHOCK.

H.R. 1529: Ms. ROYBAL-ALLARD and Ms. HERRERA BEUTLER.  
 H.R. 1533: Mr. CUMMINGS.  
 H.R. 1551: Mr. WITTMAN, Mr. FORBES, Mr. NUGENT, Mr. PLATTS, Mr. NUNNELEE, Mr. WESTMORELAND, and Mr. COBLE.  
 H.R. 1581: Mr. FLEMING and Mr. DANIEL E. LUNGREN of California.  
 H.R. 1606: Mr. QUIGLEY.  
 H.R. 1614: Mr. COHEN.  
 H.R. 1616: Mr. POLLS.  
 H.R. 1635: Mr. HIMES and Ms. GRANGER.  
 H.R. 1639: Mr. WEST.  
 H.R. 1672: Mrs. MCCARTHY of New York.  
 H.R. 1675: Mr. HASTINGS of Washington.  
 H.R. 1712: Mr. YOUNG of Florida.  
 H.R. 1723: Mr. MCCLINTOCK.  
 H.R. 1734: Mrs. CAPITO and Mr. SCHWEIKERT.  
 H.R. 1747: Mr. LOEBSACK, Mr. HULTGREN, Mr. LATTI, Mr. SIMPSON, Mr. COURTNEY, Mrs. ELLMERS, and Mr. COBLE.  
 H.R. 1755: Mr. UPTON, Mr. YODER, and Mr. HECK.  
 H.R. 1756: Mr. ISRAEL and Mr. ACKERMAN.  
 H.R. 1795: Mr. CICILLINE.  
 H.R. 1799: Mr. GRIMM, Mr. TOWNS, Mr. RANGEL, Mr. SERRANO, and Mr. WEINER.  
 H.R. 1802: Mr. ROSS of Florida, Mr. HIGGINS, and Ms. CASTOR of Florida.  
 H.R. 1803: Mr. BRALEY of Iowa, Ms. BROWN of Florida, and Mr. ALEXANDER.  
 H.R. 1815: Mr. DEFazio, Mr. KEATING, Mr. WEBSTER, Mr. DICKS, and Ms. BORDALLO.  
 H.R. 1828: Mr. ALEXANDER.  
 H.R. 1829: Mr. ALEXANDER.  
 H.R. 1834: Mr. CAMPBELL.  
 H.R. 1839: Mr. OWENS.  
 H.R. 1848: Mrs. NOEM and Mr. STEARNS.  
 H.R. 1856: Mr. JACKSON of Illinois.  
 H.R. 1862: Ms. ESHOO.  
 H.R. 1897: Mr. MURPHY of Connecticut, Ms. CASTOR of Florida, Mr. BRALEY of Iowa, Mr. PAULSEN, Mr. GARAMENDI, and Mr. QUIGLEY.  
 H.R. 1905: Mr. BRALEY of Iowa, Ms. FOXF, Mrs. MYRICK, Mr. ROGERS of Alabama, Mr. TIBERI, and Mr. WOMACK.  
 H.R. 1912: Mr. GRIJALVA.  
 H.R. 1940: Mr. WEST.  
 H.R. 1941: Mr. MCINTYRE, Mrs. CAPPS, Mr. MCGOVERN, Mr. FATTAH, and Mr. HINCHEY.  
 H.R. 1970: Mr. GRIJALVA, Mr. HOLT, and Ms. JACKSON LEE of Texas.  
 H.R. 1974: Mrs. MALONEY and Mr. DAVIS of Illinois.  
 H.R. 2000: Mr. BARROW and Mr. COBLE.  
 H.R. 2001: Mr. POSEY.  
 H.R. 2003: Ms. EDWARDS.  
 H.R. 2005: Mr. BACHUS.  
 H.R. 2030: Mr. JACKSON of Illinois.  
 H.R. 2032: Mr. QUIGLEY, Mr. PAUL, Mr. WEINER, and Mr. WESTMORELAND.  
 H.R. 2040: Mr. COBLE.  
 H.R. 2046: Mr. FILNER.  
 H.R. 2061: Mr. FILNER.  
 H.R. 2064: Mr. AUSTIN SCOTT of Georgia.  
 H.R. 2067: Mr. DIAZ-BALART, Mr. RIVERA, Mr. ROONEY, and Mr. ROSS of Florida.  
 H.R. 2068: Mr. CLYBURN and Mr. PITTS.  
 H.R. 2069: Mr. SOUTHERLAND.  
 H.R. 2070: Mr. PLATTS, Mrs. ELLMERS, Mr. MEEHAN, Mr. KINZINGER of Illinois, Mr. TIBERI, Mr. RIGELL, Mr. KELLY, Mr. BARLETTA, Mr. LATOURETTE, Mr. GIBBS, Mrs. NOEM, Mr. COBLE, Mr. ROE of Tennessee, Mr. CHABOT, Mr. BRADY of Texas, Mr. AUSTRIA, Ms. KAPTUR, Mr. WEST, Mr. FINCHER, and Mr. NUNNELEE.  
 H.R. 2072: Mr. DOLD, Mrs. BIGGERT, Mr. MANZULLO, Mr. DAVID SCOTT of Georgia, and Ms. MOORE.  
 H.R. 2075: Mr. HINCHEY.  
 H.R. 2077: Mr. BOUSTANY.  
 H.R. 2079: Mr. ACKERMAN, Mr. BISHOP of New York, Mr. CROWLEY, Mr. ENGEL, Mr.

GRIMM, Mr. HANNA, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. KING of New York, Ms. HOCHUL, Mrs. MALONEY, Mr. MEEKS, Mr. OWENS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TONKO, and Mr. TOWNS.

H.J. Res. 1: Mr. GRIFFIN of Arkansas and Mr. COBLE.

H. Con. Res. 29: Mr. JOHNSON of Ohio.

H. Con. Res. 51: Mr. MCCLINTOCK, Mr. CONYERS, Mr. PAUL, Mr. JONES, and Mr. STARK.

H. Con. Res. 57: Mr. GRIFFIN of Arkansas, Mr. GIBSON, and Mr. DAVIS of Kentucky.

H. Res. 25: Mr. WALBERG.

H. Res. 130: Mr. FILNER.

H. Res. 137: Mr. LANCE.

H. Res. 177: Ms. ZOE LOFGREN of California.

H. Res. 258: Mr. QUIGLEY.

H. Res. 262: Mr. GRIJALVA and Mr. RANGEL.

H. Res. 270: Ms. HAYWORTH.

H. Res. 283: Ms. NORTON.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 771: Mr. RYAN of Wisconsin.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 2017

OFFERED BY: Ms. JACKSON LEE OF TEXAS

AMENDMENT No. 77: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of section 44917 of title 49, United States Code.

### H.R. 2017

OFFERED BY: Mr. GOHMERT

AMENDMENT No. 78: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the new construction, purchase, or lease of any building or space in the District of Columbia except where a contract for the construction, purchase, or lease was entered into before the date of the enactment of this Act.

### H.R. 2017

OFFERED BY: Ms. ESHOO

AMENDMENT No. 79: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to enter into a contract with a corporation or other business entity that does not disclose its political expenditures.

### H.R. 2017

OFFERED BY: Mr. HONDA

AMENDMENT No. 80: Page 60, beginning on line 15, strike “; and of which none of the funds may be used for grants for immigrant integration”.

### H.R. 2055

OFFERED BY: Mr. MEEKS

AMENDMENT No. 1: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to declare as excess to the needs of the Department of Veterans Affairs or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal

land and improvements at the St. Albans campus, consisting of approximately 55 acres of land, with borders near Linden Boulevard on the northwest, 115th Avenue on the west, the Long Island Railroad on the northeast, and Baisley Boulevard on the southeast.

H.R. 2055

OFFERED BY: MR. SHERMAN

AMENDMENT NO. 2: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

H.R. 2055

OFFERED BY: MR. ALTMIRE

AMENDMENT NO. 3: Page 32, line 7, after the dollar amount, insert “(increased by \$22,000,000)”.

Page 33, line 12, after the dollar amount, insert “(reduced by \$22,000,000)”.

## EXTENSIONS OF REMARKS

TRIBUTE TO THE HUNTINGTOWN  
HURRICANES

## HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. HOYER. Mr. Speaker, I rise today to honor and congratulate a remarkable team of young women from Maryland's fifth congressional district. The Huntingtown Hurricanes won the 3A Maryland state track and field finals on May 28, becoming the first high school team in Calvert County history to bring home a state championship title. This momentous victory was made all the more significant given the caliber of their competition.

Following an arduous, three day meet at Morgan State University's Hughes Stadium, the Hurricanes edged out John F. Kennedy High School and Catonsville High School, who tied with 47 points, by just one-and-a-half points.

This victory demonstrates that with hard work, determination, and discipline, we can reach our goals. For the past three years, the Huntingtown Hurricanes have placed second in the 3A South Region—a significant achievement—but this year, the team broke through and won the 3A South Region meet on May 21.

Fourteen student-athletes qualified for the state meet, and they remained focused and determined to achieve their dream of victory at the statewide competition.

I want to applaud Head Coach Valerie Harrington and her coaching staff—Mike Henshaw, Jim Hall, Raffaele Simpson and Deb Fillippi—for their dedication and commitment to training these superb student-athletes. And I send my hardest congratulations to the members of the championship team—Cassidy Aley, Linsey Aley, Maia Burke, Diarra Butler, Shania Collins, Erin Dix, Taylor Fallin, Ellie Frazier, Zanae Freeland, Mercedes Jackson, Payton Muse, Leea Parker, Shelby Taylor, and Hanna Weis—on their victory. I'm very proud of these young women, and I congratulate all those involved in bringing home the championship title.

Let me close by echoing Coach Harrington's sentiments after the meet. She proudly stated that this was a banner year and one that will go down in the history of Huntingtown's girls' track and field program. I know that many other women's teams will win the title in the future, but this year's Hurricanes can always hold their heads high and recall that they were the first team to win for Calvert County.

I ask that my colleagues join me in applauding this significant accomplishment.

## PERSONAL EXPLANATION

## HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. BRALEY of Iowa. Mr. Speaker, I regret missing floor votes on Wednesday, June 1, 2011. Had I registered my vote, I would have voted:

Nay on rollcall 380, On Consideration of the Resolution for H.R. 2017—Providing for consideration of H.R. 2017, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

KENNEDY CENTER JUNE 21, 2011  
PERFORMANCE SONGS OF LIFE  
CELEBRATES THE LARGEST RES-  
CUE OF JEWS DURING THE HOL-  
OCAUST WITH THE WORLD-PRE-  
MIERE OF THE ORATORIO "A  
MELANCHOLY BEAUTY"

## HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to announce that on June 21st, the oratorio, *A Melancholy Beauty*, will premier at 8 p.m. at the Kennedy Center in Washington (Concert Hall). The oratorio is a choral-orchestral work for mixed choir, children's choir, symphony orchestra, soloists, narrator, folk vocal ensemble, and indigenous folk instruments. It is dedicated to the Rescue of Bulgaria's 49,000 Jews by ordinary citizens during the Holocaust of World War II. The oratorio traces this event chronologically through the language of music in seven movements.

*Songs of Life* is an international music festival that reenacts the heroic deeds of little-known events by composing and performing choral-orchestral works for those who have not yet had a voice to sing their song. On the 65th anniversary of the rescue of Bulgaria's Jews, the 1st edition of *Songs of Life* debuted in four cities of Israel and Bulgaria featuring "Sacred Service" by Ernest Bloch with the participation of the Sofia Philharmonic Orchestra, The Raanana Symphonette Orchestra, choirs from Israel, Bulgaria, Canada, and America.

*A Melancholy Beauty* "echoes a thank you, paying tribute to the brave Bulgarian people and offering a source of inspiration, hope and change for people everywhere today," said Kalin Tchonev, who together with his wife, Sharon, founded *Songs of Life* in 2008. No Bulgarian Jews went to the concentration camps during World War II. "This oratorio could not be timelier, when people and nations

are burning bridges instead of building them. It inspires its performers and audience to stand up for justice and acceptance in the face of bigotry and hatred."

The oratorio was composed by the award-winning Bulgarian composer Georgi Andreev, who combines classical choral-orchestral music with traditional rhythms and folk styles rarely encountered today. The motet was composed by internationally renowned cantor and composer, Charles David Osborne, while a team of writers penned the libretto, including lyricist Scott Cairns and contributing author Aryeh Finklestein.

"*A Melancholy Beauty* is a major choral-orchestral oratorio that brings 300 superb choristers and instrumentalists to the stage in an unparalleled music celebration," Sharon Tchonev said. This moving oratorio will be conducted by internationally acclaimed choral director Maestro Henry H. Leck. The festival includes performances by the Indianapolis Children's Choir; the Tel Aviv Chamber Choir, Israel; the Philip Kutev National Folklore Ensemble, Bulgaria; the Victor Valley College Singers and the Master Arts Chorale, CA. The oratorio will be accompanied by the National Philharmonic in the Washington and New York performances and by the Boston Modern Orchestra Project in Boston. This coming together of musicians from countries impacted by these crucial events "is intended to redefine freedom and harmony through the power of music," Sharon Tchonev said.

*Songs of Life* invites people to pay tribute to victims and survivors and to speak out against intolerance today by attending one of the following performances of *A Melancholy Beauty*: The Citi Performing Arts Center, Wang Theatre, Thursday, June 23, 2011, 7:30 PM; Boston, The Avery Fisher Hall, Lincoln Center, Sunday, June 26, 2011, 3 PM; New York City.

COMMEMORATING AZERBAIJAN'S  
REPUBLIC DAY AND 20 YEARS  
OF U.S.-AZERBAIJAN RELATIONS

## HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. PITTS. Mr. Speaker, last week we celebrated Azerbaijan's Republic Day, which commemorates the 93rd anniversary of Azerbaijan's independence from the Russian Empire. Later this year, Azerbaijan will also celebrate the 20th anniversary of its freedom from the Soviet Union and the state of diplomatic relations with the United States.

The U.S.-Azerbaijan partnership is based on shared values and common goals. Over the last 20 years, Azerbaijan has become a key strategic ally of the United States and has helped the United States achieve important security and economic objectives in a complex part of the world.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Azerbaijan supports U.S. and NATO operations in Afghanistan, sending troops and civilian personnel to Afghanistan to serve alongside U.S. troops, as well as training civilian and security officers both in Azerbaijan and Afghanistan. Azerbaijan is also a key part of the Northern Distribution Network, which provides ground and naval transit for roughly 25 percent of the Coalition's supplies bound for Afghanistan.

Azerbaijan also plays an important role in strengthening U.S. and European energy independence and is currently expanding its commercial and economic ties with the United States. Azerbaijan, which provides roughly a quarter of Israel's oil, is a secular Muslim country that maintains close friendly ties with Israel.

Please join me in honoring Azerbaijan's 93rd Republic Day and celebrating a healthy U.S.-Azerbaijan relationship.

IN HONOR OF THE 25TH ANNIVERSARY OF THE AU PAIR IN AMERICA PROGRAM

**HON. JAMES A. HIMES**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. HIMES. Mr. Speaker, I rise today in honor of the 25th anniversary of the Au Pair in America Program. Based in Stamford, Connecticut, the American Institute for Foreign Study (AIFS) and its Au Pair in America Program have been leaders in providing young people with exceptional cultural exchange programs.

The Au Pair in America program began in 1986 with the goal of providing young people with unique cultural exchange opportunities. The first authorized sponsor for au pair programs, Au Pair in America has brought more than 87,000 au pairs from over 60 countries to live with an American family, care for children, and pursue educational interests for a year.

On June 9, 2011, the State Department will be hosting a reception in honor of the program's 25th anniversary. I congratulate AIFS and Au Pair in America on the continued success of this educational and cultural program, and extend my best wishes to all the program participants in their work to foster global exchange.

THE UNIVERSAL RIGHT TO VOTE BY MAIL ACT OF 2011

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Universal Right to Vote by Mail Act of 2011—a bill to allow any eligible voter to vote by mail in a federal election if he or she chooses to do so.

In my home state of California, voters already have this right. California is one of the twenty-nine states that, along with the District of Columbia, already provide this convenient alternative to voters.

While I love the ritual of going to the polls to vote, I know that getting to the polls on Election Day is often difficult. For some, it's impossible.

That is why I have introduced a bill that builds upon the growing trend of states to bring the polls to the voters. I believe we should try to meet our constituents halfway by increasing access to the electoral process.

What I am proposing is not new or even untested. States ranging from my home state of California, to Wisconsin, to North Carolina, to Maine have already adopted this voter-friendly policy.

With mail voting, citizens can vote from the convenience of their own homes. They will have more time to mull over their choices and make informed decisions, and they will be able to do so on their own terms.

Not surprisingly, studies have shown that some of the biggest supporters of voting by mail are parents, who must schedule time to go to the polls around so many other obligations.

Studies have also indicated that adding the option to vote by mail does not create a partisan advantage for one political party over the other.

Republicans and Democrats both benefit from similar increases in voter turnout when voters are given the choice to mail in their ballots.

In fact, overwhelming support for voting by mail is consistent across nearly every demographic—including age, income level, race, education, employment status and ideology. It is a win-win for all Americans.

After adopting a universal right to vote by mail system in 1978, California saw a thirty percent increase in the use of mail-in ballots.

Other states that have implemented this policy have seen the same degree of support from voters, which is why it is hardly surprising that States offering the option of mail-in ballots often experience greater voter participation.

There is also an extremely low incidence of fraud with voting by mail when compared to other methods of voting.

As the former President of the League of Women Voters of San Diego, I care deeply about the integrity of our electoral system.

Twenty-nine states and the District of Columbia have already proven this option works, and it is safe. It is time to give voters in the remaining states this convenient, secure and affordable alternative.

While I am proud to be from a state where citizens already have this right, I believe democracy works best when all citizens have an equal opportunity to have their voices heard.

Right now, an uneven playing field exists between states that already offer the option of mail-in ballots and states that do not.

When the same election is more accessible to voters in California than it is to voters in other states, the system is unfair.

States that fail to offer this choice stand to compromise their leverage in federal elections by curbing the greatest level of voter participation.

We should follow the lead of over half of our nation's states and ensure a uniformity of rights for all voters.

I ask my colleagues on both sides of the aisle to join me in supporting this effort to

strengthen the democratic process and give American voters the choices they deserve.

RECOGNIZING THE FOURTH FIGHTER WING OF THE UNITED STATES AIR FORCE

**HON. G.K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. BUTTERFIELD. Mr. Speaker, I rise to recognize the Fourth Fighter Wing of Seymour Johnson Air Force Base located in Goldsboro, North Carolina in my Congressional district. Today, the Fourth will be honored at the United States Air Force Memorial with the Air Force Historical Foundation's James H. "Jimmy" Doolittle Award. The award recognizes the Fourth's significant contributions to the history of the United States Air Force, as well as its bravery, determination, discipline, esprit de corps and superior joint operational management.

For over five decades the Fourth Fighter Wing has earned a distinguished place in both American aviation history and world military history. This distinction began prior to the United States officially entering World War II with pilots who volunteered to fly as part of the Royal Air Force Eagle Squadrons. Upon entering World War II, these pilots formed the Fourth Fighter Group and set records throughout the War, earning the motto, "Fourth but First." The Fourth continued to contribute to its legacy and Air Force history during the Korean conflict by engaging in the first major all-jet fighter battle in history.

The Fourth Fighter Wing proved to be a superior combat force in Southeast Asia during Vietnam with more than 8,000 combat missions. The Fourth further used their skills during the Persian Gulf War by conducting precision nighttime strikes against Iraqi forces. The Fourth Fighter Wing provided life-saving close air support in Afghanistan during Operation Anaconda, and contributed to Operation Iraqi Freedom. Despite risking their lives daily, the Fourth Fighter Wing has always served selflessly, courageously and with great distinction.

The Fourth Fighter Wing has been a source of great pride for eastern North Carolina for the past 50 years while assigned to Seymour Johnson Air Force Base in Goldsboro, North Carolina. I am very proud to see the dedication, sacrifices, and historical contributions of the Fourth Fighter Wing recognized with this award. I ask that my colleagues join me in congratulating the Fourth Fighter Wing on receiving the James H. "Jimmy" Doolittle award and offer my sincere appreciation for their service to the United States of America.

ON THE PASSING OF THE HONORABLE DEREK M. HODGE, FORMER LT. GOVERNOR OF THE U.S. VIRGIN ISLANDS

**HON. DONNA M. CHRISTENSEN**

OF THE VIRGIN ISLANDS  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mrs. CHRISTENSEN. Mr. Speaker, it is with deep sadness that I rise to pay tribute to a lifelong friend and political colleague from my district, the U.S. Virgin Islands, our former Lt. Governor and President of the 16th Legislature, the Honorable Derek Michael Hodge who passed away on May 31, 2011 after a lengthy illness.

Mr. Speaker, Derek Michael Hodge is being eulogized as a "man of integrity and enthusiasm, a brilliant attorney and politician," and I can testify that this is true of the man who spent his adult life serving his community in the public and private sector. After higher education at Michigan State University and Georgetown University Law Center, he returned to the Virgin Islands in 1972 and joined his brother's law firm, the legendary Hodge, Sheen and Finch. He entered the world of elective politics in 1974 and became District Chairman of the Democratic Party. He first ran for governor in 1982, and though unsuccessful, it was seen as a win for all of us who worked for him as it gave the Virgin Islands electorate a glimpse of his ideas and his intellect. Never one to give up, he successfully became the top vote getter in the race for the Virgin Islands Legislature in 1984. Although a freshman, his colleagues recognized his political and legal acumen, and elected him President of the 16th Legislature of the Virgin Islands. His skill and his love of the Virgin Islands was recognized by the late Governor Alexander Farrelly and he tapped Derek to be his Lt. Governor, a post that he held for eight years and to which he brought professionalism, innovation, efficiency and accountability. As Lt. Governor, he spearheaded efforts to improve the territory's infrastructure, improving the airport, health care facilities, and hazard mitigation projects. As Lt. Governor, Derek served as the territory's Commissioner of Insurance, Chairman of the Banking Board, Overseer of the Office of the Recorder of Deeds, Tax Assessor's Office and Corporations Division. He has been credited with re-establishing the territory's bond rating in the municipal bond market which bolstered the Virgin Islands capital improvement program. Throughout his lifetime, Derek wore many other hats, to include college professor, center on the Virgin Islands national basketball team, and President of the Virgin Islands Bar. His life was one of commitment to his beloved Virgin Islands.

Mr. Speaker, Derek's passing is a personal loss for me. He was "like a big brother," as we grew up together in St. Croix and were political allies and friends who worked on many issues and campaigns together including each other's campaigns for office. I will miss his friendship, his counsel and most of all his sense of humor which could soothe and tickle as well as sting. I extend my condolences to his wife Monique, his children Marisol and

Jonathan and the wider circle of his family and many friends. Derek lived with passion and integrity. His days among us were well spent and while we will sorely miss him, there are many memories that will make us smile, laugh and be glad that we are among the fortunate ones whose lives he touched along the way. May he rest in God's comfort and peace.

COMMEMORATING THE SERVICE  
OF SANTA ANA CITY MANAGER  
DAVID REAM

**HON. LORETTA SANCHEZ**

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I would like to honor the service of David Ream, city manager for the great city of Santa Ana and wish him the best in his upcoming retirement.

Having a tenure of 32 years with the city of Santa Ana, Dave has served as city manager for the past twelve years and has held several executive positions in departments including the redevelopment agency and community development.

Dave's leadership has been instrumental in the economic growth of Santa Ana and completion of several big projects including the Ronald Reagan Federal Court Building; the Discovery Science Center; a new police headquarters and City Hall expansion; and the redevelopment partnership with the Santa Ana Unified School District leading to the construction of 15 new schools in 15 years.

Dave has been a forward thinker, helping lead Santa Ana through prosperous and challenging times.

I sincerely thank Dave Ream for his 32 years of service and dedication to the city of Santa Ana and its residents. I hope you enjoy your retirement years to the fullest.

Best wishes!

A TRIBUTE TO THE YMCA OF  
GLENDALE

**HON. ADAM B. SCHIFF**

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to recognize the 85th anniversary of the Young Men's Christian Association of Glendale (YMCA).

The YMCA of Glendale, established in 1922, is a not-for-profit organization devoted to community service. It is managed by its vibrant staff and volunteers and overseen by the members, who work tirelessly to ensure that Glendale's changing needs are addressed. Today, the YMCA boasts over 5,000 active members who represent every sector of the community, and ensures everyone from children and teens, to adults and seniors benefit from the opportunities and services provided by the YMCA of Glendale. People of all ages have benefited extraordinarily from programs that facilitate a strong mind, physique, and

character. Such programs include aquatics, educational classes, martial arts, and gymnastics.

The success and well-being of children is also a key focal point of the YMCA of Glendale. By promoting character development and establishing the four core values of caring, honesty, respect and responsibility, children are more likely to overcome the negative temptations of youth such as gangs, drugs and crime.

The YMCA of Glendale is also a strong advocate of healthy living. As a part of its effort to help people achieve their goals of a healthy lifestyle, the YMCA offers a vast selection of fitness programs such as swimming, strength training, and consultations with fitness experts among other activities. Numerous seniors enjoy a variety of classes and programs, which are designed to protect the joints and improve strength. In addition, hundreds of children have immeasurably benefited from these programs, and have not only developed their physical skills, but have also built self-confidence.

For 85 years, the YMCA of Glendale has proven its selfless dedication to the community by welcoming and supporting people of all ages, religious backgrounds, incomes, and abilities. This incredible organization has embraced the city of Glendale, and to this very day implements its ultimate goal of building strong kids, strong families, and a strong community.

I am proud to recognize the past and present members and supporters of the YMCA of Glendale for their immense contributions to the community, and I ask all Members to join me in congratulating the YMCA of Glendale for 85 years of dedicated service.

THE ALLEN-FAIRVIEW CHAMBER  
OF COMMERCE: CELEBRATING 40  
YEARS OF SERVICE TO THE  
BUSINESS COMMUNITY OF  
NORTH TEXAS

**HON. SAM JOHNSON**

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is my honor to join with the Allen-Fairview Chamber of Commerce in celebrating 40 years of service to the business community of North Texas.

Since the Chamber's founding, its stated purpose has been to "advance the general welfare and prosperity of the city [. . .] so that its citizens and all areas of its business community shall prosper." I would venture to say that this goal has been met, time and again, in impressive fashion.

Allen was officially incorporated as a town in the State of Texas back in 1953. Since that day, it has grown from a small community of 400 to a bustling metropolitan suburb of nearly 90,000 citizens. The business climate of the city has matched the growth, transitioning from mom and pop shops to corporate headquarters and state of the art shopping centers—all while maintaining a strong sense of community.

In fact, Allen has been recognized by Money Magazine as one of the top 20 places in America to live and by Forbes as one of the top 25 places to relocate a business. These impressive designations not only attest to a friendly business environment, but to the great quality of life the city's residents enjoy.

It's leadership from folks in city government, economic development groups, and the organization we honor today—the Allen-Fairview Chamber of Commerce—that has built this city into a shining example of Hometown USA.

To the Allen-Fairview Chamber of Commerce, a business advocate at its best, congratulations on an outstanding 40 years, and best wishes for the years to come.

God bless you. God bless America. God bless Texas. I salute you.

#### MARCH FOR MILITARY WOMEN ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. SLAUGHTER. Mr. Speaker, I rise in support of The MARCH for Military Women Act (Military Access to Reproductive Care and Health), legislation that will help our servicewomen to gain access to reproductive health services. As our servicewomen risk their lives defending our country, it is deeply unfair that they are denied the rights of the Constitution that they defend.

Currently, the health coverage provided to servicewomen fails to cover abortion, even in the case of rape or incest. Moreover, our servicewomen cannot pay for abortions with their own money on overseas military bases, even when local services are unsafe.

The epidemic of sexual assault in the military highlights the unfairness of these prohibitions. Department of Defense statistics show that 3,158 sexual assaults were reported in the military in fiscal year 2010. While shocking, that statistic only reflects a fraction of the sexual assaults, due to under-reporting in the military. Indeed, the Defense Task Force on Sexual Assault in the Military Services report estimated that as many as 90 percent of sexual assaults go unreported. After a woman is assaulted, she should not have to fight to receive medical services such as an abortion.

Access barriers facing rape victims in the military are just one example of the indignities suffered by servicewomen who need to terminate their pregnancies.

Currently, servicewomen are not allowed to purchase abortion services with their own funds on overseas military bases. They were afforded this right until 1988, when the Department of Defense rescinded it. Preventing servicewomen from accessing abortions on military bases means that they may be forced to rely on unsafe local facilities. Failing that, a servicewoman would need to request permission from her supervisor to leave her combat mission and return to the United States.

The current prohibitions in the military are unfair, unjust, and potentially dangerous.

A recent article in Religion Dispatches tells the story of a young Marine, who after being

raped, attempted to self-abort. Her only tools were an herbal abortifacient, a rifle cleaning rod, and a laundry pin. Despite dangerous hemorrhaging, she kept working for five weeks until she realized that she needed to return to the United States for medical treatment.

Our servicewomen deserve the right to determine their own destiny, without risking their health unnecessarily. That is why I have introduced legislation that will:

Lift the statutory ban that denies U.S. servicewomen coverage for abortion care in cases of rape or incest;

Lift the statutory ban that prevents women in the military from using private funds to access abortion services at U.S. military facilities.

Our servicewomen deserve better. I urge you to help servicewomen access their constitutionally-protected rights.

#### VFW POST 2995, REDMOND, WASHINGTON

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. REICHERT. Mr. Speaker, I rise today in recognition of VFW Post 2995 in Redmond, Washington, and its members' dedicated service to our men and women in uniform.

For more than six years now, members of the Post have collected items to put together "comfort packages" for our troops. Each package is sent to an individual service member on the front lines. After six years of dedicated work on behalf of our troops, the Post is celebrating today because they are packing their 10,000th comfort package! To pay their postage expenses, Mr. Speaker, the Post holds fundraisers and accepts donations from appreciative members of the community.

The most dedicated and tireless volunteer involved with the program is an 85-year-old WWII veteran named John Kenny. Mr. Kenny was awarded the Purple Heart for his service in WWII and he certainly deserves recognition for his service now, too.

Mr. Speaker, I hope this House can somehow conduct our work and our lives as selflessly as Mr. Kenny. Please join me in thanking him, Mr. Speaker, and thanking VFW Post 2995 in Redmond for never wavering in their support for the bravest men and women on the face of this earth. 10,000 packages to our troops is quite an achievement and quite a service, thank you.

#### PERSONAL EXPLANATION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on official business and missed rollcall vote Nos. 386, 387 and 388. Had I been present, I would have voted, "no" on rollcall vote Nos. 386, 387, 388.

| Bill, Amendment                     | Roll No. | Vote |
|-------------------------------------|----------|------|
| H.R. 2017, Royce Amendment .....    | 386      | No   |
| H.R. 2017, Poe (TX) Amendment ..... | 387      | No   |
| H.R. 2017, Cuellar Amendment .....  | 388      | No   |

#### IN RECOGNITION OF MATTEO RIZZO

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. SPEIER. Mr. Speaker, I rise this evening to pay tribute to Matteo Rizzo, a lifelong educator who is retiring as Superintendent of the Jefferson Elementary School District, serving the communities of Daly City and Colma, California.

In his tenure as Superintendent, Mr. Rizzo has been known for his personal involvement with all the stakeholders in his district, from teachers, to parents, to administrators and, most importantly, the students themselves. He served as the District's representative in staff contract negotiations, oversaw budget decisions, coordinated the recruitment, selection and assignment of teachers, principals and other personnel and put his imprint on every aspect of life and learning in the Jefferson Elementary School District.

As is the case in school districts across our country, Superintendent Rizzo was asked to do the impossible—educate a diverse student population in an environment of dwindling financial resources, all the while staying focused on preparing them to achieve to their utmost ability in an increasingly competitive world.

To do this, Matteo relied heavily on the skills he gained as an Assistant Superintendent, Principal, Vice-Principal and teacher—all within the Jefferson Elementary School District. His unsurpassed institutional knowledge and commitment to bettering the lives of young people will be sorely missed and not easily replaced. Fortunately, he leaves his successor with a legacy of excellence and community involvement that can be built upon in future years.

Mr. Speaker, Matteo Rizzo is a living example of the benefits of public education and the fruits of hard work. A product of local schools, he is a graduate of San Francisco State University, where he received a Bachelor of Arts in Mathematics, his California Teaching Credential and two Masters of Arts—one in Education and another in Educational Administration. He has been honored at every step of his career, including earning a "California Distinguished School" award for Fernando Rivera Middle School in 2001, while serving as the school's principal.

Mr. Speaker, Superintendent Rizzo has certainly earned his retirement. On behalf of the Congress of the United States of America, I wish to thank him for his exceptional service to our nation and wish him only the best as he now has time to travel with his amazing wife, Clydie, play a lot more golf, do a little more duck hunting and, as rumor has it, learn to play the guitar.



Matteo Rizzo, simply put, is a good man who spent his entire professional career doing good for his community. There's no need to tell that to the thousands of children he educated, or his son, Matthew, and daughter-in-law, Jill, but the rest of America can benefit from knowing that extremely capable and committed professionals like Matteo Rizzo show up at school districts across this country every day with no other goal than to move our country forward, one student at a time.

It is for these reasons and more that I ask my colleagues to join me in thanking Superintendent Matteo Rizzo for his service.

#### HONORING THE LIFE AND LEGACY OF FORMER TEXAS GOVERNOR BILL CLEMENTS

#### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. HENSARLING. Mr. Speaker, today I wish to pay tribute to a true Texas trailblazer, Governor William "Bill" Clements.

After the loss of his family farm during the Great Depression, a young Bill Clements went to work as an oil-field roughneck, no doubt shaping him into the legendary man and governor Texas would come to know and love. Working his way from roughneck to CEO, the invaluable lessons he learned along the way led him to the White House as deputy secretary of defense for Presidents Nixon and Ford.

In 1978, he came home to a Texas politically dominated by the Democrat party to run for governor and, in an upset victory, he became the first Republican elected since Reconstruction. Bringing this experience to the office, Governor Clements changed business as usual in the state by demanding sound budgeting and management policies, taking a tough stance on crime and working toward education improvements. After losing his first re-election bid in 1982, Clements returned to the Governor's Mansion four years later for his second and final term. Governor Clements' hard work and dedication built a firm foundation for Texas's future, and is the reason Texas has remained the successful economic model it is today.

After retiring from public life, Governor Clements made his home in Dallas where he spent his days supporting the Texas treasures he loved so much. He was an avid supporter of the Boy Scouts and contributed generously to the organization. Perhaps one of his most significant contributions was the land he and others worked hard to obtain for the Scouts in Henderson County—known today as "The Clements Scout Ranch." As an Eagle Scout and Representative of Henderson County, I am especially thankful for Governor Clements' dedication to Scouting. I know that, because of his time and effort, generations of Scouts in and around Henderson County will enjoy many summers filled with camping, fishing, hiking and horseback riding.

We will always remember his infectious love for Texas. Bill Clements truly embodied the Lone Star spirit. While he will be missed, his

legacy will live on in the hearts and minds of all Texans.

#### PLUMMERS LOCAL UNION 210 ANNUAL APPRENTICE GRADUATION BANQUET

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 3, 2011, the Plumbers Local Union 210 will honor the graduating class of 2011 at the Annual Apprentice Graduation Banquet, which will be held at Tiebel's Restaurant in Schererville, Indiana.

At this year's banquet, the Plumbers Local Union 210 will recognize and honor the 2011 Apprentice Graduates. The individuals who have completed their apprentice training in 2011 are: Bruce Bigbie, Christopher Dodrill, Jacob Fredericks, Derek Gatlin, Robert Gorka, Travis Hamilton, Mario Hodalj, Joseph Hull, Brian Juris, Robert Piekarczyk, William Schuitema, Eric J. Smith, Jacob Wellsand, and Daniel Wydro, Jr.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, D.C.

#### TRIBUTE TO MR. SYLVAN SIEGAL

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. GONZALEZ. Mr. Speaker, I rise today to honor Mr. Sylvan Siegal, a San Antonio native who bravely fought in the front lines of World War II. Last month, I had the honor of presenting the Bronze Star Medal to Mr. Siegal's brother—64 years after Sylvan Siegal should have received it for his combat service as an Army infantryman in World War II.

During World War II, Sylvan Siegal served in Rifle Co. "B" of the 406th Regiment of the 102nd Infantry "Ozark" Division which helped obliterate the Nazi army in central Germany.

After Sylvan died this past September, his brother, Ben Siegal, found his brother's Army documents among his belongings. It showed. Mr. Siegal had earned the Combat Infantry Badge and was awarded the EAME Campaign

Ribbon with 2 Bronze Stars, the Victory Ribbon, 2 Overseas Service Bars, Army Occupation Ribbon and the Good Conduct Medal.

Mr. Siegal passed away this past September, at the age 84. He is buried next to his beloved parents, Louis and Bluma Kagan Siegal.

Because Mr. Sylvan Siegal was proud of both his Jewish heritage and his service to our country, Ben Siegal chose his synagogue, Rodfei Shalom, for the medal presentation where Rabbi Aryeh Scheinberg delivered the following remarks:

When the Japanese bombed Pearl Harbor on December 7, 1941, and the United States declared war on Japan and Germany, American Jewish men and women responded to their country's call for the armed forces.

During the course of World War II, 550,000 men and women of Jewish faith served in every branch of the armed forces of the United States.

Twenty-two Jews attained senior rank in the Armed Forces—18 were generals, 6 were major generals, 12 were brigadier generals, 1 was vice admiral, 2 were rear admirals, and 1 was a commodore.

The total number of Jewish war casualties was 38,338; 11,000 Jews were killed, 7,000 in combat.

Approximately 26,000 Jewish men and women in uniform received citations for valor and merit. The number of awards totaled 49,315, including 3 Congressional Medals of Honor, 66 Distinguished Service Crosses, 28 Nag Crosses, 41 Distinguished Service Medals, 244 Legions of Merit, 1,434 Silver Stars, 2,047 Distinguished Flying Crosses, 191 Soldier's Medals, 28 Navy and Marine Corps Medals, 4,641 Bronze Star Medals, 13,212 Air Medals, and 14,550 Purple Hearts.

Today, we honor the heroism and patriotism posthumously of Sylvan Siegal, but we also pay tribute to the unsung heroism and patriotism of the American Jewish servicemen of World War II.

Before these men could engage the true enemy, they had to battle anti-Semitism while trying to enlist and later, when confronting the prejudices of their fellow soldiers who believed Jews were cowards, poor soldiers, and poor leaders. These Jewish GIs would go on to prove themselves in battle, but first they would be forced to fight for their comrades' respect as soldiers.

Dietary restrictions presented a challenge to traditional Jews. They were "eating Ham For Uncle Sam". "Uncle Sam" virtually ignored the ancient dietary restrictions of Jews, and many had to eat ham or starve.

Jewish service in World War II transformed Jewish world views. The transformation began during military training where many Jews broke out of their insular ethnic world and discovered the diversity of America.

Serving in World War II made American Jewish soldiers feel both more Jewish and more American. Many anti-Semitic soldiers were also racist. The seeds for the Black-Jewish alliance of the 1960s were sown during World War II.

Jews were fighting not just for their country, but also for the fate of European Jewry. Their Jewishness resonated as they searched for European Jews while on leave and then saw their worst fears confirmed in the emaciated bodies at the concentration camps.

Prior to the War, both Judaism and Catholicism had been outsiders to the American dream. Judaism assumed an American legitimacy unanticipated at the start of the war. Protestantism, Catholicism, and Judaism were deemed to share common values

that made them the religions of democracy. Acceptance of the Judeo-Christian tradition in the armed forces would force Protestants to share the Christian label with Catholics and to include Jews as equal partners in America.

For post-war generations, the experience of the war changed the generation that fought it and helped launch the civil rights movement, the Great Society, and America's rise to global predominance.

For the Jewish people, patriotism, sacrifice and justice were the cherished ideals of a people who seek peace, but they were ready and are ready today, to sacrifice and pay a very great price for real peace.

May that peace come speedily in our time.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. Sylvan Siegal for his dedication to our country, the military and to his faith.

#### RECOGNIZING THE CAREER OF NANCY JONES AFTER 36 YEARS OF SERVICE TO CONGRESS

##### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. GEORGE MILLER of California. Mr. Speaker, today, I rise to recognize and thank Nancy Jones upon her retirement from the Congressional Research Service after 36 years of service to Congress. Ms. Jones has worked with issues regarding the rights of individuals with disabilities since she began her career at CRS in 1975, the same year the Education for all Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), was enacted. She has been part of every reauthorization of IDEA, working on issues relating to attorneys fees, the provision of services to infants and toddlers, and even the change in the name of the statute. In addition to work during reauthorizations, Ms. Jones has worked with congressional staff to provide insight regarding the implications of other statutes on the education of children with disabilities. For example, she analyzed the implications of the American Recovery and Reinvestment Act (ARRA) funds for these students, especially regarding the maintenance of effort provisions in IDEA, and she has been a part of bicameral, bipartisan briefings in preparation for the Elementary and Secondary Education Act (ESEA) reauthorization.

In addition to education issues, Ms. Jones worked on the enactment of the first major civil rights act for individuals with disabilities, the Americans with Disabilities Act (ADA), and in the more recent ADA Amendments Act (ADAAA). Prior to the 1990 enactment of the ADA, she participated in regular meetings with bipartisan staff thinking through how the ADA could be structured to best protect the rights of individuals with disabilities while not unduly burdening private entities. Because of her work, she was thanked in the CONGRESSIONAL RECORD and was privileged to attend the White House ADA signing ceremony. Following enactment, she continued to inform Congress on the Supreme Court decisions about the ADA, and the regulatory and enforcement issues under the ADA. She wrote numerous reports and memoranda and as-

sisted staff in understanding the Supreme Court decisions which were the impetus for the ADAAA and the implications of proposed legislative language.

After Hurricane Katrina, Ms. Jones worked extensively with staff on the question of emergency protections for individuals with disabilities. During another emergency, the H1N1 influenza pandemic, she analyzed the implications of the pandemic on employment issues for individuals with disabilities as well as issues regarding the provision of scarce medical resources.

Ms. Jones has also worked extensively on issues relating to genetic discrimination which ultimately resulted in the Genetic Information Nondiscrimination Act (GINA). She analyzed whether ADA protections extended to genetic disorders, especially those that have not manifested, and addressed other issues unique to GINA.

This June, Nancy Jones will retire from CRS after 36 years of service. I commend Ms. Jones for her distinguished career and her dedication to ensuring a fully-informed legislative process, especially in matters involving the rights of individuals with disabilities. In any area where she was involved, the development of Federal law and the effectiveness of congressional oversight were well-served.

#### REVEREND PHARIS EVANS 50TH ANNIVERSARY

##### HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. VISCLOSKEY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor and congratulate Reverend Pharis D. Evans on his 50th Anniversary as Pastor of Clark Road Missionary Baptist Church in Gary, Indiana. I can truly say that throughout his many years of service, Pastor Evans has been one of the most dedicated, distinguished, and committed citizens of Indiana's First Congressional District. He will be honored at a lifetime achievement celebration hosted by Clark Road Missionary Baptist Church on June 10, 2011.

Reverend Pharis Evans graduated from Haywood High School in Brownsville, Tennessee. His passion and interest in theology grew from the church services he attended as a child, and he knew from a very young age that he was destined to be a preacher. He studied theology at Chicago Baptist Institute and continued his studies at Calumet College of Saint Joseph in Whiting. The first Sunday in April 1961, Pharis D. Evans became Pastor of Clark Road Missionary Baptist Church. For 50 years, Pastor Evans has administered spiritual guidance to his congregation that today includes more than 800 parishioners. He has positively impacted the lives of countless individuals through his spiritual teaching and generous nature. During his tenure, he has assisted the church and the community in numerous capacities. From 1963 to 2011, Reverend Evans has coordinated and maintained Radio Broadcast Outreach Ministry. From 2009 to 2011, he was appointed and has

served as "Spiritual Advisor" for the Baptist Ministers Conference of Gary and Vicinity; and in 2008, Pastor Evans was awarded the prestigious community service Drum Major Award by the Gary Frontiers Organization. Additionally, he has served as President and Vice President of the Progressive National Baptist Convention for the state of Indiana. He also served as chaplain for the Gary Police Department. Because of his passion and remarkable leadership, Pastor Evans is a mentor for many young ministers and a counselor for pastors in search of guidance and direction. For his complete devotion to helping others in need of spiritual guidance, he is to be commended.

Personally, I am humbled to consider Pastor Evans a friend. My life and the lives of all those he has touched have been inestimably enriched by the wisdom of his words, his innumerable selfless acts of kindness, and his absolute devotion to Our Lord.

Equally important is Reverend Evans's beloved family. He has been married to Ann Evans for 60 years this October. They have five wonderful children (one deceased), nine grandchildren (one deceased), and two great-grandchildren.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Reverend Pharis Evans for his lifetime of leadership and selfless service to others. Northwest Indiana and Clark Road Ministry Baptist Church have certainly been rewarded by the uncompromising loyalty he has displayed over the past 50 years. Throughout his tenure he has been the truest example of morality and wisdom, and he is worthy of the highest praise.

#### TRIBUTE TO WARREN SAVAGE

##### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. HUNTER. Mr. Speaker, today I rise to recognize someone who has dedicated their entire life to the service of their fellow citizen. This week, Warren H. Savage, Jr. will conclude his term as the Executive Director of the Santee, California Chamber of Commerce; a final chapter in a career that began fifty-five years ago when he first entered public service as a member of the United States Navy.

The Navy only marks the starting point for Warren, whose list of accomplishments is as distinguished as it is long. He served thirty-six years in the Naval Reserve, including four years on active duty, with his final twenty years of service as a commissioned Naval Officer.

Warren also served two states and several localities as a volunteer firefighter and instructor. His leadership roles over the course of his career, whether as a member of the military, a community volunteer or an advocate for the city of Santee, are a testament of selfless devotion.

To know Warren, it's necessary to reflect on his decision to join the Navy. We all know that Americans join the military for one of several reasons. In some cases, the decision is based on the education and benefits that are available. Others choose to serve in the interest of

acquiring direction or discipline that might be missing in their lives. Then there are those who serve because they love America and believe in everything it stands for, which is exactly the type of person Warren is—a selfless patriot who understands that quality leadership and personal sacrifice are what defines this great country.

Warren's contribution doesn't end there. In fact, it's just the beginning of what would be many more years of public service in varying forms, including serving residents in both Virginia and California as a volunteer firefighter. He held positions as Assistant Chief and Deputy Chief in Burke, VA; Deputy Chief and Fire Chief in Annandale, VA, and Battalion Chief and Chief Training Officer for Fairfax County, VA.

Warren also trained his fellow volunteers as a National Fire Protective Association (NFPA) Instructor IV for the Commonwealth of Virginia Office of Fire Programs, and served as a curriculum reviewer and writer for Virginia State Fire programs. He was also an adjunct instructor for the National Fire Academy in Emmitsburg, Maryland, and The Commonwealth of Virginia State Fire Academy.

Warren was instrumental in starting the International Association of Fire Chiefs (IAFC) Volunteer Section and was a member of the IAFC Accreditation Development Group and served as a member of the Accreditation alpha site and team leader and member of beta site, as well as a peer assessor and team leader at on-site Accreditation of Fire Agencies. He was a contributing author of the Commission on Fire Accreditation International's (CFAI) "Fire and Emergency Services Self Assessment" manual as well as its "Exceeding Customer Expectation" manual.

Eventually, Warren and his wife Barbara found themselves together in Santee, California, where he would continue his life of dedicated service in both the business and firefighter community.

As Executive Director for the Santee Chamber of Commerce, he has worked diligently to promote good relationships with the City of Santee, the School Department, the Water Authority and businesses in the area. He also serves as a member of California's State Citizen Corps council, a statewide policy board and is the California State Advocate for Fire Corps under Federal Emergency Management Agency.

Warren is also the Chairman of the San Diego County Heartland Paramedic Program County Service Area. He also served on the Community Oriented Policy Committee since January 2008 and the Salary Setting Advisory Committee since January 2009. Warren has been involved with the Santee Collaborative since 1996 and chaired the Santee Redevelopment POC.

Warren's life has been defined by service to his fellow citizen. He might be retiring, but that just means Warren will have even more time to do what he enjoys most: serving others. Call it a new chapter of that selfless pursuit he's shown for so many years.

Mr. Speaker, I wish Warren continued success in everything he does. And I ask that my colleagues join me in paying tribute to such a great American.

HONORING REAR ADMIRAL J. SCOTT BURHOE ON HIS RETIREMENT FROM THE U.S. COAST GUARD

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. COURTNEY. Mr. Speaker, I rise today to pay tribute to Rear Admiral J. Scott Burhoe, the 39th Superintendent of the United States Coast Guard Academy in New London, Connecticut. Admiral Burhoe will retire from the Coast Guard after more than three decades of service to our Nation.

He considered his position at the Academy to be his dream job, and served as the first non-Academy graduate to lead the school in at least a hundred years. Admiral Burhoe has a strong passion for higher education. Burhoe stated on several occasions that being Superintendent of the Academy is "the only job he wanted in the Coast Guard". As Superintendent, he was well regarded by both the cadets and staff as being an open, honest, and caring leader with a strong vision for our Nation's "best kept secret" in higher education.

During his tenure he raised the Academy to the number one baccalaureate college in the North as ranked by U.S. News and World Report and the school had five Fulbright and three Truman scholars. He oversaw an increase in minority admissions, growing from 12 percent minority representation at the Academy in 2008 to 24 percent in 2010. As important, he stressed the critical need for the academy to be a part of the greater New London and southeastern Connecticut communities—and under his command, cadets could be found volunteering to help residents with their taxes, cleaning up the Long Island Sound, and mentoring children in local schools.

In discussing his next steps, Burhoe told the New London Day that "education is the key to moving the country forward, and I want to continue to be involved in it." It is fitting, then, that after he is relieved of command, Burhoe will serve as the 10th President of Fork Union Military Academy in Fork Union, Virginia, a college preparatory and military boarding school for young men founded in 1898.

Scott Burhoe was a valuable asset to the Coast Guard, the Coast Guard Academy, the New London community and our Nation. He began his tenure at the Academy at a difficult time in the school's history, but worked tirelessly to instill a culture of character and integrity in the young cadets that will serve as the leaders of our Nation's Coast Guard long into the future. He has left his mark on thousands of cadets and played an integral part in shaping the next generation of Coast Guard officers. His passion for the service and the training of our Nation's future leaders will be missed.

I ask my colleagues to join me in praising Admiral J. Scott Burhoe's commitment to higher education and the accomplishments of this remarkable leader.

IN OPPOSITION TO EXTENSION OF PATRIOT ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. PAUL. Mr. Speaker, I rise in strong opposition to this extension of the three provisions of the misnamed PATRIOT Act. It is a travesty that the House and Senate leadership bring this measure to the floor at the 11th hour—just as the provisions are on the verge of sunset—hide it as an amendment to an unrelated Senate bill, and issue all manner of alarmist warnings that if we do not pass it without delay a terrorist attack is imminent. No amendments were allowed, nor were substantive opportunities to engage in a broader debate on the three measures being extended.

Let us be clear about one thing: the PATRIOT Act is unconstitutional. The three measures that were extended today were the most controversial sections of the original bill, which is why the sunset provisions for these were built into the original bill in the first place. The Fourth Amendment to the U.S. Constitution is clear on these issues:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Section 206 and Section 215 of the PATRIOT Act, which the House is renewing today, remove that particularity requirement, allowing massive surveillance of American citizens' most private and personal effects.

These sections, along with the never used "Lone Wolf" provision are unnecessary, they do not protect us against terrorism, and they should be allowed to sunset. There is little evidence the PATRIOT Act has directly led to the conviction of anyone on serious terrorism charges, but there is plenty of evidence that federal agencies have repeatedly used its provisions to unnecessarily spy on American citizens.

I remain most strongly opposed to the PATRIOT Act and any such attack on the civil liberties of American citizens. Such measures may be well-intentioned and put in place under the belief that the sacrifice of liberty is required for our safety, but nothing could be further from the truth.

RECOGNIZING THE EXEMPLARY COMMUNITY SERVICE OF DR. HO S. BAE

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. BECERRA. Mr. Speaker, I rise today to honor a truly remarkable member of my community, Dr. Ho S. Bae, the medical director of the Asian Pacific Liver Center at St. Vincent's

Medical Center. Dr. Bae has dedicated his career as a physician to improving the lives of people in my district. As we have just completed celebrating Asian American Pacific Islander Heritage Month, it is fitting that we recognize the significant accomplishments of our AAPI community leaders.

In 2007, Dr. Bae founded the Asian Pacific Liver Center after noticing a disproportionately high incidence of Chronic Hepatitis B (CHB) in Asian American communities in Los Angeles. Rather than be a passive witness to this growing public health problem, Dr. Bae took action to educate the public regarding CHB and increase the availability of treatment for this life threatening disease.

Since founding the center, Dr. Bae has been providing comprehensive services ranging from free screening, vaccinations, education and treatment for people afflicted by and at risk of contracting CHB. Dr. Bae has screened over 10,000 individuals and provided free hepatitis and liver cancer education to several thousand others at community venues. He has also been a leader in ensuring that information and strategies on how to protect individuals from the disease are communicated to patients in a culturally and linguistically appropriate manner. This has vastly improved the value of his center's work by helping individuals make better lifestyle choices to effectively treat the disease and erase the stigma associated with it.

Dr. Bae's emergence as a leader on this issue provides true inspiration to all who hope to be a positive influence for the next generation of Americans. I am proud to have such a wonderful leader in my district and honored to recognize his service as we celebrate Asian American Pacific Islander Heritage Month.

Mr. Speaker, it is with great pride and honor that I ask my colleagues to join me today in saluting Dr. Ho Bae and the countless Americans of Asian and Pacific Islander descent who are making a difference in their communities and throughout our country.

#### RECOGNIZING THE FOUNDATION FIGHTING BLINDNESS 40TH ANNIVERSARY

##### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. SESSIONS. Mr. Speaker, across the nation, more than 10 million Americans are affected by retinal diseases that cause blindness, such as retinitis pigmentosa and age-related macular degeneration. By 2020, that already-staggering number is expected to increase by 50 percent as our nation's population ages. Although these diseases do not attract as much attention as some others, their impact on the lives of our family, friends and constituents is significant.

The Foundation Fighting Blindness is hosting its national VISIONS Conference in Baltimore, MD, bringing together a special community of patients from 35 states and eight countries, world-renowned researchers committed to finding treatments and cures for these diseases, and physicians who provide

patient care on the front lines. This gathering will also commemorate the Foundation's 40th anniversary, celebrating four decades of breakthroughs, progress and hope in the field of retinal disease research. There is much to celebrate, as recent advances in research have given new hope for restoring the vision of those living with retinal diseases. Recently published results from a breakthrough study funded in part by the Foundation Fighting Blindness show that gene therapy restored vision in patients who were previously blind due to a blinding genetic disease called retinitis pigmentosa. A nine year old boy witnessed some of the most striking results of the trial, gaining the ability to play baseball and read the chalkboard in class for the first time.

None of this life-changing work would be possible without the relentless innovation of the Foundation Fighting Blindness, which provides the capital necessary to begin new, previously unfunded research—allowing scientists to investigate uncharted territory. More often than not, this funding is the catalyst that drives research to gain widespread acceptance and thus funding from other sources, such as the National Eye Institute, one of the National Institutes of Health.

Now, in this unprecedented time of promise, partnership between private and public sectors is paramount to eradicating these blinding diseases. I urge you to recognize the efforts of pioneering organizations like the Foundation Fighting Blindness, and the National Eye Institute so that research will continue to flourish and life-changing cures may be realized.

#### RECOGNITION OF THE ACCOMPLISHMENTS AND SACRIFICES OF THE HUI PANALA'AU COLONISTS

##### HON. COLLEEN W. HANABUSA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. HANABUSA. Mr. Speaker, I rise today to recognize and commend the accomplishments, sacrifices, and contributions of the over 130 young men from Hawai'i, the majority of whom were native Hawaiians, who participated in a seven-year colonization project which resulted in the United States extending its sovereignty into the equatorial Pacific.

May 13, 2011 marked the 75th anniversary of President Franklin D. Roosevelt's Executive Order 7368 proclaiming United States' jurisdiction over the islands of Howland, Baker, and Jarvis—islands which still remain possessions of the United States today. These young Hawaiian men, many of whom were students at Kamehameha Schools, were charged with a colonization plan aimed at placing U.S. citizens as colonists on the three remote islands.

These men spent three to four months at a time on the islands. Their duties were to record weather conditions, cultivate plants, maintain a daily log, record types of fish caught, observe bird life, and collect specimens for the Bishop Museum in Honolulu. During the seven years of colonization, these men made numerous sacrifices, endured hardships, and risked their lives to secure and

maintain the islands. Sadly, three young men gave their lives protecting these islands.

The federal government has never fully recognized the accomplishments, contributions, and sacrifices of the colonists. Today there are less than half a dozen of these colonists still alive and most of them are now in their 90s. In honor of the 75th anniversary of the Executive Order, I once again recognize the accomplishments and sacrifices of the Hui Panala'au colonists and extend appreciation on behalf of Hawai'i and the people of the United States.

#### PERSONAL EXPLANATION

##### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. MANZULLO. Mr. Speaker, I missed a series of votes yesterday because of a family medical issue. If I had been here, I would have voted "yea" on rollcall No. 381; "yea" on rollcall No. 382; "yea" on rollcall No. 383; "yea" on rollcall No. 384; "no" on rollcall No. 385; "yea" on rollcall No. 386; "yea" on rollcall No. 387; and "no" on rollcall No. 388.

#### RECOGNIZING THE POTENTIAL OF AMERICAN INNOVATION

##### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. FATTAH. Mr. Speaker, I rise today to draw the attention of the House to a recent column published in The Philadelphia Inquirer describing the accomplishments of West Philadelphia High School's Hybrid X Team.

This team of students from an urban high school recently shared the winners' circle of the Green Grand Prix with the Chevy Volt. The Hybrid X Team's continued success provides a clear example of what's at stake in our current Appropriations considerations and the future of the economy. Simply put, when we invest in these innovative areas of our economy, the education and research that bring about new discoveries, technologies and processes, we are securing shared prosperity for ourselves and our posterity. If, instead, we shirk our responsibilities to young inventors and shortchange the early research that makes new inventions possible, we are conceding defeat in the global race to innovate.

I encourage my colleagues to review this article and to consider the importance—and the possibilities—of a robust, innovation-minded economic policy.

[From the Philadelphia Inquirer, Jun. 1, 2011.]

#### DRIVER'S SEAT: LOCAL TEAM WINS HONORS FOR FUEL-EFFICIENT VEHICLE

(By Scott Sturgis)

Great moments in engineering don't always come from multinational corporations with multibillion-dollar budgets.

Sometimes the feats come from hard-working young people—and perhaps a mentor or four. That's just how one of the most

fuel-efficient vehicles in the world was built right here, in West Philadelphia, and how the West Philly Hybrid X Team won not one but two national awards for two separate automotive projects this spring.

Simon Hauger, electrical engineer turned high school teacher turned consultant, is the power behind the 15-student team from West Philadelphia High School. He formed the group 13 years ago and has led students through a variety of projects creating fuel-efficient automobiles, usually on a budget that automakers might put into a new hubcap.

Hauger had the chance to visit with the head of Ford's technology division a few years back and, while touring with the students, posed a question.

"I said, 'Why aren't you pursuing this' type of extreme fuel efficiency? Hauger said. 'His answer: 'We're waiting to see where the market goes.'"

Fortunately, the country has leaders like the West Philly students and teachers—working with Hauger and the students are full-time volunteer Ann Cohen and West Philadelphia High school teachers Ron Preiss and Jerry DiLossi. And giving them incentive are the Sports Car Club of America and the Conrad Foundation, organizers of competitions such as the Green Grand Prix and the Spirit of Innovation Competition, respectively.

Green Grand Prix: At the end of this competition, the team shared the winners' circle with the Chevrolet Volt at Watkins Glen International Speedway in New York as the most efficient vehicles in their classes. Now in its sixth year, the Green Grand Prix is billed as the only road rally for alternative-fuel vehicles in the United States.

The Factory Five GTM used in the competition had been part of the group's 2010 Automotive X Prize challenge, but didn't win. The team did some reworking of the vehicle, and it's now powered by a Volkswagen TDI engine running on biodiesel coupled with a hybrid system. It averaged more than 100 m.p.g., the highest mileage among non-electric vehicles in the 100-mile test. "That's real fuel economy from a real car from an inner-city high school with no budget," Hauger said. The group does have sponsorship, though not as much now as when it was competing for the X Prize. Now the main sponsors are International Battery in Allentown and Edison2, the company that won the X Prize. Funding also comes through Philadelphia Academies Inc., which as a nonprofit that works with Philadelphia schools can handle small donations and administer their funding.

Hauger said the team had a "moderate budget" for the X Prize competition. Now, he said, "we are back to no-budget, totally shoestring funding. In fact, we all have been blacklisted from the local blood banks." Although the car was up against vehicles with engines sporting three or fewer cylinders, the West Philly team had the advantage on the old-style NASCAR track—its members could fly through the hairpin turns and coast up a small hill. And the six-speed transmission allowed the car to stay barely above idle to run 45 to 50 m.p.h.

"The speed happened to be the absolute ideal speed for us," Hauger said. "The car was driving at its most optimal point."

The event drew 45 competitors—from the Chevy Volt and GM's fuel cell-powered SUV to homemade three-wheelers powered by industrial lawn-mower engines and everything in between. Four teams from the Automotive X Prize showed up, so they were competitors the West Philly teams had seen before.

"It was kind of like a grudge match," Hauger said.

Spirit of Innovation: This contest limited entry to five members of the team, who designed a business plan around the Electric Very Light car, which is still in the production stage.

More than 100 entrants from the United States and Britain entered the competition, and 35 teams were chosen as finalists. Twelve to 15 teams competed in the Cyber technology energy-efficiency category against West Philly.

Led by new West Philadelphia science teacher Paul Holt as coach, the local team members went to California to give their presentation for 15 minutes and answer questions for another 15.

"It was kind of brutal," Hauger said.

#### UNINTENDED CONSEQUENCE OF NEW VISA FEES

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise to bring to your attention an unintended consequence brought on when we enacted last year's emergency supplemental appropriations bill to fund additional border resources—H.R. 6080, the Emergency Border Security Supplemental Appropriations Act.

This bill was fully paid for by imposing additional fees for new H-1B and L-1 visas on a select group of companies. Specifically, the companies impacted are those with more than 50 employees, and with a US workforce in which more than 50% are on a professional temporary visa—basically the H-1B and L-1 visas. While, I applaud the intent of this provision to incentivize job creation at home, I would like to express my concern about the implementation of the additional visa fees.

These fees were meant to be targeted at companies who utilize H-1B and L-1 visas at very high levels for the purpose of building their employees' proficiencies in IT, so that they can take this knowledge and the work back to their home countries. It turns out however, that some US companies are being impacted by these fee increases because many of their professionals are stuck in green card backlogs and in the meantime remain in temporary visa status.

In his remarks at the time of Senate passage of H.R. 6080, Senator CHARLES SCHUMER commented that, when the H-1B visa program is used as a stepping-stone for skilled immigrants to obtain permanent resident status, it is "a good program for everyone involved. It is good for the company. It is good for the worker. And it is good for the American people who benefit from the products and jobs created by the innovation of the H-1B visa holder."

I agree with Senator SCHUMER's remarks, and encourage my colleagues to work with me on a technical fix that would ensure that the implementation of this bill is consistent with these policy goals. The clearest way to achieve these goals would be to exempt from the so-called "50/50" calculation any H-1B or L-1 worker who has sought to acquire perma-

nent residence by taking steps to file or is the beneficiary of a pending or approved application for alien employment certification with the Department of Labor, or a pending or approved immigrant petition with U.S. Citizenship and Immigration Services. Those H-1B and L-1 workers are best defined as 'intending immigrants,' as they relinquish their non-immigrant intent when their employers pursue a Green Card application on their behalf.

We should not punish companies that are doing the right thing by investing considerable resources to sponsor professionals for permanent resident visas. They are building a highly skilled workforce in the US within technical specialties in which few American workers with applicable skills exist. This is something we need to do if we are going to grow out of our current economic difficulties.

I suggested to the Secretary of Homeland Security that she consider making the technical fix as part of regulatory guidance on this new fee. The Department later informed me that such a fix required congressional action.

I raise this issue Mr. Speaker, because it is my hope that we can work with our colleagues in the Senate to ensure that companies that are trying to do the right thing are not unintentionally hurt by this provision. Since this unintended consequence was caused by a provision in an appropriations bill, I hope that we can make the necessary technical fix on an appropriations bill at the appropriate time.

#### DENNIS RITTENMEYER RETIREMENT

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor Dr. Dennis C. Rittenmeyer and to wish him well upon his upcoming retirement from his position as President of Calumet College of Saint Joseph in Whiting, Indiana. Dr. Rittenmeyer's many years of service in the field of education have had a positive impact on numerous students and educators within the community of Northwest Indiana and across the nation. In honor of Dennis, a retirement reception will be held on Tuesday, June 7, 2011, at The Center for Visual and Performing Arts in Munster, Indiana.

Dr. Dennis Rittenmeyer's true passion for education is reflected in his impressive 40 year career in higher education. Dr. Rittenmeyer received his bachelor's and master's degrees from Western Michigan University. He went on to earn his doctoral degree in Higher Education Administration from Michigan State University in East Lansing, Michigan. In 1987, Dr. Rittenmeyer became President of Calumet College of Saint Joseph. At the time, the institution was in serious financial crisis. Dennis successfully restored the college's financial stability, utilizing the leadership skills for which he is well-known. Throughout his tenure, his perseverance to see the right thing done sustained his efforts to overcome

obstacles in order to establish Calumet College of Saint Joseph as the exceptional resource it is today. Under Dr. Rittenmeyer's direction, the enrollment at Calumet College of Saint Joseph increased from 870 in 1987 to nearly 1,300 in 2010; educational programs were expanded to include not only associate's degree programs but also bachelor's and master's degree programs. Additionally, an athletic program was introduced; currently, more than 270 participate in intercollegiate sports. The physical development of the campus included extensive renovations to the main building and a new Student Activity/Community Center was completed in 2009. My good friend also established an endowment fund for the continuously growing institution. For his truly impressive commitment to Calumet College of Saint Joseph, Dr. Rittenmeyer is to be commended.

Perhaps more remarkable is Dr. Rittenmeyer selflessly giving of his time, intellectual skills, and power of persuasion to move the community of Northwest Indiana ahead. In 2009, he was honored by Governor Mitch Daniels with the Distinguished Hoosier Award for his efforts on behalf of public transportation in Northwest Indiana. Much needs to be done before we have a true regional transit system in our region, but it will occur because of Dennis Rittenmeyer's lone sojourn in the wilderness preaching the human value of developing such a system long before it became a fashionable topic of debate. There would be no debate and no hope of much an improvement for future generations if Dennis had not stepped forth before all others.

Dr. Rittenmeyer's commitment to education and the community of Northwest Indiana is exceeded only by his devotion to his amazing family. He and his wonderful wife Leslie have five beloved children.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Dr. Dennis C. Rittenmeyer for his lifetime of leadership, service, and dedication. He has touched the lives of countless students and educators, as well as every one of us in Northwest Indiana. For his service and uncompromising dedication, Dr. Rittenmeyer is worthy of the highest praise, and I ask that you join me in wishing him well upon his retirement.

#### SIXTH DISTRICT CHEERS AMERICAN IDOL SCOTTY MCCREERY

#### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. COBLE. Mr. Speaker, for years, the sounds and drama of American Idol have captivated the eyes and ears of Americans, gluing them to their TVs to find out who the next great singing star would be. Over the 11 seasons of American Idol mania, the state of North Carolina and the Sixth District have been well represented in the finals of this singing competition. This season's American Idol competition was no different, ending with 17-year-old Scotty McCreery, from Garner, North Carolina, crowned as the latest American Idol.

Scotty has strong connections to the Sixth District, as well. Several members of Scotty's

family live in our area. His grandmother and grandfather, Paquita and Bill McCreery, reside in the Moore County town of Aberdeen, while his aunt and uncle, Tina and Billy Creech, live just down the road in Pinehurst.

The members of Scotty's family, however, are just some of a long line of connections to the Sixth District of North Carolina. We have been home to two previous finalists in the American Idol competition, Fantasia Barrino and Chris Daughtry. Fantasia, from High Point, won the American Idol competition during its third season. Daughtry, from McLeansville, though he did not win the competition, has gone on to become a successful recording artist, releasing several multi-platinum albums.

North Carolina is one of only two states that can boast more than three finalists over the competition's history; the other is Alabama. North Carolina has had a total of seven finalists over the years.

Joining Barrino, Daughtry and McCreery as American Idol finalists are four other proud North Carolinians. Clay Aiken of Raleigh, Bucky Covington of Rockingham, Kellie Pickler of Albermarle, and Anoop Desai of Cary, a UNC-Chapel Hill alumnus, all represented North Carolina in the finals of the competition, as well.

Even Scotty McCreery's grandmother, Paquita, got some face time on American Idol. Like any proud grandmother would do, she used her chance at the microphone to tell the world, "That's my Scotty."

On behalf of the residents of the Sixth District, we offer our congratulations to Scotty and his family who live in the Sixth District. And from the state of North Carolina, we say again, congratulations, "That's our Scotty."

#### HONORING THE UNIVERSITY OF MAINE COOPERATIVE EXTENSION SENIOR COMPANION PROGRAM

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the University of Maine Cooperative Extension Senior Companion Program as it celebrates its 30th Anniversary.

For the past 30 years, the Senior Companion Program has paired homebound elderly citizens with dedicated Senior Companions, age 55 and older, who enable these citizens to live longer in their own homes. The program serves 606 Maine citizens in 14 of the state's 16 counties. Having logged an astounding 85,000 hours of volunteer time, the program's 130 companions give both independence and support to Maine seniors.

With an aging population, Maine is increasingly in need of support systems for its older citizens. Many seniors do not have relatives close by, leaving them on their own without help for household tasks, errands or basic companionship. The dedicated volunteers from the Senior Companion Program are there to aid seniors in their day-to-day lives so that these seniors are able to remain in their own homes and improve their quality of life.

The Senior Companion Program provides many Maine seniors with the support and friendship all people need and deserve. The care and dedication of the program's volunteers is nothing short of amazing, and the program helps not only with essential tasks, but also offers the opportunity to foster meaningful relationships between seniors and volunteers.

Mr. Speaker, please join me again in congratulating the University of Maine Cooperative Extension Senior Companion Program on this joyous occasion.

#### RECOGNIZING THE EXEMPLARY COMMUNITY SERVICE OF MS. SHASHI HANUMAN

#### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. BECERRA. Mr. Speaker, I rise today to recognize a truly outstanding leader of Asian American heritage from my district, Ms. Shashi Hanuman of Glassell Park. As we have just finished celebrating Asian American Pacific Islander Heritage Month, it is important for us to honor the work of AAPI community leaders.

In her roles as a Directing Attorney for Public Counsel, the nation's largest pro bono law firm and a board member for key organizations serving working families, Ms. Hanuman has dedicated herself to advocating for the disenfranchised and the underserved throughout Los Angeles. In my district, she has helped countless families keep their homes in the neighborhoods of South Los Angeles, MacArthur Park, Koreatown, Hollywood and Echo Park.

As Directing Attorney of the Community Development Project for Public Counsel, Ms. Hanuman oversees a team dedicated to building a strong foundation for healthy, vibrant and economically stable communities. Through her work with this project over 200 affordable homes for seniors and families have been constructed and more than 600 tenants of modest income are now living in safe, decent affordable housing.

Ms. Hanuman has also provided legal counsel to numerous families fighting to keep their homes. Because of her compassion and hard work, there are families in my district today once facing a life on the street who are now secure in their home.

Through her non-profit and small business workshops, Ms. Hanuman has trained the next generation of community leaders Los Angeles County on ways to effectively meet the health care and housing needs of low-income families and youth. This work along with her donation of personal time to serve as board vice president of the Coalition for Responsible Community Development (CRCD), a community development corporation in South Los Angeles, and as board vice chair of Southern California Association of Non-Profit Housing (SCANPH), have touched and improved the lives of so many people in Los Angeles.

Mr. Speaker, it is with great pride and honor that I ask my colleagues to join me today in saluting Ms. Shashi Hanuman and the countless Americans of Asian and Pacific Islander

descent who are making a difference in their communities and throughout our country.

RECOGNIZING THE ACCOMPLISHMENTS OF FREDDIE AND ERNEST TAVARES

**HON. COLLEEN W. HANABUSA**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. HANABUSA. Mr. Speaker, I rise today to recognize the tremendous accomplishments of Hawaiian music legends Frederick "Freddie" and Ernest Tavares and congratulate them for receiving the Hawaii Academy of Recording Arts' Lifetime Achievement Award.

The brothers were born and raised on Maui and from early on their passion for music and creativity was evident. Over their distinguished careers these two men helped popularize Hawaiian music throughout the United States and their innovations changed the world of music.

In his career, Freddie performed with some of the biggest stars of the era including Bing Crosby, Elvis Presley and Dean Martin. In the 1950s, Freddie was hired by guitar legend Leo Fender to help design the Fender Stratocaster, a guitar for which Eric Clapton commented, "I would challenge anybody to come up with a better design for a guitar. It's about as close to being perfect as any electric guitar can be." For his contributions to the guitar industry, Freddie was inducted into the Steel Guitar Hall of Fame and the Fender Hall of Fame.

Ernest was Freddie's older brother and was a versatile multi-instrumentalist. Ernest played the steel guitar, ukulele, flute and piano, among many others. He was an accomplished songwriter, conductor and choreographer and his creativity and engineering skills led to development of the pedal device that led to the pedal steel guitar. His career included work with the Harry Owens Royal Hawaiian Orchestra and Paul Page's South Sea Serenade.

The Tavares brothers were true musical renaissance men, and as their careers show they made a marvelous impact on modern music. Freddie and Ernest Tavares are treasures to the state of Hawai'i.

A TRIBUTE TO THE CITY OF PASADENA

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the City of Pasadena, California upon its 125th Anniversary.

In 1875, the area now known as the City of Pasadena, was named for a word that means "valley" in the Ojibwe (Chippewa) Native American language.

After Pasadena's incorporation in 1886, paved streets, sewers, and electric street lights were added, and so began the creation of the "Crown City." On January 1, 1890, the Valley Hunt Club initiated a festival—now

known as the Tournament of Rose Parade—with a procession of flower-bedecked horses and carriages, which became a tradition that in 1898 was formally sponsored by the Tournament of Roses Association. In 1891, Throop University was founded, later to become the California Institute of Technology (Caltech), and in the early 1900s many grand hotels were built. Some of the most accomplished architects settled in Pasadena, which became known for its fine architecture, particularly the Craftsman style, perfected by Greene and Greene—a significant example of which is the 1908 Gamble House. Continuing to enjoy a reputation as a tourist center and winter resort until the end of the 1920s, many significant institutions were built during this time, including the Rose Bowl Stadium, the Pasadena Playhouse, the Grace Nicholson Gallery—now the Pacific Asia Museum, Pasadena City Junior College District—now Pasadena City College, as well as the Civic Center, consisting of the Central Library, City Hall and the Civic Auditorium. The 1920s also saw the beginning of the Pasadena Civic Orchestra, and the Shakespeare League.

World War II set Pasadena on the path to modern industrial growth, and led by Caltech and the Jet Propulsion Laboratory (JPL) which became focal points of development and research for the war efforts, the city evolved into a center for industrial research and light manufacture of scientific and electronic precision instruments. In 1930, the Art Center College of Design was built, and in 1940, the Arroyo Seco Parkway, the first freeway in the west, was completed. The 1970s were a period of economic revitalization, along with an awakened respect for the City's architectural treasures, which led to the renovation of historic homes and buildings throughout the city. 1975 marked the opening of the Norton Simon Museum. In the 1980s and 90s, the city's election system changed from citywide runoff to district only elections and the City Board of Directors was changed to the City Council, and between 1970 and 2005, Caltech's faculty and alumni garnered 14 of the institute's 31 Nobel prizes. Today, Pasadena with its beautiful tree-lined streets, historic neighborhoods and thriving business community, is home to 140,000 residents.

I am honored to represent the City of Pasadena, with its rich cultural heritage and world-renowned institutions. I ask all Members to join me in congratulating the residents of Pasadena on its 125th anniversary.

FRIDAY THE 13TH BRINGS GOOD LUCK FOR GREENSBORO COLLEGE GOLF CHAMPIONS

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. COBLE. Mr. Speaker, I am sure that everyone is familiar with the famous Sunday back nine "fireworks" of the Masters at Augusta National Golf Club, almost as familiar as we are with the superstitions surrounding Friday the 13th. Well, the final round back nine fireworks were anything but an unlucky Friday

the 13th for the Greensboro College men's golf team. For this particular Friday the 13th, the citizens of the Sixth District of North Carolina congratulate the Pride's golf team for being crowned the NCAA Division III National Champions.

On Friday, May 13, 2011, the Greensboro College men's golf team took the course for the final round of the NCAA championships, not on the grounds of Augusta, but those of the East Course at Grandover Resort, located in Greensboro, North Carolina, also in our district. The day began with Greensboro College ahead of the second-place team by three strokes. Pride junior Ben Nihart told the Greensboro News & Record that, "We really wanted to get off to a good start because that puts more pressure on the teams that are behind us to try and catch up." Early in the day, however, it seemed as if Friday the 13th would live up to its billing as an unlucky day for the men of Greensboro College.

The team from Illinois Wesleyan, which eventually ended the tournament as runners-up, came off the first tee playing well, chasing hot on the heels of Greensboro College throughout the front nine, a chase that culminated with Illinois Wesleyan grabbing a one-stroke lead after 14 holes.

That is when the Pride kicked it into high gear, combining for nine birdies on the back nine. Spearheaded by Brock Elder of Greensboro, a graduate of Vandalia Christian School, the Pride roared back from one stroke down, running out to a six-stroke lead over the final four holes to claim the National Championship.

Elder fired a 67, coming in five under par for the day, and finishing tied for fifth overall in the individual championship. The Pride also got solid performances from Ben Nihart, who shot a one under par 71, and Kirk Mitchell, who shot a three over par 75, to help Greensboro College claim the title.

Throughout the season, the Pride benefitted from solid performances by all of their team members. The National Championship squad consisted of Brian Critzer, Tres Currie, Clint Dillon, Brock Elder, Joshua Hudgins, Connor Kennedy, Josh Masterson, Kirk Mitchell, Josh Nichols, Ben Nihart, Gregory Pappas, and Nick Peoples. The head coach guiding this group of young men to the National Championship is Dirk Fennie.

The effort and determination put in by the men of the Greensboro College golf team was clear; they began the tournament with one goal in mind. Ben Nihart told the News & Record, "I told my coach, and I said, I'm playing to win a national championship. I know everyone on our team was. There was no way we were going to let that slip away."

On behalf of the citizens of the Sixth District, we honor and commemorate the effort and determination of these young men on a not-so-unlucky Friday the 13th. The back nine fireworks that brought the NCAA Division III National Championship to the golfers of Greensboro College and the Sixth District of North Carolina will be remembered for years to come.



## A TRIBUTE TO RUSS HOFFMAN

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. LATHAM. Mr. Speaker, I rise to recognize the retirement of Russ Hoffman, a native of Greene County, Iowa who is stepping down after more than 28 years as the Chief Deputy of the Greene County Sheriff's office.

With Russ and his family helping him celebrate retirement, they were joined by present and former Greene County employees, local law enforcement, County supervisors, four officers from the Iowa State Patrol, and law enforcement officers from supportive surrounding counties.

We certainly understand the enormous sacrifices that our officers and their families make to keep our citizens safe. I can't thank Russ and his family enough for their service.

I know that my colleagues in the United States Congress join me in recognizing Russ Hoffman and thanking him for his service to the State of Iowa and Greene County. I consider it an honor to represent Russ in Congress, and I wish him a long, happy, and healthy retirement.

## MOURNING THE PASSING OF ABE BREEHEY

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. LIPINSKI. Mr. Speaker, it was with great sadness that I recently learned of the passing of Abe Breehey. I rise to celebrate and commemorate his life, and to mourn his sudden and tragic death.

I met Abe through his service as a dedicated advocate of the International Brotherhood of Boilermakers. He was a tireless presence in support of hardworking Americans, and he undertook his efforts with a passion and commitment that was admirable. At the same time, Abe was a truly genuine person; affable, funny, honest and a general pleasure to be around. He was able to bridge the divides we far too commonly find in politics today, and his intellect and determination will be sorely missed.

I would like to extend my heartfelt condolences to Abe's family, including his wife Sonya and daughter Abigail, his parents, sister and their broader family. I also extend my sympathies to his colleagues in the labor community, most especially those he worked with in the Boilermakers, President Newton Jones, Bridget Martin, among others.

Along with my staff, I worked with Abe to move important issues forward, including strengthening our Buy American laws, protecting the rights of workers, and revitalizing American manufacturing. As I continue to engage in these issues, Abe's memory will remain in my mind. His compassion, commitment, and dedication to these and other causes should motivate us all, and he will not be forgotten.

## A TRIBUTE TO KENDALL REED

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize Dr. Kendall Reed, dean of Des Moines University's college of osteopathic medicine, for receiving the Employer Support of the Guard and Reserve's State Chairman Award.

The Employer Support of the Guard and Reserve's State Chairman Award is presented to employers who have extraordinarily exceeded legal requirements for providing support to service members in the Guard and Reserve. Dr. Reed received the reward for the outstanding care and support of employee Joe Case, a staff sergeant with the U.S. Army Reserve.

Mr. Speaker, I am honored to congratulate Dr. Reed and I know that my colleagues join me in commending him for his sincere dedication to our troops' well-being and wish him continued success in the future.

## HONORING THE RETIREMENT OF DEPUTY POLICE CHIEF DALE SMITH, AFTER 20 YEARS OF DEDICATED SERVICE TO THE NORWICH POLICE DEPARTMENT

**HON. RICHARD L. HANNA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. HANNA. Mr. Speaker, I proudly rise today to recognize Deputy Police Chief Dale Smith of Norwich, NY. Police Chief Smith has recently retired after 20 years of dedicated service in the Norwich City Police Department.

Deputy Police Chief Smith began his career in law enforcement as a Chenango County Sheriff's Correctional Officer as well as a part-time road patrol deputy. He was promoted to the position of Deputy Chief in March of 2006 and has since then taken on a variety of key responsibilities. Deputy Police Chief Smith has not only served and protected his neighbors and his community, but has also been recognized for the wide variety of duties he has supervised, as well as his certification as a fire investigator.

Law enforcement leaders such as Deputy Police Chief Smith must be recognized for the true bravery and selflessness that they display on the job every day. Deputy Police Chief Smith is yet another example of this, an honorable American, who has dedicated 20 years of his life to the improvement and safety of his community.

Mr. Speaker, I proudly ask you to join me in honoring Deputy Police Chief Dale Smith for his 20 years of serving the Norwich community and Police Department with honor and professionalism.

## CONGRATULATING WALLY MIURA OF HONOLULU, HAWAII ON 50 YEARS IN BUSINESS

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Ms. HIRONO. Mr. Speaker, many of us come to the floor to talk about how important small businesses are to job creation. It's true. In Hawaii, 98 percent of our businesses are considered small businesses; these small businesses provide two out of every three new jobs. The men and women who take the risk of starting a business create jobs for our neighbors while providing the goods and services vital to our quality of life. Today, I want to take a minute to recognize an important anniversary for one of the many unsung heroes of Hawaii's business community.

This month, Wally Miura celebrates 50 years in business. In 1961, he opened a flooring business, Wally's Flooring, in Kalihi. After 37 successful years, Wally decided it was time to retire so he sold his building on Hau Street. He took a one year lease on a warehouse in Mapunapuna to store his inventory. That was in 1998.

Retirement never really took hold. Wally turned his storage space into an office and showroom and is still in business today. He says he's going to retire this year—we'll see. As a former customer, I know he will be missed by the many Hawaii businesses and families that have relied on his excellent service over the years.

Wally is modest, kind, and a very good businessman. In Hawaii, it's not just about who provides the lowest price. You want to work with someone who is proud of his company and stands behind his product and his work. That's Wally. I don't know how many jobs Wally has created over the past 50 years, how many young employees he mentored, or families he helped support with his business, but I am sure that he has had a positive effect on many, many lives.

In addition to being an exemplary businessman, Wally has been a leader in the building industry. He has been involved in many building associations and has served as president of the Honolulu Neighborhood Housing Service. Wally has also served on the advisory board to Ho'opono, Services for the Blind Branch, Hawaii Vocational Rehabilitation Division.

Mahalo nui loa, Wally. You are a great example of the small business owners whose vision, willingness to take a risk, and hard work are so essential to our economy and way of life.

## A TRIBUTE TO KAITLIN HARTMAN

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 2, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievement of Kaitlin Hartman, a student at Ballard High School in Huxley,

Iowa. Kaitlin was recently selected by the company Prudential to receive the Prudential Spirit of Community Award.

The Prudential Spirit of Community Awards program was created in 1995 by Prudential and the National Association of Secondary School Principals (NASSP). Its goal is to honor students in middle and high schools across the nation who have dedicated themselves to voluntarily serving others in their community, in their state, and in their nation. Today this awards program is the largest such program in the United States. Since the program's inception, over 280,000 students have participated, with over 90,000 being officially recognized for their work.

Kaitlin has certainly done her part to earn this award. In her years at Ballard High School, she has spent almost 1,000 hours volunteering. Kaitlin has volunteered as a sports manager, peer helper, tutor, mentor, and conflict manager. She has also assisted with the Special Olympics and is active in her church. Kaitlin wishes to continue this service by one day becoming a teacher—dedicating her professional career to serving students and helping them to become all they can be.

Voluntary service to others in our communities, states, and country is an admirable way for all Americans to assist one another. I commend Kaitlin for her endless commitment to that voluntary service. I know that my colleagues in the United States Congress will join me in congratulating Kaitlin in being selected to receive this award. It is an honor to serve as her representative, and I wish her luck in her future studies at the University of Northern Iowa.

#### RECOGNIZING THE ZIMMER RADIO GROUP

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise to recognize The Zimmer Radio Group for their stunning public service during the devastating tornados in Joplin.

As the tornados began their devastating assault on Joplin, and people began to seek refuge for their lives, employees from the Zimmer Radio Group based in the southwest Missouri city continued their coverage of the powerful storm. After the tornados had subsided, many local citizens were left with destroyed homes, broken memories, or worse, lost loved ones. Many citizens had no way of knowing if their families were safe due to most communication possibilities being destroyed by the tornados.

The staff of Zimmer Radio Group stepped in and immediately began contributing to the efforts of relief. They connected victims over their radio broadcasts by providing an outlet for people to locate their loved ones, and to provide guidance on where they can seek shelter and food. It is times like these that we all need to rally around our fellow Missourians. The Zimmer Radio Group has led the way by setting a premier example of what disaster relief really means. In the wake of such a tremendous disaster, Zimmer has stepped up to

the challenge and continued to help people in need of finding relief.

As fellow citizens we are all called to help one another in times of need. We take for granted the things we have, until we have lost them. Things like food, water, and shelter have become such a routine part of life, that when they are stolen from us, we are at the mercy of our fellow man. I urge all of us to lend a hand and assist those who have been affected by this tragedy.

As a friend, American, and Missourian, my thoughts and prayers go out to the people of Joplin and the state of Missouri who have fallen victim to such powerful forces of nature that have swept across our great state. I encourage those who are able, to assist people who have lost their homes, and I pray that those who have lost loved ones find comfort and relief in the days and weeks to come.

#### A TRIBUTE TO NATHAN HIDAJAT

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize Nathan Hidajat. Nathan, a second grader from Ames, Iowa, was recently selected as one of 40 regional finalists out of 107,000 entries submitted to Google's nationwide "Doodle 4 Google" competition.

The competition's theme, "What I'd like to do someday . . .", challenged all 107,000 entries to uniquely describe how they will spend their days in the future. However, Nathan's humbling idea for Google focuses on helping others around the world. Nathan's dream: To raise money for clean water in developing nations.

After viewing a video from a non-profit charity earlier in the year about the lasting effects of contaminated water around the world, Nathan organized a drive to help raise money to assist the efforts. Shortly after, Nathan heard about the "Doodle 4 Google" competition and saw this as a way to further expand his efforts by drawing a picture depicting a story about clean water in the world intertwined with the famous Google logo.

All 40 finalists have now been invited to New York City, where the national winner will be announced. The champion will win a \$15,000 college scholarship and a \$25,000 technology grant for his or her school.

I wish to commend Nathan on his artistic talents and desire to make the world a better place for those who are the most vulnerable. I know that my colleagues in the United States Congress will join me in congratulating Nathan in being chosen as a top 40 finalist in this competition. It is an honor to have Nathan in my district, and I wish him the best of luck as the competition moves forward.

#### INTRODUCING THE "TAX PARITY FOR HEALTH PLAN BENEFICIARIES ACT"

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. McDERMOTT. Mr. Speaker, one of the fundamental principles of our tax system is that similar taxpayers are taxed the same. Confidence in our tax system depends on the fair and equitable treatment of our citizens and businesses.

Today, I am re-introducing the "Tax Parity for Health Plan Beneficiaries Act"—a bill that will correct a disparity in the tax code that results in unfair taxes on American businesses and their employees.

More than 80 percent of America's most successful companies extend health plan benefits to the domestic partners or non-spouse dependents of their employees. These companies are, in increasing numbers, making the right business decision to make their health plans more inclusive of the diversity in their employees. American businesses understand that by providing their employees with health security on an equitable basis helps them attract and retain the best people, and in doing so, have surpassed the government in the pursuit of equality.

Unfortunately, being ahead comes at a cost. On average, a worker who receives these extended benefits pays \$2,000 more in federal taxes than their married co-workers. Also, businesses must pay additional payroll taxes for deciding to provide their employees with equal benefits.

In the past, the federal government has led America when it comes to equal treatment under the law. On this issue, the federal government has fallen behind. We owe it to the American people to fix the tax code, so that the American people and their businesses can be sure that their government is still committed to ensuring equality for all.

Mr. Speaker, I am happy to be introducing this bill with colleagues from both sides of the aisle. This highlights the importance of correcting this wrong in existing tax law.

#### A TRIBUTE TO JACOB HEATWOLE

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Jacob Franklyn Heatwole for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement whose standards have been well-maintained over the years.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit

the community. Jacob's project was to assist in rebuilding a retaining wall at the Emergency Food Box in his hometown of Marshalltown. Jacob has proudly represented Troop 310 of Marshalltown for more than five years. To date Jacob has earned nearly 30 Merit Badges as well as attended the 2010 National Scout Jamboree.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Jacob and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on achieving an Eagle Scout ranking and will wish him continued success in his future education and career.

#### PERSONAL EXPLANATION

### HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. PAYNE. Mr. Speaker, on rollcall No. 372, I was absent due to unforeseen circumstances. Had I been present, I would have voted "no."

Rollcall No. 372 was a vote on the Cravaack of Minnesota Amendment No. 152 to H.R. 1540, National Defense Authorization Act for Fiscal Year 2012. This amendment will completely eliminate the United States Institute of Peace (USIP). While I believe spending cuts within our defense budget are necessary, I also believe that those cuts must be smart and targeted.

The United States Institute of Peace—created by Congress and signed into law by President Ronald Reagan—is the only independent U.S. government actor that is dedicated solely to conflict prevention and resolution. USIP produces timely expert analysis on issues critical to policymakers and conflict prevention practitioners. In early February 2011, USIP published a "PEACE Report" on the political stalemate in Côte d'Ivoire following the November 28, 2010 election and the broader issue of preventing electoral violence in Africa. The elimination of USIP will have strong, adverse impact on America's security interests. USIP is an important national security actor. The U.S. government must have options for resolving international conflict other than military action.

USIP is the critical bridge between governmental and non-governmental actors to promote peace in volatile conflicts. USIP's Center for Mediation and Conflict Resolution conducts work in a number of critical conflict zones in Africa, Middle East, and across the globe. In the Arab-Israeli conflict, USIP is addressing a series of challenges and opportunities facing the parties. USIP has been focusing on the capacity of the Israeli and Palestinian publics to build consensus and support for a negotiated agreement, and the role of U.S. policymakers in encouraging and supporting these efforts toward a peaceful resolution.

USIP is also dealing with several issues in Nigeria, a country rife with conflicts over petroleum resources and religion. Amidst this situation, USIP is working on peace efforts for the

Niger Delta region, including working collaboratively with local governments, oil companies, and Nigerian NGOs.

For nearly two decades, the USIP has been working in Sudan on peace processes. Its knowledge and expertise has helped shape the environment that has contributed, so far, to a relatively peaceful outcome of the referendum. USIP's work on prevention, power-sharing, constitutional reform and natural resources has made a critical difference in the country's local capacity.

In addition, USIP has been able to contribute to the successful mitigation of violence in Kenya, due to its longstanding relationships with influential and highly skilled civil society activists and its reputation as an independent and unbiased party. USIP has the ability to act fast, responding, for example, to the unforeseen electoral violence crisis in 2007 with targeted assistance to a local group in time to make a difference. USIP is now working toward contributing to a peaceful election in 2012.

USIP is a small, agile center of innovation in support of America's national security interests in supporting peace and democracy in Africa and across the globe. USIP has been a very useful resource to policymakers for decades. Therefore, eliminating this critical institution abolishes a cost-effective alternative to military forces.

#### A TRIBUTE TO NICHOLAS EDWARD MAHER

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Nicholas Edward Maher for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance based achievement whose standards have been well-maintained over the years.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Nicholas and his family in the United States Congress. I know that all of my colleagues will join me in congratulating him on achieving an Eagle Scout ranking and will wish him continued success in his future education and career.

HONORING THE ACADEMIC ACHIEVEMENTS OF RECENT GRADUATE PAUL WILLIAM KOHAN FROM THE STATE UNIVERSITY OF NEW YORK COLLEGE AT BROCKPORT

### HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. HANNA. Mr. Speaker, I proudly pause to recognize Paul William Kohan of New Hartford, NY. Paul was diagnosed with dyslexia in the first grade, and has since then proved what a motivated and intelligent young man he has become despite this obstacle.

While Paul's friends and family feared his future might be impeded because of his disability, he has excelled both academically and beyond, far exceeding expectations for students with dyslexia.

Paul recently graduated from the State University of New York College at Brockport with a Bachelor of Science in sociology degree. Paul's accomplishment is particularly admirable given the fact that a mere 18 percent of persons with dyslexia typically graduate from college. In addition to Paul's impressive graduation, he also plans to pursue a career as a legal disability advocate.

Mr. Speaker, I proudly ask you to join me in commending Paul Kohan for his scholastic achievements displayed through his college graduation and inspiring career plans for the future.

#### A TRIBUTE TO GREGORY GEOFFROY

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the retirement of Gregory Geoffroy, president of Iowa State University in Ames, Iowa.

Born on July 8, 1946 in Honolulu, Hawaii, Gregory earned a Bachelor of Science degree in chemistry from the University of Louisville in 1968. After a year serving as an officer in the United States Navy, Gregory went on to earn a Ph.D. in chemistry from the California Institute of Technology in 1974. Over the next 30 years, Gregory published over 200 research articles, co-authored a book, and presented more than 200 lectures both in the United States and abroad. Gregory also served in various academic and administrative positions at Penn State University and the University of Maryland during that time.

Gregory was appointed president of Iowa State University in July 2001. His tenure has resulted in a number of accomplishments including the establishment of the Bioeconomy Institute, whose goal is to promote and advance biorenewable technologies. Gregory set a fundraising record with Campaign Iowa State, which recently surpassed its goal of collecting \$800 million. Under his guidance, the university has received a record amount of

money in grants, contracts, and cooperative agreements. In the 2009–2010 fiscal year alone, the university received \$388.2 million. Gregory has also succeeded in doubling the number of endowed faculty positions, and he has seen student enrollment grow to record numbers—28,682 in the fall of 2010.

Gregory will certainly be missed on the Iowa State University campus. He will be remembered by students as being easy to relate to, accessible, and visible at university events. He will be remembered by faculty for his communication skills and management style that brought out the best in those around him. Gregory will be remembered by community leaders and business members for his efforts to build and improve direct relationships between the academic world and the business world. More than anything, however, Gregory will be remembered for making Iowa State an admirable university with a cutting-edge reputation both in Iowa and around the world.

I thank Gregory Geoffroy for his many years of service to the students and employees of Iowa State University. It is an honor to be his representative, and I know that my colleagues in the United States Congress will join me in wishing him happiness and good health in his retirement.

#### TRIBUTE TO PAUL J. WIEDORFER

#### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. SARBANES. Mr. Speaker, I rise today to pay tribute to Paul J. Wiedorfer, Maryland's last surviving World War II Medal of Honor recipient. Mr. Wiedorfer passed away on May 25th at the Baltimore VA Medical Center. He was 90 years old.

Paul, the son of a German immigrant, was born in Baltimore, Maryland in 1921. He attended St. Andrew's School and went on to graduate from Baltimore Polytechnic Institute. He worked for Baltimore Gas & Electric Co. as an apprentice power station operator, until he enlisted in the Army in 1943.

Serving in a unit from General George Patton's 3rd Army, he experienced his first day of combat during the Battle of the Bulge on December 25, 1944. On that Christmas Day in an operation near Chaumont, Belgium, his company was ambushed. In the fight that ensued, Mr. Wiedorfer darted across an open field of enemy fire and single-handedly destroyed two German machine gun nests, while taking several prisoners. Amazingly, he was unharmed. That same afternoon he was given a battlefield promotion to sergeant.

On February 10, 1945, while crossing the Saar River in Germany, Mr. Wiedorfer was seriously injured when mortar shrapnel tore into his stomach and broke his left leg and two right fingers. While recuperating at hospital, in England, one of the other patients informed Mr. Wiedorfer that the newspaper Stars and Stripes was reporting he would receive the Medal of Honor for his heroic actions in Belgium. Mr. Wiedorfer later told the Baltimore Sun "To be perfectly honest, I wasn't really sure what the hell [the Medal of Honor] was

because all I was, was some dogface guy in the infantry."

Mr. Wiedorfer spent more than three years in the hospital recovering from his wounds. He was discharged from the Army in 1947, having reached the rank of master sergeant. His other decorations included the Purple Heart and Bronze Star. He returned to his life and job in Baltimore and retired in 1981. Paul and his wife, the former Alice Staufer, had four children: Nancy Mazer, who passed in 2010, Gary Wiedorfer of Cocoa, Florida, and Rande Wiedorfer and Paul J. Wiedorfer Jr., who both currently reside in the Congressional District I represent.

Mr. Wiedorfer led a fulfilled life. I would like to take this moment to thank him for his service to the United States, and to pass along my condolences to his proud family. He was a true American patriot and a Baltimore treasure.

#### RECOGNIZING SGT SHINYEI "ROCKY" MATAYOSHI ON EARN- ING THE DISTINGUISHED SER- VICE CROSS FOR EXTRAORDINARY HEROISM DURING ACTION IN WORLD WAR II

#### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Ms. HIRONO. Mr. Speaker, on June 7th, 2011, former Technical Sergeant Shinyei Rocky Matayoshi will go the Hall of Heroes at the Pentagon to be awarded the Distinguished Service Cross for extraordinary heroism during World War II as a member of the famed 442nd Regimental Combat Team of the United States Army. This marks the 29th Distinguished Service Cross awarded to the 100th Battalion and the 442nd Regimental Combat Team.

Rocky was born in 1924 in the sugar plantation town of Koloa on the island of Kauai. He was a senior at Kauai High School when Japan attacked Pearl Harbor. Shortly after the attack, Rocky's father was arrested and sent to a detention center for Japanese Americans in Santa Fe, New Mexico. Rocky left school to work for the sugar plantation to help with the war effort and support his family.

When the call for volunteers for the 442nd Regimental Combat Team was announced in February 1942, Rocky was one of three in his community to volunteer. He hoped that by volunteering and demonstrating his loyalty, his father would be allowed to come home to care for his five other children. Unfortunately, that didn't happen.

Rocky was assigned to Company G, 2nd Battalion of the 442nd. He began as a private and through diligence and hard work was promoted to Technical Sergeant of the 3rd Platoon. Following his training at Camp Shelby, Mississippi, Rocky went with his unit to Italy in June 1944. He participated in every campaign in Italy and France and reported for roll call every day except for two days when he was confined to the field hospital for illness.

Rocky's combat philosophy was to serve as his own scout—and to take the highest risk

assignments for himself. He led by example, displaying courage and leadership, which his men accepted and respected.

I quote from the citation awarding the Distinguished Service Cross to Technical Sergeant Shinyei "Rocky" Matayoshi:

For extraordinary heroism in action:

Technical Sergeant Shinyei Matayoshi distinguished himself by acts of gallantry and intrepidity above and beyond the call of duty while serving as a Platoon Sergeant in Company G, 2d Battalion, 442d Regimental Combat Team during combat operations against an armed enemy on Mount Belvedere, Italy. On 7 April 1945, Technical Sergeant Matayoshi ordered his Platoon to advance up the steep slopes of Mount Belvedere to seize the heavily fortified forest areas that were under enemy control. As the Platoon approached the elevated ridge line, Technical Sergeant Matayoshi's Platoon was attacked by intense machine gun fire from at least five enemy machine gun nests from frontal, left and right flanks. Technical Sergeant Matayoshi did not waiver despite enduring an overabundance of devastating automatic and small arms fire while attacking the first machine gun nest. While suppressing the enemy with his Thompson machine gun and throwing hand grenades, he killed four enemy soldiers and took one prisoner. Despite the intensive barrage of enemy firepower, directed against him, Technical Sergeant Matayoshi moved forward leading the direct assault destroying three other machine gun nests, killing or wounding approximately fifteen enemy soldiers, some at as close as a five meter range. Technical Sergeant Matayoshi secured the key terrain, which paved the way for the Battalion's pursuit of the retreating enemy soldiers. Technical Sergeant Matayoshi's selfless leadership, courageous actions, and extraordinary devotion to duty are in keeping with the finest traditions of military service and reflect great credit upon himself, Company G, 2d Battalion, 442d Regimental Combat Team, and the Army of the United States.

When I read this, I am struck by the courage and willingness to sacrifice shown by Sgt. Matayoshi and all the other young Japanese American men under his command. At age 21, with his father held in a detention camp for the crime of being of Japanese ancestry, Rocky willingly offered his life in defense of liberty and, most important, of the United States. These young men were patriots in the true sense of the word.

In addition to the Distinguished Service Cross and the Congressional Gold Medal recently bestowed on all members of the 442nd and 100th Battalion, Rocky received the Silver Star with Oak Leaf Cluster, the Bronze Star Medal for Valor, the Bronze Star Medal for Meritorious Service, the Purple Heart Medal, a Presidential Unit Citation, a Meritorious Unit Citation, the American Campaign Medal, the Asiatic-Pacific Campaign Medal with one Bronze Service Star, the European-African Campaign Medal with 4 Bronze Service Stars and one Arrowhead, the World War II Victory Medal, and the Combat Infantryman's Badge.

Rocky married Elsie Goya of Honolulu, and they have four children. After attending Wilson Community College and the Illinois Institute of Technology, Rocky worked in an auto body shop and part-time at a gas station. His children all earned full scholarships to fund their undergraduate degrees. Two of his children

earned doctorates—one in physiology and the other in biophysics—and another earned a masters degree in biology, all on fellowships.

Congratulations, Rocky, on receiving this overdue recognition. You and your brothers in arms taught America a vital lesson that is still valid today. Being an American is not a matter of one's ethnic heritage or race—it is defined by patriotism and a willingness to sacrifice for one's country. Anyone who questions the patriotism of Americans of different ethnic backgrounds must confront the example of the Japanese American heroes of World War II.

Thank you for your selfless service to our nation.

#### A TRIBUTE TO PRINCIPAL

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate The Principal Financial Group, led by CEO Larry Zimbleman, for being recently being named a 2011 Freedom Award Recipient. The Freedom Award is the highest recognition by the Department of Defense given to employers that display exceptional support of their employees serving in the Guard and Reserve.

Principal employee Major Kerry M. Studer nominated Principal for this award. Major Studer is also a recent recipient of the Bronze Star Medal for his noble service as Commanding Officer of the 443rd Transportation Company in support of Operation Iraqi Freedom.

Major Studer nominated Principal Financial Group for this award because of the "the extraordinary lengths" his company went in order to support him and his family while he was away defending our freedoms. While he was away, his coworkers looked closely after his family and would gladly accompany his wife and children to school and sporting events that he was unable to attend. Principal also "adopted" Major Studer's unit and mailed them hundreds of PT uniforms, t-shirts and countless care packages.

Principal is one of only 15 companies to receive this prestigious award amidst the 4,049 nominations submitted. Principal and the other 2011 honorees will be recognized here in Washington later this year at the 16th annual Secretary of Defense Employer Support Freedom Award Ceremony. Principal Financial Group joins an elite class as only 145 employers have attained this honor in the last 15 years.

Mr. Speaker, Major Studer's commitment and courage during his service coupled with his company's unwavering support serves as an important example of American patriotism in the heartland as well as the battlefield. I commend Major Studer, Larry Zimbleman, and all the employees of Principal for their selfless dedication to a cause greater than their own. It is my honor to represent Major Studer, his family and all Iowans in the United States Congress and I know my colleagues will join me in congratulating them for their accomplishment.

BRENT BESHORE

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LUETKEMEYER. Mr. Speaker, I rise today to recognize a locally coordinated, social media-based fundraiser that was held recently in Columbia, MO, for the Joplin tornado relief effort that raised more than \$1 million.

This story begins on Sunday, May 22, 2011 with Brent Beshore, a Joplin native turned Columbia entrepreneur, who immediately after the tornado struck Joplin began to call, email, text and Facebook family and friends to ensure they were safe. Wanting more information, but without anywhere to go, Brent created a Facebook page titled "Joplin, MO Tornado Recovery" so others would have a place to get and share information. Brent then began pulling information from a Twitter feed set up to track Joplin and tornado keywords, information and requests and sharing it with the group. The Facebook page grew almost instantaneously from 60 likes, to 600, then to 6000 and continued to grow at an almost exponential pace. The group currently has over 170,000 likes.

Brent reached out to Tim Rich, executive director of the Heart of Missouri United Way and a former staff member for my predecessor, Congressman Kenny Hulshof, to set up a fund for relief efforts. Tim without hesitation set up a special fund that would go one hundred percent of its proceeds to Joplin tornado relief. Within hours of the tornado, Brent and Tim had established the world's first dedicated tornado relief fund for Joplin. They quickly established an ambitious fundraising goal of \$500,000. KOMU-TV, the NBC-affiliated television station for Mid-Missouri also played a key role in getting the word out about the fundraising efforts and even held a telethon to assist Joplin.

Through these efforts donations came in from small towns in Missouri to as far away as Saudi Arabia, Sweden and South Africa. A simple idea had quickly turned into a global operation.

Brent was in contact with politicians, musicians, disaster relief experts, and Fortune 500 charitable foundations. Social media was constantly updated and organized.

The results were nothing short of astonishing. By Thursday May 26, their fundraising efforts surpassed their greatest expectations, taking in over \$1 million. The team had executed a flawless event including an on-air prime time telethon and had collected donations from around the world. The Facebook page was referenced as a go-to resource by most national media outlets. The relief efforts were even re-tweeted by Oprah Winfrey.

The idea of one man, executed with the help of his friends and his community, has benefited so many. I ask my colleagues in joining me and thanking all the volunteers who made this effort a resounding success. I also ask my colleagues to continue to keep all of the people impacted by this disaster in their thoughts and prayers.

HONORING THE RETIREMENT OF SERGEANT CRAIG BERRY, AFTER 20 YEARS OF DEDICATED SERVICE TO THE NORWICH POLICE DEPARTMENT

### HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. HANNA. Mr. Speaker, I proudly pause to recognize Sergeant Craig Berry of Norwich, NY. Sergeant Berry recently retired after 20 years of dedicated service in the Norwich City Police Department.

Sergeant Berry began his career with the Norwich Police Department at the age of 25, on March 17, 1991. Twenty years later, the department honored the retirement of one of its finest officers on April 16, 2011. Berry not only played an important role in the community, but was also especially appreciated for his help with modernizing the department's technology.

Law enforcement officers must be recognized for the true bravery and selflessness that they display on the job every day. Sergeant Berry is yet another example of this, an honorable American, who has dedicated 20 years of his life to the improvement and safety of his community.

Mr. Speaker, I proudly ask you to join me in honoring Sergeant Craig Berry for his 20 years of exemplary service on behalf of the Norwich community and Police Department.

#### A TRIBUTE TO LORETTA SIEMAN

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 2011

Mr. LATHAM. Mr. Speaker, I rise today to recognize the achievement of Loretta Sieman who was recently named Citizen of the Year by the West Des Moines Chamber of Commerce.

Loretta Sieman has been an active member of the West Des Moines community for numerous years, serving on the school board and the city council. She has also been instrumental in various other organizations, including the Science Center of Iowa board, the Junior Achievement of Central Iowa board, the Winefest board, the Prairie Meadows grants board, and the Metro Advisory Council.

As the former vice president of community relations for the Business Publications Corporation and owner of LJS Consulting, she has earned several prestigious honors and awards over the years. Loretta has been recognized in Who's Who in Secondary School Education, and has earned the Main Street Governor's Office Individual Volunteer of the Year Award, Greater Des Moines Leadership Institute A. Arthur Davis Award, and the 2009 Business Record Woman of Influence Award.

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The West Des Moines Chamber of Commerce could not have chosen a better recipient for this award. I commend Loretta for her dedication to community involvement. I know that my colleagues in the United States Congress will join me in congratulating Loretta in being selected to receive this award. It is an honor to serve as her representative, and I wish her the best of luck in the future.

**SENATE—Friday, June 3, 2011**

The Senate met at 10:30 and 1 second a.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

—

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 3, 2011.

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

—

**ADJOURNMENT UNTIL MONDAY,  
JUNE 6, 2011, AT 2 P.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Monday, June 6, 2011, at 2 p.m.

Thereupon, the Senate, at 10:30 and 29 seconds a.m., adjourned until Monday, June 6, 2011, at 2 p.m.



**HOUSE OF REPRESENTATIVES—Friday, June 3, 2011**

The House met at 9 a.m. and was called to order by the Speaker.

**PRAYER**

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We thank You that You have been our help in decades past and will be our hope for years to come. We pause in Your presence and ask guidance for the men and women of the people's House.

Send Your Spirit of Wisdom as they face this day with difficult decisions to be made, work to be done, burdens to be carried, and life to be lived as best they can.

Keep love's banner floating over all of us as we walk in the way of those who act with justice, love with mercy, and walk with humility before You. Help us to fashion our desires, our duties, and our deeds in accordance with Your will, that we may labor for a better world filled with good people who labor for the well-being of all.

Bless us this day and every day. And may all that is done within the people's House this day be done for Your greater honor and glory.

Amen.

**THE JOURNAL**

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

**PLEDGE OF ALLEGIANCE**

The SPEAKER. Will the gentlewoman from California (Ms. CHU) come forward and lead the House in the Pledge of Allegiance.

Ms. CHU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side.

**AMERICAN FAMILIES NEED JOBS**

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this morning's announcement of an increase in the unemployment rate indicates yet again that the President's economic policies are failing American families. The out-of-control spending is killing small business job creation.

Sadly, more than 14 million people are still without jobs, and the average price of gasoline is almost \$4 a gallon. The President pledged to reduce unemployment to 8 percent and failed. He pledged to skyrocket energy costs and he succeeded. This is a failure of leadership on job creation and gas cost. American families are at risk.

Earlier this week, the President asked Congress to increase the debt limit by \$2.4 trillion with no meaningful reforms. Reforms are needed because American families need jobs. The President's request was defeated in a bipartisan vote.

House Republicans presented the "Cut and Grow" congressional plan. It's a commonsense plan: first cut spending, then the economy will grow. That's how to create jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

**REPUBLICAN PLAN TO END MEDICARE**

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, House Republicans are trying to sell America's seniors a false bill of goods. Republicans claim that seniors won't be impacted by their plan to end Medicare. That simply isn't true.

What's true is that insurance bureaucrats will be placed in between seniors and their doctors. What's true is that a senior in my State of California will be forced to pay \$6,000 extra in out-of-pocket expenses; then, once the Republican plan to end Medicare takes full effect, those out-of-pocket expenses will double. Imagine our seniors being turned away at the pharmacy. Imagine seniors having to reach deeper into their wallet after a doctor's visit.

The GOP plan to end Medicare is unacceptable. We must keep our promises to our seniors.

**COMMENDING NORTH DAKOTA VOLUNTEERS**

(Mr. BERG asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BERG. Mr. Speaker, I rise today to commend the countless volunteers who have given time and resources in the wake of unprecedented flooding.

As thousands of North Dakotans fight to protect their homes and communities, North Dakotans have come together to fill sandbags, to help those in need, providing food for volunteers and shelter for those who have been displaced by flooding.

This has truly been a team effort, working together with Senator CONRAD and Senator HOEVEN, Governor Dalrymple, mayors and Federal officials to ensure that North Dakota receives the vital support to fight this flood and rebuild as soon as the flood is over.

I commend State and local officials and the North Dakota National Guard for the tremendous work that they have done, working tirelessly to prepare for this flood and quickly responding to those who need help, and most importantly, to the tens of thousands of volunteers who embody North Dakota's spirit and show that in times of hardship that they will pull together and get the job done.

Again, I thank all the volunteers, and our hearts go out to those who are fighting the flood.

**DON'T END MEDICARE**

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, my constituents are wondering when the House majority will hear their cries: Don't end Medicare. In fact, a recent CNN poll showed opposition to the Road to Ruin budget that ends Medicare, with the highest amongst those being senior citizens at 74 percent opposed to the plan.

In addition, the voters in the 26th Congressional District of New York recently made their voices heard when they elected Representative KATHY HOCHUL to be the newest Member of Congress. Their top concern was that the Republican budget threatens to end Medicare. They know that under the plan, anyone under the age of 55 will be forced to save an extra \$182,000 just to pay for their future health care costs in retirements. That number rises to a startling \$400,000 for those in their thirties. These statistics are even more

astounding when you consider the billions of dollars in tax breaks Republicans have given away to our country's wealthiest individuals as well as Big Oil companies.

Enough is enough. If Republicans are serious about protecting our Nation's seniors, they would work with us to strengthen Medicare, not end it.

□ 0910

#### THE PLAN TO END MEDICARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Republicans are doubling down on their plan to end Medicare, voting this week for a second time on their Road to Ruin budget that ends Medicare. Republicans instead should listen to the will of the people, who overwhelmingly oppose their Medicare plans, and instead work in a bipartisan way to address deficits and strengthen Medicare.

The Republican budget more than doubles costs for future generations and puts insurance companies back in charge. According to the CBO, in 2022 the average senior will see their costs increase by more than \$6,000, and the Republican budget also cuts benefits for today's seniors. It reopens the prescription drug doughnut hole, increasing costs for the estimated 4 million seniors who fall into the coverage gap by as much as \$44 billion over the next decade, including \$2.2 billion in 2012 alone. It also increases costs for preventive care and eliminates the annual wellness benefit.

The Republican budget has the wrong priorities and makes the wrong choices for seniors and middle class families.

#### PROVIDING FOR CONSIDERATION OF H. RES. 292, REGARDING DEPLOYMENT OF UNITED STATES ARMED FORCES IN LIBYA, AND PROVIDING FOR CONSIDERATION OF H. CON. RES. 51, LIBYA WAR POWERS RESOLUTION

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except one

hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (H. Con. Res. 51) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya, if called up by the chair of the Committee on Foreign Affairs or her designee. The concurrent resolution shall be considered as read. The concurrent resolution shall be debatable for one hour, with 30 minutes controlled by Representative Ros-Lehtinen of Florida or her designee and 30 minutes controlled by Representative Kucinich of Ohio or his designee. The previous question shall be considered as ordered on the concurrent resolution to its adoption without intervening motion.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 294 provides for a closed rule for consideration of two measures, House Concurrent Resolution 51 and House Resolution 292.

This rule allows for the consideration of House Concurrent Resolution 51, consistent with the War Powers Act, and provides for an alternative measure introduced by the Speaker of the House. I support the Speaker's resolution and the ability to have up-or-down votes on both resolutions.

This approach is consistent with the Speaker's and our conference's goal of a more open and transparent process, allowing the House to work its will on both resolutions. Members can vote for one of the resolutions, both of the resolutions, or neither of them.

The underlying legislation addresses the administration's actions in Libya. Mr. Speaker, on March 19, 2011, President Obama ordered U.S. military intervention in Libya as a part of a multinational coalition. Well over 60 days later—let me say that one more time—over 60 days later the President has still not asked for, nor has he received, authorization from Congress to commit troops to such action.

Mr. Speaker, article I of our Constitution states that Congress, and only Congress, has the power to declare war. This point was made best in 2007 by then-Senator Barack Obama, who said: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Just in case we missed that, the current President got it right in 2007 when he was a Senator. I want to quote him one more time. He said that "the President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

While the United States must play offense in the war on terror, and we should not have to wait for threats to materialize before acting. It is not clear, it is simply not clear that Libya posed a threat to our Nation that justified the use of troops, the United States' troops.

It is undeniable that Qadhafi is one of the most notorious terrorists of our time, and the world will be a better place when he is gone. But at the same time, there is no shortage of dictators who should be removed from power. Syria's Assad is butchering his own people as we speak. Iran, under Ahmadinejad, sponsors terrorism around the world, he persecutes religious minorities, and is working to develop a nuclear bomb.

Moreover, the President has not outlined the purpose or the scope of our action in Libya. Is the objective the removal of Qadhafi from power? If so, who will replace Qadhafi? And what assurances do the American people have that the alternative will be any better than Qadhafi?

House Resolution 292 accomplishes four objectives. First, it establishes that the President of the United States, President Obama, has not asked for congressional authorization for a military involvement in Libya, and that Congress has not granted such authority. Second, the resolution reasserts that Congress has the option to withhold funding for any unauthorized use of the United States Armed Forces, including such activities in Libya. Third, the resolution requires the President to provide within 14 days information to Congress which should have been provided from the start. Fourth, the resolution reaffirms the vote that Congress took just last week that says that there should be no U.S. troops on the ground in Libya unless they are there to rescue American troops.

It is unfortunate, it is very unfortunate that our President has made this resolution necessary. Yet at the same time, we are mindful that the congressional action must consider our responsibilities to our allies, including those

that are currently in harm's way. America keeps its promises. We keep our commitments. And we stand by our soldiers and our allies. I encourage my colleagues to vote "yes" on the rule.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from South Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, last week the House spoke quite clearly on the question of Libya during the debate on the fiscal year 2012 National Defense Authorization Act. By a vote of 415-5 on a bipartisan amendment offered by Congressman CONYERS, the House voted against U.S. deploying ground troops in Libya. So the House has clearly stated its position on U.S. military operations in Libya.

But that vote did not touch upon two serious matters, each very much connected to the other. First is the fact that the President did not seek a congressional authorization for a U.S. military operation in Libya in coordination with our NATO allies; nor did the leadership of this House insist on one or pursue one.

Second, under the War Powers Resolution, the President has not sought the authorization of Congress during the required time period to maintain U.S. Armed Forces in military operations in Libya. Simply put, under the War Powers Resolution, the President must obtain congressional authorization for military action that lasts longer than 60 days. If Congress does not authorize military action, the President must withdraw troops within 30 days.

The 60-day authorization deadline expired on May 20, and the 30-day withdrawal deadline expires on June 19. Therefore, the Congress now has the responsibility to call for the end of U.S. military operations in the absence of a clearly defined authorization for U.S. military operations in Libya.

□ 0920

Last night, Mr. Speaker, the Rules Committee considered two resolutions: one offered by Representatives KUCINICH, BURTON and CAPUANO, which clearly addresses the violation of the War Powers Resolution and would require the withdrawal of U.S. forces from military operations in Libya. If passed by the House and the Senate, it would have the force of law. The other, offered by the Speaker of the House, is a simple H. Res. a nonbinding resolution, a document which is simply advisory in nature and relevant only as a statement of the House, which reprimands the President for failing to seek proper authorization for our military operations in Libya, asks for reports to provide the House with necessary information regarding national security interests and costs of the

Libya operation, and then does nothing. Nothing, Mr. Speaker. It again shirks the responsibility of this House and this Congress as a whole to either take up and pass an authorization for U.S. military operations in Libya, or pass a resolution requiring a withdrawal of U.S. forces and an end to U.S. military operations in Libya.

Mr. Speaker, it's easy to complain, it's easy to lay blame, but it takes leadership to own up to our own responsibilities and take appropriate action, and it takes leadership to handle this process in a responsible way. Frankly, Mr. Speaker, this process does not do that. The Republican leadership rushed their resolution through the Rules Committee without any hearings and without any markup, violating their 3-day pledge to allow people to read the bill. So much for the new, open House of Representatives.

This would be sad, Mr. Speaker, if it weren't so important. War is a serious issue. Whether we are sending unmanned drones, armed jets or American soldiers into harm's way, war must be debated and considered by the Congress in a responsible manner. The Republican leadership, however, is not treating this issue the way it deserves to be treated. This debate deserves better, quite frankly. The American people deserve better.

I urge my colleagues to defeat this rule.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Just one clarification: The concurrent resolution, H. Con. Res. 51, does not become law.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I am honored to be here with the newly elected freshman member of the First District of South Carolina, TIM SCOTT. I appreciate his leadership on the Rules Committee. The people of South Carolina are very proud of his service. The people of the First District of South Carolina are noted for their strong support of the military. They elect Members to Congress like TIM SCOTT who work for a strong military, a strong national defense in the tradition of Ronald Reagan, of peace through strength.

In the First District, the Congressman has the Citadel, the military college of South Carolina; the Charleston Air Force Base, the Naval Weapons Station, SPAWARS. In fact, I actually grew up there adjacent to a U.S. Coast Guard base, so we know the value of a strong military.

Personally, in fact, Congressman SCOTT's brother was the Command Sergeant Major at Landstuhl, one of the largest military hospitals in the world in Germany. Through his Army experience and family connection, we know that TIM SCOTT is for a strong military

and understands as I do how important it is that military force should only be used when it is in America's vital interests.

I have the perspective of being the son of a World War II veteran, a Flying Tiger. I served 31 years in the Army National Guard. I have four sons currently serving in the military. I want our military to be used properly. When the President is right, as he was to follow the advice of General David Petraeus to add troops, the surge in Afghanistan, the resulting success that we see in Afghanistan today, we're happy to support him. But this resolution is very important, because we have not seen from the President of the United States, there has been a failure of leadership in regard to explaining why military forces are being used in Libya.

I'm very pleased with the resolution. The key point that the American people need to know is declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya. To put troops on the ground, I believe, is highly irresponsible. A case has not been made of why this is in America's vital interests. We know there is great conflict as to who the rebels are. What are these rebels? Are these al Qaeda elements that are attacking the Qadhafi forces? The Qadhafi forces themselves? What would happen if we got involved with troops on the ground? These issues need to be resolved on behalf of the American military, on behalf of the American people, and we urge through this resolution that the answers be provided to the American people, to the American military, to our allies, why are we there? What is America's vital interest?

And so I urge support of the rule and commend the freshman Congressman from South Carolina for his leadership.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Again, just so we're all clear here, under the War Powers Act, if a concurrent resolution is passed demanding that the troops are removed from a particular country, then they will be removed, if you believe that the War Powers Act carries any weight, and I believe that the War Powers Act is relevant here. That's what the resolution by the gentleman from Ohio (Mr. KUCINICH) does.

What the resolution my friends in the Republican leadership have drafted does is nothing. Your resolution doesn't even have to go to the Senate. It won't go to the Senate. It directs the President to do a whole bunch of things that, quite frankly, he can ignore, because this bill doesn't mean anything. What this is—and let's be clear about what this is—is this is a way for some of my friends on the other side of the aisle to kind of cover their back sides,

to be able to say to their constituents, We did something tough on Libya. Let me read to you how tough the language is in the bill that the Speaker of the House has drawn up. A lot of tough language. It sounds good. Except when you look a little bit more closely, you realize that this is an H. Res, which doesn't mean a thing.

So if you're into symbolism, if you're into therapy, you know, vote for the Boehner resolution. If you are interested in action, if you are interested in actually living up to our responsibilities as lawmakers in the United States Congress, then I would suggest that you look at the resolution that the gentleman from Ohio has drafted.

You can talk all you want about how the Republican alternative here is somehow meaningful, but it really isn't. Again, I shouldn't be surprised. No one should be surprised here, because most of what they have done since they assumed control of the Congress has been meaningless, has been symbolic. Whether it's dealing with health care or jobs, which they don't want to talk about, you name it, a lot of it has been mostly symbolic. I think on the issue of war, we should take it more seriously and be more honest with the American people as to what we're doing.

At this point I would like to yield 2 minutes to the gentleman New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman.

Mr. Speaker, what we are confronted with today is not primarily a question of foreign policy or even of war policy. We are presented with a question of constitutional law and of the prerogatives of the United States Congress. Shall the President, like the King of England, be a dictator in foreign policy? Shall the President have the unfettered right to take this country to war without so much as a "by your leave" from Congress as the King of England could do without authorization from Parliament?

The authors of our Constitution answered that question in the negative. They said, "No, we don't trust kings, we don't trust executives to make a decision to go to war. We want that to be the prerogative of the people as represented by the Congress."

□ 0930

A whole series of Presidents since World War II have forgotten that, starting with Harry Truman in the Korean War and Lyndon Johnson in the Vietnam War right up to the present.

Now, there are reasons for this, and I will go into that when I speak on the Kucinich resolution a little later. I would simply observe now I am going to vote for the Boehner resolution, but I am also going to vote for the Kucinich resolution.

The Boehner resolution is fine as far as it goes, but it doesn't deal with the

basic problem. The Boehner resolution says the President has failed to provide Congress with a compelling rationale based upon U.S. security interests for current United States military activities, that is true. Frankly, I do not understand why we are in Libya.

The Boehner resolution then says the President shall transmit to the House of Representatives all kinds of information, basically saying why we are there, and that's good. You should have done that before we went there, but it's good that we demand this information now. But then the Boehner resolution stops.

All it demands of the President is that he gives us his reasons. And his reasons, maybe we will agree with him, maybe we won't. Maybe they are sufficient, and maybe they are not.

Then it says, "Findings."

"(a) The President has not sought, and Congress has not provided, authorization for the introduction or continued involvement of the United States Armed Forces in Libya."

That's true.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. NADLER. I thank the gentleman.

"(b) Congress has the constitutional prerogative to withhold funding for any unauthorized use of the U.S. Armed Forces, including for unauthorized activities regarding Libya."

That's also true, but so what. It doesn't direct anything. It doesn't say that what the President did was outside his powers. It doesn't direct that the activity stop. It doesn't do anything. I think we should do something, because if in this situation we do not reclaim congressional powers, I can think of no set of circumstances under which the President cannot go to war without going to Congress first, no set of circumstances. And that turns the Constitution and the intentions of our Framers and the intentions of our whole constitutional law system on its head.

Therefore, I urge a vote of "yes" on the Boehner resolution and a vote of "yes" on the Kucinich resolution, which, unlike the Boehner resolution, actually does something about the situation we find ourselves in.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. You know, this could not be any more serious. It's important for us to debate what our servicemembers are doing in foreign conflicts.

The War Powers Act, it is important to make sure that the President understands from Congress exactly what we are willing to do with our American troops and where we are willing to fight.

But I do agree he has to give us his reasons. In Desert Storm, we knew why

we were there. We knew what our role was, we knew what our goals were, we knew what our exit strategy was.

These are the very reasons that we are looking for before we appropriate funds, before we put our troops at risk, before any boots go to the ground, before this conflict escalates any further, before a new government comes into play, we expect these answers to be given to us. We expect the President to do his job, to show leadership, to address Congress and explain why he is committing American servicemembers.

So this is very serious. It is very serious and it's long overdue. The President should have come here first. He certainly should have come here within 60 days. It is long overdue, it is very serious, and the time to demand answers is now.

Mr. MCGOVERN. Mr. Speaker, I yield myself 15 seconds.

I hear a lot of talk on the other side about the Boehner resolution requires the President to do this, it directs him to do that, he must do this, he shall do this. But the way you have presented this in this H. Res. form, the President doesn't have to do anything. So let's not fool ourselves, and let's not fool the American people that somehow this is meaningful.

I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. This could be no more a somber debate than what we are doing here today, and I thank the manager, Mr. MCGOVERN, and the gentleman from South Carolina for recognizing, through the leadership of our House, that the American people must be engaged in the constitutional duties that have been set out for the three branches of government.

Under the Constitution, the war powers are divided between Congress and the President, and among other relevant grants, Congress has the power to declare war and raise and support armed forces while the President is the Commander in Chief.

The congressional duties fall under article 1, section 8, and the Commander in Chief can relate his or her duties to article 2, section 2.

It is generally agreed that the Commander in Chief role gives the President power to utilize the armed services to repel attacks against the United States. But there has long been a challenge or controversy over whether he or she is constitutionally authorized to send forces into hostile situations abroad without a declaration of war or congressional authorization.

And so here we are today indicating that it is important for the Commander in Chief, no matter how much respect there is, to be able to respond to the call of the Congress. There are now two resolutions that swirl around the violence and horrific acts in Libya. Compounding the problem is a continued violence, an assault on the people of Libya.

So for a moment let me focus on General Qadhafi to ask him the question, is he reasoned, and does he recognize that the slaughter of his people must stop? The President of South Africa engaged in peace talks with General Qadhafi, and many of us thought that the white flag would be raised and that there would be an opportunity for resolution. We see that not coming.

So my message to General Qadhafi is to stop this senseless and violent war, to allow your people to accumulate the privileges of human dignity, that is to be able to live in peace and hopefully to secure democratic rights for themselves. But at the same time we in the United States cannot stand by and watch as violence proceeds. We must have procedure. We must have process.

I believe the Boehner amendment gives at least some tracking as to what you are asking the President for, but I still quarrel with the debate and the question as to whether or not that is enough.

I am supporting this rule so that we can move forward to begin to debate this question of the War Powers Resolution, and it is important that the branches of government understand you cannot roll over the Constitution. The Constitution does not allow us to ignore the Supreme Court's decisions on war. It does not allow us, in essence, to ignore the responsibilities of Congress.

So I rise today to support this debate and to support the premise that Congress must exercise its authority to declare war.

Mr. SCOTT of South Carolina. I yield 2 minutes to the chairman of the committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding and congratulate him on his management of this extraordinarily important rule.

Mr. Speaker, I want to begin by saying that I listened to my friend from Worcester. I was upstairs, and I want to express my appreciation to him for his very sincere institutional commitment, his commitment to our recognizing the preeminence of the first branch of government, and the fact that we, Mr. KUCINICH, and Mr. BOEHNER, all of us, Democrat and Republican alike, recognize that the President of the United States, under article 2 and article 1, has the responsibility, the responsibility, Mr. Speaker, to, in fact, engage the United States Congress.

Now, I think that a little clarification may need to be made at this juncture because, as I listen to the debate there seems to be quite a bit of confusion. People often talk about the "War Powers Act."

Mr. Speaker, there is no such thing as the "War Powers Act." There was a War Powers Resolution that passed that does not have the power and the strength of an enacted law.

□ 0940

Similarly, Mr. KUCINICH's resolution, which we will be considering and this rule makes in order, is a measure that will not have the force of law. Yes, it is true that it is an H. Con. Res, meaning that it will be considered in the Senate as well, assuming it passes this House, but it does not have the force of law. And no one, Mr. Speaker, should try to make that claim.

Similarly, the H. Res. that Mr. BOEHNER has offered I personally believe is more responsible because the notion of our calling for withdrawal within 2 weeks is something that virtually everyone has said cannot be done. That's why I believe that Mr. BOEHNER's resolution is a more responsible one than the one offered by my good friend from Ohio. But it, too, does not have the force of law.

So, as we proceed with this debate, I think it's very important for us to recognize that the terms that are being used need to be used correctly.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Just, again, we want to make sure everybody has got the right terminology correct and we are clarifying the RECORD. The H. Res. that Mr. BOEHNER has introduced, that my friends on the Republican side are touting as something substantial, gives the appearance of doing something, when in reality it does nothing.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say that the characterization that my friend just made of Mr. BOEHNER's resolution would also have to apply to the resolution offered by our friend from Ohio. We're talking about resolutions here. We're not talking about measures that have the power of law. This is not an act. These are resolutions, which are statements being made by this institution.

Mr. MCGOVERN. Reclaiming my time, I'm sorry that the gentleman has such a low opinion of the War Powers Resolution, but I think it carries more weight than he does.

But I would again say to my colleagues that what Mr. BOEHNER has proposed here has all this tough language in it requiring the President to do this, directing the President to do that, when, in fact, if we pass this, the President is under the obligation to do nothing.

At this point I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, because the Constitution vests the authority to declare war in the Congress, I oppose the administration's decision to dispatch American troops into hostilities in Libya without coming here first. I

think that was an error. But because I take those constitutional obligations very seriously and because each of us should take them very seriously, I oppose this rule and the underlying resolution from Speaker BOEHNER.

I find it ironic that, at a time when the institution is trying to assert its rightful constitutional place, the Speaker has proposed a resolution which is wholly ineffective and purely symbolic. This resolution pursues a gravely important objective in a rather frivolous and ineffective way.

If we believe that the conduct of a military operation is inappropriate for the country, there are tools available to us under the Constitution. Each one of those tools, whether it involves ceasing appropriations or involves other types of remedies, requires the consent of both the House and the Senate. To be effective, we must be bicameral. And to be bicameral, we have to put a resolution on the floor, the passage of which would lead to consideration by the Senate. The Boehner resolution, by its own terms, does not do that.

So the question the Members ought to be asking themselves here, whether they are for or against the incursion in Libya, whether they think it should cease or continue, is: What is the effect of passing the Boehner resolution?

As a practical and legal matter, the effect is nothing—nothing. All of the items the President would be directed to do, any of the steps the President would be prohibited from taking are meaningless if the Boehner resolution passes because the Boehner resolution does not contemplate being considered by the Senate.

So I would offer this to Members, that if they are looking for a resolution that, in fact, has effect and meaning, Mr. KUCINICH's resolution has real effect and meaning because it is a due exercise of the constitutional authority of the Congress.

The Speaker's resolution, which I take certainly in good faith, has none of that effectiveness and none of that practical consequence. So I would urge a "no" vote on the rule precisely because of the principle of congressional authority.

If you believe that we should exercise our constitutional authority, then let's really exercise it. Let's put something before the body that has real and practical meaning.

I would urge a "no" vote.

Mr. SCOTT of South Carolina. Mr. Speaker, our friends on the left continue to call House resolutions frivolous and meaningless. My good friend Mr. MCGOVERN himself just last term had House Resolution 278, Global Security Priorities Resolution.

The fact of the matter is the House needs to position itself so the American people understand what this House is trying to convey to the President of the United States. The fact of

the matter is this President continues to do things that, as a Senator, he said were inconsistent with the Constitution. So we are making sure that this House and the people who voted in this House are represented in the public forum.

I yield 3 minutes to the gentleman from South Carolina.

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today to talk about our Constitution and the specific role that it grants this Congress.

My constituents back in the Third Congressional District of South Carolina know that I carry a United States Constitution with me every day, and the first time I spoke on this floor, it was to read a portion of this great document. Specifically, I read the article that we're talking about today, Article I, section 8, clause 11, the enumerated power of Congress and of Congress, alone, to declare war.

Our Founders did not give that right to the executive branch. They invested that responsibility with us. Now, previous Congresses have delegated some of that responsibility with the War Powers Resolution. That's what's being used by this President. But I think the time has come for us to have the debate about the wisdom of that and the constitutional obligation our Founders defined for Congress.

Over the past few years, our country has seen a renewed appreciation for the Constitution, a recognition of the wisdom and divine guidance our Founding Fathers had when they crafted this sacred document. The Constitution lists our rights, these rights which were given us directly by God, but also contains the mechanisms to protect our rights from being trampled upon by man.

Among the most important of these protections is the separation of powers. Seeing firsthand the tyranny that can arise from a corrupt centralized power, our Founding Fathers sought to divide the power of government into three independent branches that serve as checks on one another.

Mr. Speaker, we in the Congress need to know: What is the national interest at stake in Libya? The President cites humanitarian needs, regional stability, and supporting the international community as his justification. I do not believe that these reasons suffice as national security interests. We did not go into Libya with a clear, attainable objective. The risks and costs do not appear to be fully analyzed.

As the President said, we would only be in Libya for days, not months. We've been there days. As a matter of fact, we've been there 73 days. Seventy-three days after we've gotten involved, we still don't have that answer. We don't know who we're supporting. We don't know whether we have a viable end game, and we don't have a congressional declaration of war or an authorization of force.

And yet this President chooses to continue to risk American lives, American servicemen and -women, and he continues to spend American treasure at the whims of the United Nations. This President should not be able to simply have wars of choice. He said this action in Libya would be limited.

Our troops have, once again, as always, performed admirably and done the job the President gave them to do. But we now have to do ours.

Mr. Speaker, the Constitution is very clear. Only Congress has the power to declare war. If this Congress allows our President to make wars of choice without the rule of law to guide him, we will be just as guilty in not upholding our constitutional obligations.

□ 0950

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My colleague, Mr. SCOTT, talked about the fact that I have supported House resolutions in the past and that, therefore, we should have more respect for the document that Mr. BOEHNER has put together. I have no problem with House resolutions. They state the views and the beliefs of Members of the House of Representatives.

But what I have a problem with is anybody coming to the floor and holding up the Boehner resolution and saying that it does something that it does not. What the Boehner resolution simply does is it just expresses the view of Congress. Even though it has pretty strong words in it, it doesn't require the President to do anything. He doesn't have to do anything if this thing passes.

The other thing I want to say, the distinguished chairman of the Rules Committee came on the floor here and just kind of pooh-poohed the War Powers Resolution as if it were just some other mere resolution. Quite frankly, I am stunned by his characterization. It is astonishing to me that he would come on the floor and say such a thing.

The fact of the matter is the War Powers Resolution is a joint resolution of Congress, passed by the House and the Senate. It was vetoed, and then it was overridden. It has the power of law. It is not just a mere resolution. So let's not put this on the same level as what the Speaker of the House has brought to this floor. It is two different things.

What Mr. KUCINICH does is he responds to the obligations that Congress has under the War Powers Resolution. This is serious stuff. This is important stuff. If we are going to get our terminology straight, we ought to get it straight.

With that, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the Armed Services Committee.

Mr. COURTNEY. Mr. Speaker, I rise in opposition to the rushed, hyper-par-

tisan process that we are watching today on a very serious issue of war resolution. It is absolutely a given that Congress has a role to play in terms of the President's action that it should be scrutinized and that we should have the opportunity to weigh in on it. Our Armed Services Committee has been meeting on a regular basis, holding administration officials' feet to the fire on those very questions. We had a hearing yesterday.

The fact of the matter is, though, just because Congress has the right to weigh in doesn't mean that we should pass a resolution for resolution sake. The batting average of Congress in terms of rushed resolutions, frankly, folks, is not very good. The Gulf of Tonkin Resolution was rushed through the Congress, and we know now today that historians have uncovered the fact that misinformation was presented to the Congress. The Iraq War Resolution in 2002 was rushed through this Congress with bad information.

And we are now seeing today language which was drafted literally overnight being presented to the Members of this body and being asked to weigh in in a deliberative fashion. This is a polemic we are voting on. This is not a carefully balanced, bipartisan process which the people of this country and the people who wear the uniform of this country deserve.

If you read the statement of policy, it is devoid of any of the lead-up to the President's decision which included a resolution by the Arab League on March 12 to impose a no-fly zone; the U.N. Security Council on March 17 to impose a no-fly zone; and on March 1, the United States Senate voted unanimously, not 51 percent, not 81 percent, not 91 percent, 100 percent in support of a no-fly zone, a Republican and Democratic bipartisan resolution calling on the President to do exactly what he is doing today.

Now, again, there is no question, 70 days is a long time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. COURTNEY. It is longer than certainly it was originally presented to this Congress; but the fact of the matter is this resolution, which was drafted in a partisan fashion, is so disappointing to the people who care so profoundly about whether or not the decisions on war and peace are actually going to be deliberated, debated, and voted on in a serious fashion. We are left with this truncated process that is, again, almost an insult to the people of this country.

Mr. SCOTT of South Carolina. Mr. Speaker, when you look at what we are doing here today, the gentleman to the left got it wrong. The bottom line is that Members of the House of Representatives have a choice. They can do

one of two or three things. They can vote for House Resolution 292, or they can vote for Concurrent Resolution 51. They can do both, or they can do neither.

The fact of the matter is, to trivialize or to belittle the process we are undertaking on behalf of the American people ought to give us cause to pause and ask ourselves: Who is playing the games?

We want the President of the United States to abide by the Constitution. You've heard Democrats and Republicans agree this morning on one clear fact: he didn't; and that's why we are here.

Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from South Carolina for yielding me this time.

Mr. Speaker, I want to say from the very beginning that Mr. MCGOVERN and I don't often agree on issues, but we do agree that this is a very serious issue that we are dealing with today. And yesterday in the Rules Committee, all of us dealt with this in a very serious way.

Mr. Speaker, we live in the greatest country in the world. A major part of what makes us so great is that we are a Nation of laws and not of men, and our rule of law is based on God's laws and our Constitution. Indeed, each one of us in Congress takes an oath to uphold the Constitution when we take our office. The President and Vice President, as well as members of the Cabinet, do the same thing.

We are here today to debate a rule and two resolutions related to the inattention of the President to the Constitution; and I dare say that none of us takes any joy in this, but we feel compelled by our dedication to our founding document to do this because we love our country. By doing all that we can to safeguard the constitutional powers granted to Congress, we are doing our part to keep the United States great and strong.

Mr. Speaker, I want to be very clear about what is not at issue today. This debate is not about our troops. We owe a huge debt of gratitude to our men and women in the military and their families. The troops do what they are sworn to do, what the law requires them to do: obey the orders of the Commander in Chief. The troops are doing their duty. By refusing to get congressional authorization for military action in Libya, it appears that their Commander in Chief is not.

The Constitution was designed to be a check on the power of our government, hence the term "enumerated powers." Each of the three branches has very limited powers with Congress having its own unique role and powers, one of which, an important one of which, is the power to declare war.

My focus this morning will be on the abrogation of the constitutional and statutory responsibility by the President in regard to his actions on Libya. In other words, the authorization to use military force is given to the President by this body and none other. And it is in accordance with our Constitution that we are here asserting our sworn constitutional duty and telling the President he does not have the support nor the authority that he claims to have in order to continue military operations in Libya.

I have often urged people to read Orwell's book "1984" because the language used by President Obama in particular on the Libya issue to muddy the waters is so reminiscent of the language used in that book about a country where the government controls everything, including the minds of the people, partly by the use of language that is completely distorted.

Mr. Speaker, I have read the letter that President Obama sent to Congress. He should have come in person to make his case, but even then I doubt we would agree to continue operations in Libya. The letter that the President sent does not even begin to comply with the requirements of the War Powers Resolution. Let me read parts of it and enter the entire letter into the RECORD, Mr. Speaker.

Here is how the letter begins: "On March 21, I reported to the Congress of the United States, pursuant to a request from the Arab League and authorization by the United Nations Security Council, had acted 2 days earlier to prevent a humanitarian catastrophe by deploying U.S. forces to protect the people of Libya from the Qadhafi regime. As you know, over these last 2 months, the U.S. role in this operation to enforce U.N. Security Council Resolution 1973 has become more limited, yet remains important."

Here is where I want to get into this convoluted language.

□ 1000

Thus, pursuant to our ongoing consultations, I wish to express my support for the bipartisan resolution drafted by Senators KERRY, MCCAIN, LEVIN, FEINSTEIN, GRAHAM, and LIEBERMAN, which would confirm that the Congress supports the U.S. mission in Libya and that both branches are united in their commitment to supporting the aspirations of the Libyan people for political reform and self-government.

Mr. Speaker, this is doublespeak of the worst kind—a resolution drafted, never introduced or passed, which would confirm that Congress supports the U.S. mission. The President is dreaming when he talks about this language.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of South Carolina. I yield the gentlewoman an additional 30 seconds.

Ms. FOXX. Mr. Speaker, let me reiterate: This debate is not about our troops; it's about our Constitution. Our men and women in uniform are doing their duty by following orders. They make me and the rest of us very proud. We are a blessed Nation to have such men and women in the military.

This is about our oath to protect and defend the Constitution, about the checks and balances our Founding Fathers had in mind when they broke away from an imperial monarchy. I urge my colleagues to support the rule.

#### LETTER FROM PRESIDENT OBAMA

On March 21, I reported to the Congress that the United States, pursuant to a request from the Arab League and authorization by the United Nations Security Council, had acted 2 days earlier to prevent a humanitarian catastrophe by deploying U.S. forces to protect the people of Libya from the Qaddafi regime. As you know, over these last 2 months, the U.S. role in this operation to enforce U.N. Security Council Resolution 1973 has become more limited, yet remains important. Thus, pursuant to our ongoing consultations, I wish to express my support for the bipartisan resolution drafted by Senators Kerry, McCain, Levin, Feinstein, Graham, and Lieberman, which would confirm that the Congress supports the U.S. mission in Libya and that both branches are united in their commitment to supporting the aspirations of the Libyan people for political reform and self-government.

The initial phase of U.S. military involvement in Libya was conducted under the command of the United States Africa Command. By April 4, however, the United States had transferred responsibility for the military operations in Libya to the North Atlantic Treaty Organization (NATO) and the U.S. involvement has assumed a supporting role in the coalition's efforts. Since April 4, U.S. participation has consisted of: (1) non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance; (2) aircraft that have assisted in the suppression and destruction of air defenses in support of the no-fly zone; and (3) since April 23, precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition's efforts.

While we are no longer in the lead, U.S. support for the NATO-based coalition remains crucial to assuring the success of international efforts to protect civilians from the actions of the Qaddafi regime. I am grateful for the support you and other Members in Congress have demonstrated for this mission and for our brave service members, as well as your strong condemnation of the Qaddafi regime. Congressional action in support of the mission would underline the U.S. commitment to this remarkable international effort. Such a Resolution is also important in the context of our constitutional framework, as it would demonstrate a unity of purpose among the political branches on this important national security matter. It has always been my view that it is better to take military action, even in limited actions such as this, with Congressional engagement, consultation, and support.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlelady from North Carolina for her remarks, much of which I agree with—



and I don't always agree with her. I especially appreciate her emphasis on the importance of the War Powers Resolution and how it applies here.

I again want to emphasize the importance of the War Powers Resolution because I was really surprised by the way the distinguished chairman of the Rules Committee kind of diminished what the War Powers Resolution is all about. I want to read to you and read to my colleagues a section from a briefing paper that the Congressional Research Service put together. Let me just read this part here:

"Section 1 establishes the title 'The War Powers Resolution.' The law is frequently referred to as the 'War Powers Act,' the title of the measure passed by the Senate. Although the latter is not technically correct, it does serve to emphasize that the War Powers Resolution embodied in a joint resolution, which complies with constitutional requirements for lawmaking, is a law."

What I find puzzling is that we're all talking about the importance of the War Powers Resolution, and my friends on the other side of the aisle are saying, Well, that's why you need to support the Boehner H. Res, which, again, does nothing. I mean we could do a press release, and it would have the same impact that the resolution Mr. BOEHNER has introduced would have on the President of the United States and, unfortunately, on the President of the United States to do certain things.

Again, I want to emphasize that there is a War Powers Resolution. It is law. It is important that we understand that and understand we have a role in that. What Mr. KUCINICH is trying to do is to assert the proper congressional role with regard to War Powers Resolution. What my friends on the other side of the aisle are trying to do is, I guess, either provide cover for Members so they don't have to vote for Mr. KUCINICH's resolution or to make a statement, but it doesn't really do anything.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 90 seconds to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Speaker, I applaud Speaker BOEHNER for raising this important issue today before the House.

I cannot agree more with the Speaker that the President has failed to explain to the Nation the purpose and goals of our military operation in Libya. The Speaker's resolution rightly demands answers from the President with regard to U.S. security interests and military objectives in our engagement in Libya. I would go even further than that to suggest that the President has been in violation of the law and has set out specific responses from Congress.

But let's be clear: Congress must engage in a full, open and honest debate about sending our brave men and women into harm's way, into combat. We owe that to them, and we owe that to the American people. The Founders intended such a debate when they granted Congress the power to declare war.

The President's complete failure to consult with Congress and receive specific authority as required by the War Powers Act and by the Constitution leads to only one conclusion: that President Obama is in violation of the Constitution and the authority under the War Powers Act as well.

The United States Congress cannot now sit idly by any longer as the President refuses to abide by his constitutional and his legal requirements. So, in conclusion, I believe that Congress must hold this President accountable, and the Speaker's resolution is a first step in that direction.

Mr. MCGOVERN. I continue to reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I would like to thank my friend and Rules Committee member, Mr. SCOTT, for the opportunity to speak in support of this rule.

Mr. Speaker, we are already fighting a war on two fronts—Iraq and Afghanistan. Our troops and resources are already spread very thin.

On March 19, the President announced that U.S. military forces had joined with our NATO allies to commence operations in Libya. The President did this not only without congressional authorization but without even consulting Congress on the matter. For the first 10 days of this operation, it was under U.S. command before shifting control of all ongoing operations to NATO on March 30. To this day, the President still hasn't come to Congress to ask for formal approval. When the President first committed our military to operations in Libya, he said we were talking about days, not months. Today, we are talking about months, not days.

Mr. Speaker, President Obama has put us in a trick bag with our NATO allies. He knew he was committing our military forces and assets to a mission that would be unpopular, unjustifiable and unconstitutional. So, in an attempt to avoid Congress and Article I of the U.S. Constitution, President Obama transferred operations over to NATO. Although we may not be in control of the mission, there is no doubt that NATO could not move forward without U.S. assets. As my colleague from Ohio (Mr. KUCINICH) will point out, 93 percent of the cruise missiles, 66 percent of the personnel, 50 percent of the ships, and 50 percent of the planes are estimated to have cost this Nation over \$700 million to date.

I will support our troops wherever the President sends them. However, I cannot support President Obama's decision to commit our military forces to operations without the constitutionally required congressional authorization.

Mr. MCGOVERN. I continue to reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I can say this to my colleagues on both sides of the aisle: While I've been sitting here this morning, I haven't heard anything from either side that I disagree with. I am going to support Speaker BOEHNER's resolution, and I am going to probably oppose Representative KUCINICH's resolution for this reason the Speaker convinced me of, and I listened very carefully to him: With regard to within 2 weeks pulling everything that we have in Libya out and coming home, it would set a dangerous precedent in regard to our NATO allies.

Make no mistake about it, this President got us into this mess. It was his ignoring of the War Powers Resolution. I don't know who was advising him in regard to that, whether or not it was the Attorney General, but it was an absolute mistake. Now that he has committed us—the United States of America and our troops—to NATO through this U.N. resolution, I feel it would be a mistake to immediately, within 14 days, pull the rug out from under that operation.

I am not completely satisfied with the Boehner resolution, but I think it does lay down a marker. It makes a statement. The Speaker was very clear in speaking to us that this is not the end of this, that this is the beginning. We have the ability to amend, if we need to, the War Powers Resolution. We need to make it very clear. I don't know who the President notified in regard to this operation. What did he do—send a tweet to the chairmen of the Senate and House Armed Services Committees and the respective Select Committees on Intelligence? That's not good enough for me, a Member, one of 435 in this body. It should never happen again, and that's what this is all about today.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me say that this is not a partisan issue. I hear a lot of partisan rhetoric, but it is not a partisan issue. This is an issue about where we deploy troops, who has the authority to do it and whether or not what the President has done is constitutional.

I will probably support both resolutions, but one of the concerns I have about the Speaker's resolution is that

it says the President shall not deploy, establish or maintain the presence of units and members of the United States Armed Forces on the ground in Libya.

Most of our wars that we fight now are fought from the air or from battle-ships. We've had about 250 missiles fired in Libya, and about 226 of them are American. We've spent almost three-quarters of \$1 billion already, and it probably will go over \$1 billion. "Boots on the ground" says that we're not going to put troops into Libya, but we've got ships offshore; we've got planes in the air; we've got airmen who are at risk every single day; and we're committing military forces in Libya even though we don't have boots on the ground.

□ 1010

This goes further than boots on the ground. The President does not have the constitutional authority to do what he did.

Now, I think that the Boehner resolution is a good step in the right direction, except for one thing: it limits it to no boots on the ground. We shouldn't have any troops over there.

This was not approved by Congress, by the people. It was approved by the Arab League. It was approved by the United Nations. It was approved by the French and English, but not the American people. And it's costing billions of dollars, or will cost billions of dollars. This is something that should not have happened, and it should never happen again.

Now, if we limit this to boots on the ground, what if the President decides in a week, while we're out on recess, to go into Syria. And they say, well, it says no boots on the ground. He could still attack Syria, Assad there in Syria, with airplanes and missiles.

We must stop this President from making unilateral decisions that the American people do not support and the Congress of the United States does not support.

Mr. SCOTT of South Carolina. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5 minutes remaining.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, this is a very serious issue, and I want to commend many of my colleagues who have come to the floor today who have spoken very thoughtfully about this issue.

But on this issue, quite frankly, we should have come together in a bipartisan way and crafted a bipartisan resolution and come to this floor as one and spoken as one. That did not happen because politics got in the way.

Anytime over the last several weeks, the Armed Services Committee or the

Foreign Affairs Committee could have reported out a resolution on Libya. They didn't. Mr. KUCINICH came to the House with his resolution. It went through a process that would have compelled a vote. And all of a sudden, the Republican leadership got nervous, and they came up with the Boehner resolution in an attempt to undercut the Kucinich resolution.

If you question whether or not politics had anything to do with it, I would advise you to read the Politico piece that ran: "Boehner told the House Republican Conference during a closed-door meeting on Thursday that he doesn't 'want to turn the floor over to DENNIS KUCINICH,' the liberal Ohio Democrat who has been a driving force against the administration's military action in Libya."

Okay, I get it. But you know what? We could have come together, and the chairman and ranking member of the Armed Services Committee, the chairman and ranking member of the Foreign Affairs Committee could have come together, and we could have crafted a bipartisan resolution and done something truly meaningful here. Because, quite frankly, it doesn't matter what political party a President may be. It needs to be made clear that Congress plays a role in war-making. And, unfortunately, in this case I think there's a bipartisan consensus that Congress was just ignored. And that cannot stand.

My problem, again, with the Boehner resolution is that it doesn't do anything. If anybody thinks that passing this resolution is going to compel the White House to do anything differently or provide us with anything that they haven't already provided us with, they're gravely mistaken. It doesn't force the President's administration to do anything. It's a strong statement. I think it's written in a very partisan way, unfortunately; but my friends on the other side of the aisle can do what they want.

But it reminds, I think, all of us who care deeply about these issues that there has to be a better way to do this. And on issues like this, we should come together in a bipartisan way and try to craft resolutions or joint resolutions that mean something and that both sides can feel comfortable supporting.

I also, again, want to thank my colleagues on both sides of the aisle for reminding us again of the importance of the War Powers Resolution. It is not just some mere resolution. It is law. It is law. And the reason why we are here today is because we believe that the War Powers Resolution needs to be upheld and that Congress needs to assert its proper role on this issue.

So having said all of that, I will urge my colleagues to vote "no" on the rule because I think this process is not appropriate. I would urge my colleagues to vote "no" on the Boehner resolu-

tion. And I will vote for the Kucinich resolution. I urge my colleagues to vote their conscience on that.

But if you really want to send a message, let's not send a press release. Let's do something that resonates, that, once again, asserts Congress's proper role in this debate.

We're involved in too many wars. We're going broke. We're losing too many brave men and women in these conflicts. And in the case of Libya, I, like many of my colleagues on both sides of the aisle, wonder what the point is and what our mission is. It's not clear. That's one of the reasons why Congress should be involved. That's one of the reasons why there should be debate. We need to take this out of the realm of partisanship and kind of return it back to where it belongs. This should be a bipartisan issue here, and I regret that my colleagues on the other side of the aisle chose not to do that.

So I urge a "no" vote on the rule, a "no" vote on the Boehner resolution. I will vote for the Kucinich resolution. I urge my colleagues to vote their conscience on that.

I yield back the balance of my time. Mr. SCOTT of South Carolina. Mr. Speaker, this rule lets the House work its will, without any question. You have a choice. Take the opportunity. Vote your conscience.

This is a place where we are confident and not nervous, but we want to close in a bipartisan way because there's no doubt that we want Americans to come together. And I can think of no more appropriate way to close than to quote then-Senator Barack Obama once again:

"The President does not have the power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Mr. DREIER. Mr. Speaker, some have argued that under the War Powers Resolution, a concurrent resolution has the force of law. That just is not correct.

Under the Constitution, a law requires the signature of the President. That is true for a declaration of war, for an appropriation, establishment of weights and measures, or any other exercise of legislative power under Article I of the Constitution. Without the Signature of the President, or an override of his veto, it is not a law and just does not bind the Executive.

The Supreme Court highlighted this particular point in its landmark case *INS v. Chadha* which overturned the concept of the legislative veto. The War Powers Resolution predates the Chadha decision, and most constitutional scholars believe that decision creates a constitutional infirmity for resolutions passed pursuant to its terms as they would constitute a legislative veto.

So while both the Speaker's resolution and Mr. KUCINICH's resolution express the policy of the legislative branch, neither has the force of law.

Mr. SCOTT of South Carolina. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 156, not voting 19, as follows:

[Roll No. 410]

YEAS—257

|               |                 |                 |
|---------------|-----------------|-----------------|
| Adams         | Fincher         | Long            |
| Aderholt      | Fitzpatrick     | Lucas           |
| Akin          | Flake           | Luetkemeyer     |
| Alexander     | Fleischmann     | Lummis          |
| Altmire       | Fleming         | Lungren, Daniel |
| Amash         | Flores          | E.              |
| Austria       | Forbes          | Lynch           |
| Bachmann      | Fortenberry     | Mack            |
| Bachus        | Fox             | Manzullo        |
| Barletta      | Frank (MA)      | Marchant        |
| Bartlett      | Franks (AZ)     | Marino          |
| Barton (TX)   | Gallely         | Matheson        |
| Benishek      | Garamendi       | McCarthy (CA)   |
| Berg          | Gardner         | McCaul          |
| Biggart       | Garrett         | McClintock      |
| Billray       | Gerlach         | McHenry         |
| Bilirakis     | Gibbs           | McKeon          |
| Bishop (NY)   | Gibson          | McKinley        |
| Bishop (UT)   | Gingrey (GA)    | McMorris        |
| Black         | Gohmert         | Rodgers         |
| Blackburn     | Goodlatte       | Meehan          |
| Bonner        | Gosar           | Mica            |
| Bono Mack     | Gowdy           | Michaud         |
| Boren         | Granger         | Miller (FL)     |
| Boustany      | Graves (GA)     | Miller (MI)     |
| Brady (TX)    | Graves (MO)     | Miller, Gary    |
| Braley (IA)   | Green, Gene     | Mulvaney        |
| Brooks        | Griffin (AR)    | Murphy (PA)     |
| Brown (GA)    | Griffith (VA)   | Neugebauer      |
| Buchanan      | Grimm           | Noem            |
| Bucshon       | Guinta          | Nugent          |
| Buerkle       | Hall            | Nunes           |
| Burgess       | Hanna           | Nunnelee        |
| Burton (IN)   | Harper          | Olson           |
| Calvert       | Harris          | Palazzo         |
| Camp          | Hartzler        | Paul            |
| Campbell      | Hastings (WA)   | Paulsen         |
| Canseco       | Hayworth        | Pearce          |
| Cantor        | Heck            | Pence           |
| Capito        | Hensarling      | Petri           |
| Carter        | Herger          | Pitts           |
| Cassidy       | Herrera Beutler | Platts          |
| Chabot        | Holt            | Poe (TX)        |
| Chaffetz      | Huelskamp       | Pompeo          |
| Chandler      | Huizenga (MI)   | Posey           |
| Clarke (NY)   | Hultgren        | Quayle          |
| Clay          | Hunter          | Rahall          |
| Cleaver       | Hurt            | Reed            |
| Coble         | Issa            | Rehberg         |
| Coffman (CO)  | Jenkins         | Reichert        |
| Cole          | Johnson (IL)    | Renacci         |
| Conaway       | Johnson (OH)    | Ribble          |
| Connolly (VA) | Johnson, Sam    | Richardson      |
| Cravaack      | Jones           | Rigell          |
| Crawford      | Jordan          | Rivera          |
| Crenshaw      | Kelly           | Roby            |
| Culberson     | King (IA)       | Roe (TN)        |
| Davis (IL)    | King (NY)       | Rogers (AL)     |
| Davis (KY)    | Kingston        | Rogers (KY)     |
| Denham        | Kinzinger (IL)  | Rogers (MI)     |
| Dent          | Kline           | Rohrabacher     |
| DesJarlais    | Kucinich        | Rokita          |
| Diaz-Balart   | Labrador        | Rooney          |
| Dold          | Lamborn         | Ros-Lehtinen    |
| Dreier        | Lance           | Roskam          |
| Duffy         | Landry          | Ross (AR)       |
| Duncan (SC)   | Lankford        | Ross (FL)       |
| Duncan (TN)   | Latham          | Royce           |
| Ellison       | LaTourette      | Runyan          |
| Ellmers       | Latta           | Ryan (WI)       |
| Emerson       | Lewis (CA)      | Scalise         |
| Farenthold    | LoBiondo        | Schilling       |

Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Sessions  
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Tipton  
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McCotter  
Miller, George  
Myrick  
Neal  
Price (GA)

Rush  
Schwartz  
Shuler  
Visclosky  
Young (AK)

□ 1043

Mr. CARSON of Indiana, Mrs. CAPPS, Messrs. NADLER, RANGEL, DOGGETT, and BECERRA changed their vote from “yea” to “nay.”

Messrs. ALTMIRE and FRANK of Massachusetts changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINCHEY. Mr. Speaker, on rollcall No. 410, had I been present, I would have voted “yea.”

## REGARDING DEPLOYMENT OF UNITED STATES ARMED FORCES IN LIBYA

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to House Resolution 294, I call up the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 294, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 292

*Resolved,*

### SECTION 1. STATEMENTS OF POLICY.

The House of Representatives makes the following statements of policy:

(1) The United States Armed Forces shall be used exclusively to defend and advance the national security interests of the United States.

(2) The President has failed to provide Congress with a compelling rationale based upon United States national security interests for current United States military activities regarding Libya.

(3) The President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya unless the purpose of the presence is to rescue a member of the Armed Forces from imminent danger.

### SEC. 2. TRANSMITTAL OF EXECUTIVE BRANCH INFORMATION RELATING TO OPERATION ODYSSEY DAWN AND OPERATION UNIFIED PROTECTOR.

The House of Representatives directs the Secretary of State, the Secretary of Defense, and the Attorney General, respectively, to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of any official document, record, memo, correspondence, or other communication in the possession of each officer that was created on or after February 15, 2011, and refers or relates to—

(1) consultation or communication with Congress regarding the employment or deployment of the United States Armed Forces for Operation Odyssey Dawn or NATO Operation Unified Protector; or

(2) the War Powers Resolution and Operation Odyssey Dawn or Operation Unified Protector.

### SEC. 3. REPORT TO HOUSE OF REPRESENTATIVES.

(a) CONTENTS.—Not later than 14 days after the date of the adoption of this resolution, the President shall transmit to the House of Representatives a report describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011, including a description of the following:

(1) The President's justification for not seeking authorization by Congress for the use of military force in Libya.

(2) United States political and military objectives regarding Libya, including the relationship between the intended objectives and the operational means being employed to achieve them.

(3) Changes in United States political and military objectives following the assumption of command by the North Atlantic Treaty Organization (NATO).

(4) Differences between United States political and military objectives regarding Libya and those of other NATO member states engaged in military activities.

(5) The specific commitments by the United States to ongoing NATO activities regarding Libya.

(6) The anticipated scope and duration of continued United States military involvement in support of NATO activities regarding Libya.

(7) The costs of United States military, political, and humanitarian efforts concerning Libya as of June 3, 2011.

(8) The total projected costs of United States military, political, and humanitarian efforts concerning Libya.

(9) The impact on United States activities in Iraq and Afghanistan.

(10) The role of the United States in the establishment of a political structure to succeed the current Libyan regime.

(11) An assessment of the current military capacity of opposition forces in Libya.

(12) An assessment of the ability of opposition forces in Libya to establish effective military and political control of Libya and a practicable timetable for accomplishing these objectives.

(13) An assessment of the consequences of a cessation of United States military activities on the viability of continued NATO operations regarding Libya and on the continued viability of groups opposing the Libyan regime.

(14) The composition and political agenda of the Interim Transitional National Council (ITNC) and its representation of the views of the Libyan people as a whole.

(15) The criteria to be used to determine United States recognition of the ITNC as the representative of the Libyan people, including the role of current and former members of the existing regime.

(16) Financial resources currently available to opposition groups and United States plans to facilitate their access to seized assets of the Libyan regime and proceeds from the sale of Libyan petroleum.

(17) The relationship between the ITNC and the Muslim Brotherhood, the members of the Libyan Islamic Fighting Group, al-Qaeda, Hezbollah, and any other group that has promoted an agenda that would negatively impact United States interests.

(18) Weapons acquired for use, and operations initiated, in Libya by the Muslim Brotherhood, the members of the Libyan Islamic Fighting Group, al-Qaeda, Hezbollah, and any other group that has promoted an agenda that would negatively impact United States interests.

(19) The status of the 20,000 MANPADS cited by the Commander of the U.S. Africa Command, as well as Libya's SCUD-Bs and chemical munitions, including mustard gas.

(20) Material, communication, coordination, financing and other forms of support between and among al-Qaeda operatives, its affiliates, and supporters in Yemen, the Horn of Africa, and North Africa.

(21) Contributions by Jordan, the United Arab Emirates, Qatar, and other regional states in support of NATO activities in Libya.

(b) TRANSMITTAL.—The report required by this section shall be submitted in unclassified form, with a classified annex, as deemed necessary.

#### SEC. 4. FINDINGS.

(a) The President has not sought, and Congress has not provided, authorization for the introduction or continued involvement of the United States Armed Forces in Libya.

(b) Congress has the constitutional prerogative to withhold funding for any unauthorized use of the United States Armed Forces, including for unauthorized activities regarding Libya.

The SPEAKER pro tempore. The resolution shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes. The gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of House Resolution 292, sponsored by our distinguished Speaker. As the resolution states at the outset, the Armed Forces of the United States may only be used to defend and advance the national security interests of the United States, not to enforce, to quote the President, "the writ of the international community," nor because of the United Nations, nor because of the Arab League. Yet these are what the President has repeatedly pointed to in justifying sending U.S. forces into action in Libya.

But what he has not done is explain to the American people and to Congress how the situation in Libya, if allowed to spiral out of control, poses a threat to U.S. national security interests.

It is an increasingly important region, Mr. Speaker, with implications stretching into other areas that are vital to our Nation. Little, if any, details have been provided in response to repeated questions regarding U.S. goals, the costs of the operation, the scope of the operation, and other issues of direct relevance to our national security. It is an open question as to whether the administration simply won't tell us or whether they just don't know the answers.

Members on both sides of the aisle are increasingly frustrated. I share that frustration. Many question the importance of Libya to U.S. interests, and especially the need for military engagement. Many more are outright angry about the disregard with which

the President and his administration have treated Congress on the Libya military engagement.

But it is not surprising that there is a desire to simply say "enough" and to force the President to withdraw precipitously, regardless of the consequences. But I believe that we would only make a difficult situation worse by taking such drastic action. The negative impact would be widespread, Mr. Speaker. The news that the U.S. House of Representatives had mandated a withdrawal of U.S. forces would send a ray of sunshine into the hole in which Qadhafi is currently hiding. It would ensure his hold on power. It would be seen not only in Libya, but throughout the Middle East and North Africa as open season to threaten U.S. interests and destabilize our allies.

Pulling out of the NATO operation would also undermine our NATO partners, who, after years of prodding by us, have finally begun to take more responsibility for ensuring security and stability in the region. How could we then argue that they must maintain their commitment to our allied efforts in Afghanistan when we have just pulled the rug out from under them in Libya?

We must not let our frustration with the President's contempt for Congress cloud our judgment and result in our taking action that would harm our standing, our credibility, and our interests in the region. But clearly, we must speak out.

This resolution offered by Speaker BOEHNER would send an unambiguous warning to the President that he must either change course in his dealings with Congress and the American people or have the decisions regarding U.S. involvement in Libya taken out of his hands.

□ 1050

It states a fundamental truth that I assume that most in this Chamber agree with that U.S. forces must only be used to defend and advance the national security interests of the United States. It underscores that the President has not made a compelling case for U.S. military involvement based on U.S. interests, and it prohibits the employment of U.S. ground forces in Libya so that mission creep would not gradually lead us into an ever-expanding conflict.

It also requires the President to provide to Congress the information that we should have had at the outset, including, Mr. Speaker:

What are the political and military objectives of the United States and Libya?

How do we intend to achieve them? What specific commitment have we made to our NATO operations, and how might these impact our commitments in Afghanistan?

What is the anticipated scope, the duration, and the anticipated cost of

continued U.S. military involvement in Libya?

What is the relationship between opposition forces that are grouped under the Interim Transitional National Council and the Muslim Brotherhood, the Libyan Islamic Fighting Group, al Qaeda, Hezbollah, and other extremist groups?

How well armed are these and other extremist groups, and how extensive are their activities in Libya?

Who controls thousands of shoulder-fired antiaircraft missiles and stocks of chemical weapons that Qadhafi has acquired?

Finally, Mr. Speaker, this resolution bluntly states that the President has neither sought nor received authorization by the Congress for the continued involvement of the United States Armed Forces in Libya. If this clear warning doesn't get the attention at the White House, then more forceful action may be inevitable. The President can choose to act with the support of Congress and with the support of the American people, but he will not be allowed to proceed without it.

I urge my colleagues to vote for this strong and necessary resolution.

With that, I am pleased to yield 1 minute to the distinguished Speaker of the House of Representatives, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding.

In March, when the President committed our troops to NATO's mission in Libya, I said that he had a responsibility to the American people to define the mission, to explain what America's role was in achieving that mission and lay out how it was to be accomplished. He has not effectively done so. The American people and the Members of this House have questions and concerns that have gone unanswered.

The President of the United States is our Commander in Chief, and I have always believed combat decisions should be left to the Commander in Chief and to the generals on the ground. But the House also has an obligation to heed the concerns of our constituents and to carry out our constitutional responsibilities.

The resolution I have put forward expresses the will of the people in a responsible way that reflects our commitments to our troops and to our allies.

Let me lay out exactly what this resolution does.

First, it establishes that the President has not asked for and that the Congress has not granted authorization for the introduction or continued involvement of our troops in Libya.

Second, it reasserts Congress' constitutional role to fund our troops.

Third, it requires the President to provide, within 14 days, information on that mission that should have been provided from the start.

And, lastly, it reaffirms the vote that we took last week that says that there should be no troops on the ground in Libya.

I hope the President will recognize his obligations outlined in this resolution and provide this information to Congress and, in doing so, better communicate to the American people what our mission in Libya is and how it will be achieved.

The resolution offered by my colleague from Ohio (Mr. KUCINICH) conveys the concerns of the American people, but it also mandates a precipitous withdrawal from our role in supporting our NATO allies in Libya. In my opinion, that would undermine our troops and our allies, which could have serious consequences for our broader national security.

In my view, the gentleman's resolution goes too far. We may have differences regarding how we got here, but we cannot turn our backs on our troops and our NATO partners who have stuck by us over the last 10 years.

In 1991 in my first vote as a Member of this body, I voted to authorize the use of force in the first Gulf War. It was a consequential time, but I think we did the right thing. And today is no different. On behalf of the American people and our country, we have an obligation to support our troops in harm's way and to support our allies.

This resolution puts the President on notice. He has a chance to get this right; and if he doesn't, Congress will exercise its constitutional authority and we will make it right.

I urge a "yes" on the Boehner resolution and a "no" on the Kucinich resolution.

Mr. BERMAN. I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this resolution.

If the Members of the House choose to pass the Speaker's one-Chamber resolution, it should add one finding: that we declare ourselves to be one big constitutionally created potted plant.

This resolution casts all kinds of aspersions on the President. It states the President has failed to provide Congress with a compelling rationale for operations in Libya. It implies that there has been a withholding of documents and information from this body.

Could the President provide more information to the Congress? Of course. But we need to look not just at the President's failure to seek an authorization, but the refusal of this body to exercise its authority in this area. The onus rests with us to recognize the sacred duty of authorizing the use of force.

A resolution like this, with no operative language, with no invocation of the War Powers Resolution and which was presented to Members for the first time just 14 hours ago, simply perpetuates a dynamic of congressional ac-

quiescence and acquiescence that, for the most part, has gone on truly since the Korean War.

There are two choices here. If the majority thinks that the President's initial efforts to stop a humanitarian catastrophe were wrong or that current operations in Libya do not have a compelling national security rationale, it should support Mr. KUCINICH's approach and offer a concurrent resolution pursuant to section 5(c) of the War Powers Resolution requiring the removal of U.S. forces.

If the majority has concerns with Mr. KUCINICH's approach, as many of us do, and believes terminating military action would have grave consequences for U.S. national security, it should simply authorize the use of force in Libya, incorporating the restrictions on ground forces that this resolution has, that the Conyers language in the DOD bill had. I would gladly join the Speaker in cosponsoring such an authorization of the limited use of force.

But pursuing a nonbinding House Resolution that takes potshots at the President and amounts to nothing more than a sense of the Congress is just an exercise in political gamesmanship. It is a pedantic effort to embarrass the President without taking any ownership for the policy of the intervention.

The majority, not the President, puts this body in a position of powerlessness through such toothless efforts. We are 60 days into this operation. Either we should authorize this action or terminate, not play around with reporting requirements.

The resolution is also confusing. It states that the President shall not deploy or maintain the presence of U.S. military units on the ground in Libya.

□ 1100

But as the majority well knows, U.S. military activities are limited to air operations and nothing more. So does this language mean the majority is okay with the current intervention in Libya? The majority seems to be raising a fuss while winking at the White House. That's not the way to legislate.

Finally, I object to the resolution because it is downright inaccurate. The resolution implies that there is no compelling national security rationale for operations in Libya. But U.S. interests are clear. They have been forcefully articulated by the administration and, ironically, by conservative advocates like Bill Kristol.

We are in Libya because we are averting a probable massacre against civilians. We are in Libya because our NATO partners need our help. Refusal to act there would send a message to NATO allies, who are putting their forces on the line in Afghanistan, that we are not a dependable partner. We are in Libya because our friends struggling for democracy in the Middle East

are watching events there. If we failed to act, or worse, seek withdrawal today, what will we be saying to the activists in Tunisia and Egypt, whose fragile movements for democracy could be stifled by the destabilizing effect of a Qadhafi-led government remaining in power? And what message would we be sending to Assad and to other dictators and enemies about our staying power?

Let's not kid ourselves. A Qadhafi who is unleashed to commit acts of terrorism around the world will do so with unspeakable barbarity. We know Qadhafi's record of bloodshed, and we know his readiness to use terror, especially now that he has nothing to lose. I cannot think of a more compelling rationale for current operations in Libya.

I object to the characterization that U.S. national security interests and humanitarian objectives are incompatible. In Libya, it is quite clear that stopping murder and preventing a refugee crisis very much correspond with U.S. national interests.

The Republican sponsors of this resolution are trying to have it both ways. They want to criticize the President for taking the very action that many of them called for 3 months ago. And they want to do so without taking any responsibility. In the process, they are offering nothing but criticism, obstruction and endless second-guessing.

President Bush once accused the Democratic Party of becoming "the party of cut and run." Well, it seems the running shoe is now on the other foot. It is a Democratic President that is taking on a brutal tyrant, and it is the Republican Party that refuses to back him.

I urge my colleagues to take seriously U.S. military involvement in Libya and vote "no" on this resolution.

I reserve the balance of my time.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 292 and H. Con. Res. 51.

The SPEAKER pro tempore (Mrs. CAPITO). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. With that, Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the chairman on the Foreign Affairs Subcommittee on Europe and Eurasia.

Mr. BURTON of Indiana. Let me just say that the Constitution of the United States and the War Powers Act prohibit the President from doing what he did. And I'm kind of torn because I stayed up late last night thinking about this whole issue. I believe that we shouldn't have gone into Libya in the first place, and we certainly

shouldn't go into Syria or another place without the authorization of the Congress of the United States.

And that's the reason why I cosponsored the Kucinich resolution, because we have to send a very strong signal that we're not going to go to war without the people of this country supporting it. And the President did this unilaterally after talking to the Arab League and the U.N. and others without the consent of the people of this country. That's the first thing.

The second thing is the Boehner resolution I'm going to support, but it doesn't go far enough. As far as it goes, it's fine. But it talks only about boots on the ground. Most of the wars in which we've been involved are fought in the air with drones, missiles and airplanes. And about two-thirds of the missiles and over half of the sorties flown by the airplanes that are involved in this war, over two-thirds of those are used by the United States. This is an American conflict. And so when we talk about boots on the ground, that's not sufficient.

Now, I'm going to support it as far as it goes because the Speaker is trying to move this in the right direction, but we shouldn't just limit this to boots on the ground. It should involve no military operation whatsoever without the consent of the Congress and the people of this country. And when the Speaker says boots on the ground only, unless we are going in to save one of our troops that are downed in an air fight or shot down when they go in on a bombing run, then that, in effect, is putting boots on the ground anyhow to get those people out of there.

So, I will support the Boehner resolution, but I prefer the Kucinich resolution because it sends a very strong signal and tells the President, in no uncertain terms, that he cannot take us to war without the consent of the people of this country.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

I think it's important to get the record straight on what we're doing and what we're not doing. "No boots on the ground" did not come because of this resolution we are considering now. This was the decision of the President, the Commander in Chief, at the time. But the figures given by my friend from Indiana don't reflect the reality of our participation.

What are we doing now? While we're not in the lead, the United States is contributing significantly to the operation: fighter aircraft for the suppression of enemy air defense, ISR aircraft, electronic warfare aircraft, aerial refueling aircraft, one guided missile destroyer and predatory armed unmanned aerial surveillance systems. Twenty-four percent, not two-thirds of the total aircraft; 27 percent of the total sorties flown; over 75 percent of

all refueling sorties; 70 percent of intelligence surveillance and reconnaissance.

Now there's no boots on the ground, but to me that involvement implicates the War Powers Resolution. This is within the meaning of that bill. And, once again, only KUCINICH has before us a proposal that seeks to deal with the requirements of the War Powers Resolution.

I just think we should get the record straight about what our involvement is. It's not as large as the previous speaker said, but it is significant. And in my opinion, it's within the terms of the War Powers Resolution.

I'm now pleased to yield 2 minutes to my friend from California, the gentlewoman from California (Ms. LEE).

Ms. LEE. Madam Speaker, let me thank our ranking member for yielding. And let me just say, first of all, I rise in opposition to the Boehner resolution.

This debate is long overdue. On March 30, I, along with Representatives WOOLSEY, HONDA, GRIJALVA and WATERS, sent a letter to Speaker BOEHNER and Majority Leader CANTOR requesting that they hold a debate and floor vote on the President's authority to continue the use of military force in Libya.

I would like to insert the letter into the RECORD.

CONGRESS OF THE UNITED STATES,  
Washington, DC, March 30, 2011.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

Hon. ERIC CANTOR,  
Majority Leader, House of Representatives,  
Washington, DC.

DEAR SPEAKER BOEHNER AND MAJORITY LEADER CANTOR: We, the undersigned Members of Congress, write to request the U.S. House of Representatives immediately take steps to hold a debate and floor vote on the President's authority to continue the use of military force in Libya.

Under Article 1, Section 8 of the Constitution, the responsibility to declare war rests with Congress alone. The War Powers Act of 1973 further clarified the important separation of powers and checks and balances in these matters. Consideration of the Presidents continued military engagement in Libya is our responsibility as elected representatives in the U.S. Congress, and essential to reasserting the undisputed role and responsibility of the Legislative Branch in overseeing and providing for our nation's commitments while at war.

The United States has now been engaged militarily in Libya since March 19, 2011. While we firmly believe that a robust debate and up-or-down floor vote should have occurred in advance of U.S. military action in Libya, it is without question that such measures are still urgently required. Beyond defending Congressional authority in these matters, these deliberations are essential to ensuring that we as a country fully debate and understand the strategic goals, costs, and long-term consequences of military action in Libya.

Many questions remain unanswered regarding our short and long-term responsibilities in Libya as well as our strategy for ending U.S. military operations. The Department of Defense has indicated that the costs



of U.S. military operations in Libya totaled \$600 million in the first week alone, and are estimated to mount by as much as \$100 million per week, in the future. At a time of severe economic distress here at home, as well as in recognition of the continued strain on our military service members already engaged in two wars in Iraq and Afghanistan, these concerns are especially worthy of congressional deliberation.

It is our position that the President has a constitutional obligation to seek specific, statutory authorization for offensive military action, as he should have done with regard to U.S. military engagement in Libya. We look forward to working with you to address this matter on the House floor as soon as possible.

Sincerely,

BARBARA LEE,  
*Member of Congress.*  
LYNN C. WOOLSEY,  
*Member of Congress.*  
MICHAEL M. HONDA,  
*Member of Congress.*  
RAÚL M. GRIJALVA,  
*Member of Congress.*  
MAXINE WATERS,  
*Member of Congress.*

Madam Speaker, I would like to read parts of this letter, dated March 30, if I may:

Dear Speaker BOEHNER and Majority Leader CANTOR: We, the undersigned Members of Congress, write to request the United States House of Representatives immediately take steps to hold a debate and floor vote on the President's authority to continue the use of military force in Libya.

We cite the Constitution, article I, section 8.

We go on to say that the United States has now been engaged militarily in Libya since March 19, 2011. While we firmly believe that a robust debate and up-or-down floor vote should have occurred in advance of U.S. military action in Libya, it is without question that such measures are still urgently required. Beyond defending congressional authority in these matters, these deliberations are essential to ensuring that we as a country fully debate and understand the strategic goals, costs, and long-term consequences of military action in Libya.

That is one paragraph of this sentence.

Now, Madam Speaker, over 60 days since our letter, the Speaker has suddenly and hastily scheduled a resolution that, frankly, does nothing but serve to politicize what is an extremely serious and what should be a non-partisan issue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman 1 additional minute.

□ 1110

Ms. LEE. As we know, the War Powers Act specifically forbids Armed Forces from engaging in military action in foreign lands for more than 60 days without congressional authorization or the use of military force or a declaration of war.

We have been actively fighting now for 77 days. This is not just about our mission in Libya. And let me just say that I think our President, frankly, has done a commendable job in handling the very complex range of foreign policy issues, but it is about any President, any administration. It is not about that; it is about standing up for congressional power granted in the Constitution. As our ranking member said, the Kucinich amendment is the amendment that addresses this head-on in a very honest and direct way.

So we should reject this politically motivated resolution. It is a resolution that has just come up. We asked again the Speaker and majority leader on March 30 to conduct a debate and an up-or-down vote. We conclude in our letter that it is our position that the President has a constitutional obligation to seek specific statutory authority for offensive military action, as he should have done with regard to U.S. military engagement in Libya.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), a valued member of our Foreign Affairs Committee.

Mr. CONNOLLY of Virginia. I thank my colleague from Florida for yielding me this time. I rise respectfully in support of House Resolution 292, which reasserts the congressional war-making authority of section 8, article I of the Constitution, and I respectfully disagree with my ranking member of the House Foreign Affairs Committee, for whom I have enormous respect.

I don't think this resolution takes gratuitous potshots at the President of the United States. I think it is a thoughtful exposition of the issues in front of us and the requirements that we want to put on the President, and it buys the President time to comply without the disruption that the Kucinich resolution would cause, not only in Libya, but the ramifications for NATO relationships and in the Arab democratic spring.

The resolution prohibits the President from deploying ground troops in Libya, and declares Congress has the constitutional prerogative to withhold funding for any unauthorized use of U.S. Armed Forces. It requires the administration to transmit to the House of Representatives any records regarding congressional communication and Operation Odyssey Dawn in Libya within 14 days of passage.

Madam Speaker, since before the passage of the War Powers Resolution in 1973, the executive branch, regardless of party or leader, has argued that there are inherent constitutional powers contained in the constitutional reference to the President as Commander in Chief. If one argues that section 2, article II of the Constitution grants the President inherent powers as Commander in Chief, then logically one

ought to acknowledge that Congress also has inherent powers as the only entity expressly granted the power to declare war in that document.

According to the House report regarding the War Powers Resolution, "consultation . . . means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions and, in appropriate circumstances, their approval of action contemplated." This report language makes the intention of the War Powers Resolution clear: Consultation ought to be active, not merely informative. In the War Powers Resolution, the term "hostilities" was used deliberately instead of "armed conflict" precisely because of the former phrase's broader nature. The Constitution and the War Powers Resolution are clear: Congress must have a role with regard to the use and deployment of U.S. forces. The extent of that role has been the subject of debate as old as the United States itself.

To go even further, a strict constructionist would argue that the War Powers Resolution itself limits congressional authority. The act of even acknowledging the need for a statutory framework to codify Congress' powers in the Constitution in fact dilutes those powers and may have the unintended effect of enhancing the Executive's powers directly at the expense of Congress.

I urge my colleagues to vote in favor of this resolution, House Resolution 292, to assert congressional authority and to buy the President time with which to comply.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

I would like to respond to my friend's arguments. I agree with every word he said except that this is a manifestation of the Congress exercising its authority. This is an abdication of Congress exercising its authority, because nowhere in this resolution is the authorization for the operations that we want to authorize, that we should be authorizing if we think they are appropriate.

The gentleman from Ohio doesn't think they are appropriate. Some of us do think it is appropriate, and this isn't about buying time. We are not a supplicant to go to the executive branch and ask for them to request of us authorization. We have the institutional power to decide what to do, and this resolution fails to take that option.

I think the gentleman makes a wonderful case for why this resolution is not sufficient to step up to our responsibilities under the Constitution and the War Powers Resolution.

With that, I would like to yield 4 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for yielding.



I have been here a long time, and I have never come to this floor for the purpose of opposing innocuous resolutions. In fact, I've voted for every piece of innocuous legislation and post office renaming in the last 15 years, as far as I can remember. And this is innocuous legislation.

First, it starts with a sense of Congress about our opinion as to what should or shouldn't be done. It has a sentence that purports to prevent the President from putting ground forces in Libya, but in fact just states that's our policy. It is certainly not designed to prohibit the President from doing so; it just says that it's our opinion that he shouldn't. And, by the way, in the Defense authorization bill, we have real legislation that already prohibits putting ground forces in Libya.

It then goes on to ask that a number of questions be answered. There are some who think, that's important. Those who think that the questions propounded in this resolution are actually going to get us useful information are insulting the faculty of the law schools of America, because both the Pentagon and the State Department have lawyers capable of writing long and meaningless answers to every question we propound. And as for getting documents, some of the documents demanded we already have, and as for the rest, those same lawyers will be writing long documents about executive privilege.

So we have here a document that at most is just questions for the RECORD that the chairwoman of our committee allows me to add at the end of so many hearings; hardly earthshaking, certainly innocuous.

But, okay, so it's innocuous. Or is it?

This is innocuous legislation that plays a particular role in avoiding the constitutional role of this Congress. It allows us to sidestep the War Powers Act. It gives cover to those who don't want to authorize, or refuse to authorize. It says we're an advisory body. We ask some questions so we can give good advice. We will give the President some advice. It is part of the trend of an aggrandizing executive and a derelict Congress, a Congress that almost is complicit in this slow process by which we are not legislators, we are not deciders; we inquire and we advise.

The Constitution is clear, but the War Powers Act is more clear: the President must ask for congressional authorization. Then we actually have to act, and that is tough. We have to review the proposals, and I believe our ranking member (Mr. BERMAN) would have one that would say, What are we going to authorize? Under what conditions? What demands will we make of our allies in Libya to perhaps turn over to us, or at least disassociate themselves from, the al Qaeda operatives in their midst? Are we going to limit the duration? Are we going to limit the

scope? Are we going to impose limits on the total cost?

With this resolution, we can avoid all of those questions. We can avoid demanding a withdrawal. We can avoid limiting the authorization, and we can allow the President to continue to write the blank check that apparently he believes he has, and we can do it all while disassociating ourselves with anything unpopular that ever happens over the skies of Libya.

Now is not the time for us to shirk our responsibilities. Our responsibility is to act as a policy-making body.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHERMAN. I ask the gentleman for 1 more minute.

Mr. BERMAN. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 4½ minutes remaining.

Mr. BERMAN. I yield the gentleman an additional 1 minute.

□1120

Mr. SHERMAN. Now is the time for us to play the role that the War Powers Act provides, because this is not an immediate short-term emergency situation. It has gone on for much longer than 60 days. It should not go further.

Now, 208 Members of this Congress voted for my amendment yesterday to say that we should not expend funds in violation of the War Powers Act, and you were willing to vote for it even though I put it on a bill as to which it really didn't pertain. Thank you for those votes, but now please come back here and say, It's time to enforce the War Powers Act. It's time not to dodge the War Powers Act. It's time for our policy over the skies in Libya to be determined by the President and Congress, not the President advised by Congress.

Vote "no" on this resolution. Don't use it as a sidestep. Instead, go back to your constituents and say, You are for voting either for a withdrawal from Libya or for a full authorization or for a limited authorization.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 4 minutes to my friend and colleague from Florida (Mr. YOUNG), the chairman of the Appropriations Subcommittee on Defense.

Mr. YOUNG of Florida. I thank my friend and the chairman for yielding me this time because I think it is important to stress the importance of the Boehner resolution. Especially on page 4 and page 7 of the resolution, it deals specifically with the Constitution and the constitutional responsibility of the administration and the Congress to work together, especially in matters of national security.

As chairman of the Defense Appropriations Subcommittee, as my colleague has said, my responsibility is to provide for the funding for any mili-

tary operation that is approved by the Commander in Chief and approved by the Congress.

On the matter of Libya, on April 1, I sent a letter to the President, trying to exercise my responsibilities as chairman—a conciliatory letter, actually—expressing support for our troops but asking certain questions: How long do you think this will last? How much do you think it will cost? How much of a future commitment have we made? What will be the source of the funding for this operation? Here, more than 2 months later, this official request from the Appropriations Committee still remains unanswered by the administration. That's just not right.

The Constitution is pretty clear. Article I, section 9 of the Constitution, in part, reads, "No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

So far, on the Libya issue, this article I, section 9 has been totally ignored. It's just not right. That's a violation, in my opinion, and contravenes the Constitution, itself. When I asked for that information, the only thing I got on the cost of this Libyan operation was in bits and pieces. We have added it, and we have come to about \$750 million already spent on the Libyan mission. They've not confirmed that, but we have put together, with our own addition, bits and pieces on that. Again, we have received no reply whatsoever.

What I'm wondering is: Where is the money to pay for the Libyan operation coming from? What account is it coming from? Is it coming out of personnel costs—soldiers' pay? Is it coming out of medical care? Is it coming out of the training for our troops? What accounts are being used? We have a right and an obligation under the Constitution to know the answer to that.

Speaker BOEHNER's resolution calls very, very sharp attention to that issue, so I think it is important that the House passes the Boehner resolution to let the President know that we are not going to allow him to ignore the Constitution any further when it comes to war powers, when it comes to spending for the welfare of our troops, when it comes to appropriating money for the defense of our Nation and for the defense of our allies.

Madam Speaker, I do ask that the letter that I sent to the President, which has remained unanswered for more than 2 months, be included at this point in the RECORD so that my colleagues can see that it was a very, very legitimate and a very conciliatory request, basically an offer to support our troops in any legitimate activity. So we are still waiting. We are standing by, hoping that we do hear from

the President very soon, maybe shortly after we pass the Boehner resolution.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON APPROPRIATIONS,  
Washington, DC, April 1, 2011.

President BARACK OBAMA,  
*The White House,*  
Washington, DC.

DEAR MR. PRESIDENT: Recent events across northern Africa and the Middle East demonstrate the powerful effect that the prospect of self-government and basic human rights can have on an oppressed population. Governments have fallen and nations have changed, all in the name of freedom. Operation Odyssey Dawn (now Unified Protector), based on United Nations Security Council Resolution 1973, is another chapter in this remarkable story that history is writing before us.

The Members of the House Defense Subcommittee on Appropriations stand ready to support our brave men and women in uniform as they carry out their mission, but it is essential that we know precisely what that mission is, and what role U.S. troops have in achieving that mission. For example, enforcement of a no-fly-zone is one thing, but the use of AC-130 gunships and A-10 aircraft denote an entirely different battle. And without knowing what goals we hope to achieve, our long-term commitment is unclear. Indeed, as history has taught us, without defined goals or objectives the probability of an open-ended campaign increases. As our nation continues to struggle through the current fiscal crisis, an exit strategy seems all the more prudent. There was, however, little to no consultation with Congress prior to these actions, and almost two weeks after our first engagement, many of these concerns remain unaddressed.

The Department of Defense has indicated that through March 28, they spent approximately \$550 million in support of Operation Odyssey Dawn; and they expect to spend at a minimum another \$40 million a month as we continue to support the now NATO-led Operation Unified Protector. This assumes a reduced U.S. role, which could change significantly if NATO requires additional support. It was also made clear that there would be no additional funds requested by your Administration, either in the form of a supplemental request or a budget amendment. In fact, you stated that the costs of this mission could be paid for out of previously appropriated funds. As this Committee works to finish fiscal year 2011 and begins work on fiscal year 2012, I feel it is imperative that we know where you believe these funds will come from. Based on the above Department of Defense rate, costs for fiscal year 2011 could reach \$800 million, and depending on the length of our commitment, another \$500 million in fiscal year 2012. I do not need to remind you that the Department of Defense fiscal year 2012 request is already \$13 billion below where it was estimated it would be just a year ago—the reduction taken in the name of efficiencies.

As the nation's military continue to serve in harm's way, I feel it is imperative we proceed with complete openness and transparency. I pledge that I will continue to do everything I can to support these soldiers, sailors, Marines, and airmen, as I have done throughout my career, and I ask for your help and support in doing the same.

Sincerely,

C. W. BILL YOUNG,  
*Chairman, Defense Subcommittee.*

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman from California for yielding.

In defense of Mr. BURTON's description of U.S. involvement already in Libya, I would like to have entered into the RECORD an article from the Guardian U.K., dated May 22, which talks about the United States having 50 percent of the ships, 50 percent of the planes, 66 percent of the personnel, 93 percent of the cruise missiles.

I just want to say briefly, Madam Speaker, that this article was written about 10 days ago. If it's true, it points out that we've undertaken a huge mission through the United States in the name of NATO—now, without coming to the Congress, and that's what we're debating, of course. Yet if, on the other hand, the information that the administration has communicated as of late to the Congress suggests a lighter footprint, then there should be no difficulty in pulling out of Libya in 15 days. If there is, we need to start asking questions about how deeply enmeshed we are if our participation is truly no boots on the ground.

[From the guardian.co.uk, May 22, 2011]

LIBYA: BRITAIN'S £1BN WAR

(By Richard Norton-Taylor and Simon Rogers)

Britain's involvement in the Libya conflict will cost the taxpayer as much as £1bn if it continues into the autumn as expected, according to expert analysis and data gathered by the Guardian.

Two months after western powers began bombing Libyan targets to protect civilians in Operation Unified Protector, the cost to Britain so far of the dozens of bombs dropped, hundreds of sorties flown and more than 1,000 service personnel deployed is estimated at more than £100m, according to British defence officials.

But defence economists have told the Guardian the costings are conservative. Francis Tusa, editor of the Defence Analysis newsletter, estimates that by the end of April Libyan operations had already cost the UK about £300m and that the bill was increasing by up to £38m a week.

Defence chiefs in the UK and US are also said to be concerned that some NATO countries are unwilling to commit air power to the campaign. It is not only the cost that is worrying the Ministry of Defence, and, indeed, defence chiefs in the Pentagon. The reluctance of most countries to commit their air forces to action—Norway, which has dropped about 300 bombs, is to pull out at the end of June—is causing serious concern among military commanders throughout the alliance about whether NATO countries have the political will and military capability to continue operations that now have the stated aim of removing power from Gaddafi, his sons, and closet advisers.

For Britain, the Libyan conflict has also presented military commanders and ministers alike with an uncomfortable reminder of the perilous state of the defence budget. As Paul Cornish, head of the international security programme at the thinktank Chatham House, has observed, many of the military capabilities used in and around Libya—HMS Cumberland, the Nimrod R1 eavesdropping plane, the Sentinella surveillance aircraft, and Tornado jets—are among the first casualties to be scrapped or their num-

bers reduced (in the case of Tornados) as a result of last year's strategic defence and security review.

"The obvious question to ask," Cornish writes in the latest issue of *The World Today*, "is whether Britain could have made a contribution to the intervention in Libya had the crisis developed later in 2011 when most of the decommissionings, disbandments, and retirements would otherwise have taken place."

The U.S. led the assault, during the first week flying more than 800 sorties in Libya, of which over 300 were strike sorties. It fired more than 200 Tomahawk cruise missiles from its ships. Britain has fired fewer than 20 Tomahawks, costing an estimated £1m each, from the submarine HMS *Triumph*.

Britain, which has accounted for some 25% of all sorties, was so worried about the gap left by the U.S. when it ceded command to NATO, and stood down its aircraft—including low-flying A10 tankbusting "Warthogs" and C130 gunships.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STIVERS), a member of the Financial Services Committee and a lieutenant colonel in the United States Army, with a distinguished 26-year military career.

Mr. STIVERS. I would like to thank the chairwoman for yielding me time.

I rise in support of the Speaker's resolution. With 26 years of military service, my experience has taught me many lessons, and those lessons give me pause and concern with regard to the Kucinich resolution. I think we need to be prudent, thoughtful and measured in the way we end our involvement in Libya, and I don't believe that the Kucinich resolution does that.

Even though the President did not follow proper procedures and even though he should have allowed Congress to debate and decide the issue, a 15-day withdrawal would cause other issues. Currently, the U.S. is providing important refueling, logistics and other support functions for our NATO allies. Unfortunately, if you create a 15-day time line, those allies might not have time to plan or build capacity to resource their plan and effectively continue their operations.

I don't agree with how the President has handled our current military mission in Libya, and I don't think he has currently explained the national security interest of our mission. However, I think the troops that have been called to action have performed admirably, and I thank them for their service. But now we are involved, and the time frame for withdrawal in the Kucinich resolution would hurt our NATO allies, the same allies who have stood by us in Afghanistan for 10 years. They deserve our cooperation in any transition. I support the Speaker's alternative resolution on Libya. I think it asks tough questions of the President, and requires him to explain our national security interests and to justify his strategy to Congress and to the American people. If the President doesn't answer those questions within 14 days,

I believe Congress should continue to assert its constitutional authority.

In response to the gentleman from California, I would like to say that I think it is important we get information to make timely decisions. Therefore, I support the Speaker's alternative resolution as a way forward in Libya.

□ 1130

Mr. BERMAN. Madam Speaker, I yield myself 15 seconds in response to the previous speaker.

What I'm curious about is what the resolution doesn't tell us. If the President doesn't provide us the information within 14 days, what are we doing? The resolution is silent. This is a resolution filled with things we want and are asking for and demanding and are harumphing about with no consequences.

I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), former member of the committee.

Ms. WOOLSEY. I thank the gentleman for yielding.

Madam Speaker, this is a "here we go again" moment on the House floor.

Two weeks ago the Kucinich amendment passed the House overwhelmingly with a total bipartisan vote because it was the right thing to do. But, no, the other side of the aisle can't stand to let us have an initiative, the right thing to do, that they really could agree to.

So here we are today debating the Boehner resolution to take the air out of the question of whether the United States Congress or the White House has responsibility for the War Powers Resolution and begging them to know that it is our responsibility.

Members should not be fooled into voting for the Boehner resolution because it delays action. We should vote for the Kucinich resolution that insists that the Congress reclaim its authority, take its responsibility, and do the right thing regarding Libya.

Vote "no" on the Boehner resolution.

Mr. BERMAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, the resolution offered by the Speaker is the responsible approach. It expresses congressional intent. It affords one last opportunity to the President and his administration to work with us in Congress to advance U.S. interests in the region. I hope that the President is listening and that this resolution will serve as a wake-up call leading to immediate consultation. And, frankly, we have not had that as we would like.

If, in 14 days, as it says in this resolution, the President has not complied with the requests included in the resolution, then this House will consider the next steps.

I therefore urge a "yes" vote on the Boehner resolution, a responsible approach to the President to work with us and a plea to give us the information that we requested.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

Mr. MCKEON. I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution. I do not believe that the President has provided adequate justification for our military operations in Libya nor why continued intervention in a humanitarian stalemate is in our national interest.

More than 2 weeks ago, I sent a letter to the President outlining my concerns regarding our strategy, our role within NATO operations, and the escalating costs of these operations at a time when the administration is asking the Department of Defense to make an additional \$400 billion in cuts. To date, I have not received a reply.

Yet I believe that forcing the hasty withdrawal of U.S. forces from NATO operations in Libya would embolden Qadhafi and gravely damage our credibility with our allies. Consequently, such a move could have dramatic, negative, second-order effects on operations that are critical to our national security, such as operations in Afghanistan.

I believe Speaker BOEHNER's resolution addresses much of the frustration shared by Members of this body. The resolution reinforces provisions in the recently passed National Defense Authorization Act prohibiting the escalation of U.S. participation without express authorization from Congress. This resolution requires the President to clearly outline the strategic interests that justify intervention in Libya, to explain how the operational means being employed will secure them. It requires a prompt and transparent accounting of costs as well as information regarding the capacity and intentions of the rebel forces. This information is essential to allow Congress to execute its constitutionally mandated oversight role of military operations.

Again, I fully agree that the administration has been disturbingly dismissive of Congress's role in the authorization of military force. But I also feel that passing this resolution is the most effective way of holding the President accountable without sacrificing other vital national interests that would be damaged by a precipitous withdrawal from NATO operations.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 10 minutes.

Mr. SMITH of Washington. I yield myself such time as I may consume.

I do thank both Speaker BOEHNER and Representative KUCINICH for bringing these resolutions and bringing this issue to the floor because I completely agree that this is an issue that Congress should debate, discuss, and should ultimately express its opinion on. We have not done that. We are now past 90 days that this mission has been going on in Libya, and I feel we should have brought this up much sooner.

Now, I would prefer a much cleaner resolution that simply came out and made a resolution of approval of the President's mission and of the mission that we and NATO have undertaken in Libya and gave Members the chance to vote it up or down. In that sense, Mr. KUCINICH's resolution is much more straightforward. It's a resolution of disapproval, but, again, it gives us the opportunity to at least debate the issue and express the will of Congress.

I do, however, oppose Mr. BOEHNER's resolution. I also oppose Mr. KUCINICH's resolution because I don't think we should pull away from this mission, should pull out of what NATO is doing and the very important work that is going on in Libya.

□ 1140

Mr. BOEHNER's resolution doesn't do any of that, but it does rather boldly state that the President has not made a case for the mission in Libya, and I very strongly disagree with that assessment.

Now I will agree—and Mr. MCKEON and I share the frustration—that prior to the launching of this mission, there was an inadequate amount of communication between the President and this Congress, indeed, between the President and the American people, explaining the reasons for getting into that mission; but since that time the President has made it very clear why we went into Libya.

We had a unique situation. I do not believe the American military should intervene in every conflict in every country. In fact, I don't believe it should intervene in almost any of them. It takes a unique set of circumstances to call for that intervention; and in Libya we had, I believe, that unique set of circumstances.

Number one, we had broad international support. The U.N., NATO, the Arab League all looked at that situation and said intervention was necessary.

Number two, we had a clear humanitarian crisis. There was no doubt at the time that we intervened that if we had not, Muammar Qadhafi would have slaughtered his own people and reasserted control over Libya. He made it clear that is what he was going to do. It was clear that the people rising up for the legitimate opportunity to be heard in their government did not have the power and the force to stop him. We did.

If we had not acted, there is no question that Muammar Qadhafi would be back in charge of Libya, and we would bear at least some piece of the responsibility—at least that is the way the rest of the world would have looked at it. We in the United States had the power and the force to stop a humanitarian catastrophe and chose not to act.

And that's one of the most critical elements in deciding whether or not to intervene: Can we intervene in a successful way? Yes, there are many countries throughout the world that face crises right now, in Syria, in Sudan, in the Congo, a whole bunch of places. But most of those places—in fact in all of those—there is no clear military mission that we could accomplish and achieve. In Libya, there was. If we intervened, we could stop Qadhafi from regaining control of his entire country.

At the time we understood there was no guarantee that that would mean that he would be driven from power immediately, but we could at least stop him from doing that. It was a humanitarian crisis that our actions could prevent. I think it made sense, and I think the President has clearly articulated that.

So for the Congress to pass a resolution saying they have no earthly idea what the President is doing in Libya simply means that they haven't been paying attention for the last couple of months. It has been made clear.

Now, I think it is appropriate that we ask the President to regularly keep in touch with us, let us know where the mission is going. I supported the resolution that said no ground troops in Libya. I think that is a step too far. I don't think that is something that would clearly be able to be accomplished militarily, so I do think that's appropriate.

But the part of this resolution that I must oppose is the part that says the President has made no national security case for why we should be involved in Libya. I believe that he has, and I don't think we should support a resolution saying otherwise. To have simply allowed Libya to fall apart and not helped a people that we could clearly help, that were legitimately calling for greater freedom and greater opportunity, I think, would have been a mistake.

So I will oppose the Boehner resolution, and I will also oppose the Kucinich resolution because I don't believe we should pull out of the mission. But again, I thank all of those involved for bringing this debate to the House floor so that we can have that debate so that we in Congress can assert our authority and express our opinion on this very, very important issue.

Madam Speaker, I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield 1½ minutes to my friend and col-

league, the chairman of the Subcommittee on Tactical Error and Land Forces, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding.

I rise in support of the Boehner resolution.

I am not here today to argue whether or not we should be in Libya. That is an argument for another day. What I'm here today concerned with is how we got into Libya, because I think that was a very important precedent.

We went into Libya on March 19, Operation Odyssey Dawn. Just 12 days later, a House committee met and Secretary Gates was there and I made this statement: "I'm among many people who feel that President Obama has involved the United States in an unconstitutional and illegal war in Libya."

That same day I dropped H.R. 1323, which asked the President to find offsets in non-defense discretionary spending to pay for the war in Libya that was not authorized by the Congress because we have no money, and I shouldn't ask my kids and my grandkids to pay for that war. This is not the king's army. The power to move our Army into Libya is not inherent in Commander in Chief. If it were, they would not have put in article I, section 8, the responsibility of the Congress to declare war.

This is an unconstitutional and illegal war. I think it sets a very dangerous precedent, and I hope that we make that very clear in our deliberations today.

Mr. SMITH of Washington. Madam Speaker, I reserve my time.

Mr. MCKEON. Madam Speaker, I yield 1½ minutes to my friend and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Speaker, I rise today in support of the Boehner resolution, but not because I feel that the President has stated a correct policy for us being in Libya. I think he hasn't. All that you'll hear on the floor today would lead to a policy that, if we adopt it, would put us in war with five or six other countries tomorrow. But, secondly, I don't support the fact of how we got in there because I think clearly he didn't go through the proper procedures that we need and didn't comply with the War Powers Act.

But, Madam Speaker, I also realize that regardless of that disagreement he is the President of the United States; and as such he has information about our national defense that many Members of Congress don't have that we need to have shared with us.

And, second, Madam Speaker, as the President of the United States, when it comes to foreign policy issues of this magnitude, we need to give him some latitude to present that case and make it to this Congress.

Madam Speaker, the Boehner resolution does that in a reasonable way by giving him 14 days to present that information. But I believe, as many people do, at the end of that 14 days, if he hasn't done so, if he hasn't made that case, if he hasn't given us that information, we need to be prepared to launch the subpoenas to get the information, or we need to be back on this floor taking action to cut off the funding of what's taking place there.

Madam Speaker, I hope we will support the Boehner resolution. I think it's a reasonable approach and the correct approach.

Mr. SMITH of Washington. Madam Speaker, I continue to reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield 1½ minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Thank you, Chairman MCKEON.

The President has not made the case for our military conflict in Libya. He has told us who we are against, Qadhafi, but he has not told us who we are for.

Secretary Gates has told us that we know very little about the opposition; we know very little about the rebels. We do not know their geopolitical view to their neighbors; we do not know their geopolitical view to us. We do not know their commitment to domestic diversity. Are we going to have atrocities? We do not know their ideology, we do not know their preferred form of government, and we also do not know their commitment to nonproliferation of weapons of mass destruction, an issue that is important in Libya.

The President has used United Nations approval of civil protection to wage all-out war on Qadhafi without congressional approval or American support. U.S. Admiral Locklear, in charge of the NATO operations against Libya, recently stated that ground troops would be needed to provide stability in Libya once the Qadhafi regime falls. Yesterday, White House Press Secretary Jay Carney said he believes that the President has the support of the majority of the Members of Congress. I do not think so.

I offered a resolution, House Resolution 58, that would voice this body's disapproval of the President's actions in Libya. Seventy-five Members have co-sponsored this resolution. I believe it's important for this body's voice to be heard.

The President has not provided us any information as to why we are doing this, what a post-Qadhafi regime will look like in Libya, and what will be our involvement. He is committing us to an extended military action; and for Congress to be relevant, our voices need to be heard.

I support the Speaker's resolution, and I urge my colleagues to cosponsor House Concurrent Resolution 58.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, I rise to oppose this motion.

The War Crimes Tribunal is about to prosecute Ratko Mladic—16 years later, but they've finally gotten him. Why? Because he masterminded the massacre of over 8,000 innocent civilians in Srebrenica. Serbia is now a democratic ally, thanks to President Clinton's taking action against congressional resistance.

We took the lead in the Balkans. It was a NATO effort, but I think we all know that NATO could not have put an end to those massacres, that genocide, had we not taken the lead. We had to act responsibly, and we had to act in a timely and forceful manner.

Now, more recently there have been more than a dozen times since 2000 when the President has had to use American troops to intervene for humanitarian reasons against terrorist threats, against whatever endangered American civilians and troops.

To tie the President's hands in such situations, whether it be a Republican or Democratic President, is wrong. We should not be doing this. Of course we should be advising the President, working with the President, whoever that President might be. And through our committee leadership, we have any number of opportunities to do that. But to pass legislation that is designed to tie the President's hands at a time of military crisis is inconsistent with the legacy of this body, which is to do what is necessary to protect America's interests at home and abroad.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. I yield the gentleman from Virginia 1 additional minute.

□ 1150

Mr. MORAN. With regard to Libya, we don't know what the outcome is going to be in Libya. We do know that Muammar Qadhafi is a bad guy. He's not an ally. He's not even reliable in terms of working with us in any economic or foreign policy measure. This is an opportunity to establish a government that we can work with. We can't control that government, we're not sure of the outcome, but we know the people putting their government together today want to work with the United States. But they need American support, obviously under the umbrella of NATO—that's NATO's purpose—but none of us should be so naive as to think that NATO can operate independent of United States leadership. That's just not the case. We have made the investment in our military capability, we have established ourselves as the world's superpower, and with that role comes a concomitant responsibility to use it when and wherever nec-

essary for the advancement of world peace and security.

Let's defeat this resolution.

Mr. MCKEON. Madam Speaker, I yield 1 minute to my friend and colleague, the gentleman from Virginia (Mr. RIGELL).

Mr. RIGELL. Madam Speaker, I thank Chairman MCKEON for yielding, and I rise in strong support of House Resolution 292.

I object to the U.S. military intervention in Libya, and my friend and colleague from Virginia actually has far more confidence in the intent and the purpose of the rebels than I do. I've heard in testimony in the Armed Services Committee from multiple top leaders in our country that we simply don't know enough about the rebels, and in my view not one single provision of the War Powers Resolution has been met that would legitimize the President's intervention in Libya.

Since President Obama announced the military strikes, Secretary of Defense Gates admitted that Operation Odyssey Dawn "was not a vital national interest to the United States."

This legislation, the Boehner resolution, reflects and meets the deep obligation we have to support our troops and to uphold the Constitution.

Madam Speaker, I ask my colleagues to support this resolution.

Mr. SMITH of Washington. I reserve the balance of my time.

Mr. MCKEON. Madam Speaker, I yield 1 minute to my friend and colleague, the gentleman from Mississippi (Mr. PALAZZO).

Mr. PALAZZO. Madam Speaker, the citizens of Mississippi's Fourth Congressional District overwhelmingly do not support the President's handling of Libya, and I agree with my constituents.

Our country, our military, and their families are fatigued by 10 years of war in Iraq and Afghanistan. The White House has yet to clearly explain to the American people why we should commit more of our precious blood and treasure to a third war.

Where is the leadership Americans expect and deserve when it comes to committing our troops to foreign wars?

With reservation, I will support House Resolution 292—only because the United States must honor our commitment to our friends and allies engaged in the Libyan conflict. This resolution gives the President 14 days to explain to Congress the scope of our objectives in Libya. If he fails, we should immediately withdraw our support from the conflict, and as much as we care for our friends and allies, we cannot cast aside the laws of our land.

Mr. President, the American people and this Congress have questions and deserve answers. We cannot afford a failure in leadership when Americans' lives are on the line.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their com-

ments to the Chair and not to others in the second person.

Mr. SMITH of Washington. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. SMITH of Washington. The President has said from the outset that our role in this mission will be limited; limited but critical. We are not committing troops, we are not committing the full force of the U.S. military, but what we are contributing, as Mr. MORAN said, is absolutely critical to the success of the mission. We are supporting our NATO allies in making sure that this mission is carried out in a very limited and very critical way.

I just want to emphasize again that Muammar Qadhafi is not someone who is in the best national security interests of the United States of America. He has a long, long history of weapons of mass destruction, of supporting terrorist groups, of committing terrorist acts against United States citizens, and of in general being an unstable and destabilizing figure. When the people of Libya decided to rise up to throw him out, it was a very appropriate thing for them to do.

Now we all wish that Mr. Qadhafi would have gone quietly and simply—that certainly would have been the easier way to go—but he didn't. And to protect those people who have legitimate aspirations for a better government, we needed to intervene militarily to assist.

Now I think in this instance the best thing about this is we were not alone. The Arab League, the United Nations, NATO, took the lead. There is a great deal of instability throughout the Middle East and that is unquestionably in the national security interests of the United States of America to do whatever we can to try and reduce that instability and make sure that we have friends, allies and also governments that legitimately represent the aspirations of their people. That is one of the greatest problems we've had. We have supported governments in the past in the Middle East who didn't have the support of their people. We need not just the support of governments, we need the support of the people in that region. This is a critical opportunity to gain that support. I believe that's clearly in the national security interest of the American people.

So, I do not agree with the gentleman from Ohio's resolution in saying that the President has not articulated a case. He has. We in the House should vote whether we approve it or not, but I don't think it is correct to say that the case has not been made. Let's have a vote in this body, as we will, on the Kucinich resolution, of whether or not to support what is going on there or not, but we should not simply be asking the President for something he has already provided.

I yield back the balance of my time.

Mr. McKEON. Madam Speaker, I yield the balance of my time to my friend and colleague, the gentleman from Indiana, a member of the Armed Services Committee, Mr. YOUNG.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. YOUNG of Indiana. I rise in support, as so many of my colleagues have, of House Resolution 292, because this Congress is a coequal branch of government, and we must never be a quiet coequal branch, especially on military matters.

When the U.S. sends its sons and daughters into harm's way, it must only be done to protect America's vital national security interests and where there is a clear plan to advance those interests.

We know our Nation is insolvent, with a national debt of over \$14 trillion. Our troops are already overextended, we're hearing, in Afghanistan and Pakistan. Meanwhile, the administration is talking about defense spending cuts at the very same time it's piling on this new mission, a humanitarian mission, a narrow humanitarian mission, we're told, on top of all our other commitments.

Now what gives? This Congress needs to be heard. Our President has failed to properly define what vital national security interests justify this military intervention, and with this resolution, we give him 14 days to do so. Sadly and ironically, by becoming involved in Libya, our NATO alliance, which does remain a vitally important national security interest, may well have been put at risk.

This Congress will be heard.

Mr. GEORGE MILLER of California. Madam Speaker, regarding H. Con. Res. 51 and H. Res. 292, both resolutions have imperfections. I strongly support the sentiment behind the Kucinich resolution but do not think it would be responsible to compel action in such a short time period. Regrettably, the Boehner resolution accomplishes little. However, it makes a clear statement that I agree with, which is that American troops should not be on the ground in Libya.

Mr. REYES. Madam Speaker, I rise today in opposition to the Boehner resolution on Libya. As a combat veteran myself, I am extremely concerned any time that we commit to using our armed forces to support military actions, and I believe that close scrutiny of our country's involvement in the NATO-led operation is essential.

I understand the frustration being expressed by many here today about their level of consultation in the decision to commence military operations in Libya, but, as my colleague from the Armed Services Committee ADAM SMITH noted, Congressional leaders were invited to a White House briefing and substantial information has been provided to Congress since then.

Based on my personal experience as Chairman of the House Intelligence Committee, the Obama Administration's level of consultation

with Congress on these sorts of issues is much more extensive and timely than during the Bush Administration.

I, myself, had additional questions which were not fully addressed by this week's briefings, and, while my colleagues were debating the rule for this resolution, I simply called the White House to request the information demanded in this resolution. Much of the information was provided immediately, with the rest due back in the next few days. And when I asked the White House about requests for information they had received on operations in Libya, they told me they had responded to all Congressional requests for briefings.

Debating the bill before us may provide a convenient opportunity for opponents of the President to make political statements, but it does so at the expense of our troops who are actively engaged in combat operations. This resolution threatens our critical NATO alliance and emboldens our enemies.

The Boehner resolution—like the Kucinich measure which we are also debating today—potentially sends the message to our NATO allies that the United States does not stand by its commitments. At a time when we are relying more and more on our NATO allies to support the joint mission in Afghanistan, now is not the time to turn our back on NATO.

Beyond straining relations with our closest allies, this resolution sends an even more dangerous message to Colonel Qaddafi. This resolution is effectively telling a despotic dictator, who has murdered and terrorized his own citizens, that he can simply wait out the military effort to protect the Libyan people because the United States will not hold true to its word.

As a member of the Armed Services Committee, as a combat veteran, and as an American, I will continue to ask the hard questions of our military and civilian leaders about military operations over Libya. But I will not vote for a measure that I believe threatens the security and safety of our country and undermines our President.

Mr. JORDAN of Ohio. Madam Speaker, more than two months after stating that our military action in Libya would be over in "days, not weeks," President Obama has yet to explain to the American people what our mission in Libya is, how it will be conducted, and when it will be completed. He has failed to explain how our military involvement in Libya fits with our policy interests in the Middle East and northern Africa. Most importantly, he has ignored his constitutional responsibility to uphold federal law by choosing not to acquire authorization from Congress for our involvement there.

That is why I cosponsored Mr. TURNER's resolution disapproving of the President's actions, and that is why I joined my House colleagues today in demanding action from the President.

The President must follow the law and seek approval for this military action from Congress. In doing so, he must explain some basic facts, such as whether the removal of Moammar Qaddafi is part of the mission, how stability will be promoted in the region if Qaddafi is removed from power, and who among the anti-Qaddafi forces in Libya should be supported in the event that he is removed.

Instead of following the clear path of seeking congressional approval as outlined in fed-

eral law, the President unilaterally escalated our military efforts in Libya after assuring us they would be scaled back. Now, some in the Obama administration are saying we should put boots on the ground in support of further NATO actions. This is the opposite of what the President promised and contrary to the will of the House.

Congress appropriately shows a certain deference to the commander-in-chief when it comes to national security decisions, as we must always have the ability to quickly respond to threats to our sovereignty and our interests around the world. Further, Congress must not direct troop movements or set timelines for our military operations, as such decisions should be left to our highly skilled commanders on the ground. But our deference is contingent upon the President respecting the Founders' intent for the primary role of Congress in providing for our defense and security needs. It does not change the fact that the President is obliged to seek congressional approval and to explain how our mission in Libya is vital to our national security.

The brave men and women in our armed forces, as always, are performing their duties with the greatest expertise and professionalism of any military in the world. The issue at hand is the failure of the President to seek congressional approval required by law, and the failure of the President to tell Congress and the American people the details of our mission.

The American people will always stand with those who seek freedom and self-determination. Today's vote reaffirms that it is vital the President obey the rule of law in doing so.

Mr. GOODLATTE. Madam Speaker, like many members of this body, I have been outraged by the President's failure to comply with the War Powers Act and to define the U.S. mission in Libya. This Congress must not neglect its responsibility and authority regarding the use of force in Libya, and the debate we are having today is long overdue.

I think most Americans, including myself, agree that seeing Moammar Gadhafi and his regime of thugs removed from power would be a good thing. However, I think most Americans, including myself, also feel strongly that American forces should not be committed to this kind of mission without the consent of the U.S. Congress.

Our Founding Fathers envisioned a country where the executive branch and the legislative branch share the responsibility regarding the use of force. President Obama has not sought the consent of the Congress in terms of involving American forces in Libya and that is why we are having this debate today.

I rise in support of H. Res. 292. This resolution demands that the President provide answers about our involvement in the conflict in Libya, including the President's justification for not seeking Congressional authorization for this action. The resolution gives the President 14 days to respond to this request. The President should take very seriously this resolution. And our leadership in Congress should be vigilant to demand a full and clear response from the President. This resolution also gives adequate notice to NATO and our other allies of the concerns of the House before the



House takes further action. The further action must take note of the President's failure to comply with the War Powers Act and notwithstanding that fact must also take note of our Nation's foreign policy interests and efforts to combat terrorism.

H. Res. 292 is an important first step in restoring the balance that our Founding Fathers envisioned, that our legislative and executive branches share the responsibility regarding the use of U.S. force. However, the action taken today should not be the last step. In 14 days, the House of Representatives should reconvene to evaluate our continued involvement in Libya. We must then make hard decisions about the operation in Libya and the role of the United States in this conflict. I hope my colleagues will join me in remaining vigilant and demanding accountability from the White House.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in opposition to H. Con. Res. 51, "Directing the President, Pursuant to Section (c) of the War Powers Resolution, to remove the United States Armed forces from Libya." I support the War Powers Resolution however I cannot support a resolution which requires the President to withdraw all United States Armed forces within 15 days of its adoption.

As the Ranking Member of the House Homeland Security Subcommittee on Transportation Security and Senior Member of the House Judiciary Committee, I believe in supporting the Constitution of the United States. This Concurrent Resolution is a reminder to the American people that we must firmly hold true to our constitutional duties. We have the power to ensure the Executive does not overstep its bounds. As Members of Congress we can exercise our power through appropriation, the appointment process, exercising oversight over the Executive, enacting legislation, or even establishing a select Committee to probe any abuse of power by the administration.

Presidents, Members of Congress, scholars and lawyers had long argued about which branch of government has the power to decide whether the nation goes to war, and meaningful discussions between the branches has not always taken place.

In 1973, the War Powers Resolution (Public Law 93-148) was passed over the veto of President Nixon, in order to provide procedures for Congress and the President to participate in decisions to send U.S. Armed Forces into hostilities.

Such force is constitutional under the Necessary and Proper Clause which specifically provided that "Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States . . .".

The policy behind this power, entrusted to the President as Commander in Chief, to deploy U.S. armed forces to defend itself is "exercised only pursuant to: (1) a declaration of war; (2) specific statutory authorization; or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces." Pursuant to this authority, the President "in every possible in-

stance" shall consult with Congress before deploying U.S. Armed Forces, and to continue consultations as long as the armed forces remain in hostile situations.

As we consider the War Powers Resolution, we must also consider facts surrounding the state of violence and unrest in Libya and the consequences of both action and inaction on behalf of the Libyan people.

I believe in the Constitution and the importance of maintaining the power of Congress in asserting when international conflicts warrant U.S. military involvement. I call upon the President to issue a report detailing the current status of the United States military forces in Libya within the next 30 days.

We must not forget the bloodshed that continues to take place in Libya. The people of Libya have given their lives in their fight for democracy. This conflict began in Libya four months ago when Colonel Gaddafi failed to do what was right for his country and its people. Violence erupted as many Libyan citizens felt the painful consequences of a government resistant to change. Civil liberties were infringed upon, human rights were violated, and worst of all, many Libyan lives were lost. These atrocities were not committed under the command of some far away leader or as a consequence of a conflict with a foreign nation. No, these unforgivable acts were authorized by the hand of the Libyan leader himself.

The widespread suffering in Libya was initiated and continues to be encouraged by the very man charged with protecting the Libyan people. The Libyan people are in desperate need of outside help. The question is no longer whether or not Libya is in a critical condition. I call on my fellow Members of Congress to continue to condemn the violence taking place in Libya today.

Colonel Muammar Gaddafi has continued to refuse to acknowledge the will of the Libyan people and the reality of the dilemmas that Libya faced. Rather than act as a true leader and acknowledge the interests of Libyan citizens, Gaddafi chose to remain steadfast to the status quo—to disregard the context of an intolerable situation in favor of blindly following what has always been done just for tradition's sake. The reality of the situation is this: it was Gaddafi's refusal to contemplate the circumstances in Libya that led to the unnecessary loss of innocent lives. Let us not make the same error as we deliberate the role of the U.S. and the decision of our President to act on behalf of innocent people.

We should not forget that the people of Libya are continuing to fight for democracy and there has been a significant loss of life.

Gaddafi has a long record of bloodshed and blood continues to run in the streets of Libya. We cannot stand by and do nothing, and America cannot do this alone. I call for a unified voice from NATO, the United Nations, the African Union, and other world groups to stop the slaughter and violence against the people of Libya."

As a Member of this body, I am calling on my colleagues to join me in calling attention to the plight of the people of Libya and their fight for freedom, justice, and deliverance from Col. Muammar el-Qaddafi.

I stand with the people of Libya fighting for peace and freedom. It is clear that NATO has

taken the Lead in protecting the Libyan People.

#### FACTS ON NATO

For over two months NATO-led airstrikes in Libya have inflicted serious damage upon the Qaddafi regime's war machine, yet loyalist forces continue to demonstrate cohesiveness and operational superiority over besieged rebel forces. Still, some analysts suggest the stalemate is now yielding to a war of attrition favoring the rebels. Rebel combat skills have improved, as has their arsenal (which now reportedly includes vehicle-mounted antiaircraft guns, recoilless rifles, and mortars). During the week of May 11th, rebel forces succeeded in capturing Misratah, which had been the scene of the heaviest fighting since the conflict began. With control of the air and sea ports, rebels have developed a means to resupply and reinforce Misratah from the east while simultaneously supporting resistance in the west. Meanwhile fuel shortages in regime-held areas are taking a toll, as demonstrated by an attack over the weekend against reporters during a state-supervised trip to the Tunisian border. Fierce fighting continues across the Nafusa mountain range, which cuts across the desert south of Tripoli to the western border with Tunisia. At least four Grad rockets fired from Libya on May 16th landed in Tunisia near the Dahiba border crossing. Tunisian authorities have warned that it will report Libya to the Security Council if loyalist forces continue firing ammunition into Tunisia.

As rebels consolidate recent gains, NATO has proven to be the equalizing force. NATO have targeted major command centers near Tripoli and Brega and surface-to-air missile launchers in Sirte and Al Khums. On May 19th NATO destroyed at least eight naval ships after it was verified that the Libyan navy had tried to mine the rebel-controlled port of Misratah. That same day NATO blocked a Maltese-flagged ship from delivering a consignment of fuel intended for regime forces. Airstrikes against a compound in Tripoli on May 1st reportedly killed Qaddafi's youngest son Saif al-Arab and three grandchildren. Direct lines of communication have been established between NATO and opposition headquarters in Benghazi, thereby enhancing NATO's operational effectiveness. Previously, opposition forces have faced accidental strikes by NATO aircraft after failing to identify themselves and shifting to the use of armored vehicles without communicating with the coalition.

The NATO air mission has conducted nearly 8000 sorties, including 3025 strike sorties, since assuming control of the operation on March 23rd. The NATO maritime component has conducted more than 1000 hailings in the embargo area, boarded 48 ships, and turned away 7 ships.

The African Union continues to press for a peace deal that was accepted by Qaddafi but rejected by the opposition because it would leave Qaddafi in power. Turkey also has proposed a roadmap to establish an immediate and verifiable ceasefire, secure humanitarian aid corridors, and advance "a political process for a transition. However, Turkey has not yet provided an implementation strategy other than making it clear that Qaddafi must go.

After the President of South Africa, Jacob Zuma, engaged in peace talks with Qaddafi



most of the world believed the bloodshed would end. Today, it is clear that Qaddafi is going to continue to fight to stay in power.

As it stands, the United States already has authorized a drawdown in nonlethal defense articles and services valued at \$25 million to assist the Transitional National Council (TNC) and an additional \$53.5 million in humanitarian assistance. It was announced on May 5th that the Administration now is seeking legislation to allow them to “vest,” or confiscate, “assets and property held by the government of Libya, including the Central Bank of Libya, in the jurisdiction of the United States and invest all or part of that in any agency or individual designated by the President to provide humanitarian relief and protect civilians in Libya.” The United States currently holds \$33 billion in frozen Libyan assets and property, of which \$150 million has been proposed for vesting. Senator KERRY has suggested to reporters that he will soon introduce the requested legislation.

We can not stand by and watch as the people of Libya suffer. We need and must provide humanitarian aid. Americans have always come to aid of their neighbors in times of crisis. Thus far, the United States has provided over \$53.5 million to meet urgent humanitarian needs in Libya while the European Commission has provided nearly \$55.4 million. On May 18, the UN launched a revised Regional Flash Appeal for the Libyan Crisis, increasing the appeal from \$310 million to \$407.8 million. To date, the UN has received \$175 million in contributions or 43% toward the appeal and an additional \$106 million for humanitarian activities not listed in the appeal. The UN evacuated its international staff from Tripoli on May 1st but maintains a presence in Benghazi. Humanitarian access inside Libya remains severely constrained. Of particular concern are the besieged western towns of Zintan, Nalut, Zawiyah and Yifran.

Over 807,000 people have fled to neighboring Chad, Egypt, Niger, Algeria and Tunisia since the start of the crisis. Additionally, up to 200,000 internally displaced persons (IDPs) from Brega, Ras Lanuf, and Ajdabiya are in eastern Libya.

We must continue to remember the context upon which we are currently operating in the world today. The Middle East is finally awakening to democracy and freedom. Advancing these objectives also advances our nation's security.

#### FACTS

The people of Libya have suffered since the overthrow of King Idriss in 1969. Under the oppressive Qaddafi regime, basic human rights have been terminated, and too many lives have been lost.

Since assuming power, Colonel Qaddafi has ignored the needs of the Libyan people, choosing to train other oppressive leaders in intelligence and weaponry. Qaddafi has given money to dictators such as Robert Mugabe and Charles Taylor, and intervened in foreign wars instead of investing in education and infrastructure for the betterment of his own people.

Human Rights Watch and Amnesty International have consistently reported the lack of free press and free speech in Libya. The State controls the media and speaking out against Qaddafi or his government is not only illegal,

it is also deadly. Qaddafi and his army executed activists who opposed the government and broadcasted their deaths on television.

Qaddafi was particularly intolerant of women and other minorities. Foreign Policy reports he established “social rehabilitation” centers where women who were designated financially or morally vulnerable were detained indefinitely. Homosexuality was deemed criminal, and punished with up to five years in jail.

Since the outbreak of civil war in February, Qaddafi has shut down Internet communication in Libya, and abused and detained foreign journalists covering the rebellion.

The International Federation for Human Rights has reported that commanders in the Libyan army executed hundreds of lower ranking soldiers for refusing to fire on protestors or defend Qaddafi.

Colonel Qaddafi has utilized snipers, helicopters gunships, mercenaries and gangs of hired thugs to harm his own people throughout the course of the protests. Rebels taking to the streets demanding free elections were injured and killed.

Because of the severe communication restrictions and limited access of journalists, estimates are extremely varied as to how many Libyans have been killed in this conflict. Navi Pillay, the High Commissioner for Human Rights at the United Nations estimates thousands have been killed or injured. The Libyan National Transitional Council puts the death toll around 8,000.

I am outraged at the story of Eman al-Obeidy who had the courage to report being raped by soldiers in the employ of Qaddafi. Because this young woman spoke out about the brutal crime she endured, she lives in fear of the repercussions. Ms. Al-Obeidy's story is a harsh and violent reflection of Qaddafi's regime and the somber reality that rape is a symptom of war. This violent sexual assault must be investigated, and Ms. Al-Obeidy's safety must be ensured. This brutal crime is further evidence of the cruelty of Colonel Qaddafi's regime. In addition, to killing thousands of innocent civilians, the Libyan government is also allowing violent discriminatory actions to be freely committed against the women of Libya. This is unacceptable, and is strong evidence that humanitarian efforts must be increased. I call on the Allied Nations to ensure Ms. Al-Obeidy's safe passage out of Libya. Further, I call on the United Nations to condemn these actions, and work to prevent their future occurrence.

The Red Cross reports dangerously low amounts of medical supplies and food, as well as a refugee crisis as thousands flee the violence.

There should be an increased emphasis on diplomacy. On May 20th it was reported that Shukri Ghanem, head of Libya's National Oil Company and former Prime Minister, had defected to Tunisia. On May 19th Secretary of State Clinton asserted that Qaddafi's wife Sophia and daughter Aicha had fled to Tunisia, though Tunisian authorities later denied the report. On May 9th it was reported that Egyptian authorities had placed Qaddafi's cousin Ahmed Gaddafi al-Dam under house arrest and planned to seize his assets before deporting him to Benghazi. On May 4th, the prosecutor for the International Criminal Court an-

nounced that he was seeking the arrest of three unnamed senior officials in the Libyan regime for war crimes and crimes against humanity. On May 3rd, Turkish Prime Minister Recep Tayyip Erdogan demanded that Qaddafi step down after attacks against foreign embassies in Tripoli forced Turkey to suspend diplomatic operations. Libyan diplomats subsequently were expelled from France and the UK. On May 2nd, Switzerland reported that the country had seized over \$411 million in Libyan assets. The United States, the European Union, Russia, Japan, South Korea, and other countries previously enacted targeted sanctions against Qaddafi and his key supporters.

The Founders distributed the decision to go to war between the two political branches to assure that the decision would be made carefully. The founding generation experienced the hardship of several wars and they knew war's human and financial costs. They understood that a strong executive who is already given the title “Commander in Chief,” might flex the country's military strength injudiciously. Giving Congress the essential power to declare war allows heads to cool, alternatives to be considered, and makes certain there is consensus if the country is called to fight. Therefore I voted against the meaningless H. Res. 292 that has no basis in law in order to be consistent in my support of Congress' authority to declare war and the War Powers Resolution (driven by the Vietnam War). I voted yes on H. Con. Res. 51 to allow the President to go to the Senate. The Resolution failed and I hope the President will approach Congress and consult so we can bring peace and an end to violence together.

Mr. PENCE. Madam Speaker, I rise in support of the Boehner resolution, H. Res. 292 and also to announce my opposition to the resolution offered by Mr. KUCINICH.

Let me be clear, I will never jeopardize support for our troops, and I will always maintain the proper level of deference and respect due the Commander in Chief in matters of war. But I do not believe the President of the United States has the authority to take America to war without congressional approval where our security and vital national interests are not directly threatened.

The President told the American people in his address to the Nation on March 28, 2011, that it would be a mistake to broaden our mission. He said, “We went down that road in Iraq.” Now, more than seventy-five days since hostilities began in Libya, it has become all too clear that the road we are currently taking is quite different from that we took in Iraq.

In Iraq, we had a clear objective. We had congressional bipartisan approval in both Houses, international support, and through trial and the sacrifice of blood and treasure, we are now on the edge of victory. Here in Libya, there is no clear objective, no congressional approval, and uncertain international support. We are on a different road.

Speaker BOEHNER's resolution before the House today, H. Res. 292, will prevent the President from committing American ground forces in Libya and requires the Administration to finally justify why it committed our military resources in Libya without seeking consultation from Congress. When passed, this resolution will also force the Administration to report

to the Congress the political and military objectives regarding Operation Odyssey Dawn.

Let me also speak to the resolution of the other gentleman from Ohio, Mr. KUCINICH. I have never believed it to be wise to tell the enemy when you will quit fighting. More significantly, it cites the constitutionally dubious provisions of the War Powers Resolution and I cannot support it.

In closing, let me just say that history has taught us that America has succeeded only when we have chosen to send our men and women into combat with a clear objective to win. In this instance, where the Administration has not demonstrated how American military involvement advances our national security interests and where the President has failed to provide the American people with a compelling reason to commit our Armed Forces, there is no clear objective to win.

The Boehner resolution will force the Obama Administration to bring its case to the American public before further committing our men and women in Libya and I urge its immediate passage.

Mr. HECK. Madam Speaker, I rise today in support of House Resolution 292.

On March 19, 2011, in response to United Nations Security Council Resolution 1973, the Obama administration, in cooperation with our NATO allies, commenced Operation Odyssey Dawn to enforce a no-fly zone in Libyan airspace.

In accordance with the War Powers Resolution, the administration must seek congressional authorization for this operation within 60 days.

Madam Speaker, that 60 days has come and gone, and we are now on our 77th day of conducting military operations in Libya. Yet the President has still not sought congressional authorization.

Without congressional authorization, the War Powers Resolution dictates that the President must withdraw our forces within 90 days.

As that 90th day rapidly approaches, this legislation puts the administration on notice that it has 14 days to provide a compelling rationale for our involvement in Libya, or Congress will exercise its constitutional prerogative to withhold funds for this operation.

Since the commencement of operations, the administration has often cited the need to protect civilians in Libya as the basis for our involvement in this operation.

While I understand the moral imperative to assist and protect these civilians as they engage in open conflict with a tyrannical and oppressive government, it cannot be the policy of the United States to commit U.S. troops to every civil conflict throughout the world.

In fact, this is not U.S. policy. The Arab Spring has ushered in an era of civil unrest throughout the Middle East. Civilians in Syria, Yemen, Egypt, Bahrain, Iran, and Tunisia have all risen up in protest against their governments.

The outcome of each of these uprisings has varied significantly, as have the national security implications for the United States. Yet the United States did not come to the aid of these civilians.

So why then is Libya different? Why is it in the national security interests of the United States to involve ourselves in this civil conflict and not the others?

As Members of Congress we have a responsibility to the American people to ask these questions and the President has the obligation to answer them.

If the President is unable or unwilling to communicate a justification that clearly defines U.S. national security interests for committing U.S. troops and resources to Libya, then we have an obligation to compel him to withdraw.

H. Res. 292 does this and it does it in a responsible manner.

The alternative, Madam Speaker, is to support the bill offered by the gentleman from Ohio, Mr. KUCINICH, and force the President to withdraw our forces in 15 days.

While I commend the gentleman from Ohio for offering this legislation and appreciate his efforts to hold the administration accountable for committing U.S. Forces without congressional authorization, I have a number of concerns with the 15 day timeline.

First, it is logistically impossible to completely and responsibly disengage our forces within this short timeframe. We should not shackle our military leaders with an unrealistic mandate to withdraw because their Commander-in-Chief did not comply with his obligations under War Powers Resolution.

They must be given adequate time to plan, organize and execute this withdrawal. Fifteen days simply does not permit this.

Additionally, while I agree that Congress' ultimate responsibility is to the American people, withdrawing our forces in fifteen days would completely undermine our number one obligation to provide for the common defense of the United States.

The safety and security of our nation depends greatly on the cooperation and commitments of our allies.

The NATO alliance is the centerpiece of our efforts to support and promote safety and stability throughout the world.

Withdrawing our forces from Libya in 15 days pulls the rug out from under our NATO allies and would have dire consequences for our future cooperation and the security of the United States.

Like our military leaders, our NATO allies must be provided ample time to reassess and reorganize their military strategy to carry out operations without our support. Again, 15 days does not permit this.

For these reasons I cannot support Mr. KUCINICH's legislation. While I agree that we must hold the administration accountable, we must not do so at the expense of our allies.

Madam Speaker, H. Res. 292 is the responsible alternative. It asserts congressional authority by compelling the administration to adhere to its obligations under the War Powers Resolution, while at the same time ensuring that we do not undermine our allies.

Madam Speaker, I urge my colleagues to support H. Res. 292, and to vote down H. Con. Res. 51.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 294, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McKEON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### LIBYA WAR POWERS RESOLUTION

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to House Resolution 294, I call up the concurrent resolution (H. Con. Res. 51) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 294, the concurrent resolution is considered read.

The text of the concurrent resolution is as follows:

H. CON. RES. 51

*Resolved by the House of Representatives (the Senate concurring),*

#### SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM LIBYA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), Congress directs the President to remove the United States Armed Forces from Libya by not later than the date that is 15 days after the date of the adoption of this concurrent resolution.

□ 1200

The SPEAKER pro tempore. The concurrent resolution shall be debatable for 1 hour, with 30 minutes controlled by the gentlewoman from Florida (Ms. ROS-LEHTINEN) and 30 minutes controlled by the gentleman from Ohio (Mr. KUCINICH).

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Madam Speaker, I ask unanimous consent that the ranking member of the Committee on Foreign Affairs, my friend, the gentleman from California (Mr. BERMAN), be allowed to control 15 minutes of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in opposition to H. Con. Res. 51, directing the President to remove United States Armed Forces from Libya. The President has failed to make the legal and constitutional case that he owes to the Congress and to the American people before committing American forces to a voluntary conflict. But the situation as it stands today poses an important U.S. national security consideration, and it requires this body to oppose this Kucinich resolution.

What are these considerations, Madam Speaker? These are: the sudden

U.S. withdrawal from Libyan operations proposed by this resolution could do irreparable harm to the NATO alliance, and ultimately undermine support for NATO efforts in Afghanistan. Also, the longer Qadhafi is able to cling to power and continue fighting, the more that he will destabilize the larger region. Conflict is already spilling over into neighboring countries—Tunisia, for example, which is undergoing a fragile transition of its own. Also, there are significant proliferation concerns at stake, including the need to secure Libyan chemical munitions and prevent the flow of heavy and light weaponry from leaking across the porous borders of Libya. Also, extremist organizations that pose a credible threat to American interests, including al Qaeda in the Islamic Maghreb, already are exploiting the opportunity to arm themselves and organize.

So while I share the frustration of my colleagues, I am deeply concerned that an abrupt withdrawal of support for the NATO mission would have repercussions that extend far beyond the borders of Libya. Adoption of this resolution would send a signal to Qadhafi that if he can just hang on for 15 days more, the alliance will crumble and he can resume his destructive behavior and his destabilizing activities. In Egypt, the stability necessary to prevent extremist elements from seizing control could be compromised if the conflict in Libya remains unresolved.

Furthermore, Madam Speaker, providing Qadhafi free rein by forcing the U.S. to rapidly withdraw from the NATO operation would pose an even more virulent threat to such other allies in the region as Israel. An emboldened Qadhafi regime would be in a position to provide both destabilizing types and amounts of conventional weapons, as well as unconventional capabilities through new and existing smuggling routes to violent extremists in Lebanon, the West Bank, and Gaza, extremists who seek the destruction of Israel.

A U.S. withdrawal in a manner that is called for in this resolution, in fact mandated in this resolution, could have detrimental consequences for countries such as Jordan and the United Arab Emirates, who provide critical support to the United States and our NATO allies in Afghanistan. And, as operations experts from the Department of Defense warned yesterday, an abrupt withdrawal from Libya operations, as this resolution demands, would severely undermine support by our European allies for NATO efforts in Afghanistan.

In fact, it would have a detrimental effect on NATO's efforts in Afghanistan both in terms of weakening our mission partners and emboldening the Taliban, al Qaeda, and associated elements. It would compromise the safety and security of U.S. forces that at this

very moment are engaged in the battle against heavily armed enemy forces in Afghanistan.

Madam Speaker, as many of my colleagues know, my daughter-in-law Lindsay served in Iraq and in Afghanistan. I also have two committee staffers, one in the Army Reserves and one in the Marine Reserves, who recently returned from serving a year each in Afghanistan. They have emphasized that the potential dangers to our troops there of a NATO pullout or a decrease of forces and assets in Afghanistan due to a need to refocus them on ongoing operations in Libya is indeed dangerous for the United States. They have emphasized that operations in Libya do not exist in a vacuum.

Recall that the House just this last week adopted an amendment to the National Defense Authorization bill to prevent U.S. military or private security contractors from establishing or maintaining a ground presence in Libya. Speaker BOEHNER has offered a resolution that we discussed previously that further underscores that the Congress does not support putting U.S. boots on the ground in Libya.

Now, many have argued that Congress needs to strongly exert its prerogatives under War Powers. We must do so, Madam Speaker, but do so in a prudent and responsible manner that protects the legitimate national security interests of the United States. This resolution, Madam Speaker, does not do so. So I urge a "no" vote.

Madam Speaker, I reserve the balance of my time.

Mr. KUCINICH. I yield 2 minutes to the prime cosponsor of this important constitutional initiative, the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman from Ohio for yielding.

I want to start off by saying this is not a partisan issue. I am very happy to cosponsor this legislation because it's the only legislation we are discussing today that has teeth in it. It really deals with the problem.

Now, Qadhafi is a bad guy and he ought to be replaced. There are a lot of tyrants around the world that ought to be replaced. But should the United States go to war any place we want to get rid of a bad guy unless it's in our national interest, or unless we're at risk, or unless there's been a declaration of war? No. We could go to war anyplace we want to if we just say this guy's a bad guy and he's killing his own people. We could do it in Syria, we could do it in Ivory Coast, we could do it all over the place.

But the Congress of the United States is the body that's supposed to be consulted by the President before we go to war. The President did not do this. We are contributing about two-thirds, or at least half of the war effort. It's cost over \$700 million, and it will be over \$1 billion before it's all

over. And the President has taken us into this conflict without the authority of the Congress, without the support of the Congress.

He did get the Arab League, he did get the United Nations. He did talk to the French and the English. But he didn't talk to the people's House, the Congress of the United States. And the President did not have the authority to do this.

Now, the reason I support the Kucinich resolution is it sends a clear message to the White House they cannot do this again. They cannot unilaterally go into Syria or the Ivory Coast or anyplace else without talking to the Congress that represents the people all across this country. The President should not have done this. And the only legislation that really deals with the problem today is the Kucinich resolution, which I cosponsored. I am a co-author of it.

Now, I am going to vote for the Boehner resolution because it does send a signal. But it does not solve the problem. The only way to solve the problem is to let the President know he cannot, should not, and will not be able to do this again.

□ 1210

Mr. BERMAN. Madam Speaker, I rise in opposition to the resolution, and I yield myself such time as I may consume.

I just listened to my chairman—I am very fond of her—make a very compelling case for the national security interests we have in seeing through this operation that is now going on against Qadhafi and Libya.

In detail, with specifics, I completely support it. The only thing I didn't hear was, "Mr. President, while you didn't consult with us enough and you haven't provided us all the information, I want to thank you, as our President and our Commander in Chief, for pursuing America's national security interests in this current operation. Great job, keep it going, be a little better on the information, a little more on the consulting, but stick with it." That's what I didn't hear.

I want to compliment Mr. KUCINICH for offering this resolution. We disagree on the President's policy. My colleague wants to withdraw forces, while I support the ongoing operations in Libya. But unlike the majority, Mr. KUCINICH is taking seriously this body's fundamental responsibility to legislate on the use of force.

The President commenced combat operations in Libya to prevent a humanitarian catastrophe, a massacre at the hands of Qadhafi's forces. There was bipartisan support for this effort and the President prevented massive loss of life through the decisive use of force. We don't have to speculate about that. Qadhafi told the entire world about his plans for Benghazi, to go

door to door, closet to closet to find and eliminate his opponents.

I continue to believe the mission in Libya is relevant and necessary, as does my chairman and as does the Speaker, and I believe it's achieving success. Qadhafi's forces have been driven out of eastern Libya and out of Misrata in the west. High-level defections are on the increase. Demonstrations are once again breaking out in Tripoli, suggesting a weakening of government control. Progress is slower than we would like, but it is steady.

Efforts to force a withdrawal of forces would reverse this process and jeopardize the lives of hundreds of thousands of Libyans now benefiting from the NATO operation. And this resolution demands not merely withdrawal; it demands withdrawal within 15 days.

Think about what a removal in 15 days, as required by this resolution, would mean. We would be giving Qadhafi a free hand to maintain control in Libya and continue his campaign against civilians. We would be thumbing our nose at our NATO partners whose support on the ground has been and continues to be so crucial in Afghanistan.

We would likely threaten the stability for the very Arab nations where democracy has its best hope of success: Egypt and Tunisia, each of which flank Libya and are inevitably affected by its internal developments. And we would send a message to Assad of Syria and dictators everywhere that our support for freedom and humane governance is, at best, lukewarm and transitory: Hang in there for a few weeks, Mr. Dictator, and we'll go away.

And as the families of the victims of Pan Am 103 know better than any of us, a Qadhafi who is unleashed to commit acts of terrorism around the world will do so with unspeakable barbarity. He might even reconstitute his weapons of mass destruction.

We need to give the President more time to pursue this mission. To do otherwise would be to alienate our allies, to damage our regional interests, and, once again, to invite a horrible massacre of Libyan civilians.

I urge my colleagues to join me in opposing this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. McKEON), the chairman of the Committee on Armed Services.

Mr. McKEON. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to House Concurrent Resolution 51, although I share my colleagues' concerns regarding our operations in Libya. In fact, I sent a letter to the President 2 weeks ago, to which I have not received a reply, making it clear that I would have serious reservations regarding a

request for authorization of military force in Libya.

Moreover, I support House Resolution 292, which we have also debated here today. I do not believe the President has adequately sought congressional authorization, nor has he provided sufficient information for Congress to perform its constitutional oversight.

Nevertheless, I cannot support the resolution before us. This resolution would require the President to remove all U.S. forces within 15 days. Such a short lead time offers our allies no time to prepare for the withdrawal of U.S. forces, and, make no mistake, the hasty withdrawal of U.S. forces would cripple allied operations and embolden Qadhafi. The United States provides adequate capabilities that our NATO allies and other partners cannot provide, either in kind or at all levels required.

We provide over 75 percent of all aerial refueling; 70 percent of all intelligence, surveillance, and reconnaissance; nearly a quarter of all the aircraft, including fighter aircraft, for suppression of enemy air defenses; armed Predators, providing aerial surveillance and strike capability, including low-level targeted strikes in urban centers where Qadhafi's forces have entrenched themselves; and electronic warfare aircraft for jamming and support in targeting.

Reasonable people can disagree about the extent to which involvement in Libya was in our national strategic interest, but having committed our forces, a precipitous withdrawal would certainly have implications for U.S. national security and our strategic interests around the world. We should make certain allied efforts are not undermined at the last minute.

As chairman of the Armed Services Committee, I will continue to ensure that the committee conducts robust oversight of ongoing military operations, and I will continue to press the President for answers, but this resolution is not the appropriate means to bring about an end to the stalemate in Libya.

I urge my colleagues to join me in opposition.

Mr. KUCINICH. I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Let me thank Mr. KUCINICH, and I support his efforts over the years, but especially today, in allowing this very sensitive constitutional question to be debated.

I asked him and almost pleaded that he allow me to follow my friend DAN BURTON, because nothing could better prove to our colleagues and those that know both of us how nonpartisan this issue is and should be.

This is not a question, really, of past Presidents who always thought they were doing the best for the United

States of America when they put our men and women in harm's way. Not one of them ever thought that they were doing anything immoral.

This is not a Democratic problem; it's not a Republican problem; it's not a problem of the President of the United States, not Nixon, not Kennedy, not Johnson, certainly not President Obama, certainly not the Bushes. It's a problem of the House of Representatives and the United States Senate. This is a congressional problem. We have not fulfilled our responsibility.

Some people I have heard say, well, this hasn't reached a level that it should be war. Well, ask the men and women that make the sacrifices and come home and leave their fallen friends there whether this was a war. Ask those mothers and fathers and children who have lost their loved ones whether this is war.

It's easy for us to say that we are not going to get involved; let the President have the authority. But in the final analysis, when we go to the funerals, these brave men and women may not come from your districts because they don't have to make the sacrifices somehow in these United States. We know who has to volunteer, who makes the sacrifices, and we sit back and wash our hands and say we didn't think that this reached a level that we had to give approval to the President of the United States. I am not saying that the President is right or wrong. I am saying we are.

And, Mr. KUCINICH, I thank you for the opportunity, because no longer should there be a debate as to whether or not it's Libya, whether it's Korea or wherever it is. We have a constitutional authority. Thank you for giving us an opportunity to talk about this as Members of the United States Congress.

Ms. ROS-LEHTINEN. I yield 5 minutes to the gentleman from Michigan (Mr. ROGERS), the chairman of the House Permanent Select Committee on Intelligence.

□ 1220

Mr. ROGERS of Michigan. I agree with the gentleman from New York, and our political philosophies may be different. I think it's a powerful and passionate speech. What frustrates me, I think, the most, and the fact that we are even having this debate in this way is because the President has not led on this particular issue. He should have come before Congress. I think that's clear.

I don't think anyone really objects to the fact that he should have come here anytime when we put our troops in harm's way, absolutely. I think he's done not a great job talking about what our national security interests are in Libya and what role we're playing in Libya. Bad marks all the way around.

But the Kucinich resolution is dangerous. I do believe we have national security interests at stake here. Even though the President has gone about it in all the wrong way, they're our national security interests. And to stand up today and say we're frustrated with the President, we're going to stomp our feet and we're going to bring them home, leaving our allies holding the bag, is unconscionable—unconscionable.

Here's what happens if the Kucinich resolution passes: the naval blockade becomes at risk, Qadhafi gets stronger, our ability to refuel aircraft—NATO aircraft who are doing strikes, not the United States who are doing strikes mind you, our British, our Italian and our French allies who are doing combat strikes—goes away.

The fact that we cannot get in and do particular efforts on making it very difficult for them to see through radar and actually target planes happens by the United States, that goes away. Who would do that to friends and allies in the middle of a fight?

And here's our national security interests. They have thousands and thousands of pounds of chemical weapons. This isn't a guess. We're not reading some analytical sheet. Many of you have seen it. I have personally seen it. We know it's there. It's declared. What happens to those chemical weapons in a place where al Qaeda in the Magreb is growing stronger, not weaker? There's only one country in the world that has the unique capability to keep an eye on it and take care of it when the opportunity arises. That's the United States of America. That is in our national interest. There are thousands and thousands and thousands of shoulder-fired, anti-aircraft weapons that keep me awake at night.

We have the unique capability in the United States to make sure that those weapons systems don't fall into the hands of those who would do us harm—the terrorists who proliferate in northern Africa right now. Those are in our national security interests.

So, yes, let's have the debate. I think the Speaker's approach is absolutely appropriate. It's sad that we had to come to that point where we had to inform this administration, "Sir, you have not made your case. You need to come and make your case." And I argue when he does that, when he makes his case, I think the American people will be with him. But he has to make the case, and he needs Congress' consult and advice on this particular issue. And I argue he needs our approval to continue to move forward.

I hope that we don't get really small in our politics and we're so angry at this President for not making his case on something as sensitive as this that we would ruin our national interests as we move forward. They are important allies, our French and our British. Now

we've been frustrated at them, and I'm sure they're frustrated at us. But they've spilled their blood and their treasure in places like Iraq and Afghanistan, and they currently help us fight terrorism where we find it in the world.

Do you poke your friend in the eye because you're mad? No. This is an important issue that has to be bigger than our political parochial beliefs. It has to be bigger than our congressional districts. This is about America, our future, our allies, and, yes, our national security.

Who better to make sure that those shoulder-fired weapons don't go someplace than us? Who better to make sure that those chemical weapons don't fall in the hands of terrorists who seek to kill innocent men, women and children? Qadhafi has been proven to be a state sponsor of terror. The Pan Am bombing, he killed hundreds. He killed U.S. soldiers in Germany in the eighties, our U.S. soldiers, through an act of terrorism. We know he still has terrorism hit squads. We know it. We can't prove that he's engaged them yet, but we know they exist. Why would we walk away from that threat when we know he's under siege and feeling desperate?

This is the time we should stand with our allies, Madam Speaker. This is the time that we should say, yes, our national security interests are at heart. And, yes, Mr. President, come down and meet your constitutional obligation and show this Congress why we're there, what role we're playing and what it means to our national security.

I would urge a strong rejection of cutting and running in the Kucinich amendment and a strong support of the Speaker of the House's right approach to bring the President to Congress, as he needs to be.

Mr. KUCINICH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK), who has been very closely involved in helping construct bipartisan support for H. Con. Res. 51, and I thank him.

Mr. MCCLINTOCK. I thank the gentleman for yielding.

I rise in strong support of this resolution. We need to be crystal clear on this. Without prior congressional authorization, under the War Powers Act, the President may only commit Armed Forces to hostilities for 60 days if there is a direct attack upon the United States, its territories or possessions or its Armed Forces.

There was none, so there is no 60-day clock, and the unprovoked attack on Libya—from day one—constituted an illegal and unconstitutional act of the highest significance.

And the question is, What are we going to do about that? If the President felt there was moral justification to attack Libya, he was constitutionally required to make that case to

the Congress and to get its authorization. He did not.

Now, the argument we hear against this resolution comes down to this: we're already committed; it's too late for Congress to order a withdrawal without harming America's reputation or undermining its allies. Well, if we take that position, we have just changed the entire Constitution to read as follows: the President may attack any country he wants for any reason that he wants and the Congress has no choice but to follow. That's what they're saying.

The President has crossed a bright constitutional line, and this Congress has a clear moral and constitutional duty to intervene, and only the Kucinich resolution actually does so, short of sending a strong letter to the President.

If we fail to do so, we will have destroyed the work of the American Founders by fundamentally changing the legislative and executive functions on the most momentous decision that our Nation can make, and we will take our country down dark and bloody roads that the American Founders sought to avoid.

Mr. KUCINICH. I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank my friend for yielding and for his leadership on this issue.

Madam Speaker, it's a sad irony that at the same time that we're committing our sons and daughters to an armed conflict in Libya in support of democracy and the rule of law, that we are also trampling on the fundamental principles of separation of powers and the plain language of our United States Constitution, which is the supreme rule of law here at home.

The United States Constitution clearly states that the President's power as Commander in Chief—to introduce our Armed Forces into hostilities—may be exercised only pursuant to three circumstances: number one, a declaration of war; number two, a specific statutory authorization; and, number three, a national emergency created by an attack upon the United States. That has not happened.

So despite my great respect and affection for our President, a lawful premise for this Libyan operation does not exist.

In closing, I'd just like to say that I've been to Iraq 13 times and Afghanistan 10 times. I don't meet any of our kids on their first tour of duty anymore. They're all on their third tour of duty or fourth tour of duty.

We are stretched thin, and this was a gratuitous action. We should not be there. There's no lawful basis for the prosecution of this war. So I ask for the support of this resolution.

Mr. KUCINICH. I yield 2 minutes to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Thank you, Mr. KUCINICH, and thank you Members of the House.

This issue of war and peace and separation of powers transcends partisan politics. A few years ago, together with my good friend, STEVE ISRAEL, I began what's known as the Center Aisle Caucus, which has a large membership now. Our goal is bipartisan solutions to America's challenges, and this bill reflects that approach.

H. Con. Res. 51, on paper, addresses our illegal war in Libya; but, in spirit, it calls into question American presence in the Middle East, and it should command the attention of the national media, if you're listening, and every American citizen.

Today I issue a challenge to an often divided Congress. To my Democratic colleagues, I ask you to candidly acknowledge that war is war, even when a Democratic President initiates, or perpetuates, that war. To my Republican colleagues, I ask you to acknowledge that a sincere and effective attack on our crippling national debt, without defense spending squarely on the table, is indefensible and disingenuous.

To all of my colleagues, I ask you to acknowledge certain realities: one, our global warfare kills American men and women and innocent people all around the world every day.

□ 1230

Two, we cannot impose our standards of democracy, humanitarianism, and culture—as much as we want to—on nations that don't care and resent our self-proclaimed role as judge and jury.

Three, there is little, if any, connection between our actions in Libya and the safety of citizens in St. Louis, Missouri, or Mount Zion, Illinois. We spend almost \$700 billion a year on defense, a significant portion of that for three wars.

Three days ago, we voted on the issue of whether to increase our national debt limit to nearly \$17 trillion. From President Bush to President Obama, and well before, Presidents have flagrantly and arrogantly violated article I, section 8 of the Constitution, not to mention the War Powers Act.

The Speaker's resolution that we will vote on here in a few moments was strongly worded—and I believe sincerely offered—but it was just that: words. It is not and should not be a cover for any Member of this Chamber to fail to support the Kucinich bill, which puts teeth, real teeth, into congressional prerogatives.

Support the Constitution, support fiscal responsibility, and support peace. Support the Kucinich resolution.

Mr. KUCINICH. I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman for yielding.

Madam Speaker, the gentleman from Virginia earlier said that the Kucinich

resolution would tie the President's hands. Yes, it would. The whole point of the Constitution is to tie the President's hands. The President, not this particular President, any President, must not have the power to commit this country to war on his own authority without the concurrence of Congress. That is the point of the Constitution.

George Washington said the Constitution vests the power of declaring war in Congress. Therefore, no offensive expedition can be undertaken until they shall have deliberated upon the subject and authorized such a measure.

Abraham Lincoln said they—meaning the Framers—resolved to so frame the Constitution that no one man should hold the power of bringing this oppression—meaning war—upon us. And that's what this really does.

Now, over the last 60 years since World War II, during the Cold War, power has flowed to the President—again, Presidents in general. The exigencies of time when bombers were over the Pole, or we thought bombers were over the Pole, you couldn't call Congress into session. And Congress, in effect, surrendered much power to the Presidency.

Korea was an undeclared war and should not have happened that way.

Vietnam, Congress was fooled. They called the Gulf of Tonkin Resolution the “functional equivalent of a declaration of war” which Congress would not have voted had they known what was in store or what they were voting on, or that it was going to be cited as a declaration of war.

The issue before us is not consultation with Congress; it is not a lack of information to Congress. It's the fact that Congress must act, and that is why the Boehner resolution is beside the point.

Now, in the past, there was a good reason. There was time, there were emergencies. But here, Secretary Gates said there was no threat to the national security of the United States. We had time to negotiate with the Arab League, we had time to go to the U.N., and there was time to go to Congress and ask for an authorization of military war.

The President gave us his reasons for going into Libya. Not everyone agrees with those. But the question is not the wisdom of the war in Libya; it is enforcing the Constitution. And if we pass the Kucinich resolution, the President would have 15 days to come before us and ask us to authorize the use of force, if that is necessary.

Mr. KUCINICH. I yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Madam Speaker, the United States is engaged in a war in the name of humanity. The President's actions did not follow the Constitution. They do not follow the War Powers Resolution. It is an unconstitu-

tional action on the part of the United States.

I served on the bench in Texas for over 20 years trying criminal cases. In our daily business, we followed the law. And the law required that you have a trial. If convicted, the person was sentenced. I never tried a case that a person was so bad we just skipped the trial and we went ahead and sentenced them and then had the trial later to prove it was a good idea. We followed the law. And the same law that required a procedure in a trial that is in the U.S. Constitution, the Constitution also says there is a procedure for going to war. And the procedure is that Congress, not the President, instigates war.

James Madison, a person who wrote the Constitution, said the Constitution supposes what the history of all government demonstrates: that the executive is the branch of power most interested in war and most prone to it. Therefore, with studied care, we have vested the question of war with the legislature. That would be us, Congress. We have not fulfilled our obligation.

The war in Libya violates the Constitution, the War Powers Act. It is not in the national security of the United States. It is said, Well, the French, we may disrespect the French. Well, I say to the French: You respect our Constitution, and our Constitution says that the declaration and going to war is the responsibility of Congress, not any executive.

It has been said that the Constitution may be inconvenient, but it is meant to be, Madam Speaker. War is a serious matter, and Presidents and Congresses should be inconvenienced on the road to war.

Mr. KUCINICH. I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, the first airstrikes against Libya were launched in March. Now it is June. Seventy-six days after this mission began, Congress still hasn't been given an opportunity to vote for or against a declaration of war.

Every Member of this body, regardless of individual feelings, should demand—demand—that their constitutional authority be respected. The engagement in Libya is lingering without accountability or checks on Presidential power, without a vigorous debate about the consequences of our actions. What is the endgame? What is the timetable? What are the metrics or benchmarks of success?

With the United States already fighting in two theaters, with the human and financial costs of Iraq and Afghanistan mounting every day—\$10 billion a month alone in Afghanistan, our military is stretched to its breaking point. We simply cannot take on a third war.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. KUCINICH. I yield the gentlewoman an additional 15 seconds.

Ms. WOOLSEY. Last week, by an overwhelming majority of 416-5, this body voted to say “no” to boots on the ground in Libya. Today, we must go one step further. We must support H. Con. Res. 51 and end the war in Libya altogether.

Mr. KUCINICH. I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Madam Speaker, I thank the gentleman from Ohio for introducing this resolution.

It is just so ironic that on May 26, a CNN poll found that the majority of the American people, 55 percent, believe Congress, not the President, should have final authority for deciding whether the United States should continue its military mission in Libya.

Yes, American people, you are exactly right, and that is why we need to support Mr. KUCINICH's resolution.

It has been amazing to me that I have heard so much debate today about NATO's feelings—NATO's feelings. Well, how about the feelings of the American people? How about the people that pay the taxes in this country, how about their feelings? Isn't it time their feelings come first?

That is why I sincerely believe, and I wanted to be on the floor today because—and I thank Mr. BOEHNER, the Speaker of the House, for presenting a resolution, but that does not do it. That does not do it.

The Constitution says that Mr. KUCINICH is right with this resolution. The American people say that he is right with this resolution. The American people are calling on the Congress to meet their constitutional duties and to vote for this resolution.

Madam Speaker, before I close, I want to say again to Mr. KUCINICH, thank you for taking the lead on this. This should actually be the only resolution we are voting on, but let's show the American people that we believe in the Constitution and let's support Mr. KUCINICH's resolution.

□ 1240

Mr. BERMAN. Madam Speaker, I inquire of the amount of time remaining for all of the managers.

The SPEAKER pro tempore. The gentleman from California has 11 minutes remaining. The gentleman from Ohio has 13¼ minutes remaining. The gentlewoman from Florida has 1½ minutes remaining.

Mr. BERMAN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, this resolution is not as much about Libya as it is about us. Wouldn't it be wonderful if we could control events around the world, determine the way that people see us and always accurately predict the consequences of our

actions? But that's not what life is all about. The best we can do is establish the values and the principles that define us individually as citizens and collectively as a Nation.

This resolution is not about whether we should be involved. We are always going to be involved in what is taking place around the world, because we are the world's economic, military and moral superpower. To choose not to act, particularly at a time of such crisis and transformation that is occurring throughout the Arab world, is, in fact, to choose. In this case, it would be to choose to define us as a people who has decided to look the other way, to choose not to hear the cries of desperate help from the Libyan people who have chosen to put their lives on the line in the cause of democracy, of individual liberty and of freedom from oppression.

These are the values that define us as a people and as a Nation. They are the values, frankly, that give hope to a world of repression and despotism that will, in fact, continue to exist and, in fact, will gain strength if we do not stand up, speak out and “have their back” at such a time as this.

That's why we should defeat the Kucinich resolution, because it is really about who we are as a people and whether we still have the courage and the constancy to defend the moral high ground. As long as the rest of the world has to look up, not down and not sideways as this resolution would place us, we will, in fact, be advancing our own security and prosperity and the integrity of our moral force as a Nation of principled people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional minute.

Mr. MORAN. We must always bear in mind that we live in a world that wants more than anything to shine as brightly as the beacon of freedom and hope that we represent. We should always bear in mind that we have the privilege of representing and burnishing ever brighter that beacon in a time of crisis when there is clear cost and consequence to our actions. This is when we show the courage and the constancy that must define us. Once again, we are called upon to be equal to our history to the legacy of those who have gone before us.

This may not seem like a terribly critical vote in the scheme of things; but to all of the Libyans who have chosen to put their lives on the line for the values that define us as Americans, it is a big deal. It is everything. It is their lives. It is their hope. It is their future. That's why this resolution should be defeated. Because this is about us and a world that looks to us for its moral leadership.

Mr. KUCINICH. I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. This is a defining moment for us as a people. This is a defining moment for this body. This is a defining moment for the United States Constitution.

With the civil war in North Africa, there is no clear and present danger to the United States of America. Therefore, in acts of war, the President has a constitutional duty and obligation to come to the Congress to seek approval. For the President to suggest that he got approval from the United Nations is offensive, and it's wrong.

No, Mr. President. Authorization to go to war comes from the American people, and it comes from the United States Congress. We must stand tall and true to the Constitution. We have no choice but to vote on this action. This is a defining moment.

What is absent in all this discussion, I'd point out to my colleagues, is I see no resolution to go to war. I don't see a resolution that says this is what we should be doing.

Please vote in favor of this amendment. Stand true and tall for the Constitution. This is a defining moment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair and not to others in the second person.

Mr. KUCINICH. I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

I rise in strong support for H. Con. Res. 51. We need to pass this resolution to send a very strong message.

We have been told by those who oppose this message that we should not have an abrupt withdrawal from the region, but I would strongly suggest that what we should be talking about is the abrupt and illegal entry into war. That's what we have to stop. Since we went in abruptly and illegally, we need to abruptly leave.

It has also been said by those who oppose this resolution that they concede that Congress should assume its prerogatives over the war powers but to do it gradually. I would strongly suggest that when we took our oath of office we assumed that radically and suddenly. We took an oath of office to obey the Constitution, not to defer to the United Nations, and that we already have assumed that responsibility.

I would also suggest, if we do nothing, if we do not pass this resolution, it is the sin of omission that we commit.

Mr. KUCINICH. I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I rise today in support of the Kucinich resolution. I had hoped to be able to support the Boehner resolution. I share the Speaker's concern that a precipitous withdrawal called for by the



Kucinich resolution sends a less than optimal signal to our NATO allies.

Yet, while we are on the subject of signals, I am far more concerned about the puzzling, confusing, mystifying signal that we send by passing a resolution that affirms that the President has not fulfilled his constitutional or statutory obligations, yet offers no remedy, only a mild rebuke, followed by a questionnaire.

Madam Speaker, I was here in 2001 when we authorized the use of force to enter Afghanistan. There was just one dissenting vote. When a genuine threat to our national security is perceived, it has been the longstanding practice of Congress to support the administration in its actions. The greater threat today, in my view, is the perpetual acquiescence of this body, in situations such as we face today in Libya, where we tolerate the use of military force when the threat to our national security is less obvious.

Mr. KUCINICH. I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Madam Speaker, I think the President erred in not following the War Powers Act in the spirit of the Constitution. He should have asked us. If he had, I would have said "no" then, and I say "no" now.

Let me disagree with those of my colleagues who have talked about what a terrible man Qadhafi is as a reason for the United States to be spending our money there. Yes, he's a thug who ought to be removed, but it cannot be that America has to be the 911 for the world and that we are the ones who have to respond everywhere every time.

I heard one of my colleagues on the other side say, Well, the Europeans are there. Let's not poke them in the eye. Poke them in the eye? We have for years, since the beginning of NATO, been subsidizing them so that they have military budgets less than half of ours as a percentage of their GDP, so that they can do better than us in health care and better in competitiveness and every other way.

□ 1250

Yes, he should be opposed. There are European nations, developed, wealthy nations just across the Mediterranean. Why do they have to have America come nearly 4,000 miles to do it?

And it's not just Libya. This is defining. Are we going to go forward with a situation in which America undertakes to defend everybody in the world everywhere, even when they are not greatly threatened, as is the case with NATO or with missile defenses against non-existent missile threats from Iran, or do we say that we will bear our fair share but not more? We have got to stop subsidizing the rest of the world, particularly now.

And when members from the Appropriations Committee come up and tell us, You've got to go do this, but let's cut police in Massachusetts, let's cut housing in Ohio, let's cut transportation in California, we cannot reduce our deficit in a way that allows us to maintain any concern for the quality of life here if we continue to spend money promiscuously all over the world.

By the way, let's go beyond that. We're not just talking about Libya. What about the paradox of Afghanistan, where we will spend \$100 billion a year to be told by the President of Afghanistan that he doesn't like what we're doing. Fine, let him have it. Stop forcing him to take our \$100 billion a year.

Mr. KUCINICH. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I thank the gentleman from Ohio for yielding me a minute this morning.

Today I think we owe the American people an apology because we all as a House are here to defend and protect the Constitution of the United States and it has been way too long before this debate has been had on this floor.

There is much more at risk today than Libya. What is at risk today is the very Constitution that we have sworn to protect and to uphold. If the Constitution is at risk, then this House is at risk.

When this House is blatantly ignored by another branch, by the President of the United States, then the people are blatantly ignored by the President of the United States and this House will fall.

I applaud those that have sponsored this resolution, and I rise in support of it today.

Mr. BERMAN. I reserve the balance of my time.

Mr. KUCINICH. I yield 1 minute to the gentleman from California (Mr. STARK).

Mr. STARK. I thank the gentleman for yielding.

Madam Speaker, I support H. Con. Res. 51, a bipartisan resolution directing the President to remove the United States Armed Forces from Libya within 15 days. I'm proud to support this resolution by Representatives KUCINICH, BURTON, and CAPUANO. It gives Congress, and therefore the American people, the power to decide whether America enters into or continues a war which destroys our economy, which destroys unnecessarily human lives who do not oppose us and are not a threat.

For us to be wantonly killing people around the globe, entering into a war—there's no other question about that—without permission from the American people through this body is unconstitutional, it's wrong, and we should support the Kucinich amendment.

Mr. BERMAN. Madam Speaker, I am pleased to yield 3 minutes to the gen-

tleman from Nebraska (Mr. FORTENBERRY), a member of the Foreign Affairs Committee.

Mr. FORTENBERRY. I thank the gentleman from California, our ranking member on Foreign Affairs, for the time.

Madam Speaker, this is a very tough call, a tough set of circumstances. There is much complexity here with the convergence of war and diplomacy and geopolitics and allied relations.

What is clear, however, is that the President has not communicated effectively with the United States Congress, nor has he sought this body's authorization for the undertaking in Libya.

Let's have a brief history lesson here, though: Some in this body called for unilateral action against Libya just 3 months ago. That was appropriately resisted by this administration until other nations, particularly the British and the French, were willing to put up their own assets and give structure to a NATO coalition.

However, now U.S. actions, in an important allied effort to save Libyan civilians from imminent slaughter, have clearly moved beyond the scope of humanitarian relief and stabilization efforts.

With that said, an abrupt and imminent cut-off of U.S. participation in Libya causes numerous complications and would be highly disruptive. Yet we should not creep, we must not creep toward opening up a third front in Libya, which is the root cause of this debate.

The general framework for intervention without express congressional authorization has precedent and some parallels within the last 30 years. Let's look at Lebanon in 1982, Panama in 1989, Bosnia in 1995, and Kosova in 1999. All of these interventions had various levels of controversy, particularly the one in Lebanon; but they were undertaken by Presidents of the United States.

The Boehner resolution, considered before this one, gives the President a small window of time to better make his case. If the President cannot, Congress can assert its authority and disapprove.

Raising principled questions about war powers is a laudable goal, and I do want to commend the gentleman from Ohio (Mr. KUCINICH) for his leadership in this important debate. It would not have happened without him.

However, I think we should move forward very carefully. Speaker BOEHNER's resolution pushes the President for answers but stops short of requesting congressional authorization or abrupt withdrawal of U.S. participation in the Libya mission. If this approach is unfruitful, we can then exercise further options.

Mr. KUCINICH. Madam Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. CAPUANO), who has been a driving force behind this resolution.

Mr. CAPUANO. I thank the gentleman for yielding.

Madam Speaker, I am proud to be one of the original cosponsors of this resolution. But I want to be honest, I take no pleasure in this. I'm an early and ardent supporter of the President on most everything. This has nothing to do, in my mind, with the President or, truthfully, even with the action in Libya. For me, this is about the Constitution, plain and simple.

The Constitution is clear. It's not even about the War Powers Act. I personally think the War Powers Act is probably unconstitutional. The Constitution is clear. On many things it's not. It is unequivocally clear that the declaration of war is the responsibility of Congress, period. No gray area there.

Now, I know you can try to fudge on what the definition of war is, but when someone is shooting at someone else, that's war. If it's one person, 10 people, or 10 million, that's war. For me, that's what this is about.

Now, don't get me wrong. I would hesitate strongly—I doubt that I would support the action in Libya. But that's not why I cosponsored this.

And I've had some people say, well, 15 days is unreasonable. Well, okay. Then if this passes, they have 15 days to come back to us and ask us for more time, which I would be inclined to do if that's necessary on a military basis.

□ 1300

What this simply says is that Congress has to stand up on our own two feet and take the actions that we took an oath to take, which is to uphold the Constitution.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman an additional 30 seconds.

Mr. CAPUANO. Now, I understand that people may see things differently and I respect people that would differ, but I cannot believe that anyone can honestly read the Constitution on this matter in an unclear way.

Congress has the authority to declare war, period. That's why I'm here today. I'm not here to debate today whether we are right or wrong to be in Libya. That will come another day—maybe or maybe not. But I am here to say, uncomfortable as it is, unpleasant as it is, as difficult as it is, it is our responsibility to take action when it comes to declaring war. Every Member of Congress should be voting for this resolution because of that simple fact, and we can have other debates on another day.

Mr. KUCINICH. Madam Speaker, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Madam Speaker, the author of this resolution is known for his opposition to the use of American military force, and those who agree with him on foreign policy may well

vote for this resolution. In contrast, I have voted for every authorization to use military force that has come before this Congress in the last 15 years, and I would support the authorization to use force in Libya if it had the proper conditions and limits.

This resolution would not actually result in the immediate withdrawal; instead, it would force the President to come to this Congress and seek authorization pursuant to law—and would get that authorization, I believe, with the appropriate limits and conditions. That would be an improvement to our foreign policy. More importantly, it would mean we're following the Constitution. The War Powers Act is the law of the land and it requires congressional authorization for military actions that take more than 60 days.

We long for democracy and the rule of law in Libya, but not at the expense of democracy and the rule of law in the United States. If we don't require compliance with the War Powers Act, who will? And if the War Powers Act becomes a dead letter, who will constrain some future President with imperial ambitions?

If your constituents insist that you stand up for the rule of law, don't go back to them next week saying you voted for the Boehner resolution. That Boehner resolution does not mention—let alone enforce—the War Powers Act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KUCINICH. I yield the gentleman an additional 30 seconds.

Mr. SHERMAN. The Boehner resolution just grudgingly acquiesces to an imperial vision of the Presidency. The Kucinich resolution enforces the War Powers Act and starts us on the War Powers Act process.

We owe it to our fighting men and women that when they risk their lives, they do so pursuant to our laws and our Constitution. And when they risk their lives for an extended period of time, they do so not because of the decision of one individual but, rather, because of the decision of the representatives of all of the American people.

Mr. BERMAN. Madam Speaker, I am pleased to yield 3 minutes to the ranking member of the Appropriations Committee, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. The debate in the House today concerning the extent of U.S. involvement in the military action in Libya, now led by NATO, is a necessary and important debate, and I appreciate the role that DENNIS KUCINICH has played in this.

Both resolutions being considered today recognize the essential role of Congress in authorizing and in funding the use of U.S. Armed Forces consistent with the War Powers act and the Constitution. Both resolutions require the Members of the House to reflect on the appropriateness of the use

of military force in this operation, as outlined by the President. And both resolutions initiate the entirely appropriate debate over the objectives of this operation as well as its duration.

In my judgment, the President's initial commitment of U.S. airpower and naval forces to support the international effort was appropriate and certainly within his power as Commander in Chief. The U.S. effort was undertaken in concert with a broad coalition of nations, some of our closest friends, and it followed a resolution adopted in the United Nations Security Council authorizing all necessary measures to protect Libyan civilians attempting to overthrow the oppressive regime of Muammar al Qadhafi. The Qadhafi government's response to the uprising—inspired by the Arab Spring movement—was to use force against civilians and opposition forces, and the brutal measures prompted the international outcry and the U.N. action.

At the time, the President stated clearly that our leadership of the NATO effort would last a matter of days, not weeks. While the direct U.S. leadership of this effort lasted a brief time, U.S. forces remain engaged in the NATO operation; and at this point, it is clear that Members of Congress are not comfortable with the extent of information they have been given about the direction, the duration, or the cost of the operation. Under the War Powers act, the President has an obligation to report to Congress and to seek concurrence if our military involvement extends longer than 60 days, and clearly such consultation has not been effectively accomplished.

We are encouraged by statements from the Obama administration that U.S. ground forces will not be used in Libya. And last week, 416 Members of Congress supported the Conyers amendment to the Defense authorization bill that would prohibit funds in the bill from being used to deploy ground forces in the country.

At issue now is whether Congress should act through the Kucinich resolution to effectively terminate the U.S. involvement in the NATO effort within 2 weeks or whether Congress, through the Boehner resolution, should scold the President for not providing greater detail about specific actions, contributions of other nations to the effort, and the possible involvement of Hezbollah, the Muslim Brotherhood, al Qaeda, and other organizations in and outside the region in providing support to the Libyan Government.

I believe the Kucinich resolution is premature and that it could materially harm our relationship with NATO allies from which we will undoubtedly require support in the future.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman 1 additional minute.

Mr. DICKS. I believe the Boehner resolution is an attack on the President, something most of the Republican Caucus would vote against if its party was in control of the executive branch.

I do support a wider debate and greater oversight of the use and the cost of U.S. military forces engaged in the Libya operation, both in the Defense and Foreign Affairs-related committees here as well as in the full House. I am neither prepared to end our involvement unilaterally, as in the Kucinich amendment, nor do I believe Congress should officially declare our involvement in this effort that has not been properly explained by the President.

I think the President made a very strong statement to the American people about why we were going to use this for humanitarian reasons. I think the Qadhafi regime is a brutal regime that should be replaced, and I hope that we can accomplish that.

Mr. KUCINICH. Madam Speaker, may I inquire of the Chair how much time remains for all?

The SPEAKER pro tempore. The gentleman from Ohio has 3 minutes remaining; the gentleman from California has 45 seconds remaining; and the gentlewoman from Florida has 1½ minutes remaining.

Mr. KUCINICH. I yield myself 1 minute.

Members will be asked to vote on two resolutions, H. Con. Res. 51, and a resolution offered by Speaker BOEHNER, H. Res. 292, both of which address U.S. military involvement in Libya.

I do not believe that H. Res. 292 is at odds with H. Con. Res. 51, but it's not a substitute for the resolution that Mr. BURTON and others have worked on. It's imperative that Members clearly understand this, because the consequence of voting for one—that's the Speaker of the House resolution—and not the other, H. Con. Res. 51, ends up being an endorsement of unconstitutional action that was taken by the White House.

So how does Congress deal with the failure of any President to adhere to the Constitution? If Congress does not challenge a President's dismissal of the clear meaning of article I, section 8, then we will have tacitly endorsed a President's violation of the Constitution and guaranteed the perpetuation of future constitutional transgressions. A mild rebuke alone of the usurpation of a constitutionally mandated war power is insufficient to defend the Constitution.

Many of us want to support our President, but the President has ignored Congress' assertion of the war powers by failing to obey the War Powers Resolution.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, just in closing our time in the debate, I would take up Mr. KUCINICH's comments.

If you think there has been an inappropriate abuse of power here, voting for the Boehner resolution does not cure that. But the Constitution doesn't say the President must come to Congress and get a declaration of war. It says Congress must declare war.

I agree very much with the thinking of my friend, the chairman of the Intelligence Committee, Mr. ROGERS, that there are national security issues involved here as well as humanitarian issues, and that's why I oppose Kucinich. But the notion that the President has to come to Congress when Congress has the authority to address this issue directly through a declaration or through an authorization or a limited authorization is the right way to do it.

I urge a "no" vote on both the Boehner amendment and the Kucinich amendment.

□ 1310

Mr. KUCINICH. I yield myself 1 minute.

There are those who may hesitate to support my resolution because of the supposed negative impact it will have on the NATO mission and on our image in the eyes of our NATO allies.

In the weeks leading up to the war, the administration had time to consult with the Arab League, the United Nations, and the African Union, but apparently had no time to come to this Congress for approval. If our image in the eyes of NATO is a reason to stay in Libya, the administration should not have committed the U.S. to a war of choice without consulting with Congress for an action that was so far outside that which is allowed by the War Powers Resolution.

Far more damaging is a Congress that ends up being more concerned with our image in the eyes of NATO than our fulfillment of our constitutional responsibilities and the continued usurpation of the war power by the executive. Our loyalty to NATO and to our President, regardless of party affiliation, does not trump our loyalty to the United States Constitution.

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. KUCINICH. May I ask the gentlelady, will she be closing?

Ms. ROS-LEHTINEN. Yes, we will use the time to close.

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining.

Mr. KUCINICH. I want to thank all Members on both sides of the aisle who have participated in this important constitutional debate.

What does it mean to defend the Constitution? Well, if you know that Congress very clearly has the power to declare war, if you believe the President violated the Constitution in this regard, then you cannot come to any conclusion other than to say that we

stand up and defend the Constitution by voting for H. Con. Res. 51.

Let us also defend the Founding Fathers and the doctrine of separation of powers. Let us defend the doctrine of checks and balances. Let us defend the institution of the Congress of the United States. And as we stand here, having taken an oath to defend the Constitution, this, my friends, is our moment to stand up for that oath, to act in defense of the Constitution.

I urge a "yes" vote on H. Con. Res. 51. I ask Members on both sides of the aisle, who I know are ready to step forward in this moment, to join me.

Thank you very much.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield the remaining time to the gentleman from Illinois (Mr. KINZINGER), a member of the Committee on Energy and Commerce and a captain in the U.S. Air Force Reserve.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. KINZINGER of Illinois. I appreciate the gentlelady for yielding.

Ladies and gentlemen, we are at a moment in time. The Middle East is awakening to freedom. They're seeing the opportunities that lie before them that we have experienced for hundreds of years, and they're begging for freedom.

The greatest disinfectant to terrorism is not necessarily bombs. It's not necessarily armies. It's freedom. This war, this action in Libya, I believe sells itself. I believe it is in the United States' interests and in the interests of freedom-loving people everywhere to support it. But, Mr. President, you need to come to Congress, and you need to say what our interests are there and allow Congress to vote on that, because I believe the action in Libya sells itself.

People all across are begging for this. In 50 years, when boys and girls in school read about the great awakening in the Middle East and the wars and the consternation that we used to have to fight and now you have a bastion of freedom, let us be on the right side of history. Let us be the ones that stood up with people that said, we're going to throw off the reins of terrorism and the reins of dictatorship. This sells itself.

Thank you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that remarks in debate are properly addressed to the Chair and not to the President.

Mr. VAN HOLLEN. Mr. Speaker, I rise in opposition to H. Res. 292, offered by Representative BOEHNER and H. Con. Res. 51, offered by Representative KUCINICH.

I strongly oppose putting any U.S. forces on the ground in Libya and voted in support of the amendment offered to the 2012 National Defense Authorization Act by Representative CONYERS which prohibited funds from being used for that purpose.

These resolutions are both flawed. I cannot support either of them because they ignore the reasons the U.S. joined NATO operations in Libya and the president's efforts to keep Congress informed, and each fails to recognize the support role American forces now play since we transferred leadership of the mission to NATO.

I disagree with the Boehner Resolution's accusation that the president has failed to provide Congress with a compelling rationale for U.S. military activities in Libya.

On March 21, 2011, President Obama wrote to Congress notifying us of his decision to deploy U.S. forces against the Qaddafi Regime in response to a request from the Arab League. In his letter, President Obama stated that his actions were undertaken to prevent a humanitarian catastrophe and to address a growing threat to international peace and security.

Further, the president fulfilled his pledge to greatly redefine the role of American forces and they now play a non-combat, supporting role comprised of intelligence gathering, logistics, surveillance and search and rescue.

Finally, I oppose the Kucinich resolution's call for an immediate withdrawal of forces from Libya. In his speech last month on North Africa, the president said the U.S. joined the NATO operation in Libya because "we saw the prospect of imminent massacre and we heard the Libyan people's call for help."

Not acting in the face of Qaddafi's threat to show "no mercy" to his people and to go door to door hunting them like rats would have been an abdication of our moral duty as global citizens and would have sent the wrong message to the tyrants of the world.

In his speech on Libya the president said, "To brush aside America's responsibility as a leader—and more profoundly—our responsibilities to our fellow human beings under such circumstances would have been a betrayal of who we are. Some nations may be able to turn a blind eye to atrocities in other countries. The United States of America is different."

Given the convergence of special factors in Libya, I believe the president's decision has been justified.

Mr. STARK. Mr. Speaker, I rise today in support of H. Con. Res. 51, a bipartisan resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed forces from Libya within 15 days after the adoption of this resolution until Congress is able to review how our Nation should move forward.

With no stated goal, no input from Congress and no end in site, a continuation of our involvement in Libya is unreasonable and unconstitutional. With Congress considering cuts to Medicare, Medicaid and other vital programs, we cannot afford yet another war.

We have now been involved in a war with Libya for over 60 days with no constitutionally required authorization for the use of military force or declaration of war. And we were not attacked. It is time for Congress to reassert its Constitutional war powers authority and end the war in Libya.

I am proud to support this resolution by Representatives KUCINICH, BURTON and CAPUANO that gives Congress, and therefore the American people, the power to decide whether America enters into or continues a war.

I urge my colleagues to follow the will of the American people and support this resolution.

Mr. MILLER of Florida. Mr. Speaker, since the beginning of President Obama's foray into Libya, I have been a vocal critic of his decisions. Shortly after the United States' bombing campaign began in Libya, I spoke out in opposition, expressing my belief that intervention in Libya is not in the vital national security interest of the United States. I stand behind that belief today. In writings, interviews, and Armed Services Committee hearings, I have made it clear that I believe the President is in violation of the War Powers Resolution. I am proud that my colleagues on both sides of the aisle acted to send a clear message to the President and his Administration that they must take our country to war only when they absolutely must, and then only when they have fulfilled their Constitutional obligations, as defined in the War Powers Resolution.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition to both H. Res. 292 and H. Con. Res. 51 which address our ongoing allied efforts in Libya. While I strongly support Congress's continued oversight and debate of the mission in Libya and its effect on our national security, I do not believe that either of the resolutions before us represent the most appropriate approach to this issue.

I recently voted for an amendment to the FY2012 Defense Authorization Act to prohibit the use of American ground troops in Libya as the operation progresses, and I continue to believe this is the right path for America's involvement. However, it is not in the best interest of our national security today, or in the long term, to remove all forces from the effort, including U.S. Air and Naval assets, as H. Con. Res. 51 demands. The ongoing NATO operation is intended to preserve the lives of the Libyan people. By completely removing ourselves from this effort, we weaken our global standing on human rights, risk damage to our relationship with NATO allies, and threaten our national security by putting the stability of the region in jeopardy.

Similarly, while I support the ongoing discussion of our involvement in Libya and feel that the Administration's initial coordination and consultation with Congress could have been improved upon, I find H. Res. 292 unduly critical of the Administration's efforts. Furthermore, this resolution would have no actual impact on Congressional oversight of the President's authority or conduct of operations. Rather, it seems designed to serve a political purpose that does nothing to advance the genuine, substantive discussion we should be having about this issue.

Congress should continue to debate U.S. involvement in the Libyan effort, however we must do so smartly and in a manner that does not undermine our military efforts or global standing. I urge my colleagues to vote against both of these measures.

Mr. BLUMENAUER. Mr. Speaker, today I voted against both House resolutions that are the wrong response to the United States participation in an international coalition to deal with the humanitarian crisis in Libya.

I do not, however, support an open-ended commitment. Additionally, my vote last week for the Conyers amendment to bar all funds from being used to deploy, establish, or main-

tain a presence of Members of the Armed Services or private security contractors on the ground in Libya makes clear I only support a limited U.S. role.

Too often the greatest powers, including the United States, have failed to act when they could have intervened in a responsible way to stop the slaughter of innocents. In Libya, it was clear that there was a crisis developing and America, with our NATO allies, the Arab League, and the UN Security Council, appropriately provided limited support to rebel forces.

That assistance included a no-fly zone that has undoubtedly saved thousands of lives.

It would have been an unfortunate precedent and undermined key global institutions if we failed to act with such a clear, unified call for intervention.

Inaction would have endangered the recent display of democratic aspirations by so many in the region.

Our failure to act would have emboldened the despots of Syria, Iran, Yemen and others, suggesting there were no consequences for murdering peaceful protesters.

Our primary role in the NATO mission has been to provide operational and logistical support to other countries that have taken the lead on enforcing UN Security Resolution 1973.

The Kucinich resolution is ill-advised, requiring U.S. forces to cease all operational support for the NATO mission in Libya within 15 days. I believe that we must not turn our backs on our allies and more importantly, the innocent civilians in Libya who want the right to choose their own government.

Speaker BOEHNER's resolution, while not calling for an end to U.S. involvement in Libya, is factually inaccurate and attempts to rewrite history.

I will welcome thoughtful legislation acknowledging that the U.S. has chosen to answer the cries of the innocent Libyan people, but makes clear that our commitment to their aspirations of self governance is not open-ended, and which clearly defines our goals and—more importantly—limits.

Mr. WEST. Mr. Speaker, I rise today in support of H. Con. Res. 51 by my colleague Congressman DENNIS KUCINICH, which directs President Barack Obama to remove the United States Armed Forces from Libya by not later than 15 days after the adoption of this concurrent resolution.

Let me be perfectly blunt—the reason we are here today voting on two resolutions that deal with the President's role and responsibility under the War Powers Resolution is because of President Obama's failure to abide by the law, and our failure to address this issue before day 74.

The War Powers Resolution was enacted into law on November 7, 1973, overriding President Richard Nixon's veto. The law states that the President's powers as Commander in Chief to introduce United States forces into hostilities or imminent hostilities are exercised only pursuant to either (1) a declaration of war; (2) specific statutory authorization; or (3) a national emergency created by an attack on the United States, its territories and possessions, or its forces.

The War Powers Resolution requires the President—in every possible instance—to consult with Congress before introducing American armed forces into hostilities unless there has been a declaration of war or other specific congressional authorization, such as the Congressional Resolution that provided President George W. Bush authority to engage in Operation Iraqi Freedom in 2003.

The War Powers Resolution also requires the President to report to the United States Congress any introduction of forces into hostilities or imminent hostilities, into foreign territory while equipped for combat, or in numbers which substantially enlarge U.S. forces equipped for combat already in a foreign nation. Such a report is required within 48 hours. Once this report is submitted—or required to be submitted—the United States Congress must authorize the use of forces within 60 days, or the forces must be withdrawn within 30 days from the 60 day mark.

Before discussing the current situation the United States finds itself in, it is important for the American people to understand the reasoning behind the passage of the War Powers Resolution in the 1970s.

Article I, Section 8 of the United States Constitution gives the United States Congress the power to declare War, not the President. However, Article II, Section 2 declares that “The President shall be Commander in Chief of the Army and Navy of the United States.” Many Presidents have cited their authority under Article II, Section 2 to defend the United States against attacks, or to take actions in our nation’s national security interest, through military action without a formal declaration of war.

Presidents Eisenhower, Kennedy, Johnson and Nixon used their authority as Commanders in Chief in order to send American combat “advisors” forces into Vietnam beginning in the late 1950s. By the 1968 Tet Offensive, the United States had over half a million troops on the ground in Vietnam engaged in intense military conflict. Unclear about the American strategy in Vietnam, many Members of Congress became concerned about their eroding authority granted by the Constitution to debate, decide and declare when to involve the United States in a war.

As such, the War Powers Resolution enacted in order to ensure the checks and balances mandated by the United States Constitution would remain intact during times of armed conflict.

On March 19, 2011, U.S. military forces began operations in Libya. Two days later, on March 21, 2011, President Barack Obama informed the United States Congress that Operation Odyssey Dawn was aimed at “assisting an international effort authorized by the United Nations Security Council . . . to prevent a humanitarian catastrophe and address the threat posed to international peace and security.”

To date, President Obama has not provided a clear and defined mission for the United States involvement in Libya. Since the opening hours of military action on March 19, the President has had no clear direction in Libya. President Obama has not defined the mission, defined success, nor defined the end state. Further, the President has still not identified who the so-called rebels are that are receiving millions of dollars of American support in

terms of weapons, ammunition, and resources, as well as attacks against Moammar Qaddafi’s forces.

As a 22-year Army combat veteran, I can tell you from experience that successful mission completion is obtained by properly defining the very things I have mentioned, which President Obama has failed to do. As a Member of the United States House of Representatives, I swore an oath to protect and defend American citizens against all enemies, foreign and domestic.

Is Moammar Qaddafi an enemy of the United States—absolutely. But because President Obama has not informed us of whom the rebel forces we are supporting are, how can we be absolutely certain that they will not be an enemy of this country? Quite simply, we cannot because the President has failed to define our strategy.

It has now been 74 days since President Obama informed the United States Congress on the introduction of American forces into Libya as required by the War Powers Resolution. Since March 21, 2011, the United States Congress has not declared war or enacted a specific authorization for the use of force, has not extended the 60-day period required by the War Powers Resolutions, nor is United States Congress physically unable to meet as a result of an attack upon the United States. In fact, United States Congress has met nearly 30 times since March 21, 2011. Therefore, President Obama is in violation of Title 50, Chapter 33 of United States Code—the War Powers Resolution.

Section 5, Paragraph C of the War Powers Resolution states that “at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by Concurrent Resolution.”

The Concurrent Resolution offered by Congressman KUCINICH falls right in line with Section 1544 of the War Powers Resolution, and simply states that pursuant to Section 5c of the War Powers Resolution, the United States Congress directs the President to remove armed forces from Libya within 15 days of enactment.

President Barack Obama is in violation of the law—plain and simple—and he must comply with the law. The very foundation of our Republic lies on the rule of law, and is guarded by a system of checks and balances, and as a Member of the United States Congress, I have a Constitutional obligation to ensure this system is upheld.

I support the Concurrent Resolution offered by Representative KUCINICH.

Mr. FARR. Mr. Speaker, I rise today in strong support of H. Con. Res. 51, which expresses the sense of Congress that we must withdraw our armed forces from Libya no later than 15 days after H. Con. Res. 51 is adopted. It is the constitutional authority of the Congress to declare war. In my view, the President committed U.S. troops to a hostile environment without Congressional consent. Therefore, I voted for H. Con. Res. 51.

Simply stated, military intervention endangers the lives of our brave men and women in

uniform and that of civilians on the ground. And such a heavy responsibility necessitates concurrence by the Congress. Moreover, our Nation’s long term foreign policy cannot be driven by threats of military action in every corner of the world. In order to achieve long-lasting peace and stability, we need to lead by example and look past the sword for solutions. As lessons in Afghanistan and Iraq have taught us, military action alone is not a winning strategy for long-term security and peace. Hearts and minds are not won over by tanks and bombs. Instead, they are won by engaging local populations and offering resources that uplift entire communities.

I commend Representative KUCINICH for bringing this Resolution to the Floor and I am proud to support it. I always have and always will use my vote and my voice to promote a foreign policy aimed at bringing lasting peace and prosperity to fragile, conflict-ridden regions around the globe.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 294, the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. KUCINICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

House Resolution 294;

House Concurrent Resolution 51.

The first electronic vote will be conducted as a 15-minute vote. The second vote in the series will be conducted as a 5-minute vote.

#### REGARDING DEPLOYMENT OF UNITED STATES ARMED FORCES IN LIBYA

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 268, nays

145, answered “present” 1, not voting 18, as follows:

[Roll No. 411]

YEAS—268

|               |                 |               |
|---------------|-----------------|---------------|
| Adams         | Gingrey (GA)    | Olson         |
| Aderholt      | Goodlatte       | Owens         |
| Akin          | Gosar           | Palazzo       |
| Alexander     | Gowdy           | Pallone       |
| Altmire       | Granger         | Pascrell      |
| Amash         | Graves (GA)     | Paul          |
| Austria       | Graves (MO)     | Paulsen       |
| Bachmann      | Green, Gene     | Pence         |
| Bachus        | Griffin (AR)    | Peters        |
| Barletta      | Griffith (VA)   | Peterson      |
| Barrow        | Grimm           | Petri         |
| Bartlett      | Guinta          | Pingree (ME)  |
| Barton (TX)   | Hall            | Pitts         |
| Benishek      | Hanabusa        | Platts        |
| Berg          | Hanna           | Poe (TX)      |
| Biggart       | Harper          | Pompeo        |
| Billray       | Harris          | Posey         |
| Bilirakis     | Hartzler        | Price (GA)    |
| Bishop (GA)   | Hastings (WA)   | Quayle        |
| Bishop (UT)   | Hayworth        | Reed          |
| Black         | Heck            | Rehberg       |
| Blackburn     | Hensarling      | Reichert      |
| Bonner        | Herger          | Renacci       |
| Bono Mack     | Herrera Beutler | Ribble        |
| Boren         | Higgins         | Richardson    |
| Boswell       | Himes           | Rigell        |
| Boustany      | Hochul          | Rivera        |
| Brady (TX)    | Huizenga (MI)   | Roby          |
| Braley (IA)   | Hultgren        | Roe (TN)      |
| Brooks        | Hunter          | Rogers (AL)   |
| Broun (GA)    | Hurt            | Rogers (KY)   |
| Buchanan      | Issa            | Rogers (MI)   |
| Bucshon       | Jenkins         | Rohrabacher   |
| Buerkle       | Johnson (OH)    | Rokita        |
| Burgess       | Johnson, Sam    | Rooney        |
| Burton (IN)   | Jordan          | Ros-Lehtinen  |
| Calvert       | Kelly           | Roskam        |
| Camp          | King (IA)       | Ross (AR)     |
| Canseco       | King (NY)       | Ross (FL)     |
| Cantor        | Kingston        | Royce         |
| Capito        | Kinzinger (IL)  | Runyan        |
| Carter        | Kline           | Ryan (WI)     |
| Cassidy       | Kucinich        | Scalise       |
| Castor (FL)   | Labrador        | Schilling     |
| Chabot        | Lamborn         | Schmidt       |
| Chaffetz      | Lance           | Schock        |
| Chandler      | Landry          | Schrader      |
| Clarke (MI)   | Lankford        | Scott (SC)    |
| Coble         | Latham          | Scott, Austin |
| Coffman (CO)  | LaTourette      | Sensenbrenner |
| Cole          | Latta           | Sessions      |
| Conaway       | Lewis (CA)      | Shimkus       |
| Connolly (VA) | Lipinski        | Shuster       |
| Costello      | LoBiondo        | Simpson       |
| Cravaack      | Loeback         | Smith (NE)    |
| Crawford      | Long            | Smith (NJ)    |
| Crenshaw      | Lucas           | Smith (TX)    |
| Cuellar       | Luetkemeyer     | Southerland   |
| Culberson     | Lummis          | Stark         |
| Davis (KY)    | Lungren, Daniel | Stearns       |
| DeFazio       | E.              | Stivers       |
| Denham        | Lynch           | Stutzman      |
| Dent          | Mack            | Sullivan      |
| DesJarlais    | Manzullo        | Terry         |
| Diaz-Balart   | Marchant        | Thompson (PA) |
| Doggett       | Marino          | Thornberry    |
| Dold          | Matheson        | Tiberi        |
| Dreier        | McCarthy (CA)   | Tipton        |
| Duffy         | McCarthy (NY)   | Tonko         |
| Duncan (SC)   | McCaul          | Tsongas       |
| Duncan (TN)   | McClintock      | Turner        |
| Ellmers       | McHenry         | Upton         |
| Emerson       | McIntyre        | Visclosky     |
| Farenthold    | McKeon          | Walberg       |
| Fincher       | McKinley        | Walden        |
| Fitzpatrick   | McMorris        | Walz (MN)     |
| Fleischmann   | Rodgers         | Webster       |
| Fleming       | McNerney        | Westmoreland  |
| Flores        | Meehan          | Whitfield     |
| Forbes        | Mica            | Wilson (SC)   |
| Fortenberry   | Michaud         | Wittman       |
| Fox           | Miller (MI)     | Wolf          |
| Franks (AZ)   | Miller, Gary    | Womack        |
| Gallegly      | Mulvaney        | Woodall       |
| Garamendi     | Murphy (PA)     | Wu            |
| Gardner       | Neugebauer      | Yarmuth       |
| Garrett       | Noem            | Yoder         |
| Gerlach       | Nugent          | Young (AK)    |
| Gibbs         | Nunes           | Young (FL)    |
| Gibson        | Nunnelee        | Young (IN)    |

NAYS—145

|               |                |                  |
|---------------|----------------|------------------|
| Ackerman      | Flake          | Pastor (AZ)      |
| Andrews       | Frank (MA)     | Payne            |
| Baca          | Fudge          | Pearce           |
| Baldwin       | Gohmert        | Pelosi           |
| Bass (CA)     | Gonzalez       | Perlmutter       |
| Becerra       | Green, Al      | Price (NC)       |
| Berkley       | Grijalva       | Quigley          |
| Berman        | Gutierrez      | Rahall           |
| Bishop (NY)   | Hastings (FL)  | Rangel           |
| Blumenauer    | Heinrich       | Reyes            |
| Brady (PA)    | Hinchey        | Richmond         |
| Brown (FL)    | Hinojosa       | Rothman (NJ)     |
| Butterfield   | Hirono         | Roybal-Allard    |
| Campbell      | Holden         | Ruppersberger    |
| Capps         | Holt           | Ryan (OH)        |
| Capuano       | Honda          | Sánchez, Linda   |
| Cardoza       | Huelskamp      | T.               |
| Carnahan      | Inslee         | Sanchez, Loretta |
| Carney        | Israel         | Sarbanes         |
| Carson (IN)   | Jackson (IL)   | Schakowsky       |
| Chu           | Jackson Lee    | Schiff           |
| Cielline      | (TX)           | Schweikert       |
| Clarke (NY)   | Johnson (IL)   | Scott (VA)       |
| Clay          | Johnson, E. B. | Scott, David     |
| Cleaver       | Jones          | Serrano          |
| Clyburn       | Keating        | Sewell           |
| Cohen         | Kildee         | Sherman          |
| Conyers       | Kind           | Sires            |
| Cooper        | Kissell        | Slaughter        |
| Costa         | Langevin       | Smith (WA)       |
| Courtney      | Larsen (WA)    | Speier           |
| Critz         | Larson (CT)    | Sutton           |
| Crowley       | Lee (CA)       | Thompson (CA)    |
| Cummings      | Levin          | Thompson (MS)    |
| Davis (CA)    | Lewis (GA)     | Tierney          |
| Davis (IL)    | Lowe           | Towns            |
| DeGette       | Luján          | Van Hollen       |
| DeLauro       | Maloney        | Velázquez        |
| Deutch        | Markey         | Walsh (IL)       |
| Dicks         | Matsui         | Walsh (IL)       |
| Dingell       | McCollum       | Wasserman        |
| Donnelly (IN) | McDermott      | Schultz          |
| Doyle         | McGovern       | Watt             |
| Edwards       | Meeke          | Waxman           |
| Ellison       | Miller (NC)    | Weiner           |
| Engel         | Moran          | Welch            |
| Eshoo         | Murphy (CT)    | West             |
| Farr          | Nader          | Wilson (FL)      |
| Fattah        | Napolitano     | Woolsey          |
| Filner        | Oliver         |                  |

ANSWERED “PRESENT”—1

Waters

NOT VOTING—18

|               |                |          |
|---------------|----------------|----------|
| Bass (NH)     | Kapture        | Myrick   |
| Frelinghuysen | Lofgren, Zoe   | Neal     |
| Giffords      | McCotter       | Polis    |
| Guthrie       | Miller (FL)    | Rush     |
| Hoyer         | Miller, George | Schwartz |
| Johnson (GA)  | Moore          | Shuler   |

□ 1340

Mr. CARNEY changed his vote from “yea” to “nay.”

Mr. ALTMIRE changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### LIBYA WAR POWERS RESOLUTION

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the concurrent resolution (H. Con. Res. 51) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the concurrent resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 148, nays 265, not voting 19, as follows:

[Roll No. 412]

YEAS—148

|             |               |               |
|-------------|---------------|---------------|
| Adams       | Gowdy         | Petri         |
| Akin        | Graves (GA)   | Pingree (ME)  |
| Amash       | Grijalva      | Pitts         |
| Bachmann    | Guinta        | Poe (TX)      |
| Baldwin     | Gutierrez     | Posey         |
| Bartlett    | Hall          | Price (GA)    |
| Becerra     | Hanabusa      | Rangel        |
| Benishek    | Harris        | Reed          |
| Berg        | Hastings (FL) | Ribble        |
| Bishop (NY) | Hinchey       | Richardson    |
| Braley (IA) | Holt          | Rigell        |
| Brooks      | Huelskamp     | Roe (TN)      |
| Broun (GA)  | Huizenga (MI) | Rooney        |
| Buchanan    | Jackson (IL)  | Ross (FL)     |
| Burgess     | Jackson Lee   | Roybal-Allard |
| Burton (IN) | (TX)          | Royce         |
| Camp        | Johnson (IL)  | Schmidt       |
| Campbell    | Johnson, Sam  | Schrader      |
| Capito      | Jones         | Schweikert    |
| Capuano     | Keating       | Scott (SC)    |
| Cassidy     | Kingston      | Scott (VA)    |
| Castor (FL) | Kucinich      | Scott, Austin |
| Chaffetz    | Labrador      | Sensenbrenner |
| Cielline    | Landry        | Serrano       |
| Clarke (MI) | Larson (CT)   | Sherman       |
| Clarke (NY) | Lee (CA)      | Southerland   |
| Clay        | Lewis (GA)    | Speier        |
| Cleaver     | Luján         | Stark         |
| Coble       | Lummis        | Stearns       |
| Cole        | Lynch         | Stutzman      |
| Conyers     | Mack          | Terry         |
| Costello    | Manzullo      | Thompson (MS) |
| Davis (IL)  | Markey        | Tierney       |
| Davis (KY)  | McClintock    | Tonko         |
| DeFazio     | McGovern      | Towns         |
| Doyle       | McHenry       | Upton         |
| Duffy       | McKinley      | Velázquez     |
| Duncan (SC) | Michaud       | Visclosky     |
| Duncan (TN) | Miller (MI)   | Walberg       |
| Farr        | Mulvaney      | Walsh (IL)    |
| Fincher     | Nadler        | Waters        |
| Flake       | Napolitano    | Webster       |
| Fleming     | Noem          | Welch         |
| Fox         | Nugent        | West          |
| Frank (MA)  | Pastor (AZ)   | Westmoreland  |
| Garrett     | Paul          | Wolf          |
| Gibson      | Paulsen       | Woodall       |
| Gohmert     | Payne         | Woolsey       |
| Gonzalez    | Pearce        | Young (AK)    |
| Gosar       | Perlmutter    |               |

NAYS—265

|             |               |               |
|-------------|---------------|---------------|
| Ackerman    | Buerkle       | DeGette       |
| Aderholt    | Butterfield   | DeLauro       |
| Alexander   | Calvert       | Denham        |
| Altmire     | Canseco       | Dent          |
| Andrews     | Cantor        | DesJarlais    |
| Austria     | Capps         | Deutch        |
| Baca        | Cardoza       | Diaz-Balart   |
| Bachus      | Carnahan      | Dicks         |
| Barletta    | Carney        | Dingell       |
| Barrow      | Carson (IN)   | Doggett       |
| Barton (TX) | Carter        | Dold          |
| Bass (CA)   | Chabot        | Donnelly (IN) |
| Berkley     | Chandler      | Dreier        |
| Berman      | Chu           | Edwards       |
| Biggart     | Clyburn       | Ellison       |
| Billray     | Coffman (CO)  | Ellmers       |
| Bilirakis   | Cohen         | Emerson       |
| Bishop (GA) | Conaway       | Engel         |
| Bishop (UT) | Connolly (VA) | Eshoo         |
| Black       | Cooper        | Farenthold    |
| Blackburn   | Costa         | Fattah        |
| Blumenauer  | Courtney      | Filner        |
| Bonner      | Cravaack      | Fitzpatrick   |
| Bono Mack   | Crawford      | Fleischmann   |
| Boren       | Crenshaw      | Flores        |
| Boswell     | Critz         | Forbes        |
| Boustany    | Crowley       | Fortenberry   |
| Brady (PA)  | Cuellar       | Franks (AZ)   |
| Brady (TX)  | Culberson     | Fudge         |
| Brown (FL)  | Cummings      | Gallegly      |
| Bucshon     | Davis (CA)    | Garamendi     |

|                 |                 |                  |
|-----------------|-----------------|------------------|
| Gardner         | Long            | Rohrabacher      |
| Gerlach         | Lowey           | Rokita           |
| Gibbs           | Lucas           | Ros-Lehtinen     |
| Gingrey (GA)    | Luetkemeyer     | Roskam           |
| Goodlatte       | Lungren, Daniel | Ross (AR)        |
| Graves (MO)     | E.              | Rothman (NJ)     |
| Green, Al       | Maloney         | Runyan           |
| Green, Gene     | Marchant        | Ruppersberger    |
| Griffin (AR)    | Marino          | Ryan (OH)        |
| Griffith (VA)   | Matheson        | Ryan (WI)        |
| Grimm           | Matsui          | Sánchez, Linda   |
| Hanna           | McCarthy (CA)   | T.               |
| Harper          | McCarthy (NY)   | Sanchez, Loretta |
| Hartzler        | McCaul          | Sarbanes         |
| Hastings (WA)   | McCollum        | Scalise          |
| Hayworth        | McDermott       | Schakowsky       |
| Heck            | McIntyre        | Schiff           |
| Heinrich        | McKeon          | Schilling        |
| Hensarling      | McMorris        | Schock           |
| Herger          | Rodgers         | Scott, David     |
| Herrera Beutler | McNerney        | Sessions         |
| Higgins         | Meehan          | Sewell           |
| Himes           | Meeks           | Shimkus          |
| Hirono          | Mica            | Shuster          |
| Hochul          | Miller (NC)     | Simpson          |
| Holden          | Miller, Gary    | Sires            |
| Honda           | Moran           | Slaughter        |
| Hultgren        | Murphy (CT)     | Smith (NE)       |
| Hunter          | Murphy (PA)     | Smith (NJ)       |
| Hurt            | Neugebauer      | Smith (TX)       |
| Insllee         | Nunes           | Smith (WA)       |
| Israel          | Nunnelee        | Stivers          |
| Issa            | Olson           | Sullivan         |
| Jenkins         | Olver           | Sutton           |
| Johnson (GA)    | Owens           | Thompson (CA)    |
| Johnson (OH)    | Palazzo         | Thompson (PA)    |
| Johnson, E. B.  | Pallone         | Thornberry       |
| Jordan          | Pascarell       | Tiberi           |
| Kelly           | Pelosi          | Tipton           |
| Kildee          | Pence           | Tsongas          |
| Kind            | Peters          | Turner           |
| King (IA)       | Peterson        | Van Hollen       |
| King (NY)       | Platts          | Walden           |
| Kinzinger (IL)  | Polis           | Walz (MN)        |
| Kissell         | Pompeo          | Wasserman        |
| Kline           | Price (NC)      | Schultz          |
| Lamborn         | Quayle          | Watt             |
| Lance           | Quigley         | Waxman           |
| Langevin        | Rahall          | Weiner           |
| Lankford        | Rehberg         | Whitfield        |
| Larsen (WA)     | Reichert        | Wilson (FL)      |
| Latham          | Renacci         | Wilson (SC)      |
| LaTourette      | Reyes           | Wittman          |
| Latta           | Richmond        | Womack           |
| Levin           | Rivera          | Wu               |
| Lewis (CA)      | Roby            | Yarmuth          |
| Lipinski        | Rogers (AL)     | Yoder            |
| LoBiondo        | Rogers (KY)     | Young (IN)       |
| Loeback         | Rogers (MI)     |                  |

## NOT VOTING—19

|               |                |            |
|---------------|----------------|------------|
| Bass (NH)     | Kaptur         | Neal       |
| Frelinghuysen | Lofgren, Zoe   | Rush       |
| Giffords      | McCotter       | Schwartz   |
| Granger       | Miller (FL)    | Shuler     |
| Guthrie       | Miller, George | Young (FL) |
| Hinojosa      | Moore          |            |
| Hoyer         | Myrick         |            |

□ 1347

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Mr. Speaker, I was unable to be present for the votes on June 3, 2011 due to a family obligation. Had I been present I would have voted against H. Con. Res. 51, and in favor of H. Res. 292.

## PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, due to a family commitment, I missed rollcall Vote

Nos. 411 and 412 on June 3, 2011. If present, I would have voted: rollcall Vote No. 411—Declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes, “aye;” rollcall Vote No. 412—Directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya, “aye.”

## PERSONAL EXPLANATION

Mr. GUTHRIE. Mr. Speaker, I was absent today in order to attend my daughter's high school graduation. As a result, I missed three votes on Friday, June 3, 2011. Had I been present, I would have voted “aye” on rollcall vote 410 and 411, and “nay” on rollcall vote 412.

## REPORT ON H.R. 2112, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2012

Mr. KINGSTON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-101) on the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2011, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## ADJOURNMENT TO TUESDAY, JUNE 7, 2011

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, June 7, 2011; when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Thursday, June 9, 2011; and when the House adjourns on that day, it adjourn to meet at 2 p.m. on Monday, June 13, 2011.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 58

Mr. TURNER. Mr. Speaker, I ask unanimous consent to remove the gentleman from Ohio, STEVE STIVERS, from H. Con. Res. 58.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## APPOINTMENT OF LAW REVISION COUNSEL, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 285c, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of Mr. Ralph V. Seep as Law Revision Counsel for the House of Representatives, effective June 2, 2011.

□ 1350

## CONGRATULATING KOREAN CULTURAL CENTER

(Mr. DOLD asked and was given permission to address the House for 1 minute.)

Mr. DOLD. Madam Speaker, I rise today to congratulate the Korean Cultural Center of Chicago on the grand opening of a new cultural center in Wheeling. Because of the hard work and determination of the Korean Cultural Center, its president, Younghee Kang, and her staff, and its board of directors and supporters, we now have a focal point for the Korean-American community in the Chicago area.

The story of the Korean immigrant is an important part of Illinois' history, and we are fortunate to now have a facility that is a repository and exhibition of that story. The new cultural center will add a rich cultural tradition to the village of Wheeling, and will also benefit the neighboring communities. I hope it will also serve to strengthen the important relationship between the United States and the Republic of Korea.

The opening of this new center is the culmination of many years of effort and is a cause for great celebration. Congratulations and best wishes on many years of success.

## RESPONSIBILITY TO PROTECT

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARAMENDI. Madam Speaker, America's intervention in Libya was initially based on the international community's “Responsibility to Protect,” a mandate agreed upon in the wake of the horrific Rwanda genocide. This important international doctrine calls for international intervention in a country where a government is unable or unwilling to protect its civilians, or is actively assaulting and killing inhabitants in that country.

I agree with this doctrine and America's initial response to the Qadhafi threat to wipe out a large segment of the Libyan population. For 3 months, the U.S. and U.N. have engaged in military action. At this time, it is unclear if the mission is any longer one that fulfills the Responsibility to Protect doctrine, or if it has changed into a



larger and/or different role. Given the continued military action and the lack of clarity of the U.S. mission's goal, I support House Resolution 292, which requires the administration to provide information on the American military, diplomatic, and humanitarian activities in Libya and seeks clarity on America's objective and strategy to achieve that goal.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. BUEKLE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 25, 2011.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to 44 U.S.C. 2702, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person: Dr. Sharon Leon, Fairfax, Virginia.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk.*

#### YUMA, COLORADO, CELEBRATES 125TH YEAR

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

MR. GARDNER. Madam Speaker, in the late 1880s, landmen circulated flyers throughout the country about a place in the Republican River Valley with fertile soil and plenty of open land—a place named Yuma, Colorado. By 1886, the town had established itself a school, churches, and a thriving ranching community.

This year Yuma celebrates its 125th year, a community defined by the cycles of Mother Nature and the Ogallala Aquifer, made vibrant by agriculture and energized by businessmen and -women who are constantly looking for new ways to be successful.

A little town on the high plains of Colorado, population just over 3,000 people, Yuma has been home to a U.S. Open PGA champion; an Emmy winner; a National Book Award finalist; a Medal of Honor recipient; professional football players; some of the Nation's leading farmers, ranchers, and business owners; and, yes, even a Member of the United States Congress.

Yuma lies in the heart of Colorado agriculture. Yuma County is often the Nation's leader in corn production. It has weathered the boom and bust of farm prices, hailstorms, drought, and wind. For a small town, it seems like no matter where you go, you find someone who is either from there, lived there, or has family there. In many ways, it is one of the biggest little towns in the Nation.

From its Old Thresher celebration in the fall and the Yuma County Fair to high school sports and academics, it is an incredible place to live, to raise a family, to grow, and to do business. I am proud to call Yuma, Colorado, home. Congratulations on 125 years, and here's to wishing the people of that great town many more years of success.

#### RAISING THE DEBT CEILING

(Mr. CARNEY asked and was given permission to address the House for 1 minute.)

MR. CARNEY. Madam Speaker, this week the Democratic and Republican caucuses met with President Obama to discuss the need to increase the debt ceiling. The President said we need to raise the debt ceiling soon, and I agree. Defaulting on our debt is not an option for a great Nation like ours. No one wants to send the economy into another tailspin. Now is the time to restore fiscal discipline. That is what the American people, the global financial markets, and U.S. creditors expect, and that is why I support the attachment of a strong deficit reduction plan to any increase in the debt ceiling.

Congress should attach a balanced and broad-based budget plan to the debt ceiling increase. The plan should include smart cuts that would total at least \$4 trillion over the next 10 years. The budget agreement should also protect important investments in a strong economic future.

We can't delay any longer. We can't pass these tough decisions on to our children and grandchildren. The people we serve sent us here to get this done, and it is time for both sides to do just that.

#### GET RUNAWAY SPENDING UNDER CONTROL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. PENCE. Madam Speaker, Americans awoke this morning to the heart-breaking news that unemployment has increased to 9.1 percent. The U.S. economy added only 55,000 jobs in the last month. The American people are understandably concerned. But the numbers don't tell the tale. Beneath those numbers are literally millions of American families who meet this morning's headlines with heartbreak and heartache because the opportunities just aren't there.

The truth is more government, more spending, more regulation, and more taxes of the recent past are stifling our recovery. But nothing is stifling our recovery more than runaway spending in Washington, D.C.

Even as we speak today, Congress and this administration are locked in a

debate over increasing the Nation's credit card, increasing the debt ceiling. And let me say from my heart, some people don't see the connection between the debate over debt and red ink and the debate over jobs, but they are related.

If we will take the decisive step to put our fiscal house in order, we will restore confidence in capital markets, and businesses and individuals will invest in ways that will put Americans back to work. There should be no debt ceiling increase without real and meaningful cuts in the way we spend the people's money in the short term and the long term. Get spending under control in Washington, D.C., and we will get this economy moving again.

□ 1400

#### THE PRESIDENT: WRONG ON ALL COUNTS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

MR. GOHMERT. The Speaker is to be commended for bringing these two bills to the floor. Unfortunately, we have a President who cared more about what the Arab League and the U.N. thought than he did his own elected Congress. We've been kept in the dark about the basis for his decisions, and I voted "no" on our Speaker's bill because he didn't need any more time.

The President should be aware, Madam Speaker, that there are an awful lot of people who are ready to switch their votes and to vote "yes." I would prefer that we not do it through the War Powers. We could do like the Democrats did in '74 and just cut off the spending.

It is ridiculous. He said we'd enforce a no-fly zone. That's it. We wouldn't put ground troops in Libya. He said that NATO was going to take over and that we wouldn't be that involved.

Wrong on all counts.

We know from the rules of the House the President wouldn't lie, but he sure is misrepresenting things.

#### LIBYA: THE PRESIDENT'S WAR

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

MR. POE of Texas. Madam Speaker, every Member of this body, every elected official in the United States, every member of our military takes an oath to uphold and defend the Constitution of the United States of America. We do not take an oath to the President of the United States.

The war in Libya is the President's war. The Constitution requires that Congress declare war. The War Powers declaration requires that Congress be authorized and notified if the President leads us into war. This has not occurred. The President's war in the

name of humanity, although it may be a good idea in the moral sense and Qadhafi is a rotten person, violates the Constitution of the United States. It violates statutory law that we have passed.

It is incumbent upon this body to stop the war in Libya. That is the President's war and not the war of the people of the United States.

#### OUR DEFINING MOMENT: RECLAIMING THE U.S. CONSTITUTION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, this House has just had a great constitutional debate about the meaning of article I, section 8, where the Founders made it very clear that the war power is placed in the hands of Congress.

This debate that occurred today is not an end. It is a beginning. It is a beginning because we have seen one resolution which derived its presence from a resolution that I put forward on a bipartisan basis. One resolution passed which put the White House on notice that Congress is beginning to take a more appropriate role with respect to the Constitution, and that's a good thing.

But make no mistake that this issue of liberty is not going to go away. With the spending soon approaching \$1 billion and with NATO openly talking about the commission of ground troops, we'll be back here another day to consider further what our appropriate constitutional role is.

I want to congratulate Members on both sides of the aisle no matter how you voted. This is our moment to begin to reclaim the Constitution.

#### PUTTING THE U.S. ECONOMY BACK ON TRACK

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Madam Speaker, just today we got the bad news again that the jobless numbers have gone up, that our unemployment numbers have gone up and that much smaller job increases were created than were expected.

I think, as we continue to see unemployment going up over 9 percent—9.1 percent now according to the latest numbers—it is very clear that the President's spending and borrowing agenda has been a dismal failure. Yet the President continues to go down that path.

It is time for the President to start working with the House Republicans, who have sent jobs bill after jobs bill over to the Senate. For whatever reason, the President and the liberals in the Senate don't want to address the ability that we have presented to create jobs.

One real clear example is in our State of Louisiana where we have lost over 13,000 jobs because of the President's policies, where they won't let our people get back to the work of drilling safely for energy in America.

We don't want to get our energy from Brazil or from the Middle Eastern countries, many of whom don't like us and who use the billions we send to them to do us harm. We could keep that money here. We could keep those jobs here. There is a plan to do it. Plan after plan has been sent to the Senate, and for whatever reason, the Senate and the President continue to ignore them. Let's finally get our economy back on track.

#### THE MANY CHORDS OF MAKING IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON LEE of Texas. Thank you very much, Madam Speaker.

When we finish what sometimes may seem a complicated debate, where both sides can seemingly make sense when we have the time to reflect upon the week's work or the work and philosophies of the different political perspectives in this House, I believe it is very important to communicate with your colleagues, so let me be as clear as I can be.

As I heard my friends on the other side of the aisle, one after one, claim that the Libyan war was the President's war, well, today, on June 3, 2011, the President of the United States happens to be President Obama. Yet if you look at the Constitution of the United States, which provides provisions for the separation of powers, there is a section that articulates that the Congress, irrespective of any Presidential person in place, declares war.

So I would ask my friends on the other side of the aisle: Would they have been as quick to rise to the floor on the Iraq war, which could be called the "Bush war"? or the continued 10-year plus war in Afghanistan the "Bush war"?

When we discuss these issues for the American people, we have to be true to ourselves and the Constitution. There was a reason the Founding Fathers separated out the right to declare war. That reason, of course, was to protect you, the American people. When we send men and women into battle, it should be a deliberative process, but we should also have the right to defend ourselves.

The initial attack in Afghanistan—that was the first act—was in response to the heinous and horrific attack of al Qaeda on the soil of the United States. From my perspective, the immediate

response of President Bush was legitimate. The question becomes: What came afterwards? The Congress was never given the chance to declare war. Subsequently, there was a statutory discussion and vote that gave unending opportunities and authority for the war to go on and on and on.

□ 1410

Buried in the Afghanistan decision was the authority to go on and on and on. The sad part about it was that we did not go on in Afghanistan. We distracted our troops and went into a war that saw the large numbers of our soldiers lose their lives in a war that had actually never been declared by the United States of America and the United States Congress.

We have something today in 2011 called the Arab Spring. But I don't think Americans understand that, and they, frankly, believe that we cannot promote democracy everywhere in the world. Policymakers understand the crucialness of what is going on in the Arab area as it relates to the geopolitics, the political structure of the world.

But I know what Americans of goodwill do understand: the slaughter of a people. The slaughter and the misuse of power in Bahrain; the misuse of power in Egypt; the gruesome misuse of power to the extent that a mutilated body of a 13-year-old boy can be dumped in their parents' home in Syria; and, yes, the violence in Libya. Americans understand that and I understand it.

So I applaud the President of the United States for going in in Libya to stop the horrific violence. He went in in coalition with our NATO troops. That same action occurred under President Clinton, going in with NATO, taking the lead in this instance, in the slaughter of Muslims in Kosovo and the horrible wars in Bosnia.

I happened to have been able to go on an initial inaugural mission into Bosnia—the former Yugoslavia—and Croatia, and I walked the streets of Sarajevo and I saw mothers who had not seen their sons for 10 or 12 years and asked us where they were. It was a violent time.

So the Libyan action by the President was an appropriate one. He happens to be a Democratic President. I applaud his action. But the Constitution is not labeled by Democratic or Republican. It has no provisions to exempt if you happen to be a Democrat with a Democratic President. So my values argue for consistency, and that is adhering to the Constitution.

I believe Resolution 292, Mr. BOEHNER's resolution that was crafted in the last 24 hours, was a nice statement about a report. But I don't vote on actions on the floor out of contempt and dislike for anyone.

Let me be very clear. I applaud President Barack Obama for the courage

that he has taken in moving forward to establish America's mark as a believer in democracy and justice and encouraging the people in the Arab States to stand up for their rights and to object and reject the oppressiveness of their regimes, and I hope that NATO becomes strategic in what they're doing so that we can be successful.

But if we are going to be true to the Constitution of the United States that is, in fact, part of the document that we hold true, then we must hold any Commander in Chief to the same standard.

The War Powers Resolution asks that the President of the United States come to the Congress within 60 days. The constitutional provision in article II requires that the Congress declare war. One could argue that we have not declared war on Arab States and we've not declared war on Libya. We're at war. We're at war because al Qaeda declares that they are at war with us. So it is a dicey circumstance.

I, instead, voted for the action to occur under the War Powers Resolution that was just occurring today, a vote that we lost, a vote that I would have voted for under President Bush, under President Reagan, under President Carter, and with the opportunity, under President Clinton, as the wars proceeded to a long extent of time.

However, we are dealing now in the backdrop of a failed resolution. But I voted because it is necessary to be consistent as to whether you believe the Constitution and the authority of the Congress and the separation of three branches is a valid one to protect the rights of the American people. And I believe that.

But my message to General Qadhafi is this: If you have any sense of human dignity left, you will stop the murderous attacks on your people. I am sensitive enough to offer my sympathy to you for the loss of your family members because I believe in the value of human life. War is ugly. But every effort of peace that we have made has been one that you've ignored. Every effort that we have made, every step that we have taken toward peace you have ignored. You have arrogantly insisted on the world stage that you're in charge, while your country is in a state of confusion and disaster. You have opened the doors to the confusion and the violence of terrorist cells, al Qaeda and other ne'er-do-wells who desire no good to you or your people. You've allowed groups to, in essence, begin to spark so that the continued frustration of world leaders in trying to bring resolution continues; but, more importantly, the violence of all falls on the backs of innocent women and children, young boys and families in Libya.

I feel a kinship to the Libyan people, as a human being and as someone whose heritage started on the continent of Africa. But the one good

thing about America is that we care about all people no matter what background they come from, no matter what country. I know that because I've had the privilege of representing the United States in South and Central America, in Asia, on the continent of Africa, in the Mideast and Europe and other places maybe not mentioned—because we care.

Mr. Qadhafi, I beg of you, as an African who has met with the President of South Africa, who knows that the African Union would like for you to cease and desist this violent attack on your own people, stand down. And I would ask, as I have asked before, leave the country. Let us find the kind of government that might, in fact, move Libya forward. And if your people decide that you should stay, then you should have a reformation and a change not only of mind but of heart. The violence does not get you anywhere and it is both insane and absurd.

So I would hope that as this vote was taken, that it is not in any way, as was evidenced by the discussion in the debate by the Republicans, it is not Mr. Obama's war. He is the President of the United States and the Commander in Chief, and it was a determination to go in to stop the murderous acts of those who were killing innocent people.

Read your early history. The early Founders of this Nation in the Revolutionary War against Great Britain had other countries come to the aid of this little, tiny, baby series of States that called themselves the United States of America. It has been the world order for centuries that big countries or those who are able will go to the aid of those who are not able. And this vote today should not in any way deny the respect that is owed to the President of the United States. This is a vote premised on the Constitution and reflecting the desires of the American people, that we do not live in a dictatorship and that if you're a Member of the United States Congress, come here and do your job.

□ 1420

And our job is defined by the Constitution.

I believe that our duty was partly handled today, and I would encourage our President, as he has done over the stages of the Afghan war and now the continued redeploying in Iraq of our soldiers, and I would add that we are in an engagement of discussion that gives us the roadmap for redeploying or moving toward a resolution in Libya.

I would also join in the debate that I've just made on the question of Libya with the need for the immediate review and designation of time for redeployment of our troops out of Afghanistan, and the President has indicated that he expects that that redeployment will begin in July 2011.

My plea to the President is, as we look at these economic times, when

America is crying out for jobs, when the middle class feels splashed and unattended to, when others believe our jobs are not creeping offshore and overseas, but fleeting and flying and literally by way of speed that is faster than sound, it is time now to find the mutual courage to say to the people of Afghanistan that we have provided a duly elected government, a parliament. We have laid down our lives. We have built up the Afghan national security forces, which I was introduced to in the many times that I've been into Afghanistan, all parts, including Kabul and Kandahar and places beyond. I know there are good people there.

So I'd ask the President of the United States to ramp up the redeployment, bring home 50,000, 100,000 troops and begin to let those troops rebuild their lives. Invest in military readiness and preparedness and find a closure to the presence of United States boots on the ground in Afghanistan.

To President Karzai, I ask you to stand up and be counted, to initiate policies that would end the poppy growing and heroin production, to allow girls and boys to go to school, to produce your teachers and lawyers, doctors and scientists, generals, captains and leaders of government. I would ask President Karzai to provide the funding and resources for your Afghan national security forces. I would ask him to weed out the Taliban that is destroying his own people in the mountains of Afghanistan. And, yes, I would ask whether or not it is even possible that all of us could claim the value of peace, and by doing that, it would not be non-courageous to stand up and accept the fact that we have won in Afghanistan and we've won in Iraq, and we thank our soldiers.

And so I'm on the floor today thanking my colleagues because last week we voted 419 votes to declare a National Day of Honor for our returning troops from combat areas, more than we've ever done in any other war, and to celebrate them all over America. So I am not asking for America to leave any battle place with her head held down. Our Vietnam vets, during a very tumultuous time and a war that we disagreed with, should have been welcomed home for their service, for their duty, for the reason that they took up arms—not of their own accord, but because a President called them.

I believe America learned her lesson as she focuses on trying to help our returning combat veterans with jobs and education and health care. We know that we should honor them. So with the amendment that I passed on the floor, 419 votes, I hope the American people will call their Congressperson and thank them, but also ask that that proclamation be declared and that we have a National Day of Honor to welcome our soldiers home from all around the world in combat places.

As we welcome them home, I think it is extremely important to recognize that America has a number of concerns. Those concerns are the tragedies that we face, the horrific loss of life in Joplin, Birmingham, Tuscaloosa, all the flooding that has gone on. People in the United States are suffering.

So what does it mean to raise the debt ceiling? What it means to raise the debt ceiling is not what Americans believe—there they go again, spending, spending, spending. What it actually means is that we're saying to working Americans and middle class Americans, we feel deeply about your inability to pay your mortgage, to pay tuition costs. If you have one or two credit cards with those old interest rates of 19, 20, 21 percent that we've been able to bring down somewhat because of legislation we've passed, we understand that. If you don't have a job, if someone in your life doesn't have a job, we understand that. We understand folks that don't have a job, but they don't have a job, a home, a car, a place to live.

The debt ceiling actually is the ability to pay our bills. It is not the ability to spend and find ways to spend money unnecessarily; it is the ability to create the jobs that America is crying out for. The 9 percent is not a reflection so much of the President of the United States not desiring and working hard to create jobs. Let me remind my colleagues that it was Democrats and the President that helped to, in essence, provide a safety net for the automobile industry. A lot of people complained about that. But we were in the middle of the fight not to pay special interests off; we were in the fight to save the auto industry of the United States of America.

It was the right thing to do. Two big reasons: one, the infrastructure of automobile building was car dealerships across America that had thousands, millions of workers selling American cars. You let that industry collapse, and you would let, in essence, some small town in America literally have no economy. It might have been that the car dealership was the largest business in that small area.

I'll add three. The second is we obligated the industry to pay us back, and we have been paid back. We, the United States taxpayers, have been paid back. And you know what else? They have actually brought jobs back to the United States of America. If I wasn't in this very august place, I would say hallelujah, celebrate, applaud: jobs have been brought back to the United States. Ford, of course, did not take those resources. We applaud them. Some of you are buying some new smart cars by GM. Some of you are buying new smart cars by Chrysler—better gas mileage, got a new attitude.

We gave the American innovative genius the opportunity to survive. We al-

lowed inventiveness to thrive. We built on Henry Ford's genius, and we let it spread around. And as well, as we developed jobs for monies that the taxpayers invested, and we put the right kind of restraint for you to be reinvested.

The debt ceiling means that it allows us, the government, to create jobs for you. You turn the economy and invest back. We then provide the protection for you through jobs or maybe unemployment insurance or maybe Social Security or maybe Medicare, or maybe when you're at your lowest end. When you have lost loved ones in a natural disaster that you cannot comprehend, it is the cause of the Federal Government to be able to pay the bills, to be able to come to a place where there is no fire station, no houses of worship, no hospital, no schools, no homes, for us to come and to be of help.

□ 1430

I don't know how we can abdicate our responsibilities. I don't know how we can frivolously play with raising the debt ceiling. I don't know how Republicans can put on the floor of the House a bill under suspension, which requires a two-thirds vote, to make a joke of helping the people in Joplin, in Alabama, up and down the Mississippi and whatever other disaster may come. How do you make a joke with that? How in essence do you in the face of the frustration of those who have suffered? I have not experienced a tornado, but I have experienced and walked the streets during hurricanes. I have seen in my own town the pain. I have come up to doors and knocked on persons' doors where someone has laid dying because they have just gone through a process where all the lights are out and they're on oxygen. I've seen seniors in homes that cannot be repaired. I've seen people lose items that can never be replaced. And so that is what your Federal Government does. And do you mean to tell me we would make a mockery of raising the debt ceiling so that America can simply pay her bills?

There is a value to reducing the deficit. And might I just say something with all good intention. It is always the person who has got money in their pocket, who's got a wallet full of credit cards that they can pay for, that can smile when you're talking about Social Security and Medicare and has an uncaring spirit. Because it doesn't matter to them. It is the philosophy that has not made this country great, the philosophy of "I've got mine, you get yours."

Young people, I have gotten my college education. I don't care whether you can go to college or not. I don't even care if you get a job. "I've got mine." That's not what this Nation is all about. I will not tell the people of Missouri, Alabama and places around,

"I'm okay in Houston. My house is still functioning, the hurricane season hasn't hit me yet, so I'm not going to worry about your tragedy." Is that America? Is that how we built the greatness of this country? Did we ignore our returning troops coming home from World War II? Or did we say to them, "We're giving you the GI Bill"?

The Democrats gave the second GI Bill. President Truman gave the first. We gave with President Obama the greatest GI Bill in the history of America except the one that was passed by President Truman. We said that we care. We built on the values of a country that always rises to the occasion. And because of that, those people who desire goodness and greatness, they look to the United States of America. I am glad, regardless of whatever faith we believe in, whatever our background is or whoever's our neighbor, that we're a country that cares. And I will tell you just if you follow what your grandmother says, being a good Samaritan will always come back to you. Being kind to someone will always come back to you.

Therefore, I believe that it is imperative that we lift the debt ceiling for America to pay her bills. I am tired of smashing the middle class. I am tired of leaving them on their own. I am tired of them watching jobs go overseas when we have such a brilliant population of innovative, creative, loving people. We overcame some of the hills and valleys in America. We went through the civil rights movement and the era where those who were of a different color suffered under the devastating indignity of segregation. America rose to the occasion. It is not perfect, but we recognize the value of equality of all. You're not relegated to the back of the bus. You're not dismissed from hotels and restaurants. You are open and allowed to travel on America's transportation modes. You even can be accepted into colleges on your own merit and not on quotas. And yes, if you apply for a job, the laws at least protect you, that no matter what your background, that you're given an equal opportunity.

America has traversed some of those difficult valleys. We respect women and a woman's equality. We are able to say that women can be pilots and Presidents and Senators and doctors and heads of organizations and engineers and train conductors and anything a little girl can admire and aspire to be. That's the kind of America that is understanding of the crisis that these people face.

And I'm sorry that the debate on the debt ceiling has been characterized as Democratic and Republican and these are the deficit-cutters and these are the wild-eyed spending-spreers going into the shopping malls of America and grabbing things off shelves. It is important to note that one of the greatest

Presidents that we have admired—my little girl used to call him Grandpa—Ronald Reagan asked Congress to lift the debt ceiling in 1983, not because he was a spendthrift but because he understood the responsibility of paying America's bills. And, my friends, I remind you, can we not pay America's bills?

I want to discuss how we do that, how we lift the condition of Americans. We do it like we've done it before. We make it in America. Now I like one part of it that says, We make it in America. Everybody needs to have a chance to make it in America. The young people that are graduating in 2011 should have the right to make it in America. By the way, might I just say, congratulations to all of the graduates across America. From the preschooler that's going to kindergarten, to the elementary child that puts on the robe and is inspired, to the middle school and to the high school graduates of whom I will go home to this weekend and greet any number of high school graduates in my constituency who are making that first leap of faith, to the college graduates who are feeling so empowered to graduate in such a great Nation, to those who are getting graduate degrees, our new lawyers and doctors and business persons, our physicists and chemists and biologists, the geniuses that will go into the laboratories of America.

Congratulations to all of you.

That is why I believe it is important to make it in America. The Democrats have launched a major initiative. I wish we could get our friends to join us in a real jobs bill, of which the President of the United States has committed to introducing a real jobs bill, to make it in America. Many of us in our hearings will ask the witnesses that represent the United States Government, we want you to buy America and make it in America. And I'm not an isolationist. I believe America has been enormously generous in buying goods from other countries, proud of them. We're glad to help developing nations. We're glad to support microcredits and the Overseas Private Investment Corporation that allows investments overseas, but we don't want our jobs to be taken overseas. I don't want to see teenagers with double-digit unemployment, particularly in the African American community. I don't want rural communities to suffer because of the lack of employment. I dread this coming summer when there's no money for summer jobs for young people who are trying to save for going into school in the fall. Sometimes the only resources a family has may be the summer job of a teenager. But we have always encouraged teenagers to learn how to work in the decorum of the workplace. Just look what we're doing now.

For that very reason, can I give a challenge to this Nation, can I give a

challenge to the businesses, can I give a challenge to corporate America: Bring some young people, maybe unpaid, to be able to be interns.

□ 1440

City governments, maybe unpaid, bring some young people into your offices. Teach them something else but hanging out on the streets. Let them see an adult role model working. But we might not have to have that kind of plea if we could make it in America again.

In the 18th Congressional District in Texas and all around America, we're going to be honoring the individuals who have manufacturing businesses. I would ask you, colleagues, to go and shake the hand of a manufacturer who's making something, who's struggling to keep the doors open, who's making a widget or a gadget. That's what we're talking about.

Solar panels. Wouldn't it be a shock if we went across America and began to make our own solar panels, our windmills of course, that create wind energy. Unfortunately, I hate to tell you that that equipment, that kind of technology we get from overseas. If I wasn't on the floor of the House, I would hold my head down.

When has America needed to depend on someone else, something that was their idea or that they could make better? Again, as I said, I don't mind being part of the world family, where we share and we buy items and we help develop economies, but not to the point where all our jobs, like I said, are taking wings and flying away. What kind of America is that for our young people that are graduating in 2011?

So I want us to focus on building buses, building submarines, and major aircraft carriers, building bridges, freeways, improving dams, building the rails, or the trains for high-speed rail, of which I am an avid supporter, and requires an investment in this country to be able to be fiscally conservative as well as to ensure that we use our energy resources right.

To have an energy policy as well that speaks about all of the energy resources, to do them effectively, as the President has articulated; and to make sure that if we are using fossil fuels, whether it's oil or gas, that we are doing it here in the United States and that we are in fact doing it safely and securely.

That we appreciate wind and we make the equipment or the kind of technology right here in the United States. Solar, that we make all of our panels. Natural gas, that we do it safely and securely, and that we create jobs that way. That we bring down the cost of energy. That we stop calling upon the American people to take \$5 out of their pocket and put a few ounces, if you will, of gas in their car.

That we begin to recognize the pain of America, and the way that we recog-

nize the pain of America is that we begin to go aggressively toward the American people with solutions. And the demagoguery of raising the debt ceiling, and I'm not going to vote on it unless you burden it down with draconian cuts that will end Medicare as we know it on all seniors, eliminate Social Security, destroy Medicaid and throw it to the winds so that disabled children suffering from autism or those who have other diseases cannot be taken care of, that's not the America that has made us so great.

It is one that pulls up our pants and puts on our shoes, pulls up our skirts and gets empowered by the joy of work and helping others. And when we did that, we were able to invest in this Nation.

I will not vote on a debt ceiling increase that destroys Medicare as we know it. And I will not vote on a debt ceiling increase that destroys Social Security, or Medicaid, or violates the premise that this country owes a debt of gratitude to veterans and returning soldiers. That's what my friends on the other side of the aisle are trying to sell the American people, a bill of goods. A bill of goods that the philosophy that is anti to President Reagan, who asked for the increase in the debt ceiling himself, that we cannot count and speak at the same time. I believe America is greater than that.

We can bring down the debt with a very meticulous plan over a period of time, the same way you save for college or plan to bring down your debt, or stop using credit cards. We can do that. But at the same time, we can pay America's bills. And we cannot leave one American alongside of the road, languishing and reaching out for help, and we say there is no room at the inn.

Where is the America that is a Good Samaritan? Where is America that sent young men to war, World War II, and if you talk to any of that generation they say, I didn't know all the facts, but I was glad to be part of what America was standing for, helping those who were languishing alongside the road.

We have had any number of conflicts, and some that I have agreed or disagreed with; but the premise was, whether we had the agreement of the American people on the premise of that conflict, it was to help someone along the road.

I am now calling in a clarion cry for Americans to help America. I am calling on this Congress for this Congress to help America. I am calling on the President, as a friend of the American people, to help America. And to do that, whatever is heard that will now come behind me, and disjangled chords will sound attractive, and it will be about who is going to burden our grandchildren and the long-term debt, but it will not be infused with values by many of our faiths.

Those of us of a Christian faith and many other faiths have an element of

the document under which they worship that talks about the Good Samaritan and charity and love. And albeit that you are asking why on the floor of the House, it is because the infusion of those tenets were part of the design of this Nation when we organized around the concept of forming a more perfect Union. And when the Declaration of Independence said that we seek to pursue happiness, we hold these truths self-evident that all of us are created equal, we don't abandon that just because it happens to be June 3, 2011. We are able to keep those values, and those values have kept this country on a straight and productive path.

All the noise that comes sometimes in a confused sound to the ears of the American people, if as Members of Congress we can declare our commitment to helping the American people and keeping the values of the American people in place, and that of our faith, that is to help, to love, and to present charity to those who are in need, there is no limit to the greatness of America. And there is no limit to the restoration of making it in America, both in terms of our success and survival, and then in terms of making things that we need and putting America back to work.

Madam Speaker, I am grateful for being yielded this time by the Speaker of the House, and I am grateful for the opportunity to live in a Nation where disagreement does not result, in this century and even in the past century, of taking up arms against each other. I am grateful that maybe in the debate that we have on the floor of the House at some point my colleagues can hear not disjunctured sounds of discord and disrespect and dislike, but they can actually hear the chords of reason, my friends, that to pay for our bills as you pay for yours, we must do the right thing: raise the debt ceiling, and to be able to preserve Medicare as we know it, and not to destroy it as it is being destroyed by the budget proposals of the Republican Party.

It is necessary, if you will, to be able to come together and to listen in one voice, finally, that we act to help America.

With that, Madam Speaker, I yield back the balance of my time.

□ 1450

#### HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURGESS. This afternoon, the Congressional Health Care Caucus wants to talk a little bit about the future of the government's role in health care in this country.

I recognize, for those of you studying your Constitution as of this very mo-

ment, you don't find the government's role for controlling health care in this country, but we will do our best to help you understand why we are where we are and perhaps where we are going with some of the Federal programs that are run by the Federal Government. Again, the Congressional Health Care Caucus, the Web site [healthcaucus.org](http://healthcaucus.org).

This hour, I am grateful to the leadership of the Republican Party for the use of this hour. I and my cochair, Mr. G.T. THOMPSON from Pennsylvania, will be leading the discussion.

We have had a lot of talk over the past 4 weeks about the future of Medicare in this country. Certainly, if you look at the three plans that are on the table right now—and I understand you may be scratching your head and saying, Wait a minute. I thought there was only one plan out there. I thought there was only the Republican plan. But the Medicare Trustees Report that was issued some 2, 2½ weeks ago, came forward and articulated how the Medicare trust fund would be exhausted in the year 2023 or 2024. This is a significant fact that right now this Congress and the White House are trying to ignore, but it can't be ignored, and that's why the responsible Republican budget passed in April would deal with this fact.

One plan would be to continue on the current course and make no change at all, and that is what the trustees' report articulated. The trust fund is exhausted by 2023 or 2024. That means, then, all funds to pay for part A, part B, and part D of Medicare, hospitalizations, physician payments, and pharmaceutical payments would all come from the Federal Treasury. The trust fund would be depleted at that point.

What are the implications for that? As we sit here even now and talk about things like expansion of the debt limit, the implications are that all of the funding for Medicare for the hospitalizations, for the physicians part, for the pharmaceutical part, all of the funding would come strictly out of the general revenues, that part that is paid by the taxpayers every year.

Are there things that could be done under the trustees' report to prevent this from happening? There are. And one of those things would be to raise the tax on the payroll tax that is paid by individuals for their Medicare. All of us pay a 1.2 percent tax. The employer matches with a similar amount, so that comes out of our paychecks every 2 weeks or every month. However we are paid, there would be a way to increase that tax to perhaps sustain Medicare farther into the future.

But I must remind the Speaker that this law, which was signed by the President in March of 2010, the Patient Protection and Affordable Care Act, already had a Medicare tax increase included therein. So there is a .9 percent

Medicare payroll tax that is included in the Patient Protection and Affordable Care Act, which leaves us very little room to maneuver unless the payroll tax goes up even further.

Many people argue that the payroll taxes are some of the least progressive and most regressive taxes in this country because they are administered across the board without regard to income, so this is a potential problem. It is one that perhaps could have been solved with a payroll tax increase, but that payroll tax increase has already occurred. You say, well, but okay, if there is a payroll tax increase in the Medicare trust fund, that's good news, because that means that Medicare goes on farther.

Unfortunately, under this law, the money that is taxed on the payroll, collected by the Medicare trust fund, makes a very short stop in the Medicare trust fund and then goes to fund a very different program, a program that, in fact, does not exist today but will start in 2014, a program of subsidies for entitlement for people to purchase private health insurance in the non-Medicare years in what are called the State exchanges.

So the money goes from the Medicare trust fund to fund a new entitlement. That money will have to be paid back to the Medicare trust fund, make no mistake about it. It is money that we are borrowing from ourselves, but it is not money that is there to save Medicare today.

But as the administration argues that, hey, within the Affordable Care Act we have already done some things to sustain Medicare into the future, nothing could be further from the truth. In fact, they have probably poured gasoline on the fire that was already in existence.

One of the other things the trustees' report suggested was that benefits could be cut in the future. And I dare say that if nothing else happens and we get to the point where the trust fund is exhausted, those benefit cuts will be enacted not by this Congress, not by the next Congress, but by some Congress in the future, because of the intergenerational strife that will occur because of the inability to keep pace with the problems that were made by generations before, with generations yet to come. The unfunded liabilities in the Medicare trust fund will soon begin to outstrip every other activity of the Federal Government. That is, there will be no money left for defense, no money left for transportation, no money left for education. All of it will go into health care in some way, shape, or form.

Well, did the President have a plan for sustaining Medicare? Well, yes. You heard about the tax that he already enacted in the Patient Protection and Affordable Care Act, but that may not have been so helpful. In fact, that may have been more detrimental.

What other things has the President put out there on the table as a plan for saving Medicare?

Now, bear in mind, there is no Presidential plan to save Medicare. We have encouraged the White House to provide us with such a framework. We would like to see such a framework. They could send it over to the Congressional Budget Office and have it scored, have it compared to Republican proposals that are out there, but this ask has not yet been honored. So, as a consequence, what we are left with are the bits and pieces that the White House has articulated, the administration has articulated: Here is our plan for Medicare.

One of the big plans they have for Medicare is contained within the pages of the compilation of the Patient Protection and Affordable Care Act, on page 423, where it talks about a new board that is created that is going to administer Medicare costs. This is the Independent Payment Advisory Board.

Who will these individuals be? Well, they will be 15 in number. They will be nominated by the President. They will be confirmed by the Senate. They are to be made up of academics, of people who have worked in government, people who have expertise in health finance and economics and actuarial science, health facility management, health plans, and integrated delivery systems. And way, way down at the bottom of the page, yes, you might get a doctor or nurse on that board as well. Fifteen people that are paid by the government to do nothing but identify cuts in the Medicare system. Well, perhaps that's a good thing. Perhaps that's something that's necessary.

Now, look, I am a Member of the United States Congress. The Speaker is a Member of the United States Congress. We are the people's House. It is our job to deal with the people's money, to tax the people, to raise the money, to spend the money and be good stewards of the people's money. It is not our job to hand off that obligation to the executive branch or, worse yet, to a board that is appointed by the executive branch and is accountable to no one. It is not our job to do that. It is our job to have the oversight over the Federal agencies and boards so that we can ensure that things are done properly with the people's money.

In this case, the Independent Payment Advisory Board will be just that. It will be absolutely independent of the legislative branch. Once an action is taken by the Independent Payment Advisory Board, it becomes very, very difficult for Congress to impact the decisions that are thereby made.

Now, true enough, their job is to deliver back to the House and the Senate their recommendations for cuts in the Medicare system, and it's very detailed in here on those pages as to just how much they are required to cut. It's very detailed as to the procedure for

bringing those cuts to the House and the Senate and which committees they go to for evaluation.

But here's the deal. At the end of the day, Congress either votes up or down on this menu of cuts that's provided by the Independent Payment Advisory Board. And, yes, we can vote "no." Yes, we can turn down the recommendation of the Independent Payment Advisory Board.

What happens then? According to statute, we are not finished. Congress then is required to produce the same level of cuts that was recommended by the board, maybe taking it from different places. But still the same amount of money has to come out of the same Federal program, that is, the Medicare program.

□ 1500

Well, what if Congress gets together and says, "We don't like what the board has delivered to us. We're going to produce a different menu of cuts"? But then, wouldn't you know it; Congress can't agree on what those cuts should be.

I know, I know, Madam Speaker, you'll find that hard to believe that Congress could ever get to a point where it didn't agree with itself on very much, but it could happen at some point in the future that things could be so contentious in Washington and so contentious in the House and the Senate that we couldn't agree with each other on what those cuts would be. Well, what happens then?

What happens then is the cuts recommended by the Independent Payment Advisory Board are, in fact, delivered to the Secretary of Health and Human Services; and that person, whoever he or she may be, the following April, will enact those cuts. There is no getting away once those cuts are recommended. Again, they are dictated in statute. Once they are recommended, they are going to be enacted. There is almost no way around that.

We've got kind of a similar situation today with a different formula that deals with only part B. That's only the part that reimburses physicians. It's called the sustainable growth rate formula. It is a very complex set of figures and numbers that deals with some Federal targets, that deals with conversion factors, and that deals with update adjustment factors. But suffice it to say that it requires a reduction in reimbursement for patients' visits to doctors, and it does this every year.

Now, Congress, historically, has come in at the last minute and rolled those cuts back and said that we won't enact those cuts. The problem is, with the formula as written, every year that we come in and say, "okay, doctors and patients, we're not going to actually cut reimbursement rates this year," that aggregate number that should have been cut is added to the sum that ultimately must be cut.

So, right now, we are existing on a gift, if you will, done in the lame-duck session of the last Congress where the cuts in Medicare were given a 13-month reprieve. But, if Congress doesn't act by December or January, December of this year or January of 2012, an almost 30 percent cut goes to physicians who practice in the part B part of Medicare.

Now, I know you can say, well, doctors probably make too much money anyway and the government needs to save money, so what could that hurt? Where that hurts is that doctors are having a tough enough time keeping up with their expenses. When we cut them 30 percent, the nurse that works in the front office or the company that delivers the electricity that keeps the lights on in their practice doesn't say, "Gee, Doc. We know you're having a tough time and the government cut your reimbursement, so we're going to give you a break on your electricity bill." That does not happen. The good people in the municipality that allow the doctor to practice don't come up and say, "Doctor, we know this is tough on you. We're going to give you a 30 percent reduction in your school taxes this year on your business property." That does not happen. Those fixed overhead expenses occur, and the Federal reimbursement rate for Medicare in the part B program reduces year over year. That is why you have doctors leaving the Medicare program.

As a consequence, that is why you have people who are entering the Medicare program, turning 65 or older, who move to a new location, call up a doctor's office and say, "I need to be seen for my whatever," and the answer is, "We are not taking new Medicare patients."

That unfortunate reality is hitting people today. The Independent Payment Advisory Board is theoretical. That's in the future. The SGR is the "here and now" that Congress is dealing with even this year.

Now, I'm very fortunate to have been joined by my counterpart on the Congressional Health Care Caucus. Again, [healthcare.org](http://healthcare.org) is the Web site.

GLENN THOMPSON from Pennsylvania, thank you for being with us this afternoon. Let me yield to you such time as you might consume.

Mr. THOMPSON of Pennsylvania. I thank my good friend, Dr. BURGESS from Texas, for yielding and also for being able to work with him in terms of our Congressional Health Care Caucus. We cover the health care industry from both important aspects—you as a physician and all of your experience specifically in the medical field.

My background came up through therapy. Most of my almost 30 years of working in nonprofit community health care was really on the administration side; some as a therapist, but largely in administering programs in hospitals, in comprehensive rehab centers, and nursing homes. I was licensed



as a nursing home administrator towards the end of my career there. And, frankly, I dealt very, very closely with Medicare out of necessity because Medicare is, on the in-patient side, at least 60 percent in terms of market share, in terms of payment. So Medicare is very important.

I have to say to my good friend, I was pretty naive when I came to Washington in January 2009. That's when I was sworn in. I won election in 2008. I thought everybody knew that one of the impending crises had to do with the insolvency and the eventual bankruptcy of the Medicare program, only to get here and find out that that was not on the agenda under the previous leadership. And, frankly, it has emerged because it is a truth.

When you look at the situation today with the Medicare system, Medicare is in jeopardy. And what we're trying to do, what the Republicans are trying to do, is to save Medicare. The thing that would hurt Medicare the most is to do nothing, to further kick that can down the road.

Just by coincidence, I was off the Hill and stopped by, and I picked up a prescription earlier today. The only prescription to save Medicare is a Republican prescription. I have to tell you, on the Democratic side, they're just willing to pull the plug and let it die, because if you don't make changes to the Medicare program, that's exactly what happens. And that's not political rhetoric. That's coming from some pretty credible sources that you talked about.

Last Friday, the Medicare trustees' report confirmed that the Medicare program is already contributing to the Federal deficit and will continue to do so for the next decade and that, since 2008, the program has run a cash flow deficit. That's a fact that has been largely ignored in Washington. Still there are those of our colleagues who choose to pretend it's not true, but it is the truth. In fact, in 2011, it exceeds \$32 billion. That's a program that, if we don't make the necessary reforms to save, will go bankrupt.

And what an injustice that will be for all of us, all the people across this Nation who have paid into that program, who are looking forward to hitting those retirement years to be able to access and utilize that benefit. If we allow it to go insolvent, if we don't reform it, if we don't save it, it goes bankrupt.

The only thing keeping the program afloat financially, really, is the sale of Treasury bonds in the Medicare trust fund. And when those bonds are cashed, that increases the deficit.

The President's plan, I guess, is to let it go insolvent, because I read today he's restated he doesn't want to do anything about Medicare, leave Medicare alone, which essentially says let's let it go bankrupt, and let's let it go away.

In fact, the measures—and you did a great job of, I think, talking about one in particular, the Independent Payment Advisory Board, which essentially takes the decision-making out of the hands of those of us who are accountable, of those of us who are elected every 2 years to make decisions about Medicare. Those decisions will not be about what benefits to expand in this financial situation. This will be about where to make cuts, where to ration care.

The Federal Government already does that. Under part B, if you are in a nursing home and you need to receive rehabilitation therapy, the Federal Government has already put a cap on how much therapy that you're able to receive. It has nothing to do with what your need is. It has to do with how many dollars have been spent. So if Americans think the Federal Government would not do rationing, it already happens. It already happens.

You talked about the board. What the President has done, I think, in his plan, which really is going to pull the plug on Medicare, a program that is already financially insolvent and challenged, is cut \$575 billion from the Medicare program to fund his health care initiative. He cuts over \$200 billion for Medicare Advantage and forces over 7 million seniors out of their current Medicare plans. The projection from the CMS actuary—this is the person who is responsible for really crunching the numbers for the Medicare agency—Richard Foster, in April 22, 2010, said that 15 percent of hospitals, nursing homes and home health will close because Medicare pays less under ObamaCare.

We have an opportunity here to do the right thing and to reform Medicare and to save Medicare. The President has an obligation to do that. Under the Medicare trust fund—and what a lot of folks don't know—is there is a requirement, a statutory requirement, that at whatever point the Medicare trust fund reaches a 45 percent level for more than 2 years, the President is required—is required—to put forth a plan essentially to save Medicare, to be able to address Medicare.

We are way past that trigger, and President Obama knows that. I assume he knows it. It's part of his job. So he has chosen to ignore his responsibilities to really put a plan forward. In fact, when we were at the White House just earlier this week, the President said that he was not going to put a plan forward for dealing with Medicare.

□ 1510

He was going to just not take the leadership on that issue. We have, and I am very pleased with the plan we have put forward. It has to do with putting premium supports. Our plan would direct Medicare to go out and to bid out for many different vendors health

care plans that seniors could then shop through. Medicare sets the standards, and these companies that would put these products forward would have to meet Medicare requirements. It is not a new concept. It is what we do under Medicare part D today, and Medicare part D is probably one of the few government programs which has actually come in under budget. Most government programs come in way over budget, but Medicare part D has come in under budget. It also will put an emphasis on prevention and wellness. We are keeping people well. That is what we need to do. Obviously, that is the best thing for individuals, for folks to remain as healthy as possible.

We are not talking about voucher programs. We are not talking about privatizing Medicare. Those are concepts. That is just not true when people claim that we are. We are talking about providing people the choice of quality products that meet minimum standards and that the Medicare agency will ensure are there, because they are the ones who will bid this out and manage the process.

Then we're going to provide premium supports that allow our seniors—and we're talking about just impacting people that are younger than 55 years of age. If you are 55 years or older, there won't be any change. Although, I have bumped into a few who wonder why they can't have this opportunity. They think that it sounds like a really good thing. We are holding those harmless aged 55 and older. I think it is important that we have this debate, and it is a debate that brings forward all of the facts and the realities of what we are talking about.

We are talking about doing something that will improve Medicare, just like Medicare part C, which is Medicare Advantage. It has been shown that seniors on that, because of the emphasis on prevention and wellness, have been hospitalized for fewer days and smaller length of stays, which has saved money in the long run. So we are talking about a positive investment in the health care of our seniors, in saving the country money and, frankly, in saving Medicare.

So I appreciate the opportunity to join my good friend from Texas. This is a conversation that I think is going to be very important that we continue throughout the rest of the spring and well into the summer.

Mr. BURGESS. Well said, because that is exactly the point of this exercise this afternoon. These are difficult concepts. They are very easy to demagogue; they are very easy to demagogue against the Republican plan. The President himself may choose to do this. Certainly the Democratic leadership in this House has chosen to do that. They do that in the absence of putting forward their own plan.

But let's be realistic. We talk about things like premium support. Now, in

the 1990s, I'm just a regular guy practicing OB-GYN in Texas, and President Clinton recognizes that Medicare is going to be headed for difficulty in a few years. He convenes a big commission, the bipartisan Medicare commission that is going to save Medicare.

Senator Frist, who at the time was relatively new in the Senate, was a heart surgeon from Tennessee. At that time, he was recognized as one of the thought leaders and forward thinking in health care reform. So Senator Frist was on that commission. Senator Breaux from Louisiana, a well-respected conservative Democrat, was on the commission; Bill Thomas, who subsequently became chairman of the Ways and Means Committee in the House, was on the commission. The Breaux-Frist Commission came up with a series of recommendations to the Clinton administration on how to sustain Medicare into the future.

The Breaux-Frist Commission had a number of recommendations, but the centerpiece of what they recommended to President Clinton was this concept of premium support. It was not necessarily new with them. It had previously been described by the Brookings Institute, certainly not a conservative think tank, probably regarded more as a moderate to somewhat left of center think tank, but the Brookings Institute had come up with the concept of premium support. People liked to try to describe what the Republican budget produced as a voucher system. That is, in fact, incorrect.

I will tell you, I was a little bit surprised that members of the administration, when the Republican conference was called down to the White House earlier this week and had a discussion with the administration, required some instruction as to what premium support actually was and what the history of premium support actually represented: that it was in fact developed by a moderate think tank, that it was embraced by a centrist to center left Democratic administration in the Clinton administration, and that the Clinton administration essentially took this idea, evaluated it and put it on the shelf and said we are not going to consider it because there were too many special interest groups on the left who did not like the concept of Medicare moving away from central Federal control.

But what premium support represents is, in this case a purchaser, in this case the United States Government, going out and negotiating with insurers, saying we have a bank of patients that is going to require care, i.e., our seniors on Medicare, and this is the type of claims history they have had for the last several years, and we would like to see if you would be interested in developing a proposal for what you can do for our patients.

So it is essentially a request for proposals that goes out from the Federal

Government—yes, to private health insurance companies, some for-profit, some not-for-profit. The only requirement is that they be able to show that they can take care of the patients where the government needs help with its seniors and produce a product that is going to be cost effective and is going to deliver quality care to the patients.

A voucher system—and, again, I was somewhat startled that members of the administration required instruction in this regard. A voucher system would be essentially giving a check to someone and saying: Go out and negotiate and cut your best deal with an insurance company. A premium support system is the government going out, negotiating with the insurance companies and then saying: Come to us with your best proposals for taking care of Medicare patients.

Some people would say: That is preposterous. That would never work. Congressman THOMPSON, you were not here when Medicare part D was passed. I was. Part D was built on that premise. It was let's see if there is an interest out there in providing a prescription drug benefit for seniors. Since we were criticized that no one in their right mind would provide such insurance for seniors, we had a fallback position.

It was a Medicare prescription drug program exclusively, not one run through a private intermediary. The fear was there would be parts of the country that no insurance company would show up to make a proposal. What we got was, indeed, a surprise. After being criticized for several months that no one was going to show up to participate, we were criticized by the other side because people said there are too many plans out there from which seniors have to choose. In the State of Texas, there were 45 plans available subscribing at different rates. You could pick the one that most consistently met your needs for a prescription drug program. But it really was a pleasant surprise.

Because of the competition between so many plans, the prices were vastly under what had been projected by both the Congressional Budget Office and the Office of Management and Budget, and one of those few programs that came in on time and under budget where the satisfaction rate is in excess of 94 percent. Very few seniors today would be willing to give up their part D coverage under the Medicare prescription drug program.

Yes, it has had some bumps and bruises along the way, but a lot has been learned in the process. Now the concept of premium support is much more developed in 2011 than it was in 2003 when the Medicare Modernization Act passed.

So premium support—and again, I was surprised that members of the ad-

ministration required sort of remedial learning on this. But at the end of the morning, I hope they understood better that it is not necessary to demagogue against the Republican plan because, after all, it is a reasonable plan that has been tested with Medicare part D satisfaction rates high and the cost of delivering the care under what was projected. Why in the world wouldn't we draw on that worthwhile experience?

Now, what do you do about someone who is between the ages of 55 and the end of their life? What do you do with someone who has reached that point where they have basically made all of their assumptions and plans based around what the government promised they were going to do? For that individual aged 55 or older, nothing changes. I happen to fall into that age group. As Mr. THOMPSON alluded to, I would happily opt into the group that is going to have choices because I would rather have choices than a prescribed benefit.

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Nevertheless, those individuals who are 55 and older will see no change, the thought being that they have already structured their lives and their retirements based on the fact that this promise had been made. For individuals who are younger than that, when there is still time to make some adjustments in your post-work years, your retirement years, there will be a different program.

Now you ask: For people who are 54 years of age and younger, is that fair to do this?

Well, I think both Mr. THOMPSON and I have articulated what "fair" will look like if you don't do something. What "fair" will look like if you don't do something is either vastly restricted benefits, as has been recommended by the Medicare trustees, vastly restricted benefits as dictated by the Independent Payment Advisory Board, or perhaps no Medicare program at all. After all, the makeup of the voting public in 10- to 15-years' time is going to be different than what it is today, and the makeup of the voting population in 10- to 15-years' time may feel significantly different about paying 60, 65, 70, 75 percent of their paychecks in order to continue benefits that were promised by a Congress 60 years before.

This type of intergenerational anxiety is just around the corner, and if we don't deal with it head on, if we don't take it as a serious responsibility, then it, indeed, could set the stage for some significant strife down the road between today's children and tomorrow's grandparents. That is why it is so important that we address this situation today.

G.T., I have said what I had intended to say today. If you have any additional comments or closing thoughts, we'll wind down this hour a little early.

Mr. THOMPSON of Pennsylvania. I appreciate that. Thanks again for hosting this hour.

Whether we're talking about addressing the deficit or whether we're talking about saving Medicare—frankly, both of those issues are intertwined—we've got to save the country, and we've got to save the Medicare program. What we cannot do is allow the politics of 2012 to affect the problem-solving of critical problems in 2011. That's what we have seen so far. Where the facts are evident and clear that this country is facing a critical deficit that could bankrupt it and where the numbers for Medicare are such that its insolvency is impending and bankruptcy occurs and it goes away, these are critical problems, and they shouldn't be demagogued as we bring solutions to the floor to debate. That's what has been happening. So there is no way we should allow the politics of 2012 to affect the critical problem-solving of 2011.

After the Balanced Budget Act of 1997, I had the privilege as a health care professional to be recruited to serve on a technical expert panel for Medicare. At the time, it was the Health Care Finance Administration. Today, it's the Centers for Medicare and Medicaid Services. Based on that experience, this is necessary. This is a necessary debate. This is necessary in order to save Medicare, and it's an opportunity for us.

We have had previous reforms. The most recent one I saw was under President Bush where he created the waiver program. That was a reform to an entitlement program that actually increased the quality of life and decreased the costs of many people who were institutionalized, living in nursing homes. Frankly, I like nursing homes. I think they can be very quality facilities, and I was an administrator at one time. Yet people should have the choice of where they live if they're living with a significant disability. It was President Bush's waiver program, a reform actually, that allowed that to occur.

So "reform," I think, can be a word used to scare people, but we need to talk about the specifics of why it is necessary and the opportunities that we have, I believe, to increase the quality of care, to decrease costs, to even increase access—all those—and certainly choice since the health care consumers are making decisions. Those are four principles that we share as a caucus as to whatever we do in health care. In looking at Medicare reform, I think that our plan, which is really the only viable plan, honors all four of those qualities.

So I look forward to continuing this debate. We need to have a good, transparent debate, but it needs to be a debate that is not based on demagoguery. It's a debate that needs to be based on the facts. I thank my colleague for hosting this Special Order time.

Mr. BURGESS. I think we'll look forward to having similar discussions in the future, probably frequently, because it's important that we not just have the debate with both sides of the Chamber. It's also important that we have the conversation with the American people.

I would remind people that the Republican budget that was passed in April was an aspirational document. It wasn't terribly long. If you look at something that becomes an actual law, it can get fairly long and intricate, but the budget was an aspirational document that set the goals. In 10-years' time, we want to see Medicare on a sustainable path. We want to preserve, protect and defend it for the future, and this aspirational document sets the pathway for achieving that goal.

All of the work that will be done to actually develop the legislative product will be done in the committees that Mr. THOMPSON and I are on in the House and that Members of the other body are on in the Senate. The actual work will be done on those committees, and there will be ample opportunity for people to comment, for people to contact their legislators. There will be periods of open comment at the Federal agencies as those laws are written. They won't be written in the next couple of months. They will be written over the next several years.

The point I would end with is that we are entering a phase of a long conversation with the American people about what the future of this program is, which arguably has been a good program in the past but, left untouched, is headed for some significant problems in the future.

So what is the forward-looking path for our Medicare system and for our seniors of both today and tomorrow? It will be a long conversation, but we are both up to it, and we can talk for a long time without pausing. I look forward to working with you on many afternoons on this very subject.

Madam Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BASS of New Hampshire (at the request of Mr. CANTOR) for today on account of attending the funeral of former Congressman Peter Frelinghuysen.

#### ADJOURNMENT

Mr. BURGESS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Tuesday, June 7, 2011, at 10 a.m.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, John C. Carney, Jr., Andre Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Conolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Danny K. Davis, Geoff Davis, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Gutierrez, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman\*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A. S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller\*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubin Hinojosa, Mazie Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert

Hurt, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee\*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck" McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNerney, Patrick Meehan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Steven Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. "Bobby" Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tipton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner,

Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1812. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triflusaluron-methyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0102; FRL-8871-4] received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1813. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Data Requirements for Antimicrobial Pesticides; notification to the Secretaries of Agriculture and Health and Human Services [EPA-HQ-OPP-2008-0110; FRL-8861-7] (RIN: 2010-AD30) received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1814. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluopicolide; Pesticide Tolerances [EPA-HQ-OPP-2006-0481; FRL-8859-9] received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1815. A letter from the Assistant Secretary, Department of Defense, transmitting a copy of the Department of Defense (DoD) Chemical and Biological Defense Program (CBDP) Annual Report to Congress for 2011; to the Committee on Armed Services.

1816. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Business Systems-Definition and Administration (DFARS Case 2009-D038) (RIN: 0750-AG58) received May 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1817. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Implementation of the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934 [Release No.: 34-64545; File No. S7-33-10] (RIN: 3235-AK78) received May 31, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1818. A letter from the Secretary, Department of Labor, transmitting annual report on Operations of the Office of Workers' Compensation Programs for Fiscal year 2009; to the Committee on Education and the Workforce.

1819. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida; Jefferson County, Kentucky; Forsyth, Mecklenburg, and Buncombe

Counties, North Carolina; and South Carolina [EPA-R04-OAR-2010-0840(a); FRL-9298-9] received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1820. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions and Update of Appendices [EPA-R03-OAR-2010-0882; FRL-9298-1] received April 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1821. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference [SC-200906; FRL-9286-2] received April 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1822. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report required by the Omnibus Appropriation, Public Law 105-277, Section 2215 on "Overseas Surplus Property"; to the Committee on Foreign Affairs.

1823. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords; to the Committee on Foreign Affairs.

1824. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Secretary's determination that six countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Eritrea, Iran, North Korea (DPRK), Syria, and Venezuela; to the Committee on Foreign Affairs.

1825. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

1826. A letter from the Secretary, Department of Energy, transmitting an authorization of a noncompetitive extension of up to five years; to the Committee on Oversight and Government Reform.

1827. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the Institution's audited financial statement for fiscal year 2010; to the Committee on Oversight and Government Reform.

1828. A letter from the Secretary, Department of Health and Human Services, transmitting copy of the Annual Report to Congress on the Refugee Resettlement Program for the period October 1, 2007 through September 30, 2008 as required by section 413(a) of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1523(a); to the Committee on the Judiciary.

1829. A letter from the Assistant Attorney General, Department of Justice, transmitting the "21st Century Department of Justice Appropriations Authorization Act", related to certain settlements and injunctive relief for the first quarter of 2011, pursuant to 28 U.S.C. 530D Public Law 107-273, section 202; to the Committee on the Judiciary.

1830. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Wah Chang facility in Albany, Oregon to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

1831. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Vitro Manufacturing site in Canonsburg, Pennsylvania to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

1832. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Norton Co. (or a subsequent owner) in Worcester, Massachusetts to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

1833. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Grand Junction Operations Office, Grand Junction, Colorado to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

1834. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the first quarter of fiscal year 2011; to the Committee on the Judiciary.

1835. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-541 and -642 Airplanes [Docket No.: FAA-2011-0310; Directorate Identifier 2010-NM-133-AD; Amendment 39-16663; AD 2011-09-01] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes [Docket No.: FAA-2011-0379; Directorate Identifier 2011-CE-007-AD; Amendment 39-16670; AD 2011-09-08] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Cessna) Model 172 Airplanes Modified by Supplemental type Certificate (STC) SA01303WI [Docket No.: FAA-2010-1243; Directorate Identifier 2010-CE-058-AD; Amendment 39-16626; AD 2011-06-02] (RIN: 2120-AA64) re-

ceived May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1838. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0311; Directorate Identifier 2010-NM-232-AD; Amendment 39-16668; AD 2011-09-06] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model 340 (SAAB/SF340A) and SAAB 340B Airplanes Modified in Accordance with Supplemental Type Certificate (STC) ST00224WI-D, ST00146WI-D, or SA984GL-D [Docket No.: FAA-2010-0042; Directorate Identifier 2009-NM-010-AD; Amendment 39-16664; AD 2011-09-02] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters [Docket No.: FAA-2011-0323; Directorate Identifier 2011-SW-005-AD; Amendment 39-16651; AD 2011-08-01] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CPAC, Inc. (Type Certificate Formerly Held by Commander Aircraft Corporation, Gulfstream Aerospace Corporation, and Rockwell International) Models 112, 112B, 112TC, 112TCA, 114, 114A, 114B, and 114TC Airplanes [Docket No.: FAA-2011-0302; Directorate Identifier 2011-CE-008-AD; Amendment 39-16650; AD 2011-07-13] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH Models TAE 125-01, TAE 125-02-99, and TAE 125-02-114 Reciprocating Engines [Docket No.: FAA-2010-0820; Directorate Identifier 2010-NE-31-AD; Amendment 39-16646; AD 2011-07-09] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; the Boeing Company Model MD-90-30 Airplanes [Docket No.: FAA-2010-1202; Directorate Identifier 2010-NM-167-AD; Amendment 39-16637; AD 2011-06-12] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1844. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule — Amendments for Milk and Milk Product Containers [EPA-HQ-OPA-2008-0821; FRL-9297-3] (RIN: 2050-AG50) received April 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1845. A letter from the Chair, United States Section, International Commission United States and Canada, transmitting the 15th Biennial Report, pursuant to (100 Stat. 4249); to the Committee on Transportation and Infrastructure.

1846. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of CBP Preclearance Offices in Foreign Countries: Addition of Dublin, Ireland (CBP Dec. 11-08) received April 19, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1847. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Undue Hardship Waivers and Taxpayers Choice Statement (Rev. Proc. 2011-25) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1848. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's first quarterly report for fiscal year 2011 from the Office of Security and Privacy; to the Committee on Homeland Security.

1849. A letter from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

1850. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department requests to be enacted during the first session of the 112th Congress; jointly to the Committees on Armed Services, Foreign Affairs, Oversight and Government Reform, Education and the Workforce, House Administration, and Intelligence (Permanent Select).

1851. A letter from the Assistant Secretary, Department of Defense, transmitting additional legislative proposals that the Department requests to be enacted during the first session of the 112th Congress; jointly to the Committees on Intelligence (Permanent Select), Armed Services, Education and the Workforce, Science, Space, and Technology, Ways and Means, Oversight and Government Reform, Foreign Affairs, and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KINGSTON: Committee on Appropriations. H.R. 2112. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112-101). Referred to the Committee of the Whole House on the state of the Union.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of May 20, 2011]

H.R. 358. Referral to the Committee on Ways and Means extended for a period ending not later than September 9, 2011.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself and Mr. SHERMAN):

H.R. 2105. A bill to provide for the application of measures to foreign persons who transfer to Iran, North Korea, and Syria certain goods, services, or technology, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Oversight and Government Reform, the Judiciary, Ways and Means, Science, Space, and Technology, Financial Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself and Mr. ENGEL):

H.R. 2106. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Ways and Means, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself and Mr. STARK):

H.R. 2107. A bill to amend title 23, United States Code, to improve the safety of high risk rural roads, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SESSIONS (for himself, Mr. LARSON of Connecticut, Ms. BERKLEY, and Mr. CASSIDY):

H.R. 2108. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS (for himself, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. TERRY, Mr. SMITH of Texas, Mr. NEUGEBAUER, and Mr. HENSARLING):

H.R. 2109. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York (for himself and Mr. KING of New York):

H.R. 2110. A bill to amend the Federal Water Pollution Control Act to reauthorize and improve activities for the protection of

the Long Island Sound watershed, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. PETRI, Mr. ANDREWS, Ms. HIRONO, Mr. MORAN, Mr. LEVIN, Mr. BLUMENAUER, Ms. WOOLSEY, Mr. STARK, Mr. JACKSON of Illinois, Mr. HONDA, and Mrs. CAPPAS):

H.R. 2111. A bill to ensure that proper information gathering and planning are undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River Basin in a manner that protects and enhances local communities, ensures effective expenditure of Federal resources, and maintains reasonably priced, reliable power, to direct the Secretary of Commerce to seek scientific analysis of Federal efforts to restore salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO:

H.R. 2113. A bill to amend titles 23 and 49, United States Code, to improve the effectiveness of transportation programs on Federal lands and to provide funding for park roads and parkways and the Paul S. Sarbanes Transit in Parks Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Mr. ROSS of Florida, and Mr. CHAFFETZ):

H.R. 2114. A bill to reduce the size of the Federal workforce through attrition, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself, Mr. AUSTRIA, Ms. HANABUSA, Ms. CHU, Mr. McDERMOTT, Mr. HONDA, and Mr. FALEOMAVAEGA):

H.R. 2115. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas; to the Committee on the Judiciary.

By Ms. HIRONO (for herself and Ms. HANABUSA):

H.R. 2116. A bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas and for other purposes; to the Committee on the Judiciary.

By Ms. FOX (for herself and Mr. KLINE):

H.R. 2117. A bill to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. CHAFFETZ (for himself, Mr. GOWDY, and Mr. WILSON of South Carolina):

H.R. 2118. A bill to amend the National Labor Relations Act relating to the authority to enjoin State laws that are preempted by or conflict with such Act; to the Committee on Education and the Workforce.

By Mrs. BONO MACK (for herself, Mr. ROGERS of Kentucky, and Mr. LYNCH):

H.R. 2119. A bill to amend the Controlled Substances Act to require practitioners to

obtain particular training or special certification, approved by the Attorney General, on addiction to and abuse of controlled substances and appropriate and safe use of controlled substances in schedule II, III, IV, or V, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas:

H.R. 2120. A bill to amend the Internal Revenue Code of 1986 to include individuals who have exhausted all rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 as a targeted group for purposes of the work opportunity tax credit; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. BURTON of Indiana, and Mr. ROHRBACHER):

H.R. 2121. A bill to deny the entry into the United States of certain members of the senior leadership of the Government of the People's Republic of China and individuals who have committed human rights abuses in the People's Republic of China, and for other purposes; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. BURTON of Indiana, and Mr. CHABOT):

H.R. 2122. A bill to renew the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GALLEGLY (for himself, Mr. WU, and Mr. HIMES):

H.R. 2123. A bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANSECO (for himself, Mr. MCCAUL, and Mrs. MILLER of Michigan):

H.R. 2124. A bill to improve the safety, security, and operational control of the international border by providing the Department of Homeland Security with an accurate definition of the term "cross-border violence", to require the Secretary of Homeland Security to develop measures to quantify cross-border violence data for reporting to Congress and other entities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 2125. A bill to amend the Fair Labor Standards Act of 1938 to require certain disclosures by employers who use electronic payroll cards to pay their employees; to the Committee on Education and the Workforce.

By Mr. CAMPBELL (for himself and Mr. WELCH):

H.R. 2126. A bill to modernize the Liability Risk Retention Act of 1986 and expand coverage to include commercial property insurance, and for other purposes; to the Committee on Financial Services.

By Mr. COHEN (for himself, Mr. CONYERS, Ms. NORTON, Ms. MCCOLLUM, and Ms. ROYBAL-ALLARD):



H.R. 2127. A bill to authorize funding for the creation and implementation of infant mortality pilot programs in standard metropolitan statistical areas with high rates of infant mortality, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. ELLMERS (for herself and Mrs. BLACK):

H.R. 2128. A bill to amend title XVIII of the Social Security Act to prevent the application of payment adjustments for eligible professionals who are not successful electronic prescribers, to remove any electronic prescribing requirement as an element for demonstrating meaningful use of certified EHR technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 2129. A bill to amend chapter 1 of title 23, United States Code, to condition the receipt of certain highway funding by States on the enactment and enforcement by States of certain laws to prevent repeat intoxicated driving; to the Committee on Transportation and Infrastructure.

By Mr. LANGEVIN (for himself, Mrs. LOWEY, and Mr. MCGOVERN):

H.R. 2130. A bill to amend title 5, United States Code, to provide for a corporate responsibility investment option under the Thrift Savings Plan; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington:

H.R. 2131. A bill to amend the Small Business Act to reform the HUBZone program, and for other purposes; to the Committee on Small Business.

By Mrs. LOWEY (for herself and Mr. ISRAEL):

H.R. 2132. A bill to require the Food and Drug Administration to finalize a standard for broad-spectrum protection in sunscreen products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 2133. A bill to increase domestic energy production, reduce dependence on foreign oil, and diversify the energy portfolio of the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Science, Space, and Technology, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OLVER (for himself, Ms. BALDWIN, Mr. GRIJALVA, Mr. HINCHEY, Mr. KILDEE, Mrs. MALONEY, Mr. MCDERMOTT, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CAPPS):

H.R. 2134. A bill to amend title XIX of the Social Security Act to improve access to advanced practice nurses and physician assistants under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. PIERLUISI (for himself, Mr. FALOMAVAEGA, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. SABLAN, Mr. GEORGE MILLER of California, Mr. SERRANO, and Ms. WASSERMAN SCHULTZ):

H.R. 2135. A bill to amend titles XI and XIX of the Social Security Act to improve the availability of Medicaid assistance for certain breast and cervical cancer patients in the territories; to the Committee on Energy and Commerce.

By Mr. PRICE of North Carolina:

H.R. 2136. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. RENACCI (for himself and Mr. CLARKE of Michigan):

H.R. 2137. A bill to amend the Internal Revenue Code of 1986 to authorize an unemployment assistance voucher program; to the Committee on Ways and Means.

By Mr. RICHMOND:

H.R. 2138. A bill to establish a health registry to ensure that certain individuals who may have been exposed to formaldehyde in a travel trailer have an opportunity to register for such registry and receive medical treatment for such exposure, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSKAM (for himself, Mr. KISSELL, Mr. BARTLETT, Mr. BONNER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. COBLE, Mr. DAVIS of Illinois, Mr. DOLD, Mr. GERLACH, Ms. HAYWORTH, Mr. HINCHEY, Mr. HULTGREN, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KING of New York, Mr. MANZULLO, Mr. MILLER of Florida, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SCHOCK, Ms. SCHWARTZ, Mr. SHIMKUS, Mr. STIVERS, Mr. THOMPSON of Pennsylvania, Mr. TIBERI, Mr. TONKO, Mr. TOWNS, Mr. TURNER, Mr. VAN HOLLEN, Mr. WALSH of Illinois, Mr. WOLF, and Mr. QUIGLEY):

H.R. 2139. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International; to the Committee on Financial Services.

By Mr. ROSS of Arkansas (for himself, Mr. HEINRICH, Mr. LATHAM, Mr. QUIGLEY, Mr. HIMES, Mrs. EMERSON, Mr. VAN HOLLEN, Ms. TSONGAS, Mr. SIMPSON, Mr. BARROW, Mr. MCGOVERN, and Mr. CHANDLER):

H.R. 2140. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries coordinated care and greater choice with regard to accessing hearing health services and benefits; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD:

H.R. 2141. A bill to promote optimal maternity outcomes by making evidence-based maternity care a national priority, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mr. SERRANO, Mr. GRIJALVA, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. HONDA, and Mr. BACA):

H.R. 2142. A bill to establish a program that enables college-bound residents of the Northern Mariana Islands to have greater choices among institutions of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SIMPSON (for himself and Mr. LABRADOR):

H.R. 2143. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways on the Interstate System in the State of Idaho, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SIRES (for himself, Mr. DIAZ-BALART, Ms. MOORE, Mr. HONDA, Mr. SMITH of Washington, Ms. CLARKE of New York, Mr. RUSH, Mr. PAYNE, and Mr. DICKS):

H.R. 2144. A bill to amend the Foreign Assistance Act of 1961 to codify the cooperative agreement, known as the Health Technologies program, under which the United States Agency for International Development supports the development of technologies for global health, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BISHOP of Utah (for himself, Mr. BROOKS, Mr. RANGEL, Mr. LANCE, Mr. LAMBORN, Mr. GRIMM, Mr. MCKINLEY, Mr. DUNCAN of South Carolina, Mr. YODER, Mr. KING of New York, Mr. WOODALL, Mr. GOHMERT, Mr. WESTMORELAND, Mr. DOLD, Mr. FRANKS of Arizona, Mr. SULLIVAN, Ms. HAYWORTH, and Mr. TIPTON):

H. Con. Res. 59. Concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967; to the Committee on Foreign Affairs.

By Mr. LAMBORN (for himself, Mr. DEUTCH, Mrs. MYRICK, Mr. SCHOCK, Mr. KING of Iowa, Mr. LANCE, Mr. WALSH of Illinois, Mr. FRANKS of Arizona, Mr. CULBERSON, Mr. POSEY, Mr. GOHMERT, Mr. VISCLOSKEY, Mr. HASTINGS of Florida, Mr. PETERS, Mr. CARTER, and Mr. TERRY):

H. Res. 296. A resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad Regime; to the Committee on Foreign Affairs.

By Mr. CHABOT:

H. Res. 297. A resolution expressing the sense of the House of Representatives that the Secretary of State should withhold United States contributions to the regularly assessed biennial budget of the United Nations for purposes of the General Assembly of the United Nations if the General Assembly adopts a resolution in favor of recognizing a state of Palestine outside of or prior to a final status agreement negotiated between, and acceptable to, the State of Israel and the Palestinians; to the Committee on Foreign Affairs.

By Mrs. EMERSON (for herself, Mr. BENISHEK, and Mr. PERLMUTTER):

H. Res. 298. A resolution expressing the sense of the House of Representatives that there is need for specified agencies to coordinate and capitalize on existing programs for epilepsy awareness; to the Committee on Energy and Commerce.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. BRADY of Pennsylvania):

H. Res. 299. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker; to the Committee on House Administration.



# CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 2105.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

By Ms. ROS-LEHTINEN:

H.R. 2106.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the Constitution.

By Mr. MICHAUD:

H.R. 2107.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3 and Clause 18.

By Mr. SESSIONS:

H.R. 2108.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 to allow Congress to regulate the business of Ambulatory Surgical Centers.

By Mr. SESSIONS:

H.R. 2109.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 to allow Congress to regulate the individuals and business contributions to the Social Security Trust Fund.

By Mr. BISHOP of New York:

H.R. 2110.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Sec. 8, Clause 3

By Mr. McDERMOTT:

H.R. 2111.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution

By Mr. KINGSTON:

H.R. 2112.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. HIRONO:

H.R. 2113.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

By Mr. ISSA:

H.R. 2114.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. HIRONO:

H.R. 2115.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the Constitution, which grants Congress the power "[t]o establish a uniform Rule of Naturalization . . . throughout the United States."

By Ms. HIRONO:

H.R. 2116.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the Constitution, which grants Congress the power "[t]o establish a uniform Rule of Naturalization . . . throughout the United States."

By Ms. FOXX:

H.R. 2117.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. CHAFFETZ:

H.R. 2118.

Congress has the power to enact this legislation pursuant to the following:

This law is enacted pursuant to Article 1, Section 8, Clause 3, and the 10th Amendment to the U.S. Constitution.

By Mrs. BONO MACK:

H.R. 2119.

Congress has the power to enact this legislation pursuant to the following:

The authority for enactment of this Bill flows from Article I, Section 8, clause 3 of the Commerce Clause of the United States Constitution. The Congress has the right to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. JACKSON LEE of Texas:

H.R. 2120.

Congress has the power to enact this legislation pursuant to the following:

Article I of Constitution section 8.

By Mr. SMITH of New Jersey:

H.R. 2121.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clauses 3 and 18 of the Constitution

By Ms. ROS-LEHTINEN:

H.R. 2122.

Congress has the power to enact this legislation pursuant to the following:

Article I, sections 8 (clauses 3 and 18).

By Mr. GALLEGLY:

H.R. 2123.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8, Article I of the Constitution.

By Mr. CANSECO:

H.R. 2124.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to provide for the common defense, as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. BACA:

H.R. 2125.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. CAMPBELL:

H.R. 2126.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of article I of the Constitution of the United States.

By Mr. COHEN:

H.R. 2127.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 of the Constitution.

By Mrs. ELLMERS:

H.R. 2128.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. ENGEL:

H.R. 2129.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;

Article I, Section 8, Clause 1;

Article I, Section 8, Clause 3; and

Article I, Section 8, Clause 18.

By Mr. LANGEVIN:

H.R. 2130.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution.

By Mr. LARSEN of Washington:

H.R. 2131.

Congress has the power to enact this legislation pursuant to the following:

Under Article 1, Section 2 of the Constitution, "the House of Representatives shall be composed of Members chosen every second Year by the People of the several States." As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress." I was elected in 2010 to serve in the 112th Congress as certified by the Secretary of State of Washington state.

Article III, Section 2 states that the Supreme Court has "the judicial power" that "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States." Article II, Section 1 of the Constitution provides that the Supreme Court is the supreme law of the land when stating "The judicial power of the United States, shall be vested in one supreme Court."

The power of judicial review of the Supreme Court was upheld in *Marbury v Madison* in 1803, giving the Supreme Court the authority to strike down any law it deems unconstitutional. Members of Congress, having been elected and taken the oath of office, are given the authority to introduce legislation and only the Supreme Court, as established by the Constitution and precedent, can determine the Constitutionality of this authority.

By Mrs. LOWEY:

H.R. 2132.

Congress has the power to enact this legislation pursuant to the following:

Article I

By Mr. MATHESON:

H.R. 2133.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Clause 18 of the United States Constitution

By Mr. OLVER:

H.R. 2134.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, and

Clause 18 of section 8 of article I of the Constitution.

By Mr. PIERLUISI:

H.R. 2135.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution; to make all laws which shall be necessary and proper for carrying into execution such power, as enumerated in Article I, Section 8, Clause 18 of the Constitution; and to make rules and regulations respecting the U.S. territories, as enumerated in Article IV, Section 3, Clause 2 of the Constitution.

By Mr. PRICE of North Carolina:

H.R. 2136.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation under Article I, Section 8, clauses 1 (“[t]o provide for the common Defense and general Welfare of the United States”) and 10 (“[t]o define and punish . . . Offenses against the Law of Nations”).

However, the Supreme Court has held that Congress’s authority to legislate with respect to matters outside U.S. boundaries is based on national sovereignty in foreign affairs and, consequently, is not limited by the enumerated powers delegated to Congress. For example, in *United States v. Curtiss-Wright Export Corp.* (1936), the Supreme Court ruled that the “broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs.”

On March 30, 2011, in *United States v. Brehm*, the United States District Court for the Eastern District of Virginia upheld the constitutionality of the Military Extraterritorial Jurisdiction Act (MEJA, on which the current legislation is modeled), on this basis.

By Mr. RENACCI:

H.R. 2137.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution, whereby Congress shall have the power “[t]o lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.”

As affirmed by Justice Benjamin Cardozo in *Steward Machine Company v. Davis*, 301 U.S. 548 (1937), upholding the constitutionality of unemployment benefits.

By Mr. RICHMOND:

H.R. 2138.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of

compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. ROSKAM:

H.R. 2139.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5 states “The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.”

By Mr. ROSS of Arkansas:

H.R. 2140.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 1 (General Welfare Clause); Article I, Section 8, Clause 18 (Necessary and Proper Clause).

By Ms. ROYBAL-ALLARD:

H.R. 2141.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. SABLAN:

H.R. 2142.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. SIMPSON:

H.R. 2143.

Congress has the power to enact this legislation pursuant to the following:

“The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution, specifically clause 3 (relating to the authority to regulate commerce among the several states).”

By Mr. SIRE:

H.R. 2144.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. SAM JOHNSON of Texas.

H.R. 23: Mr. THOMPSON of California and Mr. LATTA.

H.R. 24: Mrs. SCHMIDT, Mr. CALVERT, Mr. BONNER, Mr. COOPER, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Mrs. DAVIS of California, Ms. FOXX, Mr. GUTIERREZ, Mr. FALEOMAVAEGA, Mr. PALAZZO, Mr. DUNCAN of Tennessee, Mr. GERLACH, Mr. HIMES, Mr. LIPINSKI, Mr. OLSON, Ms. DEGETTE, Mr. WU, Mr. TOWNS, Mr. SIMPSON, Mr. SULLIVAN, Mr. LEWIS of California, Mr. HENSARLING, Mr. KINGSTON, Mr. MICA, Ms. WATERS, Mr. BARROW, Mr. WHITFIELD, Mr. HIGGINS, and Mr. CONNOLLY of Virginia.

H.R. 85: Mr. FILNER.

H.R. 308: Ms. CASTOR of Florida.

H.R. 328: Mr. SCHIFF.

H.R. 329: Mr. KISSELL.

H.R. 451: Mr. MATHESON and Mr. QUIGLEY.

H.R. 502: Mr. KIND.

H.R. 575: Mr. TIPTON.

H.R. 601: Mr. HONDA.

H.R. 639: Mr. BACA, Ms. BASS of California, Mr. BOREN, Mr. CRAWFORD, Mr. ENGEL, Mrs.

MALONEY, Mr. MARKEY, Mr. ROTHMAN of New Jersey, Mr. RUPPERSBERGER, and Mr. SIRE.

H.R. 640: Mr. HINCHEY.

H.R. 645: Mr. YOUNG of Florida.

H.R. 654: Ms. TSONGAS.

H.R. 674: Mr. TIPTON.

H.R. 675: Mr. KLINE.

H.R. 694: Mr. BACHUS.

H.R. 718: Mr. PASTOR of Arizona, Mr. BARTLETT, Mr. CARTER, Mr. RUPPERSBERGER, Mr. YOUNG of Florida, and Mr. PETERSON.

H.R. 719: Mr. HOLDEN.

H.R. 721: Mr. FARENTHOLD and Mr. LONG.

H.R. 733: Mr. STARK.

H.R. 745: Mr. NUGENT.

H.R. 806: Ms. MOORE.

H.R. 809: Ms. MOORE and Ms. SLAUGHTER.

H.R. 812: Mr. WU.

H.R. 860: Mr. CARDOZA, Mr. PASTOR of Arizona, Mr. INSLEE, Mr. OLVER, Mr. WEST, Mr. QUIGLEY, Mr. BARTON of Texas, Mr. CRENSHAW, Mr. BILIRAKIS, and Mr. DUNCAN of Tennessee.

H.R. 891: Mr. LATHAM and Mr. MARKEY.

H.R. 894: Mr. ELLISON.

H.R. 915: Mr. CLARKE of Michigan.

H.R. 938: Mr. CALVERT.

H.R. 941: Ms. ZOE LOFGREN of California.

H.R. 964: Mr. BLUMENAUER.

H.R. 965: Mr. SCHIFF.

H.R. 991: Mr. KIND.

H.R. 1005: Mr. MURPHY of Pennsylvania.

H.R. 1029: Mr. SHIMKUS.

H.R. 1030: Mr. SHIMKUS.

H.R. 1041: Mr. DONNELLY of Indiana, Mr. YOUNG of Florida, and Mrs. ROBY.

H.R. 1048: Mr. BLUMENAUER.

H.R. 1057: Mr. YOUNG of Alaska.

H.R. 1081: Mr. FRANKS of Arizona and Mr. LATTA.

H.R. 1093: Mr. LUETKEMEYER, Mr. HURT, Mr. CHANDLER, Mr. AUSTRIA, Mr. BOUSTANY, Mr. DENT, and Mr. YOUNG of Florida.

H.R. 1111: Mr. YOUNG of Florida and Mr. LABRADOR.

H.R. 1122: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1124: Mr. HASTINGS of Florida.

H.R. 1132: Ms. ZOE LOFGREN of California.

H.R. 1134: Mr. LUETKEMEYER.

H.R. 1161: Mr. POSEY, Mr. WESTMORELAND, Mr. HOLDEN, and Mr. MICHAUD.

H.R. 1167: Mr. SCHWEIKERT.

H.R. 1181: Mr. SCOTT of South Carolina.

H.R. 1195: Mr. RICHMOND.

H.R. 1200: Mr. OLVER and Mr. FARR.

H.R. 1221: Mr. CANSECO.

H.R. 1236: Mr. MARINO, Mr. OWENS, Mr. COHEN, and Mr. OLVER.

H.R. 1244: Mr. BRALEY of Iowa and Mr. PETERS.

H.R. 1259: Mr. WHITFIELD, Mr. DREIER, Mr. FARENTHOLD, and Mr. BARTLETT.

H.R. 1327: Mr. JOHNSON of Ohio.

H.R. 1342: Ms. WOOLSEY and Mr. OWENS.

H.R. 1350: Mr. MICHAUD.

H.R. 1351: Mr. LOBIONDO, Ms. EDWARDS, Mr. PETERSON, Ms. JENKINS, Mr. JACKSON of Illinois, and Mr. LATHAM.

H.R. 1370: Mr. LANCE.

H.R. 1375: Mr. ENGEL, Mr. PRICE of North Carolina, and Mr. OWENS.

H.R. 1380: Mr. MCGOVERN, Mr. PITTS, and Mr. TURNER.

H.R. 1426: Mr. ALTMIRE, Mr. MARKEY, and Mr. YOUNG of Alaska.

H.R. 1427: Mr. SMITH of Nebraska.

H.R. 1475: Ms. JACKSON LEE of Texas.

H.R. 1476: Ms. SLAUGHTER and Mr. DAVID SCOTT of Georgia.

H.R. 1477: Ms. CHU.

H.R. 1479: Ms. PINGREE of Maine.

H.R. 1489: Mr. GARAMENDI.

H.R. 1498: Mr. POSEY.

H.R. 1505: Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. DUNCAN of Tennessee, and Mr. BACHUS.

H.R. 1509: Mr. ROGERS of Alabama, Mr. MARCHANT, Mrs. BLACKBURN, Mr. PITTS, Mr. TURNER, Mr. SULLIVAN, Mr. BURTON of Indiana, Mr. SCALISE, Mr. LUETKEMEYER, Mr. WALBERG, Mr. BRADY of Pennsylvania, Mr. PEARCE, Mrs. NOEM, Mr. COLE, Ms. ROYBAL-ALLARD, and Mr. DEUTCH.

H.R. 1513: Mr. BERMAN, Mr. TIERNEY, Mr. PASCRELL, Ms. LEE of California, Mr. SCHIFF, Mr. GRIJALVA, Mr. BRALEY of Iowa, and Mrs. MALONEY.

H.R. 1515: Mr. LIPINSKI.

H.R. 1545: Mr. CARTER, Ms. GRANGER, Mr. SESSIONS, Mr. CULBERSON, Mr. GOHMERT, Mr. BRADY of Texas, Mr. BARTON of Texas, and Mr. NEUGEBAUER.

H.R. 1546: Mr. LANGEVIN.

H.R. 1578: Mr. BASS of New Hampshire, Ms. WOOLSEY, and Mr. QUIGLEY.

H.R. 1579: Mr. HEINRICH.

H.R. 1591: Mr. KISSELL.

H.R. 1633: Mr. GUTHRIE, Mr. LATHAM, Mr. SCHILLING, Mr. WOMACK, Mr. FLAKE, and Mrs. BACHMANN.

H.R. 1639: Mr. HUELSKAMP and Mr. TERRY.

H.R. 1645: Mr. PRICE of North Carolina.

H.R. 1648: Mr. SMITH of Washington, Ms. SPEIER, Mr. HINCHEY, Ms. DEGETTE, Mr. SIREN, and Mr. ANDREWS.

H.R. 1668: Mr. COURTNEY.

H.R. 1697: Mr. BLUMENAUER.

H.R. 1697: Mr. POE of Texas, Mr. STIVERS, Ms. JENKINS, Mr. FINCHER, Mr. MANZULLO, Mr. PETERSON, and Mr. BOREN.

H.R. 1704: Mrs. NAPOLITANO, Mr. WAXMAN, Mr. GARAMENDI, and Mr. STARK.

H.R. 1723: Mr. GARY G. MILLER of California and Mr. REHBERG.

H.R. 1724: Mr. GRIJALVA, Mrs. CAPPS, and Mrs. NAPOLITANO.

H.R. 1735: Mr. PRICE of North Carolina.

H.R. 1739: Mr. LANCE and Mr. FLAKE.

H.R. 1744: Mr. PRICE of Georgia, Mr. BUCHANAN, Mr. CASSIDY, Mr. FLEMING, Mr. ISSA, Mr. DIAZ-BALART, Mr. MCHENRY, Mr. BURGESS, and Mr. SAM JOHNSON of Texas.

H.R. 1747: Mr. REHBERG.

H.R. 1749: Mr. LARSON of Connecticut.

H.R. 1756: Mr. DENT.

H.R. 1771: Mr. FILNER, Mr. KUCINICH, Mr. SERRANO, and Mr. McDERMOTT.

H.R. 1776: Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Mr. LARSON of Connecticut, and Mr. BONNER.

H.R. 1781: Ms. PINGREE of Maine, Mr. ISRAEL, Ms. MCCOLLUM, and Mr. GARAMENDI.

H.R. 1799: Ms. VELÁZQUEZ.

H.R. 1803: Ms. NORTON.

H.R. 1827: Mr. OWENS.

H.R. 1834: Mr. MORAN and Mr. POMPEO.

H.R. 1845: Mr. BUTTERFIELD, Mr. YOUNG of Florida, and Mr. RANGEL.

H.R. 1861: Mr. AUSTRIA.

H.R. 1865: Mr. COBLE, Mr. YODER, Mr. ROSS of Arkansas, Mr. HANNA, Ms. JENKINS, Mr. MCKINLEY, and Mr. SHULER.

H.R. 1872: Mr. GUTHRIE and Mr. BACHUS.

H.R. 1878: Mr. MORAN.

H.R. 1904: Mrs. LUMMIS.

H.R. 1916: Mr. POLIS, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. CICILLINE, Mr. McDERMOTT, and Mr. LUJÁN.

H.R. 1932: Mr. BACHUS.

H.R. 1936: Mr. BACHUS and Mr. LATHAM.

H.R. 1943: Ms. PINGREE of Maine.

H.R. 1946: Mr. BARLETTA.

H.R. 1955: Mr. COBLE.

H.R. 1957: Mr. CARTER and Mr. SENSENBRENNER.

H.R. 1959: Mr. CARSON of Indiana.

H.R. 1964: Mr. REED.

H.R. 1980: Mr. ROTHMAN of New Jersey.

H.R. 1985: Ms. WOOLSEY.

H.R. 2003: Mr. TIERNEY.

H.R. 2011: Mr. COFFMAN of Colorado, Mr. BROUN of Georgia, Mr. CALVERT, Mr. REHBERG, Mr. WITTMAN, Mr. DIAZ-BALART, and Mr. HECK.

H.R. 2018: Mr. BISHOP of Utah.

H.R. 2019: Mr. SCHIFF, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2021: Mr. LUETKEMEYER, Mr. COLE, Mr. GUTHRIE, Mr. CASSIDY, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. LATTA, Mr. HARPER, Mr. LANCE, Mr. UPTON, Mr. BARTON of Texas, Mr. WHITFIELD, Mrs. BONO MACK, Mr. WALDEN, and Mr. YOUNG of Alaska.

H.R. 2028: Mrs. NAPOLITANO.

H.R. 2061: Ms. EDWARDS.

H.R. 2068: Mr. GRIFFIN of Arkansas, Mr. CASSIDY, and Mr. WOMACK.

H.R. 2071: Mr. MATHESON and Mr. POLIS.

H.R. 2104: Mr. CARSON of Indiana.

H.J. Res. 56: Mr. SCHWEIKERT.

H.J. Res. 64: Ms. FUDGE, Mr. CLEAVER, and Ms. CLARKE of New York.

H. Con. Res. 51: Ms. WOOLSEY and Mr. BRALEY of Iowa.

H. Con. Res. 55: Mr. CHAFFETZ.

H. Res. 60: Mr. GARAMENDI.

H. Res. 137: Ms. EDWARDS.

H. Res. 246: Mr. JACKSON of Illinois and Mr. MORAN.

H. Res. 268: Mr. ALEXANDER, Mr. AUSTRIA, Mr. BERMAN, Mr. BRADY of Texas, Mr. CASSIDY, Ms. CASTOR of Florida, Ms. DEGETTE, Mr. DEUTCH, Mr. DOLD, Mr. FATTAH, Mr. FINCHER, Mr. FLAKE, Mr. GOHMERT, Mr. GOSAR, Mr. GRAVES of Missouri, Mr. HARRIS, Mrs. HARTZLER, Ms. LORETTA SANCHEZ of California, Mr. SIREN, Mr. SULLIVAN, Mr. HEINRICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LATOURETTE, Mr. LIPINSKI, Mr. DANIEL E. LUNGREN of California, Mrs. MALONEY, Mr. MURPHY of Pennsylvania, Mrs. MYRICK, Mr. NUGENT, Mr. OWENS, Mr. PERLMUTTER, Mr. POE of Texas, Mr. REHBERG, Mr. ROGERS of Alabama, Mr. ROSS of Arkansas, Ms. LINDA T. SÁNCHEZ of California, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. WESTMORELAND, Mr. TIPTON, Mr. YODER, Ms. RICHARDSON, Ms. GRANGER, Mr. COURTNEY, Ms. FUDGE, Mr. HIGGINS, Mr. HONDA, Mr. LUJÁN, Mr. MEEKS, Mr. MICHAUD, Mr. QUIGLEY, and Ms. SUTTON.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 58: Mr. STIVERS.

## EXTENSIONS OF REMARKS

HONORING MR. RICHARD  
ROEHRKASSE FOR HIS 20 YEARS  
AS A TRUSTEE OF SOUTH-  
WESTERN ILLINOIS COLLEGE

## HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the dedicated community service of Mr. Richard Roehrkaske, as he marks his 20th year as a Trustee for Southwestern Illinois College.

Richard Roehrkaske was appointed to fill a vacancy on the Board of Trustees for Southwestern Illinois College (SWIC) in 1991 and has been continuously re-elected since that time. A resident of Red Bud, Illinois, Mr. Roehrkaske had experience in the Information Technology field as a systems analyst, designer and project manager. He had a desire to serve his community and pursued membership on the SWIC Board of Trustees as a way to help ensure access to quality education for area residents.

As a SWIC Trustee, Mr. Roehrkaske has enthusiastically worked with faculty, administration and staff on the Strategic Planning Committee since its inception. He helped to update existing and develop new Board policies and procedures to address strategic planning priorities.

Mr. Roehrkaske has been a consistent, active participant in helping SWIC maintain its longstanding accreditation with the Higher Learning Commission (HLC), and achieve model-institution recognition from the HLC for its Academic Quality Improvement Program (AQIP) initiatives and achievements.

With his background in Information Technology, Mr. Roehrkaske has been a longstanding champion of IT—from smart-classrooms to community-wide applications—helping to establish SWIC as one of the leading IT-supported community colleges in the state and the nation.

In his longstanding role as Board of Trustees Facilities and Finance Committee Chair, Mr. Roehrkaske has helped to develop and identify funding resources for SWIC and to complete numerous major capital development projects. Among the significant projects to benefit from his involvement are: the Liberal Arts and Information Sciences buildings at the Belleville Campus; renovations and expansions at the Sam Wolf Granite City and Red Bud Campuses; and the Schmidt Art Center, in collaboration with the SWIC Foundation Board.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Mr. Richard Roehrkaske for his 20 years of service as a Trustee of Southwestern Illinois College and to wish him the very best in the future.

RECOGNIZING MR. CARMEN A.  
POLICY

## HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. RYAN of Ohio. Mr. Speaker, I rise today to honor Mr. Carmen A. Policy, who received the prestigious National Education and Leadership Award from the Sons of Italy Foundation on May 25th. This award is presented by the foundation annually to the Italian American who has upheld a commitment to educational excellence, leadership and the betterment of society. Previous recipients of this outstanding award include Joe Paterno and Antonin Scalia.

Mr. Policy, a native of Youngstown and Ohio's 17th district, graduated from Youngstown State University in 1963, and in 1966 earned his Juris Doctorate Degree from Georgetown University Law Center here in Washington, DC. For many years, he pursued a successful law practice career in Ohio.

In 1983, Carmen traded in the courtroom for the gridiron and became Vice President of the San Francisco 49ers. In 1991 he became President and CEO of the franchise. As an executive in the 49ers organization, Mr. Policy played a key role in delivering 4 Super Bowl trophies back to the city of San Francisco. In 1994 he was named the National Football League Executive of the Year by The Sporting News and GQ listed him as one of the most powerful men in professional sports. In 1998, Carmen became President and CEO of the Cleveland Browns and during his five years with the Browns, he served as a member of the NFL's Finance, Business Ventures, and Super Bowl Advisory Committees.

After 25 years in the NFL, Carmen, along with his wife Gail, began a new life of wine making in the Napa Valley and the couple founded the Casa Piena Winery. The roots of Casa Piena go back to Policy's childhood in Youngstown's Smokey Hollow neighborhood, where the making and sharing of wine played a central part in the vibrant family life of this largely Italian-American community.

He has sent a strong and clean message to the youth of the Mahoning Valley; if you work hard, play by the rules and get a good education, America will reward you with all the blessings of this great land.

Mr. Speaker, today I rise to congratulate and honor the hard work and dedication of Mr. Carmen Policy and his wife Gail. I invite my colleagues to join me in recognition of this award.

HONORING GOVERNOR RAUL H.  
CASTRO ON HIS 95TH BIRTHDAY

## HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. PASTOR of Arizona. Mr. Speaker, I rise today to honor Raul Hector Castro, Arizona's first Hispanic Governor, on the occasion of his 95th birthday on June 12, 2011. Raul Castro's legacy is imbedded in my home State's history for his high achievements despite the racism he experienced as a young Mexican immigrant raised in Arizona. Besides holding Arizona's highest State office, Governor Castro served as a United States Ambassador three times: to El Salvador, Bolivia, and Argentina. Last year, Governor Castro was honored with the prestigious Cesar E. Chavez Legacy Award at the Ninth Annual Cesar E. Chavez Foundation Gala in Phoenix. In addition, Governor Castro received the Arizona Legacy Award at the 52nd Annual Arizona Hispanic Chamber of Commerce's Black and White Ball.

Governor Castro and co-author Dr. Jack August, Jr. have written a fascinating biography entitled "Adversity Is My Angel: The Life and Career of Raul H. Castro." The book traces the astounding life of the former Governor through his childhood as a Mexican immigrant in a harsh land to his election as Governor and Presidentially appointed Ambassador. It chronicles how he overcame personal and racial prejudice to rise to the highest levels of accomplishment.

During the last couple of years, the former Governor has been on a mission to visit and speak with middle school and high school students and encourage them to stay in school and get an education. Governor Castro has visited several schools throughout the State of Arizona sharing his legacy and more importantly stressing the value and importance of an education. Education is a top priority of Governor Castro, and the Institute that carries his name is housed at Phoenix College. The Raul H. Castro Institute is focused on improving the quality of life for the Latino community in Arizona and educating and strengthening partners that serve the Latino community by fostering connections with research institutions, promoting best practice dissemination, and impacting policy decisions in education, health and human services, leadership, and civic participation.

The Honorable Raul H. Castro continues to provide vision and leadership in the State of Arizona, and I ask my colleagues today to join me in recognizing his life's accomplishments and his 95th birthday.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WALTER "BUS" BERGMAN  
TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Walter "Bus" Bergman, one of Colorado's great student-athletes, coaches and war heroes.

Mr. Bergman, originally of Denver, Colorado, was a three-sport star in high school and college. He even hit the game winning shot to give Denver's North High School the state hoops championship in 1938. At Colorado A&M, now Colorado State university, he lettered in basketball, baseball and football, while also serving as student body president.

During World War II, Mr. Bergman enlisted in the United States Marine Corps. He earned the rank of Major and received the Bronze Star for heroism during the Battle of Okinawa.

After graduating from college, he became one of the most successful coaches at Mesa State University. He led multiple teams to conference championships and took pride in preparing every athlete for life after college. The college renamed its athletic fields in his honor and its athletic hall of fame is one of six that has inducted Mr. Bergman.

Family was an extremely important part of Mr. Bergman's life. He was devoted to his wife, Elinor, and their three children. His daughter, Jane Norton, was Lieutenant Governor of Colorado and his other daughter, Judy Black, was an assistant to President Reagan for intergovernmental affairs and has held several national Republican positions.

Mr. Speaker, it is truly an honor to stand and pay tribute to a husband, father, teacher, athlete, war hero and a great American. Colorado is indebted to his work and I am grateful for his devotion to the State.

HONORING PATRICIA K. MACHT

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. STARK. Mr. Speaker, as Dean of the California Congressional delegation, I rise to highlight the career of Patricia K. Macht, who is retiring after more than fifteen years of service with the California Public Employees' Retirement System (CALPERS).

Ms. Macht is currently the Deputy Executive Officer for External Affairs at California Public Employees' Retirement System (CalPERS). She has served under six CEOs and Interim CEOs, and four deputy executive officers. During her tenure, she has attended more than 400 committee meetings and 200 board meetings.

While at CalPERS, Ms. Macht established the vision, guiding principles, structure, and resources to administer a world-class communications function. She spearheaded the creation of a media relations program, an executive speechwriting support function and special events support services. She maintained the

high quality of the services provided, keeping up with the tremendous changes in speed of communications methods.

Ms. Macht also ensured that CalPERS communications did not take place in a vacuum, as she led the integration of governmental affairs and public affairs and added a stakeholder relations function. She greatly expanded the system's ability to ensure that all stakeholders groups have equal access, timely and quality communication, and participation in the System's policy formulation and administration as possible. Through this integration, CalPERS has enhanced efficiency, access, and timeliness of dissemination of information and education.

Ms. Macht worked cooperatively and collaboratively regarding communications and advocacy with other leaders in the public pension community, including the National Institute of Retirement Security (NIRS), National Association of State Retirement Administrators (NASRA), California Association of Public Retirement Systems (CALAPERS), State Association of County Retirement Systems (SACRS) and numerous other industry groups and association.

Ms. Macht greatly expanded the reach to CalPERS 1.6 million members. Under her leadership, the CalPERS communications office issued more than 800 press releases, resulting in more than a million references to CalPERS in local, state, national and international media articles. She guided the development, execution and dissemination of the widely-read CalPERS' "PERSpective" newsletter. She also created the institution's "Retirement Planning Month", the CalPERS Member Network video programming on cable television, and a robust CalPERS website that is continuously improving to meet the needs of our members and employers. Ms. Macht created the first California Retirement Dialogue summit—bringing stakeholders from labor, employers, and policy experts together to review and discuss pension issues in the wake of the pressures upon employers to meet their pension obligations due to the market downturn.

She received the 2008 Lifetime Achievement Award for her career in the communication field from the State Information Officers Council and garnered high praise from all who worked with her.

She began her career in government as the Director of Public Affairs and Education at the California Integrated Waste Management Board. Prior to entering public service, she worked in corporate communications/public affairs positions in the private sector for five years. Previously, she was a journalist for 10 years covering local government issues in the state of Maryland. Ms. Macht has a Bachelor's Degree in journalism from the University of Maryland.

Once again, I would like to commend Ms. Macht for her dedicated public service and wish her all the best in her future endeavors.

2011 PEOPLESOFT CERTIFICATE OF  
RECOGNITION FOR EMPLOYEES  
OF THE CHIEF ADMINISTRATIVE  
OFFICER

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. LUNGREN. Mr. Speaker, the recipients of the 2011 PeopleSoft Certificate of Recognition collectively and individually provided support and solutions for the transition from Federal Financial System to PeopleSoft Financial System. The conversion to PeopleSoft occurred October 1, and the system went live October 12, 2010. To prepare for this conversion, the employees of the CAO worked tirelessly and were persistent in their efforts to implement PeopleSoft at the U.S. House of Representatives.

Whether working directly with Members or staff, supporting CAO internal operations, or ensuring that technical infrastructure is operational, each employee served as an exemplary role model for the entire CAO community.

Recipients of the 2011 PeopleSoft Certificate of Recognition are:

Jessica Abbott, Marty Adkins, Rose Agnew, Patricia Akinsegun, Mallikarjuna Akula, Sharyn Alexander, Lisa Alvey, Janciera Armstrong, Omar Awan, Peter Baer, Samantha Ball, William Barkell, Robert Barrett, Traci Beaubian, Lashon Bethea, Kelly Boger, Esther Bouryng, Karen Bowers, Chaunette Bowling-Stokes, Shelia Bowman.

Karen Bowman, Kevin Boyle, Toinetta Bridgeforth, David Brown, Kimberly Brown, Annette Brown, Troy Buckler, Kenneth Burch, Elizabeth Burnham, James Butler, Alicia Carcamo, Ronald Carrico, Delisa Carter, Elery Caskey, Andrew Caulk, Jacob Ciango, John Clarke, John Clocker, Faye Cobb, Joel Collins.

Richard Cooper, Luis Cornejo, Thomas E. Coyne III, Mark Dalton, Karen Davenport, James Deaver, Gary Dieffenderfer, Mark Dobbins, Karen Donaldson, Geneva Dooley, Brian Dozier, Sandra Durham, Mary Ellen-Wilson, Gretchen Ewers, Trena Gates, Michael Gould, Andrew Graeb, Raymond Griswold, Norman Gugliotta, Philip Hamner.

Tina Hanonu, Keith Harrington, Stephanie Harris, Michelle Hayes, John Heeb III, George Holau, Richard Hornburg, Alfreda Horton, Steve Hunter, Jacqueline Hurda, Wanda Jackson, Araceli Jennings, Derek Johann, Reginald Johnson, Andre Johnson, Rob Jordan, Tara Kelley, David Kemp, Katherine Knell, David Lau.

Dion Lawson, Cyrus Leghvan, Carlos Leon, Chau Lim, Andreall Little, Anthony Loving, Louis Magnotti, Steve Marsh, Richard Martins, Marc Mathis, Patricia Mattimore, Bryanne Mayhew, Bradley McDonald, Saint Juan McFadden, David McKittrick, Kathryn Meek, Darlene Meister, Donna Minton, Margaret Mitchell, Rachelle Mobley.

Nelson Moe, Edwarda Moore, Ronald Mullvain, James Murphy, Robert Murphy, John Nadeau, Rebecca Neilson, Juan Nelson, Jonathan Nelson, Hieu Nghiem, Jason Nowak, Igor Nusinzon, Carla Ohlis, Lindsay Oldham, Melissa Oulahyane, Sarah Parker, Stephen

Pearson, Lisa Phillips, Richard Piazza, Stephen Pinson.

Kaley Poag, Sharon Porter, Sridhar Ramavarapu, Erica Randolph, Brenda Register, Lawrence Rice, Deborah Robertson, Sandra Rubio-Marrero, Zainab Sanusi-Hopes, Subashini Sethumathavan, Mohammed Shabeer, Kirat Shah, Arlie Shoemaker, Mirna Simonetti, Donita Simpson, Carolyn Sims, Susan Sneden, William Solomon, Clyde Springfield, Angel Stanley.

Christine Stewart, Ayana Stokes, Shannon Strickland, Joyce Stringfield, Keith Sullenberger, Lillie Talcott, James Tammadge, Alison Thompson, James Tiani, Arrica Tillman, Lawrence Toperoff, Stan Turek, Jermaine Venable, James Ventre, Quoc-An Vo, Cheraisse Ward, Kenya Watkins, Sarah Watkins, Dan Weiser, Kenneth Wenzel, Andrea Williamson, Katherine Wyatt, James Young, Shin Yun, Eric Zabel and Jordana Zubkoff.

On behalf of the entire House community, I extend congratulations to today's recipients for their unwavering efforts and outstanding service to the U.S. House of Representatives. I wish them continued success in their endeavors.

#### PERSONAL EXPLANATION

### HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. MURPHY of Connecticut. Mr. Speaker, I inadvertently cast a "no" vote on rollcall No. 393, as part of the consideration of the Department of Homeland Security Appropriations bill. I would like to change my vote on the amendment to "yea."

#### PERSONAL EXPLANATION

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. SIMPSON. Mr. Speaker, on rollcall No. 330, on Motion to Suspend the Rules and Pass H.R. 1627, Arlington National Cemetery Monuments, I was unable to vote.

Had I been present, I would have voted "yea."

DANIEL PERLA AND VALERIE  
ALTMANN

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. ENGEL. Mr. Speaker, the Hebrew Institute of Riverdale, the Bayit, is a cornerstone of the Riverdale community. Today it is honoring Daniel Perla and his wife Valerie Altmann for their involvement in the HIR since they moved to the community in 2000.

Danny was elected President of Hebrew Institute of Riverdale in June 2004, shortly after

he completed the prestigious Wexner Heritage leadership training program. Under his leadership, the HIR embarked on a major capital campaign and has completed a building expansion and renovation. The campaign has already raised over \$5 million, half way to its goal with the rebuilt Bayit now accommodating nine separate Shabbat groups, and six different Shabbat tefillot.

The Bayit also houses Yeshivat Chovevei Torah, the preeminent Open Orthodox rabbinical school where Danny is currently studying full-time. Before beginning his Rabbinic studies, Danny worked as an analyst and portfolio manager for a variety of firms, most recently working as a Managing Director of Indian Asset Management, a major institutional money management firm. In addition to his involvement at HIR, Danny serves as a board member of SAR Academy, Yeshivat Chovevei Torah and Yeshivat Hadar.

Valerie is a full-time faculty member at Long Island Jewish Medical Center where she oversees residents and practices Obstetrics and Gynecology. She is also an assistant professor at the Albert Einstein School of Medicine. Valerie is a frequent lecturer on medical issues related to health and halakha and recently played an important role in the kallah conference co-sponsored by YCT, JOFA and Yeshivat Maharat. Canadian-born, she is a graduate of McGill University and McGill Medical School.

Danny and Valerie are the proud parents of four children: Benjamin, 14, Rebecca, 12, Yoni, 9, and Gabriel 6. They all attend the SAR Academy in Riverdale. I happily join with the Hebrew Institute of Riverdale in congratulating my good friend of many years Danny and his wife for their contributions to the HIR and to the community at large.

#### PERSONAL EXPLANATION

### HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. YARMUTH. Mr. Speaker, I was unable to cast the recorded votes for rollcall No. 377. Had I been present, I would have voted "yes" for this measure.

#### JORDAN LESTINA TRIBUTE

### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Jordan Lestina of Julesburg, Colorado. Mr. Lestina was recently awarded the prestigious Boettcher Scholarship for his efforts both in and out of the classroom.

Mr. Lestina already has substantial leadership experience as the national FFA Organization president, the Future Business Leaders of America president and student body president at Dove Creek High School. They are positions that require an enormous amount of attention, but ones he is able to balance with his

duties as captain of the school wrestling team. In the classroom, he helps instruct FFA and agriculture classes, competed in the International Science Fair, and still manages to allot time for his responsibilities as a ranch hand.

Mr. Speaker, it is an honor to recognize Jordan Lestina today. The excellence he has shown in academia, athletics and through community service is admirable. There is no doubt that he will continue his success at the collegiate level, with the help of the Boettcher Foundation.

#### PERSONAL EXPLANATION

### HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. MCINTYRE. Mr. Speaker, during rollcall vote Number 395 on H.R. 2017 (GOSAR), I mistakenly recorded my vote as "yea," when I should have voted "nay."

#### HONORING ANDREAS D. COMODROMOS

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor my dear friend, Andreas Comodromos, for his exemplary involvement in many community, business, and political endeavors, both locally and at the national level. While his dedication to serving others extends to numerous causes, today I would like to recognize his unwavering commitment to the nation of Cyprus, the Cypriot-American community, and the Hellenic-American community at large.

Andreas "Andy" Comodromos was born in Vatili, in the Famagusta District of Cyprus, on March 27, 1949. The oldest of six children, Andy married Cyprus native Anna Zachariades in 1973. They made their home in Cyprus and, after having their first child, moved to the United States in 1974 so that Andy could pursue a college degree. He graduated magna cum laude from Saint Peter's College in Jersey City, New Jersey with a B.S. in Accounting, and soon joined the international accounting firm of Ernst & Ernst. Andy earned his CPA certification in 1982 and, the following year, co-founded the accounting firm of Comodromos Associates, P.A. with his late brother, Michael. Andy has served as president and managing partner of the Paramus-based firm ever since.

Despite leaving Cyprus nearly four decades ago, Andy's dedication to his homeland and to Cypriot-Americans is unwavering, and the well-deserved accolades he has received are numerous. He is the founding president of the Federation of Hellenic-American Organizations of New Jersey, a group which is proudly honoring him at their annual gala on June 5, 2011. He has served in several capacities on

the Executive Committee of the Cyprus Federation of America, CFA, including two consecutive terms as the CFA's Supreme President, from 1991 to 1995. The CFA honored Andy with the 2001 "Justice for Cyprus Award" in recognition of his untiring services and dedication to the Cypriot-American community. He was honored with the Offikion Archon Dikaiophylax by his Eminence Archbishop Iakovos in March 1996, and was subsequently elected to the National Council of the Order of Saint Andrew, for which he serves as Assistant Treasurer. He is a member of the Metropolitan Council for the Greek Orthodox Metropolis of New Jersey, of Evangelismos Tis Theotokou Greek Orthodox community, and of Saint Athanasios Greek Orthodox Church in Paramus. In 2000, Andy was honored as "Man of the Year" by Evangelismos Tis Theotokou Greek Orthodox Church in Jersey City. He received the 1996 Ellis Island Medal of Honor for outstanding contributions to America and distinguished community service, and in 2009, was appointed by Governor Jon Corzine to the New Jersey Hellenic-American Heritage Commission.

Andy is the Founding President and current Chairman of the Cyprus-U.S. Chamber of Commerce, serves on the board of the Cyprus Children's Fund, and has served as Treasurer of the World Federation for Overseas Cypriots (POMAK). He is a member of the Council of Hellenes Abroad (SAE) of the North and South American Region, as well as the American Hellenic Educational Progressive Association, AHEPA. And, while his involvement in these and many other organizations is as extensive as the plethora of honors he has received, Andy's family is his proudest accomplishment. He and his lovely wife Anna have been blessed with two children and three grandchildren.

Mr. Speaker, today I rise to congratulate my dear friend, Andy Comodromos, and thank him for his devotion to the Cypriot-American community, both in the great State of New Jersey and across the Nation.

#### HONORING LINDA JACKSON-WHITMORE ON THE OCCASION OF HER RETIREMENT

##### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. STARK. Mr. Speaker, I rise to pay tribute to Ms. Linda Jackson-Whitmore, an extraordinary teacher who will soon retire. Her students refer to her affectionately as Ms. J. Ms. J started teaching at Washington High School in Fremont, California in 1975 as a drama instructor, director, choreographer and Performing Arts Club advisor. She transferred to Irvington High School in Fremont, California in 1978, performing the same duties.

Ms. J has been on the staff of Irvington High School as the Artistic Director for 31 years and Artistic Director of the Irvington Conservatory Theatre since 1990 where she has directed two major productions each year and over 70 shows during her professional career.

Adding to her extra-curricular duties, she volunteers as Advisor for the Black Student Union Club, Advanced Dance Club, Hip Hop Dance Club and the Step Club.

In 1986 she was accepted as a Fulbright Exchange Teacher and taught in London for a year. Another acknowledgement of her teaching excellence was her selection as Mentor Teacher in Theatre Arts for the Fremont Unified School District in 1984-1986 and 1997-98.

Ms. J has also served as a part-time instructor in the Theatre Arts Department at San Francisco State University, San Francisco Community College and serves as a high school outreach instructor for Ohlone Community College, a position she has held since 1999.

She received her Bachelor of Arts and Secondary Teaching Credential in 1973 from San Francisco State University. In 1980 she received her Masters of Arts and Community College Credential from the University of San Francisco. She is a member of the California Teachers Association, Educational Theatre Association, International Thespian Society, National Education Association, Fremont Unified School District Teachers Association, National Forum of Black Administrators, Black Women Organized for Political Action and a Life Member of the NAACP.

Ms. J is the recipient of many honors and awards that include the International Thespian Society Most Inspirational Theatre Educator Award and the California Congress of Parent/Student/Teacher Association of Outstanding Service Award, in addition to recognition of her community service.

Ms. Linda Jackson-Whitmore has given many students, through the years, guidance in the theatre arts and will leave a lasting legacy as the instructor who gave a thespian voice to our youth. I join her colleagues in wishing her well in her well-deserved retirement.

#### HONORING THE LIFE AND LEGACY OF JOHN HARDWICK

##### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in honor of the life and legacy of John Hardwick. John Hardwick was the personification of a community servant. Born in Miami on March 27, 1970, Hardwick grew up in Hallandale, Florida. It is in the City of Hallandale that he touched the lives of so many with his hands and his heart.

Hardwick served as president of the Class of 1988 of Hallandale High. By the age of 19 he started his own business as a barber and three years later he chose to reinvest and renovate his business rather than relocate. He would go on to serve on the Hallandale Beach Chamber of Commerce board of directors, he was instrumental in founding Top Shops, a consortium of mostly minority owned beauty salons in Miami-Dade and Broward counties, and he also served on the committee that gave his often forgotten community a name, "The Palms of Hallandale."

Hardwick's community service efforts sent young children to see live theatre, he was instrumental in organizing the city's Martin Luther King Day parade, and he fought to remove a sanitation transfer station thereby keeping his community beautiful. In general, Hardwick was the type of individual who could give you a haircut while simultaneously educating you about the events in your community. He was the cornerstone for personal grooming and civic awareness. Hardwick's life was cut short last week by complications he suffered from a stroke at the young age of 41.

Mr. Speaker, John Hardwick kept his community looking good and feeling good because he was a good person. It is with privilege and sadness that I honor his life today.

#### TRIBUTE TO MRS. KAREN BOUNDS

##### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. WALDEN. Mr. Speaker, I rise today to honor the career of Mrs. Karen Bounds of Hermiston, Oregon. Today millions of young people across the country are graduating and looking forward with hope and confidence to the next step in their lives. Whether it is college, service in our armed forces, or civilian employment, young adults are prepared for success by the caring and invested teachers they encountered throughout their education. Karen was one such teacher.

It is with a note of sadness that I honor Karen today, because I do so on the occasion of her retirement. For more than 20 years, she has taught essential courses including English, history, and government at Hermiston High School, which is located in my district. Future students at HHS will, regrettably, miss the opportunity to learn from Karen's knowledge and enthusiasm as well as her manifest passion for teaching and compassion toward her students.

Karen has never been one to call it a day after putting in the minimum number of hours; she has consistently volunteered her time and resources to enhance the educational opportunities available to her students. Many times over the years, for instance, Karen brought groups of exemplary students to Washington, D.C., to participate in the Close Up program, which gives high school students firsthand exposure to their nation's capital. She also dedicated much of her time to training Hermiston's successful Mock Trial team and escorting it to district and state competitions.

Karen never missed an opportunity to expose her civics and government students to the real work of government. I myself enjoyed the opportunity to address her class as a guest speaker. It will come as no surprise that the questions I faced from her students were pointed and informed. It was a pleasure to meet those students and witness their interest and curiosity about our system of government. It is more important than ever that Americans take an active and informed interest in their government, and Karen equipped her students with the foundation essential for doing so.

A California native, Karen met her husband of 45 years, Roger Bounds, while attending



their alma mater, Stanford University. Karen and Roger raised four children and, as you might imagine, Karen's efforts on behalf of her students represent just a fraction of the commitments she has assumed over her years as a teacher, a mother, and an involved citizen. Between the kids' sporting and scholastic events, Karen found the time to participate in many community-service organizations, including as a founding director of the Desert Arts Council, which has brought live performances to Hermiston for almost three decades, and as a member of the vestry of Saint John's Episcopal Church.

Mr. Speaker, I acknowledged a trace of sadness in marking Karen's retirement from Hermiston High School, but it is just a trace. I am delighted that she will have even more time in retirement to dedicate to her family, her friends, and her community in Hermiston, Oregon.

On behalf of that community, which I am pleased to represent, I thank Karen Bounds for her years of service and dedication to the students at Hermiston High School. While she will be missed, we wish her a long, productive, and enjoyable retirement.

IN RECOGNITION OF THE PENNSYLVANIA SMALL BUSINESS PERSON OF THE YEAR, MR. JOSEPH SANTELLI

**HON. MARK S. CRITZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. CRITZ. Mr. Speaker, I rise today to recognize an individual who exemplifies a successful small businessperson in our country, Joseph Santelli, who was recently honored, by the U.S. Small Business Administration.

The week of May 16–20, 2011 was the 48th Annual National Small Business Week. This is a time when the President of the United States and the country as a whole recognizes and honors the contribution that small businesses are making to our nation. Small businesses are the engines of growth and innovation, and Mr. Santelli, who was honored by the Small Business Administration of Western Pennsylvania, is truly moving his small businesses towards greatness. Mr. Santelli took the honor of being the 2011 local and state Small Business Person of the Year in Pennsylvania.

Mr. Joseph Santelli is the President of Santelli Tempered Glass, located in Monessen, PA. He was involved in the glass and window industry for many years prior to selling tempered glass himself. For fifteen years prior he sold tempering furnaces to companies so they could make the glass. With an ambition to grow his business and some help from outside investors, Mr. Santelli ventured into the manufacturing of tempered glass.

With his investment in the business, Mr. Santelli set up the first tempered glass outfit of its kind east of the Mississippi River. As his business became more successful, Mr. Santelli was able to buy out his business partner and expand his operation to factories in the states of Indiana and Florida.

Through his exploration of tempered glass, he has helped change the lives of residents throughout Pennsylvania and the United States. This type of tempered glass won't shatter if it is broken and greatly reduces injury in case of an accident. Recognizing that success bears responsibility, he has given back to the community by donating tempered glass for Habitat for Humanity projects and to ABC-TV's "Extreme Makeover: Home Edition."

In this tough economic time, small businesses are creating jobs, innovative products, and services people need. They are the engine of economic growth. Mr. Santelli epitomizes intuitive and responsible business practices in this country. Mr. Speaker, I would once again like to honor Mr. Santelli for his extraordinary work and commitment as a small business owner.

AUGUSTINE ABEYTA TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Augustine Abeyta for his service and heroism defending the United States of America. The Colorado native is a decorated veteran who helped defend our country and our values during one of its most trying periods.

Mr. Abeyta enlisted shortly after the outbreak of World War II, in 1944. As an infantryman, he fought in two campaigns in Germany and Ardennes. His bravery in both arenas was quickly recognized and earned him two Bronze Campaign Ribbons. Almost a year after his enlistment, he was wounded in Germany by an enemy combatant on Christmas Day, 1944. He was given the Purple Heart for the injuries he suffered protecting his country.

Mr. Speaker, it is an honor to stand and pay tribute to a man who served the United States with such valor. His sacrifices are an inspiration and I am truly grateful for his service.

HONORING MR. KENNETH AHLSTROM

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life of the late Kenneth Ahlstrom of Dunkirk, New York.

Mr. Ahlstrom was a proud, patriotic American. He served in the United States Navy during World War II aboard the USS *Phoenix* in the southwest Pacific. During his service, Mr. Ahlstrom participated in 25 landings in New Guinea, New Britain, the Philippines, and Borneo.

Professionally, Mr. Ahlstrom worked for many years as a salesman with Eber Brothers Wine and Liquor Corporation. Throughout his life, Mr. Ahlstrom demonstrated a deep commitment and devotion to his local community. For more than 50 years, Mr. Ahlstrom has re-

mained active in the American Legion Post 62, serving as treasurer, post commander, an officer of the board of directors and county vice commander. Concurrent with his service at Post 62, he also belonged to the VFW, Dunkirk Exempt Firemen, Dunkirk Lakeside Club, First Ward Falcon Club and the Buffalo Bills Booster Club. Mr. Ahlstrom had served on the Boys State Committee and the American Legion Baseball Scholarship Committee and was a past president and member of the Dunkirk High School Marauder Booster Club. He also had served as secretary-treasurer at Willowbrook Park Cemetery.

Of the many significant accomplishments of his life, Mr. Ahlstrom took the greatest pride in his family. Married to Nancy Ahlstrom for more than 63 years, Mr. Ahlstrom was patriarch of a great Western New York family that includes 8 children, 17 grandchildren, and nine great-grandchildren. His is a wonderful legacy that each family member may cherish for years to come.

It is with great pride that I rise today, only a few days after our Memorial Day holiday, to honor and commemorate that service of Kenneth Ahlstrom. I hope that you will join with me, Mr. Speaker, and the entirety of our membership in the House in expressing the condolences of the House to the Ahlstrom family.

HONORING THE WORLD WAR II VETERANS OF ILLINOIS

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. QUIGLEY. Mr. Speaker, I rise today to honor the World War II veterans from my district who are traveling to Washington, DC, with Honor Flight Chicago, a program whose goal is to provide as many World War II veterans as possible the opportunity to see the World War II Memorial here in Washington, DC, a memorial that was built to honor their courage and service.

The American veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen traveling here today answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men and women for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing gratitude.

Joseph F. Bialek, Stephen N. Bobic, George Bosy, Norman N. Breyer, Ralph W. Brockman, Peter G. Broustis, Simon Bult, Joseph W. Burke Jr., Joseph J. Buzinski, Ingemar C. Carlson, John E. Carlson, James E. Carson, John F. Casper Jr., George P. Charnas, Lehman L. Cheshier, William C. Corrigan, Raymond E. Craig, John S. DeHesus, Arthur J. DeLorenzo, Cyril E. Diskin, James V. Doheny,

Raymond J. Donovan, William J. Doyle, John T. Dryja, Eileen L. DuPont, Willard E. Duvall, Irving Ellis, Robert L. Elmer, Robert E. Engdahl, Charles L. Ettner, Guy R. Franzese, Julian L. Friedman, William Froelke, Alfred E. Galuszka, Olaf E. Gjovik, Norman Goone, Lester F. Guenther, Gilbert V. Hancock, Robert J. Heinzen, Vernon W. Hill, Donald M. Hintz, Andrew A. Hitzelberger, Rick J. Jimenez, James H. Kinnard, Fred W. Klooster, Alfred R. Koszyk, Guenther C. Krieger, Walter M. Krulac, Andrew F. Kwinn, Lloyd L. Lage, Seymour Laurie, John E. Lavelle Sr., Thomas W. Leo, Irving Lerner, James T. Letarte, Marcel L. Levesque, C. Russell Lockwood, Joseph Mann, John C. Marias, Richard W. Martial Sr., Marvin P. McGreal, Marion M. Mitchell, Edward J. Moran, William J. Nicholson, John Oberholz, Louis J. Olmetti Sr., David Perlman, Richard A. Pevitts, John J. Plisky, Joseph J. Pratl, Emil D. Pribula, George B. Renner, Arthur O. Reynders, William G. Rieker, Robert H. Ripplow, Frank J. Rock, James A. Rossi Sr., Edward T. Ryan, Charles John Sauer, Donald P. Schoo, Robert F. Shields, Edward C. Siessmann, Paul Sternfeld, Howard W. Surret Sr., Anthony J. Thomas, Robert Tinucci, John G. Torhan, Eugene Tronvig, Howard Vander Meer, Robert W. Vehlow, Dorothy Vesely, Lawrence Wallach, Frank Washburn, Albert J. Wiener, Elmer F. Wilhelm, Robert L. Winscott, Theodore Woytowicz, Joseph F. Zajac, Richard S. Zidek

#### HONORING THE VIRGINIA AQUARIUM & MARINE SCIENCE CENTER

##### HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. RIGELL. Mr. Speaker, I rise today to recognize an important milestone in the history of an organization that has been a leader in the national effort in marine science education, conservation, and research—the Virginia Aquarium & Marine Science Center.

Since 1986, the Aquarium has been educating our youth, saving the lives of marine mammals and sea turtles, and spurring economic growth in the region. During the past 25 years, the Virginia Aquarium & Marine Science Center has attracted 11 million guests, including one million students, making it the Commonwealth of Virginia's most popular non-historical, nonprofit tourist attraction.

The Aquarium has been instrumental in educating our future generations with its unique experiences involving live animal displays, interactive science exhibits, marine science programs, the country's only interactive Seal Splash activity, and boat trips.

The Aquarium's Ocean in Motion vehicle has transported live marine animals to visit over 337,000 school students in 78 cities and counties in Virginia, Maryland, West Virginia, North Carolina, and Tennessee to offer hands-on activities related to watersheds and key ocean literacy concepts. The vehicle has also traveled to the U.S. Capitol, U.S. Department of Education, and the U.S. Department of Commerce to allow federal workers to learn hands-on.

In addition to its education initiatives, the Aquarium leads the way in conservation efforts through its renowned Stranding Program by responding to marine animals along the East Coast and providing an impetus for numerous research projects on seals, dolphins, right whales and endangered sea turtles.

The Virginia Aquarium has been influential in attracting economic development to the region with winter whale-watching trips which result in hundreds of thousands of dollars in direct spending to the regional economy. Out-of-town tourists who visit the Aquarium spend more money and stay longer in the area. The Aquarium is a key partner in the resort area's master plan for the retail, cultural, maritime, and natural environment, serving as an economic engine for the region and the state.

Congratulations to the Virginia Aquarium & Marine Science Center on this 25 year anniversary and for the education, conservation, and economic contributions to the region. We all look forward to many more years of inspiring work.

Mr. Speaker, it is with pride and admiration that I offer my thanks and recognition to the Virginia Aquarium & Marine Science Center.

#### PERSONAL EXPLANATION

##### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. GEORGE MILLER of California. Mr. Speaker, during rollcall No. 394 on June 2, 2011, I inadvertently cast a "no" vote on an amendment offered by Mr. SHERMAN of California, prohibiting the use of funds made available in the underlying bill from being used in contravention of the War Powers Resolution.

#### RECOGNIZING THE 44TH ANNIVERSARY OF THE SIX DAY WAR

##### HON. ALLEN B. WEST

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. WEST. Mr. Speaker, I rise today to commemorate the 44th Anniversary of the Six Day War, in which Israel—our greatest ally in the Middle East—turned a massive buildup and aggression by Egypt, Syria, and Jordan into a tremendous victory in just six days.

After months of continued aggression against it, Israel launched a preemptive attack against the massive Egyptian buildup in the Sinai, destroying most of the Egyptian Air Force and Army in a number of hours. After repeated air and artillery attacks by Jordan and Syria, Israel liberated all of Jerusalem two days later on June 7, 1967, including the Western Wall and Jewish Quarter in the Old City. For the first time in decades, Jerusalem was unified and the Jewish people could visit their holiest site, the Western Wall.

By June 10, just six days after it began, war was over. Israel's superior fighting force had destroyed the armies and air forces of their Arab aggressors, and had captured the Gaza

Strip, the West Bank, the Golan Heights, Mas'ada, and the Sinai Peninsula to the Suez Canal.

However, this victory came at a great cost to the Israeli people. Nearly 1,000 Israelis were killed, and over 4,500 were wounded. Last weekend Americans celebrated Memorial Day with cookouts and a day off of work. However, when Israel commemorated their Memorial Day—Yom Hazikaron—a few weeks ago, they honored the memory of the tens of thousands of Israeli soldiers who gave their life in defense of their country by sounding a siren that can be heard all over the country.

During this one minute sounding of the siren, Israelis stop whatever they are doing and stand in silence to commemorate those who were lost—traffic stops in its tracks, throughout the country, people pray. The names of those who gave what President Abraham Lincoln called the last full measure of devotion for their homeland are displayed on television screens throughout the day.

Mr. Speaker, make no mistake, there has always been a Nation of Israel and Jerusalem has been and must always be recognized as its rightful capital.

As a Member of the United States House of Representatives, I believe the United States Congress has a solemn duty to ensure that the homeland of the Jewish people remains as such. The State of Israel is the one bright light shining in a dark ocean of tyranny and oppression.

Israel must be allowed to defend itself from external and internal aggression; the Israeli people must be allowed to continue to build within their borders, and Jerusalem must be recognized as the nation's only capital.

Furthermore, the United States must stand by Israel's side in the face of a United Nations who clearly views the State of Israel through the lens of anti-Semitism and hatred. Anything less than full support for Israel and its citizens at the United Nations by the United States government is simply unacceptable.

The United States and Israel share the common bonds of freedom, liberty, democracy, and the right to worship in the name of any religion you see fit. We share a common enemy in radical Islam, and have both seen our citizens murdered and maimed by terrorist thugs who kill women and children in the name of religion. We are indeed each other's greatest ally—without the United States, Israel would not exist; without Israel, the United States would soon fall.

Next week, Israel will mark the 44th anniversary of the Six Day War. It will be a time of reflection and remembrance, and will undoubtedly render memories of when Jews—from Israel, the United States, or anywhere around the world—were not allowed to pray at their holiest of sites.

At this time of great challenge for our strong and loyal ally, America must take a stand and show not only Israel, but the rest of the world, that Jerusalem—an undivided Jerusalem—is the capital of the Jewish State, and that security will always come before a two state solution.

ON INTRODUCTION OF THE TRANSPORTATION INFRASTRUCTURE  
ON FEDERAL LANDS ACT OF 2011

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Ms. HIRONO. Mr. Speaker, I rise to introduce a bill that will significantly improve traffic safety and mobility in our national parks and other public recreational lands through increased funding and expanded authorities. I urge my colleagues to support this bill, the Transportation Infrastructure Improvements on Federal Lands Act of 2011.

Our national parks contain some of the most important and valuable historic, cultural, and natural treasures in our country. Millions of visitors flock to these parks every year. Yet safe access to and movement around these sites are compromised by severe and chronic underfunding and irrational provisions in current law.

The state of park transportation systems is deplorable. A recent assessment by the National Park Service (NPS) found that 90 percent of the park roads are in poor or fair condition. This compares with 14 percent for major rural roads in the overall federal-aid highways system. One person is killed or injured on a park road every 4.5 hours. If the National Park System were a state, it would rank 13th highest for road fatalities and injuries among all the states.

The NPS received \$240 million in FY2010 through the Park Roads and Parkways program to build, repair, and rehabilitate roads and bridges, less than a third of what the NPS estimates it needs to provide safe and efficient access for visitors. My legislation would double the annual funding to accelerate the retirement of the growing road repair backlog now estimated at \$4.9 billion.

The poor state of park roads is not caused by insufficient funding alone. Under current law, Federal highway funds can be used for reconstruction and rehabilitation, but not for regular maintenance that would help extend the life of roadways and preserve taxpayers' investments. Consequently, maintenance of roads and bridges is deferred until they have deteriorated to the point where they qualify for major rehabilitation or reconstruction, at far greater expense. Visitors are put at risk when they try to drive around potholes that are too common on our park roads. My legislation would make regular maintenance of park roads eligible for federal highway funding.

As our national parks become increasingly crowded, alternative transportation systems are being relied upon to a much greater extent to help move visitors around. Unfortunately, that program is also severely underfunded. A third major focus of my bill would raise the annual funding level for the federal public lands transit program from the current \$24 million to \$100 million, with 60 percent of it being targeted for qualified projects in national parks.

Visitors from throughout our country and around the world are discovering the natural, cultural, and historic wonders that are embodied in our national parks. Their experience should not be diminished, and their safety cer-

tainly should not be placed at risk, while they visit our national parks. I urge you to join me in sponsoring this legislation to improve visitor safety and enjoyment of our parks through improved maintenance and management of its transportation systems.

HONORING MR. WILLIAM CORNELL

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the life of a faithful resident of Western New York, and a good friend, William F. "Bill" Cornell of Jamestown, who recently passed away at the age of 69.

Bill started his career as an instructor of English at Miami University in Oxford, Ohio. In his later life, he worked as a data processing manager for Hopes Architectural Products, a position he held for twenty six years. He was also employed by the Carriage House in Fredonia.

Bill was an active member of the Chautauqua County Democratic Committee and was active in many civic and political causes in his hometown. A parishioner of Holy Angels Roman Catholic Church, Bill and his wife Peg were devoted parents to their children Chuck and Kathryn, and they were doting grandparents to 5 beautiful grandchildren.

I got to know Bill Cornell well during my initial campaign for Congress in 2004 and have come to know him well in the years that have passed since. A steadfast Democrat proud of his roots in Jamestown, Bill was the kind of fellow who would give you the shirt off of his back. While he will obviously be greatly missed by friends and family, as a rare breed of Jamestownian, he will be just as sorely missed by the community at large.

Mr. Speaker, I ask you to join with me and with our colleagues to honor the life of Bill Cornell and offer the sincerest condolences of the House to Peg, Chuck, Lori, Kathryn and Kurt, and to his entire family.

CELEBRATING 25TH ANNIVERSARY  
OF THE AU PAIR PROGRAM

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. CARNAHAN. Mr. Speaker, on June 9th, the Department of State will hold a reception celebrating the 25th anniversary of the au pair program. Host families, au pairs from Germany, Brazil, Thailand, South Africa, France, Sweden and Mexico, along with other countries, and federal officials from the Department of State, will participate in this event recognizing the strength and longevity of this cultural exchange program.

The first au pairs arrived in New York City in June of 1986. Since that time, the program has witnessed dramatic growth, thanks in part to the leadership and vision of one of the first authorized sponsors, Au Pair in America, a di-

vision of the American Institute for Foreign Study (AIFS), located in Stamford, Connecticut. AIFS helped establish a regulatory framework that has allowed more than 87,000 young people to live with and care for the children of American families during a mutually rewarding one- or two-year experience.

This exchange experience has profoundly changed the lives of au pairs, the young children they care for and their host families through their daily exchange of ideas and broadening their global understanding through a sharing of culture, language, and religion. Furthermore, au pairs have been active contributing members of their American community where they live through their engagement in community and religious activities, giving of their time and talents to charitable organizations and volunteering their time to teach young children in schools about their native country.

As a proud alumni of one of AIFS's study abroad programs, I can personally attest to the unique educational opportunity living outside your native country provides a young student. For me, it was a life changing experience, helping expand my horizons and alter my way of thinking.

Mr. Speaker, I would like to add my voice in commending all those who have worked to develop and expand the au pair program over the past 25 years.

HONORING CALL FOR HELP, INCORPORATED FOR 40 YEARS OF SERVICE TO PEOPLE IN NEED WITHIN THEIR COMMUNITY

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Call for Help, Inc. an organization that is celebrating 40 years of changing lives.

Call for Help, Inc. provides the only 24-hour suicide hotline in the Metro-East area of Southwestern Illinois. Call for Help, Inc., was chartered in 1970 and began as a suicide and crisis hotline, operating out of a basement. While this critical service is still very much a part of Call for Help's program offerings, they have expanded to meet other critical needs through the years.

Two residential programs have been added, one to serve individuals who are homeless and suffer from chronic mental illness. Participants in this program receive medication monitoring, counseling, life skills training and other services. The other residential program provides assistance to homeless young women who are either pregnant or have small children. These women receive support and skill development so they can achieve long-term independence. Training includes life skills, parenting, workplace readiness, GED and other subjects.

Call for Help, Inc. also provides assistance to victims of sexual assault and sexual abuse. Twenty-four-hour response to victims includes arriving on-site at the hospital or police station and help navigating the medical and legal systems.

Last year, Call for Help, Inc., provided critical assistance to over 25,000 individuals and, through the years, they have recorded countless, remarkable stories of success.

Mr. Speaker, I ask my colleagues to join me in congratulating the Board of Directors, administration and staff of Call for Help, Inc., for their 40 years of changing lives and to wish them continued success in the future.

RECOGNIZING THE DEDICATED  
SERVICE OF MAJOR BRIAN J.  
THOMPSON, UNITED STATES MA-  
RINE CORPS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the retirement of Major Brian J. Thompson, United States Marine Corps, after 20 years of faithful service to his Nation.

Major Thompson graduated from Dowling College in Long Island, New York in 1991 with a Bachelor of Science degree in Aeronautics and Management. He earned his commission as a second lieutenant through the Marine Corps Platoon Leaders Course in June 1991. Following his graduation from the Basic School in 1992, he reported to Naval Flight Training in Pensacola, Florida, earning his wings in March of 1993.

Following UH-1N replacement pilot training, he reported to the "Gunrunners" of Marine Light Attack Helicopter Squadron 269 (HMLA-269) in New River, North Carolina. While assigned to HMLA-269 he deployed with Marine Heavy Helicopter Squadron 464 aboard the USS *Wasp*, during which he participated in Operation Strong Resolve as the H-1 Schedule Writer. Major Thompson then completed two deployments with Marine Medium Helicopter Squadron 162, cruising aboard the USS *Guam* and the USS *Saipan*. During these deployments, he participated in Operations Joint Endeavor, Assured Response, Quick Response, and Balkan Calm/Silver Knight, while serving in a variety of billets, including: Flight Line Officer, Squadron Weapons and Tactics Officer, Future Operations Officer, and Operations Officer.

In March 1999, Major Thompson reported to Naval Air Station Pensacola to serve as a flight instructor. This tour saw him serve as the Assistant Operations Officer and Operations Officer of Helicopter Training Squadron 18.

In October 2001, Major Thompson was accepted into the Strike Transition Program. He reported to Naval Air Station Meridian, Mississippi for jet training, then to Naval Air Station Oceana, Virginia for F-18 replacement pilot training. In March 2004, he joined the "Checkerboards" of Marine Fighter Attack Squadron 312 at Marine Corps Air Station Beaufort, South Carolina, where he served as the S-4 Officer, Director of Safety and Standardization, and Executive Officer. Following this tour he reported to Marine Aircraft Group 42 in Atlanta, Georgia in October 2006 to serve as the group's Operations Officer.

In June 2008, Major Thompson became the Air Operations Officer for the 31st Marine Expeditionary Unit in Okinawa, Japan. In this role, he directed all flight operations both ashore and aboard three air-capable ships for three squadrons. In July 2009, he reported to Training Wing Six in Pensacola, Florida to serve as the Standardization and Training Officer. He also served as the Integrated Project Team Lead for the Undergraduate Military Flight Officer Program.

Major Thompson accumulated more than 3,800 flight hours during his career. His personal decorations include the Meritorious Service Medal, the Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal. He has been married for 17 years to Monica Miller Thompson, with whom he has a 5-year-old son, William Joseph Thompson.

As a skilled naval aviator and leader of Marines, Major Thompson embodies the American virtues of service and sacrifice.

Mr. Speaker, on behalf of the United States Congress, I am honored to congratulate Major Thompson on his retirement. My wife Vicki and I wish him and his family all the best for continued success.

CONGRATULATING THE CECIL C.  
HUMPHREYS MOCK TRIAL TEAM

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. COHEN. Mr. Speaker, I rise today to congratulate the mock trial team from the Cecil C. Humphreys School of Law at the University of Memphis for winning the Thurgood Marshall Mock Trial Competition that took place March 9th-13th, 2011 in Houston, Texas. The team consisted of LaChina Algiers, Angela Harris, Chandra Madison, Joseph McKinney, and their coaches Melanie Stovall Murry and Bridgett Stigger.

The National Black Law Students Association founded this national competition in 2002 to encourage future lawyers to further develop their proficiency in the courtroom. Hundreds of competitors compete regionally each year in the hopes of earning national recognition for their trial advocacy skills.

This year, through their hard work and commitment to their professional development, the team from the Cecil C. Humphreys School of Law took home the national title, defeating delegations from Harvard, DePaul, St. Mary's and Texas Wesleyan along the way. Their victory is a testament to the outstanding students that graduate each year from the University of Memphis to become successful professionals in cities all over the nation and the world.

Since it was founded in 1962, the Cecil C. Humphreys School of Law has graduated over 4,500 students. Just this year, law graduates from the University of Memphis posted a 100 percent first-time passage rate on the Tennessee Bar Exam. As an alumnus of the School of Law at Memphis, I could not be prouder of the entire student body for their achievements and of the exceptional faculty dedicated to their success.

Mr. Speaker, I ask my colleagues to join me in congratulating the Thurgood Marshall Mock Trial National Champions from the Cecil C. Humphreys School of Law. I commend these students for dedicating many hours of study towards this competition. Their time spent in preparation in addition to their already rigorous professional law program is evident and represents the city of Memphis and the University of Memphis well.

A TRIBUTE TO MARVIN J. WALTER

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. LATHAM. Mr. Speaker, I rise today to honor the life and memory of Marvin J. Walter of Ames, Iowa who passed away this past Wednesday after an eight year struggle with multiple myeloma.

Marvin was born on August 22, 1940 and raised on a farm near Watkins, Iowa. After his high school graduation Marvin went on to receive two degrees in Animal Science from Iowa State University. Shortly after receiving his second degree from ISU, Marv married his wife Janice in September of 1964. Since his days as a commodity broker on the floor of the Chicago Mercantile Exchange, Marv maintained both a state and national profile by involving himself in several organizations that are related to the livestock and meat industry.

At the local level, Marv served his community as Chairman of the Board of Ames National Corporation as well as serving on the First National Bank and Mary Greeley Medical Center boards for many years. Marv was also a proud Rotary member and president. In college, Marv was a proud member of Alpha Gamma Rho and the identity and friendships he established in his fraternity would last a lifetime. He would go on to be inducted to the National Alpha Gamma Rho Hall of Fame.

While his contributions to his city and state have resulted in awards for his distinguished service, Marv would be the first to tell you that his family is what he is proud of most. Marv is survived by two daughters, three grandsons, two step-grandchildren, and several nieces and nephews.

Mr. Speaker, Marvin Walter lived his life like a true Iowan by placing service and family above all else. It was truly an honor to count him as my friend and the friendship and counsel he has provided me over the years will be deeply missed. I offer his family my sincerest sympathies and best wishes in this difficult time. Thank you.

HONORING THE LIFE OF WILLIAM  
J. GIANNONE OF MOUNTAINSIDE,  
NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. LANCE. Mr. Speaker, I rise today with a heavy heart to announce the passing of William J. "B.J." Giannone III of Mountainside,

New Jersey. B.J. was only 18 when he died suddenly following an athletic competition.

B.J. should be remembered for his outstanding academic achievements at Saint Peter's Preparatory High School in Jersey City. He was a commentator for the school football games, a co-founder of the Society of Comedic Appreciation and a member of the baseball and swimming teams. He was also active in Campus Ministry, the Yearbook Committee and Marauder's Nation.

With a love for community service, B.J. volunteered his time through his involvement with the Boy Scouts of America and Our Lady of Lourdes Church Youth Organization. And he left behind a strong and growing talent for songwriting.

A cherished son of Maureen and William Giannone and a beloved friend to many, B.J. Giannone will be missed.

I extend to the Giannone family my deepest sympathies and condolences.

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HONORING THE STOWE CENTER OF  
HARTFORD, CONNECTICUT ON  
THE OCCASION OF THE 200TH  
BIRTHDAY OF AUTHOR AND ABO-  
LITIONIST HARRIET BEECHER  
STOWE

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**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. LARSON of Connecticut. Mr. Speaker, June 14th of the year two-thousand and eleven will mark the two-hundredth birthday of author and impassioned abolitionist Harriet Beecher Stowe.

Stowe, a teacher hailing from Litchfield, Connecticut, became a central figure during the fight to end slavery in America after writing her seminal work, *Uncle Tom's Cabin*, which was completed in 1852.

The book's heart wrenching depiction of life for African-Americans held in bondage captivated a nation and inspired the public will to end the reprehensible institution of slavery. This treasure of American literature based on factual events helped change the course of our Nation's history by exposing the horror of slavery to the larger population and became a corner-stone of the abolitionist movement and a "clarion call" for freedom.

Today, the legacy of Harriet Beecher Stowe is carried on by the Harriet Beecher Stowe Center in Hartford, Connecticut. There, the Stowe Center carries on her passion and uses her story to inspire future generations to pick up the torch of social justice and carry forth the movement towards equal opportunity and justice for all.

I want to acknowledge and congratulate the wonderful staff from the Harriet Beecher Stowe Center for their tireless work to continue to inspire the public will to eliminate racial disparities in America and the world. Happy 200th Birthday Mrs. Stowe.

GOOD INTENTIONS GONE HAYWIRE

**HON. JACK KINGSTON**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. KINGSTON. Mr. Speaker, I would like to submit an article which explains some of the problems and unintended consequences of the Dodd-Frank Wall Street Reform and Consumer Protection Act (P.L. 111-203).

[From Forbes Magazine, by Mallory Factor]

The Dodd-Frank Wall Street Reform & Consumer Protection Act is supposed to shield consumers from problems in the financial services sector that many believe led to the financial meltdown. But Section 342 of the act introduces a brash example of social engineering that masquerades as consumer protection and financial reform. This section imposes gender and racial employment quotas on the financial services industry, which accounts for one-tenth of our economy. The quota provisions will affect over 50,000 financial services firms and other businesses, and the consequences will be enormous.

Dodd-Frank requires at least 29 federal bureaus to open Offices of Minority & Women Inclusion, involving ten branches of the Treasury Department, the Federal Reserve and its 12 regional banks, the Securities & Exchange Commission and the Federal Deposit Insurance Corp. The new diversity offices will implement rules to ensure "the fair inclusion and utilization" of minorities and women in all firms doing business with each agency. The offices will terminate contracts with any service provider that fails to meet these as yet undetermined standards. Just running these offices is estimated to cost over \$58 million annually, says David Patten in a recent story on Newsmax.com.

These new offices will also assess the "diversity policies and practices" at all entities that fall under their regulatory eye, including banks, broker-dealers, registered investment advisors and now hedge funds. Along with more than 40,000 financial services firms, another 10,000-plus businesses, including accounting and law firms that do business with these government offices, will be subject to this new diversity oversight of their hiring.

What does this mean for the financial services sector? Assuming each firm hires at least one new worker to satisfy the new law, this provision could raise costs \$4 billion or more annually, depending how far forthcoming regulations will extend. Firms doing business with the government will face additional expenses because they will now have to monitor the hiring practices of their sub-contractors as well. In addition to these reporting burdens, firms must prove to their regulators and to government offices with which they do business that they are meeting or working toward racial and gender hiring guidelines. In many cases this will require additional hiring beyond the needs of the business.

Forcing America's private firms to hire on the basis of racial and gender "guidelines," rather than solely on need and qualifications, is inefficient and makes our businesses less competitive than their global counterparts. Moreover, four out of the eight members of the U.S. Commission on Civil Rights wrote a letter to Congress stating that this section of the act would likely "promote discrimination," and urged its removal from the bill.

There is a better, more cost-efficient solution: Let private companies come up with their own approaches. Deloitte's 19-year-old Women's Initiative, for example, has boosted the percentage of female partners, principals and directors from 7% in 1994 to 23% in 2010. And minorities and females currently make up 60% of kpmg's workforce.

While the idea of encouraging greater participation of minorities and women in the financial services sector is admirable, the government is overreaching when it mandates gender and racial quotas for private businesses. An affirmative action provision has no place in a financial services reform bill and puts additional government burdens and costs on an already struggling sector of our economy, putting our recovery at risk.

The megabills that fly through Congress provide legislators the opportunity to insert politically motivated provisions—under the radar. As Rahm Emanuel famously said after President Obama had been elected, "Never allow a crisis to go to waste." The financial crisis has given the President and Congress cover to impose their political agenda on private business activity. Watch out: Your industry could be next.

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PERSONAL EXPLANATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. SIMPSON. Mr. Speaker, on rollcall No. 332, on Motion to Suspend the Rules and Pass H.R. 1657, Revising Fraud Penalties, I was unable to vote. Had I been present, I would have voted "yea."

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IN RECOGNITION OF MR.  
COURTNEY C. BROWN

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and celebrate Mr. Courtney C. Brown.

Courtney C. Brown is a long time resident of Manhattan, a staple of Harlem, and a tireless advocate for human rights. He received a Bachelor of Arts from Shaw University in Raleigh, North Carolina and a Masters in Social Work from Hunter College, School of Social Work in New York City. He completed his post graduate work in Education at City College and Columbia University Teachers College, and completed the New York Seminary Program at the New School for Social Research.

Mr. Brown has been active in Harlem and throughout New York for many years. His employment experience has ranged from a case-worker for the New York City Department of Welfare in 1965, to academic Professor, to Regional Director of the Urban League of Westchester County, Inc. from 1976 until 1983. In the mid 1970's, Mr. Brown began working at the New York State Division of Human Rights as a Director of Community and Voluntary Services. In May of 1987, he

earned the Position of Human Rights Specialist, a position he holds today. He was honored with the 2006 Governor's Tribute to African American Leaders of Excellence in Service State Award. Mr. Brown's dedication to our community is outstanding to say the least, and I am most proud of all the contributions to my Congressional District that Courtney C. Brown has made.

Mr. Brown's civic priorities have earned him a well regarded reputation of devout social dedication. He has served as Warden and Clerk of the vestry at St. Phillip's Episcopal Church, Vice President of St. Philips Housing Corporation, Trustee of the Episcopal Diocese of New York, Chairperson of New York Chapter, Union of black Episcopalians, as well as belonging to numerous Boards of Directors. He is a member of the Alpha Chapter of Omega Psi Phi Fraternity, Inc. Mr. Brown has been honorably recognized for his many deeds, including in 1988, when he received the Ellen Lurie Award for thirty-five years of community and civic work in New York City, a twenty thousand dollar award, which he donated to St. Phillip's church.

Mr. Speaker, Mr. Courtney C. Brown has provided mentorship to our youth and much needed guidance for our elderly. He stands for the empowerment of our community and healthy development of our families.

I ask my colleagues and our Nation to join me in this special Congressional Recognition of Mr. Courtney C. Brown.

#### HONORING THE REACTIVE MATERIALS TEAM

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the Reactive Materials Team from the Indian Head Division of the Naval Surface Warfare Center in Maryland's Fifth District. Nine scientists composing the Reactive Materials Team were recently awarded the 2010 Dr. Delores M. Etter Top Scientists and Engineers of the Year Award.

This highly competitive and prestigious national award is given annually to Navy civilian and military personnel who exemplify exceptional scientific and engineering achievement. The Department of Navy established this award to honor scientists and engineers attaining superior technical accomplishments and to promote continued scientific and engineering excellence in research. It is named after an outstanding public servant, Dr. Delores M. Etter, former Assistant Secretary of the Navy for Research, Development and Acquisition.

Today, I am proud to recognize and congratulate the team—Richard J. Jouet, Joel R. Carney, James M. Lightstone, Richard J. Lee, John H. Wilkinson, Joseph P. Hooper, Sam C. Thuot, Jonathan G. Rogerson, and Edward A. Lustig, Jr.—for their exceptional achievement in developing reactive materials to be used in the explosive cases of our next generation weapon systems. These fine scientists and engineers have been committed public serv-

ants—dedicating themselves to research vital to our national security. As Americans, we thank them for their efforts and applaud them on their accomplishments.

Mr. Speaker, I also want to take a moment to recognize the 3,000 active duty and civilian personnel at Indian Head who work and collaborate every day to develop and deploy technologies to improve the safety and effectiveness of the men and women serving in harm's way. Since 1890, this facility has proven to be an Energetics center of excellence for the Department of Defense (Navy) and I thank those men and women in uniform, along with their families and the civilian employees, for their outstanding service to the Indian Head Division and to the United States of America.

Again, I urge my colleagues to join with me in congratulating the members of the Reactive Materials Team at Indian Head on being recognized as the Navy's top scientists and engineers and in honoring all the men and women at the Indian Head Division of the Naval Surface Warfare Center in Maryland for their continued excellence and commitment to our nation's success.

#### HONORING THE LIFE OF BYRON WAITE LEYDECKER

#### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to remember my friend Byron Leydecker, who passed away on May 12, 2011.

Byron was a good friend, and he was a true champion on behalf of the rivers and fisheries of California. Thanks to Byron's passion and determined advocacy, the Trinity River is today in better shape than at any time since the 1960s.

Byron lived his life with passion. Passion for what he believed and for his friends. He expected a lot of those of us in public service; he would let you know of his gratitude when you met his expectations and his disappointment when we disappointed him. At the end of the day, Byron was fun.

He will be missed by all his friends in California and across the country, and generations of Californians will benefit from his dedication to the Trinity and his tireless belief in the fundamental and lasting value of a healthy river.

I ask unanimous consent to include in the RECORD this San Francisco Chronicle article about Byron Leydecker's life and many accomplishments, and I ask my colleagues to join me in remembering Byron and in expressing our condolences to his children and grandchildren.

[From the San Francisco Chronicle, May 26, 2011]

BYRON LEYDECKER, FORMER MARIN  
SUPERVISOR, DIES

(By Peter Fimrite)

Byron Waite Leydecker, a former bank executive and Marin County supervisor who helped stop development in the Marin Headlands and, for nearly two decades, drove

the restoration and protection of his beloved Trinity River, died May 12 in his home in Mill Valley.

Mr. Leydecker, who was 83, had been battling lung and liver cancer.

Mr. Leydecker was born in Oakland on Aug. 28, 1927. He served briefly on the battleship Iowa at the end of World War II before enrolling in Stanford University, where he graduated in 1950 with a degree in economics. During the Korean War, he served as a public information officer in the U.S. Army in Washington.

He worked briefly as a securities analyst and in 1953 got a job at Chico's Anglo National Bank, which later became Crocker Bank. By the time he left, he had become the bank's youngest-ever vice president. In 1962 he helped found Redwood Bank, where he was chairman of the board and chief executive officer until the bank was sold in 1981.

In 1963, Gov. Edmund G. "Pat" Brown appointed Mr. Leydecker to the Marin County Board of Supervisors. He won re-election in 1964. As a supervisor he fought a proposed development known as Marinello, which would have allowed construction of 20,000 homes in the Marin Headlands.

Never shy about speaking his mind, Mr. Leydecker could be a gruff taskmaster. He may have sometimes lacked diplomacy, but he was amazingly adept at getting what he wanted, said his friends and colleagues.

He started racing cars in the 1970s and, driving a modified Porsche, won the 1977 Northern California championship of the prestigious Sports Car Club of America circuit.

The construction of Trinity Dam and Lewiston Dam in the 1960s and diversions of water as part of the Central Valley Project were sore spots to Mr. Leydecker, who had fished the Trinity in the 1930s when it was nearly pristine.

He decided to take action in 1991, when a channel improvement project by the U.S. Bureau of Reclamation choked the Trinity River with silt. It was so bad that Mr. Leydecker got stuck in the mud on a side channel while he was fly fishing. "He was madder than a wet hen," said his friend Tom Stokely, the water policy analyst for the California Water Impact Network. "He called me up and he must have yelled at me for a half hour. Then he said, 'I've got money. I can hire a lawyer.' It was the beginning of a long and wonderful relationship."

Mr. Leydecker forced the bureau to stop digging along the river and in 1992 founded the nonprofit Friends of the Trinity River. The group fought to establish minimum annual water flows, improve fish habitat and enhance the riparian ecosystem.

"He was an authentic champion for rivers and fish, but especially the Trinity River," said Assemblyman Jared Huffman, D-San Rafael, who chairs the Assembly Water, Parks and Wildlife Committee.

Mr. Leydecker, who always wore a pressed button-down shirt with blue jeans and cowboy boots, fought until the very end for Trinity River improvements and against water diversions in the Sacramento-San Joaquin River Delta.

"He gave so much of his time and effort that it would be remiss as his friend for me not to continue that effort," said Rep. George Miller, D-Martinez, who once spent several days hiking and rafting the river with Mr. Leydecker. "He had a sense of romance about big rivers and what they bring to a society."

He is survived by sons John Leydecker of San Rafael and Mark Leydecker of Aspen,

Colo.; daughters Caroline "Lama Palden" Alioto of San Rafael and Criss Troast of Nantucket, Mass.; and eight grandchildren.

A memorial service will be held June 5 at 3 p.m. at Marin Art & Garden Center, 30 Sir Francis Drake Blvd., in Ross. Donations may be sent to the California Water Impact Network, 808 Romero Canyon Road, Santa Barbara, CA 93108.

**RECOGNIZING THE 90TH ANNIVERSARY OF THE DISABLED AMERICAN VETERANS—DEPARTMENT OF CALIFORNIA**

**HON. JERRY MCNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. MCNERNEY. Mr. Speaker, I ask my colleagues to join me in recognizing the Disabled American Veterans (DAV)—Department of California on the occasion of its 90th anniversary. Founded in 1921, the DAV—Department of California has worked tirelessly to improve the lives of service-connected disabled veterans and their families.

Service officers from the DAV—Department of California offer critical support to our state's service-connected disabled veterans. The service officers—many of whom are disabled veterans themselves—help veterans apply for disability compensation as well as the pension, health, and education benefits they've earned. They also volunteer their time at Department of Veterans Affairs medical facilities and rehabilitation centers, and they help disabled veterans find jobs and secure scholarships to pay for college.

In the area I represent, the Disabled American Veterans George E. Morey Chapter 59 hosts an annual Memorial Day ceremony in Lodi to honor the men and women who have made the ultimate sacrifice in service to our country. Another local chapter in my district, the Disabled American Veterans Al Jordan Chapter 15, provides food coupons to disabled veterans during the holiday season. This group also focuses on community outreach and awareness by holding an annual picnic in Stockton for disabled veterans and their families, an event which I have attended.

The Disabled American Veterans—Department of California's work is just as important today as when the organization was first established 90 years ago. I ask my colleagues to join me in honoring the Disabled American Veterans—Department of California on the occasion of its 90th anniversary for its exceptional service to our Nation's disabled veterans.

**PERSONAL EXPLANATION**

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. SIMPSON. Mr. Speaker, on Motion to Suspend the Rules and Pass H.R. 1407, the Veterans' Compensation Cost-of-Living-Adjustment Act, I was unable to vote.

Had I been present, I would have voted "yea."

**HONORING ALLAN ALFRED VOIGT**

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor and pay tribute to Allan Alfred Voigt, a truly remarkable Renaissance man who passed away May 13, 2011.

Al Voigt was a scientist who held several patents, an artist, a community leader, a loving and devoted husband to his wife, Judith, a caring and inspiring father to his children, Che and Shanta, and doting grandfather to Logan Allan and Katherine Annabelle.

Al founded a series of aerospace engineering firms in Sonoma County that contributed to some of our most important national defense projects. His technical innovations in tactical missile and surveillance systems led to the development and success of the Stinger missile and Predator drone. More than 350 people in Sonoma County have high paying, technical engineering and manufacturing jobs because of these projects.

But Al's passions were much more extensive. He and his wife founded the Voigt Family Sculpture Foundation, which has placed more than two dozen sculptures, either pieces owned by the foundation or on loan by collaborative artists, in publically accessible places in Sonoma County.

He also won furniture design awards with his abstract chairs and his aerodynamic tricycles have set world speed records.

Mr. Speaker, Al Voigt was a prodigious thinker who never rested on his laurels. He was always looking ahead for the next idea. His fundamental skill was analyzing a problem and finding the solution, whether it was in national defense, art, or a functional piece of furniture. It is therefore appropriate that we honor him at this time for his service to our country and to his community.

**HONORING THE BROWARD COUNTY PUBLIC SCHOOL SYSTEM**

**HON. ALLEN B. WEST**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. WEST. Mr. Speaker, I realize education is essential for every child in our nation. Education is the great equalizer and with a sound education any child can live the American Dream.

As a former teacher in Broward County, Florida, I am proud to congratulate Broward County Public Schools (BCPS) for the 11 high schools in their county receiving top national ranking in the Washington Post.

The Washington Post named 11 Broward County high schools in its High School Challenge list of top 1,900 public high schools in the nation. The schools were Fort Lauderdale (109), Marjory Stoneman Douglas (238), Nova

(285), Miramar (355), Cooper City (376), Stranahan (431), J.P. Taravella (507), Flanagan (554), Plantation (739), Coral Springs Charter (983) and Pembroke Pines Charter (1,108) high schools join an elite group of public high schools nationwide. The Washington Post list represents only seven percent of schools across the United States.

Fort Lauderdale High School placed top among Broward high schools, with a national ranking of 109 and a state ranking of 24. According to the Washington Post, the Challenge Index's formula is to divide the number of Advanced Placement (AP), International Baccalaureate (IB) or other college-level tests a school gave in 2010 by the number of graduating seniors.

The Washington Post advises that while the index is not a measure of the overall quality of the school, the rating can reveal the level of a high school's commitment to preparing average students for college. With a few exceptions, public schools that achieved a ratio of at least 1.000, meaning they had as many Advanced Placement and International Baccalaureate tests in 2010 as they had graduates, are noted on the national list.

The Broward County Public School System is the nation's sixth largest public school system and the largest fully accredited district with over 234,600 students in more than 230 schools and education centers. The Broward County Public School System is committed to giving all students access to a college-ready, job-ready curriculum that meets rigorous expectations which prepares students for post-secondary options and also ensures that students are able to be successful and complete post-secondary schooling once they begin.

To ensure student's can succeed in the 21st century, I will always focus in Congress on what's best for students, parents, teachers, and communities. This means helping children achieve their full and unique potential by equipping them with the tools and knowledge to succeed in the 21st century workforce. I believe the Federal Government must restore local control, empower parents, let teachers teach, and protect taxpayers. These principles should guide our efforts to reform federal education policy and protect the rights and responsibilities of states and local communities when it comes to educating the next generation.

**CONGRATULATING FRANK GULLUNI**

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. COURTNEY. Mr. Speaker, I rise today to congratulate Mr. Frank Gulluni on being honored with the Tom Ahlers Systems Building Award presented by the National Association of Workforce Development Professionals on May 17, 2011.

For 49 years, Frank has played a key role in the workforce development and educational community, touching the lives of countless students. In his position at Asnuntuck Community College in Enfield, Connecticut, he has been a



leading force in preparing and training students for careers in our manufacturing sector. And, using his unique experience on the front lines of education, he has been a driver in our community towards finding unique ways to connect the needs of our manufacturing sector with the skills of our students.

Since 2007, I have been proud to work with Frank in advancing his goals of investing in our nation's manufacturing capabilities, helping those who have lost their jobs re-train for new careers, and lay the ground work for a workforce highly skilled in advanced manufacturing of alternate energy technologies and medical devices.

With his leadership guiding the way, Frank and I worked to successfully secure critical funding to expand Asnuntuck's Manufacturing Technology Center (MTC). Thanks to this initiative, new equipment and training services were developed to ensure that the MTC continues to keep pace with the emerging needs of his students and the manufacturing skills they need to fill the jobs of today—and tomorrow.

I have been so impressed and excited with Frank's results. Thanks in large part to Frank's efforts, Asnuntuck Community College has secured a 90% job placement rate for its students. When I visited the MTC last November, I heard first-hand from the students that the newly expanded center allow the program to continue to grow and expand to allow more services to students enrolled both at the college and those in local K-12 schools that partner with Asnuntuck. I also heard graduates of the program are found to be earning 40% more than their counterparts in all other industries.

Mr. Speaker, simply put Frank is someone who "gets it." When so many simply lament the decline of American manufacturing and the skills mismatch between the training of current workers and the needs of industry, Frank has taken action. He is a passionate believer in manufacturing and education. He truly understands the unique struggles of our laid off and dislocated workers as they seek to transition to new careers. He has built the kinds of partnerships with industries that has ensured that his students on to rewarding and meaningful careers in furthering our manufacturing sector. And, Frank has been a true leader in underscoring the unique value that our community colleges play in training the workforce of the future that will be the backbone of our nation's economy.

Connecticut, New England, and our nation are no doubt better off thanks to Frank's tireless work. For that, I urge all my colleagues to join me in honoring Frank for winning the Tom Ahlers Systems Building Award.

HONORING THE 70TH  
ANNIVERSARY OF ROBINS AFB

**HON. AUSTIN SCOTT**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, please join me in wishing a very happy 70th birthday to the Warner-Robins Air Logis-

tics Center and Robins Air Force Base. This is an appropriate occasion to reflect and celebrate their proud history and heritage.

From the United States' entry into World War II to today's conflicts in Afghanistan, Iraq and Libya, the men and women of Warner-Robins ALC and Robins AFB have been an essential ingredient in our U.S. Air Force's ability to provide airpower for freedom around the globe.

One constant theme these past seventy years has been that the men and women of Team Robins have been most ready when the nation has been least ready. In 1948-1949, Robins' repair and supply personnel played a critical role in the Berlin Airlift. In 1950, workers at the center literally unwrapped and refurbished hundreds of "cocooned" Boeing B-29 Superfortresses. Understaffed and working around the clock, they made sure that United Nations forces in the Far East had the necessary tools to fight the North Korean invaders. And in 1973 during the Yom Kippur War, Warner-Robins personnel surged to resupply Israel during Operation Nicklegrass with dozens of C-141s. Providing the Israeli military with critical supplies helped to prevent their defeat in its war with its Arab neighbors.

As we approach the tenth anniversary of September 11, 2001, we must never forget those who paid the ultimate price that day. I can think of no better way to honor their memory than maintaining a world class U.S. Air Force with world class installations like Robins AFB!

Mr. Speaker, please join me to wish Robins AFB many best wishes during this important anniversary year. I remain confident that the men and women of Team Robins will continue their tradition of excellence over the next seventy years.

RECOGNIZING SGT. PETER P.  
KRUPSKI AND PVT. RUSSELL M.  
PENNY

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize the lives of two American heroes, Sergeant Peter P. Krupski and Private Russell M. Penny. Sgt. Krupski and Pvt. Penny personified American patriotism and selflessness in making the ultimate sacrifice to protect our freedoms for future generations.

Peter P. Krupski enlisted in the United States Marine Corps in 1941, reaching the rank of Master Technical Sergeant. Sgt. Krupski reenlisted in the Marines in March 1943, earning prominent distinctions such as the American Defense Service Medal, Asiatic-Pacific Campaign Medal, and World War II Victory Medal. In 1943, as the American forces began their offensive through the South Pacific islands occupied by the Japanese, Sgt. Krupski died of wounds sustained during the Battle of Guadalcanal aboard a U.S. Navy mobile hospital. Though just 22 years old when he was killed, Sgt. Krupski has been fondly remembered on the East End of Long Island ever since his passing.

Russell Penny enlisted as a member of the United States Army on January 5, 1940, answering our country's call to service following the advances of the Nazi Third Reich through Europe. Stationed at the U.S. naval base at Pearl Harbor, Pvt. Penny was killed during the surprise attack against the base by the Japanese on December 7, 1941. A lifelong resident of Mattituck, New York, Pvt. Penny holds the tragic distinction as the first casualty of Suffolk County and as one of the first of the over 400,000 Americans killed during World War II.

In honor of the sacrifices made by Sgt. Krupski and Pvt. Penny, a new community room at the Veterans Memorial Park in Mattituck, New York was named in their honor on May 28, 2011. It is my great hope that our community will continue to remember and support our veterans, forever recognizing them for their essential role in defense of our nation.

Mr. Speaker, I commend Sgt. Peter P. Krupski and Pvt. Russell M. Penny for their valor and service, and I ask my colleagues to join me in honoring their memory and sacrifice on the occasion of the dedication of the community room at the Veterans Memorial Park in my district.

PERSONAL EXPLANATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. SIMPSON. Mr. Speaker, on rollcall No. 331, on Motion to Suspend the Rules and Pass H.R. 1383, the Restoring GI Bill Fairness Act of 2011, I was unable to vote.

Had I been present, I would have voted "yea."

STEVEN AND CHANI LAUFER

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. ENGEL. Mr. Speaker, Steven and Chani Laufer came to Riverdale in 2005 and joined the Hebrew Institute of Riverdale the following year after attending a warm and moving Yom Kippur service there. They have been enthusiastic supporters ever since. They love the sincerity of the community, the caring and devotion of the rabbinic team, and the inspirational and progressive vision for the larger community that Rabbi Avi Weiss champions.

Chani grew up in Pittsburgh, and has worked in television, politics, and as a reporter for the Bergen Record and The Philadelphia Enquirer. After earning her law degree, Chani represented children as a law guardian in the Bronx and New York City family courts. She is currently taking care of her family and also serves on the board of Yeshivat Maharat.

Steven grew up in Stony Brook, N.Y., and is pursuing a doctorate in economics at New York University, after teaching high school science for several years. He is a former Tot Shabbat leader and organizes the HIR Purim Texas Hold 'Em Tournament.

Steven and Chani have three children; Shoshana, 5, Ari, 3, and Erez, 4 months. Like their parents, the children are enthused with the Hebrew Institute of Riverdale. They love celebrating holidays at HIR so much that Ari wakes up each morning for weeks afterwards asking "Is it Simchat Torah today? Is it Purim today?"

HIR is honoring this wonderful couple with the Young Leadership Award. I want to join with the HIR in congratulating and thanking this young couple for their good work in the community.

IN RECOGNITION OF THE SMALL  
BUSINESS ADMINISTRATION RE-  
GION III YOUNG ENTREPRENEUR  
OF THE YEAR, MR. CHRIS SIDICK

### HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. CRITZ. Mr. Speaker, I rise today to recognize an individual who exemplifies a young, ambitious entrepreneur, Chris Sidick, who was recently honored by the U.S. Small Business Administration.

Mr. Chris Sidick is the sole managing member of C-Side Sports Academy, LLC, located in Washington County, PA. This young entrepreneur began playing minor league baseball after college and was left with no income during the off season. With the encouragement of a fan, Mr. Sidick began training young players when he wasn't playing during the summer. Using his parents' garage and a \$700 investment in a batting cage he started his own training business.

Mr. Sidick soon took his business from a few kids to almost fifty. He had to move the facility out of his parents' garage and rent a space that cost him \$1,000 per month. Realizing that this investment was just the beginning, Mr. Sidick solicited the University of Pittsburgh Small Business Development Center to assist him in developing a business plan and renting a larger space.

Utilizing a credit line, bargaining power, ingenuity, and hard work, Mr. Sidick was able to create a new 13,000 square foot facility to train young athletes. This exceptional space became quickly utilized by many colleges, high schools, and youth teams. While his business practices were extremely successful, Mr. Sidick wanted more for his company. He wanted to offer greater space and services to the young athletes. This is why he reformulated his business plan to get a \$1 million bank loan and build a brand new facility.

Mr. Sidick has been able to transform his initial \$700 investment in his parents' garage into a soon-to-be completed 27,000 square foot facility that will house a full-size baseball infield and a half-dozen batting cages. The building will also offer additional sports such as football, soccer, and laser tag. His accomplishments have landed him the local and regional Young Entrepreneur of the Year award from the Small Business Administration.

It is the keen mind of young people like Mr. Sidick that we can rely on to keep our economy going. He saw a need for a service, and

utilized his specific skill set to fill that void. Even in this tough economic time, Mr. Sidick has been able to keep his business thriving. It is the passion for what he does and the energy he puts in his business that makes it successful.

Mr. Speaker, I would once again like to honor Mr. Sidick—a true young entrepreneur and small business owner who has pursued an idea that helps so many of our young people.

HONORING MR. RICHARD GILFORD

### HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. FINCHER. Mr. Speaker, it is my privilege to rise today in memory of Mr. Richard Gilford who was killed tragically while serving his community in the aftermath of the 2011 spring storms and flooding that impacted west Tennessee.

Since 1991 Richard worked for the Crockett County, Tennessee Highway Department. On May 4th, while clearing debris from rain swollen roads, Richard along with his father, Butch, and brother, Frank were trying to cut a fallen tree when it snapped and hit Mr. Gilford. A fellow colleague said of Richard, "He loved his job and always gave 110 percent at everything he did, including putting in 16 hours of overtime during the week of the storms."

Mr. Gilford leaves behind his wife of 13 years, Elisha, and two sons, parents, brother and sisters. He was a Tennessee Titan fan that could often be seen playing in the yard with his children. Richard Gilford, like many unheralded public servants, spent his working life helping the people of Crockett County by making sure their travel back home was always safe. We are forever thankful. The Gilford family can rest assured that the thoughts and prayers of a grateful community are with them during this time.

Please join me in honoring the life, sacrifice, and commitment of Mr. Richard Gilford.

HONORING THE LIFE OF U.S.  
DISTRICT JUDGE ALEX T. HOWARD

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. BONNER. Mr. Speaker, it is with great sadness that I rise today to acknowledge the loss of a dear friend and a remarkable public servant, U.S. District Judge Alex T. Howard, Jr., who recently died in Mobile following a battle with pneumonia at the age of 86.

Judge Howard grew up in Mobile and graduated from Murphy High School as one of its best and brightest students. He then attended Auburn University, but his studies were cut short by the outbreak of the Second World War. He enrolled in the 106th Infantry division and fought in the Battle of the Bulge. By his 20th birthday, he was commissioned as a Second Lieutenant. He carried that formative

experience with him the rest of his life, and the lessons he learned during war allowed him to excel at practically everything he undertook throughout his life.

Upon his return to civilian life, he attended the University of Alabama, and graduated in 1950 from Vanderbilt University School of Law. He eventually settled in private practice in Mobile at the firm now known as Johnstone, Adams, Bailey, Gordon & Harris.

Mr. Speaker, Judge Howard's character, years of service and his wide-ranging experiences in law led him to a nomination by President Ronald Reagan for a newly created position on the federal bench in 1986. He was confirmed by the Senate just 15 days after the President's nomination. From his first days on the bench, his influence was felt throughout southwest Alabama.

Cecily Kaffer, a Mobile lawyer who clerked for Judge Howard from 1988 to 1999, recently told the Mobile Press-Register that Judge Howard was an insightful lawyer and an evidentiary genius.

Outside of the courtroom, Judge Howard taught Sunday School at Dauphin Way United Methodist Church for many years and attended services with his family.

My condolences go out to his wife, Anne Boykin, his daughter, Catherine Dawson, and his son, Alexander. You are all in our thoughts and prayers.

TRIBUTE TO ARTHUR JANECKA

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. PAUL. Mr. Speaker, today I wish to recognize the achievements of Arthur J. Janeka. This month Arthur will retire after spending more than 45 years with the U.S. Army Corps of Engineers (USACE). Arthur, or as his friends refer to him, "Art" serves as the Deputy District Engineer, Chief of Program and Project Management for the USACE's Galveston District. As the congressional representative of a large coastal district, I have had the privilege of working with Art on a wide range of coastal navigation issues. Like so many others, I have always been deeply impressed with his dedication to his job. His retirement, though richly deserved, will be a tremendous loss for both the Army Corps and the people of south Texas.

The U.S. Army Corps of Engineers Galveston District was established in 1880 to create deep-water ports along the Texas Coast. Today, the Galveston District's boundaries extend through the entire coast of Texas and 150 miles inland.

As a dedicated servant with the United States Army Corps of Engineers, Art has carried out its mission of protecting the environment, reducing flooding, and ensuring that the nearby waterways are easy to navigate.

Art began his career with the U.S. Army Corps of Engineers as an intern in 1964, after graduating from Lamar University in Beaumont, TX. In 1966, he was assigned to the Texas Coast Hurricane Study in the Planning Branch of the Engineering Division. And in

1969 he became a member of the Society of American Military Engineers.

Art joined the Programs Management Branch in 1973 and became Chief of the Branch in 1987. In 2000, he moved to the Project Management Branch of the Program and Project Management Division to serve as chief. In 2005, he was assigned to his current position.

Throughout his career, Art has been involved with many Corps projects along the coast of Texas, including Brazos Island Harbor; Corpus Christi Ship Channel; Freeport Harbor; the Gulf Intracoastal Waterway; the Houston and Galveston Ship Channels; and the Sabine Neches Waterway.

It is clear that Art Janecka has been a tremendous asset to not only the U.S. Army Corps of Engineers, but the entire State of Texas. Mr. Speaker, it is my pleasure to thank Arthur J. Janecka for more than 45 years of service to this country.

HONORING COLONEL JOHN  
RAWLEY, DECORATED VETERAN  
AND OUTSTANDING MEMBER OF  
THE CAMDEN COUNTY SHERIFF'S  
OFFICE

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Colonel John Rawley for his dedication to protecting our country, both as a member of the United States Armed Forces and as a member of the Camden County Sheriff's Office.

Colonel Rawley began his distinguished career in the military in 1954 at the age of 20, when he joined the United States Marine Corps as a Private First Class. In 1957, he joined the United States Army and served over 30 years. During his illustrious career, Colonel Rawley earned numerous decorations, including the Soldiers' Medal, the National Defense Service Medal, the Parachute Badge, the Army Service Ribbon, and countless others. He retired from the United States Army on August 8, 1987, after more than 30 years of protecting our country.

After his decades of military service, Colonel Rawley's patriotism and dedication were continued when he joined the Camden County Sheriff's Office in 1997. Colonel Rawley, known affectionately as "The Colonel" or "Ranger John," worked 13 years for the Camden County Sheriff's Office, mentoring and training officers throughout the department. He retired on December 1, 2010 as a respected and distinguished member of the department.

Colonel Rawley's selfless dedication to our Nation demands recognition. His decades in the military and the Camden County Sheriff's Office should serve as an inspiration to others. I thank him for his service, and extend my sincere best wishes to Colonel Rawley in his retirement.

HONORING ELIZABETH BICKFORD

**HON. PETER A. DeFAZIO**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. DeFAZIO. Mr. Speaker, I rise today to commend Elizabeth Bickford, director of financial aid and scholarships, at the University of Oregon for her years of service.

Ms. Bickford is retiring after 30 years at the university. Since 2000, she has led the university's student aid programs. During her time as director of financial aid and scholarships, Elizabeth Bickford has been a pioneer and leader, including helping to make the University of Oregon one of the Nation's first direct lenders in the early 1990s. I had the privilege of working with Ms. Bickford on many student aid issues including implementation of my contributions to the University of Oregon Presidential Scholarship Fund. I commend her for making a priority of promoting financial literacy for students and parents as well as meeting the financial needs of students and their families. Ms. Bickford has led UO's financial aid programs with an eye to compliance with federal rules. A member of the Cherokee Nation, Ms. Bickford has contributed to a host of efforts throughout our state to support and promote student access to institutions of higher education.

PERSONAL EXPLANATION

**HON. FRANCISCO "QUICO" CANSECO**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. CANSECO. Mr. Speaker, I was briefly absent from the Chamber on June 2, 2011, during rollcall vote 398 and rollcall vote 407. On rollcall vote 398, I would have voted "aye" and on rollcall vote 407, I would have voted "nay."

PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. BECERRA. Mr. Speaker, I was unavoidably detained and missed rollcall votes 408 and 409 on June 2, 2011. If present, I would have voted "yea" on rollcall vote 408 and "no" on rollcall vote 409.

CONGRATULATING NISWONGER  
FOUNDATION

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. ROE of Tennessee. Mr. Speaker, I rise to congratulate the Niswonger Foundation as last month it celebrated its 10th year of service to Northeast Tennessee this month.

The Foundation's work is known by an ever growing number of students and teachers in my district. Its school partnership and scholarship programs are aimed at educating and improving our region through the betterment of its young leaders. Niswonger scholars are chosen based on their proven leadership in the community, strong academics, character, and a pledge to return to our area to work, and lead, in their chosen profession. This need-based scholarship offers students the opportunity to attend the college or university of their choice.

Likewise, the Foundation established the Northeast Tennessee College and Career Ready Consortium, an ongoing partnership with public high schools that will eventually touch 29 high schools and 26,100 students. This program gives county schools best practices, provides additional resources for Northeast Tennessee's dedicated teachers, and gives students a challenging and engaging academic atmosphere in preparation for college or a career.

Again, I commend the Niswonger Foundation and its founder Scott Niswonger on ten years of life-changing service to Northeast Tennessee.

RABBI TOMER AND EFRAT  
GROSSMAN

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. ENGEL. Mr. Speaker, Rabbi Tomer and Efrat Grossman moved to Riverdale from Israel three years ago as Jewish Agency Shlichim of Bnei Akiva. Rabbi Grossman worked as the main Shaliach of Bnei Akiva in North America, and helped run Bnei Akiva activities at the Hebrew Institute of Riverdale.

In response to the warmth of the HIR community and its strong connection and commitment to Medinat Israel, Rabbi Grossman organized an Israeli Seder, an Israeli Minyan for Simchat Torah and two fundraisers—one after the Carmel Fire and another for poor families in Israel.

During his stay in Riverdale, Rabbi Tomer was appointed by the Jewish Agency as the Head of Formal Educational Shlichim in North America and as the main organizer of the National Bible Contest. He is currently the rabbi at Brandeis School in Long Island.

Tomer was born in Petach-Tikva and learned at Yeshivat Hagolan in Hispin. He served in the army as a tank commander and as a Division Rabbi in the Reserved Forces, in addition to working as a programming manager at Motorola.

Efrat, as a designer, immediately fell in love with the HIR community's creativity and open mindedness and participated in last year's Shavuot programs and gave a lecture in Hebrew.

Efrat works as a Hebrew literacy teacher at Ma'ayanot Yeshiva High School for Girls as well as a pottery artist. Efrat was born in Jerusalem, and continues a dynasty of more than 10 generations in Israel. In Israel, she was head of the Visual Arts Department of Ariel

University after serving as the Head of the Jewish Education Faculty at Emunah High School in Tiberias.

They have two daughters: Ayala, 8, and Hallel, 8 months old.

This marvelous couple is being honored by the Hebrew Institute of Riverdale with the Community Service Award, and I join HIR in congratulating them and thanking them for all their good work in our community.

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HONORING MAYOR HENRIETTA  
BLACKMON OF CAMDEN

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**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to a citizen turned public servant who has earned the admiration and respect of her Southwest Alabama community.

In 2000, Henrietta Blackmon made history as Camden, Alabama's first female mayor. While a newcomer to politics and the campaign trail, Henrietta was by no means a stranger to the people of Wilcox County.

For some three decades before taking office, Henrietta Blackmon was recognized as an invaluable partner in her husband's local medical practice. She administered the business while her husband, Dr. Sumpter Blackmon, treated the sick. In fact, she never relinquished that role even after becoming Camden's chief executive.

Mayor Blackmon came to office on a mandate to take the city in a new direction and she certainly did. Over her three terms as mayor, she revitalized the downtown, balanced the city budget, secured block grants to upgrade the city sewer system and obtained funding that will be used to build a new city hall.

After 10 successful years guiding Camden, Mayor Blackmon surprised many of her friends and supporters when she announced on February 7 that she was stepping down.

However, anyone who thinks the mayor intends to slow down had better think again. She will not only continue to administer her husband's medical practice, but she has also agreed to help run her son's new local construction business.

Camden has progressed under the progressive leadership of Mayor Henrietta Blackmon and her presence at the helm of the city will be sorely missed. I join with her many friends in wishing Mayor Henrietta Blackmon, her husband, Dr. Sumpter Blackmon, and their family the very best in the days and years ahead.

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HONORING THE LIFE AND LEGACY  
OF ALZEN FLOYD

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**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today in honor of the life and legacy of Alzen Floyd. He was born March 15, 1919 and passed away on May 20, 2011.

As a young man, Floyd showed leadership by helping his mother in the purchase and renovation of their home while he was just sixteen years of age. In 1937, he joined the U.S. Army and he retired in 1960 as a Sergeant First Class.

After serving his country Floyd returned home and became a prominent member of his community though several entrepreneurial ventures. He owned and operated "Al Floyd's Soul Food," "Al Floyd's Photo Service," and "Al's Security." He would go on to open Broward County's first Black-owned security corporation, "Floyd & Associates Protection Corporation." This company would grow to half a million dollars in assets.

Floyd was a lifetime member of the NAACP and a faithful member of First Baptist Church Piney Grove since 1929, where he was a member until he could no longer attend.

Mr. Speaker, Alzen Floyd's motto was "If I can help somebody." His life was an example of dedicated service: service to his family, service to his country and service to his community. It gives me great honor to recognize his life and his service.

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TRIBUTE TO MRS. FRANCIE  
MOORE HANSELL

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**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. WALDEN. Mr. Speaker, I rise today to honor the career of Mrs. Francie Moore Hansell. Children across the country are excitedly looking forward to their last day of school and summer vacations filled with friends and family. While they are focused on their vacation plans, they are also looking ahead to the next school year and wondering who their teacher will be. At Rocky Heights Elementary School in Hermiston, Oregon, students and parents alike will be disappointed when they learn that Francie will not be among next year's teachers because, after 26 years at Rocky Heights, she is retiring at the conclusion of this school year. Over her long career at Rocky Heights, Francie has launched more than 650 second-graders onto their next level of instruction. Francie's service and commitment to her students, her school, and her community are to be commended.

Born in Prosser, Washington, Francie moved to Hermiston after her 1970 marriage to her Washington State University college sweetheart, Tyler Hansell. Together, Francie and Ty became integral members of the Hermiston community. Francie began her teaching career at Umatilla Middle School shortly after their wedding. After five years, she took a break following the arrival of their first child, Erin. Subsequently, Francie and Ty added four boys to their expanding family: Tyler Jr., Kenzie, Lucas, and Ruben. Raising her exuberant family and helping to run the family ranch took most of Francie's time and attention, but throughout she continued teaching Sunday school to the children of Hermiston Presbyterian Church. She also participated as an active member of the church choir and several other community volunteer organizations.

In 1985, Francie returned to teaching by joining the staff at Rocky Heights Elementary School as a second grade teacher. In 2010, Francie was awarded the coveted Crystal Apple award in recognition of her contributions as a devoted, accessible, and encouraging teacher for her many students.

Students always remember the special teacher who inspired them to believe in themselves and appreciate the unlimited power of learning—for many alumni of Rocky Heights Elementary, Francie Hansell was that teacher.

Mr. Speaker, on behalf of the Hermiston community that I have the honor to represent, I want to commend and thank Francie for her many years of service and dedication to her students and community. While Francie is retiring from teaching and as the grandmother of six (so far), I know that she will continue to dedicate herself to her family, friends, and her beloved community of Hermiston.

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CELEBRATING THE 65TH ANNIVERSARY OF THE NORTHSIDE CENTER FOR CHILD DEVELOPMENT, INC.

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**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. RANGEL. Mr. Speaker, I rise today to celebrate the 65th Anniversary of the founding of the Northside Center for Child Development, Inc.

In March of 1946, shortly upon the conclusion of World War II, two young African American psychologists, Mamie Phipps Clark and her husband, Kenneth B. Clark founded the Northside Center for Child Development. Originally called the Northside Testing and Consultation Center, the Northside Center for Child Development's first home was in the basement apartment located in the historic Dunbar Housing Development on 150th Street in Harlem.

The research of Kenneth and Mamie Phipps Clark challenged the notion of differences in the mental abilities of black and white children, which played an important role in the desegregation of American schools. At the Center, the Clarks conducted experiments on racial biases in education. Their findings were presented at school desegregation trials in Virginia, South Carolina, and Delaware; and in 1954, in a famous footnote, those findings were cited in *Brown v. Board of Education of Topeka, Kansas*, the landmark Supreme Court decision that ruled public-school segregation unconstitutional.

Kenneth Clark was the first African American to earn a doctorate in psychology at Columbia, to hold a permanent professorship at the City College of New York, to join the New York State Board of Regents and to serve as president of the American Psychological Association. In addition to his work as a psychologist and educator, he assisted corporations with racial policies and minority hiring programs. His books include *Prejudice and Your Child* (1955), *Dark Ghetto* (1965), *A Possible Reality* (1972), and *Pathos of Power* (1975). During Columbia's student protests in 1968,

Clark, whose son Hilton (Columbia College 1968) was a leader of the Society of Afro-American Students, served as mediator between the black student protesters in Hamilton Hall and the administration.

Mamie Phipps began studying self-perception in black children as a graduate student at Howard University, where she met and married Kenneth Clark. Between 1939 and 1940, the two published three major articles on this subject. Phipps Clark continued her work at Columbia where, in 1943, she became the first African-American woman and the second African American (after her husband) in the University's history to receive a psychology doctorate. It was her work on the way black children seemed to prefer white dolls to black ones that particularly impressed the Supreme Court justices. In 1966, Columbia recognized the couple's work by awarding each the Nicholas Murray Butler Silver Medal.

Prior to the establishment of the Northside Center for Child Development (Northside Testing and Consultation Center), the Clarks decided to tackle the lack of services for troubled youth in Harlem. They approached nearly every social service agency throughout New York City with their modest proposal to urge established agencies to expand their programs to provide social work, psychological evaluation, and remediation for youth in Harlem, since at that time there were virtually no mental-health services in the community. Each agency they explored rejected their proposal and they decided to open their own developmental center to address those needs that were lacking for Harlem families and the youth.

In 1948, Northside moved to the 6th floor of the New Lincoln School, located at West 110th Street across Central Park. In 1974, Northside moved its headquarters east one block in Schomburg Plaza on Fifth Avenue.

Today, the Northside Center continues its mission to further the healthy development of children and families and empower them to respond gainfully to negative communal factors, including racism and its related consequences. By providing comprehensive, high quality mental health and educational services, coupled with research, Northside is able to assist children and families in their development to seek their full potential.

Under the leadership of Executive Director Dr. Thelma Dye, Northside Center doors are open to over 500 families and children who walk in on any given day for support, guidance, psychological evaluations, and therapeutic services or just to talk about their day or utilize the library of books available at the center.

Mr. Speaker, in the words of Dr. Dye, "whether children and families come to Northside because they are deeply troubled and look to us for solace, compassion, direction and understanding, or they come because they are excited and happy and look forward to the next enjoyable learning adventure, we welcome them. We work toward empowering and helping them learn and grow in an environment that reinforces their strengths, their cultures, their self-worth and their dignity. What we do at Northside is important, challenging and immensely rewarding."

I ask my colleagues and our Nation to join me in this special Congressional Recognition

on the 65th Anniversary of the Northside Center for Child Development, Inc.

IN HONOR OF DR. CHARLES  
MACCORMACK

**HON. JAMES A. HIMES**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. HIMES. Mr. Speaker, I rise today to recognize the many achievements of Dr. Charles MacCormack, whose tireless work to improve the lives of children around the world serves as an example to all of us.

As President and CEO of Save the Children, Dr. MacCormack has overseen humanitarian aid programs in more than 50 countries. In the wake of natural disasters and in regions of the world torn apart by war, Save the Children helps children avoid unbearable pain and suffering. Dr. MacCormack's retirement creates a void at Save the Children that will be difficult to fill and he will be missed by friends, colleagues and the countless children across the world whose lives are better, because of him.

As many as a billion children around the world go to sleep hungry each night. For nearly two decades, Dr. MacCormack has led a global organization that protects the most vulnerable children and creates real change in the lives of those most in need. Throughout his life, Dr. MacCormack has conducted research, taught, and led organizations that promote greater mutual understanding among cultures, provide basic necessities to those in need, and defend the defenseless.

Before joining Save the Children, Dr. MacCormack was President of World Learning, a non-profit organization that promotes understanding among people from diverse cultures through educational exchanges and research. He serves on the Board of InterAction, an association of more than 160 humanitarian and development organizations, and on the Boards of the Basic Education Coalition and the Campaign for Effective Global Leadership. Dr. MacCormack has taken leadership roles with the Advisory Committee on Voluntary Foreign Aid, the Food Security Advisory Committee, and the Non-Governmental Committee on UNICEF and is a founding board member of Malaria No More.

Dr. MacCormack has enriched the lives of people around the world. But today, let us all turn our attention to him and express our gratitude for his lifetime of service. As a Representative, I am proud to honor him here today; and as a fellow citizen and friend. I am indebted to Charlie for all he has done and continues to do—for the children of the world.

ON THE REINTRODUCTION OF THE  
FILIPINO VETERANS FAMILY RE-  
UNIFICATION ACT

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Ms. HIRONO. Mr. Speaker, I rise today to reintroduce two versions of the Filipino Vet-

erans Family Reunification Act, both of which will provide for the expedited reunification of the families of our Filipino World War II veterans.

The first version I am introducing is a companion to S. 1141, a bill recently introduced by Senator DANIEL K. AKAKA. I am introducing this bill in acknowledgement of his leadership on this issue.

The second version I am introducing is identical to earlier versions of the bill that I have introduced in the 110th and 111th Congresses. S. 1141 differs from these earlier versions of the bill in that it provides that the petitions filed by the sponsoring Filipino veteran shall remain valid regardless of whether the petitioning parent is living or dead.

As you know, Filipino veterans are those that honorably answered the call of President Franklin D. Roosevelt and served alongside our armed forces during World War II. They fought shoulder to shoulder with American servicemen; they sacrificed for the same just cause. We made a promise to provide full veterans' benefits to those who served with our troops. And while we have recently made appreciable progress toward fulfilling that long-ignored promise, we have not yet achieved the full equity that the Filipino veterans deserve.

In 1990, the Congress recognized the courage and commitment of the Filipino World War II veterans by providing them with a waiver from certain naturalization requirements. Many veterans thereafter became proud United States citizens and residents of our country. However, allowances were not made for their children and many have been waiting decades for petition approval.

The Filipino Veterans Family Reunification Act would allow for the further recognition of the service of the veterans by granting their children a special immigration status that would allow them to immigrate to the United States and be reunified with their aging parents. It is important to note that the Filipino soldiers who fought under the command of General Douglas MacArthur at this critical time in our nation's history represent a unique category. These soldiers were members of the United States Armed Forces of the Far East. They were led to believe that at the end of the conflict they would be treated the same as American soldiers. It took more than sixty years to begin to make good on our commitment. The Filipino Veterans Family Reunification Act recognizes the special circumstances of this group of soldiers.

I look forward to working with my colleagues by providing for the reunification of our Filipino World War II veterans with their families.

TRIBUTE TO SERGEANT AARON J.  
BLASJO

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. CALVERT. Mr. Speaker, I rise to pay tribute to a hero from my congressional district, United States Army Special Forces Sergeant Aaron J. Blasjo. Today I ask that the House of Representatives to join me to honor

and remember this incredible young man who died in service to his country.

Aaron was born in Riverside, California and graduated from Ramona High School in 2004. He was determined to be in the Special Forces and after graduation he promptly enlisted in the United States Army. Aaron was assigned to A Company, 3rd Battalion, 3rd Special Forces Group, Fort Bragg, North Carolina. His most recent deployment was his third tour in Afghanistan, where he served in the Special Forces canine unit. About Aaron, his grandfather, Wesley Blasjo, stated, "I think he wanted to do something for his country. He liked the camaraderie and all the things that go along with Special Forces."

Aaron was a member of the Palm Baptist Church and traveled to Africa on a short missionary trip to help others. A youth pastor at the church remembers Aaron as serious but caring member of their church community.

In 2009, he married Crystal Thompkins in Riverside. Two months ago, Aaron became a proud father to his son, Talon Blasjo, which was one of the highlights of Aaron's life. On May 29, 2011, the day before Memorial Day, Aaron was killed in action in Wardak Province, Afghanistan, in support of Operation Enduring Freedom. He was 25 years old. In addition to his wife Crystal and son Talon, he also leaves behind his mother and father Daniel and Roberta Blasjo; and his extended family.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Aaron, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day they learned of Aaron's death was probably the hardest day the Blasjo family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice go out to them. There are no words that can relieve their pain, and what words I offer only begin to convey my deep respect and highest appreciation.

Sergeant Blasjo's wife, son and parents have all given a part of themselves with the loss of Aaron, and I hope they know that their husband, father, and son, the goodness he brought to this world and the sacrifice he has made, will always be remembered.

HAPPY BIRTHDAY, MRS.  
HORTENSIA G. SILVA

**HON. HENRY CUELLAR**  
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. CUELLAR. Mr. Speaker, I rise today to recognize and celebrate the 91st birthday of teacher and volunteer, Mrs. Hortensia G. Silva. She has dedicated her life assisting the south Texas community, educating and serving children.

Mrs. Silva was born on June 5, 1920 on a ranch located on the outskirts of Rio Grande City, Texas, to proud parents, Serapio and Martha Guerra. After the passing of her father in 1929, she began working in a local grocery store to help her mother provide for her three

younger siblings. During World War II, telegrams were sent to the Juan B. Galindo Grocery Store and Mrs. Silva was often charged with delivering families the heart-wrenching message that their soldiers had fallen. One of the only people with the ability to read or write, Mrs. Silva often wrote catalog orders so that neighborhood persons could acquire clothing and shoes. She attended school in Rio Grande City and graduated in the top ten percent of her class from the city's high school in 1939. She continued working in Galindo's grocery store until her marriage to Nicolas Silva, Jr. in 1947. The couple had two daughters and owned and operated a Texaco Service Station, where she served as the bookkeeper.

Mrs. Silva worked for Rio Grande City Independent School District as a teacher's aide in their pre-school department and continued to teach once the program was annexed by Headstart. She served on the South Texas Development Council until she retired at age 80, after 32 years of service. Throughout her career, she volunteered for her neighborhood's 4-H Youth Development Organization and frequently acted as judge in the program's float and craft competitions. Her dedication to children inspired her two daughters to emulate their mother's passion and attain masters degrees in Education.

In addition to her passion for children, Mrs. Silva was an avid arrowhead hunter—a passion her husband and children all enjoyed. The family has maintained, arguably, the largest personal collection in Texas, which was exhibited in the family's business. She is a faithful member of Immaculate Conception Church, and continues to dedicate her time to children, including her 4 grandchildren, 7 great-grandchildren, and others in her community. She is the beloved matriarch of her family and is sought for advice and guidance to her friends, family, and former students.

Mr. Speaker, I am honored and privileged to have the opportunity to recognize the extraordinary commitment to education and the community exhibited by Mrs. Hortensia G. Silva, and I wish her the happiest of birthdays.

TRIBUTE TO THOMAS H. DAVIS  
JR.—RETIREMENT FROM COMMUNITY FOUNDATION OF SOUTH ALABAMA

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. BONNER. Mr. Speaker, I rise to honor the work of Thomas Davis Jr., a respected leader in his field and an outstanding citizen of Mobile, Alabama.

Mr. Davis recently retired as President and CEO of the nonprofit Community Foundation of South Alabama, an organization which has flourished under his guidance over the past 27 years. Beginning as the program's development director in 1984, Tom quickly rose to become its executive director in 1985 and went on to become the president of the foundation in 2008.

Under his direction, the foundation's assets increased from \$3 million to over \$50 million.

Even more impressive is the growth of the foundation's charitable funds and endowments. By the time he left office, this number had gone from 60 funds and endowments to over 400.

Mr. Davis' success is the product of hard work, an exceptional work ethic and an unparalleled ability to lead, which proved handy during his oversight of foundation programs that provided assistance to earthquake and tsunami victims in Japan as well as those recently affected by the Gulf oil spill. He was also instrumental in obtaining health insurance for local underprivileged children.

It would be a hard task to designate one of his many achievements as being his greatest, for Tom accomplished so much throughout his tenure. However, the nonprofit's recognition as a "Partnership to Build Community Capital" by the Kresge Foundation is a distinct honor, placing the Community Foundation of South Alabama in an elite group of which there are only six such programs nationally.

On behalf of the people of Mobile, I want to thank Tom Davis for his service and wish him—and his family—continued success in the years to come.

A TRIBUTE TO MRS. KATHLEEN  
BATEMAN

**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. GUTHRIE. Mr. Speaker, I rise today to honor a great Kentuckian, Mrs. Kathleen Bateman. After 33 years of teaching, Mrs. Bateman will retire leaving behind a legacy of dedication to her students and her community.

Mrs. Bateman graduated from Murray State University in 1977 with a Bachelor of Arts in Education and earned her Master's in Counseling from Western Kentucky University in 1986. She obtained her Rank I in Art through the National Board for Professional Teaching Standards in 1990.

Mrs. Bateman's most recent position was at East Hardin Middle School, but she has touched the lives of countless students throughout her career while teaching at several elementary and middle schools in the Commonwealth.

A great teacher has the power to affect students throughout their academic journey, opening new horizons and starting them on a positive path with high expectations for the future.

Mrs. Bateman did just that with the unwavering commitment she gave her students. It takes a special person and a tremendous level of perseverance to be an educator—qualities that Ms. Bateman exuded throughout her years of hard work.

I ask my colleagues to join me in honoring Mrs. Kathleen Bateman for her many great contributions to the Commonwealth of Kentucky and for contributing to the success of many young people in our community.

# INTRODUCING THE "SALMON SOLUTIONS AND PLANNING ACT"

## HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. McDERMOTT. Mr. Speaker, salmon are one of America's most precious but delicate resources. Since the construction of four Federal dams on the lower Snake River in Washington State, certain salmon species have become extinct. Others continue to see drastic declines in number. Today, thirteen salmon and steelhead species in the Columbia and Snake River Basin are listed for protection under the Endangered Species Act. If we do not act now, we stand to lose this valuable resource forever, which is why I am reintroducing the Salmon Solutions Planning Act.

Salmon and steelhead populations have major economic, environmental and cultural significance to the Pacific Northwest. Generations of fishermen have relied on salmon as an integral part of their communities along the west coast. Today, even at their current depressed levels, salmon add hundreds of millions of dollars to the American economy and remain an essential part of communities around the Northwest. If we restore these populations to their original levels their economic benefits will reach well into the billions and these communities will be able to continue their rich traditions.

Already we recognize the importance of preserving this precious resource. The Federal Government and ratepayers in the Pacific Northwest have spent more than \$10 billion in salmon recovery efforts on the Columbia and Snake River Basin. These efforts, while commendable, have done little to help salmon populations recover. This legislation commissions studies to focus our efforts so that all factors are taken into account when considering removal. It is critical that our salmon recovery efforts be informed, cost effective, and successful.

Without action, scientists estimate that several of the salmon populations could be extinct in less than 20 years. The time to act is now. Salmon are the lifeblood of the Pacific Northwest, and we, as a country, cannot afford to lose this national treasure.

# CONGRATULATING NORB ASCHOM FOR EXCELLENCE IN RADIO BROADCASTING

## HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. KIND. Mr. Speaker, I rise today to honor Norb Aschom for 50 years of excellence in radio broadcasting. Norb has been news director of WPRE-AM and WQPC-FM radio stations since 1962. Throughout his time at the station, Norb has served a critical role by providing this tight knit town with the news each day, installing a sense of community through the airwaves.

Norb is a fixture in the Prairie du Chien community, a town in southwestern Wisconsin

on the banks of the Mississippi River. At 71 years of age, Norb has worked in the same building every day for 50 years. While his broadcasting home on St. Feriole Island in Prairie du Chien was recently flooded, he was forced, along with the rest of the station staff, out of their office and into a temporary workspace in the local Police Department. After a two week hiatus, Norb was able to return to his normal office on April 23. Throughout his time working out of the police department he never veered from his commitment to bring the news to the people of Prairie du Chien.

In his 50 years, Norb has interviewed everyone from former First Ladies Johnson and Carter, to fellow radio personality Paul Harvey. He has covered every major local event including the record floods of 1965, the 1981 closing of the Hwy. 18 bridge and the flooding of more recent years. Norb embodies what every rural community needs, a friendly and thoughtful voice to bring them the events of the day.

With no plans to retire anytime soon, Norb plans to continue making a difference in the lives of the residents of Prairie du Chien. I am proud to know Norb and believe that his work not only impacts his community but serves as an example to the rest of the country.

# IN RECOGNITION OF EDDIE PALMIERI, THE DC JAZZ FESTIVAL'S LIFETIME ACHIEVEMENT AWARD RECIPIENT AND FOR HIS CONTRIBUTIONS TO AMERICAN JAZZ

## HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. BECERRA. Mr. Speaker, I rise today to congratulate a distinguished American, Mr. Eddie Palmieri, the recipient of this year's District of Columbia's Jazz Festival's Lifetime Achievement Award. Mr. Palmieri, renowned for his unique fusion of Jazz and Latin rhythms, has blazed many trails in his remarkable career. "El Rumbero del Piano," a title which reflects his magic on the piano, has earned his place among the great ones for his dedication to Jazz and the cultivation of its creative soul.

Having grown up in Spanish Harlem to Puerto Rican parents, Latin beats were a part of Eddie Palmieri's life from an early age. He began his lifelong passion for creating music at the tender age of eight. By age thirteen, Eddie had joined his uncle's orchestra playing the timbales. From his early exposure to the music instruments of the South Bronx, was borne the beautiful medley of Jazz and Latin music that is now firmly weaved into American life.

A musical trailblazer, Eddie Palmieri received the first of what would be numerous Grammys in 1975 for the recording "The Sun of Latin Music"—marking the very first time in the history of the Grammys that the National Academy of Recording Arts and Sciences recognized Latin music. In 1988, the Smithsonian Institution recorded two of Mr. Palmieri's energetic performances for the catalog of the Na-

tional Museum of American History in Washington, DC. In a sign of changing times, in 1993, he was appointed to the Board of Governors of the New York chapter of National Association of Recording Arts and Sciences.

Twenty years after placing Latin music on the Grammys map, Eddie once again chartered new territory, opening the door for the new category of Latin Jazz. More recently, in 2009, his widely popular composition "Azucar Pa' Ti" was inducted into the National Recording Registry of the United States Library of Congress as a significant and compelling American sound recording. Mr. Palmieri shares this honor of induction into the National Recording Registry with other titans of American music like The Band, Willie Nelson, Loretta Lynn, The Staple Singers, Patti Smith, Cliff Edwards, Little Richard and R.E.M.

A nine-time Grammy Award winner with a musical career spanning more than 50 years and 36 recordings, Mr. Eddie Palmieri is an inspirational pianist, composer, arranger, and a celebrated leader of Salsa and Latin Jazz orchestras. For his numerous contributions to the American musical landscape, but more for his brilliant work in introducing the world to the rhythms of Latin Jazz, I ask that the House of Representatives honor and commend El Rumbero del Piano for a lifetime of achievement.

# IN RECOGNITION OF THE SMALL BUSINESS ADMINISTRATION REGION III EXPORTER OF THE YEAR, MS. EILEEN MELVIN

## HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 3, 2011

Mr. CRITZ. Mr. Speaker, I rise today to recognize Ms. Eileen Melvin, a crafty business woman in Johnstown, PA who was recently honored by the U.S. Small Business Administration.

In 2008, Ms. Melvin joined the board of directors of United Metal Fabricators, a producer of exam room equipment for the healthcare market. Her roots in the company lie much deeper, as her father had worked as a legal advisor to the company 20 years earlier.

In transitioning to UMF, Ms. Melvin saw an organization that held onto the ideals of good craftsmanship, but failed to keep pace with the technological and manufacturing advances of the day. She saw potential for a strong company in a global market that was craving quality American made healthcare goods.

With her ascension to board president and CEO in 2009, Ms. Melvin worked to introduce technological advances into processing and sales, while still maintaining the quality craftsmanship and workforce UMF is known for. She has also worked to introduce UMF products around the world.

Throughout her tenure on the board, UMF has seen a 62 percent increase in their exports. Ms. Melvin's immense exporting in Saudi Arabia has also led to her participating in a Trade Mission to the country. UMF products are now being utilized in hospitals around the world.



Ms. Melvin helped a struggling company become a major exporter in the Johnstown region. For her accomplishments, she has been recognized as the Small Business Administration's local and Region III Exporter of the Year. Mr. Speaker, once again I would like to honor Ms. Melvin and her contributions to America's share in the global economic market.

A NATION'S GRATITUDE FOR THE  
SERVICE AND SACRIFICE OF  
CAPTAIN JOSEPH W. SCHULTZ

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Ms. MATSUI. Mr. Speaker, earlier this week our nation learned that Capt. Joseph W. Schultz died May 29, 2011 while on a mounted patrol when the vehicle he and his Special Forces team were traveling in struck an IED in the Wardak Province, Afghanistan. He was born March 20, 1975 and grew up in Sacramento, California and graduated from El Camino High School in 1993. He graduated from the University of Oregon in 1997 and received his commission as an intelligence officer from Officer Candidate School in 2003.

His first assignment was to 1st Battalion, 504th Parachute Infantry Regiment, PIR, 82nd Airborne Division at Fort Bragg, NC. He then served as the assistant battalion intelligence officer and as a rifle platoon leader in Company A, 1-504 PIR. Upon completion of his tour with the 1-504 PIR, he then went on to serve as the counterintelligence/human intelligence operations manager for the 1st Brigade Combat Team, 82nd Airborne Division; and later as the G-2 advisor, 10th Iraqi Army Division.

After completing Special Forces Selection and Assessment, he graduated from Special Forces Qualification Course at Fort Bragg, NC. Upon graduation and receiving his green beret, Schultz was assigned to Co. C, 3rd Battalion, 3rd Special Forces Group (Airborne) where he served as the Detachment Commander of Special Forces Operational Detachment—Alpha 3333. Schultz deployed in support of various operations across the globe, including: Operation Iraqi Freedom, Iraq and this deployment to Afghanistan in support of Operation Enduring Freedom with Company C.

His military education includes: the Military Intelligence Officer Course, Infantry Captain Career Course, Defense Strategic Debriefing Course, Airborne School, Ranger School, and the Special Forces Qualification Course.

Schultz's military awards and decorations include the Bronze Star Medal; Purple Heart; Army Commendation Medal; Army Achievement Medal; National Defense Service Medal; Afghanistan Campaign Medal; Iraq Campaign Medal with one campaign star; Global War on Terrorism Expeditionary Medal; Overseas Service Medal; Army Service Ribbon; Combat Infantryman Badge and Parachutists Badge. He also wore the Special Forces Tab and the Ranger Tab.

Prior to his military career, Schultz worked for California Governor Gray Davis and later

the U.S. State Department, where he was assigned to the Middle East desk.

Capt. Schultz is survived by his mother Betsy Reed Schultz of Port Angeles, Washington. Condolences from our nation to his family, friends and fellow service members who mourn his loss.

HONORING TENNESSEE STATE  
TROOPER ANDY WALL

**HON. STEPHEN LEE FINCHER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. FINCHER. Mr. Speaker, it is a privilege to rise today to pay tribute to the life of Tennessee State Trooper Andy Wall. Trooper Wall was killed tragically in service to the state of Tennessee while escorting the United States Air Force Thunderbirds to the Great Tennessee Air Show.

At the age of 36, he had already served the community and our state for many years. He began his law enforcement career as a patrolman with the city of Dickson Police Department. After graduating from the Tennessee Highway Patrol Training Academy in 2004, he eagerly began his job as a Tennessee State Patrolman. His father, former sheriff for Dickson County Tom Wall, said "his son always aspired to be a trooper so that he could serve all the citizens of Tennessee." His friends frequently remember his laugh and smile as one that would brighten an entire room.

It is with great honor and respect that I salute Tennessee State Trooper Andy Wall. Emergency personnel are asked all the time to place their lives on the line. Trooper Wall made the ultimate sacrifice in service to the state he loved. The life of Andy Wall will always be remembered by the love of his family, friends, and colleagues. Our thoughts and prayers are with them.

Please join me in saluting the life and service of Tennessee State Trooper Andy Wall.

KIDNEY ACTION DAY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me on June 11, 2011, in recognizing Kidney Action Day in the District of Columbia to raise awareness of chronic kidney disease and of the importance of early detection and treatment.

Over 31 million Americans suffer from chronic kidney disease, but many people are unaware that they may be at risk. In the District, there are nearly 6,000 people on dialysis and 1,600 people on the kidney transplant waiting list. Not only does the District have the highest rate of kidney disease in the nation, kidney disease is the 13th leading cause of death here. In areas of the city that are heavily populated with minorities, the rate of kidney disease is double the national average.

Since chronic kidney disease can go undetected for years, people are urged to get screened for it, either through blood or urine tests. Early stage kidney disease can be treated with medications, healthy eating and exercise. I cannot stress enough the importance of early detection and treatment of kidney disease, which, if undetected, can lead to diabetes and hypertension, which, in turn, increase the risk of heart attacks, strokes, and heart-related deaths. As chronic kidney disease progresses, patients may require dialysis, which helps clean the bloodstream of toxic waste, or a kidney transplant.

On June 11, 2011, I will attend the American Kidney Fund's "Steps that Count" walk at Nationals Park here to raise awareness of kidney disease and to call on the residents of the District to get screened for it. I ask the House to join me on June 11, 2011, to recognize Kidney Action Day in the District of Columbia and to urge Americans to get screened for kidney disease.

TRIBUTE TO MICHAEL EDWARD  
PERKINS

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 3, 2011*

Mr. BONNER. Mr. Speaker, it is with heartfelt sadness that I note the recent passing of Mr. Michael Edward Perkins, a well known athlete and martial arts expert from Saraland, Alabama.

Michael Perkins passed away May 14, 2011, after fighting a constant battle with cystic fibrosis since infancy. He was only 27.

He was known around the community as a devoted and inspiring husband to his wife, Kellee Jones Perkins, and a proud father to their infant daughter, Piper Catherine.

Michael will be remembered in so many ways. Not only did he love being outdoors and enjoying other recreational activities, he received a Black Belt in two different martial arts.

He also donated much time helping teach children at Cottage Hill Baptist Church, and will be remembered as an encouraging, buoyant young man. Everyone who knew Michael has an inspiring or humorous story they can retell.

Even when Michael was extremely ill, he never let his own problems affect his otherwise positive outlook on life and he was always bending over backwards for family and friends.

Mr. Speaker, all who knew Michael personally will surely miss him, and South Alabama has truly lost a beloved member of the community. Michael Perkins was inspiration to young and old alike.

On behalf of the people of South Alabama, I would like to extend my condolences to his wife, Kellee, and their daughter, Piper Catherine, for their loss. You are in our thoughts and prayers.

## SENATE—Monday, June 6, 2011

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of Life, You have given us the great hope that Your kingdom shall come on Earth. Infuse our lawmakers with such power that Your kingdom indeed will come, even as Your will is done on Earth. May the fact that You rule in our hearts so transform our lives that we will be Your instruments for good in our Nation and the world.

Lord, we dedicate this day to You to be used in serving Your kingdom. Thank You for putting at our disposal all that we need to succeed. Assure us of Your presence above us, beneath us, around us, and within us, providing us with clear direction to advance Your kingdom on Earth. We pray in Your great Name.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 6, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 4:30 today. Following morning business, the Senate will be in executive session to consider the nomination of Donald Verrilli to be Solicitor General of the United States.

Unless an agreement is reached, at approximately 5:30 p.m. the Senate will vote on the motion to invoke cloture on the Verrilli nomination.

### MEASURE PLACED ON CALENDAR—S. 1125

Mr. REID. Mr. President, I understand that S. 1125 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1125) to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar subject to the provisions of rule XIV.

### THE NEED TO GET SERIOUS

Mr. REID. Mr. President, I welcome back my colleagues for what I hope will be a productive month. This month is not unlike last month though or the month before or the month before that. Once again, our constituents are concerned with one thing above all; that is, jobs, work. They are concerned because of what the economy means for their families and their lives. They are worried about paying the bills next month and sending the kids to school next year. Too many want to go to the bank and once again know the dignity of depositing a paycheck instead of an unemployment check.

Our constituents are also concerned because of what our economic future will mean for our Nation. They are afraid that ill-informed politicians might lead the country into a default crisis, and they fear all the terrible consequences that would have—consequences that would hurt us as a country, our families, and the world.

I heard these concerns last week in Nevada. We all heard them in our States when we went home last week. We hear them loudly and clearly. So we

are going to focus our attention this week and month on jobs just as we have all year.

I am disappointed that our Republican colleagues seem determined to distract that focus. They want to spend the Senate's time debating an extreme social agenda that would hurt families, seniors, and our economy. They want to end Medicare in order to pay for more millionaires' tax breaks and oil company subsidies. That is not good policy or even good politics. The American people strongly oppose that policy, and so do the Democrats in Congress.

Every day Republicans prove they are not just tone deaf to Americans' opinions; they are also tone deaf to cold, hard economic facts.

Last week we got a discouraging jobs report. The economy added jobs, but not as many as we had hoped. Moody's sent a clear letter warning that a default crisis would send our economy into a tailspin. There is no time to waste. The longer Republicans insist on dismantling Medicare as a price for moving forward, the longer the unemployed will wait for good news, and the closer the Nation will come to a default crisis.

Republicans' ideology of obstruction isn't limited to economics or seniors' health. We also see it in their approach to performing the Senate's constitutional duty of confirming the President's nominees for important positions.

A few weeks ago, Republicans blocked a well-qualified, fair-minded, and widely respected legal scholar for a seat on the U.S. Court of Appeals. Now they are continuing these partisan antics by threatening to block two more noncontroversial nominees. The first is Peter Diamond. He is one of the Nation's top economists. He has won the Nobel Prize in economics. Not long ago, he had bipartisan support for his nomination to the Fed's Board of Governors. All of a sudden, for no good reason, Republicans have decided to stand in the way of his nomination.

The second, Don Verrilli, is the President's nominee for Solicitor General of the United States. The Judiciary Committee approved him by a 17-to-1 margin. So in addition to being supremely qualified, he is clearly not controversial. But now Republicans are threatening to block this nominee over requests for documents totally unrelated to him or his position. I hope they don't hold him up for reasons that have nothing to do with his nomination.

Blocking every nominee no matter the merits is no way to govern or lead. It is no way to move forward.

Mr. President, if we are going to keep our economy upright—for families and for our Nation as a whole—we have to recognize real problems and propose realistic solutions. We cannot hold one policy hostage to another or be bound by some strange ideology.

Every month we play these games guarantees that the following month will bring more of the same avoidable fights. For families worried about affording the basics, and for our Nation's fundamental economic strength, we need to get serious before it is too late.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I may speak for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### GOVERNMENT WATCHDOGS

Mr. GRASSLEY. Mr. President, when it comes to doing oversight, I think I have a reputation of doing just as vigorous oversight when we have Republican Presidents as when we have Democratic Presidents, and what I am speaking to the Senate about today has no partisanship in it because I could have said the same thing—and did say it—when there was a President Bush or a President Clinton or a President Reagan.

I speak today about watchdogging the watchdogs, as I have done many times in the past. I first started watchdogging the Pentagon back in the early 1980s when President Reagan was ramping up defense spending. Then a group of Defense reformers were examining the pricing of spare parts of the Defense Department, and we uncovered some real horror stories, such as \$750 toilet seats and \$695 ashtrays, all going into military aircraft. That is ridiculous, of course.

As news reports of these horror stories were hitting the streets, Offices of Inspectors General—OIGs—were sprouting up in every Federal agency as a result of a recently passed act of Congress in 1978. The Defense Department OIG officially opened for business

March 20, 1983. Today, thanks to the Inspector General Act of 1978, and the taxpayers, we now have a real army of watchdogs. The question is, To what extent are they doing their business?

This mushrooming IG bureaucracy is very expensive. It costs over \$2 billion a year. But it now occupies a pivotal oversight position within our government, with a very important role to play.

As a Senator dedicated to watchdogging the taxpayers' precious money, I look to the IGs for help. That is because I just don't have the resources in my own office to investigate every allegation that might come my way. Like other Members of Congress, I regularly tap into this vast reservoir of talent called the inspector general. We count on them. We put our faith and trust in their independence and honesty. We rely on them to root out and deter fraud and waste in government wherever that waste and fraud rears its ugly head.

If—and that is a big “if”—the IGs are on the ball, then the taxpayers aren't supposed to worry about things such as \$750 toilet seats. But I underscore the word “if” because fraud and waste are still alive and well in government.

One could legitimately ask: How can this be? We created a huge army of watchdogs. Yet fraud and waste still exist unchecked.

So I keep asking myself the same question that one might ask: Who is watchdogging the watchdogs?

True, there is an IG watchdog agency called the Council of Inspectors General on Integrity and Efficiency. But that is just another toothless wonder. So the Senator from Iowa has the duty today. I am here to present another oversight report on the Pentagon watchdog. I call it a report card on the fiscal year 2010 audits, issued by the Department of Defense inspector general.

It assesses progress toward improving audit quality in response to recommendations that I made on an oversight report that I gave to my fellow Senators last year. After receiving a series of anonymous letters from whistleblowers alleging gross mismanagement at the Office of Inspector General and the audit office within that office, my staff initiated an in-depth oversight review. My staff focused on audit reporting by that office, and our work began 2 years ago.

On September 7, 2010, I issued my first oversight review. It evaluated the 113 audit reports issued for fiscal year 2009. It determined that the Office of Inspector General audit capabilities, which cost the taxpayers about \$100 million a year, were gravely impaired.

As a watchdog, degraded audit capabilities give me serious heartburn for one simple reason. It puts the taxpayers' money in harm's way, and it leaves huge sums of money vulnerable

to threat and waste. Audits are the inspector general's primary tool for rooting out fraud and waste. Audits are the tip of an inspector general's spear. A good spear always needs a finely honed cutting edge. Right now, the point of that spear is dull, and so the inspector general's audit weapon is effectively disabled.

In speaking about my first report on the floor last September 15, I urged Inspector General Heddell to “hit the audit reset button” and get audits to refocus on the core inspector general mission of detecting and reporting fraud and waste. My report offered 12 specific recommendations for getting the audit process back on track and lined up with the Inspector General Act of 1978.

The response of the Office of Inspector General to my report has been very positive and very constructive. In a letter to me, dated December 17 last year, Inspector General Heddell promised to “transform the Audit organization,” consistent with recommendations in my report. The newly appointed deputy IG for auditing, Mr. Dan Blair, produced a roadmap pointing the way forward. Blair's report, dated December 15, laid out a plan for improving “timeliness, focus, and relevance of audit reports.” He promised to create a “world-class oversight organization providing benefit to the Department, the Congress, and the taxpayer.”

As part of their response to my report, the audit office also tasked two independent consulting firms—Qwest Government Services and Knowledge Consulting Group—to conduct an organizational assessment of the audit office and its reports. These independent professionals seemed to reach the very same conclusions I had. The Qwest report, issued October 2010, put it this way:

We do not believe Audit is selecting the best audits to detail fraud, waste, and abuse.

The auditors, the Qwest report states, have lost sight of that goal and “need to step back and refocus on the IG's core mission.”

That is exactly what I saw last year and what I continue to see today. However, I wish to be not totally pessimistic. All the signals coming since my report from the IG's office are encouraging. They tell me I am on the right track. The key question before us is this: When will the promised reforms begin to pop up on the radar screen?

The fiscal year 2010 reports examined in my report card were issued between October 2009 and September 2010. They were set in concrete, so to speak, long before Mr. Blair's transformation was approved. So the full impact of those reforms will not begin to surface in published reports until later this year or in the fiscal year 2011–2012 reports. However, that is not to say some improvement is not possible any time now, since discussions regarding the

need for audit reform actually began in June 2009.

As we will soon see, there is no sign of sustained improvement—not yet today—but a faint glimmer of light can be seen in the distant horizon. In order to establish a solid baseline for assessing the IG's transformation efforts, my staff has taken another snapshot of recent audits. My latest overview report is best characterized as a report card because that is exactly what it is.

Each of the 113 unclassified audits issued in fiscal year 2010 was reviewed, evaluated, and graded in five categories as follows: category No. 1 was relevance; category No. 2, connecting the dots on the money trail; No. 3, strength and accuracy of recommendations; No. 4, fraud and waste meter; and No. 5, timeliness. Grades of A to F were awarded in each category. To average, it was necessary, obviously, to use numerical grades of 1 to 5 and then convert them to standard A to F grades.

Scoring was based on answers to key questions such as this: Was the audit aligned with the core inspector general mission? Did the audit connect all the dots in the cycle of transactions from contract to payment? Did the audit verify the scope of alleged fraud and waste using primary source accounting records? Were the recommendations tough and appropriate? Lastly, how quickly was the audit completed?

Each report was then given a score called the junkyard dog index. That is an overall average of the grades awarded in the five evaluation categories.

For grading timeliness, the following procedure was used: Audits completed in 6 months or less received a grade of A; those completed in 6 to 9 months, a B; those completed 9 to 12 months, a C; those taking 12 to 15 months, a D; and those that took over 15 months, an F.

After each report was graded individually, all the scores for each report in each rating category were added and averaged to create a composite score for all 113 audit reports.

The overall composite score awarded to the 113 reports was D minus. This is very low, indeed. Admittedly, the grading system used is subjective. However, as subjective as it may be, my oversight staff has determined it is a reasonable or rough measure of audit quality. Right now, overall audit quality is poor.

The low mark is driven by pervasive deficiencies that surfaced in every report examined—with 15 notable exceptions out of the 113. Those deficiencies are the same ones pinpointed by the Qwest report previously referred to. Instead of being hard core, fraud-busting contract and financial audits, most reports were policy and compliance reviews having no redeeming value whatsoever. Those are basically the findings I gave to the inspector general last September, when I criticized then what they were doing—spending too much

time on policy audits and not enough time on chasing the money—on the waste of the taxpayers' money.

You have to follow the money if you are to find out where there is waste, fraud, and abuse—particularly the fraud. So what has been done in most of these has no redeeming value whatsoever because they did not pursue fraud-busting contract and financial audits but instead policy and compliance reviews. Quite simply, the auditors were not on the money trail 24/7, where they need to be to root out fraud and waste as mandated by the IG Act.

There is one bright spot, however. The auditors got it right—mostly right—in 5 reports and partially right in 10 other reports. Clearly, this is a drop in the bucket, but these 15 reports—which constituted just 13 percent of the total we reviewed for fiscal year 2010 output—prove that the audit office is capable of producing quality reports.

The 15 best reports earned grades of good to very good overall, with excellent grades in several categories. They involved very credible and commendable audit work. Each one deserves a gold star. While the top five reports earned overall scores of C-plus to B-minus, those scores would have been much higher were it not for long completion times. The average time to complete the top five reports was 21 months. Long completion times make for stale information and, of course, that makes the reports irrelevant.

Had they been completed in 6 months, for example, they could have earned a high B-plus score. Such long completion times clearly show that doing the nitty-gritty, down-in-the-trenches audit work requires large audit teams, if—and I want to emphasize “if”—they are to be completed in a reasonable length of time.

Right now, there are no specified goals for audit completion times. They are desperately needed. Then audit teams can be organized with the right skill sets to meet those goals.

My report includes seven individual report cards—six on the best reports and one on the worst report. I think the best way for my colleagues to understand my audit report card is to briefly walk through two of them—the best and the worst.

The highest grade was awarded to an audit that the Department of Defense entitled “Foreign Allowances and Differentials Paid to DOD Civilian Employees Supporting Overseas Contingency Operations.” This report examined the accuracy of \$213 million in payments to 11,700 DOD civilians in fiscal years 2007–2008 for overseas “danger and hardship” allowances.

After reviewing the relevant payment records, the auditors determined that the Defense Finance and Accounting Service—and I am going to refer to that as their acronym, DFAS—had

made improper payments—underpayments and overpayments—totaling \$57.7 million. The audit recommended that the DFAS Director “take appropriate corrective action to reimburse or recover the improper payments” and that new policies and procedures be put in place to preclude erroneous payments in the future.

This report received an overall grade of B-minus. However, it received excellent grades—A minuses in three categories: relevance, connecting the dots on the money trail and fraud and waste meter. But it earned a B-minus for incomplete recommendations and an F for timeliness because it took too long—over 21 months—to complete, and so it was stale at that point.

The auditors went to the primary source records to verify the exact amount of erroneous payments. I wish to emphasize to the auditors at the IG this move is the one reason why this report earned high scores. Very few audits—just a handful—actually verified dollar amounts using primary source accounting records. That is why I emphasize so often on the need to follow the money trail if you are going to find the fraud and the waste.

In this report, the recommendations were good but did not go far enough. Recommending recovery or reimbursement of overpayments or underpayments was worth a B-minus, but responsible officials were not identified and held accountable for the sloppy accounting work that produced \$57.7 million in erroneous payments.

It is kind of a rule of thumb around this place. If you don't identify who screwed up and make them feel personally responsible and send a message to other people, how are you going to bring about change? Did the audit office follow up to determine whether the DFAS Director had taken steps to reimburse underpayment or recover overpayments? The answer is probably no. In fact, nothing has been done. On February 23, 2011, in response to a question from my office, DFAS reported that the Department of Defense is still “developing a policy” to fix the problem. Isn't it funny that they have to develop a policy for what is so obviously wrong? Once that process is completed, though, DFAS will “take appropriate corrective action to reimburse and initiate collection action.”

When auditors make good recommendations, such as here in this audit, and nothing happens, it is as though they are kind of howling in the wilderness. That has to be very demoralizing.

At this late hour the probability of correcting these mistakes is fading fast. For starters, this audit work started over 2 years ago. Couple that with the fact that it is in connection with payments made in 2006. That is 5 years ago. With the passage of so much time, this has become essentially an academic exercise.

That is exactly why reports need to focus on current problems and why they must be completed promptly. That is exactly why this one, which took 16 months to complete, earned an F for timeliness, but otherwise was a pretty good audit.

The rest of the audits examined in my report card—98 in all, or 87 percent, of the total output for fiscal year 2010—were of poor quality and earned grades of D and F. These are primary examples of the kind of audits targeted in the Qwest Report previously referred to. That is an outside report. They had the Department of Defense bring them in to do so some investigating that is not questionable because they do not have an interest in what comes out. But these audits were not designed to detect fraud and waste. That is what the IG ought to be doing, following the money trail.

It happens they did not document and verify financial transactions. They were not on the money trail where they needed to be and where their audit manuals tell auditors to go to detect fraud and waste. They did not audit what truly needs to be audited. They had little or no monetary value or impact.

Some were mandated by Congress, including 27 memo-style audits of stimulus projects. That is from the stimulus act we passed here in 2009. Tiger Teams should have been formed to tackle these audits. Unfortunately the exact opposite happened. These were the worst of the worst. They contained no findings of any consequence. They offered few if any recommendations. Most did not even identify the costs of the project audited. The taxpayers were deeply concerned about the value of these so-called shovel-ready jobs that were supposed to be quickly consummated by the stimulus bill of 2009.

Taxpayers were looking for aggressive oversight. Taxpayers wanted assurances that huge sums of money were not wasted. Taxpayers got none of the objectives they sought. Instead of probing audits, the taxpayers got the equivalent of an inspector general stamp of approval, like a rubberstamp that reads, "OK, approved."

I will now review the worst report. It typifies the ineffectiveness and wastefulness of the bulk of the fiscal year 2010 audit production. I remind my colleagues, each one of these reports costs an estimated \$800,000.

The report that received the lowest score is entitled by the auditor "Defense Contract Management Agency Acquisition Workforce for Southwest Asia." It received an F score in every category, across the board. The purpose of this report was to determine whether the Defense Contract Management Agency had adequate manpower to oversee contracts in southwest Asia. It concluded that the Defense Contract Management Agency was unable to de-

termine those requirements and there was no plan for doing so. The report recommended that the Defense Contract Management Agency "define acquisition workforce requirements for southwest Asia."

This is one of many OIG policy reviews, but this one is unique in that it took 18 months to review a policy that did not even exist. This audit should have been terminated early on, but as the Qwest Report points out, the inspector general's office has no process "for stopping audits that are no longer relevant." So this is like a runaway train. What redeeming value did this report offer to the taxpayers? None that I can see. This is the stuff for a Department of Defense staff study, or some think tank analysis, not for an independent officer or inspector general audit.

This audit, like so many others like it, did not focus on fraud and waste and, not surprisingly, found no fraud or waste.

The Defense Contract Management Agency has a long history of exercising lax contract oversight. The Office of Inspector General resources would have been better spent auditing one of the Defense Contract Management Agency's \$1.3 trillion in contracts. Go where the money is, if you want to find the fraud, follow the money.

The inclusion of individual report cards on the best and worst audits is meant to be a constructive educational exercise. So I am hoping the analysis accompanying these report cards will serve as a guide and a learning tool for auditors and managers alike.

I am hoping the auditors will read my report and use it to sharpen their skills. I hope it will help guide them on a path to reform and transformation. If the auditors adopt and follow the simple guidelines used to gauge the quality of the best or worst reports, they will begin producing top-quality audits that are fully aligned with the core IG's mission prescribed by that 1978 law.

Before wrapping up my comments I wish to call the attention of my colleagues to several very interesting charts presented in the final section of my report card. They appear in the chapter entitled "Comparative Performance with Other OIG Audit Offices." These two sets of charts highlight striking contrasts. They show the Department of Defense auditors are being significantly outperformed by their peers at three other agencies: the Department of Health and Human Services, Housing and Urban Development, and Homeland Security—and by very substantial margins indeed. Their peers may be five times more productive than they are at the Department of Defense, and able to produce audits at one-quarter of their costs.

I would offer one caveat of what I said about the other departments' IGs.

While I have reviewed comparisons of cost and productivity data from all four audit offices, I have not evaluated the quality of the other reports issued by the other three OIGs, meaning the Department of Health and Human Services, Department of Homeland Security, and Housing and Urban Development, as I did the report on quality of the Department of Defense report card. I believe it is a fair apples-to-apples comparison. It may not be. I want to say I do not know for sure.

Deputy IG of Auditing Mr. Blair needs to provide a satisfactory explanation for these apparent disparities. Otherwise he may need to hit the reset button once again on audit production and costs—as well as what he has said he is doing now. While Inspector General Heddell cannot be happy with an overall audit grade of D-minus, I think he understands the problem and I believe his heart is in the right place and he has taken the right steps to fix it. His apparent commitment to audit reform and Mr. Blair's promise to create "a modern, world-class" auditing oversight organization—those words happen to be music to my ears. They bode well for the future. In other words, they bode well for the future where, if these people do their job and do it right, fraud and waste will be rooted out and people would fear to commit it in the first place, considering the fact that people are going to be on their tail and find out about it.

For right now, though, I cannot report that I see sustained improvement in audit quality—not yet, not by a long shot. But the signals coming my way are good. I said that at the beginning of my comments. The ray of hope can be seen on the distant horizon. Maybe we will see it in the next batch of audits and I will be here to report to my colleagues what those audits show. I hope I can give every one of them Bs and As.

The 15 best reports show that the Department of Defense Office of Inspector General Audit Office is capable of producing quality reports. That number is obviously a drop in the bucket but these fine reports could be a solid foundation for building the future. Repeat them 10 times and Mr. Blair could well be on his way to creating that world-class auditing operation, one that would be capable of detecting—not only detecting but, because people are going to be so scared of them, that would be capable of detecting and deterring fraud and waste.

Before those lofty goals can be achieved, Mr. Heddell and Mr. Blair need to tear down some walls. I call them the top 10 audit roadblocks, and these roadblocks are these:

No. 1, top management lacks a clear and common vision of and commitment to the Inspector General's core mission, a problem that adversely affects every aspect of auditing;

No. 2, most audits are policy-compliant reviews that yield zero financial benefit to the taxpayers;

No. 3, auditors are not on the money trail 24-7, where they need to be to detect fraud and waste;

No. 4, auditors consistently fail to verify potential fraud and waste by connecting all the dots in the cycle of transactions. They need to match contract requirements with deliveries and payments using primary source documents. By making these matchups, auditors will be positioned to address key oversight questions such as: Did the government receive what it ordered at an agreed-upon price and schedule, or did the government get ripped off, and if so ripped off by how much money?

Roadblock No. 5, most audits take so long to complete that they are stale and irrelevant by the time they are published. Reasonable time-to-complete goals need to be set and the audit team then can be organized with the right skills, the skill sets to meet these goals.

Roadblock No. 6, until the Department of Defense accounting system is fixed, complex audits will require large audit teams if reports are to be completed within a reasonable length of time.

Roadblock No. 7, audit findings and recommendations are usually weak, responsible officials are rarely held accountable, and waste or stolen money is rarely recommended for recovery or returning to the Treasury.

Roadblock No. 8, while relentless followup is an important part of audit effectiveness, it is not practiced by the audit office.

The last roadblock, No. 9, since the Department of Defense broken accounting system is obstructing the audit process, contracts designed to fix that system need to be assigned a much higher audit priority.

These mighty barriers stand between all the promises and reality. IG Heddell and Deputy Blair must find a way to tear down these walls. Otherwise, audit reform and transformation will never happen. These unresolved issues will demand tenacious watchdogging by my oversight team and by all other oversight bodies as well, including the Committees on Armed Services and Appropriations. My oversight staff will keep reading and evaluating the Office of Inspector General audits until steady improvement is popping up on my oversight radar screen every day.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## ECONOMIC RECOVERY

Mr. McCONNELL. Mr. President, as Senators return to Washington this week, we do so amidst a crush of troubling news about the economy. In the past week alone, we have learned that home values across the country are still falling at a time when about one out of five homeowners already owes more on their home than that home is worth. Auto sales are down. Manufacturers are showing the weakest growth in nearly 2 years. And there is deep pessimism about the prospects of a recovery anytime soon. So while some in Washington have sought to kind of paper over the economic problems or offer weak assurances that a recovery is right around the corner, millions of Americans continue to suffer with no end in sight, and very few people are confident things will turn around anytime soon. It is no secret why.

For 2½ years, Democrats in Washington have paid lip service to the idea of job creation while pursuing an agenda that is radically opposed to it, and the results speak for themselves. They told us that if we borrowed \$1 trillion and spent it, unemployment would rise above 8 percent. Mr. President, 2½ years later, unemployment is hovering above 9 percent—higher than when the stimulus was signed. They told us that if we spent trillions on a new health care entitlement, we would see health care costs go down. A year later, health care costs are expected to go up. They told us that if we spent money on things we didn't have, such as cash for clunkers, turtle tunnels, solar panels, and windmills—in other words, on more government—the recovery would take care of itself. And where has it gotten us? Well, last week a second rating agency threatened that if we do not get our fiscal house in order in a matter of weeks, America's stellar rating runs a serious risk of being downgraded. This is uncharted territory.

The warning signs are clear and urgent. Something must be done. The first step is to recognize how we got here. That is the easy part. The government-driven policies of the last 2½ years have clearly been a failure. The next step is getting Democrats in Washington to admit it, and that is the hard part. If the last few weeks have shown us anything, it is that Democrats in Washington are in a deep state of denial. We have seen their approach to all the warnings.

As signs of an economic catastrophe have gathered, Republicans have offered concrete proposals for creating jobs and growing the economy. We have offered multiple concrete budget

proposals. We have offered specific plans for reining in the crushing cost of entitlements and for preserving them. Democrats have offered a 30-second campaign ad of someone pushing a grandmother off a cliff. As ratings agencies have sent up smoke signals about the catastrophic consequences of a potential default, Republicans have proposed plans that will rein in our deficit and debt and send a clear signal to taxpayers and the world that lawmakers in Washington have the will to live within our means. Democrats rushed to the White House and demanded that the President raise taxes. These past weeks should have been a wake-up call for Democrats. They sent it through to voicemail. More concerned about an election that is nearly 2½ years away, Democrats have ignored every single warning.

Americans look at all this, and they ask themselves a simple question: When will these guys get serious? Every light on the control panel is flashing red. Yet, amidst all the bad news this past Friday, the President heads out to Toledo to pat himself on the back for an auto bailout that is expected to cost taxpayers tens of billions of dollars. Nearly 14 million Americans are looking for jobs and can not find them. Yet the President, who acknowledges that free-trade agreements will create hundreds of thousands of new jobs, is now suddenly holding them hostage in exchange for even more government spending. American businesses want to expand and hire. Yet the White House has weighed them down with mountains of new regulations and costs, health care mandates, taxes, and conflicting signals about the future. American energy producers want to tap into our own resources. Yet the administration is blocking them at every turn. One of our Nation's biggest and proudest manufacturers wants to build a new factory that would employ thousands and solidify its reputation as an industry leader in the world. Yet the administration is standing in the way in order to help their union allies. Since when do businesses have to ask the President's permission to create jobs?

Most people know that when it comes to politicians, you should pay more attention to what they do than what they say. Never was this truer when it comes to Democrats in Washington today.

Just consider this. Three years ago, my good friend the majority leader issued a press release blasting the Bush administration on its approach to unemployment and debt. He called these figures a casualty of the administration's failed economic policies and a shameful legacy of the policies of the previous 8 years. At the time my friend the majority leader made that statement, unemployment was 5 percent and the national debt stood at \$9.2 trillion.

Today, with unemployment above 9 percent and the debt at more than \$14 trillion, Democrats are silent. They have no plan, no proposals, no sense of urgency. They run the White House and they run the Senate, and yet their entire approach is to sit back and wait—no budget, no plans, just wait for the next election; let Republicans offer solutions, and then we will attack them and pretend we care about jobs.

That is the game plan. Here is the problem. Unless one is a political consultant or just standing around waiting for a bailout, their plan won't do anything to create a single new job—not one—and it won't do anything to address the crisis we know is coming.

There is no excuse for inaction. That is why Republicans refuse to sit back and wait. Until these crises are met, until we see more jobs being created, until the American people begin to regain their confidence in this economy, then we will have to be out there proposing solutions, coming up with answers, and making our case. And we will keep at it until our Democratic friends finally start to focus on the battle for America's future instead of the battle over next year's election.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### UNEMPLOYMENT

Mr. KYL. Mr. President, I would like to talk about two subjects briefly this afternoon. The first is the relatively bad news about unemployment in the country; the fact that the latest numbers are out and the country has not produced as many jobs as had been hoped for.

In fact, it added only 54,000 payroll jobs in May and thereby fell short of the 130,000 to 150,000 which are needed each month just to keep pace with population growth. So we lost ground. As a result, the unemployment rate has now gone back up to 9.1 percent.

It is not just the lack of jobs but also other economic news. Factory orders were down 1.2 percent in April, so we are not growing there. Interestingly, the Home Price Index, which is something very important in my State, the S&P Case-Schiller Home Price Index

edged down .2 percent in March and is now 3.5 percent from this time a year ago.

All of these and other pieces of the news present a very bleak picture for economic recovery. One of the interesting commentators on this is Michael Barone, who is well known to most of us involved in political work. He had an interesting op-ed today in the Washington Examiner with the unfortunate title, "Obama Tunes Out, and Business Goes on Hiring Strike." The problem is, there is some information to back up the title of his piece. He is reflecting on government policies the last couple of years such as growing government spending as a percent of GDP, which has gone up from 21 percent to 25 percent.

So we have been expanding government borrowing and spending at the same time as the economy is depressed. That included the time in which the failed stimulus plan was supposed to have provided economic growth and job creation. It also included the time of the health care entitlement, the Dodd-Frank financial regulation bill, and so on. So let me quote from the piece. He said:

It is hard to avoid the conclusion that the threat of tax increases and increased regulatory burdens have produced something in the nature of a hiring strike.

In relation to the President's speech at George Washington University, where the President had sort of repackaged his Federal budget, Barone says:

The message to job creators was clear. Hire at your own risk. Higher taxes, more burdensome regulation, and crony capitalism may be here for some time to come.

I ask unanimous consent to have the article by Michael Barone dated June 6, 2011, printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

#### NEW START TREATY

Mr. KYL. The other subject I would like to address today is news on a totally different front, but it is a subject that will be familiar to us from last December when the Senate argued the New START treaty and ultimately passed it. I am going to speak primarily about questions of missile defense cooperation with Russia, which was a big part of that discussion.

I wanted to first call attention to the fact that the Department of State released a fact sheet last Wednesday. It was entitled "New START Treaty Aggregate Numbers of Strategic Offense Arms"—a long title. But the statement from the State Department confirmed what we had argued during the time of this START debate and what I thought was pretty widely understood at the time, despite administration protesta-

tions to the contrary; namely that the New START treaty is perhaps the first bilateral treaty that resulted in U.S. unilateral reductions in nuclear forces.

As this fact sheet makes clear, Russia was already below the deployed strategic forces and deployed delivery vehicle limits of the treaty when we ratified the treaty. This is something we tried to point out. We said this is not a two-way street. Russia has already reduced its weapons below the levels called for in the treaty. The only country that will have to reduce levels from what currently exists is the United States. Now this information is confirmed by the State Department. Even the Arms Control Association recognized this when it posted on its blog recently, on June 1:

Why has Russia already met its obligations? Because Moscow was in the process of retiring older strategic missiles while the treaty was under negotiation.

Exactly correct. This fact should not be overlooked, especially not as the administration undertakes a review of the nuclear deployment guidance and targeting and deterrence doctrines, which are designed, or so the administration claims, to be "preparations for the next round of nuclear reductions." That is according to the President's National Security Adviser.

I worry that the next round may also be a unilateral round where the United States makes all of the concessions, as occurred under the New START treaty.

According to Gary Samore of the national security staff, at an Arms Control Association Conference, he said these may be "unilateral steps that the U.S. could take."

Obviously, that is something we would be concerned about if we are making unilateral concessions while the Russians make none. He made one other point at the Arms Control Association. He said:

We've reached the level in our forces where further reductions will raise questions about whether we retain the triad or whether we go to a system that is only a dyad. Those are important considerations. Reductions below the level that we have now are going to require some more fundamental questions about force structure.

When we speak of the triad or the dyad, remember the triad is the system we have had all throughout the Cold War that relies on a combination of ICBMs on land, submarine-based missiles at sea, and a bomber force that can deliver weapons from the air.

As Mr. Samore points out, if we reduce our weapons levels even further, we will probably reach a point where instead of all three systems, we will only have two. So I think it is clear we have reached a breaking point where further reductions will require significant changes to the U.S. nuclear deterrent and could presumably alter the commitments that the administration made to the Senate as to the modernization of deterrent.



During our debate on the START treaty, there were a lot of promises made about how we were going to retain the triad, and we were not going to eliminate further strategic weapons. Now those matters seem to be in doubt, and this is why, one of the reasons why, 41 Senators wrote to the President on March 22 and asked that the Senate be consulted about any further changes that the administration may choose to embark upon. And I want to be clear, it is a choice. There is no compelling justification to change the current U.S. nuclear posture. So this would be something the administration would be doing on its own.

But I am concerned that in the National Security Adviser's letter—responding to ours—on May 31 there was no reference to how the administration intended to keep the Senate involved as this process goes forward. I think it makes all the more clear the need to pass S. 1097, the New START Implementation Act, which provides, as one of its provisions, for the Congress to be consulted before any changes are made to the nuclear guidance.

I also look forward to an opportunity to discuss these matters with the President's nominee for Secretary of Defense, Mr. Leon Panetta. I will be curious to learn if he agrees with the 10-year commitments made to the Senate last year regarding the modernization of the nuclear deterrent, if he agrees with General Chilton who told the Senate that current levels of nuclear forces are exactly what is needed for deterrence, and also whether he agrees with Secretary Gates' recent comments at the American Enterprise Institute that nuclear modernization programs are absolutely critical.

So it was on the basis of the administration's commitments to our nuclear modernization program that some Senators agreed to support or to ratify the New START treaty.

Let me turn now to the question of missile defense. During the consideration of the New START treaty, many of us made the fundamental point that with respect to missile defense, there was no meeting of the minds between Russia and the United States.

While the administration insisted that there were no restrictions on missile defense, either legal or otherwise, the Russian side believed that "the linkage to missile defense is clearly spelled out in the accord and is legally binding." That was noted by Russian Foreign Minister Lavrov on April 6 of last year.

Of course, the administration was never willing to share with the Senate the negotiating record that the Russian negotiators obviously were aware of. Sharing the record with us might have cleared up just what understandings the Russians think they received during the negotiation of the treaty.

In order to secure Russian support for the New START treaty and assuage their misplaced concern about U.S. missile defense activities, the administration initiated talks with Russia to find common ground on missile defense cooperation, and it cancelled a third site deployment in Poland and the Czech Republic.

Or, as Under Secretary of State Ellen Tauscher characterized the purpose of missile defense cooperation in a speech of May 19, 2010: "to turn what has been an irritant to U.S.-Russian relations into a shared interest."

Although administration officials might deny this, I believe Russian officials were under the impression that in return for Russian support for New START, the United States would provide Russia not only the opportunity for missile defense technical cooperation, but that Russia would also play a role in defining future U.S. and NATO missile defense plans. Thus, President Medvedev told the Russian General Assembly in December 2010:

I'd like to speak plainly about the choice we face in the next ten years: either we reach an agreement on missile defense and create a meaningful joint mechanism for cooperation, or if we fail to do so, a new round of the arms race will begin and we will have to make decisions on the deployment of new strike weapons.

As it turns out, we didn't have long to wait until the Russians threatened this "choice." In response to the recently concluded U.S. and Romanian agreement to base SM-3 block TB missiles in Romania in 2015, President Medvedev has again threatened the U.S. and NATO with an arms race if these planned deployments go forward.

On May 18, 2011, President Medvedev told a gathering of journalists in Moscow that "if we don't [forge a missile defense cooperation model], we will have to take retaliatory measures, which we do not want to have to do. This will mean forcing the development of our strike nuclear potential."

Medvedev went on to reiterate a warning issued by the Foreign Ministry that Moscow may pull out of the new START disarmament agreement in response to the United States' position on missile defense.

This is precisely what many of us predicted would happen if we ratified the New START treaty in December. I didn't think it would happen quite so quickly.

This point was reiterated by President Medvedev following the recent G-8 summit in Deauville, France when he said, "We're wasting time . . . if we do not reach agreement by 2020, a new arms race will begin . . . I would like my partners to bear this in mind constantly."

The Russians are of one point of mind at the top of their leadership. They are threatening a new arms race. What they mean by that is, the United States reduces our capability to defend

against missiles that could theoretically come from Russia.

Is this the reset in relationships the administration promised? Did they manage to reset our relationship right back to the dark days of the Cold War?

It appears from the comments of the President of the Russian Federation that this is precisely what happened.

The Russian Foreign Minister has further said Russia needed "legal assurances," that the proposed U.S. missile defense deployments were not aimed at Russian territory.

Presumably, even the administration would agree no such "legal assurance" can be made.

But, then again, could the administration include such an assurance in the Missile Defense Cooperation Agreement, MDCA, or the Defense Technology Cooperation Agreement, DTCA, the administration is discussing with the Russian Federation?

Again, no Senator nor Senate staffer has been able to see the document that the administration has shared with Russian counterparts. So, we are left to wonder.

Here we are, and the Senate, being part of the American Government, isn't even privy to what our administration is talking to the Russians about—matters on which eventually the administration is likely to seek our consent to. Remember, the Constitution provides for Senate advice and consent. What I have said before is if the Senate is to give its consent, we need an opportunity to provide some advice before the administration negotiates its agreements with Russia.

Why not share these documents with the Senate—and the House—and remove any cause for concern, if, in fact, there is none?

I also note Russian President Medvedev has sent a letter to the NATO-Russia Counsel outlining Moscow's position on a common missile defense system—which differs significantly from NATO's conception of two independently operated missile defense systems sharing some form of early warning data. These are two very different things.

And, it is not as if Members of Congress have been ambiguous about our concerns.

Following a 14 April letter to the President signed by 39 Senators, 4 Senators met with Senior Defense and State Department officials on May 15 to again express our concerns about sharing sensitive missile defense technical and sensor data with the Russians, and to better understand the content and legal authority of the draft Defense Technology Cooperation Agreement and Missile Defense Cooperation Agreement being discussed with the Russians.

Moreover, the House Armed Services Committee just incorporated the New START Implementation Act into its

version of the National Defense Authorization Act for Fiscal Year 2012, as well as the amendment offered by Representative BROOKS that will prohibit the sharing of sensitive missile defense technology and data.

How will the United States and NATO respond to this latest Russian intimidation?

Will NATO alter its plans to accommodate the Russian objective of a "sectoral" defense system?

Will the United States and NATO curtail deployment of phases III and IV of the European Phased Adaptive Approach? Phase IV is, of course, still just a paper missile, not something we developed, but it is part of our ultimate plan.

Will the United States agree to share sensitive information or technology with Russia for the sake of a missile defense agreement?

The administration informs us that these Russian threats are mere rhetoric, associated more with the upcoming presidential elections in Russia than with any true threats. And that Russia will not pull out of New START or begin a new arms race in response to U.S. missile defense plans. The administration assures us the United States will not alter its missile defense plans to accommodate Russian concerns.

Nevertheless, the Congress needs better insight into administration plans for missile defense cooperation and missile defense talks with Russia than has thus far been the case.

At the very outset, the administration created a separate venue from New START to discuss missile defense cooperation with Russia—this was the so-called Tauscher-Ryabkov track; despite repeated inquiries from Congress, the administration still refuses to provide meaningful details about the nature of these discussions.

Likewise, we are interested to know where the administration will recommend basing a new missile defense early-warning radar, called a TYPY-2 radar. Will it put the radar in the Caucasus, as the Bush administration planned to do, or will it seek instead to base the radar in a location less advantageous to the missile defense of the United States homeland, but more acceptable to the Russians—even if that means that an ally like Israel will be denied access to the data generated, by the radar, as Turkey has said it requires?

To this end, and as I referenced earlier, 39 Senators sent a letter to the President on April 14 to inquire whether, contrary to the President's December 18, 2010 letter, we will make our missile defense decisions "regardless of Russia's actions."

The letter expresses serious concerns about reports the administration may provide Russia with access to sensitive satellite data and U.S. hit-to-kill missile defense technology, and urges the

administration to share with Congress the materials on U.S. missile defense cooperation that have been provided, or will shortly be provided, to the Russian government. We still await these materials.

Lastly, the administration owes Senators information about what national security staff member Michael McFaul, whom I understand has been recently nominated by the President to be the U.S. Ambassador to Russia, meant when he briefed the press on May 26 that "we got a new signal on missile defense cooperation that as soon as I'm done here I'll be engaging on that with the rest of the U.S. government."

I am concerned that my staff asked the National Security staff about this almost a week ago and have heard nothing back.

I hope to hear back from the administration soon, especially if the administration expects the Senate to act promptly on Mr. McFaul's nomination.

Mr. President I am deeply skeptical about the course the United States and Russia are on concerning missile defense.

I think it should be abundantly clear that Senators and House Members will be paying very close attention to the development and deployment of the European phased adaptive approach to make sure it is done in a manner consistent with the security of the United States, without consideration to Russian "understanding" of what they think has been agreed to between the United States and Russia.

I will be working with my House colleagues to ensure that it is very clear that the United States will accept no limitations on its missile defenses. But I note, as I said at the outset, it is interesting that things that were told to us at the time the Senate was debating the New START agreement have turned out not to be true, just as many of us predicted, starting with the proposition that the United States would be drawing our weapons down while Russia would not. It turns out that is what happened because the Russians were already at the level they negotiated us down to.

So the question is, What did we get for our unilateral concessions? It appears to me that the only thing we got is an understanding by Russia that they are also going to be able to talk us down from our missile defense plans that could protect both the United States and allies in Europe or that as an alternative Russians would be part of a cooperative missile defense program which would, of necessity, require the sharing of economic data that would be inimical to the U.S. national interests.

I express these concerns in the hope that we can receive information from the administration that might allay our concerns, persuade us that it is not involved right now in negotiations, in

effect, behind the Senate's back, and the best way to assure us is to share the information with us that we requested in letters we sent previously. I hope the administration will, next time it asks for our consent, be able to say it had already asked for our advice because I am afraid, if it does not, the Senate is much less likely to provide its consent to any agreements that might be submitted.

#### EXHIBIT 1

[From RealClearPolitics.com, June 6, 2011]

#### OBAMA TUNES OUT, AND BUSINESS GOES ON HIRING STRIKE

(By Michael Barone)

Last week, I noted that various forms of the word "unexpected" almost inevitably appeared in news stories about unfavorable economic developments.

You can find them again in stories about Friday's shocking news, that only 54,000 net new jobs were created in the month of May and that unemployment rose to 9.1 percent.

But with news that bad, maybe bad economic numbers will no longer be "unexpected." You can only expect a robust economic recovery for so long before you figure out, as Herbert Hoover eventually did, that it is not around the corner.

Exogenous factors explain some part of the current economic stagnation. The earthquake and tsunami in Japan caused a slowdown in manufacturing. Horrendous tornadoes did not help. Nor did bad weather, though only a few still bitterly cling to the theory that it's caused by manmade global warming.

But poor public policy is surely one reason why the American economy has not rebounded from recession as it has in the past. And political posturing has also played a major role.

Barack Obama and the Democratic congressional supermajorities of 2009-10 raised federal spending from 21 percent to 25 percent of gross domestic product. Their stimulus package stopped layoffs of public employees for a while, even as private sector payrolls plummeted.

And the Obama Democrats piled further burdens on would-be employers in the private sector. Obamacare and the Dodd-Frank financial regulation bill are scheduled to be followed by thousands of regulations that will impose impossible-to-estimate costs on the economy.

That seems to have led to a hiring freeze. The Obama Democrats can reasonably claim not to be responsible for the huge number of layoffs that occurred in the months following the financial crisis of fall 2008. And Treasury Secretary Timothy Geithner and Federal Reserve Chairman Ben Bernanke did manage to help stabilize financial markets.

But while the number of layoffs is now vastly less than in the first half of 2009, the number of new hires has not increased appreciably. Many more people have been unemployed for longer periods than in previous recessions, and many more have stopped looking for work altogether.

It's hard to avoid the conclusion that the threat of tax increases and increased regulatory burdens have produced something in the nature of a hiring strike.

And then there is the political posturing. On April 13, Barack Obama delivered a ballyhooed speech at George Washington University. The man who conservatives as well as liberal pundits told us was a combination of Edmund Burke and Reinhold

Niebuhr was widely expected to present a serious plan to address the budget deficits and entitlement spending.

Instead, the man who can call on talented career professionals at the Office of Management and Budget to produce detailed blueprints gave us something in the nature of a few numbers scrawled on a paper napkin.

The man depicted as pragmatic and free of ideological cant indulged in cheap political rhetoric, accusing Republicans, including House Budget Committee Chairman Paul Ryan, who was in the audience, of pushing old ladies in wheelchairs down the hill and starving autistic children.

The signal was clear. Obama had already ignored his own deficit reduction commission in preparing his annual budget, which was later rejected 97-0 in the Senate. Now he was signaling that the time for governing was over and that he was entering campaign mode 19 months before the November 2012 election.

People took notice, especially those people who decide whether to hire or not. Goldman Sachs' Current Activity Indicator stood at 4.2 percent in March. In April—in the middle of which came Obama's GW speech—it was 1.6 percent. For May, it is 1.0 percent.

"That is a major drop in no time at all," wrote Business Insider's Joe Weisenthal.

After April 13, Obama Democrats went into campaign mode. They staged a poll-driven Senate vote to increase taxes on oil companies.

They launched a Mediscare campaign against Ryan's budget resolution that all but four House Republicans had voted for. That seemed to pay off with a special election victory in the New York 26th congressional district.

The message to job creators was clear. Hire at your own risk. Higher taxes, more burdensome regulation and crony capitalism may be here for some time to come.

One possible upside is that economic bad news may no longer be "unexpected." Another is that voters may figure out what is going on.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture motion with respect to the Verrilli nomination be withdrawn, and at 5:30 p.m. the Senate proceed to vote, without intervening action or debate, on Calendar No. 118, the motion to reconsider be considered made and laid on the table, with no intervening action or debate; that no further motions be in order with respect to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative

session, with the other provisions of the May 26 unanimous consent agreement remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF DONALD B. VERRILLI, JR., TO BE SOLICITOR GENERAL OF THE UNITED STATES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States.

The PRESIDING OFFICER. The time until 5:30 will be equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I don't believe there is going to be a huge number of people lined up to speak on this nomination, but I will first use part of my reserve time on the Verrilli nomination to speak of another matter within the purview of the Judiciary. So I ask unanimous consent, with the time being charged to my half hour, that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDGE RICHARD LINN

Mr. LEAHY. Mr. President, on the first day of this millennium, January 1, 2000, the newest Federal judge, and the first of the millennium, was sworn in. Richard Linn became a member of the Federal Circuit Court of Appeals at the stroke of midnight, standing in the Federal Circuit's courthouse, with a view of the Washington Monument lit behind him, and the oath being administered by Chief Judge H.R. Mayer.

President Clinton had been told of the hundreds of nominations he would make during his Presidency, one he would never regret would be that of Judge Linn. How true that prediction. Judge Linn has brought dignity, expertise, and judicial excellence that could set the model for all our Federal courts. His calm but brilliant analyses of our most complex intellectual property cases reflect the extensive experience he had before going on the bench. This experience now benefits all Americans.

My wife Marcelle and I and our children have been privileged to have known Dick and Patti Linn for over a generation, as well as their wonderful daughters, Debbie and Sandy, and all their family. This weekend, their children, son-in-law Erik, and grandchildren, Jaret and Dakota, as well as other members of their family, will

gather to unveil a portrait of Judge Linn. I hope that as people visit the Federal Circuit Court of Appeals building or are there on business, that they will pause and look. It will give them a chance to see the face of justice and a man I admire greatly.

Mr. President, I ask unanimous consent that we go back on the matter before us, with the time still being reserved to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the majority leader and the Republican leader for reaching an agreement for the Senate to debate and vote on the nomination of Don Verrilli to be Solicitor General of the United States. By doing so, we were able to vitiate the cloture motion and avoid another unnecessary filibuster. Had agreement not been reached, this would have been the first filibuster in history of a Solicitor General nomination.

Mr. Verrilli is by all accounts one of the finest lawyers in the country, whose extensive experience as an advocate for a wide variety of clients will serve him well as Solicitor General, the top advocate for the United States. In a long and distinguished career, Mr. Verrilli has argued numerous cases before the Supreme Court, Federal appeals courts and State appellate courts. He clerked for Judge J. Skelly Wright on the DC Circuit and for Justice William Brennan on the U.S. Supreme Court. Mr. Verrilli's impressive breadth of experience both in Government and in private practice led the Judiciary Committee to report his nomination by a vote of 17-1 nearly a month ago. Seven of the eight Republican members of the committee joined in supporting Mr. Verrilli's nomination.

The Judiciary Committee heard from many respected lawyers from across the political spectrum in support for Mr. Verrilli's nomination. Eight former Solicitors General from both Republican and Democratic administrations, among them Republicans Charles Fried, Kenneth Starr, Ted Olson, Paul Clement and Gregory Garre, concluded: "Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office of the Solicitor General."

More than 50 prominent Supreme Court practitioners urged the Senate to confirm Mr. Verrilli's nomination, including conservatives like Maureen Mahoney, Peter Keisler, and Miguel Estrada. They wrote:

Don's approach to practicing law throughout his career—his meticulousness in understanding and presenting facts accurately and his insistence on coherently laying out reasons for the positions he is urging—proves beyond question that Don will protect and promote the rule of law.

I will ask that copies of the letters in support be printed in the RECORD at the conclusion of my remarks.

Don Verrilli is exactly the kind of superbly qualified, serious professional we should be encouraging to serve the American people in their government. I expect that he will be confirmed by a strong bipartisan majority of the Senate.

Like all of the nominations reported by the Judiciary Committee and pending on the Senate's Executive Calendar, Mr. Verrilli's nomination has been through the Judiciary Committee's fair and thorough process. We reviewed extensive background material on his nomination. All Senators on the committee, Democratic and Republican, had the opportunity to ask him questions at a live hearing. All Senators had the opportunity to meet with Mr. Verrilli individually, as well. Many also took advantage of the opportunity to ask him questions in writing following the hearing.

We then debated and voted on his nomination. I thank the members of the committee for their work, consideration and judgment. Many cited their meetings with Mr. Verrilli and his serious and thoughtful answers to hundreds of written questions for the record as a basis for their support of his nomination. The result of the process was that Senators, having raised whatever concerns they had and whatever differences they have with the policies of the Obama administration, voted nearly unanimously in favor of confirming Mr. Verrilli based on his qualifications, experience and appreciation for the responsibilities of the Solicitor General.

I appreciate the effort made by the Republican members of the Judiciary Committee in considering the Verrilli nomination on its merits and voting to support him, with one exception. I appreciated the thoughtful statement by the ranking Republican at our markup, nearly 1 month ago, in which he set forth his concerns and the painstaking process he followed to evaluate the nomination and his judgment to support him. Senator GRASSLEY attended the hearing, met personally with the nominee, and engaged in extensive written questioning, as well. In his statement he commended Mr. Verrilli "for his serious approach to the task of providing responses" and for his "thoughtful answers." After that rigorous process, Senator GRASSLEY became more comfortable that Mr. Verrilli "understands the duty of the Solicitor General." He emphasized that Mr. Verrilli had made clear to him that "he would not lend his name or that of the office to carrying out any order which he believed to be based upon partisan political considerations or other illegitimate reasons" and that rather than do so, he would resign from office. Senator GRASSLEY concluded that he has "every expectation that Mr. Verrilli, if confirmed, will honorably live up to his duties, obligations, and assurances."

The committee process left no doubt that Mr. Verrilli has an extensive knowledge of the law and an understanding of the independence required to represent the interests of the government and the American people as the Solicitor General of the United States. He is well qualified and well suited to serve in the role of what is often called "the tenth Justice."

The Senate has a longstanding practice of giving deference to the President to make nominations for positions in the executive branch. However, as we have seen with more and more of President Obama's nominations, Senate Republicans have dramatically departed from our Senate standards. This does great harm to the interests of the American people, the ability of good people to serve, the capacity of the government to fulfill its responsibilities and the proper functioning of the Senate. Subjecting consensus nominees to unnecessary and damaging delays and unjustified and harmful filibusters is wrong. I am glad the Senate leaders have been able to come to agreement to avoid the threatened filibuster of this qualified nominee to serve as Solicitor General of the United States.

Before the Memorial Day recess, the Senate should have confirmed the nomination of Lisa Monaco to be the Assistant Attorney General in charge of the National Security Division at the Justice Department. That is a key national security position. The Judiciary Committee held a hearing on Ms. Monaco's nomination in April and reported her nomination unanimously in early May. Her nomination has since been considered by the Senate Select Committee on Intelligence at an additional hearing and was reported unanimously by that committee, as well, nearly 2 weeks ago. After such a thorough process, there is no doubt that President Obama has made a first-rate choice to fill this very critical national security position. The value of Ms. Monaco's wealth of experience and institutional knowledge has been supported by the many former Justice Department officials who have written in support of her nomination, including former Attorney General Mukasey, who served during the President George W. Bush administration. Without cause or explanation, the Republican leadership still has not consented to a vote on this important national security nomination.

Even more egregious is the unprecedented filibuster of the nomination of Jim Cole to be Deputy Attorney General, the No. 2 position at the Justice Department also with key national security responsibilities. There is no excuse or justification for the continued failure to act on Mr. Cole's nomination to fill this critical position. It was blocked last year when it was pending for 5 months in the Senate. The nomination was reported favorably by the

Judiciary Committee again in March, and incredibly, has been filibustered for another 10 weeks while the country faces concerns about terrorism in the aftermath of the President's successful operation against al-Qaida and Osama bin Laden. It is hard for me to understand how, at a time when experts are concerned that al-Qaida will seek reprisals, the Senate has not acted to ensure that President Obama has his full national security team in place. Instead, Senate Republicans have chosen to delay action on those nominations and to seek to use them as leverage against the administration.

I have urged Senate Republicans to reject this partisan approach and to come together to work with our President to keep America safe. In the aftermath of 9/11, we expedited law enforcement nominations, confirming an additional 58 officials to posts at the Justice Department before the end of 2001. We should have done the same with the nominations of Lisa Monaco and Jim Cole. We should treat Mr. Cole's nomination with the same urgency and seriousness with which we treated all four of the Deputy Attorneys General who served under President Bush. All four were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. No Deputy Attorney General nomination has ever been subjected to a filibuster before. It is wrong and should end.

I am confident that Mr. Verrilli's qualifications, experience, ability, temperament and judgment will lead to an overwhelming bipartisan vote in support of his confirmation to serve as the next Solicitor General of the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD copies of the letters to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 8, 2011.

Re Nomination of Donald Verrilli as Solicitor General.

Hon. PATRICK J. LEAHY,  
*Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write in enthusiastic support of the nomination of Don Verrilli to become the next Solicitor General of the United States. We write as lawyers who are deeply familiar both with the work of the Solicitor General and with Don's own work and character. Some of us have worked jointly with Don, some of us have appeared opposite him in cases, all of us have seen his work. We believe that Don is ideally suited to carry out the crucial tasks assigned to the Solicitor General, chiefly the representation of the United States in the Supreme Court, and to maintain the traditions of the office that the Solicitor General leads. We urge the Senate to confirm him as Solicitor General.

With experience representing a wide variety of clients, and several years serving the

United States from within the government at its highest levels, Don is unusually experienced in the vast range of legal issues over which the Solicitor General is responsible on behalf of the United States. He is a quick study, careful listener, and acute judge of legal arguments. He is a masterful writer and oral advocate who knows the importance of clarity, candor, vigor, and responsiveness. The array of departments and agencies the Solicitor General represents, the Congress that enacts the laws being executed, and ultimately the Supreme Court in the performance of its functions all rely on these qualities in a Solicitor General, and all would be well served by Don Verrilli in that position.

As important, the successful functioning of the Solicitor General's office requires an ability to see the effects of particular arguments on the overall interests of the United States, both across agencies and over the long term. Shaping arguments to respect those interests, and to protect the special credibility the office has acquired over the decades of its existence, while maintaining clarity and force in presentations, demands the whole range of knowledge, intelligence, judgment, and other capacities that Don has in abundance. More generally, the rule of law depends on a consistent commitment to reason in the unfolding of legal principles. Don's approach to practicing law throughout his career—his meticulousness in understanding and presenting facts accurately and his insistence on coherently laying out reasons for the positions he is urging—proves beyond question that Don will protect and promote the rule of law.

Finally, Don has a deeply ingrained habit of civility. Not only in court, but in private interactions, with co-counsel, colleagues, and lawyers who are adverse to his clients, Don maintains his equanimity and politeness and engages in calm, reason-based discussion. His character will serve the highest traditions of the Solicitor General's office.

We expect that the Senate, after full inquiry, will see all the virtues we know from firsthand experience that Don possesses. He is the consummate professional, and we hope that the Senate will confirm Don promptly to serve as the Solicitor General.

Sincerely,

RICHARD G. TARANTO,  
*Farr & Taranto.*

CARTER G. PHILLIPS,  
*Sidley Austin LLP.*

The following people have signed on to this letter:

Akin Gump Strauss Hauer & Feld, LLP: Patricia Ann Millett; Arnold & Porter: Lisa S. Blatt; Covington & Burling: Jonathan Marcus; John P. Rupp, Robert Long; Crowell & Moring: Clifton S. Elgarten, Susan Hoffman; Farr & Taranto: Bartow Farr; Finnegan, Henderson, Farabow, Garrett & Dunner: Donald Dunner; Gibson Dunn & Crutcher LLP: Theodore B. Olson, Miguel Estrada, Theodore J. Boutrous Jr., Thomas G. Hungar; Goldstein, Howe & Russell, P.C.: Thomas Goldstein, Amy Howe, Kevin Russell; Hogan Lovells: H. Christopher Bartolomucci, Catherine E. Stetson; Howrey: Gerold Ganzfried; Jenner & Block LLP: Paul Smith; Jones Day: Donald Ayer, Craig E. Stewart, Meir Feder; Kellogg Huber: David Frederick, Michael Kellogg, Aaron M. Panner; Kirkland & Ellis: Christopher Landau; King & Spalding: Daryl Joseffer; Latham & Watkins: Richard P. Bress, Maureen E. Mahoney; Matthew Brill; Jonathan Massey;

Mayer Brown LLP: Stephen M. Shapiro, Andrew L. Frey, Andrew Pincus, Evan M. Tager, Charles Rothfeld, Lauren Rosenblum Goldman, David M. Gossett, Jeffrey W. Sarles.

Molo Lamken: Jeffrey Lamken; Morgan, Lewis, & Bockius LLP: Peter Buscemi, Allyson N. Ho; Morrison Foerster: Deanne E. Maynard, Brian R. Matsui; O'Melveny & Myers: Walter Dellinger, Sri Srinivasan, Jonathan Hacker; Orrick, Herrington & Sutcliffe LLP: E. Joshua Rosenkranz; Paul Hastings: Stephen B. Kinnaird; Pillsbury Winthrop: Kevin M. Fong, Claudia W. Frost; Quinn Emanuel Urquhart & Sullivan LLP: Kathleen Sullivan; Robbins Russell: Roy Englert; Ropes & Gray LLP: Douglas H. Hallward-Driemeier; Sidley Austin LLP: George W. Jones, Paul Zidlicky, Rebecca Wood, Jeffrey Green, Jacqueline Cooper, Peter Keisler, Eric Shumsky, Mark Haddad, Joseph Guerra, Robert Hochman, Michelle Goodman; Skadden, Arps, Slate, Meagher & Flom LLP: Cliff Sloan; Venable: John Cooney; Wiley Rein LLP: Andrew G. McBride, Helgi C. Walker; Williams & Connolly: Kannon K. Shanmugam, Stephen Urbanczyk; Willkie Farr: Richard Bernstein; Wilmer Cutler Pickering Hale and Dorr: Seth P. Waxman, Paul R.Q. Wolfson, David Ogden, Randolph Moss; Zuckerman Spaeder LLP: David Reiser.

WASHINGTON, DC,

March 17, 2011.

Re Nomination of Donald B. Verrilli Jr. for the Position of Solicitor General.

HON. PATRICK J. LEAHY,  
*Chairman,*

HON. CHARLES GRASSLEY, *Ranking Member,*  
*U.S. Senate Committee on the Judiciary,*  
*Washington, DC.*

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We have served as Solicitors General in the administrations of Presidents Ronald Reagan, George H.W. Bush, William Clinton, and George W. Bush. We write in strong support of the nomination of Donald Verrilli to become Solicitor General of the United States.

Some of us have worked alongside Mr. Verrilli as co-counsel; some of us have appeared opposite him in cases; all of us are familiar with his work, his demeanor, and his well-deserved reputation as a leading member of the Supreme Court bar. We believe Mr. Verrilli is ideally suited to carry out the crucial tasks assigned to the Solicitor General and to maintain the traditions of the Office the Solicitor General.

Mr. Verrilli's long experience representing a wide array of clients, in combination with his recent experience serving in senior positions in government, render him particularly well qualified to address the range of legal issues over which the Solicitor General is responsible on behalf of the United States. His well-deserved, stellar reputation as both a writer and oral advocate, and his deeply ingrained civility and dedication to the rule of law will well serve all three branches of gov-

ernment. We wholeheartedly endorse his confirmation.

Respectfully,

SETH P. WAXMAN

For:

Charles Fried (1985-1989).  
Kenneth W. Starr (1989-1993).  
Drew S. Days III (1993-1996).  
Walter E. Dellinger III (1996-1997).  
Seth P. Waxman (1997-2001).  
Theodore B. Olson (2001-2004).  
Paul D. Clement (2004-2008).  
Gregory G. Garre (2008-2009).

Mr. GRASSLEY. Mr. President, I will vote to confirm Donald B. Verrilli, Jr., to be Solicitor General of the United States, but I do so with little enthusiasm. Mr. Verrilli has impressive credentials and noteworthy accomplishments. In addition to his government service in the White House Counsel's Office and at the Department of Justice, he has been a litigator in private practice for more than 20 years. He has argued 12 cases, and participated in more than 100 cases, before the Supreme Court of the United States. Mr. Verrilli served for over 15 years as an adjunct professor of constitutional law at the Georgetown University Law Center. He clerked for Associate Justice William J. Brennan, Jr., of the U.S. Supreme Court, and Judge J. Skelly Wright of the U.S. Court of Appeals for the District of Columbia Circuit.

My concern with this nomination is whether or not the nominee will demonstrate appropriate independence in the office. His testimony at his hearing raised doubts about his ability and commitment to uphold that principle. Mr. Verrilli seemed to buy into the notion that he was still the President's lawyer. He gave lip service to the two traditional exceptions to the Solicitor General defending a statute—first, if the statute violates separation of powers by infringing on the President's constitutional authority; and second, if there is no reasonable argument that can be advanced in defense of the statute. Mr. Verrilli then appeared to create a third exception one that is not supported by practice or tradition. He stated he would defend a statute's constitutionality “unless instructed by my superior not to do so.”

This position advocated by the nominee—that interference in the rule of law, by the President or by the Attorney General, is an appropriate reason not to defend statutes—was extremely troubling to me and other members of the committee. That position is not the standard of the office. It is not what the Nation expects from its Solicitor General. His response gave me great pause about supporting his nomination.

Following his hearing, I gave Mr. Verrilli ample opportunity to address my concerns. In extensive written questions I asked the nominee to review and comment on testimony given

by previous Solicitor General nominees. In particular, I asked many questions regarding statements by prior Solicitors General regarding the independence of the office. I asked him to review cases where the Department of Justice had made a determination not to defend a statute. I asked him to analyze those cases as to the rationale for not defending the statute. In addition, I asked him to review and comment on a number of Supreme Court cases that address serious constitutional issues.

I reviewed his answers to my written questions for the record. I commend Mr. Verrilli for his serious approach to the task of providing responses. In most cases he gave thoughtful answers. In many instances he declined to provide his views on the topic but gave general assertions that he would follow the law. In other instances he claimed confidentiality. I do not agree with his assertion of confidentiality in most of the instances where he raised that as a basis for not responding. In other circumstances, such a response would be unacceptable. In the past, such responses, or allegations of similar responses, have resulted in a failed confirmation or withdrawal of the nomination.

Based upon my review of his responses, I am more comfortable with the notion that Mr. Verrilli understands the duty of the Solicitor General. I believe, because of my questions and the time he spent contemplating the issues, he will be a better Solicitor General than he otherwise would have been. Mr. Verrilli has been exposed to decades of thought and experience by this review. On the whole, I concluded that Mr. Verrilli now has a greater sensitivity to the necessity of independence in the office. In numerous answers he provided a much better response than he did at his hearing. He indicated he would not lend his name or that of the office to carry out any order which he believed to be based on partisan political consideration or other illegitimate reasons. Rather than do so, he said he would resign from office. I will hold him to that pledge.

I want to be clear about my tepid support for Mr. Verrilli. He is nominated to an executive branch position, not a lifetime appointment. My lukewarm support is based largely on the nature of the office to which he will be appointed, if confirmed.

I will put the administration on notice, as well as Mr. Verrilli, the Senate, the media, and any other interested party. My less than enthusiastic vote for Mr. Verrilli to be Solicitor General of the United States is limited to that office alone. No entity or individual should presume my support for Mr. Verrilli for any other future office to which he may aspire or to which he may be nominated—be it in the executive, judicial, or legislative branch of government.

Furthermore, as ranking member of the Judiciary Committee, I will vigorously carry out my oversight responsibilities to ensure the Solicitor General and his subordinates are performing as they should. I will be watching to make certain Mr. Verrilli complies with his oath of office, with his obligation to the Constitution and statutes of the United States, with his duties of the office, and with the assurances he has given the Senate in his oral and written testimony. I expect nothing less from all officials of government. I have every expectation that Mr. Verrilli, if confirmed, will honorably live up to those duties, obligations, and assurances.

#### TENNESSEE TORNADOES

Mr. ALEXANDER. Mr. President, on Wednesday I traveled to Greene and Washington Counties in Upper East Tennessee—up near Virginia and North Carolina—to visit with the victims of tornadoes that swept across our State on April 27 and to see firsthand how the recovery is going.

What I found was what I expected to find. In Washington County and Greene County, the citizens are not complaining. They are cleaning up, and they are helping each other. I also found out there are some things that still need to be ironed out, but so far the recovery from a devastating disaster is going well in East Tennessee. The real work is being done by people affected by those storms and by volunteers, and I think it says that Tennesseans are doing what Tennesseans usually do.

I first met with Alan Broyles, who is the mayor of Greene County, and Bill Brown, who is director of Greene County's Emergency Management and Homeland Security Agency. Seven people lost their lives in Greene County. We visited the Camp Creek and the Horse Creek communities. We saw many of the homes that have been completely leveled, and debris was still being removed. We saw one home where a couple—the Harrisons had been helping neighbors into their basement when the tornadoes swept through and killed both Mr. and Mrs. Harrison, but spared the lives of the neighbors in the basement. There were two crosses there next to what was left of the basement structure of the home.

At the Camp Creek Elementary School where FEMA has set up a disaster recovery center, I met Pamela Ward and her mother-in-law, Betty Ward. Mrs. Ward's home had been completely destroyed by the tornado, and her husband Kevin and their three daughters were staying in a hotel after discovering that the insurance on their home only paid off their mortgage. Mr. Brown and Q. Winfield, who is FEMA's Federal Coordinating Officer for Tennessee, immediately began working to help the Wards. By the next day, Mr. Winfield had called to let me know

that FEMA had approved the maximum award to help Pamela Ward and her family get back on their feet.

I also visited Washington County, where I met with Dan Eldridge, who is the mayor of the county, as well as local emergency management officials and families affected by the disaster. One resident was killed in a tornado that touched down in Washington County. Hundreds of homes were damaged. However, it was clear that families and volunteers had been hard at work putting their community back together. Rebuilding had begun, and the debris had already been removed in many areas.

FEMA is doing an excellent job working with State and local officials, but the generosity of the volunteers and the entire community working in a collective way with the churches to help families get back on their feet is an amazing sight. It is still very important for victims to register with FEMA by calling 1-800-321-FEMA (3362). Families are also eligible for other forms of disaster assistance, including loans from the Small Business Administration and unemployment and food stamp benefits. While we cannot make these families whole, there are people who still need help, and we have to make sure they know help is available. I want to make sure that whatever the Federal Government is able to do, it is doing.

Over the past year, Tennessee has experienced disasters of historic proportions. We know very well we are not the only State or the only community where this has happened. Beginning with the 1,000-year flood that struck middle and west Tennessee last May, to the devastating tornado outbreak and river flooding this year in both the eastern and western parts of our State, 74 of Tennessee's 95 counties are currently Presidentially declared disaster areas. Thousands of people are still recovering, and many are only just beginning to put their lives back together. In spite of everything this past year has thrown at us, Tennesseans are going about their business helping themselves and helping others in remarkable and inspiring ways.

Mr. President, I yield the floor, and I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Alabama.

MR. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### THE ECONOMY

MR. SESSIONS. Mr. President, I wish to share a few thoughts about the state of the American economy and the lack of effectiveness of this Congress in confronting it—in particular, the lack of



the leadership of the U.S. Senate to deal with the crisis we are facing both economically and financially as part of our economic condition. We can't separate those two.

The leading economic indicators are not good. Last week, we were pummeled with a series of reports that were bad news. The numbers continue to be disturbing, actually. The share of our population that is employed today declined to 58.4 percent—the lowest level since 1983. So the percentage of people working today is the lowest we have had since 1983.

The May jobs report that just came in fell well short of projections. The consensus view of economists was for a gain of 165,000 jobs, but, in fact, we gained 111,000 fewer than that. We had a very low job creation month, and it marks the worst jobs report in 8 months. Everybody is saying things are getting better and jobs are getting better, but this is a wake-up call. The numbers have not been strong. They have actually been very fragile. The jobs have to increase about 180,000 a month to actually stay level, and to begin to increase, we have to be above that. To reduce our unemployment rate, it has to be above 180,000. So we were far below that this month.

The percentage of people who are long-term unemployed—who have been unemployed for 27 weeks or more—jumped nearly 2 percentage points to 45.1. The unemployment rate increased to 9.1 percent from 9 percent. However, the unemployment rate does not take into account those who are underemployed or who may have become discouraged. That is why we have such a low percentage of people working. Many are discouraged and have given up looking for work.

Since its peak of 12,800, the Dow Jones Industrial Average is down now 698 points or more than 5 percent over the last month. I believe this is the sixth consecutive week the Dow has declined.

Consumer confidence is also deteriorating. The Consumer Confidence Survey is down 12 points from its peak in February. It has been steadily going downward. Consumer expectations about the future are even worse, falling more than 20 points in the last 3 months, from 97.5 to 75.2. The last time we experienced a 3-month drop in consumer confidence of more than 20 points was March 2008, during the heart of the great recession.

The Misery Index, which combines the unemployment rate with the 1-year change in inflation growth, hit 12.2 percent, the highest level in a year.

Those are grim statistics. Indeed, I am looking at Barron's and a lead editorial by Mr. Abelson in today's issue. This is something he expressed unease about, very serious concern, in his lead column for the Barron's publication. He quotes a report from the Liscio Re-

port, Philippa Dunne and Doug Henwood, and he quoted from their analysis:

More than a little shocking to Philippa and Doug, and to us as well—

Referring to himself—

is that private employment today is 2 percent below where it stood 10 years ago and, as they've noted before, job loss over a 10-year period is unprecedented.

In other words, over 10 years we have 2 percent fewer people working in the private sector—the first time we have ever identified a 10-year period in our history—and he goes back to 1890—that we have actually seen a decline in employment over 10 years.

It continues:

So far, they point out somewhat grimly, "We've regained just 1.8 million jobs lost in the Great Recession and its aftermath, or about one out of every five that have been lost.

So we only recovered about one in five of the jobs. We have been reading that job growth is out there, but it hasn't been much. It has been anemic, and so has been GDP growth.

He goes on to note that "the number of folks out of work increased by 167,000 and a goodly number of those—44.6 percent, to be precise—have been unemployed for 27 weeks or longer, within crying distance of an all-time high. The average stay in the ranks of the jobless has reached the longest in the postwar period." That is World War II. So that is the longest time we have gone with almost half the people being unemployed for at least 27 weeks. So it is not a good situation.

We have tried. The Federal Reserve has tried. The Congress rammed through a stimulus bill that didn't work. I felt it wouldn't work, and I explained why at that time, but it passed anyway, adding almost \$800 billion, \$900 billion to the total debt of our country, and every penny of that was borrowed. It has not worked. But we will pay interest on it.

Last year, our highway spending was about \$40 billion. The interest on that stimulus bill will be almost that much unless we find some way to start paying down our debt. And there is no plan on the table to reduce our debt in the immediate future. That is for sure.

So what would I say about where we are today? I believe this Congress cannot justify having created a financial situation in which 40 cents of every \$1 we spend is borrowed. We take in \$2.2 trillion, and we are spending \$3.7 trillion. Every economist has told us in the Budget Committee—I am the ranking Republican there—this is unsustainable.

President Bush's highest deficit was too high: \$450 billion. Under the first 2 years of President Obama, we have had \$1.2 trillion and \$1.3 trillion added to the debt, and this year, on September 30, we expect \$1.5 trillion to be added to our debt. We will have doubled the en-

tire debt of the United States under 4 years of his leadership.

His budget he submitted to us earlier this year makes the situation worse. If you take the basic trajectory of the Congressional Budget Office, the President's budget, even though it raises taxes, raises spending more and actually puts us on a more unsustainable path than otherwise would be the case. Over the 10-year budget he proposes, the lowest single deficit is \$748 billion, and it is going up to around \$1 trillion in the 10th year. These are systemic, unsustainable deficits, and they have to be confronted.

We have to reduce spending. Everybody knows that. But we are not willing to do so. The Democratic leader, when we had the continuing resolution and we had the debate over how much to spend the rest of this fiscal year, proposed a \$4 billion reduction in spending. And our deficit will be \$1,500 billion this year. He proposed to cut \$4 billion in this year's continuing resolution. After much fight—and the House had passed \$60 billion or \$70 billion in spending reductions through the rest of the year—the Senate finally, under the Democratic leaders here, got it down to \$38 billion, I believe.

We are not facing up to reality. So what do you do? The Fed has cut interest rates to zero. We are spending unlimited amounts of money. We have tried all kinds of gimmicks and efforts—reducing the Social Security tax, other things—to try to create growth in the economy, and it has not worked. I suggest part of the problem is the deficit itself.

Professors Rogoff and Reinhart have written a book: "This Time Is Different." In their analysis, when your debt equals 90 percent or more of your economy, you will show at least a 1-percent reduction in economic growth for that year. This year our debt, which is already about 95 percent of GDP, will be 100 percent of GDP by September 30. So the first-quarter growth numbers were 1.8 percent below what had originally been projected. That was a reanalysis of it—1.8 percent. According to their theory, it would be 2.8 percent growth if we did not have debt in excess of 90 percent of the gross domestic product.

I asked Secretary of the Treasury Geithner at the budget hearing whether he agreed with the Rogoff-Reinhart study, which has received quite a bit of attention and a great deal of respectful attention. He said he did. He said that in some ways the situation is worse than that suggests because we could have an economic crisis. When your debt-to-GDP is 90 or 100 percent, that is how you can have a circumstance somewhat like we had with the financial meltdown or like they are having in Greece.

So we have been warned by the fiscal commission Chairman and Cochairman, appointed by President Obama,



Mr. Erskine Bowles and Alan Simpson. They testified that we are facing the most predictable economic crisis in our Nation's history—the most predictable. When asked when it might happen, Mr. Bowles said 2 years, give or take. So we do not know what is going to happen.

I think we have to just grow up, realize that we have placed our Nation in financial jeopardy, that this country has spent money it did not have to a degree greater than this Nation has ever spent before, except maybe in the height of World War II when the entire Nation was in a life-and-death struggle. We have never spent this kind of money. We have never had these kinds of deficits.

Many remember the big fight over spending in the mid-1990s that resulted in the balancing of the budget in the late 1990s. That was a much simpler problem than we have today. I have looked at the numbers. I have studied the numbers. To get this country to a balanced budget is going to take some very serious, sustained work. It is going to be much more significant than it was in the mid-1990s. We simply cannot grow this economy—which is the key to getting ourselves out of the mess we are in—we cannot grow it by just passing more taxes. We cannot do that.

Congress has to step up to the plate. I remain extremely disappointed that the majority in the Senate did not even bring a budget to the floor last year. We are now at 750-, 760-some-odd days without having a budget. That is one reason we are spending so much money we do not have. We do not even have a budget. It was not even brought to the floor last year. Not a single appropriations bill was brought to the floor and passed last year. Since I have been here—and I guess in 20 or more years—our Democratic majority had the largest majority any Senate has ever had. They had 60 votes last year in the Senate. It only takes 50 to pass a budget. You can pass a budget without a supermajority, without a filibuster. It is designed to make sure we pass a budget because it is needed that we pass a budget. But it was not even brought up last year.

So what about this year? We have not even marked one up. We have not had a hearing in the Budget Committee to mark up a budget. Under the Budget Act, the budget is supposed to be passed by April 15. The House has passed a budget, a historic budget, a sound budget. It changes the unsustainable trajectory we are on. It is responsible. It has gotten widespread bipartisan applause for being a serious attempt to confront the financial crisis we are facing.

The Senate has not produced anything. Indeed, my good friend—and he has a tough job—our majority leader, HARRY REID, said it would be foolish to pass a budget. And his staff said some-

thing similar to the press. Foolish to pass a budget? What did he mean by that? Would it be against the American interest to pass a budget? Would it make our country less strong financially if we passed a budget? Would it be less responsible to pass a budget than to not pass one? I do not think so.

Actually, I do not think that is what he meant. What he meant was it would be foolish politically to pass a budget. So he did not bring one on the floor last year when he had 60 Senators. He has 53 now. He is not going to bring one up again this year. He would be foolish to. Why? Because when you produce a budget, you have to set forth, for the entire world—the financial world, the American people, the political world, the individual citizens of this Republic—what your plans are for the future. What are we going to do? How much are we going to spend? How much are we going to tax? How much deficit will be created, or surplus, if one is to be found? And it is not going to be found soon—a surplus—trust me. I have looked at the numbers. But we have to get on the right path. So he thinks that is foolish. I guess because, well, if he produced a budget, he might have to cut spending and somebody might complain. If he produced a budget and it is consistent with what some of my tax-and-spend friends believe and he has a bunch of tax increases in there, that might not be popular. So since it is not popular, we are just not going to do it, while we have the lowest number of people working in this economy since 1983 and we are 2 percent below the number of people who were actually working 10 years ago.

This Keynesian spend-tax-spend idea of how to make an economy grow is not sound. We have tried it. It was done over my objection, but it was done. We threw money at this economy the likes of which we have never seen before.

Now, the Brits, they are reducing their spending. They are making some tough choices in the UK. And some have been pushing back: Oh, you are cutting too much. They are having riots in Greece, where people are saying: You are cutting back spending too much. We have to have this money. But what did the International Monetary Fund say today? I believe it was today. They said: The UK, the Brits, stay the course. Stay with your fiscal responsibility that was initiated by the new conservative government. Do not go back to spending. Do not adopt the idea that you can create something out of nothing by borrowing money, money you do not have.

Of course, Julie Andrews laid that out really well in her song. I have thought and always try to remember: Nothing comes from nothing. Nothing ever could.

You cannot borrow your way out of debt, as one person in Evergreen told

me his granddaddy said. We have to face the music. We do not have the money to operate at the level we are.

I was at a town meeting in Marion, AL, and an elderly gentleman said he lived through the Depression, he lived through World War II, he lived through the great inflation surge in the 1970s, and he sees this other challenge we face today. He said the problem is not the high cost of living; the problem is the cost of living too high. That just sort of closed the meeting. He was the last one to speak. I thought there was a real silence there—the cost of living too high.

We have just been living on the idea that these brilliant people—the Fed and the Treasury and all—that they can just borrow money and spend it today, and that will make the economy flower, and we will all be successful, and we do not have to worry about paying it off.

What is a little debt? Well, we went down that road, and it has gotten completely out of control, and we cannot sustain it.

We are at a point where our debt threatens our economic growth. According to Rogoff and Reinhart, it is already reducing our growth by 1 percent. And if we have 2 percent growth for the year—if we have 2 percent growth this year instead of 1.8 percent, as we did the first quarter—that means 1 million more people employed. A 1-percent growth, economists tell us, is equal to 1 million people employed. If you get 3 percent, 4 percent, 5 percent growth, like we ought to have coming out of a recession, then you can have millions of jobs created and change this direction of our country.

We have used every weapon we have except common sense and sound policy. So what do we do? How do we get out of the mess we are in? It is not going to be an easy road, but we need to reduce spending. We have increased spending in the last 2 years—the first 2 years under President Obama—24 percent in discretionary nondefense spending.

We cannot cut that back to where we were in a previous day? Is the United States of America going to cease to exist if we reduce spending? We are going to have to. We do not have the money. So we do that. We send a message to the world as the people in England have that we understand the problem. We know we have gone too far. We are going to get on the right road. We are going to put our shoulders to the wheel, and we are going to lift this country forward and put it on a sound path.

We can do that. We will do that. That is what the American people said they wanted—I am convinced—in this last election. They want some responsibility here, and we owe it to them. I hope and pray that we can come together and make some significant changes in the way we spend money and the amount of debt that we have.

Yes, it might be tough for a while, but we will get on the right path. We will get this country going in the right direction. So when we are confused about the future, nobody knows exactly what to do, I think it is time to take a deep breath and go back to the old verities, the old truths that nothing comes from nothing. Hard work pays off. Borrowing, borrowing, borrowing is a road to disaster. We need to start paying down our debt. The kinds of things we tell our children every day, this Nation needs to do.

If the world and if the business community in our country saw us in that direction, nothing could be better for our economic growth. They would say: The United States of America has finally got it. They have their heads on right. They are making the decisions that will lay a foundation for sound, positive growth in the future, and they are not trying to get their way out of the problem they are in by something for nothing, some gimmick.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some brief thoughts about the nomination of Donald Verrilli to be Solicitor General of the United States. Solicitor General has been called the greatest lawyer job in the world. It is the position in the Department of Justice that represents the United States in appellate courts and the Supreme Court. As they said, again, there is no higher honor than to appear in the highest Court in the land and be able to announce that you represent the United States of America. That is what the Solicitor General gets to do and supervises that. It is a very important position.

It requires integrity, independence, and a commitment to the rule of law. Mr. Verrilli, by the account of quite a number of people, is a smart lawyer with significant experience in appellate matters and is respected as to his integrity and his legal ability. I say that because I am not going to be able to vote for him today, but what I am saying about him is not to be personal in any way. I can disagree with someone about their approach to law and still sometimes be able to vote for them.

I voted for most of the President's nominees. I supported Attorney General Holder's nomination. But what I want to say is, we are in a struggle internationally with a most virulent form of terrorism that has been declared by virtually all objective people as a war. We are involved in a war on

terrorism. That is just what it is. Bin Laden and the people who attacked us on 9/11 had declared war against the United States. They had officially said they were at war with us. Our President, on occasion, has acknowledged that we are at war. Congress has authorized the use of military force in Iraq, Afghanistan, and against al-Qaida. We have authorized it. We have not in Libya, but we have in those other instances.

So the Department of Justice, of which I was honored to be a member for 15 years as a Federal prosecutor, and U.S. attorney in Alabama for 12—and I loved that great Department and believe in it deeply. I am troubled by the extent to which it is being led by people who have an unwise understanding of the nature of the struggle we are in. One of the ways this plays itself out is to conclude that an individual affiliated with al-Qaida was presumptively to be tried in civilian courts like a normal criminal. But under the rules of war, under our Constitution and laws, and consistent with the history of the United States, it is perfectly permissible to capture an enemy combatant who is threatening us and to put them in jail and detain them, just like all prisoners of war have been detained, until the conflict is over.

No, we do not give them a trial. They are not entitled to lawyers. They are not entitled to go before a judge. They are prisoners of war. They are held in prisoner of war camps. They have to be humanely treated. They cannot be tortured. We have a specific statute about that, and I know we have had some instances where people said we are torturing. Some say it is not. But that is not the situation today. We are not close to the line of what is torture of anybody that is being held in custody today.

So the question is, What does the Department of Justice say? Well, they have made the statement that there is a presumption that these individuals should be tried in civilian courts. Congress, after several years of debate, finally passed a law that prohibited the funding of a civilian trial of any of the 9/11 terrorists who have been captured. Some have been held at the Guantanamo Bay detention facility. They have to be tried, if they are tried, before military commissions.

Military commissions have historical precedent. For example, in World War II, Nazi saboteurs entered the United States and attempted to attack us. They were captured. Trial was held within a few weeks by the military, and most of them were executed promptly. The Supreme Court, in *ex parte Quirin*, held that was perfectly appropriate.

Now, we cannot try a normal prisoner of war and execute them. We cannot do that. If a prisoner of war, how-

ever, violates the rules of war and commits crimes above and beyond the rules of war, then they can be tried and punished appropriately.

The 9/11 conspirators and other terrorists are wholly and totally committed to violating the rules of war. They attack innocent men, women and children. They attack noncombatants. That is all prohibited by the rules of war. They do not wear a uniform. If they want to have the protections of the rules of war, they have to wear a uniform when they go into combat. If they are captured, they have to be treated as prisoners of war. But if they have been sneaking into the United States surreptitiously, with a plot to bomb a target and murder innocent men, women, and children, then they have committed a war crime, and so they can be detained as prisoners of war and can be tried by the military as the war criminals they are.

So this has been a big battle, and we went through it for years. On the Judiciary Committee, of which I am a member, we had quite a bit of discussion about it in hearing after hearing. We somehow have tragically convinced the world that the American military is torturing people at Guantanamo, and it is not so. The people who were found to have been waterboarded and that kind of thing, it was not done at Guantanamo, and it was not done by the U.S. military. Zero.

At any rate, we had all of those debates, and we had fusses. We had lawsuits filed, and people were complaining about President Bush and all his policies. And we remember that. So now we are here with a series of people being appointed to the leadership of the Department of Justice, the law enforcement agency, the top prosecutors in the country, and those positions are being filled by the people—not who are prosecuting terrorists, not who know something about it, not skilled professional prosecutors who know how to do this job. The top positions are being filled with the people who protested.

Attorney General Holder himself has said that these cases ought to be tried in a civilian court. The Acting Deputy Attorney General, Mr. Cole, wrote an op-ed in the *Legal Times* saying the war on terror was a criminal matter, not a military matter.

Assistant Attorney General for the Civil Division, Tony West, defended John Walker Lindh, the American Taliban; the Acting Solicitor General, Neil Katyal, argued on behalf of Salim Ahmed Hamdan, bodyguard and chauffeur for Osama bin Laden, in *Hamdan v. Rumsfeld*, arguing that military commissions were illegal. These are some of the top positions in the entire Department of Justice: the Attorney General, a Deputy Attorney General of the Civil Division, and the Acting Solicitor General, and the person who is nominated to fulfill that spot.

So Mr. Verrilli, I believe, is a good man. In normal circumstances I would be willing to accept his nomination and vote for him. I am not going to try to slow it down. I am glad to have the vote and cast my vote. I am sure he will be confirmed. But it has been reported in the media that President Obama has now appointed 13 to 16 lawyers to high-ranking positions in the Department who themselves previously represented alleged terrorists or their supporters or were senior partners at their law firms when their firms decided to accept alleged terrorists as clients. Many of these lawyers, including Mr. Verrilli, support the view that terrorists are criminals and not unlawful combatants. It is all right to defend unpopular people, criminals who are unpopular. It is perfectly all right.

But I just want to say, as someone who loves the Department, I am concerned about the positions they are taking on the questions of the civilian trials of unlawful combatants.

I think it is wrong, and I have voted for the last one I am going to vote for to a top position at the Department of Justice who advocate that view. I think it places our Nation at greater risk. We do not need to be treating these individuals in that fashion.

As a practical matter, it works out this way. If you apprehend the Christmas Day bomber, he is treated as a civilian and he has to be given his Miranda rights within minutes of being arrested, which say that you can have a lawyer, you can remain silent, and you will be appointed a lawyer promptly. He has to be taken before a magistrate promptly—letting all his terrorist associates know he has been captured. He is entitled to discovery in the government's case in short order, and he is entitled to a speedy trial.

All of those things are part and parcel of the civil process. But if a suspected terrorist is captured as an unlawful combatant and detained by the military, he can be held as a prisoner of war, and he can be interrogated—not tortured—over a period of weeks, or months; and the military does not have to appoint a lawyer for them. Unlawful combatants can be tried at Guantanamo Bay by a military commission—and potentially found in violation of the rules of war—which is what ought to happen in these cases.

But that is not the position of the Department of Justice. The Department has been populated with people who have a different view—I think a wrong view—of it. Although I have great respect for Mr. Verrilli and his record, which seems to be a good one, the fact that he is another voice in the Department for a wrong philosophy is something I will vote against by voting no.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, shall the Senate advise and consent to the nomination of Donald B. Verrilli, to be Solicitor General of the United States.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Nebraska (Mr. NELSON), and the Senator from Montana (Mr. TESTER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 16, as follows:

[Rollcall Vote No. 85 Ex.]

YEAS—72

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Durbin       | Menendez    |
| Alexander  | Enzi         | Merkley     |
| Ayotte     | Feinstein    | Mikulski    |
| Barrasso   | Franken      | Murkowski   |
| Baucus     | Gillibrand   | Murray      |
| Begich     | Grassley     | Nelson (FL) |
| Bennet     | Hagan        | Portman     |
| Bingaman   | Hatch        | Pryor       |
| Blumenthal | Inouye       | Reed        |
| Blunt      | Johanns      | Reid        |
| Boozman    | Johnson (SD) | Rockefeller |
| Brown (MA) | Kirk         | Sanders     |
| Brown (OH) | Klobuchar    | Schumer     |
| Cantwell   | Kyl          | Shaheen     |
| Cardin     | Lautenberg   | Snowe       |
| Carper     | Leahy        | Stabenow    |
| Casey      | Lee          | Thune       |
| Coats      | Levin        | Toomey      |
| Cochran    | Lieberman    | Udall (CO)  |
| Collins    | Lugar        | Udall (NM)  |
| Conrad     | Manchin      | Warner      |
| Coons      | McCain       | Webb        |
| Corker     | McCaskill    | Whitehouse  |
| Cornyn     | McConnell    | Wyden       |

NAYS—16

|           |              |          |
|-----------|--------------|----------|
| Burr      | Isakson      | Rubio    |
| Chambliss | Johnson (WI) | Sessions |
| Crapo     | Moran        | Shelby   |
| DeMint    | Paul         | Vitter   |
| Heller    | Risch        |          |
| Inhofe    | Roberts      |          |

NOT VOTING—12

|        |           |             |
|--------|-----------|-------------|
| Boxer  | Hoeven    | Landrieu    |
| Coburn | Hutchison | Nelson (NE) |
| Graham | Kerry     | Tester      |
| Harkin | Kohl      | Wicker      |

The nomination was confirmed.

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on the motion to invoke cloture on the nomination of Donald B. Verrilli, Jr. to be Solicitor General of the United States. If I were able to attend today's session,

I would have supported the motion to invoke cloture.●

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate shall resume legislative session.

The majority leader.

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to S. 782, Calendar No. 38.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk. I ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 38, S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that act, and for other purposes:

HARRY REID, BARBARA BOXER, KENT CONRAD, JOHN F. KERRY, SHELDON WHITEHOUSE, AMY KLOBUCHAR, BENJAMIN L. CARDIN, JEFF BINGAMAN, JEFF MERKLEY, PATTY MURRAY, ROBERT MENENDEZ, JEANNE SHAHEEN, BERNARD SANDERS, FRANK R. LAUTENBERG, JACK REED, RICHARD J. DURBIN, DANIEL K. AKAKA.

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

30TH ANNIVERSARY OF HIV/AIDS IN THE U.S.

Mr. DURBIN. Mr. President, yesterday marked the 30th anniversary of HIV/AIDS in the United States. Thirty years ago, on June 5, 1981, the Centers for Disease Control and Prevention, CDC, published the first scientific report about five previously healthy men with what is now known as human immunodeficiency syndrome, HIV, and acquired immune deficiency syndrome, AIDS. Since that report, the face of

HIV/AIDS has changed into a global epidemic with over 33.3 million people living with HIV. In the United States, over 1.1 million people are living with HIV and almost 600,000 people have died from the disease.

For three decades this preventable disease has devastated families and communities. But there has also been a global response from the research community, government, health workers, and patient advocates to fight this disease and save lives. This battle has yielded notable victories. In the U.S., prevention has saved over 350,000 lives and new infections have decreased by more than two-thirds since the height of the epidemic. Advancements have been made in HIV testing, which is at an all time high with 11.4 million more people being tested in 2009 compared to 2006. Biomedical innovations have created powerful drugs that can transform AIDS from a death sentence into a chronic disease.

The advancement in HIV/AIDS treatment is embodied by the experience of Keith Green. In 1994, when Keith was 17 years old and still a senior in high school on Chicago's South side, he was diagnosed with HIV and given 10 years to live. Keith's prognosis dimmed his hope of a future and he lived day to day ignoring the disease and forgoing medication and treatment. When Keith was hospitalized at the age of 25, seriously ill, and 50 pounds underweight, he assumed his 10 years had come a little early. Fortunately, during his hospitalization, Keith learned about HIV treatment options and started to envision a future for himself. Today, with the help of medication and community support, Keith is a leader in the fight against HIV/AIDS.

Keith's story illustrates that progress has certainly been made, but the U.S. must continue to be a leader in the fight against HIV/AIDS. In the United States over 1.1 million people have HIV, but one in five of these people do not know they are infected. Each year 56,300 Americans become infected with HIV. Most of these new infections are among people under the age of 30—young people who have never known a time without effective HIV treatment and who may not fully understand the health threat of HIV.

The burden of HIV/AIDS continues to be disproportionately borne by gay and bisexual men and African Americans and Latinos. While Black Americans represent 12 percent of the U.S. population, they account for almost half of people living with HIV and half of new infections each year. We can win the fight against HIV/AIDS, but our national strategy must focus on eliminating these disparities.

The U.S. has been at the frontline combating the AIDS pandemic. We have established aggressive and effective programs, notably the Ryan White HIV/AIDS Program and the Tom Lan-

tos and Henry J. Hyde U.S. Global Leadership against HIV/AIDS, Tuberculosis and Malaria Act, known more commonly as PEPFAR. This year, as part of the National HIV/AIDS Strategy the CDC started implementing a 12 city demonstration project to enhance HIV prevention and reduce disparities. In my home State, Chicago is among the 12 cities included in the demonstration project. With over 14,000 AIDS cases, Chicago has one of the Nation's largest AIDS populations and is an appropriate battleground to enhance HIV/AIDS prevention, treatment, and access to care.

As we enter a fourth decade of the AIDS epidemic, we remember the 25 million people who have been lost to this disease and renew our commitment to fighting the AIDS epidemic, to eliminating stigma against those with this disease, and to stopping the spread of HIV.

I look forward to working with my colleagues to make these goals a reality.

#### TRIBUTE TO DR. SUSAN STONE

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the astounding achievements of a dedicated Kentuckian. Worthy of recognition for her contributions to the advancement of rural health care, Dr. Susan Stone has devoted much of her life to the practice of nursing and bettering the lives of women, children, and families around the country.

Dr. Stone received her first degree in nursing in 1974 and her bachelor's of science from the State University of New York. She obtained her doctor of nursing from the University of Tennessee Health Science Center, as well as her postmasters in nurse midwifery at the very school she is currently president and dean of, the Frontier School of Midwifery and Family Nursing in Hyden, KY.

Educated in many facets of medicine, Dr. Stone has worked as a nurse and a childbirth educator as well as a certified nurse midwife. Then in 2001 she found a way to make an even greater contribution to Kentuckians' health, as she was named president and dean of the Frontier School. Following in the footsteps of the Frontier School's founder, Mary Breckinridge, Dr. Susan Stone continues to seek to improve health care in Kentucky's rural and underserved areas. Expanding the school over the past 5 years to over 1,000 students from across the world, Dr. Stone has made a major impact on its growth. Expected to become the No. 1 education provider of advanced practice nurses in the future, the Frontier School now provides master's as well as doctoral degrees.

About 75 percent of students enrolled in the Frontier School are from rural counties, furthering Dr. Stone's vision

of improving health education and the availability of health assistance around the State. And since her involvement with the school, it has recently received three prestigious rankings in U.S. News and World Report.

For her incredible hard work and devotion to medicine, Dr. Susan Stone was named the National Rural Health Association's Distinguished Educator of the Year 2011. Kentucky is fortunate to have driven, focused women like Dr. Susan Stone, as she continues to educate and aid more students who will take their practice of medicine around the world.

Mr. President, the Leslie County News recently published an article highlighting the life and achievements of Dr. Susan Stone. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Leslie County News, May 12, 2011]  
FRONTIER SCHOOL'S PRESIDENT AND DEAN, DR. SUSAN STONE, NAMED NRHA'S DISTINGUISHED EDUCATOR OF THE YEAR

With great pride, the Frontier School of Midwifery and Family Nursing announces that Dr. Susan Stone, the school's president and dean, has been named the National Rural Health Association's Distinguished Educator of the Year for 2011. Dr. Stone was honored on May 5 during the 34th Annual Rural Health Conference in Austin, Texas. Dr. Stone's devotion to a career of advancing the education of rural health care providers throughout the United States made her a deserving recipient of this prestigious national award. Dr. Stone, who has led Frontier as its president and dean since 2001, has been instrumental in the growth and success of the Frontier School, a distance-learning graduate school of nursing with a historic campus in Hyden, Kentucky. Today, the school offers nationally rated master's and doctoral degree programs and educates nurses to become nurse-midwives, family nurse practitioners and women's health care nurse practitioners. Enrollment at Frontier has grown from just 200 students in 2006 to a current enrollment of over 1,000 students representing all fifty states and many countries. Stone has maintained a focus on educating nurses who will serve rural and underserved populations which is evidenced by the fact that 75% of students enrolled in 2010 resided in rural counties and/or health professional shortage areas. Thanks to Dr. Stone's commitment and leadership, Frontier graduates are most certainly increasing access to quality healthcare for those that need it most. The school was founded in 1939 by the visionary Mary Breckinridge, who years earlier founded the Frontier Nursing Service in the mountains of southeastern Kentucky to provide healthcare to women, children and families. Frontier is considered the birthplace of nurse-midwifery and family nursing in America. Dr. Stone's passion for the vision of Mary Breckinridge, who with her nurses traveled on horseback to deliver care and attend births in Appalachia, is evidenced by the school's continued commitment to educate advanced practice nurses to serve in rural and underserved areas. Mary Breckinridge wanted to see her work replicated

throughout the nation and world, and Dr. Stone has embraced that vision by educating students from all 50 states and several countries, taking Frontier's philosophy of care across the globe. Like Frontier's founder, Dr. Stone has devoted her career to improving healthcare for women and families. Dr. Stone received her first nursing degree in 1974, later followed by a bachelor's of science in nursing from the State University of New York. Dr. Stone worked as nurse, a certified childbirth educator and later as a certified nurse-midwife in New York, after receiving her post-master's certificate in nurse-midwifery from the Frontier School in 1991. During the '90s, while still practicing, she served on the distance-learning faculty of the Frontier School. Dr. Stone, who earned her Doctor of Nursing Practice degree from the University of Tennessee Health Science Center, has been instrumental in expanding the Frontier School's outreach worldwide, through a unique melding of online learning and real-world clinical experiences. The school recently received three high-profile rankings from US News and World Report: Frontier School of Midwifery and Family Nursing is ranked #13 in Nurse-Midwifery programs, #14 in Nurse Practitioner education programs and #50 in Nursing—among all accredited schools in the country. The work and commitment of Frontier graduates toward meeting rural health care needs could fill an entire book. With Dr. Stone's expert guidance, determination, passion and Frontier school is poised to become the No. 1 education provider of advanced practice nurses to serve rural areas, both domestically and internationally.

#### TRIBUTE TO ERNEST RAY RUDDER

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a distinguished Kentuckian, a self-described "jack of all trades" who has come through for his family, friends and neighbors time and again. Whether it is as a teacher, a law-enforcement officer, a fireman, a father, a grandfather or a great-grandfather, people know they can always rely on Mr. Ernest Ray Rudder.

Mr. Rudder—or, to those who know him, E.R.—has worn many hats throughout his life. Born in Laurel County, KY, in 1947, E.R. attended Bush School and Berea College, then transferred to Cumberland College where he earned his bachelor of science degree in biology and chemistry. During his college years he also married his childhood sweetheart Judy Hacker, and they have been married now for 44 years.

E.R. began work as a teacher, teaching all subjects, including chemistry and biology, in Clay, Jackson and Laurel Counties. He also worked for many years as a school assistant principal and principal. In 2000, E.R. retired from teaching after more than three decades of service.

But an easy retirement spent in a rocking chair was not for E.R. He was one of the charter members of the Bush Volunteer Fire Department, organized in 1975. While still serving as a school principal, he had worked occasionally

as a sworn-in deputy for the Laurel County Sheriff's Office, transporting inmates. Now in retirement, he renewed his commitment to law enforcement. Recently promoted to administrative sergeant, he has worked for the Laurel County Sheriff's Office for the last 2½ years under two sheriffs.

"No matter how small the complaint, it is a legitimate concern for them," E.R. says of the people he works to serve and protect. And luckily for E.R., he has not gotten into any, as he likes to call them, "bugtussles" of the dangerous variety.

E.R. has also worked as a school bus driver, an assistant manager at a restaurant and as a chemist for the London Utility Commission. He is a member of Providence Baptist Church and a deacon there since 1985. When his wife Judy is asked what E.R. does in his spare time, she answers, "He has no spare time."

Kentucky is lucky to have men like Ernest Ray Rudder, who works hard to protect and provide for his family and his community. I am sure his wife Judy, his children, his grandchildren and his great-grandson are very proud.

Mr. President, the Sentinel Echo recently published an article illuminating Mr. Ernest Ray Rudder's life and his career. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Sentinel Echo Laurel County, Feb. 21, 2011]

#### RUDDER HAS LIVED EVERY LIL' BOY'S DREAM (By Sue Minton)

Have you passed someone on the street or in the mall, looked at them in church or school, or just seen them out your car window and wonder where have they been or where are they going, and what is their story?

It's easy to forget that everyone has a story to tell and when we take the time to ask questions and listen, we find that every person has a fascinating story to tell and a unique perspective from which to tell it.

Ernest Ray Rudder's—E.R. to those who know him best—story began May 14, 1947 when he was born, at home, to Birchell and Maxine Rudder, the oldest of three children. "I was born in a little white house on East 80, grew-up on Tom Cat Trail, and moved back to East 80," he said.

Rudder attended Bush School graduating in 1965 and attended Berea College for 1½ years.

He, along with his new bride transferred to Cumberland College graduating in 1969 with a bachelor of science degree in biology and chemistry.

Rudder and his childhood sweetheart, Judy Hacker, will be married 44 years in May.

"She was only girl I ever dated," he said. "We met in Sunday School class."

Judy said they met when she was in the eighth grade. E.R. said they met before that.

"But I didn't notice you before then," Judy said laughing.

"I noticed you," he said. "With your pig-tails and big brown eyes."

"Her mom, Granny Hacker, was my Sunday School teacher, and Judy was in the class."

After receiving his degree, Rudder began his career as an educator in Clay County, teaching all subjects to seventh and eighth graders at Paces Creek. "This was an experience," he recalled. "I had some famous people in the class, like Gary Gregory, the current Clay County Commonwealth Attorney, for one. And another was the late Cecil Darrell Hooker."

Rudder remembers there being seven seventh graders and 17 eighth graders in the class. "I was 21-years-old and one of the eighth-grade students was 18."

Rudder taught at Paces Creek for half-a-year and the following two years were spent teaching in Jackson County. After which he returned to Laurel County, teaching chemistry and biology for 13 years at Laurel County High School.

"I absolutely loved teaching. I loved the part where you could teach and actually see the students experience the learning part," he said. "And when you could really have fun teaching."

"When you saw them light-up, you knew they 'got-it,'" he added. "And the students learned because they wanted to, not because they had to know it on some test."

Rudder said some of his former students are now doctors, attorneys, teachers and Pentagon officers, and unfortunately some who wear orange jumpsuits.

After 15½ years, Rudder left the classroom for a principal's position at the former Felts Elementary. For 16 years he held principalships at Felts Elementary (four years), assistant principal at Laurel County High School (three years), and Sublimity Elementary (nine years).

Rudder retired in 2000 after 31½ years of teaching and caring for the students of Laurel County.

Rudder recalls the "editorial" he included in the last newsletter he prepared for his staff and students at Sublimity Elementary. "I told them 'Every little boy wants to be a policeman, fireman or teacher and I have been all three. I have been a volunteer fireman for over 30 years and a part-time policeman. So I have succeeded at what all little boys dream of a I threw 30 some years of teaching in there for fun.'"

Rudder was one of the charter members of Bush Volunteer Fire Department that was organized in 1975. Except for a couple of years he has been secretary/treasurer.

And during his principalship at Sublimity Elementary he worked occasionally with the Laurel County Sheriff's Office transporting inmates.

"I was sworn-in as a deputy in 1994," he said.

"And, I once ran for sheriff," he added.

Retirement for Rudder was short lived, lasting less than two weeks.

"I knew when I retired from the school system that I wanted to work with the sheriff's department," he said. "But, I planned on taking some time off. I left school on June 21 and started at the S.O. July 5."

Ruder has worked for the past two sheriffs and the last 2½ years he has worked the roads. He was recently promoted to administrative sergeant, and some of his duties include walk-in reports, accident reports, sending reports to Frankfort and logging, cataloging and transporting evidence.

"I enjoy answering calls, reacting with and helping the people when you can," he said. "I try to help the S.O. have a good image and know that it is serving the people."

When Rudder was asked about taking the administrative position he said he was not dumb enough to think that a 63-year-old

man should be out there chasing young punks. "You are inviting trouble," he added. "And I have been lucky, I have not got into any bugtussles, but I have talked several down."

Rudder said there is something new every day. "A lot of times you will hear the same story but from different people. You never know what or who is going to walk in. No matter how small the complaint, it is a legitimate concern for them."

"People think that everything they see on NCIS or CSI we can do," he added. "I tell them 'if Gil Grissom was here, it is untelling what we could do, but in the real world, we're not able to do all that.'"

"Like teaching, I absolutely love working for the S.O.," he added.

Educating and protecting the citizens of Laurel County was only two of Rudder's jobs.

During his teaching career he also drove a school bus, was assistant manager at Burger Queen and was a chemist for the London Utility Commission.

Rudder drove a school for 13 years, mostly the Marydell route.

"But, my first route was in the Sinking Creek area," he added. "Judy took over my route when I quit and drove for seven years and today Kay Bowling (Rudder's sister) drives the route."

Rudder remembers his Uncle George driving basically the same bus route 50 years ago.

With the jobs Rudder has had and his work schedule today when asked what he does in his spare time, Judy was quick to answer, he has no more spare time."

But Rudder said he doesn't feel like he is pushed. "I would go crazy if I didn't have something to do."

"I like to read history and historical books," he said. "Over Christmas I read George W. Bush's new book 'Decision Points.' Loved it. I'm now reading '15 Stars.' I watch the History Channel and classic westerns, 'Pawn Stars' and 'The Pickers' with a cop show or two thrown in."

"He is also clerk, treasurer and Sunday school director at church," Judy added.

Rudder has been a member of Providence Baptist Church since 1964 and a deacon since 1985.

When asked how he keeps finances from the church, fire department and home straight, he replied laughing "Judy takes care of all personal finances, and I take care of the rest."

Rudder said his biggest regret was not being around much when his daughter, Dawn, was growing up. And his biggest rewards are his grandchildren and Easton, his great-grandson.

"Dawn and Marc have grown up so fast," he said. "And what can you say about your grandchildren and great-grandchild. And the hardest thing I've ever faced was when we lost Susan, our 18-year-old granddaughter."

Rudder describes himself as a "Jack of all trades and a master of none."

#### INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I, Senator Grassley, intend to object to the consideration of S. 520, S. 530, S. 871, and S. 1057. These bills would eliminate or modify current incentives for the production and use of domestic, renewable biofuels. I object to their consideration because they would lead to greater dependence on foreign oil, increased prices at the gas pump for

consumers, increased greenhouse gas emissions, and the loss of U.S. jobs. They also represent poor tax policy.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT JOSEPH J. HAMSKI

Mr. GRASSLEY. Mr. President, with sadness, I rise to pay tribute to the life of Air Force SSG Joseph J. Hamski who died in the Shorabak district of Kandahar Province, Afghanistan on May 26, 2011, of wounds suffered when enemy forces attacked his unit. My thoughts and prayers go out to his wife, SSG Maria Christina Hamski, his mother Mary Ellen, and all his other family and friends who are grieving his loss.

Staff Sergeant Hamski had served two tours in Iraq and was serving his second tour in Afghanistan. He was an explosives disposal specialist and was reportedly very good at his job. According to his mother, "He loved life, but when he was working, he was intense." She also observed that, "He was modest: He'd say, 'I just do my job so everyone can do their job.'" He also told a friend that if he didn't come back, he didn't want people to make it a big deal.

While I don't mean to go contrary to his wishes, I cannot fail to pay tribute to his selfless service and tremendous sacrifice. Where would our country be without humble, hardworking, self-sacrificing patriots like Joseph Hamski? We owe him and his comrades in arms nothing short of our freedom and our way of life, a debt we can never repay but must never forget.

#### TRIBUTE TO COLONEL LAURA RICHARDSON

Mr. UDALL of Colorado. Mr. President, today I wish to recognize the dedication and selfless service of Colonel Laura J. Richardson, who has served as the chief of the Army's Senate Liaison Division since October, 2009. As a member of the Secretary of the Army's Office of Legislative Liaison, Colonel Richardson was responsible for advising Army senior leadership on legislative and congressional issues and for educating Senators and staff on Army matters. Colonel Richardson's outstanding leadership and hard work was made clear by the tremendous support that she and her office provided to the U.S. Senate for both sessions of the 111th Congress and the first session of the 112th Congress.

It is a personal honor and a privilege to recognize Colonel Richardson today on the floor of the U.S. Senate. She is a native of the great State of Colorado and was a tremendous athlete at Northglenn High School. She attended Metropolitan State College in Denver, and upon graduation; she was commissioned as a second lieutenant in the U.S. Army. She then attended flight

school and earned her wings as an Army aviator.

Colonel Richardson's career highlights include a variety of command and staff positions including three years of service in the 17th Aviation Brigade in Korea. She went on to serve on the III Corps Staff, with the 6th Cavalry Brigade, and with the 101st Airborne Division, Air Assault. She was also selected to serve as the military aide to Vice President Gore from 1999 to 2001, and following her tour at the White House, she returned to the 101st to take command of the 5th Battalion, 101st Aviation Regiment. Colonel Richardson's skill and leadership were clearly displayed when she led 5th Battalion into Iraq in support of Operation Iraqi Freedom in March 2003. Following her highly successful battalion command, she served in a variety of positions on the Army staff in the Pentagon and as the installation commander at Fort Myer, VA.

Throughout her service to our Nation Laura has been a shining example for the people of Colorado and the United States. Her selfless service, professionalism, and outstanding performance in each of her assignments led to her recent selection for the rank of brigadier general. This well-deserved promotion will take her to Fort Hood, TX, where she will serve the next commanding general of the Operational Test Command. That move will also reunite Laura with her husband, BG Jim Richardson, who is currently serving at Fort Hood. I want to say a special thank you to their daughter Lauren. She is a wonderful young woman, and she is a great role model for other military children.

I am proud to call Colonel Richardson a friend and a fellow Coloradan. Her tireless work helped to further strengthen the relationship between the Senate and the Department of the Army, and through her leadership, new doors were opened between our proud institutions. We will miss her here in the Senate, but I know that she will continue to excel in her next assignment and any endeavor that follows. On behalf of my colleagues and all Coloradans, thank you for your service, Laura, and all the best to you and your family.

#### NORTH CAROLINA VETERANS PARK

Mrs. HAGAN. Mr. President, it is with great pride that I recognize the dedication of the North Carolina Veterans Park. This park will give visitors the opportunity to reflect on the sacrifices made by the courageous women and men of our armed services. The park and its beautiful visitor center, walking paths, and public art honor the lives and service of North Carolina veterans. As a Senator from North Carolina and a member of the Armed



Services Committee, I am committed to ensuring our veterans receive the respect they deserve.

Mr. President, I ask unanimous consent to have printed in the RECORD a resolution that was passed unanimously by the North Carolina House and North Carolina Senate. The resolution honors the dedication of the North Carolina Veterans Park in Fayetteville, NC.

There being no objection, material was ordered to be printed in the RECORD, as follows:

Whereas, the citizens of North Carolina have a long and proud history, dating to this country's birth, of paying special honor and respect to its sons and daughters who protect our country's freedoms; and

Whereas, the lands of North Carolina and our country are enjoyed by all its citizens due to the unending efforts and sacrifices made by all of our veterans; and

Whereas, North Carolina is proud to be the home to Cherry Point Air Station, 8 Charlotte Air National Guard, Camp Lejeune, U.S. Coast Guard Air Station Elizabeth City, Fort Bragg, Pope Air Force Base, New River Air Station, and Seymour Johnson Air Force Base; and

Whereas, North Carolina is proud to call itself the most military friendly state in America and, as a state, North Carolina has one of the highest percentages of veterans in America; and

Whereas, July 4, 2011, will mark the dedication of the North Carolina Veterans Park; and

Whereas, the purpose of the North Carolina Veterans Park is to honor all North Carolina veterans and be a composition of objects, spaces, and images that symbolize gratitude, reflection, celebration, and education, and commemorate achievement, service, dedication, and sacrifice; and

Whereas, the North Carolina Veterans Park is located in Fayetteville, North Carolina, home of Fort Bragg and Pope Air Force Base, and is adjacent to the Airborne and Special Operations Museum, which is a part of the United States Army Museum System, providing an exciting educational experience and preserving the legend of airborne and special operation forces; and

Whereas, the North Carolina Veterans Park will consist of seven water features and public art representing participation of individuals from across the State; and

Whereas, the hands of 100 veterans were cast to honor and represent every county in North Carolina and are displayed in this park's Wall of Oath; and

Whereas, soil from each of the State's 100 counties will be included in the construction of the columns in the park; and

Whereas, public art sculptures in the public plaza at the North Carolina Veterans Park signify our veterans' commitment, courage, dedication, heroism, sacrifice, service, and strength, as well as the incredible talents of our State's artist; and

Whereas, the city of Fayetteville has directed the design and construction of the North Carolina Veterans Park to meet or exceed all guidelines and guidance provided by a large segment of the veteran population, including Content Committee members from all five branches of the military service;

Now, therefore, be it resolved by the Senate:

SECTION 1. The Senate joins the citizens of this State in expressing its pride and grati-

tude to the veterans of this State for their service, dedication, and sacrifice in protecting the freedoms of this country and designates July 4, 2011, as North Carolina Veterans Park Day."

SECTION 2. This resolution is effective upon adoption.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO PETER P. HENRY

• Mr. THUNE. Mr. President, today I wish to recognize Peter P. Henry for his many years of service to the veterans of our country, including a very long and successful career spent serving as the senior executive director of the Department of Veterans Affairs Black Hills Health Care System. He will be retiring in July after 41 years of Federal service which includes a 16-year period with the Black Hills Veterans Affairs, VA.

A strong advocate of personal and professional development, Peter enhanced his skills and experience through completion of a graduate degree in health care administration before going on to become executive director of the Black Hills VA. Throughout his tenure with the VA, he has worked tirelessly to provide services to all South Dakota veterans, even those from rural and reservation areas, making sure that every veteran has access to quality care. During his years of public service, he has provided care to over 400,000 veterans and touched the lives of over 20,000 VA health administration staff members.

In his time with the VA, Peter has received many notable awards, including the Meritorious Presidential Rank Award. He was awarded this prestigious honor in 1998 and 2010. It is awarded to only 1 percent of career civil service executives who consistently demonstrate strength, integrity, and a persistent commitment to excellence in civic service.

I would like to express my personal and sincere appreciation to Peter for his outstanding service to the veterans of our great country. I wish him and his family happiness in the years to come.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE DURING ADJOURNMENT

##### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 26, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

S. 990. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Under the authority of the order of the Senate of May 26, 2011, the enrolled bill was subsequently signed on May 26, 2011 by the Acting President pro tempore (Ms. KLOBUCHAR).

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on May 31, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following resolution:

H. Res. 278. Resolution that Father Patrick J. Conroy of the State of Oregon, be, and is hereby, chosen Chaplain of the House of Representatives.

The message also announced that pursuant to 22 U.S.C. 1928a, clause 10 of rule 1, and the order of the House of January 5, 2011, the Speaker appointed the following Members of the House of Representatives to the United States Group of the NATO Parliamentary Assembly: Mr. LARSON of Connecticut.

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on June 1, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following bill, without amendment:

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 16. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

##### ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on June 1, 2011, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 754. An act to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United



States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Under the authority of the order of the Senate of May 26, 2011, the enrolled bills were subsequently signed on June 1, 2011 by the Acting President pro tempore (Mr. WEBB).

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 802. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program.

H.R. 1194. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs.

H.R. 1484. An act to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs.

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2017. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 802. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program; to the Committee on Veterans' Affairs.

H. R. 1194. An act to renew the authority of the Secretary of Health and Human Services to approve demonstration projects designed to test innovative strategies in State child welfare programs; to the Committee on Finance.

H.R. 1484. An act to amend title 38, United States Code, to improve the appeals process of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 1540. An act to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; to the Committee on Armed Services.

H.R. 2017. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes; to the Committee on Appropriations.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 26, 2011 she had presented to the President of the United States the following enrolled bill:

S. 990. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

The Secretary of the Senate reported that on June 1, 2011, she had presented to the President of the United States the following enrolled bill:

S. 1082. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1125. A bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1884. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 08-02; to the Committee on Appropriations.

EC-1885. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General John T. Sheridan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1886. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Donald C. Wurster, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1887. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General William G. Webster, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1888. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1889. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(Docket No. FEMA-2011-0002)) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1890. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket No. FEMA-2011-0002)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1891. A communication from the Acting Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Roswell Springsnail, Koster's Springsnail, Noel's Amphipod, and Pecos Assiminea" (RIN1018-AW50) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Environment and Public Works.

EC-1892. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Tule Snail from Endangered to Threatened" (RIN1018-AX01) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Environment and Public Works.

EC-1893. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Revised Designation of Critical Habitat for *Astragalus jaegerianus* (Lane Mountain milk-vetch)" (RIN1018-AW53) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Environment and Public Works.

EC-1894. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-1895. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to Oman and Greece for the sale of three C-130J aircraft including associated spares and support equipment; to the Committee on Foreign Relations.

EC-1896. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Italy in support of the manufacture, test, repair and maintenance of the G-2000 Dynamically Tuned Gyroscope product family for end use in the Joint Strike Fighter, Turret Stabilization, and ASPIDE and ASTER missile programs; to the Committee on Foreign Relations.

EC-1897. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Republic of Korea for the manufacture of select F110-GE-129 engine components; to the Committee on Foreign Relations.

EC-1898. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment from the Government of the Netherlands to the government of Jordan with an original acquisition cost of \$25,000,000; to the Committee on Foreign Relations.

EC-1899. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to the Algeria for the manufacture of the various RF Tactical Radio Systems and Accessories in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1900. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011-0068-2011-0089); to the Committee on Foreign Relations.

EC-1901. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Jurisdictional Separations and Referral to the Federal-State Joint Board" ((RIN3060-AJ06) (FCC 11-71)) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1902. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Kalispell, MT" (MB Docket No. 11-20; RM-11619) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT:

S. 1143. A bill to amend title 5, United States Code, to provide that agencies may not deduct labor organization dues from the pay of Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself, Mr. ENZI, Mr. BARRASSO, and Mr. MERKLEY):

S. 1144. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. FRANKEN):

S. 1145. A bill to amend title 18, United States Code, to clarify and expand Federal

criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BEGICH:

S. 1146. A bill to establish a pilot program under which veterans in the State of Alaska may receive health care benefits from the Department of Veterans Affairs at non-Department medical facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for himself, Mr. MORAN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. GRASSLEY):

S. 1147. A bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 1148. A bill to amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CHAMBLISS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 13, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 20

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 20, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 28

At the request of Mr. ROCKEFELLER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 219

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 462

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 462, a bill to better protect, serve, and advance the rights of victims of elder abuse and exploitation by establishing a program to encourage States and other qualified entities to create jobs designed to hold offenders accountable, enhance the capacity of the justice system to investigate, pursue, and prosecute elder abuse cases, identify existing resources to leverage to the extent possible, and assure data collection, research, and evaluation to promote the efficacy and efficiency of the activities described in this Act.

S. 509

At the request of Mr. UDALL of Colorado, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and

cataloguing the purchases of multiple rifles and shotguns.

S. 648

At the request of Mrs. GILLIBRAND, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 649

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 649, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 703

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes.

S. 717

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 717, a bill to establish an advisory committee to issue non-binding governmentwide guidelines on making public information available on the Internet, to require publicly available Government information held by the executive branch to be made available on the Internet, to express the sense of Congress that publicly available information held by the legislative and judicial branches should be available on the Internet, and for other purposes.

S. 740

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 740, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 741

At the request of Mr. UDALL of New Mexico, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 741, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 800

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 814

At the request of Mr. MANCHIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 814, a bill to require the public disclosure of audits conducted with respect to entities receiving funds under title X of the Public Health Service Act.

S. 866

At the request of Mr. TESTER, the names of the Senator from Oregon (Mr. WYDEN), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 868

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. 877

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 877, a bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law.

S. 906

At the request of Mr. WICKER, the names of the Senator from Tennessee (Mr. CORCKER) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 906, a bill to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes.

S. 949

At the request of Mrs. SHAHEEN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 958

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Kansas (Mr. MORAN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 958, a bill to amend the Public Health

Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 960

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1006

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1006, a bill to allow seniors to file their Federal income tax on a new Form 1040SR.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1045

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1045, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, burns, infection, tumor, or disease.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. WYDEN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1053

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 1053, a bill to amend the National Agricultural Research, Extension and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1056

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1056, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 1064

At the request of Mr. REED, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1064, a bill to make effective the proposed rule of the Food and Drug Administration relating to sunscreen drug products, and for other purposes.

S. 1097

At the request of Mr. KYL, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1097, a bill to strengthen the strategic force posture of the United States by implementing and supplementing certain provisions of the New START Treaty and the Resolution of Ratification, and for other purposes.

S. 1113

At the request of Ms. MURKOWSKI, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1113, a bill to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States, and for other purposes.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. COONS), the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Idaho (Mr. CRAPO) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

S. RES. 199

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. GILLIBRAND) and the Sen-

ator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 199, a resolution supporting the goals and ideals of "Crohn's and Colitis Awareness Week".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. ENZI, Mr. BARRASSO, and Mr. MERKLEY):

S. 1144. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Energy and Natural Resources.

Mr. President, today my colleagues Sen. BARRASSO, Sen. ENZI, Sen. MERKLEY, and I are introducing the Soda Ash Competition Act. Soda ash, or "disodium carbonate", is an industrial mineral used in the production of glass and other products. In 2006, in response to efforts by foreign competitors to subsidize non-U.S. production and gain competitive advantages in the world market, including the partial suspension of value added taxes, VAT, by China, Congress enacted legislation to provide a partial suspension of Federal royalties on the ore mined to produce soda ash on Federal lands for 5 years. This royalty relief reduced the Federal royalty rate from 6 percent to 2 percent and helped U.S. soda ash producers to remain competitive in the international market. Over the past 5 years, the U.S. industry has been able to invest hundreds of millions of dollars in production capacity and maintain its market here and abroad. As a result, American companies and workers have provided important economic activity here at home, provided a U.S. export valued at nearly \$1 billion a year, all while continuing to generate tens of millions of dollars to the Treasury in mineral royalties.

Foreign competition continues to be an issue for the U.S. soda ash industry, including unfair manipulation of value added taxes that would otherwise be levied on competing foreign supplies. In 2007, China resumed its practice of suspending part of the 17 percent VAT on synthetic soda ash to aid its domestic producers. On May 31, 2011, members of both the House and Senate wrote to Commerce Secretary Gary Locke and U.S. Trade Representative Ron Kirk requesting this unfair trade practice be raised with China through the Joint Commission on Commerce and Trade.

The current statutory royalty relief authority for soda ash expires on October 12, 2011, and this bill would extend that authority for five more years. The Department of Interior is currently preparing an analysis, which will provide further information on the impact of the current soda ash royalty relief and foreign competition on U.S. producers. This study is required by the

same 2006 law that authorized the current royalty reduction in order to give Congress additional information to consider a future extension. We had hoped that this analysis would have been completed by now and first wrote to the Secretary of Interior over a year ago seeking to expedite completion of the Department's work. Unfortunately, the analysis has not been completed and the statutory clock is ticking. My colleagues and I are introducing the bill at this time because, given the looming deadline, the Senate needs to begin examination of this matter sooner rather than later.

We look forward to working with our colleagues on the Energy and Natural Resources Committee and the Senate to address this issue before time runs out on the current authority and U.S. soda ash production of this important mineral loses this tool to offset foreign production subsidies.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,

Washington, DC, May 31, 2011.

Hon. GARY LOCKE,

U.S. Secretary of Commerce, Constitution Ave., NW., Washington, DC.

Hon. RON KIRK,

U.S. Trade Representative, 600 17th Street, NW., Washington, DC.

DEAR SECRETARY LOCKE AND AMBASSADOR KIRK: We are writing to express our continued concerns about China's use of a Value-Added Tax (VAT) rebate to promote its soda ash industry at the expense of U.S. exports. For over two years, China has provided its domestic manufacturers with an artificial incentive to export through a 9% rebate of the 17% VAT. For a number of reasons, we ask that the issue of the soda ash VAT rebate be specifically included on the JCCT agenda this fall.

After suspending its VAT rebate for soda ash in July 2007, China reinstated the soda ash rebate in April 2009 to encourage its own exports during the global economic crisis. China's state-supported soda ash industry is the largest in the world and this policy is harmful to its international competitors, particularly U.S. soda ash manufacturers. As you may know, U.S. soda ash has a natural advantage over Chinese soda ash, based on a manufacturing process that is much more sustainable in terms of environmental protection and energy use than the synthetic processes used in China. China's manipulation of the VAT rebate to support its domestic soda ash industry also has wider implications—not only is it economically unjustified, it contravenes China's own interests in shifting energy resources from more productive and efficient industries.

We must focus on Chinese policies that are a direct threat to U.S. exports and U.S. jobs. The soda ash VAT rebate is one such policy. Chinese exports compete directly with U.S. soda ash exports in the Asia-Pacific market and beyond. Although the VAT is just one part of China's overall industrial policy, the soda ash VAT rebate is a distinct threat to U.S. manufacturing in a sector where the United States enjoys a natural competitive

advantage. If we don't stand up for the pillars of our export-based manufacturers like the soda ash industry—and the U.S. workers employed throughout the soda ash supply chain—we cannot seriously contend we are doing everything we can to support U.S. exports.

We ask that the Department of Commerce and the U.S. Trade Representative's Office ensure that the soda ash VAT rebate is raised at the highest levels with Chinese officials at the JCCT meetings this year. The message should be as clear as it is convincing; namely, China should live up to its repeated pledge to discourage the expansion of highly-polluting and energy-intensive sectors such as its own soda ash industry. Policies aimed at promoting soda ash exports, such as the VAT rebate, are inconsistent with China's own stated goals and a direct threat to U.S. interests.

We greatly appreciate your consideration of this request and look forward to your response.

Senator Michael B. Enzi; Senator John Barrasso, M.D.; Representative David Wu; Senator Joseph I. Lieberman; Senator Robert Menendez; Representative Cynthia Lummis; Senator Ron Wyden; Senator Jeff Merkley; Representative James A. Himes; Senator Frank Lautenberg.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, and Mr. FRANKEN):

S. 1145. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I reintroduce the Civilian Extraterritorial Jurisdiction Act, CEJA. The United States has dramatically more Government employees and contractors working overseas than ever before, but the legal framework governing them is unclear and outdated. To promote accountability, Congress must make sure that our criminal laws reach serious misconduct by American Government employees and contractors wherever they act. The Civilian Extraterritorial Jurisdiction Act accomplishes this important and common sense goal by allowing United States contractors and employees working overseas who commit specific crimes to be tried and sentenced under U.S. law.

Tragic events in Iraq and Afghanistan highlight the need to strengthen the laws providing for jurisdiction over American Government employees and contractors working abroad. In September 2007, Blackwater security contractors working for the State Department shot more than 20 unarmed civilians on the streets of Baghdad, killing at least 14 of them, and causing a rift in our relations with the Iraqi government. Efforts to prosecute those responsible for these shootings have been fraught with difficulties, and our ability to hold the wrongdoers in this case accountable remains in doubt.

I worked with Senator SESSIONS and others in 2000 to pass the Military

Extraterritorial Jurisdiction Act, MEJA, and then, again, to amend it in 2004, so that U.S. criminal laws would extend to all members of the U.S. military, to those who accompany them, and to contractors who work with the military. That law provides criminal jurisdiction over Defense Department employees and contractors, but it does not explicitly cover people working for other Federal agencies, like the Blackwater security contractors. Had jurisdiction in the tragic Blackwater incident been clear, FBI agents likely would have been on the scene immediately, which could well have prevented some of the problems that have plagued the case.

Other incidents have made all too clear that the Blackwater case was not an isolated incident. Private security contractors have been involved in violent incidents and serious misconduct in Iraq and Afghanistan, including other shooting incidents in which civilians have been seriously injured or killed. As the military missions in Iraq and Afghanistan wind down, MEJA will no longer cover the thousands of contractors and employees who stay on. The legislation I introduce today fills this gap.

Last month, the Senate Judiciary Committee heard testimony from the Justice Department and from experts in the area of contractor accountability about the many diplomatic and national security benefits of expanding criminal jurisdiction over American employees and contractors overseas. The hearing also explored how best to ensure that our Nation's intelligence activities would not be impaired by CEJA. The legislation I propose today has been carefully crafted to ensure that the intelligence community can continue its activities unimpeded.

This bill would also provide greater protection to Americans, as it would lead to more accountability for crimes committed by U.S. government contractors and employees against Americans working abroad. In the last Congress, the Committee heard testimony from Jamie Leigh Jones, a young woman from Texas who took a job with Halliburton in Iraq in 2005 when she was 20 years old. In her first week on the job, she was drugged and gang-raped by coworkers. When she reported this assault, her employers moved her to a locked trailer, where she was kept by armed guards and freed only when the State Department intervened.

Ms. Jones testified about the arbitration clause in her contract that prevented her from suing Halliburton for this outrageous conduct, and Congress has moved to change the civil law to prevent that kind of injustice. Criminal jurisdiction over these kinds of atrocious crimes abroad, however, remains complicated and depends too greatly on the specific location of the crime, which makes prosecutions in-

consistent and sometimes impossible. We must fix the law to help avoid arbitrary injustice and ensure that victims will not see their attackers escape accountability.

Ensuring criminal accountability will also improve our national security and protect Americans overseas. Importantly, in those instances where the local justice system may be less than fair, this explicit jurisdiction will also protect Americans by providing the option of prosecuting them in the United States, rather than leaving them subject to hostile and unpredictable local courts. Our allies, including those countries most essential to our counter-terrorism and national security efforts, work best with us when we hold our own accountable.

In the past, legislation in this area has been bipartisan. I hope Senators of both parties will work together to pass this important reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1145

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Extraterritorial Jurisdiction Act (CEJA) of 2011".

#### SEC. 2. CLARIFICATION AND EXPANSION OF FEDERAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.

(a) EXTRATERRITORIAL JURISDICTION OVER FEDERAL CONTRACTORS AND EMPLOYEES.—

(1) IN GENERAL.—Chapter 212A of title 18, United States Code, is amended—

(A) by transferring the text of section 3272 to the end of section 3271, redesignating such text as subsection (c) of section 3271, and, in such text, as so redesignated, by striking "this chapter" and inserting "this section";

(B) by striking the heading of section 3272; and

(C) by adding after section 3271, as amended by this paragraph, the following new sections:

#### “§ 3272. Offenses committed by Federal contractors and employees outside the United States

“(a) Whoever, while employed by or accompanying any department or agency of the United States other than the Department of Defense, knowingly engages in conduct (or conspires or attempts to engage in conduct) outside the United States that would constitute an offense enumerated in subsection (c) had the conduct been engaged in within the United States or within the special maritime and territorial jurisdiction of the United States shall be punished as provided for that offense.

“(b) No prosecution for an offense may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting the offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity),

which function of approval may not be delegated.

“(c) The offenses covered by subsection (a) are the following:

“(1) Any offense under chapter 5 (arson) of this title.

“(2) Any offense under section 111 (assaulting, resisting, or impeding certain officers or employees), 113 (assault within maritime and territorial jurisdiction), or 114 (maiming within maritime and territorial jurisdiction) of this title, but only if the offense is subject to a maximum sentence of imprisonment of one year or more.

“(3) Any offense under section 201 (bribery of public officials and witnesses) of this title.

“(4) Any offense under section 499 (military, naval, or official passes) of this title.

“(5) Any offense under section 701 (official badges, identifications cards, and other insignia), 702 (uniform of armed forces and Public Health Service), 703 (uniform of friendly nation), or 704 (military medals or decorations) of this title.

“(6) Any offense under chapter 41 (extortion and threats) of this title, but only if the offense is subject to a maximum sentence of imprisonment of three years or more.

“(7) Any offense under chapter 42 (extortionate credit transactions) of this title.

“(8) Any offense under section 924(c) (use of firearm in violent or drug trafficking crime) or 924(o) (conspiracy to violate section 924(c)) of this title.

“(9) Any offense under chapter 50A (genocide) of this title.

“(10) Any offense under section 1111 (murder), 1112 (manslaughter), 1113 (attempt to commit murder or manslaughter), 1114 (protection of officers and employees of the United States), 1116 (murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1117 (conspiracy to commit murder), or 1119 (foreign murder of United States nationals) of this title.

“(11) Any offense under chapter 55 (kidnaping) of this title.

“(12) Any offense under section 1503 (influencing or injuring officer or juror generally), 1505 (obstruction of proceedings before departments, agencies, and committees), 1510 (obstruction of criminal investigations), 1512 (tampering with a witness, victim, or informant), or 1513 (retaliating against a witness, victim, or an informant) of this title.

“(13) Any offense under section 1951 (interference with commerce by threats or violence), 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), 1956 (laundering of monetary instruments), 1957 (engaging in monetary transactions in property derived from specified unlawful activity), 1958 (use of interstate commerce facilities in the commission of murder for hire), or 1959 (violent crimes in aid of racketeering activity) of this title.

“(14) Any offense under section 2111 (robbery or burglary within special maritime and territorial jurisdiction) of this title.

“(15) Any offense under chapter 109A (sexual abuse) of this title.

“(16) Any offense under chapter 113B (terrorism) of this title.

“(17) Any offense under chapter 113C (torture) of this title.

“(18) Any offense under chapter 115 (treason, sedition, and subversive activities) of this title.

“(19) Any offense under section 2442 (child soldiers) of this title.

“(20) Any offense under section 401 (manufacture, distribution, or possession with intent to distribute a controlled substance) or

408 (continuing criminal enterprise) of the Controlled Substances Act (21 U.S.C. 841, 848), or under section 1002 (importation of controlled substances), 1003 (exportation of controlled substances), or 1010 (import or export of a controlled substance) of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 960), but only if the offense is subject to a maximum sentence of imprisonment of 20 years or more.

“(d) In this section:

“(1) The term ‘employed by any department or agency of the United States other than the Department of Defense’ means—

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense;

“(B) present or residing outside the United States in connection with such employment;

“(C) in the case of such a contractor, contractor employee, grantee, or grantee employee, such employment supports a program, project, or activity for a department or agency of the United States; and

“(D) not a national of or ordinarily resident in the host nation.

“(2) The term ‘accompanying any department or agency of the United States other than the Department of Defense’ means—

“(A) a dependant, family member, or member of household of—

“(i) a civilian employee of any department or agency of the United States other than the Department of Defense; or

“(ii) a contractor (including a subcontractor at any tier), an employee of a contractor (or a subcontractor at any tier), a grantee (including a contractor of a grantee or a subgrantee or subcontractor at any tier), or an employee of a grantee (or a contractor of a grantee or a subgrantee or subcontractor at any tier) of any department or agency of the United States other than the Department of Defense, which contractor, contractor employee, grantee, or grantee employee is supporting a program, project, or activity for a department or agency of the United States other than the Department of Defense;

“(B) residing with such civilian employee, contractor, contractor employee, grantee, or grantee employee outside the United States; and

“(C) not a national of or ordinarily resident in the host nation.

“(3) The term ‘grant agreement’ means a legal instrument described in section 6304 or 6305 of title 31, other than an agreement between the United States and a State, local, or foreign government or an international organization.

“(4) The term ‘grantee’ means a party, other than the United States, to a grant agreement.

“(5) The term ‘host nation’ means the country outside of the United States where the employee or contractor resides, the country where the employee or contractor commits the alleged offense at issue, or both.

#### “§ 3273. Regulations

“The Attorney General, after consultation with the Secretary of Defense, the Secretary of State, and the Director of National Intelligence, shall prescribe regulations governing the investigation, apprehension, detention, delivery, and removal of persons de-

scribed in sections 3271 and 3272 of this title.”.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 3267(1) of such title is amended to read as follows:

“(A) employed as a civilian employee, a contractor (including a subcontractor at any tier), or an employee of a contractor (or a subcontractor at any tier) of the Department of Defense (including a nonappropriated fund instrumentality of the Department);”.

(b) VENUE.—Chapter 211 of such title is amended by adding at the end the following new section:

#### “§ 3245. Optional venue for offenses involving Federal employees and contractors overseas

“In addition to any venue otherwise provided in this chapter, the trial of any offense involving a violation of section 3261, 3271, or 3272 of this title may be brought—

“(1) in the district in which is headquartered the department or agency of the United States that employs the offender, or any one of two or more joint offenders, or

“(2) in the district in which is headquartered the department or agency of the United States that the offender is accompanying, or that any one of two or more joint offenders is accompanying.”.

(c) SUSPENSION OF STATUTE OF LIMITATIONS.—Chapter 213 of such title is amended by inserting after section 3287 the following new section:

#### “§ 3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas

“The time during which a person who has committed an offense constituting a violation of section 3272 of this title is outside the United States, or is a fugitive from justice within the meaning of section 3290 of this title, shall not be taken as any part of the time limited by law for commencement of prosecution of the offense.”.

(d) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of chapter 212A of such title is amended to read as follows:

#### “CHAPTER 212A—EXTRATERRITORIAL JURISDICTION OVER OFFENSES OF CONTRACTORS AND CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT”.

(2) TABLES OF SECTIONS.—(A) The table of sections at the beginning of chapter 211 of such title is amended by adding at the end the following new item:

“3245. Optional venue for offenses involving Federal employees and contractors overseas.”.

(B) The table of sections at the beginning of chapter 212A of such title is amended by striking the item relating to section 3272 and inserting the following new items:

“3272. Offenses committed by Federal contractors and employees outside the United States.

“3273. Regulations.”.

(C) The table of sections at the beginning of chapter 213 of such title is amended by inserting after the item relating to section 3287 the following new item:

“3287A. Suspension of limitations for offenses involving Federal employees and contractors overseas.”.

(3) TABLE OF CHAPTERS.—The item relating to chapter 212A in the table of chapters at the beginning of part II of such title is amended to read as follows:



**"212A. Extraterritorial Jurisdiction  
Over Offenses of Contractors and  
Civilian Employees of the Federal  
Government ..... 3271".**

**SEC. 3. INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.**

(a) ESTABLISHMENT OF INVESTIGATIVE TASK FORCES FOR CONTRACTOR AND EMPLOYEE OVERSIGHT.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the heads of any other departments or agencies of the Federal Government responsible for employing contractors or persons overseas shall assign adequate personnel and resources, including through the creation of task forces, to investigate allegations of criminal offenses under chapter 212A of title 18, United States Code (as amended by section 2(a) of this Act), and may authorize the overseas deployment of law enforcement agents and other government personnel for that purpose.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit any authority of the Attorney General or any Federal law enforcement agency to investigate violations of Federal law or deploy personnel overseas.

(b) RESPONSIBILITIES OF ATTORNEY GENERAL.—

(1) INVESTIGATION.—The Attorney General shall have principal authority for the enforcement of chapter 212A of title 18, United States Code (as so amended), and shall have the authority to initiate, conduct, and supervise investigations of any alleged offenses under such chapter.

(2) LAW ENFORCEMENT AUTHORITY.—With respect to violations of sections 3271 and 3272 of title 18, United States Code (as so amended), the Attorney General may authorize any person serving in a law enforcement position in any other department or agency of the Federal Government, including a member of the Diplomatic Security Service of the Department of State or a military police officer of the Armed Forces, to exercise investigative and law enforcement authority, including those powers that may be exercised under section 3052 of title 18, United States Code, subject to such guidelines or policies as the Attorney General considers appropriate for the exercise of such powers.

(3) PROSECUTION.—The Attorney General may establish such procedures the Attorney General considers appropriate to ensure that Federal law enforcement agencies refer offenses under section 3271 or 3272 of title 18, United States Code (as so amended), to the Attorney General for prosecution in a uniform and timely manner.

(4) ASSISTANCE ON REQUEST OF ATTORNEY GENERAL.—Notwithstanding any statute, rule, or regulation to the contrary, the Attorney General may request assistance from the Secretary of Defense, the Secretary of State, or the head of any other Executive agency to enforce section 3271 or 3272 of title 18, United States Code (as so amended). The assistance requested may include the following:

(A) The assignment of additional personnel and resources to task forces established by the Attorney General under subsection (a).

(B) An investigation into alleged misconduct or arrest of an individual suspected of alleged misconduct by agents of the Diplomatic Security Service of the Department of State present in the nation in which the alleged misconduct occurs.

(5) ANNUAL REPORT.—Not later than one year after the date of the enactment of this

Act, and annually thereafter for five years, the Attorney General shall, in consultation with the Secretary of Defense and the Secretary of State, submit to Congress a report containing the following:

(A) The number of prosecutions under chapter 212A of title 18, United States Code (as so amended), including the nature of the offenses and any dispositions reached, during the previous year.

(B) The actions taken to implement subsection (a)(1), including the organization and training of personnel and the use of task forces, during the previous year.

(C) Such recommendations for legislative or administrative action as the President considers appropriate to enforce chapter 212A of title 18, United States Code (as so amended), and the provisions of this section.

(c) EXECUTIVE AGENCY.—In this section, the term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code.

**SEC. 4. EFFECTIVE DATE.**

(a) IMMEDIATE EFFECTIVENESS.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) IMPLEMENTATION.—The Attorney General and the head of any other department or agency of the Federal Government to which this Act applies shall have 90 days after the date of the enactment of this Act to ensure compliance with the provisions of this Act.

**SEC. 5. RULES OF CONSTRUCTION.**

(a) IN GENERAL.—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to limit or affect the application of extraterritorial jurisdiction related to any other Federal law; or

(2) to limit or affect any authority or responsibility of a Chief of Mission as provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

(b) INTELLIGENCE ACTIVITIES.—Nothing in this Act or any amendment made by this Act shall be construed—

(1) to apply to authorized intelligence activities that are carried out by or on behalf of any element of the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) and conducted in accordance with the United States laws, authorities, and regulations governing such intelligence activities; or

(2) to provide immunity or an affirmative defense to an individual solely on the basis that the individual is working for or on behalf of the intelligence community.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

For each of the fiscal years 2012 through 2017, there are authorized to be appropriated to the Attorney General such sums as are necessary to carry out this Act.

By Mrs. MURRAY:

S. 1148. A bill to amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

Mrs. MURRAY. Mr. President, today, as Chairman of the Senate Committee on Veterans' Affairs, I am pleased to introduce the Veterans Programs Improvement Act of 2011.

The bill I am introducing today would allow the Department of Veterans Affairs to continue the important work of ending veteran homelessness, improve the quality of the fiduciary program administered by VA, improve claims processing and make a number of other improvements to VA programs. This statement is not a full summary of all the provisions within this legislation. However, I would like to provide an overview of the major benefits this legislation would provide.

The administration recently reported that as many as 76,000 veterans experienced homelessness on a given night in 2009. Many of these veterans face significant challenges such as mental illness, physical disability, and substance abuse. In order to heal and remain in stable housing, these veterans will need a great deal of support. I want to commend the VA for working tirelessly to reduce the number of veterans sleeping in the streets. We are certainly off to a good start, but I recognize that there is still much more work to be done.

This bill will extend the life and improve upon several critical programs in the ongoing effort to get homeless veterans off the streets and into secure housing. Current law requires that VA diagnose "serious mental illness" or a "substance abuse issue" before it can use its authority to contract for emergency shelter services. In the tough economic times this country is experiencing, homeless veterans in need of these services do not always suffer from serious mental illness or substance abuse issues, and would not be eligible. This legislation will ensure that these services are available to all homeless veterans who need them.

One of the keys to ending veteran homelessness is VA's Grant and Per Diem program, which was established to assist public and nonprofit private entities in furnishing services to homeless veterans. This bill will enhance this essential program by allowing grant funds to be used for new construction, in addition to currently approved uses such as expansion, remodeling, and acquisition. It will also allow grant funds to be used as a match for funding from other sources, and will require VA to take a hard look at how per diem payments are made in order to recommend improvements. This bill also seeks to include male homeless veterans with minor dependents as an additional population with special needs, for eligibility under VA's special needs grant program.

The unemployment rate for returning veterans has reached as high as high as one in five this year. Sadly, we are seeing some of these new veterans appearing in homeless shelters. This is not just a VA problem, nor is it just a HUD problem—we all have an obligation to collaborate and address these



unmet needs. To better assist in the effort to end homelessness among veterans, Congress needs more details surrounding the plan to end veteran homelessness. This legislation would require the Administration to expand upon their existing plan and submit a plan that includes details, such as a timeline, benchmarks, and recommendations. We will only be successful if we can work together to provide the appropriate tools to ensure access to medical care, affordable housing, and education and jobs.

Committee oversight has identified claims where frustrated families of veterans and survivors with severe dementia, such as those who seek VA pension benefits for home or institutional care see months go by because VA refuses to accept signatures from representatives or family caregivers. The situation is sometimes resolved by having the claimant mark an "X" or sign a claims form even when the claimant lacks the ability to understand what is written on the form. In other cases, it appeared that the caregiver gave up and no benefits were paid to otherwise eligible beneficiaries. This is unacceptable treatment for some of our most vulnerable veterans, and my legislation would improve the quality of VA's fiduciary program.

This legislation would make a number of additional improvements to VA programs. It would grow certain servicemembers to be eligible for a VA guaranteed home loan. Right now, to satisfy the occupancy requirement for a VA home loan, a veteran or servicemember or their spouse must be living in the home. Under this standard, a servicemember who is a single parent and is away on active duty is not eligible for a guaranteed home loan, even if that veteran's child is living in the home. This is unfair and wrong. Under this bill, a servicemember or veteran's dependent child will now satisfy the occupancy requirement. This change will help our servicemen and women better use their VA home loan benefits.

It is important that our disabled veterans face as few barriers as possible when attempting to obtain VA home loans. My legislation would allow an individual to receive a fee waiver if, during a pre-discharge program, he or she receives a disability rating for purposes of VA compensation based on existing medical evidence, such as service medical and treatment records. This change would allow an eligible individual to purchase a home without having to pay a VA funding fee, even if he or she has not undergone a pre-discharge examination or a VA disability evaluation. Specially Adapted Housing assistance provides critical support for our veterans in need. This bill extends VA's authority to provide Specially Adapted Housing assistance to eligible veterans who are residing temporarily with family members. In addition, the

assistance provided to such veterans would be annually adjusted based on a cost-of-construction index already in effect for other Specially Adapted Housing grants.

By honoring servicemembers who have died while on active duty, we ensure that their sacrifice and service will never be forgotten. Providing a presidential memorial certificate to the survivors of fallen servicemembers is one such way for our country to honor their service. Under current law, survivors of active duty servicemembers who have died are not eligible to receive a presidential memorial certificate. This is because eligibility is limited to survivors of veterans who were discharged under honorable conditions. Because a servicemember who died in active service is not defined by law as a "veteran," his or her survivors are not eligible to receive a memorial certificate. This bill would authorize VA to provide a presidential memorial certificate to the next of kin, relatives, or friends of servicemembers who have fallen while on active duty. In so doing, we express our country's deepest thanks for that servicemember's ultimate sacrifice.

Addressing the claims backlog and ensuring veterans receive the benefits they have earned is one of my top priorities. One of the reasons for the unreasonably long delays that occur in VA decision-making is the time it takes, often in excess of one and a half years, for the VA to forward an appeal to the Board of Veterans' Appeals. This bill would waive agency of original jurisdiction review over new evidence submitted after a veteran has filed a substantive appeal, unless the veteran requests it. Presuming a waiver of AOJ review would improve the timeliness of processing appeals, while at the same time preserve the veteran's right to request initial review by the AOJ, should he or she so desire.

This is not a full summary of all the provisions within this legislation. However, I hope that I have provided an appropriate overview of the major benefits this legislation would provide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1148

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Improvement Act of 2011".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

#### TITLE I—HOMELESS VETERANS MATTERS

- Sec. 101. Enhancement of comprehensive service programs.
- Sec. 102. Modification of grant program for homeless veterans with special needs.
- Sec. 103. Modification of authority for provision of treatment and rehabilitation to certain veterans to include provision of treatment and rehabilitation to homeless veterans who are not seriously mentally ill.
- Sec. 104. Plan to end veteran homelessness.
- Sec. 105. Extension of certain authorities relating to homeless veterans.
- Sec. 106. Reauthorization of appropriations for homeless veterans reintegration program.
- Sec. 107. Reauthorization of appropriations for financial assistance for supportive services for very low-income veteran families in permanent housing.
- Sec. 108. Reauthorization of appropriations for grant program for homeless veterans with special needs.

#### TITLE II—FIDUCIARY MATTERS

- Sec. 201. Appointment of caregivers and persons named under durable power of attorney as fiduciaries for purposes of benefits under laws administered by Secretary of Veterans Affairs.
- Sec. 202. Access by Secretary of Veterans Affairs to financial records of individuals represented by fiduciaries and receiving benefits under laws administered by Secretary.
- Sec. 203. Confidential nature of credit reports and documents pertaining to the appointment of a fiduciary.
- Sec. 204. Authority for certain persons to sign claims filed with Secretary of Veterans Affairs on behalf of claimants.
- Sec. 205. Improvement of process for filing jointly for social security and dependency and indemnity compensation.
- Sec. 206. Durable power of attorney defined.

#### TITLE III—OTHER ADMINISTRATIVE AND BENEFITS MATTERS

- Sec. 301. Occupancy of property by dependent child of veteran for purposes of meeting occupancy requirement for Department of Veterans Affairs housing loans.
- Sec. 302. Waiver of loan fee for individuals with disability ratings issued during pre-discharge programs.
- Sec. 303. Extension of authority for assistance for individuals residing temporarily in housing owned by family members.
- Sec. 304. Indexing of levels of assistance for individuals residing temporarily in housing owned by family members.
- Sec. 305. Expansion of eligibility for presidential memorial certificates to persons who died in the active military, naval, or air service.
- Sec. 306. Automatic waiver of agency of original jurisdiction review of new evidence.
- Sec. 307. Extension of authorities of Secretary of Veterans Affairs to use information from other agencies.

Sec. 308. Extension of authority for regional office of Department of Veterans Affairs in Republic of the Philippines.

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

**TITLE I—HOMELESS VETERANS MATTERS**

**SEC. 101. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.**

(a) **ENHANCEMENT OF GRANTS.**—Section 2011 is amended—

(1) in subsection (b)(1)(A), by striking “expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,” and inserting “new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities”; and

(2) in subsection (c)—

(A) in the first sentence, by striking “A grant” and inserting “(1) A grant”; and

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking “The amount” and inserting the following:

“(2) The amount”; and

(C) by adding at the end the following new paragraph:

“(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

“(B) In this paragraph, the term ‘private nonprofit organization’ means the following:

“(i) An incorporated private institution, organization, or foundation—

“(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

“(II) for which no part of the net earnings of the institution, organization, or foundation inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

“(III) that the Secretary determines is financially responsible.

“(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

“(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).”.

(b) **GRANT AND PER DIEM PAYMENTS.**—

(1) **STUDY AND DEVELOPMENT OF PAYMENT METHOD.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code; and

(B) develop an improved method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) **CONSIDERATION.**—In developing the method required by paragraph (1)(B), the Secretary may consider payments and grants received by recipients of grants described in

such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the method developed under subparagraph (B) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 2013 is amended by striking “subchapter” and all that follows through the period and inserting the following: “subchapter amounts as follows:

“(1) \$150,000,000 for each of fiscal years 2007 through 2009.

“(2) \$175,100,000 for fiscal year 2010.

“(3) \$217,700,000 for fiscal year 2011.

“(4) \$250,000,000 for fiscal year 2012 and each fiscal year thereafter.”.

**SEC. 102. MODIFICATION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.**

(a) **INCLUSION OF ENTITIES ELIGIBLE FOR COMPREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM PAYMENTS FOR SERVICES TO HOMELESS VETERANS.**—Subsection (a) of section 2061 is amended—

(1) by striking “to grant and per diem providers” and inserting “to entities eligible for grants and per diem payments under sections 2011 and 2012 of this title”; and

(2) by striking “by those facilities and providers” and inserting “by those facilities and entities”.

(b) **INCLUSION OF MALE HOMELESS VETERANS WITH MINOR DEPENDENTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “, including women who have care of minor dependents”; and

(2) in paragraph (3), by striking “or”; and

(3) in paragraph (4), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following new paragraph:

“(5) individuals who have care of minor dependents.”.

(c) **AUTHORIZATION OF PROVISION OF SERVICES TO DEPENDENTS.**—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **PROVISION OF SERVICES TO DEPENDENTS.**—A recipient of a grant under subsection (a) may use amounts under the grant to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient under this section.”.

**SEC. 103. MODIFICATION OF AUTHORITY FOR PROVISION OF TREATMENT AND REHABILITATION TO CERTAIN VETERANS TO INCLUDE PROVISION OF TREATMENT AND REHABILITATION TO HOMELESS VETERANS WHO ARE NOT SERIOUSLY MENTALLY ILL.**

Section 2031(a) is amended in the matter before paragraph (1) by striking “, including” and inserting “and to”.

**SEC. 104. PLAN TO END VETERAN HOMELESSNESS.**

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act,

the Secretary of Veterans Affairs shall submit to Congress a comprehensive plan to end homelessness among veterans.

(b) **ELEMENTS.**—The plan required by subsection (a) shall include the following:

(1) An analysis of programs of the Department of Veterans Affairs and other departments and agencies of the Federal Government that are designed to prevent homelessness among veterans and assist veterans who are homeless.

(2) An evaluation of whether and how coordination between the programs described in paragraph (1) would contribute to ending homelessness among veterans.

(3) Recommendations for improving the programs described in paragraph (1), enhancing coordination between such programs, or eliminating programs that are no longer effective.

(4) Recommendations for new programs to prevent and end homelessness among veterans, including an estimate of the cost of such programs.

(5) A timeline for implementing the plan, including milestones to track the implementation of the plan.

(6) Benchmarks to measure the effectiveness of the plan and the efforts of the Secretary to implement the plan.

(7) Such other matters as the Secretary considers necessary.

(c) **CONSIDERATION OF VETERANS LOCATED IN RURAL AREAS.**—The analysis, evaluation, and recommendations included in the report required by subsection (a) shall include consideration of the circumstances and requirements that are unique to veterans located in rural areas.

**SEC. 105. EXTENSION OF CERTAIN AUTHORITIES RELATING TO HOMELESS VETERANS.**

(a) **HEALTH CARE FOR HOMELESS VETERANS.**—Section 2031(b) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

(b) **CENTERS FOR PROVISION OF COMPREHENSIVE SERVICES TO HOMELESS VETERANS.**—Section 2033(d) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

(c) **PROPERTY TRANSFERS FOR HOUSING ASSISTANCE FOR HOMELESS VETERANS.**—Section 2041(c) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

(d) **ADVISORY COMMITTEE ON HOMELESS VETERANS.**—Section 2066(d) is amended by striking “December 30, 2011” and inserting “December 30, 2013”.

**SEC. 106. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAM.**

Section 2021(e)(1) is amended adding at the end the following new subparagraph:

“(G) \$50,000,000 for each of fiscal years 2012 and 2013.”.

**SEC. 107. REAUTHORIZATION OF APPROPRIATIONS FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.**

(a) **IN GENERAL.**—Section 2044(e) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(D) \$100,000,000 for fiscal year 2012.”; and

(2) in paragraph (3), by striking “2011” and inserting “2012”.

(b) **TECHNICAL AMENDMENT.**—Paragraph (1) of such section is further amended by striking “carry out subsection (a), (b), and (c)” and inserting “carry out subsections (a), (b), and (c)”.

**SEC. 108. REAUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.**

Section 2061(c)(1) is amended by striking “2011” and inserting “2013”.

**TITLE II—FIDUCIARY MATTERS**

**SEC. 201. APPOINTMENT OF CAREGIVERS AND PERSONS NAMED UNDER DURABLE POWER OF ATTORNEY AS FIDUCIARIES FOR PURPOSES OF BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subsection (a) of section 5502 is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) in paragraph (1) by striking “Where, in” and inserting the following:

“(2) In the absence of special circumstances the Secretary determines necessitate otherwise, payment to a fiduciary under paragraph (1) shall be made to the person or entity caring for or having primary custody of the beneficiary or the beneficiary’s estate, including a person or entity who has been named by the incompetent beneficiary under a durable power of attorney.

“(3) Where, in”.

(b) CLARIFICATION REGARDING DISTRIBUTION OF BENEFITS WHEN PAYMENT SUSPENDED OR WITHHELD FROM FIDUCIARY.—Subsection (d) of such section is amended to read as follows:

“(d)(1) All or any part of any benefits the payment of which is suspended or withheld under this section may, in the discretion of the Secretary, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary, to be used solely for the benefit of such beneficiary, or, in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any of such veteran.

“(2)(A)(i) Any part not so paid and any funds of a mentally incompetent veteran not paid to the chief officer of the institution in which such veteran is a patient nor apportioned to the veterans’ dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary.

“(ii) All funds so held shall be disbursed under the order and in the discretion of the Secretary for the benefit of such beneficiary or the beneficiary’s dependents.

“(B)(i) Except as provided in this subparagraph or as otherwise provided by law, any balance remaining in such fund to the credit of any beneficiary may be paid to the beneficiary if the beneficiary recovers and is found competent, or if a minor, attains majority, or otherwise to the beneficiary’s fiduciary, or, in the event of the beneficiary’s death, to the beneficiary’s personal representative.

“(ii) Payment shall not be made to the beneficiary’s personal representative under clause (i) if, under the law of the beneficiary’s last legal residence, the beneficiary’s estate would escheat to the State.

“(iii) In the event of the death of a mentally incompetent veteran, all gratuitous benefits under laws administered by the Secretary deposited before or after August 7, 1959, in the personal funds of patients trust fund on account of such veteran shall not be paid to the personal representative of such veteran, but shall be paid to the following persons living at the time of settlement, and in the order named:

“(I) The surviving spouse.

“(II) The children (without regard to age or marital status), in equal parts.

“(III) The dependent parents of such veteran, in equal parts.

“(iv) If any balance remains after the application of clause (iii), such balance shall be deposited to the credit of the applicable current appropriation, except that there may be paid only so much of such balance as may be necessary to reimburse a person (other than a political subdivision of the United States) who bore the expenses of last sickness or burial of the veteran for such expenses.

“(v) No payment shall be made under clauses (iii) or (iv) unless claim therefor is filed with the Secretary within five years after the death of the veteran, except that, if any person so entitled under such clauses is under legal disability at the time of death of the veteran, such five-year period of limitation shall run from the termination or removal of the legal disability.”.

(c) CLARIFICATION THAT DEFINITION OF FIDUCIARY INCLUDES PERSONS NAMED UNDER DURABLE POWER OF ATTORNEY.—Section 5506(1) is amended by inserting “, including a person named as an agent under a durable power of attorney” before “; or”.

**SEC. 202. ACCESS BY SECRETARY OF VETERANS AFFAIRS TO FINANCIAL RECORDS OF INDIVIDUALS REPRESENTED BY FIDUCIARIES AND RECEIVING BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY.**

(a) IN GENERAL.—Section 5502, as amended by section 201, is further amended by adding at the end the following new subsection:

“(f)(1) The Secretary may require any person or State or local governmental entity appointed or recognized as a fiduciary for a Department beneficiary under this section to provide authorization for the Secretary to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3415)) from any financial institution any financial record held by the institution with respect to an account of the fiduciary or the beneficiary which contains an amount paid by the Secretary to the fiduciary for the benefit of the beneficiary whenever the Secretary determines that the financial record is necessary—

“(A) for the administration of a program administered by the Secretary; or

“(B) in order to safeguard the beneficiary’s benefits against neglect, misappropriation, misuse, embezzlement, or fraud.

“(2) Notwithstanding section 1104(a)(1) of such Act (12 U.S.C. 3404(a)(1)), an authorization provided by a fiduciary under paragraph (1) with respect to a beneficiary shall remain effective until the earliest of—

“(A) the approval by a court or the Secretary of a final accounting of payment of benefits under any law administered by the Secretary to a fiduciary on behalf of such beneficiary;

“(B) in the absence of any evidence of neglect, misappropriation, misuse, embezzlement, or fraud, the express revocation by the fiduciary of the authorization in a written notification to the Secretary; or

“(C) the date that is three years after the date of the authorization.

“(3)(A) An authorization obtained by the Secretary pursuant to this subsection shall be considered to meet the requirements of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) for purposes of section 1103(a) of such Act (12 U.S.C. 3403(a)), and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act (12 U.S.C. 3404(a)), if the Secretary provides a copy of the authorization to the financial institution.

“(B) The certification requirements of section 1103(b) of such Act (12 U.S.C. 3403(b)) shall not apply to requests by the Secretary

pursuant to an authorization provided under this subsection.

“(C) A request for a financial record by the Secretary pursuant to an authorization provided by a fiduciary under this subsection is deemed to meet the requirements of section 1104(a)(3) of such Act (12 U.S.C. 3404(a)(3)) and the matter in section 1102 of such Act (12 U.S.C. 3402) that precedes paragraph (1) of such section if such request identifies the fiduciary and the beneficiary concerned.

“(D) The Secretary shall inform any person or State or local governmental entity who provides authorization under this subsection of the duration and scope of the authorization.

“(E) If a fiduciary of a Department beneficiary refuses to provide, or revokes, any authorization to permit the Secretary to obtain from any financial institution any financial record concerning benefits paid by the Secretary for such beneficiary, the Secretary may, on that basis, revoke the appointment or the recognition of the fiduciary for such beneficiary and for any other Department beneficiary for whom such fiduciary has been appointed or recognized. If the appointment or recognition of a fiduciary is revoked, benefits may be paid as provided in subsection (d).

“(4) For purposes of section 1113(d) of such Act (12 U.S.C. 3413(d)), a disclosure pursuant to this subsection shall be considered a disclosure pursuant to a Federal statute.

“(5) In this subsection:

“(A) The term ‘financial institution’ has the meaning given such term in section 1101 of such Act (12 U.S.C. 3401), except that such term shall also include any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in any State.

“(B) The term ‘financial record’ has the meaning given such term in such section.”.

(b) MODIFICATION OF DEFINITION OF FIDUCIARY TO INCLUDE STATE AND LOCAL GOVERNMENTAL ENTITIES.—Section 5506, as amended by section 201(c), is further amended—

(1) by inserting “or State or local governmental entity” after “person” each place it appears; and

(2) in paragraph (1), by striking “who” and inserting “that”.

(c) CONFORMING AMENDMENT.—Section 5508 is amended—

(1) by striking “or agency” both places it appears and inserting “or State or local governmental entity”; and

(2) in the heading, by striking “institutional”.

**SEC. 203. CONFIDENTIAL NATURE OF CREDIT REPORTS AND DOCUMENTS PERTAINING TO THE APPOINTMENT OF A FIDUCIARY.**

(a) CREDIT REPORTS AND CRIMINAL BACKGROUND REPORTS.—Section 5507 is amended by adding at the end the following new subsection:

“(e) Except as provided under section 5701 of this title, credit reports obtained under subsection (a)(1)(C) and criminal background reports obtained under subsection (b) shall be segregated from the claimant’s file and may be disclosed only by a signed release executed by the person to whom it relates.”.

(b) FILES, RECORDS, AND REPORTS.—Section 5701 is amended—

(1) in subsection (a)—

(A) by inserting “(1)” before “All”; and

(B) by adding at the end the following new paragraph:

“(2) All files, records, reports, and other papers and documents pertaining to any

credit report, criminal background evaluation, or financial record obtained in connection with the evaluation, appointment, or removal of a person who is considered for appointment or has been appointed a fiduciary for a beneficiary under chapter 55 of this title and the names and addresses of such persons in the possession of the Department shall be confidential and privileged, and no disclosure thereof shall be made except as provided in this section.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) Except as otherwise provided by law, to a person who has submitted personal identifying information, financial information, or criminal background information to the Department in connection with an appointment as a fiduciary for a beneficiary as to matters concerning such person or duly authorized agent or representative of such person upon written request of the person or agent.”; and

(C) in paragraph (3), as redesignated by subparagraph (A)—

(i) by inserting “(A)” before “When”; and

(ii) by adding at the end the following new subparagraph:

“(B) Unless a court orders otherwise, in an electronic or paper filing with a court that contains an individual’s social security number, TIN (within the meaning of section 7701(a)(41) of the Internal Revenue Code of 1986), claim number, birth date, the name of an individual known to be a minor, the name of an individual who has been determined by the Secretary to be incompetent under chapter 55 of this title, or a financial-account number, a party or nonparty making the filing shall include only the following:

“(i) The last four digits of the person’s social-security number, TIN, or claim number.

“(ii) The year of the individual’s birth.

“(iii) The initials of the individual known to be a minor or determined to be incompetent.

“(iv) The last four digits of the financial account number.”; and

(3) in subsection (h)(2)—

(A) in subparagraph (A), by striking “who has” and all that follows through “an offer” and inserting the following: “who—

“(i) has applied for any benefit under chapter 37 of this title;

“(ii) is, or is being considered for an appointment as, a fiduciary for a beneficiary for monetary benefits provided under this title; or

“(iii) has submitted an offer”;

(B) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) verifying, either before or after the Secretary has approved a person to serve as a fiduciary for a beneficiary under chapter 55 of this title, the creditworthiness, credit capacity, income, or financial resources of such person.”;

**SEC. 204. AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS.**

(a) IN GENERAL.—Section 5101 is amended—

(1) in subsection (a)—

(A) by striking “A specific” and inserting “(1) A specific”; and

(B) by adding at the end the following new paragraph:

“(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “, signs a form on behalf of an individual to apply for,” after “who applies for”; and

(ii) by inserting “, or TIN in the case that the person is not an individual,” after “of such person”; and

(B) in paragraph (2), by inserting “or TIN” after “social security number” each place it appears; and

(3) by adding at the end the following new subsection:

“(d) In this section:

“(1) The term ‘mentally incompetent’ with respect to an individual means that the individual lacks the mental capacity—

“(A) to provide substantially accurate information needed to complete a form; or

“(B) to certify that the statements made on a form are true and complete.

“(2) The term ‘TIN’ has the meaning given the term in section 7701(a)(41) of the Internal Revenue Code of 1986.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

**SEC. 205. IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION.**

Section 5105 is amended—

(1) in subsection (a)—

(A) by striking “shall” and inserting “may”; and

(B) by striking “Each such form” and inserting “Such forms”; and

(2) in subsection (b), by striking “on such a form” and inserting “on any document indicating an intent to apply for survivor benefits”.

**SEC. 206. DURABLE POWER OF ATTORNEY DEFINED.**

Section 101 is amended by adding at the end the following new paragraph:

“(34) The term ‘durable power of attorney’ means a written document signed by a person appointing an individual to act on the person’s behalf for the purposes stated in the document and which contains words ‘This power of attorney is not affected by subsequent disability or incapacity of the principal’, ‘This power of attorney becomes effective on the disability or incapacity of the principal’, or similar words showing the principal’s intent that the authority conferred on the attorney in fact or agent shall be exercised notwithstanding the principal’s subsequent disability, incapacity, or incompetence.”.

**TITLE III—OTHER ADMINISTRATIVE AND BENEFITS MATTERS**

**SEC. 301. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS.**

Paragraph (2) of section 3704(c) is amended to read as follows:

“(2) In any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of this chapter shall be considered to be satisfied if—

“(A) the spouse of the veteran occupies or intends to occupy the property as a home and the spouse makes the certification required by paragraph (1) of this subsection; or

“(B) a dependent child of the veteran occupies or will occupy the property as a home and the veteran’s attorney-in-fact or legal guardian of the dependent child makes the certification required by paragraph (1) of this subsection.”.

**SEC. 302. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH DISABILITY RATINGS ISSUED DURING PRE-DISCHARGE PROGRAMS.**

Paragraph (2) of section 3729(c) is amended to read as follows:

“(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

“(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

“(i) as the result of a pre-discharge disability examination and rating; or

“(ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.”.

**SEC. 303. EXTENSION OF AUTHORITY FOR ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY FAMILY MEMBERS.**

Section 2102A(e) is amended by striking “December 31, 2011” and inserting “December 31, 2021”.

**SEC. 304. INDEXING OF LEVELS OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY FAMILY MEMBERS.**

Section 2102A(b) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting “(1)” before “The”; and

(3) by adding at the end the following new paragraph (2):

“(2) Effective on October 1 of each year (beginning in 2011), the Secretary shall use the same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.”.

**SEC. 305. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.**

Section 112(a) is amended—

(1) by inserting “and persons who died in the active military, naval, or air service,” after “under honorable conditions.”; and

(2) by striking “veteran’s” and inserting “deceased individual’s”.

**SEC. 306. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.**

(a) IN GENERAL.—Section 7105 is amended by adding at the end the following new subsection:

“(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant’s representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans’ Appeals

for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

"(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence."

(b) **EFFECTIVE DATE.**—Subsection (e) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 307. EXTENSION OF AUTHORITIES OF SECRETARY OF VETERANS AFFAIRS TO USE INFORMATION FROM OTHER AGENCIES.**

(a) **AUTHORITY TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.**—Section 5317(g) is amended by striking "September 30, 2011" and inserting "September 30, 2016".

(b) **AUTHORITY TO USE DATA PROVIDED BY DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ADJUSTING VETERANS BENEFITS.**—

(1) **IN GENERAL.**—Section 5317A(d) is amended by striking "September 30, 2011" and inserting "September 30, 2021".

(2) **CONFORMING AMENDMENT.**—Section 453(j)(1)(G) of the Social Security Act (42 U.S.C. 653(j)(1)(G)) is amended by striking "September 30, 2011" and inserting "September 30, 2021".

**SEC. 308. EXTENSION OF AUTHORITY FOR REGIONAL OFFICE OF DEPARTMENT OF VETERANS AFFAIRS IN REPUBLIC OF THE PHILIPPINES.**

Section 315(b) is amended by striking "December 31, 2011" and inserting "December 31, 2012".

## NOTICE OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information 531 of the Senate and the public of an addition to a previously announced hearing before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, June 7, 2011, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

In addition to the other measures previously announced, the Committee will also consider S. 1067, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate,

Washington, DC 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Jonathan Epstein or Abby Campbell.

### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 9, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled "Setting the Standard: Domestic Policy Implications of the UN Declaration on the Rights of Indigenous Peoples."

Those wishing additional information may contact the Indian Affairs Committee.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Energy and Natural Resources Committee. The hearing will be held on Thursday, June 9, 2011, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on critical minerals and materials legislation, including S. 383, S. 421, and S. 1113.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by email to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Allyson Anderson or Abigail Campbell.

## ORDERS FOR TUESDAY, JUNE 7, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m., on Tuesday, June 7; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 782, the Economic Development Act; further, that the Senate

recess from 12:30 p.m. to 2:15 p.m. to allow for weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, tonight, I filed cloture on the motion to proceed to S. 782, the Economic Development Act. I hope it is not necessary that we vote to invoke cloture on this matter on Wednesday, and I hope we can get to it tomorrow. If we cannot move to it under consent, then we will have the cloture vote Wednesday morning.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order, following the remarks of Senator BROWN of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEDICARE

Mr. BROWN of Ohio. Mr. President, for the last couple weeks, I traveled to senior centers from Toledo to Youngstown to Columbus to talk with seniors and health professionals about the threats facing their Medicare benefits. We owe it to our children, we owe it to our grandchildren, we owe it to succeeding generations to reduce our Nation's deficit. We know almost exactly one decade ago we had the largest budget surplus in the history of our country. We know during the next 8 years—as Congress and President Bush cut taxes mostly on the wealthy in 2001 and 2003, began two wars with Iraq and Afghanistan and didn't pay for them, did a prescription drug benefit, a supposed benefit that was, in many ways, a bailout for the drug and insurance companies and didn't pay for it, and deregulated Wall Street—during those 8 years, we had the largest budget deficit in American history. We went from the largest budget surplus in American history to the largest budget deficit in American history.

What we see in the Republican budget now, as we talk about Medicare and as they talk about Medicare—ending Medicare as we know it, turning Medicare over to the insurance companies—what we are seeing is sort of the same old game, the same old song from people who do not much like Medicare; that is, cut taxes on the wealthy again and pay for those tax cuts—you have to find a way to pay for them—I guess, pay for those tax cuts by cutting the Medicare benefits seniors have earned. That is what is troubling to me about this Republican budget.

Too many Americans are facing a middle-class squeeze, working hard,

playing by the rules, finding it still hard to get ahead in this economy. Many parents, many Americans in their forties and fifties and sixties are part of a sandwich generation. They are helping their parents as their medical costs go up and their parents are not earning very much. They are maybe getting Social Security, maybe something else, and they are trying to pay for their children's college, so this is the wrong time, as if there would ever be a right time, to turn Medicare over to the insurance industry, Medicare as we know it.

That is why Senators CARDIN from Maryland, MCCASKILL of Missouri, and TESTER of Montana wrote a letter to the Vice President calling for the Republican plan to end Medicare as we know it to be taken off the table during the deficit reduction negotiations.

I want to see our deficit reduced. I want to see us have a long-term plan to get our budget deficit under control the way we did in the 1990s and turned budget problems inherited by President Clinton—bequeathed by Presidents Reagan and Bush, inherited by President Clinton—how we got from a budget deficit to a budget surplus.

The statistics behind Medicare are clear. The number of seniors lifted out of poverty in these 45 years, the number of families who have the help to care for a parent or grandparent—we can't reverse those gains for the ultimate form of rationing health care for seniors. Make no mistake, this is rationing health care. When you shift the cost, you give a senior citizen a voucher—you give them an \$8,000 check, and that check goes to insurance companies to pay for health insurance. If it runs short, what happens—and it likely will—they pay out-of-pocket. That really is rationing. If you are not a fairly wealthy senior and you run out of this privatized Medicare voucher, you will reach into your pockets and pay for it. That is rationing because many seniors won't be able to pay for it.

When I hear the terms "death panels" and "rationing" and all these things that conservative politicians usually enthralled in the insurance industry are telling this Chamber and down the hall in the House of Representatives—real rationing is when seniors can not afford to pay out-of-pocket for their health insurance costs because of what this Republican budget plan does. Their plan calls for vouchers for private health coverage, doubling their out-of-pocket costs in the first year alone. The average senior would receive an \$8,000 voucher; however, in the first year of the voucher program, out-of-pocket expenses would, according to the Congressional Budget Office—not a Democratic group, not a Republican group, a down-the-middle group—the Congressional Budget Office said seniors' out-of-pocket expenses

would double to more than \$12,500 annually. As I said, at the same time, Republicans are going to take these savings to the budget, these cuts to senior care, to Medicare, and finance tax cuts for those people who earn 10 times or more than the average retirement income of a Medicare recipient.

Seniors would see their prescription drug costs explode. In the health care bill, we cut the costs of prescription drugs to those seniors who are in the coverage gap, the so-called doughnut hole, cut them in half. That would go away. In other words, the Republican budget plan in my State across the river from the Presiding Officer's State would hand an \$89 million prescription drug bill tab to split among 139,000 Ohio seniors. Tens of thousands of Ohio seniors, thousands of West Virginia seniors, tens of thousands of seniors in the assistant majority leader's State of Illinois would be paying tens of millions of dollars in higher drug costs as a result of the Republican budget bill. The Senate voted that bill down, largely along party lines.

Republicans continue to want to privatize Medicare, to turn Medicare over to the insurance industry. It simply would put insurance companies in charge of Medicare. It would put insurance companies in charge of the health of our seniors.

Is that what we want? That is why we had Medicare in 1965, because insurance companies were in charge of health care for seniors, meaning half of the seniors had no health insurance—people over 65 in the year 1965. Now roughly 99 percent of seniors have health insurance, and that is because of this program that most of us dearly love and the huge majority of our constituents in West Virginia, Illinois, and Ohio love, and that is called Medicare.

Now, Mr. President, put aside all I have said for a moment. Forget about vouchers, forget about privatization, forget about insurance companies even, and think in a personal way about what Medicare has done in this country.

Medicare was created in 1965, passed mostly by Democrats in the House and Senate, signed by President Lyndon Johnson in July of 1965. We have had Medicare for 45 years. Think about what it has done. Forget all the academic and policy questions. What Medicare has done is helped people in this country live longer, healthier lives. What that means is people have been able to get to know their grandchildren. Somebody who is 65 or 70 or 75 or 80, and enjoys generally good health, has had years—maybe decades—of helping to raise a grandchild, getting to know their granddaughter, getting to play with their grandson, all the things grandparents want to do. Senior citizens have had a greater quality of life because of what we call Medicare, and they have gotten to know their grandchildren better.

Think what that means to children. They have gotten to know their grandparents better and have gotten the kind of guidance only grandparents can give. Margaret Mead, the great anthropologist, a few decades ago said "wisdom and knowledge are passed from grandparent to grandchild." Wisdom and knowledge are passed from grandparent to grandchild, because we all know if we have children, our kids don't always listen to us but our grandchildren do.

I have a 3-year-old grandson named Clayton who lives in Columbus, OH. When I am in Washington, my wife picks him up a lot of days after school. We don't live in Columbus, but she goes down there and picks him up after school. Every day Clayton gets to spend with his grandmother and, when I am home, every weekend with his grandfather. I get to see Clayton not as often as I want but fairly often.

What Margaret Mead said is right. Grandparents impart a special wisdom and knowledge to grandchildren. Think of the benefit grandchildren have because of their grandparents. I wouldn't have looked at it quite the same way until I had my first grandson 3 years ago, but I understand that now.

That, to me, is the real beauty of Medicare. It has helped this country's seniors live longer healthier lives and has helped this country's children be raised in a moral way, in a practical way, in an educational way, better than they would have if their grandparents hadn't been around.

When I hear Republicans say they want to get rid of Medicare as we know it, they want to turn Medicare and senior health care over to the insurance industry, we know what will happen. Seniors won't live longer healthier lives because they will have lost Medicare as we know it.

That is why we sent a letter to Vice President BIDEN—Senator TESTER, Senator MCCASKILL, Senator CARDIN, and I did—to say, take Medicare off the table. We need to deal with this budget deficit, but don't mess with Medicare while we are doing it. It is that simple. I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### INTERCHANGE FEES

MR. DURBIN. Mr. President, later this week we are going to consider an issue which is complicated, but it is an issue that affects every single American who ever takes a piece of plastic and pays for anything at a hotel, a restaurant, a convenience store, tuition at a school, or a charitable deduction to the Red Cross in the midst of a disaster. If you use plastic, every time



that debit card—we are talking just about debit cards for this conversation—every time that debit card is swiped, there is a fee that goes to the bank that issued the card. One may think to oneself, I wonder how they negotiate those fees. The answer is, they don't. What happens is the credit card companies—the two giants, Visa and MasterCard, working through the issuing banks—determine what is going to be charged every time someone swipes the card.

What does a local grocery store have to say about it? Nothing. Their alternative is to not accept plastic at all. Visa and MasterCard say, you want to use our card, you play by our rules and our rules will tell you how much we take every time you swipe a card. I have seen it happen, and my colleagues have too, where you go into a store and shake your head because that young person in front of you just bought a candy bar and is using a piece of plastic to pay for it and you think to yourself, Why didn't they reach in their pocket and pull out a dollar bill to pay for it. Instead, they swipe the card, and we know what happens. That person selling the candy bar just lost money, because the banks and the credit card companies are going to get that swipe fee which happens to be more than the profit this little grocery store is going to make on a candy bar.

Naturally, retailers across America have said, this isn't fair to us. We have no negotiating power when it comes to how much is taken out each time there is a plastic transaction for debit cards, and the consumers don't know. We know as retailers, but the consumers don't even know. There is no transparency. There is no competition. What is wrong with this picture?

If we believe in a free market, we believe in those two things. We ought to believe there would be some competition so maybe there would be one debit card company that charges a lower fee. Maybe there would be special consideration given if somebody paid in cash.

I guess this dates me, but there was a time when people paid in cash for almost everything, except when they used a check, and that was rare. And when they processed the check, it was pennies. Right now, the Federal Reserve tells us that for each and every debit card transaction, the average fee charged is 44 cents.

When we passed an amendment here last year, we said to the Federal Reserve, What is the actual cost to the company, the issuing bank and the credit card, debit card company, for processing this transaction? They said, 10 cents or 12 cents, and they are charging over 40 cents on each transaction. Who pays it? We all pay it. Even if you walk into a store to pay cash, that merchant has put a price on a good that considers the fact that most people are using plastic so they have to

raise the price to cover that fee. So we said to the Federal Reserve, Sit down and figure out what is reasonable and proportional in terms of the cost that should be collected every time someone swipes a card.

Well, this is a big political issue, one of the biggest. One might say it is a multibillion-dollar issue, and it is. Because each month in America, over \$1.3 billion is collected from customers all across America when they swipe their debit cards. Where does the money go? Most of it goes to the biggest banks on Wall Street—the same banks that were just moaning and groaning a few years ago about how they needed a bailout because they made some big mistakes. They are back again. They want a bailout when it comes to these debit cards. They want to be able to continue to collect 40 cents and more on every transaction.

We passed a law that said the party is over. Starting July 21, there will be a new rule that will establish a reasonable fee, and they have been fighting this with all of their might, all of their lobbyists, all of their workers, all the letters they can send, against this reform. Why? Because it involves huge amounts of money for these major Wall Street banks and credit card companies.

We have to bring an end to this. Consumer groups across America, labor groups, and small business groups—retail federations, merchants, saloon keepers, hotel owners, restaurant owners, convenience store owners—all across America have said we have to quit this. This isn't fair to us and to our customers. Let us have a reasonable amount charged for what is actually taking place with the debit card and we can live with it, but not four times as much as they are charging today. Incidentally, go up to Canada—not a lot different than the United States. They have debit cards and credit cards there, issued by banks. Do my colleagues know what the interchange fee is charged in Canada today? Zero. No charge. No charge at all to the merchant who takes a debit card to Canada. The same companies, Visa and MasterCard, charge zero in Canada and 40 cents in the United States. Aren't we blessed to have two great credit card companies who dreamed up how to stick it to American consumers at the benefit of American banks on Wall Street particularly? That is what this is about.

Most of my colleagues have gone home over the last week or two and they have heard about this issue because it means a lot to a lot of people. What we did was exempt in this law credit unions and community banks. Some people say, Why did you exempt them? Why shouldn't they have reduced fees too? Well, we want to make sure that financially they are not disadvantaged by this, and we put in a

specific exemption, sent it to the Federal Reserve to write up their rules to protect them. I have said on the floor and I will say it again, if at the end of the day the rule from the Federal Reserve does not provide adequate protection for credit unions and community banks, I am ready to sign up today to put in even more protection in the law. I will be there. I want to make sure they understand. They were exempted because I believe they should be, and I want to make sure that exemption works.

But I don't care what happens to the Wall Street banks. I don't care what happens to these credit card companies. They seem to end up on their feet when it is all over anyway. After giving them billions of dollars in taxpayers' money to bail them out of their mess that they made of things in this recession, what did they do? They sent us a big wet kiss in the form of multimillion-dollar bonuses for all of their officers, smiling all the way to the bank with taxpayers' money. We don't owe them a thing.

The Members who will come to the floor this week and vote with those big banks and those credit card companies really have to ask themselves: When are you ever going to stand up for consumers and retailers and merchants and small businesses across America? Is somebody going to speak up for them in this Chamber?

That is what this debate is about, and I hope at the end of the day my colleagues will stand tall and say no to Wall Street, no to the credit card companies; that they will stand by the retailers and merchants, to give them a chance for transparency and competition, to give them a chance for a reasonable—reasonable—fee for what is actually transpiring in this transaction.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 6:30 p.m., adjourned until Tuesday, June 7, 2011, at 10:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

##### To be general

GEN. MARTIN E. DEMPSEY

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE



ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 154:

*To be admiral*

ADM. JAMES A. WINNEFELD, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF STAFF, UNITED STATES ARMY, AND

APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3033:

*To be general*

GEN. RAYMOND T. ODIERNO

CONFIRMATION

Executive nomination confirmed by the Senate Monday, June 6, 2011:

DEPARTMENT OF JUSTICE

DONALD B. VERRILLI, JR., OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 7, 2011 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## JUNE 8

9:30 a.m.

## Foreign Relations

To hold hearings to examine the nomination of Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Afghanistan, Department of State.

SD-419

## Veterans' Affairs

To hold hearings to examine pending calendar business.

SR-418

10 a.m.

## Environment and Public Works

Clean Air and Nuclear Safety Subcommittee

Children's Health and Environmental Responsibility Subcommittee

To hold joint hearings to examine air quality and children's health.

SD-406

## Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

## Judiciary

To hold hearings to examine the President's request to extend the service of Director Robert Mueller of the Federal Bureau of Investigation until 2013.

SD-226

10:30 a.m.

## Appropriations

Financial Service and General Government Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Internal Revenue Service.

SD-138

2:30 p.m.

## Foreign Relations

To hold hearings to examine the nominations of D. Brent Hardt, of Florida, to be Ambassador to the Co-operative Republic of Guyana, James Harold Thessin, of Virginia, to be Ambassador to the Republic of Paraguay, Jonathan Don Farrar, of California, to be Ambassador to the Republic of Nicaragua, and Lisa J. Kubiske, of Virginia, to be Ambassador to the Republic of Honduras, all of the Department of State.

SD-419

## Judiciary

To hold hearings to examine the nominations of Stephen A. Higginson, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, Jane Margaret Triche-Milazzo, to be United States District Judge for the Eastern District of Louisiana, Alison J. Nathan, and Katherine B. Forrest, both to be United States District Judge for the Southern District of New York, and Susan Owens Hickey, to be United States District Judge for the Western District of Arkansas.

SD-226

2:45 p.m.

## Appropriations

Department of Homeland Security Subcommittee

To hold hearings to examine a review of the status of emergency management in the United States, including the important role communications systems play during a disaster.

SD-138

## JUNE 9

Time to be announced

## Environment and Public Works

Business meeting to consider S. 76, to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children, and the nominations of William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission, and Richard C. Howorth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority.

Room to be announced

9:30 a.m.

## Armed Services

To hold hearings to examine the nomination of Leon E. Panetta, of California, to be Secretary of Defense.

SD-G50

## Energy and Natural Resources

To hold hearings to examine S. 963, to reduce energy costs, improve energy efficiency, and expand the use of renewable energy by Federal agencies, S. 1000, to promote energy savings in residential and commercial buildings and industry, and S. 1001, to reduce oil consumption and improve energy security.

SD-366

10 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery and Intergovernmental Affairs Subcommittee

To hold hearings to examine border corruption, focusing on assessing customs and border protection and the Department of Homeland Security Inspector General's office collaboration in the fight to prevent corruption.

SD-342

Banking, Housing, and Urban Affairs

To hold hearings to examine reauthorization of the National Flood Insurance Program.

SD-538

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine quality early education and care.

SD-430

Foreign Relations

Business meeting to consider S. Res. 194, expressing the sense of the Senate on United States military operations in Libya.

S-116, Capitol

Judiciary

Business meeting to consider S. 1103, to extend the term of the incumbent Director of the Federal Bureau of Investigation, S. 978, to amend the criminal penalty provision for criminal infringement of a copyright, S. 1145, the Civilian Extraterritorial Jurisdiction Act, and the nominations of Steve Six, of Kansas, to be United States Circuit Judge for the Tenth Circuit, Marina Garcia Marmolejo, to be United States District Judge for the Southern District of Texas, Michael Charles Green, to be United States District Judge for the Western District of New York, Wilma Antoinette Lewis, of the District of Columbia, to be Judge for the District Court of the Virgin Islands, and Felicia C. Adams, to be United States Attorney for the Northern District of Mississippi, and Ronald W. Sharpe, to be United States Attorney for the District of the Virgin Islands, both of the Department of Justice.

SD-226

2 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine Federal asset management, focusing on eliminating waste by disposing of unneeded Federal real property.

SD-342

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine domestic policy implications of the UN Declaration on the Rights of Indigenous Peoples.

SD-628

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.

## Armed Services

To hold closed hearings to examine the nomination of Leon E. Panetta, of California, to be Secretary of Defense.

SVC-217

## Energy and Natural Resources

## Energy Subcommittee

To hold hearings to examine critical minerals and materials legislation, including S. 383, to promote the domestic production of critical minerals and materials, S. 421, to amend the Energy Independence and Security Act of 2007 to require the Secretary of Energy to provide grants for lithium production research and development, and S. 1113, to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, research, and international capabilities in the United States.

SD-366

## Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JUNE 14

10 a.m.

## Energy and Natural Resources

To hold hearings to examine wildfire management programs of the Federal land management agencies.

SD-366

JUNE 15

10:30 a.m.

## Appropriations

## Department of Defense Subcommittee

To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD-192

JUNE 16

10:30 a.m.

## Energy and Natural Resources

To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD-366

2:15 p.m.

## Indian Affairs

To hold an oversight hearing to examine achieving the policy goals of the "Na-

tive American Graves Protection and Repatriation Act" (NAGPRA).

SD-628

JUNE 21

2:30 p.m.

## Judiciary

## Crime and Terrorism Subcommittee

To hold hearings to examine cybersecurity, focusing on evaluating the Administration's proposals.

SD-226

JUNE 29

10 a.m.

## Veterans' Affairs

Business meeting to consider pending calendar business.

SR-418

## POSTPONEMENTS

JUNE 8

10 a.m.

## Appropriations

## Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Education.

SD-124

## HOUSE OF REPRESENTATIVES—Tuesday, June 7, 2011

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LEWIS of California).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

June 7, 2011.

I hereby appoint the Honorable JERRY LEWIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Carter Griffin, St. Peter's Catholic Church, Washington, D.C., offered the following prayer:

Dear Heavenly Father, as we approach the remembrance of Pentecost, when the Holy Spirit descended upon the apostles gathered in prayer, we

pray for a new outpouring of Your Spirit upon us today.

May the fire of Your love enflame our hearts, and may the sure hand of Your counsel guide our actions as we strive to follow You more closely.

Send Your Spirit of wisdom upon all Members of this Congress and those who assist them that they may always aim to serve the common good in accordance with Your holy law.

May this day's deliberations be pleasing in Your sight, and may each one of us live today and each day as if it were our last: so that we may always be ready to enter those heavenly dwellings where we hope to live with the angels and saints forever and ever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10:30 a.m. on Thursday next.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Thursday, June 9, 2011, at 10:30 a.m.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first and second quarters of 2011 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRAQ, PAKISTAN, AFGHANISTAN, AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 15 AND APR. 21, 2011

| Name of Member or employee    | Date    |           | Country           | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|-------------------------------|---------|-----------|-------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                               | Arrival | Departure |                   | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. John Boehner .....       | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Hon. Dan Boren .....          | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Hon. Michael Conaway .....    | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Hon. Joseph Heck .....        | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Hon. Thomas Rooney .....      | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Hon. William Thornberry ..... | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Barry Jackson .....           | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Kevin Smith .....             | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Jennifer Stewart .....        | 4/16    | 4/17      | Iraq .....        |                       | 0  |                  | (3)  |                  |  |                  | 0  |
| Hon. John Boehner .....       | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Hon. Dan Boren .....          | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Hon. Michael Conaway .....    | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Hon. Joseph Heck .....        | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Hon. Thomas Rooney .....      | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Hon. William Thornberry ..... | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Barry Jackson .....           | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Kevin Smith .....             | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Jennifer Stewart .....        | 4/17    | 4/18      | Pakistan .....    |                       | 325.00   |                  | (3)  |                  |  |                  | 325.00   |
| Hon. John Boehner .....       | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Hon. Dan Boren .....          | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Hon. Michael Conaway .....    | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Hon. Joseph Heck .....        | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Hon. Thomas Rooney .....      | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Hon. William Thornberry ..... | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Barry Jackson .....           | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Kevin Smith .....             | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Jennifer Stewart .....        | 4/18    | 4/20      | Afghanistan ..... |                       | 56.00  |                  | (3)  |                  |  |                  | 56.00  |
| Hon. John Boehner .....       | 4/20    | 4/21      | Belgium .....     |                       | 287.00   |                  | (3)  |                  |  |                  | 287.00   |
| Hon. Dan Boren .....          | 4/20    | 4/21      | Belgium .....     |                       | 256.00   |                  | (3)  |                  |  |                  | 256.00   |
| Hon. Michael Conaway .....    | 4/20    | 4/21      | Belgium .....     |                       | 256.00   |                  | (3)  |                  |  |                  | 256.00   |
| Hon. Joseph Heck .....        | 4/20    | 4/21      | Belgium .....     |                       | 256.00   |                  | (3)  |                  |  |                  | 256.00   |
| Hon. Thomas Rooney .....      | 4/20    | 4/21      | Belgium .....     |                       | 256.00   |                  | (3)  |                  |  |                  | 256.00   |
| Hon. William Thornberry ..... | 4/20    | 4/21      | Belgium .....     |                       | 256.00   |                  | (3)  |                  |  |                  | 256.00   |
| Barry Jackson .....           | 4/20    | 4/21      | Belgium .....     |                       | 239.00   |                  | (3)  |                  |  |                  | 239.00   |
| Kevin Smith .....             | 4/20    | 4/21      | Belgium .....     |                       | 239.00   |                  | (3)  |                  |  |                  | 239.00   |
| Jennifer Stewart .....        | 4/20    | 4/21      | Belgium .....     |                       | 239.00   |                  | (3)  |                  |  |                  | 239.00   |

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO IRAQ, PAKISTAN, AFGHANISTAN, AND BELGIUM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 15 AND APR. 21, 2011—Continued

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

Committee total ..... 5,713.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. JOHN A. BOEHNER, May 23, 2011.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

  

|                           |      |      |                          |  |          |  |          |          |  |  |           |
|---------------------------|------|------|--------------------------|--|----------|--|----------|----------|--|--|-----------|
| Hon. Darrell Issa .....   | 1/28 | 1/29 | Turkey .....             |  | 297.00   |  |          |          |  |  | 297.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 537.70   |  |          |          |  |  | 537.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
| Commercial airfare .....  |      |      |                          |  |          |  | 3,872.80 |          |  |  | 3,872.80  |
| Delegation Expenses ..... |      |      | Pakistan .....           |  |          |  |          | 2,373.83 |  |  | 2,373.83  |
| Hon. Raul Labrador .....  | 1/28 | 1/29 | Turkey .....             |  | 367.00   |  |          |          |  |  | 367.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 608.70   |  |          |          |  |  | 608.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 502.84   |  |          |          |  |  | 502.84    |
| Hon. Todd Platts .....    | 1/28 | 1/29 | Turkey .....             |  | 90.00    |  |          |          |  |  | 90.00     |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 13.00    |  |          |          |  |  | 13.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 494.18   |  |          |          |  |  | 494.18    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 438.84   |  |          |          |  |  | 438.84    |
| Delegation Expenses ..... |      |      | Spain .....              |  |          |  |          | 579.51   |  |  | 579.51    |
| Hon. Jason Chaffetz ..... | 1/28 | 1/29 | Turkey .....             |  | 115.00   |  |          |          |  |  | 115.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 608.70   |  |          |          |  |  | 608.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 502.84   |  |          |          |  |  | 502.84    |
| Hon. Stephen Lynch .....  | 1/28 | 1/29 | Turkey .....             |  | 115.00   |  |          |          |  |  | 115.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  |          |  |          |          |  |  |           |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 608.70   |  |          |          |  |  | 608.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 502.84   |  |          |          |  |  | 502.84    |
| Scott Lindsay .....       | 1/28 | 1/29 | Turkey .....             |  | 115.00   |  |          |          |  |  | 115.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 608.70   |  |          |          |  |  | 608.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 502.84   |  |          |          |  |  | 502.84    |
| Adam Fromm .....          | 1/28 | 1/29 | Turkey .....             |  | 115.00   |  |          |          |  |  | 115.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 608.70   |  |          |          |  |  | 608.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 502.84   |  |          |          |  |  | 502.84    |
| Tom Alexander .....       | 1/28 | 1/29 | Turkey .....             |  | 115.00   |  |          |          |  |  | 115.00    |
|                           | 1/29 | 1/30 | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 1/30 | 2/1  | Pakistan .....           |  | 608.70   |  |          |          |  |  | 608.70    |
|                           | 2/1  | 2/2  | Iraq .....               |  |          |  |          |          |  |  |           |
|                           | 2/2  | 2/3  | Spain .....              |  | 502.84   |  |          |          |  |  | 502.84    |
| Hon. Peter Welch .....    | 3/21 | 3/23 | Dominican Republic ..... |  | 496.00   |  |          |          |  |  | 496.00    |
| Bruce Braley .....        | 3/4  | 3/5  | Belgium .....            |  | 233.20   |  |          |          |  |  | 233.20    |
|                           | 3/5  | 3/6  | Afghanistan .....        |  | 28.00    |  |          |          |  |  | 28.00     |
|                           | 3/6  | 3/7  | Germany .....            |  | 271.25   |  |          |          |  |  | 271.25    |
| Hon. Michael Turner ..... | 3/24 | 3/28 | Belgium .....            |  | 1,841.82 |  |          |          |  |  | 1,841.82  |
| Commercial Airfare .....  |      |      |                          |  |          |  | 1,776.20 |          |  |  | 1,776.20  |
| Hon. Jason Chaffetz ..... | 3/28 | 3/29 | Dominican Republic ..... |  | 250.00   |  |          |          |  |  | 250.00    |
|                           | 3/29 | 3/29 | Haiti .....              |  | 122.00   |  |          |          |  |  | 122.00    |
| Delegation Expenses ..... |      |      | Dominican Republic ..... |  | 1,148.00 |  |          |          |  |  | 1,148.00  |
| Hon. Todd Platts .....    | 3/28 | 3/29 | Dominican Republic ..... |  | 250.00   |  |          |          |  |  | 250.00    |
|                           | 3/29 | 3/29 | Haiti .....              |  | 122.00   |  |          |          |  |  | 122.00    |
| Hon. Stephen Lynch .....  | 3/28 | 3/29 | Dominican Republic ..... |  | 250.00   |  |          |          |  |  | 250.00    |
|                           | 3/29 | 3/29 | Haiti .....              |  | 122.00   |  |          |          |  |  | 122.00    |
| Hon. Mike Quigley .....   | 3/28 | 3/29 | Dominican Republic ..... |  | 250.00   |  |          |          |  |  | 250.00    |
|                           | 3/29 | 3/29 | Haiti .....              |  | 122.00   |  |          |          |  |  | 122.00    |
|                           | 3/29 | 3/29 | Haiti .....              |  | 122.00   |  |          |          |  |  | 122.00    |
| Thomas Alexander .....    | 3/28 | 3/29 | Dominican Republic ..... |  | 250.00   |  |          |          |  |  | 250.00    |
|                           | 3/29 | 3/29 | Haiti .....              |  | 122.00   |  |          |          |  |  | 122.00    |
| Chris Knauer .....        | 3/28 | 3/29 | Dominican Republic ..... |  | 170.00   |  |          |          |  |  | 170.00    |
|                           |      |      | Haiti .....              |  | 41.00    |  |          |          |  |  | 41.00     |
| Hon. Tim Walberg .....    | 2/23 | 2/24 | Burkina Faso .....       |  | 97.08    |  |          |          |  |  | 97.08     |
|                           | 2/24 | 2/26 | Ethiopia .....           |  | 155.35   |  |          |          |  |  | 155.35    |
|                           | 2/26 | 2/27 | Israel .....             |  | 194.40   |  |          |          |  |  | 194.40    |
|                           | 2/27 | 2/28 | Germany .....            |  | 130.00   |  |          |          |  |  | 130.00    |
| Committee total .....     |      |      |                          |  |          |  |          |          |  |  | 24,946.40 |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. DARRELL E. ISSA, Chairman, May 2, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|---------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |         | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SAM GRAVES, Chairman, May 24, 2011.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2011

| Name of Member or employee | Date    |           | Country                  | Per diem <sup>1</sup> |  | Transportation   |  | Other purposes   |  | Total            |  |
|----------------------------|---------|-----------|--------------------------|-----------------------|--|------------------|--|------------------|--|------------------|--|
|                            | Arrival | Departure |                          | Foreign currency      | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> | Foreign currency | U.S. dollar equivalent or U.S. currency <sup>2</sup> |
| Hon. Sander Levin .....    | 1/12    | 1/18      | Colombia .....           |                       | 4,499.53   |                  | 1,324.10   |                  | 10,325.00  |                  | 16,148.63  |
| Alex Perkins .....         | 1/12    | 1/18      | Colombia .....           |                       | 4,394.90   |                  | 1,324.10   |                  |  |                  | 5,719.00   |
| Hon. Joseph Crowley .....  | 2/21    | 2/23      | New Zealand .....        |                       | 520.00   |                  |  |                  |  |                  | 520.00   |
|                            | 2/23    | 2/26      | Australia .....          |                       | 1,409.63   |                  |  |                  |  |                  | 1,409.63   |
| Hon. Kevin Brady .....     | 2/20    | 2/22      | New Zealand .....        |                       | 444.00   |                  | 6,715.60   |                  |  |                  | 7,159.60   |
| Hon. Xavier Becerra .....  | 3/21    | 3/23      | Dominican Republic ..... |                       | 496.00   |                  |  |                  |  |                  | 496.00   |
| Committee total .....      |         |           |                          |                       | 11,764.06  |                  | 9,363.80   |                  | 10,325.00  |                  | 31,452.86  |

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, May 19, 2011.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1852. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Conversions of Insured Credit Unions (RIN: 3133-AD84; 3133-AD85) received May 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1853. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Walk-In Coolers and Walk-In Freezers [Docket No.: EERE-2008-BT-TP-0014] (RIN: 1904-AB85) received April 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1854. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reclassification of Topical Oxygen Chamber for Extremities [Docket No: FDA-2006-N-0045] (Formerly Docket No. 2006N-0109) received May 10, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1855. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Dual Nationals and Third-Country Nationals Employed By End-Users (RIN: 1400-AC68) received May 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1856. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boom Days, Buffalo Outer Harbor, Buffalo, NY [Docket No.: USCG-2011-0132] (RIN: 1625-AA00) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1857. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Anchorage Regulations; Port of New York [Docket No.: USCG-2008-1082] (RIN: 1625-AA01) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1858. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boom Days, Niagara River, Niagara Falls, NY [Docket No.: USCG-2011-0131] (RIN: 1625-AA00) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1859. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Increase of Security Zones under 33 CFR 165.1183 from 100 to 500 yards; San Francisco Bay, Delta Ports, Monterey Bay, and Humboldt Bay, CA [Docket No.: USCG-2010-1004] (RIN: 1625-AA87) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1860. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Repair of High Voltage Transmission Lines to Logan International Airport, Saugus River, Saugus, Massachusetts [Docket No.: USCG-2010-0992] (RIN: 1625-AA00) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model 382, 382B, 382E, 382F, and 382G Airplanes [Docket No.: FAA-2010-0233; Directorate Identifier 2009-NM-014-AD; Amendment 39-16665; AD 2011-09-03] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -300, and -300ER Series Airplanes [Docket

No.: FAA-2010-1271; Directorate Identifier 2010-NM-187-AD; Amendment 39-16667; AD 2010-09-05] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes; and Model A300 B4-600, A300 B4-600R, A300 F4-600R Series Airplanes, and Model A300 C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No.: FAA-2010-0803; Directorate Identifier 2010-NM-124-AD; Amendment 39-16655; AD 2011-08-05] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS) LIMITED Model BAe 146 Airplanes, and Model Avro 146-RJ Airplanes [Docket No.: FAA-2010-1308; Directorate Identifier 2009-NM-069-AD; Amendment 39-16661; AD 2011-08-11] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2010-1205; Directorate Identifier 2010-NM-146-AD; Amendment 39-16677; AD 2011-09-15] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, -315, -401, and -402 Airplanes [Docket No.: FAA-2010-1157; Directorate Identifier 2010-NM-137-AD; Amendment 39-16674; AD 2011-09-12] (RIN: 2120-AA64) received May 13, 2011, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 747-200B, -300, -400, -400D, and -400F Series Airplanes Powered by Pratt and Whitney 4000 or General Electric CF6-80C2 Series Engines [Docket No.: FAA-2010-1111; Directorate Identifier 2010-NM-129-AD; Amendment 39-16676; AD 2011-09-14] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-601, B4-603, B4-605R C4-605 Variant F, and F4-605R Airplanes, and A310-204 and -304 Airplanes [Docket No.: FAA-2011-0035; Directorate Identifier 2010-NM-110-AD; Amendment 39-16672; AD 2011-09-10] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200 and -300 Series Airplanes Equipped with Pratt and Whitney Engines [Docket No.: FAA-2011-0026; Directorate Identifier 2010-NM-104-AD; Amendment 39-16673; AD 2011-09-11] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2011-0383;

Directorate Identifier 2010-NM-093-AD; Amendment 39-16675; AD 2011-09-13] (RIN: 2120-AA64) received May 13, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1871. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Rainy River, Ranier, MN [Docket No.: USCG-2010-1055] (RIN: 1625-AA09) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. SCOTT of South Carolina (for himself, Mr. DUNCAN of South Carolina, Mr. BROUN of Georgia, Mr. CULBERSON, Mrs. LUMMIS, Mr. LAMBORN, Mr. OLSON, Mr. FRANKS of Arizona, Mr. PEARCE, Mr. KING of Iowa, Mr. MCHENRY, Mr. PAUL, Mr. NEUGEBAUER, Mr. ROSS of Florida, Mr. FARENTHOLD, Mr. AUSTIN SCOTT of Georgia, and Mrs. ELLMERS) introduced a bill (H.R. 2145) to amend title 5, United States Code, to provide that agencies may not deduct labor organization dues from the pay of Federal employees, and for other purposes; which was referred to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. SCOTT of South Carolina:

H.R. 2145.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the authority enumerated in Clause 3 of Section 8 of Article I of the United States Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 890: Mr. RANGEL, Mr. SIRES, Mr. SHERMAN, and Mr. DIAZ-BALART.

H.R. 1063: Mr. WEST, Mr. MARKEY, and Ms. CASTOR of Florida.

H.R. 1281: Mr. LONG.

H.R. 1444: Mr. MCCLINTOCK.

H.R. 1815: Mr. BARROW, Mr. MCGOVERN, Mr. CULBERSON, Ms. ROS-LEHTINEN, Mr. WILSON of South Carolina, Mr. NUGENT, Mrs. NAPOLITANO, and Mr. DIAZ-BALART.

H.R. 1905: Mr. FLAKE, Mr. HIGGINS, Mr. KISSELL, Mr. LATHAM, Mr. DANIEL E. LUNGREN of California, Mr. SCHILLING, Mr. SULLIVAN, Ms. FUDGE, Mr. QUIGLEY, Mr. YOUNG of Alaska, Ms. ROYBAL-ALLARD, Mr. SMITH of New Jersey, Mr. GARAMENDI, Mr. TIPTON, Mr. OLSON, Mr. RUNYAN, Mr. HANNA, and Mr. MACK.

H.R. 1976: Mr. LONG.

H.R. 2064: Mr. WESTMORELAND.

H. Con. Res. 58: Mr. DUNCAN of Tennessee, Mr. CAMP, Mr. GINGREY of Georgia, Mr. BURGESS, Ms. JENKINS, Mr. GRIFFIN of Arkansas, and Mr. PAULSEN.

H. Res. 177: Mr. FILNER and Mr. PRICE of North Carolina.

H. Res. 231: Mr. HARRIS.



**SENATE—Tuesday, June 7, 2011**

The Senate met at 10:30 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, source of all life, give our lawmakers this day Your grace and wisdom. Because of Your grace, may they find such inner peace that it will prompt them to reach out to one another and accomplish great things for Your glory. Because of Your wisdom, may they face today's challenges with confidence, knowing that You order the steps of good people.

Lord, give all who labor on Capitol Hill a special discernment to know and to do Your will. Remove their strain and stress and let their ordered lives confess the beauty of Your peace. We pray in Your sacred Name.

Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 7, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, yesterday, I came to the floor to call on Democrats in Washington to wake up, to open their eyes to the signs we see all around us that the policies of the past 2 years are making our economy worse.

Home values are still falling. Manufacturers are showing the weakest growth in nearly 2 years. Nearly 14 million Americans are looking for jobs and can't find them. For many, there is a nagging feeling that things will actually get worse before they get better. And who can blame them?

Over the past 2 months, two ratings agencies have come out with dire warnings over the status of America's stellar credit ratings out of fear that we don't get our fiscal house in order.

One has already put our rating under review and the other has threatened to do so if we don't do something in a matter of weeks—weeks. Yet Democrats here in Washington are doing nothing.

The President is patting himself on the back for an auto bailout that is expected to cost the taxpayers billions. And Democrats in Congress would rather talk about an election that is a year and a half away.

For 2½ years, Democrats in Washington have paid lip service to the idea of job creation—even as they have relentlessly pursued an agenda that is radically opposed to it. And the results speak for themselves: an annual deficit three times bigger than the biggest deficit we ever ran during the last administration, a national debt that we now know will this year be greater than our Nation's entire economy, and chronic unemployment.

But here is the other problem: Democrats don't want to admit that the government-driven policies of the past 2½ years are part of the problem. And until they do, nothing will change. Unless Democrats change their priorities and their policies, the threats of a downgrade will not go away. The debt will not get any smaller. Businesses will not create the kinds of jobs we need to build prosperity.

We need to change course. And a good place to start is with trade.

The President himself has explicitly acknowledged in front of the cameras that free trade agreements will create tens of thousands of jobs for American families who need them. Yet now, the President's advisers say that the White House plans to hold off on this bipartisan job-creating initiative unless it

can spend more money on a government benefits program first.

At a time when 14 million Americans are looking for work, they actually want to hold off on these known job-creating agreements in exchange for a green light to spend more money.

It is astonishing. I mean, how do you explain to an American manufacturer or farmer that they have to lose business to France because some Members of Congress want a better benefits package for their allies in organized labor?

You cannot. The White House is free to advocate on behalf of unions. That is its prerogative. But this time it has gone too far. When the White House is actively depriving others of jobs because some union boss isn't getting his way, it has lost touch.

So this morning I am calling on the administration once again to send us the three pending trade agreements that the President himself has said would create tens of thousands of American jobs—and to leave trade adjustment assistance out of it.

There are 47 duplicative Federal retraining programs out there for unemployed workers. No one is denying or minimizing the hardships they face. But we will not allow the White House to deny one group of people the chance to get a job in order to have a bargaining chip in negotiating benefits for others.

It is not fair, and it is not right. We need to separate these issues, deal with them independently, and move ahead with these trade deals. And we should also be doing even more to create jobs by moving forward with something that has been a cornerstone of good trade policy in this country since 1974. I am talking about trade promotion authority.

If the President is really serious about doubling U.S. exports and creating the jobs that would go along with it, he should call on Congress to approve trade promotion authority and Congress should do it.

I would also suggest that any discussion of trade adjustment assistance be done only as part of the debate over extending trade promotion authority, the way it's been done for decades.

Trade promotion authority would give the President the ability to negotiate job-creating trade deals—and allow them an expedited procedure to get an up-or-down vote in Congress so that opponents couldn't block the deals or amend them on behalf of parochial interests or as a shortsighted favor to their union allies.

Without the protections afforded by trade promotion authority, Congress

may never consider another trade deal again, and there will be no more trade agenda.

American businesses want to expand and hire. Here is one way to help them do it that's right in front of us. There is no excuse for inaction.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in morning business for an hour, with Republicans controlling the first half and the majority controlling the final half.

Following that morning business, the Senate will resume consideration of the motion to proceed to S. 782, the Economic Development Act. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus meetings.

We will begin consideration of the EDA bill as soon as we can, which appears to be tomorrow morning when cloture is invoked.

#### JOB CREATION

Mr. REID. Madam President, as I was doing my exercise this morning, I heard on the news the announcement that 10 years ago today, when President Bush—I could hear his voice celebrating the tax cuts for the wealthy—said: I know we have these huge surpluses, but these moneys are the people's money and, therefore, he was going to do something about it. He did that big time.

He certainly did away with those huge surpluses we had, which amounted to trillions of dollars. He did it in a number of different ways. We had a program developed during the Clinton years called pay-go. That meant if someone had a new program they wanted to initiate, they had to pay for it either with new revenue or take money from an existing program. It worked extremely well. That is one reason, and one of the main reasons, we were able to develop the huge surpluses we did during the Clinton years. We were paying down the debt in the Clinton years. Some said it was too quickly.

Well, another way that the President got rid of that huge surplus was the war in Iraq and the war in Afghanistan. The war in Iraq alone now is estimated to be about a \$1½ trillion—all borrowed money.

We also know how important it is to create jobs. Now, as a result of the

President finding himself in a huge hole as a result of the policies of the Bush administration, he decided that something had to be done. We passed the Economic Recovery Act. It created millions of jobs and saved millions of jobs. Was it enough? No, but it was the best we could do. We could only get three Republicans to help us on that. I appreciated their support, and I always will. They were Senators SNOWE, COLLINS, and SPECTER. They determined what we could spend and not spend within certain parameters, and we believed there should be more infrastructure spending. I wish we could have done more. So we have done some things to help significantly the hole that President Bush created for us.

Now this Congress has also done some things. We focused on jobs. We know how important jobs are. Regarding the FAA bill—Federal Aviation Administration reauthorization—we extended that short term 19 times. I talked to Randy Walker, head of McCarran Airport, the sixth busiest airport in America. They can't let contracts for runway repairs because they only have 1 month to do it a lot of times. They cannot do that.

All kinds of projects that would create thousands of jobs around American airports would happen if we could have an FAA bill. We passed it here. It has been held up in the big dark hole of the House of Representatives. Nothing has been done. We haven't been able to complete the conference on that, and the 280,000 jobs either created or saved haven't been completed. That has been months and months.

We have an antiquated air traffic control system in America. We want to improve it. That is what it is about—saving and creating jobs.

We believed it was important to do something about patents. Senator LEAHY has been faithful in reporting bills out of his committee, and we finally said bring it to the floor. After a lot of work, we got it done. More than six decades have lapsed, and we haven't done anything with one of the most important things we can do, which is protect our patent system and make it better. We passed it here and sent it to the House. Nothing has happened. They have not voted on that bill.

That is very unfortunate, that we have not been able to get those two bills. The patent bill is 300,000 jobs and the FAA bill 280,000 jobs. The math is pretty simple. That is a lot of jobs, and that has been held up.

We believed it was extremely important that we do something about jobs, and we did that with something that has worked so successfully in the past. So that is the bill we brought to the floor to help small businesses innovate, invent, and invest in new jobs. What a wonderful program it has been. We tried to get that reauthorized. It was killed here in the Senate by many

amendments—amendments that had nothing to do with the underlying bill. So we had to take that bill off the floor after spending I think 6 weeks on the bill and not being able to get that accomplished.

We brought this bill to the floor that would help small businesses innovate, as I say, invent, and invest in new jobs, but the Republicans simply said: No, we are not going to do that. That jobs bill was so important. The electric toothbrush was invented with a small innovation grant, and there are many other examples. That is just one of hundreds. So it is really too bad we haven't been able to do something about that.

The only thing we hear from the House of Representatives, rather than creating jobs, is destroying Medicare as we know it. The American people don't like that, Republicans don't like it, Independents don't like it, Democrats don't like it, young people don't like it, and old people don't like it. It is not a good piece of legislation. Overwhelmingly, it has been just a big zero. But that is what we have from the House of Representatives. That is their main accomplishment this year.

My friend talked about free-trade agreements. I am not a big fan of free-trade agreements. My voting record is in accordance with that. I think if you asked people in Nevada: Boy, hasn't NAFTA helped us a lot, they would just sneer and walk away. We keep talking about free-trade agreements, but where is the fair part of those trade agreements? Shouldn't we be more worried about our American workers than workers in other places? I think that certainly is the case.

In keeping with the theme of jobs, I thought it was important we do something about creating jobs. I have talked about patents, I have talked about, of course, what we did with the FAA bill, and I talked about what we tried to do with the small jobs innovation bill. What we have decided to bring up now is the EDA, the Economic Development Administration. This has been something that has been in effect since 1965. It has been a wonderful program. In the last 5 years, we have invested \$1.2 billion, creating more than 300,000 jobs. For every dollar invested, we get \$7 of private capital. That is a pretty good deal. We want to bring that to the floor and have a debate on it, pass it, and put more money in the stream of creating jobs. As I said, for every dollar we invest, we get \$7 that comes from the private sector. We plan to work this week on debating and reauthorizing this Economic Development Administration bill, which for more than 45 years has created jobs for the most needy and economically distressed communities—as I have said, in just the last 5 years, more than 300,000 jobs.

This is our first bill of this new work period because creating jobs is our first

priority. But Republicans are stopping us from moving to it because creating jobs, it appears, is the last thing they care to do. They are more concerned about what jobs are being created in Colombia or Panama or Korea than what jobs are being created here in America.

The merits of reauthorizing this job-creating administration bill are very clear: EDA works with businesses, universities, and leaders at local levels, so it creates jobs from the bottom up, and it helps manufacturing producers compete in the global marketplace. I repeat, it is a great investment. Seven-to-one is an incredible return rate.

Last night, I had to file cloture on this bill. I hope we don't have to invoke cloture. We have it set up now so we will have the vote in the morning, an hour after we come in. Maybe during the recess we have for our caucus meetings the Republicans will be able to bring in these people who are stopping us from doing this and we will be able to move to it and do something meaningful here on the Senate floor for the rest of this day and tomorrow rather than invoking cloture, waiting 30 hours, and doing nothing. We need to start creating jobs.

Let me repeat. The FAA bill, the House has killed it. On patents, we have done it, and the House has killed it. We tried to do small jobs innovation, but it was killed here in the Senate. We are now trying to do EDA. At this stage, we are not able to move forward.

We are ready to create jobs—we Democrats. We have done it before with programs such as the Economic Development Administration, and we are ready to do it again. The American people are desperate for stable and secure jobs. All they ask of us is that we do our job, and we haven't been doing that because we have been prevented from doing it. Why haven't we passed the FAA bill? Why haven't we completed work on the patent bill? Why were we stopped from moving forward on the small jobs innovation bill? Why are we unable to move on the EDA bill?

Would the Chair announce morning business?

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that I be permitted to speak until I finish my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FREE-TRADE AGREEMENTS AND TRADE ADJUSTMENT ASSISTANCE

Mr. HATCH. Madam President, I rise today to speak in support of our pending trade agreements with Colombia, Panama, and South Korea.

Right before Memorial Day, the Finance Committee held two trade hearings, the first on the U.S.-Panama Trade Promotion Agreement, the second on the U.S.-Korea Free Trade Agreement. Earlier, the Finance Committee held a hearing on the U.S.-Colombia Trade Promotion Agreement. These agreements have been thoroughly reviewed by our Finance Committee. In fact, given that the Colombia agreement was signed in 2006 and the Panama and South Korea agreements in 2007, these agreements have been more than thoroughly reviewed by U.S. elected officials and U.S. agencies over the past several years. For the sake of the U.S. economy and for the sake of our country's standing in the world, it is clearly time to take the next step. It is time for President Obama to submit implementing legislation for these agreements to the Congress.

The U.S. trade agreements with Colombia, Panama, and South Korea are good agreements that will benefit the United States and American workers. According to the nonpartisan U.S. International Trade Commission, these trade agreements, once fully implemented, will likely increase U.S. exports by over \$12 billion and grow the U.S. gross domestic product by over \$14 billion. Put simply, our trade agreements with Colombia, Panama, and South Korea will boost U.S. exports, expand the U.S. economy, and thus promote job growth in the United States.

The President and members of his administration understand this. They have spoken on numerous occasions on the benefits of the U.S. trade agreements with Colombia, Panama, and South Korea for our country. Please bear with me as I review some of their statements.

Four months ago, President Obama, in his State of the Union Address—4 months ago—expressed his support for the U.S.-Korea Free Trade Agreement, which he stated will support at least 70,000 American jobs. He then asked Congress to pass the Korea agreement as soon as possible.

Last December, President Obama noted that the South Korea agreement is expected to increase annual exports of American goods by up to \$11 billion. In that same speech, he said:

I look forward to working with Congress and leaders in both parties to approve this pact because if there is one thing Democrats and Republicans should be able to agree on, it should be creating jobs and opportunities for our people.

I couldn't agree more.

Just 2 months ago, the President stated that he believes a recently announced labor action plan of Colombia serves as a basis for moving forward on a U.S.-Colombia free-trade agreement and that this represents a potential \$1 billion of exports—our exports—and could mean thousands of jobs for workers here in the United States.

After meeting with President Martinelli of Panama, President Obama said he is confident now that a free-trade agreement would be good for our country, would create jobs here in the United States and open up new markets with potential for billions of dollars of cross-border trade.

The President's principal trade adviser, U.S. Trade Representative Ron Kirk, just last month recognized that the U.S.-Korea trade agreement will support more than 70,000 American jobs, and he noted as well that it will result in over \$10 billion in increased annual exports from the United States.

In April, Ambassador Kirk said Colombia represents \$1.1 billion in new export opportunities for the United States. Regarding Panama, he stated that the Panama agreement will provide access to one of the fastest growing markets in Latin America.

In speaking of all three pending agreements only last month, Ambassador Kirk said that “the pending agreements with South Korea, Panama, and Colombia are at the forefront of our efforts to open new markets.”

In April, Secretary of Commerce Gary Locke emphasized the need to pass the U.S.-Korea Trade Promotion Agreement through Congress as soon as possible. He also said that the administration feels similar urgency to get the pending Panama and Colombia trade deals done. He noted that all three pending trade agreements will move us even closer to President Obama's National Export Initiative goal of doubling American exports by 2015.

Secretary of Agriculture Tom Vilsack has spoken on behalf of the administration in favor of our pending trade agreements with Colombia, Panama, and South Korea. On May 12, he stated that the paramount reason to implement these three pending trade agreements is jobs. He went on to note that these trade agreements will result in over \$2 billion in additional sales of U.S. agricultural products. Secretary Vilsack has also stated that until we complete these three trade agreements, U.S. agriculture will not have a level playing field in Colombia, Panama, or South Korea.

Secretary of State Hillary Clinton has spoken on the benefits of these

three trade agreements for our country. When discussing the U.S.-Korea Free Trade Agreement in April, she stated not only that this agreement will increase U.S. exports by billions of dollars and thus support tens of thousands of American jobs but also that implementing the South Korea agreement is profoundly in our strategic interest. When speaking on the subject of trade and economic growth last month, Secretary Clinton said that "one of our top goals is to complete free trade agreements with Colombia and Panama."

As someone might say, there is a lot of upside to these agreements—billions in new exports, billions in economic growth, and thousands of new jobs. What is not to like?

So I have a question. What is the holdup? What on Earth is the administration waiting on? This country needs all the jobs and economic growth we can get. So why does the administration refuse to submit these agreements to Congress for consideration? Despite declaring the benefits of these agreements for the United States at every turn, the Obama administration is sitting on them, hurting our economy, and undermining our job growth.

With respect to international trade, the administration has adopted a policy of delay and dither. I see few signs that the administration is working hard to move these agreements through Congress. I don't see administration officials walking the Halls of Congress in attempts to build support for the Colombia, Panama, and South Korea agreements. While the administration has said great things about these agreements, as I have mentioned, its efforts to build any type of momentum to advance them on Capitol Hill are tepid at best.

On trade policy, the administration is all talk and no action, or, as my friends from Texas might put it, on these agreements, the President and his team are all hat and no cattle. This is definitely a strange economic strategy. While our economy remains shaky, unemployment remains high—the unemployment rate is at 9.1 percent—and while the rest of the world watches in bewilderment as the United States lets other countries take over our export markets, the administration just sits there. It just sits there.

Actually, let me correct myself. The administration doesn't just sit there; instead, the administration is actually going out of its way, finding new excuses for not moving forward with the implementation of these trade agreements.

Despite countless speeches from the President and his administration about the importance of the three trade agreements to American exports, creating American jobs, and strengthening our alliances with key friends, his administration busies itself con-

cocting more roadblocks, more delays, and more excuses. It is time to be blunt about this. This schizophrenic trade policy is doing nothing but hurting American workers, hurting jobs, and undermining our recovery.

I believe each free-trade agreement, standing on its own merits and with the full backing of the White House and congressional leadership, will pass with significant bipartisan margins. But we are now told we will never have a chance to vote on any of these agreements unless the White House and Democratic Senators get what they want on trade adjustment assistance.

Let's put this in perspective. Our economy teeters on the brink with a weak economic recovery. One in seven Americans happens to be on food stamps. Durable goods orders dropped 3.6 percent in April. Last month, the economy added only 54,000 private sector jobs, and unemployment went up to 9.1 percent. The real estate market remains in tatters with the average single family home price falling by 33 percent since 2007. We face an historic spending crisis that has generated warnings from Standard & Poors and Moody's that the Federal Government faces a downgrade in its debt rating—an action that would be devastating for this Nation and to America's families.

To forestall this coming crisis, leaders in Congress and the administration are meeting on an almost daily basis to determine how best to get our Nation's deficits and debt under control. Every spending program and expenditure is being reviewed to find cuts to get our fiscal house in order.

Everyone recognizes these three trade agreements will promote jobs and economic growth at a time when both are in short supply. Submitting and passing free trade agreements would be a quick and cost-free way of generating economic growth. Yet, in an environment where Congress is desperately attempting to encourage economic growth and rein in spending to avert a fiscal crisis, the White House and many Democrats are delaying the pro-growth trade agreements until we get more government spending through TAA, the trade adjustment assistance program. And for what? If an expanded TAA is so critical, where is the record of success to prove it? What evidence is there that giving some workers who have lost their jobs more benefits than others improves U.S. competitiveness or is a responsible way to spend taxpayer dollars? The mere fact that more people are in a program, and that more taxpayer money is being spent, is not evidence of success.

Congress does not pick winners and losers in the movie rental business. When Blockbuster employees lost their jobs because of the rise of Netflix, nobody stood up and said we should create a new, big, spending government program to help displaced Blockbuster employees.

President Reagan recognized the problems inherent in this program when he said:

[t]he purpose [of TAA] is to help these workers find jobs in growing sectors of our economy. There's nothing wrong with that, but because these benefits are paid out on top of normal unemployment benefits, we wind up paying greater benefits to those who lose their jobs because of foreign competition than we do to their friends and neighbors who are laid off due to domestic competition. Anyone must agree that this is unfair.

That is what President Reagan said.

By tacking the expansion of TAA onto the stimulus bill, and refusing to allow Congress to vote on the extended TAA program on its own merits, it is unclear whether there is, in fact, bipartisan support for this expanded program. It is billions of dollars more. If the expanded TAA program can stand on its own merits, as each of the FTAs can, then it should be introduced and voted on separately from the free trade agreements. Demanding an expanded TAA as another excuse to delay voting on these important agreements is irresponsible and self-defeating.

At the same time, by not submitting these agreements for approval by Congress, the administration is doing a disservice to the American economy and, at the same time, is letting down some of our strongest allies. Nothing good can come from this continued inaction.

Make no mistake about it. Failure to submit these agreements is a failure in Presidential leadership. I am convinced the window for the administration to submit these agreements will soon pass. Given the upcoming election season, I am afraid if these agreements aren't submitted this summer, they never will be.

The President needs to act. I appreciate the President's goal of doubling exports. Having goals is great. But we all know that if one doesn't do the work and take action, goals become little more than false hope. They never become reality.

The President and his Cabinet admit these agreements are essential to their goal of doubling exports and creating jobs here at home. Yet, the action necessary to achieve that goal and create those jobs—submission of the agreements—remains in the distant future. Instead of benefiting from these agreements, we watch the days slip by, the explanations and excuses pile up, our export markets decline, and our economy suffers.

I strongly urge the President to submit implementing bills for the Colombia, Panama, and South Korea trade agreements to Congress this summer. There is no time like the present when it comes to encouraging economic growth and business creation.

I understand they want to help their union employees throughout the country who are less than 7 percent of the

private sector economy. What about the millions and millions of others who are losing their jobs not because of this but because we don't export and we don't have these free trade agreements with these three very important countries to us, both from a neighbor standpoint and from a strategic standpoint?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Madam President, it is my understanding I have 10 minutes; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. CORKER. If I happen to go 8 minutes or so, would the Chair let me know when I have 2 minutes remaining?

The ACTING PRESIDENT pro tempore. Yes.

Mr. CORKER. Thank you very much, Madam President.

#### DURBIN AMENDMENT

Mr. CORKER. Madam President, I rise today to speak about something that is affectionately known as the Durbin amendment. During the Dodd-Frank debate that occurred about a year ago and upon its passage, there was an amendment brought to the floor called the Durbin amendment which dealt with debit cards and regulating debit cards. This was an amendment that never had been debated. There had never been a hearing on this amendment. In the height of people being very concerned about the large financial institutions in our country, this was an amendment that passed. I voted against it. I thought it was bad for us as a country to allow the Federal Reserve to begin setting prices for specific industries as the Durbin amendment called for. In any event, the Durbin amendment became law. I know numbers of people in this body have been contacted since that time about the effects of the Durbin amendment.

What the Durbin amendment did was tell the Federal Reserve to set prices on debit cards based on incremental cost. Let me say that one more time: based on incremental cost. In other words, when a business does business, there are fixed costs and there are incremental costs. It would be like saying to a pizza company that sells pizzas across the counter that the only thing they can charge for is the dough. They couldn't charge for anything else that went into the cost of the product that was being sold.

I am obviously opposed to price setting. I realize we don't have 60 votes in this body to do away with price fixing in general as it relates to debit cards. I also realize a lot of people in this body believe there is a problem, if you will, with an almost monopolistic-type atmosphere as it relates to debit cards in general. So what I have tried to do is seek a better solution than the one

that has come forth. Senator TESTER and I have worked together. We have made actually three revisions to an amendment that I hope we will be voting on over the course of the next 48 hours, maybe 72 hours. It has been crafted in a way to bring people together. What it does, the essence of it, is that it directs the Fed to—instead of setting prices on debit cards based solely on the incremental cost of the transaction—consider all costs, both fixed and incremental, which is something that anybody in this body who happened to be in business certainly would want to be the case.

I know there has been a lot of populism in this body and a lot of people have tried to rail, if you will, against financial institutions. I know a lot of people have empathy with retailers who find themselves in a situation where it is difficult for them to negotiate prices as it relates to debit cards. What this would do, though, is still leave debit cards as a regulated entity. It is not the solution I would ultimately like to see, but I think it is a solution we may be able to agree to in this body. It would leave that regulated, but it would direct the Fed to consider all costs, fixed and incremental. Again, it is a very commonsense measure.

I know there have been lots of discussions about a solution to this Durbin amendment. I know it is an issue most people in this body wish to see go away. A lot of people feel as though they are being pitted, if you will, between the financial industry and retailers.

I think the solution Senator TESTER and I, working with Senator CRAPO and others, have come up with is one that meets the commonsense test. It brings people together around a policy of solving a problem that was created, again, without a lot of discussion on the Senate floor, and certainly no hearings. So I ask Members of the body to please talk with their staffs about the most recent changes that have been put forth in this amendment.

This is not something that is trying to stave off or keep the effects of the Durbin amendment from taking place, but what it does is put a more fair structure in place where the Fed can actually look at all costs relating to a transaction. Again, think about it. If someone is selling pizzas in a pizza restaurant or a retail establishment and they were told the only thing they could do is charge for the dough that went into the pizza and nothing else—none of the rent, none of the other costs that go with operating the facility—obviously they wouldn't be in business very long.

I think all of us want to see the financial industry continue to be innovative. I think all of us see a day when we are going to be able to basically pay bills with our electronic devices, and

continued innovation is going to take place, which causes our economy to expand.

I believe this amendment, which has been shaped by a number of people in this body, meets the commonsense test. I think it provides a good solution for those people who actually voted for the Durbin amendment on the floor and realized afterwards what was happening, which was putting in place a price structure that is not sustainable for debit cards and over time, no question—over a very short amount of time—quickly—is going to be very adversely affecting consumers all across this country.

I thank the Chair for the time. The Tester-Corker amendment is designed to create a more productive solution than was offered under the Dodd-Frank debate and the Durbin amendment. I hope all Members of this body will look at this seriously. I know everybody has been contacted. I understand this is a very contentious issue. This solution is being put forth to solve a problem, not to take one side or another. It leaves the debit card industry as a regulated industry, but allows the Fed, as it should, to take into account both fixed and incremental costs as they look at what the pricing structure ought to be.

In addition, I know a lot of people have been concerned about what is going to happen with small financial institutions. Obviously, their costs for debit transactions are much higher than the larger institutions in this country. People have been concerned about the impact on them. What this would also do is give the Fed the ability every 2 years to see if the policy they put in place is adversely affecting the smaller and rural banks or the community banks or smaller credit unions, to make sure that if they are being affected adversely, then they can recommend—not prescribe but recommend—some legislative fixes for that.

Again, I hope Members of this body will see this as a reasonable solution. I urge all of my colleagues to contact me personally or Senator TESTER personally to talk this through if they have any questions, and hopefully we can bring to an end this contentious debate over an amendment that was passed on the Senate floor without any hearings, and which I think all of us know is going to create a lot of unintended consequences for people all across this country.

With that, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MEDICARE

Mr. WHITEHOUSE. Madam President, we are discussing the Federal budget in Washington on a nonstop basis. One point that seems very noteworthy is that instead of working to create jobs to help grow the economy out of recession, Republicans are still trying to end Medicare as we know it, as it has been relied on for generations of Americans, in order to pay for tax cuts for millionaires. This is the Wall Street Journal describing the Republicans' plan to essentially end Medicare.

The Republican plan to end Medicare would put insurance company officials between seniors and their doctors. You no longer have a claim to the individual benefit under their plan. You get a voucher that goes to the insurance company, and you are at the mercy of the insurance company. First of all, they raise drug costs for seniors from day No. 1 by repealing the repair we did to the doughnut hole. Then, of course, 10 years out, you are left at the mercy of private insurance companies.

The effect of that is that, on average, seniors will pay nearly \$6,400 more out of pocket every year as a result of this Republican plan. Rhode Island has a lot of seniors. I do not know a lot who have an additional \$6,359 every year to spend on health care costs that would no longer be covered.

It is worth noting that one of the first things that happens when you take the \$1 that goes to Medicare and give it to private insurance companies instead is, the 2-percent or 3-percent administrative costs that Medicare takes out—which leaves you, let's say, 97 cents of the \$1 to pay for health care—that jumps to between 15 percent and 25 percent, leaving you only 85 cents to 75 cents out of your \$1 to pay for health care because the private system is so inefficient and eats up so much in administrative costs for salaries and for quarreling with doctors and hospitals about payment and all that.

They do not even use this to reduce the deficit in a significant way. The savings achieved by ending Medicare and raising seniors' health care costs by nearly \$6,400 every year out of pocket are being used to pay for, guess what. More tax cuts for America's millionaires and billionaires. Every 33 seniors who have to pay that extra \$6,400 will add up to one millionaire's \$200,000 bonus tax break.

The Republican budget makes average cuts of \$165 billion per year in Medicare between 2022 and 2030. That gives \$131 billion in tax cuts for millionaires, billionaires, big corporations, and Big Oil—\$165 billion out of seniors' pockets, \$131 billion to millionaires, billionaires, big corporations, and Big Oil. We think it is time for our colleagues to get serious about creating jobs to grow our economy out

of this recession and abandon their attempts to ram through a clearly ideological agenda against Medicare—indeed, that ends Medicare and helps the Nation's very wealthiest at the expense of seniors and the middle class.

Let me talk for just a minute about where we are in the Tax Code with our wealthiest versus seniors and the middle class. Clearly, we agree we have to bring our finances into balance. Clearly, we have to avoid a debt-limit failure that causes a default by our country for the first time in its history. Eliminating unnecessary spending should be part of the Federal balancing equation. Indeed, through multiple appropriations bills this year, we have pared back billions of dollars in Federal spending, and we will do more, but bipartisan consensus seems to end here when we move to the revenue side of the Federal budget. Just last month, Republicans filibustered a measure that would have ended \$21 billion of unnecessary tax breaks for the largest oil and gas companies in the world, companies that have been enjoying record multibillion-dollar profits and do not need continued support from the American taxpayer.

That made the Republican message clear: In balancing the budget, closing tax loopholes and repealing corporate subsidies is not on the table. The debt and the deficit, they tell us, are the most important problems facing the country. But evidently they are less important than protecting tax subsidies for Big Oil. That is what their vote proves. They will cut education, police protection, health care, job training, and environmental protection but will not touch tax subsidies for large corporations or for millionaires and billionaires.

There is a basic question underlying all this; that is, are the superrich paying a fair share? Each year, the Internal Revenue Service publishes a report that details the taxes paid by the highest earning 400 Americans. I gave a speech a few weeks ago showing from what was then the most recent data, that in 2007, these super high income earners, earning nearly one-third of a billion dollars each in just 1 year, paid a lower tax rate than an average hospital orderly pushing a cart down the halls of a hospital in Rhode Island. I showed the Helmsley Building in New York, big enough to have its own ZIP Code, because we know from IRS information gathered by ZIP Code that the wealthy, successful occupants of this building actually paid a 14.7-percent total Federal tax rate. There is the building. There is the Helmsley Building in New York. The people who live there do very well. They are very successful, which is wonderful. That is the American way. They are very well compensated. That too is the American way.

But what is different is that they actually paid a 14.7-percent total Federal

tax rate, which is lower than the average New York janitor or doorman or security guard pays. If averages hold, the very successful and well-off inhabitants of this building are paying a significantly lower tax rate to the Federal Government than the doorman who works for them and the security guard who keeps an eye out for their security and the janitors who clean up the halls.

The most recent IRS report is out about the top 400, from 2008. Let's take a look at that information. The top 400 incomes in America in 2008 had an average income each in that 1 year of \$270 million. That is a pretty good year when you can make more than one-quarter of a billion dollars. That is the American dream, big time. But what they actually paid in taxes, those 400, on average, was a rate of 18.2 percent. That is their total Federal tax rate, all the taxes put in. What did they actually pay—not what the nominal rate is but what did they actually pay? The IRS calculated this. This is not an estimate, this is the IRS's calculation. Although we spend a lot of time debating around here whether the top income tax rate for the wealthy should be 35 percent or 39.6 percent, that is not what they pay. The Tax Code is filled with special provisions that tend to either exclusively or disproportionately benefit the wealthy so the top 400 income earners in the country pay an average tax rate of 18.2 percent.

Who else pays an 18.2 percent tax rate in this country? If you are a single filer, you hit 18.2 percent when your salary gets to \$39,350. When you are making \$39,350 your Federal taxes—income and withholding, payroll taxes—combine to 18.2 percent, just like the 400 millionaires and billionaires who made actually over one-quarter of a billion dollars in the same year that this taxpayer would have made less than \$40,000.

What does that equate to in terms of jobs? The Bureau of Labor Statistics for the Providence, RI, labor market says, on average, a truckdriver will earn about \$40,200. At that income point, \$40,200, that truckdriver is paying the same tax rate as the 400 biggest interest earners in the country. They each earned over one-quarter of a billion dollars. They paid 18.2 percent. The truckdriver earns \$40,000. He would be paying 18.2 percent, maybe a little over. If that truckdriver gets a raise or if he or she decides they are going to work a second job at night and increase their income a little bit, guess what. They would then be paying a higher tax rate than those 400 super high income earners. In fact, the highest income earners pay a rate far below what people who think their average income earners actually pay.

Of course, tax inequality extends beyond just individuals. At a time when household budgets are strained, profitable corporations are paying just about

their lowest share of Federal revenues in 75 years. If you go back to 1935, you see that regular Americans and corporate America evenly split the responsibility to fund our country's obligations, to pay for America's expenses. Then, in each of these following years, the ratio between what corporations pay in revenues to the government versus what individuals pay broke through these ratio levels. By 1948, the individuals were paying twice as much in revenues to the Federal Government as corporations. By 1971, regular humans, regular Americans were paying three times as much of the revenues of the United States of America as corporations were. In 1981, it broke through 4 to 1. For every \$1 an American taxpayer paid to support this country, corporations just kicked in one-quarter. In 2009, it broke through 6 to 1, meaning that the average American, the ordinary taxpayer, the individual human being puts in \$6 of revenue to support this country for every \$1 corporate America contributes.

When people say how overtaxed corporate America is, it is worth looking at this record of an ever-diminishing contribution by America's corporate community to our Nation's revenue. Of course, the Republican filibuster of our efforts to strip Big Oil subsidies that would have put \$21 billion back into taxpayers' pockets or reduced the debt and the deficit by \$21 billion is noteworthy in this light.

Even against this rapid decline in corporate tax support for American Government compared to a huge runup in what individual Americans pay, our colleagues on the other side of the aisle insist on continuing to support tax subsidies for Big Oil, while they are making the biggest profits any corporation has ever made.

We looked at the Helmsley Building a moment ago. Let's look at a different building. Let's look at a picture that our Budget Committee chairman, KENT CONRAD, uses. This was taken in the Cayman Islands. It is a relatively nondescript building, not worthy of particular note, except that over 18,000 corporations claim this building as the place they are doing business out of; 18,000 corporations. Really? Do we think 18,000 corporations are doing real business out of that building?

As Chairman CONRAD has pointed out, the only business going on in that building is funny business, monkey business with the U.S. Tax Code.

This is estimated to cost us as much as \$100 billion every year. For every one of those \$100 billion lost to the tax cheaters hiding down there in the Cayman Islands, honest, tax-paying Americans and honest tax-paying American corporations have to pay an extra \$1 or more to make up the difference.

We recently voted for a continuing resolution to fund the government for the remainder of the fiscal year, and in

it I supported, and my colleagues supported, belt tightening across many agencies and programs, including even cuts in the accounts that fund Senators' offices. So we are not against cuts.

But serious people understand we cannot just cut our way back to a balanced budget. There simply is not enough to cut. Not since 1960—more than half a century ago—have we had a balanced budget at the revenue levels as a percent of GDP that the Republican House-passed budget proposes.

When our tax system permits billionaires to pay lower tax rates than truckdrivers and allows some of the most profitable corporations in the world to pay little or no taxes at all, even if we had no budget deficits fairness and equality would demand that we address these preposterous discrepancies.

Our budget crisis, however, brings new urgency to the problem. As we continue to debate ways to close the budget gap, I hope my Republican colleagues will revisit the potential to significantly cut the deficit by addressing tax loopholes, tax gimmicks, tax subsidies, and the daily injustice to the ordinary taxpayer when the wealthiest and highest income Americans pay tax rates that are the equivalent to an ordinary truckdriver in Rhode Island, and the basic lawyer or realtor or doctor is paying rates far, far higher than the super, super-rich.

I see other colleagues have come to the floor, so I will yield the floor to them and appreciate very much the attention that has been paid to these remarks.

The PRESIDING OFFICER (Mr. TESTER). With some reservation, the Senator from Illinois.

Mr. DURBIN. Mr. President, there is a prohibition in the U.S. Constitution from cruel and unusual punishment, and the fact that you will be presiding in the chair when I am going to be speaking on an amendment which you are offering is truly cruel and unusual, but I am going to inflict it anyway. I will try to be as gentle as I can in the process.

Very briefly, I want to thank the Senator from Rhode Island for his comments on the Tax Code and the need we have in this country to address taxes in a responsible, humane, and, I would add, progressive way. I think he has made the point over and over again, which I will make myself in just a few moments, and I think the Senator from Vermont may follow me.

#### DEBIT CARD SWIPE FEES

Mr. DURBIN. But before that, I would like to address what is known affectionately as the Tester-Corker amendment, which was brought up on the Senate floor earlier this morning by Senator CORKER of Tennessee.

One year ago—to be more specific, about 11 months ago—we had a big debate on the floor of the Senate about Wall Street: What are we going to do about Wall Street and the practices on Wall Street which hurt our economy? Especially we were worried about the last recession and some of the things that happened on Wall Street at the biggest banks and biggest insurance companies that hurt Americans across the board; that reduced the value of our savings and caused us as a Congress, with President Bush's cooperation, to pass a basic bailout bill sending billions of dollars to these banks that had made stupid, reckless decisions that wrecked the economy; to try to save them from going under.

Think about that. Here are the biggest financial institutions in the United States that have made terrible decisions—some failed, such as Lehman Brothers—which harmed our overall economy—we are still suffering from it—harmed individual families and businesses across the board, and then, as they were about to sink out of sight, they said: You have to save us. Send us taxpayers' money.

Well, I will tell you something: I voted for that. I am not proud or happy about that, but that is the situation. But when the Chairman of the Federal Reserve and the Secretary of the Treasury came and said, as they did to us: This could be a catastrophe equal to the Great Depression if you do not do something—I thought to myself: This violates every value I have about these Wall Street financiers and the way they operate, but I cannot let the American economy go down. I think many Senators felt the same way on both sides of the aisle.

So we sent them billions of dollars to keep them afloat after their terrible decisions. How did they reward us? What was the thank-you card they sent to the taxpayers of America? They gave themselves bonuses—multi-million-dollar bonuses. These same banks, in their reckless stupidity, driving us into a recession, bailed out by taxpayers, then came back and announced they were giving each other rewards for great performance—millions of dollars. It finally ended up being billions of dollars to these big banks. Outrageous.

So last year we sat down with the Wall Street reform bill, the Dodd-Frank bill, and said: We are going to change some of the rules you play by up on Wall Street so you never have a chance to do this to America again.

We went through a broad array of things we considered. One of the things we considered affects virtually every single American; that is, the use of something called a debit card.

We may not think twice about it, but for those of us who have been around a little while, there was a time when we had cash in our wallets and a checkbook. Those were the two ways we paid



for things. Then came credit cards. Then came this new invention called a debit card. A debit card is basically a plastic check. When we swipe that debit card for a transaction, money comes out of our checking accounts and pays the merchant we are doing business with. It is a great convenience. I use them now. I think more than half of purchasers across America are using debit cards and credit cards every day.

But at the same time there was this growth in debit card use across America, something else was happening that was entirely invisible to the public. Each time that debit card was swiped, the banks ended up taking a fee. Well, you say: That is not unreasonable. They should be taking a fee. They used to collect a fee for processing checks. Why wouldn't they collect a fee for using a debit card? Except something was going on that we were not aware of until we looked into it closely: they were raising the amount they were taking each time the debit card was used to now the highest level debit card transaction fees in the world.

The Federal Reserve tells us they charge on average 44 cents every time someone swipes a debit card. In other words, if someone is running a little store in Springfield, IL, and a person walks in—and I have seen this happen—and says they want to buy a \$1.29 pack of gum, hands over the debit card, and they swipe the debit card, that merchant in that little store has to look at it and say: I just lost money. I am not going to make 44 cents of profit on the sale of that pack of gum. Now I have to pay that to the bank and credit card company, 44 cents.

So a year ago we said: Let's take a look and see what is a reasonable charge, not what they are charging but what is reasonable to pay to the bank and the credit card company. The Federal Reserve, which, if anything, has a strong bias toward the banking industry—always has; they are never viewed as a consumer protection agency—came back and said it ought to be closer to 10 cents or 12 cents, one-third or one-fourth of what is actually being charged.

So here is what we said: The Federal Reserve established a reasonable, proportional debit card swipe fee so consumers and retailers across America are not giving to the banks across this country, particularly the largest banks across this country, a windfall every time a debit card is swiped. It sounds reasonable to me. These merchants had no voice in determining how much was going to be charged on a debit card transaction. They were stuck with it. It was invisible, and it was killing them.

Well, what happened? What happened after we passed this? The banks and credit card companies across America went on a warpath: We have to stop this debit card amendment.

They have spent a fortune lobbying Congress, working the Members back and forth, saying: You have to protect us. You cannot let this new rule go into effect which reduces the fee we collect every time anyone uses a debit card.

Why would they lose sleep over 44 cents? Add it up. Every month in America the banks are collecting \$1.3 billion from consumers across America. Every time we use a debit card to buy gasoline, groceries, go to a hotel, restaurant, make a contribution to the Red Cross in the middle of disaster, pay tuition at a university, they are taking a percentage out of every transaction to the tune of \$1.3 billion a month. That is why. They have moved Heaven and Earth to stop this new rule from going into effect which reduces the fees these banks—over half of them, the largest Wall Street banks—are collecting.

We are going to have a vote on it this week. It is an important vote, and it is a vote I think will be a test as to whether we are going to come down on the side of consumers, small businesses, and retailers in America, or on the side of the Wall Street banks and the credit card companies.

Interesting test, isn't it, to find out where the Senate is going to come down on this issue? I think it will be a close vote. I am not sure, but I think it will be close, and it is important.

Senator CORKER of Tennessee came to the Senate floor earlier and said: Well, we have come up with a solution. There is a new version of our amendment today which we are going to offer. Some Members have called it a compromise. It is not a compromise. A compromise suggests that both sides came together and agreed on something. There has not been any input from the retailers, small businesses, and consumers across America. The only compromise is among the big banks and the bigger banks in terms of what they are going to collect on these debit cards.

I will tell you point blank, if the purpose of this amendment is to protect credit unions and community banks, there is a way to do it. We can give them more reassurances beyond what the law already says, which I think is totally adequate for what we need to do. This amendment, this so-called solution amendment, does not even address it. What it addresses is the overall issue and the billion dollars-plus that these banks want to keep collecting while a so-called study goes on for another year. They want to include, incidentally, in the "reasonable cost" for the debit card executive compensation, compensation of bank officials.

How much compensation do we give to those who work at the Wall Street banks? It turns out last year it was \$20.8 billion in executive compensation. They want to add that in as part of the operational cost of using a debit card.

The bonuses? We are going to pay for the bonuses? That is a reasonable debit card cost?

I want to tell you, this amendment is written by and for the banks, the biggest banks of all, and it is not written with the consumers in mind. Look through all the organizations of this new amendment and try to find one consumer group, one small business group, one group of retailers that were part of establishing what a reasonable fee is. You will not find them. They are all banking regulators—people who have no reputation for standing up for consumers.

So the debate will ensue for the rest of this week on this amendment. I think it is a critical amendment. I hope my colleagues will stand by me and the Federal Reserve in the vote we took last year.

I see the Senator from Vermont is here. I was told I had a few minutes to speak. He appears anxious, so I am going to make my remarks on the other subject brief.

#### BUSH TAX CUTS

Mr. DURBIN. Mr. President, the Senator from Rhode Island spoke about the 10th anniversary of the George W. Bush tax cuts. These were tax cuts that primarily benefitted the wealthiest people in America, and we recently renewed them. There was a decision made that to keep the economy moving forward we were not going to raise taxes, even on the wealthiest people.

But it is worth reflection for a moment about what happened when we cut the taxes 10 years ago. The promise then is the same promise we now hear from the other side of the aisle: If you will cut taxes on the wealthiest people in America, our economy will flourish.

Well, it turns out that was not the case at all. In fact, what happened is that we saw the economy suffer. Ten years ago, President Bush signed into law the first massive tax cut. He said that this tax relief would create jobs. The month the first Bush tax cuts were signed into law, in June of 2001, the American economy had 132 million jobs—132 million jobs. Three years later, we were down to 131.4 million. Cutting taxes for the wealthiest people in America was not a job stimulator. The economy lost jobs in the 3 years following the Bush tax cuts. Over his 8 years in office, job growth under President Bush was 4.8 percent, compared to 16.2 percent under President Clinton.

Before I defer to my colleague from Vermont, I will tell you one other fact that is worth noting. First, when President Clinton left office and President George W. Bush took over, we had a surplus, a surplus that was keeping the Social Security trust fund flush with money and growing in strength. At that time, the net national debt, accumulated since George Washington, \$5

trillion—\$5 trillion when Clinton left office and Bush took over. Fast forward 8 years later as George W. Bush left office. What was the situation? The national debt had more than doubled to more than \$10 trillion, and the projected deficit for the next fiscal year for President Obama—his first fiscal year—\$1.2 trillion, the highest in history.

What happened? We waged two wars and did not pay for them—wars in Iraq and Afghanistan. We added to the national debt. And President Bush, for the first time in the history of the United States, did something no other President had done: He cut taxes in the midst of a war, which is counterintuitive; you do not have enough money to pay for the ordinary expenses of government, now you have got the new expenses of war, and you are cutting taxes?

Not surprisingly, this added dramatically to our national debt. So now comes the Republican side again, with our economy still recovering—unfortunately too slowly—and their recipe is tax cuts for the wealthy. I would say those of us who are fortunate to live in this great country and have the comfort of a good salary should not begrudge paying this country's debts and this country's needs. I think it is part of our responsibility of citizenship.

There are those who are struggling to get by in lower income and middle-income categories who I think need a helping hand. But those at the highest levels of income—over \$250,000 a year, over \$500,000 a year—should not be angry about accepting more responsibility in trying to help this Nation move forward.

The Bush tax cuts did not help create jobs, they caused the deficit to explode and they made it even worse in terms of our inequality of income. Why would we want to do that again? There are 13.9 million people in this country who want to work but cannot find a job; millions more have accepted fewer hours and less income than they like out of desperation.

We should be focusing now on creating jobs in America, good-paying jobs that stay right here at home. We ought to be helping middle- and lower income families who are struggling to get by. We ought to deal with our deficit in honest terms, cutting spending where there is waste and misuse of funds, and then saying, we need revenue on the table as well.

We need to make sure we have a bipartisan approach for this. I will continue in that effort to try to reach that goal. But I hope we have learned a lesson over the last 10 years when it comes to tax cuts for the wealthy. They led us to the highest deficits in our history. At this point, I am afraid using that recipe again will create even more economic hardship.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 782, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Mrs. BOXER. Mr. President, as the chairman of the Environment and Public Works Committee who watched with pleasure as we voted this bill out of our committee with total unanimous support—except for one, we almost had everyone—I am delighted that the leader has chosen to go to the reauthorization of the Economic Development Administration.

I will tell you why. There are three reasons: jobs, jobs, jobs. We know when President Obama took over, he faced a situation where we were losing 700,000 to 800,000 jobs a month. Imagine. We were bleeding those jobs. Credit was frozen. We almost lost the auto industry. We had to take tremendous steps to turn this around.

I personally believe, after listening to the experts evaluate what we did, that we did some very important work to stabilize this economy. But clearly this recession we are trying to get out of is the worst since the Great Depression. The job loss has been severe. So it is very difficult. When you lose 7, 8 million jobs in that kind of a downturn, you need robust job creation to get these jobs back.

We had a very important bill on the floor dealing with small business—to help small business. That bill was loaded with a bunch of extraneous amendments and it never got off the floor. Now is our chance. I do not mind it if people attach amendments that they think are very important, and we have some reasonable time set aside for those, we have votes on those. I do not have any problem with that. But we have got to get on with the business of job creation.

Let me tell you a little bit about the EDA. For 50 years, the EDA, the Economic Development Administration,

has created jobs and spurred growth in economically hard-hit communities. This bill, S. 782, will ensure that EDA will continue to create employment opportunities, maintain existing jobs, and drive local economic growth.

We know the EDA's authorization expired in 2008. And, by the way, the last time it was voted on it was I believe under George Bush, and it was done by voice vote. Even in the House it was an overwhelmingly bipartisan vote. George Bush signed it. Can't we get back to the days of bipartisanship? I say to my colleagues, this is the moment.

A bill that has been voted out of the committee with near unanimous consent, a program that has been in place since 1965, and we know these are tough times. All of our communities are going through tough times—most of our communities are.

The EDA has worked beautifully with local communities to spur economic development. EDA provides a wide range of assistance to these areas. They fund water and sewer improvements. They help manufacturers and producers become more competitive. And here is the thing about these investments: They attract State dollars, local dollars, nonprofit dollars, private company dollars, so that every dollar we put into this program yields us \$7 in private sector investment.

This is the first point I want to make to my colleagues and to the American people. EDA leverages Federal dollars to create jobs. One dollar of Economic Development Administration investment is expected to attract \$7 in private sector investment. This comes from congressional testimony in March of 2011. That is why we got such a great vote out of our committee.

You are going to hear from Senator CARDIN later, who serves in a very senior position on that committee. It is rare that we have these type of votes. Since January of 2009, even though the EDA was not reauthorized, it still continued to go along under the old program. It continued to go along with appropriations.

Since 2009, public-private projects that grantees have looked at say they have created 161,500 jobs. Let's look at that chart. This is good news. I have good news today. This is a program that is working for the American people. Since January 2009, EDA has funded public-private projects that grantees estimate have created 161,500 jobs.

What we bring to you is a reauthorization of a very popular program that has been in place since 1965, that has always had tremendous bipartisan support, that is working on the ground, that the local people love. Let me tell you who has already endorsed this bill: the U.S. Conference of Mayors, the American Public Works Association, the National Association of Counties, the American Planning Association,

the Association of University Research Parks, the Educational Association of University Centers, the International Economic Development Council, the National Association of Development Organizations, the National Business Incubation Association, the State Science and Technology Institute, the University Economic Development Association, the National Association of Regional Councils. These are people on the ground very close to our constituents. Who could be closer than the mayors and the counties? I started out as a county supervisor in a beautiful county called Marin. I can tell you on the ground, when you see these Federal dollars work it is very exciting because the cities and counties cannot do it alone. With the infusion of Federal funds, that sparks \$7 of every \$1 from private sector folks, and it makes a difference. I believe this is a win-win situation for our people.

In fiscal year 2010 alone, EDA approved investments of \$640 million for 928 projects nationwide that are expected to create 74,000 jobs, save 22,000 jobs, and leverage \$10 billion in private investment. So \$640 million is expected to leverage \$10 billion in private investment. That is a huge leverage.

In my home State of California, we are struggling, as so many parts of the country are, with unemployment rates. In California, EDA approved investments of \$24 million in fiscal year 2010 for 27 projects expected to create 11,000 jobs, save 400 jobs, and leverage \$400 million in private investment. As I stand here now, because of this program, in 2011, we are going to see jobs saved and created. Imagine, 11,000 new jobs—11,000 families who can breathe easier, pay their mortgage, and maybe go out to a restaurant once a week. That money trickles into the community and helps the small businesses.

We now know that in California, the city of Dixon is working on a \$3 million program for water system improvements. That is 1,000 jobs.

There is a project in the city of Shafter for \$2 million for sewer and water improvements, which will allow development of an additional 600 acres, and it will create 1,485 jobs and leverage \$253 million in private investment. Nationwide, you could look at Boeing. We all know about Boeing. To help to mitigate Boeing's decision to reduce manufacturing jobs in Renton, WA, EDA invested \$2 million in 2006 to help build infrastructure to serve the commercial redevelopment of a 42-acre aircraft manufacturing site. This redevelopment has created a mixed-use campus used by businesses focusing on commercial services, high-tech, and life sciences, which has helped create 2,500 jobs.

I say to my friends that right now we are struggling getting to the bill. At this point in time, we have a Republican dissenter who doesn't want us to

move forward, and they want to look at this. I hope they look at these numbers. The American people want jobs. This is a bill that is directly related to job creation. This is a bill that leverages the Federal dollar. Why on Earth should there be any objection? This is a bill that passed the Senate unanimously when George W. Bush was President. He signed it and it was law. We should not be struggling over going to this bill. We ought to get on the bill and then get off the bill and send a message to the people that we are serious about job creation.

In Duluth, a \$3.5 million grant, matched by \$2.3 million from the city, helped build the Duluth Aviation Business Incubator at the Duluth Airport. This investment helped Cirrus Aircraft grow from a handful of employees to 1,012 employees by 2008. The incubator is now leased to Cirrus Design Corporation, which has the largest share of the worldwide general aviation market.

Here is another one on the east coast. In 2002, EDA provided \$2 million to help build the Knowledge Works pre-incubator facility as part of the development of the Virginia Tech Corporate Research Center in Blacksburg, VA. The center and its Knowledge Works pre-incubator facility have led to the creation of 2,000 high-wage jobs and the inception of 140 high-tech businesses. Repeating, a \$2 million infusion from the EDA led to the creation of 2,000 high-wage jobs and the inception of 140 high-tech businesses. They built this corporate research center in Blacksburg, VA.

EDA helps with disaster relief. In addition to helping communities respond to job loss due to the closure of a manufacturing plant or defense facility, for example, EDA helps communities respond to sudden and severe economic dislocations to the natural disaster.

In 2008, Congress provided EDA with a total of \$500 million in natural disaster assistance through two supplemental appropriations. With these funds, EDA was able to assume the role of a secondary responder working with affected communities to support long-term, postdisaster economic recovery in response to hurricanes, floods, and other natural disasters. We know how important it is to have a program that can respond and help FEMA.

I can give you example after example of disaster relief. There was one case in Cedar Rapids, IA, where EDA provided funding to construct and install an upgraded, energy-efficient, natural gas-fired boiler system following a 2008 flood that destroyed the boiler that had provided steam heat and hot water to St. Luke's Hospital and Coe College. When the utility that owned the damaged facility decided not to rebuild after the flood, it left the hospital and college without a reliable energy supply. We all know what happens when there is a disaster and our hospitals

cannot function. They came in and made a \$4.6 million investment, and it was critical in keeping the hospital and college open, saving hundreds of jobs.

I can only say, in closing my opening remarks, let's step back and look at the big picture. I think DICK DURBIN spoke to it quite eloquently. Senator DURBIN was very clear when he said we are at a time now where we have to create jobs. He gave kind of the overview of what has happened.

When Bill Clinton was President, I was privileged enough to be here, sent by the people of California—my first term here. Bill Clinton faced a deficit, a debt, and a struggling economy. But with very smart plans, we turned it around. What were the smart plans? We reduced the deficit to zero, but we did it in a smart way. How did we do it? We kept on making investments that made sense at that time in energy, high-tech research, biomedical research. We made those investments. We cut the fraud and waste. We said to billionaires: You know what, you can do more for us, please. They are happy to do it, actually. So the millionaires and the billionaires paid their fair share, and we made smart investments and cut the waste, fraud, and abuse. We not only balanced the budget, but we created a surplus.

In comes George W. Bush, and our Republican friends decided that the thing they wanted to do more than anything was give tax breaks to the billionaires and millionaires—to the Warren Buffets, who don't need it, and to the Donald Trumps, who don't need it. They don't need it. The average of these tax cuts to these millionaires and billionaires was hundreds of thousands a year. What that means is, we are short funds here.

What do our Republican friends want to do now? They want to cut Medicare—end it—in order to continue to pay for the tax cuts for the millionaires. It is not necessary to go down that road.

That is not before us today. What is before us today is, in the battle of how to get that deficit under control, what are we going to do about jobs. Today, we are looking at a program that has strong bipartisan support, that leverages the Federal dollars, that gets great reviews, that got out of our committee with only one dissenting vote; that is, the EDA, the Economic Development Administration. They have six regions. They have six regional offices, and each region—including East, West, Midwest, South—gets a fair share of the appropriations. It goes to places that have good ideas on how to attract local and State nonprofit and private sector funding. Every \$1 of EDA investment is expected to attract \$7 in private sector investment, thereby saving and creating thousands and thousands of good jobs.

I understand my Republican friends are going to have a discussion at lunchtime as to whether to allow this bill to move forward. I hope, from the bottom of my heart, they will do so.

I yield to Senator CARDIN.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, let me compliment Senator BOXER for her leadership as chairman of the Environment and Public Works Committee. I also compliment Senator INHOFE, the ranking member.

This is an important bill, dealing with economic development and the Economic Development Administration. This is all about creating jobs, as Senator BOXER pointed out, particularly in underserved communities. That is what EDA does.

This is a reauthorization bill. It was worked on in the last Congress. It came out of the Environment and Public Works Committee in the last Congress. It enjoys strong bipartisan support. Historically, it has been agreed to. It is important this reauthorization bill move through the Senate and the House and that the President has an opportunity to sign this bill so we can continue this important economic tool for our underserved communities.

I also compliment the majority leader, Senator REID. The bills he has brought forward in this Congress have been focused on creating jobs. We had the FAA reauthorization bill, which was important for the modernization and safety of our air traffic system, but it also created jobs and provided economic opportunity for more jobs in America.

We then considered the SBIR bill, which would have helped small businesses with innovation, growth, and job growth. I regret that that bill could not be completed because of extraneous amendments. But it shows our priority on moving legislation forward that will create jobs.

The EDA bill now before us I hope we can get to and move it quickly because it is, to me, a very important part of our strategy for the recovery of our economy and to create jobs in particularly underserved communities.

In Maryland, we have many communities that depend upon EDA funding in order to save and create jobs. The EDA, through the economic development districts, is helping plan to build roads, spread commerce, office parks, business centers, and for private sector businesses to locate to and expand access to broadband, which is critical to communication in today's global economy. These are the types of projects EDA sponsors. There are road projects and broadband to connect communities together.

EDA is responsible for promoting job growth and accelerating industrial and commercial development in communities suffering from limited job oppor-

tunities, low per capita income levels, and economic distress.

As the only Federal agency focusing solely on promoting private sector job growth in economically underserved communities, EDA pursues regional comprehensive strategy development, public works, and business loan funds. They put together a strategy for our areas that have high unemployment, areas that are difficult to attract new job opportunities. They developed a winning strategy to create jobs.

In Maryland, the EDA and our State university centers and economic development districts are responsible for helping administrate public works projects in rural communities on the Eastern Shore and in the western part of our State. These projects have assisted with the regional commercial needs as well as services to meet the needs of residents.

For example, the EDA has been essential in assisting with the planning and installation of the broadband communication network in western Maryland. Maryland will be a State that will be totally connected by the broadband. EDA has helped to bring that into underserved areas. We are connecting communities together by having jobs in broadband capacity.

It is also helping us create more small business opportunities, which is what we find is the dominant economic growth engine. We know in the Nation overall it is small businesses, but when we are dealing with underserved communities, small business growth is critical to their economic future. These investments go toward revitalizing, expansion, and upgrading of physical infrastructure in order to attract new industries, encourage business expansion and diversify local economies. In so doing, EDA seeks to establish foundations that enable communities to develop their own economic development programs for sustained development.

The EDA has an established and proven record of using increasingly limited resources to complete projects in a timely manner that leverage—leverage—private sector investment. Senator BOXER pointed that out. We are leveraging private sector investment with a relatively small amount of public funds.

In my home State of Maryland, EDA has supported more than 33 projects in the last 4 years that are credited with creating more than 2500 jobs, retaining over 100 jobs, and leveraging \$218 million in private investment from \$12 million in EDA investments. That is a much higher ratio than the average, as Senator BOXER pointed out. It is important we provide EDA with the resources necessary to continue this work. Many of these projects are in the more rural or underserved parts of the State.

Most recently, EDA provided seed money for two exciting projects on

Maryland's Eastern Shore. In Dorchester County, near the town of Cambridge, on the Eastern Shore, the EDA is investing more than \$600,000 in the renovation and repair of an existing vacant industrial building to be reused by a new manufacturing company that specializes in the production of green products made from recyclable materials.

This is a win, win, win situation. This is a project that will restore a defunct industrial facility—recycling an industrial facility—and saving jobs on the Eastern Shore of Maryland. It reduces material waste by making new products out of recyclable waste material, helping us with our energy and environmental policies, and saving 103 jobs while creating 20 new jobs. These 103 jobs would have been lost. Instead, we now have 123 jobs in an area where it is difficult to attract new jobs. It is leveraging more than \$600,000 in direct investment in a facility that is expected to generate \$6.6 million in private investment once the facility is operational, once again, referring to what Senator BOXER said, the leveraging of public funds for private investment in underserved areas and saving and creating jobs. This means for every Federal dollar invested, it generates \$10 in private investment.

The economies of Wicomico, Worcester, and Somerset Counties have historically been linked to the health of the Chesapeake Bay. Years of Chesapeake Bay impairment have taken their toll on the bay's fisheries. Closely linked to the bay's impairment is the decline in lowland forest lands due to development pressures. The effects of these natural resource crises have resulted in the decline of jobs in the seafood harvesting and forestry industries on the lower shore. It is a priority of mine to restore the health of the Chesapeake Bay and the natural systems and jobs that support a healthy bay.

I also support the immediate work the EDA is doing to address the decline in jobs in the traditional industries on the lower shore by investing over \$800,000 in workforce and business development centers that serve the lower counties of the Eastern Shore.

Much of the hard work that goes into selecting and developing projects is done by the hardworking men and women on the ground working for the local economic development districts and the university centers. These are the ones with the best understanding of the economic needs in the communities in which they work. That is why I worked hard with my colleagues on the Environment and Public Works Committee to improve the potential resources available to economic development districts to do the necessary planning for economic development projects in their districts.

Planning funds are hard to come by, but planning funds are essential. When

the Environment and Public Works Committee took up the bill last Congress, the issue my economic development district urged me to fight for was increasing the authorization level for planning grants because they were so useful to the work they were doing and represented a sound investment of Federal dollars in the communities that needed the help the most. Planning grants provide invaluable matching funds for economic development districts, tribes, and local communities to pursue regional economic development goals and strategies.

None of the projects the economic development district helps administer would be possible without these planning grants. The demands on the economic development districts have increased significantly due to the current economic downturn as well as the new mandates by the EDA and the evolving nature of the global economy. The scope of the economic development districts' work goes well beyond EDA's projects and spans into planning and coordination of rural transportation projects, USDA rural health and water systems projects as well as HUD projects.

Without the annual planning investment EDA provides through the economic development districts, most rural areas would not have the capacity to apply for or administer economic development resources. The planning and administrative work done by the economic development districts is the backbone of EDA's public works and facilities development projects and would not be possible without the planning grants.

I greatly appreciate the leadership of Senator BOXER and Senator INHOFE on our committee, and I am pleased by the bipartisan support of our committee that brought out a comprehensive bill, including the areas I have mentioned, that will allow EDA to continue its core purpose of creating jobs for our community. It is exactly this type of legislation we need to help continue our economic growth to bring us out of this recession, to create the type of jobs we need, and to encourage private sector capital.

This bill translates into jobs. I urge my colleagues to allow this bill to move forward, to limit the amendments, particularly those that are not relevant to the underlying legislation, so we can get this bill to the House and to the President because it will help our communities grow and create jobs.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING GOVERNOR WALTER PETERSON

Ms. AYOTTE. Mr. President, I rise today to honor the memory of Governor Walter Peterson—a great New Hampshire citizen who represented the very best of the Granite State's independent spirit.

Governor Peterson came from what is well-known as the “greatest generation,” and he more than lived up to that label. A veteran of World War II, he committed his life to public service and civic engagement, leaving behind a legacy of civility, decency, and integrity in politics.

Following his graduation from Dartmouth College, Governor Peterson settled in Peterborough, NH, becoming a lifelong figure in the Monadnock region. A small businessman, he went on to serve in New Hampshire's citizen legislature and rose to the position of speaker of the house. In 1968, New Hampshire voters elected him as the State's Governor, a position he held for two terms.

Governor Peterson represented a special breed of politician—someone who could disagree without being disagreeable. A strong leader, he had the courage of his convictions. He believed it was more important to stand firm for what he believed was right for New Hampshire rather than worry about being reelected. That principled approach and inherent goodness secured his place in New Hampshire history as a deeply respected statesman.

Outside of public life, Governor Peterson was the beloved patriarch of his family. Together with his wife Dorothy, to whom he was married for over 60 years, they had two children, Meg and Andy. The Peterson family is well known in the Monadnock region because of their strong commitment and dedication to the community. Andy Peterson followed in his father's footsteps and served in our State legislature with distinction.

During my visits to Peterborough—the idyllic New Hampshire town Governor Peterson lived in and loved—I always knew he would extend a warm welcome to me. A steadfast source of Yankee wisdom, I came to cherish Governor Peterson's friendship as much as his keen insight into the people of New Hampshire.

After leaving statewide office, Governor Peterson took his special brand of leadership to academia, serving as a college president and as a trustee of the university system of New Hampshire. In those roles, he worked to build institutions of higher learning that empowered students to take full advantage of the opportunities our great country provides, believing in the transformative power of education.

With Governor Peterson's passing, New Hampshire citizens have lost a wonderful, true, and loyal friend. At this sad time, we celebrate his life, grateful to have known a leader who

embodied the very best of public service.

Mr. President, I yield the floor.

The PRESIDING OFFICER. (Mr. CARDIN). The Senator from Montana.

Mr. TESTER. Mr. President, when we are able to move the economic development bill, I will have a bipartisan amendment that will address the interchange issue in a way I think most Senators can support.

I wish also to note that I appreciate Senator DURBIN's passion on the issue—and with any number of issues we have in common—and I look forward to working with him again very soon.

Most of the folks in this body know I am a farmer; that I come from the agricultural sector. It is important because, over the many years I have been able to be in agriculture, I have watched consolidation in agriculture, where fewer and fewer companies control more and more of the food supply. We call it consolidation. The same thing has occurred in our energy sector, where we have fewer and fewer companies, with less competition in the marketplace. And we are paying that price in both areas.

We have seen enough consolidation in the financial area. Why is this important? It is important because the amendment I am going to offer—the bipartisan amendment—will help so that we don't further consolidate the financial industry. I also come from rural America. We all know, as the Senator from Illinois pointed out, that we are coming out of a very difficult economic time. In fact, the Senator pointed out he voted for the bailout of the big banks because it was for jobs. I want the record to be clear that I did not vote for that TARP bailout, but I too am concerned about jobs. I am concerned about jobs across the country, but particularly in rural America.

The amendment we voted on a year ago had a provision in it that exempted banks under \$10 billion from this debit swipe fee rule. Everybody thought it would work—at least those who voted for the amendment thought it would work. But the fact is every regulator has said, with regard to this \$10 billion exemption, we don't know how to enforce it. The regulators have said, we do not know how to craft a rule to exempt those small community banks and credit unions under \$10 billion.

The single regulators have said the same thing. In fact, Chairman Bernanke admitted the rule could “result in some of the smaller banks being less profitable and even failing.” That is because the two-tiered system will not work under the current law. That is not my opinion. That is the opinion of the folks whose job it is to regulate these banks. And the customers—the hard-working folks—are going to get stuck with higher fees, potentially no access to capital or, even worse, no

local banks at all—further consolidation in the banking industry.

Let me be clear. If any one of the regulators—the Chairman of the Federal Reserve, the Chair of the FDIC, the Comptroller of the Currency—told me that the interchange rule we passed last year would actually protect small banks, I would not be here, we would not even be here having this debate, we would be moving on. But that is not what happened.

The Wall Street banks are going to be just fine. My amendment is not about the Wall Street banks. They can distribute their costs. They have a lot of different irons in the fire. They can distribute their costs. The fact is, the small banks, credit unions and community banks cannot distribute those costs. That will result in less access to capital in rural America and I think across the country. It will result in fewer jobs because you have to have capital to grow business and create jobs.

Oftentimes we make decisions based on incorrect information. It is nice when you make decisions based on good information, and that is what we are asking to do here: Take a step back, take a look at this stuff, and make a good decision, a decision that will work not only for rural America but for the whole country.

This is an important amendment. It is a critically important amendment, from my perspective. If we shut down access to capital in rural America because community banks and credit unions cannot compete, not only will we further consolidate the financial industry but we will take away opportunity for small businesses, opportunity that will allow them to grow and create jobs at a time when we need growth in our economy and we need more job creation.

With that, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011—MOTION TO PROCEED—Continued

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, earlier today I was on the floor speaking about the importance of a program called the economic development revitalization. It has been in place since 1965. It has run out of its authority. Our committee, the Environment and Public Works Committee, in a near unanimous vote—almost unanimous—decided it was really worth making some reforms to the program to make it work even better and to reauthorize it.

I am going to turn the time over to my wonderful friend, JIM INHOFE. He and I, as everybody knows, are good friends. We work very well together. There are issues on which we sharply disagree. I think they would fall on the environmental side. But when it comes to public works, when it comes to building the infrastructure of our country, when it comes to jobs related to the private sector, we are very much joined at the hip. On this particular issue, we are together because we look at this and we say that at a time when there need to be jobs, over a 2-year period beginning in 2009, grantees estimate that EDA-funded projects created over 160,000, and for every \$1 invested by the Federal Government \$7 came from the private sector.

It is my pleasure to yield to make sure my ranking member has sufficient time for whatever he would like to speak to this issue.

Mr. INHOFE. Mr. President, the EDA is something that has worked very well in our State of Oklahoma. First, let me say the Senator from California is right—there are many issues on which we do not agree. In fact, we have fought tooth and nail for a long time against the cap-and-trade and a lot of these environmental issues and will continue to do so. However, what we agree most on is not necessarily the EDA program but the need for reauthorization of transportation.

We have a very serious problem. In my State of Oklahoma, just a short while ago a young lady, the mother of two small children, was driving under a bridge, and it crumbled and fell and killed her. There are things like that, crises that are going on right now.

We were very proud when we had what we thought at the time was a very robust highway reauthorization bill, a transportation reauthorization bill in 2005. While the amount sounded like quite a bit, it was really just barely enough to maintain what we had. There are some things government is supposed to be doing. I am always ranked as one of the most conservative Members, but I am a big spender in areas such as national defense and infrastructure. Those are needs we have.

In putting together this bill and taking it out of committee—and it did come out of committee unanimously—there had been a GAO report that talked about duplication. I put in language in order to have them identify

anything that would be duplicative so that would come out. That was a little bit of a surprise to a lot of us. I don't question the report. I think it was probably accurate. But we took care of that because we don't want to have any duplication of efforts.

The chairman said there is a 7-to-1 ratio. We have actually done better than that in the State of Oklahoma. In one area, it was a \$2.25 million EDA grant, in Elgin, OK, which is adjacent to Fort Sill, OK, which is adjacent to a live range. It was one that was intended to actually produce a 150,000-square-foot manufacturing business employing many people. Because this administration axed some of the military programs, it did not turn out to be that beneficial, but the ratio there was still well in excess of 10 to 1.

If we want to get the economy moving, this is a way of doing it. We have to do it in a way that is well thought out. I am hoping this bill will be. It is my understanding it will be open to amendments, and there will be a lot of amendments and a lot of my friends who are not supportive of this want to have this vehicle for that purpose. I certainly respect that and look forward to working on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the ranking member. I know he has a series of meetings and he is off to those, but I again thank him. I know he may look at reducing this authority. It is his right to do so. My own opinion is, if there were ever a time to support programs that leverage dollars the way this one does, this is one of them. But I respect whatever he feels he needs to do to feel better about the bill.

He talked about one of the important amendments he wrote which would eliminate duplication. There are other reforms that allow private parties to buy out the Federal Government investment. There is much we have done to update this program, but it is very important today.

The one word I have come to use—perhaps overuse—is “leverage.” Leverage is crucial. We know we are facing deficits and debts. We know we have to do something about spending, so we want to be wise, we want to see that when we do spend \$1 of Federal money, it really has a punch behind it. This is one example, again, of that occurring. There is \$7, on average, for every dollar invested, and in the case of Oklahoma, in this one example, \$10. There are others where it is even higher than that.

I think it is very clear. I am not sure this is the up-to-date list, but we have many supporters of EDA. I am going to show some of them here.

The U.S. Conference of Mayors, the American Public Works Association, the National Association of Counties—

I mentioned this morning that I started out in my first elected office as a county supervisor. They understand how important the EDA is because they are on the ground in these counties, as are the mayors in the cities. They see the needs in these underserved areas, in these redevelopment areas. They want to attract the private capital, so they really need the help the EDA gives them to do it.

The Association of University Research Parks—let me tell you why they like this. We have seen incubator projects, small business incubator projects that start in these research parks that grow into mature, job-producing businesses. EDA is the spark, EDA is the leverage we need. That is why you see the Association of University Centers, the International Economic Development Council, the National Association of Development Organizations, the National Business Incubation Association.

We know today it is tough for some businesses to get the capital. Some of them are fortunate—they go to Silicon Valley, and they get some dollars there. Some will go to banks, and they will be told it is too risky. The banks are not lending the way they, frankly, should to create the jobs, so the leverage that is gotten for these programs from the Federal Government goes a very long way.

The State Science and Technology Institute, the University Economic Development Association, and the National Association of Regional Councils.

We see we have a record of job creation. We have a lot of support, and in 2009—this really says it all: 160,000 jobs over a 2-year period, in 2009. This is a story that is a success story. It is why Senator INHOFE and I join together on this issue.

I know this is going to be a contentious time in the next few days on this bill because some contentious amendments that have nothing to do with the underlying bill are going to be offered. All I would say to colleagues is let's not allow these jobs bills to be weighed down so we do nothing. The American people are sick of it.

We have had a small business bill. MARY LANDRIEU, the chair of the Small Business Committee, stood right here day after day begging colleagues: Don't offer poison pill amendments to that bill. Do you know who lost? Not MARY LANDRIEU. The American people lost and the small businesses lost because this bill, the small business bill, became the way everybody offered everything they had ever dreamed about and thought about, and a lot of it was controversial.

So I urge colleagues on both sides of the aisle, if you are going to offer amendments that are not related, please agree to time agreements. Let's get rid of these amendments one way

or the other. If they pass, fine; if they don't, that is life. But let's get to the reauthorization of the EDA. It started in 1965. It has saved jobs, it has created jobs, and any problems we have had because of some of the rules, we have addressed in this reauthorization.

I have here a letter, a legislative alert, hot off the press from the AFL-CIO. They support the passage of S. 782, the Economic Development Revitalization Act of 2011. They say it "has played an often unheralded but important role in creating jobs and spurring economic growth in economically distressed communities."

The public investments supported by this legislation make a little funding go a long way by leveraging private dollars in support of these projects. Resources for technical assistance and research infrastructure, and assisting in the development and implementation of economic development strategies helps revitalize communities. EDA established an admirable track record in assisting economically troubled low income communities with limited job opportunities by putting their investments to good use in promoting needed job creation and industrial and commercial development.

Today when the lack of jobs and income stagnation are the primary issues facing this Nation, S. 782 is a bipartisan bill that can help make a difference. We urge Congress to pass the Economic Development Revitalization Act of 2011.

I think that really says it.

I have one more letter I just got. We have a letter from the U.S. Chamber, the Business Civic Leadership, saying how much they support the program. They say, "I am writing to share with you the U.S. Chamber Business Civic Leadership Center's positive experience in working with the EDA. EDA has served as a valuable partner in many communities"—they cite "San Jose, California; Seattle, Washington; Cedar Rapids, Iowa; Mobile, Alabama; New Orleans, Louisiana; Atlanta, Georgia; Boca Raton, Florida; Minneapolis, Minnesota; Newark, New Jersey" and many others.

I know some of these programs that went into these cities with this relatively small investment by the Federal Government spurring all this private sector capital and local and State funds. They say they worked with the EDA in "conducting regional forums to bring corporate contributions professionals together with economic development experts." They provide "opportunities to build up relationships between and among companies and government agencies."

They developed "a report that maps how and why companies invest in communities across the U.S."

They believe that as they work with them on these programs, including "working with local chambers of commerce in disaster affected regions to provide local recovery grants," that that worked very well.

They say they are the "corporate citizenship arm of the U.S. Chamber of

Commerce." They "work with thousands of businesses and local chambers of commerce on community development and disaster recovery."

They are consistently looking for "best practices, lessons learned, technical assistance, planning and strategy support, and other insights, tools, and techniques to make their communities as economically competitive as possible."

They say:

In our experience EDA members have displayed a high degree of professionalism and technical expertise. They have engaged with us on multiple levels from consultations at the national level to sharing valuable field experience at the state and local levels.

They say:

We have canvassed many businesses and local chambers about their community development needs, and they almost unanimously tell us that some of their highest priorities include business recruitment and retention and helping small-and-medium sized businesses grow. They also tell us that support for regional economic development planning that transcends municipal boundaries is an increasing area of interest, and that this is a unique capability that EDA can and does support.

As you consider EDA's future roles and responsibilities, we would be happy to share with you our experiences and lessons learned in working with the agency and to provide you with additional information.

Signed by Stephen Jordan, executive director of the Business Civic Leadership Center of the Chamber of Commerce.

So here we have an arm of the Chamber of Commerce sending us a letter of praise for the EDA, and we have the AFL-CIO doing the same.

Senator INHOFE referred to the highway bill. That is another example where we have both sides coming together, and what I want to say to colleagues who may be watching in their office or hearing this as they do their other work, please, let's get this done.

Every single person in this Chamber goes home and talks about jobs, jobs, jobs. If we mean it, if we are not just posturing or posing for pictures and we mean it, then let's get it done.

We had a bad experience here with the small business bill. It got loaded up with things that had nothing to do with anything, and we didn't get time agreements and we couldn't get it done. Let's hope that this gets done.

I cannot imagine anybody holding up this bill when we know that in 2009 it funded over a 2-year period 160,000 jobs at a very small cost to Federal taxpayers because that cost is leveraged.

I could go on about EDA, and I will later. I think I have spoken enough at this particular time.

Mr. President, unless there is someone on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.



Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion with respect to the motion to proceed to S. 782, the Economic Development Act, be withdrawn and the Senate adopt the motion to proceed to S. 782; further, that after the clerk reports the bill, the committee-reported amendment be agreed to, the bill, as amended, be considered as original text for the purposes of amendments, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that Senator TESTER be recognized to offer an amendment, followed by Senator DURBIN to be recognized to offer an amendment; following that, Senators BOXER and INHOFE be allowed to give their opening statements on this legislation.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, Senator INHOFE and I have already spoken on the floor. What I would appreciate is just 2 minutes before we turn to Senator TESTER just to set the stage.

Mr. REID. I think I have protected the Senator in that regard. I want to get the amendment laid down and the second-degree amendment laid down. All right.

Mrs. BOXER. All right.

Mr. REID. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment, as follows: (Insert the part printed in italic.)

S. 782

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Economic Development Revitalization Act of 2011”.

#### SEC. 2. FINDINGS AND DECLARATIONS.

Section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is amended—

(1) in subsection (a)(3)(C), by inserting “, including the location of information technology and manufacturing jobs in the United States” after “investment”; and

(2) in subsection (b), by striking paragraph (3) and inserting the following:

“(3) whether suffering from long-term distress or a sudden economic dislocation, dis-

tressed communities should be encouraged to promote innovation and entrepreneurship, including, as appropriate, the support of the formation of business incubators in economically distressed areas, so as to help regions to create higher-skill, higher-wage jobs and foster the participation of those regions in the global marketplace; and”.

#### SEC. 3. DEFINITIONS.

Section 3(8) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122(8)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) the Southeast Crescent Regional Commission established by section 15301(a)(1) of title 40, United States Code;

“(F) the Northern Border Regional Commission established by section 15301(a)(3) of title 40, United States Code; and

“(G) the Southwest Border Regional Commission established by section 15301(a)(2) of title 40, United States Code.”.

#### SEC. 4. ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “economic development districts, university centers,” after “multi-State regional organizations,”;

(B) by striking paragraph (2) and inserting the following:

“(2) encourage and support public-private partnerships for the formation and improvement of regional economic development strategies that sustain and promote innovation and entrepreneurship that is critical to economic competitiveness across the United States; and”; and

(C) in paragraph (3), by inserting “, innovation, entrepreneurship, beneficial development,” after “infrastructure”; and

(2) in subsection (c), by inserting “(including economic development districts)” after “local government agencies”.

#### SEC. 5. ENCOURAGEMENT OF CERTAIN COORDINATION.

Section 102 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by striking “In accordance with” and inserting the following:

“(a) IN GENERAL.—In accordance with”; and

(2) by adding at the end the following:

“(b) GOVERNMENTAL COOPERATION.—

“(1) IN GENERAL.—The Secretary is authorized and encouraged to consult and cooperate with other agencies, including representatives of the Federal Government, State and local governments, and consortia of governmental organizations, that can assist in addressing challenges and capitalize on opportunities that require intergovernmental coordination.

“(2) LABOR.—In carrying out paragraph (1), the Secretary shall cooperate with the Secretary of Labor to support economic and workforce development strategies and the promotion of regional innovation clusters.”.

#### SEC. 6. ADDITIONAL SUPPORT FOR ENTERPRISE DEVELOPMENT ORGANIZATIONS WITHIN THE PUBLIC WORKS PROGRAM.

Section 201(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) other activities the conduct of which the Secretary determines would be necessary or useful to support the establishment and operation of those facilities on an ongoing basis, including—

“(A) related planning, technical assistance, and business development assistance to enable the recipient to bring together regional assets and encourage entrepreneurial development; and

“(B) to the extent needed to support entrepreneurial development, revolving loan funds pursuant to section 209.”.

#### SEC. 7. GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 203 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” at the end; and

(B) by striking paragraph (4) and inserting the following:

“(4) formulating and implementing an economic development program that includes systematic efforts to reduce unemployment and increase incomes by fostering innovation and entrepreneurship;

“(5) fostering regional collaboration among local jurisdictions and organizations; and

“(6) facilitating a stakeholder process that assists the community or region in creating an economic development vision that takes into account local and regional assets (including natural, social, community, and geographical resources) and global economic change.”;

(2) in subsection (d)—

(A) in paragraph (4)—

(i) in subparagraph (E), by striking “and” at the end;

(ii) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(G) support development practices that—

“(i) enhance energy and water efficiency;

“(ii) reduce the dependence of the United States on foreign oil; and

“(iii) encourage efficient coordination and leveraging of public and private investments.”; and

(B) in paragraph (5), by striking “subsection shall” and all that follows through the end of the paragraph and inserting the following: “subsection shall—

“(A) submit to the Secretary an annual report on the planning process assisted under this subsection; and

“(B) provide a copy of each annual report to each economic development district within the State.”; and

(3) by adding at the end the following:

“(e) ADDITIONAL AMOUNTS TO ADDRESS SEVERE NEED.—In determining the amount of funds to provide a recipient for planning assistance under this section, the Secretary shall take into account those recipients located in regions that are—

“(1) eligible for an investment rate of 80 percent or higher; or

“(2) experiencing severe need due to long-term economic deterioration or sudden and severe economic distress.

“(f) ENCOURAGING PLANNING ASSISTANCE ON A BROADER REGIONAL SCALE.—In order to encourage district organizations to develop regional economic competitiveness strategies on a broader basis in collaboration with

other district organizations and entities outside the confines of a single economic development district, the Secretary may increase—

“(1) the Federal share otherwise applicable to the recipients; or

“(2) the amount of Federal assistance to the recipients.”.

#### SEC. 8. COST SHARING.

(a) **FEDERAL SHARE.**—Section 204(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(a)) is amended by striking “shall not exceed—” and all that follows through the end of the subsection and inserting “shall not exceed 50 percent, except as otherwise expressly provided in this Act.”.

(b) **INCREASE IN FEDERAL SHARE.**—Section 204(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144(c)) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) **RELATIVE NEEDS OF AN AREA.**—

“(A) **150-PERCENT HIGHER UNEMPLOYMENT RATE.**—In the case of a grant made in an area for which the 24-month unemployment rate is at least 150 percent of the national average or the per capita income is not more than 70 percent of the national average, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 60 percent of the cost of the project.

“(B) **175-PERCENT HIGHER UNEMPLOYMENT RATE.**—In the case of a grant made in an area for which the 24-month unemployment rate is at least 175 percent of the national average or the per capita income is not more than 60 percent of the national average, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 70 percent of the cost of the project.

“(C) **200-PERCENT HIGHER UNEMPLOYMENT RATE.**—In the case of a grant made in an area for which the 24-month unemployment rate is at least 200 percent of the national average or the per capita income is not more than 50 percent of the national average, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 80 percent of the cost of the project.

“(D) **ADDITIONAL CRITERIA.**—The Secretary may establish eligibility criteria in addition to the criteria described in this paragraph to address areas impacted by severe outmigration, sudden and severe economic dislocations, and other economic circumstances, on the condition that a Federal share established for such eligibility criteria shall not exceed 80 percent.”;

(3) in paragraph (2) (as redesignated by paragraph (1))—

(A) by striking “may” and inserting “shall”; and

(B) by inserting “to 75 percent of the cost of the project, and may increase” after “subsection (a)”; and

(4) by adding at the end the following:

“(5) **FEDERALLY DECLARED DISASTER AREAS.**—In the case of a grant for an area with respect to which a major disaster or emergency has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 18-month period ending on the date on which the Federal share is determined, the Secretary may increase the Federal share above the percentage specified in subsection (a) up to 100 percent of the cost of the project.”.

#### SEC. 9. GRANTS FOR TRAINING, RESEARCH, AND TECHNICAL ASSISTANCE.

Section 207(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147(a)) is amended—

(1) in paragraph (1), by striking “or underemployment” and inserting “, outmigration, or underemployment, or in assisting in the location of information technology and manufacturing jobs in the United States”; and

(2) in paragraph (2)—

(A) in subparagraph (H), by striking “and” at the end;

(B) by redesignating subparagraph (I) as subparagraph (J); and

(C) by inserting after subparagraph (H) the following:

“(I) a peer exchange program to promote industry-leading practices and innovations relating to the organizational development, program delivery, and regional initiatives of economic development districts; and”.

#### SEC. 10. ENHANCEMENT OF RECIPIENT FLEXIBILITY TO DEAL WITH PROJECT ASSETS.

(a) **PARTICULAR COMMUNITY ASSISTANCE.**—Section 209(c) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)) is amended—

(1) in the matter preceding paragraph (1), by striking “injured” and inserting “impacted”; and

(2) by striking paragraph (1) and inserting the following:

“(1) military base closures, realignments, or mission growth, defense contractor reductions in force, or Department of Energy defense-related funding reductions, for help in—

“(A) diversifying the economies of the communities; or

“(B) otherwise supporting the economic adjustment activities of the Secretary of Defense through projects to be carried out on Federal Government installations or elsewhere in the communities;”;

(3) by striking paragraph (5) and inserting the following:

“(5) the loss of information technology, manufacturing, natural resource-based, agricultural, or service sector jobs, for reinvesting in and diversifying the economies of the communities.”.

(b) **REVOLVING LOAN FUND PROGRAM FLEXIBILITY.**—Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(2) by inserting after paragraph (1) the following:

“(2) **COMMENTS.**—

“(A) **IN GENERAL.**—The Secretary shall periodically solicit from the individuals and entities described in subparagraph (B)—

“(i) comments regarding the guidelines and performance requirements for the revolving loan fund program; and

“(ii) recommendations for improving the performance of the program and grantees under the program.

“(B) **DESCRIPTION OF INDIVIDUALS AND ENTITIES.**—The individuals and entities referred to in subparagraph (A) are—

“(i) the public; and

“(ii) in particular, revolving loan fund grantees, national experts, and employees of Federal agencies with knowledge of international, national, regional, and statewide trends, innovations, and noteworthy practices relating to business development finance, including public and private lending and technical assistance intermediaries.”;

(3) in subparagraph (A) of paragraph (5) (as redesignated by paragraph (1)), by striking “paragraph (2)(C)” and inserting “paragraph (3)(C)”; and

(4) by adding at the end the following:

“(6) **CONVERSION OF PROJECT ASSETS.**—

“(A) **REQUEST.**—If a recipient determines that a revolving loan fund established using assistance provided under this section is no longer needed, or that the recipient could make better use of the assistance in light of the current economic development needs of the recipient if the assistance was made available to carry out any other project that meets the requirements of this Act, the recipient may submit to the Secretary a request to approve the conversion of the assistance.

“(B) **METHODS OF CONVERSION.**—A recipient request to convert assistance that is approved under subparagraph (A) may accomplish the conversion by—

“(i) selling to a third party any assets of the applicable revolving loan fund; or

“(ii) retaining repayments of principal and interest amounts on loans provided through the applicable revolving loan fund.

“(C) **REQUIREMENTS.**—

“(i) **SALE.**—

“(I) **IN GENERAL.**—Subject to subclause (II), a recipient shall use the net proceeds from a sale of assets under subparagraph (B)(i) to pay any portion of the costs of 1 or more projects that meet the requirements of this Act.

“(II) **TREATMENT.**—For purposes of subclause (I), a project described in that subclause shall be considered to be eligible under section 301.

“(ii) **RETENTION OF REPAYMENTS.**—Retention by a recipient of any repayment under subparagraph (B)(ii) shall be carried out in accordance with a strategic reuse plan approved by the Secretary that provides for the increase of capital over time until sufficient amounts (including interest earned on the amounts) are accumulated to fund other projects that meet the requirements of this Act.

“(D) **TERMS AND CONDITIONS.**—The Secretary may require such terms and conditions regarding a proposed conversion of the use of assistance under this paragraph as the Secretary determines to be appropriate.

“(E) **EXPEDIENCY REQUIREMENT.**—The Secretary shall ensure that any assistance intended to be converted for use pursuant to this paragraph is used in an expeditious manner.

“(7) **PROGRAM ADMINISTRATION.**—The Secretary may allocate not more than 2 percent of the amounts made available for grants under this section for the development and maintenance of an automated tracking and monitoring system to ensure the proper operation and financial integrity of the revolving loan program established under this section.”.

#### SEC. 11. RENEWABLE ENERGY PROGRAM.

Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **DEFINITION OF RENEWABLE ENERGY SITE.**—In this section, the term ‘renewable energy site’ means a brownfield site that is redeveloped through the incorporation of 1 or more renewable energy technologies, including, but not limited to, solar, wind, and geothermal technologies.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “brightfield” and inserting “renewable energy”; and

(B) in paragraph (1), by striking “solar energy technologies” and inserting “renewable energy technologies, including, but not limited to, solar, wind, and geothermal technologies”; and

(3) in subsection (d), by striking “2004 through 2008” and inserting “2011 through 2015”.

#### SEC. 12. ENERGY EFFICIENCY AND ECONOMIC DEVELOPMENT.

(a) AMENDMENT.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

#### “SEC. 219. ENERGY EFFICIENCY AND ECONOMIC DEVELOPMENT.

“In administering programs under this Act, the Secretary shall support activities that employ economic development practices that—

“(1) enhance energy and water efficiency; and

“(2) reduce the dependence of the United States on foreign oil.”.

(b) TECHNICAL AMENDMENT.—The table of contents of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by adding after section 218 the following:

“Sec. 219. Energy efficiency and economic development.”.

#### SEC. 13. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES IMPROVEMENTS.

Section 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3162) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “and opportunities” after “problems”;

(B) in paragraph (2), by striking “and private” and inserting “, private, and non-profit”; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by inserting “and opportunities” after “economic problems”;

(II) by striking “promotes the use” and inserting “promotes the effective use”; and

(III) by striking “balances” and inserting “optimizes”; and

(ii) in subparagraph (B), by inserting “and take advantage of the opportunities” before the period at the end; and

(2) in subsection (c)(1), by inserting “, State, or locally” after “federally”.

#### SEC. 14. DESIGNATION OF ECONOMIC DEVELOPMENT DISTRICTS.

Section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171) is amended by adding at the end the following:

“(c) OPERATIONS.—

“(1) IN GENERAL.—Each economic development district shall engage in the full range of economic development activities included in the list contained in the comprehensive economic development strategy of the economic development district that has been approved by the Economic Development Administration, including—

“(A) coordinating and implementing economic development activities in the economic development district;

“(B) carrying out economic development research, planning, implementation, and advisory functions identified in the comprehensive economic development strategy; and

“(C) coordinating the development and implementation of the comprehensive economic development strategy with other Federal, State, local, and private organizations.

“(2) CONTRACTS.—An economic development district may elect to enter into contracts for services to accomplish the activities described in paragraph (1).”.

#### SEC. 15. CONSULTATION WITH OTHER PERSONS AND AGENCIES.

Section 503(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3193(a)) is amended by inserting “, outmigration,” after “regional unemployment”.

#### SEC. 16. NOTIFICATION OF REORGANIZATION.

Section 507 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3197) is amended—

(1) by striking “Not later than” and inserting the following:

“(a) NOTIFICATION.—Not later than”; and

(2) by adding at the end the following:

“(b) STATE OF MONTANA.—The State of Montana shall be served by the Seattle office of the Economic Development Administration.”.

#### SEC. 17. ADMINISTRATIVE EXPENSES.

Section 604(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3214(c)(2)) is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) may be used for administrative expenses incident to the projects associated with the transfers to the extent that the expenses do not exceed—

“(i) 3 percent, in the case of projects not involving construction; and

“(ii) 5 percent, in the case of projects involving construction; and”.

#### SEC. 18. MAINTENANCE OF EFFORT.

Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211 et seq.) is amended by adding at the end the following:

#### “SEC. 613. MAINTENANCE OF EFFORT.

“(a) EXPECTED PERIOD OF BEST EFFORTS.—

“(1) ESTABLISHMENT.—To carry out the purposes of this Act, before providing investment assistance for a construction project under this Act, the Secretary shall establish the expected period during which the recipient of the assistance shall make best efforts to achieve the economic development objectives of the assistance.

“(2) TREATMENT OF PROPERTY.—To obtain the best efforts of a recipient during the period established under paragraph (1), during that period—

“(A) any property that is acquired or improved, in whole or in part, using investment assistance under this Act shall be held in trust by the recipient for the benefit of the project; and

“(B) the Secretary shall retain an undivided equitable reversionary interest in the property.

“(3) TERMINATION OF FEDERAL INTEREST.—

“(A) IN GENERAL.—Beginning on the date on which the Secretary determines that a recipient has fulfilled the obligations of the recipient for the applicable period under paragraph (1), taking into consideration the economic conditions existing during that period, the Secretary may terminate the reversionary interest of the Secretary in any applicable property under paragraph (2)(B).

“(B) ALTERNATIVE METHOD OF TERMINATION.—

“(i) IN GENERAL.—On a determination by a recipient that the economic development needs of the recipient have changed during the period beginning on the date on which investment assistance for a construction project is provided under this Act and ending on the expiration of the expected period established for the project under paragraph (1), the recipient may submit to the Secretary a

request to terminate the reversionary interest of the Secretary in property of the project under paragraph (2)(B) before the date described in subparagraph (A).

“(ii) APPROVAL.—The Secretary may approve a request of a recipient under clause (i) if—

“(I) in any case in which the request is submitted during the 10-year period beginning on the date on which assistance is initially provided under this Act for the applicable project, the recipient repays to the Secretary an amount equal to 100 percent of the fair market value of the pro rata Federal share of the project; or

“(II) in any case in which the request is submitted after the expiration of the 10-year period described in subclause (I), the recipient repays to the Secretary an amount equal to the fair market value of the pro rata Federal share of the project as if that value had been amortized over the period established under paragraph (1), based on a straight-line depreciation of the project throughout the estimated useful life of the project.

“(b) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions under this section as the Secretary determines to be appropriate, including by extending the period of a reversionary interest of the Secretary under subsection (a)(2)(B) in any case in which the Secretary determines that the performance of a recipient is unsatisfactory.

“(c) PREVIOUSLY EXTENDED ASSISTANCE.—With respect to any recipient to which the term of provision of assistance was extended under this Act before the date of enactment of this section, the Secretary may approve a request of the recipient under subsection (a) in accordance with the requirements of this section to ensure uniform administration of this Act, notwithstanding any estimated useful life period that otherwise relates to the assistance.

“(d) CONVERSION OF USE.—If a recipient of assistance under this Act demonstrates to the Secretary that the intended use of the project for which assistance was provided under this Act no longer represents the best use of the property used for the project, the Secretary may approve a request by the recipient to convert the property to a different use for the remainder of the term of the Federal interest in the property, subject to the condition that the new use shall be consistent with the purposes of this Act.

“(e) STATUS OF AUTHORITY.—The authority of the Secretary under this section is in addition to any authority of the Secretary pursuant to any law or grant agreement in effect on the date of enactment of this section.”.

#### SEC. 19. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) is amended by striking “expended—” and all that follows through paragraph (5) and inserting “expended, \$500,000,000 for each of fiscal years 2011 through 2015.”.

#### SEC. 20. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) is amended to read as follows:

#### “SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

“(a) IN GENERAL.—Subject to subsection (b), of the amounts made available under section 701 for each fiscal year, there shall be made available to provide grants under section 203 an amount equal to not less than the lesser of—

“(1) 12 percent; and

“(2) \$31,000,000.

“(b) SUBJECT TO TOTAL APPROPRIATIONS.—For any fiscal year, the amount made available pursuant to subsection (a) shall be increased to—

“(1) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$291,000,000, an amount equal to the greater of—

“(A) \$32,000,000; and

“(B) 11 percent of the total amount made available under section 701(a) for the fiscal year;

“(2) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$330,000,000, an amount equal to the greater of—

“(A) \$33,000,000; and

“(B) 10 percent of the total amount made available under section 701(a) for the fiscal year;

“(3) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$340,000,000, an amount equal to the greater of—

“(A) \$34,000,000; and

“(B) 10 percent of the total amount made available under section 701(a) for the fiscal year; or

“(4) if the total amount made available under section 701(a) for the fiscal year is equal to or greater than \$350,000,000, an amount equal to the greater of—

“(A) \$35,000,000; and

“(B) 10 percent of the total amount made available under section 701(a) for the fiscal year.”.

#### SEC. 21. REPORT ON DUPLICATIVE PROGRAMS.

*Not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall submit to the Committee on Environment and Public Works of the Senate a report that describes a list of the specific programs and portions of specific programs of other Federal agencies that are duplicative of programs or portions of programs administered by the Economic Development Administration, including the programs or portions of programs carried out by—*

*(1) the Department of Housing and Urban Development;*

*(2) the Department of Agriculture; and*

*(3) the Small Business Administration.*

The committee amendment was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

#### AMENDMENT NO. 392

(Purpose: To improve the regulatory structure for electronic debit card transactions, and for other purposes)

Mr. TESTER. Mr. President, I have an amendment at the desk I would like to call up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself and Mr. CORKER, Mrs. HAGAN, Mr. CRAPO, Mr. BENNET, Mr. BLUNT, Mr. CARPER, Mr. KYL, and Mr. COONS, proposes an amendment numbered 392.

Mr. TESTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. TESTER. Mr. President, is it appropriate that I speak for 2 minutes?

Mr. REID. Mr. President, I object. The consent agreement was he would offer his amendment, Senator DURBIN would offer his amendment, and then Senator BOXER, the chairman of the committee, would be recognized. That is the order.

Mr. TESTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 393 TO AMENDMENT NO. 392

Mr. DURBIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 393 to amendment No. 392.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address the time period for consideration of the small issuer exemption)

On page 10, line 9, strike “2 years” and insert “one year”.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, over the last month, Senator CORKER and I have worked with several Senators who are concerned about the unintended consequences of the debit interchange amendment the Senate adopted last year. We voted against that amendment. We were concerned about the impact of those consequences on folks—especially across rural America—who rely on their small local banks and credit unions.

The Federal Reserve's rules based on this amendment are about to go into effect, and the result is going to be bad for small banks and credit unions and ultimately for the whole country but especially rural America. Even Chairman Bernanke admits that the rule could “result in some smaller banks being less profitable or even failing.”

I am proud to be joined in this effort by Senators CRAPO, BENNET, HAGAN, and several others—all folks who share my concern about the impact of debit interchange fees on our local banks.

Senator CORKER and I began with a concern that local community banks and credit unions would end up being subject to the same one-size-fits-all regulation designed to address the excesses of some of the world's largest financial institutions. As I have said over and over, those big Wall Street

banks are going to be just fine. They have plenty of sources for their revenue. No one needs to shed a tear for them. But the Main Street banks and credit unions will not be OK if these rules are implemented.

Let me give you one example. Community First Credit Union has two branches—one in Miles City and one in Ekalaka, MT. Those two towns are about as far away from Wall Street as you can get. Ekalaka, in fact, is pretty far away from just about everywhere. But last year the Senate approved an amendment that was aimed at holding the big banks accountable for the fees they charge when you swipe your debit card at Walmart. Folks were promised we would have a split system where big banks such as Bank of America would get one interchange rate and Community First Credit Union would be able to get a higher rate. The reality is going to be quite different. Without changes, the small guys like Community First will not see this promised benefit.

This so-called two-tiered system will not work under the current law. That is not my opinion; it is the opinion of folks who regulate these small banks.

What Ben Bernanke, Sheila Bair, and others say is that market forces will inevitably push the rate down to the lowest level. That push has already started. Retailers are seeking laws at the State level to give themselves the freedom to deny purchases with debit cards that have a higher interchange fee. Given the amount of money the big box retailers are putting into their lobbying campaigns, it is only a matter of time before they are successful. So what happens to the consumer who does her banking at a small community bank or credit union? These are the folks I am concerned about because they are the majority of Montanans. Unfortunately, they are going to get stuck with higher fees, with no access to capital or, even worse, no banks at all.

Let's be clear: If any single one of the regulators—whether it be the Chairman of the Federal Reserve or the Chair of the FDIC or the Comptroller of the Currency—had told me the interchange system proposed last year would actually protect small banks and credit unions, we would not be here. But that is not what happened.

The Chairman of the Federal Reserve said that without changes, the system that will be implemented on July 21 will cause small institutions—the kinds of banks that serve most Montanans—to suffer and some could even fail. The Chair of the FDIC said that unquestionably these banks would be hurt. The credit union administrator agrees. Perhaps they will make up for those losses by raising rates on checking accounts. Maybe it will be higher fees when a small business comes in looking for a loan to expand. That will

surely help the biggest banks to capture more of the market share at the expense of the smaller banks like Community First.

This week, we have a chance to stop and rewrite these rules before they hurt those small banks, before they hurt those small credit unions, before the new rules hurt the consumers and the small businesses in rural America that prefer to do their banking business with folks who know them and who are a part of their communities.

Rural America is what I know. It is where I am from. As I have watched consolidation in the agriculture industry and have watched rural America get smaller and smaller, I am not about to let this happen in the financial services industry. Fewer banking options in rural America is a death knell for rural America, and that is where we are headed today. One way to stop this from happening is for us to slow down and fix the debit interchange regulations so the small banks that serve rural America do not get hit.

We also know how dangerous it is to set a price for a product without understanding all the costs that go into that product. Small business owners certainly could not stay in business if they did not understand their own costs. Likewise, if we are going to be regulating debit interchange fees, we need to understand all the costs associated with debit transactions and debit programs.

When we voted on this amendment last year, we thought we were voting to allow the Federal Reserve to consider all costs. However, the reality is that last year's interchange amendment limited the costs that could be included. Some fraud costs were allowed to be included but others were not. Some technology costs were included but others not. The result is a proposed Fed rule that sets the debit interchange rate at 7 or 12 cents for all transactions—a level most folks agree is too low.

I am sure the big box retailers think 7 cents or 12 cents is too high. In fact, they have argued that the rate should be closer to 4 cents. I have heard from many of my retailers in my home State, and some have said 12 cents is probably too low, and they understand you absolutely cannot set the price of doing business below what it costs to do business.

If we are going to be regulating this market, we must do it in a way that is fair, in a way that still directs the Fed to determine what is "reasonable and proportionate" but gives them the discretion to look at all of the costs associated with debit transactions. That does not mean executive pay. That does not mean the cost of a corporate jet or a special rewards program. All the costs will still need to be justified, but the Fed will not be limited arbitrarily in what they can look at.

That is why my friend Senator CORKER and I are offering this amendment today. This amendment is a compromise, and that is how we do business in Montana. We find the common ground and we work together to do what is best.

Senator CORKER and I first proposed a 2-year delay of the Fed's rules to allow adequate time to study the impact on small banks and rewrite the rules based on what we learn in that study. The Fed tells us now that it may be able to do this joint study in 6 months. So that is what our amendment proposes—just 6 months to study whether the rules that will govern the debit interchange marketplace can protect small banks.

In this amendment, we outline the topics the study should address, including taking a closer look at all of the actual costs associated with debit card transactions, the impact on consumers, and whether an exemption for small banks as proposed in the interchange amendment last year will actually work.

If, after the study, at least two of the agencies involved determine that the current rules do not take into account all costs, that the rules may harm consumers, or that the exemption meant to protect small banks and credit unions will not work, then the Fed has 6 more months to rewrite the rules considering all costs.

That is 1 year to address our concerns and to make sure rural banks do not get wiped out by this rule. If the agencies find that the rules consider all costs, consumers would not be harmed, and that the small issuer exemption will work, then the current rules pending would move forward.

What about the little guys? We put into place a process that will address any potential impact on small issuers. My contention has long been that market forces would drive fees for small issuers to the lowest rate. Since we cannot fully understand how the market will operate until interchange regulation is enacted, we direct the Fed to report the actual impact of the market on small issuers a year after the rules are implemented.

The Fed has to present a report to Congress and every other year thereafter on the impact of a regulated market on small issuers. Most importantly, the report will include recommendations for how to resolve any potential harm to small issuers and to enforce the exemption.

This will help make sure that when Congress acts, we will have the facts about how we would impact small banks. That means the regulatory process is over in 12 months, and Congress does not have to revisit this issue. Let me say it again. Congress does not have to revisit this issue.

At the end of the entire process, there is still a regulated market for

debit interchange fees. That is what the Senate voted for last year, loudly and clearly, and we preserve the regulated marketplace, which is what Senator DURBIN and others have been calling for.

We will have regulated the marketplace once we fully understand all the costs relative to debit transactions and the impact of these rules on consumers and small issuers. That is what the majority of the Senate voted for last year, and that is what we will get. But it will be a regulatory framework that does not penalize small banks and credit unions and is fair by not setting prices below costs. When every banking regulator who has a role in overseeing the debit interchange market tells you that Congress has created a system that will not work in the way that was intended, then we ought to listen. Today's debit interchange market is not fair for some retailers, so I understand their desire to see it fixed.

But the answer is not to create a new system that is unfair to the small banks in Montana and other parts of rural America. The amendment the Senate approved last year was designed to punish Wall Street. But the result may be the bank in Ekalaka and the other banks all over rural America that will lose customers and potentially even fail.

Let's measure twice and cut once. Let's do it quickly, but let's make sure we get this right and that if we are going to create regulations, we are doing it in a way that is fair and consistent with the intent.

I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak favorably toward the Tester-Corker amendment.

Mr. DURBIN. Mr. President, may I ask the Senator from Tennessee if he would mind yielding and indicate how long he might be speaking?

Mr. CORKER. Mr. President, 8 minutes max—8 to 10.

Mr. DURBIN. I thank the Senator.

Mr. CORKER. I do wish to say that my friend from Montana has been a great partner in this effort. I know lots of times people use a lot of rhetoric down here to talk about what is happening and the fact that anyone who might be proposing this type of amendment might be supporting Wall Street institutions. But I think you can see that my friend from Montana is anything but Wall Street. Certainly, I think all of us are just trying to come up with a solution that makes sense.

I wish to give a brief history. Dodd-Frank came to the floor last year. There were numbers of amendments to the bill. One of the amendments that came to the floor was called the Durbin

amendment. It was an amendment that had no hearings. A lot of us—people such as myself who are opposed to price fixing—what the Durbin amendment said was that the Fed was going to set prices on debit transactions—were opposed to it. On the other hand, there were numbers of people in this Chamber who supported Durbin because they were frustrated with where retailers were and their inability to negotiate prices with Visa and some of the other companies. So they thought this might be a type of solution to that dilemma of not being able to have appropriate negotiations.

I think what all have understood, regardless of where they are on this issue now, is that the Durbin amendment did not actually give the Fed the ability to set prices as it relates to cost on debit cards. It only allowed certain costs—in other words, the incremental cost of a transaction. I think the retailers that I know are very strongly supportive of the Durbin language know—they all tell me this anyway in private—they could not operate under that same scenario.

But they are frustrated. So what TESTER and I and others—MIKE CRAPO, who voted for Durbin, I might add; KAY HAGAN, who voted for Durbin; Senator BENNET, who voted for Durbin—what people have realized is that the Durbin amendment is way too narrow and does not allow appropriate costs to be considered by the Fed when setting these rates.

So my friend from Montana who has numbers of rural institutions—I have the same in my State—we all realized this is going to be highly detrimental to the financial system. So what we tried to do is come up with a compromise that works for both sides.

As I mentioned, Senator CRAPO, Senator HAGAN, Senator BROWN, Senator CARPER, numbers of people have gotten involved in this and have come up with a one-vote strategy. I know numbers of people want to vote and get this behind them. I understand this is one of those issues where we have retailers on one side, we have bankers on the other side, and we feel, in some ways, we are trying to deal—we are trying to pick between friends. What I think we are trying to do is put a good, sound policy in place, a place that the retailers should be very happy because they are going to end up with a regulated market—something, candidly, I do not support.

But I think the Senator from Illinois has been very successful on that front. Basically, the retailers win on this because they are going to end up with something that is regulated. They feel as if they do not have the ability to negotiate with Visa and other institutions. So now the Fed is going to be setting pricing.

On the other hand, those Senators—most Senators in this body who under-

stand economics, understand business—also know you cannot run a business if you are only going to change the incremental costs. It would be akin to a pizza parlor selling pizza, literally, and only being able to charge for the dough it takes to make the pizza, not to be able to charge for electricity, not to be able to charge for the other things it takes to actually run that particular place.

I think we have come up with something that is a good middle-of-the-road solution. The Fed is directed to consider both fixed costs and incremental costs, something any retailer or any business in America would want to be considered if they were being regulated. We have also come up with a solution that allows the Fed to look back every 2 years and make sure those smaller institutions Senator TESTER is so concerned about, and I am so concerned about, that the Fed look at those to ensure that every 2 years these policies that are being put into place do not disproportionately negatively affect those institutions. If so, they recommend—they do not prescribe, they recommend to Congress—possible legislative remedies.

As the Senator mentioned, I think we should measure twice, cut once. I think this ends up putting this issue in the place that is fair. I am feeling momentum building around this. I will say the Senator from Illinois is an outstanding legislator. I think he has done a very good job championing this issue. I do not think we would be where we are on this issue without the efforts he has put forth.

But I think he realizes possibly that by not keeping in place all costs as it relates to a transaction, what you are doing is limiting the availability of that to the public down the road. You limit innovation. You limit the amount of technology investment that goes toward each transaction.

I hope very soon to be paying my bills by just swiping my electronic device in front of a cash register. I think we all see us moving toward this. But what the Durbin amendment does now, in the form it is in, is basically say to these institutions, when you conduct these types of transactions, debit transactions, you are going to lose money every time you do it. I do not think that is where we want to be.

Again, there are going to be some unintended consequences whenever there is a bill the size of Dodd-Frank that passes. Surely, all of us can come together and figure out more common-sense ways of solving problems such as this when they arise. I would have so to say that I like the way this body is functioning around this issue. We have people on both sides of the aisle who have realized this policy is one that is detrimental. We have people on both sides of the aisle who have tried to work together. We have three

iterations now of Corker-Tester to try to get it in a place that is in the middle of the road, that takes into account the concern of retailers, and takes into account the concern of small credit unions and small banks around this country that are going to be devastated, as all of the regulators have said.

This is unusual, by the way. We talk about regulatory overreach in this body. This is a case where we have given regulators the ability to regulate, and they are saying, please, do not make us do this. This is bad policy. That rarely happens in Washington. But it has happened in this case.

Out of respect for the tremendous amount of work so many people have put into coming up with a slightly better solution than the Senator from Illinois, who worked so hard on this issue, to put it forth originally, I would ask every Member to please, whether you end up voting with us or not—and I hope you will—please sit down for 10 minutes, just 10 minutes, and allow your staff to at least explain. I know a lot of people have made commitments 10 days ago, 1 week ago, to be on the other side of this. But I think most people have not seen the last iteration that puts this in the middle of the road, that keeps debit cards regulated but gives the regulators the ability to at least consider the costs that any normal business has when it functions.

I thank you for the time to talk about it. I thank the Senator from Illinois, who looks like he is getting ready to speak. I thank him for the way he has conducted himself. As a matter of fact, I think we have come up with such a great solution I would hope the Senator from Illinois would consider being a cosponsor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. To my friend from Tennessee, not a chance. My wife over the weekend, in Springfield, said: I would like you to clean the garage. I said: Well, I have decided to clean half the garage. It is a compromise. She said: With whom did you compromise? That is what we are faced with. Senators CORKER and TESTER have come to the floor and said: We have a compromise. With whom did you compromise?

It was not with the people who are affected by these debit card fees. No. They compromised among the banks. The banks all sat down and said: Let's work this out among us because we are talking about real money. That is their compromise. It is not a compromise.

What is this all about? The average person listening to this debate is going to think: What are they fighting over there in the Senate, this bipartisan battle? What we are talking about is something we all carry around in our wallets and purses these days, a debit card.

If I take this card and go to a local restaurant—well, let's use a different one. If I went to a local convenience store and said: I want to get a pack of chewing gum—Wrigley's because that is based in Chicago—I want to get a pack of Wrigley's chewing gum, here is my debit card, they take the debit card these days and they swipe it and they complete the transaction.

What you do not know, but the merchant knows, is he just lost money on that because it costs more to the merchant selling the goods to process the piece of plastic than they could possibly profit on the goods they are selling. So you wonder, how did it reach this point, where the use of this piece of plastic costs so much? It reached that point because the big giants of credit cards, Visa and MasterCard, said to merchants and retailers all across America: If you want to accept plastic at your place of business, then you are going to pay us a swipe fee every time that piece of plastic goes through the reader.

How much is that swipe fee? Turns out it is 1.10 percent, on average. It does not sound like a lot, but it is. The banks that issue these cards receive each month in swipe fees from all across the United States, from convenience stores, restaurants, hotels, charities—if you gave a donation to Red Cross because of the terrible tragedy that happened in Jopla, MO, and used your debit card, guess what. Visa and MasterCard got a percentage of it, the amounts you thought you were giving to the charity—college book stores, you name it.

Every time you sweep these, it ends up generating, each month, on average, for the banks across America, \$1.3 billion.

Each year, there are more than \$15 billion in swipe fees. What did the merchants have to say about how much they were being charged? Nothing. Take it or leave it, buddy. If you don't want to pay the swipe fee, don't take plastic.

Over the years, as you might expect, merchants and retailers said this is a rotten deal. Not only is this an invisible charge that we have to add to the cost of doing business on everything, we have no control over it. We are faced with paying a swipe fee or not accepting plastic and, in this day and age, imagine how long you would last in many businesses if you didn't accept debit cards.

So 4 or 5 years ago, I called for a study asking: What is a reasonable amount to charge? I was opposed, naturally, by the banking industry. They put out an all-points bulletin to kill the Durbin study of debit fees. They didn't want to study it. All that could do is put the spotlight on them. They don't want that to happen. So we waited and waited and last year we had the Wall Street financial reform bill. I sat

here patiently on the floor saying I want to offer this amendment to finally come up with a reasonable way to regulate this fee, which is not a product of competition and isn't transparent or disclosed. The vote finally came along.

After 25 amendments on Wall Street reform, they decided this vote would not require a majority, it would require 60 votes, a supermajority. OK. We won with 64 votes in favor of our position. It surprised a lot of people. It sure surprised the banks. They didn't think this Senate, on a bipartisan basis, would hold them accountable for the fees they are charging on the debit cards.

What do we say in the law? The Federal Reserve—a nonpartisan bank regulating agency—would have the authority to determine what is a reasonable and proportional fee for swiping the card, and that fee would go into effect this July—July 21—1 year after we passed the law. We said, in the meantime, to anybody who has thoughts, ideas or comments, send them to the Federal Reserve. They received 11,000-plus comments. Everybody had an idea. Some didn't like the law, some did—on and on.

So they came out with a preliminary report—not a rule—in December. You know what they found? They found that the average charge per transaction in the United States was 44 cents and the average cost to the bank for processing the debit transaction was about 12 cents—one-fourth. So the plot thickens.

It turns out the banks issuing these cards are not only charging this invisible fee, they are dramatically overcharging merchants and retailers. Guess what Mr. and Mrs. Consumer. We pay it; we pay it in additional charges. Even if you go into that store to buy a package of chewing gum with cash, the price has been raised because they are expecting you to give plastic instead, and you pay more. So then the battle was on—whether the Federal Reserve would issue this rule establishing a more reasonable swipe fee for these debit cards. It is a big battle.

Imagine, if you will, what it means to the biggest banks in America when they have on the line \$1.3 billion a month. They pulled out all the stops. A friend of mine—a lobbyist in Washington—said: Praise the Lord. Come up with some more ideas. This is a full employment amendment. Everybody in Washington who is a lobbyist is working on this amendment. We love you to pieces.

The sad reality is, it is coming—maybe—to a close with a vote on this amendment. But the banks and credit card companies started piling it on. Let me be fair. The other side did too. The merchants and retailers said: We want fair treatment, and if we have to fight to protect this new law, we are going to do that.

Senators TESTER of Montana and CORKER of Tennessee have offered an amendment I am about to describe. This is interesting, though. They are offering this amendment in an effort to stop the Federal Reserve from issuing a rule that will establish how much that swipe fee is going to be. How soon would the Fed issue the rule? Within the month, within a matter of days. They are desperate to get this amendment to the floor to try to stop the Federal Reserve from saying what is a fair swipe fee and to protect merchants, retailers, small businesses, and consumers across America. The banks want to stop them.

There is one other part of the story that is important. We decided that when we wrote this law, we would give smaller banks, community banks, and smaller credit unions an exemption. In other words, they are not covered by the Federal rule.

You say, why? From a consumer's point of view, all the arguments made still apply.

Well, that is true. But many of these smaller institutions are more financially vulnerable. I happen to agree with Senators TESTER and CORKER. I believe in community banks and local banks and want them to survive. So we carved them out. Instead, if the value of your bank is below \$10 billion, you will not be affected by this. If the value of the credit union is below \$10 billion, you will not be affected. How many did we exempt? Out of 7,000 banks in America, only 100 would be affected by the law. Out of 7,000 credit unions, only 3 would be affected by the law.

Then there is another part of the story. It turns out that the three biggest banks in America are the ones that make the most money on debit fees. Each month, they collect more than 50 percent of the debit fees. What are those banks? Chase, Wells Fargo, and Bank of America.

They have been fighting viciously to stop this rule from going into effect because there are billions of dollars at stake. They don't want to lose that income.

Let's have a little trip down memory lane about these banks. Do you remember a few years ago when these banks got us into the biggest economic mess in current memory? Did you notice any change in your savings account or perhaps your IRA—the money you put away for retirement? I sure did. I think Loretta and I lost about 30 percent of our value because they were playing games with subprime mortgages, new derivatives and AIG offices in London and this holy mess ended up being visited on families, businesses, and consumers across America. We were in a panic. The Chairman of the Federal Reserve, Ben Bernanke, and Treasury Secretary Hank Paulson met with us and said: If you don't do something immediately, banks all across America



are going to fail and our economy will collapse and not just here but across the world. So you have to come to their rescue.

We had to come up with a bailout for the banks. Remember that, taxpayers of America? How did the big three debit card banks do in the bailout? Chase got \$25 billion in taxpayer money because they had acted so recklessly and endangered their bank, and they needed a helping hand. Bank of America got \$45 billion in taxpayer bailout funds. Wells Fargo got \$25 billion in taxpayer bailout funds. Remember, taxpayers of America, when the same banks that will profit from these debit card fees were so desperate that they needed a helping hand from taxpayers to save their banks? Do you remember how they expressed their gratitude to us? It was heartwarming. As soon as they could, they called a meeting of the boards of directors and awarded one another bonuses for their reckless conduct. It warmed my heart that they were so appreciative of the taxpayers across America sacrificing with their taxes to save these big old banks.

Well, I have news for the taxpayers: They are back. They are back today, and now it is smaller—I will concede that—it is only \$15 billion a year. But these same big banks are asking for a handout and a subsidy from the Senate. Are we going to get shakedown a second time?

That is what this debate is all about. At the end of the day, if this amendment that is pending on the floor passes, then for at least 1 year—I think way beyond that—these banks will continue to take in \$1.3 billion out of the wallets and purses of consumers across America every time a person uses one of these plastic cards. I don't think that is fair. I don't think it is right. I think there is a way to deal with this honestly. I will tell you what it is.

Let the Federal Reserve issue its rule this month. They will come out with it. Let's look at it. Nobody knows what they are going to say. I have heard both Senators who introduced this amendment say: Well, we cannot accept this rule. They don't know what the rule is, and neither do I. It has not been published yet. At a minimum, should we not see it before we say it is unacceptable?

I am ready to wait. I trust that the Federal Reserve will do its job. I think it can produce a good rule—a rule that is fair to consumers, retailers, small businesses, and the banks too. Senator CORKER said the problem with Durbin's amendment is, he doesn't allow the banks to add in all the possible charges and costs in a debit card transaction; he is just allowing them to count the value of the dough and the pizza, not all the other things they might add in.

No. What we said was that you can charge a fee that is reasonable and pro-

portional to the cost of the transaction. Pretty simple, right? Reasonable and proportional. Well, this amendment on the floor decides to open the door wide. It is no longer reasonable and proportional. They have full pages describing all the different things the banks can add in to establish the fee they charge small businesses and consumers. Are you trusting of these banks to be careful with what they add in? I am not. I can tell you that when you look at the list of things they include, it includes executive compensation, because it is about the costs of the operation of the program, which happens to include a lot of managers and officers as well. I don't know what else it includes, but it is wide open.

Here is what the banks have said. Incidentally, I guess it is somewhat gratifying when your name is associated with an amendment and you hear it over and over—Chase, for example, wrote to every person that is a customer in my State of Illinois and said: Beware of the Durbin amendment. If it goes through, it reduces the debit fee charge we can charge, and your fees are going up. Your benefits and premiums are going to go down. Here is what Chase failed to mention—and the other banks as well. The total amount the Big Three banks take in in a year from debit cards fees is about a little over—almost half the total amount collected, about \$8 billion a year. So the argument that JP Diamond and Chase are making is that if you cut our credit card fees, your fees are going to have to go up, and it is a cost of doing business. What Mr. Diamond and others in that business failed to note is, last year on Wall Street, the banks awarded, in bonuses, \$20.8 billion. So when they argue that an \$8 billion loss means fees are going up, oh, really? Or does it mean bonuses might go down? On behalf of consumers and businesses across America, that is part of it.

Let me tell you a few things about the pending amendment. It is not a compromise. Second, it includes costs that cover the whole ballpark, that they can say we are going to add in the cost of ATM machines to the debit card fees and pretty soon, get serious, they are right back up to 44 cents a transaction. That is how it is designed.

They carefully wrote this so there is no effective date for the rule. It says the Board will decide the effective date. There is no effective date for this going into effect. That is awful.

Finally, the argument made on the floor over and over is that we just want to protect the community banks and credit unions. That is why we are doing all this—not a word in here—I take that back—there is one reference to these smaller exempt institutions. There are ways—and they know it—if they wanted to, to have even more protection and reassurance for the smaller

community banks and credit unions. They didn't include them because that is not what this is about. This is about all of the banks. Particularly, it is about the giant banks on Wall Street that have at stake in this amendment \$8 billion a year in profits—\$8 billion a year in subsidies through this amendment and through the second round of bailouts.

This is a good test for the Senate. I don't know how it is going to end. I won last year, but they have poured it on ever since. The banks have done everything they can to reverse what we accomplished last year. It is up to my colleagues now. They have to decide whose side they will be on. It is simple. They are either going to be on the side of the banks and credit card companies or on the side of consumers and businesses all across America, to give them a fighting chance. How many speeches have we heard on the floor of the Senate about small business? If we could unleash the power of small business—their expansion and hiring of more people—we could turn this economy back where it should be. This will be a direct hit on small businesses all across America if this pending amendment is enacted.

This is our chance to say to the big banks on Wall Street: If you can have \$20.8 billion in bonuses last year, you are doing quite well, thank you. Incidentally, one of these banks had a 48-percent increase in profits. They are doing okay, folks. We don't need a tag day for any of the Wall Street banks.

Secondly, if you believe in small businesses and merchants and retailers in your hometowns, stand up for them, fight for them. That is what they are asking for. That is what this debate is all about.

Let's wait until this rule comes out. Let's defeat this amendment, and see what the Federal Reserve says. I have given my word—and I will say it again—to work with any Senator on either side of the aisle. If we need to have any kind of reassurance or protection added to what we have done in this law, I am there. As I have said many times, the only perfect law I am aware of was carried down a mountain on stone tablets by Senator Moses. The rest of the time we just do our best. If there is a way to improve it, I will be there.

But at the end of the day, let's finally, finally, finally stand up for consumers and small businesses across America and say to the Wall Street banks and Visa and MasterCard: Sorry, this party is over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak about the Tester-Corker amendment that, hopefully, will be before us shortly.

I have to say I have just witnessed a great discussion of populism, and that

is, if an institution is making some money, let's take it from them and give it to others in the name of fairness.

I think everybody knows there certainly are tremendous numbers of small institutions across America that are very concerned about the Durbin amendment and its effects—and a number of small retailers. And there is no question, let's face it, the big boxes, my friends—Walmart, Home Depot, and Target—have funded this effort, as was mentioned, on K Street with the lobbyists. There is no question a lot of the larger financial institutions have funded the effort on the other side. There is no question. But the people who Senator TESTER and myself and others listen to are those folks who come in from our home States—the small community banks and credit unions around our country that are very concerned.

Let me talk about a couple of things. No. 1, the Senator from Illinois talked about timing. Well, we have been trying to find some vehicle to attach this amendment to for some time. The fact is, the Senate hasn't done any business this year. We come in from time to time and vote on a noncontroversial judge, but we have been trying to find some vehicle to attach this to, and we have been trying to do that for months.

Secondly, the Federal Reserve, which has been asked to put forth this rule, is the one saying what they have been asked to do is not appropriate. They have testified publicly saying the Durbin amendment is inappropriate.

Let me describe what the Senator said about reasonable and proportioned. That means if you went out and built a debit system—you invested in all the technology, the computers, the marketing, the fraud prevention, all the things that went into that—the Fed can now look at setting the price. After you have set all that up, and you are processing millions of transactions a year, if you send one more transaction across the wire, what does that cost you—after you have invested? That is what he is saying about reasonable and proportional.

There is no way any business in America could possibly operate under that scenario. Again, retailer after retailer after retailer has been in my office and said: We know the criteria laid out by the Durbin amendment is absolutely inappropriate. We couldn't function with that criteria. We don't know of any other way of solving this problem, and we hate to have the Fed involved in price setting.

So all of us set out to try—many of us set out to try—to solve that problem. What we have come up with is, in fact, a compromise, and this is what it says: We agree the debit card industry should be regulated. We agree retailers are having difficulty in negotiating with Visa and others. Let's get the Fed to set the prices based on the cost of

the transaction, which do include, I hate to say, some fixed costs in technology and other kinds of things, such as fraud prevention. The Fed has asked us to do that.

It is not as if we are usurping the Fed coming in and making a rule. They have testified publicly the way the Durbin amendment is written it is going to be terrible for community banks and rural banks.

I think we all know the Senator from Illinois likes to use these larger institutions, but all of us know the big guys just get bigger—they just get bigger—when we do these kind of things, and that creates hardships for the smaller institutions.

The fact that some two-tiered system was set up and won't work—I mean the FDIC has come in and said, look, you cannot make it work where the small banks and small credit unions are held harmless. It won't work. The OCC has come in and said it won't work. Market forces will take over. This will not work. They are going to get crushed. The State examiners, the State bank commissioners have come in and said the Durbin amendment, as written, is going to be disastrous for consumers. It is going to be disastrous for the smaller institutions with which we all deal.

I am not trying to carry water for either side. I am trying to come up with a solution that is fair. I have worked with Senator TESTER, Senator CRAPO, Senator HAGAN, Senator BENNET, Senator BROWN, and numbers of other people, trying to come up with language that hits that sweet spot. The Senator from Illinois is right, we have probably never developed a perfect law. But I think we have a responsibility, when we know something is about to happen that won't work, that is going to be devastating, to come up with something that meets the test of trying to be fair to both sides. And I think that is what this amendment does.

The Senator talked about all kinds of things being added. The banks can't just add it. The Fed is regulating them. The Fed will decide what is reasonable and proportioned. The Fed will decide, but they will use all of the costs that it takes to actually do those operations and the cost, which the Durbin amendment did not do.

I think this amendment meets the test. I know there are numbers of people who voted for the Durbin amendment in the past who have now coauthored this. They coauthored this because they realize the Durbin amendment was far too narrow; that the Durbin amendment didn't take into account anything but, again, the cost of adding one transaction on top of an infrastructure that had already been built. There is no business that could operate that way.

The Presiding Officer used to be part of a weekly broadcast. If all that was charged was the incremental cost of

that going out and being broadcast to other television stations around the country, and that was the only cost he could get, there is no way our Presiding Officer would have been known to America the way he is now known because there is no way that operation could have succeeded.

This is a very commonsense solution. People who supported the Durbin amendment during this debate—even though there was never a hearing held; and it was a pretty major issue to never have a hearing in the Banking Committee—and it was passed at a time when many people around this country were rightfully upset with some of the larger players in our financial system—have now woken up and they realize this is a bad piece of policy. But if we tweak it, then the retailers still end up with a regulated market where they are not overcharged.

The institutions are providing this service. By the way, it is a service or people wouldn't use it. Retailers like getting their money instantly and people like being able to carry around plastic to pay their bills instead of cash. But what this amendment does is puts it in the middle of the road where it is fair to the retailers, fair to the institutions involved, and most of all it protects consumers around this country. I think we have seen the letters that were sent out as to what is going to happen to consumers if the Durbin amendment goes into effect as it is now laid out.

The Senator does a great job, I know, in taking a few of these institutions that no doubt behaved badly, and causing the whole thrust of this to be about poking a stick in the eye of these institutions that have paid bonuses and made bad decisions. But the fact is, this is a bad policy as it exists. The Tester-Corker amendment, with many other cosponsors, is something to bring that into the middle of the road. So I ask each Senator to please spend 10 minutes with your staffers and understand what the third round of revisions does. Look at this commonsense solution that has been put forth by the best efforts of this body, with people working together to get here, and hopefully we can end up with a piece of legislation of which we are all proud.

We can continue to have a financial system that is strong and that includes the many small players we depend upon in small communities across this country, and we can also continue to have a viable retail industry that counts on the additional sales they get from having access to these types of transactions.

With that, Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wanted to make sure the Senator from Tennessee knows his amendment is pending. It has already been put into play,

and we are on it at this time. I just wanted to be sure he knew that.

Mr. CORKER. I thank the Senator. There was some discussion a minute ago about when it was going to occur. I thank you for that and for your deft management of this bill.

Mrs. BOXER. Thank you very much. The Senator from Tennessee probably won't agree with my position on his amendment, but I do know my friend has worked long and hard with Senator TESTER and others, and I appreciate all the time he has put into trying to come up with what he considers to be a compromise.

I do want to say this. The Senator talks a lot about the Durbin amendment. There is no Durbin amendment. It is the law. The Durbin amendment was included in the bill that is now the law of the land. So it is a question of saying that we should essentially repeal it or delay it, study it, whatever the word is, before it has a chance to actually go forward.

I understand that, and I want to say for the record where I stand on it. I have met with all sides. I have met with the retailers, that are very strongly supportive of the Durbin law. I have met with the banks, and they are fiercely against it. The credit unions are very worried they are going to get hit with a situation where they will not be able to compete with the banks. I have told them all the same thing, which is I think what is important when we pass a reform is to see if it is going to work, and if it doesn't work, I agree with Senator DURBIN, we will do everything in our power to work that out.

I understand the Fed says, help me, give me guidance. I think there is a lot of guidance in the law. I think every bureaucracy in the world would rather have the details fall on us. I think the details fall to them. So I am going to be voting no on the amendment. I do appreciate, however, all the work and all the time and effort that went into trying to pull us all together.

I will say the last thing on the swipe fee that I find compelling is the swipe fee reform my friends want to delay—and was signed into law last year—places reasonable constraints on the fees Visa and MasterCard fix on behalf of the Nation's largest banks. But here is the thing. The United States has the highest debit interchange fees in the world, and the rates keep going up. The average debit interchange fee in the U.S. is 1.14 percent. The average debit interchange fee in the European Union is 0.20 percent, and the average debit interchange fee in Canada is zero. So it is not as if the banks are taking it on the chin here.

I feel we should give this a chance to work. I am not saying it is the perfect law. As Senator DURBIN said, maybe there was one perfect law—the Ten Commandments—but as far as laws

here, they can all be made better. It may well be once the Fed acts, if we are not happy, we can move at that time.

I want to get back to the bill, the underlying bill we are debating, which is the Economic Development Administration reauthorization, and to thank Senator INHOFE for his remarks he made on the floor about it. He pointed out that we have a lot of work to do here to create jobs. When we have a program that takes \$1 of Federal funds and it attracts \$7 of private investments and many jobs, we ought to come together.

I will go through a couple of charts.

The EDA is an efficient job creator. They just are. In 2009 and 2010, investments by EDA created over 160,000 jobs and saved nearly 45,000. One dollar of EDA investment is expected to attract—and this is a fact—it has attracted nearly \$7 in private sector investment on average. Sometimes it is \$10, sometimes it is \$15, sometimes it is \$4, \$3, \$2, but the average is \$7. EDA project funding creates one job for every \$2,000 to \$4,600 invested. You see the average cost of creating a job is very low in terms of the Federal investment. This is terrific. This program really works.

There are a couple of things we believed we ought to take a look at—duplication and also a way for the community to buy out the Federal Government share of a project. We put that in the reauthorization. We believe we really strengthened this law, and I again thank the Democrats and Republicans on the Environment and Public Works Committee.

This morning, I went through some of the programs in California:

The city of Dixon, \$3 million for a water system that is expected to create 1,000 jobs and leverage \$40 million in private investment—\$3 million attracting \$40 million in private investment.

The city of Shafter, \$2 million for sewer and water. It is going to develop an additional 600 acres to enable continued growth of the East Shafter Logistical Center and is expected to create 1,400 jobs and leverage \$250 million in private investment.

San Jose, \$3 million for the renovation and expansion of the Center for Employment Training. They can then expand their capacity by 860 students, expand access to the GED, the literacy, language, and small business entrepreneurship classes to low-income areas. This is absolutely key. It really should bring us together because they are training students so students get out and get their GED, get their literacy, and can really make sure the community is growing and thriving. That particular grant is expected to leverage \$3 million in private investment and create 4,900 jobs. So it is a 1-to-1. In that case, it is \$3 million of public and \$3 million of private.

Nationwide—I talked about this. I talked about other examples, but I didn't mention ones on the west coast. In the Central Valley, there was a 23,000-square-foot water and energy technology incubator, and the incubator has housed more than 15 entrepreneurs since it opened in 2007. They obtained \$17 million in private capital and created jobs for Californians, so \$1.8 million attracted \$17 million.

We have the case of Boeing, and they were able to expand one of their campuses. It created 2,000 jobs.

I talked about Duluth. In 2001, an EDA grant of \$3.5 million matched by \$2.3 million from the city of Duluth helped build the Duluth Aviation Business Incubator at the Duluth Airport. This investment helped Cirrus Aircraft grow from a handful of employees to 1,012 by 2008. It is now leased to Cirrus Design Corporation, which has the largest share of the worldwide general aviation market.

When we are talking about the EDA and the way it attracts private sector funding and creates jobs, this is not hyperbole, this is not just rhetoric, this is reality. This is a program that has been going on since 1965. Republicans and Democrats have supported it. The last time it was authorized was when George W. Bush was President. It passed unanimously.

So I stand here today on the opening day full of hope, hoping that is not naive, hoping we will see a few amendments—that is all fine. We don't mind amendments. Amendments are fine, but let's have reasonable discussion and reasonable time set aside and move on.

There is the Maytag plant in Newton, IA, which employed 1,800 factory and administrative workers. It was closed. We all know how painful that is. We remember back when we were losing 700,000 to 800,000 jobs a month. It was not that long ago. By 2008, the city identified two new manufacturing operations that could be located at that old plant—TPI Composites, Inc., a wind turbine blade manufacturer, and Trinity Structural Towers, Inc., a manufacturer of massive steel towers for windmills. The EDA invested \$580,000 in 2008 for grading, site preparation, and surfacing for a wind tower storage facility that was leased to Trinity and created 140 jobs and generated \$21 million in private investment.

That same year, EDA also invested \$670,000 in the Central Iowa Water Association in Newton to help build a booster station and storage tank to serve TPI. This project helped create 500 jobs and generate \$40 million in private investment.

On the east coast, in 2010 the EDA gave a \$750,000 grant to Seedco Financial Services, Inc., a national nonprofit community development financial institution. Seedco used this funding to provide capital to Sub Zero Insulation

and Refrigeration Technologies, LLC, which is a family-owned manufacturer of custom, environmentally friendly, energy-efficient insulated commercial truck and van liners—Sub Zero. It is pretty famous. They are located in Brooklyn, NY. They had been denied financing by a major bank.

This is the thing. A lot of our companies—while the banks want to charge very high swipe fees, they are somehow absent when our companies need them. In 2010—that is just last year—Sub Zero was denied financing. EDA provided access to capital, which allowed Sub Zero to fulfill its contract with Edible Arrangement to outfit delivery vehicles and to win contracts from Ford, Chevy, and Dodge. This allowed Sub Zero to hire 15 new staff. They started in 2004 with just 3 employees and producing 75 vehicles a year, and the company now has 20 employees and produces approximately 400 vehicles a year.

It goes on.

EDA provided \$2 million to help build the Knowledge Works preincubator facility as part of the development of the Virginia Tech Corporate Research Center, and now we have seen 2,000 high-wage jobs created and the inception of 140 high-tech businesses.

The way EDA works is there are regional offices, about six of them, and they get funded through the Appropriations Committee to the Commerce Department, and then each region makes the decision as to which projects really meet the goals of the legislation, which is to bring economic development to distressed areas, create jobs, and leverage the dollars.

In addition to this, EDA—in 2008 we gave them an extra \$500 million in disaster assistance to give to areas which were experiencing disaster problems, and they assumed the role of a secondary responder, working with affected communities to support long-term postdisaster rebuilding. As an example of that, again back in Iowa, they provided funding to help construct and install an upgraded, energy-efficient natural gas-fired boiler system in Cedar Rapids, IA, following a flood that destroyed the boiler that had provided steam heat and hot water to Saint Luke's Hospital and Coe College. We all know what happens when a hospital can't count on a backup generator: they can't count on energy. We know what happens when that occurs: everything shuts down, and people are in peril. EDA steps in in these areas, and while FEMA is dealing with the immediate impacts, they are looking a little bit more at the long-term work that could be done so that when and if there is another disaster, the community is ready.

All I can tell you is nothing is perfect. I am sure there are examples we have that are not as good as the ones I mentioned. I am sure there are because

nothing is perfect and nobody is perfect. But this is a very good program. It is time-tested, signed into law by Democratic Presidents and Republican Presidents. The last time, it passed here by unanimous consent, was voted out of the committee which I am privileged to chair with almost unanimous consent. We had one dissent, and that is fine. We hope we will win over that dissenter. But here is where we are. We have a chance to reauthorize this program.

There are reforms we have made. I want to share some of the reforms we have made. This can go on without an authorization and stumble around. But what is important at this particular time, when the main three issues on people's minds are jobs, jobs, and jobs, is we have to do a jobs bill. This is a jobs bill. This creates jobs at very low cost to the Federal Government. This creates jobs in the private sector in some of our cities and public works areas.

This is what we did in order to help people understand why we think it is important to reauthorize this. Working with my ranking member, Senator INHOFE, we came up with some good reforms.

We changed the current cost-share requirements, so we increased the Federal share for areas in which unemployment is especially high and per capita income is especially low because we want to make sure that when we go into an area that is deeply in need, we do a little more for them.

We require additional planning assistance if overall funding levels increase. In other words, we want to keep our eye on these projects. We want to make sure they are meeting their goals.

We modified the existing Revolving Loan Fund Program to allow recipients to convert an existing revolving loan fund to carry out another EDA-eligible project. So we take the bureaucracy and say: Look, if they have a better idea, let's go forward and let them use those funds in that way.

We modify rules to allow recipients of grants that are more than 10 years old to buy out the Federal Government's interest at a depreciated rate. In other words, if a State, city, county or participant says: You know what, we want to do this on our own, this is an older grant and we believe we want to take it over, they can buy out the Federal Government's interests.

We emphasize that EDA should work with Federal, State, and local agency partners to support economic and workforce development strategies.

Senator INHOFE mentioned his reform that he made sure happened, which is that we are not duplicating other programs. That is important. We don't want to be duplicative. We want to be sure that what we are doing is not being done elsewhere.

We walk in and we do something, frankly, that people need now: We create jobs and we leverage. That word "leverage" has become the first thing out of my mouth when I talk about things I support now. That is why we support the highway bill that we hope is going to come here in a bipartisan way. We leverage dollars. Anytime you can leverage dollars—you put \$1 down for something good, and people come to the table from local government, the nonprofit sector, the profit sector, State, all the different agencies, all the different parties come together and say: This is a great idea. If we all kick in just a little, we are going to do something big. That is the idea behind the EDA.

I visited projects in my own State, shopping malls and other things that were done in these very fine communities where it is tough to get capital, where the banks just turn their backs, where perhaps the venture capitalists are saying: This isn't our cup of tea. That is why this is a successful program.

Again, I hope we will have debate today on the Tester-Corker amendment. It is a very controversial one. It is not happy because it is one of these things where, if you do one thing, 50 percent of the people think you are right, and if you do the other, 50 percent think you are wrong, although Senator DURBIN says the polls show that people support these lower fees in this case. But I respect the fact that the amendment was offered on this bill. It is an amendment that is directly related to our economy. But I hope we vote tomorrow, as early as possible, and I hope we do not have a lot of amendments dragging us down because, guess what, people are looking at us and they are thinking: Why aren't they doing more to create jobs? This will send a signal that we are making EDA a priority.

This is not a big spending measure. This is an authorization, and the number at which we are authorizing has been frozen so we are not adding to it. But we are sending a signal to the appropriators and to the Commerce Department that we think this is a good and important program.

Madam President, I thank you very much. I have said my piece for the moment. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that following morning business on Wednesday, June 8, the Senate resume consideration of S. 782, the EDA Revitalization Act, with the

time until 2 p.m. equally divided between the proponents and opponents of the Tester amendment No. 392 regarding swipe fees; that at 2 p.m. the Durbin amendment No. 393 be withdrawn and the Senate proceed to vote in relation to the Tester amendment No. 392, with no amendments, motions, or points of order in order prior to the vote other than budget points of order and the applicable motions to waive; the Tester amendment be subject to a 60-vote threshold; and the motion to reconsider be considered made and laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to express my appreciation to Senators DURBIN and TESTER for their warm relationship and to every Senator here on this most difficult issue, for allowing us to get this done tomorrow expeditiously. It is something that had to be done and it is the right thing to do and we will move forward upon completing this to try to do other things on this very important piece of legislation.

#### MORNING BUSINESS

#### NATIONAL HUNGER AWARENESS DAY

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger Awareness Day. On this day, we focus on the more than 50 million people in the United States without enough to eat and reassert our commitment to assist those in need.

Millions of families live each day not knowing if they will have enough to eat. Rather than thinking about what the next meal will be, these parents worry if there will be a next meal. Rather than concentrate on homework, these children are trying not to think about their hunger pangs. In a nation as resourceful and agriculturally abundant as ours, this is inexcusable. If children—or adults—are hungry in America, that is a problem for all of us.

The level of hunger in our Nation is at the highest level since the government began tracking food insecurity in 1995. The number of Americans experiencing hunger increased from 35.5 million in 2006 to 50 million in 2011. In Illinois, over 11 percent of households are food insecure. These are working families who just aren't able to make ends meet and are forced to skip meals to make sure food will last through the week.

At a time when millions of middle class Americans are struggling to keep up with higher gas prices and grocery bills, more families are looking to Federal programs for assistance. Throughout the country, Federal hunger assistance programs have responded to this growing need by providing essential

support to hungry families. Over the past 2 years, Illinois food banks have seen a 50-percent increase in requests for food assistance.

According to the U.S. Department of Agriculture, applications for food stamps are on the rise at the same time recipients are making more frequent use of food pantries to fill gaps in their grocery needs. Over 44 million people nationwide rely on the Federal food stamp program. Currently, 1,802,252 people in Illinois receive food stamps, an increase of 14 percent from last year and the highest level ever in Illinois. But for the millions of people who don't have assistance, everything is different.

We know hunger is a reality in our communities. We see long lines at our food pantries. We have heard from seniors forced to choose between groceries and medication. And children are in our schools who have not had a decent meal since the previous day's school lunch. We see families showing up a day earlier than normal at the food pantry because the monthly pay is not stretching as far it once did. Parents are giving up their own meal to make sure their child has something to eat at night.

Last week, I visited a Summer Food Service Program at the Boys & Girls Club in Decatur, IL. This summer program provides 2 free meals a day to up to 150 children. For the over 500,000 Illinois children in food insecure households, the summertime means months without the free and reduced breakfasts and lunches available in school. Thanks to the Summer Food Service Program, food banks, and food pantries, families who are having a difficult time keeping up in our tough economy are able to put meals on the table. One woman with three kids in the Summer Food Service Program in Decatur said the meals provided in the program help her save money so she can afford to put gas in her car to get to work.

In the Nation that prides itself as the land of plenty, we cannot hide the fact that we need to protect these vital antihunger programs and that we need to do better at making sure everybody has at least enough to eat. As Congress works to rein in our Nation's debt, I look forward to working with my colleagues to ensure we make responsible decisions that protect vital antihunger programs like the Supplemental Nutrition Assistance Program and the Emergency Food Assistance Program.

If there is one hungry person in our Nation, hunger will be a problem for all of us. I hope we will continue to work together to fulfill our duty to end hunger in our Nation and the world.

#### TAIWAN AIR DEFENSES

Mr. CORNYN. Mr. President, on February 23, 2011, the RAND Corporation

released a report funded by and prepared for the U.S. Air Force entitled, "Shaking the Heavens and Splitting the Earth." This report provides a comprehensive review of the capabilities of the Chinese Air Force, and it is alarming. In less than a decade, China has transformed its air force from an antiquated service based on 1950s-era Soviet technology into a modern, highly capable 21st century air force. RAND predicts that, by approximately 2015, the weapon systems and platforms China is acquiring "would make a Chinese air defense campaign, if conducted according to the principles described in Chinese military publications, highly challenging for U.S. air forces."

Without question, China's military expansion poses a clear and present danger to our longstanding ally, Taiwan—a threat that also has very serious implications for the United States. In its report, RAND predicts that, should the United States have to intervene in a conflict between Taiwan and China, the United States "should expect attacks on its forces and facilities in the western Pacific, including those in Japan. . . . Chinese military writings, moreover, emphasize the advantages of preemptive and surprise attacks, so it is possible that Chinese attacks on U.S. forces in the western Pacific would precede a use of force against Taiwan." RAND further states that, in the event of a military conflict off of Taiwan, "even if the United States intervened on a large scale," the "capabilities of Taiwan's armed forces would also be critical to the outcome. . . . Defending Taiwan against air attack is feasible if Taiwan makes systematic, sustained, and carefully chosen investments."

These military investments by Taiwan are critical, due to the continuing deterioration of its air force. A January 21, 2010, Defense Intelligence Agency, DIA, report on the current condition of Taiwan's Air Force quantified its eroding air capability in stark terms: "Although Taiwan has nearly 400 combat aircraft in service, far fewer of these are operationally capable. Taiwan's F-5 fighters have reached the end of their operational service life, and while the indigenously produced F-CK-1 A/B Indigenous Defense Fighter, IDF, is a large component of Taiwan's active fighter force, it lacks the capability for sustained sorties. Taiwan's Mirage 2000-5 aircraft are technologically advanced, but they require frequent, expensive maintenance that adversely affects their operational readiness rate."

Last August, the Department of Defense, DOD, released its 2010 Annual Report to Congress on the Military and Security Developments Involving the People's Republic of China. It states: "Cross-Strait economic and political ties continued to make important progress in 2009. Despite these positive trends, China's military buildup opposite the island [Taiwan] continues

unabated. The PLA is developing the capability to deter Taiwan independence or influence Taiwan to settle the dispute on Beijing's terms while simultaneously attempting to deter, delay, or deny any possible U.S. support for the island in case of conflict. The balance of cross-Strait military forces continues to shift in China's favor." This report recounts that China has a total of approximately 2,300 operational combat aircraft, including 330 fighters and 160 bombers stationed within range of Taiwan.

These disturbing reports are just the latest warnings that highlight both China's military expansion and Taiwan's increasing need for new defensive weapons. Some have openly questioned whether selling arms to Taiwan is worth the political cost to the U.S.-China bilateral relationship. Surely, we would all prefer to have Taiwanese pilots flying Taiwanese fighter jets as the island's first line of defense, instead of American military pilots. Taiwan understands this, and it wants to remain the primary guarantor of its own freedom and democracy. A strong and robust defensive capability built on an air force capable of holding its own with China will promote a Beijing-Taipei détente that can build on the work President Ma has done to ease tensions and promote better economic ties with China. It remains to be seen how far the Obama administration's support extends to Taiwan and whether this administration will try to strategically counter the military rise of China.

China should never be allowed to dictate U.S. policy, either directly or indirectly. That includes our decision to sell defensive weapons to an important democratic ally. Yet there is evidence that this administration is already bowing to Chinese pressure. According to a February 7, 2010, report by Defense News, China's extensive holdings of U.S. Government securities are already directly influencing U.S. national security policy. This article reports that, according to an unnamed Pentagon official, Obama administration officials softened a draft of a key national security document in order to avoid "harsh words" that "might upset Chinese officials at a time when the United States and China are economically intertwined." The article indicates that Pentagon officials "deleted several passages and softened others about China's military buildup." This critical document, the 2010 Quadrennial Defense Review, QDR, is intended to provide an assessment of long-term threats and challenges for the Nation and to guide military programs, plans, and budgets in the coming decades.

Although the QDR was watered down by administration officials, other reports effectively highlight the disparity between China's diplomatic rhetoric and its true intentions, as

demonstrated by its rapid and robust military modernization effort. According to the DOD's 2010 report on China, "The pace and scope of China's military modernization have increased over the past decade," increasing "China's options for using military force to gain diplomatic advantage or resolve disputes in its favor." The DOD's report highlights to China's military modernization has been focused on "improving its capacity for force projection and anti-access/area-denial." These modernization efforts are heavily focused on offensive capabilities, including the development of an antiship ballistic missile with a range in excess of 1,500 km that is "intended to provide the PLA the capability to attack ships, including aircraft carriers, in the western Pacific Ocean," as well as an active aircraft carrier research and development program. Moreover, PLA Air Force, PLAFAF, Commander General Xu Giliang has emphasized the transformation of the PLAFAF "from a homeland defense focus to one that 'integrates air and space,' and that possesses both 'offensive and defensive' capabilities."

It is because of China's military rise and the troubling shift in the cross-Strait balance in China's favor that Taiwan recognizes its need to modernize its air force. As a result, Taiwan has made repeated requests to purchase new F-16 C/D aircraft from the United States since 2006. Taiwan desperately needs these F-16s—a "carefully chosen investment"—which are comparable to China's own domestically-developed J-10 fighter aircraft.

Yet despite a compelling argument, Taiwanese President Ma's requests to the United States to purchase these aircraft continue to be snubbed. In an interview with the Washington Post, President Ma said, "Our objective in improving cross-strait relations is to seek peace and prosperity. However, the Republic of China (Taiwan) is a sovereign state; we must have our national defense. While we negotiate with the mainland, we hope to carry out such talks with sufficient self defense capabilities and not negotiate out of fear. This is an extremely important principle. Therefore, we must purchase the necessary defensive weapons from overseas that cannot be manufactured here in Taiwan to replace outdated ones. This is essential for our national survival and development."

Moreover, the United States has a statutory obligation under the Taiwan Relations Act of 1979 to provide Taiwan the defense articles and services necessary to enable Taiwan to maintain sufficient self-defense capabilities, in furtherance of maintaining peace and stability in the western Pacific region. Our obligations under the Taiwan Relations Act recognize that the key to maintaining peace and stability in Asia in the face of China's dramatic mili-

tary expansion is ensuring a militarily strong and confident Taiwan.

To that end, in early 2010, President Obama notified Congress of a \$6.4 billion military sale to Taiwan. This was a welcome step, but it remains the only visible step the Obama administration has taken to provide Taiwan the defensive arms it needs, in accordance with our statutory obligations. While the administration dithers on Taiwan's request for F-16s, evidence continues to mount that what Taiwan desperately needs to restore the cross-Strait balance and regain the ability to defend its own airspace is new fighter aircraft to bolster an air force that is borderline obsolete.

It is my understanding that the administration may favor selling Taiwan upgrade kits for its existing fleet of F-16 A/Bs, instead of selling Taiwan brand new fighters. Such a tradeoff will not enhance the security of Taiwan. What Taiwan's air force needs is new F-16s and the ability to deploy them in sufficient numbers to strengthen its defensive posture. Simply upgrading airframes that are more than 20 years old is not a solution—it is nothing more than a public relations Band-Aid. Efforts to upgrade Taiwan's air fleet have to be coupled with the sale of new aircraft that can serve for two decades or more into the future.

Another important consideration is the shrinking time window for this purchase. The continuing production of new F-16s is dependent on foreign sales. It is my understanding that, if no new overseas orders are secured this year, the thousands of U.S. suppliers who help build the F-16 will begin shuttering that capability. Once this happens, it will be very difficult and expensive to restart the supply chain. Washington has a longstanding habit of putting off difficult decisions, but the decision on whether to sell new F-16s to Taiwan is literally now or never.

As the DIA report made clear, the majority of Taiwan's 400 fighter aircraft need to be retired or upgraded. Within the next 5 years, Taiwan will have to mothball or scrap more than 100 combat aircraft—one-quarter of its current force. Without the ability to augment its air force with new F-16 aircraft, as well as updates to its existing fleet, Taiwan will lose all ability to project a defensive umbrella over the island. The repercussions of a rising and potentially aggressive China, able to dominate the airspace over Taiwan, demands the attention of our military planners, government officials, and Members of Congress because it opens the door for China to use force against Taiwan. To that end, I was proud to recently join with 43 of my Senate colleagues in sending a letter to President Obama urging him to act swiftly to provide Taiwan with the F-16s that are critical to preserving Taiwan's self-defense capabilities.

It is time to recommit ourselves to strengthening the ties that bind the U.S. and Taiwan together—from arms sales to free-trade agreements. Doing so will promote peace and stability in the region, while also protecting U.S. and Taiwanese security interests. I urge President Obama and his administration to move quickly and work with Taiwan to notify the sale of these fighter jets to Congress.

#### NEVER TO FORGET

Mr. LEAHY. Mr. President, last week Senator COCHRAN, Senator GRASSLEY, Senator SHELBY, and I travelled to Flanders Field, the American Cemetery and Memorial in Belgium. We visited the cemetery on the eve of Memorial Day to take part in a ceremony honoring Americans who have made the ultimate sacrifice for our freedom.

The U.S. Ambassador to Belgium, Howard W. Gutman, shared an extraordinary poem he had written at the commemoration. "Never to Forget" is a tribute to those who gave their lives for our country and also a reminder that we must heed the lessons of our past to create a better future for our children.

I would like to share Ambassador Gutman's poem with my colleagues. I ask unanimous consent that a copy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### NEVER TO FORGET MEMORIAL DAY 2011

We commemorate Memorial Day never to forget.

Never to forget who they were.

Men and women of many titles.

To some they were sergeant or colonel or general;

To others they were mom or dad,

Uncle or aunt . . .

Son or daughter.

To us, they are all heroes.

We honor them all.

And we honor their parents who lost children.

We honor their children who lost parents.

As a head of one of our American Battlefield cemeteries once told me:

For those buried in his cemetery

They remain each day on active duty. . .

And on each day that we fail to remember them . . . that we fail to honor them . . . they have served a day without a mission.

Every soldier is entitled to his mission.

Here at Ardennes American Cemetery/Henrichappelle—we—Belgians and Americans, parents and children—we are that mission.

We commemorate Memorial Day never to forget.

Never to forget what they did.

Every one of them understood when they joined that the road would be rough.

They knew that this was not about television commercials boasting pressed uniforms and glistening shoes or steeds clashing on chessboards.

They knew this was not about training exercises amidst sunny days in North Carolina,

They knew instead that this was about life and death.

They knew that for every moment of thrill, there could be months of fear.

But they knew that the rest of us needed them. They knew our fellow world citizens had been victims of murder or terror.

Perhaps they knew in 1915 that the poppies and the hearts of Belgians had been trampled on the way to 9 million deaths in WWI.

Or perhaps they knew in 1944 that Max Gutman was hiding in the woods in Poland after every other Jew in his small town of Biyala Rafka had been slaughtered. Maybe they knew that his dream one day to come to America, to raise a future U.S. Ambassador to Belgium, had nearly been extinguished along with the future for so many Poles and Catholics and Jews.

Maybe they knew in 2001 that our citizens had been the victims of terror and remained under threat.

Whenever they served, wherever they served, they knew we needed someone to help, to respond, to free, to save, to protect.

And they said, "I will."

We commemorate Memorial Day never to forget the face of evil.

We welcome all into the brotherhood of man.

We will meet you far more than half way. We and our allies will send our diplomats, help feed your poor, and treat you with respect. But threaten none, harm even fewer,

We commemorate Memorial Day never to forget.

Never to forget what they died for.

Can you hear them each and every one of the 5323 buried here and the tens of thousands buried elsewhere . . .

Can you hear them?

If not, it is because you are listening with your ears.

But on Memorial Day, we listen not with our ears, but instead with our hearts.

And with our hearts we can hear them loudly and clearly.

They tell us that they lived in a country that believed in freedom and understood right from wrong.

And they tell us that they believed in service, in duty, in the mission of creating a better world.

They tell us never to forget, but certainly to move forward and build bridges where pools of hatred previously existed.

They fought and they died to move us a step closer towards the brotherhood of man. We must never use their memory as an excuse not to get there.

Thus while we can never forget, while we will never forget, we will forgive those who have followed. Where we faced each other to the death, we will walk together to rebuild a better life.

And that may be the most enduring lesson—lessons for Belgium, for Europe, for the Middle East, or for all places where tensions rooted in the mistakes or ill deeds of the past threaten the progress of the future.

The lessons are that we need not carry the blame nor clear the name of our parents and grandparents looking back.

Rather that we build a better name for our children and our grandchildren going forward. That we must use the lessons of the past to carve a better future.

We are so used to the expression "Forgive but don't forget." And of course Memorial Day proclaims that we shall never forget.

But in making sure we don't forget, sometimes we don't truly forgive.

We commemorate Memorial Day never to forget precisely so that we can forgive.

—Ambassador Howard Gutman

#### TRIBUTE TO RICK COCHRAN

Mr. LEAHY. Mr. President, my fellow Members of the U.S. Senate have heard me say this before, but today I have reason to say it again: Vermonters are some of the most innovative and hardworking people in this country. The U.S. Small Business Administration recently highlighted one of these great individuals when it named Rick Cochran of the Mobile Medical International Corporation in St. Johnsbury, Vermont, as the 2011 National Small Business Person of the Year.

Mr. Cochran deserves this recognition for his many years of hard work building a successful small business that provides mobile, combat-ready shelter systems both in the U.S. and abroad. In collaboration with the U.S. Department of Defense, the U.S. Department of Veterans Affairs, the U.S. Air Force, and others, Mr. Cochran and his team provide quality medical services to the many dedicated men and woman worldwide who put their lives at risk in the military. Mr. Cochran has also deployed mobile surgical units across the globe to developing countries, giving third world countries cost-effective mobile access to modern medical facilities.

From an otherwise nondescript industrial building in St. Johnsbury, Mobile Medical has touched the lives of thousands of people from across the globe. Whether the company is shipping units to the Middle East, deploying units with National Guard soldiers, or quickly delivering aid to communities devastated by natural disasters here at home, the men and women who have engineered and manufactured these mobile medical facilities have found a novel and cost-effective way to deliver state-of-the-art medical care in some of the world's most challenging environments. Just last week, I learned that Mobile Medical had already deployed mobile healthcare facilities to assist in the recovery efforts in Joplin, MO, following the catastrophic weather that left hundreds dead and thousands more injured.

Mr. Cochran and his staff have improved the lives of others both abroad and locally, as their business has created hundreds of job opportunities for Vermonters in our rural Northeast Kingdom. As a longtime supporter of Mobile Medical, I was pleased to see this locally owned business recognized for the great work it has done in Vermont and across the globe.

I continue to be proud of the many small businesses thriving across Vermont. And today I am especially



proud of the work of one small business that has succeeded both financially and socially Mobile Medical International Corporation of St. Johnsbury, VT. I wish Rick and his business continued success in the future. I also ask that the May 20, 2011, U.S. Small Business Administration announcement of this award be printed in the RECORD.

The information follows:

VERMONT MANUFACTURER OF MOBILE HEALTH CARE UNITS IS NATIONAL SMALL BUSINESS PERSON OF THE YEAR

[Friday, May 20, 2011]

WASHINGTON.—When Rick Cochran was working with five employees in his basement in Walden, Vt., his dream was to find a way to provide advanced medical care to underserved areas, and build a company that could deliver it.

Today, the Vermont manufacturer of state-of-the-art mobile healthcare and diagnostic units was named 2011 National Small Business Person of the year by Karen Mills, Administrator of the U.S. Small Business Administration. Mills made the announcement during ceremonies at SBA's celebration of National Small Business Week in Washington, D.C.

First runner-up is Deborah Carey, president and founder of the New Glarus Brewing Company, in New Glarus in southwestern Wisconsin. Second runner-up is Leigh Kamstra, owner and chef of Roma's Ristorante in Spearfish, S.D., north of the Black Hills.

"The innovation, inspiration and determination shown by Rick Cochran and his employees have elevated his company, Mobile Medical International, to a level that is above and beyond the norm," said Mills. "These are the qualities that make small businesses such a powerful force for job creation in the American economy and in their local communities. Rick had a dream and he persisted—creating jobs, winning the loyalty of his team, and filling a need in the marketplace that has taken Mobile Medical from his basement to a worldwide stage. We are especially proud that when Rick Cochran's company needed financing, he turned to the U.S. Small Business Administration, and the SBA was able to help him.

"I applaud Rick and his team, and I applaud the runners-up and their staffs, and all of the state small business persons of the year who are here today," Mills said. "We are all grateful for their contributions to our economy. They are magnificent examples of the character of America's most successful entrepreneurs."

The National Small Business Person of the Year and runners-up were selected from among the state winners in 50 states, the District of Columbia, Puerto Rico and the Virgin Islands, and Guam. All are being honored this week in Washington, D.C., as part of National Small Business Week. The awards were announced at today's National Awards Luncheon, sponsored by Sam's Club at the Mandarin Oriental Hotel.

For Cochran the road began when he left a job at an advanced medical equipment provider to establish his first venture, Outpatient Services of America, a consulting firm specializing in planning and developing ambulatory surgery centers. His plan evolved in 1994, when he researched and created an initial design for a mobile surgery unit and established Mobile Medical International, working from his basement with a staff of five. By 1995, he had the capital, and by 1996, he had his prototype.

At first, he provided temporary solutions for hospitals undergoing renovations, but he was able to expand the business into broader commercial, military, and emergency response applications worldwide. During one rough patch in 1999, much of his core team—inspired by Cochran's perseverance, optimism and faith—worked without pay when financing ran dry and the company nearly closed its doors. They were reimbursed later, when the company rebounded. The company also secured financing support from three SBA-backed loans in 1997, 2005 and 2008.

MMI's products include mobile surgical hospitals built into a semi-sized tractor-trailer and an inflatable hospital ward that fits into a trailer pulled by a Humvee. To date, MMIC has 22 mobile healthcare units in its product line, including Mobile Breast Care Centers, Mobile Intensive Care, Mobile Laboratory/Pharmacy, Mobile CT Scan/Dental/Ophthalmology, Mobile Ophthalmology and Mobile Endoscopy Units.

Today, MMI's staff has grown to 54, and net income—just \$9,835 in 2008—rose in 2010 to \$1.68 million on gross revenues of more than \$14 million.

First runner-up Carey developed her business plan for the New Glarus Brewing Company while her husband Dan, a master brewer, gathered the materials, grains and equipment needed for start-up. In 1993 they negotiated to lease a warehouse in New Glarus, exchanging the lease for stock in the company. They sold their home and raised \$40,000 in seed money, yet still needed more cash to fund the startup. Carey pitched her story to local newspapers, and the media attention brought in \$200,000 from investors.

In the early days, the couple worked hard to establish the brewery's reputation for consistent quality beers. Carey based her plan on developing a very loyal customer base. She set up beer tasting classes along with offering brewery tours, and the brewery started to take off, attracting notice from distributors. New Glarus Brewing Company has grown to 50 full-time employees, has registered growth in profits of 123 percent from 2007 to 2009, and is Wisconsin's number one micro-brewery relative to sales volume.

Kamstra, the second runner-up, had been eyeing an old, dilapidated stone building that had stood empty while she was a college student attending Black Hills State University. She didn't know exactly at the time how or why, but she knew somehow her future would be in that building.

After earning a degree in business and 10 years in banking, Kamstra changed course and earned a degree in culinary arts at the Colorado Institute of art. In 1999, with the help of an SBA-guaranteed loan, Kamstra leased the old dilapidated building, refurbished it and opened Roma's Ristorante. When the old building proved too small, Kamstra adapted, securing another SBA-backed loan in 2010 to finance construction of a new building, with more space. Since then, sales have nearly doubled and staff has increased from 11 to 35.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO GRACE S. MATTERN

• Ms. AYOTTE. Mr. President, today I recognize and congratulate Grace S. Mattern for her 30 years of service on behalf of the New Hampshire Coalition Against Domestic and Sexual Violence.

Since its inception, the coalition has become a leader in the struggle for vic-

tims', women's, and children's rights. Over the past quarter century, Grace has shaped the way domestic violence and sexual assault is understood and responded to in New Hampshire. Under Grace's leadership, the coalition has developed a nationally recognized model for protocols, state law, and health care initiatives. On the local level, there has been no victim-centered legislation in which Grace has not played a major part.

One of Grace's strongest attributes is her ability to work with people and facilitate meetings in a productive way. She has worked tirelessly to encourage everyone to work together to strengthen efforts to end domestic violence, sexual assault, and stalking. Her work includes participation in many boards and commissions both nationally and locally.

Grace has been involved in various projects that involve groundbreaking work not only for New Hampshire but also for the country. Because of her leadership in 1997, the coalition, in conjunction with the State, was selected by the Family Violence Prevention Fund to establish a partnership to improve the health care system's response to domestic violence, called the National Health Initiative. New Hampshire was one of only 10 States in the Nation to participate in this program and the only State in New England. To this day, Grace continues to work with the medical community to educate physicians on the impact of trauma from domestic and sexual violence.

In 1999, the coalition successfully applied to be one of six sites in the country selected for what is known as the Greenbook Project. Grafton County was selected and funded as a national demonstration site for improving collaboration between domestic violence organizations, courts, and child protective services in families where there is a co-occurrence of domestic violence, child abuse, and neglect. New Hampshire was the only site selected in the eastern United States. This project has led to more collaborative efforts not only in Grafton County but across New Hampshire.

Grace was highly involved in the creation of one of the first AmeriCorps programs in the State. Named the AmeriCorps Victim Assistance Program, it was a "first in the Nation" model that she started with representatives from the New Hampshire Department of Justice and the State's court system, and is now in its 11th year. The program recruits and trains members to assist victims of domestic violence, sexual violence, and stalking at crisis centers, police departments, prosecutors' offices, the New Hampshire Department of Justice, and on college and university campuses throughout the State.

As Grace retires, I commend her efforts and congratulate her for all of the

accomplishments of the New Hampshire Coalition Against Domestic and Sexual Violence. I ask my colleagues to join me in recognizing her 30 years of service on behalf of the people of New Hampshire.●

#### MENDOTA HIGH SCHOOL CHESS TEAM

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the Mendota High School chess team on winning the 2011 CalChess Premier Division State Championship in Santa Clara this April. The Mendota High School chess team worked tirelessly to become State champions and a source of great joy and pride to the people of Mendota and Fresno County.

Mendota High School chess team coach, Vanness French, has been working with most of the members of the championship chess team since they were in the third grade. It was Coach French who gave the team its unique nickname, Knucklehead, a reference to the long-lasting cylinders on vintage Harley-Davidson motorcycles. The 2011 Mendota chess team certainly lived up to their expectations, never giving up as they defeated several higher rated opponents en route to claiming the State title.

The members of the 2011 Mendota High School CalChess Premier Division State Championship include: Eduardo Alonso, Edwin Brioso, Joel Montalvo, Chrispen Reyes, Milton Arroyo, Luis Castillo, Julian Estrada, Lizzy Gonzales, Charle Ledesua, Sergio Mayares, Kevin Romero, Jessi Mendez, and Felipe Beltran.

It is with great pride that I congratulate these students on an extraordinary accomplishment, and the hard work, dedication, and perseverance they showed in achieving it.

As the Mendota chess team celebrates the 2011 CalChess Premier Division State Championship, I commend them a remarkable and memorable year and wish them continued success in their future endeavors.●

#### TRIBUTE TO MR. AND MRS. JOHN BEARDEN WILLIAMS

● Mr. VITTER. Mr. President, I wish to acknowledge two very special people who have reached a significant milestone in their lives, Mr. and Mrs. John Bearden Williams. This week, Mr. Williams and his bride, Gretchen Schilde Williams, celebrated their 50th wedding anniversary.

John and Gretchen's marriage has been very blessed. They were married on June 6, 1971, in Baton Rouge, LA, at the First Baptist Church. Throughout their marriage they have maintained a strong partnership, working together in ministry and giving of themselves to their church and community.

They have been longtime supporters of the Louisiana School for the Deaf,

and Mr. Williams and his children were all featured in the Louisiana Bar Journal for their many years of service to the Baton Rouge legal community. During Mr. Williams' more than 40 years of legal practice, Mrs. Williams was a constant and committed advocate, organizer, and friend. Their unbreakable alliance has served to encourage, uplift, and bring out the best in one another, and the longevity of their union shows their deep and abiding love and commitment to each other, growing stronger throughout their journey. They have raised three children, Stephen Schilde, John Richard, and Cynthia Williams Dashiell, and are now the proud grandparents of five grandchildren—Haley, Jack, Mary Gretchen, Martin, and Scott.

I am pleased to recognize and honor John Williams and Gretchen Williams as they celebrate 50 years of marriage, and I hope their family continues to be blessed.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1903. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Agency Office of the Inspector General" ((RIN0750-AG97) (DFARS Case 2011-D006)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Armed Services.

EC-1904. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change to the Fiscal Year 2009 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-1905. A communication from the Under Secretary of Defense (Policy), Department of Defense, transmitting, pursuant to law, a report relative to the training of the U.S. Special Operations Forces with friendly foreign forces during fiscal year 2010; to the Committee on Armed Services.

EC-1906. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Securities of Nonmember Insured Banks" (RIN3064-AD67) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1907. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Luxembourg; to the Committee on Banking, Housing, and Urban Affairs.

EC-1908. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to China; to the Committee on Banking, Housing, and Urban Affairs.

EC-1909. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report entitled "Report to the Congress on the Profitability of Credit Card Operations of Depository Institutions"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1910. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-1911. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Certain Consumer Appliances: Test Procedures for Battery Chargers and External Power Supplies" (RIN1904-AC03) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Energy and Natural Resources.

EC-1912. A communication from the Wildlife Biologist, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2011 Season" (RIN1018-AX30) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Environment and Public Works.

EC-1913. A communication from the Chief of the Permits and Regulations Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Changes in the Regulations Governing Raptor Propagation" (RIN1018-AT60) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Environment and Public Works.

EC-1914. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Administrative Practices in Radiation Surveys and Monitoring" (Regulatory Guide 8.2, Revision 1) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Environment and Public Works.

EC-1915. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled "Approval and Promulgation of Determination of Attainment for the 1997 8-Hour Ozone Standard: States of Missouri and Illinois" (FRL No. 9317-4) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Environment and Public Works.

EC-1916. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho" (FRL No. 9316-7) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Environment and Public Works.

EC-1917. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Oregon; Interstate Transport of Pollution; Significant Contribution to Nonattainment and Interference with Maintenance Requirements" (FRL No. 9316-9) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Environment and Public Works.

EC-1918. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions and Additions to Motor Vehicle Fuel Economy Label" (FRL No. 9315-1) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Environment and Public Works.

EC-1919. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the Inspection and Maintenance (I/M) Program—Quality Assurance Protocol for the Safety Inspection Program in Non-I/M Counties" (FRL No. 9314-4) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Environment and Public Works.

EC-1920. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revisions to Requirements for Major Sources Locating in or Impacting a Nonattainment Area in Allegheny County" (FRL No. 9308-9) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Environment and Public Works.

EC-1921. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Georgia; Macon; Determination of Attaining Data for the 1997 Annual Fine Particulate Standard" (FRL No. 9313-8) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Environment and Public Works.

EC-1922. A communication from the Administrator of the Environmental Protection

Agency, transmitting, pursuant to law, two legislative proposals relative to the collection of fees; to the Committee on Environment and Public Works.

EC-1923. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's 2011 Annual Report on the Supplemental Security Income Program; to the Committee on Finance.

EC-1924. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of Subsections (a) and (b) of Section 402 of the Trade Act of 1974 for Belarus; to the Committee on Finance.

EC-1925. A communication from the Chief of the Border Securities Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee Airports: Addition of Dallas Love Field Municipal Airport, Dallas, Texas" (CBP Dec. 11-13) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Finance.

EC-1926. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deferral of Dates Related to the Branded Prescription Drug Fee" (Notice 2011-46) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Finance.

EC-1927. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the implementation of the Danger Pay Allowance for Libya; to the Committee on Foreign Relations.

EC-1928. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services to Australia for maintenance, depot level repair, and overhaul services on components of various military fixed and rotary wing aircraft, ships and frigates in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-1929. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data, and defense services for manufacture, test, and delivery of the AN/APG-68(V)9 Antenna LRU, Transmitter LRU, Antenna and Transmitter LRU subassemblies and other Radar Test Equipment in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-1930. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Impact Aid Programs" (RIN1810-AA94) received in the Office of the President of the Senate on May 26, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1931. A communication from the Program Manager, Centers for Medicare and

Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Payment Adjustment for Provider-Preventable Conditions Including Health Care-Acquired Conditions" (RIN0938-AQ34) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1932. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Reclassification of the Topical Oxygen Chamber for Extremities; Correction" ((21 CFR Part 878) (Docket No. FDA-2006-N-0045)) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1933. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Program Integrity: Gainful Employment—Debt Measures" (RIN1840-AD06) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1934. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-1935. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, (2) reports entitled "Community Services Block Grant (CSBG) Program Report" and "Community Services Block Grant Performance Measurement Report"; to the Committee on Health, Education, Labor, and Pensions.

EC-1936. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the financial aspects for fiscal year 2010 of the implementation of the Animal Generic Drug User Fee Act; to the Committee on Health, Education, Labor, and Pensions.

EC-1937. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the financial aspects for fiscal year 2010 of the implementation of the Animal Drug User Fee Act; to the Committee on Health, Education, Labor, and Pensions.

EC-1938. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Administration on Aging's Report to Congress for Fiscal Year 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1939. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Cumberland, Maine, as a Nonappropriated Fund Federal Wage System Wage Areas" (RIN3206-AM38) received in the Office of the President of the Senate on June 3, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1940. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate

Systems; Redefinition of the Madison, Wisconsin, and Southwestern Wisconsin Appropriated Fund Federal Wage System Wage Areas" (RIN3206-AM32) received in the Office of the President of the Senate on June 3, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1941. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; Rewrite of GSAR Part 570; Acquiring Leasehold Interests in Real Property" (RIN3090-AI96) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1942. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Contract Closeout" ((RIN9000-AL43) (FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1943. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Sustainable Acquisition" ((RIN9000-A96L) (FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1944. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Buy American Exemption for Commercial Information Technology-Construction Material" ((RIN9000-AL62) (FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system (Rept. No. 112-20).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. RISCH, and Mr. MERKLEY):

S. 1149. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 1150. A bill to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. SCHUMER, Mr. CARDIN, and Mr. FRANKEN):

S. 1151. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1152. A bill to advance cybersecurity research, development, and technical standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH (for himself and Mr. LEE):

S. 1153. A bill to improve Federal land management, resource conservation, environmental protection, and use of Federal land by requiring the Secretary of the Interior to develop a multipurpose cadastre of Federal land and identifying inaccurate, duplicate, and out-of-date Federal land inventories, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1154. A bill to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

#### ADDITIONAL COSPONSORS

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 119

At the request of Mr. VITTER, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. DEMINT), the Senator from Florida (Mr. RUBIO), the Senator from Oklahoma (Mr. COBURN), the Senator from Texas (Mr. CORNYN), the Senator from Idaho (Mr. RISCH), the Senator from Kentucky (Mr. PAUL), the Senator from Utah (Mr. LEE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 164

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 299

At the request of Mr. PAUL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 398

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 534

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 603

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 603, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 758

At the request of Mr. FRANKEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.

758, a bill to establish a Science, Technology, Engineering, and Math (STEM) Master Teacher Corps program.

S. 769

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 769, a bill to amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 800

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 866

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 868

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 868, a bill to restore the long-standing partnership between the States and the Federal Government in managing the Medicaid program.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 939

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 939, a bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for facilities for the furnishing of water and sewage facilities.

S. 946

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 946, a bill to establish an Office of Rural Education Policy in the Department of Education.

S. 949

At the request of Mrs. SHAHEEN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 949, a bill to amend the National Oilheat Research Alliance Act of 2000 to reauthorize and improve that Act, and for other purposes.

S. 963

At the request of Mr. CARPER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 963, a bill to reduce energy costs, improve energy efficiency, and expand the use of renewable energy by Federal agencies, and for other purposes.

S. 967

At the request of Mr. MERKLEY, the names of the Senator from Missouri (Mrs. McCASKILL) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 967, a bill to establish clear regulatory standards for mortgage servicers, and for other purposes.

S. 979

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 979, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. KYL, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1018

At the request of Mr. KERRY, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1019

At the request of Mr. SANDERS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1019, a bill to amend the Elementary and Secondary Education Act of 1965 in order to support secondary school reentry programs.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1125

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1125, a bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1145, a bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the names of the Senator from Arizona (Mr. KYL) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S.J. Res. 17, *supra*.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 185

At the request of Mr. CARDIN, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Nebraska (Mr. JOHANNES), the Senator from Nevada (Mr. HELLER), the Senator from Colorado (Mr. BENNET), the Senator from Mississippi (Mr. WICKER), the Senator from Georgia (Mr. ISAKSON), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Montana (Mr. BAUCUS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

S. RES. 202

At the request of Mr. CONRAD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. Res. 202, a resolution designating June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. RISCH, and Mr. MERKLEY):

S. 1149. A bill to expand geothermal production, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today Sen. CRAPO, Sen. RISCH, Sen. MERKLEY, and I are introducing the Geothermal Production Expansion Act of 2011. The bill is aimed at making improvements to the Geothermal Steam Act and is very similar to legislation introduced in the 111th Congress as S. 3993.

Both bills contain identical provisions to allow the Secretary of the Interior to lease a limited amount of public land adjacent to existing geothermal property at fair market value.

The reason for this change is to allow the rapid expansion of already identified geothermal resources without the additional delays of competitive leasing and without opening up those adjacent properties to speculative bidders who have no interest in actually developing the resource, only in extracting as much money as they can from the existing geothermal lease holder. Current lease holders are understandably reluctant to nominate adjacent lands to proven resources for competitive leasing because doing so would immediately signal the value of those adjacent properties. As a result, existing geothermal developers will likely not realize the full potential of the geothermal energy resources that they have spent millions of dollars exploring, proving, and developing without these changes. And, the Treasury will not realize the economic value of those adjacent parcels, which go unleased and undeveloped as a result. For these reasons, the bill has the strong support of the Geothermal Energy Association.

I want to emphasize that this bill is not a giveaway. The amount of land that can be leased non-competitively is limited to less than 640 acres per lease. It can only be leased where there are already proven resources and thus more likely than not to increase overall Federal royalties paid to the Treasury as the adjacent parcels are incorporated into the developer's geothermal energy project. Third, the bidder must pay fair market value for the lease as determined by the Interior Department. Finally, this bill contains an additional provision, which was not included in the prior version, which will significantly increase the annual rental payments for the newly acquired adjacent land in order to ensure that the bill comes as close as possible to full economic recovery for the taxpayers.

Current law sets two different annual rental payment levels for geothermal leases. These are amounts that the lease-holder pays per year for every acre held in lease. The rental rate for non-competitive leases is \$1 per acre per year. The rate for competitive leases begins at \$2 per acre for the first year and increases to \$3 for the next 9 years. The sole difference between the bill introduced in the prior Congress and the bill being introduced today is that the version being introduced today treats the new, adjacent lease as a competitive lease for determining the annual rental even though it is being acquired as a non-competitive lease. This will have the clear effect of raising the annual rental payments on the newly acquired adjacent lands to the higher rate of \$2 and then \$3 per acre and increase revenue to the Treasury. This change underscores our intent, as sponsors of the bill, to ensure that the result of these changes in the Geothermal Steam Act is truly to increase geothermal energy production on Fed-

eral lands without any overall loss of revenue to the taxpayers from non-competitive award of these adjacent lands.

Geothermal energy is, by definition, a domestic renewable energy resource with enormous potential, but developers face high costs and economic risks of finding the right location to extract energy. These changes will help ensure that once those resources have been proven on Federal lands, they can be fully developed as quickly and efficiently as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1149

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Geothermal Production Expansion Act of 2011".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the best interest of the United States to develop clean renewable geothermal energy;

(2) development of that energy should be promoted on appropriate Federal land;

(3) under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Bureau of Land Management is authorized to issue 3 different types of noncompetitive leases for production of geothermal energy on Federal land, including—

(A) noncompetitive geothermal leases to mining claim holders that have a valid operating plan;

(B) direct use leases; and

(C) leases on parcels that do not sell at a competitive auction;

(4) Federal geothermal energy leasing activity should be directed toward persons seeking to develop the land as opposed to persons seeking to speculate on geothermal resources and artificially raising the cost of legitimate geothermal energy development;

(5) developers of geothermal energy on Federal land that have invested substantial capital and made high risk investments should be allowed to secure a discovery of geothermal energy resources; and

(6) successful geothermal development on Federal land will provide increased revenue to the Federal Government, with the payment of production royalties over decades.

#### SEC. 3. NONCOMPETITIVE LEASING OF ADJOINING AREAS FOR DEVELOPMENT OF GEOTHERMAL RESOURCES.

Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended by adding at the end the following:

"(4) ADJOINING LAND.—

"(A) DEFINITIONS.—In this paragraph:

"(i) FAIR MARKET VALUE PER ACRE.—The term 'fair market value per acre' means a dollar amount per acre that—

"(I) except as provided in this clause, shall be equal to the market value per acre as determined by the Secretary under regulations issued under this paragraph;

"(II) shall be determined by the Secretary with respect to a lease under this paragraph, by not later than the end of the 90-day period beginning on the date the Secretary receives an application for the lease; and



“(III) shall be not less than the greater of—  
“(aa) 4 times the median amount paid per acre for all land leased under this Act during the preceding year; or

“(bb) \$50.

“(ii) **INDUSTRY STANDARDS.**—The term ‘industry standards’ means the standards by which a qualified geothermal professional assesses whether downhole or flowing temperature measurements with indications of permeability are sufficient to produce energy from geothermal resources, as determined through flow or injection testing or measurement of lost circulation while drilling.

“(iii) **QUALIFIED FEDERAL LAND.**—The term ‘qualified Federal land’ means land that is otherwise available for leasing under this Act.

“(iv) **QUALIFIED GEOTHERMAL PROFESSIONAL.**—The term ‘qualified geothermal professional’ means an individual who is an engineer or geoscientist in good professional standing with at least 5 years of experience in geothermal exploration, development, or project assessment.

“(v) **QUALIFIED LESSEE.**—The term ‘qualified lessee’ means a person that may hold a geothermal lease under this Act (including applicable regulations).

“(vi) **VALID DISCOVERY.**—The term ‘valid discovery’ means a discovery of a geothermal resource by a new or existing slim hole or production well, that exhibits downhole or flowing temperature measurements with indications of permeability that are sufficient to meet industry standards.

“(B) **AUTHORITY.**—An area of qualified Federal land that adjoins other land for which a qualified lessee holds a legal right to develop geothermal resources may be available for a noncompetitive lease under this section to the qualified lessee at the fair market value per acre, if—

“(i) the area of qualified Federal land—

“(I) consists of not less than 1 acre and not more than 640 acres; and

“(II) is not already leased under this Act or nominated to be leased under subsection (a);

“(ii) the qualified lessee has not previously received a noncompetitive lease under this paragraph in connection with the valid discovery for which data has been submitted under clause (iii)(I); and

“(iii) sufficient geological and other technical data prepared by a qualified geothermal professional has been submitted by the qualified lessee to the applicable Federal land management agency that would lead individuals who are experienced in the subject matter to believe that—

“(I) there is a valid discovery of geothermal resources on the land for which the qualified lessee holds the legal right to develop geothermal resources; and

“(II) that thermal feature extends into the adjoining areas.

“(C) **DETERMINATION OF FAIR MARKET VALUE.**—

“(i) **IN GENERAL.**—The Secretary shall—

“(I) publish a notice of any request to lease land under this paragraph;

“(II) determine fair market value for purposes of this paragraph in accordance with procedures for making those determinations that are established by regulations issued by the Secretary;

“(III) provide to a qualified lessee and publish, with an opportunity for public comment for a period of 30 days, any proposed determination under this subparagraph of the fair market value of an area that the qualified lessee seeks to lease under this paragraph; and

“(IV) provide to the qualified lessee and any adversely affected party the opportunity

to appeal the final determination of fair market value in an administrative proceeding before the applicable Federal land management agency, in accordance with applicable law (including regulations).

“(ii) **LIMITATION ON NOMINATION.**—After publication of a notice of request to lease land under this paragraph, the Secretary may not accept under subsection (a) any nomination of the land for leasing unless the request has been denied or withdrawn.

“(iii) **ANNUAL RENTAL.**—For purposes of section 5(a)(3), a lease awarded under this paragraph shall be considered a lease awarded in a competitive lease sale.

“(D) **REGULATIONS.**—Not later than 180 days after the date of enactment of the Geothermal Production Expansion Act of 2011, the Secretary shall issue regulations to carry out this paragraph.”.

By Mr. LEAHY (for himself, Mr. SCHUMER, Mr. CARDIN, and Mr. FRANKEN):

S. 1151. A bill to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to reintroduce the Personal Data Privacy and Security Act. The recent and troubling data breaches at Sony, Epsilon and Lockheed Martin on U.S. Government computers is clear evidence that developing a comprehensive national strategy to protect data privacy and cybersecurity is one of the most challenging and important issues facing our Nation. The Personal Data Privacy and Security Act will help to meet this challenge, by better protecting Americans from the growing threats of data breaches and identity theft. I thank Senators SCHUMER and CARDIN for cosponsoring this important privacy legislation.

When I first introduced this bill six years ago, I had high hopes of bringing urgently needed data privacy reforms to the American people. Although the Judiciary Committee favorably reported this bill three times—in 2005, 2007, and again in 2009—the legislation languished on the Senate calendar.

While the Congress has waited to act, the dangers to our privacy, economic prosperity and national security posed by data breaches have not gone away. According to the Privacy Rights Clearinghouse, more than 533 million records have been involved in data security breaches since 2005. Just last week, Google announced that the Gmail accounts for hundreds of its users, including senior U.S. Government officials, have been hacked in an apparent state-sponsored cyberattack. As The Washington Post editorial board recently observed, “[n]ow there is a need for legislative action. As the recent high-profile leaks of personal data at Google, Sony and the data-col-

lecting company Epsilon suggest, this issue is a ticking bomb.”

In May, the Obama administration released several proposals to enhance cybersecurity, including a data breach proposal that adopts the carefully balanced framework of this bill. I am pleased that many of the sound privacy principles in this bill have been embraced by the President and his administration.

The Personal Data Privacy and Security Act requires that data brokers let consumers know what sensitive personal information they have about them, and to allow individuals to correct inaccurate information. The bill also requires that companies that have databases with sensitive personal information on Americans establish and implement data privacy and security programs.

The bill would also establish a single nationwide standard for data breach notification. The bill requires notice to consumers when their sensitive personal information has been compromised.

This bill also provides for tough criminal penalties for anyone who would intentionally and willfully conceal the fact that a data breach has occurred when the breach causes economic damage to consumers. The bill also includes the administration’s recent proposal to update the Computer Fraud and Abuse Act, so that attempted computer hacking and conspiracy to commit computer hacking offenses are subject to the same criminal penalties, as the underlying offense.

Finally, the bill addresses the important issue of the Government’s use of personal data by requiring that Federal agencies notify affected individuals when Government data breaches occur, and by placing privacy and security front and center when Federal agencies evaluate whether data brokers can be trusted with Government contracts that involve sensitive information about the American people.

Of course, no one has a monopoly on good ideas to solve the serious problems of identity theft and lax cybersecurity. But, this bill puts forth some meaningful solutions to this vexing problem.

I have drafted this bill after long and thoughtful consultation with many of the stakeholders on this issue, including the privacy, consumer protection and business communities. I have also consulted with the Departments of Justice and Homeland Security, and with the Federal Trade Commission. I have worked closely with other Senators, including Senators Feinstein and Schumer.

This is a comprehensive bill that not only deals with the need to provide Americans with notice when they have been victims of a data breach, but that also deals with the underlying problem



of lax security and lack of accountability to help prevent data breaches from occurring in the first place. Enacting this comprehensive data privacy legislation remains one of my legislative priorities as Chairman of the Judiciary Committee.

This bill has always garnered strong bipartisan support. Protecting privacy rights is of critical importance to all of us, regardless of party or ideology. I hope that all Senators will support this measure to better protect Americans' privacy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1151

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Personal Data Privacy and Security Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

#### TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

Sec. 101. Organized criminal activity in connection with unauthorized access to personally identifiable information.

Sec. 102. Concealment of security breaches involving sensitive personally identifiable information.

Sec. 103. Penalties for fraud and related activity in connection with computers.

#### TITLE II—DATA BROKERS

Sec. 201. Transparency and accuracy of data collection.

Sec. 202. Enforcement.

Sec. 203. Relation to State laws.

Sec. 204. Effective date.

#### TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

##### Subtitle A—A Data Privacy and Security Program

Sec. 301. Purpose and applicability of data privacy and security program.

Sec. 302. Requirements for a personal data privacy and security program.

Sec. 303. Enforcement.

Sec. 304. Relation to other laws.

##### Subtitle B—Security Breach Notification

Sec. 311. Notice to individuals.

Sec. 312. Exemptions.

Sec. 313. Methods of notice.

Sec. 314. Content of notification.

Sec. 315. Coordination of notification with credit reporting agencies.

Sec. 316. Notice to law enforcement.

Sec. 317. Enforcement.

Sec. 318. Enforcement by State attorneys general.

Sec. 319. Effect on Federal and State law.

Sec. 320. Authorization of appropriations.

Sec. 321. Reporting on risk assessment exemptions.

Sec. 322. Effective date.

#### TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

Sec. 401. General services administration review of contracts.

Sec. 402. Requirement to audit information security practices of contractors and third party business entities.

Sec. 403. Privacy impact assessment of government use of commercial information services containing personally identifiable information.

#### TITLE V—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT

Sec. 501. Budget compliance.

#### SEC. 2. FINDINGS.

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the Nation's economic stability, homeland security, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, non-profit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to ensure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

#### SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AGENCY.—The term “agency” has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term “affiliate” means persons related by common ownership or by corporate control.

(3) BUSINESS ENTITY.—The term “business entity” means any organization, corporation, trust, partnership, sole proprietorship,

unincorporated association, or venture established to make a profit, or nonprofit.

(4) IDENTITY THEFT.—The term “identity theft” means a violation of section 1028(a)(7) of title 18, United States Code.

(5) DATA BROKER.—The term “data broker” means a business entity which for monetary fees or dues regularly engages in the practice of collecting, transmitting, or providing access to sensitive personally identifiable information on more than 5,000 individuals who are not the customers or employees of that business entity or affiliate primarily for the purposes of providing such information to nonaffiliated third parties on an interstate basis.

(6) DATA FURNISHER.—The term “data furnisher” means any agency, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or non-profit that serves as a source of information for a data broker.

(7) ENCRYPTION.—The term “encryption”—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been adopted by a widely accepted standards setting body or, has been widely accepted as an effective industry practice which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(8) PERSONAL ELECTRONIC RECORD.—

(A) IN GENERAL.—The term “personal electronic record” means data associated with an individual contained in a database, networked or integrated databases, or other data system that is provided by a data broker to nonaffiliated third parties and includes personally identifiable information about that individual.

(B) EXCLUSIONS.—The term “personal electronic record” does not include—

(i) any data related to an individual's past purchases of consumer goods; or

(ii) any proprietary assessment or evaluation of an individual or any proprietary assessment or evaluation of information about an individual.

(9) PERSONALLY IDENTIFIABLE INFORMATION.—The term “personally identifiable information” means any information, or compilation of information, in electronic or digital form that is a means of identification, as defined by section 1028(d)(7) of title 18, United States Code.

(10) PUBLIC RECORD SOURCE.—The term “public record source” means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(11) SECURITY BREACH.—

(A) IN GENERAL.—The term “security breach” means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions—

(i) that result in, or that there is a reasonable basis to conclude has resulted in—

(I) the unauthorized acquisition of sensitive personally identifiable information; and

(II) access to sensitive personally identifiable information that is for an unauthorized purpose, or in excess of authorization; and

(ii) which present a significant risk of harm or fraud to any individual.

(B) **EXCLUSION.**—The term “security breach” does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure;

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements; or

(iii) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States.

(12) **SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**—The term “sensitive personally identifiable information” means any information or compilation of information, in electronic or digital form that includes—

(A) an individual’s first and last name or first initial and last name in combination with any 1 of the following data elements:

(i) A non-truncated social security number, driver’s license number, passport number, or alien registration number.

(ii) Any 2 of the following:

(I) Home address or telephone number.

(II) Mother’s maiden name.

(III) Month, day, and year of birth.

(iii) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(iv) A unique account identifier, electronic identification number, user name, or routing code in combination with any associated security code, access code, or password if the code or password is required for an individual to obtain money, goods, services, or any other thing of value; or

(B) a financial account number or credit or debit card number in combination with any security code, access code, or password that is required for an individual to obtain credit, withdraw funds, or engage in a financial transaction.

#### **TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY**

##### **SEC. 101. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.**

Section 1961(l) of title 18, United States Code, is amended by inserting “section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,” before “section 1084”.

##### **SEC. 102. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.**

(a) **IN GENERAL.**—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

##### **“§ 1041. Concealment of security breaches involving sensitive personally identifiable information**

“(a) Whoever, having knowledge of a security breach and having the obligation to provide notice of such breach to individuals under title III of the Personal Data Privacy and Security Act of 2011, and having not otherwise qualified for an exemption from providing notice under section 312 of such Act, intentionally and willfully conceals the fact of such security breach and which breach causes economic damage to 1 or more persons, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) For purposes of subsection (a), the term ‘person’ has the same meaning as in section 1030(e)(12) of title 18, United States Code.

“(c) Any person seeking an exemption under section 312(b) of the Personal Data Privacy and Security Act of 2011 shall be immune from prosecution under this section if the United States Secret Service does not indicate, in writing, that such notice be given under section 312(b)(3) of such Act.”.

(b) **CONFORMING AND TECHNICAL AMENDMENTS.**—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Concealment of security breaches involving personally identifiable information.”.

(c) **ENFORCEMENT AUTHORITY.**—

(1) **IN GENERAL.**—The United States Secret Service shall have the authority to investigate offenses under this section.

(2) **NONEXCLUSIVITY.**—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

##### **SEC. 103. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.**

Section 1030(c) of title 18, United States Code, is amended—

(1) by inserting “or conspiracy” after “or an attempt” each place it appears, except for paragraph (4);

(2) in paragraph (2)(B)—

(A) in clause (i), by inserting “, or attempt or conspiracy or conspiracy to commit an offense,” after “the offense”;

(B) in clause (ii), by inserting “, or attempt or conspiracy or conspiracy to commit an offense,” after “the offense”; and

(C) in clause (iii), by inserting “(or, in the case of an attempted offense, would, if completed, have obtained)” after “information obtained”; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense under subsection (a)(5)(B)” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense, under subsection (a)(5)(B)”;

(iii) by inserting “or conspiracy” after “if the offense”;

(iv) by redesignating subclauses (I) through (VI) as clauses (i) through (vi), respectively, and adjusting the margin accordingly; and

(v) in clause (vi), as so redesignated, by striking “; or” and inserting a semicolon;

(B) in subparagraph (B)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense under subsection (a)(5)(A)” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense, under subsection (a)(5)(A)”;

(iii) by inserting “or conspiracy” after “if the offense”; and

(iv) by striking “; or” and inserting a semicolon;

(C) in subparagraph (C)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense or an attempt to commit an offense” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense,”; and

(iii) by striking “; or” and inserting a semicolon;

(D) in subparagraph (D)—

(i) by striking clause (ii);

(ii) by striking “in the case of—” and all that follows through “an offense or an attempt to commit an offense” and inserting “in the case of an offense, or an attempt or conspiracy to commit an offense,”; and

(iii) by striking “; or” and inserting a semicolon;

(E) in subparagraph (E), by inserting “or conspires” after “offender attempts”;

(F) in subparagraph (F), by inserting “or conspires” after “offender attempts”; and

(G) in subparagraph (G)(ii), by inserting “or conspiracy” after “an attempt”.

#### **TITLE II—DATA BROKERS**

##### **SEC. 201. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.**

(a) **IN GENERAL.**—Data brokers engaging in interstate commerce are subject to the requirements of this title for any product or service offered to third parties that allows access or use of personally identifiable information.

(b) **LIMITATION.**—Notwithstanding any other provision of this section, this section shall not apply to—

(1) any product or service offered by a data broker engaging in interstate commerce where such product or service is currently subject to, and in compliance with, access and accuracy protections similar to those under subsections (c) through (e) of this section under the Fair Credit Reporting Act (Public Law 91-508);

(2) any data broker that is subject to regulation under the Gramm-Leach-Bliley Act (Public Law 106-102);

(3) any data broker currently subject to and in compliance with the data security requirements for such entities under the Health Insurance Portability and Accountability Act (Public Law 104-191), and its implementing regulations;

(4) any data broker subject to, and in compliance with, the privacy and data security requirements under sections 13401 and 13404 of division A of the American Reinvestment and Recovery Act of 2009 (42 U.S.C. 17931 and 17934) and implementing regulations promulgated under such sections;

(5) information in a personal electronic record that—

(A) the data broker has identified as inaccurate, but maintains for the purpose of aiding the data broker in preventing inaccurate information from entering an individual’s personal electronic record; and

(B) is not maintained primarily for the purpose of transmitting or otherwise providing that information, or assessments based on that information, to nonaffiliated third parties;

(6) information concerning proprietary methodologies, techniques, scores, or algorithms relating to fraud prevention not normally provided to third parties in the ordinary course of business; and

(7) information that is used for legitimate governmental or fraud prevention purposes that would be compromised by disclosure to the individual.

(c) **DISCLOSURES TO INDIVIDUALS.**—

(1) **IN GENERAL.**—A data broker shall, upon the request of an individual, disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained or accessed by the data broker specifically for disclosure to third parties that request information on that individual in the ordinary course of business in the databases or systems of the data broker at the time of such request.

(2) **INFORMATION ON HOW TO CORRECT INACCURACIES.**—The disclosures required under paragraph (1) shall also include guidance to individuals on procedures for correcting inaccuracies.

(d) **DISCLOSURE TO INDIVIDUALS OF ADVERSE ACTIONS TAKEN BY THIRD PARTIES.**—

(1) **IN GENERAL.**—If a person takes any adverse action with respect to any individual

that is based, in whole or in part, on any information contained in a personal electronic record, the person, at no cost to the affected individual, shall provide—

(A) written or electronic notice of the adverse action to the individual;

(B) to the individual, in writing or electronically, the name, address, and telephone number of the data broker (including a toll-free telephone number established by the data broker, if the data broker complies and maintains data on individuals on a nationwide basis) that furnished the information to the person;

(C) a copy of the information such person obtained from the data broker; and

(D) information to the individual on the procedures for correcting any inaccuracies in such information.

(2) **ACCEPTED METHODS OF NOTICE.**—A person shall be in compliance with the notice requirements under paragraph (1) if such person provides written or electronic notice in the same manner and using the same methods as are required under section 313(1) of this Act.

(e) **ACCURACY RESOLUTION PROCESS.**—

(1) **INFORMATION FROM A PUBLIC RECORD OR LICENSOR.**—

(A) **IN GENERAL.**—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information disclosed to such individual under subsection (c) that is obtained from a public record source or a license agreement, such data broker shall determine within 30 days whether the information in its system accurately and completely records the information available from the licensor or public record source.

(B) **DATA BROKER ACTIONS.**—If a data broker determines under subparagraph (A) that the information in its systems does not accurately and completely record the information available from a public record source or licensor, the data broker shall—

(i) correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) provide such individual with the contact information of the public record or licensor.

(2) **INFORMATION NOT FROM A PUBLIC RECORD SOURCE OR LICENSOR.**—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information not from a public record or licensor that was disclosed to the individual under subsection (c), the data broker shall, within 30 days of receiving notice of such dispute—

(A) review and consider free of charge any information submitted by such individual that is relevant to the completeness or accuracy of the disputed information; and

(B) correct any information found to be incomplete or inaccurate and provide notice to such individual of whether and what information was corrected, if any.

(3) **EXTENSION OF REVIEW PERIOD.**—The 30-day period described in paragraph (1) may be extended for not more than 30 additional days if a data broker receives information from the individual during the initial 30-day period that is relevant to the completeness or accuracy of any disputed information.

(4) **NOTICE IDENTIFYING THE DATA FURNISHER.**—If the completeness or accuracy of any information not from a public record source or licensor that was disclosed to an individual under subsection (c) is disputed by such individual, the data broker shall provide, upon the request of such individual, the contact information of any data furnisher that provided the disputed information.

(5) **DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.**—

(A) **IN GENERAL.**—Notwithstanding paragraphs (1) through (3), a data broker may decline to investigate or terminate a review of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or intended to perpetrate fraud.

(B) **NOTICE.**—A data broker shall notify an individual of a determination under subparagraph (A) within a reasonable time by any means available to such data broker.

#### **SEC. 202. ENFORCEMENT.**

(a) **CIVIL PENALTIES.**—

(1) **PENALTIES.**—Any data broker that violates the provisions of section 201 shall be subject to civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) **INTENTIONAL OR WILLFUL VIOLATION.**—A data broker that intentionally or willfully violates the provisions of section 201 shall be subject to additional penalties in the amount of \$1,000 per violation per day, to a maximum of an additional \$250,000 per violation, while such violations persist.

(3) **EQUITABLE RELIEF.**—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) **FEDERAL TRADE COMMISSION AUTHORITY.**—Any data broker shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a data broker that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this title; or

(C) obtain civil penalties of not more than \$1,000 per violation per day while such violations persist, up to a maximum of \$250,000 per violation.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(C) **NOTIFICATION WHEN PRACTICABLE.**—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) **FEDERAL TRADE COMMISSION AUTHORITY.**—Upon receiving notice under paragraph

(2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Federal Trade Commission has instituted a proceeding or civil action for a violation of this title, no attorney general of a State may, during the pendency of such proceeding or civil action, bring an action under this subsection against any defendant named in such civil action for any violation that is alleged in that civil action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this title establishes a private cause of action against a data broker for violation of any provision of this title.

#### **SEC. 203. RELATION TO STATE LAWS.**

No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 201, relating to individual access to, and correction of, personal electronic records held by data brokers.

#### **SEC. 204. EFFECTIVE DATE.**

This title shall take effect 180 days after the date of enactment of this Act.

### **TITLE III—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION**

#### **Subtitle A—A Data Privacy and Security Program**

##### **SEC. 301. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.**

(a) **PURPOSE.**—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) **IN GENERAL.**—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 302 for protecting sensitive personally identifiable information.

(c) **LIMITATIONS.**—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to:

(1) **FINANCIAL INSTITUTIONS.**—Financial institutions—

(A) subject to the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and

(B) subject to—

(i) examinations for compliance with the requirements of this Act by a Federal Functional Regulator or State Insurance Authority (as those terms are defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(ii) compliance with part 314 of title 16, Code of Federal Regulations.

(2) HIPPA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A Business entity shall be deemed in compliance with this Act if the business entity—

(i) is acting as a business associate, as that term is defined under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with the requirements imposed under that Act and implementing regulations promulgated under that Act; and

(ii) is subject to, and currently in compliance, with the privacy and data security requirements under sections 13401 and 13404 of division A of the American Reinvestment and Recovery Act of 2009 (42 U.S.C. 17931 and 17934) and implementing regulations promulgated under such sections.

(3) PUBLIC RECORDS.—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information obtained from a news report or periodical.

(d) SAFE HARBORS.—

(1) IN GENERAL.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 302 if the business entity complies with or provides protection equal to industry standards or standards widely accepted as an effective industry practice, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) LIMITATION.—Nothing in this subsection shall be construed to permit, and nothing does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

## SEC. 302. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—A business entity subject to this subtitle shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rule-making process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifying information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could create a significant risk of harm or fraud to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect, record, and preserve information relevant to actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption, redaction, or access controls that are widely accepted as an effective industry practice or industry standard, or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations);

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information;

(v) trace access to records containing sensitive personally identifiable information so that the business entity can determine who accessed or acquired such sensitive personally identifiable information pertaining to specific individuals; and

(vi) ensure that no third party or customer of the business entity is authorized to access or acquire sensitive personally identifiable information without the business entity first

performing sufficient due diligence to ascertain, with reasonable certainty, that such information is being sought for a valid legal purpose.

(b) TRAINING.—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) VULNERABILITY TESTING.—

(1) IN GENERAL.—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) FREQUENCY.—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) RELATIONSHIP TO SERVICE PROVIDERS.—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to section 301, this section, and subtitle B.

(e) PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) IMPLEMENTATION TIMELINE.—Not later than 1 year after the date of enactment of this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

## SEC. 303. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Any business entity that violates the provisions of sections 301 or 302 shall be subject to civil penalties of not more than \$5,000 per violation per day while such a violation exists, with a maximum of \$500,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A business entity that intentionally or willfully violates the provisions of sections 301 or 302 shall be subject to additional penalties in the amount of \$5,000 per violation per day while such a violation exists, with a maximum of an additional \$500,000 per violation.

(3) **EQUITABLE RELIEF.**—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) **OTHER RIGHTS AND REMEDIES.**—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) **FEDERAL TRADE COMMISSION AUTHORITY.**—Any business entity shall have the provisions of this subtitle enforced against it by the Federal Trade Commission.

(c) **STATE ENFORCEMENT.**—

(1) **CIVIL ACTIONS.**—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a business entity that violate this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle;

(C) obtain civil penalties of not more than \$5,000 per violation per day while such violations persist, up to a maximum of \$500,000 per violation.

(2) **NOTICE.**—

(A) **IN GENERAL.**—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) **EXCEPTION.**—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) **NOTIFICATION WHEN PRACTICABLE.**—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(3) **FEDERAL TRADE COMMISSION AUTHORITY.**—Upon receiving notice under paragraph (2), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) **PENDING PROCEEDINGS.**—If the Federal Trade Commission has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) **RULE OF CONSTRUCTION.**—For purposes of bringing any civil action under paragraph (1) nothing in this subtitle shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) **VENUE; SERVICE OF PROCESS.**—

(A) **VENUE.**—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) **SERVICE OF PROCESS.**—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) **NO PRIVATE CAUSE OF ACTION.**—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

#### **SEC. 304. RELATION TO OTHER LAWS.**

(a) **IN GENERAL.**—No State may require any business entity subject to this subtitle to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of sensitive personally identifying information.

(b) **LIMITATIONS.**—Nothing in this subtitle shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

#### **Subtitle B—Security Breach Notification**

##### **SEC. 311. NOTICE TO INDIVIDUALS.**

(a) **IN GENERAL.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information, notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) **OBLIGATION OF OWNER OR LICENSEE.**—

(1) **NOTICE TO OWNER OR LICENSEE.**—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) **NOTICE BY OWNER, LICENSEE OR OTHER DESIGNATED THIRD PARTY.**—Nothing in this subtitle shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) **BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.**—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(c) **TIMELINESS OF NOTIFICATION.**—

(1) **IN GENERAL.**—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) **REASONABLE DELAY.**—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, conduct the risk assessment described in section

302(a)(3), and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(3) **BURDEN OF PRODUCTION.**—The agency, business entity, owner, or licensee required to provide notice under this subtitle shall, upon the request of the Attorney General, provide records or other evidence of the notifications required under this subtitle, including to the extent applicable, the reasons for any delay of notification.

(d) **DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.**—

(1) **IN GENERAL.**—If a Federal law enforcement or intelligence agency determines that the notification required under this section would impede a criminal investigation, such notification shall be delayed upon written notice from such Federal law enforcement or intelligence agency to the agency or business entity that experienced the breach.

(2) **EXTENDED DELAY OF NOTIFICATION.**—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement delay was invoked unless a Federal law enforcement or intelligence agency provides written notification that further delay is necessary.

(3) **LAW ENFORCEMENT IMMUNITY.**—No cause of action shall lie in any court against any law enforcement agency for acts relating to the delay of notification for law enforcement purposes under this subtitle.

##### **SEC. 312. EXEMPTIONS.**

(a) **EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.**—

(1) **IN GENERAL.**—Section 311 shall not apply to an agency or business entity if the agency or business entity certifies, in writing, that notification of the security breach as required by section 311 reasonably could be expected to—

(A) cause damage to the national security; or

(B) hinder a law enforcement investigation or the ability of the agency to conduct law enforcement investigations.

(2) **LIMITS ON CERTIFICATIONS.**—An agency or business entity may not execute a certification under paragraph (1) to—

(A) conceal violations of law, inefficiency, or administrative error;

(B) prevent embarrassment to a business entity, organization, or agency; or

(C) restrain competition.

(3) **NOTICE.**—In every case in which an agency or business agency issues a certification under paragraph (1), the certification, accompanied by a description of the factual basis for the certification, shall be immediately provided to the United States Secret Service and the Federal Bureau of Investigation.

(4) **SECRET SERVICE AND FBI REVIEW OF CERTIFICATIONS.**—

(A) **IN GENERAL.**—The United States Secret Service or the Federal Bureau of Investigation may review a certification provided by an agency under paragraph (3), and shall review a certification provided by a business entity under paragraph (3), to determine whether an exemption under paragraph (1) is merited. Such review shall be completed not later than 10 business days after the date of receipt of the certification, except as provided in paragraph (5)(C).

(B) **NOTICE.**—Upon completing a review under subparagraph (A) the United States Secret Service or the Federal Bureau of Investigation shall immediately notify the agency or business entity, in writing, of its determination of whether an exemption under paragraph (1) is merited.

(C) **EXEMPTION.**—The exemption under paragraph (1) shall not apply if the United States Secret Service or the Federal Bureau of Investigation determines under this paragraph that the exemption is not merited.

(5) **ADDITIONAL AUTHORITY OF THE SECRET SERVICE AND FBI.**—

(A) **IN GENERAL.**—In determining under paragraph (4) whether an exemption under paragraph (1) is merited, the United States Secret Service or the Federal Bureau of Investigation may request additional information from the agency or business entity regarding the basis for the claimed exemption, if such additional information is necessary to determine whether the exemption is merited.

(B) **REQUIRED COMPLIANCE.**—Any agency or business entity that receives a request for additional information under subparagraph (A) shall cooperate with any such request.

(C) **TIMING.**—If the United States Secret Service or the Federal Bureau of Investigation requests additional information under subparagraph (A), the United States Secret Service or the Federal Bureau of Investigation shall notify the agency or business entity not later than 10 business days after the date of receipt of the additional information whether an exemption under paragraph (1) is merited.

(b) **SAFE HARBOR.**—An agency or business entity will be exempt from the notice requirements under section 311, if—

(1) a risk assessment concludes that—

(A) there is no significant risk that a security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach, with the encryption of such information establishing a presumption that no significant risk exists; or

(B) there is no significant risk that a security breach has resulted in, or will result in, harm to the individuals whose sensitive personally identifiable information was subject to the security breach, with the rendering of such sensitive personally identifiable information indecipherable through the use of best practices or methods, such as redaction, access controls, or other such mechanisms, which are widely accepted as an effective industry practice, or an effective industry standard, establishing a presumption that no significant risk exists;

(2) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the United States Secret Service or the Federal Bureau of Investigation, the agency or business entity notifies the United States Secret Service and the Federal Bureau of Investigation, in writing, of—

(A) the results of the risk assessment; and

(B) its decision to invoke the risk assessment exemption; and

(3) the United States Secret Service or the Federal Bureau of Investigation does not indicate, in writing, within 10 business days from receipt of the decision, that notice should be given.

(c) **FINANCIAL FRAUD PREVENTION EXEMPTION.**—

(1) **IN GENERAL.**—A business entity will be exempt from the notice requirement under section 311 if the business entity utilizes or participates in a security program that—

(A) is designed to block the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) **LIMITATION.**—The exemption by this subsection does not apply if—

(A) the information subject to the security breach includes sensitive personally identifiable information, other than a credit card or credit card security code, of any type of the sensitive personally identifiable information identified in section 3; or

(B) the security breach includes both the individual's credit card number and the individual's first and last name.

#### **SEC. 313. METHODS OF NOTICE.**

An agency or business entity shall be in compliance with section 311 if it provides both:

(1) **INDIVIDUAL NOTICE.**—Notice to individuals by 1 of the following means:

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity.

(B) Telephone notice to the individual personally.

(C) E-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) **MEDIA NOTICE.**—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person exceeds 5,000.

#### **SEC. 314. CONTENT OF NOTIFICATION.**

(a) **IN GENERAL.**—Regardless of the method by which notice is provided to individuals under section 313, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, accessed or acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) **ADDITIONAL CONTENT.**—Notwithstanding section 319, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

#### **SEC. 315. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.**

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 311(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

#### **SEC. 316. NOTICE TO LAW ENFORCEMENT.**

(a) **SECRET SERVICE AND FBI.**—Any business entity or agency shall notify the United States Secret Service and the Federal Bu-

reau of Investigation of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been accessed or acquired by an unauthorized person exceeds 10,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 1,000,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(b) **FTC REVIEW OF THRESHOLDS.**—The Federal Trade Commission may review and adjust the thresholds for notice to law enforcement under subsection (a), after notice and the opportunity for public comment, in a manner consistent with this section.

(c) **ADVANCE NOTICE TO LAW ENFORCEMENT.**—Not later than 48 hours before notifying an individual of a security breach under section 311, a business entity or agency that is required to provide notice under this section shall notify the United States Secret Service and the Federal Bureau of Investigation of the fact that the business entity or agency intends to provide the notice.

(d) **NOTICE TO OTHER LAW ENFORCEMENT AGENCIES.**—The United States Secret Service and the Federal Bureau of Investigation shall be responsible for notifying—

(1) the United States Postal Inspection Service, if the security breach involves mail fraud;

(2) the attorney general of each State affected by the security breach; and

(3) the Federal Trade Commission, if the security breach involves consumer reporting agencies subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), or anticompetitive conduct.

(e) **TIMING OF NOTICES.**—The notices required under this section shall be delivered as follows:

(1) Notice under subsection (a) shall be delivered as promptly as possible, but not later than 14 days after discovery of the events requiring notice.

(2) Notice under subsection (d) shall be delivered not later than 14 days after the Service receives notice of a security breach from an agency or business entity.

#### **SEC. 317. ENFORCEMENT.**

(a) **CIVIL ACTIONS BY THE ATTORNEY GENERAL.**—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this subtitle and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional. In determining the amount of a civil penalty under this subsection, the court shall take into account the degree of culpability of the business entity, any prior violations of this subtitle by the business entity, the ability of the business entity to pay, the effect on the ability of the business entity to continue to do business, and such other matters as justice may require.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this subtitle, the Attorney General may petition an appropriate district court of the United States for an order—

- (A) enjoining such act or practice; or
- (B) enforcing compliance with this subtitle.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this subtitle.

(c) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subtitle are cumulative and shall not affect any other rights and remedies available under law.

(d) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)(1)) is amended by inserting “, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,” after “identity theft report”.

#### SEC. 318. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this subtitle, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction or any other court of competent jurisdiction, including a State court, to—

- (A) enjoin that practice;
- (B) enforce compliance with this subtitle;

or

(C) civil penalties of not more than \$1,000 per day per individual whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person, up to a maximum of \$1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

- (i) written notice of the action; and
- (ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subtitle, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(2), the Attorney General shall have the right to—

- (1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 317 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(2); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this subtitle or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subtitle against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this subtitle regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

- (1) conduct investigations;
- (2) administer oaths or affirmations; or
- (3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

- (A) is an inhabitant; or
- (B) may be found.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this subtitle establishes a private cause of action against a business entity for violation of any provision of this subtitle.

#### SEC. 319. EFFECT ON FEDERAL AND STATE LAW.

The provisions of this subtitle shall supersede any other provision of Federal law or any provision of law of any State relating to notification by a business entity engaged in interstate commerce or an agency of a security breach, except as provided in section 314(b).

#### SEC. 320. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

#### SEC. 321. REPORTING ON RISK ASSESSMENT EXEMPTIONS.

The United States Secret Service and the Federal Bureau of Investigation shall report to Congress not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, on—

(1) the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 312(b) and the response of the United States Secret Service and the Federal Bureau of Investigation to such notices; and

(2) the number and nature of security breaches subject to the national security and law enforcement exemptions under section 312(a), provided that such report may not disclose the contents of any risk assessment provided to the United States Secret Service and the Federal Bureau of Investigation pursuant to this subtitle.

#### SEC. 322. EFFECTIVE DATE.

This subtitle shall take effect on the expiration of the date which is 90 days after the date of enactment of this Act.

#### TITLE IV—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

##### SEC. 401. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.

(a) IN GENERAL.—In considering contract awards totaling more than \$500,000 and entered into after the date of enactment of this Act with data brokers, the Administrator of the General Services Administration shall evaluate—

(1) the data privacy and security program of a data broker to ensure the privacy and security of data containing personally identifiable information, including whether such program adequately addresses privacy and security threats created by malicious software or code, or the use of peer-to-peer file sharing software;

(2) the compliance of a data broker with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a data broker have been compromised by security breaches; and

(4) the response by a data broker to such breaches, including the efforts by such data broker to mitigate the impact of such security breaches.

(b) COMPLIANCE SAFE HARBOR.—The data privacy and security program of a data broker shall be deemed sufficient for the purposes of subsection (a), if the data broker complies with or provides protection equal to industry standards, as identified by the Federal Trade Commission, that are applicable to the type of personally identifiable information involved in the ordinary course of business of such data broker.

(c) PENALTIES.—In awarding contracts with data brokers for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall—

(1) include monetary or other penalties—

(A) for failure to comply with subtitles A and B of title III; or

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; and

(2) require a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(A) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(B) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(C) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(d) LIMITATION.—The penalties under subsection (c) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source or licensor.

##### SEC. 402. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.

Section 3544(b) of title 44, United States Code, is amended—



(1) in paragraph (7)(C)(iii), by striking “and” after the semicolon;

(2) in paragraph (8), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(9) procedures for evaluating and auditing the information security practices of contractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information (as that term is defined in section 3 of the Personal Data Privacy and Security Act of 2011) and ensuring remedial action to address any significant deficiencies.”.

**SEC. 403. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.**

(a) IN GENERAL.—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking “or”; and

(2) in subparagraph (A)(ii), by striking the period and inserting “; or”; and

(3) by inserting after clause (ii) the following:

“(iii) purchasing or subscribing for a fee to personally identifiable information from a data broker (as such terms are defined in section 3 of the Personal Data Privacy and Security Act of 2011).”.

(b) LIMITATION.—Notwithstanding any other provision of law, commencing 1 year after the date of enactment of this Act, no Federal agency may enter into a contract with a data broker to access for a fee any database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note), which shall subject to the provision in that Act pertaining to sensitive information, include a description of—

(A) such database;

(B) the name of the data broker from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access, analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and

the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement totaling more than \$500,000, provisions—

(A) providing for penalties—

(i) for failure to comply with title III of this Act; or

(ii) if the entity knows or has reason to know that the personally identifiable information being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; and

(B) requiring a data broker that engages service providers not subject to subtitle A of title III for responsibilities related to sensitive personally identifiable information to—

(i) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information;

(ii) take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(iii) require such service providers, by contract, to implement and maintain appropriate measures designed to meet the objectives and requirements in title III.

(c) LIMITATION ON PENALTIES.—The penalties under subsection (b)(3)(A) shall not apply to a data broker providing information that is accurately and completely recorded from a public record source.

(d) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency actions to address the recommendations in the Government Accountability Office's April 2006 report on agency adherence to key privacy principles in using data brokers or commercial databases containing personally identifiable information.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

**TITLE V—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT**

**SEC. 501. BUDGET COMPLIANCE.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. BAUCUS:

S. 1154. A bill to require transparency for Executive departments in meeting the Government-wide goals for contracting with small business concerns owned and controlled by service-disabled veterans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1154

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Honoring Promises to Service-Disabled Veterans Act of 2011”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Federal agencies have an obligation to comply with the Veterans Entrepreneurship and Small Business Development Act of 1999 (Public Law 106-50; 113 Stat. 233), and the amendments made by that Act, which established a Government-wide goal that not less than 3 percent of the total value of all prime contracts and subcontracts be awarded to small business concerns owned and controlled by service-disabled veterans each fiscal year (referred to in this section as the “Government-wide goal for service-disabled veterans”).

(2) Progress in meeting the Government-wide goal for service-disabled veterans has been unacceptably slow.

(3) Prime contractors doing business with the United States Government have an obligation to do their part to meet the Government-wide goal for service-disabled veterans.

(4) The public has a right to know whether the Executive departments (as defined in section 101 of title 5, United States Code) and prime contractors are meeting the Government-wide goal for service-disabled veterans.

**SEC. 3. TRANSPARENCY IN CONTRACTING GOALS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.**

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:

“(s) TRANSPARENCY IN CONTRACTING GOALS FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘covered contractor’ means a contractor that is required to submit a subcontracting plan under section 8(d) to an Executive department; and

“(B) the term ‘Executive department’ has the meaning given that term in section 101 of title 5, United States Code.

“(2) REPORTS TO ADMINISTRATOR.—Three months after the date of enactment of this subsection, and quarterly thereafter, the head of each Executive department shall submit to the Administrator a report that contains—

“(A) the percentage of the total value of all prime contracts awarded by the Executive department to small business concerns owned and controlled by service-disabled veterans during the 3-month period ending on the date of the report;

“(B) the name of each covered contractor to which the Executive department awards a contract;

“(C) for each contract awarded to a covered contractor by the Executive department—

“(i) the percentage goal negotiated under section 8(d)(6)(A) for the utilization as subcontractors of small business concerns owned and controlled by service-disabled veterans; and

“(ii) if the contract is completed during the 3-month period ending on the date of the report, the percentage of the total value of subcontracts entered into by the covered contractor awarded to small business concerns owned and controlled by service-disabled veterans;

“(D) the weighted average percentage goal negotiated by each covered contractor under section 8(d)(6)(A) for the utilization as sub-contractors of small business concerns owned and controlled by service-disabled veterans for all contracts awarded by the Executive department to the covered contractor; and

“(E) for all contracts awarded to covered contractors by the Executive department that are completed during the 3-month period ending on the date of the report, the percentage of the total value of all sub-contracts awarded by covered contractors that were awarded to small business concerns owned and controlled by service-disabled veterans.

“(3) RANKINGS.—For the first full fiscal year following the date of enactment of this subsection, and each fiscal year thereafter, the Administrator shall rank—

“(A) the Executive departments, based on—

“(i) the percentage of the total value of prime contracts awarded by the Executive departments to small business concerns owned and controlled by service-disabled veterans; and

“(ii) the percentage of the total value of subcontracts awarded by covered contractors that are awarded contracts by the Executive departments to small business concerns owned and controlled by service-disabled veterans; and

“(B) covered contractors, based on the percentage of the total value of subcontracts awarded by the covered contractors to small business concerns owned and controlled by service-disabled veterans.

“(4) PUBLICATION.—

“(A) WEBSITE.—Except as provided in subparagraph (B), the Administrator shall publish on a website accessible to the public a user-friendly, electronically searchable report containing—

“(i) the information submitted to the Administrator under paragraph (2); and

“(ii) the rankings made by the Administrator under paragraph (3).

“(B) EXCEPTION FOR NATIONAL SECURITY.—If the head of an Executive department determines that publication of information contained in a report submitted under paragraph (2) would be detrimental to national security, the Administrator shall not publish the information on the website described in subparagraph (A).

“(C) UPDATING.—The Administrator shall update the contents of the website described in subparagraph (A) not less frequently than quarterly.

“(5) REPORTS TO CONGRESS.—

“(A) ANNUAL REPORT.—The Administrator shall submit to Congress an annual report on the progress of each Executive department toward meeting the Government-wide goals for contracting and subcontracting established under subsection (g).

“(B) CONTENTS.—Each report under this paragraph shall include—

“(i) a statement of whether the website described in paragraph (4) contains the latest data reported to the Administrator by the Executive departments; and

“(ii) a recommendation of a prime contractor that should be recognized by Congress for outstanding progress in contracting with small business concerns owned and controlled by service-disabled veterans.

“(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any other reporting requirement under Federal law.”.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 389. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 390. Ms. SNOWE (for herself, Mr. COBURN, Mr. MCCONNELL, Mr. BARRASSO, Mr. BROWN of Massachusetts, Mr. MORAN, Mr. THUNE, Mr. ENZI, Ms. AYOTTE, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 391. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 392. Mr. TESTER (for himself, Mr. CORKER, Mrs. HAGAN, Mr. CRAPO, Mr. BENNETT, Mr. BLUNT, Mr. CARPER, Mr. KYL, and Mr. COONS) proposed an amendment to the bill S. 782, supra.

SA 393. Mr. DURBIN proposed an amendment to amendment SA 392 proposed by Mr. TESTER (for himself, Mr. CORKER, Mrs. HAGAN, Mr. CRAPO, Mr. BENNETT, Mr. BLUNT, Mr. CARPER, Mr. KYL, and Mr. COONS) to the bill S. 782, supra.

SA 394. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 395. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 396. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 397. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 398. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 399. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 400. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 401. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 402. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 403. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 404. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 405. Mr. BROWN of Massachusetts (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 406. Mrs. HUTCHISON (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 407. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 408. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 409. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 410. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 411. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 412. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 413. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 414. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 415. Mr. BARRASSO (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 389.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

### SEC. \_\_\_\_ . NOPEC.

(a) **SHORT TITLE.**—This section may be cited as the “No Oil Producing and Exporting Cartels Act of 2011” or “NOPEC”.

(b) **SHERMAN ACT.**—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

### “SEC. 7A. OIL PRODUCING CARTELS.

“(a) **IN GENERAL.**—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) **SOVEREIGN IMMUNITY.**—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine

of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) ENFORCEMENT.—

“(1) IN GENERAL.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws.

“(2) NO PRIVATE RIGHT OF ACTION.—No private right of action is authorized under this section.”.

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking “or” after the semicolon;

(2) in paragraph (6), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(7) in which the action is brought under section 7A of the Sherman Act.”.

**SA 390.** Ms. SNOWE (for herself, Mr. COBURN, Mr. MCCONNELL, Mr. BARRASSO, Mr. BROWN of Massachusetts, Mr. MORAN, Mr. THUNE, Mr. ENZI, Ms. AYOTTE, and Mr. ISAKSON) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES**

**SEC. 1. SHORT TITLE.**

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including in-

direct economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

**SEC. 3. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.**

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

**SEC. 4. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.**

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601.”;

(2) in paragraph (2), by inserting “603,” after “601.”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “,” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.”.

**SEC. 5. PERIODIC REVIEW.**

Section 610 of title 5, United States Code, is amended to read as follows:

**“§ 610. Periodic review of rules**

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a sig-

nificant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph

(B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”.

#### **SEC. 6. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.**

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “a covered agency” the first place it appears and inserting “an agency designated under subsection (d)”; and

(B) by striking “a covered agency” each place it appears and inserting “the agency”;

(2) by striking subsection (d), as amended by section 1100G(a) of Public Law 111-203 (124 Stat. 2112), and inserting the following:

“(d)(1)(A) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, the Environmental Protection Agency and the Occupational Safety and Health Administration of the Department of Labor shall be—

“(i) agencies designated under this subsection; and

“(ii) subject to the requirements of subsection (b).

“(B) On and after the designated transfer date established under section 1062 of Public Law 111-203 (12 U.S.C. 5582), the Bureau of Consumer Financial Protection shall be—

“(i) an agency designated under this subsection; and

“(ii) subject to the requirements of subsection (b).

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”; and

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

#### **(b) TECHNICAL AND CONFORMING AMENDMENTS.**

(1) SECTION 603.—Section 603(d) of title 5, United States Code, as added by section 1100G(b) of Public Law 111-203 (124 Stat. 2112), is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111-203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(ii) by striking “the agency” and inserting “the Bureau”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply on and after the designated transfer date established under section 1062 of Public Law 111-203 (12 U.S.C. 5582).

#### **SEC. 7. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.**

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

#### **SEC. 8. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.**

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 3 of this title, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

#### **SEC. 9. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.**

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”; and

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”; and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date

of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope"; and

(B) by striking "and the total amount of penalty reductions and waivers" and inserting "the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)".

**SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111-203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

"(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

"(1) describing the reasons why action by the agency is being considered;

"(2) describing the objectives of, and legal basis for, the proposed rule;

"(3) estimating the number and type of small entities to which the proposed rule will apply;

"(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

"(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

"(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.";

(2) by adding at the end the following:

"(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

"(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

"(2) if no submission to the Office of Information and Regulatory Affairs is required—

"(A) a reasonable period before publication of the rule by the agency; and

"(B) in any event, not later than 3 months before the date on which the agency publishes the rule.".

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting "detailed" before "description" each place it appears;

(B) in paragraph (2)—

(i) by inserting "detailed" before "statement" each place it appears; and

(ii) by inserting "(or certification of the proposed rule under section 605(b))" after "initial regulatory flexibility analysis";

(C) in paragraph (4), by striking "an explanation" and inserting "a detailed explanation"; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), by inserting "detailed" before "statement".

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

"(b) The agency shall—

"(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

"(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.".

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

"(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.".

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking "statement providing the factual" and inserting "detailed statement providing the factual and legal".

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

**"§ 607. Quantification requirements**

"In complying with sections 603 and 604, an agency shall provide—

"(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

"(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.".

**SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.**

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

"(A) publishing an initial regulatory flexibility analysis for public comment; or

"(B) re-proposing the rule with an initial regulatory flexibility analysis.

"(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

"(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

"(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

"(C) the number of affected small entities for which that cost will be significant.

"(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

"(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

"(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.".

**SEC. 12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.**

Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.".

**SEC. 13. FUNDING AND OFFSETS.**

(a) AUTHORIZATION.—There are authorized to be appropriated to the Small Business Administration, for any costs of carrying out this title and the amendments made by this title (including the costs of hiring additional employees)—

(1) \$1,000,000 for fiscal year 2012;

(2) \$2,000,000 for fiscal year 2013; and

(3) \$3,000,000 for fiscal year 2014.

(b) REPEALS.—In order to offset the costs of carrying out this title and the amendments made by this title and to reduce the Federal deficit, the following provisions of law are repealed, effective on the date of enactment of this Act:

(1) Section 21(n) of the Small Business Act (15 U.S.C. 648).

(2) Section 27 of the Small Business Act (15 U.S.C. 654).

(3) Section 1203(c) of the Energy Security and Efficiency Act of 2007 (15 U.S.C. 657h(c)).

**SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) HEADING.—Section 605 of title 5, United States Code, is amended in the section heading by striking "Avoidance" and all that follows and inserting the following: "Incorporations by reference and certification.".

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

"605. Incorporations by reference and certifications.";

and

(2) by striking the item relating to section 607 inserting the following:

"607. Quantification requirements.".

**SA 391.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 22. CONSUMER FINANCIAL PROTECTION AGENCY.**

(a) **ESTABLISHMENT OF THE AGENCY.**—Section 1011 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5491) is amended to read as follows:

**“SEC. 1011. ESTABLISHMENT OF THE CONSUMER FINANCIAL PROTECTION AGENCY.**

“(a) **AGENCY ESTABLISHED.**—There is established the Consumer Financial Protection Agency, which shall regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws. The Agency shall be considered an executive agency, as defined in section 105 of title 5, United States Code. Except as otherwise expressly provided by law, all Federal laws dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, United States Code, shall apply to the exercise of the powers of the Agency.

“(b) **ESTABLISHMENT OF A BOARD OF DIRECTORS.**—

“(1) **IN GENERAL.**—The management of the Agency shall be vested in a Board of Directors, consisting of 6 Directors—

“(A) 1 of whom shall be the Comptroller of the Currency;

“(B) 1 of whom shall be the Chairperson of the Corporation;

“(C) 1 of whom shall be the Chairman of the Board of Governors; and

“(D) 3 of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States and have demonstrated understanding of financial regulation and consumer financial protection.

“(2) **POLITICAL AFFILIATION.**—Not more than 2 Directors appointed under paragraph (1)(D) may belong to the same political party.

“(3) **CHAIR AND VICE CHAIR.**—

“(A) **CHAIR.**—One of the appointed Director shall be designated by the President, by and with the advice and consent of the Senate, to serve as Chair of the Board of Directors.

“(B) **VICE CHAIR.**—One of the appointed Director shall be designated by the President, by and with the advice and consent of the Senate, to serve as Vice Chair of the Board of Directors.

“(C) **ACTING CHAIR.**—In the event of a vacancy in the position of Chair of the Board of Directors, or during the absence or disability of the Chair, the Vice Chair shall act as Chair.

“(4) **QUORUM.**—Three Directors shall constitute a quorum for the transaction of business.

“(c) **TERMS.**—

“(1) **APPOINTED DIRECTORS.**—Each appointed Director shall be appointed for a term of 5 years, unless sooner removed by the President, upon reason to be communicated by the President to the Senate.

“(2) **INTERIM APPOINTMENTS.**—Any Director appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

“(3) **CONTINUATION OF SERVICE.**—The Chair, Vice Chair, and each appointed Director may continue to serve after the expiration of the term of office to which such member was appointed until a successor has been appointed and qualified.

“(4) **VACANCY.**—

“(A) **IN GENERAL.**—In the event that any appointed Director is removed by the Presi-

dent pursuant to paragraph (1), or otherwise vacates the position before the expiration of the term for which that member was appointed, such vacancy shall be filled by the President in accordance with the procedures set forth in subsection (b)(1)(D), and the appointed Director shall complete only the remainder of the term existing at the time of the vacancy.

“(B) **NO IMPAIRMENT BY REASON OF VACANCY.**—No vacancy in the membership of the Board of Directors shall impair the right of the remaining Directors to exercise all the powers of the Board of Directors.

“(d) **SERVICE RESTRICTIONS.**—

“(1) **IN GENERAL.**—No Director may—

“(A) hold any office, position, or employment in any Federal reserve bank, Federal home loan bank, covered person, or service provider; or

“(B) hold stock in any covered person or service provider while serving as a Director.

“(2) **CERTIFICATION.**—Upon taking office, each Director shall certify under oath that such member has complied with this subsection, which certification shall be filed with the Board of Directors.

“(e) **EXERCISE OF AUTHORITY OF THE AGENCY.**—Prior to carrying out any authority granted to the Agency or any Director, a majority of the Board of Directors shall vote affirmatively to authorize the Agency or such member to take such action.

“(f) **OFFICES.**—The principal office of the Agency shall be in the District of Columbia.”

(b) **BRINGING THE BUREAU INTO THE REGULAR APPROPRIATIONS PROCESS.**—Section 1017 of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5497) is amended—

(1) in subsection (a)—

(A) by striking the subsection heading and inserting the following: “BUDGET, FINANCIAL MANAGEMENT, AND AUDIT.”;

(B) by striking paragraphs (1), (2), and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively; and

(D) in paragraph (1), as so redesignated, by striking subparagraphs (E) and (F); and

(2) by striking subsections (b) through (e) and inserting the following:

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Bureau, to carry out this title, not more than \$143,000,000 for fiscal year 2011.”

(c) **SAFETY AND SOUNDNESS CHECK.**—Section 1022(b)(2)(A) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5497(b)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by inserting “and” at the end; and

(3) by adding at the end the following:

“(iii) the impact of such rule on the financial safety or soundness of an insured depository institution.”

(d) **CONSUMER FINANCIAL PROTECTION ACT OF 2010 CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481 et seq.) is amended—

(A) by striking “Bureau” each place that term appears in relation to the Bureau of Consumer Financial Protection and inserting “Agency”;

(B) by striking “Director of the” each place such term appears in relation to the Director of the Bureau of Consumer Financial Protection;

(C) by striking “Director” each place such term appears, except where such term is used to refer to a Director other than the Director

of the Bureau of Consumer Financial Protection, and inserting “Board of Directors”; and

(D) in section 1002 (12 U.S.C. 5481)—

(i) by striking paragraph (2) and inserting the following:

“(2) **AGENCY.**—The term ‘Agency’ means the Consumer Financial Protection Agency established under this title.”; and

(ii) by striking paragraph (10) and inserting the following:

“(10) **DIRECTORS.**—The terms ‘Board of Directors’ and ‘Director’ mean the board of directors of the Agency and a member thereof, respectively.”

(2) **EXCEPTIONS.**—The Consumer Financial Protection Act of 2010 (12 U.S.C. 5481 et seq.) is amended—

(A) in section 1012(c)(4) (12 U.S.C. 5492(c)(4)), by striking “Director” each place such term appears and inserting “Board of Directors”;

(B) in section 1013(c)(3) (12 U.S.C. 5493(c)(3))—

(i) by striking “Assistant Director of the Bureau for” and inserting “head of the Office of”;

(ii) in subparagraph (B), by striking “Assistant Director” and inserting “Head of the Office”;

(C) in section 1013(g)(2) (12 U.S.C. 5493(g)(2))—

(i) in the paragraph heading, by striking “ASSISTANT DIRECTOR” and inserting “HEAD OF THE OFFICE”;

(ii) by striking “an assistant director” and inserting “a Head of the Office of Financial Protection for Older Americans”;

(D) in section 1016(a) (12 U.S.C. 5496(a)), by striking “Director of the Bureau” and inserting “Chair of the Board of Directors of the Agency”; and

(E) in section 1066(a) (12 U.S.C. 5586(a)), by striking “Director of the Bureau is” and inserting “first member of the Board of Directors is”.

(e) **DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT CONFORMING AMENDMENTS.**—The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is amended—

(1) in section 2 (12 U.S.C. 5301), by striking paragraph (4) and inserting the following:

“(4) **AGENCY DEFINITIONS.**—The—

“(A) term ‘Agency’ means the Consumer Financial Protection Agency established under title X; and

“(B) terms ‘Board of Directors’ and ‘Director’ mean the board of directors of the Agency and a member thereof, respectively.”;

(2) in section 111(b)(1)(D) (12 U.S.C. 5321), by striking “Director” and inserting “Chair of the Board of Directors of the Agency”; and

(3) in section 1447 (12 U.S.C. 1701p-2), by striking “Director of the Bureau” each place that term appears and inserting “Chair of the Board of Directors of the Agency”.

(f) **ELECTRONIC FUND TRANSFER ACT CONFORMING AMENDMENTS.**—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) effective on the date of enactment of this Act, in section 920(a)(4)(C) (15 U.S.C. 1693o-2(a)(4)(C)), as added by section 1075(a)(2) of the Consumer Financial Protection Act of 2010, is amended by striking “Director of the Bureau of Consumer Financial Protection” and inserting “Chair of the Board of Directors of the Consumer Financial Protection Agency”; and

(2) effective as of the effective date of subtitle H of the Consumer Financial Protection Act of 2010—

(A) in section 903 (15 U.S.C. 1693a), by striking the second paragraph designated as paragraph (4) (as added by section 1084(2)(B) of

the Consumer Financial Protection Act of 2010) and inserting the following:

“(4) the term ‘Agency’ means the Consumer Financial Protection Agency;” and

(B) by striking “Bureau” each place that term appears and inserting “Agency”.

(g) EXPEDITED FUNDS AVAILABILITY ACT CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Expedited Funds Availability Act (12 U.S.C. 4001 et seq.), as amended by section 1086 of the Consumer Financial Protection Act of 2010, is amended by striking “Director of the Bureau of Consumer Financial Protection” each place that term appears and inserting “Consumer Financial Protection Agency”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(h) FEDERAL DEPOSIT INSURANCE ACT CONFORMING AMENDMENTS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended—

(1) by striking “Bureau of Consumer Financial Protection” each place that term appears and inserting “Consumer Financial Protection Agency”;

(2) by striking “Bureau” each place that term appears in the context of the Bureau of Consumer Financial Protection, and inserting “Consumer Financial Protection Agency”; and

(3) in section 2 (12 U.S.C. 1812), as amended by section 336(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by striking “Director of the Consumer Financial Protection Bureau” each place that term appears and inserting “Chair of the Board of Directors of the Consumer Financial Protection Agency”.

(i) FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL ACT OF 1978 CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1004(a)(4) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)(4)), as amended by section 1091 of the Consumer Financial Protection Act of 2010, is amended by striking “Director of the Consumer Financial Protection Bureau” and inserting “Chair of the Board of Directors of the Consumer Financial Protection Agency”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(j) FINANCIAL LITERACY AND EDUCATION IMPROVEMENT ACT CONFORMING AMENDMENTS.—Section 513 of the Financial Literacy and Education Improvement Act (20 U.S.C. 9702), as amended by section 1013(d)(5) of the Consumer Financial Protection Act of 2010, is amended by striking “Director of the Bureau of Consumer Financial Protection” each place that term appears and inserting “Chair of the Board of Directors of the Consumer Financial Protection Agency”.

(k) HOME MORTGAGE DISCLOSURE ACT OF 1975 CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 307 of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2806), as added by section 1094(6) of the Consumer Financial Protection Act of 2010, is amended—

(A) by striking “Director of the Bureau of Consumer Financial Protection” each place that term appears and inserting “Chair of the Board of Directors of the Consumer Financial Protection Agency”; and

(B) in subsection (a)(1), by striking “Bureau deems” and inserting “Chair of the

Board of Directors of the Consumer Financial Protection Agency deems”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(l) INTERSTATE LAND SALES FULL DISCLOSURE ACT CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.), as amended by section 1098A of the Consumer Financial Protection Act of 2010, is amended—

(A) by striking “Bureau” each place that term appears and inserting “Agency”;

(B) in section 1402 (15 U.S.C. 1701)—

(i) by striking paragraph (1) and inserting the following:

“(1) ‘Agency’ means the Consumer Financial Protection Agency;” and

(ii) by striking paragraph (12) and inserting the following:

“(12) ‘Chair’ means the Chair of the Board of Directors of the Consumer Financial Protection Agency.”

(C) in section 1416(a) (15 U.S.C. 1715(a)), by striking “Director of the Bureau of Consumer Financial Protection” and inserting “Agency”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(m) REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 CONFORMING AMENDMENTS.—Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604), as amended by section 1450 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended—

(1) by striking “The Director of the Bureau of Consumer Financial Protection (hereafter in this section referred to as the ‘Director’)” and inserting “The Consumer Financial Protection Agency (in this section referred to as the ‘Agency’)”; and

(2) by striking “Director” each place that term appears and inserting “Agency”.

(n) S.A.F.E. MORTGAGE LICENSING ACT OF 2008 CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101), as amended by section 1100 of the Consumer Financial Protection Act of 2010, is amended—

(A) by striking “Director” each place that term appears, other than where such term is used in the context of the Director of the Office of Thrift Supervision, and inserting “Agency”;

(B) by striking “Bureau” each place that term appears, other than where such term is used in the context of the Director of the Office of Thrift Supervision, and inserting “Agency”; and

(C) in section 1503 (12 U.S.C. 5102)—

(i) by striking paragraph (1) and inserting the following:

“(1) AGENCY.—The term ‘Agency’ means the Consumer Financial Protection Agency.”; and

(ii) by striking paragraph (10) and inserting the following:

“(10) DIRECTORS.—The terms ‘Board of Directors’ and ‘Director’ mean the board of directors of the Agency and a member thereof, respectively.”

(2) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(o) TITLE 44, UNITED STATES CODE CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 44, United States Code, as amended by section 1100D(b) of the Consumer Financial Protection Act of 2010, is amended—

(A) in section 3502(5), by striking “Bureau of Consumer Financial Protection” and inserting “Consumer Financial Protection Agency”; and

(B) in section 3513(c), by striking “Director of the Bureau of Consumer Financial Protection” and inserting “Consumer Financial Protection Agency”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(p) TRUTH IN LENDING ACT CONFORMING AMENDMENTS.—

(1) IN GENERAL.—The Truth in Lending Act (15 U.S.C. 1601 et seq.), as amended by section 1084 of the Consumer Financial Protection Act of 2010, is amended—

(A) in section 103 (15 U.S.C. 1602), by striking subsections (b) and (c) and inserting the following:

“(b) The term ‘Agency’ means the Consumer Financial Protection Agency.

“(c) The terms ‘Board of Directors’ and ‘Director’ mean the board of directors of the Agency and a member thereof, respectively.”; and

(B) by striking “Bureau” each place that term appears and inserting “Agency”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall become effective on the day after the effective date of the amendments made by subtitle H of the Consumer Financial Protection Act of 2010.

(q) RULE OF CONSTRUCTION.—Except as specified in the amendments made by this section, all references in Federal law to the Bureau of Consumer Financial Protection and the Director thereof shall be deemed to be references to the Consumer Financial Protection Agency and the Board of Directors thereof, respectively.

**SA 392.** Mr. TESTER (for himself, Mr. CORKER, Mrs. HAGAN, Mr. CRAPO, Mr. BENNET, Mr. BLUNT, Mr. CARPER, Mr. KYL, and Mr. COONS) proposed an amendment to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows:

At the appropriate place, insert the following:

#### **TITLE \_\_\_\_\_—DEBIT INTERCHANGE FEE REFORM**

##### **SEC. 1. SHORT TITLE.**

This title may be cited as the “Debit Interchange Fee Reform Act of 2011”.

##### **SEC. 2. FINDINGS.**

Congress finds that—

(1) in response to the proposed debit interchange rule of the Board of Governors of the Federal Reserve System mandated by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Chairman of Board, the Comptroller of the Currency, the Chairperson of the Federal Deposit Insurance Corporation, and the Chairman of the National Credit Union Administration Board have publicly raised concerns about the impact of the proposed rule;

(2) while testifying before the Committee on Banking, Housing, and Urban Affairs of the Senate on February 17, 2011, the Chairman of the Board stated in response to questions about the small bank exemption to the interchange rule, “there is some risk that



the exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent we would see for larger banks”;

(3) the Acting Comptroller of the Currency, in comments to the Board, cited safety and soundness concerns and stated, “We believe the proposal takes an unnecessarily narrow approach to recovery of costs that would be allowable under the law and that are recognized and indisputably part of conducting a debit card business. This has long-term safety and soundness consequences for banks of all sizes.”;

(4) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation stated in comments to the Board regarding the proposed rule their concern that the small bank exemption would not work, stating, “We are concerned that these institutions may not actually receive the benefit of the interchange fee limit exemption explicitly provided by Congress, resulting in a loss of income for community banks and ultimately higher banking costs for their customers.”;

(5) the Chairman of the National Credit Union Administration Board, in comments to the Board, cited concern with making sure there are “meaningful exemptions for smaller card issuers”;

(6) all of the comments and concerns raised by the banking and credit union regulatory agencies cast serious questions about the practical implementation of section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and further study and consideration are needed.

#### SEC. 3. RULEMAKING AND EFFECTIVE DATES.

Section 920 of the Electronic Fund Transfer Act (15 U.S.C. 1693o–2), as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended—

(1) in subsection (a)(3)(A), by striking “9 months after the date of enactment of the Consumer Financial Protection Act of 2010” and inserting “12 months after the date of enactment of the Debit Interchange Fee Reform Act of 2011”;

(2) in subsection (a)(5)(B)(i), by striking “9 months after the date of enactment of the Consumer Financial Protection Act of 2010” and inserting “12 months after the date of enactment of the Debit Interchange Fee Reform Act of 2011”;

(3) in subsection (a)(8)(C), by striking “9-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “12-month period beginning on the date of enactment of the Debit Interchange Fee Reform Act of 2011”;

(4) in subsection (a)(9), by striking “at the end of the 12-month period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “a date determined by the Board”;

(5) in subsection (b)(1)(A), by striking “1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “12-month period beginning on the date of enactment of the Debit Interchange Fee Reform Act of 2011”;

(6) in subsection (b)(1)(B), by striking “1-year period beginning on the date of the enactment of the Consumer Financial Protection Act of 2010” and inserting “12-month period beginning on the date of enactment of the Debit Interchange Fee Reform Act of 2011”.

#### SEC. 4. STUDY AND REPORT TO CONGRESS.

(a) **STUDY REQUIRED.**—Not later than 6 months after the date of enactment of this Act, the study agencies shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of a study regarding the impact of regulating debit interchange transaction fees and related issues under section 920 of the Electronic Fund Transfer Act, as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

(b) **SUBJECTS FOR REVIEW.**—In conducting the study required by this section, the study agencies shall examine the state of the debit interchange payment system, including the impact of section 920 of the Electronic Fund Transfer Act, as amended by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and the proposed rule issued by the Board entitled, “Debit Card Interchange Fees and Routing”, on consumers, entities that accept debit cards as payment, all financial institutions that issue debit cards, including small issuers, and payment card networks, and shall specifically address—

(1) all fixed and incremental costs associated with debit card transactions and program operations to card issuers and payment card networks, including—

(A) all direct and indirect costs associated with fraud prevention, detection, and mitigation, including data breach and identity theft, and the overall costs of fraud incurred by debit card issuers and merchants; and

(B) financial liability and payment guarantees for debit card transactions and associated risks and costs incurred by debit card issuers and merchants;

(2) the overall impact of regulating interchange fees on consumers, including—

(A) the impact on consumer protection, including anti-fraud;

(B) the impact on the cost and accessibility of payment accounts and services; and

(C) the impact on retail prices from changed interchange rates;

(3) the effectiveness of the exemptions for small issuers, government-administered payment programs, and reloadable prepaid cards included in section 920 of the Electronic Fund Transfer Act, including—

(A) the impact of market forces on such treatment;

(B) in the case of small issuers, the impact on the safety and soundness of those institutions and their ability to provide competitive products and services to consumers; and

(C) in the case of government-administered payment programs, the impact on entities and individuals that utilize such payment programs and cards; and

(4) the impact of routing and exclusivity provisions in section 920(b) of the Electronic Fund Transfer Act on all issuers.

#### SEC. 5. REVISIONS TO RULES.

(a) **EARLIER RULEMAKING SUSPENDED.**—Any regulation proposed or prescribed by the Board pursuant to section 920 of the Electronic Fund Transfer Act during the period beginning on the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act and ending on the date of completion of the study required under section 920 shall be suspended by the Board pending the determination required under subsection (b) of this section.

(b) **DETERMINATION.**—Upon submission to Congress of the report required by section 920, the study agencies, through a process coordinated by the Board, shall make a determination of whether—

(1) either section 920 of the Electronic Fund Transfer Act, as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or the related proposed rule issued by the Board entitled “Debit Card Interchange Fees and Routing” (75 Fed. Reg. 81722 (Dec. 28, 2010)), does not consider all fixed and incremental costs associated with debit card transactions and program operations to card issuers and payment card networks;

(2) debit card consumers may be adversely affected by either such section or such proposed rule; or

(3) the exemption for small issuers provided by such section or as carried out by such proposed rule may not be effective in practice.

#### (c) RULEMAKING.—

(1) **ISSUANCE OF NEW RULES.**—If at least 2 of the study agencies, including the Board, make a finding described in any or all of paragraphs (1), (2), and (3) of subsection (b), then—

(A) any regulation proposed or prescribed by the Board pursuant to section 920 of the Electronic Fund Transfer Act during the period beginning on the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act and ending on the date of completion of the study required under section 920 shall be withdrawn by the Board and shall have no legal force or effect; and

(B) not later than 6 months after the date of submission of the report under section 920, the Board shall issue new rules in final form under section 920 of the Electronic Fund Transfer Act, as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, based on such findings.

(2) **CONSIDERATION OF COSTS.**—In issuing final rules under this subsection, the Board shall consider all fixed and incremental costs associated with debit card transactions and program operations and allow incentives for a more innovative, efficient, and secure payment card network, notwithstanding subparagraph (A) or (B) of section 920(a)(4) of the Electronic Fund Transfer Act, as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

#### (d) SMALL ISSUER REVIEW.—

(1) **SMALL ISSUER EXEMPTION REVIEW.**—Not later than 2 years after the date of implementation of this Act, and biennially thereafter, the Board shall examine the debit interchange market to determine whether the small issuer exemption under section 920(a)(6) of the Electronic Fund Transfer Act, as added by section 1075 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is effective in practice, by examining factors such as—

(A) changes in interchange rates offered to small issuers by all payment card networks;

(B) changes in fees paid by small issuers to payment card networks, including fees for participation in those networks and other operational and transactional fees;

(C) changes and developments by payment card networks, merchants, or merchant acquirers and processors designed to influence the payment method of consumers, including steering; and

(D) the impact of routing and exclusivity provisions of section 920(b) of the Electronic Fund Transfer Act on small issuers.

(2) **REPORT TO CONGRESS.**—Upon completion of the review described in paragraph (1), the Board shall submit a report of its findings to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of

Representatives regarding the effectiveness of the small issuer exemption in practice, including recommended legislative or regulatory remedies for mitigating any harm to small issuers and adequately enforcing the exemption.

#### SEC. 6. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) **BOARD.**—The term “Board” means the Board of Governors of the Federal Reserve System.

(2) **SMALL ISSUER.**—The term “small issuer” means any debit card issuer that is a depository institution that, together with its affiliates, has assets of less than \$10,000,000,000.

(3) **STUDY AGENCIES.**—The term “study agencies” means the Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration.

**SA 393.** Mr. DURBIN proposed an amendment to amend SA 392 proposed by Mr. TESTER (for himself, Mr. CORKER, Mrs. HAGAN, Mr. CRAPO, Mr. BENNET, Mr. BLUNT, Mr. CARPER, Mr. KYL, and Mr. COONS) to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows:

On page 10, line 9, strike “2 years” and insert “one year”.

**SA 394.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 21. REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

**SA 395.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

#### TITLE —UNITED STATES AUTHORIZATION AND SUNSET COMMISSION ACT OF 2011

##### SEC. 01. SHORT TITLE.

This title may be cited as the “United States Authorization and Sunset Commission Act of 2011”.

##### SEC. 02. DEFINITIONS.

In this title—

(1) the term “agency” means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term “Commission” means the United States Authorization and Sunset Commission established under section 03; and

(3) the term “Commission Schedule and Review bill” means the proposed legislation submitted to Congress under section 04(b).

##### SEC. 03. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT.**—There is established the United States Authorization and Sunset Commission.

(b) **COMPOSITION.**—The Commission shall be composed of eight members (in this title referred to as the “members”), as follows:

(1) Four members appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) **QUALIFICATIONS OF MEMBERS.**—

(1) **IN GENERAL.**—

(A) **SENATE MEMBERS.**—Of the members appointed under subsection (b)(1), four shall be members of the Senate (not more than two of whom may be of the same political party).

(B) **HOUSE OF REPRESENTATIVE MEMBERS.**—Of the members appointed under subsection (b)(2), four shall be members of the House of Representatives, not more than two of whom may be of the same political party.

(2) **CONTINUATION OF MEMBERSHIP.**—

(A) **IN GENERAL.**—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) **ACTIONS OF COMMISSION UNAFFECTED.**—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) **INITIAL APPOINTMENTS.**—Not later than 90 days after the date of enactment of this title, all initial appointments to the Commission shall be made.

(e) **CHAIRPERSON; VICE CHAIRPERSON.**—

(1) **INITIAL CHAIRPERSON.**—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) **INITIAL VICE CHAIRPERSON.**—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) **ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.**—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) **TERMS OF MEMBERS.**—

(1) **MEMBERS OF CONGRESS.**—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of 3 years.

(2) **TERM LIMIT.**—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) **INITIAL MEETING.**—If, after 90 days after the date of enactment of this title, five or more members of the Commission have been appointed—

(1) members who have been appointed

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) **MEETING; VACANCIES.**—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) **POWERS OF THE COMMISSION.**—

(1) **IN GENERAL.**—

(A) **HEARINGS, TESTIMONY, AND EVIDENCE.**—The Commission may, for the purpose of carrying out the provisions of this title—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) **SUBPOENAS.**—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) **INFORMATION GATHERING.**—In carrying out the provisions of section 4, the Commission shall—

(i) conduct public hearings; and

(ii) provide an opportunity for public comment.

(D) **ENFORCEMENT.**—The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this paragraph.

(2) **CONTRACTING.**—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this title.

(3) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) **SUPPORT SERVICES.**—

(A) **GOVERNMENT ACCOUNTABILITY OFFICE.**—The Government Accountability Office is authorized on a reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2041.

#### SEC. 04. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this title and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as

the “Commission Schedule and Review bill”).

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission’s review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) at least 25 percent of the agencies and programs with duplicative goals and activities within Departments and government-wide as measured in dollars identified by the Comptroller General of the Government Accountability Office under section 21 of the Statutory Pay-As-You-Go Act of 2010 (P. L. 111-139; 31 U.S.C. 712 note).

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this title and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Com-

mission Schedule and Review bill, Congress shall follow the expedited procedures under section 06.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this title, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission’s proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than five members of the Commission.

#### SEC. 05. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 04(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of

such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall

be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the two Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the

extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SEC. 06. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.**

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 04(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission

Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) **MOTION TO PROCEED.**—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) **LIMITED DEBATE.**—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) **AMENDMENTS.**—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) **VOTE ON FINAL PASSAGE.**—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) **OTHER MOTIONS NOT IN ORDER.**—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) **CONSIDERATION BY OTHER HOUSE.**—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it

shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(C) **RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.**—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

**SA 396.** Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, insert the following:

## **TITLE II—DEBT INSTRUMENT TRANSPARENCY**

### **SEC. 201. SHORT TITLE.**

This title may be cited as the “Foreign-Held Debt Transparency and Threat Assessment Act”.

### **SEC. 202. DEFINITIONS.**

In this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) **DEBT INSTRUMENTS OF THE UNITED STATES.**—The term “debt instruments of the United States” means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

### **SEC. 203. FINDINGS.**

Congress makes the following findings:

(1) On March 16, 2006, the United States Senate debated and then narrowly passed legislation, H. J. Res. 47, to increase the statutory limit on the public debt of the United States. In a statement published in the Congressional Record, then-Senator Barack Obama opposed the legislation and stated, “The fact that we are here today to debate raising America’s debt limit is a sign of leadership failure. It is a sign that the U.S. Government can’t pay its own bills. It is a sign that we now depend on ongoing financial assistance from foreign countries to finance our Government’s reckless fiscal policies.”. Then-Senator Obama went on to say that “Increasing America’s debt weakens us domestically and internationally. Leadership means that ‘the buck stops here’”. Instead, Washington is shifting the burden of bad choices today onto the backs of our children and grandchildren. America has a debt

problem and a failure of leadership. Americans deserve better.”.

(2) On February 25, 2010, United States Secretary of State, Hillary Rodham Clinton, urged members of Congress to address the Federal budget deficit: “We have to address this deficit and the debt of the United States as a matter of national security, not only as a matter of economics. I do not like to be in a position where the United States is a debtor nation to the extent that we are.”. The Secretary went on to say that reliance on foreign creditors has hit the United States “ability to protect our security, to manage difficult problems and to show the leadership that we deserve.”.

(3) On February 16, 2011, Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, testified before the Committee on Armed Services of the Senate: “Indeed, I believe that our debt is the greatest threat to our national security. If we as a country do not address our fiscal imbalances in the near-term, our national power will erode, and the costs to our ability to maintain and sustain influence could be great.”.

(4) The Department of the Treasury borrows from the private economy by selling securities, including Treasury bills, notes, and bonds, in order to finance the Federal budget deficit. This additional borrowing to finance the deficit adds to the Federal debt.

(5) The Federal debt stands at more than \$14,344,000,000,000.

(6) According to a report issued by the Department of the Treasury on May 16, 2011, entitled “Major Foreign Holders of Treasury Securities”, foreign holdings of United States Treasury securities stood at more than \$3,175,000,000,000 at the end of March 2011. The People’s Republic of China was the single largest holder with holdings of more than \$1,144,000,000,000.

(7) Despite efforts by the Department of the Treasury to identify the nationality of the ultimate holders of United States securities, including United States Treasury securities, data pertaining to foreign holders of these securities may still fail to reflect the true nationality of the foreign entities involved. For example, another Department of the Treasury report, issued on February 28, 2011, entitled “Preliminary Report on Foreign Holdings of U.S. Securities At End-June 2010”, assigns \$732,000,000,000 worth of United States securities to the Cayman Islands, a British overseas territory with a population of only 55,000 people. The Cayman Islands is not itself a large investor in United States securities; rather, it is a major international financial center and is routinely used as a place to invest funds from elsewhere.

(8) On February 25, 2010, Simon Johnson, an economics professor at the Massachusetts Institute of Technology and a former chief economist for the International Monetary Fund, testified before the U.S.-China Economic and Security Review Commission that United States Treasury data understate Chinese holdings of United States Government debt and “do not reveal the ultimate country of ownership when debt instruments are held through an intermediary in another jurisdiction.”. He stated that “a great deal” of the United Kingdom’s increase in United States Treasury securities last year “may be due to China placing offshore dollars in London-based banks”, which are then used to purchase United States Treasury securities.

(9) On February 25, 2010, Dr. Eswar Prasad, an economist at Cornell University, testified before the U.S.-China Economic and Security Review Commission that the amount of United States debt held by the People’s Republic of China is much higher than United

States Treasury data indicate. In his revised testimony, Dr. Prasad went on to explain that China is probably currently holding more than \$1,300,000,000,000 in United States Treasury securities.

(10) According to a February 3, 2009, report by the Heritage Foundation, entitled “Chinese Foreign Investment: Insist on Transparency”, the State Administration of Foreign Exchange (SAFE) of the People’s Republic of China, the government body that purchases foreign securities, is the single largest global investor and the largest foreign investor in the United States.

(11) According to a September 2008 Council on Foreign Relations report entitled “Sovereign Wealth and Sovereign Power,” “. . . political might is often linked to financial might, and a debtor’s capacity to project military power hinges on the support of its creditors . . . The United States’ main sources of financing are not allies.”. The report goes on to argue that, “the United States’ current reliance on other governments for financing represents an underappreciated strategic vulnerability.”.

(12) In recent years, Chinese military officials have publicized the potential use of United States Treasury securities as a means of influencing United States policy and deterring specific United States actions. On February 8, 2010, retired People’s Liberation Army (PLA) Major General Luo Yuan, from the PLA Academy of Military Science, stated in an interview with state-controlled media that China could attack the United States “by oblique means and stealthy feints”, in retaliation for United States arms sales to Taiwan. He went on to say, “Our retaliation should not be restricted to merely military matters, and we should adopt a strategic package of counterpunches covering politics, military affairs, diplomacy and economics to treat both the symptoms and root cause of this disease. For example, we could sanction them using economic means, such as dumping some U.S. government bonds.”.

(13) The PLA has also referenced the concept of nonmilitary aspects of deterrence in written statements. A PLA textbook, “The Science of Military Strategy”, observes that there are various forms of deterrence, including economic and technological, all of which need to be developed and consciously strengthened in order to maximize effect. These forms will only work “with the determination and volition of employment of the force, and by dangling the word of deterrence over the rival’s head in case of necessity.”.

(14) According to a May 16, 2011, report by ABC News, a congressional delegation of 10 United States Senators visited China in April 2011, and met with Chinese government officials. The news report indicates that, during one meeting, the Senators were reprimanded by a Chinese official regarding the mounting United States Federal debt.

(15) A February 7, 2010, report by Defense News suggests that China’s extensive holdings of United States Government securities have already directly influenced United States national security policy. According to an unnamed Pentagon official, Obama Administration officials softened a draft of a key national security document in order to avoid “harsh words” that “might upset Chinese officials at a time when the United States and China are economically intertwined.”. The news report indicates that these officials “deleted several passages and softened others about China’s military buildup”. This critical document, the 2010 Quadrennial Defense Review, provides an assess-

ment of long-term threats and challenges for the nation and is intended to guide military programs, plans, and budgets in the coming decades.

(16) The United States Government pays China a substantial amount of interest on China’s \$1,144,000,000,000 in holdings of United States Government debt, and this enhances China’s ability to fund its own military programs.

(17) According to a March 4, 2011, report by Xinhua, the official press agency of the government of the People’s Republic of China, China plans to increase its 2011 military budget by 12.7 percent to 601,000,000,000 yuan (the equivalent of \$91,500,000,000). This increase is in addition to China’s 2010 increase in its military budget of 7.5 percent.

(18) According to the Department of Defense’s (DoD) 2010 report entitled “Military and Security Developments Involving the People’s Republic of China,” the DoD estimates China’s actual total military-related spending for 2009 to be over \$150,000,000,000.

#### SEC. 204. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People’s Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People’s Republic of China;

(5) through the People’s Republic of China’s large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People’s Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People’s Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China’s holdings of debt instruments of the United States; and

(8) the People’s Republic of China’s expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

#### SEC. 205. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors’ country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (2)—

(A) an analysis of the country’s purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country’s holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

#### SEC. 206. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

#### SEC. 207. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section 205(b)(4)(C) that a foreign country’s holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.



**SA 397.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:  
**SEC. [2 ]. EXEMPTION OF SAND DUNE LIZARD FROM ENDANGERED SPECIES ACT OF 1973.**

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

“(j) EXEMPTION OF SAND DUNE LIZARD.—This Act shall not apply to the sand dune lizard.”.

**SA 398.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ APPLICATION TO CERTAIN SPEECH, BUSINESS DECISIONS.**

(a) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by inserting before the semicolon at the end the following: “: *Provided further*, That an employer’s expression of any views, argument, or opinion related to the costs associated with collective bargaining, work stoppages, or strikes, or the dissemination of such views, arguments, or opinions, whether in written, printed, graphic, digital, or visual form, shall not constitute or be evidence of antiunion animus or unlawful motive, if such expression contains no threat of reprisal or force or promise of benefit”.

(b) PREVENTION OF UNFAIR LABOR PRACTICES.—Section 10 of the National Labor Relations Act (29 U.S.C. 160) is amended—

(1) in subsection (a), by inserting after the period at the end the following: “: *Provided further*, That the Board shall have no power to order any employer to relocate, shut down, or transfer any existing or planned facility or work or employment opportunity, or prevent any employer from making such relocations, transfers, or expansions to new or existing facilities in the future, or prevent any employer from closing a facility, not developing a facility, or eliminating any employment opportunity unless and until the employer has been adjudicated finally to have unlawfully undertaken such actions—

“(1) without advance notice to the labor organization, if any, representing the bargaining unit of the affected employees, of the economic reason(s) for the relocation, shut down, or transfer of existing or future work; or

“(2) as a primary and direct response to efforts by a labor organization to organize a previously unrepresented workplace”; and

(2) by adding at the end the following:

“(n) Nothing in this Act shall prevent an employer from choosing where to locate, develop, or expand its business or facilities, or require any employer to move, transfer, or relocate any facility, production line, or employment opportunity, or require that an employer cease or refrain from doing so, or prevent any employer from closing a facility or eliminating any employment opportunity unless the employer has been adjudicated finally to have unlawfully undertaken such actions—

“(1) without advance notice to the labor organization, if any, representing the bargaining unit of the affected employees, of the economic reason(s) for the relocation, shut down, or transfer of existing or future work; or

“(2) as a primary and direct response to efforts by a labor organization to organize a previously unrepresented workplace.”.

**SA 399.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ NATIONAL RIGHT-TO-WORK.**

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided*, That” and all that follows through “retaining membership”; and

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 400.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

**SEC. 22. GAINFUL EMPLOYMENT.**

The final regulation issued by the Secretary of Education on June 2, 2011, entitled “Program Integrity: Gainful Employment—Debt Measures” and amending part 668 of title 34, Code of Federal Regulations, shall have no force or effect.

**SA 401.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

**SEC. 22. TERMINATION OF GLOBAL CLIMATE CHANGE RESPONSE FUND.**

(a) IN GENERAL.—Effective beginning October 1, 2011, section 1609 of the Energy Policy Act of 1992 (42 U.S.C. 13388) is repealed.

(b) REMAINING AMOUNTS.—Any unobligated amounts remaining in the Global Climate Change Response Fund on October 1, 2011, shall be deposited in the general fund of the Treasury.

**SA 402.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

**SEC. 22. PERMANENT ESTATE TAX RELIEF.**

(a) IN GENERAL.—Title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the amendments made thereby, are repealed; and the Internal Revenue Code of 1986 shall be applied as if such title, and amendments, had never been enacted.

(b) EFFECTIVE DATE.—The repeal made by this section shall apply to estates of decedents dying, gifts made, and generation skipping transfers after December 31, 2009.

**SA 403.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. ECONOMIC DEVELOPMENT ADMINISTRATION.**

(a) TERMINATION OF AUTHORITY.—Beginning on October 1, 2011, the Economic Development Administration is terminated.

(b) COLLECTION AUTHORITY.—The Secretary of the Treasury may collect any amounts owed to the Federal Government under any loan agreement entered into by the Economic Development Administration in effect on September 30, 2011—

(1) in accordance with the terms or conditions of that loan agreement; or

(2) as otherwise provided by law.

**SA 404.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ PROHIBITION ON AWARD AND DESIGNATION OF FUNDS.**

Notwithstanding any other provision of law, none of the funds made available under this Act or an amendment made by this Act shall be awarded to or designated for an area or entity named for any living Member of Congress.

**SA 405.** Mr. BROWN of Massachusetts (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.**

(a) IN GENERAL.—The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall



be applied as if such amendment had never been enacted.

**(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—**

(1) **IN GENERAL.**—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) **IMPLEMENTATION.**—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) **EXCEPTION.**—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

**SA 406.** Mrs. HUTCHISON (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:  
**SEC. \_\_\_\_ . EXTENSION OF CERTAIN OUTER CONTINENTAL SHELF LEASES.**

(a) **DEFINITION OF COVERED LEASE.**—In this section, the term “covered lease” means each oil and gas lease for the Gulf of Mexico outer Continental Shelf region issued under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) that was—

(1) not producing as of April 30, 2010; or  
(2) suspended from operations, permit processing, or consideration, in accordance with the moratorium set forth in the Minerals Management Service Notice to Lessees and Operators No. 2010-N04, dated May 30, 2010, or the decision memorandum of the Secretary of the Interior entitled “Decision memorandum regarding the suspension of certain offshore permitting and drilling activities on the Outer Continental Shelf” and dated July 12, 2010.

(b) **EXTENSION OF COVERED LEASES.**—The Secretary of the Interior shall extend the term of a covered lease by 1 year.

(c) **EFFECT ON SUSPENSIONS OF OPERATIONS OR PRODUCTION.**—The extension of covered leases under this Act is in addition to any suspension of operations or suspension of production granted by the Minerals Management Service or Bureau of Ocean Energy Management, Regulation and Enforcement after May 1, 2010.

**SA 407.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 22. PROHIBITION ON INTEREST CHARGES FOR ON-TIME PRINCIPAL PAYMENTS.**

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following:

“(z) **PROHIBITION ON INTEREST CHARGES FOR ON-TIME PRINCIPAL PAYMENTS.**—Each mortgagee (or servicer) with respect to a mortgage under this section may not impose, nor may the Secretary require the imposition of, any interest charge on such a mortgage as a result of the loss of any time period provided by the mortgagee (or servicer) within which the mortgagor may fully repay the principal balance amount of the mortgage, with respect to—

“(1) any days in the billing cycle that precedes the most recent billing cycle in which such amounts were repaid; or

“(2) any amounts repaid in the current billing cycle that were repaid within such time period.”.

**SA 408.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REMOVAL OF INSURANCE MORATORIUM FOR INDUSTRIAL BANKS.**

Section 603(a) of the Bank and Savings Association Holding Company and Depository Institution Regulatory Improvements Act of 2010 (12 U.S.C. 1815 note) is amended—

(1) in paragraph (1)—  
(A) in subparagraph (A), by adding “and” at the end;

(B) by striking subparagraph (B); and  
(C) by redesignating subparagraph (C) as subparagraph (B);

(2) in each of paragraphs (2) and (3), by striking “an industrial bank, a credit card bank,” each place that term appears and inserting “a credit card bank”; and

(3) in paragraph (3), by striking “the industrial bank, credit card bank,” each place that term appears and inserting “credit card bank”.

**SA 409.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMITED ANTITRUST EXEMPTION.**

(a) **IN GENERAL.**—The antitrust laws, as defined in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), and the law of unfair competition under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) shall not apply to any joint discussion, consideration, review, or action by or among merchants, financial institutions, or payment networks negotiating and entering into agreements with respect to fees.

(b) **DEFINITIONS.**—In this section:

(1) **FINANCIAL INSTITUTION.**—The term “financial institution” has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813) and includes a Federal credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

(2) **PAYMENT NETWORKS.**—The term “payment network” means an entity that directly, or through licensed members, processors, or agents, provides the proprietary services, infrastructure or software that route information and data to conduct transaction authorization, clearance, or settle-

ment, and that a person uses in order to accept as a form of payment.

**SA 410.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. \_\_\_\_ . POSTAL SERVICE POLICY.**

Section 101(b) of title 39, United States Code, is amended—

(1) in the first sentence, by striking “a maximum degree of”; and

(2) by striking “where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being” and inserting “. It is”.

**SA 411.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. \_\_\_\_ . PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.**

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

**SA 412.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_\_\_ . REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.**

(a) **IN GENERAL.**—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) **REFERENCE.**—Any reference in any law to a wage requirement of subchapter IV of chapter 31 of title 40, United States Code, shall after the date of the enactment of this Act be null and void.

(c) **EFFECTIVE DATE AND LIMITATION.**—The amendments made by this section shall not affect any contract in existence on the date of enactment of this Act or made pursuant to invitation for bids outstanding on such date of enactment.

**SA 413.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PROHIBITION ON PRINTING THE CONGRESSIONAL RECORD.**

(a) **PROHIBITION ON PRINTING.**—

(1) **IN GENERAL.**—Chapter 9 of title 44, United States Code, is amended by striking section 903 and inserting the following:

**“§ 903. Congressional Record: daily and permanent forms**

“(a) IN GENERAL.—The public proceedings of each House of Congress as reported by the Official Reporters, shall be included in the Congressional Record, which shall be issued in daily form during each session and shall be revised and made electronically available promptly, as directed by the Joint Committee on Printing, for distribution during and after the close of each session of Congress. The daily and the permanent Record shall bear the same date, which shall be that of the actual day's proceedings reported. The Government Printing Office shall not print the Congressional Record.

“(b) ELECTRONIC AVAILABILITY.—

“(1) GOVERNMENT PRINTING OFFICE.—The Government Printing Office shall make the Congressional Record available to the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives in an electronic form in a timely manner to ensure the implementation of subsection (a).

“(2) WEBSITE.—The Secretary of the Senate and the Chief Administrative Officer of the House of Representatives shall make the Congressional Record available—

“(A) to the public on the websites of the Secretary of the Senate and the Chief Administrative Officer of the House of Representatives; and

“(B) in a format which enables the Congressional Record to be downloaded and printed by users of the website.”.

(b) CONGRESSIONAL RECORD.—

(1) IN GENERAL.—Chapter 9 of title 44, United States Code, is amended—

(A) in section 905, in the first sentence, by striking “printing” and inserting “inclusion”; and

(B) by striking sections 906, 909, and 910.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 9 of title 44, United States Code, is amended by striking the items relating to sections 906, 909, and 910.

**SA 414.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.**

(a) FINDING.—The Congress finds that the President's budget proposal, Budget of the United States Government, Fiscal Year 2012, necessitates an increase in the statutory debt limit of \$2,406,000,000,000.

(b) INCREASE.—Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof “\$16,700,000,000,000”.

**SA 415.** Mr. BARRASSO (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_\_\_ . STATE HEALTH CARE CHOICE.**

(a) PURPOSE.—It is the purpose of this section to protect States' rights and to ensure that States have the option to continue to implement State laws relating to health care delivery and health insurance that were in effect prior to the date of enactment of the Patient Protection and Affordable Care Act (Public Law 111-148).

(b) PROTECTION OF STATE FLEXIBILITY TO PROVIDE HEALTH COVERAGE.—

(1) STATE OPT OUT OF CERTAIN PROVISIONS OF PPACA.—

(A) IN GENERAL.—A State described in paragraph (2) may elect to limit the application of any or all of the provisions of the Patient Protection and Affordable Care Act (Public Law 111-148) described in subparagraph (B) with respect to health insurance coverage within that State.

(B) PROVISIONS DESCRIBED.—The provisions of the Patient Protection and Affordable Care Act described in this subparagraph are as follows:

(i) Subtitles A through C of title I (and the amendments made by such subtitles), except for sections 1253 and 1254.

(ii) Parts I, II, III, and V of subtitle D of title I (and the amendments made by such parts).

(iii) Part I of subtitle E of title I (and the amendments made by such part).

(iv) Subtitle F of title I (and the amendments made by such part).

(v) Section 1561 (and the amendment made by such section).

(vi) Sections 2001 through 2006 and subtitle C of title II (and the amendments made by such sections and subtitle).

(vii) Sections 10101 through 10107 (and the amendments made by such sections).

(2) STATE DESCRIBED.—

(A) ENACTMENT OF STATE LAW.—A State described in this paragraph is a State that enacts a law after the date of enactment of this Act that—

(i) expresses the intent of the State to opt out of one or more of the provisions of the Patient Protection and Affordable Care Act (Public Law 111-148) described in paragraph (1);

(ii) contains a list of the provisions of such Act which will not apply to the State under the State law; and

(iii) expresses the intent of the State to continue to administer health coverage-related laws as in effect in the State on March 23, 2010, or that provides for the implementation of related State laws enacted after such date.

(B) REPEAL.—If a State repeals a law described in subparagraph (A), the provisions of the Patient Protection and Affordable Care Act listed in such law shall apply with respect to such State beginning on the date of such repeal.

(3) REGULATIONS.—The Secretary, in consultation with the Secretary of the Treasury, shall promulgate regulations to provide for the implementation of this section.

**NOTICE OF INTENT TO OBJECT**

I, Senator CHARLES GRASSLEY, intend to object to the consideration of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit, dated June 7, 2011.

I, Senator CHARLES GRASSLEY, intend to object to the consideration of S. 530, a bill to modify certain subsidies for ethanol production, and for other purposes, dated June 7, 2011.

I, Senator CHARLES GRASSLEY, intend to object to the consideration of S. 871,

a bill to repeal the Volumetric Ethanol Excise Tax Credit, dated June 7, 2011.

I, Senator CHARLES GRASSLEY, intend to object to the consideration of S. 1057, a bill to repeal the Volumetric Ethanol Excise Tax Credit, dated June 7, 2011.

**NOTICE OF HEARING**

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Children and Families of the HELP Committee will meet on Thursday, June 9, 2011, at 10:00 a.m. to conduct a hearing entitled “Getting the Most Bang for the Buck: Quality Early Education and Care.”

For further information regarding this hearing, please contact Jessica McNiece at the subcommittee on (202) 224-9243.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 7, 2011, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 7, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate to conduct a hearing entitled “Drowning in Debt: Financial Outcomes of Students at For-Profit Colleges” on June 7, 2011, at 10 am, in 430 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 7, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR WEDNESDAY, JUNE 8, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow, Wednesday, June 8, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each during that time, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 782, the Economic Development Act, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be a rollcall vote on the Tester amendment tomorrow at approximately 2 p.m. That amendment will be subject to a 60-vote threshold.

#### ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of Senators MORAN and ISAKSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, while awaiting the arrival of Senators ISAKSON and MORAN, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOB CREATION

Mr. MORAN. Mr. President, on Friday of last week, the U.S. Department of Labor released a dismal update on our Nation's economy. Not only did our Nation's unemployment rate rise to 9.1 percent, but the number of Americans

looking for work increased to 14 million, and those who have been jobless for at least 6 months climbed 45.1 percent.

It is clear the current economic policies are not working in our favor. In fact, I suggest they are working against us, creating an environment of uncertainty and hampering job growth in America. When the message coming from Washington, DC, is more taxes, more regulation, and more intrusion in the free market system, it is no wonder businesses are not hiring additional workers.

Americans are looking for leadership to get our economy back on its feet so they can find a job and provide for their families. In a recent survey, 90 percent of Americans said the economy is in bad shape and, by a margin of 2 to 1, Americans said our economy is on the wrong track. I couldn't agree more. Changing the course of our economy will require Washington, DC, changing its course.

Instead of creating barriers to job growth, Congress and the Obama administration should be implementing policies that encourage job creation. History shows that sustainable economic growth starts with the private sector. So Congress and the administration have a responsibility to create an environment where businesses can flourish and start hiring again, and that starts by pursuing a series of pro-growth policies.

First, in my view, Congress must rein in government regulation and stop passing burdensome mandates that come at the expense of that job creation. As I tour manufacturing plants and other businesses in my home State of Kansas, owners often ask: What is the next thing coming from Washington that will put me out of business? Jobs in this country are undercut with each new government regulation because it drives up the cost of doing business, erodes our global competitiveness, and limits the access to credit that businesses need to grow. Rather than hiring new employees, businesses are spending their resources on complying with these burdensome regulations and costly mandates—from the EPA's effort to regulate carbon to the mandates imposed by the new health care law.

According to the Small Business Administration, the smallest businesses—those with less than 20 employees—spend 36 percent more per employee than larger firms to comply with Federal regulations. That is roughly \$10,585 per employee to comply with all Federal regulations, and very small firms are burdened even more per employee.

Small business, as we know, is the backbone of the American economy. Those businesses employ half our private sector workers and have generated 65 percent of new jobs over the last 20

years. So it makes no sense to drive up their operating costs with additional government regulations because that leaves them with fewer resources to hire new workers.

Second, Congress can spur economic growth by replacing our convoluted and burdensome Tax Code with one that is fair, simple, and certain. When businesses know what to expect, they can better plan for future expenses and will invest in their companies, grow, and hire new workers.

Unfortunately, Congress is often too shortsighted when it comes to tax policy. A 1-year or 2-year extension of tax cuts does not give businesses the certainty they need to plan for that future. Employers have to make decisions about the future of their business today, and given the fact that their taxes will rise in the near future, they are reluctant to hire new workers or expand their business. If we are serious about creating jobs in this country, we have to give our country's job creators the ability to plan for the future and a Tax Code that encourages investment.

Third, Congress must open foreign markets for American manufactured goods and agricultural products. Across the country, thousands of Americans depend upon exports for jobs, including more than one-quarter of all manufacturing workers in Kansas. By increasing our Nation's exports, we will create jobs and opportunities for all Americans without raising taxes or increasing the Federal budget. We should be exporting our manufactured goods and agriculture products, not our jobs.

Unfortunately, trade agreements with Colombia, Panama, and South Korea, for example, have been stalled for 4 years, and each day that passes, we risk losing more of our market share to our competitors. During this delay, Colombia has moved forward on trade deals with Canada, Chile, the European Union, Brazil, and Argentina. On July 1, a pending agreement between the European Union and Korea will go into effect. We cannot afford to sit on the sidelines while other countries continue to move forward in their trading relationships with our trading partners.

Together, the trade agreements with Colombia, Panama, and South Korea are worth an estimated \$13 billion in U.S. exports. The agreement with Korea alone is worth \$11 billion and would create an estimated 70,000 new jobs for Americans.

It is past time for the President to send Congress implementing language for these trade agreements so we can open more markets for American goods and agricultural commodities. When American businesses are given the opportunity to compete on a level playing field for these markets, they will succeed and more jobs will be created here at home.

Fourth, the United States, to remain competitive in the global market, must develop a comprehensive energy policy that allows for ample energy supply that is both affordable and reliable. Rising gas prices and recent events in the Middle East have again demonstrated the importance of having access to a reliable energy supply. Higher energy prices are not only threatening our global competitiveness, they are also hampering our economic recovery. I don't know how we can expect our economy to recover when energy prices are what they are. But when employers have access to reliable energy supplies, they can spend their resources on hiring new workers rather than on those escalating energy costs.

In my view, no single form of energy can provide the answer. To meet our country's energy needs, we must develop traditional sources of oil, natural gas and coal, encourage the development of renewable energy sources such as biofuels, wind, solar, geothermal and hydropower and expand the use of nuclear energy, as well as encourage conservation.

A recent report from the Congressional Research Service found that our country's resources are far greater than those of Saudi Arabia, China, and Canada combined. In fact, our combined recoverable oil, natural gas, and coal supplies are the largest on the planet. Yet, in 2009, the administration canceled 77 oil and gas leases in Utah and last year suspended 61 leases in Montana. The administration has also restricted access to oil and gas exploration in the eastern Gulf of Mexico and off the Atlantic coast—although these two areas hold commercial oil reserves of 28 billion barrels and up to 142 trillion cubic feet of natural gas. More production of energy in the U.S. means more jobs in the U.S. and more U.S. workers at work and lower energy costs for businesses and their employees.

Finally, Congress must reduce government spending to bring about this economic growth. I think the debate on government spending is often seen as some philosophical discussion or a partisan political bickering opportunity here in Washington, DC. But the reality is out of control government borrowing and spending has very real consequences for the daily lives of Americans. Our failure to balance the budget will result in increased inflation, higher interest rates, fewer jobs, and a lower standard of living for every American. But this reality has not yet sunk in here in Washington, DC, despite several recent warnings.

At the end of April, Standard & Poor's, one of the world's big three credit rating agencies, downgraded our Nation's future financial outlook from "stable" to "negative." S&P said our country has "very large budget deficits and rising government indebtedness—

and the path to addressing these is not clear."

Furthermore, just last week another credit rating agency, Moody's—if we needed another reminder—warned that our failure to reduce our growing deficit could prompt them to downgrade their outlook on our AAA rating to negative. Without a "credible agreement on substantial deficit reduction"—this is Moody's talking—this could happen as soon as next month. This would have a devastating impact on our already struggling economy.

Reducing our Nation's debt will require us to work together to craft a serious plan. President Obama's proposal to balance budgets in part by raising taxes on businesses, in my view, would only make our economic circumstances worse.

Washington does not have a revenue problem; it has a spending problem. It is time for us to work together and pass a responsible budget to reduce our deficit this year, next year, and far into the future. The plan should include significant spending reductions, a balanced budget amendment to restrict Washington's future ability to borrow money that would put us right back in the mess we are in today, and should address our long-term unfunded mandates.

As John Adams once quipped: "Facts are stubborn." And the facts tell us that Washington must change direction if we are to grow our economy and put people back to work. The failed economy we are experiencing and the financial collapse around the corner is the most expected economic crisis in our lifetime. We know what is going to happen if we do not act, and it would be immoral for us to look the other way or to kick the can down the road because the politics of these issues are too difficult to deal with.

Americans deserve leadership here in our Nation's Capital to confront these challenges and not to push them off to the next generation of Americans. If we do so, if we confront these issues correctly in a responsible way, businesses will succeed, profits will be made, employees will be hired, and Americans will again be able to live and pursue the American dream.

Mr. President, I yield the floor.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUALIFIED RESIDENTIAL MORTGAGES

Mr. ISAKSON. Mr. President, I commend the Senator from Kansas. I had no idea when I came to make my remarks that they would be so in keeping with a part of his speech with regard to regulation and what the regulatory regimen of the current administration

is doing to economic improvement and economic development in the United States of America.

I rise for a moment to talk about the Dodd-Frank legislation, to talk about the qualified residential mortgage provision, and to talk about the six regulators of financial services and a recent decision they made.

Shaun Donovan, Ben Bernanke, Sheila Bair, Edward Demarco, John Walsh, and Mary Schapiro were challenged with carrying out and writing the rules of intent for Dodd-Frank. When they published, a few weeks ago—about 2 months ago now—the proposed rule on qualified residential mortgages, it created a firestorm and created a number of speeches on the floor of the U.S. Senate. It also created a letter from 39 Members of the U.S. Senate, which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 26, 2011.

Hon. SHAUN L.S. DONOVAN,

Secretary, Department of Housing & Urban Development, 7th Street, SW, Washington, DC.

Hon. BEN S. BERNANKE,

Chairman, Board of Governors of The Federal Reserve System, 20th & Constitution Avenue, NW, Washington, DC.

Hon. SHEILA C. BAIR,

Chairman, Federal Deposit Insurance Corp., 17th Street, NW, Washington, DC.

Hon. MARY L. SCHAPIRO,

Chairman, Securities and Exchange Commission, F Street, NE, Washington, DC.

JOHN G. WALSH,

Acting Comptroller, Office of the Comptroller Of the Currency, E Street, SW, Washington, DC.

EDWARD J. DEMARCO,

Acting Director, Federal Housing Agency, G Street, NW, Washington, DC.

LADIES AND GENTLEMEN: We the undersigned intended to create a broad exemption from risk retention for historically safe mortgage products when we included the Qualified Residential Mortgage (QRM) exemption in the Dodd-Frank Wall Street Reform and Consumer Protection Act.

The statute requires the QRM definition to be based on "underwriting and product features that historical loan performance data indicate result in a lower risk of default," and provides clear guidance on the types of factors that can be used, including:

Documentation of income and assets;  
Debt-to-income ratios and residual income standards;

Product features that mitigate payment shock;

Restrictions or prohibitions on non-traditional features like negative amortization, balloon payments, and prepayment penalties; and

Mortgage insurance on low down payment loans.

The proposed regulation goes beyond the intent and language of the statute by imposing unnecessarily tight down payment restrictions. These restrictions unduly narrow the QRM definition and would necessarily increase consumer costs and reduce access to affordable credit. Well underwritten loans, regardless of down payment, were not the cause of the mortgage crisis. The proposed

regulation also establishes overly narrow debt to income guidelines that will preclude capable, creditworthy homebuyers from access to affordable housing finance.

The extensive additional requirements for QRMs in the proposed rule swing the pendulum too far and reduce the availability of affordable mortgage capital for otherwise qualified consumers. Many borrowers would simply be forced to pay much higher rates and fees for safe loans that nevertheless did not meet the exceedingly narrow QRM criteria. Sadly, in many cases, some creditworthy borrowers may not be able to get a mortgage at all.

Congress included the QRM to exempt safe, well-underwritten mortgages that have stood the test of time from the risk retention requirement. We urge you to follow our intent as you modify the proposed risk retention rule.

Sincerely,

Mary L. Landrieu, U.S. Senator; Kay R. Hagan, U.S. Senator; Johnny Isakson, U.S. Senator; Saxby Chambliss; Bob Casey, Jr.; Jeff Sessions; Richard Burr; Chris Coons; Ron Wyden; Mark Pryor; Scott P. Brown; Tom Carper; Robert Menendez; Claire McCaskill; Richard Blumenthal; Mike Enzi; Lindsey Graham; Roy Blunt; John Hoeven; Thad Cochran; Mike Crapo; John Barrasso; Max Baucus; Jeanne Shaheen; Kent Conrad; Joe Lieberman; Sheldon Whitehouse; Daniel K. Akaka; E. Benjamin Nelson; John Boozman; Mark Udall; Bernard Sanders; Michael F. Bennet; Debbie Stabenow; Jon Tester; Herb Kohl; Jeffrey A. Merkley; James E. Risch; Mark Begich.

Mr. ISAKSON. These 39 Senators wrote specifically to these regulators to express their concern with the possible effects of the proposed regulation that the regulators were proposing on qualified residential mortgages. I am pleased to say that a few days ago the six regulators extended the comment period from June 20 now to August 1. I have not talked to them, but I hope it is because they have been listening to speeches, they have been reading the comments, they have been seeing the testimony, and they understand, if left uncorrected, and if put in place, the current rule on qualified residential mortgages will be a second hit to what is already a very fragile U.S. housing market.

Just last week, the reports for the most recent month in terms of residential home sales saw the beginning of a second dip in residential housing. This morning the Wall Street Journal reported 40 percent of the homes in America that contain a second mortgage or an equity line of credit are now under water—40 percent.

One of the reasons they are is because prices are continuing to decline. One of the reasons prices are declining is the buyers are not there. It is a seller's market, we have too many foreclosures, and too many short sales.

The impact of the qualified residential mortgage amendment to Dodd-Frank was an amendment offered by Mrs. HAGAN, Ms. LANDRIEU, and myself—all with experience in housing and

knowledge about the marketplace. We put it in because the original Dodd-Frank legislation said mortgage people making mortgages were going to have to hold risk retention of 5 percent in that mortgage, which basically would put most everybody in the mortgage business out of the mortgage business, except a handful of people. We put in the qualified residential mortgage amendment the specific parameters by which a mortgage could be exempt from risk retention, which were a downpayment of at least 20 percent or, if the downpayment was less than that, it had to carry private mortgage insurance to insure the effect of an 80 percent loan; second, qualified ratios that demonstrated the couple could pay back the mortgage under any reasonable assumption; third, the house had to appraise; fourth, the credit worthiness of the individual had to demonstrate they could pay for the mortgage.

Those were all the reasonable underwriting criteria that existed before the financial collapse of mid 2006–2007. The rule that was proposed by the six regulators, on which now they have extended the commentary time, completely avoided and made no mention of the private mortgage insurance requirement and said for a qualified residential mortgage to exempt risk retention, the buyer would have to put down at least 20 percent. Most buyers in America do not have at least 20 percent, and under current economic times and what has happened, they have a lot less than that.

But for years—and I was in the housing business for 33 years—the 90 and 95 percent conventional loans made in this country were the backbone of the loans that helped support the housing market, and those loans required a private mortgage insurance policy on any amount of loan exceeding 80 percent, up to 95 percent. We need the ultimate rule coming back from these regulators, by August 1, to contain that provision so as to exempt from risk retention any mortgage that meets the underwriting criteria, including private mortgage insurance on any amount above 80 percent, and up to 95 percent.

If we do not do it, I want to tell you what will be the outcome, and it is without question. You will remember, Mr. President, when we got into trouble in housing it was because we directed Freddie and Fannie to buy affordable housing loans, which became a consumer of subprime packages that were generated on Wall Street. Subprime packages were loans that had high coupon rates, and they were made to risky borrowers. They were intended to get more people into housing, but they became an abused process.

Because we directed Freddie and Fannie to buy that type of paper, it created a demand for that type of

paper, which Wall Street fulfilled. So, in other words, you had a premium pricing on the coupon, which made the security attractive, but the risk was greater because the loans were to people with less good credit.

We have now gone the other way. The pendulum has swung 180 degrees the other way. With the pending rule being circulated, upon which this commentary time has been extended, if it goes into place, you will create 90 and 95 percent loans being priced just like loans that were subprime priced because very few people will make those loans—only a few large lenders. They will price the interest rate on those loans high because of scarcity. In other words, a borrower borrowing 95 percent or 90 percent with private mortgage insurance will end up paying a premium—a premium in interest rate or discount points—in order to get that loan because there will not be a wide distribution or availability of that type of conventional financing.

The unintended consequence of the rule being proposed—which we, fortunately, have an extension on comment time—would create another ability for lenders with the capacity of risk retention to price a loan at such a rate that it is too high for the average consumer.

The other thing it is going to do is a lot of consumers who cannot get a qualified residential mortgage of 90 or 95 percent will be out of the housing market.

What is the result of that? The result of that is an extension of what the most recent figures demonstrated: lower demand, declining housing prices, and a protracting continuance of the worst housing recession in the history of the United States of America.

So I come to the floor today, first of all, to say thank you to the six regulators for extending the comment period; second, to urge my colleagues to urge the lending institutions, the real estate industry, the consumer interest groups, the housing advocacy groups, to have their input with these regulators on the proposed qualified residential mortgage rule, because if left unamended—as it currently is proposed by the regulators—it will make housing less affordable in America; the access to conventional credit less available in America; it will decline the demand that exists already, which is historically too low; it will protract the continuing decline of housing values in America; and it will cause our economy to continue to slide in an even deeper, deeper depression.

It is critically important what the Senator from Kansas said be recognized: Be sure when you pass a regulation that the unintended consequence does not cause a bigger problem than the problem you are trying to correct.

I admire our regulators. I appreciate the hard job we have given them. I appreciate the fact they have extended

the comment time. I hope now they will also listen to the comments being made, come back, and make a qualified residential mortgage rule that includes the provision for private mortgage insurance on loans in excess of 80 percent and no more than 95 percent.

Mr. President, I yield the floor.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:55 p.m., adjourned until Wednesday, June 8, 2011, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

MARGO KITSY BRODIE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE ALLYNE R. ROSS, RETIRED.

JESSE M. FURMAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE ALVIN K. HELLERSTEIN, RETIRED.

SUSIE MORGAN, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE G. THOMAS PORTEOUS, JR.

MARY ELIZABETH PHILLIPS, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE ORTRIE D. SMITH, RETIRED.

##### IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

##### *To be lieutenant*

WALTER L. OUZTS, JR.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

MAJ. GEN. BRADLEY A. HEITHOLD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be brigadier general*

COL. GIOVANNI K. TUCK

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. KEITH M. HUBER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### *To be brigadier general*

COL. A. C. ROPER, JR.

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE REGULAR ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### *To be major*

MATTHEW B. PHILLIPS

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### *To be major*

MICHAEL E. LOESCHER

LESLIE W. ROBERSON

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADES INDICATED IN THE REGULAR ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

##### *To be lieutenant colonel*

ERIC G. PUTTLER

##### *To be major*

SIGNE H. O'NEALE

CHARLES A. SANZ

MARC O. SHOKEIR  
PRASAD V. YALAVARTHI

THE FOLLOWING NAMED OFFICERS IN THE GRADE INDICATED IN THE REGULAR ARMY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be major*

JAMES L. BENJAMIN  
JERROD E. MELANDER  
GILBERTO RUIZ

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

##### *To be colonel*

ENRIQUE A. ARANIZ  
VERNON C. ATKINSON II  
JOSEPH R. BALDWIN  
JOHN P. DERNBERGER  
DAVID G. DIPPOLD  
WILLIAM J. EDWARDS  
ROBERT A. JOHNSON  
MARY L. MAYHUGH  
JOHN K. MILLS  
TERRY M. ORANGE  
JOSEPH K. PEARCE  
WESLEY A. ROBINSON  
EDWARD J. SIEGFRIED  
SCOTT J. SMITH  
JON T. TANABE  
CLIFFORD W. WILKINS

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be commander*

ROGER S. THOMPSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

##### *To be lieutenant commander*

MONSERRAT JORDEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be lieutenant commander*

TIMOTHY W. GRASMICK

## EXTENSIONS OF REMARKS

MEMORIAL DAY 2011 SPEECH BY  
ASHLEY SZATALA

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 7, 2011*

Ms. KAPTUR. Mr. Speaker, I rise today to place in the RECORD the Memorial Day address offered by a rising star in our district in Ohio. Ashley Szatala, a student at Sandusky St. Mary's High School, presented her remarks during the Memorial Day 2011 opening ceremony in Sandusky. The following is Ashley's Memorial Day 2011 speech and the ceremony program.

Over the last few weeks, hundreds of volunteers have placed flags at the graves of our Nation's soldiers. Many local communities lined their streets with flags in honor of Memorial Day. Hundreds of you this morning gathered at the roadside waving a small American Flag as parade participants passed by. The flag goes wherever our leaders go. It has gone before soldiers in battles and is draped atop the casket of fallen heroes. For over 200 years the American flag has been the symbol of our Nation's strength and our unity. The Stars and Stripes—as we affectionately refer to it—stands for the ideals we hold true—liberty, equality, and freedom. Its history tells the story of perseverance by our Nation's veterans as they fought in defense of our liberty.

The most poignant moment in our Nation's history was made on January 1, 1776. Before laying siege against the British army, General of the Continental Army, George Washington, commanded that the Grand Union Flag be raised. Since that historic raising of our Nation's flag it has been a constant companion to our troops in times of war and peace. On June 14, 1777, the U.S. Congress proposed the "Flag Act," which introduced the American Flag as a prominent symbol of our nation. The original flag was decorated with 13 red and white stripes, and adorned with 13 stars amidst a blue background at the top left corner of our flag. The number 13 represented the 13 original colonies. After a series of changes from 1777–1960 to the original design, the final look of the American flag consisted of 13 alternating red and white stripes, and 50 white stars surrounded by a blue background. The 50 stars represented the 50 United States.

Since its inception, the American flag inspired Francis Scott Key to compose our Nation's anthem, The Star Spangled Banner. Like many other American citizens of the day, Key worried that the American flag would not be flying over Fort McHenry during a battle in the war of 1812. Overcome with joy to see the flag of new America, he wrote the song that we hold dear to our hearts today. Since then, the American Flag has journeyed to foreign lands during the World Wars, Korea, Vietnam, Iraq, and Afghanistan wars. It has stood as a beacon of light as our brave men and women fought against oppression and tyranny. Today, the

American Flag is one of the most revered and respected symbols in America. However, it is not just a piece of cloth, but a symbol of liberty and freedom. In fact, its colors of red, white, and blue have rich symbolism.

A review of that rich symbolism will help you understand why it is only fitting that an American flag stands beside each grave of our fallen heroes. The color red stands for the hardiness and valor. Our servicemen and women are hardy. They are strong in the face of danger. Their collective strength is not measured by how much muscle they have, but by how strong and resilient their heart is. They demonstrate valor as they defend liberty, justice, and freedom against the enemy. They demonstrate personal bravery and courage far beyond what the rest of us will ever be called upon to exhibit.

White in the American flag refers to purity. Our great country remains pure in its ideals. Those ideals of liberty, justice, equality, and freedom have held strong through the years and never wavered. Our veterans and active servicemen and women have rallied around these ideals and have fought and sacrificed everything for the sake of these ideals. These ideals continue to be gifted to every American citizen. Their sacrifice gave us all these gifts so today we owe them our sincere gratitude for such.

Last, the color blue symbolizes vigilance, perseverance, and justice. Vigilance is an enduring quality of our military men and women, and our veterans. Throughout the world, they have remained vigilant in their service of protecting the liberty and freedom of American citizens. Perseverance means one never gives up. How true of our service men and women. Despite the terrible conditions of war, they never gave up on the ideals for which they were fighting for. They fought to keep America free and safe for generations of American citizens. Without their vigilance and perseverance, America would not be the great country it is today. Each day, school children recite the words, "With liberty and justice for all," when they say the Pledge of Allegiance. What this means is that America upholds the ideals of pursuit of life, liberty, and happiness. Anything that threatens these ideals is perceived as a threat to justice. It's not us, the average citizen, who eliminates the threat, but our country's service men, women, and veterans who stand up and fight for justice for all.

So hold high the flag and its colors. Her story is one of freedom. Through the years, our military has rallied around her and fought and sacrificed so much. They have fought to keep us free. The flag unites us all under her majestic colors.

So, as we are gathered here today, take a look around you. The flowers that decorate the grave sites will one day wither and die. The engraving on the headstones will eventually fade. The sound of Taps will linger silently through these trees. But the one thing that will forever remain, year after year, is the American flag, waving valiantly over the graves of our fallen heroes. Thank you.

MEMORIAL DAY, MAY 30, 2011, 9:00 A.M., OHIO  
VETERANS HOME

THE OHIO VETERANS HOME AND THE SANDUSKY  
MEMORIAL DAY ASSOCIATION

MEMORIAL DAY CEREMONY—OHIO VETERANS  
HOME

Mistress of Ceremonies: Linda L. Johnston,  
OVH Volunteer Coordinator  
Invocation: Rev. Paul Birmingham, OVH  
Chaplain

Star Spangled Banner: Combined Bands  
Presentation of Grand Marshals: Steve  
Matune, OVH Deputy Superintendent

General Order #11: Matthew Burr, Civil  
War Union Soldier re-enactor

Lincoln's Gettysburg Address: Jaz Bluhm,  
Howard N. Kautz (WWII Paratroop, 17th Air  
Division) Family Scholarship Award Recipient

Placing of Tributes: Veterans Organiza-  
tions

Armed Forces Medley: Combined Bands  
Student Speaker: Ashley Szatala, St.  
Mary's Central Catholic High School

America the Beautiful: Combined Bands  
Benediction: Fr. Edward M. Czech, OVH  
Catholic Chaplain

Salute to the Dead: OVH Rifle Squad, Com-  
manded by Arthur Weisz

Taps: Christa Widman & Victoria Downey,  
St. Mary's Central Catholic High School

Combined Bands under the direction of  
Brian Panetta, St. Mary's Central Catholic  
High School

## MEMORIAL DAY PARADE PARTICIPANTS

Ohio State Highway Patrol; Erie County  
Sheriff; AMVETS Riders; OVH Police De-  
partment; St. Mary's Central Catholic Band;  
AMVETS Post 17 Color Guard; Grand Mar-  
shal Eugene Fitzthum; Grand Marshal Paul  
Mettter; Grand Marshal Fred Ferdindansen;  
Grand Marshal Jack Ferdindansen; Grand  
Marshal Ruth Singler; Grand Marshal Linda  
Johnston; AMVETS Ladies Auxiliary; Sons  
of AMVETS; OVH Road Soldiers Cycling  
Club; OVH Senior King & Queen; Erie County  
Veterans Service Office; Boy Scouts of  
America; Local 744 Carpenters Union; Erie  
County Relay for Life; Salvation Army;  
United States Border Patrol; Marines For-  
ever; Disabled American Veterans Chapter  
16; Catholic War Veterans Post 1905; San-  
dusky Transit System; United Indians of  
Ohio; Don Likes 1955 Truck; St. Stephens  
UCC & Kiddie College; Firelands Habitat for  
Humanity; Kids Care Clubs of the Volunteer  
Center; DAR Martha Pitkin Chapter; Erie  
Metro Parks; Girl Scouts of NE Ohio; Erie  
County Jr. Fair Royalty; Tom's Cruz Lim-  
ousine Service; Erie Co. Firefighters Assn.;  
Perkins Fire Dept.; Perkins Police Depart-  
ment; Perkins High School Band; Veterans  
of Foreign Wars; VFW Auxiliary; Dads of  
VFW; VFW Youth Baseball League; Lake  
Shore Corvettes; Knights of Columbus;  
Firelands Patriots; Big Brothers-Big Sisters  
of Erie-Seneca Counties; Double S Indus-  
tries; YMCA Twirling Amp'd; Sandusky Fire  
Dept.; Sandusky Police Department; San-  
dusky High School Band; American Legion  
Color Guard; American Legion Riders; King  
Baer Productions 1929 truck; Elks Lodge 285;  
in memory of Bernie Wilson 1978 F150;  
Calvery Baptist Church Kidettes Baton

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Corps; Friends of Pipe Creek Watershed; Volunteers of America; Freedom Institute; John Snoble 1957 Pontiac; Randy's Balloons; Kandi-Land Stables.

Thousands of men and women have died so you can attend this event as a free person in a free land.

As our American Flag passes in review, or is presented, our veterans ask you to please honor those veterans who have given their lives by showing respect for the flag in the following manner:

Cover your heart with your right hand. If you are wearing a hat or cap, with your right hand, place it at your left shoulder with your right hand covering your heart.

A Special Thank you to the Exchange Club of Sandusky for their years of support and dedication. Each year they distribute the American Flags to parade viewers.

#### PERSONAL EXPLANATION

#### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 7, 2011*

Mrs. MYRICK. Mr. Speaker, due to a family emergency, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

May 26, 2011

Rollcall vote 375, on passage—H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes—I would have voted aye.

Rollcall vote 376, On Motion to Concur in the Senate Amendment to the House Amendment—S. 990, Small Business Additional Temporary Extension Act of 2011—I would have voted aye.

May 31, 2011

Rollcall vote 377, On Motion to Suspend the Rules and Pass, as Amended—H.R. 1484, Veterans Appeal Improvement Act—I would have voted aye.

Rollcall vote 378, On Motion to Suspend the Rules and Pass—S. 1082, Small Business Additional Temporary Extension Act—I would have voted aye.

Rollcall vote 379, On Motion to Suspend the Rules and Pass—H.R. 1954, To Implement the President's request to increase the statutory limit on the public debt—I would have voted nay.

June 1, 2011

Rollcall vote 380, On Consideration of the Resolution—H. Res. 287, Providing for consideration of H.R. 2017, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes—I would have voted aye.

Rollcall vote 381, On Ordering the Previous Question—H. Res. 287, Providing for consideration of H.R. 2017, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes—I would have voted aye.

Rollcall vote 382, On Agreeing to the Resolution—H. Res. 287, Providing for consider-

ation of H.R. 2017, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2012, and for other purposes—I would have voted aye.

Rollcall vote 383, On Motion to Suspend the Rules and Pass, as Amended—H.R. 802, To direct the Secretary of Veterans Affairs to establish a VetStar Award Program—I would have voted aye.

Rollcall vote 384, On Agreeing to the LaTourette of Ohio Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 385, On Agreeing to the Cicilline of Rhode Island Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted nay.

Rollcall vote 386, On Agreeing to the Royce of California Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 387, On Agreeing to the Poe of Texas Amendment No. 8—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 388, On Agreeing to the Cuellar of Texas Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted nay.

June 2, 2011

Rollcall vote 389, On Agreeing to the Clarke of Michigan Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 390, On Agreeing to the Sessions of Texas Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 391, On Agreeing to the Lummis of Wyoming Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 392, On Agreeing to the Carter of Texas Amendment No. 1—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 393, On Agreeing to the Price of North Carolina Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 394, On Agreeing to the Sherman of California Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 395, On Agreeing to the Gosar of Arizona Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 396, On Agreeing to the Scalise of Louisiana Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 397, On Agreeing to the King of Iowa Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 398, On Agreeing to the Cravaack of Minnesota Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 399, On Agreeing to the Amash of Michigan Amendment No. 1—H.R. 2017, Department of Homeland Security Ap-

propriations Act, 2012—I would have voted aye.

Rollcall vote 400, On Agreeing to the Amash of Michigan Amendment No. 2—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 401, On Agreeing to the Amash of Michigan Amendment No. 3—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 402, On Agreeing to the Rokita of Indiana Amendment No. 1—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 403, On Agreeing to the Rokita of Indiana Amendment No. 2—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 404, On Agreeing to the Cole of Oklahoma Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 405, On Agreeing to the Gohmert of Texas Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 406, On Agreeing to the Mica of Florida Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

Rollcall vote 407, On Agreeing to the Polis of Colorado Amendment—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted nay.

Rollcall vote 408, On Motion to Recommit with Instructions—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted nay.

Rollcall vote 409, On Passage—H.R. 2017, Department of Homeland Security Appropriations Act, 2012—I would have voted aye.

June 3, 2011

Rollcall vote 410, On Agreeing to the Resolution—H. Res. 294, Providing for consideration of H. Res. 292 declaring that the President shall not deploy, establish, or maintain the presence of U.S. Armed Forces in Libya, and for consideration of H. Con. Res. 51 directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the U.S. Armed Forces from Libya—I would have voted aye.

Rollcall vote 411, On Agreeing to the Resolution—H. Res. 292, Declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes—I would have voted aye.

Rollcall vote 412, On Agreeing to the Resolution—H. Con. Res. 51, Directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya—I would have voted nay.

## PERSONAL EXPLANATION

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 7, 2011*

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent because of a family illness on May 26, 2011. Had I been present, I would have voted on the following:

Rollcall No. 354—On Agreeing to the Amendment (Mica No. 38)—“no”  
 Rollcall No. 355—On Agreeing to the Amendment (Flake No. 40)—“no”  
 Rollcall No. 356—On Agreeing to the Amendment (Smith No. 42)—“aye”  
 Rollcall No. 357—On Agreeing to the Amendment (Buchanan No. 43)—“no”  
 Rollcall No. 358—On Agreeing to the Amendment (Maloney No. 47)—“no”  
 Rollcall No. 359—On Agreeing to the Amendment (Mack No. 48)—“no”  
 Rollcall No. 360—On Agreeing to the Amendment (Langevin No. 49)—“aye”  
 Rollcall No. 361—On Agreeing to the Amendment (Amash No. 50)—“aye”  
 Rollcall No. 362—On Agreeing to the Amendment (Campbell No. 53)—“no”  
 Rollcall No. 363—On Agreeing to the Amendment (Campbell No. 54)—“no”  
 Rollcall No. 364—On Agreeing to the Amendment (Chaffetz No. 56)—“no”  
 Rollcall No. 365—On Agreeing to the Amendment (Polis No. 60)—“no”  
 Rollcall No. 366—On Agreeing to the Amendment (Conyers No. 61)—“aye”  
 Rollcall No. 367—On Agreeing to the Amendment (Flake No. 62)—“aye”  
 Rollcall No. 368—On Agreeing to the Amendment (Ellison No. 63)—“aye”  
 Rollcall No. 369—On Agreeing to the Amendment (L. Sanchez No. 64)—“aye”  
 Rollcall No. 370—On Agreeing to the Amendment (Jackson Lee No. 111)—“aye”  
 Rollcall No. 371—On Agreeing to the Amendment (Turner No. 148)—“aye”

Rollcall No. 372—On Agreeing to the Amendment (Cravaack No. 152)—“no”

Rollcall No. 373—On Agreeing to the Amendment (McGovern No. 55)—“aye”

Rollcall No. 374—On Motion to Recommit with Instructions (H.R. 1540)—“aye”

Rollcall No. 375—On Passage (H.R. 1540)—“aye”

Rollcall No. 376—On Passage (S. 990)—“aye”

**HONORING KATHY FLETCHER, AN ENVIRONMENTAL LEADER IN WASHINGTON STATE**

**HON. JAY INSLEE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 7, 2011*

Mr. INSLEE. Mr. Speaker, I rise today to honor Kathy Fletcher for her lifelong dedication to bettering the environment within Washington State and across the Nation.

Kathy Fletcher is retiring after 20 years serving as the Executive Director of People for Puget Sound, a citizen's organization she founded in 1991 to preserve the Puget Sound and Northwest Straits. The organization has inspired countless individuals through its education and volunteer programs. It also has successfully lobbied to strengthen environmental safeguards throughout the Puget Sound. Kathy has had a distinguished career spanning over 30 years of environmental activism, beginning with a position on President Carter's White House Domestic Policy Staff handling environmental and natural resource issues. A fifth-generation Washingtonian, she moved to Seattle to become the first chair of the Puget Sound Water Quality Authority and has since sat on the board of many local and national environmental organizations. Through her efforts, Kathy has helped protect Washington State's coastlines from disintegration and degradation and has made environmental activism more accessible to all.

Kathy, thank you for your environmental leadership and for your tireless efforts to improve Washington State for the benefit of all.

**HONORING THE LIFE AND LEGACY OF MRS. BLONEVA BULLARD**

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 7, 2011*

Mr. HASTINGS of Florida. Mr. Speaker, today I rise in honor of the life and legacy of Mrs. Bloneva Bullard. Bloneva was born on October 13, 1936 and was raised in Deerfield Beach, Florida.

As a young woman Bloneva graduated from Carver High School also in Delray Beach. As a young woman, Bloneva showed great promise with her hands as she became a licensed cosmetologist. However, she felt a greater calling for her life—she felt a calling to heal those who were sick. Bloneva Bullard enrolled in Broward Community College and became a Licensed Practical Nurse. She later would complete her training and become a Registered Nurse. As a nurse, she opened doors by becoming the first African-American Recovery Room Charge Nurse at North Broward Medical Center, where she worked until her retirement.

Bloneva was not only a motivated career woman, but she was also a tireless community servant. Her many affiliations include: Founder and Director of the R.U.B. Foundation, Pride of Ft. Lauderdale Elks Lodge #395, Rosebud Heroines of Jericho, and the Sickle Cell Disease Association.

Mr. Speaker, Mrs. Bloneva Bullard passed away on May 17, 2011 after a very full life. Her life was spent working for the betterment of humankind. Mrs. Bloneva Bullard was a true stalwart that touched the lives of many.

## SENATE—Wednesday, June 8, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of light and truth, in these challenging times, enable our Senators to hear Your still small voice. Make this awareness of Your presence renew their spirits and lift their vision of what this Nation can become by Your grace. May they be people dedicated to moral values and determined to live by the highest ethical standards possible. Lord, keep them from success that is purchased with cowardice, cunning, or deception. Enable them to experience the constancy of Your presence so that they will choose the harder right and leave a legacy that honors You.

We pray in Your holy Name.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 8, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate

will be in a period of morning business for 1 hour. The majority will control the first half of that time and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of the Economic Development Act, with the time until 2 p.m. equally divided between the opponents and proponents of the Tester amendment.

At approximately 2 p.m., there will be a rollcall vote in relation to the Tester amendment regarding swipe fees, with a 60-vote threshold.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half of that time and the Republicans controlling the second half.

The Senator from Illinois.

### DEBIT CARD SWIPE FEES

Mr. DURBIN. Madam President, this afternoon there will be a critical vote that will take place on the Senate floor. It is one of the most controversial, business-oriented votes that we have faced. Leading up to this vote has been one of the most heated debates and exchanges that many of us in the Senate have seen in our time. It relates to an issue that affects almost every American family, and certainly all American businesses, and the financial community. It is a basic question that needs to be resolved on the Senate floor.

My friend and colleague from Montana, Senator JON TESTER, is offering an amendment, which I oppose. I have the highest respect for JON. We have discussed this, and our friendship remains strong throughout this debate. We just see this differently. Whatever the outcome of the vote, I certainly am going to continue my strong friendship with JON and be a fan of what he brings to the Senate and what he does for the State of Montana.

Joining him in this amendment is Senator BOB CORKER of Tennessee. I have the same high regard for Senator

CORKER, and any remarks that I make today are no reflection on them at all. I think they are both honorable people who are standing tall for their point of view, with which I happen to disagree. But I want to make it clear that I think this is a historic vote, a threshold vote in terms of whether the Senate, the Congress, and the Government of the United States will step into a situation that has created a fundamental unfairness. And this is the unfairness.

When we use debit cards, or plastic, to pay for a transaction, there is a fee that is collected. It is a fee that is paid to banks and, of course, paid to the issuing credit card network. The merchant or retailer that accepts that plastic, that debit card, has no voice in determining what that fee will be, and it is invisible.

Just one floor below us in the Capitol is a carryout. I went there this morning to pick up a little breakfast, and there was a young lady—a Capitol Hill policewoman—in front of me. She took a package of chewing gum and put it on the counter and handed her debit card to the cashier. The chewing gum cost \$1.20. The average fee paid by the merchant—in this case, the proprietor of the carryout—is 44 cents on that transaction, more than one-third of the cost of the pack of chewing gum. The owner of the carryout had no voice in that fee. It is a fee that has been imposed on that merchant by the credit card network that issued the debit card.

A year ago, we took up this issue and asked, Is it fair or reasonable? The reason I think we need to take a look at this is, in the United States of America the so-called swipe fee is dramatically greater than in virtually any other country in the world. The same networks, Visa and MasterCard, charge, on average, 1.14 percent on every transaction using a debit card. If one goes to the European Union, the average debit interchange fee is .2 percent, less than one-fifth of what is charged in the United States by the same credit card network. Then, of course, take a look at Canada, just north of the United States, where there is no—zero—interchange fee charged on debit card transactions.

Why is the United States, through its consumers, small businesses, and large retailers alike, paying so much more? These credit card networks, through their issuing banks, are charging this because they can. There is no restraint whatsoever—at least there wasn't until last year.

We had a debate on the floor of the Senate, and we asked—on behalf of

consumers, small businesses, retailers, and merchants all across America—should we establish a reasonable fee for the use of a debit card? We voted, with 64 votes, to do that. The fee is to be established by the Federal Reserve.

Most everyone would concede two things. First, the Federal Reserve is not partisan. It is going to make this judgment based on the economics of the marketplace, in terms of what the fee should be. Second, if there is any bias at the Federal Reserve, it is not toward consumers. This is not a consumer protection agency. No one has ever called it that. It is an agency which, by and large, is more comfortable in the boardrooms of major banks. So we gave them this responsibility.

What the Federal Reserve came up with, after 5 or 6 months of investigation, was a startling discovery; and that was the interchange fee being charged on debit card transactions in the United States, on average, was 44 cents—that is what the 1.14 percent translates into, 44 cents a transaction—and the actual cost to the debit card network issuing banks was in the range of 12 cents.

What is being charged to consumers and small businesses all across America is more than three times the reasonable and proportional cost of the transaction. At that point, the Federal Reserve said: We are going to sit down as instructed by this law passed by Congress and signed by the President and come up with a reasonable interchange fee. They confessed—Chairman Bernanke and others said it was a challenge, and it is. But they said they were going to do it, and do it right, and they needed more time. Chairman Bernanke called me and said: I need an additional 6 to 8 weeks to do that. I said I was sorry to hear that.

They had more than 11,000 comments posted to the Federal Reserve about what this debit fee should be, what is a reasonable fee. They are about to announce, before the end of this month, what it is going to be. I don't know what their report will say. I suspect it will be somewhere between 12 cents and 44 cents, with many other provisos included. That is where we stand.

Under the law passed last year, this new debit card interchange fee rule would go into effect July 21. Well, needless to say, it has generated a lot of controversy, particularly among the card networks, Visa and MasterCard, and the issuing banks that issue these debit cards. They don't like this at all.

As Senator Dale Bumpers of Arkansas—who used to sit right back there—used to say: They hate this interchange fee regulation “like the devil hates holy water.” They have done everything in their power to stop the Federal Reserve from issuing a rule that would bring down this 44-cent charge on every swipe of our plastic debit

cards. Of course, they want to do it before the Federal Reserve issues their rule.

Today on the Senate floor, at 2 o'clock this afternoon, the banks and credit card companies get their chance to stop the Federal Reserve from coming forward with this new approach to the interchange fees.

As you can imagine, it is a titanic struggle because of all the retailers and merchants in the United States. From Walmart, on down to the corner bodega in Manhattan, or the corner store in Chicago, they are all involved. When I get into the car that picks me up at O'Hare to take me to my apartment in Chicago, my driver says: We are pulling for you. Every time somebody gives us a debit card, we end up paying more and more because of it.

I think the reach of these charges may surprise a lot of people. Here is a letter that we received yesterday from Tom Gordy, president of the Armed Forces Marketing Council. He writes and says:

On behalf of the member companies of the Armed Forces Marketing Council, I want to offer our sincere appreciation for your efforts to curb the skyrocketing costs to retail business through debit card fees.

Our particular concern about debit card fees is the adverse impact the fees are having on the pocketbooks and the quality of life of military families through the military exchange systems.

As you are aware, the military exchanges provide a non-pay compensation benefit to military families and support military families' financial readiness by offering name brand products at an average savings of over 20 percent. Additionally, the profits generated by the military exchanges are given back to the military community through dividends that support quality of life programs on military bases, including childcare centers, movie theaters, gyms and swimming pools, to name a few.

Let's bring it back to the Senate floor now, and here is what he writes:

Currently, the three military exchange systems—Army-Air Force Exchange System, Navy Exchange Command and the Marine Corps Exchange—are having to pay well over \$100 million per year combined in interchange fees and interchange fees are the fastest growing uncontrollable expense to the military exchange system.

As interchange fees continue to increase, the military exchange systems must either absorb the costs, thus reducing the dividends that support essential military quality of life programs, or they must pass the cost of the fees on to the military family by raising prices. Either way, military families lose because of interchange fees.

That is just one example, but an example that should hit close to home to us because it is an example that reflects on the quality of life of people we care for very much—military families—who sacrifice for this Nation. A system which is designed to help them is paying over \$100 million a year to the issuing banks for the Visa and MasterCard debit fees. Is \$100 million reasonable? If next year it is twice that, is that amount reasonable?

Most people would argue, if you believe in a free market system, you believe in two things: transparency, so people know what the rules of the game are—the actual prices and cost—and competition. The honest answer is there is no competition here. Visa and MasterCard literally dictate these fees that are collected. What choice does a merchant have? Could you stay in business today and not take plastic? I guess some people do, but not many. The reality is more and more people are using plastic to buy things as basic as a pack of chewing gum for \$1.20, which I saw this morning.

That is what this debate comes down to. The question is whether we will let the Federal Reserve issue this rule, take a close look at it, watch its implementation, and then respond, if needed. I don't know if their rule will be excellent or need help. I am prepared to stay the course with it. If we need to address it in any aspect with further legislation, I want to do that.

I particularly want to address my friends—at least those friends I have left—in the banking community. I am not going to stand here in defense of Wall Street. I think they have had quite a bit of friendship and love thrown their way by this Congress over the last few years. I am going to say, though, when it comes to community banks and credit unions, I think they deserve an exemption. It was included in the law. If we need to provide any other reassurances after the rule is issued, I will be there. I believe I can speak for the merchants and retailers, that they will be there as well. They have never disputed this issue of the community banks and credit unions being treated differently than the big banks.

But I do want to make it clear what is going on here in terms of the biggest banks that issue these debit cards. There is \$1.3 billion a month collected in debit card interchange fees—\$1.3 billion—which is more than \$15 billion a year. Three banks—Bank of America, Chase, and Wells Fargo—control 50 percent of the debit card market, and they will collect nearly \$7 billion in fees this year off of these debit cards. As I mentioned, the merchants and retailers have no voice in this. They pay what they are told they have to pay and they collect it from consumers.

Jamie Dimon is a person I have known. He is the CEO of Chase Bank. I worked with him when he was in Chicago. I had many conversations with him when he moved back to New York. I respect him for his business acumen. But he has been particularly pointed in going after this regulation of interchange fees. He has called it idiotic, in letters to shareholders and his customers. Chase has written to all of their debit card customers across the United States and said this so-called Durbin amendment—incidentally, it

isn't an amendment anymore, it is a law—will mean that Chase will have to raise fees on the people holding debit cards because they will collect less from debit card interchange fees.

That seems to make sense, doesn't it? If less revenue is coming in, they will have to make it up some way. But I want to call to the attention of those who are following this debate to this fact: The bonuses distributed by the banks on Wall Street last year amounted to \$20.8 billion. If they lost every nickel in interchange fees on debit cards, it wouldn't even get close to the amount they paid out in bonuses to their executives.

So before Mr.—before the Chase Bank—I don't want to be personal about this—threatens its customers about increased fees and reduced benefits, let them be honest with their customers about the bonuses that are being paid. That bank—Chase—if I am not mistaken, had an increase in annual earnings of 48 percent this year. They are doing quite well, thank you.

And for the record, let me remind those who are following this debate that the taxpayers of America were asked to stand by these banks in one of their darkest hours when we faced this recession. Many of us believe it was brought on by some awful practices on Wall Street and among other banks, insurance companies, and financial institutions around the world. But in their darkest hour, when things were toughest, where did they turn for help? Not the good old free market system, but the Treasury of the United States of America. So in the end we gave—we gave—\$25 billion to the Chase Bank. We gave \$45 billion to Bank of America and \$25 billion to Wells Fargo to help them through their time of need.

Oh, sure, they survived and they paid us back. But what was their gratitude? How was it reflected? It was reflected by these banks, after receiving taxpayer money to get them out of the hole they dug for themselves, turning around and awarding bonuses to their executives right and left. That is not an expression of gratitude where I come from. Now they come to us and say, we want you to continue this interchange fee subsidy, 50 percent of which goes to the three largest banks in the United States of America.

I think it is time for us to say no. I think it is time to stand for consumers and small businesses across America who have no voice, no power, and deserve our help in making this system fairer, more transparent, and more competitive.

The amendment before us is one I want to address specifically. Because instead of letting the Federal Reserve issue their rule at the end of this month—measuring whether its impact is as we had planned, responding, if needed, to changes—what the banking community and the credit card net-

works want to do is to kill this rule literally in the cradle before it has a chance to be issued, before it has a chance to be implemented. I think that is plain wrong.

Right now, I hear my colleagues who come to the floor offering this amendment—both Senator CORKER and Senator TESTER—saying this is a compromise. This is a compromise.

This is not a compromise. A compromise involves sides with differing views sitting down together and working out their differences. I wasn't invited to any meeting to come up with this so-called compromise. The merchants and retailers and businesses across America were not invited—not at all. There were no representatives of consumers in these meetings for this grand compromise. This was a compromise between the biggest banks, the medium-sized banks, and the small banks. So it is a bankers' compromise for bankers' benefit. That is what it comes down to.

In the last 2 days alone, letters opposing this amendment have been sent by consumer groups—military exchanges, as I mentioned, 11 colleges and university associations—because, incidentally, our kids at college bookstores, using debit cards, are actually paying more for their books because of these fees as well—308 national and State merchant trade associations and 6,500 small businesses. They are all opposing this so-called compromise amendment, though it isn't a compromise.

Secondly, this amendment is described as a 1-year delay of the interchange rulemaking. Actually, it is an open-ended delay. The bankers who wrote this very carefully crafted it. The amendment requires the Federal Reserve's rules to be rewritten in 1 year, but it doesn't set an effective date for the revised rules. There is no telling when, if ever, these rules will go into effect. This delay could be significant, and from the banks' point of view, the longer the delay, the better, because it is worth \$1.3 billion a month for every month they can delay it. And how long would they like to delay it? Forever.

Then there is this idea of needing a study after the Federal Reserve put 12 months into reviewing this issue, considering thousands of comments to promulgate this rule. The amendment sets up a study of the interchange system that only takes into account the views of the banking regulators. Search the amendment—the Tester-Corker amendment—for one indication there will be anyone sitting in the room representing the consumers or small businesses of America for this study. They are not invited. Not welcome. Not part of the conversation. Is this another compromise—a compromise that just involves banking regulators sitting down to decide what is in the best in-

terest of consumers? Would you want your fate left to their hands as a consumer? Not me.

The study, incidentally, is loaded—the so-called triggers in the study, if you take a look at them. If the bank regulators deem that any of the triggers are met, they have to throw out what the Federal Reserve has done and start over. Well, guess what, the triggers are written in a way that this is a foregone conclusion. These triggers will be met. As each trigger mirrors public statements the public regulators have already made about the Fed's draft rules, this is loaded. There is nothing objective or unbiased about this whatsoever.

The amendment essentially mandates a complete rewrite of the Federal rules by the banking regulators for the banking industry in favor of the banks.

Let me mention something else I think is outrageous about this. What the banks have said is, we don't want to measure the reasonable and proportional cost of a debit transaction to establish the fee we are going to impose. We want to include every variable and incremental cost we can consider. This amendment goes on for more than a page with all the possibilities.

The amendment provides the Fed must rewrite the rules under a very different standard than the law which currently exists. The new standard is one the big banks have been begging for. The Durbin amendment says the fee set by Visa and MasterCard, on behalf of the big issuing banks, has to be reasonable and proportional to the costs incurred that are “specific to a particular electronic debit transaction.” The Tester-Corker amendment would require the Fed to let Visa and MasterCard fix fee rates to cover bank costs that are not specific to any debit transaction. The Tester-Corker amendment requires the Fed to allow interchange fees to cover “all fixed and incremental costs associated with debit card transaction and program operations, including incentives.”

This is a truck-size loophole the banks are begging for, because they know they can get up to 44 cents and beyond if they can add everything in from the cost of an ATM machine to executive compensation and executive bonuses. So honestly, are we going to stand here and say we cannot protect small businesses across America, struggling to survive, from outrageous price-fixing by the credit card companies so we can reward the issuing banks with bonuses? Is that what this is about? If it is, it is a pretty stark choice.

This amendment is a big bank windfall. The amendment has been described as an effort to help small banks, but it would undoubtedly be a windfall for the Nation's largest banks. It would give them a free pass to continue their anticompetitive practices

for at least another year, and then it would require the Fed to write rules in a way that would enable big banks to justify the fees they are charging today. It is a no-change amendment.

If you believe, as a Member of the Senate, the current system is fair to businesses across America and we shouldn't change it, then voting for this amendment will guarantee your position will be enshrined in law. This proposed amendment is a gift to the big banks that will keep on giving and deny swipe fee relief to small businesses and consumers who desperately need it.

Madam President, I ask unanimous consent to have printed in the RECORD these three letters I have received from the Armed Forces Marketing Council, the American Council on Education, and Public Citizen U.S. PIRG.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARMED FORCES MARKETING COUNCIL,  
Manassas, VA, June 7, 2011.

Hon. RICHARD J. DURBIN,  
U.S. Senate, Washington, DC.

DEAR SENATOR DURBIN: On behalf of the member companies of the Armed Forces Marketing Council, I want to offer our sincere appreciation for your efforts to curb the skyrocketing costs to retail business through debit card fees.

Our particular concern about debit card fees is the adverse impact the fees are having on the pocketbooks and the quality of life of military families through the military exchange systems.

As you are aware, the military exchanges provide a non-pay compensation benefit to military families and support military families' financial readiness by offering name brand products at an average savings of over 20%. Additionally, the profits generated by the military exchanges are given back to the military community through dividends that support quality of life programs on military bases, including childcare centers, movie theaters, gyms and swimming pools, to name a few.

Currently, the three military exchange systems—Army-Air Force Exchange System, Navy Exchange Command and the Marine Corps Exchange—are having to pay well over \$100 million per year combined in interchange fees and interchange fees are the fastest growing uncontrollable expense to the military exchange systems.

As interchange fees continue to increase, the military exchange systems must either absorb the costs, thus reducing the dividends that support essential military quality of life programs, or they must pass the cost of the fees on to the military family by raising prices. Either way, military families lose because of interchange fees.

The debit card interchange fee restrictions that you authored will help save the military exchange systems tens of millions of dollars per year, reducing the adverse impact that interchange fees are having on the pocketbooks and quality of life of military families.

We are hopeful that you will be successful in maintaining the law that you authored to curb debit card interchange fees and preventing any delays in its implementation.

Sincerely,

TOM GORDY,  
President.

OFFICE OF THE PRESIDENT,  
AMERICAN COUNCIL ON EDUCATION,  
Washington, DC, June 7, 2011.

U.S. Senate,  
Washington, DC.

DEAR SENATOR: I write on behalf of the higher education associations listed below to oppose the Tester Amendment, which would significantly delay regulatory implementation of the debit card swipe fee reforms enacted last year in the Dodd-Frank Wall Street Reform and Consumer Protection Act ("Dodd-Frank Act"). We reiterate our support for these needed reforms, which will provide real relief to students, their families and colleges and universities across the country, and urge that they be implemented in a timely manner consistent with the Dodd-Frank Act.

Debit card swipe fees are a hidden expense for students and families paying for college for which they receive no benefit. As a result of the Dodd-Frank Act and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services. In addition, implementing this reform will create an opportunity for institutions to offer discounts to students for payments made with checks and debit cards.

During this time of economic insecurity, steps like those undertaken in swipe fee reform will help students and their families manage the costs of college with increasingly strained budgets.

We urge the Senate to reject the Tester Amendment and stand with students and the colleges and universities that serve them by ensuring that these debit card swipe fee reforms be fully implemented in a timely manner.

Sincerely,

MOLLY CORBETT BROAD,  
President.

On behalf of: American Association of Collegiate Registrars and Admission Officers; American Association of Community Colleges; American Association of State Colleges and Universities; American Council on Education; Association of American Universities; Association of Community College Trustees; Association of Jesuit Colleges and Universities; Hispanic Association of Colleges and Universities; National Association of College and University Business Officers; National Association of College Stores.

PUBLIC CITIZEN, U.S. PIRG, FED-  
ERATION OF STATE PIRGS,

June 6, 2011.

Re Opposition to Tester, S. 575, To Delay  
Swipe Fee Reform.

DEAR SENATOR: We, the undersigned consumer groups, write to reinforce our continued support for the Durbin amendment to reform debit card swipe fees that passed as part of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010. The Federal Reserve Board of Governors has conducted enough research and has adequate authority to issue a fair final rule in this matter without the delays that would be imposed by Senator Tester's proposal, S. 575, no matter how it might be modified for the floor.

All consumers, whether they pay with cash or plastic, pay more at the store and more at the pump due to the current non-transparent interchange fee system, which is tantamount to a wealth transfer from the poor to the rich. Recent Federal Reserve research has

shown that lower-income cash consumers subsidize the rewards cards of more affluent customers. Yet, retail is a highly-competitive industry where cost savings are routinely passed along to consumers. There is no reason to expect that retailers, in a marketplace where numerous sellers routinely compare and change their prices on a daily basis, would fail to pass along the savings from the unfair anticompetitive interchange system. Yet, as the non-profit and non-partisan American Antitrust Institute said in a recent letter to Congress:

[The Durbin amendment] limits the amount of fees that can be charged through a price-fixing network regime and allows banks to charge unregulated fees if they simply compete on their prices rather than set them centrally. If the limits set by the Fed are low, that aids competition by giving a large incentive for banks to actually compete by lowering their fees. Banks with less than \$10 billion in assets would not have to compete, however, because they are exempt. Certainly, banks with more than \$10 billion in assets can compete in the free markets by setting their own prices rather than hiding behind the cartel process overseen by Visa or MasterCard. What the Fed is doing is to substitute competition for administered prices. (March 14, 2011)

As Senator Tester's legislation to delay implementation of the Durbin amendment and the final Federal Reserve regulations comes up for a vote on the Senate floor, we urge your opposition to it or other efforts to weaken or delay the Durbin amendment through Congressional action. Thank you for your consideration of our views. If you or any of your staff have any questions, please contact Ed Mierzwinski at U.S. PIRG (202-461-3821 or edm@pirg.org).

Sincerely,

PUBLIC CITIZEN,  
U.S. PIRG.

Mr. DURBIN. Madam President, the groups that stand behind me on this effort know what we are up against. When we take a look at the most powerful special interest groups in Washington, we have to put the banking industry near the top, if not on the top, of the ladder. Throughout my career I have tackled them on the floor. I can recall many years ago, brandnew to the Senate, when I said we ought to change the banking laws so we would put an end to the so-called subprime mortgages. I was in a debate with Phil Gramm of Texas, who said at that time that if the Durbin amendment passed, it would be the end of the subprime mortgage business. I lost by one vote. If I would have prevailed, history might have been a little different. The subprime mortgage mess created an economic downturn from which we still suffer.

I stood up as well when it came to this foreclosure crisis and said that at some point these banks have to be reasonable. You just can't take homes away from people, board them up, and watch them deteriorate into nothing. You have to give people a fighting chance to stay in their homes. I said at the end the bankruptcy court should have the last word on that. The banking industry, the credit unions, the community banks opposed me. Take a

look across America today at the foreclosed homes, in Chicago, in Aurora, in Springfield, all across my State, and across this Nation. The outcome, years after I lost that battle, certainly does not speak to a stronger America because of these foreclosures. The banking industry beat me on that.

Last year, fighting for these small businesses, retailers, I stood up and said: Somebody has to step up here and argue that there ought to be fairness in the fees they charge to businesses and consumers across America. We rallied 64 Senators—a bipartisan group—in support of that.

The banks want a second run at this. They want to take this game into overtime. They want to come back today and count their friends here and hope they can come up with 60 in the hopes that if the big banks and credit card companies can win this battle, we will leave them alone, we will not ask hard questions about the interchange fees that are charged. I am asking my colleagues in the Senate not to give the banks this overtime, extra-time victory. Give the victory to consumers. They have precious few on the floor of the Senate. Stand up for small businesses that do create jobs across America, and give them a chance to create jobs in this country by not being overcharged by the credit card networks and the biggest banks in America.

How many of us have come to the floor and said small business is the key to economic recovery? If you believe it, if you mean it, vote against the Tester-Corker amendment. That amendment is a blow to small and large businesses alike, large retailers and merchants alike, all across America. They stand in support of my effort to have a reasonable interchange fee on debit card transactions and to make sure they have a fighting chance to be profitable, to expand their businesses, and to hire more employees. That would be good for economic recovery. A vote for the Tester-Corker amendment unfortunately would be a win for the banks at the expense of an economy that desperately needs our help and support today.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Senator has that right.

#### ENERGY POLICY

Mr. McCONNELL. Madam President, yesterday and the day before, I came to the floor and noted the many troubling signs of a persistently weak economy

and how I believe the actions of Democrats here in Washington are seriously undermining the recovery Americans desperately want. I proposed some things that could be done about it right now.

The President says he wakes up every morning asking himself what he can do to create jobs and help businesses succeed. Let me offer a few suggestions. It is not that difficult, really. I am sure the job creators and the workers the President meets with are telling him the same thing they tell all of us every day. Most people think Washington is too intrusive, that it imposes too many job-stifling regulations and sends too many mixed signals today for anybody to plan for tomorrow. We know that many who would hire right now are actually holding back because they do not know what else to expect in terms of regulations, in terms of taxes, in terms of mandates, and in terms of fees. In fact, we just learned that a significant percentage of businesses plan to drop their employee health coverage—something the administration assured us repeatedly people did not have to fear. Unexpected jolts such as these are causing confusion and anxiety, and they are freezing job creators and entrepreneurs in place.

Beyond that, many Americans are also seriously concerned about a government in Washington that spends trillions more than it takes in and a national debt that this year will exceed our entire national economy. Many people are also understandably outraged by the fact that the party that occupies the White House and runs the Senate has not even taken the time to put together a budget or any other kind of plan to get our Nation's fiscal house in order. After all, if the government does not plan ahead, how can job creators? If the White House does not have a plan to pay down the debt or preserve entitlements, why should people have any confidence that something will be done?

None of this is news to the President or to the Democrats in Congress. The fact is, the President and Democrats in Congress know as well as I do what employers and workers need to prosper and to create prosperity and jobs. They just don't seem to want to do it, and that is the problem. To be blunt, people wonder whether the President is really focused on jobs when so many of his policies seem to be aimed at destroying them and where there is so much he can do right now to create tens of thousands of good American jobs.

Yesterday, I spoke about trade and how, even though the President admits that pending trade agreements with South Korea, Panama, and Colombia have the potential to create tens of thousands of new jobs and boost American businesses, he refuses to move on them in an apparent favor to his union allies.

This morning, I would like to focus on the two sides of the President's energy policy in which he publicly claims to support greater domestic production and the jobs that come with it even as he seems to do everything he can behind the scenes to block production and to kill energy-related jobs right here at home.

The President says he is a proponent of domestic energy production, but, let's be honest, he has not shown it. This should not surprise anyone. This is an administration, after all, that appointed an Energy Secretary who, a month after the President's election, said, "Somehow we need to figure out how to boost the price of gasoline to the levels in Europe." Since then, the administration's policies have helped us get there. Not only have gas prices skyrocketed, but the administration's policies are also hindering the creation of thousands of good private sector jobs that so many Americans desperately need. Let's look at just a couple.

Everyone knows that in the aftermath of the oilspill in the gulf last year, the President imposed a 6-month moratorium on new deepwater drilling. We can dispute the wisdom of a temporary ban for purposes of a safety and environmental review. What we cannot dispute is that the impact on jobs and the Nation's economy has been quite severe, nor can we deny that the White House has effectively continued the ban even after its time was up and the review was complete. It was only after the courts got involved and months of political pressure from both Democrats and Republicans that the administration reluctantly began issuing new permits months after the ban was supposedly lifted. And even as gas prices hover around \$4 a gallon, permitting is still well below prespill levels and energy production in the gulf is expected to slow.

Senator VITTER tells us that the administration's anemic permitting in the gulf for domestic energy production threatens nearly 100,000 jobs every year in addition to the many thousands of jobs that could be lost every year in industries that are related to or are dependent on energy. Senator VITTER has also told us about one estimate suggesting that 23 wells per month are needed just to maintain current production levels in the shallow waters of the gulf and that even after the moratorium was supposedly lifted, the administration has averaged fewer than 2 per month.

As for deepwater drilling, the administration has issued a grand total of two new deepwater permits—just two. The other 13 have been for work that was already permitted prior to the moratorium.

The administration's lack of support for energy production in deep water has led to five rigs simply pulling up stakes over the past year and moving



their tax dollars and their workers elsewhere in the world. This is just one of the ways the administration is holding back job creation in the energy industry. This is to say nothing of the administration's actions with respect to Alaska's Outer Continental Shelf, which, according to one estimate, could create an average of 54,700 new jobs annually for decades, adding billions in pay and tax revenue.

Let's not forget that the administration's impact would be even worse if it had its way and raised taxes on energy producers, which would have only served to strengthen foreign competitors, raise gas prices even more, put energy independence further out of reach, and kill more American jobs. By one estimate, the energy tax Democrats still want to impose on energy producers could cost 154,000 jobs and \$68 billion in lost wages.

For 2½ years, Democrats in Washington have paid lipservice to the idea of job creation even as they have pursued an agenda that is radically opposed to it. We can see this when it comes to trade, as I indicated yesterday, and we can see it when it comes to energy, as I have discussed this morning. Unless Democrats change their priorities and their policies, the threats of a downgrade will not go away. The debt will not get any smaller and businesses will not create the kinds of jobs Americans need. The President can talk all he wants about the economy, but it is time he starts looking at the impact of his own policies on the economy.

We need to change course, and a good place to start is with trade and with energy. American businesses want to expand and want to hire. Here are two areas where we can help them do it right now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNIS. Madam President, I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE EPA

Mr. JOHANNIS. Madam President, I rise today to talk about something that is on the minds of our agricultural producers. In meetings in my home State, across Nebraska, it seems the first question is always going to be or the second question is always going to be something related to the EPA. Most of the time, the question goes like this: What is going on at the EPA? Why are they trying to put me out of business?

In response to this growing concern, which I am confident the EPA has heard, they have taken to the road with a good old-fashioned charm offensive. The problem is, what the EPA is

selling publicly to farmers and ranchers—what they are trying to sell—just doesn't match up with reality. They say one thing on the road while the regulatory train just continues to barrel forward, right here in Washington. In fact, the EPA Administrator is touring the country, community after community, saying not to worry; there is no need for "... fear in rural areas that EPA is coming after you." Yet the regulations continue to come after our Nation's farmers, ranchers, and small businesses, and those regulations are coming fast and furious. Even the Regional Administrator with responsibility for Nebraska and Iowa and Kansas and Missouri has joined the charm offensive. In a recent speech to the Agricultural Business Council of Kansas City, he has said that he does not "see where this administration is doing anything new."

But, quite simply, the EPA's charming rhetoric does not match up with its rule-by-rule intent. If I might, let me illustrate what I mean. Let's talk about dust—not the stuff you find on your bookshelf but the stuff a truck kicks up or a tractor kicks up when it is going down a field or farm lane. Earlier this year a bipartisan group of 33 Senators wrote to the EPA. We were worried. We were worried that the EPA had plans to regulate farm dust. Don't get me wrong. Clean air is a good thing. We need clean air, but dust is also unavoidable in farm country. Farming without kicking up dust is like asking a carpenter to cut and frame a house without creating sawdust. Well, it just doesn't happen. The two things do not go together. Not to worry, says the EPA, message No. 1 in the charm offensive; the EPA does not have any plans to do anything as silly as regulating farm dust. In fact, on March 10, Administrator Jackson noted that EPA has, and I am quoting, "no plans to do so." He went on to explain:

EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we propose any rule.

My goodness, that sounds reasonable. Well, except that the response letter that the 33 Senators received from the EPA contained an entirely different story. That letter, written by Assistant Administrator Gina McCarthy, simply said that the source of the dust does not matter and that EPA cannot consider costs when it sets the standard.

Here is how she put it: National air quality standards "are not focused on any specific category of sources or any activity including activities related to agriculture or rural roads."

McCarthy further noted that "the Agency is prohibited from considering costs." The letter leaves my Nebraska producers and producers all across this great Nation wondering, what happened? What happened to the EPA Administrator saying she wasn't going to regulate farm dust? This letter sends

the exact opposite message. The answer is there is a public relations effort, and then there is a whole separate effort called the charm offensive effort, and then there is regulatory reality.

Here are some more examples. On water quality, on April 20, the Des Moines Register headline blared message No. 2 of EPA's charm offensive: "EPA chief has no plans to regulate farm runoff."

Well, EPA was addressing another worry in the farm community that EPA would shift from the current State-based approach to a more heavy-handed "Federal Government knows best" approach. It will be our-way-or-the-highway Federal Government type approach.

So, again, after reading the headline, farmers and ranchers hoped that maybe the EPA was taking a turn for the more reasonable. But a March 16 letter from EPA to their regional offices once again tells a very different story. The letter lays out a very specific framework how EPA wants States to regulate runoff. While the headline says the EPA will not initiate regulation of farm runoff, in reality they are aggressively prodding States to do it for them.

If that weren't enough, the agency is also trying to expand their authority literally to every irrigation ditch, every low-lying area, and they even want to regulate your farm pond. The law is very clear that EPA does not have authority over these waters. After Congress refused to enact this expansion of their authority, the EPA decided, well, let's plow ahead anyway regardless of congressional intent. Does that sound familiar with this administration?

To make matters worse, they are not doing this through a full rulemaking process with those pesky public comments and such. Instead, the EPA sat down with the Corps of Engineers, the Department of Interior, and the U.S. Department of Agriculture, and issued a so-called guidance document. That happened in May. EPA claims this approach includes exemptions for agriculture, but the whole story is not told.

Instead, it says irrigated areas, stock tanks, and low-lying areas are "generally not waters of the U.S." Generally? What do you mean by generally? Well, that word "generally" produces a tremendous amount of uncertainty. It creates fear. It creates confusion and gives farmers and ranchers zero peace of mind. You see, they do not trust the EPA.

Further, the guidance shifts the burden of proving exemption from regulation to our producers. Instead of EPA or State regulators being forced to explain why on Earth agricultural producers should be subjected to such regulations, producers will now have to explain why it is ridiculous to regulate their stock tanks in irrigated areas

under runoff regulations. This will result, of course, in increased permitting costs, paperwork, and other redtape, and it is far from farmer friendly.

Yet the FDA exemptions for agriculture do not end there. Let us not forget EPA's backdoor energy tax where EPA is promising farms and ranches an exemption. EPA is once again lulling farmers to complacency by sending this message: do not worry; we are not going to force you to buy permits. To quote the EPA Administrator, "EPA is proposing reducing greenhouse gas emissions in a responsible, careful manner and we have even exempted agricultural sources from regulation."

Producers, quite justifiably, heard the words "exempted agriculture" and may have thought: we are going to be OK here. The reality is far different and very definitely a course has been set that should concern every single farmer, rancher, small business person in this great Nation.

The American Farm Bureau put it best in testimony to the House Energy and Commerce Committee. I am quoting:

Any costs incurred by utilities, refiners, manufacturers to comply with the greenhouse gas regulatory requirements will be passed on to the consumers of these products including farmers and ranchers. As a result, our Nation's farmers and ranchers will have higher input costs—namely fuel and energy costs—to grow food and fiber and fuel for our Nation and the world.

So picture this: A Nebraska farmer gets the electric bill, calls up the power company and says, whoa, wait a minute here. EPA told me its climate change efforts were not going to target me. In fact, they said I was exempted. So why am I paying so much more?

Unfortunately, they are going to have the same conversation with the diesel supplier, their fertilizer retailer, and the local gas station where they fill up the pickup and truck.

The EPA promise of exemption will, unfortunately, meet the reality of dramatic increases in input costs. EPA's reassuring words about an exemption will turn out to be absolutely empty, misleading, and absolutely 100 percent unhelpful when the electricity and diesel bill come due. But the public relations effort and charm offensive marches on. It even includes an Executive order titled "Improving Regulation and Regulatory Review," issued by the President in January. Isn't that enticing?

The directive instructs each Federal agency to consider "how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient or excessively burdensome."

According to the order, "our regulatory system must protect public health, welfare, safety and our environment while promoting economic growth, innovation, competitiveness and job creation."

My goodness, that is all of the right words. Once again, it sounded as though we are headed in the right direction. But then, in April, an EPA official stated that the Agency—this is remarkable—the Agency was unaffected by the President's Executive order because they do not propose rules where costs exceed the benefits. However, the same official admitted that the Agency does not consider direct job impacts in its economic analysis. Can anybody figure that out?

These two statements obviously conflict. EPA's actions in drafting several of these costly, excessive burdensome regulations fail to meet the goals of the Executive order issued by the President of the United States, but their public relations campaign speeds forward.

Back home in Nebraska, as in other States in this great country, we make agreements on a handshake, because we believe if you shake somebody's hand, you can trust them. That is the way it works. Unfortunately, within the bureaucratic walls of the EPA, that is not the case. Instead of spouting charming verbiage about the benefits of increased regulation, EPA should be looking for ways to work with farmers and ranchers and small businesses to find solutions to environmental challenges while creating jobs for Americans who are out of work.

After all, the men and women who depend on the land to feed their own families and to feed us are responsible stewards of the environment. Unfortunately, based on what we have seen over the past couple of years, EPA used agricultural producers as offenders, not partners. EPA's shift into campaign mode to appear farmer friendly is disingenuous. They rolled out this charm offensive to make it sound as though they were farmer friendly.

Let me wrap up by saying, why not just do it? Be job friendly, farmer friendly, agriculture friendly.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT PRO TEMPORE. The Senator from Alabama.

#### THE ECONOMY

Mr. SESSIONS. Madam President, I appreciate my colleague's remarks about the agricultural community. I am certainly hearing that, and one of the very real factors in our inability to create jobs in America is the surging regulations that burden the private sector including the agricultural community. Mr. Bernanke, the Chairman of the Federal Reserve, was asked about that yesterday. He said no study had been done about it, talking about the banking regulation primarily. We need to do more about that and face the reality that that is so. Last week's economic numbers were not good. They were very troubling. We saw an in-

crease in unemployment. We saw a decline in consumer confidence. We saw a decline in manufacturing in the Midwest—a key area of our country for manufacturing. A number of factors were noted during that period which were not good. I guess it is part of an accelerated decline in the stock market, which is down 5 percent, maybe 6 percent, after 5 consecutive weeks of decline, and the Senate has gone 770 days without passing a budget. It is a fundamental responsibility of this body, required by statute, that we pass a budget. The date is April 15—and April 1 to commence hearings in the Senate—and we have not met that responsibility. In fact, we haven't even had a markup in the Budget Committee to commence considering a budget. Our Democratic leader, Senator REID, the majority leader in the Senate, has stated it would be foolish to pass a budget. By that he means politically foolish for the Democrats because they are enjoying trying to attack the House Members who passed a responsible, long-term budget that changes the debt trajectory of America. Instead of trying to do the same thing, they just attack the House budget and produce nothing of their own.

The American people are rightly worried about our debt. They are worried about our economy. They are worried about overregulation. They are worried about the lack of jobs.

This week, Austan Goolsbee, the senior economic adviser to the President, announced he would be resigning his post this summer. His departure is just the latest in a trend of top economic advisers abandoning the administration over the course of the 2-plus years since the passage of the failed \$820 billion stimulus package, every penny of which was borrowed. The idea was to send out money and somehow artificially create a stronger economy. It failed, and many predicted it would fail.

The President's first Director of the Office of Management and Budget, Peter Orszag, left in July of last year. Christina Romer, the President's first Chair of the Council of Economic Advisers, left last September. Larry Summers, the former president of Harvard, former Director of the National Economic Council for the President, left last December after less than 2 years.

As a result of the failed stimulus and other debt we have accrued, we are in much deeper debt, but Americans know it has not made them better off. In fact, increased debt has further eroded the economic confidence that is necessary for a spirited recovery and has made our situation worse. Many say we have to borrow money to spend it and that is how we get the economy on a sound footing. Thoughtful economists and others have said that this not so. I believe history has proven them to be correct; that borrowing to spend does not make us better off.

The last deficit before the President took office was \$450 billion—far too high. The year before that, the deficit was \$162 billion. This year, the deficit will be \$1.5 trillion, the third consecutive trillion-dollar deficit. Yet the President and some on his economic team have promised that their spending program would keep unemployment from rising above 8 percent, but more than 2 years later unemployment now stands at 9.1 percent, after having increased again last week.

The economic numbers released Friday show this to be the most disappointing economic recovery in 70 years. Only 54,000 jobs were created in May, marking the worst jobs report in 8 months. The President asserts he is responsible for adding 2 million jobs since he took office. But the percentage of our working age population that is employed—and we have had an increase in the working age population—has declined to 58.4 percent. We have to go back to October of 1983 to find such a low number.

Nearly half the unemployed—45.1 percent—are now classified as long-term unemployed, meaning they have been unemployed for 27 weeks or more. While the official unemployment rate increased from 9 percent to 9.1 percent, adding those who are underemployed—meaning those who can't find full-time work or those who are so discouraged by the job market they have given up trying to find work—would boost the unemployment rate to 16.1 percent.

But perhaps most alarming of all, as pointed out in the June 4 lead editorial by Alan Abelson in Barrons, is that actual private sector employment today is now 2 percent below where it stood 10 years ago. Two percent fewer people are working today than were working 10 years ago.

Citing Philippa Dunne and Doug Henwood of the Liscio Report, Mr. Abelson notes:

Job losses over a 10-year period is unprecedented since the advent of something resembling reliable tallies began in 1890. So far, they point out somewhat grimly—

He is talking about Mr. Dunne and Mr. Henwood—

we've regained just 1.8 million jobs lost in the Great Recession and its aftermath, or about one in five.

So the policies we are following are not working. We have to get this economy moving. We added only 54,000 jobs, a net decline in percentage in terms of employment. We have to get jobs created, and 54,000 is way below what we need to have to stay level. About 180,000 a month need to be added.

I would suggest that it is no wonder the President's top economic team is leaving the administration.

But rather than recognizing the need to change course, the President doubled down with the budget he submitted to Congress. He told the American people his budget would “not add

to the debt” and that it would allow us to “live within our means.” But the Congressional Budget Office analyzed that budget and found otherwise—dramatically. In fact, CBO said that the budget the President submitted to this Congress in February would double our debt over the next 10 years.

Meanwhile, economists are warning that if we don't change our debt trajectory—and soon—our debt could stifle the very economic recovery that is already moving far too slowly.

This is the important point, and it goes right to the heart of the argument that we have to artificially stimulate this economy by borrowing money from our children so we can spend it today and that this is going to make us more healthy. A study by Carmen Reinhart and Ken Rogoff titled “Growth in a Time of Debt” in *American Economy Review* (2010) shows that economic growth is 1 percent lower, on average, in countries with gross debt above 90 percent of GDP—90 percent of their economy. It is 1 percent lower. If we want growth, we have to look at how big our debt is. If it gets over 90 percent of GDP, then we show an average of a 1-percent reduction in growth.

When asked about this study while testifying before the Budget Committee earlier this year, Treasury Secretary Geithner called the Reinhart and Rogoff study excellent, adding that “in some ways . . . it understates the risks.” In other words, it creates greater risks of economic and financial spasm that could put us back into a recession. Stephen Roach, chairman at Morgan Stanley and lecturer at Yale, was recently asked on CNBC—yesterday, I believe—about what is happening with the economy, why we see the disappointing results. This is what Mr. Roach, a professional economist and player in the world financial markets, said:

I come down on it as Ken Rogoff and Carmen Reinhart do, in their analysis of post-crisis economies. This is the way it is. When you have such a massive buildup of debt pre-crisis, when you hammer the consumers the way we did in this crisis, the economy is going to sputter.

America's debt stands now at 95 percent of GDP. It is set to exceed the entire economy by the end of this year, and the President's own Treasury Secretary and widely respected economists are saying this could have a negative impact on the economy and jobs. It could cause a 1-percent decrease in economic growth, according to Rogoff and Reinhart.

According to the Council of Economic Advisers, a 1-percent decrease in growth could cost about 1 million jobs—not 54,000 but 1 million. If we had less debt, we would be seeing more than the anemic 1.8-percent growth in the first quarter as we come out of this recession. We would have probably had 2.8 percent growth, if this study, which

Mr. Geithner considers to be excellent, is accurate. Certainly, debt pulls down economic growth. Common sense tells us so. Numerous experts agree this debt is dangerous. It threatens our fragile economic recovery. Growth is what we need for jobs and it brings in more tax revenue and helps us balance our budget.

But in response to the debt threat, what do we see? We got a budget from the President that would double the Nation's Federal debt in 10 years. When that budget was released it received immense criticism, so the President gave us a speech that suggested some changes. He called it a framework. Members of the Budget Committee wrote to the President and said: Well, put this in budget language. Send us a new budget then. If you are changing, if people didn't like your first one, let's see this one in detail. But they refused to do that. Recently, we voted on the President's budget in this Senate. It was brought up and voted on. Not one Senator, Republican or Democratic, voted for that budget. It was utterly rejected.

Meanwhile, our Democratic leadership in the Senate, which has the power to call the committee hearings that would commence a budget markup and eventually pass a budget, hasn't offered a budget this year. Indeed, they haven't passed a budget in the last 770 days. At least one was brought out of committee last year but never brought up by Senator REID on the floor to be voted on, so we didn't have a budget last year. This year, they didn't even bring the budget to committee to be marked up. The majority leader said it would be foolish for us to have a budget. It would be foolish to have a budget in a time of the largest deficit the Nation has ever incurred, which will occur this year—approximately \$1.5 trillion in deficits. We bring in \$2.2 trillion, and we are spending \$3.7 trillion this year. Forty cents of every \$1 we spend is borrowed, and we don't even have a budget. What do we do? The majority leader calls up the House budget, a responsible, historic alteration of the unacceptable debt path we are on, putting us on the right path.

You can argue about some of the things that are in it, fine. But it courageously and honestly changed the trajectory of America's debt path and was widely praised in that regard. The majority leader brought it up so he could vote it down and attack it, producing nothing on his own. So I brought up the President's budget. It got zero votes.

The failure of this body to produce a spending plan to tackle our Nation's debt only creates more uncertainty in the economy. Doubt and fear are driving away jobs, stifling growth and investment. That is a fact.

For nearly 3 years, the White House has been seduced by the vision of

growth through artificial means, including trillions in fiscal stimulus spending and so-called investments. Indeed, in a time of dramatic fiscal irresponsibility, the budget the President submitted to us called for a 10-percent increase in the Department of Education, a 10-percent increase in the Department of Energy, a 10.5-percent increase in the State Department, and a 60-percent increase in rail and transportation spending. We do not have the money.

That budget reflected utter confusion and a detachment from reality.

Are our cities, are our counties, are our States increasing spending by 10.5 percent? Aren't most of them actually reducing spending? That is reality. That is what is happening in the rest of the world. The British reduced some of their spending recently—far more than we have. Some people there did not like it, and they complained that it was too difficult and too tough. But the International Monetary Fund, in a recent report, said: Stand to your guns. Get your debt under control. In the long run, the International Monetary Fund said, this is the way to build a strong economy, and we have been going in the other direction.

The Keynesian siren call to spend did not lead us to prosperity. We have restored only one-fifth of the jobs lost in the recession. As a percentage of our population fewer are working today than during the so-called worst period of this recession, and we are experiencing the weakest recovery in modern history. Unemployment is back up again, and the housing market is back down. Bad housing numbers came in last week also.

Our fast-rising debt and our unwillingness to adopt a credible budget plan—and we can do that—is shattering economic confidence and jeopardizing our future. But our Democratic leadership in this Senate refuses to put forward a budget plan to confront the debt that they have themselves increased so greatly.

We are told the President has not involved himself personally in discussions over the debt limit. That has been turned over to the Vice President. One report says he no longer receives daily economic briefings. What signals do these actions send to our out-of-work Americans, to struggling industries and businesses, and the anxious financial markets throughout the world?

Instead of stonewalling a budget, the Senate should be working together, Republicans and Democrats, to produce a budget that puts us on a sound path and makes our economy as robust and as dynamic as possible. That is so basic. Blocking a budget under these economic circumstances is simply unthinkable. There is no quick fix, no accounting gimmick, no political trick that will solve these problems. We have

a potentially healthy, growing economy. Our American businesses have never been leaner or more efficient, as the Dallas Federal Reserve Governor, Mr. Fisher, said the other day on one of these interview programs. We have never had a more efficient, competitive business environment in America.

But in the long run—and that is what we must focus on—sound principles, common sense, spending restraint, less regulation, and more commitment to the free markets will, if allowed, lift us out of this malaise in which we find ourselves. To put America back to work, the Senate needs to get back to work.

I thank the Acting President pro tempore and yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

Tester amendment No. 392, to improve the regulatory structure for electronic debit card transactions.

Durbin amendment No. 393 (to amendment No. 392), to address the time period for consideration of the smaller issuer exemption.

#### AMENDMENT NO. 392

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. will be equally divided between the proponents and opponents of amendment No. 392 offered by the Senator from Montana, Mr. TESTER.

The Senator from Montana.

Mr. TESTER. Madam President, I will yield to the Senator from Rhode Island, and then I will make my statement.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I thank the Senator from Montana for yielding and also for bringing this issue before the Senate. I am reluctantly opposing my dear friend but doing so on the

principles that are inherent in what we have tried to accomplish in the Dodd-Frank legislation; that is, to provide for transparency in the pricing of financial products. With that as a starting point, I will begin.

One aspect I think we have to consider is not just this specific amendment but the growing attempt to undermine the ability to implement the reforms incorporated in the Dodd-Frank legislation, which are actually critical not just to protecting consumers but also to providing a foundation for an effective financial system in the United States, which is the foundation, I believe, of a growing and thriving economy.

So this debate is not just about interchange fees; it is about comprehensively dealing with the problems we saw manifest themselves in the financial crisis of 2008 and 2009, where market discipline collapsed, where some great institutions failed and some were on the verge of failure. If they had failed, then the ramifications would not be simply restricted to Wall Street; they would have been felt on Main Street, and we would be in a worse financial position than we are today.

But this specific amendment deals with the interchange fees or swipe fees. The first issue I think we have to recognize is these are hidden fees. They are charged in each transaction a consumer makes using a debit card. Every time you swipe the card—which serves as an electronic check—there is a fee. But the consumers do not see this fee. So basically you have a disguised price. If the price is disguised, then the consumer does not have a real indication of the cost. If he does not know the cost, then that affects the rational economic decisions we assume consumers are making every time they make an economic decision.

But at the end of the day, despite the fact that the consumer is unaware of these fees, he or she ends up paying them in higher prices for gas, for milk; in fact, they have been paying these higher prices for the privilege of using a debit card for years and years and years.

Debit cards are used more than checks today, more than credit cards to pay for everyday purchases. These secret fees—in a sense, you might even describe them as hidden taxes on consumers—add up to billions of dollars a month. The Durbin interchange provision of the Dodd-Frank Wall Street reform law sought to make these interchange fees transparent and public for the very first time. It requires that for transactions involving debit cards issued by banks with assets over \$10 billion—the largest banks, not the community banks, not the credit unions but the largest banks—that these interchange fees set by a card network on behalf of its issuing banks must be reasonable and proportional to

the amount it costs the issuer to conduct the transaction.

This is the law of the land. The Federal Reserve was given the responsibility of implementing the law through regulations, and they are on the verge of publishing those regulations.

Senator DURBIN proposed this provision because businesses such as, in my home State of Rhode Island, Cumberland Farms—the old convenience store chain that I grew up with and the quintessential small business, a family-owned business—pays almost as much in these hidden fees as it earns each year in profits. These fees roughly equal their profit.

Interchange fees are Cumberland Farms' second largest expense. It is not the milk. It is not the gasoline. It is not a lot of things. It is their second largest expense. For example, despite the fact that the total number of gallons of gasoline they have sold has remained flat, the interchange fees have increased 270 percent, from \$13 million in 2003 to a projected \$48 million this year. Again, the number of gallons of gasoline they have sold has remained flat, but their interchange fees have gone up almost 270 percent.

Cumberland Farms' CEO calls this increase a "runaway train." When gasoline was \$2 per gallon, interchange fees were about 3 cents per gallon. Now that gas prices are about \$4 per gallon, interchange fees have increased to 5 cents a gallon. So for the same 15-gallon fill-up, the hidden fees increased 63 percent. So the motorists, the local Rhode Islanders filling up at the local corner gas station, are paying for greater interchange fees, on top of the increase in the price of gasoline.

The actual debit card services have not changed. But because the price of gas increased, the fees almost doubled. That is a pretty good deal for Visa and MasterCard and the banks. Unfortunately, as these fees continue to increase, they increase gas prices, they prevent investment, and they preclude new hiring. Indeed, the convenience store industry reports that, overall, it pays more in these fees than it is earning in profits. That is overall across the board and across the country.

There is another example, a very local company, a very small business: Chocolate Delicacy in East Greenwich, RI. It pays a swipe fee on every piece of chocolate sold when paid by a debit or gift card, which amounts to 60 percent of their purchases. The owner, Marie Schaller, told me she feels like she has no choice but to pay the fee. "If I don't, I would lose over half of my sales." The growing swipe fees have meant a cutback in hiring for Marie.

At the Beehive Café, located in Bristol, RI, a cup of coffee costs \$1.75. The swipe fee is 15 cents. Because card fees are hidden and there is no ability to negotiate them, owner Jennifer Cavallaro said:

Visa and MasterCard have inserted themselves into every single transaction that takes place—equating to a tax on commerce. This is not free enterprise; the small business person is trapped.

When consumers pay for some drinks with debit cards, 7–11 owners in Rhode Island told me they lose money on every transaction. So why don't supermarkets, drug stores, and other merchants negotiate to pay less? Well, they can't. The fees are set by Visa and MasterCard and the card networks. They have no bargaining power.

Most merchants in America are left with no choice but to accept the cards. They cannot play if they do not pay. In July 2010, we passed an interchange provision so the Federal Reserve could study the fees and decide whether they are reasonable. In fact, the Federal Reserve found that they were not reasonable nor proportional.

The Federal Reserve found that the average swipe fee was 44 cents for every purchase, but the processing costs were less than about 12 cents per purchase, giving them a 30-percent margin on their actual cost.

In December of last year, the Federal Reserve proposed rules to limit the fee to reasonable rates. The Federal Reserve's top economists are reviewing and considering over 11,000 comments on their current reasonable fee proposal.

Chairman Bernanke has said they are committed to issuing a final rule by July 21 of this year. I believe they should be given the chance to study all the comments and complete the rule. Only by letting them do their work instead of disrupting it are we going to be able to see if the new reasonable fee structure can open up this system and make these fees more reasonable and transparent.

Banks and card issuers that receive the fees have been vocal about their objections, preferring to keep the fees hidden and ever rising beyond the current 44 cents. With such a large profit margin in this line of business most of us can understand why. MasterCard said in its Annual Report to Shareholders:

We are devoting substantial management and financial resources to the defense of interchange fees.

Visa told its shareholders that the rules "may give retailers greater ability to route debit transactions onto competitive networks which can reduce the processing fees we currently earn."

So the credit card companies are very much aware that there could be a better competitive environment for merchants and consumers if this legislation goes through. That is what they told their shareholders.

Small banks, under \$10 billion in assets, are exempt from the rules. A survey conducted by the American Banker found that an overwhelming majority believe the law actually helps small

banks. Small banks will have a competitive advantage since their fees are not limited by the rule.

The United States is not alone in closely examining these fees. The European Union, Canada, Australia, New Zealand, Israel, Spain, South Africa, and Switzerland already regulate swipe fees. In addition to the ever-increasing swipe fees merchants are forced to pay for, merchants also bear the brunt of the cost of fraud, contrary to some of the assertions the industry has made.

It is my understanding that after fraud claims, networks typically raise interchange fees of the company that has been subject to the fraud and often engage in litigation against merchants to recoup fraud losses. Of course, all of these costs—the merchant's costs and, I think, also the interchange costs—are passed on to consumers.

Here are some examples: When criminals installed scanners to obtain customer account information at Michael's, a craft store, it was only the latest theft of such consumer data. Community banks were quick to respond and immediately issued new cards and returned stolen money. However, despite paying millions in interchange fees in the recent past, Michael's may have to reimburse Visa and MasterCard and the banks for these replacement costs.

In another example, in December 2006, T.J.Maxx discovered that computer hackers had broken into their computer network and had stolen customer payment card data. In March of last year, a Federal judge sentenced one of the computer hackers responsible to 20 years in Federal prison.

Since 2006, T.J.Maxx has spent about \$170 million in costs related to this incident, including nearly \$65 million to Visa and MasterCard to compensate banks for the cost of the fraud.

This, of course, is in addition to continuing to pay their interchange fees. The same hacker who hacked T.J.Maxx also hacked Heartland Payment Systems. That attack cost Heartland over \$140 million, the majority of which was paid to Visa and MasterCard and other banks to compensate for the cost of the fraud. Heartland Payment Systems had to pay the banks and Visa and MasterCard for the computer fraud committed.

So the consumer pays for the data breaches, the consumer pays for the debit card fraud, and the consumer pays more and more for interchange fees. I think any further delay in the rules to require reasonable swipe fees only harms small businesses and, in the end, the consumers.

The amendment before us provides for at least a 12-month delay in the rule, in addition to a 6-month study, and effectively a completely new version of the proposed rule. I think it is unreasonable. There is no reason for delay. The Federal Reserve has what

Chairman Bernanke characterized as, in his words, plenty of information from over 11,000 comments to the Federal Reserve's December 2010 rule proposal.

In addition, the Federal Reserve has done an enormous amount of surveying of the industry, again in the words of Chairman Bernanke. I think the proposal before us provides the banks another way to avoid transparency in their operations.

The Federal Reserve should be allowed to finish their rules to establish a reasonable fee for debit card services. Then we can work with the banking regulators to make sure their rules do in fact work, and do in fact provide for a more transparent, competitive marketplace to the benefit of merchants and consumers.

Our market system only works well if merchants and consumers have the information they need to make informed choices, and that was what was at the heart of this provision in the Dodd-Frank Act. I believe that is what is at the heart of the Dodd-Frank proposal overall, which is to provide better information, more transparency, whether it is credit cards or debit cards or complicated derivatives, because armed with better information individual consumers and individual merchants can make better choices about economic decisions that will accrue to the benefit of all of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Madam President, well, I want to thank Senator REED for his comments. Senator REED is one of the leaders on the Banking Committee. I appreciate his comments.

I do want to set the record straight on a couple of things though. It is not a 12-month delay plus a 6-month study. It is a 6-month study and then implementation of the rules.

The Senator said Chairman Bernanke had plenty of information. The problem is he does not have much information from community banks and credit unions, and that is what this amendment is about.

The exemption that is in the amendment that we passed last year, called the Durbin amendment, every regulator at the Federal and State level has said they cannot make the exemption work because market forces will determine where the customers flow.

I am glad we are here to vote on the amendment that Senator CORKER and Senator HAGAN, Senator CRAPO, Senator BENNET, and I have worked so hard on. This afternoon we are finally going to have an opportunity to vote for an amendment that has been crafted in the right way.

Senators HAGAN and CRAPO and BENNET came to Senator CORKER and I about a month ago to share their interests in fixing the unintended con-

sequences of that amendment that was passed in the Senate about a year ago. The amendment directed the Federal Reserve to issue regulations limiting the cost that banks can charge retailers when consumers use their debit cards to buy things. Based on the law, the Fed intends to limit those costs to 12 cents, even though the actual costs of these transactions may be higher.

The big Wall Street banks can handle that. They are not happy about it, but they can live with it. They have plenty of tools that will help them make up the difference. The Main Street community banks and credit unions are a different story. These small guys, who had nothing to do with the financial crisis, do not have that same flexibility the Wall Street banks have. These are the banks in Montana. These are the folks I want to make sure have a fair shake. So folks from both parties came together and said: How can I fix this to make this protect the local banks and credit unions since the original amendment does not?

Senator CORKER and I suggested initially a 2-year delay, a study, and then more legislating to fix any problems that were identified in the study. The Senators who are here today with me thought we could do better, and we could, and we did. After talking with our colleagues, we worked together to reduce the study period down to, as I said earlier, 6 months.

At that point the Fed and other regulators will decide if the rules can adequately prevent the small banks from getting hurt. I do not know what the study is going to find, and I do not think anybody knows. If the agencies find that the rules consider all costs, that consumers would not be harmed, and that the small issuer exemption—those that apply to credit unions and community banks—if that exemption will work, then the pending rules would move forward as passed. I would be the first person in line to tell Senator DURBIN that he was right about the two-tiered system.

But if the Fed and the other regulators find that the changes must be made to ensure that current rules do not include all costs or that small banks and credit unions and consumers might be harmed, then they will have to issue new rules within 6 months, and every 2 years the Fed would have to tell us in Congress whether these rules are still working for the small banks and credit unions.

That is all we are asking. Before the Fed's new rules get implemented, let's make sure we have them correct. Yesterday the good Senator from Illinois said this was not truly a compromise. But when you sit down with folks who think you are on the wrong track and you work together to find the middle ground, well, to me that is the definition of compromise.

Some other charges have been made about this amendment, and I would

like to take a moment to discuss those. Some say it is a favor to the big banks. Well, it is not. In fact, this amendment corrects a very big problem that only affects the community banks and credit unions. The good Senator from Illinois said yesterday that he crafted this amendment with awareness that a major reduction in interchange fees would kill small banks and credit unions.

No one denies that small banks and credit unions would be deeply harmed if they are forced into a system where they can only charge 12 cents per transaction. No one denies that. This is why Senator DURBIN tried to establish a two-tiered system. Under his proposal, big banks, the Wall Street banks, could charge one rate, 12 cents per transaction.

The small banks, the community banks, credit unions, could continue to charge a percentage of a transaction, 44 cents on average. But there is a big flaw in the plan. The two-tiered system simply will not work. Let me repeat that. The two-tiered system simply will not work. I did not make that up. Here is what the Chairman of the Federal Reserve said:

It is possible that the merchants will reject the more expensive cards from smaller institutions, or because networks will not be willing to differentiate the interchange fee for issuers of different size. It is possible that the exemption will not be effective in the marketplace.

That was Ben Bernanke saying that. He went on to say that because the exemption will not be effective, small banks could be hurt or even fail. Here is what the head of the FDIC said:

The likelihood of this hurting community banks and requiring them to increase the fees that they charge for accounts is much greater than any tiny benefit that the retail customer may get.

Again, everyone agrees if the Fed's rules go into effect, the small banks and credit unions will suffer because the exemption simply will not work. So today we can stop and doublecheck to make sure that does not happen or we can just flip a coin and hope for the best and watch as more small banks and credit unions fail, reducing consumer choice and reducing banking options, especially as they currently exist in rural America.

These small banks and credit unions are the ones that make the loans to small businesses in rural America. They are in places where folks are still willing to put their money. They are the ones that folks in Montana still trust. They do not trust the big Wall Street banks. We probably will not lose too many banks in Washington, DC, or Chicago, IL, but we will in rural America. I do not want to see that happen.

Another good one that I have heard this week is the argument that the amendment will allow banks and credit unions to factor executive compensation into the cost of interchange fees.



It will not. In fact, the amendment specifically states that the Federal Reserve and other banking regulators must look at the costs associated with debit card transactions and program operations.

We also know how dangerous it is to set a price for a product without understanding all of the costs that go into that product.

Home Depot would never allow the Federal Government to set the price of garden hoses simply by looking at the cost of manufacturing a garden hose.

No, Home Depot charges us for the cost of manufacturing it, shipping it, keeping it in stock, having someone tell you what aisle it is in, and on and on.

Likewise, if we are going to be regulating debit interchange fees, we need to understand all of the costs associated with debit transactions and debit programs.

When we voted on this amendment last year, we thought we were voting to allow the Federal Reserve to consider all costs. However, the reality is that last year's interchange amendment limited the costs that could be included. Some fraud costs were allowed to be included but not others. Some technology costs were included but not others. If we are going to be regulating this market, we need to be fair about it.

So the amendment directs the Fed to determine what is "reasonable and proportional" but it gives the Fed the discretion to look at all of the costs associated with debit transactions.

That does not mean executive pay. That does not mean a special rewards program.

All costs will still need to be justified, and if they cannot be justified they will not be considered. The Fed has been very clear with me—no executive pay, no bells and whistles.

But the decisions about the cost of routing networks, the costs of fraud and other technical details are much better left to the Fed than decided by the U.S. Senate.

Finally, Madam President, some have said that this amendment hurts consumers. It does not.

As someone who voted against the Wall Street bailout, who wrote part of the credit card reform act, and who voted for the Wall Street reform bill, I can tell you that if this amendment was somehow bad for consumers, I would not offer it.

In fact, the amendment requires the regulators to certify that the Fed's rules address consumer concerns.

The current law does not require anyone to look at the impact of interchange fee regulation on consumers. They are out of the picture.

I am not aware of any specific plans by any retailers to lower prices or provide customer rebates if interchange fees are lowered. I know that one large

big box store held an earnings call at the beginning of the year where a company executive called the proposal to lower interchange fees a "\$35 million windfall."

If I were a shareholder, that would have sounded pretty good to me. But as a customer, it is not clear how I benefit.

I understand that there are some folks who wish the amendment could go further to include additional consumer-oriented agencies such as the Federal Trade Commission as agencies that will conduct the study.

I would be happy to work with those Senators to see how we best protect consumers in this process. But the only way to make that happen is to get this amendment adopted; otherwise, the Fed's rules go into effect on July 21 regardless of what any consumers think.

I am looking forward to today's debate because we have an opportunity to address the unintended consequences of the Durbin amendment. Make no mistake, those unintended consequences will be felt all over rural America—and not for the better.

For the folks who think the two-tiered system will work, there is not a regulator out there who will tell you that it will. Some folks will tell you the Durbin amendment has an exemption for community banks under \$10 billion and for credit unions under \$10 billion. If they think that will work, there is not a regulator out there who will tell you that they can implement it and it will work because the free market system will drive it to the lower price. That is the way it is.

I am saying, let's slow down a little bit and make sure we get it right.

If we are going to create regulations, we are doing it in a way that is fair and consistent with the intent. Let's not try to solve one problem and create three others.

And let's not take shots at the folks in my neck of the woods who were not part of the financial meltdown.

That's all I am asking, and I urge my colleagues to support this amendment.

I yield the floor and ask unanimous consent that the time during the quorum calls until the vote be divided equally.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Madam President, I ask unanimous consent to speak as one of the opponents of the amendment.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. ENZI. Madam President, I rise today to express my strong opposition to the Tester-Corker amendment No. 392 to the Economic Development Revitalization Act.

The interchange fee debate is not a new one for the Senate. This is an old discussion with both sides—financial institutions and retailers—bringing their perspectives to the table.

I should note that I am a former small businessman and retailer. My wife and I owned and operated Enzi Shoes, a family retail shoestore in Wyoming and Montana, for over 25 years.

Retail stores have been clamoring for a change for years and have always felt ignored by the credit card and the big bank card companies. Stores with small-priced items are forced to allow a sale to be put on a debit or credit card. While some stores post signs requiring a minimum purchase, they are violating their service contract. If the fees were merely a percentage of the sale rather than a minimum amount or a percentage, whichever is larger, much of the argument would be gone. Without the percentage fees, small businesses have no leverage for negotiation.

Soon vending machines will allow you to kind of point your cell phone at the vending machine and click, and you will get your snack or your soda, and it will be billed to your debit card. But if the cost of making that purchase eats up the profits on the sale plus some money out of the vending machine owner's own pocket every time someone buys a soda or snack, will the machines be available? No. You can't be in business if you lose money on every sale.

Now, the vender has an option: They can charge as though every sale is a debit card sale and increase the cost of the item to cover whatever cost the debit card company puts on your purchase. What you have right now is this hidden fee that goes to a card company. The card company shares that fee with participating banks. Banks are now saying that if they lose that fee, they will have to charge their customers in other ways. I am told the average bank will have to make up about \$150,000 in hidden fees they are now receiving that customers have been paying on their purchases and don't know about them. Are hidden fees fair? I fight them every chance I get.

According to the Wyoming Retail Federation, retail stores, hotels, restaurants, and small businesses in Wyoming consistently report that credit-debit card fees have tripled in the last 10 years. These fees have become a major cost, now surpassing other traditional costs of doing business. This is a small business issue and small businesses particularly because they do not



have the leverage to do any negotiating. Incidentally, in this case, neither do the big companies. But the small businesses are paying two or three or four times, and sometimes more, for credit and debit charges.

When I recently traveled to Wyoming, a businessman compared his expenses in the last 5 years to explain the effects of interchange fees on his business. Gross sales between 2005 and 2010 were \$5 million and \$5.5 million a year. Percentage of sales made on credit-debit cards was 15 percent in 2005 and 37 percent in 2010. Sales in the last 5 years increased 10 percent and credit card fees increased over 100 percent. Credit and debit card fees as a percentage of total sales were three-tenths of 1 percent in 2005 and 1 percent in 2010. So the fees tripled in just 5 years. The retailer has no control over that. It is a monopoly. When the bank raises fees, if you know about it, you can change banks. The debit card business is like a monopoly, so when the debit card companies increase their fees, the only alternative is not to accept the cards as payment. But the cards have become a way of life, and the companies know it.

The profit margin of business is too narrow to sustain these increases. This is why defeating the Tester-Corker amendment means saving jobs in my home State of Wyoming and around the Nation. I believe increases in interchange fees are cutting into the resources that could be used to provide more jobs.

During the financial regulatory reform debate last year, Senator DURBIN offered an amendment that tasked the Federal Reserve—the Fed—with studying the actual cost of debit card interchange costs versus fees being charged. I voted in favor of the Durbin amendment, hoping it would create a dialog and a commonsense compromise on this issue. I was trying to force this dialog clear back in my shoe-selling days. Card companies didn't pay any attention. I have tried ever since becoming a Senator. I have been ignored.

The Durbin amendment is the only thing that has gotten the debit card-big banks' attention. But did they try to resolve it with the stores—the stores that were generating the sales and therefore collecting their revenue? Again, a resounding no. They haven't met with them at all. They have spent a fortune trying to convince the public that their monopoly is OK and they shouldn't have to do anything about it; that they have always been right, they are still right, they are going to be right, and they do not have to talk to their customers, which are the stores.

I encouraged the banks to listen and to negotiate, but they chose to advertise and message to make stores look like the bad guys. They have spent a small fortune advertising and messaging. One day, on my way to work, I came by a place where they were giving

out insulated coffee cups to give this message that the big banks were going to be put out of business by this amendment.

As we all know too well, dialog is occurring in the Halls of Congress, but that isn't going to rectify the problem. I agree that government should not determine a set price on fees. I will say that again. I agree the government should not determine a set price on fees. But if a huge segment of the economy makes a case for redress, then it will likely fall under what I call the probable legislation rule No. 3: If it is worth reacting to, it is worth overreacting. It is not a good way to legislate, but unfortunately it happens a lot in Washington, and it may have happened in this case. I have worked for years to bring retailers and the big banks to the table to discuss and negotiate interchange fees and make the system work better for both parties. It hasn't happened, and that is when we get to this reaction time.

Since passage of the bill last July, there has been ample time for the banks and retailers to work out a solution. Dialog between the financial institutions and the retailers has to occur in order to find an immediate and a real solution to this problem.

The interchange fee provision is an important issue that deserves the full attention and consideration of both intended and unintended consequences, but our Nation's retailers and small businesses can't afford continued delays and studies because this kicking the can down the road is to keep things the way they were, and it is what we will be getting today if the amendment passes. Oh yes, it looks as though there is going to be some interaction there. If the big banks win today, the customers of stores lose.

Following the passage of the Durbin amendment, S. 575 was introduced this year by Senators TESTER and CORKER as a stand-alone bill to delay implementation of the Federal Reserve rules until the impact of those fees could be studied for another 2 years. That is the original bill where this amendment comes from. A similar House bill proposed to delay-study the debit card interchange fee rule for 1 year. Now, searching for votes, Senators TESTER and CORKER have changed their amendment, so what we will be voting on today is a study and a year of kicking the can down the road. But even though it has been changed, it is still wrong.

My colleagues knew I was not willing to support the original 2-year delay which would effectively bury progress made on the issue. A 2-year study was not just kicking the can down the road; it was making an indefinite delay on any changes and prohibiting dialog between parties.

I commend Senators TESTER, CORKER, CRAPO, and others for working

to decrease the study timeline from 2 years to 12 months. As you have heard during this debate, the Tester-Corker amendment would allow for 6 months of studying the interchange fees, plus an additional 6 months for the Treasury and Federal Reserve to draft a final rule. While this is a step forward in the resolution, more needs to be done to accelerate this process. Another full year without a solution is too long for merchants and retailers.

There is another problem too. That is the Fed will still be making the rule. We have to realize that banks work with the Fed all the time, so banks understand the Fed and the Fed understands the banks. Retailers don't work with the Fed. The Fed does not check on the retailers. So how do you think the rule the Fed will write will come out if we kick the can down the road another year? I think the banks will have a big advantage.

What we need is for the banks to listen to their customers, the retailers, and come up with a workable solution. The Fed isn't the right place for that decision. The Fed just made a decision that the banks decided they didn't like. Quite frankly, for some of the small banks, there is a problem too because what was allowed for small banks to give them an edge isn't ever going to happen. People will shop where it is cheapest, which will be the big banks. So I think the Fed did get it wrong, and I don't think the banks will get it right unless there is something that is real to them.

On July 21, the current rule will go into effect. On July 21, they will finally feel that it is real, and they ought to sit down with their customers, the retailers, and get it figured out. I don't think it is that tough. I know where the changes were that I would have liked to have seen, and I didn't represent the whole gamut, but there are a few associations that would be viable to work this out. It doesn't need to be done through legislation. But if today we pass the Tester-Corker amendment, there won't be any incentive for them to do anything for at least another year because the problem still won't be real.

The banks don't think there is a problem. The retailers know there is a problem, and the retailers' customers are beginning to understand there is a problem. I just saw a survey from Montana, and 75 percent of the people are opposed to the swipe fees that are currently in place—75 percent. America is figuring things out faster than Congress is, and we have to be with the people. We have to take care of the problems they see, especially when it is that huge a majority. I don't like doing things based on polls, but I do like polls to give me an indication.

I go back to Wyoming almost every weekend, and I travel to a different part of the State every weekend and

talk to the real people; I just don't read it in the papers or read the studies. I can tell you that 75 percent is probably just about right. I think it might be just slightly higher than that in Wyoming.

The banks and the retailers should get together and come up with a rule that will work for both of them but not one that maintains a monopoly. When you sign on to one of these credit card agreements—and you have to do one of those in order to be able to accept them and have the money work through the system back to you—you are not given any options. There isn't anything you can shop around for because all the agreements are the same. If you sign one of those agreements, you have to be willing to accept it no matter what the size of the purchase.

Now, if you are selling a soda for \$1 and you are paying 44 cents, you know the soda company isn't making enough to cover the 44 cents, so they have to raise their price, which gets passed on to the customer. They have to raise the price so that it covers the credit card, but it also has to cover the other sales because there is no way for them to distinguish one from the other. They can't charge more for a credit card sale than a debit card sale, and they shouldn't. So they build in a hidden fee that you don't know you are paying. That fee is a huge fee, and it takes away some of the profits on the small sales. That is one of the primary areas that is driving this whole issue. There are other areas, too, but that is the simplest one that could be figured out.

Both sides on this issue need to have a hand in the negotiating. Defeating this amendment gives them both a hand, and that is why I strongly believe two things need to occur to fix this problem. No. 1, any study should not be longer than 6 months total study time and drafting of the rule and, No. 2, banks and credit unions must come to the table with retailers and merchants to define some middle ground. It would be more workable if bankers and retailers sat down and negotiated an agreement. They don't need a study. The retailers know what the problem is. The banks know the problem better than the retailers. So all they have to do is skip the study, sit down, and work it out. I think it could be worked out before July 21, although a deadline is always good. So we really need to defeat that.

It is a tough issue for small business owners, merchants, and retailers because many of our community lenders have come to rely on this interchange income. No good comes from pitting small businesses against lenders in Wyoming or otherwise, especially not in this economy. Bankers already know what changes need to be made. If they had put more effort into forcing bank card fees to be more reasonable, the situation could have been solved years

ago. Clearly, it could have been when I was back in the shoe business. I can tell you, I am pretty discouraged that now that I am in the Senate they still are not listening.

This bill has made them listen. So no more delays should occur. Interchange fee reform was overwhelmingly approved by Congress last year. U.S. consumers do not need additional studies to tell them they already pay the highest swipe fees in the world. Delaying these reforms will delay urgently needed relief for American businesses and consumers, relief that cannot wait longer during this fragile economic recovery.

Today I ask my colleagues to side with the stores and their customers; otherwise, we will have just done another bailout for big banks.

I yield the floor and reserve the remainder of the time.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank my colleague from Wyoming. Our relationship and friendship has been growing over the years. I respect him so much as one of the real voices of retailers and small business. I had an opportunity to spend some time visiting China with him and his wife. We got to sit down and talk about their lives and what they have been through.

My colleague knows the small business side of this world better than anybody who sits in this Chamber. As I listened to him talking about the solution to this problem, I could not help but nod affirmatively. There is no reason we should have had to vote a year ago to establish this interchange fee. It reflected the fact that retailers, small businesses, merchants, hotels, restaurants, and shopkeepers across the board were literally given no seat at the table to discuss the fairness and propriety of these interchange fees. The point he made drives it home. The credit card networks, working through the banks, are charging our businesses in America the highest interchange fees—that is the fee charged every time someone swipes that plastic debit card—of any country in the world. The interchange fee in Canada is zero; in the United States, 44 cents on average on every transaction.

I could not agree with the Senator more. If the banks would come down out of their ivory towers on Wall Street and other places and sit down, roll up their sleeves with the folks running shoe stores and grocery stores and hotels and restaurants, and say all right, we are going to come up with a fairer system—if it is zero in Canada and it is 44 cents here, there is a number in between that can make sense to both sides. If that were the case, the Senator and I would be working on some other issues rather than this one.

But my colleague is so right. Today we have to defeat the Tester-Corker

amendment; otherwise, we are sending a massive subsidy to the biggest banks on Wall Street, up to \$8 billion a year that they collect in these debit card interchange fees at the expense of small businesses and consumers all across America.

I thank the Senator for his support. I know later this afternoon at 2 o'clock when we face this vote it is an important vote for every small business in his home State and mine as well. I thank the Senator for taking the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. CORKER. Mr. President, I rise to talk about the Tester-Corker vote which will take place at 2 o'clock today. I know there has been a lot of discussion about the Durbin amendment which occurred during Dodd-Frank and where we are today.

I wish to spend a moment clarifying the fact that the Tester-Corker amendment does not do away with the Durbin amendment. The Durbin amendment will still be the law of the land and a huge victory during the Dodd-Frank regulation—something I did not support but a huge victory for the retail industry, in that for the first time in the history of our country, per the law that was passed, debit cards are going to be a regulated industry.

There is nothing about the Tester-Corker amendment that in any way changes the fact that it is going to be a regulated industry. That is going to occur. What Tester-Corker does is to try to bring back into balance how we look at this particular transaction. We are going through this period of time in our country's history where people have been very upset with financial institutions at many levels. It is almost as if the Durbin language is an attempt to basically punish, be punitive, to community banks, rural banks, credit unions, mega banks all across our country for things that happened in the past.

There is no question many financial institutions made mistakes. There is no question that government made mistakes. There is no question that Congress has made mistakes. There is no question that consumers across our country, in many cases, have made a lot of mistakes. But we are at a place in our country's evolution where what we need to do is reinforce economic growth in this country and make sure that regulation has the right balance.

I feel the pushback against Tester-Corker is an attempt to continue to try to punish, stick a stick in the eye of,

do whatever, to get back at the financial industry. Again, I think there has been a tremendous win by the proponents of the Durbin amendment. You have a debit card industry that is going to be regulated.

The question is, What is the fair way to regulate them as it relates to what are the allocated costs. So the Federal Reserve has told us the language that exists in the Durbin amendment, which only allows incremental costs, is inappropriate. They are very uncomfortable with it. They are uncomfortable with what that is going to do to community banks, rural banks, smaller banks all across our country.

The FDIC has said they are very concerned about the language because the cost of the transaction is not going to be appropriately assessed. They have shared that in public testimony. The OCC has done exactly the same. State bank commissioners across this country have done the same.

I know the Presiding Officer is from Minnesota. I know he flies to Washington probably each week. The way the language is now written, it would be as if the Presiding Officer got on a flight in Minneapolis to fly to Washington, the seats were mostly full, but a standby passenger got on the plane at the last minute, sat down in an empty seat, and the airline was forced to charge everybody who flew on their airline only the cost of what that one additional passenger—already the trip was going to take place—what that one additional passenger cost the airline to travel from Minneapolis to Washington.

Obviously, that cost is almost negligible because all the reservations, the flight has been fueled, the flight attendants are there, the pilots are there. All those costs are already there.

That is the way the Durbin amendment now reads. That is the way the law now is; that the Federal Reserve can only take into account, as they regulate the debit card industry, what that incremental cost is, what adding one transaction to the system would cost.

Everybody knows—the retailers that are opposing our amendment know—there is no way any of them could survive in the retail industry if their costs were only allocated to them on an incremental basis. So everybody knows this is flawed. I do not think there is any debate about the fact that the way we are looking at regulating the debit card industry is flawed.

But what people are doing—it is almost sort of a Venezuelan approach. We are angry at these folks, so even though we know that assessing the cost of debit cards and only allowing incremental costs, even though we know that is inappropriate and that no business in America can survive, we are still going to do it because the banks were involved in TARP or the banks

did this or the banks were involved in mortgages.

It is a policy that does not make sense. It is not an appropriate way, in my humble opinion, for a body such as ours—that hopefully stands above grudges, stands above trying to punish people but is here to put policies in place that will make our country stronger. So what we have added—and I see the Senator from North Carolina who has been highly involved in reaching the place we are—what we have said is: Look, Durbin should stand. Durbin should stand as it is. We should regulate the debit industry. OK. We understand that is going to happen. But let's make sure that when the regulators look at regulating the debit card industry, they are able to also look at the fixed costs, those costs that should be appropriately considered in setting the rates.

My guess is the Presiding Officer has some regulatory boards in the State of Minnesota. Maybe they regulate electricity. Maybe they regulate water. Maybe they regulate natural gas. I do not know. We have similar types of things in Tennessee. When they look at regulating those industries, they take into account those costs that are appropriate in regulating the industry.

I have not heard anybody debate, negatively, that it is inappropriate—that it is inappropriate—to allocate costs the way Senator HAGAN, the way myself, the way others have talked about doing. It has all been about the emotion of trying to do damage to financial institutions because people are upset with them. That is what their argument has been about. It has been an emotional argument about saying: These institutions did some very bad things, and therefore we want to punish them, even though we know the cost allocation is inappropriate.

We all know that what is going to happen is, not only are we going to do damage to our community banks, our credit unions, our rural banks all across this country, but in the process of allowing the rules to stand as they are and the direction we give to the Fed to stand as it is, what is going to happen is we are going to have a constriction of credit.

I mean right now in our country, we are watching a pause, a pause taking place in economic growth. One of the driving factors—there is no question—is our financial institutions are out there. They are seeing in every way their ability to lend to be clamped down on. Capital requirements are changing. Some of these things were good things that needed to happen, but this is just one more of those.

Lots of people have been involved in making this so we get back to the middle of the road, that when we regulate debit cards, we do so truly looking at the cost of the card itself.

If this amendment is defeated, it is just one more blow against our econ-

omy as we continue to constrict lending in our financial institutions to communities and citizens all across our country. Somebody had a chart up yesterday looking at Canada and looking at Europe. One little detail—and they were talking about the lack of debit charges or, in some cases, the fees were less than they are in our country.

One of the details they left out is, they do not have community banks. In Canada, you have a handful of highly regulated almost utilities that are banks—under five. That is a very different scenario than we have, where we have community banks all across the country that are out there lending to innovators, banks all across this country lending to innovators, a very different environment.

So, in Canada, they are able to actually generate fees in other ways. Of course, they do not have the community banking system and credit union system that we have across our country. To me, what I hope will happen at 2 o'clock—I know this has been a contentious issue, a vote that candidly a lot of people would just as soon have go away because people have friends who are retailers, people have friends who are bankers, and they hate to “choose between their friends.”

But I hope what will happen at 2 o'clock is that when people come down in the well to vote, they will look at the policies, and they will say: You are right. The financial industry has been involved in some excesses. You are right. We heavily regulated the financial industry 1 year ago when Dodd-Frank was passed, and you are right; if we are going to set rates on debit cards, let's at least allow the Fed to consider all the appropriate costs—they do not have to take all the costs—but, look, if a bank is offering bonus awards for people, that should not be included. We understand that.

But the Fed ought to be able to look at all those costs that are fair. I hope Members of this body will rise above the emotional aspect of this vote. I hope they will rise above the rhetoric. This is anything but another bank bailout. What this is allowing is the Fed to rightfully, as they have requested of the Senate, to rightfully be able to look at all the appropriate costs that go into a debit transaction.

Again, if Tester-Corker passes, if Tester-Corker-Hagan-Crapo passes, if it passes, it is a tremendous win for the retailers. They have a regulated debit card industry, something they wanted for a long time. But it also strikes the balance of appropriateness as it relates to us as we look to move ahead with appropriate regulation of our financial industry.

I know we are on the cusp. I know this is going to be a very close vote. I do hope our colleagues will look at the policy. If they have not spent time yet with their staffers, look at the language. Durbin still stands if Tester-

Corker passes. Durbin stands. All it does is allow the regulators to appropriately—just as happens in every State around this country that regulates industries—allows the Fed to appropriately look at those costs that ought to be associated with a debit card.

I urge my colleagues to vote in support of Tester-Corker.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I, too, come to the floor in support of the amendment by Senator TESTER and Senator CORKER from Tennessee.

Let me tell you, I threw myself into these negotiations many weeks ago when I saw the great bipartisan work of my colleagues from Montana and from Tennessee. You just heard the Senator from Tennessee talking about this. They have worked tirelessly on this issue. They have shown great leadership in their willingness to modify their approach.

What we have now is a bipartisan, balanced compromise amendment that is going to address the concerns raised by the regulators, small debit card issuers, and many Senators, about the Federal Reserve's approach toward a regulated interchange fee market.

The amendment does not repeal the debit interchange amendment championed by Senator DURBIN last year. As the Senator from Tennessee just said, it does not repeal that. In fact, a number of Senators who supported Senator DURBIN's amendment, also support this compromise amendment. It is moderate. It is bipartisan. It is balanced. It now gives the regulators the time and the tools they need to get this rule right.

This is the type of commonsense compromise that Senators on both sides of the aisle can support. This bipartisan, balanced approach is how the Senate should operate.

When the Senate added section 1075 to the Dodd-Frank Act last year, it required that interchange transactions fees charged by issuers be reasonable and proportional.

Importantly, the amendment also exempted banks with fewer than \$10 billion in assets. During the rule writing process, this exemption has been characterized as ineffective.

In February, during testimony before the Senate Banking Committee, Federal Reserve Chairman Bernanke, the person ultimately responsible for writing these rules said that, "it is possible that that exemption will not be effective in the marketplace" and that "it is possible that, in practice, community banks would not be exempt from the lower interchange fee."

FDIC Chairwoman Bair and the Conference of State Bank Supervisors echoed those concerns.

These are the people responsible for monitoring the safety and soundness of

our community banks and credit unions and they have expressed serious doubts about the practical effectiveness of the small issuer exemption.

This is extremely concerning to me, a Senator from North Carolina, which has a strong presence of community banks and credit unions that serve my constituents across the State.

This legislation helps get the small issuer exemption right. It provides two levels of protection for small banks and credit unions.

First, it considers the impact on small issuers up front as part of a short 6-month study.

It directs the banking and credit union regulators to carefully review the effectiveness of the small issuer exemption, which will be going to the community banks and credit unions.

And it directs the regulators to look at the exemption from a safety and soundness perspective. This is of particular importance at a time when community banks around the country are struggling to provide credit to Main Street businesses.

Then, once the final rules are in place, it would require a review of the effect of the rule on the market.

This approach gives regulators the time to look at small banks and credit unions up front and an opportunity to point out any problems that may occur in the future.

This is a sensible, balanced approach. It is a bipartisan approach. It is one that I would urge my colleagues to support.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I want to take a few minutes to discuss the underlying legislation, the Economic Development Administration bill, because I think, with the new numbers about the American economy—the joblessness and the trends—we are all looking for ways to encourage investment in the United States, and we are looking for ways to promote new industries that will create family wage jobs.

The Economic Development Administration has helped to do that in my home State and in other parts of the country. I want to take a few minutes and discuss that. I see the chairman of the Finance Committee. We may have gotten a little backed up, and I am anxious to hear from the chairman of the Finance Committee.

The area I want to talk about with respect to the Economic Development Administration involves nanotechnology. This is, in effect, the science of small stuff. We are seeing it pay off big in a whole host of energy-related applications, and in health care particularly, in terms of drugs and new medical devices. It has made a big difference at the Pentagon in terms of their looking at and adding carbon

nanotubes to a number of the products we need to protect our warfighters.

The fact is, when we talk about this agency, we are seeing that a small public investment can leverage very substantial private sector investment in a way that is going to encourage jobs in the United States, and particularly in what I call the sunrise industries. It is sure making a difference.

For example, Wired magazine recently talked about growth in a number of key sectors. They said nanotechnology, between 2006 and 2010, grew more than 18 percent—one of our leading growth industries with jobs in the United States.

I, for one, thought we were going to see growth in a number of instances. We have seen bipartisan support for congressional efforts. The 21st century nanotechnology legislation in particular, signed by George W. Bush, is one piece of legislation I was especially proud of being part of because it encouraged research in this exciting field and had bipartisan support. It laid the groundwork for the next steps.

The next steps in particular involve using at EDA some modest public investments to leverage very substantial private investments in innovation. In my State, ONAMI, the Oregon Nanoscience and Microtechnologies Institute, is on the cutting edge of nanotechnology research and application. It has been helped by the EDA agency.

Participants in ONAMI include Oregon's four largest public research universities, the National Science Foundation, the Departments of Defense, Energy, Commerce, and major corporations as well. What we have sought to do is to make sure in this extraordinarily exciting field we don't fall behind China and other global competitors. So there is huge potential. Federal efforts can support private sector initiatives in the nanotechnology field and together leverage U.S. advantages in innovation and technology and particularly facilitate job growth.

The Chair knows of Intel, which is a large employer in his State as in mine. That is the kind of company we are looking at for the future, where they pay good wages. We are seeing substantial growth, and they are looking to try to target nanotechnology in particular as a sunrise industry, as an area that is going to facilitate an opportunity for our country to lead.

America is in a fight for the future of nanotechnology. We are seeing China and a lot of our global competitors making major investments in this area. Our private sector is stepping up, but we ought to have the government partner as well. That is why EDA's support of nanotechnology and the innovation economy is so critical. They have partnered with the National Science Foundation and the National Institutes of Health to promote innovative approaches in health and science.

I am proud to say, as part of a major economic challenge grant, the Oregon Innovation Cluster, of which ONAMI is a part, was one of the award winners. My State is not the only place where nanotechnology investments are being made. The Economic Development Administration has invested in nanotechnology throughout the country—in Colorado, the Mid-Atlantic Nanotechnology Alliance; in Tennessee and in South Carolina with the Clemson University Research Foundation. These are just a few examples, from Oregon all the way to the east coast of the United States, where the Economic Development Administration has helped entrepreneurs work to create jobs in exciting fields such as nanotechnology and helped us commercialize leading-edge technologies.

I hope my colleagues will support this bill. I particularly commend the chairman of the committee, Senator BOXER. Nanotechnology and EDA are a partnership where high-tech industries can help create good, high-paying jobs in America. I hope we will support this particular legislation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to express my strong support for S. 782, the 5-year reauthorization of the Economic Development Administration, which I am proud to have cowritten.

Abraham Lincoln said:

The legitimate object of government is to do for a community of people whatever they need to have done but cannot do at all, or cannot so well do for themselves, in their separate and individual capacities.

That is what the Economic Development Revitalization Act of 2011 will do. It authorizes and funds the EDA, a Department of Commerce agency, in order to help Americans achieve what they “cannot so well do for themselves.”

EDA is the only Federal agency charged solely with job creation. Each dollar of EDA funding leverages nearly \$7 in private sector investment.

From 2005 to 2010, during the administrations of Presidents from each political party, EDA awarded \$1.2 billion in construction-related and revolving loan fund projects. According to estimates, more than 314,000 jobs resulted from those investments.

EDA programs are critical to my home State of Montana, a State with lower per capita income but great 21st century potential. When the timber industry in the western part of the State suffered setbacks, we paired Federal EDA funding from the 2009 Recovery Act with State dollars to create an \$11.7 million revolving loan fund. We enabled 34 companies to continue operating and supported nearly 2,000 jobs despite the economic downturn.

In the eastern part of the State, we experience outmigration where the problem is both people and jobs leaving

the area altogether, which EDA can help us address in a new provision under this bill.

A key feature of this bill is the increased Federal share for areas that demonstrate unusually severe economic distress and unique circumstances.

For instance, in the event of a federally declared disaster, the Federal share is to be increased for 18 months. This applies to a nonweather event such as the September 11 attacks or a natural disaster such as we have experienced in Montana where we currently face severe flooding conditions.

Areas like Roundup, Lodge Grass, Harlem, Fort Peck, Rocky Boy's, Lewistown and elsewhere are confronted with a crisis of biblical proportions. I was in Montana last week witnessing the challenges that confront us. And I am working very hard to ensure that Federal resources will be available for those most in need, which is a legitimate object of government, as Lincoln observed. This Federal share provision is one more way to do that.

Also, we have established a minimum 75 percent Federal share under this bill to help Indian tribes lacking sufficient resources to provide the typical matching share—as is often the case in my home State of Montana.

I want to thank Chairman BOXER and Ranking Member INHOFE for their leadership and for working with me on this bill. I also commend and thank EDA Administrator John Fernandez for coming to Montana to meet with my constituents in Missoula and Butte last September to discuss opportunities that would help our State and the country.

In closing, this is a good bill with backing from both sides of the aisle. I urge my colleagues to support it. We talk a lot about helping job growth. Here is an opportunity to do so.

I yield the floor.

Mr. COONS. Mr. President, I rise in support of the amendment offered by the Senator from Montana.

I was an original cosponsor of Senator TESTER's bill, which forms the basis for this amendment, because I am concerned about consumers, credit unions, and the financial sector in Delaware. The Federal Reserve's proposed rule on interchange regulation does not guarantee consumers will benefit from reduced rates, and inadvertently creates a mechanism that could destabilize some of our small, community banking institutions. Because of these unintended consequences, I believe the Fed should go back to the drawing board and rethink the way it is going about setting interchange fees.

I know my friend, the Senator from Illinois, worked hard last Congress, bearing in mind the interests of all parties involved, to authorize the Fed to make such a rule on regulating these fees. The Durbin amendment included a

well-intentioned provision to protect small banks by creating a carve-out exemption from certain interchange fee caps.

Unfortunately, I believe the Fed issued its proposed rule in haste, and it is becoming clear that this carve-out exemption threatens the competitiveness of smaller banks, community banks, and credit unions. A belief in the viability of this exemption was crucial in securing the votes necessary to include Senator DURBIN's amendment in the Dodd-Frank reform package.

When the Senator from Illinois wrote his amendment last year, I know he had the best of intentions when he directed the Fed to establish a debit rate that is “reasonable and proportional” to the “incremental” cost of an individual transaction. These criteria, however, have tied the Fed's hands and, essentially, prohibit the Fed from considering all costs associated with debit operations when regulating debit interchange fees.

Additionally, the two-tiered interchange system proposed by DURBIN's small bank exemption may be considered unworkable in practice and subject to market forces. The Chairman of the Federal Reserve, Ben Bernanke, admitted as much when he appeared before the Senate Banking Committee in February. He noted that “there is a possibility . . . that, either because merchants wouldn't accept the more expensive cards or because networks would not be willing to have a two-tier pricing system, it's possible that in practice they would not be exempt from a lower interchange fee.”

I have met in recent months with a broad range of large and small banks, credit unions, card networks, retailers, merchants, and other concerned parties from Delaware and other States about the Fed's proposed rule. With their helpful input, and with our continued economic recovery foremost in mind, I have joined with a bipartisan group of Senators in support of this amendment, which would direct the Fed to study this issue further and come up with a rule that does not risk harming the small banks and credit unions that play such an important role in our communities.

At a time when large banks have been reluctant to lend capital, more and more new businesses and ventures are being started through loans from smaller community banks and credit unions. We cannot afford to undercut their lending ability through the losses they are likely to incur if the Fed's proposed rule becomes final. The effect that would have on our recovery could be harmful.

At a hearing held by the Banking Committee on May 12, Chairman Bernanke was asked what the effect of the small bank exemption would be if the proposed rule were implemented. He answered: “It's going to affect the

revenues of the small issuers, and it could result in some smaller banks being less profitable, or even failing."

Furthermore, at the same hearing, Sheila Bair, Chairman of the FDIC, stated: "I do think this is going to reduce revenues at a number of smaller banks, and they will have to pass that on to customers in terms of higher fees."

Above all, we must not do harm to consumers—especially when so many have had to tighten their belts during the recession and are just starting to get back on their feet. The same goes for proprietors of small businesses. Delaware is home to so many hard-working small business owners, merchants who rely on the acceptance of debit card payments for daily transactions. I believe the Fed needs to create a rule that strikes a balance between supporting robust commercial activity for small businesses and their consumers and safeguarding the viability of small banks and credit unions.

Senator TESTER's amendment does just that. It calls on the Fed, the FDIC, the Comptroller of the Currency, and the National Credit Union Administration to make a determination whether a proposed rule does not include all fixed and incremental costs, whether it might adversely affect debit card consumers, or whether the small bank carve-out would be impractical.

This issue requires a closer and more careful look. Chairman Bair stated at the hearing in February that "it was done very quickly," and "who's paying for what, who's going to pay more, and who's getting to pay less under this is something that maybe wasn't dealt with as thoroughly as it might have been."

This is why I am a cosponsor of Senator TESTER's amendment and why I will continue to work for interchange rules that are fair and do not harm a vital sector of our economy during these difficult economic times. We must continue to be relentless in our focus on economic recovery and job growth, and the Tester amendment does just that.

Mrs. FEINSTEIN. Mr. President, I rise today in opposition to Senator TESTER's amendment on debit card swipe fees.

Like many of my colleagues, I have received countless letters on this issue, from consumers, financial institutions, retailers, labor unions, and other interested parties. As a Member of the Senate, I take very seriously our duty to ensure that the Nation's financial system functions fairly.

I am deeply concerned about protecting consumers and small banks from financial harm. This is a tough economy. I know that. I will do everything I can to make sure they are protected.

But my position on this issue has been unchanged from the beginning.

The Federal Reserve issued a proposed rule last December, and is in the process of considering over 11,000 comments submitted on that rule. Chairman Bernanke has said those comments have been informative, and the Federal Reserve will soon issue a final rule that should take into account concerns some have raised.

My position for a long time has been that we should not jump in the middle of that process. We should wait to see what the professionals at the Federal Reserve come out with, and then evaluate whether or not the final rule is fair and equitable for merchants, banks, and especially consumers.

It would be bad precedent for Congress to start cutting off that process in the middle. We don't want to go down that road.

The Federal Reserve is devoting substantial resources to this issue and are giving the comments careful consideration. We should let them finish their work.

Senator TESTER's legislation also is flawed in other respects.

The study it proposes only involves banking agencies. It excludes consumer protection agencies, like the Consumer Financial Protection Bureau and the Federal Trade Commission.

The intent of existing law is to benefit consumers. If the law is going to be studied, consumer agencies should be involved too. We need to make sure consumers' interests are protected.

Senator TESTER's legislation also requires that regulators evaluate whether the proposed rule meets certain tests. As I see it, the tests are so easily met that the final rule is almost guaranteed to be thrown out without being considered.

This is a problem for me.

If a study is to be done, it should be fair, impartial, and consider the interests of all affected parties.

The bottom line is that we don't know what the final rule issued by the Fed will be. I have heard a lot of conjecture from both sides on this issue, but no one has been able to convey any certainty.

I have heard from a number of constituents and national groups on this issue. They have expressed their views passionately, and I am grateful for their participation in this process.

I remain deeply committed to ensuring that small banks and consumers are protected. When the final rule is released, we should look at it carefully. And we should conduct a fair study of the rule if we need to do so.

But until that rule is released, we should allow the experts at the Federal Reserve to complete their work before we take any action.

Mr. JOHNSON of South Dakota. Mr. President, I want to express my support for the amendment by Senator TESTER.

Last year when Congress passed the debit interchange fee provision, I opposed the measure.

I was not convinced that the provision would work for small banks and credit unions, and I was not convinced that the benefits would be passed on to consumers.

My thinking has not changed.

Throughout this debate many studies have been cited, but none of those studies looked at the questions we have before us today—will a two-tier system work for small banks, credit unions, retailers and consumers, and what will the impact be on debit card users?

I remain concerned about the debit interchange provision. As I suspected last year, finding a workable solution is not easily or quickly accomplished.

As the Fed has worked on this issue and released its rule for public comment, it has become clear that there are many concerns about the rule's impact on consumers, small banks and credit unions. Chairman Bernanke and other regulators have voiced these concerns several times in recent months at hearings before the Banking Committee, which I chair.

While there may be a need for debit interchange reform, it should be done right. This amendment by Senator TESTER will give the Fed and other agencies more time to study this issue to find a workable solution, especially the small bank exemption that is intended to allow the community banks and credit unions to continue to serve consumers all across America. Let's be clear, the Tester amendment does not repeal the debit interchange provision, it simply asks for more time to study and get it right.

I thank Senator TESTER for his efforts to help produce a bipartisan compromise that works for our community banks and credit unions. Just like in his home State of Montana, the community banks and credit unions are important to my constituents in South Dakota.

As we saw in the last Congress, Senator TESTER is an effective legislator who does a great job building bipartisan consensus, and this latest effort of his is another commonsense proposal that bridges the gap on a complicated financial issue.

Debit cards are important to consumers and to the retail industry. This is not about picking sides—this is about creating a functioning payment system that works for all stakeholders. And I believe Senator TESTER's amendment will help us accomplish the goal of getting this right. I encourage my colleagues to support Senator TESTER's amendment.

The PRESIDING OFFICER. The junior Senator from Montana is recognized.

Mr. TESTER. Mr. President, let me take a moment here to clarify for my colleagues the intent of this amendment. Not surprisingly, a number of groups have made a number of claims about what this amendment "is" and "is not."

In drafting any regulations required by the amendment, any agencies involved are required to not only abide by the letter of the law but also the congressional intent of its authors.

Let me take a minute to try to make crystal clear what exactly the intent of this amendment is.

First of all, let me address some of the claims that have been made about the implementation date of debit interchange regulations. My amendment would direct the Fed to implement these provisions on a date of their determination.

Why was this language included in this way? The intent of this language is to provide the Fed with the discretion to implement these regulations as quickly as is practically possible for merchants, issuers and networks to prepare for such new regulations.

The hope with this language would be to avoid the situation we are in right now where parties impacted by these changes would likely have less than a month to implement significant changes to the debit interchange system.

To be clear, the Fed may not disregard implementation of debit interchange regulation, as some have articulated. They also may not arbitrarily decide to implement these rules 5 years from now. Any delay in implementation beyond a reasonable timeline of a few months would need to be justified by the Fed.

Let me also take a minute to address concerns that have been raised about the language we have used to describe what considerations the Federal Reserve must make if a determination is made in this amendment and the Federal Reserve is directed to rewrite the debit interchange rules.

The language states that the Federal Reserve shall "consider"—again, shall "consider"—all fixed and incremental costs in determining what is a reasonable and proportional interchange fee. Let me say this again. The Fed shall "consider"—not include, not calculate, but shall consider—all fixed and incremental costs. That word is important because "consider" provides the Fed with the discretion to consider and determine, using their judgment, what is reasonable and proportional, meaning any costs considered would need to be justified to the Fed.

To further clarify, the language directs the Fed to consider "all fixed and incremental costs associated with debit card transactions and program operations and allow incentives for a more innovative, efficient and secure payment card network."

Why did we include all fixed and incremental costs? That is because the original statute limited the costs the Federal Reserve could consider to only those costs associated with the "authorization, clearance or settlement of a particular electronic debit trans-

action." This language severely limits the costs to issuers that the Fed may consider in calculating reasonable and proportional rates and is in large measure why the Federal Reserve's proposed rule is currently at 12 cents.

There are a number of fixed costs associated with debit transactions, chief among them fraud costs, which are also arbitrarily limited in the original statute. The fraud language states that the Federal Reserve may—not must but may—allow for a fraud adjustment for costs associated with fraud prevention. Now, the Federal Reserve draft proposal did not include any fraud adjustment, and we have no idea what an adjustment might look like or whether the final rule would include one. But if it did, it could only include an adjustment related to fraud prevention but not the actual costs or losses associated with fraud.

Take for example the recent data breach by Michaels stores—a breach, by the way, which was the fault of the retailer, which had their debit kiosks compromised. What were the costs to the issuer of the cards that were compromised? They were significant.

First of all, it was a community bank in Illinois that had a fraud-monitoring program that identified the threat and alerted the retailer their kiosks had been compromised. Then there were the costs to these issuers of making their customers whole again for the losses they sustained by criminals removing funds directly from their bank accounts—\$500 at a time. Additionally, issuers had to foot the costs associated with reissuing the cards and opening new accounts for customers with compromised accounts. But none of those costs—those associated with fraud and losses assumed by the issuers—could be calculated in the fraud adjustment under the current statute. That is why we included language directing the Federal Reserve to consider all fixed and incremental costs associated with debit card transactions and program operations to capture those costs. Fraud losses in monitoring programs are not associated with individual transactions, nor is the creation or reissuance of physical cards, account maintenance, or cardholder servicing.

Let me also say what we do not believe is included in any reasonable and proportional fixed and incremental costs associated with program operations. As a result of our conversations and consultation with the Feds, we do not believe rewards programs or miles would be nor should be considered as permissible costs, nor would or should any executive compensation, nor should the costs of maintaining ATM machines.

Why did we include the language allowing the Federal Reserve, in setting reasonable and proportional rates, to "allow incentives for a more innovative, efficient and secure payment card

network"? We added it because, in conversations with the Federal Reserve about what sorts of costs would be included in reasonable and proportional costs, they indicated that right now they do not have the ability to incentivize savings by issuers to make processing more efficient or secure. It seemed like a pretty good idea to Senator CORKER and me that we should give the Federal Reserve this kind of discretion and that issuers should be incentivized to lower costs below whatever the Federal Reserve determines to be reasonable and proportional; otherwise, the fee would likely stay the same for years to come as there would be no incentive to lower costs.

In addition to the flexibility provided to the Federal Reserve to set the rates, the amendment also intends to provide discretion to the Federal Reserve to include additional factors in the study, such as the overall impact of regulating interchange fees on small businesses and the economy, as well as discretion in the agencies the Federal Reserve may consult when drafting the study.

In addition, it is intended that the findings must be made public and that the Federal Reserve is not required to start from square one. The intent is for the Federal Reserve to be able to build upon the information and insights which they have gathered already and which are a part of the current record.

Finally, this amendment doesn't undermine or inhibit the Federal Reserve's ability to implement the routing and network exclusivity provisions in the underlying statute. In fact, it does quite the opposite. We sought to preserve this language and these provisions as they were originally included in the statute.

In the last couple of days, several Senators have suggested additional changes that would improve the consumer-related aspects of the study proposed by my amendment. I very much appreciate their concerns and their interest on this critically important point, and the changes they have suggested are certainly ones I and other cosponsors are open to. Unfortunately, the Senator from Illinois filed a second-degree amendment which essentially closed off any chance to make additional changes to the amendment once it was filed.

I am more than willing to work with my colleagues to find ways to continue to improve this amendment and to ensure that consumers, small businesses, small banks, and credit unions get a fair deal as we move to a regulated interchange marketplace. And that is what we will get out of this amendment—the same idea of regulation that 64 Members of this body supported last year.

The difference between my amendment and the current law is that we will ensure that the Fed's regulations



do not set the price below the cost of doing business. The current law prevented the Fed from looking at any number of elements of the cost of interchange. Some fraud costs were allowed to be included but not others. Some technology costs were included but not others. Why? Because the Senate made those arbitrary decisions. The result is a proposed Fed rule that sets the debit interchange rate at 7 or 12 cents for all transactions—a level most folks agree is too low. Let's allow the Fed to find the actual correct number. As a farmer, I can tell you that if it costs me \$3 to produce a bushel of wheat, it won't matter if I sell it for \$2 or \$1 or 50 cents, I will still go out of business because it is below my cost of doing business. And that is precisely what will happen to our smaller banks and credit unions.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I have high regard for the Senator from Montana. He is my friend, and he will be my friend whatever the outcome of the vote happens to be, which will happen in about 40 minutes. But I do disagree with him on this issue.

I would like to make it clear from the start that the law on the books today specifically exempts community banks and credit unions—specifically those valued at \$10 billion or less. That means 100 banks out of 7,000 in America are affected by this new law and 3 credit unions in all of America.

Now, the banks and credit unions have come here and said: Not enough protection because we can't be sure you will protect us from the credit card companies coming back on us and hurting us. OK, we can write in more protection, if necessary. But to argue that we are trying to save mom-and-pop banks here—from whom? We are trying to save them from the credit card giants that have created this price-fixing mess.

If you are an autograph seeker and you happen to want to meet CEOs of major corporations, you hit it rich today. Get over here and walk the halls of the Senate office buildings, and you will meet the CEOs of the biggest companies and banks in America. Why are they here today? Because of this 2 p.m. vote. Why is this 2 p.m. vote important to the three biggest banks in America—Chase, Bank of America, and Wells Fargo? Because right now what is at stake with the Tester-Corker amendment is \$8 billion in fees they want to

collect from consumers and businesses all across America—\$8 billion.

When we got into the business of TARP—remember those days when the banks had messed up the economy so badly that we had to come to their rescue with taxpayer money, and the average family across America watched the taxes they were paying this government going to the biggest banks on Wall Street? That was about \$800 billion. The three biggest banks that will profit the most here from this amendment—Chase, Bank of America, and Wells Fargo—each was a beneficiary of that TARP money, that bailout money. Chase received \$25 billion, \$45 billion went to Bank of America, and \$25 billion went to Wells Fargo. They did quite well. When we rescued them, they sent us a little thank-you card. Do you know what it was? It was a notice that they were giving their chief executives bonuses out of the tax money we were sending.

So the question is not whether we are going to do another TARP today but whether we are going to do a baby TARP. It is only \$8 billion for these three big banks this time, but I think it is an outrage. It is an outrage to make consumers across America pay this. They pay it every time they use their debit cards, and the merchants and retailers that collect it have no voice in this process.

I wish some of the people who come to this floor and shed copious tears over community banks and credit unions that are already protected in this law would shed a few tears for the people who run the shops and businesses across America, the restaurants and the hotels. These are the people who are being hit by these debit card fees every single day. Where is the sympathy for small business on this floor? They are all over Illinois, they are all over America.

If we really believe the key to economic recovery is the strength of small business creating and expanding jobs across America, for goodness' sake, let's stand up for them. You can't vote at 2 p.m. for this pending amendment and say you are a friend of small business. No, you can't. Small business is lined up across America saying: For once, give us a break against these credit card companies and the big banks on Wall Street. Give us a break. Are we going to do it? I am afraid not, if we pass this amendment.

I look at this amendment and I think to myself, Why did the banks write it the way they did? They wrote it so they could include more costs into their calculation of the fee they charge on an interchange transaction with debit cards. I will tell you this: Based on the language that was just read to us, they will easily justify the 44 cents they are currently charging and more.

I respect my colleague from Montana when he says on the floor that he

didn't mean to include certain things. I wish he had been specific. I think the language of this amendment is broad enough and wide enough to drive a truck through. The banks are going to come out quite well, thank you, at the end of the day. But don't they always? When it is all said and done, aren't they usually the winners around here?

Today, we have a chance to turn the tables, to really make the winners small businesses and consumers across America. That is why consumer groups support keeping the law as it is. That is why, when the banks wrote this, they said the four agencies that would decide what the fee was going to be would be four bank regulators. I am searching—searching, searching—for any reference to consumers or small businesses. Sorry, the banks couldn't include those people. They couldn't include those people in that calculation.

To say "We are for the little guy, and that is why we need to vote for this amendment" is to ignore the amendment's wording as written. If you are for the small businesspeople across America, there is only one vote, and it is a "no" vote.

Let the Federal Reserve issue this rule. Don't let the banks stop them in their tracks. That is exactly what they want to do. Let them issue this rule. If more needs to be done, I am on board. But the notion that we cannot even trust the Federal Reserve to come up with a rule on this that may protect small businesses and consumers across America is just plain unfair. It is wrong and we ought to know better.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I too echo the thoughts of the good Senator from Illinois. Senator DURBIN and I are friends. We may not sound like it today, but we are. We just happen to disagree on this particular piece of policy.

There is one premise that I think is being taken as a given that is not a given at all. It was in the original Durbin amendment. It said we were going to exempt banks of \$10 billion and less and credit unions of \$10 billion and less—so we are going to do that. A lot of folks voted for this amendment because they knew the small banks couldn't distribute their costs, and it would have undue harmful effects on the small banks, small credit unions, and community banks.

But the facts have borne out something different since the last year. They have not been borne out by stuff that I have made up. It comes from the regulators themselves.

I have said many times on this floor that every regulator I have talked to, State or Federal, has said the exemption for small banks and credit unions will not work. It will not work. We voted on something 1 year ago that we

thought we had and it does not work. Let me read the quotes:

Fed Chairman Ben Bernanke:

We're still not sure whether it will work. There are market forces that would work against the exemption.

He said it May 12 of this year.

Another quote by Chairman Bernanke:

It is going to affect the revenues of small issuers and could result in some of the smaller banks being less profitable or even failing.

Once again, in the banking area, by FDIC Chairwoman Bair:

I do think this is going to reduce the revenues.

Let me say that again:

I do think this is going to reduce the revenues at a number of smaller banks and they will have to pass it on to their customers in terms of higher fees.

What does that mean? Checking, time getting the loan, fees, all that stuff. Money doesn't grow out of air. You have to have it, and if you don't have it and you are doing business, under the cost of doing business you have to make it up somewhere.

Another quote from Ben Bernanke, and it is about the two-tiered system that is unlikely to maintain—to protect smaller institutions. This is a quote:

A number of networks have expressed their interest or willingness to maintain a tiered interchange fee system, but of course it is not required.

Chairwoman Bair again:

If the Federal Reserve's view is there is no legal authority to require that, it does become more problematic.

The fact is, the two-tiered system is not going to work. Every regulator said it is not going to work. Its impacts are going to be on small community banks, not the Wall Street boys. They are fine. We agree on that. But the community banks and credit unions are going to have incredible impacts on our small businesses that we are trying to help get us out of this recession we are in.

This is not a bailout. This will ensure a regulated debit interchange system. By the way, I do not believe in bailouts. I didn't believe in the TARP bailout. I voted against it. I voted against the auto dealers' bailout. Right or wrong or indifferent, I do not believe in bailouts. I would not be supporting this if there were a bailout. I would not be offering it.

Wall Street banks are going to be just fine regardless of what happens, but the fact is, the exemption for banks under \$10 billion will not work. That is why I am here. It is as simple as that.

I wish to close for now with a statement made by the "Frank" in Dodd-Frank, whom this bill is named after, BARNEY FRANK, who worked with Chris Dodd to craft this bill in the House and Senate. Here is what BARNEY FRANK says. Is today the 8th, by the way? He

said it today, the 8th of June, speaking of the Tester-Corker-Hagan-Crapo-Bennet amendment, this amendment:

This is a good, balanced, compromised approach. I support it and I hope it will pass.

The author of this bill from the House thinks this is a good policy change to make Dodd-Frank better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, good to be with you again. I spent most of the morning with you and now part of the afternoon.

This is a difficult issue for a number of us in the Senate because we have friends on both sides of this issue. It is also a difficult issue for a lot of people because we do not want to be unmindful of the concerns raised legitimately by merchants for a number of years about debit charges they have had to pay, and we don't want to be unmindful of the concerns raised by banks, whether they be big or little, or by credit unions.

I was talking to one of my colleagues who said: I don't want to vote on this again. We had to vote on this once. I don't want to vote on this again. As one guy said: I certainly don't want to have to vote on it twice.

Another colleague said to me: I don't like the idea of just kicking the can down the road, having a 24-month pause and then maybe a new Congress and new administration and maybe it will all go away. That is not what I am interested in doing.

Another of my colleagues said to me: Why don't we fix this problem? Rather than kick the can down the road for 24 months, why don't we say: Let's fix this problem. As it turns out, four of our colleagues who voted with the Senator from Illinois, the author of the Durbin amendment, voted with Durbin originally when the amendment was first offered. They actually sat down, two Democrats and two Republicans, they and their staffs, hammered it out, worked with Senator TESTER and they worked with Senator CORKER as well and that is who wrote the bill. Did they get input from the merchants? I am sure they did. Did they get input from the banks? I am sure they did. I would hope so. That is the way this place ought to work, where Democrats and Republicans actually work together on legislation, and we seek input from not just banks, not just credit unions, not just merchants, but consumers as well.

I think back on the life I have been privileged to lead. I spent a lot of years in the Navy and had the privilege to serve my State as Governor and now in the Senate with my colleagues. I know any number of times in my life I have done things I was sure were the right thing to do but had an unintended consequence. I was sure I did the right thing, but as things turned out, there were consequences I didn't anticipate,

and what I had to do was go back and help be part of the solution in addressing those unintended consequences.

Senator DURBIN put his finger on a big problem, and the problem he put his finger on is—actually, more than 1 year ago but a number of years ago—we have a situation with the use of debit cards where merchants are disadvantaged. They don't have a lot of options, and they end up having to pay large fees to banks—sometimes big banks but sometimes small banks—and they don't have that much choice. They don't like that. They would like to see us do something about it. So what Senator DURBIN proposed is a way to deal with that.

He intended in his legislation not only to try to help consumers and merchants, but he also tried to protect small banks, those with under \$10 billion in assets, and to protect credit unions and their members.

I wish to see if we have a quote here. These banks have different regulators, credit unions have different regulators. I don't have quotes from all of them, but here is a quote Senator TESTER shared with us. Ben Bernanke, Chairman of the Federal Reserve, when he was talking about the unintended consequences. Here is what Sheila Bair of the FDIC said. She is talking about institutions, community banks, smaller ones, under \$10 billion of assets.

We are concerned that these institutions may not actually receive the benefit of the interchange fee limit exemption explicitly provided by Congress, resulting in a loss of income for community banks and ultimately higher banking costs for their consumers.

She said that in her testimony before the House.

John Walsh is the Comptroller of the Currency. He said:

We believe the proposal takes an unnecessarily narrow approach to recovery of costs that would be allowable under the law and that are recognized and indisputably part of conducting a debit card business. This has long-term safety and soundness consequences—for banks of all sizes.

That is what they said. They think we have a problem. Their job is not to be the lapdog for financial institutions. Their job is to regulate financial institutions.

I tried to think about some times where we have abuses to clean up and how we go about doing it. This sounds strange for a guy from Delaware to say this. We had big abuses in credit cards. It was pretty much impossible for most people to get a credit card application in their mailbox, look at that application—maybe they got six of them that same week—and decide which of those four, five or six were actually in their best interest to fill out and submit. We had credit card banks taking advantage of people in ways that were untoward, I think unethical. What we did in the Banking Committee, where I served, is we held not just a hearing, we held extensive hearings for

months—for months. We did the same thing in the House, and we asked the Government Accountability Office to help us with an in-depth study of the credit card industry to try to decide what changes were needed. There are watchdog agencies. They came back and said these are our recommendations. Out of all those hearings came a lot of ideas too.

The Senate passed legislation. They passed legislation in the House. The banking industry didn't like it much. They complained about it. We went to conference with the House and the Senate and worked out a compromise. The banking industry didn't like it much. The regulators of the banks were required to help us implement the legislation and they had to write regulations. They had to write regulations that were true and consistent with the underlying law and they did and the banks didn't like it much. They were promulgated, some immediately, some over several months, and eventually they got the job done. I think consumers are better off. Did banks make as much as they did on credit cards? No. We know that personally in our State. But are consumers treated fairly? Yes; they are. Part of what happened was extensive hearings involving GAO, getting input from a lot of folks with different views on this, and then acting in light of the process.

I think what is different in this case, I don't believe the Banking Committee—I can't speak for other committees in the last Congress, but I don't believe the Banking Committee or other committees in the House or Senate actually had the opportunity to hold hearings and bring people in, in the last Congress, and say this is what is good about the amendment proposed by our friend from Illinois and this is what is bad. I don't think we had GAO—GAO did not have the opportunity to come in and say we were never invited to come in. We never invited them to come in on the debit card side and, therefore, their voices were not available to us, and that is unfortunate.

Here is what happened. Legislation was passed. Senator DURBIN offered it with the best of intentions. He said: We have a problem. We should fix it. Here is my suggestion. He essentially said we should regulate the marketplace. We should regulate the marketplace for debit cards. The free marketers said: No; we ought to let market solutions work, harness market forces—something I generally agree with—but in this case they were not working so he came up with an alternative and said let's see if there is another way to do this. Unfortunately, with the best of intentions, we have these unintended consequences. The question is, What do we do about it?

We have a situation where I am not sure consumers are going to be advan-

tagued by the current law as it reads. Big banks, they will be OK. They can take care of themselves. But a lot of smaller banks, the people squawking the loudest, the folks from the community banks, they have been beating on my doors and other doors, and the folks from the credit unions, they are less able, frankly, to look out for themselves, and that is despite the intent, the explicit effort by the author of the amendment, to provide them exemption. The regulators say, frankly: Sorry. It does not work.

That suggests to me that we hit a pause button, we hit a pause button not for 2 years but at least for the next as much as 6 months and say to the regulators: OK. Do now what we should have done a year or two ago. Complete an in-depth study, look at the concerns of the merchants, look at the concerns of the consumers, look at the concerns of big banks, middle-size banks, small banks and credit unions, and come back to us with what you think to be a fair approach. You have 6 months to do it. If you can do it in less time, let's do that.

If they come back to us and say: Look, the legislation as written, current law, is fine for consumers, it is fine for institutions of all sizes and is fair to the merchants—if they come back and say this, basically, the Durbin language in the law prevails. If they say that is it, the regulators have spoken and we are done.

If they come back and say we have a problem here, these outfits, the regulators, have a period—I think it is up to 6 months—to figure out regulations that can then be implemented after the 6 months to fix the problem. Some will say how do we know they will do anything for consumers? They just did it for credit cards 2 years ago, and the bankers did not like it. They still do not like it. We have the pain in my State in the employment numbers to reflect that they didn't like it. We still live with that pain and discomfort, but who is better off? Consumers are better off. They are better off because Congress did its job. We were deliberate about it. We sought input from all sides. The regulators did their job, and it has been implemented in a prompt way.

I wish to close maybe with this thought.

There is an outfit called Michaels. We have a Michaels store not far, actually, from where my family and I live in Wilmington. They sell art supplies. It is a national chain and a pretty successful company. They were in the news big time recently—not because of a good story but because of a data breach story. A lot of folks who had accounts with them, their customer information was disclosed. There was great concern on the part of the consumers, the customers, that there had been this data breach and some of their

sensitive information was going to be at risk. It involved hundreds of thousands, maybe millions of customers.

To whom did they turn to fix this problem? Did they turn to Michaels and say: You fix this problem. No, as it turns out, they didn't. Some probably did, but most probably didn't. Do you know to whom they turned? They turned to their banks. They turned to the issuers of the credit cards and said: You fix this problem. You issue a new credit card for us, and you cover this for us. And the banks did that. They were beholden to do that.

Finally, I am not here to carry the water for the banks. I think we are all here to do what we think is right. To my colleagues who are undecided on how to vote—I know some are. They don't want to choose between their two favorite children, whether it is the merchants on the one hand or the financial institutions, credit unions on the other hand. They don't have to choose between two children. They can ask themselves: What is the right thing to do? Try to understand what is in this amendment, a bipartisan amendment prepared by some of the people I most respect here in this body, and drill down on that. Listen to guys like BARNEY FRANK who don't have a dog in this fight but have a lot of knowledge, and try to make the decision they think is the right decision.

Thank you very much.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. How much time is remaining?

The PRESIDING OFFICER. There is 13 minutes 52 seconds.

Mr. DURBIN. Is there any time remaining on the other side?

The PRESIDING OFFICER. Zero.

Mr. DURBIN. Mr. President, if Senator TESTER returns to the floor and wants to speak before the vote, I will ask unanimous consent to each have 2 minutes for that purpose. Perhaps he is not going to, but I want to make this a matter of record here because I want to give him a chance to close.

Let me try to get down to basics. Have my colleagues ever pulled out one of these cards to pay for something? If you are my age, you don't pull it out as often as younger people. This morning, I was down in the carryout here, and a young woman who is a Capitol police officer bought a pack of chewing gum for \$1.20 and handed over her debit card. The debit card was swiped. She took the chewing gum and walked away. The average amount that is charged by the issuing bank of her debit card is 44 cents for each transaction. How much money do we think the owner of the carryout made on that pack of gum this morning? The answer is nothing. Now repeat that over and over again across America.

What is happening is that the banks issuing these debit cards are imposing

interchange fees, swipe fees, on these transactions, and the merchants and the retailers have no voice in the amount of that fee, no voice whatsoever.

The Federal Reserve did a study and asked: Well, how much does it actually cost them to process that debit transaction? The answer was 12 cents, in the range of 12 cents. The charge is 44 cents; the cost is 12 cents. Is there something wrong with this picture? It means every person buying goods at stores across America pays more to pay for this fee.

We have heard the plaintive cries of those offering this amendment of how we have to have some sympathy for these banks—these poor banks, struggling to survive. If they can't collect the maximum on their debit fee interchange fee, the swipe fee, what is going to happen to them? Well, we have already exempted, incidentally, all banks with values of \$10 billion and less, so we are talking about the big boys, the big banks.

So let's ask a few basic questions.

How does the debit card interchange fee in America compare to other countries? Visa and MasterCard do business all around the world. Banks issue these all around the world. So how do we stack up? Where is the good old U.S. of A? Well, I will tell my colleagues where we stack up. We have the highest interchange fees charged by Visa and MasterCard anywhere in the world—the highest. Thank you. Can America express its gratitude any greater than to say thank you to the banks for charging us the most for using plastic?

So what do they charge in other countries? Debit interchange fees in the European Union are less than one-fifth the charge in the United States. So let's do the math: 9 cents a transaction in Europe, 44 cents here. We want to give a big, sloppy kiss to these big banks at 2 o'clock for the way they are going to treat us. But it gets better. When we go to Canada, the Visa and MasterCard debit interchange fee in Canada is zero. There is no interchange fee. Now we have people on the floor begging us to show some sympathy for these banks and give them an interchange fee, and they charge nothing in Canada—zero. That is the reality.

The biggest banks make the biggest money on this process, far and away—Chase, Bank of America, and Wells Fargo—to the tune of almost \$8 billion a year. How long did they want to study interchange fees? If one is making \$1.3 billion a month, one wants the study to go on for months, if not years. Get back to you later, we say to the banks. Yes, that is exactly what they want. At 2 o'clock, we will decide as a Senate whether we are going to give it to them.

This amendment, drawn up by the banks, compromises between the

banks, gives to the banks exactly what they are looking for—a huge loophole to assess their interchange fees to justify what they are charging today and charge more. There is nothing in here—nothing—to protect consumers and businesses across America.

I got started in politics with a fellow named Paul Douglas. This goes back a few years. I was a college student. Douglas was a Ph.D. in economics—much smarter than I, for sure. He spent his whole life trying to pass something called truth in lending. All he wanted the banks to do was to tell their customers how much they were charging them and what interest rates. He spent 18 years battling that, and he left the Senate without getting it done. He couldn't finish it. Bill Proxmire of Wisconsin took up the battle and passed it. Paul Douglas fought those banks for 18 years.

It is a battle that has been going on a long time around here because, you see, there is a lot of power in this banking community, these financial institutions. When they come to the floor and say they want something, Congress decides, we better start talking. Rarely do they ever lose.

I guess we could say the Wall Street reform bill was a loss for them, but they deserved it. Look at the god-awful mess they put America into with their rotten practices, their stupidity and reckless conduct. We are still paying for that. We still have a lot of people out of work and businesses that failed. Many of the savings accounts of families across America are still suffering because those banks made those mistakes. And in the free market system, did they pay for their mistakes? No. The American taxpayers paid for their mistakes.

Giving credit where it is due to Senator GINGRICH, he voted against the TARP bill. He said it, and I want it to be on the record. I voted for it. I did because I was told by Ben Bernanke of the Federal Reserve and Hank Paulson of the Department of the Treasury: If you don't help these banks and they fail, you will see a worse depression than 1929. I bought it. I voted for it. Almost \$800 billion in bailouts to these banks. I was seething to think we were going to spend taxpayers' money to help these banks be rescued from their own stupidity and their own greed. We did it.

The three biggest banks involved here—some \$95 billion we sent to them. Well, they are back. They are looking for the second installment on their payment, this time not from the taxpayers, this time from consumers and businesses across America. What they are asking us for, the biggest banks, the three biggest ones, is almost \$8 billion a year in these interchange fees.

We have a chance now to try to bring some balance to this conversation. We have a chance to finally stand up for

small businesses and merchants and consumers across America who have been victimized by the credit card companies and the big banks for too long. Can this Senate stand up once a year, once a decade for consumers across America against these financial institutions? That is what is at stake with this amendment. I know it is going to be a heated vote because my poor colleagues have been beaten to a pulp by both sides by those who feel very intensely about this issue.

I wish to credit my colleague from Montana because he told me at the outside—when I said, JON, please don't do this, he said, I believe it. And, JON, I admire you for doing it. I still do. Even though I disagree with you, I admire you for doing it. You are a man of conviction and principle and a great Senator.

But this is a historic moment in the Senate. It is a moment where we will decide whether for once the big banks are going to lose and the consumers are going to win; whether we are going to reduce the cost of these transactions and help consumers across America and small businesses across America make the profit they need.

Some people say: Well, this hasn't been studied enough. For 11 months now, the Federal Reserve has been studying this, the best economists, the best minds there. They have entertained 11,000 comments. They have heard everything under the Sun. They have heard it all. In a matter of days, they are set to issue a rule—a rule which no one has seen, a rule which the banks don't want anyone to see. They don't want this rule to see the light of day, and that is why they are here today—to stop the Federal Reserve from issuing a rule that may cost them in terms of their bottom line.

It is our choice now. It is our choice whether these banks are going to prevail. History will record the strength of consumers and small businesses across America against the Wall Street banks that take away more than half of the interchange fees on debit cards that are collected across America.

I hope my colleagues will stand by the decision we made a year ago. I hope they will give each of us an opportunity to see this rule come into effect and from that build on it a stronger, growing economy, one that is fair—an economy where interchange fees have been dictated by the big banks and credit card companies for too long.

I reserve the remainder of my time. How much time do I have remaining?

The PRESIDING OFFICER (Mr. CARDIN). The remaining time is 3 minutes 55 seconds.

Mr. DURBIN. I mentioned on the floor earlier that I would like to give to my colleague 2 minutes, and then I will take 2 minutes, and that will be it. So I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TESTER. Mr. President, just to clarify, I have 2 minutes, Senator DURBIN has 2 minutes, and then we vote?

The PRESIDING OFFICER. That is correct. That was the order just entered.

Mr. TESTER. God bless the U.S.A.

Mr. President, let me say this, first of all, to the folks in the gallery and the Members who are still in their offices. Look at me. Do I look like a banker? Senator CORKER and I drew up this amendment. The banks did not draw up this amendment. We drew it up with the help of Senators HAGAN, CRAPO, and BENNET.

As is usual, Senator DURBIN and I agree on 90 percent, and there is 10 percent on which we disagree. Do I think swipe fees need to be regulated? Of course. But the problem with his amendment is that the exemption on community banks and credit unions under \$10 billion does not work. It doesn't work. I have read all the quotes from Bernanke and Bair and the head of the OCC and the NCUA and all of them. They have said that they don't know how to make a two-tiered system work because the free market system will overrule it, and that is the way it ought to be in this country.

So the bottom line is, I look at this from a rural perspective and the impact the Federal Government has on rural America, and while we are trying to solve one problem, we are creating two or three others. I could care less about the Wall Street banks. They are going to do fine. But I will tell my colleagues, if we lose the banks in our small towns in Montana or Wyoming or Tennessee, then we can put another nail in the coffin of rural America.

With that, I yield the floor to the good Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I couldn't agree more. It is amazing that we passed this 2,400-page bill a year ago, and on all the tough decisions, we deferred to the regulators. The regulators are now creating all kinds of rules because we knew they had some wisdom we didn't have. Yet, in this case, every single regulator involved is telling us that the way the Durbin amendment was written, we are going to damage the community banks and credit unions and that it won't work.

So it is amazing that in this case where the very people who regulate tell us to please change this, it won't work, we are saying no, we are not going to; this is going to benefit Wall Street. That is not the case. This amendment puts the Durbin amendment in the middle of the road where it needs to be, and I hope everyone will support it.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I understand I have 2 minutes?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. DURBIN. Mr. President, if my colleagues are interested in smalltown America, they should be interested in the businesses that operate in smalltown America, and they are begging us to vote no on the Tester-Corker amendment.

I happen to live in a town of 120,000 people. It is a little bit larger than my colleague's hometown in Montana, but I can tell you what the businesses there are saying. I can tell you what Wendy Chronister is saying, who owns the Qik-n-EZ gas stations. She is saying to me: Give me a break. They are hitting us so hard with these debit interchange fees.

We have letters put in the RECORD from military base exchanges which say this is the fastest growing, uncontrollable cost they are facing. This is a problem which the credit card companies and the banks have wanted to ignore and now this amendment wants to delay for 6 months, a year, or longer.

In terms of trusting the regulators, I am afraid the banking interests that wrote this amendment did not trust them to even issue the rule. You had to call this debate before they issued the rule. You do not know what the number is going to be on the interchange fee, but you had to stop them in their tracks.

If you will go look in the corridors and rooms around Capitol Hill, you will not find a lot of small town bankers. You will find the biggest banks in America waiting in the wings, praying, putting in a billion dollars' worth of prayers that this amendment is going to pass.

I do not question the intentions or motives of Senators TESTER or CORKER. I never will. But I can tell you, the effect of this amendment is going to be giving to those big banks and those credit card companies a windfall of profit they do not deserve.

If the interchange fee is zero in Canada, why is it 44 cents here? Can we stand up, representing the people of this country, and say that is fundamentally unfair; you have to treat our consumers and merchants fairly? If we cannot stand up and do that, why are we here? To do the bidding of the banks and the credit card companies? I hope not. I hope we are here to stand up for economic fairness and for consumers and small businesses across America begging us to defeat this amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I would like to ask unanimous consent to—

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

#### AMENDMENT NO. 390

(Purpose: To reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes)

Mr. McCONNELL. Mr. President, on behalf of Senators SNOWE and COBURN, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment No. 390, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Ms. SNOWE, for herself, Mr. COBURN, Mr. McCONNELL, Mr. BARRASSO, Mr. BROWN of Massachusetts, Mr. MORAN, Mr. THUNE, Mr. ENZI, Ms. AYOTTE, and Mr. ISAKSON, proposes an amendment numbered 390.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of June 7, 2011, under "Text of Amendments.")

#### AMENDMENT NO. 392

Mr. REID. Mr. President, it is my understanding the order before the Senate is that we are going to vote on the Tester amendment; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. TESTER. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

#### AMENDMENT NO. 393 WITHDRAWN

The PRESIDING OFFICER. The Durbin amendment is withdrawn.

#### VOTE ON AMENDMENT NO. 392

The PRESIDING OFFICER. The question is on agreeing to amendment No. 392.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 86 Leg.]

#### YEAS—54

|           |         |         |
|-----------|---------|---------|
| Akaka     | Begich  | Carper  |
| Alexander | Bennet  | Coats   |
| Ayotte    | Blunt   | Coburn  |
| Baucus    | Boozman | Cochran |

|              |              |          |
|--------------|--------------|----------|
| Coons        | Johnson (WI) | Portman  |
| Corker       | Kirk         | Risch    |
| Cornyn       | Kyl          | Roberts  |
| Crapo        | Lee          | Rubio    |
| DeMint       | Manchin      | Schumer  |
| Gillibrand   | McCain       | Sessions |
| Hagan        | McCaskill    | Shelby   |
| Hatch        | McConnell    | Stabenow |
| Heller       | Mikulski     | Tester   |
| Hoever       | Moran        | Thune    |
| Hutchison    | Murkowski    | Toomey   |
| Inhofe       | Nelson (NE)  | Warner   |
| Johanns      | Nelson (FL)  | Webb     |
| Johnson (SD) | Paul         | Wicker   |

## NAYS—45

|            |            |             |
|------------|------------|-------------|
| Barrasso   | Feinstein  | Menendez    |
| Bingaman   | Franken    | Merkley     |
| Blumenthal | Graham     | Murray      |
| Boxer      | Grassley   | Pryor       |
| Brown (MA) | Harkin     | Reed        |
| Brown (OH) | Inouye     | Reid        |
| Burr       | Isakson    | Rockefeller |
| Cantwell   | Kerry      | Sanders     |
| Cardin     | Klobuchar  | Shaheen     |
| Casey      | Kohl       | Snowe       |
| Chambliss  | Landrieu   | Udall (CO)  |
| Collins    | Lautenberg | Udall (NM)  |
| Conrad     | Leahy      | Vitter      |
| Durbin     | Levin      | Whitehouse  |
| Enzi       | Lugar      | Wyden       |

## NOT VOTING—1

Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

• Mr. LIEBERMAN. Mr. President, I regret that for personal reasons I could not be present in the Senate for the vote on the Tester amendment No. 392 to the Economic Development Revitalization Act, S. 782. If I had been present, I would have voted in favor of the Tester amendment. •

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. BOXER. I Object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued calling the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken with the chairman, Senator BOXER, and a number of other Senators, including Senator SNOWE, who has offered her amendment on this bill. She has not determined yet how much time she wants. We will work with her to make sure she has some time to speak on it.

Senator DEMINT has indicated that he has an amendment he wants to offer. Senator PAUL has indicated that he has an amendment he wants to

offer. And Senator BOXER will give a statement for however long she feels is appropriate, as soon as the amendments are offered by Senators DEMINT and PAUL. They will debate those at a later time.

We also have people on our side who want to offer amendments. To keep this fairly orderly, we will have two amendments on our side to be offered, and then we will sit down and talk about it. At that time, there will be five amendments pending. We are trying to move forward with this bill.

Mr. President, I ask unanimous consent that Senator DEMINT be recognized to offer an amendment, and then that Senator PAUL be recognized to offer an amendment, and then Senator BOXER be recognized to speak for whatever time she feels is appropriate, and we will have a couple offered on the Democratic side, and then we will reassess where we are after that.

The only thing is, so that we know where we start on this, we want to make sure the amendments offered by our Republican colleagues and our Democratic colleagues initially be not divisible. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## AMENDMENT NO. 394

Mr. DEMINT. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 394, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 394.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act)

At the end, add the following:

**SEC. 21. REPEAL OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.**

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is repealed, and the provisions of law amended by such Act are revived or restored as if such Act had not been enacted.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

## AMENDMENT NO. 414

Mr. PAUL. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 414.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 414.

Mr. PAUL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To implement the President's request to increase the statutory limit on the public debt)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT.**

(a) FINDING.—The Congress finds that the President's budget proposal, Budget of the United States Government, Fiscal Year 2012, necessitates an increase in the statutory debt limit of \$2,406,000,000,000.

(b) INCREASE.—Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof “\$16,700,000,000,000”.

Mr. PAUL. Mr. President, this amendment will raise the debt ceiling by \$2.4 trillion. This will comply with the President's budget. Many on the other side asked for a clean vote on raising the debt ceiling. Because I really want to get along and go along, I want to make this vote available for those who wish to raise the debt ceiling.

I will vote “no,” but I wanted this to be under consideration.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, let the games begin. That is what is going on here. I have full respect for my colleague, but you can tell from his tone and tenor that Senator PAUL finds it amusing he is offering a clean debt ceiling increase that he is voting against. He is offering an amendment he is voting against, when we know we are in discussions with the President, and with the Vice President, and discussions with the Gang of Six to try to figure out a way that we can come together, not have “gotcha” votes on the Senate floor. It is outrageous.

I will tell you why it is outrageous. We have an underlying bill here that you have been very helpful with, Mr. President—S. 782—the Economic Development Revitalization Act of 2011, which will reauthorize a very important program that has been in place in this great Nation since 1965. It was last passed when George W. Bush was President. It passed this Senate unanimously, without all these amendments that are going nowhere.

There are 27 amendments as of last night—actually, it is probably many more now. We know this game because we played it before, when Senator LANDRIEU stood where I am and tried to get a small business bill through here, which would have created thousands of jobs in this Nation.

Well, here we are. We have a bill that came out of the Environment and Public Works Committee with a strong vote. We had one dissent. Senator INHOFE is my primary cosponsor. For 50 years, this EDA program, the Economic Development Administration, has created jobs and spurred growth in economically hard-hit communities.

We know the struggle we are having in coming out of the greatest recession since the Great Depression. I remind the people within the sound of my voice that when President Obama took over, this country was bleeding almost a million jobs a month. We are getting back on our feet. We got the auto industry back on its feet. We are getting manufacturing back on its feet, but it is too slow. We have to do more. Once in a while, we get an opportunity to work with small businesses, the private sector, local government, and attract funds from nonprofit organizations and bring jobs and important work to our communities. This is one way.

An arm of the Chamber of Commerce wrote me a letter yesterday saying how important this work is. The Business Civic Leadership Center said:

EDA has served as a valuable partner in many communities that we have worked in including San Jose, California; Seattle, Washington; Cedar Rapids, Iowa; Mobile, Alabama; New Orleans, Louisiana; Atlanta, Georgia; Boca Raton, Florida; Minneapolis, Minnesota; Newark, New Jersey, and many others.

It was signed by Stephen Jordan, executive director of the Business Civic Leadership Center of the U.S. Chamber of Commerce.

This is a bill everybody wants, but games are being played in the Senate—I guess just for the fun of it, to stop us from doing our job. What is our No. 1 job? To create jobs. What does the AFL-CIO say? You have business and labor. They say:

EDA has established an admirable track record in assisting economically troubled low-income communities with limited job opportunities by putting their investments to good use in promoting needed job creation and industrial and commercial development.

That is signed by William Samuel, director, Government Affairs Department, AFL-CIO, and that is dated yesterday.

Why is business and labor supporting this bill? Why do they want us to stop the games and pass this bill? Because they want jobs for businesses, and businesses want the work.

Now let's take a look at other people who were supportive in addition to the Chamber of Commerce and AFL-CIO: U.S. Conference of Mayors, American Public Works Association, National Association of Counties—I was a county supervisor and belonged to that organization many years ago. If you want bipartisanship, go to the National Association of Counties. There are Democrats, Republicans, Independents—people of every stripe, liberal, moderate,

conservative. They all come together. Why? Because business and labor are together, and everybody wants jobs.

Why do we have to face an amendment by my friend Senator OLYMPIA SNOWE on deregulation—a bill that hasn't had one hearing in any committee and will, in many ways, eviscerate the important rules and regulations that protect public health and the environment? We should have a hearing on that bill. I am sure we can work together and make it a wonderful bill. Instead, it is offered on this bill.

Mr. PAUL. Will the Senator yield for a question?

Mrs. BOXER. Not at this time, but I will yield when I conclude.

We have a bill that will create tens of thousands of jobs, and we have the first amendment offered by my good friend, which has not had one hearing, and it repeals all kinds of protections for the public health.

I don't get it. There is only one thing that I can get, with all these amendments, we have amendments on the debt ceiling that have nothing to do with this bill. This bill will create income for taxpayers, because when jobs are created and people work, they pay their fair share of taxes. This bill does not deserve to be treated this way when it passed almost unanimously out of the committee and it is totally bipartisan and has been in place for almost 50 years. Yet that is where we are.

Every Senator has the right to do what he or she wants. They can play games. They can have fun. But I care about the people I represent, and they need jobs. I care about them whether they are in Kentucky, California, or Maryland—any State in this Union. We are United States Senators. We should care about the people, not get up here and play games.

EDA uses limited Federal dollars to leverage large amounts of private sector investment. It is the little spark that creates economic activity in areas that are distressed, and it creates these jobs all across the country. Every dollar of EDA investment attracts nearly \$7.

Let me show some other charts. When we vote for this bill—and this is an authorization, by the way, not an appropriation. We have authorized it at \$500 million. Historically, in the last couple of years, it has been funded at about \$300 million, \$250 million. But every dollar attracts \$7 from the private sector, and that is a fact. It was documented in congressional testimony made on March 3, 2011. So that is the history of this EDA.

People say, well, how much, Senator, do these jobs cost—each job? Well, here is what we know. One job is created for every \$2,000 to \$4,000 invested. So it is an average of somewhere around \$3,000 a job. That is a good return on our investment. We know that between 220

and 500 jobs are created for every \$1 million of EDA investment.

Here is what we know. Between 2005 and 2010, 450,000 jobs were created by these investments and 85,000 jobs were saved. Everybody in this Senate, I think—though I could be wrong—if asked what is the most important thing we have to do today, would answer it is to help spur job creation in the private sector. Most of these are in cooperation with the private sector. Sometimes they are sewer projects or water projects that are needed by the private sector.

Let me cite some examples of that. Since we are authorizing this, at this stage, at \$500 million, one might ask, how many jobs would be created each year. It looks as if it would create nearly 200,000 jobs per year and between 430,000 and 1 million jobs over the life of the bill.

But let me use some examples, because this isn't rhetoric. This is a program that has been in place since 1965. The city of Dixon, in my home State, got \$3 million for a water system that will increase the city's water supply and their storage capacity, which will eliminate a major impediment to planned development and expansion of the city's commercial industrial areas. When you don't have enough water, you can't expand. I learned that when I was a county supervisor. You need to make sure there is adequate water, adequate electricity, and adequate sewerage. You have to make sure there are adequate roads. All these things are necessary for development and job creation.

This project is expected to create 1,000 jobs and leverage \$40 million in private investment. So we have a \$3 million investment to improve the water system and it is going to leverage \$40 million. I call that a good deal for our taxpayers and a great deal for the American people to see jobs created. So we have 1,000 jobs—good jobs—created. That means 1,000 dads and moms bringing home paychecks for their families.

But what do we have here? The same thing Senator LANDRIEU had to put up with—amendment after amendment after amendment that has nothing to do with this bill. We even had an amendment from a Republican friend that would do away with this entire agency. Unbelievable.

The city of Shafter in my State, \$2 million for sewer and water improvements to serve the East Shafter Logistical Center, which will allow development of an additional 600 acres to enable continued growth of the center and support a multimodal transportation hub. This project is expected to create 1,400 jobs and leverage \$200 million in private investment. So that is a \$2 million investment that is going to be leveraged, leveraged, leveraged.

We are going through a time when we have to cut spending, and I love when



the Republicans lecture Democrats about that. Wait till you hear what goes on here. Guess which party was the only party that balanced the budget and created a surplus in recent memory. The Democrats, with Bill Clinton. So don't lecture us about how to balance budgets. We know how to do it. And guess what. We know how to do it while creating 23 million jobs. So I don't need to hear the lectures, because they are misplaced. Talk to yourself. You are the ones who didn't say a word when George Bush did a tax cut for billionaires and put it all on the credit card. Now you still want to extend those tax cuts and bleed the revenues.

Mr. PAUL. Mr. President, will the Senator yield for a question?

Mrs. BOXER. I will not yield. I have stated that before, but thank you for asking.

Here is where we are. I have to reiterate so I don't lose my place. Under Bill Clinton, the Democrats balanced the budget, created surpluses and 23 million jobs. George Bush came in and he held a press conference—I saw a rerun of it last night—and said, we don't need surpluses. This money belongs to the American people. Well, he didn't say what he meant. He meant it belongs to rich people—superrich people who earn over a billion and over a million dollars. He gave away the store. Then he went to war—two wars—and put that on the credit card. My friends on the other side never once said, Gee, I can't raise the debt ceiling to pay the debt. They all voted to pay. Almost to a person, they all voted to raise the debt ceiling, and it was doubled from when Bill Clinton was in office. But now, after George Bush left a mess—a god-awful mess in the debt and the deficit, and he handed President Obama a \$1.2 trillion deficit—all of a sudden they blame President Obama for all of this.

The American people get it. They do not buy that. They understand this. They are not happy where we are, and they shouldn't be, but they know where the problem started. You know why. Because you can't rewrite history. You could try, but those deficits and those debts—those numbers—are in the books. Unless you erase them, they will remain in the books. I don't care whether it is talking about Paul Revere's ride or the deficits, that is history.

Let me show the deficits we had when we were in control. We got it down to zero, and we got surpluses and created 23 million jobs. That all was erased when we entered a situation in the last couple of years of the Bush administration, where jobs were bleeding at 800,000 a month, 700,000 a month, credit was frozen, and the automobile industry was in the tank. President Obama took action, but this recovery is tough. It has been the worst recession since the Great Depression.

This is what I know. We can do this if we work together, dare I say it? We can adopt a framework that understands billionaires and millionaires don't need their tax cuts now. We can get some more revenues in here and cut the fat and cut the duplication and go after the people who don't pay the taxes they owe. We can end the war in Afghanistan and save \$1 trillion over 10 years. I can come up with \$4 trillion easily. Allow Medicare to negotiate with the drug companies for lower prices. How is that—\$200 billion?

But, no, instead, there is demagoguery and there are attempts to bring down bills such as this—clean, nice bills that will do everything we know we need to do now—leverage our spare dollars, attract public investment, create jobs and create jobs. But, no, we are facing a host of amendments, and I don't find it funny. I find it sad that we cannot come together.

I have a city in California, a very fast-growing city in the Silicon Valley—San Jose. We got them, through this program, \$3 million for the renovation and expansion of the Center for Employment Training. What do they do there? They teach skills so when there are certain job losses going on, we have people with these new skills. We increased that center's capacity by 860 students. We expanded access to a GED, so people who didn't finish high school could get their diploma. We taught them how to speak better, how to read better, and we taught them small business entrepreneurship. This is what we are expanding to new people.

This project is going to create 4,900 jobs and leverage \$3 million in private investment. This project was one to one. It was \$3 million in public investment, \$3 million in private investment, with 4,900 new jobs predicted.

By the way, these are not earmarks. We have six regional offices and there are applications made for these grants. They are made by the EDA and it is under the Commerce Department.

On the west coast, in 2003—to prove some points here—EDA invested \$1.8 million in the construction of a water and energy technology incubator in the Central Valley of California. For those who don't know the Central Valley, it is where you get a lot of your fruits and vegetables. They are struggling in this downturn. In 2003, according to EDA, the incubator has housed more than 15 entrepreneurs since it opened, and those entrepreneurs have obtained over \$17 million in private capital and created jobs for the Central Valley. So a \$1.8 million investment in the construction of a more than 2,300 square foot incubator for a water and energy technology business, and look what happened. From that small investment, it attracted \$17 million. That is a huge leverage—a huge leverage.

You all know Boeing Company. In order to help mitigate the Boeing Com-

pany's decision to reduce manufacturing jobs in Renton, WA, EDA invested \$2 million in 2006 to help build infrastructure to serve the commercial redevelopment of a 42-acre former aircraft manufacturing site. The redevelopment has created a mixed-use campus used by businesses focusing on commercial services, high-tech and life sciences, and helped create 2,500 jobs.

In the Midwest—I talked about this yesterday—in the city of Duluth, MN, they did something terrific there. They gave a grant of \$3.5 million, matched by a city grant of \$2.3 million, and they set up this aviation business—the Duluth Aviation Business Incubator at the Duluth Airport. This investment helped a company named Cirrus Aircraft grow from a handful of employees to a thousand employees by 2008. This incubator is now leased to Cirrus Design Corporation, which has the largest share of the worldwide general aviation market.

What we are talking about here is planting a seed of economic development, and that seed attracts more seeds from the private sector, from the local people, from the nonprofits. At the end of the day, what have we done by that little seed? It has grown. And this has been happening since 1965 when this program was created.

By the way, you will be shocked to know it was authorized at the same amount of money in 1965—\$500 million. So the fact is this isn't a program that has grown and grown; it has stayed the same. That means, if you put inflation into the equation, it has been dramatically cut to a tiny part of what it once was for the country, but it is a beautiful part of our economic growth.

What do we need today? Jobs. What is the second thing we need? Jobs. And what is the third thing we need? Jobs. I am not amused by 27, 28, 29, 30 amendments, some of which have nothing to do with what we are talking about.

One of my friends on the other side of the aisle has an amendment that is pending to repeal banking reform—everything we did and worked on. I guess he wants to go back to the days when the banks got bigger, bigger, gambled with our money, and we almost lost capitalism in this country. OK, that is his right. Why is he doing it on this bill, without a hearing?

Another colleague has an amendment to end the regulations, I say to my friend, that protect the health and safety of the people. Not one hearing on it.

I think the American people have to wake up, so I am saying: Wake up, America, today. Wake up and pay attention to what is happening.

We have a bill on the Senate floor that is meant to do one thing—create jobs in areas that have been hard hit by this bad economy. Why are the Republicans stalling it, hurting it, putting forward amendments that have

nothing to do with it? We have to ask that question. They voted for it under George Bush unanimously, the same program. They voted for it nearly unanimously out of our committee, I say to my friend who is a senior member and a great chairman of the subcommittee on our committee—they voted for it. Now they are delaying it and offering all these poison pill amendments to it.

This is the second time they have done it. America, you have to wake up. It is the second time they have done it. They did it to the small business bill. They hurt small business. They are doing it to this bill. They are hurting job creation, and they are hurting small business again, and they are hurting big business. I said before, one of the provisions helped Boeing.

Maytag, there is another company you know the name of. In 2007 the Maytag plant, headquartered in Newton, IA, which employed 1,800 factory workers, was closed. By 2008 the city identified two new manufacturing operations that could be located on the old site: TPI Composites, a wind turbine blade manufacturer, and Trinity Structural Towers, a manufacturer of massive steel towers for windmills.

Can I ask my friend if he would like some time on this? I am going to continue telling the Maytag story. When I finish, I am going to turn to a very important member of the committee, Senator CARDIN, for some remarks.

EDA invested \$580,000 in 2008 for grading, site preparation, and surfacing for a wind tower storage facility that was leased to Trinity. That \$580,000 attracted \$21 million in public investment. That same year we saw other investments in Iowa.

I am going to stop and yield the floor so my friend can ask unanimous consent that he be recognized.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. Mr. President, I believe we are on the pending amendment?

Mrs. BOXER. Right now we are on the bill.

The PRESIDING OFFICER. That is correct.

Mr. CARDIN. Let me compliment Senator BOXER for her leadership on this bill. She pointed out this EDA bill brought forward is about jobs. It is about offering jobs in underserved areas. These are areas in which it is difficult to create jobs in good times, but in hard times they get hit even harder. The EDA program leverages a small amount of public support for private sector investment that creates jobs in underserved areas.

In my State of Maryland, EDA projects have been very successful in bringing jobs to the rural parts of Maryland—to western Maryland and to our eastern shore. They have leveraged private sector investment, and we maintained and created jobs.

Yesterday on the Senate floor I gave specific examples of EDA projects in western Maryland and on the eastern shore of Maryland. I talked about an old manufacturing plant that was saved under an EDA grant, leveraged 10 to 1 with private sector investment, saving over 100 jobs and creating another 20. These are jobs that are important for economic growth in our community.

We all understand this recovery has been a very difficult one for us to get moving at the pace of job growth that we know we need for this Nation. We all talk about what we can do for our budget deficit, but I hope we all would agree the most important thing we can do would be to create more jobs.

The majority leader has brought forward three major bills now to create jobs. We would like to have a little cooperation from the other side of the aisle so we can get these bills to the President for signature. The FAA bill, which deals with the modernizing of our air system, which will create jobs and will make air transportation safer, is caught up in conference. Let's get it done and bring it to the President. We had the SBIR bill before us that will help small businesses that are in innovation as far as job growth. We had so many nongermane amendments offered to it we could not get it to the floor of the Senate.

Now we have an EDA bill that came out of the Environment and Public Works Committee by a near unanimous vote, that over the history of the EDA has not been controversial in its reauthorization, and now it looks as if we are going to see numerous nongermane amendments offered in an effort, basically, to just ignore the importance of the underlying bill that can create jobs for our communities.

I urge my colleagues to, yes, come forward with their amendments. Let's debate them. If they are not relevant to creating jobs under the EDA bill, then let's be reasonable. Let's not have a whole series of amendments that are totally beyond the scope of this bill, such as the debt limit issue or repeal of our financial reform of last year. I don't mind debating those issues, but they should not be debated at this particular moment.

I do hope we will be able to get to the reauthorization bill. I pointed out yesterday that one of the highest priorities, from our local people in Maryland, on need was additional help from the Federal Government for planning dollars. Planning dollars allow local communities to develop a strategy that can help them with economic growth in a community.

I can tell you, having recently been out to Cumberland, MD—a great and beautiful part of our State of Maryland—they used to have a lot of manufacturing jobs. Many of those jobs have moved on. They do have a strategy, but

they need the planning help to put that together so they can come forward with a game plan, attracting more private sector interest in order to create more job opportunities for families to stay in the western part of our State. It is that type of assistance that is critically important to America.

I come back to the point Senator BOXER raised. The purpose of this bill is to create jobs—save jobs and create jobs. We need to get on with that business in the Senate. That is why I am proud to have worked on the Environment and Public Works Committee to bring this bill forward. I hope my colleagues will be judicious with their amendments so we can get this bill through the Senate, to the House, so we will have an opportunity to get this to the President in the very near future.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 407

Mr. CARDIN. Madam President, I ask unanimous consent that the pending amendment be set aside so I can offer amendment No. 407.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 407.

Mr. CARDIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the FHA to equitably treat homebuyers who have repaid in full their FHA-insured mortgages)

At the end, add the following:

#### SEC. 22. PROHIBITION ON INTEREST CHARGES FOR ON-TIME PRINCIPAL PAYMENTS.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by adding at the end the following:

“(z) PROHIBITION ON INTEREST CHARGES FOR ON-TIME PRINCIPAL PAYMENTS.—Each mortgagee (or servicer) with respect to a mortgage under this section may not impose, nor may the Secretary require the imposition of, any interest charge on such a mortgage as a result of the loss of any time period provided by the mortgagee (or servicer) within which the mortgagor may fully repay the principal balance amount of the mortgage, with respect to—

“(1) any days in the billing cycle that precedes the most recent billing cycle in which such amounts were repaid; or

“(2) any amounts repaid in the current billing cycle that were repaid within such time period.”.

Mr. CARDIN. Madam President, I will speak at a different point about this amendment, but it is an equitable amendment dealing with the interest charges on government loans that are paid off in the middle of the month to prorate the interest. It is a consumer issue. I think it will help American families. I will explain it in more detail in a later part of the proceedings.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 428

Mr. MERKLEY. Madam President, I ask unanimous consent to set aside the pending amendment so I may call up amendment No. 428, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself and Ms. SNOWE, proposes an amendment numbered 428.

Mr. MERKLEY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish clear regulatory standards for mortgage servicers, and for other purposes)

At the end, add the following:

#### **TITLE \_\_\_\_—REGULATION OF MORTGAGE SERVICING**

##### **SEC. \_\_\_\_ 1. SHORT TITLE.**

This title may be cited as the “Regulation of Mortgage Servicing Act of 2011”.

##### **SEC. \_\_\_\_ 2. DEFINITIONS.**

In this title, the following definitions shall apply:

(1) **ALTERNATIVE TO FORECLOSURE.**—The term “alternative to foreclosure”—

(A) means a course of action with respect to a mortgage offered by a servicer to a borrower as an alternative to a covered foreclosure action; and

(B) includes a short sale and a deed in lieu of foreclosure.

(2) **BORROWER.**—The term “borrower” means a mortgagor under a mortgage who is in default or at risk of imminent default, as determined by the Director, by rule.

(3) **COVERED FORECLOSURE ACTION.**—The term “covered foreclosure action” means a judicial or nonjudicial foreclosure.

(4) **DIRECTOR.**—The term “Director” means the Director of the Bureau of Consumer Financial Protection.

(5) **INDEPENDENT REVIEWER.**—The term “independent reviewer”—

(A) means an entity that has the expertise and capacity to determine whether a borrower is eligible to participate in a loan modification program; and

(B) includes—

(i) an entity that is not a servicer; and

(ii) a division within a servicer that is independent of, and not under the same immediate supervision as, any division that makes determinations with respect to applications for loan modifications or alternatives to foreclosure.

(6) **LOAN MODIFICATION PROGRAM.**—The term “loan modification program”—

(A) means a program or procedure designed to change the terms of a mortgage in the case of the default, delinquency, or imminent default or delinquency of a mortgagor; and

(B) includes—

(i) a loan modification program established by the Federal Government, including the Home Affordable Modification Program of the Department of the Treasury; and

(ii) a loan modification program established by a servicer.

(7) **MORTGAGE.**—The term “mortgage” means a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), that is secured by a first or subordinate lien on residential real property.

(8) **SERVICER.**—The term “servicer”—

(A) has the same meaning as in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)); and

(B) includes a person responsible for servicing a pool of mortgages.

#### **SEC. \_\_\_\_ 3. SINGLE POINT OF CONTACT.**

(a) **CASE MANAGER REQUIRED.**—A servicer shall assign 1 case manager to each borrower that seeks a loan modification or an alternative to foreclosure.

(b) **DUTIES OF CASE MANAGER.**—The case manager assigned under subsection (a) shall be an individual who—

(1) manages the communications between the servicer and the borrower;

(2) has the authority to make decisions about the eligibility of the borrower for a loan modification or an alternative to foreclosure;

(3) is available to communicate with the borrower by telephone and email during business hours; and

(4) remains assigned to the borrower until the earliest of—

(A) the date on which the borrower accepts a loan modification or an alternative to foreclosure;

(B) the date on which the servicer forecloses on the mortgage of the borrower; and

(C) the date on which a release of the mortgage of the borrower is recorded in the appropriate land records office, as determined by the Director, by rule.

(c) **ASSISTANCE FOR CASE MANAGERS.**—A servicer may assign an employee to assist a case manager assigned under subsection (a), if the case manager remains available to communicate with the borrower by telephone and email.

#### **SEC. \_\_\_\_ 4. DETERMINATION OF ELIGIBILITY FOR LOAN MODIFICATION PROGRAM OR ALTERNATIVE TO FORECLOSURE REQUIRED BEFORE FORECLOSURE.**

(a) **INITIATION OF COVERED FORECLOSURE ACTIONS.**—A servicer may not initiate a covered foreclosure action against a borrower unless the servicer has—

(1) completed a full review of the file of the borrower to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure;

(2) made a reasonable effort to obtain the information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, as described in subsection (c); and

(3) offered the borrower a loan modification or an alternative to foreclosure, if the borrower is eligible for the loan modification or alternative to foreclosure.

(b) **SUSPENSION OF COVERED FORECLOSURE ACTIONS.**—

(1) **IN GENERAL.**—A servicer shall suspend a covered foreclosure action that was initiated before the date of enactment of this title until the servicer—

(A) completes a full review of the file of the borrower to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure;

(B) notifies the borrower of the determination under subparagraph (A); and

(C) offers the borrower a loan modification or an alternative to foreclosure, if the borrower is eligible for a loan modification or an alternative to foreclosure.

(2) **SUSPENSION.**—During the period of the suspension under paragraph (1), a servicer may not—

(A) send a notice of foreclosure to a borrower;

(B) conduct or schedule a sale of the real property securing the mortgage of the borrower; or

(C) cause final judgment to be entered against the borrower.

(3) **REASONABLE EFFORTS.**—A servicer is not required to suspend a covered foreclosure action under paragraph (1) if the servicer—

(A) makes a reasonable effort to obtain information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, as described in subsection (c); and

(B) has not received information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure before the end of the applicable period under subsection (c).

(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to require a servicer to delay a foreclosure that results from—

(A) a borrower abandoning the residential real property securing a mortgage; or

(B) the failure of the borrower to qualify for or meet the requirements of a loan modification program.

(c) **REASONABLE EFFORT TO OBTAIN NECESSARY INFORMATION.**—A servicer shall be deemed to have made a reasonable effort to obtain information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure if—

(1) during the 30-day period beginning on the date of delinquency of the borrower, the servicer attempts to establish contact with the borrower by—

(A) making not fewer than 4 telephone calls to the telephone number on record for the borrower, at different times of the day; and

(B) sending not fewer than 2 written notices to the borrower at the address on record for the borrower, at least 1 of which shall be delivered by certified mail, requesting that the borrower contact the servicer;

(2) in the case that the borrower responds in writing or by telephone to an attempt to establish contact under paragraph (1), the servicer—

(A) notifies the borrower, in writing, that the servicer lacks information necessary to determine whether the borrower is eligible

for a loan modification or an alternative to foreclosure; and

(B) sends the borrower a written request that the borrower transmit to the servicer all information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, not later than 30 days after the date on which the servicer sends the request;

(3) in the case that the servicer receives from the borrower some, but not all, of the information requested under paragraph (2)(B) on or before the date that is 30 days after the date on which the servicer sends the notice under paragraph (2), the servicer sends the borrower a written request that the borrower transmit to the servicer all information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, not later than 15 days after the date on which the servicer sends the request; and

(4) in the case that the servicer does not receive from the borrower all information requested under paragraph (3) on or before the date that is 15 days after the date on which the servicer sends the request under paragraph (3), the servicer notifies the borrower that the servicer intends to initiate or continue a covered foreclosure action.

#### SEC. 5. THIRD PARTY REVIEW.

Before a servicer notifies a borrower that the borrower is not eligible for a loan modification or an alternative to foreclosure, the servicer shall obtain the services of an independent reviewer to—

- (1) review the file of the borrower; and
- (2) determine whether the borrower is eligible for a loan modification or an alternative to foreclosure.

#### SEC. 6. BAR TO FORECLOSURE ACTIONS.

(a) IN GENERAL.—Subject to subsection (b), a violation of this title shall be a bar to a covered foreclosure action.

(b) EFFECT OF SUBSEQUENT COMPLIANCE.—If a servicer is in compliance with this title, the servicer may bring or proceed with a covered foreclosure action, without regard to a prior violation of this title by the servicer.

#### SEC. 7. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Director, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, shall issue regulations to carry out this title.

#### SEC. 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report that contains—

- (1) an evaluation of the effect of this title on—
  - (A) State law; and
  - (B) communication between servicers and borrowers; and
- (2) a description of any problems concerning the implementation of this title.

Mr. MERKLEY. Madam President, I wish to speak to the bill before us on the Economic Development Administration.

I rise specifically to talk about the issue that is on the minds of all Americans; that is, the topic of jobs. Unemployment is far too high. My home State unemployment is very high, and that is before we count all the folks who are underemployed—those who have found some type of part-time work, but it is not enough to support their families.

We all know how worried Americans are about this. It goes to the heart of their financial foundations, the success of their families, and it should be our top focus.

The good news is that the bill before us creates jobs and stimulates the economy in our towns and regions that need help the most. Economic Development Administration assistance is targeted to both rural and urban areas experiencing high unemployment, low income, a natural disaster or other severe economic distress. It does this at a low cost and gets the most bang for our buck.

The bill encourages private sector investment. Indeed, for every \$1 the government spends on these projects, we leverage \$7 in private investment. That is terrific leverage for our national investment.

With national unemployment still above 9 percent and with extreme storms causing destruction around the Nation, our support in these regions matters now more than ever. Whether a town is recovering from a plant closure or a flood, it is critical that the community invest in planning for their new economic future. The kind of assistance provided by the Economic Development Administration is critical to promoting economic growth and job creation, particularly in small communities.

I wish to share an example from my home State in the town of Vernonia, OR. It is a small community in the northern part of our State that was devastated by heavy flooding in 2007. Similar to many of the rural communities that are helped by these grants, Vernonia is too small to have dedicated staff to help them rebuild the local economy, and that is where the EDA has a great role to play. Through two EDA programs, the Federal Government was able to step in and help by partnering with local governments and private business, and today Vernonia is doing much better. As the executive director of that area's economic development district said: "We would be lost without the EDA."

Take another example regarding the timber industry in Oregon, hit hard by declining demand because the housing market is in the ditch. The timber companies and their workers are struggling, but they have two things on their side: great workers and great natural resources. With the help of grants from the EDA, one of those lumber mills on the Klamath Reservation has been turned into a new biomass plant, producing green energy for the region, bringing new economic activity to the Klamath Reservation and creating and saving jobs for Oregonians.

Furthermore, the EDA can continue to help our timber companies and other similar businesses plan for the future and play a key role in helping communities by coordinating between private

companies and the Forest Service. The EDA can help these companies project what timber contracts are likely to come down the road and how they can tailor their business model to grow accordingly.

EDA investments are a proven path to retaining or creating new private sector job opportunities and helping small businesses diversify or expand. In fact, from 2005 to 2010, EDA projects led directly to the creation of more than 300,000 jobs—and this doesn't even count the many thousands more jobs that were created by those seven private dollars for every public dollar.

Without question, the EDA represents an efficient and cost-effective way to help distressed regions overcome the challenges they are facing and build a new foundation for job growth in our communities.

I urge my colleagues to pass this bill and to put our country back on the path to creating jobs.

Mr. CARDIN. Madam President, earlier today, I voted against the interchange fee amendment, Senate amendment No. 392 offered by the junior Senator from Montana and I would like to explain why. Before I do that, I would like to acknowledge two important points about Senator TESTER. First, I appreciate the fact that he made significant changes to his amendment in an attempt to reach a middle ground on this issue. And the concern he has for small community banks and credit unions is beyond question. Having said that, I did not reach the same conclusion he reached that we should delay the regulatory process with regard to interchange fees.

Most of the concern raised has been expressed against the Federal Reserve's December 2010 draft interchange fee rulemaking. It was a draft proposal. Let me repeat that: it was a draft proposal. The Federal Reserve received 11,000 comments on the draft rulemaking. The final rulemaking, due any day and scheduled to take effect in July, will reflect those comments and suggestions. We need to let the regulatory process work. If the final rule doesn't work as Congress intended, we have a number of options to fix it, up to and including a congressional resolution of disapproval. If the Senate had approved the Tester amendment, it may have been "fixing" a problem that doesn't exist.

The Federal Reserve's rulemaking was required by a provision contained in the Wall Street reform bill Congress passed last year. The senior Senator from Illinois was the author of that provision. He modified it to exempt smaller banks and credit unions with assets under \$10 billion. Now we are being told the exemption is unworkable. Again, we haven't seen the final rule yet but I don't agree with the premise.

Andrew Kahr is a leading financial services expert. He was the founder and

chief executive officer of First Deposit Corp, which later became Provident. He recently laid out the following arguments, which I find cogent, on the American Banker Web site:

One argument is that the clearing networks, of which there are only four that matter, will not support the "two-tier" interchange system . . . Ridiculous. Visa is the largest of the networks. It's already announced that it will implement Durbin. (Maybe this is an object lesson as to why Visa remains No. 1.)

For the small banks, MasterCard is the only other significant player. If MasterCard finds it politic not to add one more wrinkle to a skein of interchange levels that is already of Byzantine complexity, then let the small banks gravitate to Visa in order to benefit from Durbin.

A second argument of the big-bank lobbyists is that merchants will reject the debit cards of small banks if these carry a 1 percent interchange cost, versus 0.3 percent for the large banks. Really? Then why don't these merchants reject all credit cards, with interchange of 2 percent or more, if the customer could instead use a debit card? When is the last time a merchant politely asked you whether you could pay with a debit card instead of a credit card?

Mr. Kahr concludes that if interchange fee revenue for the big banks drops but stays the same for the small banks and credit unions, the small banks will reap a competitive advantage. They will be able to impose lower fees, pay more interest, and give greater rewards to depositors. As he put it, "anything that reduces revenue for big banks but not for small ones should help the latter compete more effectively against the former."

Here is why I supported Senator DURBIN's amendment to the Wall Street reform bill to regulate these fees in the first place. Banks do not compete with each other on the fees that merchants pay them for debit card use. Instead, Visa and MasterCard fix fee rates on behalf of all banks. There is no naturally occurring market force that keeps interchange fees at reasonable levels. The Visa and MasterCard duopoly is so dominant that merchants cannot refuse to accept their cards. Consequently, Visa and MasterCard don't lower interchange fees—they raise them, to entice banks to issue more of their cards. Retail merchants have no leverage to stop this escalation. As a result, the U.S. has the highest debit interchange fees in the world, averaging 1.14 percent of each transaction and amounting to over \$16 billion per year. These fees affect merchants, universities, charities, government agencies, and everyone else who accepts debit cards as payment. The fees end up getting passed on to consumers in the form of higher retail prices for everything from groceries to gas to textbooks.

The Durbin provision stipulated that fees set by Visa and MasterCard on behalf of big issuing banks must be reasonable and proportional to costs incurred by the issuer that are "specific

to a particular electronic debit transaction." Some argue this is too narrow. The problem with the Tester amendment, well-intentioned as it may have been, is that it was too broad. It directed the Federal Reserve to let Visa and MasterCard set fee rates to "all fixed and incremental costs associated with debit card transactions and program operations." The term "program operations" wasn't further defined and could have created a potentially enormous loophole. Rates could actually go higher under this standard.

I appreciate the hard work the junior senator from Montana put into his amendment. If the Federal Reserve's final rule truly presents problems for community banks and credit unions, I will join him in the effort to fix it. For the time being, I think we should let the regulatory process proceed and that's why I opposed the amendment. We helped out the banks; now it is time to help out consumers and America's small businesses.

Thank you, Madam President, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB and Mr. CORKER pertaining to the introduction of S.J. Res. 18 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORKER. Mr. President, noticing that there is nothing happening on the floor, I want to come down and talk a little bit about the vote that just occurred on the Tester-Corker amendment.

Obviously, I was on the losing side of this debate, but as we went back to our office, I did want to say that one of the folks I have worked with a long time noted that this may be the first time in a long time in the Senate where we had a real bipartisan debate, where we had people on both sides of the aisle, on both sides of the issue in large numbers. While we came up short from my

standpoint on the vote—the other side obviously did not come up short—I want to say that I see a glimmer of hope in that regardless of how the outcome may have been on this particular vote—and again, I worked hard to try to pass an amendment that I thought was good policy—the fact is, if you really look at the vote count, I cannot remember in a long time a vote on a contentious piece of legislation such as this where there were so many people in the majority and minority, on both sides of the issue, just evaluating the policy on the grounds on which it was coming forward. So for what is it worth, I thought that was an interesting observation.

I want to say to those people who supported the Tester-Corker amendment that I thank them very much for listening and working with us to try to pass the legislation. And for those people who voted against it, I thank them for the way in which this debate was conducted. Again, it has been a long time since I remember something like this on the floor where you had such a split vote on both sides of the aisle. I think that is progress. I just wanted to note that.

Certainly to all of those who were actively engaged in this debate on both sides of it, I think that in itself, while we did not prevail in the legislation itself, from the standpoint of the Senate, not myself, I think that is an accomplishment worth noting.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

#### BALANCED BUDGET AMENDMENT

Mr. HATCH. Madam President, our economic situation grows more dire by the day. Our unemployment rate has gone back up to 9.1 percent. Last month, only 54,000 jobs were created. You have to create over 125,000 to stay even. Housing prices remain in free fall. Since 2007, home values declined by more than they did during the Great Depression. In large part due to QE2, Americans are facing higher gas prices and higher food prices that are cutting into their family budgets. Now there is increasing pressure for a QE3, which would only accelerate commodity inflation.

Looming over all of this is our national debt. We have a national debt of nearly \$14.5 trillion. That actually understates things. This is how USA Today calculated it earlier this week. This chart says it all. Let me read that: "U.S. owes \$62 trillion."

Let me read that again so it sinks in: "U.S. owes \$62 trillion."

Numbers such as this are frightening to the American people. They are numbers fit for a banana republic, not the great United States of America, and they are numbers that demand a balanced budget amendment to the U.S. Constitution.

I do not say this lightly. Our Constitution has served us well, working over more than two centuries to guarantee and extend liberty and equal rights of American citizens. But from time to time it has become apparent that the Constitution needs to be amended. The Founders themselves contemplated this eventuality, giving to the people's representatives in Congress and the people in the various States the opportunity to amend the Constitution. It has become so clear that our spending situation is so grim, and the President and some members of his party are so unwilling to rectify it, that a constitutional amendment is in order.

The bottom line is that Federal spending has become a threat to liberty. The inability to rein in Federal spending is effectively undermining the promises of the Declaration of Independence and the Constitution's preamble. Federal spending is a threat to this Nation's free men and women, slowly turning our fellow citizens into servants and stewards.

To restore the promise of the Constitution and the classical liberty the Founders sought to secure, we must amend the Constitution and we must do it now. We must amend the Constitution by voting on S. J. Res. 10, passing it and sending it to the people of the States for ratification. The people I serve in Utah are demanding this action and I know the citizens across this country are demanding it as well. They see the problems looming before them.

One of the first things I did at the beginning of this Congress was introduce S. J. Res. 3, a balanced budget amendment to the Constitution. It received the support of 32 Members of the Senate at that time. We didn't have time to get to the rest of them. But what is remarkable is what happened a few weeks later. All 47 members of the Republican caucus unified behind a single balanced budget amendment, S. J. Res. 10. I was proud to work with my colleagues of varied political beliefs from across the country to draft this amendment that announced loudly and clearly where the Senate Republican caucus stands on this issue.

When I introduced this amendment at the end of March, I was honored to stand beside MITCH MCCONNELL and my colleague from Utah, MIKE LEE, as well as my colleagues Senators CORNYN, TOOMEY, DEMINT, RUBIO, and many others who took a stand for putting Federal restraints on Federal spending and restoring the Constitution's original checks and balances.

I was honored by the support this amendment received from groups committed to taxpayers and limited government. Here is a list of some of the groups supporting S. J. Res. 10: 60 Plus, Americans for Tax Reform, Americans for Prosperity, Club for Growth, FreedomWorks, Americans for Limited Government, the National Taxpayers Union, the Council for Citizens Against Government Waste, the Pass the BBA Coalition, the National Taxpayer Limitation Committee, the American Council for Health Reform, Grassroot Voices, and Ending Spending. But most of all I was honored to be serving my constituents in Utah who told me this was a fight worth having.

I am under no illusions that this is going to be an easy fight. The bottom line is that some Members of Congress and certainly President Obama cannot be trusted to control Federal spending in the long term. Consider the issue of entitlement spending. Medicare and Social Security are bankrupt. The failure to put forward a plan that would address their permanent spending shortfalls is quite simply a plan for the destruction of Medicare and Social Security. The Democrats' commitment to the entitlement status quo is the commitment to national bankruptcy.

Don't take my word for it. Listen to what the Social Security and Medicare trustees had to say about those programs. In 2010, Social Security ran a \$49 billion cash deficit. It is now permanently in the red, with the Federal Government forced to use general revenues to make up for these shortfalls. The trust fund will be completely exhausted in 2036, and we all know there is no real trust fund, just IOUs issued by the government. But even that will be exhausted in 2036.

What about Medicare? Not to be outdone, Medicare's trust fund is now permanently in the red as well, and will be completely depleted in 2024, if not before; that date keeps moving up because of the profligacy of people here in the Congress and the lack of leadership in the White House. These numbers are jarring. They demand a serious and an adult response.

But what is the reaction of our colleagues on the other side to these numbers, at least some of them? For too many, the strategy is one of deny and smear—deny there is a problem and smear those who attempt to fix this spending crisis.

The President's budget was a joke. His do-over budget was nothing more than a speech with some vague details. Before Memorial Day the Senate's Democratic leadership busied itself attacking Chairman PAUL RYAN's budget rather than offering up one of their own. Just before Memorial Day, that is what they did. At a time when leadership is called for, President Obama is missing in action and complicit in the demagoguery of his surrogates at the Democratic National Committee.

There is a reason the Democrats are reluctant to offer any way forward out of this mess. It is quite simple—they refuse to cut spending and reform entitlements. But they also refuse to tell the truth about the tax increases that would be necessary to balance the budget their way. The entitlements, of course, are Social Security, Medicaid, and Medicare, to mention a few.

The Democrats are content to be the tax collectors for the welfare state but they will not acknowledge what this entails—massive tax increases on America's families and on America's small businesses.

In his original budget, President Obama proposed \$1.6 trillion in tax increases on all segments of our economy. In spite of these tax increases, his budget got nowhere close to balance. Before Memorial Day, Democrats attacked Chairman RYAN's budget and offered up as an alternative roughly \$21 billion in tax increases on oil companies. To borrow from John McEnroe: They cannot be serious; \$21 billion in tax increases when we have \$62 billion in unfunded obligations. The United States owes \$62 trillion. What a joke.

The experience of the last few decades and last few weeks demonstrates the need for a balanced budget amendment to the Constitution. Our spending is simply out of control, and President Obama and many of his allies refuse to address this spending in a meaningful way. All they have in their bag of tricks are tax increases, but the tax increases that would be necessary to fill this deficit hole would crush the liberty and the livelihoods of the American people.

Rather than doing serious work and making the tough decisions necessary to right our fiscal ship—rather than engaging in true leadership—the President seems content to focus on the next election and leave the hard decisions for a later day. That is the best-case scenario. The worst-case scenario is that certain liberals are content to force a full-blown fiscal crisis—one that would make the economic collapse of 2008 and 2009 look like the minor leagues—and then hope all the pressure will be to institute a value-added tax that will be a permanently open spigot, filling the coffers of the bloated Federal Government. Neither of these scenarios is unacceptable.

The fact is, we are running out of time. The country needs to act now. Fortunately, in the absence of Presidential leadership, the constitution provides an opportunity for Congress, along with the people of the States, to amend the Constitution and solve our country's systemic fiscal imbalance, even when the President refuses to do so.

Getting a balanced budget amendment passed is going to be an uphill climb. We all know that. I know all too



well the Democrats' calculated resistance to serious efforts to reduce Federal spending. In 1997, a balanced budget amendment I introduced and fought for fell short by just one vote in the Senate. We had 66 votes. We actually had 67 that morning, but one of our Senators was threatened by the unions and flipped and we lost by 1 vote. Fourteen years later, our national debt stands at \$14 trillion, threatening our economic future, reducing our global competitiveness, and jeopardizing our national security. Can we imagine where we would be had we been successful in passing that amendment and had one more vote to do it back in 1997? We wouldn't be in the colossal mess we are in today. Yet the resistance to a balanced budget amendment is probably even stronger among Democrats now than it was in 1997.

Nonetheless, I am hopeful that if the citizens and taxpayers of Utah are in any way representative of the people in the rest of the country—and I think they are—it is clear they have had enough. The people of this country are not going to stand by any longer and wait for Congress to fix this situation. They understand the Constitution must be amended in order to revive the Founders' original limits on the size of the Federal Government. Passing a balanced budget amendment is not just a constitutional imperative, it is essential to the long-term fiscal health of this country.

In the coming weeks, the fight over the debt limit is going to come to a head. It is going to be a long, hot summer. But I, as will a lot of others who care for this country, will be itching for a fight, and I will go to bat for this balanced budget amendment. In this country, the people are sovereign, and it is well past the time we give them a balanced budget amendment to ratify.

I urge my colleagues who have not done so already to support S.J. Res. 10. I look forward to debating and voting on this resolution—and passing it—later this summer.

I believe the leadership on the other side should bring up the balanced budget amendment and have a full-scale debate before we lift the debt ceiling—if the debt ceiling is to be lifted—and I am not so sure it should be lifted without a balanced budget amendment. On the other hand, the very least that has to happen is to bring up this balanced budget amendment before we actually get into the fight over the debt ceiling. It would be very good for this whole body to have to defend itself and to have to make arguments, pro and con, with regard to a balanced budget constitutional amendment.

I believe when the American people see what terrible shape we are in—caused by terrible profligacy, caused by terrible spending by the Congress of the United States—when people start to understand this, they are going to

get tremendously angry, and I think in every respect they are going to start saying we have had enough. We have had enough. It is time for you folks in the Congress to stand and pass a balanced budget amendment that we will have to live with in order to save this country and save it from the free fall we are in. I hope we can get our colleagues on both sides—we do have all 47 Republicans—I hope we can get our colleagues on the other side to think and look clearly toward a balanced budget constitutional amendment, S.J. Res. 10. I look forward to debating and voting on this amendment and passing it later this summer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EDUCATION

Mr. HARKIN. Madam President, I wish to take a few moments to talk about the Republican budget, the so-called Ryan budget in the House. This has been widely condemned, of course, for its plan to end Medicare and for its radical cuts to Medicaid. But I have come to the floor to highlight yet another extreme element of that Republican budget—its unprecedented assault on education funding and the grave threat this poses to school reform efforts across the United States.

This Republican budget would slash funding for education by 15 percent next year—2012. Even more drastic cuts to education funding would come in each of the years to follow.

These Draconian cuts to education could not come at a worse time for America's public schools. The final budget agreement for the current fiscal year reduced education funding by \$1.3 billion. It zeroed out, for example, the successful Striving Readers Initiative, the only comprehensive Federal program to help struggling adolescent readers. I might just add, that budget ended all literacy programs for kids in America funded by the Federal Government. The Federal Government now does not fund one literacy program in America. That is how bad it has gotten. Meanwhile, cash-strapped State and local governments are slashing school budgets and firing tens of thousands of teachers. In Texas, Gov. Rick Perry has called for a \$10 billion cut in education funding. In New York City, the mayor, Mike Bloomberg, has proposed laying off 6,000 teachers.

I have an unusual perspective, as both the chair of the appropriations subcommittee that funds our Federal education programs as well as the chair of the authorizing committee, the Health, Education, Labor, and Pen-

sions Committee, which authorizes education programs.

There is no question in my mind that combined Federal, State, and local budget cuts pose a grave threat to education reform efforts across the country, just as these efforts are reaching a critical mass. Here is why. Forty-eight States and the District of Columbia have collaborated to create high-quality common education standards for the first time. The Obama administration's Race to the Top Initiative has jump-started ambitious State-level reforms ranging from expanded charter schools to stricter teacher and prep school accountability. In the HELP Committee, Senator ENZI and I together are working on a bipartisan effort to reauthorize the Elementary and Secondary Education Act.

However, it is wishful thinking to expect improvements in school quality at a time when we are laying off teachers, increasing class sizes, and reducing instructional time. I am struck by the fact that the Republican budget's assault on education comes at a time when America's competitors are surging forward. For example, China has tripled its investment in education and is building hundreds of new universities. Even in times of austerity and shrinking budgets, smart countries don't just turn a chainsaw on themselves, they continue to invest in the future and, above all, they continue to boost investments in education.

So as we go forward with education reform in the United States, we are building on strength. Most kids in affluent communities already attend high-quality public schools and go on to higher education. Our challenge is to ensure that all American students have this opportunity, including the nearly 20 percent of children who live in poverty.

Again, certainly money is not the only factor in creating high-performing schools, but it does take money to modernize school facilities, to hire highly qualified teachers, to create effective assessment systems, and to provide appropriate instructions for students with special needs. To demand reform without resources is to set up students and teachers to fail. Let me repeat that. To demand reform without resources is to set up the students and the teachers to fail.

In the months ahead, Congress will be focused on reducing the deficit and trying to prevent a default on America's debt obligations. Of course, this is appropriate. But it must not preclude sustained, strong investments in education for our young people. We need to invest more, not less, in helping States and districts to close the gap between world-class schools that are in the affluent suburbs and the struggling schools in poor, urban, and rural communities. We need to provide resources to ensure that the goal of graduating



students who are college and career ready applies equally to all students, including kids with disabilities, including English language learners. In the face of steadily rising college tuition, we must maintain the maximum Pell grant so kids from low-income families can achieve the American dream and get a college education.

Pundits have attributed the GOP loss in the special election in New York's 26th congressional district to voter anxiety because of the plan the Republicans have to end Medicare. So a lot of the pundits have said: Well, this recent election in New York's 26th congressional district is the result of that. But public dissatisfaction with the Republican budget goes way beyond Medicare. Americans see this budget as unbalanced and unfair, especially when it comes to education.

The American people are asking: Why do the Republicans insist that trillions of dollars are available for new tax cuts, mainly for big businesses and the wealthy, but supposedly we cannot afford to sustain funding for public education? This is a classic case of eating your seed corn. It is an approach that does not remotely reflect the priorities and values of the American people.

The Republican budget, as I have said before, is premised on the idea that America is poor and broke, that our best days are behind us, and that we have no choice but to slash investment required in order to keep our middle class strong. I totally disagree. Many Americans are hurting because of the struggling economy, but the United States overall remains a tremendously wealthy and resourceful nation. Quite frankly, we are the richest Nation on the face of the Earth. Even further, we are the richest Nation in human history. We have the highest per capita income in America of any major nation. So one has to ask the question, if we are so rich, why are we so poor? The question is not the lack of money. It is not the lack of wealth. It is because the system is broken. We have a system malfunction in this country, and we have to right that system. Because we are an optimistic, forward-looking people, we can do it. We can work together, and we can meet any challenge.

But we expect the government to be on our side—not holding us back, not dragging us down, not shorting our futures, not telling people who are low income or recent immigrants to this country or kids who do not have a good start in life that, sorry, we cannot give you a world-class quality education, we cannot afford to have the best teachers, we cannot afford to have good schools for you.

If you happen to be wealthy and live in a wealthy area that has high property taxes and you have a good school and you have good teachers, good for you. But if by happenstance of birth

you are born to a family who does not have any money and maybe your parents never went to college—maybe, as I said, they are new immigrants to this country; maybe they do not speak English that well—if you are in a poor urban area or a poor rural area and you have low-quality schools, low-quality teachers, chances are you never had any early learning available to you. So when you started kindergarten, you were already way behind those kids in that affluent school in high-income areas.

Is that what we are about? Is that what we are trying to say, that we are going to have this kind of almost class warfare, that if you are born wealthy and stuff, you have it made but if you are born poor, forget about it when it comes to education? That is what the Republican budget says. We are not going to have quality public education for our kids.

As I said, this does not reflect the values of the American people. We want to make sure our public education system is good for all children, that they all have the best qualified teachers, that they have good schools, good facilities, the latest technology, that they are challenged to do their best, and that they know if they do their best and if they study hard and they get good grades, they will be able to go to college and not have a mountain of debt hanging over their heads when they graduate.

We have done great things as a society, things we have had to do together, which we could not do as individuals, such as building an interstate highway system, a rail system, mapping the human genome, and, again, creating world-class universities. We have done this. We have done this working together, as something we can do together as government that we cannot do as individuals.

Through our government, we come together to provide a ladder of opportunity to give every citizen a shot at the American dream—a ladder of opportunity that includes Pell grants, the GI bill, job training, early learning, and, yes, world-class schools.

I am convinced the great majority of Americans share this positive vision. Again, we are determined to bring deficits under control. But we cannot eat our seed corn. We have to make smart investments in education, and we refuse to be dragged backward into a winner-take-all society, where the privileged and the powerful seize an even greater share of the wealth, even as our schools are crumbling and our middle class is struggling and declining.

For nearly half a century, robust Federal investments in quality public schools and access to higher education have been a critical pillar undergirding the American middle class. The Republican budget will take a jack hammer

to that pillar. This, I believe, is a grave mistake. The middle class is the backbone of our Nation. It is time our leaders show the backbone to defend it.

AMENDMENT NO. 390

Madam President, I would like to take this opportunity also to strongly oppose the amendment offered by the Senator from Maine. If passed, the amendment would impose severe and unnecessary burdens on agencies charged with protecting the American people and would severely weaken our vital health and safety protections.

My Republican colleagues have tried hard to make the word "regulation" into a bad word. They have created an absurd caricature: the nameless bureaucrat arbitrarily imposing random rules and regulations on businesses, and their sole purpose is making sure the business fails. That is ridiculous.

Most Americans understand this is grossly distorted. The truth is, the amendment offered by the Senator from Maine, Ms. SNOWE, is not about the government working more efficiently—a goal we all share—it is about using the sort of feel-good slogan of "regulatory reform" as cover for an effort to paralyze the ability of the government to enforce vital health and safety protections.

In effect, the Snowe amendment ought to be called the "buyer beware" amendment. Go back to the days when the snake oil salesman could sell you anything and you took it at your own risk, where we did not have safe drug laws and food safety laws and things such as that to protect people. It was just a buyer beware society. Do we want to go back to that?

I believe the American people want clean air and clean water and to know they are not adulterated. The Snowe amendment would weaken environmental protection.

I believe the American people want to make sure their children's toys are safe, that they are not loaded with mercury and other elements that will destroy their health. The Snowe amendment would mean weaker protection of toys and other consumer products.

I believe the American people want workers to come home safely at the end of the day. The Snowe amendment would mean more injuries and deaths in mines and other hazardous workplaces.

I believe the American people want the food they eat to be safe and untainted. The Snowe amendment could mean we cannot enact implementing regulations for our recent bipartisan food safety bill, which we just passed last year—bipartisan. But when you pass a bill, obviously, the Food and Drug Administration is going to have to issue regulations. Well, the Snowe amendment would severely restrict that. Again, you would be playing Russian roulette with the food you eat.

Maybe it is safe; maybe it is not—buyer beware.

I believe, in the wake of the financial meltdown of 2008, which almost caused another Great Depression, the American people want oversight and regulation of banks and other financial institutions. The Snowe amendment, again, could mean banks would remain free to do the same reckless, predatory practices that nearly wrecked our economy.

There are already important checks on regulatory authority. The law already requires agencies to perform comprehensive assessments of the impact of regulations on businesses and local government. There is an extensive notice and comment period under the Administrative Procedures Act, where those impacted by potential rules—including small businesses—are given an important say in regulation. Agencies already engage in regulatory flexibility analysis to ensure that their oversight does not needlessly overburden small businesses.

In contrast, the aim of the Snowe amendment is to impose additional hurdles to dramatically slow down the issuance of critically needed rules and, in many cases, stop the rulemaking process altogether. For example, the Snowe amendment would require an analysis of “indirect” impact on small businesses—“indirect” impact, whatever that means. Well, let me cite perhaps an example.

Instead of the Mine Safety Health Administration spending its resources protecting our miners, the amendment could require the agency to determine whether a new mine safety standard indirectly harms, say, a small paper company that supplies paper to the mine’s corporate offices. This is a ridiculous waste of resources and time. So we do not even know what the “indirect” impact means. That could mean almost anything.

Likewise, the amendment would permit businesses to sue to block a rule even before it is finalized. In other words, businesses could seek to litigate a proposed rule. I often hear my Republican colleagues speak against activist judges. I can think of few things more activist than for unelected judges to review a rule even prior to the agency performing the lengthy notice and comment process to finalize a rule. It already takes years for agencies to promulgate health and safety rules. This amendment would exacerbate the problem and further clog up the court system. Think about all the court cases that would be filed just on a proposed rule, before it even goes to the comment period, before it is even finalized.

Moreover, the bill requires an agency to review the impact of all—all—its current rules on small businesses to determine if a rule must be modified, rescinded or continued unchanged. In other words, rather than addressing

new problems and implementing new acts of Congress, an agency would need to spend all its time reviewing past, settled regulations, some of which may have been in effect for the last 50 years.

To its credit, the Obama administration already is conducting a comprehensive, rigorous review of all rules in order to see which ones should be repealed, modified or kept in place. We should let this careful review take place before implementing severe constraints on agency rulemaking.

So the Snowe amendment would make government less responsive. It seeks to cripple the government’s ability to make sensible lifesaving regulations.

Again, it ought to be titled the “buyer beware” amendment. If you like living in that kind of a society, I suggest you go to some Third World country, where you do not know what you eat or what you drink or whether the air you breathe and the water you consume is safe and healthy. If that is the kind of America you want, you should support the Snowe amendment. But if you want an America where our kids are safe from dangerous toys, where you know the food you eat is going to be safe and the water you drink and the air you breathe, where you know there are safety rules in place so you are not going to get unduly injured or harmed at the workplace, if you believe this is the kind of America that operates better and is more functionally productive than a buyer beware kind of society, then I suggest you should oppose the Snowe amendment.

Again, I urge my colleagues to oppose the Snowe amendment as ill-advised. Again, it is a part of a bill that has never gone through the committee hearing process. If nothing else, it ought to go through committee, have hearings, and let’s see if it has any support at all out there before we bring it to the floor of the Senate. I urge my colleagues to defeat the Snowe amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, with all due respect, I plan to support the amendment that has been addressed by my good friend from Iowa. Having come from the small business world, I am fully aware of the cost of these things, and tomorrow I will be introducing an amendment that is going to address something different, but really something with higher figures on it; that is, the cost of the EPA regulations.

This is something that is a little bit different than what my friend from Iowa has been talking about. When we stop and think about the regulatory things that are going on right now with the Clean Water Act and the Solid

Waste Disposal Act—we are talking about greenhouse gas regulations, things that should be addressed by legislation but are not, so they are trying to do it through regulation: boiler MACT, that is the maximum-achievable technology; utility MACT; ozone, actually the changing of the ozone standards when they are not using—as the law requires—the newer, updated information; and particulate matter and coal ash and some of the rest.

But I am saving that for tomorrow. I am only saying that now because there is a cost to overregulation. That is what I know my friend, Senator SNOWE, is trying to get at. It is my understanding—correct me if I am wrong—that we are not trying to get recognized and move current amendments aside. Is that correct now? I will not try to do that.

However, I do want to mention that probably the most significant single amendment we are going to have on the EDA reauthorization bill would be the one to take down the maximum amount from \$500 million to \$300 million. It is kind of interesting because this program in my State of Oklahoma has been very successful. Believe it, time and time again, we have been able to do things, attract businesses and industry.

Down in a little town called Elgin, OK, adjacent to the Ft. Sill live range, we have been able to put together something that is going to attract about a 150,000-square-foot building, all of that with a very small initial grant. So it has worked well.

I understand some of the critics of this program. In some areas maybe it has not worked that well, if it has. However, I have noticed this, and since some of this jurisdiction is in the committee of which I am the ranking member, the Environment and Public Works Committee, it is important to look at these things.

In these difficult times, I think it is important not to authorize more than we could anticipate would be very prudently appropriated. Since we have been authorizing \$400 million in the past, and the total amount is something less than \$300 million, I am going to have an amendment that would take down the existing limit on this, which is \$500 million, down to \$300 million. That will be amendment No. 430. It is already submitted.

Interestingly enough, while I do not agree with President Obama on many things, he seems to agree on this, and I am going to read a statement he made: “The Administration supports the passage of S. 782.” But down here it says:

However, the bill would authorize spending levels higher than those requested by the President’s budget, and the administration believes that the need for smart investment to help Americans win the future must be balanced with the need to control spending and to reduce the deficit. The administration

looks forward to working with Congress in reducing the limits of this bill.

So I am going to make it easy for the administration and introduce this amendment No. 430. It is submitted right now. We are hoping to be able, at some point, to start setting aside and getting up these amendments for votes. That is one of the major reasons, as one of the sponsors of this bill, we have a lot of things we need to be talking about on the Senate floor.

We have done nothing around here. We have not done appropriations. We have not done anything except a handful of noncontroversial judges—and some controversial, I might add. But, nonetheless, we should be talking about these things. There are a lot of things we want to get done, and certainly this is one of them.

The other amendment, though, that is a little less understandable because it involves something that I throw in the category of being just not believable. We have a critter in Oklahoma and it is also around other parts of the country. It is called a Lesser Prairie Chicken. Going all of the way back to my days in the State legislature—I am talking about a long time ago, before a lot of you guys were born—people were concerned about the Lesser Prairie Chicken and were always trying to protect it. Yet our farmers and ranchers had a problem with that because they burrow down and make holes and our cows and our horses will break legs and all of that kind of thing.

That has nothing to do with what is happening today except they are talking about having that—right now it is actually a candidate for an endangered species, and the reason is because they are claiming that, of course, the population is dwindling. Well, it is not. The problem is, we have too many of them. This is kind of interesting. The State—for those of you whose geography is not too good—immediately north of my State of Oklahoma is Kansas. In Kansas they have a hunting season for the Lesser Prairie Chicken, but you can go a mile south across the Oklahoma border and it would be protected. It is ludicrous that they would do that.

Here is another reason—a problem. First of all, federally mandated uses of alternative energy such as wind and all of that I think is inappropriate. We have all the resources we need in fossil fuels to run this country. We have the resources, in terms of oil, gas, and coal. We have enough to run this country for 100 years without being dependent on the Middle East.

These are things we should be doing. Well, when you have these mandated percentages, that means you have to go into other forms of energy where the technology is not quite there. Now, wind technology is there, although a lot has to happen before it is going to be in a competitive match and not have to be subsidized. Nonetheless, Okla-

homa happens to be in the wind belt. You go through Oklahoma, you can see in northern Texas all the way through Oklahoma and southern Kansas, we are in the wind belt. The problem we have—I have airplanes. I have many vices; flying airplanes is one of them. So I am over the western part of Oklahoma almost every weekend.

When I take people who have not been there, they are amazed at the numbers of windmills. At any one place out there you can see 200 or 300. So it represents a huge investment. A lot of stakeholders are involved in it and they have said that certain things are going to happen. But wait a minute. If they end up listing the Lesser Prairie Chicken, that is going to all of a sudden put Fish and Wildlife in a position where they can stop this wind energy that is taking place right now. The reason they can, and it will not be their fault—they will say, well, it is a habitat. It is threatened because there are towers, and predators are on these towers and looking down. Then they would have to stop that from taking place.

They could conceivably have to take down millions of dollars' worth of investments that are there right now. So I have an amendment to this bill that is going to preclude them from being able to list it.

By the way, I have had a visit with the candidate who has been nominated to be Director of Fish and Wildlife, Dan Ashe. I had him, along with Secretary Ken Salazar, Secretary of the Interior, in my office. We talked at some length about some of these things, and he has made a commitment to come out to Oklahoma and to see what a hardship this would be.

So I think it would be an excellent idea to find some vehicle—and this vehicle seems to be the one that is being used right now to put such legislation on—that would preclude them from listing the Lesser Prairie Chicken.

The private investment in Oklahoma wind power is, of course—we are one of the top States—we are at No. 13 of all 50 States in terms of wind. It could be significantly curtailed. State Senator Bryce Marlatt in Oklahoma noted that it was already a \$300 million investment just in the last 3 years. So we want to protect this investment.

We have OG&E, Oklahoma Gas and Electric, recently announcing the construction of a high-power line from Oklahoma City to Woodward. Woodward is kind of the mouth of the Panhandle. Then, eventually going into Guymon, all the way through what used to be called no man's land in the Panhandle of Oklahoma. These would be multimillion-dollar investments that could be severely challenged by the listing of the Lesser Prairie Chicken.

So I will be offering that amendment. I already submitted the amendment and would look forward to explaining that further as the time comes.

In the meanwhile, tomorrow I do want to get into the cost of the regulation. If we are really sincere in this country right now about doing something to promote business and industry, the first thing we need to do is get the bureaucrats off the backs of the businesses out there that are planning to expand and those that are in existence today. So we will be addressing that tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

TRIBUTE TO FRANKIE FREEMAN

Mrs. MCCASKILL. Mr. President, Missouri is full of amazing Americans. At the very top of this list is my friend, Frankie Muse Freeman. She has been selected to receive the extraordinary honor called the Spingarn Medal, the NAACP's highest national honor.

Each year, the NAACP selects only one person in this country to receive the prestigious Spingarn Medal in recognition of particularly outstanding achievement.

We in Missouri are so proud of Ms. Freeman for her many accomplishments, including receiving this most distinguished award. While I am honored to come to the floor and congratulate Frankie Freeman, I regret that I will not be able to be in St. Louis, at the St. Louis City and County Freedom Fund Dinner to deliver these remarks and celebrate this great woman and her many admirers and supporters in the St. Louis area.

Frankie Freeman is an amazing story. She is 94 years old and still has the passion to serve her community. At age 16, Ms. Freeman enrolled in her mother's alma mater, Hampton Institute. In 1947, before the Presiding Officer or I were ever born, she earned a law degree from Howard University Law School. During that time period, as one might imagine, there really were not law firms that hired either women or African Americans, much less an African-American woman.

So what did Frankie Freeman do? She decided to open her own law firm. She began her practice with divorce and criminal cases and with a huge dose of pro bono cases. After 2 years she became legal counsel to the NAACP legal team that filed suit against the St. Louis Board of Education in 1949. In 1954, Freeman was the lead attorney for the landmark case, *Davis v. St. Louis Housing Authority*, which ended legal racial discrimination in public housing in St. Louis.

In the almost 60 years since that decision, Ms. Freeman has tirelessly fought for civil rights at home in St. Louis and across the Nation. She has endured abuse and discrimination, but through it all she worked with intellect and dignity while employing one of her very best weapons, a warm and friendly personality and a very quick smile.

In 1964 President Lyndon Johnson appointed her to serve as the first woman on the U.S. Commission on Civil Rights. She continued to serve on the Commission under Presidents Nixon, Ford, and Carter.

Recognizing that there was still much work to do to end discrimination, Ms. Freeman joined with others to help form the bipartisan Citizens Commission on Civil Rights. Frankie Freeman's work has earned her many awards. She holds honorary degrees from multiple universities, including Hampton University, the University of Missouri, St. Louis University, Washington University, and Howard University. Now she has been inducted into the National Bar Association's Hall of Fame.

Despite this long history of accomplishments, Frankie Freeman still knows what is important—serving the community she loves.

At age 94, she remains active in her local community by volunteering at her church. Throughout her career, she has served on several local boards, including the National Urban League of Metropolitan St. Louis and the United Way of Greater St. Louis. Along the way, she also found time to write a book about her life, which I highly recommend to anyone for an inspiring story, a uniquely American story of a woman who had a vision at a time when women who looked like her weren't supposed to have a vision.

Ms. Freeman will become the 96th recipient of the Spingarn Medal this July when she is honored during the NAACP national convention in Los Angeles. Past Spingarn medalists include Maya Angelou, W.E.B. Du Bois, and Dr. Martin Luther King, Jr. This impressive list of exceptional Americans whose company Attorney Freeman will now join gives you a sense of the caliber of person Attorney Freeman is.

There is no doubt that attorney Frankie Freeman is deserving of this distinction. I am so proud of her for being honored with this recognition of her lifelong dedication to justice and civil rights. She is such an inspiration to me, and she has been an inspiration to thousands of young people during her life, an inspiration to so many Americans, regardless of race, an inspiration for what she stands for and what she has accomplished in her lifetime. I am so grateful to call her my friend, and I thank her for all she has done for the people of St. Louis, the people of Missouri, and the people of this great Nation. Congratulations and thank you, Frankie Freeman.

Mr. President, I will spend a few moments talking about the Economic Development Administration. There are lots of times we debate legislation on the floor, and we do it in almost an academic way. We think of the proposals in the abstract. Unfortunately, there are many times we don't think

about the real consequences of legislation. This year, at this time, this legislation feels very consequential to me. It feels very consequential because of what my State has gone through.

The Economic Development Administration plays a substantial role in making Federal resources available to assist communities that are affected by disasters to rebuild and recover.

As my colleagues in this Chamber are well aware, the first half of this year has been devastating to my State. Since the start of the year, 28 States have suffered at least one federally declared major disaster.

Missouri has been particularly hard hit, starting with the severe storms on New Year's Eve. We also had severe flooding along the Mississippi River, multiple tornadoes, including one that struck and caused severe damage to St. Louis and, obviously, the historic tornado that has, in fact, done such damage to the community of Joplin. We are also expecting additional extensive flooding along the Missouri River in northwest Missouri. Many families there are steeling for the worst as we wait for the waters to arrive.

When disaster strikes, the Federal Government steps in, as it should, to support the efforts of State and local government, nonprofit groups, and the faith community to help communities recover and rebuild.

In Missouri, EDA works with all 19 regional planning commissions in a collaborative role to help carry out projects deemed important by local elected officials and community leaders, particularly in the event of a natural disaster.

The Economic Development Administration's explicit mission includes the assistance of regions "experiencing sudden and severe economic dislocations, such as those resulting from natural disasters."

I just visited with people from a radio station in Joplin. The man I visited there was on the air for 23 straight hours. This radio station turned out to be one of the few methods of communication that everybody could rely on in the immediate hours after the tragedy struck. Eight of the twenty-eight employees who work at that radio station lost their homes, including the man who was on the air for 23 straight hours. There has been severe dislocation that has occurred in Joplin, MO. Two thousand homes were wiped away, clean gone. Another 6,000 structures, including homes and businesses, were severely damaged and are uninhabitable. There are thousands and thousands and thousands of people in Joplin, MO, who woke up that Monday morning—in fact, hadn't been to sleep the night before because they were busy huddling in rubble or were camped out at a relative's home because they had no place to go.

In the past few years alone, EDA has provided similar assistance in Kansas,

Oklahoma, Arkansas, Nebraska, and North Dakota after disasters hit communities in those States. EDA has already stepped up in Joplin and established a \$3 million revolving fund to assist small businesses in the area, so that people have a place they can go back to, in terms of their work, after this kind of disaster.

We have a long history in this country of rolling up our sleeves and working together in difficult times. The Federal Government has always been a partner in those efforts, providing financial and technical support. The Economic Development Administration has been part of this support. It is my hope the EDA will continue to provide this invaluable service.

That is why this legislation is more important than words on a page. It could make the difference between someone being able to stay in the community, being able to go back to work, being able to put the pieces back together after a tragic loss. I hope my colleagues take this seriously and move quickly and promptly to support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, I am here to talk about the legislation that is before us—that has been before the Senate today and likely to be before the Senate tomorrow—on economic development but specifically to talk about the interest of promoting economic development and job creation.

A couple of amendments I plan to offer will help give American employers some relief from regulatory mandates that are stifling economic growth and job creation.

I hear all the time in Ohio—I am sure my colleagues hear it in their States—employers saying: We would like to expand and begin hiring again, but one of the concerns is that there is regulation that affects us. Almost every business I meet in Ohio—and I was in Ohio last week meeting with businesses in the area of energy, both companies that produce energy and companies that use a lot of energy, including chemical companies and steel companies in Ohio—have stories about some of the regulatory burdens that are making it more difficult to get jobs back and to get our economy back on track. By all accounts, the regulatory burden on employers is growing. A recent study commissioned by the Small Business Administration estimates that the annual toll, now, of Federal regulations on the American economy has reached

\$1.75 trillion. By the way, \$1.75 trillion is more than the IRS collects in Federal income taxes.

With the unemployment rate now at 9.1 percent and the unfortunate news we heard about last month's job numbers, it should be a wake-up call to us to focus on economic development—specifically, how do we get businesses to do more in terms of hiring, spend less on redtape, less on bureaucracy, and reduce the regulatory burden in smart ways?

The current administration has said some of the right things but actually moved in the wrong direction. We have seen a sharp increase in the last couple of years in what are deemed to be major economically significant rules. That is defined as regulations that impose a cost on the economy of \$100 million or more.

According to the administration's Office of Management and Budget, the current administration has been regulating at a pace of 84 major rules per year. By way of comparison, that is about a 50-percent increase over the regulatory output during the Clinton administration, which had about 56 rules per year, and an increase from the Bush administration as well. So we have seen more regulations and more significant regulations.

I was encouraged to hear President Obama's words when he talked about the Executive order in January, which is entitled "Improving Regulation and Regulatory Review." But now we need to see action. We need to see it from the administration, from individual agencies to provide real regulatory relief for job creators to be able to reduce this drag on the economy.

One commonsense step we can take is to strengthen what is called the Unfunded Mandates Relief Act. It was passed in 1995. It was bipartisan. I was a cosponsor in the House of Representatives. It is an effort to require Federal regulators to evaluate the cost of rules, to look at the benefits and the costs, and to look at less costly alternatives on rules.

The two amendments I would like to offer over the next few days as we consider the legislation before us would improve this Unfunded Mandates Reform Act, and it would reform it in ways that are entirely consistent with the principle President Obama has laid out and committed to in his Executive order on regulatory review.

The first amendment would require agencies specifically to assess potential effects of new regulations on job creation—so focusing in on jobs—and to consider market-based and non-governmental alternatives to regulation. This would broaden the scope of the Unfunded Mandates Relief Act to require cost-benefit analysis of rules that impose direct or indirect costs of \$100 million a year or more. So, again, this is for major rules of \$100 million or

more. It would also require agencies to adopt the least costly or least burdensome option that achieves whatever policy goals have been set out by Congress. It seems to me it is a commonsense amendment. I hope we will get bipartisan support for it.

The second amendment would extend the Unfunded Mandates Relief Act to so-called independent agencies which today are actually exempt from the cost-benefit rules that govern all other agencies. In 1995, we had this debate and determined at that time we would not extend the legislation to independent agencies. In the interim, independent agencies have been providing more and more rules, have put out more and more regulations, and are having a bigger and bigger impact. An example of an independent agency would be the SEC, the Securities and Exchange Commission, or the CFTC, which is the Commodity Futures Trading Commission. These are agencies that, although independent in the executive branch, are very much involved in putting out major rules and regulations. It is sometimes called the "headless fourth branch" of government because their rules are not reviewed for cost-benefit analysis, even by the OMB, the Office of Management and Budget, in its Office of Information and Regulatory Affairs, so-called OIRA.

We have looked at some GAO data and put together various studies, and it appears to us that there are about 200 regulations that were issued between 1996 until today that would be deemed to have an impact of \$100 million or more on the economy but were automatically excluded from the Unfunded Mandates Relief Act because they were deemed to be from independent agencies.

So it is basically closing a loophole and closing this independent agency loophole, which I believe is a sensible reform. It has been endorsed by many people, including, interestingly, the current OIRA Administrator and the President's regulatory czar, Cass Sunstein, who, in a 2002 Law Review article, talked about the fact that this is an area where UMRA ought to be extended because, again, there were so many independent agencies that were putting out regulations impacting job creation in this country.

No regulation, whatever its source, should be imposed on American employers or on State and local governments without serious consideration of the costs, the benefits, and the availability of a least-burdensome alternative. Both these amendments would move us further toward that sensible goal, and I hope the leadership will allow these amendments to be offered. I think they fit well with the underlying legislation. If they are offered, I certainly urge my colleagues on both sides of the aisle to support them.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that Senators be allowed to speak as in morning business for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO LOUIS E. GIVAN

Mr. MCCONNELL. Mr. President, I rise today to recognize a distinguished Kentuckian who has worked tirelessly on behalf of our Nation's soldiers, sailors and marines for more than 40 years. Louis E. Givan, a lifelong resident of my hometown of Louisville, has played a vital role in protecting the men and women of our Armed Forces and our country's defense.

Formerly a sailor himself in the U.S. Navy, he has served for the last 11 years as the general manager of Raytheon Missile Systems operations in Louisville. I was saddened to hear of his retirement from that position this coming July 5. He will certainly be missed.

Mr. Givan—or, to those who know him, Ed—was a 1966 graduate of St. Xavier High School in Louisville and in 1970 earned his bachelor of science degree in mechanical engineering from the J.B. Speed School of Engineering at the University of Louisville. In 1968, he began working at the Naval Ordnance Station in Louisville, and he stayed at that post until 1996, in various engineering and supervisory positions.

In 1996 the Naval Ordnance Station transitioned to private ownership, and Ed's leadership was crucial in making that transition a successful one. The facility eventually became part of Raytheon Missile Systems, and Ed was appointed general manager in 2000. As general manager, Ed has led Raytheon Missile Systems in Louisville to great success, success for both the company and for the local community. They design, develop, and produce vital weapons systems for our armed forces, enabling America to have the most formidable military force in the world. Weapons produced at the Louisville facility are used by our forces in all parts of the globe, including in Iraq.

Kentucky is lucky to have benefitted from Ed's dedication, commitment to excellence, and leadership for so many years. I am sure his wife Velma; his sons Eddie, Tony, and Chris; and his grandchildren Benjamin, Nathan,

Isaac, Macy and Natalie are all very proud of what Ed has accomplished. I wish him the very best in retirement, and I am sure my colleagues join me in saying that this U.S. Senate thanks Mr. Louis E. "Ed" Givan for his faithful service.

#### CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
Washington, DC, June 6, 2011.

Hon. ERIC H. HOLDER, Jr.,  
Attorney General, U.S. Department of Justice,  
Washington, DC.

DEAR ATTORNEY GENERAL HOLDER: I am writing about the Justice Department's implementation of the Crime Victims' Rights Act—an act that I co-sponsored in 2004. These questions relate to an Office of Legal Counsel ("OLC") Opinion made public on May 20, 2011 and more broadly to concerns I have heard from crime victims' advocates that the Department has been thwarting effective implementation of the Act by failing to extend the Act to the investigative phases of criminal cases and by preventing effective appellate enforcement of victims' rights. I am writing to ask you to answer these questions and explain the Department's actions in these areas.

#### GOVERNMENT PROTECTION OF VICTIMS' RIGHTS DURING INVESTIGATION OF A CRIME

When Congress enacted the CVRA, it intended to protect crime victims throughout the criminal justice process—from the investigative phases to the final conclusion of a case. Congress could not have been clearer in its direction that using "best efforts" to enforce the CVRA was an obligation of "[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime . . ." 18 U.S.C. § 3771(c)(1) (emphasis added). Congress also permitted crime victims to assert their rights either in the court in which formal charges had already been filed "or, if no prosecution is underway, in the district court in the district in which the crime occurred." 18 U.S.C. § 3771(d)(3) (emphasis added).

Despite Congress' clear intention to extend rights to crime victims throughout the process, the Justice Department is reading the CVRA much more narrowly. In the recent OLC opinion, for example, the Department takes the position that "the CVRA is best read as providing that the rights identified in section 3771(a) are guaranteed from the time that criminal proceedings are initiated (by complaint, information, or indictment) and cease to be available if all charges are dismissed either voluntarily or on the merits (or if the Government declines to bring formal charges after the filing of a complaint)." The Availability of Crime Victims' Rights Under the Crime Victims' Rights Act of 2004, Memorandum from John E. Bies (Dec. 17, 2010, publicly released May 20, 2011) (hereinafter "OLC Opinion"). Indeed, in that same opinion, I am surprised to see the Department citing a snippet from my floor remarks during the passage of the CVRA for the proposition that crime victims can confer with

prosecutors only after the formal filing of charges. See id. at 9 (citing 150 Cong. Rec. S4260, S4268 (Apr. 22, 2004) (statement of Sen. Kyl)).

I did want to express my surprise that your prosecutors are so clearly quoting my remarks out of context. Here is the full passage of my remarks, which were part of a colloquy with my co-sponsor on the CVRA, Senator Feinstein:

Senator Feinstein: Section . . . (a)(5) provides a right to confer with the attorney for the Government in the case. *This right is intended to be expansive.* For example, the victim has the right to confer with the Government concerning any critical stage or disposition of the case. *The right, however, is not limited to these examples.* I ask the Senator if he concurs in this intent.

Senator Kyl: Yes. The intent of this section is just as the Senator says. This right to confer does not give the crime victim any right to direct the prosecution. Prosecutors should consider it part of their profession to be available to consult with crime victims about concerns the victims may have which are pertinent to the case, case proceedings or dispositions. Under this provision, *victims are able to confer with the Government's attorney about proceedings after charging.*

150 Cong. Rec. S4260, S4268 (Apr. 22, 2004) (statements of Sens. Feinstein & Kyl) (emphases added). Read in context, it is obvious that the main point of my remarks was that a victim's right to confer was "intended to be expansive." Senator Feinstein and I then gave various examples of situations in which victims could confer with prosecutors, with the note that the right to confer was "not limited to these examples." It is therefore troubling to me that in this opinion the Justice Department is quoting only a limited portion of my remarks and wrenching them out of context to suggest that I think that crime victims do not have any right to confer (or to be treated with fairness) until after charging.

In giving an example that the victims would have such rights after charging, I was not suggesting that they had no such right earlier in the process. Elsewhere in my remarks I made clear that crime victims had rights under the CVRA even before an indictment is filed. For example, in the passage quoted above, I made clear that crime victims had a right to consult about both "the case" and "case proceedings"—i.e., both about how the case was being handled before being filed in court and then later how the case was being handled in court "proceedings." As another example, Senator Feinstein and I explained that we had drafted the CVRA to extend a right to victims to attend only "public" proceedings, because otherwise the rights would extend to grand jury proceedings. See, e.g., 150 Cong. Rec. S4260, S4268 (Apr. 22, 2004) (statements of Sens. Feinstein & Kyl). Of course, no such limitation would have been necessary under the CVRA if CVRA rights attach (as the Department seems to think) only after the filing of a grand jury indictment.

Courts have already rejected the Justice Department's position that the CVRA applies only after an indictment is filed. For example, in *In re Dean*, 527 F.3d 391 (5th Cir. 2008), the Department took the position that crime victims had no right to confer with prosecutors until after the Department had reached and signed a plea agreement with a corporation (BP Products North America) whose illegal actions had resulted in the deaths of fifteen workers in an oil refinery explosion. Of course, this position meant

that the victims could have no role in shaping any plea deal that the Department reached. In rejecting the Department's position, the Fifth Circuit held that "the government should have fashioned a reasonable way to inform the victims of the likelihood of criminal charges and to ascertain the victims' views on the possible details of a plea bargain." Id. at 394.

In spite of this binding decision from the Fifth Circuit, crime victims' advocates have reported to me that the Justice Department is still proceeding in the Fifth Circuit and elsewhere on the assumption that it has no obligations to treat victims fairly or to confer with them until after charges are formally filed. Given the Fifth Circuit's *Dean* decision, this position appears to place the Department in violation of a binding court ruling that extends rights to thousands of crime victims in Louisiana, Mississippi, and Texas. And more generally, the Department's position simply has no grounding in the clear language of the CVRA.

My first question: What is the Justice Department doing to extend to victims their right to fair treatment and their right to confer with prosecutors when the Justice Department is negotiating pre-indictment plea agreements and non-prosecution agreements with defense attorneys, including negotiations within the Fifth Circuit?

#### CRIME VICTIMS' RIGHT TO APPELLATE PROTECTION

Protection of crime victims' rights in appellate courts is an important part of the CVRA. As you know, when Congress passed the CVRA, the federal courts of appeals had recognized that crime victims could take ordinary appeals to protect their rights. See, e.g., *Doe v. United States*, 666 F.2d 43, 46 (4th Cir. 1981) (rape victim allowed to appeal district court's adverse "rape shield statute" ruling); *United States v. Kones*, 77 F.3d 66 (3rd Cir. 1996) (victim allowed to appeal adverse restitution decision). Congress sought to leave these protections in place, while expanding them to ensure that crime victims could obtain quick vindication of their rights in appellate courts by providing—in § 3771(d)(3)—that "[i]f the district court denies the relief sought, the [victim] may petition the court of appeals for a writ of mandamus." 18 U.S.C. § 3771(d)(3). Ordinarily, whether mandamus relief should issue is discretionary. The plain language of the CVRA, however, specifically and clearly overruled such discretionary mandamus standards by directing that "[t]he court of appeals shall take up and decide such application forthwith . . ." 18 U.S.C. § 3771(d)(3) (emphasis added). As I explained when the Senate considered the CVRA:

[W]hile mandamus is generally discretionary, this provision [18 U.S.C. § 3771(d)(3)] means that courts *must* review these cases. Appellate review of denials of victims' rights is just as important as the initial assertion of a victim's right. This provision ensures review and encourages courts to *broadly defend* the victims' rights.

150 CONG. REC. S4270 (Apr. 22, 2004) (statement of Sen. Kyl) (emphases added). Similarly, the CVRA's co-sponsor with me, Senator Feinstein, stated that the Act would create "a new use of a very old procedure, the writ of mandamus. This provision will establish a procedure where a crime victim can, in essence, immediately *appeal* a denial of their rights by a trial court to the court of appeals." 150 CONG. REC. S4262 (statement of Sen. Feinstein) (emphases added); see also id. (statement of Sen. Kyl) (crime victims



must “be able to have . . . the appellate courts take the appeal and order relief). In short, the legislative history shows that §3771(d)(3) was intended to allow crime victims to take accelerated appeals from district court decisions denying their rights and have their appeals reviewed under ordinary standards of appellate review.

In spite of that unequivocal legislative history, the Justice Department has in past cases asserted a contrary position. In *In re Antrobus*, 519 F.3d 1123 (10th Cir. 2008), Ken and Sue Antrobus sought to obtain appellate review of a ruling by a trial court that they could not deliver a victim impact statement at the sentencing of the man who sold the murder weapon used to kill their daughter. The Tenth Circuit ruled against them on the basis that the Antrobuses were not entitled to regular appellate review, but only discretionary mandamus review. See id. at 1124–25. The Tenth Circuit did not consider the legislative history in reaching this conclusion, leading the Antrobuses to file petitions for rehearing and rehearing en banc—petitions that recounted this legislative history. In response, the Justice Department asked the Tenth Circuit to deny the victims’ petitions. Remarkably, the Justice Department told the Tenth Circuit that it could ignore the legislative history because the CVRA “is unambiguous.” Response of the United States, *In re Antrobus*, No. 08–4002, at 12 n.7 (10th Cir. Feb. 12, 2008).

At the time that the Justice Department filed this brief, no Court of Appeals agreed with the Tenth Circuit. At the time, three other Circuits had all issued unanimous rulings that crime victims were entitled to regular appellate review. See *In re W.R. Huff Asset Mgmt. Co.*, 409 F.3d 555, 562 (2d Cir. 2005); *Kenna v. U.S. Dist. Ct. for the Cent. Dist. of Ca.*, 435 F.3d 1011, 1017 (9th Cir. 2006); *In re Walsh*, 229 Fed.Appx. 58, at 60 (3rd Cir. 2007).

My next question for you is, given that the Justice Department has an obligation to use its “best efforts,” 18 U.S.C. §3771(c)(1), to afford crime victims their rights, how could the Department argue in *Antrobus* (and later cases) that the CVRA “unambiguously” denied crime victims regular appellate protections of their rights when three circuits had reached the opposite conclusion?

#### GOVERNMENT’S RIGHT TO ASSERT ERROR DENIAL OF VICTIMS’ RIGHTS

To further bolster protection of crime victims’ rights, Congress also included an additional provision in the CVRA—§3771(d)(4)—allowing the Justice Department to obtain review of crime victims’ rights issues in appeals filed by defendants: “In any appeal in a criminal case, the Government may assert as error the district court’s denial of any crime victim’s right in the proceeding to which the appeal relates.” 18 U.S.C. §3771(d)(4). The intent underlying this provision was to supplement the crime victims’ appeal provision found in §3771(d)(3) by permitting the Department to also help develop a body of case law expanding crime victims’ rights in the many defense appeals that are filed. It was not intended to in any way narrow crime victims’ rights to seek relief under §3771(d)(3). Nor was it intended to bar crime victims from asserting other remedies. For instance, it was not intended to block crime victims from taking an ordinary appeal from an adverse decision affecting their rights (such as a decision denying restitution) under 28 U.S.C. §1291. Crime victims had been allowed to take such appeals in various circuits even before the passage of the CVRA. See, e.g., *United States v. Kones*, 77 F.3d 66 (3rd Cir. 1996) (crime victim allowed

to appeal restitution ruling); *United States v. Perry*, 360 F.3d 519 (6th Cir. 2004) (crime victims allowed to appeal restitution lien issue); *Doe v. United States*, 666 F.2d 43, 46 (4th Cir. 1981) (crime victim allowed to appeal rape shield ruling).

As I explained at the time the CVRA was under consideration, this provision supplemented those pre-existing decisions by “allow[ing] the Government to assert a victim’s right on appeal even when it is the defendant who seeks appeal of his or her conviction. This ensures that victims’ rights are protected throughout the criminal justice process and that they do not fall by the wayside during what can often be an extended appeal that the victim is not a party to.” 150 CONG. REC. S4270 (Apr. 22, 2004) (statement of Sen. Kyl).

I have heard from crime victims’ advocates that the Department has not been actively enforcing this provision. Indeed, these advocates tell me that they are unaware of even a single case where the Department has used this supplemental remedy. My final question: Is it true that the Department has never used this provision in even a single case in the more than six years since the CVRA was enacted?

Sincerely,

JON KYL,  
U.S. Senator.

#### HONORING OUR ARMED FORCES

##### SERGEANT VORASACK T. KAYSANA

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SGT Vorasack T. Kaysana. Sergeant Kaysana, assigned to the Headquarters and Headquarters Company, 2nd Battalion, based in Fort Hood, TX, died on April 10, 2011. Sergeant Kaysana was serving in support of Operation New Dawn in Kirkuk, Iraq. He was 30 years old.

A native of Westminster, CO, Sergeant Kaysana enlisted in the Army in 2005. During over 6 years of service, he distinguished himself through his courage and dedication to duty. Sergeant Kaysana’s exemplary service quickly won the recognition of his commanding officers. He earned, among other decorations, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, and the Army Good Conduct Medal.

Sergeant Kaysana worked on the front lines of battle, serving in the most dangerous areas of Iraq. Mark Twain once said, “The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.” Sergeant Kaysana’s service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq. Though his fate on the battlefield was uncertain, he pushed forward, protecting America’s citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Kaysana

will forever be remembered as one of our country’s bravest.

To Sergeant Kaysana’s parents, Thong Chanh and Manithip, and to his entire family, I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Vorasack’s service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

#### GRAZING IMPROVEMENT ACT

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD an article written by Karen Budd-Falen and published May 28, 2011, in the Wyoming Livestock Journal. The article’s title is “Leveling the Playing Field: Support for the Grazing Improvement Act of 2011.”

The title of the article is instructive. Anyone living and working in rural communities knows the playing field is not level. The National Environmental Policy Act has become the preferred tool to delay and litigate grazing permit renewals for American ranchers.

Livestock grazing on public lands has a strong tradition in Wyoming and all Western States. Ranchers are proud stewards of the land, yet the permitting process to renew their permits is severely backlogged due to litigation aimed at eliminating livestock from public land.

During times of high unemployment and increasing food prices, we need to be encouraging jobs in rural economies. We need to be fostering an environment to raise more high quality, safe, American beef and lamb; not litigating less.

That is why I introduced the Grazing Improvement Act of 2011. This legislation will provide the certainty and stability public grazing permit holders desperately need in order to continue supporting rural jobs, providing healthy food, and maintaining open spaces for recreation and wildlife.

It is time to help level the playing field for hard working ranching families across the West. Their livelihood should not be held hostage by litigation and anti-grazing special interest groups. I thank my colleagues, Senators ENZI, CRAPO, HATCH, HELLER, RISCH, and THUNE, in supporting ranching families and this legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



[From the Wyoming Livestock Roundup,  
May 28, 2011]

LEVELING THE PLAYING FIELD: SUPPORT FOR  
THE GRAZING IMPROVEMENT ACT OF 2011

(By Karen Budd-Falen)

If jobs and the economy are the number one concern for America, why are rural communities and ranchers under attack by radical environmental groups and overzealous federal regulators?

America depends upon the hundreds of products that livestock provide, yet radical groups and oppressive regulations make it almost impossible for ranchers to stay in business. Opposition to these jobs comes in the form of litigation by radical environmental groups to eliminate grazing on public lands, radical environmental group pressure to force "voluntary" grazing permit buy-outs from "willing sellers," and holding permittees hostage to the court deference given to regulatory "experts." The playing field is not level and the rancher is on the losing side. The Grazing Improvement Act of 2011 will level the playing field. I urge your support.

The Grazing Improvement Act of 2011 does the following:

1. Term of Grazing Leases and Permits. Both BLM and Forest Service term grazing permits are for a 10-year term. This bill extends that term to 20 years. This extension does not affect either the BLM's or Forest Service's ability to make interim management decisions based upon resource or other needs, nor does it impact the preference right of renewal for term grazing permits or leases.

2. Renewal, Transfer and Reissuance of Grazing Leases and Permits. This section codifies the various "appropriation riders" for the BLM and Forest Service requiring that permits being reissued, renewed or transferred continue to follow the existing terms and conditions until the paperwork is complete. Thus, the rancher is not held hostage to the ability of the agency to get its job done—a job that is admittedly harder because of radical environmental appeals, litigation and FOIA requests.

This bill also codifies the ability of the BLM and Forest Service to "categorically exclude" grazing permit renewal, reissuance or transfer from the paperwork requirements under National Environmental Policy Act (NEPA) if the permit or lease continues current grazing management on the allotment. Minor modifications to a permit or lease can also be categorically excluded from NEPA if monitoring indicates that the current grazing management has met or is moving toward rangeland and riparian objectives and there are no "extraordinary circumstances." Finally, this section allows the BLM and Forest Service to continue to set their priority and timing for permit renewal or reissuance.

3. Applicability of Administrative Procedure Act. This provision is really what levels the playing field for the rancher, against the environmental "willing buyer" and the arbitrary decisions of the governmental regulator.

First, this provision applies a real decision making process, with an independent hearing officer or judge, to Forest Service administrative appeals. Currently, legal challenges to Forest Service decisions are heard by the "next higher Forest Service line officer." There have long been allegations that this system is significantly skewed so that the Forest Service decision maker is "almost always right." For example, out of the 28 decisions that were administratively appealed in

Forest Service Region 2 (Wyoming, Colorado, Kansas, Nebraska, South Dakota) from 2009 to the present, only two were rejected as being legally or factually wrong. In that same time period, in California, out of 78 appeals, only 13 decisions were either rejected or withdrawn. In Arizona and New Mexico, the Forest Service "independent review by the next higher line officer" only found 15 out of 83 decisions were deficient. In other words, just considering these three Forest Service regions, the agency found itself right 85 percent of the time. In a fair and equal system, no one is right that many times!

This provision would change that pattern so that Forest Service grazing permittees would appeal the decisions they believed were legally, factually or scientifically wrong to an independent law judge and the Forest Service would have to show why its decision is right, rather than the permittee having to show why the decision is wrong. The permittee would also be able to cross-examine Forest Service "experts" on the reasons for the decision and the agency would have to supply some justification for its decision. It is critical that Forest Service permittees have the ability to protect themselves from arbitrary decisions—an ability they do not have now.

Second, this Act would level the playing field for BLM permittees. Like the Forest Service provisions discussed above, this bill "changes" the current appeals system by requiring the BLM to prove its decision is legally and scientifically correct, rather than forcing the permittee to prove why the decision is legally and scientifically wrong.

Additionally, the OHA has determined that when the BLM issues a decision adversely affecting a permittee's grazing privileges, the BLM decision can still be upheld, even if the BLM did not comply with all of the grazing regulations. In short, under the current appeals system, the permittee's experts have to show why the BLM experts are wrong (a burden that is very hard to carry) and the BLM decision can still be held to be correct, even if the BLM only substantially complied with its regulations. This is not a level playing field and a problem that absolutely needs corrected.

Finally, this section also returns to the law the "automatic stay" provisions eliminated by the Bruce Babbitt "Range Reform '94" regulations, except for decisions of a temporary nature and except in emergency situations.

In truth, this bill is more than mere technical changes to erroneous agency regulations—it gives some very real protection to the permittees. For example, the Ruby Pipeline "donation" to Western Watersheds Project to purchase grazing preferences on a "willing seller" basis only works if the permittee is honestly "willing to sell." However, if the permittee is always behind the curve in protecting his grazing permit and the only way he can "win" is by "voluntarily selling" his permit for pennies on the dollar, the word "willing" is truly compulsion. And, in the case of the Forest Service, the current administrative appeals process is like asking your father to change the decision of your mother, when your mother and father agreed on the decision before it was dictated to you.

Finally, this bill reverses the U.S. Justice Department capitulations to environmental groups during the course of recent litigation. These "settlements" have significantly restricted the BLM's and Forest Service's ability to legitimately use categorical exclusions to renew grazing permits. Neither the Justice Department nor the federal bureau-

crats should be allowed to make Congressional policy without the Congressional branch of government.

Make no mistake—this is not just a public lands ranchers' bill; this bill will help preserve family ranches, rural communities and the American beef supply. This is an American jobs bill! I urge your support and ask that you request your Congressional representatives support this bill.

#### ADDITIONAL STATEMENTS

##### 30TH ANNIVERSARY OF THE GOOD SHEPHERD FOOD BANK

• Ms. COLLINS. Mr. President. In early 1981, JoAnn and Ray Pike of Lewiston, ME, became concerned about the growing number of families and elderly in their community who were going hungry. Inspired by a newspaper story about an organization in Kansas City that received food donations from the food industry to distribute to those in need, the Pikes and their home prayer group turned concern into action.

On Palm Sunday of that year, the people of the twin cities of Lewiston-Auburn joined in a walkathon and raised \$6,000. The Good Shepherd Food Bank was born. Thirty years later, it serves all 16 Maine counties, providing nourishment and hope to more than 70,000 Maine people each month.

This remarkable story of compassion started small. The first food bank was located in an apartment and garage at the Pike home. Within 8 months, the quantity of donated food outgrew that space and the operation moved to a former textile mill in Lewiston. Today, the food bank has more than 100,000-square feet of warehouse space in Lewiston, Portland, and Brewer, enough to store 12 million pounds of food per year.

At first, a handful of food companies joined this effort. Word of the good work being done in Lewiston quickly spread, and food manufacturers, distributors, and supermarkets throughout Maine stepped forward—more than 200 companies now contribute to the food bank.

Getting so much food to so many people over such a large area is a great challenge. It is a challenge that has been met by volunteers. The Good Shepherd Food Bank has established partnerships with more than 600 organizations throughout Maine—churches, charities, and civic clubs—that form a vast distribution network. This results in an operation of extraordinary efficiency. For every \$1 donated to support food bank operations, \$8.50 worth of food is provided.

As a founding member of the Senate Hunger Caucus, I know we have done much here in Washington to ensure food security for all, but that there is more to do. I also know that so much of the real work of helping those in need is done in our communities by

caring and dedicated citizens. The Good Shepherd Food Bank of Maine is a shining example of such caring and dedication, and I congratulate this wonderful organization and its many supporters on 30 years of inspiring service.●

#### TRIBUTE TO MALCOLM ROSS O'NEILL

● Mr. LEVIN. Mr. President, today I wish to recognize the distinguished career of a highly decorated soldier and accomplished public servant. Following decades of unwavering service to our Nation, Dr. Malcolm Ross O'Neill recently retired as the Assistant Secretary of the Army for Acquisition, Logistics & Technology, AL&T. In his capacity as the Assistant Secretary and Army acquisition executive, Dr. O'Neill led the Army's 41,000-member acquisition workforce in its vital mission to equip and sustain the world's most capable, powerful, and respected Army.

Dr. O'Neill has made significant contributions to our national security over the course of a career spanning nearly five decades. He proudly served 34 years on active duty as an Army officer, both in peacetime and in combat. Dr. O'Neill was commissioned in the U.S. Army as a field artillery officer in 1962 and served with the 82nd Airborne Division; as an adviser with the 21st Reconnaissance Company of the 21st Army of the Republic of Vietnam Division; and assistant chief of staff, Ammunition, with the Danang Support Command in Vietnam. His first acquisition job was as a member of the source selection team for what was then called surface-to-air missile, development—now the Patriot missile system. His extensive military experience includes service as commander, U.S. Army Laboratory Command; deputy director of the Strategic Defense Initiative Organization; and director of the Ballistic Missile Defense Organization.

Under Dr. O'Neill's leadership as Assistant Secretary of the Army, the Army acquisition community has honored its paramount commitment to meet the needs of soldiers in combat missions today. However, Dr. O'Neill also reenergized the Army's efforts to develop advanced soldier capabilities for tomorrow's conflicts. He reminded us that scientific and technical advancements play a critical role in maintaining the Army's unparalleled preeminence in the future. As the lead Army acquisition official, Dr. O'Neill made significant progress in developing a vigorous and robust science and technology portfolio incorporating the combined efforts of Army scientists, labs, advisory boards and other stakeholders. These accomplishments will leave an indelible impact on the Army's warfighting capabilities.

Dr. O'Neill's emphasis on sound management and execution of major weap-

on systems has helped the Army to prioritize capabilities and modify existing programs to achieve long-term success. He has played a critical role in bringing the Army requirements, resourcing, testing, and acquisition communities together to make informed decisions and adjustments within key programs. As the Army and Department of Defense continue to transform through an era of limited resources, Dr. O'Neill championed the importance of wise investments, competition, and sound acquisition strategies to ensure that more money was spent on the warfighting capabilities of our soldiers and less on overhead. The Army is in a better position to adapt to an ever-changing environment of competing needs as a result of his efforts.

Three words define this dedicated public servant: honor, integrity, and courage. The Nation is in his debt for his many accomplishments during the long and distinguished career of Malcolm Ross O'Neill.●

#### 100TH ANNIVERSARY OF CHALLENGE DAIRY PRODUCTS

● Mr. ROBERTS. Mr. President, I would like to bring to the attention of my colleagues a milestone that has been reached by an important cooperative association responsible for the marketing and distribution of dairy products from 450 California family-owned dairies.

Challenge opened for business under the name of Challenge Cream & Butter Association 100 years ago with four employees and a wagon. That first day, Challenge sold 12 pounds of butter. Today, Challenge Butter is the largest butter brand in the West, and Challenge Dairy is the leading dairy foodservice provider in California, with eight distribution centers spanning the State in Lodi, San Leandro, Monterey, Fresno, Santa Maria, Ventura, Los Angeles, and San Diego. Challenge directly employs over 175 hard-working California citizens and has aided thousands of California dairy farmers in their success over the years. Today, more than 450 dairies are part of Challenge's cooperative, putting tens of millions of dollars into California's economy annually.

Challenge's success is made up of dedicated California dairy farmers and employees who have ensured the quality of all products produced from each of its creameries. Early on, dairymen realized marketing was and remains to be key in successfully spreading the word about the quality of their products, which was why Challenge was conceived.

The benefits of farmer cooperation were so effective that the status of every single dairyman was materially improved, just from their existence. A leader in quality improvement, Challenge established the standards all

other dairy organizations followed. Thus, Challenge has figuratively held a protective umbrella over farm endeavors, for the good of the farmers and the Nation, for more than a century.

By refusing to sell any item that didn't meet the highest standards, Challenge built a reputation for quality. That reputation has grown as Challenge led the way in the dairy industry with product and manufacturing innovations such as the aluminum butter churn, the first successful metal butter churn in the world.

Now a wholly owned subsidiary of California Dairies, Inc. CDI, California's largest dairy provider and the second largest in the country, Challenge has grown to represent more than 450 dairy farmers and markets nearly half of CDI's butter supply. CDI has six manufacturing facilities that are located throughout the central valley and directly employs over 740 people.

Challenge has operated through two World Wars and the Great Depression in addition to a number of other obstacles. Through it all, the company adapted and persevered to continue fulfilling the people's need for quality dairy products and support the dairy farmers behind producing products. We believe Challenge embodies the determination and the spirit of the people of California.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1945. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Oversight of Contractor Ethics Programs" ((RLN9000-AL92)(FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1946. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-52; Introduction" (FAC 2005-52) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1947. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Prohibition on Contracting with Inverted Domestic Corporations" ((RIN9000-AL28)(FAC 2005-52)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1948. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Technical Amendments" (FAC 2005-52) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1949. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-52) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1950. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Women in the Federal Government: Ambitions and Achievements"; to the Committee on Homeland Security and Governmental Affairs.

EC-1951. A communication from the Executive Director, U.S. Election Assistance Commission, transmitting, pursuant to law, a report relative to action taken on audit reports for the period October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1952. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Proliferation Security Initiative; to the Committee on Homeland Security and Governmental Affairs.

EC-1953. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1954. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Administrator's Semiannual Management Report to Congress for the period from October 1, 2010 to March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1955. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from October 1, 2010 to March 31, 2011; to the Committee on

Homeland Security and Governmental Affairs.

EC-1956. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1957. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1958. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs' Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1959. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General, the Chairman's Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1960. A communication from the Commissioners, U.S. Election Assistance Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1961. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Board's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1962. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General and a Management Report for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1963. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Semiannual Report of the Inspector General for the period from October 1, 2010 to March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1964. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1965. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Department of the Interior's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1966. A communication from the Chairman, Federal Maritime Commission, trans-

mitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1967. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1968. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services' Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1969. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Model 382, 382B, 382E, 382F, and 382G Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-1228)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1970. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, (13) reports relative to vacancies within the Department, received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on the Judiciary.

EC-1971. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC-1972. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

EC-1973. A joint communication from the Under Secretary of Defense (Personnel and Readiness) and the Deputy Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the activities of the Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries, and Amputations; to the Committee on Veterans' Affairs.

EC-1974. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Plants for Planting; Establishing a Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis" ((RIN0579-AC03)(Docket No. APHIS-2006-0011)) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1975. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Civil Rights

Protections for SNAP Households" (RIN0584-AD89) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1976. A communication from the Chief of Planning and Regulatory Affairs, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Supplemental Nutrition Assistance Program: Privacy Protections of Information from Applicant Households" (RIN0584-AD91) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1977. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bromoxynil; Pesticide Tolerances" (FRL No. 8873-9) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1978. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethylene Glycol; Exemption from the Requirement of a Tolerance" (FRL No. 8870-7) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1979. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraflufen-ethyl; Pesticide Tolerances" (FRL No. 8873-5) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1980. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a new Unified Command Plan approved by the President; to the Committee on Armed Services.

EC-1981. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11-027, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-1982. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the 97th Annual Report of the Federal Reserve Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1983. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2010 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-1984. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-1985. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary (Tax Policy), received in the Office of the President of the Senate on June 3, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1986. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Record Retention for Regulated Entities and Office of Finance" (RIN2590-AA10) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1987. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taliban (Afghanistan) Sanctions Regulations" (31 CFR Part 545) received in the Office of the President of the Senate on May 31, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1988. A communication from the Deputy Secretary, Enforcement Division, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934" (RIN3235-AK78) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1989. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (Docket No. WY-038-FOR) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Energy and Natural Resources.

EC-1990. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Bicycles" (RIN3041-AC95) received in the Office of the President of the Senate on May 27, 2011; to the Committee on Commerce, Science, and Transportation.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

\*National Oceanic and Atmospheric Administration nomination of Michael S. Devany, to be Rear Admiral (lower half).

\*Coast Guard nominations beginning with Rear Adm. (lh) Vincent B. Atkins and ending with Rear Adm. (lh) Sandra E. Stosz, which nominations were received by the Senate and appeared in the Congressional Record on May 11, 2011.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

\*Coast Guard nominations beginning with Michael J. Plumley and ending with Mariette C. Ogg, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2011.

\*Coast Guard nomination of Kristin L. Conville, to be Lieutenant.

\*Coast Guard nomination of Edward L. Lacy, to be Lieutenant.

\*Coast Guard nomination of Jason M. Biggar, to be Lieutenant Commander.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself and Ms. MIKULSKI):

S. 1155. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low-income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. BEGICH, Mr. FRANKEN, and Ms. MIKULSKI):

S. 1156. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1157. A bill to require the Secretary of Agriculture to provide retail establishments with information describing recalled meat, poultry, eggs, and related food products, to require the retail establishment to communicate the recall information to consumers, to require the Food Safety Inspection Service of the Department of Agriculture to protect against certain foodborne illnesses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNET:

S. 1158. A bill to promote innovative practices for the education of English learners and to help States and local educational agencies with English learner populations build capacity to ensure that English learners receive high-quality instruction that enables English learners to become proficient in English and access the academic content knowledge that English learners need to meet State college and career ready academic content standards; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1159. A bill to require a study on the recruitment, retention, and development of cyberspace experts; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 1160. A bill to improve the administration of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WEBB (for himself and Mr. CORKER):

S.J. Res. 18. A joint resolution prohibiting the deployment, establishment, or maintenance of a presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes; to the Committee on Foreign Relations.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 205. A resolution designating the period beginning on June 19, 2011, and ending on June 25, 2011, as "Polycystic Kidney Disease Awareness Week", and raising awareness and understanding of polycystic kidney disease and the impact such disease has on patients; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. INOUE, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. ROBERTS, Mrs. LANDRIEU, Mr. BROWN of Massachusetts, Mrs. BOXER, and Mr. CORKER):

S. Res. 206. A resolution designating June 20, 2011, as "American Eagle Day", and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 76

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 76, a bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children.

S. 119

At the request of Mr. VITTER, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. GRAHAM), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. BLUNT), the Senator from Arizona (Mr. KYL), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Texas (Mrs. HUTCHISON), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal

and federally funded construction projects.

S. 186

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 186, a bill to provide for the safe and responsible redeployment of United States combat forces from Afghanistan.

S. 192

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 192, a bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

S. 195

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 195, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 196

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 196, a bill to amend the Patient Protection and Affordable Care Act to provide for participation in the Exchange of the President, Vice President, Members of Congress, political appointees, and congressional staff.

S. 299

At the request of Mr. PAUL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 299, a bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

S. 353

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 353, a bill to provide for improvements to the United States Postal Service, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 366

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 366, a bill to require disclosure to the Securities and Exchange Commission of certain sanctionable activities, and for other purposes.

S. 381

At the request of Mr. TESTER, the names of the Senator from Nevada (Mr. HELLER) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 381, a bill to amend the Arms Ex-

port Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 384

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 393

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 394

At the request of Mr. KOHL, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 470

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 470, a bill to establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs and for other purposes.

S. 556

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 556, a bill to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes.

S. 598

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 652

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 652, a bill to facilitate efficient investments and financing of infrastructure projects and new job creation through the establishment of an American Infrastructure Financing Authority, to provide for an extension of the exemption from the alternative

minimum tax treatment for certain tax-exempt bonds, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 697

At the request of Mr. CASEY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 738

At the request of Ms. STABENOW, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 792

At the request of Mr. PRYOR, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Utah (Mr. LEE) were added as cosponsors of S. 792, a bill to authorize the waiver of certain debts relating to assistance provided to individuals and households since 2005.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Alaska (Mr. BEGICH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 824

At the request of Mr. BROWN of Ohio, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cospon-

sor of S. 824, a bill to provide for enhanced mortgage-backed and asset-backed security investor protections, to prevent foreclosure fraud, and for other purposes.

S. 829

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1027

At the request of Mr. BARRASSO, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1027, a bill to provide for the rescission of certain instruction memoranda of the Bureau of Land Management, to amend the Mineral Leasing Act to provide for the determination of the impact of proposed pol-

icy modifications, and for other purposes.

S. 1030

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1030, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Washington (Ms. CANTWELL) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1096

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1096, a bill to amend title XVIII of the Social Security Act to improve access to, and utilization of, bone mass measurement benefits under the Medicare part B program by extending the minimum payment amount for bone mass measurement under such program through 2013.

S. 1125

At the request of Mr. LEAHY, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1125, a bill to improve national security letters, the authorities under the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 185

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-



Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mr. CARDIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Ms. STABENOW), the Senator from Utah (Mr. LEE), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. INOUE), the Senator from Colorado (Mr. UDALL) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 185, *supra*.

#### AMENDMENT NO. 390

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. COATS), the Senator from Illinois (Mr. KIRK) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 390 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

#### AMENDMENT NO. 392

At the request of Mr. TESTER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 392 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

#### AMENDMENT NO. 406

At the request of Mrs. HUTCHISON, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of amendment No. 406 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 1160. A bill to improve the administration of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing the Department of Energy Administrative Improvement Act of 2011. The bill makes several improvements to the way the Department of Energy, DOE, conducts its business and in doing so is designed to give taxpayers a better return on their investments in DOE programs.

Senator MURKOWSKI, who is the ranking member of the Energy and Natural Resources Committee, is a cosponsor of this bill. These provisions were taken from the energy bill, S. 1462, reported out of the Energy and Natural Resources Committee last Congress. The provisions in this bill were adopted unanimously in the last Congress by members of the Committee as part of our work on S. 1462. Let me briefly highlight the sections of this bill.

Section 3 was taken from the recommendations of a 2009 report by the National Academy of Public Administration, which reviewed the business practices of the Department. Similar to the Department of Defense, it requires DOE to submit a 5-year budget profile for its programs with the DOE's annual budget submission to Congress. A 5-year estimate will encourage the Department to think about long-term budget implications of programs rather than on a year-to-year basis.

Section 4 replaces a provision enacted into law in the section 1007 of the Energy Policy Act of 2005, 42 U.S.C. 7256(g), relating to Other Transactions Authority. Section 1007 was based on the similar authority applying to the Department of Defense. Section 4 is a fresh re-write of the authority so it is organic within the Department of Energy Organization Act and not the Department of Defense's authorities. The language is largely the same in content as that in section 1007 of the Energy Policy Act of 2005. The DOE went through an extensive comment period in developing rules for the use of this authority after it was enacted into law in 2005 to ensure transparency in its development and use. This section still contains reporting requirements to Congress on the use of this authority to ensure effective oversight. The Advanced Research Projects Agency—Energy has used this authority to initiate projects with energy companies that were not traditional government contractors and I believe this is a sound addition to the contracting authorities available to the Department.

Section 5 permits the DOE to designate and protect proprietary data for a period of 5 years for transactions entered into by the Department. Section 3001 of Energy Policy Act of 1992, 42 U.S.C. 13541, contained various provisions to protect results from industry partnerships with the Department of Energy. The 1992 data protection provision was carried forward implicitly in section 1005 of the Energy Policy Act of 2005, 42 U.S.C. 16395. This section gives the Secretary of Energy explicit authority to protect proprietary data in order to promote commercialization of new technology arising from the public-private partnerships in such areas as energy storage, smart grid and advanced nuclear technologies.

Section 6 gives the Department direct hire authority for a period of two

years consistent with merit principles and public notice. Similar authority, known as excepted personnel authority, originally was available to the DOE's predecessor agency, the Atomic Energy Commission. That authority transferred to the Nuclear Regulatory Commission, NRC, but not the DOE. Interestingly, the NRC with its large scientific and engineering workforce has been rated as one of the best places to work in the federal government. While flexible personnel authorities are not singularly determinative of agency performance, I believe this pilot program will be an important tool for the Department to attract the best and brightest engineers, scientists and specialized technical personnel to work on its wide array of missions.

Section 7 gives the DOE critical pay authority to hire up to 40 highly skilled individuals for key or critical mission positions at the Department, for a period of up to 4 years. This will enable DOE to attract highly qualified individuals from industry and academia for positions within the Department typical of its complicated science and engineering missions.

Section 8 gives the DOE the authority to rehire retired DOE employees for mission-critical positions without impacting their retirement annuity. Many Department employees served in excess of 20 or 30 years in programmatic positions managing large, technically complicated projects. This authority will enable continuity of knowledge transfer as newer employees are hired.

Section 9 updates the list of DOE National Laboratories in section 2 of the Energy Policy Act of 2005, 42 U.S.C. 15801(3) to reflect the name change of the Stanford Linear Accelerator Center to "SLAC National Accelerator Laboratory".

The Department of Energy has one of the most technical and complicated missions in the Federal Government, which includes managing our Nation's nuclear stockpile, basic and applied energy research, environmental cleanup of former cold war nuclear weapons production sites, and finally the management of large contracts spanning decades. I hope that these provisions will be helpful to the Department to efficiently conduct its missions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1160

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Administrative Improvement Act of 2011".

#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.



**SEC. 3. FUTURE-YEARS DEPARTMENT OF ENERGY PROGRAM.**

(a) IN GENERAL.—Part C of title VI of the Department of Energy Organization Act (42 U.S.C. 7251 et seq.) is amended by adding at the end the following:

**“SEC. 664. FUTURE-YEARS DEPARTMENT OF ENERGY PROGRAM.**

“(a) IN GENERAL.—At or about the time the budget of the President is submitted to Congress for each year under section 1105(a) of title 31, United States Code, the Secretary shall submit to Congress a future-years Department of Energy program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in the budget.

“(b) FISCAL YEAR.—Any future-years Department of Energy program submitted under subsection (a) shall cover—

“(1) the fiscal year with respect to which the budget is submitted; and

“(2) at least the 4 succeeding fiscal years.

“(c) CONSISTENT AMOUNTS.—

“(1) IN GENERAL.—The Secretary shall ensure that amounts described in paragraph (2)(A) for any fiscal year are consistent with amounts described in paragraph (2)(B) for that fiscal year.

“(2) AMOUNTS.—Amounts referred to in paragraph (1) are the following:

“(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as indicated in the future-years Department of Energy program submitted pursuant to subsection (a).

“(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Energy included pursuant to section 1105(a)(5) of title 31, United States Code, in the budget submitted to Congress under that section for any fiscal year.

“(d) MANAGEMENT CONTINGENCIES.—Subject to subsection (c), nothing in this section prohibit the inclusion in the future-years Department of Energy programs of amounts for management contingencies.”

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Department of Energy Organization Act (42 U.S.C. 7101) is amended by adding at the end of the items relating to part C of title VI the following:

“Sec. 664. Future-years Department of Energy program.”

**SEC. 4. OTHER TRANSACTIONS AUTHORITY.**

(a) IN GENERAL.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by striking subsection (g) and inserting the following:

“(g) AUTHORITY TO ENTER INTO OTHER TRANSACTIONS.—

“(1) IN GENERAL.—In addition to any other authority granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and certain arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or other persons on such terms as the Secretary considers appropriate to further functions vested in the Secretary, including research, development, or demonstration projects.

“(2) ADVANCE PAYMENTS.—Notwithstanding any other provision of law, the Secretary may exercise authority provided under paragraph (1) without regard to section 3324 of title 31, United States Code.

“(3) RELATIONSHIP TO OTHER LAW.—The authority of the Secretary under paragraph (1) shall not be subject to—

“(A) section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908); or

“(B) section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

“(4) PROTECTION OF CERTAIN INFORMATION FROM DISCLOSURE.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, disclosure of information described in subparagraph (B) is not required, and may not be compelled, under section 552 of title 5, United States Code, during the 5-year period beginning on the date on which the information is received by the Department.

“(B) AWARD INFORMATION.—The information described in this subparagraph is information in the records of the Department that—

“(i) was submitted—

“(I) to the Department as part of a competitive or noncompetitive process with the potential to result in an award to the person submitting the information; and

“(II) in conjunction with a transaction entered into by the Secretary pursuant to paragraph (1); and

“(ii) is—

“(I) a proposal, proposal abstract, and supporting documents;

“(II) a business plan submitted on a confidential basis; or

“(III) technical information submitted on a confidential basis.

“(5) REQUIREMENTS.—

“(A) SELECTION PROCEDURES.—In entering into transactions under paragraph (1), the Secretary shall use such competitive, merit-based selection procedures as the Secretary determines in writing to be practicable.

“(B) DETERMINATION.—Before entering into a transaction under paragraph (1), the Secretary shall determine in writing that the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

“(C) COST SHARING.—A transaction under paragraph (1) shall be subject to cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

“(D) LIMITATION ON DELEGATION.—The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate and may not be redelegated to any other person.

“(6) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of the Department of Energy Administrative Improvement Act of 2011 and annually thereafter, the Secretary shall submit to Congress an annual report on the transactions entered into by the Secretary pursuant to the authorities provided under this subsection.

“(7) REPORT.—

“(A) DEFINITION OF NONTRADITIONAL GOVERNMENT CONTRACTOR.—In this paragraph, the term ‘nontraditional Government contractor’ has the meaning given the term ‘nontraditional defense contractor’ in section 845(f) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note).

“(B) REPORT.—Not later than 2 years after the date of enactment of this subparagraph, and 2 years thereafter, the Comptroller General of the United States shall submit to Congress a report describing—

“(i) the use by the Department of authorities under this section, including the ability

to attract nontraditional Government contractors; and

“(ii) whether additional safeguards are necessary to carry out the authorities.”

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The final rule of the Department of Energy entitled “Assistance Regulations” (71 Fed. Reg. 27158 (May 9, 2006)) shall be applicable to transactions under section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) (as amended by subsection (a)).

(2) REGULATIONS.—The Secretary may revise, supplement, or replace such regulations as the Secretary determines necessary to implement the amendment made by subsection (a).

**SEC. 5. PROTECTION OF RESULTS.**

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, during a period of not more than 5 years after the development of information in any transaction authorized to be entered into by the Department of Energy, the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code.

(b) APPLICABLE INFORMATION.—This section applies to information that—

(1) results from a transaction entered into by the Secretary pursuant to this title or an amendment made by this title; and

(2) is of a character that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if the information had been obtained from a person other than an agent or employee of the Federal Government.

**SEC. 6. DIRECT HIRE AUTHORITY.**

(a) IN GENERAL.—Notwithstanding sections 3304 and 3309 through 3318 of title 5, United States Code, the Secretary may, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified scientists, engineers, or critical technical personnel into the competitive service.

(b) EXCEPTION.—The authority granted under subsection (a) shall not apply to positions in the excepted service or the Senior Executive Service.

(c) REQUIREMENTS.—In exercising the authority granted under subsection (a), the Secretary shall ensure that any action taken by the Secretary—

(1) is consistent with the merit principles of section 2301 of title 5, United States Code; and

(2) complies with the public notice requirements of section 3327 of title 5, United States Code.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates effective on the date that is 2 years after the date of enactment of this Act.

**SEC. 7. CRITICAL PAY AUTHORITY.**

(a) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Secretary may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of the Department of Energy, if the Secretary certifies that—

(1) the positions—

(A) require expertise of an extremely high level in a scientific or technical field; and

(B) the Department of Energy would not successfully accomplish an important mission without such an individual; and

(2) exercise of the authority is necessary to recruit an individual exceptionally well qualified for the position.

(b) LIMITATIONS.—The authority granted under subsection (a) shall be subject to the following conditions:

(1) The number of critical positions authorized by subsection (a) may not exceed 40 at any 1 time in the Department of Energy.

(2) The term of an appointment under subsection (a) may not exceed 4 years.

(3) An individual appointed under subsection (a) may not have been a Department of Energy employee within the 2 years prior to the date of appointment.

(4) Total annual compensation for any individual appointed under subsection (a) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

(5) An individual appointed under subsection (a) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

(c) NOTIFICATION.—Each year, the Secretary shall submit to Congress a notification that lists each individual appointed under this section.

#### SEC. 8. REEMPLOYMENT OF CIVILIAN RETIREES.

(a) IN GENERAL.—Notwithstanding part 553 of title 5, Code of Federal Regulations (relating to reemployment of civilian retirees to meet exceptional employment needs), or successor regulations, the Secretary may approve the reemployment of an individual to a particular position without reduction or termination of annuity if the hiring of the individual is necessary to carry out a critical function of the Department of Energy for which the Department has encountered exceptional difficulty in recruiting or retaining suitably qualified candidates.

(b) LIMITATIONS.—An annuitant hired with full salary and annuities under the authority granted by subsection (a)—

(1) shall not be considered an employee for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code;

(2) may not elect to have retirement contributions withheld from the pay of the annuitant;

(3) may not use any employment under this section as a basis for a supplemental or recomputed annuity; and

(4) may not participate in the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code.

(c) LIMITATION ON TERM.—The term of employment of any individual hired under subsection (a) may not exceed an initial term of 2 years, with an additional 2-year appointment under exceptional circumstances.

#### SEC. 9. DEFINITION OF NATIONAL LABORATORY.

Section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)) is amended by striking subparagraph (P) and inserting the following:

“(P) SLAC National Accelerator Laboratory.”

By Mr. WEBB (for himself and Mr. CORKER):

S.J. Res. 18. A joint resolution prohibiting the deployment, establishment, or maintenance of a presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes; to the Committee on Foreign Relations.

Mr. WEBB. Mr. President, I am pleased to come to the Senate floor, along with my colleague, Senator CORKER, a fellow member of the Senate Foreign Relations Committee, to speak about a joint resolution we are introducing today that deals with the situation in Libya.

This is introduced as a joint resolution rather than as an amendment on the current legislation because I believe this matter is serious enough that our body should actually consider this as a stand-alone piece of legislation and coordinate it with the House and get this passed with due speed.

This resolution, first of all, contains a statement of policy that American Armed Forces should be used exclusively to defend and advance our national security interests.

Second, it prohibits the deployment, establishment, or maintenance of ground troops in Libya, with two notable exceptions. The first would be for the purpose of the immediate personal defense of American Government officials, including diplomatic representatives, which I believe would be an important exclusion once and if we decide to conduct negotiations or reestablish our Embassy inside Libya. The other exception would be for the purpose of rescuing members of our Armed Forces who would be in Libya and would be under imminent danger.

It also prohibits the awarding of a contract to private security contractors to conduct, establish, or maintain any activities on the ground in Libya.

This language in section 2 is similar to language that passed the House last week with a vote of 416 to 5.

Section 3 includes a sense of Congress that the President should request congressional authorization for the continuation of American involvement in ongoing activities in Libya, and that the Congress, in its constitutional role, should debate and consider this matter expeditiously.

Sections 4 and 5 require the transmission of information to the Congress on a wide variety of information that, to this point, we have not been properly included on. That language, in some form, passed the House last Friday with a vote of 268 to 145.

Again, I appreciate very much Senator CORKER joining me as the principal cosponsor of this joint resolution.

I would like to explain why I believe it is important we take this measure as a body, as a Congress, in response to the actions the President took in Libya nearly 3 months ago.

First, we know, and we are reminded every day, that our economy is going through a terrible crisis, even as we are expending hundreds of billions of dollars every year on wars in the most vitriolic and contentious parts of the world.

Second, our military has been engaged in continuous combat operations

for nearly 10 years. We still have 45,000 military members in Iraq despite a stated commitment for a full withdrawal by the end of this year. We have about 100,000 troops in Afghanistan, and the prospect for a meaningful withdrawal in the short term does not look good.

When we examine the conditions under which the President ordered our military into action in Libya, we are faced, in my view, with the prospect of a very troubling, if not downright odd, historical precedent that has the potential to haunt us for decades.

The issue in play is not simply whether the President should ask the Congress for a declaration of war, nor is it wholly about whether the President has violated the edicts of the War Powers Act, which, in my view, he clearly has. The issue for us to consider is whether a President—any President—can unilaterally begin, and continue, a military campaign for reasons that he alone defines as meeting the demanding standards of a vital national interest worthy of risking American lives and expending billions of dollars of our taxpayers' money.

What was the standard in this case? The initial justification was that a dictator might retaliate against people who rebelled against him. I do not make light of the potential tragedy involved in such a possibility, although it should be pointed out that there are a lot of dictators in this world and very few democracies in this particular region, which gives this standard a pretty broad base if a President decides to use it again. Then, predictably, once military operations began in Libya, the stated goal became regime change, with combat now having dragged on for nearly 3 months.

So in a world filled with cruelty, the question becomes whether a President—any President—should be able to pick and choose when and where to use military force using such a vague standard. Actually that is the most important question. Given our system of government, who should decide? Even if a President should unilaterally decide on the basis of overwhelming, vital national interests that requires immediate action, how long should that decision be honored, and to what lengths should our military go before the matter is able to come under the proper scrutiny and boundaries of our Congress?

Let's review the bidding. What did it look like when our President ordered our military into action in Libya, and what has happened since? Was our country under attack or under the threat of an imminent attack? Was a clearly vital national interest at stake? Were we invoking the inherent right of self-defense as outlined in the United Nations charter? Were we called upon by treaty commitments to come to the aid of an ally? Were we responding in kind to an attack on our forces

elsewhere as we did in the 1986 raids in Libya when I was in the Pentagon, after American soldiers had been killed in a disco in Berlin? Were we rescuing Americans in distress as we did in Grenada in 1983? No, we were not.

The President followed no clear historical standard when he unilaterally decided to use force in Libya. Once this action continued beyond his original definition of "days, not weeks," he did not seek the approval of Congress. While he has discussed this matter with some Members of Congress, he has not formally conferred with the legislative branch.

I believe it is appropriate to question on whose behalf this continuing action is being taken, and, most importantly at this point, what is going to be asked of our military in the coming months, assuming the Qadhafi regime does fall? This is not even a civil war.

As Secretary of Defense Gates commented to me when I asked him that question during a hearing on the Armed Services Committee recently: You don't have a civil war when there is no clearly formed opposition movement. It has been a random rebellion. We can empathize with the frustrations of this rebellion, but looking into the future, the only thing the opponents of the present regime all seem to agree on is that Qadhafi should go.

As I have said repeatedly over the past few months, this matters greatly when one considers what the aftermath of this action could entail for the international community.

An additional curiosity is that we still recognize this regime even as we have been participating for nearly 3 months in actions designed to destroy it. I have raised this matter repeatedly with our State Department. We have not severed relations with this regime, nor have we recognized a successor regime. We have merely suspended our relations. So we are looking at something of a historical anomaly. We are participating in attacks on a regime that we recognize, on behalf of rebel forces that are so amorphous that we don't, and we really do not know what is going to replace the regime that we recognize once it is gone.

Obviously, I am not raising these points out of any lasting love for Mr. Qadhafi or any hopes that he continues in his present position. But let's be very clear. This is a region rife with tribalism, fierce loyalties, and brutal retaliation. In this part of the world the lust for revenge upon those who try to destroy you is not a characteristic that is unique to Mr. Qadhafi. Whether Qadhafi stays or falls, that is very likely going to be the future at some level in Libya, and this is not a place for American troops to be sent in order to sort out this mess. If other nations decide to do so, I certainly have no objection. But our military is stretched too thin, our economy is too fragile, and

the reasons for us to continue in this effort are too ill-defined.

So it is important for the Congress to step in and to clearly define the boundaries of our involvement. We should be saying without hesitation that no American ground personnel should be introduced into Libya, now or in the future. We should also be insisting on fair and open communication from this administration to the Congress rather than the stonewalling that has characterized the past 3 months.

This is not a political issue for me. Rather, it is an issue of how our government is structured. I would submit that this issue has historical consequences. Our three branches of government were carefully designed by the Founding Fathers to guard against hasty decisions or judgments that would not be fully in our national interest. For centuries, the English monarchs had been able to wage wars of choice, with the only restriction being whether Parliament would raise enough taxes to fund their adventurous armies. Our Founding Fathers said no. The Framers of the Constitution deliberately gave the Congress the specific power to rein in such conduct and to protect our people from unwise choices by insisting on a democratic consensus.

The structure of international relations has become much more complex since then, but the principle is still vital, and it still must hold.

Over the past 10 years, in pursuit of a workable formula with which to defend our Nation against legitimate threats, we have allowed the balance of power in our constitutional system to tilt far too heavily to the executive branch. There could be no clearer example of why the Congress must finally say "enough is enough" than the situation we now face in Libya. We must clearly say, as a governing body, that there are boundaries on the conduct of a President—any President—when it comes to his or her unilateral decision to use military force. We should be clear that American military forces—in uniform or not—do not belong on the ground in Libya.

We should make it clear that we will not be deterred in requests for information that allow us to perform our responsibilities. To do less than that would bring us back in time, to a system of government our forefathers risked their lives to improve upon. We are not the Parliament of King Charles. I believe my fellow Members would agree that our role as a legislative body is more than that of collecting taxes so that the President—any President—can raise armies and fight wars of his own choosing. And that is why I am asking every Senator to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I am pleased to join the distinguished Sen-

ator from Virginia, the former Secretary of the Navy, in the introduction of this joint resolution, along with Senator LEE from Utah. I look forward to a debate of this resolution next week which I hope will end up passing both bodies and which calls for a number of answers we have been requesting to come forth.

I wish to discuss the ongoing situation in Libya where—specifically U.S. participation in NATO military operations authorized by the United Nations' Security Council resolution passed on March 17, 2011. For those of you listening, you heard me correctly. It was authorized by the United Nations, not the U.S. Congress. We are spending roughly \$2 million per day on a mission on which the President has yet to broadly consult Congress.

I find it unbelievable that the President would seek the approval of the United Nations and the Arab League for military operations over Libya while sidelining the body that speaks for the American people, not even answering our questions. This is not consultation, nor is the President heeding the concerns of his own constituents.

For many weeks now, I and many colleagues, for that matter, have attempted to gain answers to some of the most basic questions about what we are doing in Libya. Through hearings in the Foreign Relations Committee, we have not received these answers. We have asked for specific witnesses and received no response. This is not consultation.

In my ongoing attempts to receive answers to these questions, I sent a letter to Secretary Clinton and Secretary Gates on April 14, 2011, specifically outlining five questions. I have the letter here and ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, April 14, 2011.

Hon. HILLARY RODHAM CLINTON,  
Secretary of State, U.S. Department of State,  
Washington, DC.

Hon. ROBERT M. GATES,  
Secretary of Defense, U.S. Department of Defense, Washington, DC.

DEAR SECRETARY CLINTON AND SECRETARY GATES: It has now been nearly one month since the United States first engaged in coalition operations in Libya. Since that time, there has been relatively infrequent information sharing with the Congress regarding the full scope of U.S. involvement in the conflict. Administration officials have assured Congress that the United States was playing only a supporting role in ongoing operations in Libya, and those operations did not include kinetic operations. Yesterday, April 13, 2011, it was revealed during a Pentagon briefing that three U.S. aircraft assigned to NATO had fired ordnance. This seems contradictory to the information we have previously received and is an example of the disconnect between Congress and the administration on the nature of the U.S. role in Libya. To that end, I ask that you provide the following:

(1) A full accounting of U.S. assets assigned to the mission and how they are being utilized.

(2) Requests the U.S. has received from coalition partners and Libyan opposition forces for materiel and support—both fulfilled and denied.

(3) The contents of additional U.S. offers of assistance.

(4) Plans to offer additional assistance to Libyan opposition forces.

(5) All meetings that the administration has engaged in with coalition partners, the Libya contact group and the Libyan opposition forces to discuss the operations and political future of Libya.

I thank you for your service to our country, and I look forward to your prompt reply to my request.

Sincerely,

BOB CORKER,  
*U.S. Senator.*

Mr. CORKER. Mr. President, today, 1 day shy of 8 weeks later, I finally received a response. This response did not come from Secretary Clinton. It did not come from Secretary Gates. This response came from the Acting Assistant Secretary of State for Legislative Affairs and only paid lipservice to one of my five specific requests for information.

I ask unanimous consent to have this "nonresponse" printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,  
*Washington, DC, June 6, 2011.*

Hon. BOB CORKER,  
*U.S. Senate.*

DEAR SENATOR CORKER: Thank you for your letter of April 14 regarding the State Department's effort to assist the coalition and support the people of Libya. The past three months have demonstrated Colonel Qadhafi's unrelenting efforts to kill those who wish to instill democracy in Libya and the use of barbarous, indiscriminant bombing of cities and vital civilian infrastructure. These acts further delegitimize Qadhafi as a leader of the Libyan people.

The State Department is working to ensure the coalition remains united behind the goal of protecting the people of Libya. We continue to work closely with coalition and regional governments to isolate Qadhafi and create support for the opposition. This effort includes the termination of diplomatic status for Libyan diplomats still supporting the regime and the freezing of all regime assets. As the situation evolves, we continue to evaluate further options to increase pressure on Qadhafi to step down. We are also considering options to provide the opposition the financial wherewithal it needs to support itself.

Along with looking at multiple ways to increase pressure on the Qadhafi regime, the State Department is looking at better ways to provide humanitarian assistance to civilians in conflict areas. We are assessing options for assistance we could provide to the Libyan people and are consulting directly with the opposition and our international partners. Some aid has been identified; the President directed up to \$25 million in non-lethal items from U.S. government stocks, including medical supplies, uniforms, boots, tents, personal protective gear, and pre-packaged rations.

We continue working with the international community to determine the best

way to support the Transitional National Council (TNC) in meeting its financial needs. The May 5 Libya Contact Group meeting in Rome endorsed the creation of a Temporary Financial Mechanism, which will help facilitate and coordinate financial assistance. Additionally, the United States is providing \$53.5 million in humanitarian assistance to support people affected by the crisis.

Chris Stevens, U.S. Envoy to the TNC, remains in Benghazi and continues to hold productive meetings with high-level members of the TNC. In addition to Secretary Clinton's meetings with TNC leadership, Mr. Stevens regularly meets with senior TNC leaders to better understand the steps they are undertaking to build a democracy based on universal principles of respect for human rights and rule of law. While we are working closely with the TNC, we also continue to meet with a broad spectrum of Libyans involved in the opposition writ large.

Thank you again for your interest and support for Libya. Please do not hesitate to contact us again if we can be of further assistance on this or any other matter.

Sincerely,

JOSEPH E. MACMANUS,  
*Acting Assistant Secretary,  
Legislative Affairs.*

Mr. CORKER. Mr. President, this is unacceptable. This is an unacceptable way to treat a coequal branch of the U.S. Government that is granted certain responsibilities to our Armed Forces by the Founders of our country. Without these answers, Members of Congress are unable to assess critical questions and debate whether we should continue to engage in military operations in Libya.

That is why I am pleased to join my colleagues, Senator WEBB and Senator LEE, in introducing S.J. Res. 18 today. This is a joint resolution drawing on language that already passed the House of Representatives last week, and it requires the President to answer 21 questions critical to determining whether engagement in Libya is in the vital national interest of the United States.

This joint resolution further expresses the sense of Congress that the President should request authorization from Congress for the continuation of U.S. involvement in ongoing NATO activities in Libya.

It says Congress should fully debate and consider such a request in an expedient manner. I can't imagine there is anybody in this body who would not like to debate this issue on the floor, regardless of how they may feel about this conflict. We owe it to every man and woman who puts on a uniform to serve our country and to every taxpayer who funds the operation to be clear that our entry into any conflict has been thoughtfully considered, contains clear justification, a clear mission, and a clear debate of the risks and benefits. The information sought by this joint resolution will help us meet those obligations.

I look forward to the Senate considering this joint resolution in the near future—hopefully next week.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 205—DESIGNATING THE PERIOD BEGINNING ON JUNE 19, 2011, AND ENDING ON JUNE 25, 2011, AS "POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK", AND RAISING AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND THE IMPACT SUCH DISEASE HAS ON PATIENTS

Mr. KOHL (for himself and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 205

Whereas polycystic kidney disease, known as "PKD", is one of the world's most prevalent life-threatening genetic diseases, affecting an estimated 600,000 people in the United States, including newborns, children, and adults regardless of sex, age, race, geography, income or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), affecting 1 in 500 people worldwide, and autosomal recessive (ARPKD), a rare form, affecting 1 in 20,000 live births and frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number one genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the period beginning on June 19, 2011, and ending on June 25, 2011, as "Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

**SENATE RESOLUTION 206—DESIGNATING JUNE 20, 2011, AS “AMERICAN EAGLE DAY”, AND CELEBRATING THE RECOVERY AND RESTORATION OF THE BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES**

Mr. ALEXANDER (for himself, Mr. INOUE, Mr. HOEVEN, Mrs. FEINSTEIN, Mr. ROBERTS, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mrs. BOXER, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

**S. RES. 206**

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

- (1) the Office of the President;
- (2) the Office of the Vice President;
- (3) Congress;
- (4) the Supreme Court;
- (5) the Department of the Treasury;
- (6) the Department of Defense;
- (7) the Department of Justice;
- (8) the Department of State;
- (9) the Department of Commerce;
- (10) the Department of Homeland Security;
- (11) the Department of Veterans Affairs;
- (12) the Department of Labor;
- (13) the Department of Health and Human Services;
- (14) the Department of Energy;
- (15) the Department of Housing and Urban Development;
- (16) the Central Intelligence Agency; and
- (17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

- (1) the spirit of freedom; and
- (2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named “Eagle”;

Whereas the “Eagle” played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the “Bald Eagle Protection Act of 1940”); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marked the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 20, 2011, as “American Eagle Day”;

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 416. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 417. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 418. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 419. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 420. Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 421. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 422. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 423. Mrs. HUTCHISON (for herself, Mr. BARRASSO, Mr. BURR, Mr. INHOFE, Mr. PORTMAN, Mr. RISC, Mr. HATCH, Mr. ALEXANDER, Mr. KYL, and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 424. Mr. JOHANNES submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 425. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 426. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 427. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 428. Mr. MERKLEY (for himself and Ms. SNOWE) proposed an amendment to the bill S. 782, supra.

SA 429. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 430. Mr. INHOFE submitted an amendment intended to be proposed by him to the

bill S. 782, supra; which was ordered to lie on the table.

SA 431. Mr. MORAN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 432. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 433. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 416.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **SEC. 22. STABILITY OVERSIGHT COUNCIL AUTHORITY.**

(a) **REPEAL OF ENHANCED SUPERVISION AUTHORITY.**—The Financial Stability Act of 2010 (15 U.S.C. 5311 et seq.) is amended by striking sections 113 (12 U.S.C. 5323), 114 (12 U.S.C. 5324), 115 (12 U.S.C. 5325), and 165 (12 U.S.C. 5365).

(b) **CONFORMING AMENDMENTS TO THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.**—The Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203) is amended—

(1) in section 2 (12 U.S.C. 5301), by striking paragraph (13);

(2) in section 102 (12 U.S.C. 5311)

(A) in subsection (a)(4), by striking subparagraph (D); and

(B) in subsection (c), by striking “(other than section 113(b))”;

(3) in section 112(a)(2) (12 U.S.C. 5322(a)(2))—

(A) in subparagraph (H), by striking “, or because of their activities pursuant to section 113”; and

(B) in subparagraph (N)(iv), by striking “section 113 or”;

(4) in section 117 (12 U.S.C. 5327)—

(A) in subsection (b), by striking “, as if the Council had made a determination under section 113 with respect to that entity”; and

(B) in subsection (c), by striking “whether the company meets the standards under section 113(a) or 113(b), as applicable, and”;

(5) in section 120(a) (12 U.S.C. 5330(a)), by striking “, including standards enumerated in section 115,”;

(6) in section 121—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c);

(7) in section 155(d) (12 U.S.C. 5345(d)), by striking “based on the considerations for establishing the prudential standards under section 115,”;

(8) in section 166 (12 U.S.C. 5366), by striking “or a bank holding company described in section 165(a)” each place that term appears;

(9) in section 170 (12 U.S.C. 5370)—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively;

(10) in section 211(f) (12 U.S.C. 5391(f)), by striking “or the Board of Governors under section 165”; and

(11) in section 716(i) (15 U.S.C. 8305(i)), by striking “as regulated under section 113” each place that term appears.

(c) **CONFORMING AMENDMENTS TO THE FEDERAL RESERVE ACT.**—Section 11(s)(2)(B) of the Federal Reserve Act (12 U.S.C. 248(s)(2)(B)), as added by section 318 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by striking “; and” and all that follows through the end of subparagraph (C) and inserting a period.

(d) **CONFORMING AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.**—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended—

(1) by striking “or a bank holding company described in section 165(a) of the Financial Stability Act of 2010” each place that term appears; and

(2) by striking “in accordance with section 165(d) of that Act”.

#### **SEC. 23. REESTABLISHING THE FEDERAL RESERVE LENDER OF LAST RESORT FUNCTION.**

(a) **RULEMAKING REQUIRED.**—Notwithstanding any other provision of law, the Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”), in consultation with the Secretary of the Treasury (in this Act referred to as the “Secretary”), shall, not later than 12 months after the date of enactment of this Act, issue rules that shall govern the creation of any emergency stabilization actions by the Board.

(b) **REQUIREMENTS.**—At a minimum, rules required under this Act shall, with respect to emergency stabilization actions described in subsection (a), including with respect to debt guarantee actions by and lender of last resort functions of the Board, and any action of the Board under section 13(3) of the Federal Reserve Act (other than discount window lending)—

(1) prescribe under what circumstances the program may and may not be used in the future;

(2) prescribe how the program shall ensure that it will only be used by solvent companies and will not be used to prevent failure of otherwise failing firms;

(3) prohibit the use of equity as collateral, and determine what type of collateral the Board will accept against emergency lending to ensure that all lending is done against collateral adequate to prevent the Federal Reserve System from incurring losses on the loan;

(4) establish how the Board of Governors and the Secretary shall ensure that the program does not allocate credit involving significant amounts of funding to specific segments of the financial system through decisions based on criteria other than the values of collateral posted or artificially prop up certain segments of the economy;

(5) establish procedures by which the Board would promulgate initial rules, and modify and amend such rules, to ensure a proper notice and comment period, including publicly documenting the need for the rule change; and

(6) include any other factors that the Board, in consultation with the Secretary, deems appropriate.

#### **SEC. 24. DISCLOSURES OF USE OF EMERGENCY LENDING AUTHORITY.**

The Board shall promptly, not later than 1 year after the date of any determination by the Board on whether to exercise its emergency lending authority, including with respect to debt guarantee actions by and lender of last resort functions of the Board, and any action of the Board under section 13(3) of the Federal Reserve Act (other than discount window lending), make available to the pub-

lic on its website, information on each such exercise of the emergency lending authority of the Board, including—

(1) all terms of the loan;

(2) collateral pledged;

(3) the method of valuation of collateral;

(4) repayment information;

(5) such other information as is relevant to the program;

(6) the identity of all of the companies that were granted a loan; and

(7) the identity of all companies that were denied a loan and the reasons for such denial.

**SA 417.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.**

(a) **IN GENERAL.**—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking “, but does not include independent regulatory agencies”.

(b) **EXEMPTION FOR MONETARY POLICY.**—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

#### **“SEC. 6. EXEMPTION FOR MONETARY POLICY.**

“Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

**SA 418.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **SEC. \_\_\_\_ . UNFUNDED MANDATES REFORM.**

(a) **REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.**—

(1) **REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.**—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

#### **“SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.”;**

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

“(a) **DEFINITION.**—In this section, the term ‘cost’ means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

“(b) **IN GENERAL.**—Before promulgating any proposed or final rule that may have an annual effect on the economy of \$100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial



regulatory impact analysis shall accompany the agency's notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

“(c) **CONTENT.**—The initial and final regulatory impact analysis under subsection (b) shall include—

“(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

“(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives that—

“(i) require no action by the Federal Government; and

“(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

“(C) an explanation that the rule meets the requirements of section 205;

“(2) an assessment of the extent to which—

“(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

“(B) there are available Federal resources to carry out the rule;

“(3) estimates of—

“(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

“(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

“(4)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

“(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

“(C) a summary of the agency's evaluation of those comments and concerns.”;

(D) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” and inserting “subsection (b)”;

(E) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” each place that term appears and inserting “subsection (b)”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

“Sec. 202. Regulatory impact analyses for certain rules.”.

(b) **LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.**—Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

**“SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.**

“Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

“(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency's discretion under the

statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

“(2) from the alternatives described under paragraph (1), select the least costly or least burdensome alternative that achieves the objectives of the statute.”.

**SA 419.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:  
**SEC. 22. PERMANENT REAUTHORIZATION OF EB-5 REGIONAL CENTER PROGRAM.**

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place such term appears; and

(2) in subsection (b), by striking “until September 30, 2012”.

**SA 420.** Mr. CARDIN (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . MATCHING FUNDS FOR APPALACHIAN DEVELOPMENT HIGHWAY PROJECTS.**

Section 120(j)(1)(A) of title 23, United States Code, is amended by striking “and the Appalachian development highway system program under section 14501 of title 40”.

**SA 421.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:  
**SEC. 22. BORDER FENCE COMPLETION.**

(a) **MINIMUM REQUIREMENTS.**—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: “Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(iii) not later than 1 year after the date of the enactment of the Economic Development Revitalization Act of 2011, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).”;

(3) in subparagraph (C), by adding at the end the following:

“(iii) **FUNDING NOT CONTINGENT ON CONSULTATION.**—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully com-

ply with the consultation requirement under clause (i).”.

(b) **REPORT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by subsection (a); and

(2) the plans for completing such fencing not later than 1 year after the date of the enactment of this Act.

**SA 422.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY.**

(a) **SHORT TITLE.**—This section may be cited as the “Regulations From the Executive in Need of Scrutiny Act of 2011” or the “REINS Act”.

(b) **FINDINGS AND PURPOSE.**—

(1) **FINDINGS.**—Congress finds the following:

(A) Section 1 of article I of the United States Constitution grants all legislative powers to Congress.

(B) Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes.

(C) By requiring a vote in Congress, this Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the people of the United States for the laws imposed upon them.

(2) **PURPOSE.**—The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process.

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—Chapter 8 of title 5, United States Code, is amended to read as follows:

**“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING**

**“Sec.**

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

**“§ 801. Congressional review**

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same



statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the agency’s actions under title 5 of the United States Code, sections 603, 604, 605, 607, and 609;

“(iii) the agency’s actions under sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532, 1533, 1534, and 1535); and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency’s compliance with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General’s report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days, or

“(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day, or

“(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

#### “§ 802. Congressional approval procedure for major rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced on or after the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress approves the rule submitted by the \_\_\_\_\_ relating to \_\_\_\_\_.’ (The blank spaces being appropriately filled in).

“(1) In the House, the majority leader of the House of Representatives (or his designee) and the minority leader of the House of Representatives (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 legislative days after Congress receives the report referred to in section 801(a)(1)(A).

“(2) In the Senate, the majority leader of the Senate (or his designee) and the minority leader of the Senate (or his designee) shall introduce such joint resolution described in subsection (a) (by request), within 3 session days after Congress receives the report referred to in section 801(a)(1)(A).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to

amend the provision of law under which the rule is issued.

“(2) For purposes of this section, the term ‘submission date’ means the date on which the Congress receives the report submitted under section 801(a)(1).

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e)(1) In the House of Representatives, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 legislative days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the appropriate calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th legislative day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(2)(A) A motion in the House of Representatives to proceed to the consideration

of a resolution shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

“(B) Debate in the House of Representatives on a resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion to further limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order. It shall not be in order to reconsider the vote by which a resolution is agreed to or disagreed to.

“(C) Motions to postpone, made in the House of Representatives with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

“(D) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a resolution shall be decided without debate.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply with respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(1) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(2) the vote on final passage shall be on the joint resolution of the other House.

“(g) The enactment of a resolution of approval does not serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, does not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

### “§ 803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the \_\_\_\_\_ relating to \_\_\_\_\_, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term ‘submission or publication date’ means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

### “§ 804. Definitions

“For purposes of this chapter—

“(1) the term ‘Federal agency’ means any agency as that term is defined in section 551(1);

“(2) the term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets;

“(3) the term ‘nonmajor rule’ means any rule that is not a major rule; and

“(4) the term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

### “§ 805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

### “§ 806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

### “§ 807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.”

**SA 423.** Mrs. HUTCHISON (for herself, Mr. BARRASSO, Mr. BURR, Mr. INHOFE, Mr. PORTMAN, Mr. RISCH, Mr. HATCH, Mr. ALEXANDER, Mr. KYL, and Mr. MORAN) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_. EFFECTIVE DATE OF PPACA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of the Patient Protection and Affordable Care Act (Public Law 111-148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), including the amendments made by such Acts, that are not in effect on the date of enactment of this Act shall not be in effect until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

(b) PROMULGATION OF REGULATIONS.—Notwithstanding any other provision of law, the Federal Government shall not promulgate regulations under the Patient Protection and Affordable Care Act (Public Law 111-148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), including the amendments made by such Acts, or otherwise prepare to implement such Acts (or amendments made by such Acts), until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

**SA 424.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

**SEC. [2 ]. MARGIN RULES; SECURITIES LAWS AMENDMENTS.**

(a) MARGIN RULES.—

(1) CAPITAL AND MARGIN REQUIREMENTS.—Section 4s(e) of the Commodity Exchange Act (7 U.S.C. 6s(e)) is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to swaps in which 1 of the counterparties is not—

“(A) a swap dealer or major swap participant;

“(B) an investment fund that—

“(i) has issued securities (other than debt securities) to more than 5 unaffiliated persons;

“(ii) would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)) but for paragraph (1) or (7) of subsection (c) of that section; and

“(iii) is not primarily invested in physical assets (including commercial real estate) directly or through an interest in an affiliate that owns the physical assets;

“(C) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

“(D) a commodity pool.

“(5) MARGIN TRANSITION RULES.—Swaps entered into before the date on which final rules are required to be promulgated under section 712(e) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 8302(e)) shall be exempt from the margin requirements under this subsection.”.

(2) MAJOR SWAP PARTICIPANT.—Section 1a(33)(A) of the Commodity Exchange Act (7 U.S.C. 1a(33)(A)) is amended by striking clause (ii) and inserting the following:

“(ii) whose outstanding swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or”.

(b) SECURITIES LAWS AMENDMENTS.—

(1) MARGIN REQUIREMENTS.—Section 15F(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-10(e)), as added by section 764 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, is amended by adding at the end the following:

“(4) APPLICABILITY WITH RESPECT TO COUNTERPARTIES.—The margin requirements of this subsection shall not apply to security-based swaps in which 1 of the counterparties is not—

“(A) a security-based swap dealer or major security-based swap participant;

“(B) an investment fund that would be an investment company (as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3)), but for paragraph (1) or (7) of section 3(c) of that Act (15 U.S.C. 80a-3(c)), that is not primarily invested in physical assets (including commercial real estate) directly or through interest in its affiliates that own such assets;

“(C) a regulated entity, as defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502); or

“(D) a commodity pool.

“(5) MARGIN TRANSITION RULES.—Security-based swaps entered into before the date on which final rules are required to be published under section 712(a)(5) of the Wall Street Transparency and Accountability Act of 2010 (15 U.S.C. 8302(a)(5)) are exempt from the margin requirements of this subsection.”.

(2) DEFINITIONS.—Section 3(a)(67)(A)(ii)(II) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(67)(A)(ii)(II)), as amended to read as follows:

“(II) whose outstanding security-based swaps create substantial net counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall have the same effective date as provided in section 774 of the Wall Street Transparency and Accountability Act of 2010 (15 U.S.C. 77b note).

**SA 425.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**SEC. \_\_. DECREASE SPENDING NOW ACT.**

(a) SHORT TITLE.—This section may be cited as the “Decrease Spending Now Act”.

(b) RESCISSION OF UNOBLIGATED DISCRETIONARY APPROPRIATIONS.—

(1) IN GENERAL.—Of the unobligated balances of discretionary appropriations on the date of enactment of this Act, \$45,000,000,000 is rescinded.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Director of the Office of Management and Budget shall determine which appropriation accounts the rescission under paragraph (1) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(B) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in paragraph (1) and the amounts rescinded from each such account.

(3) EXCEPTIONS.—The rescission under paragraph (1) shall not apply to the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

**SA 426.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

**SEC. 22. RESCISSION OF UNOBLIGATED DISCRETIONARY APPROPRIATIONS.**

(a) IN GENERAL.—Of the unobligated balances of discretionary appropriations on the date of enactment of this Act, \$3,000,000,000 is rescinded.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall determine which appropriation accounts the rescission under subsection (a) shall apply to and the amount that each such account shall be reduced by pursuant to such rescission.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress listing the accounts reduced by the rescission in subsection (a) and the amounts rescinded from each such account.

(c) EXCEPTIONS.—The rescission under subsection (a) shall not apply to the Department of Defense, the Department of Veterans Affairs, or the Social Security Administration.

**SA 427.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_. IDENTIFICATION OF QUALIFIED CENSUS TRACTS BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.**

(a) DESIGNATION OF QUALIFIED CENSUS TRACTS.—Not later than 2 weeks after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts, the Secretary of Housing and Urban Development shall identify census tracts that meet the requirements of section 42(d)(5)(B)(ii) of

the Internal Revenue Code of 1986 (determined without regard to Secretarial designation) and shall deem such census tracts to be qualified census tracts (as defined in such section) solely for purposes of determining which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(b) **EFFECTIVE DATE.**—The Administrator of the Small Business Administration shall designate a date that is not later than 3 months after the date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a) as the effective date for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to affect—

(1) the date on which a census tract is designated as a qualified census tract for purposes of section 42 of the Internal Revenue Code of 1986; or

(2) the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

**SA 428.** Mr. MERKLEY (for himself and Ms. SNOWE) proposed an amendment to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE \_\_\_\_\_—REGULATION OF MORTGAGE SERVICING**

**SEC. \_\_\_\_ 1. SHORT TITLE.**

This title may be cited as the “Regulation of Mortgage Servicing Act of 2011”.

**SEC. \_\_\_\_ 2. DEFINITIONS.**

In this title, the following definitions shall apply:

(1) **ALTERNATIVE TO FORECLOSURE.**—The term “alternative to foreclosure”—

(A) means a course of action with respect to a mortgage offered by a servicer to a borrower as an alternative to a covered foreclosure action; and

(B) includes a short sale and a deed in lieu of foreclosure.

(2) **BORROWER.**—The term “borrower” means a mortgagor under a mortgage who is in default or at risk of imminent default, as determined by the Director, by rule.

(3) **COVERED FORECLOSURE ACTION.**—The term “covered foreclosure action” means a judicial or nonjudicial foreclosure.

(4) **DIRECTOR.**—The term “Director” means the Director of the Bureau of Consumer Financial Protection.

(5) **INDEPENDENT REVIEWER.**—The term “independent reviewer”—

(A) means an entity that has the expertise and capacity to determine whether a borrower is eligible to participate in a loan modification program; and

(B) includes—

(i) an entity that is not a servicer; and

(ii) a division within a servicer that is independent of, and not under the same immediate supervision as, any division that makes determinations with respect to applications for loan modifications or alternatives to foreclosure.

(6) **LOAN MODIFICATION PROGRAM.**—The term “loan modification program”—

(A) means a program or procedure designed to change the terms of a mortgage in the

case of the default, delinquency, or imminent default or delinquency of a mortgagor; and

(B) includes—

(i) a loan modification program established by the Federal Government, including the Home Affordable Modification Program of the Department of the Treasury; and

(ii) a loan modification program established by a servicer.

(7) **MORTGAGE.**—The term “mortgage” means a federally related mortgage loan, as defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602), that is secured by a first or subordinate lien on residential real property.

(8) **SERVICER.**—The term “servicer”—

(A) has the same meaning as in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)); and

(B) includes a person responsible for servicing a pool of mortgages.

**SEC. \_\_\_\_ 3. SINGLE POINT OF CONTACT.**

(a) **CASE MANAGER REQUIRED.**—A servicer shall assign 1 case manager to each borrower that seeks a loan modification or an alternative to foreclosure.

(b) **DUTIES OF CASE MANAGER.**—The case manager assigned under subsection (a) shall be an individual who—

(1) manages the communications between the servicer and the borrower;

(2) has the authority to make decisions about the eligibility of the borrower for a loan modification or an alternative to foreclosure;

(3) is available to communicate with the borrower by telephone and email during business hours; and

(4) remains assigned to the borrower until the earliest of—

(A) the date on which the borrower accepts a loan modification or an alternative to foreclosure;

(B) the date on which the servicer forecloses on the mortgage of the borrower; and

(C) the date on which a release of the mortgage of the borrower is recorded in the appropriate land records office, as determined by the Director, by rule.

(c) **ASSISTANCE FOR CASE MANAGERS.**—A servicer may assign an employee to assist a case manager assigned under subsection (a), if the case manager remains available to communicate with the borrower by telephone and email.

**SEC. \_\_\_\_ 4. DETERMINATION OF ELIGIBILITY FOR LOAN MODIFICATION PROGRAM OR ALTERNATIVE TO FORECLOSURE REQUIRED BEFORE FORECLOSURE.**

(a) **INITIATION OF COVERED FORECLOSURE ACTIONS.**—A servicer may not initiate a covered foreclosure action against a borrower unless the servicer has—

(1) completed a full review of the file of the borrower to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure;

(2) made a reasonable effort to obtain the information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, as described in subsection (c); and

(3) offered the borrower a loan modification or an alternative to foreclosure, if the borrower is eligible for the loan modification or alternative to foreclosure.

(b) **SUSPENSION OF COVERED FORECLOSURE ACTIONS.**—

(1) **IN GENERAL.**—A servicer shall suspend a covered foreclosure action that was initiated before the date of enactment of this title until the servicer—

(A) completes a full review of the file of the borrower to determine whether the bor-

rower is eligible for a loan modification or an alternative to foreclosure;

(B) notifies the borrower of the determination under subparagraph (A); and

(C) offers the borrower a loan modification or an alternative to foreclosure, if the borrower is eligible for a loan modification or an alternative to foreclosure.

(2) **SUSPENSION.**—During the period of the suspension under paragraph (1), a servicer may not—

(A) send a notice of foreclosure to a borrower;

(B) conduct or schedule a sale of the real property securing the mortgage of the borrower; or

(C) cause final judgment to be entered against the borrower.

(3) **REASONABLE EFFORTS.**—A servicer is not required to suspend a covered foreclosure action under paragraph (1) if the servicer—

(A) makes a reasonable effort to obtain information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, as described in subsection (c); and

(B) has not received information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure before the end of the applicable period under subsection (c).

(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to require a servicer to delay a foreclosure that results from—

(A) a borrower abandoning the residential real property securing a mortgage; or

(B) the failure of the borrower to qualify for or meet the requirements of a loan modification program.

(c) **REASONABLE EFFORT TO OBTAIN NECESSARY INFORMATION.**—A servicer shall be deemed to have made a reasonable effort to obtain information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure if—

(1) during the 30-day period beginning on the date of delinquency of the borrower, the servicer attempts to establish contact with the borrower by—

(A) making not fewer than 4 telephone calls to the telephone number on record for the borrower, at different times of the day; and

(B) sending not fewer than 2 written notices to the borrower at the address on record for the borrower, at least 1 of which shall be delivered by certified mail, requesting that the borrower contact the servicer;

(2) in the case that the borrower responds in writing or by telephone to an attempt to establish contact under paragraph (1), the servicer—

(A) notifies the borrower, in writing, that the servicer lacks information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure; and

(B) sends the borrower a written request that the borrower transmit to the servicer all information necessary to determine whether the borrower is eligible for a loan modification or an alternative to foreclosure, not later than 30 days after the date on which the servicer sends the request;

(3) in the case that the servicer receives from the borrower some, but not all, of the information requested under paragraph (2)(B) on or before the date that is 30 days after the date on which the servicer sends the notice under paragraph (2), the servicer sends the borrower a written request that the borrower transmit to the servicer all information necessary to determine whether

the borrower is eligible for a loan modification or an alternative to foreclosure, not later than 15 days after the date on which the servicer sends the request; and

(4) in the case that the servicer does not receive from the borrower all information requested under paragraph (3) on or before the date that is 15 days after the date on which the servicer sends the request under paragraph (3), the servicer notifies the borrower that the servicer intends to initiate or continue a covered foreclosure action.

#### SEC. \_\_\_\_ 5. THIRD PARTY REVIEW.

Before a servicer notifies a borrower that the borrower is not eligible for a loan modification or an alternative to foreclosure, the servicer shall obtain the services of an independent reviewer to—

- (1) review the file of the borrower; and
- (2) determine whether the borrower is eligible for a loan modification or an alternative to foreclosure.

#### SEC. \_\_\_\_ 6. BAR TO FORECLOSURE ACTIONS.

(a) IN GENERAL.—Subject to subsection (b), a violation of this title shall be a bar to a covered foreclosure action.

(b) EFFECT OF SUBSEQUENT COMPLIANCE.—If a servicer is in compliance with this title, the servicer may bring or proceed with a covered foreclosure action, without regard to a prior violation of this title by the servicer.

#### SEC. \_\_\_\_ 7. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Director, in consultation with the Secretary of Housing and Urban Development and the Secretary of the Treasury, shall issue regulations to carry out this title.

#### SEC. \_\_\_\_ 8. REPORT.

Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report that contains—

- (1) an evaluation of the effect of this title on—
  - (A) State law; and
  - (B) communication between servicers and borrowers; and
- (2) a description of any problems concerning the implementation of this title.

**SA 429.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

#### SEC. [2] J. EXEMPTION OF LESSER PRAIRIE CHICKEN FROM ENDANGERED SPECIES ACT OF 1973.

Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) is amended by adding at the end the following:

“(j) EXEMPTION OF LESSER PRAIRIE CHICKEN.—This Act shall not apply to the lesser prairie chicken.”.

**SA 430.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, line 6, strike “\$500,000,000” and insert “\$300,000,000”.

**SA 431.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the

Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. \_\_\_\_ PRESCRIBED FIRES IN FLINT HILLS REGION.

(a) FINDINGS.—Congress finds that—

(1) the Flint Hills Region of Kansas and Oklahoma contains the world's largest share of the remaining tallgrass prairie, and is the only place in which that habitat occurs in landscape proportions;

(2) only 4 percent of the presettlement tallgrass prairie in North America survives to this day, and 80 percent of that prairie is located in Kansas;

(3) the Flint Hills Region is also home to certain declining avian species, such as the greater prairie chicken and Henslow's sparrow, that cannot continue to exist without large expanses of native tallgrass prairie in an original state;

(4) the Flint Hills Region is a significant corridor for migrating shorebirds, such as the American golden plover, the buff-breasted sand-piper, and the upland sandpiper;

(5) beginning in the mid-19th century, cattlemen understood that the richness of the Flint Hills grasses depended on a good spring burn—something they learned from the Native Americans;

(6) fire still thrives in the Flint Hills because the ranchers, and others using the land, understand that the natural ecosystem depends on fire;

(7) ranchers, landowners, and conservation groups use prescribed burns to mimic the seasonal fires that have shaped the tallgrass prairie for thousands of years;

(8) areas not burned for several years develop mature grasses and thicker, thatch-like vegetation, a habitat that is preferred by invasive species;

(9) the Flint Hills Region is a place in the United States that is an example of the prevailing agricultural system working essentially in tandem with an ancestral native ecosystem, preserving most of the complexity and the dynamic processes that helped shape the area; and

(10) due to the uniqueness of the Flint Hills tallgrass prairie and the historic manner in which the tallgrass prairie has been managed by fire—

(A) prescribed burn practices used as of the date of enactment of this Act to manage the Flint Hills tallgrass prairie should be allowed to continue; and

(B) ambient air data resulting from fires used for that management should be not be included in determinations of compliance with the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) PRESCRIBED FIRES.—The Clean Air Act is amended by inserting after section 329 (42 U.S.C. 7628) the following:

#### “SEC. 330. PRESCRIBED FIRES IN FLINT HILLS REGION.

“(a) DEFINITIONS.—In this section:

“(1) FLINT HILLS REGION.—

“(A) IN GENERAL.—The term ‘Flint Hills Region’ means the band of hills located in eastern Kansas and north-central Oklahoma.

“(B) INCLUSIONS.—The term ‘Flint Hills Region’ includes—

“(i) Butler, Chase, Chautauqua, Clay, Cowley, Dickinson, Elk, Geary, Greenwood, Harvey, Jackson, Lyon, Marion, Marshall, Morris, Ottawa, Pottawatomie, Riley, Saline, Shawnee, Wabaunsee, Washington, and Woodson Counties in the State of Kansas; and

“(ii) Osage, Tulsa, and Washington counties in the State of Oklahoma.

“(2) PRESCRIBED FIRE.—The term ‘prescribed fire’ means a fire that is set or managed by a person with the goal of enhancing a fire-dependent ecosystem or enhancing the productivity of agricultural grazing land, irrespective of the frequency with which the burn occurs.

“(b) EXCLUSION OF DATA.—In determining whether, with respect to a specific air pollutant, an exceedance or violation of a national ambient air quality standard has occurred, or for any other purpose under this Act, a State and the Administrator shall exclude data from a particular air quality monitoring location if emissions from 1 or more prescribed fires in the Flint Hills Region cause a concentration of the air pollutant at the location to be in excess of the standard.

“(c) SPECIFIC LIMITATIONS.—If emission data is excluded under subsection (b) from a particular air quality monitoring station because of emissions from 1 or more prescribed fires in the Flint Hills Region—

“(1) the Administrator shall not, as a result of the emissions, find under section 113 that a State has failed to enforce, or that a person has violated, a State implementation plan (for national primary or secondary ambient air quality standards) under section 110; and

“(2) a State shall not, as a result of the emissions, find that a person has violated, or bring an enforcement action for violation of, a State implementation plan (for national primary or secondary ambient air quality standards) under section 110.

“(d) PROHIBITION AGAINST SMOKE MANAGEMENT PLANS.—The Administrator shall not require, and a State shall not adopt, a smoke management plan under this Act in connection with any prescribed fire in the Flint Hills Region.

“(e) NOT A STATIONARY SOURCE.—No building, structure, facility, or installation may be treated as a stationary source under this Act as a result of 1 or more prescribed fires in the Flint Hills Region.

“(f) NO TITLE V PERMIT REQUIRED.—No person shall be required to obtain or modify a permit under title V in connection with a prescribed fire in the Flint Hills Region.”.

**SA 432.** Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

#### SEC. 22. MINORITY BUSINESS DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) HISTORICALLY DISADVANTAGED INDIVIDUAL.—The term “historically disadvantaged individual” means any individual who is a member of a group that is designated as eligible to receive assistance under section 1400.1 of title 15, Code of Federal Regulations, as in effect on January 1, 2009.

(2) PRINCIPAL.—The term “principal” means any person that the National Director determines exercises significant control over the regular operations of a business entity.

(3) PROGRAM.—The term “Program” means the Minority Business Development Program established under subsection (b).

(b) PROGRAM REQUIRED.—The National Director of the Minority Business Development Agency shall establish the Minority Business Development Program to provide contract

procurement assistance to qualified minority businesses.

(C) **QUALIFIED MINORITY BUSINESS.**—

(1) **CERTIFICATION.**—For purposes of the Program, the National Director may certify as a qualified minority business any entity that satisfies each of the following:

(A) Not less than 51 percent of the entity is directly and unconditionally owned or controlled by historically disadvantaged individuals.

(B) Each officer or other individual who exercises control over the regular operations of the entity is a historically disadvantaged individual.

(C) The net worth of each principal of the entity is not greater than \$2,000,000. (The equity of a disadvantaged owner in a primary personal residence shall be considered in this calculation.)

(D) The principal place of business of the entity is in the United States.

(E) Each principal of the entity maintains good character in the determination of the National Director.

(F) The entity engages in competitive and bona fide commercial business operations in not less than one sector of industry that has a North American Industry Classification System code.

(G) The entity submits reports to the National Director at such time, in such form, and containing such information as the National Director may require.

(H) Such other requirements as the National Director considers appropriate for purposes of the Program.

(2) **TERM OF CERTIFICATION.**—A certification under this subsection shall be for a term of 5 years and may not be renewed.

(d) **SET-ASIDE CONTRACTING OPPORTUNITIES.**—

(1) **IN GENERAL.**—The National Director may enter into agreements with the United States Government and any department, agency, or officer thereof having procurement powers for purposes of providing for the fulfillment of procurement contracts and providing opportunities for qualified minority businesses with regard to such contracts.

(2) **QUALIFICATIONS ON PARTICIPATION.**—The National Director shall by rule establish requirements for participation under this subsection by a qualified minority business in a contract.

(3) **ANNUAL LIMIT ON NUMBER OF CONTRACTS PER QUALIFIED MINORITY BUSINESS.**—A qualified minority business may not participate under this section in contracts in an amount that exceeds \$10,000,000 for goods and services each fiscal year.

(4) **LIMITS ON CONTRACT AMOUNTS.**—

(A) **GOODS AND SERVICES.**—Except as provided in subparagraph (B), a contract for goods and services under this subsection may not exceed \$6,000,000.

(B) **MANUFACTURING AND CONSTRUCTION.**—A contract for manufacturing and construction services under this subsection may not exceed \$10,000,000.

(e) **TERMINATION FROM THE PROGRAM.**—The National Director may terminate a qualified minority business from the Program for any violation of a requirement of subsections (c) and (d) by that qualified minority business, including the following:

(1) Conduct by a principal of the qualified minority business that indicates a lack of business integrity.

(2) Willful failure to comply with applicable labor standards and obligations.

(3) Consistent failure to tender adequate performance with regard to contracts under the Program.

(4) Failure to obtain and maintain relevant certifications.

(5) Failure to pay outstanding obligations owed to the Federal Government.

**SA 433.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . REPORT ON INVESTMENTS.**

Not later than 180 days after the date of enactment of this Act, the Economic Development Administration shall submit to Congress a report that—

(1) describes the programs and investments carried out under the authority of the Economic Development Administration in areas that have been impacted by 3 or more natural or manmade disasters since January 1, 2005, including—

(A) the quantity of jobs created by the programs;

(B) the quantity of small businesses assisted by the programs; and

(C) any additional information the Economic Development Administration determines to be necessary; and

(2) includes any recommendations of the Economic Development Administration on additional methods to assist economic recovery in the areas described in paragraph (1).

## NOTICE OF HEARING

### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 16, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled “Finding Our Way Home: Achieving the Policy Goals of NAGPRA.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 8, 2011, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. TESTER. Mr. President, I ask unanimous consent that the Com-

mittee on Foreign Relations be authorized to meet during the session of the Senate on June 8, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2011, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The President’s Request to Extend the Service of Director Robert Mueller of the FBI Until 2013.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 8, 2011, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “Nominations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS’ AFFAIRS

Mr. TESTER. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on June 8, 2011, in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY AND SUBCOMMITTEE ON CHILDREN’S HEALTH AND ENVIRONMENTAL RESPONSIBILITY

Mr. TESTER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety and the Subcommittee on Children’s Health and Environmental Responsibility of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 8, 2011, at 10 a.m., in Dirksen 406 to conduct a hearing entitled, “Air Quality and Children’s Health.”

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. REED. Madam President, I ask unanimous consent that Robert Peak, a fellow in my office, be granted the privilege of the floor for the remainder of the 112th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Nicholas Patterson, a detailee on the staff of the Subcommittee on Crime and Terrorism of the Committee on the Judiciary, be granted floor privileges for the remainder of the 112th Congress.



The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Rivka Jacobs, Katherine Klein, and Eric Stivers of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 205 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 205) designating the period beginning on June 19, 2011, and ending on June 25, 2011, as "Polycystic Kidney Disease Awareness Week," and raising awareness and understanding of polycystic kidney disease and the impact such disease has on patients.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 205

Whereas polycystic kidney disease, known as "PKD", is one of the world's most prevalent life-threatening genetic diseases, affecting an estimated 600,000 people in the United States, including newborns, children, and adults regardless of sex, age, race, geography, income or ethnicity;

Whereas there are 2 forms of polycystic kidney disease, autosomal dominant (ADPKD), affecting 1 in 500 people worldwide, and autosomal recessive (ARPKD), a rare form, affecting 1 in 20,000 live births and frequently leading to early death;

Whereas polycystic kidney disease causes multiple cysts to form on both kidneys (ranging in size from a pinhead to a grapefruit), leading to an increase in kidney size and weight;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidneys and the cardiovascular, endocrine, hepatic, and gastrointestinal systems;

Whereas patients with polycystic kidney disease often experience no symptoms early in the disease, and many patients do not realize they have polycystic kidney disease until other organs are affected;

Whereas symptoms of polycystic kidney disease may include high blood pressure, chronic pain in the back, sides or abdomen, blood in the urine, urinary tract infection, heart disease, and kidney stones;

Whereas polycystic kidney disease is the number one genetic cause of kidney failure in the United States;

Whereas more than half of polycystic kidney disease patients will reach kidney failure and require dialysis or a kidney transplant to survive, thus placing an extra strain on dialysis and kidney transplantation resources;

Whereas there is no treatment or cure for polycystic kidney disease; and

Whereas there are thousands of volunteers nationwide dedicated to expanding essential research, fostering public awareness and understanding, educating patients and their families about polycystic kidney disease to improve treatment and care, providing appropriate moral support, and encouraging people to become organ donors: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the period beginning on June 19, 2011, and ending on June 25, 2011, as "Polycystic Kidney Disease Awareness Week";

(2) supports the goals and ideals of Polycystic Kidney Disease Awareness Week, to raise public awareness and understanding of polycystic kidney disease;

(3) recognizes the need for additional research to find treatments and a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease, and to foster understanding of the impact of such disease on patients and their families.

#### AMERICAN EAGLE DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 206 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 206) designating June 20, 2011, as "American Eagle Day," and celebrating the recovery and restoration of the bald eagle, the national symbol of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 206) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 206

Whereas on June 20, 1782, the bald eagle was officially designated as the national emblem of the United States by the founding fathers at the Second Continental Congress;

Whereas the bald eagle is the central image of the Great Seal of the United States;

Whereas the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) the Office of the President;

(2) the Office of the Vice President;

(3) Congress;

(4) the Supreme Court;

(5) the Department of the Treasury;

(6) the Department of Defense;

(7) the Department of Justice;

(8) the Department of State;

(9) the Department of Commerce;

(10) the Department of Homeland Security;

(11) the Department of Veterans Affairs;

(12) the Department of Labor;

(13) the Department of Health and Human Services;

(14) the Department of Energy;

(15) the Department of Housing and Urban Development;

(16) the Central Intelligence Agency; and

(17) the Postal Service;

Whereas the bald eagle is an inspiring symbol of—

(1) the spirit of freedom; and

(2) the democracy of the United States;

Whereas, since the founding of the Nation, the image, meaning, and symbolism of the bald eagle have played a significant role in the art, music, history, commerce, literature, architecture, and culture of the United States;

Whereas the bald eagle is prominently featured on the stamps, currency, and coinage of the United States;

Whereas the habitat of bald eagles exists only in North America;

Whereas, by 1963, the population of bald eagles that nested in the lower 48 States had declined to approximately 417 nesting pairs;

Whereas, due to the dramatic decline in the population of bald eagles in the lower 48 States, the Secretary of the Interior listed the bald eagle as an endangered species on the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas caring and concerned individuals from the Federal, State, and private sectors banded together to save, and help ensure the recovery and protection of, bald eagles;

Whereas, on July 20, 1969, the first manned lunar landing occurred in the Apollo 11 Lunar Excursion Module, which was named "Eagle";

Whereas the "Eagle" played an integral role in achieving the goal of the United States of landing a man on the Moon and returning that man safely to Earth;

Whereas, in 1995, as a result of the efforts of those caring and concerned individuals, the Secretary of the Interior listed the bald eagle as a threatened species on the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas, by 2007, the population of bald eagles that nested in the lower 48 States had increased to approximately 10,000 nesting pairs, an increase of approximately 2,500 percent from the preceding 40 years;

Whereas, in 2007, the population of bald eagles that nested in the State of Alaska was approximately 50,000 to 70,000;

Whereas, on June 28, 2007, the Secretary of the Interior removed the bald eagle from the list of threatened species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1));

Whereas bald eagles remain protected in accordance with—

(1) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the "Bald Eagle Protection Act of 1940"); and

(2) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

Whereas, on January 15, 2008, the Secretary of the Treasury issued 3 limited edition bald



eagle commemorative coins under the American Bald Eagle Recovery and National Emblem Commemorative Coin Act (Public Law 108-486; 118 Stat. 3934);

Whereas the sale of the limited edition bald eagle commemorative coins issued by the Secretary of the Treasury has raised approximately \$7,800,000 for the nonprofit American Eagle Foundation of Pigeon Forge, Tennessee to support efforts to protect the bald eagle;

Whereas, if not for the vigilant conservation efforts of concerned Americans and the enactment of strict environmental protection laws (including regulations) the bald eagle would probably be extinct;

Whereas the American Eagle Foundation has brought substantial public attention to the cause of the protection and care of the bald eagle nationally;

Whereas November 4, 2010, marked the 25th anniversary of the American Eagle Foundation;

Whereas the dramatic recovery of the population of bald eagles—

(1) is an endangered species success story; and

(2) an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas the initial recovery of the population of bald eagles was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas the continuation of recovery, management, and public awareness programs for bald eagles will be necessary to ensure—

(1) the continued progress of the recovery of bald eagles; and

(2) that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 20, 2011, as “American Eagle Day”;

(2) applauds the issuance of bald eagle commemorative coins by the Secretary of the Treasury as a means by which to generate critical funds for the protection of bald eagles; and

(3) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate and develop educational tools for use in the public schools of the United States; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

#### ORDERS FOR THURSDAY, JUNE 9, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, June 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of S. 782, the Economic Development Revitalization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, there are several amendments pending to the EDA bill on the floor. Senators will be notified when votes are scheduled.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:20 p.m., adjourned until Thursday, June 9, 2011, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be lieutenant general*

LT. GEN. CURTIS M. SCAPARROTTI

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### *To be general*

LT. GEN. JOHN R. ALLEN

## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 9, 2011 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 14

9 a.m.

Armed Services

Airland Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Luis A. Aguilar, of Georgia, and Daniel M. Gallagher, Jr., of Maryland, both to be a Member of the Securities and Exchange Commission, and Anthony Frank D'Agostino, of Maryland, and Gregory Karawan, of Virginia, both to be a Director of the Securities Investor Protection Corporation.

SD-538

Energy and Natural Resources

To hold hearings to examine wildfire management programs of the Federal land management agencies.

SD-366

10:30 a.m.

Armed Services

Strategic Forces Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

2 p.m.

Armed Services

SeaPower Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the pro-

posed National Defense Authorization Act for fiscal year 2012.

SR-232A

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine emerging threats to rail security.

SR-253

3:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

Business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2012.

SR-485

5 p.m.

Armed Services

Personnel Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

JUNE 15

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the "Wall Street Reform and Consumer Protection Act" and implementation of Title VII one year later.

SR-328A

Armed Services

Emerging Threats and Capabilities Subcommittee

Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

10 a.m.

Environment and Public Works

To hold hearings to examine the "Clean Air Act" and public health.

SD-406

Banking, Housing, and Urban Affairs

Financial Institutions and Consumer Protection Subcommittee

To hold hearings to examine enhancing safety and soundness, focusing on lessons learned and opportunities for continued improvement.

SD-538

10:30 a.m.

Appropriations

Department of Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Defense.

SD-192

2:30 p.m.

Armed Services

Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Jennifer A. Di Toro, Donna

Mary Murphy, and Yvonne M. Williams, all to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

JUNE 16

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

10:30 a.m.

Energy and Natural Resources

To hold hearings to examine S. 343, to amend Title I of PL 99-658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99-658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD-366

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine achieving the policy goals of the "Native American Graves Protection and Repatriation Act" (NAGPRA).

SD-628

JUNE 17

9:30 a.m.

Armed Services

Closed business meeting to continue markup of the proposed National Defense Authorization Act for fiscal year 2012.

SR-232A

JUNE 21

2:30 p.m.

Judiciary

Crime and Terrorism Subcommittee

To hold hearings to examine cybersecurity, focusing on evaluating the Administration's proposals.

SD-226

Foreign Relations

To hold hearings to examine evaluating goals and progress in Afghanistan and Pakistan.

SD-106

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

June 8, 2011

EXTENSIONS OF REMARKS, Vol. 157, Pt. 6

8879

| JUNE 23  | JUNE 29  | POSTPONEMENTS   |
|--|--|---|
| 2:15 p.m.<br>Foreign Relations<br>Western Hemisphere, Peace Corps and<br>Global Narcotics Affairs Subcommittee<br>International Development and Foreign<br>Assistance, Economic Affairs and<br>International Environmental Protec-<br>tion Subcommittee<br>To hold joint hearings to examine Haiti,<br>focusing on reinvigorating aid under<br>Martelly.<br>SD-419 | 10 a.m.<br>Veterans' Affairs<br>Business meeting to consider pending<br>calendar business.<br>SR-418 | JUNE 14<br>10:30 a.m.<br>Appropriations<br>Department of Defense Subcommittee<br>To hold closed hearings to examine pro-<br>posed budget estimates for fiscal year<br>2012 for national and military intel-<br>ligence programs.<br>SVC-217 |

## HOUSE OF REPRESENTATIVES—Thursday, June 9, 2011

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
June 9, 2011.

I hereby appoint the Honorable THOMAS J. ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Dr. Alan Keiran, Office of the Senate Chaplain, Washington, DC, offered the following prayer:

Lord God Almighty, as the Psalmist says, "Your unfailing love, O Lord, is as vast as the heavens; Your faithfulness reaches beyond the clouds. Your righteousness is like the mighty mountains; Your justice like the ocean depths."

Lord God, I pray You will reward the faithfulness of all who honor Your name and seek to bring You glory. Make known Your plans to prosper them; plans not to harm them but to give them hope and a bright future. Inspire our elected leaders to seek Your presence and pray daily for Your wisdom. Let them clearly discern Your still small voice amidst the constant clamor of their busy lives.

In the long legislative days ahead, may they feel Your favor as they faithfully discharge the duties assigned to them. Give them the strength to persevere in the storms of life and the humility to honor You when victories burst forth like a radiant dawn. I pray in Your mighty Name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 32 minutes a.m.), under its previous order, the House adjourned until Monday, June 13, 2011, at 2 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1872. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerances [EPA-HQ-OPP-2009-0263; FRL-8865-8] received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1873. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Sunland Park Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standard [EPA-R06-OAR-2007-0502; FRL-9305-6] received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1874. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>); Final Rule to Repeal Grandfather Provision [EPA-HQ-OAR-2003-0062; FRL-9306-9] (RIN: 2060-AP75) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1875. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Defer Sanctions, Sacramento Metro 1-hour Ozone Nonattainment Area, California [EPA-R09-OAR-2011-0372; FRL-9307-3] received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1876. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Method 301—Field Validation of Pollutant Measurement Methods from Various Waste Media [OAR-2004-0080; FRL-9306-8] (RIN: 2060-AF00) received May 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1877. A letter from the Acting Assistant Secretary Legislative Affairs, Department of

State, transmitting a report relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998; to the Committee on Foreign Affairs.

1878. A letter from the Assistant Attorney General, Department of Justice, transmitting Administration of the Foreign Agents Registration Act of 1938, as amended, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

1879. A letter from the Staff Director, United States Sentencing Commission, transmitting a report of the compliance of the federal district courts; to the Committee on the Judiciary.

1880. A letter from the Director, Government Affairs, Tennessee Valley Authority, transmitting the Statistical Summary for Fiscal Year 2010; to the Committee on Transportation and Infrastructure.

1881. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting Proceedings during preceding fiscal year, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 112-33); to the Committee on Veterans' Affairs and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. H.R. 1309. A bill to extend the authorization of the national flood insurance program, to achieve reforms to improve the financial integrity and stability of the program, and to increase the role of private markets in the management of flood insurance risk, and for other purposes; with an amendment (Rept. 112-102). Referred to the Committee of the Whole House on the State of the Union.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1309: Mr. HULTGREN, Mr. DOGGETT, Mr. HOLDEN, and Mrs. MCCARTHY of New York.

H.R. 1386: Mr. QUIGLEY, Ms. PINGREE of Maine, and Mr. CAPUANO.

H.R. 1700: Mr. BONNER.

H.R. 2067: Ms. ROS-LEHTINEN.

H.R. 2077: Mrs. BLACKBURN.

H. Res. 286: Ms. BORDALLO, Mr. RANGEL, and Mr. HULTGREN.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2055

OFFERED BY: MR. AMASH

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, popularly known as the “Davis-Bacon Act.”

H.R. 2055

OFFERED BY: MR. AMASH

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Senator in the United States Senate or as the President of the United States.

## SENATE—Thursday, June 9, 2011

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, life of our life, You have given us this Nation for our heritage. Today, we ask that You will keep us mindful of Your favor and glad to do Your will. Use the Members of this body to uphold the public interest, to labor for justice, to love mercy, and to walk humbly with You. Give them the wisdom to use their power for the healing of our land. Keep their goals high, vision clear, and minds keen.

And, Lord, we ask Your choicest blessings upon our departing page class.

We pray in Your righteous name.  
Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 9, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be

in a period of morning business for 1 hour, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of the Economic Development Act. There are currently five amendments pending to the bill. We are working to set up votes in relation to these amendments and will advise Senators when they are scheduled.

### ECONOMIC DEVELOPMENT REVITALIZATION ACT

Mr. REID. Mr. President, the Economic Development Revitalization Act is an important bill. Is it the most important bill we have ever done? The answer is, of course not. But it is an important piece of legislation. It is a very important bill.

What are the central points of this legislation? For almost 50 years, the Economic Development Administration has helped create jobs and growth in economically hard-hit communities across the Nation. Reauthorization of this important legislation will help ensure that the agency is able to help continue creating jobs and investing in distressed communities.

Since 2005, EDA has invested about \$1.2 billion, and these grants have created more than 300,000 jobs—precisely, 314,000 jobs. For every dollar that is invested in EDA, we get \$7 worth of private investment. That is why the jobs are created. This legislation makes it better.

This is a bipartisan bill. Senators BOXER and INHOFE and their committee have worked to get this to the Senate floor. It increases flexibility for grantees, lowers the threshold requirements for grantees to receive an increased Federal share, and makes more investments available for planning assistance.

We are trying to move through this legislation. Senator SNOWE offered an amendment. She has not uttered a single word about that amendment, which was offered yesterday. This is the same piece of legislation that held up our Small Business Innovation Act. We have had other Senators who have come and offered amendments. I don't particularly like the amendment offered by the junior Senator from South Carolina, but he came and said, "I want to offer this amendment, and I will agree to a time limit on it." Senator PAUL, the junior Senator from Kentucky, had an amendment he wanted to offer. He said he would agree to a short time limit. I didn't ask for time

agreements on this legislation. I should not act as the person who determines what amendments are offered and aren't offered. But when someone offers an amendment, we should be able to work it to a conclusion.

This bill, as I have indicated, is an important piece of legislation. We need to move through it. We are going to do that to the best of our ability. We will have a number of votes today and do our best to move through this piece of legislation so we can move to other bills. There are a lot of things we can do. We can work on bipartisan pieces of legislation. That is my hope today.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

### EDA

Mr. MCCONNELL. Mr. President, I was discussing with the majority leader privately the comments he made publicly about getting votes. I have talked to my Members, and I understand he indicated that most of our Members who have amendments are willing to take short time agreements. We ought to be able to move forward and have votes, and the Senate can function the way it should.

Mr. President, with each passing day, the American people grow more concerned about our Nation's future. The Washington Post-ABC news poll this week said that by a ratio of 2 to 1, Americans believe we are on the wrong track, and 9 out of 10 rate the economy negatively. Yesterday's CNN poll found that many Americans expect another Great Depression.

It is in this context that President Obama has started talking about how concerned he is about jobs. This week, the President said he wakes up every morning and asks himself what he can do to spur job creation. Every morning this week, I have come to the floor with some suggestions for him.

The fact is that many Americans have a hard time believing the President is focused on jobs when so many

of his policies seem to be designed to destroy them. In some key areas, such as trade, energy, and debt, the President himself has acknowledged that a reversal of his policies would create jobs and spur recovery.

Let's start with trade. Hoping to sound as though he had a plan for job creation, the President used the giant platform provided by his annual State of the Union Message in January to declare that he had finalized a trade agreement with South Korea that would support at least 70,000 American jobs. Yet, nearly 5 months later, he sent his aides out to say that he won't sign them into law unless Congress approves billions more in government spending first.

On energy, the President has acknowledged the pressure that regulations put on job creators. That is why he ordered a review of them in January. Yet, by one estimate, the national energy tax his administration tried to pass through the EPA could cost, by some estimates, millions of jobs—millions. While the President has acknowledged that in order to sustain economic growth and create jobs, as he put it last year, we would need to harness traditional sources of energy, his continued refusal to issue drilling permits in the gulf has had a devastating economic effect.

On the debt, the President himself has said, "If we don't have a serious plan to tackle the debt and the deficit, that could actually end up being a bigger drag on the economy than anything else." Yet, under his leadership, the Nation's national debt has skyrocketed 35 percent, from \$10.6 trillion to \$14.2 trillion, our deficit is three times bigger than the biggest annual deficit during the Bush administration, and the President refuses to put forward a serious plan to do anything to bring the debt or the deficit down.

So there is a pattern here. The President likes to say he is concerned about the economy and jobs, but his policies tell an entirely different story. He can talk all he wants, but he cannot walk away from what he has done, and the things he is failing to do right now to create private sector jobs and to get our economy moving again. Chief among them is his refusal to do anything to lower the debt and deficits he has done so much to create.

Right now, U.S. businesses are sitting on nearly \$2 trillion in cash. Most of them would love to invest this cash in new products, ventures, and employees. Yet they are holding back. Why? It is not just the regulations and the mixed signals they are getting about taxes or the expectation that all the spending today will necessarily lead to higher taxes tomorrow; it is also the uncertainty surrounding our future. How can businesses be confident about the future and hire new workers to build that future if the Democrats who

run the White House aren't willing to do anything—anything at all—about our deficits and our debt?

Investment follows certainty. That is one thing this White House refuses to provide. This ongoing uncertainty is paralyzing our economic recovery and seriously hindering job creation.

One recent study suggests that any nation which carries a public debt load at or above 90 percent of its economy loses one point of economic growth, which the administration's own economists have said is equivalent to 1 million jobs. So why won't they propose a serious plan to lower it? When will the administration follow through on what it knows it has to do to spur job growth? The solutions are right in front of us.

The administration acknowledges that free trade agreements, expanding domestic energy exploration, cutting regulations, providing tax certainty, and reducing the debt will lead to a dramatic increase in jobs. So why won't it follow through?

Too often, unfortunately, the answer is political. They don't want to cross some special interest group—whether it is those who don't like trade agreements or those who don't like the way private companies such as Boeing run their businesses or those who don't want to give up a single solitary penny of Federal spending.

But the good of the country is more important than the goals of some political interest group. We have to rein in our debt, cut spending, reduce taxes, reform entitlements, and grow this economy. This administration knows this as well as I do. It is time to act.

So, looking ahead, the key to success, in my view—and in the judgment of others, including Moody's—is for everyone involved to view the upcoming debt limit vote as an opportunity—an opportunity—to reduce Washington spending now and to save the taxpayers trillions of dollars over the long term. It is an opportunity to put our fiscal house in order and to prevent the fiscal crisis we all know is coming. We know what we need to do. The time to do it is now.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Iowa is recognized. Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1161 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

#### THE BUDGET

Mr. THUNE. Mr. President, last week I had the opportunity to travel my State of South Dakota, as I think most Senators did who were home over the break. During the week, I was able to be part of a couple of events in my State with former Comptroller General David Walker. I think most people here are acquainted with Mr. Walker. He had a 10-year run as the Comptroller General of this country. He has since started an organization called the Comeback America Initiative and has been traveling the country trying to explain to the public the issues surrounding our national debt—high Federal spending levels and their effect on our Nation's future.

I would add he is someone who takes both parties to task. He is an equal opportunity critic. He is very bipartisan in his criticism of the out-of-control spending that exists in Washington, DC, but he did point out the tremendous growth in government which has occurred in the course of our Nation's history. In fact, when our country was founded, if we go back to the formative years of our country—and he uses the year 1800 as an example—government spending made up just 2 percent of our entire economy. Just 2 percent of our GDP represented government spending. Today, it makes up almost 25 percent, and we are on a trend line, a trajectory, where that will rise to 39 percent by the year 2040.

So we have seen this upward spike in the spending, the amount of Federal spending as a percentage of our entire economic output. The reason Mr. Walker gives for the continuing increase in spending is primarily entitlement programs. In other words, we have Medicare, Medicaid, and Social Security which now represent about 43 percent in 2010. Those three programs represented 43 percent of our total Federal spending and, again, that number is set to spike as we head into the future.

Mr. Walker pointed out we are set to spend more on mandatory programs than we will take in in revenue in 2011. So this current year we will spend more on mandatory programs, which include those I just mentioned—Medicare, Social Security, and Medicaid—than all the revenue the Federal Government will take in. So that would mean we can't even afford to pay out for the mandatory spending programs we have in our budget, not to mention those discretionary programs which



are the other part of our Federal budget.

If we look at it in terms of how much we spend today and how much we borrow, we are borrowing about 42 cents out of every dollar we spend. That is the reality we are faced with. So it is clear we need to make some reforms, Mr. President, particularly in the entitlement programs, to put them on a more sustainable footing.

Further, Mr. Walker shared the results of his fiscal fitness index, which puts the United States at 28 out of 34 developed countries—just behind Italy and just two places in front of Ireland. We are No. 28 out of 34 developed countries around the world in terms of our fiscal fitness.

Mr. Walker's message, obviously, is not a fun one. It is not a message you would expect people to like to hear. It is not a message that promises more spending on people's preferred programs. Yet my constituents were eager to hear this message. Why is that? No. 1, he was honest. He was honest about the size of our problem, about the scope of our unfunded liabilities, about the causes of this deficit—that it is primarily a spending-driven crisis, about the effect of the health care law on health care spending in this country, and about the measures that are needed to cut spending and to bring the budget back into balance.

My constituents appreciate that kind of honesty. They appreciate someone telling them the truth, not simply continuing to make promises that cannot be kept. And, No. 2, they were eager to hear his message because his message offered hope. He pointed out that if the country adopted a fiscal plan that would bring down our deficits on a level that was similar to the plan of the President's fiscal commission, our Nation's rating on the fiscal fitness index would jump from 28th clear up to 8th place. He showed the attendees that there is a series of steps we can take to fix Social Security, Medicare, and Medicaid—to preserve these important programs without bankrupting our country—and he showed us that if we start now we have time to make these changes without being forced to make Draconian cuts or to hike tax rates.

This hope that we can fix these problems is real and it gives the general public something they can understand. That was certainly the case with my constituents last week.

Unfortunately, there was another event that occurred last week and that was the release of the unemployment numbers. Those numbers did not reflect hope but, instead, indicated we have a long way to go toward fixing our economy. These numbers showed that unemployment had risen to 9.1 percent. Further, the long-term unemployed increased to 6.2 million people, as those who are out of work are tak-

ing longer to find jobs. This long-term unemployment is particularly important for a number of reasons. No. 1, these individuals who suffer from long-term unemployment often exhaust government and personal resources that are available to them. As a result, they are at greater risk of falling into poverty. Further, it indicates our economy is not sufficiently dynamic. These individuals could have skill mismatches or there may simply not be any jobs in their local economy.

Finally, the long-term unemployed may see their skills diminished and become less and less attached to the workforce. What this all means is it becomes harder and harder for these people to find a job as they no longer know the latest technologies or no longer have the skills they developed by years of practice. This creates longer term challenges for our economy to be able to find these individuals jobs.

The question is how do we create an environment where businesses and individuals can be creating jobs. We know we need to cut spending, to cut our deficit, and to cut unnecessary and harmful regulations. In a recent presentation to the University of Washington, Nobel laureate Robert Lucas pointed out that the possibility of higher taxes, the uncertainty of regulations, and the increasing role of the Federal Government in health care because of the health care law, are all contributors to our slow economic recovery.

Likewise, Dr. Lucas speculated that our economy may continue to grow at a slower rate because of the increased regulation, taxation, and spending that is moving us closer to a European welfare state. In fact, Dr. Lucas notes that these European economies have incomes that are 20 to 30 percent less per capita because of these differences in the size of government.

It is clear it would even further increase unemployment if we continued to move along this path. We cannot continue with the status quo. We already know the size of our debt is costing us 1 percentage point in growth every year which, according to the White House's own economists, is the equivalent of 1 million jobs. In other words, when we sustain the kind of debt load we have today—our gross debt as a percentage of our GDP, our entire economic output, is over 90 percent—that means we are losing economic growth and that means we are shedding jobs as a consequence of this high level of debt and high level of spending.

We need to grow the private economy, shrink government spending, and cut our debts and deficits. This is the path that will help us on a recovery, help our economy to recover, and create the jobs that are necessary to lower that unemployment rate.

We know we can do this. There are a number of reforms and spending cuts

we are pushing to attach to the deadline that is under discussion right now so we can make it easier and cheaper for individuals to create the jobs that are so necessary to get our economy back on track and get people back to work. There are a number of things that can be done and should be done.

Obviously, as I noted, as we continue the debate about spending and debt and doing something about this year-over-year \$1.4 trillion, \$1.5 trillion, now \$14.3 trillion debt that is hanging like a cloud over our economy, we have to deal with that. We have an opportunity, as has been noted by the leader earlier this morning, to do that in the context of this debt limit debate we are going to have. We should view this—both sides—as an opportunity to do something meaningful about spending and debt and to put our country on a more sustainable fiscal path for our future.

But there are a number of other things that impact the economy today that should be done. One is we have three pending trade agreements that were negotiated 3 to 4 years ago. They have been languishing here because the White House will not send those trade agreements up here for Congress to act.

To give an example of what that means to an agricultural State such as South Dakota, Colombia is one of those three trade agreements—Colombia, Panama, and South Korea, all of which present markets for South Dakota agricultural markets. But agricultural exports are a big part of our trade relationship with Colombia. In 2008 we had an 81-percent market share in Colombia. Today that is a 27-percent market share. We need those trade agreements approved to create jobs and to grow this economy. I hope the White House will send those, follow through on their rhetoric and actually send those trade agreements up here so we can act on them.

It has been 771 days since we passed a budget in this country. We and the administration talk about doing something about spending and debt, and yet here we are having gone 771 days without even having passed a budget, the most fundamental responsibility we have to the taxpayers of this country. If we are serious about spending and debt, we need a budget that sets a blueprint for a more fiscally sustainable future for this country. We need energy policies that allow us to develop American energy to get fuel costs under control, which also impacts in a very direct way our economy and our ability to create jobs.

The solutions are out there, they are very straightforward and simple. We need to have the will to move forward and address these issues and I hope we will because the American people expect and deserve that we will. As Dr. Walker pointed out last week, in my State of South Dakota, if we do not, we are headed for a fiscal train wreck.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I ask for enough time to give my remarks this morning and I ask for an equivalent amount of time for the other side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. I hope I can stay within the time constraints, but I am not sure.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. I thank the Chair.

(The remarks of Mr. HATCH pertaining to the submission of S. Con. Res. 23 are located in today's RECORD under "Submission of Concurrent Senate Resolutions.")

#### HONORING OUR ARMED FORCES

TECHNICAL SERGEANT KRISTOFFER M. SOLESBEE

Mr. HATCH. Mr. President, I rise today to pay tribute to TSgt Kristoffer M. Solesbee of Hill Air Force Base's 75th Civil Engineer Squadron. Technical Sergeant Solesbee was killed in action near the city of Shorabak, Afghanistan.

Technical Sergeant Solesbee was a brave and courageous man. Not only did he volunteer to serve his country, returning to the field of battle three times, twice in Iraq and this final tour in Afghanistan, but he volunteered for one of the most dangerous assignments in the war on terrorism; he was an explosive ordnance disposal technician.

This is not the first time a member of Hill's EOD flight had been killed while protecting his fellow servicemembers from improvised explosive devices. In early 2007, three other members of the 75th Civil Engineering Squadron were also killed. Yet, despite this tragedy, Technical Sergeant Solesbee always returned to duty. I believe one of Utah's largest newspapers, The Standard Examiner, paid him the highest tribute when it stated "Kristoffer M. Solesbee died doing what he loved: saving lives." I cannot think of a better definition of a true hero.

From those who knew him best, his family, friends and fellow servicemembers, described him as smart and highly energetic. Growing up he loved model rockets and radio controlled cars and airplanes. During his 11-year career in the service, his fellow airmen came to rely upon him and his professionalism. Indeed, there is broad consensus among Hill's EOD technicians that he was the benchmark by which others were judged.

His distinguished service also did not go unrecognized. Technical Sergeant Solesbee was the recipient of the Bronze Star Medal with Valor device

and second oak leaf cluster, the Air Force Meritorious Service Medal, Purple Heart Medal, the Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal with one oak leaf cluster, and the Air Force Combat Action Medal.

I know God will be watching over the family of this admirable man. He gave his life so that others may live. TSgt Kristoffer M. Solesbee will never be forgotten.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HONORING RAFAT R. ANSARI

Mr. WARNER. Mr. President, once again, I come to the floor to celebrate and recognize the contribution of our Federal employees. I do this on a regular basis because while we debate the issues of the day and grapple with issues around the debt and deficit and the circumstances that will require us to cut back on government spending, I think it is important to remember the literally millions of Americans who work in one form or another for our Federal Government day-in and day-out. From our armed services, to folks who work within this Capitol Complex, to folks who work within Health and Human Services, to those who work in research, to those who make enormous contributions to our Nation, we should not lose sight of them as we grapple with the debt and deficit and a host of other issues we deal with in this body.

So today I rise to honor another great Federal employee, Rafat Ansari. Mr. Ansari is a senior scientist and leading innovator at NASA's Glenn Research Center in Cleveland. He has been recognized for developing a safe, noninvasive laser device that could drastically improve the early detection of cataracts and improve people's lives in the process.

Cataracts are the leading cause of vision loss and blindness in the United States and in the world. They affect over 22 million Americans over the age of 40, and over \$6.8 billion is spent annually in the United States on cataract treatment.

Mr. Ansari was motivated to help cataract patients after his father was diagnosed with the disease. He began researching the disease and realized that cataracts are caused by proteins in the lens that cluster abnormally, a process similar to what he was studying in his space experiments.

Lacking the necessary financial resources, he began conducting research

in his home kitchen using a light-scattering device which was able to identify clustered proteins in the eye lens. These kitchen experiments ultimately led to Mr. Ansari's invention of an innovative eye-scanning device and procedure that is at least two or three times stronger than any device on the market.

His invention also has the potential to significantly improve the ability to detect early signs of Alzheimer's, Parkinson's, diabetes, and many other diseases. The procedure is currently used by NASA to study the long-term consequences of space travel on the vision of astronauts.

Mr. Ansari's personal story is a testament to all that continues to make our Nation great. Born in Pakistan, Mr. Ansari always dreamed of working for NASA. Not only was he able to realize his dream of working for our government, working for NASA, but in the process he has made discoveries that could have a big impact on the lives of millions of people not only here in the United States but around the world.

I hope my colleagues will join me in honoring Mr. Ansari and those other great scientists and engineers at NASA for their excellence and service to our Nation.

So, again, I wish to acknowledge not only Mr. Ansari but all of our Federal workers. I think it is important. As somebody who has been very involved—and hopeful to do more—on this issue of debt and deficit, I know we will have to make substantial cutbacks in how government spends and operates. But I think we need to remember, as we talk about some of these cuts, that we are affecting the lives of literally millions of good Americans who try to keep the functions of this government working on an efficient, honest, and ethical basis day-in and day-out.

With that, I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

McConnell (for Snowe) amendment No. 390, to reform the regulatory process to ensure that small businesses are free to compete and to create jobs.

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat home buyers who have repaid in full their FHA-insured mortgages.

Merkley-Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AMENDMENT NO. 390

Mr. REID. Mr. President, if I called for regular order, which I am, that would mean the Snowe amendment would be pending; is that right?

The ACTING PRESIDENT pro tempore. The amendment is now pending.

Mr. REID. OK. Mr. President, first of all, I appreciate the cooperation of Senator SNOWE, Senator COBURN, and others. It is important we move along with this legislation. So for the next 3 hours we will be able to debate the Snowe amendment. The time will be equally divided during that period of time.

We have a number of amendments others want to offer. We already have four in addition to hers that have been offered. We have time agreements on those. I appreciate everyone's help in moving forward in this regard.

Mr. President, I ask unanimous consent that the time until 2:15 p.m. be equally divided between Senators SNOWE and BOXER or their designees; that at 2:15 p.m. the Senate proceed to vote in relation to the Snowe amendment; that no amendments, points of order or motions be in order to the Snowe amendment prior to the vote, other than budget points of order and the applicable motions to waive; the amendment not be divisible; that the amendment be subject to a 60-vote threshold; and that the motion to reconsider be considered made and laid upon the table.

I would also say, before the Chair rules, we have Senator MCCASKILL who wants to offer an amendment on the same subject matter. We will do that at some subsequent time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, as I understand it, I will have an hour and a half to present our side on the amend-

ment and Senator SNOWE will have an hour and a half. Could the Chair please give me the exact timeframes.

The ACTING PRESIDENT pro tempore. Under the order, 1 hour 37 minutes for each side.

Mrs. BOXER. Thank you very much. I was close.

I wish to let Senator SNOWE know what my plan is at this time. First, I am going to yield some time on another subject—but it will be used on our time—to Senator WHITEHOUSE, who has something very important pertaining to his State, and then I am going to come back and take as much time as I might consume and it will not be that long. I wish to lay out where we are in this debate, why this bill is so important, and I am going to make some remarks about Senator SNOWE's amendment. So I do not know exactly how long it will take, but I will do it as quickly as I can and retain the remainder of my time.

But at this time, I yield 10 minutes of my time to Senator WHITEHOUSE.

Senator WHITEHOUSE is coming back into the Chamber with his charts, and I reiterate, I will yield the first 10 minutes of my time to Senator WHITEHOUSE.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank Senator BOXER.

COMMEMORATING GASPEE DAYS

Mr. President, my time in this Chamber often gives me cause to reflect on our history and on the brave patriots who went before us, many of whom risked or even gave their lives to create this great Republic. Today, I would like to talk about a group of men who, 239 years ago tonight, engaged in a daring act of defiance against the British Crown.

For many, the Boston Tea Party is one of the first events on the road to our revolution. Growing up, we were taught the story of painted-up Bostonians dumping shipments of tea into Boston Harbor, to defend the principle: "no taxation without representation."

Conspicuously missing from history books is the story of the brave Rhode Islanders who challenged the British Crown far more aggressively more than a year before Bostonians dumped those teabags into Boston harbor. Today, on its anniversary, I would like to take us back to an earlier milestone in America's fight for independence, to share with you the story of a British vessel, the HMS Gaspee, and to introduce you to some little-known heroes now lost in the footnotes of history.

In 1772, amidst growing tensions with American colonies, King George III stationed his revenue cutter, the HMS Gaspee, in Rhode Island. The Gaspee's task was to prevent smuggling and enforce the payment of taxes. But to Rhode Islanders, the vessel was a symbol of oppression.

The offensive presence of the Gaspee was matched by the offensive manner of its captain, LT William Dudingston. Lieutenant Dudingston was known for destroying fishing vessels and confiscating their contents, and flagging down ships only to harass, humiliate, and interrogate sailors. But on June 9, 1772, an audacious Rhode Islander, Captain Benjamin Lindsey, took a stand.

Aboard his ship, the Hannah, Captain Lindsey set sail from Newport to Providence. On his way, he was hailed by the Gaspee captain ignored the command and continued on his course. Recently, Dr. Kathy Abbas, director of the Rhode Island Marine Archaeology Project, has suggested a motivating factor for Dudingston to have sought to seize the Hannah: she may have been carrying 250 pounds sterling onboard. As Dr. Abbas told the Providence Journal, that was "an enormous sum" in those days.

In any event, Captain Lindsey and his Hannah sought to evade the Gaspee. Gunshots were fired, and the Hannah sped north up Narragansett Bay with the Gaspee chasing behind in pursuit.

Outsized and outgunned, Captain Lindsey drew courage and confidence from his keen familiarity with Rhode Island waters. He led the Gaspee into the shallow waters off Namquid Point, where the smaller Hannah cruised over the sand banks. The heavier Gaspee ran aground, and stuck. The Gaspee was stranded in a falling tide, and it would be many hours before high tide would lift her free.

Arriving triumphantly in Providence, Captain Lindsey visited John Brown, whose family helped found Brown University. The two men rallied a group of patriots at Sabin's Tavern, in what is now the East Side of Providence. The Gaspee was despised by Rhode Islanders who had been too often bullied in their own waters by this ship, and the stranding of this once-powerful vessel presented an irresistible chance.

On that dark night, 60 men in longboats led by Captain Lindsey and Abraham Whipple moved quietly down Narragansett Bay. They encircled the Gaspee, and demanded that Lieutenant Dudingston surrender the ship. Dudingston refused, and instead ordered his men to fire upon anyone who tried to board.

The determined Rhode Islanders took this as a cue to force their way onto the Gaspee, and they boarded her in a raging uproar of shouted oaths, gunshots, powder smoke, and clashing swords. Amidst this violent struggle Lieutenant Dudingston was shot by a musket ball. Right there in the waters of Warwick, RI, the very first blood of what was to become the American Revolution was drawn. Victory was soon in the hands of the Rhode Islanders.

Brown and Whipple took the captive Englishmen back to shore. You can go

today down behind O'Rourke's Tavern in Pawtuxet Village, down Peck Lane toward the water, and see the bronze plaque commemorating the spot where the captured crew was brought ashore.

The Rhode Island patriots then returned to set the abandoned ship on fire and rid Narragansett Bay of this nuisance once and for all. As the Gaspee burned, the fire reached her powder magazine and she exploded like fireworks. The boom echoed across the bay, as the remains of the ship splashed down into the water. The Gaspee was gone: captured, burned, and blown to bits. The site of this historic victory is now named Gaspee Point.

The wounding of Lieutenant Dudingston and the capture and destruction of the Gaspee occurred 16 months before the so-called Boston Tea Party. Perhaps this bold undertaking will one day show up in our history books, alongside pictures of the blazing Gaspee lighting up Narragansett Bay. Perhaps American children will memorize the dates of June 9 and 10, 1772, and the names of Benjamin Lindsey, Abraham Whipple, and John Brown.

I do know that these events will never be forgotten in my home State. Over the years, I have often marched in the annual Gaspee Days Parade in Warwick, RI, as every year we recall the courage and zeal of these men who risked it all for the freedoms we enjoy today, and drew the first blood in what became the revolutionary conflict.

I would add, in the context of fires and disasters, we have lost one of the signature buildings of Woonsocket, RI, last night. It was called the Woonsocket Rubber Company. The building was known as the Alice Mills, named after the mother of the president of the company who built it, and it existed for—I do not know—100 years or more. It burned in a fire so great that 12 municipal fire departments had to answer it last night; fire departments all the way from Wrentham, MA, down to Warren, RI.

I want to express my sympathies for Woonsocket on this loss and my pride in the firefighters who responded from so far and wide to tend to this fire. Unfortunately, the mill could not be saved. These mills are very hard to prevent fires in once they get burning. We have lost something very precious in Rhode Island. I just wanted to note that in addition to my remarks about the Gaspee.

Let me thank very much my chairman on the Environment and Public Works Committee. I know she has important business on the Senate floor. It was very kind of her to give me those few minutes to talk about this historic day in Rhode Island and American history.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I just want to thank my colleague for his re-

marks. I offer my deepest sympathies to these impacted by that terrible fire. Unfortunately, in this country we are witnessing so many disasters. It is so difficult for the people to deal with this, but we have to always respond. I am glad he paid tribute to the firefighters, the first responders, because they are the ones who put everything on the line to help us.

We have before us a bill called the Economic Development Revitalization Act of 2011. It is S. 782. It is a good bill. It is a bill that is needed for our economy because it is a bill that is focused on one thing, jobs. When people are asked what our focus should be—and we all know we need to reduce the deficit and the debt—they all say No. 1 is jobs because without jobs, deficits only get worse, debts only get worse, as people have to turn to the safety net that is provided in this great Nation for their very survival. So when we have an opportunity to come together across party lines with a jobs bill, one would think we would be delighted to do it.

This EDA, the Economic Development Administration, was reauthorized back in 2004 when George W. Bush was President. Let me tell a story because everybody came together, and that EDA reauthorization passed by voice vote and was signed into law by President George W. Bush. So it is a bit perplexing for me to note that we have dozens and dozens of amendments that are absolutely nongermane to this reauthorization. We have one amendment that is pending that my colleague, Senator SNOWE, is offering, which has never had a hearing. It has never had a markup, and it is absolutely going to change the way we can protect our people from pollution, from danger.

I think it is unfortunate that rather than work on this together, we are seeing this offered as an amendment. It is Senator SNOWE's complete right to do this. I respect it. I honor it. I understand how strongly she feels. But I feel just as strongly that something that would ignore public health and safety and not even put that in the benefits column is something that is a danger to the people we serve.

So we are going to have a debate about it, and the votes will come at 2:15. I am pleased we will get to vote. I do hope at some point we will be able to look at regulatory flexibility, we will be able to work to make sure that as we assist our businesses—and we all want to do that. That is what this bill, the EDA bill, does. It is assisting businesses. It is jump-starting business development. We have example after example of that—we also can work to ease their burden a bit while not endangering the life and the health of the people. That is pretty straightforward, and I would be very happy to work with my colleague. But this bill has never even had a hearing. This bill she is offering has never been marked up. I

have had no opportunity, other than this one, to basically say how I feel.

I know it is in contrast to the way Senator SNOWE feels, and Senator COBURN. I have lots of respect for them. I hope they have respect for me as chairman of the Environment and Public Works Committee because my view is, my obligation is, to protect the health and the safety of our kids.

How many kids have asthma? If I asked a group here, I bet one-third of the hands would go up. If I asked how many people know someone with asthma, I bet more than half would raise their hands. So I think we cannot willy-nilly just support an approach that would take away the ability to put the benefits of protecting health into any formulas before we say regulation should be thrown overboard. I think there are ways to definitely work together. Unfortunately, today we are going to have an up-or-down vote on the Snowe amendment without that opportunity.

I want to go through the fact that the bill that is before us, the underlying bill, S. 782, has strong bipartisan support. It was reported out of our EPW Committee by voice vote, only one objection, and that is because this EDA has operated for 50 years. It has a very good tradition of creating jobs and spurring growth in economically hard-hit communities nationwide.

This bill is going to ensure that EDA can continue to create jobs, thousands of jobs, protect existing jobs, and drive local economic growth. It is distressing to me to see, for example, an amendment by Senator DEMINT. He is very proud of his amendment. What would it do? It would do away with the EDA. So on a bill to reauthorize the EDA, he has an amendment to eliminate the Economic Development Administration.

Now, again, I respect his view, but I do not understand it. Why do I not understand it? Because in 2005, Senator DEMINT sent out a press release congratulating local leaders for securing an EDA grant for the City of Dillon, SC. So we have Senator DEMINT proposing to eliminate an agency which he lauded not once but more than once.

Senator DEMINT was quoted in the press release as saying:

This investment in Dillon County will save and create hundreds of South Carolina jobs. And I am pleased that the EDA has awarded these funds.

So what planet are we on? We have a Senator who sends out a press release lauding an agency he now wants to eliminate. So you would say, well, maybe that was 2005 and he has suddenly changed his mind. No. One year ago, Senator DEMINT's staff held a workshop in Myrtle Beach to highlight competitive funding opportunities available to local communities and businesses through EDA and other Federal agencies.

June 16, 2010. Here it is:

Workshop to Highlight Competitive Funding Opportunities.

The office of U.S. Senator JIM DEMINT and the Myrtle Beach Chamber of Commerce will provide a workshop—

It goes on to say that the staff of Senator DEMINT will be there.

I don't get what is going on. How do you send out a press release lauding an agency and then say: Let's do away with it. I don't get it. If jobs are our No. 1 priority—and I certainly know the occupant of the chair is fighting 24/7 for jobs, for outsourcing jobs, and for job creation.

For every dollar spent in EDA, \$7 of private investment is attracted. Historically, \$1 of EDA investment attracts nearly \$7 in private sector investment. Now, you say: Well, for our investment with Federal dollars, how much does it cost for us to create one good job? The answer comes back: EDA creates one job for every \$2,000 to \$4,600 invested. That is a good investment. EDA is a job creator. That is why it is perplexing to me to have a host of amendments that are distracting us from jobs, jobs, jobs.

Between 2005 and 2010, with an investment of \$2.4 billion, total jobs generated were 450,000 and total jobs saved were 85,000. At the \$500 million funding level authorized, if that was spent, EDA would create 87,000 to 200,000 jobs every year and 400,000 to 1 million jobs over the life of the bill. We don't know that that \$500 million will stay, but historically that is what we have authorized through EDA.

Here are the people who are supporting an authorization of the EDA: U.S. Conference of Mayors, American Public Works Association, National Association of Counties, AFL-CIO, American Planning Association, Association of University Research Parks, Educational Association of University Centers, International Economic Development Council, Association of Development Organizations, National Business Incubation Association, State Science and Technology Institute, University Economic Development Association, and National Association of Regional Councils.

We have a letter from an arm of the U.S. Chamber of Commerce lauding this program, citing how well they work with the EDA. They say:

We are the citizenship arm of the U.S. Chamber of Commerce, and in this capacity we work with thousands of businesses and local chambers of commerce on community development and disaster recovery. These local chambers and businesses are constantly looking for national best practices, lessons learned, technical assistance, strategy support, and other insights and tools and techniques to make communities as competitive as possible.

This is the chamber of commerce arm:

As you consider EDA's future roles and responsibilities, we would be happy to share

with you our experiences and lessons learned in working with the agency and provide you with additional information.

They talk about the unique capability the EDA can and does support. They say EDA staff members displayed a high degree of professionalism and technical expertise. They say they have engaged with them on multiple levels, from consultation to sharing valuable field experience at the State and local level.

We have tremendous support. The AFL-CIO, dealing with the loss of construction jobs, says:

EDA has established an admirable track record in assisting economically troubled low-income communities with limited job opportunities by putting their investments to good use in promoting needed job creation and industrial and commercial development.

The last chart is the American Public Works Association, which builds public works and the water and sewer systems we need. This is from Peter King, executive director of American Public Works Association, dated this month:

I write on behalf of the 29,000 members of APWA in support of the Economic Development Revitalization Act, S. 782. We urge the Senate to pass this legislation, which will create jobs, stimulate economic growth in distressed areas, and improve the economic growth of local communities.

After Senator SNOWE speaks and others speak, I will reserve my time to go into specifically what programs we have seen flourish because of that little spark that gets lit when EDA gets in there. The private sector loves this program, and local governments and State governments love it. It has worked since 1965.

I urge my colleagues, if you have amendments, let's get time agreements and dispose of those amendments. Let's get to a final vote on this very important program, which has flourished under Democratic Presidents, Republican Presidents, Democratic Congresses, and Republican Congresses. For goodness' sakes, does everything have to be a battle royale around here? We ought to be able to reach across the aisle when there is a bill brought up that deals with jobs. If we don't do that, we honestly fail the people.

My very last point is that Senator INHOFE has worked very hard on this bill. Republicans have added a lot of reforms to the EDA. I think those reforms are important. One would eliminate a duplication of effort, and others would give the private sector the ability to buy out the EDA interests. So I think, clearly, at this time, we should get these amendments done.

I am pleased Senator SNOWE is here, and she is anxious to speak. I will conclude at this time and reserve the remainder of my time.

Mr. President, how much time remains on my side?

The PRESIDING OFFICER. There are 76 minutes remaining.

Mrs. BOXER. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, before I begin to address the pending amendment I have offered along with a number of Senators in response to regulatory reform, I am going to yield to the Senator from North Dakota, who is a cosponsor of this legislation. I am delighted that he is a cosponsor, and that he recognizes and acknowledges the importance of changing the regulatory environment in America if we are going to have job creation and economic growth.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to be here with Senator SNOWE and to rise in support of her legislation, the Freedom Act of 2011. I will be brief in my comments. I know she has comments to make. I also appreciate Senator BOXER's comments in regard to Republican and Democrats coming together on this legislation. I think that is exactly what needs to happen with the Snowe-Coburn amendment, the Freedom Act of 2011.

I am pleased to be a cosponsor of this legislation. I draw on 10 years of experience as a Governor in our State in expressing how very important it is that we create the kind of legal tax and regulatory structure at the Federal level that will help us to stimulate private investment and get this economy going and growing and get people back to work. I know that is exactly what Senator SNOWE hopes to achieve with this amendment, and will. That is why we need to pass it.

Just this morning, jobless claims came out. New jobless claims were higher than anticipated, at 427,000. Last week, we got the employment numbers, and we gained only 54,000 jobs. Unemployment is 9.1 percent. At the same time, we face a more than \$14 trillion debt, and our deficit is more than \$1.5 trillion. We are spending \$3.7 trillion a year and only taking in \$2.2 trillion in revenue. Clearly we need to get a grip on spending, but to get out of this deficit and debt and to get people back to work, we need to get this economy growing. That doesn't mean the Federal Government spending more; it means the Federal Government spending less and creating the kind of progrowth, jobs-oriented economy and legal tax and regulatory structure that will help us grow.

If you look back at the 1990s, when we had a deficit, and even before, when we had stagflation, it was a combination of a growing economy and better fiscal management that got people back to work and got us out of the deficit and to a surplus. We need to do that again. We need this kind of legislation that will help us create a regulatory environment that stimulates business investment, creates jobs, gets

people back to work, and gets the economy growing, and then, with good fiscal restraint, will help us get on top of this huge deficit and our debt. It is vitally important for us now, and it is vitally important for future generations.

This is an important step in the right direction. I am pleased to cosponsor this legislation with the Senator from Maine. I look forward to hearing her remarks.

Ms. SNOWE. Mr. President, I thank the Senator from North Dakota, Mr. HOEVEN, for his excellent remarks. As a former Governor for 10 years, he knows the impact of regulations on small businesses and how detrimental they can be to job creation, particularly at this time where we have a very difficult economy. We have persistent high unemployment and subpar economic growth. We are at a consequential moment in our economic history, frankly, that deserves the attention of the Senate. So, again, I thank the Senator for his comments in recognizing the effect regulatory reform will have on the performance of small business and, ultimately, job creation in this economy.

I am very pleased to have many colleagues cosponsoring this amendment. I am pleased to have worked with Senator COBURN from Oklahoma, and this amendment is also cosponsored by Senators MCCONNELL, AYOTTE, BARRASSO, BROWN of Massachusetts, COATS, ENZI, ISAKSON, KIRK, HOEVEN, JOHNSON, MORAN, THUNE, and VITTER. It is clear to me that many of the Senators understand the value and imperative of reforming our regulatory system. It is absolutely vital that the Federal Government consider the small business economic impact of the rules and regulations that agencies promulgate.

The question might be asked, Why do we need regulatory reform? We had a bill on the floor last month, in early May, wherein I was denied a vote, which was regrettable because it is clear that many people don't understand how important this is and how central it is to small business job creation, how vital it is to the survival of small businesses and the cost of doing business across America. But I keep hearing from certain colleagues, "Yes, we understand it is important; however" or "but" or "at some point." Let's define "at some point." When?

When I was denied a vote on regulatory reform, on May 4 in the Senate, I heard that we are going to have hearings on the issue. Well, that obviously has not occurred. So it becomes the politics of obfuscation, not the reality. As I heard from a small business owner yesterday, "When I come into Washington, it is a walled city—walled off from reality, detached from the real world on Main Street."

I have been told that a concern with this amendment is that we have not had hearings. We had a hearing in the

Small Business Committee on regulatory reform, but that is not enough for the Senator from California, who is saying we have not had hearings. She has offered plenty of amendments that haven't had hearings in the Senate. We had a major issue yesterday that was very important to small business—the interchange fee—which didn't have hearings. It didn't have hearings the first time it was offered to the Dodd-Frank legislation last year, and yesterday's amendment didn't have a hearing. So is there a new standard, in the Senate, when it comes to regulatory reform? Do you think there have been any overtures by anybody who opposes my legislation to work with us on this right away?

What is happening on Main Street America is that we are not creating jobs. Why? Because of what is failing to happen in Washington, DC, in the Senate. There is a clear detachment from the real world. Small businesses keep asking me what is going on. I say I can't explain it, other than it is clear that people don't understand what is going on because if they did, we would be working on it.

I heard the Senator from California say, "at some point." But tell that to the person who is running a small business and trying to keep their neck above water and keep their business afloat during these very difficult times. What do these small business owners talk about? They talk about the regulations that are suffocating their ability to survive in a very tough economic climate.

We are dithering. That is what this is all about. It is all a masquerade, a facade, just bringing up bogus arguments. I have been in the legislative process for the better part of four decades, and I know when there is a serious purpose about working together and solving a problem. It appears to me that there is no interest in solving this problem here in Washington. Everybody has their own agenda, but people are wondering why there is this unemployment rate of 9.1 percent.

When I raised these concerns to the Secretary of the Treasury back in early February in the Finance Committee, when he was testifying—I described the concerns about what was happening on Main Street because I take Main Street tours, and I invite people to do that and to actually listen to what people are saying—he said: "I think your view of the economy is dark and pessimistic."

I said: Well, maybe I wasn't hearing it right. Maybe I wasn't hearing it right on Main Street. So when I meet with small business owners, I mention the Secretary's comments to them, and they cannot believe it. They cannot comprehend that the Secretary of the Treasury doesn't understand what is going on on Main Street; that the administration doesn't, the Senate

doesn't, and the Congress doesn't. If they did, we would be working here day and night.

I was told I had to have a vote on this amendment right now. Why? Because it is Thursday, and certain members of this body are smelling the jet fumes while people are suffering on Main Street. Our fellow Americans are losing their jobs. Have my colleagues heard the stories about what people are facing? Time and time again I hear the same old refrains: "We don't have time. We have to rush it. It hasn't had hearings. We will do it sometime." Well, tell that to the average American who is struggling to keep a job, to find a job or to keep the doors open to their business. That is what this amendment is all about. That is the reality.

We can pretend it is something else, but the macroeconomic numbers are demonstrating time and again there is a desperation out there. Yet, we take 2-week recesses, then we come back and have morning business and chat along, but it does nothing to resolve the consequential issues facing this Nation. There was a time when the Senate used to work, where we could sit down and solve a problem. Now it is all a facade, a few talking points and we move on. In the meantime, people are suffering and they are handicapped by our inability to work together. Regulatory reform is central to that agenda, make no mistake about it.

Let's look at what we are talking about and why we need regulatory reform. The analysts have lowered their forecast for the second quarter growth this year. The first quarter growth was already abysmal at 1.8 percent of GDP. Manufacturing recovery has slowed. Housing remains in shambles. New claims for jobless benefits, as the Senator from North Dakota indicated, exceeds 400,000—again. Growth of consumer spending is sluggish.

The President talks about job creation and stimulating the economy, but the results speak louder than words. Since the President took office, unemployment has dipped below 9 percent for only 5 months. Even that data is skewed because it doesn't account for the millions of workers who have exited the workforce altogether. Just last week, the unemployment rate for May increased to 9.1 percent. We are experiencing the longest unemployment period in American history since data collection started in 1948, surpassing even the 1982 double-dip recession for the length of unemployment.

Despite the President's promise, and an \$800 billion stimulus package, a \$700 billion TARP program, up to \$600 billion in quantitative easing by the Federal Reserve, and over \$2 trillion in overall government spending, we are years away from where we need to be in terms of job or economic growth. Mr. President, 40 months after the start of the four deepest postwar recessions our economic output averaged 7.6



percent higher than pre-recession levels. Yet since December 2007, when the most recent recession commenced, our GDP has only increased 0.1 percent. That is why we need regulatory reform. We need to bolster job creation, and the only place we can do that is through small businesses.

The Senator from California says we need hearings on this amendment. Then we should change the rules of the Senate and require that every amendment offered on this floor has a hearing, and every bill. That must be a new standard, Mr. President. We have had hearings on this question in the Small Business Committee, and the focus is that we desperately need reform.

In a small business regulatory reform hearing in November 2010 we heard a witness note if there was a 30 percent cut in regulatory costs, an average 10-person firm would save nearly \$32,000—enough to hire one additional person.

When President Reagan entered office in 1981, he faced actually much worse economic problems than President Obama faced in 2009. I know because I served in the House of Representatives at that moment in time. With unemployment soaring into double digits, at a peak of 10.8 percent, huge chunks of industrial America shut down in the recession of 1981–1982 and never reopened. Yet once the recovery began in earnest in the first quarter of 1983, the economy boomed. It exceeded 7.1 percent for five consecutive quarters and kept growing at a 4-percent pace for another 2 years.

The contrast in results between the current recovery and the Reagan years is instructive because the government's response was so different. As a recent Wall Street Journal article reiterated, in the 1980s the policy goals were to cut tax rates, reduce regulatory costs and uncertainty—which is what these regulations are producing day in and day out—let the private economy allocate capital free of political direction, and focus monetary policy on price stability rather than on reducing unemployment. That is the type of policy mix we need to rediscover if we are going to climb out of this economic downturn.

Let's look at the first chart—small business job creators in my State and across America because they are the ones that create 70 percent of all the net new jobs in America. That is why regulation reform becomes so essential and imperative. The total cost of regulation is at \$1.7 trillion—that is with a “t”—and small firms with fewer than 20 employees bear a disproportionate burden in terms of those costs. It is \$10,585 per employee, which is 36 percent higher than the regulatory costs confronting larger firms.

I know some people like to dispute numbers and say: Oh, no, that is not really a true number. Oh, really? Just add them up. There was a study that

was done by Crain and Crain. They added the estimated cost of four categories or types of regulations—economic regulations at \$1.2 trillion; environmental regulations at \$281 billion; task compliance, \$160 billion; and regulations involving occupational safety, health, and homeland security, \$75 billion.

Some studies omit independent agencies. Some even omit the Internal Revenue Service from the calculation cost of regulations. Well, ask a small business or any business in America about whether IRS regulations have a cost for them. Of course they do. We have to include all agencies of government that have an impact directly on small business or any business in America.

Even a separate White House finding acknowledges that the estimated annual cost of major Federal regulations reviewed by the Office of Management and Budget this past decade cost between \$44 billion and \$62 billion.

The point is, the principal impediment to job creation in this country is a broken regulatory system. We have repeatedly talked about it. It is a top priority for the small business community across America. Every major organization that is a key voice for small business echoes this repeatedly: Federal regulations have placed a tremendous burden on them.

I know many of my colleagues and I understand the critical nature of all of this. We have heard the message loud and clearly. Even the President, interestingly enough, issued an Executive order in January to begin the process of reviewing Federal regulations, citing the need for “absurd and unnecessary paperwork requirements that waste time and money.” So in 4 months the administration's preliminary findings uncovered over \$1 billion in savings in 30 agencies. They ran the gamut. They included even environmental regulations.

So, obviously, there is some recognition and acknowledgment that regulations are a barrier and an impediment. The President is making eliminations at the Occupational Safety and Health Administration and the Environmental Protection Agency. And yet, I don't think anybody would suggest he is trying to eradicate all environmental protections in America by identifying some that just aren't worthy of support because they are onerous. He would eliminate the requirement that States install a system to protect against fuel polluting the air at gas stations since modern vehicles already have these systems. That would save up to \$67 million a year. But no one in this Chamber is going to accuse the President of saying, well, we are undermining all environmental regulations in the country.

It is as if we can't be discerning and discriminating in evaluating what is worthy and what isn't, what is too costly and complex and what isn't,

what makes sense and what doesn't in this current context of this economic environment. Can we spend time doing that, since I was denied the time on May 4 and an ability to vote on this amendment? Could we have worked that out? Absolutely not. So why can't we become involved in this effort?

It seems we are turning a blind eye to it. There is no recognition because I don't think there is a full understanding or an appreciation of what is going awry in the economic landscape in every community across this country and why there is that despair, that anxiety.

By the way, about 80 percent of the American people believe we are moving in the wrong direction when it comes to our economy. That should be a Paul Revere wake-up call. It should be a message on which we might want to realign our focus in the Senate.

Maybe we should spend some time in the Senate working out the issues to solve the problems so we can create jobs for Americans who are unemployed, because we know that 9.1 percent doesn't capture all unemployed Americans. There are many who have dropped out of the workforce entirely. You could have, underemployed or unemployed, as many as up to 25 million Americans. That is staggering. That is breathtaking.

Since the time I was denied a vote, we could have been moving ahead on this legislation, or in the interim from when I was denied that vote on May 4, working out a solution, working through these issues. And during that time, the chairman of President Obama's own Council on Jobs and Competitiveness, General Electric CEO Jeff Immelt, announced the top four priorities. This just happened on May 10. Understand, on May 4 I was prevented from having a vote on regulatory reform. That is preposterous. We have not had hearings. Hearings sometimes are a path to nowhere; leading to nothing. But since then, have there been hearings called for? No, of course not.

But 6 days later, who is speaking on regulatory reform? The President's own Council on Jobs and Competitiveness chairman, that is who, and he is noting a number of priorities. Guess what. One of them happens to be regulations to support a pro-growth environment and strengthen U.S. competitiveness. He listed improving and innovating education and bolstering exports to the world's fastest growing markets as three of those priorities. Then he called for “collaboration between government and business with regard to regulation” as a top priority, noting that “Decades of overlapping, uncoordinated regulations create unnecessary hurdles and increased burdens for entrepreneurs and businesses, large and small, across the country.”

Let me repeat, this is from the President's hand-selected chairman of a



council dedicated to create American jobs and boosting our competitiveness. He made this pronouncement less than a week after the Senate failed to consider my regulatory reform amendment to the SBIR Reauthorization legislation that we were considering for nearly two months, with a mere three days of votes over that time.

You might think that if there were some reasonable concerns about my amendment, the other side would try to work with me since then. Nothing. Nothing. We might have had a recess or two. We had days without votes, days without debating key issues—actually not just days, weeks. Nothing. Nothing is connecting.

What is connecting, though, unfortunately for small businesses and people who depend on them for jobs, is that there is a cause and effect and that is why you are seeing the deleterious effects of our inability to work on the issues that matter, that we have basically relegated all of this to the backseat, we have substituted other things without purpose. It is truly regrettable because of what it is doing to the average American and for those who are struggling. People, rightfully, know it. The American people understand what is happening here—or what is not happening here, I should say.

The breadth of regulations is truly punitive on businesses in America. The Heritage Foundation reported last year that “[t]he burden of regulation on Americans increased at an alarming rate in fiscal year 2010,” with a record 43 major new regulations costing \$26.5 billion alone, “far more than any other year for which records are available.”

That is just in 1 year, \$26.5 billion. That is on top of the \$1.75 trillion in already existing total regulatory costs. That is just 1 year, \$26.5 billion.

It is clear the administration and the agencies have gone on a regulatory rampage. Again, it is that detachment from the real world. What does this mean? What are the real, practical implications for the person running a small business and trying to calculate the costs or anticipate future costs? Why are they going to hire a new employee and take on new costs? Why should they make investments? They don't dare. They can't take the risk. They say: We don't know.

I meet with small businesses regularly and talk to them and they say it is the uncertainty with regulations that continues to limit their decisions. This demonstrates it.

The Heritage Foundation reports that “[r]egulatory costs will rise until policymakers appreciate the burdens that regulations are imposing on Americans and the economy, and exercise the political will necessary to limit—and reduce—those burdens.”

That is exactly what our amendment will do. This is a clarion call for regulatory reform. There should be no po-

litical or philosophical boundaries. There should not be philosophical differences. You might have some arguments about what approach you take, but those things could be worked out. In fact, that is exactly what I did with the amendment I offered on which I was denied a vote back on May 4.

From the other side there were some issues. We made five major modifications to my proposal because it is important to build bipartisan support. I have certainly reached across the aisle on so many occasions. I would have thought we could have had a corresponding response to work out these issues. That is what I do not understand. I cannot understand. There should not be any debate. If they talk to their small business community, they will get the same response.

What can we do to make it better? That is the key. The key is making some changes. One, I called for a small business review panel to be required for every agency so they can review the regulations before they are promulgated, before they are implemented, so we find out beforehand what might be of concern to small business, what might have potential costs or risks, or will not work out, and know it beforehand. I hear from some: Oh, no, we will work it out later, afterward. You ask the small business person how you are going to work it out afterward, after they paid astronomical costs to comply with that regulation.

Let's set up the small business review panels. This is not a new model. There are such panels for OSHA and EPA. And due to an amendment that I offered to the financial regulatory reform bill, one also now exists at the Consumer Financial Protection Bureau, and it is part of that mechanism now. There was a model that we adopted from OSHA and EPA, from 1996, when we had a Democratic administration, and it worked exceptionally well. So I thought, Why not apply it to every agency?

But we heard, absolutely not.

So I said OK, what can we do to work it out? I talked to those on the other side of the aisle and we changed it and said for the 3 years that this bill will be authorized we will do it for nine agencies, three a year, to see how it works for the nine agencies who's rules have the most effect on small businesses. I did that. I made that change to address the concerns that were expressed on the other side of the aisle.

Then we said we should start requiring the agencies to do what they are supposed to do by law. You think it is a little redundant to ask them to do what they are required to do already, which is to review the rules? They are supposed to review the rules every 10 years but, guess what, they do not. So I said: If they are not reviewing a rule every 10 years, then that rule cannot be that important. So let's take it off the

books. That is what I proposed. If an agency cannot be bothered to review the regulations as they are required to do under the law every 10 years, if they are not doing it, then it must not be that important so let's take them off.

There was some resistance on the other side so I made the change in response to the concerns. What I incorporated is that they would lose 1 percent of their operating budget. That is fair. We have to give them incentives to do what they should be doing by law but we will now give them some greater impetus to comply with the law. It is amazing that we are in that position, but that is where it stands. So I made that change because I thought it was important.

We have tasked inspector generals with assuring that these reviews are taking place and they can do so in consultation with the chief advocacy counsel at the Small Business Administration. It is not unusual for an IG to determine that the agency they are overseeing complies with existing laws. After all, isn't that what they precisely do? Would anybody argue that outdated and ineffective regulations hurt the environment or harm small businesses? The administration's own preliminary review of regulations at 30 agencies in 4 months identified \$1 billion worth of savings. Why would we not want to start having those reviews become the norm rather than the exception? I do not understand it. Are we that busy here that we cannot do it? Maybe we could forfeit a few recesses and do some work for America to connect what is going on in Main Street—getting back to Main Street because that is where the jobs are created.

Maybe we could spend more time here doing that instead of deferring to sometime down the road.

I made some other key changes in hopes that we could build that bridge in response to the concerns that were given by the other side. I made five major modifications because I thought it is important to build bipartisan support. Again I was denied that opportunity.

Now we are being told that the main concern is that it has not had a hearing. Does that mean that we ought to change the rules of the Senate, as I said earlier, to require a hearing for every amendment? Perhaps that would slow the train down even more here. Maybe we could get back to achieving some results.

Another provision I have in my Regulatory Reform Act that I have introduced with Senator COBURN and so many others here, is a basic common-sense approach: incorporating the indirect economic effects of regulations on small businesses so we make sure they anticipate the foreseeable indirect economic effects in addition to the direct effects, because we know there are a multiplicity of effects that resonate

and reverberate with other industries. That needs to be calculated and incorporated and factored into the equation in terms of cost. And let's be clear. This is not a radical or partisan proposition. In fact, the language was taken directly, word for word, from the President's Chief small business regulatory watchdog, the head of the SBA Office of Advocacy.

I also recommend that we expand the judicial review requirement so we make sure that when an agency proposes a rule, it has complied with its existing legal requirements to consider the economic impact of the rule on small businesses, that it has contemplated less costly alternative ways to make the rule less burdensome.

That is important because they ought to listen to diverse options, in terms of the rule they are proposing, to make sure that they have incorporated the views of small businesses in understanding the implications, being more exact and precise in the process—not waiting until months and years down the road, after you go through a very extensive, complicated rulemaking process, to try to make your case. Small businesses do not have the resources to do that to begin with, let alone the time or employees to do it. That is not a good use of their capital, by the way, to be spending their time arguing with a government agency time and again.

For 30 years, small businesses have had the ability to seek judicial review of an agency's small business impact statement after the rule has been made. In this entire time period, for over 30 years, even with the ability to obtain judicial review, we know of only two rules that were remanded by the courts. One was a mining regulation that did not account for the number of small businesses that had gone bankrupt under bonding requirements. The other was fishing restrictions issued without realizing the impact on fishermen. This means that waiting until the rule is final is simply too late; the damage is done.

To correct this injustice, our amendment would provide small businesses the ability to bring legal action earlier in the process so we can avert mistakes at the outset so we do not force small businesses to go through this onerous, complicated, costly process, and then find out we made a mistake, the agencies made a mistake, and they say: You know what. You are going to have to fight it and go through another rule-making process which takes months if not years. It is not going to happen. That is why we are not stimulating economic growth; we have thousands of regulations.

As a result, we have provided small businesses the ability to bring legal action, to seek judicial review prior to the rule becoming finalized, whether an agency failed to comply with its exist-

ing small business review requirement. This is a commonsense approach, to ensure agencies abide by the law prior to a rule being made final. It is not a partisan measure. It is just practical sense. If somebody has not run a small business, they probably do not understand it, do not appreciate what it takes to start or run a small business, the ingenuity and the cost involved.

If you take a small operation with 5 employees, 10 employees, 20 employees, they are the majority of small businesses in America. And small businesses account for up to 70 percent of the net new jobs in America. Remember, in the last 2½ years other than 4 months, we have had 9 percent or higher unemployment rates. I mean, that is a dire commentary of where we stand today after we have spent \$2 trillion, and the deficit is growing, the debt is growing. We are facing the potential of a debt crisis if we do not deal with this massive accumulation of debt. That is why job growth becomes such an imperative. This is why regulatory reform is urgent and why we must do something about it.

We could work across the aisle instead of making broad accusations that this is going to decimate the environment, and workplace safety, that this is going to decimate health care. If that is the case, the President must be doing the same thing because he has just proposed revoking more than \$1 billion worth of regulations from agencies in 4 months. We cannot even have a hearing in 4 months on the issue if hearings are so important to the outcome. I would be more than happy to have hearings to get it done, but we cannot even get hearings, cannot work it out. It is just talk, talk, talk.

Many of my proposals have bipartisan support. In fact, interestingly enough, this proposal regarding judicial review was a provision that actually the Small Business Committee chair, the Senator from Louisiana, proposed and Senator CARDIN from Maryland, in a nearly identical fashion as section 605 of the Small Business Investment and Innovation Act of 2010 in the 111th Congress. They obviously agreed with the approach. There is nothing partisan about this. We ought to be able to work this out. There is nothing complicated about it. There is nothing complicated about addressing a fundamental issue facing small businesses.

I just want to set things straight so it is clear and we are not misunderstood. Some are making generalized mischaracterizations. People have not read the amendment, or taken the time and effort to understand it. Reason it out, and if you disagree, come up with something so we can move with urgency, with dispatch because we are losing jobs in America. We are losing businesses. This would help enormously.

That is why the legislation I have introduced, and the Senator from Oklahoma and others, has broad support from major small business organizations across America. They understand. They are hearing from their membership. And speaking of this, Mr. President, I ask unanimous consent to have printed in the RECORD two letters of support, one from 32 major business organizations and another from the Chamber of Commerce.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 8, 2011.

Hon. OLYMPIA SNOWE,  
U.S. Senate, Washington, DC.  
Hon. TOM COBURN,  
U.S. Senate, Washington, DC.

DEAR SENATORS SNOWE AND COBURN: As representatives of small businesses, we are pleased to support Freedom from Restrictive Excessive Executive Demands and Onerous Mandates (FREEDOM) Act of 2011. This legislation puts into place strong protections for small business to help ensure that the federal government fully considers the impact of proposed regulation on small businesses.

In an economy with high unemployment, and where almost 2% of all net new jobs come from the small business sector, we appreciate that your legislation would require regulators to further analyze the impact of certain proposals on job creation. The annual cost of federal regulation per employee is significantly higher for smaller firms than larger firms. Federal regulations—not to mention state and local regulations—add up and increase the cost of labor. If the cost of labor continues to increase, then job creation will be stifled because small businesses will not be able to afford to hire new employees.

The Small Business Regulatory Freedom Act expands the scope of the Regulatory Flexibility Act (RFA) by forcing government regulators to include the indirect impact of their regulations in their assessments of a regulation's impact on small businesses. The bill also provides small business with expanded judicial review protections, which would help to ensure that small businesses have their views heard during the proposed rule stage of federal rulemaking.

The FREEDOM Act strengthens several other aspects of the RFA—such as clarifying the standard for periodic review of rules by federal agencies; requiring federal agencies to conduct small business economic analyses before publishing informal guidance documents; and requiring federal agencies to review existing penalty structures for their impact on small businesses within a set timeframe after enactment of new legislation. These important protections are needed to prevent duplicative and outdated regulatory burdens as well as to address penalty structures that may be too high for the small business sector.

The legislation also expands over time the small business advocacy review panel process. Currently, the panels only apply to the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Financial Protection Bureau. These panels have proven to be an extremely effective mechanism in helping agencies to understand how their rules will affect small businesses, and help agencies identify less costly alternatives to regulations before proposing new rules.

We applaud your efforts to ensure the federal government recognizes the important contributions of job creation by small business, and look forward to working with you on this important legislation.

Sincerely,

Air Conditioning Contractors of America; American Bakers Association; American Chemistry Council; American Farm Bureau Federation; American Trucking Associations; Associated Builders and Contractors; Food Marketing Institute; Hearth, Patio & Barbecue Association; Hispanic Leadership Fund; Independent Electrical Contractors; Institute for Liberty; International Franchise Association; National Association for the Self-Employed; National Association of Home Builders; National Association of REALTORS; National Association of the Remodeling Industry (NARI); National Automobile Dealers Association (NADA); National Black Chamber of Commerce; National Federation of Independent Business; National Funeral Directors Association.

National Lumber and Building Material Dealers Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Small Business & Entrepreneurship Council; Snack Food Association; Society of American Florists; Society of Chemical Manufacturers & Affiliates; U.S. Chamber of Commerce; Window and Door Manufacturers Association.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, June 8, 2011.

Hon. OLYMPIA J. SNOWE,  
U.S. Senate, Washington, DC.

Hon. TOM COBURN,  
U.S. Senate, Washington, DC.

DEAR SENATORS SNOWE AND COBURN: As a longstanding advocate for reducing excessive regulatory burdens on small businesses, the U.S. Chamber of Commerce strongly supports S. 1030, the "Freedom from Restrictive Excessive Executive Demands and Onerous Mandates (FREEDOM) Act of 2011." If enacted into law, this legislation would expand the responsibilities under the Regulatory Flexibility Act (RFA) of federal agencies during the rulemaking process so that a more thorough economic impact of proposed regulations on small businesses would be taken into account by regulators.

One provision in the bill would force agencies to take into account the foreseeable indirect economic impact of rules on small entities when analyzing potential burdens. As a result, regulators would have a better picture of the downstream implications of a proposed rule on other businesses that might not otherwise be considered.

Another section of the bill would subject agency guidance documents to the small business safeguards contained in the RFA. In many cases agencies have circumvented their rulemaking responsibilities by issuing informal guidance. Requiring agencies to perform small business economic analyses before publishing informal guidance documents would help prevent regulators from subverting their rulemaking duties under the law.

The U.S. Chamber of Commerce is the world's largest business federation, rep-

resenting the interests of more than three million businesses and organizations of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses with 100 or fewer employees. On behalf of these small employers, we applaud your leadership on introducing this important piece of legislation and look forward to working with you on its passage.

Sincerely,

R. BRUCE JOSTEN.

Ms. SNOWE. Our amendment includes a number of other provisions that would be important. For instance, we asked the Internal Revenue Service to consider small business impact on rulemaking, and that agencies review their rule penalty structures. I think we should ask the Internal Revenue Service to consider small business impact as well. It is reasonable. They obviously have a broad effect on small businesses across America.

I have spoken on this issue at great length because I think it is that important. I have been a ranking member of the Small Business Committee. I have been chair of the Small Business Committee, since 2003 in either capacity. My State of Maine is a small business State with over 97 percent small businesses, so I fully understand and appreciate the magnitude of the situation, the circumstances in which they find themselves and struggle to survive. The interchange fee amendment to this bill, was an important issue that consumed a lot of time in the Senate. I certainly did not complain because I understand that. It did not have a hearing. It is a new proposal—that did not have any hearings. I did not complain, but it is important to understand—I just want everybody to understand not every amendment offered on the Senate floor, every proposal, has a hearing. Far from it. Very few ever do.

We had a hearing on small business regulations last fall. That is why I am working this out, but we cannot work it out. There is no process or mechanism. It is all talk. No action for where it matters most, and I feel the despair and anxiety of my constituents. I feel it intuitively. I wish we could do better.

I have been in the legislative process, as I said earlier, for the better part of four decades. My whole reason for serving in public office is to rise to a higher level. I believe it is my responsibility to solve the problems on behalf of people I represent and, hopefully, the country. There are only 100 United States Senators. It matters for our States, and it matters for our country. I would hope we could aspire to a higher level than this; certainly, in the aftermath of the last election, where there was an indisputable, unequivocal message from the American people begging and pleading with us to solve problems.

We have an individual and a collective responsibility. We know how to do it, and we can do it. The genius of

America has always been working together to solve our problems. It has been the hallmark of the innovation and the can-do spirit of America. I happen to believe in that can-do spirit. I know it is possible if we have a process and a procedure in the Senate that allows for it.

When I get up every day, it is about what I can do for the people I represent and for this country at a very trying and anguishing moment, where the uncertainty is permeating the American psyche; to feel and to understand the fear that people get up with every day wondering if they are going to find a job or keep a job. Even if they get a job, it is about one-third of what they were making before. I heard that story yesterday from some constituents, about the hundreds who apply for a job for one-third of what they were making. How are they going to keep their families afloat, their homes? If they can keep it. That is what it is all about.

Why is it we cannot replicate it here in actions and speak to the American people and give voice to those fears and say we are going to do it, we are going to do it right here, and then systematically tackle those issues one after the other and just do it and do it as long as it takes, even if we have to work weekends? Americans are working weekends, two and three jobs. They are doing everything. We take recesses. We do this. We "obfuscate" is the word that comes to mind, sort of create a confusion, a masquerade that we are doing something to mix it up.

The practical impact in the absence of what we are doing is directly felt at home on the average American. I know we can do better. There have been soaring moments in this Chamber and there can be again. This is one of the most consequential times in our economic history, and we have an obligation to lift up the spirits of the people by working together on the issues that matter, and this is one issue that matters because there are 30 million small businesses in America. They are the job generators and creators, and if we do not recognize the reality of this type of reform and we cannot get it done, then we have failed to do our jobs. And I regret that.

I believe we can do it, and working it out instead of talking about hearings at some point, some ambiguity, as if we cannot appreciate or understand what is happening in the real world and households every day on our Main Streets. If you do not, then I suggest you take a few Main Street tours and talk to small businesses and talk about their fears. These are Americans who are working mighty hard to make a difference in this world. All they want is a better life for themselves and their families and their children and, in fact, we are retreating.

We have an obligation to stand up to do what is right. I hope we can find our

way somehow, somewhere. This is a great place to start to make a difference.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the passion with which my colleague spoke, and I could not disagree more with her when she says we are masquerading as if we are doing something.

Were we masquerading when we brought the small business jobs bill to the floor, and Senator LANDRIEU, who chairs the Small Business Committee, stood here day after day after day and only faced a filibuster from the Republicans? We could not get that bill done, and millions of jobs were in the balance. Were we filibustering? No, they were. Were we masquerading?

Were we masquerading when we brought the FAA bill to the floor, in which my colleague, Senator SNOWE, played a huge role? Thank God, we passed it. Were we masquerading? That bill is held up because the House Republicans have not chosen conferees, and we are waiting to have a 21st-century aviation system in this great Nation where we are using radar that was used in the last century—practically the century before. Come on. We are trying to do our job.

She talked about the last election. I will talk about the last election. I was on the ballot, so I can talk about it. It was about jobs. I told my people when I get back here: Jobs, jobs, jobs. I am proud to say we have on the floor right now a bill to reauthorize the Economic Development Administration, a program that has been around since 1965 and one which has a stellar record of attracting \$7 of private capital for every \$1 we spend. The cost of each job created is approximately \$3,000 per job, and they are good jobs. The Chamber of Commerce arm is supporting this and the AFL-CIO.

We are dealing with amendment after amendment after amendment, and it is fine. It is everybody's right, and I appreciate the fact that we will be voting on this amendment at 2:15. We even have an amendment to do away with the very agency we are trying to reauthorize by Senator DEMINT, even though in 2005 he had a very big press release lauding the EDA and, as recently as last year, his staff attended a workshop where they were working with the EDA and praising the EDA for their work to reinvigorate jobs.

I appreciate being lectured—and it is everybody's right to do it—and I will do anything to defend my colleagues' right to say whatever they want. It is just not true. The masquerading here is being done by Republicans who filibuster almost every single thing we do.

I hope we are going to get to the series of amendments. We are being very cooperative with our colleagues. We

are going to take some of these—some of these amendments are for show. Fine. Everyone has that right. It is fine. But let's get it done, and let's get going with authorization of a bill that is going to create jobs. That is the whole idea of it. The last time we voted on it, we had a unanimous vote. Since 2004, we had a unanimous vote, and George Bush signed this into law.

I just want folks to know I have another couple minutes of remarks, and then I will yield such time as he may require to Senator BROWN of Ohio.

Mr. THUNE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. What are the rules of discussion or debate right now? When the Senator from California wraps up her remarks, would it not be appropriate to have someone from the other side speak at that time?

The PRESIDING OFFICER. There is no order for speakers. The Senators from Maine and California control the time, and they yield.

Mrs. BOXER. Mr. President, I am happy to propound a unanimous consent request so that at the conclusion of my remarks Senator BROWN will speak for, say, 10 minutes and then it would go to Senator THUNE; is that all right?

Ms. SNOWE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. I appreciate that, Mr. President. I don't know if there is any time agreement, but I think it is appropriate to go back and forth.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I have said I would offer a unanimous consent agreement. We are dividing the time between the two of us. It is my decision to yield to Senator BROWN because Senator SNOWE has spoken for a very long time and I want him to have some time and I am wrapping up my comments. I would be happy to propound a unanimous consent request that after Senator BROWN's remarks for 10 minutes, we then turn to Senator THUNE for 10 or 15 or 20 minutes or whatever it is he wishes.

Mr. THUNE. Mr. President, point of clarification. My understanding is the Senator from California cannot yield time to another Senator.

Mrs. BOXER. I am not yielding time.

The PRESIDING OFFICER. The Senator can yield time but not the floor.

The Senator from California.

Mrs. BOXER. Thank you. So is there objection to my unanimous consent request that Senator THUNE be recognized immediately after Senator BROWN for as long as he wishes?

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Reserving the right to object, the Senator from California has

been addressing the Senate, so wouldn't it be appropriate for the Senator from South Dakota to speak?

Mrs. BOXER. My unanimous consent request is that I have the right to call on Senator BROWN. I can yield to Senator BROWN is my understanding.

The PRESIDING OFFICER. The Senator can yield time but not control of the floor.

Mrs. BOXER. I wish to yield time to Senator BROWN.

The PRESIDING OFFICER. It does not give Senator BROWN the floor.

Mrs. BOXER. So then I will yield to him for some questions. I can do that under the rules; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. All right. So that is what we will do, unless my colleagues would rather do it the way I said before. If not, I will just yield for questions. Either way. It is up to my colleagues.

Mr. THUNE. Mr. President, the request was that at the conclusion of the remarks of the Senator from California, the Senator from Ohio would have how many minutes?

The PRESIDING OFFICER. Ten minutes.

Mrs. BOXER. Then Senator THUNE would be recognized for as much time as he wishes.

Mr. THUNE. I don't have any objection to that.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. SNOWE. Reserving the right to object, I wish to include the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. At the conclusion of Senator THUNE?

Mrs. BOXER. Reserving the right to object, and I will not object, could we have some indication of timeframe? It is all fine.

Ms. SNOWE. Fifteen.

Mrs. BOXER. All right. I think I have the time; is that right?

The PRESIDING OFFICER. Let's make sure. Up to 10 minutes for Senator BROWN of Ohio, then Senator THUNE to follow, and then Senator COBURN will follow.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I have one more question. I still have the floor?

The PRESIDING OFFICER. Yes.

Mrs. BOXER. I said at the conclusion of my remarks we would turn to Senator BROWN. How many minutes remain on each side?

The PRESIDING OFFICER. There is 68 minutes for the majority and 47 minutes for the minority.

Mrs. BOXER. Thank you very much. I will wrap up in a couple minutes and come back later.

I think it is very important to reiterate what I said before. I don't think

we are masquerading around here; I think we are trying to do our work. The bill before us was voted out of the committee. It had hearings. It had a vote. It was bipartisan, unlike the amendment offered by my friend who never had a hearing. Let's be clear. We are not masquerading; we are doing our work.

I only hope this bill gets better treatment than the small business bill. My friend is speaking for small business. We all know small business is the engine of jobs, and that is why it was shocking to me that the Republicans filibustered the last small business bill that was on this floor. It is outrageous, when we say we want jobs.

The reason I am going to vote to table the Snowe amendment or against the Snowe amendment—there are many, but one is process. We haven't had a hearing. It is very far-reaching. But I also wish to speak as chairman of the Environment and Public Works Committee. One of our biggest laws and regulations that stem from it has to do with the Clean Air Act. The way my friend has put forward her amendment, there would be no benefit put into a regulation because of its impact on the health of us and our families.

The Clean Air Act has been attacked by those who want to say let's not have regulations for this segment of business and that segment. We just had a vote in California and 60 percent of the people—Republicans, Democrats, Independents—more than 60 percent said we want to see our health protected.

Here is what has happened. In 2010, the Clean Air Act prevented 160,000 cases of premature deaths—premature deaths. Now we are going to come in with some regulation that has never had a hearing, never had a vote, that is not going to take into account the benefit of a health regulation such as that. By 2020, that number is projected to rise to 230,000 cases of premature deaths.

In 2010, the Clean Air Act prevented 1.7 million asthma attacks—1.7 million fewer attacks. We want jobs. We want people healthy. They can't go to work if they can't breathe, because if you can't breathe, you can't work. So let's not get up here and pass something that hasn't had a hearing, hasn't had a vote, and suddenly say we are no longer going to take into account the benefits of some of the regulations we have.

In 2010, the Clean Air Act prevented 130,000 acute heart attacks. In 2010, the Clean Air Act prevented 3.2 million lost days at school.

So my point is, yes, we want regulations to be sensible; yes, we want them to be flexible; yes, we should work together to make sure our businesses aren't facing undue delays and all the rest and I am very willing to do that. But what I am not willing to do is pass something that has far-reaching im-

pacts. We don't even know what it would mean to the health and safety of our families, and it would absolutely ignore the benefits of regulations that protect our children's health, their safety, their well-being and our working families because a lot of these regulations are meant to protect them.

I hope we will vote down the Snowe amendment. I appreciate the passion on all sides. I truly believe we are not masquerading. We have a bill with real impacts, a bill that I have shown has made a major difference in job creation, in business creation, and in bringing hope to our most ravaged communities. It is such a good program that even Senator DEMINT, who says he doesn't like this program, certainly throughout his career has praised the progress it has made in his State.

With that, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I thank the Senator from California, and I thank the Senator from South Dakota also for his indulgence. I will be no more than 10 minutes.

I listened to Senator BOXER. This EDA issue is important for job creation. I know when it comes to something such as this, there is a whole array of issues that EDA is involved with in job creation. Just one of them is what EDA does with incubators and accelerators.

Last week, I was in Shaker Heights, OH, at a place called the LaunchHouse. It used to be an auto dealership, and there are now 40 entrepreneurs working there. We know EDA investment, public dollar investment, in these incubators pays real dividends. The EDA estimates a \$10,000 investment creates 50 or more jobs. We are seeing that in places such as Shaker Heights and Youngstown, one of the best incubators in the country. Athens, OH, is the home of the National Association of Incubators, and they know what that means.

Before the Senator from Alaska was presiding, I was in the chair presiding and listening to some of this debate. I am a bit amazed by it. First of all, let's remember a little bit of history. I hear the talking points, apparently distributed to all 47 of the Republican Senators, all coming to the floor and blaming government regulation for every problem known to humankind. They are forgetting government regulation is seat belts, airbags, safe drinking water, prohibition on child labor, the Food and Drug Administration so our food is pure and our pharmaceuticals are safe. But they lump it all together and say get rid of all this government regulation. I think the history they need to think about is the last time they preached on the Senate floor about deregulation, they were successful in deregulating Wall Street, and look what happened to that.

When I hear this sort of preachy: "We have to get rid of government regulation," let's be a little more specific. There are some regulations, to be sure, that we should do away with. But when I hear them talk about trillions of dollars of regulation, a lot of that is what keeps our food pure, our drinking water safe, our workplaces safe, our quality of life better for the broad middle class. Let's not forget that.

I wish to speak for the last 5 or 6 minutes about something my colleagues and I will be debating fairly soon; that is, the pending trade agreements with South Korea, Colombia, and Panama. It is a bit of *deja vu*—as Yogi Berra said, *deja vu* all over again. The promise of jobs is an echo we hear about every 3 or 4 years: Time to do a new free-trade agreement; time to promise lots and lots of new job creation; promise more exports for the United States. We heard it with NAFTA, the North American Free Trade Agreement, almost 20 years ago. We heard it with PNTR with China in the late 1990s. We heard it with the Central American Free Trade Agreement in the last decade—2003, 2004, 2005, 2006—and now we are hearing it again with Colombia and South Korea and Panama.

I recall both Republican and Democratic administrations saying 200,000 new jobs created by NAFTA. I heard proponents of PNTR promise a more balanced trade relationship with China, and new, increased exports. We have seen increased exports to China but nothing like the number of—there were jobs created because of that, I acknowledge that, but nothing like the export of goods from China to the United States, which, in essence, is outsourcing jobs in the United States.

There is a company in Bryan, OH, called the Ohio Art Company. They make something we are all familiar with, and that is the Etch A Sketch. We all played with it as kids. Walmart went to that company—the biggest retailer in the history of the world—and said: We want to sell your product for less than \$10 at Walmart. Do my colleagues know what they did? They basically shut down production in the United States and moved to China so they could sell it for \$10, costing hundreds of jobs in that northwest Ohio community.

Before PNTR, before these promises about increased jobs, we had a \$68 billion trade deficit in goods with China. Last year, it was \$273 billion. About \$600 million or \$700 million every single day we bring in—we buy from China, then we sell to China. I hear this word "unsustainable" in this body all the time about Medicare, whatever they are talking about. But this is what is unsustainable. We can't keep adding to that trade deficit and think we are going to have good jobs.

In April alone, our trade deficit with China was \$21 billion—in 1 month, \$21

billion. So when I hear, this year, the Korean Free Trade Agreement—and the President of the United States is going to submit it to Congress fairly soon, I assume, depending on what happens with the trade adjustment assistance; and this President has made this agreement with Korea, significantly better than the last President's trade agreement with Korea but not all that good yet—the Congressional Budget Office estimates this agreement will cost—in addition to the jobs issue, but hold on to that for a second—about \$7 billion over the next 10 years—\$7 billion.

My conservative friends on the other side of the aisle are going to say: How are we going to pay for \$7 billion? They want to offset cuts, they want to offset any other kind of spending, but they do not seem to want to offset spending on this trade agreement. So this trade agreement is costing us \$7 billion. So free trade simply is not free.

The administration says this agreement is expected to support—not create—70,000 jobs. Do the math. It is about \$100,000 for every job supported. But do another piece of math, if I could ask the indulgence of the Presiding Officer. George Bush the first said for every \$1 billion trade deficit or surplus, that translates—these are his numbers—into about 13,000 jobs. So when I mentioned that trade deficit with China a minute ago—\$21 billion in just April alone—for every \$1 billion, 13,000 jobs are either gained or lost. If it is a trade deficit of \$21 billion, that means 13,000 jobs for every \$1 billion of loss. So you can see, without belaboring this point or putting too fine a point on it, there is significant job loss from these trade agreements.

The Obama administration sought to address the Bush administration's neglect of American automakers, which the free-trade agreement the Bush administration negotiated with Korea did. But I fear we have not gone far enough. Korea is the most closed automotive market in the world to America and other foreign autos. No manufacturer can export vehicles in significant volumes into Korea—not Toyota, not Volkswagen, not Ford, not Fiat. U.S. vehicle exports to Korea in 2010 were 7,500 units. In a country approaching perhaps 90 million people in Korea—80, 90, 95 million people—we sell them 7,500 cars? Imports currently make up about 6 percent of the Korean auto market. Six percent of the cars driven around in South Korea are made somewhere other than South Korea. That is not quite fair trade.

This bill, this Korean Free Trade Agreement, does not get us there. The Obama administration approved it, but nothing like it needs to be. So I just caution my colleagues, the Korea Free Trade Agreement is a permanent agreement. If we pass this agreement in a couple months, what we pass in estab-

lishing that formalized trade agreement with that major industrial country in East Asia is a permanent relationship.

It does not sunset like a so-called authorization. It does not sunset the way many of my colleagues have recently let the trade adjustment assistance lapse for service workers and for workers who lose their jobs to countries we do not have a free-trade agreement with. Some of my colleagues insist trade adjustment assistance needs to be reauthorized in the short-term, little baby steps, year-by-year intervals, while they press for more permanent trade agreements.

Here is the deal. Madam President, I know you in North Carolina have shown real leadership on these trade relationships. Here is the deal conservative politicians in the Senate and in the House of Representatives want. They want us to pass permanent trade agreements, but then they may want to take care of workers for just 1 year at a time, 6 months at time—6 weeks at a time the last time they reauthorized this.

This does not make sense. The trade agreement with Korea is a significant problem for job growth in our country and for protecting jobs in our country. There is nothing wrong with the word “protecting” jobs in our country. But at the same time, before we even consider that, we need to make sure we pass the trade adjustment assistance. We should have learned our lessons from NAFTA, from NPTR with China, from CAFTA, and from these other trade agreements that the promises coming from an administration on job creation, when it comes to trade agreements, are mostly empty promises.

I yield the floor.

I thank Senator THUNE from South Dakota for his indulgence.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise in support of the amendment that has been proposed by my colleagues from Maine and Oklahoma, Senators SNOWE and COBURN, the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011. This is a very commonsensical piece of legislation. It is something that certainly responds to a concern I hear from small businesses all across this country about the need for relief from burdensome, one-size-fits-all Federal regulations.

We hear a lot of discussion—in the Senate and around this town and around the country, for that matter, because that is where it truly matters—about creating jobs. Yet for all the rhetoric about job creation, it seems there is very little that is actually being done with regard to the substance of putting the right kind of policies in place that will make it cheaper and easier for small businesses to cre-

ate jobs. It seems as if everything we do makes it harder, more difficult, and more expensive for our small businesses to create jobs.

As the Senator from Maine very correctly pointed out, 70 percent of the jobs in our economy are created by small businesses. I think there are a whole range of issues that impact small businesses in this country and their ability to create jobs.

My colleague from Ohio just talked about trade. I happen to have a view on trade that you ought to have trade agreements that are fair, that are enforceable, obviously, but that we are a country that benefits enormously from the opportunity to export the products we grow and make to other countries around the world.

To just give you an example of one particular country, one of the bilateral trade agreements that is under consideration—or at least I wish was under consideration; it has been negotiated and has not been submitted by the White House yet to the Congress for consideration—is the one with Colombia. I mentioned this earlier today in some remarks on the floor, if you look at it and its impact on agriculture in this country: In 2008, in the commodities of corn, wheat, and soybeans, our country had 81 percent of the Colombian market when it comes to those three agricultural commodities. In 2010, that was down to 27 percent. Why? Because a lot of other countries that had negotiated free-trade agreements with Colombia have stepped in to fill the void because we do not have that kind of agreement.

This has very direct and profound impacts on the American economy. Because when you lose that kind of market share—81 percent in 2008, down to 27 percent in 2010—that is a significant number of jobs that are impacted in industries in this country. The same would be true with Panama and South Korea, all of which would be trade agreements that are teed up that have been sitting and languishing for 3 or 4 years now without action in the Senate. It is absolutely insane for us not to be moving trade agreements that could benefit our economy and create jobs at a time when job creation—certainly, at least rhetorically around here—is stated to be the No. 1 priority we deal with.

When it comes to jobs and the economy—and I think there are a number of things, as I said, that impact that, trade being one—there are a number of policies coming out of Washington that impact small businesses and their ability to create jobs. Clearly, tax policy is one. Tax policy is something I think needs to be reviewed. We need tax reform. It is long overdue. It is making us noncompetitive with other countries around the world because our tax laws are outdated relative to other countries, our takes rates are higher relative to every other industrialized



country in the world, with the exception, perhaps, of Japan. That is something we need to be looking at. If we are serious about being competitive and about growing our economy and in the global marketplace creating the kind of jobs we need here at home, we have to have trade policies, tax policies that are conducive to economic growth and job creation.

The other area, however, on which we can be impacted by what happens in Washington is regulation. That is what this particular amendment is all about. It is about making regulation coming out of Washington, DC, reasonable, making it based upon common sense, making it based upon science, making it where any objective bystander or person out there—an observer who looks at these regulations—would say: They are trying very hard not to make it more difficult for small businesses to create jobs in this country.

But I think what happens too often is the exact opposite. It looks like what is coming out of Washington are heavy-handed, burdensome requirements, mandates, and regulations which drive up the cost of doing business in this country. Frankly, I do not disagree with what some of my colleagues on the other side have said about regulations that are important to public health and safety. What I am talking about are excessive, overreaching regulations, which in some cases go beyond the congressional intent, the statutory purpose that Congress, when they enacted the laws, wanted to see take place. So you have regulatory agencies that go way beyond the congressional intent and the statutory purpose with regard to many of these policies that are being put in place.

I have to say that when I travel in my State of South Dakota—and, for that matter, outside the State of South Dakota—and I talk to small businesses, I talk to agricultural producers, the overriding theme, the consistent theme I hear over and over and over again is: You have to get these out-of-control regulatory agencies under control. They keep spinning and kicking out more and more regulations that are making it more difficult for us to grow our businesses and to create jobs.

Maybe that is a function of the fact that we have a government that has gotten too big and out of control. If you look at government today relative to historical standards, we are looking at government, as a percentage of our entire economy today, of being somewhere in the 24- to 25-percent range. I mentioned earlier this morning in some remarks on the floor that back in the year 1800, the government was actually 2 percent of our entire economy. For our entire economic output at that time, 2 percent represented what we spent on the Federal Government. Today we are spending one-quarter—one-quarter—of every dollar of our en-

tire economic output in just the Federal Government. That does not include State and local governments. When you add those in, you get up over 40 percent. The trajectory we are on today will take us up to 40 percent of spending on the Federal Government to GDP in the not-too-distant future. If you look at 2035, 2040, that is where we are headed if we stay on our current path.

So it necessarily follows, I suppose, that when government keeps getting bigger and more expansive, more government regulations, more government redtape, more bureaucracy is a natural outgrowth of a growing government. What I think makes the most sense is for us to be creating jobs in the private economy. What we have seen here in just the last few years is that the government economy is growing relative to the total economy. The private economy, thereby, is shrinking. We have seen, over the last 40 years, the average of the Federal Government, as a percentage of our entire economy, being 20.6 percent. So 20.6 percent of our entire economy spending has been by the Federal Government. As I said, now it is 24 to 25 percent.

So we are on a path where we are rapidly ramping up, we are rapidly growing the size of government relative to our entire economy. That is not where we want to go if we are serious about creating good-paying, permanent jobs for people in this country. Those jobs originate and come from the private sector. They come from small businesses. That is where we want to create the jobs.

So I would say the amendment that is being proposed by the Senator from Maine and the Senator from Oklahoma is a very reasonable one because all it is simply saying is, before these new regulations go into place, the small businesses ought to have access to some review and perhaps even, if necessary, to the court system, to make sure those regulations are consistent with the legislative intent and not overly burdensome and putting an unnecessary and excessive burden on our small businesses.

I think it is common sense. If we are serious about job creation, if we are serious about economic growth, getting the economy back on track, this is the very type of legislation we ought to be supporting. Too often around here we end up off on these tangents, working on things that do not have an impact on job creation. I will say that one of the things we should be working on—and that we are not—it has now been 771 days since Congress passed a budget. Think about that: \$3.8 trillion, \$3.7 trillion, \$3.8 trillion in annual spending, and it has been 771 days now since Congress passed a budget.

It strikes me, at least, that if we are serious about getting our fiscal house in order and sending signals to the

economy and to the market that we want to create jobs, the first thing we could do is get the fiscal house in Washington, DC, in order. Yet we have had 771 days now without a budget.

If you are really serious about getting the economy back on track, you have to also restrain spending. You have to grow the economy, you have to restrain Federal spending, because when you have a government that is growing at the rate ours is, it does crowd out private investment. It makes it more difficult for small businesses to get access to capital and create jobs because they are competing with the government.

Back to the issue at hand here—that is regulations—I think that whether it is a farmer or rancher in South Dakota—by the way, I spoke yesterday with someone who is in town representing a livestock organization in my State—the No. 1 issue is overreaching government regulation driving up the cost of doing business.

You look at some of the proposals and suggestions that are out there, and sometimes they fall into the category of “you can’t make this kind of stuff up.”

There was a proposal under consideration here recently at the EPA—which they have not, to be fair, promulgated regulations on yet or proposed regulations on yet—that would regulate fugitive dust. I mean, imagine and think about what that means in an agricultural. What it essentially means is you could not have dust from your property drift over onto someone else’s property.

Some of this stuff borders on insanity. I think that is the point that is being made by the amendment of the Senator from Maine. Let’s use some common sense. Let’s use some reason. If we are going to have these regulations, let’s at least put them forward in a way that does not disproportionately adversely affect small businesses and make it more difficult for them to create jobs.

Here is another example. Just last month, the DOT started seeking comment on the need for commercial driver’s licenses for individuals who are driving off-road farm equipment such as tractors. Well, where I come from, that is a pretty important part of our economy. You have a lot of young people working in farm operations, a lot of people, period, who are out there who grow up learning or knowing how to drive tractors, how to handle farm equipment, and this particular requirement would force them to get a commercial driver’s license.

I mean, some of this stuff, as I said, falls into the category of “you can’t make these kinds of things up.”

The EPA recently threatened ranchers in the Flint Hills region of Kansas to stop or limit the controlled burn of their prairie pastures, which is a practice that allows for the new growth of



grass to feed cattle, or to be faced with EPA-mandated regulations.

The list goes on and on.

It strikes me again that when you have as many of these studies that are out there, and a lot of data supports these arguments, we ought to be responding in a way that recognizes that science, data, and input from people who are impacted by these regulations ought to have more of an influence on the regulations that are imposed by these agencies. What this does is it simply puts in place a way in which small businesses can get access to that kind of a review.

I hope my colleagues in the Senate will support the Snowe-Coburn amendment and move us in a direction where we are dealing fundamentally with the issues that are important to our economy right now because, for all of the rhetoric, as I said earlier, about wanting to grow the economy and create jobs, it seems as though every policy coming out of Washington, DC, is contrary to that objective, whether that is tax policy, trade policy, energy policy, but perhaps more important now than ever, regulatory action coming out of the executive branch of the government and running amok by creating all kinds of roadblocks and hurdles and impediments to job creation in this country.

Again, when you are at 9.1 percent unemployment, when you have as many people out of work as we have and who have been out of work for as long as they have, you would think that, first and foremost, we would be looking at policies that make it easier and less expensive to create jobs in this country. And what is happening is we are making it more difficult and more expensive to create jobs by these excessive, overreaching, runaway regulations that are coming out of Federal agencies every single day.

It is hands down the thing I hear more than anything else from people in my State of South Dakota. As I said, whether that is the Farm Bureau or a livestock group or a small business organization, right now government regulation is the thing they state most often as the biggest impediment to them going out there and creating jobs.

So this is a very commonsense amendment. It is something our small businesses are all supporting. We saw the list of small business organizations the Senator from Maine put up earlier. This is something this Senate ought to act on and act on today. I hope we will get a strong affirmative vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Would the Senator yield for a question? Is the Senator aware that there are at least four other bills—Senator VITTER, Senator ROBERTS, Senator COLLINS, and Senator PORTMAN—and, in addition, that Sen-

ator LIEBERMAN is developing a comprehensive bill on reg reform? Is the Senator aware of those other bills?

Mr. THUNE. Well, I would say through the Chair that there may be many efforts, as there typically are here in the Senate, to address some of the issues, and a lot of our Members have different ideas about how best to do that. I happen to believe the proposal put forward by the Senator from Maine is, as I said, a very reasonable, commonsense approach to this.

The Regulatory Flexibility Act is something that is in need of some revisions, particularly in light of the fact that we have so many regulations coming out of these agencies that are so costly, so difficult, and so burdensome for small businesses in this country. I think we ought to be, at every opportunity, looking for ways to lessen the cost and the difficulty for our small businesses to create jobs.

Ms. LANDRIEU. Through the Chair, I understand Senator COBURN, under the UC, has the next 15 minutes. But, through the Chair, I would end my question by saying that I think the Senator is right. There are some regulations that are coming fairly fast and furiously. But I think the Senator would also understand that the normal process is reviewing the bills at the committee level, comparing and contrasting, and then bringing the best approach to the floor. And that is what some of us are objecting to. It is not the goal of reducing regulations; it is the process.

Thank you.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened to this debate all morning, as an original cosponsor with Senator SNOWE on her bill. I wish to talk about the EDA first, and then I will talk about what most of us do not realize because most of us have not taken the time to look.

There are 80 economic development programs in the Federal Government through 4 agencies that spend \$6.6 billion a year. Not one of them has a metric on it to see if it is successful.

We have heard all morning about \$3,000 per job. That is all self-reported stuff. No oversight on it. No committee oversight on it. No hard work to see—there is not a metric on one of these programs to see if it is working. Now we have a bill on the floor to spend another \$500 million a year on something we have no idea what—we have anecdotal evidence, but what does the OIG say? The OIG says, first of all, this program has been used as a congressional slush fund to direct money to friends of Members of Congress. That is what they say. Fully one-third of the projects never come to completion. So the money that was spent on it ends up being totally wasted. We are reauthor-

izing a bill that nobody can show the statistics that it is, in fact, effective. It is not just that we are reauthorizing this bill, we have 79 other programs.

Ask yourself a question. We are \$14 trillion in debt. We are nearly bankrupt. We are running a \$1.5 trillion deficit. And we have a bill on the floor to spend \$500 million, and we do not know whether it works. We claim, anecdotally, we see positive things every now and then. Well, you know, there are positive outcomes to illness too. But the fact is, we do not know what we are doing.

What the Congress ought to be doing is saying: If, in fact, it is a role for the Federal Government to have economic development activities, then we ought to center it in 1 area, and we ought to have 1 or 2 programs, not 80 with 80 sets of administrators, 80 sets of commissions, and \$6.6 billion a year, with half of it not accomplishing any purpose for the American people other than make the Senators and Congressmen feel good because they think they may have done something.

So the whole idea that we would put forward a bill that has never truly been oversights in terms of the way everybody else would oversight the way they spend their money to see if it is effective in the whole, not anecdotal evidence of one company or one benefit—put it all together, and if we have a role, let's put together a program that will work, No. 1; No. 2, that has metrics on it so we can measure whether it is effective when we are actually borrowing the money to do this. By the way, if we actually pass this bill and \$500 million gets spent, we are going to borrow \$200 million from the international financial community to do it. When we know one-third of it is wasted, that just does not make any sense.

So the whole idea of Congress passing this EDA bill, in light of not doing oversight on the other 79 economic development programs under the other 4 agencies, is the definition of insanity. We don't know what we are doing.

Now, let's talk about regulation for a minute. There is well over \$2 trillion in the United States sitting in small, medium, and large businesses right now that is not invested for jobs. Why is that? Why are people afraid to go out and invest and get a return on capital? It is because they do not see any clarity in the future. The administration we have today has issued 40 percent more regulations—40 percent more regulations—than any administration in history in the first 2 years. One of the reasons people do not have confidence is they cannot handle the regulatory framework that is coming at them so fast.

The other thing I have observed is that when regulations are written, they are oftentimes written without people with the real knowledge of what they are writing the regulations for.

Eighty percent of the regulations written in this country are written by lawyers within the agency in which they are doing it. Now, I like lawyers. That is good enough. But how about having someone who has real experience in the area in which they are writing the regulation rather than a lawyer write a regulation for it?

A great example is that one of the good things about the new health care bill was going to be where we combine things into accountable care organizations, where we end up putting hospitals and doctors and physical therapists and mental health workers all together, and then we work as a team so we can cut the costs and not have duplication and get better outcomes. The regulations on that were 220 pages long, with 65 things you have to do every day on every patient to report back to the Federal Government. Well, that is just idiotic. It is asinine. Yet that is the regulation that came out on what I view as one of the few positive things about the affordable care act.

The Senator from Maine outlined the cost of business regulation to small businesses and large businesses. It is \$1.7 trillion a year; that is, fully 12 percent of our GDP is the cost of regulations that are coming from the Federal Government.

All this bill says is—it is a way to force the administration and the agency—it does not matter if it is a Republican or Democratic administration. They are both the same. It does not have anything to do with what party is in power in the administration, but to hold the agencies accountable, that they will look at the impact of the regulations they write so they are not counterproductive to our country.

We are at a time period where we are at great risk as a nation—great risk—because we are so overly exposed on our debt and our deficit. For every 1 percent increase of interest rates that we are going to see next year, it is going to cost us, the taxpayers of America, \$150 billion additional. And there is no question we are going to see interest rates rise in this country. So we do not create the confidence of the small and medium businesses to go out and build that next production line or build a way to produce this next new idea, because what they are seeing is so much blowback from an unaccountable, misdirected Federal Government.

So what Senator SNOWE wants to do is totally connected with common sense. But you know what, we don't want to do that. We don't want to do that. And the excuse is that we have not been through committee. Well, let me tell you, one-third of the bills that come to the floor of the Senate have never been through the committee, and now we are saying an amendment has to come through the committee. It is ludicrous. It is also false. It is that we really don't trust the American people.

That is what it really says, we really don't trust the American people to use common sense. The reason we don't is because we have no connection with common sense whatsoever in this body, and because we can't figure it out, we don't think they can. So Big Brother has to tell you every time, every location, at every situation what you can do.

The thing that has changed in my adult lifetime is when I was a medical device manufacturer in the seventies, the presumption was on the government to prove that I was doing something wrong.

With our regulatory framework now, the presumption is on you, the American citizen, to prove you didn't do something wrong. That is why this overregulation, this attendance to detail matters to nothing, except a gnaw on the top of a pin. It is out there and is so costly, in terms of the cost of compliance, it makes no difference in terms of somebody's outcome. But, mainly, it is costing us jobs. It is costing us the very thing that built this country—the premise that you can put together an idea and build on that idea with hard work and minimal capital and make it a success.

The thing that is blocking that is the regulation coming from the Federal Government. This is a straightforward bill. Let's hold the bureaucrats accountable. If they will not be held accountable, you will have a way to hold them accountable.

I don't get it. I don't get why anybody would object to this because it is not stopping regulation; it is saying you have to figure out whether it is prudent. If you are not following the Regulatory Flexibility Act, then we are going to make you do it because, we will give you a basis in a court of law to be able to do that.

What is wrong with that? Nobody has addressed what is wrong with that. They have just said, no, we don't like it, we don't want it. So we are going to do everything we can to make sure an amendment, which will fix the problems in this country and start creating jobs, and will actually move money into investment to create new opportunities for jobs for Americans, when we have 17 million Americans who want to work but can't, we are going to defeat it. We are so disconnected with what is important in this country, and it is so frustrating. I am surprised I still have hair on my head.

Senator SNOWE knows more about small business in this Senate than any other Senator. She has worked on it for years. She knows the problem. She has offered a solution that is common sense, that will work, that won't cost a lot of money, but will rein in the bureaucracy when they do the wrong thing or they don't follow the law.

For us to say, no, we are not going to do it because there may be a small

amount of risk that something might go wrong, that is exactly the same way the bureaucracies work. Let me tell you how they work. They never do what is best for the country, they do what is safe for the bureaucracy. That is why we have so much regulation, because they don't want to be criticized. You can't walk through life without being criticized. Nobody is perfect. No action is perfect. So let's hold them accountable and help them be better. Let's be uplifters to them and put some tools there that will enable us to have a good regulatory framework that actually accomplishes the purpose of the regulations but doesn't destroy what small amount of manufacturing business we have left.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I understand our side has about 50 minutes left in this debate on the Snowe amendment and we will vote at 2:15. I will speak for the next 15 or 20 minutes. There is nobody else on the floor on our side. I will continue to try to answer some of the issues raised in the last few minutes about this particular amendment.

First of all, I have a great deal of respect for the Senator from Oklahoma, and nobody has worked harder on trying to bring more efficiency to the Federal Government. He has spent hours and hours and hours in meetings, official meetings, informal meetings, on budgets, efficiencies, and regulations. I have a great deal of respect for the Senator from Oklahoma personally. But I do take offense at some of the—not just the suggestions but accusations and specific attacks made on the floor against the government. Two or three were issued in the speech he just gave—statements like this: "The bureaucracy never takes risks."

I wish to ask him, what bureaucracy did he think supported the elimination of Osama bin Laden? Does the Senator from Oklahoma believe there were no risks taken by this bureaucracy that he so routinely wants to degrade—to no good end? I would ask him, if he were still on the floor, were no risks taken by anyone when they launched the strike against Osama bin Laden that eventually killed him?

Would the Senator from Oklahoma suggest we have no regulations on Wall Street; that we should trust the big international bankers of the world to do what is right every day for the people of Oklahoma? I know the people on Wall Street wake up every morning and think to themselves while they are eating breakfast: What can I do today to help the people in Oklahoma or in Louisiana?

Of course, that is absurd. There is a place for appropriate regulation, and bureaucracies aren't always bad. When George Washington led the creation of

this country, he most certainly had in his mind a government that worked for the people, by the people.

Let's fix the government. Let's not tear it down by statements that have no basis in fact, that do not uplift people, do not encourage people. They numb people. They make people angry. They make people think there is no hope, when there is. There are thousands of people who put on a uniform every day and go to work for this country. They are mothers, fathers, grandparents, aunts, and uncles. They work hard and they do not deserve the disparaging remarks that come too often from the other side of the aisle.

If you don't like government—you have made it plain—then fix it. One of the ways to fix it is to take a bill—and this is not an amendment that Senator SNOWE has, it is a bill. I have seen it. She asked me to cosponsor it, and I have declined. It is a bill—a major bill—that has jurisdiction that will find its jurisdiction not in one committee—the Small Business Committee—but in five committees that have jurisdiction over the aspects of Senator SNOWE's bill. One of the reasons we should not vote favorably is not because we are not for regulatory reform but because this bill has ramifications that go far beyond the Small Business Committee, which I chair, and five or six other committees need to look at the provisions in her bill. That is one reason we have asked to go through the committee process.

No. 2, there are, at least to my knowledge, four other bills that attempt to fix this overregulatory reach which, I agree with Senator THUNE, with Senator COBURN, and I agree with Senator SNOWE, needs to be tapped down and harnessed—not eliminated—and made less onerous for all business, not just small business. There are at least four other bills I know of that are attempting to do that. One is by Senator VITTER, one by Senator ROBERTS, one by Senator COLLINS, and one by Senator PORTMAN. I have not had the opportunity to review in detail all of these other bills, but I am sure they have some very excellent points to them.

The committee process allows a chairman such as Senator LIEBERMAN, who is not here today, whose committee would have primary jurisdiction over this, to bring all five bills before his committee, hear the best aspects of each, potentially combine them into a bill, and bring them to the floor. Do you know what. Senator LIEBERMAN, I know, has offered to do that in his committee. That bill could potentially come out of committee—potentially with Senator SNOWE as lead author, with other cosponsors—a bill that both Democrats and Republicans can agree to, which could give relief to reg reform.

This is not about finding a solution. This is about public relations, cam-

paigns, and Republican rhetoric about the election. That is what I object to. If this were about regulatory reform and finding a solution, the five Senators who have bills, and other Senators—Senator McCASKILL, for one, who is here today, is developing a bill, and Senator CARPER, who has spent years on this subject and is quite the expert—they would all come before the Homeland Security Committee, on which I have the privilege of serving, and in a short amount of time—just a few weeks—figure out something the majority could support.

This is not about fixing the problem. This is about bumper stickers for elections, and I am very tired of it. I am not the only one. As chair of the Small Business Committee, I can promise you that our committee, with Senator SNOWE as ranking member, has worked every day very hard through this recession to put forward bills on this floor that could help create jobs, bring relief. In fact, regarding one of the most burdensome regulations that the business community was screaming about, our committee was very aggressive in helping to eliminate that. That was section 1099, which would have required every business to report to the IRS any purchase they made for goods over \$600. It would have brought many businesses to their knees, buried in paperwork.

Did our committee sit around and twiddle its thumb? No. We worked hard. We had, I think, the only hearing in Congress on 1099, and we repealed it. It took us a while to find the right offset. The minute the business groups brought it to our attention, we said we made a mistake and it will take us a while to find the \$20 billion to offset it, but we will look at it before it goes into effect and repeal it. We did that.

When Republicans say Democrats don't care about regulatory burdens, I find that offensive. It is not helpful. This bill is not on the floor on regulatory relief. This bill is on a small but effective economic development program that has worked beautifully in my State. Contrary to what the Senator from Oklahoma and others have said, this program—in Louisiana, as far as Louisiana is concerned—actually works. One of the reasons it works so well is because many of the decisions about the grants are not done in Washington but at the regional level. Our office happens to be in Austin, TX. When the Chamber of Commerce comes to visit me—and they are not always huge supporters of the Democratic caucus—they say to me: Senator, one of the best programs that our members like and feel the Federal Government does a very good job with is the EDA grants, because they are not that bureaucratic. They make quick decisions and help us fill gap financing in programs that make a meaningful difference to people in our communities. I didn't raise this subject to the Chamber of Commerce; they raised this subject to me.

Maybe the Senator from Oklahoma is correct that some of these moneys were earmarked. But we don't allow earmarks anymore. So this program is going to go on without earmarks directed by Members. It is going to be done on a regional basis, and these programs have been—at least in Louisiana's experience—quite effective. Louisiana Tech, one of my universities, received a \$2 million EDA grant. I will submit this for the RECORD: Our ongoing partnership with EDA has greatly enhanced the university's overall economic development efforts. We are creating the EDA University Center.

This is from the mayors of both cities. You know, I do trust my local elected officials. I do trust the people I represent. When they say a program works, I like to believe them.

There is a list of projects and recent investments in Louisiana—\$1.2 million to Tulane University.

Can I tell you one thing about Tulane University, since it was damaged significantly after Hurricane Katrina? We have over 45,000 applicants to this school. Why do people want to come to Tulane? They want to come because not only is it a great school, but it is in a great city that is rebuilding itself. An EDA grant—that some people wish to eliminate—is helping to rebuild our city. So \$1.2 million to Tulane University. It is a microloan program.

I believe the people at Tulane University. I have a great respect for Scott Cowen and their board. Everywhere I travel around the United States as a Senator I could not be more proud when people come up to me and comment what a great university Tulane is. I don't need somebody in Washington telling me how good this program is. I have the people I represent at home telling me.

We have \$75,000 given to the downtown development district which was underwater after Katrina for the Idea Village. You know where the Idea Village was recently advertised? Maybe on the front page of Enterprise Magazine; maybe in Time magazine. This Idea Village is one of the best ideas in the whole country. You know who funded it? The program Senator BOXER is trying to reauthorize.

We have \$400,000 for a startup fund for the creation and development of stimulus funds to support fledgling enterprises in the greater New Orleans region. Our seafood industry went completely—no pun intended—underwater after the BP oil spill. This agency stood up, when no one else would—BP wouldn't give them a penny, Ken Feinberg wouldn't give them any money—and gave them \$350,000 to keep their head above water—the Seafood Promotion Board. That is why, in large measure, people are eating gulf coast shrimp today.

So I don't know what report Senator COBURN is looking at, but the May 19

GAO report states they have not concluded that duplication exists among programs, and plans to address these issues in their future work on overlap and duplication.

I don't know if the Senator has asked his Chamber of Commerce from Oklahoma, but I am going back to my office and I am going to call them myself, because I wish to find out. Maybe their program works differently in Oklahoma than it works in Louisiana. But when I call my people at home—and they will tell me: Senator, some of these programs aren't worth a hill of beans and you should eliminate them; these programs are too difficult. I have that all the time about some programs. Not all the time, but some programs. This isn't one of them.

The reason I am a little exercised is because this is like *deja vu*. I came to this floor 4 weeks ago to try to get a similar program in size—a \$1.2 billion program that has worked so well. Senator Warren Rudman had created it. It is a great program. It is the country's best venture capital program for all small business. It makes money. It doesn't lose money. We got the same thing done to us by the other side of this aisle that says we don't care about small business over here because we have to talk about X, Y, and Z.

So this is the second time for one of our chairmen. I was the first, and now Senator BOXER is trying to bring to the floor a program that is not that complicated. It is a little program but it has big bang for the buck. It gets rave reviews from the people in my State—Republicans mainly but Democrats as well—and we can't seem to get this program approved until we take bills that Members want to put on this bill that have nothing to do with it and that haven't gone through committee.

I am going to be voting against Senator SNOWE's bill. But to make clear, I support Senator SNOWE's efforts to reduce regulation. My people in Louisiana are screaming about this. I have tried to communicate this to the administration in many ways, whether it is EPA or the Corps of Engineers, or the more recent one coming out of one agency that wants all my oilfield workers to put on HAZMAT suits to go to work. If you put on a HAZMAT suit in Louisiana when it is 100 degrees, you won't get to the oil rig because you will faint before you get there.

I am not unaware—I want the Senator from Oklahoma to understand—of some ridiculous rules and regulations that come flying out of some of our agencies. But the way to fix them is not to bring a bill to the floor that has not had a hearing when six different committees have jurisdiction, when Senator LIEBERMAN, who has the lead jurisdiction as chair of Homeland Security has indicated a complete willingness to take this on.

There are enough bumper sticker printing operations in America today.

There is only one U.S. Senate. I suggest we start acting like the U.S. Senate and stop acting like a bumper sticker operation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I want to make a couple of comments. I said in my earlier comments there are some good things about the EDA. But the fact is, they are all self-reported. There is no data. There are no methods. Any time you send money to the State of Oklahoma, I guarantee you the people who are going to get the money are going to like it. But there isn't one metric, one set of metrics that measures the effectiveness of the money that has been spent through EDA in terms of job creation. Fully one-third of the dollars don't get through to completion over the history of the program.

The very idea we would defend the bureaucracy—the bureaucracy didn't help us on 9/11 because they were stovepiped and they didn't communicate. The bureaucracy failed to ensure the safety of the levees in New Orleans—this same bureaucracy that doesn't need to be controlled. The bureaucracy didn't protect us from the financial crisis of 2008 because we didn't do the oversight. The bureaucracy didn't protect the gulf from the Deepwater Horizon. We had a bureaucracy that was supposed to be in charge of that, but they didn't do their job.

The SBIR—you had my full support on SBIR; the Senator from Louisiana knows that. She had my support on that because that is one of the proven programs inside the SBA that actually has metrics on it that works. So the debate is whether we hold back the regulatory framework.

I find it ironic that you agree with us in principle but won't vote with us on this amendment because it didn't go through a committee. It is amazing.

Ms. LANDRIEU. Will the Senator yield for a question?

Mr. COBURN. I want to finish my points and then leave the floor because I have something else I have to do.

It is amazing the negative effects we all are hearing from all across the country. Every Senator is hearing how regulation is drowning out opportunity for investment that creates jobs in this country. Every program has some positive aspects to it. The question isn't whether they have positive aspects, it is what is our priority now that we are bankrupted. Where should we be spending the money so we get the best bang for the buck. How do we pull back the regulatory framework so that it is common-sense oriented rather than bureaucratic oriented? That is what Senator SNOWE is trying to do and to give some type of power to the very people who are being regulated. Because we certainly won't do the oversight. We haven't done the oversight.

It is interesting that when the GAO put out this last report on duplication, they are right, they didn't say in these particular programs. But I put out a report 9 months before that detailed the duplication in these programs, and it was published, so you can find the duplication.

The important point is we are strangling business and job development—small and medium. The big guys can take all this regulation, and they are already staffed up. The small- and medium-sized businesses can't. We have to give them a way to force common sense onto the bureaucracy. That is all this does. Everybody hears it from all of their constituents, that regulation is killing business formation and job creation. Why would we not want to put in some balance? I don't understand it.

The real problem with the regulatory agencies is us, because we won't oversight them. There was no oversight hearing on the EDA. Nobody ever asked the question: Where are the metrics? We hear all this anecdotal evidence about how great it is when we give money to the States that they can do things, but where are the numbers that show the job creation for every thousand dollars that gets spent? It is self-reported, but there is nothing that looks at it that says statistically here is the proof.

If the EDA is the best way to create jobs in this country, I am all for it. But I want to see some data that says that right now. We have job training programs, 47 of them in this country, and we spend \$18 billion a year on them. We have 104 science, technology, engineering, and math programs across nine different agencies we are spending \$16 billion on a year. We have no data on any of those programs anywhere, but we have it out there. We have no idea what we are doing because we won't ask the hard questions and we won't study it. Nobody would have 104 science, technology, engineering, and math programs. We have 64 programs—and 20-some of them are outside the Department of Education—to improve teacher training quality.

The reason we are in trouble is because we haven't done our job on oversight. So anyone can claim anecdotal evidence that something is good, but you should know that when we spend \$1,000 of the taxpayers' money—money we don't have today because we are borrowing it from China—we ought to be certain that it is actually going to create something because our kids are paying the bill. The next generation is going to pay the bill, and they will pay that bill through a markedly lower standard of living.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. Thirteen minutes.

Ms. SNOWE. Thirteen minutes. Thank you, Mr. President.

I want to make a few points. It is about solving problems. That is what this is all about. It truly amazes me that we have an amendment here on regulatory reform that everybody agrees with in principle and everything else, that goes to the heart of the issues concerning the economic well-being of small business and, hence, America's well-being in these desperate times, yet we can't manage to get it together and to work on these issues.

I made a number of good-faith changes in my legislation, and I would have done more if I had heard any response from the other side to working those out. I made five major changes to the proposition back in April to respond to this. But there is no response. Then I hear about these hearings. Can somebody please tell me where it is in the rules of the Senate that every amendment has to have a hearing?

We had a major vote yesterday on interchange for the second time. That is important to small business. But even the committee of jurisdiction didn't have a hearing. So this is, again—as I describe it—the politics of obfuscation. Let's get to the heart of the matter and solve the problems for America. It isn't about who authors it and who is doing it. Let's do it. That is the point: We are not doing it. We are just sitting here talking, recessing, going home today, going to do something else, going to have recesses.

We have five committees that have jurisdiction over this issue. We are going to need a roadmap pretty soon. I don't want to go home and tell my constituents this is what happened on regulatory reform. So let me get this straight. Let me get this straight. We have five committees, there are a number of bills, time is running out, people have to leave, and we can't have enough time to debate this.

That is what I was told this morning. All of a sudden I was given a call saying: Sorry, you have to do it right now. I said: Well, is the bill over? We just started. There are a number of pending amendments that haven't even been addressed yet. Let's vote on those. This is an important issue. Let's give this the equivalency of the interchange amendment. Let's do something that is important for small business. Absolutely not.

This is about jobs at a very difficult time in America.

Let me repeat, 40 months after the start of the four deepest postwar recessions, our economic output averaged 7.6 percent. Here we are, our GDP has only increased .1 percent. Those are terrible numbers. But behind those numbers are people and human beings because it means we are not creating jobs.

We heard here today that sometimes bureaucracy is good. Well, bureaucracies, by definition, and I read, mean "excessive multiplication of, and concentration of power in administrative bureaus or administrators." Absolutely. They are unelected. We are elected. We understand the problems. Even the President—let's read this headline, "Obama to scale back regulations in an effort to spur economic growth."

What is interesting about all this—nobody is accusing the President of decimating the environment or workplace or health care. Understanding that, 6 days after I was denied a vote on this very amendment where I made five different adjustments to respond to the other side, you have the President's Economic Competitiveness Council coming out with four major priorities, one of which is a need to improve the regulatory process because there are decades of overlapping and uncoordinated regulations.

Even by the administration's estimate, this White House's own estimate, that regulations last decade cost anywhere from \$44 to \$62 billion, last year's alone with a \$26 billion. This is a serious issue.

Can we work it out? Can we do it? Do we have the capacity to work on issues anymore, thoroughly and deliberately? It has been almost 2 months and we have not gotten any further. We haven't even had a hearing. Somewhere, somebody has bills. Great. Bring them up. Let's debate them. Let's compare them. Let's do something. Let's do something for small business. They desperately need it. Now I will be glad to yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. KIRK. Mr. President, I would like in this context to focus on the economic policy, to look at where we are right now, the state of the economic union and the State of Illinois.

If we look at basic numbers we see we will take in about \$2.1 trillion in tax revenue, but our government is currently projected to spend \$3.4 trillion in tax revenue, yielding a deficit of approximately \$1.3 trillion. We will have to borrow from the American people, from China, and other foreign powers.

Total unfunded liabilities of the Federal Government are \$61 trillion, yielding a debt of \$196,000 per American, currently. When we look at economic growth and the way to expand the available pie for the United States, our economy last year grew at a 2.8-percent rate. China, on the other hand, grew at 10.3 percent, and Libya—currently under attack by NATO—grew at 4.2 percent. In fact, quiz question: Which economy grew more last year, the United States or Iran? The answer: The Iranian economy grew at a faster rate than the United States.

The situation probably is even more bleak in the State of Illinois. For the

State of Illinois, we are going to take in about \$27 billion in revenue, spending \$33 billion, for a \$5.8 billion gap. This is for a State whose credit rating is deteriorating quite rapidly, having not funded its pensions to a greater degree than almost any other State, the unfunded liability of the State of Illinois of \$62 billion for a per-citizen debt on top of the Federal debt of \$4,800.

When we look at our State and its economic growth, the State of Illinois is at just 1.9 percent growth. Other States, Wisconsin, even with its highly controversial Governor now rapidly improving its business climate at 2.5 percent; the State rated No. 1 for creating jobs in America, 2.8 percent, and the State that is on fire, the State of Indiana at 4.6 percent. This is clearly a sign that things are going well in Indiana, things are going well in China, things are even going better in Libya than in the United States, and it shows that we need to change course for our country economically, to back the amendment of the Senator that she has here, and to make sure we can lay out better, more pro-productive policies like the small business bill of rights that represents 10 new policies to accelerate economic growth.

On behalf of that entity, which represents half of all the jobs in the United States, and my own State—these are private sector jobs. They are sustainable. They do not depend on a failed stimulus which is now running out of gas—given the records, I think we can see it is clear we ought to go back to economic fundamentals to correct the system and look clearly at the state of economics where we are now.

With that, I yield to the Senator from Maine and thank her for the time.

The PRESIDING OFFICER. Who yields time? The Senator from Maine.

Ms. SNOWE. I now yield to the Senator from Massachusetts, Mr. BROWN.

Ms. LANDRIEU. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maine has 4 minutes, and the remaining time for the Democratic side is 35 minutes.

The Senator from Maine.

Ms. SNOWE. Mr. President, I ask unanimous consent for additional time on the bill, since the vote is not going to occur until 2:15, and that time be equally divided.

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Maine.

Ms. SNOWE. I yield the remainder of the time to Senator BROWN. It is regrettable, since this is an important issue, that we couldn't have more time on this key issue.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I want to begin by expressing my support for what Senator SNOWE has been doing and for the EDA

Reauthorization Act. I applaud the committee for producing a good, comprehensive bill. These EDA grant programs provide vital resources, not only for Massachusetts economic development and its businesses, but also other States throughout the country to help communities get back on their feet in this tough economic climate. For that reason, the reauthorization of this bill is incredibly important, and I encourage that it be done.

I rise to speak about two amendments to this bill that affect the stability of our small businesses. Senator SNOWE and Senator COBURN's FREEDOM Act, to reform the small business regulatory system, is one that I have consistently supported because it is a commonsense solution. When I am traveling around my State, no matter where I go and no matter with whom I speak, from CEOs all the way down to the worker who is just doing the everyday work, one thing I hear over and over is a plea to get rid of the one-size-fits-all Federal regulations that are limiting businesses.

Businesses need certainty and stability in order to create an economic climate for jobs not only to be created but to be retained, not only in Massachusetts but throughout the country.

This amendment would require that Federal agencies conduct comprehensive analysis on the potential impact of regulations on small businesses. It has the support of the NFIB and the U.S. Chamber of Commerce. Simply put, burdensome regulations are hurting our small businesses and job creators and are preventing them from growing and hiring. It is a shame this amendment got caught up in partisan volleying in the SBIR reauthorization. I am happy to have an opportunity to speak about it today.

I also want to turn the Senate's attention to amendment No. 405 to repeal the 3 percent withholding tax, a malignant and business-threatening provision. It is based on S. 164, the Withholding Tax Relief Act, which enjoys bipartisan support and is critically needed now. Senator SNOWE is a cosponsor, as well as 14 of my colleagues.

We need to repeal once and for all this onerous and costly unfunded mandate. This is a jobs amendment, plain and simple. It would repeal a part of our Tax Code that promises to kill jobs.

As you know, Mr. President, we have had many comments about how this bill would, in fact, cost potentially as high as \$75 billion to actually implement. The moneys received back to the Federal Government would be about \$8 billion over that same period. It is absurd. Any program that costs more to implement than it brings in revenues should be repealed immediately.

Two months ago I received a letter from the Massachusetts State secretary of finance, Jay Gonzalez, warn-

ing Congress of the inevitable threat to the ability of small businesses to survive in this economic climate if we allow the continuation of this stealth tax.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROWN of Massachusetts. I encourage colleagues to also adopt that amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, the Senator from California was on the Senate floor this morning, Mrs. BOXER, advocating passage of this bill and urging colleagues to vote against the Snowe amendment. I am here to support that position.

I would like to respond briefly to Senator COBURN's last couple of statements about where the bureaucracy failed. He didn't have to remind me, of course, the bureaucracy failed to respond to Katrina and Rita, the largest disasters by far in the history of the country. But we have spent 6 years fixing that bureaucracy, not printing bumper stickers for reelection campaigns. You know what. It has worked because our efforts to fix the bureaucracy have helped the people of Missouri and Arkansas and Tennessee and Montana and Indiana who are currently experiencing terrible disasters as we speak.

The bureaucracy that showed up at the Superdome is a lot better today in many ways—it is better today than the bureaucracy that showed up at the Superdome. That is because we had hundreds of hours of committee meetings, where this hard work is done, to bring significant and important bills and changes that take debate, not on the Senate floor but take debate in the work of the committee. When you are working on major pieces of legislation that have major impacts, that is where it is done.

Besides the FREEDOM Act that is on the floor today, there is the Regulatory Responsibility For Our Economy Act, sponsored by Senator ROBERTS with 46 cosponsors. I am assuming—I don't have the list, but I am assuming they are Democratic and Republican cosponsors. That is a major regulatory relief bill.

There is a bill by Senator COLLINS called the CURB Act, Clearing Unnecessary Regulatory Burdens. The CURB Act has two cosponsors.

Then there is a smaller bill by Senator PORTMAN that has no cosponsors, but he is the lead sponsor. That looks to me like it is a smaller bill and has limited scope but nonetheless on regulatory reform.

There could be 12 other bills filed in the Senate—I don't know—and hundreds of other bills filed in the House. Forget the House bills. When bills like this are filed in the Senate, the usual route and the most effective route is to

go through the committee of jurisdiction. You can understand in this topic, which is so broad—regulatory reform—it is regulatory reform in the Department of Commerce and regulatory reform in the Department of EPW, Environmental and Public Works, regulatory reform for the Department of Homeland Security, regulatory reform in the Department of Defense. There are many committees of jurisdiction.

What everyone has agreed to is to have the hearing in the Homeland Security Committee, which has broad jurisdiction, and get the work done. Senator LIEBERMAN is not here today because he is on Jewish holiday. He has said time and time again he will have this hearing in the committee and that is the appropriate place so we can come forward with a bill on regulatory relief.

There are a couple of reasons why this particular approach is flawed. I would like to read the comments from the administration. I would like to read three specific reasons why this particular FREEDOM Act is not in the proper position it should be. But the way to fix it is not debating on the floor of the Senate on a bill that is not really germane to the bill that we are debating, that we are trying to pass. It is to have this kind of debate in committee so we can work out these details. Senator SNOWE has shown herself to be in the past, and still today, willing to work in a very cooperative manner, and the place to do this is in committee.

No. 1: The bill as currently drafted would allow judicial review before the completion of rulemaking. That provision in the Freedom Act would undermine regulatory certainty, making it harder for businesses—

not easier, harder—

for businesses to plan for the future and compete in the marketplace. It would also invite excessively costly and unwieldy litigation.

We don't want to have more lawsuits. We want to have less lawsuits. That is one of the problems small businesses are facing today—lawsuit after lawsuit after lawsuit. The last thing we want to do is encourage more of them. Many people have reviewed the technical writing of the bill in its current form and believe it will result in more lawsuits, not less. We wish to fix that in committee.

The amendment would make it harder, not easier, to see the actual cost of regulation, by expanding the Regulatory Flexibilities Act definition to include indirect effects.

I can understand why she wants to do it, but in interpreting the language as the Senator has written it, this legislation would likely undermine any reliable and meaningful economic analysis of regulation, thereby distracting the agencies from focusing on what the actual impacts of the rules would be.

Finally, the amendment inappropriately links regulatory decisions to budget cuts. Decisions about regulation should be based



on sound economic science and not on the threat of budget cuts.

This is a preliminary review of some of the current problems.

Senator SNOWE is right, I guess. We could stay on the floor for the next 2 or 3 or 4 weeks and the other Senators who are not on the floor could agree to come and debate their bills on the floor, which is highly unusual. But why not just go to the Homeland Security Committee, have all of the sponsors of these major pieces of legislation present their bills and have that committee work through these technical difficulties? Because it is an important issue. Many of us support regulatory reform. We know there are some burdens, particularly on small business. We want to get it fixed, so let's fix it instead of continuing to rail on this subject on every bill that comes before the Senate, whether or not it has anything to do with regulatory reform.

One thing I wish to point out to the Senator, and I point this out with the greatest respect, about 6 months ago or longer now, we were both on the floor trying to pass the small business jobs act, a very significant bill that would actually help to bolster this economy and help provide literally billions of dollars of loans to small businesses that couldn't get them anywhere. Their credit card companies had raised the rates so high or their banks had shut down their lines of credit. Senator SNOWE and I worked together to bring a bill to the floor—and we did, and passed it, unfortunately, without the support of the other side of the aisle. But in that debate, the Senator from Maine said—because I included in that bill, with a 60-vote margin—I got Senator Voinovich and Senator LeMieux to vote for the small business lending fund, which was a little unusual. She said:

... not included in the overall. First and foremost, it has not had a single hearing with respect to this issue, and in my view, it certainly does resurrect the controversial TARP program ... and because it hasn't had a hearing, this should not pass.

Yet, within a year, she is back arguing against that argument—that her bill, which hasn't had any hearing in the committee—should pass.

So there is some inconsistency here. I say this with the greatest respect to the Senator from Maine. But if we want to be serious about regulatory reform, we have to have this debate in the committee of jurisdiction, which is right now Homeland Security, and then have the other chairmen of the committees try to cooperate with that committee and bring something to the floor. We will be happy, many of us, to vote for it. But doing this in this way is not helpful. It is not going to fix the problem. It is only going to make the burden on small business worse. We have to move past it.

I wish to refer my colleagues to the floor remarks Senator SNOWE made on July 22, 2010.

Can these be fixed? Yes. But this is not the place, on the Senate floor, when there are many other bills as well. Senator SNOWE could remain the main sponsor because she has put in the most work. She has been a tireless advocate. She should get tremendous praise for bringing forth this issue and keeping the fires burning and pushing the Senate to this end, and that would be terrific. Many of us would join that effort. But this is not the bill to do it on. This is not the place to do it. I would suggest that, again, taking this to the committee of jurisdiction, working it out, bringing the administration forward so we can actually make some real progress on curbing regulatory overreach by the Federal Government would be welcomed by all.

I see the Senator from Vermont is here on the floor. I am assuming he wants to talk.

How much time do we have remaining?

The PRESIDING OFFICER. There is 24 minutes remaining.

Ms. LANDRIEU. I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. I ask unanimous consent that the final 10 minutes be equally divided and controlled between Senators SNOWE and BOXER, with Senator BOXER controlling the final 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I yield myself 10 minutes of majority time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE DEFICIT

Mr. SANDERS. Mr. President, there are a number of huge issues facing our country. Our middle class is collapsing. Poverty is increasing. We are in two wars. We are concerned about global warming, the quality of our education, and massive unemployment. So this country today has its share of serious problems we have to address.

Right now, a whole lot of attention, not inappropriately, is on our very large deficit and a \$14 trillion-plus national debt. This is an issue which is perhaps going to come to a head over the next few months as it becomes tied to whether we raise the debt ceiling. I wish to say a few words on this issue.

No. 1, when we talk about deficit reduction, it is important for us to understand how we got to where we are today. How did it happen? How do we have a \$1.5 trillion deficit this year, and a \$14 trillion-plus national debt? Let's remember that not so many years ago, at the end of President Clinton's tenure, this country had a significant budget surplus and the expectation was that surplus was going to grow in the years to come.

But then a number of things happened during the Bush years. No. 1, we became engaged in two wars. No. 2, we passed a Medicare Part D prescription

drug program. No. 3, we bailed out Wall Street. And No. 4, we gave huge tax breaks to the wealthiest people in this country. Then, as a result of the Wall Street-caused recession, revenue dropped, and the result was that we now have a very high deficit and a very large national debt. But it is important to remember how we got to where we are today.

It is also important when we talk about deficit reduction to take a look at American society today in order to determine what is a fair way—a fair way—to address deficit reduction. When we look at American society today, the trends are very clear. The middle class is, in many ways, disappearing as a result of stagnant or, in fact, lowered wages for millions and millions of American workers. Median family income over the last 10 years has gone down by about \$2,500. The middle class is hurting. Many millions of Americans, in fact, have left the middle class and entered the ranks of the poor. Poverty is increasing. But at the same time as the middle class is shrinking and poverty is increasing, there is another reality we cannot ignore—or I am afraid many of my colleagues choose to ignore it—and that is that the people on top are doing phenomenally well. Over a recent 25-year period, 80 percent of all new income went to the top 1 percent. The top 1 percent now earns more income than the bottom 50 percent. When we talk about distribution of wealth, we have the top 400 Americans—the 400 wealthiest Americans—owning more wealth than the bottom 150 million Americans.

That gap between the very rich and everybody else is growing wider. It is important to discuss that issue about what is happening to the middle class, to lower income people, and the growing gap between the wealthy and everybody else when we address the issue of deficit reduction.

My Republican colleagues in the House came up with an idea that I think most people almost can't even believe they would pass; it seems so incomprehensible. At a time when the middle class is hurting and things are getting worse as a result of a recession, our Republican colleagues say, Well, what we want to do is move toward deficit reduction by making savage cuts in Medicaid, in education, in infrastructure, in nutrition, in virtually every program that low- and moderate-income Americans depend upon. Furthermore, what we want to do in the House—what they have done—is to end Medicare as we know it, convert it into a voucher program, giving seniors a check for \$8,000 and have them go out and get a plan from a private insurance company which clearly will be totally inadequate for most seniors and end up raising their out-of-pocket expenses.

Then when it comes to the wealthiest people who are doing phenomenally



well, not only do our Republican colleagues not ask the wealthiest people or the largest corporations to pay one nickel more in taxes to help us with deficit reduction, they come up with this brilliant idea that we are going to give \$1 trillion in tax breaks over a 10-year period to the wealthiest people in America. So the rich are getting richer, and they get tax breaks. The middle class is shrinking, and what they are asked to do is to assume huge cuts in programming which will impact them very strongly.

This is clearly the Robin Hood proposal in reverse. We are taking from working families who are hurting and giving it to the wealthiest people who are doing phenomenally well. The Republican plan is clearly absurd, and I think most Americans understand that.

The question is, What will the President do? What will the Democrats do? It is my very strong hope Democrats will be strong on this issue. The President has to be strong on this issue. The President has to go out to the American people and win the support that is there for a deficit reduction package of shared sacrifice. We need to say very clearly to the American people: No, we are not going to move toward deficit reduction solely on the backs of the most vulnerable people in this country. No, we are not going to decimate Medicare so elderly people will not be able to get the health care they need when they are old and sick. No, we are not going to throw millions and millions of people off of Medicaid and endanger families who have their parents in nursing homes. We must have shared sacrifice. The wealthy and large corporations must be involved and contribute toward deficit reduction.

There is a lot of responsibility on the President, but let me make it very clear. I, personally, as a member of the Budget Committee and as a Senator from Vermont, will not be supporting any package that does not call for shared sacrifice.

Mr. LEVIN. Mr. President I have supported regulatory reform since before my election to the Senate in 1978, to make regulations more sensible and efficient while protecting the public's health and well-being. The Snowe regulatory reform amendment would amend the Regulatory Flexibility Act, RFA, to require that Federal agencies consider all potential direct and "indirect economic impacts" of proposed regulations. I will vote against this amendment because it is so broad and undefined. Also, the Snowe amendment would give standing to seek judicial review and seek injunction of a rule-making while the rule is still in its draft form and still receiving public comment. I am concerned that such a change could paralyze the regulatory process, not reform it.

Mr. MCCONNELL. Mr. President, as cosponsor of the Freedom Act, I would

like to add my voice to those who have spoken in its support.

But first I would like to thank Senator SNOWE for her dedication and hard work in support of the many small business owners across her state and across the country who would benefit from this legislation.

As we all know, America's job creators are suffocating under regulations and redtape.

The administration doesn't seem to realize that all its interference has a human cost.

Businesses want to create jobs and help communities recover, but they can't.

Whether it is new financial requirements, health care mandates, energy mandates, onerous new fees, burdensome tax filing requirements, or threats of higher taxes, businesses today are faced with so many new rules and requirements from Washington that they can hardly see straight.

The Freedom Act says enough is enough.

This regulatory reform amendment would help give small businesses much-needed relief from the Federal government and its one-size-fits-all approach.

Specifically, it would modernize the Regulatory Flexibility Act to require that from now on, Federal agencies conduct a comprehensive and careful analysis of the potential impacts—both direct and indirect—of regulations on small businesses. It would make sure that the voices of small business owners are heard in government agencies that frankly don't seem to be listening to them.

This amendment has broad support from the small business community.

The U.S. Chamber of Commerce and the National Federation of Independent Businesses have issued strong letters of support.

At a time when nearly 14 million Americans are looking for work, this is exactly the kind of legislation that would help America's job creators.

When I ask business owners what they want us to do to help them create jobs, they usually have a simple five-word response: get out of the way. That is what we are doing with this legislation.

And the only people who could possibly oppose it are those who think the needs of bureaucrats in Washington are more important than the needs of job creators everywhere else.

I thank Senator SNOWE and Senator COBURN for their strong advocacy on behalf of small businesses.

I intend to vote for this important amendment. I urge my colleagues to do the same.

AMENDMENT NO. 390

Mrs. BOXER. Mr. President, we are working on a bill that is a jobs bill, plain and simple. It does not have any fancy parts to it. It is a reauthorization of a program that was set up in

1965. The purpose was very clear: to go into areas in our States where the communities are hurting for jobs, where the communities are hurting for business. It works in a way that every \$1 we put into the program attracts \$7 of private investment.

I will show you the job creation on some of these charts that we see. At the \$500 million funding level that is authorized in the bill, the EDA is projected to create up to 200,000 jobs a year and over the life of the bill up to 1 million jobs. It is done at a very low cost per job. Mr. President, \$3,000 per job is what it costs the Federal taxpayers because of all the leverage that comes in as cities join in, counties join in, and so on.

I have a list of projects we can talk about today. I have talked about a number of projects that have been funded through the EDA over the course of this debate in the last few days. I have talked about them in California and Minnesota and I wish to add just a couple other recent projects from across the country.

In California, EDA awarded \$3 million to the Inland Valley Development Agency in a county that is going through some tough times, San Bernardino, to support the renovation of an existing building at the former Norton Air Force Base. This project is going to help the conversion of that base into a commercial and light industrial area, attracting new companies that are interested in locating there.

This investment, funded by the Department of Defense Office of Economic Adjustment and administered by EDA, is part of a \$3.6 million project that will create 100 jobs and generate \$20 million in private investment.

So here you have a \$3 million investment that is going to be leveraged to \$20 million. It is pretty extraordinary, and this is the bill we are talking about.

In Florida, the EDA awarded nearly \$4 million to construct a new wastewater system for western Palm Beach County. The region suffered flooding in 2008 from Tropical Storms Hanna and Fay, which caused environmental damage. It closed local businesses.

The construction is going to support three city industrial parks and a general aviation airport, as well as a major inland port and intermodal center that are being developed. That investment is part of a \$5.3 million project that will create 240 jobs, save 270 jobs, and generate \$48 million in private investment.

So a \$4 million investment attracting \$48 million in private investment.

In Idaho, we have a very good example of a \$4.4 million grant to the College of Southern Idaho in Twin Falls to fund the construction of the Applied Technology and Innovation Center. This new LEED-certified facility will

help the college meet the region's needs for a higher skilled workforce. They will learn to operate computer-driven manufacturing equipment, maintain alternative energy systems, and to use environmentally sound construction processes for these green buildings. This investment is part of a \$6.9 million project that will create 486 jobs.

In Indiana, EDA provided \$2.4 million; in Kansas, \$1.4 million to the city of Hutchinson. I will go on with this in my remaining time that I will have later.

But the point is, this is a jobs bill, and it is being hijacked by a slew of amendments, and I see the handwriting on the wall. I have been here long enough to know what is going on. There is no cooperation. We have everything from the Snowe amendment to endangered species, dealing with a chicken that somebody wants to take off the endangered species list. I mean, I was not born yesterday, as you can tell. I know what is happening. This is a dance. It is a slow dance. It, unfortunately, signals to me maybe the slow death of this bill. I think that is very sad, when you have a bill that has been supported by Republican Presidents, Democratic Presidents over the years, and the last vote on this floor was unanimous, in 2004—by unanimous consent—and George W. Bush signed it. I have fought George W. Bush in a number of areas. He and I saw eye to eye on this one. This is not controversial.

I hope we can dispose of this amendment. I will have more to say on the amendment in a couple minutes.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). Under the previous order, the Senator from Maine has the next 5 minutes.

The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President.

I would urge my colleagues to support this amendment. It is about jobs. It is about small businesses. It is about the well-being of American families. Just remember this: the stark numbers. The unemployment rate is at 9.1 percent; the average over the last 2½ years, 9.4 percent. For 23 out of the last 28 months, unemployment has been at 9 percent or higher. Housing prices are at the lowest level since mid-2002. This is the longest recession since modern record-keeping.

These are stark, grim numbers. What I am hearing here today is a bureaucratic process and response, exactly what we are trying to attack. This is not indiscriminate, as some have described on the other side of the aisle about this regulatory reform measure. It is very consistent.

I know the Senator from Louisiana was talking about several of the issues. I would like to go through them.

First of all, she mentioned about the concerns of the judicial review. But

this provision is nearly identical to one that she and Senator CARDIN introduced in their own legislation in the 111th Congress.

The Senator also was concerned with our tying budget cuts to the SBA to this amendment as a way of paying for some of the costs of it. But, to avoid controversy, we specifically selected as offsets, cuts in the SBA that had been proposed by the Agency's Inspector General, and in the President's very own budget.

The Senator from Louisiana talked about the problems associated with considering indirect economic effects on small businesses when issuing rules. But, for that provision we used the exact same language suggested by the President's chief small business regulatory appointee, the chief advocate at the Small Business Administration.

So this is not indiscriminate and some are mischaracterizing the provisions in this legislation because they have not bothered to read the amendment. I made a number of changes in order to address the concerns on the other side. If there were further concerns, that we could work through, I would have addressed those as well. So I think we better make sure we get our facts straight because it is about small businesses and jobs. That is what it is about. We are just stalling, deferring, delaying.

We heard concerns that we did not have a hearing on my specific amendment. Well, the Senate did not hold a hearing on it since I was denied a vote on it on May 4. And the President came out a few days later and said regulatory reform was one of the top four issues for American economic growth and job creation.

Then we hear a bureaucratic conversation about hearings and multiple jurisdictions and committees and committees. I have to say, I have never known amendments to require hearings before they are considered on the floor. In fact, I believe the Senator from California had 19 amendments in the last Congress—19 amendments—8 of which were accepted and none had hearings. Yesterday we had a major amendment on interchange. We did not have a hearing on that major issue.

I am just making a point. This is just bringing up issues to obfuscate and obscure. I do not know exactly what the concern is, to be honest with you. If there are some issues to address, then let's address them. But to just postpone in conversation, debating—the talk goes nowhere. There are no hearings. There is nothing.

The President scaled back regulations, as I said earlier in an effort to spur economic growth, including some in the Environmental Protection Agency. He did not undercut the Endangered Species Act. Nobody is accusing him of scaling back every environmental law that has ever been on the books.

I think we ought to get away from extreme mischaracterizations, inaccuracies and untruths. Let's talk about the facts. Let's read the bill. Let's know what we are talking about and get our facts straight. This goes to the heart of economic growth. It goes to jobs.

It goes to the American people's well-being.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, in my 5 minutes, here is what I wish to say: Yes, I have offered many amendments on this floor, as have all my colleagues. But if I see an amendment and colleagues see an amendment that could hurt, we believe, the health of people, I am going to say, yes, let's have a hearing.

I wish to show you a picture of a child with asthma. She is beautiful. This is not a pretty picture.

I will show you another picture of a little boy with asthma. This is also a beautiful child and a terrible picture.

Let me tell you, we are trying to protect these children. We are trying to protect our families. We are trying to stop premature deaths. How do we do it? Yes, we have regulations. Have they worked? You bet they have. That is why I say, if you are going to change them, yes, I hope we would look at—you know, everybody is motivated in the right direction. Jobs? Absolutely. But I have to tell you, when you are sick, you cannot go to work. If a breadwinner dies prematurely, the family is destitute.

Let me show you just one act that would be impacted by this Snowe amendment and why I think we ought to have an alternative amendment. If you look at the study that was required by Congress, you find out that in just 2010 alone, the Clean Air Act prevented 160,000 cases of premature death; if you look at 2010 alone, 1.7 million fewer asthma attacks; if you look at acute heart attacks prevented, 130,000.

What happens in the Snowe amendment: All you are going to look at is the economic benefits, not the health benefits. It flies in the face of common sense and our moral responsibility.

Here is what I see wrong with this amendment: It hurts protection for families and communities. It stops or delays important protections for those people. It ignores public health and safety benefits. It only looks at the benefits of economics. Yes, we have to do that. But we also need a balanced approach. As I said, if someone is sick and they cannot go to work, they cannot keep a job.

It would also create additional, expensive litigation. The amendment allows polluters to sue Federal agencies during the public comment period on a proposed Federal safeguard that allows

one polluter to hold up an important, let's say, drinking water or clean air protection standard for months, maybe years.

So I urge a "no" vote on this amendment. Let's get together and come up with something that balances economic growth with the protection of the health of our families.

I yield the floor and hope we would now go to a vote under the previous order.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 390.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—53

|            |              |             |
|------------|--------------|-------------|
| Alexander  | Grassley     | Murkowski   |
| Ayotte     | Hatch        | Nelson (NE) |
| Barrasso   | Heller       | Paul        |
| Blunt      | Hoeben       | Portman     |
| Boozman    | Hutchison    | Pryor       |
| Brown (MA) | Inhofe       | Risch       |
| Burr       | Isakson      | Roberts     |
| Chambliss  | Johanns      | Rubio       |
| Coats      | Johnson (WI) | Sessions    |
| Coburn     | Kirk         | Shaheen     |
| Cochran    | Klobuchar    | Shelby      |
| Collins    | Kyl          | Snowe       |
| Corker     | Lee          | Tester      |
| Cornyn     | Lugar        | Thune       |
| Crapo      | Manchin      | Toomey      |
| DeMint     | McCain       | Vitter      |
| Enzi       | McConnell    | Wicker      |
| Graham     | Moran        |             |

NAYS—46

|            |              |             |
|------------|--------------|-------------|
| Akaka      | Franken      | Murray      |
| Baucus     | Gillibrand   | Nelson (FL) |
| Begich     | Hagan        | Reed        |
| Bennet     | Harkin       | Reid        |
| Bingaman   | Inouye       | Rockefeller |
| Blumenthal | Johnson (SD) | Sanders     |
| Boxer      | Kerry        | Schumer     |
| Brown (OH) | Kohl         | Stabenow    |
| Cantwell   | Landrieu     | Udall (CO)  |
| Cardin     | Lautenberg   | Udall (NM)  |
| Carper     | Levin        | Warner      |
| Casey      | Lieberman    | Webb        |
| Conrad     | McCaskill    | Whitehouse  |
| Coons      | Menendez     | Wyden       |
| Durbin     | Merkley      |             |
| Feinstein  | Mikulski     |             |

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is rejected.

Under the previous order, the motion to reconsider is considered made and laid upon the table.

The majority leader is recognized.

Mr. REID. Mr. President, Senator MCCONNELL and I discussed what we

should do the rest of the day. We have a number of Senators who have come to both of us wanting to offer amendments. We think we need to have people offer amendments so that we can find the universe of amendments and work through them and come up with a reasonable way to proceed forward.

Having said that, I want people to offer amendments on my side, and I think Senator MCCONNELL feels the same way on his side. We will make a determination later today as to how we will proceed on this next week. I think it would be fruitless at this stage to have a bunch of votes—well, we need consent to do it, so I don't think there will be any more votes this afternoon.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 389

Mr. KOHL. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my amendment No. 389.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 389.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Sherman Act to make oil-producing and exporting cartels illegal)

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . NOPEC.**

(a) **SHORT TITLE.**—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2011" or "NOPEC".

(b) **SHERMAN ACT.**—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

**"SEC. 7A. OIL PRODUCING CARTELS.**

"(a) **IN GENERAL.**—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) **SOVEREIGN IMMUNITY.**—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United

States in any action brought to enforce this section.

"(c) **INAPPLICABILITY OF ACT OF STATE DOCTRINE.**—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) **ENFORCEMENT.**—

"(1) **IN GENERAL.**—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.

"(2) **NO PRIVATE RIGHT OF ACTION.**—No private right of action is authorized under this section."

(c) **SOVEREIGN IMMUNITY.**—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (5), by striking "or" after the semicolon;

(2) in paragraph (6), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(7) in which the action is brought under section 7A of the Sherman Act."

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 423

Mrs. HUTCHISON. Mr. President, I call up amendment No. 423.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. BARRASSO, Mr. BURR, Mr. INHOFE, Mr. PORTMAN, Mr. RISCH, and Mr. HATCH, proposes an amendment numbered 423.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows.

(Purpose: To delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits)

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_\_\_ . EFFECTIVE DATE OF PPACA.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the provisions of the Patient Protection and Affordable Care Act (Public Law 111-148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), including the amendments made by such Acts, that are not in effect on the date of enactment of this Act shall not be in effect until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

(b) **PROMULGATION OF REGULATIONS.**—Notwithstanding any other provision of law, the Federal Government shall not promulgate regulations under the Patient Protection and Affordable Care Act (Public Law 111-148) or the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), including the amendments made by such Acts, or

otherwise prepare to implement such Acts (or amendments made by such Acts), until the date on which final judgment is entered in all cases challenging the constitutionality of the requirement to maintain minimum essential coverage under section 5000A of the Internal Revenue Code of 1986 that are pending before a Federal court on the date of enactment of this Act.

Mrs. HUTCHISON. Mr. President, this amendment, I hope, will save our businesses and our States the millions of dollars they are now spending to implement the health care reform bill, which is in the courts.

Yesterday, the court in Atlanta—the Eleventh Circuit Court of Appeals—heard arguments from the government and the State about whether the Florida District Court ruling that the health care law is null and void because it is unconstitutional should be upheld. Since we are in this court fight and this will surely go to the Supreme Court—there is no doubt that either side that loses is going to appeal—my amendment would put a moratorium on the implementation of the law. So it would save the Federal Government and the taxpayers who are paying for it, and it would save the State governments that are trying to implement a law that may be unconstitutional and cost millions of dollars to adjust their system and the businesses across our country that are trying desperately to determine if they are going to be able to even offer health insurance or if they want to offer health insurance to their employees anymore.

We are in a time when there are unprecedented regulatory burdens on our businesses. We are facing a \$14 trillion national debt in this country—trillion. We are looking at having to raise that debt limit if we don't severely cut spending and get our house in order.

In the past 2 years alone, this Federal Government has borrowed an additional \$3.2 trillion. Washington passed a health care reform bill that cost nearly \$2.6 trillion and a stimulus bill that cost \$821 billion, which has only given us higher unemployment since the stimulus bill passed. The U.S. economy is frozen, job creators are facing new levels of taxes, they are looking at this health insurance cost going up and, on top of that, new regulations.

Heavyhanded government regulation is not what we need right now. The health care reform bill is a perfect example of government regulations hamstringing our businesses with more redtape and bureaucracy. It has been over a year since that bill was passed, and businesses are still facing unprecedented premium increases—as high as 20 percent. Employers are finding their policies being canceled because insurers are closing up shop due to new Federal regulations. Health care reform is requiring individuals and businesses to buy government-approved health care or they pay hefty fines. Health reform has discouraged businesses from hiring,

because if you go over 50 employees, new Federal regulations that will be imposed on you are going to be costly.

A new study out this week confirms that health reform will not let you keep your health plan, as promised. This report found that when businesses fully understand all the new regulations required under health reform, as many as half of them say they will definitely or probably stop offering health insurance benefits to their employees. That would leave as many as 78 million Americans on their own to find health insurance for themselves and their families.

That is why I have filed amendment No. 423—to delay further implementation of health reform until the courts determine whether it is constitutional. My amendment would pause further implementation of this law so we don't spend millions more taxpayer dollars at the Federal and State levels, costing small businesses as well, when it could be struck down.

Twenty-six States have joined together to sue the Federal Government, and a Florida district court found in favor of these 26 States, saying Congress had overstepped and overreached its authority and that mandating individuals to purchase health insurance was unconstitutional. The 11th Circuit Court, as I said earlier, is considering this case as we speak and we should not burden any further businesses, States and taxpayers who support the Federal Government until we know if this law is constitutional. Let us put in place a moratorium, a pause, so that no one gets penalized for not continuing the implementation process. That is what my amendment would do. Let's clarify, and then, if the law is constitutional, there is plenty of time to go forward. But if it isn't, as I hope is the case, we will be able to start all over. We would make health care more available and more affordable in this country without cutting Medicare, overburdening our taxpayers and businesses, and maybe even get our economy going and stop this rising unemployment we are seeing in our country right now. Nine percent unemployment is too high, and health care reform is a part of the problem that is causing it.

Mr. President, I yield the floor.

#### AMENDMENTS NOS. 417 AND 418 EN BLOC

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and that I be allowed to call up amendments Nos. 417 and 418 en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes en bloc amendments numbered 417 and 418.

Mr. PORTMAN. Mr. President, I ask unanimous consent to dispense with the reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 417

(Purpose: To provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.))

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking “, but does not include independent regulatory agencies”.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

#### “SEC. 6. EXEMPTION FOR MONETARY POLICY.

“Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

#### AMENDMENT NO. 418

(Purpose: To amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. UNFUNDED MANDATES REFORM.

(a) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—

(1) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

#### “SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.”;

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

“(a) DEFINITION.—In this section, the term ‘cost’ means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

“(b) IN GENERAL.—Before promulgating any proposed or final rule that may have an annual effect on the economy of \$100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of \$100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial regulatory impact analysis shall accompany the agency's notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

“(c) CONTENT.—The initial and final regulatory impact analysis under subsection (b) shall include—

“(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

“(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency’s discretion under the statute authorizing the rule, including alternatives that—

“(i) require no action by the Federal Government; and

“(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

“(C) an explanation that the rule meets the requirements of section 205;

“(2) an assessment of the extent to which—

“(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

“(B) there are available Federal resources to carry out the rule;

“(3) estimates of—

“(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

“(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

“(4)(A) a description of the extent of the agency’s prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

“(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

“(C) a summary of the agency’s evaluation of those comments and concerns.”;

(D) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” and inserting “subsection (b)”;

(E) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking “subsection (a)” each place that term appears and inserting “subsection (b)”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

“Sec. 202. Regulatory impact analyses for certain rules.”.

(b) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

**“SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.**

“Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

“(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency’s discretion under the statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

“(2) from the alternatives described under paragraph (1), select the least costly or least burdensome alternative that achieves the objectives of the statute.”.

Mr. PORTMAN. Mr. President, today we are considering a bill intended to promote economic development, and I

think it is only appropriate we also talk about regulations, because, unfortunately, regulatory mandates are stifling economic growth today and keeping us from creating the jobs we so badly need.

I hear it all over my State, and I am sure my colleagues do as well. Companies are saying they want to expand. They say: We have a good idea, we have a business plan that works, but we are deterred by the cost of complying with regulations. It is the redtape and also the uncertainty. It is not just the bureaucracy and redtape, it is the uncertainty about future regulations.

This regulatory burden on employers, by the way, is growing, and it is already a mess. There is a recent study commissioned by the Small Business Administration and the Obama administration which estimates the annual toll now of Federal regulations on the American economy is \$1.75 trillion. That is more than the IRS collects in income taxes in a year. With the unemployment rate now at 9.1 percent, we can’t continue to ask businesses to spend more on redtape. Instead, we want them to invest in job creation.

The current administration, unfortunately, I believe, is moving in the wrong direction on this score. We have seen a sharp increase over the past couple of years in new “major” or “economically significant” rules. These are regulations that impose a cost on the economy of \$100 million or more.

According to the Office of Management and Budget, the Obama administration has been regulating at a pace of 84 of these new “major” or “economically significant” rules—costing the economy over \$100 million—per year, including rules issued by independent agencies. By the way, that is about a 50-percent increase over the regulatory output during the Clinton administration, which was about 56 major rules per year.

I was very encouraged by the words of President Obama as he introduced his January Executive order on improving regulation and regulatory review, but now we need action. We need to be sure the agencies are actually taking the measures necessary to provide regulatory relief for job creators and reducing this drag on our economy.

One commonsense step we can take now is to strengthen a piece of legislation that is already in place. It is called the Unfunded Mandates Reform Act. It was passed by Congress and signed into law by President Clinton in 1995. It was bipartisan legislation. I was one of the authors of this legislation in the House of Representatives. UMRA, as it is called—Unfunded Mandates Reform Act—was a bipartisan effort basically to say that regulators had to evaluate a rule’s cost and find less costly alternatives before adopting one of these so-called “major” rules.

The two amendments I am offering today would improve UMRA in a way

that is entirely consistent with the principles President Obama himself laid out in his January Executive order on regulatory review. The first amendment, 418, would require agencies specifically to assess the potential effects of new regulations on job creation and to consider market-based and non-governmental alternatives to the regulation. It would also broaden the scope of UMRA to require cost-benefit analysis of rules that impose direct or indirect economic costs of \$100 million or more. It would require agencies to adopt the least costly or least burdensome regulatory option that achieves the policy goal set out by this Congress. A commonsense idea.

The second amendment, 417, would extend UMRA to independent agencies. In 1995, it was imposed upon the executive agencies but not on independent agencies. Those independent agencies have grown, and so have their regulations. This would be an agency such as the SEC—the Securities and Exchange Commission—or the CFTC or even the new Consumer Financial Protection Bureau, which has gotten a lot of attention here in the Senate in the debate over the Dodd-Frank Act. Right now they are exempted from the cost-benefit rules that govern all these other Federal agencies.

Major rules issued by what is called the “headless fourth branch” of government are not even reviewed for cost-benefit justification by OIRA, which is the Office of Information and Regulatory Affairs at OMB which reviews regulations from all the other agencies.

Based on information from the GAO, it now appears that between 1996 and this year independent agencies issued nearly 200 regulations that had an impact of \$100 million or more on the economy. So again, over 200 regulations were not subject to review under UMRA because they were from independent agencies. There is a clear need to extend UMRA to these independent agencies. Closing this loophole is a sensible reform.

By the way, this reform was endorsed by the President’s own regulatory czar, Professor Cass Sunstein, who wrote in a 2002 law review article that it only made sense to require independent agencies to undertake the same cost-benefit analysis that we require of executive agencies.

No major regulation, whatever its source, should be imposed on American employees or on State and local governments without serious consideration of what the costs are, what the benefits are, and whether there is available a less burdensome alternative. That is what these amendments are all about. Both would move us further toward that goal, and I urge my colleagues to support them both.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. McCASKILL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 428

Mr. MERKLEY. Madam President, I rise to speak to amendment No. 428 on the regulation of mortgage servicing. We spend a lot of time in Washington talking about many topics but often not getting to the issue most important to American citizens; that is, getting them back to work, creating jobs. Creating jobs should be the paramount concern of every person in this town. We are not going to get job growth going again until we deal with the housing crisis that started this recession and that is blocking our recovery.

Three years ago, our economy was nearly destroyed by a combination of high-risk, high-cost subprime mortgages and reckless bets on Wall Street. Since then we fixed many of those problems in subprime mortgages. We have ended three of the key predatory practices. One of those was undocumented loans, otherwise known, commonly, as "liar loans," where the information was fictionalized.

Then we had the prepayment penalty. It was a steel trap in which a mortgage document would lock people into a loan with an exploding interest rate and would prevent them from being able to get out of that loan. We knew from a Wall Street Journal study that 60 percent of the families in these predatory loans with the steel trap prepayment penalties qualified for regular, ordinary, fully amortizing 30-year prime loans.

That leads us to the third point, which was the undisclosed bonuses, otherwise known as steering payments or kickbacks, that were paid to mortgage originators when they steered families from the prime loan with a fair interest rate and 30-year amortization into the predatory subprime loan with an exploding interest rate and a steel trap prepayment penalty.

It is good that we ended those practices for the future. But for the families who have been caught up in the flood of foreclosures, it is as though we rebuilt the levees but we have not done anything to take away the water that is still flooding their living rooms.

Just last week, new reports, the Case-Shiller Index, showed that home prices have reached their lowest level since 2002. If home prices are that low, it is also hard to build new homes. Indeed, a recent report said the number of new homes being built each month had reached the lowest level since 1965—that is almost 50 years ago. Simply, our economy is not going to re-

cover until our housing market recovers. A home is the single biggest investment that most families make, and it is the key to their financial success. It is often the key to happiness in retirement.

In addition to the impact on millions of families—and we are looking at the possibility of 5 to 8 million more families facing foreclosure stemming from this predatory lending crisis that melted down our economy in 2008 and 2009—in addition to the impact on those families, it has an impact on our communities. When there is an empty house on the street, it pulls down the value of every other home on that street by as much as \$2,000 to \$5,000 per home. That further drives down prices, which means more foreclosures, more families underwater, less confidence in the recovery, more inclination to hold onto every dollar rather than to spend in our economy, so the consumer spending is suppressed and our GDP is directly linked, both to the amount of money invested—and we know many companies around America are sitting on vast sums rather than investing them—and on the amount of money families spend.

These things all tie together, whether our economy is going to succeed or remain in its current paralyzed shape. Often it is important to take these big numbers and translate them to individual stories. I would like to share today a story about Tim Colette and his son in my State of Oregon. We received this article from Economic Fairness Oregon. It is titled, "A Homecoming With No Home." I will read the first paragraph. Mr. Colette says:

My biggest problem now is, my son comes home from the military in August and my home is being foreclosed on in 18 days. He's been hit by an IED, people shooting at him and he just wanted to come home and sleep in his room in his bed and be safe for 15 days . . . and I told him I'd make that happen. I don't know how yet, but I will.

Mr. Colette shared his story with Oregon lawmakers in a recent hearing on foreclosure reform, and I thank him for sharing his story. For Tim and countless others, it did not need to be this bad. We have a program in America called the Mortgage Modification Program, or HAMP, Housing Affordable Modification Program. That program has not worked very well. Indeed, it is a voluntary program. It has been more or less a nightmare for the families who have been applying.

Often a servicer will encourage families to apply because they make more money when a family is behind on their payments than when they are current on their payments. So often the servicer will say: You know, you probably qualify. What you need to do is stop making your payments for a period of 3 months or maybe 6 months or what you need to do is cut your payments in half and that will show financial distress and you will qualify for this program.

So the family follows those directions, understands they are in the process of getting a modification, and then it turns out the servicer has a different story to tell, often saying: You know what. Your credit score is not very good because you have only been making half payments for 6 months. So, you know what, you don't qualify after all, and you owe us a lot of money. If you do not pay us, we are foreclosing.

That is the nightmare of a program that was supposed to help families but has often hurt families. Mr. Colette's story is one of these stories of going through the difficulty of this program. He bought his home in 2006. At the time it seemed like a great investment for him and his son, especially considering that he was in a position to put down more than \$100,000 as a downpayment. It is a situation that very few families can emulate. He was able to afford his mortgage payments quite easily within his income.

But when Wall Street's bad bets sparked the national recession, everything changed. He lives in one of the hardest hit areas of the State of Oregon, Deschutes County, and the construction industry dried up overnight and therefore his business, his construction business, dried up overnight. He called his mortgage servicer to begin the mortgage modification process, and he did what the bank asked him to.

At the time the bank extracted partial payments, actually for years, on the false hope that Tim could receive a long-term fix. So month after month his equity, that original \$100,000 downpayment, was siphoned away. It was siphoned away through bank fees, it was siphoned away through declining property values, until there was nothing left.

Had his request for a modification been processed promptly, either he would have been approved or denied. If he would have been approved, it would have been great. It would have locked in his payments, and he could have continued with that fine financial foundation. If he had been denied, he would have had the ability to say: I have to make a decision then. Do I put this home up for a short sale? Do I put it up on the market and try to sell it for what is owed to the bank? He would have had some savings left over to pick up and start over.

Tim did all that was right and he played by the rules, but he is in a precarious position today. In just 9 weeks, his son, serving our country overseas, will come home. Let's hope it is a homecoming with a home, not a homecoming without a home.

This amendment does three important things: The first is, it establishes a single point of contact so when a family talks to their servicer they do not have to start from scratch every single time, explaining their story.



With that single point of contact there will be somebody who has a coherent file. So often, each time a family talked to a different person at the servicer, that person had lost the file or lost key papers in the file or was sent additional information that had been requested but did not put it into the file. So a single coherent point of contact.

Second, this amendment ends the dual track on which servicers proceed to pursue foreclosure at the same time they are talking to the customer about a modification. Very simply, this amendment would set aside that dual track, that foreclosure track, until they make a decision. They can make it over a longer period of time, over a shorter period of time, but until they make the decision and tell the customer, they set aside the foreclosure track. That would reduce a lot of the stress, a lot of the confusion, a lot of the enormous frustration that families face.

The third point in this amendment is that it requires a third-party review before a servicer sends a home into foreclosure. That simply guarantees that the law has been followed, that there was a coherent examination of the paperwork and a foreclosure is in order at the same time a modification has been approved or a foreclosure is in order at the same time a modification is on the verge of being approved or that a foreclosure doesn't proceed because a document is missing from the file. Connecticut and Maine have such a program, and it has kept 60 percent of the families who would otherwise be out of their houses in their houses. So three basic, fundamental reforms.

I wish to thank my Republican cosponsor, OLYMPIA SNOWE, who stepped forward on behalf of homeowners across this Nation to say yes to fairness. I also thank the other dozen or so Senators who in the last day have signed up as cosponsors. Many of them have been real champions in their States, and some of them have worked very hard on these issues, including Senator REID and Senator WHITEHOUSE. In fact, I would note that Senators AKAKA, BLUMENTHAL, DURBIN, INOUE, LEVIN, MCCASKILL, SANDERS, SHAHEEN, WHITEHOUSE, and WYDEN, and I imagine many more will join us.

I encourage my colleagues to support fundamental fairness: single point of contact and a foreclosure dual track and have a third-party review so that homeowners get a chance, like Mr. Colette, to stay in their homes.

Thank you, Madam President.

#### AMENDMENTS NOS. 411 AND 412 EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendments Nos. 411 and 412.

The PRESIDING OFFICER. Is there objection?

Mr. MERKLEY. Reserving the right to object.

The PRESIDING OFFICER. The unanimous consent request is pending.

Mr. MCCAIN. Madam President, I still ask unanimous consent to call up both amendments. It is my understanding amendments are allowed, but if there are some amendments that are not allowed, I think we ought to understand that. I understand the strength of the ethanol lobby, but there was an agreement that amendments would be allowed to be called up. If that is not the case, then I would obviously have to resort to other parliamentary measures.

So I repeat my unanimous consent request to set aside the pending amendment and call up both amendments, Nos. 411 and 412.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments en bloc numbered 411 and 412.

Mr. MCCAIN. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

#### AMENDMENT NO. 411

(Purpose: To prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities)

At the end of the bill, add the following:

**SEC. \_\_\_\_ PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.**

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

#### AMENDMENT NO. 412

(Purpose: To repeal the wage rate requirements commonly known as the Davis-Bacon Act)

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_\_\_ REPEAL OF DAVIS-BACON WAGE REQUIREMENTS.**

(a) IN GENERAL.—Subchapter IV of chapter 31 of title 40, United States Code, is repealed.

(b) REFERENCE.—Any reference in any law to a wage requirement of subchapter IV of chapter 31 of title 40, United States Code, shall after the date of the enactment of this Act be null and void.

(c) EFFECTIVE DATE AND LIMITATION.—The amendments made by this section shall not affect any contract in existence on the date of enactment of this Act or made pursuant to invitation for bids outstanding on such date of enactment.

Mr. MCCAIN. Madam President, I will be brief in discussing both of the amendments.

The first amendment, amendment No. 411, is a simple amendment that would prohibit the U.S. Department of Agriculture from funding the construc-

tion of ethanol blender pumps or ethanol storage facilities, which is the latest effort on the part of the ethanol lobby to take more and more of U.S. taxpayers' dollars.

I would remind my colleagues that taxpayers have already provided billions of dollars to ethanol producers over the last 30 years. Last year alone, the ethanol tax credit cost the taxpayers \$6 billion. In the final hours of the last Congress, the ethanol tax credit was extended for an additional year and will likely cost taxpayers an additional \$5 billion to \$6 billion this year. Seeking to double-dip in the Federal Treasury, advocates for the ethanol industry are seeking taxpayer support for infrastructure for ethanol such as blender pumps and storage facilities.

The Department of Agriculture was happy to comply with the industry's request to fund infrastructure construction. On April 8, 2001, the Secretary of Agriculture issued a rule that—get this—would classify blender pumps as a renewable energy system. In other words, pumps are now a renewable energy system, which would qualify it for funding under the Rural Energy Assistance Program.

There is no one—no one—who believed the Rural Energy Assistance Program would apply to putting ethanol pumps and storage facilities in gas stations. When Congress created the Rural Energy Assistance Program, it didn't have any intention of paying gas station owners to upgrade their infrastructure and further subsidize the ethanol industry.

According to the USDA, an ethanol blender pump and tank could cost an average of \$100,000 to \$120,000 to install. With over 200,000 fuel pumps currently operating in the United States, it would cost over \$20 billion to convert them all—a corporate welfare project of significant proportions.

I might point out that an amendment similar to this was overwhelmingly supported in the other body during the consideration of H.R. 1 by a vote of 261 to 158.

It is time we stop this. I am a well-known opponent of ethanol subsidies to start with because it has never been of any value. It has distorted the market, and it has been an incredible waste of taxpayers' dollars. But now they want to go further by having us pay as much as \$20 billion so they can install, under the Rural Energy Assistance Program, blender pumps and storage facilities.

So the ethanol advocates today have issued a release opposing this amendment because it would enforce the foreign oil mandate over our transportation fuels marketplace by blocking a job-creating effort to promote the installation of flex pumps. So now this is all about jobs. We want to create jobs by spending taxpayers' dollars to build pumps.

I hope my colleagues will take a look at this and support this amendment.



The other amendment, amendment No. 412, basically eliminates Davis-Bacon requirements from this legislation. The issue of Davis-Bacon is well known. All it would do is, in my view, reduce costs by some 60 percent from market rates if we are indeed not imposing Davis-Bacon Act requirements.

While I am on the floor, I wish to mention to my colleagues that as we face increasing costs at the gas pump of \$4 or more—there are predictions that the cost of gasoline and a barrel of oil will continue to increase—this administration continues to reject nuclear power in every possible way.

Yesterday, a House committee released the latest evidence detailing the administration's mishandling of the Yucca Mountain nuclear waste repository, providing further examples of this administration's blatantly political decision to terminate the Yucca Mountain project and close the facility.

I quote from the committee report:

Despite the President's continued assertions that his nuclear waste management policy decisions would be driven by sound science, the administration has repeatedly refused to provide a scientific or technical justification for its shutdown decision, instead simply stating that Yucca is not a workable option.

This coincides with an April 2011 GAO study that reported:

DOE decided to terminate the Yucca Mountain repository program because, according to the Department of Energy officials, it is not a workable option and there are better solutions that can achieve a broader national consensus. DOE did not cite technical or safety issues.

There is a simple reason that neither Department of Energy Secretary Chu nor any other member of the administration has put forth a single scientific justification on the decision not to move forward with Yucca Mountain—because there is none.

When the NRC's Atomic Safety and Licensing Board rejected the Department of Energy's request to withdraw the license application, it noted:

Conceding that the Application is not flawed nor the site unsafe, the Secretary of Energy seeks to withdraw the Application with prejudice as a "matter of policy" because the Nevada site "is not a workable option."

In fact, according to the House report, the NRC staff review of DOE's Yucca Mountain license application agreed overwhelmingly with the Department of Energy on the scientific and technical issues associated with the site, ultimately concluding that the application complies with applicable Nuclear Regulatory Commission safety regulations necessary for the site to proceed to licensing for construction.

The political interference orchestrated by the administration comes with a very real cost. As of 2010, the taxpayers have spent \$15 billion to re-

search and develop the Yucca Mountain site.

In addition, even while the administration is attempting to terminate the place, the energy industry and therefore the ratepayers are still contributing to the Nuclear Waste Fund that was established to pay for a nuclear waste repository. According to the Congressional Budget Office, the Nuclear Waste Fund is holding over \$25 billion of ratepayers' money. To date, no one has stated whether the energy industry or the ratepayers will be refunded those fees, and it is likely the taxpayer will end up footing the bill for the lawsuits filed against the Federal Government by those who have been unfairly charged.

The need for a permanent waste repository remains clear. In fact, a draft subcommittee report from the President's blue ribbon commission on nuclear waste stated that "permanent disposal of nuclear waste is needed under all reasonably foreseeable scenarios" and that "we do not believe that new technology developments in the next three to four decades will change the underlying need for a storage strategy combining interim sites with progress toward a permanent facility," thereby completely refuting statements by the administration that technology and temporary storage sites are a sufficient replacement for permanent disposal. In fact, the administration and the Secretary of Energy himself have publicly stated that our most promising technology to lessen the burden of storage—waste reprocessing—is not even being considered as a viable option for addressing waste-storage needs. Unfortunately, it has been reported that members of the commission have been told that under no circumstances are they allowed to recommend Yucca Mountain as a permanent waste repository—regardless of where the scientific evidence leads them.

According to the Government Accountability Office, the termination of Yucca Mountain would set back the opening of a new geologic repository by at least 20 years and cost billions of dollars. Of course, these billions would be in addition to the \$15 billion taxpayers have already spent to research and develop the Yucca Mountain site. It is really a sad day when we allow politics or political influence to cause us to allow at least \$15 billion of the taxpayers' money to be wasted and to really doom, to a large degree, the future of nuclear power in this country.

We need to have energy self-sufficiency. I believe in wind. I believe in tide. I believe in solar. But nuclear power must be a part of any equation if we are going to be truly energy independent. And by closing Yucca Mountain and by wasting already \$15 billion of the taxpayers' money, we have made that goal much, much harder to reach.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 440

Mr. MERKLEY. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 440 that is at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 440.

Mr. MERKLEY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements)

At the end of the bill, add the following:

**SEC. —. LOW-COST ENERGY EFFICIENCY LOANS.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term "eligible participant" means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner listed under subsection (d).

(2) PROGRAM.—The term "program" means the Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term "qualified financing entity" means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State.

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term "qualified loan program mechanism" means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements listed under subsection (d).

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for

the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements listed under subsection (d);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards established by the Secretary; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) **QUALIFIED ENERGY EFFICIENCY OR RENEWABLE ENERGY IMPROVEMENTS.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish a list of energy efficiency or renewable energy improvements to existing homes that qualify under the program.

(e) **ALLOCATION.**—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(f) **QUALIFIED FINANCING ENTITIES.**—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (i).

(g) **USE OF FUNDS.**—Funds made available to States under the program may be used to support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

(1) interest rate reductions;

(2) loan loss reserves or other forms of credit enhancement;

(3) revolving loan funds from which qualified financing entities may offer direct loans; or

(4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(h) **USE OF REPAYMENT FUNDS.**—In the case of a revolving loan fund established by a State described in subsection (g)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements listed under subsection (d) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(i) **PROGRAM EVALUATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(j) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.”.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—

“(1) **IN GENERAL.**—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

“(A) offer loan guarantees for portfolios of debt obligations; and

“(B) purchase or make commitments to purchase portfolios of debt obligations.

“(2) **TERM.**—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

“(A) 30 years; and

“(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

“(3) **UNDERWRITING.**—The Secretary may—

“(A) delegate underwriting responsibility for portfolios of debt obligations under this subsection to financial institutions that meet qualifications determined by the Secretary; and

“(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

“(4) **ADMINISTRATION.**—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.”.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section and the amendments made by this section such sums as are necessary.

Mr. MERKLEY. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that at the conclusion of the presentation by the junior Senator from Oklahoma I be recognized as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 436

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 436.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 436.

Mr. COBURN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) **BRIGHTFIELDS DEMONSTRATION PROGRAM.**—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) **TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.**—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

AMENDMENT NO. 436, AS MODIFIED

Mr. COBURN. Madam President, as a matter of right, I ask that my amendment be modified with the changes I now send to the desk. Further, I make the point that I retain my right to the floor after the modification is made under the precedents of the Senate.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

The amendment, as modified, is as follows:

(Purpose: To repeal the Volumetric Ethanol Excise Tax Credit)

At the end, add the following:

**SEC. \_\_\_\_ . REPEAL OF VEETC.**

(a) **SHORT TITLE.**—This section may be cited as the “Ethanol Subsidy and Tariff Repeal Act”.

(b) **REPEAL OF VEETC.**—

(1) **ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.**—

(A) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2011” and inserting “the later

of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act”.

(B) Section 6427(e)(6)(A) of such Code is amended by striking “December 31, 2011” and inserting “the later of June 30, 2011, or the date of the enactment the Ethanol Subsidy and Tariff Repeal Act”.

(2) ELIMINATION OF INCOME TAX CREDIT.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(A) by striking “2011” and inserting “the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act”, and

(B) by adding at the end the following:  
“After such date ..... zero zero”.

(3) REPEAL OF DEADWOOD.—

(A) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(B) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale, use, or removal for any period after the later of June 30, 2011, or the date of the enactment of the Act.

(c) REMOVAL OF TARIFFS ON ETHANOL.—

(1) DUTY-FREE TREATMENT.—Chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subchapter:

“Subchapter XXIII  
Alternative Fuels

| Heading/Subheading | Article Description  | Rates of Duty |         |       |
|--------------------|--|---------------|---------|-------|
|                    |  | 1             |         | 2     |
|                    |  | General       | Special |       |
| 9823.01.01         | Ethyl alcohol (provided for in subheadings 2207.10.60 and 2207.20) or any mixture containing such ethyl alcohol (provided for in heading 2710 or 3824) if such ethyl alcohol or mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel (including motor fuel provided for in subheading 2710.11.15, 2710.19.15 or 2710.19.21), or is suitable for any such uses ..... | Free          | Free    | 20%”. |

(2) CONFORMING AMENDMENTS.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking heading 9901.00.50; and

(B) by striking U.S. notes 2 and 3.

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to goods entered, or withdrawn from warehouse for consumption, on or after the later of June 30, 2011, or the date of the enactment of this Act.

CLOTURE MOTION

Mr. COBURN. Madam President, I now send a cloture motion to the desk on the pending amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending amendment No. 436, as modified, to S. 782.

Mr. COBURN. I ask unanimous consent that reading of the names be waived.

Mr. MERKLEY. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk read as follows:

Tom Coburn, Jim DeMint, John McCain, Richard Burr, David Vitter, Kelly Ayotte, Scott P. Brown, James E. Risch, James M. Inhofe, Bob Corker, Michael B. Enzi, Johnny Isakson, John Barrasso, Lamar Alexander, John Cornyn, Jeff Sessions.

Mr. COBURN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. COBURN. Madam President, I ask my colleague, my senior Senator from Oklahoma—who I do not think is on the floor right now—to allow time

for Senator BROWN to bring up an amendment.

I yield to him at this time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Madam President, I thank the Senator who spoke before me.

AMENDMENT NO. 405

Madam President, I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 405.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Massachusetts [Mr. BROWN], for himself and Ms. SNOWE, proposes an amendment numbered 405.

Mr. BROWN of Massachusetts. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the imposition of withholding on certain payments made to vendors by government entities, and for other purposes)

At the end, add the following:

SEC. \_\_\_\_ . REPEAL OF IMPOSITION OF WITHHOLDING ON CERTAIN PAYMENTS MADE TO VENDORS BY GOVERNMENT ENTITIES.

(a) IN GENERAL.—The amendment made by section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is repealed and the Internal Revenue Code of 1986 shall be applied as if such amendment had never been enacted.

(b) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

Mr. BROWN of Massachusetts. Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 436, AS MODIFIED

Mr. COBURN. Madam President, I want to discuss for a minute the modification to my amendment.

Corn prices today are at their highest level since 1974. Corn supply is at its lowest level since 1974. We have tremendous problems with food inflation in this country. What we put forward this afternoon is a modification to the blending tax credit, as well as the import tax fee on ethanol, and we look forward to that debate as we go forward.

The Federal Government now spends \$6 billion a year paying over 40 cents a gallon to have ethanol blended, which is already mandated by law that they have to blend it anyway. So this, in essence, will save \$3 billion this year for the Federal Government.

No. 2 is, it will take significant pressure off corn prices, which will lower food prices both here and abroad.

With that, I yield to the Senator from Oklahoma, who wishes to speak as in morning business.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to set aside the pending amendment for consideration of the following three amendments: Nos. 429, 430, and 438.

Mr. MERKLEY. Madam President, I reserve the right to object.

I ask the Senator if he can hold off for a moment. We wish to consult with the chairwoman.

Mr. INHOFE. All right. While I am holding off, it is my understanding that some of the rest of them are getting in the queue, and I am trying to get these three in with the same treatment that has been afforded those before me.

#### AMENDMENTS NOS. 430 AND 438

Madam President, I amend my previous request and ask unanimous consent to set the pending amendment aside for the consideration of two of the amendments, Nos. 430 and 438.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 430.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce amounts authorized to be appropriated)

On page 27, line 6, strike "\$500,000,000" and insert "\$300,000,000".

The assistant editor of the Daily Digest read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself, Mr. BLUNT, Mr. JOHANNIS, and Mr. COCHRAN, proposes an amendment numbered 438.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. INHOFE. Madam President, I ask by unanimous consent that I be allowed to speak as in morning business, which I know the Chair will honor.

However, I want to mention one of these two amendments. I think it is very significant. It is somewhat similar, I think, to the amendment offered by the senior Senator from Maine. What it has to do with is these various regulations, and actually most of these are coming from the Environmental Protection Agency.

One of the serious problems we have in the committee on which I am the ranking member, the Environment and Public Works Committee—that is chaired by Senator BOXER from California—we have oversight over the Environmental Protection Agency, and

we have been watching what has been happening in the last several months. Many of the things they have been trying to get through, they have been unable to get through legislation here on the floor of this Senate, so they are trying to do the very things they are unable to get done through legislation by regulation. And these are very expensive.

Right now, we have a problem with our economy. We have overregulation that is killing a lot of the businesses that are out there. What I am trying to do is an amendment—and that is what amendment No. 438 is—to get it into the RECORD. The bill sets up a committee to assess the effects of the EPA's regulatory mandates, including key provisions of the Clean Air Act, the Clean Water Act, and the Solid Waste Disposal Act. This would include greenhouse gas regulations, Boiler MACT, Utility MACT, ozone and particulate matter standards, coal ash disposal, and water discharge requirements.

The assessment includes an evaluation of the cumulative effects of the EPA's mandates on employment, economic development, and this type of thing.

It does not otherwise modify or affect the statute. The reason I wish to have this in here is we have now quantified what it is costing the American people in terms of employment, in terms of dollars, and just—greenhouse gas, for example. We know that the costs, if they do anything like the cap and trade that they have tried to do through legislation—and that is exactly what they are attempting to do right now through regulations at the EPA—are somewhere between \$300 and \$400 billion of loss in GDP per year. That is every year.

You can call that a tax increase if you want to because that is exactly what it is, the same as a loss in GDP. In my case, in Oklahoma, because it is confusing when we—and this administration has been talking about hundreds of billions and trillions of dollars. Nobody truly has a handle on what it costs.

I keep track as to how many families file tax returns. In my State of Oklahoma, if you take the number of families who file tax returns and divide it and do the math, that would be somewhere around a little over \$3,000 per family if we were to pass a cap-and-trade regulation.

What is wrong with this? A lot of people are out there saying: INHOFE, you have been wrong all this time. Since you are wrong on the—you may be wrong or what if you are wrong. My response is this: We have a very fine Administrator of the Environmental Protection Agency, Lisa Jackson. I can remember talking to her about what would happen if we were to pass any of these bills where we are going back to

maybe the Warner-Lieberman bill or Waxman-Markey bill or even by regulations, cap and trade, the costs would be excessive.

However, my question to her was: If we were successful in doing this, would this reduce the greenhouse gases? The answer was no. The reason it would not is because it only applies to the United States of America. So if we were going to pass a tax increase on every tax-paying family in my State of Oklahoma of \$3,000 a year, and they admit we are not going to get anything for it, then we need to stop them from doing that.

I could do the same thing about the ozone, the National Ambient Air Quality Standards. That would be \$676.8 billion lost in GDP by 2020; the boiler MACT rules and regulations, some \$1 billion lost in GDP; utility MACT, \$184 billion in compliance costs. That is just between the years of 2011 and 2030; the cement MACT, some \$3.5 billion.

I am saying this because we need to have our eyes open and tell the American people what the cost is of all these things. This will be done by this amendment, No. 438, and we will hopefully be able to get a vote on that.

#### COTE D'IVOIRE

Madam President, I am going to take a little time on something else that has to be said, and that is what I have been on the floor six times already talking about. The only reason I am continuing to do this is because somehow the State Department, the French, the United Nations, and all of them seem to be laboring under this misconception that I will go away and I will not talk about it anymore.

I am not going to go away. I am going to keep talking about it. The problem we have right now started some time ago. I will share with you some of the new developments today.

We are talking about the rigged election that took place in Cote d'Ivoire and the fact that someone whose name is Alassane Ouattara—we have demonstrated very clearly—won the election by fraudulent means.

The President of that country is Laurent Gbagbo. He has been President now for a number of years. His wife, Simone Gbagbo, has been a gracious and great First Lady.

What I wish to do—this is the seventh time I have been on the floor talking about this—is give you the latest on this grave situation in Cote d'Ivoire. I can only say it continues to be a targeted genocide against supporters and perceived supporters of the deposed President of Laurent Gbagbo.

This will be, as I said, my seventh time speaking about this on the floor. The last time we talked about it was on April 4. When we first started talking about this, we were hoping we would be able to stop this, the State Department and others from going along with what is going on now in Cote d'Ivoire. I know it is complicated.

A lot of people do not remember the genocide in Rwanda of 1994. Now we look back and say what a horrible event that was. Sure, it was horrible.

But right now what is going on in the streets of Abidjan in Cote d'Ivoire is something that has to be raised to the surface in front of the American people. I have new information that proves what I have been saying for the last 7 weeks, that the rebel leader Alassane Ouattara is still carrying out death squads, killing people in the streets of Abidjan in Cote d'Ivoire. There they are. That is a death squad. These are the people who are murdering and torturing people in Abidjan as we speak.

I bet there are not a handful of people who even know where Abidjan is. But this is the city, the capital of Cote d'Ivoire, a beautiful country. These people, coming in from the north, under this Alassane Ouattara, are in there today. I do not know how many hundreds of people they are murdering just today, but they are doing it and they are torturing and they are raping.

Before I tell you the most recent information that came out from Human Rights Watch, I wish to remind you of what I said back on the May 27. That was when Amnesty International reported that a manhunt—I am quoting now from Amnesty International—they reported that “a manhunt”—what I said right here from this podium. “A manhunt was launched against Gbagbo loyalists in Abidjan and several senior officials close to him were beaten in the hours after his arrest.”

That was 2 weeks ago. I am further quoting now from Amnesty International. “In the west of the country, thousands of people who fled their homes are still living in the forest, too frightened to return.”

Look at this. There are the burned, charred bodies of people who have been tortured to death. This just happened. This is going on today, right now. Here is a man who was severely beaten. He died right after that. Here is a small child who was put to death in the same way. Here they are in the middle of executions. That is going on right now.

Gaetan Mootoo, who is Amnesty International's west Africa researcher, said:

Human rights violations are still being committed against real or perceived supporters of Laurent Gbagbo. Alassane Ouattara's failure to condemn these acts can be seen as a green light by many of his security forces, and other armed elements fighting with them, to continue. Ouattara must publicly state that all violence against the civilian population must stop immediately.

That is what the mandate was 2 weeks ago. That is what they were supposed to do 2 weeks ago. They went on to say from Amnesty International:

Attacks against villages inhabited by people belonging to ethnic groups considered supporters of Gbagbo—

The legitimate President—

continued in the first weeks of May. . . . Between 6 and 8 May several villages were

burned and dozens killed. Ouattara's republican forces justified these acts by saying they were looking for arms and Liberian mercenaries.

They went on to describe this. There is an article in Guardian magazine that talked about this. This, again, was a little over 2 weeks ago. They said “an Amnesty delegation spent 2 months in Ivory Coast, gathering more than 100 witness statements from people who survived the massacre in Duekoue. . . .”

That is what this actually is in that small town of Duekoue and the neighboring villages on March 29.

All the statements indicated a systematic and targeted series of killings committed by the uniformed republican forces [loyal to Ouattara], who executed hundreds of men on political and ethnic grounds.

Before killing them, they asked their victims to give their names, show identity cards. . . . Some of these cards were found beside the bodies.

A woman who lived in Duekoue told researchers: “They came into the yards and chased the women. Then they told the men to line up and asked them to state their first and second names and show their identity cards. They then executed them. I was present—

Quoting a woman who was watching her husband—

while they sorted out the men. Three young men, one of whom was about 15, were shot to death in front of me.”

Amnesty's report also accuses the UN mission, which has a base less than a mile from Duekoue, of fatal inertia.

“Fatal inertia,” means they did nothing. They let this go on. We are talking about the United Nations.

People around here—there are a lot of liberals in this body who do not think that anything is worthwhile unless it comes from some big body such as the United Nations. That is what is happening right now. So I wish to go ahead—I know there is someone else on the floor who wants to speak, but I just want to be sure we are informed that what was going on then—what I talked about 2 weeks ago—is still happening today.

What happened today? The newly released report by Human Rights Watch states—this is a different group from Amnesty International and this came out today:

Armed forces loyal to President Alassane Ouattara have killed at least 149 real or perceived supporters of the former President Laurent Gbagbo since taking control of the commercial capital of Abidjan in mid-April, 2011.

The report goes on to describe the gruesome details, barbaric episodes of torture and the deaths at the hands of the Ouattara forces. This is happening today—right now. Here are a few examples. This is from Human Rights Watch.

Ouattara's Forces . . . sealed off and searched areas formerly controlled by pro-Gbagbo militia . . . and the majority of documented abuses occurred in the longtime pro-Gbagbo stronghold of Yopougon.

That is the town in that stronghold in the south part of the—you have to keep in mind Ouattara's forces came from the Muslim area up north.

Most killings were point-blank executions—

You are seeing a point-blank execution. That is what it looks like right there, the gun to the head.

Most killings were point-blank executions of youth from ethnic groups generally aligned with Gbagbo, in what appeared to be collective punishment for these groups' participation in Gbagbo's militias.

One man described how Republican Forces soldiers killed his 21-year-old brother: “Two of them grabbed his legs, another two held his arms behind him, and a fifth one held his head,” he said. “Then a guy pulled out a knife and slit my brother's throat. He was screaming. I saw his legs shaking after they'd slit his throat, the blood streaming down. As they were doing it, they said they had to eliminate all of the [Young] Patriots that had caused all the problems in the country.”

During the raid in Abidjan, the forces, the UN forces, the French and Ouattara, they went in—and it happens that the seated President, President Gbagbo, had not a lot of armaments, but he had a whole lot of young people. They were armed not with weapons but with baseball bats, with wooden clubs, and they surrounded the palace to try to protect him, knowing they would kill their President. This is where they are today. These are the young kids. That is in a gas station up here. They are all lined up there. They are executing some of them, starving, beating the rest of them. But look at that. There are the pictures of what is going on.

These young patriots were young supporters to President Gbagbo, who surrounded his palace in a human chain, armed with just sticks and bats against the UN and French attack helicopters, which were bombing Gbagbo's residence, now being searched out by Ouattara's forces for torture and death.

The report goes on. This report came out today.

Another woman who witnessed the killing of 18 youths . . . was brutally raped by a Republican Forces soldier after being forced to load their vehicles with pillaged goods. On May 23, an elderly man in the same neighborhood saw Republican Forces execute his son, whom they accused of being a member of the pro-Gbagbo militia.

Another witness described seeing the Republican Forces slit the throat of a youth in front of his father after finding an AK-47 and grenade in his bedroom during a 4 a.m. house-to-house search. The witness was stripped and forced to hand over his laptop computer, cell phones, and money.

And was murdered.

Human Rights Watch documented similar pillaging of scores of houses in Abidjan.

By the way, I personally talked to these people in Abidjan who witnessed this going on.

The witness, like many others interviewed by Human Rights Watch, wanted to flee

Abidjan to his family village, but had no money for transportation since the Republican Forces had taken everything.

Human Rights Watch says it documented 54 extrajudicial executions at detention sites, including police stations and the GESCO oil—

That is the station we just now saw. Those were the executions of the young kids taking place.

In addition to the killings—

I am reading now—

Human Rights Watch interviewed young men who had been detained by the Republican Forces . . . and arrested for no other apparent reason than their age and ethnic group. Nearly every former detainee described being struck repeatedly with guns, belts, rope, and fists . . . for alleged participation in the Young Patriots.

Those were the young people surrounding the palace.

Several described torture, including forcibly removing teeth from one victim and placing a burning hot knife on another victim, then cutting him.

Human Rights Watch reports “witnesses consistently identified the killers and abusers as the Republican Forces” of Ouattara, and they were “overseen” by Ouattara and Soros. Soros is a general of Ouattara. He is the one who is responsible for going into Duekoue. That is where they murdered all the people. The Soros they speak of is the one who was responsible for that under the supervision and direction of Ouattara.

So the Human Rights Report calls on Ouattara “to immediately ensure the humane treatment of anyone detained” by his forces. This is something I have been demanding for 7 weeks. I hope now this report is going to draw attention so at least the State Department knows what is going on because our State Department is going along with all of this. They had an opportunity to voice their opinions and come up with a solution. The solution is to offer amnesty or to send him to a country where he will be able to live.

I have been very critical of the State Department’s handling of the situation in Cote d’Ivoire. I sent them evidence months ago that showed Alassane Ouattara engaged in massive election fraud during last year’s Presidential election. I called for an election and then a new election. Of course, it was met with deaf ears. I called on the State Department to inquire as to the health and safety of President Gbagbo and his wife Simone. To date, we have heard nothing.

Last year, I urged the State Department to use its power and influence and allow the reconciliation process in Cote d’Ivoire by allowing Gbagbo to go into exile. I pointed out that at least half of the population of Cote d’Ivoire supports Gbagbo. I acknowledged one African leader who is willing to accept Gbagbo in his country—a Sub-Saharan African country. The State Department has been aware of this for over a month.

I strongly suggest that is a solution. It has been done before. It was done in Haiti with “Baby Doc” Duvalier. I know people are tired of hearing me talk about Cote d’Ivoire.

I had a pleasant experience yesterday. I met the nominee for the Under Secretary of State for Political Affairs, Bill Burns. I had a chance to visit with him about this and other problems. I found him to be very receptive. I am convinced he embodies the high traditions of the foreign service—selfless, nonpartisan diplomatic service. He indicated to me he will follow through with my requests of the State Department regarding the health and well-being of the Gbagbos. I appreciate that.

I will finish by letting you see a photo of the two Gbagbos. Here is the President, Laurent Gbagbo, who I believe should be the legitimate President of Cote d’Ivoire. The first photo was a happy guy I knew. This next photo was him right after they took him. This side of his face is bashed in. His wife is a beautiful lady, Simone. Here is a picture of her. I have known her for over 15 years. She is a gracious lady and everybody loves her. After Alassane Ouattara took her, here is what she looked like. They ripped her hair out by the roots and went dancing up and down the streets of Abidjan with the hair. You have to use your imagination.

This is what is going on today in Cote d’Ivoire. There they are, the death squad, and there is the First Lady, Simone.

The last thing is that I hope somebody in the State Department cares enough to intervene and allow that party to go into exile. There is already an operation for that. Almost every President of every African country who called me is in agreement to what we are trying to do.

I yield the floor.

#### AMENDMENT NO. 427

Mr. MERKLEY. Madam President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 427.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 427.

Mr. MERKLEY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction to the HUBZone designation process)

At the end, add the following:

#### SEC. \_\_\_\_ IDENTIFICATION OF QUALIFIED CENSUS TRACTS BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

(a) DESIGNATION OF QUALIFIED CENSUS TRACTS.—Not later than 2 weeks after the

date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts, the Secretary of Housing and Urban Development shall identify census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 (determined without regard to Secretarial designation) and shall deem such census tracts to be qualified census tracts (as defined in such section) solely for purposes of determining which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(b) EFFECTIVE DATE.—The Administrator of the Small Business Administration shall designate a date that is not later than 3 months after the date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a) as the effective date for areas that qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) the date on which a census tract is designated as a qualified census tract for purposes of section 42 of the Internal Revenue Code of 1986; or

(2) the method used by the Secretary of Housing and Urban Development to designate census tracts as qualified census tracts in a year in which the Secretary of Housing and Urban Development receives no data from the Census Bureau relating to census tract boundaries.

Mr. MERKLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### AMENDMENT NO. 441 TO AMENDMENT NO. 436, AS MODIFIED

Mr. MCCAIN. Madam President, I call for the regular order on amendment No. 436, as modified, and send a second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator has the right to call for the regular order.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 441 to amendment No. 436, as modified.

Mr. MCCAIN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

Mr. MCCAIN. Madam President, I thank my friend from Illinois for allowing me to do that. I appreciate it and yield the floor.



Ms. MIKULSKI. Madam President, yesterday I voted for the Tester amendment on debit card interchange fees. This amendment would give the Federal Reserve more time to study the impact of proposed debit card fee regulations on consumers and the community banks and credit unions that serve them.

I vigorously support the intent of the original Durbin amendment, and I thank Senator DURBIN for working to bring an end to the gouging and the profiteering at the largest banks.

My No. 1 priority is consumers. I have always made sure I was on the side of consumers and Main Street and against unfair and abusive practices on Wall Street. I have a deep suspicion of how big banks treat the little people and what they do with the little people's money.

I voted for the original Durbin amendment during the debate over the Wall Street reform bill because something had to be done to rein in these hidden fees that kept rising and rising—and getting passed on to consumers. The amendment included an exemption for banks with less than \$10 billion in assets to ensure that only the largest banks would be affected.

Since then, the community banks and credit unions in my State tell me that they are afraid that the current \$10 billion exemption for debit card issuers will not protect them and that they will be forced to stop services, charge consumers new fees, or risk the stability of their institution if they are not adequately protected from the debit card fee limit. I take these concerns very seriously.

In this fragile economy, we have to be very careful about the stability of our community banks and our credit unions. Often, they are the only ones lending to our neighbors and small businesses. And making sure that Americans in the middle class are not denied access to these institutions is consumer protection, too.

After careful consideration, I am voting for Senator TESTER's amendment. I want to ensure that consumers are not hurt by unintended consequences of well-intentioned regulations. That is why I call for more study. It is the prudent thing to do. But I recognize that delay can be a tool to derail, and my intent is not to derail. We must be prudent, but we also must be prompt. Let me be clear, I will not let this drag on indefinitely. If, at the end of 12 months, this issue is not resolved—I will urge the Fed to act quickly and support legislation to force action.

I have a long history on this issue. My family has fought for generations to protect consumers and expand access to credit.

Before the stock market crash in 1929, when banks in downtown Baltimore wouldn't lend to people who they regarded as on the wrong side of the

tracks, my grandfather, along with small businesses in the area, got together to start a savings and loan to serve the community. They lent to small businesses that didn't have access to credit and they lent to women when no one else would.

When the tough times came in the Great Depression this savings and loan was there so people didn't lose their homes. They refused to foreclose on homes and businesses. If you paid a nickel a week on your mortgage, you were considered current.

Later, in the heart of the African-American community in Baltimore, when there was no access to credit, community members would be targeted by Happy Harry. And why was Harry happy? Because he charged 18 to 20 percent interest for a loan and knew his customers had nowhere else to turn.

So I worked with the Parish Council at St. Gregory's Church to establish a credit union so that there would be access and to end the scamming, the scheming, and the gouging.

As a Senator, I continued these fights. When I heard that innocent people in Maryland and across the country were being gouged and ripped off, I vowed to stop it. I helped create a flipping task force in Baltimore that was to be a model for the Nation.

In 2003, after hearing that the Fairbanks Capital Corporation was threatening a number of Marylanders with foreclosure, I called for a Federal investigation of Fairbanks. The company paid \$40 million into a restitution fund so victims could get their money back and innocent homeowners could get their good name back.

And in 2009, I put funding in the Federal checkbook to help the FBI investigate mortgage fraud so that they can have the resources to help stop the scamming, the scheming, and the gouging.

I said during the debate over the Wall Street reform bill that we had gotten into a financial situation where we bailed out the big banks. We bailed out the whales, we bailed out the sharks, and we had left the people in the community, the little minnows, to swim upstream and be on their own.

When I traveled around my State that summer, in diners and dry cleaners, I heard anger and frustration in people's voices. They watched Wall Street mortgage brokers profit off irresponsible lending while their husbands work an extra shift to make sure they could make the monthly mortgage payment. And they watched big firms take very risky gambles with their money without any regulation.

We need to put government back on the side of the middle class. The banks got their bailout; how about we make sure we protect the middle class against fraud, duplicity, and gouging?

But we don't just need effective regulations to keep Wall Street in line. We

need to make sure our community banks and credit unions—the institutions where Marylanders have savings accounts and where the teller knows their name and their family—are not swallowed up by the sharks and the whales on Wall Street.

I want to see that consumers are treated fairly in the debit card marketplace. I want to be sure that the good guy community banks and credit unions—and the customers who rely on them—are not harmed by the unintended consequences of these regulations.

That is why I voted for the Tester amendment: to give the Federal Reserve the additional time it needs to finalize its regulations so that consumers, community banks, and credit unions are protected.

Ms. SNOWE. Madam President, I rise today to discuss a bipartisan amendment I have filed to S. 782, the Economic Development Revitalization Act of 2011. This amendment, the Small Business Contracting Fraud Prevention Act of 2011, is cosponsored by Senators MCCASKILL, GRASSLEY, HAGAN, COLLINS, MERKLEY, and ENZI.

In the past year, the Government Accountability Office, GAO, has identified vulnerabilities and abuses in virtually all of the SBA's contracting programs, including the 8(a) Business Development Program, the Historically Underutilized Business Zone, HUBZone, program, and the Service-Disabled Veteran-Owned small business, SDVOSB, program. Our amendment attempts to remedy the spate of illegitimate firms siphoning away contracts from the rightful businesses trying to compete within the SBA's contracting programs.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I take very seriously our responsibility of vigorous oversight. That is why, last December, Senator LANDRIEU and I sent a letter to the SBA highlighting the recent press headlines and GAO reports of fraud and abuse that have plagued the agency's contracting programs. That letter stated unequivocally that our committee's first priority this Congress is ensuring that all of the SBA's contracting programs are running efficiently, effectively, and free of exploitation. Adopting this critical small business legislation is an effective first step at ensuring all small businesses are competing fairly and honestly within the Federal marketplace.

The SBA has begun to take positive steps to address issues of fraud, but reports continue to surface showing additional tools are needed. As recently as Saturday, March 12, the Washington Post, as part of an ongoing investigation, published an article titled, "D.C. insiders can reap fortunes from federal programs for small businesses." This article states "Government officials



were not monitoring contracts for compliance with rules." The report exposes a glaring deficiency in contract oversight. Moreover, an SBA spokesperson is quoted as saying the SBA "long ago transferred that authority to the Pentagon and other agencies." This hands-off attitude is unacceptable, and as I told the SBA Deputy Administrator at a recent Small Business Committee hearing, the ultimate authority for monitoring fraud lies with the SBA.

This amendment contains recommendations both from the SBA inspector general and the GAO for combating these reports of fraud and addresses vulnerabilities in the Service-Disabled Veteran-Owned small business program, the HUBZone program, and the 8(a) program. Additionally, the bill will work to change the culture at SBA to make the process of suspensions and debarments more transparent.

In order to effectively execute the small business contracting programs, the SBA needs a comprehensive framework to provide effective certification, continued surveillance and monitoring, and robust enforcement throughout the SBA's contracting portfolio. This bill aims to increase criminal prosecutions as well as suspension and debarments for businesses found to have attained contracts through fraudulent means, and requires the SBA to submit a report to Congress annually detailing the specific data on all suspensions, debarments, and cases referred to the Department of Justice for criminal prosecutions.

My amendment provides the SBA more stringent oversight capacity across all the SBA contracting programs. It is SBA's duty to utilize every fraud prevention measure at its disposal and this amendment puts the tools in place to punish the bad actors that have infiltrated the SBA contracting programs.

The PRESIDING OFFICER. The Senator from Illinois.

#### MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKING BETTY HAMILTON

Mr. DURBIN. Madam President, I think most of us involved in public life realize that few people meet us and many more people meet those who represent us. That is why if you are a success as a Congressman or Senator or as an elected official, you really have to rely on the people who work for you, who time and again will represent you. Their approach, their sense of caring, their promptness, their courtesy will reflect on you.

If you are lucky—really lucky—you will have some extraordinary people working for you who cover you with glory every single day—even when you don't know it.

I started in politics and was lucky to have two early mentors. As a college student, the Senator who held this seat, Paul Douglas, inspired me to take an interest in government. Later, there was a man he introduced me to, Paul Simon, whom I succeeded in the Senate. I spent more time with Paul Simon, and he truly was my mentor. I inherited many of my good habits from him.

I also inherited something else. I inherited one of his biggest fans and hardest workers, who came on my staff. Her name is Betty Hamilton. She first had her brush with public service in 1984 when she volunteered to work on the Senate campaign of Paul Simon. Paul had a way of bringing out the best in people and bringing the best people into politics. Betty sure fit the bill.

In that first campaign, Betty used to pull her two toddlers, Will and Ben, in a little wagon as she walked door-to-door in her neighborhood, knocking on doors and dropping campaign literature for Paul Simon. She was part of an army of volunteers who helped Paul score an upset victory in a very tough year, politically. Later, she signed on as volunteer coordinator and office manager for Paul Simon's reelection campaign.

After that election, Betty joined my staff when I was still in the House of Representatives. She has been with me ever since.

Betty works in casework. It sounds simple and routine, but it is not. Most of her work is with senior citizens. If an older person in southern Illinois calls my office because they are having a problem with Social Security or Medicare or some other Federal program or agency, Betty most often takes that call.

The people she works with often have no place else to turn. They can't afford lawyers. They just need someone who cares and who is competent. Maybe they have been incorrectly denied Medicare or disability payments or some other benefits they are entitled to, and they have tried but cannot cut through the bureaucracy to resolve their problems. Many of them are desperate. Some have spent every penny they have ever saved and have nothing left. They are on the verge sometimes of even losing their homes.

Betty Hamilton listens to them and she gets to work making phone calls, writing letters, sending e-mails, trying to make the wheels of government turn the way they should. She is an advocate for fairness and good government.

Over the years, Betty has talked with more than 8,000 people in Illinois. They are the lucky ones. She has saved hundreds of people from losing their homes. She has given them hope.

I go back on Fridays to Springfield, and I usually have a couple of thank-yous on my desk, and they always relate to staffers who have done a good job. Usually Betty's name is on them. I can't count the number of people who have written me about the work she has done. They say: Thank you for helping me. I greatly appreciate it. It is good to be able to pay my bills and take care of my kids, and a special thanks to Betty Hamilton.

I know Betty worries some nights about the people she tried to help. She has come in on many Saturdays to write one more letter or make one more call she thinks might help. Just last week she helped someone in my State collect \$31,000 in disability payments that had been incorrectly denied them.

Like most people who grew up in St. Louis, Betty is a die-hard St. Louis Cardinals baseball fan. So she knows what I mean when I say I consider Betty Hamilton the Stan Musial of casework. Like Stan the Man, who played for the Cardinals for 22 years, she has worked for me for two decades. Like him, she is a modest person, and like Stan Musial, Betty has compiled a long and consistent record of success that is likely to remain unbroken for a very long time.

Betty didn't take to government initially. She has a master's degree in horticulture. Four years ago, she and her husband John, then retired from the State of Illinois, decided they would buy a farm near Springfield where they could raise produce—some of the best green beans and tomatoes you ever tasted. You could find them at the Springfield Farmers' Market downtown on Wednesdays and Saturdays. I know, I have seen them there the last two Saturdays. Don't miss their stand; it is the best. That is where I am going to be able to see her from now on.

Betty is retiring from my office, and I will miss her. More importantly, the people who have had her fine public service will miss her too. We are going to miss her greatly.

#### BEST WISHES TO SARA FROELICH

Mr. DURBIN. Madam President, back in the year 2000, my wife Loretta and I went to the Democratic Convention in Los Angeles, and we ran into a young college coed from Illinois. She was a student at Wesleyan University in Bloomington, IL—originally from the Twin Cities of Minnesota. At that time, her name was Sara Nelson.

Sara Nelson had a class assignment to cover the convention for a weekly newspaper in Illinois. She was out there sleeping on the floor of somebody's apartment and wandering around trying to write a story for a weekly newspaper. She was a bright-smiling young woman, and Loretta and I liked her instantly.

As fate would have it, we ended up on the same plane flying back to Chicago when the convention had ended. We landed at Midway late, and as Loretta and I were leaving the baggage section, we saw Sara Nelson sitting on her bag by the curb. We said: Sara, where are you going?

She said: I missed my bus down to Bloomington—which is a little over 100 miles away—and I have to wait for one that will come later tonight.

I said: You're in luck because Loretta and I are driving down there. Get in the car.

She hopped in the car with us, and we drove down to Bloomington.

During the course of the trip, we got to know her and liked her even more. She told us how much she loved politics and government and that she was soon going to graduate from Illinois Wesleyan University.

So I said: Why don't you call me sometime. Maybe you can be an intern in my office.

She agreed. She was not only an intern, she was one of the best. As soon as she graduated, we hired her. A year later, she was promoted to handle immigration and citizenship casework, and she did a great job. Then there was an opportunity for her to work as my deputy director for the entire downstate portion of Illinois. This was in 2006.

So Sara Nelson took off and became my representative, going all over the State and speaking for me at meetings and representing me and working on projects as important as the new courthouse in Rockford, IL, and the new bridge across the Mississippi River connecting Granite City with downtown St. Louis. There was no project too daunting for her. She took them on.

In the meantime, to nobody's surprise, she found the person she wanted to marry, John Froelich. She and John got married several years ago, and we went to the wedding—a beautiful event. Her family came down from Minnesota, and the two of them were perfect. John was in medical school studying to be an orthopedic surgeon. Lo and behold, shortly, about a year or so after that, along comes baby Naomi. I cannot tell you how much she loves that baby. She replaced politics, soccer, and the World Cup in her list of most important things. I see Sara out in the park on weekends pushing the stroller, sometimes running behind it with little Naomi giggling along the way.

There is some good news for Minnesotans and bad news for Illinois as this story comes to an end. John Froelich is a medical student and will start his fellowship at Mayo Clinic in Rochester in a few weeks, so Sara and Naomi and John are moving on. I will miss her. She has been a terrific asset on my staff and a terrific person. She is a great mom and has been a great ally in

the course of the years she has worked for me.

Loretta and I wish Sara and John and Naomi the very best and thank them for the wonderful years of service they have given to me and the State of Illinois.

#### THE DREAM ACT

Mr. DURBIN. Madam President, 2 years ago, I embarked on a legislative mission to pass a bill called the DREAM Act. The purpose of the DREAM Act was to give to young people who came to this country as children, and who were raised in the United States, who have graduated high school, who have done a well and made a good life in this country, a chance to become legal residents in the United States of America. They are long-term U.S. residents. They have good moral character. They have graduated high school, and we say: If you will complete at least 2 years of college and military service in good standing, we will give you a chance to become legal.

There are thousands of young people who fit this description in the United States. They were brought here as kids. If their parents came to the United States and overstayed a visa or crossed the border when they shouldn't have, these children shouldn't be held accountable. They were children. We don't hold children accountable for any wrongdoing by their parents. They grew up here, they pledge allegiance to the flag in their classrooms here, they sing our national anthem, and many of them speak no other language other than English.

The purpose of the DREAM Act is that we should not punish children for their parents' actions. That is not the American way. Instead, the DREAM Act says to these students: America is going to give you a chance, a chance to continue living here and to make this an even better nation.

The DREAM Act is not just the right thing to do, it makes America a better country. The young people who would qualify for the DREAM Act are class valedictorians, star athletes, honor roll students, and ROTC leaders. They are the future doctors, soldiers, computer scientists, and engineers who will make this country even better.

The DREAM Act would strengthen our national security by giving thousands of highly qualified, well-educated young people the chance to enlist in the Armed Forces. The DREAM Act has the support of not only Secretary of Defense Robert Gates but also GEN Colin Powell.

The DREAM Act will help our economy by giving these talented young people the chance to become engineers and entrepreneurs, doctors, lawyers, teachers, small business owners, and nurses. That is why the DREAM Act

has the support of business leaders from across the country, such as Rupert Murdoch and the CEOs of companies such as Microsoft and Pfizer.

The talented young people who would be eligible for the DREAM Act call themselves Dreamers. When I first embarked on this mission 10 years ago, they used to kind of hold back in the shadows of a meeting, kind of whisper to me as I went by that they would be saved if the DREAM Act were passed. Well, now they are stepping forward, and I am glad they are, so America can see who they are.

Every day these Dreamers contact my office to tell me their stories. These stories have energized me to keep up the fight. The last time we had a vote on this act on the Senate floor was last December. We had a majority. But when it comes to controversial issues, it takes 60 votes. I want to take this up again and give these young people a chance.

I want to tell you about two of these DREAM Act-eligible people.

Herta Llusho was brought to the United States from Albania when she was 11. She and her mother settled in Grosse Pointe, MI, a suburb of Detroit. Herta came here legally, but shortly after arriving, Herta's mother filed an application to stay in the United States.

Herta quickly learned English and became an academic star. She graduated from Grosse Pointe South High School with a 4.05 grade point average. In high school, she was a member of the varsity track team, won an Advanced Placement Scholar Award, and was a member of the National Honor Society.

Here is a picture of Herta at graduation. Herta is currently a junior at the University of Detroit Mercy, where she is an honors student studying to be an electrical engineer. She has a grade point average of 3.98 and has completed two internships at engineering firms.

She is also very involved in the community, volunteering at homeless shelters, tutoring programs, and her church. Listen to what one of her friends says about Herta:

I am humbled by Herta's willingness and desire to serve. I have had the privilege of going to the same church at which she faithfully serves. She spends hours tutoring kids and volunteering with the junior high Sunday school class. It is a joy to watch so many children run up to her at church because of the love they receive when they are with her.

In 2009, after 9 years of legal proceedings and deportation proceedings, here is what Herta said about being placed in deportation.

I was shocked. My friends are here, my education is here, my community is here. All of a sudden, I was asked to leave behind everything I know and go back to a country I barely know. When I lived there, I was little, so I don't remember much and I barely speak Albanian any more.

Herta's community rose to her defense. Thousands of people signed an

online petition to stop her deportation. Last year, the Department of Homeland Security granted Herta a 1-year stay—just 1 year. The Department is now considering whether to delay it for another year. I sincerely hope they will.

Would it be a good use of taxpayer dollars to deport Herta? Of course not. There is so much discussion in America today about what we need from our young people for America to succeed in the future in the so-called STEM fields—science, technology, engineering, and math. Every year we issue thousands of H-1B visas to bring foreign workers to the United States in the STEM fields.

Herta is a straight-A student in electrical engineering, a STEM field. She doesn't need an H-1B visa. She is a homegrown American talent. Why in the world would we create a law to allow someone who has never lived in the United States to come here and legally reside to become an electrical engineer and tell Herta, who has lived here all of the life she remembers, she has to leave? That is just plain wrong.

Herta came to Capitol Hill to speak at a briefing I sponsored for the DREAM Act, and this is what she said.

I'm a typical story. There are thousands of stories out there just like mine. Please support the DREAM Act so students like me don't have to leave. We are worth it. This is a country we have come to love.

Herta is right. She and thousands of others are worth it. They have so much to contribute to America if we just give them a chance.

Let me introduce you to one other student. This is Julieta Garibay. Julieta was brought to the United States in 1992 at the age of 1. She graduated from the University of Texas with a bachelor's degree in nursing. She was on the dean's list and the president's honor roll and volunteered more than 500 hours at hospitals in Dallas and Austin. Julieta went on to earn a master's degree at the University of Texas in public health nursing. She is a member of Sigma Theta Tau, the international Honor Society of Nursing. She has been a registered nurse since 2004.

Here is the problem. Julieta is undocumented. She cannot legally work in the United States of America. Let me tell you something else about Julieta. She is married to SSG Armen Weinrick, who serves in the U.S. Air Force Reserves. Here is a picture of Julieta and Staff Sergeant Weinrick at Julieta's graduation. Staff Sergeant Weinrick is currently awaiting deployment. He will go overseas to defend our country, but while he is gone serving America, his wife could be deported. That is just plain wrong.

Julieta sent me a letter, and here is what she said about her dreams for the future.

I desperately need the DREAM Act to pass so I can practice my beloved profession—

nursing. I have been dreaming of being a nurse for the past 7 years since I earned my nursing license. Once the DREAM Act passes, I will join the military in hopes of making up the lost time and serve the country I call home as a nurse.

Do we need more nurses in America? Of course, we do. In fact, the United States imports thousands of foreign-trained nurses each year to meet the needs of our country. What is wrong with this picture? This young lady has a master's degree in nursing from the University of Texas. I am sure my colleague on the Senate floor would acknowledge that is one of the most highly regarded universities in America. She has this master's degree, and they are planning to deport her. If they do, she will probably cross paths in the airport with a nurse coming here from some foreign country on a work visa to work in our hospitals. That isn't fair, it isn't smart, and it just doesn't make sense.

The DREAM Act would give Julieta the chance to serve the America she loves, the America she calls home.

I first introduced the DREAM Act in 2001. Since then I have met so many immigrant students who would qualify, such as Herta Llusho and Julieta Garibay. They are Americans in their hearts. They are willing to serve our country and to make it a better place. We have to give them a chance.

I ask my colleagues: Please, in your heart of hearts, think about the fairness and justice behind this legislation. Let's support and pass the DREAM Act. It is the right thing to do. It will make America a stronger nation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that following my remarks, the Senator from Texas, Mr. CORNYN, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 1166 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Texas.

#### MEDICARE

Mr. CORNYN. Madam President, I wish to speak briefly today about Medicare, about the law, and specifically a law that Congress passed in 2003 which provided for something called the Medicare trigger. This provided that when the Medicare trustees would indicate that a Medicare funding warning should issue according to that law, then the President of the United States under that law must, within 15 days,

submit to Congress proposed legislation to respond to that warning.

What does all this mean? We know the Medicare trustees made the situation clear that Medicare will run out of money by the year 2024. Medicare's unfunded liabilities are more than \$24 trillion and growing. In other words, there is a \$24 trillion gap between the promises the U.S. Government has made to seniors and the funding to pay for it. Of course, as the Chief Actuary stated, this is actually an optimistic scenario, that we can fund Medicare through 2024.

The President of the United States has failed to comply with this law duly passed by Congress and signed into law. I do not really know why the President has failed to meet this legal responsibility of the law. I hope it is an oversight, and I hope it is one he will correct shortly. Having no plan while the President has criticized the House for the plan they passed is bad enough, but failing to submit a plan when the President of the United States is required to do so by law is a violation of the law, something the President has taken an oath to uphold.

There is no doubt about it, section 802 entitled "Presidential Submission of Legislation" uses the word "shall." It is not "may," it is not "can," and it is not "it would be a good idea." It says the President shall submit to Congress, within a 15-day period beginning on the day the budget submission to Congress is made, proposed legislation responding to this Medicare funding warning. March 1 marked the day 15 since the President submitted his budget, and the Medicare trustees, as we all know, have been ringing the alarm bell for years. But, unfortunately, this is not the only provision of the law the President has neglected.

We could talk about the Greek debt crisis. On Tuesday, the President talked about the Greek debt crisis in a joint press conference with Angela Merkel, the Chancellor of Germany. This is what the President said about the Greek debt crisis:

We have pledged to cooperate fully in working through these issues on a bilateral basis but also through international and financial institutions like the International Monetary Fund.

Obviously, Greece has suffered a debt crisis. They have the International Monetary Fund, funded by various nations, to bail them out. Unfortunately, when the United States has a debt crisis, if we do nothing about it, there will be no one left to bail us out.

The problem with the statement of the President about the International Monetary Fund is that the Congress has also spoken on that issue. Senator VITTER and I sponsored an amendment last summer that was incorporated into the so-called Dodd-Frank Act or the financial services regulatory reform bill. This amendment was approved unanimously by the Senate and

became law by the President's hand. This provision, included in section 1501 of the Dodd-Frank Act, requires the Treasury Secretary to determine whether IMF loans to countries that are already deeply in debt will likely be repaid and certify that determination to Congress. Furthermore, if an IMF loan will not be repaid, the Treasury Secretary is required to direct the executive director to vote in opposition to the proposed loan. These provisions became Federal law for a reason—because we sought to protect U.S. taxpayers from being used by the IMF to bail out foreign nations that have been making irresponsible spending decisions.

As I said earlier, I hope the failure of the President to comply with this mandatory requirement under the Medicare law we passed in 2003 is simply an oversight. But we know that so far the President and the majority party in the Senate have not submitted—the President has actually submitted a budget that doubles the debt in 5 years and triples it in 10 years, but he has made no response to the Medicare trustees' statement that Medicare will be insolvent in 13 years. Instead, he has attacked the only people who have been responsible enough to come up with a proposal. Admittedly, the proposal may not be perfect, but it is a responsibility of all of us to do what we can to try to solve problems, not just attack people and use it for political advantage when other people try to step up and meet their obligations.

The issue is respect for the law, and the issue is whether the checks and balances in our Constitution are still in place. The question is whether the President somehow considers himself above the law or whether the law applies to him just as it does to each one of us.

I hope this is an oversight. I hope the President will remedy that oversight and he will submit proposed legislation to deal with this impending insolvency of Medicare forthwith.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor again today, as I have week after week since the health care law has been passed, with a doctor's second opinion about the health care law. As you know, I have practiced medicine for 25 years in Wyoming, taking care of Wyoming families.

I have great concerns about this health care law that has been passed by this body as well as the House, signed by the President. The American people continue to learn more and more about this health care law, and the more they learn, the more concern they have about this law being bad for patients; bad for providers, the nurses and doctors who take care of the patients; and bad for the payers, the taxpayers of this country who are going to get hit with an incredible bill.

The main subject I wish to talk about today is a new report that has come out that says to me that the taxpayers are going to get hit with a bill much higher than they initially thought. It is a report from the McKinsey Quarterly called "How U.S. health care reform will affect employee benefits."

In the debate and speeches the President had given in the runup to the election and the vote on this bill, he said that if you had care you liked, you could keep it; that the American people, if they had a plan they liked, would be able to keep it. It was a promise he made to the American people, a promise the American people wanted to believe. But now this report shows that the American people were right in being skeptical, and, as we see, the more the American people learn about the health care law, the less they like it and the more they oppose it. What this report says is that a shift away from employer-provided health insurance will be vastly greater than expected and will make sense for many companies and lower income workers alike.

When we work our way through this report, what we see is that more and more private companies that today—today—provide health insurance for their employees will be much less likely to be willing to provide that insurance in the future. Why? Because it is going to be a lot more expensive to provide the insurance. The mandates, the quality, and the high level of expense involved with providing that insurance is going to be a significant burden to those companies. And if they don't provide the insurance at all, there are going to be other chances for those employees and it will actually be cheaper for the business to not provide insurance, give the people a raise, and pay the penalty of the health care law and leave people without the insurance.

When we take a look at this overall health care law, we see it as one where this body and this President raided Medicare. They took \$500 billion away from our seniors on Medicare, not to save Medicare but to start a whole new government program. With the President's Payment Advisory Board, he additionally wants to ration Medicare—ration Medicare. They have raided Medicare and rationed Medicare. Is it any surprise that people on Medicare

are having a much harder time finding a doctor as doctors refuse to see patients on Medicare?

So with all of this, now we get this report. This report says—and this is a very reputable national consulting firm. This report says they did a survey of 1,300 employers across the country—different industries, different geographies, different employer sizes—and the results ought to be a huge wakeup call for all workers and all families across the country, because what this group has seen from this study is that overall, 30 percent of all employers—30 percent of all employers—will either definitely or probably—so likely—stop offering employer-sponsored health coverage in the years after 2014. That is when ObamaCare goes fully into effect.

Among employers with a high awareness of how the program actually works for health care reform—who have actually studied what the law says—in that group, those who are most well informed, they are saying more than 50 percent and upwards to 60 percent will pursue other options. They will likely stop offering their employees health coverage. At least 30 percent of the employers would gain economically from dropping coverage even if they completely compensated the employees for the change of losing their insurance. This is very alarming for our country.

There was a well-written editorial in yesterday's Wall Street Journal by Grace-Marie Turner, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. BARRASSO. Grace-Marie Turner is president of the Galen Institute and coauthor of a book called "Why ObamaCare Is Wrong For America." Having read the book, I will tell my colleagues a lot of the things I have been talking about during the debate leading up to the vote on ObamaCare and that I have been talking about afterwards as a doctor's second opinion are included in her book. She specifically writes that no, you can't keep your health insurance. There are about 150 million Americans who get their coverage at work. We are not talking about people on Medicare; we are talking about nonelderly Americans who get their coverage at work.

The Congressional Budget Office, when we were debating the health care law, estimated that maybe 9 million, 10 million of those people, or about 7 percent of the employees who currently get their health insurance through work, may lose their health insurance at work, in spite of the fact that the President said if you like what you have, you can keep it. But this survey of 1,300 different companies—organizations that provide health insurance—30

percent of them say I don't think we are going to follow that route. We are talking about a significantly larger number than the Congressional Budget Office had even anticipated. The numbers are astonishing.

In a study last year, Doug Holtz-Eakin, who is the former director of the Congressional Budget Office, estimated not what the current CBO said—maybe 10 million—he thought maybe 35 million workers would be moved out of employer-covered plans into subsidized coverage, paid for by the taxpayers, and he thought by getting to that number, it would add an additional \$1 trillion to the estimate of what the real costs were going to be for the President's health care law. If these numbers are true, this newer, higher number of 30 percent pulling out—and maybe 50 percent once they find out what is actually in the law, in the mandates on these businesses—the additional costs, at a time when we are looking at 9.1 percent unemployment in this country, are going to go even higher with the significant subsidies that exist for families making up to \$88,000 a year.

So I come to the floor to say that the more we learn about this health care law, the more unintended consequences we find; that many of the predictions made about this health care law from this side of the aisle are now coming true.

I have spoken in the past about waivers. We now are at a point where 3 million people who get their health insurance through work—3 million people covered with health insurance in this country—have gotten waivers. Whole States have gotten waivers so they don't have to live under the mandates of the health care law, and they are going to be back for waivers again next year and the year after that.

We see additional concern with what is in this health care law. As NANCY PELOSI said, first you have to pass it before you get to find out what is in it. As more and more people find out what is in it, we are finding that more and more people who maybe had coverage they liked are not going to be able to keep that coverage and are going to lose that coverage, and the taxpayers are going to get stuck footing the bill.

That is why I come back to the floor week after week with a doctor's second opinion, because there is new information that comes out week after week, as this McKinsey & Company study and report came out this week. That is why I continue to say we need to repeal and replace this terribly broken health care law.

Thank you.

With that, I yield the floor.

#### EXHIBIT 1

[From the Wall Street Journal]  
NO, YOU CAN'T KEEP YOUR HEALTH  
INSURANCE

(By Grace-Marie Turner)

A new study by McKinsey suggests that as many as 78 million Americans could lose employer health coverage.

ObamaCare will lead to a dramatic decline in employer-provided health insurance—with as many as 78 million Americans forced to find other sources of coverage.

This disturbing finding is based on my calculations from a survey by McKinsey & Company. The survey, published this week in the McKinsey Quarterly, found that up to 50% of employers say they will definitely or probably pursue alternatives to their current health-insurance plan in the years after the Patient Protection and Affordable Care Act takes effect in 2014. An estimated 156 million non-elderly Americans get their coverage at work, according to the Employee Benefit Research Institute.

Before the health law passed, the Congressional Budget Office estimated that only nine million to 10 million people, or about 7% of employees who currently get health insurance at work, would switch to government-subsidized insurance. But the McKinsey survey of 1,300 employers across industries, geographies and employer sizes found “that reform will provoke a much greater response” and concludes that the health overhaul law will lead to a “radical restructuring” of job-based health coverage.

Another McKinsey analyst, Alissa Meade, told a meeting of health-insurance executives last November that “something in the range of 80 million to 100 million individuals are going to change coverage categories in the two years” after the insurance mandates take effect in 2014.

Many employees who will need to seek another source of coverage will take advantage of the health-insurance subsidies for families making as much as \$88,000 a year. This will drive up the cost of ObamaCare.

In a study last year, Douglas Holtz-Eakin, a former director of the Congressional Budget Office, estimated that an additional 35 million workers would be moved out of employer plans and into subsidized coverage, and that this would add about \$1 trillion to the total cost of the president's health law over the next decade. McKinsey's survey implies that the cost to taxpayers could be significantly more.

The McKinsey study, “How US health care reform will affect employee benefits,” predicts that employers will either drop coverage altogether, offer defined contributions for insurance, or offer coverage only to certain employees. The study concludes that 30% of employers overall will definitely or probably stop offering health insurance to their workers. However, among employers with a high awareness of the health-reform law, this proportion increases to more than 50%.

The employer incentives to alter or cease coverage under the health-reform law are strong. According to the study, at least 30% of employers would gain economically from dropping coverage, even if they completely compensated employees for the change through other benefit offerings or higher salaries. That's because they no longer would be tethered to health-insurance costs that consistently rise faster than inflation.

Employers should think twice if they believe the fine for not offering coverage will stay unchanged at \$2,000 per worker. “If

many companies drop health insurance coverage, the government could increase the employer penalty or raise taxes,” according to the new study, authored by McKinsey consultants Shubham Singhal, Jeris Stueland and Drew Ungerman.

The case for repeal of ObamaCare grows stronger every year. The massive shift of health costs to taxpayers thanks to the disruption of employer-sponsored health insurance will add further to the burgeoning federal budget deficit. Congress can and must develop policies that allow the marketplace to evolve and not be forced into ObamaCare's regulatory straitjacket.

Mr. BARRASSO. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

#### MONTANA FLOOD HEROES

Mr. BAUCUS. Mr. President, the Book of Matthew, chapter 23, verses 11 and 12, reads:

The greatest among you will be your servant. For those who exalt themselves will be humbled, and those who humble themselves will be exalted.

I rise today to recognize five of Montana's greatest servants—five Montana heroes.

Our State has faced severe flooding, unrelenting flooding for the past several weeks. As water levels rise, Montanans across the State are stepping up to help. This is the essence of what it means to be a Montanan: stepping up to help fellow Montanans, ordinary folks doing extraordinary things for their friends and neighbors. We are all in this together.

That is why I have begun calling attention to the Montana heroes going above and beyond the call of duty in the floods we are experiencing in our State today.

I want to recognize Pastor Cathy Moorehead of the United Methodist Church and Father Daniel Wathan of Saint Benedict's Church of Roundup. Last week, Cathy and Daniel showed me the flood damage caused by rising waters from the nearby Musselshell River. Most of the town of Roundup has been underwater for days.

I remember many times I had gone to the Busy Bee Cafe in Roundup. Never in my wildest dreams did I ever think that restaurant might be underwater. A few days ago, it was. The floods have come back again. It is not entirely underwater, but so much of it is, it is virtually destroyed.

Cathy and Daniel took it upon themselves to make sure their neighbors had a hot meal, a dry place to sleep, medical care, and a shoulder to cry

on—and it is food not only for those displaced by the floods but also for the National Guard so the National Guard does not have to eat all those rations they otherwise would have to eat.

I have talked to the Guard. They are so appreciative that they do not have to eat the food they otherwise had been given. Ask anyone around, and they will tell you Cathy and Daniel's outstanding efforts continue to be indispensable.

Floodwaters have returned to Round-up, and our prayers are with them all today.

This month, the Crow Indian Tribe also faced devastating floods. Rising water has severed food and water supplies. There is no drinking water. Rushing water has swept away bridges and streets.

As soon as the floodwaters struck the Crow Reservation, Crow Tribe member April Toineeta got to work. April worked with the Red Cross to set up shelter for flood victims. She made sure the Indian Health Service had the latest information about where medical care was most urgently needed. She was universally recognized as the go-to person for help. April, April Toineeta. April has been working 18-hour days, sleeping on the floor of the Crow Housing Authority, doing whatever it takes to help her community. April's hard work inspires all of us to help each other through the floods in any way we can.

When Box Elder Creek burst its banks, floodwaters destroyed the Harris family home north of Mill Iron, just outside of Ekalaka. Neighbors Charlie and Gail Brence hopped on four-wheelers and went to rescue the Harris family of seven. When they arrived, the Harris home was under 6 feet of water, rapidly rising. They offered the Harris family a warm and safe place to stay, a shoulder to cry on, and a helping hand as they worked to save their cattle and salvage personal belongings from the destroyed home. Gail Brence said: "We're Montanans. This is what we do."

Pastor Cathy, Father Dan, April, and Charlie and Gail are the best of the best Montana has to offer. They represent our can-do attitude, our willingness to help our neighbor. Our belief is that when times are tough, we know we are the strongest when we work together.

There are hundreds of other unsung heroes across Montana. I am calling on all Montanans to share their stories of ordinary folks doing extraordinary things for their friends and neighbors, whether on Facebook or call my office. We want to hear these inspiring stories. We want to share them.

You know, some folks in our State say—and it is somewhat true—that Montana is really one big town. We tend to know each other. We are big in area, few in people. But we tend to

know each other, about one or two degrees of separation. We are really one big small town. We are there to help each other.

In closing, I wish to share a humble thank-you for all Montana's heroes back home. I do not know what we would do without you. Thank you for your service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### FLOODING IN MISSOURI

Mr. BLUNT. Mr. President, Missouri has withstood a number of tremendous natural disasters this spring. In fact, the flood our good friend from Montana just talked about is headed down the Missouri River from Montana, to the Dakotas, to Missouri right now.

We have had floods along the Mississippi. We have had floods of the Black River that required the evacuation of part of Poplar Bluff, MO. We have had tornadoes in both St. Louis and Joplin and now, as I said, the Missouri River floods.

The Missouri River flood is beginning to reflect what has happened upstream with the above-normal snowpack that we do not see much of, but we see it when it melts in the spring. And high rainfall amounts this spring have made the difference in what is happening in our State.

The flooding along the Missouri River, which is about to get to crisis stage, will now join floods along the Mississippi River, the Black River, and tornadoes in St. Louis and Joplin. River levels are expected to rise near record levels and remain there until early or mid-August. This, of course, will put a tremendous pressure on our levee system. The estimates I heard this week were that between now and 2 weeks from today, there will be at least two dozen levees underwater, which means the water will have gotten high enough to come over the tops of these levees, and maybe over 50 levees on the Missouri River before it gets to St. Louis will be underwater and will have water on both sides of them until well into the summer. Of course, that begins to undermine the very basis of the levee itself when it stands in water on both sides.

The Corps and local sponsors are working to reinforce the levees along the Missouri River. We see that the Department of Agriculture and the Corps also have to get engaged to get the damaged land cleared and rehabilitated for all this levee protection to be restored.

There is some discussion on the opening of the levee in the boot heel, a place called Birds Point. That had been the plan, to open that levee in a flood disaster, since 1937, but it had not happened since 1937.

Mr. President, 130,000 additional acres of farmland means at this moment we probably have 500,000 acres of

farmland—a little more than that—underwater, and that number will be much higher than that by this time next week. But that 130,000 acres at Birds Point will still be underwater most of next year unless the Corps goes back in, as they committed they would, and gets a temporary levee that becomes a permanent levee in as soon as possible.

We also cannot underestimate—and it would be hard to even overestimate—the challenges Joplin, MO, faces, a city in which the death toll from the tornadoes has now exceeded any tornado in the last 50 years. I think the mid-1950s was the last time this much loss of life occurred in a tornado.

I live about 60 miles from Joplin in Springfield, MO. I represented both Joplin and Springfield in the House of Representatives for 14 years. I had an office in Joplin. I have been there literally hundreds of times. And as a southwest Missourian, I have seen lots of tornado damage, but I have never seen anything like this damage.

I went to the area Tuesday after the tornado hit over the weekend. I think the tornado hit on Sunday afternoon late. I was there most of the day Tuesday. I was riding with a veteran police sergeant down streets that both he and I had been down many times, and neither of us could ever really tell quite where we were because the devastation was that great. Every street looked like the street next to it. The buildings were ground up. The 2 by 4s had become toothpicks. It was almost unrecognizable.

This same tornado, if it would have hit and stayed on the ground for 6 miles in an area of farmland, would have done some damage, but there would not have been nearly as much damage. As it happened, it ripped through the city of Joplin in a swath that was at least half a mile wide and in some places three-quarters of a mile wide. It stayed on the ground for 6 miles and destroyed approximately 30 percent of the buildings in a town of 50,000 people. There were 141 people killed, including those who in the hospitals from injuries since the tornado, because of the tornado. More than 900 people were injured, and 8,000 homes and apartments were destroyed. And I think here the word "destroyed" is the right word. Others were damaged; these were destroyed. Mr. President, 8,000 places where people lived 3 weeks ago aren't there today, and more than 500 commercial properties were demolished by this devastating tornado.

Homes, churches, the high school, the vo-tech school, three elementary schools, and the Catholic school at all levels are all gone, and then other schools were damaged. How you get back to school in August and September of this year with those schools gone is a huge challenge, one that a



community would assume it would never have to meet, but the community has been meeting it, as have people from all over the country and particularly from our State.

Rescue efforts, led by groups such as Missouri Task Force 1 and other public safety officials—fire departments, law enforcement, medical personnel, the volunteers—have up until now been tireless, but I can tell you they are getting pretty tired.

People in Missouri and across America have been overwhelmingly generous with their time and resources in the aftermath of this storm, and all Missourians are grateful for it. Large corporations and small community organizations and individuals have helped. People have responded to calls on the phone by doing whatever they were asked to do to make a small donation.

The General Motors Foundation announced a \$100,000 grant to the Red Cross, along with two vehicles, full-sized vans, and free access to their OnStar service after the disaster.

The Ford Motor Company donated another \$50,000 to Feeding America for Joplin, and their employees in the Kansas City plant are assisting as volunteers in relief efforts.

Walmart committed \$1 million.

Home Depot and Walmart both had—there was a Walmart supercenter and a Home Depot store that were totally demolished, 100-percent demolished. In both cases, they had late-Sunday-afternoon shoppers in them.

In one store was a man and his 4-year-old and 1-year-old. I am not sure they were on the way to the Home Depot, but at the last minute they were running into the Home Depot, thinking that would be the safest place to be, and those big concrete walls collapsed inward, and the mom who sent them to get lightbulbs or whatever she had sent them to get never saw those three people who were so much of her life before.

The St. Louis Cardinals donated \$25,000 to Convoy of Hope.

The Kansas City Royals and Kansas City Chiefs each gave \$35,000 to Heart to Heart International.

Duracell opened a Power Relief Trailer.

Tide opened a Loads of Hope location, offering laundry services for the thousands of affected families.

Heart of Missouri United Way collected over \$1 million and pledged that 100 percent of those funds that were raised in that drive would go to Joplin.

Target contributed \$95,000 to relief.

AT&T and Verizon both gave \$50,000.

Sprint, a Missouri company, a Kansas City area-based company, gave \$100,000.

TAMKO gave \$1 million. Their headquarters are in Joplin. Their headquarters were not affected, but many of their employees were.

Loves Travel Shop gave \$150,000.

Great Southern and Southwest Missouri Bank both donated \$10,000.

The Girl Scouts in Houston, MO, were collecting toys for the children of Joplin who had lost their toys.

The University of Missouri produced a tornado relief t-shirt with the slogan "One State. One Spirit. One Mizzou."

The Mizzou football team and D. Rowe's Restaurant partnered to fill a semi truck of groceries and other items to send to the location.

The American Red Cross, the Harvesters Community Food Network, sent 14,000 ready-to-eat meals.

The Kansas Speedway and the Highway Roadhouse and Kitchen collected items for victims.

The Ozarks Technical Community College is collecting funds to help people.

The students in a high school in St. Louis, which had its own tornado, sent things to Joplin as well.

FEMA is doing what it can.

We need to prioritize spending.

As I reach the conclusion of my remarks and mention the people who need to be mentioned—I sent President Obama a letter. I spoke with Secretary Napolitano shortly after this disaster insisting that the Federal Government do what we did in Katrina and reimburse taxpayers for their expenses at the 100-percent level. We have gone from 75 to 90, so only 10 percent more, and I will be happy with that number. Mr. President, 75 percent was the first number discussed, but we are at 90 now. The Federal Government needs to do this. And local utility companies need to get the same kind of assistance others have had in similar disasters.

In all cases, the first responders were people's neighbors. Their neighbors will still be there 6 months later when people are still struggling.

But with thanks to everyone who has helped, with appreciation for the Federal employees who have been there and absolute insistence that we do everything we need to do to treat this disaster as it needs to be treated because it truly is a disaster, I will be working with everything we can find to make this situation a challenge the community can meet.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that after I am recognized, Senator WHITEHOUSE be recognized—we are speaking on the same topic—for up to 10 minutes and, at the conclusion of that time, Senator ALEXANDER from Tennessee be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### 350TH ANNIVERSARY OF BLOCK ISLAND, RHODE ISLAND

Mr. REED. Mr. President, I am pleased to rise today along with my

colleague, Senator WHITEHOUSE, to help mark the 350th anniversary of the settlement of Block Island, RI.

Block Island sits 12 miles south of coastal Rhode Island, and for over three centuries has contributed to the economic and ecological vitality of my home State. It has a rich history.

In 1614, the Dutch merchant and explorer Adriaen Block charted the Island, which is named for him.

In 1661 colonists from Massachusetts sailed to Block Island and established a community that would later become the town of New Shoreham.

During the Revolutionary War, Block Islanders warned American soldiers of approaching British ships by lighting fires on Beacon Hill, the island's highest point. And, over the past 200 years, Block Island has constructed two lighthouses that have provided safe passage for countless sailors and travelers.

Today, Block Island is home to over 1,000 permanent residents and welcomes up to 20,000 visitors each day during tourist season.

Block Island has been graced by visits by two sitting Presidents—President Ulysses S. Grant in 1875 and in 1999 by President William Jefferson Clinton. I was pleased to have guided President Clinton as well as First Lady Hillary Clinton, who is now Secretary of State, around the Mohegan Bluffs and the historic Southeast Lighthouse, which overlooks the Atlantic Ocean, during their visit.

Throughout the years, the local community has worked hard to preserve the Island's natural beauty and landmarks. In the 1980s and early 1990s Captain John R. Lewis, a Block Island resident known to all as Rob, spearheaded a campaign to save the Southeast Lighthouse, which was threatened by an eroding shoreline. With a coalition of friends and local residents, Rob worked to secure nearly \$1 million in Federal funding and he persuaded Block Islanders to help raise \$270,000 through donations.

I must also applaud the efforts of John Chafee and Claiborne Pell, my predecessors—particularly Senator Chafee—who worked hard to ensure support for the movement of the Southeast Lighthouse. Their efforts, in conjunction with Federal and State leaders, saved this historic landmark, which still stands today.

Block Island is not only unique for its rich history; it also has a beautiful landscape.

Over 40 percent of the Island is now preserved land. The Island boasts dramatic bluffs, pristine beaches, and 25 miles of public hiking trails. Over 40 kinds of endangered species call Block Island home and thousands of migratory birds pass through each year making this a truly exceptional place.

Indeed, Block Island was included on the Nature Conservancy's list of "Last Great Places." This honor identifies



sites in the Western Hemisphere with significant biodiversity and ecosystems with rare or endangered species.

Generations of Block Islanders have preserved what the Narragansett Indian tribe called "God's Little Island." As we celebrate the 350th anniversary of Block Island's settlement, it is fitting that we recognize and congratulate Block Islanders for all of their efforts to preserve one of our country's most treasured places.

I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. Mr. President, I rise today to join my colleague Senator REED in commemorating the 350th anniversary of Block Island and thank him for his leadership in this moment of recognition.

Every Rhode Islander can recall their first trip to Block Island. For most it starts with a drive down to Galilee where countless visitors have boarded the Block Island ferries—the Carol Jean, the Block Island, and the Anna C. The ride from Galilee lasts about an hour, winding out of the Pt. Judith harbor of refuge and into the open ocean. And as the mainland—with all its cares and concerns—slips away off the stern a small speck on the horizon ahead grows larger with each passing minute. Soon the great bluffs of the island come into view, followed by the friendly hustle and bustle of Old Harbor.

As the ferry pulls into dock, the full scene unfolds: the National Hotel, Ballard's Inn, the docks and moorings, and all the shops and restaurants along Water Street. As you step ashore, you can't help but feel enchanted by the scene. A mere 12 miles separate the island from the mainland of our Ocean State, but it can easily seem a world away.

Generations of young Rhode Islanders have made that trip, and most of them will continue returning, year after year, only to find with a sigh of relief that the scene is just as they left it. It is no wonder that the Nature Conservancy has named Block Island as one of the Earth's "Last Great Places."

Formed by a receding glacier thousands of years ago, the land was first inhabited by the Narragansett Indians, who named their home "Island of the Little God." It took its modern name from Adrian Block, a Dutch explorer who charted the island in 1614. It was later settled by a group of families from Massachusetts in 1661—350 years ago this year. In the centuries since, Block Island has been occupied by British Redcoats during the War of 1812, served as home to artillery spotters in World War II, and become a favorite destination for sailors, fishermen, and families across the region.

Today the island is a mainstay of Rhode Island's tourism industry. The Southeast Lighthouse is one of the many "must-see's" for Ocean State tourists, right up there with historic

Newport and Slater Mill. And the jobs generated by Block Island—from the ferry workers to the shop owners—are a real help to our economy in these tough times.

Today I join with Senator REED to commemorate 350 years of history for the people of New Shoreham. Congratulations on this historic milestone.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

#### RIGHT-TO-WORK LAW

Mr. ALEXANDER. Mr. President, next Tuesday, the Nation's largest exporter and employer of more than 150,000 Americans will be appearing before an administrative judge in Seattle to defend itself against a claim brought by the acting general counsel of the National Labor Relations Board, NLRB. The claim is that a corporate decision to expand production of its next generation airliner in South Carolina, a right-to-work State, was a violation of Federal labor law.

Since 1947, Federal law has affirmed the right of States to enact what we call right-to-work laws, which prevent unions and employers from requiring employees to join a union, as well as pay dues or fees, in order to obtain or keep their job.

In Tennessee, for example, manufacturers such as Nissan, Volkswagen, and General Motors have built factories and increased their production of cars made and sold in the United States, in large part due to the environment offered by Tennessee's right-to-work law.

The President recently visited a Chrysler plant in Toledo, OH, where he stated that the auto bailout helped to restore the American automobile industry. I respectfully disagree. I think that what restored the American automobile industry was the right-to-work laws in 22 States, by creating a more competitive environment in those 22 States, as well as in the Midwest and other States where the laws don't exist, and permitting manufacturers to be able to make the cars and trucks in the United States that they sell in the United States.

Unfortunately, American companies and our 22 right-to-work States are under assault from a government agency that is driven by an antibusiness, antigrowth, and antijobs agenda. This may be the most important battle over labor laws in the United States today. That is why Senator GRAHAM, Senator DEMINT, and I—actually, we have 35 Senators cosponsoring the bill—introduced legislation to preserve the law's current protection of state right-to-work laws and prevent the NLRB from moving forward in their case against this company and others.

The Job Protection Act will prevent the NLRB from ordering a company to relocate jobs, will guarantee employer rights to decide where to do business,

and will protect employer free speech associated with the costs and benefits of a unionized workforce.

The company that will be tried on Tuesday is Boeing—a solid and upstanding American success story. Over the last century, Boeing has built the passenger planes that allow Americans to travel the world; built the warplanes and weaponry that enable our soldiers, sailors, marines, and airmen to defend freedom; built the spacecrafts that send our astronauts into orbit and to the Moon; and built the satellites that deliver communications around the globe.

Boeing's newest commercial passenger airliner is the 787 Dreamliner. It is a shining example of American innovation and entrepreneurship. It has been designed with a paramount focus on efficiency and performance, to allow a mid-sized aircraft to travel as far as a jumbo jet, while using 20 percent less fuel and producing 20 percent less emissions than today's similarly sized aircraft, and while traveling at roughly the same speed as a 747 or 777.

It has also been a tremendous commercial success despite these difficult economic times. Since 2004, 56 customers, spanning 6 continents, have placed orders for 835 Dreamliners, valued at \$162 billion.

President Obama has recognized the leadership of this company. He named the chief executive officer of Boeing, Mr. Jim McNerney, as cochairman of the President's Export Council. And more recently, he nominated Mr. John Bryson, who serves on the Boeing Board of Directors, to be the Nation's Commerce Secretary.

The Dreamliner's success prompted Boeing to decide in 2009—2 years ago—to establish a second assembly line for the airliner in South Carolina. This is in addition to its current assembly line in Washington State. South Carolina is a right-to-work State and Washington is not.

On Tuesday, the NLRB acting general counsel will ask an administrative judge in Seattle to stop Boeing from expanding production in South Carolina, arguing that the decision was made in retaliation for past strikes by union employees in Washington. That claim ignores these facts: No union jobs are being lost here; nobody is being demoted; no personnel are being moved; and no benefits, salaries, or work hours are being cut back as a result of this expansion. It further ignores the fact that Boeing's decision was announced, as I have said, nearly 2 years ago.

Down in South Carolina, 1,200 construction jobs have been created and over 500 new workers have been hired by Boeing to work at this assembly plant, which is supposed to open next month, in July. At the same time, Boeing has actually added 2,000 new jobs in Washington State since the announced

expansion in South Carolina. That is 2,000 new union jobs in Washington State.

South Carolina, of course, is a right-to-work State, where employees may choose to join or not join the union. Suspending Boeing's expansion will result in billions of dollars of lost economic development and jobs to that State. But, the NLRB's acting general counsel doesn't seem to care about these facts, or the impact of this case on those jobs. Recently, several Boeing employees in South Carolina, whose jobs are hanging in the balance, asked to intervene in the case. The acting general counsel opposed the request, stating that "these Boeing employees in South Carolina have no cognizable interest in participating in the proceeding sufficient to justify their intervention."

It is hard to imagine anybody with a more direct interest in this than the Boeing workers in South Carolina.

Facts like these don't seem to matter when you have an agenda. This case is about more than airplanes, more than Boeing, and more than South Carolina. This case is about the future of our economy and our competitiveness as a nation. It is the latest attempt by this administration to chip away at right-to-work laws, to change the rules and give unions more leverage over employers, and to allow politically influenced bureaucrats in Washington determine the means of production for private industry in the United States.

If the acting general counsel's request is affirmed following next week's hearing, it will be *prima facie* illegal for a company that has experienced repeated strikes to move production to a State with a right-to-work law. The CEO of Boeing pointed out that this will not only hurt the 22 right-to-work States. It will also hurt States that do not have right-to-work laws. Those non-right-to-work States will suffer because a company that operates in their State and is unionized will effectively be prevented from growing or expanding to a right-to-work State, therefore hindering the ability of any State to attract new manufacturers and create new jobs.

So, instead of making it easier and cheaper to create jobs in the United States, manufacturers will be further incentivized to expand or open new facilities in Mexico, China, or India to meet their growing needs. Boeing and its 787 Dreamliner are shining examples of what is right in America and what is necessary to rebuild and grow our country's economy.

This new jetliner assembly plant in South Carolina is the first one to be built in the U.S. in 40 years. We need to remember that Boeing sells airplanes everywhere in the world and it can make airplanes anywhere in the world. But, we would like for Boeing and other manufacturers to make in the

United States what they sell in the United States, so that jobs can stay and grow in this country, instead of moving overseas.

As this Administration's Commerce Secretary, Gary Locke, correctly observed in his March testimony before the Senate Committee on Commerce, Science, and Transportation:

Manufacturing is essential to America's economic competitiveness. . . . [it] is a vital source of good middle-class jobs. It is a key driver of innovation.

With 9.1 percent unemployment, with a soft economy, government and Washington must allow manufacturers such as Boeing to prosper, innovate, and create jobs. We need to make it easier and cheaper for those manufacturers to make in the United States what they sell in the United States.

Expanding new production lines in South Carolina was a business decision made by Boeing's executives and board members, on behalf of their shareholders, who believed it was in the company's best interests. As I mentioned, those board members and executives are well respected, including by the President of the United States, who has invited many them to be a part of his Administration.

But under this Administration, the NLRB Acting General Counsel seems only concerned about the interests and agenda of organized labor—an agenda that has been soundly rejected by the vast majority of private sector workers in both right-to-work and non-right-to-work States across the country in recent years.

All eyes will be on Seattle next Tuesday, when one of our Nation's greatest assets and contributors to our economic future will be put on trial for investing, creating, and innovating at a time when we are in the middle of an economic recession. This will be a true test of whether manufacturers are able to make in the United States what they sell in the United States, or whether they will be encouraged to make overseas what they sell in the United States. It will test whether they put jobs over there, instead of creating them here. And it will test whether the Administration's economic policy is exporting airplanes or exporting jobs.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

#### GLOBAL WARMING

Mr. WHITEHOUSE. Mr. President, I am here this afternoon because, on

May 12, 2011, the National Academy of Sciences released a significant report entitled "America's Climate Choices." In 2007, Congress directed the academy to write this report. The researchers who contributed to the report include scientists, economists, and policymakers from world-class institutions such as the Oak Ridge National Laboratory, DuPont, and MIT. The list of the States from which the committee comes is very broad: California—scientists came from—North Carolina, Maryland, Georgia, Virginia, Michigan, Wyoming, Washington State, Tennessee, Arizona, Missouri, Massachusetts, New York, New Jersey, Colorado, and Texas. The report was peer reviewed.

I ask unanimous consent that at the end of my remarks the list of the committee, which is page V of the report, be printed as an exhibit.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. WHITEHOUSE. The report was peer reviewed by academic reviewers from such universities as Stanford, the University of Texas, the University of South Carolina, Harvard, and Carnegie Mellon. Yet this significant report, requested by Congress, drafted by experts, peer reviewed by science, has fallen on deaf ears in our Nation's Capital. Why is this? Is it because the report addresses a problem we have already solved? No. Is it because the report tells us not to worry? No; it is not that either. The report, "America's Climate Choices," adds to the body of climate science evidence and reflects the clear consensus of the scientific community, which is that carbon pollution is creating dangers across our planet and must be addressed if we are to avoid its most disastrous consequences.

These are the facts in the report:

Climate change is occurring. It is very likely caused by human activities and poses significant risks for a broad range of human and natural systems.

Are we prepared for these significant risks? No, we are not, concludes the report. I quote again:

The United States lacks an overarching national strategy to respond to climate change.

The report warns further:

Waiting for unacceptable impacts to occur before taking action is imprudent because the effects of greenhouse gas emissions do not fully manifest themselves for decades and, once manifested . . . will persist for hundreds or even thousands of years.

Starkly, the report calls on us now to begin mobilizing for adaptation. The precise quote: "Begin mobilizing now for adaptation."

The report is an urgent call to action by a widespread group of our most responsible scientists, peer reviewed by our most responsible universities. Why, then, is it being ignored? I believe many of my colleagues are ignoring

this report because they are hoping this problem of carbon pollution changing the atmosphere and the climate of our planet will go away. They are hoping that somehow, if we don't discuss it—indeed, if we deny it—climate change will not happen. If we ignore the laws of physics and chemistry and biology, those laws may cease to apply to us. We can repeal a lot of laws in this Senate, but we cannot repeal the laws of nature, and we are fools to ignore them.

Some even attack the underlying science; this is a strategy that is as old as industry reaction to science industry does not like. A recent book looked at the EPA efforts to protect us from secondhand smoke at a time when the tobacco industry wanted the unregulated ability to smoke and did not want people protected from secondhand smoke and pretended secondhand smoke was not dangerous. The writers conclude:

Most of the science upon which the EPA relied with respect to secondhand smoke was independent, so attacks on the EPA wouldn't work alone. They have to be coupled with attacks on the science itself.

A memo from Philip Morris's communications director, Victor Han, said the following:

Without a major concentrated effort to expose the scientific weaknesses of the EPA case, without an effort to build considerable reasonable doubt, then virtually all other efforts will be significantly diminished in effectiveness.

In other words, in order to create doubt, they had to attack the science directly, and they have done so, to the point where Mr. Han said the EPA is an agency that is, at least, misguided and aggressive and, at worst, corrupt and controlled by environmental terrorists.

So it is not a news story for industry to try to deny the science that shows the danger of what an industry is providing. But these attacks simply will not stand. The facts are too strong against them.

Over the last 800,000 years, Earth's atmosphere has contained CO<sub>2</sub> levels of 170 to 300 parts per million. That is solid science. That is a fact. That is not a theory. It is not in dispute. That is the range within which humankind has lived for 8,000 centuries. By the way, it is not clear that 8,000 centuries ago mankind had yet mastered the art of controlling fire. Essentially, the entirety of human history has taken place within that bandwidth of 170 to 300 parts per million of carbon dioxide in our atmosphere.

In 1863, the Irish scientist John Tyndall determined that carbon dioxide in the atmosphere trapped heat and trapped more heat as the concentration of carbon dioxide increases. That is textbook science. It has been textbook science for generations. That is not in dispute either.

Since the Industrial Revolution, our industrialized societies had burned car-

bon fuels in measurable amounts, usually measured as gigatons or metric tons. A gigaton, by the way, is a billion, with a B, metric tons. We now release, depending on the year, up to 7 or 8 gigatons—7 or 8 billion metric tons—each year. That is not in dispute either.

We now measure carbon concentrations going up in the Earth's atmosphere. Again, that is a measurement. This is not a theory. The present concentration exceeds 390 parts per million. Remember, for 8,000 centuries, humanity has existed in a bandwidth of 170 to 300 parts per million, and we are now at 390 parts per million—well outside the bounds we have inhabited for the last 800,000 years. That also is not in dispute. That is a fact.

"America's Climate Choices" documents the changes in climate that have already been observed and measured in the United States. Again, not theory but documented, measured, and observed. These are also not in dispute. Over the past 50 years, our U.S. average air temperature has increased by more than two degrees Fahrenheit. Our total U.S. precipitation has increased, on average, by about 5 percent. Sea levels have risen along most of the U.S. coasts. Heavy downpours have become more frequent and more intense in the Southeastern and Western United States and the frequency of large wildfires and the length of the fire season have increased substantially in both the Western United States and in the Presiding Officer's home State of Alaska.

If we take a look at the increase in carbon concentrations in our atmosphere, they can be plotted. Today is one of the last days our pages are with us after many months, and they have been here in school in the very early mornings. They have been learning mathematics, and it wouldn't surprise me if our pages were able to take a series of points and plot a trajectory off of those points. That is not a complicated scientific endeavor. If we plot the trajectory of our carbon concentration, it puts us at 688 parts per million in the year 2095, and 1,097 parts per million in the year 2195. That is a pretty long way off, but when we think that for 800,000 years we have inhabited a planet in which the carbon concentration in the atmosphere was between 170 and 700 parts per million and in a matter of a century and a little more we will have more than doubled that concentration and another century hence another 300 points up, that is a very significant—indeed, an epic—shift. These carbon concentrations are outside the bounds not of the last 8,000 centuries but of millions of years of this planet's history.

The National Academy of Science report warns us this way as well:

In addition to the potential impacts that we are able to identify, there is a real possi-

bility of impacts that have not been anticipated.

Let me say that again:

In addition to the potential impacts that we are able to identify, there is a real possibility of impacts that have not been anticipated.

When we travel outside a range that has protected our species and our planet for 8,000 centuries, we create forces that are hard to anticipate and, consequently, could create dangers that are hard to anticipate.

This National Academy of Sciences report does not just stop at cataloging the effects of climate change, however. As requested by Congress and as indicated by the report's title—"America's Climate Choices"—the report lays out the choices we have moving forward, if only we will acknowledge the facts of this problem and act responsibly.

The laws of nature, of course, do not care if we are paying attention. Climate change is happening and it poses grave risks to us and it will go forward whether or not we choose to acknowledge it. As I said earlier, we can do a lot of repealing of laws in this Senate, but we don't get to repeal the laws of nature. There are real risks we are facing, but there are also many positive reasons we should address the problem of carbon pollution. Developing clean and truly renewable energy sources and working to run our American businesses more efficiently will help us retain our economic leadership in the global marketplace, and that means jobs for Americans.

Here is the report again on the potential harm to our economy if we don't invest in a clean energy future:

The European Union has already increased its reliance on renewable energy and put a price on CO<sub>2</sub> emissions from major sources without detectable adverse economic effects. China has placed low carbon and clean energy industries at the heart of the country's strategy for industrial growth, and is making large scale public investments (for instance, in "smart grid" energy transmission systems) to support this growth. . . . Firms operating in the United States could find themselves increasingly out of step with the rest of the world and without the same robust domestic markets for climate-friendly products. Moreover, U.S. firms in energy-intensive sectors could be disadvantaged relative to their more energy efficient foreign competitors if energy prices rise in coming decades. . . .

That is no idle speculation. We are already seeing the United States fall behind in clean energy technologies. We invented the first solar cell. We now rank fifth among the countries that manufacture solar components—fifth. The United States has only 1 of the top 10 companies manufacturing solar energy components and only 1 of the top 10 companies manufacturing wind turbines.

Half of America's installed wind turbines were manufactured overseas. Portsmouth, RI, has installed two wind turbines. One was manufactured by a

Danish company. The other was manufactured by an Austrian company, its components delivered to Rhode Island by a Canadian distributor. Imagine if we drove demand for domestic manufacturing of wind turbines, of solar cells and panels, of rechargeable batteries. Imagine the people we could put back to work, the factories we could reopen, the energy this growth would infuse into our economy.

The new energy economy that beckons us has been described in congressional testimony as bigger than the tech revolution that brought us our laptops and our iPads and these BlackBerries, and the Internet services that are now such an important part of our daily lives, whether we Twitter or go on eBay or shop Amazon or do Facebook. In 15 years, that Internet grew from nothing to a \$1 trillion economy—a \$1 trillion economy. By comparison, the global energy economy is \$6 trillion. We do not, as a country, want to fall out of the race to control that new energy economy. Yet that is exactly what we are doing.

America designed much of the underlying energy technology the world is using. But other countries have set smart policies and provided financial incentives to their industries, and now they are pulling away from us in bringing those new technologies to market. A \$6 trillion market, and our foreign competitors are pulling away from us in bringing our own technologies to that market. Our competitors are seizing the advantage in the development and deployment of new energy technologies, and we are letting them.

But we can still change this trajectory. We can face up to the facts of climate change, see the opportunity in that looming threat, strengthen our economy, and create jobs. The National Academy of Sciences report is just one more reminder of this historic charge to our Congress—a historic charge at which right now we are failing in our duty.

I thank the Presiding Officer.

I yield the floor.

#### EXHIBIT 1

#### COMMITTEE ON AMERICA'S CLIMATE CHOICES

ALBERT CARNESALE (Chair), University of California, Los Angeles

WILLIAM CHAMEIDES (Vice-Chair), Duke University, Durham, North Carolina

DONALD F. BOESCH, University of Maryland Center for Environmental Science, Cambridge

MARILYN A. BROWN, Georgia Institute of Technology, Atlanta

JONATHAN CANNON, University of Virginia, Charlottesville

THOMAS DIETZ, Michigan State University, East Lansing

GEORGE C. EADS, Charles River Associates, Washington, D.C.

ROBERT W. FRI, Resources for the Future, Washington, D.C.

JAMES E. GERINGER, Environmental Systems Research Institute, Cheyenne, Wyoming

DENNIS L. HARTMANN, University of Washington, Seattle

CHARLES O. HOLLIDAY, JR., DuPont (Ret.), Nashville, Tennessee

KATHARINE L. JACOBS,\* Arizona Water Institute, Tucson

THOMAS KARL,\* NOAA, Asheville, North Carolina

DIANA M. LIVERMAN, University of Arizona, Tucson, and University of Oxford, UK

PAMELA A. MATSON, Stanford University, California

PETER H. RAVEN, Missouri Botanical Garden, St. Louis

RICHARD SCHMALENSEE, Massachusetts Institute of Technology, Cambridge

PHILIP R. SHARP, Resources for the Future, Washington, D.C.

PEGGY M. SHEPARD, WE ACT for Environmental Justice, New York, New York

ROBERT H. SOCOLOW, Princeton University, New Jersey

SUSAN SOLOMON, National Oceanic and Atmospheric Administration, Boulder, Colorado

BJORN STIGSON, World Business Council for Sustainable Development, Geneva, Switzerland

THOMAS J. WILBANKS, Oak Ridge National Laboratory, Tennessee

PETER ZANDAN, Public Strategies, Inc., Austin, Texas

Asterisks (\*) denote members who resigned during the course of the study.

#### FLANDERS FIELD ADDRESS

Mr. CARDIN. Mr. President, on May 29 our colleague, the senior Senator from Vermont, commemorated Memorial Day with a visit to Flanders Field American Cemetery and Memorial in Waregem, Belgium. The Flanders region, of course, was made famous by Canadian physician and LTC John McCrae, who wrote the poem "In Flanders Fields" on May 3, 1915, after he witnessed the death of his friend, LT Alexis Helmer, 22 years old, the day before. While Senator LEAHY visited the cemetery, which serves as a resting place for many American soldiers killed during World War I, he made brief but eloquent remarks in honor of those brave men and women who have made the ultimate sacrifice for freedom and justice. His remarks follow and I commend them to my colleagues and everyone else who reads the CONGRESSIONAL RECORD as a most fitting Memorial Day tribute:

We are gathered in a cemetery consecrated by the sacrifice of soldiers of our countries who died in the final days of what, in their time, was called the "Great War" and "The War To End All Wars."

It was a battle so fierce that almost a century later, as we gaze across their places of rest, we can still feel their valor and their anguish. These crosses, row on row, carry remembrance forward, and so does the annual reappearance of the poppies in these fields.

Like the Vermonters who have fallen in Afghanistan and Iraq, and their numberless comrades in conflicts before and after the strife of these nearby battlefields, these brave soldiers made no appointment with death. We hail these fallen patriots for braving the violence and tragedy of war.

But more than that, we honor our fallen here because they sacrificed all for a cause larger than themselves—defending human-

ity, freedom, and the ties of family and friendship that irrevocably bind our countries together.

They were of a generation of Americans, Belgians, British, and French who fought, shoulder to shoulder, and gave their all so we and others could live in freedom.

Four of them were sons of the states of Alabama and Iowa, which two of my Senate colleagues, who are here today, represent.

I am the second United States senator to speak at this solemn resting place. The first was Senator Francis Ryan Duffy of the state of Wisconsin, who came to dedicate the chapel, 74 years ago.

It is worth recalling what Senator Duffy said here in 1937, as the spreading shadow of war was once again darkening Europe:

He said:

"If the boys who are buried out here could sit up in their graves and speak to us today, it would be to give voice to the agonizing question—'Cannot some other means be found to settle international disputes?'"

Just two years later the world was plunged into the Second World War, and every generation of Americans since has known war's brutality.

Across the globe, in the century since then, innocent civilians increasingly have joined the ranks of those in uniform as the victims of war.

Over the years, standing with families from Vermont as they bid farewell to loved ones sent away to fight, I have seen the terrible costs: wives and children left alone, parents who must bury a child.

Lives with so much possibility suddenly cut short, as were those of the soldiers we honor here.

The men who sacrificed everything at Flanders Field—and who are commemorated so vividly through Colonel John McCrae's poetic tribute, heard 'round the world—believed that some things are worth fighting for.

They knew that vanquishing tyranny, and defending the ideals our countries share, were among them. Of course those same values are worth pursuing peacefully. Our obligation to our fallen, and to all of humanity, is to use every peaceful means at our disposal before committing any of our countrymen to battle.

We are here today to solemnly affirm that we remember their sacrifice, and that we will never forget.

#### RECOGNIZING THE CARBONE AUTO GROUP

Mr. LEAHY. Mr. President, I would like to bring to the Senate's attention the hard work, dedication, and perseverance of the Carbone Auto Group in Bennington, VT. The Carbone Auto Group is celebrating its recent showroom expansion, where they have merged their Ford, Hyundai, Honda, and Toyota dealerships.

From its first garage in 1933, to its 25 franchises currently running across Vermont and central New York, the Carbone Auto Group is an award-winning business that has garnered many regional and national accolades. Approaching eight decades in business, the Carbone Auto Group deserves recognition for its diligence in running such a prosperous family-owned business. The company's longevity and success is a testament to its dedicated

staff members and management—particularly the founding partners, Joe Carbone and Phil Sacco. The hub of the auto group, Don-Al Management Company, Inc., is now managed by third-generation family members Joe, Don, Jr., Enessa, and Alex.

The Carbone Auto Group has helped hundreds of Vermonters purchase vehicles over the years, and it has created numerous Vermont jobs. I am pleased to see this local business celebrate its recent expansion, and I wish them continued success in the future.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JAMES J. HAGGERTY

• Mr. CASEY. Mr. President, today I wish to pay tribute to the late James J. Haggerty of Dunmore, PA. Jim was my good friend and on Sunday, June 12, he would have celebrated his 75th birthday. He died this past February 8.

Jim and his wife Celia were married for 40 years and they were the parents of seven loving children: Jean, Mauri, James, Matthew, Cecelia, Daniel and Kathleen.

Jim was raised in Dunmore and graduated from Scranton Preparatory School. After graduating from the College of the Holy Cross in 1957, Jim graduated with honors from Georgetown Law School. He returned home to northeastern Pennsylvania to become the first law clerk to U.S. District Court Judge William J. Nealon. Jim's passion for public service led him to run for Congress in 1964 and State senate in 1966. While he was not successful in those campaigns, Jim was undeterred in his efforts to serve the people of Pennsylvania. For the next 40 years, he was a close friend and an ever-faithful supporter of my father Robert P. Casey and me in all of our campaigns for public office in Pennsylvania. Jim was a brilliant lawyer and he had a very successful law practice in Scranton for many years.

When my father was elected Governor in 1986, Jim came to Harrisburg to serve the people, first as secretary of the Commonwealth and then as general counsel. Jim's friendship and counsel served Governor Casey well during his two terms. He handled his responsibilities with integrity and a deep commitment to public service. He believed, as the Scriptures tell us, that "to whom much is given, much is expected."

After his years in State government, Jim welcomed me as a law partner. He mentored me in life as much as in the law. He understood the call to serve and supported me generously when I decided to seek public office.

Jim's life was a life of hard work and service, faith and family. No personal or professional accomplishments outweighed the love he had for Celia, his children and 18 grandchildren.

While we are all saddened that we cannot spend his birthday with him, we will be comforted that he leaves us his example. As his good friend Frank J. McDonnell said at Jim's funeral mass, Jim embodied the words from scripture that "a faithful friend is a sturdy shelter; he who finds one has found a treasure." For my family and many others in northeastern Pennsylvania, Jim Haggerty was our faithful friend and, for his family, a sturdy shelter of caring and love.

Happy Birthday, Jim. We miss you every day.

I ask to have printed in the RECORD the Scranton Times obituary from February 11–13, 2011.

The information follows.

##### JAMES J. HAGGERTY

Attorney James J. Haggerty of Dunmore died Tuesday in Naples, Fla. His wife is the former Cecelia Lynett. The couple would have celebrated 45 years of marriage on Feb. 19.

Born in Scranton, son of the late James J. and Margaret Kearney Haggerty Cummings, he was a graduate of Scranton Preparatory School, the College of the Holy Cross and Georgetown University Law Center, where he was a member of the Law Review. He received honorary degrees from Villanova University and the University of Scranton. Jim served active duty in the Army Infantry and as a member of the Pennsylvania National Guard and Army Reserve. Jim served as law clerk to the Honorable William J. Nealon, chief judge, U.S. District Court, Middle District of Pennsylvania. A lifelong friend and adviser to former Gov. Robert P. Casey, Jim served as the secretary of the commonwealth and later as general counsel to the late governor. At the time of his death, Jim was a partner in the Scranton law firm of Haggerty, McDonnell & Hinton, formerly Casey, Haggerty & McDonnell and later Haggerty, McDonnell & O'Brien. He also served as president of the Lackawanna County Bar Association and was a permanent member of the Third Circuit Judicial Conference. Jim served as chairman of the board of trustees for the University of Scranton and Scranton Preparatory School. He was president of the Friendly Sons of St. Patrick of Lackawanna County and served as director of the Greater Scranton Chamber of Commerce and the United Way of Lackawanna County. Jim was also a member of the board of directors at the Country Club of Scranton and First National Community Bank.

Jim was a loving and vibrant man, known to close friends as "the Big Fella," and recognized by countless others who had the privilege to befriend him as larger than life. Jim had a renowned sense of humor and an ease with people that endeared him to all whose lives he touched. His infectious personality was outdone by his impressive professional accomplishments as a successful lawyer. He was respected by his peers and revered by fellow members of the bar for his honesty, ethics and fair dealing. He ranks among the most loyal Dunmoreans and Democrats of all time. Loyalty was paramount to his very being. Above all, Jim was a devoted husband, father and grandfather and the most positive role model to those he loved so dearly. His favorite times were spent with his sons and friends golfing at the Country Club of Scranton, and he most relished time spent with family. Summers in

Avalon, N.J. with his wife, children and grandchildren brought him indescribable joy. Jim's generosity in life continued as an organ donor.

Also surviving are seven children, Jean McGrath and husband, Christopher, Dunmore; Mauri Collins and husband, Joseph, Scottsdale, Ariz.; James J. Haggerty, Jr. and fiancée, Wendy Lettieri, Scranton; Matthew and wife, Christina O'Brien Haggerty, Scranton; Cecelia O'Rourke and husband, James, New York, N.Y.; Daniel Haggerty and fiancée, Meghan Stott, Wilkes-Barre; and Kathleen James and husband, Brian, Scranton; 18 grandchildren, James, Christopher, Cecelia, Nora and Margaret McGrath; Clare, Catherine, Cecelia, Rita and Elizabeth Collins; Abigail, Caroline, Cecelia and Matthew Haggerty; Brian, Patrick, Edward and Margaret James; and several nieces and nephews. He was also preceded in death by a brother, Joseph O. Haggerty; and his stepfather, John P. Cummings.●

#### HONORAIR

• Ms. LANDRIEU. Mr. President, I wish to speak about a very special flight that just took place. The Louisiana HonorAir flight that came into Washington on Saturday, May 28, included a group of 77 World War II veterans from Louisiana. These veterans visited the various memorials and monuments that recognize the sacrifices of our Nation's invaluable military members.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this latest trip—its 22nd flight—to the Nation's Capital. The organization honors surviving Louisiana World War II veterans by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans visited the World War II, Korea, Vietnam and Iwo Jima memorials. They traveled to Arlington National Cemetery to lay a wreath on the Tomb of the Unknown Soldier.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there are roughly 21,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. The oldest in this HonorAir group was born in 1915 and 7 veterans on this HonorAir flight were women. These veterans served in various branches of the military—20 Army, 26 Navy, 12 Army Air Corps, 11 Marines, 1 Coast Guard, and 7 in women's services.

Our heroes served across the globe, participating in major invasions such as those at Iwo Jima, Okinawa, Guadalcanal, Leyte, the Philippines, and southern France. One was a prisoner of war who also received the Army of Occupation medal, while others fought in the historic Battle of the Bulge or at Pearl Harbor during the infamous attack in 1941. Many of these veterans have been decorated with honors such as the Purple Heart or the Bronze Star Medal.

These men and women, who have given so much for our country, truly represent our greatest generation. I ask the Senate to join me in honoring these 77 veterans, all Louisiana heroes, that we welcomed to Washington on May 28 and Louisiana HonorAir for making these trips a reality.●

#### TRIBUTE TO DAVID CRAIG

● Mrs. MURRAY. Mr. President on behalf of Senator CANTWELL and myself, it is with great privilege that I congratulate a hard-working Washingtonian, Mr. David Craig, on his well-deserved retirement on June 23, 2011, after forty seven years of dedicated service to the students of Highline High School.

Mr. Craig taught business in classroom 216 at Highline High School for his entire career. To put his extraordinary longevity in perspective, Mr. Craig's first graduating class were 18 years old during the 1964-1965 school year. During that same year, President Lyndon Johnson declared war on poverty and signed the 1964 Civil Rights Act; Beatlemania was sweeping the globe, and Muhammad Ali was named the heavy weight champion of the world. Today, those 18-year-old students are now senior citizens.

Over the course of five decades, Mr. Craig has touched the lives of over 10,000 students. He had the pleasure, as few teachers do, of having his children, Michael and Shelley, as students. He taught Royce Badley, now his co-worker and Academic Dean of Students for the Highline High School, and Shaya Calvo, now senior prosecuting attorney for King County. He has also seen his share of tragedies, including losing students to conflicts in Vietnam, Iraq, and Afghanistan. Yet he is consistently reminded of the joy of teaching, seeing it not only in the young people he continues to help today, but also in the frequent encounters he has with former students in his day-to-day life.

It is important moments such as the retirement of a great teacher that we reflect on their impact on their school and community. In assessing the legacy of a teacher like Dave Craig, Henry Adams perhaps said it best: "a teacher affects eternity; he can never tell where his influence stops." The legacy that Dave Craig leaves is one that has

positively affected the lives of thousands of young people, giving them one of the greatest gifts America can bestow upon its citizenry: the gift of education. As a teacher, Dave Craig has served his school, his community, his country and most importantly his students with enthusiasm and dedication. We should all be very thankful for his selfless devotion to Highline High School.

On behalf of all Washingtonians, we commend David for his many years of commitment to our State. His knowledge, experience, and loyalty to education will be sorely missed. We congratulate David and wish he and his wife Paula the best of luck in their future endeavors.●

#### RECOGNIZING TOWLE'S HARDWARE AND LUMBER STORE

● Ms. SNOWE. Mr. President, while our efforts here in Washington regarding small business are often focused on how to help start new companies, our economy also relies on those small firms which have been in operation for generation after generation. One such small business, Towle's Hardware & Lumber Store in Dixfield, this week celebrates its 100th anniversary. Today I commend Towle's for its remarkable achievement and highlight its tremendous story.

Towle's Hardware and Lumber Store opened its doors in 1911 as C.H. Towle's Hardware, when Charles Towle purchased the former Stockbridge Hardware Store on Weld Street in Dixfield. At that time, Towle's offered its customers a wide variety of basic necessities, from paint, lumber, and tools, to cast iron stoves, electric and gas refrigerators, and even John Deere tractors.

The Towle family considers the company's long-term success and longevity as byproducts of its work ethic, attention to customer service, and decision to sell quality products at reasonable prices. Indeed, over the years, the business has expanded in size, installed an elevator, and opened a package shipping operation in the 1980s. In the 1960s, Towle's joined American Hardware, one of the Nation's earlier co-operative hardware companies, and to this day it remains a member of True Value, with which American Hardware later merged. In 2008, Towle's Hardware moved into a new 6,000-square-foot location just a few yards from the old location. That same year the family also opened the Towle's Corner Store to serve the community in even more ways.

This week, Towle's is holding a week-long celebration of the company's centennial. Events include free product giveaways, raffles for Towle's gift certificates and other prizes, and a recognition ceremony for the company, which includes the presentation of a special plaque to Towle's in honor of

its centennial by officials from the town of Dixfield and True Value.

Small businesses like Towle's Hardware are the heart and soul of our Nation's communities. Main Streets across America are chock full of restaurants, grocery stores, and shopping boutiques which provide citizens with the goods and wares they need. Towle's Hardware and Lumber is a prime example of a small business that has persevered through turbulent economic times—from the Great Depression to the most recent recession—time and time again. I congratulate everyone at Towle's for their major milestone and wish them many more years of accomplishment.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1991. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Snapper Management Measures" (RIN0648-BA54) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1992. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Greater Amberjack Management Measures" (RIN0648-BA48) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1993. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XA403) received during adjournment of the Senate in the Office of



the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1994. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA442) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1995. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic" (RIN0648-XA195) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1996. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Training Operations Conducted Within the Gulf of Mexico Range Complex" (RIN0648-XA86) received during adjournment of the Senate in the Office of the President of the Senate on June 1, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1997. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; West Coast Salmon Fisheries; 2011 Management Measures" (RIN0648-XA184) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1998. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model AB412 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-0452)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1999. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Skate Complex Fishery; Framework Adjustment 1" (RIN0648-BA91) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2000. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" ((RIN0648-BA01) (RIN0648-BA95)) received in the Office of the President of the Senate on June 6, 2011; to

the Committee on Commerce, Science, and Transportation.

EC-2001. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" (RIN0648-BA01) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2002. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards No. 218; Motorcycle Helmets Upgrade" (RIN2127-AK15) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2003. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-300C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-2008-1098)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2004. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Regional Aircraft Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0230)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2005. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, and EC130 B4 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-1228)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2006. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0468)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2007. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (68); Amdt. No. 3427" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Com-

mittee on Commerce, Science, and Transportation.

EC-2008. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (84); Amdt. No. 3426" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2009. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (97); Amdt. No. 3424" (RIN2120-AA65) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2010. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (12); Amdt. No. 3425" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2011. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ohio River, Sewickley, PA" ((RIN1625-AA00) (Docket No. USCG-2011-0253)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2012. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Coast Guard Use of Force Training Exercises, San Pablo Bay, CA" ((RIN1625-AA00) (Docket No. USCG-2009-0324)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2013. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Red River" ((RIN1625-AA00) (Docket No. USCG-2011-0260)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2014. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fireworks Display Kanawha River, WV" ((RIN1625-AA00) (Docket No. USCG-2010-1015)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2015. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fleet Week Maritime Festival, Pier 66, Elliott Bay, Seattle, WA" ((RIN1625-AA00) (Docket No. USCG-2010-0062)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2016. A communication from the Attorney Advisor, U.S. Coast Guard, Department



of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Marysville Days Fireworks, St. Clair River, Marysville, MI" ((RIN1625-AA00)(Docket No. USCG-2011-0190)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2017. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Wicomico Community Fireworks, Great Wicomico River, Mila, VA" ((RIN1625-AA00)(Docket No. USCG-2011-0390)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2018. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Underwater Hazard, Gravesend Bay, Brooklyn, NY" ((RIN1625-AA00)(Docket No. USCG-2010-1126)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2019. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Air Power Over Hampton Roads, Back River, Hampton, VA" ((RIN1625-AA00)(Docket No. USCG-2011-0288)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2020. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Blue Crab Festival Fireworks Display, Little River, Little River, SC" ((RIN1625-AA00)(Docket No. USCG-2011-0097)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2021. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Second Annual Space Coast Super Boat Grand Prix, Atlantic Ocean, Cocoa Beach, FL" ((RIN1625-AA00)(Docket No. USCG-2011-0143)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2022. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Bellingham Bay, Bellingham, WA and Lake Union, Seattle, WA" ((RIN1625-AA00)(Docket No. USCG-2011-0250)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2023. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fourth Annual Offshore Challenge, Sunny Isles Beach, FL" ((RIN1625-AA00)(Docket No. USCG-2011-0034)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2024. A communication from the Attorney Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Ford Estate Wedding Fireworks, Lake St. Clair, Grosse Pointe Shores, MI" ((RIN1625-AA00)(Docket No. USCG-2011-0165)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2025. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Big Rock Blue Marlin Air Show; Bogue Sound, Morehead City, NC" ((RIN1625-AA00)(Docket No. USCG-2011-0168)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2026. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Pierce County Department of Emergency Management Regional Water Exercise, East Passage, Tacoma, WA" ((RIN1625-AA00)(Docket No. USCG-2011-0251)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2027. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Repair of High Voltage Transmission Lines to Logan International Airport, Saugus River, Saugus, MA" ((RIN1625-AA00)(Docket No. USCG-2011-0297)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2028. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Coughlin Wedding Fireworks, Lake St. Clair, Harrison Township, MI" ((RIN1625-AA00)(Docket No. USCG-2011-0164)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2029. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2011 Memorial Day Tribute Fireworks, Lake Charlevoix, Boyne City, MI" ((RIN1625-AA008)(Docket No. USCG-2011-0325)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2030. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Catawba Island Club Fireworks, Catawba Island Club, Port Clinton, OH" ((RIN1625-AA00)(Docket No. USCG-2011-0216)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2031. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Newport River; Morehead City, NC" ((RIN1625-AA00)(Docket No. USCG-2011-0184)) received in the Office of the President of the Senate on June 6, 2011; to

the Committee on Commerce, Science, and Transportation.

EC-2032. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Vessels Carrying Hazardous Cargo, Sector Columbia River Captain of the Port Zone" ((RIN1625-AA87)(Docket No. USCG-2009-1134)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2033. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Livermore, CA" ((RIN2120-AA66)(Docket No. FAA-2010-1264)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2034. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Poplar, MT" ((RIN2120-AA66)(Docket No. FAA-2011-0016)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2035. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kenbridge, VA" ((RIN2120-AA66)(Docket No. FAA-2011-0160)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2036. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Brunswick Malcolm-McKinnon Airport, GA" ((RIN2120-AA66)(Docket No. FAA-2010-0949)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2037. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Palmdale, CA" ((RIN2120-AA66)(Docket No. FAA-2010-1241)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2038. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; McCall, ID" ((RIN2120-AA66)(Docket No. FAA-2011-0097)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2039. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Ozark, MO" ((RIN2120-AA66)(Docket

No. FAA-2011-0432)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2040. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Gruver Cluck Ranch Airport, TX" ((RIN2120-AA66)(Docket No. FAA-2011-0272)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2041. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Idaho Falls, ID" ((RIN2120-AA66)(Docket No. FAA-2011-0023)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2042. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Livermore, CA" ((RIN2120-AA66)(Docket No. FAA-2010-1264)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2043. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Temporary Change of Dates for Recurring Marine Event in the Fifth Coast Guard District; Elizabeth River, Norfolk, VA" ((RIN1625-AA08)(Docket No. USCG-2011-0392)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2044. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD" ((RIN1625-AA08)(Docket No. USCG-2011-0182)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2045. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Olympia Harbor Days Tug Boat Races, Budd Inlet, WA" ((RIN1625-AA08)(Docket No. USCG-2010-1024)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2046. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), at Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River, at Wilmington, NC" ((RIN1625-AA09)(Docket No. USCG-2010-1139)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2047. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Re-

organization of Sector North Carolina; Technical Amendment" ((RIN1625-ZA30)(Docket No. USCG-2011-0368)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2048. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Allegheny River, Pittsburgh, PA" ((RIN1625-AA08)(Docket No. USCG-2011-0160)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2049. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Dis-establishing Special Anchorage Area 2; Ashley River, Charleston, SC" ((RIN1625-AA01)(Docket No. USCG-2008-0852)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2050. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Isle of Wight (Sinepuxent) Bay, Ocean City, MD" ((RIN1625-AA09)(Docket No. USCG-2010-0612)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2051. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Miami Super Boat Grand Prix, Miami Beach, FL" ((RIN1625-AA08)(Docket No. USCG-2011-0289)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2052. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Chester River, Chestertown, MD" ((RIN1625-AA08)(Docket No. USCG-2011-0126)) received in the Office of the President of the Senate on June 6, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2053. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0043)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2054. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Model 747-400, 747-400D, and 747-400F Series Airplanes Equipped with General Electric CF6-80C2 or Pratt and Whitney PW4000 Series Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0706)) received during adjournment of the Senate in the Office of the President of the Senate on June 2, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2055. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 and A310 Series Airplanes, and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes)" ((RIN2120-AA64)(Docket No. FAA-2011-0030)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2056. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DASSAULT AVIATION Model MYSTERE-FALCON 50 AIRPLANES" ((RIN2120-AA64)(Docket No. FAA-2011-0042)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2057. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 150, 152, 170, 172, 175, 177, 180, 182, 185, 188, 190, 195, 206, 207, 210, T303, 336, and 337 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1101)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2058. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Models DA 42, DA 42 NG, and DA 42 M-NG Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0185)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2059. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Propellers Model 247F Propellers" ((RIN2120-AA64)(Docket No. FAA-2009-0113)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2060. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A318-112, A319-111, A319-112, A319-115, A319-132, A319-133, A320-214, A320-232, A320-233, A321-211, A321-213, and A321-231 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0390)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2061. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BURKHART GROB LUFT-UND Model G 103 C Twin III SL Gliders" ((RIN2120-AA64)(Docket No. FAA-2011-0127)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2062. A communication from the Senior Program Analyst, Federal Aviation Adminis-

transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310-203, -204, -222, -304, -322, and -324 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1273)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2063. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1274)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2064. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1275)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2065. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2010-1276)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2066. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes; and Model ERJ 190-100 STD, ERJ 190-100 LR, ERJ 190-100 IGW, ERJ 190-200 STD, ERJ 190-200 LR, and ERJ 190-200 IGW Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0038)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2067. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce plc (RR) RB211-Trent 875-17, RB211-Trent 877-17, RB211-Trent 844-17, RB211-Trent 844B-17, RB211-Trent 892-17, RB211-Trent 892B-17, and RB211-Trent 895-17 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2010-0821)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2068. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes)" ((RIN2120-AA64)(Docket No. FAA-2011-0037)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-2069. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives;

Rolls-Royce plc RB211-Trent 800 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1165)) received in the Office of the President of the Senate on May 25, 2011; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 762. A bill to improve the Federal Acquisition Institute (Rept. No. 112-21).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

\*Richard C. Howarth, of Mississippi, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2015.

\*William Charles Ostendorff, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2016.

By Mr. LEAHY for the Committee on the Judiciary.

Felicia C. Adams, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Ronald W. Sharpe, of the Virgin Islands, to be United States Attorney for the District of the Virgin Islands for the term of four years.

George Lamar Beck, Jr., of Alabama, to be United States Attorney for the Middle District of Alabama for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota):

S. 1161. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT (for himself and Mrs. MCCASKILL):

S. 1162. A bill to authorize the International Trade Commission to develop and recommend legislation for temporarily suspending duties, and for other purposes; to the Committee on Finance.

By Mr. DEMINT:

S. 1163. A bill to allow the Army Corps of Engineers to receive and expend non-Federal

amounts to carry out certain studies in the same manner that non-Federal amounts may be used to carry out construction activities; to the Committee on Environment and Public Works.

By Mr. DEMINT:

S. 1164. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. PRYOR):

S. 1165. A bill to protect children and other consumers against hazards associated with the accidental ingestion of button cell batteries by requiring the Consumer Product Safety Commission to promulgate consumer product safety standards to require child-resistant closures on remote controls and other consumer products that use such batteries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. HARKIN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. SHAHEEN, and Mr. WHITEHOUSE):

S. 1166. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims of family members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON of South Dakota (for himself and Mr. BINGAMAN):

S. 1167. A bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. SHAHEEN (for herself and Mr. COCHRAN):

S. 1168. A bill to authorize a national grant program for on-the-job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska:

S. 1169. A bill to provide for benchmarks to evaluate progress being made toward the goal of transitioning security responsibilities in Afghanistan to the Government of Afghanistan; to the Committee on Foreign Relations.

By Mrs. MURRAY (for herself and Mr. FRANKEN):

S. 1170. A bill to set the United States on track to ensure children are ready to learn when they begin kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. BROWN of Ohio, Ms. CANTWELL, Mrs. MURRAY, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. LAUTENBERG, Mr. WYDEN, Mr. FRANKEN, Mr. KERRY, and Ms. KLOBUCHAR):

S. 1171. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees; to the Committee on Finance.

By Mr. PRYOR:

S. 1172. A bill to amend title 38, United States Code, to improve the efficiency of the

appeals process under the United States Court of Appeals for Veterans Claims by improving staff conferences directed by such Court, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1173. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. ROBERTS, Mr. NELSON of Florida, Mr. HAGAN, Mr. BURR, and Mr. KYL):

S. 1174. A bill to provide predictability and certainty in the tax law, create jobs, and encourage investment; to the Committee on Finance.

By Mrs. HAGAN (for herself and Ms. SNOWE):

S. 1175. A bill to provide, develop, and support 21st century readiness initiatives that assist students in acquiring the skills necessary to think critically and solve problems, be an effective communicator, collaborate with others, and learn to create and innovate; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. CARPER, Ms. COLLINS, Mrs. GILLIBRAND, Mr. KIRK, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SANDERS, and Mr. SCHUMER):

S. 1176. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 1177. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Mrs. MURRAY, and Mr. BLUMENTHAL):

S. 1178. A bill to reauthorize the Enhancing Education Through Technology Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1179. A bill to promote advanced placement and International Baccalaureate programs; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mr. LIEBERMAN, Mr. RUBIO, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. WYDEN, Mr. MORAN, Mr. TOOMEY, Mr. INHOFE, Mr. BARRASSO, Mr. KIRK, Mr. BURR, Mr. CORNYN, Mr. KYL, Mr. LEE, Mr. THUNE, Mr. PORTMAN, Mr. COATS, Mr. COBURN, Ms. AYOTTE, Mr. BOOZMAN, Mr. BLUNT, Mr. BROWN of Massachu-

setts, Mr. VITTER, Mr. ROBERTS, Mr. ENZI, Mr. ISAKSON, Ms. MURKOWSKI, Mr. WICKER, Mr. LUGAR, and Mr. CHAMBLISS):

S. Con. Res. 23. A concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 119

At the request of Mr. VITTER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 311

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 394

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 394, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 453

At the request of Mr. BROWN of Ohio, the name of the Senator from Virginia

(Mr. WEBB) was added as a cosponsor of S. 453, a bill to improve the safety of motorcoaches, and for other purposes.

S. 490

At the request of Mr. AKAKA, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 490, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 504

At the request of Mr. DEMINT, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 581

At the request of Mr. BURR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 672

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit. At the request of Mr. ROCKEFELLER, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 672, *supra*.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 737

At the request of Mr. MORAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 737, a bill to replace the Director of the Bureau of Consumer Financial Protection with a 5-person Commission, to bring the Bureau into the regular appropriations process, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 755

At the request of Mr. WYDEN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 755, a bill to amend the

Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 782

At the request of Mrs. BOXER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

S. 798

At the request of Mr. TESTER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 800

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 800, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 810

At the request of Ms. CANTWELL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 810, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 815

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 815, a bill to guarantee that military funerals are conducted with dignity and respect.

S. 834

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 871

At the request of Mr. COBURN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 871, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 876

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 876, a bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 886

At the request of Mr. UDALL of New Mexico, the name of the Senator from

Alaska (Mr. BEGICH) was added as a cosponsor of S. 886, a bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes.

S. 951

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 951, a bill to improve the provision of Federal transition, rehabilitation, vocational, and unemployment benefits to members of the Armed Forces and veterans, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 968

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 979, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1018

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1018, a bill to amend title 10, United States Code, and the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 to provide for implementation of additional recommendations of the Defense Task Force on Sexual Assault in the Military Services.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor

of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1030

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 1030, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Missouri (Mr. BLUNT), the Senator from Montana (Mr. TESTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1066

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1066, a bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

S. 1094

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109-416).

S. 1147

At the request of Mr. BLUMENTHAL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1147, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S.J. Res. 17, *supra*.

S.J. RES. 18

At the request of Mr. WEBB, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S.J. Res. 18, a joint resolution prohibiting the deployment, establishment, or maintenance of a presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes.

S. CON. RES. 7

At the request of Mr. BARRASSO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 175

At the request of Mrs. SHAHEEN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 175, a resolution expressing the sense of the Senate with respect to ongoing violations of the territorial integrity and sovereignty of Georgia and the importance of a peaceful and just resolution to the conflict within Georgia's internationally recognized borders.

S. RES. 180

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 180, a resolution expressing support for peaceful demonstrations and universal freedoms in Syria and condemning the human rights violations by the Assad regime.

S. RES. 185

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 185, a resolution reaffirming the commitment of the United States to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, reaffirming opposition to the inclusion of Hamas in a unity government unless it is willing to accept peace with Israel and renounce violence, and declaring that Palestinian efforts to gain recognition of a state outside direct negotiations demonstrates absence of a good faith commitment to peace negotiations, and will have implications for continued United States aid.

At the request of Mr. CARDIN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Michigan (Mr. LEVIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Oregon (Mr. MERKLEY), the Senator from South Carolina (Mr. DEMINT), the Senator from Montana (Mr. TESTER), the Senator from Ohio (Mr. PORTMAN), the Senator from Washington (Ms. CANTWELL), the Senator from Tennessee

(Mr. CORKER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 185, *supra*.

S. RES. 202

At the request of Mr. CONRAD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 202, a resolution designating June 27, 2011, as "National Post-Traumatic Stress Disorder Awareness Day".

AMENDMENT NO. 389

At the request of Mr. KOHL, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Michigan (Ms. STABENOW), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from West Virginia (Mr. MANCHIN), the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 389 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 390

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 390 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 390 proposed to S. 782, *supra*.

AMENDMENT NO. 405

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 405 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of amendment No. 406 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 407

At the request of Mr. CARDIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 407 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 420 intended to be proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 428

At the request of Mr. MERKLEY, the names of the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUE), the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. WYDEN), the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 428 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

AMENDMENT NO. 430

At the request of Mr. JOHANNIS, his name was added as a cosponsor of amendment No. 430 proposed to S. 782, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. JOHNSON of South Dakota):

S. 1161. A bill to amend the Food Security Act of 1985 to restore integrity to and strengthen payment limitation rules for commodity payments and benefits; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, I come to the floor to introduce a piece of legislation that I have introduced many times in past Congresses. I have made some progress on the goals I seek but have not gotten 100 percent finality of the policies I want. I am always able to do this with a bipartisan piece of legislation.

Today, I present this with Senator JOHNSON of South Dakota. I will let Senator JOHNSON speak for himself, but I want to give the reasons I am introducing this bill in my remarks. First, I want people to know this deals with farm policy, and on farm policy the Senator from South Dakota, Mr. JOHNSON, and I agree on most everything.

Mr. President, this is a piece of legislation that is probably going to come up not so much as a stand-alone, as when we discuss the reauthorization of



the farm bill—which generally could start this year and probably go into next year—but as an effort that I am not going to give up on. It deals with the issue of how much one individual farmer should get from the farm program. My approach is to put what one might call a hard cap on the amount of money that one farmer can get, and my remarks will explain why.

Also, though, at a time when we have great budget deficits, people might think I am introducing this bill just because I am concerned about the budget deficit. It is true this bill, if enacted, will save about \$1.5 billion, but that is not my main purpose for doing it. My main purpose is to have the historical basis for a safety net for farmers; to espouse the principle that our safety net ought to be targeted toward small- and medium-sized farmers. So today, Senator JOHNSON and I are introducing the Rural America Preservation Act.

America's farmers produce the food that feed our families. The bill helps ensure that our farmers are able to provide a safe, abundant, and inexpensive food supply for consumers around the world while maintaining the safety net that allows small- and medium-sized farmers to get through tough times.

Everybody sees tough times that are out of their control, but the importance of the farm safety net can be seen no further than the dinner table each of us sits around, as recently as last night. Stop to think what you would do if you were unable to feed your children for 3 days. There is an old adage that says something like this: You are only nine meals away from a revolution. Maybe in those circumstances, if you love your children—and maybe you wouldn't think this could happen to you because we have such an abundance of food in America, but we are all aware of the fact a lot of countries do have food riots when there is a shortage of food—you might do just about anything—steal, riot, whatever it takes—to give your children the food you want them to have to keep them alive after not having food for 3 straight days.

So the cohesion within our society, the social cohesion, that is one of the reasons it is vitally important we maintain a farm program that will make sure there is a readily available food supply.

Another reason I am not going to go into in these remarks is that food is very essential to the national security of our country—in other words, the defense of our country. All we have to do is rely upon an old adage Napoleon used to use: An army marches on its belly. More recently, however, we can look at the farm programs in Germany and Japan where they recall the mistakes made in their war effort during World War II—and, thank God, they

didn't succeed—when they did not have enough food for their military people. So I also want to think in terms of a sure supply of food not only for social cohesion but also for national security purposes.

To ensure the family farmer remains able to produce a food supply for this cohesive and stable society that I have talked about, we need to get the farm safety net back to its original intent—to help small- and medium-sized farmers get over the ups and downs of farming that are out of their control. As an example, it could be a natural disaster, it could be grain embargoes such as those put on by the President of the United States, it could be the situation where President Nixon froze the price of beef and ruined the beef industry in the Midwest.

The original intent of the Federal farm program was not to help a farmer get bigger and bigger. But the safety net has veered sharply off course, and that is why I talk about the necessity for a hard cap on any one farmer getting help from the farm program. We are now seeing 10 percent of the largest farmers actually getting nearly 70 percent of the total farm program payments coming out of the Treasury of the United States.

There is no problem with a farmer growing larger in his operation. Let me make that clear. If you want to get bigger and bigger in America, that is an American right to do so. But the taxpayers should not have to subsidize that effort, and that is what is happening today. There comes a point where some farms reach levels that allow them to weather the tough financial times on their own. Smaller farmers do not have that same luxury, and these same small farmers play a pivotal role in producing the Nation's food.

I have been approached time and time again by farmers concerned about where the next generation of farmers will come from when the price of farmland is shooting up or the price of cash rent is shooting up, particularly when the Federal taxpayers are subsidizing that effort. It is important that we keep young people on the farm so they can take the lead in producing our food when the older generation of farmers is ready to turn over the reins. But the current policies that allow 10 percent of the largest farmers to receive nearly 70 percent of the total farm program payments creates a real barrier for beginning and small farmers.

The current system puts upward pressure on land prices, making it more difficult for small and beginning farmers to buy a farm or to afford the cash rent. This allows the big farmers to get even bigger, and this is not unique to my State of Iowa. I am sure it is not unique to the State of South Dakota, where my cosponsor friend, Senator JOHNSON, comes from. This up-

ward pressure on land prices is occurring in many States. It is simply good policy to have a hard cap on the amount a single farmer can receive in the farm program payments. We will keep in place a much needed safety net for the farmers who need it the most, and it will help reduce the negative impact farm payments can have on land prices and cash rent.

Our bill sets the overall cap at \$250,000 for married couples. Now, people listening in the Senate, or people listening back home on television, probably think it is outrageous to have a figure that high and call it a hard cap. But this is something that is national policy and may not be applicable just to my State, so it is necessary to reach some sort of common ground in the Congress. I recognize that agriculture can look different around the country, so this is a compromise.

Just as important as setting the payment limits is the tightening of the meaning of "actively engaged." I will not go in depth as to what actively engaged is about at this point, but it generally means, if you are a farmer, you ought to be a farmer and not a city slicker from New York City benefiting from the farm program. This will help make sure that farm payments only go to those who deserve them.

In light of the current budget discussions, everyone should agree that we don't want money going to those who fail to meet the criteria set for the program. This bill will help do that.

I hope my colleagues will agree this bill takes a common sense approach to improve our farm safety net, and a help to make sure the dollars spent go to those who need it most.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1161

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural America Preservation Act of 2011".

#### SEC. 2. PAYMENT LIMITATIONS.

Section 1001 of the Food Security of 1985 (7 U.S.C. 1308) is amended—

(1) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) LEGAL ENTITY.—

"(A) IN GENERAL.—The term 'legal entity' means—

"(i) an organization that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under a provision of law referred to in subsection (b), (c), or (d);

"(ii) a corporation, joint stock company, association, limited partnership, limited liability company, limited liability partnership, charitable organization, estate, irrevocable trust, grantor of a revocable trust, or other similar entity (as determined by the Secretary); and



“(iii) an organization that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

“(B) EXCLUSION.—The term ‘legal entity’ does not include a general partnership or joint venture.”;

(2) in subsection (b)—

(A) in paragraphs (1), (2), and (3), by striking “(except a joint venture or a general partnership)” each place it appears;

(B) in paragraph (1)(A), by striking “\$40,000” and inserting “\$20,000”; and

(C) in paragraphs (2) and (3)(A), by striking “\$65,000” each place it appears and inserting “\$30,000”;

(3) in subsection (c)—

(A) in paragraphs (1), (2), and (3), by striking “(except a joint venture or a general partnership)” each place it appears;

(B) in paragraph (1)(A), by striking “\$40,000” and inserting “\$20,000”; and

(C) in paragraphs (2) and (3)(A), by striking “\$65,000” each place it appears and inserting “\$30,000”;

(4) by striking subsection (d) and inserting the following:

“(d) LIMITATIONS ON MARKETING LOAN GAINS, LOAN DEFICIENCY PAYMENTS, AND COMMODITY CERTIFICATE TRANSACTIONS.—The total amount of the following gains and payments that a person or legal entity may receive during any crop year may not exceed \$75,000:

“(1)(A) Any gain realized by a producer from repaying a marketing assistance loan for 1 or more loan commodities and peanuts under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8731 et seq.) at a lower level than the original loan rate established for the loan commodity under those subtitles.

“(B) In the case of settlement of a marketing assistance loan for 1 or more loan commodities and peanuts under those subtitles by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

“(2) Any loan deficiency payments received for 1 or more loan commodities and peanuts under those subtitles.

“(3) Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation for 1 or more loan commodities and peanuts, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under those subtitles or section 1307 of that Act (7 U.S.C. 7957).”;

(5) by redesignating subsections (e) through (h) as subsections (f) through (i), respectively;

(6) by inserting after subsection (d) the following:

“(e) SPOUSAL EQUITY.—

“(1) IN GENERAL.—Notwithstanding subsections (b) through (d), except as provided in paragraph (2), if a person and the spouse of the person are covered by paragraph (2) and receive, directly or indirectly, any payment or gain covered by this section, the total amount of payments or gains (as applicable) covered by this section that the person and spouse may jointly receive during any crop year may not exceed an amount equal to twice the applicable dollar amounts specified in subsections (b), (c), and (d).

“(2) EXCEPTIONS.—

“(A) SEPARATE FARMING OPERATIONS.—In the case of a married couple in which each spouse, before the marriage, was separately engaged in an unrelated farming operation, each spouse shall be treated as a separate

person with respect to a farming operation brought into the marriage by a spouse, subject to the condition that the farming operation shall remain a separate farming operation, as determined by the Secretary.

“(B) ELECTION TO RECEIVE SEPARATE PAYMENTS.—A married couple may elect to receive payments separately in the name of each spouse if the total amount of payments and benefits described in subsections (b), (c), and (d) that the married couple receives, directly or indirectly, does not exceed an amount equal to twice the applicable dollar amounts specified in those subsections.”;

(7) in paragraph (3)(B) of subsection (g) (as redesignated by paragraph (5)), by adding at the end the following:

“(iii) IRREVOCABLE TRUSTS.—In promulgating regulations to define the term ‘legal entity’ as the term applies to irrevocable trusts, the Secretary shall ensure that irrevocable trusts are legitimate entities that have not been created for the purpose of avoiding a payment limitation.”; and

(8) in subsection (i) (as redesignated by paragraph (5)), in the second sentence, by striking “or other entity” and inserting “or legal entity”.

### SEC. 3. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

The Food Security Act of 1985 is amended by striking section 1001A (7 U.S.C. 1308-1) and inserting the following:

#### “SEC. 1001A. SUBSTANTIVE CHANGE; PAYMENTS LIMITED TO ACTIVE FARMERS.

“(a) SUBSTANTIVE CHANGE.—

“(1) IN GENERAL.—For purposes of the application of limitations under this section, the Secretary shall not approve any change in a farming operation that otherwise would increase the number of persons or legal entities to which the limitations under this section apply, unless the Secretary determines that the change is bona fide and substantive.

“(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered to be a bona fide and substantive change in the farming operation.

“(3) PRIMARY CONTROL.—To prevent a farm from reorganizing in a manner that is inconsistent with the purposes of this Act, the Secretary shall promulgate such regulations as the Secretary determines to be necessary to simultaneously attribute payments for a farming operation to more than 1 person or legal entity, including the person or legal entity that exercises primary control over the farming operation, including to respond to—

“(A)(i) any instance in which ownership of a farming operation is transferred to a person or legal entity under an arrangement that provides for the sale or exchange of any asset or ownership interest in 1 or more legal entities at less than fair market value; and

“(ii) the transferor is provided preferential rights to repurchase the asset or interest at less than fair market value; or

“(B) a sale or exchange of any asset or ownership interest in 1 or more legal entities under an arrangement under which rights to exercise control over the asset or interest are retained, directly or indirectly, by the transferor.

“(b) PAYMENTS LIMITED TO ACTIVE FARMERS.—

“(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits described as being subject to limitation in subsection (b) through (d) of section 1001 with respect to a particular farming operation, a person or legal entity shall be actively engaged in farming with respect to the

farming operation, in accordance with paragraphs (2), (3), and (4).

“(2) GENERAL CLASSES ACTIVELY ENGAGED IN FARMING.—

“(A) DEFINITION OF ACTIVE PERSONAL MANAGEMENT.—In this paragraph, the term ‘active personal management’ means, with respect to a person, administrative duties carried out by the person for a farming operation—

“(i) that are personally provided by the person on a regular, continuous, and substantial basis; and

“(ii) relating to the supervision and direction of—

“(I) activities and labor involved in the farming operation; and

“(II) onsite services directly related and necessary to the farming operation.

“(B) ACTIVE ENGAGEMENT.—Except as provided in paragraph (3), for purposes of paragraph (1), the following shall apply:

“(i) A person shall be considered to be actively engaged in farming with respect to a farming operation if—

“(I) the person makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of—

“(aa) capital, equipment, or land; and

“(bb) personal labor and active personal management;

“(II) the share of the person of the profits or losses from the farming operation is commensurate with the contributions of the person to the operation; and

“(III) a contribution of the person is at risk.

“(ii) A legal entity shall be considered to be actively engaged in farming with respect to a farming operation if—

“(I) the legal entity makes a significant contribution, as determined under subparagraph (E) (based on the total value of the farming operation), to the farming operation of capital, equipment, or land;

“(II)(aa) the stockholders or members that collectively own at least 51 percent of the combined beneficial interest in the legal entity each make a significant contribution of personal labor and active personal management to the operation; or

“(bb) in the case of a legal entity in which all of the beneficial interests are held by family members, any stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) who owns at least 10 percent of the beneficial interest in the legal entity makes a significant contribution of personal labor or active personal management; and

“(III) the legal entity meets the requirements of subclauses (II) and (III) of clause (i).

“(C) LEGAL ENTITIES MAKING SIGNIFICANT CONTRIBUTIONS.—If a general partnership, joint venture, or similar entity (as determined by the Secretary) separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, the partners or members making a significant contribution of personal labor or active personal management and meeting the standards provided in subclauses (II) and (III) of subparagraph (B)(i) shall be considered to be actively engaged in farming with respect to the farming operation involved.

“(D) EQUIPMENT AND PERSONAL LABOR.—In making determinations under this subsection regarding equipment and personal

labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

“(E) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

“(i) IN GENERAL.—Subject to clause (ii), for purposes of subparagraph (B), a person shall be considered to be providing, on behalf of the person or a legal entity, a significant contribution of personal labor and active personal management, if the total contribution of personal labor and active personal management is at least equal to the lesser of—

“(I) 1,000 hours; and

“(II) a period of time equal to—

“(aa) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation; or

“(bb) in the case of a stockholder or member (or household comprised of a stockholder or member and the spouse of the stockholder or member) that owns at least 10 percent of the beneficial interest in a legal entity in which all of the beneficial interests are held by family members who do not collectively receive payments directly or indirectly, including payments received by spouses, of more than twice the applicable limit, 50 percent of the commensurate share of hours of the personal labor and active personal management of all family members required to conduct the farming operation.

“(ii) MINIMUM LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce a commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to the commensurate share of a person or legal entity in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State in which the farming operation is located, as determined by the Secretary.

“(3) SPECIAL CLASSES ACTIVELY ENGAGED IN FARMING.—Notwithstanding paragraph (2), the following persons shall be considered to be actively engaged in farming with respect to a farm operation:

“(A) LANDOWNERS.—A person or legal entity that is a landowner contributing owned land, and that meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), if, as determined by the Secretary—

“(i) the landowner share-rents the land at a rate that is usual and customary; and

“(ii) the share received by the landowner is commensurate with the share of the crop or income received as rent.

“(B) FAMILY MEMBERS.—With respect to a farming operation conducted by persons who are family members, or a legal entity the majority of the stockholders or members of which are family members, an adult family member who makes a significant contribution (based on the total value of the farming operation) of active personal management or personal labor and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i).

“(C) SHARECROPPERS.—A sharecropper who makes a significant contribution of personal labor to the farming operation and, with respect to such contribution, who meets the requirements of subclauses (II) and (III) of paragraph (2)(B)(i), and who was receiving

payments from the landowner as a sharecropper prior to the effective date of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651).

“(4) PERSONS AND LEGAL ENTITIES NOT ACTIVELY ENGAGED IN FARMING.—For the purposes of paragraph (1), except as provided in paragraph (3), the following persons and legal entities shall not be considered to be actively engaged in farming with respect to a farm operation:

“(A) LANDLORDS.—A landlord contributing land to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for such use of the land.

“(B) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity, or class of persons or legal entities, that fails to meet the requirements of paragraphs (2) and (3), as determined by the Secretary.

“(5) PERSONAL LABOR AND ACTIVE PERSONAL MANAGEMENT.—No stockholder or member may provide personal labor or active personal management to meet the requirements of this subsection for persons or legal entities that collectively receive, directly or indirectly, an amount equal to more than twice the applicable limits under subsections (b), (c), and (d) of section 1001.

“(6) CUSTOM FARMING SERVICES.—A person or legal entity receiving custom farming services will be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on paragraphs (1) through (3).

“(7) GROWERS OF HYBRID SEED.—To determine whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

“(c) NOTIFICATION BY LEGAL ENTITIES.—To facilitate the administration of this section, each legal entity that receives payments or benefits described as being subject to limitation in subsection (b), (c), or (d) of section 1001 with respect to a particular farming operation shall—

“(1) notify each person or other legal entity that acquires or holds a beneficial interest in the farming operation of the requirements and limitations under this section; and

“(2) provide to the Secretary, at such times and in such manner as the Secretary may require, the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires such a beneficial interest.”.

#### SEC. 4. FOREIGN PERSONS AND LEGAL ENTITIES MADE INELIGIBLE FOR PROGRAM BENEFITS.

Section 1001C of the Food Security Act of 1985 (7 U.S.C. 1308-3) is amended—

(1) in the section heading, by striking “PERSONS” and inserting “PERSONS AND LEGAL ENTITIES”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “CORPORATION OR OTHER” and inserting “LEGAL”;

(B) in the first sentence, by striking “a corporation or other entity shall be considered a person that” and inserting “a legal entity”; and

(C) in the second sentence, by striking “an entity” and inserting “a legal entity”; and

(3) in subsection (c), by striking “person” and inserting “legal entity or person”.

#### SEC. 5. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as

are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

#### SEC. 6. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mr. ROCKEFELLER (for himself and Mr. PRYOR):

S. 1165. A bill to protect children and other consumers against hazards associated with the accidental ingestion of button cell batteries by requiring the Consumer Product Safety Commission to promulgate consumer product safety standards to require child-resistant closures on remote controls and other consumer products that use such batteries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, I rise to introduce the Button Cell Battery Safety Act of 2011. This bill will protect the most vulnerable members of our society from the hazards of button cell battery ingestion. These small batteries, which are present in more and more consumer products each year, can be deadly if swallowed. While most swallowed batteries pass harmlessly through the body, a toddler who puts one in her mouth can be severely injured in just two hours and the damage can be fatal after only eight hours.

Button cell batteries are small, round, and are approximately the size and shape of common coins. Just the sort of thing a curious child might put in his mouth. When ingested, these batteries can become lodged in the throat or elsewhere in the digestive system and cause permanent damage to the tissues.

Between 2007 and 2009, more than 3,400 button battery ingestion cases were reported to U.S. poison centers annually. The number of ingestions that result in serious injury or death have increased sevenfold since 1985 due to the higher voltage of newer batteries. Hundreds of children have been severely injured and six have died from

these ingestions in the last two years alone.

Despite the severe risk, most parents and caregivers remain unaware of the danger.

Imagine not realizing a child has swallowed one of these batteries. It gets lodged in the esophagus, begins to cause severe burns, and stays there for days with parents and doctors not realizing something is terribly wrong. It may seem like a respiratory infection, or a stomach virus. But it is not. It is the chemical reaction of a button cell battery, lodged in the esophagus. Even if the battery is removed within several hours, the damage is done. The child can end up in the intensive care unit for weeks, following hours of surgery. There can be permanent damage to the vocal cords, or to the gastrointestinal tract, meaning the child would require feeding tubes, home nursing care, and multiple surgeries. As severe and painstaking as this is for the child and for the parents, the child is fortunately given a second chance at life.

For a small number of the 3,400 cases of button cell battery ingestion reported to poison control centers every year, the damage from the battery proves to be fatal. Aidan Truett of Hamilton, Ohio, had a battery surgically removed after nine days of severe symptoms and doctor visits. The doctors found the battery when they ordered an X-ray, looking for pneumonia. Two days after his surgery, Aidan died from his injuries. He was 13 months old.

Two year old Elaina Redding, from Fort Lupton, CO died after the current from a swallowed battery set off a chemical reaction that eroded her esophagus and aorta. Four days after clutching her chest in pain, she was taken to the hospital and the battery was removed. Two weeks after being sent home, Elaina suffered a bloody coughing fit that sent her back to the intensive care unit where she bled to death.

These stories are horrifying and compel us to act. Small batteries which are in multiple products in our houses—in remote controls, toys, and musical greeting cards—are highly dangerous in the hands of toddlers who may swallow them. We have the ability to protect children and we must do so.

We need to make sure that these batteries are securely enclosed in products and cannot be removed by curious children. And we must also make sure that parents and caretakers are aware of the danger. No parent should leave batteries lying around the house after removing them from a product, or hand them to a small child.

This legislation would require the Consumer Product Safety Commission to promulgate a safety standard requiring child-resistant closures on consumer products that use these types of

batteries. We already have Federal safety rules that require toys that use batteries to have such compartments; now it is time to make sure all products that utilize these particular batteries are secured in a manner that will reduce children's access to these potentially harmful batteries.

In addition, the legislation will require warning labels that alert adults of the danger of these batteries. Such labels will be required on the packaging for replacement batteries, in the user manual of products that use these batteries, and where appropriate, on the product itself. Too many injuries occur because batteries are left out and accessible after they have been replaced.

Today, I ask my colleagues to support this simple and straightforward bill that will save lives and prevent unnecessary injuries.

By Mrs. MURRAY (for herself, Mr. AKAKA, Mr. BLUMENTHAL, Mr. BROWN of Ohio, Mr. FRANKEN, Mr. HARKIN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mrs. SHAHEEN, and Mr. WHITEHOUSE):

S. 1166. A bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims of family members, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I come to the floor today to talk about our obligation to protect workers across America and to urge my colleagues to support the Protecting America's Workers Act, which I am very proud to introduce today.

Mr. President, middle-class families across this country are struggling. So many of them have lost their homes or their jobs and are fighting to keep their heads above water. We are working hard here to create jobs and get the economy back on track, but we also owe it to middle-class families to make sure those jobs are safe and healthy.

In 2009 alone there were 4,340 deaths in workplaces across America, and over 3 million more were injured or sickened while on the job. If more than 4,000 Americans were killed in 1 day, it would be on the front page of every newspaper in this country. If an epidemic in this country claimed 4,000 lives, it would lead the nightly news each week. But that is not the way it works with workplace injuries. They happen a few at a time, spread out across the country, in communities such as Anacortes in my home State of Washington, where a fire broke out last year at the Tesoro Refinery and killed seven workers.

These were men and women who were taken too young, with so much life to

live and with so many people to live it with; workers who took on tough jobs and worked long hours during difficult economic times to provide for their families. They were people who made tremendous sacrifices and who embodied so much of what is good about their communities and their States. They have been dearly missed.

Washington State investigators looked into that incident and determined that the tragedy could have been and should have been prevented. The problems that led to what happened were known beforehand. They should have been fixed, but they weren't. That is heartbreaking.

Every worker in every industry deserves to be confident that while they are working hard and doing their jobs, their employers are doing everything they can to protect them. That is why I am proud to reintroduce the Protecting America's Workers Act. This legislation is a long overdue update to the Occupational Safety and Health Act of 1970, or the OSH Act.

Since that groundbreaking law was passed over 40 years ago, we know American industry has changed significantly. Businesses and workplaces have become much more complex, and workers are performing 21st-century tasks, but the government is still using a 1970 approach to regulations to protect employees. It doesn't make sense, and it needs to change.

We need to update the way we as a country think about our worker safety regulations, and this law is a very important step in that direction. This is not about adding more regulations, it is about having smarter regulations. It is about having regulations that protect workers and make sense for business.

Mr. President, the Protecting America's Workers Act makes a number of key improvements to the OSH Act, but I want to highlight just a few.

First of all, it increases protections for workers who blow the whistle on unsafe working conditions. Protecting workers who tell the truth is just common sense. In fact, in other modern laws, such as the Consumer Product Safety Improvement Act of 2008 and the Food Safety Modernization Act of 2010, they do exactly that. But since the OSH Act has not been updated, the vast majority of workers today don't have similar protections.

An important part of my bill would make sure a whistleblower's right to protection from retaliation cannot be waived through collective bargaining agreements, and they have the option to appeal to the Federal courts if they believe they are being mistreated for telling the truth about dangerous practices.

The Protecting America's Workers Act also improves reporting, inspection, and other enforcement of workplace health and safety violations. It

expands the rights of the victims and makes sure employers who oversee unsafe workplaces are pushed to quickly improve them to avoid further endangering worker health and safety.

This is a good bill. I am proud to have a number of cosponsors in the Senate, as well as the support of many prominent national groups in our efforts to improve workplace safety.

Nothing can bring back the workers we lost in communities such as Anacortes, but we certainly owe it to them to make sure workers everywhere are truly protected on the job. So I urge my colleagues to support the Protecting America's Workers Act and to keep working with us to make workplaces safer and healthier across America.

By Mr. JOHNSON of South Dakota (for himself and Mr. BINGAMAN):

S. 1167. A bill to amend the Public Health Service Act to improve the diagnosis and treatment of hereditary hemorrhagic telangiectasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. JOHNSON of South Dakota. Mr. President, today I join with my colleague and friend from Iowa, CHUCK GRASSLEY, in introducing the Rural America Preservation Act of 2011, which will provide for common-sense, meaningful farm program payment limitations. Particularly given our country's budgetary constraints, this is a straight-forward and fiscally responsible proposal that would target our farm program payments and safety net.

The current farm program payment structure has, quite frankly, failed rural America. According to the United States Department of Agriculture's Economic Research Service, in 2008, the largest 12.4 percent of farms received 62.4 percent of farm program payments. The current rules permit the most capitalized farming corporations to receive massive subsidies and deprive small and medium-sized family farmers of the opportunity to thrive. The farm bill is intended to provide programs that function as a safety net for farmers, in contrast to the cash cow they've become for a few producers. It is important that we maintain a safety net for producers, but such a system must be targeted to family farmers instead of large agribusinesses.

The 2008 farm bill took some important first steps in strengthening the integrity of our farm programs. Under the law, anyone making more than \$500,000 in non-farm Adjusted Gross Income will not receive farm payments and producers making over \$750,000 AGI will lose their direct payments. Additionally, the law eliminates the triple-entity loophole and farm payments now go directly to an individual, rather than a corporation or general partner-

ship, through direct attribution. I support direct attribution and elimination of the triple-entity loophole; however, I believe these provisions should have been much stronger and I have consistently pressed for a hard payment cap of at least \$250,000. The bill we introduced today would finally provide for meaningful payment limitations and ensure that assistance goes to small and medium-sized family farms.

Our legislation includes several specific limits. Direct payments would be capped at \$20,000 per producer and counter-cyclical payments would be limited to \$30,000. Additionally, the bill would establish a cap of \$75,000 on loan deficiency payments, LDPs, and marketing loan gains. There is currently no cap on LDPs and marketing loan gains, essentially meaning there is no effective payment limitation.

Just as important as establishing a hard payment limitations cap is how we define whether an individual is actively engaged in the operation of a farm. Current law lacks a defined active management test, and therefore someone could participate in no more than a yearly conference call and be eligible to receive payments. Our bill closes the management loophole which has allowed "paper partners" to collect payments without contributing any real or meaningful role in the operation. This proposal will improve the management standards determining payment eligibility by requiring that management be provided on a regular, substantial, and continuous basis through direct supervision and direction of the operations of the farm. These are reasonable and common-sense requirements which seek to further ensure the integrity of the farm safety net.

Agriculture is the economic engine that drives our rural communities, and without viable family farmers, our small towns and Main Street businesses throughout South Dakota would face significant financial hardships. I am proud to join with my friend from Iowa, Senator GRASSLEY, who has also been a longtime champion of family farmers, in introducing this important legislation.

By Mr. WYDEN (for himself and Mr. CRAPO):

S. 1173. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today, once again, to advocate for patients and their access to more choice and competition in providing good quality health care by introducing The Ambulatory Surgical Center Quality and Access Act of 2011 with my colleague, Senator CRAPO.

Advocates for health care reform and a healthier nation continue to empha-

size the importance of keeping patients "out of the hospital." ASCs can help do that by providing cost-effective services in an outpatient setting.

There are more than 5,200 Medicare-certified ASCs across all 50 States, with 83 in Oregon alone. These facilities, that employ the equivalent of 117,700 full-time workers nationwide, ensure that patients from Portland to Hermiston, from Klamath Falls to Coos Bay, have access to safe, effective, and quality surgical care.

But ASCs can do more than provide the same services found in a Hospital Outpatient Department; they can do it at lower cost. Medicare saves an estimated \$3 billion each year when surgical procedures are performed in ASCs rather than hospitals due to ASC reimbursement equaling 56 percent of what a hospital receives.

Currently, Medicare uses two different factors to update reimbursement: one for ASCs and a different one for hospitals. ASC payments are updated based on the consumer price index, while hospital rates are updated using the hospital market basket, which specifically measures changes in the costs of providing health care. Both facilities can provide identical surgical procedures, so why aren't their respective reimbursements linked to the same update mechanism? Why should there be a double standard?

This inequity could have significant consequences for both patients' access to services and Medicare's rate of outpatient expenditures if facilities begin consolidating or hospitals begin acquiring these practices in an attempt to reimburse for the same services at a higher rate—and cost to the taxpayer.

The legislation Senator CRAPO and I have introduced today, however, begins to address this in two ways: First, this bill creates parity by allowing ASC payment rates to be updated using the same market basket update hospitals use; and second, the bill goes a step further by establishing a Value-Based Purchasing program which will disperse shared savings payments based on quality reporting and improved performance.

The Ambulatory Surgical Center Quality and Access Act puts common-sense policies in place that will enhance patients' access to quality care in a cost-effective way. I urge my colleagues to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1173

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ambulatory Surgical Center Quality and Access Act of 2011".

## SEC. 2. ALIGNING UPDATES FOR AMBULATORY SURGICAL CENTER SERVICES WITH UPDATES FOR OPD SERVICES.

Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)) is amended—

(1) by redesignating clause (vi) as clause (vii);

(2) in the first sentence of clause (v), by inserting before the period the following: “and, in the case of 2012 or a subsequent year, by the adjustment described in subsection (t)(3)(G) for the respective year”; and

(3) by inserting after clause (v) the following new clause:

“(vi) In implementing the system described in clause (i) for 2012 and each subsequent year, there shall be an annual update under such system for the year equal to the OPD fee schedule increase factor specified under subsection (t)(3)(C)(iv) for such year, adjusted in accordance with clauses (iv) and (v).”.

## SEC. 3. IMPROVING ASC QUALITY MEASURE REPORTING AND APPLYING VALUE-BASED PURCHASING TO ASCS.

(a) QUALITY MEASURES.—Paragraph (7) of section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence, by inserting “(beginning with 2014)” after “with respect to a year”; and

(B) by adding at the end the following: “Data required to be submitted on measures selected under this paragraph must be on measures that have been selected by the Secretary after consideration of public comments and in accordance with the process described in subparagraph (B). Such measures may include healthcare acquired infection measures appropriate for ambulatory surgery centers, prophylactic IV antibiotic timing, and patient falls. Ambulatory surgical centers determined by the Secretary to furnish a minimal number of items and services under this title with respect to a year shall not be subject to a reduction under this subparagraph for such year.”;

(2) in subparagraph (B)—

(A) by striking “Except as the Secretary may otherwise provide, the” and inserting “Except as provided in the subsequent sentence, the”; and

(B) by adding at the end the following: “In carrying out the previous sentence, the Secretary shall—

“(i) ensure that measures meet the definition and process for identifying quality measures under subsections (a) and (b) of section 931 of the Public Health Service Act;

“(ii) ensure that measures are developed, selected, and modified in accordance with the development, selection, and modification processes for measures established under section 1890A and in accordance with section 1890;

“(iii) ensure that measures are selected, and a data submission process is implemented, under this paragraph in a manner that ensures ambulatory surgical centers are able to voluntarily submit data under this paragraph not later than January 1, 2013;

“(iv) make available an infrastructure which will allow ambulatory surgery centers to submit data on such measures through electronic and other means;

“(v) ensure that the form and manner of submissions under this paragraph by ambulatory surgical centers shall include the option of submitting data with claims for payment under this part;

“(vi) ensure that a mechanism is developed to allow an ambulatory surgical center to attest that the center did not furnish services applicable to selected measures for use under

the Program established under paragraph (8); and

“(vii) establish and have in place, by not later than June 30, 2013, an informal process for ambulatory surgery centers to seek a review of and appeal the determination that an ambulatory surgical center did not satisfactorily submit data on quality measures.”; and

(3) by adding at the end the following new subparagraphs:

“(C) To the extent that quality measures implemented by the Secretary under this paragraph for ambulatory surgical centers and under section 1833(t)(17) for hospital outpatient departments are applicable to the provision of surgical services in both ambulatory surgical centers and hospital outpatient departments, the Secretary shall—

“(i) require that both ambulatory surgical centers and hospital outpatient departments report data on such measures; and

“(ii) make reported data available on the website ‘Medicare.gov’ in a manner that will permit side-by-side comparisons on such measures for ambulatory surgical centers and hospital outpatient departments in the same geographic area.

“(D) For each procedure covered for payment in an ambulatory surgical center, the Secretary shall publish, along with the quality reporting comparisons provided for in subparagraph (C), comparisons of the Medicare payment and beneficiary copayment amounts for the procedure when performed in ambulatory surgical centers and hospital outpatient departments in the same geographic area.

“(E) The Secretary shall ensure that an ambulatory surgery center and a hospital has the opportunity to review, and submit any corrections for, the data to be made public with respect to the ambulatory surgery center under subparagraph (C)(ii) prior to such data being made public.”.

(b) AMBULATORY SURGICAL CENTER VALUE-BASED PURCHASING PROGRAM.—Section 1833(i) is amended by adding at the end the following new paragraph:

“(8) VALUE-BASED PURCHASING PROGRAM.—

“(A) ESTABLISHMENT.—The Secretary shall establish an ambulatory surgical center value-based purchasing program (in this subsection referred to as the ‘Program’) under which, subject to subparagraph (I), each ambulatory surgical center that the Secretary determines meets (or exceeds) the performance standards under subparagraph (D) for the performance period (as established under subparagraph (E)) for a calendar year is eligible, from the amounts made available in the total shared savings pool under subparagraph (I)(iv), for shared savings under subparagraph (I), which shall be in the form, after application of the adjustments under clauses (iv), (v), and (vi) of paragraph (2)(D), of an increase in the amount of payment determined under the payment system under paragraph (2)(D) for surgical services furnished by such center during the subsequent year, by the value-based percentage amount under subparagraph (H) specified by the Secretary for such center and year.

“(B) PROGRAM START DATE.—The Program shall apply to payments for procedures occurring on or after January 1, 2015.

“(C) MEASURES.—

“(i) IN GENERAL.—For purposes of the Program, the Secretary shall select measures from the measures specified under paragraph (7).

“(ii) AVAILABILITY OF MEASURE AND DATA.—The Secretary may not select a measure under this paragraph for use under the Pro-

gram with respect to a performance period for a calendar year unless such measure has been included, and the reported data available, on the website ‘Medicare.gov’, for at least 1 year prior to the beginning of such performance period.

“(iii) MEASURE NOT APPLICABLE UNLESS ASC FURNISHES SERVICES APPROPRIATE TO MEASURE.—A measure selected under this paragraph for use under the Program shall not apply to an ambulatory surgical center if such center does not furnish services appropriate to such measure.

“(D) PERFORMANCE STANDARDS.—

“(i) ESTABLISHMENT.—The Secretary shall establish performance standards with respect to measures selected under subparagraph (C)(i) for a performance period for a calendar year.

“(ii) ACHIEVEMENT AND IMPROVEMENT.—The performance standards established under clause (i) shall include levels of achievement and improvement.

“(iii) TIMING.—The Secretary shall establish and announce the performance standards under clause (i) not later than 60 days prior to the beginning of the performance period for the calendar year involved.

“(E) PERFORMANCE PERIOD.—For purposes of the Program, the Secretary shall establish the performance period for a calendar year. Such performance period shall begin and end prior to the beginning of such calendar year.

“(F) ASC PERFORMANCE SCORE.—The Secretary shall develop a methodology for assessing the total performance of each ambulatory surgery center based on performance standards with respect to the measures selected under subparagraph (C) for a performance period (as established under subparagraph (E)). Using such methodology, the Secretary shall provide for an assessment (in this subsection referred to as the ‘ASC performance score’) for each ambulatory surgical center for each performance period. The methodology shall provide that the ASC performance score is determined using the higher of its achievement or improvement score for each measure.

“(G) APPEALS.—The Secretary shall establish a process by which ambulatory surgery centers may appeal the calculation of the ambulatory surgery center’s performance with respect to the performance standards established under subparagraph (D) and the ambulatory surgery center performance score under subparagraph (E). The Secretary shall ensure that such process provides for resolution of appeals in a timely manner.

“(H) CALCULATION OF VALUE-BASED INCENTIVE PAYMENT.—

“(i) VALUE-BASED PERCENTAGE AMOUNT.—For purposes of subparagraph (A), the Secretary shall specify a value-based percentage amount for an ambulatory surgical center for a calendar year.

“(ii) REQUIREMENTS.—In specifying the value-based percentage amount for each ambulatory surgical center for a calendar year under clause (i), the Secretary shall ensure that such percentage is based on—

“(I) the ASC performance score of the ambulatory surgery center under subparagraph (F); and

“(II) the amount of the total savings pool made available under subparagraph (I)(iii)(I) for such year.

“(I) ANNUAL CALCULATION OF SHARED SAVINGS FUNDING FOR VALUE-BASED INCENTIVE PAYMENTS.—

“(i) DETERMINING BONUS POOL.—In each year of the Program, ambulatory surgery centers shall be eligible to receive payment for shared savings under the Program only if for such year the sum of—

“(I) the estimated amount of expenditures under this title for Medicare fee-for-service beneficiaries (as defined in section 1899(h)(3)) for surgical services for which payment is made under the payment system under paragraph (2), adjusted for beneficiary characteristics, and

“(II) the estimated amount of expenditures under this title for Medicare fee-for-service beneficiaries (as so defined) for the same surgical services for which payment is made under the prospective payment system under subsection (t), adjusted for beneficiary characteristics,

is at least the percent specified by the Secretary below the applicable benchmark determined for such year under clause (ii). For purposes of this subparagraph, such sum shall be referred to as ‘estimated expenditures’. The Secretary shall determine the appropriate percent described in the preceding sentence to account for normal variation in volume of services under this title and to account for changes in the coverage of services in ambulatory surgery centers and hospital outpatient departments during the performance period involved.

“(ii) ESTABLISH AND UPDATE BENCHMARK.—For purposes of clause (i), the Secretary shall calculate a benchmark for each year described in such clause equal to the product of—

“(I) estimated expenditures described in clause (i) for such year, and

“(II) the average annual growth in estimated expenditures for the most recent three years.

Such benchmark shall be reset at the start of each calendar year, and adjusted for changes in enrollment under the Medicare fee-for-service program.

“(iii) PAYMENTS BASED ON SHARED SAVINGS.—If the requirement under clause (i) is met for a year—

“(I) 50 percent of the total savings pool estimated under clause (iv) for such year shall be made available for shared savings to be paid to ambulatory surgical centers under this paragraph;

“(II) a percent (as determined appropriate by the Secretary, in accordance with subparagraph (H)) of such amount made available for such year shall be paid as shared savings to each ambulatory surgery center that is determined under the Program to have met or exceeded performance scores for such year; and

“(III) all funds made available under subclause (I) for such year shall be used and paid as sharing savings for such year in accordance with subclause (II).

“(iv) ESTIMATE OF THE TOTAL SAVINGS POOL.—For purposes of clause (iii), the Secretary shall estimate for each year of the Program the total savings pool as the product of—

“(I) the conversion factor for such year determined by the Secretary under the payment system under paragraph (2)(D) divided by the conversion factor calculated under subsection (t)(3)(C) for such year for covered OPD services, multiplied by 100, and

“(II)(aa) the product of the estimated Medicare expenditures for surgical services described in clause (i)(I) furnished during such year to Medicare fee-for-service beneficiaries (as defined in section 1899(h)(3)) for which payment is made under subsection (t) and the average annual growth in the estimated Medicare expenditures for such services furnished to Medicare fee-for-service beneficiaries (as so defined) for which payment is made under subsection (t) in the most recent available 3 years, less

“(bb) the estimated Medicare expenditures for surgical services described in clause (i)(I) furnished to Medicare fee-for-service beneficiaries for which payment was made under subsection (t) in the most recent year.

“(J) NO EFFECT IN SUBSEQUENT CALENDAR YEARS.—The value-based percentage amount under subparagraph (H) and the percent determined under subparagraph (I)(iii)(I) shall apply only with respect to the calendar year involved, and the Secretary shall not take into account such amount or percentage in making payments to an ambulatory surgery center under this section in a subsequent calendar year.”

#### SEC. 4. APC PANEL REPRESENTATION.

(a) ASC REPRESENTATIVE.—The second sentence of section 1833(t)(9)(A) of the Social Security Act (42 U.S.C. 1395l(t)(9)(A)) is amended by inserting “and suppliers subject to the prospective payment system (including at least one ambulatory surgical center representative)” after “an appropriate selection of representatives of providers”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

#### SEC. 5. ENSURING ACCESS TO SAME DAY SERVICES.

The conditions for coverage of ambulatory surgical center services specified by the Secretary of Health and Human Services pursuant to section 1832(a)(2)(F)(i) of the Social Security Act (42 U.S.C. 1395k(a)(2)(F)(i)) shall not prohibit ambulatory surgical centers from providing individuals with any notice of rights or other required notice on the date of a procedure if more advance notice is not feasible under the circumstances, including when a procedure is scheduled and performed on the same day.

By Ms. LANDRIEU (for herself, Mr. GRAHAM, Mr. AKAKA, Mr. BEGICH, Mr. BROWN of Massachusetts, Mr. CARPER, Ms. COLLINS, Mrs. GILLIBRAND, Mr. KIRK, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. SANDERS, and Mr. SCHUMER):

S. 1176. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. LANDRIEU. Mr. President, today I join my colleagues in introducing the American Horse Slaughter Prevention Act. This bill will prohibit the slaughter of horses for human consumption, a practice that the majority of Americans oppose and of which many are unaware. The last American horse slaughterhouses were closed in 2007, and there is virtually no demand for horse meat for human consumption in the United States. Unfortunately, tens of thousands of American horses are still being inhumanely transported to foreign processing plants, where they are brutally slaughtered.

Horses are domestic animals that have served men and women as loyal, hard working companions for thousands of years; and today, they are

used primarily for recreation, pleasure, and sport. Horses differ from other livestock animals in that we do not raise them for the purpose of slaughter. We raise and train them to trust us, perform for us, and allow us on their backs. As such, they are entitled to a sense of human compassion, of which the practice of horse slaughter is void.

Throughout the development of this country, human consumption of horse meat has not been a widely accepted activity. This is undoubtedly due to the unique relationship enjoyed between mankind and horses for thousands of years. Horses were there in our work, on our farms, for transportation and communication in the taming of a vast American Frontier, and on every battlefield prior to World War II. They have proven their loyalty and nobility, and without them, the development of our country might not have been possible and at the least, would have been significantly more difficult. In modern time, horses provide joy and entertainment. Through racing, jumping, recreation, and even therapy to the disabled, horses touch the lives of many Americans. Clearly, they hold a special place in our culture, and it is for these reasons, that so many people are strongly opposed to horse slaughter in America.

Unfortunately, horse owners do have to face the realities of infirmity, age, or other reasons that may necessitate putting down their animal. However, this calls for humane euthanasia, and slaughter is simply not an appropriate alternative. The average cost for humane euthanasia and disposal is about the same as the cost of one month's care, so it is not unreasonable to expect horse owners to accept responsibility and incur this minor expense.

Additionally, because we do not raise horses with the intent to slaughter for human consumption, they are frequently treated with drugs not approved for use in animals raised for human consumption. These drugs can be toxic when ingested by humans. We have no system in the United States to track which medications a horse has received throughout its lifetime, and as such, American horse meat poses a food safety and export risk.

It is for all of these reasons that I am committed to ensuring that this bill is brought to the attention of all of our colleagues here in the Senate. I look forward to working with the senior Senator from South Carolina and others to address this important issue and pass a commonsense bill that reflects the desires of many of our constituents, who support the humane treatment of our horses and the prohibition of their slaughter for humane consumption.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.



There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1176

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE.

This Act may be cited as the “American Horse Slaughter Prevention Act of 2011”.

## SEC. 2. PROHIBITION ON SHIPPING, TRANSPORTING, MOVING, DELIVERING, RECEIVING, POSSESSING, PURCHASING, SELLING, OR DONATION OF HORSES AND OTHER EQUINES FOR SLAUGHTER FOR HUMAN CONSUMPTION.

(a) DEFINITIONS.—Section 2 of the Horse Protection Act (15 U.S.C. 1821) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) The term ‘human consumption’ means ingestion by people as a source of food.”; and

(3) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

“(4) The term ‘slaughter’ means the killing of 1 or more horses or other equines with the intent to sell or trade the flesh for human consumption.”.

(b) FINDINGS.—Section 3 of the Horse Protection Act (15 U.S.C. 1822) is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (6) through (10), respectively;

(2) by adding before paragraph (6) (as redesignated by paragraph (1)) the following:

“(1) horses and other equines play a vital role in the collective experience of the United States and deserve protection and compassion;

“(2) horses and other equines are domestic animals that are used primarily for recreation, pleasure, and sport;

“(3) unlike cows, pigs, and many other animals, horses and other equines are not raised for the purpose of being slaughtered for human consumption;

“(4) individuals selling horses or other equines at auctions are seldom aware that the animals may be bought for the purpose of being slaughtered for human consumption;

“(5) the Animal and Plant Health Inspection Service of the Department of Agriculture has found that horses and other equines cannot be safely and humanely transported in double deck trailers.”; and

(3) by striking paragraph (8) (as redesignated by paragraph (1)) and inserting the following:

“(8) the movement, showing, exhibition, or sale of sore horses in intrastate commerce, and the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation in intrastate commerce of horses and other equines to be slaughtered for human consumption, adversely affect and burden interstate and foreign commerce.”.

(c) PROHIBITION.—Section 5 of the Horse Protection Act (15 U.S.C. 1824) is amended—

(1) by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively; and

(2) by inserting after paragraph 7 the following:

“(8) The shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of any horse or other equine to be slaughtered for human consumption.”.

(d) AUTHORITY TO DETAIN.—Section 6(e) of the Horse Protection Act (15 U.S.C. 1825(e)) is amended—

(1) by striking the first sentence of paragraph (1);

(2) by redesignating paragraphs (1) and (2) and as paragraphs (2) and (3), respectively; and

(3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

“(1) The Secretary may detain for examination, testing, or the taking of evidence—

“(A) any horse at any horse show, horse exhibition, or horse sale or auction that is sore or that the Secretary has probable cause to believe is sore; and

“(B) any horse or other equine that the Secretary has probable cause to believe is being shipped, transported, moved, delivered, received, possessed, purchased, sold, or donated in violation of section 5(8).”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 12 of the Horse Protection Act (15 U.S.C. 1831) is amended by striking “\$500,000” and inserting “\$5,000,000”.

By Mr. BINGAMAN:

S. 1177. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce a series of education bills S. 1177, S. 1178, and S. 1179, that reflect many of my legislative priorities in K–12 education policy and the reauthorization of the Elementary and Secondary Education Act. As Chairman HARKIN, Ranking Member ENZI, and my Senate colleagues on the Health, Education, Labor and Pensions Committee continue negotiations on the reauthorization of ESEA, I feel that it is appropriate to introduce legislation that I have developed for inclusion in the reauthorized legislation. While the bills I have introduced today do not address all of the many changes that I feel are necessary to fix No Child Left Behind, they do emphasize areas of particular and longstanding concern to me and my constituents.

I strongly believe that there must be a continued federal role in education in the United States. I have great respect for State and local school officials, and as such I believe that they continue to require Federal support to improve student achievement and improve graduation rates. Given the severe education funding challenges in my home State of New Mexico and across the country, Congress has a particular obligation to retain its focus on student achievement, especially among low-income and disadvantaged youth.

Federal education policy should prioritize ending the nationwide high school dropout crisis; supporting the effective use of education technology, especially in high-poverty schools; ensuring that students benefit from high expectations, rigorous standards and curriculum; and extending the school day, week, and/or year to ensure that

U.S. students do not continue to fall behind our global competitors.

Each year in the United States, approximately 1.2 million students drop out of school without receiving a diploma, at an estimated annual cost to the country of over \$300 billion. My home State of New Mexico has one of the lowest statewide graduation rates in the country. The Graduation Promise Act, which I am introducing today, authorizes a new Federal focus on helping underperforming high schools improve student achievement and increase graduation rates.

The Federal Government should support teachers using the most up-to-date technology to prepare students for success in college and 21st century careers. Today, I reintroduced the Achievement Through Technology and Innovation Act of 2011. This bill would renew and strengthen the existing education technology program in ESEA. The ATTAIN Act recognizes that learning technologies are critical to preparing students for the 21st century workforce, ensuring high quality teaching, and improving the productivity of our Nation’s educational system. The Act would provide Federal funds to states and local school districts to train teachers, purchase education technology hardware and software, and support innovative learning methods and student technological literacy.

All students, regardless of their income levels, should be able to benefit from high expectations, high academic standards, and college-level academic opportunities. The Advanced Programs Act of 2011 would renew the current ESEA program, which provides Federal funding to pay low-income students’ AP exam fees and incentive grants to expand student access to AP courses and exams.

Finally, I wish to highlight my cosponsorship of the Time for Innovation Matters in Education Act, which Chairman HARKIN introduced on April 14th of this year. The TIME Act authorizes Federal funding to support expanded learning time, ELT, initiatives in public schools. American students spend about 30 percent less time in school than students in other leading nations, which hinders our students’ ability to succeed and compete. ELT programs typically provide extra time for academic student, enrichment activities, and teacher collaboration. Studies show that programs that significantly increase the total number of hours in a regular school schedule can lead to gains in academic achievement, particularly for students who are furthest behind.

Taken together, these four bills present a coherent, consistent vision for the Federal role in education reform. We must turn around struggling high schools and improve our high school graduation rates. We must use



the best technology available to provide solid instruction and develop the student technological literacy necessary for success in the digital age. We must provide all students with access to high standards and college-level academic opportunities. We must support schools adding the school time necessary to allow our students to keep pace with students in high-performing countries.

Now is not the time for the Federal Government to back away from its commitment to helping disadvantaged students succeed in school and in life. While the Elementary and Secondary Education Act needs to be reconsidered and substantially reworked, we must not roll back Federal policy and ignore the persistent achievement gaps that limit our national competitiveness and deny millions of our children access to the American dream.

#### SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 23—DECLARING THAT IT IS THE POLICY OF THE UNITED STATES TO SUPPORT AND FACILITATE ISRAEL IN MAINTAINING DEFENSIBLE BORDERS AND THAT IT IS CONTRARY TO UNITED STATES POLICY AND NATIONAL SECURITY TO HAVE THE BORDERS OF ISRAEL RETURN TO THE ARMISTICE LINES THAT EXISTED ON JUNE 4, 1967

Mr. HATCH (for himself, Mr. LIEBERMAN, Mr. RUBIO, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. WYDEN, Mr. MORAN, Mr. TOOMEY, Mr. INHOFE, Mr. BARRASSO, Mr. KIRK, Mr. BURR, Mr. CORNYN, Mr. KYL, Mr. THUNE, Mr. PORTMAN, Mr. COATS, Mr. COBURN, Ms. AYOTTE, Mr. BOOZMAN, Mr. BLUNT, Mr. BROWN of Massachusetts, Mr. VITTER, Mr. ROBERTS, Mr. ENZI, Mr. ISAKSON, Ms. MURKOWSKI, Mr. WICKER, Mr. LUGAR, and Mr. CHAMBLISS) submitted the following concurrent resolution; which was referred to the committee on Foreign Relations:

#### S. CON. RES. 23

Whereas, throughout its short history, Israel, a liberal democratic ally of the United States, has been repeatedly attacked by authoritarian regimes and terrorist organizations that denied its right to exist;

Whereas the United States Government remains steadfastly committed to the security of Israel, especially its ability to maintain secure, recognized, and defensible borders;

Whereas the United States Government is resolutely bound to its policy of preserving and strengthening the capability of Israel to deter enemies and defend itself against any threat;

Whereas United Nations Security Council Resolution 242 (1967) recognized Israel's "right to live in peace within secure and recognized boundaries free from threats or acts of force";

Whereas the United States has long recognized that a return to the 1967 lines would

create a strategic military vulnerability for Israel and greatly impede its sovereign right to defend its borders; and

Whereas Prime Minister of Israel Benjamin Netanyahu correctly stated on May 20, 2011, that the 1967 lines were not "boundaries of peace. They are the boundaries of repeated war": Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That—*

(1) it is the policy of the United States to support and facilitate Israel in creating and maintaining secure, recognized, and defensible borders; and

(2) it is contrary to United States policy and our national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

Mr. HATCH. Mr. President, today I am pleased to rise and offer, with my good friend, the senior Senator from Connecticut, a concurrent resolution which reaffirms our Nation's steadfast and unshakable commitment to the security of Israel, specifically through the establishment of secure, recognized, and defensible borders.

It is unfortunate that I am compelled to offer such a resolution. For years, both Republican and Democratic administrations have recognized that Israel's boundaries of June 4, 1967 are indefensible and if reestablished will create a strategic military vulnerability for our staunch ally.

That is why President Obama's recent comments were so dumbfounding. The President's prepared and thoroughly considered remarks called for the starting point of negotiations to be what we all know are the militarily indefensible 1967 lines.

Remember, if Israel returns to the 1967 lines its territory will, in some locations, be only 9 miles wide.

As Prime Minister Benjamin Netanyahu correctly stated in a friendly and appropriate correction to the President's remarks, the 1967 lines are not boundaries of peace. They are boundaries of repeated war.

Israel would have to give up the Golan Heights, the strategic elevated location which dominates northern Israel. Does the President not remember during the 1973 War the Syrians launched a massive armored attack on the Golan Heights which almost succeeded?

This raises the question of who President Obama was attempting to appease with his ill-advised statements, which unnecessarily drove a wedge between the United States and Israel?

The fact is the national security interests of the United States and Israel are linked. The threats Israel faces are the threats the United States faces. Whether it is Hezbollah in Lebanon, Hamas in the Gaza Strip or these groups' benefactor, Iran, we share a common foe.

Unfortunately, that foe, Iran, appears to be growing stronger and more capable. Iran has repeatedly stated it wishes to wipe the United States and Israel off the map. Iran's obvious aim

is to establish strategic dominance over the entire region. Their relentless pursuit of nuclear weapons and ballistic missile technology is of grave concern.

Much has been said about Iran's nuclear program, but much less has been articulated about its ballistic missile program. In order to achieve its strategic objectives, Iran has embarked on a significant ballistic missile program. Iranian officials have boasted they have the ability to produce a ballistic missile with a 1,250 mile range. In 2009, the Iranians were able to launch a multistage space launch vehicle that the Air Force concluded "can serve as a test-bed for long-range ballistic missile technologies."

Even more troubling the Iranians appear to be developing a new long-range multistage solid rocket motor missile. Why is that important? If the Iranians successfully field this type of technology, they will be able to launch, almost instantaneously, missiles which carry warheads over great distances.

With these ominous developments emanating from Israel's and the United States common foe, do we really want to be seen as distancing ourselves from one of our staunchest allies—especially on such a pivotal issue as Israel's borders. This issue of these borders is only underscored by the constant attacks on Israel's borders by Iran's surrogates, Hezbollah and Hamas.

That is why I believe this Concurrent Resolution is so important. It reaffirms the long-held, bipartisan policy of the United States, that we will "support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and our national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967."

The United States has no greater friend than Israel and Israel has no greater friend than the United States.

Israel too often finds herself alone in the world, unjustly singled out by the left as a nation uniquely without the moral authority to defend itself.

From my perspective, Israel does not need to apologize to anyone for defending itself against those who would do her harm, and I will always stand by Israel as she seeks to protect her citizens against terrorists and their state sponsors.

Having said that, I also believe many Iranians, especially the young people, know Iran is causing problems in the Middle East. We must support those people who are searchers for freedom.

The security of both our nations is irrevocably linked. This bipartisan concurrent resolution removes any harmful ambiguity the President's remarks last week might have caused.

The United States must stand by Israel. With his remarks last week, President Obama undermined her.

Israel faces consistent unprovoked aggression by longtime supporters of

terrorism. But Israel is not a victim. All she asks is the ability to defend herself and for free people to support her right to self-defense.

This is no time for the United States to distance itself from Israel, and I will do everything I can to affirm Israel's territorial integrity and ability to protect her citizens against the unprovoked attacks of terrorist and state actors.

Because Israel is a true friend, I am not surprised that this resolution has strong bipartisan support. My colleague, Senator LIEBERMAN, and I will be joined by members of both parties who want to remind the world the United States is steadfastly committed to the security of Israel and especially our ally's ability to maintain secure, recognized and defensible borders.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 434. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 435. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 436. Mr. COBURN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 782, supra.

SA 437. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 438. Mr. INHOFE (for himself, Mr. BLUNT, Mr. JOHANNIS, Mr. COCHRAN, Mr. COATS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 782, supra.

SA 439. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 440. Mr. MERKLEY proposed an amendment to the bill S. 782, supra.

SA 441. Mr. MCCAIN proposed an amendment to amendment SA 436 submitted by Mr. COBURN (for himself and Mr. CARDIN) to the bill S. 782, supra.

SA 442. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 443. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 444. Ms. SNOWE (for herself, Mrs. MCCASKILL, Mr. GRASSLEY, Mrs. HAGAN, Ms. COLLINS, Mr. MERKLEY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 445. Mr. COBURN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 446. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 447. Mr. COBURN submitted an amendment intended to be proposed by him to the

bill S. 782, supra; which was ordered to lie on the table.

SA 448. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 449. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 450. Mr. COBURN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 451. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 452. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 453. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 454. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 455. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 456. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 457. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 458. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 434. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:  
**SEC. 22. PERMANENT REAUTHORIZATION OF E-VERIFY.**

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking "Unless the Congress otherwise provides, the Secretary shall terminate a pilot program on September 30, 2012."

SA 435. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows.

On page 29, after line 20, add the following:  
**SEC. 22. WATER QUALITY STANDARDS.**

None of the amounts made available by this Act, the amendments made by this Act, or any other provision of law may be used to

implement, administer, or enforce the final rule of the Environmental Protection Agency entitled "Water Quality Standards for the State of Florida's Lakes and Flowing Waters" (75 Fed. Reg. 75762 (December 6, 2010)).

SA 436. Mr. COBURN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows.

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) BRIGHTFIELDS DEMONSTRATION PROGRAM.—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

SA 437. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows.

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) BRIGHTFIELDS DEMONSTRATION PROGRAM.—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) (as amended by section 19) is amended by striking "\$500,000,000" and inserting "\$150,000,000".

(c) TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

SA 438. Mr. INHOFE (for himself, Mr. BLUNT, Mr. JOHANNIS, Mr. COCHRAN, Mr. COATS, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows:

At the end, add the following:

#### TITLE II—REGULATORY ASSESSMENT

##### SEC. 201. SHORT TITLE.

This title may be cited as the "Comprehensive Assessment of Regulations on the Economy Act of 2011".

##### SEC. 202. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) COMMITTEE.—The term "Committee" means the Cumulative Regulatory Assessment Committee established by section 203(a).

(3) **FEDERAL REGULATORY MANDATE.**—The term “Federal regulatory mandate” means any regulation, rule, requirement, or interpretative guidance that—

(A) is promulgated or issued (or is expected to be initiated) by the Administrator or a State or local government during the period beginning on January 1, 2010, and ending on January 1, 2020;

(B) applies to 1 or more impacted units; and

(C) implements any provision or requirement relating to—

(i) interstate or international transport of air pollution under section 110(a)(2)(D), 115, or 126(b) of the Clean Air Act (42 U.S.C. 7410(a)(2)(D), 7415, 7426(b)) with respect to any national ambient air quality standard, including—

(I) any standard that has been promulgated or proposed before July 1, 2011; and

(II) any new or revised standard for ozone or fine particulate matter that, as of the date of enactment of this Act, is currently under review or development by the Administrator; and

(ii) the attainment, or maintenance of attainment, of any national ambient air quality standard, including—

(I) any new or revised standard for ozone or fine particulate matter that, as of the date of enactment of this Act, is currently under review or development by the Administrator; and

(II) any other standard that has been promulgated or proposed before July 1, 2011;

(iii) new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411), including any standards under subsection (d) of that section;

(iv) hazardous air pollutants under section 112 of the Clean Air Act (42 U.S.C. 7412);

(v) greenhouse gas emissions under titles I, II, and V of the Clean Air Act (42 U.S.C. 7401 et seq.), including the requirements for—

(I) new source performance standards under section 111 of the Clean Air Act (42 U.S.C. 7411), including any standards under subsection (d) of that section; and

(II) preconstruction review permits under section 165 of the Clean Air Act (42 U.S.C. 7475);

(vi) cooling water intake structures under section 316(b) of the Clean Water Act (33 U.S.C. 1326(b));

(vii) effluent guidelines for regulating the discharge of pollutants under section 304 of the Clean Water Act (33 U.S.C. 1314);

(viii) the handling and disposal of coal combustion residuals under subtitle C or D of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(ix) the regulation of fuels under title II of the Clean Air Act (42 U.S.C. 7521 et seq.);

(x) regional haze or reasonably attributable visibility impairment under section 169A or section 169B of the Clean Air Act (42 U.S.C. 7491, 7492); and

(xi) any other environmental regulations expected to have a significant impact on the electric power sector, the petroleum refining sector, the petrochemical production sector, pipeline facilities regulated by the Department of Transportation or the Environmental Protection Agency, exploration, production, or transportation of oil and natural gas, or any other manufacturing sector.

(4) **IMPACTED UNIT.**—The term “impacted unit” means—

(A) any electric generating unit that sells electricity into the grid;

(B) any industrial, commercial, or institutional boiler or process heater;

(C) any petroleum refining facility that produces gasoline, heating oil, diesel fuel, jet fuel, kerosene, or petrochemical feedstocks;

(D) any petrochemical facility;

(E) any hydrocarbon exploration, extraction, manufacturing, production, or transportation facility; or

(F) any biofuel facility.

#### **SEC. 203. CUMULATIVE REGULATORY ASSESSMENT COMMITTEE.**

(a) **ESTABLISHMENT.**—There is established within the Department of Commerce a Committee, to be known as the “Cumulative Regulatory Assessment Committee”.

(b) **COMPOSITION OF COMMITTEE.**—The Committee shall consist of the following officials (or designees of the officials):

(1) The Secretary of Agriculture.

(2) The Secretary of Commerce.

(3) The Secretary of Defense.

(4) The Chairperson of the Council of Economic Advisers.

(5) The Secretary of Energy.

(6) The Administrator.

(7) The Chairperson of the Federal Energy Regulatory Commission.

(8) The Secretary of Labor.

(9) The Administrator of the Office of Information and Regulatory Affairs.

(10) The President and Chief Executive Officer of the North American Electric Reliability Corporation.

(11) The Chief Counsel for Advocacy of the Small Business Administration.

(c) **LEADERSHIP; OPERATIONS.**—The Secretary of Commerce shall—

(1) serve as the Chairperson of the Committee; and

(2) be responsible for the executive and administrative operation of the Committee.

(d) **IDENTIFICATION OF FEDERAL REGULATORY MANDATES.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide to the Committee a list of Federal regulatory mandates.

(e) **DUTIES.**—

(1) **ASSESSMENT.**—

(A) **IN GENERAL.**—The Committee shall perform an assessment of the cumulative energy and economic impacts of the Federal regulatory mandates in accordance with this subsection, including direct, indirect, quantifiable, and qualitative effects on—

(i) employment, including job levels in each segment of the economy and each region of the United States, including coal-producing regions;

(ii) economic development, including production levels and labor demands in manufacturing, commercial, and other sectors of the economy;

(iii) the electric power sector, including potential impacts on electric reliability, energy security, and retail electricity rates;

(iv) the domestic refining and petrochemical sector, including potential impacts on supply, international competitiveness, wholesale and retail transportation fuels, and heating oil and petrochemical prices;

(v) State and local governments, including potential impacts on governmental operations and local communities from any reductions in State and local tax revenues;

(vi) small businesses (as defined in section 601 of title 5, United States Code), including economic and regulatory impacts that could force the shutdown or limit the growth of small businesses;

(vii) agriculture, including economic and regulatory impacts that could force the shutdown, or limit growth or productive capacity, of the agricultural industry in the United States, including the domestic fertilizer manufacturing industry; and

(viii) energy-intensive, trade-exposed industry (as defined in North American Industry Classification System codes 31, 32, and 33) (including the beneficiation or processing (including agglomeration) of metal ores (including iron and copper ores), soda ash, or phosphate, petroleum refining, and petrochemicals production), including economic and regulatory impacts that could force the shutdown, or limit growth of productive capacity, of the United States manufacturing industry.

(B) **COMPREHENSIVE ANALYSIS.**—The assessment shall include a comprehensive analysis, for the period beginning on January 1, 2012, and ending on December 31, 2025, of the following matters:

(i) The impacted units that would likely retire due to the cumulative compliance costs of the Federal regulatory mandates.

(ii) The amount by which average retail electricity prices are forecasted to increase above inflation as a result of—

(I) the cumulative compliance costs of the Federal regulatory mandates;

(II) the retirement of electric generating units that are impacted units described in clause (i); and

(III) other direct and indirect impacts that are expected to result from the cumulative compliance obligations of the Federal regulatory mandates.

(iii) The amount by which average retail transportation fuel and heating oil prices are forecasted to increase above inflation as a result of—

(I) the cumulative compliance costs of the Federal regulatory mandates;

(II) the retirement or closure of domestic refineries that are impacted units described in clause (i);

(III) the likely foreign-sourced replacement for the transportation fuels and heating oil supplies loss caused by the retirements or closures identified under subclause (II); and

(IV) other direct and indirect impacts that are expected to result from the cumulative compliance obligations of the Federal regulatory mandates.

(iv) The amount by which average petrochemical prices are forecasted to increase above inflation as a result of—

(I) the cumulative compliance costs of the Federal regulatory mandates;

(II) the retirement or closure of domestic petrochemical facilities that are impacted units described in clause (i);

(III) the likely foreign-sourced replacement for the petrochemical supplies loss caused by the retirements or closures identified under subclause (II); and

(IV) other direct and indirect impacts that are expected to result from the cumulative compliance obligations of the Federal regulatory mandates.

(v) The direct and indirect adverse impacts on the economies of local communities that are projected to result from the retirement of impacted units described in clause (i) and increased retail electricity, transportation fuels, heating oil, and petrochemical prices that are forecasted under clause (ii), including—

(I) loss of jobs, including jobs that would be lost that relate directly or indirectly to coal production or petroleum refining;

(II) reduction in State and local tax revenues;

(III) harm to small businesses;

(IV) harm to consumers;

(V) reduction in—

(aa) the production and use of coal; and

(bb) the domestic production of transportation fuels, heating oil, and petrochemicals in the United States; and

(VI) other resulting adverse economic or energy impacts.

(vi) The extent to which the direct and indirect adverse economic impacts identified under clause (v) can be mitigated through the creation of additional jobs and new economic growth as a result of renewable energy projects, energy efficiency measures, and other such energy construction projects that are projected to be undertaken in order to meet future energy demands.

(vii) The cumulative effects of Federal regulatory mandates on the ability of industries and businesses in the United States to compete with industries and businesses in other countries, with respect to competitiveness in both domestic and foreign markets.

(viii) The regions of the United States that are forecasted to be—

(I) most affected from the direct and indirect adverse impacts from the retirement of impacted units and increased retail electricity, transportation fuels, heating oil, and petrochemicals price, as identified under clause (v); and

(II) least affected from such adverse impacts due to the creation of new jobs and economic growth that are expected to result directly and indirectly from the energy construction projects, as identified under clause (vi).

(ix) The cumulative effects of the Federal regulatory mandates on the electric power sector, including—

(I) adverse impacts on electric reliability that are expected to result from the retirement of electric generating units identified under clause (i);

(II) the geographical distribution of the projected adverse electric reliability impacts identified in subclause (I), according to the regions established by North American Electric Reliability Corporation; and

(III) an assessment of whether current plans to expand electricity generation and transmission capabilities for each particular region can be optimized to mitigate those projected adverse reliability impacts.

(x) Federal, State, and local policies that have been or will be implemented to foster a transition in energy infrastructure in the United States, including those policies that promote fuel diversity, affordable and reliable electricity, and energy security.

(2) CONSULTATION WITH STATE AND LOCAL GOVERNMENTS.—The Committee shall consult with representatives of State and local governments—

(A) to identify potential adverse cumulative impacts of the Federal regulatory mandates that have unique or significant repercussions for each particular region of the United States; and

(B) to investigate opportunities and strategies for mitigating the adverse impacts and repercussions identified under subparagraph (A).

(3) METHODOLOGY.—The Committee shall—

(A) use the best available information and peer-reviewed economic models in performing the cumulative regulatory impact assessment under this subsection; and

(B) seek public comment on the cost, energy, and other modeling assumptions used in performing the assessment.

(4) PUBLIC NOTICE AND COMMENT.—The Committee shall provide public notice and the opportunity for comment on a draft cumulative regulatory impact assessment to be prepared under this subsection.

(5) REPORT TO CONGRESS AND STATES.—Not later than January 1, 2012, the Committee

shall submit to Congress and the Governor of each State a detailed report of the cumulative assessment performed under this subsection.

#### SEC. 204. SAVINGS CLAUSE.

Nothing in this title confirms, modifies, or otherwise affects the statutory authority for adopting and implementing the Federal regulatory mandates.

**SA 439.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. \_\_\_\_ SENSE OF THE SENATE.

It is the sense of the Senate that, for each fiscal year for which amounts are appropriated to carry out programs authorized under this Act or the amendments made by this Act, if those amounts exceed the amounts appropriated to carry out the same programs in fiscal year 2007, other discretionary spending should be reduced by an amount that is equal to the difference between—

(1) the amounts appropriated to carry out programs authorized under this Act or the amendments made by this Act; and

(2) the amounts appropriated to carry out the same programs in fiscal year 2007.

**SA 440.** Mr. MERKLEY proposed an amendment to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows:

At the end of the bill, add the following:

#### SEC. \_\_\_\_ LOW-COST ENERGY EFFICIENCY LOANS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTICIPANT.—The term “eligible participant” means a homeowner who receives financial assistance from a qualified financing entity to carry out energy efficiency or renewable energy improvements to an existing home or other residential building of the homeowner listed under subsection (d).

(2) PROGRAM.—The term “program” means the Energy Efficiency Loan Program established under subsection (b).

(3) QUALIFIED FINANCING ENTITY.—The term “qualified financing entity” means a State, political subdivision of a State, tribal government, electric utility, natural gas utility, nonprofit or community-based organization, energy service company, retailer, or any other qualified entity that—

(A) meets the eligibility requirements of this section; and

(B) is designated by the Governor of a State.

(4) QUALIFIED LOAN PROGRAM MECHANISM.—The term “qualified loan program mechanism” means a loan program that is—

(A) administered by a qualified financing entity; and

(B) principally funded—

(i) by funds provided by or overseen by a State; or

(ii) through the energy loan program of the Federal National Mortgage Association.

(5) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(b) ESTABLISHMENT.—The Secretary shall establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial

assistance provided by qualified financing entities for making qualified energy efficiency or renewable efficiency improvements listed under subsection (d).

(c) ELIGIBILITY OF QUALIFIED FINANCING ENTITIES.—To be eligible to participate in the program, a qualified financing entity shall—

(1) offer a financing product under which eligible participants may pay over time for the cost to the eligible participant (after all applicable Federal, State, local, and other rebates or incentives are applied) of making improvements listed under subsection (d);

(2) require all financed improvements to be performed by contractors in a manner that meets minimum standards established by the Secretary; and

(3) establish standard underwriting criteria to determine the eligibility of program applicants, which criteria shall be consistent with—

(A) with respect to unsecured consumer loan programs, standard underwriting criteria used under the energy loan program of the Federal National Mortgage Association; or

(B) with respect to secured loans or other forms of financial assistance, commercially recognized best practices applicable to the form of financial assistance being provided (as determined by the designated entity administering the program in the State).

(d) QUALIFIED ENERGY EFFICIENCY OR RENEWABLE ENERGY IMPROVEMENTS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish a list of energy efficiency or renewable energy improvements to existing homes that qualify under the program.

(e) ALLOCATION.—In making funds available to States for each fiscal year under this section, the Secretary shall use the formula used to allocate funds to States to carry out State energy conservation plans established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.).

(f) QUALIFIED FINANCING ENTITIES.—Before making funds available to a State under this section, the Secretary shall require the Governor of the State to provide to the Secretary a letter of assurance that the State—

(1) has 1 or more qualified financing entities that meet the requirements of this section;

(2) has established a qualified loan program mechanism that—

(A) includes a methodology to ensure credible energy savings or renewable energy generation;

(B) incorporates an effective repayment mechanism, which may include—

(i) on-utility-bill repayment;

(ii) tax assessment or other form of property assessment financing;

(iii) municipal service charges;

(iv) energy or energy efficiency services contracts;

(v) energy efficiency power purchase agreements;

(vi) unsecured loans applying the underwriting requirements of the energy loan program of the Federal National Mortgage Association; or

(vii) alternative contractual repayment mechanisms that have been demonstrated to have appropriate risk mitigation features; and

(C) will provide, in a timely manner, all information regarding the administration of the program as the Secretary may require to permit the Secretary to meet the reporting requirements of subsection (i).

(g) USE OF FUNDS.—Funds made available to States under the program may be used to

support financing products offered by qualified financing entities to eligible participants for eligible energy efficiency work, by providing—

- (1) interest rate reductions;
- (2) loan loss reserves or other forms of credit enhancement;
- (3) revolving loan funds from which qualified financing entities may offer direct loans; or
- (4) other debt instruments or financial products necessary—

(A) to maximize leverage provided through available funds; and

(B) to support widespread deployment of energy efficiency finance programs.

(h) **USE OF REPAYMENT FUNDS.**—In the case of a revolving loan fund established by a State described in subsection (g)(3), a qualified financing entity may use funds repaid by eligible participants under the program to provide financial assistance for additional eligible participants to make improvements listed under subsection (d) in a manner that is consistent with this section or other such criteria as are prescribed by the State.

(i) **PROGRAM EVALUATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a program evaluation that describes—

(1) how many eligible participants have participated in the program;

(2) how many jobs have been created through the program, directly and indirectly;

(3) what steps could be taken to promote further deployment of energy efficiency and renewable energy retrofits;

(4) the quantity of verifiable energy savings, homeowner energy bill savings, and other benefits of the program; and

(5) the performance of the programs carried out by qualified financing entities under this section, including information on the rate of default and repayment.

(j) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—Section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) Energy efficiency projects, including projects to retrofit residential, commercial, and industrial buildings, facilities, and equipment, including financing programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment.”.

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) **CREDIT SUPPORT FOR FINANCING PROGRAMS.**—

“(1) **IN GENERAL.**—In the case of programs that finance the retrofitting of residential, commercial, and industrial buildings, facilities, and equipment described in subsection (a)(4), the Secretary may—

“(A) offer loan guarantees for portfolios of debt obligations; and

“(B) purchase or make commitments to purchase portfolios of debt obligations.

“(2) **TERM.**—Notwithstanding section 1702(f), the term of any debt obligation that receives credit support under this subsection shall require full repayment over a period not to exceed the lesser of—

“(A) 30 years; and

“(B) the projected weighted average useful life of the measure or system financed by the debt obligation or portfolio of debt obligations (as determined by the Secretary).

“(3) **UNDERWRITING.**—The Secretary may—

“(A) delegate underwriting responsibility for portfolios of debt obligations under this

subsection to financial institutions that meet qualifications determined by the Secretary; and

“(B) determine an appropriate percentage of loans in a portfolio to review in order to confirm sound underwriting.

“(4) **ADMINISTRATION.**—Subsections (c) and (d)(3) of section 1702 and subsection (c) of this section shall not apply to loan guarantees made under this subsection.”.

(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section and the amendments made by this section such sums as are necessary.

**SA 441.** Mr. MCCAIN proposed an amendment to amendment SA 436 submitted by Mr. COBURN to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; as follows.

At the appropriate place insert the following:

**SEC. —. PROHIBITION ON USE OF FEDERAL FUNDS TO CONSTRUCT ETHANOL BLENDER PUMPS OR ETHANOL STORAGE FACILITIES.**

Effective beginning on the date of enactment of this Act, no funds made available by Federal law (including funds in any trust fund to which funds are made by Federal law) shall be expended for the construction of an ethanol blender pump or an ethanol storage facility.

**SA 442.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows.

On page 29, after line 20, add the following:

**SEC. 22. REQUIREMENTS WITH RESPECT TO BISPHENOL A.**

(a) **SHORT TITLE.**—This section may be cited as the “Ban Poisonous Additives Act of 2011”.

(b) **REQUIREMENTS WITH RESPECT TO BISPHENOL A.**—

(1) **BAN ON USE OF BISPHENOL A IN FOOD AND BEVERAGE CONTAINERS FOR CHILDREN.**—

(A) **BABY FOOD; UNFILLED BABY BOTTLES AND CUPS.**—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

“(j)(1) If it is a food intended for children 3 years of age or younger, the container of which (including the lining of such container) is composed, in whole or in part, of bisphenol A.

“(2) If it is a baby bottle or cup that is composed, in whole or in part, of bisphenol A.”.

(B) **DEFINITION.**—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

“(ss) **BABY BOTTLE OR CUP.**—For purposes of section 402(j), the term ‘baby bottle or cup’ means a bottle or cup that—

“(1) is intended to aid in the feeding or providing of drink to children 3 years of age or younger; and

“(2) does not contain a food when such bottle or cup is sold or distributed at retail.”.

(C) **EFFECTIVE DATES.**—

(i) **BABY FOOD.**—Section 402(j)(1) of the Federal Food, Drug, and Cosmetic Act, as added by subparagraph (A), shall take effect 1 year after the date of enactment of this Act.

(ii) **UNFILLED BABY BOTTLES AND CUPS.**—Section 402(j)(2) of the Federal Food, Drug, and Cosmetic Act, as added by subparagraph (A), shall take effect 180 days after the date of enactment of this Act.

(2) **BAN ON USE OF BISPHENOL A IN INFANT FORMULA CONTAINERS.**—

(A) **IN GENERAL.**—Section 412(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350a(a)) is amended—

(i) in paragraph (2), by striking “, or” and inserting “;”;

(ii) in paragraph (3), by striking the period at the end and inserting “, or”; and

(iii) by adding at the end the following:

“(4) the container of such infant formula (including the lining of such container and, in the case of infant formula powder, excluding packaging on the outside of the container that does not come into contact with the infant formula powder) is composed, in whole or in part, of bisphenol A.”.

(B) **EFFECTIVE DATE.**—The amendments made by subparagraph (A) shall take effect 18 months after the date of enactment of this Act.

(3) **REGULATION OF OTHER CONTAINERS COMPOSED OF BISPHENOL A.**—

(A) **SAFETY ASSESSMENT OF PRODUCTS COMPOSED OF BPA.**—Not later than December 1, 2012, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall issue a revised safety assessment for food containers composed, in whole or in part, of bisphenol A, taking into consideration different types of such food containers and the use of such food containers with respect to different foods, as appropriate.

(B) **SAFETY STANDARD.**—Through the safety assessment described in paragraph (1), and taking into consideration the requirements of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) and section 170.3(i) of title 21, Code of Federal Regulations, the Secretary shall determine whether there is a reasonable certainty that no harm will result from aggregate exposure to bisphenol A through food containers or other items composed, in whole or in part, of bisphenol A, taking into consideration potential adverse effects from low dose exposure, and the effects of exposure on vulnerable populations, including pregnant women, infants, children, the elderly, and populations with high exposure to bisphenol A.

(C) **APPLICATION OF SAFETY STANDARD TO ALTERNATIVES.**—The Secretary shall use the safety standard described under subparagraph (B) to evaluate the proposed uses of alternatives to bisphenol A.

(4) **SAVINGS PROVISION.**—Nothing in this section shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this section or that—

(A) applies to a product category not described in this section; or

(B) requires the provision of a warning of risk, illness, or injury associated with the use of food containers composed, in whole or in part, of bisphenol A.

(5) **DEFINITION.**—For purposes of this section, the term “container” includes the lining of a container.

**SA 443.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that

Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:  
**SEC. 22. PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.**

(a) **SHORT TITLE.**—This section may be cited as the “Health Insurance Rate Review Act”.

(b) **PROTECTION OF CONSUMERS FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.**—

(1) **IN GENERAL.**—The first section 2794 of the Public Health Service Act (42 U.S.C. 300gg–94), as added by section 1003 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by adding at the end the following new subsection:

“(e) **PROTECTION FROM EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.**—

“(1) **AUTHORITY OF STATES.**—Nothing in this section shall be construed to prohibit a State from imposing requirements (including requirements relating to rate review standards and procedures and information reporting) on health insurance issuers with respect to rates that are in addition to the requirements of this section and are more protective of consumers than such requirements.

“(2) **CONSULTATION IN RATE REVIEW PROCESS.**—In carrying out this section, the Secretary shall consult with the National Association of Insurance Commissioners and consumer groups.

“(3) **DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.**—The Secretary shall determine, after the date of enactment of this section and periodically thereafter, the following:

“(A) In which States the State insurance commissioner or relevant State regulator shall undertake the corrective actions under paragraph (4), as a condition of the State receiving the grant in subsection (c), based on the Secretary’s determination that the State is adequately prepared to undertake and is adequately undertaking such actions.

“(B) In which States the Secretary shall undertake the corrective actions under paragraph (4), in cooperation with the relevant State insurance commissioner or State regulator, based on the Secretary’s determination that the State is not adequately prepared to undertake or is not adequately undertaking such actions.

“(4) **CORRECTIVE ACTION FOR EXCESSIVE, UNJUSTIFIED, OR UNFAIRLY DISCRIMINATORY RATES.**—In accordance with the process established under this section, the Secretary or the relevant State insurance commissioner or State regulator shall take corrective actions to ensure that any excessive, unjustified, or unfairly discriminatory rates are corrected prior to implementation through mechanisms such as—

“(A) denying rates;

“(B) modifying rates; or

“(C) requiring rebates to consumers.”.

(2) **CLARIFICATION OF REGULATORY AUTHORITY.**—Such section is further amended—

(A) in subsection (a)—

(i) in the heading, by striking “PREMIUM” and inserting “RATE”;

(ii) in paragraph (1), by striking “unreasonable increases in premiums” and inserting “potentially excessive, unjustified, or unfairly discriminatory rates, including premiums,”; and

(iii) in paragraph (2)—

(I) by striking “an unreasonable premium increase” and inserting “a potentially excessive, unjustified, or unfairly discriminatory rate”;

(II) by striking “the increase” and inserting “the rate”; and

(III) by striking “such increases” and inserting “such rates”;

(B) in subsection (b)—

(i) by striking “premium increases” each place it appears and inserting “rates”; and

(ii) in paragraph (2)(B), by striking “premium” and inserting “rate”; and

(C) in subsection (c)(1)—

(i) in the heading, by striking “PREMIUM” and inserting “RATE”;

(ii) by inserting “that satisfy the condition under subsection (e)(3)(A)” after “award grants to States”; and

(iii) in subparagraph (A), by striking “premium increases” and inserting “rates”.

(3) **CONFORMING AMENDMENT.**—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

(A) in section 2723 (42 U.S.C. 300gg–22), as redesignated by the Patient Protection and Affordable Care Act—

(i) in subsection (a)—

(I) in paragraph (1), by inserting “and section 2794” after “this part”; and

(II) in paragraph (2), by inserting “or section 2794” after “this part”; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting “and section 2794” after “this part”; and

(II) in paragraph (2)—

(aa) in subparagraph (A), by inserting “or section 2794 that is” after “this part”; and

(bb) in subparagraph (C)(ii), by inserting “or section 2794” after “this part”; and

(B) in section 2761 (42 U.S.C. 300gg–61)—

(i) in subsection (a)—

(I) in paragraph (1), by inserting “and section 2794” after “this part”; and

(II) in paragraph (2)—

(aa) by inserting “or section 2794” after “set forth in this part”; and

(bb) by inserting “and section 2794” after “the requirements of this part”; and

(ii) in subsection (b)—

(I) by inserting “and section 2794” after “this part”; and

(II) by inserting “and section 2794” after “part A”.

(4) **APPLICABILITY TO GRANDFATHERED PLANS.**—Section 1251(a)(4)(A) of the Patient Protection and Affordable Care Act (Public Law 111–148), as added by section 2301 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), is amended by adding at the end the following:

“(v) Section 2794 (relating to reasonableness of rates with respect to health insurance coverage).”.

(5) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act.

**SA 444.** Ms. SNOWE (for herself, Mrs. McCASKILL, Mr. GRASSLEY, Mrs. HAGAN, Ms. COLLINS, Mr. MERKLEY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE —CONTRACTING FRAUD PREVENTION**

##### **SECTION 1. SHORT TITLE.**

This title may be cited as the “Small Business Contracting Fraud Prevention Act of 2011”.

##### **SEC. 2. DEFINITIONS.**

In this title—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act;

(4) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)); and

(5) the term “small business concern” has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

##### **SEC. 3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.**

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by women’, or a ‘small business concern owned and controlled by service-disabled veterans’, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies and penalties under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);”;

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the



damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by service-disabled veterans’, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”; and

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a ‘small business concern’, a ‘qualified HUBZone small business concern’, a ‘small business concern owned and controlled by socially and economically disadvantaged individuals’, a ‘small business concern owned and controlled by service-disabled veterans’—

“(1) in order to allow any person to participate in or be admitted to any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

#### SEC. 4. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran who possesses a disability rating letter establishing a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces with a service connected disability who, under chapter 61 of title 10, United States Code, is placed on the temporary disability retired list, retired from service due to a physical disability, or separated from service due to a physical disability.”.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) VETERAN STATUS.—

“(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) VERIFICATION OF STATUS.—

“(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

#### SEC. 5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) OTHER IMPROVEMENTS.—

(1) IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(A) not later than 90 days after the date of enactment of this Act, begin to—

(i) evaluate the feasibility of—

(I) using additional third-party data sources;

(II) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(III) using fraud detection tools, including data-mining techniques; and

(IV) conducting financial and analytical training for the business opportunity specialists of the Administration;

(ii) evaluate the feasibility and advisability of calculating the adjusted net worth or total assets of an individual for purposes of the 8(a) program in a manner that includes assets held by the spouse of the individual; and

(iii) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(B) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (a), issue, in final form, proposed regulations of the Administration that—

(i) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(ii) require a small business concern to provide additional certifications designed to prevent fraud in order to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

(2) DEFINITION.—In this subsection, the term “immediate family member” means a father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.



**SEC. \_\_\_\_ 6. HUBZONE IMPROVEMENTS.**

(a) **PURPOSE.**—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) **IN GENERAL.**—The Administrator shall—

(1) ensure the HUBZone map is—  
(A) accurate and up-to-date; and  
(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and  
(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) **EMPLOYMENT PERCENTAGE.**—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) **EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.**—

“(i) **DEFINITION.**—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) **INTERIM PERIOD.**—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) **HUBZONE PROGRAM.**—The term ‘HUBZone program’ means the program established under section 31.

“(9) **HUBZONE MAP.**—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) **REDESIGNATED AREAS.**—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

**SEC. \_\_\_\_ 7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.**

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General;

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (4), and the reason for each such decision;

(6) the number of investigations and reviews of potential suspensions and debarments that were initiated by the Administration; and

(7) the number of investigations and reviews of potential suspensions and debarments that were referred by the Administration to other agencies.

**SA 445.** Mr. COBURN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 17, strike line 14 and all that follows through page 18, line 10, and insert the following:

(a) **BRIGHTFIELDS DEMONSTRATION PROGRAM.**—Section 218 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3154d) is repealed.

(b) **TERMINATION OF GLOBAL CLIMATE CHANGE MITIGATION INCENTIVE FUND.**—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall terminate the Global Climate Change Mitigation Incentive Fund of the Department of Commerce.

**SA 446.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress, entitled “Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue” (GAO-11-318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in paragraph (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) \$5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

**SA 447.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 8, strike line 22 and all that follows through page 11, line 14, and insert the following:

**SEC. 8. FEDERAL SHARE AND AUTHORIZATION OF APPROPRIATIONS.**

(a) **FEDERAL SHARE.**—Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended to read as follows:

**“SEC. 204. FEDERAL SHARE.**

“The Federal share of the cost of any project carried out under this title shall not exceed 50 percent.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) (as amended by section 19) is amended by striking “\$500,000,000” and inserting “\$150,000,000”.

**SA 448.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. INCORPORATION OF ECONOMIC DEVELOPMENT ADMINISTRATION INTO HUD COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.**

(a) **TERMINATION OF AUTHORITY.**—As soon as practicable after the date of enactment of this Act, the President shall establish a plan providing for—

(1) the termination of the Economic Development Administration; and

(2) except as provided in subsection (b), the transfer of all functions, duties, and authorities of the Economic Development Administration to the Department of Housing and Urban Development Community Development Block Grant program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(b) **LIMITATION.**—Notwithstanding subsection (a)(2), on termination of the Economic Development Administration under subsection (a)(1)—

(1) all functions, duties, and authorities of the Economic Development Administration with respect to the Global Climate Change Mitigation Incentive Fund of the Department of Commerce; and

(2) the functions, duties, and authorities described in paragraph (1) shall not be transferred to the Department of Housing and Urban Development Community Development Block Grant program.

**SA 449.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. ECONOMIC DEVELOPMENT ADMINISTRATION.**

(a) **TERMINATION OF AUTHORITY.**—Effective October 1, 2011, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is repealed.

(b) **TERMINATION OF AGENCY.**—Effective beginning on October 1, 2011, the Economic Development Administration is terminated.

(c) **COLLECTION AUTHORITY.**—The Secretary of the Treasury may collect any amounts owed to the Federal Government under any loan agreement entered into by the Economic Development Administration in effect on September 30, 2011—

(1) in accordance with the terms or conditions of that loan agreement; or

(2) as otherwise provided by law.

**SA 450.** Mr. COBURN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ANNUAL REPORTS ON COST OF, PERFORMANCE BY, AND AREAS FOR IMPROVEMENTS FOR GOVERNMENT PROGRAMS.**

(a) **SHORT TITLE.**—This section may be cited as the “Taxpayers Right to Know Act”.

(b) **REQUIREMENTS RELATING TO ANNUAL REPORT ON COST OF, PERFORMANCE BY, AND**

**AREAS FOR IMPROVEMENTS FOR GOVERNMENT PROGRAMS.**—

(1) **REQUIREMENT TO IDENTIFY AND DESCRIBE PROGRAMS.**—Each fiscal year, for purposes of the report required by paragraph (3), the head of each agency shall—

(A) identify and describe every program administered by the agency;

(B) for each such program—

(i) determine the total administrative expenses of the program;

(ii) determine the expenditures for services for the program;

(iii) estimate the number of clients served by the program and beneficiaries who received assistance under the program (if applicable); and

(iv) estimate—

(I) the number of full-time employees who administer the program; and

(II) the number of full-time equivalents (whose salary is paid in part or full by the Federal Government through a grant or contract or subaward of a grant or contract) who assist in administering the program; and

(C) identify programs within the Federal Government (whether inside or outside the agency) with duplicative or overlapping missions, services, and allowable uses of funds.

(2) **RELATIONSHIP TO CATALOG OF DOMESTIC ASSISTANCE.**—With respect to the requirements of paragraph (1)(A) and (B)(ii), the head of an agency may use the same information provided in the catalog of domestic and international assistance programs in the case of any program that is a domestic or international assistance program.

(3) **REPORT.**—Not later than February 1 of each fiscal year, the head of each agency shall publish on the official public website of the agency a report containing the following:

(A) The information required under paragraph (1) with respect to the preceding fiscal year.

(B) The latest performance reviews (including the program performance reports required under section 1116 of title 31, United States Code) of each program of the agency identified under paragraph (1)(A), including performance indicators, performance goals, output measures, and other specific metrics used to review the program and how the program performed on each.

(C) For each program that makes payments, the latest improper payment rate of the program and the total estimated amount of improper payments, including fraudulent payments and overpayments.

(D) The total amount of unspent and unobligated program funds held by the agency and grant recipients (not including individuals) stated as an amount—

(i) held as of the beginning of the fiscal year in which the report is submitted; and

(ii) held for 5 fiscal years or more.

(E) Such recommendations as the head of the agency considers appropriate—

(i) to consolidate programs that are duplicative or overlapping;

(ii) to eliminate waste and inefficiency; and

(iii) to terminate lower priority, outdated, and unnecessary programs and initiatives.

(4) **DEFINITIONS.**—In this section:

(A) **ADMINISTRATIVE EXPENSES.**—The term “administrative costs” has the meaning as determined by the Director of the Office of Management and Budget under section 504(b)(2) of Public Law 111-85 (31 U.S.C. 1105 note), except the term shall also include, for purposes of that section and this section, with respect to an agency—

(i) costs incurred by the agency as well as costs incurred by grantees, subgrantees, and

other recipients of funds from a grant program or other program administered by the agency; and

(ii) expenses related to personnel salaries and benefits, property management, travel, program management, promotion, reviews and audits, case management, and communication about, promotion of, and outreach for programs and program activities administered by the agency.

(B) **SERVICES.**—The term “services” has the meaning provided by the Director of the Office of Management and Budget and shall be limited to only activities, assistance, and aid that provide a direct benefit to a recipient, such as the provision of medical care, assistance for housing or tuition, or financial support (including grants and loans).

(C) **AGENCY.**—The term “agency” has the same meaning given that term in section 551(1) of title 5, United States Code, except that the term also includes offices in the legislative branch other than the Government Accountability Office.

(D) **PERFORMANCE INDICATOR, PERFORMANCE GOAL, OUTPUT MEASURE, PROGRAM ACTIVITY.**—The terms “performance indicator”, “performance goal”, “output measure”, and “program activity” have the meanings provided by section 1115 of title 31, United States Code.

(E) **PROGRAM.**—The term “program” has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, any organized set of activities directed toward a common purpose or goal undertaken by the agency that includes services, projects, processes, or financial or other forms of assistance, including grants, contracts, loans, leases, technical support, consultation, or other guidance.

(c) **AMENDMENTS TO CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS.**—

(1) **ADDITION OF INTERNATIONAL ASSISTANCE PROGRAMS.**—

(A) **IN GENERAL.**—Section 6101 of title 31, United States Code, is amended by adding at the end the following:

“(7) The term ‘international assistance’ has the meaning provided by the Director of the Office of Management and Budget and shall include, with respect to an agency, assistance including grants, contracts, loans, leases, and other financial and technical support to—

“(A) foreign nations;

“(B) international organizations;

“(C) services provided by programs administered by any agency outside of the territory of the United States; and

“(D) services funded by any agency provided in foreign nations or outside of the territory of the United States by non-governmental organizations and entities.

“(8) The term ‘assistance program’ means each of the following:

“(A) A domestic assistance program.

“(B) An international assistance program.”.

(B) **CONFORMING AMENDMENTS.**—

(i) Section 6102 of title 31, United States Code, is amended—

(I) in subsection (a), in the matter preceding paragraph (1), by striking “domestic” both places it appears; and

(II) in subsection (b), by striking “domestic”.

(ii) Section 6104 of such title is amended—

(I) in subsections (a) and (b), by inserting “and international assistance” after “domestic assistance” each place it appears; and

(II) in the section heading, by inserting “and international” after “domestic”.

(2) ADDITIONAL INFORMATION REQUIRED TO BE INCLUDED CATALOG.—Section 6104(b) of title 31, United States Code, is amended—

(A) by striking “and” at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

“(4) the information required in paragraphs (1) through (4) of subsection (b) of the Taxpayers Right to Know Act;

“(5) the budget function or functions applicable to each assistance program contained in the catalog;

“(6) with respect to each assistance program in the catalog, an electronic link to the annual report required by subsection (b)(2) of the Taxpayers Right to Know Act by the agency that carries out the assistance program; and

“(7) the authorization and appropriation amount provided by law for each assistance program in the catalog in the current fiscal year, and a notation if the program is not authorized in the current year, has not been authorized in law, or does not receive a specific line item appropriation.”.

(3) REPORT RELATED TO COMPLIANCE WITH CATALOG REQUIREMENTS.—Section 6104 of title 31, United States Code, is further amended by adding at the end the following new subsection:

“(e) COMPLIANCE.—On the website of the catalog of Federal domestic and international assistance information, the Administrator shall provide the following:

“(1) CONTACT INFORMATION.—The title and contact information for the person in each agency responsible for the implementation, compliance, and quality of the data in the catalog.

“(2) REPORT.—An annual report compiled by the Administrator of domestic assistance programs, international assistance programs, and agencies with respect to which the requirements of this chapter are not met.”.

(4) BULK DOWNLOADS OF DATA.—Section 6103 of such title is amended by adding at the end the following new subsection:

“(d) BULK DOWNLOADS.—The information in the catalog of domestic and international assistance under section 6104 of this title shall be available on a regular basis through bulk downloads from the website of the catalog.”.

(5) REVISION TO AGENCY DEFINITION.—Section 6101(2) of such title is amended by inserting before the period at the end the following: “except such term also includes offices in the legislative branch other than the Government Accountability Office”.

(d) REGULATIONS AND IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall prescribe regulations to implement this section.

(2) IMPLEMENTATION.—This section shall be implemented beginning with the first full fiscal year occurring after the date of the enactment of this Act.

**SA 451.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . PREVENTING DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.**

(a) SHORT TITLE.—This section may be cited as the “Preventing Duplicative and Overlapping Government Programs Act”.

(b) AMENDMENT TO THE STANDING RULES OF THE SENATE.—Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c), by striking “and (b)” and inserting “(b), and (c)”;

(2) by redesignating subparagraph (c) and subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

“(c) Each such report shall also contain—

“(1) an analysis by the Congressional Research Service to determine if the bill or joint resolution creates any new Federal program, office, or initiative that would duplicate or overlap any existing Federal program, office, or initiative with similar mission, purpose, goals, or activities along with a listing of all of the overlapping or duplicative Federal program or programs, office or offices, or initiative or initiatives; and

“(2) an explanation provided by the committee as to why the creation of each new program, office, or initiative is necessary if a similar program or programs, office or offices, or initiative or initiatives already exist.”.

**SA 452.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 2, strike line 1 and all that follows through page 29, line 20, and insert the following:

**SEC. 2. FEDERAL SHARE.**

Section 204 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3144) is amended to read as follows:

**“SEC. 204. FEDERAL SHARE.**

“The Federal share of the cost of any project carried out under this title shall not exceed 40 percent.”.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

Section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231) is amended to read as follows:

**“SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

“(a) ECONOMIC ADJUSTMENT ASSISTANCE PROGRAM.—There is authorized to be appropriated to carry out the program of grants for economic adjustment assistance under section 209 \$150,000,000 for each of fiscal years 2011 through 2015.

“(b) TERMINATION OF OTHER PROGRAMS.—Effective on the date of enactment of the Economic Development Revitalization Act of 2011, the Secretary may not carry out any programs under this Act other than the program funded under subsection (a).”.

**SA 453.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.**

Section 414(h) of title 39, United States Code, is amended by striking “2011” and inserting “2015”.

**SA 454.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, add the following:

**SEC. 22. REQUIRED INSTALLATION AND USE IN PIPELINES OF REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.**

Section 60102(j) of title 49, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) REMOTELY OR AUTOMATICALLY CONTROLLED VALVES.—

“(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the Economic Development Revitalization Act of 2011, the Secretary shall prescribe regulations requiring the installation and use in pipelines and pipeline facilities, wherever technically and economically feasible, of remotely or automatically controlled valves that are reliable and capable of shutting off the flow of gas in the event of an accident, including accidents in which there is a loss of the primary power source.

“(B) CONSULTATIONS.—In developing regulations prescribed in accordance with subparagraph (A), the Secretary shall consult with appropriate groups from the gas pipeline industry and pipeline safety experts.”.

**SA 455.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**SEC. \_\_\_\_ . NO FIREARMS FOR FOREIGN FELONS ACT OF 2011.**

(a) SHORT TITLE.—This section may be cited as the “No Firearms for Foreign Felons Act of 2011”.

(b) DEFINITIONS.—

(1) COURTS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(JJ) The term ‘any court’ includes any Federal, State, or foreign court.”.

(2) EXCLUSION OF CERTAIN FELONIES.—Section 921(a)(20) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking “any Federal or State offenses” and inserting “any Federal, State, or foreign offenses”;

(B) in subparagraph (B), by striking “any State offense classified by the laws of the State” and inserting “any State or foreign offense classified by the laws of that jurisdiction”; and

(C) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States”.

(c) DOMESTIC VIOLENCE CRIMES.—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “subparagraph (C)” and inserting “subparagraph (B)”; and

(2) in subparagraph (B)(ii), by striking “if the conviction has” and inserting the following: “if the conviction—

“(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

“(II) has”.

(d) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking “an offense under State law” and inserting “an offense under State or foreign law”; and

(2) by inserting before the semicolon the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States”.

**SA 456.** Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 22. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.**

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting “charged with or” before “convicted”.

**SA 457.** Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 8 through 10 and insert the following:

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by striking paragraph (3) and inserting the following:

“(3) since, depending on local conditions, assets, and challenges, local communities create businesses and jobs in different ways, the Economic Development Administration should take into consideration the unique circumstances and opportunities of local community applicants, and invest in localities that are creating or retaining jobs through a variety of approaches;

“(4) whether suffering from long-term distress”.

On page 12, between lines 11 and 12 insert the following:

**SEC. 10. FLEXIBILITY FOR MANUFACTURING COMMUNITIES.**

Section 209(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(b)) is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(3) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary”; and

(4) by adding at the end the following:

“(2) MANUFACTURING COMMUNITIES.—The Secretary may provide assistance under this section if the Secretary determines that—

“(A) the project will help the area to meet a special need arising from—

“(i) actual or threatened severe unemployment in the manufacturing sector; or

“(ii) economic adjustment problems resulting from severe changes in economic conditions in the manufacturing sector; and

“(B)(i) the area for which the project is to be carried out meets the criteria described in paragraph (1)(B); or

“(ii) the area for which the project is to be carried out has a streamlined strategy consisting of any economic plan submitted by an eligible recipient that receives written approval by the Governor of the State.”.

On page 13, line 11, insert “(including automotive manufacturing and supply)” before “, natural resource-based”.

On page 29, line 8, strike “Not later” and insert “(a) IN GENERAL.—Not later”.

At the end, add the following:

(b) RECOMMENDATIONS.—The report submitted under subsection (a) shall include any recommendations of the Government Accountability Office on how to consolidate the duplicative, ad hoc, out-of-date, and inadequate programs identified in the report.

**TITLE II—REGIONAL ECONOMIC RECOVERY COORDINATION**

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Regional Economic Recovery Coordination Act of 2011”.

**SEC. 202. PURPOSE.**

The purpose of this title is to assist eligible regions affected by sudden and severe economic dislocation in the period beginning on January 1, 2006, by—

(1) identifying and coordinating Federal, State, and local economic development resources;

(2) providing technical assistance in support of regional economic development strategies; and

(3) integrating public and private economic development strategies for those regions.

**SEC. 203. DEFINITIONS.**

In this title:

(1) ELIGIBLE REGION.—The term “eligible region” means a region that has been certified by the Secretary under section 204(a).

(2) MASS LAYOFF.—The term “mass layoff” has the meaning given the term in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101).

(3) PLANT CLOSING.—The term “plant closing” has the meaning given the term in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101).

(4) RURAL COMMUNITY.—The term “rural community” means a community that has a rural-urban continuum code of 4, 5, 6, 7, 8, or 9, as defined by the Economic Research Service of the Department of Agriculture.

(5) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(6) SUDDEN AND SEVERE ECONOMIC DISLOCATION.—The term “sudden and severe economic dislocation” has the same meaning as used in section 209(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149).

(7) URBAN COMMUNITY.—The term “urban community” means a community that has a rural-urban continuum code of 1, 2, or 3, as

defined by the Economic Research Service of the Department of Agriculture.

**SEC. 204. NOTIFICATION AND CERTIFICATION.**

(a) CERTIFICATION.—

(1) IN GENERAL.—The Secretary may certify for purposes of this title the region in which the plant closing or mass layoff is located if 1 or more of the conditions described in paragraph (2) apply.

(2) APPLICABLE CONDITIONS.—The conditions referred to in paragraph (1) with respect to a region are that—

(A) if the region is comprised of an urban community, not fewer than 500 individuals employed in that community have received written notices under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) in the most recent 180-day period for which data are available;

(B) if the region is comprised of a rural community, not fewer than 300 individuals employed in that community have received written notices under section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) in the most recent 180-day period for which data are available; and

(C) the unemployment rate for the region is not less than 1 percent greater than the national unemployment rate for the most recent 12-month period for which data are available through the Bureau of Labor Statistics.

(b) NOTIFICATION TO CERTIFIED REGIONS.—Not later than 15 days after the Secretary certifies a region under subsection (a), the Secretary shall notify the Governor of the State of that region and the officials of that region of—

(1) the certification;

(2) the provisions of this title; and

(3) the manner in which to access the central information clearinghouse maintained under section 502(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3192(1)).

**SEC. 205. FEDERAL ECONOMIC RECOVERY COORDINATORS.**

(a) ASSIGNMENT.—

(1) IN GENERAL.—Upon the request of an eligible region, the Secretary shall assign a Federal economic recovery coordinator to that region to carry out the duties described in subsection (b).

(2) ASSIGNMENT OF FEDERAL PERSONNEL.—The Secretary may assign personnel of the Department of Commerce to serve as Federal economic recovery coordinators in accordance with the applicable provisions of subchapter VI of chapter 33 of title 5, United States Code.

(b) DUTIES.—The duties of a Federal economic recovery coordinator assigned under subsection (a) to an eligible region are—

(1) to provide technical assistance to the eligible region and assist in the development of a comprehensive economic development strategy (as that term is used in sections 203 and 302 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3143 and 3162)) for the region, including applying for applicable grants to develop or implement the plan;

(2) at the local or regional level, to coordinate the response of all Federal agencies offering economic adjustment assistance to the eligible region;

(3) to act as a liaison between the eligible region and all Federal agencies that offer economic adjustment assistance to eligible regions, including—

(A) the Department of Agriculture;

(B) the Department of Defense;

(C) the Department of Education;

(D) the Department of Labor;

(E) the Department of Housing and Urban Development;

(F) the Department of Health and Human Services;

(G) the Small Business Administration;

(H) the Department of the Treasury;

(I) the National Economic Council;

(J) the Department of Commerce;

(K) the Environmental Protection Agency; and

(L) the Department of Transportation;

(4) to report regularly to the Secretary regarding the progress of economic adjustment in the eligible region; and

(5) to perform such other duties as the Secretary considers to be appropriate.

#### SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

For each of fiscal years 2011 through 2013, of the amounts made available under section 701 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231), there are authorized to be appropriated to carry out this title such sums as are necessary.

**SA 458.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 22. COST-BENEFIT ANALYSIS FOR RULE-MAKING.

Notwithstanding any other provision of law, each rule required to be issued under the Dodd-Frank Wall Street Reform and Consumer Protection Act, or any amendment made by that Act, shall be accompanied by a cost-benefit analysis for that rule.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 9, 2011, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m. to conduct a hearing entitled "Reauthorization of the National Flood Insurance Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 9, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Environment and Public Works be authorized to meet during the session of the Senate on June 9, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m., to hold a briefing entitled, "Intelligence Update on Libya."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 9, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled Setting the Standard: Domestic Policy Implications of the UN Declaration on the Rights of Indigenous Peoples."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 9, 2011, at 10 a.m. to conduct a hearing entitled, "Border Corruption: Assessing Customs and Border Protection and the Department of Homeland Security Inspector General's Office of Collaboration in the Fight to Prevent Corruption."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 9, 2011, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON ENERGY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate on June 9, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on June 9, 2011, at 2 p.m. to conduct a hearing entitled, "Federal Asset Management: Eliminating Waste by Disposing of Unneeded Federal Real Property."

The PRESIDING OFFICER. Without objection, it is so ordered.

### JOINT REFERRAL—EXECUTIVE NOMINATION

Mr. REID. Mr. President, I ask unanimous consent that the nomination of Rebecca R. Wodder, of Colorado, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on June 9, 2011, be jointly referred to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF PROCEDURE

Mr. REID. I ask unanimous consent that notwithstanding rule XXII, on Tuesday, June 14, 2011, at 11 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 73 and 81; that there be 1 hour for debate equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 73 and 81; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session; further, that following disposition of the nominations, the Senate recess until 2:15 p.m. for the weekly party conferences; further, that at 2:15 p.m., the Senate resume consideration of S. 782, the Economic Development Revitalization Act, and the Senate proceed to vote on the motion to invoke

cloture on the Coburn amendment No. 436, as modified, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, JUNE 13, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business, it adjourn until 2 p.m. on Monday, June 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, as previously announced, there will be no votes on Monday. The first votes of the week will be on Tuesday, June 14. At noon there will be two rollcall votes in relation to the Cecchi and Salas nominations.

Additionally, at 2:15 p.m. on Tuesday, there will be a rollcall vote on the cloture motion Senator COBURN filed.

#### ADJOURNMENT UNTIL MONDAY, JUNE 13, 2011, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Monday, June 13, 2011, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

ARNOLD A. CHACON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

EARL ANTHONY WAYNE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CHRISTOPHER MERRILL, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE IRIS LOVE, TERM EXPIRED.

##### DEPARTMENT OF THE INTERIOR

REBECCA R. WODDER, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE THOMAS L. STRICKLAND, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY

MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be lieutenant colonel

ERIC D. AGUILA  
DEVRY C. ANDERSON  
JENNIFER M. BAGER  
DAVID A. BAKER  
TROY R. BAKER  
THAD J. BARKDULL  
JEREMY T. BEAUCHAMP  
KIMBERLY A. BECK  
SHERYL A. BEDNO  
PHILIP BERRAN  
AMIT K. BHAVSAR  
PATRICK T. BIRCHFIELD  
SCOTT D. BLACKWELL  
ROBERT E. BLEASE  
ANDREW S. BOSTAPH  
JASON D. BOWDEN  
LYNDEN P. BOWDEN  
KARL W. BREWER  
THEODORE R. BROWN  
JAY R. BUCCI  
JESSICA L. BUNIN  
JEAN E. BURR  
CHRISTIAN L. CARLSON  
DANIEL W. CARLSON  
DAL W. CHUN  
WESLEY A. CLARKSON  
CINDY A. CODISPOTI  
CHRISTOPHER J. COLOMBO  
JONATHAN M. DAVISON  
LAURA DAWSON  
MICHAEL S. DEMPSEY  
SHERI K. DENNISON  
CRAIG P. DOBSON  
NICOLE R. DOBSON  
BRENDAN T. DOHERTY  
SEAN N. DOOLEY  
ANTHONY L. DRAGOVICH  
THOMAS E. ELLWOOD  
ELIZABETH Y. FLANIGAN  
MELISSA A. FOROUHAR  
SEAN J. FORTSON  
ROBERT G. FOWERS  
TODD R. FOWLER  
BRITNEY G. FRAZIER  
TRAVIS C. FRAZIER  
BRETT A. FREEDMAN  
RANDALL FREEMAN  
CASEY J. GEANEY  
BRANDON J. GOFF  
SCOTT R. GOLARZ  
JAMES W. GRAHAM  
WILLIAM J. GRIEF  
MATTHEW E. GRIFFITH  
MICHAEL T. HAMILTON  
BRIAN A. HEMANN  
CHAD S. HENDRICKSON  
JEFFERY S. HENNING  
KIMBERLY W. HICKEY  
KEVIN HORDE  
MATTHEW T. HUEMAN  
RICHARD W. HUSSEY  
DEREK F. IPSEN  
CHRISTOPHER G. IVANY  
DAVID E. JOHNSON  
JEREMY D. JOHNSON  
PATRICIA A. KEEFE  
JASON D. KENDELHARDT  
JULIE T. KERR  
BRIAN A. KRAKOVER  
PAUL O. KWON  
JOHN P. LAY, JR.  
WALTER S. LEITCH  
GEORGE T. LEONARD  
STEPHANIE L. LEONG  
BILLY W. MAHANAY  
CHAD T. MARLEY  
JASON D. MARQUART  
LAURA N. MARQUART  
ERICK MARTELL  
SCOTT F. MCCLELLAN  
DAVID E. MENDOZA  
CHRISTOPHER D. MEYERING  
WENDY E. MIKLOS  
SHANE J. MILLS  
JAMES E. MOON  
PHILIP S. MULLENIX  
KEVIN M. NAKAMURA  
KENNETH J. NELSON  
LEON J. NESTI  
CUONG D. NGUYEN  
KARIN L. NICHOLSON  
THOMAS E. NOVAK  
SCOTT C. ORR  
MATTHEW W. PANTSARI  
MICHAEL W. PETERSON  
DAVID A. PHILIPS  
WILLIAM D. PORTER  
JOSEPH PUSKAR  
CHARLES D. REDGER, JR.  
RICHARD D. REED  
ELENA T. REHL  
JULIE M. REMO  
MICHAEL ROUNTREE  
HARLAN I. RUMJAHN  
DAVID L. SAUNDERS  
BRADFORD J. SCANLAN  
JASON M. SEERY  
TONY SERRANOPADIN

ROBERT F. SETLIK  
JEFFREY L. SHERE  
TANGENEARE D. SINGH  
DIRK L. SLADE  
AHMAD M. SLIM  
SEAN T. SMITH  
KAREN J. SPANGLE  
CHRISTOPHER A. STRODE  
MELISSA V. TERRY  
WILLIAM THOMAS  
JON C. THOMPSON  
DOUGLAS M. TILTON  
COURTNEY T. TRIPP  
CHRISTOPHER TROLLMAN  
CLESSON E. TURNER  
DAVID C. VAN ECHO  
JACK R. WALTER  
PAIGE E. WATERMAN  
JAMES A. WAYNE, JR.  
RONALD S. WELLS  
THOMAS M. WERTIN  
PAUL WHITE  
RONALD L. WHITE  
EUGENE W. WILSON  
RAMEY L. WILSON  
KURT P. WOHLRAB  
HARRY J. WRIGHT  
RICARDO M. YOUNG  
OMAYA H. YOUSSEF

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be lieutenant colonel

ALFRED C. ANDERSON  
ELLIOTT BERMUDEZCOLON  
JAMES FREEMAN  
TYRUS N. HATCHER  
ERICH HEITMAN  
DANA HESS  
JON D. LIBBESMEIER  
JAMES D. LUSIER  
JOSEPH A. MARINO  
JAY OWENS  
SCOTT RANKIN  
JENNIFER V. SABOL  
ROBERT J. SELDERS, JR.  
GARY STONE  
KELLEY TOMSETT  
MARK A. VANCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

##### To be lieutenant colonel

TIMOTHY S. ADAMS  
DENISE M. BEAUMONT  
JAMES D. BURK  
EUGENE J. CHRISTEN III  
GILBERT A. CLAPPER  
MARY L. CONDELUCI  
BETHANY L. CONNOR  
JENNIFER L. COYNER  
SHERYL L. DACY  
ROBERT S. DAVIS  
LAURIE D. DESANTIS  
CHRISTOPHER B. DOMER  
COREY L. EICHELBERGER  
AARON R. ELLIOTT  
MICHELLE J. EVANOV  
DAVID S. FARLEY  
DAVID C. FAZEKAS  
MONNICA D. FELIX  
JESUS FLORES  
JENNIFER M. FLOREZ  
JULIE J. FREEMAN  
KATHERINE E. FROST  
JANA N. GAINOK  
GERALD M. GATES  
JANET A. GLENN  
STEVEN L. GRAHAM  
TERESA L. GULES  
PASCALE L. GUIRAND  
ANTHONY J. HARKIN  
MATTIE D. HARPER  
PATRICK C. HARTLEY  
SHELLEY A. HASKINS  
LYNETTE J. HEPPNER  
ROBERT L. HEROLD  
WANDA L. HORTON  
BRADLEY G. HUTTON  
BARBARA W. KANE  
JOSEPH L. KARHAN  
ROBERT L. KENT, JR.  
TYKISE L. LARRY  
MARGUERITE A. LAWRENCE  
CHRISTOPHER G. LINDNER  
JEFF L. LOGAN  
CHERYL D. LOVE  
EDWIN S. MANIULIT  
CHERYLL A. MARCHALK  
TAMMY K. MAYER  
PADRAIC M. MCVEIGH  
VINCENT R. MILLER  
KATE E. MITCHELL  
CHERYL R. MONTGOMERY  
ANGELO D. MOORE  
RICHARD T. MORTON, JR.  
JASON A. NELSON

JANA L. NOHRENBURG  
JANET L. NORMAN  
GRACE N. NORTHRUP  
JOSE M. NUNEZ  
OMER OZGUC  
KEITH C. PALM  
UN Y. RAINEY  
VINA A. RAJSKI  
BARBARA A. REILLY  
FELECIA M. RIVERS  
RICCI R. ROBISON  
ERICSON B. ROSCA  
EDITHA D. RUIZ  
EDWARD RUIZ, JR.  
CYNTHIA D. SANCHEZ  
JENNIFER M. SCHMALTZ  
JAY C. SCHUSTER  
TOMAS SERNA  
JAMIE S. SIMON  
RUTH M. SLAMEN  
TARA O. SPEARS  
JOHN C. STICH  
BRIAN R. THOMAS  
MERYIA D. THROOP  
DENNIS R. TURNER  
ADAM W. VANEK  
JOHN W. VINING  
ELIZABETH P. VINSON  
KRISTEN L. VONDRUSKA  
MIKO Y. WATKINS  
CHRISTOPHER P. WEIDLICH  
BRIAN K. WEISGRAM  
RHONDA G. WHITEFIELD  
MARY P. WHITNEY  
JENNIFER L. WILEY  
ANGELA R. WILLIAMS  
FAYE H. WILSON  
HEATHER L. ZUNIGA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

GINA E. ADAM  
KAYS ALALI  
DWIGHT A. ARMBRUST  
HUGH H. BAILEY  
BRADLEY M. BEAUVAIS  
JEFFREY H. BLUNDEN  
DAVID M. BOWEN  
BRANDON M. BOWLINE  
DEVVON L. BRADLEY  
GREGORY W. BREWER  
EDWARD L. BRYAN, JR.  
DAVID S. BRYANT  
GABRIELLE N. BRYEN  
CRAIG W. BUKOWSKI  
MARC BUSTAMANTE  
DAVID E. CABRERA  
DAVINA N. CARRINGTON  
YVONNE CEPERO  
JAMES D. CLAY  
JURANDIR J. DALLELUCCA  
AVERY E. DAVIS  
RUSSELL A. DEVRIES  
JACOB J. DLUGOSZ  
JOHN R. DOELLER  
MICHAEL J. DOLAN  
RANDY D. DORSEY  
JOSEPH P. EDGER  
JONATHAN A. EDWARDS  
SAMUEL S. ELLIS  
MARVIN A. EMERSON  
ROBERT A. ERICKSON  
TAMMY L. FISH  
DARREN K. FONG  
JONATHAN L. GOODE  
JOHN B. GOODRICH  
RICHARD E. GREMILLION  
TARA L. HALL  
BRIAN A. HAUG  
CLAUDIA L. HENEMYREHARRIS  
SAMANTHA S. HINCHMAN  
GREGORY A. HUTCHESON  
MICHAEL F. INGRAM  
MARION A. JEFFERSON  
CRAIG M. JENKINS  
KENNETH D. JONES II  
MARIA Y. JONES  
SHELLEY C. JORGENSEN  
PHILIP C. KNIGHTSHEEN  
MATTHEW D. KONOPA  
LEE J. LEFKOWITZ  
MONIQUE G. MCCOY  
MICHAEL S. MCFADDEN  
DARREN D. MCWHIRT  
VICTOR MELENDEZ, JR.  
ERIC G. MIDBOE  
DENNIS H. MOON  
DANIEL J. MOORE  
DAVID J. MULLER  
SCOTT J. NEWBERG  
CHARLES H. ONEAL  
SEAN S. ONEIL  
DAVID E. PARKER  
JOHN S. PEARSON, JR.  
DAVID J. PHILLIPS  
CHRISTOPHER D. PITCHER  
THOMAS W. PORTER  
SUEANN O. RAMSEY  
MARTIN B. ROBINETTE

FRANCISCO A. ROMERO III  
JACKSON W. SAMMONS  
ANDREW L. SCOTT  
JASON R. SEPANIC  
STEPHEN W. SMITH  
SUSANNA J. STEGGLES  
MELBA STETZ  
DOUGLAS L. STRATTON  
JEFFREY L. THOMAS  
EVANS D. TRAMMEL, JR.  
CLIFTON B. TROUT  
ERIC T. WALLIS  
MICHAEL J. WALTER  
CHARLENE L. WARRENDAVIS  
KENNEY H. WELLS  
VERNON W. WHEELER  
DUVEL W. WHITE  
FREDERICK D. WHITE  
TRACY M. WILSON  
CHARLES D. ZIMMERMAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

ASMA S. BUKHARI  
DONALD L. GOSS  
LEONARD Q. GRUPPO, JR.  
ROBERT D. HAYS  
PAUL V. JACOBSON  
MICHAEL R. JOHNSON  
BRIAN W. JOVAG  
MICHELE R. KENNEDY  
CHAD A. KOENIG  
KOHJI K. KURE  
ELIZABETH L. NORTH  
JESSE K. ORTEL  
ROMAN B. REYES  
MICHAEL A. ROBERTSON  
PAMELA A. ROOF  
PATRICK A. SHERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

STEVEN A. BATY  
JENNIFER J. BECK  
CARRIE G. BENTON  
BORIS BRIGLEZ  
AMMON W. BROWN  
CLAYTON D. CHILCOAT  
KARI J. CHILDS  
WILLIAM E. CULP  
CHRISTINE A. EGE  
JENNIFER M. KISHIMORI  
THOMAS KOHLER  
KRINON D. MOCCIA  
KEVIN W. NEMELKA  
MARY A. PARHAM  
SANDI K. PARRIOTT  
CYLE R. RICHARD  
LARRY J. SHELTON, JR.  
CHAD A. WEDDELL

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JEANETTE D. GROENEVELD  
JOHN T. SCHOFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

DAVID A. ABERNATHY  
COY M. ADAMS, JR.  
TIMOTHY E. ALLEN  
GREGORY G. ALLGAIER  
PAUL M. ALLGEIER  
JOHN D. ALLISON  
JOSEPH A. AMARAL  
KENNETH D. ANDERSON  
MATTHEW J. ARNOLD  
PAUL R. AUSTIN  
CHRISTOPHER M. BAHNER  
PATRICK R. BALDAUFF  
DANIEL J. BALSINGER  
MATTHEW R. BARR  
BRIAN J. BARTLETT  
JUSTIN C. BEELER  
ROBERT T. BIBEAU  
JOHN F. BISCHOF  
ROBERT D. BLONDIN  
CHRISTOPHER G. BOHNER  
DRUMMOND R. BOORD  
GEOFFREY P. BOWMAN  
JONATHAN J. BRADFORD  
MICHAEL D. BRASSEUR  
NEAL BRINN  
DAVID S. BRINSON

CASEY C. BRONAUGH  
ROBERT J. BROOKS  
MARK A. BROWN  
ROBERT T. BRYANS  
KURT A. BUCKENDORF  
MARK L. BUNN  
TIMOTHY J. BURKE  
MARK C. BURNS  
STEPHEN J. BURY  
EDWARD K. BYERS  
ADRIAN T. CALDER  
SCOTT I. CAMPBELL  
JASON G. CANFIELD  
BRYAN K. CARMICHAEL  
EDWARD M. CHANDLER  
DAVID Y. CHO  
ANDREW J. CLARK IV  
CHRISTOPHER M. COATS  
DANIEL COBLAN  
JOSHUA C. J. COHEN  
ELAINE A. COLLINS  
JAMES N. COLSTON  
MICHAEL CONCANNON  
SHANNON M. CORKILL  
JOHN D. CRADDOCK  
KENNETH T. CREAMEANS  
JOHN L. CROGHAN  
MICHAEL P. CUMMINS  
KENNETH M. CURTIN  
MICHAEL J. DAIGLE, JR.  
LUKE W. DANZO  
WAYNE E. DAVEY  
PORNCHEI DAVIDSON  
SAMUEL J. DAVIS  
THERON C. DAVIS  
WILLIAM M. DAVIS  
DAVID S. DEES  
HANS D. DEFOR  
DUSTIN A. DEMOREST  
JASON M. DENNEY  
LANCE B. DETTMANN  
GREGORY P. DEWINDT  
ALAN M. DJOCK  
MATTHEW F. DONAHUE  
ERIC C. DOYLE  
HALLE D. DUNN  
MICHAEL D. EBERLEIN  
LUIS R. ELIZA  
BRENT J. EMBRY  
THOMAS A. ESPARZA  
JOSEPH P. ESPIRITU  
ERIK C. ESTENSON  
BILLY K. FAGAN  
JAMES B. FILLIUS  
ANDREW P. FITZPATRICK  
DEREK R. FIX  
KELLY T. FLETCHER  
JEREMY A. FOGT  
MICHAEL K. FORD  
MATTHEW W. FOSTER  
PATRICK M. FOSTER  
MICHAEL D. FRANCE  
ROBERT C. FRANCIS, JR.  
KENNETH R. FRANKLIN  
BRIAN G. FRECK  
DAVID B. FREEMAN  
STANLEY G. FREEMYERS  
STEPHEN M. FROELICH  
CHARLES L. GALLOWAY, JR.  
ROLANDO GARCES  
JASON D. GARDNER  
BRETT A. GARVIE  
TRACEY J. GENDREAU  
TADD H. GORMAN  
BRET M. GRABBE  
DOUGLAS GRABER  
DAVID L. GRAY  
WILLARD T. GREEN  
ALEX R. GREIG  
CHRISTIAAN W. GROENEVELD  
BRIAN C. GUGLIOTTA  
BLAIR H. GUY II  
ROBERT L. HALFILL  
MARK R. HARRIS  
JEFFREY L. HEAMES  
KEVIN L. HEISS  
MARK R. HENDRICKSON  
ROSEMARY HENSON  
JAIME A. HERNANDEZ  
JEFFREY W. HILL  
MARTIN J. HILL III  
ROBERT M. HILL  
KELLY A. HINDERER  
BRIAN R. HODGES  
MICHAEL P. HOLLENBACH  
KELLY J. HOLMES  
ROBERT L. HOLMES  
KITJA HORPAYAK  
WILLIAM S. HORTON  
CHAD R. HOULLIS  
ADAM R. HUDSON III  
MATTHEW G. HUMPHREY  
ROBERT M. HUNTINGTON  
ERIC P. ILLSTON  
MICHAEL E. ILTERIS  
PATRICK J. INGMAN  
JOHN J. ISAACSON  
CHRISTOPHER C. JASON  
MATTHEW P. JEFFERY  
ALLEN P. JOHNSON  
DALE F. JOHNSON  
JOHN D. JOHNSON



MICHAEL D. JOHNSON  
STEPHEN O. JOHNSON  
JAMES P. JOHNSTON  
JEFFREY JUERGENS  
DOUGLAS E. KENNEDY  
BARRY F. KERTANIS  
JEFFREY D. KETCHAM  
JOSHUA C. KINNEAR  
CHRISTOPHER E. KIRBY  
ODIN J. KLUG  
JOHN J. KOBLE  
THOMAS G. KORSMO  
LUKE R. KREMER  
JOSEPH P. KRIEGER  
JOHN A. KRISCIUNAS  
MARTY D. KUHL  
JEFFREY E. LAMPHEAR  
KEITH A. LANZER  
WILLIAM J. LARGE  
DAVID F. LASPISA  
BRENDAN J. LEARY  
HAROLD D. LEDBETTER  
PETER R. LEO  
DANIEL J. LEONARD  
JADE L. LEPKE  
FREDERICK R. LICKFOLD  
RICHARD J. LINHART III  
PRICE J. LOCKARD  
TOMMY F. LOCKE, JR.  
ERIK B. LOHRKE  
ANDREW P. LOTH  
STEPHEN T. LUMPKIN  
KEVIN W. MACY  
RYAN C. MAPEO  
MARISA L. MCCLURE  
MATTHEW E. MCGUIRE  
JUDSON E. MCLEVEY  
CHAD J. MIRT  
JOHN C. MOE  
KEVIN O. MOLLER  
STEPHEN E. MONGOLD  
GARY G. MONTALVO, JR.  
JEFFREY MONTGOMERY  
MICHAEL D. MOORE  
TIMOTHY B. MOORE  
JEFFREY V. MORGANTHALER  
SAMUEL R. MOSER  
ANDREW N. MOULIS  
TIMOTHY D. MULLER  
MELVYN N. NAIDAS  
TODD J. NETHERCOTT  
MARK S. NIESWIADOMY  
MICHAEL A. NORTON  
EDWARD J. OGRADY III  
STEPHEN R. OKRESIK  
JOSEPH S. OPP  
DANIEL P. PAPP  
DOUGLAS A. PATTERSON  
MATTHEW J. PERCY  
DOUGLAS M. PETERSON  
JAMES M. PICKENS  
GLENN D. PIERCE  
JESSIE A. PORTER  
GLENN D. POWELL  
JOHN M. QUILLINAN  
MARK A. QUINN  
ERIC W. RASCH  
DAVID M. RAY  
WILLIAM R. REILEIN  
BRIAN E. REINHART  
JASON S. RELLER  
TED C. RICCIARDELLA  
KENNETH W. RICE  
BRIAN A. RILEY  
ROBERT M. RINAS  
TONY M. RODGERS  
PHILLIP A. ROGERSON  
CHRISTOPHER F. ROHRBACH  
DAVID J. RUETER  
MATTHEW F. RUTHERFORD  
PETER G. RYBSKI, JR.  
ZACHARY SALAS  
MICHAEL A. SALK  
JOSEPH M. SANCHEZ  
RUSSEL B. SANCHEZ  
TORSTEN SCHMIDT  
LEON B. SCORATOW  
DEREK R. SCRAPCHANSKY  
WILLIAM D. SELK  
CHRISTOPHER C. SEROW  
ERIC A. SHAFER  
JASON J. SHERMAN  
BRIAN C. SINCLAIR  
ROBERT G. SINRAM  
GREGORY A. SMITH  
MATTHEW M. SNIFFIN  
ROBERT W. SPEIGHT  
ROLF B. SPELKER  
DAVID L. STEBBINS  
TIMOTHY M. STEELE  
THOMAS A. STEPHEN  
JOEL G. STEWART  
STANLEY K. STEWART, JR.  
CHRISTOPHER R. STILLION  
DANIEL G. STRAUB  
JASON R. STUMPF  
JEFFREY D. STURM  
CHRISTOPHER M. SULLIVAN  
COLLIN C. SULLIVAN  
PAUL P. SUMAGAYSAY  
RENEE C. TANAKA  
SCOTT T. TASIN

JOSHUA P. TAYLOR  
MATTHEW C. THOMAS  
RODNEY A. THOMAS  
STEVEN W. THOMAS  
JOSEPH P. THOMPSON III  
MICHAEL B. THOMPSON  
BLAKE J. TORNGA  
DANIEL W. TURBEVILLE  
IVAN J. VILLESCHAS  
JONATHAN G. VOORHEIS  
TIMOTHY L. WAITS  
SAMUEL S. WHITE  
TROY E. WILCOX  
ERNEST M. WINSTON  
DORSEY G. WISOTZKI  
THADDEUS S. WITHERS  
RONALD L. WITHROW  
MICHAEL R. WOHNHAAS  
BRYAN M. WORSWICK  
JAESEN V. YERGER  
PHILIP D. ZARUM  
TODD C. ZENNER  
THOMAS J. ZERR  
JESSE J. ZIMBAUER  
JAMES G. ZOULIAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

KERTRECK V. BROOKS  
HOWARD M. BRYANT  
MATTHEW C. BYRNE  
ANDREA H. CAMERON  
GUY R. DELAHOUSAYE, JR.  
LEON A. HIGGINS  
WILLIAM B. HINSON  
SUZANNE M. JOHNSON  
LEE A. LEVELLS  
JAMES F. LEVINNESS, JR.  
KIMBERLY M. MILLER  
HALLOCK N. MOHLER  
PAUL S. RUBEN  
BRETT A. STGEORGE  
ROBERT T. STOCKTON, JR.  
ROBERT F. VADNAIS  
KYLE J. VERNON  
MICHAEL G. WHEELER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JOHN A. ANDERSON  
KEITH A. BARAVIK  
CATHERINE W. BOEHME  
GEORGE R. CARAMICO  
GREGORY A. CRAWFORD  
KEITH P. DOUGLAS, JR.  
ROBERT C. ECHOLS  
JASON S. HALL  
GINALYN B. HARRELL  
MANUEL A. HERNANDEZ  
SIDNEY W. HODGSON III  
ANDREW R. HUNT  
PETER K. KENDALL  
CARA G. LAPOINTE  
FREDERICK L. LENTZ II  
JEFFREY S. LOCK  
THOMAS J. MACK  
THOMAS D. MCKAY  
CEDRIC J. MCNEAL  
PHILIP R. MLYNARSKI  
JAMES P. MOSMAN  
TERRENCE M. NAWARA  
SEAN P. NILES  
RAMIRO E. ORELLANO  
STEVEN G. PLONKA  
CHARLES A. SCHLISE  
MICHAEL W. SMITH  
CONSTANCE R. SPOTTS  
MICHAEL P. TOUSE  
NICOLE M. TREEMAN  
MARTIN C. WALLACE  
STEVEN P. WERNER  
ERIC L. WILLIAMS  
JAY A. YOUNG  
BENJAMIN D. ZITTERE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

RYAN G. BATCHELOR  
NICHOLAS S. GREEN  
WILLIAM E. HARGREAVES  
BRIAN W. HAWKINS  
TYLER Y. NEKOMOTO  
JASON W. PRATT  
ERIC A. SCHUCHARD  
PETER J. SHEEHY  
SHAUN A. SWARTZ  
CHRISTOPHER M. SYLVESTER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JAMES M. BELMONT  
BRET E. BISHOP

SCOTT G. CARTER  
GRADY G. DUFFEY, JR.  
BRETT D. INGLE  
STEVEN W. LEEHE  
JOSE F. MONTES  
BOBBY B. SAVANH  
RODNEY L. SIMON  
DAVID A. VONDRACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

GREGORY A. FRANCIACH  
AARON C. HOFF  
JENNIFER B. JONES  
JAY A. MIHAL  
GARRICK J. MILLER  
JENNIFER R. MILLS  
RAYMOND P. OWENS III  
PASIT SOMBOONPAKRON  
RONALD G. TERRELL  
MATTHEW C. TRITLE  
JOHN M. TULLY  
WILLIAM J. YODER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MICHAEL CORNELIUS  
JEFFREY S. DIXON  
JOEL W. FELDMER  
SHAWN G. GALLAHER  
DAVID R. KUEHN  
KELLY E. TAYLOR  
DOUGLAS T. WAHL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

JAMES W. ADKISSON III  
MATTHEW P. BARTEL  
BENJAMIN G. BLAZADO  
MICHAEL J. BRONS  
CHRISTOPHER G. BRYANT  
ANN E. CASEY  
LEONARD W. CAVER  
ROBERT S. DAMSKY  
GREGG C. DEWAELE  
THEODORE R. JOHNSON  
MARC W. RATKUS  
KEVIN S. ROBERTS  
NORMAN B. WOODCOCK  
SHERRI R. ZIMMERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

MARC C. FRYMAN  
KAMBRA R. JUVE  
JONATHAN C. KALTWASSER  
KRISTIAN P. KEARTON  
MATTHEW J. LABERT  
JAMES A. LECOUNTE  
RICHARD L. MENARD  
ERIK G. PITTMAN  
ROB W. STEVENSON  
JAMES J. WATSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

CHRISTOPHER R. ANDERSON  
MICHAEL S. BERRY  
KENNETH W. BURKE, JR.  
JAY P. DEWAN  
JEANPAUL E. DUBE  
STEVEN P. DUFFY  
JASON K. EDGINGTON  
JASON C. ENGLISH  
JAMIE A. FRASERLORIA  
CARRIE L. GRAY  
CHRISTOPHER W. HALL  
SUSAN HLAD  
ALAIN M. ILIRIA  
JEFFERY M. KARGOL  
KENNETH T. KLIMA, JR.  
PETER M. KOPROWSKI  
DAWN A. KUPSKI  
WILLIAM E. KUPSKI  
CHARLES D. LAZAR, JR.  
KIRK A. LEE  
ROBERT T. LEIBOLD II  
STEPHEN F. MANN  
MCADAM K. H. MOGHADDAM  
ANDREW F. MOORE  
GREGORY L. MORRIS  
THOMAS A. MOSKO  
STEPHEN E. MOTTER  
SHAWN P. MOYER  
THOMAS A. MURPHY, JR.  
JAMES M. PENDERGAST  
THOMAS A. PETERSEN  
MARCUS R. POLSON  
JOHN Q. QUARTEY II

ALLISON E. RITSCHER  
 CRAIG J. SCHLOTTKE  
 RALPH B. SHIELD  
 DAVID K. SIDEWAND  
 PATRICK J. VEGELER  
 ANDRE R. WILSON  
 PAUL H. WILT  
 GARY WINTON  
 DAVID P. WOLYNSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
 TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
 UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

AMY R. ALCORN  
 MICHAEL W. ALTISER  
 MATTHEW E. ARNOLD  
 ROBERT B. BAILEY  
 RONALD C. BAKER  
 JAMES S. BARNES  
 BARRY W. BARROWS  
 RICKY A. BEATTY  
 KEITH L. BECK  
 WILLIAM R. BELL  
 MARK F. BIBEAU  
 ALLISON L. BLACK  
 RANDY G. BOLLMAN  
 EDWARD L. CALLAHAN  
 CARRICK B. CHENEY

EARL K. COWAN, JR.  
 WESLEY D. CUNNINGHAM  
 KEVIN V. DOWD  
 DAVID DWYER  
 KEVIN R. FORBES  
 MICHAEL B. GARBER  
 JEFFREY D. GRISHAM  
 CHRISTOPHER D. HADEN  
 BART D. HALL  
 STEVEN HERNANDEZ  
 HARRY L. JUNEAU  
 ROBERT D. KOKRDA  
 STEVEN D. MAXWELL  
 LAREAVA S. MESCHINO  
 CHRISTOPHER T. NICHOLS  
 MORRIS OXENDINE  
 DREMA D. PARSONS  
 TODD S. PERRY  
 JOHN W. POPHAM  
 WARREN L. RABERN  
 L. J. REGELEBRUGGE III  
 ROCKY A. RILEY  
 EUGENE R. ROBERTS  
 JEFFREY A. SANDIN  
 MACK F. SCHMIDT  
 ANDREA L. SCHREIBER  
 DONALD A. SIGLEY  
 LARRY R. SPRADLIN  
 GARNAR A. SUTTON

ANTHONY C. TARANTO, JR.  
 DAVID L. TARWATER  
 JAMES E. THOMAS  
 MICHAEL G. TOPPING  
 CRAIG L. TRENT  
 TERRY L. WALTON  
 AARON T. WASHINGTON, JR.  
 SCOTT J. WOLFE  
 RONALD D. YARBER  
 MICHAEL A. ZURICH

WITHDRAWAL

Executive message transmitted by  
 the President to the Senate on June 9,  
 2011 withdrawing from further Senate  
 consideration the following nomina-  
 tion:

PETER A. DIAMOND, OF MASSACHUSETTS, TO BE A  
 MEMBER OF THE BOARD OF GOVERNORS OF THE FED-  
 ERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF  
 FOURTEEN YEARS FROM FEBRUARY 1, 2000, VICE FRED-  
 ERIC S. MISHKIN, WHICH WAS SENT TO THE SENATE ON  
 JANUARY 5, 2011.

## EXTENSIONS OF REMARKS

### CELEBRATING 50TH ANNIVERSARY OF LAS VEGAS VICTORY MIS- SIONARY BAPTIST CHURCH

#### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 9, 2011*

Ms. BERKLEY. Mr. Speaker, I rise today to recognize and celebrate the 50th Anniversary of Victory Missionary Baptist Church in Las Vegas, Nevada.

On June 11, 1961, Rev. Abner J. Thompson, along with his wife, Mother Christine Thompson, founded the Victory Missionary Baptist Church under his pastorate. The Church was originally organized at the Zion United Methodist Church dining hall. Shortly after, a permanent place of worship was established on the west side of Las Vegas.

Under Reverend Thompson's leadership, several area families cultivated this newly formed church. From the earliest beginnings, the church and its choir became well known throughout Las Vegas and in other parts of the country. As the church continued to grow, the congregation outgrew the original location. Between 1981 and 1984, the pastor and families made plans to construct a new sanctuary that would include an education building, kitchen, dining area and Sunday school.

After 35 years of ministering, Reverend Thompson retired in February 1996. That following November, Dr. Robert E. Fowler, Sr., from Lawton, Oklahoma was installed as pastor. In 1998, Pastor Fowler outlined a plan for Victory Missionary Baptist Church that included a clear vision for the church. Within a year, membership grew more than 200 percent from previous years. Victory Missionary

Baptist Church was a "Church on the Move" and acquired the entire block where it is now located. These acquisitions were historic, as this was the first church on the west side of Las Vegas.

In 2003, Victory Missionary Baptist Church looked outward and focused on improving the community with programs designed to provide stimulation for the physical and recreational needs of the members. The health education ministry provided free health screenings and health education programs to the community at no cost, directly benefiting over 600 people.

In 2005, the church renewed its focus on Christian improvement, with Pastor Fowler instructing various ministries on how to better evangelize and become leaders in the church. In 2006 and 2007, the church went through a paradigm shift, with the ministries growing and adding new meaning and new challenges for the congregation.

In 2009, the church expanded its focus on vision and voice. The goal for the year was to challenge the congregation on a personal and spiritual level. While the national and local economies remained unsteady, this focus ensured the congregation that their positive relationship with God would remain unwavering.

As the Representative for Nevada's First Congressional District, I proudly recognize Victory Missionary Baptist Church for 50 years of dedicated service to the community of Las Vegas. Victory Missionary Baptist Church continues to be a beacon of light for its members and the community as a whole. I ask my colleagues to join me in celebrating Victory Missionary Baptist Church's 50th Anniversary.

### CONGRATULATING TINE VALEN- CIC, WINNER OF THE 2011 NA- TIONAL GEOGRAPHIC BEE

#### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 9, 2011*

Mr. MARCHANT. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize and congratulate Tine Valencic for winning the 2011 National Geographic Bee. Tine's remarkable achievement is a testament to his discipline, perseverance, and extraordinary knowledge of the world's geography. I am proud to represent Tine, who attends 7th Grade at Colleyville Middle School and founded the Geography Club at the school.

This year, 5 million students, ranging from fourth to eighth grade, studied and perfected their geographic skills as they competed in nationwide geographic bees. Students like Tine spent many months preparing by studying landscapes, and physical features around the globe.

As the 13th place finisher in the 2010 National Geographic Bee, Tine prepared for this year's competition by studying 24-page spreadsheets filled with facts and information about geographic areas and cultures. Competing against 53 semi-finalists, Tine flawlessly answered 119 questions, including five final tiebreakers. Tine was awarded a scholarship for his hard work.

Mr. Speaker, I am honored to congratulate Tine on this significant accomplishment. I ask all of my distinguished colleagues to join me in commending Tine Valencic, winner of the 2011 National Geographic Bee.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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